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Residents suing Toll Brothers for 'shoddy construction'

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An association representing residents of a 530-home development in the township is taking legal action against the project's builder, alleging shoddy construction.

Residents of the Estates at Princeton Junction said **Toll Brothers**, a national home building company, constructed defective houses, roads, sidewalks and other common areas. The developer then misrepresented the quality of workmanship that went into the homes, the complaint said, as people rushed to buy them beginning in 2003.

The board of trustees for the homeowner's association filed the complaint in April, claiming that the developers, along with various contractors and suppliers involved in the actual building of the homes, performed work of inferior quality and breached contracts signed at purchase.

"**Toll Brothers** has been working very closely with the HOA Board to investigate the claims that have been alleged in the lawsuit," said a statement from **Toll Brothers** spokeswoman Andrea Maruschak.

The company will not comment further on the suit because the case is pending and they are still investigating the claims, Maruschak said.

Court records show that the developer has filed three times for extensions allowing them more time to respond to the complaint.

The association's attorney and property manager have not returned requests for comment.

The Estates at Princeton Junction consists of 400 single-family homes and 130 townhouse-style dwellings, according to the complaint.

The homeowner's association was created by the developers and is responsible for the management and administration of the community.

In the early years of the development, **Toll Brothers** maintained control over the board of trustees that manages the association by appointing board members, the association said in its complaint.

It was not until **Toll Brothers** sold 75 percent of the homes in the community that the company stopped controlling the association, the complaint said.

In the meantime, the association's board of trustees failed to disclose and correct various defects in the construction of the community's common areas and homes, the complaint said.

After members of the community took control of the association's board, they became aware of these design deficiencies, the complaint said.

They hired engineers, architects and an industrial hygienist to study the development and were informed of the defects that they believe the developer-controlled board had ignored, the complaint said.

The association found flaws in the construction of the roads, sidewalks, drainage systems, fences and lighting the complaint said. It also found flaws in the exteriors of the townhouse-style homes, including structural flaws that allowed **moisture** to penetrate the homes and soil to erode from the properties, the complaint said.

The association is accusing the developers and the contractors they employed of breaching their duty of care for the properties, acting negligently, breaching contract law and misrepresenting the homes they were selling.

Litigation over the Estates at Princeton Junction is not a new phenomenon for **Toll Brothers**. The company spent 10 years suing West Windsor over this development in the 1990s.

The town resisted the construction of this community, but lost several court battles and eventually settled with **Toll Brothers**.

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