

Township of Manalapan
120 Route 522 & Taylors Mills Road
Manalapan, NJ 07726
(732) 446-8367

Planning Board Minutes
Virtual Meeting
October 14, 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: All Present

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

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

Minutes:

A Motion was made by Mr. Fisher, Seconded by Mr. Castronovo to approve the Minutes of September 23, 2021 as written.

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

No: None

Absent: None

Abstain: None

Not Eligible: Kastell, Shorr

Resolution: PPM2036~Toll Bros., Inc./Diocese of Trenton,
Iron Ore Road
Block 72 / Lots 10.01, 11.06, 11.07

**Preliminary Major Subdivision (Phase 1 & 2)
Final Major Subdivision (Phase 1)
Preliminary and Final Major Site Plan (Phase 1)**

A Motion was made by Mr. Fisher, Seconded by Ms. D'Agostino to approve the Resolution for PPM2036~Toll Bros., Inc./Diocese of Trenton as written.

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

Application: PFM1919 ~The Evangelical Church of the Assemblies of God
620 Craig Road ~ Block 25 / Lot 14
Amended Preliminary Major Site Plan
Final Major Site Plan

Peter Klouser, Esq. of Heilbrun Pape represented the applicant, The Evangelical Church of the Assemblies of God.

Please refer to the attached court reporter transcript.

A Motion was made by Mr. Ginsberg to approve the Amended Preliminary and Final Major Site Plan for PFM1919 ~ The Evangelical Church of the Assemblies of God, and Seconded by Mr. Fisher

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

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
Carried from September 9, 2021

Peter Wolfson, Esq. of Day, Pitney represented the applicant, Stavola Asphalt Company, this evening.

Please refer to the attached court reporter transcript.

A Motion was made by Mr. Fisher for Preliminary and Final Major Subdivision approval and Preliminary and Final Site Plan approval with ancillary relief for the Residential section of Planning Board Application PPM2104, Stavola Asphalt Company, and Seconded by Mr. Brown.

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

Chair Kwaak asked for any correspondence and Ms. Nosseir stated there wasn't anything to share this evening. Chairwoman Kwaak opened the floor for any non-agenda items. Seeing none, the public portion was closed.

Mayor McNaboe mentioned the Volunteer Breakfast is scheduled for November 21, 2021 and more details will follow.

Chair Kwaak reminded the Board that the next meeting is October 28, 2021, which will remain virtual.

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

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary

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PLANNING BOARD
TOWNSHIP OF MANALAPAN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

In the Matter of)
The Application of:) Transcript of
THE EVANGELICAL CHURCH) proceedings
OF THE ASSEMBLIES OF GOD)
#PFM1919)
620 Craig Road)
Block 25, Lot 14)

Thursday, October 14, 2021
Remote Proceedings Via
HD Office Suites
Videoconference

PLANNING BOARD

KATHY KWAAK, Chairman
BARRY JACOBSON
JOHN CASTRONOVO
STEVE KASTELL
RICHARD HOGAN
DARIA D'AGOSTINO
ALAN GINSBERG
TODD BROWN
BARRY FISHER
JACK McNABOE
BRIAN SHORR

LISA NOSSEIR, Secretary
BRIAN BOCCANFUSO, Engineer
JENNIFER BEAHM, Planner

DEBORAH A. MASTERTON
Certified Court Reporter
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1 A p p e a r a n c e s:

2 RONALD CUCCHIARO, ESQUIRE,
3 Attorney for the BOARD

4 HEILBRUNN PAPE, LLC,
5 Attorneys for the APPLICANT
6 By: PETER KLOUSER, ESQUIRE

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I N D E X

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1 THE CHAIRWOMAN: On to applications for
2 this evening. PFM1919, the Evangelical Church of
3 the Assemblies of God, 620 Craig Road, block 25, lot
4 14, amended preliminary major site plan, final major
5 site plan.

6 MR. KLOUSER: Good evening, Madam Chair,
7 if I may, Peter Klouser with the firm Heilbrunn
8 Pape. Good evening, board members and your
9 professional staff and members of the public that
10 are listening. Our firm has the pleasure of
11 representing the Evangelical Church with regard to
12 their application this evening. It is an
13 application for amended preliminary and final site
14 plan approval. The board granted preliminary site
15 plan approval in July of 2020. Actually, it was
16 granted in June of 2020 and adopted in July. It was
17 one of our early COVID virtual hearings, and we did
18 it, and then the application was approved.

19 The application tonight is essentially
20 for final site plan approval, but technically, we're
21 requesting an amended, as well. You may recall,
22 board, and there's a lot of familiar faces so I
23 think everybody might remember the application. The
24 property has a lot of frontage along Craig Road.
25 It's something like 800 feet. And part of the

1 application required a dedication to the township
2 for future road improvements along Craig Road, so --
3 and the property is constrained by some wetlands and
4 environmental constraints. So we asked the board if
5 we could go to council and ask for an easement for
6 the roadway dedication to preserve that area so that
7 we could maximize the FAR for the building because
8 the property is so limited. We did go to the
9 council after hearing and requested the FAR relief,
10 and the council was not inclined to grant it -- -
11 excuse me -- requested that the roadway dedication
12 be as an easement. Council was not inclined to
13 grant it. Frankly understandable. You know, your
14 roadway improvements are going to be in there, and
15 the town wanted to own it.

16 So as a result of that, the lot shrunk a
17 little bit, which means that we had to make the --
18 we had to reduce the FAR, so the lot's a little
19 smaller, and we have eliminated the basement, which
20 eliminated habitable floor area so that we stay with
21 your FAR. That's the only change to the
22 application. The physical nature of the lot would
23 remain the same. It's just an imaginary line is now
24 drawn to make the lot a little smaller.
25 Consequently, we had to eliminate the basement to

1 make sure that the building still meets FAR, which
2 it does. You can see in the calculations in the CME
3 report. The footprint of the building did not
4 change. The site didn't change. So, yes, we're
5 asking for an amended. I think it's a technicality.
6 Mr. Cucchiaro and myself went over it and thought it
7 was best to do that and to notice for it, so we did,
8 but in all reality, what you're looking at is an
9 application for final site plan approval.

10 I have -- and as I stated, nothing has
11 changed. What was significant that we were waiting
12 on were DEP approvals, which we have secured, and
13 they met what Mr. Aly's firm anticipated they would
14 be, so the site did not have to be modified or
15 changed in any way after we got the DEP approvals.
16 It was a very nice thing for the church to get those
17 approvals from the DEP so that their site didn't
18 have to change.

19 I jumped into that a little bit, but as
20 you recall, this is a site for the Evangelical
21 Church along Craig Road, not far from the terminus
22 of Symmes or Ryan Road. I always forget what it's
23 called right when you get there. There's a house
24 that's on the property now and a detached garage,
25 both of which are proposed to be removed and were

1 the subject matter of the only relief, the design
2 waiver relief that was granted by this board last
3 time to allow some encroachment and work in a stream
4 corridor area, and the board granted that relief
5 because it -- as your resolution plays out, it would
6 really end up being a benefit to have those
7 structures removed and have the property returned to
8 more of a natural state.

9 I have three witnesses this evening to
10 present the application. One is Sharif Aly, who is
11 the applicant's engineer. I'm going to ask Sharif
12 to provide testimony to support what I've just said
13 to this board because I can't testify that the site
14 hasn't changed and to talk a little bit about the
15 difference with the roadway dedication and to
16 confirm that the DEP approvals have been secured and
17 that the site still works the way that we presented
18 to the board.

19 The second witness is Daniel Vitenson.
20 He's the applicant's architect. He testified last
21 time as to the building, and his testimony is very
22 brief, just to indicate that the footprint hasn't
23 changed but we've eliminated the basement and the
24 floor area ratio is still met.

25 And then finally -- I think he's landing

1 on a plane. He had some air trouble -- is John Rea.
2 He's the applicant's engineer -- excuse me --
3 traffic expert. When we were here last time, we
4 were asked to modify the traffic study, do a little
5 bit of additional traffic study, which was done by
6 Mr. Rea. He submitted a supplemental report, so I
7 just want to be able to put that on the record.

8 That's the extent of the applicant's
9 requested relief. There's no additional variances
10 or waivers or anything that are requested as part of
11 this application. This is the same church that was
12 presented to you a little over a year ago. The
13 applicant's testimony with regard to operations
14 remains the same, and the applicant's commitment to
15 the conditions that were included in the preliminary
16 resolution remain the same.

17 So, Madam Chair, if I may, I'll start
18 with Mr. Aly, ask that he be sworn. He testified as
19 a professional engineer. I would ask that the board
20 accept him after he confirms that his credentials
21 remain valid and ask if Sharif could take us through
22 the plan a little bit.

23 MR. CUCCHIARO: Counsel, just before you
24 do that, you're referencing FAR before. Just for
25 members of the board and the public, that's floor

1 area ratio, correct?

2 MR. KLOUSER: Yes, yeah.

3 MR. CUCCHIARO: Okay. Okay, is your
4 engineer on camera?

5 MR. KLOUSER: Yeah, I see Sharif. I see
6 him.

7 MR. CUCCHIARO: Okay. All right.

8

9 S H A R I F A L Y, sworn.

10 DIRECT EXAMINATION BY MR. KLOUSER:

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

13 THE WITNESS: Sharif Aly, A-l-y,
14 Amertech Engineering, 757 Ridgewood Avenue, North
15 Brunswick.

16 Q. Sharif, you are a professional engineer
17 licensed in the State of New Jersey?

18 A. Yes.

19 Q. You testified in front of this board
20 before?

21 A. Yes.

22 Q. And your license remains valid?

23 A. Very active.

24 MR. KLOUSER: Madam Chair, I would ask
25 if the board would accept Sharif without any further

1 testimony.

2 THE CHAIRWOMAN: Yes, his credentials
3 are sufficient.

4 MR. KLOUSER: Thank you.

5 THE WITNESS: Thank you.

6 Q. Sharif, if you could --

7 MR. KLOUSER: Do we have -- Lisa, do we
8 have an exhibit to put up to show sort of the
9 overall site plan, or is that -- does Sharif have
10 control of the computer to do that?

11 MR. NOSSEIR: Sharif is free to share
12 with the board.

13 Q. Okay. Sharif, do you have an exhibit
14 that you want to put up to identify the property
15 location? There we go. So, Sharif, if you could,
16 just refresh the board's recollection of where the
17 property is located and what the overall proposed
18 improvements are, please.

19 A. Yeah, you did a pretty good job, Peter,
20 as far as --

21 Q. Thank you.

22 A. -- location and the frontage. You
23 didn't leave anything for me, actually. We're still
24 tax map lot 14 and block 25, and we still have the
25 large frontage, almost close to 900 feet along Craig

1 Drive nearby the intersection of Symmes Drive, which
2 is to the north of the site.

3 So the site plan as was presented to you
4 at the preliminary stage is still the same. If we
5 start with the frontage, so we still have the same
6 frontage. We have -- give you the full dedication
7 of the right-of-way, and if you look at the screen,
8 you'll see the area to the existing right-of-way
9 with 7 -- 14-7 acres. After the future right-of-way
10 being given, and obviously that will be deeded to
11 the town in the form of description and deeds, the
12 future right-of-way now is down -- the site lot area
13 now is down by a half acre, so it's 14 -- I believe
14 it's 14.2. So that was one of the changes that was
15 done to the site plan; the lot area got shrunk by
16 half an acre. All the improvements along the
17 right-of-way still the same, so with respect to
18 curb, drainage, sidewalks, they're all the same.

19 As you're coming into the site, the --
20 we only have one driveway access, which is what you
21 see here. What we -- what was modified and was
22 recommended by your board as well as the board
23 engineer that we have a dedicated left turn, and
24 that's what we have, so that's another modification
25 to the site plan in addition to the right-of-way.

1 But as you go through the site parking
2 lot, still the same, nothing changed. The back
3 curb, if you recall, that's the curb that abuts the
4 environmentally sensitive area, floodplain,
5 wetlands, buffers, and the township stream corridor,
6 that's still the same, just the way was approved and
7 modified at the time of the preliminary application.
8 So that is still the same. Nothing changed there.

9 The building footprint is pretty much
10 the same, nothing changed. The only thing that got
11 changed, which is attached to the footprint, is the
12 window wells. There used to be window wells in this
13 area right there by what you see there before, and
14 that's eliminated because we eliminated the
15 basement. By eliminating the basement, now we also
16 eliminated the issue of being above the seasonal
17 high water table by 2 feet, so now we're way above
18 the seasonal high water table.

19 So that's -- so elimination of the
20 basement, that's one. As a result of the
21 right-of-way and the lot area being reduced by half
22 a foot and the elimination of the basement, we
23 readjusted the FAR, the floor area ratio. Now our
24 floor area ratio is 0.041. What's permitted, 0.045.
25 So we are not at the floor area ratio but actually

1 below, so that's quite a bit improvement there. So
2 that was one of the modifications to the site plan.

3 Other than that, other modification is
4 that AC units I believe now approved, so that's
5 another modification.

6 So that's the only modifications to the
7 site; however, the site grading still the same. The
8 stormwater management and how we address the
9 stormwater management pretty much is still the same
10 with the exception eliminated some of the storm
11 pipes, and now we have more of green infrastructure,
12 so we even though that we got approved prior to the
13 state new modification to the stormwater and as well
14 as Manalapan Township adopted ordinance, we were
15 ahead of the game as far as that. We have actually
16 very limited storm pipes on site. Everything comes
17 from the parking lot, goes to recharge, water
18 quality area up and down all the way around the
19 site, and that's basically what the state would like
20 to see, as well as your new ordinance. So we were
21 ahead of the game on that.

22 With respect to utilities, we're still
23 connecting to the existing manhole in the area right
24 to the east of the site there on the common property
25 line with the residential area, as well as we are --

1 and if we can go to the utilities, we can show you
2 that. That will be this area. So the -- that will
3 be this area here. That's the only existing
4 manhole. That's the extent of the sanitary sewer,
5 and it goes east. So that is the connection.
6 Utilities still the same place, still the same
7 connection with a fire hydrant right opposite to the
8 building, with the fire connection to the building,
9 Siamese connection, so that's -- as well as the
10 utility room. That's in the front area. That is
11 this area right here. So that will address actually
12 by doing that, that will address the fire
13 department.

14 So that's pretty much -- that's what we
15 have. We have secured, as Mr. Klouser said, in
16 addition to the letter of interpretation for
17 wetlands, we are talking wetlands on site and flood
18 verification, verify flooding on site, we also
19 secured from NJDEP the wetlands buffer averaging,
20 transition averaging that was also secured.

21 Lighting still the same. Landscaping
22 still the same. I see your staff, your board
23 engineer, CME, they're asking for additional
24 information, so we definitely will address the
25 additional information or modification with respect

1 to landscaping and lighting. So that's pretty much
2 in a nutshell, that's what we have.

3 Q. Sharif, for all intents and purposes,
4 you haven't really modified your site plan at all
5 from the time that it was approved by the board.

6 A. I can tell you that 90 percent, it's the
7 same. You may -- we may tweak a few things here and
8 there, but will not be noticeable.

9 Q. We have the same number of parking
10 spaces, same drive aisle width, same type of
11 circulation.

12 A. Same parking configuration. Everything
13 still the same, 125 spaces, still the same.

14 Q. I want to just go through with you a
15 couple -- I just want to highlight a couple of the
16 comments from the CME report that we received --

17 A. Sure.

18 Q. -- to maybe knock out a couple of the
19 items that were asked for a little more information.

20 The county has a realignment program
21 that they're proposing a little further away from
22 our site. You've had the opportunity to review that
23 realignment program?

24 A. Yes, we have -- we've been in
25 communication with the county. We overlaid their

1 improvements. Their improvement pretty much stop at
2 the bridge. Our site frontage or the project site
3 frontage is to the east of the bridge, so we're not
4 in that area at all of expansion or improvements,
5 and it's been (audio disruption) by the county.

6 Q. So that their realignment program has no
7 effect on your site plan.

8 A. Not at all.

9 Q. Okay. There was a question raised in
10 the report as to whether we had considered about
11 connecting the sidewalk that's being installed as
12 part of the improvements along Craig Road at the
13 site, and that was not part of the preliminary
14 approval, and it's not anything that's proposed at
15 this time.

16 A. That is correct, and I believe that at
17 the time of preliminary approval in testimony that
18 came up again -- came up at that time, and we -- our
19 testimony was that we prefer not to connect to the
20 site. We prefer not to connect that 6-foot concrete
21 sidewalk that stops right here with the sidewalks
22 along the township right-of-way here, Craig Drive,
23 and the reason for that is that we don't want to
24 have the church members -- most of them, they'll be
25 driving to the site, and there was testimony on

1 that, and we don't want to have them wandering out
2 along the sidewalk. We would like to keep it
3 private. We'd like to keep the peace. We don't
4 want to bother the residential units or residential
5 homes on the other side, so that's the reason we
6 don't want to invite anybody from the outside to
7 walk into the church or church member to go to the
8 outside. So we prefer to keep it that way, but we
9 are -- we'll wait for your board recommendation or
10 input on that.

11 Q. There would be part -- the part of the
12 parking spaces there will be -- you'll show on the
13 site plan as part of revisions the electric charging
14 stations. That's still a commitment of the
15 applicant to include those.

16 A. Yeah, at the time of preliminary, there
17 was a recommendation. There was talk. It was a lot
18 of talk at the state level of start introducing more
19 of charging electrical vehicle, so our proposal is
20 that to put one -- to dedicate this space right
21 here, if you can see the arrow, as well as this one
22 and this one and putting the charge electrical
23 vehicle station in the island here. So we are
24 planning on with our revised site plan we, we will
25 be addressing that through three spaces.

1 Q. At the time of preliminary, we met with
2 the Environmental Commission. You still have no
3 issue complying with any of the comments from the
4 Environmental Commission; is that correct?

5 A. We actually already complied with that.
6 One of the items with the -- we went through that at
7 the preliminary stage, which is the township's new
8 corridor. The second one is that it's -- I stated a
9 few minutes ago that we secured the NJDEP transition
10 area waiver. So that was mainly the only two items.
11 There was an additional item just to put a note on
12 the plan for any imported fill. So we are in
13 compliance with the Environmental Commission.

14 Q. Okay. Similarly with regard to the
15 comments that we received from the fire department,
16 as we indicated during preliminary, nothing has
17 changed. You still comply with those comments.

18 A. Yes, so the --

19 Q. Fire Bureau. Excuse me.

20 A. Yes, and I have kind of like to give a
21 brief review on that. They requested a fire hydrant
22 to be at the main entrance. We have that fire
23 hydrant there. They requested that we'll have the
24 Siamese connection. We have the utility -- utility
25 room in this area right here, so will be very close

1 to a fire hydrant. So it's all there. And it's my
2 understanding that Monday night we'll be meeting
3 with them just to confirm the requirement.

4 Q. That's correct. Attached to the CME
5 report is technical review comments. You've gone
6 through those. No issues with complying with those?

7 A. At all. We'll comply with each one of
8 them. I don't see an issue at all. They're all
9 good comments.

10 Q. Thank you, Sharif.

11 MR. KLOUSER: Madam Chair, I have no
12 further questions for Mr. Aly. He's available to
13 the board and the board's professionals to answer
14 any questions. I think the crux of what I wanted to
15 get Mr. Aly to testify to is you're essentially
16 looking at the same site plan that was approved a
17 year ago.

18 THE CHAIRWOMAN: Okay. Peter, how about
19 we let you finish the application and then we'll go
20 to questions. This way people aren't repeating
21 questions.

22 MR. KLOUSER: That's fine. So then if
23 we can, Sharif, thank you very much.

24 A. Stop sharing?

25 Q. Yes, please stop sharing.

1 THE CHAIRWOMAN: Yes, please.

2 MR. KLOUSER: And then our next witness
3 is Daniel Vitenson. He's the applicant's architect.
4 He's responsible for the plans that were presented
5 to the board. If I could ask that he be sworn.

6
7 D A N I E L V I T E N S O N, sworn.

8 DIRECT EXAMINATION BY MR. KLOUSER:

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

11 THE WITNESS: Daniel Vitenson, R & D
12 Design Group, 14-25 Plaza Road, Suite S-2-5, Fair
13 Lawn, New Jersey.

14 MR. CUCCHIARO: Spell your name for the
15 record.

16 THE WITNESS: Daniel, D-a-n-i-e-l,
17 Vitenson, V-i-t-e-n-s-o-n.

18 Q. Thank you.

19 MR. KLOUSER: Madam Chair, as you recall
20 last time, the board -- and as it's memorialized in
21 your resolution -- accepted Daniel as an expert
22 based on his history with the project and not so
23 much his licensureship and permitted him to testify
24 as to the architecture of the building. I would ask
25 for the same courtesy as part of this application.

1 THE CHAIRWOMAN: Okay.

2 Q. Daniel --

3 MR. KLOUSER: Thank you, Chair.

4 Q. If you could, a couple of things to
5 state for the board with regard to the building,
6 what we eliminated at the footprint, discuss the
7 footprint remains the same. If you could just share
8 those details with the board, please.

9 A. Yes. Do you see my screen?

10 Q. We do.

11 THE CHAIRWOMAN: Yes.

12 A. Thank you. So just to remind the board,
13 we --

14 MR. CUCCHIARO: Mr. Vitenson, just
15 before you start, Mr. Klouser, is this submitted
16 with the application?

17 MR. KLOUSER: Yes.

18 MR. CUCCHIARO: Okay. All right. Thank
19 you.

20 A. We have an L-shape church building where
21 we have the sanctuary in the middle of the L and
22 flanking -- flanked by a social hall/ -- I'm
23 sorry -- /gym, and on the other side is the Sunday
24 school. So in the previous application, we used to
25 have a basement. The basement was removed. The

1 overall shape and outline of the building were never
2 changed. When the basement was removed, we gained
3 floor area ratio, which also allowed us to slightly
4 increase the size of the second floor, where we
5 added a music room on top of the infant room below
6 and slightly increased the balcony to provide a
7 6-foot egress way to the second egress.

8 The other changes was applied was the
9 utility rooms, which were in the basement before,
10 were moved to the first floor in front of the
11 building, which already was mentioned by Mr. Aly.

12 No other changes were applied to the
13 building, and we remained at the same building
14 height, which was calculated from the average grade,
15 and the same spaces within the building. No other
16 spaces which were added or removed from the
17 building.

18 We are also were aware -- we were
19 required by the board to show the mechanical
20 equipment. All the mechanical equipment is going to
21 be placed on the roof behind the building in the far
22 end of the building. You can see all the equipment
23 above the roof in back of the building. All the
24 equipment is going to be placed and screened, duly
25 screened from the outside, and some -- our

1 mechanical engineer also estimates that some
2 mechanical equipment may need to be put here but
3 also hidden by the stair bulkhead and duly screened
4 from all sides.

5 Other than that, all the green
6 considerations and other -- and building finishes
7 did not change. We are using brick metal panels,
8 and glazing, metal roofs, and all durable and
9 sustainable materials.

10 The last one was the sign, which was
11 properly calculated in accordance with Manalapan
12 zoning calculations.

13 Q. And I think that there -- as part of the
14 preliminary approval, there was a wall sign that was
15 shown on some of your plans, but that's --
16 consistent with the conditions from the prior
17 approval, there will be no illuminated wall sign.

18 A. There will be no illuminated wall sign,
19 and the sign that was shown back then was removed.

20 Q. You're comfortable that the building
21 that you've designed is compliant with ADA, and the
22 ramps and the grading that you worked with with Mr.
23 Aly, that all remains the same?

24 A. Yes, sir. The building is fully
25 handicapped accessible and sprinklered.

1 Q. Wonderful. Daniel, is there anything
2 that I missed that you wanted to share with the
3 board?

4 A. I believe this is it.

5 MR. KLOUSER: Madam Chair, I have
6 nothing further of Mr. Vitenson. As I said, John
7 Rea had a flight issue, and I'm trying to get him on
8 here via telephone so I'm waiting for him to connect
9 because he would be my next witness to talk about
10 his traffic report that he prepared.

11 THE CHAIRWOMAN: Okay.

12 MR. KLOUSER: I wonder -- if we have
13 Sharif and Daniel here to give me a little bit of
14 time for John to be on -- and I apologize --

15 THE CHAIRWOMAN: Why don't we do this.

16 MR. REA: I don't know -- Peter.

17 MR. KLOUSER: Yes.

18 MR. REA: I don't know if you can hear
19 me. I'm on, but I'm on the phone. I can't get
20 video. I'm at Newark Airport trying to pick my bags
21 up, and there's a lot going on. I'm sorry.

22 MR. KLOUSER: Okay.

23 MR. REA: Can I do this audio?

24 MR. CUCCHIARO: No. So, Counsel, the
25 emergency regulations require any sworn testimony

1 the person has to be visual. So I understand Mr.
2 Rea is here, but unfortunately, the rules don't
3 allow us to take sworn testimony. So let's see, you
4 know, if there are any questions with regard to the
5 traffic, Mr. Klouser.

6 THE CHAIRWOMAN: Why don't I do this,
7 then. Why don't I open it to the professionals with
8 the two gentlemen that have testified. Brian, Jen,
9 do you have any questions with what was discussed
10 this evening?

11 MR. BOCCANFUSO: Thank you, Madam Chair.
12 I'm mindful of, you know, trying to provide Mr. Rea
13 some time to get his stuff together here, but I
14 really don't have --

15 MR. CUCCHIARO: There's no time to give
16 him. You can't access it visually so we just don't
17 have him.

18 MR. BOCCANFUSO: Well, it's a nonissue
19 then. I really don't have much to add or ask the
20 two professionals that have testified already. I
21 think that they've addressed the comments in my
22 report. To the extent that there are minor
23 technical comments that need to be addressed, Mr.
24 Rea has agreed to address those resolution
25 compliance if there's approval. I don't take any

1 exception to the testimony that the site plan and
2 layout of the site are largely the same as what they
3 were previously when the application was presented
4 to the board about a year ago.

5 The one item I would ask for
6 confirmation on from the applicant is something that
7 came up at preliminary and was tabled until final,
8 and that was an agreement to pave, mill, and
9 resurface the half width of the roadway across the
10 site frontage. Mr. Klouser, Mr. Aly, is that
11 something that you can agree to do on behalf of your
12 client?

13 MR. KLOUSER: Yes, Brian, that's
14 something that the church has agreed to do as part
15 of this application.

16 MR. BOCCANFUSO: Great. With that said,
17 Madam Chair, I don't have anything else for the two
18 experts that have testified.

19 I can say that I did review Mr. Rea's
20 supplemental traffic study. I don't take any
21 exception to the findings and conclusions therein;
22 however, that supplemental study was prepared and
23 submitted in response to some specific questions and
24 concerns from members of the board and public, so
25 I'm not really in a position to address those, but

1 perhaps we'll hear from the board members and public
2 as we move forward.

3 THE CHAIRWOMAN: Okay. Jen.

4 MS. BEAHM: I agree with Brian. I have
5 no comments or questions for the professionals that
6 have presented thus far so I'm ready to move
7 forward.

8 THE CHAIRWOMAN: Okay.

9 MR. CUCCHIARO: Madam Chair, I just have
10 just one thing. I just want to confirm that there
11 are no new variances or design waivers and anything
12 that was granted previously has not been
13 intensified.

14 MS. BEAHM: As far as I can review, no.

15 MR. CUCCHIARO: Okay.

16 MR. KLOUSER: You know, Ron, in the work
17 that I've done with Sharif and asked him those
18 questions as we're designing the final, he hasn't
19 indicated that he needs any additional relief in
20 order to secure the final.

21 MR. CUCCHIARO: Okay.

22 THE CHAIRWOMAN: Okay. All right. Now,
23 I'm going to call on board members. Todd, anything?

24 MR. BROWN: Yeah, thank you. I recall
25 in the preliminary a question about fencing along

1 the residential property, and part of my notes a
2 6-foot fence was to be installed, but I don't see
3 that on the plan. Can you refresh my memory where
4 we left off on that.

5 MR. KLOUSER: Sharif, I'm going to look
6 to you to respond to Mr. Brown's comment.

7 MR. ALY: Yes, that is correct, and it
8 is my understanding it's on the plan and turned off.
9 We are (audio disruption; court reporter asks for
10 clarification)

11 THE CHAIRWOMAN: Can't hear you, Sharif.
12 Lisa, can you mute John Rea.

13 MR. REA: I'm trying --

14 THE CHAIRWOMAN: Thank you. Okay, now
15 try again, Sharif.

16 MR. ALY: Yes, we are committed to that
17 6-foot-high fence along the common property line
18 with the residential unit to the east. You're a
19 hundred percent right on, yes.

20 MR. BROWN: Okay. Thank you very much.
21 That's all I had.

22 THE CHAIRWOMAN: Okay. Barry Jacobson.

23 MR. JACOBSON: I'm good.

24 THE CHAIRWOMAN: Okay. Daria.

25 MS. D'AGOSTINO: I had a question that

1 you moved the mechanicals to the roof and you said
2 that they would be buffered with something. Can you
3 explain that a little bit more. Is that like some
4 kind of soundproof buffer from the neighboring
5 properties?

6 MR. VITENSON: The mechanical equipment
7 is going to be installed on special vibrators, which
8 are diminishing their vibration and decibal,
9 therefore, the noise that they produce. They are
10 also high efficiency equipment, and they don't
11 really produce a lot of noise. The screen is going
12 to consist of a typical louvered screen, which
13 prevents the sound from traveling.

14 MS. D'AGOSTINO: Okay. Thank you.

15 THE CHAIRWOMAN: Is that it, Daria?

16 MS. D'AGOSTINO: Yes.

17 THE CHAIRWOMAN: Okay. John.

18 MR. CASTRONOVO: No questions. Thank
19 you.

20 THE CHAIRWOMAN: Okay. Brian Shorr.

21 MR. SHORR: No questions.

22 THE CHAIRWOMAN: Okay. Jack.

23 MAYOR McNABOE: Yeah. So, Brian, jump
24 in on this one, as well. Explain that part of the
25 sidewalk, why we're not running a sidewalk the

1 entire front of that property.

2 MR. ALY: We are providing a sidewalk
3 along the whole entire frontage of the property.

4 MAYOR McNABOE: Okay, so I heard
5 something different.

6 MR. BOCCANFUSO: That's right,
7 Mr. Mayor. The sidewalk that was Sharif was
8 speaking about would connect the on-site sidewalk
9 and the newly proposed sidewalk along the frontage
10 to kind of provide pedestrian access from the public
11 right-of-way to the site. I don't take any
12 exception to that not being provided as long as it
13 is not required by PROWAG or ADA requirements. I
14 don't believe it is. If it is, in fact, required,
15 it's not something that the applicant can waive
16 anyway. They would need to do it. So as long as
17 it's not required by those requirements, I have no
18 exception to its elimination. There's no specific
19 ordinance requirement that calls for it.

20 MAYOR McNABOE: All right. I was just
21 looking for clarity that it is running across the
22 entire front. There was an image that was brought
23 up, and it wasn't clear on that, either, so really I
24 just wanted testimony.

25 Thank you, Madam Chairwoman. I'm good.

1 THE CHAIRWOMAN: Okay. Rick.

2 MR. HOGAN: I think all my questions
3 were answered. Thank you.

4 THE CHAIRWOMAN: Okay. I have no
5 questions. Mine were answered. Steve.

6 MR. KASTELL: Yeah, thank you. I think
7 maybe I was triggered by the sidewalk question, the
8 sidewalk information, because I think I had always
9 not paid attention to some of the numbers, but I'm
10 seeing something like 300 feet in the church,
11 itself. Are we within guidelines? Is there enough
12 parking to support that or perhaps other classes or
13 other events going on at the same time at the
14 church? Because the parking seemed to me to, you
15 know, fall over to the cemetery or things like that,
16 but without sidewalks, it seems to me that -- it
17 seemed to pop up the question to me that can the --
18 this property that's kind of by itself be
19 self-sustaining with parking.

20 MR. KLOUSER: Mr. Kastell, if I may, we
21 do meet your parking requirements in the zone both
22 as to the size of the parking stalls and the number
23 of parking stalls, and we are providing sidewalk
24 along the entire frontage of the property, so no
25 relief is requested by the applicant as to parking.

1 There's also conditions in the
2 resolution that certain uses of the building cannot
3 occur at the same time, so that you can't have --
4 you can't have the social hall operating at the same
5 time that the church is actually in service. Those
6 were things that were discussed with the board
7 during preliminary in order to make sure that we
8 don't have a parking lot that gets blown up.

9 MR. KASTELL: Okay. Thank you.

10 THE CHAIRWOMAN: Okay. Barry Fisher,
11 anything?

12 MR. FISHER: He answered most of my
13 questions, and the building absolutely looks great.

14 So the solar, you know, trying to
15 remember from the previous meeting. Is there solar
16 going to be provided on that flat part of the roof?

17 MR. VITENSON: Are you referring to
18 solar panels?

19 MR. FISHER: Yes.

20 MR. VITENSON: No, sir, no solar panels
21 are proposed.

22 MR. FISHER: Is there any reason why? I
23 mean, I know we try to encourage it.

24 MR. KLOUSER: It just wasn't something
25 that the applicant had contemplated. Mr. Fisher,

1 not to make it part of the approval, but I would
2 certainly recommend to my client that they look at
3 the feasibility of it, you know, but, no, it's not
4 something we're asking to be included as part of
5 this approval, nor is it a waiver or a design relief
6 we're requesting as part of the application, either,
7 but duly noted, and I know the applicant's
8 representatives are watching right now, and I'm sure
9 they hear your comments.

10 MR. FISHER: It would be appreciated.
11 The basin, is that going to have native plants,
12 plantings in it? I know Environmental Commission
13 they always ask for that. In the basin, native
14 plantings.

15 MR. KLOUSER: I'm going to look to
16 Sharif to respond to that.

17 MR. FISHER: Thank you.

18 MR. ALY: Just for clarification, we do
19 have a landscaping plan. The basin that we have on
20 site regulating the storm events, that's a wet
21 basin, and along the top embankment of the basin,
22 yes, there's going to be some landscaping as shown
23 on the landscaping plan.

24 MR. FISHER: Okay. The last thing is
25 the -- you did mention that you were going to have

1 the HVAC on the roof, and you said it's going to be
2 shielded for noise. Is in any way that going to be
3 visible from the road or from neighbors?

4 MR. KLOUSER: Daniel, if you could
5 respond to that.

6 MR. VITENSON: No, sir. The HVAC
7 equipment will be completely concealed. There is no
8 way for it to be seen from anywhere.

9 MR. FISHER: Therefore, I have no
10 further questions. Good luck.

11 MR. KLOUSER: Thank you.

12 THE CHAIRWOMAN: Thank you. Okay.
13 Alan.

14 MR. GINSBERG: No questions.

15 THE CHAIRWOMAN: Okay. Did I miss any
16 board members? Let me go to my list. No. Okay.
17 At this time, I'd like to open it, so, Ron, question
18 for you. We're still waiting on John Rea, so should
19 I open it to the public and then we can come back?
20 What would you advise?

21 MR. CUCCHIARO: I would just go back for
22 a moment to our board members. Were there any
23 questions that our board members had regarding
24 traffic, or did the board members exhaust all of
25 their questions?

1 THE CHAIRWOMAN: Okay. So, board
2 members, do we have any questions regarding traffic,
3 or all our questions have been asked and answered?
4 Anybody?

5 MR. CASTRONOVO: Can you help us recall
6 what the -- why we asked Mr. Rea to go back and do
7 the additional study.

8 MR. BOCCANFUSO: I can provide a brief
9 summary, Madam Chair, if you'd like.

10 THE CHAIRWOMAN: Okay. Thank you,
11 Brian.

12 MR. BOCCANFUSO: There were a couple
13 of -- there were a couple of questions that came up
14 at the previous public hearing. One was the
15 distribution of traffic to and from the site. The
16 initial analysis showed that the bulk of the traffic
17 to and from the site was coming from the Route 9
18 direction, and there were I believe some members of
19 the public who felt that that analysis should be
20 revised to have the trip distribution more heavily
21 weighted to and from Tennent Road. In response to
22 that comment, Mr. Rea's office did revise the study
23 to more heavily weigh the trips to and from Tennent
24 Road, and it really had no impact on the analysis.
25 It showed acceptable levels of service into and out

1 out of the site during all the peak hours analyzed.

2 One of the other items that was
3 addressed in the supplemental traffic study was in
4 response to a comment my office had made in our
5 report, and that was dealing with the peak our
6 factor, which is a measure of how concentrated a
7 traffic flow operates during the peak hour. So if
8 you have a situation like at a church where it lets
9 out and a lot of people are leaving the site at the
10 same time or coming at the same time, you would
11 adjust that peak hour factor to account for it.
12 That peak hour factor was adjusted in the
13 supplemental analysis, and again, it had very
14 little, if any, impact on the levels of service, and
15 the levels of service into and out of the site
16 during the peak hours were within the acceptable
17 range.

18 The last significant item that was --
19 that I believe was addressed in the supplemental
20 traffic study was there was a question as to the
21 accuracy of the traffic counts, and in response to
22 that, Mr. Rea's office went out and performed
23 additional traffic counts at the site. I don't have
24 the report in front of me, but it was since
25 preliminary so over the past year. Those counts

1 revealed consistent but slightly higher counts than
2 the original analysis, but again, as with the
3 previous two items, it did not have any substantial
4 impact on the levels of service into and out of the
5 site during the peak hours analyzed.

6 So long story short, they did what both
7 our office and the board members and public had
8 asked them to do. The results from a level of
9 service standpoint really did not change as a
10 result.

11 MR. CUCCHIARO: Brian.

12 MR. BOCCANFUSO: Yes.

13 MR. CUCCHIARO: I'm certainly not asking
14 you to testify in lieu of Mr. Rea; however, in your
15 review of the documents, did you find that any of
16 the numbers or projections or findings that you
17 disagreed with?

18 MR. BOCCANFUSO: No, I did not. I did
19 not take any exception to any of the analysis
20 performed, the way it was done, or any of the
21 conclusions.

22 MR. CUCCHIARO: Okay. Thank you.

23 MR. KLOUSER: Appreciate that, Brian.

24 Thank you for providing that information.

25 THE CHAIRWOMAN: John, does that help

1 you?

2 MR. CASTRONOVO: Absolutely. Thank you.
3 It was great.

4 THE CHAIRWOMAN: Okay. So with that
5 being said, does any board members have any traffic
6 questions? With Brian's synopsis. If not, should
7 I -- what would you recommend?

8 MR. CUCCHIARO: What I would recommend
9 is that we open it to the public for questions of
10 the professionals and --

11 THE CHAIRWOMAN: Okay, tonight's
12 testimony.

13 MR. CUCCHIARO: Tonight's testimony --
14 well, tonight's testimony or anything that has to do
15 with the request for tonight, you know, the request
16 for amended or -- it should have to do with any
17 changes since preliminary.

18 THE CHAIRWOMAN: Okay. Okay, so at this
19 time I'd like to open it to the public regarding
20 this application. You can either raise your hand if
21 you're on the screen or dial star 9 is it, Lisa?

22 MS. NOSSEIR: Star 9.

23 THE CHAIRWOMAN: Star 9. So we'll give
24 the public a few moments. Do you see anybody, Lisa?

25 MS. NOSSEIR: I do not. I have one. I

1 have one. It's a phone number. It's 1-862 starts
2 off.

3 MR. CUCCHIARO: Is that individual in
4 the room?

5 MS. NOSSEIR: They were on a phone, 862
6 area code.

7 MS. D'AGOSTINO: I think you have to
8 unmute them.

9 MS. NOSSEIR: Trying.

10 THE CHAIRWOMAN: Phone number of 862,
11 can you say hello, please.

12 MS. NOSSEIR: Having trouble unmuting
13 them.

14 THE CHAIRWOMAN: It's coming up as
15 iPhone on my screen.

16 MR. VONO: Hello.

17 THE CHAIRWOMAN: Yes, thank you.

18 MR. VONO: You can hear me? Great.

19 MR. CUCCHIARO: Sir, if you can just
20 give us your name and address and spell your name
21 for us.

22 MR. VONO: This is Frank Vono, V-o-n-o,
23 17 Holiday Road, Manalapan, New Jersey.

24 MR. CUCCHIARO: Right now we're just
25 asking questions. You'll have an opportunity to

1 provide the board with, you know, your -- whether
2 you're pro for the application, but right now it's
3 questions.

4 MR. VONO: Oh, it's just questions right
5 now? There's no discussion about what our -- okay.
6 When do I get --

7 MR. CUCCHIARO: That's going to come.
8 Sir, do you have any questions?

9 MR. VONO: Yeah, I do. And what is your
10 name, sir?

11 MR. CUCCHIARO: My name is Ron
12 Cucchiaro. I'm the board attorney.

13 THE CHAIRWOMAN: Ron, hold on a second.
14 There's a lot of people in the background.

15 Lisa, can you mute everybody and then
16 the gentleman can unmute himself, please.

17 MS. NOSSEIR: I'm going to mute
18 everybody, and then, Mr. Vono, I'm going to unmute
19 you.

20 MR. VONO: Thank you.

21 THE CHAIRWOMAN: Okay, sir, you can
22 unmute yourself.

23 MR. VONO: Can you hear me?

24 MS. NOSSEIR: Yes, you're there.

25 MR. VONO: Okay, great. So I guess at

1 this point, as I was just indicated, you can only
2 ask questions and express concerns or pros or cons
3 thereafter. So I will ask a few questions, and one
4 of the questions I would like to ask is has anyone
5 touched on, you know, this project that's going to
6 be implemented to build this structure, what ill
7 effect, if any, which I would be inclined to believe
8 there would be, but I don't know that absolutely,
9 but what effect will that have on the surrounding
10 properties in terms of their property tax? What
11 effect will that have on property values? What
12 effect will that have on what's considered to be the
13 right of quiet enjoyment, which of whatever little
14 left there is of with the density of traffic which
15 already exists there now. Has that been addressed
16 in any way, or what consideration has been given to
17 that?

18 THE CHAIRWOMAN: Ron, unmute yourself.

19 MR. CUCCHIARO: Mr. Klouser, do you want
20 to respond to that.

21 MR. KLOUSER: I think it's addressed by
22 the nature that it's a permitted conditional use in
23 the zone, so the governing body has already
24 considered that this is an appropriate use for that
25 area, and I'm not sure that it's in the purview of

1 the board -- Ron, don't want to step on your toes --
2 to consider financial implications as part of an
3 approval, and then in addition to all of that, it's
4 a permitted inherently beneficial use, and we did
5 address a lot of these questions and the
6 appropriateness of the construction at the time of
7 preliminary approval. Again, this is for final to
8 make sure that we comply with the preliminary.

9 MR. VONO: Well, yes, and I apologize.
10 The first meeting I didn't get a chance to get in on
11 that, and on this one I got in a little late, so I'm
12 a little late in the game, but I'm still here to get
13 the gist, you know, the flow of where -- what's
14 going on and where it's at, but, you know, these are
15 things that, again, I didn't know if they were
16 considered. There are ill effects to other things,
17 and if it's not incorporated in your decisions, I
18 mean, should it be, because ideally, the area is in
19 effect residential by nature. This type of
20 structure is --

21 MR. CUCCHIARO: Sir, you're going to
22 have an opportunity to make those statements, but do
23 you have anymore questions?

24 MR. VONO: That's the primary ones, you
25 know, for now, but that's it. The property tax,

1 resale value of your home, what kind of quiet
2 enjoyment will exist, if any, by once the structure
3 is up when you have this kind of traffic of people
4 going in and out with the addition of not only
5 physical motor -- excuse me -- cars, you know, cars
6 and buses, but people, and, you know, all types of
7 various types of traffic you're going to have going
8 in and out of there, okay. Obviously, you're going
9 to have a higher density, and that is ultimately
10 going to skew what kind of quiet enjoyment you can
11 enjoy if you're a resident there.

12 MR. CUCCHIARO: Sir, again, those are
13 statements.

14 MR. VONO: Those are my questions.
15 Those are my questions. Those are my primary
16 questions.

17 MR. CUCCHIARO: Okay, and we will bring
18 you back at the end for your comments, also.

19 MR. VONO: Okay. Thank you.

20 MR. CUCCHIARO: Lisa, is there anybody
21 else raising their hand?

22 MS. NOSSEIR: No, that's it.

23 MR. CUCCHIARO: Okay Madam Chair you
24 want to close questioning of the witnesses.

25 THE CHAIRWOMAN: Yes, I'm going to close

1 the public for questioning at this time with regard
2 to this application, and --

3 MR. CUCCHIARO: Okay, so, Madam Chair,
4 based upon the questions that were asked, didn't
5 appear that Mr. Rea was necessary tonight. So I
6 think that you can open it up for comments from the
7 board, and, you know, the board can choose to
8 deliberate after that, but it didn't appear that
9 there were any questions specific for Mr. Rea
10 tonight.

11 THE CHAIRWOMAN: Okay. So, board
12 members, do you have any follow-up questions for
13 this application? I'm just going to go down the
14 list here. Brian Shorr, anything?

15 MR. SHORR: No, no questions.

16 THE CHAIRWOMAN: No. John.

17 MR. CASTRONOVO: No, no questions.

18 Thank you.

19 THE CHAIRWOMAN: Steve.

20 MR. KASTELL: No, I'm okay.

21 THE CHAIRWOMAN: Barry Fisher.

22 MR. FISHER: No, I'm okay.

23 THE CHAIRWOMAN: Rick.

24 MR. HOGAN: No questions.

25 THE CHAIRWOMAN: Alan.

1 MR. GINSBERG: No questions.

2 THE CHAIRWOMAN: Okay. My screen just
3 changed. Hold on a minute. Jack.

4 MAYOR McNABOE: No, I'm good. Thank
5 you.

6 THE CHAIRWOMAN: Okay. I have no
7 questions. Todd.

8 MR. BROWN: No questions. Thank you.

9 THE CHAIRWOMAN: Okay. Did I miss
10 anybody? Daria.

11 MS. D'AGOSTINO: No, no questions.

12 THE CHAIRWOMAN: Okay. Barry Jacobson.

13 MR. JACOBSON: No questions. Thank you.

14 THE CHAIRWOMAN: All right. So, Ron, am
15 I -- go ahead.

16 MR. CUCCHIARO: So just reopen it to the
17 public for testimony. The reason I did it this way
18 is I just wanted to see whether Mr. Rea was going to
19 be necessary or not, you know, based upon the
20 questions. Like I said, he was not. So you can
21 reopen it to the public for testimony this time.

22 THE CHAIRWOMAN: Okay, for comments?

23 MR. CUCCHIARO: Yup.

24 THE CHAIRWOMAN: Okay. At this time I'm
25 going to reopen it to the public with regards to

1 comments regarding this application. Lisa.

2 MS. NOSSEIR: I'm just going to go
3 through the screens because I have no hands.

4 MR. CUCCHIARO: There should be one,
5 the --

6 THE CHAIRWOMAN: The gentleman I think
7 that was on before?

8 MR. CUCCHIARO: Yeah.

9 MS. NOSSEIR: His hand's not up, but if
10 he wants to speak, I'll unmute him.

11 MR. VONO: I'm still here.

12 MR. CUCCHIARO: Okay, at this time, sir,
13 I need to swear you in because you're going to be
14 providing testimony.

15

16 F R A N K V O N O, sworn.

17 MR. CUCCHIARO: Okay, go ahead, sir.

18 MR. VONO: Yes, so just to make sure I'm
19 correct, this segment is regarding comments; is that
20 correct?

21 MR. CUCCHIARO: That's correct.

22 THE CHAIRWOMAN: Correct.

23 MR. VONO: Okay. Great. Okay, so my
24 submission to you -- and I am saying this with the
25 best objectivity and clarity that I can employ -- is

1 that I don't believe this is a positive result for
2 the surrounding area or the township as a whole.
3 There are multiple areas that exist where such a
4 structure could be put up, and when you've done your
5 traffic analysis and your analytics, very often what
6 happens in theory is not what happens in reality,
7 and if any of you have transversed Craig Road or
8 Manalapan in general, which I'm sure most of you, if
9 not all of you, have, during especially the
10 summertime, it can become a parking lot. That's
11 actual. That's reality right now. You put
12 something else in there, a structure of this nature,
13 and even though your theory and your analytics, your
14 data, which I submit is possibly skewed, might show
15 you one preview, but when reality comes in, it's
16 going to be quite different. I think we all know
17 that on some generic level there's a big difference
18 between theory and reality, but I think this applies
19 here, and I have lived here probably longer than
20 almost all of you, and I have seen the endless
21 development of this entire township, and I
22 understand there's development, and I understand
23 what that is called progress, okay, but when does it
24 become not progress. When does it become too much.
25 Is there any consideration to that? Is there

1 anything or is what I'm saying or anyone in the
2 public going to say that's against this, is that
3 just an exercise in futility?

4 MR. CUCCHIARO: Sir, do you have anymore
5 or -- I just don't want to cut you off.

6 MR. VONO: I appreciate your courtesy,
7 but I think that pretty much covers it. I mean,
8 what I'm talking about is I understand there's
9 nothing wrong with having the structure going up in
10 various places for various purposes and various
11 functions, okay, but when you put it up, where do
12 you put it up, and what does it do, what ill effects
13 does it have in the surrounding areas. People that
14 live there -- I could be living there because I
15 could be buying the property directly across the
16 street. How is that going to affect -- which I have
17 considered. How is that going to affect the value
18 of that property, the taxes of that property, the
19 kind of quiet enjoyment if I could have that
20 enjoyment because it's not a dwelling, it's not a
21 residential dwelling. It is a different type of
22 building, a nonprofit building, okay, which is going
23 to have a certain amount of traffic in and out, both
24 by auto and by foot, and it's going to create
25 density in any way you cut it. So there is my

1 point. Please, I'd love to hear your response.

2 MR. CUCCHIARO: Well, we have to open it
3 up for other members of the public, and then the
4 board will deliberate, taking your comments and the
5 applicant's comments into account.

6 MR. VONO: Thank you.

7 MR. CUCCHIARO: Okay. Lisa, are there
8 any other members of the public expressing an
9 interest in providing comments and testifying?

10 MS. NOSSEIR: I have no other hands or
11 alerts at this point.

12 MR. CUCCHIARO: Okay, so, Madam Chair,
13 I'd recommend that we close public portion.

14 THE CHAIRWOMAN: Okay. At this time,
15 I'd like to close the public portion with regard to
16 this application.

17 MR. CUCCHIARO: Okay. Madam Chair, just
18 before we vote, just a couple of legal points on the
19 board's jurisdiction.

20 So I tend to agree with Mr. Klouser.
21 Planning boards only are permitted to consider uses
22 that are permitted by the ordinance. The ordinance
23 permits residential uses. The ordinance also
24 permits houses of worship. The ordinance is very
25 specific, though. It only permits houses of worship

1 under certain circumstances, and that's why it's
2 called a conditional use. Those conditions have to
3 be satisfied. Those conditions have been satisfied
4 in this instance.

5 The Municipal Land Use Law, which is a
6 state statute, not a local ordinance, but a state
7 statute, which governs how we operate and how we can
8 consider applications, we can't reject a permitted
9 use because we don't like the location of it as a
10 planning board because it's a permitted use. That's
11 a legislative function, not a quasi-judicial
12 function as this board sits.

13 Also, the law -- and again, it's not
14 what this board has determined, this is what our
15 court system has determined -- is that increases in
16 traffic for a permitted use cannot serve as a reason
17 to deny an application. Unsafe ingress and egress
18 to a site can certainly support that, but that was
19 not the testimony here and -- by either the --
20 through the traffic engineer's report or through the
21 board's traffic engineer and our board engineer's
22 review of that report.

23 So, you know, whether we like -- and
24 certainly, the board has expressed its
25 dissatisfaction in the past with that, but again,

1 that's a -- that's the way the courts have
2 interpreted the Municipal Land Use Law, and it's
3 imposed that on this board.

4 Also, with regard to property values,
5 the Municipal Land Use Law and our courts do not
6 permit the board to consider property values as a
7 reason to deny an application nor a reason to
8 approve an application for that matter. You know,
9 some applicants come and talk about, you know, that
10 it's a fantastic rationale, and that's simply not a
11 factor for the board, and neither is a comment or a
12 concern that it would have an adverse effect on
13 property values, and that's again because it's a
14 permitted use, and the courts consider that to be a
15 quasi-judicial board usurping the legislative
16 authority of the governing body.

17 So the courts describe it this way, that
18 the jurisdiction of a planning board is tightly
19 circumscribed. Those are the court's word. And
20 what we look to is has the site plan ordinance and
21 our zoning ordinance and our design criteria been
22 satisfied. If it has been satisfied, and there is
23 not an unsafe ingress and egress, the case law is
24 quite clear that the board has to approve an
25 application.

1 So I just wanted to make that -- you
2 know, the board has heard me sort of wax poetic on
3 this, you know, numerous times, but I also think
4 it's important and useful for members of the public
5 to understand the rules that govern the board and
6 the rules that the board is required to follow, and
7 those rules are not made in town; they're made in
8 Trenton and interpreted by our courts.

9 THE CHAIRWOMAN: Okay. Thank you. So
10 we're doing a motion this evening then for amended
11 preliminary and final major with no additional
12 variances, correct?

13 MR. CUCCHIARO: No additional variances,
14 no additional design waivers.

15 THE CHAIRWOMAN: Okay. So may I have a
16 motion with regards to this application for the
17 amended preliminary major site plan and final major
18 site plan. Or do you want to have --

19 MR. GINSBERG: Motion for approval.

20 THE CHAIRWOMAN: I'm sorry, who said
21 that?

22 MS. D'AGOSTINO: Alan.

23 THE CHAIRWOMAN: I'm sorry. Okay.

24 MR. FISHER: I'll second it.

25 MS. D'AGOSTINO: Mr. Fisher.

1 MR. FISHER: Yes.

2 MS. D'AGOSTINO: Mr. Brown.

3 MR. BROWN: Yes.

4 MS. D'AGOSTINO: Mr. Castronovo.

5 MR. CASTRONOVO: Yes.

6 MS. D'AGOSTINO: Mr. Ginsberg.

7 MR. GINSBERG: Yes.

8 MS. D'AGOSTINO: Myself, yes.

9 Chairwoman Kwaak.

10 THE CHAIRWOMAN: Yes.

11 MS. D'AGOSTINO: Mayor McNaboe.

12 MAYOR McNABOE: Yes.

13 MS. D'AGOSTINO: Mr. Jacobson.

14 MR. JACOBSON: Yes.

15 MS. D'AGOSTINO: Chief Hogan.

16 MR. HOGAN: Yes.

17 MS. D'AGOSTINO: That's it.

18 MR. KLOUSER: Thank you so much.

19 THE CHAIRWOMAN: Thank you.

20 MR. KLOUSER: Have a lovely evening. I

21 appreciate your deliberations. Good evening,

22 everyone.

23

24

25

C E R T I F I C A T E

1
2
3 I, DEBORAH A. MASTERTON, a Certified Court
4 Reporter of the State of New Jersey, do hereby
5 certify that the foregoing is a true and accurate
6 transcript of the proceedings in the above entitled
7 matter as taken stenographically by me at the time
8 and place aforesaid.

9 I do further certify that I am neither a
10 relative, nor employee, nor attorney, nor counsel of
11 any of the parties to this action; and that I am
12 neither a relative, nor employee of any such
13 attorney or counsel; and that I am not financially
14 interested in the action.
15
16
17
18
19
20
21

22 License No. XI001655
23
24
25

1 TOWNSHIP OF MANALAPAN
2 PLANNING BOARD
3 IN THE MATTER OF:
4 STAVOLA ASPHALT COMPANY
5 MANALAPAN LANDING
6 BLOCK 7232/LOTS 1.04, 1.06
7 AND 2.04
8 CASE NO. PPM2104
9 Preliminary and Final Major
10 Site Plan/Preliminary and
11 Final Site Plan

12 THURSDAY, OCTOBER 14, 2021
13 VIA OFFICE SUITE HD MEETING
14 COMMENCING AT 8:47 P.M.

15 BOARD MEMBERS PRESENT:

16 KATHRYN KWAAK, Chairwoman
17 BARRY FISHER
18 TODD BROWN
19 JOHN CASTRONOVO
20 ALAN GINSBERG
21 DARIA D'AGOSTINO
22 MAYOR JACK McNABOE
23 BARRY JACOBSON, Township Committee
24 CHIEF RICHARD HOGAN, Fire Official
25 STEVEN KASTELL
BRIAN SHORR

26 ALSO PRESENT:

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

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

32 QUICK COURT REPORTING, LLC
33 47 BRIAN ROAD
34 WEST CALDWELL, NEW JERSEY 07006
35 (973) 618-0872
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11 (lpontier@daypitney.com)
12 Counsel for the Applicant

1 I N D E X

2 WITNESSES PAGE
3 DAVID FISHER 21
4 WILLIAM LANE, P.E. 33
5 JUSTIN TAYLOR, P.E. 40

6 EXHIBITS MARKED INTO EVIDENCE

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8 A-2 Colored site plan for the retail
9 restaurant 35
10 A-3 Rendering of the site plan 50

1 CHAIRWOMAN KWAAK: All right, I'm
2 calling this meeting of the Planning Board back to
3 session at 8:48. Moving on to the next application,
4 PPM2104 Stavola Asphalt Company, Manalapan Landing,
5 Stavola Woodward Road - Office, Stavola Woodward
6 Road - Retail, Woodward Road and Route 33, Block
7 7232, Lots 1.04, 1.06 and 2.04, preliminary and
8 final major site plan, preliminary and final site
9 plan, and this was carried from our September 9
10 meeting. Mr. Cucchiaro?
11 MR. CUCCHIARO: I think I saw Mr.
12 Wolfson on, so --
13 CHAIRWOMAN KWAAK: Yes.
14 MR. CUCCHIARO: -- Mr. Wolfson, if you
15 want to enter your appearance and start your
16 presentation.
17 MR. WOLFSON: Thank you very much.
18 Madam Chairwoman, Board members, Board
19 professionals, members of the public, Peter Wolfson
20 of the firm of Day Pitney, here for the continuation
21 of the public hearing that the Chairwoman detailed
22 in her remarks. You will recall that at the
23 commencement of the hearing on that date, we
24 presented four witnesses testifying as to the
25 inclusionary residential portion of this development

5

1 as well as providing testimony on the proposed
 2 subdivision. We completed our direct testimony.
 3 You'll also recall that there was an
 4 issue that arose relative to a conflict between the
 5 proposal for the type of affordable housing within
 6 the inclusionary project and the manner in which it
 7 was characterized in your Fair Share plan. The
 8 applicant was proposing that those affordable units
 9 be "for sale" and they are characterized as "for
 10 rental" in your Fair Share plan.
 11 Since we last met, I'm pleased to
 12 report that with the assistance of the township and
 13 the Fair Share Housing Center, we've resolved that
 14 conflict and the application will remain as
 15 proposed, those units will be "for sale," and the
 16 bonus credits that were attached to them in your
 17 plan will be applied to another rental project
 18 within your plan, so thank you for your indulgence
 19 in that and we appreciate the help to get that done.
 20 With that said, we had begun a
 21 discussion relative to our request that the
 22 residential portion of this overall development be
 23 broken out for consideration and vote independent of
 24 the two commercial applications that are yet to be
 25 testified to. There's a couple of reasons for that.

6

1 One is the inclusionary nature of that housing
 2 development and its place in your plan makes time
 3 important relative to compliance and so you heard
 4 testimony from our traffic expert that the NJDEP
 5 permit that would allow for the development and
 6 access to that project, that portion of the project,
 7 is on a much shorter track independent of the much
 8 more complex set of permits for the road
 9 improvements that you'll hear about and can be
 10 granted independently. So for those reasons, we
 11 request that we complete the hearing on the
 12 residential portion and go to a vote. In order to
 13 do that, by my review of the transcript from the
 14 hearing, we were at the point where the Board and
 15 its professionals had asked questions of our
 16 experts. I believe that it would be necessary to
 17 open it to the public for questions and comments,
 18 and we respectfully request that we proceed in that
 19 manner.
 20 MR. CUCCHIARO: So, Madam Chair, the
 21 applicant submitted one application, you know,
 22 requesting everything that you had enumerated at the
 23 beginning of the hearing, you heard Mr. Wolfson's
 24 request on behalf of the applicant to essentially,
 25 what I would call "bifurcate" the application into

7

1 independent parts. It's the discretion of the Board
 2 as to how it wishes to proceed. You may wish to
 3 have some input from your planner and engineer as to
 4 whether they see any impediments to that. It's not
 5 required, you've heard the reasons Mr. Wolfson has
 6 expressed, there's no legal prohibition against it,
 7 so I would leave it to the other professionals and
 8 the discretion of the Board.
 9 CHAIRWOMAN KWAAK: Okay, so Brian,
 10 your -- Brian and Jen, your thoughts on what Mr.
 11 Wolfson is asking for since it was all submitted as
 12 one giant application?
 13 MS. BEAHM: So I'll jump in. I'm
 14 sorry, Brian. From a planning point of view, we
 15 take no exception to the, let's say, "bifurcation,"
 16 albeit not officially bifurcated, but we don't take
 17 exception to the request.
 18 CHAIRWOMAN KWAAK: Okay. Brian?
 19 MR. BOCCANFUSO: Yeah, from an
 20 engineering standpoint, Madam Chair, I agree, I
 21 don't have any issue with it; I mean, for all
 22 intents and purposes, it is functioning as an
 23 independent project. We heard testimony at the last
 24 public hearing regarding the traffic impact of the
 25 residential development, which is minimal as

8

1 compared to the other aspects of the development.
 2 The stormwater management is independent, the NJDEP
 3 permits are enhanced, so I don't take any exception
 4 to them pursuing in that manner if the Board is so
 5 inclined.
 6 CHAIRWOMAN KWAAK: Okay. Ron, I just
 7 have one question. What about resolution compliance
 8 with the previous resolution because it was one
 9 giant project?
 10 MR. CUCCHIARO: Well, each element of
 11 the -- under Mr. Wolfson's proposal, each element
 12 would still have to comply with, you know, any
 13 conditions from any prior approvals, conditions that
 14 relate to developer's agreements, conditions that
 15 relate to --
 16 CHAIRWOMAN KWAAK: They would be all
 17 cross --
 18 MR. CUCCHIARO: Yeah.
 19 CHAIRWOMAN KWAAK: They would be all
 20 cross-referenced --
 21 MR. CUCCHIARO: Yeah.
 22 CHAIRWOMAN KWAAK: -- so that nothing
 23 falls through the cracks?
 24 MR. CUCCHIARO: That's correct. The
 25 only thing I would ask Brian and also Mr. Wolfson,

9

1 if you want to join in, there were questions and
2 concerns regarding certain cross-access easements
3 and certain ingress and egress movements. I believe
4 that those would not be part of the residential, I
5 just want to make sure, and that those issues would
6 still be preserved and discussed in the later
7 phases. Or how would that work, I guess?
8 MR. WOLFSON: You're correct, the
9 easement I think you're referring to from the
10 hearing that was held on the assisted living related
11 to an easement between the retail site on the corner
12 and the assisted living, and you are correct, we
13 will be discussing that during that portion of the
14 testimony.
15 MR. BOCCANFUSO: And Ron, generally, I
16 would agree. The only thing I would add to that is
17 there was a pedestrian interconnection as part of
18 the plan between the residential development and the
19 proposed commercial development. I would take no
20 exception to deferring the details of that and the
21 completion of that improvement until the commercial
22 phase because, otherwise, you would have a walkway
23 that goes to nowhere, so --
24 MR. CUCCHIARO: Okay. Well, I just
25 want to make sure that everybody is on the same page

10

1 that, you know, the final design and approval of
2 that wasn't somehow, you know, completed at this
3 juncture, that it's preserved to -- to a later
4 phase.
5 MR. BOCCANFUSO: Agreed.
6 MR. CUCCHIARO: Okay. And then also,
7 Mr. Wolfson, just in terms of timing, I mean, the
8 entire application was filed, so is it your intent,
9 essentially, to get a decision on the residential
10 and then move immediately into, I guess, you know,
11 phase two of the project?
12 MR. WOLFSON: Absolutely. We're
13 prepared to do that as soon as we're able to,
14 including tonight.
15 MR. CUCCHIARO: Okay.
16 All right, that's all I have, Madam
17 Chair.
18 CHAIRWOMAN KWAAK: Okay. So Board
19 members, before I open this to the public, is there
20 any discussion, do you have any problems with what
21 the applicant is asking for for this evening, for us
22 to vote on the residential portions --
23 MR. CUCCHIARO: And Madam Chair, I
24 would -- I would recommend that, rather than, you
25 know, just a straw poll, that we make a formal

11

1 motion to bifurcate --
2 CHAIRWOMAN KWAAK: Well, we do have to
3 still open it to public for their questions from
4 last time.
5 MR. CUCCHIARO: Well, no, we are not
6 voting on approving the application --
7 CHAIRWOMAN KWAAK: Okay.
8 MR. CUCCHIARO: -- we're voting on
9 segregating the application to just a residential
10 vote and then the other portions of the application.
11 CHAIRWOMAN KWAAK: Okay.
12 MR. CUCCHIARO: So what I'd request is
13 either a motion to grant Mr. Wolfson's request or to
14 deny Mr. Wolfson's request to bifurcate the
15 residential portion, and certainly, you can all
16 discuss but I -- I would not recommend just
17 discussing and taking that as a decision, I would
18 ask for a formal action.
19 MR. WOLFSON: Madam Chairwoman?
20 CHAIRWOMAN KWAAK: Yes.
21 MR. WOLFSON: I just want to be
22 crystal clear in response to your comment on
23 interconnectivity relative to conditions and
24 developer's agreements. The request specifically is
25 that the road improvements that are not necessary

12

1 for the residential portion of the application be a
2 function of any approvals that are granted on the
3 commercial.
4 CHAIRWOMAN KWAAK: Okay.
5 MR. WOLFSON: Thank you.
6 CHIEF HOGAN: Cathy, I have a question
7 for Ron.
8 CHAIRWOMAN KWAAK: Okay.
9 MR. CUCCHIARO: Um-hum.
10 CHIEF HOGAN: Ron, so if we allow this
11 and okay the residential to be separated, how is
12 that going to work for compliance on the resolution
13 that was mentioned before and what about signing of
14 the maps; can they do that separately if we go ahead
15 with this and can the developer, at that point,
16 apply for building permits?
17 MR. CUCCHIARO: Well, I think the
18 answer to that is yes; however, you know, there are
19 UHAC regulations for, you know, how the residential
20 has to be constructed. They could get an approval
21 for everything and then pull permits just, you know,
22 for portions of it, you know, as it's moving along,
23 so I think -- you know, I don't see anything under
24 any statute that would prohibit it. I defer to
25 Brian, I mean, do you -- is there anything under map

13

1 filing law or anything else that you're aware of,
 2 Brian?

3 MR. BOCCANFUSO: You know, it's -- it
 4 raises a good question. I don't -- I'm not aware of
 5 anything under the map filing law; however, the
 6 application is kind of for two separate sub-
 7 divisions. There's one larger subdivision which
 8 involves the consolidation of the grand parcel, if
 9 you will, and then the subdivision of that, and then
 10 the second part of it would be the subdivision --
 11 or, actually, it would be a site plan for the
 12 residential portion. So I think, and Mr. Wolfson, I
 13 welcome your comments --

14 MR. CUCCHIARO: Well, the subdivision
 15 would have to be part of what we're doing tonight.

16 MR. BOCCANFUSO: That's correct, so I
 17 think what would be necessary would be the
 18 preliminary and final subdivision approval and then
 19 site plan approval for the residential, and from the
 20 standpoint of signing maps, the applicant did submit
 21 with their application separate maps for each
 22 individual phase, so it would be a little bit easier
 23 than it otherwise would be for them to have to break
 24 it out; they've already done so. So aside from the
 25 fact that they would need to submit a plat that

14

1 would need to be compliant with the map filing law
 2 as well as a site plan for the residential that is
 3 compliant with the resolution as well as any
 4 previous technical comments, I don't see any reason
 5 why, you know, from a map perfection standpoint, why
 6 they can't move forward in this matter.

7 CHIEF HOGAN: Thank you, Brian and
 8 Ron.

9 CHAIRWOMAN KWAAK: Okay. Anybody else
 10 from the Board?

11 MR. CASTRONOVO: I have a question
 12 about the -- it was supposed to be a for-sale or we
 13 thought it was going to be rental units and now
 14 they're going to be for-sale. The attorney
 15 mentioned something about credits. Can someone
 16 please explain that again slowly so I could
 17 understand?

18 MR. CUCCHIARO: Sure.

19 MR. CASTRONOVO: Are we losing -- are
 20 we applying those credits to a future project?

21 MR. CUCCHIARO: Well --

22 MS. BEAHM: No.

23 MR. CUCCHIARO: -- we're applying the
 24 credits to a different project. There are other
 25 rental --

15

1 MS. BEAHM: Bonus --

2 MR. CUCCHIARO: -- projects --

3 MS. BEAHM: Bonus -- rental bonus
 4 credits is what we're reallocating, not credits.
 5 They're still obligated to provide us with their
 6 actual construction credits. The bonus credits will
 7 be applied to some other project.

8 MR. CUCCHIARO: So what happens is,
 9 under the regulations, there is an effort, a
 10 regulatory effort, to promote rental housing and one
 11 of the ways that it does that is that it gives you,
 12 and it's capped but it gives you bonus credits for
 13 rental units, so a rental unit is actually
 14 satisfying more than one unit of responsibility for
 15 the town. So the town took full opportunity to get
 16 all of the bonus credits that it could. So what the
 17 concern was is that if this went to for-sale rather
 18 than rental, the town would be losing the bonus
 19 credits, which are the credits above and beyond just
 20 a one-for-one, and in order to maintain those bonus
 21 credits, basically other units -- other projects
 22 that have rental units would now be providing it in
 23 order to get to that cap again. So the town would
 24 still have the same number of total credits, it's
 25 just that there would be a different allocation of

16

1 them, and basically, that was a decision that, you
 2 know, conceptually has been agreed upon and I know
 3 there's a consent order being circulated between
 4 Stavola, between the township and Fair Share Housing
 5 Center, which is a statewide affordable housing
 6 advocacy group which is required to be a party in
 7 every town's affordable housing compliance plan. So
 8 that's sort of -- it's kind of just mixing and
 9 matching the numbers, but every single -- there's no
 10 new project, it's just that the numbers assigned to
 11 the projects that are in the plan have been
 12 reallocated.

13 MR. CASTRONOVO: So, as you just
 14 summarized, so then it's not like it's going to be
 15 -- we need another project to meet our affordable
 16 housing needs.

17 MR. CUCCHIARO: That's absolutely
 18 correct.

19 MR. CASTRONOVO: Okay.

20 MR. CUCCHIARO: There's no new
 21 project, it's just that another project now will get
 22 those bonus credits and they won't have any more
 23 units either that they're constructing, it's just
 24 their units will be worth more than just, you know,
 25 one to one, it'll be, you know, bonus will be

17

1 applied there rather than here.

2 MR. CASTRONOVO: Okay. And my concern

3 was that it was going to be -- that we were going to

4 have to now find another area or a developer would

5 have to say "Okay, here's the new project that's

6 going on" --

7 MR. CUCCHIARO: Right.

8 MR. CASTRONOVO: -- and now we have

9 another --

10 MR. CUCCHIARO: Right. Excellent

11 question, and absolutely not.

12 MR. CASTRONOVO: Okay. Terrific.

13 Okay, thanks. Appreciate that, thanks.

14 MR. CUCCHIARO: Um-hum.

15 MS. D'AGOSTINO: I have a question to

16 piggyback off that. So those credits -- how many

17 were they, 45? Were they 45 units?

18 MR. CUCCHIARO: I don't know. Jen,

19 what were the amount of credits with the bonus we

20 were going to get?

21 MS. BEAHM: 45 units this year and

22 then assisted living, which we already approved, had

23 additional credits.

24 CHAIRWOMAN KWAAK: But I think her

25 question was what will the bonus credits --

18

1 MS. BEAHM: So there's 22 bonus

2 credits, but bonus is for the entire project, entire

3 plan, town's plan, not this plan, the town plan, so

4 we're fine from a township standpoint; they're still

5 obligated to give us the 45 credits, there's no

6 shortfall, that has nothing to do with our plan,

7 we're good to go.

8 MS. D'AGOSTINO: But I'm just trying

9 to understand, are those 45 units now added to

10 another project that's already been approved?

11 MS. BEAHM: No. This project is 45

12 credits. That's -- that's their obligation. The

13 bonus is because they were going to be rentals. The

14 bonus is the town's bonus. It's not their bonus,

15 it's our bonus. Our bonus now is going to be

16 applied to other projects. It's nothing to do --

17 MS. D'AGOSTINO: That's what I'm

18 saying. That's what I'm saying, are those number of

19 units being put somewhere else --

20 MS. BEAHM: There's no units. There's

21 no units. It's --

22 MR. CUCCHIARO: Let me --

23 MS. D'AGOSTINO: I don't know, you're

24 getting mad at me, I'm just trying to --

25 MR. CUCCHIARO: Let me just break in

19

1 here. So there is a base number of units that

2 relate to the, you know, the actual construction of

3 the projects -- I mean of the units in this project,

4 and then, as I said, townwide, there is a certain

5 amount of credits that you can take above the actual

6 unit --

7 MS. BEAHM: Right.

8 MR. CUCCHIARO: -- for rental, and the

9 town did that and they reached the ceiling for what

10 they were going to do, and in order to get those

11 bonus credits, they said, in the plan, they're going

12 to flow from the rental units on this project.

13 There were other projects that were rental units

14 that didn't have any bonus credits --

15 MS. BEAHM: Exactly.

16 MR. CUCCHIARO: -- because we had

17 reached -- we had reached the maximum, so what's

18 going to happen here is they're still going to have

19 every single affordable unit that they're supposed

20 to have, it's just that there won't be any bonus

21 credits that are being ascribed to it, and a

22 different project that was already in the plan that

23 was never going to get any bonus credits for their

24 rental will now get bonus credits for their rental.

25 MS. D'AGOSTINO: Okay, thank you.

20

1 MR. CUCCHIARO: Um-hum.

2 MR. BROWN: I have a quick question.

3 The change from the rentals to the for-sales, that

4 doesn't change that it will be an HOA?

5 MR. CUCCHIARO: Well, that would be

6 for the applicant to answer, you know, exactly how,

7 you know, the -- it's going to be structured in

8 terms of internal governance.

9 MR. WOLFSON: Dave Fisher of K.

10 Hovnanian can answer that question. He's going to

11 be standing for the public questions as well, so

12 we'll make sure he answers that question.

13 MR. D. FISHER: Either now or later,

14 that's fine.

15 CHAIRWOMAN KWAAK: You want that

16 answer now, today, or can you wait for it?

17 MR. BROWN: I guess I can wait. I can

18 wait, that's not a problem.

19 MR. D. FISHER: I can respond real

20 quick.

21 MR. BROWN: Go ahead.

22 MR. D. FISHER: We've already

23 contemplated the homeowners association --

24 MR. CUCCHIARO: Hold on, hold on. Mr.

25 Fisher, you were previously sworn, correct?

21

1 MR. D. FISHER: Yes, I was.

2 MR. CUCCHIARO: Okay, so you remain

3 under oath and put your name on the record again,

4 you know, just so we have it.

5 MR. D. FISHER: Sure. David Fisher,

6 Vice President, K. Hovnanian Homes.

7 MR. CUCCHIARO: Okay, go ahead.

8 D A V I D F I S H E R, having been previously

9 sworn, testifies as follows:

10 MR. D. FISHER: Yes, Mr. Brown, the

11 way in which we would structure the homeowners

12 association to manage the common area property and

13 also the affordable buildings will remain the same.

14 We've always anticipated this as a for-sale project,

15 so we will have 45 condominiums, affordable, as part

16 of the low- and moderate-income requirements of the

17 project and a homeowners association to manage the

18 market-rate townhomes. And there are shared

19 responsibilities between the two but we treat them a

20 little differently because exterior portions of the

21 condominium buildings are maintained by the condo

22 association.

23 MR. BROWN: Okay. And then the

24 walking path, obviously, bifurcating this would not

25 -- or separating this would not affect the walking

22

1 path between the residential and the commercial,

2 correct?

3 MR. D. FISHER: No, you know, I think

4 as Brian indicated, if those easements aren't in

5 place, you know, we'll wait till they are to install

6 the walking trail, which leaves the property at some

7 point, and that's also to be maintained by our

8 homeowners association.

9 MR. BROWN: Very good. And unless the

10 Board members have any other questions, I'll make a

11 motion to allow for the residential to be --

12 MR. GINSBERG: I have a question.

13 MR. BROWN: Okay.

14 CHAIRWOMAN KWAAK: Wait, Alan has a

15 question. Go ahead, Alan.

16 MR. GINSBERG: What specific project

17 is going to give us the credits that we need?

18 CHAIRWOMAN KWAAK: The credits --

19 we're still getting -- I'm sorry I'm speaking.

20 We're getting the credits for 45 units, it's the

21 bonus credits instead of --

22 (Audio distortion due to multiple speakers)

23 MR. CUCCHIARO: No, I think what he's

24 asking, Madam Chair, is which other project -- which

25 other rental project in the town would get the

23

1 rental credits. I don't know that that decision has

2 been made but there are -- Jen, there are numerous

3 projects that are eligible to receive it and it's a

4 matter --

5 MS. BEAHM: Like, we approved the

6 project, the Toll Brothers project, like, which we

7 consider the diocese, that was approved already, and

8 then we approved the one on Franklin Lane. Those

9 are both rental projects, each eligible for a bonus,

10 but we did not give them bonus because we had

11 already maxed out, so those two projects which we

12 have approved would be eligible to get those bonus

13 credits.

14 MR. CUCCHIARO: So really what it is,

15 it's a matter of just mathematics --

16 MS. BEAHM: Correct.

17 MR. CUCCHIARO: -- you know, on a

18 piece of paper. Nothing physically changes

19 anywhere, it's just that when the Court counts up

20 all the numbers, there's a different project that's

21 going to be the bonus credits, any one of the

22 projects that Jen mentioned, which didn't have them

23 before rather than this, and the Court just cares

24 that, you know, when you add everything up, it adds

25 up to the number it 's supposed to. So there's no,

24

1 you know, physical changes, there's no changes in

2 restrictions, there's no changes in approvals

3 because the approvals already state that they're

4 rentals and we don't go into, you know, bonus

5 credits or anything as part of this process, so it's

6 just a matter of X'ing out, you know, the number of

7 bonus credits here and assigning it to any one of

8 the ones that Jen has identified, but it doesn't

9 change anybody's approval. It's just literally, you

10 know, moving a number from one column to another.

11 MS. BEAHM: Correct.

12 MR. GINSBERG: And it won't affect the

13 town in any way going forward?

14 MS. BEAHM: Correct.

15 MR. CUCCHIARO: The only way to -- I

16 mean, it affects the town in that it remains

17 compliant. If we were not able to move the credits

18 anywhere and the town didn't remain compliant, it

19 would not have agreed to the -- to the deal and

20 that's what everyone was looking at and, you know,

21 not only that, they were looking at, you know,

22 distribution between low, moderate and very low

23 units and things like that. It was ensured by both

24 the township Fair Share Housing Center as well as

25 the applicant that, you know, there was no physical

25

1 change to anything anywhere in the town, no changes
 2 to any approvals, and that the whole thing resulted,
 3 most importantly, in the town retaining its
 4 satisfaction of its affordable housing compliance.
 5 MR. GINSBERG: Thank you.
 6 MR. CUCCHIARO: Um-hum.
 7 CHAIRWOMAN KWAAK: Okay.
 8 MR. BROWN: All right, not seeing any
 9 other questions from Board members, I'll make a
 10 motion to allow the residential to be broken apart
 11 from the rest of the application.
 12 CHAIRWOMAN KWAAK: Okay. So we're
 13 going to take -- can I have a second on this motion?
 14 MR. B. FISHER: I'll make the second.
 15 CHAIRWOMAN KWAAK: Okay.
 16 MS. D'AGOSTINO: Mr. Fisher?
 17 MR. B. FISHER: Yes.
 18 MS. D'AGOSTINO: Mr. Brown?
 19 MR. BROWN: Yes.
 20 MS. D'AGOSTINO: Mr. Castronovo?
 21 MR. CASTRONOVO: Yes.
 22 MS. D'AGOSTINO: Mr. Ginsberg?
 23 MR. GINSBERG: Yes.
 24 MS. D'AGOSTINO: Myself, yes.
 25 Chairwoman Kwaak?

26

1 CHAIRWOMAN KWAAK: Yes.
 2 MS. D'AGOSTINO: Mayor McNaboe?
 3 MAYOR McNABOE: Yes.
 4 MS. D'AGOSTINO: Mr. Jacobson?
 5 MR. JACOBSON: Yes.
 6 MS. D'AGOSTINO: Chief Hogan?
 7 CHIEF HOGAN: Yes.
 8 CHAIRWOMAN KWAAK: Okay. So --
 9 MR. CUCCHIARO: Okay, so now it's
 10 bifurcated and we return to where we were in the
 11 process of -- of this application. Madam Chair, I
 12 would just say prior to opening it up to the public,
 13 I mean, just to confirm, Mr. Wolfson, you have no
 14 further witnesses for your direct case with regard
 15 to the residential portion?
 16 MR. WOLFSON: That's correct.
 17 MR. CUCCHIARO: Okay. And Madam
 18 Chair, I would just reopen it to the Board members.
 19 It's been some time, we've had some discussions, but
 20 just to see if there are any other questions that
 21 the Board members have before we open it to the
 22 public for questions and comment.
 23 CHAIRWOMAN KWAAK: Okay. So --
 24 MR. BOCCANFUSO: Madam Chair, I have
 25 one question before you go to the Board members, if

27

1 you don't mind.
 2 CHAIRWOMAN KWAAK: Sure.
 3 MR. BOCCANFUSO: Since we've now
 4 bifurcated this -- the application and the
 5 residential will be considered perhaps as soon as
 6 tonight for a vote, as the Board probably recalls,
 7 there was testimony and discussion at the last
 8 public hearing about the details of the proposed
 9 lighting within the residential community, Mr.
 10 Fisher and I engaged in conversation about whether
 11 it would be LED or high-pressure sodium. My
 12 recommendation would be, if the Board does get to a
 13 vote here tonight, that that decision be left to the
 14 township, the township engineer and the appropriate
 15 township officials, because if the HOA is going to
 16 be seeking reimbursement from the township in the
 17 future for the lighting costs, I think that the
 18 township should have some say in the specifications
 19 of the lighting that will be installed.
 20 CHAIRWOMAN KWAAK: Okay.
 21 MR. BOCCANFUSO: Mr. Fisher, Mr.
 22 Wolfson, any objection to that?
 23 MR. WOLFSON: Mr. Fisher?
 24 MR. D. FISHER: No, I think that's
 25 fine. We'll accept that.

28

1 MR. BOCCANFUSO: Thank you, Madam
 2 Chair. That's all I have.
 3 CHAIRWOMAN KWAAK: Okay. Jen, do you
 4 have anything before I ask the Board members?
 5 MS. BEAHM: No, ma'am.
 6 CHAIRWOMAN KWAAK: Okay. I'll just
 7 start with the top of my screen. John, any
 8 questions?
 9 MR. CASTRONOVO: No, I don't have any.
 10 Thank you.
 11 CHAIRWOMAN KWAAK: Okay. Todd?
 12 MR. BROWN: No, I do not have any.
 13 CHAIRWOMAN KWAAK: Okay. Brian Shorr?
 14 MR. SHORR: Yeah, I just have a
 15 question. Point of information. This residential,
 16 this is not going to have any recreation facilities,
 17 no pool, no clubhouse; is that correct?
 18 MR. D. FISHER: It does not have a
 19 formal clubhouse or pool. There is a tot-lot play
 20 area that was designed as part of the project at the
 21 recommendation of the Board professionals, and there
 22 was no specific requirements in the ordinance to
 23 construct a clubhouse or pool.
 24 MR. BOCCANFUSO: Okay, thank you.
 25 CHAIRWOMAN KWAAK: Okay. Barry

29

1 Fisher?

2 MR. B. FISHER: I don't have any

3 questions.

4 CHAIRWOMAN KWAAK: Okay. Daria?

5 MS. D'AGOSTINO: No questions.

6 CHAIRWOMAN KWAAK: Rick?

7 CHIEF HOGAN: I'm good. Thank you.

8 CHAIRWOMAN KWAAK: Okay, I have no

9 questions. Steve?

10 MR. KASTELL: I'm good. Thank you.

11 CHAIRWOMAN KWAAK: Barry Jacobson?

12 MR. JACOBSON: I'm good, thank you.

13 CHAIRWOMAN KWAAK: Jack?

14 MAYOR McNABOE: I'm good as well.

15 Thank you.

16 CHAIRWOMAN KWAAK: Alan?

17 MR. GINSBERG: No questions.

18 CHAIRWOMAN KWAAK: Okay. At this

19 time, I'd like to open it to the public. Anyone

20 from the public having any questions with regard to

21 the residential portion of the Stavola project on 33

22 and Woodward Road --

23 MR. CUCCHIARO: It would be questions

24 and comments.

25 CHAIRWOMAN KWAAK: Okay, questions and

30

1 comments, I'm sorry. Either raise your hand or do

2 the "star 9" to let Lisa know.

3 MS. URSO-NOSSEIR: I don't have

4 anything.

5 CHAIRWOMAN KWAAK: I'm sorry, I can't

6 --

7 MS. URSO-NOSSEIR: I don't have

8 anything yet. Let me skim to the next page.

9 (Pause)

10 MS. URSO-NOSSEIR: Nothing.

11 CHAIRWOMAN KWAAK: Nothing?

12 MS. URSO-NOSSEIR: No.

13 CHAIRWOMAN KWAAK: Okay. Then I will

14 close public. So can I have a motion with regards

15 to the residential piece --

16 MR. CUCCHIARO: Well, Madam Chair,

17 just -- you know, I would open it just for

18 discussion and deliberation first and let's also --

19 let's just make sure we all understand -- amongst

20 the Board members, and then let's just all

21 understand exactly what we're voting on.

22 Mr. Wolfson, this is for preliminary

23 and final major subdivision approval as well as

24 preliminary and final site plan approval with regard

25 to the residential?

31

1 MR. WOLFSON: That's correct.

2 MR. CUCCHIARO: Along with any

3 ancillary relief.

4 MR. WOLFSON: Correct.

5 MR. CUCCHIARO: Um-hum.

6 CHAIRWOMAN KWAAK: Do we need to --

7 Ron, do we need to note -- obviously, the block is

8 the same. Do we need to note which lot for the

9 record or no?

10 MR. CUCCHIARO: Well, it's -- we'll

11 address that in the resolution.

12 CHAIRWOMAN KWAAK: Okay.

13 MR. CUCCHIARO: Yeah.

14 CHAIRWOMAN KWAAK: Okay. So I guess,

15 Lisa, if you can unmute the Board members for any

16 discussion, any questions, comments, with regards to

17 this.

18 MR. CUCCHIARO: And if not, you know,

19 we can have a motion.

20 CHAIRWOMAN KWAAK: Okay.

21 (Pause)

22 CHAIRWOMAN KWAAK: Seeing none, can I

23 have a motion with regards to the residential

24 portion?

25 MR. B. FISHER: I'll make the motion

32

1 to accept.

2 MR. CUCCHIARO: I'm sorry, Barry, it

3 was a little difficult to hear, that was a motion to

4 approve?

5 MR. B. FISHER: A motion to approve,

6 yes.

7 MR. CUCCHIARO: Okay, thanks.

8 CHAIRWOMAN KWAAK: Thanks.

9 MR. BROWN: I'll second that.

10 CHAIRWOMAN KWAAK: Thank you.

11 MS. D'AGOSTINO: Mr. Fisher?

12 MR. B. FISHER: Yes.

13 MS. D'AGOSTINO: Mr. Brown?

14 MR. BROWN: Yes.

15 MS. D'AGOSTINO: Mr. Castronovo?

16 MR. CASTRONOVO: Yes.

17 MS. D'AGOSTINO: Mr. Ginsberg?

18 MR. GINSBERG: Yes.

19 MS. D'AGOSTINO: Myself, yes.

20 Chairwoman Kwaak?

21 CHAIRWOMAN KWAAK: Yes.

22 MS. D'AGOSTINO: Mayor McNaboe?

23 MAYOR McNABOE: Yes.

24 MS. D'AGOSTINO: Mr. Jacobson?

25 MR. JACOBSON: Yes.

33

1 MS. D'AGOSTINO: And Mr. Hogan. Chief
 2 Hogan. Sorry.
 3 CHIEF HOGAN: Yes.
 4 CHAIRWOMAN KWAAK: Okay.
 5 MR. D. FISHER: Thank you very much.
 6 UNIDENTIFIED VOICE: Thank you.
 7 CHAIRWOMAN KWAAK: You're welcome.
 8 MR. CUCCHIARO: So Mr. Wolfson, are
 9 you ready to roll into phase two now?
 10 MR. WOLFSON: We are.
 11 MR. CUCCHIARO: Okay.
 12 MR. WOLFSON: We'd like to go next to
 13 Lot 104, which is the corner retail slash
 14 restaurant.
 15 CHAIRWOMAN KWAAK: Okay.
 16 MR. WOLFSON: I'd like to re-call Bill
 17 Lane, our project engineer, from Menlo Engineering.
 18 MR. CUCCHIARO: You know, just because
 19 it's bifurcated, let's just swear in Mr. Lane again.
 20 W I L L I A M L A N E, P.E., first having been
 21 duly sworn, testifies as follows:
 22 MR. CUCCHIARO: And Mr. Wolfson, you
 23 could just very briefly just re-qualify Mr. Lane.
 24 MR. WOLFSON: Sure. Bill, can you
 25 share with the Board, its professionals and the

34

1 public a brief educational and professional
 2 background?
 3 MR. LANE: Sure. I've been with Menlo
 4 Engineering for 36 years, I've been a licensed
 5 Professional Engineer in the State of New Jersey for
 6 over (indiscernible) years, I'm a graduate of New
 7 Jersey Institute of Technology, I've testified in
 8 front of between 80 and 90 Boards throughout the
 9 State of New Jersey, including Manalapan.
 10 MR. WOLFSON: We'd ask that he be
 11 accepted as an expert in the area of civil
 12 engineering.
 13 CHAIRWOMAN KWAAK: His credentials are
 14 sufficient, thank you.
 15 MR. WOLFSON: Thank you, Madam Chair.
 16 DIRECT EXAMINATION BY MR. WOLFSON:
 17 Q. Bill, you gave a rather detailed
 18 orientation of the overall site when you last
 19 testified. Can you just give a brief orientation of
 20 this Lot 104 on the corner and surrounding uses?
 21 A. **Yeah, this is on the southeast corner**
 22 **of Route 33 and Woodward Road. Just to the north of**
 23 **us is the assisted-living facility... (background**
 24 **noise)**
 25 Q. Go ahead, Bill.

35

1 A. **Yeah, then off to the northeast is**
 2 **where we're -- to the northwest is where we're**
 3 **proposing the residential development.**
 4 Q. Okay. Do you want to share your screen
 5 and lead us through the features of the proposal?
 6 A. **Sure.**
 7 (Background noise)
 8 CHAIRWOMAN KWAAK: Lisa, can you
 9 please mute everyone but Mr. Lane, myself and Mr.
 10 Wolfson?
 11 MR. WOLFSON: Okay. We had marked --
 12 just for the record, we had marked ten exhibits and
 13 I believe this is Exhibit A-2, the colored-up site
 14 plan for the retail restaurant. Is that correct,
 15 Bill?
 16 MR. CUCCHIARO: Okay, so because it's
 17 bifurcated, let's just -- we'll accept the exhibits
 18 previously marked as exhibits with the same exhibit
 19 numbers for this portion of the application as well.
 20 MR. WOLFSON: Thank you very much.
 21 Okay, Bill.
 22 MR. LANE: Okay, this plan is entitled
 23 overall plan exhibit, it's dated August 17, 2021.
 24 This is basically our site plan with the landscaping
 25 turned on, rendered, colored, with a Google aerial

36

1 in the background, and again, this shows it at the
 2 corner of Route 33 and Woodward Road. This is Lot
 3 1.04, it's approximately 6.28 acres. What the
 4 applicant is proposing is three buildings. The
 5 first one to the west is a 3,021-square-foot drive-
 6 thru restaurant, the middle building is an 8,000-
 7 square-foot restaurant and retail building, and the
 8 one at the corner of Woodward and Route 33 is a
 9 7,260-square-foot retail building with a drive-thru
 10 restaurant. What we also have is 183 parking spaces
 11 spread throughout the site. There are loading zones
 12 in the back of each one of the buildings. We're
 13 also proposing two driveway entrances and exits onto
 14 Route 33, one all the way to the west and one sort
 15 of centrally in the property. We have a third
 16 driveway that exits out onto Woodward Road. We're
 17 also proposing a stormwater management basin all the
 18 way to the west, everything will discharge into
 19 there, and this will discharge into the Steelhouse
 20 Brook, which travels in a northerly direction.
 21 Sanitary sewer and water will connect to the north
 22 in the northerly section of the property where the
 23 new line that connects between Woodward Road and the
 24 residential development will be installed. We're
 25 proposing 252 new trees across the site, 718 shrubs,

1 and approximately 1700 ground covers. We're also
 2 proposing berms along the front along Route 33 where
 3 a bunch of trees and numerous shrubs will be
 4 installed. For lighting, we've got 14 24-1/2-foot-
 5 high LED light fixtures, along with two LED fixtures
 6 that are along the back of the middle building at
 7 the loading dock. We also have four proposed
 8 dumpsters along the northerly portion of the
 9 property to serve us all three buildings. And with
 10 that, we have two variances. One is for the number
 11 of signs along Route 33, we're proposing one at the
 12 corner and one at each sign. We're allowed one
 13 sign, we're asking for three. And the number of the
 14 facade signs at the drive-thru on Lot 1, we're
 15 looking to propose three.

16 Q. Bill, the number of parking spaces is
 17 sufficient no matter what the mix between retail and
 18 restaurant?

19 A. Yes.

20 Q. Anything else you want to share with
 21 the Board, Bill, on direct?

22 A. **No, I think that covers everything**
 23 **from my head.**

24 Q. Okay.

25 MR. WOLFSON: Madam Chairwoman, he's

1 available for questions.

2 CHAIRWOMAN KWAAK: Is he your only
 3 witness this evening with regards to the retail?

4 MR. WOLFSON: Madam Chairwoman, I have
 5 Chuck Dietz, an architect, I have Justin Taylor,
 6 traffic engineer, and Paul Phillips, the planner.

7 CHAIRWOMAN KWAAK: So let's -- let's
 8 do another witness.

9 MR. WOLFSON: Okay.

10 CHAIRWOMAN KWAAK: Keep going with
 11 your witnesses, please.

12 MR. WOLFSON: Great. I'd like to call
 13 Chuck Dietz, the project architect.

14 MR. CUCCHIARO: Okay, is he on camera?

15 (Pause)

16 MR. CUCCHIARO: I can't see everybody.
 17 Lisa, is Mr. Dietz on camera?

18 (Pause)

19 CHAIRWOMAN KWAAK: I think she's
 20 looking.

21 MR. CUCCHIARO: Okay. I see his name,
 22 his screen --

23 MS. URSO-NOSSEIR: He's on the second
 24 page. Yeah, let me unmute him.

25 MR. JACOBSON: The screen is blank,

1 though.

2 CHAIRWOMAN KWAAK: What's the
 3 gentleman's name?

4 MR. WOLFSON: Chuck Dietz.

5 CHAIRWOMAN KWAAK: Chuck.

6 MR. JACOBSON: (Indiscernible)

7 MR. BOCCANFUSO: Madam Chair, it looks
 8 like he has a telephone as opposed to a microphone
 9 by his name. Maybe he's on the phone instead of on
 10 video.

11 MS. BEAHM: There's a -- there's a
 12 square with his name on it.

13 MR. WOLFSON: Yeah.

14 CHAIRWOMAN KWAAK: Right, but it says
 15 he's on the phone.

16 MS. BEAHM: But it just says -- no, it
 17 says he's muted.

18 MS. URSO-NOSSEIR: Okay, I'm going to
 19 unmute all again.

20 MS. BEAHM: Okay.

21 CHAIRWOMAN KWAAK: Mr. Dietz, are you
 22 there?

23 UNIDENTIFIED VOICE: Are you on
 24 camera, Mr. Dietz?

25 MR. DIETZ: It says that I am, I'm not

1 -- I don't have --

2 MS. URSO-NOSSEIR: It's a black box.

3 MR. DIETZ: -- my video.

4 MR. JACOBSON: Maybe he has to toggle
 5 the camera switch.

6 MR. KASTELL: Maybe the lens is
 7 blocked.

8 MR. DIETZ: I do not have a cross
 9 through my video. Let's see.

10 CHAIRWOMAN KWAAK: You have a camera
 11 on your computer, sir?

12 MR. DIETZ: Yes.

13 CHAIRWOMAN KWAAK: Okay, because we're
 14 seeing a black box with your name on it.

15 MR. DIETZ: I see that.

16 MR. CUCCHIARO: Mr. Wolfson, would you
 17 want to -- I know it's not optimal; do you want to
 18 proceed with one of your other witnesses? Do you
 19 want to take a small break while we work on the
 20 technology? What do you want to do?

21 MR. WOLFSON: No, I think your
 22 suggestion is an excellent one. I'd like to call
 23 Justin Taylor. Chuck, if you need to, you might try
 24 your phone or some alternative way of getting in.

25 MR. CUCCHIARO: Okay. Mr. Taylor, are

41

1 you on camera?

2 MR. TAYLOR: Yes.

3 JUSTIN TAYLOR, first having been duly

4 sworn, testifies as follows:

5 MR. CUCCHIARO: Okay, please state and

6 spell your name for the record.

7 MR. TAYLOR: Justin Taylor,

8 T-A-Y-L-O-R.

9 MR. CUCCHIARO: Okay, Mr. Wolfson, if

10 you could just qualify Mr. Taylor.

11 MR. WOLFSON: Yeah, Justin, could you

12 share with us your educational and professional

13 experience as it's relevant to your testimony

14 tonight?

15 MR. TAYLOR: Absolutely. I'm a

16 licensed engineer in the State of New Jersey as well

17 as Pennsylvania, Texas and Delaware. I'm a

18 certified professional traffic operations engineer

19 through the Institute of Transportation Engineers.

20 I've been practicing traffic planning for over 20

21 years now and I've testified at hundreds of Boards

22 throughout the State of New Jersey, including this

23 Board in the past.

24 MR. WOLFSON: We'd ask that he be

25 accepted as an expert in the field of traffic

42

1 engineering.

2 CHAIRWOMAN KWAAK: His credentials are

3 sufficient. Thank you.

4 MR. WOLFSON: Thank you, Madam

5 Chairwoman.

6 MR. TAYLOR: Thank you very much.

7 DIRECT EXAMINATION BY MR. WOLFSON:

8 Q. Justin, you testified in connection

9 with the site plan for the residential. As we've

10 referred to already, there are significant road

11 improvements attended to commercial projects. Do

12 you want to lead us through that from a traffic

13 perspective?

14 A. **Sure, absolutely. I am going to share**

15 **my screen and put up the... (background noise)**

16 CHAIRWOMAN KWAAK: Hold on one second,

17 sir. Who's on my screen is John C. Can you please

18 mute yourself?

19 (Background noise)

20 CHAIRWOMAN KWAAK: Lisa, can you

21 please mute John C?

22 Go ahead, Justin.

23 MR. TAYLOR: Sure. Thank you very

24 much. I assume everyone can see my screen. This is

25 the exhibit that was prepared by Menlo Engineering

43

1 that was just referenced. Peter, I don't remember

2 what exhibit it is, but this shows the residential

3 component of the -- I mean the retail component of

4 the proposed project.

5 UNIDENTIFIED VOICE: I'm sorry,

6 Justin, I'm not seeing it.

7 MS. BEAHM: It's not just me?

8 MR. CASTRONOVO: I'm not seeing it,

9 Justin.

10 MR. TAYLOR: All right, stop sharing.

11 MR. KASTELL: It says you've started

12 sharing.

13 MR. TAYLOR: Interesting. Gotta love

14 technology. So it is telling me new share -- is it

15 my -- oh. I have -- it seems my computer is

16 completely frozen. You can all still hear me,

17 though, no?

18 CHAIRWOMAN KWAAK: We can hear you and

19 see you, yes.

20 MR. TAYLOR: Okay. My video has

21 frozen on my computer, so I can talk to what's going

22 on without --

23 CHAIRWOMAN KWAAK: Okay, so do you

24 want to unshare your screen, then, so we can see

25 everybody?

44

1 I think he froze. He's freezing up.

2 MR. WOLFSON: I have to say, there's

3 something afflicting all our experts tonight, I

4 don't know what it is.

5 MR. CUCCHIARO: Madam Chair?

6 CHAIRWOMAN KWAAK: Yes.

7 MR. CUCCHIARO: Why don't we take a

8 ten-minute break, let Justin, you know, maybe log

9 out and log back in, maybe Mr. Dietz has better, you

10 know, luck during that time, but --

11 CHAIRWOMAN KWAAK: Okay.

12 MR. CUCCHIARO: -- I think we all just

13 need to kind of reset.

14 CHAIRWOMAN KWAAK: All right, so I

15 have it as 9:33 right now, so we'll come back at

16 9:45, if that works for everyone, giving everybody

17 enough time.

18 MR. TAYLOR: Thank you very much, we

19 appreciate it.

20 (Recess taken)

21 CHAIRWOMAN KWAAK: Okay, I think

22 everyone is back, so let's start again, the time is

23 now 9:45. So we left off, Justin, you were going to

24 be sharing your screen.

25 (Pause)

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1 CHAIRWOMAN KWAAK: You need to unmute
 2 yourself, Justin.
 3 MR. TAYLOR: There you go, perfect.
 4 CHAIRWOMAN KWAAK: Okay.
 5 MR. TAYLOR: And everybody can see the
 6 screen now at this point, correct?
 7 CHAIRWOMAN KWAAK: Correct.
 8 MR. TAYLOR: Okay, perfect. I
 9 apologize about that, but you've heard the testimony
 10 from Bill about a brief overview of what's proposed
 11 here from a retail component. As part of the
 12 project, we performed a traffic impact study, not
 13 only for this section, it really is for the
 14 development as a whole, including the residential,
 15 the assisted living to our north, and the medical
 16 office building further up Woodward Road. We
 17 provided a comprehensive traffic study to get a
 18 picture of what this overall development, even
 19 though we bifurcated it, this overall development,
 20 the traffic impact that was going to be associated
 21 with that.
 22 As part of the project, as you're aware
 23 and as we discussed, we are located along Route 33
 24 and so a good portion of the access and improvements
 25 associated with this are going to fall under the

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1 jurisdiction of the New Jersey Department of
 2 Transportation. So to that end, we had submitted
 3 the application to NJDOT back in February of this
 4 year with the proposed development program that you
 5 see before you, also including the other pieces that
 6 we've discussed and a conceptual layout of proposed
 7 improvements along Route 33 and Woodward Road to the
 8 intersection, to not only mitigate the impact of the
 9 project but also to rectify some of the existing
 10 deficiencies that are currently out there today.
 11 We did receive comments from NJDOT in
 12 relation to that and they had essentially found both
 13 the driveways conceptually acceptable and found that
 14 the improvements at Route 33 and Woodward satisfy
 15 all the mitigation requirements that the project
 16 would be subject to. We are currently in the
 17 process of fully designing those improvements and
 18 submitting back to NJDOT for approval of those in
 19 the near future.
 20 So, essentially, though, from a traffic
 21 perspective, what we looked to do was review the
 22 safety and the operation of the proposed development
 23 as well as the surrounding roadway network in order
 24 to determine if there was capacity for the project
 25 and if any litigation would be necessary based upon

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1 the traffic that's generated by the overall -- the
 2 overall project. In order to do that, we collected
 3 traffic counts in the area as well as ATR data
 4 obtained from other projects in the vicinity. We
 5 looked to NJDOT to their background growth rates in
 6 order to build up that model to the projected build
 7 year of the project. And we also worked hand in
 8 hand with the town's professionals to make sure that
 9 we were incorporating all the other development
 10 that's happened in the area during the time frame of
 11 this project. We collected the GIS development
 12 information and the traffic associated with those
 13 projects and incorporated them into our base model.
 14 We then prepared trip-generation
 15 projections for the overall site and routed that
 16 traffic out onto the network. This included the
 17 assisted living that was previously approved, the
 18 retail components that are up in this parcel that
 19 we're discussing, the residential component that was
 20 just approved, and the medical office building, I
 21 guess it's located further north along Woodward
 22 Road.
 23 Once we had the traffic model of our
 24 no-build or without our development and our build,
 25 we ran capacity analyses to, again, determine the

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1 operational characteristics that are currently there
 2 as well as what would be proposed or what would be
 3 in the build condition after the project comes
 4 through, and what we identify and what the Board,
 5 I'm sure, is aware is that there are existing
 6 deficiencies at this intersection. There are
 7 movements that are operating currently over capacity
 8 with a level of service F, most importantly, the
 9 southbound left-turn lane as you come down Woodward
 10 Road. So when we're looking at mitigating our
 11 impact, we're also starting a little bit behind the
 12 eight ball since the existing intersection is
 13 operating over capacity, and those deficiencies
 14 exist just because of other developments that
 15 currently are there or were approved without any
 16 roadway improvements associated with them.
 17 Saying that, we took a hard look at the
 18 NJDOT requirements that would be necessary to -- for
 19 them to support this project. We took a look at
 20 what improvements could be done to rectify the
 21 existing -- the existing deficiencies, and we came
 22 up with the roadway plan that is shown on this
 23 exhibit prepared by Menlo Engineering.
 24 MR. WOLFSON: Just for the record,
 25 this is A-2, which was used by Bill earlier.

1 MR. TAYLOR: Perfect, thank you.
 2 So as A-2 shows, and I'll kind of just
 3 walk you around the improvements that we came up
 4 with, starting with, as Bill mentioned, we are
 5 proposing right in/right-out driveways along Route
 6 33, one at the eastern end of the property and one
 7 at the western end of the property. We are also
 8 proposing a driveway on Woodward Road that would
 9 permit right turns in and the left and right turns
 10 out of the facility.

11 Moving through the improvements, we are
 12 -- we are currently proposing to add a second left
 13 turn lane along eastbound Route 33. These will be
 14 approximately the same length, approximately 375
 15 feet, as what is currently out there today, but it
 16 will essentially double the storage through, uh,
 17 through the intersection. This allows vehicles that
 18 are destined to our facility, both from a U-turn
 19 perspective to get into the retail or to return to
 20 the residential to our west, but also to access the
 21 other developments that we are proposing along
 22 Woodward Road.

23 Because there will be double lefts and
 24 the ability for two lanes to turn left onto Woodward
 25 Road, we were then required to provide two receiving

1 lanes along Woodward Road. We are -- based on the
 2 NJDOT criteria, we are required to carry them about
 3 700 feet, so the two lanes will extend from the
 4 intersection with Route 33 700 feet to the north and
 5 merge back together into one lane just north of the
 6 full-movement Wawa driveway and the new assisted-
 7 living driveway that's currently under construction.

8 Also, this section will be widened to
 9 provide a two-way left-turn lane. This two-way
 10 left-turn lane will function and service all the
 11 developments, both ours and the existing, along
 12 Woodward Road in this section, and again, extends
 13 about 750 feet from the point of our retail driveway
 14 here on Woodward to the north all the way up to the,
 15 um, the medical office building, and I think that
 16 will -- you know what? Can I introduce another
 17 exhibit just to show this? This is Menlo's exhibit,
 18 and I'm sure Bill can verify it when he comes up to
 19 discuss this, but it was a rendering of the site
 20 plan that was submitted as part of the -- the
 21 overall site plan package.

22 MR. WOLFSON: That exhibit is A-3.

23 MR. TAYLOR: Perfect. And this shows
 24 the medical office building, but really, the purpose
 25 of bringing this up is to just illustrate the two-

1 way left-turn lane that continues all the way up
 2 through -- past the last Sportika driveway and we
 3 would be constructing a left-turn lane into Sportika
 4 and then necking down to one lane in each direction
 5 prior to the bridge.

6 We're going back to the retail
 7 component. We are also proposing to widen the
 8 westbound shoulder through the section. It
 9 currently provides between 8 and 10 feet along our
 10 frontage, but it will be widened to 12 feet to
 11 operate as a de facto acceleration/deceleration lane
 12 for vehicles that will be entering and exiting the
 13 proposed retail component.

14 We are also lengthening the southbound
 15 right-turn lane at the intersection to provide 375
 16 feet of storage for the existing proposed traffic
 17 volumes.

18 Moving back to the intersection, we
 19 are also proposing an eastbound right-turn lane that
 20 would be turning -- for vehicles to turn southbound
 21 onto Woodward Road, and finally, which is invisible
 22 in this aerial, in this rendering, we are also
 23 slightly modifying the northbound approach of
 24 Woodward Road, partially to accommodate the new
 25 right-turn lane and the radius at the intersection

1 that would be -- that would connect to that, but
 2 also to better align the northbound and southbound
 3 approaches. Currently, as you travel north on
 4 Woodward Road, the through lane points you
 5 essentially into the curb line to Wawa, and what we
 6 were able to do with the proposed widening that we
 7 have here is essentially straighten that out a
 8 little bit so that, as vehicles are traveling
 9 through intersection, they are correctly aligned
 10 with their receiving lanes and eliminates the
 11 confusion that happens with these offset, uh, these
 12 offset intersections today. This actually
 13 represents a great safety improvement over what's
 14 there today to correctly align those vehicles where
 15 they should be traveling.

16 And what all these improvements allow
 17 us to do is to make modifications to the signal
 18 timings for the project. We're actually able to add
 19 green time back to that southbound approach that was
 20 operating over capacity and to be able to help that,
 21 one, from our additional traffic but also, again,
 22 from the existing traffic that's there. We're able
 23 to add between 6 and 10 seconds to the cycle life.
 24 So every 90 seconds, that approach is going to get
 25 between 6 and 10 additional green-time seconds to

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1 help process the volume that's coming through the
2 intersection.

3 As I did mention, DOT has reviewed all
4 of these calculations and has, uh, has approved the
5 layout and the signal timings as they are proposed
6 and shown on this plan. It does meet all the level
7 of service and operational requirements of the
8 NJDOT.

9 We also, you know, in the design, we
10 really took a look at the length of turn lanes that
11 would really be required and how to process the
12 volume along with accommodating the proposed
13 development, and one of the things we were looking
14 at was the storage light for the left-turn lanes
15 here. Now, all of the storage lanes have been
16 designed to accommodate the average queues during
17 the peak hours. That is essentially during the vast
18 majority of the peak hour, which is the busiest
19 hours throughout the day at the intersection, to
20 accommodate the vast majority of those, with the
21 exception of the southbound left-turn lane, which is
22 currently operating over capacity. We accommodate
23 the average queues through there through, uh,
24 through all three of the peak hours. We do not meet
25 the 95th percentile during two of those hours, but

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1 what we did look at is, while the 95th percentile
2 may extend slightly beyond what's being proposed,
3 they do clear every cycle, so that even though they
4 may send four, say, 95 percent of the time during
5 the peak hour or maybe three minutes during the
6 entire day, even then, it will clear the proposed
7 driveway through the retail and allow the safe
8 maneuvering of vehicles to and from that driveway.

9 So based on all that, that's a brief
10 synopsis for -- not so brief synopsis for the
11 proposed improvements and the rationale over what
12 we're looking to do. I think these improvements
13 represent a vast improvement over the operation of
14 what's out there today. I think that they do meet
15 and -- meet our obligation and mitigate any impact
16 that the proposed project might have. And as I
17 said, they have been conceptually approved by the
18 Department of Transportation for both the
19 improvements along Route 33 but also the layout and
20 the improvements of Woodward Road since they are
21 partially under the jurisdiction of the Department
22 because of the approach to -- to the intersection
23 with Route 33.

24 The other thing we did look at as part
25 of this was the on-site circulation and layout of

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1 the project. Now, you've heard testimony from Bill
2 about the proposed parking spaces. We do meet and
3 exceed the ordinance requirement for -- for the
4 retail component. We also have designed the site to
5 meet the ordinance requirements for both aisle
6 widths and parking-stall length and width.

7 There was a question within the review
8 letters from the Board's professionals about the
9 operation of the drive-thrus and I'm just going to
10 briefly touch on that. Both driveways are -- or
11 both drive-thru lanes, excuse me, are designed to
12 accommodate between 10 and 12 vehicles. We are
13 currently proposing a Burger King on the western end
14 of the property. The average queue that you would
15 see in a Burger King is probably between five or six
16 people, so -- which is more than sufficient within
17 that queueing for the proposed use that we know.

18 There is the potential for a drive-
19 thru on the easterly building, and at this point, we
20 don't have a tenant for that, but that's also been
21 designed to accommodate 10 to 12 vehicles, which,
22 barring a Chick-fil-A, which this won't be, it's
23 really sufficient to accommodate pretty much all of
24 the quick-service restaurants that are out there
25 today, be it a Dunkin' Donuts or Starbucks, be it

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1 another smaller Popeye's or, you know, fast-food
2 restaurant. There is sufficient capacity in that
3 queueing lane to accommodate pretty much any tenant
4 that we are going to put in there. So we feel
5 comfortable, even not knowing the specific tenant
6 that's there, that it has been designed to
7 accommodate the tenant in the future.

8 UNIDENTIFIED VOICE: I don't fucking
9 get it.

10 CHAIRWOMAN KWAAK: Excuse me, sir.
11 Thank you.

12 MR. TAYLOR: So in conclusion, you
13 know, we've taken a look at this -- this part of the
14 project, and the project really is an overall hole
15 in a couple varied ways. We looked at the capacity
16 of the surrounding roadways and what was really
17 necessary to mitigate our impact, and we've come up
18 with very substantial improvements that not only fix
19 the existing issues that we observed out there but
20 also mitigate the impact of -- of our project. And
21 we have reviewed the site layout for both
22 conformance with the ordinance as well as safe
23 circulation throughout the site and to and from the
24 roadway network.
25 (Pause)

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1 CHAIRWOMAN KWAAK: Justin, you're
 2 done?
 3 MR. TAYLOR: That's all I have on
 4 direct, yes.
 5 CHAIRWOMAN KWAAK: Okay. Can you
 6 unshare your screen, please?
 7 MR. TAYLOR: I can, hopefully.
 8 CHAIRWOMAN KWAAK: Okay. Looking at
 9 the time it is this evening, at this time, I would
 10 like to ask our professionals, we're going to do
 11 some questions for the two witnesses that were
 12 testifying this evening, so Jen or Brian, whichever
 13 would like to start, do you have any questions for
 14 either of their witnesses tonight?
 15 MR. BOCCANFUSO: Yeah, I do, Madam
 16 Chair.
 17 CHAIRWOMAN KWAAK: Okay.
 18 MR. BOCCANFUSO: I guess we'll start
 19 with Justin since he's fresh and on the screen.
 20 So Justin, I think that -- I appreciate
 21 the testimony, I think you did a good job outlining
 22 the, um, the off-site improvements to the
 23 intersection that are proposed. As you indicated,
 24 those will be subject to NJDOT approval. I guess
 25 the first question I have is: You indicated that

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1 you had submitted to them in February. What is the
 2 latest update and comments that you have from the
 3 DOT relative to what's proposed here?
 4 MR. TAYLOR: So we received comments
 5 from them on the 30th of June and we have been
 6 working towards the development of the -- the full
 7 design plans since then, we had (indiscernible)
 8 shortly. There were some minor comments that they
 9 had but nothing that changed or altered the design,
 10 so we felt comfortable based on that to proceed with
 11 the full design plans.
 12 MR. BOCCANFUSO: Gotch ya. Okay. I
 13 think the most significant thing that we have to
 14 address, we'll call it "the elephant in the room,"
 15 is the retail driveway to Woodward Road. I know
 16 this is something that we had discussed when we were
 17 in the conceptual phases of the application, and as
 18 we indicated in our engineering report of August 23,
 19 we have concerns relative to the left-turn movement
 20 from that retail site, that retail driveway, onto
 21 Woodward Road. I am personally concerned with the
 22 safety of it. I think that, as you indicated, your
 23 95th percentile queues for two of your three peak
 24 hours analyzed indicate that the 95th percentile
 25 queue will extend past that driveway, and I have

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1 some concerns with the ability for vehicles to
 2 safely egress the site making a left turn onto
 3 northbound Woodward Road. This was something that
 4 was brought up during the original application for
 5 this site, which was the original subdivision and
 6 the site plan for the assisted living. It was
 7 tabled at that time, albeit not completely, because
 8 the Board felt it necessary to provide an access
 9 easement between the assisted-living site and the
 10 subject site. My personal opinion is that the
 11 feasibility and availability of a joint access drive
 12 through the assisted-living facility would be the
 13 safest way to provide left turns out of the site.
 14 Absent that, I think that a left-turn restriction
 15 really should be considered at that location. I
 16 believe the comment was also echoed in Jen's report
 17 and I have a feeling we're going to hear about it
 18 when we get to questions and comments from the
 19 Board, so I just would like you to perhaps address
 20 that or clarify if you investigated as part of your
 21 design and analysis the feasibility of providing a
 22 shared access driveway with the adjacent assisted-
 23 living facility.
 24 MR. TAYLOR: Sure, absolutely, I think
 25 I can take that apart into a couple things, maybe

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1 start with the last first.
 2 As we had previously testified to, in
 3 my experience as a traffic planner, the mixing of
 4 retail traffic and the traffic associated with an
 5 assisted living, I think are a poor decision. I
 6 don't think that they're (indiscernible) and so
 7 driving additional traffic through the assisted
 8 living, I, you know, I didn't think it was a great
 9 idea, which is one of the reasons we took a hard,
 10 knowing that the Board had concerns at that
 11 application of the operation of this driveway for
 12 the retail component. And it was something that we
 13 paid critical attention to as we were laying out the
 14 design of the intersection and the improvements to
 15 all of the intersection, and that's one of the
 16 things we looked at. So I agree with you that
 17 during the a.m. peak hour and during the Saturday
 18 peak hour, we do extend beyond that driveway during
 19 the 95th percentile, but maybe it makes a little
 20 sense to unpack what that means. Right? The 95th
 21 percentile means that during 5 percent of that --
 22 the busiest peak hour, there's the potential that
 23 the queue extends to the numbers that are set forth
 24 in the traffic study. To break that down even a
 25 little further, right? That's three minutes, three

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1 minutes during a day, that there's the potential
2 that the queue may extend beyond this driveway. So
3 0.2 percent of the time, there's the potential that
4 that may extend beyond it. The entire rest of the
5 day, it's clear. So from that perspective, I have
6 no safety concern with the operation of the
7 driveway. But also, from a traffic-circulation
8 standpoint, if we were to eliminate that left out,
9 what you would essentially be doing is now routing
10 traffic further to Route 33 through possibly the
11 intersection of Millhurst Road or the intersection
12 of Iron Ore Road to turn around and return people
13 to, really, the heart of Manalapan, north here up
14 Woodward Road. So the additional circulation of
15 vehicles out through the roadway network when
16 there's the ability to turn them left here, I think
17 provides a better planning alternative, from a
18 traffic -- from a traffic perspective.

19 MS. BEAHM: All right, so I'm going to
20 just jump in. You're not a planner, right?

21 MR. TAYLOR: I'm a -- from a traffic
22 planning perspective, Jen.

23 MS. BEAHM: No, there's no traffic
24 planning perspective. You're not a planner,
25 correct?

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1 MR. TAYLOR: That is correct.

2 MS. BEAHM: So when you keep saying
3 "from a planning perspective," et cetera, you're not
4 a planner, you're a traffic engineer, correct?

5 MR. TAYLOR: My apologies, I will say
6 "from a traffic planning perspective" --

7 MS. BEAHM: Okay.

8 MR. TAYLOR: -- because that's --

9 MS. BEAHM: I'm not asking for your
10 traffic planning perspective. You're a traffic
11 engineer, you're not a planner, and while you can
12 opine on how traffic moves and the levels of
13 service, et cetera, you do not have a P.P. or an
14 AICP and you are not a planner so you can't opine on
15 a planning -- from a planning perspective.

16 MR. TAYLOR: Absolutely. So let me
17 rephrase. From a traffic engineering perspective --

18 MS. BEAHM: Thank you.

19 MR. TAYLOR: -- I believe that it
20 provides a better engineering design to have
21 vehicles not circulate onto -- through multiple
22 intersections when they don't have to. I apologize
23 for my vernacular.

24 MS. BEAHM: No, I appreciate that
25 because, you know, I -- I understand your

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1 engineering position, I have to disagree with your
2 assertion about the combination of uses and how
3 they're going to work together because, quite
4 honestly, that's kind of outside your area, correct?

5 MR. TAYLOR: I think, from an
6 engineering perspective, it's my expertise, but from
7 a planning --

8 MS. BEAHM: No, from a traffic
9 engineering perspective, correct?

10 MR. TAYLOR: Well, I mean, I hold a
11 P.E. and a civil engineer, I've testified --

12 MR. CUCCHIARO: All right, let me
13 break it down.

14 CHAIRWOMAN KWAAK: Guys --

15 MR. CUCCHIARO: So you are qualified
16 as an expert traffic engineer, you are not a
17 planner, the Board understands the difference and
18 will assign the appropriate weight to your, uh, to
19 your testimony.

20 MR. TAYLOR: Absolutely, and I
21 apologize about using the wrong -- the wrong
22 terminology. But getting back to the safety and
23 operation of the driveway, right? We looked at when
24 it could possibly be blocked at 0.2 percent of a
25 day. We also looked, and in the analysis software,

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1 we have two types of delay that's considered. It's
2 called "control delay" and "queue delay." Right?
3 "Control delay" is how long a vehicle's sitting
4 there based on the signal timings of the signalized
5 intersection. And "queue delay" is essentially what
6 spill-back is if the vehicles aren't getting through
7 the intersection. That, in itself, creates
8 additional delay through the intersection that gets
9 incorporated into the average delay for the -- for
10 the peak hour. And what we find here is, during all
11 of the peak hours, there is zero queue delay for the
12 southbound approach. What that translates into is
13 that the -- the, uh, the approach will be clearing
14 during that signal phase. So what that translates
15 into is that the -- if the driveway is blocked for
16 one of the cycle lengths during the busiest peak
17 hour, the volume there then clears that driveway,
18 allowing for vehicles to exit the site safely. This
19 is exemplified when you really dig into the analysis
20 of the driveway because that driveway is operating,
21 even the left-turn-out -- right? -- is operating at
22 level of service C, as in cat, or better, and so
23 what it shows is, even with the volume that's
24 currently traveling on Woodward Road, coupled with
25 the new volume that's being proposed by our other

1 pieces of our project, we're still operating at a
2 level of service C. So from an operational
3 standpoint, I don't see any safety concern with the
4 driveway. From a visibility standpoint, you have
5 clear sight lines both up and down Woodward Road to
6 make a determination whether you would exit the site
7 safely. So from that perspective, I see no safety
8 concern with the driveway.

9 So I understand it's a sensitive
10 subject and it is one of the biggest things walking
11 into this project that I knew we were going to have
12 to look at, but I think, based on what's shown in
13 our study and what's shown in the analysis, that the
14 driveway is going to operate safely and efficiently
15 and I think it's really necessary, from a traffic
16 engineering perspective, to minimize the circulation
17 of vehicles out onto Route 33 and through other
18 intersections on Route 33 that are unnecessary.

19 MR. WOLFSON: Madam Chairwoman --
20 CHAIRWOMAN KWAAK: Yes.

21 MR. WOLFSON: -- there's another
22 reason why the connection, and this was testified to
23 at the time of the assisted living, both preliminary
24 and final, there's another factor that is a big
25 problem and I'd like to re-call Bill Lane just to

1 talk about the grade issue between the two sites.

2 CHAIRWOMAN KWAAK: Okay.

3 MR. WOLFSON: Bill, can you just
4 explain to the Board the relative grades and the
5 slope percentage it would be and how that exceeds
6 any -- any reasonable or safe standard?

7 MR. LANE: Yeah. With the assisted
8 living facility, we have, along that northerly
9 property line, there's an emergency access driveway
10 that comes in, it's roughly coming down at about 5
11 percent, then we have, if we were looking at the
12 grade on our property, at that driveway, which is
13 about 30, 32 feet away, it's a little over -- it's
14 about 5-1/2 feet, a little over 5 feet, so as you
15 come down, you're coming down at a slope of almost
16 20 percent and then you'd be angled over at 5
17 percent to come into that emergency access path that
18 leads around the back, so it's leading to a very
19 steep-sloped driveway and a very angled, sloped
20 driveway to tie into that emergency access path and
21 then continue over into the parking lot.

22 MR. WOLFSON: So in your opinion,
23 that's an unsafe design?

24 MR. LANE: Yeah, I mean, that 's
25 incredibly steep for, you know, looking to get

1 traffic two ways in and out and through the parking
2 lot, especially where you have the entrance coming
3 in right there. It's very steep.

4 MR. BOCCANFUSO: Mr. Lane, is there
5 any reason why you can't lower the grade on the
6 proposed retail site, which is currently vacant?
7 Currently, it's just designed on paper, right?

8 MR. LANE: Currently, you'd have to
9 start dipping down and we ran a nice slope out
10 towards Woodward Road, you know, we would have to
11 start re-looking at it to engineer it to see how it
12 would work out, but like I said, currently as we
13 have it, adjusting drainage and running, you know,
14 stormwater as much as we can over at the basin, but
15 it would have to be looked at.

16 MR. CUCCHIARO: So the answer to the
17 question is, you know, tonight, you're not able to
18 say yes or no, you need to -- to review it more?
19 And we're not going to finish tonight so, I mean,
20 it's something that we can look at and you can have
21 some dialogue with Mr. Boccanfuso between now and
22 the next meeting about it as well.

23 MR. LANE: Yeah, we have -- Brian, we
24 have drainage out there so it would definitely be
25 something to look at because we're concerned with --

1 and again, like I said, I can't look at it on the
2 fly right now, but if we have coverage issues, that
3 could be a
4 reason why we have it up there, you know, with
5 getting coverage over the inlets back towards the
6 basin because it's all, you know, outside the
7 property, but, you know, if that's something you
8 would want us to look at, we would have to look at
9 that in a little more depth, but that could be a
10 concern of why we can't drop that out there.

11 MR. BOCCANFUSO: Yeah, I fully
12 understand and acknowledge that it's not as simple
13 as just, you know, striking a line; obviously, you
14 change one thing, that impacts other things that you
15 didn't anticipate. My point is that it's -- you
16 know, there could be an engineering solution; I
17 mean, just to say there could be a 20 percent slope,
18 yes, that could be the case now, but I mean, there's
19 grading on every project. You know, the current
20 design may not contemplate it, but I don't think
21 it's correct to say that it's impossible. One
22 option would be to lower the grade on the retail
23 site, another possible alternative would be to raise
24 the grade or the access on the assisted-living site
25 within the access easement that's been granted. So

1 I think it's something that, you know, should be
2 looked at, it's a separate issue from the mixing of
3 the assisted living and retail which Justin spoke
4 about, but I think that it's something that
5 certainly should be contemplated if you're going to
6 rely on the grade as a reason why cross-access is
7 not feasible.

8 MR. WOLFSON: Madam Chairwoman, I
9 agree with Ron Cucchiaro, we are going to be back,
10 that's clear. There's a stark disagreement in terms
11 of the safety of the left movement out of the
12 driveway. Our expert has testified unequivocally
13 that it's a safe condition. We respect the concerns
14 that have been expressed, so we will again consider
15 whether there's any other opportunities.

16 CHAIRWOMAN KWAAK: Okay. Brian, do
17 you have any other questions?

18 MR. BOCCANFUSO: Just one more on this
19 specific issue for Justin.

20 Justin, you indicated that there's
21 clear sight distance along Woodward Road to the
22 north and south. In your opinion, would the --
23 during the 99.8 percent of the day, I think you
24 indicated it's .2 percent when the queue
25 (Indiscernible) that driveway. During the other

1 portions of the day when there's a lesser queue, do
2 you believe that those queued vehicles themselves
3 would inhibit sight distance from the driveway?

4 MR. TAYLOR: I don't. I think what
5 the location of the driveway and the stacking of the
6 vehicles allows is for visibility into the
7 intersection, and I think you'll be able to see
8 whether or not there's a right-turning vehicle
9 coming westbound on Route 33 or whether the signal
10 indication has changed and you're having vehicles
11 come across the intersection from the southern side
12 of Woodward. So no, I don't see them as an
13 imposition to sight lines or to safely exiting the
14 site.

15 MR. BOCCANFUSO: Okay, and just a
16 follow-up, so the way that the north- and southbound
17 approaches are going to function, are going to be
18 processed through the intersection, the green times
19 will be simultaneously -- simultaneous; is that
20 correct?

21 MR. TAYLOR: That is correct, yes. We
22 are running northbound and southbound together,
23 that's correct.

24 MR. BOCCANFUSO: Okay, so as those
25 queues clear, thereby creating a gap for vehicles to

1 exit the retail site and make a left onto Woodward,
2 wouldn't vehicles also be approaching in the
3 northbound direction from the opposite side of
4 Woodward through the green light?

5 MR. TAYLOR: There is -- during the
6 time, there is that function of it. I'm on the
7 wrong -- give me one second. I believe we are
8 running it at advanced, though, so give me one
9 second.

10 (Pause)

11 MR. TAYLOR: Yes, so at the time that
12 they're coming across, there will be other vehicles
13 coming in the northbound direction, but as that
14 queue dissipates and runs all the way down to the
15 intersection -- to the stop bar, there's an ability
16 there for the vehicles to be able to -- to then fill
17 in the back and/or exit the driveway. It's not a
18 continuous queue at that time; it happens, like I
19 said, about, you know, about three minutes,
20 possibly, through that whole peak hour.

21 MR. BOCCANFUSO: Understood. Okay.
22 Just a few other items; I'll try and be brief.

23 As you are familiar with, I think, the
24 previous applications, not this one, other
25 applications, the township requests that, as you

1 seek your approvals from the DOT, that you request
2 striping improvements, acceleration/deceleration
3 lanes into the site driveway. Is that something
4 that's proposed here, and if not, is it something
5 that you can request from the DOT?

6 MR. TAYLOR: So as I think I
7 mentioned, in this area, I don't think acceleration/
8 deceleration lanes are the best alternative, given
9 that we have environmental constraints just to our
10 west, and that's one of the reasons why the site is
11 limited in its developed or designed in the
12 development program that it is. I think what is a
13 better design alternative is to provide the full-
14 width shorter and that allows, essentially as a de
15 facto, acceleration/deceleration by allowing
16 vehicles to slow down in the shoulder and enter and
17 exit the sight driveways, but I don't think that a
18 full-width accel/decel would be the best design in
19 this location.

20 MR. BOCCANFUSO: And I would tend to
21 agree with you, I think that the full-width shoulder
22 would address the concerns, but what I would ask is
23 if there's some striping improvements that could
24 kind of taper into the site within that shoulder. I
25 don't know if that's something the DOT would

1 entertain or if it's anything that you've done on
2 previous applications. I think that would -- while
3 I don't want to speak for the Board, I do have
4 experience in this field dealing with the Board, I
5 think that that would address the concerns if the
6 Board tends to act.

7 MR. TAYLOR: Absolutely. We'll make
8 sure we incorporate that into our next submission to
9 DOT, and if they approve it, we have no issue with
10 that.

11 MR. BOCCANFUSO: Great. And then the
12 last item I have with regard to traffic specific to
13 the retail site is with respect to the drive-thru
14 lanes. So you indicated that, currently, a Burger
15 King is anticipated in the westerly site; obviously,
16 that's -- I shouldn't say "obviously." I wouldn't
17 anticipate that that's finalized in any way, but you
18 indicated that, at the lower location where you have
19 a drive-thru lane designed, you're not sure of the
20 tenant, and you indicated, as long as it wasn't a
21 Chick-fil-A, it should be fine. You mentioned that
22 perhaps it could be a Starbucks. Now, I have not
23 personally performed any traffic studies on
24 Starbucks locations nor have I reviewed any, but my
25 observation has been such that those uses, coffee

1 shops, Starbucks, Dunkin' Donuts, exhibit very long
2 queues at their drive-thru lanes, particularly
3 during the morning hours, I would say well in excess
4 of the 10 or 12 vehicles that you indicated. So my
5 recommendation would be that if that type of use is
6 proposed here, that a specific analysis be performed
7 at other such locations to confirm that there is
8 enough drive-thru capacity so that it can operate
9 safely and not cause congestion within the site.

10 Do you have any experience with those
11 specific types of locations or would you be able
12 to -- you and your staff be able to perform a study
13 like that?

14 MR. TAYLOR: So I can tell you, we --
15 I just testified for a Starbucks within Monroe that
16 we're currently working on. We do corporate work
17 for Starbucks. And their current prototype design
18 is a 12-car queue with an order board of about seven
19 vehicles. That's where they've determined that the
20 optimum distance is to keep both -- to keep the
21 drive-thru queue moving but also to allow their
22 people to make the various coffee drinks that take a
23 little longer than, say, a Dunkin' Donuts just
24 pouring a cup of coffee. They've determined that
25 that seven-car point allows approximately three and

1 a half minutes from order to pickup and that, beyond
2 that, they're looking for about five cars to fill
3 out the full 12 of the queue. So that's what we're
4 designing for Starbucks currently.

5 Dunkin' Donuts, we've done in the past
6 and they're slightly -- slightly smaller than that,
7 about 10 cars currently. So that's why I opined
8 that, even if it were those uses, I feel comfortable
9 in this location with a drive-thru layout.

10 MR. BOCCANFUSO: But those numbers are
11 based upon their corporate preferences or their
12 corporate standards, not -- are they based upon any
13 analysis of existing sites?

14 MR. TAYLOR: So our -- our Dunkin'
15 Donuts information is; the Starbucks information, we
16 have collected in the past but that's -- it was
17 actually showing shorter queues than that. This is
18 their current -- this is their current design based
19 on their analysis; they're coming up with this
20 corporate tenant.

21 MR. BOCCANFUSO: Understood. Okay.
22 Madam Chair, that's all the questions I have for
23 Justin right now.

24 CHAIRWOMAN KWAAK: Okay. Seeing what
25 time it is this evening and we're obviously not

1 going to finish, so Board members, write your
2 questions down for the next meeting. I would like
3 to carry this application, Mr. Wolfson, to another
4 meeting to continue.

5 MR. WOLFSON: Madam Chairwoman, we
6 have -- in order to have all our experts available,
7 we would request we be carried to the 11th of
8 November.

9 CHAIRWOMAN KWAAK: Okay. Lisa, I'm
10 taking a look at the calendar; the 11th is our
11 November meeting, correct?

12 MS. URSO-NOSSEIR: Yes.

13 CHAIRWOMAN KWAAK: Okay. We don't
14 have anything else on that evening, do we, as of
15 this moment?

16 MS. URSO-NOSSEIR: No, not for
17 November 11.

18 CHAIRWOMAN KWAAK: Okay. Yeah, that's
19 Veterans Day. Okay. I have no problem carrying
20 that meeting. My professionals?

21 MR. CUCCHIARO: That's fine, Madam
22 Chair. I can make the announcement if you wish.

23 CHAIRWOMAN KWAAK: Okay, go right
24 ahead.

25 MR. CUCCHIARO: The applicant, Stavola

1 Asphalt Company, Application PPM2104, will be
 2 carried to the Board's November 11, 2021 meeting,
 3 which will begin at 7:30. That will be a virtual
 4 meeting. The instructions on how to access the
 5 meeting will be available on the township's website
 6 at least ten days prior. All documents will be
 7 available on the township's website. There will be
 8 no further notice to property owners. Again, the
 9 application of Stavola Asphalt Company is being
 10 carried to November 11, 2021, virtual meeting
 11 beginning 7:30, no further notice.

12 MR. WOLFSON: I'd like to thank the
 13 Board and its professionals for their time tonight
 14 and their consideration, we appreciate it and we'll
 15 see you on the 11th.

16 CHAIRWOMAN KWAAK: Thank you.

17 MR. WOLFSON: Thank you.

18 (Hearing adjourned at 10:27 p.m.)

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CERTIFICATE

I, MICHELE QUICK, a Certified Court Reporter, Registered Merit Reporter, Certified Realtime Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S. 41:2-1, do hereby state that the foregoing is a true and accurate verbatim transcript of my stenographic notes of the within remote proceedings, to the best of my ability.

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