

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

December 17, 2024

-Minutes-

CALL MEETING TO ORDER

Chairman Vescio called the meeting to order at 7:00 pm.

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT

Chairman Vescio read the OPMA Statement.

SALUTE TO THE FLAG

ROLL CALL

Mayor Moench-	Absent	Mr. Banga-	Absent
Councilman Kirsh-	Present	Ms. Sikora-	Present
Mr. Pappas-	Absent	Mr. Choudhury-	Present
Mr. Magura-	Present	Mr. Atkins-	Absent
Chairman Vescio-	Present	Ms. Chartowich-	Absent
Mr. Wang-	Present		

Others present: Board Attorney Mr. Mark Peck, Ms. Katherine Sarmad, Board Planner, Mr. Bill Burr, Township Engineer & Land Use Administrator Nancy Probst.

MEETING OPEN TO THE PUBLIC

Chairman Vescio opened the meeting to the public. With there being no comments from the public, the Boad closed this portion.

APPROVAL OF MINUTES

There were no minutes for approval.

MEMORIALIZATION OF RESOLUTIONS

There were resolutions for adoption.

LAND DEVELOPMENT APPLICATIONS

Application No. 23-024-PB; Has
Block 150, Lots 12&13; 147 Chestnut St.
Minor Subdivision with Variances

Mr. Michael Silbert, Esq. was present to represent the application. He provided a summation of the application and prior hearings. Mr. Silbert advise the applicant made every effort to revise the application based on the prior hearings. He then reviewed the changes made to the application that were made to comply with as many bulk standards as she could.

Mr. Silbert stated the main concern was with the storm water management for the lot. He identified the changes that were made to the plans and advised these proposed changes reduce the amount of lot coverage for both lots.

Mr. Silbert identified the remaining bulk standard variances in detail.

Mr. Silbert reviewed the prior testimony from the applicants Professional Engineer and Planner. He reviewed and described the undersized and nonconforming lots surrounding the applicant's lots. He opined the variances being requested by the applicant are consistent with the surrounding neighborhood. Mr. Silbert then requested the Board grant the variance relief being sought.

On questioning by the Board, Mr. Silbert reviewed the variance relief being requested by the applicant.

Chairman Vescio opened the meeting to the public for questions and comments.

Mr. Paul Vetter of 148 Chestnut St. Bridgewater NJ was sworn in. Mr. Vetter discussed stormwater/flood waters in the Bradley Gardens section. He entered exhibit **O1 12-17-24 Photographs** taken during August of 2024 into the record and described them. Mr. Peck confirmed these photographs will be a part of the record.

Mr. Eugene Jeziorski of 145 Chestnut St. Bridgewater NJ. Was sworn. Mr. Jeziorski stated numerous neighbors could not be present and one resident submitted a letter. Mr. Peck confirmed that members of the public must be present to be to be cross-examined.

Mr. Jeziorski described rain impacts on the neighborhood. He then expressed concerns with other residents subdividing and building more houses and potential impacts from stormwater.

Mr. Dominic Caruso of Bridgewater NJ was sworn. Mr. Caruso advised the applicant requested he review this application. During his research, he met with Township Officials and opined zoning for this section was an "injustice" for the area. He further advised the lots prevent houses from being widened since they are mostly nonconforming lots.

On questioning by the Board, Mr. Caruso advised he informs homeowners he works with of the lot conditions and zoning.

Mr. Silbert asked Mr. Caruso if he would have approached the project differently if both properties were vacant and Mr. Caruso stated he would have combined the lots to build one home.

On questioning by the Board, Mr. Burr discussed the drainage and stormwater for the site.

Chairman Vescio opened the meeting to the public for questions and comments.

Mr. Paul Vetter of 148 Chestnut St. Bridgewater NJ. Mr. Vetter clarified there are 4 storm drains in the area and that the drains can't handle the existing runoff.

Mr. Eugene Jaziorski of 145 Chestnut St. Bridgewater NJ. Mr. Jaziorski reiterated the flooding concerns and stormwater runoff from the site.

Mr. Silbert opined these concerns would remain if the applicant built a conforming residence just as they would exist if this application would be granted.

With there being no further questions or comments from the public, the Board closed this portion of the meeting.

Mr. Peck reviewed the conditions for the resolution and the Boar deliberated.

On motion by Mr. Magura, seconded by Chairman Vescio, the application was approved with conditions based on the following roll call vote:

Aye:	Mr. Magura, Ms. Sikora & Mr. Choudhury
Nay:	Councilman Kirsch & Chairman Vescio
Abstain:	
Not Eligible:	Mr. Wang
Absent:	Mayor Moench, Mr. Pappas, Mr. Banga, Ms. Chartowich & Mr. Atkins

Application #24-022-PB; R.I. Heritage Inn of Bridgewater LLC
c/o Theraldson Hospitality Development LLC
Block 222, Lot 3.01; 1260 Route 202
Amended Preliminary & Final Major Site Plan

See attached transcript by AB Court Reporting LLC.

On motion by Councilman Kirsch, seconded by Mr. Magura, the Board voted to approve the application with conditions based on the following roll call vote:

Aye:	Councilman Kirsch, Mr. Magura, Mr. Wang, Ms. Sikora, Mr. Choudhury & Chairman Vescio
Nay:	
Abstain:	
Not Eligible:	
Absent:	Mayor Moench, Mr. Pappas, Mr. Banga, Ms. Chartowich & Mr. Atkins

Application #24-014-PB; Chick-Fil-A
Block 164, Lot 6.05; 754 Route 202
Preliminary & Final Major Site Plan

See attached transcript provided by AB Court Reporting. This application was carried to the January 7, 2025 Reorganization Meeting without further notice.

ADJOURN

The Board unanimously voted to adjourn the meeting at 11:33 pm.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Jo-Ann M. Ricks", written in a cursive style.

Jo-Ann M. Ricks
Board Secretary Certified

**R.I. HERITAGE
CERTIFIED
TRANSCRIPT**

1 TOWNSHIP OF BRIDGEWATER PLANNING BOARD
2 COUNTY OF SOMERSET - STATE OF NEW JERSEY

3 - - - - -
4 REGULAR MEETING FOR:

5 R.I. HERITAGE INN OF BRIDGEWATER, LLC
6 C/O THARALDSON HOSPITALITY DEVELOPMENT, LLC
7 BLOCK 222, LOT 3.01
8 1260 ROUTE 22

9 *AMENDED PRELIMINARY & FINAL MAJOR SITE PLAN*
10 APPLICATION NO. 24-022-PB
11 - - - - -

12 MUNICIPAL BUILDING
13 COUNCIL CHAMBERS
14 100 COMMONS WAY
15 BRIDGEWATER, NEW JERSEY 08807

16 - - -
17 TUESDAY, DECEMBER 17, 2024
18 7:00 P.M.

19 - - -
20 TRANSCRIPT OF PROCEEDINGS
21 PUBLIC HEARING
22 - CONTINUATION -

23 AB COURT REPORTING, LLC
24 Certified Court Reporters
25 26 Algonquin Terrace
Millstone Township, New Jersey 08535
Tel: (732)882-3590
angelabuonocsr@gmail.com

1 BOARD MEMBERS PRESENT:

2 MAURIZIO VESCIO, CHAIRMAN
3 NIREN CHOUDHURY
4 MICHAEL KIRSH, COUNCILMAN
5 JAMES MAGURA
6 ASHLEY SIKORA
7 HENRY WANG
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12 PROFESSIONALS AND STAFF PRESENT:

13 MARK R. PECK, ESQUIRE, Board Attorney
14 Florio Perrucci Steinhardt Cappelli & Tipton, LLC
15 WILLIAM H. BURR, IV, P.E., Township Engineer
16 Township of Bridgewater
17 KATHERINE SARMAD, P.P., Board Planner
18 Sarmad Planning Group, LLC
19 NANCY PROBST, Land Use Administrator
20 Township of Bridgewater

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23 STENOGRAPHICALLY REPORTED BY:

24 ANGELA BUONANTUONO, CCR, RPR
25 License No. 30XI00233100

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

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3 DIFRANCESCO, BATEMAN, KUNZMAN, DAVIS, LEHRER & FLAUM, PC
4 BY: MICHAEL E. SILBERT, ESQUIRE
5 15 Mountain Boulevard
6 Warren, New Jersey 07059
7 T: 908.757.7800
8 F: 908.757.8039
9 Email: msilbert@newjerseylaw.net

10 --Counsel for the Applicant

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

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21 JEFF MCKAY, Vice-President
22 Tharaldson Hospitality Development

23

24 TERRY O'BRIEN
25 Regional Vice-President Real Estate & Land Acquisitions
26 Park Silver Development, LLC

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28 GREG HEFLIN
29 Regional Vice-President Real Estate & Land Acquisitions
30 Park Silver Development, LLC

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WITNESSPAGE

GEORGE FOLK, P.E.
David A. Stires Associates, LLC

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PUBLIC QUESTIONS AND/OR COMMENTS:NAMEADDRESSPAGE

Lars Knudson 104 Chelsea Way

71,104
113

John Merten 104 Adamsville Way

81,110

Robert Zgorzynski 119 Chelsea Way

88

Mitchel Zaytoun 130 Chelsea Way

94

E X H I B I T S

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2			
3	<u>No.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
4			
5	A-1	Colorized Site Plan Rendering	10
6	O-1	Photographs from Chelsea Village in	96
7		direction of subject property,	
8		submitted by Mitchel Zaytoun	
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6 1 CHAIRMAN VESCIO: Good evening. And 2 welcome to the Bridgewater Township Planning Board 3 meeting for Tuesday, December 3, 2024. 4 Adequate notice of this meeting has 5 been given in accordance with the Open Public 6 Meetings Act, or N.J.S.A. 10:4-6. On February 7th, 7 2024, proper notice was sent to The Courier News and 8 The Star-Ledger, and filed with the Clerk at the 9 Township of Bridgewater, and posted on the bulletin 10 board in the Municipal Building. 11 Please be aware that the Planning 12 Board Policy for public hearings, no new 13 applications will be heard after 9:30 p.m., and no 14 new testimony will be taken after 10:00 p.m. 15 Hearing assistance is available upon 16 request. Accommodation will be made for individuals 17 with a disability, pursuant to the Americans with 18 Disabilities Act, or ADA, provided the individual 19 with the disability provides 48 hours' advance 20 notice to the Planning Department secretary before 21 the public meeting. 22 However, if the individual should 23 require special equipment or services, such as a 24 CART transcriber, seven days' advance notice, 25 excluding weekends and holidays, may be necessary.	8 1 Mr. Burr, board engineer. And Ms. Sarmad, board 2 planner. 3 You have a quorum and you can proceed. 4 - - - 5 (Whereupon, the board continues with 6 the agenda as posted.) 7 - - - 8 (Whereupon, the application is called 9 at 8:40 p.m.) 10 - - - 11 CHAIRMAN VESCIO: Okay, next on our 12 agenda this evening is R.I. Heritage Inn of 13 Bridgewater, LLC, Tharaldson Hospitality 14 Development, LLC, as Block 222, Lot 3.01, commonly 15 known as 1260 Route 22. 16 And who is returning this evening to 17 represent the applicant? 18 ATTORNEY SILBERT: Thank you, 19 Mr. Chairman. Just for the record, Michael Silbert 20 from DiFrancesco Bateman, Warren Township, New 21 Jersey. I'm here this evening representing the 22 applicant, R.I. Heritage Inn at Bridgewater, LLC. 23 I will not give too much for summary 24 here. The applicant is seeking Amended Preliminary 25 and Final Site Plan approval for the property. Just
7 1 Would everyone please rise to salute 2 to the flag. 3 [Pledge of Allegiance.] 4 CHAIRMAN VESCIO: Ms. Probst, could I 5 have a roll call, please. 6 ADMINISTRATOR PROBST: Chairman Vescio? 7 CHAIRMAN VESCIO: Here. 8 ADMINISTRATOR PROBST: Mayor Moench is 9 absent. Councilman Kirsh? 10 COUNCILMAN KIRSH: Here. 11 ADMINISTRATOR PROBST: Mr. Pappas will 12 be absent. 13 Mr. Magura? 14 MEMBER MAGURA: Here. 15 ADMINISTRATOR PROBST: Mr. Wang? 16 MEMBER WANG: Here. 17 ADMINISTRATOR PROBST: Ms. Sikora? 18 MEMBER SIKORA: Here. 19 ADMINISTRATOR PROBST: Mr. Banga will 20 be absent. Ms. Chartowich will be absent. 21 Mr. Choudury? 22 MEMBER CHOUDURY: Yes, here. 23 ADMINISTRATOR PROBST: Mr. Atkins will 24 be absent. 25 Mr. Peck is present, board attorney.	9 1 so the board remembers, the applicant appeared 2 before the board on December 3rd, 2024, and 3 presented the testimony of Jeff McKay, 4 Vice-President of Tharaldson Hospitality 5 Development, followed by operational testimony of 6 Terry O'Brien and Jeff Heflin, regional 7 vice-presidents of real estate and land acquisitions 8 for Park Silver Development, the developer of the 9 proposed WoodSpring Suites Hotel. 10 So again, I'm not going to waste the 11 public or the board's time in summarizing this 12 application. The applicant had one remaining 13 witness to call, which is Mr. George Folk, who is 14 going to present the amended site plan to the board 15 this evening. I believe Mr. Folk was sworn in at 16 the last hearing. 17 GEORGE FOLK: Yes. 18 ATTORNEY SILBERT: Okay. Do we want 19 to just jump right into it, Mr. Chairman, if that's 20 acceptable? 21 CHAIRMAN VESCIO: Please do. 22 ATTORNEY SILBERT: Thank you. 23 - - - 24 E X A M I N A T I O N 25 - - -

G. Folk, P.E. 10 1 GEORGE FOLK, P. E., previously sworn, 2 testified as follows: 3 4 THE WITNESS: I'm going to have with 5 me a color rendering, I guess we can call it 6 A-something? 7 ATTORNEY PECK: Yes. We're at A-1. 8 That's just colorized rendering of the 9 site plan? 10 THE WITNESS: Correct. 11 ATTORNEY SILBERT: And Mr. Folk -- 12 THE WITNESS: What exhibit? 13 ATTORNEY PECK: Can you mark that A-1 14 with today's date? 15 - - - 16 (Exhibit A-1, Colorized Site Plan 17 Rendering, was marked.) 18 - - - 19 THE WITNESS: Done. Okay. The 20 genesis for this application is the WoodSpring 21 Suites Hotel, which is to the south of the property, 22 the replacement of the Residence Inn. 23 The WoodSpring Hotel Suites we talked 24 about two weeks ago. And the footprint of this 25 building is much smaller than the Residence Inn.	G. Folk, P.E. 12 1 relatively centered. So the pickup is about 25 on 2 each side? 3 THE WITNESS: One side is maybe a 4 little longer than that and one side is a little 5 shorter than that. 6 COUNCILMAN KIRSH: Which is the longer 7 one? 8 THE WITNESS: The side to the east. 9 Let's see, it was currently 91 feet to the building. 10 It's approximately 116, so 25 feet there. And this 11 is 109 from the easterly sideline, to 143. 12 COUNCILMAN KIRSH: I'm sorry. Can you 13 just repeat where is the new space? Like -- 14 THE WITNESS: The new space is 15 143 feet from the property line and it was 109. 16 COUNCILMAN KIRSH: The other one? 17 THE WITNESS: From the westerly 18 property line it's approximately 116, and it was 91, 19 so 16 and 8 is 24. 20 And then the rear yard line, the rear 21 setback was 155/156, and is now -- is now 210 feet, 22 so from 155 to 210. 23 COUNCILMAN KIRSH: Just a question, 24 and I don't know the topography of the land. I do 25 want to make sure that that building is as far away
G. Folk, P.E. 11 1 And the building is 30 feet further away from the 2 easterly sideline, 30 feet further from the westerly 3 sideline, and over 60 feet further from the rear of 4 the property or the southerly sideline. So the 5 building has been substantially pushed forward onto 6 the site with greater buffers to all residential 7 areas that surround it. 8 COUNCILMAN KIRSH: Mr. Chairman, can I 9 just ask for a repeat of those numbers? 10 So is the new building 60 feet less 11 long and that was essentially split in half so 12 that's how your buffers are 30 and 30 to the east 13 and the west? Did I hear that correctly? 14 THE WITNESS: Yeah. I have with me 15 the approved plan, I can give you the overall 16 dimension of what was approved. Bear with me. 17 290 feet was the overall length of the 18 Residence Inn. This current building is 240 feet. 19 COUNCILMAN KIRSH: So about 50? 20 THE WITNESS: Yeah. 21 COUNCILMAN KIRSH: And you divided it 22 roughly evenly? 23 THE WITNESS: In between the two 24 sites. 25 COUNCILMAN KIRSH: So it's still	G. Folk, P.E. 13 1 from residents both to the east and to the west. Is 2 there flexibility to come closer to centering it 3 again as the previous building was? 4 THE WITNESS: The older building 5 really was essentially -- they're both predicated 6 really on the visual sight line that comes off of 7 Route 22 so as you pull in the driveway, if you're 8 an out-of-towner looking for your hotel you see it 9 ahead of you, the main entrance. And essentially it 10 is, you know, halfway between the property. 11 Could we shift it a couple of feet? 12 Certainly. 13 COUNCILMAN KIRSH: Yeah. I don't know 14 that a couple of feet in this case, you know, is 15 going to make a difference. It would be my 16 preference to just to have this building be as -- 17 give as much of an even buffer to the east and to 18 the west. 19 THE WITNESS: It's essentially at that 20 position. 21 COUNCILMAN KIRSH: All right. 22 THE WITNESS: Also, we've had the fire 23 department review this plan and for their 24 firefighting apparatus they felt that this was the 25 most centrally located that worked for all their

G. Folk, P.E. 14 1 turning movements. 2 COUNCILMAN KIRSH: All right. But if 3 I am a resident to the west, we have picked up 4 another 25 feet on the buffer it sounds like? 5 THE WITNESS: Yeah. And substantially 6 less impact of the building. That wall here 7 proposed is on the order of 50 feet wide, in width, 8 compared to 170 feet. 9 COUNCILMAN KIRSH: And on the depth, 10 how much less deep is this new building compared to 11 the old? 12 THE WITNESS: About that same depth. 13 This building depth is 65 feet and the old building 14 was -- the greatest depth was 165. And then down 15 the middle was 115. So we're about 50 feet in depth 16 we've lost. 17 COUNCILMAN KIRSH: And the front wall 18 is in the same or similar spot. We have added to 19 the quote/unquote "backyard" basically? 20 THE WITNESS: Correct. Yes. This 21 building is essentially in the same location with 22 the SpringHill Suites. 23 COUNCILMAN KIRSH: Okay. So the front 24 is the same. Where you've really lost bulk is 25 behind where it's shown and to the sides where it's	G. Folk, P.E. 16 1 detention basin that ties into an existing fence on 2 the westerly side of the property. 3 So that berm is probably 6 or 7 feet 4 high, with another, I believe it's a 6-foot fence or 5 it could be even an 8-foot fence on top of that. 6 COUNCILMAN KIRSH: I guess I have a 7 comment. I don't know if this is a comment maybe 8 you could speak to or maybe someone else. You know, 9 I have been speaking to the residents. I'm going to 10 be blunt. You know, it's my role. And they have 11 concerns, you know, many of which have been heard. 12 You know, the biggest one is they want 13 to make sure that the enjoyment of their property is 14 not diminished. And, you know, among them they said 15 we don't want people, you know, looking into our 16 bedrooms. And I joked with one person, I said, 17 well, maybe the people in the hotel don't want you 18 looking into theirs. 19 But are you satisfied that the current 20 location is satisfying that need for privacy in both 21 directions to the greatest extent possible with this 22 plan? 23 THE WITNESS: Yes, sir, I do. We have 24 also left a substantial buffer that is existing out 25 there we're not going to touch. You can go out
G. Folk, P.E. 15 1 shown? 2 THE WITNESS: Correct. 3 COUNCILMAN KIRSH: So almost like a 4 U-shape around that is what is no longer there 5 compared to the original plan? 6 THE WITNESS: I would say so, yeah. 7 COUNCILMAN KIRSH: Okay. So for the 8 residents who live in the Chelsea, you know, to the 9 south, which I guess would be the right on the 10 diagram, they're noticeably further away from the 11 back of the building than the Residence Inn. 12 THE WITNESS: Correct. 13 COUNCILMAN KIRSH: For those residents 14 who are along the westerly border, not a significant 15 but still we've picked up, I think we said, the 16 25-ish feet. 17 THE WITNESS: That's correct. 18 COUNCILMAN KIRSH: Okay. And 19 everything is still in place as was agreed with the 20 berming and the trees and the fencing and all that 21 kind of stuff? 22 THE WITNESS: Absolutely. We've met 23 all the ordinance for the tree quantities, the 24 landscape plan is pretty substantial. We have a 25 fence that was proposed along the berm of the	G. Folk, P.E. 17 1 there today and look at it. It's there. 2 I will admit that this time of year 3 it's probably a little thinner than in the summer 4 but with the tree growth we have proposed, the 5 fencing that we have proposed, I think it's going to 6 be a nice, quiet neighbor. 7 ATTORNEY PECK: You said that would be 8 an 8-foot-high fence? 9 THE WITNESS: Yes, sir, I did. 10 ATTORNEY PECK: That would be sitting 11 on top of the berm? 12 THE WITNESS: That's correct. 13 ATTORNEY PECK: The berm would be how 14 tall? 15 THE WITNESS: I would say 4 and a half 16 feet. 17 ATTORNEY PECK: So a 9-foot base on 18 the berm, is that 2-to-1? 19 THE WITNESS: It's a 3-to-1. 20 ATTORNEY PECK: So 13 feet? 21 THE WITNESS: No, the berm is -- 22 elevation goes from -- well, if you want to go from 23 the back of the property here, to the top of the 24 berm is -- 82 feet is the top of the berm, 82 and a 25 half feet. And the back of the property is 75. So

G. Folk, P.E. 18 1 7 and a half feet. 2 And the top of the berm is 10 feet wide 3 with an 8-foot fence on top of that. 4 COUNCILMAN KIRSH: Can you also speak 5 to, you know, the privacy and the shielding of car 6 lights, particularly along -- I hope I'm going to 7 get my directions right -- the westerly side of the 8 property? 9 So to the extent that people will be 10 parking in the ten or so spots to the west of the 11 building but across the driveway, so to speak, and 12 then along that longer run, you know, are you 13 satisfied that between the fencing that is proposed, 14 the berming, the -- any shrubbery and other things 15 that -- we would not have a light pollution 16 challenge from cars, you know, getting in and out of 17 those parking spaces diminishing the enjoyment of 18 residents that live there. 19 THE WITNESS: No. I firmly commit 20 that the parking lot is very buffered. This fence 21 along the westerly property line is 10 feet high. 22 We also have back here a 3-foot-high 23 retaining wall with berms up into a substantially 24 landscaped area. And then this is a 6-foot-high 25 wood fence in this area.	G. Folk, P.E. 20 1 been in place today as pervious pavement, 2 bio-swaes, rain, dry wells for the roof leaders on 3 the hotels. 4 The water quality was addressed within 5 the basin and these gigantic filters that are 6 installed. 7 Most of the utilities on site have been 8 installed. Most of them -- I would say 90 percent 9 of the stormwater is in effect and operational. 10 Concerns with that or that the site isn't final 11 graded such that maybe these inlets are not working 12 as well as they should, but they're still picking up 13 most of the runoff that comes from this site. 14 The basin has been inspected. It is 15 operating. After a rainstorm, you'll go out there, 16 you will see it's full of water. 17 There is a pipe, a 6-foot-diameter pipe 18 that comes from the north on the other side of 19 Route 22. That is between the Red Lobster and the 20 Hampton Inn, which traverses across Route 22, picks 21 up Route 22 water and then comes through our site in 22 between Building Number 1 and Building Number 2 and 23 continues unimpeded through the site and continues 24 to discharge. 25 We have not changed anything,
G. Folk, P.E. 19 1 So from here -- from the rear property 2 line to approximately the front of the WoodSpring 3 Hotel is a 6-foot-high fence, wooden fence, on top 4 of an existing berm. And our parking lot then drops 5 down with a 3-foot retaining wall here. So it's 6 further dug into the ground. 7 So light pollution from headlights and 8 cars, I would say would be extremely minimal or 9 non-existent at best. 10 COUNCILMAN KIRSH: Okay. Because 11 that's, I think, a concern. 12 THE WITNESS: Absolutely. 13 COUNCILMAN KIRSH: If that's been 14 addressed, you know, that's an important component. 15 THE WITNESS: The previous board that 16 we had this approved through, we had a lot of go at 17 this. And Scarlet Doyle, to her -- her approval, 18 was very sure that this was to be a nice project. 19 And further, we're reducing the 20 impervious coverage on the site. We're reducing the 21 motor vehicle surfaces on site. This plan was 22 designed and approved by the Flood Hazard Area, the 23 NJDEP and with it were green infrastructure 24 facilities that were baked into the design. 25 Most of this green infrastructure has	G. Folk, P.E. 21 1 characteristics of that pipe, that's an existing 2 feature. The DEP has reviewed that and it has 3 agreed that it's not to be touched and not to be 4 changed. So that water is from the north of us. 5 And I would say the reduction of 6 impervious coverage on the site, over 18,000 square 7 feet; the reduction of motor vehicle surface area; 8 and the reduction of the floor area is a positive -- 9 are all positive attributes for this project. 10 COUNCILMAN KIRSH: Mr. Chairman, I 11 have a question for Mr. Peck, particularly. You 12 know, we as a board, spend a lot of time, you know, 13 focusing on plans and ask questions and the 14 applicants provide testimony and I think the 15 applicants provide fair and honest testimony about 16 impacts. 17 Sometimes, though, impacts aren't known 18 until the build condition, right. If we ever get it 19 wrong, so to speak, in a case like this and there is 20 excess light coming through, there's a spot in the 21 fence, the design in the fence, or angle of the 22 fence, you know, something isn't quite right, do we 23 have recourse to go back? And again, I'm not saying 24 because something wasn't followed, just because the 25 real-life condition turned out to be a little

1 different.

2 Do we have any recourse to go back to
3 the applicant or at that point the owner or
4 operator, and say, you know what, can you make a
5 tweak over here, just so that we can -- and I ask
6 that question broadly, not just for this applicant
7 because again, a build condition is sometimes a
8 little different.

9 ATTORNEY PECK: Yeah, no, I hear what
10 you're saying and there's no eraser that the board
11 could put in and say, "Well, we want to go back and
12 change things." But it can be addressed, like, with
13 taking lighting as an example, you could ask once
14 the lights are installed that there's lighting tests
15 done and adjustments be made as a consequence of
16 those tests.

17 So if you have concerns about things
18 like that, you know, the best you could do is draft
19 conditions that would address that and give you
20 recourse to, after the fact, you know, mitigate some
21 issue that -- that was unforeseen.

22 COUNCILMAN KIRSH: You know, I'm not
23 trying to jam up the applicant here. I'm just
24 simply, you know, asking the open-ended question,
25 you know, is there an acceptable condition that

1 could be put in here that, if there are unintended,
2 you know, site-based circumstances that arise, you
3 know, post-construction -- and I don't mean forever,
4 I mean shortly after construction -- that there be a
5 willingness to address them.

6 I don't know how we word that. You
7 know, I just want to protect the residents.

8 ATTORNEY SILBERT: I would discuss
9 with the applicant, but any type of condition like
10 that would have to be very specific. You know, it
11 would have to call out the very specific concern,
12 the very specific test that we are supposed to do.
13 Doing some kind of open-ended condition that, you
14 know, just kind of just opens up the applicant to
15 anyone's complaints, they don't like this, they
16 don't like that, can we do a test? Like it needs to
17 be very specific and I would be willing to work with
18 the board and the board's professionals.

19 COUNCILMAN KIRSH: I am trying to say
20 my concerns -- and I'm not trying to jam this up but
21 I'm trying to provide a level of protection -- would
22 be associated with light either from, you know, the
23 lighting on the site or potentially from car
24 headlights. Those would be the two I'd be concerned
25 about.

1 ATTORNEY SILBERT: So as far as
2 lighting, site lighting, are you looking at like a
3 foot-candle? I don't know what the test would be
4 and I don't know if the board's professionals, if
5 there's a specific test that you have in mind?

6 Because, you know, I guess, when
7 you're thinking about like car headlights, perhaps
8 something like that could be subjective. Maybe to
9 one person the headlights of the car -- and I'm not
10 even suggesting there would be impact, we just heard
11 testimony that there's sufficient buffering. But to
12 one person there might be an impact, to another
13 person there might not be an impact.

14 So I don't know what the test looks
15 like.

16 COUNCILMAN KIRSH: Because I mean the
17 fencing is intended to not have it be a problem.
18 And I think in good faith you expect it won't be a
19 problem. I guess I'm looking for if there would be
20 a way of, you know, tweaking, if a tweak becomes
21 necessary.

22 THE WITNESS: If I may, in other towns
23 we do this, we usually have -- the town engineer
24 would come out as part of a CO and see the night
25 lighting, the light and identify that it's adequate

1 because these LED light fixtures are dimmable or
2 adjustable, so we can add light or reduce light in
3 areas. And that's typically, you know, what's done.

4 I would note that we do have something
5 on the plan, an indication that the lights will be
6 sufficient for "Site lighting shall be reduced
7 around commercial realty building pad sites 1, 2 and
8 3, in accordance with the township requirements to
9 extinguish lighting levels to half hour after close
10 of business except for security purposes needed for
11 the hotel uses. The hotels and hotel parking lots
12 shall remain illuminated dusk to dawn."

13 So we do have a note on the plans, but
14 on top of that we can stipulate that, you know, if
15 there is an issue somewhere of not enough light or
16 too much light, we can have your board engineer come
17 out and, you know, say yea or nay to the lights.

18 ATTORNEY PECK: So prior to CO that
19 the engineer would check the intensity of lighting
20 and also to make sure that the fence and other
21 landscaping is sufficient to block headlights from
22 spilling into neighboring properties and then, you
23 know, if there is some light escape, you know, you
24 beef up the buffer.

25 THE WITNESS: Certainly, yes.

G. Folk, P.E. 26 1 ENGINEER BURR: Mr. Chairman, that is 2 something that is reasonable and it is a condition 3 that both boards have included in prior approvals 4 before to do a night light test. Our office would 5 go out in the evening, particularly if there has 6 been some sensitive issues raised in the course of 7 the hearing with an eye on surrounding properties to 8 make sure that there are no objectionable light 9 spillover impacts, nuisances from lights, as a 10 result of the build. 11 But our office will also be involved 12 with construction of any approved project as well, 13 and our charge is to oversee the site improvements, 14 everything outside of the building itself, to make 15 sure that the plans that the board has approved, 16 usually with conditions, have been built in the same 17 manner. 18 And if there are issues that arise 19 during construction, it's not uncommon for us to 20 bring them to the developer and request that they 21 address those issues, whether it's, you know, 22 there's a void in the landscaping and there needs to 23 be some additional plantings or, you know, if the 24 drainage issue just wasn't fully addressed. 25 Normally those are issues that are	G. Folk, P.E. 28 1 a comment. 2 Mr. Burr, you probably know very well, 3 there are lights designed nowadays -- well I know 4 that very well, actually. So reflector lights 5 actually, you can actually have in a very common 6 diameters, or rectangle shape, any shape you like, 7 so that the light doesn't go beyond a certain point 8 from depending on what the height of the light tower 9 is. 10 And also -- the reflective light, you 11 cannot avoid it. That will go anywhere, like 12 diffuse light. That cannot be put as a condition 13 because diffused light will go to anywhere, wherever 14 light could go, but the reflective light could be 15 basically protected through the design of the 16 reflector itself. 17 ENGINEER BURR: Oh, I agree. And 18 lighting has come a long way and there are 19 definitely features that can be integrated. 20 MEMBER CHOUDURY: It's a very good 21 question. Councilman Kirsh basically raised it, 22 it's important point. 23 CHAIRMAN VESCIO: Thank you, 24 Mr. Choudury. 25 Are there any specific hours of
G. Folk, P.E. 27 1 caught during construction and certainly we do a 2 final inspection before any Certificate of Occupancy 3 is issued. 4 So there's a couple of checks along the 5 way, but certainly a night light test, especially 6 for impacts both for the overhead lights as well as 7 headlights would certainly be an appropriate 8 condition. 9 COUNCILMAN KIRSH: And again, I'm just 10 trying to strike that balance, sufficient light so 11 that this property is secure, as the operators and 12 certainly in time the guests are going to want 13 safety. But at the same time, protecting the 14 residents so that they're not, you know, living 15 across from a blazing light. And clearly there is a 16 balance and I guess I just want to make sure that we 17 strike that balance. 18 And, you know, I take this applicant at 19 their word; they want to be good neighbors. And I 20 think that is going to be an important checkmark as 21 part of the construction process. 22 MEMBER CHOUDURY: Mr. Chairman, can I 23 ask a question on that line, please? 24 CHAIRMAN VESCIO: Mr. Choudury. 25 MEMBER CHOUDURY: Yeah, actually it's	G. Folk, P.E. 29 1 operation during which the lights remain the same or 2 do they change after a certain time in the evening 3 or is it 24/7, the same type of lighting? 4 THE WITNESS: I would think the 5 lights, again, are different for the front half of 6 the site. 7 For the commercial buildings, again, 8 this was gone over years ago. They wanted specific 9 lights to be -- to bring the residents or, you know, 10 the residents for these hotels in, and the areas 11 around the hotels safe for them at any time during 12 the night. 13 And then areas up here where an hour 14 after closing time would be dimmed, not turned off 15 but maybe every other light, or dimmed somehow so it 16 would be less obtrusive. 17 CHAIRMAN VESCIO: And we talked about 18 security as well. I'm glad that you brought that 19 up. Would there be lighting -- the lighting in that 20 area that immediately greets -- yes, exactly. 21 Where would the security lighting be in 22 that spot there? 23 THE WITNESS: I couldn't hear you. 24 CHAIRMAN VESCIO: Where would the 25 security lighting be behind, I guess that's, what,

G. Folk, P.E. 30 1 building... 2 THE WITNESS: Behind the SpringHill? 3 CHAIRMAN VESCIO: Behind the 4 SpringHill. 5 THE WITNESS: These are spaces for the 6 SpringHill. So this would be -- you know, there 7 would be some lighting here. And, you know, buffer 8 that we have. I guess Houlihan's or whatever is 9 going over here. 10 CHAIRMAN VESCIO: Right. 11 THE WITNESS: But for the most part, 12 the parking is going to be here for the renters or 13 their guests. 14 CHAIRMAN VESCIO: Remind me again, the 15 access points to access the location off of 16 Route 22, there's only one access point in, one 17 access point out? 18 THE WITNESS: You have two access 19 points, two coming in, one going out. 20 CHAIRMAN VESCIO: Okay. And that 21 lighting remains the same lighting 24/7, 365. 22 THE WITNESS: Yeah. 23 CHAIRMAN VESCIO: Okay. 24 THE WITNESS: I don't know about 24... 25 CHAIRMAN VESCIO: Right. I'm just	G. Folk, P.E. 32 1 provision? Streetlights? 2 ENGINEER BURR: Streets? 3 MEMBER CHOUDURY: Traffic lights, 4 sorry. 5 ENGINEER BURR: Traffic signals? 6 MEMBER CHOUDURY: Yes. 7 ENGINEER BURR: No. Off the entrance 8 off of 22? 9 MEMBER CHOUDURY: Yes. 10 ENGINEER BURR: No, it's just a stop. 11 MEMBER CHOUDURY: How many basically, 12 you know, cars you are going to see in the morning 13 time or evening time? 14 THE WITNESS: I couldn't answer that 15 for you, sir. 16 ATTORNEY SILBERT: That would have 17 been a question that would have been addressed 18 during the original application when the traffic 19 engineer testified. I would imagine that the counts 20 has gone down since the square footage of the 21 building is being decreased, but we don't have a 22 traffic engineer. 23 MEMBER CHOUDURY: So how many -- both 24 hotels, how many rooms are there, SpringHill and... 25 THE WITNESS: How many rooms? 122, I
G. Folk, P.E. 31 1 thinking from a security perspective here, just to 2 ensure that there is adequate lighting, you have 3 identified cars coming in and out. 4 THE WITNESS: Yeah, 100 percent. 5 CHAIRMAN VESCIO: Okay. 6 THE WITNESS: It meets all your 7 ordinance standards. And then again, the note was 8 put on there to address, you know, to customize the 9 lighting so it's not on all the time where it 10 doesn't need to be on all the time. 11 CHAIRMAN VESCIO: Any other questions 12 for Mr. Folk? 13 Do you have a question? Mr. Choudury? 14 MEMBER CHOUDURY: Yes, I actually 15 borrowed the question from you, I know -- 16 (Stenographer requests clarification.) 17 MEMBER CHOUDURY: I told you to put 18 some stones so that you can throw me out here. 19 THE WITNESS: I'm getting deaf, too, 20 so it's not just her. 21 MEMBER CHOUDURY: Don't worry about 22 it. So 22, there's no light proposed, street light 23 proposed here, right, Mr. Burr? 24 ENGINEER BURR: I didn't -- 25 MEMBER CHOUDURY: Streetlight	G. Folk, P.E. 33 1 believe. Let me just check that. 2 ATTORNEY PECK: Yes. 122. There were 3 127 that were previously -- 4 THE WITNESS: Thank you. 5 MEMBER CHOUDURY: Right, right. 6 You're right, 122. And the SpringHill will be how 7 many? SpringHill? 8 MEMBER SIKORA: How many were in the 9 SpringHill he said? 10 THE WITNESS: 127. We lost five 11 rooms. 12 MEMBER CHOUDURY: No, no, no. That is 13 WoodSpring, right; WoodSpring is 122? 14 PLANNER SARMAD: 103. 15 MEMBER CHOUDURY: 103? Okay, so it's 16 225. So total 225, so 500 people basically, mostly. 17 So the problem that we see, I drive 18 there everyday so that is what I'm more worried 19 about it actually, not because of all other things 20 that has been raised by, you know, the engineer can 21 take care of it, and also what board has raised. 22 The problem that I see the traffic 23 coming out and blocking the 22 because if you have 24 driving at this moment, that should be okay, but if 25 you're driving from -- anywhere from 4 o'clock to 6

1 or 7:30 or so in the evening, and the morning
2 probably about 7 to 9, that 287 is totally blocked
3 anyway and that actually is blocked up to what we
4 call previously -- the restaurant name I forgot.

5 THE WITNESS: Morgan Lane?

6 MEMBER CHOUDURY: Not Morgan Lane, 22
7 itself. So if you have another so called 500 people
8 coming and going, or maybe 200 -- 200 or 300 cars,
9 can you actually block it up to Mercedes-Benz on 22.
10 So that's my worry rather than, you know, anything
11 else.

12 The question is, have you thought about
13 how to mitigate that big traffic jam from almost,
14 you know, beyond Mercedes-Benz, I think I forgot
15 what is gas station or something like that, and to
16 the 287?

17 THE WITNESS: Well the original
18 project was DOT approved. There was a hotel on this
19 site originally.

20 MEMBER CHOUDURY: Yeah, I know, Days
21 Inn.

22 THE WITNESS: And that hotel was, you
23 know, very similar, not maybe -- close in room size,
24 but they had approvals to triple the size of that
25 hotel that was never done. So the site has been

1 used for many, many years, 50, 60 years that I know
2 of.

3 So again, the DOT has approved the
4 application for the amount of rooms that we have.
5 We're reducing the rooms by five, so it has to be a
6 net positive at some point.

7 MEMBER CHOUDURY: Okay.

8 ATTORNEY SILBERT: If we were going to
9 increase the number of rooms, to a certain point it
10 would probably require us to go back to the State
11 and DOT and file a new application. But since this
12 is a reduction from what they previously approved,
13 as Mr. Folk said, it should result in a net
14 positive.

15 MEMBER CHOUDURY: Okay. Well, if you
16 -- already DOT approved it, I'm nothing to complain
17 about it.

18 THE WITNESS: And I think the
19 operators testified that, you know, that their
20 timeframes for the use of their facilities is
21 off-peak, you know, not typically peak times, but
22 when they come and go for the hotel.

23 MEMBER CHOUDURY: Okay. Well, let me
24 -- I'm okay with that, Chairman.

25 CHAIRMAN VESCIO: Thank you,

1 Mr. Choudury.

2 MEMBER CHOUDURY: I have some more
3 questions I'll ask later.

4 CHAIRMAN VESCIO: Very good. Thank
5 you.

6 MEMBER SIKORA: I have a couple.

7 CHAIRMAN VESCIO: Ms. Sikora.

8 MEMBER SIKORA: I know you proposed a
9 need for a variance for a buffer and I wasn't here
10 last time, I did listen to the tapes. However, I
11 probably listened right afterwards, so bear with me.

12 Why is there a reduced -- why can't we
13 meet the requirement for the buffer?

14 ATTORNEY SILBERT: I'm going to answer
15 that just because when I looked at the site plan, I
16 called out two variances. And those variances were
17 actually with respect to the SpringHill hotel, which
18 we're not touching.

19 And I guess there were -- and maybe
20 George could speak to it, but I assume there were
21 some revisions to the site plan after the board
22 approved it in 2018, and when it was going through
23 the township's review of the plans. And there were
24 certain things done, I believe maybe Bill, or Mr.
25 Burr, or Ms. Doyle probably asked the applicant if

1 they could improve this or improve that.

2 So the plan that was submitted to the
3 board, which references 2020 approval, references
4 revisions that were made to the plan after they
5 received site plan approval, based upon feedback and
6 revisions with the township's professionals at that
7 time.

8 So I looked at the bulk standard table,
9 saw there was a deviation from what was originally
10 approved and what is now on the plans and I called
11 that as a variance. But in reality, that was
12 changes that happened over the course of, as I
13 explained, going through post-approval compliance
14 and I don't know if there's anything that I missed
15 or you wanted to add to that.

16 But just in short, the two variances I
17 have called out in our application have nothing to
18 do with the hotel that is proposed before the Board
19 this evening, they had to do with the SpringHill
20 hotel. And again, they constituted improvements to
21 what was originally approved.

22 I don't know if there's anything you
23 want to add to that?

24 THE WITNESS: No, that was perfectly
25 said.

1 MEMBER SIKORA: So what are the
2 variances being proposed?

3 ATTORNEY SILBERT: There are no
4 variances. And I apologize for misleading the board
5 and the public with that. I just saw the deviation,
6 and it had to do with SpringHill; I assumed it was
7 related to the WoodSpring Suites hotel.

8 ATTORNEY PECK: Essentially, you're
9 looking for Amended Preliminary and Final Site Plan?

10 ATTORNEY SILBERT: Right,
11 variance-free. Well, we're asking -- I mean there
12 was variances previously granted but --

13 ATTORNEY PECK: Right, but those are
14 existing and they run with...

15 ATTORNEY SILBERT: We're not touching
16 it. The only thing I would say is that I guess --
17 and I wasn't in the room and I don't know how it
18 went -- but typically when you're changing a
19 deviation and it's an improvement, technically
20 you're supposed to go to the board and still get
21 the -- to dot your I's, cross your T's, you get the
22 relief.

23 And I guess when it went through the
24 review of the township, perhaps they said, "Wait a
25 second. So you're going to increase the buffer if

1 we just do this, it's 4 feet. You're probably okay,
2 just show this on the plan." And they didn't make
3 us file an amended site plan application because, to
4 the applicant, if the variance relief was already
5 granted why would they go through the motions to
6 file an amended site plan if they're making an
7 improvement based up the ordinance for something
8 minor like that.

9 I don't know if I'm making sense, but I
10 would imagine that's probably what happened when
11 they were reviewing this site plan after site plan
12 approval.

13 MEMBER SIKORA: Got it. My only other
14 question like deliveries and garbage pickup, what
15 timeframe are those? Have those been set?

16 GREG HEFLIN: Deliveries and trash?

17 MEMBER SIKORA: Yeah.

18 GREG HEFLIN: We'll contract with a
19 local trash hauler so they'll probably come at
20 off-peak times. The deliveries are de minimis;
21 FedEx. There's no food and beverage or laundry or
22 anything like that that goes in and out of the
23 hotel.

24 MEMBER SIKORA: So could we make it as
25 part of -- so garbage pickup, I'm most concerned

1 with residents that are close with overnight pickup
2 and the loudness. Are we able to add it into --

3 ATTORNEY PECK: Sounds like during
4 daytime hours or something like that --

5 MEMBER SIKORA: Yes.

6 ATTORNEY PECK: -- so they're not
7 rattling dumpsters at 4:30 in the morning?

8 THE WITNESS: Yes.

9 GREG HEFLIN: We don't want our guests
10 disturbed either, in all due respect.

11 ATTORNEY SILBERT: I think that's
12 fine.

13 CHAIRMAN VESCIO: Any further
14 questions, Ms. Sikora?

15 MEMBER SIKORA: No.

16 CHAIRMAN VESCIO: Last time we talked a
17 lot about the hotel, the extended-stay model. I'm
18 not sure if this question is for Mr. Folk or someone
19 else. But at times it is possible for people to
20 move into the area with children that need bus
21 access; is there any school bus access or
22 residential bus access located to the area or
23 located to the site?

24 THE WITNESS: Bus access would be off
25 of Route 22.

1 CHAIRMAN VESCIO: Okay. So as far as
2 school goes, there would be no school bus stop close
3 by there or proposed?

4 THE WITNESS: I couldn't answer that.
5 I mean if -- I don't think so. We're not proposing
6 one.

7 CHAIRMAN VESCIO: Just keeping in mind
8 that it's extended stay, we did talk about what that
9 entails. What we didn't ask last time, roughly how
10 many employees would be working at the WoodSpring?

11 THE WITNESS: About 14.

12 CHAIRMAN VESCIO: 14, okay. Are any
13 of those employees -- would they be considered a
14 full-time resident at the WoodSpring, any of them?

15 GREG HEFLIN: No.

16 CHAIRMAN VESCIO: Thank you. Any
17 other questions for Mr. Folk?

18 Any questions from our professionals?

19 PLANNER SARMAD: Yes. Thank you,
20 Mr. Chairman. I would just like a clarification
21 from Mr. Silbert about the way the relief -- I just
22 -- maybe I'm misunderstanding what was said.

23 As outlined in the table in the joint
24 review memo, it shows what was previously approved
25 by variance and some of those bulk standards have

G. Folk, P.E. 42 1 changed, whether or not they refer to the Residence 2 Inn, this is the amended site plan with the entire 3 site. So I'm a little confused about what was 4 spoken about and what dates were reflected on the 5 plans. 6 I also raised a number of housekeeping 7 items from the plans that need to be updated to kind 8 of mitigate some of that confusion. 9 But can you -- back to the question. 10 Can you just -- can you describe if what was shown 11 on the plans as previously approved is proposed to 12 be changed, and still in a variance condition, 13 whether or not it's an improvement or not? 14 THE WITNESS: Could you let me know 15 exactly which item and I can explain it. 16 PLANNER SARMAD: So I know that the -- 17 I'll touch upon the height first. Because I think 18 that was just a plan error, as Mr. Silbert 19 mentioned, and I just want to verify that that was a 20 plan error as identified in the review memo; the 21 height is actually conforming? 22 THE WITNESS: The height of that in 23 the review memo is for the SpringHill Suites and 24 there was a variance approved for that. 25 PLANNER SARMAD: Correct.	G. Folk, P.E. 44 1 in the review memo that on Sheet 2 of the site plan, 2 I believe it does show it correctly. The zoning 3 table is what shows it incorrectly. 4 I was just curious if -- because the 5 46.45 could still be the variance condition; it's 6 still over 45 feet, correct? 7 THE WITNESS: Correct. 8 PLANNER SARMAD: Not A "D" variance, 9 it's a bulk variance, but it's still a variance 10 condition. I just didn't know if it was previously 11 approved at 46.45 feet. 12 THE WITNESS: Well it wasn't at 13 46.45 feet when it was original; it was 44.83 feet. 14 PLANNER SARMAD: Okay, thank you. So 15 I do think that there was bulk variance relief 16 needed for the building height. 17 The one other condition was the minimum 18 conservation easement, which I think Mr. Silbert 19 just referred was for the SpringHill Suites. But 20 regardless, it was approved at 90.87 feet where 21 125 feet is required, and is being improved but 22 still in a variance condition to 94.11 feet. 23 Can you confirm that? 24 ATTORNEY SILBERT: So this variance 25 here.
G. Folk, P.E. 43 1 THE WITNESS: The height for our 2 building was 46.45 feet. 3 PLANNER SARMAD: Okay. And that was 4 previously approved as what? What was the height 5 previously approved for the Residence Inn building? 6 THE WITNESS: Give me a second. Oh, 7 for the Residence Inn? 8 PLANNER SARMAD: Correct. 9 ATTORNEY SILBERT: While Mr. Folk's 10 looking this up, it's more of a question I guess, 11 but if the board was viewing this entire site plan 12 in its totality and there was one building that was 13 approved at 49.3 feet and one that was proposed at 14 46.5 or whatever the number was, would the board 15 just grant a single variance for the site at 49.3, 16 or would the board have granted variances for each 17 individual building? 18 PLANNER SARMAD: They may have -- 19 ATTORNEY PECK: Each individual 20 building. 21 PLANNER SARMAD: It depends how they 22 are outlined in the resolution, but I would assume 23 each individual building. 24 But my question is mostly related just 25 to the confusion between the site plan. I did note	G. Folk, P.E. 45 1 THE WITNESS: Okay. Yeah, okay. So 2 that's for the previously approved. That was for 3 the SpringHill Suites setback. 4 PLANNER SARMAD: Okay. And it's been 5 improved from 90 to 94? 6 THE WITNESS: Correct. 7 PLANNER SARMAD: It would still require -- 8 THE WITNESS: During the compliance for 9 -- after the approval it took about a year, and 10 during that time the building shifted a little bit. 11 PLANNER SARMAD: I would consider, 12 just for the purposes of doing it correctly, that 13 that would also be a variance condition. And those 14 would be the two deviations from the previous 15 approval that would require new bulk variance relief 16 to codify that. 17 MEMBER SIKORA: So to confirm, those 18 two do need -- 19 PLANNER SARMAD: In my opinion, yes. 20 I will defer to the board and the board's attorney 21 to guide them on that. 22 ATTORNEY SILBERT: Ms. Sarmad, I'm 23 just going to go through the resolution really 24 quickly and just confirm whether or not the original 25 Residence Inn required height relief.

G. Folk, P.E. 46 1 PLANNER SARMAD: Sure. 2 ATTORNEY SILBERT: Because I thought 3 that it didn't, but just let me double-check that. 4 PLANNER SARMAD: Thank you. 5 Do you mind if I keep asking 6 Mr. Folk... 7 ATTORNEY SILBERT: Please. Please go 8 ahead. 9 PLANNER SARMAD: Thank you. 10 The other thing that was raised in 11 review, this is an amended site plan, is at the time 12 of the prior approval there was no electric vehicle 13 charging requirement at the state, part of state 14 law. And I didn't know if as part of the site plan 15 amendments, if that was a consideration? 16 I think the requirement would still be 17 imposed per the law, the way the law reads. And if 18 so, is that something that the applicant is... 19 THE WITNESS: We have proposed 20 electrical charging stations for the amended. 21 PLANNER SARMAD: Are they shown on the 22 plan? 23 THE WITNESS: Yes, they are. 24 PLANNER SARMAD: Can you indicate 25 where those are; just guide me?	G. Folk, P.E. 48 1 trees, same similar species? 2 THE WITNESS: Yes. 3 PLANNER SARMAD: Okay. 4 Other than that, I don't have any 5 questions right now. Thank you. 6 CHAIRMAN VESCIO: Thank you, 7 Ms. Sarmad. 8 Our engineer, Mr. Burr? 9 ENGINEER BURR: Thank you, 10 Mr. Chairman. Just a couple of questions. 11 George, you had -- you had mentioned in 12 your testimony about site work that has already 13 taken place on the property. Can you just elaborate 14 on that? I know we know that the site has been 15 dormant for a while but it was active a few years 16 ago in terms of site work. 17 Can you just fill the board in on what 18 has taken place to date? 19 THE WITNESS: Sure, certainly. 20 Number one, the existing facilities 21 have been demoed completely from the site. There is 22 no longer a hotel there. 23 Secondly, I would say 90 percent of 24 the curb for this project has been installed. 25 90 percent or more of the stormwater
G. Folk, P.E. 47 1 ATTORNEY PECK: And are those going to 2 be actual EV spaces or make-ready spaces? 3 THE WITNESS: Well, there's a 4 requirement for an install right now, and then 5 there's the 5 percent of 15 percent that you have to 6 add in the next year or two. 7 Whatever the state law is we'll comply 8 with. 9 ATTORNEY PECK: Comply with? 10 PLANNER SARMAD: Okay. 11 THE WITNESS: They're in the front of 12 the building on the right-hand side. 13 PLANNER SARMAD: The front of the 14 WoodSpring Suites building? 15 THE WITNESS: By the handicap parking. 16 PLANNER SARMAD: All right, I do see 17 them. Thank you. 18 And then my only other question would 19 be in looking at the landscape plan on Sheet 17 and 20 18, I didn't have a copy of the prior approved 21 landscape plan, but is it substantially consistent 22 with the prior approval? 23 THE WITNESS: Yes, yes it is. Same, 24 same thing. 25 PLANNER SARMAD: Okay. Same number of	G. Folk, P.E. 49 1 management, the inlets, the stormwater piping, the 2 detention basin, the water quality mechanisms, the 3 outlet structure, all that has been installed. 4 The sanitary sewer has been installed. 5 Items like the gas and currently the 6 water are pending but, you know, once the building 7 goes up, they like to -- they want to get the water 8 in and then, you know, as the flammable materials 9 come on site the fire department requires that we 10 have water, so that's coming next. 11 ENGINEER BURR: And from a stormwater 12 perspective, I know we had talked about the fact 13 that your original approval dates back to, I think, 14 2018. The approval was perfected in, I think, 2020. 15 THE WITNESS: Correct. 16 ENGINEER BURR: So it's before the 17 current version of our stormwater ordinance. But 18 your testimony was from a green-infrastructure 19 perspective you do comply? 20 THE WITNESS: We got our approval in 21 December of 2019 from the Flood Hazard Area, DEP -- 22 NJDEP. And at that time they knew the rules were 23 coming and we were under the, you know, you better 24 do this or you're not going to get approved. 25 So, you know, even though the rules

G. Folk, P.E. 50 1 were not in effect yet, everything comported with 2 the proposed rules that were due to be... 3 ENGINEER BURR: And those DEP permits 4 are still valid? 5 THE WITNESS: Yes, they are. 6 ENGINEER BURR: In good standing? 7 THE WITNESS: Yes. 8 ENGINEER BURR: And your testimony was 9 from a lot coverage perspective and motor vehicle 10 service -- or service perspective, that's kind of 11 the trigger point, your testimony is you're reducing 12 both of those -- 13 THE WITNESS: Correct. 14 ENGINEER BURR: -- versus what was 15 previously approved? 16 THE WITNESS: That's correct, yes. 17 ENGINEER BURR: Okay. And in terms of 18 overall parking, is there any difference in the 19 parking count? 20 THE WITNESS: I think we picked up 21 five spaces. 22 ENGINEER BURR: So you picked up a 23 couple spaces, but nothing significant? 24 THE WITNESS: Yeah. A little bit more 25 efficient layout than what was previous.	G. Folk, P.E. 52 1 ENGINEER BURR: One of the conditions 2 in the prior approval is to construct an 8-foot-high 3 board-on-board fence requested by Chelsea Condo 4 Association, made of a composite brown or neutral 5 composite material. My concern is that the 6 resolution doesn't speak to the timing of when that 7 fence is going to be installed. 8 In your opinion, what is an appropriate 9 time to construct that fence? 10 THE WITNESS: I mean that's -- if 11 everything is done out there and installed, any 12 time. 13 ENGINEER BURR: I guess it's a 14 question, perhaps for the applicant, but I don't 15 know if -- I don't know if we're talking about two 16 separate issues. I don't know if there's an 17 existing fence that's -- 18 THE WITNESS: There is. There's an 19 existing fence. 20 ENGINEER BURR: And then there's a new 21 fence that is proposed? 22 THE WITNESS: Correct. 23 ENGINEER BURR: Certainly, the new 24 fence that is proposed, the furthest out time is at 25 the time of CO. But if there is a damaged fence,
G. Folk, P.E. 51 1 ENGINEER BURR: Okay. And just to 2 build upon Ms. Sarmad's question about the landscape 3 plan. So shrunk the building. You were able to 4 obtain more buffer distance in terms of the building 5 from the three adjacent property lines. 6 Is that space just being filled in with 7 turf or the lawn area, or is there an opportunity, 8 in your opinion, to maybe enhance the landscape 9 package at all? 10 It is already a pretty robust. And I 11 know it's been through site plan compliance review, 12 I just -- if we're shrinking the building and 13 there's a bunch of open space -- 14 THE WITNESS: Well, the grass is nice 15 too. You know, it's a... 16 ENGINEER BURR: But that's the plan, 17 is to have it be green space? 18 THE WITNESS: Yeah, of course. 19 ENGINEER BURR: There was one condition 20 and we talked about it briefly, about fencing around 21 the rear. And I think there was either public 22 question at the last hearing a couple of weeks ago 23 about the condition of the fence adjacent -- 24 THE WITNESS: Yeah. Glad you brought 25 that up.	G. Folk, P.E. 53 1 can that be repaired sooner or, quite frankly, as 2 soon as possible? 3 THE WITNESS: I think the owner... 4 ENGINEER BURR: I guess that's 5 for Mr. Silbert, or the applicant. 6 THE WITNESS: Yeah. 7 ATTORNEY PECK: The condition being, 8 if there's any existing fence that's damaged, it 9 will be repaired prior to pulling a building permit -- 10 ENGINEER BURR: Or sooner? 11 ATTORNEY PECK: -- or sooner. 12 THE WITNESS: Sure, absolutely. 13 ATTORNEY PECK: I mean I'm open to 14 suggestions. 15 THE WITNESS: Yes, we would replace 16 that or repair it. 17 ENGINEER BURR: Okay, thank you. 18 That's all. 19 COUNCILMAN KIRSH: Mr. Chairman, I 20 have a question that dawns here. 21 CHAIRMAN VESCIO: I just have a 22 housekeeping question of Mr. Silbert real quick. 23 Recognizing the time is 9:30, during my 24 opening announcement I do say there there's no new 25 applications taken after 9:30. The subsequent

G. Folk, P.E. 54 1 application, will there be new testimony? 2 ATTORNEY SILBERT: For the Chick-fil-A 3 application? 4 CHAIRMAN VESCIO: Right. 5 ATTORNEY SILBERT: There would have 6 been new testimony, yeah. 7 Even if we could get a couple of 8 minutes of the board's time just to work through the 9 supplemental review memo that came out, that would 10 be helpful so we can come prepared at the next 11 hearing, being that it's necessary, at least we'd 12 have the opportunity to address the board for a 13 couple of minutes, but... 14 CHAIRMAN VESCIO: So we'll give time 15 to review the new information that has been... 16 ATTORNEY SILBERT: Right. We don't 17 have to ask for a vote this evening, but just -- 18 just to talk out that review memo which we would get 19 into. 20 CHAIRMAN VESCIO: Okay. Thank you. 21 Let's see how things go and we'll 22 resume from here. 23 ATTORNEY SILBERT: Sure. 24 CHAIRMAN VESCIO: Thank you. I 25 apologize.	G. Folk, P.E. 56 1 times and dates when you can, when you can't work. 2 So that's incorporated into any approval. 3 COUNCILMAN KIRSH: Okay. 4 ENGINEER BURR: Councilman, that is 5 ordinance-driven. The hours of construction that 6 are permitted are listed on the originally approved 7 plan, Monday through Friday -- I can't read the fine 8 print -- I think it's 7:30 a.m. to 6:00 p.m. And 9 then Saturday construction is allowed in a reduced 10 timeframe. I believe it's 8:00 a.m. to 4:00 p.m. 11 No Sunday construction is permitted. 12 So as long as they work in accordance 13 with the ordinance, that's what we would be looking 14 for. 15 The common issue we have is contractors 16 show up early, they fire up their equipment. It's 17 6:45 in the morning and everything is idling and 18 getting started up, and that's where the complaints 19 come in. 20 So we do take a hard look at that. 21 COUNCILMAN KIRSH: And typically 22 speaking, I guess impacts to the neighborhood would 23 be earlier in the construction process, right? 24 I mean once the structure is built and 25 starts to be closed in, you know, interior stuff is
G. Folk, P.E. 55 1 COUNCILMAN KIRSH: No, no, that's an 2 important housekeeping item. 3 So just a question. What amount of 4 time, what time period do we expect construction to 5 take once ground is broken? 6 I don't know if that's -- maybe there's 7 someone else from the applicant that can give a 8 general estimate there. 9 GREG HEFLIN: For building 10 construction? 11 COUNCILMAN KIRSH: Yeah. 12 GREG HEFLIN: We usually run 12 to 13 14 months, start to finish. 14 COUNCILMAN KIRSH: Okay. 15 So I guess my question is, you know, 16 again, I'm not singling out this property, I would 17 be concerned about any property, you know, what 18 protections are there to the neighborhood so that 12 19 to 14 months is not a miserable experience? 20 I mean, is there time limits during the 21 day when construction is typically occurring? You 22 know, like, what is the standard practice there? 23 THE WITNESS: Your township has 24 construction mitigation measures. It's pretty 25 substantial. It's listed on our plan. It gives	G. Folk, P.E. 57 1 not likely to be impacting them, correct? 2 ENGINEER BURR: I agree with that, 3 yes. 4 THE WITNESS: I would also add that a 5 lot of the site work has been done and that's really 6 the dirty, smokey, noisy stuff. 7 COUNCILMAN KIRSH: Okay. 8 THE WITNESS: Now we're just into pad 9 construction, which is, you know -- 10 COUNCILMAN KIRSH: But there's this 11 steel component to this, correct, the construction? 12 GREG HEFLIN: No, it's wood frame. 13 COUNCILMAN KIRSH: Oh, it's all wood; 14 there's no steel at all? 15 GREG HEFLIN: No steel. 16 COUNCILMAN KIRSH: Okay. 17 ATTORNEY SILBERT: I just had a couple 18 of questions related to the height since I did look 19 at the original 2020 plan and it appears that a 20 height variance is needed for the WoodSpring Suites. 21 So I just wanted to ask Mr. Folk if he 22 believes that under the c(2) criteria, if he 23 believes that it will, despite the variance, that 24 there will be adequate light, air and open space on 25 the property?

1 THE WITNESS: Yeah, I think by moving
2 the building -- shrinking the building in size and
3 moving it further from the east, south and westerly
4 property lines, it will not be a detriment to the
5 location.

6 ATTORNEY SILBERT: Thank you.

7 And based upon the other buildings in
8 the area, there is a height variance required for
9 SpringHill. Do you think that this helps promote a
10 desirable, visual environment?

11 THE WITNESS: Yes, it will.

12 ATTORNEY SILBERT: Great.

13 And you don't believe that there's any
14 substantial impairment for this de minimis deviation
15 from the ordinance height requirements?

16 THE WITNESS: No, I don't.

17 ATTORNEY SILBERT: Okay. And no
18 substantial detriment to the public?

19 THE WITNESS: No, no substantial
20 detriments to the public.

21 ATTORNEY SILBERT: Thank you.

22 CHAIRMAN VESCIO: Any further
23 questions for Mr. Folk?

24 MEMBER SIKORA: I have a question.
25 Why can't you meet the height variance for the

1 building height requirement?

2 THE WITNESS: That's a -- I mean, I
3 could bring the ground up around it and meet it that
4 way, or these guys could make the ceilings a little
5 lower by an inch or two throughout, I don't know.
6 May be best asked by the owner -- or
7 the...

8 JEFF McKAY: What is the distance we
9 are trying to make up?

10 ATTORNEY SILBERT: It is about a foot
11 and a half. I mean, I don't have the exact...

12 Foot and a half?

13 THE WITNESS: Yeah, foot and a half.

14 ATTORNEY SILBERT: A foot and a half.

15 THE WITNESS: Can you guys make it a
16 foot and a half shorter?

17 GREG HEFLIN: No.

18 MEMBER SIKORA: Why?

19 GREG HEFLIN: We would have to take it
20 out of the rooms in ceiling heights. It would be a
21 less desirable product.

22 MEMBER SIKORA: But our requirement
23 says 45 feet is our max height requirement.

24 To be really frank, that's not a good
25 enough answer. You can't just say because that

1 impacts it. We have a requirement for a reason.

2 THE WITNESS: Well, you know, let's
3 see, looking at the finished floor, and the
4 doorways, I mean, based upon the ordinance, I
5 probably could raise the ground around it a foot and
6 a half.

7 If you want to make it 45 feet, I could
8 make it 45 feet by raising the ground around it.

9 MEMBER SIKORA: What does that do to
10 stormwater management?

11 THE WITNESS: Nothing. That just
12 makes the entrance, you know, I just keep that --
13 that's at 2 percent or so. And then the doorways on
14 either end, the east and west side of the building,
15 and then the doors in the back we would just have --
16 you know, we try to keep everything 2 percent so
17 it's safe.

18 So I can go to 5 percent and pick up
19 and -- I mean, it's negligible. I understand your
20 concern. It's something that, you know, the
21 building is smaller feeling because it is a smaller
22 building. And 45 feet to 46 and a half is really
23 hard to see anywhere around, so it's -- you know, if
24 there was a parapet wall or something that you could
25 shave off, that would be my thought, but I don't

1 know why, what's going on up there.

2 COUNCILMAN KIRSH: Just a question.
3 Maybe this is best asked of Mr. Burr.

4 So we have a 45-foot requirement.
5 There's probably a reason for it. Is it an
6 aesthetic reason? Is there a fire concern; you
7 know, do we have fire equipment that can reach
8 45 feet but can't reach 46 feet?

9 I mean, like, what's the rationale
10 behind that?

11 ENGINEER BURR: I don't know the
12 genesis of it but I know it's three stories, and
13 45 feet. And generally speaking, a three-story
14 building can approach 45 feet.

15 Whether or not it is because of a fire,
16 you know, firefighting equipment issue, you know,
17 I'm not positive. I almost think it's driven by the
18 number of stories and then you factor into the
19 height.

20 COUNCILMAN KIRSH: Do we have signoff
21 from the fire official on this plan?

22 ENGINEER BURR: I believe we do.

23 ATTORNEY SILBERT: You already
24 approved a 49.3-foot building with respect to
25 SpringHill Suites.

G. Folk, P.E. 62 1 COUNCILMAN KIRSH: Okay. And that one 2 has fire signoff? 3 ATTORNEY SILBERT: Yes. 4 ENGINEER BURR: Yes, it does. 5 COUNCILMAN KIRSH: I asked the question 6 from a safety standpoint. 7 ATTORNEY SILBERT: Oh, of course. Of 8 course. 9 JEFF MCKAY: Just to add a comment, a 10 flat roof was something that was sort of mandated 11 when we did the original of the buildings. You 12 know, with a flat roof we do have rooftop equipment 13 up there, and the parapets are designed to screen as 14 much as you can with the rooftop parapet. 15 I know we contemplated different roof 16 heights earlier on with these flat roofs, and that 17 is how they were derived the way they are. 18 ATTORNEY PECK: So are you suggesting 19 that the overage of the height is to provide 20 screening for the rooftop HVAC, so it's really 21 aesthetically based? 22 JEFF MCKAY: Correct. 23 ATTORNEY SILBERT: You can actually 24 see that if you look at the architectural. I have 25 them out. On SD-1.1 you will see that most of the	G. Folk, P.E. 64 1 COUNCILMAN KIRSH: And the height of 2 the SpringHill is taller? 3 THE WITNESS: Correct. 4 ATTORNEY SILBERT: Yeah, SpringHill is 5 49.3. 6 JEFF MCKAY: And the SpringHill has 7 9-foot ceilings in the guest rooms. It's just a 8 higher experience and a taller ceiling in the guest 9 room. That's why that building is taller. 10 COUNCILMAN KIRSH: You know, I would 11 like this to be as compliant as possible, but I'm 12 willing to be flexible on that, on that point. 13 PLANNER SARMAD: I think that -- I 14 don't want to speak for the architect, but the 15 architectural plans don't show any other 16 dimension -- height dimensions, except to the top, 17 the uppermost part of the building, including what 18 is showing as pretty much a facade, like a parapet. 19 So I think we measure building height 20 from grade, average grade to roof, to the roof 21 height. That's not the roof. So they probably are 22 compliant with the roof height. 23 And just taking a look at the 24 architectural plans, I think that's probably just a 25 lack of detail is why it got translated over to the
G. Folk, P.E. 63 1 building is compliant, it's just the center feature 2 and the parapets that were mentioned that are at 3 that 46 feet height. 4 It doesn't have -- it's not extremely 5 detailed but the other portions of the building 6 aren't exceeding there. So it could be a 7 combination of aesthetics and also screening. 8 JEFF MCKAY: And those areas are where 9 we would try to screen -- use to screen the 10 mechanical equipment. 11 ATTORNEY PECK: Sure. 12 COUNCILMAN KIRSH: And this is closer 13 to compliance than the original? 14 ATTORNEY SILBERT: The original was, I 15 believe -- what does it say on the plan? 16 THE WITNESS: 44.83. 17 ATTORNEY SILBERT: 44.83. So we are 18 up. I mean, our architectural plan says 46 feet, so 19 we're within -- 20 COUNCILMAN KIRSH: But it's 46 at the 21 max in the middle? 22 ATTORNEY SILBERT: Yeah. But you can 23 see, even if you flip the page, SD-1.2, you can see 24 how the height is being used to to -- it appears to 25 be being used for screening purposes.	G. Folk, P.E. 65 1 engineering site plans. 2 I would like that to be confirmed. I 3 think that -- you know, I think we can move forward, 4 but I do think that we would want to see it 5 confirmed from the architect or the engineer that it 6 is compliant, but it does appear to be from the 7 plan. 8 ATTORNEY SILBERT: I think from my 9 standpoint, when I was preparing this application, I 10 was told that the height of this building was going 11 to be the exact same height of what was previously 12 approved. 13 So when I saw the architectural come 14 in at 46 feet, I just assumed based upon the 15 representations that it was going to be constructed 16 at the exact same height so. 17 So is there any reason why this 18 building would be a different height than what was 19 previously approved that you know of? So then why 20 don't we just agree because it's based upon the 21 average grade, it's not just based upon the tallest 22 point of the building. 23 JEFF MCKAY: Yeah, I think with the 24 clarification that it's the roofline that she's 25 indicating, I think we can comply with that.

G. Folk, P.E. 66 1 ATTORNEY SILBERT: So I think that we 2 can actually comply with the ordinance anyway, even 3 though we're probably already compliant. If we're 4 not, we can comply with the ordinance. 5 I think that, as Ms. Sarmad has 6 mentioned, that this is not being measured in 7 accordance with the township's height requirements, 8 it's to the highest point of the building and it's 9 not taken based on the average height calculations 10 required. 11 So we'll comply. 12 ATTORNEY PECK: So then the only 13 variance you need is the buffering between the two 14 principal buildings? 15 THE WITNESS: No, the buffer is from 16 the easterly property line, from here to the 17 SpringHill. It got wider. 18 ATTORNEY PECK: Okay, property line. 19 But it's the other building, it's not your building, 20 why you're here tonight? 21 ATTORNEY SILBERT: Yes. 22 ATTORNEY PECK: It's the other 23 condominium, Unit C or whatever that is. 24 ATTORNEY SILBERT: And then I guess 25 what George said, is that's it's good to, you know,	G. Folk, P.E. 68 1 but that is an update of the full set of plans to 2 show the accurate calculation. 3 And then also they will have to show -- 4 they'll still have to show the full building height 5 and just give a measurement of the parapet height 6 too, because I know that there are requirements in 7 the ordinance related to the roof height and then 8 the max parapet height. 9 So just to confirm that on the plans as 10 well. 11 CHAIRMAN VESCIO: Are you aware of 12 what those are for parapet? 13 THE WITNESS: I believe they're 14 allowed to have a three-foot parapet above the roof, 15 and so they just need to confirm that. 16 Eyeballing it, it's not to scale the 17 plans, but it looks like it's close. So either, you 18 know, I think that they could reliably resolve that 19 by a plan revision too. They look close to about 3 20 feet, but if it's 3.25 they could reduce it to 3 21 feet. 22 That's all I have for this witness. 23 CHAIRMAN VESCIO: Thank you. 24 Board engineer, Mr. Burr, any 25 questions?
G. Folk, P.E. 67 1 make sure if variance relief is needed that we get 2 it, but I think that that dimension, 3 94-feet-and-change, was actually already approved by 4 the township -- perhaps not by the board -- but the 5 site plan assigned by -- 6 ATTORNEY PECK: And it's a very 7 tangential relevance to what we're talking about. 8 ATTORNEY SILBERT: It is. That is 9 true. 10 CHAIRMAN VESCIO: Any other questions 11 for Mr. Folk? 12 Ms. Sarmad, I believe we've exhausted a 13 lot of your questions, but you may have some more? 14 PLANNER SARMAD: No, I think that that 15 resolves it. And looking at the architectural plan 16 it looks like they -- they took the grading from the 17 site plan, so it's kind of like -- you can't tell, 18 but if they take the grade from the site plan but 19 they added the 46 feet, so the average grade they 20 added the .45. 21 So I really do think that if their 22 architectural plans were a little bit more detailed 23 and calculated correctly to the roof height, that it 24 would be -- what I wouldn't have -- this is all 25 things that, I think, can be done administratively,	G. Folk, P.E. 69 1 ATTORNEY SILBERT: What I would just 2 want to put on the record, to the extent that the 3 originally approved Residence Inn complied to the 4 ordinance, we're committed to comply with the 5 ordinance with respect to this building as far as 6 height is concerned. 7 So we represented this is supposed to 8 mimic what was previously approved, and we're 9 sticking to that. So what was ever approved for the 10 Residence Inn, this building will also echo those 11 approvals. 12 CHAIRMAN VESCIO: Thank you, 13 Mr. Silbert. Noted for the record. 14 ENGINEER BURR: And, Mr. Chairman, 15 just along those lines, the prior resolution and 16 conditions in the prior approval, will be complied 17 with moving forward. 18 ATTORNEY SILBERT: Yes. 19 ENGINEER BURR: In addition to any 20 other conditions that would be agreed to. 21 ATTORNEY SILBERT: Yes. With the 22 exception of the condition that referenced amenities 23 that no longer exist, or any of those conditions 24 that are no longer relevant, because of the amended 25 site plan application this evening, obviously won't

G. Folk, P.E. 70 1 be enforceable. 2 But all of the remaining conditions 3 previously imposed by the board will, in fact, be 4 enforceable. And we'll adhere to them. 5 CHAIRMAN VESCIO: I'm not sure if 6 Ms. Sarmad's report had covered this or not, but the 7 easement toward the rear, are those going to be just 8 typically conifer trees; are there going to be some 9 deciduous trees that are in there as well? 10 Are these trees going to reach, you 11 know, 80 to 100 feet, things like that, within the 12 next decade or so? 13 THE WITNESS: I'm having a hard time 14 hearing; say that again, please. 15 CHAIRMAN VESCIO: My apologies. 16 The conservation easement in the rear 17 -- rather I should say the stormwater retention 18 basin in the rear there, are those trees going to be 19 just typically buffer trees, or are they going to be 20 a mix of deciduous trees to the point where they 21 reach, let's say, heights of, like, 60/80 feet? 22 THE WITNESS: It's a combination of a 23 lot of trees. The green ones are typically 24 conifers. The other multi-colored ones that are 25 green and red and yellow are typically deciduous.	G. Folk, P.E. 72 1 the truth, and nothing but the truth? 2 LARS KNUDSON: I do. 3 ATTORNEY PECK: Thank you. And again 4 could you just say and spell your name. 5 THE WITNESS: Again, Lars, L-A-R-S, 6 last name Knudson, K-N-U-D-S-O-N. My address, 104 7 Chelsea Way. And I'm the president of the Board of 8 Trustees of Chelsea Village. 9 I'm going to skip ahead because I 10 appreciate the board's due diligence in confirming a 11 lot of the details of the setback in the back, which 12 was one of our two primary concerns. 13 Just a note to counsel, I wish you led 14 with the engineer because that would have addressed 15 a lot of our concerns last time. 16 ATTORNEY SILBERT: Thank you. 17 LARS KNUDSON: So we're very -- I am, 18 personally, I don't want to limit my comments right 19 now, but I'm personally encouraged by the new 20 developments. 21 I did have some questions just very 22 quickly to confirm. The prior plan that was 23 approved included a seven-foot berm, on either side 24 of the detention -- on the south side of the 25 detention basin with conifer trees. Are those still
G. Folk, P.E. 71 1 We have a lot of Norway spruce is what 2 a lot of these guys are back here. 3 CHAIRMAN VESCIO: Okay. So, within 4 time, that should provide for a lush buffer? 5 THE WITNESS: Oh yes. 6 CHAIRMAN VESCIO: Okay. That's the 7 last question I had. 8 Any other comments or questions from 9 the board? 10 At this time I would like to open to 11 any members of the public that wish to ask any 12 questions of Mr. Folk, please come forward at this 13 time. 14 Good evening, please state your name 15 and address for the record. 16 LARS KNUDSON: Good evening. Lars 17 Knudson. L-A-R-S, last name Knudson, K-N-U-D-S-O-N. 18 ATTORNEY PECK: I believe you were 19 previously sworn? 20 THE WITNESS: I was at the last 21 hearing -- I was not sworn in, no. I will... 22 ATTORNEY PECK: Could you raise your 23 right hand. Do you swear or affirm that any 24 testimony that you previously gave or testimony that 25 you will give in the course of this hearing will be	G. Folk, P.E. 73 1 -- I just want to -- that's been discussed now -- 2 previously, but that is still part of your plan, 3 that's unchanged? 4 THE WITNESS: No change. 5 LARS KNUDSON: Okay. And those 6 conifer trees will eventually grow to a height that 7 will block -- that will effectively block the vision 8 of anyone in the hotel to look into the back 9 bedrooms -- look into the second floors of the condo 10 units in Chelsea Village. 11 THE WITNESS: I believe the Norway 12 spruce get pretty tall. 13 LARS KNUDSON: I think you're right. 14 So I want to talk a little bit about 15 the drainage. You said -- could you go over what 16 you said earlier about the prior compliance and the 17 -- the compliance requirements that the -- that you 18 had to meet and when you were in substantial 19 compliance with those? 20 THE WITNESS: So the question is? 21 LARS KNUDSON: The drainage plans -- 22 THE WITNESS: Yes. 23 LARS KNUDSON: -- the runoff plans. 24 THE WITNESS: Correct. 25 LARS KNUDSON: You said that there were

G. Folk, P.E. 74 1 plans that were substantially in -- you were in 2 substantial compliance with? 3 Correct me if I'm wrong, I may be 4 misremembering your testimony, but you were in 5 substantial compliance in 2020; is that right? 6 THE WITNESS: The 2020 was the date of 7 the signed plans for compliance with the township. 8 That's when the -- there was a compliance report. 9 After the approval you have to submit 10 your plans to comply with the resolution, and there 11 is a compliance report that stipulates everything 12 that the resolution requires you to do. And for 13 your plan to be signed by the township, that 14 compliance was dated September 22nd, 2020. 15 LARS KNUDSON: Okay. So before 16 Hurricane Ida? 17 THE WITNESS: I guess so, yes. 18 LARS KNUDSON: So did your plans 19 account for the rainfall that we experienced in 20 Hurricane Ida? 21 THE WITNESS: Oh absolutely. 22 LARS KNUDSON: Okay. Were you aware of 23 some of the runoff issues that our community 24 experienced during that time? 25 THE WITNESS: Every community. This	G. Folk, P.E. 76 1 THE WITNESS: I am not aware of any 2 issues. 3 LARS KNUDSON: Okay. It's -- I will 4 represent to you that the runoff issues have 5 continued to be a problem. 6 It seems to be improving somewhat, 7 particularly this year the runoff that we had -- 8 there are residents who have brought to my attention 9 that there are continuing to be runoff issues 10 particularly on the south end of the lot, and that 11 remains to be addressed. 12 And I would be -- I'm going to express 13 a hope that you would be looking into those issues 14 and updating your drainage plans and any -- any 15 compliance that you -- anything that you could do to 16 try to ameliorate those going forward. Because as 17 we are all aware, hurricanes are becoming a somewhat 18 more frequent occurrence in the State of New Jersey. 19 So regarding the lighting, so I heard 20 your testimony earlier that there would be -- that 21 there would be an opportunity for the testing of the 22 lighting. 23 Could you go a little bit more -- a 24 little bit more into what is involved in that? 25 THE WITNESS: There is a design, a
G. Folk, P.E. 75 1 community wasn't the only one touched. 2 LARS KNUDSON: That's true. It's very 3 true. But our community in specific, you were aware 4 of some of the runoff issues that we experienced? 5 THE WITNESS: Again, I'm not 6 particularly aware of what your community 7 experienced, but I know living in this community and 8 seeing everything around me, I know that there was a 9 lot of rain. 10 LARS KNUDSON: Right. Were you aware 11 that there was significant sediment runoff from your 12 lot into the Chelsea Village lot? 13 THE WITNESS: I think all these 14 concerns have been addressed between Chelsea Village 15 and the developer when those happened. 16 LARS KNUDSON: Okay. Do you have any 17 details on that? 18 THE WITNESS: I wasn't present, but I 19 know that these concerns were brought up to the 20 contractor at the time when those issues were made 21 present to them, and they remedied whatever solution 22 was necessary. 23 LARS KNUDSON: Subsequent runoff 24 issues then, I'm curious as to whether or not you 25 were informed or are aware of those as well?	G. Folk, P.E. 77 1 lighting design that has to comport with the 2 township ordinance for lighting, and this plan does 3 that. 4 And as part of the new lights that are 5 out there today on the market, they're LEDs, and 6 they're programmable, dimmable, sometimes with a 7 cell phone. 8 So as part of the construction -- or 9 the Certificate of Occupancy, the board engineer 10 will go out to the site at night and identify if 11 there's areas of concern. And we can adjust those 12 areas, if necessary. 13 There is light meters that study and 14 identify foot-candle intensities, but typically 15 these cut-off lights and the height of them are low 16 enough that it's going to be a very nice lighting 17 project, in my opinion. 18 LARS KNUDSON: I trust it will. I 19 genuinely hope that it -- the testing goes well. 20 I'm looking at your lighting plan right 21 now. The foot-candles, the numbers in the plans are 22 those measured in foot-candles, lumens, with the -- 23 THE WITNESS: Foot-candles. 24 LARS KNUDSON: I got it. Understood. 25 Do those stop at the boundary of -- the

1 numbers stop, particularly of concern to us that
2 they stop at the western boundary of the plans.

3 Have there been any -- has there been
4 any consideration given to taking light meter
5 readings in Chelsea Village to make sure that
6 there's no light spillage into the Chelsea Village
7 community?

8 THE WITNESS: This plan identifies the
9 light created from this project. And its -- the
10 fence essentially cuts off the lights at the
11 property line based upon the fence's construction.

12 So lighting on the Chelsea side of the
13 fence would be for Chelsea.

14 LARS KNUDSON: All right. If the
15 fence -- so it is your position that the fence will
16 be tall enough to block the light from the parking
17 lot into the second floor windows of the Chelsea
18 Village community; is that correct?

19 THE WITNESS: Well, you're not going
20 to see -- there's not going to be a spotlight, not
21 going to be -- they're cutoffs, so you're not going
22 to see a source of light. And the intensity of that
23 light is going to be no impact, zero --

24 LARS KNUDSON: Okay.

25 THE WITNESS: -- at Chelsea.

1 LARS KNUDSON: It's your assurance
2 that there will be zero impact. Got it, okay.
3 Understood.

4 I want to turn again to -- I want to
5 turn to security concerns. It was testified in the
6 last hearing that the parking lot is -- will be
7 fully monitored.

8 Are you aware of the -- are you aware
9 of what that means?

10 THE WITNESS: I think the user, the
11 operator of the hotel indicated they have cameras
12 that will be monitored by someone in the building.

13 LARS KNUDSON: Okay.

14 ATTORNEY SILBERT: I think it was 22
15 cameras it was testified to.

16 THE WITNESS: Yeah, something like
17 that.

18 LARS KNUDSON: I'll accept that.

19 And finally, the fence repair, it was
20 raised in the last hearing that there was going to
21 be -- that there will be -- that the fence around
22 the southern boundary is in disrepair in a couple of
23 spots. Do I have your assurance that the fence will
24 be repaired by the time...

25 ATTORNEY SILBERT: Yeah, we put it on

1 the record at the last hearing and we're sticking to
2 it.

3 LARS KNUDSON: Okay.

4 ATTORNEY PECK: And they've agreed to
5 make that a condition prior to pulling any building
6 permit or anything like that.

7 LARS KNUDSON: Okay.

8 Would it be -- would there be -- if
9 there are any issues that are raised now that our
10 residents would not feel are being complied with, is
11 there a contact -- I don't want to really involve
12 the planning board in any discussions of issues
13 going forward. I would really rather try and handle
14 it with you and our future neighbors.

15 Is there some contact information that
16 you would be able to provide to us as a first level
17 of escalation before we come back to the planning
18 board?

19 ATTORNEY SILBERT: We can talk after
20 the hearing, if that's okay.

21 LARS KNUDSON: That's fine, that's
22 okay. I just want to be able to put it on the
23 record that there's an escalation point before we
24 come back.

25 ATTORNEY SILBERT: Sure.

1 LARS KNUDSON: I think that addresses
2 all my questions. I thank the board for its time.

3 CHAIRMAN VESCIO: Thank you very much.
4 Any other members of the public wish to
5 ask any questions based on Mr. Folk's testimony;
6 please feel free to come forward.

7 Please state your name and address for
8 the record.

9 JOHN MERTEN: Good evening.

10 ATTORNEY PECK: Do you swear or affirm
11 the testimony you are going to give in the course of
12 this hearing will be the truth, and nothing but the
13 truth?

14 JOHN MERTEN: I promise to say
15 everything is true to my heart, yes.

16 ATTORNEY PECK: Very good. Now could
17 you state and spell your name for the record,
18 please?

19 JOHN MERTEN: John Merten,
20 M-E-R-T-E-N. I reside at 184 Adamsville Road.

21 So in the communication submission
22 letter that is dated October 30th, there is a
23 reference to a stormwater management report, dated
24 September 11 and March 2018. Online I can only find
25 reference to a 2018 report.

G. Folk, P.E. 82 1 So I'm not sure what happened to that 2 2024 report. And I would figure a report that's 3 that technical in nature of 208 pages, there would 4 be some... 5 THE WITNESS: No, the second -- the 6 addendum to that report is really a two-page letter. 7 ATTORNEY SILBERT: It was basically an 8 addendum just saying that the lot coverage is being 9 reduced, therefore, stormwater management on the 10 site is going to be increased and -- was just saying 11 that the -- actually, it's been constructed -- was 12 sufficient to handle the proposed improvements. 13 THE WITNESS: Yeah, I mean the letter 14 is on file. 15 JOHN MERTEN: Okay. 16 ATTORNEY SILBERT: If I have it I'll 17 give you a copy. 18 JOHN MERTEN: So again, I assume that 19 there's reference to utilization of best practices 20 available at the time. So I'm sure you're aware of 21 the stormwater ordinance that was updated within the 22 last year. 23 Is there -- what assurances are there 24 that calculations in that 208-page report are in 25 compliance with that ordinance that Bridgewater now	G. Folk, P.E. 84 1 change the plans, we would probably have to file a 2 new application. If we're doing very minor changes, 3 in this case to decreasing the building footprint of 4 an already approved hotel, that's why we're in here 5 seeking an amended site plan approval. 6 But if your concern is will the 7 stormwater management infrastructure that was 8 approved in 2018 exist or be grandfathered in if 9 we're going to do major site plan changes -- I don't 10 know if that's your question -- but the answer is 11 no, we would have to file a new preliminary and 12 final site plan application. 13 JOHN MERTEN: And I've been, again my 14 understanding, is that the -- again I heard that the 15 structure itself is going to be smaller in size, 16 however, there has been significant changes to what 17 the government has established as rainfall amounts, 18 and that is what is being reflected and has to be 19 taken into account in the ordinance. I believe that 20 was established. And I don't see those changes and 21 those numbers reflected in the 2018 report that's -- 22 that's presented. 23 So I just want some assurances that the 24 significant changes in our weather, particularly 25 rain as you've heard from the previous gentleman,
G. Folk, P.E. 83 1 has? 2 THE WITNESS: It complies with 3 Bridgewater ordinance for stormwater management. 4 JOHN MERTEN: And I again defer to the 5 engineers that indeed there is, because there's 6 nothing in that 2018 report. 7 Their numbers may have changed or been 8 modified and with the evolving nature of this site, 9 I'm concerned that whatever things that may be done 10 now or in the future may not comply entirely with 11 the ordinance that we have in place. 12 THE WITNESS: Well the site 13 improvements are getting smaller rather than getting 14 bigger, so that's helping the overall drainage from 15 the site. 16 JOHN MERTEN: From what I understood, 17 is this discussion we're having now solely related 18 to basically that one structure? My understanding 19 from what I heard previous, that the rest of the 20 site is to be determined on occupancy and 21 construction times. 22 So will there be potentially evolving 23 of this plan at some point in the future? 24 ATTORNEY SILBERT: If I could answer 25 that question? If we ever wanted to substantially	G. Folk, P.E. 85 1 are being reflected and would be accounted for. 2 THE WITNESS: Again, we're reducing 3 the amount of impervious coverage on the site 4 substantially, which substantially reduces the 5 amount of runoff. 6 JOHN MERTEN: So, and again, so 7 reducing substantially, but the projections of 8 rainfall is also substantial; 20 percent increase, 9 if I understand in the report. 10 ATTORNEY SILBERT: I think we've 11 answered it and -- 12 JOHN MERTEN: Okay. 13 And I just want to get some assurances 14 that if there are changes in ordinances, updates to 15 ordinances, are they required to be in place before 16 an application -- its continuance of approval? 17 And I'm probably not being sufficiently 18 eloquent in this, but if approval is granted for an 19 application but there are ordinances that come 20 forward that are related to, again, like stormwater 21 and other infrastructure that might be critical 22 protection of the citizenship, would they be 23 required to be implemented on the time point before 24 any of the additional construction might be done? 25 ATTORNEY PECK: No. I mean whatever

1 -- whatever ordinances were in place at the time the
 2 approval was granted, that's what they would have to
 3 live by. So if they change something -- applying to
 4 residences, for instance, you have been in your home
 5 20 years, the government can't come and say no, you
 6 have to --

7 JOHN MERTEN: Got you. Isn't that a
 8 land use that I don't think would be changed but,
 9 again, if it turns out the governance comes forward
 10 and says, yeah, they know we are having 300-year
 11 storms every 50 years, there would have to be
 12 increases and adjustments to the stormwater
 13 management reports. So there's again the protection
 14 of this integrity of the --

15 ATTORNEY PECK: In the context of a
 16 land use approval whatever regulations are in place
 17 at the time of the approval, that is what -- that's
 18 what they're bound by.

19 JOHN MERTEN: Okay.

20 ATTORNEY PECK: So if it changes, you
 21 know, the next week, they got in, you know, they got
 22 in, you know, before the deadline.

23 JOHN MERTEN: So something, if I was
 24 to interpret that, if there were something granted
 25 in 1952, it would still be allowed to be continued

1 now?

2 ATTORNEY PECK: Yeah.

3 JOHN MERTEN: Is that really --

4 MEMBER SIKORA: Unless they come for
 5 something with changes.

6 JOHN MERTEN: Okay.

7 ATTORNEY PECK: Yeah, if they're
 8 coming for a new application then they'll be subject
 9 to whatever laws are in place now.

10 But if they get an approval and they
 11 build according to that approval and they haven't
 12 changed anything, then they're protected from any
 13 changes to the land use ordinance.

14 JOHN MERTEN: It's, to the layperson
 15 it seems inappropriate to have a -- allow a
 16 continuous for what is perhaps a very flexible
 17 potential design.

18 Again, there was reference to a domino
 19 construction going on with some of the properties in
 20 the county or the town, and so it would seem that
 21 there would be perhaps by that virtue a technical
 22 change to the applications, and hence would require
 23 that there be an update to any -- or with compliance
 24 to any ordinances that might be coming in at that
 25 time.

1 Thank you.

2 CHAIRMAN VESCIO: Thank you.

3 ROBERT ZGORZYNSKI: I'm Robert
 4 Zgorzynski, I live at 119 Chelsea Way.

5 ATTORNEY PECK: Do you swear or affirm
 6 the testimony you're going to give in the course of
 7 this hearing will be the truth and nothing but the
 8 truth?

9 ROBERT ZGORZYNSKI: Yes, I do.

10 ATTORNEY PECK: Now could you state and
 11 spell your name.

12 ROBERT ZGORZYNSKI: Last name is
 13 Zgorzynski, Z-G-O-R-Z-Y-N-S-K-I.

14 ROBERT ZGORZYNSKI: So I think that,
 15 you know, part of the concern or questions here is
 16 that we talked about the mitigation with the light
 17 to say that if there was a problem you can't go back
 18 to the applicant. I think we have the same concern
 19 about the stormwater saying that we're improving
 20 something.

21 You know, I happen to be the unit that
 22 is right across from where the emergency spillway is
 23 for that basin. So if that thing overflows I'm
 24 probably going to be the first one to, you know,
 25 experience that.

1 So then we're relying on the
 2 professionals, that they're, you know, doing this,
 3 but I also have some concerns that have they really
 4 looked at everything the way it is.

5 So I'm not sure if they know; it's not
 6 shown on the plans, but on top of that berm right
 7 where the spillway is coming through, is there is a
 8 series of manholes that are around there that I
 9 assume might be dry wells, might be something. But
 10 that's again, something not showing on the plan.
 11 I'm not sure how that affects, you know, what's
 12 going on in that order. But that is a concern of
 13 mine.

14 But I also want to talk about the
 15 timing. We didn't really talk about, you know, when
 16 is that landscaping going to be put in?

17 So I do, again, I live right across the
 18 way. There is construction actively going on right
 19 now. I work out of the home from time to time; so
 20 I'm right there, my bedroom faces the thing. You
 21 hear the beeps, you know, on the backup equipment
 22 rolling, all that stuff is going on.

23 You know, so there is a concern that
 24 not only during the development when it's done, but
 25 during the construction, you know, what is the

G. Folk, P.E. 90 1 mitigation for the sound and the noise and that type 2 of thing. 3 So I would like to know like when will 4 that landscaping go in? To me now is better than 5 ever because now it has the opportunity to grow over 6 the next couple of years; by the time it's built 7 there might be something there. 8 That is my concern on that. 9 ATTORNEY SILBERT: I think you asked 10 that question at the last hearing and I went to go 11 see if there was any construction phasing asked for 12 and approved back in 2018, and there is not. 13 So basically the landscaping and the 14 buffering improvements on the entire project site 15 will have to be put in in order for presumably the 16 first CO to be issued for any component of the 17 project. 18 ROBERT ZGORZYNSKI: So by the time 19 it's built, you're saying, by the time that first 20 phase is built the landscaping has to be put in? 21 ATTORNEY SILBERT: Yeah, they won't be 22 issued a CO until the township feels that they have 23 adequately complied with the requirements in the 24 original approval, in this approval, and that would 25 require the promised buffering, fencing,	G. Folk, P.E. 92 1 applicant's already commenced construction on site 2 improvements. 3 Your question might be something that 4 would be worked out with the various association 5 members, so I can't answer that specific question as 6 far as construction. 7 ROBERT ZGORZYNSKI: I mean, you know, 8 right, because there's multiple buildings going on 9 here. Does that mean that that CO is going to be 10 granted when that first building is built? 11 I guess that's a question for the board 12 or the engineers, I'm not sure. 13 ATTORNEY SILBERT: Yeah, I would say 14 as long as this site plan improvements -- 15 landscaping, buffering things of that nature -- the 16 conditions in the resolution that can be complied 17 with are complied with, upon completion of one 18 building a CO could be issued for that portion of 19 the project. 20 ROBERT ZGORZYNSKI: And then my only 21 other concern is that, you know, part of the 22 landscaping and part of a lot of what is going on is 23 on the Chelsea side of the fence, and I don't see 24 any access points, there's no gates or something. 25 So I would recommend that there's got to be some
G. Folk, P.E. 91 1 landscaping, things of that nature. 2 All those things that are shown on the 3 site plan have to be put in place, not necessarily 4 the construction of each building, but you're not 5 going to get a CO issued for any component of the 6 project if the buffering isn't in place that you're 7 speaking about. 8 ROBERT ZGORZYNSKI: I mean typically 9 I've seen on previous site plans on the site plan 10 approval that they have some type of at least 11 timeline of when things are going on. I didn't see 12 anything on here. 13 So I'm not sure if that's an older 14 requirement or a new requirement, but I guess 15 there's two things, you know, there is some 16 plantings that have to be planted in the fall, and 17 there's some plantings that have to be planted in 18 the spring. So I think that, you know, I just want 19 to make sure that that is being part of the whole 20 planning process so. 21 ATTORNEY SILBERT: Yeah, I don't know 22 as far as the construction timeline is concerned, 23 but from my perspective I would be concerned about 24 construction as it relates to vesting of site plan 25 approval and the relief formally granted when the	G. Folk, P.E. 93 1 type of access going through that gate to get to 2 that landscaping. 3 THE WITNESS: I'm not following the 4 question. 5 ROBERT ZGORZYNSKI: Well, I'm saying 6 you have the fence that is running along that whole 7 property line right there -- 8 THE WITNESS: That exists today. 9 ROBERT ZGORZYNSKI: Right. You have 10 lands -- well, I'm sorry, the proposed fence. 11 THE WITNESS: That's on top of the 12 basin. 13 ROBERT ZGORZYNSKI: What's that? 14 THE WITNESS: Go ahead. 15 ROBERT ZGORZYNSKI: What I'm saying 16 there's a lot of landscaping that is happening on 17 the side that is not accessible, and I think that 18 there needs to be a gate in the fence. 19 THE WITNESS: Well, yeah, the 20 landscaping will be put on that side of the fence. 21 ROBERT ZGORZYNSKI: There is no access 22 to it. I am saying that I think there needs to be 23 something, there needs to be a gate some -- 24 somewhere in that fence there should be a gate. 25 THE WITNESS: Okay.

G. Folk, P.E. 94 1 CHAIRMAN VESCIO: Anybody else? 2 MITCHEL ZAYTOUN: Good evening. I need 3 to be sworn in. 4 ATTORNEY PECK: Do you swear or affirm 5 that any testimony you give in connection with this 6 hearing will be the truth, and nothing but the 7 truth? 8 MITCHEL ZAYTOUN: Yes, sir. 9 ATTORNEY PECK: Thank you. Could you 10 state and spell your name for the record. 11 MITCHEL ZAYTOUN: Mitchel Zaytoun, 12 Z-A-Y-T-O-U-N, 130 Chelsea Way. 13 So I shared a presentation with the 14 board. I don't know if they're able to bring it up 15 so, you know, everyone can see it? 16 If not, am I able to plug into an 17 outlet or USB? 18 CHAIRMAN VESCIO: Do you have it 19 digitally on your phone or a device? 20 MITCHEL ZAYTOUN: It's on my laptop. 21 CHAIRMAN VESCIO: Yes. 22 ATTORNEY SILBERT: I believe we should 23 be able to hook into one of those. 24 MITCHEL ZAYTOUN: I just have to 25 remember my passcode. I can never remember it.	G. Folk, P.E. 96 1 ATTORNEY PECK: I would ask that. 2 This will be O-1. 3 So if you could send -- 4 MITCHEL ZAYTOUN: What is it called, 5 O-1? 6 ATTORNEY PECK: O, for objector, dash 7 1. That will be the exhibit. If you could email 8 Ms. Probst a copy of that tomorrow. 9 So what is O-1? 10 MITCHEL ZAYTOUN: It's Chelsea 11 Village... 12 COUNCILMAN KIRSH: Photos in direction 13 of subject property? 14 MITCHEL ZAYTOUN: Sounds good. 15 - - - 16 (Exhibit O-1, Photographs from Chelsea 17 Village in direction of subject property, was 18 marked for identification.) 19 - - - 20 MITCHEL ZAYTOUN: So on this first 21 slide, this is a photo from my bedroom, second 22 floor. So, as you could see, direct line-of-sight 23 into the property that is where the building is 24 going to be, which you mentioned earlier that you 25 guys are going to be building a lot of greenery
G. Folk, P.E. 95 1 ATTORNEY SILBERT: Just for my own 2 edification, can you just describe what the 3 presentation is? 4 MITCHEL ZAYTOUN: So it's images that 5 I took from where I live and facing -- so I live on 6 the south side of the proposed building. So just I 7 wanted to share some of the concerns, which some of 8 you -- which you have addressed, I just wanted to 9 just kind of talk through it a little bit more, give 10 you guys a little bit of visualization of what we're 11 experiencing on the south side, as well as, you 12 know, as well as on the -- sorry. 13 CHAIRMAN VESCIO: Mr. Zaytoun, I'm 14 assuming you will have pointed questions based on 15 this? 16 MITCHEL ZAYTOUN: Yes, sir. 17 CHAIRMAN VESCIO: Okay. 18 MITCHEL ZAYTOUN: Yes. So on the west 19 side and same on the east side. 20 ATTORNEY SILBERT: Just so that the 21 applicant could have a copy of this presentation, 22 perhaps you could provide a digital copy to the 23 board secretary tomorrow or after the hearing of 24 this? 25 MITCHEL ZAYTOUN: Yeah, sure.	G. Folk, P.E. 97 1 around the property and should provide some privacy. 2 A couple of questions. Can you ensure 3 that we're not going to have any trees that leaves 4 are falling? 5 And, Number 2, the level -- and I 6 don't know what the height of the second floor of 7 Chelsea Village is, but if it's 45 feet, are we 8 going to have immediate privacy at 45 feet, or do we 9 have to wait 10/15 years to have that privacy? 10 THE WITNESS: I mean the privacy is an 11 opinion, really. You are 200-and-some feet away 12 from the building wall itself, almost a football 13 field. So, you know, to me that's pretty private. 14 If we were 30 feet away I would say you have a good, 15 valid question. 16 We're going to have a buffer; the trees 17 are being planted much larger than required by the 18 township. They're going to be placed on a berm. 19 There's going to be an eight-foot fence also. 20 Again, how long have you been in this 21 location? 22 MITCHEL ZAYTOUN: 25 years. 23 THE WITNESS: So you do know the Days 24 Inn was there, you saw that? 25 MITCHEL ZAYTOUN: That was way across

G. Folk, P.E. 98 1 -- that was on the 22 side. 2 THE WITNESS: Okay. Well, it wasn't 3 too far from this building ahead of it. You know, 4 the Days Inn was approximately centrally located 5 here. 6 So, again, I don't know how to answer 7 your question. We hope for privacy for you. 8 MITCHEL ZAYTOUN: And that's what, you 9 know, that's what the concern is, it's just that we 10 don't want to live behind our blinds; you know, we 11 want to be able to open our blinds, have sunlight 12 come in and be able to change, you know, when we 13 have to change and not worry about someone peeking 14 in through your windows. 15 Look, I understand what you're saying, 16 you're far off. I understand that point. But, you 17 know, in this day and age you don't know who you're 18 having in your hotels, right. You don't know what 19 kind of equipment they might have; you don't know 20 what they're bringing in, right. There's all kinds 21 of people out there. 22 And I just want to make sure that I'm 23 protecting my family and protecting the residents of 24 people looking into our units. That's what I'm 25 trying to prevent, that's all.	G. Folk, P.E. 100 1 MITCHEL ZAYTOUN: Because I live on 2 that side. 3 So question, is that berm causing that 4 water to pool because it's, you know, water goes 5 down, right, and it's pooling in that specific area 6 and then it actually flows into our property, into 7 our storm drains. 8 Now we spent, as a community, a lot of 9 money on redoing our own drainage. We can't handle 10 this extra rain-off. We just can't. 11 And when I get to the next slide or 12 next two slides, we'll kind of really show what some 13 of the aftermath of this is, if you want me to move 14 forward. 15 ATTORNEY SILBERT: George, do you have 16 anything you want to say? 17 THE WITNESS: I mean, this site is 18 under construction. If that was two years ago, a 19 lot of the improvements that are out there today 20 weren't there then. And, you know, unfortunately 21 runoff happens when it rains. 22 At this time I think you're not going 23 to have problems like that; there's a lot of curb 24 that's in there right now, a lot of the stormwater 25 management is in place. So I don't foresee, you
G. Folk, P.E. 99 1 THE WITNESS: I'm with you 2 100 percent. 3 ATTORNEY SILBERT: I think we're doing 4 the best we can because your board required us to do 5 that when we originally came in, and we're sticking 6 to the board's requirements that they made us go 7 above and beyond the ordinance requirements to 8 ensure your privacy. 9 MITCHEL ZAYTOUN: Thank you. 10 And then the next one, so this is a 11 photo -- and now these photos, it wasn't this year, 12 and I want to maybe say it was last year's photos. 13 So this is some of the drainage issues 14 that have been brought up from the developing site 15 with the runoff. 16 So on that first slide you could see 17 all that muddy water that is on the south side of 18 the berm. So it's piling up or pooling in that 19 general area and it's flowing into our property, as 20 you can see on the second, third and fourth slide 21 all that muddy water. 22 ATTORNEY SILBERT: You took these 23 pictures? 24 MITCHEL ZAYTOUN: Yes. 25 ATTORNEY SILBERT: Thank you.	G. Folk, P.E. 101 1 know, the waters becoming muddy much longer. I mean 2 until it's fully stabilized, the site itself, you 3 may have this temporarily. 4 MITCHEL ZAYTOUN: But with the berm is 5 that what is causing the additional rain-off because 6 it's going down, right? Like what's under -- 7 THE WITNESS: Well the berms are -- 8 the berms are shortening the amount of runoff that 9 can come to you. 10 The berms are collecting the runoff 11 into a basin and holding that water and metering it 12 out slowly and then that water settles the solids 13 that are in that runoff. So the berms are helping 14 you with your runoff. 15 If those berms weren't there you would 16 probably have a much worsen condition, and that 17 could be from the north of 22. There's a lot of 18 water that comes from the north side of 22 that 19 barrels through this property that we can't control. 20 MITCHEL ZAYTOUN: We've never 21 experienced this before. I want to make that for 22 the record. We never experienced this type of 23 rain-off ever in 25 years that I've been here. 24 THE WITNESS: I can't opine on that. 25 MITCHEL ZAYTOUN: 25 years I've been

G. Folk, P.E. 102 1 here we never had this. 2 ENGINEER BURR: Mr. Chairman, if I 3 may? 4 CHAIRMAN VESCIO: Mr. Burr. 5 ENGINEER BURR: The site is, obviously, 6 under construction. I think we heard from Mr. Folk 7 earlier that because the site hasn't been built out 8 that the stormwater facilities that have been 9 installed already really are non-functional; they're 10 not capturing runoff from what will be the parking 11 lot and the roofs of the new buildings. But, quite 12 honestly, it is troubling to me to see this silt 13 laid and runoff leaving the site. I don't know if 14 that's still happening. 15 I don't recall my office ever being 16 notified of that particular issue, but it's 17 something that I think the applicant needs to get a 18 handle on at this point, not at a later date. There 19 should be soil erosion control measures in place to 20 help limit the amount of silt water that is leaving 21 the site. And I think it needs to be looked at. 22 And I'm happy to meet the applicant or 23 his representatives on-site at any point in time, 24 but I think there should be a requirement for some 25 type of interim measure, whether it be temporarily	G. Folk, P.E. 104 1 But the other slide will show that we 2 have a basin, we have a basin in the backside of the 3 south side. I don't know how best to describe the 4 location. Is it south? 5 LARS KNUDSON: Is it okay if I testify 6 again? 7 CHAIRMAN VESCIO: Please. 8 Is this image depicting what is on the 9 site that we're viewing this evening or is this 10 a different site? 11 LARS KNUDSON: This is on the south 12 portion of the Chelsea Village development, some 13 distance from the hotel site. But what we see here, 14 the mud that is coming out is not typical. This is 15 mud that is runoff from the hotel site across the 16 entirety of our development. 17 If you take a look at a satellite map 18 you will see a detention pond directly behind my 19 unit, 104. This is reflecting that. 20 And this is -- the mud that you see on 21 this particular photo is not typical of what you get 22 from most large rain events. 23 CHAIRMAN VESCIO: Thank you. 24 MEMBER SIKORA: When were those photos 25 done.
G. Folk, P.E. 103 1 directing whatever runoff is leaving the site now to 2 the basin on-site. And they may need to -- they may 3 need to reconstruct the basin at a later date, but 4 it needs to be managed better than what I'm seeing 5 in those photos. 6 ATTORNEY SILBERT: Those photos were 7 taken from two years ago, and I believe there's been 8 improvements made on-site. So perhaps, Mr. Burr, 9 perhaps, you know, we need some current-day data to 10 determine whether or not there is a current-day 11 problem. 12 And I believe you said, sir, that you 13 haven't experienced these issues this year, but you 14 had experienced it previously? 15 MITCHEL ZAYTOUN: Yes. I mean this 16 year was pretty dry, I mean we went, what, 90 days 17 without rain. 18 ATTORNEY SILBERT: That's true. 19 Right, right, right. 20 MITCHEL ZAYTOUN: But that can also 21 hurt us, right, if there's 90 days of dry weather 22 and all of a sudden we have a downpour, or if the 23 rain has nowhere to go, because it can't absorb into 24 the ground that fast, right. So that's also a 25 concern.	G. Folk, P.E. 105 1 MITCHEL ZAYTOUN: I want to say it was 2 about two years ago. 3 And I brought it, you know, I did bring 4 it to the board at the time, and I don't know if 5 they ever discussed it, they probably didn't. So 6 now that's why I'm discussing it because it's a 7 concern. 8 And I know what this gentleman is going 9 to say, it's from two years ago and that you would 10 probably want some type of more recent photo. 11 ATTORNEY SILBERT: Well, also, I think 12 -- just based upon what George just whispered in my 13 ear -- that the contractor had actually met with 14 representatives from Chelsea two years ago to 15 address this. 16 I wasn't there. I don't know how it 17 was addressed -- 18 MITCHEL ZAYTOUN: Neither was I. 19 ATTORNEY SILBERT: -- but apparently the 20 lines of communication were open two years ago in 21 that these problems were communicated to the 22 applicant and to the contractor. 23 I don't know what the solution was but 24 I can't go off of today's -- or this season's 25 rainfall based on what you just said, but I believe

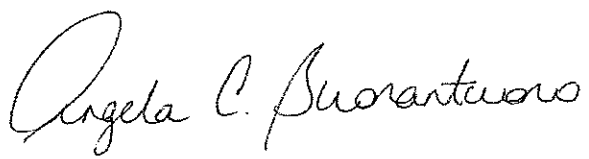
G. Folk, P.E. 106 1 that they're trying to address it. 2 I don't know if there's... 3 JEFF McKAY: I could just provide a 4 little information, it could be helpful. 5 ATTORNEY SILBERT: Yes. 6 JEFF McKAY: Our contractor was 7 recently contacted by the Soil Conservation District 8 who monitors a lot of this. So I'm just hearing all 9 this, and I'm speculating that somebody called 10 somebody and, you know, the issue was brought up. 11 And along this whole south side three 12 weeks to four weeks ago a whole new silt fence was 13 installed along that -- along that back side of what 14 I would call the detention pond. 15 So I don't know if you have seen the 16 site recently and seen any of these new improvements 17 there, but those were placed, obviously, to try to 18 mitigate some of these issues. 19 Again, you know, this was two years 20 ago; it's hard to say what was there and what wasn't 21 there. But it is being looked at. And I think, you 22 know, open lines of communication if there is an 23 issue that we can notify our contractor and work 24 together with you on solving the issue. 25 MITCHEL ZAYTOUN: Fair enough. Yeah,	G. Folk, P.E. 108 1 I had one other quick question. On the 2 construction hours on Saturdays, is there any way 3 you can start construction at maybe 8 o'clock 4 instead of 7 a.m.? 5 THE WITNESS: It says 8 o'clock. 6 MITCHEL ZAYTOUN: Yeah, but we hear 7 everything going at 7 a.m. 8 ENGINEER BURR: You shouldn't, and if 9 you do I would encourage you to call the engineering 10 department. I know it's a Saturday, they're not 11 staffed, but we'll get the message Monday morning. 12 MITCHEL ZAYTOUN: Okay. 13 ENGINEER BURR: And nobody should be 14 working on a Saturday without providing advanced 15 notice to the township so that if inspections are 16 necessary there's staff available. 17 For Saturday work they should not be, 18 they should not be. Just let us know. 19 MITCHEL ZAYTOUN: Okay. 20 COUNCILMAN KIRSH: Just a follow-up 21 question for Mr. Burr on these couple of images; is 22 that failure of our system, you know, to keep water 23 off of a municipal road? 24 THE WITNESS: Bill, could I just 25 interject real quick?
G. Folk, P.E. 107 1 fair enough. 2 I mean I haven't -- I haven't seen it 3 this bad this year. I mean, is there a little bit 4 of like in this -- if you look at that third slide 5 there, or third picture, that is generally what we 6 see on -- when it comes off on a rainstorm. 7 It doesn't get into the level of pretty 8 much of what the fourth slide is right now, but we 9 haven't had a big rainstorm this year; I mean it's 10 been pretty steady rain and/or no rain. 11 But I'll keep an eye on it, you know. 12 I mean if it's something that it does happen like 13 this again, yeah, I will definitely be reaching out 14 to somebody about it. 15 And then I just wanted to share the 16 last photo. And this last photo is our south 17 entrance into Chelsea Village and Adamsville Road. 18 So again, you can see all the mud and water going 19 into Adamsville roadways and causing flooding right 20 into the Adamsville Road. 21 So that is another concern that we 22 have, like, we can't even get into our complex 23 because that south side is flooded, so we have to go 24 into our north side, if we can get to it. I have no 25 other questions on the water.	G. Folk, P.E. 109 1 Councilman, that picture there is on -- 2 if you say it's Adamsville, that's downstream of our 3 property -- 4 COUNCILMAN KIRSH: Right. 5 THE WITNESS: -- on a tributary that is 6 nowhere near our project. 7 COUNCILMAN KIRSH: Right. I'm asking 8 through the lens I'm concerned that my residents are 9 having difficulty accessing their homes independent 10 of this, and that's why I asked Mr. Burr is that -- 11 is that a deterioration or failure of our mitigation 12 efforts? 13 ENGINEER BURR: It would be very 14 difficult to answer that. I don't really have a 15 good context of when the photos were taken. It 16 sounds like two years ago, but what type of storm 17 event it was, I don't think -- I'm not aware of that 18 being a regular frequency issue. 19 I could be told otherwise, but I would 20 think I would know, if that intersection was 21 regularly flooded, that engineering would have found 22 out about it. 23 So we could investigate if it's a 24 blockage of the storm system or drainage channel 25 that is blocked. I'm not aware of it being --

G. Folk, P.E. 110 1 COUNCILMAN KIRSH: No, because -- 2 ENGINEER BURR: I don't know. 3 COUNCILMAN KIRSH: Because as was the 4 case in the conversation in Bradley Gardens, you 5 know, if there is a problem for us to address, we 6 would like to address it. 7 ENGINEER BURR: Sure. I mean the best 8 I could tell you is I can talk to our DPW 9 superintendent to see if he has any history. I do 10 not, not in that particular area. 11 I know there have been isolated issues 12 and extreme weather events that have been pretty 13 well documented, but I would need to take a closer 14 look at it. 15 COUNCILMAN KIRSH: Can you recognize 16 this gentleman? He may have some insight. 17 CHAIRMAN VESCIO: Please come back to 18 the lectern. 19 JOHN MERTEN: If I may, John Merten, 20 again my house is right at that bridge there. 21 So going back several administrations 22 ago, now my understanding when we tried to look at 23 improving the flow on Cuckels Brook we were informed 24 by the administration that, unfortunately, the work 25 has to be done downstream and work in the way up.	G. Folk, P.E. 112 1 together now, isn't it? 2 ENGINEER BURR: Oh, it's all 3 interconnected. 4 COUNCILMAN KIRSH: And I guess the 5 good news is help is on the way, presuming that that 6 area in need of redevelopment -- again, sorry to 7 sidebar -- you know, assuming that that area in need 8 of redevelopment continues along its path and that 9 it is in fact properly redeveloped, that whole area 10 and the proper flow of the Cuckels Brook should 11 improve, correct? 12 ENGINEER BURR: It is definitely 13 something that is on our radar. We have a couple of 14 things that we're looking into, grant money, et 15 cetera. And you said, Councilman, the redevelopment 16 plan, depending on how that shakes out I think there 17 are opportunities to improve, yes, absolutely. 18 COUNCILMAN KIRSH: Yeah, it's all 19 interconnected. 20 ENGINEER BURR: Yes. 21 COUNCILMAN KIRSH: Sorry for that 22 sidebar. I think it was highly relevant. 23 CHAIRMAN VESCIO: The board 24 appreciates any and all opportunities to be schooled 25 on these matters. Thank you.
G. Folk, P.E. 111 1 So unfortunately, there were budgets 2 it's my understanding 30 years ago to perhaps start 3 work on improving Cuckels Brook, and you go down 28 4 towards Home Depot towards Bound Brook, you will see 5 how the riparian walls were built along that road, 6 that riverbed or waterbed there. And that was 7 supposed to be continued up towards the route -- or 8 that was the road with that bridge that you see. 9 However, the work can't be done there until work is 10 done downstream because otherwise you're just 11 pushing the problem downstream to other houses, 12 homes, residences. It was felt to be inappropriate. 13 So we had to work downstream and work its way 14 upstream. 15 COUNCILMAN KIRSH: Well, what's 16 interesting is this is all interconnected. So for 17 those who are all seeing the broader picture, you 18 know, there is, you know, consideration of an area 19 in-need-of redevelopment that runs essentially along 20 -- if my directions are correct -- west side of the 21 Cuckels Brook, there are some challenges that we 22 have now identified on that property. I believe 23 it's known as 1200 Route 22, LLC, or something like 24 that. 25 So, you know, Bill, it's all coming	G. Folk, P.E. 113 1 Any other members of the public wish to 2 comment or question Mr. Folk? 3 Seeing none, that closes the public 4 portion for this witness. 5 Mr. Silbert, any other witnesses? 6 ATTORNEY SILBERT: We do not have any 7 other witnesses. 8 CHAIRMAN VESCIO: Very good. 9 ATTORNEY SILBERT: We would conclude 10 our application this evening. 11 CHAIRMAN VESCIO: Okay, very good. 12 Any general commentary from the public 13 based on this application? 14 LARS KNUDSON: Thank you very much. 15 Again, Lars Knudson, K-N-U-D-S-O-N. 16 I'm very -- I want to express, first of 17 all, that we are -- Chelsea Village Community is 18 actually grateful for the additional setbacks on the 19 southern end of the developed property. This is 20 encouraging and we very much -- very much appreciate 21 the developer -- I understand it wasn't the 22 intention of the developer to grant us this 23 additional buffer but it's very -- it's a very 24 welcome development. 25 There are two things that remain a

114 1 concern to our community, that is privacy, and 2 privacy subsuming the issues of both security in our 3 homes and blockage of lighting, which I think are -- 4 should be adequately addressed by the landscaping 5 plans. That remains to be seen, and we will be 6 carefully monitoring any developments in that 7 regard. 8 What remains to be a concern with us is 9 the issue of the runoff. And you have seen 10 pictures. And we understand that there have been 11 some developments; there is a silt fence that is on 12 top of the berm now. 13 And as has been heard tonight, we do 14 not have, this year, nearly as much of a drainage 15 issue as we had in the past, but as we all know it's 16 been a fairly dry year. And if someone could kindly 17 arrange for another hurricane to come through and 18 test the drainage, that would be perversely 19 appreciated. Until that happens -- 20 COUNCILMAN KIRSH: Without damage to 21 the rest of the community? 22 LARS KNUDSON: Until such a rain event 23 occurs, this is going to remain a concern for us. 24 The drainage plan was approved in 2020 accounting 25 for precipitation that is just not realistic.	116 1 a question for Mr. Burr. 2 CHAIRMAN VESCIO: I'm sorry? 3 MEMBER CHOUDURY: Sorry. I have a 4 question for Mr. Burr. 5 CHAIRMAN VESCIO: Yes. 6 MEMBER CHOUDURY: Mr. Burr, is there 7 any simulated model that we can do because we cannot 8 ask God to have rain tomorrow, so only way we can do 9 it by having a model; Is there any model that we 10 have for rains? 11 ENGINEER BURR: It's hard to answer. 12 You have to -- there's really two issues that are at 13 play here, how the site is going to function when 14 it's fully built out, and how it's functioning right 15 now in a partially constructed phase. 16 I understand there's concerns about 17 drainage, but I also know that this project when it 18 was originally designed several years ago went 19 through the full review of all the ordinances in 20 place, and had it not been for what I would consider 21 to be a fairly modest change to the hotel, shrinking 22 it, then this site could be built according to the 23 original plan with no issues; they have DEP permits. 24 They have -- construction of the drainage is 25 90 percent complete.
115 1 If the board is going to grant the new 2 waiver, and we are here today, I understand that 3 there are variance requests that are -- that are in 4 many way improvements and under certain -- certainly 5 the height of the building may no longer be a 6 variance request. 7 But if the board is going to grant its 8 approval to the updated site plan, it is our 9 position -- my position as a homeowner, and I know a 10 lot of my neighbors' positions that we really need 11 to reconsider the drainage plan in light of new 12 precipitation projections. And it would be -- it 13 would be our request that if the board is going to 14 approve this that they also require a new drainage 15 plan from the developer. 16 Thank you. 17 CHAIRMAN VESCIO: Anybody else? 18 That will close the commentary portion 19 for this application. 20 Ms. Sarvad and Mr. Burr, have we 21 satisfied all points from your reports? 22 ENGINEER BURR: Mr. Chairman, I 23 believe so with some of the conditions and 24 concessions that were made I believe so, yes. 25 MEMBER CHOUDURY: Mr. Chairman, I have	117 1 The best I can offer is I would welcome 2 an opportunity to have a meeting on-site that I 3 would be present at to see what the existing 4 conditions are, the condition of the silt fence, how 5 the site is currently functioning. And then 6 certainly as construction picks up again, continue 7 to oversee construction with -- from the lens of 8 what is -- how it's going to function at the end of 9 the day. 10 There are really a lot of drainage 11 components that have been considered with this 12 project. It's an oversized detention basin. There 13 are a number of different seepage tanks and dry 14 well-type structures to accommodate the roof runoff. 15 There is some bio-retention or bio-soils, there's 16 pervious pavement. 17 So there really are a number of 18 different drainage features. It's just how does it 19 all come together and how do we get to that point 20 from today, because we don't really know how much 21 longer it's going to take to build out the site. 22 And that would be my biggest concern, if it's not 23 functioning now and we don't know just because we 24 haven't had a whole lot of rain lately, we have to 25 get -- we have to get a handle on that to make sure

118 1 what we're seeing in photos, even if they are two 2 years old and may be addressed, we have to make sure 3 that is not going to happen again. 4 Does that make sense? 5 MEMBER CHOUDURY: Yeah, but I just -- 6 ENGINEER BURR: The best I could say 7 is perhaps a site meeting to find out where things 8 stand right now and if anything could be done right 9 now to make sure that until this project is finished 10 with construction, it's going to function properly 11 with adequate protections for the downstream 12 neighbors. 13 MEMBER CHOUDURY: And the reason I'm 14 asking you -- sorry. 15 COUNCILMAN KIRSH: I'm sorry, go 16 ahead. 17 MEMBER CHOUDURY: The reason I'm asking 18 you, because I work in lots of developments and 19 those are done for 100 years planning with the 20 rainstorm and everything else and the ice, so that's 21 why I was thinking whether there is any, you know, 22 models that we can use it also. Obviously I don't 23 want to, you know, burden the developer so much, but 24 at least if it's a readily available model then 25 probably we could see it.	120 1 those conditions that are specific to the Residence 2 Inn brand, and those would modify the 89 day, the 3 municipal 89-day residency limit will be enforced so 4 as to discourage anyone from trying to declare 5 residency in the hotel; 6 The applicant shall install the fencing 7 that is shown on the plan to maintain in good 8 condition for so long as the hotel use is there; 9 Prior to the issuance of the 10 Certificate of Occupancy there will be a night light 11 test to assess both the intensity of the lighting 12 and to determine whether or not there's any 13 spillover to the neighboring properties, and they 14 will remedy that as necessary; 15 If any existing fence is damaged that 16 will be repaired as soon as is practicable, and no 17 building permit will be issued so long as there is 18 damaged fencing; 19 They will provide updated and accurate 20 plans that reflect the testimony given in the 21 hearing. And to the extent the prior approval shows 22 compliance with various municipal and State 23 regulations this one will also; 24 And finally, there will be a site 25 meeting as soon as practicable to review current
119 1 Again, I understand your point, thank 2 you. And completely understand what you are saying. 3 Thank you. 4 COUNCILMAN KIRSH: Mr. Chairman, just 5 to be clear, I think we are in the purview of not 6 adding extra burden but just operating under the 7 principle that each land owner has a requirement to 8 manage their own water, correct. 9 ENGINEER BURR: Correct. 10 COUNCILMAN KIRSH: Correct. 11 CHAIRMAN VESCIO: Any other comments? 12 Mr. Peck, did we satisfy all the 13 conditions of the requests? 14 ATTORNEY PECK: Yes, the relief 15 they're looking for is for Amended Preliminary and 16 Final Site Plan with basically ratifying the prior 17 variances that are being tweaked a little bit 18 primarily with the buffer, which does not affect the 19 subject building, but it's the other building on the 20 site. 21 In addition to the standard conditions 22 generally applicable to all applications, the 23 conditions I have for this are that the applicant 24 will abide by all prior conditions and 25 representations from the initial approval accepting	121 1 site conditions and to implement any reasonable 2 suggestions to mitigate off-site impacts. That 3 would include runoff and things of that nature. 4 That would be with Mr. Burr, Mr. Burr 5 and the applicant and whoever is relevant to the 6 applicant, contractors... 7 So that would be -- the motion would be 8 to, you know, either approve or deny that. 9 COUNCILMAN KIRSH: I'll make a motion 10 to approve this application subject to the various 11 conditions and deliberate and then vote. 12 ATTORNEY PECK: Looks like we have a 13 second behind Councilman Kirsh? 14 MEMBER MAGURA: No, I would like to 15 make a request for the board to consider requiring a 16 performance bond to cover landscaping in the event 17 the project is not carried out to fruition. 18 From other projects -- not this one, 19 but from other projects we've seen sites left in 20 less than desirable condition. So I'm thinking a 21 performance bond on this one. 22 ATTORNEY SILBERT: Can I... I was 23 just going to say a couple of things. 24 I think that all requisite bonds of -- 25 all required bonds have already been posted. The

122 1 site work has begun, and the applicant will comply 2 with all of the requirements set forth in Section 53 3 of the Municipal Land Use Law as it relates to 4 bonding, if you want to add that. 5 ATTORNEY PECK: Basically in layman's 6 terms you're saying you've already posted a bond 7 that would cover the landscaping. And should the 8 project not go forward, that bond could be invoked 9 to put the site improvements. 10 COUNCILMAN KIRSH: We're into 11 reasonable condition, okay. 12 ATTORNEY PECK: But we'll restate that 13 in the resolution. 14 COUNCILMAN KIRSH: Okay, I'll make the 15 motion again with that addition. 16 CHAIRMAN VESCIO: And you will second 17 that motion? 18 MEMBER MAGURA: I'll second. 19 CHAIRMAN VESCIO: Second from 20 Mr. Magura, okay. And with that we'll open up 21 deliberations. 22 And, Mr. Magura, we'll start with you. 23 MEMBER MAGURA: I have no real 24 objections to the project. I think it's good for 25 the -- good for the area. Certainly we have to look	124 1 the hearing. I really appreciate the willingness of 2 the applicant to work with our community and to work 3 with the members of our community that are closest 4 by and potentially the most impacted. 5 I think we have had a reasonable airing 6 of all the issues. I think that we have identified 7 sufficient protections. I think that there is a 8 desire to be a good neighbor, and I certainly 9 appreciate that. 10 You know, that's an important component 11 of your success, and I think you recognize that. 12 Clearly you're looking to invest a considerable 13 amount of money and equity and, you know, sweat and 14 tears and everything else that goes into a project 15 like this. 16 I think that as long as the -- the 17 various issues and protections that we talked about 18 can be abided by, I think we're looking at an asset 19 for Bridgewater Township moving forward, and, you 20 know, hopefully a marquis location for your brand. 21 So it's taken us a little while, to me 22 that's okay. But I think we've reached a good 23 conclusion here and I will support the application. 24 CHAIRMAN VESCIO: Ms. Sikora? 25 MEMBER SIKORA: I'm most concerned
123 1 at the water situation. But other than that and the 2 performance bond, I would concur this project should 3 proceed. 4 CHAIRMAN VESCIO: Mr. Choudury? 5 MEMBER CHOUDURY: Same thing. I think 6 we have heard enough and there were lots of good 7 discussions and I think with all the variants that's 8 been specified, we should be able to proceed. 9 CHAIRMAN VESCIO: Mr. Wang? 10 MEMBER WANG: Thank you. I also I 11 think, you know, I appreciate the applicant's 12 efforts to modify and to make sure that the 13 residents benefit going to be protected. 14 Privacy and stormwater management, all 15 the impact I think should be make it minimum. 16 Also, I think, you know, this site 17 going to be a great addition to Bridgewater Township 18 and -- for the land use and, you know, I lean to 19 approve it. 20 By the way, I listened to the 21 December 3rd meeting, so, you know, that's about it. 22 CHAIRMAN VESCIO: Thank you. 23 Councilman Kirsh? 24 COUNCILMAN KIRSH: You know, I think 25 I've tipped off where I'm going with this throughout	125 1 about stormwater management, especially after seeing 2 those pictures today. 3 I do trust Mr. Burr and his ability to 4 come in, and I appreciate your willingness to learn 5 and listen to what he has to say as well and 6 implement those changes. I think that is going to 7 be necessary. 8 I did also hear that construction has 9 been going on and off hours and those things really 10 bother me, and I will be really disappointed to hear 11 if that continues. Talking about being good 12 neighbors, that's extremely important especially 13 during construction. 14 I like the note added about the 15 eviction, 89-day, and being willing to do deliveries 16 during the daytime or garbage pick up during the 17 daytime versus at night, because I think that the 18 neighbors when I think about privacy I don't just 19 think about being able to see inside, but the 20 ability to have privacy of time and being able to 21 sleep and not worry that they're going to be awoken 22 really early on a Saturday morning or in the 23 evenings. I think that's important. So I'm 24 inclined to approve because of all the willingness 25 to make changes.

126 1 I am hoping that the applicant really 2 adheres to what Mr. Burr suggests and makes some 3 serious changes there, because I looked at those 4 pictures and I see green grass everywhere and then 5 the mud, and I know where that's coming from; I 6 don't have to have a degree to know that that's 7 coming from the construction site. 8 So I'm excited to see some improvement 9 for those neighbors because they deserve it. 10 CHAIRMAN VESCIO: Yeah, I would like 11 to thank the applicant for walking us through the 12 hotel industry and the extended-stay industry, but 13 specifically thanks for understanding and being 14 patient with the board as we sit here deliberating 15 something that we don't have full control over the 16 prior approval. 17 So as you can imagine, none of us were 18 here in 2018, so we still want to kind of pick at 19 every little portion of this site here, and we 20 recognize that we can't. But we definitely 21 appreciate your understanding that you have for 22 that. I appreciate the fact that you reduced the 23 F.A.R., that you've reduced the FAR, that we've 24 reduced the motor vehicle area. We have to focus on 25 things that we can control, right.	128 1 we have a second, so I'll just need a roll call. 2 ATTORNEY PECK: But was it seconded, 3 actually? 4 CHAIRMAN VESCIO: By Mr. Magura. 5 ATTORNEY PECK: Okay. 6 CHAIRMAN VESCIO: Ms. Probst, I'll need 7 roll call, please. 8 ADMINISTRATOR PROBST: Chairman Vescio? 9 CHAIRMAN VESCIO: Yes. 10 ADMINISTRATOR PROBST: Councilman 11 Kirsh? 12 COUNCILMAN KIRSH: Yes. 13 ADMINISTRATOR PROBST: Mr. Magura? 14 MEMBER MAGURA: Yes. 15 ADMINISTRATOR PROBST: Mr. Wang? 16 MEMBER WANG: Yes. 17 ADMINISTRATOR PROBST: Ms. Sikora? 18 MEMBER SIKORA: Yes. 19 ADMINISTRATOR PROBST: Mr. Choudury? 20 MEMBER CHOUDURY: Yes. 21 ATTORNEY SILBERT: Thank you. 22 CHAIRMAN VESCIO: Mr. Silbert, thank 23 you, and best of luck. 24 - - - 25 (Application concluded at 10:59 p.m.)
127 1 I believe that the applicant showed 2 that they're willing to control the security as best 3 as possible, right. They have been willing to -- 4 they've shown their willingness to control the water 5 situation, the stormwater, as best as possible, 6 because we all know forces of nature cannot be 7 controlled as best as possible. But I think they 8 have done everything that they can to show, you 9 know, based on the buffering based on the changing 10 of the setbacks. 11 I'm glad to hear that there is demand 12 here in Bridgewater. It's nice to hear that we're 13 coming out of -- I'm hopeful that we're coming out 14 of this COVID phase here, but that's what we want at 15 the end of the day; we want Bridgewater to be a 16 desirable community. 17 And I'll echo the sentiments of my 18 peers here, I also believe that this is a 19 neighborhood, and I have no doubt that the applicant 20 is coming in here to be a good neighbor, and that's 21 exactly what Bridgewater is about. 22 So I am also inclined to approve this 23 application. 24 And with that I believe we have a prior 25 approval motion here by Councilman Kirsh, and then	129 1 CERTIFICATE  2 3 I, ANGELA C. BUONANTUONO, a Notary Public 4 and Certified Court Reporter of the State of New 5 Jersey and Registered Professional Reporter, do 6 hereby certify that prior to the commencement, the 7 witness was duly sworn to testify the truth, the 8 whole truth and nothing but the truth. 9 I DO FURTHER CERTIFY that the foregoing is a 10 true and accurate transcript of the proceeding as 11 taken stenographically by and before me at the time, 12 place and on the date hereinbefore set forth. 13 I DO FURTHER CERTIFY that I am neither a 14 relative, nor employee, nor attorney, nor counsel of 15 any of the parties to this action, and that I am 16 neither a relative, nor employee of such attorney or 17 counsel, and that I am not financially interested in 18 the action. 19 20 21 22 23 Angela C. Buonantuono, CCR, RPR, CLR 24 NJ License No. 30XI00233100 25 Notary Public Commission No. 50014616

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**CHICK-FIL-A
CERTIFIED
TRANSCRIPT**

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TOWNSHIP OF BRIDGEWATER PLANNING BOARD
COUNTY OF SOMERSET - STATE OF NEW JERSEY

- - - - -
REGULAR MEETING FOR:
CHICK-FIL-A, INC.
BLOCK 164, LOT 6.05
754 ROUTE 202

PRELIMINARY & FINAL MAJOR SITE PLAN

APPLICATION NO. 24-014-PB
- - - - -

MUNICIPAL BUILDING
COUNCIL CHAMBERS
100 COMMONS WAY
BRIDGEWATER, NEW JERSEY 08807

- - -
TUESDAY, DECEMBER 17, 2024
7:00 P.M.

- - -
TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING
- CONTINUATION -

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

BOARD MEMBERS PRESENT:

MAURIZIO VESCIO, CHAIRMAN

NIREN CHOUDHURY

MICHAEL KIRSH, COUNCILMAN

JAMES MAGURA

ASHLEY SIKORA

HENRY WANG

PROFESSIONALS AND STAFF PRESENT:

MARK R. PECK, ESQUIRE, Board Attorney
Florio Perrucci Steinhardt Cappelli & Tipton, LLC

WILLIAM H. BURR, IV, P.E., Township Engineer
Township of Bridgewater

KATHERINE SARMAD, P.P., Board Planner
Sarmad Planning Group, LLC

NANCY PROBST, Land Use Administrator
Township of Bridgewater

STENOGRAPHICALLY REPORTED BY:

ANGELA BUONANTUONO, CCR, RPR
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Chick-fil-A, Inc.

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WITNESSPAGE

ZACHARY CHAPLIN, P.E.
Stonefield Engineering & Design

10

PUBLIC QUESTIONS AND/OR COMMENTS:NAMEADDRESSPAGE

None.

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-7	Existing Chick-fil-A Locations	11
A-8	Bypass Lane Modification Exhibit	13

1 CHAIRMAN VESCIO: Good evening. And
2 welcome to the Bridgewater Township Planning Board
3 meeting for Tuesday, December 17, 2024.

4 Adequate notice of this meeting has
5 been given in accordance with the Open Public
6 Meetings Act, N.J.S.A. 10:4-6. On February 7th,
7 2024, proper notice was sent to The Courier News and
8 The Star-Ledger, and filed with the Clerk at the
9 Township of Bridgewater, and posted on the bulletin
10 board in the Municipal Building.

11 Please be aware of the Planning Board
12 Policy for public hearings, no new applications will
13 be heard after 9:30 p.m., and no new testimony will
14 be taken after 10:00 p.m.

15 Hearing assistance is available upon
16 request. Accommodation will be made for individuals
17 with a disability pursuant to the Americans with
18 Disabilities Act, or ADA, provided the individual
19 with the disability provides 48 hours' advance
20 notice to the Planning Department secretary before
21 the public meeting.

22 However, if the individual should
23 require special equipment or services, such as a
24 CART transcriber, seven days' advance notice,
25 excluding weekends and holidays, may be necessary.

1 Would everyone please rise to salute
2 the flag.

3 [Pledge of Allegiance.]

4 CHAIRMAN VESCIO: Ms. Probst, could I
5 have a roll call, please?

6 ADMINISTRATOR PROBST: Chairman Vescio?

7 CHAIRMAN VESCIO: Here.

8 ADMINISTRATOR PROBST: Mayor Moench is
9 absent.

10 Councilman Kirsh?

11 COUNCILMAN KIRSH: Here.

12 ADMINISTRATOR PROBST: Mr. Pappas will
13 be absent.

14 Mr. Magura?

15 MEMBER MAGURA: Here.

16 ADMINISTRATOR PROBST: Mr. Wang?

17 MEMBER WANG: Here.

18 ADMINISTRATOR PROBST: Ms. Sikora?

19 MEMBER SIKORA: Here.

20 ADMINISTRATOR PROBST: Mr. Banga will
21 be absent. Ms. Chartowich will be absent.

22 Mr. Choudhury?

23 MEMBER CHOUDHURY: Yes, here.

24 ADMINISTRATOR PROBST: Mr. Atkins will
25 be absent.

1 Mr. Peck is present, board attorney;
2 Mr. Burr, board engineer; and Ms. Sarmad, board
3 planner.

4 You have a quorum and you can proceed.

5 CHAIRMAN VESCIO: Thank you,
6 Ms. Probst.

7 - - -

8 (Whereupon, the board continues
9 with the agenda as posted.)

10 - - -

11 (Whereupon, the application is called
12 at 10:59 p.m.)

13 - - -

14 CHAIRMAN VESCIO: Okay, next on the
15 agenda this evening is Chick-fil-A, which is a
16 continuance from 12/3/24. Block 164, Lot 6.05,
17 commonly known as 754 Route 202.

18 And I spot Mr. Silbert in the seat.

19 ATTORNEY SILBERT: Mr. Chairman, I'm
20 going to put on the record again Michael Silbert on
21 behalf of Chick-fil-A, Inc., from DiFrancesco
22 Bateman, Warren Township.

23 COUNCILMAN KIRSH: Hardest working
24 attorney in the firm tonight, huh?

25 ATTORNEY SILBERT: Tell me about it.

1 Yeah, I'm not going to re-summarize
2 the application. The board is familiar with the
3 application, as we presented the professional
4 testimony at our last hearing from Mr. Zachary
5 Chaplin, the applicant's engineer. You also heard
6 professional traffic testimony from the applicant's
7 traffic engineer, Patrick Downey.

8 You heard operational township from
9 John Martinez at the first hearing. This is the
10 third hearing on this application.

11 With whatever remaining time we have
12 this evening I wanted to address the December 8
13 supplemental review memo from the board's
14 professionals that Chick-fil-A received. And our
15 witnesses are all under oath, and I would like to
16 turn it over, Mr. Chairman, if that's okay, to
17 Mr. Chaplin to talk a little bit about that
18 supplemental review memo that he received.

19 CHAIRMAN VESCIO: It is. And I
20 believe that we could probably get this accomplished
21 within the next 20 minutes or so?

22 ATTORNEY SILBERT: Yes.

23 CHAIRMAN VESCIO: Okay, very good.
24 Please proceed.

25

- - -

1 Z A C H A R Y C H A P L I N, P. E., previously
2 sworn, continues his testimony as follows:

3 - - -

4 THE WITNESS: Good evening.

5 CHAIRMAN VESCIO: Good evening.

6 THE WITNESS: I'll try to be brief and
7 to the point.

8 So we had a chance to review the memo.
9 I understand that the concern is essentially that
10 the fact that we have a portion of a bypass lane and
11 not like a full bypass lane, you know, around the
12 drive-through area.

13 I do want to make it a point that for
14 Chick-fil-As, the majority do not have a bypass
15 lane. I don't know if I'm able -- oh, you can see
16 it, okay.

17 I would like to mark this exhibit.

18 ATTORNEY SILBERT: Do you guys have
19 the ability to see it on your screen?

20 MEMBER SIKORA: Yeah. Can you zoom in
21 a little more?

22 THE WITNESS: I will actually zoom
23 into each.

24 So this is an exhibit, it's entitled
25 "Existing Chick-Fil-A Locations," prepared by our

1 office, dated December 16th, 2024. I forget where
2 we left off on the...

3 ATTORNEY PECK: We are at A-7. Yeah,
4 I have A-7 as the next one up.

5 I'm sorry, what do we call this?

6 THE WITNESS: Existing Chick-fil-A
7 locations.

8 - - -

9 (Exhibit A-7, Existing Chick-fil-A
10 Locations, was marked.)

11 - - -

12 THE WITNESS: So, in essence, what we
13 did was this would be a snapshot aerial, six
14 Chick-fil-A sites in New Jersey that have already
15 been built that essentially show -- and I'll start
16 here in North Brunswick. You know, this site has
17 two lanes around the building itself. There is no
18 bypass.

19 Then you move on to South Plainfield.
20 It's actually an older version where it was two
21 lanes of ordering into one lane of pick up. You
22 will see here there is an escape, but there is no
23 actual bypass lane around it for the South
24 Plainfield site.

25 And then in Edison there's two full

1 lanes around the whole site.

2 Parsippany has two full lanes around
3 the site. This was actually pretty recently built.

4 We also have Old Bridge, which is the
5 same case. And Lawrence.

6 And I think what is important to note
7 is that our plan probably wouldn't even have had
8 that third bypass lane. It was actually just
9 initial feedback from the township years and years
10 ago that we had put that in, but typically we don't
11 look to do that and, you know, I've obviously worked
12 and installed and built many Chick-fil-A locations.

13 I think what is important to understand
14 is that unlike most drive-throughs that have one
15 lane, we do have two lanes, right. So in the event
16 that there is an emergency, you know, let's say,
17 there's a car that breaks down, you have the ability
18 for the Chick-fil-A staff to move vehicles in that
19 second lane and, you know, essentially get vehicles
20 out of this site.

21 The second exhibit that I would like to
22 introduce is called the Bypass Lane Modification
23 Exhibit.

24 ATTORNEY SILBERT: A-8.

25 THE WITNESS: A-8.

1 ATTORNEY PECK: Bypass modification?

2 THE WITNESS: Prepared by our office
3 dated December 16th, 2024.

4 - - -

5 (Exhibit A-8, Bypass Lane Modification
6 Exhibit, was marked.)

7 - - -

8 THE WITNESS: So this is essentially
9 the site plan with a red line markup on top.

10 And as I've looked at it a little bit
11 more closely, what we look to do is almost remove
12 that third lane, but provide an escape.

13 So you will see here that in the event
14 there was an emergency there is essentially another
15 curb cut to that main internal access road. So
16 that, you know, if one of the lanes for whatever
17 reason couldn't get through, we could circulate
18 through the other and then get out of the site
19 without having to fully drive through the
20 drive-through.

21 So I hope, just in context, the
22 background that there are many Chick-fil-A sites
23 that don't even have a bypass lane, the fact that we
24 would just look to make this modification, you would
25 actually get as a result of this more green space

1 back, more of a -- you know, we wouldn't have a
2 driveway throat here, so we actually think it's a
3 good change overall for the project.

4 CHAIRMAN VESCIO: Thank you for the
5 testimony.

6 Any questions from our board?

7 COUNCILMAN KIRSH: Well, Mr. Chairman,
8 I have a comment. You know, I had some internal
9 dialogue about a concern I have. I don't know if
10 this made its way to you, or maybe right now is the
11 way.

12 Can you zoom out of this just slightly.
13 There you go. Thank you.

14 I like that there's now the way to get
15 off the site. I still remain concerned about what
16 could become a choke point of getting in and out,
17 you know, which is the -- you know, your main
18 entrance.

19 And I guess I remain particularly
20 concerned about the scenario where we need to get an
21 ambulance in there, you know, if there's a
22 restaurant visitor, or a staff person that has a
23 medical emergency. And it could be a chaotic
24 situation and cars coming in and out and all kinds
25 of crazy stuff.

1 And the suggestion that I made to
2 alleviate that is is there viability, if you're
3 looking at the line of parking spots facing Towne
4 Center Road, is there viability to removing a couple
5 of spots near the -- near the, you know the pylon
6 sign or whatever that is called, and making that
7 emergency access only? So that essentially, you
8 know, in the event of just the most severe
9 circumstance that becomes a secondary option,
10 particularly to get an ambulance in and out of there
11 quickly.

12 I don't know if that's depicted or, you
13 know, what that crosswalk is, but just my thought
14 is, you know, the most direct way to get in there
15 quickly with an ambulance particularly is, you know,
16 some sort of a graded situation over the grass. You
17 lose a couple of parking spaces potentially and
18 then, you know, that is kind of your break glass in
19 a real bad situation, how could you get an ambulance
20 in there real fast.

21 THE WITNESS: Almost like a grass
22 paver road, just to be used...

23 COUNCILMAN KIRSH: Something like
24 that. And you know some sort of clarity that these
25 are not parking spaces.

1 Now, you know, could it happen? I'm
2 seeing a nod of the head yes. Is that valuable and
3 necessary? You know, I don't want to impose a
4 condition for something that will never happen, but
5 at the same time if you can afford to lose a couple
6 of parking spaces and that gives you more
7 flexibility for greater safety, you know, perhaps
8 that is a good -- a good outcome from this
9 conversation.

10 THE WITNESS: Well, we're coming back
11 it seems like, so we have a chance to, you know, put
12 our heads together and think about it. So I
13 appreciate the suggestion, and I think it definitely
14 has merit.

15 The one thing that I will add just to
16 remind the board again is that our drive aisles are
17 oversized, they're 30 feet wide. So you should have
18 room even if they're -- you know, that's basically
19 room for three vehicles essentially. So that main
20 thoroughfare, you know, if needed, like there is
21 extra space for larger vehicles to kind of get
22 around.

23 I understand that they have no way to
24 get out, you know, aside from going through the
25 drive-through, but you have that 30 feet and ability

1 to K-turn if needed.

2 But, like I said, obviously an escape,
3 you know, an extra emergency lane could be valuable.

4 COUNCILMAN KIRSH: I suggest that, not
5 as a requirement but as a suggestion.

6 And if your answer to me after
7 considering it is, you know what, we are perfectly
8 comfortable even though there is essentially a
9 one-way-in/one-way-out situation, in an area that
10 could be congested, yet as long as you consider it.

11 If you come back and say, you know
12 what, that's a great addition, you know, it's belts
13 and suspenders. It's a little bit of an extra
14 security for us, sure, let's do it. Or if you come
15 back and say we've considered it and, you know -- I
16 would ask you to consider it.

17 You know, and I think what I would be
18 most concerned about, it wouldn't be fire, it would
19 be -- it would be an ambulance condition. You know,
20 getting an ambulance. And I guess the benefit to
21 that is it would be pretty close to your front door,
22 which presumably would be where any EMTs or other
23 personnel would want to get in to address, you know,
24 a patron or an employee that may be having a medical
25 concern.

1 THE WITNESS: Okay, got it.

2 MEMBER MAGURA: As an aside, in
3 Bridgewater some EMTs report directly to the scene
4 as opposed to going to the squad building to pick up
5 the ambulance. So they would show up possibly
6 before the ambulance would, possibly before the
7 police would. Just excess.

8 THE WITNESS: Thank you.

9 MEMBER MAGURA: Just based on
10 experience on the squad.

11 THE WITNESS: Yeah, no, appreciate it.

12 COUNCILMAN KIRSH: And, you know, I
13 would defer to your judgment, if it's viable and
14 desired, you know, what is exactly -- what does it
15 look like; you know, is there you know a chain that
16 clearly shows this is not for normal circumstances.

17 You know, I don't think you need a lock
18 or a gate or anything but, you know, something that
19 delineates this as not a place, you know, for normal
20 traffic but that again, whether it's a chain or
21 something, could be easily and quickly removed if
22 there was a need, whether an ambulance gets in
23 there, or as was just stated, maybe it's even a
24 private vehicle of an EMT responder.

25 THE WITNESS: Yep. That makes sense.

1 MEMBER MAGURA: And if I may add on
2 that, I happened to be at the store today and you
3 can't park in front of the store; the front of the
4 store is reserved for fire engines. There's
5 actually no parking in the entrance of the store.

6 COUNCILMAN KIRSH: Yeah. And, you
7 know, I'm sorry to continue on, you know it's funny
8 when we have hearings like this, you know, now every
9 time I drive by there I'm seeing it and I'm
10 picturing it and, you know, it's right by Wegmans.
11 You know, the site seems to be a little tight.

12 You know, I mean you've showed some of
13 the other aerials and a few of those definitely had
14 more, more room. You know, I think as you come back
15 the next time, you know, I would just look for
16 additional reassurance that while crowded, this site
17 will work.

18 I know we heard testimony before that
19 there are times when your traffic engineers
20 sometimes have to deliver challenging news and say,
21 "Sorry, I can't make it work." So the fact that
22 we're here means that we've gotten over that hurdle,
23 but I think if you could focus your comments on, you
24 know, for the record, for the benefit of any public
25 members that are here, you know, just some

1 additional assurance that although it's tight, we
2 can make this work.

3 And then, you know, my other desire is
4 if there can be some additional commentary about the
5 exterior movement that is going to be created when
6 people go out past the bank, go onto 202 South, try
7 to cut across to make that U-turn. Because again as
8 I have been driving here the last couple of weeks,
9 that's going to be a tough maneuver to make.

10 And I know there was commentary about
11 wayfinding signs and, you know, kind of urging
12 people who are going north to go left, people who
13 are going south have the choice to go either way,
14 but again Jersey drivers will find their way to go
15 the way they want.

16 You know, that's an area, you know, I
17 would like to just see revisited a little bit
18 because I'm concerned that, you know, we look at --
19 at the grade of the intersection. I am concerned
20 that in addition to the grade, you know the
21 efficiency grade or whatever it's called, level of
22 service, you know, that we also are looking at the
23 safety grade, if there is such a thing.

24 You know and, you know, it's a tight
25 space. You know, it's a tight space. And, you

1 know, getting out of this whole complex and going
2 north again, is a bit of a challenge.

3 THE WITNESS: Yeah, I think the
4 benefit is, it's in a shopping center you know, so
5 if it is tight, we are not impacting the major
6 highways or like having issues with like the main
7 access points.

8 So the fact that like our main access
9 point is, you know, onto an internal roadway of a
10 shopping center I think that's helpful.

11 And just an experience working on many
12 different Chick-fil-As, that's always been
13 beneficial for our sites, when we're within a larger
14 shopping center and can take advantage of the
15 parking and that internal access it definitely helps
16 as compared to some of those other ones that you saw
17 that are like -- that have direct access onto those
18 highways.

19 But totally heard what you're saying.
20 We'll come back. You know, we'll have a couple of
21 things to say to just reassure that this does work,
22 that we've done a lot of calculations and, you know,
23 a lot of plan preparation and, you know, we will
24 reassure the board and the public that this can
25 work.

1 MEMBER CHOUDHURY: Mr. Chairman, can
2 I...

3 CHAIRMAN VESCIO: Mr. Choudhury.

4 MEMBER CHOUDHURY: Okay, so basically
5 since I live right near there, so last week I
6 actually went several test-drive, including Friday
7 at lunch time. That is basically most because of
8 the holidays, the Verizon store's also -- a lot of
9 people came to Verizon store. And, obviously, Olive
10 Garden actually totally filled up.

11 So what I did, I actually went many
12 times to your place, you know, thank God that nobody
13 caught me there. And actually, you are right, from
14 the Verizon side those -- that two lanes will be too
15 tight. I mean, I know you have properly designed
16 it, I'm not going to change anything.

17 I actually went not only through like
18 Councilman Kirsh was saying, I went to the, you
19 know, to the 202 North and South from the Towne Hill
20 Road -- Towne Center Road.

21 So actually going 202 North is a little
22 bit of a headache in the peak time. Now, remember,
23 Chick-fil-A is not there yet, so think about when it
24 will happen.

25 However, I also did -- I actually come

1 by the by-road and you could -- one can actually go,
2 take a U-turn from the by-road itself because there
3 is sufficient distance there, you know, while I
4 drive crazy so basically probably people may not be
5 like probably may not be driving like me, but you
6 could actually go both, to 202 North by that way, as
7 well as go straight to the 202 South.

8 So, if we can basically make that
9 traffic more by the signs more doable, I think, you
10 know, you could actually bypass many of the
11 congestions there. Plus you are doing the time
12 change anyhow, you know, the light.

13 THE WITNESS: Yeah.

14 MEMBER CHOUDHURY: But at least what
15 Councilman Kirsh is saying is actually more -- more
16 makes sense now. And now we can at least do the
17 emergency for the EMT or some, you know, the cars.
18 That will actually help a lot because this will be a
19 really congested road that, you know, in front of
20 your store. So think about that one, that will
21 actually be helpful. I'm not even considering now
22 fire.

23 At the same time I'm really worried
24 about these two lanes on the Verizon side. You
25 know, if something happened there I don't know how,

1 at least in a peak time, how you're going to handle
2 those cars there.

3 If you can at least think about it, or
4 if you know the answer, kindly share with us because
5 that is really the concerns from a safety side.

6 THE WITNESS: The two drive-through
7 lanes.

8 MEMBER CHOUDHURY: Yeah, on the --
9 what you call, on the Verizon side.

10 THE WITNESS: Well, and your concern
11 is that you think it's tight or...

12 MEMBER CHOUDHURY: No, it's -- it is
13 very tight. And if something happens there, you
14 know, anything, liver pain or something, whatever
15 happens, it's how you are going to control that,
16 take it out, that car.

17 This will be -- really mess up things
18 there.

19 THE WITNESS: I think it comes back to
20 the fact that we have two lanes so, you know,
21 there's going to be Chick-fil-A team members who are
22 out there and who can help direct traffic, you know,
23 as needed.

24 So if, you know, they need to move cars
25 and say, hey, it's an emergency, like they're going

1 to get people to go. And they have two lanes to
2 work with instead of one.

3 You know most drive-throughs, again
4 take Chick-fil-A out of the equation, you know,
5 Starbucks, Dunkin', one lane. So the two lanes
6 gives us -- and not only that, our lanes are
7 oversized. We've got, you know, striping in the
8 middle, and flexible bollards, so there's definitely
9 a lot of you know -- because we have our team
10 members who are out there, too.

11 So they're oversized drive-through
12 lanes; we have two. If something happens we have
13 team members out there who could help direct
14 traffic.

15 MEMBER CHOUDHURY: No, actually if you
16 are talking about other, like Burger King or so,
17 anybody, you could actually have another space where
18 you could drive through it, so there is no -- even
19 though they have only one lane.

20 Again, I'm not recommending barring or
21 anything else here, but at least even though they
22 have a one lane, they have the side lane which you
23 can bypass it.

24 So here there is no bypass lane is
25 there, which basically -- it's okay, you know your

1 design better than me, so I'm not telling you to
2 change anything, but all I'm saying is for emergency
3 it will be -- as long as you thought about it.

4 THE WITNESS: Yeah, I mean we actually
5 have an operator in attendance tonight and we were
6 talking to him and he obviously operates
7 Chick-Fil-As and he said even just like someone
8 enters a drive-through by accident, it's like maybe
9 a handful of times a year. And then once they do
10 it, they never do it again. So it's very rare.

11 And, like I said, if there is an
12 emergency, the team members, they're there to help;
13 they're there to move traffic. We have the two
14 lanes to work with.

15 And, like I've showed before, obviously
16 there's many sites that have been built just like
17 this.

18 MEMBER CHOUDHURY: I'm very familiar
19 with the South Plainfield. Even though I don't eat
20 chicken, but at least I take my son or wife there,
21 so I have experience with Chick-Fil-As. Obviously
22 your things are very -- must be very good, people --
23 a lot of people go there.

24 So, again, think about it when you go
25 home today, I mean whether -- how you basically --

1 in an emergency situation how you handle it. That's
2 basically what I'm -- specifically what is North
3 side, that is too congested.

4 THE WITNESS: Okay.

5 MEMBER CHOUDHURY: Thank you.

6 CHAIRMAN VESCIO: Would you say that
7 the space that we're seeing here -- we see the
8 representation of the vehicles in the two lanes. If
9 a traffic operator would take somebody and bring
10 them to the extreme left and one to the extreme
11 right, there is sufficient space in between for a
12 full-size vehicle to be able to drive right through
13 is what you're saying?

14 THE WITNESS: No. What I'm saying is
15 let's just say a car broke down in one of the lanes
16 and you couldn't -- you were blocked by that car,
17 the other lane, the team members can just start
18 saying to the cars that you have to drive up,
19 there's an emergency, so that cars can get around
20 that car to open up space for it.

21 CHAIRMAN VESCIO: Okay. So if two of
22 those cars were either as far away -- as far away
23 from each other as possible toward their respective
24 curbs, there's not sufficient space in between for
25 cars to go between, correct, let alone a motorcycle,

1 for example?

2 That's a better angle. There you go.

3 THE WITNESS: Yeah, I think it could
4 be possible -- the canopy has columns, so, yeah, it
5 would not be possible.

6 CHAIRMAN VESCIO: Okay.

7 THE WITNESS: It would be too tight.

8 CHAIRMAN VESCIO: Understood.

9 THE WITNESS: Yeah, what I was saying
10 is the drive aisle itself you can't, you know, the
11 main drive aisle, but in the drive-throughs it would
12 be...

13 ATTORNEY SILBERT: By the canopies,
14 right?

15 THE WITNESS: Right.

16 ATTORNEY SILBERT: I mean it's obvious
17 that the board obviously sees this, but, you know,
18 if there was an emergency situation you wouldn't
19 have to wait to go around the entire drive-through
20 to exit; you still do have the opportunity to exit
21 at the northeast portion of the property rather than
22 waiting -- how many car lanes? You don't have to
23 answer that. But you're waiting approximately eight
24 car lengths versus going around the entire site to
25 exit in the naturally planned exit point of the

1 drive-through lane.

2 So all I'm trying to highlight is that
3 it's evident that we are keeping in mind that in
4 this scenario there is a point of exit that is much
5 closer to the entrance of the drive-through lane.

6 CHAIRMAN VESCIO: And from what it
7 appears, a traffic operator could direct people to
8 the exit ramp, that immediate exit ramp, the one
9 that you're including in this site plan in order to
10 facilitate that type of process.

11 ATTORNEY SILBERT: I actually wanted
12 to ask a question of Mr. Martinez, if it's possible.

13 When Chick-fil-A opens here do they put
14 in place some kind of Emergency Management Plan? If
15 something were to happen in one of the drive-through
16 lanes, is the staff trained in some manner to jump
17 into action?

18 JOHN MARTINEZ: So the quick question,
19 so on Grand Opening, we do have a specific Grand
20 Opening Plan. And that will involve not only our
21 staff, we'll actually bring in off-duty police
22 officers to the table too.

23 But I could assure you the operations
24 of the drive-through, the dual drive-through lane,
25 was heavily studied by Chick-Fil-A, our own internal

1 safety folks, and it has very strict ideas of what
2 can be and can't be done.

3 I can tell you having it three lanes
4 wide is not going to happen. All right, there is
5 absolutely no way we're going to do that. We've
6 tested that. It does not work. There's too many
7 potential issues.

8 So as Mr. Chaplin indicated, if there
9 is an issue -- and it does happen. It doesn't
10 happen often. We have procedures in place in order
11 to safely move cars around that and to get the car
12 that is broken down, just a broken down car out of
13 there.

14 If someone forgets their wallet, which
15 is probably more common, we have procedures in place
16 on how to handle that if we get to they can't pay
17 for their food.

18 So I can assure you the operation of
19 that is very well vetted out over now probably
20 approaching 1,000 locations throughout the country
21 that have dual lanes.

22 There is a process, just so it's very
23 clear, that we are going into existing stores that
24 only have one lane and adding two lanes. Even if it
25 requires us to purchase more property or to take out

1 some parking, it's a vast improvement over the
2 customer convenience at that site.

3 So we can certainly talk about that
4 more next time, but I just wanted to assure you
5 before we leave and come back that we have thought
6 about this and, we're very focused on safety first
7 and how to move that through efficiently.

8 ATTORNEY SILBERT: Thank you.

9 CHAIRMAN VESCIO: Thank you.

10 I think at this time I would also like
11 to ask any board members if they have any questions
12 at all that's not related to the traffic; this is
13 probably a good opportunity to ask. Because I think
14 over the course of the last two hearings we've
15 pretty much combed over every last issue that we've
16 wanted to deliberate on.

17 So if there are any other questions or
18 concerns that come to mind, I think this would be
19 the time to do it.

20 None here? Very good.

21 Once again, thank you.

22 ATTORNEY PECK: Any public?

23 ATTORNEY SILBERT: So can it be
24 carried this application to the reorg meeting so we
25 don't have to provide new notice?

1 CHAIRMAN VESCIO: The reorg is on
2 January 7th, correct?

3 ADMINISTRATOR PROBST: Carried for a
4 hearing, though, or for scheduling?

5 CHAIRMAN VESCIO: This would be --

6 ADMINISTRATOR PROBST: Because we also
7 have a request from one of Mr. Silbert's other
8 clients for the 7th.

9 CHAIRMAN VESCIO: Just an official
10 show of hands, who would be here on the 7th for
11 reorg?

12 MEMBER SIKORA: The 7th?

13 CHAIRMAN VESCIO: Yeah.

14 MEMBER SIKORA: I'll be here.

15 COUNCILMAN KIRSH: Is there a choice?

16 CHAIRMAN VESCIO: There's always a
17 choice.

18 COUNCILMAN KIRSH: Well, I know. Life
19 is full of choices. I know. I know.

20 CHAIRMAN VESCIO: Okay.

21 COUNCILMAN KIRSH: Every day we make
22 choices.

23 ATTORNEY SILBERT: I want to check
24 with my team to see if they're available on the 7th
25 anyway, but at a minimum, I just didn't want to have

1 to re-notice.

2 ATTORNEY PECK: Yeah. Why don't we --
3 we can carry it and they can or we can decide later
4 whether it goes through, but to avoid having to
5 renotice so...

6 COUNCILMAN KIRSH: But we do
7 anticipate a case to be heard on the 7th?

8 ADMINISTRATOR PROBST: So that's what
9 you need to -- what you need to discuss before we
10 adjourn, is whether you want to entertain a request
11 from Avnos, Mr. Silbert's other -- another client
12 for a hearing on the night of the reorg.

13 COUNCILMAN KIRSH: What type of case is
14 that?

15 ATTORNEY SILBERT: So Avnos is coming
16 in with an Amended Minor Site Plan application.
17 They're proposing to put a DAC mechanical system on
18 their property. It has to do with -- it's basically
19 machinery that takes CO2 emissions out of the air,
20 and they're building a structure. I call it a
21 structure because it's simply to house the
22 mechanical equipment from the environmental
23 conditions.

24 There's no variances. It's an Amended
25 Site Plan application.

1 COUNCILMAN KIRSH: And this is on
2 Milltown Road across from the park?

3 ATTORNEY SILBERT: Yes, it is.

4 I don't say it will be quick because
5 you never know, but I'm hoping it would be quick.

6 ADMINISTRATOR PROBST: Are you saying
7 -- so you would only have engineering testimony for
8 that?

9 ATTORNEY SILBERT: That is correct.

10 ATTORNEY PECK: Well, what I can do at
11 least for the subject application, R.I. Heritage --

12 ATTORNEY SILBERT: Chick-fil-A.

13 ATTORNEY PECK: I'm sorry, long night.

14 The Chick-fil-A application is being
15 carried to January 7th, no further notice will be
16 given.

17 So for anybody watching out there, any
18 public here, January 7th. No further notice will be
19 given.

20 CHAIRMAN VESCIO: Okay.

21 ATTORNEY SILBERT: Thank you.

22 CHAIRMAN VESCIO: I would like to open
23 it up to any questions from the public.

24 No questions from the public.

25 Any questions from our professionals?

1 PLANNER SARMAD: Not at this time.

2 ENGINEER BURR: No.

3 CHAIRMAN VESCIO: All good.

4 Mr. Silbert, anything?

5 COUNCILMAN KIRSH: Just commentary on
6 the 7th. I will be here. I may have a time
7 restriction that would require me to leave. So we
8 would just want to make sure we have full complement
9 in case I do.

10 ADMINISTRATOR PROBST: So for any of
11 the board members that are here now, do you plan --
12 let me poll the Board -- do you plan to be here on
13 the 7th?

14 Anyone plan not to be here on the 7th?

15 CHAIRMAN VESCIO: So the only one
16 would be Councilman.

17 COUNCILMAN KIRSH: Possible time
18 constraint.

19 ADMINISTRATOR PROBST: So do you want
20 me to get back to Mr. Silbert tomorrow and let him
21 know whether we're having the official notice for
22 the 7th for Avnos?

23 CHAIRMAN VESCIO: I believe so.

24 I would like to check with some of the
25 other board members as well.

1 ATTORNEY SILBERT: Well, just for
2 scheduling purposes, we've already noticed for Avnos
3 for the 7th. We obviously would like the board to
4 hear us, but if the board says we can't accommodate
5 you, we've noticed for it so the board can carry us
6 to your next available date.

7 ADMINISTRATOR PROBST: The scheduled
8 notice, you would advise...

9 ATTORNEY SILBERT: Yes, we did. And I
10 thank you for that.

11 COUNCILMAN KIRSH: Would your
12 intention be to, if possible, to hear Avnos that
13 night and then to schedule Chick-fil-A sometime
14 later, or to also, if possible, hear Chick-fil-A
15 that night?

16 ATTORNEY SILBERT: I think -- I don't
17 know what your reorganization meeting -- actually,
18 in advance of tonight's meeting I looked up the
19 reorg meeting from February of 2024 to see how long
20 it went, and it only took 15 minutes approximately.
21 I have no idea what is on the plate for January 7th,
22 so I would leave it to the board to make a
23 determination. The board has been extremely
24 flexible in accommodating this evening.

25 I think Avnos is -- they're a similar

1 situation, they have people flying in from
2 California. So they are banking on that January 7th
3 date, if that's possible.

4 And then, obviously, we're all
5 available from Chick-Fil-A, so depending on how
6 quick you get through reorg, we could be here.

7 You know, I am just going through the
8 dates in my head right now. And I just want to make
9 sure that if we are submitting any supplemental
10 exhibits that we have enough time to get it in ten
11 days in advance, so that the public has an
12 opportunity to review those revisions because we
13 showed concepts this evening.

14 So why don't we carry Chick-fil-A to
15 the 7th, and I'll talk with my team and even see if
16 it's feasible to get site plan revisions in ten days
17 in advance of that hearing, particularly in light of
18 the fact that we have the holidays.

19 COUNCILMAN KIRSH: And our likely
20 schedule for 2025 shouldn't be a surprise, you know,
21 subject to holidays or lack of room availability,
22 it's likely they'll roughly be first and third
23 Tuesdays.

24 ADMINISTRATOR PROBST: Yes.

25 COUNCILMAN KIRSH: Although that's not

1 official yet.

2 ADMINISTRATOR PROBST: But we do have
3 statutorily ten days is all that they have to
4 provide the materials in, but our process requires a
5 little bit more than that.

6 So what Michael is saying about having
7 enough time to submit additional material for
8 Chick-fil-A, I don't know that we would be able to --

9 COUNCILMAN KIRSH: No, that makes
10 sense. But in all likelihood our next meeting -- we
11 haven't said it yet, but our next meeting after the
12 7th will be the 21st?

13 ADMINISTRATOR PROBST: Yes. So what
14 I'm saying is the fire marshal is going to have to
15 review these changes for circulation.

16 COUNCILMAN KIRSH: And with
17 holidays...

18 ADMINISTRATOR PROBST: With holidays.

19 COUNCILMAN KIRSH: So that might be a
20 challenge for the 7th with holiday time.

21 ADMINISTRATOR PROBST: So I think it
22 makes more sense, if you want to entertain Avnos for
23 a hearing on the 7th and then --

24 COUNCILMAN KIRSH: Potentially carry
25 Chick-fil-A to the 21st, after we set that as a

1 date.

2 ADMINISTRATOR PROBST: I don't know
3 that we would have enough time to get the internal
4 reviews done. I mean, we would have to by law,
5 right, but we may not be able to, and then they
6 would be in a position to ask to carry.

7 COUNCILMAN KIRSH: I'm sorry to ask
8 another question. Do you anticipate -- how much
9 more time do you anticipate -- or how many more
10 witnesses do you have for Chick-fil-A?

11 ATTORNEY SILBERT: The only -- well, I
12 would re-call Mr. Chaplin if site revisions -- and
13 we took your feedback tonight so I would anticipate
14 there are revisions made, to briefly go through
15 those revisions. They're revisions that the board
16 should already be expecting, and they've already
17 seen the concept of that, so that shouldn't take
18 long.

19 We do have some planning testimony that
20 would be required from Matt Flynn, our planner, as
21 it relates to some of the "C" variance relief that
22 we're requesting.

23 So, in short, quick engineering
24 testimony and then planning testimony. Perhaps that
25 would take an hour. I mean we didn't have a big

1 public turn out this evening with respect to
2 Chick-fil-A clearly, so maybe it will go quickly I'm
3 hoping.

4 COUNCILMAN KIRSH: Thank you.

5 ATTORNEY SILBERT: Never mind.

6 COUNCILMAN KIRSH: Yeah, the public is
7 waiting.

8 CHAIRMAN VESCIO: They're waiting,
9 okay.

10 ATTORNEY SILBERT: For chicken.

11 CHAIRMAN VESCIO: Right.

12 Okay, so for January 7th then we'll
13 schedule a hearing for Avnos, with a potential carry
14 for Chick-fil-A.

15 ATTORNEY SILBERT: So we're going to
16 schedule Chick-fil-A for the 7th, and in all
17 likelihood or it may be carried to the 21st?

18 CHAIRMAN VESCIO: Correct.

19 ATTORNEY SILBERT: Okay. Thank you
20 very much for staying so late this evening.

21 CHAIRMAN VESCIO: Mr. Silbert, thank
22 you.

23 Well, anyone want to make a motion?

24 MEMBER SIKORA: I'll make a motion.

25 CHAIRMAN VESCIO: Do you want to second

1 that? Mr. Choudhury.

2 All in favor?

3 MEMBERS IN UNISON: Aye.

4 - - -

5 (Whereupon, the application was
6 adjourned and the meeting concluded.)

7 - - -

8 (Time noted, 11:34 p.m.)

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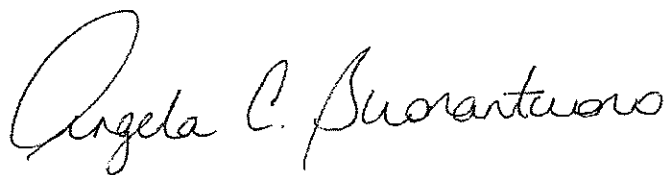
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C E R T I F I C A T E

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

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

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



Angela C. Buonantuono, CCR, RPR, CLR
NJ License No. 30XI00233100
Notary Public Commission No. 50014616

Dated: January 2, 2025

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