

Mr. Rosenbach made a motion to adopt Resolution BOA# 10-18 Sciarretta. It was seconded by Mr. Newlin. On a voice vote, all eligible members were in favor of adopting the resolution.

Application BOA# 13-18

Michael Cavanagh
23 Miller Road, B12/L29, R-1 Zone

Mr. Flanagan made a motion to adopt Resolution BOA# 13-18 Cavanagh. It was seconded by Mr. Newlin. On a voice vote, all eligible members were in favor of adopting the resolution.

Application BOA# 15-18

C.H. Randolph Lyon Trust
148 Lees Hill Road, B47/L7, R-R Zone

Mr. Newlin made a motion to adopt Resolution BOA# 15-18 Lyon. It was seconded by Mr. Symonds. On a voice vote, all eligible members were in favor of adopting the resolution.

NEW BUSINESS

Application BOA# 14-18

Dennis and Jane Terrell
67 Long Hill Road, B17/L33, R-1 Zone
Applicant requesting variance relief for a front setback and side setback as per NJSA 40:55D-70(c).

Presenting:

Glenn Pantel, Attorney

Pat Burke, Architect

Mr. Burke was sworn in for testimony.

- Mr. Pantel presented proposed plans for a 22kw generator.
- Mr. Pantel noted that the variance relief being sought is for an accessory structure in the front yard and for a setback.
- Mr. Pantel further stated that the placement of the generator is being proposed to sit near the existing A/C unit where the existing utility lines are.
- Mr. Burke presented a plan showing the Google aerial conditions as exhibit A-1.
- Mr. Burke presented a variance plan with the present conditions of the property.
- Mr. Burke pointed out the practicality of having the existing gas line in close proximity to the unit.
- Mr. Pantel stated that the property and unit are well buffered.

Mr. Symonds made a motion to approve the application. It was seconded by Mr. Flanagan. A roll call vote went as follows:

For: Ms. Chipperson, Mr. Kearns, Mr. Maselli, Mr. Rosenbach, Mr. Symonds, Mr. Newlin and Mr. Flanagan.

Against: None.

Application BOA# #07-18

William Lewis and Katie Procter
523 Van Beuren Road, B5/L2, RR Zone
Applicant is requesting a use variance and setback variances to retain a second residence and accessory apartment in connection with construction of replacement of the principle residence and new barn.

Presenting:

Peter Henry, Attorney

William Lewis, Owner
Steve Parker, Engineer

Mr. Lewis and Mr. Parker were sworn in for testimony.

- Mr. Henry noted first that there was neighbor opposition to the rear barn. He stated that in light of that opposition the applicant is removing that from the application. He also stated that the mechanicals would be re-located to a conforming location.
- Mr. Henry noted that the variances involved were to keep and protect the historical buildings on the lot. He noted that the accessory structures along the side of the property are non-conforming and have been for close to 100 years. The variances are triggered by the request to remove the principal structure which then creates a use variance and multiple setback issues.
- Mr. Lewis noted that he wishes to return the property to a working farm and has done many repairs to encourage that effort to rejuvenate the property.
- Mr. Parker presented the variance plan of the property. He noted that the wetlands have been delineated and that there is no DEP approval needed for the project area.
- There was a question about the accessory apartment and the cottage on the property.
- Mr. Henry noted that there are three dwellings on the property and all are contributing historic structures.
- Ms. Magdziak, the attorney for the neighbor in opposition noted that the concern was the new barn and chicken coop and the mechanicals and their proximity to the abutting property line.
- A site inspection was scheduled for October 6, 2018 at 9:00am.

OLD BUSINESS

Application BOA# 16-16

S.Y.A.S., LLC

1 Post House Road, B33.03/L1, R-1/B-2 Zones

Applicant requesting variance relief for use and height, per NJSA 40:55D-70(d) for 4 proposed townhouse units subject to a subsequent request for site plan approval .

Presenting:

Bart Sheehan, Attorney

Charles Geyer, Contract Purchaser

Pat Burke, Architect

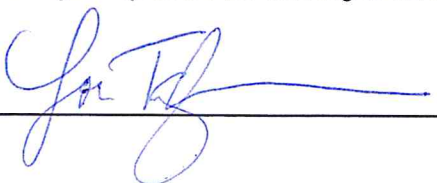
A transcript of the continuing testimony is appended to the minutes.

OTHER BUSINESS

None

ADJOURNMENT

Mr. Flanagan adjourned the meeting at 10:42.



Respectfully submitted by

Lori Taglairino, Board of Adjustment Secretary

HARDING TOWNSHIP
BOARD OF ADJUSTMENT

IN THE MATTER OF: : TRANSCRIPT
: :
CASE: BOA# S.Y.A.S, LLC : OF
1 Post House Road :
Block 33.03; Lot 1 :
R-1/B-2 Zones : PROCEEDING
X

Thursday, September 20, 2018
Municipal Building
21 Blue Mill Road
New Vernon, New Jersey
Commencing at 8:05 p.m.

BOARD MEMBERS PRESENT:

MIKE FLANAGAN, Chairman
PHILIP ROSENBACH
RITA CHIPPERSON
ALF NEWLIN
BILL KEARNS
DAN MASELLI
HUGH SYMONDS

ALSO PRESENT:

PAUL D. FOX, P.E., CME
LORI TAGLAIRINO, Board Administrator

IRIS LaROSA,
Certified Shorthand Reporter

PRECISION REPORTING SERVICE
Certified Shorthand Reporters
(908) 642-4299

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 GARY HALL, ESQ.</p> <p>4 Attorney for the Board</p> <p>5 DEMPSEY, DEMPSEY & SHEEHAN, ESQS</p> <p>6 BY: BARTHOLOMEW SHEEHAN, ESQ.</p> <p>7 Attorneys for the Applicant</p> <p>8 MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP</p> <p>9 BY: JOHN VISCONI, ESQ.</p> <p>10 Attorneys for the Objectors - Post House Road, LLC</p> <p>11 (Member: Thomas Williams)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 CHAIRMAN FLANAGAN: While we change our</p> <p>2 seats here, our next application is Board of Adjustment</p> <p>3 16-16 S.Y.A.S. Would you like to join us at the table?</p> <p>4 As long as McKinley would share with you.</p> <p>5 MR. VISCONI: Sure. I'd like to tell you</p> <p>6 that I don't take up too much room, but that's a lie.</p> <p>7 CHAIRMAN FLANAGAN: Welcome back. In the</p> <p>8 new face of this application Phil has decided to retire</p> <p>9 officially, so I will Chair this Board going forward.</p> <p>10 MR. SHEEHAN: I was grated for Mr.</p> <p>11 Rosenbach's service.</p> <p>12 BOARD MEMBER ROSENBAACH: I figured I'm no</p> <p>13 longer the Board Chair so I couldn't think of even</p> <p>14 partially being the Board Chair, so I'm done.</p> <p>15 MR. SHEEHAN: Before we begin may we mark</p> <p>16 some exhibits?</p> <p>17 CHAIRMAN FLANAGAN: Please.</p> <p>18 MR. HALL: Just for the record, real quick,</p> <p>19 this is a continuation. It's not a new application.</p> <p>20 We have had a couple months hiatus, but it's the same</p> <p>21 application. We're continuing the record from before</p> <p>22 so we don't have to repeat anything, and we should</p> <p>23 probably swear people in, but people who have testified</p> <p>24 before are still under oath. It's a continuation.</p> <p>25 They've revised it and as often happens during the</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS: PAGE</p> <p>4 PATRICK BURKE</p> <p>5 By Mr. Sheehan..... 6</p> <p>6 CHARLES GEYER</p> <p>7 By Mr. Sheehan.....13</p> <p>8</p> <p>9 E X H I B I T S</p> <p>10 IN EVD. DESCRIPTION PAGE</p> <p>11 A-20 Comparative south elevations</p> <p>12 dated July 5th.....10</p> <p>13 A-21 North elevation and first and</p> <p>14 second floor plans dated July 5th...11</p> <p>15 A-22 South elevation, east elevation,</p> <p>16 ground floor plan, and inner</p> <p>17 elevations.....11</p> <p>18 A-23 Comparative sections and comparative</p> <p>19 east elevations.....11</p> <p>20 A-24 Summary of data.....12</p> <p>21 A-25 Rendered engineering plan dated</p> <p>22 July 19, 2018.....45</p> <p>23 A-26 Spring Valley Road house,</p> <p>24 Harding Township.....50</p> <p>25</p> <p>AUDIENCE MEMBERS:</p> <p>Rose Marie Nicholson.....page 38</p> <p>Cathy Moore.....page 38</p>	<p style="text-align: right;">Page 5</p> <p>1 course of an application things are revised, but that</p> <p>2 doesn't affect anything other than hopefully not our</p> <p>3 memories.</p> <p>4 MR. SHEEHAN: Mr. Burke, you're lined up</p> <p>5 for marking?</p> <p>6 MR. BURKE: Yes. I have four new exhibits</p> <p>7 to share with everybody this evening.</p> <p>8 CHAIRMAN FLANAGAN: Lori, who is eligible</p> <p>9 to vote on this?</p> <p>10 ADMINISTRATOR TAGLAIRINO: Well, everyone</p> <p>11 is. Mr. Symonds has read all the testimony to date.</p> <p>12 BOARD MEMBER FLANAGAN: So you, Alf,</p> <p>13 myself. So, everyone here is eligible; is that</p> <p>14 correct?</p> <p>15 ADMINISTRATOR TAGLAIRINO: Yes.</p> <p>16 CHAIRMAN FLANAGAN: You've read everything</p> <p>17 and everyone else is here.</p> <p>18 BOARD MEMBER NEWLIN: Yes.</p> <p>19 CHAIRMAN FLANAGAN: All right. I think the</p> <p>20 latest Exhibit was A-19?</p> <p>21 MR. SHEEHAN: Yes.</p> <p>22 MR. HALL: So we're up to A-20 is the next</p> <p>23 one.</p> <p>24 P A T R I C K B U R K E, having been previously</p> <p>25 sworn, testifies as follows:</p>

<p style="text-align: right;">Page 6</p> <p>1 THE WITNESS: Okay. So let's take sheet 2 number what I call 104, and it is dated July 5th, 2018. 3 CHAIRMAN FLANAGAN: Mr. Burke, I'm sorry. 4 Hold on. 5 BOARD MEMBER NEWLIN: I just have a 6 question. What's the process going to be, I think, to 7 the applicant? What's the steps that you want to go 8 through, just for my understanding? 9 MR. SHEEHAN: We have four witnesses. Mr. 10 Geyer will offer his observations with regard to -- 11 BOARD MEMBER NEWLIN: I'm sorry? 12 MR. SHEEHAN: I say, Mr. Geyer will offer 13 his observations. Mr. Burke will present the plan. 14 Mr. Hollows, the civil engineer, will be available to 15 respond to any questions that the Board may have with 16 regard to utility service, site location, well water, 17 septic, but essentially it's an application that 18 contemplates the substantial reduction of the density 19 by 20 percent with corresponding related reductions in 20 the "D" Variances and some modifications to the site 21 plan that enhance setbacks, and then the final witness 22 will be a reprise of the planning testimony given by 23 Mr. Phillips. 24 Again, I'm not so sure that the testimony 25 that Mr. Phillips will give will take a long time, but</p>	<p style="text-align: right;">Page 8</p> <p>1 idea is -- what Mr. Newlin is asking, how does that 2 impact on planning testimony as to the planning 3 philosophy of the town, because we have heard a lot 4 about that the past year or two. 5 And on the planning one other question of 6 point. The Board and the town both, I guess they have 7 a new planner who's here tonight. Our planner, 8 McKinley Mertz, who I don't know if -- she's here 9 tonight. She issued a report just two days ago. 10 Paul, did you see that report? 11 MR. PHILLIPS: I have. 12 MR. HALL: Okay. Because everybody's had 13 it, and when we get to some point we'll mark it and 14 that will be in the record too. So when we get to 15 planning that's all part of the mix. 16 And to Mr. Newlin's question, I agree. The 17 ordinance hasn't changed, I agree, but there has been 18 action which goes beyond mere speculation. I'll leave 19 it at that and people can argue about how far that goes 20 and what it means. 21 BOARD MEMBER NEWLIN: So this would be my 22 only concern is that we tackle the subject about the 23 procedure and everything else. That we tackle the big 24 things relatively sooner than later in the interest of 25 proficiency.</p>
<p style="text-align: right;">Page 7</p> <p>1 subject to what transpires between now and when he 2 testifies that will be self-evident. 3 BOARD MEMBER NEWLIN: I'm just speaking 4 from my opinion only, but it seems to me that the 5 planning is -- planning aspect is the most important 6 aspect. So I'm wondering why you're doing that at the 7 end. 8 And also I want to ask Gary since the town 9 has just done an overlay on 202 that's radically -- 10 well, it's quite different new information, how does 11 that fit in? 12 MR. SHEEHAN: Well, that's the TOA. 13 MR. HALL: Well, they haven't adopted yet, 14 I think -- you've got to understand, I mean, the zoning 15 technically has not been adopted. You know, the 16 concepts of settlement I guess they've approved subject 17 to contingencies. I don't know, have you seen that, 18 Bart? 19 MR. SHEEHAN: I have seen it, yes. 20 MR. HALL: I mean, it's out there. It's -- 21 MR. SHEEHAN: I think the applicant is 22 entitled to the time in the application protection 23 under the statute. 24 MR. HALL: Well, but I think the question 25 is, no one's saying it applies verbatim. I think the</p>	<p style="text-align: right;">Page 9</p> <p>1 CHAIRMAN FLANAGAN: Let me say, Mr. 2 Sheehan, we have another application behind yours. I 3 promised them that we will start their application no 4 later than 9:30, which gives us an hour and fifteen 5 minutes. Is that sufficient time for your application, 6 do you think, or do you need more than that? 7 MR. SHEEHAN: How long is their 8 application? 9 CHAIRMAN FLANAGAN: I think it's going to 10 be lengthy. 11 MR. SHEEHAN: Well -- 12 CHAIRMAN FLANAGAN: If you can't finish, 13 that's fine, but we're going to have to carry it to 14 another night, if we don't finish it. 15 MR. SHEEHAN: What would be the carry date? 16 CHAIRMAN FLANAGAN: Next month, I presume. 17 MR. HALL: Third Thursday of October, 18 whatever that is. 19 MR. SHEEHAN: Like 16th or 17th? 20 BOARD MEMBER CHIPPERSON: It's the 18th. 21 MR. HALL: I think it's the 18th, am I 22 right? 23 BOARD MEMBER CHIPPERSON: The 18th, yes. 24 MR. HALL: Well, I think the main point is, 25 and as Mr. Chairman said, you have a right to make your</p>

<p style="text-align: right;">Page 10</p> <p>1 case, but we don't want to hear too much repetition. 2 You can present your architect first, but 3 frankly going back to the last time I personally 4 thought there was a lot of inefficient use of time. So 5 I'm just hoping you can be more efficient, get to the 6 point. And Mr. Newlin is saying, he thinks the main 7 event is going to be planning. 8 What you've changed is pretty obvious. You 9 went from five to four. You've changed the plans, we 10 can see it there. Make your case, but we don't need -- 11 necessarily need a whole lot. 12 CHAIRMAN FLANAGAN: Take all the time you 13 need. 14 MR. SHEEHAN: We'll do the very best we 15 can. 16 CHAIRMAN FLANAGAN: We have another 17 application ahead of us. 18 MR. SHEEHAN: Shall we continue with the 19 marking of the evidence? 20 MR. HALL: Yes. Why don't you repeat that? 21 That was A-20. What was that, Mr. Burke? 22 MR. BURKE: Exhibit A-20, Gary, is dated 23 July the 5th. That's sheet 104. And it's the 24 comparative south elevations. 25 (Exhibit A-20, was received and marked.)</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. SHEEHAN: So A-24 is the summary of 2 data. 3 MR. HALL: No. 24 was 404, wasn't it? No, 4 that was 23. 5 MR. SHEEHAN: 23. 6 THE WITNESS: The summary of data, we'll 7 call it the comparative areas, and the hand out will be 8 A-24. 9 (Exhibit A-24, was received and marked.) 10 MR. SHEEHAN: I think everybody has seen 11 the new plans. It's a substantial reduction from the 12 previous plan. The applicant has listened to the Board 13 and considered all of the comments made by all of the 14 members in devising the new plan. 15 I've given you the witness list that we 16 have for this evening. I'd like to begin. In the 17 absence of any questions with the testimony of Mr. 18 Geyer, previously sworn in these proceedings, to offer 19 his reflections that led to the introduction -- 20 instruction to the professionals to revise the 21 application. 22 CHAIRMAN FLANAGAN: Great. Thank you. 23 MR. SHEEHAN: Mr. Geyer? 24 MR. GEYER: We're talking about the 25 20 percent?</p>
<p style="text-align: right;">Page 11</p> <p>1 THE WITNESS: Sheet 204, let's call this 2 Exhibit A-21. It's sheet 204. It's dated July 5th. 3 And it's north elevation and first and second floor 4 plans. 5 (Exhibit A-21, was received and marked.) 6 MR. HALL: No. Those, and I know the first 7 one was colored. The second one, is that exactly what 8 was filed with the Board, do you know? 9 THE WITNESS: It is. 10 MR. HALL: Okay. So we don't really have 11 to mark it. You can mark it so we have a more -- 12 THE WITNESS: Okay. Sheet 304 with the 13 same date is -- we'll call that A-22. 14 And that is south elevation, east 15 elevation, and ground floor plan. We should say inner 16 elevations as well. 17 (Exhibit A-22, was received and marked.) 18 THE WITNESS: And then Exhibit A-23 is also 19 color. It's sheet number 404. The date is July 5th, 20 and then this is the comparative sections and 21 comparative east elevations. 22 (Exhibit A-23, was received and marked.) 23 THE WITNESS: And then I'm going to have a 24 handout that just gives a summary of the data and so 25 forth, and I'm going to talk --</p>	<p style="text-align: right;">Page 13</p> <p>1 MR. SHEEHAN: Yes. 2 THE WITNESS: I'm still under oath? 3 MR. SHEEHAN: Now, Mr. Geyer, you have 4 previously been sworn in these proceedings; correct? 5 THE WITNESS: Correct. 6 MR. SHEEHAN: And you are still under oath? 7 Do you want to re-swear him, Mr. Hall? 8 MR. HALL: Yea, why don't we. Do you 9 solemnly swear the testimony you're about to give will 10 be the truth? 11 THE WITNESS: Yes 12 C H A R L E S G E Y E R, having been previously 13 sworn, testifies as follows: 14 EXAMINATION BY MR. SHEEHAN: 15 Q. It is your request to offer your 16 reflections that led to the instructions to the 17 professionals to revise the plans; is that correct? 18 A. I'm sorry. Say it again. 19 Q. I said, it is your request to offer your 20 reflections that led to the instructions to the 21 professionals to revise the plans? 22 A. Exactly. Yes. 23 Q. Please. 24 A. Okay. First of all, please understand that 25 nothing I'm about to say is of a personal nature or</p>

<p style="text-align: right;">Page 14</p> <p>1 intended to be. So if taken that way it's not 2 intentional and I fully apologize. All my statements 3 will be of a factual nature, along with my proof of 4 need. As far as the validity of my statements or 5 concerns I will answer any and all questions at the end 6 of my speech. I'm only here to prove a need and facts, 7 and facts as described in the dictionary is only by one 8 word, that's truth. And need as described in the 9 dictionary is a condition marked by necessity.</p> <p>10 That being said, and as much as I have been 11 present and sat at these hearings for approximately one 12 and a half years without talking except to answer 13 questions directed to me and for the sake of brevity I 14 would I would expect the very same courtesy to allow me 15 to finish without interrupting my speech. Please 16 understand that all the facts I'm about to quote were 17 of an undisputed nature.</p> <p>18 With that I would like first to address the 19 more pertinent concerns as expressed by some of the 20 neighbors, and to them please excuse my back.</p> <p>21 I quote, "I now have fox and deer in my 22 backyard." Well, the best I can answer that is to say 23 our application does not mention anything about a 24 hunting lodge. 25 "We like to count the cars in the Minuteman</p>	<p style="text-align: right;">Page 16</p> <p>1 trees. Too many trees. I came from Staten Island. 2 What if somebody outside of New Vernon buys one?" I 3 have no response for a discriminatory statement. I 4 only offer comfort. We now have over 600 seniors in 5 town who I believe will rush to buy it first. And I 6 don't believe that ACLU would appreciate this mindset.</p> <p>7 "What does the word inundate mean?" In 8 fairness, this was a question by the attorney 9 representing one neighbor only.</p> <p>10 How about another one directed to our 11 engineer. Partway through these proceedings, and I 12 quote, "What is it that when they dig a whole and put 13 water in it and watch it?" Answer from our engineer, 14 "You mean a perk test? Yeah, that's it."</p> <p>15 Who would be here at all if that was not 16 done first? I truly understand the practice of 17 billable hours, but please remember all of my attorneys 18 and all of my team are doing the same things.</p> <p>19 This question from a so-called real estate 20 attorney. These questions I said where the most 21 pertinent of the lot and is most disturbing to me to 22 say realize that none of the above ever took the time 23 to read our book. Besides being factual from cover to 24 cover its intent was to inform not to placate our 25 avocation, it is not in any way conjecture. This</p>
<p style="text-align: right;">Page 15</p> <p>1 parking lot." Again, I am not qualified to address 2 that particular statement. And also the owners of 3 Minuteman are good people. They'll call you any time 4 you want.</p> <p>5 "Why not wait five to 10 years more for 6 conditions to change?" Do I interpret that to wait for 7 more seniors to pass away? The need is now.</p> <p>8 "The developer wings it. He has no 9 business plan." Well, I take umbrage to this personal 10 attack, which is not necessary. I would also add this 11 gentleman also admitted on record that he has been rash 12 and arbitrary his entire life, which I believe speaks 13 lions. A 19 minute dissertation on the effects of the 14 ice age while quite informative and eloquent in his 15 presentation I'm sure he can get the same information 16 at home on the discovery channel and bypass the 17 approximate \$1,000 this must have cost me with my 18 entire team and presence.</p> <p>19 "Give the land to charity. Church who? 20 Nothing about the traffic. It's a church, no taxes. 21 We've got to be careful what we wish for.</p> <p>22 Here's another one. "I build custom boats 23 and when they don't sell I burn them." I have no idea 24 how to answer this. 25 "What would the roof look like? Not enough</p>	<p style="text-align: right;">Page 17</p> <p>1 project would flow into the existing resident 2 neighborhood. You would be seamless.</p> <p>3 I do however give kudos to the one neighbor 4 living on Post House Road. A young lady, a Realtor who 5 had the extraordinary courage to stand up and go on 6 record by saying that this parcel is no place to build 7 a one-family house. And further that she could never 8 sell it.</p> <p>9 For just a moment on our attempt at a 10 mailing for consensus as to what the response of the 11 township resident would be, agreed, while we are not 12 professional pollers, however, we use a plain vanilla 13 approach. Keep it simple. We handed out approximately 14 800 letters with questionnaire cards inside, plus 15 return envelopes with stamps. They were handed to a 16 woman at the Harding Post Office named Cathy who 17 promised to place one in each box. When any card was 18 returned she would return them to me.</p> <p>19 As to the concept that we were talented 20 enough to word this questionnaire as to demand a yes 21 answer we would have had to employ somebody by the name 22 of Merlin. But that aside, if you discount the 23 simplicity of a yes, no, maybe choice and only credit 24 10 percent of the returns which were 34 yes to 36 no, 25 they are still overwhelmed by a 34 yes to 3 no. And is</p>

<p style="text-align: right;">Page 18</p> <p>1 again another fact and more proof of the need. 2 Consequently, plainly stated these 3 consensus failed to present one factual reason to vote 4 against this project. Remember, it in no way causes 5 any injury to this community but it actually enhances 6 home values, along with extra beautifying of its 7 surroundings. Evidently, the neighbors don't believe 8 our place. You said it yourself, it is most 9 perplexing. 10 I would like to now address the more 11 profound of the subject that seems to cloud our 12 application. I would like to start with the fact that 13 after copious questions in reference to pipes, water, 14 waste, et cetera, I did remember a request of the town 15 engineer, along with the acceptance of our engineer, 16 agree to the fact that if the Board would accept our 17 application we would spend an additional \$75,000 or 18 more for further tests to ensure that our project in no 19 way would cause any injury whatsoever to any neighbor. 20 This test is in addition to our original perk test. 21 However, even after this fully agreed-upon fact this 22 subject was visited again no less than ten times more 23 in the future hearings ad nauseam. 24 The master plan also states and encourages 25 a small project of this nature could be satisfied by a</p>	<p style="text-align: right;">Page 20</p> <p>1 was listed at \$1.85 million by Weichert. And I have 2 that if it's requested. The owner discounted this over 3 the two years -- over the years, rather, by two-thirds. 4 So it's not a question of price, but again of need. 5 While speaking of need I would like to at this time to 6 read just a postscript of a letter I received from our 7 Congressman, the Honorable Rodney Frelinghuysen in his 8 own handwriting. 9 MR. HALL: Excuse me, Mr. Geyer, you asked 10 that that be distributed to this Board and I said no. 11 It's not proper. You're kind of putting the same thing 12 back in through your called speech. 13 THE WITNESS: I'm not asking -- 14 MR. HALL: No. You're telling us what he 15 said, which I think is improper, especially in the 16 context after I said the letter shouldn't be 17 distributed. You're distributing the content of the 18 letter through your talk, but having said that I defer 19 to the Chairman. 20 Probably easier just to let him continue. 21 THE WITNESS: Excuse me? 22 CHAIRMAN FLANAGAN: Mr. Geyer, what are you 23 proposing? You're reading us a letter from Rodney -- 24 THE WITNESS: Just the postscript, PS. 25 CHAIRMAN FLANAGAN: What do you mean?</p>
<p style="text-align: right;">Page 19</p> <p>1 septic system. Granted, the Master Plan refers to a 2 senior assisted living complex; however, ours is a much 3 smaller in the form of a senior transitional housing 4 for these units. 5 On the master plan. It says the township's 6 land use policies for the B-2 zone should discourage 7 strip development and sprawl and encourage development 8 and uses that are compatible with the overall character 9 of the township and the areas of historic roots. 10 In addition, land use policies should 11 permit development of an assisted living facility for 12 the elderly in this area because of its easy access and 13 proximity to Morristown where full range of health and 14 hospital services are located. This is a relatively 15 new and an inherently beneficial use providing for 16 housing for senior citizens. 17 The traffic generated from such development 18 is far less than a commercial use of a similar scale, 19 and a small project could be served by an on-site well 20 and septic systems. Inherently beneficial uses are 21 gained to be in a public interest and promote the 22 Harding Township master plan land use plan element. 23 Another obstacle which was presented was 24 maybe the owner had not discounted the sale price 25 adequately. I respectfully submit that originally it</p>	<p style="text-align: right;">Page 21</p> <p>1 MR. HALL: Whatever. 2 CHAIRMAN FLANAGAN: Go ahead. 3 THE WITNESS: And it reads, quote, "I'm 4 sure we can we want to keep long-time residents in 5 town. And it goes much further, anyone that would like 6 the full content of this letter will find copies on the 7 table by the wall." 8 MR. HALL: I don't think Mr. Frelinghuysen 9 said that? 10 THE WITNESS: Excuse me? 11 MR. HALL: I thought you were going to read 12 the quote. 13 CHAIRMAN FLANAGAN: I don't think you're 14 quoting Mr. Frelinghuysen to say, you will find it on 15 the table. What are you questioning that he's quoting? 16 MR. HALL: I thought he said -- 17 BOARD MEMBER NEWLIN: Mr. Geyer, we don't 18 understand -- 19 THE WITNESS: Let me explain it. 20 MR. HALL: Why don't you tell us when the 21 quote ended? 22 THE WITNESS: The quote -- it reads, quote, 23 "I'm sure we want to keep long-time residents in town." 24 And it goes much further, "Anyone that would like the 25 full content of this letter will find copies on the</p>

<p style="text-align: right;">Page 22</p> <p>1 table by the wall."</p> <p>2 MR. HALL: That's not in quotations.</p> <p>3 CHAIRMAN FLANAGAN: Represent Frelinghuysen</p> <p>4 ends --</p> <p>5 MR. HALL: No, Mr. Geyer is telling</p> <p>6 everybody it's over there.</p> <p>7 BOARD MEMBER NEWLIN: Okay. I think we</p> <p>8 understand.</p> <p>9 MR. HALL: It's not relevant anyway.</p> <p>10 THE WITNESS: Again, so not to forget, our</p> <p>11 application is only for senior transitional housing,</p> <p>12 not in any way a senior assisted living.</p> <p>13 Before I proceed, please let me take this</p> <p>14 opportunity to pay respect to the Board Engineer, Mr.</p> <p>15 Paul Fox, for his insight and continuous responses and</p> <p>16 full knowledge of our questions. Also, to the Board's</p> <p>17 attorney, Mr. Gary Hall, for his interpretation of the</p> <p>18 law in these proceedings. Can we expect less? He</p> <p>19 graduated with honors from Georgetown.</p> <p>20 And last but certainly not least to the</p> <p>21 town planner, Ms. Christine Cofone, for her quick study</p> <p>22 and honest responses and definitely for her support of</p> <p>23 our project. To these two professionals accolades and</p> <p>24 our deepest appreciation and respect for their honest</p> <p>25 and informed interpretation of our application.</p>	<p style="text-align: right;">Page 24</p> <p>1 That being said, this unenvying and</p> <p>2 persistent pursuit of an office building consumed more</p> <p>3 than one half a year of our application time, even</p> <p>4 though the word "office building" is nowhere to be</p> <p>5 found in our application.</p> <p>6 Let me just quote a few lines from Attorney</p> <p>7 John Viscon's planner on the night of January 18th, a</p> <p>8 Ms. Caldwell, page 94. "Obviously, I heard the</p> <p>9 testimony tonight and the idea that there's a need, and</p> <p>10 that's all well and good, I don't think we're disputing</p> <p>11 that."</p> <p>12 Page 95, "Simply because there's a need for</p> <p>13 a use doesn't mean that a use variance should be</p> <p>14 granted. Page 99, "Yeah, I think in this case what I'm</p> <p>15 looking at is a density in terms of size of the use and</p> <p>16 impact of the scale of the use. I understand that</p> <p>17 traffic will be less than a commercial use."</p> <p>18 Page 102, "At least from the concept plan</p> <p>19 perhaps an ingress onto 202 perhaps it would be a right</p> <p>20 in and right out. Places where people can go and do</p> <p>21 something like escape rooms, which I don't know what</p> <p>22 that means, or different or an arcade. Yea, I think</p> <p>23 there's excessive vehicle capacity on 202. I don't</p> <p>24 have any evidence that Route 202 is maximized.</p> <p>25 Note this woman also stated she had read</p>
<p style="text-align: right;">Page 23</p> <p>1 Our very first meeting was held on May 8th,</p> <p>2 2017. At that time the Board requested the first of</p> <p>3 five total requests for architectural renderings of an</p> <p>4 office building, supposedly for some sort of</p> <p>5 comparison. Much to my chagrin, which I will explain</p> <p>6 in detail shortly, it also very strongly emphasizes the</p> <p>7 fact that a need must be proven for an application to</p> <p>8 be approved. By the second meeting on June 15th the</p> <p>9 geneses for the development of our book emerged.</p> <p>10 By August 17, 2017, the Board had requested</p> <p>11 a fifth architectural rendering of an office building.</p> <p>12 While it was hard to fathom in full course of the first</p> <p>13 seven months of this application it is only the first</p> <p>14 phase of unrelated wasteful spending on a pure and</p> <p>15 clean application.</p> <p>16 In example, giving \$33,665.00 to the</p> <p>17 township alone for the privilege of these eleven</p> <p>18 meetings. Four meetings should have been more than</p> <p>19 ample and adequate as to the simplicity of our request.</p> <p>20 When you consider the cost of five uses architectural</p> <p>21 renderings, which includes the service of our complete</p> <p>22 team, and all the senseless meetings to discuss an</p> <p>23 office building, now into a hundred thousand dollars.</p> <p>24 Again, could be contributed to Saint Jude to save some</p> <p>25 child.</p>	<p style="text-align: right;">Page 25</p> <p>1 the master plan, thoroughly. But she also did not</p> <p>2 return for a votable meeting.</p> <p>3 Fast forward to November 16th, 2017, when</p> <p>4 the town planner not only mentioned the master plan,</p> <p>5 but read from it verbatim and then most eloquently</p> <p>6 proceeded to fully encourage and endorse our project.</p> <p>7 Please keep in mind that these planners are just that,</p> <p>8 and why we pay them for professional licensed plans</p> <p>9 that are much astute and in tune to the township need</p> <p>10 than any of us are.</p> <p>11 Now, after a most enlightening and</p> <p>12 refreshing testimony that night on November 16, 2017,</p> <p>13 the very same evening the Board members mentioned the</p> <p>14 master plan no less than 22 times. They were never</p> <p>15 mentioned before. For example, and these are direct</p> <p>16 quotes from that night's transcript: "I think the</p> <p>17 Board has to respect the master plan.</p> <p>18 "The plaster plan rules.</p> <p>19 "The master plan is a document you must</p> <p>20 listen to.</p> <p>21 "The wonderful book, the master plan.</p> <p>22 "The master plan controls.</p> <p>23 "The master plan directs.</p> <p>24 "If you read the master plan it rules.</p> <p>25 "We must listen to the master plan.</p>

<p style="text-align: right;">Page 26</p> <p>1 "The master plan is in charge. 2 "We need to make sure not to harm to the 3 master plan. 4 "We must abide by the master plan. 5 "The master plan is in charge" Et cetera, 6 et cetera, et cetera. 7 Then he went on. "We all agree the master 8 plan is not a suggestion, it's a mandate. Evidently, 9 we're all in agreement that the master plan is somewhat 10 the holy grail of sorts for the township. Now that 11 everyone is in concert and fully concedes and agrees 12 and understands that the master plan supercedes all, I 13 now want to read verbatim from the master plan. 14 B-2 Zoning, "The Township's plan and policy 15 for the B-2 Zoning should discourage strip development 16 and sprawl and encourage development and uses that are 17 compatible with the overall character of the township 18 and the area's historic roots and its gateway location 19 to Morristown National Park. Limited signage and low 20 impact lighting are important in this regard. 21 In addition, land use policies should 22 permit the development of an assisted living facility 23 -- I have read that before. Ours is transitional 24 housing, it is not assisted living. 25 It goes on to page ten, reads the same</p>	<p style="text-align: right;">Page 28</p> <p>1 question before this ten-minute speech. 2 BOARD MEMBER CHIPPERSON: I just want to 3 make a comment that Christine Cofone was referred to as 4 our planner. She's our prior planner. 5 CHAIRMAN FLANAGAN: Christine Cofone. 6 BOARD MEMBER CHIPPERSON: When you referred 7 to her as our planner, she's our former planner. 8 CHAIRMAN FLANAGAN: For the record, 9 Christine Cofone is our former planner. 10 THE WITNESS: I understand I'm just quoting 11 from her. I know you have a new planner. 12 BOARD MEMBER ROSENBAUGH: Mr. Geyer, to 13 respond to your comment, what I heard Mr. Sheehan say 14 is that it had been requested by Mr. Geyer that Mr. 15 Geyer wanted to make these remarks. 16 MR. HALL: That's fine. I'm sorry. I 17 thought it was why he changed the application because 18 it sounded like a summation to me not an explanation 19 why it was changed, but -- 20 THE WITNESS: Plus the recognition that the 21 majority of all residents shopping has taken place and 22 will continue to take place outside of the township 23 indicates a lack of need for additional commercial 24 space to serve township residents. That's as far as 25 shopping is concerned.</p>
<p style="text-align: right;">Page 27</p> <p>1 thing. Now we created a true conundrum. Please keep 2 in mind that our team consists of an engineer, a 3 planner, two architects, an attorney and myself. 4 Remember that any time the Board may request from an 5 architectural rendering of an office building they put 6 into action all of the above professionals encompassing 7 meetings, e-mail, faxes, phone calls, letters, 8 conferences, for each and every request, and there are 9 five requests. The last one being August 17, 2017. 10 Again, many, many thousands of dollars 11 spent that could have been better sent to St. Jude. 12 Not to be forgotten, our application was, it never 13 changed, just luxurious townhouses for senior and 14 transitional housing, not assisted living. 15 I would be remiss if I did not recognize 16 several remarks from the ten formal transcripts. 17 "Where would they shop, eat, go to library, 18 seek entertainment. 19 "New Vernon needs a new office building." 20 They will shop in the same place we do, eat 21 whatever they want, drive to the library, remember not 22 an assisted living but transitional senior housing. 23 These people have cars and legs. They are not invalid 24 or incapacitated. 25 MR. HALL: I think Mr. Sheehan asked a</p>	<p style="text-align: right;">Page 29</p> <p>1 Another statement was that there's no need, 2 and let them move out of town. Now, keep in mind that 3 all through these many months and meetings it was at 4 all times a continuous statement to having to prove a 5 need. No need. That's not what the master plan says. 6 No need. One flight up in this very same building is 7 where I did my due diligence. And let me repeat, 21 8 percent of Harding residents are seniors 65 years or 9 older, but didn't want more people will qualify. 10 Harding Township has the most seniors by percentage 11 than any other township in the state. It's almost 12 double the state's average. One in five residents fits 13 this category. Right now over 600-plus seniors 14 residing in Harding as we speak. No need. There was 15 an overrun proof of need in this township years ago and 16 it certainly would enrich this township in so many ways 17 if they made an exception here. Let them move out of 18 town sounds like let them eat cake. We all know how 19 that turn out. 20 Sixteenth Century Eskimos cleared their 21 senior problems. They put them on an iceboat and 22 pushed them out to the current. No need. 23 Even the wild dogs of Africa defend their 24 seniors who can't hunt any longer. No need. There's a 25 strong difference between the word justice and just us.</p>

<p style="text-align: right;">Page 30</p> <p>1 We must respect our seniors. No need.</p> <p>2 Unless you have a resident of this township</p> <p>3 for 75 years or better, and if you qualify -- excuse</p> <p>4 me, the next statement does not impact you in any way.</p> <p>5 I do not personally qualify for this exemption and I</p> <p>6 would dare to say neither does anyone else in this</p> <p>7 room. We are all interlopers. Yes, all of us. We all</p> <p>8 came after the fact. In four years our township</p> <p>9 celebrates a hundred years of existence and not one of</p> <p>10 us can take credit for this paradise, except our</p> <p>11 seniors. No need.</p> <p>12 None of us should ever be allowed to speak</p> <p>13 those words, we did not speak this township. None of</p> <p>14 us has. We have not paid our dues. Yes, we pay taxes</p> <p>15 and hopefully donate to the fire and police department</p> <p>16 and give some of our time, but that's all. A far cry</p> <p>17 from our seniors contributions. It equates to eating a</p> <p>18 great meal in a fine restaurant and leaving without</p> <p>19 paying the bill. Ironically, this small percentage</p> <p>20 project of four units would fully satisfy the master</p> <p>21 plan you dictate and requests and fulfills the</p> <p>22 township's urgent need for senior housing. Also</p> <p>23 displaying compassion and empathy at the same time. No</p> <p>24 need.</p> <p>25 How in the world can this problem of</p>	<p style="text-align: right;">Page 32</p> <p>1 for us to enjoy. Should we not be a little cognizant</p> <p>2 of the fact that our seniors, and that word is taken</p> <p>3 from seniority, which means length of service, build</p> <p>4 all of the elements, and they don't own them? In fact,</p> <p>5 no one should have to prove need. It's existed for</p> <p>6 years. And anyone who questions this is not doing</p> <p>7 their homework.</p> <p>8 The township and its master plan has done</p> <p>9 this research for all of us. We just have to listen</p> <p>10 more closely. In fact, all of this is not just</p> <p>11 described for our enjoyment, no. You must credit our</p> <p>12 seniors. They are the very residents who created this</p> <p>13 wonderland who we all so much enjoy and cherish. It's</p> <p>14 very sad that we're even having this conversation. We</p> <p>15 now have every chance to pay back a little of our day.</p> <p>16 Facts are a proven antidote for this fixed</p> <p>17 mark. Facts: We have yet to receive one negative.</p> <p>18 Nature has not been dispelled. Fact: To grant this</p> <p>19 application would also dispel, discourage any and all</p> <p>20 appearance of discrimination towards seniors.</p> <p>21 I would believe that our legacy could not</p> <p>22 be measured by monetary means, but by some small act of</p> <p>23 conscious to one of those who create this good life. I</p> <p>24 would tell you where there's no need, and that is to</p> <p>25 create any discrimination against seniors of this</p>
<p style="text-align: right;">Page 31</p> <p>1 seniors be helped if their plight is not even</p> <p>2 recognized. We can't cure a problem without</p> <p>3 recognizing its existence. We can't accept that which</p> <p>4 we don't understand. The charge of this Board is to</p> <p>5 take care of the seniors of this township. We all will</p> <p>6 own this in-justice otherwise.</p> <p>7 Four units. This Board should be assisting</p> <p>8 as many as possible. It's still 596-plus seniors.</p> <p>9 Integrity and honor should be number one on that bucket</p> <p>10 list. And why would anyone in this room would ever</p> <p>11 deny this need of our seniors? Seniors are our</p> <p>12 bridges, trestles, and treasures. No need for anyone</p> <p>13 else to speak who has no knowledge of their own home</p> <p>14 town senior problem.</p> <p>15 Well before I walked into this room there</p> <p>16 has been a need for many years. We have all been very</p> <p>17 fortunate to be able to afford this paradise, this</p> <p>18 Shangri-La. The safety, the beauty, quietness,</p> <p>19 pristine views, quiet atmosphere and the serenity.</p> <p>20 Just a super fine place to live. Probably the best in</p> <p>21 the country. Pretty great, huh? All of this by just</p> <p>22 paying a price for our home, but not building the</p> <p>23 township.</p> <p>24 All of this came by way of the labors and</p> <p>25 heartaches of our seniors who build all of this just</p>	<p style="text-align: right;">Page 33</p> <p>1 township by ignoring them. Need was proven way before</p> <p>2 this application existed for many years. Facts are the</p> <p>3 only criteria that have to be proven in reference to</p> <p>4 this application. Fact: Forty percent of the township</p> <p>5 is forever reserved from any type of development. And</p> <p>6 then they have the full number of homes in the</p> <p>7 township, they are built in a very small area to help</p> <p>8 our seniors. This project is very important to all of</p> <p>9 us.</p> <p>10 In closing, please keep in mind, our</p> <p>11 project is not assisted living, but only a transitional</p> <p>12 housing for seniors. Do not confuse the two. Remember</p> <p>13 the age of these seniors transcends, personal wants,</p> <p>14 favors, feelings, attitudes. Facts are superior to all</p> <p>15 of these. I cannot fathom any resistance to something</p> <p>16 so beneficial to the township in so many ways and to</p> <p>17 honor our senior needs.</p> <p>18 Also their rights to this accommodation</p> <p>19 must be included. Facts are the true litmus test. I</p> <p>20 feel obligated to put all these facts on record. We</p> <p>21 cannot discriminate against our seniors. Remembering</p> <p>22 we can do no harm to the master plan. Also, the</p> <p>23 positive and negative criteria has been met which will</p> <p>24 be addressed later by our planner.</p> <p>25 One last fact. I truly believe in my quest</p>

<p style="text-align: right;">Page 34</p> <p>1 to be met with a fair and unbiased audience. Finally, 2 after spending this evening talking about facts the 3 following charts to the master plan says everything 4 that needs to be said. And I once against apologize to 5 all. Nothing said tonight is of a personal nature, 6 only a proof of need. I've got one more thing to say 7 and then I'm done.</p> <p>8 When the Board of adjustment hears a 9 variance application the Board acts in a quasi-judicial 10 capacity. In other words, the Board functions in a 11 manner similar to that in a court of law with some 12 flexibility and a lesser degree of formality. The most 13 important aspect of this functional role is that the 14 Board's decision on a given application must be based 15 only on facts developed through testimony and evidence 16 presented through a formal public process.</p> <p>17 This legal principle is not inconsistent 18 with the fact that courts have recognized that members 19 of municipal Boards are expected to be familiar with 20 local condition and circumstances since such 21 generalized local knowledge is distinguishable from 22 specific, potential, factual facts or concerns 23 pertaining to an application. I thank you for your 24 time. Any questions? I'd be glad to answer them. 25 BY MR. SHEEHAN:</p>	<p style="text-align: right;">Page 36</p> <p>1 units on it?</p> <p>2 THE WITNESS: And had I'm sorry, do what?</p> <p>3 BOARD MEMBER ROSENBAACH: Ten-units, eight, 4 nine, 12, as many as we can stuff on to it because the 5 need is there?</p> <p>6 THE WITNESS: The need is there, but I'm 7 not asking you to extend any rules, I'm just saying --</p> <p>8 BOARD MEMBER ROSENBAACH: Well, you are. 9 You're asking for a variance?</p> <p>10 THE WITNESS: I'd rather do four than none. 11 You've got 600-plus seniors.</p> <p>12 BOARD MEMBER ROSENBAACH: But here's what I 13 don't get. I mean, I understand any applicant can be 14 very upset at the cost and the time that it takes to, 15 in fact, submit this application. I get that. But as 16 far as I can tell the whole issue that we've had is on 17 density. No one is quarreling about limiting these to 18 senior housing. So, again, I'm asking you about 19 density. Why aren't you saying to us that we're dead 20 wrong in density and in fact we should have more units 21 on the property?</p> <p>22 THE WITNESS: Well, very simply. My 23 application initially was for five units, which I 24 thought would fit properly under the advise of the 25 architect and the engineer. Now I'm told that there's</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Mr. Geyer, based on the reflections that 2 you have just spread on the record did you instruct 3 your professionals to revise the application which was 4 originally filed and to reduce its density by 5 20 percent and redesign its layout to present a more 6 favorable site plan?</p> <p>7 A. I did.</p> <p>8 Q. Thank you, Mr. Geyer. Thank you, members 9 of the Board.</p> <p>10 CHAIRMAN FLANAGAN: Thank you, Mr. Geyer. 11 Phil, do you have questions?</p> <p>12 BOARD MEMBER ROSENBAACH: I do. By the way, 13 Mr. Geyer, I don't take your comments personally.</p> <p>14 THE WITNESS: Thank you.</p> <p>15 BOARD MEMBER ROSENBAACH: It's obvious that 16 you're very passionate about your application and you 17 spend a lot of time thinking about it, but that doesn't 18 necessarily mean I agree with what you're saying.</p> <p>19 So I want to ask this question. Let's say 20 that I concede for the sake of argument, and I think I 21 concede anyway, there is no comparable senior housing 22 in this town, whether it's for rich people or whether 23 it's for poor people, but based on everything you're 24 saying it sounds to me like what you should be saying 25 is we take this particular lot and we should put ten</p>	<p style="text-align: right;">Page 37</p> <p>1 too much density. That's a factor you're considering. 2 So we reduced it to four. I'd rather do four to help 3 four people out than none.</p> <p>4 BOARD MEMBER ROSENBAACH: But again, maybe 5 I'm over simplifying it. That ended up being the whole 6 issue from this Board. I mean, you've raised dozens of 7 issues, but didn't it all boil down to this Board 8 concluding that you have more density than we are 9 likely to approve?</p> <p>10 THE WITNESS: Well, I could imagine that's 11 what we're approaching. We're trying to satisfy the 12 Board's thoughts of density, yes.</p> <p>13 BOARD MEMBER ROSENBAACH: Okay. I just 14 wanted to hear what you had to say.</p> <p>15 THE WITNESS: Again, I apologize. Nothing 16 personal. I don't name any names.</p> <p>17 CHAIRMAN FLANAGAN: Okay. Any questions 18 for Mr. Geyer?</p> <p>19 Now, any members of the public, Mr. 20 Visconi? Mr. Visconi, do you have any questions?</p> <p>21 MR. VISCONI: I don't have any questions. 22 And I almost feel bad putting this part on, but I do 23 have to put this in case, whether it's approved or not, 24 if it gets challenged in court I do have to object to 25 certain parts of his testimony not being supported by</p>

<p style="text-align: right;">Page 38</p> <p>1 the record.</p> <p>2 I don't want to get into it tonight. I</p> <p>3 don't think it's debated. I just want it in the</p> <p>4 transcript in case this ends up in the next level.</p> <p>5 THE WITNESS: I have an answer to that.</p> <p>6 It's right here, young man, any time you want to read</p> <p>7 it. It's right here. Everything I said was factual.</p> <p>8 CHAIRMAN FLANAGAN: Anyone else in the</p> <p>9 public have any? Could you step forward and state your</p> <p>10 name for the record?</p> <p>11 MS. NICHOLSON: My name is Rose Marie</p> <p>12 Nicholson, N-i-c-h-o-l-s-o-n. I just wanted to answer</p> <p>13 Mr. Phillips question.</p> <p>14 CHAIRMAN FLANAGAN: Can I -- I'm sorry. Do</p> <p>15 you have a question or for Mr. Geyer?</p> <p>16 MS. NICHOLSON: No. I do not have a</p> <p>17 question for Mr. Geyer.</p> <p>18 CHAIRMAN FLANAGAN: Okay. So what we're</p> <p>19 soliciting now is a question of Mr. Geyer.</p> <p>20 MS. NICHOLSON: Okay. Then I'll address</p> <p>21 Mr. Geyer.</p> <p>22 CHAIRMAN FLANAGAN: Okay. Go ahead. Thank</p> <p>23 you.</p> <p>24 MS. NICHOLSON: Are you proposing four</p> <p>25 units because the property is suitable for four units,</p>	<p style="text-align: right;">Page 40</p> <p>1 to take one of them myself.</p> <p>2 MS. MOORE: That's a question I have for</p> <p>3 you. You also talk about these being senior units</p> <p>4 because of the downsizing?</p> <p>5 THE WITNESS: That what? I'm sorry.</p> <p>6 MS. MOORE: Downsizing. Right?</p> <p>7 THE WITNESS: Yes, right.</p> <p>8 MS. MOORE: And your plan is to sell these</p> <p>9 units for like \$1.4, \$1.5?</p> <p>10 THE WITNESS: In the neighborhood, yes.</p> <p>11 MS. MOORE: With the average value of a</p> <p>12 house in this town ranging from depending on whether</p> <p>13 you look at the census or Zillow, anywhere from \$1.0 to</p> <p>14 \$1.1 million. How does a \$1.4 million townhouse a</p> <p>15 downsize?</p> <p>16 THE WITNESS: I'll answer that very easily.</p> <p>17 First of all, if you paid attention to what I said</p> <p>18 initially, we're downsizing not downgrading. We have</p> <p>19 people who are going to move out of a \$3- or \$4-million</p> <p>20 home into one of these and be satisfied with it.</p> <p>21 MS. MOORE: You understand that less than</p> <p>22 15 percent of our town have homes that are valued at</p> <p>23 more than \$1.1 million. If you look in the census.</p> <p>24 THE WITNESS: I agree with you.</p> <p>25 MS. MOORE: So now you've taken 15 percent</p>
<p style="text-align: right;">Page 39</p> <p>1 or is it suitable for ten units?</p> <p>2 THE WITNESS: I think it's suitable for</p> <p>3 five.</p> <p>4 MS. NICHOLSON: That's all I wanted to say.</p> <p>5 CHAIRMAN FLANAGAN: Thank you. Any other</p> <p>6 members of the public? Please step forward to the</p> <p>7 microphone and state your name for the record.</p> <p>8 MS. MOORE: Sure. I promise I'll be quick.</p> <p>9 My name is Cathy Moore. I live on 19 Post House Road.</p> <p>10 Mr. Geyer, in your previous testimony when Mr. Newlin</p> <p>11 asked you, why five, why not four, why not three, you</p> <p>12 specifically said the financials make no sense except</p> <p>13 for five units?</p> <p>14 THE WITNESS: Correct.</p> <p>15 MS. MOORE: What has changed that makes it</p> <p>16 now four financially --</p> <p>17 THE WITNESS: I put down a profit margin,</p> <p>18 that's all. I have to rearrange my thoughts as far as</p> <p>19 material is concerned. That's it.</p> <p>20 MS. MOORE: So are we going to go into</p> <p>21 those details as well? Because from the record you</p> <p>22 were presented a certain list of materials and all that</p> <p>23 other stuff?</p> <p>24 THE WITNESS: Believe me, it's going to be</p> <p>25 very pristine. I wouldn't build anything -- I'm going</p>	<p style="text-align: right;">Page 41</p> <p>1 of the 10 percent. So I'm confused how you can say,</p> <p>2 oh, all these people want it, right? Because you're</p> <p>3 saying the survey said when you put it out all these</p> <p>4 people wanted it, yet for most of the people who</p> <p>5 responded to this, this is not a downsize at all. Only</p> <p>6 15 percent of this town is a downsize?</p> <p>7 THE WITNESS: It's a downsize without a</p> <p>8 downgrading, but that's my example. If I'm willing to</p> <p>9 put millions and millions of dollars on the table to do</p> <p>10 this I'm certainly going to sell it.</p> <p>11 MS. MOORE: Right. But you're presenting</p> <p>12 things as fact when the interpretation of what a</p> <p>13 downsizing is to me would be downsizing in dollars that</p> <p>14 we spend on your property. I think that will be a safe</p> <p>15 bet.</p> <p>16 CHAIRMAN FLANAGAN: Well, okay --</p> <p>17 MS. MOORE: Okay. Well, so I'm saying,</p> <p>18 there's a factual -- when you're saying there's a</p> <p>19 factual basis there's some --</p> <p>20 CHAIRMAN FLANAGAN: Fine. We heard your</p> <p>21 question.</p> <p>22 MS. MOORE: And the last thing?</p> <p>23 THE WITNESS: That's three. (Laughter.)</p> <p>24 MS. MOORE: I'm just responding to your</p> <p>25 responses.</p>

<p style="text-align: right;">Page 42</p> <p>1 THE WITNESS: I'm teasing.</p> <p>2 MS. MOORE: You're aware of the Mt. Kemble</p> <p>3 settlement agreement is coming? They've had a major</p> <p>4 presentation Monday night in this town, right?</p> <p>5 THE WITNESS: You're talking about the 96</p> <p>6 units?</p> <p>7 MS. MOORE: Uh-hum. Explain to me how</p> <p>8 these units are more appropriate for a transitional</p> <p>9 senior than those 96 units?</p> <p>10 THE WITNESS: Very easy. First of all, I</p> <p>11 know the gentleman that's building those. I worked</p> <p>12 with them before. You're not going to get pristine --</p> <p>13 96 pristine units. You're going to get a cracker box.</p> <p>14 That's what you're getting.</p> <p>15 MS. MOORE: That's your opinion?</p> <p>16 THE WITNESS: It's my knowledge. I know</p> <p>17 how they work. I've seen their work.</p> <p>18 MS. MOORE: All I have to say is that those</p> <p>19 units will provide some of the services that you would</p> <p>20 not provide. They'll have a property management. If a</p> <p>21 pipe breaks they'll have somebody you can call.</p> <p>22 THE WITNESS: Excuse me, this is an</p> <p>23 association of four units. We'll have an association.</p> <p>24 MS. MOORE: Right. But the association is</p> <p>25 made up of people who own the units.</p>	<p style="text-align: right;">Page 44</p> <p>1 testimony you're about to give will be the truth?</p> <p>2 MR. BURKE: I do.</p> <p>3 MR. HALL: Thank you.</p> <p>4 CHAIRMAN FLANAGAN: Mr. Burke, you're still</p> <p>5 licensed as an architect in the state of New Jersey?</p> <p>6 THE WITNESS: Yes.</p> <p>7 P A T R I C K B U R K E, having been duly sworn,</p> <p>8 testifies as follows:</p> <p>9 EXAMINATION BY MR. SHEEHAN:</p> <p>10 Q. Mr. Burke, I'm going to ask you if you</p> <p>11 would take the Board and the members of the interested</p> <p>12 public through the four exhibits that you have marked:</p> <p>13 20, 21, 22, and 23, please?</p> <p>14 A. Quick question. I'd like to reference</p> <p>15 something that has not been brought in which is the</p> <p>16 Murphy Hollow site plan.</p> <p>17 Q. For orientation purposes?</p> <p>18 A. Yes. I think that would be helpful.</p> <p>19 So what I'd like to do is quickly reference</p> <p>20 the Murphy Hollow --</p> <p>21 Q. Mr. Burke, let's mark that so we've got it</p> <p>22 in the record, please.</p> <p>23 A. It would be A-25.</p> <p>24 MR. SHEEHAN: Rendered engineering plan.</p> <p>25 MR. HALL: What's the date on that? Is</p>
<p style="text-align: right;">Page 43</p> <p>1 THE WITNESS: Right. And if a pipe bursts</p> <p>2 they can call --</p> <p>3 MS. MOORE: One of the four people would</p> <p>4 have to call. So you see what I'm saying?</p> <p>5 CHAIRMAN FLANAGAN: Ms. Moore, did he</p> <p>6 answer your question?</p> <p>7 MS. MOORE: Yes. Well, I'm saying that</p> <p>8 that's more appropriate than you have somebody on-site</p> <p>9 who's managing --</p> <p>10 CHAIRMAN FLANAGAN: Can I say just -- hold</p> <p>11 on a second. This is an opportunity for the public and</p> <p>12 the Board to ask questions. It's not an opportunity to</p> <p>13 get up and make statements, so I appreciate it. So</p> <p>14 please limit your questioning to questions.</p> <p>15 MS. MOORE: Okay. I just want to bring</p> <p>16 that up.</p> <p>17 CHAIRMAN FLANAGAN: Okay. Thank you very</p> <p>18 much.</p> <p>19 Anyone else in the public have any</p> <p>20 questions for Mr. Geyer? Questions? (No response.)</p> <p>21 Okay. Mr. Sheehan?</p> <p>22 MR. SHEEHAN: Thank you, Mr. Chairman. I</p> <p>23 would ask that Mr. Burke be re-sworn for testimony in</p> <p>24 this matter.</p> <p>25 MR. HALL: Do you solemnly swear that the</p>	<p style="text-align: right;">Page 45</p> <p>1 that the plan we have except in color?</p> <p>2 THE WITNESS: It is, and it is dated</p> <p>3 July 19, 2018.</p> <p>4 (Exhibit A-25, was received and marked.)</p> <p>5 MR. HALL: Is there a sheet number?</p> <p>6 THE WITNESS: There is. It's sheet three</p> <p>7 of three. And effectively it's a revision of the</p> <p>8 original Exhibit A-10. And I figured it would be a</p> <p>9 good spot for me just to orient everybody to the</p> <p>10 proposed site plan reduction.</p> <p>11 So with that, thank you. I'd like for this</p> <p>12 one to go as easy as the last application that you just</p> <p>13 heard, but we'll see. As we all recall there's the</p> <p>14 five units coming all the way across. Three units over</p> <p>15 on the left-hand side. The two units over on the Post</p> <p>16 House Road side.</p> <p>17 The two units immediately adjacent to the</p> <p>18 Post House Road side were right adjacent to the 50-foot</p> <p>19 front-yard setback. The three units here were</p> <p>20 immediately adjacent to the wetland buffer area. We</p> <p>21 had the driveway built into a berm down along the lower</p> <p>22 side of the property here against the Mt. Kemble Avenue</p> <p>23 side. And quite simply so we have listened to you over</p> <p>24 the last year, year and a half over the summer of -- or</p> <p>25 earlier this year we made our revisions to the previous</p>

<p style="text-align: right;">Page 46</p> <p>1 design and made significant reductions to the roof, and 2 in light of the last really the two hearings since 3 we've gone back really to the drawing board. 4 So with that, A-10 on the left and A-10 on 5 the right, I'd like to -- I'm sorry, A-25, the revised 6 site plan, quickly just articulate the overall quick 7 revision. With that said, what we've done is we have 8 eliminated completely one of the proposed townhouses. 9 So what that means is the overall site used to have ten 10 back bedrooms, it's now down to eight bedrooms. So I 11 think that in and of itself is a 22 percent reduction. 12 But with that being said we have two 13 smaller units -- I'm sorry, reduced largely the unit on 14 the left. The units basically on the right the 15 footprint is shrunk, but what we have done with both of 16 them is to pull them in away by 10 feet off the Post 17 House Road side, and also away from the wetlands 18 buffer. 19 In addition to that is that we used to have 20 a small walkway that came through the middle here 21 really to break up that overall massing. What we have 22 done is essentially took that 15-foot width, the alley, 23 and we have made it into a wider area here in the 24 middle to really further enhance and really reduce the 25 architectural scale as it presents itself to Mt. Kemble</p>	<p style="text-align: right;">Page 48</p> <p>1 (The witness distributes handouts.) 2 THE WITNESS: So I'm referencing 3 effectively the comparative south elevations. As I 4 said, it really takes us back in time a little bit more 5 than a year, year and a half now. You can see this is 6 the original design proposition, very sort of frontal 7 facing towards Mt. Kemble Avenue. 8 We made significant or a dramatic revision 9 to that last Fall. Effectively what we did is we 10 reduced that roofline by 10 feet. What we did is we 11 had kept it with who full stories and then the gable 12 roof. I'm going to give the other architectural 13 drawings here which is the side elevations. So the 14 two -- 15 Q. What marked evidence are you referring to? 16 A. So performing now I'm speaking to A23. And 17 this is the comparative east elevation which is 18 effectively the side. So here you see this is looking 19 back at Sheet A-20, the original sort of tall. The 20 roofline was up relatively high. Back in that day the 21 roofline was up around 36 feet. The exact numbers were 22 well in the testimony. Here you can see that up 23 considerably higher. 24 We made the revision. What we did is we 25 effectively scaled the main gable down, so going from</p>
<p style="text-align: right;">Page 47</p> <p>1 Avenue. 2 Lori, perhaps if it's possible -- 3 ADMINISTRATOR TAGLAIRINO: I cannot get 4 those to pull up. I had them today but I can't get 5 them to pull up. 6 THE WITNESS: The file is plugged in the 7 back there. 8 ADMINISTRATOR TAGLAIRINO: I know. I did 9 try. I tried on both computers here, but I can't get 10 them to -- 11 THE WITNESS: I know I have a whole group 12 of people here who have been listening over the last 13 couple of years, but nonetheless I'll keep going. I 14 know that we're trying to keep things going. What I'd 15 like to do is as I speak and talk to I think it would 16 be helpful is simply, I've done a little comparative 17 analysis from the original design that dates back to 18 the Spring of 2017, passes through the revised Fall of 19 2017 designs, and then into the Summer of 2018 design. 20 So what I'm going to do is just for your reference -- 21 Q. That was what was previously marked as 22 A-24; correct? 23 A. A-24. That's correct. I'm going to start 24 with Mr. Fox and from this end of the Board. Mr. 25 Visconi for you, please share.</p>	<p style="text-align: right;">Page 49</p> <p>1 one large sort of developer-style gable roof, if you 2 will. We scaled that down. We turn the roofline, we 3 brought it and introduced effectively a reversed gable. 4 What we have done is we're really scaling 5 back down to the four units, the 20 percent reduction 6 in the overall area. What we've done is we've really 7 taken another look at how best to try to hold onto the 8 square footage in the area, but to introduce a 9 combination of mansard roofs and gable roofs to further 10 bring that roofline down. 11 From where we started that roofline is now 12 down about 10 feet. As you can see, instead of looking 13 here at the south elevation what we've done is you see 14 the side elevation is broken up by a series of gables 15 roofs, gambrel roofs with the two units, and then also 16 the mansard roofs. 17 So effectively what we've done is taken the 18 entire second floor, if you will, here and incorporated 19 that into the rooflines of the structure. I think, you 20 know, in our minds eye as we go around and we think 21 about what does this look like? I think -- I was 22 thinking about it and perhaps the best reference that I 23 could think about is and here in town is really sort of 24 the Dick Cassie's house. And I don't know, Gary, if we 25 need to introduce this as an exhibit. So I think that</p>

<p style="text-align: right;">Page 50</p> <p>1 this would be A-26. 2 (Exhibit A-26, was received and marked.) 3 MR. SHEEHAN: What's it identified as, 4 please, Mr. Burke? 5 THE WITNESS: This is Spring Valley Road 6 house, Harding Township. 7 MR. HALL: Do you have the number for that? 8 MR. SHEEHAN: Twenty-six. 9 THE WITNESS: It's A-26, Gary. 10 MR. HALL: No, the street address? 11 THE WITNESS: I don't. It's the former 12 Cassie Family residence. 13 MR. HALL: He was on this Board. 14 THE WITNESS: And he was on the Board. 15 ADMINISTRATOR TAGLAIRINO: Pat, I have one 16 picture up on the screen. Which one do you want up? 17 THE WITNESS: If you could, you know, Lori, 18 perhaps grab that one. It's one of four. I'm not sure 19 which one it is on the colored scans. 20 ADMINISTRATOR TAGLAIRINO: I'll find out. 21 THE WITNESS: Just to put everybody's mind 22 eye to give you a sense for the type of architecture 23 that we're thinking about with this with a mansard and 24 a combination of mansard and gambrel roofs is, we've -- 25 now I'd like to just kind of reference to this sheet</p>	<p style="text-align: right;">Page 52</p> <p>1 those in a moment, but what we've done is dramatically 2 reduced the overall volume and impacts both to Route 3 202 and to Post House Road. 4 As I said earlier we pulled the units 5 further away by 10 feet. I've enhanced the buffer and 6 really created a landscaped courtyard between the two 7 units, so that's gone from 15 feet to 32 feet. And 8 then again as I said, pulling it away from 202 at the 9 opposite end it's pulled out about 10 feet in from the 10 wetlands buffer at the opposite end. 11 Maybe, I think it's probably worthwhile, 12 that's the essence of the reductions I think it was 13 important for me to take a little bit of time to go 14 through that. And I think, let me just take a moment 15 to speak to the floor plans. 16 Effectively there is no change to the floor 17 plans. That lowest level, the garage, the basement 18 area, largely built into the ground. And from the 19 early on point referencing Sheet A-20 here, you said 20 that from what we've spoken about from the very 21 beginning is that whole landscaped area between 202 and 22 looking towards the garage area is we have that 5-foot 23 berm and the retaining wall at the driveway to conceal 24 that lowest level. We have the garages down at the 25 lowest level here looking at Sheet A-22.</p>
<p style="text-align: right;">Page 51</p> <p>1 the comparative analysis, and I know that we're trying 2 to keep things moving along here this evening, but I 3 think one of the key sorts of pieces of information 4 that really speaks to the architecture and speaks to 5 the reduction. Certainly there's a 20 percent 6 reduction in the living area going from five units down 7 to four units. The same is true of the bathroom and 8 bedroom count and so forth. But I think one of the key 9 things is that there's a 39 percent reduction in the 10 volume. So that in and of itself I think is very 11 significant, and I just want to touch on how we sort of 12 achieve that. 13 The roofline from the original design is 14 down 10 feet lower from the original down to where we 15 are, and comparatively speaking we did that in 5-foot 16 increments from the original design. And in addition 17 to that is said, this large gable roof or -- gable roof 18 that you had in the original design scaled down in the 19 middle design, but it's virtually completely eliminated 20 in the revised design. 21 MR. SHEEHAN: Referring to what drawing, 22 please? 23 THE WITNESS: I'm speaking to A-23. So 24 that we have not reduced the gross square footage of 25 the units. And I have the floor plans so I'll get to</p>	<p style="text-align: right;">Page 53</p> <p>1 Nothing has changed down at that level. 2 Nothing has really changed on the first floor plan, 3 first floor plan from any of the designs. That's 4 largely stayed the same. And then I think sort of the 5 only real change that's happened to the second floor 6 plan is now is that the rooflines start to fold in on 7 that so that the square footage is slightly -- the 8 volume is reduced, but the square footage in and of 9 itself is not. So that we've really designed a more 10 compact building overall. 11 BY MR. SHEEHAN: 12 Q. Mr. Burke, while you have the elevations 13 up, speak to the height of the comparative buildings? 14 A. Sure. So what I did is I kind of marked 15 here on the right-hand side, and for the sake of 16 everybody in the audience let's do this. 17 Q. Which drawing are you referring to? 18 A. I'm referring to Sheet A-20. So here's the 19 original design for the sake of the group. This is the 20 Spring 2017 south elevation. The original proposed 21 heights of that structure, you know, as Harding 22 Township calculates it, that is really how we see it 23 when it's going to be built. But as it's calculated 24 it's 36 foot 2 inches. And I'm just going to go 25 through the numbers on the units closer to Post House</p>

<p style="text-align: right;">Page 54</p> <p>1 Road.</p> <p>2 Q. Mr. Burke, that was against an ordinance</p> <p>3 standard in the B-2 Zone of what, 25 feet?</p> <p>4 A. It's 25 feet, that's right.</p> <p>5 Q. What would it be in the single-family</p> <p>6 residential zone? What is the permitted height?</p> <p>7 A. Thirty-five feet.</p> <p>8 Q. And your proposal was 36 feet; correct?</p> <p>9 A. It was for the units closest to Post House</p> <p>10 Road it was 36 feet 2 inches, that's right.</p> <p>11 The middle unit, the middle design really</p> <p>12 dating back just about a year ago now, we made</p> <p>13 modifications to that big roofline. You can see the</p> <p>14 dotted lines here. They really show that 5-foot</p> <p>15 overall reduction.</p> <p>16 What we did is we scaled that down and it</p> <p>17 comes back again. We had sort of the town -- we</p> <p>18 reached out to the professionals for building heights,</p> <p>19 the grades, and made some modifications and so forth.</p> <p>20 And that went down to about 34 foot 2 feet.</p> <p>21 Back to the drawing board and to where we</p> <p>22 are tonight it's really sort of the proposed design</p> <p>23 here in the Fall, is that the proposed designs for the,</p> <p>24 again, for the unit closest to Post House Road is now</p> <p>25 down to 26.4 inches. So it's -- by pulling it away</p>	<p style="text-align: right;">Page 56</p> <p>1 Post House Road can you indicate for the Board and</p> <p>2 members of the interested public what the visual</p> <p>3 perception of the height is from Post House Road on</p> <p>4 the four-unit project?</p> <p>5 A. Well, it's -- it's dramatically less than</p> <p>6 where we used to be. From Post House Road it's down</p> <p>7 to -- well, let me give you some good examples, some</p> <p>8 real factual data here, because I think it's important</p> <p>9 and I kind of reference everybody back to sort of the</p> <p>10 Cassie House here.</p> <p>11 This elevation, this photograph from the</p> <p>12 street is not dissimilar to the photograph that you're</p> <p>13 going to in your mind's eye as you're descending down</p> <p>14 Post House Road and what you see on the right-hand</p> <p>15 side. As you see, it's a single-story home with a</p> <p>16 second story built into the roof. That's articulated</p> <p>17 -- I'm referencing Exhibit A-23. And what you see</p> <p>18 here, as you said, is really a quarter-inch scale in</p> <p>19 large elevation to show how that's considerably</p> <p>20 shorter.</p> <p>21 With that, to more specifically answer your</p> <p>22 question, on the front hill or on the uphill side the</p> <p>23 actual elevation, the height of it was just 20-foot 2</p> <p>24 inches. So it's down significantly from where we used</p> <p>25 to be, and it's going to be very comparable to that</p>
<p style="text-align: right;">Page 55</p> <p>1 from Post House Road there's some new calculations and</p> <p>2 modifications in the grading. The overall massing of</p> <p>3 the structure has been dramatically reduced. So the</p> <p>4 pure calculations, as we all create that, is</p> <p>5 significantly less than where we used to be.</p> <p>6 Q. And it is reflected in what footage?</p> <p>7 A. I'm sorry.</p> <p>8 Q. What is the height of the proposed</p> <p>9 structure of the four units?</p> <p>10 A. On the building on the right-hand side</p> <p>11 that's the building on Post House Road. The proposed</p> <p>12 -- against the proposed grades is 26.4. On the units</p> <p>13 on the right-hand side that's the two units just away</p> <p>14 from the Post House Road. For the sake of the record</p> <p>15 I'll just give you that as well. It's right in my</p> <p>16 hand. Here we go. It's 29 and a half feet.</p> <p>17 Q. So one is 26, one is 29 and a half?</p> <p>18 A. That's right. And the chief difference for</p> <p>19 that, even though that the rooflines are down 10 feet</p> <p>20 from what they used to be, is just how the grading all</p> <p>21 sort of works out. So that's where you're seeing the</p> <p>22 3-foot delta on the calculations between the two units.</p> <p>23 Q. Now, Mr. Burke, having testified as to what</p> <p>24 the height calculations are for the two buildings, one</p> <p>25 on the west, one on the east, when you look at it from</p>	<p style="text-align: right;">Page 57</p> <p>1 house as it faces Spring Valley Road. That will be</p> <p>2 very comparable in our mind's eye to how this house</p> <p>3 faces Post House Road.</p> <p>4 Q. How about facing Route 202?</p> <p>5 A. So 202 I think is -- obviously it's on the</p> <p>6 downhill side. The ordinances in the B-2 --</p> <p>7 Q. I don't think I'm asking you the question</p> <p>8 clearly enough. May I borrow your laser pointer,</p> <p>9 please? What I'm asking you is, what is the perception</p> <p>10 of the --</p> <p>11 A. I understand the question. I got it.</p> <p>12 Q. How do you work this thing?</p> <p>13 A. The green button.</p> <p>14 Q. Green button. What is the height that you</p> <p>15 perceive from here to there?</p> <p>16 A. That number is very, very comparable to</p> <p>17 what we're looking at on the elevation from Spring</p> <p>18 House Road, the Cassie House. It's very comparable to</p> <p>19 the front elevation, and the side elevation at the</p> <p>20 uphill side.</p> <p>21 That number 20 foot two, that's a hard</p> <p>22 number from the grade on the Post House Road front</p> <p>23 elevation. The perception to answer your question</p> <p>24 directly is going to be comparable to that. It's not</p> <p>25 an exact number. And I think what's important to</p>

<p style="text-align: right;">Page 58</p> <p>1 understand and how we get there is just that that --</p> <p>2 and how we get there really speaks best by this site</p> <p>3 plan. And we kind of date back to the early</p> <p>4 presentations a year, year and a half ago, and we had</p> <p>5 done a section and so forth. And all of this area here</p> <p>6 that's out in front is going to go through a series of</p> <p>7 regrading.</p> <p>8 Same, and then what goes hand-in-hand with</p> <p>9 that it there's a brick retaining wall that's a 4-feet</p> <p>10 height. This whole area is going to be very well</p> <p>11 landscaped. So with that, as I said, I've articulated,</p> <p>12 I don't want to miss-represent it. I want to design it</p> <p>13 so that you see the elevation. You can see that with</p> <p>14 modest landscaping here in the berm, this is the</p> <p>15 perception of how the property looks from 202 is in the</p> <p>16 range of 20, 21, perhaps 22 feet. So it's comparable</p> <p>17 to the front elevation.</p> <p>18 BOARD MEMBER ROSENBAACH: Excuse me. You</p> <p>19 mean above the berm?</p> <p>20 THE WITNESS: Above the berm, that's right,</p> <p>21 from this street. I don't want to give any</p> <p>22 misconceptions here and be very careful about that.</p> <p>23 BOARD MEMBER ROSENBAACH: So how high is the</p> <p>24 berm?</p> <p>25 THE WITNESS: The berm, the wall itself is</p>	<p style="text-align: right;">Page 60</p> <p>1 the combined buffer that's going to really reduce any</p> <p>2 visual impact to Route 202.</p> <p>3 BY MR. SHEEHAN:</p> <p>4 Q. And the berm is graded out toward 202?</p> <p>5 It's not a perceived wall or --</p> <p>6 A. That's absolutely correct. A year, year</p> <p>7 and a half ago we had -- I think in our mind's eye we</p> <p>8 had sort of thought about some people, a reference</p> <p>9 point is what was built just over on James Street, the</p> <p>10 James Place Condominiums. And there's sort of the flat</p> <p>11 area close to the street and then the bermed areas.</p> <p>12 This parcel is slightly different. It's up higher. So</p> <p>13 what this does is it allows us to grade up gradually</p> <p>14 many feet. And I can give an exact number if we like</p> <p>15 it, but grading off of Mount Kemble and giving a</p> <p>16 gradual berm, sloped elevation let's call it, because a</p> <p>17 berm sometimes has a perception of not that elegant.</p> <p>18 Sloped elevation, berm that leads up and along gradual</p> <p>19 as opposed to golf-course like, if you will.</p> <p>20 Q. What impact does the reduction and the</p> <p>21 density have on the floor area ratio?</p> <p>22 A. So the floor area ratio, the original and</p> <p>23 the year, year and a half ago designs were</p> <p>24 17.2 percent. We have dropped that down to</p> <p>25 13.8 percent. So that's 3.4 percent reduction. In the</p>
<p style="text-align: right;">Page 59</p> <p>1 4 feet on the inside. The berm will come up about a</p> <p>2 foot and a half sort of a peak. So right here, Phil,</p> <p>3 that wall conceals the cars down and below. They're</p> <p>4 sunken in. That's a 4-foot wall. That berm slightly</p> <p>5 ascends and then it drops down to the street. And then</p> <p>6 you've got the landscaping that sits on top of that.</p> <p>7 BOARD MEMBER ROSENBAACH: I get that, but in</p> <p>8 other words, so I could say the visual impact is a</p> <p>9 5-foot berm, and on top of that there's another 20, 21</p> <p>10 feet. So if I just add them together, and don't worry</p> <p>11 about which is which. There's a 25, 26-foot vertical;</p> <p>12 is that correct?</p> <p>13 THE WITNESS: Well, the delta between the</p> <p>14 two numbers, perhaps similar to what we're talking</p> <p>15 about last month on another application is just really</p> <p>16 the landscaping. So not to be misleading. It's just</p> <p>17 that I clearly articulated the garage door down here.</p> <p>18 That garage door is behind a 4-foot brick wall that's</p> <p>19 facing in towards the residences that you won't see</p> <p>20 from the street. And then on top of that 4-foot wall</p> <p>21 then there's the landscape buffer that happens here.</p> <p>22 And that really gets you the whole lowest level</p> <p>23 concealed behind the berm, behind the landscaping. And</p> <p>24 that's really the importance of the grading and a good</p> <p>25 landscaping plan and so forth. So that's going to be</p>	<p style="text-align: right;">Page 61</p> <p>1 overall that's -- we didn't take the 17.2 percent and</p> <p>2 reduce it by 3.4 percent, if you follow me there.</p> <p>3 So it's a 20 percent reduction. I mean, we</p> <p>4 always come back to the 20 percent reduction in the</p> <p>5 discussion here. I just want to come back to the</p> <p>6 section discussion, because I think that this is very</p> <p>7 important, you know, in the landscaping the berm and</p> <p>8 the retaining wall.</p> <p>9 Lori, if it's possible, do you think we</p> <p>10 could put up the other -- this colored drawing here</p> <p>11 with the side elevations? Because this is really going</p> <p>12 to perhaps finish off the conservations with the berm</p> <p>13 and the grading and so forth. There we go.</p> <p>14 So dating back I gave testimony and we had</p> <p>15 a very long section. And this is the original end</p> <p>16 elevation that faces towards Post House Road.</p> <p>17 Just for point of reference, down at the</p> <p>18 bottom here, this is the comparative building sections</p> <p>19 and the new section, but to finish off the point as it</p> <p>20 relates to the berm and to the landscaping, and looking</p> <p>21 at it from Post House Road, as you can see -- this</p> <p>22 being the new design, you can see where the entrance</p> <p>23 into the motor port, if you will, on the downhill side</p> <p>24 has a brick retaining wall that kind of comes off very</p> <p>25 nice, elegant, brick retaining wall. The brick</p>

<p style="text-align: right;">Page 62</p> <p>1 retaining wall on the south side of the structures, and 2 then the landscaping sitting on top of the berm, and 3 then that berm that kind of will gradually descend down 4 to Route 202. So that this is a gradual descension 5 down. But really think about all of this, the motor 6 port, if you will, protected by all of that, those -- 7 and drops down to lessen the impact.</p> <p>8 Q. If you go to what was marked in these 9 proceedings as A-25, the rendered engineer plan, 10 please, Mr. Burke, and describe the setback from Post 11 House Road one more time?</p> <p>12 A. Okay. So we'll bring this scale, you never 13 know. So let me -- let's just get a 1 inch 20 here. 14 So that berm, that descending grading is going to vary 15 in depth because you have somewhat of a pie shape 16 between our routes 202 and the parcel here. So that 17 berm sort of at the corner closest to Post House Road 18 is going to be in the range of about 125 feet. So it's 19 significantly long and gradual as it ascends up.</p> <p>20 The berm further down is away from Post 21 House Road. It's in the range of 65 feet. So you have 22 that pie shape that's still many feet to sort of lose 23 the 5 feet over. It's a long gradual ascension.</p> <p>24 Q. How about the setback from Post House Road 25 on the east side?</p>	<p style="text-align: right;">Page 64</p> <p>1 there room in the green shown between the building and 2 Post House Road for additional substantial screening 3 that would screen the buildings from Post House Road as 4 represented by Mr. Geyer in prior proceedings?</p> <p>5 A. Yeah. I think absolutely, to answer your 6 question. It would be the intention of the applicant 7 and certainly myself, you know, as a resident and 8 having worked with all of you before, is to come back 9 and present the final landscape architectural drawings 10 to really satisfy what we're speaking to tonight.</p> <p>11 I might also just add one other point. 12 It's there -- as many of us know is that the corner of 13 Post House Road already has a natural berm here at the 14 front end and that's just out in front of the driveway 15 coming in. There will obviously be landscaping on top 16 of that, but to do enhanced landscaping up in this area 17 here.</p> <p>18 CHAIRMAN FLANAGAN: Mr. Sheehan? 19 MR. SHEEHAN: Yes, sir.</p> <p>20 CHAIRMAN FLANAGAN: As we discussed, we 21 have one more application, and I promised them we would 22 begin at 9:30, which is five minutes from now. I want 23 you to take whatever time you think you need to present 24 your witnesses and Mr. Burke's testimony. If it's 25 possible, I would like to be able to get the questions</p>
<p style="text-align: right;">Page 63</p> <p>1 A. So the east side is, again, that driveway 2 with -- you know, the site requires that the driveway 3 is pushed a little bit up on Post House Road for safety 4 reasons and so forth. It's not pushed down real close. 5 But that road, the driveway, if you will, is dropping 6 down from about grade 340, and it's dropping down 7 almost 8 feet, 9 feet, 10 feet. So you're getting a 8 10-foot reduction from the curb cut, dropping down into 9 the entrance of that motor port here. So that is 10 coming up and around. So you're really getting a nice 11 gradual drop, in, and then you're going to have this 12 brick retaining wall here. That's this brick retaining 13 wall here, which I'm pointing out in the same sheet up 14 here. I'm dropping into really a visually -- not 15 completely concealed, but visually reduced --</p> <p>16 Q. Mr. Burke, what's the setback from Post 17 House Road to the building?</p> <p>18 A. It's 60 feet.</p> <p>19 Q. Sixty?</p> <p>20 A. Sixty. It's 10 feet more than it used to 21 be.</p> <p>22 Q. Okay. Recognizing that this landscape plan 23 is not a complete landscaping plan which would be 24 subject to a site plan application, presentation in the 25 event that this application is favorably reviewed, is</p>	<p style="text-align: right;">Page 65</p> <p>1 from Mr. Burke before we break, which potentially could 2 be until next month, because I think --</p> <p>3 MR. SHEEHAN: I think it's appropriate to 4 begin his questions right now.</p> <p>5 CHAIRMAN FLANAGAN: If you're ready to go. 6 Any member of the Board -- any member of the Board have 7 any questions for Mr. Burke? (No response.)</p> <p>8 MR. HALL: One point of clarification. On 9 the building height I'm looking at -- not a big issue, 10 but I'm looking at the Murphy and Hollows, Sheet 3 of 11 3. You marked it as A-25, I believe. Probably the 12 colored one that's A-25. I think that's one right 13 there.</p> <p>14 THE WITNESS: Yes. I have it right in my 15 hand here and I've -- go ahead, Gary.</p> <p>16 MR. HALL: Isn't that the colored one there 17 the same thing?</p> <p>18 THE WITNESS: Yes.</p> <p>19 MR. HALL: Here's the question, so I have 20 the numbers right. At the top right there were -- you 21 have the building height, it has 26.87, which you gave 22 a different number. I just want to make sure. It 23 wasn't much different, but you fixed it at 24 26-something. It wasn't that number.</p> <p>25 THE WITNESS: That's right. So if you look</p>

<p style="text-align: right;">Page 66</p> <p>1 at -- as Mr. Fox and Mr. Hollow's keenly understand, 2 and certainly yourself and the Board has to sit 3 through, there's two different calculations: One is 4 off the existing grade, and the other -- 5 MR. HALL: But you're saying to use the 6 higher height number, the lower average? 7 THE WITNESS: So both are articulated here, 8 and maybe for the sake of the testimony I'll clarify 9 the two numbers and then we can work off both. 10 MR. HALL: I just want -- for variances we 11 have to use one number. It's fine if you can tell us 12 the other number, but there's a bigger difference than 13 the other -- 14 THE WITNESS: Yes. That's right. So the 15 -- off of the existing grades it's 27 -- 26 foot -- 16 26.87 feet is the building height for the units 17 closest. And off of the proposed grades, so the 18 proposed is going to be a little bit less. It's going 19 to be 26.27 feet. So 26-foot 4 inches and that's the 20 number I gave testimony to. 21 MR. HALL: Right. That number wasn't on 22 that plan, that's why I ask you. 23 THE WITNESS: Yes. It's on A-25. It's not 24 anywhere on my sheets. 25 MR. HALL: If you do the math it might be</p>	<p style="text-align: right;">Page 68</p> <p>1 same footprint. 2 THE WITNESS: Yes. 3 BOARD MEMBER ROSENBAACH: Same area? Forty 4 by thirty-eight. 5 THE WITNESS: That's correct. 6 BOARD MEMBER ROSENBAACH: And likewise when 7 they were the original five it was 40 by 38, so 8 nothing's changed in that regard? 9 THE WITNESS: The footprints remain the 10 same. 11 BOARD MEMBER ROSENBAACH: Okay. I just 12 wanted to make sure that one thing either I'm right or 13 wrong on. If you go to your sheet, I don't know how it 14 was marked, but this sheet. 15 MR. FOX: A-24. 16 THE WITNESS: Yes. I know where you're 17 going. 18 BOARD MEMBER ROSENBAACH: What is it. 19 MR. FOX: A-24. 20 BOARD MEMBER ROSENBAACH: So if I looked at 21 the original I took 288,800 cubic feet and I divided 22 that by five. And I think it's 57,700 cubic feet per 23 unit. That's what it seems to be. And then on the 24 proposed I took 176 and divided that by four. So 25 that's 44,000 give or take cubic feet per unit?</p>
<p style="text-align: right;">Page 67</p> <p>1 there, but I didn't see that number. Is that -- 2 THE WITNESS: I did the math. I think 3 you're right, because I wrote it in. 4 MR. HALL: That's what I said, there's not 5 a number 25.2 on that plan. That's all. 6 THE WITNESS: You're absolutely correct. 7 MR. HALL: Okay. That's fine. Just to 8 wrap up, I don't want to take time. On the other 9 building, I just want to make sure we note the same 10 number. This says 30.77? 11 THE WITNESS: That's right. 12 MR. HALL: And you used a different number? 13 THE WITNESS: That's right. So that's 14 calculating the building heights off of the existing 15 grades. As the grades are proposed in the design here, 16 it's slightly less the overall building height and I 17 think I gave the number of 29.65 feet. 18 MR. HALL: That's fine. I just wanted to 19 make sure I wasn't -- 20 CHAIRMAN FLANAGAN: Any other members of 21 the Board have any questions. Phil? 22 BOARD MEMBER ROSENBAACH: I do. If it's not 23 too late. It's just another -- it goes back to the 24 height. I just want to make sure I understand 25 something. On this proposal do all four units have the</p>	<p style="text-align: right;">Page 69</p> <p>1 THE WITNESS: Right. 2 BOARD MEMBER ROSENBAACH: So the difference 3 is 13,000 feet? 4 THE WITNESS: Right. 5 BOARD MEMBER ROSENBAACH: So I figured at 6 13,000 feet is going to be shorter? 7 THE WITNESS: It's a combination of things. 8 So the calculations, the overall volume you have to 9 look at in the totality of the proposals, it's a 10 combination of three things. It's effectively a 11 20 percent reduction in the gross living area. 12 BOARD MEMBER ROSENBAACH: But I'm looking at 13 it per unit. I don't care about the fact that you've 14 lost volume in the unit, I'm just trying to compare the 15 unit in the original and the unit of the proposed? 16 THE WITNESS: I don't have that exact 17 calculation. Well, I mean, I have them with me 18 tonight, but it's across each unit it's 39 percent 19 smaller than it used to be. 20 MR. FOX: Is it because the volume of the 21 attic space has been drastically reduced? 22 THE WITNESS: Yes. And that's what I 23 touched on. It's a combination of three things as the 24 overall project. I understand your question. So the 25 39 percent is a combination of three factors: One, the</p>

<p style="text-align: right;">Page 70</p> <p>1 reduction of one complete unit; the second is the 2 reduction in the roof height by 10 feet from the 3 original design down to that design; and then third is 4 and of significance is the elimination of the gable 5 roof. And now we're going to a combination of mansard 6 and gable roofs so that the living space here is really 7 within the second -- the roof encompasses the second 8 floor on the new design, and used to sit up on top 9 before. So I think to Paul's point here there's 10 significant volume in how we calculate volume for 11 building permits and these types of discussions. 12 There's always significant volume that exists up in 13 that roof area that has to be into the calculations. 14 BOARD MEMBER ROSENBACH: And you've gotten 15 rid of a bunch of that volume? 16 THE WITNESS: Yes. That's actually right. 17 And I think this section really articulates that point 18 the best is that you can see is that here is the 19 original height dating back to the Spring of 27. This 20 is the section, if you will, through the designs that 21 go hand-in-hand with the Fall 17 design. 22 I showed in sort of yellow, and I know the 23 PDF makes this look a little more greenish, but that 24 component there is the original roofline as it compares 25 to the proposed roofline at the last design. And all</p>	<p style="text-align: right;">Page 72</p> <p>1 great vision. You have beautiful plans, but you're 2 going head to head with the zoning plan. And to me the 3 issue is the density, it's the D-1, it's maybe the D-4, 4 and I hope we get to that very soon. 5 I don't know how much longer it's going to 6 go, but those are the issues. And I don't quite 7 understand why we don't go after them first in your 8 application. I leave that to you. And one of the 9 statements, as far as I know, you correct me if it's 10 not appropriate, but the town is just -- 11 MR. HALL: We talked about that. It hasn't 12 been implemented. 13 BOARD MEMBER NEWLIN: Just listen first 14 then you can smack me down. 15 The town has studied Route 202. And the 16 zoning has not changed for this application, that's 17 true, but the town has done something it hadn't done 18 before, which is study this whole corridor. That's 19 true. That's public information. And they released a 20 zone overlay which has not been enacted, but that is 21 the intention. That came from planning. That is brand 22 new information to me and very relevant, and that has 23 to be addressed. 24 MR. SHEEHAN: Could I respond to Mr. 25 Newlin?</p>
<p style="text-align: right;">Page 71</p> <p>1 of that is effectively gone now. All that roof that 2 sits up above the second floor is now, that's all 3 eliminated, and the design now goes to -- very similar 4 to a cape-cod style house, or a gable roof house, or a 5 mansard roof house. The living area is completely 6 encompassed within the roofline of the second floor. 7 So coming back to sort of the Cassie House 8 the -- over on the other side of town there, that 9 really best articulates the point. The picture 10 hopefully is worth a few words here. 11 CHAIRMAN FLANAGAN: Thank you. Does anyone 12 on the Board have any questions? 13 BOARD MEMBER NEWLIN: Are we about to move 14 on or -- 15 CHAIRMAN FLANAGAN: We are about to move 16 on, but if you have a question you'd like to ask -- 17 BOARD MEMBER NEWLIN: It's not a question, 18 it's a concern -- 19 PUBLIC UNIDENTIFIED VOICE: Can you speak 20 into the microphone, please? 21 BOARD MEMBER NEWLIN: Because I personally 22 feel like I'm in a spot where the concern about the 23 cost and the length of this application has been 24 brought up. I personally agree with it. And on the 25 other hand, Mr. Geyer, you've done a -- you have a</p>	<p style="text-align: right;">Page 73</p> <p>1 BOARD MEMBER NEWLIN: This is why I say, I 2 don't want to be sitting here several sessions later 3 and having this come up. 4 BOARD MEMBER CHIPPERSON: We should add in 5 that there was a lot of official action on it. It's 6 going to take nearly nine months by the time all of the 7 courts either approves and all of that, but our 8 township committee approved it. So it's not really 9 that theoretical, unless something falls apart. 10 MR. HALL: I agree. It's more than 11 speculation, but it hasn't been adopted as an 12 ordinance. The Planning Board has not amended the 13 master plan. So I would assume if the town wants to 14 get approved by the courts so that will properly 15 happen, but it hasn't happened. But so it is valid. 16 It's planning policy. I said that at the prior 17 meeting. 18 CHAIRMAN FLANAGAN: Mr. Sheehan, you have 19 something to say? 20 MR. SHEEHAN: Mr. Newlin, the planning 21 testimony must be based on the proposed plan, and in 22 the presentation the plans have to precede the planning 23 testimony. And I apologize if the concerns that you 24 are raising legitimately are not addressed upfront but 25 they would not be in an appropriate order to do that,</p>

<p style="text-align: right;">Page 74</p> <p>1 so that that's the reason why we're not putting the 2 planner on first.</p> <p>3 BOARD MEMBER NEWLIN: Just, as long as you 4 get the right to do the agenda, I'm fine with that, I 5 just want to raise my concern about it.</p> <p>6 MR. SHEEHAN: The second point, again, is 7 that the applicant is entitled to the time in the 8 application protections under the statute.</p> <p>9 MR. HALL: They're asking for a variance. 10 They're not under the ordinance. The ordinance hasn't 11 changed. So that's --</p> <p>12 MR. SHEEHAN: Exactly.</p> <p>13 MR. HALL: You can make that argument, but 14 I will agree that the planner normally goes last.</p> <p>15 CHAIRMAN FLANAGAN: Which is fine. And you 16 can present whomever you'd like in whatever order.</p> <p>17 MR. HALL: And if you want to make that 18 argument you can make it.</p> <p>19 CHAIRMAN FLANAGAN: Mr. Geyer made a point 20 that this application has been going on for a very long 21 time, and so Mr. Geyer understands that we're here to 22 hear whomever you want to put in front of us. You can 23 take as much time as you'd like. Time is on your 24 clock. But right now I have another application we 25 have to hear. I don't know how long this other</p>	<p style="text-align: right;">Page 76</p> <p>1 CHAIRMAN FLANAGAN: My goal is to conclude 2 your application. I can't guarantee you an order. I 3 can tell you if we get another quick application I can 4 do that.</p> <p>5 BOARD MEMBER CHIPPERSON: Just one 6 question, because it could affect you as well. So 7 Gary, is there any case law? Are we supposed to, you 8 know, as a Board pretend we don't know what's going on? 9 MR. HALL: No, I'm not saying that. It 10 hasn't happened yet. It's in a different venue.</p> <p>11 BOARD MEMBER CHIPPERSON: I guess I'd be 12 interested in if you have any guidance, if there are 13 any cases?</p> <p>14 MR. HALL: Just like people always argue 15 the master plan, well, what if they didn't implement 16 the master plan. It goes to the weight. It's not all 17 or nothing, it's the weight.</p> <p>18 BOARD MEMBER CHIPPERSON: That's my point, 19 is if there's some legal basis for us to disregard all 20 of the other information I'd be curious to hear it.</p> <p>21 CHAIRMAN FLANAGAN: And Mr. Sheehan, not 22 tonight, please, but if you have thoughts that you'd 23 like to share or guidance that you'd like to share with 24 Gary before the next meeting.</p> <p>25 BOARD MEMBER CHIPPERSON: Because we'd like</p>
<p style="text-align: right;">Page 75</p> <p>1 application will take. I would say my goal is to get 2 you an answer as soon as you are done with all of your 3 testimony and everyone has asked the questions.</p> <p>4 You are welcome to stay. If we have time 5 after this application, again, I don't know how long 6 this other application will take. We're not going to 7 go past 11 o'clock, which is in an hour and a half from 8 now.</p> <p>9 MR. SHEEHAN: Is there opposition on the 10 next application?</p> <p>11 CHAIRMAN FLANAGAN: There is.</p> <p>12 MR. FOX: Mr. Chairman, would it make sense 13 having the public question Mr. Burke before we end?</p> <p>14 CHAIRMAN FLANAGAN: I would love to do 15 that, but I'm going to ask everyone to remember your 16 questions. I promised the next applicant they would 17 have started several minutes ago.</p> <p>18 So please remember your questions. Mr. 19 Burke please. So Mr. Sheehan, you are not going to 20 stay for this --</p> <p>21 MR. SHEEHAN: I think if we stayed if we 22 got 15 minutes it wouldn't satisfy the application. We 23 can leave and come back and if we can have a calendar 24 preference in terms of the order of the agenda that 25 might give us a conclusion at the next hearing.</p>	<p style="text-align: right;">Page 77</p> <p>1 to be fair. It's an unusual situation. I am a little 2 confused about how much weight to give it.</p> <p>3 BOARD MEMBER NEWLIN: And it is in the 4 planner's report. It is referenced in our planner's 5 report.</p> <p>6 CHAIRMAN FLANAGAN: It is. Mr. Sheehan, 7 we'll see you at the next hearing. Gary?</p> <p>8 MR. HALL: Somebody gave a date, October --</p> <p>9 MR. SHEEHAN: 18th. Thursday.</p> <p>10 CHAIRMAN FLANAGAN: Okay. Thank you. And 11 please have Mr. Burke with you.</p> <p>12 CHAIRMAN FLANAGAN: First thing we start 13 with, Mr. Sheehan, is questions from the public.</p> <p>14 THE WITNESS: Thank you.</p> <p>15 (Whereupon, the hearing on this application 16 concludes at 9:37 p.m.) 17 18 19 20 21 22 23 24 25</p>

CERTIFICATE

I, IRIS LA ROSA, a Notary Public and Certified
Shorthand Reporter of the State of New Jersey, do
hereby certify that the foregoing is a true and
accurate transcript of the testimony 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.

IRIS LA ROSA, CSR, RPR
Certificate No. 30XI 00162800
Dated:

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