

**HARDING TOWNSHIP PLANNING BOARD MINUTES
REGULAR ELECTRONIC MEETING
JUNE 28, 2021**

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Planning Board Chair, Mr. Clew called the electronic 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	Excused
Ms. Walters	Present	Mr. Yates	Present
Mr. Edgar	Present	Mr. Platt	Present
Mr. Bjorkedal	Excused	Mr. Newlin	Present
Mr. Chipperson	Present	Ms. Claytor	Present

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

MINUTES

Mr. Clew noted that the April 26, 2021 were appended with Mr. Newlin's comments regarding the Heyer Gruel memo for Accessory Dwellings.

Mr. Yates made a motion to move the May 24, 2021 minutes. The motion was seconded by Mr. Newlin. On a voice vote all eligible members were in favor of approving the May minutes.

RESOLUTION

PB #07-2021 Revised Meeting Dates and In-Person Meetings.

A motion was made by Mr. Chipperson to approve the Revised Meetings Dates and In-Person Meetings. The motion was seconded by Mr. Newlin. On a voice vote all were in favor of approving the in-person meeting dates.

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:

John Inglesino, Attorney

Brad Bohler, Engineer

Marc Kushner, Architect

David Minno, Architect

Adam Alexander, Architect

Continued testimony for S/K Mt. Kemble Associates.

Mr. Alexander was sworn in for testimony.

Mr. Yates made a motion to approve the hiring of an Ecologist to review the application. The motion was seconded by Mr. Platt. On a voice vote all were in favor of retaining an Ecologist.

Mr. Clew made a motion to carry the application until the July 17, 2021 Site Inspection and to further carry it to the July 26, 2021 meeting in-person at the municipal building 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.

ADMINISTRATIVE UPDATES

CONSISTENCY

Harding Land Trust 2021 Green Acres Stewardship Grant Letter

Mr. Clew recused from the Green Acres application.

The Board discussed the Master Plan consistency with the proposed Gate House and Primrose project by the Harding Land Trust.

Morris County Parks Concurrency Letter Request-Paul Fox

Mr. Fox explained that the Harding section of Lewis Morris Park is proposing to build a ball field. The Board discussed the Master Plan consistency with the proposed plan.

Mr. Yates made a motion to find these projects consistent with the Master Plan. It was seconded by Mr. Chipperson. On a voice vote all were in favor of agreeing that these projects are consistent with the Master Plan.

The Planning Board will submit letters in support of these projects.

SUBCOMMITTEE UPDATES

Advisory Review Committee

No Report

Engineering and Environmental Committee

No Report

Development Review Committee

Mr. Edgar reported that the DRC review an application for a proposed project on Post House Road.

LIAISON REPORTS

Board of Adjustment

- Mr. Newlin reported that the Verizon Cell Tower application was moving forward. The Planner testimony and cross-examination is complete. The objecting attorney started to present witnesses. Mr. Newlin noted that there is a site inspection set on July 10, 2021 to view the cell tower from neighboring properties.
- Mr. Newlin reported an ongoing application on Spring Valley Road. The application involves 2 ½ story compliance.

Environmental Commission

- Mr. Clew reported that there was tree plantings at the school.
- Mr. Clew reported a review of the hunting plan.

HOST

No Report

Historic Preservation Commission

- Ms. Claytor reported on the review of an application for a pool house as 523 Van Beuren Road.
- Ms. Claytor reported that Mr. McCabe was present to review the results of the updated property report.

Citizen Park Advisory Committee

- Mr. Platt reported on the Critter Circle update.
- Mr. Platt reported on the discussion on a trail at Bayne Park

Township Committee

Mr. Platt gave an update on the Dicksons Mill Road Bridge that will be 22 feet wide.

OTHER BUSINESS

CORRESPONDENCE

Memo from Lisa Sharp Regarding Policy & Procedures for Ordinances

Mr. Yates explained that the memo was for the request for the PB to provide memos to the Township Attorney regarding future ordinance changes for the Township Attorney to compose the ordinance drafts.

Letter from Administrator to Bohler Engineering Regarding the NJ Highlands Council

Ms. Mertz noted that there was a meeting regarding this topic upcoming. Ms. Mertz noted that Mr. Fox will be in attendance as well.

ADJOURNMENT

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

Lori Taglairino

Lori Taglairino, Planning Board Secretary

**RESOLUTION PB #07-2021
PLANNING BOARD, TOWNSHIP OF HARDING
JUNE 28, 2021**

REVISED REGULAR MEETING SCHEDULE FOR JULY 2021 THROUGH JANUARY 2022

WHEREAS, the "Open Public Meeting Act" R.S. 10:4-6 and following, requires that public bodies provide adequate notice of meetings; and

WHEREAS, that due to termination of the recent state of emergency and public health emergency declared by Governor Phil Murphy, Planning Board meetings will no longer be held via Zoom and in-person meetings will resume at Kirby Hall, 21 Blue Mill Road in New Vernon NJ on the same dates as set forth in the annual meeting resolution adopted on January 25, 2021;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Harding, in the County of Morris, New Jersey, as follows:

1. From July 2021 through January 2022, meetings open to the public will be held by the Planning Board at Kirby Hall, 21 Blue Mill Road in New Vernon NJ to discuss or act upon public business at 7:30 p.m., prevailing time, on the following dates:

JULY 26, 2021
AUGUST 23, 2021
SEPTEMBER 27, 2021
OCTOBER 25, 2021
NOVEMBER 22, 2021
DECEMBER 20, 2021 (THIRD)
JANUARY 24, 2022

2. Certified copies of this Resolution shall be (a) mailed to the OBSERVER-TRIBUNE, (b) mailed to the DAILY RECORD, (c) filed with the Clerk of the Township of Harding, (d) posted on Township webpage and the bulletin board in the main hallway of the Township Hall and, (e) mailed to any person requesting notices of meeting of the Planning Board pursuant to R.S. 10:4-19 who has paid \$15.00 for agendas and \$25.00 for agendas and minutes, which sum is hereby fixed to cover the costs of providing notice of all meetings of this body during 2021 and January 24, 2022. The foregoing shall be accomplished within seven (7) days of the adoption of this Resolution.

I hereby certify this is a true copy of a Resolution approved by the Planning Board of the Township of Harding at a meeting held on June 28, 2021.

In The Matter Of:
In Re: Mt. Kemble Associates

Transcript of Proceedings
June 28, 2021



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<p>1 TOWNSHIP OF HARDING 2 PLANNING BOARD VIRTUAL MEETING 3 MONDAY, JUNE 28, 2021 4 COMMENCING AT 7:24 P.M. 5 6 IN THE MATTER OF : 7 : 8 S/K Mt. Kemble Associates, LLC : 9 350 Mt. Kemble Ave B23.02/L5 TH-1 Zone: : 10 Application for Preliminary Major Site: : 11 Plan and Final Major Site Plan for : 12 Inclusionary residential housing : 13 Development consisting of 96 : 14 Multifamily units and related site : 15 Improvements : 16 17 B E F O R E: 18 THE HARDING TOWNSHIP PLANNING BOARD 19 THERE BEING PRESENT: 20 RICH CLEW, CHAIRMAN 21 DAVID CHIPPERSON, VICE CHAIRMAN 22 NIC PLATT, MAYOR/DESIGNEE 23 CHRIS YATES, TOWNSHIP COMMITTEE 24 THOMAS dePOORTERE, MEMBER (ABSENT) 25 NIK BJORKEDAL, MEMBER (ABSENT) 26 ROBERT J. EDGAR, MEMBER 27 ALF NEWLIN, MEMBER 28 TRACEY WALTERS, ALTERNATE #1 29 GWENN CLAYTOR, ALTERNATE #2 30 31 RIZMAN RAPPAPORT 32 CERTIFIED COURT REPORTERS 33 66 W. Mt. Pleasant Avenue 34 Livingston, New Jersey 07039 35 T (973)992-7650 F (973)992-0666 36 www.rizmanrappaport.com 37 reporter@rizmanrappaport.com</p>	<p>1 I N D E X 2 W I T N E S S SWORN PAGE 3 BRADFORD BOHLER, PE 9 4 Voir Dire Examination By Mr. Inglesino 9 5 Redirect Examination By Mr. Inglesino 12 6 Board/Professional Questions 14 7 Public Questions 40 8 Cathy Wilson 40 9 20 Beechwood Drive 10 ADAM M. ALEXANDER, LLA, RLA 43 11 Voir Dire Examination By Mr. Inglesino 43 12 Redirect Examination By Mr. Inglesino 45 13 Board/Professional Questions 46 14 15 DAVID MINNO, AIA 79 16 Voir Dire Examination By Mr. Inglesino 79 17 Redirect Examination By Mr. Inglesino 80 18 Board/Professional Questions 81 19 20 21 22 23 E X H I B I T S 24 NO. DESCRIPTION IDENT/EVID 25 (No Exhibits Marked.)</p>
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<p>1 A P P E A R A N C E S: 2 3 GARY HALL, ESQUIRE 4 Counsel for the Planning Board 5 6 JOHN INGLESINO, ESQUIRE 7 INGLESINO, WEBSTER, WYCISKALA & TAYLOR, LLC 8 600 Parsippany Road, Suite 204 9 Parsippany, New Jersey 07054 10 Counsel for the applicant 11 12 13 A L S O P R E S E N T: 14 LORI TAGLAIRINO, Board Secretary 15 PAUL FOX, Board Engineer 16 MCKINLEY MERTZ, Board Planner 17 18 19 20 21 22 23 24 25</p>	<p>1 CHAIRMAN CLEW: I think we've got a 2 couple of consistency items, which what I would 3 propose we do is push them to later in the meeting 4 and we will move straight into the Mt. Kemble 5 Associates application. 6 And I think I saw Mr. Inglesino, I see 7 a box with his name and him waiving, so thank you for 8 joining. 9 And do we have -- I see someone who has 10 the name Court Reporter. All right. Thank you. I 11 think we'll, so we'll open the hearing for Ms. Kemble 12 Associates. 13 Mr. Inglesino? 14 MR. INGLESINO: Thank you, 15 Mr. Chairman, good evening to you and to the Members 16 of the Board. 17 Once again, my name is John Inglesino 18 from the law firm of Inglesino, Webster representing 19 the applicant S/K Mt. Kemble Associates, LLC. 20 This is actually the fourth hearing on 21 this application. Just to recap, we had a meeting on 22 April 26th. There was a site visit on May 15th, 23 which is technically a meeting. We had a hearing on 24 May 24th, and we're back here this evening. 25 Good to see you, Mr. Chairman, I look</p>

<p style="text-align: right;">Page 5</p> <p>1 forward to seeing you in person at the July meeting. 2 We have four witnesses tonight, 3 Mr. Chairman. We're going to recall project engineer 4 Brad Bohler. We are going to call our project 5 architect Adam Alexander. We have architect Mr. Dave 6 Minno. And if we get to Mr. Charles Heydt, 7 Mr. Charles Heydt is our planner who will be 8 testifying to the two variances that have now been 9 identified, which I'll just briefly touch on in a 10 moment. 11 By way of update, my office submitted 12 the grade plan prepared by Mr. Bohler's office in 13 regards to architectural plans by Mr. Minno back on 14 June 18th, and we forwarded a supplemental lighting 15 plan more recently. 16 There are two variances, Mr. Chairman, 17 that have been identified, both are (c) variances 18 appropriate for this board, they relate to height. 19 One concern is a height variance on Building 2, 20 you'll hear testimony on that from Mr. Bohler, 21 another one on Building 7, you'll hear testimony on 22 that from Mr. Bohler. 23 You'll also hear testimony from 24 Mr. Bohler with regard to these variances being 25 necessitated by the differing grades on the property.</p>	<p style="text-align: right;">Page 7</p> <p>1 think that's problematic because the point is to hire 2 someone to hear testimony, advise the board beyond 3 what the board's consultants, the planner, Mr. Fox 4 and the planner beyond their normal expertise. 5 And so, we talked about this last 6 month. I mean, you have plenty of-- I mean, for 7 starters, we need to understand why you didn't notice 8 for a variance and we didn't hear about it till 9 yesterday, or maybe it was today, I don't know. I 10 mean, that's a procedural problem as well. I mean, I 11 think you're sort of jumping the gun here. 12 But having said that, I mean, and I 13 don't -- as a courtesy, the board needs to discuss it 14 in public. You're certainly present, but we don't 15 need your consent. We'd prefer that you cooperate, 16 but we don't need your consent, so I don't know about 17 discussing it with your client, what that's all 18 about. You know, you're the attorney, you can advise 19 him as to what the board's doing. If you have 20 concerns about it, then, yeah, sure, we want to hear 21 that, but -- 22 So I don't know, Mr. Clew, Chairman, 23 how you want to proceed, I'm just concerned that we 24 sequence this reasonably, that's all. 25 CHAIRMAN CLEW: Gary, I appreciate the</p>
<p style="text-align: right;">Page 6</p> <p>1 We appreciate this afternoon we 2 received from Mr. Hall the proposed scope of work to 3 the additional consultant that was discussed by the 4 board at the last hearing. Candidly, we received it 5 this afternoon and have not had an opportunity to 6 review it with my clients, and that is something that 7 we will take up, I can take that up with Mr. Hall 8 between now and the next meeting and with the board 9 at the next meeting, but we appreciated receiving 10 that. 11 So at this time, Mr. Chairman, without 12 further ado, I'll like to recall Mr. Brad Bohler. 13 MR. HALL: Before you do that, let's 14 talk about that a minute because the environmental 15 consultant proposed to be hired will need to hear the 16 testimony from your side about the landscaping plan. 17 So if you're planning to do that 18 tonight, that's going to be a problem because we'll 19 have to do it again. 20 MR. INGLESINO: Well, we have a court 21 reporter and we can certainly have the transcript 22 prepared. 23 MR. HALL: But I think people may want 24 to ask questions of your witness. 25 So I mean, I defer to the board, but I</p>	<p style="text-align: right;">Page 8</p> <p>1 concern. I think the -- without knowing exactly what 2 the testimony is going to be for Mr. Bohler, I think 3 the scope of what's being proposed in the 4 environmental review probably doesn't require the 5 consultant to be at every meeting. I think the 6 review will largely -- would largely consist of kind 7 of a, you know, specific site visit and review of 8 plans. 9 I think we should talk about it 10 tonight, because I do want to get that, kind of the 11 details of it out in the open, and I will ask Alf to 12 do that at the appropriate time, but I'd like to move 13 ahead with the testimony from Mr. Bohler this 14 evening, and we can double back if we need to. 15 MR. HALL: Yeah, that's fine. I'm just 16 flagging the issue for everyone. 17 CHAIRMAN CLEW: No, no, it's I think 18 all valid points. 19 MR. HALL: Okay. 20 And, Mr. Inglesino, I guess proceed 21 with your first witness. 22 MR. INGLESINO: Yes, and if I may if we 23 could just before that, I think you'll hear that 24 these variances were just identified, we did have the 25 catch-all language in the notice, so I don't believe</p>

<p style="text-align: right;">Page 9</p> <p>1 there's any deficiency in that regard, but in any 2 case, let me call Mr. Bohler. 3 Mr. Bohler, are you there? 4 MR. BOHLER: Yep, I'm here. 5 MR. HALL: And he was previously sworn, 6 as I recall. 7 MR. INGLESINO: Yes. 8 Mr. Bohler, you understand that you're 9 still under oath; is that correct? 10 MR. BOHLER: Yes. 11 B R A D F O R D B O H L E R, P.E. 12 10000 Midlantic Drive, Unit 410W, Mount Laurel, 13 New Jersey, having been previously sworn, 14 continues to testify as follows: 15 VOIR DIRE EXAMINATION 16 BY MR. INGLESINO: 17 Q. And your licenses are still valid and 18 there has not been any change to your professional 19 credentials or standards since you last testified 20 before the board? 21 Is that correct? 22 A. That's correct. 23 Q. Okay. Mr. Bohler, can you please 24 describe the plans that you've recently submitted to 25 the board? And I think subsumed in that is to</p>	<p style="text-align: right;">Page 11</p> <p>1 there's another sheet that also is B. 2 This is the, I'll call it the eastern 3 or the top half of the parcel closest to Morris 4 Township. 5 Morris Township is up on top of the 6 page. 7 MR. HALL: And my quick question is 8 these supercede the prior drawings, don't they? I 9 mean, that's -- I'm just trying to understand. 10 MR. BOHLER: Yes. 11 MR. HALL: Is this an exhibit or is 12 this a revised plan sheet? 13 MR. BOHLER: It's an exhibit. There's 14 a light change, Mr. Hall. We did adjust the green at 15 the cul-de-sac slightly by the few inches to allow 16 for proposed grading of Building 1, which is this top 17 building here, to be compliant with the building code 18 for the building height. 19 CHAIRMAN CLEW: All right. So for 20 anybody who is looking at the kind of agenda 21 document, this appears to be S/K Mr. Kemble Revised 22 Grading Plan 401, 6/18/21, if you're looking at it at 23 your home screen. 24 25</p>
<p style="text-align: right;">Page 10</p> <p>1 address some questions that were asked at the last 2 hearing. 3 A. Sure. 4 So we did prepare a height exhibit. 5 The plans are two sheets, I'll present the first one 6 right now. 7 MR. INGLESINO: I apologize, I don't 8 have the exhibits updated for the board secretary, 9 but this would have to be, I guess, marked. 10 MR. BOHLER: Yeah, does the board see 11 the exhibit, the first exhibit up? I did submit it, 12 so I'm not sure if I should mark it or not, it's 13 really up to the board. 14 CHAIRMAN CLEW: Somebody can give me an 15 indication of how we should mark it. 16 MR. HALL: I'm not sure we're even 17 marking the filed document, the one that was filed. 18 As long as we identify it and it was filed, it's in 19 the record, as far as I'm concerned. 20 CHAIRMAN CLEW: Mr. Bohler, can you 21 just -- is this the grading plan? Which -- because 22 we've got a number of documents, so which one is it? 23 MR. BOHLER: This is the avenue grade 24 Exhibit Plan A and north is to the left side, similar 25 to our other plan sheets. There's two sheets, so</p>	<p style="text-align: right;">Page 12</p> <p>1 DIRECT EXAMINATION 2 BY MR. INGLESINO: 3 Q. And, Mr. Bohler, to Mr. Hall's point, 4 this isn't just an exhibit, this actually represents 5 revised plans that supercede or amend those which 6 have been previously submitted, correct? 7 A. Yes. 8 And what, essentially, this is doing is 9 it's showing the proposed grades and existing grades 10 at each of the four building corners, per the town 11 code definition, and averaging them out as our basis. 12 So this is showing the actual 13 calculations, and I'll zoom in, let's start with 14 Building 1, for example, it will show the existing 15 and proposed grades. So we use these points for our 16 average grade calculations, which are shown in the 17 middle of each of the buildings. 18 So the purpose of this exhibit is to 19 demonstrate the compliance, the majority of the site 20 conditions. So our proposed building, Mr. Minno 21 testified last time that we -- on building height, 22 and he might be revisited tonight, but the proposed 23 building height would be 39 feet 9 inches for all the 24 proposed buildings from the townhome perspective. 25 The affordable side of things does have</p>

<p style="text-align: right;">Page 13</p> <p>1 some slight variations, but we do sink the foundation 2 and those buildings down so the top of the building 3 is always the same for all the units. And we 4 analyzed the proposed grades for all the buildings 5 and what we found was that all 15 buildings are less 6 than the 45 and high for proposed grade. They run 7 the realm of about 40 to 40-and-a-half feet, so well 8 below the 45-foot-high requirement when the grade is 9 finally graded out.</p> <p>10 The reason we have a variance condition 11 is Buildings 2 and 7, which is the second from the 12 top of the page, and the other one along 287 just 13 below that to the bottom of the page in the middle.</p> <p>14 The existing grade, average grade 15 calculations do exceed. So Building 2, if you use 16 the average grade for the existing, it's about 7 feet 17 lower than the proposed grade.</p> <p>18 So the height actually is 48.85 feet by 19 definition, but again, under the proposed conditions, 20 it will be just over 40 feet.</p> <p>21 And then for Building 7, it's also 22 48.2-feet high, and that's from the existing grade 23 conditions. The proposed grades will have a height 24 of just over 40 feet.</p> <p>25 So the reason the variances is there is</p>	<p style="text-align: right;">Page 15</p> <p>1 site from an average grade perspective under both 2 existing and proposed conditions.</p> <p>3 CHAIRMAN CLEW: Okay. So, Paul, can 4 you help translate some of this for us? Because I 5 don't, like, I look at the exhibit and I see a 6 building height calculation of 39.9, so -- and then 7 I'm not entirely sure I follow the description here 8 but, why -- it's not clear to me why the variances 9 are needed.</p> <p>10 MR. FOX: Sure.</p> <p>11 The township code relative to height, 12 building height, is really driven on twofold.</p> <p>13 First of all, we do not want the 14 proposed condition to exceed what's permitted for the 15 zone, in this case 45 feet.</p> <p>16 However, the township code also 17 requires developers to analyze the height based on 18 the existing average grade so developers do not come 19 in, place a lot of fill on a site and jack a house 20 way up in the air, so that's why there's a twofold 21 requirement for this calculation.</p> <p>22 And in this instance, you have two of 23 the buildings where the grade is being significantly 24 increased and because of that, the height when you 25 compare it to the existing average grade does not</p>
<p style="text-align: right;">Page 14</p> <p>1 because of the exiting grade, average grade 2 calculation, not proposed grade calculations.</p> <p>3 MR. PLATT: I have a question.</p> <p>4 By the cul-de-sac, what -- you had 5 mentioned something earlier you had changed 6 something.</p> <p>7 MR. BOHLER: We adjusted the grade 8 slightly, so it would be lower to eliminate any 9 variance condition for Building 1.</p> <p>10 MR. PLATT: Okay. And we had discussed 11 perhaps putting a dirt island in the middle to keep 12 all the asphalt down.</p> <p>13 Any consideration on that?</p> <p>14 MR. BOHLER: Well, we can agree to do 15 that as well. On this plan, we didn't update that 16 because we didn't want to do a wholesale change, but 17 we can agree to do that on the cul-de-sac.</p> <p>18 MR. PLATT: Okay, good.</p> <p>19 MR. BOHLER: So that's it for the 20 average grade exhibit. I can show the board the 21 other plan as well, which I'll do right now, but this 22 does not indicate any variances for the southern -- 23 I'm sorry, this would be the western portions of the 24 property, western being on the bottom of the page. 25 These are all compliant buildings in this half of the</p>	<p style="text-align: right;">Page 16</p> <p>1 comply with the requirement for the zone.</p> <p>2 MR. YATES: Did you say earlier that 3 the, I don't know what you want to call it, the 4 highest portion of each roof, they're all of the same 5 plane, so they're essentially all certain heights 6 above the ground, but they all touch the same plane?</p> <p>7 MR. BOHLER: Yeah, well, I would like 8 to have the architect show you a picture and describe 9 that, but the reason I was describing that was we 10 don't have situations where we have large 11 differentials in the roof height where there's a 12 couple of foot differential in our architecture.</p> <p>13 There's, you know, we'll show you the architectural 14 elevations, but we don't have a giant change in grade 15 on those heights.</p> <p>16 MR. YATES: Okay.</p> <p>17 MR. HALL: If I could supplement what 18 Paul said real quickly. The 39 point whatever is the 19 height from the top of the roof from the finished 20 first-floor elevation to the top of the roof, which 21 is how architects usually define height.</p> <p>22 So the buildings from that perspective 23 are identical, it's just that the surrounding context 24 and grades are different, that's why they are 25 different height calculations. And because of that</p>

<p style="text-align: right;">Page 17</p> <p>1 also, the actual elevation of the roofs are not all 2 the same, they're pretty darn close, but that's one 3 of the third row on the charts on each of the -- on 4 the two height calculation figures, the actual 5 elevation numbers are there. They all have 39 6 whatever on the first row, because that's the height 7 relative to FFE, finished first-floor elevation. 8 Hopefully that explains that better in 9 addition. 10 CHAIRMAN CLEW: Okay. And then why is 11 -- what is building -- why do Building 7 and 9 have a 12 different COAH figure for the height of the 13 structure? 14 MR. BOHLER: Those two buildings have 15 the affordable housing in it, so let me present my 16 screen again so we can see that on the plan. 17 So on Building 2, if the board can see 18 this, there's four units in here. So there's two 19 townhomes and then there's the stacked towns on the 20 eastern side of the building. 21 And then same with seven, there's also 22 six townhomes and then there's two stacked towns 23 next, which are the affordables, and they have 24 different first-floor elevations from an ADA 25 perspective.</p>	<p style="text-align: right;">Page 19</p> <p>1 elsewhere in town? 2 MR. HALL: No, this is -- 35 is the 3 highest anywhere else, to my knowledge. 4 CHAIRMAN CLEW: Okay. 5 MR. HALL: And actually in the, I think 6 the business zones it's only 25, I believe, but along 7 202 you have a situation because of the down slope on 8 the 287 side of 202, and there's special language 9 about how you do it on that side of the highway. 10 But one other quick point, and I had 11 missed this as well, it was a good catch, Rich, but 12 -- and I don't know, I'll ask Mr. Bohler, the 13 Building 9 where you called out that the COAH unit is 14 slightly higher by architectural terms, but on that 15 one there's a -- it's slightly lower as far as the 16 roof elevation. 17 On Building 7, the roof elevations are 18 the same for both townhouse and COAH. 19 Can you explain that, Brad? It's not a 20 big difference, but I just happened to notice that 21 they're different numbers. I thought you said 22 that -- they match all the way across otherwise, 23 pretty much. 24 MR. BOHLER: That's correct. 25 So those units are the ones I mentioned</p>
<p style="text-align: right;">Page 18</p> <p>1 So to allow for ADA access into these 2 buildings, we had to sink the first floor down 3 slightly into the ground to allow for proper access. 4 CHAIRMAN CLEW: Okay. So the top of 5 the building is the same, but the bottom of the 6 building is different, is lower? 7 MR. BOHLER: Yeah, so -- that's 8 correct. 9 So the grades slightly around the 10 outside of the affordables would be, you know, I'll 11 call it flush. It's a little bit different than 12 that, but flush for ADA access. 13 CHAIRMAN CLEW: Okay. And Building 7, 14 which has those COAH units, is one of the buildings 15 that actually has -- you're requesting a height 16 variance for? 17 MR. BOHLER: Yes, that's correct. 18 CHAIRMAN CLEW: Okay. And Building 2 19 is the same then? 20 MR. BOHLER: That's correct. And the 21 variance requested is from the existing grade, not 22 the proposed grade. 23 CHAIRMAN CLEW: Okay, okay. 24 And, Paul or Gary, the 45-foot building 25 height, is that standard? Are we using that height</p>	<p style="text-align: right;">Page 20</p> <p>1 before. We couldn't get ADA access to work properly, 2 so we had to lower those first floor elevations. So 3 the height of the building is measured from the top 4 of the peak down to the first floor elevations in 5 those calculations when we put the chart together. 6 MR. HALL: No, but on nine the actual 7 elevation is not the same for the two units. 8 MR. BOHLER: Well, that's the variation 9 that the architect will show you. 10 MR. HALL: Okay. All right, fine, 11 because on one it's the same, but on the other one it 12 isn't, that's why I was a little confused. 13 MR. FOX: Just to be clear, Brad, for 14 the board, your testimony tonight is not that the 15 requirement for the variance is due to the ADA 16 accommodation. 17 Is that correct? 18 MR. BOHLER: That's correct. 19 The ADA accommodations provide the 20 differential and the heights that explains on the 21 chart, but that's not creating a variance, no. 22 MR. FOX: Okay. For both of those two 23 buildings, it's looks like the difference between the 24 existing grade and the proposed grade is about 25 6-and-a-half feet.</p>

<p style="text-align: right;">Page 21</p> <p>1 Is that correct?</p> <p>2 MR. BOHLER: That's correct, yes.</p> <p>3 MR. FOX: Okay.</p> <p>4 CHAIRMAN CLEW: Okay. So then does it</p> <p>5 follow that moving the COAH housing to different</p> <p>6 buildings that have less of a problem wouldn't</p> <p>7 actually eliminate the need for the variance?</p> <p>8 MR. BOHLER: It would not, no.</p> <p>9 CHAIRMAN CLEW: Okay. And so, what</p> <p>10 other considerations have you made to avoid the need</p> <p>11 for requesting a variance?</p> <p>12 MR. BOHLER: So we looked at the</p> <p>13 grading and circulation, but because these two</p> <p>14 buildings are tied together with the remainder of the</p> <p>15 site, it's difficult to get the -- any changes to</p> <p>16 building lots or circulations to work that would</p> <p>17 prohibit that variance, because it's from the</p> <p>18 existing grade.</p> <p>19 So the proposed grade for the site, and</p> <p>20 we'll go through that, I'll present this again.</p> <p>21 Sorry, I thought I was presenting. One more time.</p> <p>22 So the grades throughout the property</p> <p>23 are generally, you know, sloped slightly, it's an</p> <p>24 RSIS compliance, but all the buildings and driveways,</p> <p>25 the roadways tie together.</p>	<p style="text-align: right;">Page 23</p> <p>1 did we get to 45 feet in this zone in the first</p> <p>2 place?</p> <p>3 MR. HALL: I wasn't a party to that, it</p> <p>4 was a negotiation discussion as --</p> <p>5 MR. YATES: Yeah, I can speak to that.</p> <p>6 So when we started, as we were going</p> <p>7 through the settlement agreement, KRE presented a set</p> <p>8 of concept drawings where they had indicated the</p> <p>9 height that they would need for construction and the</p> <p>10 -- so as part of that, when we created this zone, we</p> <p>11 granted that height for the building.</p> <p>12 Subsequently, there was a request to</p> <p>13 modify that limit to allow a half story in the</p> <p>14 buildings to make them -- to allow some habitable</p> <p>15 space on the top floor, so we revised it again.</p> <p>16 So that's how we ended up with these</p> <p>17 height requirements.</p> <p>18 CHAIRMAN CLEW: And the second time</p> <p>19 when we revised it, Chris, did we increase it?</p> <p>20 MR. YATES: I don't remember if we</p> <p>21 increased the height or we just increased the amount</p> <p>22 of habitable space that was allowed on that floor,</p> <p>23 because I think -- don't we have a broader limitation</p> <p>24 on third-floor habitable space?</p> <p>25 MR. HALL: There's a 2-and-a-half-story</p>
<p style="text-align: right;">Page 22</p> <p>1 So there's no way we could lower this</p> <p>2 building down 7 feet without impacting the other</p> <p>3 grades on-site from a grading perspective and then</p> <p>4 violate RSIS compliance with regards to slopes in the</p> <p>5 roadway.</p> <p>6 CHAIRMAN CLEW: Okay. And the history</p> <p>7 of the limit on this at this height at 45 feet, I</p> <p>8 think these -- from memory, these buildings will be</p> <p>9 kind of the taller -- if built, would be the tallest</p> <p>10 buildings in the township; is that a fair statement?</p> <p>11 MR. BOHLER: I'm not aware of the other</p> <p>12 buildings in town.</p> <p>13 CHAIRMAN CLEW: I think -- my</p> <p>14 understanding is that the height limit in all other</p> <p>15 portions of the town is 35 feet, plus or minus the</p> <p>16 minor variances?</p> <p>17 MR. NEWLIN: That's true for the O-B</p> <p>18 Zone, Gary?</p> <p>19 MR. HALL: Yeah, I just, I don't know</p> <p>20 that. I mean, I hadn't thought about that. There</p> <p>21 are the two big office buildings in the O-B Zone,</p> <p>22 they're, I think they're three-story buildings. I</p> <p>23 don't know what height they are, to be honest, we</p> <p>24 could check that.</p> <p>25 CHAIRMAN CLEW: Okay. And, Gary, how</p>	<p style="text-align: right;">Page 24</p> <p>1 limit, I don't know in this zone. Generally there</p> <p>2 is.</p> <p>3 MR. YATES: Yeah, so there was</p> <p>4 something related to that that we modified to along</p> <p>5 --</p> <p>6 Dave Minno, do you remember? Was it we</p> <p>7 modified it to allow more habitable space on the top</p> <p>8 floor?</p> <p>9 MR. MINNO: I was not part of that</p> <p>10 initial negotiation.</p> <p>11 MR. YATES: Okay. Well, however we --</p> <p>12 we ended up where we ended up, though, based on</p> <p>13 representations by KRE that this is what they needed</p> <p>14 to accomplish the project.</p> <p>15 MR. HALL: I'm sorry, the ordinance</p> <p>16 says 45 feet and three stories, so I don't know,</p> <p>17 maybe it was 2-and-a-half before. And it allows</p> <p>18 three full stories, there's no half story to issue</p> <p>19 the requirement, which is commonplace elsewhere, but</p> <p>20 back to saying I don't know about the O-B Zone, which</p> <p>21 is built out, what's in that, I don't recall.</p> <p>22 MR. NEWLIN: Can I ask McKinley if she</p> <p>23 has any comments with regard to how standard this is</p> <p>24 for other developments of this type?</p> <p>25 MS. MERTZ: You're talking in terms of</p>

<p style="text-align: right;">Page 25</p> <p>1 height, Alf?</p> <p>2 MR. NEWLIN: I am, yup.</p> <p>3 MS. MERTZ: For a three-story</p> <p>4 townhouse, 45 feet is not unheard of if you want a</p> <p>5 nice architectural pitch for the roof.</p> <p>6 Generally speaking, we tend to see them</p> <p>7 a little bit more like 42 feet, but I know there was</p> <p>8 discussion about getting the -- they wanted to make</p> <p>9 sure they could get the cars in the ground floor and</p> <p>10 there was some -- we weren't -- just to preface this,</p> <p>11 we weren't part of the discussion.</p> <p>12 By the time we came into Harding, this</p> <p>13 settlement agreement had already been established, so</p> <p>14 we really were only involved in the final stages of</p> <p>15 it, so that was our understanding.</p> <p>16 So I'd answer yes, you do see heights</p> <p>17 in the forties, sometimes maybe a little bit on the</p> <p>18 lower side of the forties, but it's not uncommon if</p> <p>19 you want to get that roof pitch.</p> <p>20 MR. BOHLER: Just to be clear, the</p> <p>21 building itself when it's constructed will not be</p> <p>22 45-feet tall, it will be 39 feet 9 inches from first</p> <p>23 floor, so about 40 feet, 40-and-a-half feet.</p> <p>24 MR. HALL: Okay.</p> <p>25 CHAIRMAN CLEW: So I guess the thing</p>	<p style="text-align: right;">Page 27</p> <p>1 a topographic survey of the property to understand</p> <p>2 the existing contours and how that would impact the</p> <p>3 layout.</p> <p>4 CHAIRMAN CLEW: But you were aware of</p> <p>5 the way height was measured in the township?</p> <p>6 MR. BOHLER: Yes.</p> <p>7 CHAIRMAN CLEW: Okay, okay. And was</p> <p>8 this property that was newly acquired?</p> <p>9 MR. BOHLER: It was not, it just wasn't</p> <p>10 surveyed, topographically surveyed.</p> <p>11 So they purchased the property when</p> <p>12 they bought the office buildings in Morris Township</p> <p>13 as part of the purchase.</p> <p>14 CHAIRMAN CLEW: Okay. So the concept</p> <p>15 plan that was previously present and agreed by the</p> <p>16 township was based on the topography evident on the</p> <p>17 property, or it was imagining that it was a flat</p> <p>18 property?</p> <p>19 MR. BOHLER: It was based on the older</p> <p>20 survey, which would show boundaries and locations of</p> <p>21 things with the wetlands, but no topo at the time.</p> <p>22 CHAIRMAN CLEW: Okay. So it did not</p> <p>23 take into account any of the topography on the -- or</p> <p>24 existing conditions on the property?</p> <p>25 MR. BOHLER: That's correct.</p>
<p style="text-align: right;">Page 26</p> <p>1 I'm trying to -- I'm shown on here to rationalize is</p> <p>2 the proposal here was negotiated previously, I think</p> <p>3 outside of this group.</p> <p>4 I think the planning board has twice</p> <p>5 reviewed the townhouse zone in response to requests</p> <p>6 from the applicant to increase the height limit on</p> <p>7 the buildings and received assurances each time that</p> <p>8 that 45-foot height was achievable.</p> <p>9 So I think I have to ask the question,</p> <p>10 what can you do to meet the height? Because this is</p> <p>11 already well past, you know, the existing standards</p> <p>12 across the rest of the town.</p> <p>13 MR. BOHLER: So I think we're -- the</p> <p>14 way I would phrase it is that we are compliant with</p> <p>15 height under the proposed conditions, it's just the</p> <p>16 two existing conditions for the layout that was part</p> <p>17 of the settlement that is creating the variance, so</p> <p>18 --</p> <p>19 CHAIRMAN CLEW: But the -- sorry. The</p> <p>20 condition and the requirements of the town have not</p> <p>21 changed in years.</p> <p>22 So are you saying that that is new</p> <p>23 information that you didn't have previously.</p> <p>24 MR. BOHLER: That's correct, we are</p> <p>25 negotiating the agreement. We didn't have a survey,</p>	<p style="text-align: right;">Page 28</p> <p>1 CHAIRMAN CLEW: I see, okay.</p> <p>2 MR. NEWLIN: Rich, can I -- I'm looking</p> <p>3 at the O-B Zone just for comparison purposes.</p> <p>4 And, Gary and Paul, please correct, but</p> <p>5 it looks like maximum building height is 25 feet</p> <p>6 measured from the mean grade at the front elevation</p> <p>7 and not more than two stories; however, if the grade</p> <p>8 at any other elevation past the front is lower, you</p> <p>9 can go up to 37-and-1-half feet and three stories,</p> <p>10 that's what I'm reading; does that sound correct.</p> <p>11 MR. HALL: Yeah.</p> <p>12 As I said, and that's other parts of</p> <p>13 the -- that side of 202 has, I think similar -- I</p> <p>14 know there's a 37-and-a-half that you can do</p> <p>15 elsewhere because of the down slope from 202 to 287</p> <p>16 on that side, it's -- they all slope downward, so --</p> <p>17 MR. NEWLIN: But at the front towards</p> <p>18 202 is 25 feet.</p> <p>19 MR. HALL: They said two stories also</p> <p>20 in the front?</p> <p>21 MR. NEWLIN: That's what it seems to</p> <p>22 say, but just for comparison purposes, 25 feet at the</p> <p>23 front and maximum of 37-and-a-half if the site slopes</p> <p>24 down, in my reading.</p> <p>25 MR. HALL: But that would be the only</p>

<p style="text-align: right;">Page 29</p> <p>1 one I could think of that has potentially taller 2 buildings, tall buildings, shall we say. 3 The R-1, the residential it's 35 feet 4 is the standard in the residential zone. And I don't 5 know, actually, I have a question for Brad, if we're 6 going to compare. 7 Do you know how tall the office 8 buildings are between this site and 202? You're in 9 Morris Township, obviously, but I'm just -- 10 MR. BOHLER: I don't know the exact 11 height. They are three stories, so if I had to 12 venture a guess, they're probably in the 45-foot 13 range at the top of the building. 14 MR. HALL: Okay. 15 MR. BOHLER: Maybe a little taller than 16 that. 17 So that was -- that's it for the 18 grading exhibits. 19 MR. INGLESINO: If I could just ask a 20 question or two. 21 MR. BOHLER: Sure. 22 MR. INGLESINO: Mr. Fox had indicated 23 what the purpose was of the ordinance in terms of 24 measuring from the existing grade. 25 Do you recall what he said in that</p>	<p style="text-align: right;">Page 31</p> <p>1 hearing about the settlement agreement plan versus 2 our plan, so I want to show the board those two 3 exhibits, and I rotated them so that they're the same 4 size, so I'll present the settlement plan first. 5 So here's the plan. 6 The entrance is on, again, north is to 7 the left of the page, so I'm sorry it's turned, but 8 this is the Minno Wasko concept plan that was part of 9 this agreement. 10 The entrance and Morris Township is to 11 the left of this plan, and that's where we come in. 12 There's homes in the middle with a loop, looped area. 13 We do have homes down to the west as well in the 14 cul-de-sac style areas. 15 We have, I guess it would be the 16 fitness area, but that's really a clubhouse, per se, 17 a dog park is just to the east with more homes, and 18 then a tot lot in this area. 19 So that's the settlement plan. There's 20 still 96 units proposed on our layout, and then we 21 have affordable space throughout, so one affordable 22 to the east on top of the plan, I guess it would be 23 two, I'm sorry, two affordable units to the middle. 24 There's eight in the -- along the circular or the 25 oval-shaped area, and there's two more along 287 on</p>
<p style="text-align: right;">Page 30</p> <p>1 regard? 2 MR. BOHLER: Yes, so developers don't 3 raise up the grade substantially on a site and create 4 a high point for a house. 5 MR. INGLESINO: And we're not doing 6 that here, are we? 7 MR. BOHLER: We're leveling out the 8 property, so cutting some of the top of the existing 9 grade and filling the lower portions. 10 MR. INGLESINO: Right. 11 So when the building is built from the 12 revised grade, the height will actually be even less 13 than 45 feet, correct? 14 MR. BOHLER: Yes. 15 MR. INGLESINO: So the structure from 16 the ground, if you were to measure from the first 17 floor to the pitch of the roof, would be under 18 45 feet? 19 MR. BOHLER: That's correct. 20 MR. INGLESINO: Thank you. 21 MR. BOHLER: So the question about 22 landscaping, we actually have someone else from our 23 office, Adam Alexander will be talking about that 24 after my presentation, but there was one other 25 comment at the last, I believe it was the last</p>	<p style="text-align: right;">Page 32</p> <p>1 the bottom of the plan. 2 So on the settlement plan we also 3 spaced out the affordables throughout the project, so 4 then I'll show the rendering again, and I don't 5 remember what this was labeled last time, but this is 6 the same rendering that we had previously. Again, 7 north is to the left. 8 You could see our entrance coming in, 9 we do have a circular oval shape around the center of 10 the property, there are units that go north -- 11 east/west, I'm sorry, east/west on the bottom of the 12 plan. 13 We moved that clubhouse up top, but we 14 still have a clubhouse, a pool and a tot lot as well. 15 We didn't have a pool in the settlement plan, so 16 that's a new addition. 17 We have a dog park to the east near the 18 cul-de-sac, and then there's homes as well in the 19 same general orientation in the east as well with the 20 affordables being spaced throughout the property, one 21 in Building 2 -- I'm sorry, two in Building 2, two in 22 Building 7, and then you have two -- or, I'm sorry, 23 eight total in the middle, like we did previously, 24 and then we have four more actually closer to the 25 front of the property, so they still have affordable</p>

<p style="text-align: right;">Page 33</p> <p>1 space throughout the site. Same number of amenities 2 and then same number of units as well with the same 3 general configuration of regular systems. 4 So I believe that's it from a 5 comparison perspective. 6 John, I'm not sure if you have any 7 questions at all. 8 MR. PLATT: Is the clubhouse and the 9 pool open to all residents? 10 MR. BOHLER: Yes. 11 CHAIRMAN CLEW: Mr. Bohler, I don't 12 recall whether it was you or one of the other folks 13 on your team who was going to come back and talk to 14 us about the noise from 287 and provide some 15 testimony on the enhanced building techniques that 16 someone had described that would mitigate in some way 17 the fact that all of the -- or the majority of the 18 affordable housing units are sort of directly on 287 19 without any kind of other screening. 20 MR. BOHLER: So the noise and the 21 building materials will be with Mr. Minno, for 22 purposes of testimony. 23 CHAIRMAN CLEW: Okay. So I guess we'll 24 come back. 25 Are we hearing from Mr. Minno tonight?</p>	<p style="text-align: right;">Page 35</p> <p>1 of the units. 2 We don't have anyone here tonight to 3 testify with regard to any noise that may be outside 4 the units, but it's -- it is what it is and folks can 5 choose to live there or not, but there is not 6 anything proposed in regards to the outside. 7 MR. PLATT: Well, when we talked -- 8 when we did our walk, we were discussing the idea of 9 including a sound barrier on 287 and that the client 10 was leaning, I got a sense that they were leaning in 11 the direction of putting a sound barrier up. 12 Now, we got a report from the county 13 that one of the major comments was that we were 14 not -- there were no sound barriers, so I think we 15 need to talk about that. I think we should have a 16 sound barrier on 287 as we do for the Harding Green, 17 and that was done 30 years ago. 18 MR. INGLESINO: I'm not prepared to 19 address that tonight, I'll have to confer with my 20 client about that, but I would note that there's 21 nothing in the agreement that would require any such 22 barrier. 23 CHAIRMAN CLEW: Mr. Inglesino, I'll 24 just also point out just based on your comment, I'm 25 concerned when I hear people say people can choose to</p>
<p style="text-align: right;">Page 34</p> <p>1 MR. INGLESINO: Yes, yes, Chairman. 2 CHAIRMAN CLEW: Okay. 3 MR. NEWLIN: Does that include the 4 sound barrier topic as well, Mr. Minno is going to be 5 talking about that, or is that engineering? 6 MR. INGLESINO: No, that's neither. 7 I think Mr. Minno was going to discuss 8 soundproofing techniques in connection with the 9 architecture of the building. 10 MR. HALL: Are we going to discuss 11 outdoor sound prevention? Because it came up before 12 that the building's inside, it doesn't prevent you if 13 you go out on the deck these all have or if you go 14 outside, I mean, is that -- I mean, I'm just asking 15 because the question was what about the landscaping, 16 is that going the address outdoor issues or is no one 17 going to address that? 18 MR. PLATT: It sounds like you're not 19 going to include soundproofing from 287, it just by 20 what you're saying, John, it sounds like that's not 21 on the table. 22 MR. INGLESINO: Well, no, I'm saying 23 that Mr. Minno is going to discuss soundproofing in 24 regards to the architectural elements of the 25 buildings, which we'd mitigated noise in the interior</p>	<p style="text-align: right;">Page 36</p> <p>1 live there or not, right. 2 The affordable housing units, the 3 reason that affordable housing exists in New Jersey 4 is simply because there seems to be a dearth of 5 affordable housing for residents. 6 So you are, as par of this proposal, 7 providing what does seem to be a critical need for 8 affordable housing where those, you know, folks that 9 need that housing do not have sufficient choices in 10 terms of where they live, and we should fully 11 consider the environmental impacts on those units as 12 well as on the rest of the site, if not for an 13 economic reason, but for a moral reason to support 14 the affordable housing needs of New Jersey. 15 MR. PLATT: And humanitarian. 16 MR. INGLESINO: Right. 17 There also is, of course -- I mean, 18 listen, I have to discuss it with my client. I don't 19 want to, you know, negotiate or discuss the merits of 20 the issue as to whether or not I believe that's 21 within the board's purview or not, I don't think that 22 would be productive until I'm able to speak with my 23 client and get a better understanding of what they're 24 willing to do, but we certainly hear the board, 25 understand the request, and we will report back to</p>

<p style="text-align: right;">Page 37</p> <p>1 you.</p> <p>2 CHAIRMAN CLEW: And we would appreciate</p> <p>3 that. I know that has come up in each of the four</p> <p>4 meetings we've now had on this. So if you could come</p> <p>5 back to us with something, we would appreciate it.</p> <p>6 MR. INGLESINO: Will do.</p> <p>7 MR. NEWLIN: And, Rich, can I ask Paul</p> <p>8 something on this?</p> <p>9 Can we get any information, Paul, what</p> <p>10 the state or county could or would do to support such</p> <p>11 an effort? Is that 100 percent on the developer</p> <p>12 or --</p> <p>13 MR. FOX: Yes, the state is not</p> <p>14 interested in building any further sound barriers</p> <p>15 anywhere in the State of New Jersey.</p> <p>16 MR. NEWLIN: Okay. That was pretty</p> <p>17 equivocal.</p> <p>18 And what about the county, same?</p> <p>19 MR. FOX: This is not a county roadway,</p> <p>20 so the county wouldn't be involved in that.</p> <p>21 MR. NEWLIN: Okay. So it's 100 percent</p> <p>22 on the developer?</p> <p>23 MR. FOX: That's correct.</p> <p>24 MR. NEWLIN: Okay. Thank you.</p> <p>25 CHAIRMAN CLEW: Okay. Are there other</p>	<p style="text-align: right;">Page 39</p> <p>1 to discuss the lighting or are you coming back to</p> <p>2 that?</p> <p>3 MR. BOHLER: That will be Mr. Alexander</p> <p>4 as well, Mr. Platt.</p> <p>5 CHAIRMAN CLEW: Sorry, I was on mute.</p> <p>6 All right. Any other questions for</p> <p>7 Mr. Bohler?</p> <p>8 MR. NEWLIN: Just as a process issue.</p> <p>9 So we've asked to hear more about the sound barrier,</p> <p>10 and I know that was asked before, so I think it's</p> <p>11 clear that's outstanding.</p> <p>12 I recall also we were going to get some</p> <p>13 testimony about the public spaces, is that Mr. Bohler</p> <p>14 or is that going to be somebody else? Just a</p> <p>15 question when this is going to be considered, that</p> <p>16 aspect.</p> <p>17 MR. INGLESINO: That would be</p> <p>18 Mr. Bohler, and that will also be at the next</p> <p>19 meeting.</p> <p>20 MR. NEWLIN: Okay. Thank you.</p> <p>21 CHAIRMAN CLEW: Okay. Anyone else?</p> <p>22 Okay, Mr. Inglesino, back to you then.</p> <p>23 MR. HALL: Rich, I don't know if it was</p> <p>24 clear, but the public has a right to question also</p> <p>25 and you did not include them. There's public that</p>
<p style="text-align: right;">Page 38</p> <p>1 questions for Mr. Bohler?</p> <p>2 MS. CLAYTOR: I have a question.</p> <p>3 The proposed plan had the units</p> <p>4 parallel to 287 and the revised plan has the road</p> <p>5 swinging around parallel to 287, which I feel is kind</p> <p>6 of creating more opportunity for sound to travel into</p> <p>7 the complex.</p> <p>8 Is there any way we could go back to</p> <p>9 the buffering of, you know, you're taking out all of</p> <p>10 the plants and trees and everything along 287 to</p> <p>11 create the ability to drive around the complex there.</p> <p>12 MR. BOHLER: So that's a good question.</p> <p>13 The previous plan did actually have a similar</p> <p>14 situation with, and I'll show the board that, with</p> <p>15 the dog park and the clubhouse area.</p> <p>16 This area was in the same exact</p> <p>17 location as under the proposed plan with the roadway</p> <p>18 system there, so we did the same situation. We</p> <p>19 didn't agree to add landscaping along the loop road</p> <p>20 in the new plan in accordance with the board's</p> <p>21 request, and Mr. Alexander will talk about that, he's</p> <p>22 from my office. If the board requests that, we can</p> <p>23 have more landscaping in that area.</p> <p>24 MS. CLAYTOR: Okay.</p> <p>25 MR. PLATT: Mr. Bohler, are you going</p>	<p style="text-align: right;">Page 40</p> <p>1 maybe thought they couldn't, they can ask questions</p> <p>2 of Mr. Bohler's testimony tonight.</p> <p>3 CHAIRMAN CLEW: Okay, yeah. And thank</p> <p>4 you for that, Gary, I neglected that.</p> <p>5 So before we move on from Mr. Bohler,</p> <p>6 are there any members of the public that would like</p> <p>7 to ask a question?</p> <p>8 And, Lori, I think we will ask folks to</p> <p>9 raise their hand, excuse me, raise their hand in Zoom</p> <p>10 if you can. And I see one already.</p> <p>11 Cathy Wilson, do you want to ask a</p> <p>12 question?</p> <p>13 MS. WILSON: I do, I have two</p> <p>14 questions.</p> <p>15 Cathy Wilson, 20 Beechwood Drive,</p> <p>16 Morris Township.</p> <p>17 So my question is about the -- your</p> <p>18 testimony is that there, I believe there's a 6-foot</p> <p>19 difference between the existing versus the proposed</p> <p>20 grade; am I understanding that correctly, Mr. Bohler?</p> <p>21 MR. BOHLER: Yes, for Buildings 2 and</p> <p>22 7, that's correct. The rest of the site is not that</p> <p>23 different, doesn't have that differential, it's just</p> <p>24 those two buildings.</p> <p>25 MS. WILSON: And so to level out the</p>

<p style="text-align: right;">Page 41</p> <p>1 grades and make them equal elevation, you would have 2 to then dig down the 6 feet on Buildings 2 and 3 Building 7, correct? 4 MR. BOHLER: We're not digging down 6 5 feet, we're, say we'll take off a foot or so of the 6 middle of the sight where there's, it's a little 7 higher and then we'll push that dirt into the lower 8 area. So we're actually going to fill those areas up 9 to that elevation. 10 MS. WILSON: Okay. And so, my -- how 11 much area do you have to dig out in order to 12 accomplish the equalization of the grades? 13 MR. BOHLER: I would say a quarter of 14 our disturbance is probably is used for that area. 15 MS. WILSON: And does that have any 16 effect on the elevation of the street that's adjacent 17 to the buildings? 18 MR. BOHLER: Yes, the entire site is 19 graded so that's it's general level in accordance 20 with RSIS standards. 21 MS. WILSON: Okay. And my other 22 question has to do with the, I wasn't clear what it 23 meant on the cul-de-sac, the reference to having the 24 cul-de-sac be dirt, I didn't understand what that 25 meant.</p>	<p style="text-align: right;">Page 43</p> <p>1 MR. HALL: Let me swear Mr. Alexander 2 in, I don't think he's testified. 3 Can you raise your right hand? Do you 4 solemnly swear the testimony you're about to give 5 will be the truth? 6 MR. ALEXANDER: Yes. 7 A D A M A L E X A N D E R, LLA, RLA 8 30 Independence Boulevard, Warren, New Jersey, 9 having been duly sworn, testifies as follows: 10 MR. HALL: Thank you. 11 VOIR DIRE EXAMINATION 12 BY MR. INGLESINO: 13 Q. Mr. Alexander, can you please describe 14 for the board your educational and professional 15 background and list any licenses that you hold? 16 A. Yes, good evening, yes, Adam Alexander, 17 I'm the director of landscape architecture at Bohler 18 here in Warren, New Jersey. I have a bachelor's of 19 science from West Virginia University. I'm a 20 licensed landscape architect in New Jersey, as well 21 as other states. 22 I've been practicing for over 20 years 23 and I've provided testimony in numerous 24 municipalities throughout New Jersey and my team is 25 responsible for developing the initial and revised</p>
<p style="text-align: right;">Page 42</p> <p>1 MR. BOHLER: Yes. 2 Well, I think it was the last hearing 3 or maybe the one before that, Mr. Platt asked if we 4 could make the cul-de-sac inside of it a landscape 5 area so it's not just pavement, so we've agreed we 6 could do that. 7 MS. WILSON: All right. So it's a 8 landscaped area? 9 MR. BOHLER: Yes. 10 MS. WILSON: I see. Okay. 11 Thank you. 12 MR. BOHLER: No problem. 13 CHAIRMAN CLEW: Okay. Are there other 14 questions from the public? 15 Okay, Lori, do you see anyone? 16 MS. TAGLAIRINO: I'm not seeing any 17 other raised hands, no. 18 CHAIRMAN CLEW: Okay. All right. 19 Thank you, Mr. Bohler. 20 Mr. Inglesino, back to you then. 21 MR. INGLESINO: Thank you, 22 Mr. Chairman, I'd like to call my next witness 23 Mr. Adam Alexander. 24 Adam, are you there? 25 MR. ALEXANDER: Yes, good evening.</p>	<p style="text-align: right;">Page 44</p> <p>1 landscaped lighting plans. 2 Also, I've reviewed the transcripts 3 from the previous hearings. 4 MR. INGLESINO: Okay. Mr. Chairman, we 5 offer Mr. Alexander as an expert in landscape 6 architecture and lighting and ask that he be accepted 7 by the board in that regard. 8 CHAIRMAN CLEW: Mr. Alexander, have you 9 worked on projects of this scope and scale 10 previously? 11 MR. ALEXANDER: Yes. 12 CHAIRMAN CLEW: And have you worked 13 with dark-sky lighting previously? 14 MR. ALEXANDER: Yes. 15 CHAIRMAN CLEW: Okay. So you're 16 familiar with sort of the general terms and 17 conditions and impacts that they have? 18 MR. ALEXANDER: Yes, sir. 19 CHAIRMAN CLEW: Terrific. All right, 20 welcome to the board. 21 MR. ALEXANDER: My pleasure. 22 CHAIRMAN CLEW: To the meeting, rather. 23 MR. ALEXANDER: Thanks. 24 MR. INGLESINO: So I'm assuming he's 25 accepted as an expert in that regard?</p>

<p style="text-align: right;">Page 45</p> <p>1 CHAIRMAN CLEW: Yes, he is accepted as 2 an expert. 3 MR. INGLESINO: Thank you, 4 Mr. Chairman, I appreciate that. 5 DIRECT EXAMINATION 6 BY MR. INGLESINO: 7 Q. So, Mr. Alexander, can you please 8 describe the landscape and lighting plan that was 9 recently submitted to the board? 10 A. Okay. 11 So I first wanted to start with 12 landscape, I know there was some testimony from 13 previous hearings. 14 In reviewing the previous hearing 15 transcript, I noted some comments related to 16 landscaping that I wanted to bring to the board. 17 The first is that all of the proposed 18 plant species on the landscape plan are either native 19 or have been adopted to this region of New Jersey, 20 all of the plantings have previously been accepted by 21 the Highlands and the New Jersey Department of 22 Environmental Protection and are not invasive 23 species. 24 If the board desires, we can work with 25 the board professionals to substitute any plant</p>	<p style="text-align: right;">Page 47</p> <p>1 MR. YATES: Okay. 2 CHAIRMAN CLEW: And, sorry, what is -- 3 I don't really or have not heard the term "adapted;" 4 does that mean it just, it grows here? I mean 5 barberry grows here. 6 MR. ALEXANDER: Barberry does grow, 7 it's a very, highly invasive species. We are not 8 using barberry. 9 Plant species were selected for -- to 10 survive in this particular environment. 11 CHAIRMAN CLEW: Okay. So what, like, 12 is there an actual definition for adapted, or is 13 this -- 14 MR. ALEXANDER: Yeah, it's just a 15 common term to kind of explain that they are 16 nonnative, but they've adjusted to the environment 17 here and they're not invasive. 18 But, again, if the board or the board 19 professionals want to discuss other options, we're 20 more than happy to discuss that. 21 CHAIRMAN CLEW: Okay. 22 MR. ALEXANDER: There was also another 23 comment on, I believe one of the board professionals 24 mentioned additional landscaping along 287. There 25 are some existing trees along 287 that are not on our</p>
<p style="text-align: right;">Page 46</p> <p>1 species that they feel does not meet that request, so 2 I wanted to make sure that I brought that up this 3 evening, we agree with trying to work with the board 4 on that. 5 MR. YATES: Can you just give a couple 6 of examples of what you consider nonnative, that is 7 adapted? 8 MR. ALEXANDER: Sure. 9 So the plant list that has tress like 10 Picea abies, which is Norway spruce, it's a pretty 11 familiar tree to us. That's a holiday tree, 12 essentially. That would be something that's more 13 adapted to New Jersey, but not a native species, per 14 se. 15 Bald cypress would be another one, but 16 it's also kind of an acceptable adaptive species to 17 New Jersey, you see it planted all over the towns 18 throughout New Jersey. All the others would be 19 considered native. 20 Feathery grass, which is an ornamental 21 grass, is not native, but it's kind of adapted to our 22 landscape, it could be switched out for switch grass 23 or something other, some other type of grass, but 24 those would be the three that would be considered 25 nonnative, adapted plant species.</p>	<p style="text-align: right;">Page 48</p> <p>1 property line, but we are willing to add additional 2 landscaping at the end of that roadway to create more 3 of a buffer, if the board so desires. 4 So those are my two comments related to 5 landscape from what I heard this evening and from the 6 transcripts. I wanted to discuss lighting as well. 7 So we had submitted a lighting exhibit 8 prior to this hearing, Lighting Exhibit A dated 6/28, 9 there's three sheets, I could share that if -- 10 MR. PLATT: Yes, please. 11 MS. TAGLAIRINO: Yes, go ahead. 12 MR. ALEXANDER: Okay. Let me know when 13 you see that. 14 Okay. Can everyone see that? 15 CHAIRMAN CLEW: See it, definitely, 16 reading it. 17 MR. ALEXANDER: Yup, okay. 18 So our team has worked to develop a 19 lighting plan that we believe meets the intent of the 20 ordinance and addresses the concerns of the board 21 members. 22 The post top light fixture that was 23 previously shown on the plans is a coach style 24 lantern has been revised and we selected a dark-sky 25 compliant decorative gooseneck style LED fixture,</p>

<p style="text-align: right;">Page 49</p> <p>1 it's very similar to the light fixture at town hall. 2 The fixture has been certified by the 3 International Dark-Sky Association as being dark-sky 4 friendly, meaning the fixture minimizes glare while 5 reducing light trespass and skyglow, but the LEDs 6 within the fixture are housed inside the hood of the 7 fixture and are flush with the underside of the 8 fixture's housing. 9 Our office did do research about the 10 possibility of using bollards along the roadways; 11 however, we determined that in order to best meet the 12 intent and required illumination values of the 13 ordinance that the proposed decorative gooseneck 14 style LED fixtures provides the best solution for 15 dark-sky compliance, aesthetics and proper light 16 levels. So I wanted to share with you. 17 MR. PLATT: Excuse me, do you have a 18 picture of the gooseneck light that you're proposing? 19 MR. ALEXANDER: Yes. 20 MR. PLATT: And also, I don't think 21 that we have stated our standards on illumination, so 22 I'm not at all in support of your decision that 23 bollards are to be replaced with a stanchion light, 24 and I'll tell you why, because when you are walking, 25 you're going to be looking up and you're going to be</p>	<p style="text-align: right;">Page 51</p> <p>1 there were a few. There were two or three questions 2 in there, so I want to make sure I answer them all. 3 So the fixture that we're talking about 4 here, there was a comment about modifying the color 5 temperature of the light fixture, so they're 6 previously 3,000 Kelvin, we've reduced them to 2700, 7 per the township's request. The mounting height is 8 19 feet, which is measured from the ground level to 9 the center of the light source. The pole is 18 feet. 10 The total fixture height is 22 feet, 6 inches. They 11 are fully dark-sky compliant. 12 We also modeled the building-mounted 13 lights, which was a request. These fixtures are 14 color, their color is they're black fixtures also 15 with 2700 Kelvin for the color temperature. They are 16 mounted 6-and-a-half feet off ground level, they are 17 also dark-sky compliant. 18 So the picture that I'm showing on the 19 screen, this isn't an exact picture of the fixture 20 itself, but this shows you the pole, the gooseneck. 21 This is the dome. We won't have these other 22 components in here, but it will look completely 23 covered and all the LEDs will be folded into the 24 fixture itself. 25 So I wanted to discuss the waivers, but</p>
<p style="text-align: right;">Page 50</p> <p>1 looking into a light bulb. And the whole point of a 2 bollard is to illuminate where you're walking, you 3 don't need to see a tree 10 feet up that you're 4 walking by, so we're -- the whole point of the 5 bollards was to illuminate the pathways and the 6 street and where you're going, and you are going to 7 be -- you might have a shielded light source, but if 8 it is -- how tall is the pole? 9 MR. ALEXANDER: Okay. So I have some 10 data that I wanted to share with you first and maybe 11 answer some of your questions. 12 The height -- 13 MR. YATES: Well, maybe while you're 14 doing that, I noticed that our planner McKinley has 15 pointed out that you're looking for three lighting 16 variances for footcandles that exceed the -- 17 MR. ALEXANDER: Yes, I'm going to 18 address that as well. 19 MR. YATES: So, yes, so as you're 20 talking about this, why don't you describe why you 21 need variances for exceeding the footcandle limits. 22 MR. ALEXANDER: Okay. So let me 23 backtrack, let me get through some of my testimony, 24 and I'll be more than happy to -- and hopefully that 25 testimony answers some of your questions, because</p>	<p style="text-align: right;">Page 52</p> <p>1 there was a question about bollards. 2 So, yes, we'll use bollards along 3 walkways; however, in order to provide the 4 illumination levels required by the ordinance, we 5 also need to provide lighting in the roadways. 6 By just providing bollards to 7 illuminate some of these areas down the roadway, we 8 would have deficiency in light, which would give us 9 zero values, which would actually increase the amount 10 of design waivers that we would need. 11 So what we attempted to do, the revised 12 lighting plan was developed to the best of our 13 ability to meet the ordinance requirements; however, 14 we've reduced our waivers from six down to four. And 15 those waivers from Section 225-85 for interior 16 streets, maximum average maintained illumination 17 required is .4 proposed, we are at .62 footcandles. 18 MR. PLATT: So I have a question, if I 19 could interrupt for a second. 20 Hey, Paul Fox, we're a town without 21 streetlights, and we have neighborhoods that have no 22 streetlights. 23 So where -- Paul, do we have an 24 ordinance for this that would require illumination 25 along the streets?</p>

<p style="text-align: right;">Page 53</p> <p>1 MR. FOX: If you review the site plan 2 requirements within Section 225, they do include 3 lighting standards. 4 MR. PLATT: Harding's imposing? 5 MR. FOX: Yes, that's correct. 6 MR. PLATT: But we also would have the 7 ability to reduce those standards too, right? 8 MR. FOX: I think with just cause, 9 sure. 10 MR. YATES: What did you say? 11 MR. PLATT: I was just saying that -- 12 oh, go ahead. 13 MR. FOX: I think with sufficient 14 cause, you could allow the developer to waive certain 15 -- or the board could waive certain requirements; 16 however, there are basic public safety issues that we 17 need to examine and make sure that we're not creating 18 a situation where there may be a compromising of the 19 public safety. 20 MR. YATES: So what did Harding Green 21 do, they didn't remove all of their streetlights? 22 MR. PLATT: No, Harding Green, Harding 23 Green -- good question, Chris. 24 They were, that development went in in 25 the '70s and we didn't have or Harding didn't really</p>	<p style="text-align: right;">Page 55</p> <p>1 parking lots and internal site driveways, I think, 2 and that's why it's a site plan. 3 I mean, you're not -- it's all on one 4 piece of land and it's -- they're internal driveways, 5 they're not streets, I think that may be -- 6 CHAIRMAN CLEW: So is the lighting 7 requirement -- 8 MR. PLATT: Yeah, that's important, 9 though, you know, if these lights are on 19-foot 10 stanchion poles, anyone who is on the ground floor, 11 you know, they're going to be getting a full face of 12 light. I mean, you're going to be looking up into 13 the fixture and the bollards were going to eliminate 14 that. 15 So I'm just wondering about the safety 16 aspect. If these are, as Gary points out, if these 17 are parking areas and whatever else, that was the 18 point of the bollards, that you're not going to be 19 providing light pollution all over this development. 20 We are trying to minimize that. And the minute you 21 put it up on a pole, you're broadcasting and you're 22 going to get neighboring light into your bedroom 23 window, you're going to get trespassing light into 24 your living room. 25 So I'd like that to be revisited, Adam.</p>
<p style="text-align: right;">Page 54</p> <p>1 have standards, and the Harding Green developer put 2 in streetlights, which just now got changed over to 3 LED, but they're an exception and we just -- and 4 Harding Township pays their street lighting bill, but 5 when we removed all of the streetlights in town, that 6 was the one exception that we had because it was 7 grandfathered. 8 MR. YATES: Okay. 9 MR. PLATT: They did not want the 10 streetlights taken away. 11 MR. YATES: So they didn't take them 12 away, they just converted them all to LED? 13 MR. PLATT: To LED. 14 CHAIRMAN CLEW: And, Paul, so what is 15 the, for the ignorant here including myself, what is 16 the minimum required lighting on roadways in this 17 zone? 18 MR. FOX: I apologize, I don't have 19 those figures in front of me right at this moment, 20 but the ones that are being quoted by the gentleman 21 providing testimony tonight, we did check those and 22 those accurately reflect what is in the township 23 code. 24 MR. HALL: I think a disconnect here is 25 that these are not roadways, they're classified as</p>	<p style="text-align: right;">Page 56</p> <p>1 MR. ALEXANDER: So we -- I think we're 2 providing adequate light for the roadways and for 3 pedestrian vehicular safety. I also think this is 4 consistent with other townhome developments that 5 we've worked on. 6 Light is going to be focused downward 7 to the ground. They are fully enclosed within the 8 light fixture housing, light spillage is being kept 9 on-site, it is not going off the property, so we are 10 containing all of that light. 11 And most importantly, with a dark-sky 12 compliant fixture, we are not putting any additional 13 skyglow into the atmosphere, that is fully the 14 mission of the international lighting group that 15 analyzes these fixtures. 16 So we heard that from the last hearing 17 and we wanted to make sure that we address that. So 18 I just -- just to answer some of the other questions 19 that came up, because I do have a little bit more 20 testimony that I'd like to enter in, and I also have 21 a potential solution too, for the board's concern. 22 So we are requesting three -- a total 23 of four waivers as it relates to the light levels, 24 three of which are light levels, one is the light 25 source, which is LED.</p>

<p style="text-align: right;">Page 57</p> <p>1 So the first waiver, and again, we've</p> <p>2 reduced down from six to four, relates to interior</p> <p>3 streets maximum average, maintain illumination, this</p> <p>4 is the interior streets. We're required .4, we're</p> <p>5 proposing .62. In the parking areas maximum average</p> <p>6 maintained required .4, we're proposing .68, and on</p> <p>7 the sidewalks required .2, proposed .52.</p> <p>8 The other waiver is from -- to go from</p> <p>9 metal halide to an LED. We were able to remove the</p> <p>10 two property line waivers from the previous lighting</p> <p>11 design. We believe this increase within the --</p> <p>12 maintain illumination for interior parking on</p> <p>13 sidewalks is de minimus in nature. There are very</p> <p>14 low levels, you wouldn't really notice the</p> <p>15 difference.</p> <p>16 With that said, the applicant has a</p> <p>17 solution that may satisfy the board's concerns. If</p> <p>18 desired by the board, the roadway lighting, these</p> <p>19 interior lights can be -- can utilize specialized</p> <p>20 lighting controls and the lighting controls could be</p> <p>21 set to an adjustable time clock. We can pick hours,</p> <p>22 say from 11:00 p.m. to 4:00 a.m. or whatever suits</p> <p>23 based on the time of the year.</p> <p>24 We will provide the ability -- this</p> <p>25 will provide the ability to dim certain light</p>	<p style="text-align: right;">Page 59</p> <p>1 MR. YATES: If you want to exceed what</p> <p>2 the ordinance permits, how is that a waiver versus a</p> <p>3 variance?</p> <p>4 MS. MERTZ: It has to do with where in</p> <p>5 the ordinance the standards are written.</p> <p>6 So in the case of Harding, the lighting</p> <p>7 standards associated with footcandles are not within</p> <p>8 the zoning ordinance, they're in Section 85 -- I'm</p> <p>9 sorry, I don't have it right in front of me -- yeah,</p> <p>10 225-85.</p> <p>11 So they're not bulk standards the way a</p> <p>12 setback or a height calculation would be, they're</p> <p>13 considered to be a slightly less burden of proof than</p> <p>14 the variances.</p> <p>15 MR. YATES: But for practical purposes,</p> <p>16 it's not much different than a variance?</p> <p>17 MS. MERTZ: It's sill a deviation,</p> <p>18 correct. The burden of proof from a planning</p> <p>19 perspective for a (c) variance is higher. A waiver</p> <p>20 the applicant has to -- they have to prove that a</p> <p>21 literal enforcement of the provision would be</p> <p>22 impractical or would impart undue hardship upon them.</p> <p>23 It's slightly less, but it's still a deviation and</p> <p>24 they still have to prove their case for it.</p> <p>25 MR. YATES: So another question of Adam</p>
<p style="text-align: right;">Page 58</p> <p>1 fixtures to 50 percent. We could also include motion</p> <p>2 sensors at that time of night so that if a vehicle</p> <p>3 does come, the light fixtures would click on back to</p> <p>4 full power and over a certain time, a couple of</p> <p>5 minutes, we can dial it back down again.</p> <p>6 With these controls in place, we</p> <p>7 believe this may satisfy the board's concerns related</p> <p>8 to light levels while maintaining a safe environment</p> <p>9 for vehicles and pedestrians.</p> <p>10 So that completes my testimony.</p> <p>11 Hopefully I answered some of your questions. And</p> <p>12 again, we, you know, we've worked very diligently to</p> <p>13 try to come up with a lighting plan that meets the</p> <p>14 intent and also provides a safe, adequate lighting</p> <p>15 plan for the -- for vehicles and for pedestrians for</p> <p>16 the development.</p> <p>17 MR. INGLESINO: Thank you.</p> <p>18 Mr. Alexander.</p> <p>19 Just a question in terms of variances</p> <p>20 just to clarify. We're not seeking any variances,</p> <p>21 only waivers, correct, in connection with the</p> <p>22 lighting.</p> <p>23 MR. ALEXANDER: Correct, sir, only</p> <p>24 waivers, design waivers.</p> <p>25 MR. INGLESINO: Thank you.</p>	<p style="text-align: right;">Page 60</p> <p>1 is why do the lights have to be 20-feet tall? That</p> <p>2 seems to me to be really tall. I mean, that seems</p> <p>3 almost as tall or taller than a typical streetlight.</p> <p>4 MR. ALEXANDER: Well, the maximum</p> <p>5 mounting height requirement would allow us 23 feet,</p> <p>6 so we're below that, so we're compliant. The higher</p> <p>7 we -- the higher we go or we can go, and we tried to</p> <p>8 minimize it as best we could, the better distribution</p> <p>9 of light we are going to get and the more equal</p> <p>10 distribution of light we're going to get.</p> <p>11 The lower we get in our light fixture</p> <p>12 is going to concentrate the light in a smaller area.</p> <p>13 So what we're attempting to do is</p> <p>14 disperse the light within a certain area as equally</p> <p>15 as possible, and that's how you get the minimum, the</p> <p>16 maximum and the average minimum and maximum into all</p> <p>17 those ratios, which we have to make sure we don't</p> <p>18 have any zero values within those defined areas,</p> <p>19 otherwise we wouldn't be able to calculate those</p> <p>20 maximum ratios. If we were to do that, it would put</p> <p>21 our waivers -- we'd have a lot more waivers.</p> <p>22 So we believe this is an appropriate</p> <p>23 height fixture and it's consistent with town hall as</p> <p>24 far as look, it's very decorative in nature, and</p> <p>25 again, fully dark-sky compliant.</p>

<p style="text-align: right;">Page 61</p> <p>1 CHAIRMAN CLEW: McKinley, can I just 2 ask you to repeat again what is the requirement, what 3 is the hurdle the needs to be met by the applicant to 4 get a waiver? 5 MS. MERTZ: Sure. 6 So I'll read MLUL so that it's clear. 7 Pursuant to the MLUL: 8 "If the literal enforcement of one or 9 more provisions is impractical or will exact 10 undue hardship because of particular 11 conditions pertaining to the land in 12 question." 13 So it has to do with the literal 14 enforcement of the standards. 15 CHAIRMAN CLEW: Okay. 16 MR. PLATT: I have a question and that 17 is we're assuming that people are going to be driving 18 around without their headlights on at night. 19 So that part, I don't understand. And 20 you keep on using the word safe and safe and safe, 21 which is, to me, really unfair in this discussion, 22 because we're trying to minimize the amount of light 23 that is going to be affecting the residents here. 24 People do have headlights on their cars 25 and are going to be using them. I do like the idea</p>	<p style="text-align: right;">Page 63</p> <p>1 MR. ALEXANDER: Is that a question 2 directed to me, sir? 3 CHAIRMAN CLEW: Yes, it is. 4 MR. ALEXANDER: We're trying to meet 5 the requirements of the ordinance. So it's not that 6 we don't want to, we've tried effortlessly for 7 countless iterations and design work to try to 8 satisfy this and by, you know, it's very sensitive 9 when we do the lighting calculations. 10 So if we have one area that's deficient 11 in light and it goes down to a zero value, it throws 12 off all of the calculations. 13 So we're walking a fine line between 14 trying to provide what's required and what we're -- 15 we were asked to provide for the ordinance what we 16 feel is also adequate for this type of development. 17 So the answer is, you know, what's 18 being asked, and I'll say .4 footcandles in interior 19 streets, maximum average is not a lot of light, per 20 se. 21 There are max -- 22 CHAIRMAN CLEW: I'm sorry, my question 23 is is there some minimum, in addition to this 24 maximum, in the ordinance is there a minimum level of 25 lighting that you are required to provide?</p>
<p style="text-align: right;">Page 62</p> <p>1 of having a timer and a dimmer, and, yes, we accept 2 that, but I still am not ready to concede the use of 3 bollards instead of these light stanchions because it 4 just seems that we've come a long way in the lighting 5 technology just in the last ten years and if we wait 6 another month, it will be another light year 7 difference. 8 So I'm sure that we can direct the 9 light where we need it without having to go to light 10 poles, which is, as far as I'm concerned, an older 11 technology. 12 So you're proposing that we're allowing 13 a .4 footcandle, which is allowed, you want to go to 14 a .62 footcandle. On the maximum parking areas where 15 we allow a .4 footcandle, you want to go to a .68 16 footcandle. Where the sidewalks, where we allow a 17 .2 footcandle, you want to go to .52 footcandle. 18 It just seems that you're going in the 19 opposite direction of what our previous meetings were 20 pushing for and you're proposing something that I 21 find unacceptable. 22 CHAIRMAN CLEW: Is there a -- because 23 we've kind of spent a fair amount of this discussion 24 talking about kind of the maximum allowable levels. 25 Is there a minimum level for any of these?</p>	<p style="text-align: right;">Page 64</p> <p>1 MR. ALEXANDER: Well, yes, we're trying 2 -- 3 CHAIRMAN CLEW: Okay. And what is that 4 minimum requirement? 5 MR. ALEXANDER: You would need to 6 provide at least minimum calculations to get to the 7 average minimum and the max. 8 CHAIRMAN CLEW: Okay. So -- 9 MR. YATES: I think what your question 10 is is would the ordinance allow you to provide no 11 light? 12 MR. ALEXANDER: No. 13 MR. YATES: Does the ordinance require 14 -- establish a minimum footcandle on your table here 15 where it says "interior streets required .4 16 footcandles" is that -- is this a maximum or it 17 actually requires you to provide .4 footcandles? 18 MR. ALEXANDER: This is a requirement. 19 MR. INGLESINO: So, Mr. Alexander, is 20 it your testimony that we cannot comply with the 21 requirement? 22 MR. ALEXANDER: Yes. 23 MR. INGLESINO: And can you please 24 reiterate why we cannot comply with the requirement 25 in the ordinance?</p>

<p style="text-align: right;">Page 65</p> <p>1 MR. ALEXANDER: The reason we cannot 2 comply is because we're trying to satisfy all of the 3 different requirements listed within the chart. 4 And by trying to get to certain 5 lighting values for, say, interior streets, it throws 6 off having to provide additional light, say, at the 7 intersections. 8 So it's hard to balance the way the 9 ordinance is written, both the sidewalks, the 10 roadways and the intersections to be fully compliant 11 when you can see from the chart, there's very, you 12 know, very little room for margin of discrepancy. 13 So we really did try our best to try to 14 hit all of the points. And, again, the delta between 15 the two, and I did the calculation for interior 16 streets, the difference -- the delta is .22 17 footcandles. 18 For parking areas it's .28 footcandles, 19 and sidewalks is .32 footcandles. Those are the 20 deltas between what was required and what's proposed. 21 MR. NEWLIN: Mr. Alexander, this is 22 Mr. Inglesino's question, can you give us a specific, 23 because I hear your words, but can you give us a 24 specific example how if you comply with the, let's 25 say .4 specifically, how does that impact your other</p>	<p style="text-align: right;">Page 67</p> <p>1 and that's common practice. So you'll see the values 2 are a little bit higher, 1.2, 1.3, 1.7 as it gets 3 closer to the fixture. 4 MR. NEWLIN: Excuse me, just for 5 clarification, these are Harding standards, these are 6 not other safety standards? 7 MR. ALEXANDER: Harding, these are 8 taken from your code. 9 MR. NEWLIN: All right. And how 10 typical is it with other standards, the Harding 11 standards, in your opinion? 12 MR. ALEXANDER: I think this is 13 acceptable for this type of development. I wouldn't 14 say it's an exorbitant amount of light and I think 15 it's appropriate. 16 MR. NEWLIN: Okay, thanks. 17 MR. INGLESINO: Mr. Alexander, I just 18 want to understand, so the requirement in the 19 ordinance is a maximum amount of light? 20 So, for example, on sidewalks when you 21 say the standards are .2, is that a minimum amount of 22 light that must be provided or is that a maximum 23 amount of light that can be provided? 24 MR. ALEXANDER: The ordinance is 25 written for maximum average. So we have to have at</p>
<p style="text-align: right;">Page 66</p> <p>1 calculations so you no longer comply? I just don't 2 understand that. 3 And I'm looking for, you know, the more 4 specific you can explain, I think would be helpful to 5 the nonengineers here. 6 MR. ALEXANDER: Sure. 7 Well, these calculations are maximum 8 average maintained, so it's not just one particular 9 spot, it's the whole area. 10 So just, for example, on the screen 11 you'll have areas that are within roadways, so down 12 the middle of the street, and you can see where .4, 13 .2, so, you know, we've got a nice amount of light, 14 not a lot of light, but enough light, and we're 15 compliant. 16 In some areas you could see near the 17 fixture, closure to the fixture, .5, .3 footcandles, 18 here's one footcandle. Still not a ton of light. 19 Intersection -- I'm sorry, crosswalks 20 we have got an acceptable amount of light, .3, .5. 21 When it comes to intersections, like, for instance, 22 right here, okay, the ordinance requires us to 23 provide a little bit more light, because there are 24 vehicles crossing and people crossing and it's just 25 the ordinance is requiring us to put one right there,</p>	<p style="text-align: right;">Page 68</p> <p>1 least .1 footcandles for us to get an average of all 2 of the lighting. 3 MR. HALL: Well, I still keep missing 4 where is the minimum, is that in the ordinance? 5 That's normally they are, but -- 6 MR. YATES: I'm reading the ordinance 7 right now and it establishes for each of these kind 8 of interior streets, access drives, residential 9 commercial, an average that has to be maintained. 10 So I guess what you're saying is in 11 order to keep the average at .4, you're going to have 12 some locations that are higher and some that are 13 lower, it's going to average to .4 and if you have a 14 zero, it means you've got to get much brighter 15 somewhere to achieve that average? 16 MR. ALEXANDER: That's an appropriate 17 way of explaining it, yes, sir. 18 MR. YATES: And then what is this 19 column that says "average-to-minimum ratio," what 20 does that mean? 21 MR. ALEXANDER: Average to -- 22 MR. YATES: Because it says, like, 23 interior streets residential, average maintained 24 illumination is .4 footcandles, but then it says 25 average-to-minimum ratio is 8 to 1.</p>

<p style="text-align: right;">Page 69</p> <p>1 MR. ALEXANDER: Correct, so we're 2 actually, what we're proposing, 2.5 to 1 is a more -- 3 is a more -- it's a better distribution of light, 4 right, from low lows to high highs, right, so we're 5 kind of smoothing that out instead of having really 6 hot spots directly underneath the light fixture and 7 then lots of dark space beyond, this is creating a 8 equal distribution of light. 9 So we're actually in the -- not only 10 complying, but from a lighting design perspective, 11 we're providing a very good ratio. 12 MR. PLATT: If we wanted to have the 13 same smoothing out using bollards, wouldn't you just 14 have to install more bollards? 15 MR. ALEXANDER: We -- well, it would 16 have to be a combination of bollards and 17 streetlights. And we looked at using bollards and 18 bollards are not going to be able to give us the 19 throw of light that we're going to need to get into a 20 parking lot. 21 MR. PLATT: Well, where do you have the 22 combination of bollards and stanchion lights? How 23 many stanchion lights are you proposing and how many 24 bollards are you proposing? 25 MR. ALEXANDER: Well, we're not</p>	<p style="text-align: right;">Page 71</p> <p>1 light, you're asking for waivers for being under this 2 target average ratio? 3 MR. ALEXANDER: I'd have to discuss 4 that with my client; however, I believe the solution 5 that we brought to this meeting on using lighting 6 controls to adjust the amount of illumination in, 7 say, off hours in the community, I believe is also an 8 acceptable way to reduce the light levels below and 9 then they'll turn on when they're needed. 10 CHAIRMAN CLEW: So I totally support 11 that recommendation, I guess the question I'm 12 struggling with is for a town with a master plan that 13 focuses on protecting the nighttime experience I'll 14 say broadly, my sense is that waivers for excessive 15 lighting are not looked upon favorably and if there 16 was an alternative where instead of having, you know, 17 these waivers granted for in excess, you were to 18 propose a waiver that had you under those 19 requirements, would that -- is there some risk there 20 or problem that would or undue hardship that that 21 would create? 22 MR. ALEXANDER: I believe if we had any 23 values that were zero, it would -- we would be asking 24 for additional waivers and I wouldn't be able to 25 quantify what the actual ratios were, because I'm not</p>
<p style="text-align: right;">Page 70</p> <p>1 proposing any bollards, because the bollards are -- 2 MR. PLATT: Okay. Well, you're not 3 asking, you know, we had spoken last time about 4 having a combination, but really we were trying to 5 eliminate all stanchion lights, but you had just said 6 that, you know, there's a way to accomplish our goals 7 by having a combination of stanchion lights and 8 bollards, and I'd like to see that, I'd like to see 9 you use bollard wherever possible. 10 MR. ALEXANDER: I don't believe 11 bollards is an acceptable way to illuminate the 12 driveway. There aren't any bollards that are going 13 to be able to throw to that -- into the area to hit 14 those levels. 15 We're actually going to wind up, by 16 using bollards, have areas that are going to be less 17 than zero or zero amount of illumination, which is 18 going to throw all of our ratios off. We will have 19 additional waivers that we would be requesting 20 because we will not be able to satisfy the 21 requirements of the code. 22 CHAIRMAN CLEW: Mr. Alexander, just I'm 23 kind of hearing some sense of the board here, is 24 there an alternative here where instead of granting 25 waivers, are you asking for waivers for excessive</p>	<p style="text-align: right;">Page 72</p> <p>1 going to divide by zero and I won't know what actual 2 light I have throughout the entire property. 3 Do you understand? 4 CHAIRMAN CLEW: I don't understand the 5 math to understand how when I calculate an average of 6 a bunch of numbers, if one of those numbers is zero, 7 I don't get a result. 8 MR. ALEXANDER: Correct. 9 CHAIRMAN CLEW: I'm dividing by zero, I 10 get that one, but I don't understand how if you've 11 got some average number of lighting samples, you -- 12 and one of those happens to be zero, you don't get a 13 result. 14 MR. ALEXANDER: Correct, if there is a 15 one value, that's a zero, within, say, interior 16 streets, then I would have -- I would not have an 17 accurate depiction of how much light is being 18 proposed, and that would be the same thing with 19 providing the maximum average to minimum. 20 If my minimum is zero, then I wouldn't 21 be able to tell you what my maximum is as it relates 22 to my minimum, because my minimum would be zero, so 23 I'd have another waiver there as well. 24 So I understand what you're asking. My 25 task was to develop a lighting plan that was as close</p>

<p style="text-align: right;">Page 73</p> <p>1 to the code requirements as possible, provide a fully 2 dark-sky compliant light fixture, and to try to 3 minimize the light as much as I possibly could by 4 meeting these township requirements, and I try to be 5 as sensitive to the board's requests as possible. 6 MR. FOX: Mr. Alexander, I apologize 7 and the township only received this submittal today, 8 so it's a little fresh on the digest here, but I 9 think I have to ask you to back up for a second. 10 The original plan that we were 11 presented with had 10 percent overage on parking 12 areas and lighting on interior streets. And the 13 revised plan that you've come back with now has more 14 than 50 percent overage on those two categories. 15 So I don't understand how we're going 16 in the wrong direction here compared to the original 17 plan, what problem have you solved in return for 18 creating a greater waiver for those two items and 19 really, ultimately even for sidewalks, it appears 20 that the original sidewalk waiver was .37 and now 21 we're up to .52. 22 So you're going to have to explain for 23 the board how we're going in the wrong direction here 24 compared to the original plan, because at this point, 25 I would have to recommend that the board just go with</p>	<p style="text-align: right;">Page 75</p> <p>1 CHAIRMAN CLEW: I'm not sure if 2 Mr. Inglesino or Mr. Alexander, but one of you, was 3 it your intention to delve deeper into more details 4 of the landscape plan tonight or is that something 5 we'll do another time? 6 MR. INGLESINO: I think, Mr. Alexander, 7 did you have any more testimony with regard to the 8 landscape plan or no? 9 MR. ALEXANDER: No. 10 MR. INGLESINO: No. 11 CHAIRMAN CLEW: Okay. 12 MR. PLATT: I have a quick question. 13 Is there a fence that is going to keep people from 14 wandering onto 287, is there any kind of barrier? 15 Besides the fact that we want a sound 16 barrier, is there an existing barrier other than the 17 chain-link fence that looked in poor repair that we 18 saw during our site visit. 19 MR. INGLESINO: Mr. Alexander, is there 20 a fence proposed? 21 MR. ALEXANDER: I'd have to look at the 22 plan, because I didn't testify, and if you give me a 23 moment, I can look at the site plan. 24 I don't have the specifics, but I can 25 answer the question that the site plan C-301</p>
<p style="text-align: right;">Page 74</p> <p>1 the original plan with the correction toward the -- 2 the correct color temperature that we are looking 3 for, because what we're looking at being submitted 4 today is a worse plan than what we were originally 5 presented with. 6 MR. INGLESINO: We appreciate that 7 feedback. I think we've heard, unless anyone from 8 the board has any other comments, and we appreciate 9 your comments, we understand, we'll be bringing 10 Mr. Alexander back, you know. 11 I think that we will consider the 12 comments made by the board and you, Mr. Fox, again, 13 which we appreciate, and we'll come back the next 14 time and address it. 15 MR. PLATT: I did think that today we 16 were going to see a combination -- well, actually, I 17 thought I was going to see 100 percent bollards, but 18 I would certainly if there is a requirement or 19 absolute necessity to have a stanchion light, I would 20 like to see more bollards, a combination of bollards 21 with the -- 22 MR. INGLESINO: Yup, we understand 23 that, Mr. Platt, and we appreciate your feedback in 24 that regard, it's very helpful to us. 25 MR. PLATT: Good.</p>	<p style="text-align: right;">Page 76</p> <p>1 indicates a proposed modular block, a wall and a 2 4-foot post-and-rail fence along that area. 3 CHAIRMAN CLEW: Is the wall a retaining 4 wall? 5 MR. ALEXANDER: Anything specific to 6 the retaining wall or the fencing would have to be 7 directed to Mr. Bohler. 8 MR. PLATT: And also, we need to keep 9 pets from running out onto 287, so that post-and-rail 10 fence is not going to do the trick to keep a cat or 11 dog from running out. 12 MR. ALEXANDER: I don't know the 13 specifics of the fence. 14 MR. PLATT: Let's put a sound barrier 15 in there. 16 MR. ALEXANDER: We would be willing to 17 put additional landscape. 18 MR. INGLESINO: We'll come back to you 19 on that, Mr. Platt, let us confer with our client. 20 We understand the request. 21 MR. PLATT: Great. 22 MR. INGLESINO: Okay. I don't have any 23 further questions for Mr. Alexander, Mr. Chairman. 24 CHAIRMAN CLEW: Okay. Do other members 25 of the board have questions for Mr. Alexander?</p>

<p style="text-align: right;">Page 77</p> <p>1 MR. NEWLIN: And Mr. Alexander will be 2 coming back later? 3 MR. INGLESINO: Yes. 4 MR. NEWLIN: Thank you. I don't at 5 this time. 6 VICE CHAIRMAN CHIPPERSON: I have one 7 quick one. 8 I don't know how you derive that 9 lighting sort of diagram, and I assume you plug or 10 plug lighting fixtures in there and it calculates 11 averages; is that how that works, Mr. Alexander, do 12 you have a software program that does that? 13 MR. ALEXANDER: Yes. 14 VICE CHAIRMAN CHIPPERSON: Is there a 15 function there, a feature where you can do shading, 16 like color it, the top view of the plan, and we can 17 see kind of -- because it's very, it's kind of tough 18 to see exactly where the lights are and, I mean, 19 basically we'd have to translate the numbers into 20 some, you know, and they seem rather arbitrary to me, 21 I don't know what a .4 looks like. 22 Is there some way to do that through 23 the software, you can derive a drawing with simulated 24 lights? I look at, you know, like, I've seen 25 aviation charts where cities are lit up in yellow,</p>	<p style="text-align: right;">Page 79</p> <p>1 MS. TAGLAIRINO: Oh, that's so weird, I 2 don't know what happened to the sound on the 3 recorder. 4 Okay. I don't see anybody, but thank 5 you. 6 CHAIRMAN CLEW: Okay. All right. 7 So thank you, Mr. Alexander, we'll look 8 forward to hearing from you next month. 9 Mr. Inglesino, do you want to move to 10 your next witness? 11 MR. INGLESINO: Sure, Mr. Chairman, I'd 12 like to recall Mr. David Minno. 13 CHAIRMAN CLEW: Okay. 14 Mr. Minno, you've testified before us 15 before, so I don't think we need to swear you back 16 in. 17 MR. INGLESINO: Thank you, that's 18 correct. 19 D A V I D M I N N O, AIA, 20 80 Lambert Lane, Suite 105, Lambertville, New 21 Jersey, having been previously sworn, continues 22 to testify as follows: 23 VOIR DIRE EXAMINATION 24 BY MR. INGLESINO: 25 Q. Mr. Minno, you understand you're still</p>
<p style="text-align: right;">Page 78</p> <p>1 you know, and it's obviously not accurate, it just 2 gives you kind of a general idea where lighting is at 3 night, but do you have a way to do that for us? I 4 think it would be very useful for everybody to kind 5 of see what the lighting looks like at night, 6 understanding that it's not perfectly accurate lumens 7 or -- 8 MR. ALEXANDER: We can provide that. 9 VICE CHAIRMAN CHIPPERSON: You could? 10 That would be great. 11 Thank you. 12 CHAIRMAN CLEW: Okay. Any other 13 questions from the board for Mr. Alexander? 14 I think we'll open it up to the members 15 of the public and again, we'll ask folks to please 16 raise your hand in Zoom, if you can if you would like 17 to ask a question. 18 Okay. I'm not seeing any, Lori, are 19 you -- sorry, you're on mute, but I can see you are 20 shaking your head. Now you're definitely on mute. 21 MS. TAGLAIRINO: I don't know what 22 happened to the sound. 23 CHAIRMAN CLEW: We can hear you now. 24 MS. TAGLAIRINO: Oh, you can? 25 CHAIRMAN CLEW: Yes.</p>	<p style="text-align: right;">Page 80</p> <p>1 under oath in connection with this application, 2 correct? 3 A. Yes. 4 Q. And there has been no change to your 5 professional qualifications since you were accepted 6 as an expert in architecture from the board and your 7 license is still valid. 8 Is that correct? 9 A. No changes and it's still valid. 10 MR. INGLESINO: Thank you, Mr. Minno. 11 REDIRECT EXAMINATION 12 BY MR. INGLESINO: 13 Q. Mr. Minno, if you could please provide 14 your testimony with regard to the revised plans and 15 also to address some of the questions that the board 16 had from the May 24th hearing. 17 A. Sure. 18 I'd like to show you some exhibits and 19 limit it to some of the changes that we incorporated 20 since the last hearing. 21 MS. TAGLAIRINO: Please do. 22 MR. MINNO: We submitted revised 23 drawings on June 18th, and this is the set of 24 drawings, I'm not sure how you want to mark them, but 25 this is the exact set that was submitted.</p>

<p style="text-align: right;">Page 81</p> <p>1 So the first thing I'd like to talk 2 about is on Sheet A-01, the first drawing sheet, and 3 we've indicated -- sorry -- we've indicated in these 4 -- let me see here. 5 We've indicated in these boxes "CU," 6 that's a condensing unit located in the back of the 7 unit. There was a question about where the air 8 conditioning units would be on the ground. 9 If you notice the two units on the 10 right-hand side near the affordable first floors, and 11 there are two units in the back of the affordables 12 because of the stacked unit configuration, and then 13 there's a single unit on the townhomes, so that's one 14 indication of a change. And then -- 15 MR. YATES: Let me just ask a question. 16 So even though these are three stories, you're just 17 going to have one, one compressor unit? 18 MR. MINNO: Yes. 19 MR. YATES: Okay. 20 MR. MINNO: So one of the other things 21 that we talked about in relation to Mr. Bohler's 22 testimony was the reduction of the roof slope. And 23 we went on the main gables of the roof where we 24 reduced them from a pitch of 10-on-12 to 8-on-12, and 25 this had the effect of lowering the roof height by</p>	<p style="text-align: right;">Page 83</p> <p>1 MR. MINNO: The pitch of the gable, any 2 turn gable, whether it's on the front, rear or side 3 of the building stayed the same, it was just the main 4 roof front to back that changed, so. 5 And then following through those 6 elevations, we've more clearly shown where the decks 7 would be and the patios on the left hand side for the 8 affordable units, and we'll show you those in 9 perspective. 10 This is Sheet A-12 of the set. 11 Again, we've adjusted the roof heights 12 here and I think we've maintained the look that we 13 had before without having cavernous roof areas. 14 I want to point out too here in this 15 rear condition, this shows the two affordable units 16 at the end and the enclosure for the trash area, and 17 also for the screening of the air conditioning unit. 18 And then the other end, which is more 19 the market rate townhomes, you see how the decks work 20 and the condensing unit is tucked behind the stairway 21 sort of out of site. 22 Here's -- this is new testimony 23 regarding our club facility, and this was the ground 24 floor plan of the club facility. We have -- building 25 this in the same style, it's a one-story building, we</p>
<p style="text-align: right;">Page 82</p> <p>1 2 feet 10 inches. 2 So I think Mr. Bohler mentioned that 3 our height from the first floor finished floor to the 4 highest point of roof is 39 feet 9 inches and roughly 5 to grade around the building, it would make it about 6 40 foot 6 from the actual grade line on a flat 7 condition, so that was another change. And you can 8 see -- 9 CHAIRMAN CLEW: All right. So -- 10 MR. MINNO: -- it's really the front to 11 back roofs that are changed, not the turn gables that 12 are facing front. 13 CHAIRMAN CLEW: Sorry. So the roof 14 pitch went from 10, 12 to -- 15 MR. MINNO: Eight-on-12. 16 CHAIRMAN CLEW: Eight-on-12. And that 17 was done to -- because the height of the building, 18 this was all related to the height variance? 19 MR. MINNO: Yes, we wanted to reduce 20 the two conditions where we require a height variance 21 due to the difference between the existing grade and 22 the proposed grade. 23 CHAIRMAN CLEW: Okay. And the gabled 24 ends that are facing here in the plan view, those 25 remain 10 --</p>	<p style="text-align: right;">Page 84</p> <p>1 have a lounge and leasing area on the left, we have a 2 manager's office, a storage room, mechanical pool 3 equipment area. We have a large fitness room on the 4 far end of the building, and then bathrooms here, 5 three bathrooms and a dining and multipurpose space 6 here. 7 So it is a very flexible space. And 8 one of the things that we've done is we've tucked in 9 mailboxes on the left-hand side here under roof so 10 that people can get from the parking area right to 11 the mailboxes. 12 And inside we have parcel lockers so 13 that UPS and FedEx and Amazon deliver packages, they 14 get placed in package lockers and a resident will get 15 a text message if they have a package, they come and 16 they put in the combination that they're given and 17 they pick up their package at the main clubhouse, 18 that way we keep these trucks from circulating 19 throughout the entire community. And as you know, 20 the whole facility is right at the main entry. 21 In terms of elevations, this is the 22 north elevation and we have our signage area, 23 whatever the name of the ultimate project would be 24 would be on the side of the building here. 25 We're using the board-and-batten siding</p>

<p style="text-align: right;">Page 85</p> <p>1 like we are on the townhomes, the same stone 2 material, the divided light windows, standing-seam 3 metal roof. 4 And if you look at the west elevation, 5 this would be coming from the parking area, we have 6 our main entry here. This area in shadow is the 7 residential mailboxes that are located under the roof 8 pitch. 9 And then we have the south elevation, 10 which has an overhang here. Again, standing-seam 11 metal roof and stone material, and then the east 12 elevation has a gable end with the board-and-batten 13 siding. 14 MR. PLATT: Excuse me, David, I have a 15 question. The package locker, I think it's a great 16 idea, but are you proposing it's just not a package 17 room, it's a -- there's going to be 93 individual 18 package lockers that are going to be able to 19 accommodate large packages from Amazon for each 20 resident? 21 MR. MINNO: No, these would be small to 22 medium size packages, and there's not one for every 23 resident, these lockers change hands and combinations 24 when the package is delivered. 25 And it's a locker system, so that they</p>	<p style="text-align: right;">Page 87</p> <p>1 So just for clarification, how it's 2 going to be used, so I'm looking at this and the left 3 section is lounge and leasing area and managers 4 office and some mechanical. So how much of this is 5 actually a clubhouse for the residents? 6 MR. MINNO: This is a very large, 7 multipurpose room and that has, in particular, this 8 area where my cursor is now is a space where if you 9 had a small party for a group of your neighbors if 10 you reserved it, this would lead out to the pool, 11 these French doors lead out to the pool area, so you 12 could have a bit of an indoor/outdoor party. 13 Same thing with the fitness room, we 14 have doors that open out. And on good days if there 15 is a class or a yoga area, it might bleed out toward 16 the pool deck. 17 MR. NEWLIN: So lounge slash leasing 18 means that residents could lease it for a private 19 party; is that what it means or -- 20 MR. MINNO: No, it -- 21 MR. NEWLIN: What does it mean? 22 MR. MINNO: It means that whether it's 23 a for sale or lease project, salespeople from the 24 office could meet with people in an informal seating 25 area here, but generally this is going to be a</p>
<p style="text-align: right;">Page 86</p> <p>1 -- the person who's delivering the package places it, 2 and that sets a new combination for that locker and a 3 text message is automatically sent to the resident. 4 We use this system quite frequently and it's a very 5 good system. 6 You're right, Mr. Platt, that there are 7 potentially oversized packages, and those would be 8 stored more in the management area and storage closet 9 there so that if somebody ordered an end table for 10 their living room lamp and it didn't fit in a locker, 11 it would be stored in a separate storage room. 12 MS. WALTERS: Mr. Minno, can you remind 13 me, there's only an external pool, not an internal 14 pool at the clubhouse? 15 MR. MINNO: Say that again. 16 MS. WALTERS: Is there an internal pool 17 at the clubhouse or only an external? 18 MR. MINNO: Only an external, yeah. 19 Now this is -- these are two perspective renderings 20 that I've been showing here of the corner of the 21 building as it sits on the road frontage, and this is 22 primarily the front and the main entry here on the 23 left-hand side with the mailboxes tucked under. 24 MR. NEWLIN: Could you go back to the 25 floor plan for a second?</p>	<p style="text-align: right;">Page 88</p> <p>1 beautifully-furnished area that could be used for 2 parties and multipurpose, and this would be a small 3 dining space potentially for -- 4 MR. NEWLIN: I'm sorry, my question is 5 very -- is a pretty stupid one, but you said slash 6 leasing, that means it's going to be used to help 7 lease the property or what does that mean, lounge 8 slash leasing? 9 MR. MINNO: It means that we just used 10 that term generically. For unit sales in a for-sale 11 community or leasing in a leasing community, that 12 area would be used by the managers that were handling 13 sales or leasing, but just sit with people and show 14 the brochures of the property, that type of thing. 15 MR. NEWLIN: Okay. So that's what I 16 was asking. So that space is going to be used for 17 managing the building and selling units in the 18 building, correct? 19 MR. MINNO: Initially. I mean, that's 20 the first place where people would come. It will be 21 built in the first phase of the project, and that's 22 where people would come and the property would 23 generally be marketed from that. 24 And then as the property fills up and 25 sales are completed, then that area becomes more</p>

<p style="text-align: right;">Page 89</p> <p>1 resident oriented.</p> <p>2 MR. NEWLIN: Okay. Thank you.</p> <p>3 VICE CHAIRMAN CHIPPERSON: David, I</p> <p>4 have a question. Are these spaces cathedral ceiling</p> <p>5 spaces?</p> <p>6 MR. MINNO: They are.</p> <p>7 VICE CHAIRMAN CHIPPERSON: And do they</p> <p>8 open to the dormers above and the windows leading --</p> <p>9 MR. MINNO: They are. Obviously not</p> <p>10 the bathrooms and office area, but the major spaces,</p> <p>11 the lounge area and the fitness area.</p> <p>12 VICE CHAIRMAN CHIPPERSON: Okay. So</p> <p>13 the concern might be for lighting escaping through</p> <p>14 the dormers? I was just wondering if there's an</p> <p>15 interior lighting plan yet or --</p> <p>16 MR. MINNO: Lighting escaping from the</p> <p>17 dormers. Well, I mean, it would be no different than</p> <p>18 a house or a townhouse with light in the windows in</p> <p>19 the evening, so, yeah.</p> <p>20 MR. PLATT: It is in a way, though,</p> <p>21 because it's going to be on longer hours. And in a</p> <p>22 home, you would have shades that you draw down at</p> <p>23 night or curtains. Here I think Dave has a very good</p> <p>24 point. I think we'd need to see that the fixtures in</p> <p>25 there are not domes, but down lit as well focusing</p>	<p style="text-align: right;">Page 91</p> <p>1 MR. MINNO: Yeah, that's something I</p> <p>2 think -- we talked about this before this meeting</p> <p>3 with my client and we're going to come back to you.</p> <p>4 And this is really only an issue on the</p> <p>5 affordable units, so we're going to come back to you</p> <p>6 with the solution for the bicycles for the affordable</p> <p>7 units at our next hearing, but the residents of the</p> <p>8 townhomes obviously have their garage where they</p> <p>9 could hang a bicycle.</p> <p>10 MR. PLATT: Okay.</p> <p>11 MR. MINNO: That's a good question.</p> <p>12 So that really ends my new testimony</p> <p>13 tonight. There was a question earlier I think</p> <p>14 regarding the sound. And, again, on the</p> <p>15 architectural part of the sound, I'm not addressing</p> <p>16 the sound wall issue.</p> <p>17 MS. WALTERS: Mr. Minno, before you</p> <p>18 continue, with respect to the affordable housing and</p> <p>19 their garbage storage, which is now just within a</p> <p>20 fenced area in the back.</p> <p>21 MR. MINNO: Yes.</p> <p>22 MS. WALTERS: Given that we have</p> <p>23 significant animals and bears, how are we going to</p> <p>24 address that?</p> <p>25 MR. MINNO: I don't know, we could</p>
<p style="text-align: right;">Page 90</p> <p>1 the light on the -- down towards the ground and not</p> <p>2 trespassing horizontally.</p> <p>3 MR. MINNO: Yeah, we're not doing</p> <p>4 uplighting in that space. Most of the lighting would</p> <p>5 be lamp lighting and scone lighting within the first</p> <p>6 10 feet of the building, and whatever light would</p> <p>7 bounce up and out of there would not be directed at</p> <p>8 those windows.</p> <p>9 And the clubhouse does shut down at a</p> <p>10 reasonable hour at night, it's not open, you know,</p> <p>11 all hours of the day.</p> <p>12 CHAIRMAN CLEW: Mr. Minno, just one</p> <p>13 comment. Just noticing the development signage that</p> <p>14 you highlight here, there are some requirements</p> <p>15 around kind of the size and dimensions of signage, so</p> <p>16 can I just ask that you consider those as you --</p> <p>17 MR. MINNO: We will comply with those</p> <p>18 requirements. And to be honest with you, I have not</p> <p>19 reviewed that, but we'll stipulate that we'll comply.</p> <p>20 CHAIRMAN CLEW: Okay.</p> <p>21 MR. PLATT: David, I have a question</p> <p>22 and that is, you know, the paddocks for the trash and</p> <p>23 then last time we were talking about bicycles. It</p> <p>24 doesn't look like those paddocks have a cover on</p> <p>25 them, so a person's bicycle would not weather well.</p>	<p style="text-align: right;">Page 92</p> <p>1 maybe make that more of an enclosure. And again, I</p> <p>2 think that may be incorporated in part of the</p> <p>3 solution that we come up with for the bicycle, so</p> <p>4 stay tuned for that.</p> <p>5 Let me move on to sound. I'm going to</p> <p>6 address the sound of the building itself. And the</p> <p>7 biggest part of the sound, keeping interior sound</p> <p>8 quiet within the units when we're against something</p> <p>9 like a highway, is the windows. And we would intend</p> <p>10 to triple glaze the windows that face 287, and the</p> <p>11 walls in those areas would be -- I've added sound</p> <p>12 insulation within the stud area of the wall and we</p> <p>13 would use baffles at the soffit vents at the roof so</p> <p>14 the sound doesn't travel into the roof and down the</p> <p>15 ceiling into the unit.</p> <p>16 So those are the three major methods</p> <p>17 that we would use, and they're -- in a building code,</p> <p>18 they're measurable standards for STC ratings that we</p> <p>19 have to maintain in the units, so we would be meeting</p> <p>20 those.</p> <p>21 MR. PLATT: Now, David, you were saying</p> <p>22 that or facing 287, what about -- so can you show on</p> <p>23 your -- on the aerial what buildings are effected</p> <p>24 with the triple glaze?</p> <p>25 MR. MINNO: I don't have the site plan,</p>

<p style="text-align: right;">Page 93</p> <p>1 maybe if Brad could share his site plan.</p> <p>2 MR. BOHLER: Yes, no problem, David.</p> <p>3 MR. MINNO: You could show the rendered</p> <p>4 version of your plan.</p> <p>5 All right. Starting at the top edge,</p> <p>6 we would be looking at the sides and rears of these</p> <p>7 buildings, it would be facing the highway and that</p> <p>8 would continue further south on the sheet.</p> <p>9 Yeah, so we would be looking at the end</p> <p>10 caps of these affordable units and coming around the</p> <p>11 sides.</p> <p>12 MR. PLATT: Now, if we had a highway</p> <p>13 sound barrier, would you need these triple-glazed</p> <p>14 windows?</p> <p>15 MR. MINNO: We'd need to consult with</p> <p>16 our sound engineer on that, because we would need to</p> <p>17 know the height of the wall relative to the glazing</p> <p>18 of the building itself. You know, for truck sound, a</p> <p>19 lot of the truck sound comes off, fairly high off the</p> <p>20 truck, so we just need to know from a grading</p> <p>21 standpoint, the relative height of the sound wall</p> <p>22 verses the building, but I can't give you a clear</p> <p>23 answer until we have some design work done, if that</p> <p>24 happens at all.</p> <p>25 MR. HALL: Mr. Minno, you mentioned</p>	<p style="text-align: right;">Page 95</p> <p>1 buildings, residential buildings, senior buildings.</p> <p>2 In fact, along the New Jersey Turnpike, we have some</p> <p>3 affordable buildings. We did some all affordable</p> <p>4 units years ago near the Morristown Airport and very</p> <p>5 close to their flight path.</p> <p>6 So we've had to deal with this type of</p> <p>7 sound work many times, so we would -- during the</p> <p>8 creation of the construction drawings, our concern is</p> <p>9 that we create it on a measurable fashion that 45 STC</p> <p>10 within the unit post-construction.</p> <p>11 MR. HALL: Wouldn't you want to know</p> <p>12 that now rather than a year from now?</p> <p>13 MR. MINNO: Well, again, any</p> <p>14 engineering design of anything is a prediction, and</p> <p>15 it's based on facts that we know. And so, it takes</p> <p>16 into account what the existing sound is, where it's</p> <p>17 coming from, and then the building materials</p> <p>18 themselves and how they're put together.</p> <p>19 MR. HALL: Right, but my question is</p> <p>20 don't you know now or can't you know now the sound</p> <p>21 level from the highway? You're pretty close to the</p> <p>22 highway.</p> <p>23 MR. MINNO: Oh, you could, yeah, sure.</p> <p>24 And I think if there is a study done related to sound</p> <p>25 wall, that certainly would be part of it.</p>
<p style="text-align: right;">Page 94</p> <p>1 some standards. Do they -- are there standards that</p> <p>2 factor in and measure the decibels from the highway</p> <p>3 or what is the standard?</p> <p>4 MR. MINNO: The standard is in the</p> <p>5 building code, the UBC building code that all</p> <p>6 buildings in New Jersey are constructed under, and</p> <p>7 there's a standard for STC ratings that are to be</p> <p>8 found within residential buildings, and I believe</p> <p>9 that number is STC 45, so that's what we and our</p> <p>10 sound consultants would attempt to achieve within</p> <p>11 these buildings.</p> <p>12 So there would be either sound test or</p> <p>13 assumptions of the sound along 287 in the design, and</p> <p>14 it probably, like most engineers, they use a factor</p> <p>15 of safety. So they probably elevate that expected</p> <p>16 level in the design to create a solution that would</p> <p>17 create an effective result upon construction.</p> <p>18 MR. HALL: So you would have to know or</p> <p>19 measure, predict the decibels from the traffic in</p> <p>20 order to --</p> <p>21 MR. MINNO: That's correct.</p> <p>22 MR. HALL: -- determine whether</p> <p>23 you comply with the standard?</p> <p>24 MR. MINNO: Yeah, we've done this</p> <p>25 several times. I think I mentioned we have</p>	<p style="text-align: right;">Page 96</p> <p>1 MR. PLATT: The only residential</p> <p>2 building that I know that is as close to the highway</p> <p>3 is the Morris County jail.</p> <p>4 MR. MINNO: Well --</p> <p>5 CHAIRMAN CLEW: They have a lot of</p> <p>6 windows there, I guess.</p> <p>7 MR. HALL: Thick windows, though.</p> <p>8 MR. PLATT: Well, there's no sound</p> <p>9 barrier there either.</p> <p>10 MR. MINNO: Well, if you drive up and</p> <p>11 down 287, there's a lot of exposed homes along those</p> <p>12 areas. I'm not saying that's the right thing, but</p> <p>13 I'm saying we're going to take that sound into</p> <p>14 account and we would need to know whether there's</p> <p>15 going to be a sound wall or not to do that.</p> <p>16 CHAIRMAN CLEW: Is it part of -- will</p> <p>17 -- as part of hearing this application, will we be</p> <p>18 able to find out kind of what the measurements of</p> <p>19 sound are on the site? And I know we've sort of done</p> <p>20 that informally with sound meters on a Saturday</p> <p>21 morning, but --</p> <p>22 MR. INGLESINO: Mr. Chairman, probably</p> <p>23 not. Mr. Minno has testified that that is a</p> <p>24 construction code requirement, which is not within</p> <p>25 the purview of the board and there is a requirement</p>

<p style="text-align: right;">Page 97</p> <p>1 by law that the applicant require with the code, that 2 code, as Mr. Hall knows, preempts local -- 3 MR. HALL: I disagree. It doesn't 4 preempt this board from approving a development 5 that's going to be noisy. That's not a code issue, 6 that's a planning issue, so it's apples and oranges, 7 frankly. 8 MR. INGLESINO: With all respect, 9 Mr. Hall, Mr. Minno's testimony is that the 10 standards, and Mr. Minno can correct me if I'm wrong, 11 is that the standards are set forth in the Uniform 12 Construction Code for the State of New Jersey. 13 Is that correct, Mr. Minno? 14 MR. MINNO: That's correct. 15 MR. INGLESINO: So I think as a matter 16 of law, where the Uniform Building Construction Code 17 regulates, then the board is -- that's not board 18 jurisdiction, that becomes a question of whether or 19 not we comply with the code, and Harding has a 20 construction code official who will ensure that the 21 applicant complies with the code. That's the law. 22 MR. HALL: Well, is there a code that 23 applies to being on your deck and outside and walking 24 to your house? I mean, that's absurd to try to -- my 25 question to Mr. Minno was isn't there information</p>	<p style="text-align: right;">Page 99</p> <p>1 of construction with regard to the building, that's 2 what I understood the questioning to be about and 3 what Mr. Minno's testimony was about. 4 MR. HALL: Right, but I'm asking -- the 5 information also applies to the outside, which we 6 still haven't heard anything about, that was the only 7 point of my question, that the information is 8 available, it's just you're not going to have it 9 until you're looking at the building a year from now, 10 that's all. 11 MR. MINNO: Respectfully, Mr. Hall, I 12 don't know the standard for outdoor sound unless it 13 was a specific township ordinance. 14 MR. HALL: Well, the site plan there's 15 all sorts of requirements you have to look at, but I 16 think we're going to hear more next month, so I won't 17 say anything more. 18 CHAIRMAN CLEW: Specifically on this 19 issue, my concern is whether or not we're going to 20 have another hearing where another variance or 21 accommodation is requested, because having determined 22 the engineering requirements of the buildings in 23 order to meet the sound construction, there's 24 something that has to happen for the building to be 25 successfully built and to meet the standard.</p>
<p style="text-align: right;">Page 98</p> <p>1 that you need to have and can't you contain that 2 information to use for other purposes? That's all. 3 MR. MINNO: We would -- I mean we would 4 -- upon approval of the project, when we would hire 5 our acoustic engineer to work with us to design the 6 buildings, that's when we would need that. 7 MR. HALL: But I'm saying the board 8 wants it now, and why can't it be now? That's my 9 question to you. Is there any reason you have to 10 wait? I would like that reason. 11 MR. INGLESINO: Well, because it's, 12 respectfully, and we can agree to disagree, but it's 13 not an issue for the board, it's an issue of 14 construction code compliance. 15 MR. HALL: Not for outside. You keep 16 going back to the building. I mean, if he's the 17 architect, yeah, but we talked about earlier what's 18 going to be the noise outside, and it sounds like 19 information can't be obtained. 20 MR. INGLESINO: So that's a different 21 question, and we were addressing the architecture of 22 the building, and Mr. Minno testified, Mr. Minno can 23 correct me if I'm wrong -- 24 MR. HALL: Well, that's fine if -- 25 MR. INGLESINO: -- as to the standards</p>	<p style="text-align: right;">Page 100</p> <p>1 And to the extent we can avoid this in 2 the design phase, that would be ideal, right, because 3 the expectation I think that we all have is that 4 we're working through this application in a site that 5 was specifically designed and agreed with the 6 developer to have some constraints and was not 7 expected to have any variances or waivers or 8 exceptions, and I think we're doing our due diligence 9 to try and be thorough in making that assessment. 10 MR. INGLESINO: If I can respectfully, 11 Mr. Chairman, I think every application until it's 12 fully engineered, there are almost always some sort 13 of waiver or variances that rise in connection with 14 concept plans that are not privy to the full 15 engineering that's required. And the code rules 16 absolutely contemplate that that's the case. 17 So, you know, we, respectfully, we know 18 of no other variances or waivers that were being 19 requested, we would submit respectfully that those 20 that are being requested are de minimis, and in the 21 case of the building heights, really, not a variance 22 at all once the grading is completed. So then when 23 the buildings are erected, they will not even be as 24 high as the 45 feet that is permitted, but we do not 25 know of any further relief that may be requested</p>

<p style="text-align: right;">Page 101</p> <p>1 under the technical reading of the ordinances. 2 CHAIRMAN CLEW: Okay, thank you. 3 MR. PLATT: Now, do we have to wait 4 until the next hearing to know whether the owner, the 5 contractor, is going to put in sound barriers? 6 MR. INGLESINO: As I indicated, 7 Mr. Platt, we will have a response to you at the next 8 hearing with regard to the applicant's position on 9 outdoor sort of sound barriers and sound attenuation, 10 you know, whatever you want to call it. We do not 11 have an answer for that this evening. 12 CHAIRMAN CLEW: Okay. Mr. Minno, any 13 further comments or testimony? 14 MR. MINNO: That's it for me tonight. 15 CHAIRMAN CLEW: Okay. Members of the 16 Board, questions? 17 All right. I will open it up to 18 members of the public. 19 Again, please raise your hand in Zoom 20 if you would like to ask a question. 21 And, Lori, you can tell me if you see 22 anybody, I don't. And I don't see anybody 23 gesticulating anywhere in Zoom to -- okay. 24 (No response.) 25 CHAIRMAN CLEW: Back to you,</p>	<p style="text-align: right;">Page 103</p> <p>1 visit. Did we manage to progress that, or is that 2 still a work in progress? 3 MR. INGLESINO: The applicant is 4 prepared to -- will accommodate that request, 5 Mr. Chairman, but we would need a definitive date. 6 Given this weekend is the Fourth of July holiday, 7 probably not the ideal weekend for it, but if the 8 board wanted to do a site visit, say, a week from 9 Saturday, the applicant would be in a position to 10 prep the site, to have the site prepped appropriately 11 as discussed last time, and accommodate the board in 12 that visit. 13 CHAIRMAN CLEW: Okay. 14 Paul, did you come to an agreement on 15 kind of route and what would be staked out? 16 MR. FOX: Yes, we did. 17 CHAIRMAN CLEW: Okay. 18 And, Mr. Inglesino, I agree. I do not 19 have any interest in doing a site visit this weekend. 20 I'm sure my board members are disappointed, but I'd 21 be happy to try another weekend. Does -- hold on, 22 I'm just pulling up a calendar. 23 MS. TAGLAIRINO: Rich, you should know 24 that on July 10th, there is a board of adjustment 25 site inspection meeting, and I do believe that some</p>
<p style="text-align: right;">Page 102</p> <p>1 Mr. Inglesino. 2 MR. INGLESINO: Okay. Mr. Chairman, 3 that's all we have tonight. We do have a planner to 4 testify, but I think that we should hold off on him 5 until we have addressed some of these outstanding 6 questions, which we will do at the next hearing. 7 CHAIRMAN CLEW: Okay. I have two 8 follow-up questions for you. One I think we had -- 9 it had been indicated in the last meeting or two 10 meeting ago that we were going to get some sample 11 materials for the buildings. 12 Did that happen? 13 MR. INGLESINO: Mr. Minno? 14 (No response.) 15 MR. INGLESINO: Mr. Minno disappeared. 16 MR. MINNO: Yes, that is going to be 17 shown at the next meeting, which I understand is 18 going to be live. 19 CHAIRMAN CLEW: It is. 20 MR. MINNO: So we will bring a material 21 sample board to that meeting. 22 CHAIRMAN CLEW: Okay. Thank you very 23 much. 24 Paul Fox and Mr. Bohler, I think there 25 was some ongoing coordination for a subsequent site</p>	<p style="text-align: right;">Page 104</p> <p>1 of the professionals from here will be part of that 2 site inspection, that's at 9 o'clock in the morning, 3 just so you should keep that in mind. 4 CHAIRMAN CLEW: Okay. How -- can I get 5 a show of hands how many could do it on the 17th? 6 MR. NEWLIN: Rich, the board of 7 adjustment site visit at 9:00 will be over at -- it's 8 no more than an hour, right? 9 MS. TAGLAIRINO: I think if it starts 10 at 9:00, I think that -- 11 MR. NEWLIN: Who is it? 12 MS. TAGLAIRINO: I'm sorry? 13 MR. NEWLIN: What application was it? 14 MS. TAGLAIRINO: It's for the 15 Verizon -- 16 MR. NEWLIN: Oh, yeah, oh, that's hard 17 to predict. 18 I'm sorry, Rich, I thought maybe it 19 would be a quick one. Yeah, you might -- 20 CHAIRMAN CLEW: Okay. That requires a 21 different month, perhaps. 22 Okay. So bids for the 17th, Saturday 23 morning 9:30, one, two, thee, four, five, six, seven. 24 Tracey, it's not looking good for Tracey. 25 MS. WALTERS: Yeah, I cannot do the</p>

<p style="text-align: right;">Page 105</p> <p>1 17th.</p> <p>2 CHAIRMAN CLEW: Okay. All right.</p> <p>3 Why don't we pick the 17th, we'll say</p> <p>4 9:30 in the morning, and can we make some</p> <p>5 accommodation for folks to come either before or</p> <p>6 after if they want to walk in on their own?</p> <p>7 MR. INGLESINO: Sure.</p> <p>8 CHAIRMAN CLEW: Okay.</p> <p>9 Paul, does that make sense? Can you</p> <p>10 share or can someone share kind of what the sort of</p> <p>11 staking and routing is?</p> <p>12 MR. INGLESINO: Yes, we'll coordinate</p> <p>13 with --</p> <p>14 CHAIRMAN CLEW: Okay. Okay. Terrific.</p> <p>15 Is there any other business that we</p> <p>16 need to cover for KRE and Mt. Kemble Associates</p> <p>17 tonight?</p> <p>18 MR. HALL: I think you should discuss</p> <p>19 hiring an environmental consultant.</p> <p>20 CHAIRMAN CLEW: Ah, yes, yup. I think</p> <p>21 I'll ask Alf Newlin.</p> <p>22 Alf, do you want to take us through</p> <p>23 that?</p> <p>24 And thank you, Gary.</p> <p>25 MR. NEWLIN: Sure, Rich.</p>	<p style="text-align: right;">Page 107</p> <p>1 complementary, so we certainly did hear, I did hear</p> <p>2 in prior sessions and also tonight that the developer</p> <p>3 is quite willing to use native planting, which is</p> <p>4 great.</p> <p>5 Our general feeling is that the board</p> <p>6 doesn't have the expertise in this area. We have</p> <p>7 very good engineering or good planning and legal, but</p> <p>8 not specifically with regard to landscape planning,</p> <p>9 and specifically landscape planning with a</p> <p>10 environmental slant.</p> <p>11 So that's the intent. We did look for</p> <p>12 certain consultants out there and we came across one</p> <p>13 we think is quite good for this effort, that's Larry</p> <p>14 Weaner and Associates, and Larry has done work, his</p> <p>15 firm a has down work in Harding, I'll let others</p> <p>16 speak to that.</p> <p>17 That's the general background.</p> <p>18 Personally, I do think it's a good idea and is</p> <p>19 appropriate for us to get this expertise on board to</p> <p>20 help us with the application. I don't think, at</p> <p>21 least for me, we have enough expertise to ask the</p> <p>22 right kind of questions.</p> <p>23 MR. HALL: And Alf, as I understand it,</p> <p>24 there was a subcommittee of some sort that actually</p> <p>25 considered a couple other people.</p>
<p style="text-align: right;">Page 106</p> <p>1 So this came up in the last meeting, we</p> <p>2 discussed the need for a landscape slash ecology</p> <p>3 professional to help us assess the landscape plan and</p> <p>4 any management plan for the preserved part of the</p> <p>5 property.</p> <p>6 So we did come up with a scope of work,</p> <p>7 and I'll just summarize that quickly what the scope</p> <p>8 is. The intent is it's site-specific, so reviewing</p> <p>9 obviously the development -- developer's plan,</p> <p>10 specifically the landscaping plan, conducting a site</p> <p>11 visit, and providing advice to the board on relevant</p> <p>12 landscaping conserved land, ecology matters.</p> <p>13 Reviewing the environmental impact statement, which</p> <p>14 has been provided, providing general advice on the</p> <p>15 landscape and stormwater plans with regard to use of</p> <p>16 native vegetation, and the understanding is that</p> <p>17 there's certain constraints about this application,</p> <p>18 it's not an intent to have another design, it's</p> <p>19 understood this is part of the affordable housing</p> <p>20 settlement agreement that the developer has with the</p> <p>21 town in context of how applications occur in planning</p> <p>22 boards and other aspects, including DEP type aspects</p> <p>23 of the wetlands, all these are constrains that are</p> <p>24 understood.</p> <p>25 The intent is to have something that's</p>	<p style="text-align: right;">Page 108</p> <p>1 Is that correct?</p> <p>2 MR. NEWLIN: We had -- we had -- yeah,</p> <p>3 there was the three of us from the planning board</p> <p>4 informally looked at developing the scope of work,</p> <p>5 and also looking at what consultants are available.</p> <p>6 And there was another who was primarily an ecologist</p> <p>7 and didn't have any landscaping expertise.</p> <p>8 MR. HALL: And you did get a proposal</p> <p>9 for Mr. Weaner's firm, correct?</p> <p>10 MR. NEWLIN: We did, yeah.</p> <p>11 MR. HALL: And it had, I guess a dollar</p> <p>12 cap of \$6400.00?</p> <p>13 MR. NEWLIN: That's correct.</p> <p>14 And so, I can cover the tasks and the</p> <p>15 proposal response to the tasks. So in more or less</p> <p>16 chronological order, initial review of the plan,</p> <p>17 perform on-site inspection, review the EIS, review</p> <p>18 and comment on the landscaping plan with regard to</p> <p>19 the maintenance and stewardship aspects. I really</p> <p>20 haven't heard any testimony about that, and I'm sure</p> <p>21 the applicant does have a plan for that, we haven't</p> <p>22 heard about that.</p> <p>23 Write out a memo for the board of</p> <p>24 points that should be discussed, you know, similar to</p> <p>25 what Paul has done very kindly for us in engineering,</p>

<p style="text-align: right;">Page 109</p> <p>1 and attend one meeting for Q-and-A with the 2 applicant's expert and board the members of the 3 public. 4 MR. HALL: Okay. And as I think I said 5 the last time, the land use law does authorize land 6 use boards to -- normally it's the usual consultants, 7 myself, the planner and the engineer, but the statute 8 says you can also charge, I'll read it, this is 9 40:55(d)53.2, just for the record, for review of 10 applications, review and preparation of all 11 documents, inspection of developments under 12 construction, and review by outside consultants when 13 an application is of a nature beyond the scope of the 14 expertise of the professionals normally utilized by 15 the municipality. 16 I think, Alf, you expressed the opinion 17 conclusion that this is beyond the normal scope of 18 Mr. Fox township engineer's expertise? 19 MR. NEWLIN: That's correct, and that 20 point did come up that the consultant would also, on 21 the other hand, not be an engineer and would work 22 under the supervision of Mr. Fox. 23 MR. HALL: So having said that, as I 24 said before, I mean, you know, certainly you want to 25 be above board, discuss this, present it publicly,</p>	<p style="text-align: right;">Page 111</p> <p>1 Sorry, Gary. 2 MR. HALL: No, no, that's fine. The 3 more information, the better. And certainly I 4 suggested before it should be discussed, it's a 5 decision by the planning board as a group, not by 6 you, me or the chairman. 7 So if, you know, there are other 8 questions, they should be brought up now. And then 9 if you want to proceed, you can do an oral resolution 10 to authorize the paperwork to go forward, shall we 11 say. 12 MR. NEWLIN: Rich and Chris, do you 13 have other background to add? 14 CHAIRMAN CLEW: No, I think you've 15 covered it quite well. I was going to actually ask 16 if any other members of the board had questions and 17 then I'll ask Mr. Inglesino the same question in a 18 moment. 19 So does anybody from the board have any 20 questions or comments on this? 21 Okay. Mr. Inglesino, any comment at 22 this point? 23 MR. INGLESINO: No comment, 24 Mr. Chairman. 25 CHAIRMAN CLEW: Okay. All right. I</p>
<p style="text-align: right;">Page 110</p> <p>1 but I don't see any veto authority of the applicant. 2 It was courtesy that he got a copy earlier today, 3 which is when I first saw the proposal. 4 And so I think if you want to proceed, 5 you can do an oral resolution authorizing retention 6 of Mr. Weaner subject to the normal municipal 7 requirements, and one being he'd be paid out of 8 escrow, not out of township funds just like the other 9 consultants on application work, and whatever other 10 requirements for nowadays paperwork that's required 11 for retaining a consultant for the town, even though 12 it's paid out of escrow, so just standard 13 requirements. 14 MR. NEWLIN: One more background that 15 Mr. Fox did participate in in the scope of work 16 specifically and did add some aspects about 17 stormwater management. 18 Paul, is there anything you want to 19 mention to the board about that aspect? I thought 20 that was pretty important. 21 MR. FOX: I think with respect to the 22 planting plans for the bioretention basins and 23 evaluating the proposed species selections and 24 placement. 25 MR. NEWLIN: Okay.</p>	<p style="text-align: right;">Page 112</p> <p>1 think -- can I get a resolution to proceed with this 2 effort? 3 MR. YATES: I'll make that -- I'll make 4 that -- I'll move for that resolution. 5 MR. PLATT: I will too, it's Nic Platt. 6 CHAIRMAN CLEW: Okay. So moved and 7 seconded, then all in favor say aye. 8 (Whereupon, all present members respond 9 in the affirmative.) 10 CHAIRMAN CLEW: And all opposed? 11 (No response.) 12 CHAIRMAN CLEW: Okay. 13 MR. NEWLIN: Rich, can we add some 14 conditions maybe so it's -- 15 CHAIRMAN CLEW: Yeah, I was going -- 16 Gary, if you could, so that we have the appropriate 17 list of conditions and requirements. 18 MR. HALL: Yeah, the main ones would be 19 you'll be retaining the person as an additional 20 reviewer to be paid out of escrow, you're not 21 committing -- you're not hiring him as a consultant, 22 you would be retaining him as an application 23 consultant to be paid out of escrow and beyond that, 24 but still as a municipal hire, so to speak, there's 25 paperwork that needs to be done that the township</p>

<p style="text-align: right;">Page 113</p> <p>1 administrator or his staff can provide. 2 So I think that we have a proposal, we 3 have a scope of services that will be modified by 4 those primary condition and whatever standard 5 conditions may apply. I think that covers it. 6 CHAIRMAN CLEW: Okay. Gary, is there 7 anything I've left out, or Paul or McKinley, with 8 regard to the application? 9 MR. HALL: I don't think so. I think 10 we're moving forward. 11 CHAIRMAN CLEW: Okay. 12 MR. HALL: I would just ask that we not 13 get plans the day of the meeting next time because 14 it's kind of hard to digest them and it's not the 15 most efficient way to proceed. I'm not a stickler on 16 10 days ahead, but it is helpful for the board and 17 its consultants to be able to study revised plans and 18 think about them. 19 CHAIRMAN CLEW: Yeah, and I do 20 appreciate the board and all the professionals kind 21 of sticking it out. I know these sessions are 22 getting long and there's lots of questions and it's 23 important that we do our best to get them answered as 24 we move along. 25 All right. So we will officially close</p>	<p style="text-align: right;">Page 115</p> <p>1 site, and then carrying it further to July 26th? 2 MR. HALL: Right, in the township hall 3 meeting room, not on Zoom, that's the only difference 4 from before. 5 MR. INGLESINO: Okay. 6 MS. TAGLAIRINO: And just so the public 7 knows that any documents that are distributed will be 8 still linked in the agenda, even though there will be 9 no Zoom link, we will continue to keep the documents 10 available through the agenda, so. 11 CHAIRMAN CLEW: Okay. 12 MR. INGLESINO: So is that, Mr. Hall, I 13 don't know whether you do those carries in the form 14 of a notice or in form of a motion or -- 15 MR. HALL: I'm sorry, what was that? 16 MR. INGLESINO: I was just asking 17 whether or not the carrying of the application to 18 those meeting dates is done by motion or just by 19 announcement. 20 MR. HALL: I think it was done by 21 announcement. I mean, the meeting going back to live 22 meeting was covered by the resolution adopted 23 earlier. 24 MR. INGLESINO: Okay. Just so the 25 public understands that this is the only notice</p>
<p style="text-align: right;">Page 114</p> <p>1 the hearing on the application at this point. 2 MR. HALL: And it's being carried to 3 the July meeting in person in the meeting room, so 4 the public is on notice, everyone is on notice that 5 that's the next date subject to a site visit, I 6 guess. What was the date of that? 7 CHAIRMAN CLEW: Site visit on the 17th 8 -- 9 MR. HALL: At 9:30. 10 CHAIRMAN CLEW: At 9:30. 11 MR. HALL: The public is welcome to 12 attend. It will come back to the July meeting, but 13 people can go there and look and see. 14 CHAIRMAN CLEW: And, Lori, the July 15 meeting is the 26th? 16 MS. TAGLAIRINO: Yes. 17 CHAIRMAN CLEW: Okay. Per the 18 resolution that we just passed earlier that I've put 19 down somewhere. 20 All right. Thank you all very much, 21 Mr. Inglesino and all the professionals, thank you 22 very much for joining us tonight. 23 MR. INGLESINO: Mr. Chairman, if I can 24 just clarify, so you're carrying this meeting without 25 any further notice to July 17th at 9:30 a.m. at the</p>	<p style="text-align: right;">Page 116</p> <p>1 they're going to get of the -- 2 MR. HALL: They're put on notice. 3 MR. INGLESINO: Okay. Thank you very 4 much, Mr. Chairman, Members of the Board, see you on 5 Saturday, July 17th at 9:30 a.m. and then on July the 6 26th at 7:30 at the town hall. 7 CHAIRMAN CLEW: Terrific. Thank you 8 all very much. Have a good night. 9 You're welcome to stay for the rest of 10 the festivities or carry on with your evening. 11 MR. INGLESINO: I'm going to sign off, 12 Mr. Chairman. 13 Thank you, though. 14 CHAIRMAN CLEW: Okay. Thank you. 15 (Whereupon, this matter is continuing 16 at a future date. Time noted: 10:17 p.m.) 17 18 19 20 21 22 23 24 25</p>

C E R T I F I C A T E

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.



LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated:

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