

**HARDING TOWNSHIP PLANNING BOARD MINUTES
REGULAR MEETING
JULY 26, 2021**

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Planning Board Chair, Mr. Clew called the in-person meeting to order at 7:30 and announced that adequate notice of this meeting had been made to the Daily Record and Observer Tribune. Notice was posted on the Township web page and on the bulletin board in the Township Hall on Blue Mill Road in Harding, New Jersey, and filed with the Township Clerk.

ROLL CALL

On a call of the roll, the following were present:

Mr. Clew	Present	Mr. dePoortere	Present
Ms. Walters	Excused	Mr. Yates	Excused
Mr. Edgar	Present	Mr. Platt	Present
Mr. Bjorkedal	Present	Mr. Newlin	Present
Mr. Chipperson	Present	Ms. Claytor	Present

Mayor Jones was present.

Also present were Mr. Hall, PB Attorney, Mr. Fox, Board Engineer, Ms. Mertz, Board Planner, and Ms. Taglairino, Board Secretary.

MINUTES

Mr. Newlin made a motion to move the June 28, 2021. The motion was seconded by Mr. Chipperson. On a voice vote all eligible members were in favor of approving the June minutes.

RESOLUTION

RESOLUTION PB# 08-2021 Retaining Larry Weaner, Ecologist
for Application PB#01-21 S/K Mt. Kemble Associates, LLC

A motion was made by Mr. Edgar to approve retaining Ecologist Larry Weaner for Application PB#01-21 S/K Mt. Kemble Associates, LLC. The motion was seconded by Mr. Chipperson. On a voice vote all were in favor of approving the resolution.

ADMINISTRATIVE

Mr. Clew noted that it was time to review the budget for the 2022 year. He asked for recommendations to be submitted by the August meeting.

Mr. Clew noted that submissions for professional evaluations should be sent back to him prior to the September meeting.

OLD BUSINESS

Application PB# 01-21

S/K Mt. Kemble Associates, LLC
350 Mt. Kemble Ave. B23.02/L5 TH-1 Zone
Application for Preliminary Major Site Plan and Final Major Site Plan for inclusionary residential housing development consisting of 96 multi-family units and related site improvements

Presenting:

Derek Orth, Attorney

Brad Bohler, Engineer

Adam Alexander, Architect

Jack Raker, Architect

Charles Heydte, Planner

Noah Chrismer, Director at KRE Group and Owners Representative

Continued testimony for S/K Mt. Kemble Associates.

Mr. Chrismer. Mr. Raker and Mr. Heydte were all sworn in for testimony.

The discussion was centered on the lighting plan, landscape plan and a proposed sound wall for the project. Also discussed was the additional height variance for the proposed project, revisions to the architectural plans and the proposed building materials.

Questions from the Public:

Cathy Wilson of 20 Beechwood Drive in Morris Township asked about the landscaping

Mr. Silver of 71 Frederick Place in Morris Township asked about screening to his property.

Mr. Clew made a motion to carry the application until the August 23, 2021 meeting with no further notice. The motion was seconded. On a voice vote all were in favor of carrying the application as noted.

A transcript of the testimony is appended to the minutes.

SUBCOMMITTEE UPDATES

Advisory Review Committee

None

Engineering and Environmental Committee

None

Development Review Committee

None

LIAISON REPORTS

Environmental Commission

None

HOST

None

Historic Preservation Commission

None

Citizen Park Advisory Committee

None

Township Committee

None

OTHER BUSINESS

ADJOURNMENT

There was a motion adjourn the meeting at 11:00.

Lori Taglairino

Lori Taglairino, Planning Board Secretary

In The Matter Of:

In Re: S/K Mt. Kemble Associates

Transcript Of Proceedings

July 26, 2021



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<p>TOWNSHIP OF HARDING</p> <p>Page 1</p> <p>1 PLANNING BOARD MEETING 2 MONDAY, JULY 26, 2021 3 COMMENCING AT 7:30 P.M.</p> <p>4 5 IN THE MATTER OF : 6 S/K Mt. Kemble Associates, LLC : 7 350 Mt. Kemble Ave B.23.02/L5 TH-1 Zone : 8 Application for Preliminary Major Site : 9 Plan and Final Major Site Plan for : 10 Inclusionary residential housing : 11 Development consisting of 96 Multifamily : 12 Units and related site improvements : 13 14 B E F O R E : 15 THE HARDING TOWNSHIP PLANNING BOARD 16 THERE BEING PRESENT: 17 RICH CLEW, CHAIRMAN 18 DAVID CHIPPERSON, VICE CHAIRMAN 19 NIC PLATT, MAYOR/DESIGNEE 20 CHRIS YATES, TOWNSHIP COMMITTEE (ABSENT) 21 THOMAS dePOORTERE, MEMBER 22 NIK BJORKEDAL, MEMBER 23 ROBERT J. EDGAR, MEMBER 24 ALF NEWLIN, MEMBER 25 TRACEY WALTERS, ALTERNATE #1 (ABSENT) GWENN CLAYTOR, ALTERNATE #2</p>	<p>Page 3</p> <p>1 (Recording begins) 2 CHAIRMAN CLEW: All right. Can you all hear 3 me? 4 VICE-CHAIRMAN CHIPPERSON: Yes. 5 CHAIRMAN CLEW: Okay. All right. Let's call 6 the meeting to order. Adequate notice of this 7 in-person meeting of the Harding Township Planning 8 Board was given as follows: Notice was sent to the 9 Daily Record and the Observer Tribune January 26th, 10 2021, posted on the township webpage, calendar, and 11 bulletin board, and filed with the Clerk's Office 12 located in Township Hall at 21 Blue Mill Road. Notice 13 indicated that formal action may be taken. 14 Lori, can I get a roll call? 15 SECRETARY TAGLAIRINO: Yes. Mr. Chipperson? 16 VICE-CHAIRMAN CHIPPERSON: Here. 17 SECRETARY TAGLAIRINO: Mr. Clew? 18 CHAIRMAN CLEW: Here. 19 SECRETARY TAGLAIRINO: Mr. Edgar is -- 20 MS. CLAYTOR: He's right outside. 21 SECRETARY TAGLAIRINO: -- here? Okay. 22 Mr. dePortere? 23 MR. DEPORTERE: Here. 24 SECRETARY TAGLAIRINO: Mr. Newlin? 25 MR. NEWLIN: Here.</p>
<p>APPEARANCES:</p> <p>Page 2</p> <p>1 2 GARY HALL, ESQUIRE 3 Counsel for the Planning Board 4 5 DEREK ORTH, ESQUIRE 6 INGLESINO, WEBSTER, WYCISKALA & TAYLOR, LLC 7 600 Parsippany Road, Suite 204 8 Parsippany, New Jersey 07054 9 Counsel for the Applicant 10 11 A L S O P R E S E N T : 12 LORI TAGLAIRINO, Board Secretary 13 PAUL FOX, Board Engineer 14 MCKINLEY MERTZ, Board Planner 15 16 W I T N E S S E S 17 NOAH CHRISMER 18 ADAM ALEXANDER 19 BRAD BOHLER 20 CHRIS BURGESS 21 JACK RAKER 22 CHARLES HEYDT 23 24 25</p>	<p>Page 4</p> <p>1 SECRETARY TAGLAIRINO: Mr. Bjorkedal? 2 MR. BJORKEDAL: Here. 3 SECRETARY TAGLAIRINO: Ms. Claytor? 4 MS. CLAYTOR: Here. 5 SECRETARY TAGLAIRINO: Mr. Yates is excused. 6 I understand Mr. Platt is going to be late. And 7 Ms. Walters is excused. And, boy, roll call went a 8 whole lot faster than on Zoom. 9 MR. JONES: Are you noting me as -- 10 SECRETARY TAGLAIRINO: Oh, by the way -- 11 MR. JONES: -- Mr. Yates' replacement? 12 SECRETARY TAGLAIRINO: I'm sorry, and -- no, 13 I wasn't, but I will. Mr. Jones -- 14 MR. JONES: Appreciate it. 15 SECRETARY TAGLAIRINO: -- is here in place of 16 Mr. Yates from the Township Committee. 17 MR. JONES: Thank you. 18 SECRETARY TAGLAIRINO: Thank you, Mr. Jones, 19 I'm sorry. 20 MR. JONES: No, no worries. 21 CHAIRMAN CLEW: All right. Thank you, Lori. 22 The first item of business is the minutes of our 23 June 28th meeting. They're enclosed in your pack. Are 24 there any amendments or corrections to the minutes? 25 Hearing none, can I get a motion to move the minutes?</p>

<p style="text-align: right;">Page 5</p> <p>1 UNIDENTIFIED: I'll move it.</p> <p>2 VICE-CHAIRMAN CHIPPERSON: And a second?</p> <p>3 UNIDENTIFIED: Second.</p> <p>4 CHAIRMAN CLEW: All right. All in favor say</p> <p>5 aye.</p> <p>6 (Chorus of ayes)</p> <p>7 CHAIRMAN CLEW: All opposed same sign. All</p> <p>8 right, the minutes are passed.</p> <p>9 All right. Next item, we have Resolution</p> <p>10 PB08-2021, retaining Larry Weiner as an ecologist for</p> <p>11 the Mt. Kemble Associates Application Number PB01-21.</p> <p>12 Those I think people should have in front of them.</p> <p>13 And, Lori, did we provide a copy of this to</p> <p>14 the Mt. Kemble team?</p> <p>15 SECRETARY TAGLAIRINO: I did not. I don't</p> <p>16 know -- I can't remember if I did. I'll have a copy --</p> <p>17 we have an extra copy somewhere.</p> <p>18 CHAIRMAN CLEW: Okay.</p> <p>19 SECRETARY TAGLAIRINO: Okay.</p> <p>20 CHAIRMAN CLEW: So we discussed this in</p> <p>21 session last month, passed the oral resolution. This</p> <p>22 is a written resolution asking Larry Weiner Landscape</p> <p>23 Associates to help us with an ecological review of the</p> <p>24 KRE Application, the funds not to exceed \$17,500 as per</p> <p>25 normal, but the expected -- where is the expected --</p>	<p style="text-align: right;">Page 7</p> <p>1 CHAIRMAN CLEW: Okay, moved and second. All</p> <p>2 right. All in favor say aye.</p> <p>3 (Chorus of ayes)</p> <p>4 CHAIRMAN CLEW: All opposed? Okay, that</p> <p>5 carries.</p> <p>6 All right. A couple of administrative items</p> <p>7 from me. First up, it is 2022 budget season. I know</p> <p>8 some of us may still be stuck in 2019 and pre-pandemic,</p> <p>9 but now we have to think about what's going to happen</p> <p>10 next year. So looking for suggestions from the</p> <p>11 Planning Board and from our Planner and from our</p> <p>12 Engineer and our attorney in terms of things to</p> <p>13 include.</p> <p>14 McKinley, I know we had a number of things on</p> <p>15 the list at the beginning of this year, which we should</p> <p>16 come back to and have a look at which ones we want to</p> <p>17 pursue for next year. My recollection from the</p> <p>18 discussion in March or April -- I think it was March --</p> <p>19 around the new state requirement around climate change</p> <p>20 is that that is on hold kind of pending further</p> <p>21 clarification, but I don't know if there's anything we</p> <p>22 want to come back to for that, for 2022.</p> <p>23 MS. MERTZ: In terms of the climate action,</p> <p>24 none of that will be triggered until the Township</p> <p>25 decides to do a land use element, an update to your</p>
<p style="text-align: right;">Page 6</p> <p>1 what we've actually agreed number?</p> <p>2 UNIDENTIFIED: It was 6,400.</p> <p>3 CHAIRMAN CLEW: 6,400 is the actual number.</p> <p>4 And, Lori, do we have -- did we get the escrow for that</p> <p>5 at this point?</p> <p>6 SECRETARY TAGLAIRINO: We have the funds, we</p> <p>7 will provide a purchase order, and then we can proceed</p> <p>8 with Mr. Weiner.</p> <p>9 CHAIRMAN CLEW: Okay.</p> <p>10 SECRETARY TAGLAIRINO: Richie, just to let</p> <p>11 you know, too, in yours, because yours is a single set,</p> <p>12 we do -- we'll need your signature --</p> <p>13 CHAIRMAN CLEW: Okay.</p> <p>14 SECRETARY TAGLAIRINO: -- on the contract,</p> <p>15 and I will sign as well.</p> <p>16 CHAIRMAN CLEW: Okay.</p> <p>17 SECRETARY TAGLAIRINO: Okay.</p> <p>18 CHAIRMAN CLEW: Okay. Where it says signed</p> <p>19 by Lori Taglairino?</p> <p>20 SECRETARY TAGLAIRINO: Yes.</p> <p>21 CHAIRMAN CLEW: Okay. All right. Are there</p> <p>22 any questions? Any comments from members present?</p> <p>23 Okay. Can I have a motion to adopt this resolution?</p> <p>24 UNIDENTIFIED: So moved.</p> <p>25 UNIDENTIFIED: I'll second.</p>	<p style="text-align: right;">Page 8</p> <p>1 current one. Because you just did a reexam last year,</p> <p>2 in the eyes of the land use law, you're totally good.</p> <p>3 I can say our office has started doing them for some</p> <p>4 other communities, so we're starting to have an idea of</p> <p>5 the time, effort, budget that goes into them.</p> <p>6 However, unless the Township -- and we can</p> <p>7 obviously talk about this more later, but unless the</p> <p>8 Township wants to update the land use element this</p> <p>9 year, it's not worth worrying about yet.</p> <p>10 CHAIRMAN CLEW: Okay. Another -- I don't</p> <p>11 have the rest of that list pulled up in front of me,</p> <p>12 but we should have another look at it, and we can</p> <p>13 review that kind of between now and the next meeting</p> <p>14 and come back --</p> <p>15 MS. MERTZ: I think Art did a --</p> <p>16 CHAIRMAN CLEW: -- and bring this up for</p> <p>17 discussion?</p> <p>18 MS. MERTZ: -- pretty good job putting</p> <p>19 something together last year --</p> <p>20 CHAIRMAN CLEW: Yeah.</p> <p>21 MS. MERTZ: -- in terms of priorities, so --</p> <p>22 CHAIRMAN CLEW: Yeah.</p> <p>23 MS. MERTZ: -- we'll take a look between now</p> <p>24 and then and come back.</p> <p>25 CHAIRMAN CLEW: Okay.</p>

<p style="text-align: right;">Page 9</p> <p>1 MS. MERTZ: Absolutely.</p> <p>2 CHAIRMAN CLEW: All right. And if there are</p> <p>3 other suggestions or additions, or if the Township</p> <p>4 Committee has anything specifically that you would like</p> <p>5 the Planning Board to look at, can you let us know?</p> <p>6 UNIDENTIFIED: We will bring that back to</p> <p>7 you. Absolutely.</p> <p>8 CHAIRMAN CLEW: All right.</p> <p>9 UNIDENTIFIED: Or send that back to you,</p> <p>10 however you want to --</p> <p>11 CHAIRMAN CLEW: That would be great. Okay.</p> <p>12 Any comments from the board on that? No? All right.</p> <p>13 Next item of business, the professional</p> <p>14 evaluation submissions. So this is the time of year</p> <p>15 where we do a review of all of our professionals. And,</p> <p>16 Lori, did we send out a form or guide, or did we just</p> <p>17 --</p> <p>18 SECRETARY TAGLAIRINO: I did send out a form.</p> <p>19 Did everybody receive them? Because I did send them.</p> <p>20 You can send them back to Rich and then -- either for</p> <p>21 August or September. When do the contracts go out? We</p> <p>22 will do an executive session, go over them, and then,</p> <p>23 you know, contact the Town with our decisions and give</p> <p>24 contracts.</p> <p>25 CHAIRMAN CLEW: Okay.</p>	<p style="text-align: right;">Page 11</p> <p>1 I did wear my nicest tie this evening, and hopefully it</p> <p>2 meets with your preferences there.</p> <p>3 My name is Derek Orth. I'm a partner in the</p> <p>4 Law Firm of Inglesino, Webster, Wyciskala & Taylor, and</p> <p>5 I'm here covering tonight for my partner, John</p> <p>6 Inglesino. He has not been deposed. All is well. He</p> <p>7 just has an unavoidable conflict this evening, so I've</p> <p>8 been sent here to cover in his stead. The Board may</p> <p>9 recall, I did handle the initial completeness review,</p> <p>10 but of course, that was virtual.</p> <p>11 This is our fourth hearing before the Board.</p> <p>12 We've also had two site visits, the most recent of</p> <p>13 which was Saturday the 17th. I heard it was a hot day,</p> <p>14 but I hope it was helpful for the Board in the review</p> <p>15 of the application this evening.</p> <p>16 In anticipation of the hearing this evening,</p> <p>17 we have submitted a revised architectural set, which</p> <p>18 provides some additional details on bike storage and</p> <p>19 trash enclosures. We have otherwise not modified our</p> <p>20 architectural plans. We also submitted more</p> <p>21 pertinent two lighting plans exhibits, both prepared</p> <p>22 by Bohler Engineering, dated July 16th, 2021.</p> <p>23 One lighting exhibit is compliant with</p> <p>24 Harding's lighting requirements but for an LED waiver,</p> <p>25 and does not otherwise require any design waivers. The</p>
<p style="text-align: right;">Page 10</p> <p>1 SECRETARY TAGLAIRINO: All right.</p> <p>2 UNIDENTIFIED: I think you're safe until</p> <p>3 September.</p> <p>4 SECRETARY TAGLAIRINO: September, I think,</p> <p>5 right?</p> <p>6 UNIDENTIFIED: Yeah.</p> <p>7 CHAIRMAN CLEW: And, Lori, remind me -- or</p> <p>8 Tim, remind me, when do we need to submit budget?</p> <p>9 MR. DEPORTERE: That's on Lori's desk more</p> <p>10 than mine.</p> <p>11 SECRETARY TAGLAIRINO: It will -- so if we're</p> <p>12 going to have ideas, and we come back in August, we are</p> <p>13 going to have to get quotes for those ideas, if we're</p> <p>14 going to move forward with them, and we have to decide</p> <p>15 the budget in September.</p> <p>16 CHAIRMAN CLEW: Okay.</p> <p>17 SECRETARY TAGLAIRINO: Okay? By September.</p> <p>18 CHAIRMAN CLEW: Okay. So any ideas in August</p> <p>19 and formal budget review and submission in September?</p> <p>20 Yeah? Okay. All right. That is all I have for old</p> <p>21 business. I think we will now move to the Mt. Kemble</p> <p>22 Associates application for this evening.</p> <p>23 MR. ORTH: Is this on? There we go. Good</p> <p>24 evening, Mr. Chairman and members of the Board.</p> <p>25 Special call out to the Mayor. Good to see you again.</p>	<p style="text-align: right;">Page 12</p> <p>1 alternate lighting exhibit has a reduced number of</p> <p>2 fixtures and requires some design waiver relief. The</p> <p>3 applicant is happy to take direction from the Board on</p> <p>4 the preferred lighting design in this regard.</p> <p>5 Notably, after hearing the Board's concerns</p> <p>6 with regard to noise emanating from Route 287, the</p> <p>7 applicant has agreed to install a 15-foot sound wall to</p> <p>8 reduce the traffic noise from Route 287. While there</p> <p>9 will undoubtedly be considerable expense associated</p> <p>10 with this improvement, we heard the Board's concerns in</p> <p>11 this regard and we are happy to be able to accommodate</p> <p>12 them.</p> <p>13 With respect to the testimony this evening,</p> <p>14 we are very hopeful that we will be able to conclude</p> <p>15 our affirmative case. We have a number of witnesses</p> <p>16 for the Board's consideration. The first is Noah</p> <p>17 Chrismer, who is a director at KRE Group. Noah is an</p> <p>18 owner's rep and will summarize in more detail the plan</p> <p>19 revisions that the applicant has made in order to</p> <p>20 address the Board's concerns.</p> <p>21 We will then recall Adam Alexander, our</p> <p>22 lighting and landscape expert, to testify regarding the</p> <p>23 lighting plan and landscaping considerations.</p> <p>24 Next, we will call Brad Bohler, our civil</p> <p>25 engineer, who will testify regarding the sound wall,</p>

<p style="text-align: right;">Page 13</p> <p>1 and also review the grade issues which have triggered 2 the C Variance relief for Buildings 2 and 7, and Mr. 3 Bohler will also briefly review professional reports 4 which have been generated in connection with this 5 application. 6 Our next witness will be Jack Raker of 7 Minno & Wasko, who will provide a brief description of 8 the revisions that we made to our architectural plans, 9 and also discuss the material board, which is sitting 10 right over to my left, which we submitted about two 11 weeks ago. 12 Finally, our planner, Charles Heydt. Charles 13 will provide planning testimony regarding the bulk 14 variance relief for Buildings 2 and 7. 15 As I said, it is our hope to conclude our 16 affirmative testimony this evening. We have prepared 17 an efficient and streamlined presentation, and we look 18 forward to beginning that before the Board tonight. 19 So without further ado, I'd like to call my 20 first witness, Noah Chrismer, to the stand. 21 NOAH CHRISMER, APPLICANT'S WITNESS, SWORN 22 MR. ORTH: And as Mr. Chrismer testifies, he 23 won't have any exhibits showing other than our general 24 site plan exhibit, but the following witnesses will 25 have some additional exhibits to show to the Board, So</p>	<p style="text-align: right;">Page 15</p> <p>1 overview of the testimony he's going to present this 2 evening. So, Mr. Chrismer, what is your position at 3 KRE? 4 MR. CHRISMER: Director of Planning and 5 Entitlements. 6 MR. ORTH: And have you been handling this 7 application? 8 MR. CHRISMER: I have. 9 MR. ORTH: So you're familiar with the plans 10 that we've submitted? 11 MR. CHRISMER: Intimately. 12 MR. ORTH: Okay. So, Mr. Chrismer, why don't 13 you provide the Board with a factual overview of the 14 plan revisions that we made and other accommodations to 15 address the Board's concerns since the last hearing? 16 MR. CHRISMER: Sure. Thanks, Derek, and hi 17 to the Board. First, I want to say I'm glad that we 18 were able to get out and do a good path on the site 19 walk. I think that was really helpful, and I 20 appreciated the time everybody took. I'm glad it went 21 better than the first one, where we were lucky not to 22 lose a member of the Board. So that went well. 23 I'm also glad that we're here in person. The 24 last year and a half, for folks who do what we do, has 25 been tough to do over Zoom. So happy to be here in</p>
<p style="text-align: right;">Page 14</p> <p>1 -- 2 UNIDENTIFIED: And will you spell your name 3 for us, please? 4 MR. CHRISMER: Sure, It's Noah, N-O-A-H, like 5 the ark, Chrismer, C-H-R-I, S as in Sam, M as in Mary, 6 E as in Edward, R as in Robert. 7 UNIDENTIFIED: Thank you. 8 MR. CHRISMER: You got it. 9 MR. ORTH: Is there any possibility we could 10 grab that microphone and -- 11 SECRETARY TAGLAIRINO: Yes, absolutely. I'll 12 have to turn it on for you. All right. We do have -- 13 and I do have an extra one that's over here, too. I 14 wasn't sure where everybody was going to sit, so this 15 is -- 16 MR. ORTH: Whatever you -- 17 SECRETARY TAGLAIRINO: If you're more 18 comfortable this way -- 19 MR. CHRISMER: Perfect. Okay, great. 20 SECRETARY TAGLAIRINO: All right. And if you 21 need this -- 22 CHAIRMAN CLEW: Thank you, Lori. 23 MR. ORTH: So Mr. Chrismer is not testifying 24 as an expert, but I will provide -- or I'll ask him to 25 provide the benefit of his position at KRE and an</p>	<p style="text-align: right;">Page 16</p> <p>1 front of everybody. I actually thought that was one of 2 the nicer things about the site walk was just getting 3 to get together with everybody. 4 I wanted to address just a small handful of I 5 think some of the most important items that have been 6 on the Board's mind as we've gone through these 7 hearings, and they relate to the sound wall, to the 8 height variance that we are seeking on Buildings 2 and 9 7, to the landscape plan, and in particular to how the 10 protected areas of the site can be better managed and 11 protected, in particular, the buffer with our 12 landscaping, and then also lighting. 13 And I thought that it'd be helpful if I just 14 gave a little overview of that. Our professionals 15 certainly will come in with the technical testimony on 16 each of those items. 17 SECRETARY TAGLAIRINO: Excuse me. I just 18 would like to say for the record that Mr. Platt has 19 arrived. 20 MR. CHRISMER: Hello, Mr. Platt. Mr. Platt, 21 I was just giving a quick overview and a little 22 testimony on the things that we hope to address this 23 evening with respect to height variance, landscape, 24 lighting, sound wall, and some of the more important 25 concerns that we've heard from this Board that we want</p>

<p style="text-align: right;">Page 17</p> <p>1 to handle tonight.</p> <p>2 MR. PLATT: Excellent. Thank you.</p> <p>3 MR. CHRISMER: Yep. So first I want to start</p> <p>4 with the height variance. As everybody knows, there</p> <p>5 are two buildings, and this will be about the only time</p> <p>6 I stand up, except for the sound wall. There are two</p> <p>7 buildings -- this is portable -- for which we're</p> <p>8 requiring a height variance. Building 7 here, and we</p> <p>9 walked the four corners of this building, everybody</p> <p>10 remember on the site walk, and Building 2, the short</p> <p>11 building just next to that there.</p> <p>12 I think critical in thinking about the height</p> <p>13 variance is that this is really a technical variance</p> <p>14 driven by the Harding ordinance, which is fine, that</p> <p>15 requires the building height to be taken from the lower</p> <p>16 of the existing average grade on the site or the</p> <p>17 proposed average grade on the site.</p> <p>18 When we applied that standard per Mr. Fox's</p> <p>19 review, we ended up with a handful of buildings in a</p> <p>20 variance condition, and we've worked hard to eliminate</p> <p>21 or reduce those variances on every one. What we're</p> <p>22 left with are two buildings that are just shy of 4 feet</p> <p>23 in excess of the allowable height in the zone, and both</p> <p>24 are the result of the existing average grade under</p> <p>25 those buildings being lower than the proposed average</p>	<p style="text-align: right;">Page 19</p> <p>1 the stoop to the peak of the roof is 39.9 inches. The</p> <p>2 zoning allows for three stories and 45 feet. So we</p> <p>3 are, just taken from a building perspective,</p> <p>4 approximately five feet below what the zoning ordinance</p> <p>5 would have allowed.</p> <p>6 Brad will talk to some of the technical parts</p> <p>7 of the site and the challenges of the site that give</p> <p>8 rise to the variance, some relating to grading and</p> <p>9 stormwater as we looked at on our site walk, so that'll</p> <p>10 be some of the more technical, you know, part of the</p> <p>11 testimony. And then just lastly, just to know, as we</p> <p>12 worked hard to get rid of this, we changed the pitches</p> <p>13 on the roof. We didn't decrease them too much because</p> <p>14 we think they're a very attractive element of the</p> <p>15 homes, but we did change the pitches of the roof. We</p> <p>16 did take out a foot from the floor plate on the third</p> <p>17 floor, in an effort to bring these buildings down as</p> <p>18 low as we could go. So that's on the height variance.</p> <p>19 MR. HALL: Is that just on the two buildings</p> <p>20 that you changed that, or all of them?</p> <p>21 MR. CHRISMER: All, Mr. Hall, because --</p> <p>22 MR. HALL: Okay.</p> <p>23 MR. CHRISMER: -- we wanted to -- thank you</p> <p>24 for the question. We wanted to maintain a consistent</p> <p>25 look throughout the development.</p>
<p style="text-align: right;">Page 18</p> <p>1 grade.</p> <p>2 Every single building on this site is</p> <p>3 39.9 inches, taken from the front stoop. Every one.</p> <p>4 There is no difference in the height of any of these</p> <p>5 buildings. In fact, Building 2, which requires a</p> <p>6 variance, and sits right next door to Building 1,</p> <p>7 they're the same height, and Building 1 does not</p> <p>8 require a variance. Building 1 also I think</p> <p>9 importantly sits between Building 2 and our closest</p> <p>10 residential neighbor. In fact, Building 2 is about 150</p> <p>11 feet from the property line there.</p> <p>12 So we think that, one, it's -- something</p> <p>13 technical in the ordinance is giving rise to this, and</p> <p>14 we understand that and it's fine, but we wanted to make</p> <p>15 the point that each building, as it sits on the street,</p> <p>16 is the same height, and that in fact Building 2 and</p> <p>17 Building 7 being to the interior of the site have no</p> <p>18 negative impact we feel on the neighbors. So we wanted</p> <p>19 to lay that out with respect to building height.</p> <p>20 MR. ORTH: And I think as was heard at the</p> <p>21 last hearing, at the time we entered into the</p> <p>22 settlement agreement, we did not have topo for the</p> <p>23 site.</p> <p>24 MR. CHRISMER: That's correct, and I think</p> <p>25 that -- in fact, it's interesting, every building from</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. HALL: Okay.</p> <p>2 MR. CHRISMER: Yes. Thank you. So moving on</p> <p>3 to landscape, our current landscape plan that was</p> <p>4 submitted has two non-native species in it. I went</p> <p>5 back and reviewed this. So we have a Norway spruce,</p> <p>6 and we have a Leland cypress. Those account for 42 of</p> <p>7 the plantings on the site. We also have a non-native</p> <p>8 grass, which I think is an additional nine plantings.</p> <p>9 None of our species are invasive species, and</p> <p>10 even the non-native species are those that are</p> <p>11 considered by DEP to be acceptable. That said, if the</p> <p>12 Township's ecological consultant would like to</p> <p>13 substitute like plantings that are native, we will do</p> <p>14 that immediately.</p> <p>15 So we can eliminate -- if it is the Board and</p> <p>16 their ecological consultant's prerogative, we will</p> <p>17 eliminate all non-native species on this site and</p> <p>18 provide 100 percent native species plantings on the</p> <p>19 site, including the grasses and the trees.</p> <p>20 Secondly, we understood from the site walk,</p> <p>21 and I think, Alf, from some of the questions that</p> <p>22 you've asked in the hearings, that promoting a healthy</p> <p>23 buffer to the deed restricted and protected wetlands is</p> <p>24 very important for this Board. And so we are committed</p> <p>25 to working with and will work with your ecological</p>

<p style="text-align: right;">Page 21</p> <p>1 consultant on not just the short-term items, which are 2 replace the plantings with native species, if that is 3 the Board's prerogative, but also on long-term 4 management and landscape management plan. 5 So, in particular, for items around the 6 buffer of this site on our property where folks may 7 have a lawn, but with the sunlight coming down, as we 8 heard, invasive species may be more apt to grow and 9 therefore potentially invade these deed restricted 10 areas, we'll have an active landscape management plan 11 that your ecological consultant can approve. And if 12 that ecological consultant wants to come once a year, 13 inspect the property, make recommendations, we'll have 14 -- ownership will be bound and committed to having a 15 landscaper fulfill those duties. Okay, so -- 16 UNIDENTIFIED: I'm sorry. What's the current 17 landscape plan? What plans are you using? 18 MR. CHRISMER: Oh, so the landscape plan -- 19 lighting and landscaping I think are in the 700s -- 20 UNIDENTIFIED: Right, make sure we all know 21 what's (indiscernible). 22 MR. CHRISMER: We -- so I should say, we will 23 have -- when we get to landscape, our consultants will 24 specifically call out which plan. 25 UNIDENTIFIED: Okay. Thank you.</p>	<p style="text-align: right;">Page 23</p> <p>1 are committed to doing a sound wall. We heard the 2 Board's perspective on that, and frankly, being out 3 there, it's the right thing to do for the future 4 residents of Harding who are going to live close to 287 5 there. So we're committed to a 15-foot high sound 6 wall. 7 That sound wall's going to extend about 550 8 linear feet. As the Board saw on our site walk, we are 9 stopping that wall when we hit the ecological 10 constraints, namely the buffer for the wetlands, and so 11 there will be a small gap there between the existing 12 wall on 287 and where we have to leave off at the 13 wetlands buffer. And that's basically the wall. I 14 mean, I think that we're happy that we can make that 15 happen, and we're happy that it's the right thing to 16 do, having listened to the Board, and -- 17 UNIDENTIFIED: I'm sorry, just for a second, 18 north -- 19 MR. CHRISMER: Sure, thank you. Yeah. 20 UNIDENTIFIED: -- of the ecological buffer 21 or -- 22 UNIDENTIFIED: You know -- can we give him 23 the pointer, or -- 24 MR. CHRISMER: Oh, good. 25 SECRETARY TAGLAIRINO: The pointer's here.</p>
<p style="text-align: right;">Page 22</p> <p>1 MR. CHRISMER: I just wanted to give an 2 overview. Yeah. 3 UNIDENTIFIED: As of now, I have C701 dated 4 1/22. Is that -- 5 MR. CHRISMER: The 700s are lighting and 6 landscaping, yes. 7 UNIDENTIFIED: That will be revised. 8 MR. CHRISMER: Yes, if -- 9 UNIDENTIFIED: All right. 10 MR. CHRISMER: Yes, absolutely. If it's the 11 Board's prerogative. 12 MR. ORTH: Right. As I think what 13 Mr. Chrismer was offering, if the Board would like to 14 impose a condition of approval that the landscape plan 15 be reviewed and modified by the Board's ecological 16 consultant, we can add a -- happy to add a note to the 17 plans to indicate that. 18 MR. CHRISMER: Absolutely. So that would 19 deal with plant substitutions in the short term for 20 native species, and then longer term resource 21 ecological management around the buffer area of the 22 site, which it seems is important to the Board, and we 23 understand that. 24 Next I'd like to hit on the sound wall. As 25 we saw on our site walk, and as Derek referred to, we</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. CHRISMER: The pointer works? The yellow 2 one. Good. So the sound wall will go from about this 3 area here 550 feet to the wetlands buffer, which is 4 somewhere in the area here, and Brad can testify to 5 that more specifically, but it's somewhere in the area 6 behind Building 7. And it's 550 linear feet in that 7 area there. 8 UNIDENTIFIED: And you're -- if you're going 9 to cover this later, just tell me, but are you 10 prohibited from having it all the way up or -- 11 MR. CHRISMER: From going into the wetlands, 12 yeah. We'll have -- Brad will testify to that. And 13 again we're keeping this on our property. So this -- 14 we understand that DOT is not a fan of these, won't pay 15 for these, et cetera, so we're going to keep this on 16 our property. We'll landscape in front of it, as 17 you'll see when Brad goes through his testimony. 18 UNIDENTIFIED: What about any kind of barrier 19 to keeping pets from entering 287? Is there a barrier, 20 a chain link fence that can go up to keep that from 21 happening? 22 MR. CHRISMER: Good. So I'll let -- pardon 23 me. I'll let Brad testify to that. Certainly the 24 15-foot high sound wall, I hope, unless somebody is 25 keeping a giraffe in their backyard, let's hope that</p>

<p style="text-align: right;">Page 25</p> <p>1 that keeps them off of that road, but in an area where 2 there's a break, one, I'll just commit from ownership, 3 we're happy to put a fence there, if not already 4 proposed in an appropriate place. 5 UNIDENTIFIED: Okay, good. 6 MR. CHRISMER: Yeah. Okay. So that was 7 height, that was landscape, that was sound wall, and 8 then lastly, I'd just like to touch on lighting. So we 9 started our application with a plan that had 49 lamps 10 on this site and required six waivers. One of those 11 waivers we will still request regardless of what 12 lighting plan we end up with, because that's a waiver 13 allowing us to do LED lighting on the site, which I 14 think is better for everybody from an energy 15 perspective, from how they can dim, et cetera. 16 We now have submitted two plans for the 17 Board's review, and we are agnostic to which you 18 choose. We feel both plans provide safe lighting on 19 the site for our residents, for those who are going to 20 be walking, for their children, for cars pulling in and 21 out of the driveways. 22 The first plan is a fully compliant plan with 23 your ordinance save for that one LED waiver. It has 46 24 lamps on it. They are dimmed between 25 and 85 percent 25 in order to meet the foot candles as required by the</p>	<p style="text-align: right;">Page 27</p> <p>1 and now they are. And they're a quaint look and 2 they're also hooded on top. 3 All of the lights are dark sky compliant. So 4 we've reduced the number of lamps, we've reduced the 5 height of them, they're dark sky compliant. We've used 6 dimmers to achieve low light levels on site, which I 7 think you'd be pleased with. 8 And lastly I think -- and this is something 9 that we will just commit to, and that is that we think 10 that there's an opportunity here between -- in the 11 nighttime hours -- and I'll say between 11 p.m. and 12 5 a.m., that we could put all the lights down to 25 13 percent dim, which is like less than moonlight. Put 14 them all down to 25 percent dim, and then put them on 15 motion sensors, so that if somebody were walking their 16 dog at midnight or something like that, and we wanted 17 to protect them, that light could go on for a certain 18 amount of time as they pass through the zone of that 19 light and then it would go off. 20 We think that all those things combined have 21 really decreased -- we don't think that there was light 22 pollution before in this plan, but we think that those 23 things combined have brought us a lot closer to the 24 Board's desires on lighting here. We understand them 25 to be very serious desires. We know Harding has won</p>
<p style="text-align: right;">Page 26</p> <p>1 ordinance, and again that is a fully-compliant plan 2 under your zoning ordinance. 3 The second plan brings the number of fixtures 4 down to 38, so that's a reduction of 11 fixtures from 5 the 49-fixture plan that we showed this Board first. 6 It will require two waivers in addition to the LED 7 lighting. They're both waivers for low light levels. 8 We've gone below what your ordinance will allow, and so 9 you'd have to grant a waiver for both of those. And 10 our lighting expert will speak to that. 11 This plan, as you'll hear from our lighting 12 expert, is based on national standards. And what 13 you'll hear is that what we've been able to accomplish 14 with this plan at various dimmer levels on these lights 15 is a smooth, consistent, downlit but safe community. 16 And the lighting plan we think accomplishes that, not 17 just through dimmers, but through a number of other 18 moves that we've taken. 19 So the plans that you had in front of you had 20 lights that were nearly 19 feet high to the top of the 21 fixture. We're now down below 17 and a half, so we've 22 taken a foot and a half off the height of these. We 23 changed the fixture type so that they weren't sort of - 24 - I don't even know how you would describe the previous 25 fixtures, but they were -- they weren't hooded on top</p>	<p style="text-align: right;">Page 28</p> <p>1 awards for dark sky compliance. 2 And so we're hopeful that the Board can take 3 a look at those two plans and make a decision as to 4 which one you would like to go with. And again we'll 5 provide technical -- technical expertise on why the 38- 6 unit plan continues to be safe, but does reduce the 7 amount of fixtures and the amount of light on the site. 8 That's it. I think that there's a couple 9 other things tonight that we'll hit on. You'll hear 10 some of the revised architectural plans. We have now 11 provided add-on for some of the co-units for bike 12 storage and trash storage, which we think is great, and 13 I think we found a good solution for it, to use the 14 exact same materials on it as a slight extension of the 15 building, and we'll walk through that. 16 Brad will walk through a couple other civil 17 items on the plan, including open space. There were 18 some questions about that, that I understand from the 19 last hearing. And just a couple other minor items 20 there. But I wanted to hit on those four or five sort 21 of main key points that we've understood the Board to 22 really be focused on, and hope that this overview was 23 helpful. And then we'll provide some expert testimony 24 to back that up. 25 MR. ORTH: Thank you, Noah. I think that</p>

<p style="text-align: right;">Page 29</p> <p>1 covers all the questions that I had for Mr. Chrismer. 2 Maybe it was only two and then he went off, but that's 3 great. So I tender him over to you, Mr. Chairman, and 4 -- for any questions from the Board and your 5 professionals. 6 CHAIRMAN CLEW: All right. Thank you. Are 7 there any questions from the Board? It sounds like, 8 Mr. Chrismer, most of the things you've talked about 9 we're going to actually dig into all the -- 10 MR. CHRISMER: Yes, sir. 11 CHAIRMAN CLEW: -- details, so is it better 12 for us to ask you or to ask the professionals? 13 MR. CHRISMER: Probably, and I'll be right 14 here. So if there are things that we need to make 15 commitments on, whatever, then, you know, please have 16 me back up and we'll do that real time. 17 CHAIRMAN CLEW: Terrific. All right. 18 MR. CHRISMER: Okay. 19 CHAIRMAN CLEW: Any other questions? 20 UNIDENTIFIED: We're going to ask the 21 professionals. 22 CHAIRMAN CLEW: Yep. All right. 23 MR. CHRISMER: Great. 24 CHAIRMAN CLEW: Thank you very much. 25 MR. CHRISMER: Thank you, Mr. Chairman.</p>	<p style="text-align: right;">Page 31</p> <p>1 UNIDENTIFIED: I was going to save them for 2 when we get into the detail. 3 CHAIRMAN CLEW: Okay. 4 UNIDENTIFIED: If that's okay? 5 CHAIRMAN CLEW: All right. 6 UNIDENTIFIED: There'll be an opportunity -- 7 CHAIRMAN CLEW: Yeah, we'll -- 8 UNIDENTIFIED: Great. Thank you. 9 CHAIRMAN CLEW: Because Gary will remind me, 10 we will definitely open it up at the appropriate time. 11 All right. Thank you, sir. 12 MR. CHRISMER: Thank you, Mr. Chairman. 13 MR. ORTH: Okay. Thank you, Mr. Chairman. 14 And my next witness is Adam Alexander. I'd like to 15 call him to the stand. And Adam is going to be 16 providing, as I said before, the landscape and lighting 17 testimony as an expert in that field. 18 MR. HALL: Does he need to be sworn? Is he 19 already -- 20 MR. ORTH: He was previously under oath. 21 I'll just remind him. 22 Mr. Alexander, you were sworn before? 23 MR. ALEXANDER: Yes. 24 ADAM ALEXANDER, APPLICANT'S WITNESS, PREVIOUSLY SWORN 25 MR. ORTH: Okay. And you remain under oath</p>
<p style="text-align: right;">Page 30</p> <p>1 MR. HALL: (Indiscernible) open to the public 2 for questions -- 3 CHAIRMAN CLEW: I apologize. Gary, thank 4 you. 5 MR. ORTH: We have to -- can we -- we had a 6 very small misspeak. And you want to clear it up? 7 MR. CHRISMER: Well, I said 39.9 feet. Well, 8 no -- I said 39 feet 9 inches. It's 39.9 feet, sorry, 9 for the height of the buildings. 10 CHAIRMAN CLEW: Yeah, I did hear that -- 11 UNIDENTIFIED: Below 40 feet, all of them. 12 Okay? If I could say that. Thanks. 13 CHAIRMAN CLEW: Thank you. I'm sorry. I was 14 going to send you on, but I have messed up once again. 15 Are there any comments or questions from the public at 16 this point? Okay. 17 SECRETARY TAGLAIRINO: All right. Come on 18 up, though, please. 19 MR. HALL: Questions, not comments. 20 CHAIRMAN CLEW: Oh, I'm sorry. Yeah, can -- 21 SECRETARY TAGLAIRINO: Questions only? Do 22 you have a question? 23 UNIDENTIFIED: It's only questions right now. 24 SECRETARY TAGLAIRINO: You have to come on up 25 and use the microphone, though, please.</p>	<p style="text-align: right;">Page 32</p> <p>1 then. And why don't you provide the Board just a 2 refresher with who you work for and your professional 3 licenses. 4 MR. ALEXANDER: Sure. Good evening. Again, 5 Adam Alexander, Director of Landscape Architecture with 6 Bohler. I've been practicing landscape architecture 7 for over 20 years. 8 MR. ORTH: And you prepared the landscape and 9 the revised lighting plans that we submitted to the 10 Board for consideration. 11 MR. ALEXANDER: Yes, sir. 12 MR. ORTH: Great. And -- 13 UNIDENTIFIED: Just for clarification, was it 14 just lighting or also landscaping? 15 MR. ORTH: We only submitted revised lighting 16 plans. 17 UNIDENTIFIED: Just because what you just 18 said that -- 19 MR. ORTH: Yes. He's also going to provide - 20 - Mr. Chrismer here indicated some factual testimony in 21 terms of the taking care of invasive species, and 22 Mr. Alexander is also going to speak to that as an 23 expert. 24 UNIDENTIFIED: Great. 25 MR. ORTH: Okay. So, Mr. Alexander, why</p>

<p style="text-align: right;">Page 33</p> <p>1 don't you start with the landscape testimony. You 2 previously heard Mr. Chrismer describe the steps that 3 ownership will undertake to ensure that the property is 4 kept in the appropriate state. Can you describe that 5 as an expert? 6 MR. ALEXANDER: Yes, sir. So as previously 7 discussed, there are some restricted areas on the 8 property, wetlands and wetland buffers, but we will 9 manage the invasive species along the forest edge 10 through latent landscape maintenance. Outside the 11 restricted areas, the landscape contractor that's 12 working on the property would maintain or omit those 13 invasive species. We're happy to work with the 14 ecological consultant on strategies for the long-term 15 landscape management plan and any short-term 16 recommendations for plant substitutions that they may 17 have. 18 Some other comments related to the Board's 19 concerns. So as I previously testified, our landscape 20 plan does include some plants that are non-native. And 21 although they are non-native, they are naturalized, as 22 I had previously testified at the previous hearing. 23 The DEP has approved these plants on other 24 applications. However, if the Board sees fit, and 25 working with the ecological consultant, we can omit</p>	<p style="text-align: right;">Page 35</p> <p>1 consultant would like to see native plantings, the 2 applicant will do that. 3 CHAIRMAN CLEW: Okay. 4 UNIDENTIFIED: Yeah. I think, Rich, that at 5 least from my perspective, it's important with what 6 Wiener says in terms of the overall plan. You know, 7 not necessarily 100 percent natives or not, just how 8 does it function, does it support wildlife, does it 9 meet the design goals of the applicant. 10 CHAIRMAN CLEW: Okay. 11 UNIDENTIFIED: The whole package. 12 CHAIRMAN CLEW: Okay. 13 MR. ALEXANDER: Yeah, we're familiar with the 14 consultant's work, so we're more than happy to 15 collaborate with him. If he has suggestions to the 16 plant list, we're more than happy to have that 17 conversation and modify it accordingly. 18 MR. ORTH: And can you tell the Board a 19 little bit about the management plan that we would 20 utilize to keep invasive species from inhabiting the 21 site? 22 MR. ALEXANDER: Sure. Well, our landscape 23 plan, although has non-native species, none of the 24 plants are invasive species. The plants that may be in 25 the forested area, if they are to go into our property,</p>
<p style="text-align: right;">Page 34</p> <p>1 those plants and substitute them with all native plant 2 species. 3 CHAIRMAN CLEW: Sorry, just trying to 4 correlate the two pieces of testimony here. So -- all 5 right. Is there now a commitment to do all native 6 species or is that still up for debate? 7 MR. ALEXANDER: We would take direction from 8 the Board's ecological consultant on that. 9 CHAIRMAN CLEW: Right. 10 MR. ALEXANDER: And if the consultant 11 prepares a report which recommends certain things, 12 we'll review it with -- you know, with the applicant's 13 reps. But we are committed to working with him, doing 14 the appropriate things for the site in terms of 15 plantings. 16 CHAIRMAN CLEW: Okay. So you will plant 17 natives? 18 MR. ALEXANDER: If -- 19 CHAIRMAN CLEW: Is that -- sorry, I'm just 20 trying to correlate -- 21 MR. ALEXANDER: If the ecological 22 consultant -- 23 CHAIRMAN CLEW: -- the testimony I heard 24 earlier was yes. 25 MR. ALEXANDER: Yes, sir. If the ecological</p>	<p style="text-align: right;">Page 36</p> <p>1 typically through a landscape maintenance plan, the 2 landscaper would remove those plants and just be 3 educated on what stays and what goes. And that's 4 something that we -- you know, we've worked with other 5 -- with our clients on in the past and it typically is 6 done as the basic maintenance of a property. 7 MR. ORTH: Okay. And let's turn to the 8 lighting -- 9 UNIDENTIFIED: Are you going to come back to 10 this point at all or should we ask questions as he goes 11 on or -- 12 MR. ORTH: I was going to turn to the 13 lighting plan, but I think it's -- if the Board has 14 questions in terms of landscape, we're -- we should 15 take them now. 16 UNIDENTIFIED: I don't want to do it again. 17 Are we going to come back to this later with Larry or - 18 - 19 CHAIRMAN CLEW: Well, yeah. I mean, I think 20 the -- you know, where we are right now is we've only 21 gotten to the point where we had escrow money, today 22 sometime for Larry, so we can now start that work. And 23 I think it's, you know, the next -- you know, I'm 24 hoping that at the next meeting we can -- 25 UNIDENTIFIED: Actually go into landscaping?</p>

<p style="text-align: right;">Page 37</p> <p>1 CHAIRMAN CLEW: We can actually go into that 2 in detail and see, you know -- we'll have his report, 3 Gary will have had the opportunity to review it and 4 react to it, and then we can have some discussion of it 5 at that point. 6 UNIDENTIFIED: I'm not going to ask questions 7 then. 8 CHAIRMAN CLEW: Okay. 9 MR. ORTH: My hope is that when the 10 ecological consultant comes out with the report, we can 11 come to the next meeting and say we're able to comply 12 with all these things, or we've had a conversation 13 before with the professional and we've agreed to modify 14 the plan in some regard. So that's what our hope is. 15 So we didn't have a lot of testimony for landscaping 16 today. We just wanted to make that affirmative 17 statement on the record. 18 So, Mr. Alexander, why don't you -- 19 UNIDENTIFIED: Just real quick. 20 MR. ORTH: Oh, I'm sorry, sir. 21 UNIDENTIFIED: No, no problem. Based on this 22 site up and down, cuts, fills, elevations, do you have 23 any berms designed for plantings or anything 24 personally, just -- in your landscape plan, excess 25 dirt, this type of thing, yeah, let's throw a two-foot</p>	<p style="text-align: right;">Page 39</p> <p>1 our set. 2 UNIDENTIFIED: (Indiscernible). 3 UNIDENTIFIED: There's just a typical -- 4 UNIDENTIFIED: Typical foundation. 5 UNIDENTIFIED: And what's the plan for the 6 open space between the buildings? For instance, when 7 you have two rears of the buildings up against each 8 other? Is there going to be allowance for homeowners 9 to install fencing around their section? Is that 10 technically open space? 11 MR. ALEXANDER: I'm not familiar with the 12 fencing aspects. Currently the landscaping plan does 13 comply with the requirements, so the rest of the open 14 space is lawn, maintained lawn. The foundation 15 plantings, like you had indicated, that's part of the 16 landscape plan. As far as fencing and that, I don't 17 believe that's part of it, but that's something that 18 Mr. Bohler could also speak to. 19 UNIDENTIFIED: But is there -- for instance, 20 does the individual homeowner of the unit, do they have 21 control over the open area behind their unit if they 22 wanted to install their own plantings, if they wanted 23 to fence in their portion of that backyard, if they 24 wanted to build a patio? What's the overall plan for 25 the community?</p>
<p style="text-align: right;">Page 38</p> <p>1 berm here, three-foot berm here, plant trees on top. 2 I'm getting a no here, but I just want to make sure 3 that quote/unquote up against the DOT wall or whatever, 4 the sound wall, that's one thing. But out in 5 landscaped areas, open things, all of a sudden there 6 appears a berm here, left, right, or whatever. I'm 7 just -- have you had any berms in the design 8 whatsoever? Is it more or less a flat site? 9 MR. ALEXANDER: I would defer to our civil 10 engineer, Mr. Bohler, as it relates to the grades of 11 the site. 12 UNIDENTIFIED: If I could ask one question. 13 We previously discussed how the current landscape plan 14 does not provide for any plantings around the 15 buildings. There's no details on that. Is there going 16 to be something coming from your office on that? 17 MR. ALEXANDER: I believe there is a 18 landscape plan for the units. 19 UNIDENTIFIED: Okay. 20 MR. ALEXANDER: Like a typical foundation 21 landscaping plan that could be utilized for all the 22 buildings. 23 UNIDENTIFIED: (Indiscernible) that be 24 submitted -- okay. 25 MR. ALEXANDER: Yeah, which is included in</p>	<p style="text-align: right;">Page 40</p> <p>1 MR. ALEXANDER: The applicant will not permit 2 fences to be installed. The patios will be constructed 3 per the plans. 4 UNIDENTIFIED: So that's going to be limited 5 to what we're approving here at the Board. 6 MR. ALEXANDER: That's correct. 7 UNIDENTIFIED: Okay. 8 UNIDENTIFIED: Can I also ask, now that 9 you've committed to the sound wall and there is a gap, 10 what is the distance between the new wall and the 11 existing DOT wall? And do you have any additional 12 plans for plantings or (indiscernible) for the purpose 13 of sound attenuation? 14 MR. ALEXANDER: Well, Mr. Bohler, will -- I 15 guess will be sharing an exhibit of the sound wall. 16 The sound wall hasn't been fully detailed, but 17 additional landscaping would be provided. As far as 18 the length and the gap, I'm not able to speak to that. 19 UNIDENTIFIED: But I'm talking particularly 20 for the gap itself, not the wall. Is there any 21 thoughts of plantings that might help with the sound in 22 that space? 23 MR. ALEXANDER: Potentially. I mean, we are 24 showing some landscaping. The height and the location 25 is to be determined.</p>

<p style="text-align: right;">Page 41</p> <p>1 CHAIRMAN CLEW: So is that something that 2 we're going to come back to the next meeting, when we 3 hear the rest of this, that we're going to delve into? 4 MR. ALEXANDER: Again, yeah, after we receive 5 the report from the ecological consultant, we'll have 6 that dialogue with them, and we'll have an updated 7 landscape plan if there's comments that come in to -- 8 CHAIRMAN CLEW: Okay. But the -- 9 MR. ALEXANDER: -- to respond to the wall and 10 to the plant species. 11 CHAIRMAN CLEW: So the design that we have to 12 date doesn't have any -- doesn't contemplate anything 13 getting planted along that stretch, correct? 14 MR. ALEXANDER: Right. Mr. Bohler will 15 testify as to that. 16 CHAIRMAN CLEW: Okay. Okay. Okay. So 17 should we just stop asking you questions about 18 landscaping? 19 MR. ALEXANDER: We're happy to take any 20 questions as -- 21 CHAIRMAN CLEW: Yeah. No, no, I just -- 22 MR. ALEXANDER: -- they may arise -- 23 CHAIRMAN CLEW: I want to make best use of 24 the time. If this is not is not the appropriate person 25 to be asking, then we can move on to whatever's next.</p>	<p style="text-align: right;">Page 43</p> <p>1 to tell you, Mr. Fox called me this afternoon as we 2 were leaving, and I thought they were all in one. And 3 that's what I have. But apparently we only have in the 4 PDF form -- which one do we have, Paul? The alternate 5 or the regular? 6 MR. FOX: That is -- 7 UNIDENTIFIED: The one I see says 8 "alternate," but -- 9 SECRETARY TAGLAIRINO: Alternate. We didn't 10 -- we don't have the -- I had them in the hard copy, 11 but the PDF I only had the -- 12 UNIDENTIFIED: I have the original one right 13 here and then the -- 14 UNIDENTIFIED: So is the original -- 15 CHAIRMAN CLEW: So -- that's the original 16 lighting exhibit from 6/28 or -- 17 MR. ALEXANDER: No. 18 SECRETARY TAGLAIRINO: No, there should be -- 19 UNIDENTIFIED: Oh, I see -- 20 CHAIRMAN CLEW: So there's two -- 21 MR. ORTH: We submitted two -- 22 CHAIRMAN CLEW: Okay. 23 MR. ORTH: -- revised -- we've submitted two. 24 Let me go through it. We submitted lighting exhibits 25 and also the sound wall exhibit and also the revised</p>
<p style="text-align: right;">Page 42</p> <p>1 MR. ORTH: Are there any other questions on 2 landscaping, or may we turn to the lighting plan? 3 CHAIRMAN CLEW: We'll table landscaping for 4 now and move on to the lighting. 5 MR. ORTH: Thank you, Mr. Chairman. 6 Mr. Alexander, you presented two exhibits or 7 we submitted two exhibits that you prepared in 8 connection with the lighting plans for this community. 9 Is that correct? 10 MR. ALEXANDER: Yes, sir. 11 MR. ORTH: And would you please walk the 12 Board through the first lighting exhibit? 13 MR. ALEXANDER: Okay. So -- 14 MR. ORTH: Which is -- 15 UNIDENTIFIED: (Indiscernible) the dates of 16 those first and what we're looking at. 17 MR. ORTH: Both of the lighting exhibits are 18 dated July 16th, 2021. One lighting plan is called -- 19 I have to get my cover letter. I think it was just 20 called lighting plan exhibit. Lighting Exhibit A. The 21 other one is called Alternate Lighting Exhibit A. 22 They're both prepared by Bohler Engineering. We did -- 23 UNIDENTIFIED: Is that all -- sorry. Lori, 24 is that all in one document here? 25 SECRETARY TAGLAIRINO: You know what? I have</p>	<p style="text-align: right;">Page 44</p> <p>1 architectural set. 2 SECRETARY TAGLAIRINO: Right. 3 MR. ORTH: Does the Board have the copies? 4 CHAIRMAN CLEW: So I see the sound wall 5 exhibit. I see the revised architecture. I see an 6 alternate lighting exhibit. I don't see a -- 7 UNIDENTIFIED: Lighting Exhibit A. 8 CHAIRMAN CLEW: -- a different lighting 9 exhibit, a separate lighting exhibit. And you're 10 saying that was not the -- okay. Yeah. So the cover 11 letter said there are five copies of a lighting plan 12 exhibit dated July 16. 13 UNIDENTIFIED: And she has that. 14 SECRETARY TAGLAIRINO: And I have the hard 15 copies, but with the PDFs, I didn't have -- I didn't 16 have a PDF of that. 17 MR. ORTH: So why don't we do this? Why 18 don't we mark the lighting exhibit, the one that's up 19 there, Lighting Exhibit A as the next exhibit? 20 UNIDENTIFIED: Yeah. Because the one I have 21 is dated June -- 22 UNIDENTIFIED: 28th. 23 UNIDENTIFIED: -- 28th. 24 CHAIRMAN CLEW: Okay. 25 MR. CHRISMER: So Exhibit A --</p>

<p style="text-align: right;">Page 45</p> <p>1 UNIDENTIFIED: I'm sure we've talked about 2 (indiscernible) -- 3 MR. ORTH: Yes. We submitted two lighting 4 exhibits. If one of them needs to be marked as the 5 next exhibit for tonight's hearing, we're happy to do 6 that. 7 Lori, I don't know where we left off. 8 SECRETARY TAGLAIRINO: You know what? We 9 weren't actually numbering them. We were calling them 10 what they were, because there were so many. 11 UNIDENTIFIED: Lori, do you have a hard copy 12 of the July -- 13 SECRETARY TAGLAIRINO: Yes. 14 UNIDENTIFIED: Very good. Okay. 15 SECRETARY TAGLAIRINO: I do. 16 UNIDENTIFIED: But it sounds like no one on 17 the Board has seen that. 18 UNIDENTIFIED: That's correct. Certainly 19 from my perspective. I don't know that (indiscernible) 20 -- 21 SECRETARY TAGLAIRINO: I have a few copies 22 here. 23 CHAIRMAN CLEW: I'm sorry, Mr. Alexander. 24 Just clarify for us. I think in the earlier testimony, 25 we heard that there are two. What's the -- what's sort</p>	<p style="text-align: right;">Page 47</p> <p>1 Board. 2 MR. HALL: Okay. 3 UNIDENTIFIED: So we haven't seen that 4 before. 5 Mr. Chrismer, did you have -- 6 UNIDENTIFIED: I was just hoping to help. We 7 have a letter by -- 8 UNIDENTIFIED: I'd like you to help. 9 UNIDENTIFIED: Yes, please help. 10 UNIDENTIFIED: (Indiscernible) totally on 11 board with doing it tonight and looking at what you 12 have. 13 UNIDENTIFIED: Great. 14 UNIDENTIFIED: Yeah. So we prepared 11-by- 15 17s of the plans. 16 UNIDENTIFIED: (Indiscernible) is an 11-by-17 17 of the plan that Mr. Alexander is going through right 18 now. 19 CHAIRMAN CLEW: Okay. And, Mr. Alexander, 20 are you going through the alternate or the -- I don't 21 know what the other one is called. 22 MR. ALEXANDER: First I'm going to go with 23 the lighting exhibit that Noah is distributing to the 24 Board. 25 UNIDENTIFIED: Okay. So call it Lighting</p>
<p style="text-align: right;">Page 46</p> <p>1 of the key common difference? They all have waivers, 2 and they -- but they all achieve different things? 3 MR. ALEXANDER: So we have two lighting 4 exhibits that we wanted to share with you this evening. 5 Both of them -- the commonality is that they're 6 utilizing a decorative area light fixture, which 7 essentially is a dome. It's a dark sky compliant 8 fixture. The color temperature of the lamp is 2700 9 kelvins, which was a request of the Board. 10 The pole height is 12 feet 10 inches, the 11 light source is at 16 feet, and the total fixture is 12 17 feet 4 inches, which has been reduced from our 13 previous light fixture that we had submitted. So there 14 are two plans that we wanted to share with you, as Noah 15 had indicated earlier. The first plan -- 16 UNIDENTIFIED: You just handed them out. I 17 think we should (indiscernible). 18 CHAIRMAN CLEW: Hang on. 19 UNIDENTIFIED: We submitted -- 20 UNIDENTIFIED: Oh, this was submitted. 21 UNIDENTIFIED: Gary, yeah. So what I've 22 understood is that the plans were submitted. 23 MR. HALL: Okay. 24 UNIDENTIFIED: They didn't get circulated to 25 the -- well, one of the plans got circulated to the</p>	<p style="text-align: right;">Page 48</p> <p>1 Exhibit A -- A, B -- 2 UNIDENTIFIED: These are marked Lighting 3 Exhibit A, B, and C. 4 UNIDENTIFIED: There's three sheets in this 5 set. 6 UNIDENTIFIED: Yes. Three sheets in this 7 set. 8 UNIDENTIFIED: (Indiscernible) Lori will keep 9 those (indiscernible) -- 10 MR. ALEXANDER: Okay. So what's been 11 distributed as a three-sheet set entitled Lighting 12 Exhibit A dated 7/16/2021. 13 CHAIRMAN CLEW: Okay. 14 UNIDENTIFIED: Can you just clarify for the 15 slower members here like myself. We have two options. 16 MR. ALEXANDER: Two options. 17 UNIDENTIFIED: Which one is (indiscernible)? 18 MR. ALEXANDER: Let's call this one Option A. 19 This is will be Option A, okay, just for clarification. 20 UNIDENTIFIED: The Exhibits are A, B, and C. 21 MR. ALEXANDER: Correct. So why don't we 22 call this Option 1? How about that? 23 UNIDENTIFIED: All right. 24 MR. ALEXANDER: For clarification. 25 UNIDENTIFIED: (Indiscernible) 45 plan</p>

<p style="text-align: right;">Page 49</p> <p>1 (indiscernible) versus 38 or --</p> <p>2 MR. ALEXANDER: This one is 46 lights. Okay?</p> <p>3 And what you're seeing here is this -- the sheets are</p> <p>4 set -- were broken in half just because of scale. The</p> <p>5 yellow dots that you're seeing on the page, those are</p> <p>6 the locations of the light fixtures. This is a fully-</p> <p>7 compliant plan with the ordinance requirements with one</p> <p>8 waiver for the LED.</p> <p>9 Okay? So we worked to reduce the light</p> <p>10 fixtures by dimming them between 85 and 25 percent to</p> <p>11 get the light levels to comply with what's required and</p> <p>12 also with the ratio requirements per the code. So as</p> <p>13 shown on the chart in the top left corner on Option 1,</p> <p>14 Sheet A, you will see that we are meeting the code</p> <p>15 requirements except for the one waiver for LED, which</p> <p>16 is in the highlighted box.</p> <p>17 MR. ORTH: And can you tell the Board how</p> <p>18 many fixtures we had on the prior lighting plan?</p> <p>19 MR. ALEXANDER: We previously had 49</p> <p>20 fixtures. We were able to reduce it down to 46</p> <p>21 fixtures, and we also reduced the height.</p> <p>22 MR. ORTH: And what was the prior height of</p> <p>23 the fixtures?</p> <p>24 MR. ALEXANDER: It was previously 18 -- I</p> <p>25 believe it was -- the total height was 18 feet 8</p>	<p style="text-align: right;">Page 51</p> <p>1 UNIDENTIFIED: And then at the top of let's</p> <p>2 call it the (indiscernible) at the top of the dome,</p> <p>3 that is where you (indiscernible) fixture. I heard</p> <p>4 Paul and others (indiscernible) --</p> <p>5 MR. ALEXANDER: Yes.</p> <p>6 UNIDENTIFIED: -- a few minutes ago, but I</p> <p>7 just (indiscernible) they don't do the math, so --</p> <p>8 MR. ALEXANDER: Yes.</p> <p>9 UNIDENTIFIED: -- the top of that dome would</p> <p>10 be 17?</p> <p>11 MR. ALEXANDER: The top of that -- the</p> <p>12 highest peak of that dome will be 17 feet 4 inches, but</p> <p>13 the light source, which would essentially be --</p> <p>14 UNIDENTIFIED: (Indiscernible) down, I know,</p> <p>15 but --</p> <p>16 MR. ALEXANDER: -- that flat level --</p> <p>17 UNIDENTIFIED: -- (indiscernible) the overall</p> <p>18 pole --</p> <p>19 MR. ALEXANDER: Correct.</p> <p>20 UNIDENTIFIED: -- (indiscernible).</p> <p>21 MR. ALEXANDER: The only difference with that</p> <p>22 image is the louvers that are shown, those will not be</p> <p>23 there. The light fixture will be very similar in</p> <p>24 nature to the fixtures that are outside the borough</p> <p>25 hall.</p>
<p style="text-align: right;">Page 50</p> <p>1 inches, and we've reduced it down to 17 feet 4 inches.</p> <p>2 The ordinance actually allows for 23 feet mounting</p> <p>3 height.</p> <p>4 MR. ORTH: Thank you.</p> <p>5 MR. ALEXANDER: So again this plan, fully-</p> <p>6 compliant plan, provides all of the elements of the</p> <p>7 code requirement. And again you can see the locations</p> <p>8 on the plan. Those are the yellow dots. This also</p> <p>9 includes all the fixtures that are on the building --</p> <p>10 on the buildings. Those are also fully compliant, dark</p> <p>11 sky compliant, as I'd previously testified to.</p> <p>12 UNIDENTIFIED: And how high up on the side of</p> <p>13 the buildings do they go? (Indiscernible) dark sky</p> <p>14 compliant fixture, and if you put it up high enough,</p> <p>15 you're looking right into the light source.</p> <p>16 MR. ALEXANDER: So the mounting height of the</p> <p>17 building-mounted fixtures is six feet, six and a half</p> <p>18 feet.</p> <p>19 UNIDENTIFIED: Could you say that over</p> <p>20 because I just had to go backwards (indiscernible)</p> <p>21 pictures of it? The one on the top is what</p> <p>22 (indiscernible) the actual light fixture would be on</p> <p>23 the complex??</p> <p>24 MR. ALEXANDER: That is similar in nature.</p> <p>25 Okay.</p>	<p style="text-align: right;">Page 52</p> <p>1 UNIDENTIFIED: The one on the bottom, where</p> <p>2 does -- where is that light source? How far up into</p> <p>3 that picture is that light source?</p> <p>4 MR. ALEXANDER: I don't know exactly where it</p> <p>5 is, but I do know that all the light is faced down and</p> <p>6 it's a fully dark sky compliant fixture.</p> <p>7 CHAIRMAN CLEW: So, Mr. Alexander, I just</p> <p>8 want to make sure I understand something you said. You</p> <p>9 said you achieved the lighting balance using the</p> <p>10 dimmers. Is that --</p> <p>11 MR. ORTH: I think Mr. Chrismer testified to</p> <p>12 that, but this is appropriate testimony for you to</p> <p>13 provide, as well. Why don't you talk to the Board a</p> <p>14 little bit about the Applicant's plans for the dimmers.</p> <p>15 CHAIRMAN CLEW: I guess -- so my question</p> <p>16 will be if the lights are -- are the lights always</p> <p>17 dimmed or -- and we're measuring -- this lighting plan</p> <p>18 is reflecting the impact of partially or fully dimmed</p> <p>19 lights, or is this the -- does this plan represent the</p> <p>20 lights at their full normal capacity?</p> <p>21 MR. ALEXANDER: This plan represents the</p> <p>22 light fixtures at a constant dim. So if you go to</p> <p>23 sheet -- Exhibit B, the second sheet, you can find the</p> <p>24 luminary schedule, and it indicates which fixtures will</p> <p>25 be dimmed and at what levels they'll be dimmed to, and</p>

<p style="text-align: right;">Page 53</p> <p>1 they'll be dimmed constant.</p> <p>2 UNIDENTIFIED: Let me ask a question. Now,</p> <p>3 why -- what is the lumens per bulb?</p> <p>4 MR. ALEXANDER: That's also listed in the</p> <p>5 luminary schedule.</p> <p>6 UNIDENTIFIED: Okay.</p> <p>7 MR. ALEXANDER: And the lumens are shown in</p> <p>8 the list, yeah, right there.</p> <p>9 UNIDENTIFIED: Right. Is what?</p> <p>10 MR. ALEXANDER: So those are the different</p> <p>11 lumens for each of the fixtures.</p> <p>12 UNIDENTIFIED: I can't see that.</p> <p>13 MR. ALEXANDER: So there's one, two, three,</p> <p>14 four, five different pole-mounted fixtures. The ones</p> <p>15 that are labeled C, there are 11 of those fixtures.</p> <p>16 UNIDENTIFIED: Right.</p> <p>17 MR. ALEXANDER: The lumens are 1,009 -- I'm</p> <p>18 sorry, 1,981 lumens. And you can also see from the</p> <p>19 light loss factor how we're able to make that</p> <p>20 adjustment.</p> <p>21 UNIDENTIFIED: But why wouldn't we go with</p> <p>22 940 lumens, which would be comparable to a 50-watt</p> <p>23 bulb? Why are you taking a high-lumen bulb and scaling</p> <p>24 it down when you could just start -- what I'm concerned</p> <p>25 about is that after you leave and there's a homeowner</p>	<p style="text-align: right;">Page 55</p> <p>1 UNIDENTIFIED: (Indiscernible).</p> <p>2 UNIDENTIFIED: I'm sorry. Why wouldn't we</p> <p>3 have the bulb properly sized for the application, if</p> <p>4 we're going to dim it down from -- let's say 940 lumens</p> <p>5 is 50 watts, is comparable to an incandescent bulb of</p> <p>6 50 watts?</p> <p>7 MR. ALEXANDER: The rationale is that -- to</p> <p>8 have all of the lamps essentially be the same, so you</p> <p>9 can dim -- they'll be dimmed down. So let's just say</p> <p>10 one of the lamps does expire, you're not looking for</p> <p>11 one particular lamp bulb --</p> <p>12 UNIDENTIFIED: I'm talking about all 50 --</p> <p>13 MR. ALEXANDER: -- for that specific --</p> <p>14 UNIDENTIFIED: -- all the of the 46 lights</p> <p>15 having the right -- being outfitted with the right</p> <p>16 lumens. Rather than one that's twice --</p> <p>17 MR. ALEXANDER: (Indiscernible) rationale, to</p> <p>18 them all be consistent and reduced down to the levels</p> <p>19 as opposed to mixing and matching different --</p> <p>20 UNIDENTIFIED: You're starting very high.</p> <p>21 The lumens you're talking are 1000 what?</p> <p>22 MR. ALEXANDER: There's a variety of</p> <p>23 different lumens, and we're using different dimming</p> <p>24 measures to meet the intent of the ordinance.</p> <p>25 CHAIRMAN CLEW: Mr. Alexander, sorry. And</p>
<p style="text-align: right;">Page 54</p> <p>1 association, all it takes is one person on the</p> <p>2 homeowners association to say it is too dim around</p> <p>3 here, we're going to just juice up the dimmers a little</p> <p>4 bit, and suddenly everything we're discussing is going</p> <p>5 to go out the window. If we have light bulbs at the</p> <p>6 proper lumens to begin with, we don't have to -- we can</p> <p>7 scale those down, but at least we're starting at a 50-</p> <p>8 watt bulb.</p> <p>9 MR. ORTH: The Applicant would agree or</p> <p>10 stipulate as a condition of approval or covenant to</p> <p>11 limit the lumens to what is shown on the plan as a</p> <p>12 condition of approval.</p> <p>13 UNIDENTIFIED: Yeah, but you have 1,000</p> <p>14 something --</p> <p>15 UNIDENTIFIED: Sorry --</p> <p>16 UNIDENTIFIED: (Indiscernible) dimmed --</p> <p>17 MR. ORTH: If the Board finds that the</p> <p>18 lighting plan is acceptable, we would stipulate to</p> <p>19 include that as a covenant as part of this project.</p> <p>20 UNIDENTIFIED: That you would change the</p> <p>21 amount of lumens on the bulb or that you would make it</p> <p>22 mandatory that they keep the dimmers at -- you know,</p> <p>23 why wouldn't we just have the bulb correctly sized for</p> <p>24 the --</p> <p>25 MR. ALEXANDER: Typically, we --</p>	<p style="text-align: right;">Page 56</p> <p>1 I'm going to ask your help in reading this. That -- it</p> <p>2 looks to me like I see 3,822 lumens for kind of the --</p> <p>3 in a few of those rows. Is that -- A, am I reading</p> <p>4 that correctly?</p> <p>5 MR. ALEXANDER: You are.</p> <p>6 UNIDENTIFIED: That's a -- that's a -- that's</p> <p>7 almost a 300-watt bulb.</p> <p>8 CHAIRMAN CLEW: So just help the Board</p> <p>9 understand, or Paul, help us understand, why would we</p> <p>10 put sort of a large-capacity fixture in and then commit</p> <p>11 to dimming it down? And what risks does that leave us</p> <p>12 with?</p> <p>13 MR. FOX: Well, the dimming controller is</p> <p>14 really mounted in the fixture, so it can't be adjusted</p> <p>15 easily. But the main reason they would select a</p> <p>16 fixture like that is because it has a broader throw.</p> <p>17 So you want to select a fixture that has the broadest</p> <p>18 throw possible. And in some cases, that's only</p> <p>19 available in a high-lumen discharge.</p> <p>20 So what you do is you take that fixture, and</p> <p>21 then dim it back to meet the lighting size that you're</p> <p>22 looking for.</p> <p>23 CHAIRMAN CLEW: And that maintains your throw</p> <p>24 while --</p> <p>25 MR. FOX: Exactly.</p>

<p style="text-align: right;">Page 57</p> <p>1 CHAIRMAN CLEW: -- reducing the light --</p> <p>2 MR. FOX: You're still maintain the broader</p> <p>3 area throw, but you're dropping down the intensity.</p> <p>4 UNIDENTIFIED: Can you explain what throw is,</p> <p>5 just --</p> <p>6 MR. FOX: Sure. How far out from the fixture</p> <p>7 that it is illuminating the ground. So the main</p> <p>8 problem that you have with the old-style fixtures,</p> <p>9 halogen fixtures, is that it doesn't have very good</p> <p>10 throw. With the LED fixtures, you have much better</p> <p>11 ability to beam light so you have -- you get to use</p> <p>12 less fixtures. In some cases, though, those fixtures</p> <p>13 are only available in high discharge, so you have to</p> <p>14 drop down how many lumens you're throwing to provide</p> <p>15 the actual lighting that you're looking for on the</p> <p>16 ground surface. So that's how it's accomplished --</p> <p>17 UNIDENTIFIED: There --</p> <p>18 MR. FOX: Let me just finish. In the case</p> <p>19 for the wall-mounted, that is just this 891 lumen, for</p> <p>20 the wall-mount, that (indiscernible) --</p> <p>21 UNIDENTIFIED: Yeah.</p> <p>22 MR. FOX: -- (indiscernible) buildings.</p> <p>23 That's just for area lighting, right around the</p> <p>24 building entrance, that kind of thing. The higher</p> <p>25 lumen ones are for where we're illuminating the roadway</p>	<p style="text-align: right;">Page 59</p> <p>1 fixture, so it's not something that you can easily</p> <p>2 modify.</p> <p>3 UNIDENTIFIED: Not easily, but they could do</p> <p>4 it.</p> <p>5 MR. FOX: Only a professional could do it.</p> <p>6 You know, we inspect these things when they go in. You</p> <p>7 know, when Christ the King Church built the parish</p> <p>8 hall, the first thing we noted is that some of the</p> <p>9 fixtures were pointed 180 degrees in the wrong</p> <p>10 direction. So, you know, we do check things when we do</p> <p>11 make sure if there's any problems --</p> <p>12 UNIDENTIFIED: If I remember, it took us</p> <p>13 three years to figure that one -- to get there. Yeah,</p> <p>14 it was three years.</p> <p>15 UNIDENTIFIED: (Indiscernible).</p> <p>16 UNIDENTIFIED: Okay. So --</p> <p>17 UNIDENTIFIED: I just want to confirm that</p> <p>18 the fixtures are individually dimmed. There's no</p> <p>19 central dimming. There's no dimming panel anywhere in</p> <p>20 a maintenance room or whatever, so to have an</p> <p>21 association go out and change dimming on light poles,</p> <p>22 they'd have to hire an electrician or whatever to go</p> <p>23 around, go up onto the pole and change them out.</p> <p>24 MR. ALEXANDER: Correct.</p> <p>25 UNIDENTIFIED: Not change them out. They'd</p>
<p style="text-align: right;">Page 58</p> <p>1 and you need more of a discharge to provide actual</p> <p>2 light values that you're looking for on the ground</p> <p>3 surface.</p> <p>4 UNIDENTIFIED: I just think there's so much</p> <p>5 room for this thing going wrong.</p> <p>6 UNIDENTIFIED: What about that, Paul? Did</p> <p>7 you see that risk?</p> <p>8 MR. FOX: Not really because it's a very</p> <p>9 simple thing to go out and measure in the field once</p> <p>10 it's built. So once it's finished, you know, we have a</p> <p>11 light meter that's a high accuracy light meter. We can</p> <p>12 go out and check light levels anywhere at any time, so</p> <p>13 it's a very simple thing to monitor. In addition --</p> <p>14 UNIDENTIFIED: Yeah, but is there anyone</p> <p>15 going to be doing that? I mean, we're sort of setting</p> <p>16 ourselves up for future permitting authorities to</p> <p>17 having to go out with their light meter because a</p> <p>18 homeowner association president does -- wants the light</p> <p>19 -- a brighter light when he's walking his dog at night.</p> <p>20 I mean, there's so much room here.</p> <p>21 UNIDENTIFIED: Hold on a second. Let's get</p> <p>22 some more facts. Is it easy to change?</p> <p>23 UNIDENTIFIED: No. It's in the -- you could</p> <p>24 be up in the pole.</p> <p>25 MR. FOX: It has to be done up in the</p>	<p style="text-align: right;">Page 60</p> <p>1 just have to (indiscernible).</p> <p>2 MR. FOX: Got to get in the light and you</p> <p>3 have to (indiscernible), which is no different from any</p> <p>4 other fixture, you know, an electrician going up and</p> <p>5 changing the bulbs in the parking lot here.</p> <p>6 MR. ORTH: I would like to then -- unless</p> <p>7 there's other questions on this particular exhibit --</p> <p>8 UNIDENTIFIED: Sorry.</p> <p>9 MR. ORTH: -- we can proceed to the -- oh,</p> <p>10 I'm sorry.</p> <p>11 UNIDENTIFIED: Just one more, Mr. Chairman.</p> <p>12 All right. So I'm just -- I'm still looking at your</p> <p>13 schedule. So the -- we have the lumens, and 85 percent</p> <p>14 constant dimming means it's dimmed down by 85 percent</p> <p>15 or it's dimmed to 85 percent? And what is the actual</p> <p>16 resulting lumens that we get after we've -- whatever</p> <p>17 mechanical actions you've taken, what do we actually</p> <p>18 end up with?</p> <p>19 MR. ALEXANDER: It's dimmed down to</p> <p>20 85 percent, so 15 percent reduction.</p> <p>21 UNIDENTIFIED: Okay.</p> <p>22 MR. ALEXANDER: Okay? And that would be the</p> <p>23 same 50 percent, 25 percent for the various fixtures.</p> <p>24 As far as the lumens, I believe those are the lumens of</p> <p>25 the fixture. The intensity that's shown on the various</p>

<p style="text-align: right;">Page 61</p> <p>1 point levels on the plan, that would indicate how much 2 light would be projected from those fixtures. 3 UNIDENTIFIED: Okay. So I'm not a lighting 4 engineer by any -- but you already -- 5 MR. ALEXANDER: Yeah, I'm trying -- 6 UNIDENTIFIED: -- probably know that. So if 7 I have 3822 lumens and I have an LLF, which I assume is 8 a dimming factor or something, do I just -- 9 MR. ALEXANDER: The LLF is a -- 10 UNIDENTIFIED: -- multiply those two 11 numbers -- 12 MR. ALEXANDER: -- light loss factor -- 13 UNIDENTIFIED: -- and that's how many lumens 14 I end up with? 15 MR. ALEXANDER: Correct. 16 UNIDENTIFIED: And what is that? What is 17 that number? 18 MR. ALEXANDER: What is the light loss 19 factor? The light loss factor is a number that is 20 assessed to the lamp to deal with, over time, what it 21 would be reduced down to. Typically, a light fixture 22 comes out of a box. You would put a light loss factor 23 on it. Over time it may have dust or dirt, debris. 24 That's kind of accounted for. 25 UNIDENTIFIED: Okay. So that's --</p>	<p style="text-align: right;">Page 63</p> <p>1 tell you is that by dimming down the light fixtures, 2 we're able to get equal distribution of light 3 throughout the property that's controlled and also 4 complies with all of the requirements of the code, 5 which is a very strict code as it relates to averages 6 and all the ratios, so -- 7 UNIDENTIFIED: On Google there is a 8 calculator that I can pull up that will show how many 9 lumens equal how many watts (indiscernible). 10 MR. ALEXANDER: Okay. 11 UNIDENTIFIED: -- (indiscernible) say whether 12 we're looking at a 100-watt bulb. Are we looking -- 13 MR. ALEXANDER: I could come back to you with 14 that information. I don't want to scattershot a 15 number. 16 UNIDENTIFIED: Let me (indiscernible) I 17 notice that we've gone from 19 feet -- I guess we 18 should be happy that we've gone from 19 feet to 17 19 feet. But what about going to four feet? I haven't 20 heard one word tonight on bollards. And we -- and let 21 me just say that we have approved a 250-apartment 22 subdivision right up the road that are going to be 23 incorporating bollards throughout the entire 250- 24 apartment (indiscernible). 25 So why have you discarded the idea of using</p>
<p style="text-align: right;">Page 62</p> <p>1 MR. ALEXANDER: The light loss factor is 2 shown -- 3 UNIDENTIFIED: -- so this LLF is not -- 4 MR. ALEXANDER: No. 5 UNIDENTIFIED: -- kind of the dimming impact? 6 MR. ALEXANDER: The dimming impact would 7 purely be within the description of the fixture. 8 UNIDENTIFIED: Okay. 9 UNIDENTIFIED: Very few people up here are 10 acquainted with the new LED language (indiscernible) as 11 lumens. We all grew up with watts. So what is the 12 equivalent watts that is going to be coming out of each 13 of these streetlights? 14 MR. ALEXANDER: I'd have to calculate that. 15 I wouldn't be able to do that here for you, sir. 16 UNIDENTIFIED: (Indiscernible) lumens is a 17 50-watt bulb. 18 MR. ALEXANDER: Yeah. 19 UNIDENTIFIED: Are we down -- I'm asking will 20 you do the math for us. Because you're bringing this 21 basically 300-watt bulb down to something that is going 22 to be dimmed, but I want to know what the final product 23 is the lumens coming out of that bulb translated in 24 wattage (indiscernible). 25 MR. ALEXANDER: I understand. What I can</p>	<p style="text-align: right;">Page 64</p> <p>1 bollards? And I'll tell you (indiscernible) is that 2 the 17-foot stanchion light is going to be casting 3 light into people's second-floor bedrooms. It's going 4 to be illuminating areas that shouldn't be illuminating 5 -- illuminated where bollards will direct the light to 6 where it's needed, where people walk, not at the tree 7 or not against the side of the house. 8 So how are we going to protect the people 9 living in these houses from a streetlight that's 17 10 feet up, which is certainly -- it just doesn't light 11 the heavens, but it certainly is going to be lighting 12 everything between the 17 feet and the ground. 13 MR. ALEXANDER: So the light source is 14 actually 16 feet. The light fixtures are all dark sky 15 compliant. Light is being shined down to meet -- and 16 we worked diligently to provide a plan that's compliant 17 with the code. 18 With that said, we did look at bollards. 19 It's our opinion that bollards are not an effective 20 light fixture to illuminate roadways, intersections. 21 It is not the appropriate fixture to provide safe, 22 adequate lighting for vehicles, for pedestrians, for a 23 variety of reasons. And also by using bollards will 24 require a substantial more amount of waivers from your 25 lighting requirement.</p>

<p style="text-align: right;">Page 65</p> <p>1 If you put all the light within a four-foot 2 fixture, it's all going to be focused down, there's 3 going to be a lot of light underneath that source, and 4 it's going to leave a lot of dark spaces beyond that. 5 So our opinion is that the pole-mounted fixtures that 6 we're presenting here today is the appropriate light 7 fixture to illuminate this project and also comply with 8 your code. 9 MR. ORTH: And, Mr. Platt, the applicant will 10 also stipulate to dim the lights to 25 percent from the 11 hours of 11 p.m. to 5 a.m., subject to motion sensor 12 should someone walk. 13 UNIDENTIFIED: So there's no place in this 14 project that you could use the bollard -- or use 15 bollards to illuminate the 17-foot (indiscernible) 16 because you know, when we all walk -- these are charts 17 that I can find (indiscernible) pictures out in the 18 parking lot. But when we're walking to our cars 19 tonight, if you just look beyond the horizontal plane 20 with your eye, you're going to be seeing the light 21 source. 22 MR. ALEXANDER: We're able to effectively 23 illuminate the sidewalks, the roadways, and the 24 intersections with pole-mounted fixtures. We do not 25 need additional bollards to do that, sir.</p>	<p style="text-align: right;">Page 67</p> <p>1 MR. ALEXANDER: So if I could look at the IS 2 file, I believe they all have house side shields on 3 them. 4 UNIDENTIFIED: You believe -- 5 MR. ALEXANDER: If you could scroll over to 6 the IS file name, I could clarify that. That's the 7 bottom right corner. Thank you. 8 UNIDENTIFIED: And, Paul, can we constantly 9 get your -- 10 MR. ALEXANDER: Up to the -- 11 UNIDENTIFIED: -- guidance on this? Because 12 this is a -- is this a practical -- 13 MR. ALEXANDER: It's in the schedule. 14 UNIDENTIFIED: -- line of questioning or -- 15 MR. FOX: Yes. These have house-side 16 shields. 17 MR. ALEXANDER: Yes. 18 MR. FOX: But that's also -- 19 CHAIRMAN CLEW: Can you get a mic, Paul? 20 MR. FOX: -- (indiscernible) LEDs -- 21 CHAIRMAN CLEW: Paul, mic. Thank you. 22 MR. FOX: You have to recognize with the 23 LEDs, that's part of the idea is that you're actually 24 pointing the light at the surface that you're trying to 25 illuminate rather than just broadcast like you would</p>
<p style="text-align: right;">Page 66</p> <p>1 UNIDENTIFIED: What about the direct glare? 2 Nic mentioned the point of having direct glare into the 3 apartments. Is that the case or -- if you're in these 4 units, are you going to get direct light in your 5 windows? 6 MR. ALEXANDER: I'd have to look at the 7 elevation to see where they do fall as it relates to 8 the windows and the buildings. That's something that 9 maybe the architect could speak to -- 10 UNIDENTIFIED: If the -- if it's past eleven 11 o'clock -- 12 UNIDENTIFIED: Was that one of your 13 questions, Nic? 14 UNIDENTIFIED: Yes, it is. 15 UNIDENTIFIED: If it's past eleven o'clock 16 and the lights have been dimmed to 25 percent, and 17 they're not triggered by a motion by someone walking 18 their dog at a late hour, are the lights going to be -- 19 UNIDENTIFIED: Does this fixture have a 20 shield? Does it have the potential of putting a shield 21 on? 22 UNIDENTIFIED: Towards the house? In other 23 words, you can direct the light to where it's needed 24 and not against a person's bedroom window? 25 UNIDENTIFIED: Certain fixtures have shields.</p>	<p style="text-align: right;">Page 68</p> <p>1 with a single bulb. 2 So instead of having a single lamp, you have 3 probably 30 or 40 individual LEDs that are pointed at 4 specific spots to provide that level of illumination 5 that's very even. And that's one of the reasons when 6 you look at the numbers for average to maintain, when 7 we look at are there going to be hot spots, you're not 8 going to have hot spots because those fixtures are 9 designed to provide that even spread. 10 UNIDENTIFIED: But is there a concern that 11 there's going to be direct light to the residences or - 12 - 13 MR. FOX: No, because -- no. When you look 14 at these light values that are along the edges of the 15 building, most of them are in the 0.1 to 0.3 range, so 16 it's very low. 17 UNIDENTIFIED: But you've said there was 18 building side shields? 19 MR. FOX: Yes, there are house side -- 20 UNIDENTIFIED: Required house side shields. 21 UNIDENTIFIED: Yeah. 22 UNIDENTIFIED: Required in the plan. 23 MR. FOX: Most of those fixtures, that's 24 correct. 25 UNIDENTIFIED: Okay. All right.</p>

<p style="text-align: right;">Page 69</p> <p>1 MR. ALEXANDER: They are equipped with house 2 side shields. 3 UNIDENTIFIED: Okay. Good. 4 UNIDENTIFIED: Okay. Sorry. One more from 5 me. So the -- can you just repeat between the hours of 6 11 and something, you're going to do something with the 7 dimming? What was that? 8 MR. ORTH: The Applicant is willing to 9 stipulate that between the hours of 11 p.m. to 5 a.m., 10 the lights will be dimmed to 25 percent to be activated 11 by motion. 12 UNIDENTIFIED: Sorry. So on the lights that 13 you've started by dimming to 25 percent, they're off or 14 they're 25 percent, they're 5 percent lower? They're - 15 - 16 UNIDENTIFIED: (Indiscernible) 25. 17 MR. ORTH: All lights will be at 25 percent. 18 UNIDENTIFIED: Okay. And how does that -- 19 because I thought we just read heard previously that 20 you can't actually change the dimming easily. Somebody 21 has to use their ladder to get up to the dimming. How 22 does that -- how does that overnight dimming work? 23 MR. ALEXANDER: So each of the fixtures would 24 have its own centralized control, right? 85 percent, 25 50 percent, 25 percent. All of the fixtures would be</p>	<p style="text-align: right;">Page 71</p> <p>1 to move within a deck, and then everything starts to 2 illuminate as the -- 3 UNIDENTIFIED: So the homeowner association 4 is responsible for replacing those circuit boards or 5 dimmers or the timers. That's all part built into this 6 association fees, that they're -- 7 MR. FOX: That's right. They would just be 8 part of the maintenance. 9 UNIDENTIFIED: Okay. And then if they don't 10 replace them, and they're just fine with the light 11 staying on all night, who's policing that? 12 MR. FOX: Well, I think there's -- there's 13 always the question of who is checking up to make sure 14 that various requirements established by this Board or 15 even the Board of Adjustment are being complied with on 16 a lot of these commercial sites going forward. So 17 that's probably a discussion for another day. But it's 18 a valid point. 19 CHAIRMAN CLEW: Okay. And, Paul, is there 20 normally a kind of management plan that is submitted 21 that outlines exactly how the -- what those 22 commandments are and how frequently they're to be 23 reviewed? 24 MR. FOX: It would have to be on the plan, 25 exactly what's been provided and what's been approved.</p>
<p style="text-align: right;">Page 70</p> <p>1 controlled by a panel somewhere, and that's where there 2 could be the opportunity to reduce them down. 3 UNIDENTIFIED: But that panel is not up near 4 the fixture. Isn't the panel down so that they can do 5 it with a guy on a golf cart? 6 MR. ALEXANDER: It could have -- it could 7 also be within -- 8 UNIDENTIFIED: (Indiscernible) anything on 9 that. 10 MR. ALEXANDER: Yeah, that's something that 11 would be more on the control side. That's something an 12 electrician could speak to. But we'll make the 13 accommodation on the plans to show that that would be a 14 condition of approval, that the fixtures will be 15 reduced down to 25 percent between those hours. 16 CHAIRMAN CLEW: Okay. Paul, does this make 17 sense to you? 18 MR. FOX: Well, I'd want to see the details 19 on the proposed dimming. I think that's a good idea 20 because we certainly don't need a lot of illumination 21 during those hours of the day. And with the motion 22 detectors, that's typically what you see in high- 23 density development now. 24 You know, there's a lot of places where 25 parking garages are basically dark until someone starts</p>	<p style="text-align: right;">Page 72</p> <p>1 CHAIRMAN CLEW: Okay. 2 MR. FOX: We approve what's on the plan. So, 3 as far as maintenance and monitoring going forward, 4 that's up to the board. 5 UNIDENTIFIED: I think we've heard that the 6 developer is willing to put this into this agreement. 7 UNIDENTIFIED: Correct. 8 MR. ORTH: We can offer that via a 9 developer's agreement. Be a common thing to have in 10 that type of document. Certainly happy to stipulate to 11 that. 12 UNIDENTIFIED: Please, yeah. 13 CHAIRMAN CLEW: And how long does that last? 14 Anybody? 15 UNIDENTIFIED: Perpetuity. 16 CHAIRMAN CLEW: Perpetuity, correct? 17 MR. ORTH: Yes. 18 CHAIRMAN CLEW: Okay. So between 11 p.m. and 19 5 a.m. each dimmer -- each light will be dimmed down to 20 25 percent of its normal maximum capacity. 21 MR. ORTH: Correct, sir. 22 CHAIRMAN CLEW: There will be motion sensors 23 on all those lights that would raise them back to 24 whatever the -- some preset maximum capacity that 25 you've outlined here.</p>

<p style="text-align: right;">Page 73</p> <p>1 MR. ORTH: That's correct.</p> <p>2 CHAIRMAN CLEW: Is that correct? Okay.</p> <p>3 MR. ORTH: We do have the alternate lighting</p> <p>4 plan, if the Board is interested in seeing that. Or if</p> <p>5 the Board is satisfied with the stipulations and the</p> <p>6 testimony we've presented, we can move on to the next</p> <p>7 item.</p> <p>8 CHAIRMAN CLEW: So I guess I'm -- now I'm</p> <p>9 curious. So what -- what is the alternate lighting</p> <p>10 plan?</p> <p>11 MR. ORTH: Sure. Mr. Alexander --</p> <p>12 CHAIRMAN CLEW: Or, in particular, how is it</p> <p>13 different?</p> <p>14 MR. ORTH: Why don't you -- would you please</p> <p>15 describe the differences between the lighting plan that</p> <p>16 you just presented and the alternate plan?</p> <p>17 MR. ALEXANDER: Yes.</p> <p>18 MR. ORTH: Which is -- let's call that one</p> <p>19 Plan 2, Lighting Plan 2, Option 2. This is not an old</p> <p>20 one. This was also submitted.</p> <p>21 CHAIRMAN CLEW: This is the one that the</p> <p>22 board received in our pack.</p> <p>23 MR. ALEXANDER: Okay, so Plan 2, in an effort</p> <p>24 to reduce lights, minimize light levels and still</p> <p>25 provide safe environment for pedestrians and vehicles.</p>	<p style="text-align: right;">Page 75</p> <p>1 vehicular and pedestrian safety.</p> <p>2 The plan makes a number of efforts to reduce</p> <p>3 the amount of light, the reduced number of lights. We</p> <p>4 can have a consistent 16-foot mounting height similar</p> <p>5 to Plan 1. The same fixtures. They're fully dark sky</p> <p>6 compliant. And it also -- very similar, uses a range</p> <p>7 of 25 to 85 percent to reduce down the light levels.</p> <p>8 We do have printouts of it, if the Board</p> <p>9 would like to see. If there are any questions as it</p> <p>10 relates to the plan, we could speak to it. I also</p> <p>11 have --</p> <p>12 CHAIRMAN CLEW: Paul --</p> <p>13 MR. FOX: Could you show for the Board where</p> <p>14 those lower-level lighting areas are compared to the</p> <p>15 first plan.</p> <p>16 MR. ALEXANDER: Sure.</p> <p>17 MR. FOX: It would be helpful if we had that</p> <p>18 plan with some colorization showing where those low</p> <p>19 levels are comparatively to the other.</p> <p>20 MR. ALEXANDER: Okay. So the plan that's</p> <p>21 shown on the screen, this was Plan or Option 2. You</p> <p>22 can see here at the end of this cul-de-sac, you can see</p> <p>23 these zero ratios here. That would be where we would</p> <p>24 have -- there wouldn't be any light on the pavement.</p> <p>25 MR. FOX: Okay.</p>
<p style="text-align: right;">Page 74</p> <p>1 We are down to 38 fixtures. 38 fixtures.</p> <p>2 This plan also requires two waivers in</p> <p>3 addition to the LED waiver. And both of those waivers</p> <p>4 relate to the ratios because there are a couple of</p> <p>5 areas that have zero foot candles on the plan.</p> <p>6 UNIDENTIFIED: So the waivers that are</p> <p>7 necessitated by Lighting Plan 2 are due because we</p> <p>8 don't reach the Township's minimum light requirements.</p> <p>9 We fall below them in some fashion?</p> <p>10 MR. ALEXANDER: Correct. We actually fall</p> <p>11 below the average min uniformity and the maximum</p> <p>12 uniformity for roadways. I have --</p> <p>13 UNIDENTIFIED: That's not the minimum</p> <p>14 lighting level. (Indiscernible) --</p> <p>15 MR. ALEXANDER: It's not the minimum. This</p> <p>16 is the ratios as it relates to uniformity ratios. So,</p> <p>17 with having zero values, we're not able to calculate</p> <p>18 what that actual ratio is. Okay?</p> <p>19 With that said, we did design the plan per</p> <p>20 the IESNA recommendations, which is the Illuminating</p> <p>21 Engineering Society of North America, the IES of North</p> <p>22 America, commonly known as the IES, using those</p> <p>23 recommendations for guidance. And we located the</p> <p>24 lights where we felt it was most important, at</p> <p>25 intersections, at dead ends, and to illuminate for</p>	<p style="text-align: right;">Page 76</p> <p>1 MR. ALEXANDER: Okay? You can also see</p> <p>2 throughout the property, there's a couple of other</p> <p>3 areas along this stretch of roadway here where we felt</p> <p>4 it wasn't fully necessary. But -- so it drops below</p> <p>5 zero there. You can see right at the end of this road.</p> <p>6 You can see here's the light fixture in yellow, and it</p> <p>7 just doesn't -- it doesn't reach, but that's kind of</p> <p>8 the end of the street.</p> <p>9 So we situated them in the places we felt</p> <p>10 were the most important, where there's parking along</p> <p>11 longer stretches of roadway. Here's another area right</p> <p>12 here on my -- where my cursor is, where there's a</p> <p>13 couple of points that are zero in close proximity, .1,</p> <p>14 .1 values. Hence, we're not able to show the ratios.</p> <p>15 We believe this is a safe plan per IES. The</p> <p>16 code is stringent, requiring the uniformity ratios.</p> <p>17 But this is an alternative for the Board's</p> <p>18 consideration.</p> <p>19 MR. FOX: And do you have a preference of the</p> <p>20 two plans?</p> <p>21 MR. ALEXANDER: Um -- no.</p> <p>22 MR. dePOORTERE: I'll cut to the chase, as</p> <p>23 far as I'm concerned. If we use Option 2 with less</p> <p>24 poles, just within the standards right there. God</p> <p>25 forbid something happens on one of the end streets or</p>

<p style="text-align: right;">Page 77</p> <p>1 whatever, Police Department whatever, will the Township 2 of Harding be covered that they did everything right 3 and correct, that there was no real safety issue left 4 out that can come? 5 I'm not asking for it tied up in a bow. But 6 my point is, is that it -- does that just drag us into 7 something that hey, we made a decision. And guess 8 what? It could come back? 9 I'll ask Paul or (indiscernible) wants to say 10 it. But -- I understand it would be nice to use less 11 poles, less light, and all the other stuff, but -- 12 UNIDENTIFIED: That's where I'm leaning. And 13 because we do have stringent standards, they're not -- 14 it's a little bit of alchemy. We don't really have -- 15 we don't know what the right number is. And it's a -- 16 it's a ratio. And I think that, as long as we follow 17 the standards, I would be fine with Plan B. 18 But you know what? In the name of public 19 safety, you're going to get, you know, more is always 20 better, but you're still going to be liable regardless. 21 MR. dePOORTERE: I'm a little different. If 22 it was five people living on a quiet street, I think 23 it's different between five people. But when you have 24 96 units plus whatever -- 100 different people thinking 25 differently --</p>	<p style="text-align: right;">Page 79</p> <p>1 levels to meet the IESNA standards -- not standards, 2 it's really guidelines. for minimum lighting levels. 3 But I think that's where we can kind of take advantage 4 of the bollard idea, to not use a baseball bat to take 5 care of what a toothpick would otherwise be sufficient. 6 UNIDENTIFIED: Are you running for office? 7 UNIDENTIFIED: You did a nice job. 8 CHAIRMAN CLEW: Okay. So are there -- 9 Mr. Alexander, are there areas where the sidewalk -- 10 I'm trying to find it here, but where the sidewalks 11 are -- 12 UNIDENTIFIED: Where the Sidewalk Ends. 13 CHAIRMAN CLEW: -- where there's not 14 sufficient lumen -- or there are zero values? Is that 15 the way I should ask this question? 16 UNIDENTIFIED: No. 17 UNIDENTIFIED: This is Option 2 you're 18 talking about, right? 19 CHAIRMAN CLEW: Option 2. 20 MR. ALEXANDER: So we prepared an exhibit, 21 which I could share, which maybe could help explain 22 what Mr. Fox is referring to. 23 CHAIRMAN CLEW: Anything you'd like to -- 24 great. Thank you. 25 MR. ORTH: And this is a new exhibit. This</p>
<p style="text-align: right;">Page 78</p> <p>1 UNIDENTIFIED: Tom, you have a concern that 2 that Option 2 is less safe? 3 MR. dePOORTERE: I just want that more or 4 less -- some sort of -- 5 UNIDENTIFIED: Or you want that -- you have a 6 question you want answered by our engineer or -- 7 MR. dePOORTERE: I just want to make sure 8 that Plan 2 covers any -- based on the association that 9 he quoted twice, that's good enough for any type of 10 safety issues that could come because we used it. 11 UNIDENTIFIED: What's the risk of providing 12 the waiver on this plan, in the Board formally doing 13 that? That's what Tom's asking. 14 CHAIRMAN CLEW: Paul. 15 MR. FOX: This is something that the 16 applicant has requested. It's not something that the 17 Board has requested. From my perspective, I would be 18 interested in just verifying that we're meeting the 19 IESNA minimum lighting standards for the sidewalks. 20 And if there's a couple areas where the sidewalks are 21 short, maybe that would be a good location for a few 22 bollards to fill in the holes. Because there's a 23 couple light areas -- 24 UNIDENTIFIED: (Indiscernible) bollards. 25 MR. FOX: -- where we need to increase the</p>	<p style="text-align: right;">Page 80</p> <p>1 is not something that we submitted in advance, so this 2 would have to be marked. 3 UNIDENTIFIED: And Adam, when you come back 4 -- just 5 SECRETARY TAGLAIRINO: We'll mark this 6 Exhibit 3. 7 MR. ORTH: Okay. Just identify what this is 8 for the record. 9 MR. ALEXANDER: Okay. So what this exhibit 10 is, it's entitled Alternate Lighting Exhibit 11 Calculations. It corresponds with Option 2, dated 12 July 26, 2021. And what this exhibit is showing you 13 are the IES recommendations, and it references the 14 different recommendations, the books that we 15 utilized -- 16 UNIDENTIFIED: I'm sorry. That's the 17 required column. 18 MR. ALEXANDER: Correct. So the location, 19 that would be based on what the code is requiring. The 20 code and the IES, in some places, don't fully align. 21 So we're using, you know, different -- we're using the 22 most current edition to get this information. 23 So, you can see the location, you have the 24 required, which would be the IES recommendation, and 25 then you have the proposed illumination based on Plan</p>

<p style="text-align: right;">Page 81</p> <p>1 Option 2. So, you know, maintain average local 2 roadway, low intensity, it's required to be .3. We 3 comply. 4 So, you can see, you know, I can list them 5 all or -- to answer Mr. Fox's question, as it relates 6 to -- I'm sorry, the Board Chair's question about 7 residential -- maintain average for residential site 8 paths, moderate ambient lighting, it's required as .1, 9 which is very minimal light. We actually have a little 10 bit more. We have point .2. So, as it relates to 11 sidewalks, we actually have illumination on all those 12 areas. That was important. That was important to us, 13 as well. 14 So where you -- see where we don't comply is 15 where it relates to the uniformity ratios. And that's 16 why I'm not able to give you those calculations. But 17 we do comply with all of these other ones. The one 18 that actually stands out the most, maintain average for 19 local roadway intersections, low intensity. They're 20 actually requiring -- IES recommendations as 8 foot 21 candles. We're proposing one. 22 MR. FOX: Actually, that's zero point eight. 23 You have the lux value in there. 24 MR. ALEXANDER: Ah, this is minimum for 25 local.</p>	<p style="text-align: right;">Page 83</p> <p>1 ratios, those two lines. And again, the uniformity of 2 ratios, the idea of trying to provide a constant, even, 3 maintained level of illumination, and not have hot 4 spots. So when you have an illumination, when you have 5 a ratio like that, that's out of whack, means that 6 you're going to either have hot spots or cold spots. 7 In this issue, you're not going to have hot 8 spots because really, the LEDs are designed to give a 9 very even -- you're simply going to have spots that are 10 a little short and don't have quite enough illumination 11 to get beyond the -- to reach 0.1 value. That's all. 12 You're not going to have hot spots, because they are 13 designed to eliminate hot spots. 14 UNIDENTIFIED: I would like to consider 15 Plan B, because it eliminates more of the stanchions, 16 unless you want to throw three bollards in there to -- 17 where it doesn't comply. 18 CHAIRMAN CLEW: Can we just ask for one 19 bollard? 20 UNIDENTIFIED: (Indiscernible) bollard. 21 UNIDENTIFIED: Yeah, just one bollard. 22 CHAIRMAN CLEW: Okay. So Option 2, the 23 alternate lighting plan, complies -- complies with all 24 of the minimums, doesn't exceed the maximum, with the 25 exception of the two uniformity ratios. Is that</p>
<p style="text-align: right;">Page 82</p> <p>1 MR. FOX: Right. 2 MR. ALEXANDER: Is point eight. 3 MR. FOX: In this table -- 4 MR. ALEXANDER: Oh, point eight, is that what 5 you're saying? 6 MR. FOX: Right. It's supposed to be point 7 eight. That caught my eye, too. 8 MR. ALEXANDER: Yeah, you're correct. 9 MR. FOX: That's why -- when we look at our 10 standards for intersections, our standards is 1 to 2 11 foot candles; and with this ultimate plan. they're 12 proposing 1.01 to 1.28, which complies with our 13 standards and also complies with the IES 14 recommendations. 15 CHAIRMAN CLEW: Okay. So -- sorry. Paul, 16 the intersections row there, the fourth one down, 17 that's just a typo of 8? 18 MR. FOX: Yes. 19 CHAIRMAN CLEW: Okay. 20 MR. FOX: Where it says 8.0 foot candles, 21 that should be 0.8. 22 CHAIRMAN CLEW: So it does comply. 23 MR. FOX: Yes, it does comply. 24 CHAIRMAN CLEW: Okay. 25 MR. FOX: So it's really just the uniformity</p>	<p style="text-align: right;">Page 84</p> <p>1 correct? 2 UNIDENTIFIED: And the LED. 3 CHAIRMAN CLEW: Okay. And are there any 4 material safety issues that you believe this presents? 5 MR. FOX: No. 6 CHAIRMAN CLEW: No? Okay. Okay. 7 UNIDENTIFIED: Can we ask Paul. Do you have 8 an opinion about which is a better plan? 9 MR. FOX: I wouldn't -- unfortunately, I was 10 only provided -- I only received these today. I wasn't 11 aware that these had been submitted last week. So my 12 initial reaction is that B is a better plan. 13 CHAIRMAN CLEW: The alternate lighting plan, 14 known as Option 2 for the purposes of this meeting? 15 MR. FOX: The one with less -- 16 UNIDENTIFIED: Do you need time to study it? 17 MR. FOX: I'd like to take a look at it. 18 Like I said, unfortunately, when I picked these up from 19 Lori, this was left out of my packet, so I didn't have 20 a chance to review it. 21 Fortunately, Brad alerted me to that this 22 afternoon. So I did have a little chance to kind of 23 look through it, and also look through our lighting and 24 look just to see what values we were looking at. 25 But I think as long as there's really no</p>

<p style="text-align: right;">Page 85</p> <p>1 areas that are too low of illumination that would 2 present an area where maybe we want to think -- filling 3 in with a bollard or two, I think going with the 4 second, the alternate plan is good. 5 UNIDENTIFIED: Can I also ask has anyone 6 looked at Route 287? Are there lights that infiltrate 7 the property or the -- 8 MR. FOX: No. There's no lights in this 9 area. 10 UNIDENTIFIED: Okay. In the office complex 11 either? 12 MR. FOX: Oh, there's lots of lights in the 13 office -- 14 UNIDENTIFIED: But do they -- I know there 15 are. Do they reach this -- 16 UNIDENTIFIED: Yes. 17 UNIDENTIFIED: -- property? 18 MR. FOX: Probably along the edge. 19 UNIDENTIFIED: And are those -- 20 MR. FOX: Just from the loading dock. 21 UNIDENTIFIED: Is that factoring into the 22 average light, or are you only using the proposed 23 fixtures? 24 UNIDENTIFIED: Only the proposed fixtures. 25 MR. FOX: From this distance, it wouldn't</p>	<p style="text-align: right;">Page 87</p> <p>1 if you could -- 2 MR. ALEXANDER: Yes, sir. 3 MR. FOX: -- provide us with an updated 4 version of that alternate plan, showing where the low 5 areas are, just so we can get an idea -- a better sense 6 of that, that would be helpful. 7 MR. ALEXANDER: Okay. 8 CHAIRMAN CLEW: And a corrected version of 9 whatever exhibit we called this, Exhibit 3. 10 MR. FOX: Yes. Just update that. 11 MR. ALEXANDER: Yeah, we could add that to 12 the plan, if that's also helpful. 13 CHAIRMAN CLEW: All right. 14 MR. FOX: Yeah. Just add in the IESNA 15 recommended values. 16 MR. ALEXANDER: Okay. Yes, sir. Thank you. 17 MS. WILSON: Will we have a chance to ask 18 questions about the landscaping? 19 UNIDENTIFIED: I'm sorry? 20 MS. WILSON: Would we have a chance to ask 21 questions about the landscaping? 22 CHAIRMAN CLEW: Actually, I don't know that 23 -- did we do that? So we did say we're going to get 24 more testimony at the next meeting on landscaping. So 25 we got some light testimony tonight. If you do have</p>
<p style="text-align: right;">Page 86</p> <p>1 impact -- 2 UNIDENTIFIED: That's my question. Okay. 3 MR. FOX: (Indiscernible) calculation. This 4 is known as a point-to-point lighting analysis, where 5 we're looking at various points. They combine all the 6 illumination from the various fixtures and come up with 7 -- and do a model of what the actual illuminated value 8 will be. 9 So it doesn't take into account off-site. 10 But really, those fixtures are so far from us, it 11 wouldn't have an impact. 12 UNIDENTIFIED: Thanks. 13 MR. ORTH: Any other further questions from 14 the Board? 15 CHAIRMAN CLEW: Other questions from the 16 Board on lighting? 17 Okay. Can I ask are there members of the 18 public that have questions on the lighting? 19 UNIDENTIFIED: (Indiscernible) 20 CHAIRMAN CLEW: I know. Thank you. 21 UNIDENTIFIED: (Indiscernible) 22 CHAIRMAN CLEW: Okay. All right. 23 Mr. Alexander, thank you very much. 24 MR. ALEXANDER: All right. Thank you. 25 MR. FOX: If you could just -- Mr. Alexander,</p>	<p style="text-align: right;">Page 88</p> <p>1 questions on landscaping that you want to ask now, we 2 can do that. 3 MS. WILSON: Yeah. I had just a couple. 4 CHAIRMAN CLEW: Yeah. Can you come up and 5 introduce yourself and -- is that microphone on, Lori? 6 SECRETARY TAGLAIRINO: I can put it on. 7 CHAIRMAN CLEW: All right. Hold on just one 8 second. 9 SECRETARY TAGLAIRINO: Is it on? 10 UNIDENTIFIED: Yeah. 11 SECRETARY TAGLAIRINO: Oh. 12 MS. WILSON: Hello? Yes, it is. Yeah. 13 Thank you. Good evening. My name is Cathy Wilson, 14 20 Beechwood Drive, Morris Township. 15 So I had just a couple of questions that 16 relate to landscaping. Who is responsible for the 17 buffer maintenance? It's like you guys come in and put 18 the buffer in, and then maintenance after that becomes 19 the responsibility of the homeowners' association? 20 MR. ORTH: Yeah. Typically, there's going to 21 be maintenance obligations in the developers agreement, 22 which will carry over, as I think we said before, 23 effectively in perpetuity. So I would not be surprised 24 if there were maintenance obligations imposed in the 25 developers agreement.</p>

<p style="text-align: right;">Page 89</p> <p>1 MS. WILSON: And the developers agreement is 2 between whom? 3 MR. ORTH: The Township of Harding and the 4 applicant, and it would be binding on the use of the 5 property. 6 MS. WILSON: Okay. So on the whole 7 discussion of lighting, some of those requirements from 8 the Board could be incorporated into the developers 9 agreement? 10 MR. ORTH: Some -- and I'm sorry. I'm not 11 sure it's for this witness, but -- 12 UNIDENTIFIED: That's okay. 13 MR. ORTH: -- typically, if the Board looks 14 favorably upon this project, they will adopt the 15 resolution of approval. And there will be conditions 16 in the resolution which run with the land, which are 17 binding on every owner of the property in the future. 18 UNIDENTIFIED: (Indiscernible) Mr. Fox said, 19 it should be shown on the plan, as well. 20 Am I correct, Paul? 21 MR. FOX: Correct. 22 UNIDENTIFIED: Not just developers. 23 MR. FOX: Right. 24 UNIDENTIFIED: The plan itself. 25 MS. WILSON: Okay. Okay. And then also I</p>	<p style="text-align: right;">Page 91</p> <p>1 MR. ALEXANDER: Let's see if I can -- which 2 is this line right here? That's the property line. 3 Along the property line, their values are zero. So 4 there isn't any light along there. That's a 5 requirement of the code as well. 6 MS. WILSON: It is. 7 UNIDENTIFIED: Yes. 8 MS. WILSON: Okay. Great. Thank you so much. 9 UNIDENTIFIED: Thank you. 10 UNIDENTIFIED: Can I just ask something? So 11 when you say the value is zero, that means there's zero 12 light on the ground, but you can still perhaps see a 13 little light from the other properties, right? 14 UNIDENTIFIED: Yeah -- 15 UNIDENTIFIED: If you're looking directly at 16 it. 17 MR. ALEXANDER: The lighting plan depicts the 18 light on the ground. 19 UNIDENTIFIED: Right. Okay. 20 UNIDENTIFIED: But the -- I guess the 21 landscape plan would show us -- I think would show us 22 that there are -- there is a landscaped buffer of some 23 height and a wall at the north end. I can't remember 24 what -- is there -- 25 UNIDENTIFIED: Well, in the --</p>
<p style="text-align: right;">Page 90</p> <p>1 commend the Board for bringing on an ecologist. And I 2 was just wondering if you could elaborate a little on 3 what the ecologist is going to be looking at? And what 4 -- what will be in their report? And is that a public 5 document, or is that part of the documents? 6 UNIDENTIFIED: To answer your question, 7 there's a resolution that has the background on the 8 ecologist. He's a landscaper. And it also has our 9 scope of work. And that's what we expect to get. 10 MS. WILSON: (Indiscernible) -- 11 UNIDENTIFIED: And yes, the report will be 12 public. 13 MS. WILSON: Okay. 14 UNIDENTIFIED: All documents are public. 15 MS. WILSON: Thank you. And just one quick 16 question. In the discussion of the lighting, the 17 neighboring homes, what will the lighting be like 18 there? I know they're fairly far away from the 19 buildings, but can you comment on the lighting on the 20 surrounding homes? 21 MR. ORTH: Brad, can you bring up the plan? 22 Thank you. 23 MR. ALEXANDER: So the light levels, you see 24 where -- the property line? 25 MS. WILSON: Oh, good. Okay.</p>	<p style="text-align: right;">Page 92</p> <p>1 UNIDENTIFIED: I'm sorry. At the east -- on 2 the eastern border. Is that a wall or a fence or -- 3 MR. ORTH: Mr. Bohler can cover that quickly 4 when we call him to testify. 5 UNIDENTIFIED: Okay. All right. So we'll 6 come back to that with Mr. Bohler. All right. 7 UNIDENTIFIED: (Indiscernible) question on 8 lighting. 9 MR. SILVER: Thank you. Jim Silver at 10 71 Frederick in Morris Township. So my house is the 11 Lot 1 right there. 12 UNIDENTIFIED: 6601? 13 MR. SILVER: And if I understand correctly, 14 the poles will be 17 feet high. Will I be seeing now 15 out of the back of my house and side of my house light 16 from the development there? 17 MR. ALEXANDER: So your property is here, is 18 that where you're -- 19 MR. SILVER: That's correct. 20 MR. ALEXANDER: Okay. There you are. The 21 closest light fixture on a pole is actually this yellow 22 circle here. So it will be obscured by the -- by the 23 building. And you'll see all the light values along 24 the property. And I would say these 20 feet inward are 25 at zero. So -- and there's also existing trees here.</p>

<p style="text-align: right;">Page 93</p> <p>1 There's also landscape -- additional landscaping along 2 the property line. 3 MR. SILVER: Okay. And that's the lighting 4 at the -- on the ground, correct? Those values? 5 MR. ALEXANDER: Correct. These values are 6 the lights on the ground. This is the pole-mounted 7 light fixture right here. 8 MR. SILVER: Okay. And then how high is the 9 landscaping along the property line there? Is it 10 higher than 17 feet, to block that light -- 11 MR. ALEXANDER: Mr. Bohler can speak to that. 12 I believe he provided testimony in one of the previous 13 hearings as it relates to landscaping. 14 MR. ORTH: We're calling him next. 15 MR. SILVER: That will be great if it would 16 not spill over and I can't see it. 17 CHAIRMAN CLEW: And sorry, Mr. Orth? Is that 18 testimony coming next? 19 MR. ORTH: Mr. Bohler can address that 20 question from Mr. Silver briefly when he testifies, and 21 Mr. Bohler is also going to review the sound wall, and 22 also briefly go through the professional reports 23 received in connection with the application. 24 CHAIRMAN CLEW: Okay. 25 UNIDENTIFIED: Mr. Silver, I think you also</p>	<p style="text-align: right;">Page 95</p> <p>1 night? Or do those -- do they have a their own timer 2 on that will reduce the light? 3 MR. FOX: I think for an entrance light like 4 that, I think most people would expect that's a 5 security light where it would be left on overnight, you 6 know, in someone's entranceway. 7 UNIDENTIFIED: See, I'd be more concerned 8 about that light than a street light. 9 UNIDENTIFIED: So can we just get a recap of 10 the testimony here? So Nik, is -- apologies if I'm 11 repeating your question. But your question is the 12 lights that are around the edge of the building. 13 UNIDENTIFIED: Right. No, the -- 14 UNIDENTIFIED: At the entrance -- 15 UNIDENTIFIED: -- the entrance lights -- 16 UNIDENTIFIED: Right. 17 UNIDENTIFIED: -- that are listed -- that are 18 mounted above the doors, I guess the rear doors, 19 because I would imagine over the front door, if it's -- 20 if there's a peak, it's a soffit light. So that would 21 not be seen. 22 But this cylinder light that is in the back 23 that is going to be lighting up the patio or the rear 24 door, I want to know how high up in the fixture the 25 light source comes. Because if it's at the bottom,</p>
<p style="text-align: right;">Page 94</p> <p>1 should be concerned about the sconces that are in the 2 rear of the building. And I also want to be able to 3 see how that light source is in that sconce on 4 everybody's back. You know, it's six -- six and a half 5 feet. But what is the wattage or the lumens coming out 6 of that fixture? And is it reduced? And can that be 7 left on all night? 8 CHAIRMAN CLEW: Sorry. Are these the same 9 fixtures that we talked -- 10 UNIDENTIFIED: Yeah, the one that the -- 11 CHAIRMAN CLEW: -- the same fixtures that we 12 talked about earlier, which had the 681 -- 13 UNIDENTIFIED: -- cylinder -- no, no. This 14 is the cylinder that -- 15 CHAIRMAN CLEW: 891 lumens? 16 UNIDENTIFIED: -- on -- yeah. So 891 is 17 about 45 watts -- 18 CHAIRMAN CLEW: 25 percent constant dimming? 19 UNIDENTIFIED: Well, I don't think it is, on 20 the sconces. 21 CHAIRMAN CLEW: I'm just reading what it says 22 on the plan. 23 UNIDENTIFIED: Yeah. 24 UNIDENTIFIED: 25 percent. 25 UNIDENTIFIED: And it can be left on all</p>	<p style="text-align: right;">Page 96</p> <p>1 it's not going to be -- you're going to see it. But 2 the other thing is and how much wattage is coming -- 3 how much -- what is the lumens of the bulb in that 4 fixture? 5 UNIDENTIFIED: Mr. Alexander -- 6 UNIDENTIFIED: Yeah, I need clarification. 7 Because that side -- is that building that we talked 8 about along this property line a side entrance? In 9 other words, I see something that looks like a 10 sidewalk. And is that cylinder light fixture actually 11 a side door entrance? Or is that just security on the 12 side of building? 13 UNIDENTIFIED: So this is a side entrance 14 right here. 15 UNIDENTIFIED: So that's by his door. 16 UNIDENTIFIED: Right by his door. 17 UNIDENTIFIED: Yeah. 18 UNIDENTIFIED: And it's -- 19 UNIDENTIFIED: It's not a soffit light. 20 That's a typical door entrance light, correct? 21 UNIDENTIFIED: It's six feet off the ground. 22 Completely dark sky compliant. The light fixture will 23 be focused completely downward. 24 UNIDENTIFIED: Right. 25 UNIDENTIFIED: And this gentleman --</p>

<p style="text-align: right;">Page 97</p> <p>1 Mr. Silver will not see the light source. It will be 2 completely within the housing of that light fixture. 3 MR. CHRISMER: 4 UNIDENTIFIED: Okay. 5 UNIDENTIFIED: And Mr. Alexander, similarly 6 then, in the back of the building over the patios, 7 those are the same light, same height, same lumens, 8 same dimming. 9 MR. ALEXANDER: Yes, sir. 10 UNIDENTIFIED: Okay. 11 UNIDENTIFIED: And do we know what the lumens 12 in that fixture are? That's not a commercial -- that 13 seems to be a residential thing, so you're going to be 14 actually changing your own light bulb. 15 UNIDENTIFIED: They're reduced -- they're 16 891 lumens reduced down to 25 percent. 17 UNIDENTIFIED: Okay. That's good. That's -- 18 at a 45 watt -- 40 to 45 watt bulb. That's good. 19 UNIDENTIFIED: Write that down. Good. Good. 20 UNIDENTIFIED: Okay. Thank you. 21 UNIDENTIFIED: And what is the height of -- 22 UNIDENTIFIED: Six. 23 UNIDENTIFIED: Six. 24 UNIDENTIFIED: -- are they six feet? So are 25 there raised decks on the back of them, or is that a</p>	<p style="text-align: right;">Page 99</p> <p>1 change the light bulb to something a higher wattage 2 because they want to -- they want -- 3 UNIDENTIFIED: (Indiscernible) 4 MR. ORTH: I think we can, you know, address 5 that or -- 6 UNIDENTIFIED: Okay. 7 MR. ORTH: -- address that in some fashion in 8 the developer's agreement or the resolution of 9 approval, or perhaps the note on the plans. But I 10 think the testimony that we presented here is that we 11 have a compliant plan. And we have another plan that 12 has less lighting, and which the Board seems to 13 appreciate and -- 14 UNIDENTIFIED: (Indiscernible) 15 CHAIRMAN CLEW: Mr. Silver, any more 16 questions? 17 MR. SILVER: So (indiscernible) side is not 18 higher than the six feet (indiscernible)? 19 UNIDENTIFIED: I think what Mr. Silver is 20 referring to is on some of the units, I think there's a 21 second floor deck, for entrance off the second floor. 22 And is there going to be any source of illumination on 23 the walls at those upper levels? 24 MR. ALEXANDER: No. No. 25 CHAIRMAN CLEW: I'm sorry. There is no deck</p>
<p style="text-align: right;">Page 98</p> <p>1 ground level? I thought there was a patio. Then 2 there's a raised deck (indiscernible) on the back there 3 (indiscernible) higher levels (indiscernible). 4 UNIDENTIFIED: But, Mr. Fox, this is 5 compliant with our lighting ordinance, correct? 6 MR. FOX: That's correct. And I think one of 7 the -- if you could answer the question. Are those 8 exterior lights at the building entrances going to be 9 on any dimming schedule for overnight, or those would 10 be at the same illumination overnight? 11 MR. ALEXANDER: I was -- they're already 12 being dimmed down to 25 percent, and I believe that 13 would remain at that. 14 UNIDENTIFIED: And can a homeowner get inside 15 that fixture and change the LED bulb? In which case, 16 all bets are off. 17 UNIDENTIFIED: It is still America. Last I 18 checked. Well, it is New Jersey, correct. 19 UNIDENTIFIED: But is our standards 20 (indiscernible) -- 21 UNIDENTIFIED: Well, I understand that, Nik, 22 but it's still America. 23 UNIDENTIFIED: -- asking people not to -- 24 UNIDENTIFIED: Yeah. Okay. Well, these 25 Americans, can they get their paws in that fixture and</p>	<p style="text-align: right;">Page 100</p> <p>1 or there is no illumination? 2 MR. ALEXANDER: As it relates to lighting, 3 there's one fixture on the back shown on the plan. 4 That's the only lighting that's going to be provided. 5 UNIDENTIFIED: That's six foot -- 6 UNIDENTIFIED: At a height of six feet. 7 MR. ALEXANDER: That's six feet. 8 CHAIRMAN CLEW: Okay. 9 UNIDENTIFIED: So none of those will be above 10 the ground level. 11 CHAIRMAN CLEW: Okay. Actually, hold on. 12 We'll let them talk caucus. 13 (Pause) 14 MR. ORTH: We would like to rephrase that. If 15 there is a deck on the back, we are going -- we're not 16 -- we're going to provide a light fixture, and it will 17 be at the same height as a light fixture is on the 18 ground off of the deck. 19 UNIDENTIFIED: Okay. So -- 20 UNIDENTIFIED: You walk out on the deck, and 21 it's going to be six foot above the deck. 22 UNIDENTIFIED: But from the street, it will 23 be 12 and a half. 24 MR. ORTH: And we can show -- and that's 25 shown on the architectural plans.</p>

<p style="text-align: right;">Page 101</p> <p>1 UNIDENTIFIED: However, on this unit, at this 2 end of the building, I don't think you could -- well, 3 no, I shouldn't say that. Would it be objectionable to 4 provide a shield for that deck, that goes up -- in 5 other words, like, you know, some kind of decorative 6 fence or something like that, so that Mr. Silver 7 wouldn't have to see this from his backyard? It's one 8 unit. 9 UNIDENTIFIED: No. There's three units. 10 UNIDENTIFIED: No, no, no. 11 UNIDENTIFIED: You're talking about the edge 12 of -- 13 UNIDENTIFIED: Edge of the building, right? 14 So the deck goes to the end there. I don't have a 15 pointer. Somebody does. Paul had it -- there. Right 16 there. You're there. It's -- it was there. Thank 17 you, though. 18 UNIDENTIFIED: (Indiscernible) 19 UNIDENTIFIED: Right? I mean, doesn't that 20 solve the problem? And I know it has to be 21 investigated, but -- 22 MR. ORTH: Okay. If the landscaping does not 23 shield the light on the deck, the applicant will 24 install a shield on that particular unit which is 25 closest to Mr. Silver's property.</p>	<p style="text-align: right;">Page 103</p> <p>1 MR. ORTH: The light fixtures are low-light 2 light fixtures that the architect will show on his 3 elevations as part of his testimony. 4 CHAIRMAN CLEW: Okay. Okay. So are they -- 5 so that -- can I just confirm they were not included in 6 these lighting calculations? Is that correct? 7 MR. ORTH: Correct. 8 CHAIRMAN CLEW: Okay. And so will you -- 9 MR. ORTH: We believe that they'll have 10 minimal impact. The fixtures that we're showing are 11 appropriate and are providing the appropriate light 12 levels -- 13 CHAIRMAN CLEW: Okay. 14 MR. ORTH: -- and are housed inside the 15 fixture, so -- 16 CHAIRMAN CLEW: Okay. Okay. And you'll 17 confirm that with your updated calculations? 18 MR. ORTH: Yes. 19 CHAIRMAN CLEW: Okay. Okay. 20 Mr. Silver. 21 MR. SILVER: No (indiscernible) questions. 22 Thank you. 23 CHAIRMAN CLEW: Okay. Thank you, Mr. Silver. 24 Are there other questions from the Board? 25 Okay. Mr. Alexander, I think we're going to</p>
<p style="text-align: right;">Page 102</p> <p>1 UNIDENTIFIED: Building 1. 2 MR. ORTH: Building 1. 3 CHAIRMAN CLEW: Okay. And then will you -- I 4 guess this means on the back of many of these units 5 there are -- does it mean there are multiple lights, 6 one kind of six feet above ground level and then a 7 second one at six feet above the second floor level? 8 MR. ORTH: If a deck is installed, yes, there 9 will be a light off the deck. 10 CHAIRMAN CLEW: I'm sorry. And are there 11 decks on all the buildings? 12 MR. ORTH: Yes. 13 CHAIRMAN CLEW: Okay. So is it a question as 14 to whether there's a deck installed or is it a fact? 15 MR. ORTH: No question, sir. 16 CHAIRMAN CLEW: No question it is? 17 MR. ORTH: There is no question that there 18 will be a deck installed, yes. 19 CHAIRMAN CLEW: Okay. So there will be decks 20 on all of these buildings? 21 MR. ORTH: Yes. 22 CHAIRMAN CLEW: Right. And so there will be 23 additional lights which are not reflected on this plan. 24 Have they been reflected in the calculation? 25 (Background discussion)</p>	<p style="text-align: right;">Page 104</p> <p>1 thank you again. 2 MR. ALEXANDER: Thank you. 3 CHAIRMAN CLEW: Okay. 4 MR. ORTH: I'd like to call Mr. Bohler -- or 5 recall Mr. Bohler to the stand to testify. 6 And Mr. Bohler, you were previously sworn in 7 by Mr. Hall, so I'll just remind you that you're still 8 under oath. And very quickly -- I know the Board -- 9 you're a familiar face before the Board, but remind the 10 Board with your task as part of this application. 11 BRAD BOHLER, APPLICANT'S WITNESS, PREVIOUSLY SWORN 12 MR. BOHLER: Brad Bohler from Bohler. I'm 13 the Civil Engineer for the project. 14 MR. ORTH: Okay. Mr. Bohler, you did prepare 15 a sound wall exhibit in connection with this 16 application, correct? 17 MR. BOHLER: I did, but I just want to hit 18 the landscaping -- 19 MR. ORTH: Sure. 20 MR. BOHLER: -- comment quick. And then -- 21 Mr. Silver had a question about landscaping. So this 22 is the site rendering we prepared last time and 23 presented -- I think it was the first hearing that we 24 went through this -- this exhibit. I apologize. I 25 don't remember what it was marked. But the border of</p>

<p style="text-align: right;">Page 105</p> <p>1 the Morris Township properties has a double row of 2 landscaping, evergreen trees, evergreen shrubs, and 3 also a six-foot high solid fence that runs along that 4 side. 5 So the plantings go in at six and a half to 6 seven and a half feet, first year, and then there's a 7 fence behind it. And then after that they grow on a 8 regular basis. 9 CHAIRMAN CLEW: Sorry, Mr. Bohler. The fence 10 is -- is how high? 11 MR. BOHLER: Six feet high. 12 CHAIRMAN CLEW: And it extends the entire 13 boundary of the property? 14 MR. BOHLER: With the exception of the 15 wetland buffer. So the wetland in this area, the 16 buffer does bend around here. So you can see where the 17 proposed landscaping ends at that point. The fence 18 will go that far. 19 CHAIRMAN CLEW: Okay. And can you -- can you 20 plant landscaping in the buffer, or you can't do 21 anything in the buffer? 22 MR. BOHLER: You can plant landscaping in the 23 buffer, as approved by the DEP review. They'll look at 24 native species. We spent a lot of time on the native 25 species item. You can do that.</p>	<p style="text-align: right;">Page 107</p> <p>1 kind of pedestal there? 2 MR. BOHLER: That's correct. We haven't 3 updated our plan since -- 4 UNIDENTIFIED: Okay. 5 MR. BOHLER: -- the first hearing, but we've 6 agreed to do that, assuming that the truck turns work 7 appropriately. 8 UNIDENTIFIED: Yeah, good. 9 UNIDENTIFIED: What do you think is the type 10 of fence, just ballpark? Not chain link with slat? 11 Just -- I mean, the people are here and they're asking. 12 So, is it going to be a -- 13 MR. BOHLER: We proposed board-on-board -- 14 UNIDENTIFIED: Okay. 15 MR. BOHLER: -- as part of our proposal. 16 UNIDENTIFIED: And maintained by the 17 association, so -- 18 MR. BOHLER: Yes. 19 UNIDENTIFIED: -- they want to know what 20 you're putting up at six foot. 21 MR. BOHLER: Yes. 22 UNIDENTIFIED: All right. 23 UNIDENTIFIED: I have a question. In front 24 of the buffer zone, is there going to be a fence? In 25 the open area behind the building? Yes, right there.</p>
<p style="text-align: right;">Page 106</p> <p>1 They'll ask you to be selective. So any 2 current vegetation that's not invasive in those areas, 3 trees, et cetera, they won't want you to dig up 4 existing root structure to put a new tree in for no 5 reason. So they'll ask you to do selective planting. 6 So we were walking back in the low point, and 7 I'll get to that as part of my other exhibits. There's 8 a number of trees in those stands that we were walking 9 through in our rounds. 10 CHAIRMAN CLEW: Yeah. 11 MR. BOHLER: So you don't want to destroy 12 root structure in those areas. So you plant selective 13 evergreen trees that can survive the shaded areas -- 14 CHAIRMAN CLEW: Okay. 15 MR. BOHLER: -- that are compliant with the 16 EPA as part of adding anything in those areas. So one 17 of the questions about plantings along the sound wall 18 area, we can do some selective tree additions in those 19 areas. 20 CHAIRMAN CLEW: Okay. 21 MR. BOHLER: And I'll get to the sound wall 22 exhibit next. 23 CHAIRMAN CLEW: Okay. Okay. 24 UNIDENTIFIED: And I also noticed that the 25 cul-de-sac still does not have a green island or any</p>	<p style="text-align: right;">Page 108</p> <p>1 MR. BOHLER: So we have proposed a post-and- 2 rail with a mesh net behind it for -- 3 UNIDENTIFIED: Okay. 4 MR. BOHLER: -- fall protection only, not for 5 screening. 6 UNIDENTIFIED: Right. Okay. 7 MR. BOHLER: Because there's a small wall in 8 those areas -- 9 UNIDENTIFIED: Okay. 10 MR. BOHLER: -- as you transition grade 11 through the wetland buffer. 12 UNIDENTIFIED: Thanks. 13 MR. BOHLER: Okay. 14 MR. ORTH: I'm sorry. I don't have another 15 Brad to work the computer while he's testifying. 16 MR. BOHLER: So this is our sound wall 17 exhibit. Again, it was submitted with the other 18 exhibits. I believe we have this one that was dated 19 7/16/21 as well. And what this shows is it's two 20 pages, A and B. So A is the -- I'm going to get the 21 direction screwed up again. It's the eastern side, 22 because north is to the left of the plan. I messed it 23 up a number of times in the last testimony. 24 So eastern side is on the top, is A. B is 25 the Southern property. And we show in red is a</p>

<p style="text-align: right;">Page 109</p> <p>1 proposed sound wall going from the wetland buffer on 2 the left side of the property, the bigger wetland area. 3 When we walked that site -- Adam, would you mind going 4 back to the second page? We walked on the site at the 5 entrance and then walked down past these buildings and 6 we walked into this area a little bit. 7 Alf -- I think -- Chairman walked in this 8 area. As you're walking through that area, we would 9 stop at the buffer at that location. We actually 10 walked over to there. And then this runs 550 feet to 11 the east, up to -- if you don't mind go to page -- 12 there you go -- and stops behind Building 7, at the 13 wetlands buffered area. 14 So there's about a 200-foot gap in this 15 location where there's no wall. The current DOT wall 16 does come down about 200 feet into the property that's 17 shown in blue on the south side, southeast side of the 18 property. Near the Bohler, it comes down. That's 19 where the current sound wall is, under this -- the DOT 20 development. 21 And Chairman, we sat -- I think right where 22 it says "root," in that area that -- for reference 23 purposes, when we're talking about that pipe that goes 24 underneath the DOT -- that's -- we were sitting right 25 where the word "root" is on the on the exhibit.</p>	<p style="text-align: right;">Page 111</p> <p>1 CHAIRMAN CLEW: Okay. 2 MR. BOHLER: And then going further along, 3 down to the west, behind Building 7, I would say 4 approximately 10 to 12 trees in those areas, which are 5 12 inches or larger, in that side, on our property. 6 We also saw on the field that there were a 7 number of trees in the right-of-way -- of the DOT 8 right-of-way that we weren't touching at all either. 9 We didn't pick those up because we can't -- we didn't 10 want to survey in -- on the highway. But those are 11 also being maintained. 12 CHAIRMAN CLEW: Okay. 13 MR. BOHLER: And Mr. Platt, one of your 14 questions about fencing-wise. DOT installs 15 traditionally a four-foot or three and a half 16 (indiscernible) chain link fence for all the right-of- 17 ways, and that's in place and intact for the entire 18 length of the run of our property. 19 CHAIRMAN CLEW: Okay. I'm sorry. Were you 20 going to talk further about the wall? 21 MR. BOHLER: Just that it's 15 foot high -- 22 CHAIRMAN CLEW: Okay. So can you just help 23 me from a from a grading perspective, and from the 24 perspective of blocking the sound from 287? Kind of 25 what I observed on the site visit was the site</p>
<p style="text-align: right;">Page 110</p> <p>1 CHAIRMAN CLEW: Yep. 2 MR. BOHLER: So with regard to adding some 3 plantings in here, we can agree to do some selective 4 plantings. There is a pretty good amount of trees 5 between those areas that are currently there. So I 6 don't want to commit to a number, because we'll have to 7 be selective when we plant there, but we could get a 8 couple of trees in those locations. 9 CHAIRMAN CLEW: Okay. And -- certainly I 10 observed some very nice, very large, mature trees kind 11 of along there. I don't know how many of those can 12 actually be preserved through the construction. And 13 I'm not quite sure where the -- where those trees sit 14 versus the -- 15 MR. BOHLER: We actually picked up the trees 16 on our site -- I think it was eight inches and larger, 17 with the exception of deep in the wetland buffer on the 18 west side. We didn't pick up those trees because we 19 weren't going to touch them. 20 So we didn't pick up those trees. So you can 21 see there's a small circular areas on -- within the 22 wetland area that showed T12 or T18. That's the trunk 23 size of those trees in those areas. And we are 24 preserving a majority of them in the wetland, 25 obviously, because we're not touching that area.</p>	<p style="text-align: right;">Page 112</p> <p>1 currently slopes down substantially towards 287, and 2 then jumps back up kind of to the roadway. 3 So how, like, how high up or how much does a 4 15-foot wall actually block sound from 287? 5 MR. BOHLER: That slope you saw was generally 6 in the eastern portion where the wetland was very low. 7 CHAIRMAN CLEW: Okay. 8 MR. BOHLER: The spots near 7, I would say 9 that the 287 to the location of the wall is about three 10 or four feet. When you mentioned that in the field, I 11 look back at that. So it's not as drastic as we 12 thought it was, because we were sitting in this lower 13 spot here. 14 CHAIRMAN CLEW: Okay. 15 MR. BOHLER: So the, as you go further 16 east --- 17 CHAIRMAN CLEW: So -- sorry. Just three or 18 -- what is three or four feet? 19 MR. BOHLER: So at the start of it, it's 20 about three or four feet below the grade of the of the 21 roadway. 22 CHAIRMAN CLEW: Okay. 23 MR. BOHLER: 287. 24 CHAIRMAN CLEW: Okay. So you've got -- 25 effectively, you have 11 feet above 287.</p>

<p style="text-align: right;">Page 113</p> <p>1 MR. BOHLER: And as you go down further to 2 the west, so down onto the next sheet as well, it 3 maintains that plus or minus, and maybe gets a little 4 bit better. 5 CHAIRMAN CLEW: Okay. 6 MR. BOHLER: As it transitions down that 7 area. 8 CHAIRMAN CLEW: Okay. So -- and then the 9 buildings -- wait. So does that basically block the 10 first floor of those buildings? 11 MR. BOHLER: Yes. 12 CHAIRMAN CLEW: Okay. But not -- and what do 13 you get from the second floor then? 14 MR. BOHLER: That would be the architectural 15 enhancements that we had for -- from the previous 16 testimony. 17 CHAIRMAN CLEW: Okay. So is 15 feet enough? 18 Or what's -- I guess -- let me ask the other way. Is 19 -- what's the impact of the 15-foot wall from a sound 20 perspective? 21 UNIDENTIFIED: Can we ask what the standard 22 is, Rich? 23 UNIDENTIFIED: Right. 24 CHAIRMAN CLEW: Is there a standard? Is 25 there a standard?</p>	<p style="text-align: right;">Page 115</p> <p>1 UNIDENTIFIED: There is not. 2 UNIDENTIFIED: What's that? 3 UNIDENTIFIED: There is not. 4 UNIDENTIFIED: There is not. And what is 5 (indiscernible) sound wall? (Indiscernible) said that, 6 or somebody said that? 7 MR. BOHLER: I don't -- it's DOT -- 8 UNIDENTIFIED: (Indiscernible) DOT. 9 MR. BOHLER: I don't know that specifically. 10 UNIDENTIFIED: (Indiscernible) they said that 11 they don't build them anymore, they don't like them. I 12 thought -- tonight. Somebody said that. I don't know 13 who it was. 14 CHAIRMAN CLEW: To your knowledge, does the 15 DOT have funding, any funding mechanisms to install 16 sound walls? 17 MR. BOHLER: I don't know about that either. 18 UNIDENTIFIED: So what is the construction of 19 this wall? 20 MR. BOHLER: That hasn't been designed yet, 21 so we have to go through that design. 22 UNIDENTIFIED: And what are you using -- so 23 you say there's no standard because it's not required. 24 Is there a standard out there for required sound walls? 25 And will you be following something along those lines?</p>
<p style="text-align: right;">Page 114</p> <p>1 MR. BOHLER: There is no standard for ambient 2 noise. Typically, when you use sound -- 3 UNIDENTIFIED: Height of the wall. 4 UNIDENTIFIED: Height of the wall. 5 MR. BOHLER: Oh. So zero feet because there 6 is no requirement for it. That's a smart way of saying 7 it, so I apologize. But if you look at this, one of 8 the concerns the Board -- we heard the Board had was 9 someone sitting on their patio on the ground, or 10 they're walking through the neighborhood, the sound 11 that they would hear from 287. 12 So that's why we're proposing the 15-foot 13 high wall, to get a little bit sound attenuation above 14 the person's head when they're walking through the 15 neighborhood. 16 The enhancements that the architect talked 17 about for second and third floor really are for the 18 building itself. This wall does mimic generally what 19 the wall on 287 is. It does hit about 15 feet high at 20 the end of the wall. It does creep up a little bit as 21 you get closer to Frederick Place. Maybe to 16, 17 22 feet. But it's not substantially different than what 23 we have currently. 24 UNIDENTIFIED: And what -- is there a 25 standard?</p>	<p style="text-align: right;">Page 116</p> <p>1 MR. BOHLER: So when you size a sound wall, 2 typically it's based on what the source is. So if you 3 had a generator in a commercial facility next to 4 someone's house, you have to meet criteria for that 5 sound attenuation. So if you're creating a source 6 that's not exempt by sound code in the state, you'd 7 have a source here. 8 Ambient noise is exempt. So highways are 9 exempt. Anything in the background is exempt. We're 10 not creating more noise for -- because we're 11 residential, for -- to disturb someone else next to us. 12 So that would not be part of the requirement. 13 So there is really no guidance. It's more 14 about how we're going to go through this with an 15 acoustic engineer and try to maximize the reduction of 16 noise on that first level. 17 UNIDENTIFIED: So, in your experience, what 18 do you anticipate you'll be -- not committing to it, 19 but are you talking a block or a poured concrete wall 20 or a block wall? Or what do you what do you expect? 21 MR. BOHLER: Yeah. So the material doesn't 22 matter. We haven't designed that yet, but the material 23 doesn't matter. So like the Connecticut DOT sometimes 24 uses wood, wood panels and wood posts. I've seen wood 25 put up as well. We've seen concrete or other items.</p>

<p style="text-align: right;">Page 117</p> <p>1 We haven't really looked at material yet, but 2 any of those things do provide good sound attenuation, 3 as long as it's solid. 4 UNIDENTIFIED: All right. So you haven't 5 chosen -- in other words, I just look elevation 500 6 feet and terrain topo is going to jump up and down. I 7 think we, on the site, talked about possibly the ones 8 are concrete H beams in, and then planks stacked on top 9 of each other in between it, a certain thing. 10 Is it going to be uniform, all the way 11 across? Is it going to stack -- step with the topo, 12 the top of this wall? In other words, if you're there 13 before the buildings start construction, and you see 14 this wall, is it just going to be a straight run 15 across, or are you going to step it? 16 MR. BOHLER: That's a good question. The top 17 of the wall will not be the same elevation. As the 18 topo rises along the western side, you'll pick a panel 19 to start up with and raise it up a foot or so, and then 20 keep going that way. So it will be generally -- 21 UNIDENTIFIED: It's going to be staggered 22 with the topo. 23 MR. BOHLER: Yes. But they'll keep it 24 consistent so there is some sort of -- they won't do 25 every pile different --</p>	<p style="text-align: right;">Page 119</p> <p>1 MR. BOHLER: Oh, it's a technical term, yes. 2 CHAIRMAN CLEW: Okay. And what are the 3 requirements of a -- to make something a "sound wall"? 4 MR. BOHLER: So a great way to describe it is 5 everyone's seen PVC fencing, like very hollow inside. 6 So that doesn't create good sound attenuation. If you 7 stand next to it, you can generally hear someone on the 8 other side of the fence talking. What they would do is 9 then they would insulate it. So you have to provide 10 some sort of dense material to break up the sounds as 11 it passes through to the plane of that -- that 12 structure. 13 So like a -- you know, like presumably, we 14 talked about a couple of trees. Trees generally don't 15 provide great sound attenuation, because there's not a 16 lot of density there. But they do help kind of filter 17 it out a little bit. So we would have a sound design 18 wall -- 19 UNIDENTIFIED: So, in common parlance, a 20 sound wall is specifically designed to mitigate the 21 effect of sound, correct? 22 MR. BOHLER: Yes. 23 UNIDENTIFIED: Whereas, another wall is not. 24 Is that correct? 25 MR. BOHLER: Yes.</p>
<p style="text-align: right;">Page 118</p> <p>1 UNIDENTIFIED: Yeah. But for a length -- 2 MR. BOHLER: For a certain length, they'll 3 be -- 4 UNIDENTIFIED: -- five, six panels that will 5 maintain -- 6 MR. BOHLER: Yes. 7 UNIDENTIFIED: And you're thinking wood, 8 possibly? 9 MR. BOHLER: I don't know yet. We don't have 10 a material picked out yet. 11 UNIDENTIFIED: And you're going to maximize 12 it, if possible, with Paul, as far as the start point, 13 so that the wall gets as high as possible? In other 14 words, we'll pick 15 feet, not from one of the lower 15 spots, but one from the higher spots in the topo 16 selected. 17 MR. BOHLER: Yeah. Within reason, yes. 18 UNIDENTIFIED: Within reason. All right. 19 That's safe. 20 MR. ORTH: Yeah. The applicant's happy to 21 stipulate to work with the Board's engineer to design 22 the appropriate sound barrier. 23 CHAIRMAN CLEW: Okay. And so is "sound wall" 24 a technical term? Is that an engineering term? Or is 25 it just a wall? Or is --</p>	<p style="text-align: right;">Page 120</p> <p>1 UNIDENTIFIED: And so the sound wall that we 2 were proposing will be examined by an expert or 3 professional to create the acoustic mitigation. Is 4 that correct? 5 MR. BOHLER: Yes. 6 CHAIRMAN CLEW: Okay. Paul, what does the 7 board need to know about sound walls? 8 MR. FOX: I think we need to see an actual 9 design with a rating, with the mitigation reduction 10 level would be. 11 CHAIRMAN CLEW: Okay. And what do we know 12 about present conditions? 13 MR. FOX: Our measured values range from 14 about 66 DBA to about 72 if there is heavy truck 15 traffic going by (indiscernible) up to 75. 16 The further we move off of the highway 17 right-of-way, the lower that gets. But looking along, 18 you know, the end of the buildings and the backs of 19 buildings that are closest to the highway, we're 20 generally looking at, you know, the upper 60s. 21 CHAIRMAN CLEW: Okay. Okay. 22 MR. ORTH: And the applicant -- oh, I'm 23 sorry. 24 CHAIRMAN CLEW: No. Go ahead. 25 MR. ORTH: I was just going to say the</p>

<p style="text-align: right;">Page 121</p> <p>1 applicant will stipulate to work with Mr. Fox in the 2 design of the sound wall. 3 CHAIRMAN CLEW: Okay. And does -- I don't 4 see in this proposal, and I don't know if it's just not 5 included in this plan, or in this view. But I see what 6 appears to be landscaping outside the wall on 287. Is 7 there any landscaping contemplated inside the wall on 8 the residential side? 9 MR. BOHLER: (Indiscernible) the 10 clarification. That's in the wrong spot. That should 11 be on the inside -- inside of the wall. 12 CHAIRMAN CLEW: Okay. 13 MR. BOHLER: So apologies for that. The 14 outside the wall does have pretty good dense 15 landscaping and vegetation there right now. So we were 16 planning to enhance that. So it would be evergreen 17 trees and -- as best we can to put some sort of 18 shielding. 19 UNIDENTIFIED: Once again, you're building 20 this wall. You heard us and you're building it, and we 21 thank you for that. You've stated that you're going to 22 possibly use different -- a different type of wall than 23 what people have known. 24 Do you have samples? I don't think you're 25 going to reinvent the wheel. You're going to probably</p>	<p style="text-align: right;">Page 123</p> <p>1 UNIDENTIFIED: So from there to there? 2 UNIDENTIFIED: Yeah, up to the next sheet. 3 MR. BOHLER: Approximately 150 feet or so. 4 UNIDENTIFIED: Okay. And how close is the 5 wall to the edge of the curb? 6 MR. BOHLER: It's about six or seven feet. 7 UNIDENTIFIED: Okay. And that would bring it 8 to the (indiscernible)? 9 MR. BOHLER: Yeah. We'll have to look for 10 something that will work. But yes. 11 UNIDENTIFIED: (Indiscernible) landscape. 12 UNIDENTIFIED: Yeah, no. I -- so -- 13 UNIDENTIFIED: I don't think people in the -- 14 CHAIRMAN CLEW: Well, I guess we'll see a 15 revised view of this at some point, right? But the 16 landscape buffer currently says five feet to the wall. 17 And then the trees. So is the wall moving over or 18 is -- 19 MR. BOHLER: The wall is set five feet from 20 the property boundary, and then there's another five 21 feet to the curb line. 22 CHAIRMAN CLEW: Five feet in from the 23 property boundary. 24 MR. BOHLER: Yes. 25 CHAIRMAN CLEW: Okay. And --</p>
<p style="text-align: right;">Page 122</p> <p>1 use some sort of typical wall that's been built 2 somewhere else. Yes, no, maybe? And if there is, can 3 we get examples of them? 4 Because, like I said, right now personally, 5 I've seen the concrete, we're used to the concrete 6 planks. All the others -- occasionally some are poured 7 in place. I would love to see a picture of a 8 Connecticut wood wall, or whatever. Because if that's 9 what's selected, it's not a surprise to anyone, at 10 least we knew what was coming at the back of the 11 property. 12 UNIDENTIFIED: Well, we're going to actually 13 -- they're going to be working with Paul. 14 UNIDENTIFIED: I know, but the options of 15 type. 16 UNIDENTIFIED: Yeah. 17 MR. BOHLER: Yes, we'd provide an example. 18 UNIDENTIFIED: That would be fine. Just -- 19 MR. BOHLER: Okay. 20 UNIDENTIFIED: -- no surprises. 21 UNIDENTIFIED: Question? In the area -- how 22 long is the distance from -- it expands to two sheets 23 from -- from where the part of the driveway parallels 24 the wall? What's -- how long a run is that? From the 25 end (indiscernible) both buildings?</p>	<p style="text-align: right;">Page 124</p> <p>1 MR. BOHLER: So it's the property line, five 2 feet is a wall, about five feet. It varies -- 3 UNIDENTIFIED: Approximately. 4 MR. BOHLER: Approximately five feet into the 5 curb line then. 6 CHAIRMAN CLEW: Okay. And I guess you can't 7 put it closer to the property line? Is that -- 8 MR. BOHLER: So we can. There's no ordinance 9 that we found that was -- that would allow us not to do 10 that. But we wanted to honor the landscape buffer that 11 was part of our coordinates, and also allow for 12 maintenance if we needed to be on that side of the 13 property, (indiscernible) go on the 287 right-of-way. 14 CHAIRMAN CLEW: Okay. Okay. And does the 15 DOT fence sort of kind of run at that -- at the 16 property line? 17 MR. BOHLER: With the exception of about 15 18 or 20 feet, the fence runs at the property line or just 19 to the south side of it, into the right-of-way. 20 CHAIRMAN CLEW: Okay. 21 MR. BOHLER: A little bit does meander in our 22 area. We have to relocate that, but it's a very short 23 distance. 24 CHAIRMAN CLEW: Okay. 25 MR. FOX: What are the options for covering</p>

<p style="text-align: right;">Page 125</p> <p>1 the gap between the two walls? (Indiscernible) --</p> <p>2 MR. BOHLER: I haven't found a DEP permit</p> <p>3 that allows us to do that, that connection.</p> <p>4 MR. FOX: Can you put it outside of the EPA</p> <p>5 regulated areas behind the buildings?</p> <p>6 MR. BOHLER: I'd have to look at that. I</p> <p>7 don't know if we could do that.</p> <p>8 UNIDENTIFIED: (Indiscernible) --</p> <p>9 CHAIRMAN CLEW: Sorry, Paul. Your question</p> <p>10 is -- so we've got the --</p> <p>11 MR. FOX: We've got a gap.</p> <p>12 CHAIRMAN CLEW: Yeah, no, no. I see the gap.</p> <p>13 But thank you.</p> <p>14 MR. FOX: (Indiscernible)</p> <p>15 CHAIRMAN CLEW: Sorry. Your question is</p> <p>16 could the wall be -- sorry. Is your question could the</p> <p>17 wall be extended further by -- and staying outside of</p> <p>18 the conserved -- the conservation area?</p> <p>19 MR. FOX: Right. Are there some options that</p> <p>20 we maybe use something a little bit lighter</p> <p>21 construction that would still provide some sound</p> <p>22 attenuation (indiscernible) closer to the buildings?</p> <p>23 Something along that line --</p> <p>24 UNIDENTIFIED: That's very close to the</p> <p>25 building at the top, right?</p>	<p style="text-align: right;">Page 127</p> <p>1 thing to build. But the applicant is willing to</p> <p>2 install perhaps a privacy fence behind Building 7.</p> <p>3 CHAIRMAN CLEW: Okay.</p> <p>4 MR. ORTH: To fill the gap in there just a</p> <p>5 bit.</p> <p>6 CHAIRMAN CLEW: And Mr. Bohler, can you</p> <p>7 remind us just -- the topography here where that</p> <p>8 wetland buffer starts. Is that -- is there a</p> <p>9 significant slope from the building down to that</p> <p>10 buffer? Or is that all graded up or?</p> <p>11 MR. BOHLER: So there is a portion -- I'll</p> <p>12 call a third -- that is sloped. We put the -- if we</p> <p>13 had to put a fence up, (indiscernible) fence at the top</p> <p>14 of that slope. It's not really -- greatly usable</p> <p>15 anyway, because it's a three-to-one slope. So we could</p> <p>16 put it -- near the top --</p> <p>17 CHAIRMAN CLEW: And I'm sorry. Is that --</p> <p>18 apologies. Is that fence at the top of the slope or at</p> <p>19 the bottom of the slope?</p> <p>20 MR. BOHLER: It would be at the top, so</p> <p>21 closer to the first floor. In the -- the privacy fence</p> <p>22 could be installed closer to the first floor elevation.</p> <p>23 CHAIRMAN CLEW: Okay.</p> <p>24 MR. BOHLER: So it wouldn't be -- you</p> <p>25 wouldn't put it at the bottom of the slope, and then</p>
<p style="text-align: right;">Page 126</p> <p>1 UNIDENTIFIED: Yeah.</p> <p>2 MR. FOX: The very end unit on that, yes,</p> <p>3 it's definitely going to be proximate --</p> <p>4 UNIDENTIFIED: The top two units.</p> <p>5 MR. FOX: Yeah. And to the extent that</p> <p>6 they're, you know, the DOT built all of those sound</p> <p>7 barriers well within the wetland buffer, so there must</p> <p>8 be some sort of permitting mechanism.</p> <p>9 CHAIRMAN CLEW: Where -- did those -- did</p> <p>10 they exist when the road was built?</p> <p>11 MR. FOX: Oh, yeah. Yeah.</p> <p>12 CHAIRMAN CLEW: Okay.</p> <p>13 MR. FOX: Yeah. There is a lot of DEP</p> <p>14 permitting (indiscernible). Those were all done with</p> <p>15 the HOV lanes.</p> <p>16 CHAIRMAN CLEW: Okay. Okay.</p> <p>17 MR. FOX: There was a lot of activity</p> <p>18 (indiscernible).</p> <p>19 CHAIRMAN CLEW: Okay. So I guess the</p> <p>20 question is, is there something more that can be done</p> <p>21 to attenuate the sound, kind of between where you</p> <p>22 currently show the wall ending and the 287 wall?</p> <p>23 MR. ORTH: So the applicant is -- does have</p> <p>24 some concerns about, you know, mounting costs</p> <p>25 associated with the sound wall. It's not the cheapest</p>	<p style="text-align: right;">Page 128</p> <p>1 you would have no --</p> <p>2 CHAIRMAN CLEW: Yeah. Yeah.</p> <p>3 MR. BOHLER: -- (indiscernible) permit,</p> <p>4 right?</p> <p>5 CHAIRMAN CLEW: Okay.</p> <p>6 MR. BOHLER: So you'd move up closer towards</p> <p>7 the first floor.</p> <p>8 CHAIRMAN CLEW: Okay. So is that something</p> <p>9 you can look at and see -- and I don't know if there</p> <p>10 are landscaping options, as well.</p> <p>11 MR. ORTH: We can -- the applicant can</p> <p>12 provide samples of what the sound wall may look like.</p> <p>13 We will not have the sound wall fully engineered,</p> <p>14 acoustically engineered, at the time we're asking the</p> <p>15 board to vote on the application, but we can provide</p> <p>16 some samples of --</p> <p>17 CHAIRMAN CLEW: So -- sorry. What is it you</p> <p>18 want to provide?</p> <p>19 MR. ORTH: We can provide samples of what the</p> <p>20 sound wall may look like, or what we expect it will</p> <p>21 look like. But we will not be able to fully --</p> <p>22 acoustically engineer the sound wall to tell the Board</p> <p>23 precisely what's going -- what it is going to be</p> <p>24 comprised of.</p> <p>25 Mr. Bohler has provided testimony about how</p>

<p style="text-align: right;">Page 129</p> <p>1 the sound wall will essentially function, and the 2 protection that it will provide, and the applicant has 3 also stipulated to the privacy fence behind Building 7. 4 We really can't -- the applicant's not 5 comfortable extending the sound wall much further to 6 have a 15-foot high wall in someone's backyard. So 7 that's why we've designed it the way that we have. We 8 hope the Board appreciates the efforts we've made in 9 this regard and the improvements to the plan. 10 CHAIRMAN CLEW: Okay. Paul, can I get your 11 thoughts on kind of the extent of engineering or 12 representation we would need. 13 MR. FOX: Well, I think the Board would want 14 to see the material type, what the general construction 15 is going to be. Is it concrete, is it wood, color, 16 things like that, so the Board would know what they're 17 going to be seeing once it gets built. 18 So I don't think we're asking for any 19 detailed engineering plans, but certainly for material 20 selection, color selection (indiscernible) profile -- 21 (indiscernible) to provide a profile for the ground 22 height. 23 UNIDENTIFIED: And also longevity, because 24 550 feet of board versus 550 feet of concrete, on the 25 impact on the homeowner association assessment would be</p>	<p style="text-align: right;">Page 131</p> <p>1 CHAIRMAN CLEW: Okay. Are there other 2 questions from the Board on the sound wall? 3 UNIDENTIFIED: Well, you're pretty sure that 4 you -- there's no DEP permit that would allow sound 5 walls to be installed in the -- 6 MR. FOX: Well, no, I'm not -- no, that's not 7 my testimony. 8 UNIDENTIFIED: I think there -- 9 MR. FOX: The DOT was able to build lots of 10 sound wall within wetland areas and wetland buffers. 11 Whether or not those were handled as general permits or 12 -- the DEP has a (indiscernible) more specific 13 parameters -- 14 UNIDENTIFIED: I'm sorry. You -- 15 CHAIRMAN CLEW: Can you put -- turn your mic 16 on? 17 UNIDENTIFIED: Can you just make this simple 18 for us? Is this something we should be looking into? 19 Because that's the only reason why the sound wall is 20 not there, in those gaps. 21 MR. FOX: Well, I think there's two reasons. 22 One is the wetland areas; but also is -- regardless, 23 you're going to end up being fairly proximate to the 24 back of those units. So you're putting in a fairly 25 imposing structure close to those units. So it's --</p>
<p style="text-align: right;">Page 130</p> <p>1 probably quite material after 20 years. 2 MR. FOX: Oh, yeah. You know, I've seen some 3 of the kind of walls Mr. Bohler (indiscernible) 4 Connecticut (indiscernible) those tend to warp, start 5 to decay. They're really not a good long-term solution 6 in my mind. I think most of New Jersey and 7 (indiscernible) you're looking at either concrete 8 panels that are slipped between the columns, or -- 9 UNIDENTIFIED: And you had road -- you have 10 road salt from the plows flying -- 11 UNIDENTIFIED: Not here, though. 12 UNIDENTIFIED: (Indiscernible) -- 13 MR. FOX: (Indiscernible) so I wouldn't be as 14 concerned about that. 15 CHAIRMAN CLEW: Okay. 16 MR. FOX: But certainly concrete 17 (indiscernible) protected from that, but it's clearly 18 going to be much longer lasting and durable material 19 than (indiscernible) wood. 20 MR. ORTH: And the applicant will provide a 21 range of options and samples; and then commit as a 22 condition of approval, should the Board approve this 23 application, to install similar or better than what we 24 provide the samples of. And obviously, as I said 25 before, to work with Mr. Fox on the engineering.</p>	<p style="text-align: right;">Page 132</p> <p>1 it's definitely -- 2 UNIDENTIFIED: But it's already pretty close 3 to the units at the bottom there, right? 4 MR. FOX: That's really just the side of the 5 units. That's not the back area where people would be 6 outside relaxing, and that kind of thing, along that 7 stretch. 8 UNIDENTIFIED: So you think that it's -- if 9 you could have a sound wall running up the property 10 line, you think that that would not be a net benefit, 11 because it's too close? 12 MR. FOX: Well, if you ran it up next to the 13 buildings, it's very -- 14 UNIDENTIFIED: No, no. Up -- 15 MR. FOX: -- close towards -- 16 UNIDENTIFIED: -- the property line. 17 MR. FOX: No. If you ran it up the property 18 line, part of the issue there is the grade is falling 19 off. 20 UNIDENTIFIED: How much? 21 MR. FOX: Quite a bit. It's probably falling 22 off six, eight feet. So you're losing the effect of 23 height, the further up toward Frederick Place that you 24 go. So the idea of putting something a little bit 25 lighter weight --</p>

<p style="text-align: right;">Page 133</p> <p>1 UNIDENTIFIED: (Indiscernible) --</p> <p>2 MR. FOX: -- that's not quite as tall --</p> <p>3 UNIDENTIFIED: Right.</p> <p>4 MR. FOX: -- but closer to the units make</p> <p>5 sense, I think --</p> <p>6 UNIDENTIFIED: A well-built wooden fence?</p> <p>7 MR. FOX: Right. Right. Something that</p> <p>8 will be a little bit closer, but also a little bit</p> <p>9 more attractive, and not such a bulk presence in</p> <p>10 somebody's --</p> <p>11 UNIDENTIFIED: So you think it's -- it makes</p> <p>12 no sense for us to pursue the possibility of putting</p> <p>13 something in conservation area --</p> <p>14 MR. FOX: Not with the grade, the way the</p> <p>15 grade falls off there.</p> <p>16 Is that correct, Brad? That's where you have</p> <p>17 to actually start picking up the wall.</p> <p>18 If you look just -- I'm saying north. If you</p> <p>19 look just above where the wall ends right now, the</p> <p>20 proposed wall, there's actually a retaining wall that's</p> <p>21 necessary because the grade is dropping off so much</p> <p>22 there.</p> <p>23 So that's really why extending it that much</p> <p>24 further north is not going to gain a whole lot; because</p> <p>25 as the grade drops off, it's not providing a lot of</p>	<p style="text-align: right;">Page 135</p> <p>1 enjoying their backyards, will really have the same</p> <p>2 sound attenuation as you would in the other areas of</p> <p>3 the site.</p> <p>4 UNIDENTIFIED: And how far (indiscernible)</p> <p>5 see that going?</p> <p>6 MR. FOX: I would say you'd project that all</p> <p>7 the way up to really the back of Building 2, near the</p> <p>8 back corner of Building 2.</p> <p>9 UNIDENTIFIED: The bottom right corner.</p> <p>10 MR. FOX: Right.</p> <p>11 UNIDENTIFIED: Yeah. Otherwise, it's just</p> <p>12 too close.</p> <p>13 MR. FOX: That's right.</p> <p>14 UNIDENTIFIED: Yeah. Okay. Thank you.</p> <p>15 CHAIRMAN CLEW: Okay. So can you look at</p> <p>16 what could be done in those in those areas and just</p> <p>17 come back to us?</p> <p>18 MR. ORTH: We can provide a written response,</p> <p>19 yes, with what we think could be done.</p> <p>20 CHAIRMAN CLEW: All right. Thank you.</p> <p>21 All right. Other questions from the Board on</p> <p>22 the sound wall or other aspects of the kind of</p> <p>23 protection from -- for noise?</p> <p>24 (No audible response)</p> <p>25 CHAIRMAN CLEW: Okay.</p>
<p style="text-align: right;">Page 134</p> <p>1 protection. Whereas, if you put something a little bit</p> <p>2 lighter weight construction, but closer to the unit,</p> <p>3 you can probably achieve the same thing.</p> <p>4 CHAIRMAN CLEW: Yeah. My recollection is</p> <p>5 Mr. Bohler told us at the site visit that the grade</p> <p>6 change there was like eight feet or something like</p> <p>7 that? So --</p> <p>8 MR. BOHLER: Yeah, approximately.</p> <p>9 CHAIRMAN CLEW: So if you wanted to get a</p> <p>10 wall that sort of covered the same height from there,</p> <p>11 then you'd end up with, what, a 23-foot wall or</p> <p>12 something like that in the conserved area, to achieve</p> <p>13 the same impact as you achieve further west.</p> <p>14 MR. FOX: That's right. And really, I think,</p> <p>15 if you put -- as Brad was talking about, another</p> <p>16 shorter wall, maybe eight feet tall, that's a lighter</p> <p>17 construction closer --</p> <p>18 CHAIRMAN CLEW: At the top of that eight-foot</p> <p>19 grade, rather than --</p> <p>20 MR. FOX: Would probably (indiscernible) the</p> <p>21 same thing.</p> <p>22 CHAIRMAN CLEW: -- at the bottom of it? All</p> <p>23 right.</p> <p>24 MR. FOX: And it does -- it does achieve what</p> <p>25 you're looking for, that people that are outdoors,</p>	<p style="text-align: right;">Page 136</p> <p>1 UNIDENTIFIED: Just to thank the applicant</p> <p>2 for coming back with this --</p> <p>3 UNIDENTIFIED: Yeah.</p> <p>4 CHAIRMAN CLEW: Yeah.</p> <p>5 UNIDENTIFIED: It's appreciated.</p> <p>6 CHAIRMAN CLEW: Yeah, it is. Absolutely.</p> <p>7 Members of the public, would you like to make</p> <p>8 any comment or ask a question?</p> <p>9 Mr. Silver.</p> <p>10 MR. SILVER: Just going back to the</p> <p>11 landscaping (indiscernible) you said were six and a</p> <p>12 half to seven and a half feet. And they will grow to</p> <p>13 how big?</p> <p>14 CHAIRMAN CLEW: We're going to switch back to</p> <p>15 the landscaping plan.</p> <p>16 MR. BOHLER: The height of those trees,</p> <p>17 between 25 and 45 feet high, depending on how well they</p> <p>18 grow in those -- in the light conditions.</p> <p>19 MR. SILVER: One other question. Just the</p> <p>20 distance between the two walls? What's the gap there?</p> <p>21 MR. BOHLER: Between the existing wall and</p> <p>22 the proposed wall?</p> <p>23 MR. SILVER: Yeah.</p> <p>24 MR. BOHLER: About 200 feet.</p> <p>25 MR. SILVER: (Indiscernible) --</p>

<p style="text-align: right;">Page 137</p> <p>1 MR. BOHLER: Yeah.</p> <p>2 MR. SILVER: And then another question on the</p> <p>3 landscaping. We talked about this when we were out on</p> <p>4 the site visit. The -- a couple of years ago, where</p> <p>5 the culvert is there, (indiscernible) that goes under</p> <p>6 Route 287 is the drainage for Route 287. And then the</p> <p>7 existing property, which is roughly 15 acres, correct?</p> <p>8 MR. BOHLER: Yes.</p> <p>9 MR. SILVER: Where, you know, the rain water,</p> <p>10 whatever, just kind of goes into the ground aquifer.</p> <p>11 Now, in this plan here, you're covering a pretty</p> <p>12 substantial piece of that. My understanding is it's --</p> <p>13 all that rain water is going to get collected and go</p> <p>14 out that same culvert that goes under Route 287.</p> <p>15 My question is have you guys looked at -- can</p> <p>16 that drainage, that culvert, handle the drainage that's</p> <p>17 coming off the site? Because a couple years ago when</p> <p>18 it flooded, it flooded greater than an acre or more,</p> <p>19 and came within less than 50 feet of my house.</p> <p>20 My concern is that with the drainage of this</p> <p>21 property, the way we have it set up, what have you guys</p> <p>22 done to investigate the drainage that goes under the</p> <p>23 culvert and goes over to the Great Swamp? Is that</p> <p>24 piping big enough for that to handle the flow?</p> <p>25 MR. BOHLER: So I want to correct a few</p>	<p style="text-align: right;">Page 139</p> <p>1 we'll be holding the water on our site, and releasing</p> <p>2 it slowly through that pipe system.</p> <p>3 MR. SILVER: So you expect that the drainage</p> <p>4 from the site would be more with the proposed site, or</p> <p>5 less (indiscernible) going through the culvert?</p> <p>6 MR. BOHLER: There would be less peak flow,</p> <p>7 which is the requirement for the state. So we meet DEP</p> <p>8 criteria; and there's also a Harding stormwater</p> <p>9 criteria, as well, that we have to meet.</p> <p>10 MR. SILVER: So (indiscernible) ask the</p> <p>11 question again, maybe ask a different way.</p> <p>12 (Indiscernible) peak flow --</p> <p>13 MR. ORTH: From a layman's perspective, from</p> <p>14 a lawyer's perspective, when it rains, what -- how does</p> <p>15 the stormwater management handle the water?</p> <p>16 MR. BOHLER: So I guess the best way to</p> <p>17 explain it is it's like a bathtub. You fill up your</p> <p>18 bathtub, you hold the water back, and you release it</p> <p>19 slowly through a small drain. So we're doing the same</p> <p>20 thing here.</p> <p>21 So normally, under a normal rainfall event,</p> <p>22 the water would go down to the low point. It would go</p> <p>23 through those pipes or pond up through the our</p> <p>24 property. Under proposed conditions, the water it goes</p> <p>25 into our basin, we hold it back and release it very</p>
<p style="text-align: right;">Page 138</p> <p>1 things on -- that you had mentioned. The entire 15</p> <p>2 acres does not drain to that culvert. The majority of</p> <p>3 the site -- I would say maybe two or three acres drains</p> <p>4 to that point.</p> <p>5 So 80 percent of the site drains to the other</p> <p>6 ditch that's opposite and to the west side of your</p> <p>7 property. So there's actually a ridge line in the</p> <p>8 middle of the property, so most of the water drains</p> <p>9 away from your property.</p> <p>10 You mentioned that the clogging of the</p> <p>11 culvert was what caused the flooding. So we had talked</p> <p>12 about that in the field, that we would look to maintain</p> <p>13 that -- or at least ask the DOT to maintain it on a</p> <p>14 biannual basis, which is part of our inspection</p> <p>15 requirements for the stormwater.</p> <p>16 The site also does not infiltrate any water</p> <p>17 into the aquifer. It's essentially stone. We did</p> <p>18 testing out in the field and saw no infiltration rates.</p> <p>19 So basically, the water does run off at a rate into the</p> <p>20 pipes anyway, as it is.</p> <p>21 So, all that being said, that's all the</p> <p>22 engineering side of things. The stormwater design has</p> <p>23 been designed to retain the water and slow it down. So</p> <p>24 those pipes can handle it better from peak flow</p> <p>25 perspective. So it will be a better situation, because</p>	<p style="text-align: right;">Page 140</p> <p>1 slowly, so the pipe can drain the same amount of water.</p> <p>2 So no impacts to this -- the drainage.</p> <p>3 MR. SILVER: Thank you. And then -- is all</p> <p>4 of the water going to go through that one culvert, or</p> <p>5 is it multiple culverts that water drains out of?</p> <p>6 MR. BOHLER: No, the -- I would say, again,</p> <p>7 80 percent of the water goes to the culvert west of our</p> <p>8 -- of your property, further down --</p> <p>9 MR. SILVER: The one we were looking at?</p> <p>10 MR. BOHLER: No. So 20 percent goes here,</p> <p>11 and -- can you scroll down? And then the majority of</p> <p>12 the water goes -- there's a ditch that runs down off</p> <p>13 the page, right down this way underneath a culvert over</p> <p>14 here.</p> <p>15 So most of this water in this area that we're</p> <p>16 developing, and what's not being developed, drains</p> <p>17 through this ditch under the culvert. And there's --</p> <p>18 the grade change between here and here is 20 feet, plus</p> <p>19 or minus. So you wouldn't see any -- on your property,</p> <p>20 you would not see an impact by anything that happens in</p> <p>21 that side of the property.</p> <p>22 MS. SILVER: It slopes away --</p> <p>23 MR. BOHLER: Yes.</p> <p>24 CHAIRMAN CLEW: Sorry, Mr. Bohler. Can you</p> <p>25 just point out or use that pointer again, and just show</p>

<p style="text-align: right;">Page 141</p> <p>1 us what -- roughly what is the area that drains into 2 the culvert on the north end -- sorry, the east end of 3 that property? Sorry. I did it, too. 4 MR. BOHLER: See, that's -- so, about -- this 5 area right here. So I would say -- Buildings 1, 2, 3, 6 and then maybe some of 7, as well, in that area. So 7 like right in that area, about two -- two and a half, 8 three acres of property goes to that area. The rest of 9 it will go down into this basin system down here, and 10 then drain to the west. 11 CHAIRMAN CLEW: Okay. Okay. And when we 12 talk about -- maybe when we talk about the stormwater 13 system, you can kind of take us through and just show 14 us where that that piping comes through and -- 15 MR. BOHLER: Sure. 16 CHAIRMAN CLEW: Okay. All right. Thank you. 17 MR. SILVER: No further questions. Thank 18 you. 19 CHAIRMAN CLEW: Thank you, Mr. Silver. 20 UNIDENTIFIED: (Indiscernible) -- 21 CHAIRMAN CLEW: Ms. Wilson. 22 UNIDENTIFIED: I'm sorry. Is there a 23 question? 24 CHAIRMAN CLEW: Ms. Wilson -- sorry. One 25 more?</p>	<p style="text-align: right;">Page 143</p> <p>1 better term, it's a template that the State follows and 2 requires that's put together for each facility. 3 It's recorded with the Town's -- with the 4 deed on the property, and it's part of the Township 5 application, so it's been submitted as part of our 6 application. It's all sent to the DEP and they review 7 it and make comments on it as well. 8 We would add a biannual inspection, which is 9 how often you need to do your inspections on the 10 property, to go to that culvert and review and see if 11 there's any clogging, and then we'd notify DOT from 12 maintenance. 13 UNIDENTIFIED: And who does that review? Who 14 does that? 15 MR. BOHLER: The owner. 16 UNIDENTIFIED: The owner? 17 MR. BOHLER: Yes. 18 UNIDENTIFIED: Okay. And this plan is on 19 file with the clerk as part of the deed for the 20 property? 21 MR. BOHLER: Yes. It's the -- the operations 22 manual needs to be filed with the property. 23 UNIDENTIFIED: Gotcha. Thank you. 24 MR. FOX: What? You said something happened 25 a few years ago. What was that?</p>
<p style="text-align: right;">Page 142</p> <p>1 MS. WILSON: Yes. Cathy Wilson, 20 Beechwood 2 Drive, Morris Township. Just a point of clarification. 3 You're going to be presenting further on the stormwater 4 management plan later? 5 MR. BOHLER: I was not planning to, unless 6 the Board has questions. I had addressed that during 7 my first presentation. 8 MS. WILSON: Oh, you did? 9 MR. BOHLER: Yes. I went through that. We 10 are DEP compliant. And Harding requires some changes 11 to our stormwater, but very minor in nature that 12 Mr. Fox pointed out. So we'll take care of those 13 requirements. But if we have to go through more 14 stormwater discussions, we can. 15 MS. WILSON: Okay. So I had one question 16 about that culvert that we're talking about. Perhaps 17 you already addressed it. I'm not sure. But as part 18 of your stormwater management, what is the mechanism 19 for maintaining that culvert to make sure that what 20 happened a couple years ago does not get repeated? 21 MR. BOHLER: So we will -- we have an 22 operations and maintenance manual. It's -- it 23 describes whoever owns the property, how they 24 maintained stormwater criteria and structures onsite. 25 It's a state requirement, so it's a -- for lack of a</p>	<p style="text-align: right;">Page 144</p> <p>1 UNIDENTIFIED: Oh, Mr. Silver knows it much 2 better than I do. There was significant flooding on 3 that property due -- my understanding -- perhaps 4 Mr. Silver would like to describe it. There was 5 significant flooding all over the top, what, two, three 6 acres of this property? 7 MR. SILVER: It was a lot. It was -- the 8 fence along 287 was at least this high underwater. 9 UNIDENTIFIED: He was there. He experienced 10 it. Go ahead. 11 MR. SILVER: Yeah. 12 CHAIRMAN CLEW: I'm sorry, which storm was 13 this? Can you just remind us, or how long ago was 14 this? 15 MR. SILVER: It was I want to say roughly 16 around three years ago. 17 CHAIRMAN CLEW: Okay. 18 MR. SILVER: Plus or minus. 19 VICE-CHAIR CHIPPERSON: And, Paul, do you 20 know about that? 21 MR. FOX: I was there. 22 VICE-CHAIR CHIPPERSON: You were there? 23 MR. FOX: But I didn't do it. 24 VICE-CHAIR CHIPPERSON: I was going to ask 25 you.</p>

<p style="text-align: right;">Page 145</p> <p>1 MR. FOX: I didn't -- we did go out and take 2 a look at it because it was a little (indiscernible) to 3 the DOT (indiscernible) and then we were fortunate -- 4 we were very fortunate to have a member of the township 5 committee that has connections in Trenton, so once we 6 got him involved, there was a response (indiscernible). 7 VICE-CHAIR CHIPPERSON: Well, and it and was 8 the failure of the stormwater -- 9 MR. FOX: Yes, the inlet on this side of 10 Route 287, you know, it's really -- it's a culvert pipe 11 opening that goes over Tiger Lily Lane had become 12 clogged and, you know, we used our normal contacts 13 within the DOT to get that corrected. And we couldn't 14 get anybody out there, but then we finally -- someone 15 motivated them and they got it straightened out pretty 16 quickly, but it was quite significant. 17 VICE-CHAIR CHIPPERSON: And this application, 18 is that going to make that more or less likely? 19 MR. FOX: I think it would be less likely 20 ultimately because the stormwater control features on 21 this development are required to -- 22 VICE-CHAIR CHIPPERSON: Slow it down. 23 MR. FOX: -- diminish the flow rates. 24 VICE-CHAIR CHIPPERSON: Uh-huh. Okay. 25 MR. ORTH: Okay. Thank you.</p>	<p style="text-align: right;">Page 147</p> <p>1 But if the Board feels one way or another, we'd be 2 happy to put the ADA spaces, one at the clubhouse and 3 one at the dog park. We wouldn't lose any parking 4 spaces. We would just have two more ADA spaces there. 5 CHAIRMAN CLEW: Paul, can you just clarify, 6 your comment in your -- from your technical review is 7 what? 8 MR. FOX: Sure. What we're looking for is 9 just spreading out the available handicapped parking 10 spaces so they're more distributed throughout the 11 development. That's all. 12 MR. BOHLER: And we put our ADA spaces at all 13 the stacked townhomes where those accessible units are 14 located, so we did one for each of the units, which is 15 why they're located where they are. They're in front 16 of those units. 17 CHAIRMAN CLEW: Okay. And the revision does 18 what exactly then? 19 MR. BOHLER: If the board would like two more 20 spaces on site, not relocating because we want to keep 21 the ADA space for the unit that's going to be 22 accessible, we'd add one ADA space to the clubhouse 23 area, one ADA space to the dog park. You wouldn't lose 24 any parking spaces. You would just have two less 25 regular spaces and two more ADA spaces.</p>
<p style="text-align: right;">Page 146</p> <p>1 Mr. Bohler, there was a standing question 2 from one of the Board members with regard to the open 3 space, the utilization of the open space. 4 MR. BOHLER: Sure. 5 MR. ORTH: Let's talk about that, please. 6 MR. BOHLER: Yep. So going back to our 7 overall site rendering, I'll run through this just 8 briefly. Starting on, again east is to the top of the 9 page. So starting at the cul-de-sac, there's a dog 10 park that's proposed in this location. It's a little 11 hard to see on this renderings with the way it's shown, 12 but there's a box there. And as you go further west, 13 we obviously have the clubhouse as you enter in 14 connected to a pool and a playground area, a tot lot, 15 in those areas, so this is one other amenity in this 16 location. And then we also finally do have like a 17 walking path and connected sidewalks as well that link 18 all these together. 19 One of Mr. Fox's comments in his letter was 20 about looking to see if we wanted to -- if we could put 21 ADA parking spaces near the clubhouse and near the dog 22 park. We're indifferent to that. It's not required by 23 ADA code. There are ADA spaces directly across from 24 them in connection with the accessible units for the 25 stacked townhomes, so we feel like those can comply.</p>	<p style="text-align: right;">Page 148</p> <p>1 CHAIRMAN CLEW: Okay. So it's not a change 2 in the total number of spaces. It's just making two 3 spaces ADA compliant? 4 MR. BOHLER: Yes. 5 CHAIRMAN CLEW: Okay. 6 MR. BOHLER: You essentially make them four 7 feet wider to meet the code dimensions for the 8 striping. 9 CHAIRMAN CLEW: Okay. Okay. 10 MR. ORTH: And I'm going through the rest of 11 Mr. Fox's report. I think you've addressed almost all 12 of them in your prior testimony and in the testimony 13 tonight. Is there anything to add? 14 MR. BOHLER: With regards to the comments? 15 MR. ORTH: Yes. 16 MR. BOHLER: I think I hit everything else in 17 this. I think I would agree that we would be able to 18 do, on the last page, Items 1 through 10, and I did 19 provide some testimony. I didn't provide testimony on 20 6. So there was -- I might have hit these in the first 21 hearing, so I'll -- but I'll repeat it anyway. There's 22 a request for slope waivers on the site. The town code 23 requires 3 percent max for 30 feet, but building code 24 requires 5 percent minimum for 20 feet, so there's a 25 contradicting code in the ordinance and the building</p>

<p style="text-align: right;">Page 149</p> <p>1 code.</p> <p>2 UNIDENTIFIED: It's impossible.</p> <p>3 MR. BOHLER: So we've met the building code</p> <p>4 requirements for our design, and then we would -- we</p> <p>5 could transition to the 3 percent for the last 10 feet.</p> <p>6 We did that on our plan. So we met building code for</p> <p>7 the first 20 feet and town code for the first -- or the</p> <p>8 last 10 feet, but that's a waiver requirement from the</p> <p>9 code.</p> <p>10 And we do have one-on-one slopes for the</p> <p>11 small bar retention basis. It's a few feet</p> <p>12 differential, really just to provide some more ample</p> <p>13 usable area around those basins, but they're accessible</p> <p>14 and maintainable in those locations.</p> <p>15 MR. ORTH: And then with respect to the</p> <p>16 report from --</p> <p>17 CHAIRMAN CLEW: Paul, can you just comment on</p> <p>18 the -- this last point around the conflicting</p> <p>19 requirements in the ordinance and --</p> <p>20 MR. FOX: Sure. It's really fairly minor</p> <p>21 relative to grading going away from the building.</p> <p>22 We're -- there's a fairly old provision in the code</p> <p>23 which says it shouldn't exceed 3 percent, but the</p> <p>24 building code itself requires -- the UCC requires 5</p> <p>25 percent to maintain good drainage away from the</p>	<p style="text-align: right;">Page 151</p> <p>1 kind of moving on discussion of the variance</p> <p>2 requirement, the height variance?</p> <p>3 MR. BOHLER: Yes.</p> <p>4 CHAIRMAN CLEW: Okay.</p> <p>5 MR. BOHLER: This will provide additional</p> <p>6 testimony on that, so --</p> <p>7 CHAIRMAN CLEW: Okay. All right.</p> <p>8 MR. BOHLER: I actually don't remember the</p> <p>9 name of this. Do you mind scrolling (indiscernible).</p> <p>10 Stormwater impact gradient exhibit. It's dated today's</p> <p>11 date, so 26th.</p> <p>12 CHAIRMAN CLEW: Lori, are you good with that?</p> <p>13 SECRETARY TAGLAIRINO: Yep.</p> <p>14 CHAIRMAN CLEW: Okay.</p> <p>15 MR. BOHLER: So at our site visit -- and I</p> <p>16 apologize. I'm pointing to this, so should I go that</p> <p>17 way as well? Okay. Okay. So this exhibit shows our</p> <p>18 discharge point, and that's our lowest point onsite</p> <p>19 while meeting DEP codes. It's our starting point for</p> <p>20 how our basin drains, and the stormwater drains</p> <p>21 downhill. There's -- we don't have pumps for</p> <p>22 stormwater as part of our design.</p> <p>23 So we go up upstream slightly to an outlet</p> <p>24 structure, which is -- we were talking about slowing</p> <p>25 the water down previously, and that's the point. So</p>
<p style="text-align: right;">Page 150</p> <p>1 structure. So what -- I have no problem with what they</p> <p>2 provided in providing an engineering waiver --</p> <p>3 CHAIRMAN CLEW: Okay.</p> <p>4 MR. FOX: -- from that requirement of the</p> <p>5 code.</p> <p>6 CHAIRMAN CLEW: Okay.</p> <p>7 MR. FOX: The township code.</p> <p>8 CHAIRMAN CLEW: Okay. And so do we need --</p> <p>9 would that become a -- is that -- that is a waiver we</p> <p>10 have to document in the resolution?</p> <p>11 MR. FOX: That is correct.</p> <p>12 CHAIRMAN CLEW: Okay.</p> <p>13 MR. ORTH: Mister -- oh, I'm sorry, go ahead,</p> <p>14 Mr. Chairman.</p> <p>15 CHAIRMAN CLEW: Go ahead.</p> <p>16 MR. ORTH: We also have a stormwater exhibit</p> <p>17 to show to the Board.</p> <p>18 MR. BOHLER: Yes. This will relate to -- and</p> <p>19 we did not submit this, so I'll mark it. This really</p> <p>20 will relate to our discussions in the field about the</p> <p>21 low point for that Eastern portion and why that's</p> <p>22 driving Buildings 2 and 7 up. So do you mind just</p> <p>23 zooming into the blue area?</p> <p>24 MR. ORTH: Okay.</p> <p>25 CHAIRMAN CLEW: I'm sorry, so is this then a</p>	<p style="text-align: right;">Page 152</p> <p>1 this is the point of discharge is to this culvert on</p> <p>2 the east side Mr. Silver mentioned that had flooded</p> <p>3 because it was clogged previously.</p> <p>4 From there we have -- we start our detention</p> <p>5 basin, underground basin, so that's a system of flat</p> <p>6 pipes and storage containers that store water at those</p> <p>7 locations. And what we do is we designed that for DEP</p> <p>8 Harding criteria for a two-year storm event, which is a</p> <p>9 more reoccurring event, a 10-year and a 100-year event</p> <p>10 when we go through the process, and there's specific</p> <p>11 reductions we have to do and apply to the site, and</p> <p>12 that's how we size our basin and our underground</p> <p>13 system.</p> <p>14 CHAIRMAN CLEW: So -- sorry, so the basin</p> <p>15 size supports the 100-year event?</p> <p>16 MR. BOHLER: Yes.</p> <p>17 CHAIRMAN CLEW: Okay. Okay.</p> <p>18 MR. BOHLER: Yeah. So that's a state</p> <p>19 requirement, also a Harding requirement.</p> <p>20 CHAIRMAN CLEW: Okay. Because those happen</p> <p>21 every five to seven years now, so just --</p> <p>22 MR. BOHLER: No comment. So after that, the</p> <p>23 new green infrastructure, which is new as of March 2nd</p> <p>24 of this year, was implemented into our design system,</p> <p>25 and they require it by retention basins. So I think</p>

<p style="text-align: right;">Page 153</p> <p>1 Harding had something similar to this in their code, 2 but the DEP really made it official across the entire 3 state. 4 So now we have a bar retention basin. What 5 we do is we have a plant material in the basin, so it's 6 not just a normal grass bottom basin anymore. And to 7 support that plant material, you put a media in there. 8 So it's amended to allow for water to infiltrate 9 through it, but also support the life of the plant. 10 And then below that, because our site doesn't 11 have any infiltration requirements, we have to put an 12 under drain in there. So when we tie that together so 13 the water can percolate through the media, it can treat 14 it, it's approved by DEP, and then it drains into our 15 basin for these smaller storm events, though it's 16 treated clean water. 17 CHAIRMAN CLEW: Sorry, Mr. Bohler, just to 18 clarify, the site does not have any ability to absorb 19 any of that runoff? 20 MR. BOHLER: Right. We did geotech testing 21 and our results came back and it was essentially zero 22 inches per hour. 23 CHAIRMAN CLEW: Okay. So -- and is that 24 because it's basically clay or what's the -- 25 MR. BOHLER: Shale.</p>	<p style="text-align: right;">Page 155</p> <p>1 CHAIRMAN CLEW: Okay. And so are the kind of 2 dashed lines there, is that all the kind of underground 3 drainage infrastructure? 4 MR. BOHLER: Yeah, so -- 5 CHAIRMAN CLEW: So is this a -- is this sort 6 of a good point to kind of highlight kind of the pieces 7 of the property that go out to that drain that we were 8 discussing earlier? 9 MR. BOHLER: Sure. Do you mind if I pan left 10 a little bit actually? There, that's great right 11 there. 12 So there's a drainage systems in this area that pick 13 up, and then this -- all this area right here gets 14 routed and drained to this point right here. And the 15 remainder of it goes I guess it would be west to 16 another system that's on the second page of our design. 17 Not -- it's not in this exhibit, but below that is all 18 the remaining drainage. Similar systems, bioretention 19 basins, underground systems discharges into the wetland 20 areas. 21 CHAIRMAN CLEW: Okay. Okay. 22 UNIDENTIFIED: What about the runoff from the 23 parking lots? Is that being taken -- I mean, I'm 24 assuming it's being taken care of by the -- those 25 office buildings, but do you have to compensate for</p>
<p style="text-align: right;">Page 154</p> <p>1 CHAIRMAN CLEW: Shale? 2 MR. BOHLER: And there is actually -- 3 CHAIRMAN CLEW: Oh, shale, even better. 4 MR. BOHLER: There's a couple areas on site 5 that are exposed rock actually, so -- 6 CHAIRMAN CLEW: Okay. Okay. 7 MR. BOHLER: So proper engineering design is 8 you -- that drain is above your design storm and your 9 underground basin, so that elevates the -- those basins 10 up. And then you have to drain all of your pavement 11 areas into this basin at minimum cover/minimum slope 12 for cleaning velocities. And that sits up here. The 13 Eastern corner of this property is our lowest point for 14 this basin for treatment, and that kind of sets these 15 areas for these buildings based on then at that point 16 drain away from the building to the garages. So you 17 have minimum slopes of asphalt in those areas, and 18 that's what sets both Buildings 2 and 7. 19 So the combination of storm structures and 20 then the proper grading of a roadway at minimum slopes 21 all set the structures for those elevations from 22 existing conditions. From again proposed conditions, 23 these are all well below the 45 feet. It's just the 24 existing condition of this low point in this area 25 that's driven all this stuff.</p>	<p style="text-align: right;">Page 156</p> <p>1 that for anything coming over from those lots? 2 MR. BOHLER: So when you say parking lots, do 3 you mean -- 4 UNIDENTIFIED: In the office building. 5 UNIDENTIFIED: Office buildings off site. 6 MR. BOHLER: Okay. So the Morris Township 7 application for those -- 8 UNIDENTIFIED: Right. 9 MR. BOHLER: Okay. So those modifications 10 were handled by a separate basin on their site that 11 meets DEP compliance for that as well. 12 UNIDENTIFIED: Okay. 13 SECRETARY TAGLAIRINO: I just wanted to -- do 14 you have a hard copy of this? 15 MR. BOHLER: I have a reduced hard copy, yes. 16 SECRETARY TAGLAIRINO: Or can we just -- 17 Mr. Orth, can we just make sure that I get a PDF of 18 this? 19 MR. ORTH: Absolutely. 20 SECRETARY TAGLAIRINO: Okay. Tomorrow so I 21 can put this in the file. Okay. Thank you. 22 MR. ORTH: Absolutely. So, Brad, to sum up, 23 the design of the stormwater management system drives 24 in part the height variance. Is that correct? 25 MR. BOHLER: Yes.</p>

<p style="text-align: right;">Page 157</p> <p>1 MR. ORTH: Okay.</p> <p>2 UNIDENTIFIED: I have a quick question while</p> <p>3 we're on that drawing. All the way at the very top,</p> <p>4 it's hard to see, there's a dashed area. No, right</p> <p>5 there. There is a dash area, sort of a long rectangle.</p> <p>6 What is that?</p> <p>7 MR. BOHLER: Right there or up here?</p> <p>8 UNIDENTIFIED: At the top up there. Yeah,</p> <p>9 there.</p> <p>10 MR. BOHLER: That's part of our underground</p> <p>11 system.</p> <p>12 UNIDENTIFIED: Okay.</p> <p>13 MR. BOHLER: So it's underground storage.</p> <p>14 UNIDENTIFIED: Okay. And the landscaping</p> <p>15 along the property line there is -- there's room to do</p> <p>16 both?</p> <p>17 MR. BOHLER: Yes.</p> <p>18 UNIDENTIFIED: Okay.</p> <p>19 MR. FOX: I made a note for landscaping</p> <p>20 (indiscernible).</p> <p>21 UNIDENTIFIED: Okay, great.</p> <p>22 CHAIRMAN CLEW: I'm sorry, Paul. Can you</p> <p>23 turn your mic on and can you repeat that?</p> <p>24 MR. FOX: I've made a note for our landscape</p> <p>25 consultant to address that areas where there's a</p>	<p style="text-align: right;">Page 159</p> <p>1 of building permit applications. So we haven't gone</p> <p>2 that far yet. We haven't progressed that.</p> <p>3 CHAIRMAN CLEW: Okay</p> <p>4 MR. BOHLER: So we would agree to work with</p> <p>5 the fire department to satisfy their -- to address all</p> <p>6 the comments.</p> <p>7 CHAIRMAN CLEW: Okay.</p> <p>8 MR. FOX: There was one comment about what's</p> <p>9 being taken to address fire risks during construction</p> <p>10 before the sprinkler system is active. Can you speak</p> <p>11 to that?</p> <p>12 MR. BOHLER: Not right now.</p> <p>13 MR. FOX: Okay.</p> <p>14 MR. BOHLER: Not without a fire protection</p> <p>15 engineer to walk through that, and then I guess phasing</p> <p>16 and construction scheduling.</p> <p>17 CHAIRMAN CLEW: Okay. And is there -- I'm</p> <p>18 sorry, I'm just looking at this. So is there fire</p> <p>19 watch during construction?</p> <p>20 MR. BOHLER: Again, it's something we'll need</p> <p>21 to work it out with the fire department.</p> <p>22 CHAIRMAN CLEW: Okay. I'm sorry, is it --</p> <p>23 MR. BOHLER: It's not --</p> <p>24 CHAIRMAN CLEW: -- the fire department that</p> <p>25 does the fire watch or is --</p>
<p style="text-align: right;">Page 158</p> <p>1 confluence of the proposed landscaping in this</p> <p>2 underground stormwater features.</p> <p>3 CHAIRMAN CLEW: Okay. Thank you.</p> <p>4 MR. ORTH: And the last professional report</p> <p>5 we have to address is the one from the fire department</p> <p>6 dated May 11th, 2021. Is that correct, Mr. Bohler?</p> <p>7 MR. BOHLER: Yes.</p> <p>8 MR. ORTH: And what's the Applicant's</p> <p>9 response to this report?</p> <p>10 MR. BOHLER: So we'll -- a number of the</p> <p>11 things they're asking for are more mechanical,</p> <p>12 plumbing, engineering, design criteria. We have to go</p> <p>13 through a number of other items, so we'll agree to work</p> <p>14 with the fire department to satisfy their concerns on</p> <p>15 the application.</p> <p>16 CHAIRMAN CLEW: I'm sorry, can I -- just to</p> <p>17 clarify for everybody, this is the -- is this the fire</p> <p>18 department report kind of listed in our agenda as</p> <p>19 documents from May 12th?</p> <p>20 UNIDENTIFIED: (Indiscernible).</p> <p>21 CHAIRMAN CLEW: Okay. And what were the --</p> <p>22 what are the issues here?</p> <p>23 MR. BOHLER: So not going through piece by</p> <p>24 piece, but some of these I can address right now, but</p> <p>25 other items require higher-level designs that are part</p>	<p style="text-align: right;">Page 160</p> <p>1 UNIDENTIFIED: No.</p> <p>2 CHAIRMAN CLEW: Okay.</p> <p>3 UNIDENTIFIED: I didn't mean to</p> <p>4 (indiscernible).</p> <p>5 CHAIRMAN CLEW: No is (indiscernible). Jump</p> <p>6 in if you know the answer here.</p> <p>7 UNIDENTIFIED: They have to hire a security</p> <p>8 (indiscernible) someone who can call the fire</p> <p>9 department, whoever it is, and then it's --</p> <p>10 CHAIRMAN CLEW: Okay.</p> <p>11 UNIDENTIFIED: I can't even speak to that, so</p> <p>12 I'm not going to.</p> <p>13 CHAIRMAN CLEW: Okay. Okay. Paul, are you -</p> <p>14 -</p> <p>15 MR. FOX: The only thing though to that</p> <p>16 though would be is this is domestic water you're</p> <p>17 bringing from New Jersey water or Southeast Morris or -</p> <p>18 -</p> <p>19 MR. BOHLER: Southeast Morris.</p> <p>20 MR. FOX: Southeast, we're bringing</p> <p>21 maintenance, and they probably -- you probably take</p> <p>22 something off one of the office buildings or a hydrogen</p> <p>23 (indiscernible) closely as humanly possible.</p> <p>24 SECRETARY TAGLAIRINO: Paul, could you just</p> <p>25 put your --</p>

1 MR. BOHLER: Sorry. No, Southeast Morris,
 2 you know, while it's under construction, you know?
 3 MR. FOX: Yeah.
 4 MR. BOHLER: As soon as you can get a hydrant
 5 in, that's what they want.
 6 MR. FOX: Yes.
 7 MR. BOHLER: They want to see you bring in --
 8 pop up a hydrant and then go.
 9 MR. FOX: I mean, I think, Mr. Chairman, just
 10 from a practical standpoint, these items need to be
 11 addressed as part of a resolution of approval. So if
 12 there's going to be a concrete answer to these nine
 13 items, we need a concrete response that would be in
 14 writing.
 15 CHAIRMAN CLEW: Yes.
 16 MR. FOX: How each one of those will be
 17 addressed. MR. BOHLER: Yeah. So I would
 18 suggest that we would look to seek some sort of letter
 19 that would clarify things from the fire department.
 20 MR. FOX: Okay.
 21 MR. BOHLER: That's my point.
 22 MR. FOX: But I guess my point is, I think my
 23 preference would be for the Board to have answers to
 24 these items before making a decision on this
 25 application.

1 (Counsel and applicant confer)
 2 MR. ORTH: Okay. So a number of the items
 3 I'm told by the client would require full MEP
 4 engineering. Some of them I think, Mr. Fox, we could
 5 address in writing and provide a response to, and the
 6 ones that we can't address at this time, we'll state
 7 that we can't address at this time, but would work
 8 cooperatively with the fire department to address it as
 9 a condition of approval.
 10 CHAIRMAN CLEW: Mr. Fox, does that work for
 11 you?
 12 MR. FOX: I think the only thing that sticks
 13 out in my mind is the issue of, you know, what's going
 14 to be done during construction. I think practice has
 15 shown across the country that these buildings during
 16 construction are a huge danger, whereas prior to the
 17 sprinkler systems being active, a fire could race
 18 through one of these structures in no time at all. So
 19 I think it's a valid comment from the fire department
 20 wanting to know what's going to be done to address this
 21 risk.
 22 CHAIRMAN CLEW: Okay. And so would we make
 23 that a condition for -- that needed to be satisfied
 24 prior to issuing permits, and is that subject to your
 25 sign-off or getting confirmation from the fire

1 department that those conditions have been adequately
 2 met?
 3 MR. FOX: Well, I think it would have to be
 4 to the satisfaction of the fire department.
 5 CHAIRMAN CLEW: Okay.
 6 MR. ORTH: And I believe we will make the
 7 utility improvements before we start going vertical on
 8 the buildings.
 9 CHAIRMAN CLEW: I'm sorry, could you repeat
 10 that?
 11 MR. ORTH: Oh, we'll make the utility
 12 improvements. Those will be the first things
 13 installed.
 14 CHAIRMAN CLEW: I'm sorry, you are so close
 15 to the mic that we can't hear you, strangely.
 16 MR. ORTH: It's tough to figure out, you
 17 know? I only went to law school for three years for
 18 this. We will make the utility improvements before we
 19 start going vertical on the buildings.
 20 CHAIRMAN CLEW: Okay.
 21 MR. ORTH: Let's finish. And any other -- I
 22 don't think we have any other professional reports to
 23 review. I believe that we've addressed Mr. Fox's
 24 comments. We just addressed the comments from the fire
 25 department. We have previously addressed the planner's

1 comments to your satisfaction, so those are the -- and
 2 the police chief's comments we also addressed in terms
 3 of site access. So I don't have any other further
 4 questions for Mr. Bohler.
 5 CHAIRMAN CLEW: All right. Any questions
 6 from the board for Mr. Bohler? Sorry, and who's doing
 7 -- we're doing architecture next?
 8 MR. ORTH: We're going to do architecture
 9 next.
 10 CHAIRMAN CLEW: Okay.
 11 MR. ORTH: If I could recall Mr. Chris
 12 Burgess to briefly address one item.
 13 CHAIRMAN CLEW: Okay.
 14 MR. ORTH: And then we'll --
 15 CHAIRMAN CLEW: Okay.
 16 MR. ORTH: I'll call Mr. Raker.
 17 MR. BURGESS: Just -- there we go. So,
 18 Mr. Fox, we -- we'll put before -- a lot of times how
 19 this is -- how we do this during construction is we'll
 20 get a foundation permit for the building foundations,
 21 but won't be issued a build -- a vertical permit to go
 22 vertical on the buildings until the hydrants are
 23 installed, so we're happy to do that here as well.
 24 That way you've got the fire hydrants in place before
 25 we start putting wood structures up.

<p style="text-align: right;">Page 165</p> <p>1 And then Tom also let me know that as we're 2 doing construction in these buildings, we'll have a 3 fire hydrant on every floor of these buildings as well. 4 So we'll certainly take those precautions and have the 5 -- 6 UNIDENTIFIED: Extinguishers. Extinguisher, 7 sorry. 8 MR. BURGESS: We'll certainly have the 9 hydrants in before we go vertical, and so hopefully 10 that can address some of the concerns during 11 construction which we know are serious. 12 CHAIRMAN CLEW: I'm sorry -- 13 MR. FOX: (Indiscernible) just provide a 14 written response -- 15 MR. BURGESS: Will do. 16 MR. FOX: -- to the fire department going 17 through these items? 18 MR. BURGESS: Yep. 19 MR. FOX: That'll be helpful. 20 MR. BURGESS: Great. 21 MR. ORTH: Thank you. 22 CHAIRMAN CLEW: I don't know if this is for 23 you or not, but are these -- are the buildings 24 sprinklered? 25 MR. BURGESS: So, yes, the architects have</p>	<p style="text-align: right;">Page 167</p> <p>1 you in. 2 JACK RAKER, APPLICANT'S WITNESS, SWORN 3 UNIDENTIFIED: Tell us your name, please. 4 MR. RAKER: My name is Jack Raker, R-A-K-E-R. 5 UNIDENTIFIED: Thank you. 6 MR. ORTH: Mr. Raker, if you haven't been 7 sworn, you haven't given your professional 8 qualifications yet. So would you please provide the 9 Board with your experience, your licenses, and your 10 educational background? 11 MR. RAKER: Sure. I have a bachelor's in 12 architecture from the New Jersey Institute of 13 Technology. I'm a licensed architect and practicing -- 14 I'm a principal at Minno & Wasko Architects & Planners. 15 I've been practicing in this field of architecture for 16 the past 25 years, and I've testified before numerous 17 boards in the state of New Jersey. Unfortunately, I've 18 never had the pleasure to be here, but I've been before 19 probably I'd say maybe 30 or 40 separate other 20 townships. 21 MR. ORTH: I would -- Mr. Chairman, I would 22 proffer Mr. Raker as an expert in the field of 23 architecture. 24 CHAIRMAN CLEW: He is accepted. 25 MR. ORTH: Thank you, sir.</p>
<p style="text-align: right;">Page 166</p> <p>1 provided testimony on that. 2 CHAIRMAN CLEW: Okay. 3 MR. BURGESS: And Jack can do it again, but 4 it's -- 5 CHAIRMAN CLEW: No, I just -- I honestly 6 didn't remember. 7 MR. BURGESS: No, that's okay. It's 13D in 8 the townhomes, which is as required by code, and 13R 9 for the stacked flats. 10 CHAIRMAN CLEW: Okay. 11 MR. BURGESS: Also as required by building 12 code. 13 CHAIRMAN CLEW: Okay. Okay. So, Paul, 14 you're comfortable with all this? 15 MR. FOX: Yes. 16 CHAIRMAN CLEW: Okay. Brilliant. All right. 17 MR. ORTH: Thank you, sir. 18 CHAIRMAN CLEW: Go ahead. 19 MR. ORTH: Okay. I would next like to call 20 Mr. Raker. Thank you. 21 And, Mr. Raker, were you previously sworn in 22 on this application? 23 MR. RAKER: I was not. 24 MR. ORTH: Okay. 25 UNIDENTIFIED: All right. Well, let me swear</p>	<p style="text-align: right;">Page 168</p> <p>1 MR. RAKER: Thank you. 2 MR. ORTH: Mr. Raker, did you prepare plans 3 in connection with this application? 4 MR. RAKER: I did. 5 MR. ORTH: And did you prepare the revised 6 plans that we submitted? 7 MR. RAKER: I did. 8 MR. ORTH: Thank you. Do you have them up 9 on -- 10 MR. RAKER: Sure. 11 MR. ORTH: They were already up on the 12 screen. Why don't you please walk the Board through 13 the plans, and really focus on the minor revisions that 14 were made. 15 MR. RAKER: Really my testimony here isn't 16 going to be, you know, very -- we're going to try to 17 focus on the questions that were remaining from the 18 previous testimony. So, Brian, could you just go to 19 the next sheet, please? I'm going to point to two 20 locations we've added in these plans. 21 UNIDENTIFIED: Can you give us the date of 22 those plans so we -- 23 MR. RAKER: Sure. 24 CHAIRMAN CLEW: July 16th I believe is the -- 25 it's the last link in the --</p>

<p style="text-align: right;">Page 169</p> <p>1 UNIDENTIFIED: It should be right under the 2 (indiscernible) 18th, so it's six -- 3 UNIDENTIFIED: 15. 4 CHAIRMAN CLEW: Oh, 15. 5 UNIDENTIFIED: 6/18/2021. 6 UNIDENTIFIED: Are you sure? 7 UNIDENTIFIED: It's right at the top. 8 UNIDENTIFIED: It says revised. 9 CHAIRMAN CLEW: Revised 7/15, yeah. 10 MR. RAKER: Oh, that's this page. Those, 11 thank you, right there. So I'm going to point to two 12 locations we've added here. We've added this location. 13 These two units are the low and moderate units, and one 14 of the concerns last time was bike storage and/or trash 15 storage and protecting these and keeping them out of 16 sight of -- giving the tenants a place to store their 17 bikes and/or keep trash away from any animals that may 18 be roaming around looking for a snack. 19 So we've -- what we've done is created an 20 extension, sort of a shed that extends off the back of 21 the building. We've created a door that accesses that 22 shed. Inside that shed we've created four can 23 locations, so that's two recycling cans and two trash 24 cans. 25 Those cans will be for the two tenants here,</p>	<p style="text-align: right;">Page 171</p> <p>1 potentially have keys to that location, but it would be 2 shared between the lower floor tenant and the upper 3 floor tenant. I would think a lock may cause some 4 issues, but a simple door, but we'll be open to what 5 the Board is -- would suggest. 6 CHAIRMAN CLEW: You know what, I'm just -- 7 I'm thinking about, you know, bicycles -- 8 UNIDENTIFIED: You can lock the bikes. 9 CHAIRMAN CLEW: -- at least where I grew up, 10 tended to disappear. But the trash tended to pile up, 11 so, you know -- 12 MR. RAKER: Lost keys could be a problem. 13 CHAIRMAN CLEW: Well, I'm -- you know, I'm of 14 two minds, right? If it's locked, then there's going 15 to be trash piled up outside the door. 16 UNIDENTIFIED: Right. 17 CHAIRMAN CLEW: If it's unlocked, then -- 18 MR. RAKER: We think just a closed door and 19 the proximity of the shed to the units itself, it's 20 fairly secure. It's got eyes on it. There's a patio 21 right outside. I think I would feel comfortable 22 leaving my bike there. I don't -- you know, I -- me 23 and my neighbor have access to it, my neighbors 24 upstairs, and they're looking at it as well. 25 UNIDENTIFIED: You can always put a bike lock</p>
<p style="text-align: right;">Page 170</p> <p>1 and then adjacent to that on the other side we have 2 bike storage. The exact rack we haven't determined 3 yet. We realize we're going to have a number of 4 different sized bikes as well, so we have to select a 5 rack that maybe some racks will be for some smaller 6 bikes and some racks will be for some larger bikes. 7 But we anticipate we can get a good six bikes at least 8 in the shed for the tenants to use. 9 And then what we've done is we moved those 10 condensing units just to the outside of that shed. The 11 shed actually -- I call it a shed. It's actually a 12 part of the structure. It's going to look and feel 13 like the structure. It will have the same finished 14 materials, the same roofing material. 15 We haven't had a chance to update all the 16 renderings that we did previously with this revised 17 shed, but we can provide that in a resolution 18 compliance and we can provide that type of aesthetic. 19 It will conform with the aesthetics that we've shown 20 you so far. 21 CHAIRMAN CLEW: And what's the -- the access 22 to those storage areas and trash can areas, is that 23 locked, unlocked? 24 MR. RAKER: It would be unlocked. It's 25 shared between two tenants. I guess we could</p>	<p style="text-align: right;">Page 172</p> <p>1 on it. 2 UNIDENTIFIED: Right. 3 MR. RAKER: Yeah, too, if there's a way to 4 lock the bike internally, for providing the stands 5 internally, there's probably a way to lock your bike if 6 you felt -- 7 CHAIRMAN CLEW: Okay. 8 MR. RAKER: -- felt you were (indiscernible). 9 CHAIRMAN CLEW: And is there -- on the -- 10 sorry, I'm just looking at the optional patios behind 11 those two units. Are those -- is there a door from the 12 bedroom -- 13 MR. RAKER: No, there's no -- 14 CHAIRMAN CLEW: -- to the patio or -- 15 MR. RAKER: They're showing them as optional 16 patios because those locations are in the bedrooms at 17 the lower floor. So providing a patio just from a 18 private bedroom may or may not be, you know, an asset. 19 If you have to go through somebody's bedroom to access 20 your patio, it may not be a common place you -- so we 21 left it as optional, and would make a determination at 22 some point. 23 We've counted all of that stuff in our 24 impervious coverage, so we know that if we wanted to 25 put it in, we could. We just wanted the ability, if we</p>

<p style="text-align: right;">Page 173</p> <p>1 felt it really wasn't adding any real value to that 2 tenant, we would just remove it. 3 CHAIRMAN CLEW: Okay. 4 UNIDENTIFIED: I have a quick question on 5 that. Because the affordable units are rental, whose 6 option is it? Is -- are the developers going to decide 7 prior to placing tenants in there, or once you have a 8 tenant, will you ask their preference? 9 MR. RAKER: It would be the developer's 10 option. 11 UNIDENTIFIED: Okay. So by the time the 12 tenants move in, the decision will have been made. 13 MR. RAKER: Yes. 14 UNIDENTIFIED: Okay. 15 MR. RAKER: They'd be finished by then. 16 UNIDENTIFIED: Okay. Thank you. 17 MR. ORTH: Did you have any -- was there any 18 other pertinent testimony with these revised 19 architectural plans? 20 MR. RAKER: There is one other item I want to 21 just -- it just came up earlier, and I just wanted to 22 clarify some of the things on the lighting on the 23 building. I just wanted to be clear. It is shown on 24 OUR elevations, but if you don't mind just going 25 forward to the rear elevation. Just keep going. It's</p>	<p style="text-align: right;">Page 175</p> <p>1 of the door. It's on either the left or the right. 2 And usually it comes from the swing. At the time we do 3 construction documents, we think about the swing, we 4 think about the light fixture and that location. Now, 5 this light fixture, too, and it wasn't really mentioned 6 before, the bulb itself is up in the light fixture -- 7 VICE-CHAIR CHIPPERSON: Okay. It's hard to 8 tell. 9 MR. RAKER: -- so it's not below shining out. 10 Look, you're not going to see the bulb. Even if you're 11 down below, you're not really going to see the bulb. 12 Most of that light is going to filter to the top of the 13 deck, and then -- 14 VICE-CHAIR CHIPPERSON: Puddle, puddle on the 15 bottom. 16 MR. RAKER: I think it was discussed, too, 17 that at that end we'd provide a small privacy wall. If 18 that was going to be an issue, we could put a small 19 screened wall at the end of that one unit. 20 UNIDENTIFIED: What's the dimension of that 21 deck? I mean, can you put a table or a lounge or 22 something like that. 23 MR. RAKER: It's approximately 10 by 12. 24 It's enough to put a -- 25 UNIDENTIFIED: Okay.</p>
<p style="text-align: right;">Page 174</p> <p>1 one more. There you go. So we do have light fixtures. 2 We do have some areas where we have upper level 3 terraces here, and we are required by code to provide a 4 light fixture outside of those doorways. It's a safety 5 feature. 6 We need to make sure that if someone wants to 7 leave or that your dog has to go out at night, you have 8 to make sure that that person can exit and, you know, 9 go -- walk down their steps free and clear and be safe. 10 I know that, you know, I've had to take my dog out late 11 at night many times, and I want to make sure that 12 that's the case. 13 VICE-CHAIR CHIPPERSON: What is the 14 requirement? Is it elevated or can you have walkway 15 lighting? 16 MR. RAKER: The code is that we provide 17 lighting at the entries and at the transition. So when 18 you're transitioning through a door at night, the 19 thought is that there could be a step. There could be 20 just a change in flooring or a change -- something that 21 you have to navigate in the nighttime, and the thought 22 is that light provides safety. 23 VICE-CHAIR CHIPPERSON: Is the light on the 24 left of the door or above the door? 25 MR. RAKER: It is on the -- it is on the side</p>	<p style="text-align: right;">Page 176</p> <p>1 MR. RAKER: -- small table out there. 2 UNIDENTIFIED: So you need lighting. 3 MR. RAKER: And it's going to need lighting, 4 yeah. 5 UNIDENTIFIED: It appears to me that on the 6 other ones you already have a privacy wall. Am I 7 correct? 8 MR. RAKER: On the -- when we have them 9 adjacent to one another, we place a -- yeah. Where we 10 have two decks adjacent to one another, we have a 11 privacy wall between. 12 UNIDENTIFIED: Right. 13 MR. RAKER: But not between the two that are 14 separate. 15 UNIDENTIFIED: You do the same thing on the 16 end unit if someone (indiscernible). 17 MR. RAKER: Correct. 18 UNIDENTIFIED: Okay. 19 MR. RAKER: That's -- we said we would do 20 that, absolutely. 21 UNIDENTIFIED: Okay. 22 MR. RAKER: So I just wanted to clarify that 23 for the board so you had an understanding of, you know, 24 where that requirement came from. 25 CHAIRMAN CLEW: And so is your expectation</p>

1 that that would be sort of at this -- that's sort of
2 six and a half feet above the --
3 MR. RAKER: The doors are six foot eight.
4 CHAIRMAN CLEW: Okay.
5 MR. RAKER: It would be to the one side of
6 the door. So the mounting height may be about five and
7 a half to six feet, somewhere in that area. We have to
8 be concerned about, you know, head height and making
9 sure you can't, you know, bump into it. And there's a
10 number of things, so we have to analyze each fixture
11 and then set the mounting height.
12 UNIDENTIFIED: Not everyone's as tall as you,
13 Rich.
14 CHAIRMAN CLEW: I know. I know. This
15 world's not made for me. It's okay. All right.
16 MR. ORTH: And you also provided a material
17 board, correct?
18 MR. RAKER: I did. And I hope everybody had
19 a chance to look at the materials. We did drop them
20 off. It was last week or -- I'm going to just walk
21 through -- actually, do you -- if you don't mind just
22 going to the color elevation that was previous to the
23 rear elevation and --
24 UNIDENTIFIED: (Indiscernible).
25 MR. RAKER: Sure. And I don't know if this

1 was a better one to look at.
2 CHAIRMAN CLEW: That one's -- that screen is
3 definitely better.
4 MR. RAKER: Okay.
5 CHAIRMAN CLEW: Well, if you want to be able
6 to read it, it's better.
7 MR. RAKER: This elevation, the black and
8 white elevation that is over here on the material board
9 is exactly this exhibit. This is just the color
10 exhibit. And on this exhibit, we have numbers pointing
11 to different materials. Each of these materials is
12 numbered. And then if -- Brad, if you would just zoom
13 out and you can see there is a chart in the bottom
14 right that has numbers for each of these.
15 Number one is the stone veneer. That stone
16 veneer is shown over here. That's a -- it's a cast
17 stone veneer. It is not real stone. It is a man-made
18 stone to look like stone. This is a very common
19 process. Every manufacturer has their secret way to
20 make it look mostly like stone. This particular
21 manufacturer does a great job. We're very happy with
22 this one. And these stones are then -- are fastened to
23 a drainage board on the buildings.
24 The next one is cast stone. That material,
25 that's Number 2. That material is here. That's the

1 dark gray material. That appears just above the
2 windows in each of the -- it's like a lintel that was
3 done in most masonry buildings, and that just gives it
4 a more authentic look. You want to make sure that
5 those openings are spanned by something substantial and
6 that it's not just stone stuck above a window. We want
7 to make sure that it has a real authentic stone
8 character.
9 Next material is Number 3. That's the fiber
10 cement siding and panels. The horizontal siding in
11 this area up here and over here is a horizontal siding.
12 That is that material there. It's called a fiber
13 cement siding. A brand name that's the most famous is
14 a Hardy siding. It's a fiber cement, and they make
15 both horizontal siding and panels, and we're using the
16 panels to make this vertical siding here with battens.
17 And it's just a little one-by-two strip that
18 goes vertical, and it has a nice sort of farmhouse
19 vertical -- remember the old cedar boards that would go
20 and they'd put battens in between the cedar boards, and
21 that was a very common farmhouse look. We're mimicking
22 that in this aesthetic here.
23 The next material we're showing is the wooden
24 look. That would be the Item Number 4 is the wood look
25 fiber cement siding, and that's shown right here. It's

1 actually usually made by the same company. It's a
2 company that comes out and then they refinish that
3 material. They give you the same warranty, and it
4 looks like wood. It really has a beautiful look.
5 We've been using this more and more, and you can see up
6 in these areas here where we want that nice wood
7 accent, we can get it from that material without having
8 to use wood and the maintenance of staining and/or
9 painting wood over time. We get that natural wood
10 look, and it relieves us some -- from some of that
11 maintenance.
12 The next one is a dimensional fiberglass
13 shingle. It's not just a regular flat tab shingle. We
14 use a dimensional shingle on the roof. It gives us a
15 little bit more texture as well. We're also using
16 accent metal. That is this material here, this light
17 gray material. That's done over the doorways here.
18 You know, at each doorway we have a little pent roof
19 where we have some accent metal roofing.
20 And then the last material we have is the
21 luxury vinyl siding, and that starts on the end
22 elevation from here and it wraps around the rear. And
23 then the mirror condition, it ends on the other side
24 here, and that is this material here that's right
25 adjacent to the Hardy siding.

<p style="text-align: right;">Page 181</p> <p>1 And I encourage you to go up and touch all 2 the materials. If you have questions, I'll answer any 3 of them. 4 UNIDENTIFIED: I have a question. 5 MR. RAKER: Sure. 6 UNIDENTIFIED: During the first presentation 7 we had, Mr. Kershner was taught -- showed seven iconic 8 Harding township architecture. But where would you 9 find -- I find your choice of stone veneer or cultured 10 stone veneer, where you're calling it as a cast stone, 11 this quilted motif, this speckled whatever is you -- 12 where do you find that anywhere in Harding Township? 13 I mean, we're trying to have a townhouse 14 development that fits within the town's fabric, social 15 historical fabric. Throwing a little bit of putting 16 stone, some black, some grays, whatever else, that 17 motif doesn't really fit in. So I'm just wondering why 18 would you want to impose that on us where you could use 19 a light tan, a light gray, and keep it at that rather 20 than throw in something that is not found in our town? 21 And also I don't think it looks very nice. 22 MR. RAKER: I apologize. I'm sorry. I 23 didn't mean to offend anybody by my choice of stone. 24 This particular stone, it actually mimics a lot of 25 stone found in North Jersey, so obviously we're not</p>	<p style="text-align: right;">Page 183</p> <p>1 UNIDENTIFIED: Okay. 2 MR. RAKER: There's not one stone fits all. 3 You know, we -- there's many stones that are local -- 4 that we can pick from that are local to North Jersey 5 that may make you feel more comfortable with what you 6 see. 7 UNIDENTIFIED: A neutral -- a neutral -- 8 MR. RAKER: I neutral -- 9 UNIDENTIFIED: -- earthy colors without 10 actually drawing attention to it. 11 MR. RAKER: I think maybe the trouble is 12 you're looking at five stones on a wall where there are 13 thousands in it. Is that really representative -- 14 UNIDENTIFIED: That one stone would throw off 15 -- offset -- 16 MR. RAKER: Exactly. 17 UNIDENTIFIED: -- the natural look, so I'd 18 want to get away from that. 19 MR. RAKER: Okay. So -- 20 UNIDENTIFIED: Why are you specifically 21 (indiscernible)? 22 UNIDENTIFIED: Yeah, I think the -- if you 23 were to set up that -- the wall, let's just take this 24 as a veneer. Yes. Thank you for blocking off that red 25 one. But even the darker one, you just -- any of the</p>
<p style="text-align: right;">Page 182</p> <p>1 talking about, you know, Harding Township in general, 2 but stone is a geological occurrence. 3 UNIDENTIFIED: I'm talking about the color. 4 I'm not talking about the texture. 5 MR. RAKER: The red color actually does 6 appear locally. 7 UNIDENTIFIED: Pudding stone. 8 MR. RAKER: Not pudding stone. It actually 9 comes from a shale. 10 UNIDENTIFIED: But it's not usually used in 11 the same structure. In other words, what I'm trying to 12 reflect here is that when you drive in here, you 13 shouldn't have a black -- I mean, I don't want to be 14 insulting, but QuickChek has a mixture of brick and 15 white and black and all that, which I just find hard to 16 look at. But here you're starting with a new 17 development. It could fit in nicely. You'd walk in -- 18 you drive in, but here you have a checkerboard, and I 19 don't think it's necessary. 20 MR. RAKER: You know, I think maybe that -- 21 well, look, we're willing to work with you on the stone 22 color -- 23 UNIDENTIFIED: Good. 24 MR. RAKER: -- and provide some options as 25 well.</p>	<p style="text-align: right;">Page 184</p> <p>1 neutral colors, I'm fine with the texture. It's just 2 the palette colors. It should not be a checkerboard. 3 Sorry. This is a pointer. 4 MR. RAKER: I think that there are many 5 samples of local stones that will work within that 6 pallet. 7 UNIDENTIFIED: Uh-huh. 8 MR. RAKER: And I think we could absolutely 9 do that. 10 UNIDENTIFIED: Good. Neutral, earthy, not 11 drawing attention to itself. 12 MR. RAKER: Sure. 13 UNIDENTIFIED: And so it didn't look like a - 14 - 15 UNIDENTIFIED: So when you say dark stone, 16 you want a -- 17 UNIDENTIFIED: Dark and the reds. 18 UNIDENTIFIED: Dark and reds. 19 UNIDENTIFIED: And the whites. 20 UNIDENTIFIED: In other words -- 21 UNIDENTIFIED: So it's like (indiscernible) 22 stone. 23 UNIDENTIFIED: Yeah, and -- 24 UNIDENTIFIED: So you want or you don't want? 25 UNIDENTIFIED: You don't want. You just want</p>

<p style="text-align: right;">Page 185</p> <p>1 the neutral colors, the grays, the light grays, the 2 light browns, and mix them in so that they look like, 3 you know -- this area has trap rock, so that's not some 4 -- that's not a look we like, so usually they're 5 brought in. And, I mean, I can show you some pictures 6 because I went around today taking pictures. 7 UNIDENTIFIED: What about you? 8 MR. ORTH: We'll stipulate to that. 9 UNIDENTIFIED: So neutral colors. 10 MR. RAKER: If you could share those 11 pictures, we'd be happy to look at them. 12 UNIDENTIFIED: Yeah. 13 MR. RAKER: That would be great. 14 UNIDENTIFIED: I have a question about the 15 vinyl. Where specifically are you using the vinyl in 16 (indiscernible) of the buildings or -- 17 MR. RAKER: Yeah. We're starting here. 18 Actually, this is the dividing line, and we're wrapping 19 the vinyl around the back and going all the way across 20 the back, and then in a mirror condition on the other 21 side, we're wrapping the corner and stopping right 22 here. 23 UNIDENTIFIED: If you go to the next slide, 24 you see (indiscernible). 25 UNIDENTIFIED: Yeah, if you (indiscernible).</p>	<p style="text-align: right;">Page 187</p> <p>1 that (indiscernible). 2 UNIDENTIFIED: And why didn't you break up to 3 -- from the back side, why did you not break up the 4 colors like you did on the front side? 5 MR. RAKER: Well, we didn't add a second 6 level terrace to the co-units, but we did add second 7 level terraces to the other units. And we felt that 8 there was a lot of break in that in just the balconies 9 themselves, that that added -- and we did do some 10 breaks on the roof with some dormers as well to try to 11 break up that mass as well. 12 UNIDENTIFIED: And then how quickly could you 13 (indiscernible) -- 14 MR. RAKER: Very quickly. 15 UNIDENTIFIED: Without interrupting me, how 16 quickly could you -- 17 UNIDENTIFIED: Without interrupting him. 18 MR. RAKER: Tomorrow morning I will fire off 19 a couple of -- 20 MR. ORTH: Hang on. What's the question? 21 MR. NEWLIN: The question is, you know, if we 22 could tell these guys what they could come back with. 23 SECRETARY TAGLAIRINO: Alf, just put your 24 (indiscernible) in. 25 MR. NEWLIN: You know my question.</p>
<p style="text-align: right;">Page 186</p> <p>1 UNIDENTIFIED: You can see the whole back 2 view. 3 MR. RAKER: We can show the back elevation. 4 There you go. So this is -- this would be the vinyl, 5 so the luxury vinyl siding. 6 UNIDENTIFIED: Oh, the whole back? 7 MR. RAKER: Yeah. 8 CHAIRMAN CLEW: Okay. And, sorry, I don't 9 mean this to be funny, but what makes it luxury vinyl 10 siding? 11 MR. RAKER: There's -- actually, it's a 12 legitimate question. There is a -- two methods that 13 are commonly used. One is just create a -- the cheaper 14 vinyl siding, there's a lot of, you know, moving around 15 when you look at it, but the luxury vinyl siding is 16 made to go on finer homes and be a little bit more 17 deceiving. So it's thicker and it stays much 18 straighter. It doesn't oilcan like regular vinyl 19 siding. 20 The other method they'll use sometimes is 21 they put a fiberglass rod in the siding itself as it 22 goes up, so that keeps it nice and straight and keeps 23 it from bending and turning. So that's what we call a 24 luxury vinyl siding. 25 UNIDENTIFIED: No, I'm sorry. I didn't know</p>	<p style="text-align: right;">Page 188</p> <p>1 UNIDENTIFIED: Yes. I will give you a 2 palette of neutral colors, earthy, neutral colors. 3 MR. RAKER: And we'll use that to select the 4 next set of stones. 5 UNIDENTIFIED: Perfect. 6 MR. RAKER: We will absolutely do that. 7 UNIDENTIFIED: Perfect. 8 UNIDENTIFIED: You're both owners and 9 everything. You guys won't do a mock up then? You'll 10 just go with it? In other words, will ownership expect 11 a mockup to check it before it goes onsite? 12 UNIDENTIFIED: I mean, I don't want to hold 13 this up, but usually sometimes our owners say I want to 14 see the mockup before I approve it. 15 MR. RAKER: The mockup is typically done -- 16 UNIDENTIFIED: It's just a question. 17 MR. RAKER: -- and it's typically done at the 18 final selection of materials -- 19 UNIDENTIFIED: I just don't want -- 20 MR. RAKER: -- when they are -- so I can 21 select from ten manufacturers a stone that looks almost 22 identical, okay, and at that point, once all the bids 23 are in and we know exactly which contractors are using 24 what and which manu -- where he's getting this, and 25 this is coming from this, once we know all that, then</p>

<p style="text-align: right;">Page 189</p> <p>1 we'll build something and you can look at it and we 2 just make sure that the decisions we're making -- 3 UNIDENTIFIED: And that was question number 4 two, just anyone who's gone through this -- 5 MR. RAKER: Yeah. 6 UNIDENTIFIED: With what we've gone through 7 lead times, man-made material is a good thing because 8 it can be made, but just you say, well, I'm going with 9 this and -- 10 CHAIRMAN CLEW: The mortar line that, you 11 know, how close are the stones going to be one another? 12 Is it going to be a raised mortar line? That sort of 13 thing, so yeah. You can show that in an illustration 14 too. 15 MR. RAKER: Yes. 16 UNIDENTIFIED: I'm just more concerned also 17 that the material is readily available. Everyone's 18 playing the lumber game and everything else now. 19 You're going to -- it's tough. It's very difficult, so 20 you're going to pick -- you're going to pick something 21 and then all of a sudden they're -- 22 MR. RAKER: Yes. 23 UNIDENTIFIED: So I just -- 24 MR. ORTH: We'll stipulate that the 25 applicant's professionals will review the color</p>	<p style="text-align: right;">Page 191</p> <p>1 you I'm an expert in all of this. I am not. I leave 2 it up to their sound consultants who really examine the 3 nuances of these windows and then the STC ratings. 4 So if a window manufacturer comes in and they 5 say they have an STC rating that beats that triple-pane 6 window and it's cost-competitive, I'm perfectly happy 7 with the dual-pane, provided we meet the STC 8 requirement that's required by our expert. 9 UNIDENTIFIED: So you haven't decided on the 10 window manufacturer yet. 11 MR. RAKER: We have not. We've decided on a 12 design style. 13 UNIDENTIFIED: Right? 14 MR. RAKER: And then we're going to go to 15 manufacturers. We're going to give them requirements. 16 We need an STC rating of X. It needs to be this color. 17 It needs -- you need to be able to do this, and giving 18 them our requirements for a window. 19 UNIDENTIFIED: At a minimum, do you think it 20 would be simulated divided light? 21 MR. RAKER: Yeah. Well, we'll have not true 22 divided light windows -- 23 UNIDENTIFIED: Right. 24 MR. RAKER: -- but they'll be simulated 25 divided-light windows.</p>
<p style="text-align: right;">Page 190</p> <p>1 suggestions from the Board for Mr. Platt, and we will 2 respond in writing prior to the next hearing with the 3 pallet of -- 4 UNIDENTIFIED: That's great. And I'll get 5 you something tomorrow. 6 UNIDENTIFIED: Thank you, sir. 7 UNIDENTIFIED: I have two other items. One, 8 on the site visit, based on the wall, the upper 9 windows, they will be triple pane, any windows facing 10 traffic? Everyone said yeah. There was a lot of 11 nodding, but no one could really dig in and say, yeah, 12 it's going to happen, because we're going up to 15 feet 13 and then third floor windows. 14 MR. RAKER: I just want to say that what 15 we're going to do is have a sound consultant make 16 recommendations on the window. And if we get the STC 17 rating that is required to deaden sound in a two-pane 18 window, I don't want to exclude that window because 19 they have some technology in there -- 20 UNIDENTIFIED: Just so we're all on the same 21 page. 22 MR. RAKER: There's so many -- three panes 23 does have an effect, but there's a lot more to a window 24 in the separation of the glass and how things get 25 transmitted. It's far beyond -- I would like to tell</p>	<p style="text-align: right;">Page 192</p> <p>1 UNIDENTIFIED: Okay. 2 MR. RAKER: And just the true divided light 3 probably would hurt our STC rating. 4 UNIDENTIFIED: Right. 5 CHAIRMAN CLEW: Sorry for the ignorant and 6 forgetful. STC ratings do what? 7 MR. RAKER: Oh, I apologize, sound 8 transmission coefficient. 9 CHAIRMAN CLEW: Wow, that is -- 10 MR. RAKER: It's a rating that they give to 11 any number of assemblies or windows. It's really 12 applied usually to a whole assembly, so that back wall 13 would need to require to perform at an STC rating of X, 14 and the windows would need to comply to a certain 15 amount to get that whole system to comply. 16 CHAIRMAN CLEW: Are they metal doors, 17 fiberglass, doors, plastic doors, wood doors? 18 MR. RAKER: I want to -- I would love to 19 answer that question. Windows and doors are made up of 20 so many composited materials, wood, vinyl, wood -- 21 vinyl-coated wood, composite vinyl. I would love to be 22 able to tell you it's one particular material, but I'm 23 going to have to examine the window. We're going to 24 have multiple manufacturers come to us. 25 CHAIRMAN CLEW: And that's fine. That's</p>

<p style="text-align: right;">Page 193</p> <p>1 fine.</p> <p>2 MR. RAKER: And we're going to evaluate it at</p> <p>3 that time.</p> <p>4 UNIDENTIFIED: My only other thing I think</p> <p>5 was spoken two meetings ago is that every -- these roof</p> <p>6 elevations look great. They're all beautiful and</p> <p>7 clean. But to me, I start to see PVC pipe popping up in</p> <p>8 for every vent, for every mechanical system, and</p> <p>9 usually it's just raw white, not that I ask anything</p> <p>10 else. I just want to make sure it's in the back and</p> <p>11 limited because all these elevations look great, but</p> <p>12 then you start popping up pipe. Cause you have to, I</p> <p>13 mean --</p> <p>14 MR. RAKER: That's actually a great comment.</p> <p>15 We would have no problem painting to match the roof</p> <p>16 color on any of the pipe that pops out.</p> <p>17 UNIDENTIFIED: Yeah, that's good.</p> <p>18 CHAIRMAN CLEW: Other comments?</p> <p>19 UNIDENTIFIED: Oh, my.</p> <p>20 UNIDENTIFIED: Mr. Chairman, I just have one</p> <p>21 quick one about the affordable units. I know we're</p> <p>22 like at the end. Just to put on record, you guys</p> <p>23 mentioned last time the applicant, so that whatever --</p> <p>24 basically whatever we recommended in terms of the</p> <p>25 breakdown for bedrooms and income, we presented a memo</p>	<p style="text-align: right;">Page 195</p> <p>1 And I actually wanted to check to be sure that we're</p> <p>2 going -- our next meeting, Lori, is, I'm sorry, August</p> <p>3 something. What is it?</p> <p>4 MR. ORTH: We -- that's our --</p> <p>5 CHAIRMAN CLEW: Oh, sorry.</p> <p>6 MR. ORTH: I apologize. That's our planner,</p> <p>7 Mr. Heydt. He's got five minutes of testimony on the</p> <p>8 C variance relief.</p> <p>9 CHAIRMAN CLEW: Okay.</p> <p>10 MR. ORTH: If at all --</p> <p>11 CHAIRMAN CLEW: So I will allow it.</p> <p>12 MR. ORTH: Thank you, sir.</p> <p>13 CHAIRMAN CLEW: We'll --</p> <p>14 SECRETARY TAGLAIRINO: Because I was going to</p> <p>15 say I will be gone next month, so --</p> <p>16 CHAIRMAN CLEW: Yeah, I just -- I actually</p> <p>17 just wanted to check.</p> <p>18 UNIDENTIFIED: August 23rd.</p> <p>19 CHAIRMAN CLEW: August 23rd is our next</p> <p>20 meeting, and so I will ask -- and people can come back</p> <p>21 separately. I just want to be sure that we're going to</p> <p>22 have a quorum for that meeting, because I know that's</p> <p>23 heavy vacation season. So I'll just throw that</p> <p>24 question out there. We'll confirm. I'm assuming we're</p> <p>25 going to continue.</p>
<p style="text-align: right;">Page 194</p> <p>1 to the Board and the applicant dated May 20th that had</p> <p>2 a breakdown that is consistent with the township code</p> <p>3 as well as the state uniform housing affordability</p> <p>4 code. So I do recommend that any resolution of</p> <p>5 approval, that chart that I provided get provided --</p> <p>6 get, sorry, included within that resolution.</p> <p>7 CHAIRMAN CLEW: And my recollection from the</p> <p>8 previous testimony is that KRE stipulated that they</p> <p>9 will comply with that entirely.</p> <p>10 MR. ORTH: Yes.</p> <p>11 CHAIRMAN CLEW: Yeah, okay.</p> <p>12 UNIDENTIFIED: Thank you.</p> <p>13 CHAIRMAN CLEW: All right. Apologies, folks,</p> <p>14 because I have not been watching the clock closely.</p> <p>15 UNIDENTIFIED: Get the public</p> <p>16 (indiscernible).</p> <p>17 CHAIRMAN CLEW: What's that?</p> <p>18 UNIDENTIFIED: Get the public out here.</p> <p>19 CHAIRMAN CLEW: Oh, yeah, actually, sorry.</p> <p>20 And I do want to let the public have an opportunity to</p> <p>21 comment. So would any of our members of the public in</p> <p>22 the back of the room like to make any comment or ask</p> <p>23 any questions before we close out tonight? Okay.</p> <p>24 Okay. Thank you very much.</p> <p>25 Okay. So I think this continues next month.</p>	<p style="text-align: right;">Page 196</p> <p>1 And then if Mr. Heydt can promise us that all</p> <p>2 of our questions can be answered in five minutes, we're</p> <p>3 good and we'll get it done. All right?</p> <p>4 MR. ORTH: He's -- yes.</p> <p>5 CHAIRMAN CLEW: All right.</p> <p>6 MR. ORTH: Yes.</p> <p>7 CHAIRMAN CLEW: Okay. The pressure's on.</p> <p>8 MR. ORTH: Okay.</p> <p>9 CHARLES HEYDT, APPLICANT'S WITNESS, SWORN</p> <p>10 MR. ORTH: Mr. Heydt, would you please</p> <p>11 provide the Board with the benefit of your professional</p> <p>12 experience, background, and licenses.</p> <p>13 MR. HEYDT: Yes. Good evening, board</p> <p>14 members. I'm a licensed planner in the state of New</p> <p>15 Jersey. I had the pleasure of appearing in Harding</p> <p>16 before the Zoning Board of Adjustment on two separate</p> <p>17 applications over about the past two to three years, so</p> <p>18 I'm very familiar with the community. I've been</p> <p>19 practicing for the past 12 years. I am the Director of</p> <p>20 Planning at Dresdner Robin. We're a multi-service</p> <p>21 engineering and environmental management firm.</p> <p>22 MR. ORTH: And you have planning licenses</p> <p>23 which are in effect as of today?</p> <p>24 MR. HEYDT: In good standing, yes.</p> <p>25 MR. ORTH: Okay, wonderful. I would --</p>

<p style="text-align: right;">Page 197</p> <p>1 UNIDENTIFIED: Could you spell your name, 2 please? 3 MR. HEYDT: Yes, I can. Charles -- 4 UNIDENTIFIED: And give us your first name. 5 I'm not sure I heard that. 6 MR. HEYDT: Charles, first name. 7 UNIDENTIFIED: Okay. 8 MR. HEYDT: Last name is spelled H-E-Y-D-T. 9 UNIDENTIFIED: Thanks. 10 MR. ORTH: And, Mr. Chairman, I would proffer 11 Mr. Heydt as an expert in the field of planning. 12 CHAIRMAN CLEW: Mr. Heydt is accepted. 13 MR. ORTH: Thank you. 14 So, Mr. Heydt, you reviewed this application, 15 correct? 16 MR. HEYDT: Yes, I have. 17 MR. ORTH: And you're familiar with the 18 variance relief that we're seeking, namely a bulk 19 variance for building height, correct? 20 MR. HEYDT: Correct. 21 MR. ORTH: And you heard the engineering 22 testimony as to why the bulk variance relief is needed? 23 MR. HEYDT: Yes. 24 MR. ORTH: And can you please provide your 25 professional opinion as to why that variance relief is</p>	<p style="text-align: right;">Page 199</p> <p>1 here is appropriate. 2 From a design standpoint, what was done with 3 the buildings are two specific elements, and I'll just 4 reiterate them. The roof slopes were modified from a 5 10-to-12 ratio to an 8-to-12 ratio, so that obviously 6 pitched the roofs lower. The third stories for these 7 two specific buildings, Buildings 2 and 7, were revised 8 from 9 feet floor to ceiling to 8 feet floor to 9 ceiling, so that also reduced the building height. 10 Those were attempts to mitigate the impacts of the 11 added height with respect to the overall calculations. 12 I believe that's the direct testimony in terms of the 13 positive criteria. There's not much here. We're 14 within that bulk threshold, and it really just occurs 15 on the two buildings. 16 In terms of the negative impacts, there's two 17 prongs. From an aesthetic standpoint, these buildings 18 will all be designed with those similar pitches and 19 changes so they're all consistent. These two buildings 20 won't stick out and won't appear different, as we heard 21 through the application. 22 In terms of impacts from views from beyond 23 the site, there's no -- these properties are -- these 24 two buildings are internal to the overall development 25 we have up on the screen. The overall map, Building 2</p>
<p style="text-align: right;">Page 198</p> <p>1 justified? 2 MR. HEYDT: So the Board's familiar, this is 3 a bulk DV -- a bulk variance with respect to the 4 townhouse one zoning requirements. What's permitted, 5 just to be clear, is 45 feet in discrete feet, three 6 stories in stories. 7 What's being proposed with the calculations 8 as a comparison between existing and proposed grade, 9 taking the lower of the two, is for Building 2, a total 10 building height of 48.85 feet, and for Building 7, 11 48.2 feet. So that's below what we'd refer to as a 12 10 percent threshold or 10 feet. It falls below that, 13 categorizing it as a C bulk deviation. 14 There are substantial topography out there. 15 I think this Board and the governing body was aware of 16 that when they adopted the townhouses zone because they 17 expressly exempted it from the very extended steep 18 slope ordinances. So I think it was aware that there 19 was challenges to this site in terms of developing it. 20 What we have today is a plan that I think 21 balances all the earth work that needs to go on, the 22 stormwater management design, as we heard from 23 Mr. Bohler, as well as all the other ADA compliance and 24 grading that has to occur on the site. So for all 25 those technical reasons, I think what's being proposed</p>	<p style="text-align: right;">Page 200</p> <p>1 is internal with respect to Building 1. Building 7 is 2 central, which is adjacent to the highway. 3 I will mention just a few quick things to tie 4 in the zoning ordinance that the Board might benefit 5 from. This zoning section, the Townhouse 1, this zone 6 requires a 20-foot minimum setback from the perimeter. 7 Building 1 is 32 feet, Building 1 is 96 feet in length, 8 and then Building 2, which requires a relief, it's an 9 additional 24 feet. So you have effectively 150 feet 10 from the setback that mitigates the impact of the added 11 height for Building 2 to the nearest property line. 12 With respect to Building 7 that's along the 13 highway, for all intents and purposes, only people 14 driving along the highway might see the added height. 15 And there your setback is approximately 90 feet, so 16 again substantially greater than that 20-foot minimum 17 required. 18 With respect to the zone plan, I did review 19 the master plan, the land use plan, and the housing and 20 fair share plan. The housing and fair share plan was 21 amended in 2018 to account for this development. And I 22 will say this application substantially complies with 23 all of the requirements in terms of the intent, the 24 purpose of providing a townhouse-style development, and 25 accounting for 16 affordable units. And that's what's</p>

<p style="text-align: right;">Page 201</p> <p>1 being proposed here tonight, so I don't think there's 2 any sort of substantial impairment. 3 As was mentioned, the -- all the buildings 4 from grade from the finished floor elevation to the 5 peak are 39 feet 9 inches, and that's below the 45-foot 6 threshold. 7 So with that, I believe this application is 8 justified. I believe it furthers the purposes of the 9 land use law. Both variances need to do so in order to 10 be granted. Just to be specific, I believe that this 11 furthers Purpose A, to provide an appropriate use and 12 development of the property in a manner that will 13 promote the general welfare for creating affordable 14 units. 15 The town, the township, and the state sorely 16 needs them. We're creating -- we're providing adequate 17 light, air, and open space. That's purpose C. As I 18 mentioned, we provide substantial setbacks above and 19 beyond what the minimums are. It helps mitigate that 20 added height of approximately three to four feet. 21 And, lastly, we're promoting a desirable 22 visual in our environment. These buildings, as we just 23 heard from Mr. Raker, are designed to have multiple 24 materials, a combination of different types of 25 materials to break up the building mass on the front as</p>	<p style="text-align: right;">Page 203</p> <p>1 other buildings at this point or are they a little bit 2 lower? 3 UNIDENTIFIED: Lower. 4 MR. HEYDT: I believe they're all the same. 5 That's my understanding. 6 UNIDENTIFIED: But your testimony was you 7 reduced the ceiling height in those -- 8 UNIDENTIFIED: In all the buildings? 9 UNIDENTIFIED: No, only two. 10 CHAIRMAN CLEW: In all the buildings or -- 11 UNIDENTIFIED: Two -- the two 12 (indiscernible). 13 CHAIRMAN CLEW: Sorry, guys. I just want to 14 go one at a time because I want to be sure that we hear 15 it. 16 UNIDENTIFIED: So the heights on all the 17 buildings went down then. Is that correct? 18 UNIDENTIFIED: Yeah. 19 MR. ORTH: The record will read Mr. Heydt 20 said the "height" in all the buildings. 21 CHAIRMAN CLEW: Thank you, Mr. Heydt. 22 MR. HEYDT: Okay. 23 CHAIRMAN CLEW: All right. Thank you, 24 Mr. Heydt. 25 MR. HEYDT: Thank you. Glad to see everyone.</p>
<p style="text-align: right;">Page 202</p> <p>1 well as projections and different roof elements to 2 break up the overall aesthetics of the building to help 3 mitigate any added height. 4 So that's really it from my end from a 5 planning standpoint, and I'd be happy to answer any 6 questions. 7 MR. ORTH: I would just say, Mr. Heydt, does 8 -- in your professional opinion, is the variance relief 9 justified under C1 or C2 or both? 10 MR. HEYDT: In this case, I think it's a 11 benefit. What we've done here is designed to account 12 for the requested relief. We could probably achieve 13 compliance with substantial earth work, but again 14 minimizing the earth work, making a compliant plan on 15 all other aspects I think is a benefit. So I would 16 offer that it's a C2, benefits outweigh the detriments 17 in this case. 18 MR. ORTH: Okay. Thank you. I have no 19 further questions for Mr. Heydt, tender him to the 20 Board. 21 CHAIRMAN CLEW: Okay. Are there any 22 questions for Mr. Heydt at all? 23 UNIDENTIFIED: One question. If you took one 24 foot out of the ceiling height elevations in those two 25 buildings, are those two all the same height as the</p>	<p style="text-align: right;">Page 204</p> <p>1 UNIDENTIFIED: Public questions? 2 UNIDENTIFIED: Any questions? 3 CHAIRMAN CLEW: Public, members of the 4 public? Thank you. 5 MR. ORTH: Okay. Thank you everyone for 6 sitting, you know, through this and working so hard 7 with us. We really appreciate it. It was good to be 8 here. It's eleven o'clock, and if we were in this 9 development at this time, the lights would be dimmed. 10 CHAIRMAN CLEW: All right. Thank you all 11 very much for the work and for the updates that you 12 shared with us tonight. It's much appreciated. 13 UNIDENTIFIED: Thank you. 14 CHAIRMAN CLEW: And we will continue this 15 meeting to August 23rd. 16 MR. ORTH: At 7:00 -- 17 CHAIRMAN CLEW: At 7:30 p.m. 18 MR. ORTH: At 7:30 in person in town hall? 19 CHAIRMAN CLEW: In person in town hall, 21 20 Blue Mill Road. 21 MR. ORTH: Thank you, sir. 22 CHAIRMAN CLEW: All right. Thank you. 23 UNIDENTIFIED: Did you have a question about 24 getting in (indiscernible)? 25 SECRETARY TAGLAIRINO: I can provide a</p>

1 supplemental memo if the Board would like. I will also
2 be sending somebody in my place, so --
3 CHAIRMAN CLEW: Okay. I'll take both those
4 options.
5 SECRETARY TAGLAIRINO: I will do both of
6 those.
7 CHAIRMAN CLEW: Thank you. All right. Thank
8 you, Mr. Orth. All right. I really don't want to
9 spend any more time with you gentlemen tonight, and
10 ladies. I would entertain a motion to adjourn. Is
11 there a second? All in favor say aye.
12 (Chorus of ayes)
13 CHAIRMAN CLEW: All opposed. You're
14 overruled.
15 (End of recording)
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1 CERTIFICATION
2
3 I, Ilene Watson, do hereby certify
4 that the foregoing is a correct transcript from the
5 electronic sound recording provided for transcription
6 and prepared to the best of my professional skills and
7 ability.
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