

**Township of Manalapan**  
120 Route 522 & Taylors Mills Road  
Manalapan, NJ 07726  
(732) 446-8350

**Planning Board Minutes**

**Virtual Meeting**

**August 26, 2021**

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

**Roll Call:** Daria D'Agostino, Secretary

In attendance at the meeting: Barry Fisher, Todd Brown, John Castronovo, Alan Ginsberg, Daria D'Agostino, Kathryn Kwaak, Jack McNaboe, Barry Jacobson, Richard Hogan, Steve Kastell, Brian Shorr

Absent from meeting: None

Also present: Ronald Cucchiaro, Planning Board Attorney  
Brian Boccanfuso, Planning Board Engineer  
Jennifer Beahm, Planning Board Planner  
Lisa Urso-Nosseir, Recording Secretary

**Minutes:**

A Motion was made by Mr. Fisher, Seconded by Chief Hogan to approve the Minutes of August 12, 2021 as written.

Yes: Fisher, Brown, Ginsberg, Castronovo, Kwaak, McNaboe, Jacobson, Hogan, Shorr

No: None

Absent: None

Abstain: None

Not Eligible: D'Agostino, Kastell

**Resolutions:** PMS2129 ~ The Place at Manalapan  
c/o Community Investment Strategies, Inc.  
Route 33 ~ Block 72.01 / Lot 69  
Preliminary and Final Major Site Plan

Mr. Cucchiaro announced the attorney for The Place at Manalapan has requested that the vote on their resolution be carried to September 9, 2021 to allow for additional review time.

**Application:**        **PPM2104 ~ Stavola Asphalt Company**  
**Manalapan Landing**  
**Stavola Woodward Road-Office**  
**Stavola Woodward Road-Retail**  
**Woodward Road and Route 33**  
**Block 7232 / Lots 1.04, 1.06 and 2.04**  
**Preliminary and Final Major Site Plan**  
**Preliminary and Final Site Plan**

Peter Wolfson, Esq. of Day, Pitney, LLP represented the applicant, Stavola Asphalt Company, this evening. A court reporter was present on the virtual meeting and her transcription is attached hereto.

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Application PPM2104, Stavola Asphalt Company has been carried without further notice to the virtual September 9, 2021 Planning Board meeting.

**PPM2060~JG2 Manalapan Residential Development, LLC**  
**Franklin Lane ~ Block 7 / Lots 14.03 & 15.01**  
**Preliminary and Final Major Site Plan**

Mr. Cucchiaro announced that two Planning Board members were recusing themselves from the JG2 Manalapan Residential hearing. Barry Fisher and Daria D'Agostino were recused from the meeting. They remained on the meeting to hear the application as members of the public.

John Giunco, Esq. of Giordano, Halleran & Ciesla represented the applicant, JG2 Manalapan Residential Development, LLC, this evening. He explained that the two lots consist of 9.966 acres located along Franklin Lane and is in the AH-SF zone and we are proposing a conforming residential inclusionary development without variances of 168 apartments with one waiver. This application is in compliance with the Settlement Agreement between the Fair Share Housing Center and Manalapan Township. We propose to consolidate both of these lots and construct five three-story apartment buildings with improvements. There are a total of 168 apartments, which is 51 affordable units and 117 market rate

units and we will comply with the requirements of the Town. There will be a clubhouse with a pool and other recreational facilities associated with it. Essentially there will be one and two bedroom apartments and a few required three bedroom units as well.

Mr. Cucchiaro swore in Andrew French, PE of French and Parrillo, practicing in the State of New Jersey for over 25 years. Mr. French said the plans were prepared by his office under his supervision. Mr. French shared Exhibit A-1, the Project Location Map. The google aerial is overlaying the site plan. The property has frontage on Franklin Lane and is approximately 10 acres. It is surrounded by commercial uses with significant wooded areas around it. The property is currently an existing tree farm and we are looking to do very little clearing of the property. There are some buffer constraints on the rear and we have obtained a LOI from the DEP that documents the Freshwater Wetlands and 50' buffer. We have also delineated the flood hazard area and submitted to the DEP for the flood plain.

Mr. French shared Exhibit A-2, a color rendering of the landscaping plan. There are five three-story buildings allowing open space and landscaping around the buildings themselves. The clubhouse will have a pool and a patio. Both access driveways will be 24' width and two ways and the site has been designed with RSIS standards in place. The parking requirement for this site is 325 spaces, and we are providing 342 spaces. There are 15 handicap spaces as well. There are three refuse containers located throughout the property. The enclosures themselves are 12' deep, 20'-25' in width, and will be enclosed with a block wall with board on board gates in the front. We are extending a new 8" water main from Franklin Lane which will provide service to each of the buildings, as well as fire hydrants throughout the site. The sewer will be extended from Franklin Lane into the development. No variances are being requested.

Mr. French stated that the Open Space requirement is 10,080 sq ft. We exceed that and are providing 13,820 sq ft of Open Space. They are areas in between the buildings. The recreation area consists of the clubhouse, as well as the patio and pool, and some outdoor tables and chairs. The hairpin stripping will be provided and we agree and will comply with the comments in CME's review letter. The only waiver relief identified is the Stream Corridor Regulations. Our plan is consistent with the NJ DEP regulations for wetlands and flood hazard area buffers. We are going to be compliant with the regulations. What we are proposing is consistent with the Settlement Agreement. Our project will be conforming with NJ DEP's buffer areas and we believe what we are doing is reasonable for this area. The landscaping is unique because the existing use is a tree farm. We will use the trees as buffers. We feel this is a good way to use the existing trees that are already out there. Our landscaping plan is very complimentary to the proposed buildings. There are shade trees along the parking areas. Mr. Cucchiaro stated

the applicant is replacing trees beyond the cap noted in the Settlement Agreement.

Mr. French explained the request from Ms. Spero to add nine trees back into the development. Mr. French said the applicant would be willing to do that if there is a flexibility to offset the small di minimus impact on the Stream Corridor Waiver. Mr. Cucchiaro said the additional trees help to promote the goals that are sought to be achieved by the Stream Corridor Buffer Ordinance.

The Stormwater Management system has been designed to be in conformance with the Township and NJ DEP's rules. Treatment of the runoff will be conveyed by pipe to the proposed detention basin located in the southern portion of the site. The runoff is slowly released back towards Millbrook. It would not have any impact on the adjacent property to the south of our development. His office has looked at this matter carefully and the discharge location will not impact the Veterinarian's office. The lighting throughout the development will be LED fixtures which is a fixture of various lights. There will be building mounted lights on the five buildings and clubhouse. In addition to that, there are pole mounted fixture throughout the development. There is some bollard lighting around the pool and patio area. Mr. French believes the waiver is reasonable, they are complying with DEP flood hazard and wetland buffer areas.

Mr. Cucchiaro swore in Thomas Brennan, licensed architect in the State of New Jersey. He prepared all the plans for this project. The five buildings and clubhouse have been designed in compliance with the ordinances. The units start at about 730 sq ft and the three bedroom is approximately 1,100 sq ft. Mr. Brennan showed Exhibit A7, which breaks down the building configurations. Each unit has a balcony and the HVAC system is located there. The ground floor units would be ADA compliant. Mr. Brennan shared Exhibit A4, the elevation of the various buildings and went over the features of each section. The clubhouse building is 2,800 sq ft and has a game area, a fitness center and a multi purpose room. Mr. Brennan has also created a package room where residents can have items delivered and held until the residents pick them up.

Mr. Cucchiaro swore in John Rea, Traffic Expert and Principle with McDonough and Rea. He created the Traffic Report dated June 2, 2021. He evaluated the circulation plan to ensure it is in conformance with the RSIS and did traffic counts along Franklin Lane in order to make sure that the two access points along Franklin Lane will operate at acceptable levels of service. We collected traffic volume data during the morning and afternoon peak hours in May 2021. We added the background traffic growth and analyzed the traffic at the two site driveways and found that we would have a level of service of "A". It is Mr. Rea's opinion that the site will operate on an acceptable level of service.

Mr. Boccanfuso stated testimony was put on the record in connection with the waiver for the Stream Corridor buffer regulations. However, Mr. Boccanfuso identified three other design waivers. It is his belief that relief is required. Mr. French said the first additional design waiver is related to top of bank for Stormwater Management that will be no closer than 15' from the proposed property lines. The detention basin on the south and western property line is closer than 15', one is 7' and one is 10'. The basin has modular retaining walls for structural support and believes a design waiver is appropriate for these types of conditions. The other design waiver is in connection with the landscaping and that one tree shall be provided for every five parking spaces. We feel that we meet the intent of the ordinance with the landscaping. The Settlement Agreement exempts the need to put landscape islands. We have numerous trees around the parking area. Mr. Boccanfuso said the nine additional trees that were discussed previously mitigate the relief for those items. Mr. Boccanfuso did note that a portion of one of the buildings is in the Township Stream Corridor Buffer.

Mr. Boccanfuso asked the applicant for a status update regarding the DEP permits. Mr. French said we have the DEP LOI and have submitted for the Flood Hazard Verification, general permits for the Wetlands both of which are pending. Mr. Giunco said we are awaiting final approval on these permits. Mr. Giunco said they spoke to the Veterinarian who was concerned about water coming on to his site. Mr. French said the outlet from the detention basin has been directed so that it sends water to the rear of Millbrook, not towards the neighbor that is to our south. We are directing our flow out away from his property. Mr. French agreed that he will work directly with CME to address any technical matters. Mr. Boccanfuso said it appears that Franklin Lane would be a collector street. Mr. Rea said if we were to widen the part of Franklin Lane in front of our property only, it wouldn't make sense since the majority of Franklin Lane would not be widened.

Ms. Beahm asked about the crosswalk that is being provided as part of this application. Mr. Giunco said the crosswalk is on the plan. Mr. French stated that on north side of Franklin Lane, we are proposing a crosswalk. We are proposing a crosswalk sign with the LED flashing light to alert vehicles that they are approaching the crosswalk. Ms. Beahm asked for confirmation that the enclosures are masonry and that is correct. Also the monument signage has been updated on the plans.

Mr. Cucchiaro stated that application PPM2060, JG2 Manalapan Residential Development, LLC will be carried to the September 9, 2021 Planning Board meeting with no further notice.

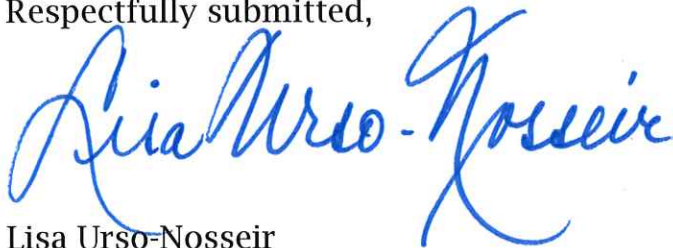
Chair Kwaak asked for any correspondence and Ms. Nosseir stated that Mr. Cucchiaro distributed a letter earlier in the week regarding Old Tennett Church which the Board received.

Chairwoman Kwaak opened the floor for any non-agenda items. Seeing none, the public portion was closed.

Chair Kwaak reminded the Board that the next meeting is September 9, 2021, which will remain virtual.

Chief Hogan made a Motion to end the meeting at 10:55 pm and it was agreed to by all.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lisa Urso-Nosseir". The signature is written in a cursive style with a large, looping initial "L".

Lisa Urso-Nosseir  
Recording Secretary

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TOWNSHIP OF MANALAPAN  
PLANNING BOARD

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 IN THE MATTER OF: :  
 : TRANSCRIPT  
 STAVOLA ASPHALT COMPANY : OF  
 MANALAPAN LANDING : REMOTE  
 BLOCK 7232/LOTS 1.04, 1.06 : PROCEEDINGS  
 AND 2.04 :  
 CASE NO. PPM2104 :  
 :  
 Preliminary and Final Major :  
 Site Plan/Preliminary and :  
 Final Site Plan :  
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THURSDAY, AUGUST 26, 2021  
VIA ZOOM VIDEOCONFERENCE  
COMMENCING AT 7:35 P.M.

BOARD MEMBERS PRESENT:

KATHRYN KWAAK, Chairwoman  
 BARRY FISHER  
 TODD BROWN  
 JOHN CASTRONOVO  
 ALAN GINSBERG  
 DARIA D'AGOSTINO  
 MAYOR JACK McNABOE  
 BARRY JACOBSON, Township Committee  
 CHIEF RICHARD HOGAN, Fire Official  
 STEVEN KASTELL  
 BRIAN SHORR

ALSO PRESENT:

LISA URSO-NOSSEIR, Board Secretary  
 BRIAN BOCCANFUSO, P.E., Board Engineer  
 JENNIFER BEAHM, P.P., Board Planner

STENOGRAPHER: MICHELE QUICK, CCR, RMR, CRR  
NJ Licensed Stenographer

QUICK COURT REPORTING, LLC  
 47 BRIAN ROAD  
 WEST CALDWELL, NEW JERSEY 07006  
 (973) 618-0872  
 office@quickreporters.com

1    A P P E A R A N C E S:

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WEINER LAW GROUP  
BY: RONALD D. CUCCHIARO, ESQ.  
Counsel for the Board

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DAY PITNEY, LLP  
One Jefferson Road  
Parsippany, New Jersey 07054-2891  
BY: PETER J. WOLFSON, ESQ.  
LUKE S. PONTIER, ESQ.  
(pwolfson@daypitney.com)  
(lpontier@daypitney.com)  
Counsel for the Applicant

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I N D E XWITNESSESPAGE

DAVID FISHER	18
WILLIAM LANE, P.E.	39/54
JUSTIN TAYLOR, P.E.	47
PAUL PHILLIPS, P.P.	56

EXHIBITS MARKED INTO EVIDENCE

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-5	Colored subdivision overall plan	5
A-6	Architectural plan	23
A-4	Plan for the affordable homes	24
A-1	Colored site plan of the residential units	30

1 CHAIRWOMAN KWAAK: Okay, Application  
2 Stavola Asphalt Company, Manalapan Landing, Stavola  
3 Woodward Road-Office, Stavola Woodward Road-Realty  
4 [sic], Woodward Road and Route 33, Block 7232, Lots  
5 1.04, 1.05 [sic] and 2.04. Preliminary and final  
6 major site plan, preliminary and final site plan.

7 MR. WOLFSON: Good evening, Madam  
8 Chairwoman. Peter Wolfson of the firm of Day Pitney  
9 here on behalf of the applicant, Stavola Asphalt  
10 Company.

11 CHAIRWOMAN KWAAK: Good evening.

12 MR. WOLFSON: Is it okay if I share an  
13 exhibit that our engineer prepared as I make my  
14 brief introductory remarks?

15 MR. CUCCHIARO: Mr. Wolfson, the  
16 emergency rules that are codified in the  
17 Administrative Code require 48 hours in advance that  
18 exhibits be submitted. Was this submitted  
19 previously?

20 MR. WOLFSON: It was.

21 MR. CUCCHIARO: Okay. Have we pre-  
22 marked anything, Lisa, or will this be the first  
23 exhibit?

24 MS. URSO-NOSSEIR: Everything is pre-  
25 marked. I think Mr. Wolfson has my list that have

1 all the identifying numbers along with it.

2 MR. CUCCHIARO: Okay. Is this on the  
3 list, Mr. Wolfson?

4 MR. WOLFSON: It is.

5 MR. CUCCHIARO: Okay, then I would  
6 just ask you reference the exhibit number when you  
7 put the exhibit up.

8 MR. WOLFSON: Thank you very much.  
9 With me on this meeting Zoom is my colleague, Luke  
10 Pontier, who is much more proficient with things  
11 technological, so I'm going to ask Luke if you can  
12 share the exhibit, which is the subdivision, and  
13 tell us what number it is.

14 MR. PONTIER: Certainly. So this is  
15 going to be Exhibit A-5, which is a colored  
16 subdivision overall plan, and I will share my  
17 screen.

18 (Pause)

19 MR. PONTIER: It is -- it's saying  
20 that I'm going to need to log off briefly since this  
21 is the first time I'm sharing, so I will be back in  
22 about ten seconds once I...

23 MS. URSO-NOSSEIR: Okay.

24 (Pause)

25 (Screen is shared.)

1 MR. WOLFSON: That's why I have Luke  
2 on with me.

3 MS. URSO-NOSSEIR: Okay.

4 MR. WOLFSON: Thank you, Luke.

5 MR. CUCCHIARO: Okay, whenever you're  
6 ready, Peter.

7 MR. WOLFSON: Okay, so Madam  
8 Chairwoman indicated the lots that are involved.  
9 Lots 104 and 106 are owned by the applicant and Lot  
10 204 is owned by the township, and pursuant to an  
11 agreement with the township, a portion of that lot  
12 will be conveyed to present an accessway to the  
13 inclusionary residential development that we'll talk  
14 about in a minute.

15 Tonight's applications are a result of  
16 a submission originally on February 9, 2021. It was  
17 deemed complete by letter of CME on February 25,  
18 2021. The applicant has submitted revised plans and  
19 additional application materials on March 31 and  
20 July 16, 2021 in response to comments from the Board  
21 professionals.

22 Tonight's applications are the result  
23 of an ongoing partnership between the applicant and  
24 the township. The applicant has been working with  
25 the township to develop this portion of Route 33 and

1 Woodbridge Road dating back to early 2018. This  
2 property is included in the township's Fair Share  
3 plan with inclusionary affordable housing to help it  
4 meet its court-imposed obligation.

5 The applicant is imposing an unusually  
6 high 30-percent set-aside for affordable housing  
7 within the residential portion of the development.  
8 Following inclusion of this property in the Fair  
9 Share plan, the township committee adopted a re-  
10 zoning ordinance, Ordinance 2018-09, on August 22,  
11 2018.

12 All of the uses that are proposed as  
13 part of the applications are permitted under the re-  
14 zoning ordinance. Additionally, significant road  
15 improvements are proposed in connection with the  
16 applications, a significant benefit to the township.

17 In coordination with the re-zoning  
18 process, the applicant and the township together  
19 applied for and obtained a disposal from the Green  
20 Acres program of NJDEP to divert a 1.158-acre  
21 portion of the township-owned Lot 204 that was  
22 encumbered by Green Acres restrictions, and as I  
23 said earlier, that portion will be conveyed to the  
24 applicant to provide the access drive to the  
25 residential development.

1                   The disposal request was formally  
2 approved by the NJDEP Commissioner on May 25, 2021  
3 and by the New Jersey State House Commission at  
4 their meeting held on June 23, 2021. As  
5 compensation for the Green Acres disposal, the  
6 applicant will convey a 4.633-acre portion of Lot  
7 106 to the township to be encumbered by Green Acres  
8 restrictions.

9                   The first phase of development under  
10 the re-zoning began with the approval of the  
11 assisted living facility on Lot 105. This Board  
12 heard the subdivision and site plan application for  
13 the assisted living facility, the preliminary  
14 approval memorialized in a resolution dated May 9,  
15 2019, and final approval memorialized in a  
16 resolution dated January 9, 2020. That project is  
17 currently under construction.

18                   The property which is the subject of  
19 tonight's applications is vacant and wooded.

20                   The applicant seeks preliminary and  
21 final subdivision approval to consolidate Lot 106  
22 and a portion of Lot 204 and to subdivide the  
23 consolidated lot into four new lots.

24                   Proposed Lot 1.07, which will be  
25 approximately 5.48 acres and located in the

1 northeastern portion of the property, will house a  
2 medical office building.

3 Proposed Lot 106, which will be  
4 approximately 41.54 acres, including a portion of  
5 existing township Lot 204, will house the  
6 inclusionary residential project.

7 Proposed Lot 204, which is the  
8 remainder of the township's existing Lot 204 that  
9 will not be consolidated or be part of the new  
10 residential lot, will remain in the township's  
11 ownership.

12 And finally, proposed Lot 1.08, which  
13 will be approximately 4.63 acres, will be conveyed  
14 to the township, as I said earlier, as compensation  
15 under the Green Acres process.

16 The applicant also seeks preliminary  
17 and final site plan approval for the development of  
18 three permitted uses, the building devoted to  
19 medical office, the inclusionary residential  
20 development, and the three buildings proposed for  
21 existing Lot 104, devoted to retail and restaurant  
22 space.

23 On proposed Lot 1.07, the applicant  
24 proposes the medical office building of  
25 approximately 20,250 square feet, together with 135

1 surface parking spaces, a freestanding ground sign  
2 at the access drive, and four wall signs.

3 On the 41.56 acres of existing 106  
4 remaining after the subdivision, the applicant  
5 proposes a for-sale inclusionary residential  
6 development. It will contain 150 residential units,  
7 including 45 restricted for affordable housing.

8 Access, as I said earlier, to the  
9 inclusionary development, will be via a boulevard  
10 entrance off of Route 33. There will be a tot lot  
11 stormwater management facilities, private roads, and  
12 a total of 509 parking spaces, including 113 on-  
13 street parking.

14 The applicant also proposes a  
15 freestanding ground sign at the access drive and  
16 temporary signage throughout that development.

17 On the existing Lot 104 at the corner  
18 of Woodward and Route 33, the applicant proposes  
19 three buildings for restaurant/retail uses.

20 In the event that retail or restaurant  
21 tenants cannot be secured for some or all of the  
22 building fronting on Woodward and the center  
23 building, as you'll see when we get to the site  
24 plan, the applicant would like the flexibility to  
25 house office or medical office tenants there. The



1 parking provided on the site under that site plan is  
2 sufficient in number of spaces to accommodate any  
3 combination of all of those uses per the ordinance.

4           The applicant does request just a few  
5 bulk variances from the ordinances mostly related to  
6 signage and intended to allow motorists to more  
7 safely navigate to and within the site.

8           Just by way of recordkeeping and  
9 bookkeeping, we've received the following review  
10 letters from Board professionals and other township  
11 agencies. We have your Board engineer's  
12 completeness determination letter of February 25,  
13 2021, we have his review memorandum of the  
14 applications dated August 23, 2021, we have the  
15 Board planner's review memorandum, last revised  
16 August 5, 2021, we have the Manalapan Police  
17 Department review memorandum dated February 21,  
18 2021, the Environmental Commission review memorandum  
19 dated May 13, 2021, the Manalapan tax assessor  
20 review memorandum dated February 10, 2021, the Board  
21 of Health review memorandum dated March 4, 2021, and  
22 finally, the Manalapan Fire Bureau review memorandum  
23 dated March 2, 2021.

24           The applicant and its professionals  
25 attended site plan review committee meetings on

1 August 21, 2019 and more recently on January 21,  
2 2020. As for the status of outside agency  
3 approvals, we have pending applications before all  
4 of the following: Freehold Soil Conservation  
5 District, Monmouth County Planning Board, Western  
6 Monmouth Utilities Authority, and the New Jersey  
7 Department of Transportation. The applicant has  
8 already received permits from the New Jersey  
9 Department of Environmental Protection.

10 It is our respectful suggestion that  
11 the Board consider the subdivision and inclusionary  
12 residential site applications first. The ordinance  
13 that governs the property requires that the  
14 inclusionary application be prosecuted no later than  
15 second of all of the developments. With the  
16 assisted living application having been approved,  
17 the residential site plan would appear to need to go  
18 next. Additionally, the developer of the  
19 residential section will be able to provide the  
20 affordable housing sooner by obtaining a  
21 straightforward access permit from DOT to access  
22 Route 33 and will not have to wait for the much  
23 longer DOT approval process for the extensive road  
24 improvements that are being accomplished with these  
25 applications.

1                   If that meets with the Board's  
2 approval, I have the following presentation for  
3 tonight. We understand that there is another  
4 application which must receive time as well and we  
5 understand that. Depending on time, I would first  
6 call Bill Lane, the project engineer from Menlo  
7 Engineering, who will give an overview of the  
8 property and orientation to the surrounding area and  
9 discuss the proposed subdivision and common  
10 improvements through the project as well as the  
11 engineering issues attendant to the inclusionary  
12 project.

13                   Next I have Dave Fisher, who is a  
14 representative of the contract purchaser of the  
15 residential development and he can discuss the  
16 residential development which is proposed there.

17                   I have Justin Taylor, our traffic  
18 engineer from Dynamic Traffic, who can discuss his  
19 traffic report as it relates to the residential  
20 project.

21                   And finally, I have our planner, Paul  
22 Phillips of Phillips Preiss here, who can provide  
23 some testimony regarding the single variance, which  
24 is a sign variance for the residential application.

25                   Madam Chairwoman, if that meets with

1 your approval, I'd like to call Bill Lane.

2 CHAIRWOMAN KWAAK: That is fine, yes.  
3 Let's get him sworn in, please.

4 MR. WOLFSON: Thank you.

5 MR. CUCCHIARO: Is he on camera?

6 MR. LANE: Yes.

7 MR. CUCCHIARO: Okay.

8 W I L L I A M L A N E, P. E., first having been  
9 duly sworn/affirmed, testifies as follows:

10 MR. CUCCHIARO: Please state and spell  
11 your name for the record.

12 MR. LANE: William Lane.

13 CHAIRWOMAN KWAAK: I don't see him, I  
14 just see his square. There's no camera.

15 MS. BEAHM: It's black, yeah.

16 CHAIRWOMAN KWAAK: Yeah, it's black,  
17 Mr. Lane.

18 (Pause)

19 CHAIRWOMAN KWAAK: Can you see us, Mr.  
20 Lane?

21 MR. LANE: Yes, I can. I'm trying to  
22 click everything to try and get this up.

23 CHAIRWOMAN KWAAK: Okay. Ron, how  
24 would you like us to handle this?

25 MR. CUCCHIARO: Well, the rules say

1 that in order to receive sworn testimony, the  
2 witness has to be on camera.

3 I don't know, Mr. Wolfson, is your  
4 technical wizard associate able to help us?

5 MR. WOLFSON: We'll see how good he  
6 is. Luke, any ideas?

7 MR. PONTIER: Bill, are you in any  
8 type of internal program? I know, for example, on  
9 our Citrix system, we cannot be inside of that if we  
10 want the camera to work.

11 MR. LANE: You know what? Maybe I'll  
12 try to log out and come back in.

13 MR. CUCCHIARO: That's fine.

14 MR. WOLFSON: Thank you for your  
15 patience.

16 MR. KASTELL: On the screen, there's a  
17 little "stop video" picture, a little picture of a  
18 camera down on the bottom.

19 MS. URSO-NOSSEIR: He doesn't have a  
20 line through his camera.

21 CHAIRWOMAN KWAAK: Right. Let him log  
22 in and log back on.

23 MS. URSO-NOSSEIR: Yeah.

24 CHAIRWOMAN KWAAK: We'll give him a  
25 minute. And maybe if he can't come on, Mr. Wolfson,

1 maybe you can flip-flop until he can be seen by  
2 camera.

3 MR. WOLFSON: Will do.

4 CHAIRWOMAN KWAAK: Okay.

5 (Pause)

6 MR. WOLFSON: For the record, I would  
7 like to note that I was able to access the meeting  
8 all by myself, so...

9 MR. CUCCHIARO: I will put that in the  
10 resolution.

11 MR. WOLFSON: Thank you.

12 CHAIRWOMAN KWAAK: Okay. I still see  
13 him as black on my screen. The square is black even  
14 though we can hear his voice.

15 MR. LANE: I'm trying to see what I  
16 can get on here.

17 CHAIRWOMAN KWAAK: I understand.

18 MR. LANE: Sorry about this.

19 (Off the record to deal with technical  
20 issues)

21 CHAIRWOMAN KWAAK: Okay, so Mr.  
22 Wolfson, why don't we move on to another one of your  
23 professionals while Mr. Lane tries to come back on  
24 so we can see his face --

25 MR. CUCCHIARO: It's up to him.

1 CHAIRWOMAN KWAAK: -- so we don't  
2 waste more time.

3 MR. CUCCHIARO: It's up to Mr.  
4 Wolfson.

5 CHAIRWOMAN KWAAK: Okay.

6 MR. CUCCHIARO: I mean, they under-  
7 stand what the constraints are. The applicant  
8 should be able to present the case the way that they  
9 think is most logical and efficient.

10 CHAIRWOMAN KWAAK: Okay.

11 MS. URSO-NOSSEIR: Mr. Lane, can you  
12 log out and then come back and join with computer  
13 video? Because I don't have a line through your  
14 camera, you should be showing, like, for the -- I  
15 think it might be with your laptop.

16 MR. LANE: All right, I'll try again.

17 MS. URSO-NOSSEIR: Thank you.

18 MR. WOLFSON: Why don't I call Dave  
19 Fisher and we can get some testimony on the record.

20 MR. CUCCHIARO: Okay --

21 CHAIRWOMAN KWAAK: Okay.

22 MR. CUCCHIARO: -- that sounds good.

23 MR. WOLFSON: Thank you.

24 MR. CUCCHIARO: Mr. Fisher, are you on  
25 camera?

1 MR. FISHER: Yeah. Can you hear me?  
2 D A V I D F I S H E R, first having been duly  
3 sworn/affirmed, testifies as follows:

4 MR. CUCCHIARO: Please state and spell  
5 your name for the record.

6 MR. FISHER: David Fisher,  
7 F-I-S-H-E-R, and --

8 MR. CUCCHIARO: Okay, if you can -- if  
9 Mr. Fisher's testifying as an expert or if he's just  
10 a representative of the applicant, Mr. Wolfson,  
11 explain what he's going to be testifying to tonight  
12 and if we need to qualify him.

13 MR. WOLFSON: Yeah, no, he's a fact  
14 witness from the contract purchaser and the eventual  
15 developer of the residential project.

16 MR. CUCCHIARO: All right, so just to  
17 be clear, although Mr. Fisher is a planner, he is  
18 not testifying as a planner tonight.

19 MR. WOLFSON: Correct.

20 MR. CUCCHIARO: Okay. Go ahead.

21 MR. FISHER: Thank you very much. For  
22 those of you who don't know or recall, I'm Vice  
23 President with K. Hovnanian Homes, Edison, New  
24 Jersey, and as stated, we are the contract  
25 purchasers of the subject property which will end up



1 being new Lot 1.06. It will be 41.5 acres, and on  
2 that would be what's proposed as a 115-unit  
3 affordable housing development inclusionary, 105  
4 townhomes of which would be market-rate two-story  
5 townhomes, and the balance, 45 affordable low- and  
6 moderate-income condominiums.

7           So without the background of some of  
8 the engineering discussion that would have taken  
9 place, I think it's fine that I continue and present  
10 kind of an overview of the proposed development and  
11 respond to some of the questions that came up in the  
12 Board professionals' reviews.

13           As you could see from the previous  
14 exhibit, I think you know where the property is  
15 positioned on the subject property. I can -- I can  
16 bring that up or I can just go right to the proposed  
17 housing, so I can also share that site plan that was  
18 shown, as well as the site plan rendering of the  
19 project itself.

20           So the property is positioned with its  
21 only access on State Highway Route 33 and there is  
22 one entrance, it's a divided boulevard that enters  
23 the proposed development and then splits into a  
24 series of internal private roadways to service the  
25 development.

1                   What I'd like to do is share my screen  
2 and talk a little bit about the proposed homes, if  
3 that's okay.

4                   MR. WOLFSON: Thank you.

5                   MS. BEAHM: Steve, can I just ask you  
6 a question before you get too far into it?

7                   MR. FISHER: Sure.

8                   MS. BEAHM: You're referring to the  
9 affordable units as "condos." This is a rental  
10 project --

11                   MR. FISHER: Not --

12                   MS. BEAHM: -- correct?

13                   MR. FISHER: -- based on my under-  
14 standing.

15                   MS. BEAHM: Okay, well --

16                   CHAIRWOMAN KWAAK: Okay.

17                   MR. WOLFSON: It's a for-sale project.

18                   MS. BEAHM: Okay, well, the housing  
19 element in the Fair Share plan has this as a rental  
20 project, not a for-sale project, so I don't know if  
21 things changed from the time that this Board adopted  
22 that, but this project was never a for-sale project.  
23 So --

24                   MR. CUCCHIARO: So on that -- on that  
25 issue, that doesn't impact the improvements --

1 MS. BEAHM: It doesn't, but I just  
2 wanted to bring it up because --

3 MR. CUCCHIARO: No, no, I appreciate  
4 it. What I was saying, though, is that -- I think  
5 it was necessary to bring up but we can probably  
6 resolve that between this hearing and the next  
7 because that's a critical issue but it does -- I  
8 think, Mr. Wolfson, you can proceed because the  
9 improvements remain the same, but that's absolutely  
10 something that needs to be resolved because that was  
11 part of what the --

12 MS. BEAHM: Well, and --

13 MR. CUCCHIARO: -- court approved.

14 MS. BEAHM: And this project had  
15 rental credits associated with it.

16 MR. CUCCHIARO: Right.

17 MS. BEAHM: So it's --

18 MR. CUCCHIARO: Right.

19 MS. BEAHM: It's, as far as I'm  
20 concerned, a non-negotiable issue.

21 MR. CUCCHIARO: Right.

22 MR. FISHER: Okay. Well, that's --  
23 that's, I think, news to K. Hovnanian, but I'll  
24 continue and, you know, our reading of the ordinance  
25 was simply that they are multifamily inclusionary

1 development. It didn't state rental or -- or sale,  
2 but --

3 MR. CUCCHIARO: I'm not sure that the  
4 ordinance can discriminate, you know --

5 MS. BEAHM: Agree.

6 MR. CUCCHIARO: -- as to tenancy, but  
7 the -- I think the governing document would be what  
8 the Court approved in terms of, you know, why this  
9 particular project is in the plan, but again, it  
10 does not impact any of the improvements so I think,  
11 you know, this is all -- this particular issue, we  
12 are going to have to sit down and resolve between  
13 now and next meeting, but I think you can continue  
14 to talk about the improvements because whether a  
15 unit's rented or owned, the improvements are going  
16 to remain the same.

17 MR. FISHER: Understood.

18 CHAIRWOMAN KWAAK: And Mr. Fisher, the  
19 exhibit you're going to show, has it been previously  
20 submitted?

21 MR. WOLFSON: Yes.

22 MR. FISHER: It has, correct, Mr.  
23 Wolfson?

24 MR. WOLFSON: Yes.

25 MR. FISHER: I just don't know the

1 specific exhibit number, so when it comes up, either  
2 you or Luke can identify it by number.

3 MR. WOLFSON: We will.

4 MR. FISHER: Okay. Back on the  
5 overall plan; let me get to the architectural. Full  
6 screen. Can everyone see that?

7 CHAIRWOMAN KWAAK: Yes.

8 MR. PONTIER: And for the record, this  
9 is Exhibit A-6, the two-story unit.

10 MR. FISHER: Okay. So these are the  
11 proposed two-story townhomes. Most of the units,  
12 end units, and the interior units that have a two-  
13 car garage are 28 feet wide. The one smaller Bryn  
14 Mawr model, we call it, with a one-car garage, is 26  
15 feet wide. These are all obviously for-sale  
16 townhomes that are situated throughout, more or  
17 less, the center of the development on the series of  
18 streets. They range in size from about 2200 square  
19 feet to about 2500 square feet, and as I said, all  
20 of them except for the Bryn Mawr model have a two-  
21 car garage, car-wide driveway. The Bryn Mawr  
22 accommodation pies about 20 percent of the total  
23 market-rate units, so 80 percent of the homes have  
24 two-car garages; that one model represents about 20  
25 percent of the development, has a one-car garage and



1 each of the homes were submitted with our initial  
2 submission and a revised set of architectural plans  
3 dated July 9 was submitted to the Board as well,  
4 which are kind of black-and-white drawings which  
5 show the elevations, floor plans, and call out the  
6 square footage of each of the units.

7           So I think that's an overall depiction  
8 of what the two-story homes will look like. All of  
9 the two-story market-rate townhomes will have  
10 basements, and some of those, especially around the  
11 perimeter of the development, will have walk-out  
12 basements, so the design engineer, in working with  
13 the grades on the site, tried to be careful about  
14 how best to situate the buildings and work with the  
15 grades so that the backs of the homes would be  
16 exposed rather than overly filling the site.

17           (Court reporter advises that she's having  
18 trouble hearing Mr. Fisher because of background  
19 noise coming from someone who is not muted.)

20           CHAIRWOMAN KWAAK: Can everybody  
21 please mute themselves except for Mr. Fisher and the  
22 attorneys?

23           COURT REPORTER: Thank you.

24           CHAIRWOMAN KWAAK: Whether you're on a  
25 phone or on camera.

1 MR. FISHER: I'll move on to the next  
2 exhibit, which would be the affordable homes, and I  
3 won't call them "condominiums" or "rental units,"  
4 I'll just talk about them.

5 These are actually the same multifamily  
6 units that we proposed for Pine Brook Crossing and  
7 were approved by the Board back in March of this  
8 year, preliminary approval was granted. It's a  
9 three-story product and there are garages for two-  
10 thirds of the homes, as the Board may recall. The  
11 lower unit, which is a flat two-bedroom unit in the  
12 back of the -- of each 24-foot-wide section of the  
13 building, does not have a garage or driveway, so  
14 additional parking is provided to service that home.

15 Someone's still off mute there.

16 CHAIRWOMAN KWAAK: Excuse me, Dave,  
17 one moment. Whoever has a phone that is calling in  
18 and your last four digits are 5920, you need to mute  
19 yourself, please, because you're being recorded and  
20 this is, you know, being recorded for forever.

21 I'm sorry, Dave. Go ahead.

22 MR. FISHER: That's okay. It happens.

23 So these three-story multifamily  
24 buildings provide three different model types. In  
25 accordance with the COAH requirements, there needs



1 to be at least 20 percent of the homes that are  
2 three-bedroom units, so we actually created two-  
3 thirds of the homes two-bedroom, one-third three-  
4 bedrooms, and of the three model types, there will  
5 be in each section of the building two two-bedroom  
6 units and one three-bedroom unit. So that's  
7 repeated in each section, so this being a one-,  
8 two-, three-, four-section building, four times  
9 three is 12, so that's a 12-unit multifamily  
10 building, which is one of the buildings on the  
11 proposed site, it's building number 24. There's  
12 also a 15-unit affordable building on the site plan  
13 as well as an 18 unit, and those three buildings  
14 comprise 45 low- or moderate-income housing, it's  
15 provided as part of this inclusionary development.

16 MR. WOLFSON: For the record, that's  
17 A-4.

18 MR. FISHER: I'm sorry?

19 MR. WOLFSON: For the record, that  
20 exhibit that is being shared is A-4.

21 MR. FISHER: A-4? Okay.

22 MR. WOLFSON: Correct.

23 MR. FISHER: The other was A-6.

24 So, as I indicated, the types of units  
25 are two-bedroom and three-bedroom. There was a

1 question about the sizes in the CME review letter,  
2 and the two-bedroom units, there are two different  
3 sizes, there's a small two-bedroom unit that's 711  
4 square feet and then a slightly larger two-bedroom  
5 unit which is just a little over a thousand square  
6 feet, a thousand 3 square feet. The three-bedroom  
7 home is 1252 square feet. So those are the relative  
8 sizes of the three different model types that are  
9 provided, and as indicated, these are kind of  
10 clustered on the southwestern corner of the property  
11 just after you enter the site to the left.

12                   Here, we've been able to also kind of  
13 bury the front facade, and the reason I talk a  
14 little bit about the architecture and its features  
15 is I think your professionals wanted me to touch on  
16 the design building, you know, standards that the  
17 town has in its ordinance and it talks about  
18 different items, including the variation in  
19 elevations, in materials, in creating kind of  
20 differences in roof design, which we've, I think,  
21 accomplished well with this building. You know,  
22 sometimes many affordable buildings can be somewhat  
23 simple and mundane. We don't think this is. We've  
24 built this very successfully up in Cedar Grove  
25 Township in a large community up there and it sold

1 very well. These are accessible on the ground floor  
2 where they need to be for, again, the requirements  
3 as part of COAH and the UHAC standards for  
4 accessibility, and that's also in the township's  
5 ordinance, so the bottom unit is fully accessible  
6 and then features within the home are adaptable, as  
7 required by the regulations. These buildings are  
8 also sprinklered, so there's a fire suppression  
9 system throughout the entire building because of its  
10 design, this living-over-living, you know, three-  
11 story structure. The two-story townhomes do not  
12 require fire suppression systems and would not have  
13 those.

14           So, you know, again, we would kind of  
15 coordinate the colors so that the color variations  
16 that we use on the market-rate homes would be  
17 duplicated on the affordable homes, so they really  
18 don't look that much different other than the size  
19 and design of the structure itself.

20           And that, I think, covers, pretty much,  
21 the affordable. We've built affordable inclusionary  
22 developments in many communities; as a company,  
23 we're familiar with the requirements of UHAC and how  
24 you have to market affirmative marketing  
25 requirements for affordable developments that we

1 partner with an agency -- the town doesn't have an  
2 appointed housing advocate or person designated --  
3 so that they can work with us to publish marketing  
4 advertising that's required by the state for the  
5 affordable homes and they qualify the buyers or the  
6 renters, however this ends up, so that they would  
7 meet the income qualifications for low- and  
8 moderate-income households, as required by your Fair  
9 Share plan and by the state regulations.

10 So I think I'll just call up -- the  
11 only other exhibit I would use is the site plan.  
12 I'm looking for it here. And Peter, maybe you could  
13 help me with what exhibit this is.

14 MR. WOLFSON: I'm going to ask Luke  
15 for that information.

16 MR. PONTIER: That is Exhibit A-1, the  
17 colored site plan of residential.

18 MR. FISHER: Okay. So now you can see  
19 how, down here where my cursor is, this is Route 33  
20 going east/west, the Knob Hill Golf Course is to the  
21 left, to the west. Above us is a large open space  
22 associated with wetlands and transition areas that  
23 just will remain dedicated open space as part of our  
24 DEP permit, and above this to the north is  
25 additional multifamily development in the Knob Hill

1 Golf Course. There's the stream to our east, and on  
2 the east side of the stream would be the proposed  
3 office development, the assisted living development,  
4 and the proposed retail complex at the corner of  
5 Woodward Road and Route 33.

6           So here's the divided boulevard that  
7 enters the site and meanders back through here.  
8 This is the part of that township property that was  
9 now approved by Green Acres for a diversion and has  
10 become part of the property that we will control.

11           We've come to the first intersection  
12 and this splits Road B, more or less goes east and  
13 west, and it also continues through the development  
14 and then terminates up here in the northwestern  
15 corner of the property. You can see the arrangement  
16 of townhome buildings around the site. Most of  
17 these buildings have walk-out basements along the  
18 perimeter here. There's a stormwater basin to the  
19 east and up to the west that our engineer can talk  
20 more about, and then you've got some interior kind  
21 of blocks or parts of the development, a few  
22 buildings here, three along the western side, fourth  
23 with that one, and here are the affordable  
24 buildings, so the affordable buildings would be as  
25 you come in to the left, in your the first left; two

1 roadways and a parking area service what would be  
2 the three low- and moderate-income buildings that I  
3 just described for the Board.

4 We have added, based on the Board's  
5 professionals' recommendations, a tot lot play area  
6 in this location that would have a play structure;  
7 some benches, a bike rack are all part of that play  
8 area, which would be enclosed, you know, with a  
9 fence for safety purposes.

10 You'll also notice here kind of a  
11 narrow, thin, tan line that comes between these two  
12 buildings here and then off the end of Road B and  
13 goes behind that building, down the slope, across  
14 the stream on a bridge, pedestrian pathway or  
15 walking trail, and then cuts through the edge of the  
16 assisted living property within an easement and then  
17 down to the retail site. That was, I think  
18 initially, a recommendation from the Board's  
19 planner, that there be provided some connectivity  
20 between the residential and the retail, which,  
21 although it's a costly item, it's something that I  
22 think would really benefit both the retail and our  
23 development and we're happy to provide that walking  
24 trail and the bridge across the -- the stream. It's  
25 not a long bridge, it's about 20 feet, it gets us

1 across that stream because it's fairly narrow in  
2 nature. And that's been approved by the DEP based  
3 on the permits that Mr. Wolfson talked about.  
4 There's a permit issued by the DEP for defining the  
5 limits of the flood hazard area and also the minor  
6 wetlands disturbances that were approved -- that was  
7 approved in June of this year for the trail, for  
8 some utilities, for some stormwater discharges, and  
9 for the roadway.

10 So those are kind of the two  
11 recreational elements. This will be managed by a  
12 condominium association so these are not -- there's  
13 -- the townhomes will not be on feasible lots; this  
14 will all be one large property and there will be a  
15 master deed that will regulate the common area  
16 elements and maintain, for example, all of the  
17 common area landscaping, the stormwater management  
18 structures, the entry sign out front, and so, you  
19 know, those are the types of things typical --

20 MR. CUCCHIARO: Mr. Fisher?

21 MR. FISHER: Yes.

22 MR. CUCCHIARO: On that, you know,  
23 that's the intent, but obviously, that would change  
24 to just the owner of the -- of the property and the  
25 owner of the building would maintain and there would

1 be, you know, different nomenclature if it's a  
2 rental unit versus for-sale unit so, you know, just  
3 so that's on the record that, you know, some of that  
4 may evolve depending upon our discussions between  
5 now and the next meeting.

6 MR. FISHER: Understood. Right. For  
7 the affordable units. Okay.

8 I wanted to mention something about  
9 street lighting because that did come up in your  
10 Board engineer's report. We did propose high-  
11 pressure-sodium street lights for a reason. We used  
12 our JCP&L-approved fixture, even though it's  
13 unlikely that JCP&L will install them, but it's a  
14 more economical streetlight that provides adequate  
15 lighting that we've used many times in the past  
16 instead of LED and there's two reasons why. Number  
17 one, it's less expensive to purchase and install and  
18 it's also considerably less expensive for the  
19 association to maintain and pay electric bills for,  
20 believe it or not. Even though LEDs, they say, you  
21 know, consume less power, the JCP&L power company  
22 and PSE&G actually charge you a higher rate for LED  
23 fixtures. So we prefer to use high-pressure-sodium  
24 fixtures if the Board would agree to that. So  
25 that's one thing I wanted to mention.



1                   Temporary sales trailer. There's a  
2 separate plan that was submitted that shows a  
3 temporary sales trailer in this location. I'll tell  
4 you the building number in just one second. But  
5 what we would like to do and have done in other  
6 developments is, you know, once we get some --  
7 basically most of the major grading done and plan  
8 development work and start to install the streets  
9 and utilities, we were hoping to begin sales from  
10 this location with a temporary sales trailer. We  
11 showed that plan to the Board and the Board's  
12 engineer and, you know, based on his review, I don't  
13 think he has any issue with it. Obviously, when  
14 we're done with that facility and the model building  
15 will be in this location and we will probably move  
16 from the trailer into the permanent model and then  
17 have models to show buyers, but before that,  
18 sometimes it's advantageous to be able to market the  
19 development from a sales trailer until that's  
20 completed.

21                   Refuse storage. And it doesn't matter  
22 whether these are tenants or owners, but this came  
23 up on the Pine Brook Crossing application, and  
24 initially this application was submitted with the  
25 same kind of outdoor storage bins that we had

1 proposed for Pine Brook. Members of the Board had  
2 some concerns about whether there was adequate space  
3 for the garbage cans for those units on the ground  
4 floor that don't have a garage, and so in this  
5 development, we have less than we did at Pine Brook.  
6 Just 15 of them will not have a garage and a  
7 driveway or enclosure but, rather, we agreed to  
8 locate two double-sized dumpsters, one at the end of  
9 this roadway, F, and one kind of on the curve here  
10 in this parking lot, to service all three buildings.  
11 So those dumpsters are basically about 9-1/2 feet  
12 deep by 18 feet wide, they can hold up to two 10-  
13 yard dumpsters. I don't think we'll need dumpsters  
14 that size, but one would basically accommodate seven  
15 owners or renters and the other would accommodate  
16 eight households. So between eight using, you know,  
17 two dumpsters, one being for garbage, one being for  
18 recycling, I think we've got two facilities there  
19 that are more than adequate to handle the refuse  
20 storage based on the current arrangements you have  
21 with your contractor to do a once-a-week pickup for  
22 garbage and once every other week for recycling.

23 Street names and mailboxes were  
24 mentioned in the review. We did come up with a  
25 number of street names that we will submit through

1 the owner's engineer to the appropriate people in  
2 the township, including your Board engineer, to  
3 review and make sure they're not duplicates or  
4 similar sounding to other names and those will be  
5 approved and placed on the final plans.

6           We have also located on this plan  
7 suggested locations for the cluster box units, the  
8 mailboxes. Those are required on any multifamily  
9 development. We've just submitted that plan to, I  
10 think her title is Growth Management Coordinator for  
11 the U.S. Postal Service. They don't provide much  
12 latitude for local Post Masters to approve the  
13 layout of the CBU boxes much anymore, so local Post  
14 Masters usually rely on the regional office, which  
15 is in South Jersey, to review our site plan and  
16 either agree or make recommendations for adjustments  
17 in the locations of those boxes, but that's how the  
18 mail would be serviced and delivered to the  
19 residents, through those cluster boxes. They also  
20 require us to provide larger boxes with more parcel  
21 cabinets so to accept parcels. People seem to use  
22 that a lot more today than they used to.

23           In terms of phasing, we would  
24 anticipate developing this entire project one, one  
25 phase, we're not looking to sectionalize it, based

1 on kind of the split drainage utilities, sewer and  
2 water, you know, the sewer's coming across the  
3 stream. I know that there's water that will be  
4 extended also, I think, across the stream, but then  
5 out our entrance up to the Sawgrass Drive  
6 intersection, so you know, based on all of the  
7 utility work and grading work, we'll develop this as  
8 one phase.

9                   And I think that's pretty much it. I  
10 know that we -- we will have a request that the  
11 Board consider approving the main entry sign in a  
12 way that you did for our Pine Brook Crossing  
13 project. We discussed this at the TRC meeting with  
14 the Board's planner, Jen Beahm, and for those of you  
15 who were at the meeting back in March, you may  
16 remember that we asked for a lower base height,  
17 rather than two and a half feet, that it be two feet  
18 in height, because we think it's more proportional  
19 and provides a little bit more space on the sign  
20 face itself for the name of the community,  
21 especially this one being along a state highway, we  
22 think that's important, so, as necessary, even  
23 though I know the Board's heard that testimony  
24 before, I think we'll need the applicant's planner  
25 to testify on that particular issue.

1                   And I think that's all the direct that  
2 I wanted to provide, so if there are any questions,  
3 either the Board can ask now or wait and up to you,  
4 Mr. Wolfson, as to whether you want to go back to  
5 our engineer.

6                   MR. WOLFSON: I would like to go back  
7 to the engineer, but I'd like to know the Board's  
8 pleasure in terms of whether you wait till all the  
9 testimony goes in to --

10                  CHAIRWOMAN KWAAK: Yes, let's hear all  
11 the testimony because some answers may get -- some  
12 questions may get answered, so let's go back to Mr.  
13 Lane.

14                  MR. WOLFSON: Okay.

15                  MR. CUCCHIARO: Is he now on camera?

16                  MR. WOLFSON: He is.

17                  CHAIRWOMAN KWAAK: Dave, can you  
18 unshare your screen, please?

19                  MR. FISHER: I was just going to say,  
20 you want me to stop sharing?

21                  CHAIRWOMAN KWAAK: Yes. Thank you.

22                  MR. FISHER: You're welcome.

23                  MR. CUCCHIARO: Okay. If you'll raise  
24 your right hand.

25                  W I L L I A M   L A N E,   P. E., first having been

1 duly sworn/affirmed, testifies as follows:

2 MR. CUCCHIARO: Okay, please state and  
3 spell your name for the record.

4 MR. LANE: William Lane, L-A-N-E.

5 MR. CUCCHIARO: Okay, Mr. Wolfson, if  
6 you can please qualify Mr. Lane.

7 MR. WOLFSON: Yes. Bill, can you  
8 provide a brief outline of your educational,  
9 professional experience and qualifications?

10 MR. LANE: Sure. I've been with Menlo  
11 Engineering for a little over 36 years, I'm a  
12 licensed professional in the State of New Jersey for  
13 over 22 years, I've testified in front of probably  
14 80, 90 Boards throughout the State of New Jersey,  
15 including Manalapan. I've worked on many projects  
16 like this (indiscernible).

17 MR. WOLFSON: If there are no  
18 questions --

19 CHAIRWOMAN KWAAK: His credentials are  
20 sufficient, thank you.

21 MR. WOLFSON: Thank you, Madam  
22 Chairwoman.

23 DIRECT EXAMINATION BY MR. WOLFSON:

24 Q. So your office, including you, prepared  
25 the plans submitted to the Board, last revised July

1 8 of this year?

2 A. Yes.

3 Q. Okay. Can you lead us through the  
4 current conditions and surrounding uses and  
5 conditions as a starting point and then go into the  
6 subdivision from there?

7 A. Sure. Can I share my screen, I guess,  
8 with the... I'll bring it up.

9 (Pause)

10 A. Okay, here's the overall exhibit,  
11 which is the subdivision portion of the site. What  
12 we have is the existing overall property at the  
13 corner of Woodward Road and Route 33. At the corner  
14 is Lot 1.4, which is the 2.2 acre, which is going to  
15 be for retail or restaurant. Continuing along  
16 Woodward Road, we have our Lot 1.07, which is  
17 approximately four acres, for a medical office, then  
18 we have the parcel that's in the back here for --  
19 it's going to be dedicated to (indiscernible), then  
20 we have a large 1.06 lot, which is (indiscernible).54  
21 acres for the residential portion of the property,  
22 and then, of course, the leftover for 3.4.

23 With these existing conditions that are on  
24 the area to the east of River Road, we have the Wawa  
25 gas station, we have a sports facility on the

1 southern side of Route 33, we have (indiscernible)  
2 properties, and then west and to the north, we have  
3 (indiscernible)...

4 (Court reporter advises that she is having  
5 trouble hearing Mr. Lane due to an audio issue on  
6 his part.)

7 (Off-the-record discussion regarding a  
8 technical issue)

9 MR. LANE: The site as it exists, we  
10 have Stillhouse Brook (audio distortion)...

11 (Court reporter advises Mr. Lane that his  
12 audio/video froze and she did not hear him.)

13 MR. LANE: Stillhouse Brook cuts  
14 through the site, it cuts across Route 33, travels  
15 in a northeasterly direction up to the crossing over  
16 River Road. Within that brook, there is a flood  
17 hazard area so there's a conservation easement on  
18 that brook, and into the rear, the northern section  
19 of the property, there's an existing wooded area  
20 which is going to remain. That's a large wetlands  
21 property.

22 I guess continuing on to what is going  
23 to be done with the development, we're looking to  
24 provide sanitary sewer, which is going to come down  
25 gravity to the east end of 33. It's about 1400 feet



1 up to the section of Woodward Road. It will  
2 continue to the morph along Woodward Road, a new  
3 easement along Lot 1.04 over to the west, and come  
4 up underneath Stillhouse Brook and service the  
5 residential development, and then the line will  
6 continue up River Road to (indiscernible).

7 (Court reporter advises that she is still  
8 having trouble hearing Mr. Lane due to his muffled  
9 audio.)

10 (Pause)

11 CHAIRWOMAN KWAAK: Try raising your  
12 speaker volume, Bill.

13 MR. LANE: That's what I'm trying to  
14 do.

15 CHAIRWOMAN KWAAK: It'll be on the  
16 lower right-hand corner.

17 MR. LANE: Is this any better?

18 CHAIRWOMAN KWAAK: A little bit, yes.

19 MR. LANE: Okay. Where should I --  
20 did you hear anything of that last bit?

21 CHAIRWOMAN KWAAK: You were talking  
22 about the easement coming across the front lot and  
23 coming over to the residential and I think that's  
24 when you started to break up.

25 MR. LANE: Okay. I'll go back to

1 that. We're looking to provide gravity sewer to the  
2 property, so we're coming down to the east end of  
3 33, we're coming up about 1400 feet to the  
4 intersection of Woodward Road. Sanitary to the  
5 north of Woodward Road. And we're providing an  
6 easement in back of the retail restaurant property  
7 which will cut across to the west and then come up  
8 under Stillhouse Brook to service the residential  
9 site in the back.

10 The sanitary then will continue up to  
11 the north to provide gravity to the nursing home and  
12 the medical office building.

13 With that, we're also looking to extend  
14 the waterline, the same easement, to the back of  
15 that property, we'll tap into River Road, across  
16 through the easement and under, again, Stillhouse  
17 Brook, loop around internally in the site and come  
18 back out the main drive aisle, come down 33 and  
19 connect to the existing line that's at the entrance  
20 of Knob Hill Golf Course.

21 That's pretty much for the subdivision  
22 and existing conditions.

23 MR. WOLFSON: Are there any questions  
24 of Bill on the subdivision and the issues he  
25 covered?

1 (Pause)

2 MR. WOLFSON: Okay. Bill, why don't  
3 you continue on, then, to the residential site plan  
4 and the engineering issues surrounding that.

5 MR. LANE: It's the residential  
6 multifamily -- 150-unit multifamily property. We've  
7 already talked about the main boulevard entrance  
8 (indiscernible) services the units, there's 24  
9 buildings. Again, here are the three housing  
10 buildings. Each building is anywhere from  
11 (indiscernible)...

12 (Court reporter advises that she is still  
13 having trouble hearing Mr. Lane due to his muffled  
14 audio.)

15 (Off the record to deal with technical  
16 issues)

17 MR. LANE: There's 4 units to 18 units  
18 in each building. With our design, we talked about  
19 the sanitary sewer coming in, providing service to  
20 the site, just providing service to the site.

21 For our stormwater design, we have two  
22 detention basins. There's a new filtration basin in  
23 the northwest corner back here, which retains for  
24 quantity, quality and water balance. It discharges  
25 to the northeast into the large wetlands pocket,

1 which eventually makes its way into Stillhouse  
2 Brook.

3           The second basin is a standard  
4 detention basin with (indiscernible) structure,  
5 which again will treat for quality and quantity.  
6 That will discharge to the east into Stillhouse  
7 Brook.

8           For our landscaping design, we provided  
9 (indiscernible) trees. There's maple, locusts,  
10 dogwoods throughout the site. We have about  
11 (indiscernible) shrubs (indiscernible) the  
12 aesthetics in the property. There's over 1600  
13 ground cover plantings (indiscernible).

14           As mentioned before, we have high-  
15 pressure-sodium lights. There's 47 bulbs around the  
16 site, 14 feet high, to help illuminate the road.

17           I think that's pretty much it from an  
18 engineering design standpoint. Everything else has  
19 been said.

20           MR. WOLFSON: Okay.

21           Madam Chairwoman, my next witness would  
22 be Justin Taylor to talk about traffic.

23           CHAIRWOMAN KWAAK: Okay. Bill, can  
24 you unshare your screen, please, so Mr. Cucchiaro  
25 can swear him in?

1 MR. CUCCHIARO: Okay. Is he on the  
2 screen?

3 MR. TAYLOR: Did I make it on screen?  
4 I'm hoping.

5 CHAIRWOMAN KWAAK: Yes, you are.

6 MR. TAYLOR: All right.

7 J U S T I N T A Y L O R, P. E., first having  
8 been duly sworn, testifies as follows:

9 MR. CUCCHIARO: Please state and spell  
10 your name for the record.

11 MR. TAYLOR: Justin Taylor,  
12 T-A-Y-L-O-R.

13 MR. CUCCHIARO: Okay, Mr. Wolfson, if  
14 you could qualify Mr. Taylor.

15 MR. WOLFSON: Thank you.

16 Justin, can you please provide an  
17 outline of your educational, professional experience  
18 and qualifications?

19 MR. TAYLOR: Surely. I hold a  
20 bachelor's in engineering from the University of  
21 Delaware, I'm a licensed engineer in the State of  
22 New Jersey as well as Pennsylvania, Delaware and  
23 Texas, I'm also a certified professional traffic  
24 operations engineer through the Institute of  
25 Transportation Engineers. I've been practicing

1 traffic planning for over 20 years now and have  
2 testified at hundreds of Boards throughout the State  
3 of New Jersey, including this Board, in the past.

4 MR. WOLFSON: Have you forgotten  
5 anything since you last testified there?

6 MR. TAYLOR: I'm sure I have but my  
7 license is still in good effect.

8 MR. WOLFSON: Okay.

9 Madam Chairwoman, we'd ask that he be  
10 accepted as an expert in the area of traffic  
11 engineering.

12 CHAIRWOMAN KWAAK: His credentials are  
13 sufficient, thank you.

14 MR. TAYLOR: Thank you, Madam Chair.

15 DIRECT EXAMINATION BY MR. WOLFSON:

16 Q. Justin, did you prepare the traffic  
17 impact study submitted to the Board dated February  
18 2, 2021?

19 A. Yes, I did.

20 Q. Okay. Can you take the Board and the  
21 public through your findings, including required and  
22 proposed parking and any traffic flow anticipated  
23 from the residential project?

24 A. Surely. I would note that this report  
25 was prepared both for the Board and for the NJDOT.

1 Since this whole application and the residential  
2 that we're speaking of tonight falls along State  
3 Highway Route 33, the driveway would need a permit  
4 through them, so we did submit to the NJDOT as part  
5 of this back in February and I would note we  
6 received comments, technical comments, on our  
7 concept application, but within that, I want to  
8 quote one of the comments that they said. They  
9 said, and I quote, "The proposed Route 33 right-in/  
10 right-out driveway for the residential component of  
11 the proposed development is conceptually acceptable  
12 to the Department." So they've -- DOT's taken a  
13 look at it, they've taken a look at the traffic  
14 study that's also been submitted to this Board, and  
15 in regards to the residential component, they found  
16 that the operation of it and the design of it meets  
17 their standards. But to take a little step back, we  
18 did prepare a traffic study that incorporated both  
19 the residential development as well as the other  
20 development that has been mentioned previously here.

21 As part of that traffic study, we  
22 follow standard transportation engineering  
23 methodologies to build a traffic model to figure out  
24 the operation of the (indiscernible) and  
25 specifically here, the driveway for the residential

1 component. We collected traffic volumes on the  
2 adjacent roadways, we gathered adjacent development  
3 information based on information provided by the  
4 township and Board professionals, we generated  
5 traffic for the residential component as well as the  
6 other components.

7                   When we're looking to that, we look to  
8 both the NJDOT highway access permit system and the  
9 Institute of Transportation Engineers' publication  
10 Trip Generation to figure out the traffic that would  
11 be associated with a new project.

12                   For the 150 units that are being  
13 proposed here today, that translates into between 80  
14 and a hundred peak-hour trips, you know, some in the  
15 morning; as everybody's aware, the residential  
16 development vehicles would be leaving in the  
17 morning, they'd be returning in the afternoon, and  
18 on a Saturday, they'd be coming to and from the  
19 residential and going on various errands. But we  
20 utilized that volume and then distributed that out  
21 to the roadway network based upon a journey-to-work  
22 model that we built utilizing U.S. Census data.  
23 Again, this has been submitted and approved by the  
24 NJDOT and it really routes the volume of traffic  
25 that would be living in this development, where they



1 would be going on a typical workday, where they  
2 would be going on the weekends, so we can build an  
3 accurate model of what's going on here.

4           With relation to the proposed driveway,  
5 based upon the background traffic that we collected  
6 and the proposed traffic that we generated utilizing  
7 the ITE data, we then ran capacity analyses for the  
8 proposed driveway, and what we find is that the  
9 driveway will operate at levels of service D or  
10 better during any one of the peak -- or during all  
11 of the peak hours that we studied, both the morning  
12 commuting hour, the evening commuting hour, and the  
13 Saturday midday hour. So based on that, there's  
14 capacity in Route 33 to accommodate the proposed  
15 traffic and the driveway will operate, from a  
16 capacity standpoint, safely and efficiently.

17           We also reviewed with the engineer to  
18 develop the site plan in conformance with Manalapan  
19 design standards but also the Residential Site  
20 Improvement Standards set forth by the New Jersey  
21 DCA. We've reviewed and worked on the layout and  
22 the width of both the access aisles, the roadways  
23 through the development, as well as the parking  
24 spaces, to ensure that they either meet or exceed  
25 RSIS standards.

1                   As Mr. Wolfson also mentioned in the  
2 beginning, we are proposing 509 total parking spaces  
3 for the site, which definitely exceeds the  
4 requirement set forth by the Residential Site  
5 Improvement Standards.

6                   We also worked to help distribute --  
7 you know, those parking spaces are in a combination  
8 of both driveway and garage spaces but also on-  
9 street parking spaces, and we did work with Menlo  
10 Engineering to really make sure they were  
11 distributed throughout the development so that they  
12 were easily usable by all the various units within  
13 the site.

14                   And then briefly to touch on the DOT  
15 permitting that's associated with this, as I said,  
16 we did submit to NJDOT for a major planning review  
17 two-stage application for the overall development.  
18 They have reviewed that and have essentially given  
19 us conceptual approval or that stage-one approval,  
20 pending a couple technical comments, but what we  
21 anticipate, because this site is located on its own  
22 lot, it's going to be granted its own individual  
23 major access permit for the driveway solely for the  
24 residential on this lot. What we're anticipating to  
25 do is actually bifurcate the application, similar to

1 what we had done for the Manalapan Crossing project  
2 just to the east of this, and put the residential  
3 permit on a faster track with DOT since it is simply  
4 a right-in/right-out driveway on the highway. And  
5 this is something that DOT was agreeable up the  
6 street and we believe that they will again be  
7 agreeable for those reasons.

8                   That, in a nutshell, is what we really  
9 -- what we looked at for the residential portion.  
10 We find that the driveway will operate safely and  
11 efficiently. There is sufficient capacity on Route  
12 33 to accommodate the low-lying traffic that is  
13 associated solely with the residential component of  
14 the project.

15                   I know there was request -- there was a  
16 request in the review letter of the professionals to  
17 grant Title 39 rights to the township for the police  
18 department to enforce the traffic regulations and we  
19 have no issue granting those Title 39 rights should  
20 this application be approved.

21                   Q.       Justin, the residential visitor spaces  
22 are 9-by-18 and that requires a design waiver. Is  
23 that a size stall that meets the RSIS?

24                   A.       That is correct. It's in full  
25 conformance with RSIS and it's typical for low-

1 turnover spaces that you would have within a  
2 residential development.

3 Q. Okay. Thank you.

4 MR. WOLFSON: Okay. Madam Chairwoman,  
5 I'd like to -- I realize that I neglected to have  
6 Bill talk to two other waivers that are part of the  
7 residential, so can I ask him to come back just for  
8 very brief to cover those?

9 CHAIRWOMAN KWAAK: Sure.

10 MR. WOLFSON: Thank you very much.

11 Bill?

12 MR. LANE: Yes.

13 MR. CUCCHIARO: And I'll just remind  
14 you that you remain under oath.

15 MR. LANE: Okay.

16 MR. WOLFSON: Bill, there's a design  
17 waiver request for the trees not being spaced --  
18 street trees not being spaced 50 feet apart; is that  
19 correct?

20 MR. LANE: Yeah, what's going on is,  
21 at the main entrance -- let me bring the drawing  
22 back up.

23 At the main entrance, we have a  
24 crossing, which we need to provide retaining walls,  
25 so it's very tight so we can't provide street trees

1 along the outskirts of the road, Road A. Where we  
2 have driveways, we can't space trees evenly. What  
3 we have done, though, is calculated how many trees  
4 that we would need streetwise at 50 feet and that  
5 number has been met, we just can't (indiscernible)  
6 where driveways are, like I said, where we have  
7 these crossing a retaining wall.

8 MR. WOLFSON: Okay. So we'll have the  
9 required number of trees, it's just, by the  
10 configuration of the site, we can't meet the  
11 technical requirement of that one design  
12 requirement.

13 MR. LANE: Correct.

14 MR. WOLFSON: Okay. And the other one  
15 is for a waiver from the requirement that landscaped  
16 areas within parking lots be 35 percent.

17 MR. LANE: Yeah. Over by Buildings 22  
18 and 23, affordable housing area, we have a parking  
19 lot, but you'll see where we have roads coming in,  
20 sidewalks, driveway, we have utilities coming down  
21 the side, we can't, like, get to that 35, so we're  
22 looking for a waiver on that, and again, the amount  
23 of material and trees that we need, we spaced them  
24 around the side so we can't get it (indiscernible)  
25 constraints.

1 MR. WOLFSON: Okay. Are there any  
2 other waivers required in connection with this  
3 application?

4 MR. LANE: The only other one I know  
5 about is we talked about the sign, that's about it.

6 MR. WOLFSON: Right, the variance for  
7 the sign that Dave Fisher referred to and we just  
8 heard Justin talk about the stall, parking-stall-  
9 size waiver. Okay, thank you.

10 MR. LANE: Thanks.

11 MR. WOLFSON: Madam Chairwoman, I'd  
12 like to call Paul Phillips to speak to the sign  
13 variance and the --

14 CHAIRWOMAN KWAAK: Okay. Is he on  
15 camera?

16 MR. PHILLIPS: I am.

17 CHAIRWOMAN KWAAK: Okay. Mr.  
18 Cucchiaro?

19 P A U L P H I L L I P S, P. P., first having  
20 been duly sworn, testifies as follows:

21 MR. CUCCHIARO: Please state and spell  
22 your name for the record.

23 MR. PHILLIPS: It's Paul Phillips,  
24 P-H-I-L-L-I-P-S.

25 MR. CUCCHIARO: Okay, Mr. Wolfson, can

1 you please qualify the witness?

2 MR. WOLFSON: Sure. Paul, can you  
3 share with us your educational and professional  
4 experience and qualifications?

5 MR. PHILLIPS: Sure. I am a principal  
6 in the firm of Phillips Preiss, I have 40 years of  
7 practice in New Jersey, I'm a licensed Professional  
8 Planner, member of the American Institute of  
9 Certified Planners. I do hold a master's degree in  
10 urban planning from Hunter College. I've appeared  
11 and been accepted as an expert in over 250  
12 municipalities in the state, including Manalapan  
13 and, on numerous occasions, in New Jersey Superior  
14 Court.

15 MR. WOLFSON: We'd ask that he be  
16 accepted as an expert in the area of planning.

17 CHAIRWOMAN KWAAK: His credentials are  
18 sufficient, thank you.

19 MR. WOLFSON: Thank you.

20 DIRECT EXAMINATION BY MR. WOLFSON:

21 Q. Paul, you heard through the testimony  
22 that's been presented so far that there's one  
23 variance in connection with the residential site  
24 plan and three design waivers which have been  
25 discussed as well. Can you provide your opinion as

1 to the relief sought?

2           A.       Yeah. With regard -- there's a single  
3 variance, it relates to the entry sign, as Mr.  
4 Fisher discussed with the Board. The development  
5 regulations permit a ground sign at the main entry  
6 to the residential development to identify the name  
7 of the project. The regulations further limit the  
8 area of the sign to 32 square feet and the height to  
9 6 feet. The regulations also require that the sign  
10 have a ground clearance or a base of not less than  
11 two and a half feet. The applicant fully complies  
12 with the sign area and height standards; however,  
13 the proposed sign has a ground clearance base of two  
14 feet in lieu of that two-and-a-half-foot standard,  
15 so there's a -- there's a six-inch deviation, which  
16 is relatively de minimis in nature, but I think,  
17 more importantly, it would actually be more  
18 effective and more visually attractive, slightly  
19 more space, more devoted to the sign face and not  
20 the base of the sign. I think the ordinance, and  
21 probably unintentionally, requires a little too much  
22 relative to the actual sign area given the height  
23 limit where two and a half feet of the six feet has  
24 to be base. I think that -- I also have to  
25 recognize that the lettering within the sign face



1 doesn't extend fully to the top and bottom of the  
2 sign. So I think the applicant's proposal is  
3 actually a better alternative, sort of a more  
4 appropriate relationship between the sign base and  
5 the actual sign itself. So I think, for those  
6 reasons, there's a -- there are grounds based on the  
7 C(2) criteria to grant the relief. I think the  
8 benefits would outweigh any detriment and I think  
9 the purpose -- the main purpose of zoning that would  
10 be advanced, which is Purpose I, which is the  
11 promotion of a desirable visual environment, I see  
12 no detriment to the public good or any impairment of  
13 the zone plan if the relief is granted and I say  
14 that largely because the ordinance limits with  
15 regard to the sign height and the sign area are not  
16 being breached. It's just this reallocation, if you  
17 will, between the area devoted to the sign as  
18 opposed to the base, and in fact, the applicant's  
19 ground sign is actually 30 square feet where 32 feet  
20 is allowed, so it's slightly below what is allowed.  
21 And I would just concur on the waivers with the  
22 testimony of the traffic engineer and site engineer  
23 and I would just indicate that I think the requests  
24 in terms of the standard of proof for a design  
25 waiver are reasonable and certainly within the

1 spirit and intent of the development regulations.  
2 Certainly, I concur on the 9-by-18 for residential.  
3 Not only is that RSIS but it's pretty much an  
4 industry standard, and I think the site engineer  
5 laid out the basis for the relief, the waiver relief  
6 for sort of the restriction of the trees generally  
7 and with regard to the requirement in the parking  
8 area, so I would concur with that testimony.

9 MR. WOLFSON: Thank you, Paul.

10 Madam Chairwoman, that concludes our  
11 testimony on the subdivision and the residential  
12 site plan. We can move into the other site plans if  
13 it's your pleasure.

14 CHAIRWOMAN KWAAK: Let's, at this  
15 time, see if our professionals have any questions  
16 with regards to what they've heard this evening.

17 Jen? Brian?

18 MS. BEAHM: Brian, you can go first.

19 MR. BOCCANFUSO: Thanks, Jen. Thanks,  
20 Madam Chair.

21 CHAIRWOMAN KWAAK: Yes.

22 MR. BOCCANFUSO: I guess a few points  
23 of clarification. I'll start with Mr. Fisher,  
24 assuming that he's still available.

25 MR. FISHER: Yes.

1 MS. BEAHM: He's there, I can see him.

2 MR. BOCCANFUSO: Gotch ya. Okay.

3 Dave, thanks for the testimony, and I'm  
4 just looking for a little bit of clarification on a  
5 couple things. The first item was something I just  
6 simply missed when I was taking notes. Can you just  
7 tell us again what the square footage of the  
8 affordable units, the one-bedroom and the three-  
9 bedroom units, is?

10 MR. FISHER: Yes, sure. There are no  
11 one-bedrooms. One-bedrooms under COAH are optional,  
12 but you cannot develop any more than 20 percent one-  
13 bedrooms. So we don't offer one-bedroom. We offer  
14 two different model types that are two-bedrooms.  
15 One is 711 square feet in size, the other is 1,003  
16 square feet in size. And then the balance of the  
17 units, a third of the 45, meaning 15 homes, would be  
18 the three-bedroom model, which is 1252 square feet.

19 MR. BOCCANFUSO: Okay. Thank you.

20 MR. FISHER: Um-hum.

21 MR. BOCCANFUSO: During your  
22 testimony, when you were describing the architecture  
23 of the townhouse units, you were describing what you  
24 referred to as, I think, the Bryn Mawr units, which  
25 are a little bit narrower, about two feet narrower

1 than the other units that have a one-car garage.  
2 They're internal units and I believe you said that  
3 was the only proposed unit within this development  
4 that would have the one-car garage. You indicated  
5 that, I think you said approximately or roughly 20  
6 percent of the units would be this Bryn Mawr unit  
7 with the one-car garage. In my review of the  
8 application, I did my best to count them, it looked  
9 like there were 21 of the 105, which is exactly 20  
10 percent.

11 MR. FISHER: That's correct.

12 MR. BOCCANFUSO: So my question is:  
13 Is the proposal to provide exactly 20 percent of the  
14 one-car-garage units within the development or are  
15 you seeking flexibility, if more or less are  
16 desirable, to construct them as needed?

17 MR. FISHER: No, the design is to use  
18 just 21. They're situated, I think there's two in  
19 each six-unit string and one in each five-unit  
20 string of buildings, so we don't anticipate that  
21 changing and we're not going to look for flexibility  
22 to modify that.

23 MR. BOCCANFUSO: Okay.

24 CHAIRWOMAN KWAAK: Brian, let me stop  
25 you for a moment because we've lost our attorney.

1 We have to give him a minute to come back.

2 MR. BOCCANFUSO: That's never good.

3 CHAIRWOMAN KWAAK: No. So we'll give  
4 him a minute.

5 MR. CUCCHIARO: You did not lose me, I  
6 just turned my camera off for a moment.

7 CHAIRWOMAN KWAAK: Oh, okay. Go  
8 ahead, Brian.

9 MR. BOCCANFUSO: All right.

10 MR. FISHER: Good thing we didn't say  
11 anything bad about you, Ron.

12 CHAIRWOMAN KWAAK: That was a test for  
13 me.

14 MR. CUCCHIARO: Believe me, my  
15 experience is that you're all quite comfortable  
16 enough to say it in front of me.

17 CHAIRWOMAN KWAAK: Okay, Brian, go  
18 ahead.

19 MR. BOCCANFUSO: Okay, I think the  
20 last question I have for Dave: Dave, when you were  
21 speaking about the proposed lighting within the  
22 development --

23 MR. FISHER: Um-hum.

24 MR. BOCCANFUSO: -- describing the  
25 high-pressure-sodium versus our recommendation for

1 the LED fixtures, I guess the first part of the  
2 question is: Will the eventual association be fully  
3 responsible for the costs associated with lighting  
4 and will they seek reimbursement from the township  
5 in some type of agreement on an annual basis?

6 MR. FISHER: The first part of your  
7 question, yes. The HOA will need to essentially own  
8 and maintain and pay the electric bill for the  
9 street lighting; it will be, you know, something  
10 they're responsible for, but I do believe they would  
11 look for whatever reimbursement, on a per-mile  
12 basis, the township provides to similar type  
13 associations for street lighting under the Community  
14 Services Act.

15 MR. BOCCANFUSO: Okay, well, with that  
16 said, if there is going to be some reimbursement  
17 sought from the township, I'd like to take a look at  
18 the current requirements under JCP&L. I know that  
19 what you testified to, until very recently, was  
20 accurate, that the LED fixtures were much more  
21 expensive up front, and even though they're supposed  
22 to be more energy efficient, they were more  
23 expensive on a monthly basis or a per-unit basis, as  
24 you will, which is really counterintuitive, you  
25 know, what is the point of being energy efficient if

1 you have to pay more up front and pay more on the  
2 back end.

3 MR. FISHER: Right.

4 MR. BOCCANFUSO: I think they have  
5 since changed that, so it's something that's  
6 relatively new, I'd like to look into it before we  
7 have the next meeting and perhaps we can revisit it,  
8 but before I can make a recommendation to the Board  
9 as far as, you know, whether or not I'd be okay with  
10 the use of high-pressure sodium versus LEDs as  
11 recommended in our report, I'd like to do a little  
12 bit more investigation.

13 MR. FISHER: Okay, fair enough, and  
14 we'll try to do the same on our end.

15 MR. BOCCANFUSO: Great. Thank you.

16 MR. FISHER: Um-hum.

17 MR. BOCCANFUSO: I think that's all I  
18 have for Mr. Fisher.

19 Moving on to Mr. Lane, Mr. Lane, the --  
20 so I think both you and Mr. Wolfson indicated that  
21 you have the NJDEP permits in hand, so as with any  
22 NJDEP application, they take a look at the  
23 stormwater management system and confirm that it  
24 complies with their regulations. First of all, can  
25 you confirm that, that you've worked with the DEP

1 and addressed any comments they had relative to  
2 stormwater management pertaining to the design of  
3 the system on the residential portion of the  
4 development?

5 MR. LANE: Yes (indiscernible).

6 MR. BOCCANFUSO: Okay. So with that  
7 said, I mean, they were okay, I think you described  
8 the basins, I'm not sure if you touched on -- there  
9 are also some water quality structures that are  
10 incorporated into the design?

11 MR. LANE: Yes.

12 MR. BOCCANFUSO: If you can briefly  
13 touch on those just for the sake of the record.

14 MR. LANE: Yes.

15 (Pause)

16 MR. LANE: Yeah, the rear retention  
17 basins and the (indiscernible) basins, so there's no  
18 structure on the back northwest corner. The basin  
19 over on the east is a standard detention basin,  
20 which provides water quality structure to get us to  
21 our TSS removal requirement for the DEP. Also, it  
22 is going through with a -- we have some pavement  
23 area that comes out 33. There's also a few water  
24 quality structures out here that pick it up or clean  
25 it as it discharges down to Stillhouse Brook.



1 That's pretty much the design that we set up as far  
2 as for the water quality design.

3 MR. BOCCANFUSO: Okay, and those  
4 improvements, the basins and the multiple water  
5 quality structures, if you will, I think the ones  
6 near the Route 33 access, aren't really a structure  
7 that you would think of, they're more of a system,  
8 but those improvements will all be owned and  
9 maintained by the association; is that correct?

10 (Pause)

11 MR. BOCCANFUSO: I think you said  
12 "yes" but I --

13 MR. LANE: Yes, yes.

14 MR. BOCCANFUSO: Okay, great. Thank  
15 you.

16 You also spoke about the proposal to  
17 provide water to this site. I think that was kind  
18 of in your initial testimony relative to the  
19 subdivision. What is the status of the application  
20 for water service? It's usually a three-part  
21 application process, a conceptual, preliminary and  
22 final. Have any of those been filed at this point,  
23 and if so, what is the status?

24 MR. LANE: Right now, we've submitted  
25 to the town to sign off back in -- on June 15, so

1 we're still waiting on that so we can move forward  
2 on that.

3 MR. BOCCANFUSO: Okay. And then just  
4 for the record, I'm not sure if you addressed it  
5 during your direct, I don't recall hearing it, can  
6 you confirm that this residential site has been  
7 designed in full conformance with the RSIS and that  
8 you're not seeking any de minimus exception or  
9 waiver therefrom?

10 MR. LANE: Yes (indiscernible).

11 MR. BOCCANFUSO: Okay. And based on  
12 my review, I concur, I did not identify any  
13 deviations from the RSIS standards, so I think it's  
14 compliant.

15 Next, just a couple of questions, one  
16 or two at this time, for Mr. Taylor. Mr. Taylor,  
17 you still around?

18 MR. TAYLOR: Yes. Camera on, mute  
19 off.

20 MR. BOCCANFUSO: All right. So when  
21 you were speaking about the parking within the  
22 residential development, you indicated that 509  
23 total are provided. That was based upon a variety  
24 of driveway, garage and street-side spaces. Can you  
25 just, for the benefit of the Board, elaborate on how

1 you got to that number, how many you have in the  
2 garages versus the driveways versus the street side,  
3 as well as touching on the guest parking or street-  
4 side requirements that are -- that are governed by  
5 the RSIS?

6 MR. TAYLOR: Sure, absolutely. The  
7 RSIS sets forth a prescribed number of parking  
8 spaces, both from a demand perspective and also in  
9 how to count and to count for a combination of  
10 garage and driveway. So as long as the two-car-  
11 garage driveway is a minimum of 20 feet wide and 18  
12 feet long, you would count that driveway and garage  
13 combination as 3.5 spaces. If it's a single-car  
14 garage and a driveway combination, it counts as two  
15 spaces. And so when we apply that to the various  
16 one- or two-car garages throughout the development,  
17 we calculated that and -- give me one second. You  
18 end up with 396 parking spaces in a combination of  
19 garage and driveway. We're also providing 113  
20 parking spaces in on-street parking throughout the  
21 development. RSIS does require you, within a  
22 multifamily development, to provide 0.5 spaces per  
23 unit within the overall development and so that  
24 would come up with a requirement of 75 parking  
25 spaces for that common use as well as there are

1 several units, as we discussed, that do not have a  
2 garage and driveway and so those additional units,  
3 we come up with a total parking required common  
4 space of 103 where 113 are being provided. So not  
5 only do we greatly exceed the ordinance or the RSIS  
6 requirement, which, calculated on our site plans, I  
7 believe it's slightly incorrect, based on your  
8 review letter, Brian, there's 322 spaces overall for  
9 the development to be required and we are providing  
10 509.

11 MR. CUCCHIARO: Mr. Taylor, just to  
12 piggyback on that, are you relying upon the parking  
13 spaces inside the garage to comply with RSIS  
14 requirements?

15 MR. TAYLOR: Yes, a combination of the  
16 garage space and the driveway, yes.

17 MR. CUCCHIARO: And the Board will  
18 require, you know, some form of deed restriction if  
19 it's necessary for, you know, for-sale units in the  
20 bylaws or governing documents as well as in lease  
21 agreements with the rental units that the garages  
22 not be used for storage, you know, to the exclusion  
23 of cars, that cars need to be, you know, whatever  
24 the area is that the cars need to fit into, that  
25 that be left for the cars, not for storage.

1 MR. FISHER: We understand that, Ron.  
2 This is Dave.

3 MR. BOCCANFUSO: Okay.

4 MR. FISHER: And we have no objection  
5 to adding that to the declaration.

6 MR. CUCCHIARO: Okay. Thank you.

7 MR. BOCCANFUSO: The last question I  
8 have for Justin at this time is relative to, I think  
9 in some of the items he described at the very end of  
10 his testimony, about the bifurcation of the DOT  
11 access permit, so if I understood you, basically,  
12 what you'd like to do or what -- I don't know if  
13 it's what you would like to do or what the DOT would  
14 like you to do, I think it's probably the former, is  
15 bifurcate the application so that, effectively, even  
16 though this has been filed as a single application  
17 with the DOT, you could obtain your permit and  
18 approval from the DOT for just the residential  
19 community while the rest of the application is  
20 pending. Is that a fairly accurate way to describe  
21 it?

22 MR. TAYLOR: Yes, that's dead on.

23 MR. BOCCANFUSO: Okay, so with that  
24 said, let's assume DOT is amenable to it and they're  
25 willing to bifurcate the application. How will the

1 -- I know that you didn't provide any direct  
2 testimony yet on the off-site intersection  
3 improvements, but there is -- there are some pretty  
4 substantial intersection improvements proposed in  
5 connection with this larger application, so speaking  
6 generally, because we don't have the specifics yet,  
7 how would those off-site intersection improvements  
8 be tied, if at all, to the residential access  
9 permit?

10 MR. TAYLOR: They most likely would  
11 not be tied to the residential access permit. It's  
12 one of those, given the level of volume that's  
13 associated with the residential component. If we  
14 had come in as two separate applications, the  
15 intersection of Woodward would not have been a study  
16 location as deemed by the NJDOT based on the level  
17 of significant impact in that location, and so  
18 essentially, at this point, it would no longer be  
19 tied to those intersection improvements.

20 MR. BOCCANFUSO: So if I'm under-  
21 standing you correctly, what you're saying is, if  
22 the residential portion of this project came in as  
23 its own application, disregard the subdivision,  
24 disregard the retail and the office, you're saying  
25 that the DOT would not view this residential

1 application as rising -- rising to the level that it  
2 would need improvements to the intersection; is that  
3 correct?

4 MR. TAYLOR: That is correct, yes.  
5 They set a threshold of 100 new peak-hour trips  
6 through an intersection to look at, which we don't  
7 rise to the level, but further, we don't rise to the  
8 level from the residential standpoint of what we  
9 deem a major planning review application. So NJDOT  
10 would not require any type of traffic study  
11 associated with the residential component of the job  
12 if it was a standalone application, which is why we  
13 believe that we were successful up the road at  
14 Manalapan Crossing of getting issued up there a  
15 temporary permit. This would be a final permit  
16 because it is its own standalone lot, but they  
17 recognize the fact that the residential doesn't rise  
18 to that level.

19 MR. BOCCANFUSO: Yeah, I mean,  
20 obviously, every application stands on its own. The  
21 Manalapan Crossing was a little bit of a different  
22 animal because there was a roadway proposed as  
23 opposed to a driveway, it was phased, you were only  
24 permitted a certain number of -- a certain amount of  
25 development prior to the completion of the

1 intersection improvements, et cetera.

2 In this case, what you're saying is you  
3 could conceivably build the entire residential  
4 development without even putting a shovel in the  
5 ground for the intersection improvements; is that  
6 correct?

7 MR. TAYLOR: That's correct, nor do I  
8 think that the intersection improvements are really  
9 driven by the residential component of this project.  
10 It's really the retail project on the corner that's  
11 driving the necessity for the improvements at that  
12 intersection.

13 MR. BOCCANFUSO: Okay. So I under-  
14 stand the proposal, I understand your position; I'd  
15 like to reserve the right to revisit this once  
16 you've had an opportunity later on to present some  
17 testimony and describe what the intersection  
18 improvements are, what the impact of the retail  
19 component and office component would be, level of  
20 service analysis at the intersection and so forth,  
21 so I understand what your proposal is, what you're  
22 seeking to do, and we'll probably end up revisiting  
23 it at a later date.

24 MR. TAYLOR: Understood, yup.

25 MR. BOCCANFUSO: That's all the



1 questions I have, Madam Chair. Thank you.

2 CHAIRWOMAN KWAAK: Okay, thank you.  
3 Jen, any questions?

4 MS. BEAHM: No, I just want a couple  
5 things to be clarified, you know, for the record. I  
6 know I brought it up earlier, but our settlement  
7 agreement with Fair Share that was approved by the  
8 Court called these units to be -- called for these  
9 units to be rental, not for-sale, so I just want  
10 that to be abundantly clear. And then the one thing  
11 I will say, Paul, you're just testifying on the  
12 signs for the residential, right? There's variances  
13 needed for, like, the retail and the office. That's  
14 later, correct?

15 MR. PHILLIPS: That's correct.

16 MS. BEAHM: So it's just the one  
17 ground-mounted sign and it's the half an inch  
18 elevation off the ground, correct?

19 MR. PHILLIPS: That's correct, Jen.

20 MS. BEAHM: All right, thank you. I  
21 take no exception to that relief. We've discussed  
22 that with respect to the other development on the  
23 other side of town, and as long as it's landscaped  
24 appropriately, I really don't think that there's a  
25 negative impact associated with that, but the

1 project does have the medical office and the retail  
2 component that has some variance relief associated  
3 with signage, so I know, Ron, we're doing this as  
4 one -- we're doing this phase in terms of  
5 presentation, but this is one approval, correct?

6 MR. CUCCHIARO: That's correct.

7 MS. BEAHM: So, you know, we're going  
8 to talk about the other signage later on, so I'll  
9 opine on that at a later date, but other than that,  
10 I'm good.

11 CHAIRWOMAN KWAAK: Okay. Thank you.  
12 Seeing what time it is, I'd like to carry this  
13 application, Ron, to another date.

14 MR. CUCCHIARO: I think we have. We  
15 have reserved September 9 already for this, I  
16 informed Mr. Wolfson of that. So the application of  
17 Stavola Asphalt Company, PPM2104, will be carried to  
18 the Board's September 9, 2021 meeting, which will be  
19 at 7:30.

20 Have we determined whether that will be  
21 a live meeting or a virtual meeting, Lisa?

22 MS. URSO-NOSSEIR: No.

23 CHAIRWOMAN KWAAK: Can't hear you,  
24 Lisa.

25 MR. McNABOE: Ron, could I jump in

1 here?

2 MR. CUCCHIARO: Yeah, sure.

3 MR. McNABOE: September 2, we'll be  
4 sitting down to figure out exactly what our  
5 capabilities are with our TV network,  
6 administration, you know, Lisa, Nancy, our whole --  
7 that whole group, to find out what our problems  
8 would be if we went this way or not, so we'll know  
9 on the 2nd what we're able to do.

10 MR. CUCCHIARO: Unfortunately, for  
11 notice purposes, that would not allow us, you know,  
12 to -- to carry it to a date certain without the  
13 applicant having to renotece and they wouldn't have  
14 enough time to notice for the 9th, so I leave it to  
15 the Board. I can carry it remotely, you know, and  
16 we can plan, if everything works out at that  
17 meeting, at the 2nd meeting in September, could be  
18 live and we can carry this to a remote meeting on  
19 September 9, then the applicant would not have to  
20 renotece.

21 MR. McNABOE: I think that's best  
22 because we don't know what the outcome of our  
23 meeting on the 2nd would be --

24 MR. CUCCHIARO: Exactly.

25 MR. McNABOE: -- so I concur with your

1 assessment.

2 MR. CUCCHIARO: Okay, so again the  
3 application of Stavola Asphalt Company, PPM2104, be  
4 carried to the Board's September 9, 2021 meeting,  
5 which will be a virtual meeting beginning at 7:30  
6 p.m.

7 Lisa, the instructions for access will  
8 be available on the township website?

9 MS. URSO-NOSSEIR: That's correct,  
10 yes.

11 MR. CUCCHIARO: Okay. And again, all  
12 documents are posted on the town's website and are  
13 available for inspection by members of the public.  
14 There shall be no further notice to property owners  
15 or other interested parties.

16 Is that acceptable, Mr. Wolfson?

17 MR. WOLFSON: Absolutely. I'd like to  
18 thank the Board for its time and consideration as  
19 well as the professionals.

20 MR. CUCCHIARO: Okay, thank you.

21 CHAIRWOMAN KWAAK: Okay.

22 (Hearing adjourned at 9:13 p.m.)  
23  
24  
25

C E R T I F I C A T E

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