

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

**Planning Board Minutes**

**September 8, 2022**

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:36 p.m., followed by the salute to the flag.

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

In attendance at the meeting: Daria D'Agostino, Barry Fisher, Todd Brown, John Castronovo, 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 Ms. D'Agostino, Seconded by Mr. Brown to approve the Minutes of August 25, 2022 as written.

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

**Resolution:** PPM2104 ~ Stavola Asphalt Company  
Stavola Woodward Road - Medical Office  
Woodward Road and Route 33  
Block 7232 / Lots 1.04, 1.06 and 2.04  
Bifurcated Preliminary and Final Major Site Plan

Mr. Cucchiaro announced that the applicant has requested additional time to review the resolution. The resolution for PPM2104-Stavola Asphalt Company will be carried to the Planning Board Meeting of September 22, 2022.

**Applications:** PPM2043 ~ Woodward Estates, Inc.  
Millhurst Road ~ Block 67 / Lots 22, 25, 32, 35.02  
Preliminary and Final Major Subdivision  
Preliminary and Final Major Site Plan

*\*Please refer to the attached transcript of the  
Woodward Estates hearing\**

Application PPM2043~Woodward Estates, Inc. will be carried to the September 22, 2022 Planning Board meeting with no further notice to property owners.

Chairwoman Kwaak opened the floor to the public for any non-agenda questions or comments. Seeing none, the public section was closed. The next meeting is September 22, 2022.

Chief Hogan made a Motion to end the meeting at 10:45 pm and it was agreed to by all.

Respectfully submitted,



Lisa Urso-Nosseir  
Recording Secretary

1 TOWNSHIP OF MANALAPAN PLANNING BOARD  
2 COUNTY OF MONMOUTH - STATE OF NEW JERSEY

3 -----  
4 REGULAR MEETING FOR:

5 WOODWARD ESTATES, INC.  
6 BLOCK 67, LOTS 22, 25, 32, 35.02  
7 MILLHURST ROAD

8 APPLICATION NO. PPM2043  
9 -----

10 TOWN HALL MAIN MEETING ROOM  
11 120 COUNTY ROAD 522  
12 MANALAPAN TOWNSHIP, NEW JERSEY 07726

13 THURSDAY, SEPTEMBER 8, 2022  
14 7:30 P.M. TO 10:30 P.M.

15 TRANSCRIPT OF PROCEEDINGS

16 BOARD MEMBERS PRESENT:

- 17 KATHRYN KWAAK, CHAIRPERSON
- 18 TODD BROWN, VICE-CHAIRPERSON
- 19 JOHN CASTRONOVO
- 20 DARIA D'AGOSTINO
- 21 BARRY FISHER
- 22 BARRY JACOBSON, COMMITTEEMAN
- 23 STEVEN KASTELL
- 24 JACK MCNABOE, COMMITTEEMAN
- 25 BRIAN SHORR

26 ALSO PRESENT:

- 27 RON CUCCHIARO, ESQUIRE, BOARD ATTORNEY
- 28 BRIAN BOCCANFUSO, P.E., BOARD ENGINEER
- 29 JENNIFER BEAHM, P.P., AICP, BOARD PLANNER
- 30 RICHARD HOGAN, FIRE CHIEF
- 31 LISA URSO-NOSSEIR, BOARD SECRETARY

32 STENOGRAPHER: ANGELA BUONANTUONO, CCR, RPR, CLR  
33 NJ License No. 30XI00233100

34 AB COURT REPORTING, LLC  
35 Certified Court Reporters  
36 26 Algonquin Terrace  
37 Millstone Township, New Jersey 08535  
38 Tel: (732)882-3590  
39 angelabuonocsr@gmail.com

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

2

HEILBRUNN PAPE, LLC

3 BY: KENNETH L. PAPE, ESQUIRE

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--Counsel for the Applicant

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A L S O P R E S E N T:

17

18 MARVIN SCHMELZER, Principal

19 MATTHEW MARTINIQUE, RA, AIA

Appel Design Group Architects

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I N D E X

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WITNESSES

PAGE

LOUIS ZUEGNER, IV, P.E.  
MidAtlantic Engineering Partners

15

JULIE KOBESKY, L.A.  
Melillo Bauer Carman Landscape Architecture

109

JOHN REA, P.E.  
McDonough & Rea Associates

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PUBLIC COMMENT:

NAME

ADDRESS

PAGE

None.

## 1 E X H I B I T S

2

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6	A-3	Site Plans for Proposed Townhouse Project	22
7	A-4	Site Plans for Proposed Senior Community Project	37
8	A-5	Variance Exhibit	48
10	A-6	Landscape Entry Plan for Townhouse Project	110
11	A-7	Landscape Entry Plan for Senior Community Project	112

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Exhibits not retained by reporter.

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1 (Time noted, 7:35 p.m.)

2

3 CHAIRWOMAN KWAAK: I would like to

4 call this meeting for the Manalapan Township

5 Planning Board for September 8th at 7:36. Sorry for

6 the delay.

7 Pursuant to Section V of the Open

8 Public Meetings Act, notice of this meeting was sent

9 and advertised in the Asbury Park Press. A copy of

10 that notice was posted on the bulletin board where

11 public notices are displayed in the municipal

12 building. In addition, a copy of this notice is and

13 has been available to the public and is on file with

14 the office of the municipal clerk. Accordingly this

15 meeting is deemed to be in compliance with the Open

16 Public Meetings Act.

17 Can we please stand and salute the

18 flag.

19 (Pledge of Allegiance.)

20 CHAIRWOMAN KWAAK: Daria, can you

21 please read the TV disclosure statement.

22 MEMBER D'AGOSTINO: The Township of

23 Manalapan Television Network will be videotaping

24 this meeting for re-broadcast on MTTM Channel 77 on

25 Cablevision and Channel 42 on Verizon Fios.

6

1 By attending this evening attendees

2 acknowledge this recording and agree to allow their

3 image to be broadcast on MTTM Channel 77 and Verizon

4 Fios Channel 42.

5 All attendees and participants agree to

6 conduct themselves in a manner appropriate for a

7 public gathering. Inappropriate behavior or

8 gatherings creating a disturbance or a safety hazard

9 are prohibited inside this meeting.

10 Individual speakers should be advised

11 that no right of privacy protects a citizen's public

12 comments made in a public forum. Any statements

13 made by members of the public to promote or alter

14 public opinion about a candidate for political

15 office, a political party or interest group, are

16 inappropriate and in violation of MTTM broadcast

17 policies.

18 Accordingly all participants bear

19 responsibility for their own statements and

20 commentary.

21 CHAIRWOMAN KWAAK: Roll-call, please.

22 MEMBER D'AGOSTINO: Mr. Fisher?

23 MEMBER FISHER: Here.

24 MEMBER D'AGOSTINO: Mr. Brown?

25 MEMBER BROWN: Here.

7

1 MEMBER D'AGOSTINO: Mr. Castronovo?

2 MEMBER CASTRONOVO: Here.

3 MEMBER D'AGOSTINO: Myself, present.

4 Chairwoman Kwaak?

5 CHAIRWOMAN KWAAK: Here.

6 MEMBER D'AGOSTINO: Mr. McNaboe?

7 COMMITTEEMAN McNABOE: Here.

8 MEMBER D'AGOSTINO: Mr. Jacobson?

9 COMMITTEEMAN JACOBSON: Here.

10 MEMBER D'AGOSTINO: Chief Hogan? Mr.

11 Kastell?

12 MEMBER KASTELL: Here.

13 MEMBER D'AGOSTINO: Mr. Shorr?

14 MEMBER SHORR: Here.

15 CHAIRWOMAN KWAAK: Thank you.

16 Mr. Cucchiaro, can you please swear in

17 our professionals?

18 ATTORNEY CUCCHIARO: Do you swear or

19 affirm the testimony you are about to give this

20 board is the truth, the whole truth and nothing but

21 the truth?

22 JENNIFER BEAHM: I do.

23 BRIAN BOCCANFUSO: Yes, I do.

24 CHAIRWOMAN KWAAK: Thank you.

25

8

1 (The board continues with its agenda.)

2 - - -

3 BOARD PLANNER:

4 CHAIRWOMAN KWAAK: Can the record

5 reflect that Chief Hogan has joined us on the dais

6 please. Thank you.

7 Okay. Application PPM2043, Woodward

8 Estates, Inc., Millhurst Road, Block 67, Lots 22,

9 25, 32, 35.02. Preliminary and Final Major

10 Subdivision and Preliminary and Final Major Site

11 Plan.

12 And while the applicant's attorney is

13 coming up, just so the public knows, you will have a

14 chance to ask your questions and make your comments

15 when the applicant is finished presenting their

16 whole application. So please hold your questions,

17 write them down, your comments. Your questions may

18 get answered as they go through their testimony.

19 And please remain quiet because we are

20 being videotaped for TV. So if you miss anything

21 you can watch it on MTTM, which is on the website

22 and it should be up by the weekend.

23 Mr. Pape.

24 ATTORNEY PAPE: Good evening, Madam

25 Chair, board members, board professionals and

<p style="text-align: center;">9</p> <p>1 public. My name is Kenneth Pape. I'm with the firm  2 of Heilbrunn Pape. And this evening I have a  3 responsibility and a privilege of representing your  4 applicant, Woodward Estates, with regard to the  5 application that you have read into the record.  6 If I could, one procedural matter, I  7 just would ask if the record could reflect that our  8 notices were delivered, received and reviewed and  9 the board's jurisdiction is established.  10 CHAIRWOMAN KWAAK: Mr. Cucchiaro?  11 ATTORNEY CUCCHIARO: Madam Chair, we  12 did review the notice. One resident did object to  13 the notice, arguing that she did not receive the  14 notice at her address. However, when we looked the  15 notice was sent to the address that was provided by  16 the tax assessor and the applicant has the right to  17 rely upon that, so. And that resident had valid  18 notice, you know, she came in in advance.  19 But we're constrained by the Municipal  20 Land Use Law. It's not our ordinance, it's the  21 state statute that the applicant is entitled to rely  22 upon the addresses and names that they received from  23 the tax assessor. So my recommendation is that the  24 board has jurisdiction to consider the application.  25 CHAIRWOMAN KWAAK: Okay, thank you.</p>	<p style="text-align: center;">11</p> <p>1 housing project as part of the municipal Affordable  2 Housing Plan. This also included going to court.  3 There was a hearing and there was a compliance order  4 issued that established that this project is part of  5 your Affordable Housing Plan.  6 There was a detailed and lengthy  7 agreement entered into with the applicant and the  8 town that set forth all of the responsibilities that  9 the applicant has to the town. And there was an  10 ordinance that was drafted as a result of both the  11 Court Order and the Developer's Agreement. And I  12 wish to begin with this statement: We, as the  13 applicant's representatives, have an obligation to  14 the Township of Manalapan that is set forth in that  15 Court Order, it's set forth in that Developer's  16 Agreement and in the ordinance. And this evening  17 it's our responsibility to deliver on that and that  18 is the presentation that we intend to make to you.  19 ATTORNEY CUCCHIARO: Mr. Pape, if I  20 could just jump in.  21 Madam Chair, if I can just take that  22 and place it in broader context both for board  23 members and other interested parties, members of the  24 public.  25 The New Jersey Supreme Court has</p>
<p style="text-align: center;">10</p> <p>1 ATTORNEY PAPE: Thank you very much.  2 Appreciate that.  3 So, Madam Chair, this is an application  4 for Preliminary and Final Subdivision Approval and  5 Preliminary and Final Site Plan Approval. The plan  6 has 130 townhouses. The subdivision approval is  7 required to create lots for each of those townhouses  8 and an open space lot. The subdivision approval  9 also would create a lot for the senior citizen  10 apartment complex which is separate and distinct.  11 And then there was a remainder lot, and that's the  12 purpose of the subdivision. The site plan is for  13 all of the elements of the townhouse community and  14 all of the elements of the apartment community.  15 The two projects, the two parts of this  16 project are 130 townhouses and 56 apartments. Of  17 the 56 apartments 55 are income-restricted,  18 age-restricted, one is the super's -- one is the  19 superintendent's apartment.  20 And I don't want to in any way belabor  21 this point but I think it's necessary to place it in  22 the beginning of the record, this is not the  23 beginning of this process. This process has been  24 going on for many years. This process included the  25 applicant requesting consideration for an affordable</p>	<p style="text-align: center;">12</p> <p>1 interpreted our state Constitution to require that  2 every municipality in the state provide a realistic  3 opportunity for the construction of low and moderate  4 income housing. It doesn't matter what town you  5 are, they say every town has that affirmative  6 responsibility. In order to implement that  7 statutorily Governor Kane signed what's called The  8 Fair Housing Act in New Jersey in, I believe it was,  9 1985.  10 And what all this does between the  11 courts and the statute, and again it's not the  12 town's unilateral decision, it assigns obligations  13 to every municipality. Every municipality must  14 provide a certain amount of low and moderate income  15 housing. There are no choices.  16 If municipalities do not cooperate in  17 the process then they're subject to what's called  18 builders's remedies, where developers come in and  19 they essentially sue a town because they have not  20 provided voluntarily the numbers. And they get to  21 build almost whatever they want, wherever they want,  22 at whatever densities they want. So municipalities  23 have very few options but to comply with what the  24 New Jersey Supreme Court has said is their  25 obligations.</p>



13

1 So when Mr. Pape talks about  
2 litigation, this town -- every town in New Jersey  
3 virtually went to court and said: Court, we want to  
4 have some protection from these lawsuits where  
5 builders can come in and build anything. And the  
6 court said, well, that's, fine, here is the number  
7 that you have to reach. And basically towns are  
8 left to try to figure out how to reach that number.  
9 When they do, the courts look at the  
10 plan and they have what they call a fairness hearing  
11 and they either approve or don't approve the plan.  
12 Manalapan's plan has been approved and these  
13 are -- this is one of the projects that helps to  
14 reach that number and the credits that are necessary  
15 for the town to avoid a slew of lawsuits and, you  
16 know, uncontrolled development throughout the  
17 municipality.  
18 So that's essentially, you know, what  
19 Mr. Pape was referring to when we're talking about  
20 court orders and plans. So the plan that you see  
21 before you tonight is in compliance with that  
22 process. So when Mr. Pape says it's their  
23 responsibility to show that they're furthering that  
24 plan, this is what the court has approved, this is  
25 what the court has ordered in order for the town to

14

1 avoid all of the other lawsuits.  
2 CHAIRWOMAN KWAAK: Okay.  
3 ATTORNEY PAPE: Madam Chair, with  
4 permission I will provide you with a brief outline  
5 of the presentation, the witnesses who will testify  
6 and then we'll be ready to begin.  
7 So Marvin Schmelzer is here, and Marvin  
8 Schmelzer is the principal of the applicant. He is  
9 seated in the second row behind me off to my left  
10 shoulder.  
11 The witnesses are Louis Zuegner, who is  
12 seated alongside of me. Louis is the president of  
13 MidAtlantic Engineering responsible for the plans  
14 that have been generated and will be presented to  
15 you this evening, the engineered plans.  
16 Julie Kobesky is here. Julie is a  
17 landscape designer. She is with the, I am going to  
18 say, renowned landscape firm of Melillo Bauer  
19 Carman, one of the Top-50 landscape firms in the  
20 United States and has been for a number of years.  
21 Her work is extraordinary. She was asked to design  
22 the entranceways to this community, so she'll  
23 present that to you.  
24 Also with us is John Rea who is the  
25 author of traffic study that was done as part of

Zuegner, P.E.

15

1 this application.  
2 And there are two gentleman who are  
3 here from Larry Appel's architectural firm who  
4 will -- and I regret to tell you that I, although I  
5 wrote down Matthew, I hope I say his name correct,  
6 Martinique -- Matthew Martinique will present the  
7 architectural elements of the building.  
8 With that I would ask if we could have  
9 our first witness sworn, Louis Zuegner. We'll have  
10 him sworn, share his credentials and enter some  
11 exhibits and go right into the substantive  
12 testimony.  
13 CHAIRWOMAN KWAAK: Thank you.  
14 ATTORNEY CUCCHIARO: Do you swear or  
15 affirm the testimony you are about to give this  
16 board is the truth, the whole truth, and nothing but  
17 the truth?  
18 LOUIS ZUEGNER: I do.  
19 ATTORNEY CUCCHIARO: Please state and  
20 spell your name for the record.  
21 LOUIS ZUEGNER: My name is Louis  
22 Zuegner, it's Z-U-E-G-N-E-R.  
23  
24 E X A M I N A T I O N  
25

Zuegner, P.E.

16

1 BY ATTORNEY PAPE:  
2 Q. Mr. Zuegner, would you take a few  
3 moments to share with all of us your education and  
4 professional background?  
5 A. Certainly. I'm a graduate of Virginia  
6 Tech. I have been working in this field for over  
7 25 years. I'm a licensed professional engineer in  
8 the State of New Jersey as well as several other  
9 states.  
10 As Mr. Pape said I am the founding  
11 principal of the firm MidAtlantic Engineering. I  
12 have testified before zoning and planning boards  
13 across State of New Jersey. I have not been before  
14 this board before but I have been in front of  
15 numerous boards here in the county.  
16 ATTORNEY PAPE: Madam Chair, may I ask  
17 if the board will accept Mr. Zuegner as an expert  
18 and allow him to testify as a professional engineer  
19 this evening?  
20 CHAIRWOMAN KWAAK: His credentials are  
21 sufficient, thank you.  
22 ATTORNEY PAPE: Thank you. Tony  
23 Dilodovico is also with us this evening. I don't  
24 intend to ask that he testify. He is the expert who  
25 has assisted this application through the wastewater

Zuegner, P.E.

17

1 management amendments. That is his area of  
2 expertise. And I knew that that could be a topic of  
3 discussion and I asked that he be here as a resource  
4 for me to make certain that I don't misspeak.  
5 BY ATTORNEY PAPE:  
6 Q. So if you would identify the exhibits  
7 that you intend to present to the board.  
8 ATTORNEY PAPE: Will we label the hard  
9 exhibits?  
10 ATTORNEY CUCCHIARO: Yes.  
11 ATTORNEY PAPE: Label the paper  
12 exhibits? Okay.  
13 So if you could identify that --  
14 ATTORNEY CUCCHIARO: And we'll start  
15 with A-1.  
16 ATTORNEY PAPE: A-1 and today's date,  
17 of September 8th.  
18 CHAIRWOMAN KWAAK: That microphone  
19 should be on.  
20 THE WITNESS: So the first board that  
21 we'll use, I'm going to mark A-1, is entitled Aerial  
22 Exhibit, it's dated today, September 8th, prepared  
23 by our office.  
24 This is an aerial picture or image.  
25 You can see a greater area of development in white,

Zuegner, P.E.

18

1 in the center is our overall parcel or property in  
2 its existing condition.  
3 You can see, of course, across the  
4 bottom, it's more of an angle, is Woodward Road, it  
5 becomes Main Street, and Millhurst Road in the  
6 center of the plan. And for reference, that parcel,  
7 the overall property which you see outlined in  
8 white, is 162 acres.  
9  
10 (Exhibit A-1, Aerial Exhibit, is marked  
11 for identification.)  
12  
13 BY ATTORNEY PAPE:  
14 Q. If you could introduce your second  
15 exhibit to the board.  
16 A. I assume this is A-2. So here this  
17 board is labeled "Overall Site Exhibit." It's  
18 somewhat similar to what you saw before. We are now  
19 zoomed into that white boundary, the overall parcel,  
20 and you can see Millhurst Road, you can see our  
21 boundary, and you can see colored in the elements of  
22 the proposed new community.  
23  
24 (Exhibit A-2, Overall Site Exhibit,  
25 was marked for Identification.)

Zuegner, P.E.

19

1 BY ATTORNEY PAPE:  
2 Q. Could we take a moment; do you know the  
3 acreage? You shared with us the acreage of the  
4 overall site. Could you just share the acreage of  
5 the area that's to be disturbed.  
6 A. Sure. So looking at those colored  
7 pieces the total limit of disturbance in those areas  
8 that's 21.79 acres, so under 22 acres, that actually  
9 comes out to 13 percent of the overall 162 acres.  
10 Q. And if you could share your third  
11 exhibit with the board?  
12 A. If we can stick with this one just for  
13 a moment?  
14 Q. Sure.  
15 A. I'll just give like a little bit of  
16 the overview based on this one when we have both up.  
17 Q. Louis, I like to follow you.  
18 A. So obviously I think most people on  
19 the board are familiar with the location. I  
20 described the roadways.  
21 You can see from the original board and  
22 most of it here, the existing property. It's a  
23 wooded property, predominantly. There's some  
24 wetlands or uplands on the property. And then of  
25 course here you can see where we're proposing to

Zuegner, P.E.

20

1 develop.  
2 I think interesting for the board to  
3 know, we have done quite a bit of work to date. So  
4 there are a number of studies we have done.  
5 Obviously we surveyed the property. We did a lot of  
6 investigations of soils on the site. We did over 40  
7 borings in an effort to determine seasonal high  
8 water table, depth to groundwater, to understand  
9 conditions that we would be working with.  
10 Also, early on one of the key elements  
11 was to go to the state and obtain an LOI to note  
12 where wetlands existed on the site, what the buffers  
13 or areas outside of the wetlands that we had that  
14 were restricted. Additionally, to determine there  
15 is a stream through some part of the property, what  
16 that flood hazard area limit is. And we have all  
17 those approvals from DEP. We know those limits. We  
18 understand the soil conditions. We did all of that  
19 before we started.  
20 And then also I think it's nice to  
21 know, or important to know, that this community will  
22 be served by public utilities. So we will have  
23 public sewer, public water. There is natural gas  
24 here, obviously power. So that is a community that  
25 will be served by public utilities.

Zuegner, P.E. 21

1 Again, before I jump to the next board,  
2 a couple of, sort of, other elements, and Mr. Pape  
3 touched on these when he started tonight. The  
4 townhouse community, which you can see further up on  
5 the board, this is 130 townhomes. It's broken into  
6 different buildings. Each of those buildings is  
7 either six or eight townhomes in the building. I'm  
8 sure you will see more about the buildings  
9 themselves. And those townhomes will each be on  
10 their own individual lot.

11 And further down in the plan you can  
12 see, sort of, I'll call it bottom right of our  
13 property, that is the proposed affordable senior  
14 apartment building. This is a three-story building.  
15 It's a total of 56 units but that's 55 affordable  
16 units and one unit for a superintendent.

17 And then also while we're looking at  
18 the overall, this was mentioned in the beginning,  
19 there is a subdivision that is part of this and that  
20 subdivision not only creates individual lots for the  
21 townhomes, it would create a homeowners association  
22 lot which would encompass roads and facilities and  
23 drainage/stormwater facilities.

24 The affordable senior apartment  
25 building, that would be on its own lot. That, of

Zuegner, P.E. 22

1 course, would be an owned and managed property that  
2 was rental apartments, and then the land remaining  
3 would be within a separate lot.

4 Maybe we'll jump to the next boards  
5 from here.

6 Q. So we're now -- we're two separate site  
7 plans at a much larger scale. We're going to go to  
8 those, Mr. Zuegner?

9 A. Yes, please.

10 Q. We'll start with the townhouses.

11 A. Start with the townshouses. So we'll  
12 mark this A-3.

13

14 (Exhibit A-3, Site Plans for  
15 Proposed Townhouse Project, is marked for  
16 identification.)

17

18 THE WITNESS: And here for the last  
19 drawing we are focusing in on the townhouse  
20 community. What you see is actually an amalgam of  
21 plans that were submitted, the design plans. So the  
22 layout of units, colored in so obviously it's easier  
23 to understand and follow, just some elements of  
24 other pieces of the plans all on one sheet.

25 Here you can see again the overall

Zuegner, P.E. 23

1 boundary. A part of the subdivision I discussed.  
2 And you can see it here on the bottom right, there  
3 will be a little bit of right-of-way dedication.  
4 And then there's a section of property, about a half  
5 an acre, .47 acres, which would be dedicated to the  
6 adjoining lot, the Yorktown Club.

7 You know, sort of a quick overview of  
8 what's happening here, you can see in sort of a dark  
9 orange color the buildings, the different buildings,  
10 you can see the boulevard entrance from Millhurst  
11 Road, you can see towards the back in some lighter  
12 colors, and then throughout some of our stormwater  
13 facilities. Obviously you can see that there's  
14 parking off the internal roadways and that there's  
15 loop roadways and some of the recreational facility  
16 elements which we will get into in a little more  
17 detail as we go forward.

18 BY NAME:

19 Q. I'm going to ask if we could go through  
20 of those details on just this plan, and maybe do the  
21 same thing when we have the seniors up.

22 A. Okay.

23 Q. But if you would be comfortable to give  
24 to the board and the public that is gathered, could  
25 you give them a sense of what grading is necessary

Zuegner, P.E. 24

1 to create this developable spot?

2 A. So in general the existing property  
3 starts at Millhurst and grades its way back what  
4 would be sort of towards the southwest, that's sort  
5 of the general slope of the land. For the most part  
6 we mimic that or try to mimic that in the proposed  
7 scenario.

8 So the townhouses, there's a little bit  
9 of grade coming up the boulevard, not significant,  
10 but we get the sort of entryway a little bit  
11 elevated. It helps us address stormwater, make sure  
12 we bring stormwater into the site, the runoff from  
13 buildings and roads and collect that and then  
14 discharge that towards the rear of the property.

15 Q. If you can tie grading to drainage, and  
16 you know drainage could be difficult and boring so  
17 I'm going to ask if you would do an executive  
18 summary of it and then I've got four very important  
19 questions. Just an executive summary of your  
20 stormwater system for this part of the community?

21 A. So the most important part to our  
22 stormwater is that it is designed for the latest  
23 state regulations. And I think what's nice here, a  
24 key element of what we have done is these are all  
25 with the term bio-retention but effectively planted

<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">25</p> <p>1 basins. So it's not a sand bottom, they're all 2 planted basins.</p> <p>3           And in the townhouse community there's 4 actually a total of seven. The new rules kind of 5 drive you towards more smaller. So we have one 6 particularly in the back sort of top corner here a 7 larger basin that has a small, we'll call it, a four 8 bay but a rain garden. And then throughout, 9 interspersed in the community, are these smaller 10 rain gardens, planted little basins that collect 11 smaller drainage areas. In total there are seven 12 different basins on this piece.</p> <p>13       Q. You answered the first question; fully 14 compliant with the DEP's most frequent regulations?</p> <p>15       A. Yes.</p> <p>16       Q. Fully compliant with the Manalapan 17 Township stormwater design requirements?</p> <p>18       A. Yes.</p> <p>19       Q. An operations and maintenance manual -- 20 CHAIRWOMAN KWAAK: Mr. Pape? 21       Q. -- created by your office will be 22 permanently --</p> <p>23       CHAIRWOMAN KWAAK: Mr. Pape, can you 24 pull the microphone closer to you so they can get 25 you on. Thank you.</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">27</p> <p>1 board of the landscaping elements that have been 2 incorporated into the plans?</p> <p>3       A. Sure. The entrances are certainly a 4 focal point. Julie, I'm sure, will discuss that. 5 And one thing I would note is that there are signs 6 as part of the entrance way also which she will talk 7 to.</p> <p>8           The site obviously benefits, and you 9 can see in the aerial, from existing woods. But 10 there are a lot of trees that also need to be 11 planted as part of the development. I think there 12 are close to 300 trees in total to get planted. The 13 rain gardens, as I said, get planted. There are 14 street trees throughout. There are foundation 15 plantings for the townhouses as part of this. When 16 we get to senior building we can talk to that as 17 well.</p> <p>18           We did lead on utilization of native 19 plants. They're not all native but this heavily 20 leans towards native plantings. And again we did 21 work with Ms. Shari Spero.</p> <p>22           One of the elements that we may touch 23 on a little bit, there are a couple of areas where 24 we have been directed we will need to do additional 25 plantings for buffering and add some sort of</p>
<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">26</p> <p>1 BY ATTORNEY PAPE: 2       Q. An operation and maintenance manual 3 drafted by your office submitted to the township 4 engineer for review will be recorded as a permanent 5 lien against the property, establishing the 6 responsibilities of maintenance of these systems?</p> <p>7       A. Yes, it will.</p> <p>8       Q. And finally, this is a private system 9 that creates no burden on the Township of Manalapan?</p> <p>10       A. That is true.</p> <p>11       ATTORNEY PAPE: The homeowners 12 association, for this community, the homeowners 13 association is the responsible party for its 14 maintenance.</p> <p>15       THE WITNESS: The one thing I would 16 add, under the new rules stormwater is a difficult 17 challenge. And we've worked a lot with your 18 professionals, they gave a lot of good advice. And 19 we, I'm sure, will continue to work to get to the 20 end with them and will certainly satisfy anything 21 that they have.</p> <p>22 BY ATTORNEY PAPE: 23       Q. Landscaping. Know that in a few 24 moments Julie will describe the entrance ways that 25 she's created, but if you could give a sense to the</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">28</p> <p>1 additional plant material in the basins and in some 2 of the buffers and we'll certainly do that.</p> <p>3       Q. And you have received, I trust, and 4 have reviewed, I trust, the staff reports from the 5 board's planner and engineer, and where there are 6 recommendations for additional plantings or more 7 dense plantings are there any issues complying with 8 those requests?</p> <p>9       A. No, and we will certainly comply with 10 those.</p> <p>11       Q. I think it's worth noting that you and 12 Shari Spero walked this entire property.</p> <p>13       A. We walked it actually after a 14 snowstorm. And so I think there was about a foot 15 and a half of snow that we trenched through.</p> <p>16       ATTORNEY PAPE: And Mr. Schmelzer and 17 I stayed in the car waiting for them to come back.</p> <p>18 BY ATTORNEY PAPE: 19       Q. Lighting. If you could just describe 20 the Lighting Plan that you have designed for this 21 community.</p> <p>22       A. So certainly LED lighting, that's a 23 key element, and a lower temperature so it's not too 24 harsh.</p> <p>25           The light poles through the townhouse</p>

1 area they're relatively low, 14 feet, and they're  
2 very much like you would see in sort of a  
3 streetscape, I'll call it. They're not really, but  
4 sort of more of an acorn shape; they're not a down  
5 light, they're a street lamp.

6 Q. There is a couple of comments, and one  
7 comment indicating that there was some spillage of  
8 the light. I think the spillage was out onto the  
9 adjacent roadway.

10 Could you identify that area?

11 A. So you can see at the bottom right of  
12 the plan where the boulevard entrance comes out to  
13 Millhurst Road and we have one pole right near the  
14 intersection. Of course we want to light the  
15 intersection. It's possible for us to pull that  
16 back and have it cut off at the property line. I'm  
17 not certain whether relief is actually required or  
18 not if it spills into the right-of-way.

19 I think the proper design is to make  
20 sure we light the intersection.

21 Q. So I would say a waiver would be  
22 required if our lighting fixture put light on the  
23 adjacent roadway. Is it your professional opinion  
24 that that would be a waiver we should be asking this  
25 board to grant?

1 A. If we need the waiver for going into  
2 the right-of-way I would like to ask for it. I  
3 think it's the proper way to light the intersection.

4 Q. There's no spillage on any of our  
5 other, neighbors, is there?

6 A. There is none.

7 ATTORNEY CUCCHIARO: I just want to be  
8 clear about that. What section of the ordinance are  
9 you referring to that you're going to need design  
10 waiver relief from? I don't think I saw that.

11 BOARD PLANNER: Section 95-7.21.

12 ATTORNEY PAPE: Thank you.

13 BOARD PLANNER: Welcome.

14 ATTORNEY CUCCHIARO: Thank you.

15 Section...

16 BOARD PLANNER: 7.21.

17 BY ATTORNEY PAPE:

18 Q. If you would, moving from the lighting,  
19 let's talk about the recreational elements, the  
20 outdoor recreational elements that you have designed  
21 into this portion of the plan.

22 A. Sure. I have another board we can get  
23 to at some point to show it in further detail but  
24 I'll point out the locations and describe it.

25 So again towards the bottom and back of

1 the plan you can see here there's a community tennis  
2 court. This would also be set up, pickle ball is  
3 very popular now, you're going to have rollout nets.  
4 We actually created two pickle ball courts, one on  
5 each side of the tennis net. That would be on the  
6 property here.

7 And then in sort of a lighter yellowish  
8 color in the top left of the plan there would be a  
9 small -- a child's playground in the tot lot.

10 Q. The ordinance that was -- the ordinance  
11 that was drafted for this property sets forth a  
12 specific requirement for square footage of  
13 recreation. Can you confirm that your design meets  
14 with requirement?

15 A. We do. We exceed the required square  
16 footage.

17 Q. If we can talk about trash briefly?

18 A. So in the townhome area, the proposal,  
19 and the the architect has created space within the  
20 garage so that trash cans would have a specific  
21 place for trash and recycling to be kept in the  
22 garage. And then they would be rolled out and  
23 picked up on the street.

24 ATTORNEY CUCCHIARO: Is there going to  
25 be some sort of governing document that lays all

1 that out, that that is where the trash is required  
2 to be stored when it's not on the street waiting to  
3 be picked up?

4 ATTORNEY PAPE: Mr. Cucchiaro, there  
5 will be association documents. If it's the  
6 direction of the board, we'll put it under Special  
7 Conditions in that document.

8 ATTORNEY CUCCHIARO: Okay.  
9 BY ATTORNEY PAPE:

10 Q. The last topic that I'm going to ask  
11 that you do generally is circulation and parking.  
12 ATTORNEY PAPE: Early on in the design  
13 process it was brought to our attention that parking  
14 is critical, that meeting the ordinance or meeting  
15 RSIS is not adequate. We are a community unto  
16 ourselves; we need to handle all anticipated  
17 parking. So you will hear that the parking that is  
18 designed is in excess of any of those standards.

19 BY ATTORNEY PAPE:

20 Q. Having stolen that thunder if you could  
21 just take us through how you accomplish that?

22 A. Well, first in terms of circulation,  
23 and again I mention this but the boulevard entrance,  
24 each side is 18 feet wide, so we have created that  
25 path. And you can see it, I mean it's obvious on

1 the plan, we created loops which often is a key  
2 element to internal circulation. So we have means  
3 of circulating within the site, the width is  
4 adequate and those verticals are 24 feet wide and we  
5 can get all passenger vehicles through, emergency  
6 vehicles and larger trucks.

7 So the circulation throughout is good.  
8 Just sort of note because it goes with it, you see  
9 sidewalks on the plans, there's great pedestrian  
10 circulation too.

11 In terms of parking, and I can get into  
12 the numbers here in a second, but you can see that  
13 individual townhomes have driveways. What we did  
14 here is by rule you get to count the driveway as one  
15 and the garage as one, but to supplement that on the  
16 end units, except for three where it's tight, the  
17 end units we have created a double-wide driveway so  
18 those units actually get two spaces in the car --  
19 for cars. So of the 130, 94 townhouses have a  
20 one-car driveway and 36 have a two-car driveway plus  
21 the garage.

22 In addition to that we wanted to not  
23 just create parking off the street, we wanted it to  
24 be perpendicular and we want it interspersed  
25 throughout so it's not just some parallel spots on

1 the street. And you can see it spread out  
2 throughout the community. It's located near where  
3 our recreational facilities are, but fairly close to  
4 all the different buildings.

5 127 sort of general or on-street  
6 parking spaces. They're not assigned, they're just  
7 parking spaces. There are 296 by the way you rule  
8 it with the garage and the driveways for each unit,  
9 gives us a total of 423 spaces where the requirement  
10 would be 312. So numbers-wise we really far exceed  
11 it. But I think practically speaking when we look  
12 at how we have created the parking, I really do  
13 think it's adequate in what is a unique situation  
14 with townhomes. I think it will work well.

15 ATTORNEY CUCCHIARO: When you talk  
16 about counting the space within the garage, do you  
17 still meet the minimum number without the garage  
18 spaces?

19 ATTORNEY PAPE: If you took out all  
20 the garage spaces? You are going to go slightly --  
21 just under the number.

22 ATTORNEY CUCCHIARO: Here is why I  
23 ask, and we have done this now with several other  
24 applications including like every K. Hov application  
25 that has come through. If you are going to count

1 the garage as a parking space in order to comply  
2 with RSIS, the board has required some sort of deed  
3 restriction to let the homeowner know that they  
4 can't use it, you know, to the exclusion of a  
5 parking space, you know, for storage and things like  
6 that; that they are obligated to keep that space  
7 open I guess to keep garbage cans out of the parking  
8 space.

9 ATTORNEY PAPE: Mr. Cucchiaro, I  
10 anticipated from one of the board's professionals  
11 that specific question. Again homeowners  
12 association, special conditions, restrictive  
13 covenant can all be included so that the garage  
14 space is created as a garage and it's preserved as a  
15 garage.

16 BOARD PLANNER: And Ron, to answer  
17 your question, if you remove the garage they would  
18 be 19 short of what's compliant.

19 ATTORNEY CUCCHIARO: Thank you.  
20 And then just on that total also  
21 everything complies with all, particularly the  
22 street spaces, the dimensional requirements?

23 THE WITNESS: All the spaces are nine  
24 feet by 18 feet. We do have near the tot lot two  
25 handicap spaces. This also comes up in the seniors.

1 So there's a question in the review  
2 letter about whether a nine-foot by 18-foot handicap  
3 space meets the ADA requirement. In my opinion the  
4 way we have designed these and I have done these  
5 before, it is compliant. All of these spaces come  
6 with an overhang. So if you were to pull up to the  
7 curb there is always two feet of overhang built into  
8 it, whether it's through grass or over wide  
9 sidewalk, which is exactly the same as if you had a  
10 20-foot deep handicap space and then it had the curb  
11 stop in it at 18 feet with two feet of overhang.

12 ATTORNEY CUCCHIARO: Well the ultimate  
13 arbiter of that will be the construction official  
14 under the Uniform Construction Code. So if they  
15 determine otherwise, you know, that's just -- you  
16 may have to come back depending upon how it effects  
17 the overall parking.

18 THE WITNESS: That's fine.

19 ATTORNEY PAPE: Noted. And it can be  
20 accommodated.

21 BY ATTORNEY PAPE:

22 Q. So the question that preceded that  
23 discussion was other than those elements parking is  
24 fully compliant with RSIS and the ordinance?

25 A. It is, yes.

1 Q. I would like to do the same analysis  
2 with the senior community, and then maybe we'll do  
3 some general at the conclusion of that.

4 So this one would be -- I think you're  
5 up to four.

6  
7 (Exhibit A-4, Site Plans for  
8 Proposed Senior Community Project, is marked  
9 for identification.)

10  
11 BY ATTORNEY PAPE:

12 Q. But if you can just go back to A-2,  
13 just for a moment, just so that everyone focuses  
14 just where this part of the project is in the  
15 overall plan. Thank you.

16 A. So again, this is back to A-2 which is  
17 the overall, you can see both elements of the  
18 community gain access from Millhurst. They're  
19 separated but they both gain access from Millhurst.

20 Q. If you can point and describe for the  
21 record where on the plan the senior building is?

22 A. Sure. So again with Millhurst running  
23 sort of up and down on this plan at the top central  
24 section of this board or the plan is the townhouse  
25 area, and then further down, sort of central or

1 bottom right you can see sort of an L-shape  
2 brick-orange building and this is where the senior  
3 apartment building is.

4 Q. Thank you. And then returning to A-4.  
5 I'm going to ask if we can do a similar  
6 analysis, if you could take us through the grading  
7 and drainage.

8 A. So again very similarly, generally the  
9 grading comes from Millhurst back. There's a little  
10 bit of a lower swale or a piece that runs just  
11 underneath what is shown on this board, so there's a  
12 little bit of grading that would go down on this  
13 board in its current condition, but generally it  
14 runs its way back from Millhurst.

15 And here we mimic that very closely.  
16 We don't have the rise because with the grade here  
17 our entry boulevard comes in and continues to follow  
18 into the site and then at the back of the proposed  
19 building which actually there is a bit of a drop off  
20 behind that.

21 Q. Your drainage system, similar in  
22 design?

23 A. There are fewer ponds here but the  
24 elements are all the same. So you can see a larger  
25 pond, it's a little bit separated from the rest of

1 it. And then central in the island is another rain  
2 garden. This is a little collection area again that  
3 would be planted.

4 Q. Same questions, fully compliant with  
5 the state?

6 A. Yes.

7 Q. Fully compliant with the township's  
8 requirements?

9 A. Yes.

10 Q. O&M manual recorded as a lien against  
11 the property that establishes the responsibilities  
12 of maintenance?

13 A. Yes.

14 ATTORNEY PAPE: This one is privately  
15 owned. This is not an association. This is an  
16 apartment complex that will be owned by an apartment  
17 owner, it will be your applicant. And the owner has  
18 that responsibility of maintaining the stormwater  
19 system.

20 BY ATTORNEY PAPE:

21 Q. Landscaping and lighting.

22 A. So similarly this community would have  
23 street trees. It would have plantings in this rain  
24 garden basin, some plantings in the other pond.

25 There would be foundation plantings along the front

1 of the building. It benefits, again, from existing  
2 trees.

3 And the same element holds true here  
4 with Ms. Spero, there are some requests from her for  
5 some supplemental planting and buffering.

6 Q. No issue complying?

7 A. We will comply.

8 Q. If you could describe the outdoor  
9 recreational elements.

10 ATTORNEY PAPE: The seniors have  
11 indoor recreational elements and outdoor. The  
12 indoor will be from our architect.

13 BY ATTORNEY PAPE:

14 Q. If you could describe the outdoor  
15 recreational elements?

16 A. So you could see what would be below  
17 the L of the building, sort of the mustardy color,  
18 those would be two bocce ball courts. They would  
19 be set up outside the building for use.

20 And then what we have actually added is  
21 not on the plans. This was an idea we came up with  
22 and wanted to incorporate. Looking into the rain  
23 garden we found enough space to create a little  
24 patio area for some benches and what would be like a  
25 bird bath. We could craft that into effectively

1 like a little butterfly garden, this could be a  
 2 little sitting area.  
 3 We spoke to Ms. Spero about this  
 4 earlier this week and hopefully she can help us with  
 5 some of the correct plantings to get that ready.  
 6 But we thought we could craft a nice little seating  
 7 area out there and take advantage of some of the  
 8 rain garden plantings and gather a little extra  
 9 space. So that's a new one.

10 Q. Trash is handled in this community  
 11 different than the single -- the townhouse  
 12 community. If you can describe how the trash is  
 13 collected and how it is stored?

14 A. So this building has gone to what is a  
 15 very modern way of handling trash at an apartment  
 16 building. There will be compactors within the  
 17 building.

18 So initially we had looked at the idea  
 19 of two trash enclosures outside. We believe it can  
 20 be done with one. And I'll point here to the upper  
 21 right-hand corner of our parking area. We would  
 22 have that outdoor area. It would still be a  
 23 masonry enclosure for larger packages, for  
 24 recycling.

25 And then with the compactor the amount

1 and we can talk about demand. Demand is generally  
 2 much lower than you would find in other types of  
 3 apartment buildings. However, this is designed to  
 4 meet the requirement for Residential Site  
 5 Improvement Standards. Requirement is 107 spaces  
 6 and the plan now has 108 parking spaces on it.

7 Q. That standard that you just said we  
 8 would meet, that's the standard for any apartment  
 9 building that has this number and this mix of  
 10 apartments?

11 A. That's correct. That's not reduced  
 12 based on being seniors.

13 Q. Could you talk about some things  
 14 generally. There's water, sewer, electric and gas  
 15 required for this community. If you could, with A-2  
 16 up, if we could just talk about how we're bringing  
 17 water, sewer, electric and gas.

18 And I know we're not taking credit for  
 19 bringing everything, there is a water program that  
 20 is part of the municipal -- a municipal water  
 21 program. If you could just describe that and how  
 22 we're tying into that.

23 A. So start there with the water, there  
 24 is a proposed plan by the water, it's Manalapan's  
 25 water, it's operated by -- I can never get the name

1 of trash coming out of the building volume-wise is  
 2 greatly reduced and it goes into little bins that  
 3 can be wheeled or handled by the superintendent and  
 4 just come out of the building on collection day and  
 5 be brought to that same trash pickup location.

6 Q. Circulation and parking, please.

7 A. So, and some of this is obvious, but  
 8 in the townhouse area those are more like roads  
 9 through the community. And here this is a little  
 10 bit more of what I would call a parking lot area.  
 11 And that is appropriate to the apartment building.

12 We still have a boulevard entrance.  
 13 It's still 18 feet wide, accessed from Millhurst.  
 14 And we still maintain a loop so the circulation is  
 15 able to take advantage of that.

16 Parking spaces here. Again they meet  
 17 the dimensional requirements. There's the same  
 18 element we discussed before with handicap spaces.  
 19 And here we have a number of more handicap spaces  
 20 than in the townhouse community. But it is adequate  
 21 circulation.

22 BY ATTORNEY PAPE:

23 Q. Number of parking stalls and how did  
 24 you come to the number?

25 A. So with an affordable senior building,

1 right. It was Suez, they're now Veolia or something  
 2 else. But there's a proposed plan to bring a new  
 3 water main down Millhurst Road. Within the next  
 4 year this is going to happen. And we have been  
 5 working with the CME office who is designing that so  
 6 that those connection points are designed into that  
 7 plan for us. The new water main is coming to us  
 8 effectively.

9 Q. And if you could talk about sewer?

10 A. And we can talk a little bit about  
 11 sewer service area but functionally sewer from the  
 12 townhouse area it's all gravity sewers and it  
 13 requires a fair amount of off-site work to take that  
 14 gravity sewer through a couple of easements and at  
 15 the Wemrock Brook School it would go through an  
 16 easement into an existing sewer there all by  
 17 gravity.

18 For the seniors that also is brought  
 19 off-site. That is done through a small package unit  
 20 pump. So this isn't like a big pump station that  
 21 you would see as part of the overall sewerage in a  
 22 community. It's a small piece. It's underground.  
 23 There's a lid. You wouldn't even know it's there.

24 And that would pump it out in a small  
 25 force main and then stop on Millhurst Road where it



1 ultimately will be connecting into existing sewers.

2 Q. Could we confirm that that pump and  
3 that short force main is a private system that will  
4 be owned by the property owner?

5 A. It will be privately owned and  
6 operated.

7 Q. Owned, operated and maintained by the  
8 property owner; no burden on the town?

9 A. Correct. And in both elements, you  
10 know, we've spent the better part of the last year  
11 working with WMUA on these designs and where it  
12 would connect. And they're very well aware of what  
13 we have been working on and seeing these plans, and  
14 we're ready any moment to submit those final plans.

15 ATTORNEY PAPE: There are two property  
16 owners from whom off-site easements are required to  
17 route the sewer line. One is the Yorktown Social  
18 Club. And their attorney, Salvatore Alfieri,  
19 authorized me to advise you that that agreement is  
20 in place and we're working on the documentation, but  
21 the agreement has been reached.

22 The second is the Board of Education,  
23 the transportation building. We have met with their  
24 attorney, Dante Alfieri, and we have reached an  
25 agreement with them to purchase an easement.

1 Their greatest concern was that we do  
2 not do anything that would in any way disrupt their  
3 operation. And our agreement with them is that  
4 we'll be doing Jack and Bore so that we do not  
5 disrupt their operation.

6 But those of those have been  
7 extensively negotiated and both attorneys authorized  
8 me this evening to make those statements on the  
9 record, for which I'm grateful.

10 Just very briefly, the 208 Amendment --  
11 Wastewater Management Plan, this project required an  
12 amendment to that. That's a long process of  
13 municipal, county and state review and approval.  
14 Mr. Dilodovico is responsible for that. And during  
15 the month of August we moved forward to the point  
16 where we're at the state -- we're at the second to  
17 the last step of going down to the DEP and asking  
18 that they publish us in the register and take public  
19 comment.

20 But we accept the obligation of  
21 completing the Wastewater Management Plan as part of  
22 our responsibilities. It was memorialized in our  
23 agreements with the town.

24 BY ATTORNEY PAPE:

25 Q. Electric and gas?

1 A. They're both available and will be  
2 within the community.

3 Q. They will be extended out on Millhurst  
4 and then we'll bring them into the community?

5 A. Correct.

6 Q. I think, Louis -- unless I've missed  
7 something and if I did I'm going to ask that you  
8 help me -- I think that we have come to the point  
9 where I ask if you have been working with the  
10 board's professionals, and if you can and you will  
11 comply with their outstanding requirements?

12 A. Well, the answer to that is yes. And  
13 there are a couple of other things I would like to  
14 touch on.

15 Q. Please.

16 A. And do you want to talk a little bit  
17 about this? Bring up another board.

18 Q. Sure.

19 A. So I never -- never touched on the  
20 fact, going back to the beginning, in terms of  
21 zoning. We are in the -- let me get this term  
22 right -- the AHWE Zone. And we are compliant with  
23 all of the elements, the functional, dimensional  
24 elements of that zoning, except for one item which I  
25 wanted to bring... We are at A-5.

1 (Exhibit A-5, Variance Exhibit, is  
2 marked for identification.)

3  
4 BY ATTORNEY PAPE:

5 Q. If you can take a moment to give us a  
6 sense of what we're looking at. A first impression  
7 of this might be confusing, with a little guidance  
8 it becomes quite clear.

9 A. I'll just flashback to the audience  
10 for one second.

11 So what I'm going to show, I'm going to  
12 zoom in internally within this community, not to  
13 adjoining lots or any other dimension. But there's  
14 a requirement for building-to-building separation  
15 distance between these buildings. So I'm looking in  
16 what would be sort of central between two units  
17 within the community of townhouses.

18 The black and white hopefully is  
19 visible. This is labeled Variance Exhibit.

20 So you can see two different end units  
21 of two separate townhouse buildings. The  
22 requirement is for separation between buildings at  
23 25 feet. And you can see here at the top at 29 feet  
24 wall to wall that's the separation of these  
25 buildings. So 29 feet versus 25 required.

1 However, when you see the smaller  
2 squares sort of midway back and it's labeled  
3 "porch," there are little decorative porch  
4 overhangs. And the architect can talk in some  
5 detail to it. But there's a side door and there's a  
6 little decorative element that hangs out. Those are  
7 not 25 feet from roofline to roofline.

8 So the porches themselves are  
9 23.21 feet apart. The roof overhang, the closest  
10 point, 21.5 feet.

11 Now in the ordinance there is  
12 discussion on architectural elements and it lists a  
13 number of them. It lists chimney or bay window.  
14 And it says that those elements can sort of push  
15 into these setbacks from property line or  
16 building-to-building separation, but it doesn't say  
17 porches.

18 So essentially we're showing you this.  
19 We think they're really decorative elements. We  
20 think functionally we have met the  
21 building-to-building separation. But the way we  
22 have it drawn we believe it requires, or we think it  
23 probably requires relief, unless you consider it a  
24 decorative element.

25 They also can be removed. They're,

1 right there, just a decorative element. They can  
2 come off the building.

3 Q. They don't increase the size of the  
4 unit, they don't -- and if they were to be removed  
5 there would be a door that just didn't have a roof  
6 and didn't have a step?

7 A. That's correct.

8 Q. But they certainly still would work?

9 A. They could still work without them.

10 ATTORNEY PAPE: So we're asking for  
11 that right to have those elements on those internal  
12 side walls so that we can include that architectural  
13 enhancement. But we look to you; if that variance  
14 is offensive, it's gone, and we'll do the straight  
15 walls.

16 THE WITNESS: And then there's one  
17 last -- I think we missed one last element of relief  
18 and that was the sidewalks.

19 BY ATTORNEY PAPE:

20 Q. Thank you. That would be A-2?

21 A. Going back to A-2, which is the  
22 overall. So again, outer white line, 162 acres.  
23 There's a requirement for sidewalks at the frontage  
24 of the property line. And we do have sidewalks  
25 along the frontage of the townhouses. We bring

1 sidewalks out along the boulevard from the senior  
2 building.

3 But there's a section towards the  
4 intersection of Millhurst and then all along  
5 Woodward, this is frontage. We are not proposing  
6 sidewalk there and that would require relief.

7 ATTORNEY PAPE: And we would look to  
8 you for direction as to whether sidewalks should be  
9 installed -- we think that they are not of any  
10 benefit -- or not.

11 ATTORNEY CUCCHIARO: Mr. Pape, just  
12 one overall question on the sidewalks. You spoke to  
13 ordinance compliance. What about RSIS compliance?

14 THE WITNESS: In terms of sidewalks?

15 ATTORNEY CUCCHIARO: Yes.

16 THE WITNESS: I believe it was in one  
17 of the review letters that there are a few missing  
18 links of sidewalk within the townhouse area that we  
19 have been asked to add and will add sidewalks to  
20 close those links. Then it would fully have  
21 sidewalks on both sides of the street and will be  
22 compliant.

23 ATTORNEY CUCCHIARO: Okay. So there  
24 is no relief necessary from the RSIS?

25 THE WITNESS: No.

1 BY ATTORNEY PAPE:

2 Q. Comfortable that we have concluded?

3 A. Yes.

4 ATTORNEY PAPE: I would like to point  
5 out we did not talk about road improvements and the  
6 reason is the road is a county road, under the  
7 county's jurisdiction.

8 We filed our applications with you and  
9 with the county simultaneously during the summer of  
10 2021. We have received comment letters from the  
11 county, not an approval. The county has asked that  
12 we make a right-of-way dedication along all of our  
13 properties to the county of a 40-foot half width.

14 They have not asked for any road improvements.

15 We will be meeting with them. We  
16 wanted to have the -- before going back to both the  
17 County Planning Board and Freehold Soil, we wanted  
18 to have made our presentation to you and have your  
19 direction to take with us when we went back to them.  
20 So that's the reason that we did not talk about road  
21 improvements, because it's a county road under the  
22 county's jurisdiction.

23 BY ATTORNEY PAPE:

24 Q. I did ask the question but I think  
25 we'll use it as punctuation here. You have gone

<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">53</p> <p>1 through these reports. To the extent that there are  2 technical requirements from Mr. Boccanfuso and/or  3 Ms. Beahm and/or Ms. Spero, you're comfortable  4 advising the board that you can and you will comply  5 with those?  6       A. Yes, I am very comfortable with that.  7       ATTORNEY PAPE: Madam, Chair, board  8 members, that concludes the direct presentation of  9 Mr. Zuegner's testimony.  10       It's my understanding he is now  11 available to the board members and the board's  12 professionals for examination.  13       CHAIRWOMAN KWAAK: Yes.  14 Professionals, do you have questions for this  15 gentleman?  16       BOARD PLANNER: I just have a couple.  17 In our letter we identified an area that would need  18 relief from the buffer. And I know that you quickly  19 went through that you're going to add some  20 landscaping working with Shari. I just want to make  21 sure that that is directly related to the relief  22 that we had identified, correct?  23       THE WITNESS: It is. It has to do  24 with creating a 20-foot section of landscape area  25 and we will comply with that.</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">55</p> <p>1       BOARD PLANNER: Okay.  2       ATTORNEY PAPE: The entrance  3 landscaping.  4       BOARD PLANNER: Right. So we had also  5 identified and I had asked for some testimony on the  6 section of the ordinance that requires, you know, a  7 tenth of the total of the parking area or 1,000  8 square feet within each 10,000-square-foot paved  9 area be landscaped.  10       And I just want it on the record, so  11 I'm not sure if it's you or your other witness, that  12 the application complies with that requirement.  13       THE WITNESS: So I think that would be  14 me for within the parking lots.  15       BOARD PLANNER: Yeah.  16       THE WITNESS: The answer is yes. And  17 I think that we're, in my discussions with Shari,  18 we're adding even additional plantings as we move  19 forward within some of the rain gardens and other  20 things. So the number is actually going to go up.  21       BOARD PLANNER: Great. And just  22 lastly can you just put on the record the height of  23 the fencing that you're proposing, like around the  24 perimeter and around the tennis and the basins or  25 what have you.</p>
<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">54</p> <p>1       BOARD PLANNER: And I know we had  2 discussed yesterday and I know you were talking with  3 Brian today about the section in the senior housing  4 where the parking is closer than the 20 feet, or  5 what have you.  6       Would the applicant be willing to  7 provide -- I understand you have to get to 20 feet  8 and it was determined through both my office and  9 Brian's office that relief is not -- is not required  10 for that, but we would request that maybe some  11 low-lying planting would be planted along the  12 perimeter of that, of that parking lot to help  13 mitigate headlights, et cetera.  14       Is that something you would be willing  15 to do?  16       ATTORNEY PAPE: Dense, four-seasons  17 evergreen hedge so that it's there for light  18 disruption?  19       BOARD PLANNER: Yeah.  20       ATTORNEY PAPE: Yes.  21       BOARD PLANNER: Great.  22       And then I'm assuming that you have  23 another witness that is going to talk about  24 landscaping, right?  25       ATTORNEY PAPE: We do. We do.</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">56</p> <p>1       THE WITNESS: Right, the fencing is a  2 little bit confusing.  3       BOARD PLANNER: Yeah.  4       THE WITNESS: So there's a couple of  5 elements. There's fencing that goes around the  6 tennis courts, which would be like any tennis court;  7 it's actually a chain link fence and it's higher at  8 the ends and around the sides. And that would be  9 typical of a tennis court fence.  10       There's a four-foot split-rail fence  11 throughout both sections. So where we have a  12 retaining wall, this is not along the sidewalk but  13 between buildings that is over a certain height, we  14 then put a split-rail fence along the top of it.  15       That split-rail fence also follows  16 along the perimeter and certain areas of both  17 sections. So when we have a wetlands buffer that  18 ultimately gets put in by DEP to a conservation  19 easement once we've done the transition area waivers  20 that line will have a split-rail fence on it to  21 delineate that limit. That split-rail fence is four  22 feet.  23       And then there would be a four-foot tot  24 lot, 4-foot fence that goes around the tot lot.  25       BOARD PLANNER: Thank you. I think</p>

1 that's all I have.

2 BOARD ENGINEER: Thank you, Mr. Pape,  
3 Mr. Zuegner.

4 Starting first with the relief that you  
5 just described with regard to the overhangs on the  
6 porches, would you say that those provide a benefit  
7 in that they provide some protection from the  
8 elements for the future homeowners?

9 THE WITNESS: Yes.

10 BOARD ENGINEER: And would they also  
11 perhaps provide an aesthetic benefit in that they  
12 break up the monotonous flat facade of the side of  
13 the unit?

14 THE WITNESS: I think the aesthetic  
15 benefit is the biggest benefit. Like you said  
16 there's some protection over the door, but as you  
17 were not outside the community but inside it and  
18 you're driving along and you see these gaps between  
19 buildings it's nice, right, for that to have some  
20 break in it.

21 BOARD ENGINEER: Understood.

22 Madam Chair, Board Members, I don't  
23 take any exception to that relief. There's no  
24 additional impervious coverage. I see no draining  
25 impact. As an engineer with a planning hat on I

1 agree with Mr. Zuegner that it is an aesthetics  
2 benefit. I'll defer to Jen as to whether any  
3 additional testimony is required as far as to  
4 support the relief requested.

5 BOARD PLANNER: So I mean, I guess,  
6 Lou, do you see any negative impact associated with  
7 the relief requested between the overhangs?

8 THE WITNESS: There's no -- I mean  
9 it's an aesthetic benefit. There's no negative  
10 impact. People outside the community wouldn't even  
11 know one way or the other; they wouldn't see it.

12 BOARD PLANNER: I take no exception to  
13 the relief requested. I think the aesthetic benefit  
14 outweighs the separation. And I think it's  
15 important that the buildings themselves are more  
16 than the 25-foot requirement.

17 So should the board choose to act in  
18 the affirmative on that relief we take no exception.  
19 Sorry.

20 BOARD ENGINEER: In Mr. Zuegner's  
21 opening he spoke a little bit about all the work  
22 that they had done as far as surveying the site,  
23 performing soils investigations and obtaining an LOI  
24 or letter of interpretation from the DEP as well as  
25 a Flood Hazard Area verification.

1 What he didn't indicate, which I think  
2 is important, is that this application was filed in  
3 I believe in July of 2021, so 14 or more months ago.  
4 In that time his office and the rest of the  
5 applicant's team has met with myself, my office,  
6 Jen's office, with Ron, a number of times to go over  
7 iterations of the plans and discuss comments and  
8 concerns that we had, including those relative to  
9 stormwater management, parking, layout, facilities,  
10 outside agency items and others.

11 So they have made a substantial effort  
12 to try to bring this plan to a point that both they  
13 and we were comfortable presenting it here at the  
14 public hearing. So there has been a lot of  
15 revisions and adjustments in the last 14/15 months  
16 to get us to this point. I think that's important  
17 for the board to be aware of.

18 With regard to the specific items in  
19 our report, Mr. Zuegner did address most of those.  
20 I'm just going to go through a few of them that I  
21 think might require some additional testimony for  
22 clarification. If one of the future witnesses who  
23 will more appropriately address it, by all means let  
24 me know and we can address it at that time.

25 Let's start with the traffic and

1 circulation section. So at the EC meeting a couple  
2 of weeks ago there was discussion relative to the  
3 electric vehicle parking requirements. Can you just  
4 discuss that, the applicability of it to both phases  
5 of the development as well as what, if anything,  
6 you're going to do and incorporate into the design  
7 to -- to comply with those standards if you feel  
8 they are applicable.

9 THE WITNESS: So I'm sure the board  
10 has started to become familiar with these new state  
11 requirements. To some extent this was actually  
12 filed before that requirement went into effect, but  
13 nonetheless we have looked at, through EC and  
14 working with Mr. Boccanfuso's office, how we can  
15 implement appropriate measures.

16 So in the townhouse community each  
17 garage would be pre-wired and set up for a charger.  
18 It wouldn't be a built-in charger because who knows  
19 who is going to own that, but it will be pre-wired  
20 so that if a homeowner had an electric vehicle it is  
21 ready to be connected.

22 And then in the apartment community for  
23 the seniors just a little bit of an interesting  
24 element society-wise how many seniors would actually  
25 have EV vehicles, but who knows going forward. And

<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">61</p> <p>1 our proposal at this point is to have all of the  2 conduit for the 15 percent put in place so that we  3 would have EV-ready for installation of chargers.  4 BOARD ENGINEER: Okay. So if I'm  5 understanding you correctly, conduit for the senior  6 living would be installed but not the actual  7 infrastructure; is that right?  8 THE WITNESS: Not the actual chargers  9 until there was a demand.  10 BOARD ENGINEER: And is it your  11 position that that is above and beyond what is  12 required because your application was filed prior to  13 the effective date of the statewide ordinance?  14 ATTORNEY PAPE: We are not trying to  15 use that as a shield, but July 9th last summer was  16 when the statute became effective and we were filed  17 with county and with you prior to that date.  18 BOARD ENGINEER: Okay. Thank you.  19 And I don't have any issue with that, Madam Chair.  20 I'll defer to our attorney as to where  21 it's applicable. I mean, the dates are what they  22 are. If they filed in July, the ordinance went into  23 effect in September. So unless I'm missing  24 something I don't think it strictly applies. But I  25 think providing the conduit is a benefit and allows</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">63</p> <p>1 Both of these projects will be built  2 simultaneously? Yes.  3 BOARD ENGINEER: Great.  4 ATTORNEY PAPE: Thank you.  5 BOARD ENGINEER: With regard to the  6 sidewalk, so you indicated that a waiver is  7 required. The ordinance kind of -- it doesn't  8 really identify it as a waiver, it's sort of  9 discretionary for the board; the board can decide  10 whether or not sidewalks should be required.  11 The way the ordinance reads is that if  12 the board does allow the applicant to not construct  13 sidewalk, that a payment in lieu is required. So  14 are you agreeing to a payment in lieu if the board  15 is willing to waive the requirement for sidewalk or  16 are you seeking relief from that requirement as  17 well?  18 ATTORNEY PAPE: I'll defer to the  19 final determination of your counsel and this board,  20 but it is my understanding that when you have a  21 community such as this with the affordable housing  22 element that cost-saving measures are appropriate, I  23 would ask that we be relieved of the responsibility  24 of that cash contribution, but defer to your counsel  25 and this board on the final decision.</p>
<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">62</p> <p>1 for the applicant to quickly provide the equipment  2 if necessary in the future.  3 Will the construction be phased at all?  4 And if so, how do you anticipate breaking up the  5 project during construction?  6 ATTORNEY PAPE: There's two elements  7 to it. There are UHAC requirements for the delivery  8 of the affordable units. We will agree to abide by  9 any of the UHAC requirements. We'll also abide by  10 the Developer's Agreement and Settlement Agreement  11 so that affordable units are brought online  12 coincidental with the market units.  13 Two separate communities but they'll  14 both be under construction.  15 BOARD ENGINEER: Okay. So with the  16 UHAC requirements you kind of have to provide some  17 market-rate and then some affordable back and forth.  18 There's a staggered type of requirement there.  19 So with it being, for all intents and  20 purposes two separate developments, I guess you're  21 going to have to undertake construction  22 simultaneously, or pretty much simultaneously on  23 both?  24 ATTORNEY PAPE: I know the answer, but  25 I just want Mr. Schmelzer to tell me.</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">64</p> <p>1 ATTORNEY CUCCHIARO: Well you can  2 certainly ask for it. There is a -- in our case law  3 it talks about unnecessary cost generation, you  4 know, but in the context usually like when you're  5 designing infrastructure that you're requiring  6 stormwater and things like that for more than just  7 this community, for other communities as well, or  8 asking for things that are not required.  9 Here this ordinance exists to produce  10 this project. All of these requirements were taken  11 into account when this ordinance was put together.  12 It wasn't cost-generative. It was considered part  13 of what was necessary for this project, which helps  14 the town with its affordable housing obligation.  15 So I suppose the board could consider,  16 you know, granting relief from the monetary  17 requirement but in the context of the way that this  18 ordinance was put together, I don't know -- I don't  19 know that you would consider it unnecessary cost  20 generation. And quite frankly, if they didn't want  21 to make the contribution they could just do the  22 sidewalk and they would not have to worry about the  23 monetary contribution.  24 CHAIRWOMAN KWAAK: Anything else,  25 Brian?</p>

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1 BOARD ENGINEER: Just a couple more,  
2 Madam Chair.

3 With regard to stormwater management  
4 there were a number of technical comments in our  
5 supplemental technical engineering review. I  
6 exchanged emails with Mr. Zuegner today. He's  
7 agreed to address all of those. I don't take any  
8 exception by that. They're bound by that  
9 representation so they would have to address those  
10 if the board does approve the application.

11 The one thing I would ask is with  
12 regard to the application to the DEP, first of all,  
13 what is the status? Has the application been filed  
14 for the transition area waiver and general permits  
15 that you will need, or are you waiting for -- to  
16 kind of see how things pan out at this level?

17 THE WITNESS: And this is typical for  
18 how we sort of like to recommend this process. We  
19 wanted to come here first and see that  
20 there's -- you know, what the feedback is and if  
21 there are layout changes or things that would impact  
22 that permitting.

23 When we go in for those permits they're  
24 very specific to how we would average the buffers,  
25 where would we discharge stormwater, so we don't

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1 want to submit that and then make amendments based  
2 on changes that would happen here.

3 ATTORNEY PAPE: So you've got the  
4 flood hazard as a foundation, and you have the LOI  
5 and its characterization as a foundation. If this  
6 board grants the relief that is requested you will  
7 then go down to the state to get the final permits?

8 THE WITNESS: We'll go for the  
9 permits.

10 And I would note while there might be  
11 lots of ambiguity in applying for a wetlands letter  
12 of interpretation, these are permits; they're  
13 general permits, transition area waiver, if you meet  
14 the requirement they grant the permit. So it's a  
15 much more specific process.

16 BOARD ENGINEER: Okay. And along  
17 those same lines -- first of all, I don't take any  
18 exception to that. I think it's relatively common  
19 for applicants, particularly of a project this size,  
20 to seek to move forward at a local level before  
21 filing applications to the DEP for just that reason;  
22 things may change at the direction of this board and  
23 its professionals, and if you already had an  
24 application pending with the DEP we would be  
25 backtracking. So I don't take any exception to it.

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1 Along those same lines we had  
2 identified in our review what appears to be a  
3 wetlands ditch between Basin 1 and I think it's  
4 Building E in the townhouse development. It looks  
5 like in your design you were trying to leave that  
6 alone. I think that it probably creates more  
7 challenges than if you were to just seek the permit  
8 to disturb it and grade it properly.

9 Is that something that you can file a  
10 permit for or seek to address with a revised plan?

11 THE WITNESS: We can. I mean there's  
12 some limit overall to area of disturbance but we're  
13 not there so we could, yes.

14 BOARD ENGINEER: I think it makes  
15 sense. I think the construction, it would be very  
16 difficult to leave that area undisturbed given  
17 what's going on around it with the grading and the  
18 proposed improvements so.

19 THE WITNESS: We'll take your advice  
20 for sure.

21 BOARD ENGINEER: Great.  
22 And tying it back to stormwater  
23 management, as part of the permitting process the  
24 DEP is going to review your stormwater management  
25 system design; is that correct?

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1 THE WITNESS: Yes, they will.

2 BOARD ENGINEER: And I seem to recall  
3 in one or maybe multiple meetings that we've had,  
4 you said that you and your team had sought guidance  
5 from the DEP on certain stormwater management items;  
6 is that correct?

7 THE WITNESS: We have, both  
8 specifically here but also in similar designs for  
9 active permitting.

10 BOARD ENGINEER: Okay, great.  
11 So you're confident that to the extent  
12 that there are some portions of the new regulation  
13 that are a little bit difficult to interpret, you're  
14 confident that the DEP is going to see it the same  
15 way that you and I have seen it up to this point?

16 THE WITNESS: I am confident.

17 BOARD ENGINEER: Okay, great.  
18 Let's talk for a minute about the  
19 sewer. So you spoke about the specifics of the  
20 gravity sewer for the townhouse development but the  
21 senior development, you did indicate there would be  
22 a force main, but I don't recall hearing any  
23 specifics about where it would be located, where it  
24 would extend, and where it would connect to the  
25 existing infrastructure.

1 Can you just describe that for the  
 2 benefit of the board, please?  
 3 THE WITNESS: Sure. So this is going  
 4 back to A-2, and I can pull up the poster element.  
 5 Within the corner of the property there's -- we have  
 6 package units. It's actually in a pit. The only  
 7 thing that's up above ground is small control panel  
 8 and there's a little light that if we're not  
 9 operating it would flash.

10 And that would extend out our boulevard  
 11 -- this would be to the right of the plan -- to  
 12 Millhurst, then run down Millhurst across Woodward  
 13 and then will connect into an existing -- through an  
 14 easement and into an existing manhole in the  
 15 Battleground subdivision.

16 BOARD ENGINEER: Mr. Pape talked a  
 17 little bit about the discussions he has had with Mr.  
 18 Alfieri, Senior and Junior, regarding the easements  
 19 necessary for the gravity.

20 Has there been any similar discussions  
 21 with the easements necessary for the force main?

22 THE WITNESS: Those easements all  
 23 exist and are controlled by the WMUA.

24 BOARD ENGINEER: Okay. I think you  
 25 indicated in your direct that you haven't made

1 application to WMUA but you've had discussions with  
 2 them; is that correct? Did I hear that correctly.

3 THE WITNESS: Yes. And they have  
 4 actually seen all of our plans and we have gone back  
 5 and forth with them. We have not made the final and  
 6 formal application pending sewer service area  
 7 amendment.

8 BOARD ENGINEER: Okay.

9 THE WITNESS: And just jumping back --

10 BOARD ENGINEER: Sure.

11 THE WITNESS: -- this is now A-4. And  
 12 so you can see at the very bottom of our parking lot  
 13 there is an area surrounded by trees, the plantings.  
 14 It's sort of a tannish color. It doesn't show very  
 15 well on the TV. And that pad, that piece in the  
 16 ground is where the pump would be underground.

17 BOARD ENGINEER: Okay. Did you  
 18 investigate at all the feasibility of pumping your  
 19 sewage from this site to the gravity main on the  
 20 townhouse site instead of crossing two roads and  
 21 going into the residential community to the south?

22 THE WITNESS: So the short answer is  
 23 we actually looked at probably five or six different  
 24 potential paths and processes of pumping this or  
 25 connecting it with WMUA. There are a number of

1 things in Millhurst, particularly as you go north.  
 2 This was they felt, and we felt, the best, shortest  
 3 path.

4 BOARD ENGINEER: You did or they did  
 5 or both?

6 THE WITNESS: It was a combined  
 7 process.

8 BOARD ENGINEER: Okay. Because as  
 9 you're probably aware, and I don't want to speak for  
 10 the WMUA, but my understanding is their rules and  
 11 regulations actually prohibit force mains unless  
 12 there is no gravity alternative.

13 THE WITNESS: That's correct. And we  
 14 explored -- there's no way to get gravity alone from  
 15 the senior building.

16 BOARD ENGINEER: Okay.

17 Do you have any correspondence,  
 18 letters, direction, et cetera, from the WMUA that  
 19 you can provide just to confirm that in fact what is  
 20 being proposed here is what they want you to do?

21 THE WITNESS: Yes, I can get you that.

22 BOARD ENGINEER: Great.

23 Okay the last item I have, I think, is  
 24 a pretty simple one. Mail service; how is mail  
 25 service going to be provided to the townhouse units?

1 Is it not an easy one?

2 ATTORNEY PAPE: I didn't have an  
 3 answer. I expected to write to the postmaster and  
 4 ask him what his direction is, as to whether it's  
 5 mounted on the front of the building or a mailbox at  
 6 the driveway. As directed by the postmaster.

7 BOARD ENGINEER: Okay. I think that  
 8 it's become policy, if not a requirement, to have  
 9 gang mailboxes. They don't deliver door to door  
 10 anymore.

11 ATTORNEY PAPE: Postmaster or the  
 12 town?

13 BOARD PLANNER: The postmaster.

14 BOARD ENGINEER: Postmaster.

15 So they'll be reasonably distributed  
 16 throughout the community within a reasonable walking  
 17 distance to the units they serve at the direction of  
 18 the postmaster?

19 ATTORNEY PAPE: I think that's good  
 20 guidance and we'll accept it.

21 BOARD PLANNER: Great.

22 Okay, Madam Chair, I think that's all I  
 23 have for Mr. Zuegner. He's answered my questions.

24 CHAIRWOMAN KWAAK: Great. Rick,  
 25 anything?

<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">73</p> <p>1 CHIEF HOGAN: Thank you, Mr. Zuegner.</p> <p>2 You talked a little bit about the townhouses with</p> <p>3 regard to the number of light poles for street</p> <p>4 lighting; what was that number?</p> <p>5 THE WITNESS: I spoke to the height</p> <p>6 being 14 feet in the townhouse section.</p> <p>7 Then in the senior building parking</p> <p>8 area it's a down-directed light. Those are 20 feet.</p> <p>9 CHIEF HOGAN: And the townhouse</p> <p>10 section?</p> <p>11 THE WITNESS: It's 14 feet high.</p> <p>12 CHIEF HOGAN: Do you know how many</p> <p>13 light poles?</p> <p>14 THE WITNESS: I don't. I can get that</p> <p>15 for you but I don't know the total number.</p> <p>16 CHIEF HOGAN: Was there a lighting</p> <p>17 plan provided?</p> <p>18 THE WITNESS: There is.</p> <p>19 CHIEF HOGAN: And the plan shows the</p> <p>20 area that will be lit up, full parking lot or parts</p> <p>21 of it?</p> <p>22 THE WITNESS: It shows the fixture</p> <p>23 locations and then shows the foot-candles as they</p> <p>24 display on the ground.</p> <p>25 CHIEF HOGAN: Thank you. You spoke</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">75</p> <p>1 So we would -- we would like to see the</p> <p>2 full load for that particular building, which is a</p> <p>3 big change from your standard buildings with regard</p> <p>4 to the amount of amperage coming in. So we would</p> <p>5 like to see that in the beginning so there's no</p> <p>6 changes as time goes on.</p> <p>7 ATTORNEY PAPE: Chief, that would be</p> <p>8 in the construction plans that are submitted for</p> <p>9 approval.</p> <p>10 CHIEF HOGAN: Thank you.</p> <p>11 ATTORNEY PAPE: Yes.</p> <p>12 CHIEF HOGAN: Going over to the senior</p> <p>13 apartment, and this may be something for the</p> <p>14 architect, do you know offhand the height of that?</p> <p>15 THE WITNESS: I do not.</p> <p>16 CHIEF HOGAN: You can defer.</p> <p>17 ATTORNEY PAPE: Ordinance compliant</p> <p>18 but I don't know.</p> <p>19 CHIEF HOGAN: Okay. And also the</p> <p>20 front of the building, there's no drive-thru or</p> <p>21 overhang in that particular building?</p> <p>22 THE WITNESS: I just I would add on</p> <p>23 height, I do know that it's compliant which</p> <p>24 was -- and it's the three stories, but I don't have</p> <p>25 an actual...</p>
<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">74</p> <p>1 about handicap parking within the townhouse area.</p> <p>2 Do you have a number of spaces?</p> <p>3 THE WITNESS: There are two at the --</p> <p>4 closest to the tot lot.</p> <p>5 CHIEF HOGAN: Are we on a slab or</p> <p>6 basement on the townhouses?</p> <p>7 THE WITNESS: It's a good question</p> <p>8 that we didn't address earlier.</p> <p>9 As part of this process where we did</p> <p>10 all of these borings to determine depth-to-seasonal</p> <p>11 high, I spent a bit of time with Mr. Boccanfuso on</p> <p>12 this, trying to determine how and where we can do</p> <p>13 basements. And while I know we're being asked to do</p> <p>14 some additional testing to confirm this, right now</p> <p>15 we believe seven buildings, which would be over --</p> <p>16 just over 50 units we can do basements, and we would</p> <p>17 do that.</p> <p>18 CHIEF HOGAN: Thank you. You spoke</p> <p>19 about the pre-wired with regard to electrical</p> <p>20 vehicle chargers -- and this may fall back on the</p> <p>21 architect once you submit his testimony -- we would</p> <p>22 require that the full load of the electrical vehicle</p> <p>23 chargers be submitted along with, one, if you did</p> <p>24 get approval, and once building permit applications</p> <p>25 are submitted.</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">76</p> <p>1 CHIEF HOGAN: Three stories, okay.</p> <p>2 BOARD PLANNER: Less than 45 feet.</p> <p>3 CHIEF HOGAN: Overhang drive-thru in</p> <p>4 front of the apartment building?</p> <p>5 ATTORNEY PAPE: A porte-cochère? No?</p> <p>6 CHIEF HOGAN: No?</p> <p>7 Lastly, back to the sidewalks. Can you</p> <p>8 point out on your plan that you have up there now of</p> <p>9 the sidewalks that -- you said the sidewalks, the</p> <p>10 requirement would be in front of the lot. Could you</p> <p>11 just show or point out on your display where those</p> <p>12 sidewalks would be if you were to install them?</p> <p>13 THE WITNESS: So there's a couple of</p> <p>14 numbers based on the overall, again we're looking at</p> <p>15 A-2.</p> <p>16 So the total, the frontage, which is in</p> <p>17 two segments on Millhurst is around 760 feet. And</p> <p>18 then the frontage down the length of Woodward is</p> <p>19 around 2,130 feet.</p> <p>20 And so the area we talked about as</p> <p>21 disturbance or that are colored here on this plan is</p> <p>22 where we're proposing sidewalk. So the sidewalk,</p> <p>23 this is the top, along Millhurst, along the</p> <p>24 townhouses, that would have sidewalk, that frontage</p> <p>25 piece.</p>



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1 And the same with the seniors we're  
 2 bringing sidewalk out the boulevard on the north  
 3 side and that would have sidewalk out to Millhurst  
 4 but not all the way down, in terms of this uncolored  
 5 frontage through the intersection. That's what is  
 6 proposed now.

7 CHIEF HOGAN: But the requirement  
 8 would be all the way down?

9 THE WITNESS: The requirement is --

10 CHIEF HOGAN: You're asking for  
 11 relief?

12 THE WITNESS: -- we're asking for  
 13 relief from, my understanding, would be all the  
 14 pieces of frontage; so the section in front of the  
 15 townshouses on Millhurst, the full length of  
 16 Millhurst to the intersection; the full length of  
 17 Woodward along all of the wooded area there.

18 CHIEF HOGAN: Okay, thank you.

19 Mr. Pape, do you have a time of  
 20 build-out once approved?

21 ATTORNEY PAPE: I don't, Chief. But I  
 22 know that there will be a break sometime this  
 23 evening and I will speak to Mr. Schmelzer and I will  
 24 respond.

25 CHIEF HOGAN: Thank you. That's all I

Zuegner, P.E. 78

1 have, Kathy.

2 CHAIRWOMAN KWAAK: Thank you.  
 3 Jack?

4 COUNCILMEMBER McNABOE: Great. So I  
 5 caught the part about the garbage compactor. The  
 6 recycling is a compactor as well?

7 THE WITNESS: No, the recycling would  
 8 not be in the compactor. And the architect can  
 9 confirm that but...

10 COUNCILMEMBER McNABOE: All right.  
 11 Garbage on the compactor will be inside a concrete  
 12 enclosure; in other words, it will be masked  
 13 somehow?

14 THE WITNESS: So the compactor is in  
 15 the building and would be held in the building until  
 16 pickup day. And those units would be rolled out,  
 17 but to the masonry enclosure.

18 So the super would take it to where the  
 19 dumpster enclosure is and that's where it would get  
 20 picked up, inside that enclosure.

21 COUNCILMEMBER McNABOE: So all the  
 22 trash for that building will be kept in the  
 23 building?

24 THE WITNESS: Yes.

25 COUNCILMEMBER McNABOE: That's what

Zuegner, P.E. 79

1 you're saying, until pick pickup day?

2 THE WITNESS: Until pickup day.

3 ATTORNEY PAPE: Mr. McNaboe, large  
 4 trash can be stored in the masonry structure. As  
 5 with the recyclable materials will be stored in the  
 6 masonry structure.

7 COUNCILMEMBER McNABOE: Okay.

8 ATTORNEY PAPE: 90 percent of the  
 9 trash is going to go through the trash room and into  
 10 the compactor.

11 COUNCILMEMBER McNABOE: Do you  
 12 envision that the applicant will be handling their  
 13 own trash?

14 ATTORNEY PAPE: The superintendent at  
 15 building will be responsible for removing the trash  
 16 from the trash room and putting it out and then  
 17 responsible for bringing the pull-out carts back in.

18 COUNCILMEMBER McNABOE: Okay. So as  
 19 part of the town when we talk about townhouses, the  
 20 town is responsible at this point to provide the  
 21 same service we do everywhere else.

22 When we get into this specialty  
 23 handling I'm not sure we're equipped. So I'm trying  
 24 to understand what this trash looks like when it  
 25 comes out of the compactor.

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1 Are we talking about something that is  
 2 bailed and packed or are we talking --

3 THE WITNESS: Sir, it actually goes  
 4 into something they call -- and the architect can  
 5 talk about this -- but they call it like a sausage  
 6 bag. It's compacted and crunched into a bag. It  
 7 goes into a rollable container. It's small enough  
 8 that a man could push it.

9 And that container gets picks up by a  
 10 trash vehicle, just like a dumpster would get picked  
 11 up; they come in with a front-end piece and it dumps  
 12 in it into the truck.

13 COUNCILMEMBER McNABOE: But there won't  
 14 be trash -- it's going to be inside an enclosure  
 15 somewhere?

16 THE WITNESS: Inside an enclosure.

17 COUNCILMEMBER McNABOE: And that  
 18 enclosure is somewhere on your drawings there?

19 THE WITNESS: It is.

20 This is jumping back to A-4. You can  
 21 see sort of a yellowish tan color at the top of the  
 22 parking area. That is the pad. It would have a  
 23 masonry enclosure to match the building around it  
 24 and a gate.

25 COUNCILMEMBER McNABOE: And it will be

Zuegner, P.E. 81

1 big enough to handle all the trash and the recycling  
 2 inside that enclosure?  
 3 THE WITNESS: Yes, the advantage of  
 4 the compactor, I don't have exact numbers, but  
 5 volume-wise the trash volume is incredibly less than  
 6 if you didn't have the compactor.  
 7 COUNCILMEMBER McNABOE: Okay. And  
 8 again, based on the size of the building I was  
 9 envisioning something larger so that's why I was  
 10 asking with that.  
 11 BOARD PLANNER: Jack, can I ask a  
 12 question?  
 13 COUNCILMEMBER McNABOE: Sure.  
 14 BOARD PLANNER: Are you anticipating a  
 15 private hauler at the senior building or are you  
 16 anticipating the town picking up the dumpster?  
 17 ATTORNEY PAPE: The honest answer is I  
 18 anticipated following the ordinance. We came in  
 19 thinking that it was the town that collected the  
 20 trash from the apartments.  
 21 BOARD PLANNER: Okay.  
 22 COUNCILMEMBER McNABOE: And we would  
 23 need a little more information. So certainly we  
 24 have people that know much more than me about that,  
 25 but when you start talking about big sausages and

Zuegner, P.E. 82

1 rolling them out to -- you know, you're above my pay  
 2 grade already. So we provide garbage pickup of  
 3 normal trash and normal routine. When we start  
 4 getting into compaction units it's different.  
 5 So some of our other affordable  
 6 buildings have decided that they'll handle their own  
 7 trash so that they can do it accordingly or get a  
 8 pickup other than once a week or something like  
 9 that.  
 10 So it's something to be considered and  
 11 as you said, I'm sure the architect will give his  
 12 idea, and there's room and all, so it gives you a  
 13 chance to do some research on that.  
 14 All the roads through this complex are  
 15 two-directional?  
 16 THE WITNESS: Yes, they are.  
 17 COUNCILMEMBER McNABOE: Okay. Just  
 18 wanted to make sure.  
 19 So you talked about the fencing. You  
 20 would be the one to talk about this. So we have a  
 21 main boulevard going out. I see where the Yorktown  
 22 property is against it. What separates the two  
 23 uses; keeps Yorktown and this residential area  
 24 apart?  
 25 THE WITNESS: So this is back to A-3,

Zuegner, P.E. 83

1 the townhouse exhibit. So where the boulevard comes  
 2 in and there's going to be a little bit more in  
 3 terms of how this is landscaped at the entryway, but  
 4 there is an area of woods that is preserved both on  
 5 what would become the Yorktown lot and then a  
 6 remaining piece on this property.  
 7 There is a little bit of work that was  
 8 done in here with some walls, a little bit of a  
 9 retaining wall to preserve grading and preserve  
 10 additional trees.  
 11 Some of that actually came out of our  
 12 walk with Ms. Spero where we looked at that area in  
 13 particular and found ways to pull that limit of  
 14 clearing closer to the boulevard.  
 15 COUNCILMEMBER McNABOE: Okay. And the  
 16 way I see that light green that's anticipated --  
 17 pretty much a mowed lawn?  
 18 THE WITNESS: The light green --  
 19 COUNCILMEMBER McNABOE: Right there  
 20 where it abuts the back of the -- that rectangle.  
 21 THE WITNESS: Yes, the light green is  
 22 where we would disturb it, it would have been  
 23 graded. And then the dark green area is where the  
 24 existing trees would remain.  
 25 COUNCILMEMBER McNABOE: Okay. So the

Zuegner, P.E. 84

1 intent is that all vehicle traffic would come in and  
 2 out of the boulevard and the pedestrian traffic as  
 3 well?  
 4 THE WITNESS: Correct.  
 5 COUNCILMEMBER McNABOE: Okay. So a  
 6 young boy, a young girl in there, has a basketball  
 7 and they're going to dribble over to the school;  
 8 what prevents them from leaving your property,  
 9 walking across that lawn through the Yorktown  
 10 property and to the school?  
 11 THE WITNESS: So what I can answer is  
 12 to say at the moment nothing, but there are, I'm  
 13 sure, ways to fence that or address that.  
 14 COUNCILMEMBER McNABOE: Okay.  
 15 Two different uses. I would just like  
 16 to hear some more as this goes on, you know, how do  
 17 we -- you have a club that has been there for a long  
 18 time, has facilities that may want to be buffered  
 19 from here, and vice-versa, your residents may not  
 20 want to see everything going on over there. You  
 21 know, good fences make good neighbors sometimes. So  
 22 we'll look at how to do something between those, all  
 23 right?  
 24 I don't have anything in the wetlands  
 25 on any of these properties, your A-2 that you had.

<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">85</p> <p>1 But why wouldn't you just force the main from across  2 your property? You don't need easements from  3 anybody.</p> <p>4           So, in other words, you have -- you're  5 fed on gravity on your townhouses. Your other  6 building you can't get gravity, I got that. Why  7 wouldn't you force the main the way a crow would fly  8 from your apartment buildings to this complex?</p> <p>9           THE WITNESS: So it would go through a  10 section of wetlands. And you can permit some length  11 of utility through wetlands but the length between  12 the two sections reaches that limit. So when we had  13 looked at it there's no way to create that length of  14 force main, create the path through the wetlands  15 without exceeding that limit, allowable limit of  16 disturbance through the wetlands.</p> <p>17           COUNCILMEMBER McNABOE: The wetlands  18 is too large?</p> <p>19           THE WITNESS: It's too large.</p> <p>20           COUNCILMEMBER McNABOE: You know that  21 by asking or you know that by experience or what  22 gives you that...</p> <p>23           THE WITNESS: Because, sir, when we  24 measured it on the plan and compared it to the  25 limited rules within the specific general permit for</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">87</p> <p>1 checked it one more time.</p> <p>2           THE WITNESS: Understood.</p> <p>3           BOARD ENGINEER: Committeeman, Mr.  4 Zuegner has indicated he would provide  5 correspondence and such with WMUA. And I have a  6 good working relationship with them as well. I  7 would be happy to revisit it with them and see if  8 there's any other alternatives.</p> <p>9           COUNCILMEMBER McNABOE: And again, I  10 don't think they were talking about the wetlands.  11 They were just talking about what was there. So  12 again, I'm worried about this system going down on a  13 weekend. And, of course, you know what that's like;  14 we're mobilized. WMUA would be out there. They  15 would have to do it. We would have no choice on it.</p> <p>16           So when Brian says forced mains in this  17 town just haven't -- we haven't had a great success  18 with them; we have stopped many projects from  19 happening. So again, because this is an affordable  20 project...</p> <p>21           Plus anything else that goes on in that  22 area when you talk about that with the sidewalks,  23 you know, again you keep it on your property, this  24 forced is just a whole lot better idea if we can.  25           All right?</p>
<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">86</p> <p>1 utility crossing.</p> <p>2           COUNCILMEMBER McNABOE: Okay. So I  3 have the same concerns. WMUA doesn't allow it. If  4 this were not an affordable project it would be off  5 the table.</p> <p>6           But I can assure you on a 4th of July  7 weekend when this private concern does not operate  8 and it starts bubbling up on Millhurst Road it's not  9 you that will be out there with me, but rather WMUA  10 and everybody that we can get out there. So  11 although it's private, it isn't.</p> <p>12           I have no problems with the forced main  13 especially on this property. If you could just take  14 a look at that again, if there's any way we can  15 extend it across there. Work with Brian.</p> <p>16           I mean, Brian, if you say that it can't  17 go, it can't go.</p> <p>18           I heard testimony you were talking  19 about putting it on Millhurst, but I'm talking about  20 through your property, even if it has to serpentine  21 a little bit to stay on the high and dry areas.</p> <p>22           Again, I'm not familiar with the way --  23 if Brian says it can't be done then I accept that.  24 I just wanted to make sure that we checked it, and  25 then we triple-checked it, and then after that we</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">88</p> <p>1           THE WITNESS: Understood. We'll  2 definitely look at that again.</p> <p>3           COUNCILMEMBER McNABOE: Brian, again,  4 just so I could mention this, so if we can reach out  5 to Monmouth County again and get the update on when  6 they'll be doing their Route 3 project because the  7 improvements to that intersection are part of it.</p> <p>8           And here's what I -- let me just weigh  9 in on the sidewalks. I can agree with you right now  10 on Woodward because this project, the Woodward part  11 -- Woodward is not considered. I would like to see  12 it go from that driveway at least to the corner so  13 if a mass transportation or something may be able to  14 become available we can do something as far as being  15 able to get seniors to a bus stop or something.</p> <p>16           So if we can get -- the old saying, no  17 matter how long the sidewalk is, it starts with the  18 first piece, if we could get from that main drive at  19 least to the corner for now or to the improvement.</p> <p>20           And again, you might want to coordinate  21 with Brian in what this Route 3 project is because  22 when you just tell me that you're going to put them  23 in and then they're going to get ripped out, I can  24 agree that maybe we don't put them in now but the  25 ultimate goal is that they'll be in as you're</p>

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1 wrapping this project on this.

2 THE WITNESS: I think that can be --

3 that's a very appropriate idea. We can do that.

4 COUNCILMEMBER McNABOE: And I'm good

5 for now in the interest of time.

6 CHAIRWOMAN KWAAK: Okay. I have

7 nothing at this time.

8 Barry?

9 COMMITTEEMAN JACOBSON: I had a

10 clarification on the conduits for the electric --

11 electric vehicle charging stations in the parking

12 lot.

13 Now you're putting in the

14 infrastructure. Are there -- there's going to be

15 points where you could put the -- any identifiable

16 places where they could put the charging stations or

17 it's going to be constructed and they can be put

18 anywhere in the lot?

19 ATTORNEY PAPE: You run the conduit

20 along the front of the stalls and then when the time

21 comes to put the chargers, the chargers -- there's

22 one stall, two chargers on it. So the conduits just

23 run right at the top of the...

24 COMMITTEEMAN JACOBSON: Okay. So they

25 would be out, visible? So if, let's say, the owner

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1 gets a grant or something to be able to put charging

2 stations, you know, because it's basically

3 encouraged now, it would be readily easy to do.

4 ATTORNEY PAPE: Installing the conduit

5 is installing the infrastructure so that's just a

6 matter of putting the stalls on.

7 COMMITTEEMAN JACOBSON: Yeah, the

8 conduit is the big price. Okay, that's all I have.

9 Thank you.

10 CHAIRWOMAN KWAAK: Daria?

11 MEMBER D'AGOSTINO: Hi. Thank you for

12 the presentation. I had a question. The

13 27.79 acres that's disturbance areas, is that your

14 uplands area only?

15 THE WITNESS: So we're only -- our

16 disturbance is all within uplands. There are

17 uplands that we're not disturbing as well.

18 MEMBER D'AGOSTINO: Oh, there are.

19 So what is the percentage of wetlands

20 on the property, approximately?

21 THE WITNESS: So the total wetlands on

22 the property of the 162 acres is -- 90-some acres is

23 wetlands for the 162.

24 MEMBER D'AGOSTINO: And there's a

25 stream you mentioned on it. Do you know what

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1 category it is?

2 THE WITNESS: I don't know. I know

3 it's not a stream that gets any specific or higher

4 level of buffer. It's not a named stream. But

5 there's sufficient drainage area that there was a

6 flood hazard -- flood study done showing what area

7 around it would flood in the 100-year storm and

8 there was a permit obtained for that.

9 BOARD PLANNER: I think she's trying

10 to get is it a C1 stream that would require a

11 300-foot buffer?

12 THE WITNESS: It is not.

13 MEMBER D'AGOSTINO: Thank you. All

14 right. That's all I have for now.

15 Thank you.

16 CHAIRWOMAN KWAAK: Todd?

17 MEMBER BROWN: Excellent presentation,

18 thank you. A couple of minor items.

19 You said the parking for the apartment

20 building -- the senior apartment building, is that

21 to be assigned as parking or is that open?

22 ATTORNEY PAPE: Best experience is

23 each community, you find out what works. There's --

24 assigning parking is not the goal. If the

25 superintendent determines that it's necessary,

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1 assignment will occur. You will hear from John Rea

2 that there is an expectation that the parking is

3 closer to .8 cars for apartment and we're at 1.8.

4 We think we'll be fine.

5 MEMBER BROWN: I guess I'm looking for

6 clarification because on your Sheet 33 you show a

7 detail that they would be assigned. So I'm just

8 trying to look for clarification of assigned or not

9 assigned?

10 ATTORNEY PAPE: Want to leave it to

11 management and the community to determine.

12 MEMBER BROWN: Okay. The townhomes are

13 showing a small patio to the rear of each unit.

14 What is the size of that patio?

15 THE WITNESS: I'd like to defer to the

16 architect.

17 ATTORNEY PAPE: We'll bring him up.

18 MEMBER BROWN: Architect or the

19 landscaping? I can wait for the architect.

20 ATTORNEY PAPE: You can be ready on

21 that? Okay, architect will be ready.

22 MEMBER BROWN: Okay, I will hold that.

23 And I guess based on the size of that

24 -- and Jen, how would the -- since the townhomes

25 will be on their own individual lots, what would

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1 stop someone from expanding on that patio?  
 2 BOARD PLANNER: I mean --  
 3 realistically, nothing. I mean obviously it would  
 4 have to go into some kind of -- into the HOA  
 5 documents that -- because they don't own that much,  
 6 right; the grass is HOA property, right?  
 7 ATTORNEY PAPE: There is an individual  
 8 lot for each home. There is a little bit in front  
 9 and a little bit behind that they own.  
 10 BOARD PLANNER: So there would have to  
 11 be some kind of -- like similar to what we were  
 12 talking about with the garages, there would have to  
 13 be some kind of language in the HOA docs that would  
 14 preclude that from happening.  
 15 MEMBER BROWN: I can just see that  
 16 someone would -- may want a larger back patio and it  
 17 does appear that they do have privately owned grass  
 18 space in their lot and what stops that to be  
 19 stretched all the way, especially when privacy  
 20 fences is only provided for the first 8 to  
 21 10 feet-ish; what stops that creep?  
 22 Or is there anything to prevent it when  
 23 somebody says, Hey, I want to put up a small little  
 24 temporary gazebo or pavilion that I can buy at a  
 25 wholesale store?

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1 ATTORNEY PAPE: There's a number of  
 2 answers. This is not something that comes right out  
 3 of a textbook. If you, as the town's planners, feel  
 4 that there should be a control, we'll put it in  
 5 special conditions.  
 6 But typically outdoor activity such as  
 7 that would be subject to a -- an architectural  
 8 review committee or an architectural landscape  
 9 committee and that could be built into the  
 10 association documents. So you could create -- you  
 11 could ask and direct us to have it built into the  
 12 document as an internal or you could state that  
 13 anything other than what is shown on the plan  
 14 requires that someone come to the town for relief.  
 15 MEMBER BROWN: Right.  
 16 ATTORNEY PAPE: And we're comfortable  
 17 with that.  
 18 MEMBER BROWN: And I'll open to the  
 19 board members if they have any preferences one way  
 20 or the other, just to make sure that it stays  
 21 controlled or if someone was able to expand if they  
 22 wanted to to have a larger patio set.  
 23 That's all I have.  
 24 CHAIRWOMAN KWAAK: Barry?  
 25 MEMBER FISHER: Yeah. A lot of the

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1 questions that I had were answered, so.  
 2 The fencing, excuse me, I know you  
 3 mentioned chain link. You also mentioned split  
 4 rail. A split rail, I've been into developments and  
 5 a lot of them, the split rails just don't hold up  
 6 after a certain amount of time. We know that.  
 7 Can I ask you, can they be vinyl?  
 8 THE WITNESS: Yes.  
 9 MEMBER FISHER: They will be vinyl?  
 10 THE WITNESS: They can be, yes.  
 11 MEMBER FISHER: Thank you. That's  
 12 that.  
 13 The plantings in the basins, since I'm  
 14 on the Environmental Commission also, they would be  
 15 native plantings, I assume?  
 16 THE WITNESS: The plantings within the  
 17 basins would be native species.  
 18 MEMBER FISHER: Perfect. I also have a  
 19 habit of asking for no idling signs. By the  
 20 recreation, by a clubhouse, those areas where people  
 21 tend to wait for somebody, they idle their cars. We  
 22 know what's happening with the atmosphere and we try  
 23 to restrict it.  
 24 Can we have some signs up in the  
 25 recreation areas and where the clubhouse and

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1 everything is?  
 2 ATTORNEY PAPE: If that -- there  
 3 certainly is nothing wrong with the request. If  
 4 that is the request of the board, the answer is yes.  
 5 MEMBER FISHER: And the ordinance.  
 6 There is an ordinance, I believe. Am I correct?  
 7 There is an ordinance.  
 8 BOARD PLANNER: I think it's a state  
 9 requirement.  
 10 MEMBER BROWN: It's a state ordinance.  
 11 MEMBER FISHER: State ordinance,  
 12 correct.  
 13 BOARD PLANNER: Yeah, state law.  
 14 MEMBER FISHER: Okay. Solar, I hear  
 15 soon. There's no discussion about solar?  
 16 ATTORNEY PAPE: The architect will  
 17 tell you that all of the buildings are designed to  
 18 handle the weight of solar but there's no solar that  
 19 is proposed at this time.  
 20 MEMBER FISHER: Not at this time.  
 21 Last but not least --  
 22 ATTORNEY CUCCHIARO: I'll just hop on  
 23 that before you go. For the townhouse units it's  
 24 designed for the weigh of solar. Is it going to  
 25 be -- would a homeowner have the option to put solar

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1 or is that something that the HOA would determine?  
 2 ATTORNEY PAPE: I'm going to ask  
 3 Mr. Schmelzer. I think I know the answer to it but  
 4 I want to be absolutely certain.  
 5 ATTORNEY CUCCHIARO: Okay.  
 6 ATTORNEY PAPE: I don't see any reason  
 7 to restrict solar, if someone wants to put solar on  
 8 their roof, but I want to confirm it.  
 9 ATTORNEY CUCCHIARO: In some townhouse  
 10 communities the roof is actually owned by the -- or  
 11 maintained by the HOA rather than the homeowner.  
 12 ATTORNEY PAPE: Understood.  
 13 MEMBER FISHER: He's right. And last  
 14 but not least since there are seniors, any idea  
 15 about generators, a generator if the power goes off?  
 16 ATTORNEY PAPE: At the affordable  
 17 apartments?  
 18 MEMBER FISHER: Yes.  
 19 ATTORNEY PAPE: I'm going to have that  
 20 answer for you, too.  
 21 MEMBER FISHER: You'll look into that.  
 22 Well, that's about it.  
 23 CHAIRWOMAN KWAAK: John?  
 24 MEMBER CASTRONOVO: Thank you. On the  
 25 apartments, you mentioned there's 56 units; how many

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1 bedrooms in each unit total?  
 2 ATTORNEY PAPE: I think the  
 3 architect --  
 4 THE WITNESS: As number-wise, it's  
 5 half-and-half. So there are 28 one-bedrooms. There  
 6 are 27 affordable two-bedrooms, and a super unit is  
 7 a two-bedroom. So it's split, 28 and 28.  
 8 MEMBER CASTRONOVO: Okay. So I'm  
 9 trying to gauge the number of vehicles per  
 10 apartment. So if it's 55, restricted 55 and older,  
 11 it possibly could be two cars per unit. How do we  
 12 fit the number of cars, assuming each resident has  
 13 two vehicles?  
 14 ATTORNEY PAPE: We assumed that the  
 15 parking would be as the RSIS standards are, which is  
 16 1.8 per one-bedrooms and two for the two-bedrooms  
 17 and that's how it was designed.  
 18 MEMBER CASTRONOVO: Right. But the  
 19 RSIS standard, I think, is not realistic in terms of  
 20 the usage of parking. Then you have visitors that  
 21 come in, children and grandchildren might come and  
 22 visit. Parking is going to be a problem.  
 23 The thing is of the 162 acres, 100 or  
 24 90 acres is environmentally sacred. It appears to  
 25 me that the construction of the developments are

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1 very condensed. Is there any reason for that? Can  
 2 we expand out a little to not be as clustered, so  
 3 close together? Can we add some more parking for  
 4 that?  
 5 Why are we compacting both of these  
 6 developments?  
 7 ATTORNEY PAPE: The ordinance that  
 8 is -- that we followed, we followed to a T. If  
 9 anything, the buildings are a little bit further  
 10 apart than the ordinance provides.  
 11 And the parking that is required, on  
 12 one side we are fully compliant with the RSIS  
 13 standards. And you'll hear from Mr. Rea that we  
 14 think that the 1.8 is actually one more unit than  
 15 necessary per. We expect to be in the .8 range, so  
 16 we're fully compliant. And the other side we have  
 17 over 100 extra parking spaces.  
 18 So it's ordinance compliant. The  
 19 buildings are not as tight as the ordinance requires  
 20 -- permits. And we have more parking than the  
 21 ordinance requires.  
 22 MEMBER CASTRONOVO: Right, I  
 23 understand that. And I appreciate you following the  
 24 ordinance, but in terms of space it seems like you  
 25 have the space to expand a little bit more, go

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1 beyond the requirements of the ordinance to -- to  
 2 make the community not as dense and restricted and  
 3 add more parking. It just seems that you're  
 4 squeezing it in.  
 5 I mean, so of the 162 acres, the  
 6 22 acres that the applicant is developing on, none  
 7 of the other land in the future could be developed  
 8 whatsoever?  
 9 ATTORNEY PAPE: No, there are uplands  
 10 throughout that. There are pockets of uplands.  
 11 We're developing approximately 20 acres, 90 acres  
 12 are wetlands, 20 plus -- that's 110. There's 40,  
 13 50 acres of uplands somewhere in there.  
 14 But the ordinance -- it's not like as  
 15 if we borrowed an ordinance. This is an ordinance  
 16 that we sat down and worked with, first with the  
 17 courts and then with the town, to create a very  
 18 specific ordinance with very specific standards.  
 19 We agreed with the town on all those  
 20 standards and then the ordinance was created by the  
 21 town. And now we have followed it or exceeded it  
 22 and no -- except for the adornments on the side of  
 23 the buildings, there isn't a single variance.  
 24 So we respect your opinion but it's not  
 25 ours. Ours is that we have done exactly what we

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1 promised to do.

2 THE WITNESS: Another thing I would

3 add to that is part of how we approached it is we

4 wanted to preserve existing trees. We didn't want

5 to overly expand the footprint of development or

6 remove more trees.

7 MEMBER CASTRONOVO: But you could if

8 you wanted to, other than remove the trees. So you

9 weren't restricted because the wetland is so close

10 to it that you had to create a buffer and that's why

11 you were restricted to building to that?

12 THE WITNESS: No, many areas we are up

13 against actually average buffers, when we worked the

14 buffers to put that in.

15 MEMBER CASTRONOVO: I mean, I'm not

16 saying -- to me it just seems like we're cramming

17 when we have so much land to -- to build these

18 developments.

19 On the three-story building with the

20 senior apartments, I'm assuming there is going to be

21 elevators. Is there one bank of elevators, multiple

22 banks of elevators?

23 ATTORNEY PAPE: The architect will

24 speak to it.

25 MEMBER CASTRONOVO: Oh, and the

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1 compactors, the garbage; so in terms of the units at

2 the townhouse, the superintendent will be wheeling

3 these bundles over to the enclosure?

4 ATTORNEY PAPE: The townhouse, there

5 will be cans in the garage that the homeowner will

6 bring out.

7 MEMBER CASTRONOVO: Oh, it's the --

8 I'm sorry, apartments. Sorry. Got it.

9 I'm sorry, on the apartments, how many

10 of these receptacles will be rolled over to the

11 enclosure? Are there a dozen, are there three, in

12 terms of typically what it could come down to?

13 THE WITNESS: So I think we can get a

14 little more specifics for you on exact volume, but

15 typically it's a rollable container that is brought

16 out. That is one. And then it's 4 feet by 4 feet

17 and it contains all of the compacted trash.

18 Their -- I wish I had brought the

19 actual numbers -- their volume reduction through the

20 internal compactor is very significant. It's really

21 seen as sort of the gold standard way of how to

22 handle trash, as opposed to having people bring it

23 themselves out of the building to a dumpster.

24 It's maintained in the building. It's

25 much cleaner, goes into a specific trash room. It's

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1 compacted. And then really just on the pickup day

2 that super would wheel this one container out, or it

3 might be two, it's put into the enclosure area and

4 then it gets picked up hopefully an hour later or

5 two hours later and the empty container gets wheeled

6 back in.

7 MEMBER CASTRONOVO: Any consideration

8 to looking into a compactor for recyclables as well?

9 ATTORNEY PAPE: We did not consider

10 that. You're talking plastics and -- the mixed

11 recyclables? I'll ask the -- I'll ask the

12 architect.

13 MEMBER CASTRONOVO: Yeah, because to

14 me it seems that recyclables take up more space

15 because people don't break down their cardboard

16 boxes and things like that and they end up taking

17 much more space than garbage pails. But that's just

18 my opinion.

19 And I think that's all I have for now.

20 Thank you very much.

21 CHAIRWOMAN KWAAK: Steve?

22 MEMBER KASTELL: A quick question or

23 two. If I'm hearing you correctly, there's no

24 parking on the streets in the townhouse community?

25 THE WITNESS: There is no parallel

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1 parking on the street. The parking is all in

2 designated 90-degree spaces.

3 MEMBER KASTELL: I think that's all I

4 have for now.

5 CHAIRWOMAN KWAAK: Okay. Brian?

6 MEMBER SHORR: Just a couple of

7 questions.

8 You mentioned pickleball and tennis.

9 You said you're going to wheel out the pickleball.

10 Can pickleball and tennis be played at the same

11 time?

12 THE WITNESS: Not at the same

13 time. It would be one or the other.

14 MEMBER SHORR: One or the other?

15 That's a problem. You should look into that.

16 Especially you mention that pickleball is such a

17 sport -- the top number one sport in the country,

18 and that's something you should really look at

19 because our development is looking into that at this

20 point.

21 The other thing is on the senior

22 housing. I assume buses can come into the senior

23 housing because they're going to be picking up

24 people.

25 THE WITNESS: The small community like

<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">105</p> <p>1 transit buses, yes.</p> <p>2 MEMBER SHORR: And what about school</p> <p>3 buses?</p> <p>4 ATTORNEY PAPE: In the seniors?</p> <p>5 MEMBER SHORR: No, in the townhouses.</p> <p>6 ATTORNEY PAPE: Oh, sure.</p> <p>7 THE WITNESS: The roads are set up for</p> <p>8 large vehicles to circumnavigate the community. I</p> <p>9 don't know what the school board's program or</p> <p>10 preference is for pickup.</p> <p>11 ATTORNEY PAPE: But if it were -- if</p> <p>12 the School Board wanted pick up internally, the</p> <p>13 roads that you've designed accommodate the school</p> <p>14 bus?</p> <p>15 THE WITNESS: Yes.</p> <p>16 MEMBER SHORR: Because I see a problem</p> <p>17 if it's not. You know, you are picking up kids on</p> <p>18 Millhurst or Woodward and that, to me, is a problem.</p> <p>19 THE WITNESS: I would agree. I just</p> <p>20 don't want to speak to the School Board as to where</p> <p>21 they would do pick-up.</p> <p>22 MEMBER SHORR: All right, that's fine.</p> <p>23 That's all I have.</p> <p>24 CHAIRWOMAN KWAAK: Okay. Anybody else</p> <p>25 from the board? Okay, let's take a ten-minute</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">107</p> <p>1 the generator, when you come back you will show it</p> <p>2 on the plan for us, so we can give it our blessing?</p> <p>3 ATTORNEY PAPE: Sure.</p> <p>4 Madam Chair, it's 10 out of 10. We</p> <p>5 have three more witnesses. The landscape witness is</p> <p>6 next.</p> <p>7 CHAIRWOMAN KWAAK: Okay.</p> <p>8 ATTORNEY PAPE: And traffic is after</p> <p>9 that. I think, if my projections are correct,</p> <p>10 somewhere 45 minutes or so from now we will have</p> <p>11 both of those complete.</p> <p>12 CHAIRWOMAN KWAAK: Okay.</p> <p>13 ATTORNEY PAPE: What is the pleasure</p> <p>14 of the board for this evening?</p> <p>15 CHAIRWOMAN KWAAK: Let's see what we</p> <p>16 can get through, so.</p> <p>17 ATTORNEY PAPE: Fine. Very good.</p> <p>18 MEMBER BROWN: Madam Chair?</p> <p>19 CHAIRWOMAN KWAAK: Yes.</p> <p>20 MEMBER BROWN: And Mr. Pape, sorry,</p> <p>21 there's one last question. I had the solar for the</p> <p>22 buildings, for the townhome buildings, would be</p> <p>23 designed for weight but not provided at this time.</p> <p>24 But would it be allowed individually?</p> <p>25 ATTORNEY PAPE: Yes.</p>
<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">106</p> <p>1 recess and we'll come back.</p> <p>2 ATTORNEY PAPE: Thank you.</p> <p>3</p> <p>4 (A recess is taken at 9:30 p.m.)</p> <p>5 - - -</p> <p>6 CHAIRWOMAN KWAAK: I would like to</p> <p>7 call this meeting back to order at 9:49.</p> <p>8 Okay, Mr. Pape.</p> <p>9 ATTORNEY PAPE: Madam Chair, before we</p> <p>10 go to the next witness, I will ask permission to go</p> <p>11 to the next witness, there are two questions that I</p> <p>12 can answer.</p> <p>13 The architect advised us that there are</p> <p>14 no compactors available for recyclable materials.</p> <p>15 They can't compact glass, aluminum, cardboard all</p> <p>16 together. There are none. They have to be</p> <p>17 separate.</p> <p>18 The second is the senior building will</p> <p>19 have a generator from day one. And the trash</p> <p>20 collection for the senior building we will not ask</p> <p>21 the municipality to be involved in that, that will</p> <p>22 be handled privately.</p> <p>23 So I think those were the questions</p> <p>24 that I wanted to make sure were answered.</p> <p>25 CHAIRWOMAN KWAAK: So with regards to</p>	<p style="text-align: center;">Zuegner, P.E.</p> <p style="text-align: right;">108</p> <p>1 MEMBER BROWN: Was that ever</p> <p>2 determined?</p> <p>3 ATTORNEY PAPE: Yes, solar will be</p> <p>4 allowed.</p> <p>5 MEMBER BROWN: Okay.</p> <p>6 CHAIRWOMAN KWAAK: Okay.</p> <p>7 ATTORNEY PAPE: So I remind</p> <p>8 Mr. Zuenger that he is to remain with us and to</p> <p>9 return when we return.</p> <p>10 I would ask if Julie Kobesky, our</p> <p>11 landscape expert, could join us, bringing with her</p> <p>12 her exhibits.</p> <p>13 CHAIRWOMAN KWAAK: We'll get you sworn</p> <p>14 in.</p> <p>15 ATTORNEY CUCCHIARO: Do you swear or</p> <p>16 affirm the testimony you are about to give this</p> <p>17 board is the truth, the whole truth and nothing but</p> <p>18 the truth?</p> <p>19 JULIE KOBESKY: I do.</p> <p>20 ATTORNEY CUCCHIARO: Please state and</p> <p>21 spell your name for the record.</p> <p>22 CHAIRWOMAN KWAAK: And put it in the</p> <p>23 microphone.</p> <p>24 JULIE KOBESKY: Okay. Julie Kobesky,</p> <p>25 it's K-O-B-E-S-K-Y.</p>



<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">109</p> <p>1</p> <p>2 EXAMINATION</p> <p>3</p> <p>4 BY ATTORNEY PAPE:</p> <p>5 Q. Ms. Kobesky, would you share with all</p> <p>6 present your education and professional background?</p> <p>7 A. Yes. I am a 2004 graduate of Penn</p> <p>8 State University where I received a bachelor of</p> <p>9 landscape architecture degree. I currently hold the</p> <p>10 position of associate at Melillo Bauer Carman in</p> <p>11 Brielle, New Jersey. I am a licensed landscape</p> <p>12 architect in the state of New Jersey and I have</p> <p>13 appeared before numerous boards throughout the</p> <p>14 state.</p> <p>15 Q. And are you responsible for the design</p> <p>16 of the landscape plan that you will be presenting to</p> <p>17 the board?</p> <p>18 A. Yes.</p> <p>19 ATTORNEY PAPE: Madam Chair, may I ask</p> <p>20 that you accept Julie Kobesky as an expert in her</p> <p>21 field and allow her to so testify?</p> <p>22 CHAIRWOMAN KWAAK: Her credentials are</p> <p>23 sufficient. Thank you.</p> <p>24 ATTORNEY PAPE: Thank you.</p> <p>25 BY ATTORNEY PAPE:</p>	<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">111</p> <p>1 of the site. We flanked the entrance with the</p> <p>2 architectural features that include low walls into</p> <p>3 the north, so there's a low wall on either side.</p> <p>4 And to the north we have got a double-sided entry</p> <p>5 sign. You can see a detail down here of that, of</p> <p>6 that element with the entry sign fronted by a low</p> <p>7 wall.</p> <p>8 The design that we developed for both</p> <p>9 the wall and the signage draws upon elements both of</p> <p>10 materials and design elements directly from the</p> <p>11 buildings's architecture, which you will hear about</p> <p>12 in the subsequent presentations.</p> <p>13 We planted around those elements. We</p> <p>14 have included flowering annuals in front of both</p> <p>15 walls and then surrounded it with native ornamental</p> <p>16 grasses and native shrubs behind the wall to create</p> <p>17 a really nice backdrop as you're traveling along</p> <p>18 Millhurst Road.</p> <p>19 The island at this entry is planted</p> <p>20 with native flowering ornamental trees and it's</p> <p>21 under planted with again, native shrubs and</p> <p>22 ornamental grasses and flowering perennials.</p> <p>23 So the goal was to create a really nice</p> <p>24 entrance as you're coming in off Millhurst Road.</p> <p>25 BY ATTORNEY PAPE:</p>
<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">110</p> <p>1 Q. I'm going to ask if you could, in a</p> <p>2 narrative fashion, identify the responsibilities</p> <p>3 that you had on this project. And then if you could</p> <p>4 take us through the design of the two entrance ways</p> <p>5 that you have prepared?</p> <p>6 A. Sure. Let me put up the plan.</p> <p>7 ATTORNEY PAPE: Counselor, we're up to</p> <p>8 A-6?</p> <p>9 BOARD SECRETARY: Yes.</p> <p>10 ATTORNEY PAPE: A-6.</p> <p>11</p> <p>12 (Exhibit A-6, Landscape Entry Plan for</p> <p>13 for Townhouse Project, was marked for</p> <p>14 Identification.)</p> <p>15</p> <p>16 THE WITNESS: So as was indicated, our</p> <p>17 efforts were focused on the development of any</p> <p>18 enhancements for the two entrances for the project</p> <p>19 off of Millhurst Road. And in developing the design</p> <p>20 for those two entrances we anchored both entrance</p> <p>21 with architectural elements that flank a boulevard</p> <p>22 entrance with lushly planted leading into the two</p> <p>23 areas of the site.</p> <p>24 So beginning with -- this is actually</p> <p>25 L2, that shows the entry into the townhome portion</p>	<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">112</p> <p>1 Q. If you could confirm the time spent</p> <p>2 with Shari Spero going over your choice of materials</p> <p>3 and the design?</p> <p>4 A. We did share our plans with Shari and</p> <p>5 she helped us with adjustments to a couple of the</p> <p>6 plantings that we had, but we worked closely with</p> <p>7 her on the development of the planting on both</p> <p>8 entrances.</p> <p>9 Q. I think it's worth letting the board</p> <p>10 know that you have worked with Shari Spero in the</p> <p>11 past and have a professional relationship?</p> <p>12 A. I do, yes.</p> <p>13 Q. If you could take us to the next one?</p> <p>14 A. The next one that I have.</p> <p>15 Q. A-7?</p> <p>16 A. A-7.</p> <p>17</p> <p>18 (Exhibit A-7, Landscape Entry Plan for</p> <p>19 Senior Community Project, was marked for</p> <p>20 Identification.)</p> <p>21</p> <p>22 THE WITNESS: This is the plan for the</p> <p>23 affordable senior housing entry into the site.</p> <p>24 Again, we have included an architectural feature in</p> <p>25 the form of a single-sided sign, again, as to flank</p>

<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">113</p> <p>1 the entrance. So here we're putting two sign panels  2 that are single-sided to allow for visibility of  3 that sign coming from both directions of traffic  4 along Millhurst Road.</p> <p>5 In front of that -- and the design of  6 that sign panel would be the same as the  7 double-sided sign panel that we're using at the  8 townhome entrance.</p> <p>9 In front of that -- and we included  10 some seasonal annual plantings to create a  11 multi-season entrance and we surrounded it with  12 native ornamental grasses and backed it with  13 ornamental -- or native shrubs.</p> <p>14 Within the islands at this entrance we  15 have included -- because it is narrow we didn't want  16 to -- didn't feel it was appropriate to include a  17 lot of trees in that, but instead we have created  18 almost a meadow-like experience with low native  19 shrubs, ornamental grasses and flowering perennials  20 to really just create a calming, nice lushly planted  21 entry into the site.</p> <p>22 So we feel, as indicated, we worked  23 closely with Ms. Spero in developing the planting  24 design for the site. We focussed on making sure  25 that we selected deer-resistant planting. And also</p>	<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">115</p> <p>1 Jersey was the Pier Village developments where we've  2 worked for a number of years helping both with the  3 overall site design down to the smaller details of  4 landscape design.</p> <p>5 Q. I think that historically you have done  6 a number of Four Seasons entryways and communities  7 too?</p> <p>8 A. We have, yes.</p> <p>9 ATTORNEY PAPE: We wanted to make the  10 point that we we're very comfortable working with  11 Mr. Zuenger's firm but we wanted to have something  12 special at the entranceway and for that reason we  13 went to Julie and the Melillo Bauer team.</p> <p>14 And that's is our presentation of Julie  15 Kobesky's entryways. She is available to you for  16 examination.</p> <p>17 CHAIRWOMAN KWAAK: Professionals,  18 questions?</p> <p>19 BOARD PLANNER: Are you responsible  20 for the signage?</p> <p>21 THE WITNESS: Yes.</p> <p>22 BOARD PLANNER: Can you talk a little  23 bit about the size of the signage?</p> <p>24 THE WITNESS: Let me put that back up.  25 So we have included some dimensions on</p>
<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">114</p> <p>1 we heavily favored native plants in the development  2 of our planting plans. The overall goal was to  3 create a really nice, lush environment not only for  4 the residents and visitors to the site but also for  5 the greater community traveling along Millhurst  6 Road.</p> <p>7 ATTORNEY PAPE: The goal of your  8 applicant was to have a very attractive, a very  9 high-end entrance to both of these communities.  10 Both of these communities are not highly visible to  11 the traveling public. The entrance ways would be.  12 BY ATTORNEY PAPE:</p> <p>13 Q. Would you take just a few moments to  14 talk about Melillo Bauer Carman, the history of your  15 firm. Maybe share with the board members some of  16 the higher-end or higher-profile designs throughout  17 the state that your company has been responsible  18 for.</p> <p>19 A. We worked on a number of projects of  20 various sizes from high-end residential design  21 through what -- we have done a number of projects  22 along the coast, Hudson, Jersey City, and Hoboken,  23 doing a lot of high-rise residential and mixed-use  24 communities.</p> <p>25 One of our largest projects in New</p>	<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">116</p> <p>1 here. The overall height of the signage from the  2 base of the wall to the top will be 6'6" in height.  3 The panel itself was 6 feet wide by 3 and a half  4 feet high. And as I mentioned, at one entrance  5 there is two single-sided sign panels and that  6 dimension. The signage would be double-sided.</p> <p>7 BOARD PLANNER: And are they lit?</p> <p>8 THE WITNESS: We've included -- yes,  9 there would be uplighting. So ground lighting.</p> <p>10 BOARD PLANNER: From the ground?</p> <p>11 THE WITNESS: Yes.</p> <p>12 BOARD PLANNER: And what about -- is  13 it the same size sign for the senior community as  14 well?</p> <p>15 THE WITNESS: Yes.</p> <p>16 BOARD PLANNER: Okay. And can you  17 just provide my office, and probably Brian's office  18 as well, with details of the signs because I didn't  19 seem to have any in my packet?</p> <p>20 THE WITNESS: Sure. Absolutely.</p> <p>21 BOARD PLANNER: That's all I have,  22 Madam Chair.</p> <p>23 CHAIRWOMAN KWAAK: Okay. Brian.  24 BOARD ENGINEER: Thank you, Madam  25 Chair.</p>

<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">117</p> <p>1 Ms. Kobesky, you were responsible just</p> <p>2 for the entry features, right, not the inside</p> <p>3 landscaping?</p> <p>4 THE WITNESS: Correct.</p> <p>5 BOARD PLANNER: Okay. With that said,</p> <p>6 I don't have any questions.</p> <p>7 Thank you.</p> <p>8 CHAIRWOMAN KWAAK: Rick?</p> <p>9 CHIEF HOGAN: No questions.</p> <p>10 CHAIRWOMAN KWAAK: Jack?</p> <p>11 COUNCILMEMBER McNABOE: The senior</p> <p>12 building, is it visible from Millhurst at all?</p> <p>13 THE WITNESS: I don't believe -- so</p> <p>14 that would be more of a question for --</p> <p>15 ATTORNEY PAPE: Yeah, that would be</p> <p>16 a --</p> <p>17 COUNCILMEMBER McNABOE: That's fine.</p> <p>18 I will go back to it, I just -- this is our problem</p> <p>19 with waiting for everybody.</p> <p>20 CHAIRWOMAN KWAAK: I know.</p> <p>21 COUNCILMEMBER McNABOE: So I'll wait</p> <p>22 till the end and then hit somebody and you will be</p> <p>23 allowed to question them at that point.</p> <p>24 ATTORNEY PAPE: Absolutely.</p> <p>25 COUNCILMEMBER McNABOE: Thanks.</p>	<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">119</p> <p>1 CHAIRWOMAN KWAAK: Todd?</p> <p>2 MEMBER BROWN: The two signs for the</p> <p>3 two different parts of the community, obviously you</p> <p>4 could not get from one part to the other part. Will</p> <p>5 they still have the same names?</p> <p>6 ATTORNEY PAPE: No. No, they're going</p> <p>7 to be -- they'll be two separate names.</p> <p>8 MEMBER BROWN: Okay. So they're not</p> <p>9 both going to be Woodward Estates?</p> <p>10 ATTORNEY PAPE: No.</p> <p>11 MEMBER BROWN: Okay.</p> <p>12 ATTORNEY PAPE: Probably neither.</p> <p>13 MEMBER BROWN: Gotcha. Okay, just</p> <p>14 want to check.</p> <p>15 Thank you.</p> <p>16 CHAIRWOMAN KWAAK: Okay.</p> <p>17 MEMBER FISHER: Reason for that? No.</p> <p>18 CHAIRWOMAN KWAAK: John?</p> <p>19 MEMBER CASTRONOVO: I got nothing.</p> <p>20 Thank you.</p> <p>21 CHAIRWOMAN KWAAK: Okay. Steve?</p> <p>22 MEMBER KASTELL: Nothing.</p> <p>23 CHAIRWOMAN KWAAK: Brian?</p> <p>24 MEMBER SHORR: One more question, the</p> <p>25 plantings that you're putting in, are they deer</p>
<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">118</p> <p>1 CHAIRWOMAN KWAAK: That's it? Okay.</p> <p>2 The entrance to the townhouses, where</p> <p>3 is the signage on the other display you showed?</p> <p>4 THE WITNESS: So the signage, for the</p> <p>5 townhome entrance the signage is this panel. So</p> <p>6 it's one single-sided -- or double-sided sign.</p> <p>7 CHAIRWOMAN KWAAK: Okay. And the</p> <p>8 senior?</p> <p>9 THE WITNESS: And at the senior</p> <p>10 development there is a side panel on either side.</p> <p>11 Because of the dimension that we had,</p> <p>12 it was difficult to fit a double-sided sign like we</p> <p>13 had at the townhome community, so we wanted to make</p> <p>14 sure there was visibility of that signage from both</p> <p>15 directions of travel along Millhurst Road.</p> <p>16 CHAIRWOMAN KWAAK: Okay.</p> <p>17 COUNCILMEMBER McNABOE: Site triangle?</p> <p>18 BOARD PLANNER: It's outside the site</p> <p>19 triangle, correct?</p> <p>20 THE WITNESS: Yes.</p> <p>21 CHAIRWOMAN KWAAK: That's all I have.</p> <p>22 Barry?</p> <p>23 COMMITTEEMAN JACOBSON: I'm fine.</p> <p>24 CHAIRWOMAN KWAAK: Daria?</p> <p>25 MEMBER D'AGOSTINO: No questions.</p>	<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">120</p> <p>1 deterrent?</p> <p>2 THE WITNESS: Yes.</p> <p>3 CHAIRWOMAN KWAAK: Okay.</p> <p>4 MEMBER KASTELL: Actually, will they</p> <p>5 be water deterrent?</p> <p>6 Will you water the plantings?</p> <p>7 CHAIRWOMAN KWAAK: Steve?</p> <p>8 MEMBER KASTELL: Will you water the</p> <p>9 plantings?</p> <p>10 CHAIRWOMAN KWAAK: What? Steve, get</p> <p>11 on the microphone.</p> <p>12 ATTORNEY PAPE: Yes. Mr. Schmelzer</p> <p>13 has indicated the entranceways will be irrigated.</p> <p>14 CHAIRWOMAN KWAAK: Okay. Any other</p> <p>15 questions, board members?</p> <p>16 Okay, Mr. Pape, back to you.</p> <p>17 ATTORNEY PAPE: Thank you.</p> <p>18 Louis, could we just answer that one</p> <p>19 question? Julie, thank you so very much.</p> <p>20 The one question that Mr. McNaboe just</p> <p>21 asked of us, will you see the senior building from</p> <p>22 the roadway.</p> <p>23 LOUIS ZUENGER: So I want to give it</p> <p>24 some serious thought and bring it back to you at</p> <p>25 full detail. You would not see it easily for sure.</p>

<p style="text-align: center;">Kobesky, L.A.</p> <p style="text-align: right;">121</p> <p>1 I don't know if you can see it at all but I want to  2 look at that and see it.  3 I don't want to tell you you will never  4 see it without really digging into that deeper.  5 It's back a ways. It's in the woods. It bends. I  6 can't believe you would see it but I really want to  7 look at it.  8 COMMITTEEMAN McNABOE: I appreciate  9 the detailed answer.  10 ATTORNEY PAPE: Okay, thank you.  11 With your permission, John Rea is the  12 gentleman responsible for doing the traffic study.  13 I'm going to ask if he could join us. I have a  14 short list of questions for him this evening.  15 ATTORNEY CUCCHIARO: Do you swear or  16 affirm the testimony you are about to give this  17 board is the truth, the whole truth, and nothing but  18 the truth?  19 JOHN REA: I do.  20 ATTORNEY CUCCHIARO: Please state and  21 spell your name for the record.  22 JOHN REA: John Rea, R-E-A.  23  24 E X A M I N A T I O N  25</p>	<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">123</p> <p>1 Q. Mr. Rea, I'm going to ask if you could  2 -- we'll do the townhouse community first. I'm  3 going to ask if you would confirm three important  4 factors: That the entranceway is safe and adequate,  5 that the on-site circulation handles all the  6 anticipated vehicles including school buses and  7 emergency vehicles, and then I would also ask you to  8 comment on the adequacy and the distribution of the  9 parking?  10 A. Okay. Yes, the location of the access  11 point to Millhurst Road is in a safe and proper  12 location. With respect to sight distances along  13 Millhurst Road, the speed limit is 40 miles per  14 hour.  15 Of course Millhurst Road is under the  16 jurisdiction of Monmouth County. Mr. Zuenger has  17 made an application to the county. I believe the  18 county has made some preliminary comments which he  19 is addressing. But yes, the location is a proper  20 location with respect to sight distance.  21 As far as the internal circulation is  22 concerned, not to reiterate what Mr. Zuenger has  23 testified to, but it has been designed in accordance  24 with the New Jersey Residential Site Improvement  25 Standards.</p>
<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">122</p> <p>1 BY ATTORNEY PAPE:  2 Q. Mr. Rea, I know that you have testified  3 before this board in the past but so that the record  4 is complete if you would place your credentials on  5 the record, both your professional and educational  6 background.  7 A. I'm a licensed professional engineer  8 in the state of New Jersey. I am a principal with  9 McDonough &amp; Rea Associates in Manasquan, New Jersey.  10 We do traffic and transportation studies.  11 I have been a P.E. for -- I don't even  12 know -- 40-some-odd years now. I have 48 years  13 experience in the traffic field. An undergraduate  14 degree in civil engineering, a master's degree in  15 transportation engineering.  16 And I have appeared before this board  17 on numerous occasions.  18 ATTORNEY PAPE: Madam Chair, may I ask  19 that you accept Mr. Rea and allow him to testify in  20 his area of expertise this evening?  21 CHAIRWOMAN KWAAK: His credentials are  22 sufficient. Thank you.  23 THE WITNESS: Thank you.  24 ATTORNEY PAPE: Thank you.  25 BY ATTORNEY PAPE:</p>	<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">124</p> <p>1 With respect to the parking, every  2 project that I have in Manalapan, I speak to my  3 clients now and I tell them: Don't just meet the  4 RSIS parking requirements, the board is very  5 concerned about these projects having enough  6 parking. We sat and we talked about that.  7 And Mr. Zuegner has designed the  8 off-site parking on the townhouse, the market-rate  9 unit project, to be substantially in excess of what  10 is required by RSIS. We have 130 units, the RSIS  11 requires a half a space per unit to be set aside for  12 visitor parking. That would be 65 parking spaces  13 required off-street by the RSIS. I believe we have  14 126, so it's almost double what is required by RSIS.  15 We're aware of the board's concern.  16 We have taken that into consideration and I believe  17 the parking will be more than adequate based on what  18 has been provided.  19 BY ATTORNEY PAPE:  20 Q. I just want to make certain that these  21 words are part of your testimony; a traditional  22 school bus can safely navigate the interior road  23 system?  24 A. The loop system has been designed to  25 accommodate a school bus. Of course it's up to the</p>

<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">125</p> <p>1 Manalapan school transportation folks to determine 2 whether or not they want the school bus to come into 3 the community to pick up kids or whether they will 4 be satisfied stopping out on Millhurst Road. 5           So that's up to them but the school bus 6 can navigate the loop road within the community if 7 need be. 8           Q.    I'm going to ask if we could go to the 9 senior building with the same questions, beginning 10 with the adequacy and safety of the driveway 11 entrance location, then the on-site circulation -- 12 you don't need to do a school bus here but every 13 other type of vehicle -- and then the adequacy of 14 the parking. 15           A.    It's in a proper location again with 16 respect to sight distances along Millhurst Road. 17 The parking, with respect to the senior community, 18 we have provided parking at the RSIS requirement of 19 1.8 spaces for every one-bedroom unit, two spaces 20 for every two-bedroom unit and so we're almost 21 providing two spaces per unit. When you look at the 22 overall parking supply, I believe it's 108 spaces 23 for the 56 units. 24           Our experience and I don't want to 25 belabor the point because, again, I know how</p>	<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">127</p> <p>1 requirement for age-restricted housing. 2           Q.    But you're comfortable sharing your 3 opinion with the board that it's less than the 4 traditional? 5           A.    Absolutely. Based on counts that we 6 have conducted here in the state and based on the 7 ITE data, we have substantially more parking, I 8 believe, than we will actually need. 9           ATTORNEY CUCCHIARO: Mr. Rea, when you 10 say there's no RSIS requirement for age-restricted, 11 I mean, isn't it just then that the age-restricted 12 is considered in the same way that 13 non-age-restricted housing? 14           THE WITNESS: I don't believe that was 15 the intent of the people that developed the 16 standards, Mr. Cucchiaro, but it's not specified. 17 It's not called out in the RSIS. I don't think it 18 was considered, quite frankly. 19           ATTORNEY CUCCHIARO: One of the 20 reasons I ask is they do have a standard for 21 assisted living. 22           THE WITNESS: Correct. And that's 0.5 23 per unit. 24           ATTORNEY CUCCHIARO: Right. So I'm 25 just saying if they have assisted living and they</p>
<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">126</p> <p>1 concerned the board is about parking but the senior 2 apartments, the 55-and-over apartments, even the 3 independent-living apartments that we have had 4 experience with here in the state of New Jersey, 5 typically you find parking requirements of less than 6 one space per unit even at a maximum time. 7           And if you look at the ITE, the 8 Institute of Transportation Engineers data, they 9 have an 85th percent -- parking percentile for 10 senior apartments of this type of .67 spaces per 11 unit. We're almost at two. We're at 1.8, if I'm 12 not mistaken. 13           BOARD PLANNER: 1.9. 14           THE WITNESS: So again, I think we 15 have provided parking that is substantially in 16 excess of what will be actually required. 17 BY ATTORNEY PAPE: 18           Q.    That standard, that 1.8 and 2 for 19 one-bedroom and two-bedroom, that is not a standard 20 for senior housing; that's a standard for any 21 apartments? 22           A.    That is correct. And I think we all 23 understand that the 55-and-older communities have a 24 lower parking demand than the non-age-restricted 25 communities. That is correct, there is no RSIS</p>	<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">128</p> <p>1 have regular, I mean they're thinking about 2 different modes of living. 3           THE WITNESS: Well, I agree, I do 4 understand they have a standard for assisted living 5 which is a different housing product, but for some 6 reason and I'm not sure why, in the supplements they 7 have done to the original RSIS that was published 8 in, I want to say 1992, if I'm not mistaken, I think 9 that's the year it came out. 10           ATTORNEY CUCCHIARO: '96 or something 11 around there. 12           THE WITNESS: '92 was the State 13 Highway Access Code, '97 was RSIS. Yeah, I'm not 14 sure I understand why they didn't have a separate 15 standard for senior housing for 55 and over, but 16 they didn't. But I'm just giving the board the 17 benefit of what my experience has been. 18           BOARD ENGINEER: If I can jump in on 19 that briefly, I think there is actually a footnote 20 in the RSIS that talks about a retirement community 21 should be commensurate with the most appropriate 22 housing unit and type that it resembles. 23           THE WITNESS: Right. 24           BOARD ENGINEER: So it doesn't give a 25 specific standard, but it says whichever one of</p>

<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">129</p> <p>1 these is closest is what you should use.</p> <p>2           It was our opinion that the garden</p> <p>3 apartment units should be used which is what</p> <p>4 Mr. Zuenger used in his design and the design does</p> <p>5 comply with those requirements, based upon the</p> <p>6 bedroom breakdown of the building.</p> <p>7           THE WITNESS: Brian is correct.</p> <p>8           ATTORNEY PAPE: Thank you.</p> <p>9 BY ATTORNEY PAPE:</p> <p>10          Q. I was just going to ask, you did a</p> <p>11 fairly thorough traffic study and you identified</p> <p>12 Levels of Service at the driveways. If you can just</p> <p>13 share that information with the board?</p> <p>14          A. Sure. The traffic study is dated</p> <p>15 July 26, 2021. The traffic counts were conducted at</p> <p>16 the signalized intersection at Woodward Road and</p> <p>17 Millhurst Road, Main Street being one of the other</p> <p>18 approaches to the intersection. I'm sure everybody</p> <p>19 is familiar with that intersection. There were two</p> <p>20 approach lanes on each of the four approaches. All</p> <p>21 of the four approaches have leading left turn</p> <p>22 arrows, if there's a demand for left-turn vehicles.</p> <p>23           We did do traffic counts at that</p> <p>24 intersection on May 26th and May 27th. It was a</p> <p>25 Wednesday and a Thursday, if I'm not mistaken, in</p>	<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">131</p> <p>1 of about one to two seconds per vehicle as a result</p> <p>2 of the project. But it will still remain within the</p> <p>3 Level of Service C classification.</p> <p>4           With respect to the driveway</p> <p>5 connections to Millhurst Road, the exiting movements</p> <p>6 from both the senior project and the market-rate</p> <p>7 townhomes will do so at Level of Service B for both</p> <p>8 the morning and afternoon peak hours. So from a</p> <p>9 capacity perspective, the roads in the area that</p> <p>10 critical intersection that we did the counts at,</p> <p>11 they have adequate capacity to handle this traffic</p> <p>12 for the design year for the project.</p> <p>13           ATTORNEY PAPE: Madam Chair, I have</p> <p>14 nothing further of Mr. Rea on direct. And he is now</p> <p>15 available to your professionals and your board</p> <p>16 members.</p> <p>17           CHAIRWOMAN KWAAK: Okay.</p> <p>18 Professionals?</p> <p>19           BOARD PLANNER: Go ahead, Brian.</p> <p>20           BOARD ENGINEER: Thank you.</p> <p>21           I think it's important to point out</p> <p>22 that the use is permitted and the density that is</p> <p>23 being proposed is permitted. So to some extent the</p> <p>24 traffic associated with the project is considered in</p> <p>25 that permitted use. In addition, it's a county</p>
<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">130</p> <p>1 2021. Schools were open. We're familiar with the</p> <p>2 area. We are aware that the Wemrock Brook</p> <p>3 Elementary School and the Manalapan-Englishtown</p> <p>4 Millhurst School, as well as the transportation</p> <p>5 facility is further north up Millhurst Road.</p> <p>6           We made sure that we did the counts on</p> <p>7 days when schools were open, weather was not an</p> <p>8 issue. There were no detours or accidents, anything</p> <p>9 that would affect peak-hour traffic flow. I just</p> <p>10 wanted to put that on the record.</p> <p>11           Our findings were that the signalized</p> <p>12 intersection is currently operating at Level of</p> <p>13 Service C for the morning and afternoon peak hours</p> <p>14 and for the 2025 design year when this project is</p> <p>15 built, both the senior apartments and the market</p> <p>16 townhomes, even including the Manalapan Crossing</p> <p>17 project down at Route 33 and Millhurst, we have a</p> <p>18 copy of that traffic study. We've looked at the</p> <p>19 appropriate growth rates that the NJDOT has</p> <p>20 recommended for the area.</p> <p>21           Even with all that traffic projected</p> <p>22 for the 2025 design year, the Levels of Service at</p> <p>23 that intersection will remain at a Level of Service</p> <p>24 C for both the morning and afternoon peak hours.</p> <p>25 There will be small incremental increases in delay</p>	<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">132</p> <p>1 highway so it's going to be subject to review and</p> <p>2 approval of the county.</p> <p>3           With all that said, we did review Mr.</p> <p>4 Rea's traffic study. Generally, we didn't take any</p> <p>5 exception to the way it was prepared and formed or</p> <p>6 any of the assumptions made or conclusions drawn.</p> <p>7           Mr. Rea, you indicated when you were</p> <p>8 speaking of the Levels of Service at Millhurst</p> <p>9 Road/Woodward Road intersection that you estimated</p> <p>10 the delay would increase by one to two seconds; is</p> <p>11 that correct?</p> <p>12           THE WITNESS: Yes. I can go over those</p> <p>13 numbers. Actually, we did it based on existing and</p> <p>14 then -- for the morning peak hour, we have an</p> <p>15 average delay under existing conditions of</p> <p>16 23.9 seconds per vehicle, under the build condition</p> <p>17 it's 25.9. So it's an increase of two seconds.</p> <p>18           BOARD ENGINEER: And what about the</p> <p>19 no-build; do you have no-build data?</p> <p>20           THE WITNESS: We didn't do the</p> <p>21 no-build. And I don't know why, but that's from</p> <p>22 existing to the build condition.</p> <p>23           My expectation would be the build</p> <p>24 condition, of course, would be somewhere between the</p> <p>25 23.9 and 25.9.</p>

<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">133</p> <p>1 BOARD ENGINEER: The no-build would 2 be?</p> <p>3 THE WITNESS: The no-build would be in 4 between those two.</p> <p>5 BOARD ENGINEER: Agreed.</p> <p>6 THE WITNESS: And for the afternoon, 7 the existing is 25.3 and -- no, the existing is 23.2 8 and the build is 25.3. And again, the no-build 9 would be somewhere in between those two.</p> <p>10 BOARD ENGINEER: Okay. So in 11 comparing the no-build and the build, which is more 12 of an apples-to-apples comparison --</p> <p>13 THE WITNESS: Correct.</p> <p>14 BOARD ENGINEER: -- then we're talking 15 a second maybe?</p> <p>16 THE WITNESS: Yes.</p> <p>17 BOARD ENGINEER: In average estimated 18 delay.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BOARD ENGINEER: Not every vehicle but 21 on average that would be the delay?</p> <p>22 THE WITNESS: Probably an extra one 23 second per vehicle, that's correct.</p> <p>24 BOARD ENGINEER: Okay. Similarly with 25 the sight access driveways that you indicated would</p>	<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">135</p> <p>1 peak hour.</p> <p>2 BOARD ENGINEER: Okay, thank you. I 3 appreciate that clarification.</p> <p>4 You indicated that Mr. Zuenger's office 5 was in the process of submitting an application to 6 the county. Have you been -- and I know we spoke 7 about this earlier, but just for the record, have 8 you been involved at all with the county application 9 process to this point?</p> <p>10 THE WITNESS: Not so far.</p> <p>11 BOARD ENGINEER: And do you anticipate 12 that you will be or is it only if-needed kind of 13 thing?</p> <p>14 THE WITNESS: Only if-needed kind of 15 thing.</p> <p>16 ATTORNEY PAPE: His traffic report was 17 provided to them as part of the submission that was 18 made last July. The exchange of communications has 19 been confined to Mr. Zuenger and his associates.</p> <p>20 BOARD ENGINEER: Understood.</p> <p>21 THE WITNESS: That is correct.</p> <p>22 BOARD ENGINEER: So if the county does 23 request updates or additional data your office would 24 be the one to provide that?</p> <p>25 THE WITNESS: That's correct.</p>
<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">134</p> <p>1 operate at Level of Service B, can you provide some 2 quantitative information on those with that to the 3 board, what type of delays we're talking about?</p> <p>4 THE WITNESS: Sure.</p> <p>5 BOARD ENGINEER: And again, average 6 estimated delays.</p> <p>7 THE WITNESS: Right.</p> <p>8 BOARD ENGINEER: Not for every single 9 vehicle.</p> <p>10 THE WITNESS: For the a.m. peak hour 11 for the senior access, we have anticipated delay of 12 12 seconds per vehicle at Level of Service B for the 13 a.m., for the p.m. 10.8 seconds per vehicle.</p> <p>14 BOARD ENGINEER: And that's during the 15 a.m and p.m. peak hours?</p> <p>16 THE WITNESS: Peak hours.</p> <p>17 BOARD ENGINEER: So that's 18 substantially less in the Millhurst of the day, at 19 night and weekends, not during peak hours.</p> <p>20 THE WITNESS: Correct.</p> <p>21 BOARD ENGINEER: Okay, understood.</p> <p>22 THE WITNESS: And for the peak hours 23 for the market-rate units we have a B Level of 24 Service with 11.9 seconds of average delay during 25 the a.m. peak hour and 10.9 seconds during the p.m.</p>	<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">136</p> <p>1 BOARD ENGINEER: Okay. 2 Madam Chair, that's all I have relative 3 to traffic.</p> <p>4 CHAIRWOMAN KWAAK: Thank you. 5 Jen, anything?</p> <p>6 BOARD PLANNER: I don't have anything.</p> <p>7 CHAIRWOMAN KWAAK: Ron?</p> <p>8 ATTORNEY CUCCHIARO: No, Madam Chair.</p> <p>9 CHAIRWOMAN KWAAK: Rick?</p> <p>10 CHIEF HOGAN: Mr. Rea, the traffic 11 study in the intersection, it wasn't done on 12 weekends?</p> <p>13 THE WITNESS: No, it was done during 14 the traditional morning and afternoon peak hours 15 which is the protocol for a residential project.</p> <p>16 I understand Saturdays are busy out 17 there as well, too. I'm familiar with the local 18 area. I travel through the intersection. My 19 daughter lives in town, so I get stuck in that 20 traffic as well. I know Saturdays are busy.</p> <p>21 CHIEF HOGAN: I did see you a couple 22 of times.</p> <p>23 THE WITNESS: I know Saturdays are 24 busy. But again, when you're doing a residential 25 project you focus on the traditional morning and</p>

<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">137</p> <p>1 afternoon peak hours when commuter traffic is on the  2 road and people are leaving for work and returning  3 from work in the afternoon.</p> <p>4           ATTORNEY PAPE: You're forgetting a  5 very important point that we discussed before you  6 actually did the study; we've got two schools and a  7 school transportation center on this road, we wanted  8 to catch all that traffic.</p> <p>9           THE WITNESS: And that's correct as  10 well.</p> <p>11           CHIEF HOGAN: And I was late getting  12 here tonight because I was stuck in traffic at  13 Millhurst Road.</p> <p>14           THE WITNESS: I was too; JCP&amp;L was  15 doing something on Tennent Road and they had traffic  16 one lane in each direction.</p> <p>17           CHIEF HOGAN: Do you want me to notify  18 the Department of Community Affairs if you exceed  19 the RSIS standards?</p> <p>20           ATTORNEY PAPE: We have to do a de  21 minimis exception notice, yes.</p> <p>22           THE WITNESS: Yes.</p> <p>23           ATTORNEY CUCCHIARO: You're talking  24 about exceeding RSIS?</p> <p>25           CHIEF HOGAN: Yes.</p>	<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">139</p> <p>1 part of the 55-and-over so, you know, doing a little  2 self-bashing. To me driving is a diminishing skill.  3 So let's get people off the main path while those  4 buses go by at 40 miles an hour.</p> <p>5           THE WITNESS: Understood.</p> <p>6           COUNCILMEMBER McNABOE: And I don't  7 think you have a lot of real estate to do that so.  8           THE WITNESS: That is true as well  9 too. But we will work with the county and get what  10 we can get for both driveways.</p> <p>11           COUNCILMEMBER McNABOE: Thank you.</p> <p>12           CHAIRWOMAN KWAAK: I have nothing.  13 Barry?</p> <p>14           COMMITTEEMAN JACOBSON: Yes. I have a  15 question about the period of review was at the tail  16 end of when we were coming out of COVID. In your  17 professional opinion, because there's still a lot of  18 people -- you say you're measuring commuters, there  19 are still a lot of people who are not commuting.  20           In your professional opinion, between  21 May of 2021 and now, would that affect your  22 analysis?</p> <p>23           THE WITNESS: I do not believe it  24 would and if I thought it would, I would have went  25 out and recounted the intersection.</p>
<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">138</p> <p>1           THE WITNESS: Because we are exceeding.</p> <p>2           ATTORNEY CUCCHIARO: In the RSIS they  3 have what's called an Agreement to Exceed and that  4 is supposed to be filed with the board.</p> <p>5           ATTORNEY PAPE: It's my understanding  6 that by filing that you help create a more complete  7 database so that they can continue to revisit  8 whether or not the standards are appropriate.</p> <p>9           ATTORNEY CUCCHIARO: Yes.</p> <p>10           CHIEF HOGAN: Yes.</p> <p>11           ATTORNEY PAPE: Yes, we would do that.  12 It's just a filing.</p> <p>13           THE WITNESS: Yes.</p> <p>14           CHIEF HOGAN: Thank you. That's all I  15 have, Kathy.</p> <p>16           CHAIRWOMAN KWAAK: Jack?</p> <p>17           COUNCILMEMBER McNABOE: I know we're  18 not talking about improvements to Millhurst Road  19 because the whole thing is in flux and who knows  20 when the county is doing what they're doing. But  21 just keep in mind, especially with the 55-and-overs,  22 always better to have a deceleration lane.</p> <p>23           I know you're tight getting in there, I  24 don't know what you're going to get, but you've got  25 to get those, you know, 40-mile-an-hour zone. I'm</p>	<p style="text-align: center;">Rea, P.E.</p> <p style="text-align: right;">140</p> <p>1           And the reason why I say that is we  2 increased the existing volumes by 10 percent for the  3 no-build condition to account for whatever may  4 happen.</p> <p>5           I also took a look at the raw traffic  6 counts from those days and actually I was surprised  7 to see 121 school buses go through the intersection  8 -- the signalized intersection between 7:00 and  9 10:00 in the morning. So I thought it was critical  10 that we did get the counts on weekdays when schools  11 were open and, like I said, weather conditions were  12 not a factor, there were no detours or anything in  13 the area.</p> <p>14           I do not believe conditions today would  15 be that substantially different from a year ago.  16 Schools were open. We were basically coming out of  17 the pandemic. But again, people -- you're correct.  18 I mean, I'm sure some people -- they're trying to  19 get people back to work and get them back to the  20 office, I understand.</p> <p>21           COMMITTEEMAN JACOBSON: Because we  22 weren't even doing live meetings at Town Hall until  23 July of 2021.</p> <p>24           THE WITNESS: That's true.</p> <p>25           CHAIRWOMAN KWAAK: Is that it, Barry?</p>



Rea, P.E.	141	Rea, P.E.	143
1	COMMITTEEMAN JACOBSON: That's it.	1	a school bus doesn't pull into the development and
2	CHAIRWOMAN KWAAK: Daria?	2	picks them up on that corner, parents have a habit
3	MEMBER D'AGOSTINO: No, no questions.	3	in inclement weather of waiting there with their
4	Thank you.	4	children in the car. Where would those cars park?
5	CHAIRWOMAN KWAAK: Todd?	5	Is there enough room in that entrance
6	MEMBER BROWN: You mentioned there are	6	for cars to park there with the kids?
7	two schools and the transportation department right	7	THE WITNESS: Mr. Fisher, we do have a
8	down the street. What is the distance from the	8	divided boulevard. My expectation would be that the
9	townhome community entrance to Wemrock Brook	9	parents would pull over to the side. It's an
10	Elementary?	10	18-foot divided roadway on the exit lane. The
11	THE WITNESS: It's fairly close.	11	parents would probably pull over to the curb and
12	Mr. Zuenger may be able to give you the exact	12	still -- that would still permit a car to be able to
13	distance but the townhome community is pretty close	13	bypass them.
14	to the Wemrock Brook Elementary School and the	14	But you're right, I have seen parents
15	access to the transportation center.	15	do that when it rains or when it's cold, yeah.
16	MEMBER BROWN: Do you find that -- as	16	MEMBER FISHER: And last thing, it has
17	you're getting the number -- do you find that to be	17	nothing to do with it, but I guess I will have to
18	a concern for safety with all the traffic coming out	18	pack a lunch to go from my house to my office on
19	of the school, people coming out of the townhome	19	Tennent Road but nothing you can do about that.
20	community, making a left turn coming out of the --	20	CHAIRWOMAN KWAAK: John?
21	do you find that to be a concern with your	21	MEMBER CASTRONOVO: I have nothing.
22	expertise?	22	Thanks.
23	THE WITNESS: I don't, because -- I'm	23	CHAIRWOMAN KWAAK: Steve?
24	sure I'm going to get the answer on the spacing from	24	MEMBER KASTELL: Did we take into
25	Mr. Zuenger -- I know we meet the RSIS requirement.	25	account the increase in traffic that is going to be
Rea, P.E.	142	Rea, P.E.	144
1	We need to have at least 150 feet of separation	1	coming from the development, that Carnivale
2	between the center lines. I'm certain we have that.	2	development on Millhurst and 33?
3	When I said we were close, we meet the	3	THE WITNESS: Yes. I did mention that
4	RSIS requirement. I don't know if Lou can get a	4	before.
5	scale and measure that, but I have been to the site,	5	CHAIRWOMAN KWAAK: Steve, pull your
6	I've looked at the driveway location, I think we	6	mic closer to you.
7	have proper separation.	7	MEMBER KASTELL: Sorry.
8	ATTORNEY PAPE: We'll get you the	8	THE WITNESS: We do have a copy of
9	number.	9	that traffic study and we did take a look at those
10	THE WITNESS: We'll get you the	10	volumes that are anticipated to come up Millhurst
11	number.	11	Road and go through that signalized intersection.
12	MEMBER BROWN: That's fine. I think	12	That was included in the analysis. And I also know
13	just based on the visual, it's over 200 feet plus?	13	that there are substantial improvements that are
14	THE WITNESS: Yes.	14	scheduled to be made at 33 and Millhurst in
15	MEMBER BROWN: But from your	15	connection with that project.
16	professional experience you do not see that as a	16	But yes, it was included.
17	concern?	17	CHAIRWOMAN KWAAK: Brian?
18	THE WITNESS: We need 150, I know we	18	MEMBER SHORR: I have no questions.
19	have an excess of 200 but -- 500 feet.	19	CHAIRWOMAN KWAAK: Okay. Thank you.
20	MEMBER BROWN: Okay.	20	ATTORNEY PAPE: Madam Chair, it is
21	THE WITNESS: Maybe we need another	21	10:30. If I put the architect on we're going to go
22	driveway? No, just kidding.	22	for a bit. He is the final witness, although we do
23	MEMBER BROWN: That's all.	23	need to call some of the witnesses who were here,
24	CHAIRWOMAN KWAAK: Barry?	24	especially Louis when we return.
25	MEMBER FISHER: We're talking about if	25	I look to you as to what we're doing.

<p style="text-align: right;">Rea, P.E.</p> <p style="text-align: right;">145</p> <p>1 CHAIRWOMAN KWAAK: I say let's save 2 the architect for the next meeting because then we 3 can hopefully put some more questions to bed. 4 ATTORNEY PAPE: The architect was 5 recording questions that came out of board members 6 earlier this evening. 7 CHAIRWOMAN KWAAK: Okay. 8 ATTORNEY PAPE: We'll make certain to 9 have all those answered. 10 Mr. Zuenger will return with us. 11 Mr. Zuenger will be bringing with him a wetland plan 12 that shows the exact location of the wetlands and 13 the uplands on the site. 14 I think that the information that comes 15 out of that is going to be really helpful. Because 16 although we do have uplands, they're isolated 17 islands. We're right up against the wetlands in our 18 design. I think that that exhibit will be 19 worthwhile. 20 I would like to -- we are going to 21 have to bring Julie back because the public has 22 not -- 23 CHAIRWOMAN KWAAK: Correct. 24 ATTORNEY PAPE: So all witnesses will 25 be coming back. Let me just confirm, are we talking</p>	<p style="text-align: right;">147</p> <p>1 ATTORNEY CUCCHIARO: Okay. So the 2 application of Woodward Estates, Incorporated, 3 Application PPM2043 will be carried to the board's 4 September 22, 2022 Regular Meeting, which meets here 5 in the Main Meeting Room in Town Hall. It will be a 6 live meeting beginning at 7:30. There will be no 7 new notice to property owners. So that means if 8 anyone in the public here received a notice in the 9 mail, you will not receive another notice. This is 10 your notice that the hearing is being carried to 11 September 22nd at 7:30 here in the Main Meeting 12 Room. 13 Also, all documents are available for 14 review and inspection at the planning office during 15 normal business hours. 16 ATTORNEY PAPE: The hard exhibits that 17 have been marked this evening, do they remain in 18 Lisa's possession? 19 BOARD SECRETARY: Yes. 20 ATTORNEY PAPE: Yes. 21 BOARD SECRETARY: Leave them and the 22 thumb drive and I will bring it back. 23 ATTORNEY PAPE: So we'll leave all 24 that here for you. 25 BOARD SECRETARY: Yes.</p>
<p style="text-align: right;">146</p> <p>1 about the 22nd of September? 2 CHAIRWOMAN KWAAK: Lisa, we have them 3 on for the 22nd? 4 BOARD SECRETARY: It's open. 5 CHAIRWOMAN KWAAK: It's open for the 6 22nd. 7 ATTORNEY PAPE: Okay. 8 Lou is, good? You'll check with 9 Larry? Julie? 10 You are good for the 22nd? 11 JOHN REA: I already had the 22nd on my 12 calendar. Didn't think we would get finished in one 13 night. 14 ATTORNEY PAPE: I did. 15 ATTORNEY CUCCHIARO: That was a yes 16 for the 22nd? 17 CHAIRWOMAN KWAAK: Was that a yes for 18 the 22nd? 19 ATTORNEY PAPE: The 22nd is all good 20 for us. We would ask, Madam Chair, if you would 21 carry us to the 22nd and, respectfully, ask that we 22 be relieved of re-notice and republication for that, 23 and we will return. 24 CHAIRWOMAN KWAAK: Mr. Cucchiaro is on 25 that.</p>	<p style="text-align: right;">148</p> <p>1 ATTORNEY PAPE: Thank you. 2 CHAIRWOMAN KWAAK: Then we'll see you 3 on September 22nd. 4 ATTORNEY PAPE: Thank you, all. Good 5 night. 6 CHAIRWOMAN KWAAK: Thank you. 7 8 (Application adjourned at 10:30 p.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

## CERTIFICATE

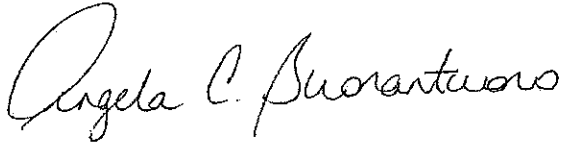
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I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witness was duly sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceeding as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative, nor employee, nor attorney, nor counsel of any of the parties to this action, and that I am neither a relative, nor employee of such attorney or counsel, and that I am not financially interested in the action.

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23 Angela C. Buonantuono, CCR, RPR, CLR  
24 NJ State Board of Court Reporting  
25 License No. 30XI00233100

25 Dated: September 16, 2022

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