

# ***WEINER LESNIAK LLP***

***Attorneys at Law***

629 Parsippany Road

P.O. Box 0438

Parsippany, New Jersey 07054-0438

(973) 403-1100

Facsimile (973) 781-1495

RICHARD BRIGLIADORO

NJ BAR

rbrigliadoro@weinerlesniak.com

November 29, 2004

**VIA FEDERAL EXPRESS**

OV

Teri Massood, Borough Administrator  
Borough of Stanhope  
Municipal Building  
77 Main Street  
Stanhope, New Jersey 07874

**Re: Hopatcong Adult, L.L.C./D.R. Horton, Inc. New Jersey  
Block 20002, Lot 3  
Block 20202, Lot 1  
Block 20203, Lot 3  
Block 20204, Lot 1  
Block 20205, Lot 1  
Block 20215, Lot 1  
Block 20216, Lot 1  
Block 20217, Lot 1  
Block 10002, Lot 1  
Hopatcong, New Jersey  
Borough of Stanhope Water/Sewer Issues  
Our File No. 18540**

Dear Ms. Massood:

As you are aware, this office represents Hopatcong Adult, L.L.C./D.R. Horton, Inc. New Jersey in connection with an application presently pending before the Borough of Hopatcong Planning Board in regard to the above-captioned property. The nature of the application before the Planning Board is to construct an age-restricted active adult housing development for individuals 55 years of age and older. At the present time, the number of dwelling units is 662 units that will consist of a combination of 331 single-family homes, 234 manor homes/garden apartments and 97 townhomes. The property is located along Stanhope/Sparta Road in the Borough of Hopatcong. The site is approximately 300 acres in size.

On October 29, 2004, we provided you with a letter, a copy of which is annexed hereto, wherein the developer seeks to procure from you 100,000 gallons per day of

---

Teri Massood, Borough Administrator  
Borough of Stanhope  
November 29, 2004  
Page 2

surplus sewer capacity in regard to this development project. The purpose of this letter is to renew our request to acquire 100,000 gallons per day of surplus sewer capacity from Stanhope at a price to be determined. Furthermore, this letter shall serve as our commitment to perform an infiltration/investigation study for the Borough of Stanhope collection system, which we intend to commence in January 2005. In the event the infiltration/investigation study reveals meaningful leaks in the system, it is the developer's position that it would be willing to repair the leaks in the system in return for the Borough of Stanhope providing an additional 22,000 gallons per day of surplus sewer capacity. The developer understands that this would be the maximum amount to be provided with regard to this development project and that any surplus above the 22,000 gallons would strictly be for the use of the Borough of Stanhope.

Furthermore, it is my understanding that the governing body will consider this request at its next regularly scheduled meeting on Tuesday, November 30, 2004.

If you have any questions in connection herewith or if you wish to discuss any aspect of this matter with me, do not hesitate to contact me. Thank you for your continued courtesy and cooperation in regard to this matter.

Very truly yours,

WEINER LESNIAK LLP

By: Richard Brigliadoro  
Richard Brigliadoro, Esq.  
For the Firm

RB:pag

Encls.

cc Mayor Diana Kuncken, Borough of Stanhope  
John Cilo, P.E., Borough of Stanhope  
Richard A. Stein, Esq., Municipal Attorney  
Steven Ward, Administrator, Hopatcong Borough  
Mayor Richard H. Hodson, Hopatcong Borough  
John Flood, Sr., American Associates  
Peter B. Lijoi, Esq., Vice President, Land Acquisition, D.R. Horton, Inc.-New Jersey  
Glenn C. Kienz, Esq.

X:\WP-DATA\COR\MATTERS\18540 ltr to stanhope rb.doc