



# 2022

Preliminary Investigation of an Area in Need of  
Redevelopment (Condemnation) for

## Phase 1 Gateway Redevelopment: Princeton Gamma-Tech Instruments, Inc.



**FEBRUARY 2, 2022**

Montgomery Township, Somerset County, New Jersey

**Clarke Caton Hintz** | 100 BARRACK STREET | TRENTON, NJ | 08608



Preliminary Investigation of an Area in Need of  
Redevelopment (Condemnation) for

# Phase 1 Gateway Redevelopment: Princeton Gamma-Tech Instruments, Inc.

Montgomery Township, Somerset County, New Jersey

Adopted pursuant to N.J.S.A. 40A:12A-1, *The New Jersey Local Redevelopment  
and Housing Law*, as a Condemnation Preliminary Investigation by the Planning  
Board on \_\_\_\_\_ 2022.

Endorsed by the Township Committee on \_\_\_\_\_ 2022.

Prepared for Montgomery Township by:

**Clarke Caton Hintz**

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*Senior Associate*  
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*A signed and sealed copy of this document is available at the municipal building.*



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## INTRODUCTION

The Township Committee of Montgomery directed the Planning Board, pursuant to Resolution #21-6-151 (adopted on June 17, 2021), to conduct a preliminary investigation to determine whether several properties located at and around the intersection of State Highway Route 206 and County Route 518 qualified as an *area in need of redevelopment* (AINR), pursuant to the criteria established at N.J.S.A. 40A:12A-1 et seq., known as the “*Local Redevelopment and Housing Law*” (a.k.a “LRHL”, See Appendix A). This preliminary investigation is focused on one of these properties, known as the Phase 1 Gateway Redevelopment: Princeton Gamma-Tech Instruments, Inc. tract. The Princeton Gamma-Tech Instruments, Inc. tract is composed of Block 29002, Lots 49 and 50 (the “Study Area”). Furthermore, the Township Committee, in accordance with the requirements of the LRHL, indicated that the Princeton Gamma-Tech Instruments, Inc. tract was being considered as a “condemnation redevelopment area”, such that the use of the power of eminent domain could be used within the AINR, should it be so designated. Subsequent to the Township Committee resolution, the Planning Board directed this office to undertake such a study.

This report, which constitutes a *Preliminary Investigation* of the Princeton Gamma-Tech Instruments, Inc. tract, is the statutorily-enabled vehicle by which the Planning Board may respond to the Township Committee’s request to study the area in question. It provides an examination of the existing conditions of the study area, depicted through photography, written descriptions and data analysis. The information gathered is compared to the criteria contained within the LRHL and, based on that comparison, a recommendation is made as to whether it should be formally identified as an AINR.

### Statutory Authority and Process

Under New Jersey’s *Local Redevelopment and Housing Law*, N.J.S.A. 40A:12A-1 et seq., (LRHL) municipalities are empowered to determine whether an area is in need of rehabilitation or redevelopment, to adopt a redevelopment plan, and to implement and carry out redevelopment projects. The Township of Montgomery must follow the statutorily defined process set forth in the LRHL (see summary this page). This process may result in the adoption of a redevelopment plan, which

### NJ Local Redevelopment and Housing Law: *Redevelopment Process*

- Governing body directs the planning board to undertake a preliminary investigation to determine whether or not an identified area is in need of redevelopment.
- Planning board conducts an investigation and holds a public hearing on the proposed redevelopment-area designation.
- Based on the planning board’s recommendation, governing body may designate all or some of the study area as an “area in need of redevelopment”.
- The governing body prepares a redevelopment plan for the area, or directs the planning board to prepare the plan.
- The governing body adopts the redevelopment plan
- The governing body or another public agency/ authority designated as the “redevelopment entity” that oversees the implementation of the redevelopment plan.
- The redevelopment entity selects a redeveloper(s) to undertake a project(s) that implement the plan.

### Phase 1 Gateway Redevelopment: *Princeton Gamma-Tech Instruments, Inc. Tract: Preliminary Investigation of an Area in Need of Redevelopment*

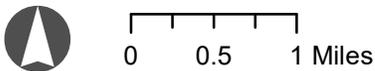
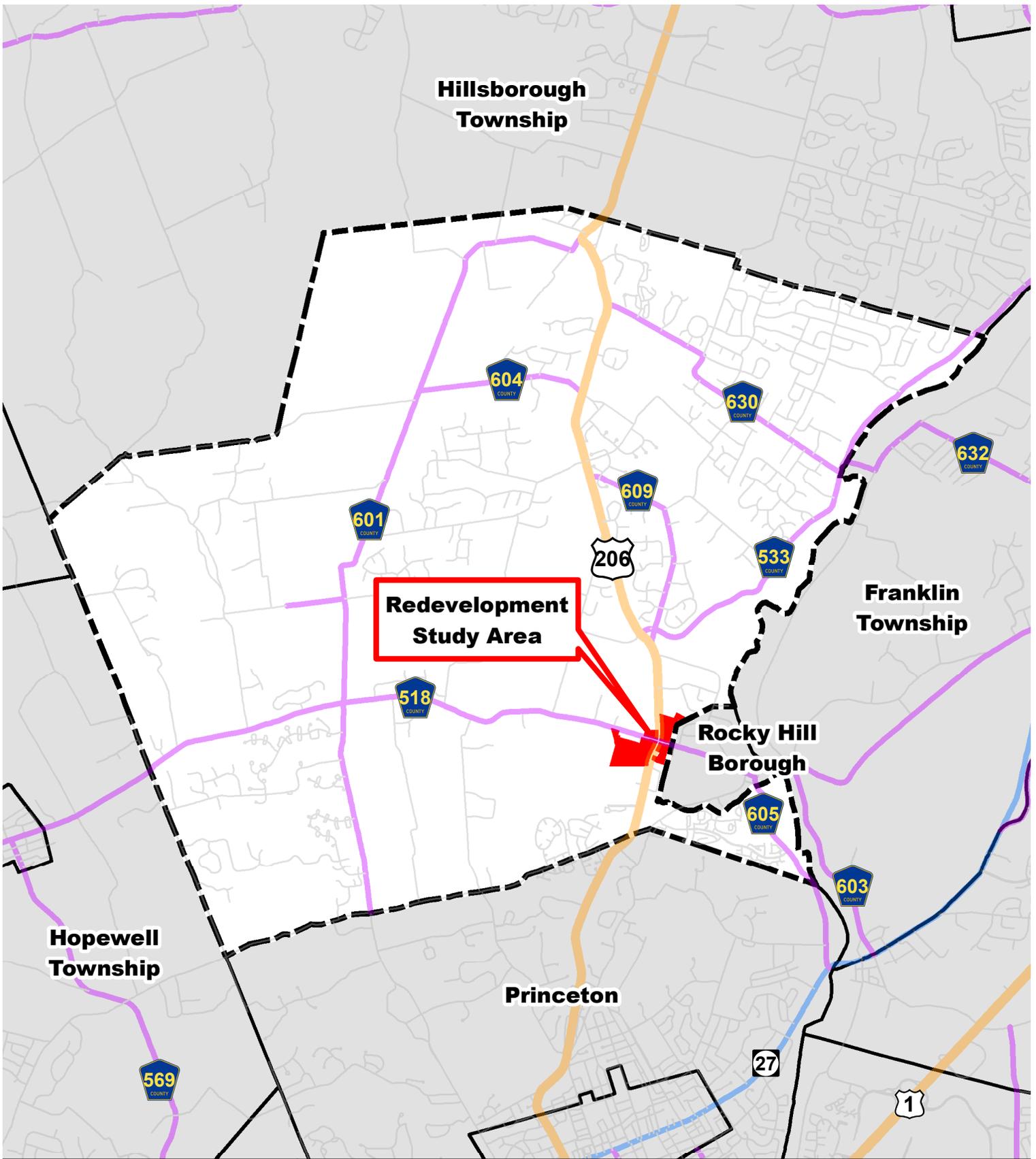
is new set of development regulations, along with the ability to offer enhanced fiscal tools that may act as incentives to prospective redevelopers. Ultimately, it is a means to lay the groundwork for redevelopment that benefits, both, the public and private interests.

## **STUDY AREA DESCRIPTION**

**Location and Existing Conditions:** The Princeton Gamma-Tech Instruments, Inc. tract (the *Study Area*) consists of, approximately, 2.99 acres of developed land in the south-east quadrant of the Township adjacent to the border with the Borough of Rocky Hill. The Study Area is composed of a 38,055-square foot two-story office building, along with off-street parking spaces, driveways, outdoor storage and plantings. The existing building is no longer in use due to extreme dilapidation, including a partial roof collapse in 2011.

**Existing Zoning:** The Study Area is located within the Highway Commercial (HC) zoning district. Permitted principal uses in the HC district includes retail sales of goods and services, banks including drive-in facilities, offices and office buildings, restaurants, movie theaters as an integral part of a shopping center, small animal hospitals excluding outside facilities and kennels, child care centers, shopping centers, and automobile sales through franchised new car dealerships. Conditional uses in the HC district include public utility uses, car washes, hotels, motels, and service stations.

Over the last several years, there have been proposals for reuse of the site and, alternatively, to the purchase of the site. None of proposals were consistent with the HC District permitted uses and ultimately, none of the concepts were pursued by the private sector and the site remains in a state of extreme disrepair. Such inactivity is strongly indicative of the need for the public sector to take action in order to facilitate reuse and redevelopment and to stem the deleterious effects of a deteriorating, unoccupied/vacant property.



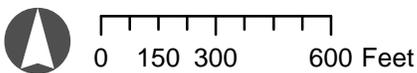
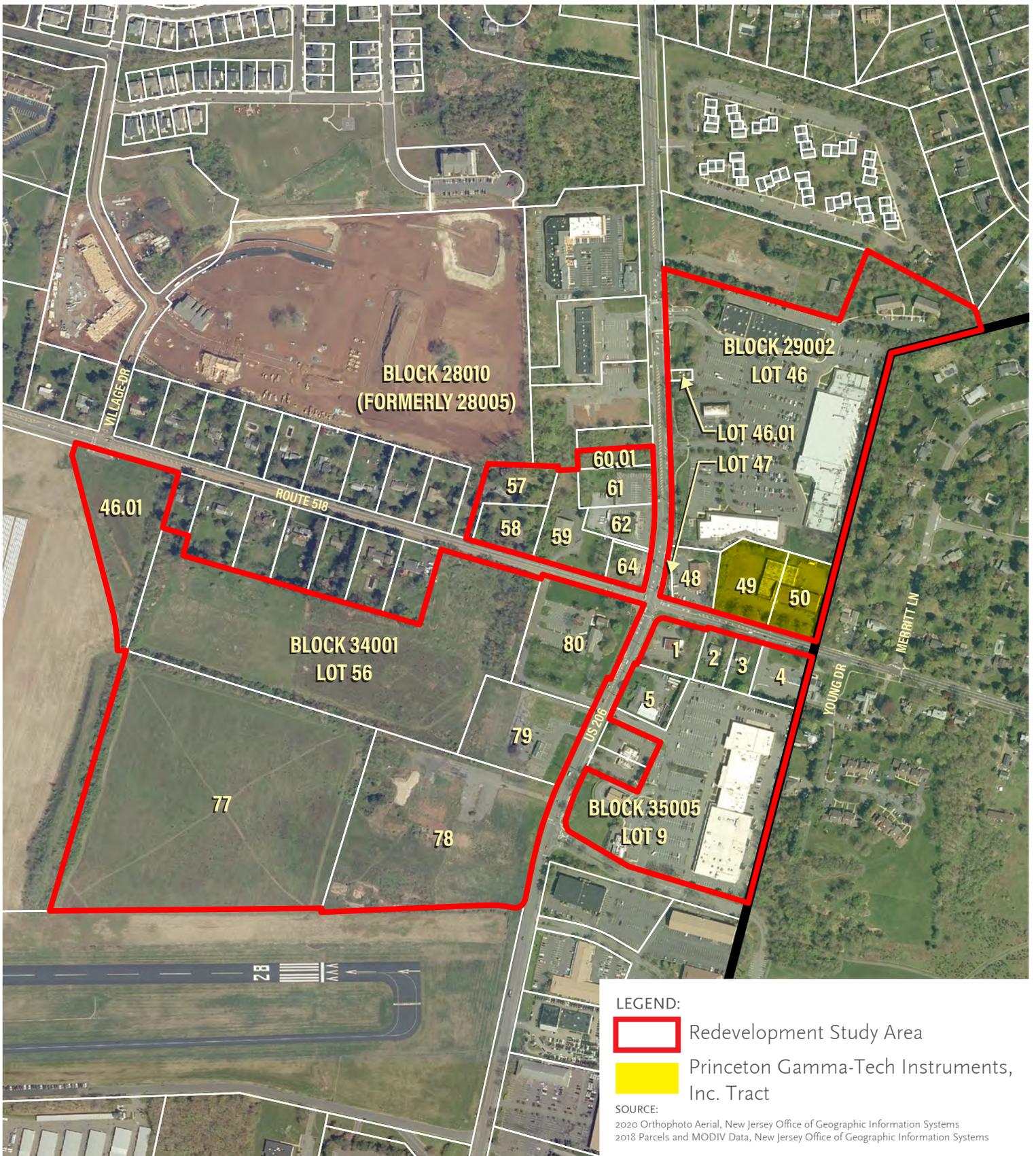
GAMMA TECH SITE AREA IN NEED OF REDEVELOPMENT STUDY

# Location Map

**Clarke Caton Hintz** ● ● ■  
 Architecture  
 Planning  
 Landscape Architecture

LOCATION:  
 Montgomery Township, Somerset County, New Jersey

DATE:  
 January 2022



GAMMA TECH SITE AREA IN NEED OF REDEVELOPMENT STUDY

# Gateway Redevelopment Area

**Clarke Caton Hintz** ● ● ■  
 Architecture  
 Planning  
 Landscape Architecture

**LOCATION:**  
 Montgomery Township, Somerset County, New Jersey

**DATE:**  
 January 2022



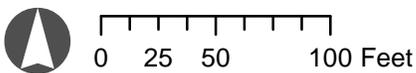
LEGEND:



Princeton Gamma-Tech Instruments, Inc. Tract

SOURCE:

2020 Orthophoto Aerial, New Jersey Office of Geographic Information Systems  
2018 Parcels and MODIV Data, New Jersey Office of Geographic Information Systems



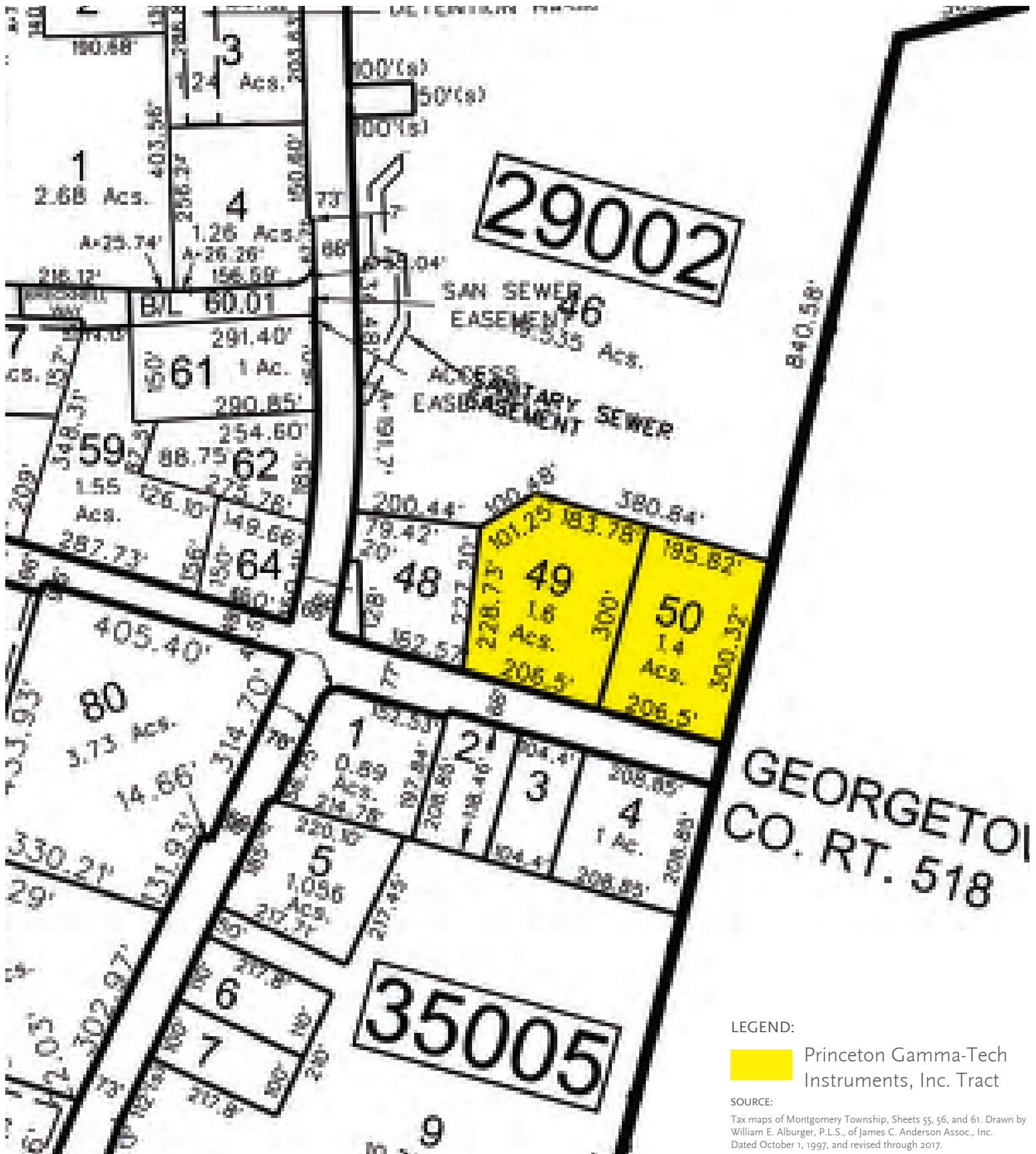
PRINCETON GAMMA-TECH INSTRUMENTS, INC. TRACT AREA IN NEED OF REDEVELOPMENT STUDY

# Princeton Gamma-Tech Instruments, Inc. Study Area

**Clarke Caton Hintz** ● ● ■  
Architecture  
Planning  
Landscape Architecture

LOCATION:  
Montgomery Township, Somerset County, New Jersey

DATE:  
January 2022



 N.T.S.

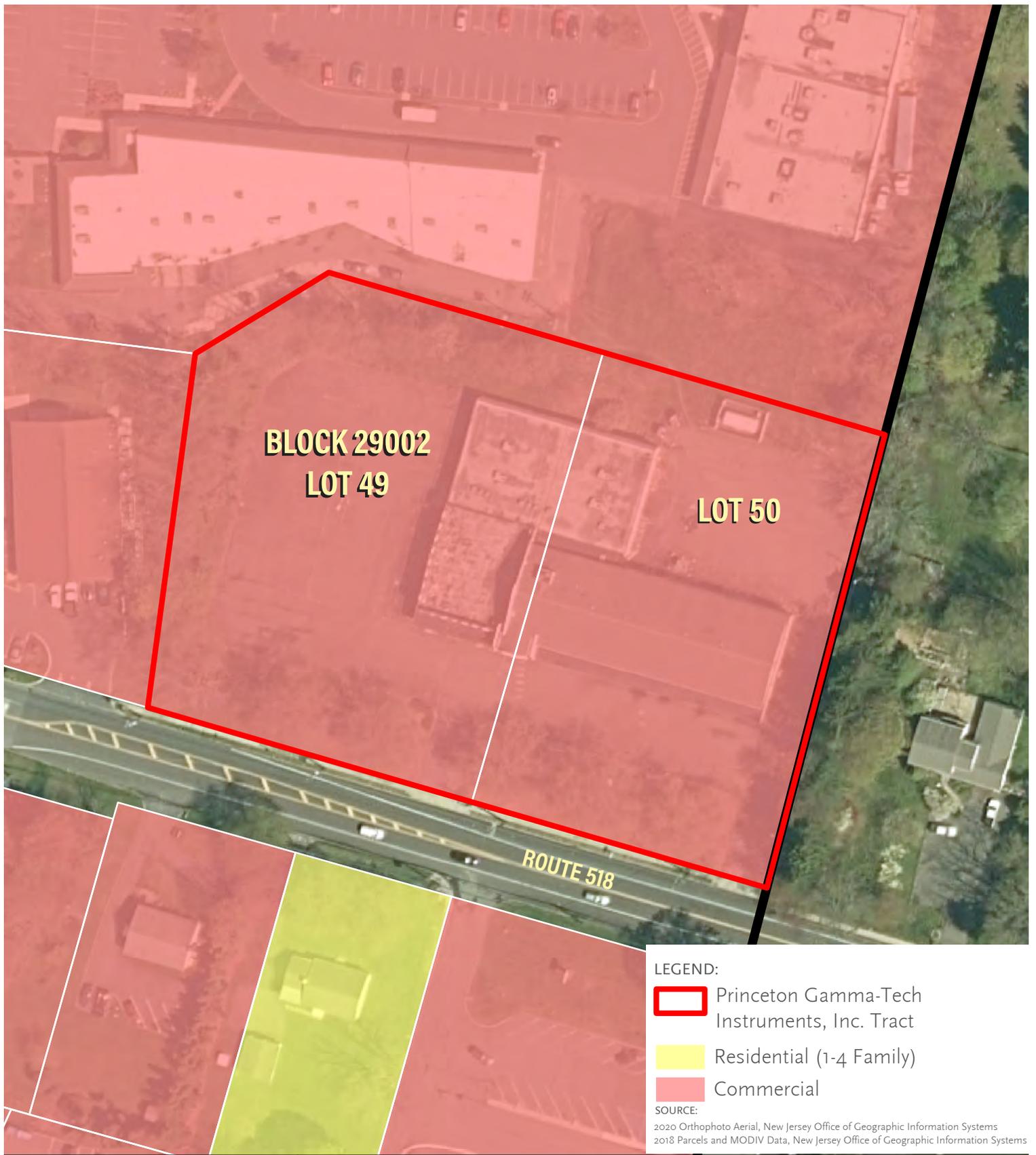
**Clarke Caton Hintz** ● ● ■  
 Architecture  
 Planning  
 Landscape Architecture

PRINCETON GAMMA-TECH INSTRUMENTS, INC. TRACT AREA IN NEED OF REDEVELOPMENT STUDY

# Tax Map

LOCATION:  
 Montgomery Township, Somerset County, New Jersey

DATE:  
 January 2022



**BLOCK 29002  
LOT 49**

**LOT 50**

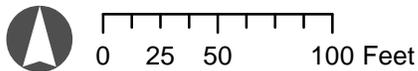
**ROUTE 518**

**LEGEND:**

- Princeton Gamma-Tech Instruments, Inc. Tract
- Residential (1-4 Family)
- Commercial

**SOURCE:**

2020 Orthophoto Aerial, New Jersey Office of Geographic Information Systems  
2018 Parcels and MODIV Data, New Jersey Office of Geographic Information Systems



PRINCETON GAMMA-TECH INSTRUMENTS, INC. TRACT AREA IN NEED OF REDEVELOPMENT STUDY

# Land Uses

**Clarke Caton Hintz** ● ● ■  
Architecture  
Planning  
Landscape Architecture

LOCATION:  
Montgomery Township, Somerset County, New Jersey

DATE:  
January 2022

## APPLICATION OF REDEVELOPMENT CRITERIA TO THE STUDY AREA

Criteria set forth in the LRHL at N.J.S.A. 40A:12A-5 provides the basis for the determination of an area in need of redevelopment (AINR). Although there are a variety of factors that could apply to an area, an area qualifies as being in need of redevelopment if it meets at least one (1) of the eight (8) statutory criteria. These criteria are commonly identified by the letter (a-h) corresponding to the paragraphs of Section 5 of the LRHL. They relate to the impact of a particular area on public health, safety and welfare, primarily through conditions of deterioration, obsolescence, disrepair and faulty designs. The absence of use and an area's relationship to an Urban Enterprise Zone or "smart growth" area are also addressed in the criteria.

In addition to the criteria contained at N.J.S.A. 40A:12A-5, the LRHL also permits the designation of areas, or portions of study areas that are not necessarily detrimental to the public health, safety and welfare to be designated as an area in need of redevelopment when their inclusion facilitates the redevelopment of the remaining area. At N.J.S.A. 40A:12A-3, the LRHL defines a "redevelopment area" or "area in need of redevelopment" to include:

*"...lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part."*

### Redevelopment Criteria "a" through "d" (N.J.S.A. 40A:12A-5)

- a. The generality of buildings is substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency, or redevelopment entity, or unimproved land that has remained so for a period of ten years prior to adoption of the resolution, and that be reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

## Criterion “b”

The Study Area meets criterion “b” since *“The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.”* The following discussion summarizes the evidence demonstrating satisfaction of Criterion “b”.

### Township Violations

On January 27, 2011, the Township’s construction office conducted an inspection of the Study Area and found an unsafe condition pursuant to N.J.S.A. 52:27D and N.J.A.C. 5:23-2.32. The construction office identified that there was a partial roof collapse due to roof truss failure. As a result, a Notice of Unsafe Structure was issued on February 10, 2011 that required the property to be vacated by January 27, 2011.



**Collapsed Roof**



**Collapsed Roof**

### Redevelopment Criteria “e” through “h” (N.J.S.A. 40A:12A-5)

- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions, resulting in the stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Urban Enterprise Zones Act,” P.L. 1983, c.303 (C.52:27H-60 et seq.) (subject to limited redevelopment powers)
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.



**Collapsed Ceiling**

### Phase 1 Gateway Redevelopment: Princeton Gamma-Tech Instruments, Inc. Tract: Preliminary Investigation of an Area in Need of Redevelopment

The Township issued Notices of Unsafe Structure and Imminent Hazard on May 4, 2020 for the partially collapsed structure indicating that the damaged portion of the building must be secured and windows and doors must be boarded. The property owner was also ordered to demolish the building or correct the note unsafe conditions no later than May 11, 2020.



On June 17, 2020 and June 24, 2020, the Township issued Notices of Unsafe Structure and Imminent Hazard for the partially collapsed building indicating that the damaged portion of the building must be secured and windows and doors must be boarded. The property owner was also ordered to demolish the structure or correct the note unsafe conditions immediately.



On July 29, 2020, the Township construction official issued a Notice of Imminent Hazard ordering the demolition of the building by August 12, 2020. To date, the building has not been demolished.

On June 30, 2021, the Township health department issued a Notice of Violation for public health issues at a vacant property. Pursuant to a June 30, 2021 site visit, the health department determined:

1. *The building is not fully secured. Doors and windows were observed open. This is providing rodent harborage as well as being an attractive nuisance. There is graffiti spray-painted on the building which means this site is already attracting trespassers.*



2. *The grass and lawn areas are very overgrown. Local ordinance requires commercially zoned sites to be mowed and routinely maintained.*

The health department Notice of Violation indicated the violations must be abated by July 12, 2021.

**Phase 1 Gateway Redevelopment: Princeton Gamma-Tech Instruments, Inc. Tract:  
Preliminary Investigation of an Area in Need of Redevelopment**

## Court Declaration of Abandonment

On May 22, 2020, the Honorable Margaret Goodzeit, P.J. Ch. Ordered that the Study Area is declared an abandoned property pursuant to N.J.S.A. 55:19-81 and N.J.S.A. 54:5-86(h). The plaintiff hired Paul M. Arthur to inspect the exterior of the property. Mr. Arthur certified

*“that the property has not been occupied for a period of six months, at least one property tax installment remains unpaid and delinquent, and the property is in need of rehabilitation where none has taken place in the last six months. The property is unfit for human habitation, occupancy or use due to debris in the rear and inside. The condition and vacancy of the property materially increases the risk of fire to it and adjacent properties. The presence of vermin or accumulation of debris, uncut vegetation or physical deterioration of the structure of grounds have created potential health and safety hazards that the owner has failed to take reasonable and necessary measures to remove. Finally, the dilapidated appearance or other condition of the property materially affects the welfare, including economic welfare, of the area’s residents in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.”*

Based on Mr. Arthur’s certification, the Court found that the plaintiff met its burden and found that the property has been abandoned, as the conditions on the property satisfy the components of the statutes.

**Based on the analysis in this document, the Township’s issuance of Notices of Unsafe Structure and Imminent Hazard, Board of Health Notice of Violation and the Court’s determination the property has been abandoned supports the finding that Criterion B is met.**

## Criterion “d”

The Study Area meets criterion “d” since it contains “*areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities...or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of a community.*” The following discussion summarizes the evidence demonstrating satisfaction of criterion “d”.

## **EPA Superfund Designation: Groundwater contamination is Detrimental to Public Health, Safety and Welfare.**

The Study Area is within the U.S. Environmental Protection (EPA) Montgomery Township Housing Development Superfund Site. The Montgomery Township Housing Development Site (the Site) includes approximately 72 acres located east of New Jersey State Highway Route 206 and north of County Route 518. The Site was placed on the National Priorities List of Superfund Sites in September 1983 based on the detection of various volatile organic compounds (VOCs) in the groundwater.

## **Phase 1 Gateway Redevelopment: Princeton Gamma-Tech Instruments, Inc. Tract: Preliminary Investigation of an Area in Need of Redevelopment**

The EPA decided to remedy the situation by extending the existing Elizabethtown Water Company distribution system to the affected properties. Once the private wells were sealed, the EPA conducted the following remediation activities:

1. Extracting contaminated groundwater from the primary plume area;
2. Treating the groundwater to state and federal cleanup standards using carbon;
3. Discharging treated water to surface water;
4. Connecting additional residences to the public water supply, as needed;
5. Sealing private wells within the contaminant plume; and
6. Implementing a groundwater sampling program to monitor the effectiveness of the cleanup.

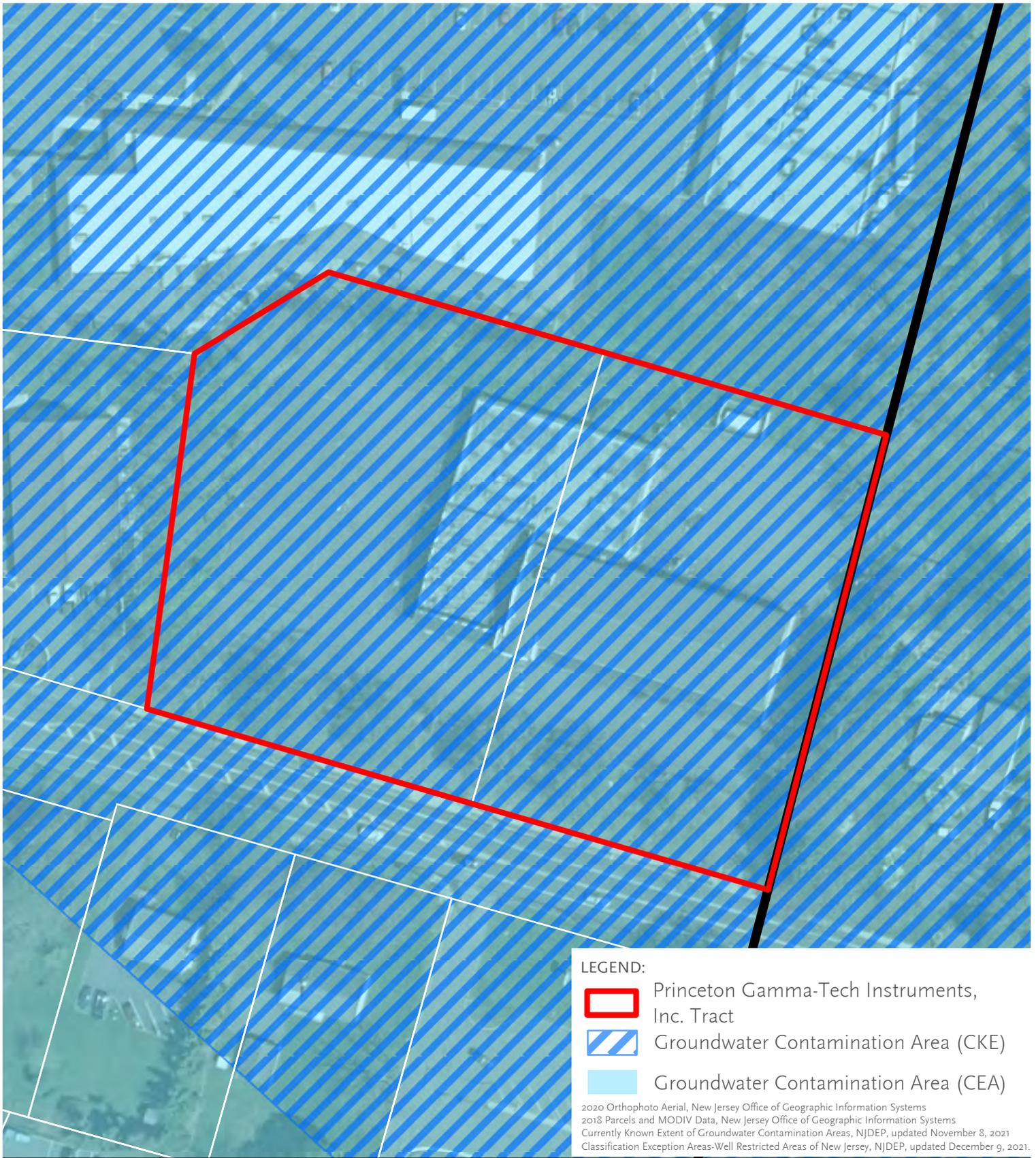
One of the groundwater treatment facilities is located on the Princeton Gamma-Tech Instruments, Inc. tract.



In 2010, the EPA conducted a five-year review of the Site to ensure that the remedies put in place protect the public health and the environment and function as intended. While the five-year review concluded that remedies selected by the EPA continue to be protective of human health and the environment in the short-term, it also indicated that the New Jersey Department of Environmental Protection (NJDEP) establish a Groundwater Classification Exception Area (CEA) for long-term protections. The NJDEP established the CEA in June 2014 which puts restrictions on future well drilling.

The EPA conducted a second five-year review of the Site in 2016 and concluded that the remedy at the site is protective of human health and the environment. In 2020, the EPA conducted the third five-year review of the Site and concluded that the remedies are still functioning as intended.

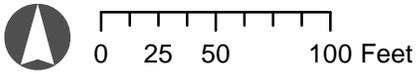
Due to the Study Area's location within the EPA Superfund Site, the EPA has put institutional controls in place to reduce exposure to contamination by limiting land or resource use and guide human behavior. The future use of the Study Area is also limited to those uses consistent with the level site remediation completed by the EPA.



**LEGEND:**

-  Princeton Gamma-Tech Instruments, Inc. Tract
-  Groundwater Contamination Area (CKE)
-  Groundwater Contamination Area (CEA)

2020 Orthophoto Aerial, New Jersey Office of Geographic Information Systems  
 2018 Parcels and MODIV Data, New Jersey Office of Geographic Information Systems  
 Currently Known Extent of Groundwater Contamination Areas, NJDEP, updated November 8, 2021  
 Classification Exception Areas-Well Restricted Areas of New Jersey, NJDEP, updated December 9, 2021.



PRINCETON GAMMA-TECH INSTRUMENTS, INC. TRACT AREA IN NEED OF REDEVELOPMENT STUDY

# Groundwater Contamination Areas

LOCATION:  
 Montgomery Township, Somerset County, New Jersey

DATE:  
 January 2022

**Clarke Caton Hintz** ● ● ■  
 Architecture  
 Planning  
 Landscape Architecture

## **Building and Parking Areas Are Dilapidated**

**Building:** As indicated in the previous section, the existing building is in a state of significant dilapidation.

**Pavement:** The lack of maintenance and subsequent dilapidation that has proceeded from the vacation of the building are also manifested within the existing paved off-street parking areas and the elements therein.

The pavement exhibits myriad degradation and cracking, with vegetation colonizing where pavement is failing. The incursion of vegetation within the fissures is hastening the dilapidation of the pavement.



## **RECOMMENDATION**

This report and appendices constitute a preliminary investigation for determining an Area in Need of Redevelopment as directed by the Township Committee of Montgomery Township. It is the conclusion of this preliminary investigation that the Study Area qualifies under the criteria set forth at N.J.S.A. 40A:12A-1 et seq., to be designated as an Area in Need of Redevelopment. The Study Area satisfies criterion “b” due to persistent substandard and unsafe building conditions and criterion “d” due to persistent negative site building and conditions that exhibit obsolescence and dilapidation.

## SUBSEQUENT PROCEDURAL STEPS

### Public Hearing

Upon receipt of this preliminary investigation, the Planning Board is required to hold a public hearing. Notices for the hearing are required to be published in the newspaper of record in the municipality once each week for two (2) consecutive weeks. A copy of the notice should be mailed to the last owner of record of each property within the Study Area. The newspaper notice should be published in the official paper.

### Planning Board Recommendation to Township Committee

Once the hearing has been completed, the Planning Board makes a recommendation to the Township Committee that the delineated area, or any part of such an area, should or should not be determined to be an Area in Need of Redevelopment. The Township Committee may then adopt a resolution determining that the delineated area, or portion, is a Redevelopment Area. Notice of such determination is then sent to each objector who has sent in a written protest.

### Redevelopment Plan

If so designated by the township, the next action would be the creation and adoption of a redevelopment plan for the Redevelopment Area. A Redevelopment Plan is adopted by ordinance by the Township Committee before any project is initiated. Depending on the

#### **Redevelopment Plan: *Required Elements*** **(N.J.S.A. 40A:12A-7.a)**

- The plan's relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the project area.
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
- The relationship of the plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan.
- Pursuant to N.J.S.A. 40A:12A-7.c., the Redevelopment Plan must also describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law", N.J.S.A. 40:55D-1 et seq

nature of the Redevelopment Plan, it may contain some or all of the land use controls for a particular Redevelopment Area. Furthermore, a plan may be created in such a way as to provide for detailed recommendations regarding circulation, open space, housing urban design and architecture. At a minimum, pursuant to N.J.S.A. 40A:12A-7.a, a redevelopment plan is required to address a series of required elements. A Redevelopment Plan should be, either, substantially consistent with the municipal master plan or designed to effect the master plan.

**APPENDIX A**

**Township Resolution # 21-6-151**

**RESOLUTION #21-6-151 - AUTHORIZING AND DIRECTING THE MONTGOMERY PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED WITHIN THE VICINITY OF THE INTERSECTION OF STATE HIGHWAY ROUTE 206 AND COUNTY ROUTE 518 DESIGNATED AS LOTS 57, 58, 59, 60.01, 61, 62 AND 64 IN BLOCK 28005; LOTS 46, 46.01, 47, 48, 49 AND 50 IN BLOCK 29002; LOTS 46.01, 56, 77, 78, 79 AND 80 IN BLOCK 34001; AND LOTS 1, 2, 3, 4, 5 AND 9 IN BLOCK 35005 ON THE TAX MAP OF MONTGOMERY, MEETS THE CRITERIA FOR DESIGNATION AS A CONDEMNATION REDEVELOPMENT AREA**

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WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"), was enacted to provide an effective mechanism to empower and assist local governments in their efforts to arrest and reverse deteriorated conditions in housing and commercial and industrial installations and in public services and facilities, and to promote the advancement of community interests through programs of redevelopment, rehabilitation and incentives for the expansion and improvement of commercial, industrial, residential and civic facilities; and

WHEREAS, the Redevelopment Law authorizes a municipality to determine whether certain properties or parcels of land located within the municipality constitute an area in need of redevelopment, pursuant to the enumerated criteria set forth in the Redevelopment Law; and

WHEREAS, the Redevelopment Law sets forth a specific procedure and the specific requirements for determining and establishing an area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, before an area of the municipality is determined to be a redevelopment area, the governing body of the municipality shall, by resolution, authorize the municipal planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5 of the Redevelopment Law; and

WHEREAS, the Redevelopment Law at N.J.S.A. 40A:12A-6 also requires the governing body to specify whether the area being investigated will be considered for determination as a "non-condemnation redevelopment area," such that the municipality shall be authorized to use all those powers provided by the Legislature for use in a redevelopment area *other than* the use of eminent domain, or as a "condemnation redevelopment area," such that the municipality shall be authorized to use all of those powers provided by the Legislature for use in a redevelopment area, *including* the power of eminent domain; and

WHEREAS, the Montgomery Township Committee has determined that an investigation and inquiry should be made of certain property located at the intersection of State Highway Route 206 and County Route 518 to see if it qualifies under the Redevelopment Law as a condemnation area in need of redevelopment; and

WHEREAS, the Township Committee hereby request and direct the Montgomery Planning Board to undertake an investigation of certain property situated in the municipality, located at and contiguous to the intersection of State Highway Route 206 and County Route 518, designated as Lots 57, 58, 59, 60.01, 61, 62 and 64 in Block 28005; Lots 46, 46.01, 47, 48, 49 and 50 in Block 29002; Lots 46.01, 56, 77, 78, 79 and 80 in Block 34001; and Lots 1, 2, 3, 4, 5 and 9 in Block 35005 on the Tax Map of Montgomery (the "Study Area"), and produce a report containing its findings as to whether the Study Area meets one or more of the criteria set forth at N.J.S.A. 40A:12A-3 and 5, and make a recommendation to the Montgomery Township Committee as to whether all or a portion of the Study Area should be designated as a condemnation redevelopment area.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee, on this 17<sup>th</sup> day of June, 2021, as follows:

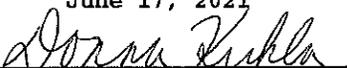
1. The preamble to this resolution is hereby incorporated as if fully restated herein.

TOWNSHIP OF MONTGOMERY  
SOMERSET COUNTY, NEW JERSEY

2. The Montgomery Planning Board ("Board") is hereby directed to conduct a preliminary investigation of the Study Area defined hereinabove, consisting of Lots 57, 58, 59, 60.01, 61, 62 and 64 in Block 28005; Lots 46, 46.01, 47, 48, 49 and 50 in Block 29002; Lots 46.01, 56, 77, 78, 79 and 80 in Block 34001; and Lots 1, 2, 3, 4, 5 and 9 in Block 35005 on the Tax Map of Montgomery, in accordance with the requirements set forth in N.J.S.A. 40A:12A-6 of the Redevelopment Law, in order to determine whether the Study Area, or part(s) thereof, meet the requirements for designation as a condemnation redevelopment area, such that the municipality may be authorized to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain.
3. The Board is directed to prepare a map of the Study Area showing the boundaries of the proposed redevelopment area and locations of the various existing and/or proposed parcel(s) of property included therein, along with a statement setting forth the basis for the investigation appended to the map; to prepare a report containing the Board's findings; and to hold a duly noticed public hearing for the purpose of presenting the results of its investigation, hearing from all persons who are interested in, or would be affected by, a determination that the Study Area is a redevelopment area, and receiving into the record and considering all objections and evidence in support of such objections to a determination that the Study Area be designated as a condemnation redevelopment area.
4. After completing its public hearing on the matter, the Board shall make a recommendation to the Township Committee as to whether all, or any portion thereof, of the Study Area should be designated as a condemnation redevelopment area.
5. The Board staff and Municipal Planning/Zoning Departments, and their consultants, are hereby authorized and directed to assist the Board in conducting its investigation of the Study Area.
6. This resolution shall take effect immediately.
7. The Municipal Clerk shall cause a copy of this resolution to be transmitted forthwith to the Montgomery Planning Board.
8. The findings and recommendations of the Board, once completed, shall be submitted to the Township Committee for review and consideration in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

CERTIFICATION  
I HEREBY CERTIFY THE ABOVE TO BE A  
TRUE COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
MONTGOMERY AT A MEETING HELD

June 17, 2021

  
Township Clerk

**APPENDIX B**

**Township Violation Notices**

**NOTICE OF  
UNSAFE STRUCTURE**

**Application Date:**

**Control Number:** 0

**Permit Number:** 0

**Date Permit Issued:**

**Notice Date:** 2/10/2011

**Violation Number:** 20110013/0

Township of Montgomery  
2261 Route 206  
Belle Mead, NJ 08502  
908 3598211

**IDENTIFICATION**

**Work Site Location:** 1026 COUNTY ROUTE 518

**Block:** 29002 **Lot:** 49 **Qualif** \_\_\_\_\_

**Owner In Fee:** PRL Rocky 518

**Agent:** PRL Rocky 518

**Address:** 195 Nassau Street

**Address:** 195 Nassau Street

PRINCETON NJ 08542

PRINCETON NJ 08542

**Telephone:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**To:**  **Owner:** \_\_\_\_\_  **Other:** \_\_\_\_\_

**Agent/Contractor:** \_\_\_\_\_

**Date Of Inspection:** 1/27/2011

**Date Of This Notice:** 2/10/2011

**ACTION**

Take **NOTICE** that as a result of the inspections conducted by this agency on 1/27/2011 on the above property, an unsafe condition has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32. The building or structure, or portion thereof, deemed an unsafe condition is described as follows:

PARTIAL ROOF COLLAPSE DUE TO ROOF TRUSS FAILURE.

You are hereby **ORDERED** to:

Vacate the above structure by 1/27/2011

Demolish the above structure by , or correct the above noted unsafe conditions by no later than 3/10/2011.

Failure to correct the unsafe condition or refusal to comply with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

Any building or structure vacated pursuant to this **ORDER** shall not be reoccupied unless and until a certificate of occupancy is issued by the Construction Official.

If you wish to contest this **ORDER**, you may request a hearing before the Construction Board of Appeals of the **Somerset County Construction Board Of Appeals** within 15 business days of receipt of this notice as provided by N.J.A.C. 5:23A-2.1. The Application to the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the specific sections of the Uniform Construction Code in question and the extent and nature of your reliance on them. You may include a brief statement setting forth your position and nature of the relief sought by you, and you may also append any documents that you consider useful.

The fee for an appeal is \$100.00 and should be forwarded with your application to the Construction Board of Appeals Office at:

**20 Grove Street, Po Box 3000 Somerville, NJ 08876-1262**

If you have any questions concerning this matter, please call: 908 3598211

By Order of: \_\_\_\_\_  
Roy Mondri CONSTRUCTION OFFICIAL

Date: \_\_\_\_\_

Sent by Certified Mail # :

**NOTICE OF  
IMMINENT HAZARD**

Application Date:

Control Number: 0

Permit Number: 0

Date Permit Issued:

Notice Date: 5/4/2020

Violation Number: 20200004/0

Township of Montgomery  
2261 Route 206  
Belle Mead, NJ 08502  
908-3598211

**IDENTIFICATION**

Work Site Location: <u>1026 COUNTY ROUTE 518</u>	Block: <u>29002</u> Lot: <u>49.50</u> Quali: <u></u>
Owner In Fee: <u>1026 ROUTE 518 NPD LLC</u>	Agent/Contract or: <u>1026 ROUTE 518 NPD LLC</u>
Address: <u>PO BOX 38</u>	Address: <u>PO BOX 38</u>
<u>HOPEWELL NJ 08525</u>	<u>HOPEWELL NJ 08525</u>
Telephone: <u></u>	Telephone: <u></u>

To:  Owner:  Other: \_\_\_\_\_  
 Agent/Contractor: \_\_\_\_\_

Date Of Inspection: 5/4/2020 Date Of This Notice: 5/4/2020

**ACTION**

Take **NOTICE** that as a result of the inspections conducted by this agency on 5/4/2020 of the above property, an imminent hazard has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2:32. The building or structure, or portion thereof, deemed an imminent hazard is described as follows:

1026 RT. 518 HAS PARTIALLY COLLAPSED - THE DAMAGED PART OF THE BUILDING MUST BE SECURED & WINDOWS/DOORS BOARDED

As such, you are hereby **ORDERED** to immediately and forthwith vacate the above structure or portion thereof.

Further, you are **ORDERED** to:

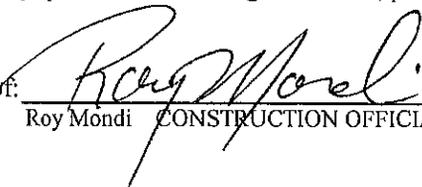
- Immediately correct the above noticed imminent hazards so as to render the structure temporarily safe and secure.
- Demolish the above structure by \_\_\_\_\_

Failure to immediately comply with this **ORDER** may result in the necessary correction being made by the Construction Official at the expense of the property owner pursuant to N.J.A.C. 5:23-2.32(b)5.

Failure to render the structure temporarily safe and secure and/or demolish the structure in accordance with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution, and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

If you wish to contest this Order, you must apply for a stay to a court of competent jurisdiction within 24 hours.

If you have any questions concerning this matter, please call: 908-3598211

By Order of:   
 Roy Mondri CONSTRUCTION OFFICIAL

Date: 5-4-2020

Sent by Certified Mail # :

# NOTICE OF UNSAFE STRUCTURE

Application Date:  
Control Number: 0  
Permit Number: 0  
Date Permit Issued:  
Notice Date: 5/4/2020  
Violation Number: 20200004/0

Township of Montgomery  
2261 Route 206  
Belle Mead, NJ 08502  
908-3598211

## IDENTIFICATION

Work Site Location: 1026 COUNTY ROUTE 518  
Owner In Fee: 1026 ROUTE 518 NPD LLC  
Address: PO BOX 38  
HOPEWELL NJ 08525  
Telephone: \_\_\_\_\_

Block: 29002 Lot: 49.50 Qualif \_\_\_\_\_  
Agent: 1026 ROUTE 518 NPD LLC  
Address: PO BOX 38  
HOPEWELL NJ 08525  
Telephone: \_\_\_\_\_

To:  Owner:

Other:

Agent/Contractor:

Date Of Inspection: 5/4/2020

Date Of This Notice: 5/4/2020

## ACTION

Take **NOTICE** that as a result of the inspections conducted by this agency on 5/4/2020 on the above property, an unsafe condition has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32. The building or structure, or portion thereof, deemed an unsafe condition is described as follows:

**1026 RT. 518 HAS PARTIALLY COLLAPSED - THE DAMAGED PART OF THE BUILDING MUST BE SECURED & WINDOWS/DOORS BOARDED**

You are hereby **ORDERED** to:

Vacate the above structure by

Demolish the above structure by , or correct the above noted unsafe conditions by no later than 5/11/2020.

Failure to correct the unsafe condition or refusal to comply with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

Any building or structure vacated pursuant to this **ORDER** shall not be reoccupied unless and until a certificate of occupancy is issued by the Construction Official.

If you wish to contest this **ORDER**, you may request a hearing before the Construction Board of Appeals of the Somerset County Construction Board Of Appeals within 15 business days of receipt of this notice as provided by N.J.A.C. 5:23A-2.1. The Application to the Construction Board of Appeals may be used for this purpose.

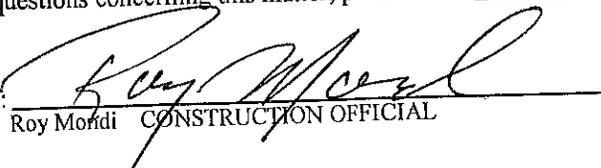
Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the specific sections of the Uniform Construction Code in question and the extent and nature of your reliance on them. You may include a brief statement setting forth your position and nature of the relief sought by you, and you may also append any documents that you consider useful.

The fee for an appeal is \$100.00 and should be forwarded with your application to the Construction Board of Appeals Office at:

**20 Grove Street, Po Box 3000 Somerville, NJ 08876-1262**

If you have any questions concerning this matter, please call: 908-3598211

By Order of:

  
Roy Morfidi CONSTRUCTION OFFICIAL

Date:

5-4-2020

ed Mail # :

(/2004)

Township of Montgomery  
2261 Route 206  
Belle Mead, NJ 08502  
908-3598211  
Somerset

**APPLICATION TO  
CONSTRUCTION  
BOARD OF APPEALS**

Date Issued:  
Control Number: 0  
Permit Number: 0  
Date Permit Issued:  
Notice Date: 5/4/20  
Violation Number: 20200004 / 0

---

**IDENTIFICATION**

Work Site Location: <u>1026 COUNTY ROUTE 518</u>	Block: <u>29002</u> Lot: <u>49, 50</u> Qual: _____
Owner In Fee: <u>1026 ROUTE 518 NPD LLC</u>	Agent: <u>1026 ROUTE 518 NPD LLC</u>
Address: <u>PO BOX 38</u>	Address: <u>PO BOX 38</u>
<u>HOPEWELL NJ 08525</u>	<u>HOPEWELL NJ 08525</u>
Telephone: _____	Telephone: _____

---

**APPLICANT STATEMENT**

Specific section(s) of the Regulation in question:

Briefly state your position in this matter and explain the nature of the relief you seek.  
(If more pages required , additional pages may be attached.)

The Construction Board of Appeals has 10 business days following the submission of the appeal to make a decision pursuant to N.J.A.C. 5:23-2.37(s).

---

Fees: \$ \_\_\_\_\_

Paid  Check No.: \_\_\_\_\_

Collected By: \_\_\_\_\_

Signed: \_\_\_\_\_

Date : \_\_\_\_\_

(Applicant)

(Application will not be considered complete unless accompanied by the appeal fee. Fee shall be waived when appeal is based on failure of agency to act within a specified time frame.)

**NOTICE OF  
IMMINENT HAZARD**

Application Date:

Control Number: 0

Permit Number: 0

Date Permit Issued:

Notice Date: 6/17/2020

Violation Number: 20200007/0

Township of Montgomery  
2261 Route 206  
Belle Mead, NJ 08502  
908-3598211

**IDENTIFICATION**

Work Site Location: 1026 COUNTY ROUTE 518

Block: 29002 Lot: 49\_50 Quali

Owner In Fee: US BANK CUST FOR PRO CAP 8/PROCAPITAL MG

Agent/Contract

or: GARY C. ZEITZ, LLC

Address:

Address: 1101 LAUREL OAK ROAD, STE 170

VOORHEES NJ 08043

Telephone:

Telephone: 856 8571222

To:  Owner:

Other:

Agent/Contractor:

Date Of Inspection: 5/4/2020

Date Of This Notice: 6/17/2020

**ACTION**

Take **NOTICE** that as a result of the inspections conducted by this agency on 5/4/2020 of the above property, an imminent hazard has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2:32. The building or structure, or portion thereof, deemed an imminent hazard is described as follows:

1026 RT. 518 HAS PARTIALLY COLLAPSED - THE DAMAGED PART OF THE BUILDING MUST BE SECURED & WINDOWS/DOORS BOARDED

As such, you are hereby **ORDERED** to immediately and forthwith vacate the above structure or portion thereof.

Further, you are **ORDERED** to:

Immediately correct the above noticed imminent hazards so as to render the structure temporarily safe and secure.

Demolish the above structure by

Failure to immediately comply with this **ORDER** may result in the necessary correction being made by the Construction Official at the expense of the property owner pursuant to N.J.A.C. 5:23-2.32(b)5.

Failure to render the structure temporarily safe and secure and/or demolish the structure in accordance with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution, and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

If you wish to contest this Order, you must apply for a stay to a court of competent jurisdiction within 24 hours.

If you have any questions concerning this matter, please call: 908-3598211

By Order of:

Roy Mondri CONSTRUCTION OFFICIAL

Date:

6-17-2020

Sent by Certified Mail # :

**NOTICE OF  
UNSAFE STRUCTURE**

Application Date:  
Control Number: 0  
Permit Number: 0  
Date Permit Issued:  
Notice Date: 6/17/2020  
Violation Number: 20200007/0

Township of Montgomery  
2261 Route 206  
Belle Mead, NJ 08502  
908-3598211

**IDENTIFICATION**

Work Site Location: 1026 COUNTY ROUTE 518  
Owner In Fee: US BANK CUST FOR PRO CAP 8/PROCAPITAL MG  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Block: 29002 Lot: 49.50 Qualif \_\_\_\_\_  
Agent: GARY C. ZEITZ, LLC  
Address: 1101 LAUREL OAK ROAD, STE 170  
VOORHEES NJ 08043  
Telephone: 856 8571222

To:  Owner: \_\_\_\_\_  
 Agent/Contractor: \_\_\_\_\_  
 Other: \_\_\_\_\_

Date Of Inspection: 5/4/2020

Date Of This Notice: 6/17/2020

**ACTION**

Take **NOTICE** that as a result of the inspections conducted by this agency on 5/4/2020 on the above property, an unsafe condition has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32. The building or structure, or portion thereof, deemed an unsafe condition is described as follows:

1026 RT. 518 HAS PARTIALLY COLLAPSED - THE DAMAGED PART OF THE BUILDING MUST BE SECURED & WINDOWS/DOORS BOARDED

You are hereby **ORDERED** to:

- Vacate the above structure by \_\_\_\_\_
- Demolish the above structure by \_\_\_\_\_, or correct the above noted unsafe conditions by no later than 6/30/2020.

Failure to correct the unsafe condition or refusal to comply with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

Any building or structure vacated pursuant to this **ORDER** shall not be reoccupied unless and until a certificate of occupancy is issued by the Construction Official.

If you wish to contest this **ORDER**, you may request a hearing before the Construction Board of Appeals of the **Somerset County Construction Board Of Appeals** within 15 business days of receipt of this notice as provided by N.J.A.C. 5:23A-2.1. The Application to the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the specific sections of the Uniform Construction Code in question and the extent and nature of your reliance on them. You may include a brief statement setting forth your position and nature of the relief sought by you, and you may also append any documents that you consider useful.

The fee for an appeal is \$100.00 and should be forwarded with your application to the Construction Board of Appeals Office at:  
**20 Grove Street, Po Box 3000 Somerville, NJ 08876-1262**

If you have any questions concerning this matter, please call: 908-3598211

By Order of:   
Roy Mond CONSTRUCTION OFFICIAL

Date: 6-17-2020

Sent by Certified Mail # :

Township of Montgomery

2261 Route 206

Belle Mead, NJ 08502

908-3598211

Somerset

**APPLICATION TO  
CONSTRUCTION  
BOARD OF APPEALS**

Date Issued:

Control Number: 0

Permit Number: 0

Date Permit Issued:

Notice Date: 6/17/20

Violation Number: 20200007 / 0

**IDENTIFICATION**

Work Site Location: 1026 COUNTY ROUTE 518

Block: 29002 Lot: 49, 50 Qual: \_\_\_\_\_

Owner In Fee: US BANK CUST FOR PRO CAP 8/PROCAPITAL M

Agent: GARY C. ZEITZ, LLC

Address: \_\_\_\_\_

Address: 1101 LAUREL OAK ROAD, STE 170

\_\_\_\_\_

VOORHEES NJ 08043

Telephone: \_\_\_\_\_

Telephone: 856 8571222

**APPLICANT STATEMENT**

Specific section(s) of the Regulation in question:

Briefly state your position in this matter and explain the nature of the relief you seek.  
(If more pages required , additional pages may be attached.)

The Construction Board of Appeals has 10 business days following the submission of the appeal to make a decision pursuant to N.J.A.C. 5:23-2.37(s).

Fees: \$ \_\_\_\_\_

Paid [ ] Check No.: \_\_\_\_\_

Collected By: \_\_\_\_\_

Signed: \_\_\_\_\_

Date : \_\_\_\_\_

(Applicant)

(Application will not be considered complete unless accompanied by the appeal fee. Fee shall be waived when appeal is based on failure of agency to act within a specified time frame.)

**NOTICE OF  
IMMINENT HAZARD**

Application Date:

Control Number: 0

Permit Number: 0

Date Permit Issued:

Notice Date: 6/24/2020

Violation Number: 20200008/0

Township of Montgomery  
2261 Route 206  
Belle Mead, NJ 08502  
908-3598211

**IDENTIFICATION**

Work Site Location: <u>1026 COUNTY ROUTE 518</u>	Block: <u>29002</u> Lot: <u>49.50</u> Qualif: _____
Owner In Fee: <u>1026 RT 518 LLC</u>	Agent/Contract or: <u>1026 RT 518 LLC</u>
Address: <u>101 CRAWFORDS CORNER RD STE 4-101R</u> <u>HOLMDEL NJ 07733</u>	Address: <u>101 CRAWFORDS CORNER RD STE 4</u> <u>HOLMDEL NJ 07733</u>
Telephone: _____	Telephone: _____

To:  Owner: \_\_\_\_\_  Other: \_\_\_\_\_  
 Agent/Contractor: \_\_\_\_\_

Date Of Inspection: 5/4/2020

Date Of This Notice: 6/24/2020

**ACTION**

Take **NOTICE** that as a result of the inspections conducted by this agency on 5/4/2020 of the above property, an imminent hazard has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2:32. The building or structure, or portion thereof, deemed an imminent hazard is described as follows:

1026 RT 518 HAS PARTIALLY COLLAPSED, THE DAMAGED PART OF THE BUILDING MUST BE SECURED AND WINDOWS AND DOORS BOARDED.

As such, you are hereby **ORDERED** to immediately and forthwith vacate the above structure or portion thereof.

Further, you are **ORDERED** to:

- Immediately correct the above noticed imminent hazards so as to render the structure temporarily safe and secure.
- Demolish the above structure by \_\_\_\_\_

Failure to immediately comply with this **ORDER** may result in the necessary correction being made by the Construction Official at the expense of the property owner pursuant to N.J.A.C. 5:23-2.32(b)5.

Failure to render the structure temporarily safe and secure and/or demolish the structure in accordance with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution, and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

If you wish to contest this Order, you must apply for a stay to a court of competent jurisdiction within 24 hours.

If you have any questions concerning this matter, please call: 908-3598211

By Order of: Roy Mond  
Roy Mond CONSTRUCTION OFFICIAL

Date: 6-24-2020

**NOTICE OF  
UNSAFE STRUCTURE**

Application Date:  
Control Number: 0  
Permit Number: 0  
Date Permit Issued:  
Notice Date: 6/24/2020  
Violation Number: 20200008/0

Township of Montgomery  
2261 Route 206  
Belle Mead, NJ 08502  
908-3598211

**IDENTIFICATION**

Work Site Location: 1026 COUNTY ROUTE 518  
Owner In Fee: 1026 RT 518 LLC  
Address: 101 CRAWFORDS CORNER RD STE 4-101R  
HOLMDEL NJ 07733  
Telephone: \_\_\_\_\_

Block: 29002 Lot: 49, 50 Qualif \_\_\_\_\_  
Agent: 1026 RT 518 LLC  
Address: 101 CRAWFORDS CORNER RD STE 4  
HOLMDEL NJ 07733  
Telephone: \_\_\_\_\_

To:  Owner: \_\_\_\_\_  Other: \_\_\_\_\_  
 Agent/Contractor: \_\_\_\_\_

Date Of Inspection: 5/4/2020

Date Of This Notice: 6/24/2020

**ACTION**

Take **NOTICE** that as a result of the inspections conducted by this agency on 5/4/2020 on the above property, an unsafe condition has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32. The building or structure, or portion thereof, deemed an unsafe condition is described as follows:

1026 RT 518 HAS PARTIALLY COLLAPSED, THE DAMAGED PART OF THE BUILDING MUST BE SECURED AND WINDOWS AND DOORS BOARDED.

You are hereby **ORDERED** to:

- Vacate the above structure by \_\_\_\_\_
- Demolish the above structure by \_\_\_\_\_, or correct the above noted unsafe conditions by no later than 7/22/2020.

Failure to correct the unsafe condition or refusal to comply with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

Any building or structure vacated pursuant to this **ORDER** shall not be reoccupied unless and until a certificate of occupancy is issued by the Construction Official.

If you wish to contest this **ORDER**, you may request a hearing before the Construction Board of Appeals of the **Somerset County Construction Board Of Appeals** within 15 business days of receipt of this notice as provided by N.J.A.C. 5:23A-2.1. The Application to the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the specific sections of the Uniform Construction Code in question and the extent and nature of your reliance on them. You may include a brief statement setting forth your position and nature of the relief sought by you, and you may also append any documents that you consider useful.

The fee for an appeal is \$100.00 and should be forwarded with your application to the Construction Board of Appeals Office at:  
**20 Grove Street, Po Box 3000 Somerville, NJ 08876-1262**

If you have any questions concerning this matter, please call: 908-3598211

By Order of: Roy Moñdi  
Roy Moñdi CONSTRUCTION OFFICIAL

Date: 6-24-2020

Sent by Certified Mail # :

Township of Montgomery  
2261 Route 206  
Belle Mead, NJ 08502  
908-3598211  
Somerset

**APPLICATION TO  
CONSTRUCTION  
BOARD OF APPEALS**

Date Issued:  
Control Number: 0  
Permit Number: 0  
Date Permit Issued:  
Notice Date: 6/24/20  
Violation Number: 20200008 / 0

---

**IDENTIFICATION**

Work Site Location: 1026 COUNTY ROUTE 518 Block: 29002 Lot: 49, 50 Qual: \_\_\_\_\_  
Owner In Fee: 1026 RT 518 LLC Agent: 1026 RT 518 LLC  
Address: 101 CRAWFORDS CORNER RD STE 4-101R Address: 101 CRAWFORDS CORNER RD STE 4  
HOLMDEL NJ 07733 HOLMDEL NJ 07733  
Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_

---

**APPLICANT STATEMENT**

Specific section(s) of the Regulation in question:

Briefly state your position in this matter and explain the nature of the relief you seek.  
(If more pages required , additional pages may be attached.)

The Construction Board of Appeals has 10 business days following the submission of the appeal to make a decision pursuant to N.J.A.C. 5:23-2.37(s).

---

Fees: \$ \_\_\_\_\_  
Paid  Check No.: \_\_\_\_\_  
Collected By: \_\_\_\_\_  
Signed: \_\_\_\_\_ Date : \_\_\_\_\_  
(Applicant)

(Application will not be considered complete unless accompanied by the appeal fee. Fee shall be waived when appeal is based on failure of agency to act within a specified time frame.)

NOTICE OF  
IMMINENT HAZARD

Application Date:

Control Number: 0

Permit Number: 0

Date Permit Issued:

Notice Date: 7/29/2020

Violation Number: 20200010/0

Township of Montgomery  
2261 Route 206  
Belle Mead, NJ 08502  
908-3598211

IDENTIFICATION

Work Site Location: 1026 COUNTY ROUTE 518

Block: 29002 Lot: 49, 50 Quali:

Owner In Fee: 1026 RT 518 LLC

Agent/Contract or: 1026 RT 518 LLC

Address: 101 CRAWFORDS CORNER RD STE 4-101R

Address: 101 CRAWFORDS CORNER RD STE 4

HOLMDEL NJ 07733

HOLMDEL NJ 07733

Telephone:

Telephone:

To:  Owner:

Other:

Agent/Contractor:

Date Of Inspection: 7/29/2020

Date Of This Notice: 7/29/2020

ACTION

Take **NOTICE** that as a result of the inspections conducted by this agency on 7/29/2020 of the above property, an imminent hazard has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2:32. The building or structure, or portion thereof, deemed an imminent hazard is described as follows:

THE BUILDING STILL HAS HAZARDOUS AREAS - THE 2ND STORY IS FALLING AND CEILING UNDER AWNING IS FALLING

As such, you are hereby **ORDERED** to immediately and forthwith vacate the above structure or portion thereof.

Further, you are **ORDERED** to:

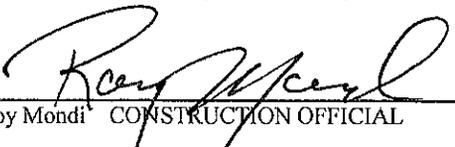
- Immediately correct the above noticed imminent hazards so as to render the structure temporarily safe and secure.
- Demolish the above structure by 8/12/2020

Failure to immediately comply with this **ORDER** may result in the necessary correction being made by the Construction Official at the expense of the property owner pursuant to N.J.A.C. 5:23-2.32(b)5.

Failure to render the structure temporarily safe and secure and/or demolish the structure in accordance with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution, and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

If you wish to contest this Order, you must apply for a stay to a court of competent jurisdiction within 24 hours.

If you have any questions concerning this matter, please call: 908-3598211

By Order of:   
Roy Mondini CONSTRUCTION OFFICIAL

Date: 7-29-2020

Sent by Certified Mail # :

Township of Montgomery  
2261 Route 206  
Belle Mead, NJ 08502  
908-3598211  
Somerset

**APPLICATION TO  
CONSTRUCTION  
BOARD OF APPEALS**

Date Issued:  
Control Number: 0  
Permit Number: 0  
Date Permit Issued:  
Notice Date: 7/29/20  
Violation Number: 20200010 / 0

---

**IDENTIFICATION**

Work Site Location: 1026 COUNTY ROUTE 518

Block: 29002 Lot: 49, 50 Qual: \_\_\_\_\_

Owner In Fee: 1026 RT 518 LLC

Agent: 1026 RT 518 LLC

Address: 101 CRAWFORDS CORNER RD STE 4-101R

Address: 101 CRAWFORDS CORNER RD STE 4

HOLMDEL NJ 07733

HOLMDEL NJ 07733

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

---

**APPLICANT STATEMENT**

Specific section(s) of the Regulation in question:

Briefly state your position in this matter and explain the nature of the relief you seek.  
(If more pages required, additional pages may be attached.)

The Construction Board of Appeals has 10 business days following the submission of the appeal to make a decision pursuant to N.J.A.C. 5:23-2.37(s).

---

Fees: \$ \_\_\_\_\_

Paid  Check No.: \_\_\_\_\_

Collected By: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

(Applicant)

(Application will not be considered complete unless accompanied by the appeal fee. Fee shall be waived when appeal is based on failure of agency to act within a specified time frame.)



# TOWNSHIP of MONTGOMERY

SOMERSET COUNTY

## DEPARTMENT OF HEALTH

Also serving the Boroughs of Hopewell, Pennington, & Rocky Hill

2261 Route 206 Belle Mead, New Jersey 08502

Phone: 908-359-8211 Fax: 908-359-4308 Email: [Health@twp.montgomery.nj.us](mailto:Health@twp.montgomery.nj.us)

## NOTICE OF VIOLATION

June 30, 2021

1026 Route 518 LLC  
101 Crawfords Corner Road  
Holmdel, NJ 07733

Re: **Public Health issues at vacant property**

Location: 1026 Route 518

Owner of Record: 1026 Route 518 LLC

Block: 29002 Lots: 49 & 50

Montgomery Township

Dear Sir or Madam,

The Montgomery Township Health Department has received complaints about the above referenced vacant/abandoned commercial property, which tax records indicate is owned by you. A site visit by this office on June 30, 2021 resulted in the following:

1. The building is not fully secured. Doors & windows were observed open. This is providing rodent harborage as well as being an attractive nuisance. There is graffiti spray-painted on the building which means this site is already attracting trespassers.
2. The grass & lawn areas are very overgrown. Local ordinance requires commercially zoned sites to be mowed & routinely maintained.

**You are hereby notified that you must abate the above noted violations by July 12, 2021.** Failure to abate this violation may subject you to fines and penalties as set forth in local regulations.

If you have any questions, please contact our office.

Very truly yours,

Stephanie D. Carey  
Health Officer

**APPENDIX C**

**Court Declaration of Abandonment**

**GARY C. ZEITZ, L.L.C.**

GARY C. ZEITZ, ESQUIRE - ID#036311994  
ROBIN I. LONDON-ZEITZ, ESQUIRE - ID#023011996  
AMBER J. MONROE, ESQUIRE - ID#099882014  
LINDA S. FOSSI, ESQUIRE - ID#032371994  
1101 Laurel Oak Road, Suite 170  
Voorhees, New Jersey 08043  
(856) 857-1222

*Attorneys for Plaintiff*

US BANK CUST FOR PRO CAP  
8/PROCAPITAL MGT II

Plaintiff,

vs.

Block 29002, Lot 50, 49  
1026 Route 518, Township of Montgomery,  
State of New Jersey  
Assessed to: 1026 NPD Limited Liability  
Company

Defendant(s).

: SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION  
: SOMERSET COUNTY

: Civil Action

: Docket No: F-5232-20

: **ORDER DETERMINING THAT  
PROPERTY IS ABANDONED**

**THIS MATTER** having come before the Court upon the Motion of Gary C. Zeitz,

L.L.C., attorneys for Plaintiff, US BANK CUST FOR PRO CAP 8/PROCAPITAL MGT II

("Plaintiff") to determine that property is abandoned, and for good cause being shown;

**IT IS** on this 22nd day of May, 2020, **HEREBY ORDERED**

that the property located at 1026 Route 518, Montgomery, New Jersey, Block 29002, Lot 50, 49

is declared an abandoned property pursuant to N.J.S.A. 55:19-81 and N.J.S.A. §54:5-86(b).

**/S/ MARGARET GOODZEIT, P.J.Ch.**

Honorable Margaret Goodzeit, P.J. Ch.

( ) Opposed

( X ) Unopposed

See attached Statement of Reasons.

**US Bank Cust For Pro Cap 8/ProCapital MGT II vs. Block 29002, Lot 50, 49, 1026 Route  
518, Township of Montgomery, State of New Jersey Assessed To: 1026 NPD Limited**

**Liability Company**

**SOM-F-5232-20**

**Motion To Determine That Property Is Abandoned**

**Return Date: May 22<sup>nd</sup>, 2020**

**Unopposed**

Plaintiff, US Bank Custodian for Pro Cap 8/ProCapital MGT II, through counsel, Robin I. London-Zeitz, Esq., of Gary C. Zeitz, L.L.C., moves for an Order to determine that property is abandoned.

This motion is unopposed.

**PLAINTIFF'S STATEMENT OF FACTS**

1. Karen Brocker is a manager for the plaintiff US Bank Custodian for Pro Cap 8/ProCapital MGT II (plaintiff) and is familiar with the facts of this case and makes the Certification based upon her personal knowledge.
2. At a sale of lands for unpaid municipal liens held by the tax collector of said municipality, under and by virtue of the provisions of the statute in such case made and provided, said sale was conducted in all things according to the provisions of said statute, the lands and premises hereinafter described were sold in fee simple subject to redemption to the purchaser named on such tax sale certificate, no one bidding at a lower rate of interest. The details of such property, tax sale and tax sale certificate are set forth in the annexed schedule which is made a part hereof as if repeated at length. See Exhibit A.
3. After said tax sale, the collector of taxes made, executed and delivered to the purchaser a certificate of sale pursuant to law, which certificate was duly recorded in the office of the clerk/register in the county where the property is situate as set forth on the schedule annexed hereto and made a part hereof.

4. The plaintiff unsuccessfully sought a certificate of abandonment from the public officer or tax collector. Thus, plaintiff seeks the entry of a court order declaring the property as abandoned pursuant to N.J.S.A. R. 54:5-86(b).
5. Paul M. Arthur performs property inspections on behalf of plaintiff.
6. Paul M. Arthur's professional qualifications, including certified master inspector, enable him to make a determination as to the abandoned status of a property. In addition, he is a licensed construction official, building inspector and licensed housing code official, which qualifies him to deliver an opinion as to the abandonment of real property.
7. On November 29, 2019, Mr. Arthur inspected the exterior of the property located at 1026 Route 518, Montgomery, New Jersey, Block 19002 Lot 50, 49. See Exhibit B.
8. Based upon Mr. Arthur's inspection of the property, plaintiff submits that the property meets the definition of abandoned pursuant to N.J.S.A. 55:19-81.

#### **PLAINTIFF'S LEGAL ARGUMENT**

Plaintiff has deduced that the property meets the statutory definition of abandoned property pursuant to either N.J.S.A. 55:19-81 or 55:19-82. Thus, it sought the assistance of the public officer or tax collector for the municipality to obtain a certification deeming the property abandoned. However, the public officer or tax collector failed or refused to provide such certification. Accordingly, plaintiff used the services of a qualified professional for the provision of the abandoned property certification.

Paul Arthur certifies that the property has not been occupied for a period of six months, at least one property tax installment remains unpaid and delinquent, and the property is in need of rehabilitation where none has taken place in the last six months. The property is unfit for human habitation, occupancy or use due to debris in the rear and inside. The condition and vacancy of the property materially increases the risk of fire to it and adjacent properties. The presence of vermin or accumulation of debris, uncut vegetation or physical deterioration of the structure of grounds have created potential health and safety hazards that the owner has failed to take reasonable and necessary measures to remove. Finally, the dilapidated appearance or other condition of the property materially affects the welfare, including economic welfare, of the area's residents in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

## THE COURT'S DECISION

N.J.S.A. § 54:5-86(b) states:

Any person holding a tax sale certificate on a property that meets the definition of abandoned property . . . may at any time file an action with the Superior Court in the county wherein said municipality is situate, demanding that the right of redemption on such property be barred, pursuant to the "tax sale law," . . . The filing shall include a certification by the public officer or the tax collector that the property is abandoned . . . On the basis of . . . any submission provided by the public officer or tax collector . . . the court shall determine whether the property meets the definition of abandoned property.

N.J.S.A. § 55:19-81 states:

Except as provided in section 6 of P.L. 2003, c. 210 (C.55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

- a. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;
- b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
- c. At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the public officer pursuant to this section; or
- d. The property has been determined to be a nuisance by the public officer in accordance with section 5 of P.L. 2003, c.210 (C.55:19-82).

Here, plaintiff has attempted unsuccessfully to obtain a certification from the public officer or tax collector stating that the property is abandoned. Plaintiff relies upon subsection (d) of N.J.S.A. § 55:19-81 to establish that the property is a nuisance. Section (d) makes reference to N.J.S.A. § 55:19-82, which states:

A property may be determined to be a nuisance if:

- a. The property has been found to be unfit for human habitation, occupancy or use pursuant to section 1 of P.L. 1942, c. 112 (C. 40:48-2.3);
- b. The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
- c. The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the municipality has secured the property in order to prevent such hazards after the owner has failed to do so;
- d. The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards

and the owner has failed to take reasonable and necessary measures to remove the hazards; or

e. The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

An inspection of the property was conducted by Paul Arthur, which confirms the conditions necessary under N.J.S.A. § 55:19-82 to establish the Property as a nuisance, because:

- 1) The property has not been occupied for a period of six months;
- 2) At least one installment of property tax remains unpaid and delinquent on the property;
- 3) The property is in need of rehabilitation and no rehabilitation has taken place during the previous six months before the inspection;
- 4) The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
- 5) The accumulation of debris has created potential health and safety hazards, and the owner has failed to take reasonable and necessary measures to remove the overgrowth;
- 6) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

The Court finds that the plaintiff has met its burden under N.J.S.A § 54:5-86(b) and the Court finds that the property is abandoned, as the conditions on the property satisfy the components of the statutes.

### CONCLUSION

For the foregoing reasons, plaintiff's motion to determine that the property is abandoned is hereby **GRANTED**. Plaintiff shall proceed with its tax sale certificate foreclosure pursuant to N.J.S.A. 54:5-86(b).

**APPENDIX D**

**Site Remediation Documentation**

# Site Update



Montgomery Township Housing Development and Rocky Hill  
Municipal Well Superfund Sites, Somerset County, New Jersey

January 2006

## STATUS OF EPA'S ACTIVITIES AT THE MONTGOMERY TOWNSHIP HOUSING DEVELOPMENT AND ROCKY HILL MUNICIPAL WELL SUPERFUND SITES

### AN UPDATE ABOUT THE SITES

The U.S. Environmental Protection Agency (EPA) is issuing this fact sheet to provide an update on the Montgomery Township Housing Development and Rocky Hill Municipal Well Superfund Sites.

#### *Background*

The Montgomery Township Housing Development and Rocky Hill Municipal Well Superfund Sites (Sites) are located in Somerset County, New Jersey, in the vicinity of the intersection of U.S. Route 206 and N.J. Route 518.

The Montgomery Township Housing Development Site includes approximately 72 acres located east of Route 206 and north of Route 518. The development and surrounding area include approximately 77 private homes. The Rocky Hill Municipal Well is located on a 2 acre tract of land in the Borough of Rocky Hill and services the residents of Rocky Hill. The Rocky Hill Municipal Well is located east of Route 206, south of Route 518, and south of the Montgomery Township Housing Development.

Because of the proximity and the similarity of contaminants present, the Sites are being addressed jointly. The Sites were placed on the National Priorities List (NPL) of Superfund Sites in September 1983 based on the detection of various volatile organic compounds (VOCs) in the groundwater.

#### *Previous Actions*

EPA selected a remedy for supplying clean water to the housing development in a 1987 Record of Decision (ROD). Implementation of this remedy began in 1988 and was completed in 1990. The remedy included extending the existing Elizabethtown Water Company distribution system already serving a portion of the development to residents using water from contaminated or threatened wells, along with the sealing of private wells. Extension of the public water

supply has been completed. In 2005 EPA sealed those residential wells where access was provided by the residents. After completion of a supplemental RI/FS, EPA selected a joint remedy for cleanup of the contaminated groundwater plume at the Sites in two separate June 1988 RODs. The groundwater plume at the Sites consists of both a primary plume and a secondary plume of trichloroethylene (TCE) contamination. The primary plume has TCE concentrations of greater than 100 parts per billion (ppb) and the secondary plume has concentrations of TCE between 1 ppb and 100 ppb. The joint remedy calls for active remediation of the primary plume by pumping and attenuation of the secondary plume by natural means.

In January 1998, EPA conducted a groundwater monitoring well sampling event at the Sites to assess the status of the groundwater contaminant plume. The samples were analyzed for VOCs and semi-volatile organic compounds. Results of the groundwater sampling indicated that elevated levels of TCE and several other contaminants were present. TCE was detected at levels up to 340 ppb in site groundwater. The federal drinking water standard for TCE is 5 ppb and the state standard is 1 ppb.

#### *What's Going on Now*

EPA completed the remedial design for the groundwater remedy in August 2003. As per the remedial design, the major elements of the remedy are: (1) extracting contaminated groundwater from the primary plume area; (2) treating the groundwater to Federal and State cleanup standards; (3) discharging treated water to catch basins which outlet to surface water; (4) connecting additional residences to the public water supply as needed; (5) sealing private wells within the contaminant plume; and (6) implementing a long-term groundwater sampling program to monitor the effectiveness of the cleanup,

including the attenuation of the secondary plume.

Following the completion of the remedial design activities in August 2003, EPA arranged for connection of water lines to remaining residential properties, residential well abandonment, and construction and operation of two groundwater treatment systems.

Construction of the 2 groundwater treatment plants began in March 2004 and was completed in January 2005. The two treatment plants have been running since January 2005. To date, approximately 23 million gallons of water have been pumped from the aquifer and cleaned since the plant started operations.

#### ***Our Goal is to Keep You Informed***

Public participation is essential to the success of the Superfund program and EPA. If you have any questions regarding the Montgomery Township Housing Development and Rocky Hill Superfund Sites, please contact Michelle Granger, Project Manager, at (212) 637-4975, or call Pat Seppi, Community Involvement Coordinator, at (212) 637-3679.

#### ***Other Ways to Get Information***

Review documents about the Montgomery Township Housing Development and Rocky Hill Superfund Sites in the EPA's information repository at the following locations:

Montgomery Township Municipal Building  
2261 Route 206  
Belle Mead, NJ 08502

Mary Jacobs Memorial Branch Library  
62 Washington Street  
Rocky Hill, NJ 08553

On line all the time? Visit [www.epa.gov/superfund](http://www.epa.gov/superfund) for info on Superfund and your community's cleanup.

#### **SUPERFUND PUBLIC LIAISON MANAGER**

The Agency has designated a point-of-contact for you to call to request information, express concerns or register complaints about the Superfund program. The Public Liaison Manager for EPA's Region 2

office is Mr. George Zachos. You may contact him at (888) 283-7626.

# MONTGOMERY TOWNSHIP HOUSING DEVELOPMENT MONTGOMERY TOWNSHIP, NJ Cleanup Activities

## On this page:

- [Background](#)
- [What Has Been Done to Clean Up the Site?](#)
- [What Is the Current Site Status?](#)
- [Activity and Use Limitations](#)

## On related pages:

- [Operable Units](#)
  - [Cleanup Progress](#)
- 

## Background

The Montgomery Township Housing Development site is located in Somerset County, New Jersey.

Originally, 71 homes at the 72-acre area depended on private wells drawing water from the underlying aquifer. In 1978, volatile organic compounds (VOCs) were detected in the public well of the neighboring municipality of Rocky Hill. Concerned that the contamination might have spread to groundwater beneath the housing development, state officials sampled the housing development's wells.

Tax records and accompanying maps indicate that the site was privately owned and had been used for farming until 1961. There was no knowledge of any underground tanks or landfill areas on the site property at that time. Tri-State Development Corporation purchased the land in 1961 and began building 71 homes. The potable water source for all homes was originally individual private wells. All homes use septic systems.

A 1978 study of the Rocky Hill Borough well revealed trichloroethene (TCE) contamination levels of about 25 micrograms per liter ( $\mu\text{g/L}$ ). Continued testing of this water supply from 1978 to 1983 detected concentrations of TCE ranging from about 50 to 200  $\mu\text{g/L}$ . Concern over groundwater contamination in Rocky Hill led NJDEP to conduct initial sampling of commercial and domestic wells in Montgomery Township from December 1979 to January 1980. Other investigations prior to 1984 included sampling from private wells, industrial water supply wells, soils, surface waters and septic tanks.

After emergency actions to protect human health and the environment, and additional investigations, EPA placed the site on the Superfund program's National Priorities List in September 1983.

Results indicated widespread contamination with various VOCs. Because of the proximity and the similarity of the contaminants present, EPA decided to address the site and the Rocky Hill Municipal Well Superfund site jointly. The site's long-term remedy has been put in place. Groundwater treatment and monitoring are ongoing.

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### **What Has Been Done to Clean Up the Site?**

**Emergency Actions:** In 1981, Montgomery Township connected 20 homes in the development to the Elizabethtown Water Company's waterline. A total of 38 residences were connected to the public water supply before the alternate water supply remedy described below was put in place.

**Alternate Water Supply:** Following a remedial investigation and feasibility study to determine the nature and extent of site contamination and to evaluate remedial alternatives, EPA selected a remedy for supplying clean water to the housing development in 1987. This remedy, which involved a continuation of the site's emergency actions, was put in place between 1988 and 1990. The Elizabethtown Water Company distribution system was extended to residences using water from contaminated or threatened wells. Sealing of 43 of the residential wells finished in 2005.

**Groundwater:** EPA selected a remedy for cleaning up the contaminated groundwater plume in 1988. The cleanup covers the housing development areas and the Rocky Hill Municipal Well site. The remedy includes: (1) extracting contaminated groundwater from the primary plume area; (2) treating the groundwater to state and federal cleanup standards using carbon; (3) discharging treated water to surface water; (4) connecting additional residences to the public water supply, as needed; (5) sealing private wells within the contaminant plume; and (6) implementing a groundwater sampling program to monitor the effectiveness of the cleanup.

EPA conducted a five-year review at the site in 2010. These reviews ensure that the remedies put in place protect public health and the environment, and function as intended by site decision documents. The review concluded that response actions at the site are in accordance with the remedy selected by EPA and that the remedy continues to be protective of human health and the environment in the short term. For the remedy to be protective in the long term, the five-year review indicated the need for the New Jersey Department of Environmental Protection (NJDEP) to establish a Groundwater Classification Exception Area (CEA).

The CEA was established in June 2014. EPA conducted a second five year review at the Site in 2016. The review concluded that the remedy at the site is protective of human health and the environment.

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### **What Is the Current Site Status?**

The site has been addressed in three phases: emergency actions and two long-term remedial phases focused on the provision of an alternate water supply and groundwater cleanup.

In 1981, the Township of Montgomery connected 20 homes in the development to the Elizabethtown Water Company's waterline.

Construction of two groundwater treatment plants was completed in January 2005.

Following additional field investigations and negotiations with the site's potentially responsible parties, the site's groundwater treatment systems began operating in January 2005. Periodic groundwater monitoring is ongoing.

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### **Activity and Use Limitations**

At this site, activity and use limitations that EPA calls institutional controls are in place. Institutional controls play an important role in site remedies because they reduce exposure to contamination by limiting land or resource use. They also guide human behavior. For instance, zoning restrictions prevent land uses – such as residential uses – that are not consistent with the level of cleanup.

For more background, see [Institutional Controls](#).

CEA was established by NJDEP in June 2014.

**THIRD FIVE-YEAR REVIEW REPORT FOR  
MONTGOMERY TOWNSHIP HOUSING DEVELOPMENT AND ROCKY HILL MUNICIPAL  
WELL SUPERFUND SITES  
Somerset County, New Jersey**



**Prepared by**

**U.S. Environmental Protection Agency  
Region 2  
New York, New York**

**Evangelista, Pat**

Digitally signed by Evangelista,  
Pat  
Date: 2020.07.29 14:01:11 -04'00'

-----  
**Pat Evangelista, Director  
Superfund and Emergency Management Division**

See Signature Block

**Date**

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## LIST OF ABBREVIATIONS & ACRONYMS

ARAR	Applicable or Relevant and Appropriate Requirement
CEA	Classification Exemption Area
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
1,1-DCA	1,1-dichloroethane
DPE	Dual Phase Extraction
EPA	United States Environmental Protection Agency
ESD	Explanation of Significant Differences
FS	Feasibility Study
FYR	Five-Year Review
HI	Hazard Index
MCL	Maximum Contaminant Level
MW	Monitoring Wells
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NJDEP	New Jersey Department of Environmental Protection
NPL	National Priorities List
O&M	Operation and Maintenance
OU	Operable Unit
PRP	Potentially Responsible Parties
RAO	Remedial Action Objectives
RD	Remedial Design
RI	Remedial Investigation
RI	Remedial Investigation
ROD	Record of Decision
RPM	Remedial Project Manager
SVOCs	Semi-volatile organic compounds
TAL	Target Analyte List
TBC	To be considered
TCL	Target Compound List
UU/EE	Unlimited use and unrestricted exposure
VOCs	Volatile Organic Compounds
ug/l	Micrograms/liter

## **I. INTRODUCTION**

The purpose of a five-year review (FYR) is to evaluate the implementation and performance of a remedy in order to determine if the remedy is and will continue to be protective of human health and the environment. The methods, findings, and conclusions of reviews are documented in FYR reports such as this one. In addition, FYR reports identify issues found during the review, if any, and document recommendations to address them.

The U.S. Environmental Protection Agency (EPA) is preparing this FYR pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 121, consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR Section 300.430(f)(4)(ii)), and considering EPA policy.

This is the third FYR for the Montgomery Township Housing Development (MTHD) and Rocky Hill Municipal Well (RHMW) Superfund Sites (Sites). The triggering action for this policy review is the September 14, 2016 completion date of the previous FYR for the Site. This FYR has been prepared due to the fact that hazardous substances, pollutants, or contaminants remain at the Site above levels that allow for unlimited use and unrestricted exposure (UU/UE).

MTHD has two operable units (OUs) and RHMW has one OU. MTHD OU1 addressed potential exposure to groundwater contaminants and provided alternative water supply to impacted residences. MTHD OU1 is completed. MTHD OU2 and RHMW OU1 address groundwater contamination in the underlying aquifer beneath both sites. Contaminated groundwater in the aquifer beneath the MTHD and RHMW Sites is addressed by a single remedy, designated as MTHD OU2 and RHMW OU1, and these OUs are the subject of this FYR.

The Sites' third FYR team included Michelle Granger, EPA (remedial project manager); David Edgerton, EPA (hydrogeologist); Urszula Filipowicz, EPA (human health risk assessor); Michael Clementson, EPA (ecological risk assessor); and Pat Seppi, EPA (community involvement coordinator). The potentially responsible parties (PRPs) and the local government officials were notified of the initiation of the 5YR. The review began on 7/24/2019.

### **Site Background**

The RHMW/MTHD Superfund Sites (See Figure 1 – Site Location Map) are located adjacent to one another in the Borough of Rocky Hill and in Montgomery Township, respectively, west of the Millstone River in the southern part of Somerset County, New Jersey. The RHMW site is located on approximately two acres of land situated east of New Jersey State Route 206 and directly south of Route 518. The MTHD site includes 71 one-acre residential lots located in Montgomery Township and six additional residences nearby. The area surrounding the Sites consists of wooded areas and residential and commercial development.

RHMW wells numbered 1 and 2 were constructed in 1936. These two wells provided a source of potable water to the Borough of Rocky Hill. Well number 1 was abandoned and sealed between 1976 and 1978. Due to the elevated levels of TCE in groundwater, well number 2 was closed in November 1979. Levels of TCE in the well water eventually declined, and the well was

subsequently reopened. Levels of TCE, however, increased, and the well was closed for a second time in January 1982. After the installation of two air stripping units by the Borough for well number 2, the well reopened as a potable source of water in July 1983, and has been operating ever since.

Groundwater at both sites is contaminated with volatile organic compounds (VOCs) and TCE in particular. Although the RHMW and MTHD Sites were listed separately on the National Priority List (NPL) in 1983, they are being addressed jointly due to similarity of contaminants and their close proximity to each other.

For more details related to the Site background, physical characteristics, geology/hydrogeology, and land/resource please see the documents found in the Site repositories or at <https://www.epa.gov/superfund/montgomery-township> or <https://www.epa.gov/superfund/rocky-hill-well> (see section on webpage titled Site Documents and Data).

**FIVE-YEAR REVIEW SUMMARY FORM**

<b>SITE IDENTIFICATION</b>		
<b>Site Name:</b> Montgomery Township Housing Development Rocky Hill Municipal Well		
<b>EPA ID:</b> MTHD NJD980654164 RHMW NJD980654156		
<b>Region:</b> 2	<b>State:</b> NJ	<b>City/County:</b> Somerset County
<b>SITE STATUS</b>		
<b>NPL Status:</b> Final		
<b>Multiple OUs?</b> Yes	<b>Has the site achieved construction completion?</b> Yes	
<b>REVIEW STATUS</b>		
<b>Lead agency:</b> EPA		
<b>Author name (Federal or State Project Manager):</b> Michelle Granger		
<b>Author affiliation:</b> United States Environmental Protection Agency		
<b>Review period:</b> 2/1/2016 – 6/25/2019		
<b>Date of site inspection:</b> 12/19/2019		
<b>Type of review:</b> Policy		
<b>Review number:</b> 3		

<b>Triggering action date:</b> 9/14/2016
<b>Due date (five years after triggering action date):</b> 9/14/2021

## II. RESPONSE ACTION SUMMARY

### Basis for Taking Action

Since the site characterization determined that soils and surface waters are not currently being impacted by site related contamination, exposure to soils and surface waters was not included in the health assessment of the MTHD/RHMW sites. Thus, the risk assessment only considered exposure to contaminated groundwater through potable uses.

The 1988 ROD noted that data collected in the RI indicated that many of the compounds used in estimating the risk were sporadically detected and not site related (specifically inorganics and chlordane), thereby negating these compounds. The risk assessment concluded that the site-related contaminants of concern are TCE and Tetrachloroethene (PCE).

The health assessments for the MTHD/RHMW sites indicated that exposure to contaminated site groundwater via potable uses would result in lifetime cancer risk and noncancer hazard estimates that exceeded EPA's threshold criteria.

### Response Actions

In 1984, NJDEP entered into a Cooperative Agreement with EPA under which it performed the remedial investigation and feasibility study (RI/FS) for the RHMW and MTHD Sites.

In 1985, NJDEP began conducting the RI/FS for the Sites. The RI included groundwater, surface water and stream sediment, septic tank, soil, and air sampling. In January 1986, the NJDEP Division of Water Resources placed a restriction on future well drilling for water supply in the area. In April 1988, NJDEP issued an RI report which identified the nature and extent of the groundwater contamination and concluded that the source of groundwater contamination to the RHMW and MTHD Sites was at or in the vicinity of the Princeton Gamma-Tech, Inc. (PGT) facility located on Route 518 in Montgomery Township. In the 1970's, PGT used a septic system to dispose of sanitary and lab sink waste. Septic tank samples at this property identified the presence of TCE at levels as high as 5,000 ppb. The tank was tested by NJDEP and removed from the property following a spill in 1980. The RI/FS reported results for 28 soil samples taken at the PGT property, none of which showed TCE contamination.

Concentrations of TCE found in the major source area of groundwater contamination in the PGT property well (PGTMW-1) had decreased from 5,000 ppb in the 1980s to 1,800 ppb of TCE by 1992. The maximum concentration of TCE in the well continued to decline over the next six years to 320 ppb. The above information indicates that the past septic tank discharge was the source of the contamination found in the shallow groundwater. The sediment and surface water samples collected from Beden Brook and the Millstone River did not contain any of the site contamination.

## *Remedy Selection*

### *MTHD - OUI Remedy Selection*

Following completion of the RI/FS, a Record of Decision (ROD) was issued by EPA in September 1987 that called for an alternate water supply to be provided for residents of the MTHD by installing waterline extensions and connections and sealing of abandoned private wells. The remedy for MTHD OU1 is complete. This OU is not part of this FYR.

### *MTHD OU2 and RHMW OUI Remedy Selection*

EPA issued two RODs, in June 1988 for both the MTHD and RHMW Sites. The Remedial Action Objective (RAO) specified in the RODs is to reduce groundwater contaminants to levels that are protective of human health. The objective of the selected remediation alternative is to reduce the entire groundwater concentration of TCE to one (1) ppb. PCE and 1,1 -dichloroethene (1,1 DCE) also have a remedial objective of reducing such concentrations to below 1 ppb and 2 ppb, respectively. The remedies called for:

- the extraction of contaminated groundwater from the primary source areas, (where TCE is approximately greater than 100 ppb) within the contaminant plume, followed by on-site treatment and reinjection of the treated water back into the underlying aquifer;
- connection of any remaining affected residences to the public water supply;
- sealing of private water supplies within the contaminant plume; and
- implementation of a groundwater sampling program to monitor the effectiveness of the cleanup.

The less contaminated ground water in the secondary plume limits (where TCE concentrations are less than 100 ppb) will be permitted to attenuate through natural means. The former Fifth Dimension (FFD) was determined to be the source of the secondary plume. VOC concentrations and natural attenuation parameters will be monitored in the secondary plume on a regular basis as part of the long-term groundwater sampling program.

## **Status of Implementation**

### *MTHD OU2 and RHMW OUI*

Following completion of remedial design activities in August 2003, the USACE awarded a contract for the construction and operation of two groundwater treatment systems to Cape Environmental.

Construction activities for the remedy began on March 15, 2004. Construction activities included the installation of eight recovery wells and the construction of two treatment plants.

One of the targeted remediation zones is the primary source area located on the property at 1377 Route 206. Ground Water Treatment Facility #1 (GWTF #1) and its three pairs of recovery wells were constructed at this location. The targeted remediation zone for this area of the plume extends vertically from 50 feet to 200 feet below ground surface and is enclosed horizontally by the 100 ppb TCE isoconcentration contour. The objective of the capture zone was to achieve capture of the targeted remediation zone. Two of the three pairs of wells generated adequate amounts of water that produced a flow rate of 56 gallons per minute into the treatment plant. The third pair, recovery well 3S and recovery well 3D, were not productive and were converted into monitoring wells in 2005.

A second smaller primary source area is located to the south underlying the Princeton Gamma Tech property near the intersection of Routes 206 and 514. Two recovery wells were installed on this property. These two wells were constructed to extract groundwater within the primary source area underlying this property that extends vertically between 25 to 100 feet below ground surface within the weathered bedrock and shallow bedrock aquifer. These two recovery wells pump a total six gallons per minute of extracted groundwater into a portable trailer-mounted treatment unit known as GWTF #2. This treatment unit, similar to GWTF #1, uses GAC to treat extracted groundwater and discharges treated water to a surface water body via a storm sewer.

Construction activities of the recovery wells, a number of additional monitoring wells, and GWTF #1 and #2 were completed on January 11, 2005. The ROD specified treatment by air stripping and reinjection of the treated water back into the underlying aquifer. The surface water discharge via connection to the existing storm water sewers was chosen as the preferred option for effluent disposal. The change in the treatment and discharge components to the remedy have been documented in an Explanation of Significant Differences (ESD) issued by EPA in August 2005. NJDEP was consulted and approved the surface discharge of treated water. The two treatment plants have been running continuously since January 2005. GWTF #1 is currently pumping contaminated water from the aquifer at a flow rate of 55.4 gallons per minute (gpm). GWTF #2, located on the Princeton Gamma Tech property, is currently pumping at a flow rate of 9.5 gpm.

### **Systems Operations/Operation & Maintenance**

A Final Operations and Maintenance Manual was approved in January 2006.

GWTF #1 and GWTF #2 currently operate at a combined flow of 65 gallons per minute (gpm) extracting groundwater from the two primary source areas. Approximately 400 million gallons of contaminated groundwater have been pumped from the primary source areas and have been treated and discharged to date.

During this review period, groundwater monitoring in the primary and secondary source plume areas has been conducted on an annual basis. The groundwater samples were analyzed for target compound list (TCL) volatile organic compounds (VOCs). Natural attenuation parameters (methane/ethene/ethane, total organic carbon, chloride, ferrous iron, total alkalinity, sulfate, and nitrate/nitrite) are monitored in the secondary plume every five years as part of the long-term groundwater sampling program.

Based on groundwater concentrations of site-related chemicals that exceeded conservative screening values presented in the draft 2002 guidance, "Evaluating the Vapor Intrusion into Indoor Air" (USPEA), a vapor intrusion investigation was initiated in 2006. Four rounds of sub-slab and /or indoor VOC analyses were conducted for the sites to date (see Section VI Technical Assessment, Question B for details on the vapor intrusion investigation conducted). To ensure protectiveness, ongoing sampling and monitoring of both sub-slab and indoor VOCs is being conducted periodically for the commercial stores located within the shopping center.

Site inspections are conducted by the USACE and their contractor regularly to ensure that the fence is in good repair and to look for signs of trespass. Any deficiencies which may be noted, such as plant growth requiring clearing and grubbing or removal of debris and minor fence repair, are addressed quickly by the USACE.

Potential site impacts from climate change have been assessed, and the performance of the remedy is currently not at risk due to the expected effects of climate change in the region and near the site.

**Institutional Control Verification**

On June 6, 2014, a Classification Exception Area (CEA) was established by NJDEP within the area of groundwater contamination to regulate the installation of additional wells within the contaminated groundwater plume. The CEA remains in place.

**III. PROGRESS SINCE THE LAST REVIEW**

This section includes the protectiveness determinations and statements from the last FYR as well as the recommendations from the last FYR and the current status of those recommendations.

Protectiveness Determinations/Statements from the 2016 FYR

<b>OU #</b>	<b>Protectiveness Determination</b>	<b>Protectiveness Statement</b>
02 -MTHD 01-RHMW	Protective	The remedy for the MTHD OU2 and RHMW OU1 Sites is protective of human health and the environment.

There were no issues and recommendations in the last FYR.

## IV. FIVE-YEAR REVIEW PROCESS

### **Community Notification, Involvement & Site Interviews**

On October 1, 2019, the EPA Region 2 posted a notice on its website indicating that it would be reviewing site cleanups and remedies at Superfund sites in New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands, including the MTHD and RHMW sites. The announcement can be found at the following web address: <https://www.epa.gov/aboutepa/fiscal-year-2020-five-year-reviews>.

In addition to this notification, a public notice was made available on 3/13/2020, stating that EPA is conducting a FYR for the site. This public notice can be found on the following webpage:

<https://twp.montgomery.nj.us/wp-content/uploads/2020/03/MRH2020-FIVE-YEAR-REVIEW-NOTICE-MRH-1.pdf>.

The results of the review, as described in this report, will be available at

<https://www.epa.gov/superfund/montgomery-township>

and

<https://www.epa.gov/superfund/rocky-hill-well>

as well as the Site repositories which are located at the Mary Jacobs Library, 64 Washington Street, Rocky Hill, New Jersey and the EPA Region 2 offices, 290 Broadway- 18<sup>th</sup> floor, New York, New York 10007-1866.

### **Data Review**

This FYR focuses on analyzing groundwater data collected from this review period (2016-2019). The groundwater samples were analyzed for volatile organic compounds (VOCs) in the primary and secondary source areas. Natural attenuation parameters are monitored every five years. During this review period natural attenuation monitoring was conducted in 2019.

#### ***GWTF #1 and GWTF #2 (Primary Plume Areas)***

Eight monitoring wells within the GWTF#1 area capture zone (See Figure 2) and ten monitoring within the GWTF#2 area capture zone were sampled during the FYR period.

Overall since 2010, groundwater sampling results in the primary plume continue to indicate a general decline in levels of TCE for GWTF #1 with few exceptions. In monitoring well MW-17, TCE and PCE concentrations fluctuated during the review period, but in general the concentrations were stable or decreased (See Table 1). The monitoring well is located immediately downgradient from the Montgomery Shopping Center complex building but is

within the capture zone of GWTF #1. During the most recent sampling event in May 2019, the maximum TCE detection in groundwater was 20 ppb at MW-30D and the maximum PCE detection was in groundwater 55 ppb at MW-04D. Groundwater sampling results within the capture zone for GWTF #2 indicate general decreasing trends in TCE and PCE as well (See Table 1). The PGT-MW-01 TCE concentrations declined below 100 ppb during the reporting period. PGT-MW-01 and MW-20S were the only wells that had a TCE concentrations above 20 ppb; at a concentration of 29 ppb and 75 ppb respectively. EPA will continue to regularly monitor the concentrations of TCE and PCE in the area. This is a decrease in concentration from the previous reporting period, if the concentrations increase, further evaluation may be warranted.

During this reporting period, groundwater sampling results for 1,1-DCE and vinyl chloride were generally non-detect with the exception of MW-15D. In May 2018 and May 2019, 1,1-DCE was detected at 0.91 and 2.1 ppb, respectively. The cis-1,2-DCE detections fluctuated above 10 ppb during the reporting period for PGT-MW-01 (69 ppb in March 2016, 48 ppb in June 2016, 54 ppb in June 2017, 44 ppb in May 2018, and 25 ppb in May 2019). The concentrations of cis-1,2- DCE, and other daughter products of PCE and TCE dechlorination are not showing increases in correlation with decreased PCE and TCE concentrations at the wells, indicating that the level of the daughter product concentrations are not the result of anaerobic reductive dechlorination (ARD).

GWTF #1 and #2 operations have either reduced or eliminated the primary TCE plumes. TCE was not detected above 100 ppb in any of the monitoring wells around GWTF #1. TCE was detected above 100 ppb in only one monitoring well (250 µg/L at PGT-MW-01) located adjacent to extraction well RW-4 at GWTF #2. Groundwater from PGT-MW-01 is captured by GWTF #2. The primary TCE plume at GWTF #2 has been reduced to a small disk centered on RW-4. See Figure 3 for further detail of the TCE plume. In the primary plume area, TCE and PCE will be treated to the selected site cleanup standard of 1 ppb.

In January 2018, NJDEP adopted a groundwater quality standard (NJ GWQS) for 1,4-dioxane of 0.4 ug/L. To ensure protectiveness, sampling for 1,4-dioxane was initiated at the site on a monthly basis starting April 2016 until June 2017. Thereafter, the sampling frequency was switched to an annual basis. Data collected from GWTF #1 and #2 effluent indicate that 1,4-dioxane has been undetected during the most recent June 2017, May 2018 and May 2019 sampling rounds. Prior to this sampling, the monthly sampling showed low level detections ranging from 0.21 to 0.62 ug/L of 1,4-dioxane.

### ***Secondary Plume Areas***

Secondary plume data indicates PCE concentrations generally remained at or below the NJGWQS throughout the five-year period. One exception was the PCE concentrations at MW-23D; they ranged from 2.5 ppb in June 2016 to 5.9 ppb in May 2019, which is within the historical PCE concentration range for that well. TCE concentrations in the secondary plume are either stable or decreasing since the previous FYR reporting period. FFD data indicates decreasing trends in TCE and PCE.

The concentrations of cis-1,2-DCE, and other daughter products of PCE and TCE dechlorination are not showing increases in correlation with decreased PCE and TCE concentrations at the wells, indicating that the level of the daughter product concentrations are not the result of ARD.

The secondary TCE plume has been reduced in the vicinity of both GWTFs compared to the 2002 extent of the secondary TCE plume. Attenuation of the plume is occurring (see Figure 3), and is likely occurring due to dispersion, dilution, and/or sorption.

Rocky Hill Municipal Well No. 2 is within the secondary plume. A review of RHMW number 2 influent data collected during this review period (2016 - 2019) indicates decreasing levels of TCE and stable low levels of PCE in the groundwater. The air stripping units that were installed in 1983 are still in operation.

### ***Vapor Intrusion***

To date, four rounds of vapor intrusion (VI) sampling have been collected from the Site. Most recently, in March 2018, concurrent indoor air and sub-slab sampling was collected from 5 locations within the Montgomery Township Shopping Plaza. The preceding round of VI data, collected in 2014, was discussed in Question B of the previous five-year review document.

To ensure protectiveness, detected concentrations of volatile constituents in indoor air and sub-slab samples were compared to their corresponding risk-based vapor intrusion screening levels (VISL). The VISLs are chemical- and media-specific screening values developed by the Agency in accordance with the framework for evaluation and assessing VI investigations as specified in EPA's 2015 final vapor intrusion guidance document entitled, "*OSWER Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air*".

Out of the five locations sampled, detectable concentrations of PCE found in the sub-slab ranged from 1.5 ug/m<sup>3</sup> to 210 ug/m<sup>3</sup>, while the indoor air concentrations ranged from non-detect (0.21U ug/m<sup>3</sup>) to 77 ug/m<sup>3</sup>. Out of the 5 locations, only one showed detectable concentrations of TCE at 5.1 and 6.1 ug/m<sup>3</sup> in the sub-slab and indoor air, respectively. A review of the paired results suggest that a confounding indoor air source is likely responsible for the detections of TCE found in indoor air at this location. To ensure that the vapor intrusion pathway remains incomplete, periodic monitoring should continue.

### **Site Inspection**

The inspection of the Site was conducted on 12/19/2019. In attendance were Michelle Granger, EPA, David Edgerton, EPA, and Tom Roche, USACE. The purpose of the inspection was to assess the protectiveness of the remedy.

## V. TECHNICAL ASSESSMENT

**QUESTION A:** Is the remedy functioning as intended by the decision documents?

### **Question A Summary:**

The remedies for the Montgomery Township Housing Development and Rocky Hill Municipal Well sites are functioning as intended by the decision documents.

The MTHD OU2 and RHMW OU1 groundwater remedy includes extraction of the contaminated groundwater through pumping from the two most contaminated areas of the aquifer, followed by on-site treatment with liquid-phase GAC adsorption. After treatment to meet New Jersey Pollutant Discharge Equivalency System (NJPDES) requirements, the water is discharged to surface water. A groundwater sampling program to monitor the effectiveness of the cleanup was also implemented and includes an evaluation of plume attenuation outside the extraction and treatment system footprint. In addition, subslab and indoor air sampling of properties overlying the contaminated plume will continue to be performed on a periodic basis.

Groundwater sampling indicates that the pump and treat systems continue to contain and remove contamination in the two primary source areas. Outside of the capture zones, the Secondary Plume has been reduced in the vicinity of both GWTFs compared to the 2002 extent of the Secondary TCE Plume. See Figure 3.

**QUESTION B:** Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives (RAOs) used at the time of the remedy selection still valid?

### **Question B Summary:**

There have been no physical changes to the Sites that would adversely affect the protectiveness of the remedy. Land use assumptions, exposure assumptions and pathways, and clean up levels considered in the decision document followed risk assessment guidance used by EPA and remain valid. Although specific parameters may have changed since the time the risk assessment was completed, the process that was used remains valid.

Consistent with previous assessments, this FYR focused on two primary exposure pathways: direct ingestion of contaminated groundwater (as a potable water source) and the possibility of vapor intrusion into buildings constructed over the plume. No potential receptors are currently using the contaminated groundwater for potable purposes, ensuring direct exposure to site groundwater by current receptors has been interrupted. Further, a CEA has been established which places restrictions on future well drilling in the affected area which ensures that future use of site groundwater stays an incomplete exposure pathway.

Groundwater cleanup criteria selected at the time of the decision documents were the more stringent of the available State and Federal Maximum Contaminant Levels. The 1988 RODs stated that the objective of the remediation alternatives was to reduce the entire groundwater

concentrations of TCE to 1 ppb. The document also noted that the remediation objective (i.e., the cleanup goals) for PCE and 1,1-DCE were 1 ppb and 2 ppb, respectively. These cleanup goals remain unchanged. The cleanup goals and remedial action objectives identified in the RODs documents remain valid.

The potential for subsurface vapor intrusion (VI) into air within buildings that overlay a VOC groundwater plume is the other exposure pathway of interest evaluated as part of this FYR document. Since 2006 several rounds of VI data have been collected from residential and commercial structures within and near the sites. Results of these efforts were discussed in the previous FYRs. As part of this FYR, an additional sampling round was conducted in March of 2018. During this event, concurrent indoor air and sub-slab samples were collected from five locations of interest situated within a nearby strip mall (i.e., shopping center).

Results of paired sub-slab and indoor air samples collected at each location show detections of TCE and PCE fall within or below EPA’s target cancer risk range and do not exceed the noncancer hazard threshold of 1.

**QUESTION C:** Has any other information come to light that could call into question the protectiveness of the remedy?

No new information has called into question the protectiveness of the remedy.

**VI. ISSUES/RECOMMENDATIONS**

Issues/Recommendations	
<b>OU(s) without Issues/Recommendations Identified in the Five-Year Review:</b>	
OU2 MHTD	
OU1 RHMW	

**VII. PROTECTIVENESS STATEMENT**

Protectiveness Statement(s)	
<i>Operable Unit:</i>	<i>Protectiveness Determination:</i>
OU2 MHTD	Protective
OU1 RHMW	
<i>Protectiveness Statement:</i>	
The remedies at the MTHD and the RHMW Superfund sites are protective of human health and the environment.	

### Sitewide Protectiveness Statement

*Protectiveness*

*Determination:*

Protective

*Protectiveness Statement:*

The remedies at the MTHD and RHMW Sites are protective of human health and the environment.

### VIII. NEXT REVIEW

The next FYR report for the MHTD and RHMW Superfund Sites is required five years from the completion date of this review.

## **APPENDIX A – Tables**

**TABLE 1 – Groundwater Contaminant Trends**

**TCE - Maximum Concentrations Detected**

Location	ROD Cleanup Standard	2016	2017	2018	2019
Groundwater Treatment Facility #1 (MW-17)	1.0	20.0	1.7	2.8	1.8
Groundwater Treatment Facility #2 (PGT MW-01)	1.0	120.0 J	190.0	250 K	29
Secondary Plume (MW-29I)	1.0	47.0	45.0	46.0	10.0
Former Fifth Dimension (FD-01D)	1.0	7.5	6.8	6.7	5.5

All concentrations are in parts per billion (ppb).

TCE Trichloroethene

U Not detected at listed detection limit

K The identification of the analyte is acceptable; the reported value may be biased high

**PCE - Maximum Concentrations Detected**

Location	ROD Cleanup Standard	2016	2017	2018	2019
Groundwater Treatment Facility #1 (MW-17)	1.0	55.0	250.0	13.0	12.0
Groundwater Treatment Facility #2 (PGT MW-05)	1.0	6.2	1.8	1.1	0.8
Secondary Plume (MW-23D)	1.0	2.5	3.8	3.9	5.9
Former Fifth Dimension (FD-01)	1.0	0.22 J	0.5 U	0.5 U	0.5 U

All concentrations are in parts per billion (ppb).

PCE Tetrachloroethene (Perchloroethylene)

U Not detected at listed detection limit

J approximate concentration of compound

## **APPENDIX B – FIGURES**





FIGURE 3 – Site Overview

