

COUNTY OF MERCER

PRINCETON

STATE OF NEW JERSEY

RESOLUTION

WHEREAS, AvalonBay Communities, Inc. has received approval from the Princeton Planning Board to redevelop the former University Medical Center at Princeton property (Block 21.02, Lot 1 and Block 7101, Lots 8-14, Princeton Tax Map); and

WHEREAS, said approval was granted by the Princeton Planning Board on July 25, 2013 (see file no. PB1313-047P); and

WHEREAS, the Princeton Planning Board memorialized this approval by the adoption of a resolution on August 12, 2013 setting forth conditions of approval; and

WHEREAS, one of those conditions requires AvalonBay Communities, Inc. to enter into a developer's agreement with Princeton to address issues related to the redevelopment of the hospital site; and

WHEREAS, Princeton wishes to authorize the execution of said developer's agreement.

NOW THEREFORE, be it resolved by the Mayor and Council of Princeton as follows:

1. The Mayor and Clerk of Princeton are hereby authorized and directed to execute on behalf of Princeton a developer's agreement with AvalonBay Communities, Inc. for the property referenced hereinabove. The developer's agreement authorized for execution is on file in the office of the municipal clerk and may be inspected during regular office hours.

2. A certified true copy of this resolution upon its adoption shall be furnished to AvalonBay Communities, Inc., Attn: Jon Vogel, Woodbridge Place, 517 Route One South, Suite 5500, Iselin, New Jersey, 08830.

CERTIFICATION

I, Linda S. McDermott, Clerk of Princeton, do hereby certify that the foregoing Resolution was considered and adopted by the Princeton Council at its regular meeting held on the 7th day of April, 2014.

Linda S. McDermott, Clerk
Princeton

DEVELOPER'S AGREEMENT

THIS AGREEMENT ("AGREEMENT") dated this day of , 2014, by and between **PRINCETON**, a municipal corporation of the State of New Jersey, with offices located 400 Witherspoon Street, Princeton, New Jersey 08540 (hereinafter referred to as the "**PRINCETON**") and **AVALONBAY COMMUNITIES, INC.**, a corporation organized under the Laws of the State of Maryland, with offices located at Woodbridge Place, 517 Route 1 South, Suite 5500, Iselin, New Jersey 08830 (hereinafter referred to as "**DEVELOPER**").

FACTUAL RECITALS:

1. The **DEVELOPER** is the owner of certain real property formerly occupied by the University Medical Center at Princeton and designated as Block 21.02, Lot 1 and Block 7101, Lots 8-14, Princeton Tax Map (hereinafter referred to as "**PROPERTY**").
2. The **DEVELOPER** intends to construct two hundred eighty (280) units of rental housing in several buildings on the **PROPERTY** (hereinafter referred to as "**PROJECT**" or "**DEVELOPMENT**").
3. The **PROJECT** has received the following development approvals: Preliminary and Final Major Site Plan approval with variances: In the Matter of the Application AvalonBay Communities, Inc. for preliminary and final major site plan approval with variances: File No. PB1313-047P. Said approvals were granted by the Princeton Planning Board on July 25, 2013 with the Resolution of Memorialization adopted August 12, 2013.
4. The **PROJECT** is shown on plans ("**SITE PLAN**") entitled: "Preliminary and Final Major Site Plan for Avalon Princeton, Lot 1, Block 21.02 and Lots 8-14, Block 7101",

prepared by Jelena Balorda-Barone, P.E., Maser Consulting, dated June 16, 2013 and revised through July 8, 2013 (consisting of Sheets 1-14).

5. The approval for the **PROJECT** sets forth various conditions. The Land Development Ordinances for the former Township of Princeton ("Code of the Township of Princeton, New Jersey, 1968", Chapter 10B) and the former of Borough of Princeton ("Code of the Borough of Princeton, New Jersey, 1972, Chapter 17A) (both hereinafter referred to as the "**CODE**") set forth various requirements for land development within the **PRINCETON** community. The parties intend in this **AGREEMENT** to set forth the terms and conditions of a Developer's Construction Agreement as provided for and required by said **CODES**.

NOW, THEREFORE, in consideration of the above and the mutual undertaking set forth hereinbelow, the parties hereto agree to the following terms, covenants and conditions:

A. Utilities:

The following utilities will be made available to the **DEVELOPMENT**:

1. Electricity and natural gas provided by Public Service Electric & Gas Company;
2. Telephone service provided by carrier of **DEVELOPER's** choice.
3. Public water provided by New Jersey American Water Company.
4. Public sewer with a connection to the Stony Brook Regional Sewerage Treatment Plant.
5. All utilities shall be connected through the existing services. All utilities serving a particular unit and/or structure within the **DEVELOPMENT** shall be installed and operable, and approved by the **PRINCETON** Engineer prior to issuance of

the Certificate of Occupancy, be it temporary or unconditional, for the particular structure or dwelling. All utilities installed underground.

B. Landscaping:

Prior to a Building Permit be issued, the final landscape plan shall be prepared by the **DEVELOPER** for the **DEVELOPMENT** and submitted to the **PRINCETON** Planning Board's Landscape Subcommittee for final review and approval and shall satisfy the conditions for same as set forth in paragraph 17A of the aforementioned Resolution of Memorialization dated August 12, 2013.

C. Stormwater:

The **DEVELOPER** shall confirm the quantity of area of their site disturbance within **PRINCETON**; incorporate the quantity of disturbance into their Soil Erosion and Sediment Control Plan which shall be administratively reviewed and approved by the **PRINCETON** Engineer. Inlet/drainage protection shall be provided for the existing trench drain and inlet within the existing driveway and shall be incorporated into the **DEVELOPER's** Soil Erosion and Sediment Control Plan. The **PROJECT** limits of said Plan shall be extended to include this area.

D. Circulation and Parking:

1. The Reciprocal Access Easement regarding the use of the parking garage, access drives and sidewalks has been administratively reviewed and approved by the Planning Board Attorney.
2. Publically accessible open space, sidewalks and paths shall be open and available to the public. The **DEVELOPER** may adopt reasonable rules and regulations pertaining to the public access to the open space within the Development that is to be

accessible to the public with said rules and regulations being administratively reviewed by the **PRINCETON** Director of Planning. As used in this subparagraph, the publically accessible open space, sidewalks and paths shall be the open space and the passageways for pedestrians set forth on pages 10-11 of the Resolution of Memorialization adopted August 12, 2013. The interior courtyard within Building 1 shall not be considered publically accessible open space.

3. The **DEVELOPER** shall make a reasonable effort to obtain approval from the owner of Block 7101, Lot 15, Princeton Tax Map in order to provide a minimum four (4') foot width sidewalk from Henry Avenue to the proposed **DEVELOPMENT** as approved by the Land Use Engineer. The **DEVELOPER's** Attorney shall inform the **PRINCETON** Attorney with regard to efforts made to satisfy this requirement.
4. The **DEVELOPER** shall provide for up to an additional seventy-five (75) bicycle storage spaces within the parking garage if, in the determination of the **PRINCETON** Planning Director and Land Use Engineer that bicycle storage spaces as proposed by the **DEVELOPER** prove to be inadequate. The heretofore described 75 bicycle storage spaces shall be in addition to the 109 bicycle storage spaces depicted within the buildings in the Site Plan.
5. All handicapped sidewalks shall be ADA compliant.
6. Prior to a Building Permit being issued, the **DEVELOPER** shall be required to submit a Construction Traffic/Hauling Plan for review and approval by the **PRINCETON** Police and the Land Use Engineer.
7. The **DEVELOPER** shall provide to the **PRINCETON** Land Use Engineer prior to the issuance of a Certificate of Occupancy a copy of a certification to be issued by the

DEVELOPER's engineer to the **DEVELOPER** with regard to the structural integrity of the existing garage structure.

8. The **DEVELOPER** shall satisfy all other remaining circulation and parking conditions in accordance with the provisions of paragraph 17C of the Resolution of Memorialization dated August 12, 2013.

E. Public Art:

Although this is not a condition within the Resolution of Memorialization adopted August 12, 2013, **PRINCETON** acknowledges that the **DEVELOPER** has volunteered to contribute the sum of seventy-five thousand (\$75,000.00) dollars to the Princeton Arts Council to provide for the installation of artwork within the **DEVELOPMENT**. This contribution shall be made prior to the issuance of any building permits for the **DEVELOPMENT**. The **DEVELOPER** has volunteered to work with the advisory group that has been established through the Princeton Arts Council to determine the nature and scope of the artwork to be acquired. **PRINCETON** recommends that such artwork be installed within the pocket park shown on the **SITE PLAN** and/or along Witherspoon Street and not in the internal courtyards of the **DEVELOPMENT**. If the **DEVELOPER** and the Princeton Arts Council wish to install the artwork at another location, they shall discuss the matter with **PRINCETON**. The artwork shall be installed after construction of the **DEVELOPMENT** is complete.

F. Pocket Park:

A component of the **PROJECT's** open space shall involve the construction of a pocket park at the corner of Witherspoon Street and Franklin Avenue as reflected on the approved **SITE PLAN**. This pocket park is intended to be open to the public. Prior to finalizing the plans for the pocket park, the Planning Board's Landscape Subcommittee shall review and approve: (1)

the selection of the play equipment to be installed in the play area; (2) the selection of the surfacing for the play area; (3) the color and pattern of the concrete/stamped concrete and pedestrian pavers to be incorporated into the pocket park. The **DEVELOPER** shall be solely responsible for the costs of the initial installation of the foregoing, and **PRINCETON** shall be solely responsible for the costs of any future installations of the foregoing, which shall be subject to the **DEVELOPER's** prior written approval. The pocket park shall be maintained by the **DEVELOPER, and the DEVELOPER** shall continue to be obligated to maintain any future replacement of the foregoing. The pocket park will be open between dawn and dusk and the prohibited uses within the pocket park shall be the same as for other parks and reservations in **PRINCETON** set forth in Section 16-13 of the "Code of the Township of Princeton, New Jersey, 1968". There shall be no smoking permitted in the pocket park. **PRINCETON** and the **DEVELOPER** shall mutually agree upon the name of the pocket park, provided the parties wish to name it. In lieu of a dedication and acceptance of the pocket park, the **DEVELOPER** and **PRINCETON** shall enter into an Easement in the future as reviewed and approved by **PRINCETON** regarding this pocket park, which shall be recorded and shall incorporate the provisions of this paragraph and shall also include provisions permitting Princeton to conduct maintenance of the pocket park at **DEVELOPER's** cost if the **DEVELOPER** fails to properly maintain the pocket park.

G. Demolition:

1. The **DEVELOPER** shall demolish the existing structures on the **PROPERTY**, except as set forth in the **SITE PLAN**.
2. The **DEVELOPER** shall obtain a Demolition Permit from the **PRINCETON** Construction Official pursuant to *N.J.A.C. 5:23-2.17* and comply with all of the terms

and conditions as required by said Construction Official and the New Jersey Uniform Construction Code. Demolition will take place during the hours permitted by municipal ordinance. No construction work on Sunday. Explosives will not be used as a part of the demolition plan. If there are complaints by members of the public regarding the hours of construction, the **DEVELOPER** agrees to work with **PRINCETON** to address such complaints.

3. The **DEVELOPER** shall prepare and submit to the **PRINCETON** construction official and the **PRINCETON** Engineer a formal demolition plan setting forth the nature and scope of the demolition work. The demolition shall be conducted in a fashion so that no debris or other material will adversely impact or damage any of the surrounding residential properties nor the **PRINCETON** right-of-ways. **PRINCETON** hereby agrees the requirement for site plan approval pursuant to Section 17A-173 of the "Code of the Borough of Princeton, New Jersey, 1974" is satisfied.
4. **PRINCETON** shall permit the **DEVELOPER** to commence demolition upon the following: (a) the demolition plan being approved by the **PRINCETON** Engineer pursuant to paragraph K.10 of this **AGREEMENT**; (b) completion of the neighborhood meeting referenced below in this subparagraph; and (c) the posting of the performance guarantee for the demolition work pursuant to paragraph P of this **AGREEMENT**. The demolition plan shall provide for the removal of all asbestos and underground storage tank(s) including the existing fueling facility on the **PROPERTY**. The plan shall also include dust control methods. The demolition plan has been presented to the Mayor and Council of **PRINCETON** for review.

Thereafter, the **DEVELOPER** shall join with **PRINCETON** in hosting a neighborhood meeting prior to the beginning of the demolition work.

5. Notwithstanding the foregoing, the **DEVELOPER** may begin the asbestos removal and underground storage tank removal prior to the neighborhood meeting, which shall be promptly scheduled following the approval by the Council of this **AGREEMENT**. **DEVELOPER** shall be permitted to commence asbestos removal upon compliance with all federal, state and local laws, regulations and ordinances related to same.
6. If at any point, any municipal street needs to be closed for a period of time during demolition, the **DEVELOPER** shall obtain approval from the **PRINCETON** Engineer and Police Department and be responsible for traffic control and safety.
7. The removal of asbestos as a part of the demolition process shall comply with the requirements of *N.J.A.C. 5:23-8.1*.
8. While the demolition is underway, the **DEVELOPER** shall provide periodic status reports to the Mayor and Council of **PRINCETON** as deemed appropriate by the **DEVELOPER** and **PRINCETON**.
9. The approved demolition plan is attached hereto and made a part hereof as Exhibit "A".

H. Harris Road Properties:

The **DEVELOPER** and **PRINCETON** hereby acknowledge the current zoning of the properties on the westerly side of Harris Road to be as follows: R-4 for the two lots in the former Princeton Borough; R-8 for the lots within the former Princeton Township; and G-1 Overlay Zone for one lot and portions of several of the other lots within the former Princeton Township. It is the intention of the **DEVELOPER** to develop or market its properties on the

west side of Harris Road for residential purposes. It is the intention of the **DEVELOPER** and **PRINCETON** to keep these properties zoned for their current use and nothing in this **AGREEMENT** shall be construed to obligate **PRINCETON** to rezone these properties for any other use. The **DEVELOPER** may apply to **PRINCETON** to change lot lines to accommodate the existing garage structure, access and loading area, consistent with the land use approval granted by the Planning Board.

I. Bus Shelter:

If approved by NJ Transit, the **DEVELOPER** shall be responsible for constructing and installing a bus shelter on Witherspoon Street. **PRINCETON** acknowledges that the bus shelter is within the jurisdiction of NJ Transit and, if NJ Transit approves the bus shelter, the details of the bus shelter, including its final location, shall be reviewed by the **PRINCETON** Engineer and the **PRINCETON** Planning Director. Once the bus shelter is installed, **PRINCETON** will adopt an Ordinance officially designating a bus stop at the shelter location. The shelter location shall also have a bike rack and benches.

J. Construction Parking:

Pursuant to the Resolution of Memorialization Condition D(10)(d) and (e), the **DEVELOPER** shall identify where construction and delivery vehicles and contractors' vehicles will park on-site and direct the contractors and those making deliveries to park their vehicles either on-site or at locations approved by the **PRINCETON** Engineer. The **DEVELOPER** shall include provisions in its contracts with all subcontractors who will be working on-site and those making deliveries to the **PROPERTY** requiring that employees park in the parking garage or elsewhere on the site as identified by the **DEVELOPER** or off-site as approved by the **PRINCETON** Engineer. The **DEVELOPER** shall make every reasonable effort to have

contractors, workers and those making deliveries to the **PROPERTY** not park on public streets. The **DEVELOPER** shall prepare and submit for approval to the **PRINCETON** Engineer a Construction Parking Plan. This Plan may include off-site parking. This requirement shall be applicable to all work on the project (demolition and construction phases).

K. Environmental Compliance:

During the demolition and construction phase of the **PROJECT**, the **DEVELOPER** shall comply with all applicable Federal, State and local environmental regulations, including the implementation of a Soil Erosion and Sediment Control Plan.

Environmental compliance shall include the following in addition to the requirements provided in the demolition plan attached hereto as **Exhibit "A"**:

1. Should any environmental contamination or waste be discovered during the redevelopment of the **PROPERTY**, the **DEVELOPER** shall be responsible for complying with all applicable laws and regulations.
2. All monitoring wells shall be sealed consistent with NJDEP regulations.
3. Prior to a certificate of occupancy being issued, all abandoned underground storage tanks (UST) and their associated piping shall be removed. Soil samples shall be required to be taken beneath the tanks when they are removed. If any of these samples are found to contain contaminants in concentrations that exceed NJDEP standards, the **DEVELOPER** shall immediately notify **PRINCETON** and appropriate remediation shall be completed as required by NJDEP with reports provided to the Land Use Engineer and the **PRINCETON** Environmental Consultant. A licensed site remediation professional or his or her designee (LSRP) shall be required to monitor soil conditions for contamination from underground storage tanks

and ensure removal follows NJDEP regulations. If required, the LSRP shall issue a Response Action Outcome in accordance with the NJDEP regulations.

4. If evidence of a potential septic system is discovered during demolition or construction, the Land Use Engineer shall be immediately notified and such condition shall be addressed in accordance with NJDEP guidelines.
5. The gas filling station and all related equipment on the **PROPERTY** shall be removed in accordance with NJDEP regulations.
6. Any asbestos abatement shall be conducted prior to and during building demolition in accordance with applicable laws and regulations. A person qualified in the management and handling of asbestos contained material shall report to the Land Use Engineer during asbestos removal.
7. The existing fence and concrete pad that previously enclosed and supported the above ground oxygen tank on the property shall be removed.
8. During construction or demolition, the site shall be monitored by the Land Use Engineer or his or her designee and as required by the applicant's LSRP with regard to soil conditions related to potential contamination on the **PROPERTY**.
9. The **DEVELOPER** shall exercise reasonable efforts to abide by the contents of the Green Development Information Statement as attached to the Planning Board Resolution of Memorialization dated August 12, 2013 including designing the **DEVELOPMENT** to qualify as a LEED for Homes to a Silver level and to obtain certification for Energy Star v3 provided that the New Jersey state incentives remain at current levels for this program. The **DEVELOPER** however will not be required to undergo the certification process for LEED for Homes. The **DEVELOPER** shall

file with the Municipal Engineer periodic reports evidencing compliance with this requirement.

10. Prior to the issuance of a demolition permit in accordance with paragraph G herein above, a site demolition and construction plan shall be submitted for review and approval by the Land Use Engineer.

L. Affordable Housing Development Fees:

Since the **PROJECT** contains the construction of fifty-six (56) affordable rental units, the **DEVELOPER** is not required to make a contribution to **PRINCETON** for residential affordable housing development fees. The affordable housing units will be constructed and marketed in accordance with all COAH, UHAC and local ordinance requirements. At least 13% of the units shall be affordable to very low income households as defined by the Fair Housing Act and COAH regulations. Deed restrictions shall be for 30 years.

M. Preconstruction Road Conditions:

Prior to commencing construction, the **DEVELOPER** shall video all of the municipal roads surrounding the **PROPERTY** and those to be utilized providing access to and from the **PROPERTY** in order to determine the condition of said municipal roads prior to construction. This obligation to video shall be for the following municipal roads: (1) all municipal roads adjacent to the **PROPERTY**, which are Harris Road, Franklin Avenue, Henry Street and Witherspoon Street; (2) and the municipal roads within **PRINCETON** along the route(s) the **DEVELOPER** will use from State Highway Route 206 and State Highway Route 27 for construction vehicle access to/from the **PROPERTY**. Said municipal roads will be inspected by **PRINCETON** prior to the completion of construction. It shall be the responsibility of the **DEVELOPER** to repair and restore said municipal roads to the condition they were in prior to

construction excepting for ordinary wear and tear, if the damage to the municipal roads was likely caused by construction vehicles related to the **PROJECT** as reasonably determined by the **PRINCETON** Engineer. This repair and restoration shall be undertaken and completed prior to the release of the **DEVELOPER's** performance bond.

N. Recycling and Reuse:

The **DEVELOPER** shall comply with all applicable recycling requirements. While compliance with LEED criteria for a LEED rating is required only "to the extent practical" the **DEVELOPER** shall exercise reasonable efforts to design the **PROJECT** to qualify as a LEED for Homes to a Silver level although the **DEVELOPER** is not required to undertake the certification process as provided for hereinabove.

O. Noise:

Construction work by the **DEVELOPER** shall be limited to hours permitted by municipal ordinance with no work on Sunday and will comply with the requirements of the **PRINCETON** noise ordinance standards. Any relocated air vents/blowers or all HVAC equipment shall also comply with **PRINCETON** Noise Ordinance standards. The **DEVELOPER's** demolition plan (see Exhibit "A" attached) shall also comply with this requirement.

P. Performance Bond:

Pursuant to *N.J.S.A. 40:55D-53.a(1)*, the **DEVELOPER** shall provide to **PRINCETON** a performance guarantee in an amount not-to-exceed one hundred twenty (120%) percent of the site improvement costs of the **PROJECT**, which is attached hereto as Exhibit "B". This bond shall be posted prior to commencement of site construction and the obligations of the parties with respect to the performance guarantee shall conform to the requirements of the Municipal

Land Use Law. In AVALONBAY's discretion, AVALONBAY may chose to provide a performance guarantee for the demolition of the site separate and distinct from the performance guarantee for the site improvement costs of the **PROJECT**. The amount of the performance guarantee for the demolition is as set forth in Exhibit "C" attached hereto and incorporated herein as if set forth at length. The performance guarantee for the demolition may be in the form of a letter of credit and shall be governed as a performance guarantee pursuant to the provisions of the Municipal Land Use Law, *N.J.S.A.* 40:55D-53.a(1).

Q. Maintenance Guarantee:

Pursuant to *N.J.S.A.* 40:55D-53.a(2), after final acceptance of any improvements by **PRINCETON**, the **DEVELOPER** shall post a maintenance guarantee for two (2) years in an amount not-to-exceed fifteen (15%) percent of the cost of the improvement(s) accepted by **PRINCETON**. The obligations of the parties with respect to the maintenance guarantee shall conform to the Municipal Land Use Law.

R. Inspection Fees:

Pursuant to *N.J.S.A.* 40:55D-53.h, the **DEVELOPER** shall provide to **PRINCETON** a deposit for inspection fees for the inspection of the demolition and construction of improvements on the **PROPERTY**. The obligations of the parties with respect to the inspection fees shall conform to the Municipal Land Use Law.

S. Developer Representation On Site:

The **DEVELOPER** shall have an authorized representative on site or available by phone during demolition and construction as provided for hereinabove 24 hours a day and seven days a week. This representative shall be identified to the **PRINCETON** Engineer. This representative shall have the authority to correct any defect and to correct any unsafe conditions as noted by the

PRINCETON Engineer, Construction Official, Health Officer, Police Department, or their authorized representatives.

T. Permits:

The **DEVELOPER** shall obtain and maintain in its possession all local, State and Federal permits and approvals required to construct the **PROJECT** not later than December 31 of each year the **PROJECT** remains under construction.

U. Resolution of Memorialization Compliance:

The **DEVELOPER** shall satisfy all conditions of approval as set forth in the Resolution of Memorialization dated August 12, 2013. Nothing in this Agreement shall modify the conditions of approval set forth therein.

V. Enforcement:

The parties retain all rights under the law to enforce the terms of this Agreement.

W. Phased Occupancy:

DEVELOPER intends to seek temporary certificates of occupancies for portions of the buildings within the **DEVELOPMENT** while other portions of the building are still under construction. **PRINCETON** has no objection to such a phased occupancy of the buildings. The **PRINCETON ENGINEER** and the Princeton Fire Marshall and Construction Official shall establish parameters for the phased occupancy of the **DEVELOPMENT** after the issuance of the building permit and shall cooperate with the **DEVELOPER** in ensuring that such adequate safety precautions are provided to ensure that there is no danger to health and safety to the public and the occupants of the buildings. Notwithstanding the foregoing, nothing in this Agreement shall relieve the **DEVELOPER** from satisfying the requirements of the Uniform Construction

Code and from obtaining a temporary certificate of occupancy from the Princeton Construction Code Official.

X. Additional Approvals:

The **DEVELOPER** shall obtain the following additional approvals:

1. Mercer County Planning Board (already received)
2. Mercer County Soil Conservation District
3. Delaware and Raritan Canal Commission
4. Princeton Sewer Operating Committee
5. Stonybrook Regional Sewerage Authority
6. NJDEP Request For Authorization (RFA)
7. NJDEP Treatment Works Approval

Y. Amendments to Agreement:

Except as herein otherwise specifically provided, no subsequent alterations, amendments, changes or additions to this Agreement shall be binding upon either party unless reduced to a writing and signed by each party.

Z. Successors and Assigns Bound:

All of the terms and conditions herein contained shall be for and shall inure to the benefit of and shall be binding upon the respective parties hereto and their successors and assigns.

AA. Notices:

All notices hereunder shall be in writing given by personal delivery or by certified mail, return receipt requested, postage prepaid, addressed as follows:

1. **As to the DEVELOPER:**

AvalonBay Communities, Inc.
Woodbridge Place
517 Route 1 South
Suite 3500
Iselin, NJ 08830

and AvalonBay Communities, Inc.
Attn: Jon Vogel
275 7th Ave - 25th Floor
New York, NY 10001

William M. McLaughlin
Executive VP of Development
and Construction
AvalonBay Communities, Inc.
51 Sleeper Street, Suite 750
Boston, MA 02210

and Ted Schulman
General Counsel
AvalonBay Communities, Inc.
Ballston Tower
Arlington, VA 22203

with a copy to:

Robert A. Kasuba, Esq.
Bisgaier & Hoff, LLC
21 Tanner Street
Haddonfield, NJ 08033

2. **As to PRINCETON:**

Princeton Administrator
400 Witherspoon Street
Princeton, NJ 08540

with copies to:

Municipal Attorney
Mason, Griffin & Pierson, P.C.
101 Poor Farm Road
Princeton, NJ 08540

and Municipal Engineer
400 Witherspoon Street
Princeton, NJ 08540

or such other addresses and to the attention of such other persons as may be designated from time to time in writing.

BB. Authorized Act:

All parties hereto agree that the execution of this Agreement is the authorized act of each of the respective parties hereto.

IN WITNESS WHEREOF, the parties have hereunto caused this document to be signed and hereby bind their assigns, heirs, successors in interest and executors the day and year first written above.

ATTEST:

PRINCETON

Linda S. McDermott, Clerk

By: _____
Liz Lempert, Mayor

AVALONBAY COMMUNITIES, INC.

By: _____



Corporate Headquarters
7 Pleasant Hill Road
Cranbury, NJ 08512

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**ADDENDUM TO LSRP-EXPERT REPORT
REGARDING ENVIRONMENTAL ISSUES
AT
UNIVERSITY MEDICAL CENTER AT PRINCETON
PRINCETON, NEW JERSEY**

On March 4, 2014 I provided my expert report on Environmental Issues to Robert V. Kiser, P.E., Municipal Engineer of Princeton, New Jersey. On March 10, 2014 I testified to the contents of that report and my recommendations before the Municipal Council and the public.

Subsequent to my appearance before the Municipal Council, I have had further discussions with municipal officials including professionals and elected officials, received numerous inquiries and information from members of the community through the Municipal Engineer's office, and had a limited discussion with environmental consultants for Avalon Bay.

As a result of new information and input, I have been asked by the Municipal Engineer to provide an addendum to my March 4 report, and to present my recommendations at the Municipal Council meeting of April 7, 2014. I was directed by the Municipal Engineer to include the following in this Addendum.

- A list of environmental issues and concerns raised by the Princeton community that should be addressed.
- Protocols for three important components of the demolition and decommissioning process.
- Recommendations on addressing the community's concerns with a program of environmental sampling.

Attached to this addendum is Avalon Bay's letter to John M. West, P.E., P.P., Land Use Engineer dated March 6, 2014. RE: Final Summary/Submission – Demolition Plan, Avalon Bay Communities, Inc. – Former University Medical Center at Princeton. My Addendum includes comments on some portions of this letter.

Environmental and Engineering Excellence from Concept to Completion

Environmental Issues and Concerns Raised by the Princeton Community

1. Medical Waste Incinerator(s)

One or more medical waste incinerators operated at the Princeton Hospital until approximately 1990. Such incinerators produce airborne discharges that according to literature reports may include the following hazardous substances.

- Inorganic heavy metals, including mercury, cadmium, lead, etc.
- Organic combustion by-products, including dioxins and furans.

Incinerator waste materials may be transported and distributed by the following pathways.

- Airborne transport and deposition
- Deposition in soil beneath or adjacent to the incinerator
- Water conveyance through floor drains, sewer pipes and roof drains
- Ash or residue from the incinerator deposited or buried on-site.

I have considered the possibility that some materials that were intended to be incinerated were mishandled and were separated from the waste stream into the incinerator.

2. Hazardous Waste Management

Princeton Hospital was a “hazardous waste generator” as defined by the Federal Resource Conservation and Recovery Act (RCRA). Regulated hazardous wastes generated by the hospital likely included:

- Heavy metals
- PCBs
- Volatile Organic Compounds (VOCs), including halogenated solvents and non-halogenated substances.

Being a hazardous waste generator under RCRA indicates the presence of a hazardous waste management system at the former Hospital, and does not suggest a need for post-operation sampling at the exterior of the building. The hazardous substances listed above are the target of sampling at areas of concern where sampling is recommended.

3. Sewers, Drains and Septic Systems

It is not known whether a septic system ever existed and in use on the Princeton Hospital site, however the presence of a septic system was reported in the Phase I Environmental Assessment by EcolSciences in September 2011. It is known that there are sewer pipes and drain pipes beneath the existing structures. Given the use of hazardous materials by Princeton Hospital, septic systems and broken sewer and drain pipes are a concern.

4. Reuse of Surface Soil

With the former hospital site being redeveloped, it is not known whether soil present on-site will be reused at the surface for public access including playgrounds, parks or green areas. If Avalon Bay does plan to reuse soil at the surface, that soil should be tested to see if it meets residential cleanup standards for key chemical parameters. The alternative to soil sampling is to replace all such soil with certified clean fill.

5. Masonry/Concrete

Avalon Bay is planning to crush concrete from the Princeton Hospital site for reuse on site as backfill to create roadway ramps down into the excavated areas. Concrete and masonry had been sampled for the presence of asbestos, but not for the presence of PCBs.

6. Underground Storage Tanks (USTs)

Four active and two abandoned underground storage tanks are to be excavated and removed by Avalon Bay under the supervision of an LSRP. As part of this addendum, I have prepared for your information a protocol statement for UST removals.

7. Asbestos

The Princeton Hospital buildings are known to contain asbestos. The demolition contractor must retain an asbestos removal contractor who is to operate under the protocols described in this addendum.

8. Lead Paint

The Princeton Hospital buildings are known to contain leaded paint. The demolition contractor is to remove and dispose building debris with lead paint under the protocols described in this addendum.

Decommissioning – Demolition Protocols

The Municipal Engineer requested that for information purposes I provide an outline description of protocols for site decommissioning and demolition with environmental consequences.

As of this date, April 3, 2014, it is my understanding that all interior areas of the hospital building have been fully decommissioned, including

- Removal of stored waste materials
- Removal of X-Ray equipment
- Removal of laboratory equipment and chemicals.

The following three decommissioning/demolition issues appear to be of the greatest concern to municipal officials and the public.

1. Underground Storage Tanks (USTs)

There are six (6) known USTs on the Princeton Hospital site; four (4) active tanks and two (2) inactive tanks, previously closed under NJDEP regulations. The USTs were the subject of EcolSciences Phase II Environmental Assessment conducted for Avalon Bay in 2011.

Removal of USTs is fully regulated by NJDEP under its Underground Storage Tank Regulations, N.J.A.C. 7:14B. UST removal, and subsequent documentation to NJDEP is to be conducted by, or under the supervision of a Licensed Site Remediation Professional (LSRP). The UST removal protocol includes:

- Notification to NJDEP of the de-listing and closure of the tanks.
- Draining and cleaning of tanks.
- Excavation of tanks and related underground piping.
- Off-site disposal of tanks or scrap from tanks.
- Soil sampling beneath tanks at locations specified under NJDEP regulations (N.J.A.C. 7:26E, Technical Requirements for Site Remediation).
- Analyses of soil samples for specified petroleum related parameters.
- If contamination is found, additional soil sampling to delineate extent of soil contamination (and remediation where warranted).

- Backfill excavations with certified clean fill.
- Filing of appropriate forms and reports with NJDEP by the designated LSRP.

2. Asbestos Removal

Avalon Bay has conducted an asbestos survey of the Princeton Hospital Center, and has identified the type and location of Asbestos Containing Materials (ACM) within the hospital buildings. The asbestos removal process is regulated, as follows:

- All asbestos abatement must be completed by a New Jersey Department of Labor Certified Asbestos Contractor.
- Employees of the asbestos removal contractor must be certified as asbestos workers by the New Jersey Department of Labor. There must also be one certified asbestos supervisor.
- The Licensed Asbestos Contractor must conduct Transmission Electron Microscopy air monitoring during and after the asbestos removal (normally done by a third party).
- All ACM must be removed from the building before proceeding with building demolition. Asbestos removal must be verified by a USEPA accredited Building Inspector.
- The EPA accredited Building Inspector must provide a letter to the local construction official that all known asbestos listed in the building asbestos survey has been removed.

3. Leaded Paint Removal

Some interior surfaces of the Princeton Hospital buildings contain leaded paint. Lead based paint is not mandated by the state or federal government to be removed during demolition. Avalon Bay's demolition contractor intends to remove loose or flaked paint prior to demolition.

- Lead paint during demolition is regulated under the USEPA's general NESHAP regulations (National Emission Standards for Hazardous Air Pollutants) under visible or particulate emissions (dust), 40 CFR part(6)
- Under 40 CFR, during demolition no visible emissions are to occur
- The demolition contractor will employ active dust control measures.
- Avalon Bay will employ four (4) active dust monitors throughout the demolition process.

Recommended Sampling

Sampling is recommended in relation to five (5) use areas/areas of concern on the Princeton Hospital site. All sample analyses recommended are specified in the attached table. In general, sampling protocols should follow NJDEP's *Technical Guidance for Site Investigation of Soil*, and the August 2005 *Field Sampling Procedures Manual*.

1. Medical Waste Incinerator

- A. Exterior Soil Samples – At locations specified in Report of March 4, 2014, amended in Avalon Bay letter to John M. West, P.E., P.P., March 6, 2014
- B. Soil Below Incinerator Room – One soil sample directly beneath invert or floor drain pipe.
- C. Floor Drain – Avalon Bay is committed to a television survey of the drainage system beneath the floor drain at the incinerator, and the sanitary sewer it discharges to. Soil samples will be taken beneath all breaks and open joints in the pipes.
- D. Ash or Residue – Soil samples will be taken if ash or residue is observed on the ground (or in soil) during demolition.

2. Soil Reuse Areas

Any areas on the redeveloped property where soil is to be reused at the surface (playgrounds, planting beds, etc) will be subject to soil sampling. If a reuse area exceeds 900 square feet in area, at least one additional soil sample is necessary.

3. Soil Beneath Drains, Sewers, Septic System Components

As demolition proceeds, soil beneath broken areas and open joints of drain pipes, sewer pipes or septic system components will be subject to soil sampling.

4. Evidence of Environmental Contamination, Suspect Soil or Suspect Waste Materials Encountered During Redevelopment

Avalon Bay addresses this point in Section 6d of its March 6, 2014 letter to John M. West, P.E., P.P. See my comments regarding that letter.

5. Crushed Concrete Reused on Site

Concrete crushed on site and used on site should meet current soil remediation standards, the same as backfill material.

The concern is PCBs related to building demolition, which is sometimes present unexpectedly and usually due to historic sources. At least one sample should be taken from three (3) different concrete/mortar materials crushed on-site for this purpose.

**Recommended Sampling at University Medical Center
at Princeton ⁽⁴⁾**

USE AREAS OF CONCERN	ANALYTICAL PARAMETERS				DEPTH
	VOCs (1)	METALS (2)	DIOXINS/ FURANS	PCBs	
1. MEDICAL INCINERATOR					
A Exterior Soil	X	X	X		0"-6"
B Soil Below Incinerator	X	X	X	X	0"-6"
C Beneath Floor Drain(s)	X	X	X		0"-6"
D Ash or Residue	X	X	X	X	0"-6"
2. SOIL REUSE AREAS (SURFACE)	X	X	X		0"-6"
3. SOIL BENEATH DRAINS, SEWERS	X	X		X	0"-6"
4. SUSPECT SOIL OR WASTE	X	X	X	X	0"-6"
5. CRUSHED CONCRETE REUSED ON SITE				X	0"-6" ⁽³⁾

Notes

- (1) Screening for Volatile Organic Compounds (VOCs) with a PID or similar field screening instrument. If VOCs are present, laboratory analysis for Volatile Organics. If VOCs cannot be detected by field screening instrumentation, it can be assumed that no source of VOCs is present; hence it is not necessary to collect and analyze a soil sample for laboratory analysis of VOCs. Soil samples to be analyzed for VOCs in the laboratory should be taken from the six inch interval with the highest PID reading in the top two (2) feet of soil.
- (2) Priority Pollutant Metals, PP (13)
- (3) Sample must include material from exterior surface of concrete
- (4) If any material is present at concentrations in excess of residential remediation standards, additional vertical and horizontal delineation samples will be necessary as per N.J.A.C. 7:26E, Technical Requirements for Site Remediation

Comments on Avalon Bay Letter of March 6, 2014 (attached)

My comments pertain to Sections 4, 6 and 15 of the Avalon Bay letter.

Section 4. Avalon Bay added three (3) additional particulate air monitors at my request – they are correct that there is no regulatory requirement for this additional monitoring.

The particulate matter instantaneous alarm level of 75 micrograms per cubic meter is half of the regulatory threshold value.

Immediate notification to the Municipal Engineer if an exceedance is registered by a dust monitor is in keeping with the needs and concerns of the Princeton community and municipality.

Avalon Bay's plan for removal of loose paint is satisfactory.

Section 6. Avalon Bay's general approach to materials suspected of being contaminated during demolition is satisfactory. All final decisions on the need to test, and the nature of the tests should be made by Avalon Bay's LSRP assigned to this project.

The need to test imported and exported soil is in keeping with NJDEP requirements.

- 6a. The analyses specified by me previously for testing beneath the incinerator room drain, and agreed to by Avalon Bay, have been expanded to include Volatile Organic Compounds, and Priority Pollutant Metals.
- 6b. The locations for sampling for deposition from the former incinerator stack are acceptable. The analyses specified previously for testing at exterior areas of soil have been expanded to include Volatile Organic Compounds and Priority Pollutant Metals.
- 6c. The location for sampling beneath the incinerator is acceptable. The analyses specified previously have been expanded to include Volatile Organic Compounds, Priority Pollutant Metals and PCBs.
- 6d. Avalon Bay's agreement to sample where there is evidence of environmental contamination, suspect soil or suspect waste materials encountered during redevelopment is acceptable.

Such materials should be sampled and analyzed for Volatile Organic Compounds, Priority Pollutant Metals, dioxins and furans, and PCBs.

Avalon Bay's contention that they found no suspected PCB containing materials in 2011 appears to be correct; however Avalon Bay failed to identify the historic presence of at least two (2) medical waste incinerators. PCBs were highly likely to have been used in equipment at the hospital prior to 1980, hence PCBs may be present as a result of historic sources and discharges. All soil samples taken within the footprint of all of the hospital's buildings should include PCBs among the targeted chemical parameters analyzed, because of the uncertainty of the presence of PCBs.

Section 15 With regard to asbestos removal, we note that there are no NJDEP guidelines, and compliance must be with New Jersey DOL and DOH guidelines, and USEPA guidelines.

While the procedures for asbestos removal outlined by Avalon Bay are generally acceptable, the monitoring details (starting with "One Millipore Cassette") should be clarified, if possible.



Ira L. Whitman, P.E., LSRP

April 3, 2014



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March 6, 2014

Mr. John M. West, P.E., P.P.
Land Use Engineer
Municipality of Princeton
Municipal Building
400 Witherspoon Street
Princeton, NJ 08540-3496

Re: **Final Summary/Submission – Demolition Plan**
AvalonBay Communities Inc. - Former University Medical Center at Princeton

Dear Mr. West:

Enclosed please find AvalonBay's Demolition Plan for the above referenced property. The Demolition Plan consists of the following items:

- Asbestos/Demolition Plan
- Dust Monitoring Plan
- Lead Based Paint & Universal Waste Survey
- MAP-Adjoining Property Survey
- Noise Monitoring Plan
- Pre Demolition Asbestos Survey
- Site Security Fencing Plan
- Traffic Plan
- Underground Storage Tank Removal

In addition, the Demolition Plan items above are modified and/or supplemented as follows:

1 – Fencing - In the location shown on the submitted plan, all perimeter fences shall be installed 8'-0" high with fabric (green and/or black). The site fence will be secured during off work hours but there will not be a security guard or cameras.

2 – Pre-Demolition Inspection - AvalonBay has attached a map of the adjoining properties (shown in blue) which will be contacted prior to the start of demolition for a pre-existing survey. Interior and exterior pictures of these properties will be submitted to the Municipal Engineer to document any pre-existing damage, subject to permission being granted by the property owner.

3 – Noise Monitoring - Please see the attached noise monitoring plan from a third party acoustical noise consultant, Cerami Associates. The system will include four (4) noise monitors, one (1) set at each corner of the site. Data can be accessed by Cerami via a

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web based "real time" feature should the need arise. Due to the proprietary nature of the system, access from outside is limited. In addition to the "real time" access to data through Cerami, results of the noise monitoring shall be submitted to the Municipal Engineer weekly. Crushing of concrete and masonry on site shall be conducted consistent with this Demolition Plan and in accordance with the Princeton Noise Ordinance. Should at any time the concrete crushing operation result in a violation of the Princeton Noise Ordinance or dust exceedances beyond the action level that we have set in Section #4 below, than the crushing operation shall be suspended until such time as the violation or exceedance has been rectified to the reasonable satisfaction of the Municipal Engineer.

4 - Dust Monitoring and Lead Paint - As reviewed and discussed at public council hearings, one particulate air monitor will be installed proximate to and down wind of the area of work. Although there is no regulatory requirement for any additional monitoring, the demolition/asbestos contractor will add three (3) additional particulate air monitors. Please note that there are two separate types of air monitoring. One type monitors all dust particulate that gives an instantaneous alarm when particulate matter exceeds 75 micrograms per cubic meter which is half of the threshold value and will be considered the action level to stop work and perform corrective action via additional wetting or changing procedures during demolition. A weekly read-out will be provided to the Municipal Engineer for review. If one or more of the particulate air monitors registers an exceedance, AvalonBay will immediately notify the Municipal Engineer. The use of multiple particulate monitors combined with additional wetting or other appropriate changes in procedures will add an extra layer of protection to insure dust and debris, including any lead paint, are closely controlled on site. The other air sampling device to be used on site is for asbestos monitoring. See further information on asbestos procedures in Section #15 below. As to lead paint, any loose paint shall be scraped and vacuumed with HEPA equipment prior to the demolition of that portion of the structure and misting with water amended with surfactant will be performed throughout the demolition to ensure no airborne contaminants escape from the site.

5. Site Lighting - No site lighting will be erected on the property during demolition, as requested.

6. Environmental Condition of the Site - If during demolition any materials suspected of being contaminated are uncovered, the Developer will have its LSRP or its designee examine and test said materials if and as required and in accordance with the applicable environmental protocols for said materials. All material to be taken off the Property shall be identified and disposed of in accordance with applicable regulations. Testing of non-soil material shall be conducted prior to disposal if and as required by State and County regulations. AvalonBay will contact its LSRP to test any soil imported to or exported from the site. Copies of all test results shall be furnished to the Municipal Engineer.

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In its report prepared for Municipality of Princeton, Mr. Whitman has raised several issues with respect to the former incinerator at the site and suggested the following to address those issues: 1) inspecting the former incinerator room drain and sewer piping, 2) testing on the property for deposition from the former incinerator stack, 3) investigating the soil below the incinerator room, and 4) testing any environmentally suspect materials encountered during earthwork. Prior to the February 24, 2014 meeting, AvalonBay agreed to complete investigations relative items 1 and 4. Although EcolSciences and AvalonBay continue to maintain that the incinerator is not a Recognized Environmental Condition per ASTM and further investigation of the site is not required by NJDEP regulations, AvalonBay will conduct the following investigations to address the concerns raised in the Whitman report:

- a. Inspecting the Former Incinerator Room Drain - A plumbing professional will be engaged to inspect the floor drain piping present beneath the former incinerator room and in the street outside the room using video equipment under the oversight of EcolSciences. If no breaks in the piping are identified, no further investigation will be conducted. If any breaks in the piping are identified, the break locations will be marked on the ground surface and a soil boring investigation will be conducted under the oversight of EcolSciences. Specifically, one soil boring will be advanced at each break location. The boring will extend to a depth of at least one foot below the depth of the broken piping and a sample will be collected from the six-inch depth interval below the broken piping and analyzed at a NJDEP-certified laboratory for dioxins, furans, cadmium, and mercury. This testing will be done regardless of whether there is any indication of a discharge other than the break in the pipe.
- b. Test for Potential Deposition From the Former Incinerator Stack - EcolSciences will collect one sample from the grass area behind the former oxygen tank fenced area near the parking deck, a location agreed upon with Dr. Whitman and the Princeton officials present during the February 24, 2014 site walk. A second sample was also proposed in a landscaped area across from the door to the incinerator room during the site walk. However, further inspection of the exterior of the building revealed the presence of a roof drain from a portico roof that discharges to bare soil located in close proximity to the proposed second sample location. EcolSciences proposed relocating the second sample location to the discharge point of the roof drain during a March 5, 2014 telephone conversation with Dr. Whitman. Dr. Whitman indicated during the telephone conversation that the revised sample location is acceptable. Each sample will be collected from the 6-12 inch depth interval with a hand auger and submitted to a NJDEP-certified laboratory dioxins, furans, cadmium, and mercury analysis.
- c. Soil below the Incinerator Room - Upon removal of the floor drain piping during demolition, one soil sample will be collected from the six-inch depth

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interval below the invert of the floor drain pipe. The sample will be submitted to a NJDEP-certified laboratory for lead, dioxins, furans, cadmium, and mercury analysis.

d. Evidence of Environmental Contamination, Suspect Soil, or Suspect Waste Materials Encountered During Redevelopment – This issue was previously addressed in the Developer's Agreement. Specifically, any suspect soil or suspect waste materials (including potential incinerator ash or residue) encountered will be sampled, reported to the NJDEP (if required pursuant to State law) and remediated (if applicable) in accordance with all applicable NJDEP standards and regulations.

Upon completion of the testing described above, the results will be provided to Princeton. In addition to the incinerator, Dr. Whitman raised a concern regarding the potential for polychlorinated biphenyls (PCBs) in the demolition debris. AvalonBay's demolition contractor has assessed the material in the building to ensure proper handling and disposal. No suspected PCB containing materials were identified during this assessment. Furthermore, EcolSciences' Phase I Environmental Site Assessment did not identify any potential sources of PCB contamination on the site. If suspected PCB containing materials or equipment are encountered during demolition, these materials will be tested to ensure proper handling and disposal, and the test results will be provided to Princeton. Also, in response to Dr. Whitman's recommendation regarding particulate air monitoring during demolition, four air monitoring stations will be used, as per the procedures in Section # 4 above.

7 – Fire Safety - It is agreed and understood that any and all Siamese connections and hydrants will not be blocked at any time during the course of work.

8 – Witherspoon Street - AvalonBay will provide a minimum of ten (10) days notice to the Princeton Engineering Department and the Police Department prior to any planned work and shutdown of Witherspoon Street for their review and approval. There will be no need for overhead sidewalk protection. Any closures of Witherspoon Street shall be proposed during "off hours" so as not to conflict with school schedules.

9 – Site Logistics/MOB - Trained staff will be on site to act as flagmen for any trucks exiting or entering the site to ensure safe truck/pedestrian logistics and coordination. In connection with the safeguarding of the occupants of the adjacent Medical Arts Buildings, AvalonBay will advise the owner of the intended start date of any demolition activities to occur within 100 feet of its property no less than one (1) week prior to start of such work. A copy of such letter will be provided to the Municipality of Princeton. The same fencing, noise, dust and erosion control methods will be used for this area of

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work as at the rest of the demolition site. The Medical Arts Buildings will not need to be vacated.

10 – Waste Documentation - All documentation submitted to the Mercer County Waste Flow Enforcement Officer will be forwarded to the Municipal Engineer.

11 – Fueling Station and USTs - The above ground fueling station and any other above ground petroleum related facilities will be removed prior to or concurrently with the demolition of the buildings. The existing three (3) monitoring wells will be removed and sealed by a New Jersey licensed well driller with oversight by AvalonBay's LSRP prior to underground storage tank removal. All three wells are located in the same area as the tanks that are scheduled to be removed. Please see the plan included from EcolSciences for locations.

12 – On-Site Personnel - A detailed list of personnel who will be on site during demolition from AvalonBay and the demolition contractor's key staff shall be given to the Municipal Engineer. Contact information will include cell phone numbers and email addresses.

13 – Pest Control - A licensed exterminator will be engaged two (2) weeks prior to the start of any demolition work. All documentation will be forwarded to the Health Department, Engineering Department and Building Department.

14 – Runoff - The nature of the wetting process typically does not result in storm water runoff as relatively little water is to be used. That said, as an extra precaution AvalonBay will follow the Maser Consulting "SWPP" (Storm Water Protection Plan) attached. The erosion control methods identified therein will be installed prior to the commencement of demolition, i.e. silt/erosion control fence, inlet fabric protection and hay bales at inlets and catch basins.

15 – Asbestos - Please see the attached report from Environmental Waste Management Associates (EWMA). EWMA will be contacted and follow the applicable testing protocol for any materials uncovered during the course of the asbestos remediation. During the demolition process, walls, ceilings, columns and other encasements will be removed and all unforeseen material discovered during the course of such work will be sampled and tested as per applicable law and regulations, including strict DOL and DEP guidelines, as is standard practice throughout all asbestos abatement work conducted in New Jersey. Asbestos containing material on the exterior of the building has been classified as Category 1 Non-Friable Material. As a result, these exterior materials are exempt from the containment regulations that apply to friable asbestos materials as per the requirements of National Emissions Standards for Hazardous Air Pollutants (NESHAPS) 40 CFR 61.140 and NJSA 34.5 A-32 et seq. However, the standard 10-day notification assures that the Department of Labor will be conducting compliance

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inspections of the entire project. If previously undetected asbestos materials are identified to contain 1% or more of asbestos, then they will be removed in accordance with the applicable laws and regulations identified above. All asbestos containing material will be disposed through the Mercer County Improvement Authority's scale-house per NJDEP waste-flow regulations and ultimately sent to Waste Management's GROWS landfill in Morrisville, PA. One Millipore Cassette will be mounted on a calibrated pump that will be sent to a laboratory for PLM microscopy to identify all fibers that are 3 microns long with an aspect ratio of 3 to 1. If these are found to exceed the OSHA threshold value of 0.1f/cc, they will then be exposed to TEM analysis to identify the actual percentage of asbestos fibers in the sample content.

Should you have any questions or comments, please do not hesitate to contact me at your earliest opportunity.

Regards,



Jon Vogel
Vice President

CC:

Mitch Forlenza, AvalonBay Communities
Albert Hromin, AvalonBay Communities