

BRIDGEWATER TOWNSHIP PLANNING BOARD

Special Meeting

Tuesday, November 27, 2018

—MINUTES—

1. CALL MEETING TO ORDER:

Chairman Ronald 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 October 31, 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. 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 – present

Mayor Dan Hayes – present

Evan Lerner – present

Urvin Pandya, Alt. #1 – present

Debra Albanese, Alt. #2 – absent

Others present: Board Attorney Thomas Collins, Township Engineer David Battaglia, Board Planner Scarlett Doyle

5. APPROVAL OF BOARD MINUTES:

6. MEMORIALIZATION OF RESOLUTIONS:

7. LAND DEVELOPMENT APPLICATIONS:

CIP II/AR BRIDGEWATER HOLDINGS LLC

Block 483 Lot 17, 18 & 19- Route 202/206

#18-012-PB- Preliminary & Final Major Site Plan – Mixed use development including retail, office, restaurant, residential, and office research

See attached Transcription dated November 27, 2018 prepared by: Lydia F. McDonnell, CSR, CRR. of Veritext Legal Solutions, 290 W Mt. Pleasant Avenue, Livingston, NJ 07039. Transcript is located in Planning Division office.

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:

10. ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at approximately 10:51 pm.

Respectfully submitted,

Jacqueline Pino,

Secretary to Municipal Services

TOWNSHIP OF BRIDGEWATER
PLANNING BOARD

IN RE:)	
)	
FILE NO. 18-012-PB)	TRANSCRIPT OF:
)	PROCEEDINGS
)	
CIP II/AR BRIDGEWATER HOLDINGS)	
ROUTE 202-206 - BLOCK 483, LOTS)	
17, 18, and 19.)	

Tuesday, November 27, 2018
 Bridgewater Municipal Courthouse
 100 Commons Way
 Bridgewater, New Jersey 08807
 7:00 p.m.

B E F O R E:

- RON CHARLES - Chairman
- HOWARD NORGALIS - Councilman
- DAN HAYES - Mayor
- JAMES FRANCO - Board Member
- STEPHEN RODZINAK - Board Member
- TRICIA CASAMENTO - Board Member
- EVAN LERNER - Board Member
- URVIN PANDYA - Board Member

Job No. NJ3071482

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1 ALSO PRESENT:
 2 SCARLETT DOYLE - PP, AICP - Township Planner
 3 DAVID BATTAGLIA - PE, CME, CFM - Board Engineer
 4 THOMAS COLLINS, ESQ. - Board Attorney
 5 JAY S. TROUTMAN, JR., PE - Traffic Consultant
 6 CHRISTOPHER A. MELICK - Van Cleef Engineering
 7 JACQUELINE PINO - Secretary of Municipal Services
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1 APPEARANCES:
 2
 3 CONNELL FOLEY LLP
 4 BY: KEVIN J. COAKLEY, ESQ.
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1 CHAIRMAN CHARLES: I'd like to call
2 this meeting into order of the Bridgewater Township
3 Planning Board. This is a special meeting, Tuesday,
4 November 27, 2018.
5 Adequate notice of the meeting has been
6 given in accordance with the Open Public Meetings Act
7 N.J.S.A 10:4-6.
8 October 31st, 2018, proper notice was
9 sent to the Courier News, Star Ledger, and filed with
10 the Clerk of the Township of Bridgewater, and posted
11 on the bulletin board in the Municipal Building.
12 Please be aware of the Planning Board
13 policy for public appearances.
14 No new applications will be heard after
15 10 p.m. No new testimony will be begin after
16 10:15 p.m.
17 Hearing assistance is available upon
18 request. Accommodations will be made for individuals
19 with a disability pursuant to the Americans With
20 Disability Act provided the individual with the
21 disability provides 48 hours advanced notice to the
22 Planning Department secretary before the public
23 meeting. However, if the individual should require
24 special equipment or services such as a CART
25 transcriber, seven days advanced notice excluding

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1 weekends and holidays may be necessary.
2 Would you please rise and join me in the
3 salute to the flag.
4 (Pledge of Allegiance is recited.)
5 CHAIRMAN CHARLES: Roll call, please.
6 MS. PINO: Mr. Rodzinak?
7 MR. RODZINAK: Here.
8 MS. PINO: Chairman Charles?
9 CHAIRMAN CHARLES: Here.
10 MS. PINO: Mr. Franco?
11 MR. FRANCO: Here.
12 MS. PINO: Councilman Norgalis?
13 COUNCILMAN NORGALIS: Here.
14 MS. PINO: Ms. Casamento?
15 MS. CASAMENTO: Here.
16 MS. PINO: Mr. Lerner?
17 MR. LERNER: Here.
18 MS. PINO: Mayor Hayes?
19 MAYOR HAYES: Here.
20 MS. PINO: Mr. Pandya?
21 MR. PANDYA: Here.
22 MS. PINO: And Mrs. Albanese, absent.
23 CHAIRMAN CHARLES: Okay. We'll move
24 right into the Land Development Application CIP II/AR
25 Bridgewater Holdings, LLC - Route 202-206, Block 483,

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1 Lots 17, 18, and 19.
2 This is preliminary and final major site
3 plan - mixed use development including retail,
4 office, restaurant, residential, and office research.
5 MR. COAKLEY: Good evening,
6 Mr. Chairman, Members of the Board. Kevin Coakley,
7 Connell Foley, on behalf of the Applicant. It's our
8 pleasure to be here this evening.
9 You will recall we were here in August,
10 and then in September, is it, at our -- our last
11 visit here was October 22nd. Since that time, a
12 couple of things have happened. One, is the Council,
13 on November 8th, adopted an amendment to the
14 Redevelopment Plan to allow a drive-through use on
15 the property. The other significant event was
16 earlier in November -- later in November -- excuse
17 me, the Applicant did submit a complete application
18 incorporating all of the documents that had been
19 submitted previously, and I think that was at the
20 request of the Board. And certainly we hope you
21 would agree that it was a significant submittal that
22 was made at that time.
23 So we're here this evening to try to
24 pick up the testimony that you have expressed over
25 that time having an interest in. So we're trying to

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1 focus -- we're trying to focus on those witnesses and
2 testimony of those witnesses that have been of
3 interest to you. Particular interest.
4 Before we start, I'd like to note that
5 we have changed the plan slightly, and that is the
6 number of affordable units in Building 11 is -- has
7 been changed to 17 units, so that Building 11 will
8 now have 46 units all told. There will be nine
9 live/work units, 17 affordables, and the other
10 affordables will be on the north side of the
11 property, which will have 374 units in total.
12 So with that brief introduction -- all
13 of the witnesses that we're gonna call this evening,
14 Mr. Collins, have been called previously except Tom
15 Bauer, our landscape architect. I don't know if you
16 want to wait to swear him in or...
17 MR. COLLINS: Unless he's next on the
18 list --
19 MR. COAKLEY: Okay.
20 MR. COLLINS: -- I'll wait to swear him
21 in. But everyone else is still under oath.
22 MR. COAKLEY: And there will be one
23 other witness, probably, who has not been sworn in,
24 but we'll get to that at the end. So with that brief
25 introduction, if it's your pleasure, I'll call our

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1 first witness. Gary.
 2 GARY W. DEAN, PE, PP, doing business at Dolan & Dean
 3 Consulting Engineers, LLC, 181 West High Street,
 4 Somerville, New Jersey 08876, having been previously
 5 sworn by a Notary Public, testified as follows:
 6 CONTINUED EXAMINATION BY MR. COAKLEY:
 7 Q. Please state your name for the record,
 8 Mr. Dean?
 9 A. Gary Dean, D-e-a-n.
 10 Q. All right. And have you testified
 11 before the Board on prior occasions?
 12 A. Yes, I have.
 13 Q. And you testified in this case; is that
 14 correct?
 15 A. Correct. And I recognize I'm still
 16 under oath.
 17 MR. COAKLEY: All right. So just to
 18 reorient the Board, back in September, Mr. Dean
 19 testified primarily about the traffic impacts of the
 20 development on the adjoining roadways. So he's not
 21 gonna go back and repeat that testimony; he's going
 22 to focus tonight on his efforts with the Department
 23 of Transportation with respect to the project. And
 24 then secondly, the phasing of the traffic
 25 improvements with respect to the project. I know

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1 those are issues of particular interest to the Board.
 2 Q. All right. Mr. Dean, did you meet with
 3 the DOT in August with representatives of the
 4 municipality?
 5 A. Yes.
 6 Q. All right. And what was the purpose of
 7 that meeting?
 8 A. At that time, it was to discuss the
 9 content and technical issues raised in the DOT's
 10 review from --
 11 CHAIRMAN CHARLES: Can I interrupt for a
 12 second?
 13 MR. COAKLEY: Sure.
 14 CHAIRMAN CHARLES: I was assuming that
 15 the screen was gonna be used for your first witness.
 16 MR. COAKLEY: Okay.
 17 CHAIRMAN CHARLES: If it's not, we can
 18 maybe turn it sideways or lower it so that the public
 19 can see.
 20 MR. COAKLEY: Okay.
 21 CHAIRMAN CHARLES: Excellent. Thank
 22 you. That's better.
 23 MR. COAKLEY: Ask and your wishes are
 24 achieved.
 25 CHAIRMAN CHARLES: There you go. All

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1 right. I apologize, Mr. Dean.
 2 MR. DEAN: Certainly.
 3 A. That meeting was convened to discuss
 4 some of the technical items in the DOT's review
 5 letter. Your Board engineer, Mr. Troutman, attended.
 6 And I believe we covered this in my original
 7 testimony. But it was to work through a variety of
 8 concerns with the access application that had been
 9 submitted and the technical comments.
 10 As of November -- I believe it's -- 4th
 11 of this year, we have since resubmitted supplemental
 12 documentation to DOT principally furnishing them with
 13 additional studies and technical calculations,
 14 accident information as related to the proposed
 15 traffic signal at 4th Street, which I know has a
 16 different name under the revised site plans. But it
 17 is the southern most site driveway.
 18 CHAIRMAN CHARLES: And when was that
 19 submitted to the State?
 20 MR. DEAN: The 4th of November.
 21 CHAIRMAN CHARLES: Okay.
 22 Q. All right. And did you provide copies
 23 of that to Mr. Battaglia and the Municipality's
 24 traffic engineer?
 25 A. Correct, we did.

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1 Q. All right. And have you heard word from
 2 the DOT since you --
 3 A. No.
 4 Q. -- submitted that?
 5 All right. And is it your intent to --
 6 A. I may have a date. I was reviewing
 7 another project.
 8 MR. DEAN: Thank you, Jay.
 9 A. My apologies. October 8th -- October
 10 18th.
 11 CHAIRMAN CHARLES: That was the package
 12 you handed us at the last meeting; correct?
 13 MR. DEAN: Correct. And bells and
 14 suspenders. We also had another copy hand delivered.
 15 CHAIRMAN CHARLES: Just for clarity,
 16 both the meetings as you mentioned, what's the date
 17 of that?
 18 MR. TROUTMAN: August 8th, 2018.
 19 CHAIRMAN CHARLES: Okay. That was the
 20 DOT person. And the topic of that was strictly the
 21 light at 4th Street; correct?
 22 MR. DEAN: Correct.
 23 Q. All right. Now, have you submitted to
 24 the DOT information about all of the traffic
 25 improvements that are essential parts of the

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1 redevelopment plan?
2 A. Yes. Our response letter covered --
3 MR. DEAN: Thank you, Jay.
4 A. -- each of their responses or areas of
5 review including the improvements that are proposed
6 at the site access opposite Muirfield, the northerly
7 most site access, the 4th Street driveway as we've
8 discussed, the un-signalized intersections between
9 4th Street and Foothill, as well as the improvements
10 at Route 202 and Foothill Road.
11 Q. All right. And other than the light at
12 4th Street, have you received any material pushback
13 from DOT as to the rest of it?
14 A. No. Everything, I'll say, is in order
15 regarding the other improvements.
16 Q. All right. Okay. So now the other
17 thing that we want to talk about this evening is the
18 phasing and timing of the traffic improvements.
19 A. Yes. And just by way of background, we
20 did submit a letter addressed to the Board dated
21 November 13th that contained a response to
22 Mr. Troutman's request for Saturday traffic counts at
23 4th Street, so that information was transmitted.
24 As expected, there is very little
25 traffic using 4th Street on a Saturday peak hour. As

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1 memory serves, I believe it was four entering
2 vehicles, and nine exiting vehicles. So not anything
3 that in any way affects our analyses, just by way of
4 housekeeping.
5 Also, appended to that November 13th
6 letter was our proposed phasing as it relates to the
7 anticipated development phases within the overall
8 project. And the Board may recall appended at the
9 very end of our, I'll say, only Traffic Impact Study
10 that was submitted for the application --
11 MR. DEAN: Sorry, Jay.
12 A. -- dated May 9th, 2018, were several
13 aerial photographs that were rendered to describe the
14 improvements as spelled out in the Redevelopment
15 Ordinance. And I have with me tonight several
16 large-scale renderings of those exact same exhibits.
17 They are unaltered with the exception of the titling,
18 and they are now titled "Preliminary Schematic of Off
19 Tract Improvements" appended to the report. They
20 were called "conceptual." So they're the same
21 figures, but basically acknowledging the intent by
22 the Applicant to advance these as design phases.
23 Q. And is "conceptual" the phrase that you
24 used when you submit it to DOT?
25 A. Correct.

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1 Q. All right.
2 A. I'd like to describe each one in the
3 same sequential order as the phasing, and I will
4 refer to these exhibits. But if you have the May
5 Traffic Study with you, it may be easier to follow
6 along on a smaller scale.
7 The first photo rendering is the site
8 driveway as it aligns opposite Muirfield Road. North
9 is to the top on each one of these exhibits. And
10 what we've shown, are the improvements that will be
11 effectuated as part of the first phase. And that
12 first phase consists of the development of the
13 proposed grocery store, and the wellness and office
14 building. And because of the conditions that we have
15 found under our existing conditions, we have proposed
16 that the improvements depicted on this plan will be
17 constructed prior to anything new opening on the
18 site.
19 In other words, these are improvements
20 that are necessary to open either one of those two
21 buildings. And they consist of -- and I'm going to
22 point -- but north of Muirfield and the site
23 driveway, there are actually three lanes on the
24 highway. There's a left-turn lane to continue east
25 on Muirfield. There is a single southbound through

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1 lane that continues across the site frontage, 4th,
2 and just keeps going south. And then there is --
3 excuse me -- dedicated right-turn lane that allows
4 traffic to come directly into the site.
5 What we have proposed because of
6 deficient levels of service that we identified under
7 the existing conditions is that the pipe is too
8 small. We need a bigger pipe to accommodate the
9 traffic at this signal. So what we have proposed is
10 the conversion of that dedicated right-turn lane into
11 a shared lane for both continuing southbound through
12 movements, as well as right turns into the site.
13 Unfortunately, however, there's only one
14 lane south of this site intersection. So coupled
15 with that restriping would be physical widening of
16 the highway across the site frontage. And
17 it's written right on this exhibit "Shoulder
18 upgrading or widening for a second lane that would
19 continue all the way to 4th Street."
20 So as one drives past the site, there
21 will be two continuous lanes that begin north of
22 Muirfield and the site driveway that continue all the
23 way down to 4th Street. At 4th Street, that second
24 lane will simply transition into a dedicated
25 right-turn lane to come into the property so that

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1 there will be a single lane that continues south --
2 excuse me -- exactly as it does today.
3 Q. And this application will be by Advance?
4 A. Because it directly effects site access,
5 it would be by Advance, or the Applicant. And it
6 would be part of the permit that DOT would issue for
7 all of the site improvements.
8 Q. All right. And you have not heard any
9 negative comments about this?
10 A. We haven't designed this. And just so
11 the Board is aware, what has been submitted to DOT
12 is exactly what you have before you. It is the
13 proposal by the Applicant to do this work to
14 accommodate the traffic associated with the project.
15 Until DOT basically approves this, it is way
16 premature to design anything until, one, we actually
17 have a project. And, two, before DOT renders their
18 decision on the scope in that it's a traffic study.
19 We are expecting DOT to favorably review
20 this. There has been no exception taken to this
21 proposal at this time.
22 CHAIRMAN CHARLES: But to be clear,
23 there's been no response.
24 MR. DEAN: There's been no response
25 since we submitted in -- I've forgotten the date

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1 already -- mid-October.
2 Q. Just one other thing before you turn the
3 page. Did the Applicant survey that in anticipation
4 of starting the design?
5 A. Correct. And it is the Applicant's
6 intent even while we're waiting for this other answer
7 in the interest of moving this project forward that
8 the design engineering of this will be done, I'll
9 say, virtually immediately upon vote, if you're so
10 inclined, and we'll just submit the design plans to
11 DOT.
12 COUNCILMAN NORGALIS: Mr. Chairman.
13 When would you expect a response back
14 from DOT?
15 MR. DEAN: Every submission, DOT takes
16 90 days.
17 COUNCILMAN NORGALIS: So do you expect a
18 response at the 90-day point?
19 MR. DEAN: Because there are so many
20 different intersections involved, I expect a response
21 in 90 days. I can't say I expect a final approval
22 from DOT in the 90 days in that they're evaluating
23 the entire package of improvements associated with
24 the project. Once we get into the designing, DOT
25 reviews them on a piecemeal basis. And the reason

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1 is, they can only act on an application submitted by
2 the person who owns the access. I'll get into that
3 in a moment. But what it means is, for all of the
4 other off track locations, the Township is the
5 applicant. For Foothill Road, Somerset County
6 Freeholders are the applicant.
7 COUNCILMAN NORGALIS: Who's the
8 applicant for the 4th Street light?
9 MR. DEAN: -CIP Advance.
10 COUNCILMAN NORGALIS: And you've had
11 discussions with them pursuant to that light?
12 MR. DEAN: Those were the discussions
13 held in August with --
14 COUNCILMAN NORGALIS: I'm gonna ask a
15 very specific question. And that is: Up until now,
16 you said no negative feedback on any of the other
17 things. What was the feedback on the 4th Street
18 light?
19 MR. DEAN: The DOT at this point has
20 said they disapprove that location because, among
21 other things, it violates their spacing standards.
22 DOT doesn't want a signal at every intersection on a
23 state highway, and given the speed limit on 202-206,
24 they want signals to be at least one-half mile a
25 part. The signal at Muirfield and this site and the

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1 proposed signal at 4th Street are 770 feet apart so
2 they basically recited their own standard and said,
3 You don't meet our spacing. We need more information
4 to consider the benefits of that second light.
5 And so we have looked at how the two
6 signals will be sequenced, we've looked at the cueing
7 or the stacking from the light at Muirfield and
8 whether it would ever extend so far south that it
9 would affect the signal at 4th Street. So they have
10 asked for supplemental information so that they're
11 still, I'll say, as we can expect, open minded. They
12 have not closed the door on 4th Street.
13 COUNCILMAN NORGALIS: Thank you.
14 MR. DEAN: If I may continue?
15 MR. COAKLEY: Yes.
16 A. For our second phase, I'm now referring
17 to a second exhibit that shows 4th Street to the
18 left, north is still to the top. So if I were to
19 stitch these two exhibits together, Muirfield would
20 be above this page. But you will see that two lanes
21 continue through the proposed signal at 4th Street.
22 You will see notations on this exhibit and in the
23 traffic report that indicate "install traffic
24 signal." And again, for capacity reasons, we need to
25 continue two southbound lanes exactly as we had at

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1 Muirfield that continue past the site. And then a
 2 reasonable distance south of the intersection, those
 3 two lanes then taper into a single southbound lane
 4 that continues on the current alignment of the
 5 highway.
 6 MR. COLLINS: Mr. Dean, let's mark that
 7 if we haven't already. I think it had been
 8 previously marked. Did you refer to one aerial so
 9 far?
 10 MR. DEAN: I can include all of these as
 11 a package.
 12 MR. COLLINS: Do you also have a small
 13 version of that?
 14 MR. DEAN: They are in the traffic
 15 report, which I already submitted.
 16 MR. COLLINS: Okay. So let's still mark
 17 this, though, as a package.
 18 MR. COAKLEY: We're up to A-10, I think.
 19 MR. COLLINS: This will be A-10, series
 20 of aerial photos. DOT improvements.
 21 (A-10, Series of aerial photos, marked.)
 22 A. So the second sheet of A-10 as I was
 23 describing are the improvements related to the
 24 installation of the traffic signal at 4th Street.
 25 They consist of retaining all of the improvements as

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1 they are on the northbound side. We would obviously
 2 need to install the overhead signal equipment. But
 3 as I was describing, the biggest improvement would be
 4 the need to carry the two southbound lanes through
 5 the intersection. We do need to consult with DOT as
 6 this evolves and if they're favorably inclined as to
 7 the distance in carrying those two lanes, but we will
 8 need to carry that. We're showing it as
 9 approximately 210 feet south of 4th Street before
 10 those two lanes merge back into a single lane.
 11 We are showing this within Phase III,
 12 which includes the development of the -- what I've
 13 described as the front residential building that is
 14 located essentially in front of the grocery store but
 15 north of 4th Street and south of the Boulevard. And
 16 that would include the cafe.
 17 That is the general timeline when we
 18 would expect to implement this signal if favorably
 19 approved, and we would tie that into the final
 20 Certificate of Occupancy for that building as an
 21 appropriate time to provide that additional capacity
 22 leaving the site.
 23 Q. All right.
 24 A. Our next phase, which is Sheet 3 of now
 25 A-10, begins the off track improvements. It's just,

Page 24

1 again, for clarity. Those first two sheets, Phases I
 2 and II, are under the full control of the Applicant
 3 because each one of those improvements directly
 4 affects access to the subject site. So again, the
 5 applications for both of those would be submitted
 6 with design plans to DOT, I'll say, immediately after
 7 this process has concluded. So we fully expect to
 8 have, we'll say, those approvals in place so that
 9 they are shovel ready concurrent with when the
 10 Applicant would be ready to have those buildings up
 11 online.
 12 Our third phase as I was describing now
 13 involves all of the off track improvements. These
 14 are specified in the Redevelopment Plan, and they're
 15 similarly labeled on the next three exhibits, but
 16 they involve the intersections on this exhibit at
 17 Byrd and Bluestone. And these are local streets that
 18 do not have wide enough shoulders where people stop
 19 oftentimes to make a left turn. The intent of these
 20 improvements was to fully upgrade the shoulders
 21 with structural pavement of a sufficient width so
 22 that any vehicles that are stopped in these
 23 intersecting local streets don't impede through
 24 traffic.
 25 And the next two exhibits that I will

Page 25

1 describe -- and each of the intersections that would
 2 be approved include Heather Hill Way, Byrd Avenue and
 3 Bluestone Lane, Harding Road and Carnoustie Drive,
 4 which is featured on the fourth sheet of A-10, as is
 5 Stella Drive. So we are consistently looking at --
 6 and just so the Board is aware, these improvements
 7 will require boring. Sampling of the pavement to
 8 ensure that it is of a sufficient depth to
 9 accommodate traffic. Oftentimes, shoulder pavement,
 10 it looks the same as blacktop and we drive over it.
 11 Oftentimes, it's only eight inches deep. Whereas,
 12 old pavement by DOT specs is 22 to 24 inches deep.
 13 So that extra depth is load-carrying for cars and
 14 principally trucks. That type of investigation would
 15 be done as part of each application.
 16 But again, we need to work with your
 17 engineer as the Township is the applicant because you
 18 own each one of these streets. The Applicant cannot,
 19 I'll say, insert themselves in that process other
 20 than to provide the designs, do the engineering, pay
 21 for everything. But ultimately, you know, the
 22 Council or your engineer needs to sign the
 23 application to DOT.
 24 Q. All right. And so that phase would be
 25 completed prior to the last CO of the commercial

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1 development; is that correct?

2 A. Correct. And I was getting to the last
3 one, which is the fifth exhibit of A-10, which is
4 just Arthur Road, and again, involves that type of
5 shoulder widening. We have proposed that these off
6 track improvements would be done, as Mr. Coakley
7 indicated, at the Certificate of Occupancy for the
8 final retail or commercial hotel building on the,
9 I'll say, more westerly portion of the site.

10 The last improvement or fourth phase is
11 at Foothill Road. The very southern end of, I'll
12 say, the study area. Those improvements consist of
13 installing a traffic signal, widening Foothill Road
14 for an additional right-turn lane in that anyone
15 who's driven it, as you know, there's a single
16 approach lane. People often get creative and some
17 want to bypass people who are trying to make a left
18 to go south. But the intent is to formally sanction
19 that process through additional widening and then
20 create an acceleration component so that northbound
21 traffic can make a right turn on red primarily.

22 We would probably introduce what we call
23 an "overlap phase," which is because there's a heavy
24 southbound demand on 202-206 that continues east on
25 Foothill that runs unopposed, at the same time that

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1 occurs, it's a very opportune time to let those right
2 turns move. It's just making the operation more
3 efficient, but that is why that additional
4 acceleration component was specifically articulated
5 in the Redevelopment Plan.

6 And those are the three components of
7 this improvement. Somerset County would be the
8 applicant as Foothill Road is a County road. These
9 improvements -- we would again submit the
10 applications to the County for signature, advance the
11 design phases, but whether get the paperwork going
12 early on in the process so that, again, all of the
13 approvals are in place well before we get to the need
14 for them, which would be toward the final Certificate
15 of Occupancy on the residential buildings on the
16 northern portion of the site.

17 And that is everything in the way of our
18 November 13th submittal as related to phases.

19 Q. And Mr. Dean, do the plans you've
20 outlined -- do they cover all of the traffic
21 improvements required by the Redevelopment Plan?

22 A. Yes, they do.

23 MR. COAKLEY: All right. No further
24 questions.

25 CHAIRMAN CHARLES: Mr. Dean, what was

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1 the rationale in the ordering five phase? So why not
2 the Foothill Road light? I mean, I get the
3 applicants are different, but is there empirical
4 traffic information that drove that?

5 MR. DEAN: The only empirical traffic
6 data analysis that drove the phasing was the need for
7 the second through lane at Muirfield. Because that
8 is a condition that was found to be deficient today
9 and in need of improvement, we thought that should
10 be, we'll say, front-loaded with the project. The
11 rest of them can come online over time in that they
12 are designed partially to mitigate the traffic
13 impacts from the project, but partially to fulfill
14 what the Town has long desired in terms of these
15 improvements going back to that master plan from, I
16 think it was 1986, or so.

17 So the rationale was it does make sense
18 to tie it to those phases once we get, I'll say, a
19 critical mass of traffic. That's not to say they
20 couldn't be done earlier, but I will say the primary
21 focus on the off tracks was to get those that the
22 Applicant can control with DOT first. Control their
23 own designee. All of the rest are dependent on other
24 agencies. So for that reason, putting them toward
25 the back end of the project seemed to make sense as

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1 well.

2 CHAIRMAN CHARLES: And just a
3 clarification. On the phasing plan where you show
4 these, which was -- your testimony was consistent --
5 there's the use of the term "pad" -- pad, pad, pad --
6 versus you use the term "CO." I just wanted to make
7 sure that it's on the record that we're talking about
8 these improvements being completed prior to CO.

9 MR. DEAN: CO, correct.

10 CHAIRMAN CHARLES: Okay.

11 MR. DEAN: In that, pad is -- pad is
12 nothing.

13 CHAIRMAN CHARLES: Right.

14 MR. DEAN: Pad doesn't generate traffic.

15 MR. COAKLEY: That's a mistake, really.

16 CHAIRMAN CHARLES: Oh, is it?

17 MR. COAKLEY: Yeah.

18 CHAIRMAN CHARLES: I just wanted to make
19 sure that there was no misunderstanding.

20 MR. DEAN: Yeah, I don't think I used
21 "pad" in my --

22 CHAIRMAN CHARLES: Okay.

23 MR. DEAN: -- phasing.

24 MR. COLLINS: No, it shows up in other
25 documents.

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1 CHAIRMAN CHARLES: Good.
2 Q. Mr. Dean, just one question. In terms
3 of handling the traffic of the project, are you
4 saying that the first phase is the most significant
5 by the traffic improvements?
6 A. Absolutely. And it involves the most
7 amount of work in that it entails involvement --
8 potential involvement with culverts with DOT, it
9 involves widening along the entire site frontage, the
10 potential of relocation of utility poles. All of
11 that takes, unfortunately, time and a certain review
12 with DOT. And the Applicant is aware of that and is
13 willing to, we'll say, commit to the Township to
14 ensure that those improvements, the ones that are
15 most necessary to fix the issues you have today but
16 ensure longevity with the site are in place first.
17 CHAIRMAN CHARLES: So just to -- again,
18 with your phasing, just to be clear. The first three
19 components of traffic improvements occur as the
20 commercial aspect of the project completes. The
21 fourth, the Foothill Road happens, coincident with CO
22 for the residential side.
23 MR. DEAN: Correct.
24 CHAIRMAN CHARLES: Not until then.
25 MR. DEAN: Correct.

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1 CHAIRMAN CHARLES: Okay.
2 MR. LERNER: Can I ask a question?
3 CHAIRMAN CHARLES: Yes.
4 MR. LERNER: As I read your November
5 13th letter, it sounded to me like you were -- and I
6 know this isn't your area, but -- building the
7 buildings in the same phases as you're doing the
8 traffic so that the site will open in phases?
9 MR. DEAN: That, I'll defer to
10 Mr. Coakley. But we coordinated and I coordinated
11 with the Applicant to basically ask them, What are
12 the benchmarks you're trying to hit in your
13 construction and development sequence? In other
14 words, what do you intend to bring to market first.
15 And so my phasing plan was based on their --
16 MR. LERNER: So it might, but it might
17 not be together.
18 MR. DEAN: Correct.
19 MR. LERNER: Okay.
20 COUNCILMAN NORGALIS: What is your
21 strategy if the DOT will not permit the light
22 installation at 4th Street?
23 MR. COAKLEY: Well, Mr. Norgalis, under
24 the Redevelopment Agreement, that calls for the
25 Applicant to go to Council and seek a waiver.

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1 COUNCILMAN NORGALIS: I'm aware of that.
2 MR. COAKLEY: I'm sure you are. But we
3 don't want to get into, you know, a strategy in terms
4 of beyond that because that would be the -- that's
5 the mandatory step. And frankly, we don't want to
6 get into discussing, you know, how we might deal with
7 that. We don't want to hurt getting this site. We
8 want this site.
9 COUNCILMAN NORGALIS: Well, so do I.
10 MR. COAKLEY: Okay.
11 COUNCILMAN NORGALIS: But I need to
12 understand what you plan to do. I have gone on
13 record, by the way, for both Phase I and Phase II
14 that I'd like those to be completed
15 before substantial works starts on the project. We
16 owe it to the residents of this Township to do
17 something to that street. I think this plan brings a
18 lot to offer, and you said that before. I want to
19 move it forward as quickly as possible.
20 See, the terms "Phase I" and "Phase II"
21 don't help me a lot. I like benchmarks. I like so
22 many months after this. So many months after that.
23 And it doesn't have to be 31 days, or 45 days. But I
24 can't relate to phase numbers because it doesn't
25 help.

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1 MR. COAKLEY: We're gonna send you to
2 DOT.
3 COUNCILMAN NORGALIS: Well, my dilemma
4 is, I really don't get the impression that DOT is
5 very enthusiastic in doing that light at 4th Street.
6 And if they -- if you folks can't get approval for
7 that, then the intersection of 4th Street and 202-206
8 needs treatment.
9 MR. COAKLEY: We would come to the
10 Council for that waiver with a plan that we feel
11 would be very satisfactory to the Township.
12 MR. DEAN: And part of the reason
13 that --
14 COUNCILMAN NORGALIS: Well, don't
15 forget, the Redevelopment Plan needs to go forward.
16 But if there's an impediment to it, if you need
17 Council approval for something, you don't have
18 approval.
19 MR. COAKLEY: Well, we have the right to
20 go to Council --
21 COUNCILMAN NORGALIS: You have the right
22 to go to the Council, but the Council doesn't have
23 necessarily -- that doesn't say that you're
24 necessarily gonna get approval.
25 MR. COAKLEY: We believe we would always

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1 act reasonably under the circumstances.
2 COUNCILMAN NORGALIS: Well, so will we.
3 But that's why it was a simple question, What's the
4 strategy? And I guess the answer is, you have a
5 strategy, but you can't tell me.
6 MR. COAKLEY: Well, I don't know that
7 it, you know, behooves anybody for us to discuss a
8 strategy that would perhaps not be consistent with
9 having a light --
10 COUNCILMAN NORGALIS: What if you can't
11 get a light?
12 MR. COAKLEY: What?
13 COUNCILMAN NORGALIS: I'm not gonna
14 say I won't go along with the project, but
15 at Discovery Lane, I guess is what it's called right
16 now at 4th Street, my take would be a dedicated
17 right-in and right-out and not permit off bound
18 traffic to enter in at that complex. So I got --
19 even though you guys may not have a strategy, I got
20 one. I got one that I think provides for the safety
21 of the traveling public. But okay, I'll wait for the
22 next piece.
23 MR. DEAN: And I certainly respect that
24 position. What we don't know -- none of us in this
25 room can predict -- is if in this scenario DOT digs

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1 their heels in and says, Absolutely not. No signal
2 at 4th Street. Our response to them is, That's fine.
3 What will we need to do? And they'll tell us. It's
4 not like we have the luxury of saying, Close it up.
5 Make it right-in, right-out, maybe allow the lefts
6 because there's a nice huge left-turn lane there
7 already. I don't need to debate that now. The DOT
8 will tell us the answer. And because it's their
9 highway and they said no to the signal, it's
10 incumbent upon them to say what the alternative is.
11 And we are already acting to that decision.
12 Unfortunately, with DOT, they don't work
13 on a nice time schedule. They do, but it's glacial.
14 They move as related to specific building areas
15 because that's what goes into an access permit. So
16 the timing of that is important in the real world.
17 But in the DOT world, it's square footage and number
18 of units. And that's why we've broken it down the
19 way we have.
20 COUNCILMAN NORGALIS: So if they decide
21 to not approve a light, you expect, then, as part of
22 that rejection, they're gonna give you the solution
23 that they would accept?
24 MR. DEAN: Correct.
25 COUNCILMAN NORGALIS: At that time.

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1 MR. DEAN: That's their responsibility,
2 correct. I mean, some of the discussions as
3 outlandish as they are, DOT said, What if you don't
4 have a light at Muirfield and you do have one at 4th
5 Street? So we have those types of issues to work
6 through with the State, and we just don't have that.
7 And that's what this piece is for. That's why we
8 advanced the application that we did, so that we
9 would know those answers sooner so that we can design
10 them, and react accordingly.
11 COUNCILMAN NORGALIS: Do you consider --
12 have you submitted all the paperwork you need to
13 submit so they can do their due diligence?
14 MR. DEAN: That's what I described in
15 the beginning of this presentation. Jay, I'm sorry.
16 What was the date again?
17 MR. TROUTMAN: It was October --
18 MR. DEAN: Mid-October.
19 COUNCILMAN NORGALIS: So they have
20 everything they need since mid-October?
21 MR. DEAN: Correct.
22 COUNCILMAN NORGALIS: So their 90-day
23 window began in October.
24 MR. DEAN: That is correct.
25 MR. TROUTMAN: The 18th.

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1 MAYOR HAYES: Mr. Chairman.
2 To improve the timeline for the
3 improvements along the street along -- for the other
4 streets, not the light at 4th. I know that you set
5 the timeline in the phasing to be conservative and so
6 it's the furthest out, but they are improvements and
7 they are needed, and they do help residents
8 immediately regarding to the phase of the project.
9 So what can you do to move those closer in?
10 MR. COAKLEY: Well, you know, in the
11 normal course of an application like this, once there
12 is an approval of the application, we would go full
13 steam ahead. Go to the County and go -- you know,
14 submit plans to the Township, start the survey --
15 finish the survey and move forward.
16 MAYOR HAYES: So you're saying that
17 while you have that as phasing, that's more of a
18 guideline or a last date. It is your intention to
19 move as fast as the process permits.
20 MR. COAKLEY: Absolutely.
21 MAYOR HAYES: Okay.
22 MR. DEAN: And that includes -- it's
23 such a convoluted process with DOT. To submit the
24 designs for the intersections with the shoulders, we
25 first have to submit -- the town does, but through

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1 the Applicant. We have to submit a permit to use the
2 right of way to do those borings. So there's a
3 permit process that involves the Town from day one.
4 So we make the application, they review it, they want
5 to know about traffic control and where the police
6 will be. All very good things. But that's part of
7 that design process.

8 MR. COAKLEY: Unfortunately, as you add
9 a layer of government, things just get more
10 complicated. That's not political commentary.

11 MR. DEAN: So each is maybe two weeks
12 here and a month there and 30 days there and now
13 we're in the middle of winter; it's not a good time
14 to do borings, so we're looking at spring. But then
15 once that information is in hand and I can design it,
16 at that point we're ready to submit actual
17 applications. So I would think that within a year,
18 nine months, these applications and the work can be
19 done and submitted so that we're ready to implement
20 these sooner rather than later.

21 CHAIRMAN CHARLES: I just want to make
22 sure I heard what I think I heard. I'm sorry. I
23 apologize. So when the next step comes, all the
24 necessary design work for all the traffic
25 improvements will be pulled together. The Township

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1 is committed to say, Hey, you know, we'll do what we
2 have to do. The County, you know, maybe the Township
3 gets to move along that way, but all the improvements
4 will be moved along, kind of, posthaste while
5 your phasing is more project/management/organization
6 of this. But there's a possibility that the
7 Applicant's responsibilities in the beginning and the
8 Township's responsibilities along the other
9 intersections could occur simultaneously.

10 MR. DEAN: Correct. And by way of
11 example, as we look at Phase II, which includes the
12 signal at 4th Street, as I've described, there's
13 additional widening of the highway. There's curb
14 work, there's paving. It makes sense from a
15 construction sequencing once that equipment is
16 mobilized, why not continue to the south and start
17 taking care of the other intersections rather than
18 getting another contractor involved. So there is
19 some logic to doing it while the equipment is in
20 place at a single construction sequence.

21 The same thing if the signal contractor
22 for 4th Street is ready to implement. It might make
23 sense for that same contractor to do the work at
24 Foothill, coordinate with the utilities, engage with
25 the Township and the County. But I can't speak to

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1 the Applicant. This phasing is really probably the
2 longer side of the sequence.

3 MR. FRANCO: Mr. Dean, I have to agree
4 with the Mayor, Mr. Norgalis. Being involved in this
5 since 2013 and dealing with a lot of residents and
6 the responsibility we have to them is really pushing
7 this schedule for that as I would view those two
8 intersections, Muirfield and Discovery, as something
9 that could be done up front.

10 MR. DEAN: Insofar as Discovery is
11 concerned, but for the widening south of the
12 intersection, and literally the green light on the
13 signal from the State, if those approvals are in
14 place earlier -- for the same reason, because
15 culverts are involved, curbing, asphalt -- to go the
16 extra 200 feet to the south logically, that makes
17 sense. So we're just always concerned about the
18 inherent delays dealing with DOT. And I know it
19 gives us all concern and we share that, but if there
20 is an opportunity to do it sooner, I think it
21 logically is cheaper for the Applicant to do it
22 sooner as well.

23 MR. FRANCO: Okay.

24 CHAIRMAN CHARLES: Other questions from
25 the Board?

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1 MS. CASAMENTO: Just to clear something
2 up for me. What applications are with the DOT right
3 now?

4 MR. DEAN: The application to DOT is
5 what's called "concept review." We lay out the
6 entire scope of these improvements, we studied them
7 with counts and studies much like we've done with the
8 traffic report we've submitted to the Town, and we
9 give the DOT enough information, we thought, to opine
10 on 4th Street. Recognizing that was a concern. They
11 asked for more data. They want to know how the two
12 signals can talk to one another, whether it will be a
13 condition of stop-and-go traffic, whether there's a
14 significant accident history. So they want a little
15 more meat on the bone for them to decide on 4th
16 Street. That's what was submitted. But this concept
17 review basically approves these preliminary
18 schematics in their entirety because that's what was
19 submitted, which then gives the Applicant a sense of
20 certainty to invest in the design.

21 MS. CASAMENTO: So they have all four
22 phases right now in the concept review.

23 MR. DEAN: Correct.

24 MS. CASAMENTO: Okay. So the only
25 pushback you've gotten is on 4th Street?

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1 MR. DEAN: That is correct.
2 MS. CASAMENTO: Okay. And that decision
3 will be within the 90 days from October 18th.
4 MR. DEAN: Correct.
5 MS. CASAMENTO: Okay.
6 CHAIRMAN CHARLES: And then how long
7 from concept to design?
8 MR. DEAN: Let me just -- we all
9 think -- and we'd love that decision to be -- what is
10 it -- January 18th; right?
11 CHAIRMAN CHARLES: Right.
12 MR. DEAN: My experience with the State
13 is it's death by a thousand cuts, but not -- you
14 don't die. They will ask -- they will give us
15 another set of review comments, we'll meet the
16 response, you resubmit, and it's another 90 days.
17 That is the typical process with the State, which is
18 why it takes years to get certain improvements in
19 place.
20 CHAIRMAN CHARLES: But once approved,
21 what's the timeline?
22 MR. DEAN: The timeline is even though
23 we don't have that answer from the State, we would
24 submit the hard engineering because all of the work
25 is done, and we would submit the details, curb

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1 elevations and inlets and technical information. We
2 would submit that engineering application, which is
3 called a "Major Access Application" with planning
4 review to DOT. And that will start the review
5 process of engineering documents.
6 CHAIRMAN CHARLES: And just, again, to
7 walk along the path. How long does it take to put
8 together the major access document and then --
9 MR. DEAN: I can't speak to our civil
10 engineer, they may be able to tell how long it would
11 take them to design two lanes, but I would say
12 normally two to three months. So we would be looking
13 at a submission of, we'll say, February to March, and
14 then we start the 90-day clock of review of different
15 information. But it's -- and DOT sends out their
16 stormwater people and their pavement people and their
17 lighting people. Individual groups within DOT each
18 responding with design concerns and comments.
19 MR. COAKLEY: The last step with DOT is
20 the Developer's Agreement. DOT doesn't just let you
21 out there on your own. They send their engineers out
22 there, monitor the job and, you know, you have to put
23 a huge deposit up for them. So that's part of the --
24 that's the last part of the process that Mr. Dean was
25 outlining.

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1 CHAIRMAN CHARLES: All right. So the
2 only other thing is in some of the documents there's
3 a lot of footnotes about subject to change is the
4 Applicant's sole discretion, and unilateral changes
5 to the phasing, and things like that. I just want to
6 make sure we're all together that any changes to
7 what's testified to would be in cooperation with the
8 Township.
9 MR. DEAN: Those aren't my footnotes, so
10 I can't speak to those, Mr. Chairman, but --
11 MR. COAKLEY: Yeah. Yeah. Certainly.
12 CHAIRMAN CHARLES: I just want to make
13 sure we're all good.
14 MR. COAKLEY: Right.
15 CHAIRMAN CHARLES: Okay. Good. Other
16 questions from the Board of this witness?
17 Okay. I'll open it up to the public.
18 Any member of the public have a question of this
19 specific witness relative to his specific testimony,
20 please step forward. State your name and address.
21 MR. FOOSE: Good evening. Jeff Foose,
22 F-o-o-s-e. 6 Forest View Drive in Martinsville.
23 Just a quick question about some of the
24 curb appeal you were mentioning in your testimony.
25 The first is, over what period of time -- and you

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1 have to catch us up a little bit because this has
2 been a long case with many meetings. Can you, kind
3 of, give us when you started gathering data, and when
4 you, kind of, finalized your data, and when you put
5 your findings into written form? What was the time
6 period?
7 MR. DEAN: As it pertains to what was
8 presented tonight, I'm not sure what you're asking.
9 I've been involved with this project since, I think
10 it was 2013 when we started collecting traffic
11 counts. And as the process has evolved, we have been
12 constantly updating those traffic counts with data
13 that was collected, I think, as recently as Saturday,
14 November 3rd.
15 MR. FOOSE: Okay. So it started in
16 2013?
17 MR. DEAN: Correct.
18 MR. FOOSE: And it ended November 3rd.
19 MR. DEAN: That is the most recent data
20 that we've collected, yes.
21 MR. FOOSE: Okay. Great. What is the
22 largest area of growth on the 202-206 corridor in
23 Bridgewater that you're currently seeing? Where is
24 the greatest number of bottlenecks and growth and
25 greatest volume, just generally speaking. Where have

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1 you seen the biggest hazardous nature of vehicles on
2 this stretch on 202-206?
3 MR. DEAN: That doesn't relate to
4 anything I've testified to tonight, so I don't have
5 an answer for you.
6 MR. FOOSE: Okay. So you don't see any
7 growth happening on the 202-206 corridor?
8 MR. DEAN: Of course. But we've covered
9 that in prior meetings; I just didn't discuss that
10 night. Again --
11 MR. FOOSE: Right. But I'm allowed to
12 ask you questions about your testimony in totality as
13 it pertains to this application, not just tonight.
14 MR. DEAN: I defer to counsel on that.
15 I mean, there is a limited scope.
16 MR. COAKLEY: Yeah, I think I covered
17 that in the beginning, Mr. Chairman. I mean, he was
18 here two or three months ago. The meeting was
19 noticed, he testified. And these questions should
20 have been brought up at that time.
21 MR. FOOSE: I disagree, Mr. Chairman.
22 This goes to his credibility. And as a member of the
23 public and a citizen, and as a taxpayer, I have a
24 right to question any portion of his testimony as it
25 pertains to this application.

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1 CHAIRMAN CHARLES: I think we'll ask
2 Mr. Collins.
3 MR. COLLINS: I think you should try to
4 answer the question. If you have knowledge, you
5 could answer the question. I think, maybe, you do
6 have a different understanding of the question and
7 the subject. So I heard the question, I think you
8 heard it, Mr. Dean. I think it's an area that's
9 appropriate for cross-examination, but...
10 MR. FOOSE: And I'll wait to be sworn
11 in.
12 CHAIRMAN CHARLES: You may have to be
13 sworn in because you're making a lot of statements.
14 I understand that that happens regularly with lay
15 people, but we're not there yet. Let's just try to
16 figure out whether the witness even knows the answer
17 to that question. We could have it read back if that
18 would help.
19 MR. DEAN: I've not studied the corridor
20 in its totality to be able to answer the question as
21 posed.
22 MR. FOOSE: Okay. But that's not the
23 answer. You're asking this Board to render a
24 judgment on the feasibility of this project based on
25 your testimony.

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1 So going further, have you fully
2 explored all the areas of growth on the 202-206
3 corridor in Bridgewater as it pertains to this
4 application?
5 MR. DEAN: No.
6 MR. FOOSE: Okay. Mr. Chairman, I'd
7 like to present the Hindu Temple and Cultural
8 Society --
9 MR. COLLINS: Now you're testifying.
10 That's usually reserved for after all of the
11 Applicant's witnesses. And you may do that, but at
12 that time. Unless the Chairman and the Board...
13 MR. FOOSE: All right. I'll put in a
14 formal request.
15 Have you studied the recent application
16 by the Hindu Temple and Cultural Society application
17 for a two-story parking garage less than one mile up
18 the road from your proposed application?
19 MR. DEAN: I'm aware of the application
20 in that it's intended to add additional parking that
21 presently occurs on the subject site that will be
22 displaced by the approval of this property. And so
23 because of that displacement, I know the temple needs
24 more parking. In fact, our firm has been asked to
25 provide that traffic study. But I'm not aware of the

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1 status of the application in terms of the Board's
2 consideration.
3 MR. FOOSE: Would you consider that
4 application for the parking garage area of growth as
5 pertains to the 202-206 corridor and your
6 application?
7 MR. DEAN: I don't know enough about the
8 application to opine. If, in fact, that parking
9 structure is intended to replace parking that is
10 being lost on this site then there is no traffic
11 impact because it's already there. If, in fact, it's
12 designed to accommodate some other element of
13 expansion with the temple then that premise may hold
14 true and would need to be studied.
15 MR. FOOSE: I appreciate your answer.
16 My question -- and I think Mr. Collins picked up on
17 this -- goes to your credibility. And the
18 credibility you haven't provided this Board with a
19 very relevant application that was filed 8/20 of this
20 year. August 20th. It seems that you've missed
21 something in your application in your due diligence,
22 and you owe it to this Board, and frankly, you owe it
23 to the residents, and the people on the Council and
24 the Mayor.
25 I would like to submit this into

<p style="text-align: right;">Page 50</p> <p>1 testimony in front of the Board, but I can wait until 2 the public comments, but like I said, the Hindu 3 temple proposed a very, very large growing portion of 4 their -- 5 MR. COLLINS: Mr. Foose, you -- just 6 raise your hand, please. 7 JEFFERY FOOSE, residing at 6 Forest View Drive, 8 Martinsville, New Jersey 08836, having been duly 9 sworn by a Notary Public, testified as follows: 10 MR. COLLINS: You testify the statements 11 you've made tonight are the truth and there's nothing 12 you want to change about the statements you made 13 tonight? 14 MR. FOOSE: That's correct. 15 MR. COLLINS: All right. Did you state 16 your address before. 17 MR. FOOSE: Jeff Foose, F-o-o-s-e. And 18 the address is 6 Forest View Drive, Martinsville. 19 MR. COLLINS: Now, I don't think this is 20 the time for you to testify. You have done some. We 21 have that. When you have a report -- is the report 22 by Mr. Dean? 23 MR. DEAN: Not to my knowledge. 24 MR. COLLINS: Okay. So the first 25 question you can ask on cross, as you probably well</p>	<p style="text-align: right;">Page 52</p> <p>1 development, which is the mosque. 2 MR. DEAN: Yes. 3 MR. JOSHI: Have you taken into 4 consideration additional traffic and the service with 5 regard to this? 6 MR. DEAN: I have. 7 MR. JOSHI: And what is the increase 8 on -- not just overall, but there are particular days 9 where events happen there -- 10 MR. DEAN: Correct. 11 MR. JOSHI: -- that will happen there. 12 And there's no exact number. It could be a thousand 13 cars, it could be 500 cars, it could be even more. 14 So that hasn't been taken into consideration? 15 MR. DEAN: There actually is an exact 16 number because I was the traffic engineer for the 17 mosque. 18 MR. JOSHI: Okay. 19 MR. DEAN: So I know the number of 20 parking spaces, that application was fully vetted, 21 discussed before this Board, and there's a direct 22 correlation between the number of, I'll say, worship 23 spaces, or areas akin to seats, as well as parking 24 spaces. So all of that was taken into consideration. 25 MR. JOSHI: Okay. And --</p>
<p style="text-align: right;">Page 51</p> <p>1 know is, Do you recognize this document? 2 MR. FOOSE: Fair enough. 3 MR. COLLINS: So are you gonna do that, 4 or what are you gonna do? 5 MR. FOOSE: I'm inclined to wait and -- 6 you know, my questions go to credibility. I feel 7 that the witness has not provided you with full 8 information. Therefore, to make a judgment based on 9 this information I think is a stretch. And I think 10 the Board should be aware of that, and I'll offer the 11 rest of my testimony at the end of the hearing. 12 Thank you. 13 CHAIRMAN CHARLES: Thank you. Any other 14 member of the public have any questions of this 15 witness, you may step forward. State your name and 16 address. 17 MR. JOSHI: AJ Joshi, 1067 Buxton Road, 18 Bridgewater. 19 I just want to -- 20 MR. COLLINS: Can you spell your last 21 name. 22 MR. JOSHI: J-o-s-h-i. 23 A couple of things. One is the feedback 24 on what Mr. Foose just said. There's another 25 development that's going on down the street from this</p>	<p style="text-align: right;">Page 53</p> <p>1 MR. DEAN: When this application was 2 filed, the Hindu temple had not been filed. So there 3 is a sequence and a logical order of how studies are 4 performed with information that is known at the time 5 of application. And that's an important standard in 6 Land Use Law. 7 MR. JOSHI: And secondly, with regard to 8 this development going in, I just became -- or I will 9 be a Board of Education member beginning in January, 10 and -- 11 MR. COLLINS: And now you're testifying. 12 It's up to the Chairman whether -- 13 CHAIRMAN CHARLES: If you have a 14 question of this witness, just stick to the question. 15 MR. JOSHI: No, I'm asking. Any bus 16 stops that will be provided? 17 MR. DEAN: That has been discussed at 18 prior hearings. There may be more testimony tonight, 19 but we are aware of that issue. 20 MR. JOSHI: So that will be provided -- 21 MR. DEAN: Yes. 22 MR. JOSHI: -- that testimony? 23 MR. DEAN: Correct. 24 MR. JOSHI: Inside or outside of the... 25 MR. DEAN: I believe they're inside.</p>

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1 And I'm not familiar enough to answer with authority.
2 CHAIRMAN CHARLES: There's a bus stop
3 proposed inside. And there'll be more conversation
4 about that either tonight or at future meetings.
5 MR. JOSHI: Okay. That's all.
6 CHAIRMAN CHARLES: Just for
7 clarification, it has been testified to before.
8 MR. JOSHI: All right. Thank you.
9 CHAIRMAN CHARLES: Thank you. Any other
10 member of the public having any question of this
11 witness, please step forward. Seeing none, we'll
12 close that.
13 You're next witness, Mr. Coakley.
14 MR. COAKLEY: Paul Phillips.
15 PAUL PHILLIPS, AICP, PP, doing business at Phillips
16 Preiss Grygiel Leheny Hughes LLC, 31-41 Newark
17 Street, Third Floor, Suite D, Hoboken, New Jersey
18 07030, having been previously sworn by a Notary
19 Public, testified as follows:
20 CONTINUED EXAMINATION BY MR. COAKLEY:
21 Q. Mr. Phillips, what is your profession?
22 A. I'm a professional planner.
23 Q. And have you testified before this Board
24 previously?
25 A. I have.

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1 Q. And have your credentials been
2 recognized by this Board?
3 A. They have.
4 MR. COAKLEY: All right. Do you want --
5 MR. COLLINS: Yes, Mr. Phillips is
6 recognized and qualified as a professional planner,
7 and I think previously in this case and other cases.
8 Q. All right. And were you previously
9 sworn in in this case?
10 A. I was.
11 Q. All right. And have you reviewed the
12 variances that have been sought by the Applicant in
13 this matter?
14 A. I have.
15 Q. All right. And do you have an opinion
16 as to whether those variances conform to Section 70
17 of the Land Use Law?
18 A. I have.
19 Q. All right. And would you tell the Board
20 what your opinion is and why?
21 A. Sure. So just to summarize, to a large
22 extent, all of the variances and waivers that are
23 being sought by the Applicant have been covered to
24 some degree or other by witnesses who have previously
25 testified.

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1 Also, I just want to point out that the
2 extent of the relief that is being sought has
3 actually decreased to some extent, and in some cases
4 the variance waivers that were originally applied for
5 have been eliminated as the plans have evolved, and
6 as the Applicant has appropriately responded to
7 concerns that have been raised by this Board during
8 the site plan review process. So I'm not gonna
9 belabor this especially in relation to a number of
10 the technical variances.
11 By way of example, landscaping. In
12 terms of, for example, the Landscape Planning Reform,
13 which while I'm familiar with the level of variances
14 that's being sought, I think both our landscape
15 architect and our site engineer have a far better
16 handle on this than me, although I will comment to
17 some extent.
18 I do want to address the variances from
19 a planning approve standpoint as Mr. Coakley has
20 asked, and I especially want to relate it to the
21 satisfaction of the negative criteria per the
22 statute. As, again, I think the other experts have
23 basically proffered affirmative testimony relative to
24 the reasons why the relief is necessary, sort of,
25 from the standpoint of the positive criteria.

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1 I would also like to address two of the
2 variance waivers in a bit more detail. I think
3 they're important enough from a planning standpoint.
4 So I would like to just offer my own planning
5 assessment and testimony and that's where I'd like to
6 begin, and I'd like to begin with the front yard
7 setback variance.
8 As you will recall, the Redevelopment
9 Plan requires that there be a consistent 200-foot
10 setback from Route 202-206. As the Board is also
11 aware, at the extreme -- and I'm gonna call it -- the
12 southerly end of the site, the cafe is set back 144
13 feet from Route 202-206 at its closest point. Under
14 a prior iteration of this application, that cafe was
15 within 132 feet of the highway right-of-way, and the
16 Applicant, basically, again, during this process
17 pushed that back another 12 feet or so.
18 So several points on this. Number one,
19 all of the residential buildings on this site and all
20 of the buildings on either side of the main boulevard
21 that are closest to Route 202-206, they exceed the
22 200-foot minimum requirement. In fact, the
23 northerly-most buildings are well in excess of that
24 200-foot minimum setback.
25 Secondly, there is actually a small

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1 portion of the residential building that's connected
2 to the cafe. Again, at the southerly end. It's
3 actually in excess of the 200-foot standard. The
4 point being that the setback deficiency is not
5 uniform throughout. And, actually, if you look at
6 the bulk of the building exposure closest to
7 Route 202-206 across the entire tract most of the
8 buildings, actually, would exceed the 200-foot
9 minimum.

10 Number three, you've heard from the
11 other experts with regard to some of the topo and
12 grading challenges, and you've also heard from the
13 Applicant and its experts regarding the need to
14 maintain an adequate parking supply on the site,
15 particularly for the supermarket which would argue
16 against trying to push this building back to meet
17 that 200-foot standard.

18 Fourth, the fact of the matter that this
19 location is at the street grid, as you're aware, does
20 not run parallel to the highway and was never
21 intended to do so. And this was recognized in the
22 Redevelopment Plan itself. If you go to the
23 illustrative plan, in Figure 4 it becomes rather
24 obvious. In fact, the 144-foot setback that we are
25 proposing at the southerly end is largely consistent

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1 with that illustrative plan in Figure 4, which also
2 does not provide a uniform 200-foot setback.

3 And if you actually scale from that
4 illustrative plan the southerly-most building on the
5 site, you will find that at its closest point -- and
6 I scaled it -- it's about 155 feet. So the
7 difference, again, 200 foot is required. The plan
8 shows about 155. And the Applicant is at about 144
9 feet. And I'll also point out, that 144 feet --
10 since there is a relationship between setback and
11 building height -- that 144 square foot is close to a
12 single-story building, the cafe. As opposed to a
13 multiple-story building where, again, all else being
14 equal, you're looking for greater setbacks as you go
15 to taller buildings. So I think all things
16 considered here, the Applicant, I think, is meeting
17 the basic design objectives of the plan, and I think
18 for that reason that this variance can be granted
19 without substantial detriment to the public good or
20 the Zone Plan.

21 The second area of relief I want to talk
22 a little bit about is the parking stall size. As
23 you're aware, the Applicant is seeking 9-by-18-foot
24 stalls as opposed to the ordinance requirement, which
25 is 9 1/2-by-18. And then there's an additional ten

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1 foot of width required for supermarkets. Several
2 points on this. Again, you've heard from other
3 witnesses. If the Applicant were to go to larger
4 widths, it would, by necessity, reduce the number of
5 parking spaces, which, again, as you've heard, the
6 Applicant can ill afford to make -- to have that
7 happen and make this project still, basically, viable
8 from a parking standpoint.

9 Secondly -- and again, I've been at
10 this -- I've been in this practice for over 35 years.
11 While maybe 25 and 30 years ago, basically, the norm
12 for retail uses, generally, and supermarkets
13 particularly were for wider stalls, essentially what
14 we're seeing now is the development has really come
15 back to 9-by-18. And that also includes
16 supermarkets, it's not just retail shopping
17 generally. We also basically are aware that there
18 are other examples of existing retail commercial
19 developments in Bridgewater with nine-foot-wide
20 stalls.

21 We actually asked our engineer to
22 measure the stalls at Wegmans. And there's hairpin
23 striping there. But from center of hairpin stripe to
24 center of hairpin stripe, those stalls were 9-by-18.
25 My own experience with supermarket stalls recently, a

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1 project I did in Shrewsbury, ShopRite was the end
2 user, I represented the developer; 9-by-18 stalls. I
3 represent another municipality, we're doing a
4 redevelopment plan which involves the expansion of a
5 ShopRite; we're doing 9-by-18 stalls. This is not
6 atypical in the current environment. And I think all
7 else being equal, essentially the larger stall sizes
8 means, sort of, unnecessary increases in impervious
9 coverage.

10 One last point. In light of our request
11 for the stall size relief, Scarlett made a
12 suggestion, which I think we addressed in the plan
13 that you want some additional separation; I think two
14 feet of those parking spaces that would abut a
15 parking island, to make sure there's enough area to
16 basically open and close doors and exit the vehicle.
17 And we've basically done that per your suggestion.

18 So I think on balance here, again, to
19 limit impervious, and to maintain what we feel is an
20 adequate parking supply, the imposition of your
21 current parking stall standard would go against the
22 grain with regard not only to current industry
23 standards but also current municipal planning
24 practice, at least based on my own experience. So
25 for those reasons, I think this variance can also be

<p style="text-align: right;">Page 62</p> <p>1 granted without substantial detriment to the public 2 good or Zone Plan. 3 And just briefly on the other variances, 4 and I think they've been covered by other witnesses, 5 the parapet height. There's a three-foot limit. I 6 think we've got a mix of parapet heights. We have a 7 number of three feet, we have others, I think, at 8 four and a half feet, and I think we have six feet. 9 And Brandon Diamond, basically, testified that it was 10 really done down to kind of avoid a uniform or more 11 monotonous parapet height and basically looked to 12 provide more architectural interest in terms of the 13 building ornamentation throughout the project. 14 The number of loading spaces, I think, 15 was addressed. There was discussion about the hotel 16 loading, which I think was a concern of the Board at 17 the last hearing. And I think, again, pending a 18 specific user, that's been addressed. And I would 19 also agree that given the nature and scale of the 20 retail uses that are anticipated along the main 21 boulevard, I don't see -- I also don't see the 22 need -- as was the case from other experts -- for 23 separate, sort of, delineated off-street loading 24 which would be the case if you had a more 25 conventional, what I described as, suburban shopping</p>	<p style="text-align: right;">Page 64</p> <p>1 it is no more than 20 spaces in a row. And, 2 basically, with the exception of the two areas that 3 Lisa testified to at the last hearing -- there's a 4 pipeline easement area and, I think, a monitoring 5 well. With the exception, it's my understanding, of 6 those areas, we now would comply: 7 There are two existing condition 8 variances relative to the driveway and a utility 9 building to the ORD zone boundary. They're existing 10 conditions. We're not proposing any changes. 11 Maximum fence wall height: Six feet is 12 the maximum. I think the highest -- we're at 16 and 13 a half feet, and I think they were addressed by the 14 site engineer. They really have to do with 15 topography. 16 I believe we're okay on lighting. Other 17 than potentially having to meet a DOT requirement I 18 think we're fine. 19 And I think we are also now good with 20 the width of the perimeter loop path where the ten 21 foot is the requirement. And as you heard from our 22 engineer, with the exception of going down to six 23 feet at the crossing to meet DEP requirements, we are 24 meeting the ten-foot standard. I think I've got 25 everything covered.</p>
<p style="text-align: right;">Page 63</p> <p>1 center-type scheme, which you don't have here. 2 There are a number of landscaping 3 waivers and variances. I think the Applicant has 4 addressed many of the Board's concerns relating to 5 those deficiencies. Again, I'll let our engineer 6 who's gonna testify go through the exact numbers and 7 how much we're deficient. 8 Again, to briefly summarize, we're 9 seeking to address the tree planning deficiency by 10 planting more shrubs in lieu of trees at a ratio of 11 three shrubs to one tree. We're also technically 12 deficient in foundation plantings. And I would 13 concur also, again, with our landscape architect, in 14 particular, that given the unique nature of this 15 development, especially the street scape, you 16 don't -- you actually want to limit the amount of 17 foundation plantings in this instance. And I think 18 our engineer, Scarlett -- correct me if I'm wrong -- 19 is working with you about the potential for even 20 additional plantings maybe in and around the basin 21 area as I understand it. 22 And, again, Lisa can address this more 23 appropriately. I believe we've also addressed the 24 issue of the number of landscape islands. There's a 25 certain number of parking spaces in a row. I think</p>	<p style="text-align: right;">Page 65</p> <p>1 So in sum, I think most of these 2 variances with the exception of the two that I 3 basically opened with are technical in nature, 4 relatively minor in scope and magnitude. I think 5 they're essentially C2 or flexible C type variances 6 where the benefits would outweigh the detriments if 7 the relief is granted. And I think there are 8 probably at least four purposes of the statute that 9 would be advanced, which is one of the requirements 10 of the C2 variance, and they would, just for the 11 record, be purposes A, G, I, and M. 12 And lastly, as I mentioned with regard 13 to the negative criteria, I think all of the relief 14 can be granted without substantial detriment to the 15 public good or substantial impairment of the Zone 16 Plan. 17 Q. . . And, Mr. Phillips, has the Applicant 18 said that they'll install the hairpin striping around 19 the supermarket? 20 A. . . If the Board so desires, I think the 21 Applicant would be amenable to installing that 22 hairpin striping, which does have the benefit of 23 basically helping vehicles center themselves within 24 the space. 25 MR. COAKLEY: No further questions.</p>

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1 CHAIRMAN CHARLES: Mr. Norgalis.
2 COUNCILMAN NORGALIS: When you mentioned
3 the cafe building, at one point you mentioned a
4 one-story cafe.
5 MR. PHILLIPS: Yeah.
6 COUNCILMAN NORGALIS: Now, were you
7 implying one story with nothing above, or...
8 MR. PHILLIPS: The cafe portion is one
9 story. As you move further north, you basically rise
10 to a three-story building.
11 COUNCILMAN NORGALIS: That seems
12 somewhat hypocritical from what we saw a couple of
13 weeks back that there were apartments overhead. So
14 right now, the cafe building, the portion of
15 Building 11, the cafe building, is a one-story
16 building?
17 MR. DIAMOND: It's mostly embedded in
18 the residential, but there's a small portion that
19 extends beyond.
20 COUNCILMAN NORGALIS: And attached to
21 Building 11.
22 MR. PHILLIPS: Correct.
23 MR. DIAMOND: Yes.
24 COUNCILMAN NORGALIS: Okay. Now -- and
25 the rest of Building 11 is three stories or so?

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1 MR. PHILLIPS: Three.
2 COUNCILMAN NORGALIS: But the cafe
3 building itself is a single-story building at this
4 point.
5 MR. DIAMOND: The cafe building is part
6 of Building 11. There's a small component of the
7 cafe building that's beyond the three-story massing.
8 But the majority of it tucks under the three-story
9 massing. The portion that sticks out is what Paul
10 was referring to in terms of the pinpoint of setback.
11 MR. PHILLIPS: And Brandon, I may be
12 wrong, but my understanding is that the closest point
13 being the 144 feet is coterminous with that one-story
14 portion; correct?
15 MR. DIAMOND: That's correct. We'll
16 share this plan later as well, just to clarify.
17 CHAIRMAN CHARLES: Yeah, we'll take
18 that. Clarification, Ms. Doyle?
19 MS. DOYLE: Yeah, I think you're at a
20 bit of a disadvantage, and I want to suggest that we
21 come back to that. But no one has laid the
22 groundwork for any of the sign setback variances.
23 MR. PHILLIPS: We're aware of that, and
24 I may indeed have to come back. But since there's
25 been no affirmative testimony -- and we may or may

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1 not get to that this evening --
2 MR. COAKLEY: Right.
3 MR. PHILLIPS: But certainly you will
4 need some planning testimony but we haven't basically
5 offered that yet.
6 MS. DOYLE: Great. Thank you.
7 MR. PHILLIPS: You're welcome.
8 CHAIRMAN CHARLES: Howard.
9 COUNCILMAN NORGALIS: One of the
10 discussions with Mrs. Doyle a couple of weeks ago was
11 the island separators between every 20 spots was
12 gonna be a treed island with two trees. And
13 Mrs. Doyle had suggested that in lieu of that, which
14 takes up parking spaces, use the island -- the
15 diamond-type shape which is used in many parking lots
16 with a single material, and that would save a number
17 of parking spots.
18 MS. DOYLE: Not only would that save
19 parking spots, but the diamond or square at the head
20 of the cars doesn't interrupt opening doors. So it's
21 certainly not a requirement --
22 MR. PHILLIPS: Right.
23 MS. DOYLE: -- but it saves a tree, it
24 saves a lot of the striping, it reduces -- it
25 provides the visual in the parking lot. It's a

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1 recommendation.
2 MR. PHILLIPS: Yeah. And it's my
3 understanding in reviewing the plan that we did not
4 go, basically, to the diamond island. But we did
5 provide that additional two-foot separation. I'm
6 gonna defer in terms of what the impacts would be in
7 terms of, basically, going to those diamond islands
8 to the site engineer who's more capable of
9 addressing, sort of, the pros and cons relative to
10 the entire site layout. But we, at least, attempted
11 to address the concerns as I understand it.
12 CHAIRMAN CHARLES: So your testimony was
13 predicated on the assumption that the islands with
14 two trees is still the plan of record.
15 MR. PHILLIPS: Is it still...
16 MS. DOYLE: I think we should leave it
17 that that is the record; that's the plans before you
18 this evening.
19 CHAIRMAN CHARLES: Right.
20 MS. DOYLE: If they wish to change it,
21 they can do that in testimony.
22 CHAIRMAN CHARLES: Okay.
23 MR. PHILLIPS: Still two trees, as I
24 understand it. But Lisa can comment.
25 CHAIRMAN CHARLES: Okay. All right. So

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1 right now, that's the plan of record.
2 MR. PHILLIPS: Yup.
3 CHAIRMAN CHARLES: The size of the
4 parking stalls, the plan is for the entire property.
5 The non-grocery area going from nine and a half down
6 to nine, and the grocery area going from ten, what
7 exactly do you consider on the plan the "grocery
8 area" when you, you know, calculate it out that
9 there'd be a lot of parking spaces?
10 MR. PHILLIPS: Right. So unless -- and
11 again, I'll also defer both to our engineer and
12 Scarlett, but the bulk of the grocery parking is,
13 basically, in front of the supermarket. Between the
14 supermarket and, again, Building 11 as you go towards
15 the highway. But for any further designation of
16 strictly supermarket spaces, I'll defer to the site
17 engineer.
18 CHAIRMAN CHARLES: My question would be
19 whether or not there's some number of spaces in front
20 of the supermarket that could be reduced only from
21 10-by-18 to 9 1/2-by-18 without causing ripple issues
22 in other areas.
23 MR. PHILLIPS: So my response to that is
24 I don't know because I've not done the exercise. But
25 I'm gonna, again, defer to the site engineer as to

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1 whether or not -- I know, obviously, Mr. Chairman,
2 all else being equal, as you go to the width, you're
3 gonna lose parking spaces.
4 CHAIRMAN CHARLES: Right.
5 MR. PHILLIPS: I don't know the
6 magnitude of that if we were to go to certain nine
7 and a half widths closer to the supermarket. But
8 I'll defer to the site engineer who's done most of
9 the layout.
10 CHAIRMAN CHARLES: And the reason I ask
11 is I know there's also a trend for parking spaces
12 close to retail establishments to have, you know,
13 cars with children and whatnot. So in addition to
14 shopping carts, there's also mothers and fathers who
15 have strollers and double strollers while they have
16 the shopping cart and whatnot.
17 MR. PHILLIPS: Right.
18 CHAIRMAN CHARLES: And if there's some
19 number of that that can be in that condition, it
20 would probably be a positive effect.
21 MR. PHILLIPS: Understood.
22 CHAIRMAN CHARLES: Okay. All right.
23 Other questions from the Board of this witness?
24 COUNCILMAN NORGALIS: And I agree on the
25 nine and a half foot.

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1 CHAIRMAN CHARLES: Okay. So we'll need
2 that calculation.
3 Nothing down here, okay. With that,
4 I'll open it up to the public. Any member of the
5 public having a question of this witness based on his
6 specific testimony, you may step forward. State your
7 name and address.
8 MR. LADELL: My name is Ron Ladell,
9 L-a-d-e-l-l.
10 Mr. Chairman, I'm gonna ask your
11 indulgence about something. I have a question or two
12 for Mr. Phillips. It's not about his testimony this
13 evening, it's about his physical impact testimony,
14 which was done two hearings ago. I can assure this
15 Board that they're very discreet and limited
16 questions. I don't think the Board would be harmed
17 by less than five minutes to ask questions that are
18 clarifying in nature.
19 CHAIRMAN CHARLES: Yes, I'll look for
20 advice from our attorney. Any objection?
21 MR. COAKLEY: Yes, I object to
22 Mr. Ladell standing.
23 MR. LADELL: Standing?
24 MR. COAKLEY: He's not a Bridgewater
25 resident.

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1 MR. LADELL: Mr. Collins, in response to
2 that, the ML -- the Municipal Land Use Law allows
3 virtually any member of the public throughout the
4 entire State of New Jersey to appear at any land use
5 hearing whatsoever.
6 MR. COAKLEY: That's not exactly what
7 the law says, but...
8 MR. LADELL: Cox has interpreted, and I
9 have reference case that has it that way, but if
10 Mr. Coakley would prefer, I'll indicate myself as an
11 attorney, co-counsel for AvalonBay Communities, Inc.,
12 and I'll be here in that capacity, if Mr. Coakley
13 prefers it that way.
14 MR. COAKLEY: And in that capacity, he
15 has no standing, either.
16 MR. LADELL: No one objects to --
17 MR. COAKLEY: There's actually been a
18 court order issued within the last five days
19 declaring that AvalonBay does not have the right to
20 get an injunction against these hearings, so the
21 court has definitely ruled that AvalonBay should stay
22 out of this proceeding. And we don't think he has
23 standing in any fashion, so we object to his
24 participation.
25 MR. LADELL: Co-counsel will submit the

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1 ruling by the Court, if need be, today. But
2 Mr. Coakley's representation is completely false.
3 The Court ruled that the injunction was not granted.
4 The Court did not opine whatsoever about AvalonBay's
5 involvement in this proceeding at all. And if we
6 need to submit -- and we'll mark it as 0-1,
7 Mr. Collins -- we'll submit the court order to prove
8 what I just described.
9 MR. COAKLEY: There's not a question the
10 Court did not issue the injunction that AvalonBay
11 sought against these hearings.
12 MR. LADELL: That's correct. I'm not
13 seeking an injunction.
14 MR. COAKLEY: The Court was certainly
15 aware of AvalonBay's efforts to participate in these
16 hearings and rejected that, as far as stopping these
17 hearings or delaying these hearings.
18 MR. LADELL: Okay. AvalonBay is not
19 seeking to stop or delay any hearing; I'm here,
20 Mr. Chairman, to ask a question of a witness. And
21 there's many other witnesses I'm gonna ask questions
22 to, also.
23 MR. COAKLEY: There's no ruling on his
24 standing. He's not a Bridgewater resident, his
25 company's not a Bridgewater resident. They're here

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1 to impede these hearings and ask questions that have
2 no pertinence.
3 MR. LADELL: Okay. Mr. Collins, I'll
4 object to that. I haven't asked a question yet. For
5 Mr. Coakley to assume a question I haven't asked is
6 inappropriate.
7 MR. COLLINS: Gentlemen, let's slow
8 down. You're running way too fast for my slow --
9 MR. LADELL: And probably the
10 stenographer, too. I apologize.
11 MR. COLLINS: But the real question is
12 whether -- the first question is whether the witness
13 should answer the question about a Physical Impact
14 Study that he described two meetings ago in these
15 hearings, which have continued for months. And I
16 think the simplest answer to that, actually, is no.
17 You can't ask questions about the Physical Impact
18 Study because the witness didn't testify tonight. So
19 his direct testimony was limited to the variances and
20 had nothing to do with the Physical Impact Study.
21 These other issues are very important to
22 both of you, and I respect that. But I think we have
23 to focus in on this hearing. And for the purpose of
24 this hearing, I would recommend to the Chair that we
25 not allow AvalonBay's questions to be continued

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1 because it isn't related to the testimony tonight.
2 And I think both of you are very familiar with that
3 limit on cross-examination, and I don't want to hear
4 more arguments about that.
5 So that's my recommendation to the
6 Chair. The Chair is very astute, and he knows where
7 he wants to go.
8 CHAIRMAN CHARLES: I accept your
9 recommendation, and I think we should abide by that.
10 MR. COLLINS: So that means that
11 question about the Physical Impact study is beyond
12 the scope and should be discontinued. Now, the
13 witness is still here, and you're an attorney for
14 property -- for a company that is known as AvalonBay.
15 You do actually work in-house for AvalonBay; is that
16 correct, Mr. Ladell?
17 MR. LADELL: I work in many capacities
18 for AvalonBay; that's correct, yes.
19 MR. COLLINS: But you are an attorney,
20 you're still an attorney in the State of New Jersey?
21 MR. LADELL: Correct.
22 MR. COLLINS: And you represent that you
23 are an attorney for AvalonBay?
24 MR. LADELL: Correct.
25 MR. COLLINS: All right. So I'm

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1 satisfied that with some degree of discretion and if
2 we hear any objections to particular questions, this
3 attorney for AvalonBay could ask questions of these
4 witnesses to the extent that they're relevant and
5 material and to the extent they're not beyond the
6 scope.
7 MR. LADELL: And that would apply to any
8 person asking questions of any witness; correct?
9 CHAIRMAN CHARLES: We'll deal with that
10 as it arises.
11 MR. LADELL: I'm just asking if I'm
12 being treated in a different capacity than the person
13 that I followed.
14 CHAIRMAN CHARLES: Mr. Collins.
15 MR. COLLINS: I don't know. And I would
16 say be careful of the scope, and keep it focused. I
17 think that we have to stay focused on what is
18 relevant and material to this hearing. So questions
19 beyond that scope --
20 MR. COAKLEY: Mr. Collins, may I
21 respond? As you'll recall, the Board previously
22 adopted a resolution which terminated the
23 participation of AvalonBay in this proceeding. That
24 was last April. Since that time, AvalonBay has been
25 involved in litigation, most recently denied an

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1 injunction with respect to this matter. In fact, the
2 municipality participated in that case because it
3 wanted to protect the affordable housing that's part
4 of this application. We reiterate our objection to
5 AvalonBay using this forum as a means to advance
6 litigation ends, and that's exactly what's going on
7 here. And anyone who doesn't see that is just
8 ignoring reality.

9 MR. LADELL: Mr. Collins, I'm gonna ask
10 you a question, but I'll respond to that first. I
11 haven't asked a question yet. And I'll say it again
12 for the record. For Mr. Coakley to impugn any motive
13 on me or my co-counsel is wholly inappropriate.

14 Second, Mr. Collins, just to clarify
15 your ruling -- or your recommendation, excuse me --
16 which the Chairman has adopted. I'm sorry; I forgot
17 the witness's first name.

18 MR. COAKLEY: Paul.

19 MR. LADELL: No. No. I'm sorry. The
20 person who asked questions of Mr. Dean earlier asked
21 a similar question I just ascribed to ask. He asked
22 a question that was not related to Mr. Dean's direct
23 testimony, but was allowed to ask that question.
24 Mr. Dean answered it based on the best information he
25 had available. So thus, I'm asking whether your

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1 recommendation with regard to my ability to ask that
2 question is any different than your permission -- or
3 permissiveness that the Board allowed a different
4 witness to ask a question of another witness that was
5 not related to the subject matter of their testimony
6 this evening.

7 MR. COLLINS: You know, Mr. Ladell, the
8 answer is yes, there is a difference. And the
9 difference is that -- and I think we're wasting time,
10 so let's move on quickly after this conclusion. The
11 prior witness was asking a question. And he
12 contended that that question was related to the
13 believability and credibility of the witness he was
14 crossing. Your question about a prior report of a
15 physical impact two meetings ago has nothing to do
16 with this witness's testimony tonight about the
17 variances. It's completely different from that
18 question, and you know that as an attorney.

19 So I think it would be good for you and
20 your client to focus your attention on anything you
21 think is relevant to this case. In particular,
22 that's helpful to your cause. And the ruling has
23 been made that you're not gonna go into the Physical
24 Impact Study. So that being said, do you have any
25 questions for Mr. Phillips?

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1 MR. LADELL: No. But thank you for your
2 clarification that we're being treated differently.
3 I'll ask questions when appropriate.

4 MR. COLLINS: No, you're being treated
5 just like any other person is treated when
6 cross-examining. And you know that as an attorney.

7 CHAIRMAN CHARLES: Any other members of
8 the public have a question, you can please step
9 forward. State your name and address.

10 MS. BATEMAN: Claudia Bateman,
11 B-a-t-e-m-a-n, 94 Catherine Lane, Bridgewater.
12 I'm glad you brought up parking spaces.
13 I like 9 1/2-by-18. And you mentioned that's for the
14 front row due to strollers and wheelchairs,
15 et cetera.

16 MR. COLLINS: Ms. Bateman, it's hard to
17 do, but you have to ask a question with a question
18 mark after it. So one way to do that is to face the
19 witness, hold your mic, and actually -- you can say a
20 statement and then say, Is that your opinion? Or,
21 yes or no?

22 MS. BATEMAN: Thank you very much.

23 MR. COLLINS: You can't testify right
24 now.

25 CHAIRMAN CHARLES: Right. And at the

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1 conclusion of all the testimony statements can be
2 made. So you can come back up at that point. But
3 right now, it's to ask questions based on his
4 testimony.

5 MS. BATEMAN: Hi.

6 MR. PHILLIPS: Hi.

7 MS. BATEMAN: My question is, is
8 9 1/2-by-18 just for the front row?

9 MR. PHILLIPS: Essentially the plan as
10 proposed was for 9-by-18 throughout the project
11 including the supermarket. In response to a question
12 that was raised by the Chair and at least one other
13 member of the Board, we were asked to see whether
14 there was some ability to go, at least in the front
15 row or rows, to potentially nine-and-a-half-foot wide
16 stalls. And my answer was that I would defer to the
17 site engineer because the concern from the
18 Applicant's standpoint that has been represented to
19 the Board over the course of these hearings is losing
20 additional parking spaces, which will happen when you
21 increase the width of the stall size.

22 So I believe that our engineer -- who I
23 think Kevin is gonna testify next.

24 MR. COAKLEY: Yes.

25 MR. PHILLIPS: -- will potentially

<p style="text-align: right;">Page 82</p> <p>1 address this issue. And I'm sure she's heard the 2 question, and I'm sure she's doing some calculations 3 as we speak. 4 MS. BATEMAN: Have you parked at 5 Wegmans? 6 MR. PHILLIPS: I have parked at -- I 7 can't say that I've parked at this Wegmans, but I 8 have parked at other Wegmans' with 9-by-18-foot 9 stalls. 10 MS. BATEMAN: Okay. Have you parked at 11 Whole Foods? 12 MR. PHILLIPS: I have parked at a Whole 13 Foods with nine foot by 18 foot stalls as well as 14 other supermarkets. 15 MS. BATEMAN: So will the engineer let 16 us know how many parking spots will be lost if we go 17 to 9 1/2-by-11 -- 9 1/2-by-18? 18 MR. PHILLIPS: I think that was the 19 request of the Board, and I think the Applicant's 20 witness should be prepared to address that. 21 MS. BATEMAN: They're laughing at me. 22 MR. PHILLIPS: No, they're laughing at 23 me. 24 MR. COAKLEY: Nobody's laughing. 25 CHAIRMAN CHARLES: So we'll get that</p>	<p style="text-align: right;">Page 84</p> <p>1 She's gonna testify to some variances that have been 2 eliminated, describe the updates to the loop path, as 3 well as some discussions that we had with the DEP 4 concerning permits to the project. She was 5 previously sworn in. 6 CHAIRMAN CHARLES: Thank you. 7 MR. COLLINS: You're still under oath, 8 and your qualifications were previously accepted. 9 Please state your name again, Lisa. 10 MS. DiGEROLAMO: Lisa DiGerolamo. 11 MR. COLLINS: Thank you. 12 LISA DiGEROLAMO, PE, doing business at PS&S 13 Integrated Services, 67B Mountain Boulevard 14 Extension, Warren, New Jersey 07059, having been 15 previously sworn by a Notary Public, testified as 16 follows: 17 CONTINUED EXAMINATION BY MS. DORY: 18 Q. Okay. So Lisa, if you could start off 19 with giving some updates to the design. 20 A. So since the last time we were here, 21 there's a few updates I'd like to point out; 22 therefore, starting in that southeast quadrant of the 23 site where your Building 11 has been added, I just 24 want to point out that we do have the cafe on that 25 southern end. The cafe would be served by a</p>
<p style="text-align: right;">Page 83</p> <p>1 with the next -- 2 MS. BATEMAN: So my conclusion is when I 3 park at -- can I say that? 4 CHAIRMAN CHARLES: Not yet. I think 5 that questions were asked, questions were answered, 6 and now at the end of the testimony, there'll be an 7 opportunity for you to make a conclusion or a 8 statement or something like that. 9 MS. BATEMAN: Thank you for your 10 patience. Clearly this is my first time doing this. 11 CHAIRMAN CHARLES: Thank you for coming 12 up. Any other member of the public having any 13 questions of this witness specific to his testimony 14 may step forward. 15 Seeing none, we'll close that and move 16 to your next witness, Mr. Coakley. 17 MR. COAKLEY: Okay. Ms. Dory is going 18 to pick up with Ms. DiGerolamo. 19 CHAIRMAN CHARLES: Okay. 20 MS. DORY: Good evening, Mr. Chairman, 21 Members of the Board. Nicole Dory, Connell Foley on 22 behalf of the Applicant. 23 To review the testimony, we've brought 24 back Lisa DiGerolamo from PS&S, our site civil 25 engineer. She's gonna give some design updates.</p>	<p style="text-align: right;">Page 85</p> <p>1 drive-through lane, and that drive-through lane would 2 have access through that parking lot -- that parking 3 area on the south, and they would enter just a little 4 bit east of Copper Lane, and they would have the 5 drive-through lane going along the side of the 6 building. There's approximately 120 feet cueing area 7 for that drive-through. About six vehicles could 8 accommodate -- it can accommodate about six vehicles. 9 And as far as the window and where the menu is and 10 things like that, that will all generally be based on 11 who the ultimate tenant is for that space. 12 I think, if it's okay, I'm gonna go back 13 to the overall. So the next topic that's been 14 discussed a couple of times earlier was the landscape 15 islands. We did make changes to the plans to 16 accommodate those landscape islands. Number one, on 17 Bridge Boulevard, we added a landscape island, so 18 that we have maintained the length of less than 20 19 stalls. Also around the residential area we have 20 added the islands every 20 feet. So we've eliminated 21 that need for the variance. 22 And as Paul Phillips said, we're still 23 requesting the variance at the two locations. One, 24 which is over the utility easement. And the second 25 one that is around the hotel where we thought that</p>

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1 monitoring well -- we put one large island where that
2 monitoring well is located.
3 The loop path. I think we did go back.
4 We took a look at the loop path, and there was a big
5 concern about pushing that loop path to the very
6 outside of the development area. So we did make a
7 few changes that would allow us to push that further
8 out. If you look at the north end of the site on the
9 western boundary, we took that loop path and we did
10 put it on the western boundary. We did have to shift
11 what we're now calling Foundry Lane. We did have to
12 shift that a little bit to the east in order to have
13 enough room. And we also took that parallel
14 parking -- the perpendicular parking and turned it
15 into parallel parking so we could make that fit on
16 that backside.
17 We also then continued that loop path
18 around the back of the hotel, pushed the hotel
19 parking in a little bit. There's a few stalls that
20 we did lose within that hotel area in order to do
21 that, but we did fit that loop path around the hotel.
22 So now just from an overall perspective,
23 the loop path breaking at the entrance at 202, we go
24 to the north along 202, we go along the north
25 property line, we cross over Peters Brook, then we go

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1 around the back of Foundry Lane, the back of the
2 hotel. We cross over near the detention basin. And
3 then the loop path does present itself further to the
4 west. And, again, this is a ten-foot path. It goes
5 through the area behind the detention basin, comes
6 along the southern bend, along Discovery Drive, along
7 202, connecting back to the main entrance.
8 CHAIRMAN CHARLES: Can you just clarify
9 the part of that that's asphalt versus -- I forget
10 the other term.
11 MS. DiGEROLAMO: Okay. The entire
12 length that I just went through is the ten-foot
13 asphalt.
14 CHAIRMAN CHARLES: Okay.
15 MS. DiGEROLAMO: These little
16 connections within the western area just to add to
17 the recreational element, those two pieces are gonna
18 be your six foot.
19 CHAIRMAN CHARLES: So it's continuous.
20 MS. DiGEROLAMO: Okay. I do have to
21 clarify that slightly. We do have the areas
22 associated with NJDEP. So, again, we're gonna have
23 the asphalt path. But the areas where we're actually
24 crossing a water body, DEP is going to only allow us
25 the six foot in width. And that's from a floodplains

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1 perspective, and also a wetlands perspective.
2 We did, as the Board requested, we went
3 and met with DEP earlier this month. And they were
4 very specific relative to what happens crossing the
5 water body, and that we do just have that six feet.
6 And, again, that's gonna be limited to the crossing
7 itself. So we have the new crossing, and then we
8 have the two existing crossings. And the two
9 existing crossings are six feet wide, which basically
10 complies with the rules. So the new one will follow
11 the same. Once we get outside the crossing, we'll go
12 back to the ten feet.
13 CHAIRMAN CHARLES: Thank you.
14 COUNCILMAN NORGALIS: Mr. Chairman,
15 could I make a comment?
16 CHAIRMAN CHARLES: Yes.
17 COUNCILMAN NORGALIS: I want to commend
18 the Applicant in creativity in dealing with that
19 path. I know we've gone through four or five
20 iterations, and I think the product that you have in
21 hand right now really looks great, and will be a
22 great attribute for Bridgewater Township, so I thank
23 you for that.
24 MS. DORY: Thank you.
25 A. Another item, just to point out the

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1 residential buildings, Buildings 7 through 10 have
2 been modified slightly. The building footprint
3 actually compressed a little bit, which did allow us
4 to pick up a little bit of parking in the area around
5 the residential area. So I know as I've talked
6 through, I said we lost a couple of stalls here, a
7 couple of stalls there, but in the end, we're
8 actually a net positive because we were able to add a
9 number of stalls on that parking loop, both on the
10 east loop and the west loop. So the plan as it is
11 presented now meets the ordinance requirement for all
12 of the uses. There is no shared parking required.
13 Another question, I think, that has come
14 up a number of times is relative to the hotel and the
15 location of the parking for the hotel. We are using
16 the parking on Bridge Boulevard, the parking,
17 obviously, in the rear of the hotel, and then there's
18 a portion of parking coming up Foundry Lane that will
19 be required to support the hotel. So based on that,
20 currently we were proposing to keep that portion of
21 Foundry Lane in the residential portion, but that
22 piece of the puzzle will be moved into the commercial
23 portion. Because that will obviously have to be
24 constructed in order to support the hotel.
25 I think another question that was raised

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1 was relative to the setback for the residential
2 buildings on the north side. We have a requirement
3 of a 50-foot setback and then a 75-foot buffer for a
4 total of 125 feet, and our closest point proposed is
5 192. So we have -- there's no need for a variance
6 along that north side for the residential building.
7 Q. There was also a comment as to a loop
8 path and whether it would be constructed at the same
9 time that the drive -- or at least in the ORD zone?
10 A. Yes. The loop path would be constructed
11 concurrently with the new entrance for the ORT zone.
12 And that small parking lot has been associated with
13 the ORT zone. And just also to clarify, that small
14 parking lot in the ORT zone is not counted in the
15 overall parking count for the commercial/residential
16 area.
17 Q. And could you also comment with respect
18 to the bus pad and the construction of Bridge Avenue?
19 A. Right. We will also include the
20 entirety of Bridge Ave. in the commercial portion so
21 that we will have the bus pad included in that
22 section in order to accommodate the Building 11
23 residential units. So we'll make that adjustment as
24 well.
25 Q. And the Applicant will also ensure that

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1 there is connectivity between the bus pad location
2 for pedestrians; is that correct?
3 A. Yes. Yes. We do have connections to
4 the bus pad through the sidewalk system.
5 MR. LERNER: By the bus pad, are you
6 talking about the school bus stop?
7 MS. DiGEROLAMO: Yes. Sorry.
8 MR. LERNER: No, that's okay. I just
9 wanted to make sure we're talking about the same
10 thing.
11 So one of the questions I had last time
12 we were here was -- and see, that's not the right
13 map. But it seems like it can easily be done.
14 There's one of these. One of these. One of these.
15 So that it can stop twice in front of Building 11.
16 Is that what you call that lower left building?
17 MS. DiGEROLAMO: Yeah, Building 11 here.
18 MR. LERNER: So that those children
19 won't have to walk across a couple of lanes of
20 potential traffic to get on to the school bus. Is
21 that something doable?
22 MS. DiGEROLAMO: That's something we
23 would have to talk to the Board of Education about.
24 MR. LERNER: It seems -- yeah, it seems
25 to be a -- I would prefer kids not walking across the

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1 street. If you could, that would be great.
2 MS. DiGEROLAMO: We can speak to the
3 Board of Ed about that, yes.
4 Q. And could you comment with respect to
5 the questions about the parking stall size? The
6 nine-and-a-half-foot stall.
7 A. Yes. I'm gonna go back to the other
8 drawing, if that's okay, because I think it relates,
9 really, to the grocer.
10 So this kind of highlights that pool of
11 parking associated with the grocery store.
12 Essentially if we take a nine-foot stall and make it
13 a nine and a half stall, for every 18 stalls, I lose
14 one. It's just, you know, basic math. Another half
15 of foot, you know, times nine is 18. So what I
16 looked at while I was listening was we have some
17 oversized islands on the west side. If we can reduce
18 those -- those are actually 14 feet in width. If I
19 can reduce that to seven feet, I can pick up a total
20 of 14 stalls that are wider, and place them generally
21 in front of the supermarket. So we can give you
22 that additional half a foot in the front of the
23 supermarket without losing any parking if I can
24 reduce these stalls to seven -- these islands to
25 seven feet.

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1 MR. FRANCO: Mr. Chair.
2 CHAIRMAN CHARLES: Yes.
3 MR. FRANCO: As Ms. Doyle pointed out,
4 if you use the diamonds to loop the islands, you'll
5 regain all of those. So every 18, you'll be able to
6 get more. And I think that would be best. Because I
7 think what we were talking about was really providing
8 nine and a half feet for the grocery, not just the
9 front row section of the grocery.
10 MS. DiGEROLAMO: Okay. If we can reduce
11 these internal stalls to diamonds, we can pick up
12 another 20 stalls. So we would have 18 and 20. That
13 would probably allow us to create nine and a half
14 stalls here. If we can do the diamonds and I can
15 reduce these stalls.
16 MR. FRANCO: I think that was something
17 that was offered up -- I believe it was offered up
18 for pretty much the entire parking area, not just
19 one.
20 MS. DOYLE: It was a general comment.
21 MR. FRANCO: Yeah. So it wasn't just
22 that portion of the grocery store, but even back in
23 the other portions of the parking area so you can
24 pick up more parking.
25 CHAIRMAN CHARLES: So the thought being

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1 that if the Applicant designed it with the diamonds
2 throughout, and then changed as many spaces as
3 possible to make the numbers, you know, that would be
4 the preferred plan.

5 COUNCILMAN NORGALIS: Then you have one
6 less tree. -Because those islands were two-tree
7 islands; right?

8 CHAIRMAN CHARLES: Right. Right.

9 MS. DORY: Yeah, the Applicant will
10 agree to, again, the diamond shape island to try to
11 pick up some additional nine-and-a-half-foot stalls.

12 CHAIRMAN CHARLES: How much we gain and
13 how many nine-foot slots in front of the supermarket
14 that will be able to go to the nine and a half, as
15 many as possible.

16 Q. Okay. And can you give the Board an
17 update on your review meeting with DEP.

18 A. So as I had mentioned a few minutes ago,
19 we did set up a meeting with DEP earlier this month.
20 We did meet with the entire contingent down there,
21 not just the land use. But relative to the land use
22 people, there was a representative from freshwater
23 wetlands, there was a representative from the flood
24 hazard program. We did go through with them, you
25 know, what we were trying to accomplish. And with

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1 respect -- we did bring up the issue relative to the
2 ten-foot-wide zone, we talked with them at length
3 regarding that, and they did stand firm on that six
4 foot for that crossing.

5 The other areas where we have some, you
6 know, linear walkway, not doing across -- not across
7 the water, we can do that at ten feet. But once we
8 went to cross, again, they stood firm on the six
9 feet.

10 The other items that we talked about
11 were, you know, sewer requirements to get our sewer
12 permit. There were a couple of general permits that
13 are required from the freshwater wetlands program.
14 And we -- what else was there? I think that
15 was basically the list of permits that came out of
16 that.

17 CHAIRMAN CHARLES: I recall probably two
18 meetings ago an issue of -- there were two
19 outstanding issues with the DEP, and one was about to
20 be closed, and the other needed something else. Do
21 you have an update on that, or...

22 MS. DORY: We actually provided a
23 written response --

24 CHAIRMAN CHARLES: Okay. All right.

25 MS. DORY: -- to the Board's

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1 environmental consultant at the last meeting about
2 those comments.

3 CHAIRMAN CHARLES: Okay. I'll get that
4 update.

5 MS. DORY: I have no other questions of
6 this witness, if there are any questions from the
7 Board.

8 CHAIRMAN CHARLES: Questions from the
9 Board? Everyone's good, okay.

10 Open it up to the public. Any member of
11 the public have any question of this witness specific
12 to her testimony, please step forward, state your
13 name and address.

14 MR. LADELL: My name is Ron Ladell,
15 L-a-d-e-l-l. Attorney for AvalonBay Communities,
16 Inc.

17 Mr. Chairman, I guess we'll start this
18 way because I'm gonna ask you probably to defer to
19 Mr. Collins. But before I do that, Ms. Dory -- is
20 that the name? I'm sorry if I got it wrong.

21 MS. DORY: Yes.

22 MR. LADELL: Are you planning any other
23 engineers testify this evening?

24 MS. DORY: Yes.

25 MS. LADELL: So, Mr. Chairman, I have --

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1 sorry. Mr. Chair, my question was about a recent
2 submission that was done by PS&S. As I'm sure you're
3 familiar, there was a 50-plus page letter submitted
4 to Scarlett, dated November 14th. And there was an
5 entire set of plans submitted approximately about --
6 without my glasses, I can't give you the last
7 revision date, excuse me. I don't even see the last
8 revision date.

9 So as Mr. Coakley indicated in the
10 beginning, this is a significant submission that just
11 occurred prior -- about ten days ago. So while this
12 particular witness did not talk about testimony that
13 I have questions about, maybe you can direct me as to
14 who I should ask my questions about all this recent
15 material that has now updated and amended the
16 application.

17 MR. COLLINS: This witness.

18 MR. LADELL: Thank you. Okay. I also
19 have questions about --

20 MR. COLLINS: Please, go ahead.

21 MR. LADELL: Okay. I'm gonna ask you
22 questions about the submission by PS&S that is dated
23 November 14th. It was submitted and signed not by
24 you, but by, I assume, a colleague of your firm,
25 Craig Hermann as the project manager. So I'm gonna

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1 go there first, and then I'll go to the plans.
2 On page 7 of this letter -- and there
3 are many paragraphs, so I'll use the page references
4 instead -- it refers to a memorandum that I was not
5 able to get a copy of through the Town, so maybe you
6 can just update me. There's a memorandum referenced
7 by Brandon Diamond from Streetsense, dated
8 November 5th, 2018. Do you know if that was
9 submitted to the Board?
10 MS. DORY: Mr. Chairman, I'm not sure
11 Ms. DiGerolamo is familiar with that as it's
12 Mr. Diamond, our architect's memo. And it was, in
13 fact, submitted to the Board, as was the entire
14 package. That was submitted on November 14th.
15 MR. LADELL: Mr. Chairman, we filed an
16 OPRA request to obtain documents. That memorandum
17 was not included in the submission I received from --
18 I assume it's the Planning Board secretary. If I'm
19 using the wrong person, I apologize. So I'd like to
20 get a copy of that. If Mr. Diamond or counsel for
21 the Applicant could provide it to us, I would
22 certainly appreciate that. I can't ask questions
23 about that tonight because I don't have it, but I
24 just want to make that request.
25 CHAIRMAN CHARLES: And be specific.

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1 You're talking about the comment on page 7, Item 7?
2 MR. LADELL: Correct.
3 MS. DORY: And Mr. Chairman, I'd just
4 also like to note as part of the litigation that
5 Mr. Coakley referenced, Mr. Ladell was also provided
6 with our recent submission as part of discovery and
7 he should have all the documents.
8 MR. LADELL: Let me correct that record.
9 Mr. Judge, who is, I believe, a partner of yours at
10 Connell Foley has not provided us with anything that
11 we requested. Our co-counsel's here tonight. We
12 were copied on the letter, Mr. Judge -- I don't know
13 the motive, I don't want to assert anything. But
14 we've not received anything from the Connell Foley
15 law firm despite requests made by letter and made in
16 the courtroom. I'll go to the next question,
17 Mr. Chairman.
18 On page 43 of this letter by
19 Mr. Hermann, there's a preference to the fact that
20 data will be provided for amenities. And the
21 amenities they're referring to are residential
22 amenities. I'm unaware in the civils that were
23 submitted that any data regarding amenities was
24 submitted. I do see there's a list of amenities,
25 which I'll get to when I ask the residential

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1 architect about that. But can you educate me as to
2 what data was submitted in reference to the PS&S
3 letter?
4 MS. DiGEROLAMO: The amenities
5 associated with the residential development would
6 have been prepared by Melillo & Bauer. But also the
7 residential area was not submitted for final
8 approval, just preliminary approval.
9 MR. LADELL: I'm aware of the
10 distinction in the request for preliminary versus
11 final. And I'm very familiar with Melillo & Bauer.
12 I was actually the one that brought them in to this
13 project to represent this Applicant with regard to
14 that, but that would be the landscape architecture.
15 I'm not necessarily referring to that; that's part of
16 the amenities. But the amenities would presumably
17 include many other areas like a club room, a pool.
18 Although Bauer may -- they testified already have
19 designed that, this specific letter refers to -- and
20 I'll read it for the record. It's on page 43 again,
21 Mr. Chairman. "The purpose of this provision is to
22 create a socially integrated community and to serve
23 the needs of residents, work, and visitors. Data is
24 provided for these amenities, but the locations of
25 recycling and trash receptacles should be clearly

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1 shown on the plans."
2 And then, Mr. Chairman, it carries over
3 to page 44 where there is a reference to CO-5 and
4 CO-7, which is the detail for the trash, recycling on
5 the commercial portion of the development. Another
6 question for you, since this was initially requested
7 by Scarlett, I'm unaware of seeing anything regarding
8 trash and recycling at all regarding the residential
9 even though it was requested. Has the Applicant
10 submitted trash and recycling information regarding
11 the residential portion of the project?
12 MS. DiGEROLAMO: That would be in the
13 architectural plans, and you'd have to ask the
14 architect.
15 MR. LADELL: I'm certainly planning on
16 doing that.
17 I have one other question in this
18 letter. Bear with me one second. This is,
19 Mr. Chairman, on page 33, Item No. 30, and I'm just
20 asking for clarification.
21 As the Board is aware, this is a
22 condominium that exists both on this property that
23 the Applicant's subject to, and the office and
24 research in the back. There was a question going
25 back to the original hearing which Scarlett

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1 transmitted stating for the record --
2 MR. COLLINS: Mr. Ladell, it's not time
3 for speeches.
4 MR. LADELL: I'm reading what's in the
5 letter.
6 MR. COLLINS: Well, you weren't just
7 then.
8 MR. LADELL: Well, you interrupted me.
9 I'm trying to get to the letter.
10 MR. COLLINS: Well, ask a question.
11 MR. LADELL: I can't ask a question
12 without reading what's in the letter to set the
13 question -- sorry -- to set the question up.
14 Mr. Collins, it will move a lot quicker
15 if I can just keep going.
16 The tax assessor specifically
17 requested --
18 MR. COLLINS: Mr. Ladell, you have to
19 focus on the questions that you're asking of
20 Ms. DiGerolamo.
21 MR. LADELL: I'm trying to ask the
22 question, and this refers to the Applicant's response
23 specifically.
24 The Applicant responded to the request
25 for the tax lots to be merged indicating that the

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1 lots are not proposed to be merged. Scarlett
2 replied: "The tax assessor specifically requested
3 this merger. Approval of the tax assessor is
4 recommended. And PS&S wrote in the response: "As a
5 condition of approval, the Applicant will work with
6 the tax assessor to address this comment and abide by
7 the tax assessor's recommendation."
8 My question is, how would you merge the
9 lots in a condominium as indicated in the PS&S
10 response?
11 MS. DORY: Mr. Chairman, if I might
12 respond. I mean, this really relates to merger of
13 lots. I think it's a legal question, I'm not sure
14 it's appropriate for this witness. But we have
15 stated in our response that we would abide by the tax
16 assessor's recommendation. And Ms. Doyle, you
17 replied that that recommendation be complied with at
18 this time as shown on the plans, so the Applicant has
19 agreed to work with the tax assessor in that
20 recommendation to ensure that the proper lot numbers
21 are on the plans.
22 MR. LADELL: Thank you for adding that.
23 My only question was I just don't understand how you
24 can merge lots that are part of a condominium
25 association so you end up with revised tax lot and

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1 block numbers.
2 MS. DORY: And that was the tax
3 assessor's recommendation, or at least suggestion.
4 And so he would have to get more information from the
5 tax assessor to understand that.
6 MR. LADELL: Do you believe you're gonna
7 have to actually conduct a subdivision to allow the
8 merger of lots to occur?
9 CHAIRMAN CHARLES: These are
10 speculative. I think the meeting with the tax
11 assessor has to occur and see what the tax assessor's
12 input is.
13 MR. COLLINS: Mr. Ladell, move on to a
14 question.
15 MR. LADELL: I'm trying, Mr. Collins.
16 I'm not sure why you're rushing me.
17 MR. COLLINS: You're giving speeches,
18 not questions. I have to instruct private citizens
19 of that, so let's focus on questions.
20 MR. LADELL: I considered myself a
21 private citizen also.
22 I do not have any further questions for
23 this engineer, but I will have questions for other
24 witnesses later this evening. Thank you.
25 MR. COLLINS: Thank you.

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1 CHAIRMAN CHARLES: Any other member of
2 the public have a question of this specific witness,
3 please step forward. Anything else from the Board?
4 No? Okay. We'll move forward.
5 MR. COAKLEY: You want to take a recess,
6 Mr. Chairman?
7 CHAIRMAN CHARLES: Yeah, let's take a
8 five to seven minute break, and we'll come back, at
9 least by that clock, at about seven, eight, ten after
10 nine at the latest. Thank you.
11 (Break: 9:00 p.m.)
12 (Resume: 9:10 p.m.)
13 CHAIRMAN CHARLES: Okay. Roll call,
14 please.
15 MS. PINO: Mr. Rodzinak?
16 MR. RODZINAK: Here.
17 MS. PINO: Chairman Charles?
18 CHAIRMAN CHARLES: Here.
19 MS. PINO: Mr. Franco?
20 MR. FRANCO: Here.
21 MS. PINO: Councilman Norgalis?
22 COUNCILMAN NORGALIS: Here.
23 MS. PINO: Ms. Casamento?
24 MS. CASAMENTO: Here.
25 MS. PINO: Mr. Lerner?

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1 MR. LERNER: Here.
2 MS. PINO: Mayor Hayes?
3 MAYOR HAYES: Here.
4 MS. PINO: Mr. Pandya?
5 MR. PANDYA: Here.
6 CHAIRMAN CHARLES: Okay.
7 MS. DORY: Thank you, Mr. Chairman. So
8 we'd like to continue with the next witness, Tom
9 Bauer from Melillo & Bauer who'll be presenting some
10 updates to the landscaping design for the commercial
11 portion, as well as our progress on the landscaped
12 areas between Buildings 7 through 10.
13 MR. COLLINS: Mr. Bauer, have you been
14 sworn?
15 MR. BAUER: No, I have not been sworn.
16 THOMAS BAUER, doing business at Melillo & Bauer
17 Associates, Inc., 200 Union Avenue, Brielle, New
18 Jersey 08730, having been sworn by a Notary Public,
19 testified as follows:
20 MR. COLLINS: Please state your name and
21 spell your last name and give us at least a business
22 address.
23 MR. BAUER: My name is Tom Bauer,
24 B-a-u-e-r. Business address is 200 Union Avenue,
25 Brielle, New Jersey.

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1 EXAMINATION BY MS. DORY:
2 Q. Mr. Bauer, you oversaw the landscape
3 design plans that were submitted for this
4 application?
5 A. Yes, I did.
6 Q. And can you give the Board the benefit
7 of your experience?
8 A. Sure. I am the founding principal and
9 president of Melillo & Bauer Associates with offices
10 in Brielle and Jersey City, New Jersey. I am a
11 graduate -- I believe 1976 -- from Penn State
12 University with a bachelor of science degree in
13 landscape architecture. I'm licensed in the State of
14 New Jersey and several other northeast states. I am
15 a fellow in the National -- ASLA -- the American
16 Society of Landscape Architects. And our firm is
17 entering its 40th year of business.
18 MR. COLLINS: The Board recognizes and
19 accepts Mr. Tom Bauer's qualifications as a certified
20 landscape architect. Please go ahead.
21 MR. BAUER: Thank you.
22 As Nicole stated -- let me stand to the
23 right here. We'll refer to the graphic in front of
24 me, which I think is also on the screens to the right
25 and left for the public.

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1 As Nicole said, we oversaw the landscape
2 development of the entire Center of Excellence Master
3 Plan that we're seeing here. Tonight, as Nicole
4 mentioned, I'm gonna touch on two brief areas that we
5 coordinated with Scarlett -- that is good news -- and
6 then I'm gonna update you on the residential
7 development that you have heard some testimony from
8 previously by my partner, Tom Hermann, at last
9 month's meeting.
10 So the first area we're gonna talk about
11 is the road frontage of 202 and 206. Julie, who is
12 with -- Julie Kobesky, who you met before, is at our
13 controls here. Julie has met with Scarlett
14 personally and has had numerous telephone
15 conversations with her to discuss her wishes and
16 requirements of the ordinance and how we can comply
17 with those.
18 The 202-206 frontage, obviously, is of
19 utmost importance to us; it is our first impression
20 of the project, as it is important to you. So I am
21 here to tell you that we have reached an agreement
22 with Scarlett on taking what is a wonderful landscape
23 today and making it that much better with the plant
24 material that we've added: deciduous trees,
25 evergreens, and other plant material, shrubs in mass

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1 and in quantity that Scarlett has asked us to do. So
2 I am here to tell you that we are in full agreement
3 with Scarlett and would like to move forward with
4 that development. So I'm very excited about what
5 that will look like in the future.
6 The second area that we were talking
7 about as shown here in red is what we refer to as the
8 "meadow." You heard a little bit of testimony about
9 it today in terms of the loop path. It's actually --
10 so what it is is really a wonderful park. And if you
11 can look at the size of it, you can see -- it's in
12 this area -- it's actually larger than the entire
13 parking lot of the grocery store. So it's really a
14 wonderful area for a passive park and a wonderful
15 amenity for the Center of Excellence.
16 And the other good news is that we have
17 again reached agreement with Scarlett on landscape
18 solutions. We talked -- you heard some testimony
19 today about the fact that we were at one point
20 deficient on the number of trees on the project.
21 There were some 600 that we were deficient on. We
22 made those up by adding -- I think we have about 60
23 trees in this area. But we've also compensated with
24 a 3-to-1 shrub-to-tree ratio, which means about 1,800
25 shrubs, various varieties of woody shrubs that will

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1 be circulated throughout this area in combination
2 with a meadow mix and wild flower mix of varying seed
3 types as Scarlett has requested. So, again, we're
4 very excited about this area, we think it's gonna be
5 a tremendous amenity for the entire project, for both
6 residence and workers of the area, and we're in full
7 compliance.
8 The third area I'm gonna talk about is
9 the residential area as referred to in this location.
10 And if we go to the next slide, Julie.
11 This is a close-up of that residential
12 area. And as we all know, to the north is Peters
13 Brook. To the north and east is Peters Brook Lane.
14 To the south is Bridge Avenue. And then to the west
15 is Polson Farm Road. That encircles the entire area
16 of the residents here. And if you look quickly at
17 it, you'll see -- what you notice in plain view is a
18 very geometric plan. We have four bold buildings
19 with two striking pedestrian access points that come
20 to a merging point directly opposite the community
21 greeting by design. And our landscape concept has
22 taken this bold geometry that has been created by our
23 architect who, by the way, you'll hear from next in
24 terms of detail of building materiality, building
25 heights and density, that kind of thing.

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1 But we've taken that whole concept of
2 the bold geometry and translated it into the
3 landscaping of all of these areas. So the area
4 between all of these buildings we think is a very
5 dramatic and bold landscape in terms of its geometry
6 both in a heartscape treatment, as well as its
7 overlay with the landscaping. Bold masting of plant
8 material. We actually have two levels of landscaping
9 here. As you know from previous testimony, this area
10 I'm encircling is a two-story parking garage, which
11 means that that green space above it is a rooftop
12 green roof. So that is one level above the balance
13 of these court areas, which are at grade. So we do
14 have some grade change which adds interest to the
15 entire landscape.
16 CHAIRMAN CHARLES: Can you just turn and
17 show that to the public on that one because you're --
18 MR. BAUER: Sure.
19 CHAIRMAN CHARLES: -- your highlighter
20 wasn't coming up.
21 MR. BAUER: Yeah, I don't think the
22 highlighter works on the TV screen unfortunately.
23 CHAIRMAN CHARLES: Why don't you walk
24 over there --
25 MR. BAUER: I'd be glad to, sure.

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1 CHAIRMAN CHARLES: -- so that the folks
2 can see that.
3 MR. BAUER: So the area, folks, that I
4 just referred to that is above the parking garage,
5 which is actually a rooftop green is this area. And
6 it's right through here. Below this area are two
7 levels of parking structure. So this is a green roof
8 of which these buildings penetrate. So the building
9 height steps down in this area. All of this area is
10 at grade. This area is above -- one level above. So
11 we have some rooftop amenity, and we have some
12 at-grade amenity, which lends itself to some very
13 interesting aspects.
14 And if you look closely on that screen
15 to the left, you'll see a red arrow that says
16 "No. 1." So No. 1 is a view looking directly -- as
17 you'll see in this rendering -- directly -- Julie, go
18 back there one more time if you would, please.
19 So we're looking in this location with
20 my back to Building 1, or I guess Building 7,
21 technically. I'll refer to 1, 2, 3, 4. It's easier
22 to follow. Building 1 looking at Building 2, and
23 directly down this pedestrian alley, which goes
24 through each one of those buildings. So if you go to
25 the view, we can see here's our walkway going

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1 straight to the building. You can see Building 2 in
2 this location. Again, you'll hear more about the
3 building materials from Frank. And you can see
4 immediately to the left there's a one-story building
5 elevation. That's where -- the garage is actually
6 right behind this glass facade. Again, as you'll
7 hear from Frank, is a community space. It's an
8 amenity space that is interior to the project.
9 So we have access there as a storefront
10 with a rooftop above, which is where our rooftop park
11 is. And then as you can see, we have different
12 textures on the ground plain. Different materials
13 that will compliment the building materials and the
14 architecture. And, of course, we have plant
15 material. You can see trees in this location planted
16 on grade. You'll see in the next slide as we go,
17 there's actually trees planted on the rooftop as
18 well. So go to the next image,
19 I have six of these images for you to
20 show you. That will give you a very good feel of
21 what our landscape development will look like
22 throughout the entire project.
23 No. 2 is taken up in this location.
24 This is -- up top left, folks, is No. 2, and it's
25 looking back. As we enter the rooftop from Bridge

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1 Avenue with a series of stairs there, we'll come up
 2 top and look directly back along the entire length of
 3 the rooftop green and with a focus on Building 2 in
 4 that location. So this next view is taken in that
 5 area.

6 So here we are looking directly down
 7 this view. This is the alley where we are up again.
 8 We're up on a rooftop now. You can see a large area
 9 of green space for recreation up top. This is
 10 Building 2 in the distance. You can see the raised
 11 planter with trees, so we get some additional soil
 12 depth to plant trees above that rooftop. So, again,
 13 same kind of thing. Changes in texture on the ground
 14 plain, you can see some wood treatment, perhaps, some
 15 brick, concrete, other materials, and a wonderful
 16 palate of plant material. Next slide, Julie.

17 No. 3 is taken between Buildings 3 and
 18 4. Again, we're standing on the rooftop looking back
 19 towards Building 3. Again, folks, if you see
 20 Building 3-4 to the top right, and we're looking back
 21 in the next image, we'll show where that is. There's
 22 some green space in here. We have a series of
 23 trellises for some shade. Again, the changes in
 24 plant material. I mentioned the geometry before.
 25 Again, the striking geometry with the bold forms in

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1 both the heartscape and the landscape as an overlay
 2 to that form is striking.

3 The building in this case we're just
 4 showing as neutral. We didn't model all of these
 5 buildings. This is a placeholder. But if you can
 6 envision the same materiality of the buildings that
 7 we -- just in the interest of time, of course. But
 8 the same materiality of the previous images, so you
 9 can see some striking opportunities for open space
 10 and landscape. And all of these -- and this next one
 11 is for 4. All of these images, by the way, are
 12 functional and aesthetic at the same time. It's very
 13 important for us to create spaces in the landscape
 14 that can be utilized by our residents and by those
 15 passersby, as well as viewed by the residents from up
 16 above. That's a very important component of the
 17 landscape development is the view of the residents
 18 from their windows, from their balconies, if that be
 19 the case, looking down.

20 The next view is View No. 4 between
 21 Buildings 2 and 3, and actually highlights the pool
 22 area as you'll see coming up, folks, between 3 and 4
 23 looking at the pool, which is in this location. The
 24 pool is really one of the only areas that will not be
 25 utilized on a year-round basis. Everything else will

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1 be year-round in this community. The pool,
 2 obviously, is seasonal. Memorial Day to Labor Day.
 3 As you can see, it's a geometric pool shape. We have
 4 recommended terrace seating for sunbathing, chaise
 5 lounges, umbrellas, changes in pavement material.

6 This is our bold alley, again, that's strictly a
 7 walkway that pushes basically in to the community
 8 green. They will be buffered and screened with a
 9 tall hedge. That's adjacent to our roadway and
 10 parking areas. Next one, Julie.

11 No. 5: This is where we have a play
 12 area in this location. I should mention also to the
 13 top right in between that L shape building there is a
 14 dog park in this location. But back in this play
 15 area -- this is View 5. If we could go to that one,
 16 Julie. You'll see what this might look like.

17 This is a soft-surface play area, some
 18 play equipment, again, vegetation. You can see where
 19 these umbrellas are shown. All of the residents'
 20 homes that are either abutting the ground plain or
 21 the rooftop will have private terraces. I don't
 22 think I mentioned that before. The rest of it faces
 23 common area, common space to be enjoyed by everyone.

24 And then our last location, Julie, is
 25 View 6. Again, just another typical view between

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1 Buildings 3 and 4 of the general landscape. And this
 2 is what that would look like. Again, similar masting
 3 of shade trees. A nice variety. It's very important
 4 for us to have a variety of plant materials as we,
 5 again, discussed with Scarlett, whether it be shade
 6 trees, evergreens, ornamental trees, grasses, woody
 7 shrubs, perennials. All of that will be incorporated
 8 into the landscape as part of the dramatic geometric
 9 landscape that we're proposing. And that's it.

10 That's what I have to show to you today as an update
 11 to the residential area.

12 BY MS. DORY:

13 Q. Ms. Doyle also provided a report dated
 14 today. Pages 18 to 21 of that report, she provided
 15 some comments with respect to landscape design in the
 16 commercial portion.

17 A. Yes, she did.

18 Q. And will the Applicant agree to comply
 19 with those?

20 A. Yes. Yeah.

21 MR. BAUER: I might just note one issue,
 22 Scarlett, that was important. As you mentioned in
 23 there, that you wanted us to confirm the availability
 24 of the plant material, and I understand that comment.
 25 The difficulty with that is we can't foresee what may

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1 be -- what specific plant material may be available
2 at the time of planting. So we do typically -- I
3 can't tell you the last time we haven't accepted a
4 substitution on a project because that material was
5 not available at the time. But we will do our very
6 best to search and find the material as specified.
7 MS. DOYLE: Well, the purpose of the
8 comment was that you look before you put it on this.
9 Because as you said, the substitutions can --
10 MR. BAUER: It does.
11 MS. DOYLE: -- get out of hand --
12 MR. BAUER: Yes.
13 MS. DOYLE: -- before construction.
14 MR. BAUER: Okay. And one other point
15 that I was asked to mention tonight, too. We
16 discussed the diamonds in the parking lot. Just as a
17 red flag kind of precaution. I will tell you that
18 we've done it many times ourselves. I have yet to
19 see that solution work well from a landscape
20 perspective. In a 5-by-5 diamond, which is really a
21 four foot square area when you take out the six
22 inches of curb on either side. The area that's left
23 for the tree to grow in in a substantial amount of
24 soil is limited. And so what happens is the
25 performance of the tree really suffers especially

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1 from the heat that's generated by the pavement all
2 around it.
3 So, again, I understand the need for the
4 wider parking spaces. But I also have a tendency to
5 think, Boy, these trees are gonna have a tough time
6 in its environment. So, again, just a caution to
7 that.
8 MS. DOYLE: I think you're creative
9 enough. We're not gonna put an oak there; we're
10 gonna put a simple ornamental tree. It's not -- I
11 think if you look around --
12 MR. BAUER: A small tree.
13 MS. DOYLE: -- shopping centers, I can
14 point you to later. But you're good enough. I think
15 you can find an ornamental tree not too high and
16 there doesn't have to be planting around it.
17 MR. BAUER: Okay. That's fine. Because
18 typically -- the reason I said "typically" is we want
19 mature trees in the parking lot. Because, typically,
20 the goal is to provide some shade, you know, and
21 reduce the amount of heat that's in the parking lot.
22 If we go with a smaller tree, that does make it
23 easier, yeah.
24 MS. DOYLE: Ornamental. Smaller. We
25 don't want the leaves to go into the drain and clog

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1 the drains.
2 MR. BAUER: Sure. You've done this
3 before once or twice. Very good. Thank you.
4 CHAIRMAN CHARLES: Questions of the
5 Board? Mr. Lerner.
6 MR. LERNER: I saw a lot of pictures
7 showing these yellow flowers that are very pretty,
8 which leads me to a question. What percentage of
9 your foliage in the residential area is --
10 MR. BAUER: What percentage? That's a
11 tough question. But some of it is deciduous, meaning
12 it will drop its leaves. And some of it will be
13 evergreens. It will be a combination of both.
14 Again, the beauty of our climate is that
15 we have four seasons; right? We have spring, where
16 we have our roses; we have summer where we have
17 extended flowers; fall we have color when the leaves
18 drop; and then we have a winter landscape as well,
19 which --
20 MR. LERNER: But when would look at it
21 in February, would one see a green -- a little green
22 or --
23 MR. BAUER: Certainly. Yes. There will
24 be some green, yes. Absolutely. But not all green.
25 MR. LERNER: Okay.

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1 MR. BAUER: Because, again, I --
2 personally, I like the seasonality of the landscape.
3 MR. LERNER: In other words, will this
4 place be pretty in February?
5 MR. BAUER: Absolutely. It's gonna be
6 pretty year-round. It's gonna be gorgeous. Yes.
7 Absolutely.
8 CHAIRMAN CHARLES: The landscaping
9 around the residential looks, you know -- I don't
10 know what to say -- full and rich. What about around
11 the loop path? We kind of went through that pretty
12 quickly, especially in the meadow area. You know, my
13 mental image is Brooklyn Heights and, you know,
14 Hudson River Park and those places where as you walk
15 along, you have the same rich experience. I'm not
16 sure in the picture you showed it had much of that.
17 MR. BAUER: Yeah, we didn't have a
18 perspective of that. We could certainly prepare one
19 for you. But the loop path meets up along the --
20 behind the detention basin.
21 CHAIRMAN CHARLES: Yeah, the --
22 MR. BAUER: The meadow.
23 CHAIRMAN CHARLES: -- the loop path
24 isn't just -- I want to make sure it's not just plain
25 macadam walkway with, you know, nothing on the sides

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1 of it. We've got, you know, ornamentals --
2 MS. DOYLE: Can I comment on that?
3 CHAIRMAN CHARLES: Go ahead.
4 MS. DOYLE: What is worked out is
5 there's going to be -- if you've gone to Rutgers and
6 saw the rhododendrons and the azaleas. But a great
7 amount of rhododendrons in different colors. So
8 you're going to get the all-year green, but you're
9 going to have a very, very lovely rhododendron garden
10 there, and hopefully we'll get some azaleas.
11 MR. BAUER: Yeah, we hope to do the
12 rhododendrons, azaleas and many others. My only
13 concern is that rhododendron are great desert for
14 deer. And I know we do have a couple of deer around
15 here. So that's one of my concerns. But I think we
16 can introduce some, but we certainly don't want to do
17 it all. So a good variety, I think.
18 CHAIRMAN CHARLES: So in Ms. Doyle's
19 report, in all the areas where the plans need "to
20 note," you're complying with all of her comments?
21 MR. BAUER: Yes, we are.
22 CHAIRMAN CHARLES: Okay. Other
23 questions from the Board? Ms. Casamento.
24 MS. CASAMENTO: Hi. Thank you.
25 Can you go to the picture of the

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1 playground area, please.
2 MR. BAUER: Sure.
3 MS. CASAMENTO: And just explain what
4 you intend to be there. I don't know if this is
5 just, you know, preliminary.
6 MR. BAUER: Yes, very much conceptual in
7 terms of specific play equipment. Is that what you
8 mean?
9 MS. CASAMENTO: Yes. Like that little T
10 there. Do you have a place for, like, 2 and 4 year
11 olds?
12 MR. BAUER: Surely conceptual at this
13 point, but we will address various age groups: 2 to
14 5, 5 to 12. So there will be play equipment
15 opportunity for all -- both of those age groups,
16 generally.
17 MS. CASAMENTO: Is there a place for
18 kids to play, like, Wiffle ball, or throw a Frisbee,
19 or...
20 MR. BAUER: Yes. Yes, there is. We
21 have certain areas where you can kick a soccer ball,
22 throw a Frisbee, yes.
23 MS. CASAMENTO: Okay.
24 MR. BAUER: Yes. And this surface will
25 be soft. So if a child falls, or a kid can roll and

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1 tumble. Sometimes that's the best activity any way.
2 A little game of tag, you know, run around and
3 tumbling and that kind of thing is sometimes even
4 better.
5 MS. CASAMENTO: Right. That's why I was
6 looking for another open area where they can do
7 something like that.
8 MR. BAUER: Yes. We have those areas as
9 well.
10 CHAIRMAN CHARLES: Okay. Other
11 questions? No? Down this side?
12 COUNCILMAN NORGALIS: I have one
13 comment. If Ms. Doyle is happy, I'm happy.
14 MR. BAUER: That's great.
15 MS. DOYLE: I think ultimately -- the
16 residential has not been created, so let's not get
17 that misunderstanding. Those are his concepts.
18 We'll see what happens when we get the plans. But I
19 think you'll be satisfied with the plans when the
20 time comes.
21 CHAIRMAN CHARLES: Okay. Thank you. I
22 see no other questions from the Board members. At
23 this time, I'll open it up to the public. Any member
24 of the public have a question of this person here
25 who's testified for you, please step forward.

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1 MR. LADELL: Ron Ladell, L-a-d-e-l-l.
2 Attorney for AvalonBay Communities, Inc.
3 First, my question for Ms. Dory, because
4 she referred to something -- I'm sorry; I don't see
5 you behind the screen. You referred to a report by
6 Scarlett dated today. Can you describe that because
7 I'm unaware of a report that Scarlett issued dated
8 today.
9 MS. DORY: Yes, Ms. Doyle issued a
10 report dated today.
11 MR. LADELL: Mr. Chairman, I'm a little
12 concerned. We were here, actually, today and dealt
13 with -- interacted with the Planning Board secretary
14 and asked for all current reports. I didn't receive
15 any reports.
16 MS. DOYLE: No, that report was not
17 prepared -- was not given till this afternoon, and I
18 couldn't work fast enough. I mean, we got the plans
19 and I worked hard and I got it done, as did the
20 engineer. The Planning Board got the report at the
21 dais just now. So, please, understand that we did
22 not in any way attempt to thwart your position.
23 MR. LADELL: I haven't asserted that at
24 all. I just want to make sure that we have the
25 opportunity to review the report before a vote is

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1 taken, and actually have our professional review it
2 also. That's why I asked that clarifying question.
3 Mr. Bauer, I have a question or two for
4 you. And maybe Julie can put up the initial drawing
5 of what you've labeled "Buildings 1, 2, 3, and 4" up.
6 That would be great. Thank you.
7 I think I understand what you're
8 describing, but maybe you can clarify for me for a
9 second. The parking deck has a below-grade and an
10 at-grade level; is that correct?
11 MR. BAUER: There are two levels of
12 parking, yes.
13 MR. LADELL: Lower, and one level above
14 grade; correct?
15 MR. BAUER: Yes. Well, they enter at
16 two different levels as we're seeing here, yes.
17 MR. LADELL: So this -- I'm sorry for
18 the public because I don't have a pointer -- but this
19 line is a demarcation of the extent of the parking
20 deck; is that correct?
21 MR. BAUER: That's correct.
22 MR. LADELL: Is the parking deck amenity
23 area going to be open to the public?
24 MR. BAUER: That is not a question for
25 me.

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1 Yes. I am being told yes.
2 MR. LADELL: Then how would the public
3 access that to get to the rooftop -- I'm calling it a
4 "rooftop deck" if that's okay with you.
5 MR. BAUER: Yes.
6 MR. LADELL: How would the public access
7 the rooftop deck if they -- I don't want to presume
8 anything -- must go through a parking deck unless
9 there's some stairs, which I do not see to go up the
10 grade?
11 MR. BAUER: There are stairs in this
12 location, which I'm referring to the Bridge Avenue to
13 the left of the screen, folks. There are stairs.
14 See these steps? There is a handicap access ramp in
15 this location.
16 MR. LADELL: And that goes up to the
17 deck? I couldn't tell from there.
18 MR. BAUER: Yes.
19 MR. LADELL: So the units --
20 MR. BAUER: There's also stairs in the
21 center in this location for our residents to access
22 it.
23 MR. LADELL: I apologize. I don't see
24 the stairs that you're pointing to right there, but
25 okay. I see the diamonds, but if you tell me they're

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1 stairs, I trust you.
2 MR. BAUER: Yes.
3 MR. COLLINS: The stairs in the rear in
4 the middle, what is that grade?
5 MR. BAUER: This is a drive lane into
6 the garage.
7 MR. COLLINS: Okay.
8 MR. BAUER: Yes. As is this as well.
9 These are two access points to the garage.
10 MR. LADELL: So the units that are on --
11 I apologize if this is -- well, the units to the west
12 side of the building --
13 MR. BAUER: Right, north. Left, south.
14 MR. LADELL: Up --
15 MR. BAUER: That would be --
16 MR. LADELL: West.
17 MR. BAUER: West.
18 MR. LADELL: Right. So the units to the
19 west portion of buildings that you've numbered 1, 2,
20 3, and 4, do those units have private terraces?
21 MR. BAUER: They do.
22 MR. LADELL: So can you describe for the
23 Board and me the separation that will exist for the
24 residents that would live in those units with the
25 private terrace so the public just doesn't jump their

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1 terrace and come into the unit?
2 MR. BAUER: Yes. That could be --
3 again, it's not finalized at this point, but it could
4 be a low fence, it could be a wall, it could be a
5 hedge, or any combination of those.
6 MR. LADELL: And would the same
7 well-thought separation exist at grade for the units
8 that are not on the west where you have access to the
9 public also?
10 MR. BAUER: That is the intention, yes.
11 They would be treated in similar fashion.
12 MR. LADELL: So is it envisioned that
13 the public would have access to the entire
14 residential area, I'll call it landscaped area, not
15 just the top of the parking deck?
16 MR. BAUER: The public would not have
17 access to the pool area.
18 MR. LADELL: Okay.
19 MR. BAUER: This would be for residents
20 only. They would certainly not have access to the
21 interior amenity space, the gym and the other common
22 spaces. The other access could be -- is really to be
23 determined at a future date.
24 MR. LADELL: The dog park; access or
25 not?

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1 MR. BAUER: No, not public. That would
2 be for residents only.
3 MR. LADELL: Playground?
4 MR. BAUER: Residents only.
5 MR. LADELL: Okay. So how -- to use the
6 dog park and the playground as an example, how do you
7 restrict the public from going there and using it?
8 MR. BAUER: Simply by signage and
9 fencing.
10 MR. LADELL: Okay. Just bear with me
11 one second.
12 I acknowledge Scarlett's comment at the
13 end of your testimony indicating that this is concept
14 only. Can you advise what the Applicant is actually
15 committing to besides the number of trees and shrubs,
16 which I know relate to a variance, or not a variance
17 relief. But from a heartscape, softscape
18 perspective, what the Board sees here and the public
19 sees here is the Applicant actually committing to
20 when the final application or the final approval gets
21 submitted?
22 MR. BAUER: I think clearly we're
23 committing to the design concept in theory, the types
24 of uses and the type of circulation. But the general
25 design theme that it be a geometric pattern. I don't

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1 think we're committing to a specific material at this
2 point in time. We need to go through that process
3 for various reasons. We need to coordinate the
4 materials with the building materials, which are not
5 finalized as yet either. So I hesitate to say
6 exactly what materials that would be, so I would not
7 commit to that as yet.
8 MR. LADELL: So the --
9 MR. BAUER: And we didn't talk about
10 lighting, either. And we anticipate this will be a
11 wonderful evening location for safe use by the
12 residents in the evening as well, so we're certainly
13 committing to lighting as well. We certainly will
14 commit to all ordinance requirements and the design
15 theme.
16 MR. LADELL: In Mr. Minervini's -- if I
17 messed up that name, I apologize Mr. Minervini. In
18 his -- attached to the civils there is a reference --
19 and it's also referenced in this drawing, too -- that
20 there'll be fire pits, grills, et cetera?
21 MR. BAUER: We anticipate that to be the
22 case, yes.
23 MR. LADELL: I'm assuming they would not
24 be open to the public also.
25 MR. BAUER: I doubt that the -- I can

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1 tell you that the fire pits and grills would not be
2 open to the public; that's correct.
3 MR. LADELL: And you'll restrict those
4 public by how?
5 MR. BAUER: To be determined. I'm not
6 quite sure whether we would separate those by gate.
7 It's possible that this entire area could be gated
8 and controlled with a swipe. That's feasible. We've
9 done that in other communities that you're certainly
10 familiar, but we haven't gotten to that level yet.
11 But certainly, fire and grills would not be
12 accessible to the general public, no.
13 MR. LADELL: And just a little
14 background. When you were hired to do this plan,
15 which is not the original plan you were hired to do,
16 was the design already concluded by the Applicant and
17 residential architect with regard to what I'm
18 describing as very long buildings, and the Board
19 described in August as sterile, and a few other
20 somewhat derogatory terms. Was this already set up
21 in that manner, or were you part of the
22 decision-making process to design the four long
23 buildings as they are this way?
24 MR. BAUER: This design came after the
25 one that you are familiar with.

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1 MR. LADELL: That, I do know.
2 MR. BAUER: Yeah.
3 MR. LADELL: But my question was, was it
4 driven by the landscape architect, or was it driven
5 by the residential architect? Who drove this design?
6 MR. BAUER: This was more driven by the
7 residential architect.
8 MR. LADELL: Thank you. I don't have
9 any further questions.
10 MR. BAUER: Thank you.
11 CHAIRMAN CHARLES: Thank you. Any other
12 member of the public have any questions of this
13 witness may step forward.
14 Seeing none, any final comments from the
15 Board members? No? Okay.
16 MR. BAUER: Thank you.
17 CHAIRMAN CHARLES: Thank you, Mr. Bauer.
18 MS. DORY: And Mr. Coakley is going to
19 continue with Mr. Minervini's testimony.
20 CHAIRMAN CHARLES: Okay.
21 MR. COAKLEY: Mr. Minervini, what is
22 your profession?
23 MR. MINERVINI: I'm an architect.
24 MR. COAKLEY: Thank you. Have you been
25 before the Board on this case before?

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1 MR. MINERVINI: I have. In September.
2 MR. COAKLEY: And you were sworn at the
3 time, and you're still under oath?
4 MR. MINERVINI: Correct.
5 MR. COLLINS: Gentlemen, please speak
6 into the mic. And Mr. Minervini has previously
7 testified and was previously sworn, and you
8 understand you're still under oath?
9 MR. MINERVINI: I understand I'm still
10 under oath.
11 MR. COLLINS: Thank you, Mr. Minervini.
12 FRANK J. MINERVINI, doing business at MVMK
13 Architecture, 360 14th Street, Hoboken, New Jersey
14 07030, having been previously sworn by a Notary
15 Public, testified as follows:
16 CONTINUED EXAMINATION BY MR. COAKLEY:
17 Q. So when you testified here previously,
18 you presented a residential plan that essentially is
19 of the same general design as the present?
20 A. Correct.
21 Q. All right. But you've been embellishing
22 that plan over a period of time?
23 A. Yes.
24 Q. All right. And do you want to explain
25 to the Board the current iteration of the plan?

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1 A. Yes. So when I was here in September,
2 what we showed and described was a massing model of
3 just -- and really just a placeholder. What I've got
4 for you today is that design modified. So what we've
5 done is we've shortened the length of the building.
6 That was one of the concerns that the Board had in
7 terms of it's linearity. So we've shortened the
8 buildings about by 70 feet. We've also fully
9 designed the facade.
10 So what did appear originally as
11 something sterile, and there were a couple of
12 comments regarding prison-like, is not the case any
13 longer. And it wasn't -- I should be very clear.
14 The intention then was just to show you the massing.
15 I probably should have given you something with more
16 detail, nevertheless, the -- and I understand where
17 some of the questions will be coming later based on
18 the previous testimony.
19 A couple of things I want to clarify.
20 And I'll use my pointer here. We started this
21 process with the major thought of how to connect the
22 residential portion with the other commercial and
23 small portion of residential. How to connect this
24 northern portion of the property to the others. So
25 we addressed that in both a visual manner and

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1 physical. So physically what we did, and it was
2 described previously by Tom was --
3 MR. LERNER: May I interrupt you. We
4 can't see here.
5 MR. MINERVINI: Sorry.
6 MR. LERNER: Thank you.
7 MR. MINERVINI: And I'll use the
8 pointer.
9 A. So this section here is raised one story
10 above the majority of this site. That is what we
11 were calling a linear park. That linear park --
12 MR. LERNER: Mr. Chairman, I don't mean
13 to be rude, but we can't see that here. Is there a
14 way he can do like Mr. Bauer did? It's not picking
15 up.
16 MR. MINERVINI: Would you like me to
17 walk over there?
18 CHAIRMAN CHARLES: Yes. And you can do
19 all of your testimony from over there.
20 Q. So what -- pardon me. This is a 3D
21 perspective of a birds eye view of the residential
22 portion of the property. This is the north, south,
23 east and west. What was discussed previously by
24 Mr. Bauer is what we -- sorry.
25 MR. MINERVINI: Should I go ahead

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1 without the microphone, or...
2 MS. PINO: No, it's because I need new
3 batteries.
4 A. Okay. So as I was starting to describe
5 in the overall site, one of the driving factors in
6 the original design was connectivity. How do we make
7 this residential portion be part of the overall
8 scope? Although its use is different, we still want
9 it to be part of the bigger project, so we did that
10 two ways physically. First is at the rear of the
11 drawing that Brandon is looking at, we've got a
12 one-story raised -- we were calling it the linear
13 parking. It's a park that is meant to be used by
14 anyone that's on the site. And to clarify, it's over
15 two levels of parking.
16 Because of this site, the grade is
17 different. There's about a ten-foot difference in
18 grade between the front, the lower part of that
19 drawing which is towards the east, and the western
20 part of our residential site. There's about a
21 ten-foot difference. So within that ten-foot
22 difference that the property goes down, we were able
23 to get a lower parking level that is directly
24 connected to the street, as well as an upper parking
25 level that is in line with the majority of the site.

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1 So from anywhere else on the site, it appears that
2 it's one-story parking where in reality, it's two.
3 And that is just by taking advantage of the existing
4 site conditions.
5 So one way we connected was through that
6 linear parking. Again, its use is to be for anyone
7 on the site. There are some residential entries
8 along that park. The second is two splayed
9 pathways -- one and two -- that connect. Their focal
10 point would be at the town green. So the thought
11 there is that -- one of the most important areas of
12 the commercial part of the site we can connect
13 directly with two pathways. Those pathways serve
14 several functions. It's a way of getting from one
15 side of the site to the other conveniently. Also, it
16 allows for a visual break in the architecture.
17 So we need to switch. Marshall, can you
18 switch to the -- yes. So understanding that although
19 not as long as they were, these are still relatively
20 long buildings; we want it to have a visual break
21 between certain sections of the building. So
22 Brandon, on the right side of that rendering -- yes.
23 That is a three-story section that is above the
24 connecting pathways.
25 So the idea is that we have an open path

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1 at ground level, the two paths that I just previously
2 described, with a material above that that is lighter
3 relative to the rest of the project's -- of the
4 residential material, more glass would be used there,
5 and it's setback. So it's a visual break between
6 these what would have been otherwise a longer
7 building, and we used the two residential pathways as
8 those breaking points. And it changes because
9 they're splayed on angles, so those visual breaks are
10 at different locations so that none of them will be
11 across from each other. It's a very effective way of
12 making what would have been an otherwise long
13 building seem short. And these are about 70 feet
14 shorter than the previous discussion when I was here
15 in September.
16 Unit counts and things like that I can
17 go through, I just wanted the Board to be
18 aware that --
19 CHAIRMAN CHARLES: When you referred to
20 pathways, you referred to them as "open pathways."
21 MR. MINERVINI: Correct.
22 CHAIRMAN CHARLES: Can you describe, you
23 know, are they screened there? Are they enclosed?
24 What exactly are we looking at?
25 MR. MINERVINI: So where Brandon is

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1 pointing out, that is the underside. So it's an open
2 path of about 15 to 12 feet in height. That starts,
3 again, at the town center.
4 CHAIRMAN CHARLES: Right.
5 MR. MINERVINI: And two paths splayed
6 that hit all portions of our residential site. And
7 any time that path crosses a residential building,
8 the material changes on the building above.
9 CHAIRMAN CHARLES: Gotcha. Okay. Thank
10 you.
11 MR. MINERVINI: Again, this is
12 preliminary. We will be here with a much, much more
13 detailed plan, but I thought it was -- we all thought
14 it was important that the Board understand that what
15 we showed at the September meeting was not the
16 intention in terms of architecture or overall site
17 design, it was just a placeholder. So I hope this
18 gives you some comfort in that respect.
19 CHAIRMAN CHARLES: This gets us
20 furtherer along to what we need in terms of
21 preliminary.
22 MR. MINERVINI: Yes. So the
23 connectivity happens in three different -- two
24 different ways, three different portions of the site.
25 So we've got the pathway, we've got the linear park,

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1 and we've got the visual break, which is directly
2 above the pathways, which is our visual connection.
3 I should also mention that the materials
4 that we're proposing to use -- and we've got, if
5 needed, a material board -- are certainly in keeping
6 with the other portions of the site.
7 CHAIRMAN CHARLES: When you say that,
8 you mean the commercial portion.
9 MR. MINERVINI: The commercial portion,
10 as well as the other residential building further to
11 the south. So if we look at the same rendering,
12 there is a composite of metal panels, there is brick,
13 there is horizontal cladding, all keeping with the
14 other portions of the site. The colors may not be
15 exactly the same, which I don't think we want, but
16 they all are earth tones. So our direction and what
17 we want to achieve at this point in the process was
18 to show you how this residential portion makes sense
19 in the overall scope of the project, showing you how
20 it's connected to the other portions of the project,
21 and hopefully give you some comfort relative to the
22 last meeting.
23 CHAIRMAN CHARLES: Okay. Questions from
24 the Board of this witness?
25 MR. COLLINS: Just one housekeeping

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1 matter. We've been looking at some visual exhibits.
2 I think they're in a grouping. Do we have copies of
3 that? If not, make this into an exhibits number.
4 MR. COAKLEY: This will be A-11. And we
5 will provide you a hard copy of everything you've
6 seen.
7 MR. COLLINS: A-11.
8 (A-11, Visual exhibits, marked.)
9 MR. MINERVINI: I do have our drawings,
10 the two renderings physically here. I could pass
11 them around or submit apart from --
12 MR. COAKLEY: Why don't we submit it for
13 the record in a formal way.
14 MR. COLLINS: Thank you.
15 MR. LERNER: Much nicer from the last
16 time, so good job. Some of the compressed buildings
17 you said you shortened. Did the apartments get
18 smaller?
19 MR. MINERVINI: No. On the previous
20 design, this section above the landscaped one story
21 linear park was only three stories. So we took the
22 portions that we removed from here and put it here.
23 So it's still just four stories above landscape
24 features. It seemed to be a very effective way to
25 shorten what would have been a longer building.

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1 CHAIRMAN CHARLES: Does it show on that
2 where the anticipated school bus stop is going to be?
3 MR. MINERVINI: Actually, I'm not
4 exactly sure. Our civil engineer I could ask, of
5 course, right now.
6 MR. COAKLEY: We can call her back up.
7 CHAIRMAN CHARLES: Yeah, I think that's
8 a better picture to show where that is.
9 MR. MINERVINI: On this particular
10 rendering.
11 CHAIRMAN CHARLES: Yeah. Yeah.
12 MR. COLLINS: We can take her out of
13 order. Lisa's still here. And she could just go to
14 the side wall. And if you can, go to the one out in
15 the audience.
16 MS. DiGEROLAMO: We actually have it
17 attached here.
18 CHAIRMAN CHARLES: Can you point that
19 out over there on the wall?
20 MR. DIAMOND: I think I've got it.
21 Here.
22 CHAIRMAN CHARLES: Okay. All right.
23 MR. MINERVINI: Thank you, Brandon.
24 CHAIRMAN CHARLES: Other questions from
25 the Board?

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1 MR. FRANCO: I only had a comment that I
2 thought this was a really improved concept. It
3 really brought in the greenways that we were looking
4 for that we stressed in the original, so thank you.
5 CHAIRMAN CHARLES: I think it reflects a
6 number of the recommendations made over the past few
7 meetings.
8 MR. FRANCO: Yeah.
9 CHAIRMAN CHARLES: Ms. Doyle.
10 MS. DOYLE: The question you asked was
11 exactly what I was gonna be mentioning, the bus stop.
12 But I want to preface it by saying am I correct in
13 saying that most of the residents will use that
14 pathway to go towards the commercial? That V-type
15 pathway; is that correct?
16 MR. MINERVINI: That's our intention.
17 MS. DOYLE: Okay.
18 MR. MINERVINI: Given its location, it
19 allowed for us to hit, let's say, the majority of
20 apartments; however, they don't have to. They can
21 also, depending on where their apartment is, use the
22 linear park, or they can -- if they were here, walk
23 out and around.
24 MS. DOYLE: But with that intention in
25 mind, which I think does have merit, one would think

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1 that -- that you're talking about the residential
2 side; I'm concerned about the commercial side that
3 that bus stop is not near it. It could be shifted
4 closer to the V part. Not a lot, but maybe 50 feet,
5 whatever. But the bus stop is right in front of that
6 last building. There's where it is. So I think the
7 engineering should look in to making it more
8 favorable for the students who will probably be using
9 that.
10 COUNCILMAN NORGALIS: It was a
11 circulation issue with the school bus.
12 MR. FRANCO: But I thought there was
13 some discussion with the Board of Ed about moving
14 that up towards the intersection more.
15 MS. DOYLE: More here?
16 MR. FRANCO: Moving it up. Move it up
17 more towards the center of that eastern portion.
18 MR. MINERVINI: I've just been reminded
19 that the location was chosen because it allows it to
20 be closer to a pretty large open space. So when
21 children are waiting for the bus, they don't have to
22 wait necessarily at the sidewalk, they've got room
23 here.
24 MS. DOYLE: Okay.
25 CHAIRMAN CHARLES: Would it make

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1 sense -- I mean, I'm not that familiar. But before
2 we go to final on this, just having the Board of Ed
3 look at this again. And now that they'll actually
4 have a picture, and one that I think gives a better
5 view of what's here, make a comment about exactly
6 what would make the most sense?
7 MR. COAKLEY: Certainly. We'd consent
8 to that.
9 CHAIRMAN CHARLES: I think we can do
10 that prior to final on that, okay. Other questions
11 from the Board?
12 Seeing none, we'll open it to the
13 public. Any member of the public have any question
14 of this witness can please step forward.
15 MR. LADELL: Ronald Ladell, L-a-d-d-e-l.
16 Attorney for AvalonBay Communities, Inc.
17 Mr. Minervini, I have a few questions
18 about your --
19 MR. MINERVINI: First, I want to thank
20 you for getting my name right. It doesn't happen
21 often.
22 MR. LADELL: You're welcome.
23 A few comments -- a few questions. I
24 won't make any comments. Mr. Collins won't let me.
25 The longest length -- this is Building 7; Correct?

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1 MR. MINERVINI: Yes.
2 MR. LADELL: So the longest length of
3 this building is -- it seems like the same length.
4 What's the length of distance from this point all the
5 way to the garage?
6 MR. MINERVINI: I'd have to look that up
7 for you. I don't know it off hand.
8 MR. LADELL: It's 340 feet, I believe.
9 I can show it in your drawing. I want to follow up
10 with a question, so give me a second. I'm gonna turn
11 to your... So the Board can follow along if they want
12 to, I'm referring to sheet A1-8, and I'll ask the
13 same question. If you can just respond to it for the
14 Board's purposes.
15 MR. MINERVINI: You are correct.
16 MR. LADELL: Three hundred and forty
17 feet?
18 MR. MINERVINI: Yes.
19 MR. LADELL: So am I correct that if you
20 were a resident -- sorry about that. If you were a
21 resident that was residing in the end units, you
22 would pull into the parking deck -- I see there are
23 two entrances -- you'd park your car probably not
24 necessarily on the level that you live because
25 there's only two levels here. This building, I think

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1 it drops down to three here. There was four prior to
2 that; correct.
3 MR. MINERVINI: That's correct.
4 MR. LADELL: So if you were on the third
5 level or fourth level, you wouldn't be able to park
6 on your level where you live; correct?
7 MR. MINERVINI: Potentially.
8 MR. LADELL: Well, there's only two
9 levels. So if you live on the third or fourth level,
10 you can't park at the deck at your level, you would
11 have to walk -- so I can confirm -- 340 feet.
12 MR. MINERVINI: If you chose to park
13 there. You also have the option of all the street
14 parking. There's an abundance of street parking. I
15 could give you the amounts, which is all dedicated as
16 well to the residential portion of the site.
17 MR. LADELL: I'm assuming you don't know
18 the answer to this next question, but do you know
19 what the Applicant's intention is with regard to
20 charging for parking in the deck parking versus
21 surface parking?
22 MR. MINERVINI: I do not.
23 MR. LADELL: In your experience -- and I
24 apologize for not researching it before tonight. I
25 should have, and maybe I will after this -- is 340

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1 feet rather long in a suburban community to walk to
2 your car?
3 MR. MINERVINI: It is if you look at it
4 by itself, but that is not the only option. That is
5 an option. There are many other options. You can
6 enter right there. If you were taking mass transit,
7 you can take a bus and enter right there. So 340
8 certainly at its worst case condition; it doesn't
9 have to be that, though.
10 MR. LADELL: Have you done other
11 projects that have this type of length in a suburban
12 community?
13 MR. MINERVINI: No, I haven't. What is
14 different from this is the installation of the linear
15 park. So that kind of pushes us in a very healthy
16 way, I think, to having a 90-degree angle between the
17 park and the buildings.
18 MR. LADELL: And I guess it's Marshall
19 who's controlling that. Can you go to the elevation
20 which showed the tunnel that you hit previously,
21 please. That one. Thank you very much. I apologize
22 to Members of the Board. I'm just trying to
23 understand something.
24 The tunnel -- I'm calling it a "tunnel."
25 Opening. Whatever you prefer.

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1 MR. MINERVINI: We prefer "covered
2 pathway."
3 MR. LADELL: Covered pathway. A much
4 better term. You indicated it was 12 feet.
5 Approximately 12 feet in height; right?
6 MR. MINERVINI: Yes. About.
7 MR. LADELL: Approximately. The
8 distance from one side of the covered pathway to the
9 other side is approximately what?
10 MR. MINERVINI: It's about the same.
11 MR. LADELL: Twelve-by-twelve?
12 MR. MINERVINI: I've got the dimensions.
13 Hang on one second.
14 It's actually -- pardon me. It's
15 actually about 20 feet.
16 MR. LADELL: Twenty feet. So 12-by-20.
17 Any concern that people may congregate in that
18 covered pathway in the evening smoking, drinking,
19 becomes a recreation hangout area? It's open to the
20 public as was just indicated by Mr. Bauer. Any
21 concerns about that? And if you do, how would the
22 Applicant, the owner, protect against something like
23 that?
24 MR. MINERVINI: I don't think there is
25 concern at this point, and I don't know how they

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1 would protect it against something we're not
2 concerned about. I don't think it's to a reasonable
3 concern.
4 MR. LADELL: Okay. I'm referring back
5 to Sheet A1-8. I just want to make sure -- and I'm
6 not a licensed architect, so you'll educate me in a
7 minute -- it looks like the covered pathways are all
8 glass above it, three stories. But when I look at
9 A1-8, I'm a little confused because it looks like the
10 area where the separation would be -- and I'm looking
11 at the second floor plan if I turn to A1-9, it shows
12 the third and the fourth -- it looks like there's
13 units above the covered pathway, but they're not.
14 MR. MINERVINI: They are, but this
15 rendering reflects a setback, so you don't see the
16 facade portion of the fourth floor. You don't see
17 the facade portion of the top floor. If you look at
18 your drawing -- which drawing are you looking at?
19 MR. LADELL: Page A1-9.
20 MR. MINERVINI: You can see how the
21 pathway intersects the building. Those portions are
22 set back, and that's what you're looking at here.
23 MR. LADELL: I appreciate that. I guess
24 my question is, am I inaccurate or accurate to say
25 that above the covered pathway, there will only be

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1 corridors, or above the covered pathway will there be
2 units?
3 MR. MINERVINI: Oh, they're absolutely
4 units. The intention is to make the facades of those
5 units different -- differentiate them from the rest
6 of the building in order to accentuate where the
7 pathway locations are, and thus shorten the visual
8 length of the buildings.
9 MR. LADELL: I apologize. When I look
10 at the area above the pathway, I just see in this
11 rendering parapets and glass. I don't assume that
12 there's units above that, and maybe I'm
13 misunderstanding how it's rendered.
14 MR. MINERVINI: It's not meant for you
15 to understand specifically. It's meant to relay the
16 idea that this is a different material from this and
17 therefore, again, accentuate the area beneath it.
18 MR. LADELL: Okay. I asked the engineer
19 from PS&S a question about the submission, and her
20 answer was I should ask the residential architect.
21 So the question referenced in the submission by
22 Mr. Hermann, I think it was -- and Marshall, can you
23 go back to the overall site plan for this. Thank
24 you -- was about trash and recycling. And I didn't
25 see any detail at all from an operational

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1 perspective. In the residential, there certainly was
2 testimony and submissions about commercial. But I
3 think it's certainly incumbent on the Board to make
4 sure this works, and I have a few questions along
5 this line.
6 MR. MINERVINI: Well, let me stop you
7 for a second.
8 MR. LADELL: Sure.
9 MR. MINERVINI: As I mentioned to the
10 Board several times, we're here for preliminary to
11 give you the overall concept. When we come back for
12 a final, those details -- garbage, refuse, and all
13 things that are related -- will be shown on the plan.
14 MR. LADELL: You're not giving a legal
15 opinion about that; that's your view that without
16 showing it now, the Board has jurisdiction to render
17 an opinion about that.
18 MR. MINERVINI: That was our intention.
19 MR. LADELL: Okay. So as of now,
20 there's nothing depicted about trash, recycling,
21 leasing office, management. I don't even see a
22 concept plan or a floor plan about any amenities.
23 None of that's here; correct?
24 MR. MINERVINI: We do point out where
25 the amenities are.

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1 MR. LADELL: Where are they?
2 MR. MINERVINI: You can look at...
3 before I find the plan, they are on the lower portion
4 of the linear garage. So if you look at Sheet A1-7,
5 which I think you have --
6 MR. LADELL: I do. Just give me one
7 second. Yes.
8 MR. MINERVINI: You can see two amenity
9 areas called out at the bottom portion of the linear
10 garage.
11 MR. LADELL: I see the two areas.
12 They're not depicted with any detail; correct?
13 MR. MINERVINI: Correct.
14 MR. LADELL: They're just a placeholder?
15 MR. MINERVINI: That's correct.
16 MR. LADELL: So you're envisioning that
17 it would -- I don't want to assume. What would those
18 amenities, you believe, include?
19 MR. MINERVINI: Our earlier discussions
20 would include a gym -- we're talking amenities
21 specifically -- a gym. We've allocated space. But
22 again, at the final site plan we will have that
23 information.
24 MR. LADELL: I actually know a little
25 bit about this. How do you lease and manage this

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1 place? Where is that going? How does a perspective
2 resident pull up and know where to go and find the
3 lease office?
4 MR. MINERVINI: Not a question for me, I
5 would say, but --
6 MR. LADELL: Well --
7 MR. MINERVINI: -- again, we can -- if
8 this is a question or something the Board is
9 concerned about, at the final drawings with the final
10 submission we can show something like that, or it can
11 be addressed in testimony.
12 MR. LADELL: But as of today, it hasn't
13 been addressed in planning testimony.
14 MR. MINERVINI: Correct.
15 MR. LADELL: Green elements is part of
16 this project. Have you discussed that with the
17 Applicant?
18 MR. MINERVINI: Yes, we have.
19 MR. LADELL: Can you describe what the
20 plan is from the Applicant for sustainability and a
21 green prescriptive?
22 MR. MINERVINI: Not at this point.
23 We'll describe that at the final.
24 MR. LADELL: Your redevelopment plan
25 doesn't require information about that as far as you

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1 know?
2 MR. MINERVINI: It certainly does. And
3 again, this is -- the intention of this is to give
4 the Board a general direction. Our final submission
5 will include all green elements that will be
6 proposed.
7 MR. LADELL: I believe it was you or
8 Mr. Bauer, I don't remember which, indicated that
9 Buildings 7, 8, 9, and 10 protrude -- I think that
10 was the word he actually used, Mr. Bauer -- into the
11 deck. Do I have that correct?
12 MR. MINERVINI: Correct.
13 MR. BAUER: So is your vision of the
14 deck precast or cast in place?
15 MR. MINERVINI: They don't know yet.
16 MR. LADELL: Well, I'm just curious.
17 I've never seen how you do a precast when it
18 protrudes. Have you seen that occur in your
19 experience?
20 MR. MINERVINI: It can be. I'm not
21 saying this is going to be built that way. Certainly
22 the fact there's a precast deck, you wouldn't have
23 cars that were in it connected to the -- our
24 stormwater system would be designed around that;
25 however, it's premature to talk about that at this

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1 point. We are here for a preliminary. To discuss
2 how this construction is seems to be irrelevant.
3 MR. LADELL: Bear with me one second to
4 see if I have any other questions.
5 Thank you, Mr. Minervini.
6 MR. MINERVINI: Thank you.
7 CHAIRMAN CHARLES: Thank you. Any other
8 member of the public that has a question of this
9 witness may step forward. Seeing none, any final
10 questions from the Board? Seeing none, Mr. Coakley.
11 MR. COAKLEY: Thank you. Mr. Diamond.
12 MS. DORY: Hello, again. So we'd like
13 to bring back Brandon Diamond to give you some
14 additional architectural testimony. The Board had
15 requested at the last meeting additional testimony
16 concerning the hotel in Building 11. Mr. Diamond has
17 been previously sworn in before this Board.
18 CHAIRMAN CHARLES: All right.
19 Mr. Diamond, please state your name and confirm that
20 you understand you're still under oath.
21 MR. DIAMOND: Brandon Diamond. And yes,
22 understood.
23 MR. COLLINS: Thank you. Please, go
24 ahead.
25 BRANDON DIAMOND, doing business at Streetsense, 1750

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1 Pennsylvania Avenue, NW Suite 200, Washington, D.C.
2 20006, having been previously sworn by a Notary
3 Public, testified as follows:
4 CONTINUED EXAMINATION BY MS. DORY:
5 Q. So, Brandon, if you could, give the
6 Board the additional information they requested.
7 A. Yes. Thank you for the opportunity to
8 speak this evening. We're gonna talk primarily about
9 three development blocks within the commercial area.
10 I did put some of these overall slides in here for
11 reference if we want to come back to them for any
12 reason later. For the moment, I'm gonna skip by and
13 kind of move right to Block 11 at this point. But
14 this is just, kind of, a compressed overlook at some
15 of the placemaking in the commercial area and the
16 architectural theme, which we talked about at the
17 last hearing. So forgive me while I, kind of, zoom
18 by to, kind of, go block by block.
19 So this is the updated set of materials.
20 Essentially at the last meeting, we were asked to --
21 for this hearing, to sort of distill the drawing
22 exhibits for three blocks of interest, as well as
23 provide some additional exhibits related to them. So
24 the first one is the residential Block 11, which is
25 the small residential building along 202-206. As you

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1 can see, it does have a somewhat embedded cafe in the
2 base of the building; it's a three-story building.
3 And you can see at this point the rendering also
4 shows the drive-through for the cafe. It's a very
5 unique location right off of 202-206 in terms of
6 having that roadside visibility, but we wanted to
7 integrate the cafe very much into the building as a
8 building amenity.
9 So one of the differences a little bit
10 in this building architecture is that there are some
11 two-story live/work units on the front side of it,
12 which give it a little bit more of a townhouse rhythm
13 as you see from 202-206. It is heavily landscaped,
14 but it has some of the amenities associated with
15 townhomes. Namely, there is some front yard space
16 facing 202-206. Some of the units have front stoops
17 although they have parking in the rear, which is
18 flush with the ground level. And you see kind of
19 here in the middle of the rendering which allows
20 access from 202-206 to the flats within the building.
21 So it's relatively compact.
22 I also have just kind of a synopsis of
23 the plans that we looked at last time, just to show
24 how the cafe is relatively embedded into the plan.
25 Those are nine townhome units. There is a lower

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1 parking deck, which is at the same level as the
2 wellness building to the right. And there is one
3 deck that you drive in from Copper Lane, which is,
4 sort of, at grade, if you will, from Copper Lane. So
5 there's really no internal ramping. And I know we
6 covered this, so I'm just gonna kind of move this
7 through pretty quickly.
8 Just in terms of the material palate
9 that I just came by. Generally, we have a similar
10 approach to this building that we have to the other
11 commercial buildings. Namely, a cast stone or
12 masonry base. We are using for the sake -- I'm just
13 gonna flip between this material board and the
14 rendering for reference. We're using, for some of
15 the upper stories, fiber cement panels to give this a
16 nice, kind of, continuation of the masonry limestone
17 palate, as well as some plaster, painted plaster,
18 very dark painted windows. The idea is to give it a
19 very high contrast upscale palate, which also picks
20 up and has a very similar palate with the wellness
21 building next to it. There's also some additional
22 details to try to create some layering to the facade.
23 So these are just some updates we wanted to share.
24 There is an updated material board. We
25 have a couple of them here. Just as this has this

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1 updated facade, we pretty much had this about where
2 you see it in the last meeting in October; we just
3 generated a couple of new renderings to kind of give
4 you a final brush stroke on what we had been doing
5 last month with this building.
6 Moving along -- those are just some
7 black-and-white submission drawings -- I wanted to
8 talk about the grocer. So there was a lot of
9 discussion last month about the grocer particularly
10 in terms of some of the material cues we had taken
11 from the ShopRite prototype we had been looking at
12 for some time versus what had been shown in the
13 Redevelopment Plan. The difference was we started to
14 adapt the architecture to the rest of the commercial
15 center, but we had not put as much masonry in the
16 first submission back over the summer to the entry
17 portal.
18 We've since really revisited that
19 particularly looking at that ShopRite image that was
20 in the Redevelopment Plan, and rethought the --
21 particularly the entry portal presence for ShopRite
22 or for the grocer to make sure that it has a similar
23 level of quality in masonry, and just general
24 proportions. So we put some additional attention to
25 the entry portal, as well as the entire front facade,

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1 even some of the upper areas. Some of them which may
2 or may not be masonry. We really smoothed the
3 palates together to give it a very similar
4 prototypical feel to what was desired in the
5 Redevelopment Plan, and this is just some of those
6 palates.

7 We have a corrugated metal roof, we have
8 masonry, and some painted plaster along the upper
9 fascias, and this is just some of the
10 black-and-whites that was in the submission. You'll
11 notice all of these elevations throughout the set now
12 have those and not the parapets, et cetera, just to
13 keep track where we are making -- requesting those
14 variances.

15 The last one we want to talk about is a
16 block very special to us is the executive class hotel
17 at the end of the boulevard. I would say in the
18 previous submission we never really featured this
19 building with a full-colored rendering to show you.
20 We had modeled it quite a bit because, really, in
21 part, the design model, even the video, this was
22 always a very important building. It's literally the
23 visual terminus of the boulevard, so we wanted to
24 take some time to really talk about it and express it
25 a bit more for tonight's meeting.

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1 The first thing I can tell you is that
2 the palate is very consistent with a commercial
3 building. And one of the things that makes this
4 right off the bat a little bit more special than what
5 I would call a "suburban prototype hotel" is the
6 ground level is lifted quite a bit higher. Very
7 often prototype hotels have just -- just as low a
8 ground floor as every other upper floor, which, you
9 know, gives them that kind of somewhat roadside
10 appearance.

11 So we have a tall ground floor, which is
12 in keeping with kind of the heights along the
13 boulevard. It's an executive class hotel, roughly
14 about 124 rooms, full-service restaurant, a grand
15 outdoor terrace that you see here, which is really
16 right at the end of the boulevard. And on the right
17 side, the entry to the hotel itself, there's kind of
18 a hardscape European plaza, which sets up that whole
19 pedestrian arrival sequence and provides, kind of, an
20 interesting different public space even though it is,
21 you know, a mixing of drop-off and pedestrian
22 crossing from the hotel to the commercial.

23 These are some of the elevations related
24 to that. Again, we used masonry on the ground level
25 primarily; we used fiber cement panels for some of

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1 the upper levels, again, to try to create a -- sort
2 of a limestone stacked masonry look to the building.
3 At the same time keeping it relatively lightweight.
4 Varying dark materials for the doors and windows to
5 create that high contrast palate much like the Block
6 11 residential. And then certainly to give it a
7 splash of color to really express the identity both
8 of the hotel and of the restaurant. Even the
9 balconies that we're proposing there on the corner
10 would kind of ease the transition over to the R&D
11 facility. We think it really sets up kind of a nice
12 gateway for the R&D campus and hopefully create a
13 little bit of vision of how the R&D campus facility
14 might do over time.

15 And there's a material palate. Again,
16 all of the material palates for the commercial
17 buildings have a very similar kit of parts, just
18 slightly different patinas and palates from one to
19 the other. And that's generally what I have to show
20 you tonight.

21 Q. And can you -- there was a comment about
22 the trash area for Building 11. Can you just
23 identify that?

24 A. Sure. I'm gonna flip back to that
25 sheet. We chose to outboard the trash area behind

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1 the cafe. I know you can see this on my cursor.
2 It's kind of near Copper Lane here right behind the
3 drive-through. The purpose for this is to make sure
4 that the trash room was not near any of the units,
5 but it's still relatively -- it's about 120 feet away
6 from -- maybe 150 feet away from the common lobby of
7 the building. We certainly could take, you know, a
8 parking space behind the building, but we really
9 wanted keep that area free and clear of trash.

10 CHAIRMAN CHARLES: Mr. Diamond, can you
11 explain to me how much of the residential overhangs
12 to the cafe?

13 MR. DIAMOND: Yes. There's a line in
14 this drawing that kind of shows it. I'm gonna say
15 that is about a ten foot -- I would say the cafe is
16 sticking out about ten feet beyond the footprint of
17 the residential. You can also see it here where the
18 yellow bar ends and the drive-through lane starts.
19 There's about another ten, 11 feet. Forgive me, I
20 don't have the dimension on this drawing.

21 CHAIRMAN CHARLES: So there's about ten
22 feet overhang. So if I have an apartment above this,
23 about ten feet of my apartment is over it, or --
24 that's what I'm trying to figure out.

25 MR. DIAMOND: So maybe another question

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1 is what do you do with that ten foot of roof? Is it
2 a potential terrace for that apartment, or is it sort
3 of more of a commercial roof? Is that the question?
4 CHAIRMAN CHARLES: No, no. How much --
5 is that a singular apartment that's over that, or is
6 that a piece of an apartment? If it's a piece, how
7 much is it? And what do you do with regard to
8 soundproofing and smell proofing and all of that type
9 of proofing?
10 MR. DIAMOND: So generally -- keeping in
11 mind that this is at the schematic phase. But what
12 that floor/ceiling assembly would more than likely
13 look like, being that this is probably a wood
14 building, is that we would have four inch fiberglass
15 batt in that floor wall assembly.
16 What I've looked at, actually, just
17 today is some of the recommended assemblies.
18 Generally what happens is the residential floor, they
19 can sit on purlins. Those purlins, they can sit on a
20 sound-bending panel. And then from there, you're
21 gonna have your joists with about four inch
22 fiberglass batt. That assembly that I reviewed
23 today, that's about an SCC separation of 52. So
24 there's a lot of ways of handling that in wood
25 construction. It does require usually a little bit

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1 of additional thought into the residential floor.
2 system and there's a bit of a gap, but it can
3 certainly be accomplished.
4 CHAIRMAN CHARLES: And just again, is it
5 a full apartment that's above it, or is it a partial
6 apartment?
7 MR. DIAMOND: It is a full apartment
8 that's above it.
9 CHAIRMAN CHARLES: And one-bedroom, I
10 assume, then?
11 MR. DIAMOND: From what I'm looking at
12 here, I've got one -- a one-bed in the back, and a
13 two-bed in the front.
14 CHAIRMAN CHARLES: And that's over that,
15 so...
16 MR. DIAMOND: That is over the cafe.
17 CHAIRMAN CHARLES: All right.
18 MR. DIAMOND: And times two because
19 there's two levels, to go back to that view right
20 there.
21 CHAIRMAN CHARLES: Okay.
22 MR. DIAMOND: So there's two two-beds,
23 and one -- and two one-beds.
24 CHAIRMAN CHARLES: Okay. All right. I
25 got the picture. Mr. Lerner.

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1 MR. LERNER: At what point in the
2 process do you run these plans by the ShopRites of
3 the world, or your proposed hotel so that they know
4 what you plan, and we know that it's okay with your
5 tenant?
6 MR. DIAMOND: Generally when it's
7 possible to have those conversations early we try to
8 do that. I think what we're recommending, certainly
9 in this process is, we're requesting approval for the
10 design as it stands. Understanding that if we get
11 into a further conversation with the operator, either
12 the grocer or the hotel, and there's a substantial
13 difference to the facade, we would be back before
14 you.
15 COUNCILMAN NORGALIS: The only question
16 I have was on the ShopRite. There was a -- in the
17 center of the floor plan drawing, A1-6: "Grocery
18 will not exceed 80,000 square feet ground floor and
19 sales area." I just want to be certain that that's
20 total building square footage, so they'll never be a
21 mezzanine or anything else above it. So if you can
22 clarify that.
23 MR. DIAMOND: We certainly could comply
24 with that. Obviously we did like to leave the door
25 open for mezzanine office, but if you say no, we can

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1 certainly comply with that.
2 COUNCILMAN NORGALIS: Okay. Yeah.
3 That's what I'd like to see. Thank you. And you
4 already answered my other question about if we got a
5 brand of hotel or anything else, how would we address
6 the changes.
7 CHAIRMAN CHARLES: Scarlett.
8 MS. DOYLE: Thank you. Now, much of the
9 design for the buildings has been concept. Certainly
10 that's not the case for the preliminary and final
11 site plan on the commercial side, Building 11. What
12 I -- the Board will have to make the decision;
13 however, what is important is we just heard there's
14 going to be a revision. We're going down to 17
15 affordables plus nine markets, and it would be very
16 helpful to know and to ensure that the amenities are
17 gonna be the same, and I'm asking for a floor plan.
18 What I saw in prior applications
19 from different people through time is that the
20 affordables often get put right next to the elevator
21 or the trash shoot. So I think floor plans are
22 appropriate not only for that location, but also for
23 the one- and two-bedroom mix, just to be certain
24 where we're standing in terms of our co-obligation.
25 Would you please provide for Building 11 the floor

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1 plans in nothing more than, you know, where the doors
2 are and where the bedrooms are, that type of thing?
3 I believe the Board would be well advised to have
4 that.
5 MR. DIAMOND: Understood. You would
6 like unit layouts for Block 11. Essentially, unit
7 layouts and support spaces for the residential.
8 MS. DOYLE: And that would include --
9 MR. DIAMOND: And I do want to say that
10 it makes sense that up to this point that we have not
11 provided them since there has been a lot of
12 discussion about the number of units in this
13 building, you know, going into as recent as today.
14 But I think that when that is settled, and I think
15 we're pretty close, providing more unit layout
16 information and support space is not a stretch.
17 MS. DOYLE: Thank you.
18 COUNCILMAN NORGALIS: Is there a
19 standard floor plan available for the ShopRite?
20 MR. DIAMOND: There is a standard floor
21 plan. They have given us -- primarily what they like
22 to provide is the prototype site plan, which we
23 followed to the letter specifically to all of their
24 supports and services. Their internal fixture plan
25 tends to move around, and our discussions with them,

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1 I think their fixture is a bit of a moving target.
2 COUNCILMAN NORGALIS: Are the bathrooms
3 on the first floor?
4 MR. DIAMOND: Certainly.
5 MR. FRANCO: The only thing I'm gonna
6 mention about that, too, I know one of the real
7 purposes of having this was to take the place of any
8 dining facilities from R&D. And although I
9 understand the word "displacement" but there can be
10 more information about where the dining facility
11 would be, food service, and likewise, bathrooms.
12 MR. DIAMOND: Yeah, that's an important
13 point. The cafe corner --
14 MR. FRANCO: You see it's been allocated
15 that there's seating, stuff like that outside. And I
16 know from the original concept when we were doing the
17 Redevelopment Plan that was also considered, whether
18 we were gonna have a restaurant or dining facility.
19 So if we were to really move toward a final, you
20 know, we would really need to see more detail.
21 MR. DIAMOND: Well, it's certainly our
22 intention to have the cafe on that corner, and we'll
23 see what we can do, you know, in terms of information
24 that the operator can provide to us.
25 CHAIRMAN CHARLES: Mr. Franco, any other

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1 detailed information with regard to structural items
2 that you're interested in?
3 MR. FRANCO: I think that's most of
4 them.
5 CHAIRMAN CHARLES: You got most of them
6 covered?
7 MR. FRANCO: Yeah, I believe so. I
8 think -- yeah. That was really my biggest issue.
9 CHAIRMAN CHARLES: Okay.
10 COUNCILMAN NORGALIS: Hours of operation
11 for ShopRite. I know most of them are 6 to 11. Is
12 that the anticipated...
13 MR. DIAMOND: For testimony on the hours
14 of operation for ShopRite?
15 MS. DORY: We provided a memo to the
16 Board that provides the anticipated hours of
17 operation.
18 COUNCILMAN NORGALIS: It seemed to
19 indicate that it could be this, it could be that.
20 I'm looking for start time and end time.
21 MS. DORY: Right. The facility -- the
22 memo is a November 9th memo from Marshall Everett
23 from Advance that states that the grocer will be
24 permitted to operate 24 hours, seven days a week.
25 But we anticipate it will operate from 6 a.m. to

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1 12 a.m. daily.
2 COUNCILMAN NORGALIS: The 24-hour that
3 caught my attention. But the anticipation is 6
4 to 12.
5 MS. DORY: Yes.
6 MR. FRANCO: And I think Starbucks was
7 also a concern.
8 MS. DORY: Yes. We had --
9 MR. FRANCO: With regards to
10 residential.
11 MS. DORY: Yes. We anticipate that the
12 hours of Starbucks would be -- excuse me, the cafe --
13 will be similar to, you know, other cafes. They
14 might open 5 a.m., 6 a.m.
15 CHAIRMAN CHARLES: All right. Other
16 questions from the Board? None. I'll open it up to
17 the public. Any member of the public have any
18 question of this witness may step forward. Name and
19 address.
20 MR. LADELL: Ronald Ladell, L-a-d-e-l-l,
21 attorney for AvalonBay Communities, Inc.
22 Mr. Diamond, I just really have a question about the
23 live/work units. Do you use the term "townhouse"
24 interchangeably for those units?
25 MR. DIAMOND: Yes. Well, in the sense

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1 that "townhome" would be more of an ownership. I
2 usually use that term for ownership, for fee simple.
3 But this is a rental two-story unit.
4 MR. LADELL: I use "townhouse" as a form
5 of ownership. You referred to it, sort of, both ways
6 in prior testimony tonight. But when you referred to
7 the live/work units, you're referring to the
8 multilevel units in Building 11; correct?
9 MR. DIAMOND: Yes.
10 MR. LADELL: So I'm referring to Sheet
11 A1-70. You probably know it by heart. Can you
12 describe for the Board the general size you're
13 envisioning for the first floor of those live/work
14 units?
15 MR. DIAMOND: I believe we sized those
16 at about -- I don't have it in front of me.
17 Approximately, I'm saying, 720, about.
18 MR. LADELL: I don't see it on this
19 sheet.
20 MR. DIAMOND: It's about the size of a
21 one-bedroom. Again, it's about 700 -- seven or 800.
22 Forgive me, it's been a while since I looked.
23 MR. LADELL: That's fine. And just to
24 repeat it, the intent of live/work units -- correct
25 me if I'm wrong -- is that the first floor can be

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1 used as a commercial location and someone could live
2 on the second floor; is that correct?
3 MR. DIAMOND: I don't think our
4 intention is to actually have what you might call a
5 "shop house." To call it a "shop house" would
6 probably be a stretch where we're talking about a
7 storefront. They really are designed as a two-story
8 unit. I would say a little bit more what I would
9 call a "co-working" or a "we workspace" where there's
10 the hospitality and the ability to bring in and
11 conduct business, but in a somewhat residential
12 setting, not necessarily a storefront setting.
13 MR. LADELL: I read your prior testimony
14 and I know your experience in communities like that.
15 Are you aware of live/work units anywhere in
16 New Jersey that's been successful?
17 MR. DIAMOND: I would say that there are
18 probably more residential experts in the room who can
19 canvas New Jersey and talk about that.
20 MR. LADELL: So just so I understand
21 because I'm still a little bit confused. So it's not
22 envisioned as a shopping area. I thought your
23 testimony in the original hearing was that because of
24 the R&D campus nearby, you thought it would be a good
25 idea, and thus the Applicant did also, to provide an

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1 opportunity for people that wanted to have a business
2 in this, what I'm calling a "live/work unit." Did I
3 misunderstand your prior testimony?
4 MR. DIAMOND: No, not at all. I think
5 what we're talking about is space that's used for
6 innovation, and that the location near the R&D campus
7 might create an opportunity for people who do
8 business for their R&D campus would want to locate
9 nearby. All I'm saying is that the ground floor may
10 or may not really be opened up as a full
11 business-type unit for the public, but more for
12 clients. More of professional office space.
13 MR. LADELL: Clear height envisioned?
14 Ceiling height for those as well?
15 MR. DIAMOND: As I recall because of the
16 cafe, that ground level is taller. So I think we've
17 got it somewhere around 14 feet. I'd have to check
18 again. But we didn't go with the tall ground level
19 because it also had to straddle with the cafe.
20 MR. LADELL: And then just parroting
21 what Scarlett asked about because Mr. Coakley started
22 the hearing tonight identifying for the Board that
23 Building 11 had changed. Now being 26 total units,
24 nine market, and 17 co-units. I'm making the
25 assumption that 23 co-units would now be in the

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1 residential portion of the development; is that
2 correct?
3 MR. DIAMOND: Yes.
4 MR. LADELL: So the total would be 40.
5 MR. DIAMOND: Yes.
6 MR. LADELL: And bedroom distribution.
7 I understand based on Scarlett's request that you'll
8 be submitting, I guess, an updated A1-70 sheet. It
9 will also indicate the bedroom distribution for the
10 co-units, which as you may or may not know are
11 required in the Fair Housing Act to be split in a
12 certain bedroom distribution?
13 MR. DIAMOND: We will update it
14 accordingly.
15 MR. LADELL: To comply with the
16 applicable laws, I assume.
17 MR. DIAMOND: Yes.
18 MR. LADELL: Thank you very much,
19 Mr. Diamond.
20 CHAIRMAN CHARLES: Thank you. Any other
21 member of the public have any questions of this
22 witness, please step forward. Seeing none,
23 Mr. Coakley, Ms. Dory, I think we're now at 10:35.
24 We should --
25 MR. COAKLEY: What's your pleasure?

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1 CHAIRMAN CHARLES: I would say that --
2 let me get the calendar here. It seems like it would
3 be prudent since we still have the sign --
4 MR. COAKLEY: This is what we were
5 thinking, just so we can get it on the record. We
6 appreciate, first of all, all the effort the Board
7 has made, and I think it goes without saying that the
8 Board's sticktoitiveness and effort has vastly
9 improved this plan; the residential component,
10 Building 11, the loop path, among other things; and I
11 think the Applicant has worked very hard as well, and
12 we'd like to proceed to a vote on this application.
13 We would ask you to consider advancing the
14 application. We would like to defer the signage to a
15 condition: That we would consider Ms. Doyle's recent
16 report and try to revise the signage plan and bring
17 it in as a condition of approval. So that's our hope
18 for this application.
19 MR. COLLINS: Mr. Chairman, I would like
20 to be heard.
21 CHAIRMAN CHARLES: Yes.
22 MR. COLLINS: It seems to me, though,
23 that there are a lot of matters left. I think the
24 signage piece is significant, and I think the Board
25 would like to, you know, comment on that, and comment

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1 on Ms. Doyle's review as a professional. But
2 Scarlett, you wanted to say something?
3 MS. DOYLE: Yeah. I have a 59-page
4 review. But more than that, we haven't opened it to
5 the public for comment.
6 CHAIRMAN CHARLES: Right. Right.
7 But -- correct. I don't think we'd move at this
8 point. I think with the two reports, also, that we
9 had today, I would probably be more inclined to look
10 in the December calendar and see if we can, you know,
11 defer to dates certain with extension from the
12 Applicant at this point. I think it would be more
13 prudent given all the new material we did get today.
14 We have invested a lot of time. We don't want to
15 short circuit it at the last minute would be my take.
16 But any other member of the Board?
17 COUNCILMAN NORGALIS: I was gonna say,
18 with what we've been given today, there's a lot of
19 information to absorb.
20 CHAIRMAN CHARLES: Mr. Mayor.
21 MAYOR HAYES: I agree with you,
22 Mr. Chairman. I think as Mr. Coakley mentioned, the
23 Members of the Board have been very diligent and we
24 don't want to defer the kind of things that are
25 contained in the professional reports from our

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1 professionals. I would also like to hear from the
2 people who are here representing the community and
3 stick with it till the end. And I think the end is
4 in sight. We've all worked very hard, as you said,
5 and I think it's best to be done that way.
6 CHAIRMAN CHARLES: And I think at this
7 stage we have the two reports that came in today, and
8 I think we had just a limited bit of information
9 required in terms of specifically, Scarlett, to your
10 point, around Building 11, and the floor plan for the
11 ShopRite, Councilman Norgalis, and a few other odds
12 and ends. Would an extension to December 17th work
13 for everyone on the Board? We are getting close, as
14 the Mayor said. We can smell the finish line. But
15 certainly, we would prefer to be diligent all the way
16 through to the end.
17 MR. LERNER: Mr. Chair, also moving to
18 December gives the public an opportunity to absorb
19 the information that we didn't get till tonight.
20 CHAIRMAN CHARLES: Right.
21 MR. COLLINS: So is the 17th available
22 for the meeting?
23 MS. DOYLE: No, it's the 18th. December
24 18, which is Tuesday.
25 MR. COLLINS: Why is it --

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1 CHAIRMAN CHARLES: I'm showing the
2 Zoning Board.
3 MR. COLLINS: I'm not available on the
4 18th, I don't think.
5 MS. DOYLE: Then we have the -- other
6 one is January. It's not an official date. We have
7 a special meeting on the 8th. January 8th is booked;
8 however, we have January 28th. I don't know if --
9 MR. COAKLEY: Certainly I think it would
10 be to everyone's advantage to finish this with the
11 Board intact.
12 MS. DOYLE: I don't know if the
13 Applicant is intending to revise the plans as
14 identified in the professional reports, or if the
15 Applicant is not gonna revise the plans and just
16 comment.
17 MR. COAKLEY: It would be our intent to
18 comment. Hopefully accept, but at minimum comment on
19 all of your comments and submit the unit layout for
20 Building 11 and the ShopRite information as requested
21 by Mr. Franco.
22 CHAIRMAN CHARLES: Scarlett, is there a
23 way to make the 17th work?
24 MS. DOYLE: That date is not available.
25 I mean, I don't know if that's available. We

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1 certainly couldn't plan it to be available tonight
2 because the only date, we have December 4th, and we
3 have December 18th. The question that I have,
4 however, is that some of my comments require more
5 than just saying we'll do it. I want the Board to
6 see what you're approving, and I really wouldn't want
7 the responsibility of taking a sign and saying, Oh,
8 yeah, that's fine. When, in fact, it's not what the
9 Board wants.

10 COUNCILMAN NORGALIS: If I may. We
11 often have deferred the issues to Ms. Doyle. To her
12 credit, she shoulders a heavy burden, and I think
13 it's now incumbent on us to do the burden and with
14 oversight from her. I'd like to see a complete plan.
15 One of the things that has vexed me for months is I
16 get piecemeal. I get a sheet here and another sheet
17 here. And I realize it's being done by committee,
18 but when the result comes to us, I want to have one
19 package that says, This is the plan. And so far, I
20 haven't gone it.

21 MR. COAKLEY: I believe we submitted a
22 full plan on November 14th. That's certainly what we
23 intended to do.

24 COUNCILMAN NORGALIS: I got a package,
25 but then I got some other sheets along with it.

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1 CHAIRMAN CHARLES: Reports and things
2 like that.

3 MR. COAKLEY: We had a lot of different
4 requests, to be quite honest with you.

5 COUNCILMAN NORGALIS: I understand.

6 MR. COAKLEY: I mean, there is applicant
7 fatigue as well.

8 CHAIRMAN CHARLES: If there weren't --
9 Scarlett, when you say -- what type of additional
10 material besides, you know, the Building 11 that we
11 talked about tonight would you...

12 MS. DOYLE: There are things that are,
13 for example, on Sheets 03 and 06. The bus stop, that
14 road has been jig-sawed to be part of the residential
15 preliminary. So they're not gonna build on a
16 preliminary. So the bus stop is not part of the
17 commercial. That road is not part of the commercial.
18 You've got to -- you've got to define the dashed
19 line. That's one.

20 The second one is the hotel. The hotel
21 is a very good example of showing where the hotel
22 parking is going to be. The problem is because of
23 that line, the hotel parking. It's in the
24 residential side, it's not in --

25 CHAIRMAN CHARLES: But I think we heard

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1 today that on that one, that area now is gonna be
2 included as part of the commercial. But to your
3 point, it doesn't depict that on the existing plan.

4 MS. DOYLE: Maybe I'm a purist, but if
5 the site plan for preliminary and final are on one
6 side, and they show a definition line...

7 MR. COAKLEY: We will note the bus stop
8 will be built as part of the commercial.

9 MS. DOYLE: I'm sorry?

10 MR. COAKLEY: We will note that the bus
11 stop will be built as part of the commercial.

12 MS. DOYLE: But I think it's helpful to
13 know now it shows the hotel parking is part of the
14 preliminary and final request.

15 MR. COAKLEY: We can note that as well.
16 I mean, this plan we created is a mixed use, which
17 creates difficulty. And we're trying to deal with
18 that difficulty.

19 CHAIRMAN CHARLES: We know.

20 MS. DOYLE: I think by my report you'll
21 see what the issues are. A community garden, it's a
22 residential component.

23 MR. COAKLEY: We'll do that as well.

24 MS. DOYLE: You'll put it back in the
25 residential?

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1 MR. COAKLEY: Yes, we will. I'm getting
2 ready to say we agree all the time.

3 MS. DOYLE: Read my report. Anything
4 that you can do, we can perhaps say it's as a
5 condition.

6 CHAIRMAN CHARLES: Why don't we then
7 look for a date certain. Pick a date certain. And
8 then, I think, it behooves all parties for rapid
9 review of your report, and us to rapidly review that
10 report, the engineer report. Rapidly produce the
11 Building 11 revisions that we talked about, the
12 signage plan, you know, Ms. Doyle's comments on that,
13 and to make that standard floor plan for the
14 ShopRite.

15 MS. DOYLE: And the phasing linked to
16 something that would make the Board comfortable.

17 CHAIRMAN CHARLES: And give us some date
18 view of the timeline.

19 MR. COAKLEY: Let me ask you a question.
20 Would it be easier to deal with a response letter
21 that's just written paragraph by paragraph instead of
22 going back to the August, September, October,
23 November? I mean, it drives me crazy, but...

24 CHAIRMAN CHARLES: You mean as far as
25 Ms. Doyle's --

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1 MR. COAKLEY: Right. I mean -- not
 2 Ms. Doyle. But I think it probably would be easier
 3 for you.
 4 CHAIRMAN CHARLES: Look, if you want to
 5 go through her report and create, you know, a
 6 separate report that addresses what she says --
 7 MR. COAKLEY: Right. Exactly.
 8 CHAIRMAN CHARLES: I mean, I'm perfectly
 9 fine.
 10 MR. COAKLEY: It might be 25 pages.
 11 CHAIRMAN CHARLES: Exactly. Exactly. I
 12 think we'd be fine with that. And then we can take a
 13 look at that rapidly, quickly, the Board, and see
 14 what we can do. But we should set a date certain in
 15 the meantime. So it looks like the only date we
 16 have -- Mayor, do you any dates --
 17 MAYOR HAYES: I will make it happen.
 18 CHAIRMAN CHARLES: You'll make it
 19 happen. I'll make it happen. Whatever day it is.
 20 MR. LERNER: Can I ask a question?
 21 CHAIRMAN CHARLES: Yes.
 22 MR. LERNER: When you say the 17th is
 23 not a good one, I'm just curious, what does that
 24 mean?
 25 MS. DOYLE: I'm saying that I have not

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1 checked to see whether or not this room is even
 2 available.
 3 MR. LERNER: Oh. So it's the room. I
 4 just didn't understand.
 5 MS. DOYLE: Yeah, I'm sorry. We've been
 6 working off of dates that the Zoning Board is giving
 7 up.
 8 MR. LERNER: Again, I just didn't
 9 understand what you meant.
 10 MS. DOYLE: So that's December 4th, and
 11 December 18th.
 12 CHAIRMAN CHARLES: And we have the 24th
 13 and the 25th, but no one's gonna be coming. Is there
 14 a chance for December 6th?
 15 MS. DOYLE: None of those dates have
 16 been identified. The Applicant has been working off
 17 of the 18th for a while. So they were comfortable
 18 with the 18th; is that correct?
 19 MR. COAKLEY: We'll be comfortable with
 20 any date you say.
 21 CHAIRMAN CHARLES: What did you say
 22 about the first week in January?
 23 MS. DOYLE: January 8th, we have
 24 Bridgewater Hill. Now, we have never had a situation
 25 where we have limited the number of minutes.

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1 CHAIRMAN CHARLES: Can you give us your
 2 availability?
 3 MR. COLLINS: I'm available on the 28th.
 4 MR. COAKLEY: Did you say January 28th?
 5 MR. COLLINS: January 28th.
 6 MS. DOYLE: That would be a special
 7 meeting so far.
 8 CHAIRMAN CHARLES: That's our regular
 9 meeting night.
 10 MS. DOYLE: No, it isn't. Because on
 11 the 8th it will be our regular meeting night.
 12 CHAIRMAN CHARLES: I know, but we meet
 13 the fourth Monday of every month; right?
 14 MS. DOYLE: Correct.
 15 MR. COAKLEY: SO certainly we would
 16 like --
 17 CHAIRMAN CHARLES: A date certain, the
 18 28th. In the meantime, let's rapidly create that
 19 review.
 20 MR. COAKLEY: What date did you say?
 21 CHAIRMAN CHARLES: January 28th.
 22 MR. COLLINS: January 28th, 7 p.m.
 23 CHAIRMAN CHARLES: We tried hard.
 24 MR. COAKLEY: I mean, my client will
 25 kill me, but...

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1 CHAIRMAN CHARLES: We'll confirm you did
 2 not cause that. So let's target the 28th. Let's
 3 move rapidly, though, with the review of the reports.
 4 MR. COAKLEY: Scarlett, any chance the
 5 17th might work?
 6 MS. DOYLE: We can't claim the 17th if
 7 the meeting isn't open.
 8 CHAIRMAN CHARLES: Yeah, Mr. Norgalis
 9 isn't available on the 17th.
 10 MS. DOYLE: I assume the Applicant will
 11 give an extension to January 28th?
 12 MR. COAKLEY: Yes, we will.
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 14 will be carried to January 28th, 2019. And we will
 15 at that time hopefully conclude the application, get
 16 the public's statements. Anything else?
 17 MR. RODZINAK: Mr. Chairman, can I
 18 respectfully request that all the revised drawings
 19 and responses be placed on a flash drive that I can
 20 review? It makes it much easier to look at drawings
 21 and exhibits. I don't know about anybody else, but I
 22 found that it's very helpful.
 23 CHAIRMAN CHARLES: Sounds like it's the
 24 preferred way to do it. All right. Any other
 25 comments from the Board?

1 MR. COAKLEY: Thank you.
 2 CHAIRMAN CHARLES: No other Board
 3 business. Motion to adjourn?
 4 (Motion to adjourn made and seconded;
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 6 (Proceedings concluded at 10:51 p.m.)
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1 CERTIFICATE
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 3 I, LYDIA F. McDONNELL, a Certified
 4 Shorthand Reporter and Notary Public of the State of
 5 New Jersey, do hereby certify that the foregoing is a
 6 true and accurate transcript of the proceedings at
 7 the time, place and on the date hereinbefore set
 8 forth.
 9 I DO FURTHER CERTIFY that I am neither a
 10 relative nor employee nor attorney nor counsel of any
 11 of the parties to this action, and that I am neither
 12 a relative nor employee of such attorney or counsel,
 13 and that I am not financially interested in the
 14 action.
 15
 16 *Lydia F. McDonnell*
 17 Notary Public of the State of New Jersey
 18 License No. 30XI00155900
 19 My Commission expires June 30, 2020
 20 Dated: November 30, 2018
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