

Township of Manalapan

Department of Planning & Zoning

120 Route 522 & Taylors Mills Road

Manalapan, NJ 07726

(732) 446-8350

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Planning Board Minutes

February 28, 2019

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:30p.m. followed by the salute to the flag.

Roll Call:

Secretary, Daria D'Agostino

In attendance at the meeting:

John Castronovo, Todd Brown, David Kane, Alan Ginsberg, Daria D'Agostino, Kathryn Kwaak, Jack McNaboe, Barry Jacobson, Barry Fisher, Steven Kastell

Absent from the meeting:

Richard Hogan

Also present:

Ron Cucchiaro, Board Attorney
Brian Boccanfuso, Board Engineer
Jennifer Beahm, Board Planner
Lisa Nosseir, Recording Secretary

Mr. Cucchiaro swore in Jennifer Beahm, Professional Planner and Brian Boccanfuso, Professional Engineer.

Minutes:

A Motion was made by Ms. D'Agostino, Seconded by Mr. Jacobson, to approve the Minutes of February 14, 2019 as written.

Yes: Castronovo, Brown, Kane, D'Agostino, Ginsberg, Jacobson, Kwaak, McNaboe

No: None

Absent: None

Abstain: None

Not Eligible: Hogan, Fisher, Kastell

Application: **PPM1837 ~ Stavola Asphalt Company
Woodward Road and Route 33
Block 7232 / Lots 1.02, 1.03, 2.04 and 3
Preliminary and Final Major Subdivision
Preliminary and Final Major Site Plan**

Kate Coffey, Esq. of Pitney, Day represented the applicant and property owner, Stavola Asphalt Company.

Please refer to the attached transcript of the above-mentioned hearing for Planning Board Application, PPM1837 ~ Stavola Asphalt Company.

A Motion for Preliminary Approval was made for application PPM1837 by Mr. Ginsberg for Final Major Subdivision Approval including not marking specific spots and all of the conditions placed upon the record, and Seconded by Mr. Castronovo.

Yes: Castronovo, Brown, Kane, Ginsberg, D'Agostino, Kwaak, McNaboe, Jacobson
No: None
Absent: Hogan, Kastell
Abstain: None
Not Eligible: Fisher

Chairwoman Kwaak opened the floor to any non-agenda items; seeing none, it was closed.

Chairwoman Kwaak stated that the next meeting will be March 14, 2019 and there are a number of pending applications at this time.

Adjournment

A Motion to adjourn the meeting was made by Mr. Ginsberg and agreed to by all.

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary

A recorded CD or DVD of the meeting is available for purchase by contacting the Planning Board Office.

TOWNSHIP OF MANALAPAN
PLANNING BOARD
THURSDAY, FEBRUARY 28, 2019
Commencing at 7:00 P.M.

In Re: :
: TRANSCRIPT OF
STAVOLA ASPHALT : PROCEEDINGS
COMPANY :
Woodward Road and :
Route 33 :
Block 7232, Lots 1.02, :
1.03, 2.04, and 3 :
: :
Application PPM1837 :

B E F O R E:

KATHRYN KWAAK, Chairwoman
JOHN CASTRONOVO
TODD BROWN
DAVID KANE
ALAN GINSBERG
DARIA D'AGOSTINO
JACK McNABOE
BARRY JACOBSON
RONALD CUCCHIARO, ESQ., Board Attorney
BRIAN BOCCANFUSO, P.E., Board Engineer
JENNIFER BEAHM, P.P., Board Planner
LISA NOSSEIR, Board Secretary

A P P E A R A N C E S:

DAY PITNEY, LLP
BY: KATHARINE A. COFFEY, ESQ.
Attorneys for the Applicant

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1 CHAIRWOMAN KWAAK: Okay, thank you.
2 Application PPM1837, Stavola Asphalt Company,
3 Woodward Road and Route 33, Block 7232, Lots 1.02,
4 1.03, 2.04, and 3, preliminary and final subdivision.
5 And if you could please use your microphone as well.

6 MS. COFFEY: I will.

7 CHAIRWOMAN KWAAK: Thank you.

8 MS. COFFEY: Good evening. Everyone can
9 hear me?

10 CHAIRWOMAN KWAAK: Perfect. Thank you so
11 much.

12 MS. COFFEY: My name is Kate Coffey.
13 I'm from the firm of Day Pitney. I'm here tonight on
14 behalf of the applicant and property owner, which
15 is --

16 MR. CUCCHIARO: Can you spell your last
17 name, please?

18 MS. COFFEY: Oh, certainly.

19 C-O-F-F-E-Y.

20 I'm here tonight on behalf of Stavola
21 Asphalt Company, which is the applicant as well as
22 the property owner. The property that we're talking
23 about is located at the corner of Route 33 and
24 Woodward Road. It's designated as Block 7232, Lots
25 1.02, and 1.03. It's currently located in the SED/AH

1 Special Economic Development/Affordable Housing
2 overlay zone, and the Route 33 overlay zone. The
3 property altogether is approximately 65.1 acres.

4 The applicant is before the Planning
5 Board tonight seeking preliminary and final
6 subdivision approval to create a total of three lots
7 as well as preliminary and final site plan approval.
8 The subdivision proposal is to create three new lots.
9 Two of the newly created lots, one would be
10 approximately 6.32 acres, and the other will be
11 approximately 7.91 acres, and the remainder lot would
12 be approximately 50 as in 50.86 acres. Each of the
13 proposed lots conforms with applicable bulk
14 standards.

15 The portion of the application is a site
16 plan application, is with regard to the proposed new
17 lot that's 7.91 acres and the proposed development is
18 for a 60-unit assisted living facility, together with
19 associated condo and amenity spaces, parking, signage
20 and related improvements.

21 The facility is approximately 56,960
22 square feet and it includes 40 private rooms and 20
23 semi-private rooms to serve a total of 80 residents.
24 There is one variance that is being requested
25 tonight, that is from Manalapan Ordinance Section

1 95-9.2B(2), which requires that parking spaces be 10
2 feet by 20 feet, and the applicant is proposing 9
3 feet by 18 feet.

4 With me tonight, we have four witnesses.
5 The first is Bill Lane. He's from Menlo Engineering
6 and he's the project engineer. We have Dave Woodward
7 from Springpoint Senior Living. He'll be telling you
8 about the owner/agents that are proposed in
9 conjunction with the site plan application. Michael
10 Spencer, who is the project architect. And Justin
11 Taylor from Dynamic Engineering who is our traffic
12 expert as well. So, with that, I would invite Bill
13 Lane up.

14 MR. CUCCHIARO: Just before you do that,
15 Counsel, when you mentioned the relief that's
16 necessary for the parking dimensions, I think that's
17 a design waiver rather than a variance.

18 MS. COFFEY: All the better. Thank you.
19 W I L L I A M L A N E, P. E., was duly sworn and
20 testified under his oath as follows:

21 VOIR DIRE EXAMINATION BY MS. COFFEY:

22 Q. Mr. Lane, can you please tell the Board a
23 bit about your qualifications and experience?

24 A. Yes. I've been with Menlo Engineering for 33
25 years. I've been a licensed professional in the

Voir dire - W. Lane, P.E. - Coffey

1 State of New Jersey for over 22 years. I've worked
2 probably on eight different projects over the years
3 that are assisted living facilities. I'm a graduate
4 of New Jersey Institute of Technology with a
5 Bachelor's of Science in Construction Engineering
6 Technology.

7 MS. COFFEY: We ask that Mr. Lane be
8 accepted as an expert in engineering.

9 CHAIRWOMAN KWAAK: His credentials are
10 sufficient. Thank you.

11 DIRECT EXAMINATION BY MS. COFFEY:

12 Q. Mr. Lane, can you tell us a bit about the
13 existing conditions of the property?

14 A. Sure. The property sits in the northwest
15 corner of Woodward Road and Route 33. It lies in
16 the SED/AH Zone. Currently to the east and south
17 are commercial properties; to the north and west is
18 residential and a golf course.

19 There is Still House Brook that begins up in
20 the northeast corner. With the crossing of Woodward
21 Road, it traverses in a southwest direction across
22 the property up towards Route 33. With that brook
23 there's associated riparian zones and wetlands
24 buffers which help preserve the corridor of the
25 stream and any existing trees that are up along the

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1 corridor.

2 The site also, in the northern section up
3 against the residential property, has a large
4 forested area which will remain, because the
5 majority of the area is wetlands. The remaining
6 site is basically farmland.

7 Q. Can you tell us about the proposed
8 subdivision, please?

9 A. Yes, Lot 1 to the north is, as described, is
10 50.9 acres. There is nothing proposed on that right
11 now with this application. Lot 2 is down on the
12 corner; again, nothing proposed on that, and that's
13 6.3 acres roughly. And then the third lot, which is
14 the assisted living facility, that's roughly 7.9
15 acres. And all the lots conform with all the bulk
16 standards in the zone.

17 Q. Can you tell us about the proposed
18 improvements for proposed Lot 3? That's, again, the
19 7.91-acre proposed lot.

20 A. Yes, the applicant is proposing a 60-unit
21 assisted living facility which has 60 units as
22 described; 40 of the units be private, 20 of them
23 semi-private, which are two beds, for a total of 80
24 beds.

25 The site will be accessed by a single

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1 driveway off of Woodward Road. That driveway will
2 lead to the parking along the front of the property
3 which has 58 spaces. The applicant's also looking
4 to land bank another 18 spaces in the southern
5 section just in case the demand is needed.

6 There will be a loading dock, a loading area
7 to the north of the building to service for
8 deliveries, and per recent meetings with the Fire
9 Prevention Bureau, we're also proposing a paved
10 access road around the side and the back rear of the
11 building so you can go from one end of the parking
12 lot back around to the other.

13 Our utilities for water are coming in off the
14 main off of Woodward Road off of the site. For
15 sanitary sewer, we're proposing a pump station down
16 to the south of the building on the property which
17 will discharge down towards the corner of Woodward
18 Road and Route 33 into the existing manhole that
19 sits there. With our stormwater, the majority of
20 the building, sides and rear, are going to be tied
21 into three infiltration trenches to help with
22 groundwater recharge.

23 Our parking lots and grassed area will be
24 picked up in standard inlets and that will all
25 discharge into our proposed infiltration basin which

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1 is just to the west of the building. That basin
2 will help infiltrate and detain the water, and from
3 there it will be discharged into Still House Brook.

4 The applicant's also proposing a pretty good
5 landscaping design, will be 174 new trees, 632
6 shrubs, and I think a couple of thousand ground
7 covers to help the aesthetics of the property.

8 With that, along the front we are proposing
9 LED light fixtures. There's 15 light poles; they
10 will be a matte aluminum finish. Again, they'll be
11 LED, looking to make them 3,000 Kelvin with a warm
12 white look to them.

13 And that's pretty much the proposal for the
14 site.

15 Q. Can you just --

16 MR. CUCCHIARO: Before you move on, the
17 banked parking, I just want to make sure that my
18 reading of everything is correct, that those 18 land
19 banked parking spaces are above what's required under
20 our ordinance for inland parking. In fact, you're
21 developing actually the required number of parking
22 spaces and this is above and beyond what is required.

23 MR. LANE: Yes, per the ordinance, 40
24 spaces are required; we are providing 58 and then an
25 additional 18 to be land banked in case needed.

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1 MS. BEAHM: Above the 58?

2 MR. LANE: Above the 58, yes.

3 MR. CUCCHIARO: Okay.

4 BY MS. COFFEY:

5 Q. Mr. Lane, can you give us just an
6 overview of the Environmental Impact Statement and
7 any permits that are needed in connection with the
8 project?

9 A. Yeah, with the Environmental Impact Statement,
10 basically, a lot of it goes over with what I
11 described already. It talks about the overall site
12 plan; it describes the subdivision, the LOI, the
13 flood hazard with the riparian wetlands buffers; it
14 talks about our disturbance of the existing trees
15 out there, which is approximately .93 acres along
16 the western side of this proposal by the assisted
17 living facility.

18 It also describes, as I already talked about,
19 the stormwater design. It goes on to talk about the
20 soil conditions out there, which are basically sandy
21 loam. It describes the soil erosion measures which
22 are outlined in our site plan package, and then it
23 talks about the water and sewer demands from that.

24 MS. COFFEY: We are in receipt of
25 several review memorandum. Would you like us to

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1 touch on those at this point or do you have any other
2 questions for Mr. Lane before we do that?

3 CHAIRWOMAN KWAAK: You can continue
4 your presentation.

5 BY MS. COFFEY:

6 Q. Mr. Lane, why don't we talk about the
7 memorandum we received from CME Associates dated
8 February 22, 2019.

9 MS. COFFEY: If it's acceptable to the
10 Board, I would like to just list a number of comments
11 that we'll agree to rather than go through them each
12 individually.

13 CHAIRWOMAN KWAAK: That's fine.

14 MS. COFFEY: So the applicant will comply
15 with comments 9B, as in boy, 9D, as in dog, 11A, 11B,
16 as in boy, 11G, as in girl; comment 12A, B, C, and D;
17 comments 13A, 13B, as in boy, 13C; technical review
18 comments A1, 2, and 3; technical review comments B1;
19 technical review comments C1, C2, C3, and C4, C6, C7,
20 C8, C9, C10, C11, C12; technical review comments D1,
21 2, 3, 5, 6, 7, 8; technical review comments E1, 2, 3;
22 and technical review comments F1, 2, 3, 4, and 5.
23 Sounds like a lot, but we still have a lot to talk
24 about.

25 So the ones that we wanted to provide

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1 some commentary on that are in the review memo,
2 comment 9A is going to be addressed by Mr. Woodward
3 from Spring --

4 MR. CUCCHIARO: Before you move on to
5 that, so there were some in that list that you are
6 not going to comply with?

7 MS. COFFEY: That we want to provide some
8 additional commentary on.

9 MR. CUCCHIARO: That's what you're doing
10 now?

11 MS. COFFEY: Correct, if that's all
12 right.

13 So the ones that I did not list before I
14 will touch on now. So, comment 9A, Mr. Woodward who
15 is our next witness will be talking about that. It's
16 regarding the operations that are proposed at the
17 building.

18 Q. Comment 9C is requesting an overview of
19 anticipated future development plans for new Lots 1
20 and 2 to the extent known. Are you able to touch on
21 that, Mr. Lane?

22 A. Yes, our preliminary design will look at the
23 remainder of the property in Lot 1, the 50.9 acres,
24 we were looking at approximately 149 residential
25 units, and then off to the east along Woodward Road,

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1 we were looking to possibly do another two buildings
2 for a total of 17,000 square feet of commercial
3 property. And Lot 2 down at the corner, we were
4 looking at approximately two or three buildings with
5 another 15,000 square feet and it will be a retail
6 or restaurant pad.

7 Q. But those improvements are not being
8 proposed as part of the current application; we're
9 just responding to the comment?

10 A. Correct.

11 MS. COFFEY: The next set of comments,
12 comments 10A through C, our traffic engineer will be
13 discussing when he's up here testifying.

14 Q. Comment 10D, as in dog, this is regarding
15 a request to provide a cross access easement and the
16 ability for internal driveway connections. Mr. Lane,
17 can you speak to that, please?

18 A. Yeah, they're looking to have each individual
19 lot end user to have their own separate driveways
20 much like this is a single driveway into the lot.
21 So we're not looking to have any cross access
22 easements, so we're asking to not provide cross
23 access easements.

24 MS. COFFEY: Right, none will be
25 necessary because each of the lots will have its own

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1 separate access. Comments 10E through I, our traffic
2 engineer will be addressing.

3 Q. Comment J, this is regarding a request
4 for curbing and sidewalk to be installed along
5 Woodward Road frontage of the proposed tract with
6 handicapped accessible curb ramps provided at the
7 site driveway, and also frontage sidewalk connecting
8 with the on-site walkways. Can you talk about that,
9 please?

10 A. Yeah, the applicant will agree to provide
11 sidewalk in front of the property. The only thing
12 is we would look to do it when we're doing
13 additional phases of the property; one, because if
14 we do widening out there, we don't want to have to
15 rip out curb or sidewalk along the roadway. So we
16 asked that the client will agree to do it. We're
17 just asking for the timing to be done when
18 additional improvements are done out there.

19 MR. CUCCHIARO: As we know, we know what
20 is anticipated, but how do we actually know there is
21 going to be another phase? It's possible that there
22 are no more phases, is there?

23 MR. LANE: True, and, again, we can put a
24 time limit on it if something doesn't come forward,
25 however the Board sees fit, that if they think after

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1 a year or two years, or however long, that time's up
2 to put it in, that could be agreed upon.

3 MS. COFFEY: Perhaps a condition that
4 says upon construction of improvements on all three
5 lots, the sooner of construction on all three lots
6 being performed, these improvements would be
7 installed, or five years, something like that.

8 MR. CUCCHIARO: We'll discuss that
9 towards the end.

10 MS. COFFEY: Sure. Where did I leave
11 off? Comment 10K our project architect will discuss.

12 Q. Comment 11C, this is regarding the
13 pitched pipes. Mr. Lane, can you discuss that as
14 well, please?

15 A. Yeah, currently looking at the design, we can
16 probably get an average of .3 percent on the
17 stormwater pipes. We've done designs over the years
18 less, .1, .2, so while it would be difficult for us
19 to get .5 without actually starting to raise the
20 site a little bit more, so we're asking that we'll
21 look to average and provide a minimum of at least .3
22 across the stormwater pipes.

23 Q. The next one that we wanted to provide
24 some commentary on is comment 11D, as in dog, and the
25 request is if the applicant will indicate whether the

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1 building is on slab or if a basement or crawl space
2 is proposed. What do we have, Mr. Lane?

3 A. The building will be on slab.

4 Q. Thank you. Comment 11E is requesting
5 testimony regarding earthwork.

6 A. Yeah, we did preliminary earthwork calculations
7 basically surface to surface, and the site's close
8 to being balanced. It's within about 1200 cubic
9 yards of balancing. So we can probably raise the
10 building another inch or two to get -- actually have
11 our cut and fill, even though it would be a wash,
12 but we do have to do a little bit more extensive
13 study with topsoil because I think we have to
14 relayer topsoil out here. So we're probably going
15 to adjust our numbers to be safe, but I think we're
16 going to be pretty close to balancing the site.

17 Q. Comment 11F, this is regarding sanitary
18 sewer service and the pump station. Can you explain
19 a little bit about what is being proposed currently?

20 A. Yeah, as I described earlier, the site will be
21 serviced by a pump station that will discharge down
22 Woodward Road into an existing manhole at the corner
23 of 33 and Woodward Road.

24 There are I guess future plans for
25 development at this property and I believe further

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1 to the west, and there will be additional gravity
2 that's brought in and brought up to Woodward Road,
3 at that time we would abandon the pump station and
4 run gravity to the site.

5 Q. I think next is technical review --

6 MR. CUCCHIARO: Before you move on to
7 that, on the sewer, I just wanted to -- sort of
8 similar to the question I had before, let's assume
9 that part two of what you're expecting never happens.
10 If that never happens, the pump station that you are
11 proposing can work?

12 MR. LANE: Yes, it will stay; it will
13 just remain.

14 BY MS. COFFEY:

15 Q. Next up is technical review comment C5,
16 and this is regarding the storm pipe drain -- excuse
17 me, the storm pipe design to provide a minimum pipe
18 fluid velocity of two feet per second where feasible.

19 A. Yes, we agree to provide two feet per second
20 except for where initial -- the first inlet of the
21 end of the run where there is minimal area in there
22 and it makes it difficult, because it's all about
23 giving volume to the inlet, so if we only have like
24 .2 or .3 acres going into an inlet, it's tough to
25 get two feet per second, but after the second and

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1 downward, we can agree to getting two feet per
2 second. So we would ask, roughly we'll be at like
3 one-and-a-half at that first initial pipe, if we can
4 ask for that design waiver.

5 Q. Technical review comment D4. Hang on,
6 I'm on the wrong page. D4, this is a recommendation
7 that there be buffer landscaping around a trash
8 enclosure, and correct me if I'm wrong, Mr. Lane, I
9 think the intention is to provide a facade around the
10 trash enclosure that is going to be harmonious with
11 the building facade?

12 MS. BEAHM: I'm sorry, can you just go
13 back a second? The trash enclosure is what material?

14 MR. LANE: We're looking to make it
15 masonry.

16 MS. BEAHM: Okay, thank you.

17 BY MS. COFFEY:

18 Q. I'm up to technical review comment G, as
19 in girl, 1, and this is regarding -- it's got two
20 parts. So the first part is specify the material for
21 parking space striping and pavement markings.

22 A. Yes, for parking spaces we're just going to use
23 the standard pavement striping paint, and in all the
24 travel ways, we agree to use a thermoplastic paint
25 with glass beads.

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1 Q. And similarly, there is a request to use
2 the thermoplastic with glass beads for stop bars,
3 pavement arrows, and other markings, and we'll comply
4 with that?

5 A. Yes.

6 Q. Great. G2 says the infiltration -- it's
7 pointing out an inconsistency in the plans regarding
8 the infiltration trench detail, asking whether it's
9 HDPE or PVC. Can you clarify for us?

10 A. Yes, everything will be HDPE, so we'll revise
11 the plans according to wherever it shows PVC.

12 Q. Okay, and Comment G3 is asking about
13 another inconsistency. It says the roof drainage
14 details shows a 12-inch black corrugated perforated
15 pipe, whereas the grading and utility plan shows an
16 eight-inch PVC.

17 A. Yes, once the final architectural is done and
18 we have all our roof areas, we could size the roof
19 leaders and headers accordingly, but we will agree
20 to have -- it's a minimum of eight-inch and then
21 where this larger area is, we may go up to 10 or
22 12-inch.

23 MS. COFFEY: Thank you. Next, if it's
24 acceptable to everybody, I will move to the
25 memorandum we received from the Board's planner.

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1 This letter is dated February 8, 2019. There are
2 less comments, so we'll just go through them in
3 order.

4 Q. So, comment D1, this is regarding the
5 Route 33 overlay zone, and it requests a submission
6 of a landscape plan for proposed Lot 2.

7 And, Mr. Lane, it's our intention to provide
8 that at the time that development application is
9 being made for Lot 2, correct?

10 A. Correct.

11 Q. Comment D2 is requesting a circulation
12 plan and at this point, our proposal would be to
13 submit a circulation plan, again, when there is
14 development being proposed for proposed Lot 2 as
15 well, and there are no interconnections being
16 proposed between the various lots, correct?

17 A. Yes.

18 Q. Comment D3, this is regarding the size of
19 the parking spaces, which I have now been informed is
20 a design waiver rather than a variance. So can you
21 just remind us of what's being proposed and what's
22 being required, please?

23 A. Yes, the town requires a 10-by-20 parking
24 space, and the assisted living facility falls under
25 Residential Site Improvement Standards which allows

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1 for 9-by-18 spaces. So that's what we're looking to
2 propose, is 9-by-18 spaces.

3 Q. Thank you. Then there are additional
4 comments in section F, as in Frank, of the letter?

5 MS. BEAHM: Can you go to D4, please?

6 MS. COFFEY: Oh, I'm sorry, I skipped
7 right over it. I apologize.

8 MS. BEAHM: No problem.

9 MS. COFFEY: Thank you.

10 Q. Comment D4 is regarding the width of the
11 handicapped spaces.

12 A. Yes, we'll comply with the town requirement. I
13 believe it's 12 feet for the width. But we're
14 looking to keep it consistent with the other parking
15 stalls, and we provide 18 foot deep as opposed to 20
16 foot deep.

17 MR. CUCCHIARO: Just on that, our
18 professionals, or you can correct me, the dimensions
19 of a handicapped space, isn't that an ADA-regulated
20 issue?

21 MS. BEAHM: Yes.

22 MR. CUCCHIARO: What does the ADA
23 require?

24 MR. BOCCANFUSO: 11-by-5 for van
25 accessible, 8-by-5 for standard zone.

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1 MR. CUCCHIARO: So they're compliant with
2 the ADA?

3 MR. BOCCANFUSO: That's correct.

4 MS. BEAHM: We just have a separate
5 provision in our ordinance that requires -- I'm
6 sorry, we have a provision in our ordinance that
7 requires 12-by-20. They're going to provide
8 12-by-18. So it's the width that will comply, just
9 the depth of the stall, consistent with the other
10 parking spaces, will be 18 feet deep.

11 MS. COFFEY: That's correct. Okay, I'm
12 going to F.

13 Q. Pursuant to comment F1, is any signage
14 being proposed for the assisted living facility?

15 A. Yes, at along Woodward Road near the entrance
16 driveway, applicant is proposing a five-foot-high
17 sign and it's approximately 9.1 square feet to give
18 the name of the facility.

19 MS. COFFEY: Comment F2 we will come back
20 to when Mr. Woodward is testifying from Springpoint.
21 It's regarding the operations of the facility.

22 Comment F3 we already touched on; that's
23 an enclosure for the dumpster area.

24 Q. Comment F4, this is asking about the
25 proposed generator at the site. Mr. Lane, can you

Direct - W. Lane, P.E. - Coffey

1 tell us about the proposed generator, please?

2 A. Yes, it will be a diesel-powered generator.
3 It's a Kohler unit. It will have a diesel tank down
4 below, approximately 2,000 gallons. The generator
5 with an enclosure will sit on top of that. It's
6 roughly 10 or 11 feet high.

7 So what we're looking to do is propose
8 probably a block wall in front of the building to
9 help screen the -- and attenuate the sound along
10 Woodward Road. So that's the proposal for the
11 generator.

12 MS. COFFEY: Comment F5, we're going to
13 have our architect address. That's regarding the
14 proposed materials and colors for the facade.

15 Q. In addition to the planning memo, we also
16 received a memorandum from the Environmental
17 Commission that's dated February 11, 2019. Just find
18 it.

19 So regarding their comments, comment number 1
20 is that non-maintained areas located to the west of
21 the fire access road should include native plantings.
22 We'll comply, correct?

23 A. Yes.

24 Q. The next comment is a note on the plans
25 requiring clean fill. We will comply?

Direct - W. Lane, P.E. - Coffey

1 A. Yes.

2 Q. And the last comment was that all NJDEP
3 permits will be forwarded to the town, which we will
4 also comply with, correct?

5 A. Yes.

6 Q. Next, we received a review memorandum
7 from the fire -- well, let me back up. Your office
8 met with the fire commission on February 25, correct?

9 A. Yes.

10 Q. And we also received a memorandum from
11 them dated February 25, 2019, and we will comply with
12 all of their comments as well, correct?

13 A. Yes.

14 MS. COFFEY: Thank you. I think that's
15 all of the review memos for Mr. Lane to discuss.
16 Questions for Mr. Lane?

17 CHAIRWOMAN KWAAK: Professionals?

18 MR. BOCCANFUSO: Thank you, Madam Chair.
19 Just a couple. First of all, I appreciate you going
20 through the review letter so efficiently and quickly.
21 Just a few things that I need a little clarification
22 on.

23 First of all, pointing to item 9B in our
24 February 22 review letter, with regards to the
25 Residential Site Improvement Standards, will the site

1 be designed to comply with RSIS? Because I think you
2 just indicated that you will comply, but we're asking
3 for some comment on the applicability of the RSIS and
4 whether or not the site was going to comply with.

5 MR. LANE: Yes, it will. Well, pavement
6 thickness, the parking stall sizes, that there is a
7 required number, that we will comply with RSIS for
8 this assisted living facility requirements.

9 MR. BOCCANFUSO: Okay, you agree that it
10 is applicable here?

11 MR. LANE: Yes.

12 MR. BOCCANFUSO: Okay, I'm not sure if I
13 heard anything relative to comment 9,D which is the
14 Route 33 overlay zone. Can you address that?

15 MR. LANE: From my understanding on the
16 overlay zone, there is a 35-foot buffer along Route
17 33 to provide some screening along 33 and we will
18 provide that once that lot is developed. That Lot 2
19 at the corner, that's 6.3 acres. Right now we're
20 just currently proposing to leave it in its existing
21 state, so when the future development comes in, we
22 will agree to have that 35-foot buffer in there.

23 MR. BOCCANFUSO: Okay, so you're not
24 seeking any relief from the requirements of the
25 overlay zone, correct?

1 MR. LANE: Correct.

2 MS. COFFEY: Other than with respect to
3 the timing of submitting the landscaping plan and the
4 circulation plan for when improvements are being
5 proposed.

6 MR. BOCCANFUSO: Understood. The traffic
7 impact is going to be addressed by your traffic
8 engineer.

9 We heard from the applicant's engineer
10 and attorney about the cross access. I kind of think
11 it's something that should be considered by the
12 Board. Obviously there is no development on the
13 adjacent sites right now, but I think it's good
14 practice to try to provide cross access with the
15 future development.

16 And I'm not saying that the applicant at
17 this time needs to redesign their site to extend a
18 driveway to the property lines. It doesn't make a
19 lot of sense, but I don't think it's something that
20 we should take off the table at this juncture. I
21 think it's something that should be considered, not
22 only with this application, in the form of designing
23 the site in a way that will allow for the possibility
24 of future access, but also in consideration of the
25 development of the adjacent property, I think we

1 should keep it at as an open item. It's not
2 something that you want to allude to right now. I
3 certainly don't think it's a door that we should
4 close.

5 We heard testimony about the sidewalk and
6 I apologize, I was taking notes. If I understood you
7 correctly, you indicated that you would agree to
8 provide sidewalk but you would prefer to not do it
9 now because they're making roadway improvements and
10 things of that nature?

11 MS. COFFEY: Correct.

12 MR. BOCCANFUSO: Was there any comment on
13 the curbing, because you also recommended curbing?

14 MR. LANE: Yes, definitely with the
15 curbing, because if the road lining is we're just
16 going to be ripping out the curbing, we would
17 provide --

18 MS. COFFEY: So just to clarify, Mr.
19 Lane, it's the applicant's intention to construct the
20 curbing, but, again, we would be asked that we can be
21 permitted to defer that until the time other
22 improvements are being constructed?

23 MR. BOCCANFUSO: I don't have a major
24 issue with it. The sidewalk, if installed across the
25 frontage of this property, would essentially be a

1 sidewalk to nowhere; however, I do think that we need
2 assurances that it's going to be done.

3 MR. CUCCHIARO: Well, I think what they
4 testified to when we asked before is that they were
5 going to request that the Board place some sort of
6 timeline condition on it, that either it gets
7 developed in conjunction with development of the
8 other lots, or if that does not happen, that it gets
9 developed in a certain amount of years, but the Board
10 will have to discuss that and determine what
11 precisely it's going to do on that issue. Is that
12 correct, Counsel?

13 MS. COFFEY: Yes, that's correct.

14 MR. BOCCANFUSO: Also, I'm not sure if
15 you touched on it necessarily. Has there been any
16 discussion with the DOT with regard to this specific
17 site plan application, whether they're going to have
18 any jurisdiction here?

19 MR. LANE: I know for this application
20 we're going to have to go for a subdivision because
21 we're along the highway, but I don't think currently,
22 we haven't done anything yet.

23 MR. BOCCANFUSO: And in your list of
24 items that you agreed to comply with, I'm not sure
25 that I got it; was item 10C with the Woodward Road

1 striping plan included on that list; is that
2 something you're willing to do?

3 MS. COFFEY: Our traffic engineer is
4 going to address that.

5 MR. BOCCANFUSO: Okay.

6 MS. COFFEY: Stay tuned.

7 MR. BOCCANFUSO: Okay, with regard to the
8 pitch of the drainage pipes, I don't have any major
9 objection to the .03 percent. Our concern is that
10 the current design has pipes that are about .2
11 percent in some areas or less, which is equivalent to
12 about two inches over a hundred feet.

13 It works from an engineering standpoint;
14 you can design it; the calculations show that it will
15 function. My concern is relative to
16 constructability. You know, you get out there with
17 workmen, heavy equipment, sometimes it's difficult to
18 get your pipes that flat. I would encourage the
19 design engineer to take a look at it and try to
20 increase those slopes to the maximum extent that you
21 can. If you can only get .3 percent, I can live with
22 it, but I'd like to get another look at it as soon as
23 possible.

24 MR. LANE: Okay.

25 MR. BOCCANFUSO: And that will help with

1 the velocities that you touched on.

2 MR. LANE: Okay.

3 MR. BOCCANFUSO: With regard to the
4 sanitary sewer service, there's been one aspect of
5 the application. The original proposal was for a
6 gravity sewer extension; that was in the tie-in with
7 the new sewer main to be installed along Route 33 in
8 connection with the Four Seasons at Manalapan Road
9 project which was Board approved last year.

10 They've run into some stumbling blocks
11 with regard to when that work is going to be done, so
12 the applicant needs some type of backup plan in order
13 to make sure that they have a functioning sewer if
14 and when this facility is developed.

15 In connection here, a forced main system,
16 it will work; I can just say that my understanding is
17 the Township Committee has tried to get away from
18 having these forced mains in public rights-of-way.

19 If it's a temporary situation, I think
20 it's something that the Board needs to discuss as far
21 as how long it's going to be there, whether there are
22 any assurances that the gravity system will be
23 installed in a reasonable amount of time, or a
24 certain amount of time.

25 I would prefer to see a situation where

1 there is a gravity system going under Woodward Road
2 as opposed to a forced main. I think it's something
3 you can probably do. If you want to force main up to
4 a manhole near the intersection with the gravity
5 below the road, I would have a much greater comfort
6 level with that kind of design if that is something
7 that you can feasibly do. I haven't looked at the
8 elevations; I'm not sure if you have, whether or not
9 it's something that could be done, but I would
10 encourage you to look at that.

11 MR. LANE: Okay.

12 MR. CUCCHIARO: Can we stick on that?

13 MR. BOCCANFUSO: Sure.

14 MR. CUCCHIARO: I don't know; it didn't
15 sound like you agreed to anything.

16 MR. LANE: Yeah, we can definitely run a
17 gravity line across the street, get the manhole onto
18 our property and then just tie the forced main into
19 that.

20 MR. BOCCANFUSO: So you can run gravity.
21 So, basically, you can run your forced main up to
22 near the intersection of 33 and Woodward gravity,
23 even if it's a temporary system?

24 MR. LANE: Correct.

25 MR. CUCCHIARO: You have to slow down.

1 Can you just go a little slower with that?

2 MR. BOCCANFUSO: I think what the
3 applicant is agreeing to do, and correct me if I'm
4 wrong, is for the temporary sanitary sewer system,
5 the forced main system, the current design shows a
6 forced main going from the site up Woodward Road,
7 under Woodward Road to an existing manhole on the
8 opposite side.

9 What the applicant is agreeing to do is
10 to modify that design so that there is a gravity
11 system, likely a temporary system that goes under
12 Woodward Road, so the forced main will never cross
13 the street, to put it simply. How's that? Fairly
14 accurate or accurate.

15 MR. LANE: Yes.

16 MR. CUCCHIARO: I just want to be clear
17 though that while there is certainly a good faith
18 expectation that they're going to be able to modify
19 this in the future when there are certain state
20 hurdles you guys are in the process of surmounting,
21 it may not happen; this may just be the permanent
22 stormwater management. That's a possibility, right?

23 MR. LANE: Yes.

24 MR. CUCCHIARO: I just want the Board to
25 understand that while, like I said, there is a good

1 faith effort going on to make sure that this ultimate
2 design can happen, this may be not be temporary; this
3 may be permanent.

4 MR. BOCCANFUSO: And along those lines,
5 Ron, if we had a gravity system that's going
6 underneath the road, future development of the
7 properties further south -- I'm sorry, further to the
8 north, it would enable them to install pump systems
9 to this gravity manhole. It's a better long-term
10 solution.

11 MR. CUCCHIARO: That's fine. I just
12 wanted -- when we use the word "temporary," I want to
13 make sure everyone understood that that is what we
14 believe and hope, but it could be permanent.

15 MR. BOCCANFUSO: Okay, just to confirm
16 for the record, your flood hazard area verification
17 and Letter of Interpretation are in hand, correct?

18 MR. LANE: Yes.

19 MR. BOCCANFUSO: I didn't hear any
20 discussion on the signage proposed. Is there any
21 sign package proposed? I don't know if that's
22 something we touched on that I missed.

23 MR. LANE: Yeah, no, we talked about out
24 by that main entrance there's going to be a small
25 sign five feet high and 9.1 square feet.

1 MS. BEAHM: I'm sorry, Brian. Do you
2 know where exactly that is going to be, how far back
3 it's going to be set back on the property line?

4 MR. LANE: Yeah, I believe it's 10 feet
5 off the right-of-way line. 10 feet off the
6 right-of-way line.

7 MS. COFFEY: It's depicted on the plan,
8 correct, Mr. Lane?

9 MR. LANE: Yes. It's probably about 35,
10 40 feet just south of the -- our main driveway aisle.

11 MR. CUCCHIARO: It complies with all the
12 ordinance requirements?

13 MR. LANE: Yes.

14 MS. COFFEY: Just going back to a
15 question that you had asked a second ago, Mr.
16 Boccanfuso, regarding comment 9D, which is regarding
17 the overlay zone, that is something that we will be
18 revisiting, of course, when we come back with the
19 applications for Lot 2 and 3 as well, just to be
20 clear.

21 MR. CUCCHIARO: On that issue, just so
22 the Board is aware, this lot prior to subdivision is
23 in the overlay zone because this lot has frontage on
24 Route 33. As a result of the subdivision, this lot
25 will no longer have coverage on Route 33 and,

1 therefore, it will not be in the Route 33 overlay
2 zone. One of the other lots will still be, the
3 remainder lot I guess will still be --

4 MS. COFFEY: Lot 2.

5 MR. CUCCHIARO: Lot 2, that will remain
6 in the overlay zone because they want to retain this
7 Route 33 coverage, but the other two lots now are
8 sort of free of the overlay zone requirements.
9 Assuming this gets approved.

10 MS. COFFEY: Just to clarify in terms of
11 the response for 9D, which is regarding the
12 applicability of the Route 33 overlay zone, I would
13 say it does not apply to the lot that's currently the
14 subject of the site plan application, and that we
15 will revisit its requirements and applicability when
16 we get to future applications regarding Lot 2 which
17 is the new lot that fronts on Route 33.

18 MR. CUCCHIARO: Counsel, and when you get
19 there, the overlay zone, unlike the zone that applies
20 here, that does have some specific language about the
21 easements into the adjoining lots.

22 MS. COFFEY: The Route 33 overlay zone.

23 MR. CUCCHIARO: Yeah, so when you get
24 there, just keep an eye out on those requirements.

25 MS. COFFEY: Yes, thank you.

1 MR. BOCCANFUSO: And I think the last
2 thing I have for Mr. Lane, I believe you've indicated
3 in response to the request by the fire department,
4 you have a paved access road?

5 MR. LANE: Yes.

6 MR. BOCCANFUSO: So it will be asphalt?

7 MR. LANE: Yes.

8 MR. BOCCANFUSO: That's all I have right
9 now, Madam.

10 CHAIRWOMAN KWAAK: Thank you. Jen?

11 MS. BEAHM: I'm good for now.

12 CHAIRWOMAN KWAAK: Barry? Jack?

13 MR. McNABOE: You're going to roll things
14 out because we have the engineer, but I think I'll
15 wait to hear from your traffic engineer for your
16 curbs and sidewalks before we make a decision on
17 that.

18 In other words, I understand you're
19 trying to do this as one, but I'm looking at it as 66
20 acres. So although the sewer part of it, we were
21 looking at it to get it past this property because we
22 have others queued up on this. So, again, I think
23 we're going to need to re-talk that sewer out quite a
24 bit, so I'll leave it live for that, but I have a
25 real problem with -- well, first of all, the forced

1 on public property is off the table in my opinion,
2 and then to not extend this to the lengthier
3 property, where I understand it may be a complication
4 that leads to that complication is something that I
5 would like to see, so maybe we could discuss some of
6 that as we go along.

7 And then the cross easement, that's
8 probably going to be the biggest one that we have to
9 talk about. So, again, we have one 66-acre lot. We
10 understand you have a residential part of it and you
11 have some things you have to work through and we
12 could hold that conversation off, but from the
13 commercial aspect, this is one, when we get to that
14 new Lot 2, I don't know how you're going to get in --
15 that's going to be left in/left out; people are going
16 to be making all kinds of crazy U-turns and
17 turnarounds; it doesn't work; they have to come back
18 to this entrance.

19 So I think the Lot 2 and Lot 3 are going
20 to be one with some sort of cross easement. It's the
21 only way I see it looking. Do we have any type of
22 concepts even drawn up on the Lot 2.

23 MS. COFFEY: I don't know that we have
24 anything that we can share tonight. We will have to
25 revisit it.

1 right-ins and right-outs, we pay for it later on.
2 You have somebody shooting in the wrong direction,
3 doing U-turns or coming back out. So I think the
4 cross easement is almost something that you need to
5 look heavily at again. And I'll wait for the traffic
6 engineer and maybe somebody can dazzle me with a way
7 that that's not the case, but I'm good for now,
8 Chairwoman.

9 CHAIRWOMAN KWAAK: I'm good for now, too.

10 MS. D'AGOSTINO: I just wanted to clarify
11 the size of the parking. I thought I read it was
12 9-by-19 proposed.

13 MR. LANE: We're asking for 9 by -- the
14 plan does show 9-by-19, but we're asking for 9-by-18.
15 We mislabeled it.

16 MS. COFFEY: Typographical error, and we
17 apologize.

18 CHAIRWOMAN KWAAK: Alan?

19 MR. GINSBERG: There seems to be plenty
20 of room for parking. Why not have conforming
21 parking?

22 MR. LANE: Just in case there's a need
23 for, you know, visitors. I know on holidays
24 sometimes you get a bigger demand when people come
25 visit, so we're just looking to have -- provide a

1 little bit extra.

2 MR. GINSBERG: But you seem to have the
3 amount required; therefore, why not have the
4 conforming sizes of the spots?

5 MR. LANE: Like I said, we're falling
6 back to the RSIS design standards and that's what
7 they allow or require under the parking standard.
8 Plus, with any development we're always looking to
9 lesser pavement area; it helps with the stormwater.
10 And we can go to the larger spots but, like I said,
11 we're looking to fall back because RSIS governs under
12 here to go with the smaller stall.

13 And, again, this isn't like a retail
14 center where someone is -- the turnover, and people
15 coming and going. It's mostly eight-hour shifts;
16 people are here for a long period of time; visitors
17 come there for a little bit of a length of time. So
18 that's why we're asking, again, for that smaller
19 stall as per the standard, the state standard.

20 CHAIRWOMAN KWAAK: David?

21 MR. KANE: No.

22 CHAIRWOMAN KWAAK: Todd?

23 MR. BROWN: Is there natural gas along
24 Woodward or Route 33?

25 MR. LANE: I believe there's gas along

1 Woodward Road.

2 MR. BROWN: Okay, because you're
3 proposing a diesel generator.

4 MR. LANE: Yes.

5 MR. BROWN: What's the maintenance going
6 to be for that if you're having a diesel tank on
7 that?

8 MS. COFFEY: I think our operational
9 person is probably better equipped to address the
10 questions regarding this generator, so we'll come
11 back to you on that one.

12 MR. BROWN: Okay, thank you.

13 MR. CASTRONOVO: No questions.

14 CHAIRWOMAN KWAAK: Brian?

15 MR. FISHER: Just a few. Eventually I'm
16 sure we're going to see what the facade looks like on
17 this building?

18 MS. COFFEY: Yes, our architect is going
19 to be showing that.

20 MR. FISHER: And it's coming soon?

21 MS. COFFEY: Yes, it's coming.

22 MR. FISHER: And also the sign, that will
23 be forthcoming also?

24 MS. COFFEY: The pitching of the sign?

25 MR. LANE: Yeah, it's on the detail

1 sheet.

2 MR. FISHER: Okay, I also am in
3 agreement, and I don't want to keep going over it,
4 about the joint lots joining. I know on Route 9
5 we've done that. I know that this is something that
6 most of the towns are going for rather than the in
7 and out, and this way traffic -- cars can go from one
8 lot to another, so I'm in agreement.

9 There's no walkways between the
10 properties, correct?

11 MS. COFFEY: None are proposed at this
12 point.

13 MR. FISHER: No solar proposed on this
14 building?

15 MS. COFFEY: No.

16 MR. FISHER: The noise from the
17 generator, when they test, is that going to be --
18 somebody is going to testify to that? The generator
19 will be tested at a time when it won't upset the
20 neighbors? Because that is going to be a huge
21 generator.

22 MS. COFFEY: Our operational person will
23 address that, yes.

24 MR. FISHER: I think that's it.

25 CHAIRWOMAN KWAAK: Steve?

1 MR. KASTELL: One question. I think I
2 saw an inconsistency in the handicapped spaces. This
3 indicates there's three spaces; one proposed is 11
4 feet wide instead of 12, and I think you mentioned
5 they're going to be shorter which should not be an
6 issue, 18 feet instead of 20 feet.

7 MS. COFFEY: Just to confirm, Mr. Lane,
8 what is currently being proposed is all handicapped
9 spaces will be 12-by-18?

10 MR. LANE: Well, that's the town
11 standard, so the average width with the striping I
12 believe and the stall space, we will provide at least
13 12 feet wide. With ADA standards, you have the
14 standard stall is eight foot wide and a five-foot
15 stripe so technically you have 13 feet. One in every
16 six spaces has to be van accessible, which should at
17 least be a little wider. So we'll provide an
18 11-foot-wide space so there's -- a van will have much
19 more room to get in there, that will have an 11-foot
20 space with a five-foot stripe area.

21 CHAIRWOMAN KWAAK: Is that all, Steve?

22 MR. KASTELL: Yes.

23 MR. BOCCANFUSO: Madam Chair, if I could
24 just follow up on something that Deputy Mayor may
25 want to speak about.

1 CHAIRWOMAN KWAAK: Yes.

2 MR. BOCCANFUSO: Mr. Lane, can you
3 just -- as you've heard, the sewer is a little bit of
4 a concerning issue here. Can you just speak to the
5 difficulty of the gravity sewer system? Why is it
6 that you can't do a gravity system at this time or a
7 temporary gravity system? And if so, why have you
8 decided to move forward with this proposed
9 enforcement?

10 MR. LANE: Well, the invert out of
11 Woodward Road is a little bit high to be able to get
12 a gravity line from this building. It's got a long
13 length, so you're going to have a little bit of
14 traversing with the laterals underneath the building
15 to come out to the southern end of the building. So
16 we're going to be down too low in order to be able to
17 run a gravity down to that existing manhole.

18 So what we're looking to do is pump that
19 up to a higher elevation so it can come down to the
20 manhole at that corner and, like we discussed
21 earlier, we can run a gravity line, and it will have
22 a reasonable cover, just across Woodward Road to a
23 manhole on our property.

24 So there will be a gravity main, and from
25 that manhole up into the property, we can run our

1 forced main into it and there will just be gravity in
2 the right-of-way and forced main will just be on the
3 private property.

4 MR. BOCCANFUSO: S the original design
5 when it was thought that K. Hov would have their
6 system in, what was different about that design that
7 allowed you to run gravity from this assisted living
8 facility into the infrastructure?

9 MR. LANE: The new line ran further down
10 Route 33, at a lower elevation and came back up, so
11 the invert was much lower, which would allow the
12 building to meet that invert that would be a bit
13 lower, the existing line that sits out there right
14 now. So with just this development, we were looking
15 to tie into that as opposed to when that main was
16 coming in for a much bigger project, or much
17 bigger -- more development.

18 MR. BOCCANFUSO: So just to put it simply,
19 it was deeper?

20 MR. LANE: Yes.

21 MR. BOCCANFUSO: And that proposed
22 system, actually, as I recall, was proposed to bypass
23 the manhole that was immediately opposite, in front
24 of the Wawa --

25 MR. LANE: Correct.

1 MR. BOCCANFUSO: Was going to bypass that
2 manhole and go to a manhole further downstream that
3 was much deeper, correct?

4 MR. LANE: Yes, yes.

5 MR. BOCCANFUSO: So the long-term plan
6 for the overall development which includes this site
7 as well as the future development plans on the rest
8 of the tract, does that include a gravity system so
9 that this facility and the future development could
10 be connected to the existing infrastructure and be
11 grounded?

12 MR. LANE: Yes, that's what the
13 proposed --

14 MS. COFFEY: That's what we hope to do.

15 MR. LANE: Correct.

16 MR. BOCCANFUSO: Okay, I don't know if
17 that helps to clear things up for you or if it just
18 creates more questions.

19 MR. McNABOE: It clears it up for me, but
20 that's not what I wanted to hear. So now you're
21 tying in -- when you tie into the existing manhole,
22 it's not the low one. It's not the plan that we
23 ultimately have for Route 33. So you're building a
24 phase, and then the next guy builds a phase, and the
25 next one builds a phase. You're coming in too high.

1 You need to be the lower manhole if this
2 thing is going to be continued down. If you can't
3 meet the level now, there's no way this thing is
4 going to be brought a mile down the road. We had
5 always planned, I thought, on getting the lower one.
6 But we can come back to that. I mean, in order to
7 put this to a vote I would need to hear that, but
8 we're not there yet.

9 MR. CUCCHIARO: Well, we're not there
10 yet; however, I think I want a little more clarity on
11 how we intend to deal with it if it's a length of
12 time.

13 Are we talking about later this evening,
14 or is this something that you need to kind of regroup
15 and talk about and get back to us on a different
16 hearing night.

17 MS. COFFEY: Yeah, I was going to say, if
18 I might, let our engineer look at the plans while
19 other witnesses are testifying and hopefully we can
20 get him back up this evening to talk further about
21 it.

22 MR. CUCCHIARO: Okay.

23 CHAIRWOMAN KWAAK: Any other questions at
24 this time? Anybody? No, okay, you can continue.

25 MS. COFFEY: Well, really, I have no

1 further questions for Mr. Lane, so.

2 CHAIRWOMAN KWAAK: So you can bring up
3 your next witness.

4 MS. COFFEY: Next we're going to have
5 David Woodward from Springpoint, please.

6 D A V I D W O O D W A R D, was duly sworn and
7 testified under his oath as follows:

8 DIRECT EXAMINATION BY MS. COFFEY:

9 Q. And, Mr. Woodward, can you tell us a
10 little bit about your current position and what you
11 do and your experience with Springpoint, please?

12 A. I am the Chief Operating Officer for
13 Springpoint Senior Living. We're in the business of
14 managing and running senior living housing
15 facilities. Some are retirement communities; some
16 are independent living facilities. And I have an
17 undergraduate degree in Hospitality Administration
18 from Widener University; I have a master's degree
19 from Delaware Law School with a concentration in
20 Healthcare Law and Regulatory Compliance.

21 Q. So when you mentioned that Springpoint
22 has different types of facilities, what sort of
23 facility's being proposed here?

24 A. The proposal is for an 80-resident assisted
25 living facility, and we propose it will be three

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1 neighborhoods within the community, and we've
2 tailored the care in these neighborhoods to the
3 folks that are living in them so that we're meeting
4 their needs.

5 Q. Tell us about the number of employees
6 that you expect to have working at the facility and
7 the hours that they would be working.

8 A. When the facility is fully leased and fully
9 occupied, we expect to have 55 employees, and of
10 those 55 employees, we will have between 25 and 30
11 on the seven to three shift; we will have between 15
12 and 20 on the three to 11 shift; and six on the 11
13 to seven shift.

14 Q. And tell us about how employees are
15 qualified or trained to work at the facility, please.

16 A. Any employee who is involved in providing care
17 in assisted living would be required to have a home
18 health aide license. They will be supervised by
19 registered, professional nurses who are charged with
20 delegating to them, and making sure that we provide
21 good care.

22 We do drug screening on our employees; we
23 also do criminal background checks; we also do
24 physicals on them, and then we additionally require
25 them to participate and demonstrate proficiency in

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1 training for the work that we're going to be having
2 them do.

3 There's also going to be some other folks
4 that won't be doing care; housekeepers, maintenance
5 workers, food service employees. They'll all also be
6 criminal background checked, drug screened, and their
7 training requirements will be different.

8 Q. And tell us a little bit about the nature
9 of medical care that is provided on site at the
10 facility.

11 A. Within an assisted living, licensed care is
12 required to be ran by registered professional
13 nurses. We're going to have two of those employed
14 at the facility, and those individuals are charged
15 with developing what we call the service plan for
16 those residents and the health service plans for
17 those residents, and those are really the plans that
18 identify what we're going to do and how we're going
19 to do it to make sure that we're doing good work for
20 those folks that are living there.

21 Q. And to the extent that any residents
22 require off-site medical care, how do they get to
23 their -- whatever care that they need to be provided?

24 A. Transportation for medical appointments will be
25 provided by us to those appointments, and all of our

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1 communities, we do have medical professionals that
2 will come to the community and provide care on site.
3 It's something that works for them and it works for
4 the residents of the community.

5 So, we do have physicians that come in; we
6 have dentists that come in, podiatrists that come
7 in, as well as Advanced Practice Nurses and
8 Physician's Assistants.

9 Q. And in the unfortunate event that an
10 ambulance is needed, you utilize a third-party
11 ambulance company, correct?

12 A. We will be contracting with a third-party
13 service provider to meet all of our needs and our
14 expectation is that they will be able to do that.
15 If we had a very unusual situation where if they
16 cannot meet our need, we would call for help, but
17 our goal would be to avoid that.

18 Q. And what are the hours of operation and
19 visitor hours at the facility?

20 A. The community is -- folks are going to live
21 here and are going to be living there like you live
22 at home. Staff will be there 24 hours a day. By
23 regulation, visitors can visit any time they want.
24 We're going to lock the door eight p.m. and we're
25 going to reopen the door at seven a.m. We will ask

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1 that visitors adhere to those hours for us, but if
2 somebody has an unusual situation, and they require
3 visits during off hours or perhaps their loved one
4 is not feeling well or is very ill, we can let them
5 come in off hours. But it's a secure facility;
6 we're going to be letting them in and we're going to
7 know who's in there.

8 Q. Can you tell us a little bit about the
9 activities that are offered for residents, both on
10 site and off site?

11 A. The activities are going to be driven by the
12 capacity and the interest of the person that is
13 participating in the activity. So we're going to
14 have three neighborhoods and we're going to have
15 some people that are somewhat compromised and some
16 people that are less compromised and some people
17 that may not really be that compromised, and the
18 activities are going to be tailored for them.

19 So, folks that can benefit from it, have
20 interest and high participation in those activities,
21 we're going to do that. That might be something
22 like a book club, theme meals, things like that,
23 lectures. Folks that require a little bit more work
24 and a little bit more supervision, they might be a
25 little bit less participatory, could be something as

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1 simple as getting their nails done, or some other
2 activity that they find to be useful, movie nights,
3 things like that.

4 And then we're going to also, on occasion,
5 take folks out of the building and take them out for
6 meals and into the local community if they have some
7 interest in doing that so they get out and enjoy the
8 benefits of living in the area.

9 Q. And is there some outdoor space that
10 residents are able to enjoy as well?

11 A. There is. In addition to what you see on your
12 plan, you'll also notice when you get into the
13 design of the architect, that there is a courtyard
14 in the center of that and we do intend to make that
15 a nice place to use when the residents want to
16 relax.

17 Q. Can you tell us about deliveries to the
18 site, what kind of deliveries you typically have and
19 how frequently they come?

20 A. Well, we're going to need all the basics.
21 We're going to have a grocery truck come in,
22 probably twice a week. We call that the broadline
23 distributor. That is going to be the major
24 delivery.

25 We're going to have milk deliveries, that's

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1 typically two to three times a week; we're going to
2 have fresh produce coming in, relatively be twice a
3 week; ice cream truck might come if we're not
4 getting it from the grocery distributor; garbage is
5 typically picked up twice a week; linen service will
6 be two to three times a week. I think I covered it
7 all.

8 Q. I think you did, too.

9 There are a number of questions about the
10 generator. Can you tell us, first of all, about when
11 maintenance is run on the generator and what kind of
12 hours of the day that typically happens?

13 A. Certainly. I want to first state I'm not an
14 engineer; I don't have an engineering degree, and
15 I'm not going to tell you what an operator does with
16 a generator.

17 So the generator is typically going to be
18 exercised once a week, and the purpose of that is to
19 make sure it will start when we need it to start,
20 and we know -- that's going to be a predictable
21 operation. Maintenance on the generator is
22 typically going to happen on a monthly basis, small
23 checks done by the on-site maintenance team.

24 There will be an agreement with a third-party
25 provider and it will come out, an -- as an expert

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1 can put it through a little bit more robust testing.
2 And that typically happens quarterly, and that --
3 there are sheets that are maintained to show the
4 work's being done, the oil is being changed and the
5 unit's being exercised properly.

6 Q. And is this typically being done during
7 regular during business hours Monday to Friday?

8 A. It is, yes.

9 Q. And I think we also had a question about
10 why diesel fuel with the generator as opposed to some
11 other kind of generator. Can you touch on that as
12 well?

13 A. Certainly. We use diesel generator in our
14 communities; we prefer them actually. And the
15 reason for that is there is a lag time with a
16 natural gas-powered generator and we would prefer
17 not to have that. There could be some folks that
18 are in the building and they have some kind of
19 medical equipment that could require keeping it
20 running. We don't want to have that issue. We've
21 had great success with diesel generators and where
22 we can use them, we prefer to do that.

23 We do have some communities that have natural
24 gas, but they are residential communities; there's
25 no care being provided in them. The communities

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1 where we are providing care, our preference is to
2 have a diesel generator.

3 MS. COFFEY: Thank you. Those are my
4 questions for Mr. Woodward. I don't know if anybody
5 on the Board or its professionals has questions.

6 CHAIRWOMAN KWAAK: Questions from the
7 professionals? Anybody?

8 MR. BOCCANFUSO: No questions for Mr.
9 Woodward.

10 MS. BEAHM: I just have one, Madam Chair.
11 How many Medicaid beds are in this facility?

12 MR. WOODWARD: There is a requirement --
13 and I have to apologize, I didn't bring that
14 information with me. There is a requirement from the
15 state that we will make a certain number available.

16 MS. BEAHM: At least 10 percent? I'm
17 just curious if we're going above and beyond the 10
18 percent.

19 MS. COFFEY: I believe we're meeting the
20 10 percent, Ms. Beahm.

21 CHAIRWOMAN KWAAK: Was that your only
22 question?

23 MS. BEAHM: That's it, yes.

24 CHAIRWOMAN KWAAK: Brian, you have
25 nothing?

1 MR. CUCCHIARO: Just one quick question.
2 Does this facility require a certificate of need from
3 the State?

4 MR. WOODWARD: No.

5 CHAIRWOMAN KWAAK: Brian, nothing?

6 MR. BOCCANFUSO: No, nothing for Mr.
7 Woodward.

8 CHAIRWOMAN KWAAK: Barry?

9 MR. JACOBSON: On these three
10 neighborhoods, you said people that are more mobile.
11 Is it due to physical capability or is it also going
12 to be people with psychiatric issues?

13 MR. WOODWARD: I don't know that I would
14 use the term psychiatric issues. I would use
15 cognitive impairment.

16 MR. JACOBSON: Okay, cognitive.

17 MR. WOODWARD: Certainly.

18 MR. McNABOE: I'll hold for now.

19 CHAIRWOMAN KWAAK: Okay, I just have two
20 questions. First is, and I may have missed it, the
21 previous gentleman, where is the generator going to
22 be located at the facility? Was I correct in hearing
23 in the front of the facility?

24 MS. COFFEY: I'll have our architect
25 respond to you and he can point it out.

1 CHAIRWOMAN KWAAK: That was one
2 question. And then with regards to the parking, is
3 there going to be a spot on the property where it's
4 going to be employee parking? And is it going to be
5 designated employee parking? And you mentioned that
6 you have vans. Will they be parked in the back of
7 the facility, on the sides?

8 MR. WOODWARD: I'll speak from a
9 manager's perspective on the parking. Our preference
10 will be not to identify special parking for visitors
11 and employees so that there's some flexibility with
12 that, and that for us works very well.

13 We do intend to have a 14-passenger van
14 to use for activities. I'm not familiar enough with
15 the plan to see where the right place to put it is,
16 but it will be an attractive van; it's going to have
17 the logo of the community on it, and we will consider
18 it to be a marketing tool for us. We aren't
19 certainly going to park it in the front, but we are
20 going to park it where it makes sense on the lot.

21 CHAIRWOMAN KWAAK: That's all I have for
22 now. Daria?

23 MS. D'AGOSTINO: No questions.

24 CHAIRWOMAN KWAAK: Alan?

25 MR. GINSBERG: No questions.

1 CHAIRWOMAN KWAAK: David?

2 MR. KANE: No questions.

3 CHAIRWOMAN KWAAK: Todd?

4 MR. BROWN: At full capacity, what number
5 of residents would you have in this facility?

6 MR. WOODWARD: 80.

7 MR. BROWN: 80, even though there are 60
8 units?

9 MR. WOODWARD: Yes.

10 MS. COFFEY: And just to clarify, Mr.
11 Woodward, that's because there are 40 private units
12 and 20 semi-private units, correct?

13 MR. WOODWARD: The intent of offering
14 some semi-private rooms, we're going to have some
15 flexibility. If somebody desires a larger
16 accommodation, they could have both sides of that; if
17 somebody has less resources and they want to conserve
18 their money, a semi-private combination is what
19 they'll purchase. And you'll see also the design of
20 it is really nice. Even though it is referred to as
21 semi-private, it's a really nice design; there is a
22 lot of perks offered in there.

23 MR. BROWN: And you started out you're
24 not an engineer, but in regards to the generators,
25 the lag time, is it a marginal lag time? Just for my

1 own education.

2 MR. WOODWARD: You know, I'm reluctant to
3 opine on that, but I will tell you that is the reason
4 to the best of my knowledge why diesel generators are
5 used in hospitals. We could have situations where
6 folks have oxygen concentrators, or some kind of
7 medical equipment, and we would prefer not to have to
8 deal with that.

9 MR. BROWN: Thank you.

10 CHAIRWOMAN KWAAK: John?

11 MR. CASTRONOVO: So on the generator, is
12 that expected to take care of the facility entirely,
13 is it full power, or is it just certain equipment
14 that is run on that?

15 MR. WOODWARD: My understanding is the
16 generator is spec'd to meet all code requirements.
17 That would not be necessarily every piece of
18 equipment, the television set, items in there, but it
19 does meet the code requirements.

20 MR. CASTRONOVO: And the -- generally a
21 2,000-gallon diesel tank, how long, how many hours
22 can that run on?

23 MR. WOODWARD: I'm not going to be able
24 to give you a good opinion on that. I will tell you
25 that what we look for is a three-day supply. We got

1 a lot of experience during Hurricane Sandy, and we
2 had communities getting daily deliveries, and we had
3 one community getting deliveries twice a day, and our
4 expectation is that we'll keep it as full as we need
5 to.

6 When the building is cold and the
7 generator is cold, the burn rate is high, and when
8 the building is warm and it's doing what it's
9 supposed to do, the power demand on it comes down.

10 MR. CASTRONOVO: So, in assuming the
11 generator is not used because of a power outage but
12 it's used on a weekly basis to run and then monthly
13 and things like that, how many times does a tanker
14 need to deliver diesel fuel to that in those
15 instances?

16 MR. WOODWARD: If we're not using it to
17 provide backup power, I don't think we would be
18 getting deliveries even bi-monthly; it's not a big
19 deal. The intent is to start it, run it, get it hot,
20 get it underload, so that we know that when we need
21 it, it's going to start.

22 CHAIRWOMAN KWAAK: Barry?

23 MR. FISHER: No.

24 CHAIRWOMAN KWAAK: Steve?

25 MR. KASTELL: No.

1 MS. BEAHM: Madam Chair, can I just ask
2 one more question?

3 CHAIRWOMAN KWAAK: Sure.

4 MS. BEAHM: I don't understand what you
5 mean that the generator is going to operate to code.
6 What does that mean?

7 I mean, I guess the question was, is the
8 facility going to operate as if the lights were on;
9 are there only certain wings of the facility that are
10 going to operate on the generator? Saying that
11 you're operating to code doesn't really mean anything
12 to me.

13 MR. WOODWARD: I'm going to let the
14 engineers talk about that, what will be powered, what
15 will not be powered; I can't answer that. I will
16 tell you that they've identified a generator that
17 meets the requirements of the project. Any more than
18 that, I have to apologize, I can't help you.

19 MS. BEAHM: I guess -- I think that was
20 the question, right? You really want to know how
21 much of this facility is going to be -- in the event
22 of an emergency when the power is out, and the
23 generator is running, what percent of the building or
24 what-have-you is going to operating?

25 MS. COFFEY: Ms. Beahm, our architect

1 will have the answer for you.

2 MR. WOODWARD: That's outside of the
3 scope of my expertise.

4 CHAIRWOMAN KWAAK: Anything else?

5 MS. BEAHM: No, that's it.

6 CHAIRWOMAN KWAAK: You can continue.

7 MS. COFFEY: Then we're going to bring
8 our architect up. Mr. Spencer?

9 M I C H A E L S P E N C E R, was duly sworn and
10 testified under his oath as follows:

11 MR. CUCCHIARO: Can you state and spell
12 your name for the record.

13 MR. SPENCER: Michael Spencer,
14 S-P-E-N-C-E-R.

15 MR. CUCCHIARO: I'm sorry, I didn't get
16 your first name.

17 MR. SPENCER: M-I-C-H-A-E-L.

18 VOIR DIRE EXAMINATION BY MS. COFFEY:

19 Q. Mr. Spencer, can you tell the Board a bit
20 about your experience and qualifications, please?

21 A. Sure. I have an Associate Degree in
22 Architectural Drafting and Design Technologies from
23 Johnson College in Philipsburg, Pennsylvania, and I
24 have 25 years of architecture experience, with 20
25 years being at Noelker & Hull Associates, which is

1 the firm I'm currently at.

2 All 20 of those years I've been in the senior
3 living division which deals with independent living,
4 assisted living, personal care, and skilled nursing.
5 So I've been dealing with that basically for my
6 whole career.

7 MS. COFFEY: We would ask that Mr.
8 Spencer be accepted as a professional architect,
9 please.

10 CHAIRWOMAN KWAAK: His credentials are
11 sufficient.

12 DIRECT EXAMINATION BY MS. COFFEY:

13 Q. Mr. Spencer, can you tell us a bit about
14 the architectural plans for the building in terms of
15 how it's going to be laid out and what it's going to
16 look like?

17 A. Yeah, sure. So, the plan is, it's a standalone
18 single story non-combustible building. It has, as
19 David pointed out --

20 CHAIRWOMAN KWAAK: If you can get up and
21 take the microphone over with you.

22 MS. COFFEY: Yeah, it's probably easier.

23 MR. CUCCHIARO: This is the plan that you
24 already submitted?

25 MR. SPENCER: Yeah, this plan has already

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1 been submitted; you guys should already have this,
2 and I think you have the elevation as well, although
3 we did bring a color elevation in the background
4 here, so we can pull them out later.

5 Q. Just tell us the name of the plan that
6 you're referring to right now so that people can
7 follow along.

8 A. This is A001, Overall Floor Plan. And the
9 building is laid out in a way that we have three
10 residential neighborhoods, three wings, and then we
11 have a common area. The common area is your main
12 entry. It has a bistro area with a main kitchen.
13 This main kitchen will serve at each of the
14 neighborhoods. Also in this common area we have
15 administrative offices, conference room; we have a
16 lounge space for the residents and visitors; we have
17 an interior courtyard here. It's a more intimate
18 one. The residents, the visitors can all use that.

19 We have a beauty/barber here so the residents
20 can get their hair done, a mailbox area, and then we
21 also have a back of the house spot that has staff
22 lounge, maintenance, mechanical/electrical rooms,
23 trash rooms, soiled/clean utility, those types of
24 rooms.

25 In each of the neighborhoods, they each have

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1 a nursing care base right in the center and then
2 they each have activity, living, and dining spaces
3 right here, and then they have a country kitchen
4 with a pantry. Now, these country kitchens, they
5 all get served from the main kitchen, and then they
6 disperse the food from there. Also in there, we
7 have our standard soiled/clean utilities, linen,
8 generous closet, mechanical/electric rooms, all your
9 support staff and then, of course, each wing has
10 your residents' rooms which consist of a bedroom,
11 their living space, if you will, a kitchenette which
12 has a refrigerator and a microwave, and a bathroom.

13 Now, the semi-privates, they have to share a
14 bathroom and share a kitchenette, although their
15 kitchenette's a little bit bigger so they can have
16 their own food and such.

17 And really, that's our building. We do have
18 bigger courtyards as David mentioned earlier, bigger
19 courtyards so they can walk around. There's going
20 to be a lot of landscaping in each of these so they
21 can go out during the day and enjoy the sun.

22 They are closed off by vinyl fencing with a
23 gate that is tied to the fire alarm system, so if a
24 resident were out in the courtyard, they are not, by
25 code, allowed to enter back into that building; they

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1 have to exit the space. So the vinyl fences, they
2 will disengage when the fire alarm goes off and then
3 the resident is able to leave.

4 Any other questions?

5 Q. Why don't you tell us about the exterior
6 of the building?

7 A. The exterior, I guess while I'm here.

8 MR. CUCCHIARO: We're going to have to
9 mark this. We'll mark this as A-1. So this is a
10 colored elevation?

11 MR. SPENCER: The colored elevation.

12 A. And these show a variety of materials, which we
13 can show this one here; it has essentially a base of
14 manufactured stone around the perimeter, around the
15 bottom, and then a variety of other materials just
16 to break it up for visual purposes. We have vinyl
17 siding which is this clay color, and then we have
18 two different types of EIFS, which is an Exterior
19 Installation and Finish System, and, again, it's
20 staggered with the vinyl just to add some depth and
21 some pop to the building. Of course, the asphalt
22 shingles.

23 And that's our finishes. You know, metal,
24 aluminum clad fascias, and other aluminum clad
25 trims, but that's our exterior finishes.

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1 Q. And, Mr. Spencer, you've started to refer
2 to the Board what's beneath. Why don't we mark that
3 as well and you can just explain to everybody what's
4 on there?

5 A. What we have here at the bottom -- at the
6 bottom here is manufactured stone; it's a dry stack,
7 and then that will tie right in with the vinyl
8 siding which is our second material here, and then
9 the other two materials above it are EIFS; it's like
10 a stucco product, and then above it is the actual
11 shingles themselves, so we'll try to do that where
12 all the finishes are.

13 Q. Thank you, Mr. Spencer. And as you
14 heard, there were some questions regarding the
15 generator that's going to be servicing the building.
16 Can you point out where the generator is going to be?

17 A. It's actually on your civil plans, and I can't
18 remember which plan it is, but it will be located
19 off of the receiving area. There's going to be a
20 transformer right here, and then a generator is
21 going to be right here, and then we're going to
22 build a wall here to help shield that noise.

23 So they'll be relatively close, but they're
24 probably a good 75 to 80 feet away from any resident
25 room and then, like I said, this will be the

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1 receiving area here, so that will all be blocked.

2 Q. And then there's also a question as to
3 what the generators can actually power in the event
4 that they're relied upon.

5 A. Yeah, so the generator, right now when they say
6 by code, we have to do emergency circuits, emergency
7 lighting, emergency heat. We have residents who are
8 not able to get out of their room right away, so
9 we're going to have the heating on for them in these
10 rooms and air conditioning. Some facilities we do a
11 central location for the residents, but in this case
12 the client decided to have it in their individual
13 rooms, so that's how we're going to do it.

14 So, like I said, we'll have lighting,
15 emergency circuits every so often so people don't
16 lose their oxygen or whatever is plugged in, and
17 that will be throughout all wings and including some
18 areas throughout the common area as well.

19 MR. CUCCHIARO: So just -- you kept
20 talking about the codes. What code is that?

21 MR. SPENCER: This is the New Jersey UCC,
22 the Uniform Construction Code.

23 Q. And, Mr. Spencer, can you also just tell
24 us about the exterior lighting for the building,
25 please, in terms of the color temperature?

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1 A. Sure. We talked about having less than 4,000 K
2 because it adds a softer light, and you know how you
3 drive around, you know, all over town, you have
4 these super bright lights, but the reason why we
5 wanted to go 4,000 K is to make it a little bit
6 lighter, softer, that soft light, and that helps for
7 the residents as well so if they're looking out
8 their window, they don't have any lights beaming
9 into their windows.

10 MS. COFFEY: Thank you. Thanks, Mr.
11 Spencer. I don't have any more questions for Mr.
12 Spencer.

13 CHAIRWOMAN KWAAK: Professionals?

14 MR. BOCCANFUSO: I think one thing for
15 clarity. I believe Mr. Lane indicated the lighting
16 would be 3,000 Kelvin. Is it going to be 4,000 or
17 3,000?

18 MR. SPENCER: It will be less than 4,000.

19 MR. BOCCANFUSO: Under 4,000.

20 MR. SPENCER: Yeah, some of the
21 particular fixtures are -- they range anywhere from
22 3,000 to 4,000, but they're all very similar.

23 MR. BOCCANFUSO: It'll be more of a warm
24 light than a bright white industrial light?

25 MR. SPENCER: Yeah, we won't have the

1 bright light.

2 MR. BOCCANFUSO: Thank you.

3 CHAIRWOMAN KWAAK: Barry?

4 MR. JACOBSON: Nothing for now.

5 CHAIRWOMAN KWAAK: Jack?

6 MR. McNABOE: So, just put the generator
7 to bed, we have a noise ordinance; this will abide by
8 the noise ordinance?

9 MR. SPENCER: Correct. Yes, the
10 generator will have a, what do you want to call it, a
11 buffer on it, an encloser to help with the sound -- a
12 sound attenuation buffer around it.

13 MR. McNABOE: Again, the concern is more
14 in cycles on whatever day you cycle it. Obviously
15 during a Hurricane Sandy-like event, the part that
16 you have it is the part that impresses us the most.

17 MR. SPENCER: I understand.

18 CHAIRWOMAN KWAAK: I just have one
19 question. With regards to the sign that's going to
20 be on Woodward Road, is it going to be a lit sign?

21 MR. SPENCER: I don't think it is, no, I
22 think it will just be the words.

23 CHAIRWOMAN KWAAK: And then my other
24 question with regards to the lighting, are the lights
25 going to be on timers? Will they get dimmer at

1 certain times?

2 MR. SPENCER: I don't have the answer to
3 that.

4 CHAIRWOMAN KWAAK: Okay.

5 MR. SPENCER: I think the engineer may
6 have that.

7 MS. COFFEY: He's coming back anyway, so
8 we can ask him.

9 CHAIRWOMAN KWAAK: Okay. Daria?

10 MS. D'AGOSTINO: No questions.

11 CHAIRWOMAN KWAAK: Alan?

12 MR. GINSBERG: No.

13 CHAIRWOMAN KWAAK: David?

14 MR. KANE: No.

15 CHAIRWOMAN KWAAK: Todd?

16 MR. BROWN: Being the architect, the
17 semi-private units, is that like a two-bedroom?

18 MR. SPENCER: Yes, there's two-bedrooms,
19 but they actually have separate doorways within their
20 unit, I guess -- let me explain. As you walk in from
21 the corridor, you have a kitchenette that both can
22 use, and there's a bathroom on the other side, and
23 then there's a separate door that goes to each of
24 their bedrooms. So they'll have their own privacy
25 there, but when they come out to the kitchenette,

1 they may run into each other, but their own sleeping
2 quarters is lockable.

3 MR. CASTRONOVO: So, you had mentioned
4 something about when they're in the outside area and
5 the fire alarm goes on and you indicated that the
6 gate would automatically open so they can get out,
7 but you also mentioned that they can't get back in,
8 or at least I understood that you said they can't get
9 back in.

10 MR. SPENCER: They can but by code, when
11 there's a fire alarm that goes off, the code does not
12 allow them to enter back into a burning building.

13 MR. CASTRONOVO: Well, when you say,
14 "code," they're not supposed to, but the doors are
15 unlocked?

16 MR. SPENCER: Yeah, they're unlocked.

17 MR. CASTRONOVO: So if they wanted to
18 they could?

19 MR. SPENCER: They could, yes.

20 MR. CASTRONOVO: That's all I have.

21 CHAIRWOMAN KWAAK: Barry?

22 MR. FISHER: No.

23 CHAIRWOMAN KWAAK: Steve?

24 MR. KASTELL: No, I'm fine.

25 CHAIRWOMAN KWAAK: Anybody else on this

1 side, any follow-up questions? No?

2 Okay, at this time I'm going to take a
3 five-minute break and then we'll come back.

4 MS. COFFEY: Okay, thank you.

5 (Whereupon a brief recess was taken.)

6 CHAIRWOMAN KWAAK: I'd like to call our
7 meeting back to order, 9:10. So we finished up your
8 architect, so now --

9 MS. COFFEY: We're going to bring Mr.
10 Lane back up to address the open items that we have
11 for him.

12 W I L L I A M L A N E, P. E., having been
13 previously sworn, is recalled and continued
14 testifying under his oath as follows:

15 CONTINUED DIRECT EXAMINATION BY MS. COFFEY:

16 Q. So, the first was, if you could provide
17 us a little more explanation on, in terms of the
18 sewer that's currently being proposed and why that
19 makes sense for right now.

20 A. Yes, can I grab one of the microphones and go
21 to the --

22 CHAIRWOMAN KWAAK: Absolutely.

23 A. This is the plan entitled Overall Plan Exhibit.
24 I think we should mark that. I think we're up to
25 A-3.

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1 Q. That's right.

2 A. Okay, under our original proposal with this
3 whole site being fully developed, K. Hov coming in
4 and developing the residential portion of Lot 1, the
5 proposal, in order to service this site with
6 sanitary, the original proposal was to come down
7 Route 33 and extend further down to a manhole
8 approximately about 900 feet down from the
9 intersection in order to get the line to be able to
10 come underneath Still House Brook, and when that
11 comes in, they're still looking to do that, but
12 unfortunately the property along the front to the
13 west of Route 33 is Green Acres, so there is not a
14 building required easement.

15 So when the residential comes in, they're
16 going to have to come out the back between where
17 this Lot 3 is, the proposed Lot 2, and where Lot 1
18 all meet. The gravity line will come underneath the
19 Still House Brook, follow that common property line
20 between 2 and 3, come down to the intersection of
21 Woodward Road, and basically parallel the existing
22 line, and then tie in down to the existing manhole
23 that is much deeper in order to get down along the
24 creek, and that's when the line needs to come in
25 much deeper because it's going to have to service

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1 this to get under the creek.

2 With our site, with the assisted living
3 facility, we're not on the side of the creek; we can
4 tie into the existing manhole that sits in Woodward
5 Road by running a gravity line, as we talked over on
6 to Lot 3; this way it's gravity to the right-of-way,
7 to an existing manhole, and then lines down with a
8 lot of other facilities, we still need because of
9 the long runs underneath the building, with the
10 lateral services, we still will need to -- not quite
11 meet the invert to gravity, so we need to provide a
12 pump station.

13 With that pump station, that pump station can
14 service this building for its lifetime. It doesn't
15 need to be a temporary situation; it could be
16 permanent. But when this residential comes in, and
17 the new line comes in which will be much deeper, we
18 can simply abandon the pump station, take the
19 lateral and tie into that line gravity.

20 But the new line that's going to go further
21 down, that improvement will be done with the much
22 bigger project with the residential development.
23 And again, like I said, with the assisted living
24 facility, we're looking to do a main, and a forced
25 main with the pump station to service this building

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1 which will work fine with the assisted living
2 facility.

3 MS. BEAHM: Can I just ask a question?

4 CHAIRWOMAN KWAAK: Sure.

5 MS. BEAHM: So we keep talking about if
6 and maybe this residential component is going to come
7 to fruition. My concern is that this entire site
8 prior to the subdivision was zoned specifically for
9 these projects because it's an affordable housing
10 site. So I'm getting extremely anxious when I hear
11 things like "if" and "maybe" because if not for that
12 residential component, this zoning would not be here.
13 So when is this residential coming?

14 MR. LANE: That's not a question for me.

15 MS. COFFEY: Well, let me start by
16 saying, we certainly can't represent to the Board
17 that it's a certainty; the Board has to approve it.
18 However, you're correct, the zoning was put in place
19 with an anticipation of development on all three of
20 the lots, and that remains the property owner's plan
21 for the property.

22 There are open items that are still being
23 worked through to figure out exactly how the layout
24 of the other two lots are going to work and that's
25 being done in conjunction and in cooperation with the

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1 municipality.

2 I think that our hope would be that we
3 would have the plans approved for the other lots
4 within the next two years, so that's probably an
5 outside date.

6 With that being said, there are still
7 open items that we're working through, not even just
8 for the municipality, but with outside agencies whose
9 timelines, of course, we can't control. So the
10 reason why it's being characterized as an if or a
11 maybe is that we certainly can't represent that it's
12 a done deal when we have all of these approvals,
13 including this Board's approval, that we will need to
14 seek, and we will never want to presume that we have
15 an approval in hand when we still would have to go
16 through the deliberative process prescribed by law.

17 MS. BEAHM: I understand that nothing is
18 100 percent guaranteed, but I just want the Board to
19 recognize that this site came to the attention of the
20 municipality through the affordable housing
21 litigation that's taking place.

22 So while I recognize this is step one in
23 a multi-step process, I just don't want to lose track
24 of the fact that had it not been for the fact it came
25 to us through affordable housing, the zoning would

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1 never have been put in place.

2 So I'm extremely concerned when you say
3 things like two years. That's a pretty big jump.
4 Understanding that it's 2019, the cycle ends in 2025;
5 we have statutory requirements we have to maintain as
6 a municipality, and I don't know that two years is
7 something that we are thrilled to hear, but I just
8 want everyone to be well aware that had it not been
9 for that, this zoning would not be in place here.

10 MS. COFFEY: So, Ms. Beahm, I'll just
11 add my understanding is that the zoning that was put
12 in place did contemplate a phased development of
13 these lots with this parcel being the first phase.

14 MS. BEAHM: Agreed, but never -- and I
15 worked on it so I'm intimately familiar with how this
16 came to fruition, but never was it discussed if and
17 maybe. So, these words have been utilized throughout
18 this proceeding, makes me very uncomfortable.

19 MS. COFFEY: The applicant has every
20 intention of coming back and seeking those approvals,
21 but, again, it would probably be irresponsible to say
22 when it's developed, because, again, we shouldn't be
23 in a position of telling the Board that they are
24 going to approve an application. I think that would
25 be viewed as presumptuous.

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1 MS. BEAHM: Okay.

2 CHAIRWOMAN KWAAK: Okay, any questions?

3 MS. COFFEY: Just one more, if I may,
4 Ms. Kwaak.

5 BY MS. COFFEY:

6 Q. You asked about the lighting of the sign,
7 and we were going to get back to you on that as well.
8 Mr. Lane, can you please tell us about the sign
9 lighting, please?

10 A. Yes, our proposal is to have a ground-mounted
11 light and it will shine up towards the sign. The
12 sign itself will be illuminated, but it will be a
13 ground-mounted light.

14 CHAIRWOMAN KWAAK: And the sign on the
15 color rendering, that is going to be in the corner
16 there or by the --

17 MR. LANE: It's just to the south of our
18 access driveway off of Woodward Road.

19 CHAIRWOMAN KWAAK: Okay, so there will be
20 no signage whatsoever on the corner of Woodward and
21 Route 33?

22 MR. LANE: Not for this assisted living
23 facility.

24 CHAIRWOMAN KWAAK: Okay, thank you for
25 answering that question.

1 My other question, I'm sorry, you talked
2 about the pump station. Is the pump station going to
3 be above ground or below ground?

4 MR. LANE: Below ground.

5 CHAIRWOMAN KWAAK: So the pump station is
6 going to be below ground.

7 That's the only thing I have. Thank you.

8 Is that all the questions that we had
9 open for him to answer before I open it back up?

10 MS. D'AGOSTINO: I just had a question on
11 affordable housing.

12 CHAIRWOMAN KWAAK: Okay.

13 MS. D'AGOSTINO: Do we have to meet a
14 certain criteria per year during that five-year?

15 MS. BEAHM: No. So we still haven't
16 finalized our issues with the court. When we do,
17 then there will be like lookback requirements at
18 certain milestones. Usually they're annually or
19 every two years. But we're not at that point yet.
20 So there is still time, quite honestly, if you
21 haven't had any finalization through the court yet,
22 so we're still in good shape as far as that goes.

23 MS. COFFEY: And this component does
24 provide eight affordable units via the eight that --
25 I believe it's 10 percent.

1 MS. BEAHM: The Medicaid beds, which is
2 why I asked how many of the Medicaid beds that you're
3 providing, we're able to take credit for the Medicaid
4 beds.

5 MR. GINSBERG: Are they able to increase
6 that number?

7 MS. BEAHM: Yep.

8 MR. GINSBERG: Is there a reason why
9 they're not increasing it?

10 MS. COFFEY: I don't think the economics
11 of the plan are supporting it.

12 MS. D'AGOSTINO: Was it town homes that
13 are planned; are any going to be affordable?

14 MS. BEAHM: Yes.

15 MS. D'AGOSTINO: And how many?

16 MS. BEAHM: Well, it's a percentage, so
17 that's not an application that we're hearing tonight,
18 so when they come back with the residential
19 component, you can be certain that I will be on top
20 of that. But they did guarantee to give us a certain
21 percentage of their units as affordable on the
22 residential component, yes.

23 CHAIRWOMAN KWAAK: Anyone else? Todd?

24 MR. BROWN: This underground pump
25 station is located where?

1 MR. LANE: It would be in the southern
2 area of this Lot 3, we're calling the assisted living
3 facility property just north of the southern property
4 line. So the service line would come out somewhere
5 down in that corner and the pump station would be
6 probably just behind that parking lot, just south of
7 the building.

8 MR. BROWN: And then the signage, is
9 there going to be a unit number on that just for
10 identifying the address?

11 MR. LANE: They could probably put a
12 street number on there for any kind of emergency
13 services. That could be provided on there.

14 MR. BROWN: In addition to what is shown,
15 or part of that sign?

16 MR. LANE: We would have the name of the
17 facility. We could probably put a street number on
18 there just for identification purposes.

19 MR. BROWN: Thank you.

20 CHAIRWOMAN KWAAK: Anyone else? Any
21 other things professionals? No? Okay, you can
22 continue.

23 MS. COFFEY: Okay, thank you. Just
24 before we get into our traffic engineer, I was going
25 to ask Mr. Woodward to come up and answer the

1 question about the timing of the lights in the
2 parking lot.

3 CHAIRWOMAN KWAAK: Sure.

4 D A V I D W O O D W A R D, having been
5 previously sworn, is recalled and continued
6 testifying under his oath as follows:

7 CONTINUED DIRECT EXAMINATION BY MS. COFFEY:

8 Q. Mr. Woodward, you know why you're here.
9 Can you tell us whether the lights in the parking lot
10 will be on a timer, please?

11 A. Yes, they will, and I don't know exactly what
12 hours, but we're not going to have the parking lot
13 lit at all hours. We will need to make sure that
14 the lights are on. We expect staff so --

15 CHAIRWOMAN KWAAK: I understand. Thank
16 you.

17 MS. COFFEY: Now we're going to call up
18 our traffic engineer, Justin Taylor, please.

19 J U S T I N T A Y L O R, P. E., P. T. O. E.,
20 was duly sworn and testified under his oath as
21 follows:

22 VOIR DIRE EXAMINATION BY MS. COFFEY:

23 Q. Mr. Taylor, can you tell the Board,
24 please, about your experience and credentials?

25 A. Absolutely. I'm a principal of the firm of

1 Dynamic Traffic. I'm a licensed engineer in the
2 State of New Jersey, as well as Pennsylvania, and
3 Texas, practicing traffic planning for approximately
4 the last 18 years. Also certified Professional
5 Traffic Operations Engineer by the Institute of
6 Transportation Engineers. I've testified at dozens
7 of boards throughout the State of New Jersey, both
8 on behalf of applicants and on behalf of boards.

9 MS. COFFEY: We would ask that Mr. Taylor
10 be accepted as an expert in traffic engineering,
11 please.

12 CHAIRWOMAN KWAAK: His credentials are
13 sufficient. Thank you.

14 MS. COFFEY: Thank you.

15 DIRECT EXAMINATION BY MS. COFFEY,

16 Q. Mr. Taylor, can you tell us a bit about
17 the site circulation for the property, please?

18 A. Yes, absolutely. My purview as part of this
19 project was to review three prongs; the traffic
20 impact, the on-site circulation, and the parking
21 sufficiency of the project. So we can hit each one
22 of those piece by piece.

23 You start off with the circulation and the
24 access to the site. We are proposing a full
25 movement driveway along Woodward Road. Initially

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1 this was designed with the striping as it currently
2 exists along Woodward; however, at the request of
3 both the Board Engineer and the Board Traffic Safety
4 Officer, a left turn lane has been requested to be
5 striped opposite the one at the Wawa, and we have no
6 problem with that; that will actually be refuge for
7 our vehicles to use in the northbound direction, get
8 out of the traffic flow and into the site, so we
9 would be re-striping that at this point.

10 Once you're on the site, you heard there's
11 sufficient parking, and we do exceed the ordinance,
12 the RSIS requirements by a pretty sufficient amount,
13 but I think that follows good practice for this
14 facility in ease of search and to make sure that
15 there is enough parking on the site.

16 The requirement would be 40. We are
17 providing 58 with a potential of an additional 18
18 spaces, for a total of 76 spaces. So that parking
19 will be sufficient to support the demand of the
20 project as we proposed.

21 On the site we will have both vehicular
22 traffic, and we're going to have deliveries. You've
23 heard testimony from the operator about the
24 frequency of those, but the loading zone for that is
25 actually located in the northeast corner of the

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1 property away from the main entrance. Vehicles will
2 enter, turn right into the parking area and then
3 access -- I guess maybe the best way to do it is
4 maybe to go up.

5 This is to be marked A-3, so referring to
6 A-3, as I stated, the loading area is located in the
7 northeast corner of the project, so loading
8 deliveries will enter the site from the Route 33
9 corridor, access the loading dock here, and then
10 return, most likely, to Route 33.

11 MR. BOCCANFUSO: Mr. Taylor, can I just
12 interrupt you one second? Do you happen to have a
13 larger scale exhibit of the actual site? I think
14 that will be helpful for the Board members. There
15 you go.

16 Q. I think that's A-4, Mr. Taylor, yeah.
17 A. So, again referring to now A-4, which is
18 Woodward Road Site Plan with Fire Bureau Exhibit,
19 dated 2/28/19. And as I stated, it's located in the
20 northeast corner and vehicles would access via
21 Woodward Road, travel to this corner and be able to
22 unload and then return without any impedece to the
23 operation of the front drop-off Woodward parking
24 scenarios.

25 The dumpsters are also located in this

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1 location and so trash pickup will be accomplished in
2 that same -- away from the front of the building.

3 So, the other thing that we were to look
4 at -- so we've talked about the access and how that
5 will operate; we talked about the parking and how
6 that will be sufficient parking for the project.
7 The third thing that we looked at was the traffic
8 impact. Now, a site such as this is actually a
9 relatively low traffic generator during those busy
10 peak commuting hours that are an issue through this
11 area.

12 We haven't looked at this point at Route 33
13 as part of this project; however, my firm is
14 involved with a project that is located just east of
15 this, with the Millhurst Road Project, and we
16 understand that there are capacity constraints at
17 this intersection. But when we looked at the
18 Institute of Transportation Engineers' publication
19 Trip Generation for the project, an assisted living
20 facility the size of this is looking to generate
21 between 15 and 20 cars in any one of those busy peak
22 hours. That's a car every three to four minutes.
23 So the impact of that will really be negligible on
24 traffic flow of the roadway.

25 Further, to push that, if we were to look at

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1 both the ITE and the NJDOT, they set a threshold
2 criteria of 100 peak hour trips for when you would
3 need to study an intersection or create an actual
4 traffic study, and this project falls well below
5 that threshold.

6 So really it's my opinion that the traffic
7 impact associated with this portion of the project
8 will be nominal and really be negligible to the
9 motoring public.

10 So based on the fact that the traffic is low
11 for this part of the project, that the parking will
12 be sufficient to support the demand, and that the
13 site has been laid out for good, safe circulation
14 and access to the site, we find that there really is
15 no negative detrimental impact to the surrounding
16 roadway network, and the project could be
17 constructed as proposed.

18 MR. CUCCHIARO: So on your statement
19 about the trigger to study the intersection, is it
20 there is no requirement that you take into account
21 your planned future phases of this project, the
22 residential and the commercial?

23 And the sworn testimony is that it's
24 barring something unforeseen that's coming, so you
25 know that traffic is going to exist, but it's not

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1 taken into account in terms of when the trigger gets
2 pulled to study the intersection?

3 MR. TAYLOR: It is not. So at the time
4 when those pieces of the puzzle come back in, we will
5 need a much more comprehensive traffic study to
6 recognize both the impact at Millhurst Road and along
7 33 and any other intersections that the NJDOT is
8 going to require us to study.

9 We are going to have to apply for a major
10 plan review application for the retail and the
11 residential portion of this, and at that point, we
12 will be performing a comprehensive traffic study, but
13 there isn't a threshold at this point to take that
14 traffic into account.

15 MR. CUCCHIARO: I guess I just want to --
16 I understand what you did. I just want to be sure,
17 the threshold that triggered, is that codified
18 somewhere in administrative regulations as to when it
19 is that that number -- what you have to study in
20 order to get that number?

21 MR. TAYLOR: So the NJDOT Access
22 Management Code sets hold a threshold of what a
23 significant increase in traffic is, and that is
24 codified in N.J.A.C. 16:47, I believe of that 100
25 trips.

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1 MR. CUCCHIARO: But does that also tell
2 you that you do not study future projects that you
3 know are coming down the line?

4 MR. TAYLOR: It requires you--

5 MR. CUCCHIARO: That is my real question
6 as to -- because it seems like you can determine what
7 you're going to look at in order to get below the
8 100.

9 MS. COFFEY: Well, Mr. Taylor, if I
10 might, the idea would be that when an application is
11 made for those future legs of a project, at that
12 point you would be looking at the traffic impact
13 associated with those legs as well as whatever impact
14 is existing at that time which would include --

15 MR. CUCCHIARO: I understand. That's
16 clearly what he testified.

17 Q. And then improvements would be
18 recommended, traffic improvements will be recommended
19 at that time, correct?

20 A. That's correct.

21 Q. And that's typically the process that's
22 used?

23 A. That is. The second step I would say to that
24 is the traffic associated with this project would
25 then be considered new in that analysis. We're not

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1 going to try to get this developed and then put that
2 into background traffic.

3 MR. CUCCHIARO: All right, but my
4 question was -- I understood when you anticipate
5 doing it and why it is that you're doing it that way.

6 My question was in the access manual, is
7 there some guidance as to what it is you look at in
8 order to determine whether that 100 has been hit or
9 not? Is there something you could point to that says
10 no, the access manual tells me I should not count at
11 this moment in time those other future projects
12 associated with this subdivision?

13 MR. TAYLOR: So it does not require you
14 to look at anything that has not been permitted and
15 approved at the time of the application. So as of
16 right now, as we have not fine-tuned what the rest of
17 these will really be from a development standpoint;
18 we can't, and are not required to take them into
19 account.

20 MR. CUCCHIARO: So then if we look in the
21 access code, there's a provision; it says in terms of
22 what you count, you count whatever you're proposing
23 as well as other existing and approved projects.

24 MR. TAYLOR: So that would -- any
25 approved project would then go in as a background

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1 traffic it requires you to study, and that 100 trip
2 threshold is based upon the project that is proposed
3 at the time of the application.

4 MR. CUCCHIARO: So the access manual says
5 when you're counting the 100, the exclusive thing
6 that you look at is what you're proposing in the
7 application; nothing else gets counted towards
8 whether you review or study the intersection?

9 MR. TAYLOR: That's correct.

10 MR. CUCCHIARO: Is that your
11 understanding?

12 MR. BOCCANFUSO: That's my understanding
13 as well. It's based upon the trip generation
14 associated with your proposed project, and your study
15 would account for the background growth, the general
16 background growth, as well as the approved projects.

17 MR. CUCCHIARO: What is the purpose of
18 the background numbers if it doesn't trigger the 100?

19 MR. BOCCANFUSO: It gives you a measure of
20 impact of general development in the area. It's a
21 percentage that is set by the various reviewing
22 agencies that allows you to consider. Obviously
23 there's development going on throughout the state and
24 that's going to kind of have a global impact on the
25 traffic network, on the transportation network. So

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1 that background growth includes that in your
2 analysis, that incremental growth in traffic over
3 time.

4 MS. BEAHM: And, Justin, you can correct
5 me if I'm wrong, but also it enables you to calculate
6 the percentage. Like let's say you were looking at
7 improvements to an intersection that are not 100
8 percent yours; that background traffic gives you a
9 better understanding of what percentage your traffic
10 is to the overall?

11 MR. TAYLOR: Yes, to an extent, the
12 utilization, I think Brian put it succinctly, is
13 there is growth that happens naturally throughout the
14 state that is not directly adjacent to this project,
15 and that's what that background growth encompasses.
16 The traffic counts that would be done, and the
17 existing volumes are then utilized with that growth
18 to figure out what your impact, your percentage
19 impact, would be.

20 MR. CUCCHIARO: Just another question in
21 terms of how we count. Since this -- the applicant
22 has determined that this portion of the overall
23 project is going to move forward independently, does
24 this get counted when the next phase comes in, or the
25 next phase are we going to say this is what's being

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1 proposed; is this the only stuff we count?

2 Q. It gets counted if this project is
3 approved, correct, Mr. Taylor?

4 A. Yes, and we would incorporate that as not
5 background traffic to the next application. Again,
6 we're not trying to hide the traffic associated with
7 this, but the impact associated with this phase of
8 the project is nominal.

9 MR. CUCCHIARO: So just to be clear, when
10 the next -- if there's an approval, when the next
11 phase comes in and you're making the analysis to
12 determine whether the intersection is going to be
13 studied, the traffic created by this phase gets
14 counted?

15 MR. TAYLOR: Yes, that's correct.

16 MS. COFFEY: Assuming there is an
17 approval.

18 MR. CUCCHIARO: Yes.

19 MS. COFFEY: Right.

20 MR. TAYLOR: In these questions,
21 actually, there was something else that I should
22 really touch on, and that's kind of -- let me go back
23 to A-3. There was some question by the Board about
24 the cross access between the two lots, and I think
25 referring back to A-3 is probably a better way to

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1 look at it.

2 As a traffic engineer, we like to connect
3 projects; we like to connect them to -- we would
4 rather keep traffic off of adjacent roadways and
5 allow them to intermingle when those two uses are
6 really kind of complementary. If we were doing
7 retail along the Route 33 corridor, we would
8 absolutely connect the different lots.

9 However, from a circulation standpoint,
10 driving retail traffic through an assisted living
11 facility is not good, common practice. We don't want
12 to encourage whatever development up here; we're
13 contemplating retail or contemplating restaurant. We
14 would not want to encourage those customers to drive
15 through the assisted living facility. It's not a
16 good traffic planning procedure to commingle outside
17 traffic, and that's really the reason that we didn't
18 connect the two sites.

19 Further, talking about the connection to
20 the north and what may be up here, again, we didn't
21 want to give a roadway parallel to Woodward Road and
22 access for vehicles to bypass any of the traffic
23 along Woodward Road by connecting from the northern
24 portion of this site through the proposed facility
25 and into the retail component at the corner.

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1 So, that's the reason. We looked at it;
2 we thought about it; we understand why you want to do
3 that, but in this case, these two uses, it doesn't
4 make traffic planning sense to do that.

5 BY MS. COFFEY:

6 Q. Mr. Taylor, I think there were a few
7 items in the review memo that I had promised you were
8 going to touch on.

9 A. Absolutely.

10 Q. So let me just see which ones we need to
11 -- I think the first one that you haven't already
12 covered is probably 10G. This is in CME's review
13 memo, regarding the banked parking spaces, and the
14 request in the memorandum is to discuss circumstances
15 that would require the land banked spaces to be
16 converted to paved, actual parking spaces. Do you
17 have a suggestion as to what that trigger might be?

18 A. Yes, as stated by our civil engineer, we would
19 rather not put more parking out there than is
20 absolutely necessary. We would like to reduce and
21 minimize impervious coverage. However, we do
22 recognize that there may be additional parking
23 necessary here, and what we look to do is if we
24 routinely see 90 percent of those spaces occupied by
25 either visitors or employees, then we would look to

Direct - J. Taylor, P.T.O.E. - Coffey

1 come back and construct those banked parking spaces.

2 Q. And we suggest that we would make
3 application to the municipal engineer at that point
4 saying that this is what we're seeing on this site
5 and we'd like permission to build those banked
6 spaces, correct?

7 A. Yes, that's correct.

8 MS. COFFEY: I think that you covered all
9 the other traffic comments already in your testimony.
10 I don't want to repeat.

11 MR. TAYLOR: I tried to.

12 MS. COFFEY: I think you did. So I don't
13 think I have any further questions for Mr. Taylor.

14 CHAIRWOMAN KWAAK: Professionals?

15 MR. BOCCANFUSO: Thank you, Madam Chair.
16 Let me start by saying I do concur with Mr. Taylor's
17 analysis that this proposed use is -- can generally
18 be considered a very low volume use from a standpoint
19 of trip generation.

20 As we indicated, you're looking at 15 to
21 20 cars per peak hour, which is extremely low on the
22 spectrum from trip generation standpoint. In fact,
23 it's among the lowest that the ITE considers. So
24 from a traffic impact standpoint, this is the type of
25 use that could be considered as low as possible aside

1 from perhaps no development at all.

2 Now, with that said, I'm sure Mr. Taylor
3 is aware that there have been some complaints
4 regarding Woodward Road and Route 33 intersection.

5 So, you indicated that you would be doing
6 a more comprehensive study when the future phases of
7 this development come in. Has there been any
8 analysis of that intersection to this point?

9 MR. TAYLOR: We have not performed
10 capacity analysis of the intersection yet because
11 we're still fine-tuning the development program for
12 that front piece as well as the rest of the tract.

13 MR. BOCCANFUSO: Okay --

14 MR. TAYLOR: Well, I guess I could
15 elaborate a little bit on that. As part of this
16 project, as I stated, our firm was involved with the
17 Millhurst Road Project and so we understand that
18 there are capacity constraints at this intersection
19 and it's going to be our burden to prove at that
20 point that these new developments will fix the
21 existing issues and mitigate the traffic with the
22 rest of the development here.

23 MR. BOCCANFUSO: Okay, so based on the
24 limited analysis that you have done in connection
25 with the other project and just kind of looking at it

1 with this project and the future plans for
2 development, do you believe that that intersection is
3 failing from a level of service standpoint?

4 MR. TAYLOR: Yes. Yes, I do.

5 MR. BOCCANFUSO: So do you believe that
6 adding 15 to 20 cars per peak hour will have an
7 adverse impact on that failing condition? It's
8 already failing; do you think it's going to
9 exacerbate that failure?

10 MR. TAYLOR: No, I really don't. A car
11 every -- we're talking about a car every three to
12 four minutes, and that's a combination of entering
13 and exiting, so that's not all being loaded onto any
14 of the various approaches, so, no, I do not.

15 MR. BOCCANFUSO: Okay, do you think that
16 what little traffic there is coming to and leaving
17 from this site will generally be uniformly
18 distributed to the roadway network? Do you see any
19 evidence that it might come more from one direction
20 than from the other?

21 MR. TAYLOR: I think more of it will be
22 oriented towards Route 33; however, Woodward Road
23 does connect Main Street and actually gets you up to
24 Route 9. If I were traveling through here, I would
25 head that direction, if I was coming from the north.

1 So we see -- while not uniform, we
2 anticipate about 30 percent maybe heading to the
3 north with the other 7 percent being oriented to
4 Route 33.

5 MR. BOCCANFUSO: Okay, so when you say 15
6 to 20 cars per peak hour, they're not going to -- you
7 don't anticipate that they would all go through that
8 problematic intersection?

9 MR. TAYLOR: That's correct. You would
10 anticipate about 70, which drops it to about 10 or 15
11 cars during the peak hours.

12 MR. BOCCANFUSO: Okay. I think the
13 elephant in the room, so to speak, is the cross
14 access. I do hear what you're saying about the uses
15 not being compatible, but as you also indicated, I
16 agree that generally cross access is a good thing.
17 If you can limit the number of points of access to a
18 roadway, particularly one that is experiencing
19 existing traffic problems, I think that's a good
20 thing.

21 Now, you said that it wouldn't
22 necessarily be a good thing to commingle retail use
23 with this proposed assisted living facility. But if
24 there's development to the north that's an office
25 building or a medical office building, would that be

1 something that perhaps a cross access might be a
2 beneficial situation?

3 MR. TAYLOR: Again, I don't know if it's
4 a necessary thing, to commingle the two of them. I
5 think this use needs to stand alone as it is, and
6 that any interaction between the two can be done
7 pedestrianly. So, no, I don't think it's a necessary
8 thing.

9 MR. BOCCANFUSO: Okay, what about if, at
10 the risk of getting into hypotheticals, if there is
11 an office development to the north; I mean, would it
12 be possible to route traffic to the assisted living
13 facility through a driveway access to the office
14 building as opposed to vice versa? I mean, it would
15 involve eliminating the driveway that's proposed
16 here, but is that something that you think may be a
17 favorable situation?

18 MR. TAYLOR: I have to say getting really
19 hypothetical without a direct layout of what's on
20 that piece of property, I think the layout as we had
21 proposed provides good and sufficient access for the
22 project we have proposed.

23 MR. BOCCANFUSO: Okay, my position on it
24 is I agree with you that perhaps retail and assisted
25 living are not compatible uses that you would

1 necessarily want to interconnect, but I do have my
2 concerns with proposing two or three new driveways to
3 Woodward Road as well as two new driveways to Route
4 33 when perhaps we have an opportunity to limit
5 those.

6 I think it should remain as an open issue
7 because I don't -- and when I say, "open," I mean
8 something to be considered in connection with the
9 future applications to this site. I don't know that
10 we need to, again, require driveways to be
11 constructed in connection with this application, but
12 I think it's something that, going forward, we should
13 keep on the table because if we could limit the
14 traffic to Woodward Road, the points of access to
15 Woodward Road, I see the possibility of providing the
16 benefit.

17 So I don't have any objection to moving
18 forward with it and kind of tabling it with this
19 application, but I certainly don't think we should
20 slam the door on it. I think it's important for the
21 Board to keep it on the table for consideration of
22 future applications.

23 MR. CUCCHIARO: Counsel, is there any
24 objection to that?

25 MS. COFFEY: We can address it when we

1 come to the next phases.

2 MR. BOCCANFUSO: That's all I have. Oh,
3 I'm sorry, there was one other item I just wanted to
4 touch on. I agree with the assessment that the site
5 does have surplus of parking and I'm in favor of land
6 banking the additional parking spaces. I don't see
7 any need to provide additional impervious coverage if
8 there's no resource that says that it's needed, so
9 I'm okay with the parking.

10 CHAIRWOMAN KWAAK: You know how I feel
11 about parking.

12 MR. BOCCANFUSO: I do.

13 MS. BEAHM: Madam Chair. One of the
14 things that you had mentioned earlier was that while
15 you feel that the cross access for vehicular traffic
16 is not warranted, I would strongly advocate at least
17 pedestrian connectivity, because while the residents
18 of the facility may not want to walk to a retail or a
19 restaurant, perhaps employees might, and enabling
20 them to do so -- first of all, they're going to walk
21 anyway, and then there's going to wind up being a
22 path through the grass regardless, so I would like to
23 see pedestrian connectivity and then with a thought
24 for similar type of pedestrian connectivity to the
25 larger lot as well when that does come back before us

1 in the future.

2 CHAIRWOMAN KWAAK: Anyone else on this
3 side?

4 MR. JACOBSON: Yeah, I concur with that
5 because in the plan it said restaurants, and you
6 could have visitors coming and then they might take
7 them, and then this way they could walk to the
8 restaurant and walk back. Otherwise, if you take the
9 car around and then you have to get back, would be a
10 real mess. There should be some connectivity. If
11 not vehicle, then it should be pedestrian.

12 MR. TAYLOR: I agree, I think, as was
13 previously testified to, as these further phases come
14 online, there is a sidewalk network that we agreed to
15 build along this whole corridor that would provide
16 the pedestrian connectivity to the sites.

17 MS. BEAHM: What I don't want to have
18 happen is that you have a sidewalk that goes from
19 your front door to Woodward Road, down Woodward Road,
20 let's pick the path of least resistance because
21 people are not going to do that, if I can walk from
22 point A to point B in a straight line, but your
23 sidewalk goes out of the way. I would like you to
24 look into some kind of pedestrian connectivity
25 directly instead of circuitously from this lot to the

1 commercial lot.

2 MR. TAYLOR: I think that once we get a
3 better handle on the layout of that commercial lot we
4 can investigate that, the best route, because you're
5 right, people are going to walk where they want to
6 walk to. But we're still in those planning phases.
7 It's something we can look at as we move forward.

8 MR. CUCCHIARO: Madam Chair, I just want
9 to make one comment on the banked parking in response
10 to your comment. This request is a little different
11 than the request that we normally get. Typically
12 what we get with a request for land banked parking is
13 we're not going to construct all the required
14 parking; we're going to take 10 or 20 spaces and bank
15 them, but claim that we're satisfying the parking
16 requirement.

17 This is different, because they are
18 actually constructing all of the spaces that are
19 required. These are spaces that the ordinance and
20 the RSIS don't require. So they could have actually
21 come in and just said, this is the number of spaces
22 and not talked about the banking at all.

23 That's the critical difference between
24 the banking request that we normally get and this
25 one.

1 CHAIRWOMAN KWAAK: Okay. You're done?
2 Jack?

3 MR. McNABOE: Ms. Coffey, is this your
4 last witness?

5 MS. COFFEY: It is our last witness.

6 MR. McNABOE: Okay, good.

7 MS. COFFEY: Tell me how you really
8 feel.

9 MR. McNABOE: I've been holding off some
10 of the questions to decide who to send them to.

11 CHAIRWOMAN KWAAK: Go for it.

12 MR. McNABOE: Obviously we'll have to get
13 the sewer; that wouldn't be Mr. Taylor. But, Mr.
14 Taylor, I think we're trying to have it both ways.
15 So I'm asking questions of what's going in front, and
16 now we're saying it's probably retail, yet the first
17 time I asked, I wasn't getting answers.

18 So if we're going to say we know what the
19 front lot is, or we're going to say we don't know
20 what the front lot is, so back to Mr. Boccanfuso's
21 comment, if this is medical office, that kind of
22 stuff, it works with this.

23 I got testimony here that we can have 30
24 employees on this at any one time. Probably like
25 most of us, likes to walk out of the building at

1 least at lunchtime. So, again, without knowing the
2 whole package, again, in my mind, when we did the
3 overlay zone at the Township Committee level, we did
4 it on the entire piece of property. So now we're
5 looking at it and we're getting piece by piece.

6 I'm hearing we don't want to put the
7 curbs and sidewalks in now, and we don't want to do
8 the traffic study now; yet, we did zoning on the
9 entire piece of property. I'm wondering, if you
10 really, collectively, if we've done our homework
11 here, if we're not doing a disservice to you and to
12 us without having a little bit more information.

13 So, again, the sewer is its own thing.
14 I'm going to -- but why don't we have an idea? You
15 did a project down the road that you said you were
16 traffic engineer on, a big project, and yet we don't
17 know what the tenants are inside there. We have an
18 idea of what they are, and what their uses will be,
19 but we don't have an exact, that actually had a
20 general development plan on it.

21 So you as a traffic engineer are able to
22 say with this many condos slash apartment buildings,
23 with this assisted living, and this piece of property
24 in the front, this is the traffic that's generated,
25 that's great. I hear testimony all the time from

1 your industry, so I'm wondering why you can't give us
2 that--

3 MR. TAYLOR: So that's -- absolutely once
4 you have even a conceptual design or GDP, that gives
5 you your square footages, your unit count, all that,
6 which is what we then take and generate traffic for.
7 At this point, we haven't made that out up front yet,
8 so really, I don't have a development plan to
9 generate traffic for, which is why we haven't gotten
10 to that point.

11 And it doesn't do any of us any service
12 to hypothetically just put numbers to there. We
13 really need to know what we're looking to build, and
14 that's why we'll be coming back to that portion of
15 the traffic study. But we're talking about
16 improvements to this intersection.

17 We know that there is going to be
18 improvements to fix both the problem from Sportika
19 and from Wawa in this area. Without knowing exactly
20 what we're looking to build, we need to figure --
21 we're not going to know what that level of -- because
22 we want to get it right; we want to get it right the
23 first time because it is an issue that our patrons
24 and our residents and employees from all pieces of
25 this development are going to have to deal with in

1 perpetuity.

2 So, once we get to that point, we will be
3 back before you with a full traffic study, but we
4 just can't do that at this point because we don't
5 have it pinned down yet.

6 MS. COFFEY: Mr. Taylor, can you just
7 touch on the timing issue as well with regard to the
8 improvements that we have agreed to do on Woodward
9 Road and just explain why we're suggesting that those
10 be deferred until the remainder of the improvements
11 are being built?

12 MR. TAYLOR: Absolutely. I think that
13 goes along with what I just testified to, and we
14 don't know what the improvements necessary to fix
15 Woodward Road are yet. And until we know that --
16 maybe it's widening two lanes, maybe it's widening
17 three lanes. We just don't know, and we don't want
18 to put the sidewalk in in a spot that we're going to
19 have to pull it out; we don't want to have to put the
20 curb in in a spot that we're going to have to pull it
21 out again in two years when we get to that point.

22 MR. McNABOE: So, to that point, we're
23 now setting a building -- we're using setbacks for
24 what we have; you now determine that you need to
25 widen the road, to use your term, to two lanes to

1 three lanes, all of a sudden the building is
2 nonconforming, didn't we build the building through
3 the back door then? You follow me? In other words,
4 we have parking lot setbacks from the road; we have
5 building setbacks, and now when that road moves, that
6 right-of-way moves --

7 MR. TAYLOR: It may not need to move. I
8 don't know what these improvements are going to be.
9 It could be that we've improved stuff along Route 33,
10 maybe there's new jughandles. We just don't know
11 what that is right now, so we can't hypothetically
12 set the rest of it, really bound by what the
13 conditions are today.

14 MR. McNABOE: And just get it in my mind,
15 I'm not trying to be adversarial, but I am trying to
16 understand, being that you know the count of the
17 units, of the residential units that are going to be
18 going in, you know this square footage, and you know
19 that the Lot 2 will have something on it; you may not
20 know the exact use of it yet, but certainly you will
21 have a range of what it will be, you can't give us
22 the traffic count on that road with that knowledge
23 that you have as this project is being built out?

24 MR. TAYLOR: Respectfully, no, the driver
25 of the trip generation and the improvements is going

1 to be the retail component of the project. We know
2 the assisted living is a low generator. Residential
3 is a relatively low generator per square foot as you
4 redevelop. It's the retail component, the restaurant
5 component. Maybe there's a Starbucks up there which
6 is a very high generator.

7 And without knowing that -- that's what's
8 really going to drive these improvements. So I can't
9 give you the answer at this point because I don't
10 know what it's going to be.

11 MR. McNABOE: Okay, so, again, we have a
12 concept plan that shows the residential coming in off
13 of Route 33; is that now back in flux? Is it
14 possible? I heard that the sewer line could be going
15 in differently because we have a Green Acres, or a
16 piece that's on a ROSI. Is the entry to the
17 residential now in question also? It's not part of
18 tonight, but it's something -- I'm trying to put in
19 my head, I have a concept plan that I saw that was
20 provided by your client; I'm asking if that concept
21 plan is still --

22 MR. TAYLOR: I would say as far as I
23 know, no. The access to the residential component
24 would still be via Route 33. Because of the
25 environmental constraints, it's one thing to be able

1 to put a sewer line through the wetlands in that
2 area, and it's a another thing to build a road and
3 drive traffic through. So it's my understanding that
4 it will continue to be off of Route 33.

5 MS. COFFEY: And I'll just add that,
6 again, the concept is not before the Board tonight so
7 we can't say for sure because it's not here and part
8 of it will, I think, depend on how the --

9 MR. McNABOE: I just want to know if we
10 should be -- if things have changed. You threw it
11 out there.

12 MS. COFFEY: Right, and I think we don't
13 quite yet know how things are going to land with
14 regard to the Green Acres issue.

15 MR. CUCCHIARO: I just have a question
16 though on one of the answers you gave to the Deputy
17 Mayor's question, that you wouldn't know necessarily
18 the traffic counts because like if a Starbucks is
19 there, that's a greater number, but isn't it very
20 typical that applicants come in and say, we want an
21 approval for a commercial or a restaurant use; we
22 don't have a tenant yet?

23 MR. TAYLOR: Yes; however, the New Jersey
24 Department of Transportation does not allow you to do
25 that. Once you put a drive-through onto a site, they

1 require you to generate for that separately knowing
2 that the generation associated with a fast food
3 restaurant or a coffee/doughnut shop is much higher
4 than your standard retail. So when we do that, if we
5 look at -- we're going to have to generate for that
6 specific restaurant tenant in order to meet the
7 NJDOT-required --

8 MR. CUCCHIARO: The answer to the
9 question, kind of, I think would lead the Board to
10 believe that when you come in for these other phases,
11 you're going to know what the tenants are, and I
12 don't know that that's the case.

13 MR. TAYLOR: We won't know the specific
14 tenants necessarily, but I will know whether there is
15 a drive-through because the site will be laid out for
16 a drive-through, and then that will denote whether or
17 not it's one of those specific fast food,
18 coffee/doughnut shop type uses, and, like I said, the
19 New Jersey Department of Transportation will require
20 us to generate that traffic separately from a
21 standard retail generation.

22 MR. CUCCHIARO: Just on that last point
23 though, what the NJDOT requires, that may be an
24 outside agency approval that happens post us
25 approving it, right?

1 MR. TAYLOR: So what will happen is we
2 will be doing one comprehensive study that will
3 incorporate both the Township requirements and the
4 NJDOT requirements, so you'll be seeing the same
5 study, same analysis, same improvements that are
6 submitted to the DOT, which follow both NJDOT
7 requirements and ITE methodologies.

8 CHAIRWOMAN KWAAK: Is that it, Jack?

9 MR. McNABOE: I'm good for traffic right
10 now.

11 CHAIRWOMAN KWAAK: I just have two; I
12 have a question and a comment. First is with regards
13 to parking, because I'm a stickler on parking.

14 With the banked parking, who's going to
15 make the call that you do need to access that bank
16 should you? Is it going to be the people running the
17 facility or is this gentleman going to put a tent
18 there and watch the traffic.

19 MS. COFFEY: Our suggestion would be
20 that the operators would send a letter in to the
21 municipal engineer and say, here's what we're
22 finding; we would like permission, and then the
23 municipal engineer would come out and take a look and
24 say yes, I agree or no, I don't. That would be our
25 suggestion of how we do it.

1 CHAIRWOMAN KWAAK: Are you okay with that
2 suggestion, Brian?

3 MR. BOCCANFUSO: Yes, Madam Chair, I am.
4 Don't think it's reasonable to task someone at the
5 municipality with monitoring the site. I mean,
6 granted, if you start getting complaints that there's
7 people parked on Woodward Road, that's a different
8 story, but I think that the applicant -- or the end
9 user of the site should be the one to monitor it and
10 if there's an observed issue, an observed shortage in
11 parking, which, quite honestly, I doubt is going to
12 happen --

13 CHAIRWOMAN KWAAK: I understand that.

14 MR. BOCCANFUSO: -- but if it does
15 happen, they would then contact the municipal
16 engineer and say this is what we're saying we would
17 like to do. And the only question I have is whether
18 or not that could be done under this approval or
19 whether they would need to come back.

20 MR. CUCCHIARO: When you reviewed the
21 application for like runoff and things like that, did
22 it assume that that area might be paved at some
23 point?

24 MR. BOCCANFUSO: It appeared to be, but I
25 think it may be appropriate to have Mr. Wright

1 confirm that, to consider the land banked area as
2 impervious coverage for stormwater management
3 purposes.

4 MS. COFFEY: I think Mr. Taylor is able
5 to answer the question.

6 MR. TAYLOR: Yes, the impervious cover
7 associated, should the banked parking be constructed,
8 was used in the calculations.

9 MR. BOCCANFUSO: Okay.

10 MR. CUCCHIARO: We might be able to do
11 that as part of this -- well, we'll have to see if
12 there is an approval.

13 CHAIRWOMAN KWAAK: The other thing,
14 excuse me, is I think between now and the time you
15 come back for the other two, you should look into a
16 circulation cross easement. I'm not thinking so much
17 of the people who work in the facility and going to
18 the fronts of the commercial; I'm thinking more of
19 the emergency services should they need to get
20 through faster, because Woodward does have a tendency
21 to back up at certain times and especially on the
22 weekends, and I'm sure the Fire Bureau will concur
23 with that as well, but I will definitely look into
24 that.

25 That's the only thing I have. Daria.

1 MS. D'AGOSTINO: I just want to make a
2 statement that I'm just a little disappointed that we
3 don't know what's going in on the other lots and I
4 just feel like we don't have the whole picture right
5 now, and I just feel like we have a lot of unanswered
6 questions as to the whole picture and what will
7 happen down the road. That's all I have to say.

8 CHAIRWOMAN KWAAK: Alan?

9 MR. GINSBER: No comments.

10 CHAIRWOMAN KWAAK: David?

11 MR. KANE: No.

12 CHAIRWOMAN KWAAK: Todd?

13 MR. BROWN: If you can go to the larger
14 site plan, the one we all had an a-ha moment on.

15 MS. COFFEY: And, Justin, just remind us
16 what the exhibit number is for us.

17 MR. TAYLOR: Refer to A-4.

18 MR. BROWN: In the northeast corner, it
19 looks like a very large parking space. What is the
20 use of that for circulation purposes?

21 MR. TAYLOR: So that is to be utilized
22 by the garbage truck for collection, to align that --
23 it aligns perfectly with the dumpsters over here, so
24 it allows them to come in, back into a space, and
25 then come head in or pulling in and backing into it,

1 or if they pull head into that, it gives them a
2 backup area to be able to navigate back out of the
3 site.

4 MR. BROWN: Okay, so it wouldn't be
5 parking for shuttle or transport van or a grocery
6 truck or any of those types of loading or delivery
7 purposes?

8 MR. TAYLOR: No, it's utilized for
9 delivery vehicles to access the loading dock and the
10 garbage facility.

11 CHAIRWOMAN KWAAK: John?

12 MR. CASTRONOVO: So, for the record, can
13 our professionals explain to me the reason why we
14 would consider approving a subdivision of the lot,
15 Lot 2, when it's specifically designed or was zoned
16 for a Route 33 overlay? And I just don't get why we
17 have to split it that way if it was specifically
18 zoned as a 33 overlay.

19 MR. CUCCHIARO: I don't think the lot was
20 specifically zoned for Route 33 overlay. The Route
21 33 overlay just pertains to the corridor and any lot
22 that has frontage. So it didn't address any
23 particular lot; it didn't prohibit anyone from
24 subdividing; it just made sure that if your lot
25 fronts on Route 33, those requirements are going to

1 be applicable.

2 MR. CASTRONOVO: So the requirements for
3 setbacks or things like that, or whether unique
4 things that would preclude a, you know, a small
5 grocery store or another gas station unlikely, but a
6 restaurant, then we have a parking situation --

7 MS. BEAHM: That's not really what the --
8 the overlay zone doesn't really address that. This
9 site is zoned SED/AH. It was zoned last year, I
10 think in 2018.

11 MS. COFFEY: Yeah.

12 MS. BEAHM: So that zone has permitted
13 uses and bulk standards that pertains to the tract in
14 its entirety. It is specific in there and it says
15 that should there be a subdivision, which there is,
16 there are minimum areas for each type of use that
17 they're required to have, so that's -- for example,
18 like multi-family residential is a permitted use in
19 the zone and that would require a 40-acre piece to be
20 able to be compliant with the zoning. They have 50,
21 plus or minus, correct?

22 MS. COFFEY: Correct.

23 MS. BEAHM: So there are those
24 requirements, which this piece of it is consistent
25 and compliant with. They're not seeking relief from

1 any of those standards in that zoning.

2 It also does go further and say that each
3 of those pieces can be developed independently. So
4 while I did express concern because I'm looking at it
5 with wearing two hats here, being a representative,
6 consulting to you for the Planning Board, but also
7 having worked with the governing body on the overall
8 Township's affordable housing issues, that's where my
9 concern is coming from.

10 But as far as this application, they are
11 allowed to subdivide the property. There are
12 specific areas allocated for each of the uses that
13 are permitted in the zone. They're compliant with
14 that, and they are allowed to develop this piece of
15 it first. There's nothing that requires them to
16 bring all the pieces to the puzzle to us at the same
17 time.

18 MR. BOCCANFUSO: I agree, and I don't
19 have much to add except to say that the Route 33
20 overlay zone primarily is meant to govern the
21 aesthetics of development along the Route 33
22 corridor. It doesn't have the zoning standards that
23 you would typically see in other zones; it's more of
24 a -- it's more of an aesthetic design guideline more
25 so than a traditional zone.

1 MR. CUCCHIARO: For instance, the overlay
2 zone has more specific berming requirements than some
3 of the others have, in order to create and maintain
4 that aesthetic throughout the corridor.

5 MR. CASTRONOVO: So then taking those
6 requirements into consideration, then they're limited
7 in terms -- or the potential builder of their --
8 whatever facility needs to go there is limited in
9 terms of size and parking. So the next time we hear
10 the applicant for Lot 2, are we going to have
11 problems with parking and things like that?

12 MR. CUCCHIARO: Well, I think we sort of
13 went over that a little bit in the beginning and, you
14 know, the applicant stated that they certainly are
15 not going to be in a position to come back and argue
16 a hardship based upon a lot that they created
17 themselves.

18 So to the extent that they may have
19 difficulty in complying, the request for variance
20 relief may be difficult since they created this
21 situation themselves.

22 MR. CASTRONOVO: And we have, as a
23 Planning Board, have a right to not be sympathetic in
24 that situation, and with a clear conscious, deny it.

25 MR. CUCCHIARO: I would not use the word

1 "sympathy." I would say that we have a law; it
2 addresses variance relief and design waiver relief
3 for variances; there's positive and negative
4 criteria, waiver relief has its criteria, and we
5 analyze it. And if they satisfy their burden of
6 proof, it's granted, and if they don't, they don't.
7 You can feel sorry for an applicant and still deny
8 them if they don't satisfy the proofs.

9 CHAIRWOMAN KWAAK: Barry?

10 MR. FISHER: Believe me, in a project
11 like this, as the population grows older, it's
12 becoming more popular and it's definitely a need, but
13 let me ask you this question.

14 The whole thing is -- I live right near
15 there. The Turnpike is being used now more than
16 Route 9 to go to New York, to go north because Route
17 9 is a disaster.

18 With that being said, and not knowing
19 what else is going to be up here on the other side of
20 Woodward Road, DOT is most likely, and I'm not
21 speaking for the DOT, but adding another lane to make
22 the right turn to go towards the Turnpike, that's a
23 possibility, okay, probably a very good possibility
24 since only one lane is going. And myself, when I go
25 to the airport, I go to the Turnpike, so that right

1 turn is going to be popular. I know you're not
2 putting in a curb there. Correct?

3 MR. TAYLOR: At this point, no.

4 MR. FISHER: Okay, if DOT comes in and
5 says, okay, we want to put another lane going right
6 to help that intersection, is there enough room to do
7 that?

8 That's a question I'm asking, because
9 once they build the building and the building is
10 there, is there going to be enough room for future,
11 for DOT to come in and say, we want to make another
12 right turn.

13 MR. TAYLOR: The simple answer would be
14 the right lane most likely would not extend to this
15 building. However, the building is set back, is set
16 back 101 feet from the property line. So even if the
17 right turn lane would extend that far, there was room
18 to accommodate it.

19 MR. FISHER: That was one of the
20 questions that I had, and we don't know what the -- I
21 know the DOT rates intersections. What is that
22 rating?

23 MR. TAYLOR: I don't know that at this
24 point.

25 MR. FISHER: You have no idea?

1 MR. TAYLOR: I don't.

2 MR. FISHER: Its feeling --

3 MR. TAYLOR: Based on my knowledge of
4 the other project, yes. I wasn't directly involved
5 with that project, so, no, I don't know how to answer
6 that.

7 MR. FISHER: I believe that's it.

8 MR. CUCCHIARO: Just to be clear for the
9 record, when Mr. Fisher says he lives right near
10 here, it is beyond 200 feet.

11 MR. FISHER: I'm sorry?

12 MR. CUCCHIARO: You live beyond 200 feet
13 from this property. You're not a noticed party.

14 MR. FISHER: No, no, I'm Four Seasons.

15 MR. CUCCHIARO: That's all. When you
16 said you live right here, I just wanted to place on
17 the record that it's not a conflict.

18 MR. FISHER: Well, I kind of live in
19 Wawa but, no, I don't sleep there.

20 CHAIRWOMAN KWAAK: Steve?

21 MR. KASTELL: Have we talked about --
22 you're not prepared at all to talk about ingress and
23 egress from the third lot? Because at this point
24 from what I see, there is no way out except to come
25 across the brook or to go across the wetlands in

1 front of those facilities.

2 MR. CUCCHIARO: When you say, "the third
3 lot," are you talking about the lot that is being
4 developed?

5 MS. COFFEY: Lot 1.

6 CHAIRWOMAN KWAAK: That's not tonight.

7 MR. KASTELL: I know, but by approving
8 this, we're sort of cutting that piece, that
9 property, off. That's my only question.

10 CHAIRWOMAN KWAAK: Anyone else up here
11 before I open it up to the public?

12 At this time I would like to open it up
13 to the public. Please come forward, ma'am.

14 MR. CUCCHIARO: And this could be for
15 questions, or if they just want to make comments.

16 CHAIRWOMAN KWAAK: And if you could just
17 take a handheld mic.

18 G E R I K A P L A N, sworn.

19 MR. CUCCHIARO: Please state and spell
20 your name and give us your address.

21 MS. KAPLAN: My name is Geri, G-E-R-I,
22 Kaplan, K-A-P-L-A-N. I live at 11 White Marsh Drive;
23 I'm a resident of Knob Hill, and I've come before
24 this very nice Board before.

25 I have a couple of things to address.

1 Nothing was mentioned about water access. I moved
2 into Knob Hill, I was the first one to sign my
3 contract; I'm very proud of that, so I'm an original.
4 October 9, 1997 -- maybe not the 9th, but close to
5 it, 1997. Hovnanian built the water tower that you
6 see on Route 33.

7 Will all of these residents that will be
8 coming be tapping into that water? And if so, will
9 it be -- will we have enough water, water pressure,
10 et cetera? That was one concern.

11 MS. COFFEY: I'll ask Mr. Lane to answer
12 that, please.

13 MR. LANE: Currently there's an existing
14 12-inch water line along Woodward Road. The facility
15 is tying in with an eight-inch line into that system.

16 MS. KAPLAN: And it comes from the water
17 tower that we use, the Knob Hill residents?

18 MR. LANE: I'm not sure exactly where
19 this 12-inch main runs up and down. That's the main
20 that's in the road that we're tying into. If it runs
21 all the way up towards the tower, then it probably is
22 tied to that line.

23 MS. KAPLAN: Yes, well I was just
24 concerned about the water pressure you know, with the
25 additional residents coming in. That was one thing.

1 MR. BOCCANFUSO: If I could just address
2 that, Ms. Kaplan, if the application is approved,
3 they will have to go to the water utility for
4 approval and that will all be investigated and such.
5 It is in the service area; I don't anticipate that
6 it's going to be a problem, but that will be checked
7 by the utility company.

8 MS. KAPLAN: That was number one. I have
9 a couple more. Thank you.

10 Anyway, the other comment, I live -- and
11 I come out of and into Woodward to get to 33. There
12 have been numerous accidents; people have been,
13 pedestrians have been killed. We, as seniors, are
14 very concerned that there is no left turn lane
15 signal, or some type of delayed because coming --
16 people coming from the opposite side, onto -- from
17 Woodward on the other side where the CVS and the
18 Walgreens are, there's no way.

19 I mean, you have to really be careful
20 because they come straight and if we're making a left
21 to get onto 33 going I believe that's east, you take
22 your life in your hands because both sides are coming
23 and you have to hope that no one will hit you. You
24 know, we kind of go slowly; people honk behind us,
25 hurry, hurry, but you need to be careful there.

1 So that could be addressed, perhaps, left
2 turn signal or delayed. I know in some major highway
3 areas where there's traffic, that they have delayed.
4 One side will wait; the other goes, or, you know,
5 it's not green on both sides at the same time, and
6 that is a very, very big issue.

7 We've noticed this quite often, no matter
8 what, early in the morning, afternoon, some people
9 are just not very courteous, and when you make that
10 left, I know there's an arrow; if you're on the right
11 side going on to 33 going west, then you have that
12 arrow, but you don't have that -- you have that
13 constant back-and-forth. Okay, so that was another
14 danger.

15 I live a lot closer, sir. I do like Four
16 seasons though; it's great. The other comment, I
17 live in the first building, okay, I'm here; I'm most
18 concerned about the endangered bog turtle that I
19 know. I've been in touch with the EPA. I wrote a
20 letter in December of 2017 to the Trenton office and
21 there is an endangered bog turtle that lives in the
22 bog behind, in the woods.

23 There's also -- I don't remember the
24 name; I tried to find it in my notes; I got a whole
25 folder -- an endangered plant species that needs to

1 be taken care of. So I'm sure you're going to be
2 sending all of your applications to the EPA as well.
3 So I'm also concerned about the impact.

4 When I purchased my property, we all paid
5 premium extra money for the woods view, and I've had
6 22 years of beautiful woods, and I'm one of the few
7 residents on White Marsh Drive that did not choose to
8 put a back fence because I like to look at my trees,
9 and believe me, we look at them all the time and our
10 breakfast room is right there and we look, and we
11 have a patio; it's gorgeous. So I'm also very, very
12 concerned of what I'm going to be looking at in the
13 future. So please keep in mind our property values.

14 Also, Manalapan has a high water table
15 and we're not allowed to put in cellars, basements,
16 so that is also another concern about when you build,
17 what type of flooding may occur. We don't want any
18 problems.

19 So I appreciate you listening to me. We
20 sat the whole meeting waiting to come out, and I
21 guess I'm the only one in my development with Mark
22 that's left. So please take these things into
23 consideration.

24 MS. COFFEY: Thank you, Ms. Kaplan.

25 MR. CUCCHIARO: Counsel, just on one of

1 those issues, if any of your professionals are in any
2 position to explain sort of the due diligence with
3 regard to any endangered species on the property.

4 MS. COFFEY: Bill, you all did do an
5 Environmental Impact Statement as part of the
6 application, correct?

7 MR. LANE: Yes.

8 MS. COFFEY: And as part of preparing
9 the Environmental Impact Statement, did you write to
10 NJDEP regarding threatened and endangered species?

11 MR. LANE: Yes, when the wetlands were
12 created, the LOI was approved, there were certain bog
13 turtle mitigations that came along with the
14 development of the site; they are outlined in the
15 Environmental Impact Statement, and they will have to
16 be adhered to.

17 I believe one of the suggestions was a
18 double silk fence along the stream corridor. Certain
19 times of the year, if they're going to be under
20 construction, they'll have to be monitored to make
21 sure that everything is in place and nothing is going
22 to affect the Still House Brook corridor.

23 So the DEP is aware of it, and have made
24 some requirements for the mitigation, so they are in
25 place, like I said, and they're in the EIS.

1 MS. COFFEY: And we are complying with
2 all of the recommendations and requirements of the
3 NJDEP with regard to the bog turtle and any other
4 species, correct?

5 MR. LANE: Yes.

6 MS. COFFEY: Thank you.

7 MR. BOCCANFUSO: And in addition to that,
8 Mr. Lane, due to the presence of the bog turtle,
9 didn't that also increase the buffer that was
10 required as far as your building envelope?

11 MR. LANE: Correct, there's now 150-foot
12 riparian buffer.

13 MR. BOCCANFUSO: Right, so typically,
14 just to clarify that, typically, when you have
15 freshwater leveling, most wetlands would require a
16 50-foot buffer. Because the DEP is aware of the bog
17 turtle habitat, they actually require 150-foot
18 buffer, so triple what's normally required under
19 normal circumstances on both sides of the wetlands.
20 So they've done what they can to give that bog turtle
21 plenty of space to roam around.

22 MS. KAPLAN: And our woods will be a
23 little bit more preserved?

24 MR. BOCCANFUSO: That's right.

25 CHAIRWOMAN KWAAK: Anyone else from

1 public?

2 E D W A R D F I S H E R, sworn.

3 MR. CUCCHIARO: Please state and spell
4 your name for the record and give us your address.

5 MR. EDWARD FISHER: Edward Fisher,
6 F-I-S-H-E-R, 129 Wintergreen Drive, in Four Seasons.
7 I just want to make an analogy for our traffic
8 expert. Picture Woodward as a five-pound bag of
9 manure. We have ten pounds going into it every day.
10 Adding another ounce or two is not going to help.
11 Thank you.

12 CHAIRWOMAN KWAAK: You're welcome.
13 Anyone else from the public? At this time I close
14 public. Okay, so Jack -- Mr. Lane?

15 MR. McNABOE: Mr. Lane, you can stay
16 there or sit down. So let's revisit this sewer
17 issue. We're not exactly sure where it's coming, but
18 explain to me, other than fiscally, why we're not
19 bringing this sewer at its minimum pitch from
20 wherever it is now to your site. Why are we going
21 through temporary pump? Everything is temporary.

22 MR. LANE: It doesn't have to be
23 temporary; it could be a permanent setup. We'll run
24 the gravity line across, that could be in place, the
25 pump station will be in place, and then when there's

1 future development, we can have the option of
2 removing that and tying it into the gravity, which is
3 always probably the better method to do it. This
4 site can be -- it's standard. We've done many sites
5 where there is a pump station just for that site, to
6 service, you know, the 80 units, the 80 beds that are
7 on this property.

8 MR. McNABOE: But, again, I don't want to
9 keep beating this horse, but I seem to be beating it.
10 We do an overlay for the entire zone, the entire 66
11 acres, and I'm questioning the commitment. While we
12 need it done, we decided -- we did the overlay and
13 the entire project could be done, yet we want to do
14 this piece -- I don't want to use the wrong words.

15 Why are we not bringing the sewer at its
16 correct depth, at its minimum pitch, to your site,
17 tying this in, when you did the rest of the site and
18 it's there already? You said there's one of two
19 grounds when you know you would have to bring it up
20 to Lot 2.

21 MR. LANE: Because we need it when the
22 residential component comes into place, because we
23 need that depth in order for it to work. But -- to
24 get underneath the street. With this, we don't need
25 that to make this work; we can make it work with the

1 line coming across and providing a pump station.

2 MS. COFFEY: And just to be clear, the
3 pump station would not work for the greater
4 residential development?

5 MR. LANE: Yeah, it's just going to
6 service this property.

7 MS. COFFEY: But we couldn't -- for
8 example, say we already have the pump station in
9 place, so we don't need to go deeper when we get to
10 the multi-family, or the townhouse development.

11 MR. McNABOE: So we're on the same page
12 here. I'm just questioning why are we doing it
13 tomorrow instead of today? Why are we not doing it
14 as part of this project knowing we're doing the whole
15 project? You're putting -- we're not doing a lot of
16 things. We're not doing studies; we're not doing
17 curbs; we're not doing sidewalks; we're not doing the
18 gravity sewer. It's all questions why we're not
19 doing it.

20 If we're committed to this project and
21 we're moving forward and it's over the next year,
22 maybe two years to use counselor's timeline, why are
23 we not doing the work now? Why are we doing the bare
24 minimum we could get away with in 2019 and pushing
25 the rest down the road, I guess is my question.

1 MR. LANE: Again, that kind of
2 improvement will go along with the much bigger
3 project of the residential component of the site.

4 MS. BEAHM: I think if I could just cut
5 through it, he's asking why don't you put this
6 infrastructure improvement into phase one? And I
7 understand that later on we have all these other
8 things coming, and I think the Deputy Mayor is well
9 aware of that as well.

10 The question is, you have deferred all
11 the major improvements that go along with the
12 development of this property to later, and the
13 question is, why can't you do the sewer now? Hint,
14 hint, we're looking for the sewer, so why can't you
15 do the sewer now --

16 MS. COFFEY: The answer is --

17 MS. BEAHM: If it's just simply you don't
18 want to, then that's the answer. But I think that's
19 the bottom line question.

20 MS. COFFEY: This phase of the project
21 can't financially support that kind of infrastructure
22 investment. It needs to be tied to the residential
23 component. In addition to the fact that the
24 residential component is the one that needs that
25 level of infrastructure investment.

1 MS. BEAHM: That's the answer.

2 MR. McNABOE: Okay, I was just reading
3 the fire report. You're going back to our Fire
4 Bureau, or your office is going back to our Fire
5 Bureau?

6 MR. LANE: We will go back, yes.

7 MR. McNABOE: So are you looking for
8 something from us tonight before you have -- before
9 you've been to our Fire Bureau? Or I'm just trying
10 to get a feel for what -- or maybe I should be asking
11 up here.

12 MS. COFFEY: We have met with the Fire
13 Bureau once already, and we have agreed to comply
14 with all of the comments in their memorandum. My
15 understanding is they ask that we return because they
16 haven't had a chance to look at the architectural
17 plans and they wanted to look at them with us, with
18 our architect.

19 MR. CUCCHIARO: So they may have more
20 comments?

21 MS. COFFEY: I don't know.

22 MR. CUCCHIARO: If they haven't had an
23 opportunity to look at the architecturals, then their
24 comments didn't include that review, right?

25 MS. COFFEY: I don't know. What I do

1 know is that we agreed that we will go back and meet
2 with them and we also have agreed to address all of
3 the comments that they have given us to date.

4 MR. CUCCHIARO: To date. But what I'm
5 saying is, would you go back and meet with them when
6 they look at the plan that they haven't looked at
7 before?

8 MR. COFFEY: So we have provided them
9 with the architectural plan already.

10 MR. CUCCHIARO: There's no answer to that
11 question.

12 MR. McNABOE: I have a question for Mr.
13 Woodward, if that's acceptable, unless somebody has
14 something else.

15 CHAIRWOMAN KWAAK: I think you're good,
16 Jack.

17 MR. McNABOE: Okay.

18 MS. COFFEY: Just one additional
19 comment. With regard to any requirements that they
20 may have with regard to the architectural would be
21 internal to the building so --

22 MR. CUCCHIARO: You have no idea what
23 they're going to say though.

24 MS. COFFEY: My understanding is it's
25 governed by code and if it's an architectural-related

1 issue, it would be related to the interior of the
2 building because the exterior of the building they
3 would see --

4 MR. CUCCHIARO With all due respect, I
5 don't think you can speak for the Fire Bureau, as to
6 what they're going to comment on and not comment on,
7 whether it's going to be exclusively inside or not.

8 MS. COFFEY: I suppose. I would have
9 just thought that exterior comments would have been
10 given, given they've seen the exterior already.

11 MR. CUCCHIARO: Madam Chair?

12 CHAIRWOMAN KWAAK: Yes.

13 MR. CUCCHIARO: I don't think the
14 applicant can speak for the Fire Bureau as to what
15 they're going to comment on or not comment on based
16 upon plans --

17 CHAIRWOMAN KWAAK: I agree with that
18 knowing the Fire Bureau. Okay, Jack, I'm sorry.

19 MR. McNABOE: As you are not an engineer,
20 I'm not a medical professional, so if I get some of
21 the wording wrong, maybe you can just correct me.

22 With your three communities that you
23 have, with the residents that are there, many of them
24 would be nonambulatory; they would pretty much stay
25 in the facility most of the time and just leave under

1 maybe ambulance care to an outside doctor or
2 something? Would that fairly sum up --

3 MR. WOODWARD: Not necessarily. We have
4 some communities where the folks that live there are
5 no different than the folks that are in this room,
6 and then we also have some other folks that are
7 exactly as you have prescribed; they live in
8 different areas of the community. We have
9 communities that have different levels of care;
10 independent living, assisted living, which is what we
11 are talking about tonight, and then skilled nursing.
12 And then within those areas, there are people that
13 have different health issues or different impairment.
14 So it's a pretty diverse group.

15 MR. McNABOE: Okay, I realize that people
16 come and go and people have rights, so when I ask
17 these questions -- the facility, you mentioned locks.
18 I assume you lock it to keep people from the outside
19 from coming in?

20 MR. WOODWARD: That's correct.

21 MR. McNABOE: For the most part, people
22 that maybe are suffering from some dementia or some
23 cognitive impairment, I think is a word you used, are
24 they able to come and go freely?

25 MR. WOODWARD: Folks that are

1 cognitively impaired are at risk of wandering or
2 getting into areas that they should not get into. We
3 have what we refer to as WanderGuards, and some of
4 the doors are magnetically controlled. If somebody
5 has that attachment on their person or on perhaps
6 their pocketbook or something like that, the door
7 will lock when they approach it, so that's how they
8 rely on that.

9 MR. McNABOE: Are some of your residents
10 able to come and go as they please?

11 MR. WOODWARD: The residents don't give
12 up their rights when they move into the community.

13 MR. McNABOE: Yes.

14 MR. WOODWARD: So, yes, they absolutely
15 can. We need to know that it's the right thing for
16 them to do. Just because somebody thinks they should
17 be able to go out, we need to know that it is okay
18 also, but we would protect their rights.

19 MR. McNABOE: Are any driving? Are there
20 people in your facility that are still able to
21 maintain a driver's license, pretty much come and go
22 as they please?

23 MR. WOODWARD: In our current facilities
24 where we have those different levels of care, we
25 certainly have folks driving. In the proposed

1 facility, I would find it to be very unusual if we
2 had anyone driving. I won't say that that could not
3 possibly happen; we will at times perhaps have a
4 couple that will move in and perhaps one is fairly
5 independent and aging differently than the other one,
6 so that is possible, but I would say it's unlikely.

7 MR. McNABOE: Now, between those two
8 extremes, I'm sure you're aware that we have this
9 facility in proximity to yours where, again, people
10 are able to come and go as they please; they have
11 rights, and they will go out onto a highway, a major
12 highway.

13 So, again, people that maybe are
14 challenged in some ways yet are able to travel on
15 their own, I think as a society, we have a
16 responsibility to ensure their safety to some degree.
17 So I guess what I'm asking you is, are we going to
18 have people in this facility that can sort of come
19 and go by a major highway that can injure themselves?

20 MR. WOODWARD: Well, if you recall in my
21 testimony I spoke to the Registered Nurses
22 prescribing what we do and how we do that. The first
23 thing that's going to happen when somebody wants to
24 come to our facility is we're going to give them an
25 assessment, and part of that assessment is a

1 cognitive test, and we're going to identify whether
2 they're capable and they have the capacity to make
3 those decisions.

4 There's also quarterly assessments where
5 we spend some time evaluating that person and
6 determine how they're doing, are they safe, are they
7 not safe, and the goal is to make sure they will
8 remain safe.

9 MR. McNABOE: But, again, I'm sure you're
10 treading the same fine line that I'm doing right here
11 between not taking rights away from people to come
12 and go, and crossing a major, at that point,
13 sometimes six lanes of traffic on Route 33 with the
14 turning lanes.

15 So, again, somebody going out for a
16 couple of personal items over at a drugstore is not a
17 safe undertaking if you have challenges in your life.
18 So I guess that's what I'm trying to make sure -- I
19 may be fumbling when I'm doing it, and I'm choosing
20 my words carefully, but I want to make sure that we
21 don't have people being injured from your facility.

22 MR. WOODWARD: Someone getting injured
23 would be a terrible thing for us and the person and
24 anybody else, and we're going to do literally
25 everything we can to avoid that happening. We have

1 what we refer to as a duty of care and it's a big
2 deal for us.

3 MR. McNABOE: Are you aware of the
4 incidents I'm talking about? Some of our residents
5 in town have been injured.

6 MR. WOODWARD: I am not, but I'll share
7 with you, the facility that is being proposed is well
8 designed and the security systems that we've talked
9 about are state of the art, and they're going to help
10 us with that. The fact that people coming in are
11 moving into an environment of care; it's not
12 independent living, it's assisted living, they're
13 going to be assessed when they come in the door, and
14 that assessment is going to be for cognitive
15 impairment, physical issues, medication management,
16 and it's through that assessment that we're going to
17 determine what they can do, what they can't do.

18 And you're right, it's a very fine line.
19 And you want to protect someone's rights, but to be
20 candid, very few people move into assisted living
21 because they're independent. They move in because
22 they need some help; they need some safety and
23 security. That's why they're moving in, so we assume
24 that that's the goal for them.

25 MR. McNABOE: Thank you.

1 MR. WOODWARD: Sure.

2 MS. COFFEY: Madam Chairman, if I may,
3 the applicant has indicated that they are willing to
4 comply with whatever requirements the Fire Bureau
5 comes up with at its subsequent meeting and if, for
6 some reason they can't come to an agreement at that
7 point, they would be happy to come back to the Board.

8 CHAIRWOMAN KWAAK: How do the Board
9 members feel about that?

10 MR. CUCCHIARO: Well, I think you have to
11 consider that in terms of a lot of overall issues.

12 CHAIRWOMAN KWAAK: Correct.

13 MR. CUCCHIARO: So I think maybe we
14 should just see if anybody else has any more
15 questions or --

16 MS. COFFEY: I didn't mean to cut off the
17 questions. I just wanted to get back to it.

18 CHAIRWOMAN KWAAK: Anyone else have any
19 other questions?

20 MS. D'AGOSTINO: Just for Mr. Woodward,
21 I'm sorry you left. Just bouncing off of what Mr.
22 McNaboe mentioned, as far as the door, the door is
23 not locked, the main entrance door; anyone can walk
24 in and out. Is that true?

25 MR. WOODWARD: That door will be locked

1 from eight p.m. until to seven a.m.

2 MS. D'AGOSTINO: Okay, so during the day
3 it is not locked?

4 MR. WOODWARD: That's correct.

5 MS. D'AGOSTINO: So some of those
6 residents from the other facility who wander, would
7 they then be able to just walk into this facility?
8 So that's a question --

9 MR. WOODWARD: Well, we're going to have
10 staff -- we have a concierge desk and that desk is
11 going to be staffed 12 hours a day, and if you
12 recall, we're going to have a number of staff working
13 there, and so it would be unusual to have somebody
14 able to walk in and for us not to identify that
15 somebody who doesn't belong there is in the building.
16 It would be a concern for us, actually.

17 MS. D'AGOSTINO: All right. And then if
18 need be, would it be locked or coded or some kind of
19 code put in, just for the sake, you know, the people
20 inside, not only for them walking out, but for anyone
21 just wandering in who may have --

22 MR. WOODWARD: The doors that I referred
23 to that we have designed into the property for those
24 three neighborhoods do have keypads and the keypad
25 has an access code on it, and that code is what staff

1 will use if the door is secure so that they can get
2 out.

3 We're also going to have some kind of
4 system for the front door. Might be a keypad; I
5 haven't looked at the drawing to be sure, but there's
6 got to be a process where if an emergency responder
7 came and needed to get into the building, they could
8 get in. Could be a key, might be a key access, but
9 there's going to be something on the outside of the
10 building where somebody could get in, and there will
11 be coordination with those folks that we need to get
12 in.

13 MS. D'AGOSTINO: Okay, thank you.

14 CHAIRWOMAN KWAAK: Anyone else?

15 MR. FISHER: The age is what, 65 and
16 older?

17 MR. WOODWARD: Well, there's no downside
18 limit to that, but the typical age for us in assisted
19 living would start probably about 75.

20 MR. FISHER: Not that I'm looking, I'm
21 just --

22 MR. WOODWARD: This is the business that
23 I'm in. I would love to talk to anyone that knows
24 anyone who would like to go.

25 MR. FISHER: My wife might think that

1 I --

2 MR. KASTELL: You're good.

3 MR. BROWN: Not to beat the dead horse,
4 but I just want to make sure we've exhausted it.
5 You've been in this business for how long, may I ask?

6 MR. WOODWARD: I've been in senior living
7 for 25 years. I've been an employee of Springpoint
8 for 10 years.

9 MR. BROWN: So you've been through a
10 number of large disaster hurricane events?

11 MR. WOODWARD: I -- yes, Superstorm
12 Sandy was the biggest one.

13 MR. BROWN: That's the one I was stepping
14 off of. During that event, power and gasoline and
15 fuel were a rare commodity. Having experience as a
16 prior fire commissioner, we were even scrambling at
17 the fire department to make sure that our fire trucks
18 still had diesel fuel because half the gas stations
19 didn't have power, backup power, as well as means of
20 getting the trucks and supply at those gas stations.
21 It was also that when a tanker came down the road,
22 there are certain rights in regards to who gets that
23 fuel or gasoline first.

24 As a senior, at an active living
25 facility, where is that in the priority for diesel

1 fuel, for a backup generator that would require to be
2 refilled if used three days in a row?

3 MR. WOODWARD: I can't speak to how it's
4 prioritized. I can tell you what we did. We had
5 multiple facilities that required refueling and it
6 was a very active effort, getting and coordinating
7 all those supplies; we were able to do that.

8 We had one very large property in
9 particular that was on the shoreline that had to
10 actually be evacuated and then reoccupied, and that
11 was a property we had two deliveries a day happening.
12 That was with Globe Fuel Company, and ultimately we
13 were able to get what we needed.

14 There were anxious moments; I won't tell
15 you that there weren't, and they required a lot of
16 work on my part, and also the folks that support me.
17 We have a risk manager that is responsible for
18 helping in situations like that and coordinating
19 that, and it's an imperfect situation whether it ...

20 We did a lot of work after that event to
21 identify what we could have done differently and
22 getting to all the questions about natural gas, power
23 generation and all that. We were talking to the
24 engineers about what went well, and what didn't go
25 well, and that was the question that I had, what

1 would have been an issue, and his answer was no,
2 that's not accurate actually. You could have been in
3 a worse situation, because some of those supplies get
4 disrupted as well.

5 So I don't know that there's a perfect
6 solution; I'm not in that business, but it's a good
7 question.

8 MR. BROWN: I just want to make sure
9 we're not undershooting the constant supply of gas,
10 but you made a point at the very end of the supplies
11 being disrupted too. Thank you.

12 CHAIRWOMAN KWAAK: Anyone else, no?
13 Barry, nothing? Okay.

14 MR. McNABOE: And the last question, you
15 will own the property; is that the reason for the
16 subdivision? You will be purchasing and building it?

17 MR. WOODWARD: I will be managing the
18 assisted living property.

19 MR. McNABOE: I'm trying to figure out
20 the ownership of the property.

21 MS. COFFEY: So the property is being
22 subdivided and the intention is that this lot will be
23 transferred to another entity that will own the
24 property.

25 MR. McNABOE: Mr. Boccanfuso, you have a

1 minute for a question?

2 MR. BOCCANFUSO: Sure, of course.

3 MR. McNABOE: If I were to consider, my
4 thinking process, we went forward with this, curbs
5 and sidewalks, these are all bonded issues.

6 MR. BOCCANFUSO: Uh --

7 MR. McNABOE: In other words, they're
8 asking on this project to not put the curbs and
9 sidewalks in now. Solet's go worst case scenario,
10 this project never goes forward with the rest of it,
11 downturn of the economy, something to that effect; do
12 we get curbs and sidewalks? Is that bonded?

13 MR. BOCCANFUSO: Typically, we would only
14 bond for what's shown on the site plan. In this
15 instance I don't see why not, unless there's a legal
16 reason why we can't bond for it. I don't know if the
17 applicant will be amenable to it.

18 Would you be willing to post a bond for a
19 curb and sidewalk?

20 MS. COFFEY: The applicant's saying that
21 given this seems to be such a great concern, they'll
22 put the sidewalks and curbs in now. The applicant
23 will install the sidewalks and curbs as part of doing
24 their other improvements now, as opposed to waiting
25 for the other phases of the project. And it may be

1 ripped out in the future, but we'll deal with it
2 then.

3 MR. BOCCANFUSO: Does that answer your
4 question?

5 MR. McNABOE: It erases the question.

6 CHAIRWOMAN KWAAK: So with regards to
7 this application, Mr. Cucchiaro?

8 MR. CUCCHIARO: So what they've asked for
9 is preliminary and final major subdivision approval
10 along with preliminary and final site plan approval.
11 So they want everything tonight.

12 In order to do that, we've heard they've
13 stipulated that they're going to provide the
14 sidewalks and the curb now, rather than at some
15 future date.

16 We have the outstanding issue of the Fire
17 Bureau report. They have stipulated that they will
18 comply with a report that doesn't exist yet, but you
19 wouldn't see it; that would be something that happens
20 post approval. If you're okay with that, and that's
21 fine, if it's a report that you want to see or that
22 you've discussed in front of the public, and then you
23 have to take that into account.

24 They still need -- and, Counselor,
25 correct me if I'm wrong. They need a DOT approval

1 for the subdivision because it's on 33; you need some
2 DEP approvals still, Western Monmouth Utility
3 approval?

4 MS. COFFEY: I think that's right.

5 MR. CUCCHIARO: Are there any other
6 outside agencies? It's not a county road; it doesn't
7 have set drainage at all.

8 MS. BEAHM: Soil erosion.

9 MR. CUCCHIARO: So Freehold Soil.

10 MS. COFFEY: Correct.

11 MR. CUCCHIARO: So those are all outside
12 agency approvals that they do not have. You can make
13 that a condition of final approval, that they obtain
14 all the outside agency approvals. One of the other
15 options that you have is you can grant a preliminary
16 approval and they can come back once they've dealt
17 with the fire issue, that you revise the plans
18 pursuant to whatever needs to be revised as a result
19 of tonight, and perhaps they'll have more outside
20 agency approvals at that time. And they may also
21 have been able to resolve the issues concerning the
22 sewage, maybe not. So you could grant a preliminary
23 approval if you wanted.

24 So you can grant the preliminary and
25 final if you want; grant preliminary if you want; if

1 you want to see the fire report yourselves, and
2 discuss it with the public, then you can bring it
3 back on another night and finish up that night.

4 CHAIRWOMAN KWAAK: Ms. Coffey, let me
5 ask you a question. Have you submitted anything to
6 any outside agencies yet? Have you submitted this?

7 MS. COFFEY: The flood verification and
8 the LOI have been submitted.

9 CHAIRWOMAN KWAAK: So nothing else?

10 MS. COFFEY: No.

11 MR. CUCCHIARO: I think then we are down
12 to just the dimensions of the parking?

13 MS. COFFEY: Right.

14 MS. BEAHM: Design waiver.

15 MS. COFFEY: Design waiver.

16 CHAIRWOMAN KWAAK: So what would the
17 Board like to do?

18 MR. GINSBERG: Can I make a motion?

19 CHAIRWOMAN KWAAK: Do whatever you'd like
20 to do, Alan.

21 MR. GINSBERG: I'm going to make a
22 motion for denial at this time.

23 CHAIRWOMAN KWAAK: Okay, anyone else? I
24 would like to just do preliminary and just get all
25 the other outside agency reports, or know that

1 they've done them, as well as Fire, and the open
2 other issues with sewer.

3 MR. CUCCHIARO: Can I just offer my legal
4 opinion on that denial?

5 CHAIRWOMAN KWAAK: Absolutely.

6 MR. CUCCHIARO: So it's a site that's
7 largely compliant with the exception of parking
8 dimensions, and the parking dimensions are compliant
9 with the RSIS. So the prevailing case law is not
10 particularly supportive of a denial, plus it is a
11 site that was zoned in order to effectuate the
12 Township's affordable housing requirements.

13 If part of the rationale for the denial
14 are some of the outstanding issues --

15 MR. GINSBERG: It is. Especially the
16 affordable housing issue.

17 MR. CUCCHIARO: I think then that the
18 better route to address those would be a preliminary
19 approval that requires them to come back with some
20 better information to address it, or not approving it
21 tonight and allowing them to regroup a little bit and
22 come back and discuss it with us in a future meeting,
23 at which time they could also talk about whatever has
24 happened with the Fire Bureau. But I don't think
25 that we would be able to support a denial in court.

1 MR. GINSBERG: Okay, then can I make a
2 motion for preliminary only with them coming back on
3 the affordable housing and traffic?

4 MR. CUCCHIARO: Well, they would be
5 coming back on a lot of stuff. If they have any
6 outside agency approvals, they would be revising the
7 plans pursuant to the statements or the -- the sworn
8 statements they made on the record, and they would
9 also be addressing those issues.

10 MS. D'AGOSTINO: I'm just confused about
11 the comment on affordable housing. I thought it was
12 10 percent of --

13 MS. BEAHM: This phase of this overall
14 project, and, Counsel, you could correct me if I'm
15 misstating it, is just for the assisted living, of
16 which 10 percent of the beds in the facility are
17 Medicaid beds. So it's an 80-bed facility; eight of
18 those beds will be Medicaid beds, and the Township
19 will receive affordable housing credit for that.

20 Future phases of this product, meaning
21 the residential component, will provide the Township
22 with additional affordable housing units at the time
23 that the application is made to this Board for that
24 phase of the development. Is that correct?

25 MS. COFFEY: Yes, and just to further

1 frame what's before the Board tonight, so we have the
2 request for preliminary and final subdivision
3 approval, which, for example, I don't expect the fire
4 review memo is going to have any commentary with
5 regard to the requested subdivision, so I don't know
6 that final approval of the subdivision would need to
7 be delayed based on the outstanding fire review
8 memorandum, for example.

9 And then we also have a request for both
10 preliminary and final site plan approval for the
11 assisted living facility. Subsequent site plan
12 approval -- excuse me, subsequent site plan
13 applications will have to be made for Lot 2 and Lot 3
14 and at that point in time, all of the proposed
15 improvements associated with those lots would be
16 presented to this Board, in addition to whatever
17 other kind of approvals need to be obtained for that
18 construction, but those are separate lots that will
19 have separate site plans.

20 The application before you tonight is
21 fully conforming with the exception of the design
22 waiver for parking, and, like I said, the applicant
23 has indicated that it will comply with whatever
24 feedback we receive from the Fire Bureau. In
25 addition to that, we've already received and, of

1 course, we will be required to comply with any
2 requirements from any outside agencies as well.

3 CHAIRWOMAN KWAAK: Does that answer your
4 question, Daria?

5 MS. D'AGOSTINO: Yes.

6 CHAIRWOMAN KWAAK: Okay, so we're back to
7 Alan's motion. Anyone else want to make a motion?

8 MR. JACOBSON: That motion wasn't
9 seconded.

10 CHAIRWOMAN KWAAK: I'm just throwing it
11 out there. It's late at night; we're getting punchy.

12 MR. McNABOE: Ron, you want to address
13 that as far as the subdivision, the final and
14 preliminary, and then the site plan, final and
15 preliminary?

16 MR. CUCCHIARO: This Board is under no
17 obligation to grant both a preliminary and a final
18 tonight. There's still outside agency approvals.
19 One of them actually has to do with the subdivision;
20 that's the application to the DOT. So the
21 subdivision still requires an outside agency
22 approval.

23 So, you know, you could, if you are
24 persuaded by the argument, you can do that; you can
25 grant both preliminary and final subject to all those

1 conditions, but I don't want you to feel there's a
2 legal requirement to do it, but there are all these
3 outside agencies that are still out there, so you
4 could grant a preliminary approval at this point.

5 MR. McNABOE: So, Alan, to that point,
6 are you talking about preliminary for both
7 subdivision and the site plan approval?

8 MR. GINSBERG: Yes.

9 MR. McNABOE: Preliminary and final?

10 MR. FISHER: That being said, I would
11 second that.

12 MR. CUCCHIARO: I want to be clear I'm
13 not recommending any one of them; I'm just giving
14 you--

15 CHAIRWOMAN KWAAK: We understand that.
16 You're giving us clarity.

17 MS. COFFEY: And I just want to also
18 make clear on the record that, again, the applicant
19 has indicated that, as is typically the case, it
20 would comply as a condition in obtaining all
21 necessary outside governmental approvals and in
22 complying with all of those approvals, if for some
23 reason it could not, it would have to come back to
24 this Board and seek an amended approval, which is
25 typically what I have seen with preliminary and final

1 approvals.

2 CHAIRWOMAN KWAAK: Okay, so we have a
3 preliminary --

4 MR. CUCCHIARO: Motion for a preliminary
5 major subdivision and preliminary site plan approval
6 subject to the conditions that are going to be placed
7 on the record.

8 MR. FISHER: Preliminary, I will agree
9 with that, rather than make the applicant come back
10 and start all over again with a denial.

11 MR. CUCCHIARO: We're not talking about a
12 denial.

13 CHAIRWOMAN KWAAK: No, that's out.

14 MR. FISHER: I will definitely second the
15 motion for preliminary.

16 CHAIRWOMAN KWAAK: We're good to vote.

17 MS. D'AGOSTINO: Mr. Castronovo?

18 MR. CASTRONOVO: Yes.

19 MS. D'AGOSTINO: Mr. Brown?

20 MR. BROWN: Yes.

21 MS. D'AGOSTINO: Mr. Kane?

22 MR. KANE: Yes.

23 MS. D'AGOSTINO: Mr. Ginsberg?

24 MR. GINSBERG: Yes.

25 MS. D'AGOSTINO: Myself, yes. Chairwoman

1 Kwaak?

2 CHAIRWOMAN KWAAK: Yes.

3 MS. D'AGOSTINO: Mr. McNaboe?

4 MR. McNABOE: Yes.

5 MS. D'AGOSTINO: Mr. Jacobson?

6 MR. JACOBSON: Yes.

7 MS. D'AGOSTINO: Mr. Fisher?

8 MR. FISHER: Yes.

9 MS. D'AGOSTINO: And Mr. Kastell?

10 MR. CUCCHIARO: No, it's just nine, so
11 alternate number one gets to vote, but not alternate
12 number two.

13 CHAIRWOMAN KWAAK: Okay. So we've given
14 you preliminary, so you've got to come back to us
15 when you get those.

16 MS. COFFEY: And is that all outside
17 approvals? The fire approval?

18 MR. CUCCHIARO: You can come back to us
19 whenever you want to come back to us. So whenever
20 you feel that your plan is in a state where a final
21 approval is warranted. We're not conditioning it on
22 something having to happen before you come back.

23 MS. COFFEY: And to be clear, did the
24 preliminary approval include the design waiver that
25 was requested?

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MR. CUCCHIARO: Yes.

(Whereupon the public hearing was
concluded at 10:52 p.m.)

C E R T I F I C A T E

I, DEANNA WIZBICKI, a Registered Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate verbatim transcript of the proceedings as taken by and before me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this hearing was held, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

DEANNA WIZBICKI,
Registered License No: 30CY00001700
Notary ID No: 2330518

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