

BRIDGEWATER TOWNSHIP PLANNING BOARD

**Regular Meeting
Monday, April 23, 2018**

—MINUTES—

ADOPTED

1. CALL MEETING TO ORDER:

Chairman Charles called the meeting to order at 7:00 p.m. in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

2. OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On January 10, 2018 proper notice was sent to the Courier Newspaper and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the Planning Board policy for public hearings: no new applications will be heard after 10:00 pm and no new testimony will be taken after 10:15 pm. Hearing Assistance is available upon request. Hearing Assistance is available upon request. Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Department Secretary before the public meeting." However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

3. SALUTE TO FLAG:

There was salute to the flag.

4. ROLL CALL:

Stephen Rodzinak – present

James Franco – present

Chairman Ron Charles – present

Councilman Howard Norgalis – present

Tricia Casamento – absent

Mayor Dan Hayes – present

Evan Lerner – present

Urvin Pandya, Alt. #1 – present

Debra Albanese, Alt. #2 – present

Others present: Attorney Thomas Molica for Board Attorney Thomas Collins, Township Engineer David Battaglia, Board Planner Scarlett Doyle, Planning Department Secretary Ann Marie Lehberger and Municipal Services Secretary Jacqueline Pino.

5. APPROVAL OF BOARD MINUTES:

There were no minutes presented for Board approval

6. MEMORIALIZATION OF RESOLUTIONS:

RGJJ PROPERTY INVESTORS LLC

Block 700 Lots 82& 83- 14336 & 1340 Crim Road

#17-018-PB-Preliminary & Final Major Site Plan with Variances Create 3 lots from 2 existing lots

Motion by Mr. Franco, second by Mr. Rodzinak, the foregoing resolution was adopted on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Councilman Norgalis, Mayor Hayes, Mr. Pandya,
Mrs. Albanese

ABSENT: Mrs. Casamento

NOT ELIGIBLE: Chairman Charles, Mr. Lerner

CIP BRIDGEWATER HOLDINGS LLC & AVALON BAY COMMUNITIES INC.

Block 483 Lots 17, 18, & 19- 1041Route 202/206 North

#14-023-PB-Preliminary & Final Major Site Plan with Variances-Research & Development and Mixed Use Development including Retail, Office, Restaurant, Hotel & Residential (Center of Excellence)

Dismissed without prejudice

Motion by Councilman Norgalis, second by Mr. Rodzinak, the foregoing resolution was adopted on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Councilman Norgalis, Mr. Lerner, Mayor Hayes,
Mrs. Albanese

ABSENT: Mrs. Casamento

NOT ELIGIBLE: Chairman Charles, Mr. Pandya

7. LAND DEVELOPMENT APPLICATIONS:

ALLEN HOMES

Block 224 Lots 4, 5 & 7 – Adamsville Road & Sunnyside Terrace

#16-022-PB- Final Major Subdivison-4 Lots

Attorney Robert Foley was present on behalf of the applicant. Catherine Mueller, PE, the applicant's engineer and Rich Allen were also present.

Ms. Mueller was sworn and accepted by the Board as an expert witness. Ms. Mueller reviewed the reports from the Township Professionals and provides testimony as follows: As part of the preliminary approval, variances for front and side yard setback were granted that pertain to lot 4.01 which is the lots that contains the existing house . The sanitary sewer has been installed and testing is scheduled for next week. Wells are proposed for the three new homes per the preliminary approval. A new driveway has been constructed to the new cul - del- sac. The subdivision will be filed by map and the easements will be shown on the final plat. The two accessories structures have also been removed.

Ms Mueller submitted an exhibit that was marked into evidence as follows:

A-1 4/23/18 Colored Map

Referencing A-1, Ms. Mueller noted that the street trees and the planting along the detention basin will be completed prior to the issuance of Certificate of Occupancies for the lots. The final grading of the detention basin still has to be completed.

The Board questioned if there would be a recorded document stating that the Township has the right to but not the obligation to enter on to the property under emergency situations to do whatever it might be necessary and the Homeowners Association will be back charged. Mr. Foley confirmed that it will be in the Homeowners Association document which will be recorded. Ms Mueller also stated that it will be noted in the final plat.

Chairman Charles opened the public portion of the meeting for questions. There were no questions or comments.

Motion by Mr. Lerner, second by Mr. Rodzinak, the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Chairman Charles, Mr. Franco, Councilman Norgalis, Mr. Lerner
Mayor Hayes, Mr. Pandya
ABSENT: Mrs. Casamento
NOT ELIGIBLE: Mrs. Albanese

EXETER 700 ROUTE 202/206 LLC

Block 549 Lot 17 – 700 Route 202/206

#18-005-PB- Preliminary & Final Major Site Plan with Variances - Addition to existing building with parking and other associated improvements

Chairman Charles recused himself from this application and left the meeting. Mr. Franco took over as chairman.

See attached Transcription dated April 23, 2018 prepared by: Diane Holmes, C.C.R. of Rizman Rappaport, 66 W. Mt. Pleasant Avenue, Livingston, NJ 07039.

Motion by Mr. Rodzinak, second by Mr. Lerner, the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Councilman Norgalis, Mr. Lerner, Mayor Hayes,
Mr. Pandya, Mrs. Albanese
ABSENT: Mrs. Casamento, Chairman Charles

8. MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to address the Board on any matter not listed on the agenda.

9. OTHER BOARD BUSINESS:

Ordinance Referral from Council:

AN ORDINANCE AMENDING CHAPTER 126 ENTITLED "LAND USE," SECTION 126-2 ENTITLED "DEFINITIONS" AND 126-339 ENTITLED "REQUIREMENTS FOR SPECIFIC ACCESSORY USES" AND CHAPTER 125 ENTITLED "SWIMMING POOLS," TO REPEAL CHAPTER SECTION 126-194 ENTITLED "FENCES" AND TO CREATE A NEW CHAPTER 196 ENTITLED "FENCES AND RETAINING WALLS" TO CONSOLIDATE AND AMEND THE TOWNSHIP'S REQUIREMENTS RELATED TO CERTAIN PRIVACY FENCES

Township Planner Scarlett Doyle reviewed the ordinance introduced by Council.

Motion by Mr. Rodzinak, second by Mr. Lerner, finding that the ordinance is consistent with the Master Plan and authorized Board Planner Scarlett Doyle to submit a report to the Township Council confirming that it is was approved on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Councilman Norgalis, Mr. Lerner, Mayor Hayes,
Mr. Pandya, Mrs. Albanese

ABSENT: Mrs. Casamento, Chairman Charles

Township Planner Scarlett Doyle reviewed the Periodic Examination Report.

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting
Monday April 23, 2018

—MINUTES—

Motion by Mr. Rodzinak, second by Mr. Lerner, the Periodic Reexamination Report was approved as amended on the following roll call vote.

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Mr. Lerner, Mayor Hayes, Mr. Pandya,
Mrs. Albanese

ABSENT: Chairman Charles, Mrs. Casamento

ABSTAIN: Councilman Norgalis

10. ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at approximately 11:15 pm.

Respectfully submitted,
Jacqueline Pino,
Secretary of Municipal Services

In The Matter Of:
In Re: Exeter 700 Route 202/206, LLC

Transcript of Proceedings
April 23, 2018



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Min-U-Script® with Word Index

1 TOWNSHIP OF BRIDGEWATER
2 PLANNING BOARD
3 Monday, April 23, 2018
4 Commencing at 7:10 p.m.

5 -----
6 In the Matter of: ,

7 EXETER 700 ROUTE
8 202/206 LLC
9 BLOCK 549 LOT 17 -
10 700 ROUTE 202/206
11 #18-005-PB
12 -----

TRANSCRIPT
Of
PROCEEDINGS

13 B E F O R E:

14 JAMES V. FRANCO, Chairman
15 DEBRA M. ALBANESE
16 DAN HAYES, MAYOR
17 EVAN LERNER
18 HOWARD V. NORGALIS, Councilman
19 URVIN PANDYA
20 STEVEN RODZINAK

21 THOMAS MOLICA, ESQ., Board Attorney
22 DAVID C. BATTAGLIA, Township Engineer
23 SCARLETT DOYLE, P.P., Township Planner
24 JACQUELINE PINO, Secretary of Municipal
25 Services
ANNE MARIE LEHBERGER, Secretary of Planning
Department

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

27 SILLS, CUMMIS & GROSS, P.A.
28 Attorneys for the Applicant
29 One Riverfront Plaza
30 Newark, New Jersey 07102
31 BY: MERYL A. GONCHAR, ESQ.

32 Reported by: Diane M. Holmes, CCR

1 MR. CHARLES: We're going to make one
2 little adjustment to the agenda. I'm going to
3 recuse myself from the Exeter application, and, Jim,
4 I ask that you take over the mic for this
5 (Ron Charles is excused.)

6 CHAIRMAN FRANCO: All right. Next up
7 is the Exeter Route 202/206 LLC, Block 549, Lot 17,
8 700 Route 202/206, 18-005-PB, preliminary and final
9 major site plan with variances, addition to existing
10 office and parking associated improvements.

11 Counselor.

12 MS. GONCHAR: Good evening. My name is
13 Meryl Gonchar. I'm a member of the firm Sills,
14 Cummis & Gross. We're the attorneys for Exeter 700
15 Route 202/206 LLC, the applicant this evening.

16 The subject property is, again, defined
17 as Lot 549, Lot 17 on the tax map of the township
18 and is also known as 700 Route 202/206.

19 The property's located in the general
20 commercial and manufacturing zone district, the GCM,
21 and this evening we are seeking preliminary and
22 final major site plan approval with a C bulk
23 variance and waivers.

24 This is an existing building that's
25 been there some time. The approval this evening

1 I N D E X

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1 requests building additions to the existing building
2 totaling 30,304 square feet which would be added to
3 the existing 115,558 square foot building.

4 We are also asking this evening for
5 approval of some additional parking spaces and drive
6 aisles but those additional spaces would be banked
7 so that we would have them available if required by
8 whomever will tenant the building but would not
9 necessarily put them in at the present time. Simply
10 get the approval and then construct them if and when
11 it was necessary.

12 We are seeking a variance from Section
13 126325, your schedule of area yard and building
14 requirements, to permit a front yard setback of 97.7
15 feet where a hundred foot is required. That's
16 actually a setback plus a buffer. So a total of 200
17 feet is required, and we are providing 197.7 feet.
18 It's a slightly unusual lot in that it does have
19 frontage not only on 202/206 but also on Allen.

20 There are also a number of design
21 exceptions or waivers that are being requested, and
22 our various witnesses will go through those. So I
23 won't torture you with reading through the citations
24 currently.

25 I don't know what your practice is, but

1 all of the plans, the reports, the documents that
2 are submitted, are those considered part of the
3 record without the need to mark them or do you as a
4 practice mark them as well as exhibits?

5 MR. MOLICA: I think, Counsel, we can,
6 for the sake of efficiency, maybe only mark exhibits
7 where there has been a slight change to what has
8 been submitted, a color rendering or something to
9 that effect, and I also want to note for the record
10 I have examined the notice materials and I approve
11 the notice as to form and substance. Everything
12 appears in order.

13 So with that, this board has
14 jurisdiction and the applicant can certainly
15 proceed.

16 MS. GONCHAR: Thank you.

17 We have a number of witnesses with us
18 this evening. We have Mr. Bechard, our engineer,
19 who's sitting at the table with me, Dan King, our
20 architect, Patrick Stuart who is our landscape
21 architect, Dave Horner who is our traffic expert,
22 and Jim Miller who is our planner.

23 We also have a representative of the
24 applicant, and while we don't propose to offer him
25 for direct testimony, he's certainly here to answer

1 MR. BECHARD: Tom Bechard.

2 MR. KING: Daniel King.

3 MR. STUART: Patrick Stuart.

4 MR. MILLER: James Miller.

5 MR. HORNER: Dave Horner.

6 MR. MOLICA: Do you swear or affirm the
7 testimony you are about to give in this matter is
8 the truth, the whole truth and nothing but the truth
9 so help you God?

10 MR. BECHARD: I do.

11 MR. KING: I do.

12 MR. STUART: I do.

13 MR. MILLER: I do.

14 MR. HORNER: I do.

15 MR. MOLICA: Thank you.

16 MS. GONCHAR: Thank you.

17 MR. MOLICA: With that, all of the
18 witnesses are sworn. We'll have to have them
19 qualified on an individual basis as they testify.

20 So with that, Counsel, you can
21 continue.

22 MS. GONCHAR: Is that for amplification
23 or is it also recorded?

24 CHAIRMAN FRANCO: It's getting recorded
25 also. So use the microphone.

1 questions should the board or your consultants have
2 any, and we thank your counsel for anticipating my
3 request that he acknowledge jurisdiction is properly
4 before the board.

5 We're going to do things a little bit
6 out of order of what we normally would. We're going
7 to ask Mr. Bechard to start. If we can have him
8 sworn, we'll qualify him. He's going to do some
9 very basic orienting for the board.

10 Then we're going to call up our
11 architect who's going to do a presentation with the
12 computer, and then we'll have Mr. Bechard back up to
13 finish his presentation on some of the technical
14 engineering issues.

15 CHAIRMAN FRANCO: Actually, Counselor,
16 if you can have all your witnesses --

17 MS. GONCHAR: At the same time?

18 CHAIRMAN FRANCO: -- at the same time
19 come up and get sworn in?

20 MS. GONCHAR: Anybody's who's going to
21 testify should come up.

22 MR. MOLICA: If you all stand in front
23 of the bar there, I'm just going to have you each
24 starting from my left to my right, raise your right
25 hand and state the names.

1 T H O M A S B E C H A R D, having been previously
2 sworn, testifies as follows:

3 EXAMINATION BY MS. GONCHAR:

4 Q. Tom, could you please state your name
5 again in case they didn't hear it with the group and
6 then whom you're associated and provide some of your
7 educational, professional credentials?

8 A. Tom Bechard. I'm with Mohawk Land
9 Development Consultants. I'm the project site civil
10 engineer.

11 I graduated from Villanova University
12 in 1993 with a bachelor of civil engineering. I
13 have over 24 years of experience in site civil land
14 development engineering.

15 I'm a registered professional engineer
16 in New Jersey as well as Pennsylvania, Maryland,
17 Delaware, Virginia, and I've testified numerous
18 times before planning boards, zoning boards,
19 environmental commissions on applications similar to
20 this one.

21 Q. You've appeared in other boards in the
22 State of New Jersey?

23 A. Yes.

24 Q. And you've been accepted as an expert
25 in the field of engineering?

1 A. Yes.
 2 MS. GONCHAR: We would ask that the
 3 board accept his credentials as an expert in the
 4 field?
 5 MR. MOLICA: Tom, is your license
 6 current?
 7 MR. BECHARD: Yes.
 8 MR. MOLICA: Okay. Does the board have
 9 any other questions of Mr. Bechard's qualifications?
 10 We'll accept him as an expert in the
 11 field of civil engineering.
 12 You can proceed.
 13 MS. GONCHAR: Thank you.
 14 Q. Okay. Just for housekeeping, do we
 15 have a date for the most recent plans that were
 16 submitted?
 17 A. March 15, 2018, issue number two.
 18 Q. And can you introduce the first exhibit
 19 that you're going to refer to?
 20 A. Yes, this is aerial photo exhibit
 21 labeled as A-1.
 22 Q. With today's date please.
 23 (Exhibit A-1, Aerial photo, is marked
 24 for Identification.)
 25 Q. If you could use that to please

1 identify the site and orient the board using streets
 2 or other landmarks?
 3 A. Sure. This is an aerial photograph
 4 taken from the New Jersey Geographic Information
 5 Network. The date of this photograph is 2016.
 6 Just real quick orienting, north is
 7 pointing straight up. The scale of this drawing is
 8 one inch equals 120 feet. Abutting in the north,
 9 south, more or less, direction is I-287 along the
 10 left side of the sheet. 202/206 runs in a north,
 11 south direction in the center of the sheet. Allen
 12 Road comes in off of 202/206 at the bottom of the
 13 sheet in this area where it connects up to Foothill
 14 Road in the upper right-hand corner. Island Avenue
 15 comes in off of the east connecting to 202 down in
 16 the lower right corner here and Talamini Road comes
 17 in at 202/206 in the upper left corner up there.
 18 The site is outlined in red. It's just
 19 under 20 acres, 19.8 acres. It's currently
 20 developed with an existing office building 115,558
 21 square feet. There is a small parking lot in the
 22 rear of the building and larger one in the front of
 23 the building totaling 551 car parking spaces. There
 24 is an existing driveway coming out to 202/206. This
 25 is a full access driveway, and that is the only

1 driveway that does access the site.
 2 Just real quick, the surrounding uses
 3 to the south and east of the site are residential
 4 uses. To the west and to the north are commercial
 5 uses, office buildings.
 6 Just as a point of reference, the Audi
 7 dealer is right here. Just down here below at the
 8 bottom of the sheet is the BMW dealer.
 9 MS. GONCHAR: Again, that was simply
 10 for orientation, and now we would -- obviously, if
 11 the board has questions of this witness, we were
 12 then going to call our architect to do the computer
 13 presentation.
 14 CHAIRMAN FRANCO: I'd say go ahead and
 15 call the architect.
 16 MS. GONCHAR: You'll have the
 17 opportunity to question him again.
 18 (Witness is excused.)
 19 MS. GONCHAR: Move that out of the way
 20 so the residents might be able to see the other.
 21 D A N K I N G, having been previously sworn,
 22 testifies as follows:
 23 EXAMINATION BY MS. GONCHAR:
 24 Q. All right. Dan, could you please,
 25 again, provide the board with your name, with whom

1 you're associated and your credentials in terms of
 2 education and licensing?
 3 A. Absolutely. My name is Dan King. I'm
 4 a principal at Meyer. We are an architecture
 5 interior design firm that's been around for 42
 6 years. I've been there 23 years myself.
 7 I got my license -- my architect --
 8 well, let's start with the degree. I got my
 9 bachelor of architecture from Kent State in Ohio. I
 10 got registered in 1996 in Pennsylvania and then I
 11 got registered in New Jersey in 2015, and my
 12 registration has been renewed and is good through
 13 2019.
 14 Q. Have you ever testified before other
 15 planning or zoning boards?
 16 A. I have.
 17 Q. And have you been accepted as an expert
 18 in the field of architecture?
 19 A. Yes.
 20 MS. GONCHAR: We would ask that Mr.
 21 King be accepted as an expert in the field of
 22 architecture.
 23 CHAIRMAN FRANCO: We'll accept your
 24 credentials.
 25 MS. GONCHAR: Thank you.

<p style="text-align: right;">Page 13</p> <p>1 MR. KING: I wanted to start out with 2 we put together a little fly about the property so 3 you could get a more realistic sense of the project. 4 So I'm going to run this video. Step 5 back here. 6 Q. If you could sort of step back, if you 7 will, so the residents -- 8 MR. MOLICA: Can the members of the 9 public see. 10 AUDIENCE MEMBER: No. 11 MR. MOLICA: Put the light back on. 12 Maybe we can reorient here. 13 MS. GONCHAR: They can stand up too. 14 AUDIENCE MEMBER: Can we go up and 15 look? 16 MS. GONCHAR: Yeah. 17 MR. MOLICA: Why don't you move closer? 18 Unless any of the board members have an 19 objection, I have no problem with you standing in 20 front of the bar too. I don't want anyone to say 21 they can't see. 22 CHAIRMAN FRANCO: So make sure you can 23 see. 24 MR. KING: Okay. Ready. So this is 25 what the building currently looks like, and then by</p>	<p style="text-align: right;">Page 15</p> <p>1 your receiving down below here, and then we're back 2 around to the front again. 3 That's it. 4 Q. And I'm going to also ask you if you 5 can identify the plans that were submitted by the 6 most recent revision date on the plans that were 7 submitted to the board? 8 A. Yeah. The plans are dated March 23, 9 2018. 10 Q. Okay. 11 A. So I'm going to talk about the 12 elevations first. This is the existing building. 13 It's an all brick strip window, very low head -- low 14 sill height, doesn't allow much daylight into the 15 deeper parts of the building. 16 MR. MOLICA: That's sheet A-1, is that 17 right, of the architectural? 18 CHAIRMAN FRANCO: That's actually A-2. 19 MR. KING: A-2. 20 Q. Was this part of the submission? 21 A. Yes. 22 Q. And was it rendered -- was it colored 23 up this way? 24 A. I believe so. 25 Q. I'm asking if there are any changes.</p>
<p style="text-align: right;">Page 14</p> <p>1 magic it's going to look like that. 2 This is coming up the front entrance, 3 the main entrance. So this is the -- would be the 4 southwest corner. You come around to the front of 5 the building. Currently, the entrance is recessed 6 by about 15, 20 feet which kind of feels like a -- 7 you know, kind of a dark cold canyon coming in 8 there. So we plan on pulling the entrance out and 9 making it more of a central element that is more 10 towards the public. 11 The materials I'll go over in a few 12 minutes after this video is over, but it will be a 13 combination of curtain wall, aluminum and glass 14 system. The panel system that you see here will be 15 some kind of metal or cement board system depending 16 on the pricing. 17 This is swinging around to the back of 18 the building. The rear entrance, like the front 19 entrance, is also recessed, and it's even narrower. 20 So, again, we're pulling that out creating a 21 vestibule for people to enter through that parking 22 in the rear, and then on this side of the building 23 the site slopes away. 24 So we have three stories on what would 25 be the northwest side of the building. You have</p>	<p style="text-align: right;">Page 16</p> <p>1 A. No changes. 2 MR. MOLICA: This is a submitted A-2 3 sheet to the architectural plan. 4 MR. KING: Correct. 5 This was built in the 19 -- well, early 6 1980s, and, you know, for the time, it was a pretty 7 efficient office building that was -- you know, 8 served its purpose in its day, but with today's 9 market, things have become more competitive, and so 10 Exeter, when they purchased the building, wanted to 11 upgrade it, make it first fit more into the 21st 12 Century architecture and vocabulary. 13 So down below you will see the 14 materials I discussed, curtain wall, aluminum 15 system, panels. 16 Let me just bring this up. I'll turn 17 it this way so everybody can see. 18 MS. GONCHAR: You want this marked 19 today? 20 MR. MOLICA: Let's mark that Exhibit 21 A-2 with today's date. 22 Q. This is what, a materials board? 23 A. Yes. 24 (Exhibit A-2, Materials board, is 25 marked for Identification.)</p>

1 MR. MOLICA: So, Mr. King, why don't
2 you explain to the board what a material board is
3 and what we're looking at here?

4 MS. GONCHAR: Is that what you want him
5 to explain, what the purpose of it is?

6 CHAIRMAN FRANCO: Yeah.

7 Q. Can you explain what this is intended
8 to do?

9 A. All right. So this is a finished board
10 that on the -- I guess it would be on your left side
11 is the exterior finishes and then from here over are
12 the interior finishes proposed for the main lobby.

13 So on the exterior you can see a little
14 rendering here. Like I indicated, we're not -- so
15 we have three different options for those panels
16 that you see in these spaces there. One's a dry
17 design which is a metal panel system and one is more
18 of a cement board system. So we're providing each
19 as an alternate just because, you know, we want to
20 make sure that we keep the building within the
21 budget. So we offered these three similar options
22 for that facade.

23 Aluminum window system will be the
24 clear aluminum material that you see here. The
25 glass is a solar fan system. It will be a one-inch

1 thermally broken system that will reduce the amount
2 of light and thermal heat that comes into the
3 building, and then we have this red part which is
4 the accent around the entrance area.

5 These stairs -- we're going to take the
6 brick down from around 98 percent of the building.
7 We're going to leave the brick at the stairs just
8 because of the complexity of removing it at the
9 stair towers and we're going to just put the dry
10 design panel over top of that.

11 On the inside, we're renovating the
12 entire interior, and we have a range of carpets,
13 wall materials, fabrics for furniture, wood
14 highlights. You can see down here below a
15 rendering. There's an existing spiral staircase in
16 the center of the lobby there that we're going to
17 maintain. The skylight's above. So it will be
18 nicely well lit.

19 So I don't want to get too much in the
20 weeds with the interior finishes, but they are there
21 for your perusal, and then I'm going to walk through
22 the plan.

23 Q. Again, I'll ask you. This was part of
24 the submission set?

25 A. Yes.

1 Q. And there have been no changes to the
2 plans that were submitted to the board?

3 A. No changes.

4 Q. Thank you.

5 CHAIRMAN FRANCO: And that's drawing
6 A-3.

7 MR. KING: A-3.

8 A-1 is the prospective, but since we
9 did the fly through, I didn't want to repeat myself
10 going through those.

11 The building, as I indicated during the
12 fly through, is really two stories with three on the
13 northwest side of the building where it slopes away.
14 We are looking to add four places where there are
15 additions. So the two corners, each of them are
16 5,545 square feet per floor per corner, and then the
17 front where we're pushing the entrance out to be
18 more towards the public is 375 square feet, and then
19 the rear which we're about -- we're bumping out to
20 create this vestibule larger lobby area is 960
21 square feet, and that repeats on the second floor in
22 the back.

23 The second floor in the front, this is
24 all open. So we're not adding square footage there,
25 and then, of course, only on one side of the lower

1 level are we adding an addition.

2 You come in here at the first level,
3 and then, again, here in the center is kind of that
4 winding stairway that goes up and down through the
5 building. The lower level has the grab and go, you
6 know, where you can grab food for lunch and get
7 things, you know, out to eat at your desk wherever,
8 and then the fitness center, those areas are
9 existing, but we're going to dress them up and
10 renovate those to be more modern.

11 We are -- because of the additional
12 square footage, have the need to add toilet
13 facilities, and so those are being added behind the
14 elevators on each floor, and then we did -- because
15 we are adding square footage, this building was
16 designed to be multi-tenant. So it had the four
17 stair towers already, and we ran the calculations,
18 and looking at the additional square footage and how
19 many additional occupants that would contain, you
20 know, did we have adequate exiting, and the
21 calculations proved out we did. So we don't have to
22 add any additional exits or stair towers.

23 The roof is here, and, currently, it
24 has six large rooftop units that are going to be
25 replaced. So we're trying to make the building more

1 efficient, upgrade the mechanical equipment, and so
2 they're going to be replaced with six 60-ton units,
3 and then to address the additions, they will each
4 have their own 50-ton unit located somewhere in the
5 middle of the roof here and here, and then we are
6 replacing the roof with all white TPO.

7 We are trying to -- we're looking at
8 possibly LEED certification, but if we don't get the
9 points that we need, we are at least using quite a
10 few sustainable methods in the construction of this
11 building, and then signage.

12 You want me to talk about signage?

13 Q. Please.

14 MR. KING: These are new exhibits, and
15 there are four pages.

16 Q. Why don't you describe what this is,
17 and then we'll mark this. I think we're only up to
18 A-2.

19 CHAIRMAN FRANCO: That's a set as one,
20 those drawings.

21 MS. GONCHAR: There have been changes
22 to at least one or two of the pages.

23 CHAIRMAN FRANCO: There is. Okay.

24 MR. MOLICA: So Exhibit A-2 was the
25 materials board, Counselor.

1 We'll mark this as A-3, all four sheets
2 collectively as A-3.

3 (Exhibit A-3, Drawings, four sheets, is
4 marked for Identification.)

5 A. So on this first page, over here in the
6 upper left-hand corner, is the existing monument
7 sign which is pretty busy with notifications and so
8 forth. So we're going to clean that up. We're
9 going to keep it very simple and put the building
10 number there.

11 However, if a tenant comes along and
12 chooses to take the entire building, they would have
13 the right to put their name on the sign. So in the
14 event that the building is occupied by one occupant,
15 which is somewhat unlikely, they would get their
16 name on the sign with the number being a little bit
17 smaller, and then we are proposing -- so at each
18 entrance, there will be the number, the address
19 number over the entrance.

20 Since there's two sides, there will be
21 two numbers totaling 21 square feet. Each sign is 3
22 feet high by 7 feet long, and those will be slit
23 channel numbers, and then we are asking for two
24 locations for building signage. Thank you.

25 So here on what would be the southwest

1 corner of the building that faces -- that has direct
2 view from 206, in this highlighted bay, the side
3 above the receiving area and in the front as you
4 come up the drive, we're proposing tenant signage.

5 So one sign, the one that goes around
6 the side, is 30 square feet, 2 feet high by 15 feet
7 wide, and the sign in the front will be a little bit
8 bigger, fifteen six by three six which is around 54
9 square feet. So total, we're around -- we're under
10 the hundred square foot limit that is allowed in
11 your ordinance, but it is two signs. So we have to
12 talk about that, and that is about it.

13 Q. And what's proposed is one name on each
14 of those signs when you say tenant signs. These are
15 not directories. These are just one name --

16 A. One name.

17 Q. -- at a maximum.

18 Okay. Can you just discuss the life
19 safety, what we're expanding within the building and
20 discuss and confirm that, of course, this will be to
21 code what we're proposing to add?

22 A. Sure. Let me bring up the plans again.

23 MAYOR HAYES: Chairman, can I ask a
24 question, quick question on signage?

25 So I understand the request for three

1 signs, but if you get one tenant, you wouldn't have
2 three tenants names, would you?

3 MS. GONCHAR: I think, if we had one
4 tenant, it would be the same name on each of the
5 signs.

6 MAYOR HAYES: My question is, if you
7 have one tenant, you mentioned that the 700 would go
8 and you'd have one name on the front of the
9 building. Would you have the same name repeated
10 around the building?

11 MR. KING: We would, because when
12 you're coming down 206, you would see this one.
13 Coming down south, you'd see this one, and if you're
14 coming north, you wouldn't see that one. You'd only
15 see this one.

16 So the idea was to give them on each
17 corner so, regardless of which direction you're
18 coming from, you would see it.

19 CHAIRMAN FRANCO: I wasn't sure that
20 the south sign was even visible because you've got
21 that tree line.

22 MR. KING: I'll go back to this.

23 MS. GONCHAR: You're now referring to
24 Exhibit A-1.

25 MR. KING: Well, this is the corner

1 where the two signs would go. So one would go this
 2 way facing --
 3 CHAIRMAN FRANCO: You see the tree
 4 line --
 5 MR. KING: I see where you're talking
 6 about.
 7 CHAIRMAN FRANCO: -- obliterates that.
 8 I'm not sure of the need for it. Just as the 700
 9 sign in the rear of the building, I'm not sure why
 10 that's necessary as well, because once you've
 11 entered --
 12 MR. KING: Once you're back here,
 13 you're pretty much --
 14 CHAIRMAN FRANCO: You pretty much know
 15 where you're going. You know what I'm saying?
 16 And, Scarlett, does the 700 count?
 17 MS. DOYLE: Let me explain this. If
 18 you take out the 700 which is a 911 emergency
 19 services number, that doesn't count.
 20 However, if you put down -- take it out
 21 and put down either products or renters, they become
 22 signs. They become -- they get calculated into the
 23 maximum sign area. So a tenant or a product has not
 24 been included.
 25 You've just used the 700 and that's

1 fine, but once you change that to a product or a
 2 tenant, it gets computed into the total and you
 3 would then exceed the sign maximum.
 4 MR. KING: Okay.
 5 MAYOR HAYES: I have a follow-up
 6 question on the signage too. Do you have one
 7 monument sign so that people will know where the
 8 building is?
 9 I'm just trying to understand the need
 10 for all of the names all around.
 11 MR. KING: The first one that I showed
 12 -- Exhibit A-3, so this is the existing monument
 13 sign. It's there today.
 14 Q. And that sits on the island by the
 15 driveway?
 16 A. Exactly.
 17 MAYOR HAYES: That will remain.
 18 MR. KING: It's going to remain exactly
 19 as it is. We're going to dress it up, reclad it.
 20 MAYOR HAYES: So someone coming south
 21 would see that sign. Someone coming north would see
 22 that sign. So why the need for the signs on the
 23 corners of the building?
 24 MR. KING: A lot of times corporate
 25 tenants like to, you know, have their name seen by

1 the public and know that this is, you know, their
 2 headquarters. It's a perk that Exeter and a lot of
 3 office developers offer their tenants to be -- you,
 4 know to give more visual.
 5 Q. Would it be fair to say they'll see the
 6 sign on the building high up in terms of where
 7 you're going long before you'll see the monument
 8 sign which is how high?
 9 A. The current sign is 3 foot 2 with a
 10 5-inch base.
 11 MAYOR HAYES: Counsel, we just said
 12 that that's not likely to be true with that tree
 13 line in that one direction for sure.
 14 MS. GONCHAR: In the one direction,
 15 right.
 16 MAYOR HAYES: And in the back, I don't
 17 know if you'd see it.
 18 MR. KING: Yeah. I mean --
 19 MS. GONCHAR: We would -- unless
 20 there's some other reason for emergency services, we
 21 would eliminate the number on the rear to the
 22 building, and if, in fact, the tree line would
 23 impede I'm going to call it the short wall, for lack
 24 of -- that can be eliminated as well.
 25 Q. I don't know if you've run a site line

1 on that?
 2 A. No. I mean that's a good point. We
 3 really put it on both sides just because we figured
 4 there could be visibility in either direction.
 5 If there were multiple tenants in here,
 6 one might have the second floor. They want to be --
 7 CHAIRMAN FRANCO: I mean the 700 is
 8 pretty much going to remain.
 9 MS. GONCHAR: The one in the front.
 10 CHAIRMAN FRANCO: The one in the front.
 11 There's no to change to that designation.
 12 MS. GONCHAR: No.
 13 CHAIRMAN FRANCO: The one on the side,
 14 I guess I just question it. I really don't have a
 15 problem with it. I just question because it's
 16 visible.
 17 MS. GONCHAR: Yeah, that one you can
 18 do.
 19 CHAIRMAN FRANCO: If you had a tenant
 20 that was occupying the left and the right, I could
 21 see a need to it.
 22 MAYOR HAYES: I don't foresee the need
 23 if you have multi-tenants. I understand the appeal
 24 of that and I understand the renting appeal and I
 25 understand the aesthetics of the building appeal.

1 What I would have to challenge is, if
2 you don't have multi-tenants, having the same
3 tenant's name multiple places on the building seems
4 redundant. That's all. That's what I was trying to
5 communicate.

6 MS. GONCHAR: That certainly is a fair
7 comment and could be a condition that it's only
8 permitted if there's a separate tenant's name on it.

9 Certainly, the 700 on the back we'll be
10 happy to eliminate, and I think the other thing that
11 Dan said was what we're proposing initially is the
12 number on the monument sign, but if it's a single
13 tenant and they want to put it -- put their name
14 there, then I guess what we have to do is make it
15 work, because if putting the name on the monument
16 sign makes that a sign so that the square footage
17 gets counted into the maximum, then that may be the
18 trade off from the second wall sign to keep us
19 within the --

20 MR. RODZINAK: Scarlett, we don't count
21 both sides of the monument sign. We only count the
22 one side when it comes to the square footage.

23 MS. DOYLE: That is correct, and a
24 free-standing sign does not translate to a facade
25 sign.

1 MS. GONCHAR: So we don't -- so those
2 numbers don't --

3 MS. DOYLE: Don't confuse them please.

4 CHAIRMAN FRANCO: Scarlett, the
5 3-by-11, that's really the signage area. What you
6 put on it doesn't really calculate into anything.

7 MS. DOYLE: Well, it doesn't sound like
8 it. I'd have to see it.

9 CHAIRMAN FRANCO: Yeah. If you look at
10 the second page where it says just tenant, I mean we
11 calculate 11-foot-2-by-3-foot-2 as our sign.

12 MS. DOYLE: Correct.

13 CHAIRMAN FRANCO: So if they have one
14 line in there, two lines in there --

15 MS. DOYLE: They've got that area to
16 work.

17 CHAIRMAN FRANCO: You've got the area
18 to work.

19 MS. DOYLE: Mr. Chairman, I do have a
20 couple of questions.

21 In reading the materials, I recall
22 seeing somewhere, but I think we should have it for
23 the record, because the record becomes your
24 obligations, and that was the lights in the evening,
25 as I recall, you said that they would be motion

1 detectors. So the lights would be off except when
2 somebody walks in -- into their offices. Is that
3 true?

4 MR. KING: I'm going to let the civil
5 engineer -- you're talking about parking lots?

6 MS. DOYLE: No. No. No.

7 CHAIRMAN FRANCO: No, interior lights.

8 MR. KING: Well, that is on a
9 tenant-by-tenant basis whether or not they want that
10 feature. I do know that the lights will be on a
11 timer so that at -- after a certain hour during the
12 evening, the majority of them will go off with the
13 exception of some emergency lighting.

14 Q. You're talking about exterior?

15 A. Interior.

16 MR. KING: You're talking about
17 interior?

18 CHAIRMAN FRANCO: For interior.

19 MS. DOYLE: I'm talking about the
20 residents in their neighborhood looking at that
21 building and seeing the interior lights on all night
22 if they are in some, and I read somewhere I thought
23 that you were not going to have that issue.

24 MR. KING: That is correct. They will
25 be on a timer set to specific -- I don't know that

1 you've decided on time, but it will be off during
2 the evening with the exception of some emergency
3 lighting.

4 Now, if somebody's working late, yes,
5 there will be some override that they can keep it on
6 while they finish their work before they go home and
7 then they'll time off.

8 MS. DOYLE: So would you say
9 approximately 11 p.m.? You say they're going to be
10 on a specific time.

11 MR. KING: Let's say 11 p.m. at the
12 latest, yeah.

13 MS. DOYLE: And the next question we
14 have in our master plan, albeit not in the
15 ordinance, that there be a 30 percent glass
16 treatment.

17 Now, when you went through your lovely
18 computer tour, there were areas of that building
19 that appeared to be all glass.

20 MR. KING: Uh-hmm.

21 MS. DOYLE: Is that true or is it just
22 a reflection?

23 MR. KING: There are areas of spandrel
24 glass spanning the floors. So here's Drawing A-1,
25 and this was part of your -- part of our submission.

<p style="text-align: right;">Page 33</p> <p>1 That has not changed.</p> <p>2 So here, you know, at these ends of the</p> <p>3 building around the corners it is all glass, but</p> <p>4 between floors, along the roof line it's spandrel</p> <p>5 glass. So it has no paint finish on the back of the</p> <p>6 glass. So you can't see through it.</p> <p>7 MS. DOYLE: So if I understand, there</p> <p>8 may be a reflection, but you're not going to see</p> <p>9 inside the space.</p> <p>10 MR. KING: Not at all. Correct.</p> <p>11 CHAIRMAN FRANCO: Parking lots,</p> <p>12 lighting, we'll talk to the civil engineer.</p> <p>13 MS. GONCHAR: Yes.</p> <p>14 CHAIRMAN FRANCO: And then the rest of</p> <p>15 the building you're doing LEEDs so you're</p> <p>16 daylighting?</p> <p>17 MR. KING: Yeah. A large part of this</p> <p>18 renovation is to bring more daylight deeper into the</p> <p>19 building. As you see from the plans, there are</p> <p>20 several areas, you know -- there's portions of this</p> <p>21 building that are very deep, you know, these center</p> <p>22 bay areas.</p> <p>23 So we're just trying to create higher</p> <p>24 windows, more open area to bring the daylight in</p> <p>25 further. So if you're sitting in a cubical here,</p>	<p style="text-align: right;">Page 35</p> <p>1 footage in order to offer more office space to</p> <p>2 potential tenants.</p> <p>3 MR. PANDYA: But you don't have any</p> <p>4 potential tenants identified at the time.</p> <p>5 MR. KING: Well, I think they have some</p> <p>6 tenants, yes.</p> <p>7 CHAIRMAN FRANCO: Is it fair to say</p> <p>8 that the rectangular layout is much more functional</p> <p>9 than the diagonal wall?</p> <p>10 MR. KING: Yes, absolutely. These</p> <p>11 corner are very hard to plan. So this does provide</p> <p>12 a little easier planning modules for future tenants.</p> <p>13 MR. RODZINAK: Use and functionality.</p> <p>14 MR. KING: Yes.</p> <p>15 CHAIRMAN FRANCO: Any other questions?</p> <p>16 MR. NORGALIS: I'd like to go back to</p> <p>17 the issue for the timers for the lights. Are you</p> <p>18 agreeing to a hard stop at 11 o'clock or earlier and</p> <p>19 when is the building going to be cleaned?</p> <p>20 Is that the type of thing where</p> <p>21 everybody else is going to be out by 11 but</p> <p>22 somebody's going to be in there cleaning until 1</p> <p>23 o'clock or something.</p> <p>24 MR. KING: I have to look towards my</p> <p>25 client.</p>
<p style="text-align: right;">Page 34</p> <p>1 you can still kind of see what's going on outside.</p> <p>2 CHAIRMAN FRANCO: That's the purpose of</p> <p>3 the canopies on the outside of the building.</p> <p>4 MR. KING: Yes, we do have sun screens.</p> <p>5 Thank you. I forgot to mention that.</p> <p>6 There are sun screens that run around</p> <p>7 the perimeter where the curtain wall is where</p> <p>8 there's more higher glass. So those will provide</p> <p>9 some screening for the high summer sun.</p> <p>10 CHAIRMAN FRANCO: Any other questions</p> <p>11 of the board?</p> <p>12 MR. PANDYA: I have one. I see that</p> <p>13 you're expanding the building. Are you doing that</p> <p>14 because you have -- you feel there's a need to</p> <p>15 expand the building?</p> <p>16 What's the purpose of expanding it?</p> <p>17 Have you had interest from tenants who say I need</p> <p>18 more space, potential tenants? Do you have any</p> <p>19 tenants?</p> <p>20 MR. KING: Yeah. Well, with any</p> <p>21 development, they want to maximize the property. So</p> <p>22 when they bought this, they saw an opportunity where</p> <p>23 the site wasn't being fully utilized within its</p> <p>24 confines, not to the maximum it could be, and so</p> <p>25 they saw an opportunity to add additional square</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. ALLMAN: If I could answer?</p> <p>2 CHAIRMAN FRANCO: Actually, if you step</p> <p>3 up and if you'd be sworn in?</p> <p>4 MR. MOLICA: Why don't you state your</p> <p>5 name and professional affiliation for the record</p> <p>6 please.</p> <p>7 MR. ALLMAN: Sure. Tom Allman, Exeter</p> <p>8 Property Group, development for our company that is</p> <p>9 built.</p> <p>10 MR. MOLICA: Raise your right hand. Do</p> <p>11 you swear or affirm any testimony you're about to</p> <p>12 give in this matter is the truth, the whole truth</p> <p>13 and nothing but the truth so help you God?</p> <p>14 MR. ALLMAN: I do.</p> <p>15 (Tom Allman is sworn.)</p> <p>16 MS. GONCHAR: Tom, just if you can tell</p> <p>17 him your position with the company.</p> <p>18 MR. MOLICA: We need everyone mic'd.</p> <p>19 We're having a hard time.</p> <p>20 MR. ALLMAN: I handle development and</p> <p>21 property asset management for Exeter Property Group</p> <p>22 in the northeast.</p> <p>23 MS. GONCHAR: And I think there was</p> <p>24 some question about lighting.</p> <p>25 MR. NORGALIS: Question about cleaning</p>

1 and a hard stop for the lights. What I'm trying to
 2 ascertain is what time the lights are going to go
 3 out so there's no spillage out into the
 4 neighborhood.
 5 MR. ALLMAN: For the interiors, the
 6 interior's going to be shell interiors until we get
 7 a tenant, and once we do the tenant fit-out, as you
 8 all know, we will abide by code. It's going to be a
 9 LEED building.
 10 So in answer to your question, the
 11 energy code will likely require occupant sensors in
 12 any future fit-out space. So the lights will be
 13 held by occupancy. As you occupy, they go on and
 14 off.
 15 So for the hours of what tenant would
 16 be in there, I can't answer that, but it would be
 17 conforming to whatever is permitted by zoning.
 18 MR. NORGALIS: What would be to guard
 19 against the tenant deciding they want to have the
 20 people in there 24/7 and then we'd have light on all
 21 night long?
 22 MS. GONCHAR: Are there any ordinance
 23 restrictions on hours of operation for an office
 24 building?
 25 MS. DOYLE: No. If the applicant is

1 seeking variances which might affect the
 2 inconvenience of neighbors such as your setbacks
 3 from the building, it would not be inappropriate to
 4 assign some sort of hours.
 5 MS. GONCHAR: Are we in a position to
 6 know what those are without having a tenant
 7 selected?
 8 MR. ALLMAN: I don't know what the
 9 hours would be unfortunately.
 10 MR. MOLICA: Do we know what the hours
 11 are now, and if there's a restriction? Is there
 12 something set forth in any prior approval?
 13 MS. DOYLE: There are none to my
 14 knowledge in this building at this point. That's
 15 why I raised the hour of 11 o'clock. If the
 16 applicant needed to change those hours, they would
 17 have to come back to the board and request that, and
 18 there would be a hearing that everyone would have an
 19 opportunity.
 20 MR. ALLMAN: Understood.
 21 MS. GONCHAR: Eleven?
 22 MR. ALLMAN: Sure.
 23 MS. GONCHAR: So the restriction is
 24 that after 11, as you said, other than an override
 25 situation, that --

1 MR. ALLMAN: Yes.
 2 MR. MOLICA: Yes, the applicant will
 3 agree to that 11 o'clock?
 4 MR. ALLMAN: Yes.
 5 MR. MOLICA: We'll call it --
 6 MR. NOGALIS: Yes, hard stop.
 7 MR. MOLICA: -- hard stop.
 8 MS. GONCHAR: I think other than the
 9 indication that individuals -- somebody's working
 10 late.
 11 CHAIRMAN FRANCO: The light sensor will
 12 turn on and then you have security light that
 13 generally stay on.
 14 MS. GONCHAR: Yes.
 15 CHAIRMAN FRANCO: Those normally stay
 16 on 24/7.
 17 MS. GONCHAR: Any other things?
 18 CHAIRMAN FRANCO: Any other questions?
 19 MR. LERNER: If I may, I'm not sure to
 20 whom this is directed. Are you developing this
 21 property with any specific type of tenant in mind?
 22 MR. ALLMAN: We're hoping for a single
 23 user, an office tenant.
 24 MR. LERNER: A typical corporate
 25 center?

1 MR. ALLMAN: Yeah. We'd like it to be
 2 a headquarters for some one ideally.
 3 CHAIRMAN FRANCO: Do you have
 4 questions?
 5 Not seeing any, is there any questions
 6 from the public for this witness, the architect?
 7 Actually, if you could come up
 8 individually and --
 9 MR. GARDNER: I just want to get a
 10 procedural question.
 11 CHAIRMAN FRANCO: If you could state
 12 your name and address?
 13 MR. GARDNER: Jay Gardner, 31 Ray
 14 Street.
 15 MR. MOLICA: We want everyone to use
 16 the microphone. We're having a hard time hearing.
 17 MR. GARDNER: I understand. I have a
 18 hard time hearing even without the microphone.
 19 MR. MOLICA: If you're going to start
 20 questioning witnesses, my inclination is to swear
 21 everyone in at this time too, members of the public
 22 included, because questions often turn into
 23 statements. Okay.
 24 So why don't you raise your right hand?
 25 Do you swear or affirm any testimony you are about

1 to give in this matter is the truth, the whole truth
 2 and nothing but the truth so help you God?
 3 MR. GARDNER: I do.
 4 MR. MOLICA: State your name and
 5 address for the record.
 6 MR. GARDNER: Jay Gardner, 31 Ray
 7 Street, Bridgewater, New Jersey, G-A-R-D-N-E-R.
 8 So my first question is a matter of
 9 procedure. So do we go witness or architecture,
 10 civil architecture?
 11 CHAIRMAN FRANCO: That's correct.
 12 MR. GARDNER: So one at a time. How do
 13 we know if our questions pertain to this architect
 14 where we can go back and ask questions at any time?
 15 MR. MOLICA: The applicant or the board
 16 will make that determination.
 17 MR. GARDNER: Okay.
 18 MR. MOLICA: You can ask a question.
 19 If it's not germane to this particular witness's
 20 testimony, that will be explained into the record.
 21 Okay?
 22 MR. GARDNER: Okay. I don't know that
 23 I have questions for this particular -- I mean I
 24 guess I just have a general question, right, if this
 25 fits in with the township plan, right, for the

1 environment, right?
 2 It seems that there's some presumption
 3 about removing frontage there. Are we talking about
 4 lights on in that building?
 5 You can't really see a lot of lights in
 6 that building, but if there's a big buffer around
 7 the building, right?
 8 The fact that certain tributaries of
 9 Peters Brook, right, are not on the plan. It seems
 10 to me they don't really -- they're not really
 11 considering the environment, right?
 12 The fact that we're going to add almost
 13 two acres of pavement, right, where is that -- where
 14 is that water going? And then --
 15 CHAIRMAN FRANCO: Actually, they're
 16 valid questions, but we're going to have other
 17 witnesses who can answer that question for you.
 18 MR. GARDNER: All right.
 19 CHAIRMAN FRANCO: Not this gentleman.
 20 He's strictly building. So any questions you have
 21 about the building or the architecture or like the
 22 internal lighting would be directed to him.
 23 MR. GARDNER: My question is consistent
 24 with the mayor, right?
 25 I don't understand -- I mean the sign

1 today, you can see it going north. You can see it
 2 going south. So that 700 sign, that's fine. I
 3 don't know how -- I would ask, right, what else
 4 would be visible? What other sign would be visible
 5 from the road, because that's the only sign that's
 6 visible today.
 7 MR. MOLICA: So that's the second
 8 question you've asked.
 9 MR. GARDNER: No further questions.
 10 MR. MOLICA: The architect can probably
 11 attempt to answer for you, but, again, we're going
 12 to -- because we have five witnesses or so, maybe
 13 six at this point, we're going to try to limit the
 14 public questions or comments to that particular
 15 witness. Okay?
 16 MR. GARDNER: Okay.
 17 MR. MOLICA: Then there will be a
 18 session at the very end whereby you can essentially
 19 make a comment, but let's try to focus on each
 20 witness as they testify.
 21 MR. GARDNER: So that's my question.
 22 MR. MOLICA: Mr. Gardner's second
 23 question regarding signage is something I think Mr.
 24 King can endeavor to answer.
 25 MR. KING: As we get into the testimony

1 of the civil engineer, we'll learn about what's
 2 happening along the front, how we're creating some
 3 visual openings through the front landscaping. So
 4 you will, when you come north on 206, be able to
 5 see, you know, quick little snippets of the
 6 building.
 7 So a tenant who wants their name to be
 8 seen will appreciate having it here facing the road
 9 206 on the front of the building. It's also when
 10 you come up the main drive. You may not see it, you
 11 know, when you're coming immediately south on 206,
 12 but when you come up the drive and you see the name
 13 and you know the address, but you see the name and
 14 now you know for sure that you're at the right
 15 place.
 16 MR. GARDNER: Could you clarify that
 17 view? What is the type of view that you're going to
 18 get? You're going to clear a pathway of the view to
 19 206 or Allen?
 20 MS. GONCHAR: Not to Allen. That's
 21 something that our engineer will describe.
 22 MR. GARDNER: Okay. Next question.
 23 MR. MOLICA: Does any other member of
 24 the public have a question for Mr. King, the
 25 architect?

1 Please step forward and speak into the
2 microphone. Raise your right hand please. Do you
3 swear or affirm any testimony you give in this
4 matter is the truth, the whole truth and nothing but
5 the truth so help you God?

6 MR. SALERNO: I do.

7 MR. MOLICA: State your name and
8 address for the record.

9 MR. SALERNO: Paul Salerno, 22 Allen
10 Road.

11 So I guess my question for him, in
12 particular, are the sign that you're going to be
13 facing outward, will that be visible to the
14 residents on Allen Road that's facing because the
15 building is kind of on an angle and the locations
16 that you're determining for that?

17 MR. KING: I would say no. I mean it's
18 going to be -- it's going to be here on this side of
19 the building.

20 CHAIRMAN FRANCO: Actually, Mr. King, I
21 think he's referring to the one that's on the right
22 side. On the white portion of the building, you
23 have a tenant sign right there.

24 MR. KING: No. They're both on this
25 corner of the building.

1 MS. GONCHAR: This is the updated set
2 of plans that were marked A-3 what is the three --
3 four pages. This is an updated version of it. That
4 may clarify which wall it's on.

5 MR. KING: So on page 4 you'll see the
6 two highlighted bays that we were proposing signage,
7 and they're both on the side away from Allen.

8 MR. MOLICA: So the exhibit, Exhibit
9 A-3, Counselor, we had dated for April 4, 2018.
10 This is dated April 17, 2018.

11 MS. GONCHAR: Right, and this is
12 what -- these are reduced versions of what was
13 marked this evening.

14 MR. MOLICA: With a different date.

15 MS. GONCHAR: Right. What he marked
16 has the same -- can you read? Is there a date?

17 MR. KING: This says 4/17.

18 MR. MOLICA: So this is the 4/17.

19 MS. GONCHAR: This is the one that was
20 marked this evening, the reduced version.

21 So now you want to show them again
22 using the exhibit and the page where the sign is and
23 why you think it won't be visible from the
24 residents.

25 MR. KING: So Exhibit A-3, page 4, the

1 floor plan highlights the two bays in which the
2 signage would be located up above the second floor
3 windows, and so those are on the opposite side of
4 the building.

5 CHAIRMAN FRANCO: Facing perpendicular
6 to Allen Road.

7 MR. KING: Correct.

8 CHAIRMAN FRANCO: So you won't be able
9 to see them from Allen Road.

10 MR. SALERNO: Is there any way that we
11 can have assurances or guarantees that there will
12 never be signs on that other corner of the building?

13 I know we wouldn't have any views from
14 the roadway, but I think that would be a critical
15 issue for the residents on Allen Road if there were
16 signs on that opposite side of that building.

17 MR. MOLICA: If the applicant agreed to
18 such a restriction, then you would have that
19 assurance.

20 If they did not agree, they'd still
21 have to return to the board to seek some type of
22 relief for that signage that they're not proposing
23 here as part of this application. Okay.

24 MR. SALERNO: Okay.

25 MR. MOLICA: So I'll hear from the

1 applicant.

2 MS. GONCHAR: It's not our intention to
3 seek signage there. I will be honest with you. As
4 you said, we would have to come back anyhow. I
5 prefer not to put more restrictions on than are
6 necessary.

7 It is not our intent to add any, and we
8 certainly would have to come back to the board to
9 get approval for that.

10 MR. MOLICA: Understood, and that sign
11 that Mr. Salerno is contemplating is not being
12 proposed as part of this application.

13 MS. GONCHAR: It is not, and I think we
14 already had the discussion, while we do want the
15 sign, thank you, that Mr. King is pointing to, I
16 think, as to the one on the other side, we had
17 indicated that if there's a second tenant seeking
18 it, but we would not put that sign up to have the
19 same tenant name as on the other side and that we
20 would agree to as a condition.

21 CHAIRMAN FRANCO: If approved, we're
22 only approving those signs.

23 MS. GONCHAR: That's all we're seeking,
24 yes, and we've also eliminated the number that faces
25 to the residential -- well, to the rear of the

1 building.
 2 MR. SALERNO: I have some additional
 3 questions. Can I ask as well?
 4 CHAIRMAN FRANCO: If it's for --
 5 MR. SALERNO: Yes, for this guy. I
 6 apologize. I don't know your name.
 7 MS. GONCHAR: Dan King.
 8 MR. SALERNO: Dan. The other question
 9 I had was with the glass siding on the side of the
 10 building, particularly, obviously, that faces the
 11 residents of Allen Road, the way the sun moves
 12 during the course of the day, will there be a
 13 reflection off of that glass that could potentially
 14 go through to the -- into my living room?
 15 MR. KING: So this is north. Sun rises
 16 in the east, sets in the west. So the sun will
 17 basically come up -- I assume you live somewhere --
 18 MR. SALERNO: Yes. I live -- you want
 19 me to show you?
 20 MR. KING: That one, right? I remember
 21 from earlier conversations.
 22 MR. SALERNO: Yeah, comes up over here.
 23 MR. KING: Right. So it rises here.
 24 So it will be -- even in the summer, it might even
 25 be like more from this angle, but it will be a low

1 angle, and it will have -- it would have to cut
 2 through these trees to really get a lot of direct
 3 sunlight.
 4 MR. SALERNO: The trees you're
 5 proposing to remove?
 6 MR. KING: No.
 7 MR. SALERNO: I'll wait for the next
 8 guy.
 9 MR. KING: So as it rises, it becomes
 10 more now this direction and so the reflection -- by
 11 the time it gets to a point in the sky where it's
 12 going to be hitting the glass -- and, again, this
 13 will be morning time.
 14 So I don't think it's a big concern
 15 just based on the time of day and the angle of the
 16 sun and where it's rising.
 17 MR. SALERNO: Well, it may not for you,
 18 but, for me, is there some way we can evaluate what
 19 that reflection would look like and --
 20 MR. KING: We could do some sun studies
 21 if the client asked us to perform that.
 22 CHAIRMAN FRANCO: Do you have the
 23 canopies, the daylight canopies on that side of the
 24 building as well?
 25 MR. KING: Yes, the canopies. Yeah,

1 the curtain wall wraps around this end of the
 2 bidding. So there will be sun screens. Now they're
 3 at the second level. It will help.
 4 CHAIRMAN FRANCO: It will help at the
 5 high altitude of the sun.
 6 MR. KING: Right. By noon, the sun is
 7 going to be here shining on the front. So you won't
 8 get any --
 9 CHAIRMAN FRANCO: Can you pull your
 10 rendering up and just explain to him?
 11 MR. KING: Sure. So this is the side
 12 of the building that faces your house. So it is all
 13 glass, but at two levels we have sun screens that
 14 come out 3, 4 feet, and, you know, for the high sun,
 15 that will block off the glare on the windows.
 16 MR. SALERNO: Yeah. As long as like --
 17 as long as there's brush coverage, it won't affect
 18 me. I mean it doesn't affect me today, but seeing
 19 the glass walls is a concern.
 20 MR. KING: Sure. These guys will talk
 21 about --
 22 MR. SALERNO: And then my only last
 23 question was regarding the lights. Was 11 p.m. an
 24 arbitrary number or is that a -- I mean in corporate
 25 America, how many people are in their offices at 11

1 p.m. other than the -- well, don't put any lawyers
 2 in there.
 3 MR. KING: Eleven p.m. is the hard
 4 stop. If nobody's working in that space, they're on
 5 motion sensors. So if nobody's moving around,
 6 they're going to turn off much earlier than that.
 7 If everybody's gone by 7, they'll turn off by 7:30.
 8 MR. SALERNO: Okay. All right. Thank
 9 you. No. I'm done.
 10 MR. PANDYA: Can you hear me now? I
 11 work -- this isn't the first building in a
 12 residential neighborhood. I actually work in a
 13 building in a residential neighborhood, and the way
 14 we solved the glare to the tenants and the light to
 15 the tenants is we installed sun screens and a
 16 heavier sun guard that also acts as a blackout light
 17 on the exterior.
 18 Is that something you're doing here?
 19 So that in the back of the building where it faces
 20 the residence, if your lights are on in the
 21 building, they wouldn't see it anyway.
 22 MR. KING: Are these interior shades?
 23 MR. PANDYA: Interior shades.
 24 MR. KING: Yeah. I mean that's
 25 certainly something we can consider. There's a

1 product called mica shade which is a shade that is
2 darkened and it has tiny perforations. So when
3 you're inside, it allows you to see out, but from
4 the outside you can't see in.

5 So that's certainly a product we can
6 consider for just that side of the building.

7 CHAIRMAN FRANCO: You're probably going
8 to have the shade system.

9 MR. KING: Yes. There would be a shade
10 system. We weren't necessarily thinking of that
11 particular system, but we can certainly on this side
12 of the building provide that as an added security
13 against light coming out.

14 MS. MEYERS: Sheila Meyers, 20 Allen
15 Road.

16 MR. MOLICA: Ms. Meyers, do you swear
17 or affirm any testimony you may give in this matter
18 is the truth, the whole truth and nothing but the
19 truth so help you God?

20 MS. MEYERS: I do.

21 MR. MOLICA: And your address again
22 please?

23 MS. MEYERS: I live at 20 Allen Road.

24 MR. MOLICA: 20 Allen Road.

25 MS. MEYERS: I have to follow-up from

1 Paul's question on the signage again, and I'm asking
2 my question because there's a red sign in the Audi
3 dealer that's, I don't know, maybe 5-foot-by-6-foot.
4 It's in the showroom. It's high and I can see it
5 from my living room window. My son -- both my sons
6 see it from their bedroom window. That's on 24/7,
7 and it comes right through their trees. So like the
8 way the building is sitting, it comes right through
9 what is supposedly the buffer and we can see it on a
10 daily basis.

11 The sign that you guys want to put up
12 on the third -- on the third floor, is that 27 feet
13 above ground level?

14 MR. KING: It would be, yeah. It would
15 be here.

16 MS. MEYERS: I'm absolutely going to
17 see that. If I can see an Audi dealer sign --

18 CHAIRMAN FRANCO: The building is there
19 and the sun is here.

20 MS. MEYERS: I'm saying I can see it
21 through the woods. The LED lights are so bright.

22 CHAIRMAN FRANCO: That's 202/206.

23 MS. MEYERS: This sign, it's going to
24 be 25 feet above the ground right here, right?

25 You're putting a sign on the front here

1 and I live right here. Especially, Marty, you're
2 going to see it. So you're putting a sign here 20
3 feet above ground. So anybody who lives over here
4 is going to see that sign. It's LED lights.

5 I live here and I see signs in the
6 window from here and they're bright red, and I
7 constantly think there's something happening on the
8 road over here, and I have teenage boys. So I'm
9 constantly thinking that some kind of emergency
10 activity is going on.

11 If you put a sign here at 20 feet above
12 ground level, you're going to see it over here.
13 It's an LED light. LED light travels, and the same
14 thing is going -- well, I guess that's in that cove.
15 So we won't see that one.

16 MR. MOLICA: Mr. King, can you respond
17 to that inquiry or --

18 MS. MEYERS: I suspect people who live
19 on Hillside are going to see it.

20 MR. MOLICA: I don't know if there was
21 a question there or not.

22 MR. KING: Yeah. So these will be
23 likely channel letters with a translucent panel in
24 front of it. So that will knock down the light. I
25 can't tell you what color it will be.

1 CHAIRMAN FRANCO: That's kind of a
2 valid question. We've run into that situation
3 before.

4 Have you thought about color for
5 signage? We've had that issue before come up.

6 MR. KING: No. I mean, typically, you
7 would use the colors of whatever the tenant, you
8 know, logo, their artwork. Whatever colors they
9 use, that would be what we would use on the sign.

10 So it would be up to the owner whether
11 we stipulate that they have to be white.

12 MR. LERNER: When we discussed sign --
13 lights off at 11, did that not include the sign?

14 MR. KING: I guess it could, right?

15 MR. LERNER: I think the lady said the
16 Audi is on 24/7.

17 MS. MEYERS: Yeah.

18 MR. KING: Yeah. We could tie that in
19 the building lighting.

20 MR. LERNER: Thank you.

21 MS. MEYERS: Can I propose we at least
22 go to 10 o'clock than 11? That's late. Eleven
23 o'clock is late for children that are trying to go
24 to sleep and they have lighting.

25 I don't know the big difference between

1 10 or 11. If I'm working -- I work for AT&T in
2 Bedminster. Our lights go off at 7, and then it's
3 the -- you know, I have the motion. I'll be sitting
4 in my office, and if I don't move around, I have to
5 wave for my light to come on.

6 I think 11 o'clock is a little bit
7 late. I think 10 is more appropriate. Most people
8 make their children go to bed at 10 o'clock.

9 MS. GONCHAR: We're just sort of taking
10 notes so that there are a bunch of requests.

11 CHAIRMAN FRANCO: I'm not sure if we
12 were waiting for a response.

13 MS. GONCHAR: Obviously, there are a
14 number of requests. We'll sort of work our way
15 through. We'll put it on the list as another thing
16 rather than narrow it down to 10, and then we'll see
17 what other requests there are and what we can
18 accommodate.

19 MR. VANORDEN: Marty VanOrden, 14 Allen
20 Road.

21 MR. MOLICA: Do you swear or affirm the
22 testimony you may give in this matter is the truth,
23 the whole truth and nothing but the truth so help
24 you God?

25 MR. VANORDEN: I do. V-A-N-O-R-D-E-N.

1 I just had a question. I didn't know
2 if it's for this gentleman or for the board.

3 They're saying 11 o'clock. Is there an
4 ordinance that this can't be like -- because I work
5 for Verizon in Branchburg 24-hour building. Is
6 there some sort of ordinance that this can't be like
7 a call center or something where there's going to be
8 people working 24 hours a day?

9 MS. DOYLE: Mr. Chairman, the applicant
10 has agreed to -- so far the applicant has agreed to
11 a hard stop at 11 o'clock and that includes the half
12 hour 45 minutes for office cleaning. If they decide
13 that they have a different tenant that has different
14 needs, they have to come back.

15 As it is now, they would have to
16 because it's going to be a condition. They have to
17 come back to the board. They have to notify everybody
18 by mail again and have another one of these meetings
19 in order to change that 11 o'clock hard stop.

20 That's how I understand it, Mr.
21 Chairman. That's how I understand the discussion.

22 MR. VANORDEN: Great. Thank you.

23 CHAIRMAN FRANCO: Anybody else with
24 questions for this witness?

25 MR. MOLICA: State your name and

1 address for the record.

2 MR. MCDONOUGH: Mike Mc Donough, 47 Ash
3 Street, Bridgewater, New Jersey.

4 MR. MOLICA: Do you swear or affirm any
5 testimony you may give in this matter is the truth,
6 the whole truth and nothing but the truth so help
7 you God?

8 MR. MCDONOUGH: I do.
9 M-C-D-O-N-O-U-G-H, 47 Ash Street.

10 Now, our street is directly behind the
11 building.

12 MR. MOLICA: Use the microphone please.

13 MR. MCDONOUGH: Our street is directly
14 behind your building, Ash Street. This is fine. I
15 don't need to walk over.

16 You were talking about the glare off
17 these reflective panels going in there. Now you're
18 saying the buffer is going to stop it. That buffer
19 between Ash Street and your building is severely
20 deteriorated. So nothing's going to be -- that's
21 not going to stop anything. I can sit on my deck
22 and look right in the windows.

23 MR. KING: Okay. If you're concerned
24 about the glare, good news, that's the north side of
25 the building. So the sun is never on that side.

1 The sun will rise approximately here during the
2 summer and work its way around the south.

3 MR. MCDONOUGH: It's amazing. The sun
4 goes right over my house and goes in my backyard.

5 MR. KING: I mean, again, in the
6 morning when it's at a low trajectory, it could hit
7 the windows. We're going to talk about further in
8 here to evaluate that.

9 MR. MCDONOUGH: I'd like an expert
10 brought in here to evaluate that. That's all I got.

11 MR. MOLICA: Did you want to finish
12 your thought, Mr. King? I thought he was going to
13 finish saying something there.

14 MS. GONCHAR: Dan, Counsel.

15 MR. MOLICA: Did you have anything
16 further in response to that? It seemed like you
17 were starting to respond and then stopped.

18 MR. KING: Well, as my colleague
19 pointed out to me, this is -- you bring up the
20 glass. It is not a tinted glass. It is a clear
21 glass with a solar band with a coating on it that
22 makes it less reflective and doesn't allow as much
23 light into the building.

24 So if it were -- if it had any kind of
25 reflectivity, then, yes, I would say that you had a

1 genuine concern, but because it is clear glass, that
2 cuts down the amount of reflectance off that glass.
3 So I think that helps as well.

4 CHAIRMAN FRANCO: Any other questions
5 for this witness?

6 Seeing none, Counselor, if you want to
7 bring your next witness please?
8 (Witness excused.)

9 MS. GONCHAR: We are going to have Mr.
10 Bechard come back.

11 MR. MOLICA: Mr. Bechard was previously
12 sworn and qualified. He's the applicant's civil
13 engineer.

14 MS. GONCHAR: Tom is sworn. He's our
15 civil engineer.

16 THOMAS BECHARD, having been previously
17 sworn, testifies as follows:

18 EXAMINATION BY MS. GONCHAR:

19 Q. Okay. Now that you have -- now that
20 the architect has presented, why don't you move on
21 with your description of the engineering for the
22 site?

23 CHAIRMAN FRANCO: If you can speak into
24 the microphone please.

25 Q. This is a new exhibit. This was not

1 part of the submission package. This was the
2 rendered site plan?

3 A. Yes.

4 Q. Do you have a date on that?

5 A. Yes, dated 4/16/2018.

6 CHAIRMAN FRANCO: Is that A-4?

7 MR. MOLICA: Mark that as Exhibit A-4,
8 the color rendering of sheet -- what are the plans,
9 Mr. Bechard?

10 MR. BECHARD: It's not in the plan set.

11 MR. MOLICA: Color rendering dated
12 April what? What's your date of this rendering?

13 MR. BECHARD: The date on the rendering
14 is 4/16/18.

15 MR. MOLICA: Thank you.

16 (Exhibit A-4, Color rendering dated
17 4/16/18, is marked for Identification.)

18 A. I have 11-by-17s of this exhibit. It
19 might help the board. Would you like me to hand
20 them out?

21 Q. That would be helpful for the board.

22 MR. MOLICA: If you have them
23 available.

24 CHAIRMAN FRANCO: Counsel, do you have
25 an extra maybe you could hand to the people sitting?

1 MS. GONCHAR: We do.

2 CHAIRMAN FRANCO: That's very difficult
3 to see as well.

4 Q. Continue.

5 A. Okay. This is a rendered site plan.

6 Basically, we've taken the improvements and we have
7 overlaid them on top of the aerial exhibit, the A-1
8 exhibit. To make it fit on this sheet better, we
9 rotated the view.

10 So now north is pointing to the left,
11 more or less. Just for ease of reference, I'll
12 refer to plan north as straight up and south down.
13 202 is at the bottom -- 202/206 is at the bottom of
14 the sheet here. Allen Road comes up along the site
15 along the right side of the site in this area here
16 and the main driveway coming into the site is in
17 this area here.

18 Q. When you say here, for the record, at
19 the south?

20 A. The southwest portion of the exhibit.
21 Coming into the site, the large parking lot that I
22 mentioned earlier is in the front of the building.
23 Small parking lot is in the rear of the building.

24 There is an existing access drive that
25 comes along the front of the building that connects

1 the two parking lots.

2 The lighter shaded brown area is the
3 existing building. It's 115,558 square feet. The
4 proposed additions are these four darker shaded
5 areas totaling 30,304 square feet.

6 As far as impacts to the site, the
7 addition on the plan west side here, there is a
8 storm sewer system in here that we will be
9 relocating out into the driveway here. This
10 addition in the planned northerly portion of the
11 site, unfortunately, when this building was
12 constructed, it was not constructed parallel with
13 the existing setback line right here.

14 So when we expand this wall line, we
15 actually creep past the setback line by about 2.3
16 feet. I have an exhibit later that I'll pull up
17 that shows that in more detail, but as far as impact
18 to this site, we will be asking for a variance for
19 that encroachment right there.

20 Q. Can you just explain, when you say the
21 encroachment, there are actually two different
22 standards that we have to meet over there?

23 A. Yes. In our zone, the GCM zone, the
24 front yard setback is 100 feet for Allen Road, and
25 for 202/206, the side yard setback is 50 feet.

1 However, when you abut residential
2 uses, there's an additional hundred foot buffer
3 that's added on to that setback. So it essentially
4 brings the front yard setback up to 200 feet and the
5 side yard setback up to 150 feet.

6 So as far as the buffer goes, the
7 hundred foot buffer, we are in conformance with that
8 along this entire side of the site. We meet that
9 100 foot buffer. What we don't meet is the building
10 setback at this -- this corner right here. It's 2.3
11 feet extending into the setback line.

12 Q. And that's measured on the building?

13 A. On the building, yes.

14 So the additions in the front and back
15 of the building, currently, all of the accessible
16 parking for this building is all in the rear of the
17 building in this area here. There is no accessible
18 parking in the front because there's no accessible
19 ramp. There's just steps.

20 We're proposing to remove all that and
21 replace it with new steps and a new accessible ramp.
22 So we will be reconfiguring the car parking in the
23 front, this circular area here, to be accessible
24 parking.

25 In the rear of the building, when we

1 expand the building out, we will have to modify this
2 bay of parking here to accommodate that, and we'll
3 be adding the remaining accessible parking spaces in
4 this area here.

5 Q. And will those -- the location of those
6 spaces meet the distance requirements to the access
7 points will be in compliance --

8 A. Yes.

9 Q. -- with number and location?

10 A. Yes. So by reconfiguring the parking
11 along this back row and in the front of the
12 building, we actually end up losing nine existing
13 spaces in that area.

14 In the front corner of the building
15 coming off of the driveway, there's an existing
16 generator. The generator is currently screened with
17 vegetative buffer. We're proposing to remove that
18 buffer and replace it with a screen wall that ties
19 into the building. It will be the same interior as
20 the foundation of the building and it will basically
21 look like an extension of the building.

22 That screen wall will range in height,
23 because coming off the building down this -- it
24 actually comes down and slopes. It will range in
25 height from roughly 6 feet to about 10 feet, plus or

1 minus.

2 There is an existing loading dock on
3 this side of the building. The loading dock is 12
4 feet wide by 47 feet long. Ordinance requires 12
5 feet by 50 feet. It is an existing condition. To
6 my knowledge, there are no issues with circulation
7 or safety with this loading dock. So to the extent
8 necessary, we would ask for a design waiver to allow
9 that to remain.

10 Solid waste removal, currently,
11 there's, for lack of a better word, a smaller
12 loading dock in this area here. There was a trash
13 compactor in that area. We're proposing to remove
14 that and replace it with a trash enclosure. The
15 trash enclosure will have dual source. There will
16 be two different dumpsters in there. One for
17 recycling. One for solid waste.

18 Trash removal from the building will be
19 contracted with a third-party service on a weekly
20 basis or in accordance with the tenant's
21 requirements. The height of this trash enclosure
22 will be 6 feet, and there will be a solid fence on
23 the front of the enclosure no higher than 6 feet.

24 CHAIRMAN FRANCO: What material of the
25 enclosure?

1 MR. BECHARD: It's proposed to be wood,
2 the gate.

3 CHAIRMAN FRANCO: What about the
4 surround?

5 MR. BECHARD: It will be -- it will be
6 masonry and it will match the building foundation.
7 Okay. So the parking expansion,
8 basically, the parking expansion we're proposing 185
9 new parking spaces that are proposed to be banked.

10 At this time, you heard the building is
11 empty. We're not sure what the tenant's needs are
12 going to be, but we would like to have the
13 flexibility to have that parking if we do attract a
14 tenant that would need that.

15 CHAIRMAN FRANCO: Would that be a
16 phased banking or would it just -- so if you see a
17 need, you'll do a portion. If you see a greater
18 need, you'll do --

19 MR. ALLMAN: If we see a need, we'll do
20 it.

21 MR. BECHARD: So for the expansion,
22 right now the existing parking spaces in the parking
23 lot are striped 9-by-18. For consistency and
24 uniformity, we'd like to maintain that 9-by-18
25 parking space. It is a design waiver that the

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1 ordinance requires 9-and-a-half-by-18 parking
2 spaces.
3 Also, just the way it lays out with
4 this drive aisle, it comes around the back of the
5 building and connects the two parking lots. The
6 number of parking spaces between the two islands
7 exceeds the ordinance requirement.
8 The ordinance requires no more than 20
9 spaces in a row. We have three situations where it
10 exceeds slightly. These two bays exceed it by --
11 you have 21 spaces and then these two bays of
12 parking would be 22 spaces in a row.
13 The parking in this area along the
14 Allen Road frontage, those spaces are proposed to be
15 9-by-16. They have been designed with a 2-foot
16 overhang in front of them. There's no obstructions
17 which will help reduce the impervious coverage on
18 the site.
19 There's also a nonstructure stormwater
20 strategy. Same situation with these parking spaces
21 up against the building and the rear of the
22 building. They're designed at 9-by-16. There's a
23 total of 71 spaces that are 9-by-16.
24 Currently, in the rear of the property
25 there is a bay of parking that's 23 spaces in a row.

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1 We're proposing to expand that.
2 However, we will put a new landscape
3 island in here to limit this to 20. So we'll
4 eliminate that existing nonconformity, and there
5 will be 20 on this side and there will be 19 on this
6 side here.
7 So the total number of parking
8 spaces -- total required by ordinance is 486. With
9 the removal, if this -- if this parking is not
10 constructed, there will be 542 parking spaces. So
11 it still exceeds the ordinance requirement. If all
12 of the parking is constructed, we'll have a total of
13 727 car parking spaces.
14 Moving to the frontage of the site,
15 along Route 202/206 there's an existing landscape --
16 it's actually a wooded buffer in this area here. If
17 you drive by the site, you can't even tell it's
18 there. So in order to have more curb appeal, we're
19 proposing to eliminate that wooded buffer and
20 replace it with a 6-foot high undulating landscape
21 berm that will be landscaped with street trees and
22 shrubs.
23 The idea is that cars driving by will
24 not be able to see the parking lot or the cars, but
25 they will be able to see -- because of the angle

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1 over the berm, they'd be able to see the building.
2 Stormwater management for the site,
3 currently, there's an existing basin in this area
4 here. The basin is really only --
5 Q. Excuse me. When you say this area
6 here, for the record, which direction?
7 A. Yes, it's on the southern portion of
8 the site or the plan, easterly portion of the site.
9 Q. Sorry.
10 A. And there's an existing basin. Right
11 now it's designed -- it was built back in the '80s.
12 It's really only accommodating peak production for
13 very large storms. There's a very large pipe
14 leaving the basin. So it's not treating any of the
15 smaller storms. There's no water quality.
16 So we are proposing to regrade this
17 basin, make it slightly larger. We're going to
18 replace the outlet structure with a new outlet
19 structure and we're going to provide a new water
20 quality manhole in this area here.
21 So, essentially, that will bring the
22 entire site up to current NJDEP standards for water
23 quality and peak reduction.
24 Unfortunately, because there are very
25 poor soils at this site, it's all clay, it's type C

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1 and D soils which basically means they don't drain
2 very well, we can't meet the groundwater recharge
3 requirement under NJDEP. So we are asking for a
4 waiver for that requirement.
5 Utilities, the site is currently served
6 with public utilities, water, sewer, electric, gas
7 and telecommunications. When we -- when we bring
8 this driveway around the back of the building, we'll
9 actually be lowering the base in this area. So we
10 will have to lower the water main with it to make
11 sure that we provide 4 feet of cover so it doesn't
12 freeze.
13 That water main is owned by New Jersey
14 American Water. We will work with New Jersey
15 American Water and get approval from them to do
16 that.
17 Sanitary sewer, there's an existing
18 lateral that comes out of the front of the building
19 and out into Allen Road. That's an 8-inch PVC
20 lateral. It has way more capacity than necessary
21 for the proposed expansion. We will work with the
22 sewer utilities to make sure there's no implications
23 downstream with capacity.
24 I can just briefly discuss the fence
25 also. There's currently a chain-link fence that

1 runs along the back of the property line.
 2 Now might be a good time to introduce
 3 the other exhibit. I have an exhibit that kind of
 4 zooms into this corner of the site.
 5 MR. MOLICA: We'll mark this as Exhibit
 6 A-5. Do you have a date on that or do we want to
 7 use today's date?
 8 MR. BECHARD: This drawing is dated
 9 4/16/2018.
 10 MR. MOLICA: What would you call this
 11 drawing?
 12 MR. BECHARD: I'm calling it setback
 13 variance detail.
 14 MR. MOLICA: Setback variance detail.
 15 MR. BECHARD: You said that's A-5?
 16 MS. GONCHAR: Yes.
 17 (Exhibit A-5, Setback variance detail
 18 4/16/18, is marked for Identification.)
 19 A. So this exhibit here kind of zooms into
 20 the corner of the building to show better the
 21 setback variance that we're requesting. If you can
 22 see the -- I have a blowup of this. Can everybody
 23 see this okay?
 24 MR. MOLICA: What does the board
 25 prefer? You've made handouts before. If you have

1 enough copies, why don't we do that again.
 2 MR. BECHARD: Okay. So this exhibit,
 3 as I mentioned, just zoomed into the corner of the
 4 building and shows the different buffer requirements
 5 and setback, building setback requirements.
 6 As you can see, we do maintain minimum
 7 100-foot buffer along the entire -- this property
 8 line and this frontage along Allen Road. The purple
 9 dashed line is the 100-foot buffer and the red
 10 dashed line is the building setback line.
 11 As I mentioned previously, you can see
 12 the building was not constructed parallel to the
 13 setback line. So when we extend it, it slightly
 14 extends beyond into the setback by 2.3 feet. So
 15 rather than 200 feet total from Allen Road, we have
 16 197.7.
 17 We've had several meetings with the
 18 engineer and the planner prior to making our
 19 application. Your planner recommended that we
 20 replace this chain-link fence along this property
 21 line here with a board-on-board fence to provide
 22 better screening of these properties here. It is
 23 not permitted by ordinance because it's
 24 board-on-board fence, but it is more aesthetically
 25 pleasing and it may help to provide better screening

1 on that side particularly because the understory of
 2 this wooded area is not as dense.
 3 MS. GONCHAR: I should say we did have
 4 an opportunity to speak to some of the neighbors
 5 prior to the hearing tonight, and we'll circle back.
 6 This is what's on our plan and, obviously, what's
 7 been requested, but we have had some input from the
 8 neighbors that we'd like to discuss when we get to
 9 some of our other witnesses.
 10 CHAIRMAN FRANCO: My only concern is
 11 the material proposed is just a Wolmanized fencing.
 12 MS. GONCHAR: For the board-on-board.
 13 CHAIRMAN FRANCO: For the
 14 board-on-board, and over time I know that really
 15 deteriorates rather quickly. Someone really gets
 16 out there and treats -- it's quite a lot of fencing
 17 to treat. I don't know if there's any other
 18 materials. I'm sure you don't want something white
 19 because it will jump out. That's the only comment I
 20 had on it.
 21 MS. GONCHAR: Okay.
 22 CHAIRMAN FRANCO: But I think if you
 23 work with our planner with the -- some of the
 24 neighbors, I think that's okay.
 25 Q. Anything else with this exhibit?

1 A. This exhibit -- I do have one more
 2 exhibit. We received a letter from the fire marshal
 3 regarding turning radiuses for the largest fire
 4 truck that would access this site. I guess this
 5 will be Exhibit A-6.
 6 MR. MOLICA: Yes, Exhibit A-6, and what
 7 would you --
 8 MR. BECHARD: I'm calling this
 9 emergency access turning template.
 10 MR. MOLICA: Emergency access turning
 11 template.
 12 MR. BECHARD: Yes. And the date of
 13 this drawing is 4/16/18.
 14 (Exhibit A-6, Emergency access turning
 15 template dated 4/16/18, is marked for
 16 Identification.)
 17 MR. MOLICA: Do we have a handout you
 18 can distribute on this?
 19 MR. BECHARD: I do. I do.
 20 CHAIRMAN FRANCO: I guess, basically,
 21 this diagram shows us that you comply.
 22 MR. BECHARD: Yes. That's basically
 23 it. It shows that fire trucks specs that were given
 24 to us by the fire marshal -- it basically just shows
 25 a fire truck entering the site, circumventing the

<p style="text-align: right;">Page 77</p> <p>1 entire building and coming out with no issues. 2 CHAIRMAN FRANCO: Okay. 3 MR. BECHARD: That's it. 4 CHAIRMAN FRANCO: Okay. 5 MR. BECHARD: One last item, I can show 6 it on this exhibit, but I mentioned previously that 7 we're reconstructing the stairs in the front with a 8 new accessible ramp. We are proposing to add a new 9 bike rack just to the right of the stairs going into 10 the building. 11 CHAIRMAN FRANCO: It helps your needs? 12 MR. BECHARD: It does. 13 CHAIRMAN FRANCO: I guess the other 14 only big issues is we're talking about the parking 15 lot lighting. 16 MR. BECHARD: Lighting. We are -- 17 MS. GONCHAR: We have another witness 18 who's going to do landscaping and lighting. So if 19 we can have him come up after? 20 CHAIRMAN FRANCO: All right. 21 Q. The only other thing, did you talk 22 about the directional sign, the existing one? 23 MR. BECHARD: No. I don't think we 24 did. This exhibit actually shows it well, and there 25 was discussion about both of the signs. The</p>	<p style="text-align: right;">Page 79</p> <p>1 the size of the loading dock or even the couple feet 2 into the 200-foot setback, but the issue of the size 3 of the parking stalls is very problematic to me, and 4 I understood the reason you wanted to go to a 9 foot 5 was simply to be consistent with the other ones that 6 you have. 7 I don't find that a compelling reason, 8 because 9 foot -- depending on usage in the 9 building, if you have a high turnover rate, you've 10 got people -- you don't know what people are going 11 to be in there. You got people running, coming back 12 hour by hour. Whereas, a 9-and-a-half-foot stall, 13 which is the requirement of the township, seems to 14 fit the bill much better in terms of reducing 15 accidents and incidents in the parking lot. 16 Now, you're not going to have shopping 17 carts, but you are going to have people running 18 back. So the other stuff I can see, but now this 19 building has been vacant for years. 20 Are you going to repave the parking lot 21 at all? 22 MR. BECHARD: We're not proposing to. 23 We are going to repair areas that are cracked and 24 potholes, but we're not proposing to repave the 25 entire parking lot.</p>
<p style="text-align: right;">Page 78</p> <p>1 monument sign currently is in the center of this 2 island as you enter the site. It's set back more 3 than 50 feet off of 202/206. So we are proposing to 4 move it closer to within about 31 feet. It still 5 meets the ordinance requirements and it does provide 6 better visibility for cars driving by. 7 As you enter the site further, visitors 8 and delivery, there's an existing sign right here. 9 It's a directional sign that kind of points in 10 different directions. It's 4-feet-by-4-feet. It's 11 a total of 16 square feet which exceeds the 12 ordinance requirements. We're proposing to maintain 13 that sign. 14 However, once the tenants and the 15 operational requirements for this building have been 16 determined, we'll modify the wording on that sign. 17 MS. GONCHAR: Okay. 18 CHAIRMAN FRANCO: Is that pretty much 19 it? 20 MS. GONCHAR: That's what we have for 21 direct for our engineer? 22 CHAIRMAN FRANCO: Are there any 23 questions from the board? 24 MR. NORGALIS: Some of the items you're 25 faced with are de minimis. I'm not concerned with</p>	<p style="text-align: right;">Page 80</p> <p>1 MR. NORGALIS: But you could restripe 2 it and make everything nine and a half foot. Is 3 that not correct? 4 MR. BECHARD: That would significantly 5 reduce the number of parking spaces. 6 MR. NORGALIS: You appear to have 7 plenty of parking spots. By testimony, you had -- 8 you needed 486 and you had over 500. So you're not 9 limited. 10 That's why I say, if you were limited 11 by space, that would be one thing, but you're not. 12 You have plenty of space. Why not make the standard 13 that meets the requirement of the township? 14 MS. GONCHAR: Can we have the applicant 15 answer that question rather than the engineer? 16 MR. ALLMAN: Thank you. For 17 marketability of office space, we like to have five 18 spots per thousand square feet, and by getting this, 19 I believe we are just at that threshold. 20 When you go out to market an office 21 building, especially ones that are vacant and 22 renovating, we want to be able to say to the 23 brokerage community we have five per thousand square 24 feet, and that's the industry standard when it's 25 office. When they hear that, we can attract a lot</p>

1 of clients.

2 MR. NORGALIS: I understand.

3 MR. ALLMAN: I'm sorry. For market.

4 CHAIRMAN FRANCO: Ms. Doyle, I just
5 want to clarify something. We recently lightened up
6 on that.

7 MS. DOYLE: Well, often times -- often
8 times when it's an existing parking area, they do
9 like to keep with the scheme because the scheme also
10 relates to the islands, get a half a foot off and
11 you'll lose the pattern.

12 However, with the addition, the
13 applicant has agreed to the island extension, the
14 courtesy parking -- pedestrian area where you get
15 out of your car and there's a striped area rather
16 than a curbed island. When you open the car door,
17 often, if you're drive -- well, if you're a driver
18 or even a passenger and you're next to an island,
19 you open the car door and you have to walk -- you
20 have to step up onto an island to get out of the
21 car.

22 Well, in this case, as the plan shows,
23 you're going to have a 2-foot strip which consumes
24 quite a bit of the parking area, but you're going to
25 have a 2-foot strip to get out, to more safely get

1 out. So it's particularly good for medical as well,
2 and the board in the past has accepted that and the
3 plans do show that.

4 MR. RODZINAK: Can I weigh in on that a
5 little bit?

6 MS. DOYLE: Pardon?

7 MR. RODZINAK: Can I weigh in on this a
8 little bit for Councilman Norgalis? We had
9 discussion at the board about making the
10 recommendation -- you can't hear me? I figured I
11 was a big enough mouth. About actually changing the
12 ordinance to allow for 9-foot parking spot because
13 that seemed to be the industry standard.

14 If you go to our parking lot out here,
15 our spaces are 9-foot wide. If you go to
16 Bridgewater Commons Mall, they're 9-foot wide.
17 Pretty much anywhere you go they're 9-foot wide.

18 MR. NORGALIS: Go to Shop-Rite.

19 MR. RODZINAK: That's a little bit
20 different, but we've been granting variances on that
21 exact issue on pretty much almost all our
22 applications.

23 CHAIRMAN FRANCO: I think we just
24 recently did that for the buildings over by Arbor
25 Glen, the office buildings over there.

1 MS. DOYLE: We got the striping.

2 CHAIRMAN FRANCO: We got the striping
3 next to the curbs.

4 MS. DOYLE: I'm not inclined to
5 recommend changing the standard because I really
6 think this conversation is helpful because it gets
7 us -- gets us the parking. Although, the engineer
8 believes -- Mr. Battaglia and I have talked about,
9 if the standard is changed, it should include that
10 exits along an aisle design.

11 CHAIRMAN FRANCO: Which they're
12 complying with.

13 MS. DOYLE: They are. For the area
14 that they're changing, yes.

15 MR. NORGALIS: How many handicapped
16 spaces you have?

17 MR. BECHARD: Sixteen.

18 MR. NORGALIS: Fifteen?

19 MR. BECHARD: Sixteen accessible
20 spaces. Sixteen.

21 CHAIRMAN FRANCO: Any other questions?

22 MR. RODZINAK: That 16 is calculated on
23 if you complete all the parking?

24 MR. BECHARD: Yes. It's 2 percent of
25 the total.

1 CHAIRMAN FRANCO: Ms. Doyle, you have a
2 question?

3 MS. DOYLE: Yes. In my report, number
4 7, regarding the proposed parking lot expansion that
5 faces Allen Road, I said there should be testimony
6 to discuss the methods that might be used to
7 minimize the view of the parked vehicles through the
8 understory particularly during the fall and winter.

9 MR. BECHARD: We are proposing
10 landscaping in those areas, but I think we have --

11 MS. GONCHAR: That's landscape.

12 MR. BECHARD: -- our landscape
13 architect that can address that.

14 MS. GONCHAR: We were going to defer
15 the lighting and landscaping to our landscape
16 architect who will be able to speak about that area
17 of the site.

18 MR. MOLICA: Scarlett, are there other
19 items in your report that you feel this civil
20 engineer for the applicant can address or should
21 address at this time?

22 MS. DOYLE: The applicant has pretty
23 much addressed everything that I raised in my letter
24 and so I'm satisfied.

25 The only -- the main question that I do

1 have is what I just indicated about the uniqueness
2 of that expanded parking area and the need to shield
3 it.

4 CHAIRMAN FRANCO: Any other questions?

5 Seeing none, we'll open it up to the
6 public for questions of this witness.

7 MR. SALERNO: Do I need to swear in
8 again?

9 MR. MOLICA: Mr. Salerno, you were
10 previously sworn in. We have your name and address
11 for the record. So you can proceed with a question.

12 MR. SALERNO: So, currently, where
13 you're proposing the additional parking spaces, if
14 you look at the site now, it is raised relative to
15 where the residential properties are. I don't know
16 the extent of the height.

17 My questions and concerns are, if
18 you're going to add additional parking spaces in
19 there, one, what happens to the trees?

20 Two, how do you handle parking on a
21 lower level when it's sloped downward as is the
22 current case?

23 MR. BECHARD: I'll refer to the grading
24 plan. It's in the plan set.

25 MR. MOLICA: What sheet of the plan

1 set? Sheet 8 of 19.

2 MR. BECHARD: Sheet 8 of 19. So, yes,
3 as I mentioned before, we will be cutting down the
4 grade on this side of the building. In this area
5 here, the grades -- there's actually a berm in this
6 area right here.

7 So the height of the berm in this area
8 is 132, elevation 132. The grade is 129. So you
9 have 3 feet. This berm is actually 3 feet higher
10 from approximately the corner of the building to
11 this island -- this parking island, the second bay
12 into the parking lot.

13 You're roughly anywhere from 2 to 3
14 feet higher on this berm. So when the cars park in
15 these bays here, the headlights will be shielded by
16 this berm right here.

17 In this area over here, we do start to
18 drop off and the grades drop off. We are proposing
19 landscaping in this area to accommodate shrubs that
20 will shield the headlights.

21 The landscape architect can talk about
22 that when he comes up.

23 MR. SALERNO: So the -- and I guess I
24 don't fully understand how far you're extending the
25 property, but if you -- I mean, if you were to look

1 at it today from Allen Road, when you look back at
2 that land, you can -- you cannot see any parking
3 spots today because there is a raised area above
4 that.

5 I don't even know what is beyond that,
6 and based on the proposal to cut back into that
7 space there where there's currently trees, those
8 trees sit below that said berm today or I'm not sure
9 if that's what you're referring to as a berm or the
10 hill that's there.

11 So my concerns really are that now I'm
12 going to see other vehicles' lights, street lights
13 during the course of the evening hours and during
14 the workday as well. So that's one part of my
15 question.

16 I just don't see how you're saying that
17 it's not -- if you look at where the trees end on
18 that property today and the -- I guess the beginning
19 of the macadam or maybe whatever is on that other
20 side of the land there, you will not -- there's no
21 way to escape the fact that I will see vehicles from
22 my property when you cut back into a lower level
23 piece of land.

24 CHAIRMAN FRANCO: Is that something we
25 want to wait for the landscape architect --

1 MR. BECHARD: Landscape architect.

2 CHAIRMAN FRANCO: -- to respond to?

3 MR. SALERNO: It's also more semantics.

4 How are you -- I don't fully understand how you're
5 putting parking on a lower level. I mean you're
6 going to cut back some of that slope I guess.

7 MR. BECHARD: This elevation in here is
8 higher, the natural grade in here. When we expand
9 the parking, we'll be lowering the grade and pushing
10 it back, but there will still be an elevated berm in
11 this area right here.

12 As I mentioned from the corner of the
13 building here to this parking bay here, it will
14 still be 2 to 3 feet higher. It comes up to
15 elevation 132 and then it does start to drop back
16 down after that.

17 So the cars will be shielded for this
18 portion right here by the grade, and then we'll have
19 to use vegetation for the remaining portion.

20 MR. SALERNO: That was -- so that was
21 one part of my concerns.

22 The other part of the concerns I have,
23 if anybody has traveled down Allen Road, which I'm
24 sure some residents have at some point, especially
25 during bad weather, that road is kind of -- it's

<p style="text-align: right;">Page 89</p> <p>1 like a river during a bad storm, and my concerns 2 are, with additional removal of vegetation, we are 3 going to have even more of a water issue down that 4 road as rainwater and such flow from this parking 5 area down out. 6 CHAIRMAN FRANCO: If you can talk in 7 reference to the parking lot drainage, where that 8 goes? 9 MR. BECHARD: So the parking lot, there 10 will be a curb that runs along the entire exterior 11 edge of the parking lot here. 12 When the drainage runs down, it's 13 actually -- the parking lot is actually graded so 14 that this edge is slightly higher than the center of 15 the driveway. So you can see on this plan here the 16 little square rectangles. Those are the inlets. 17 So a drop of water hits the curb there. 18 It doesn't run towards Allen Road. It actually runs 19 towards the middle of the driveway. It's collected 20 into a series of inlets and then routed into the 21 basement down here. 22 So none of the runoff from the proposed 23 impervious coverage will be going to Allen Road. 24 MR. SALERNO: Is that the same basin 25 that the water from Allen Road runs into?</p>	<p style="text-align: right;">Page 91</p> <p>1 reasons. 2 MR. BECHARD: I think that's from the 3 runoff coming down Allen Road. 4 MR. LACEY: It is. I didn't know if 5 you were tying into there. 6 MR. BECHARD: No. We're tying into a 7 closed system. It's underground. 8 MR. LACEY: And you're also taking into 9 account your roof drains with this runoff? 10 MR. BECHARD: Yes. 11 MR. LACEY: It's a lot of impervious 12 area. 13 The parking, you keep saying that it 14 may not happen. 15 MR. BECHARD: The banked parking may 16 not happen. 17 MR. LACEY: Why can't you go north with 18 this parking? 19 MR. BECHARD: In this area here? 20 MR. LACEY: No, to the north. Look at 21 your north. 22 MR. BECHARD: In here? Over here? 23 MR. LACEY: Yeah. Can you go over in 24 there? 25 MR. BECHARD: No. This is an unnamed</p>
<p style="text-align: right;">Page 90</p> <p>1 MR. BECHARD: No. 2 MR. SALERNO: That's my question. 3 CHAIRMAN FRANCO: Do you have 4 questions? 5 MR. LACEY: Charles Lacey, 24 Allen 6 Road, Bridgewater, New Jersey. 7 MR. MOLICA: Can you spell your last 8 name? 9 MR. LACEY: L-A-C-E-Y. 10 MR. MOLICA: Raise your right hand 11 please. Do you swear or affirm the testimony you 12 give in this matter is the truth, the whole truth 13 and nothing but the truth so help you God? 14 MR. LACEY: I do. 15 The basin you have, where does that 16 drain out to? 17 MR. BECHARD: There's an outlet 18 structure. It currently drains out to this inlet in 19 Allen Road and then comes down and across 202/206 20 and out into Peters Brook. 21 MR. LACEY: Because there is this guy 22 at the end of that road there that -- there's a 23 drainage ditch. There's a drainage ditch that goes 24 by the side of his property, and he's always getting 25 flooded out because it's never clean, one of the</p>	<p style="text-align: right;">Page 92</p> <p>1 tributary. 2 MR. LACEY: Oh, there is a tributary in 3 there. I didn't know that. 4 MR. BECHARD: Yes. It's not labeled on 5 the plan. It's an unnamed tributary, the Peters 6 Brook. We will add that label to the plan, but it's 7 wetlands basically. 8 MR. LACEY: Let's see what else I got 9 here. 10 Has there been any noise studies in 11 this area? I know there's traffic studies, but up 12 the road not too far there's a mosque or a temple 13 being built. Is that traffic -- that study done 14 before that approval? 15 CHAIRMAN FRANCO: For the mosque? 16 MR. LACEY: For the mosque, yeah. 17 CHAIRMAN FRANCO: Yeah. Yeah. 18 MR. LACEY: It has been done before the 19 approval of the mosque. 20 CHAIRMAN FRANCO: Yes. 21 MR. LACEY: So this is going to cause 22 more traffic. 23 CHAIRMAN FRANCO: I think this building 24 was already taken into account for the studies for 25 that.</p>

1 Scarlett, am I correct?
 2 MS. DOYLE: I would assume they've
 3 taken all the square footage of structures that
 4 contribute to the 206 corridor.
 5 The only thing that's different are
 6 those dark -- those tiny, little dark portions.
 7 This building is not being changed except for those
 8 tiny, little --
 9 MR. LACEY: Yes, I understand that.
 10 The other thing is the board-on-board
 11 fence. Is there any chance that there could be
 12 shrubs there rather than a board-on-board.
 13 MR. BECHARD: Certainly.
 14 MS. GONCHAR: Our landscape architect,
 15 our next witness will deal with that.
 16 MR. LACEY: All right. Let's see if I
 17 got anything else.
 18 About the noise study, there was no
 19 noise study done, right?
 20 I mean you can hear -- when that
 21 building was occupied, you could hear trucks pulling
 22 in from my driveway. I live right across from it.
 23 I'm wondering if there should be a
 24 noise study with all that -- you know, all the
 25 traffic that's going to be coming.

1 MR. MOLICA: Again, Mr. Lacey, we do
 2 have a traffic engineer, I believe, that's going to
 3 be testifying. I don't think a noise study,
 4 quote/unquote, has been prepared and submitted in
 5 connection with the application, and I'm not exactly
 6 sure we can compel that type of submission.
 7 Perhaps you can wait and listen to the
 8 traffic engineer's testimony about traffic if that's
 9 ultimately your concern about trucks coming in --
 10 MR. LACEY: Yes.
 11 MR. MOLICA: -- potential increase of
 12 vehicular traffic.
 13 MR. LACEY: What about the
 14 environmental impact statement? Do any of us get to
 15 see that or read it?
 16 CHAIRMAN FRANCO: It's publicly
 17 available.
 18 MR. LACEY: It is.
 19 MR. BATTAGLIA: The entire application
 20 is available down at the planning office.
 21 MR. LACEY: All right. Thank you.
 22 CHAIRMAN FRANCO: Any other questions?
 23 MR. SRAMEK: Rich Sramek, 43 Ash
 24 Street.
 25 CHAIRMAN FRANCO: Spell your last name

1 please.
 2 MR. SRAMEK: S-R-A-M-E-K.
 3 MR. MOLICA: Do you swear or affirm any
 4 testimony that you give in this matter is the truth,
 5 the whole truth and nothing but the truth so help
 6 you God?
 7 MR. SRAMEK: My question, I don't if
 8 it's for the engineer or the landscape architect.
 9 The board-on-board fence, it doesn't
 10 really make sense for me to have board-on-board
 11 fence with a hundred foot buffer.
 12 The idea of buffer is the buffer. I
 13 mean it makes it look more like it's going to be a
 14 prison or something like that or they're trying to
 15 hide something, and to supplement the buffer on
 16 their side while there's a board-on-board fence on
 17 my side just doesn't make any sense.
 18 The chain-link fence that's there now
 19 is more than adequate. Perhaps what they can do is
 20 put some lower shrubs and smaller trees on the --
 21 behind the curve on the parking lot to shield the
 22 headlights.
 23 CHAIRMAN FRANCO: I think that would be
 24 a good question for the landscape architect, and as
 25 we said, with regards to the fence, that we'd like

1 to see that coordinated with our planner.
 2 MR. SRAMEK: Okay. I don't know why it
 3 was proposed. I don't know why Scarlett would
 4 propose it.
 5 CHAIRMAN FRANCO: Is it something you
 6 had discussed with the residents replacing that
 7 fence?
 8 MS. GONCHAR: We had initially spoken
 9 with the planner with regard to the fence because we
 10 thought that it would provide more privacy for them,
 11 frankly, than a chain-link fence.
 12 There has been some other expressions
 13 that they don't think it's necessary and we can
 14 address that with our next witness.
 15 CHAIRMAN FRANCO: And, Counsel, you
 16 agree to work with our planner and the residents to
 17 come up with a resolution?
 18 MS. GONCHAR: Absolutely.
 19 MS. DOYLE: I would like to have some
 20 guidance from the board whether it should be
 21 chain-link or the solid fence. The reason I
 22 suggested a solid fence and Tech -- Tech material --
 23 CHAIRMAN FRANCO: Like a TimberTech.
 24 MS. DOYLE: What's that called? Yeah,
 25 being more appropriate.

1 The difficulty that I've had over the
2 years is that a lovely landscaping plan is created.
3 The plants are put in. The plants live for two
4 years, and then if the plants don't survive or they
5 go thin and they get scraggly, I don't have the
6 authority to get you what you want, and that's the
7 reason I took the plan of say, well, a fence I can
8 make them replace a little more easily.

9 MR. SRAMEK: Well, if it's a condition
10 of the site plan approval and they have to plant
11 trees along the outside of the parking area, you can
12 enforce that.

13 MS. DOYLE: The difficulty is that;
14 after a number of years, for the -- the attorneys,
15 the legal minds will tell you it is not necessarily
16 in perpetuity. So if those plants die --

17 MR. SRAMEK: Why isn't it?

18 MS. DOYLE: I'm just telling you what
19 I'm told.

20 CHAIRMAN FRANCO: We've had experience
21 in the past after about two years and the
22 developer's agreement has run out. It's a
23 maintenance issue and we can't enforce.

24 MR. SRAMEK: If you had complaints from
25 the residence, you wouldn't send somebody out to see

1 CHAIRMAN FRANCO: With the next
2 witness.

3 MR. SRAMEK: And shades on the parking
4 lot lighting. I'm also concerned about the glare
5 from the back of the building there and --

6 CHAIRMAN FRANCO: I think the architect
7 gave testimony with regards to the back of the
8 building.

9 MR. SRAMEK: Well, he did say it didn't
10 seem to be a problem. I seem to think that it may
11 be a problem.

12 CHAIRMAN FRANCO: Okay.

13 MR. SRAMEK: All right.

14 MS. DOYLE: Mr. Chairman, in my report,
15 which the applicant has agreed to, because he hasn't
16 not agreed to it, should there be a note on
17 the plans to assure that shielding on the lights
18 will be provided if, in the opinion of the township
19 engineer, the lighting is a nuisance or a
20 distraction? So the lighting --

21 MR. SRAMEK: You're talking about the
22 parking lot lighting.

23 MS. DOYLE: It doesn't specify. It
24 says lighting.

25 MR. SRAMEK: Okay. All right.

1 that they conform to the site plan approval?

2 CHAIRMAN FRANCO: You do initially.

3 Then I think after two years we don't have the
4 jurisdiction.

5 MR. BATTAGLIA: What happens, the
6 maintenance bond comes up for renewal -- or not
7 renewal. Really, it just stops.

8 MR. SRAMEK: Does that mean, if they
9 wanted to, they could just cut it all down?

10 MR. BATTAGLIA: That's more of a legal
11 question I would say.

12 MR. MOLICA: No. That's not being
13 proposed here. I'm suggesting listen to the
14 testimony from the landscape design architect for
15 him to opine about fencing, plantings and the like.

16 MR. SRAMEK: Okay. I just mentioned it
17 because he mentioned the board-on-board.

18 CHAIRMAN FRANCO: I think, ideally,
19 they want to try to work with you.

20 MR. SRAMEK: Okay.

21 CHAIRMAN FRANCO: So I think it's
22 something we can all come to agreement with.

23 MR. SRAMEK: And the other question I
24 have is about the parking lot lighting which I guess
25 will come up eventually.

1 CHAIRMAN FRANCO: When you refer to
2 glare from a glass or glare from the lighting?

3 MR. SRAMEK: Well, I assume Scarlett's
4 talking about lighting from an artificial source of
5 light.

6 MS. DOYLE: The building or the
7 parking, that's correct, lighting from an artificial
8 source.

9 MR. SRAMEK: Lighting that you can
10 control, right. Not the sun. Okay.

11 CHAIRMAN FRANCO: You're talking about
12 sun glare.

13 MR. SRAMEK: Well, the glare off the
14 building in the back there. I know when the
15 original building was built they were supposed to
16 put shields on the lighting in the parking lot. I
17 don't think that ever happened.

18 CHAIRMAN FRANCO: That is a
19 requirement.

20 MS. GONCHAR: We can represent that the
21 lighting that we're proposing is downwardly shielded
22 to prevent glare and have the light focus down.

23 MR. SRAMEK: Along with the existing
24 lighting.

25 CHAIRMAN FRANCO: You're changing all

1 the lighting fixtures.
 2 MR. BECHARD: The existing lighting
 3 will all be replaced and it will all be dark
 4 skyline.
 5 MR. SRAMEK: That's all I have right
 6 now. Thank you.
 7 CHAIRMAN FRANCO: Are there any other
 8 questions from the public?
 9 Seeing none, we'll take a break.
 10 MR. GARDNER: Just a couple questions.
 11 Jay Gardner.
 12 MR. MOLICA: Mr. Gardner, you were
 13 previously sworn.
 14 MR. GARDNER: Yes, sir.
 15 MR. MOLICA: Try to focus the questions
 16 for the applicant's site plan engineer.
 17 MR. GARDNER: Right. One is for the
 18 counsel, right? The board-on-board fence, that's a
 19 variance, right?
 20 MS. GONCHAR: I believe it's a waiver
 21 under the ordinance.
 22 MR. GARDNER: Waiver variance.
 23 CHAIRMAN FRANCO: We'll address that.
 24 MS. GONCHAR: Yeah.
 25 MR. GARDNER: So the question for the

1 civil engineer, there will be an impact, right, to
 2 the wastewater collection system?
 3 MR. BECHARD: Yes.
 4 MR. GARDNER: Okay. Right. So the
 5 soil is clay, right? Not very permeable, but when
 6 you put pavement down, pavement I'd probably say is
 7 less permeable, right?
 8 So has there been any tests as far --
 9 because I have a well on my property, right? So
 10 we're going to put more pavement in. I know you're
 11 going to have a curb there. You're going to have
 12 runoff that could get in the groundwater that could
 13 get in the streams that's going to get in my well
 14 water. All right. So that's a concern for me,
 15 right, that we're an area right now that is draining
 16 well for the most part.
 17 I would ask anybody on the council to
 18 come to our neighborhood, right, Allen Street and
 19 that area, right, and Peters Brook, right. When it
 20 rains, right, for a day, you could look at that
 21 brook today, it will be empty. Nothing in it,
 22 right? It rains for a day, that brook will be at
 23 the brim. I have video that I can show you of how
 24 the water in our area just runs and runs and runs
 25 until it finds someplace to land.

1 We can talk about the fence yesterday,
 2 and then the only other thing is I'm confused by the
 3 standards around parking spaces per square feet,
 4 right?
 5 The gentleman, I don't remember your
 6 first name, sir.
 7 MR. ALLMAN: Tom.
 8 MR. GARDNER: So Tom said the industry
 9 standard I believe was five per thousand feet,
 10 right?
 11 MR. ALLMAN: For marketing, correct.
 12 MR. GARDNER: Okay. I'm not sure.
 13 MR. ALLMAN: You're right.
 14 MR. GARDNER: The town standard is one
 15 per 300 square feet, right?
 16 And then I went on Google while I'm
 17 waiting over there, qcode.uss, they say one per 350
 18 square feet. So I'm not really clear what standard
 19 we're using.
 20 CHAIRMAN FRANCO: I believe those are
 21 minimum standards. So the one per 300 is a minimum
 22 standard that you have to meet.
 23 MR. GARDNER: Right.
 24 CHAIRMAN FRANCO: Now, if you exceed
 25 that, you can't go over certain lot coverage.

1 MR. GARDNER: Right. I believe today
 2 they already meet the minimum or exceed the minimum.
 3 CHAIRMAN FRANCO: But at their own
 4 decision, they're spending more money to make
 5 additional parking because --
 6 MR. GARDNER: And that would be fine if
 7 that was existing pavement and that was a basketball
 8 court that they want to put 25 parking spots on, but
 9 when you say we need existing parking and we want to
 10 put pavement on ground that's clay ground to begin
 11 with, that's an issue.
 12 CHAIRMAN FRANCO: I think maybe you
 13 could address lot coverage existing, proposed.
 14 MR. GARDNER: Then just the final
 15 thing, the picture that's on top, that's overlaid on
 16 top, that picture right there -- I'm sorry. Not
 17 that picture. The Google maps picture, when was
 18 that taken?
 19 MR. BECHARD: I don't know when that
 20 was taken.
 21 MR. GARDNER: That's not the way it
 22 looks today.
 23 MR. BECHARD: It's an older picture.
 24 MR. GARDNER: You mentioned about the
 25 storm drain. You mentioned the storm basin. It's

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1 for large storms. We have large storms here, right?
 2 I mean we get major storms. We've had
 3 three major storms already this year. So it's not
 4 our rainfall. When you get it here, you get a lot
 5 of rainfall.
 6 MR. BECHARD: This basin will
 7 accommodate the large storms.
 8 MR. GARDNER: A storm like Sandy?
 9 MR. BECHARD: It's designed for the
 10 hundred-year storm event.
 11 MR. GARDNER: All right. Thank you.
 12 Q. Just if I could, can you get that --
 13 first of all, I don't know that we asked. Do we
 14 meet all the bulk standards other than what we
 15 pulled out specifically?
 16 A. Correct. Correct.
 17 Q. The other setbacks, we meet the
 18 impervious, the building coverage and the light?
 19 A. Yes.
 20 Q. Can you give us what the number is for
 21 the coverage, what's permitted and what is proposed?
 22 A. Permitted is 60 percent. Proposed is
 23 49 percent.
 24 Q. This is impervious?
 25 A. Impervious coverage, and that's after

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1 the steep slope computation.
 2 MS. GONCHAR: So we are 11 percent
 3 below what's permitted in terms of total impervious
 4 for the site.
 5 CHAIRMAN FRANCO: Any other questions?
 6 Seeing none, I think we're going to
 7 take a five-minute break.
 8 (Recess taken.)
 9 CHAIRMAN FRANCO: Take attendance
 10 please.
 11 MS. PINO: Mr. Rodzinak.
 12 MR. RODZINAK: Here.
 13 MS. PINO: Mr. Franco.
 14 CHAIRMAN FRANCO: Here.
 15 MS. PINO: Councilman Norgalis.
 16 MR. NORGALIS: Here.
 17 MS. PINO: Mr. Lerner.
 18 MR. LERNER: Yes, ma'am.
 19 MS. PINO: Mayor Hayes.
 20 MAYOR HAYES: Here.
 21 MS. PINO: Mr. Pandya.
 22 MR. PANDYA: Here.
 23 MS. PINO: Mrs. Albanese.
 24 MS. ALBANESE: Here.
 25 MS. GONCHAR: Our next witness is Mr.

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1 Stuart who is our landscape -- long-awaited
 2 landscape architect.
 3 P A T R I C K S T U A R T, having been previously
 4 sworn, testifies as follows:
 5 EXAMINATION BY MS. GONCHAR:
 6 Q. Can you give us your name and who
 7 you're associated and provide your educational and
 8 professional background?
 9 A. Sure. My name is Patrick Stuart. I'm
 10 a registered landscape architect. I'm with the firm
 11 Orsatti & Stuart. I'm a partner in the firm. The
 12 firm's been in existence since 1979.
 13 My background is a bachelor of science
 14 in landscape architecture from Temple University,
 15 and I have a master's of science in planning from
 16 Temple University, and I am licensed in the State of
 17 Pennsylvania.
 18 Q. However, have you applied for -- is
 19 there reciprocity between Pennsylvania and New
 20 Jersey for landscape architecture and have you
 21 applied for that reciprocity?
 22 A. There is, and I apologize. I thought
 23 it would have been resolved by tonight. It's been
 24 over five weeks since I applied and I just haven't
 25 heard if the state board has accepted it.

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1 I have all the educational
 2 requirements, submitted all the forms that they
 3 require, been in touch with the board, just the
 4 board's representative, but we haven't heard
 5 affirmative if they're accepting it or not.
 6 MR. MOLICA: You don't have a license
 7 in New Jersey as a registered landscape --
 8 MR. STUART: As a registered landscape
 9 architect, no, not in New Jersey.
 10 Q. Have you testified before in the State
 11 of New Jersey and have you been accepted as an
 12 expert in the field?
 13 A. I have. I've testified in Florence
 14 Township, Mount Laurel Township and more recently
 15 Burlington Township.
 16 CHAIRMAN FRANCO: Did you do the design
 17 of this?
 18 MR. STUART: I did, yes.
 19 MS. GONCHAR: And we had -- we had
 20 spoken to Mr. Collins in advance to give him a heads
 21 up to ask him if this was acceptable because the
 22 testimony is that he meets the qualifications for
 23 licensure in New Jersey, and since there's
 24 reciprocity, we felt that he does have the
 25 qualifications to be accepted as an expert in the

1 field.

2 MR. MOLICA: I would agree with Mr.
3 Collins' opinion. However, I'm going to suggest
4 that if the board has concerns to articulate them
5 now.

6 Incidentally, Mr. Stuart, when do you
7 anticipate receiving confirmation from the State of
8 New Jersey that you've been essentially licensed in
9 the state?

10 MR. STUART: I was told it would take
11 two weeks and it's been five weeks now. So I don't
12 know. I'm expecting it any day, but I don't have
13 it.

14 MR. MOLICA: Does the board have any
15 questions, concerns about Mr. Stuart's
16 qualifications?

17 MR. RODZINAK: No.

18 MR. BATTAGLIA: No.

19 MR. MOLICA: In my opinion, he can
20 testify.

21 MR. STUART: Thank you.

22 MR. MOLICA: The board has accepted
23 your qualifications and I ask that counsel keep us
24 updated about the status of his admission request.

25 MS. GONCHAR: All right.

1 MR. RODZINAK: Consumer Affairs is
2 slow.

3 MS. GONCHAR: You think?

4 Q. But just for the record, you've met the
5 qualifications for that licensure?

6 A. Yes.

7 Q. I want them to feel comfortable.

8 A. Yes.

9 Q. Based upon your educational background,
10 your other license and your experience in the field.

11 A. I've had two years' experience. I've
12 had 15. It was just a formality. I haven't had a
13 response back yet.

14 CHAIRMAN FRANCO: I think, in the
15 interest of moving things along, the issues of the
16 landscape buffers and the lighting.

17 MR. STUART: Absolutely.

18 MS. GONCHAR: Thank you for accepting
19 him.

20 Q. Okay. Can you please, if you're going
21 to use an exhibit, just reference what you're
22 referring to?

23 A. Sure. I'd like to enter an exhibit
24 into the record. It's a colored rendering of a
25 landscape plan that was submitted as part of the

1 application.

2 MR. MOLICA: I believe we're up to
3 Exhibit A-7. This is a color rendering of the style
4 of landscaping.

5 (Exhibit A-7, Color rendering of
6 landscaping, is marked for Identification.)

7 A. It's titled illustrative plan dated
8 April 23, 2018.

9 Q. A-7 with today's date please.

10 Patrick, do you have a smaller one of
11 the exhibit?

12 A. Yes, I do. I have a few copies we can
13 hand out here. It will make it a little easier.

14 MR. LERNER: Is that different from --

15 MR. STUART: It is trees and things are
16 in the same location. It's just a different way to
17 render.

18 MS. DOYLE: I'm not clear. Did you say
19 it's the same plan that's in the set?

20 MR. STUART: Yes, Scarlett. Yes, it
21 is.

22 CHAIRMAN FRANCO: That is sheet 14 in
23 our set.

24 MR. STUART: Correct, and then
25 illustrative landscaping plan that I have here I

1 marked as Exhibit A-7.

2 We have a landscape design that would
3 provide buffering along Route 202 and 206 here. It
4 would consist of native shade trees that would
5 satisfy the street tree requirements. You require
6 22. We have 23, and we have a series of
7 evergreen -- evergreen trees that will grow and
8 become mature in clusters along the berms, and then
9 we have a series of understory native shrubs that
10 will be planted along the highway.

11 We'd have some flowering trees and some
12 foundation plantings as you come into the site. The
13 court of the building we would propose new flowering
14 trees and foundation plantings.

15 Within the parking lot there is a stand
16 of pin oak that run along this median island here
17 that are in pretty decent shape and we can save
18 them. The other trees in the parking lot are in
19 really bad shape and just in disrepair. The salt
20 has taken a toll on them.

21 We're proposing to replant those
22 islands with new trees consisting of crab apples,
23 cherry and honey locust, and along the Allen Road
24 buffer we have a series of clusters of evergreen
25 shrubs, and I think, you know, we've conferred --

1 since we've heard some of the comments from the
2 residents, I think what we'd like to do is propose
3 some more evergreen plantings of trees and more
4 shrubs in here to create a more solid buffer.

5 When I was out at the site last year,
6 it was summertime and you have the leaves on the
7 trees. You know, it's more effective buffer. When
8 I was out there today, you can definitely -- there's
9 some gaps in here that you can see through the
10 understory.

11 So I think it would be a benefit
12 especially here where the parking lot sits higher
13 than the adjacent Allen Road that we would buffer --
14 we would supplement this buffer, and to the same
15 token, back here along the western property line, we
16 would enhance this buffer with understory flowering
17 trees and some additional evergreen trees.

18 The native -- the mature trees here,
19 the only issue with planting where the fence line
20 currently is proposed is that the large shade trees
21 will shade out the understory evergreens. The
22 evergreens really don't like a lot of shade.

23 So I think the best solution would be
24 to put the plantings, one of the residents had the
25 same comment, out along the perimeter of the parking

1 areas where there will be some sunlight that will
2 hit them and they will grow and thrive, but planting
3 in this wooded area, Scarlett's earlier point, it
4 really doesn't serve a good purpose. They will
5 really just in time get shaded out and not become an
6 effective buffer.

7 So I think we'd like to supplement this
8 buffer with understory native trees, some evergreen
9 trees and some additional shrubs to create a more
10 dense buffer here. I think that would satisfy a lot
11 of the comments that I heard this evening.

12 CHAIRMAN FRANCO: In that area, is the
13 parking lower or higher than the adjacent property?

14 MR. STUART: I'm going to refer back to
15 sheet 14 of 19 in the landscape. It's titled
16 landscape plan. It's part of Mohawk's Land
17 Development submission.

18 So in the middle of the parking we are
19 at elevation 140 and the residents sit at 144. So
20 the parking is lower in the middle, but as it falls
21 away towards the wetlands of the tributary and as it
22 falls away towards Allen Road, the parking becomes
23 more level with the residents. So it kind of
24 varies.

25 MS. GONCHAR: If I may, and just to

1 move through this, there seems to have been a
2 feeling notwithstanding what we thought we were
3 accomplishing with the fence -- first of all, we
4 need to seek a waiver for that. It does seem that a
5 number of the residents who would look at that fence
6 have expressed a satisfaction with the existing
7 fence that's there and don't really appreciate the
8 idea of the board-on-board.

9 Our suggestion is, rather than putting
10 in a fence that they're not interested in,
11 obviously, subject to your planner's input, that we
12 would put in this additional landscaping that mixes
13 the deciduous or the flowering with the evergreens
14 along the parking or with proximity to the parking
15 to get the benefit of the sun and then more
16 evergreens down at the other end where we spoke
17 about the property falling off to provide buffer
18 there where there is more sun or less likely to be
19 shielded rather than put that in.

20 You'll also recall that we asked for a
21 waiver on trees to only provide 20 somewhere. We
22 were asking for a waiver for another hundred. What
23 we're suggesting is we're basically putting in the
24 trees that we were asking for a waiver for but
25 asking to eliminate the expense of the fence. So we

1 can substitute it with the plan in lieu of that.

2 CHAIRMAN FRANCO: Do you think the
3 board is comfortable with them working with our
4 planner?

5 MR. PANDYA: Yes.

6 MS. ALBANESE: Yes.

7 MS. DOYLE: Mr Chairman, do I
8 understand then that the chain-link fence line will
9 be supplemented with heavy landscaping?

10 The Allen Road side is also very thin
11 and that will be supplemented along the parking lot
12 and that will be done irrespective of whether or not
13 the banked parking gets installed.

14 In other words, it's going in now even
15 though the banked parking may be going in at a
16 future date. Is that my understanding?

17 MS. GONCHAR: I think, if we can
18 clarify that, I also want to be clear. You said you
19 would be supplementing along the chain link, on that
20 end of it, but not against the length, but closer to
21 the parking.

22 MS. DOYLE: I just didn't know how to
23 say it.

24 MS. GONCHAR: We're not going to be
25 planting next to where there are existing plantings.

1 MS. DOYLE: Existing vegetation, that's
2 the area we will supplement.

3 MS. GONCHAR: For clarity, yes. Thank
4 you.

5 MR. STUART: We would supplement
6 adjacent to the existing parking area.

7 Q. Now, can you explain what the effect of
8 that is?

9 If we don't put in the parking, if, for
10 instance, we're asking to bank it, what will be
11 there? What's there today? What would be there?

12 A. If we don't put in the banked parking,
13 Tom's earlier testimony, the existing trees and
14 slope in here screen that parking effectively.

15 So there would be no need to put that
16 buffer in if we don't do the banked parking along
17 down the road. If the grades get cut down and that
18 parking gets installed, absolutely, you would have
19 to put in that buffer.

20 CHAIRMAN FRANCO: You were saying even
21 right now it's a little thin. Is there some that we
22 can address now in some of the areas where you've
23 recognized it.

24 MR. STUART: The only issue would be we
25 would have to plan it out here, and then the banked

1 parking got put in, it would all get destroyed and
2 removed at that time.

3 CHAIRMAN FRANCO: We couldn't put it in
4 where the buffer would be in the future.

5 MR. STUART: Not really. It's really a
6 stand of mature trees out there now.

7 Q. Is there any area where you could put
8 in any understory plantings?

9 A. You would put it along the edge of the
10 existing parking and then they would just have to be
11 relocated or removed at that time when you built the
12 banked parking and put it where they're shown now.

13 I think the way it sits today I think
14 there's a nice buffer that's out there, and the
15 grades -- there's not much of an understory, but the
16 way the grades work that you really don't see that
17 parking.

18 MR. LERNER: It seems to me, Mr.
19 Chairman, we're talking about getting banked parking
20 so that you can build it in the future, and what I'm
21 hearing, it's difficult to enforce planting in the
22 future.

23 Is that some of what I'm hearing?

24 CHAIRMAN FRANCO: I think that would
25 all be part of the resolution. Once the banked

1 parking goes in, that landscaping would be done as
2 part of the banked parking.

3 MR. LERNER: If we approve the parking,
4 can they functionally do the parking without the
5 landscaping is what I'm asking? The answer is no.

6 CHAIRMAN FRANCO: No.

7 MR. RODZINAK: Condition of approval.

8 MR. LERNER: We're approving it
9 already.

10 CHAIRMAN FRANCO: The condition of the
11 landscaping.

12 MS. GONCHAR: We wouldn't be able to
13 put it in without doing the landscaping at the same
14 time.

15 CHAIRMAN FRANCO: All that would have
16 to be coordinated with Ms. Doyle.

17 MS. GONCHAR: And that's what you're
18 agreeing to on the record if that was approved.

19 MR. STUART: I'll move to the lighting
20 if that's okay.

21 CHAIRMAN FRANCO: I think the only
22 testimony, if you're willing, is that you'll
23 coordinate that with Ms. Doyle and any input from
24 the residents.

25 MS. GONCHAR: We will certainly

1 coordinate it and we have about a hundred trees to
2 work with -- plantings, I should say, to work with
3 that we will -- that we will coordinate with them.

4 CHAIRMAN FRANCO: Thank you.

5 MR. STUART: So we prepared the
6 lighting plan for this application as well. This is
7 sheet 15 of 19 in the land development set and that
8 plan is simply a photometric plan that shows where
9 the -- what the foot candles or what the level of
10 lights would be throughout the parking lot.

11 You have an ordinance that requires a
12 half a foot candle minimum. We met that standard.
13 You have a requirement of a 1.5 foot candle average.
14 We're currently at 1.7 foot candles.

15 We will revise this lighting plan and
16 make sure we comply with that so we don't have to
17 seek a waiver.

18 CHAIRMAN FRANCO: Those are all LED?

19 MR. STUART: Correct. We're trying to
20 utilize the existing locations. So we're going to
21 have to look at a few locations and space them out a
22 little bit differently to get that down from 1.7 to
23 1.5.

24 CHAIRMAN FRANCO: I just had a
25 question. Are they going to be sensor light

1 where at a certain level it goes down to security
2 lighting?

3 MR. STUART: I think that's the intent.
4 We haven't put any notes on the plan to that effect.
5 Sometimes we do dusk to dawn sensors.

6 In this case, I think it's probably
7 going to be more tied into the building where
8 certain lights go off at a certain time. We'd
9 probably want to keep some on for safety, life
10 security and things like that around the perimeter.

11 CHAIRMAN FRANCO: I know, typically, it
12 goes down to half a foot candle, and if there's any
13 activity in the parking lot, the lights will come
14 up.

15 MR. STUART: There are some sensors we
16 can look at to do that. My experience is most
17 police departments and fire marshals like to have
18 some level of lighting around the perimeter just so
19 they can patrol and respond to a call and not be in
20 total darkness.

21 CHAIRMAN FRANCO: Can you address the
22 shielded light fixtures?

23 MR. STUART: Sure.

24 Q. I'll call them shielded. I'll explain
25 why. I was out of date.

1 A. I'm going to refer to sheet 16 of 19
2 entitled landscape lighting and signage details as
3 part of land development. They're very small. I
4 apologize. I can bring this board up if it helps.

5 The main parking lot lights that we're
6 proposing is a -- it's a real slim line LED fixture
7 made by Lithonia, and the nice thing about the LED
8 technology is the lighting distribution is much
9 better than the old lights that you see. The lights
10 that are out there today are old. I think they're
11 high pressure sodium believe it or not, and they
12 really glow and they create a big glare throughout
13 the parking lot.

14 The LED lights, the way the diodes are
15 set in the board, everything gets shined -- shines
16 straight down from the fixture. So you don't have
17 any light going ahead of the fixture, and you can
18 really control the back lighting too.

19 The optics can be configured such that,
20 when you stand two, three feet behind the pole, you
21 don't even see any light on you. It really throws
22 it forward. That's the nice thing about the
23 technology. So we've picked certain optics that
24 keep that light focused into the parking lot for the
25 main parking lot fixtures.

1 For around the building entrances, we
2 proposed a 16-foot high pedestrian scale light.
3 It's an LED fixture. Again, the LED board is up in
4 the housing of the fixture. All the light will
5 shine down and we step that fixture down to 16 feet.
6 It will create a nice pedestrian appeal when you
7 come to the front of the building.

8 We previously had a -- we're
9 considering putting some bollards at the entrance.
10 We took that off with some of the revised
11 architecture. So the bollard will come off the
12 lighting plan in the next submission.

13 The parking lot light, I should say the
14 mounting height's 25 feet which is per your
15 ordinance, and the fixture's also been approved by
16 the Illuminating Engineering Society of North
17 America as a nighttime friendly fixture. So to get
18 that certification they do all testing to make sure
19 that there's no glare and things on the fixture. So
20 we put this light on a number of projects in close
21 proximity to residential and it's been very
22 effective.

23 CHAIRMAN FRANCO: Any further
24 testimony?

25 Q. Well, just going through -- sorry.

1 There were a couple of items in the comments.

2 Obviously, we're talking about
3 supplementing. There was a comment about replacing
4 damaged trees with supplemental. So we felt, if
5 there are any damaged trees elsewhere, we will
6 replace those. Is that --

7 A. Yeah. There's some dead and declining
8 trees that are along Allen Road that probably should
9 be removed that are probably in the hazardous
10 condition.

11 So that would be something that an
12 arborist will have to go through and remove those.
13 We probably would go out and tag them so they know
14 which one to take out, but it's pretty obvious when
15 you go down Allen Road.

16 Q. I don't recall. You did mention the
17 foundation plantings. Did you walk around what was
18 around the building?

19 A. Yeah. We probably -- I think it's a
20 total of 300 -- over 300 foundation shrubs and 20
21 flowering trees that are required to go around the
22 building foundation.

23 There's a nice stand of boxwood around
24 the building, but with the restaging of the
25 building, all that stuff's going to be get removed

1 and destroyed. So there's a significant number of
2 new plantings going back in and around the building.
3 Q. And, finally, you did walk through and
4 discuss some of the trees in the parking. Do we
5 meet the requirements in terms of the landscaping in
6 the parking area?

7 A. Yes, we do. We even went above and
8 beyond and replaced trees that we thought were in
9 really bad shape at some existing islands.

10 MS. GONCHAR: That is what we have for
11 our direct subject to our right to recall with our
12 landscape architect.

13 CHAIRMAN FRANCO: Any questions from
14 the board?

15 Seeing none, any questions from the
16 public for this witness?

17 MR. SALERNO: I'm back up here again.

18 CHAIRMAN FRANCO: Just state your name
19 so she has it.

20 MR. SALERNO: Paul Salerno, 22 Allen
21 Road.

22 Obviously, our biggest concern for
23 everybody and more so speaking for myself is really
24 the potential for a change in view which could
25 potentially affect the value of our properties who

1 live on Allen Road, and I think I would be curious
2 on a few things here is, based on the number of
3 trees that are being removed, I would like to
4 know -- I would like to have an idea of what
5 percentage of trees are being replaced in addition
6 to what is being added here.

7 So if you're removing 500 trees and
8 replacing them with a hundred trees, I think that
9 will have an effect on the -- both the noise
10 pollution that we hear, the residents on Allen Road
11 hear for Route 202/206 as well as the potential
12 aesthetics along our property line for the
13 residents.

14 So I'd be curious to have that
15 addressed.

16 CHAIRMAN FRANCO: Mr. Stuart, can you
17 pull up sheet 13, and if you can just respond to his
18 question?

19 MR. STUART: Certainly. So along the
20 buffer between the existing building parking lot and
21 Allen Road, we are removing 30 existing trees. Some
22 of them are on the fringes of that wooded area.

23 They're -- some of them are flowering
24 trees that have seen better days, and I can tell you
25 that we are proposing to replant 53 shade trees, 28

1 evergreens, 20 flowering trees and over 400 shrubs.
2 That's before we talked about supplementing the
3 existing buffer. So that number is going to go up
4 from there.

5 MR. SALERNO: And that's only in the
6 instance you do create this additional parking?

7 MR. STUART: No. That would be -- some
8 of that would be, yes. That's a correct statement.
9 Some of that would be -- if we create this
10 additional parking, there would be some shade trees
11 in those islands and some shrubs along the
12 perimeter, but the majority of that would be planted
13 throughout the site around the building along 206.

14 MR. SALERNO: The only other note I had
15 is for Mayor Dan. You mentioned in your master plan
16 that you need to take -- that we, as a community,
17 need to take precautions against the changing
18 structures of the land and ensuring that we maintain
19 tree coverage and traffic reduction in our
20 neighborhoods and community, and I think this is a
21 good opportunity for you to ensure that these folks
22 can take those significant actions here to maintain
23 some of the beauty that we do have in Bridgewater
24 and we do enjoy.

25 I think it's one of the selling points

1 of why people buy in Bridgewater, and, you know,
2 obviously, we know that the economic community in
3 Bridgewater is vibrant because of businesses like
4 this gentleman, but I do just ask the board and
5 yourself to have that in mind as you guys make a
6 decision here that, you know, the residents here do
7 wish to maintain some of the beauty that we see in
8 Bridgewater, and I think it goes nicely with what
9 you've mentioned on page 6 of your master plan
10 regarding protects the neighborhoods from noise,
11 traffic and lighting.

12 So from my perspective, I appreciate
13 it, and, you know, I'm all for these gentlemen to
14 get their business going, but please think about
15 some of us as well. Maybe cleanup some of the --
16 the shrubs or the dead trees in the areas across the
17 road from us as well as provide some additional
18 coverage for us so that our own community can
19 maintain -- you know, I've spent -- I moved here
20 five, six years ago. I have two children, and, you
21 know, for us, this is a community we want to grow in
22 and grow old in.

23 I've invested back into my house
24 significantly in the past year, and I would hate to
25 have any of that hurt because of maybe some of the

1 changes here, and it seems like they're amicable to
 2 it. If we can enforce some sort of a stance here
 3 that maybe -- maybe they'll be able to maintain some
 4 of the beauty that we do have here in Bridgewater,
 5 it would be appreciated from my perspective, from my
 6 family's perspective and for my children's
 7 perspective.

8 So that's all I have to say. Thanks.

9 CHAIRMAN FRANCO: Any other questions?

10 MS. MEYERS: Sheila Meyers, 20 Allen
 11 Road.

12 If you put that rendering back up
 13 there, I got my letter I think on Monday. I work
 14 full-time. I'm a single parent. I didn't pick it
 15 up until Wednesday when my wonderful neighbor told
 16 me that the meeting was today, and when I opened up
 17 the plan and I saw that -- the first thing I see is
 18 the company is investing a lot of money in making
 19 their property look beautiful from the street.

20 If you look at the rendering of the
 21 frontage of 206, there's a lot of money being
 22 invested to make sure that side of their property
 23 looks beautiful because that's where their clients
 24 are coming in, but on the perimeter and, you know,
 25 the dense vegetation of the border which has been

1 abandoned for the 20 years that nobody's been in
 2 that building, it's just dead ash trees. Yet, there
 3 is no investment in trying to clean that view from
 4 Allen Road up, and I just -- I feel like it should
 5 just -- that whole line across Allen Road should be
 6 cleaned up like all of the dead from the street all
 7 the way up to their existing parking lot. The whole
 8 hundred feet of border should be cleaned up.

9 It's their property. They should have
 10 to maintain it just like I maintain my property.
 11 Over the last 15 years we've periodically called the
 12 town and asked them to clean it up and they told us
 13 that it was owned -- it was the owner's
 14 responsibility.

15 When we called the old owners --
 16 granted, these guys just bought it in the fall.
 17 When we called the owners, they said it was the
 18 town's responsibility. Sometime last year you guys
 19 came through with like a big hacker and just hacked
 20 down a whole bunch of trees. I don't know who was
 21 hired, and they just threw the stumps back into that
 22 buffer zone, and I just feel like, as an owner of
 23 one of those properties, my property value is just
 24 decreasing.

25 We have an opportunity where a new

1 person's coming in to have them take ownership of
 2 it, and replacing a couple of trees, just -- I don't
 3 know that that's going to solve the problem.

4 MR. STUART: I think, to state to your
 5 point, you are correct. The buffer has not been
 6 maintained. The trees are -- there are trees in
 7 disrepair. There are trees that are hazardous that
 8 need to come out.

9 Part of that work I would think would
 10 involve that we'd put some notes and direct a
 11 contractor that if there's any vines growing in
 12 trees, things like that, we would remove them. It's
 13 really not a big deal when they're taking some dead
 14 trees down to do that kind of work, and I think, you
 15 know, my opinion of the buffer is that you all know,
 16 deciduous, you don't have an understory. Deer
 17 usually eat up the understory and we don't have a
 18 regeneration of our forest.

19 I think, you know, what we're saying
 20 tonight, in addition to the evergreen shrubs, we're
 21 willing to plant another hundred trees of understory
 22 and evergreens. I think, at the end of the day, it
 23 will be a much more effective buffer, and I can
 24 speak to the applicant Exeter.

25 We've done probably a dozen projects

1 for them over the last 20 years, and they have a lot
 2 of buildings in -- my office is in King of Prussia.
 3 All their complexes are first class. They spend a
 4 great deal of money maintaining them and crews
 5 maintain mulching, removing weeds. They really do a
 6 nice job at their facilities.

7 MS. MEYERS: Why can't it look like the
 8 front with the evergreens with a new berm, right, a
 9 berm that's closer to the street and maintain it
 10 from the perspective so our street looks similar to
 11 the front, just a heavier coverage so that it's more
 12 of a block out.

13 I mean I work at AT&T and we have
 14 sections of our parking lot that are just -- it's
 15 evergreen, evergreen, evergreen, evergreen. You
 16 can't see through it.

17 I'm trying to understand why you
 18 wouldn't do anything in the model. I mean I know
 19 you're agreeing with something new. So maybe we
 20 have to get back together and see what that means.

21 MR. STUART: Yeah, and I think it's a
 22 little deceiving. The scale of these plants
 23 sometimes is deceiving, but we have a fairly
 24 significant area to plant, and I think the most
 25 effective planting would be adjacent to the parking

1 lot. It's going to create a more effective buffer.
 2 If we put the plantings out here where
 3 the grade drops off, it's not as effective. The
 4 other obstacle, we would incur, if we decided to do
 5 something else along Allen Road, we'd have to take
 6 down mature trees and I don't think we want to do
 7 that. I think we want to keep that mature buffer,
 8 and on the area where we are disturbing, we have an
 9 opportunity there to plant the understory and
 10 evergreen trees that will really give you that
 11 year-round screening.

12 MS. MEYERS: I don't think there's a
 13 live mature tree in that section. We have a
 14 landscaper that lives in our neighborhood. So we
 15 can have him give us his opinion.

16 MS. GONCHAR: We said on the record
 17 what we're prepared to do. So, you know, we're
 18 happy to meet with the planner and if the residents
 19 want to provide comments to her, but I think we've
 20 indicated that we're willing to come up with this
 21 additional hundred trees and shrubs. We've not
 22 offered to, you know, take down and rebuild the
 23 entire buffer.

24 CHAIRMAN FRANCO: And you've agreed to
 25 work with our planner.

1 MS. GONCHAR: We have.

2 MS. MEYERS: Thank you.

3 CHAIRMAN FRANCO: Thank you. Any other
 4 questions from the public?

5 MR. MOLICA: You haven't asked
 6 questions before so I'm asking you to raise your
 7 right hand. State your name and address for the
 8 record.

9 MR. STANOCH: Chris Stanoch, 51 Ash
 10 Street, Bridgewater, New Jersey.

11 MR. MOLICA: Do you swear or affirm
 12 the testimony you give in this matter is the truth,
 13 the whole truth and nothing but the truth so help
 14 you God?

15 MR. STANOCH: I do.

16 MR. MOLICA: Again, we're focusing on
 17 questions for this particular witness.

18 MR. STANOCH: I live at 51. It's the
 19 new house on the far left, top left. Also, my first
 20 council meeting, so some of these might be
 21 clarifications for me.

22 So in my backyard there is no fence.
 23 It stops right on my property line. So as a
 24 clarification, that would not be touched -- when we
 25 bought the property, there was no fence there. I

1 don't want to see a fence there. To be honest, we
 2 like to have our view right into the woods. I want
 3 to clarify it won't be extended.

4 MS. GONCHAR: Our proposal is we're not
 5 putting up a board-on-board. We weren't going to do
 6 anything to the existing fence that's there.

7 MR. STANOCH: Okay. That's number one.

8 Number two, my property is a little
 9 elevated, and, obviously, from my bedroom, I can see
 10 straight into the parking lot pretty clear.

11 I know you guys say there's going to be
 12 a hundred extra evergreens, but I only see like six
 13 or some shrubbery in the back here where it's in my
 14 view. So is there a revised plan?

15 MR. STUART: There will be. There will
 16 be.

17 MR. STANOCH: My concern is it's a dark
 18 building now. So we can't see it too much, but once
 19 it's life, it's a different story.

20 And, third, I'll echo what Sheila said.

21 MS. MEYERS: Sheila.

22 MR. STANOCH: A lot of the trees that
 23 are buffer are just dead. So I feel your tenants,
 24 as well, maybe you take a look at that, take out the
 25 dead wood and just clean it up a little bit as well.

1 Thank you.

2 CHAIRMAN FRANCO: Any other questions
 3 from the public?

4 Seeing none, I think we're through --
 5 I'm sorry.

6 MS. LACEY: Julia Lacey, L-A-C-E-Y.

7 MS. PINO: Speak into the microphone.

8 MR. MOLICA: State your name and
 9 address for the record.

10 MR. LACEY: Julia Lacey, 24 Allen Road
 11 in Bridgewater.

12 MR. MOLICA: I'm going to have to swear
 13 you in. Please raise your right hand. Do you swear
 14 or affirm any testimony you give in this matter is
 15 the truth, the whole truth and nothing but the truth
 16 so help you God?

17 MS. LACEY: Yes. I also have a
 18 question. The woods across the street of Allen Road
 19 is a mess, all dead and nobody's maintained it, and
 20 we moved in in 1990, and the man that was in front
 21 of me was here moose the when he first the, he told
 22 me, and I'll never forget it, that -- in perpetuity,
 23 that buffer is supposed to remain a woods and nobody
 24 ever cleaned it up.

25 We would call all the time the

1 companies over there. They were sending us to the
2 town, and over time, that just got worse and worse
3 because it's all dead trees. It's a mess.

4 Are you going to fix up your property,
5 because, apparently, whoever owned it -- not the
6 town, and we kept getting the back and forth, but I
7 think tonight we're getting that it's the owner of
8 the property that's supposed to maintain the woods.

9 So is the woods going to be cleaned up
10 and become a buffer zone like it's supposed to be?

11 Somewhere there is a -- way back there
12 is something that says that in perpetuity that woods
13 is supposed to be there. I'm trying to get a hold
14 of my friend. He's still living in Bridgewater, but
15 I guess he's away. He knows all about that from way
16 back in the '80s. He told me that's always supposed
17 to be protected woods, buffer zone between Allen
18 Road and the building there from when it was first
19 built there and it hasn't been maintained for a long
20 time.

21 CHAIRMAN FRANCO: I think what they
22 plan to do, they're going to work with Ms. Doyle to
23 try to determine what needs to be done on that whole
24 buffer over there.

25 MS. LACEY: Okay. At least clean it

1 up. Okay.

2 CHAIRMAN FRANCO: Thank you. Any other
3 questions from the public?

4 MR. SALERNO: Would we be able to see
5 the plan at some point?

6 MS. MEYERS: Can we meet with Ms.
7 Doyle?

8 MR. SALERNO: Would we be able to maybe
9 have some input into the plan or, you know, at least
10 review the plan before something is finalized?

11 CHAIRMAN FRANCO: Ms. Doyle.

12 MR. SALERNO: General question.

13 MR. MOLICA: Plans are generally
14 available at the municipal building for review.

15 I'll defer to the applicant. You can
16 ask them if you could meet with -- we can't compel
17 the applicant to have direct meetings with you --

18 MR. SALERNO: No, nobody's compelling.

19 MR. MOLICA: -- or require them to meet
20 with you about something that affects their property
21 that they're proposing as part of this application.

22 The applicant has indicated that it's
23 willing to work with Scarlett Doyle, the township
24 planner; to further develop, I guess, and supplement
25 and/or revise the landscape plan that they've

1 submitted in connection with this application.

2 MAYOR HAYES: So I spoke with Ms.
3 Doyle. So Scarlett has been -- you know, I
4 appreciate all the things that you mentioned about
5 the look and feel of our town, and I've spoken about
6 that often, and I've asked Scarlett to make sure
7 she's available.

8 So what I'd like to do, so the way the
9 system will work with this one going forward, is the
10 applicant said they're going to work with Ms. Doyle
11 about a plan, revised plan and have a discussion
12 about it. Scarlett has really looked at and is
13 responsible for a lot of things that are around town
14 that we like. Ask her to be available to you.

15 So what she has suggested, if you're
16 interested, leave your name with Ann Marie. She
17 will contact you about some possible meetings.
18 Again, it's very difficult to get a meeting
19 everybody can attend, but try to make it so that a
20 couple of times where you can give Scarlett your
21 thoughts and then Scarlett can represent all of us
22 in a meeting with the applicant here and work
23 something -- work something out that is an
24 improvement in the spirit of the discussion we just
25 had.

1 So I think that's process that
2 accommodates us moving forward. So if you give your
3 name to Ann Marie or you contact her after a couple
4 of days after this meeting, Scarlett will then --
5 Scarlett's office will reach out and say here's a
6 couple -- here's a couple of times when we're
7 available. She can talk to you about the ideas she
8 has, get the ideas that you have, try to put them to
9 an actionable plan for when she meets with the
10 applicant.

11 How's that sound?

12 MR. SALERNO: That's perfect.

13 MAYOR HAYES: Great. Perfect. Thank
14 you.

15 (Witness excused.)

16 CHAIRMAN FRANCO: Counselor, it's now
17 almost 10:20. I think we're going to have to extend
18 this to another date.

19 MS. GONCHAR: We have our traffic and
20 planner.

21 CHAIRMAN FRANCO: We still have two
22 more people.

23 MS. GONCHAR: The traffic is probably
24 five minutes of testimony and then our planner will
25 wrap it up.

1 CHAIRMAN FRANCO: There's other board
2 business. We're going to have to extend it.
3 There's other board business we have to complete
4 tonight and we see no new testimony after 10 is our
5 board policy.

6 MS. GONCHAR: Assuming that we're going
7 in the direction of an approval, we've eliminated
8 many of our waivers, may we ask that the -- is there
9 any possibility that if we come back at the next
10 meeting and get a vote that night that we might have
11 a resolution that it be -- a resolution at the same
12 time or adoption of the resolution be the action so
13 that we don't lose another two months?

14 MR. MOLICA: What dates are available?

15 CHAIRMAN FRANCO: You said the 12th.

16 MS. DOYLE: 12th of June is the next
17 available. Either that -- are they close tonight?

18 MS. GONCHAR: We'd like to keep going,
19 if possible, to get through it this evening.

20 CHAIRMAN FRANCO: We still have board
21 business.

22 MS. DOYLE: We have board business to
23 do.

24 CHAIRMAN FRANCO: It has to be done
25 tonight.

1 MS. DOYLE: It has to be done tonight.

2 MR. MOLICA: Counsel, I can -- I'm not
3 available on the 12th. I could talk with Tom
4 Collins who will probably be here that evening, and
5 we could decide whether or not we could have a
6 resolution of adoption available the night we
7 continue your hearing, okay, but that's about as
8 best I can do this evening because I won't be the
9 attorney present on the 12th.

10 CHAIRMAN FRANCO: Comments from the
11 board?

12 MAYOR HAYES: Mr. Chairman, I have a
13 comment. I'm willing to stay a little because we're
14 very close. The public has given their input. To
15 bring everybody back, I don't know how much planning
16 input, planning testimony they have.

17 CHAIRMAN FRANCO: All right. Why don't
18 we proceed.

19 MS. DOYLE: I think we should have a
20 time frame so we don't go on and on like 20 minutes.

21 MAYOR HAYES: Counselor, how long do
22 you think?

23 CHAIRMAN FRANCO: Counselor, can I ask
24 a question?

25 We pretty much responded to all the

1 issues. I'm not sure. Do you find a need that we
2 need the planner to respond to anything?

3 MS. GONCHAR: I think we have to.

4 CHAIRMAN FRANCO: These are planning
5 issues.

6 MS. DOYLE: From the planning
7 standpoint they've given -- it happens to be
8 different testimony, but the planner is going to
9 recount the prior testimony of the architect and the
10 civil.

11 MS. GONCHAR: I think our planner -- we
12 do have a variance. So we at least have to put in
13 the testimony to support that.

14 I think the other waivers, other than
15 his recapping it, as Ms. Doyle has indicated, the
16 foundation for all those waivers has been put in by
17 other witnesses.

18 CHAIRMAN FRANCO: All right. Why don't
19 you proceed?

20 MS. GONCHAR: The request was about
21 traffic which is why we thought we'd have our
22 traffic engineer come up. If we can get him through
23 in five minutes, are we good?

24 MR. MOLICA: Well, we're either going
25 to do it all tonight or come back. I don't want to

1 take shortcuts simply because we're trying to cram
2 this all in in one evening.

3 You're either going to get the benefit
4 of a full record tonight or whenever you come back.
5 So that would be my -- so my advice is, if we're
6 going to do it, let's do it. There's no halfway.

7 MR. GARDNER: Are we going to address
8 the DEP fresh lands -- wetlands permit and the flood
9 hazard area permit, those two things?

10 MS. GONCHAR: I don't know what you
11 mean. Yeah, whatever we require. Those are outside
12 the jurisdiction of this board. We will obtain --
13 I'm sure, if any approval is granted, it will be
14 subject to our application.

15 MR. MOLICA: Sit down. We'll take
16 public questions for whatever other witnesses come
17 forward here, but, again, my advice would be to get
18 the benefit of the full presentation for the record.

19 You can call the next witness if we're
20 not going to carry this meeting.

21 D A V I D H O R N E R, having been previously
22 sworn, testifies as follows:

23 EXAMINATION BY MS. GONCHAR:

24 Q. Can you put your name in again please
25 and advise the board with whom you're associated and

<p style="text-align: right;">Page 145</p> <p>1 any licenses you hold?</p> <p>2 A. I can. My name is David Horner,</p> <p>3 principal with the firm of Horner & Canter</p> <p>4 Associates.</p> <p>5 I am a graduate of the University of</p> <p>6 Delaware 1987 with a bachelor of civil engineering.</p> <p>7 I'm a licensed professional engineer in the State of</p> <p>8 New Jersey. I'm certified professional traffic</p> <p>9 operations engineer and had been practicing traffic</p> <p>10 engineering for about three years.</p> <p>11 Q. And have you testified previously and</p> <p>12 been accepted as an expert in the field of traffic</p> <p>13 engineering?</p> <p>14 A. I have.</p> <p>15 MS. GONCHAR: We would ask the board to</p> <p>16 accept him as an expert in the field.</p> <p>17 CHAIRMAN FRANCO: We'll accept his</p> <p>18 credentials.</p> <p>19 MS. GONCHAR: Thank you.</p> <p>20 Q. Can you just advise the board did you</p> <p>21 prepare a letter report and did you submit that to</p> <p>22 the board?</p> <p>23 A. I did.</p> <p>24 Q. Can you give us the date of that report</p> <p>25 and then briefly what your conclusions were?</p>	<p style="text-align: right;">Page 147</p> <p>1 whether the additional traffic will have any other</p> <p>2 impacts.</p> <p>3 Do you anticipate that the 30 vehicles</p> <p>4 in the peak hour are going to have any detectable</p> <p>5 change in what people hear? Will it be</p> <p>6 distinguishable from any other traffic running along</p> <p>7 the highway?</p> <p>8 A. No, not at all.</p> <p>9 Q. And there had been? Do you anticipate</p> <p>10 that there will be any significant truck traffic</p> <p>11 with regard to a proposed office use?</p> <p>12 A. No. It's an office use. So as it used</p> <p>13 to be occupied, it's not a change in use, not a</p> <p>14 change in traffic type. Really not a discernible</p> <p>15 change in volume especially with regard to trucks.</p> <p>16 No, I don't see any issue with that at all.</p> <p>17 Q. There had been a comment in the</p> <p>18 engineer's letter with regard to site lines along</p> <p>19 the front of the property. Will there be adequate</p> <p>20 site lines that meet applicable standards in terms</p> <p>21 of entering and exiting the site?</p> <p>22 A. There are today and there will remain</p> <p>23 so. I know one of the questions had to do with the</p> <p>24 moving of the monument sign and would that in any</p> <p>25 way be hindering site distances, and the answer is</p>
<p style="text-align: right;">Page 146</p> <p>1 A. The report's dated March 24, 2018, and</p> <p>2 I expect my testimony to be brief, and it would have</p> <p>3 been brief regardless of the hour.</p> <p>4 This is an existing building of</p> <p>5 approximately 115,000 square feet with a permitted</p> <p>6 driveway onto a state highway. The nature of my</p> <p>7 analysis was to determine the additional square</p> <p>8 footage, what that would do in terms of traffic and</p> <p>9 whether there be any issues, and the bottom line is</p> <p>10 that it would generate approximately 30 extra trips</p> <p>11 in the morning peak, in the afternoon peak over the</p> <p>12 course of an hour in and out of the driveway onto</p> <p>13 202/206.</p> <p>14 That is considered a -- no significant</p> <p>15 impact in DOT's lingo. We would be submitting to</p> <p>16 DOT, as would be required, for a letter of no</p> <p>17 interest which means, if the traffic increase is de</p> <p>18 minimis by their standards, they would sign-off on</p> <p>19 the fact that we wouldn't need any additional</p> <p>20 permitting for the driveway. So we wouldn't expect</p> <p>21 to have to do any of that, and given the existing</p> <p>22 volume on 202/206, the addition of this traffic is</p> <p>23 really not anything that would be noticeable or</p> <p>24 cause any issues at all.</p> <p>25 Q. And you may have heard the comments</p>	<p style="text-align: right;">Page 148</p> <p>1 it will not. It will be outside of the site</p> <p>2 triangles.</p> <p>3 Q. Did you also look at the internal</p> <p>4 circulation at the site both with the proposed bank</p> <p>5 parking and the aisles that would be constructed as</p> <p>6 well as the existing condition and do those function</p> <p>7 safely?</p> <p>8 A. They do, yes.</p> <p>9 MS. GONCHAR: That is our direct for</p> <p>10 our traffic consultant, and I assume that his report</p> <p>11 was submitted to the board as part of the record.</p> <p>12 CHAIRMAN FRANCO: Any questions of the</p> <p>13 board?</p> <p>14 MR. MOLICA: The report, for the</p> <p>15 record, is dated February 15, 2018, with a revision</p> <p>16 date of March 24, 2018.</p> <p>17 MR. HORNER: That is correct. Yes.</p> <p>18 MR. MOLICA: Thank you.</p> <p>19 Any questions from the board?</p> <p>20 Seeing none, any questions from the</p> <p>21 public for this witness?</p> <p>22 Seeing none, Counselor, your next</p> <p>23 witness.</p> <p>24 MS. GONCHAR: Mr. Miller please, our</p> <p>25 planner.</p>

1 MR. MILLER: Good evening. For the
2 record, James Miller.
3 J A M E S M I L L E R, having been previously
4 sworn, testifies as follows:

5 EXAMINATION BY MS. GONCHAR:

6 Q. Jim, again, can you provide your
7 educational background briefly and licenses you
8 hold?

9 A. I'm a licensed professional planner in
10 the State of New Jersey. My license is current.

11 I have a current certification from
12 American Institute of Certified Planners as a
13 certified planner. I have well over 40 years of
14 experience practicing planning in both New Jersey
15 and Pennsylvania. I've been qualified as an expert
16 witness in over 240 communities and in both state
17 and federal court.

18 MS. GONCHAR: We would ask that Mr.
19 Miller be accepted as an expert in the field of
20 planning.

21 CHAIRMAN FRANCO: I'll accept his
22 qualifications.

23 MS. GONCHAR: Thank you.

24 MR. MILLER: Thank you.

25 I'm going to just -- I want to hit on

1 addition, and, actually, it's a triangular area.
2 The worst case is the 2.5 or so deviation that it
3 gradually diminishes along the front of the
4 building, and it's due primarily to the way the
5 original building was sited.

6 The benefits for this relief is
7 basically that you have the ability to rejuvenate
8 this building to create a more efficient floor plan
9 and, overwhelmingly, it's a benefit to reoccupy this
10 structure.

11 Q. Is it the back of this one?

12 A. Yes, I think it is. I think this
13 exhibit really clearly shows how de minimis this
14 relief is. It only involves this very, very tiny
15 strip on the -- that would be the southeast corner
16 of the building.

17 Q. You're referring to the variance that
18 we're seeking because the combined buffer and
19 building setback are required to be 200 feet and we
20 have 197.7?

21 A. That is correct, and, again, it's only
22 in this very limited area, and the other significant
23 factor is the hundred foot buffer remains in place
24 and that's really the most significant element
25 because that's what provides the screening.

1 one point really quickly that has nothing to do with
2 the variance. It has to do with the parking ratio.

3 I want to reflect the fact that that
4 one per 200 standard is a very typical and accepted
5 standard from a zoning perspective and from an
6 operational standpoint as well.

7 So even though there might be an
8 impression that that ratio reflects a marketing
9 desire, it's actually also necessary from an
10 operational perspective, and, again, it's a typical
11 ratio that you find in many communities and it's
12 been the standard for 40 or so years that I've been
13 practicing.

14 With that, I'll go right to the bulk
15 variance. It's a C-2 variance. We have to show
16 that it will advance the purposes of the Municipal
17 Land Use Law and it will represent a better zoning
18 alternative where the benefits will outweigh the
19 detriments, and in this case, I would say purpose C,
20 to provide adequate, light, air and open space, and,
21 basically, this relief is very, very minor.

22 I'm looking for A-5. I don't know
23 where A-5 is, but, basically, you have a 5 in your
24 packet, and what it shows is that the area that the
25 relief is requested for is that small area of the

1 In terms of impact, there will be no
2 discernible impact from this deviation. The mass
3 into the building will be consistent with the mass
4 into the building that's presently there and the
5 deviation of the 2.5 feet will be undiscernible from
6 anywhere even on the site let alone any of the
7 adjacent properties.

8 So, basically, it's a balancing test if
9 the benefits outweigh the detriments and here the
10 benefits of reestablishing a viable use within the
11 structure and creating a more efficient and viable
12 floor plan and all the other upgrades that are going
13 to occur to both the building and the site far
14 outweigh the negligible impact of the deviation. So
15 it does satisfy the positive criteria for a C-2
16 variance.

17 In terms of the negative criteria, I
18 think the most important point here is this is a
19 permitted use, and as a permitted use, the impacts
20 have been anticipated and deemed acceptable for this
21 portion of the township, and we're not asking for
22 anything with this application that represents a
23 significant departure from any of the standard which
24 the community has felt were appropriate to govern
25 this use in this location. So it easily meets the

1 standard of no impairment of the intent or purpose
2 of the zone plan in that it's consistent with the
3 intent purposes of the plan and the minor amount of
4 relief that's requested is basically a setback which
5 will not be discernible or have any impact to the
6 surrounding community.

7 It will also satisfy the criteria that
8 requires us to show that this will advance -- will
9 not represent a substantial detriment to the public
10 welfare. I believe, overwhelmingly, this project is
11 going to be a benefit. It will -- it will be
12 consistent with the overriding zoning that affects
13 this property and I think there's significant
14 benefits whenever you reoccupy a building that's
15 been vacant for very many years.

16 So I think it advances the public
17 welfare in that respect. It meets all the
18 applicable criteria, the negative criteria and would
19 merit the board's approval.

20 Q. Just briefly with regard to some of the
21 waivers, there had been a discussion with regard to
22 the size of the parking spaces to make them
23 consistent. I don't know if you want to say
24 anything to that.

25 We spoke about the trees. We had asked

1 for a waiver not to provide some of the trees that
2 were required and now we've indicated that we are,
3 in fact, providing those. The parking space islands
4 where we have two runs of 22 and one run of 21, any
5 impact whatsoever on those?

6 A. I believe you can address the parking
7 waivers all simultaneously because I think they're
8 all driven by the same factor. Basically, you have
9 established improvements and established geometry
10 for the parking lot and established locations for
11 the landscaping, and as your planner commented
12 earlier, if you start to rearrange those elements,
13 it's going to disrupt the existing patterns on the
14 site and probably create more problems than it
15 solves. Not the least of which would mean that some
16 of the existing trees would have to come down, and I
17 think that, basically, the board should also
18 recognize that where you have established
19 improvements, you want to continue to utilize those
20 improvements, but I think that given the
21 characteristics of the site and the existing
22 improvements, that those waivers would be warranted.

23 Q. Two of the other items that were
24 mentioned, one is the 16 square foot what we're
25 calling a way finding sign and also the size of the

1 loading 12-by-50 required, 12-by-47, also an
2 existing condition. Again, do you see any detriment
3 to those? Those are design waiver issues and
4 existing.

5 A. I'll address the loading area first.

6 An office building of this nature does not require a
7 significant loading area. Most of the deliveries
8 are by UPS and that type of truck, and the 12-by-47
9 foot existing loading area is more than sufficient
10 for the type of loading activity that would be
11 associated with this use.

12 In terms of the signage, most of the
13 signage that's planned here is way finding signage
14 in that it identifies the building as the 700
15 building, and we've withdrawn the application for
16 the number on the back of the building and the
17 facade sign that wouldn't be visible from the
18 highway.

19 The only comment I would make regarding
20 the tenant name is that, typically, ordinances allow
21 both an address and a tenant name because what they
22 do is they reinforce each other. The address is
23 clearly going to tell you where you are, but also
24 having a name for the structure helps people in
25 making sure that they're going to the right address

1 and locating the right destination as they travel to
2 the site, and in an area where you have a very
3 extensive conglomeration of office uses, I think
4 there's a benefit in having the name on the
5 structure simply for Identification and way finding
6 purposes, and that's something that I would
7 recommend that the board consider as they review
8 that waiver.

9 Q. I think actually the -- we may have
10 eliminated the waiver, but I think what we've
11 indicated is we would only asked for the second sign
12 on the other side if there was a second tenant.
13 Otherwise, with a single tenant, we'd only have the
14 one in the front of the building along with the
15 number.

16 One thing that we had not initially
17 identified was in the review letter from the
18 engineer. So I will raise it if I may which is
19 there was a comment about sidewalks being required
20 which actually speaks to new development.

21 So if you could briefly address whether
22 you think we require that waiver and perhaps we can
23 get some input from the board because that was
24 something that showed up in the review letter.

25 A. We did review that waiver thoroughly in

1 our prep for tonight's hearing and we believe that
2 the sidewalk is not a burden in this location due to
3 the fact that there's nothing really to connect the
4 sidewalk too and it's probably in an area where it
5 would be best to discourage pedestrian activity
6 given the character of the highway. So, for those
7 reasons, we would request that waiver.

8 MS. GONCHAR: And I think our position
9 was we don't know if there was an interpretation
10 given, but the way we read it, it called for with
11 regard to new development, and since this was an
12 existing building, we didn't believe it was
13 applicable to begin with and then if it was not the
14 right location but --

15 MR. BATTAGLIA: I would suggest a
16 contribution in lieu of the sidewalk.

17 MS. GONCHAR: As we read the language,
18 it speaks to new development. So this is -- while
19 it's an addition, this was a fully developed site
20 previously. So that's why we had not sought it
21 initially because we didn't think it was applicable
22 to it -- to the circumstances.

23 MR. BATTAGLIA: I'm looking at it as a
24 new site plan. So it is being newly redeveloped, if
25 you will. So I think it's applicable.

1 CHAIRMAN FRANCO: If you're comfortable
2 doing the contribution.

3 MS. GONCHAR: Are we allowed to put a
4 sidewalk on a state highway?

5 MR. RODZINAK: We're asking for the
6 contribution in lieu of.

7 MS. GONCHAR: Is there a formula?

8 MR. RODZINAK: Whatever that cost would
9 be would be contributed to our site plan.

10 MR. BATTAGLIA: We have the sidewalk
11 for that purpose.

12 MR. ALLMAN: Is it the entire frontage
13 of 202?

14 MR. BATTAGLIA: Yeah.

15 MS. GONCHAR: We went through three or
16 four meetings and reviews and it was never raised.
17 So it's sort of shocking.

18 MR. BATTAGLIA: You're right. It did
19 not come up previously.

20 CHAIRMAN FRANCO: But it wasn't --

21 MR. BATTAGLIA: It's in the review
22 letter. It just wasn't one of the important issues
23 that we discussed at our meetings.

24 MS. GONCHAR: It's a significant cost
25 issue. So --

1 MR. MOLICA: What is the approximate
2 cost?

3 MS. GONCHAR: What's your spec?

4 MR. BATTAGLIA: I don't know it off the
5 top of my head. Usually, we get an estimate from
6 the applicant and then we review it.

7 MR. MOLICA: What item in the review
8 letter are we talking about?

9 MS. GONCHAR: Right. I should close
10 the planner's testimony.

11 MR. MOLICA: We'll come back to that.

12 MS. GONCHAR: If the board has
13 questions for the planner, we're done subject to
14 recall.

15 CHAIRMAN FRANCO: Any other questions
16 from the board for this witness?

17 Seeing none, any questions from the
18 public for this witness?

19 MR. MILLER: Thank you for your
20 attention.

21 CHAIRMAN FRANCO: Thank you.

22 (Witness excused.)

23 MS. GONCHAR: Those are all of our --
24 other than the items in this review letter, that
25 would close our direct subject to any submission.

1 CHAIRMAN FRANCO: At this time, if
2 anybody from the public would like to come up and
3 make any comments?

4 MS. MEYERS: Sheila Meyers, 20 Allen
5 Road. I'm just -- this is the first time I've come
6 to a planning meeting.

7 Like what are the next steps? Is this
8 like -- I know we're going to meet with Scarlett to
9 try and meet on that plan. Is there going to be a
10 follow-up meeting?

11 CHAIRMAN FRANCO: No. No. What
12 happens tonight, we're going to discuss a
13 resolution, we're going to vote on the resolution,
14 and in that resolution there's going to be
15 contingencies that they still have to meet with
16 Scarlett and determine some of the planning that
17 they've done for the landscaping buffers and things
18 like that and then that's it.

19 The next meeting would just be
20 memorialization of the resolution.

21 MS. MEYERS: So you guys are going to
22 vote right now? Is that what happens?

23 CHAIRMAN FRANCO: Yes.

24 MR. MOLICA: I think there's a little
25 bit more talking --

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1 MS. MEYERS: I think there's more
2 talking that has to happen before you vote.
3 MR. MOLICA: Excuse me.
4 MS. MEYERS: It appears to me that
5 there has to be more talking. That's going to
6 happen before the vote or no?
7 CHAIRMAN FRANCO: There's going to
8 be --
9 MR. MOLICA: There may be from the
10 board's side. I think the applicant will summarize
11 the relief it's seeking, but there's not going to be
12 another three and a half hours.
13 CHAIRMAN FRANCO: There's not going to
14 be another meeting.
15 MR. MOLICA: Probably another -- I mean
16 are you looking from a timing perspective how much
17 longer it's going to go?
18 MS. MEYERS: No, I'm just trying to
19 say --
20 MAYOR HAYES: You're saying one of the
21 things that -- you're saying there's a meeting about
22 the landscape plan, and so now it's really what we
23 are saying tonight is that we belief that Scarlett
24 and the applicant will come to a solution that
25 doesn't require us to be involved again. Now, that

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1 is the extremely likely case.
2 There has never been a time when I have
3 been involved where Scarlett met with the applicant
4 and then they could not work it out. So there's
5 never been a case like that.
6 So, really, the answer is we believe --
7 that's the one that we see is still talking, and I
8 can understand your question. Wait a minute. We're
9 saying we're going to get together and do some
10 input. How does it work?
11 If it was extremely unacceptable to
12 Scarlett or the applicant, that would be an impasse,
13 and I would gather that would mean that they'd pop
14 it back here, but I want to share with you we've
15 never had that happen. That's always been okay
16 where we have -- they've worked it out to a
17 resolution that everybody went all right and the
18 board did not -- the board did not get involved
19 again.
20 MS. MEYERS: Because the only other
21 item that I am against is the sign, the tenant sign
22 that's illuminated at whatever, 25 feet above
23 ground. I have an issue with that.
24 MAYOR HAYES: So you expressed yourself
25 there, and then the board's going to decide if

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1 that's something that they want to say yes or no
2 about.
3 MS. MEYERS: Okay. Thank you.
4 MAYOR HAYES: Did my comment answer
5 your question about the landscape?
6 MS. MEYERS: Uh-hmm.
7 MR. LERNER: Just a suggestion if I
8 may. If I may, in the interest of the compromise
9 that the mayor was talking about, perhaps an amount
10 equal to half of the sidewalk costs reduced to
11 supplant your current plans for trees for the
12 buffer. Does that work?
13 Quantify the number of dollars they
14 would have spent on --
15 MR. MOLICA: I don't think we're sure
16 of cost estimate.
17 MR. BATTAGLIA: We're not sure yet
18 but --
19 MR. MOLICA: And there could have been
20 a cost contribution made at the time of the
21 original.
22 MR. BATTAGLIA: It's possible.
23 MS. GONCHAR: It may be an offset.
24 MR. BATTAGLIA: We may not have had it
25 back then. We haven't checked the records to find

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1 out.
2 MR. LERNER: My point is it's a
3 resource. Whatever they are, they go to additional
4 trees would seem to satisfy the concern of the
5 public as well as the concern of the board.
6 CHAIRMAN FRANCO: Mr. Lerner, you're
7 saying --
8 MR. LERNER: Come up with a number.
9 CHAIRMAN FRANCO: -- in addition to
10 these trees they've already agreed to supply, the
11 additional hundred trees, you're looking for more?
12 MR. LERNER: Correct.
13 MR. BATTAGLIA: That is something --
14 MR. LERNER: I understand it's
15 something that we have done before.
16 MR. PANDYA: We don't know if you can
17 fit more than a hundred trees in there.
18 MR. MOLICA: Do we have further public
19 questions and comments?
20 CHAIRMAN FRANCO: Anybody else from the
21 public have comments?
22 All right. Seeing none, we're going to
23 close that portion.
24 Counselor, if you want to summarize?
25 MS. GONCHAR: There were some comments

1 in the review letters for steep slopes, how we
2 calculated that area. We just want to be clear
3 that's not a waiver we need to ask for.

4 MR. BATTAGLIA: That's correct. I've
5 been over that with your engineer.

6 MS. GONCHAR: So we want to make sure
7 that was not something that had been -- that had
8 been missed.

9 All right. This is our request for
10 preliminary and final site plan approval. To
11 reiterate what our planner said, this is a permitted
12 use. This is a building that was approved a number
13 of years ago for over 115,000 square feet and it has
14 been vacant.

15 We're excited about the ability to
16 upgrade the site and make it a viable economic
17 engine over here and put tenants back in it with a
18 significantly upgraded appearance to the site. It
19 is a permitted use.

20 The only variance that we're seeking is
21 really what's been characterized a de minimis
22 variance in that we are unable to -- with this
23 expansion to provide 2.3 feet out of 200 feet of
24 combined buffer and setback, and you've heard the
25 proofs that justify the grant of that under the C-2

1 criteria.

2 We've also identified a number of
3 waivers, but over the course of the hearing tonight,
4 we have eliminated a number of those. We continue
5 to ask for the waiver to allow us, if and when we
6 put in the expansion of the parking, to provide the
7 same size parking spaces as currently exists, but as
8 Ms. Doyle pointed out, with the 2-foot striped area
9 around the islands to provide for safer and more
10 convenient egress from cars.

11 We are going to provide the trees that
12 we previously asked for a waiver to avoid providing,
13 and we are not asking for a waiver for the
14 board-on-board fence because that has also been
15 eliminated in lieu of our now putting in the
16 substantial buffering that we're going to put up
17 within the back and particularly along the edge of
18 the curbing in the rear.

19 I won't rehash all of them, but we have
20 eliminated significant of the waivers that we
21 previously asked for, and we will certainly work
22 with Ms. Doyle that's been recommended to come to an
23 agreeable design for the landscaping that we're
24 going to add in that area both currently and if the
25 other portion of the parking is provided, and I

1 assume the way that will work is, if the residents
2 want to provide Ms. Doyle with comments before we
3 sit down, she will have that input to work together
4 to find an agreeable system.

5 We will not be increasing traffic
6 significantly. With regard to the concern raised
7 about noise, we are bound by state regulation in
8 terms of that, and we don't think what we are doing
9 which is reactivating an existing approved building
10 is going to have any impact beyond what's
11 permissible.

12 So with all of that having been said,
13 we have agreed to a couple of items on the record.
14 The -- I guess the only question that we would ask
15 is if there's any way -- we heard about the
16 limitation on the time tonight for the first time,
17 and the question that we would ask if there is any
18 other meetings to I guess -- I don't know if there's
19 inherent power. I don't know of anything in your
20 ordinance that limits the hours of operation, and
21 I'm not sure if that makes us less competitive with
22 any buildings that don't have that imposed on them.

23 MR. MOLICA: I thought we agreed 11
24 p.m.

25 MS. GONCHAR: And I'm asking -- we did.

1 We did say we'd do the 11 o'clock hard stop, and
2 what I'm asking is whether there is any way -- any
3 alternative such as shading requiring blackout
4 shades or something that would be an alternative to
5 having that mandatory time.

6 CHAIRMAN FRANCO: I think the other
7 concern is the outside lighting and signage, things
8 like that.

9 MS. GONCHAR: Well, the outside
10 lighting, I think we've already agreed that --

11 CHAIRMAN FRANCO: The signage.

12 MS. GONCHAR: But I also think --
13 wasn't there a comment about whether the outside
14 signage would be able to be on the timer as well?

15 I think we already said that we
16 would -- that the exterior lighting could be
17 controlled so that there would be reduced lighting
18 and -- other than security or perimeter lighting.

19 CHAIRMAN FRANCO: And a hard stop on
20 signage. The signage will turn off.

21 MS. GONCHAR: Turn off or turn down?

22 CHAIRMAN FRANCO: The time limit.

23 MS. GONCHAR: Yeah, that we would still
24 be willing to do, but the only question is and the
25 concern is, in discussing it, we hadn't discussed it

1 in advance or asked about it before we appeared this
 2 evening, and the question is if we're being treated
 3 differently than other users on 202/206, if that
 4 puts us at a disadvantage, and if there's
 5 alternatives that provide the same protection to
 6 address the concerns that were raised short of
 7 saying this building should shut down at a certain
 8 time whereas other buildings don't.

9 MR. MOLICA: That's what they're
 10 saying. They had agreed to it earlier in the public
 11 hearing, and now they're revisiting it because
 12 there's a concern about other businesses. So I
 13 don't know the answer to that.

14 Does anybody have any input here on the
 15 board?

16 MS. DOYLE: It is not uncommon for
 17 Bridgewater to address hours of operation and to
 18 require a hard stop for certain businesses as the
 19 time -- as the applications come forward.

20 It's not in our ordinance, but we
 21 frequently apply that, and the reason that we can't,
 22 for example, the shades, I don't want to talk too
 23 long because we're way over time, but the shades,
 24 for example, if that were to be extended, then you
 25 have to have your parking lot lights extended

1 because the people have to get out and that means
 2 that there's also the issue of lighting, and the
 3 hard stop means that all lights, interior sign and
 4 parking lots, other than security, will be shut
 5 down.

6 Now, if in the future it becomes a
 7 problem, I don't want to repeat, but they can come
 8 back.

9 MS. GONCHAR: We'll deal with it. We
 10 have a problem with it, and having had it raised,
 11 you know, while we're sitting here trying to respond
 12 but -- and that's frankly what occurred to us after
 13 is that that may be a disadvantage to us that other
 14 businesses are not experiencing which would make it
 15 more difficult to fill the space.

16 With that, we would ask the board we
 17 think we have put in the appropriate proofs.

18 CHAIRMAN FRANCO: I just want to say,
 19 if you agreed to do the parking lot sensor where it
 20 goes down to half a foot candle, Lithonium is one of
 21 the big companies that does a phenomenal job with
 22 that. The light cases will be turned almost off,
 23 and as you walk out, each session comes back on for
 24 a period of time. As movement ceases, they turn
 25 back down. So it's -- Scarlett, would that be

1 acceptable for a parking lot?

2 MS. DOYLE: I'm sorry.

3 CHAIRMAN FRANCO: I was just saying
 4 that, typically, you know, with what companies are
 5 doing, they've got a sensor system outside the
 6 parking lot. The parking lots after a certain hour
 7 turn down to half a foot candle almost just dark
 8 enough that you could barely see, and as people --
 9 as there's motion through each section of parking
 10 lot, the lights come on for a period of time and
 11 then go back down.

12 If they agree to that, is that
 13 something that you're --

14 MR. NORGALIS: You're saying you're
 15 going past 11 o'clock?

16 CHAIRMAN FRANCO: Yes.

17 MAYOR HAYES: The thing is that I
 18 think, Councilman, when we said 11 o'clock hard
 19 stop, it was always mentioned people could work
 20 late.

21 CHAIRMAN FRANCO: The building shuts
 22 down. You got security lights and motion sensors.
 23 If you're in your office, the lights are still on.

24 MAYOR HAYES: You don't have to vacate
 25 the building. I think that we want to allow our

1 businesses to work.

2 We're saying right now, if you have
 3 clients that expect to have continuous operations,
 4 we are expecting -- we're asking you to come back.
 5 We're not asking you to be uncompetitive.

6 CHAIRMAN FRANCO: Quite a few
 7 businesses do that now. The building pretty much
 8 shuts down after a certain hour, and anybody working
 9 late, their lights are on by sensor and security
 10 lights allow them to get out of the elevator, lobby,
 11 down and out. Sensors in the parkin lot come on and
 12 they vacate.

13 We never -- actually, I think we did
 14 say, you know, the building lights would be turned
 15 down, but someone could still work late.

16 MAYOR HAYES: That was always -- that
 17 was always the statement.

18 CHAIRMAN FRANCO: So it really has to
 19 do with the building itself turning down at a
 20 certain hour, the site signage and lighting turning
 21 down at a certain hour and then you agreeing to
 22 provide the sensors that -- actually, it's part of
 23 the LEEDs too. So it's just a few points.

24 MAYOR HAYES: I guess we would also
 25 like to know if that makes you uncompetitive.

1 MS. GONCHAR: We'll deal with it.
 2 CHAIRMAN FRANCO: Okay.
 3 MS. GONCHAR: We'll work with your
 4 consultants in terms of what we're putting in --
 5 what we're using in order to adjust the lighting or
 6 bring it down and work that through as we go through
 7 compliance.
 8 CHAIRMAN FRANCO: Any other comments?
 9 MR. MOLICA: I think that the question
 10 that the township engineer raised about a potential
 11 sidewalk contribution still needs to be addressed.
 12 I don't know the answer to that. I have very little
 13 input there without the benefit of the review of the
 14 prior approvals.
 15 MR. BATTAGLIA: Yeah, that's really
 16 what's bothering me. If it's already been done, we
 17 can't ask for it again.
 18 MR. MOLICA: Do you have an approximate
 19 cost estimate?
 20 MR. BATTAGLIA: Well, normally, what we
 21 do is we ask the applicant to provide that cost
 22 estimate.
 23 MS. GONCHAR: Since we're going to be
 24 working, if I may, with your -- between now -- if
 25 the board deems it appropriate to vote in approval

1 this evening, between now and when the resolution is
 2 adopted, since we're going to endeavor to work with
 3 Ms. Doyle in the interim as well, is this something
 4 that could be researched to see if we can
 5 determine --
 6 MR. BATTAGLIA: Certainly.
 7 CHAIRMAN FRANCO: You agree to work
 8 with our engineer, Mr. Battaglia?
 9 MS. GONCHAR: Certainly, if there's a
 10 way to demonstrate there has been and we can
 11 document it's been previously paid.
 12 CHAIRMAN FRANCO: Or coordinate
 13 something.
 14 MS. GONCHAR: Right. If there's an
 15 offset or something, can that be resolved?
 16 MR. MOLICA: A condition regarding
 17 landscaping and the public that has appeared this
 18 evening, in both settings, would the applicant agree
 19 to return to the board as the final arbiter of any
 20 dispute that can't resolve itself in those
 21 discussions?
 22 In other words, if an agreement can't
 23 be reached regarding revised landscaping plan and/or
 24 the potential requirement of the sidewalk
 25 contribution, would the applicant return to this

1 board so that the board can make a final decision
 2 about those two particular issues?
 3 MS. GONCHAR: Yes.
 4 MR. MOLICA: With that mechanism, if it
 5 pleases the board, someone can make a motion to
 6 grant the preliminary and final site plan approval
 7 that the applicant's requested together with the
 8 variance relief for the 2.3 foot setback variance,
 9 and then we have I think what is now down to four
 10 design waivers, design waiver for the size of the
 11 parking spaces proposed, the design waiver about the
 12 curbing -- curb planting island and further design
 13 waiver about the directional signage, and I think
 14 that there was a design waiver regarding a
 15 groundwater recharge as part of the project
 16 stormwater management design.
 17 MR. BATTAGLIA: Correct.
 18 MS. GONCHAR: For the existing
 19 conditions for the size of the loading, I don't know
 20 if you consider that. The directional sign was an
 21 existing condition, but there's the 3-foot shortfall
 22 length of the existing.
 23 MR. MOLICA: So we will add that as a
 24 further design waiver.
 25 Again, it's the one variance. What

1 started out as about seven design waivers, I think
 2 is now down to about five. The specific conditions
 3 of approval, we kind of just went over that there.
 4 We, obviously, have a very well
 5 discussed condition regarding a revised landscaping
 6 plan. The applicant has agreed to work with the
 7 township planner to develop a revised plan. The
 8 applicant has also agreed to work in good faith to
 9 address public comments and concerns with the
 10 landscaping plan.
 11 In that regard, Scarlett will actually
 12 be receiving the telephone numbers and contact
 13 information for persons that are interested and
 14 concerned about the landscaping plan and will reach
 15 out to them to at least provide them updates as to
 16 how this revised plan is developing.
 17 The applicant has agreed to return to
 18 the planning board as the final arbiter, the
 19 deciding body if there's any dispute regarding the
 20 landscaping, i.e., if the applicant doesn't want to
 21 do what the township planner is requiring or looking
 22 for, then they'll come back to this board so that
 23 the board can make a decision.
 24 The same thing applies with regard to
 25 the condition regarding a potential sidewalk

1 contribution that the applicant could be subject to.
 2 It is unclear right now as the board is getting
 3 ready to vote on the application whether a sidewalk
 4 contribution was ever made. Again, this is an
 5 existing building. It is possible that that, in
 6 fact, was done.

7 If it wasn't, the board in its powers
 8 will require one, but the applicant has agreed to
 9 work with the township planner and/or township
 10 engineer to determine, A, whether a contribution
 11 must be made, and if so, what the amount of that
 12 contribution is. If an agreement can't be reached
 13 in connection with the applicant's discussions with
 14 the township planner and engineer, then the
 15 applicant agrees to come back again to this board so
 16 that the board can make a decision.

17 Finally, I think we still may have some
 18 confusion here, but we obviously talked about a
 19 condition regarding site lighting. Initially, I
 20 thought that all site lighting was to be what these
 21 board members called a hard stop, in other words,
 22 everything would terminate at 11 p.m. inclusive of
 23 interior and exterior signage lighting.

24 CHAIRMAN FRANCO: I think there's
 25 always security lighting both on the site.

1 MR. MOLICA: Security lighting with the
 2 ability for people working late to use their office
 3 building lighting and minimal parking lot lighting
 4 to access their card.

5 Is that condition still germane to this
 6 motion that we're crafting here?

7 MS. GONCHAR: Yes.

8 MR. MOLICA: That would be my third
 9 specific condition.

10 Obviously, we have other what I like to
 11 call standard conditions of approval, compliance
 12 with the reports of the board's professionals,
 13 payment of taxes and other costs and fees, things of
 14 that nature, but I didn't have any other specific
 15 conditions of approval that I felt should attach to
 16 this motion.

17 Did I miss anything? Do the board
 18 members have anything further that they feel this
 19 approval, if granted, needs to be conditioned upon?

20 MR. RODZINAK: I think you covered
 21 everything.

22 MS. GONCHAR: Sorry. There were a
 23 number of items in the review letter from the
 24 engineer that have been resolved.

25 MR. MOLICA: In compliance with the

1 board's professional review reports as applicable.

2 MS. GONCHAR: Terrific.

3 CHAIRMAN FRANCO: So we'll make a
 4 motion.

5 MR. RODZINAK: I'll make it.

6 CHAIRMAN FRANCO: Second.

7 MR. LERNER: Second.

8 MS. PINO: Mr. Rodzinak.

9 MR. RODZINAK: Yes.

10 MS. PINO: Mr. Franco.

11 MR. FRANCO: Yes.

12 MS. PINO: Councilman Norgalis.

13 MR. NORGALIS: Yes.

14 MS. PINO: Mr. Lerner.

15 MR. LERNER: Yes.

16 MS. PINO: Mayor Hayes.

17 MAYOR HAYES: Yes.

18 MS. PINO: Mr. Pandya.

19 MR. PANDYA: Yes.

20 MS. PINO: Mrs. Albanese.

21 MS. ALBANESE: Yes.

22 MS. GONCHAR: Thank you for your
 23 indulgence. We do appreciate it.

24 (Proceedings conclude at 11:02 p.m.)
 25

1 CERTIFICATE OF OFFICER

2
 3
 4 I CERTIFY that the foregoing is a true
 5 and accurate transcript of the testimony and
 6 proceedings as reported stenographically by me at
 7 the time, place and on the date as hereinbefore set
 8 forth.

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

15
 16 DIANE M. HOLMES, C.C.R.
 17 Certificate No. XI01660
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