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I N D E X

WITNESS:	EXAMINATION
Timothy V. Holmes	17

(E X H I B I T S)

NUMBER	DESCRIPTION	PAGE
A-3	Proposed building superimposed	20
A-4	Colored rendering of the site plan	20

1 CHAIRMAN BELL: K. Hovnanian Shorr
2 Acquisitions. 443 Shrewsbury Avenue, Block 2, Lots 1
3 and 3.

4 MR. MACANINCH: Thank you. Good evening.
5 I'm Mike Macaninch on behalf on K. Hovnanian
6 Acquisitions.

7 CHAIRMAN BELL: And are you from a firm or
8 are you from --

9 MR. MACANINCH: I'm from K. Hovnanian,
10 in-house counsel.

11 MS. DONATO: And I'd like the record to
12 reflect that notices were provided. There is one very
13 minor detail that the applicant was still to satisfy
14 with regard to -- it was an address that was a little
15 confusing. It had two post office boxes or not boxes,
16 but post office addresses and Mr. Macaninch is just
17 attempting to get the notarization from the post master.
18 So he has an affidavit, but it's not notarized so he's
19 arranging to do that and I don't think the service is
20 acceptable at this point. You can proceed forward. It
21 was previously accepted for the November 12th meeting
22 and was carried until this evening.

23 CHAIRMAN BELL: And the application has been
24 amended, Dave, has been deemed complete?

25 MR. CRANMER: Yes, Mr. Bell.

1 MS. SICILIANO: Chairman Bell, can you speak
2 into the microphone, please?

3 CHAIRMAN BELL: Sorry. Mr. Cranmer, the
4 application as presented has been deemed complete?

5 MR. CRANMER: That's correct, Mr. Bell. The
6 original submission made by Hovnanian was deemed
7 complete on May 28, 2009. October 30, 2009 there was a
8 substantive change to the application materials in the
9 form of a new submission. That submission was again
10 deemed complete on December 11, 2009.

11 CHAIRMAN BELL: Okay. Okay, Mr. Macaninch?

12 MR. MACANINCH: Thank you. Just at the
13 outset if you recall there was an initial hearing on
14 August 19th. What we'd like to do is to incorporate --

15 MS. KELLEHER: Sir, you have to be by the
16 microphone.

17 CHAIRMAN BELL: You can either sit and talk
18 into that or there's a microphone behind that you can
19 hold and talk into.

20 MS. KELLEHER: It's got to be real close to
21 activate it.

22 MR. MACANINCH: Okay, is that better?

23 CHAIRMAN BELL: Can you hear from there,
24 Lorainne?

25 MR. MACANINCH: I can stand up and hold the

1 mic.

2 MS. KELLEHER: No, you're okay. As long as
3 you face forward and get nice and close.

4 MR. MACANINCH: I like to move around and I
5 do do that.

6 CHAIRMAN BELL: If you feel more comfortable
7 you can take the microphone.

8 MR. MACANINCH: If you don't mind, I will.
9 Is that better?

10 CHAIRMAN BELL: Okay, that's good.

11 MR. MACANINCH: I feel like I need to sing
12 now.

13 CHAIRMAN BELL: No singing or dancing.

14 MR. MACANINCH: As I stated, there was an
15 initial hearing on August 19, 2009. What we'd like to
16 do is incorporate the testimony that was presented at
17 that hearing. Even though there were substantial
18 revisions or there were revisions to our application,
19 the substance of the testimony which was primarily
20 related to the affordable housing component has not
21 changed as a result of our amendments. So I would just
22 request that that be incorporated into the testimony.

23 CHAIRMAN BELL: So you want to incorporate
24 the affordable housing which is what we heard the
25 testimony on before and the questions the public had the

1 opportunity to ask.

2 MR. MACANINCH: That's correct. Everything
3 that occurred that night I just want to make sure it's
4 part of the record going forward.

5 CHAIRMAN BELL: It was a substantial change
6 so we set the expectations to go through everything for
7 completeness, but it's still the same application.

8 MS. DONATO: The applicant was not required
9 to file new fees or start all over again, it was just
10 for purposes of the review by the engineer. The
11 affordable housing component has not changed. It hasn't
12 been modified. I don't think there's difficulty with
13 allowing that to be carried. What is important however
14 is that any Board member who did not attend that meeting
15 and who wishes to qualify to vote will have to listen to
16 the tape or if there's a transcript, read the transcript
17 and then certify that they've done so. That's the
18 important thing. If the Board would prefer that the
19 applicant -- and this is what I explained to Mr.
20 Macaninch, I think that the Board can say if they wanted
21 to that the testimony should be repeated, but I don't
22 think it's necessary, but I think you have the ability
23 to do that if you would prefer that.

24 CHAIRMAN BELL: Does anybody have a problem
25 with allowing the testimony that we already heard to be

1 continued?

2 MS. SICILIANO: Well, the testimony as I
3 recall on the affordable housing was primarily about the
4 administration of sales.

5 CHAIRMAN BELL: Right.

6 MS. SICILIANO: I think that was a rather
7 lengthy presentation.

8 CHAIRMAN BELL: Correct.

9 MS. SICILIANO: And we did discuss briefly
10 the rentals and so forth. I mean, I thought the minutes
11 were very complete. So I don't see any point in going
12 over it again.

13 CHAIRMAN BELL: Does anybody have any -- I
14 would agree. And if anybody from the public wants, the
15 minutes are public record. Do we have the transcripts
16 upstairs where somebody from the public can get it?

17 MS. KELLEHER: Yeah.

18 CHAIRMAN BELL: So if anybody wasn't --
19 okay, that's fine.

20 MR. MACANINCH: Thank you. Just at the
21 outset here on behalf of K. Hovnanian --

22 CHAIRMAN BELL: Are you going to give just
23 an overview, give a quick overview what the difference
24 is between the old application and the new application,
25 do a short one so that everybody can get in their head

1 what the picture is and then we go into your testimony?

2 MR. MACANINCH: Absolutely. The revisions
3 basically to the application were internal road
4 alignments. That was the main change. We had two of
5 the buildings that were toward the railroad tracks. We
6 had actually shifted the alignment of those buildings to
7 remove some of the variance requests that were in the
8 previous application. The use of the property, the
9 residential portion, it's still 77 homes. 61 are market
10 rate townhouses and then the 16 are the affordable
11 homes. That has not changed. The commercial piece has
12 not changed other than we made some, again, some
13 internal alignment changes to remove some of the relief
14 that we were requesting. Basically in response to Mr.
15 Cranmer's review letter we said well, you know, some of
16 his suggestions are good ones. Let's revise our plans
17 in accordance. And that was the nature of the change.
18 But in terms of the plans you saw before, the use, the
19 yield, none of that has changed. And I think you'll see
20 that when our witnesses provide testimony on those
21 plans.

22 CHAIRMAN BELL: On our previous meeting with
23 the previous attorney we had an agreement that at the
24 end of every meeting the public would know what your
25 goal is to achieve for the next meeting so that people

1 know if there's some hot topic that they want to come on
2 they'd know when to come even though it's still the
3 public's responsibility to come if it gets heard
4 earlier. Are you still planning on doing that?

5 MR. MACANINCH: Absolutely. Tonight we have
6 two principal witnesses tonight, depending on time. We
7 have a third witness who could start testimony maybe
8 even complete testimony depending on obviously the
9 public's questions and Board questioning. At the end of
10 the meeting I should be able to give you an idea of who
11 will be testifying at the following meeting.

12 CHAIRMAN BELL: Who are you planning on
13 having tonight?

14 MR. MACANINCH: Tonight we're going to start
15 with Tim Holmes from Najarian Associates. He's the
16 project engineer. He'll go through site planning
17 testimony basically the plan overview and a lot of the
18 specifics raised in Mr. Cranmer's review letter.
19 Following him we'll have Richard Redding who is going to
20 provide testimony on the fiscal impact analysis and
21 finally we have Jeff Furie from CMX. He's the project
22 traffic engineer and he'll get into the traffic issues
23 that have been raised, discuss that. Again, that's the
24 third witness. I'm not sure if we'll have time or not
25 depending on where we are.

1 CHAIRMAN BELL: Like we said last time, our
2 meetings end at 10:30. We will probably stop taking --
3 it will depend on -- there's not as many people in the
4 public here tonight, but it will depend on the number of
5 questions because I want to make sure everybody gets an
6 opportunity to ask any question and you get the
7 opportunity to answer any question or be prepared to
8 come back to the next meeting with the answers to the
9 questions that may get asked. So typically what we like
10 to do is try to stop testimony by 10:00, maybe a little
11 bit longer because there aren't as many people here in
12 the public, but so that by 10:30 we're done and then we
13 carry it to the next meeting.

14 MR. MACANINCH: Understood.

15 MS. SICILIANO: Mr. Chairman, has the
16 applicant resolved the fundamental qualification
17 requirement of the ordinance?

18 MR. MACANINCH: Obviously I wasn't here at
19 the last hearing. I did review the transcript and as I
20 understood it from what Mr. Kurland had said was we had
21 submitted our annual report. We had submitted our
22 corporate hierarchy, our structure and I think we were
23 waiting for a review based on that.

24 MS. SICILIANO: That's two separate items in
25 the Municipal Land Use Law. One requires the financial

1 qualification and the other requires if it's a
2 corporation you have to provide the background and the
3 formation of the corporation. I'm just wondering
4 whether the attorney or the chairman or the engineer has
5 received the financial qualifications which is required
6 by ordinance?

7 CHAIRMAN BELL: The only thing that we
8 received, we received the financial statement of
9 Hovnanian, the corporate numbers, the public
10 corporation, their financial statement which are public
11 information.

12 MR. MACANINCH: Correct. We submitted our
13 annual report which basically showed assets and
14 liabilities of the corporation which we're required to
15 submit obviously as we're a public company, which sets
16 forth what we have, what we owe, all of those things.
17 And I think the idea was if there were specific
18 questions regarding our financial ability I think it's
19 more than demonstrated by the annual report which we're
20 obviously physically capable of supporting this project,
21 but I don't think we received any specific questions.

22 MS. WATERBURY: What was the date of the
23 annual report?

24 MR. MACANINCH: I think we submitted the
25 2008 annual report. We actually just came out with our

1 earnings today for the 2009 fiscal year. Our fiscal
2 year goes from November 1st through October 31st so it
3 would have been the 2008 report.

4 MS. WATERBURY: Yeah, because the 2009 year
5 was very different from the 2008 year. Just in general,
6 not specific to your company, but certainly just in
7 general, the economy.

8 MR. MACANINCH: 2008 was probably a worse
9 year for us in terms of where we were versus 2009. Our
10 2009 annual report has not been in final form prepared.
11 As I said, the earnings came out for the fiscal year,
12 but they've only come out in initial form. I think it
13 will be a couple of months before we do the actual final
14 annual report.

15 CHAIRMAN BELL: Would you be able to present
16 us the preliminary for the 2009 before the next meeting?

17 MR. MACANINCH: Sure. I mean, it's public
18 record. It's on our web site. It's on Yahoo. I can
19 certainly submit that.

20 CHAIRMAN BELL: Okay, we talked about this
21 at the last meeting and the annual report is basically
22 what we can ask for.

23 MS. DONATO: I don't think with a publicly
24 held corporation there's much else that you can, but in
25 the past the Borough attorney has also been involved in

1 the review of the financial qualifications.

2 CHAIRMAN BELL: Right, the Borough attorney,
3 the Borough, the council and the Borough. They're the
4 ones that actually approve. So if it comes to us we'll
5 get it to the Borough.

6 MR. MACANINCH: Absolutely.

7 MR. DODGE: Have you prepared your 10 K as
8 of today?

9 MR. MACANINCH: Again, what I've seen is the
10 media reports of our earnings. That's all I personally
11 have seen.

12 MR. DODGE: We talk about the annual
13 reports. Can we also get the 10 K?

14 MR. MACANINCH: Again, it's on our web site.
15 It's public record, sure. Again, there may be some lag
16 time from when it's come out as to when it's actually
17 put in final form.

18 CHAIRMAN BELL: The long and short of it is
19 we want to make sure that the Hovnanian or whoever the
20 applicant is is capable of financially starting and
21 finishing the project, not just starting and having a
22 project not finished.

23 MR. MACANINCH: Understood.

24 MS. DONATO: The interest, and this is one
25 of the things I wanted to try to clarify. There are a

1 couple of different applicant names that we have
2 floating around. Mr. Cranmer refers to it was
3 repeatedly referred to as K. Hovnanian at Shrewsbury,
4 LLC. The application itself is K. Hovnanian Shorr
5 Acquisitions, LLC. Your plans refer to K. Hovnanian at
6 Shrewsbury. And then that's the other thing. Hovnanian
7 is a public corporation. What is the relationship of
8 the public corporation to the LLC? Because the idea of
9 an LLC is a limited liability company to develop a
10 specific piece of property that in the event that the
11 transaction is not successful the liabilities are
12 limited and not shared by the corporation. So with
13 respect to the Borough's ordinance and the financial
14 qualifications, what is the relationship to the LLC of
15 the publicly held corporation?

16 MR. MACANINCH: Ultimately, you know, it's
17 the corporate tree and I believe that was what has been
18 submitted is how you get from the limited liability
19 single purpose entity all the way up to Hovnanian
20 Enterprises. And it's a tree and I think the MLUL
21 requires if an entity has more than 10 percent of your
22 stock interest in the company they have to be
23 specifically identified. And all of that was submitted.
24 Just maybe back to the first question, the equitable
25 owner of the property, the entity that's under agreement

1 with the legal owner of the property is K. Hovnanian
2 Shorr Acquisitions, LLC. Ultimately who is going to
3 develop and build it will have the property titled into
4 K. Hovnanian at Shrewsbury, LLC.

5 MR. DODGE: Would you be able to state that
6 K. Hovnanian Shorr Acquisitions is 100 percent owned by
7 K. Hovnanian, the public entity traded company that you
8 will be providing financial statements?

9 MR. MACANINCH: That will all be in that
10 corporation tree. I think generally how they do it is
11 99 percent is owned by one specific company, New Jersey
12 Holdings, LLC, for example. 1 percent is held by
13 someone else. The managing member, the one who makes
14 all the decisions it says New Jersey Holdings, for
15 example.

16 CHAIRMAN BELL: You're going to need to,
17 however you present it, when you present to us which
18 will go to the council and the Borough attorney, it's
19 going to need to show what that direct line is because
20 like in this case right here if it's K. Hovnanian Shorr
21 Acquisitions, do they even have any money? Do they have
22 any -- who's backing it? Who's guaranteeing it as you
23 trickle up the ladder?

24 MR. MACANINCH: Understood. And that should
25 have been part of the initial submission of the

1 corporate tree that the ordinance does require. That
2 was submitted. That should all be laid out in there,
3 but I'll ensure that that is done. But the other thing
4 is we have to post bonds for all the improvements going
5 in the public improvement. That's not a K. Hovnanian
6 entity. That's a financial institution that has X
7 amount of assets providing security to the municipality
8 that all these things are getting done. I understand
9 your concern goes beyond the road, the streets. You
10 want the homes to get built. You don't want a half
11 built community. I understand.

12 CHAIRMAN BELL: And we don't dislike the
13 banks in this country. We don't want to be in essence
14 foreclosing or putting a claim on a bond. The bond is
15 there in the remote chance that it doesn't get done. We
16 want to make sure that it does get done, whatever it is
17 gets done.

18 MR. MACANINCH: Understood.

19 CHAIRMAN BELL: Okay.

20 MR. MACANINCH: Great. I think that's a
21 review. Then I'll call Tim Holmes. Actually, I'm
22 sorry, I have Robert Hoffman here who's the area vice
23 president from K. Hovnanian on behalf of the company and
24 then Frank Woods who is our land development manager if
25 there's any specific question on the K. Hovnanian side

1 and I have as I said, three witnesses tonight. I think
2 maybe we'll get to two witnesses, but I have three. Tim
3 Holmes will go first who is going to be the site
4 engineer. We'll go through his testimony and then Rich
5 Redding who is the economist will go through the
6 financial impact and then finally Jeff Furie who is the
7 traffic expert. But I'll start with Tim Holmes.

8 CHAIRMAN BELL: When he comes up, okay.

9 MS. DONATO: I'll swear the witness in.
10 Your full name and address, please.

11 MR. HOLMES: Timothy V. Holmes. I'm with
12 Najarian Associates, One Industrial Way West, Eatontown,
13 New Jersey 07724.

14 T I M O T H Y H O L M E S, was duly sworn and
15 testified as follows:

16 MS. DONATO: Thank you.

17 MR. HOLMES: I guess before we get started
18 maybe we should go over how we want to put the exhibits.
19 The last meeting the room was much fuller and we had
20 made a decision to maybe have two exhibit, duplicate
21 exhibits so the public can see. I don't know if we need
22 to do that this evening. I also have handouts. I have
23 17 handouts of the exhibits.

24 CHAIRMAN BELL: I think it would probably be
25 good if we have two easels or however you do it where

1 you have one exhibit going straight out to the audience
2 and then that's fine.

3 MR. HOLMES: I can put it on that side so I
4 won't block the Board.

5 CHAIRMAN BELL: Otherwise if it's just
6 angled then people on the Board can't see it and if you
7 have handouts that replicate it then you can hand those
8 out to us as well.

9 MR. HOLMES: Give me a second to set that
10 up.

11 CHAIRMAN BELL: Yeah, that would be great.
12 Mr. Macaninch, Mr. Holmes' qualifications, he's an
13 engineer? He is what?

14 MR. HOLMES: If I may, I was sworn in at the
15 last meeting, but I can go back through that if you'd
16 like.

17 CHAIRMAN BELL: I think just for the public
18 so that they know.

19 MR. HOLMES: Okay, let me get set up and
20 then I will start. I also have if any of the Board
21 members would like or public, I have reduced copies of
22 the two displays. It may be easier if you guys want
23 copies of those.

24 CHAIRMAN BELL: That would be great.

25 MR. MACANINCH: Why don't you go through

1 your qualifications.

2 MR. HOLMES: Okay, as I originally said I'm
3 an employee of Najarian Associates. I've been employed
4 by them for the last 16 years, a little over 16 years.
5 I'm a licensed professional engineer in the state of New
6 Jersey and in the state of Pennsylvania. I'm also a
7 certified municipal engineer in the state of New Jersey.
8 I've been licensed since the mid '80s and my work over
9 the past 20 plus years has primarily been land
10 development, land development projects throughout the
11 states of New Jersey, Pennsylvania and into New York.

12 CHAIRMAN BELL: And have you been involved
13 with the overall layout, the design of this from the
14 beginning, so from the old plan to the new plan?

15 MR. HOLMES: Yeah, I actually have been
16 involved in this project for the past three years so I
17 was involved with the planning stages of this, yes. So
18 my name is on the title block and I did the original set
19 of plans that were submitted back in March, April, over
20 the summer and then did the revisions this past fall.

21 (Board member T. Moran arrives.)

22 MR. HOLMES: And again, the handouts are
23 duplicates of the two displays or exhibits that we're
24 going to use this evening.

25 CHAIRMAN BELL: For the record, Mr. Moran

1 arrived at 8:10.

2 EXAMINATION BY MR. MACANINCH:

3 Q. Tim, at the last meeting you had done a site
4 overview, but maybe just start again and just kind of go
5 through.

6 A. Do we want to mark these exhibits first?

7 Q. Yeah, let's do that. Good point.

8 MS. DONATO: So the aerial photograph that's
9 in the front would be proposed building superimposed.
10 We'll mark that as A-1. You can just put that marking
11 on.

12 MR. MACANINCH: Ms. Donato, at the prior
13 hearing which we incorporated there was an A-1 and A-2.
14 Do you want to go to A-3?

15 MS. DONATO: Yes, thank you. That will be
16 A-3. And the colored rendering of the site plan will be
17 A-4.

18 (Exhibits A-3 and A-4 were received and
19 marked into evidence.)

20 MR. HOLMES: Now just for reference, the
21 exhibit we marked A-3, the aerial, that source is a 2007
22 DEP aerial. That's where the source for that came from.
23 Basically what we did was we rendered the site layout
24 and we superimposed it over the aerial photo and we made
25 it at a slightly smaller scale than the exhibit on A-4

1 which is the full site plan so that if there's any
2 questions from surrounding property owners or questions
3 of the Board it gives a little bit of a flavor of the
4 200 foot radius around the site. So if there are some
5 adjoining property owners they can kind of look at that
6 if there's some specific questions, it's kind of a good
7 tool. You may notice some inconsistencies on how it
8 lines up. It's a DEP aerial photo and we superimpose it
9 the best we can. So there may be some inaccuracies in
10 it, but generally it's used just for a planning tool for
11 our exhibits.

12 All right, referring to A-3 as I originally
13 said, it's the aerial photo, the surrounding area with
14 our site overlaid on it. On our existing conditions,
15 the site that we're talking about is known as Lots 1 and
16 3, Block 2 and it contains about 9.7 acres. I'm
17 rounding my acres off. It's 9.6 something or other, but
18 I'll keep it whole numbers. It's roughly 9.7 acres.
19 The site currently has existing development on it and
20 I'm sure everybody is very familiar with that site.
21 It's been in town for a long time. The site basically
22 now contains roughly about 40 percent of the site is
23 vegetated and about 60 percent of the site is disturbed
24 or has some kind of existing development on it. The
25 majority of the site up near Shrewsbury Avenue is the

1 old Circle Auto truck repair and sales facility and
2 there's also a professional law office on the piece that
3 adjoins Patterson. Those two groups of development add
4 about 3.8 acres of impervious cover on the site. So
5 under existing conditions the site is about 40 percent
6 impervious cover. The site typically drains from
7 Shrewsbury Avenue east towards the railroad tracks and
8 just to bring everybody's reference, if you're looking
9 at A-3, north is up on both of our exhibits, A-3 and
10 A-4, north is to the top of the page, east is to the
11 right. Running around the top of the site to the north
12 we have the existing Colex Auto Body facility. We have
13 the vacant Super Foodtown. On the easterly side or the
14 right side we have the existing railroad tracks,
15 residents along Trafford Avenue. To the south or bottom
16 of the page is Patterson Avenue which is a mix of
17 residents and some professional offices there. And then
18 coming up to the left side which is Shrewsbury Avenue
19 and also the township line with Tinton Falls there's
20 some existing residences and some small businesses
21 across Shrewsbury Avenue. So that's basically the
22 layout of the existing conditions. So it's kind of
23 important to note that a lot of the site is disturbed.
24 A lot of impervious cover on the site. There's no storm
25 water management currently implemented to any of that.

1 Runoff kind of runs directly off and generally the
2 drainage pattern runs from Shrewsbury Avenue east to the
3 railroad track. That's how the site drains. The
4 majority of the site actually drains to the northeast
5 corner. There's an existing swale that runs along the
6 railroad tracks and it also spills into the Super
7 Foodtown site, ultimately drains to a main drainage
8 system at the Newman Springs and the railroad track
9 intersection. And that's where this entire area drains
10 to. And that's basically the drainage patterns that
11 when we get into stormwater we try to maintain.

12 Now moving to the actual development and I'm
13 going to refer now to A-4 which is a combination of the
14 landscaping plan which you'll hear testimony later on on
15 the landscaping and our site plan, but it's at a little
16 bit larger scale. It still shows the existing homes and
17 buildings around the site that adjoin the site, but it's
18 a little bit bigger scale to have a look at.

19 Now our application includes a minor
20 subdivision which is really important to talk about
21 first. Minor subdivision is required to create two
22 separate lots. So when this ultimately gets approved it
23 will be subdivided into two separate lots. There will
24 be a commercial lot that is going to go be developed
25 under the B3 zoning. That commercial lot is located up

1 on the corner which would be the northwest corner
2 fronting Shrewsbury. That lot is roughly 1.2 acres and
3 that's where the retail and professional law office
4 component of this development is going to take place.
5 The remainder of the site which is roughly 8-and-a-half
6 acres, the majority of the site is where the residential
7 community is going to be. And that is going to be
8 developed under the AHMF 8 residential overlay component
9 of the B3 zone. So that's the two components of our
10 development.

11 CHAIRMAN BELL: The remaining lot is going
12 to be 8 what?

13 MR. HOLMES: 8.5 acres.

14 CHAIRMAN BELL: Does that include the
15 addition of the property on the old doctor's office on
16 Patterson Avenue?

17 MR. HOLMES: Yes, the total of, yes, it's
18 the total. The total site is 9.7 acres. So 1.2 is
19 going to be commercial, 8.5 is going to be residential.
20 Whole numbers, there would be hundredths floating
21 around, but that's whole numbers. And access through
22 the site is going to be provided from both Shrewsbury
23 Avenue which is our main access point and a secondary
24 access to Patterson. And the access, main access point
25 on Shrewsbury is actually going to be in the same spot

1 that the existing roadway that comes along the Colex
2 site and goes down into Super Foodtown, that's going to
3 be in the same spot. We're rebuilding it and we're
4 putting more traffic controls in place, but generally
5 it's in the same spot. So that roadway for general
6 purposes if you look at it that's going to be the main
7 entrance into the site. That's going to serve our
8 commercial development. It's going to provide continued
9 access into the Super Foodtown site and it's also going
10 to provide access to the residential community.

11 MR. GARDELLA: And there will be no
12 residential in that commercial space?

13 MR. HOLMES: No, they're actually designed
14 even though they're kind of mirrored together, they're
15 really stand alone projects. Things like parking and
16 things like that are all contained on--

17 MR. GARDELLA: There won't be any apartments
18 that all of a sudden pop up upstairs?

19 MR. HOLMES: No, our plans call for and it's
20 a good question and I will go through that. Now the
21 commercial site is going to contain one building, two
22 stories. Bottom floor is going to be retail. I'll give
23 you the exact numbers and again, I'm going to round up.
24 5,184 square feet on the bottom floor is retail. So
25 that's 5,184. The second floor which may not be a full

1 floor is going to have 3,456 square feet of professional
2 office. So you have a total of 8,640. And it's a
3 single building, the building is roughly 108 by 48. The
4 building is going to front on Shrewsbury Avenue.
5 Parking is going to be behind that building. All our
6 access to parking is only going to be one access point
7 on Shrewsbury Avenue as I explained where that existing
8 road is and there will be banks of parking behind that
9 that will contain the necessary parking. Basically we
10 need 52 parking spaces and that's what's provided on the
11 site to contain or to service the square footage that I
12 had given you.

13 MR. MORAN: The road is on your property,
14 correct?

15 MR. HOLMES: Yes.

16 MR. MORAN: And you have an easement for
17 whoever goes into this Stop & Shop?

18 MR. HOLMES: There is an existing easement.
19 Maybe let Mike answer that there's an existing easement
20 now and basically it's going to be functioning the same
21 way.

22 MR. MACANINCH: The road that's actually
23 going out to Shrewsbury Avenue is on our property. The
24 food store and as Mr. Holmes just said, the food store
25 has an easement over that property. That's not going to

1 change. We're not realigning or anything. None of that
2 will change.

3 CHAIRMAN BELL: Do you have a cross
4 easement? Is that a cross easement or a single?

5 MR. MACANINCH: It's a nonexclusive
6 easement. We both have rights to use it. Is that your
7 question?

8 CHAIRMAN BELL: No. Do you have a cross
9 easement where you have access -- where there's access
10 to go through their lot?

11 MR. MACANINCH: No.

12 MS. SICILIANO: Has the county received the
13 plans yet?

14 MR. MACANINCH: We have submitted in
15 general, we have informally submitted to the county. We
16 actually sat down with the county six weeks ago, maybe
17 less than that and went through the issues with the
18 county and they did not have any problems.

19 MS. SICILIANO: Because they'll have a lot
20 to say about the Shrewsbury Avenue development.

21 MR. MACANINCH: They did and we actually sat
22 down in detail and you'll hear more from that from our
23 traffic engineer when he testifies, but it was a very
24 good meeting.

25 MR. HOLMES: Just continuing forward, we

1 talked about the commercial component of this
2 development and where it's going to be situated. Moving
3 down into the majority of the site, the 8-and-a-half
4 acres that's going to be our residential community,
5 basically we're going to have 77 residential homes as we
6 originally said. 61 of those homes are market rate,
7 kind of a technical term, but market rate townhomes with
8 garages. So 61 are townhouses with garages. There will
9 be 16 affordable homes which will be condominium-type
10 homes and there's 11 separate buildings. Each of the 11
11 buildings contains one or more residential homes of the
12 market rate. Only two of the buildings and I'm going to
13 refer that to building number 4 and building 9 where I'm
14 pointing to on A-4 are two buildings that will contain
15 our affordable condominium homes. There are going to be
16 8 condominium units in each of the two buildings for a
17 total of 16.

18 So now the townhomes, the 61 townhomes are a
19 mix of three and two bedroom units.

20 CHAIRMAN BELL: Just one question on that.
21 The plans and maybe I'm getting confused on the plans,
22 but the last one that I thought I looked at showed your
23 affordable housing on building 7.

24 MR. HOLMES: No, our buildings always it was
25 always these two. I mean, even from the original

1 because I did the design.

2 CHAIRMAN BELL: No, I remember the original
3 were there, but that was one of my questions, why were
4 you moving it to building 7. Okay, I'll have to look
5 because I know I saw that on a plan, okay.

6 MR. HOLMES: Just to recap, if you're
7 looking at the handout from the display or the exhibit
8 of A-3 you'll see on buildings 4 and 9 you'll see
9 crosshatched area in the centers of those two buildings.
10 That's the affordable condominium homes and there's
11 eight in each building.

12 MR. CRANMER: Would you just verify the
13 number of buildings, please?

14 MR. HOLMES: I'm sorry, 12 buildings, I
15 apologize. There's 12 buildings total throughout the
16 site.

17 MS. DONATO: And Mr. Holmes, would you
18 clarify one thing for me? At one point I thought I
19 heard you say 40 percent of the existing site has
20 impervious and then I thought you said 60 percent and I
21 don't know if I heard you right.

22 MR. HOLMES: I'll give you those exact
23 numbers.

24 MS. DONATO: How much is the current
25 impervious?

1 MR. HOLMES: The current impervious is
2 approximately 40 percent or 3.8 acres.

3 MS. DONATO: Okay.

4 MR. HOLMES: I think they're also I went on
5 to say 40 percent of the site is currently vegetated
6 which is accurate and 60 percent of the site is
7 disturbed. So I think the two 40s might have confused.

8 MS. DONATO: So there's some that's
9 disturbed, okay.

10 MR. HOLMES: Yes, yes. Now looking at the
11 61 townhomes, there's a mix of three-bedroom unit homes
12 and two-bedroom homes. The three-bedroom homes will
13 have two-car garages, two-car driveways and there's 42
14 of those. So of the 61 townhomes, 42 of them are going
15 to be three-bedroom homes and the three-bedroom homes
16 have a two-car garage and a two-car driveway. The
17 remaining 19 townhomes will be two-bedroom townhomes and
18 they're provided with a two-car garage, but a single
19 driveway.

20 CHAIRMAN BELL: So they're going to be
21 stacked?

22 MR. HOLMES: There will be a tandem stacking
23 of the garage units, of the cars in the garage.

24 CHAIRMAN BELL: The three-bedroom will be
25 garages side by side?

1 MR. HOLMES: Typical two-car garage, two-car
2 driveway and the two-bedroom units will have a tandem
3 space.

4 CHAIRMAN BELL: Two-car garage, but only
5 one-car driveway.

6 MR. HOLMES: It's important and I'll go into
7 parking later, but it's important to know for the 61
8 townhomes they basically provide all their parking on
9 I'm going to say on-site, but at their home because I
10 know I've seen some comments in some of the review memos
11 that that might not have been clear, but it's important
12 to know that the majority of the homes are going to have
13 their parking on-site.

14 The 16 condominium homes for the affordable
15 units will not have garages and the parking for those
16 units are in banks of common parking spaces we provide
17 42. Actually by RSIS standards we need 30 -- not
18 exactly sure, I think 33 spaces is what you have to
19 provide, but we have provided 46 common spaces and
20 that's to take parking for the condominium homes as well
21 as some guest parking throughout the community.

22 MS. WATERBURY: What was that number again
23 you were going to provide?

24 MR. HOLMES: 46 and I'm going to just excuse
25 myself and get the exact number so I can give it to you

1 exactly. Yes, we provide it's 46. I'm going to refer
2 to that as common parking. It's not along the side of
3 the street, it's in you can see designated parking areas
4 throughout the site. The majority of it circles around
5 the two buildings that are going to have the condominium
6 homes in them because they need the most parking, but
7 then we have some guest parking throughout the site.

8 MS. MARTINELLI: Assigned spots for the
9 condominium units, none of those 42 spaces will be
10 assigned?

11 MR. HOLMES: That I don't know. I don't
12 know if I can answer that at this point on whether they
13 do assign those to a specific unit. They may do that,
14 they may not. At this point I don't know that. I can
15 tell you that we have no parking areas assigned along
16 the internal street network. There's areas that will be
17 signed no parking meaning you can't park along the
18 street. You only can park in those designated areas,
19 but as far as assigning a space, the management company
20 may do that, I just don't know at this point in time.

21 MS. SICILIANO: You have handicapped parking
22 in that 46?

23 MR. HOLMES: Yes, yes. We have handicapped
24 accessible spots actually in two locations and they're
25 located to be adjacent to the condominium buildings and

1 we also provide required handicapped spaces in the
2 commercial area as well.

3 MR. MORAN: Can you get us that answer, Mr.
4 Homes, please?

5 MR. MACANINCH: We can do that.

6 MR. HOLMES: Yeah, we can do that.

7 MR. GARDELLA: How many bedrooms in the
8 condominium units?

9 MR. HOLMES: There are going to be two and
10 three-bedroom units as well, good point. I forgot that.
11 There will be eight, three-bedroom units.

12 MS. SICILIANO: Can I ask a question right
13 now?

14 MR. HOLMES: Just excuse me one second and
15 eight, two-bedroom units. So eight, three and eight,
16 two, I'm sorry.

17 MS. SICILIANO: The spaces between the
18 buildings, would they accommodate an emergency vehicle
19 if they have to get to the back of the apartments for
20 some strange reason?

21 MR. HOLMES: The AHMF 8 overlay zone has a
22 requirement that's called clear zone requirement and
23 that says you need to maintain a 20 foot clear zone
24 around the building. For the majority of the site the
25 buildings are spaced 25 feet apart. However, on our

1 side to side buildings we have porch entrances. Those
2 porch entrances from the narrowest part of the porch
3 entrance to the narrowest part of its next door neighbor
4 is only 15 feet wide. That's one of the variances that
5 we seek is for only that one particular point of where a
6 building comes together there's a 15 foot space.

7 MR. MACANINCH: But Tim, that's not
8 affecting any of the affordable?

9 MR. HOLMES: That doesn't affect any of the
10 affordable homes and there's also adequate open space
11 around all the units should they not be able for some
12 reason to get in between a particular porch. I mean,
13 there's other ways of gaining access around the
14 building.

15 CHAIRMAN BELL: So there's seven cases of
16 that?

17 MR. HOLMES: Yes, it would be between and I
18 can read those off. You probably have them in front of
19 you.

20 MR. MORAN: We can see them.

21 MS. WATERBURY: Handicapped --

22 CHAIRMAN BELL: Just for the public's
23 information, this is on the rendering that you have out
24 there between building 1 and building 2 there's a little
25 porch side entrance that's where the 15 feet between

1 building 2 and 3 and so forth. You can see that. Okay.

2 MR. CRANMER: Mr. Bell, before we go much
3 further. Mr. Homes, a few moments ago there were a
4 flurry of questions about the ability or the desire to
5 assign parking stalls for the affordable units. And I
6 think Mr. Moran asked a question whether that was going
7 to occur and you said yes, it was.

8 MR. MORAN: I think he said he was going to
9 get us that answer.

10 MR. HOLMES: We're going to provide that at
11 the next meeting.

12 MR. CRANMER: I misunderstood that, thank
13 you.

14 MS. WATERBURY: The handicapped spaces that
15 you have appear to be both on the opposite side of the
16 road so they'd have to cross the road to actually get to
17 one of units?

18 MR. HOLMES: Yes.

19 MS. WATERBURY: But I notice that the number
20 of spaces that are between building 9 and building 4
21 doesn't have any handicapped and in there they would
22 have to cross the building, the street. They would
23 obviously to go to building 9.

24 MR. HOLMES: I think no matter how you slice
25 it you're going to have to cross that street. Now for

1 the handicapped spaces that are on this parking court at
2 the end, I mean that's not an issue. There's not really
3 a volume of traffic and that is a good point because
4 it's a point that Mr. Cranmer brought up in his review.
5 One of the issues is we're going to provide, we propose
6 to provide crosswalks, striping and appropriate signage.
7 That's not shown on our plans currently. That would be
8 something that we would need to add to our plans.

9 MS. WATERBURY: Now why couldn't they go to
10 the other parking spaces that were there because just
11 out of curiosity, because in that instance then you
12 wouldn't have to cross a walkway to get to building 4
13 and the ones that were at kind of the dead end area as
14 you indicated it wouldn't matter as much.

15 MR. HOLMES: What happens if we flip the
16 parking to the opposite side of the street?

17 MS. WATERBURY: No, I was asking the
18 handicapped parking to go into the parking spaces that
19 are between building 4 and 9 to serve as service
20 building 4 so that they wouldn't have to cross the
21 street.

22 MR. HOLMES: That could be done, yes. I
23 think this is a more accessible direct route to the
24 building personally, but you're right. There's no
25 engineering reason why that can't occur there. That is

1 something that we could take a look at. I felt that
2 this location was directly across and access was
3 provided up the sidewalk that went along the front of
4 the units. We could definitely look at that, moving
5 those to that area. It wouldn't really affect any
6 parking counts.

7 MS. WATERBURY: So in those buildings that
8 you have the affordable housing in I guess the center
9 ones and it's probably easier to be seen on the aerial,
10 you have a hatching on the aerial that shows the ones
11 that would be the interior ones would be the affordable
12 that have the hatching?

13 MR. HOLMES: Yes.

14 MS. WATERBURY: And then the ones on the end
15 are then serviced by their own driveways?

16 MR. HOLMES: They're one of the 61 townhomes
17 with garages. So they'll be serviced for parking and
18 access on their own. Both there will be four end units
19 to each of those buildings, or two end units per
20 building.

21 MR. MORAN: And those units are market rate?

22 MR. HOLMES: Yes. Now just to continue on
23 how we had the community laid out, obviously we talked
24 about our main entrance coming in off of Shrewsbury
25 Avenue. We will have a secondary access that will feed

1 through the site, ultimately will run around and attach
2 down to Patterson Avenue as our form of secondary access
3 which is a requirement through our RSIS based on our
4 number of homes. So we provide our two access points.

5 Internally, pedestrian access we do have a
6 pretty extensive sidewalk pattern internally. The
7 sidewalk pattern will run along all of our roads. It
8 does run along one side only. We feel that that is an
9 adequate method for pedestrian access inside. We also
10 are providing an extension of sidewalk east on Patterson
11 coming down across the railroad tracks and ending where
12 the existing sidewalk now is located on Trafford at that
13 intersection.

14 The sidewalk pattern will also meander
15 through the site and connect to a commercial component
16 of this development and ultimately end up at Shrewsbury
17 Avenue with sidewalk along our frontage of Shrewsbury
18 Avenue. So any of the residents in our development can
19 walk through and to the commercial component as well as
20 up to Shrewsbury Avenue.

21 MS. SICILIANO: Are there sidewalks? I
22 can't make it out, I'm sorry. Are there sidewalks from
23 building 5 to building 12?

24 MS. WATERBURY: The bottom buildings.

25 MR. HOLMES: There is sidewalk -- there's

1 sidewalk along the frontage of buildings 5 and 6.

2 MS. SICILIANO: Yes, but not here. These
3 residents don't have sidewalks.

4 MR. HOLMES: Which ones are they?

5 MS. SICILIANO: 9 to 12.

6 MR. HOLMES: No. As I explained, there are
7 sidewalks on one side of the street. Sidewalk is along
8 one side of the street. So it's on one side all the way
9 along what we're calling road C and our road B and our
10 road A and then up to the entrance road and up to
11 Shrewsbury Avenue. So sidewalk is only on one side
12 internally within the community.

13 MR. MORAN: Excuse me, would you go through
14 the declination of the roads A, B, C and D?

15 MR. HOLMES: I apologize for that. We'll
16 start through the main road, what we're calling the
17 entrance road. As you come down the entrance road and
18 make that right that's road A. Road A goes all the way
19 down to the hammerhead by the railroad tracks so that's
20 road A. Going back up road A, the road that runs north
21 to south is called road B and then the long road going
22 out to Patterson is road C. I apologize for that. It's
23 not on those.

24 So just to go back now that you have them
25 situated, sidewalk pattern is going to start all along

1 road C, one side, all along road A and road B ending at
2 the entrance road coming up to Shrewsbury Avenue feeding
3 into the commercial component and along the Shrewsbury
4 frontage with an off-site extension of the sidewalk
5 across the railroad tracks on Patterson and to the
6 intersection where the existing sidewalk is at Trafford.

7 MR. CRANMER: Mr. Holmes, there are a
8 handful of de minimus exception waivers you're
9 requesting from the RSIS. Are you separately going to
10 give testimony to get the proofs for that relief at a
11 later time? This really is just an overview, right?

12 MR. HOLMES: Yes, as well as any variances.
13 I'm going to go over them so you know what they are, but
14 we're going to provide planning testimony at a later
15 date to support every one of those variances. I think
16 there's four. So that will come. I'm going to go over
17 them just to make you aware of them so you understand
18 where they're at, but ultimately our planner is going to
19 spend his time going over those, going over the proofs,
20 et cetera and including two de minimis exceptions for
21 the RSIS.

22 CHAIRMAN BELL: And one of them is the
23 sidewalks on both sides.

24 MR. HOLMES: One of them is sidewalk on both
25 sides. The other one is width of sidewalk that's along

1 there and the RSIS for the width of the sidewalk says in
2 high density developments that sidewalk should be six
3 feet. And if you look in the RSIS what high density is
4 defined it says, anything greater than 8 units per acre.
5 We're at 7.9. So you're on the borderline of, you know,
6 if you look at the letter of the RSIS, can you make the
7 case that you're not high density? And that's where
8 that stands. Our request is we would go in and request
9 that de minimus exception because we're actually we feel
10 we're below that threshold, but it's right on the line.

11 CHAIRMAN BELL: So just for the public's
12 information on this, we will hear testimony at a later
13 date as to why they're asking for the exception of
14 having sidewalks on both sides of the street which is
15 required. You'll have expert testimony as to why you
16 think that.

17 MR. HOLMES: Yes.

18 CHAIRMAN BELL: All right.

19 MR. HOLMES: As well as the variances.

20 CHAIRMAN BELL: Any variances, correct.

21 MR. HOLMES: And when I'm finished this
22 evening I will go over the variances one last time.
23 There's two in the commercial area and there's two in
24 the residential component just so everybody knows what
25 they are. And then when the planner does his testimony

1 you'll have an understanding of where they are and be
2 able to better understand his reasoning.

3 MS. WATERBURY: Are there any other de
4 minimis exceptions that you're asking for? You noted
5 the two. I don't know if that was it.

6 MR. HOLMES: No, ma'am, that's it.

7 CHAIRMAN BELL: Okay.

8 MR. HOLMES: Now just to go further on our
9 residential community, our streets are proposed to be
10 private streets. All the common open space, stormwater
11 management facilities, streets, sidewalks, et cetera are
12 all private, owned by the HOA and maintained by the
13 Homeowner's Association, HOA. So internally it's really
14 a private community as far as the street network,
15 stormwater management, sidewalks, open space, common
16 areas, et cetera.

17 MR. GARDELLA: Snow removal?

18 MR. HOLMES: That would be a requirement of
19 the HOA or obligation of the HOA, yes.

20 MR. GARDELLA: As well as garbage.

21 MR. HOLMES: Garbage. Just to further go
22 on, touch briefly on utilities, obviously the community
23 is going to be supplied by cable, phone, gas, electric,
24 etc. Public water by New Jersey American Water, public
25 sewer by Two Rivers. That basically is going to be

1 throughout the entire community.

2 The last major component of our development
3 that I'd like to just touch on is stormwater management.
4 And in the beginning of my testimony I went through how
5 the existing site currently is now. There was a reason
6 for that because there's a significant amount of
7 impervious cover that's on that site now, has been there
8 for quite a while and they have no stormwater management
9 or stormwater quality management techniques implemented.
10 Under our developed condition we're increasing
11 impervious cover. The existing is 3.8 acres. We're
12 increasing it to 4.7 acres. So there will be an
13 increase in impervious cover. To offset that increase
14 we're obviously providing a stormwater management plan
15 throughout the community. Typical inlets, catch basins,
16 grass swales that will capture runoff and direct it to a
17 single detention basin that's located on the northeast
18 corner of the site which is obviously the low corner of
19 the site. It's where typically everything drains now
20 and that's where our stormwater management plan directs
21 all of our water. The detention basin that we propose
22 there which you see in this light green area on A-3 is
23 going to be a dry basin. I know when we did some
24 conceptual presentations in front of the Board a few
25 years ago there was some questions about depth of water

1 empowerment and things like that that had to do with the
2 detention basin so I'm going to try to answer those
3 questions and if you have more, feel free to ask.

4 The detention basin is going to provide
5 attenuation of the peak flows which is typical. It's
6 also going to provide water quality in two measures.
7 One, there will be water quality mechanisms within the
8 basin and we're also providing a mechanical treatment
9 device on the discharge to provide additional water
10 quality measures.

11 So the detention basin is designed in
12 accordance with the DEP new stormwater regulations, RSIS
13 standards. It attenuates our peak flows and it also
14 provides water quality. We do not provide infiltration.
15 There is not an infiltration component that's associated
16 with this community. Through the design you go through
17 an analysis to figure out whether you do need to do
18 infiltration and there's several reasons why you don't.
19 One, there's a lot of existing impervious cover now so
20 if you just looked at that you're not really increasing.
21 It's not really getting a lot of infiltration as we
22 speak. Also, we did a number of soil tests and the
23 existing soils away from the development and in the area
24 where our basin is had very poor permeability rates,
25 less than three inches per hour and even less than 1

1 inch per hour. So the existing in place soils don't
2 perc. You're not getting a lot of infiltration there
3 now. There's also some existing contamination on the
4 site to the groundwater system that really is not
5 relevant to our site. It's passing underneath us. So
6 infiltration may not be the best mechanism for that as
7 well.

8 So when you go through that analysis and you
9 look at those components of our design, the stormwater
10 regulations don't require infiltration. So there will
11 be no infiltration component within this basin and it
12 just makes good engineering sense not to provide it.
13 This detention basin is going to be a dry, normal
14 detention basin. It's going to be landscaped and
15 vegetated on the bottom. There's going to be a
16 decorative river stone low flow channel through it, an
17 underground basin in the system so they don't have
18 swampy conditions and there's an outlet control
19 structure that will control all the stormwater. There
20 is going to be a mechanical device that provides
21 additional stormwater quality measures and ultimately
22 when it's all said and done it will discharge and
23 connect into the existing system that's located within
24 the Super Stop & Shop store which ultimately is where
25 all this water goes to now anyhow under existing

1 conditions.

2 MR. MORAN: Out to Newman Springs Road?

3 MR. HOLMES: And then ultimately out to
4 Newman Springs Road, correct.

5 CHAIRMAN BELL: Where that connects the Stop
6 & Shop, that raised parking lot is a whole underground
7 configuration, whatever, maze.

8 MR. HOLMES: Yes.

9 CHAIRMAN BELL: Is this going to go into
10 that or is that separate from this?

11 MR. CRANMER: I believe it's separate, Mr.
12 Bell. It's not going to pass through their infiltration
13 system.

14 CHAIRMAN BELL: Currently the testimony was
15 the water is draining from this property onto the Stop &
16 Shop. Is it going onto the parking lot of the Stop &
17 Shop so that it's actually going into Stop & Shop?

18 MR. CRANMER: No, I believe Mr. Holmes was
19 referring to the swale on the railroad tracks.

20 CHAIRMAN BELL: Okay, and then one of the
21 things you mentioned, Mr. Holmes, about the contaminated
22 soil, it's my recollection that this piece of property
23 has contaminated soil from when it was the Old Borough
24 Bus property.

25 MR. HOLMES: Yes.

1 in the range of 30 to 40 feet below us, I mean, from the
2 bottom of our basin down so no, that's not an issue.

3 MS. WATERBURY: And what's the mechanical
4 device you're going to use?

5 MR. HOLMES: It's like a storm sceptor, a
6 mechanical treatment device. There's a procedure to go
7 through and design your water quality at a point. We
8 don't achieve all of our points in our dry detention
9 basin which is typical so you need to add a second
10 component to that. That as well as all of the rest of
11 the stormwater management system will be owned and
12 maintained by the HOA, Homeowner's Association. There
13 is an operation and maintenance plan that we have
14 prepared for the entire site. One thing that I did fail
15 to mention, the drainage from the commercial component
16 goes to our basin as well. That is interconnected into
17 our system. We designed it as one project even though
18 there will be two separate components. So all the
19 stormwater management for the commercial site is within
20 our basin. Water quality, et cetera.

21 MS. WATERBURY: Can I just ask one to
22 follow-up? The storm sector system, is that one of the
23 ones that has a filter?

24 MR. HOLMES: Yes.

25 MS. WATERBURY: So they have an actual kind

1 of filter that they have to remember to change and take
2 in and out?

3 MR. HOLMES: It has to be maintained.

4 MR. MORAN: One storm sceptor?

5 MR. HOLMES: Yes.

6 MS. WATERBURY: So it's only going to work
7 once that filter is in there, otherwise you're not going
8 to achieve your water quality?

9 MR. HOLMES: Well, we won't achieve all of
10 it. Right now I think our basin if I remember the
11 numbers correctly, we need to provide 80 percent TSS
12 removal. The dry basin gets 60. So you have to make up
13 the remaining percentage and that's what the storm
14 sceptor. So you're correct in everything you said, but
15 even if the storm sceptor failed, you're providing more
16 water quality now than that site has in its existing
17 condition. That's just a point. It's not to support
18 not maintaining that, it has to be maintained.

19 MS. WATERBURY: So is your storm sceptor
20 just on the outlet structure or are you proposing any of
21 those within your inlets that are collecting?

22 MR. HOLMES: Just on the outlet structure.
23 We like to limit that just because of what you said,
24 maintenance. If there's several, it's harder to get
25 people to maintain them. This is one. It's located

1 right in the access lane that comes in where you
2 maintain the basin. You can't miss it, so we set it up
3 that way.

4 MS. WATERBURY: One last question. So with
5 the soils that you have you said that they're not very
6 permeable for that reason and there's no like perched
7 water table or anything on top of them?

8 MR. HOLMES: No.

9 MS. SICILIANO: What is the surface going to
10 be in that area?

11 MR. HOLMES: Of the detention basin? It's
12 going to be vegetated sod or seeded bottom.

13 MS. SICILIANO: I notice a dark line, a
14 boundary line there. What does that indicate? I mean,
15 I'm thinking about the children --

16 MR. MORAN: The squiggly line, is that the
17 end drain?

18 MR. HOLMES: Yes, that's a low flow trap.
19 If you notice it links up to three areas where there
20 will be pipes coming into the basin. So that is meant
21 to carry low flows and then what we were able to do is
22 also put an under drain system under that. So you know
23 if you've seen those that have a lot of silt and debris,
24 this under drain system will at least stop any ponding
25 of water after a rain event.

1 MR. MORAN: Is this the only testimony
2 you're going to be giving on the stormwater system or
3 are you going to go a little further?

4 MR. HOLMES: I'm really done. I can answer
5 whatever questions you have, but yes, that's it for
6 stormwater.

7 MR. MACANINCH: You submitted, Tim, a
8 stormwater management report?

9 MR. HOLMES: Yes, we provided and prepared a
10 stormwater management report.

11 MR. MACANINCH: Now is the time to discuss
12 this as well.

13 MR. HOLMES: Um-hum.

14 CHAIRMAN BELL: Before you get into that,
15 there seems to be a discrepancy and it's just from a
16 starting point. Your testimony was that currently
17 there's a 40 percent impervious surface on the existing
18 property, roughly.

19 MR. HOLMES: Correct, roughly.

20 CHAIRMAN BELL: The letter, the review
21 letter from Mr. Cranmer's office stated December 11th
22 shows -- unless I'm reading it wrong -- impervious cover
23 right now is 26.7 percent. That's a substantial
24 difference between --

25 MR. HOLMES: I can tell you that I

1 personally calculated 3.8 acres of impervious existing
2 cover. So you can do -- I mean, maybe 39 point
3 something.

4 CHAIRMAN BELL: No, I'm not doubting that.

5 MR. HOLMES: I don't know.

6 CHAIRMAN BELL: But the difference between
7 the two and then the other question I have is the
8 additional piece of property that was acquired, the
9 doctor's office, that -- and I'm just looking at it with
10 a naked eye, that lot I'm assuming that the property I'm
11 looking at, I'm looking at Exhibit A-3 and it shows the
12 outline of your property and that's like on the flag if
13 you want to say it's a flag shape that's the pole, I'm
14 assuming that the property line for that lot would go
15 straight across, extend the same as what's behind all of
16 the properties on Patterson Avenue?

17 MR. HOLMES: Yes.

18 CHAIRMAN BELL: Okay. It appears to me as
19 if that lot is about an 80 percent or 90 percent
20 impervious so that that really skews your number on the
21 bulk of the property. It skews what the true existing
22 where you're building the property, here's a piece of
23 property that was acquired and it's 80 or 90 percent
24 impervious.

25 MR. HOLMES: It's also only less than an

1 acre.

2 CHAIRMAN BELL: But that's less than an
3 acre, it's an acre of impervious surface out of 3.8.

4 MR. HOLMES: But it's the entire site.

5 CHAIRMAN BELL: I'm just --

6 MR. HOLMES: That's a good point, but let me
7 also just and it's one of the reasons I brought up how
8 the existing drainage patterns are. That water
9 ultimately ends up in the swale along the railroad track
10 and flows north. So you're right, that's a small area
11 that's densely impervious right now as is up into the
12 site where the existing building and all that parking
13 is. There is also a small area that has a lot of
14 impervious cover. But the reality is the drainage areas
15 all end up in the same spot which makes it fairly easy
16 to analyze because even though it would make no
17 difference if it was more spread out on the site, it all
18 drains to the same point. It's one mass land and how
19 it's set up, you know, I didn't look at it as a way it
20 skewed the number.

21 CHAIRMAN BELL: Just what I'm looking at as
22 we're looking right now, we're looking at whether it's
23 40 percent or 28.6 percent, whatever the right number
24 is, a significant portion of that 40 percent is that one
25 lot that was acquired for the development of the

1 property and one of the variances that you're asking for
2 is impervious surface.

3 MR. HOLMES: For only the commercial
4 component, not impervious surface throughout the site.
5 The variance and I apologize for not maybe going over
6 them first. The variance that we're seeking is only for
7 the commercial site. B3 zone allows for 65 percent
8 coverage. We have 68.3, something like that. I don't
9 know the exact number. So the variance for impervious
10 cover is only for the commercial component of that.

11 CHAIRMAN BELL: Okay.

12 MR. HOLMES: On-site, on-site we're way
13 under. And if you look at aggregate, it lowers the
14 numbers too. If you look at the same conditions, if you
15 look at it in post developed condition and look at the
16 whole site and weigh everything over the 9.7 acres it
17 obviously drops down, but for the variance that only
18 relates to the 1.2 acre commercial component.

19 CHAIRMAN BELL: And then just one question
20 which I don't think you'll have an answer for today, but
21 when you come back, have you calculated what the impact
22 of the affordable housing component, the 11 units, the
23 11 affordable?

24 MR. HOLMES: 16.

25 CHAIRMAN BELL: 16 affordable is a component

1 of the requirement of building the addition of all the
2 residential units. Have you calculated what affordable
3 housing requirements that you have for building the
4 commercial building?

5 MR. HOLMES: I'm going to have to get back
6 to you but I thought that was --

7 MR. MACANINCH: Commercial component, you
8 mean the moratorium that's in place on that? I mean,
9 we'll have to look at that specifically.

10 CHAIRMAN BELL: One of the things we talked
11 earlier in earlier discussions, we talked about or you
12 talked about putting some apartments over top because if
13 that increases our -- if that increases our requirement
14 and you're not providing anything then it's making it
15 worse for us, not even keeping it even.

16 MR. HOLMES: There's some change that's
17 occurring in those regulations. I don't know them. I'm
18 not an affordable expert. I think we'll have to do some
19 homework.

20 MR. MACANINCH: We'll get a response.

21 MS. SICILIANO: Hold on. Dave, what was
22 submitted to COAH? The Borough was required to submit
23 their affordable housing plans to the state, to COAH.

24 MR. CRANMER: Yes, we were and we did.

25 MS. SICILIANO: And was there a number set

1 aside for that commercial area?

2 MR. CRANMER: There is a growth share number
3 assigned by the Council on Affordable Housing which is
4 the number that's contained in our report.

5 MS. SICILIANO: It's in that report?

6 MR. CRANMER: Yes.

7 MS. SICILIANO: How many?

8 MR. CRANMER: 33 units is our growth share.
9 33 units Borough wide, not necessarily --

10 MS. SICILIANO: And the Borough's report was
11 accepted by the state?

12 MR. CRANMER: It's under review by the court
13 right now.

14 MS. DONATO: It's not before COAH, it's
15 before the court. May I ask a question about the
16 infiltration?

17 MR. HOLMES: Yes.

18 MS. SICILIANO: I haven't gotten an answer
19 to mine either.

20 MS. DONATO: Oh, I'm sorry.

21 MS. SICILIANO: Well, I was wondering
22 whether it's a grassy area. It's going to be attractive
23 to children thinking it's a park or a play area. What
24 is the dark line that is around that, is that a barrier?

25 MR. CRANMER: I think it's a retaining wall.

1 MR. HOLMES: I'm sorry, that's a retaining
2 wall with a fence and a retaining wall.

3 MS. SICILIANO: How high?

4 MR. HOLMES: It ranges from 4 to 12 feet in
5 height. This line here, I'm referring to A-4. That
6 runs around that. That ranges from 4 to 12 feet in
7 height. The basin is obviously on the bottom of that.

8 MS. WATERBURY: The 4 to 12 feet, that's the
9 height of the wall or the height of the wall with the
10 fence?

11 MR. HOLMES: It's the height of the wall.
12 It's just a 4 foot fence.

13 MS. SICILIANO: Any kid could climb it, out
14 of curiosity.

15 MR. MORAN: The question is security. Has
16 there been any thought to security in terms of that
17 area?

18 MR. HOLMES: We've provided fencing around
19 the basin. Not high chain link fence, it's 4 foot post
20 and rail fencing.

21 MR. DODGE: Around the entire circumference?

22 MR. HOLMES: Yes.

23 CHAIRMAN BELL: And where it's 12 feet is it
24 straight down 12 feet?

25 MR. HOLMES: Yes, it's straight down 12

1 feet.

2 MS. WATERBURY: And the post of the rails at
3 the top of the straight down 12 foot wall?

4 MR. HOLMES: Yes.

5 CHAIRMAN BELL: I think that from the
6 silence of the Board you might want to think about that
7 when you come back.

8 MR. MACANINCH: We're having our landscape
9 architect is going to testify on the specifics and,
10 again, the aesthetics and also --

11 CHAIRMAN BELL: We went through and you may
12 want to read about it, read it up. We went through some
13 very lengthy discussions over a retaining wall and the
14 height of the retaining wall and the fence in front of
15 the retaining wall and the safety on another application
16 that was approved by this Board five years ago. Was it
17 five years ago? Four years ago? Something like that.
18 It was Kara Homes subdivision and 4 foot high chain
19 link, post and rail is even worse, but safety-wise I
20 mean worse, personal opinion. Anybody, forget about a
21 kid, an adult or anybody walking through climbs over and
22 drops down 12 feet, then me as the EMT I'm going to be
23 there and I don't want to be there at 2 o'clock in the
24 morning. It's probably not a safe -- I think you're
25 going to have to relook at that.

1 MS. WATERBURY: You know, I mean, there
2 would be concerns anyway just from the standpoint of it
3 being an inviting area as Ms. Siciliano indicated and
4 that would be even if you had high gently sloping slides
5 and we don't have that scenario where it's generally
6 sloping, we have the straight down. So a post and rail
7 is like a delineation with a gently sloping side maybe
8 that would be an even discussion, you know? Maybe
9 50/50-ish, but when you have the straight down, that's
10 just I think more strong.

11 MR. HOLMES: We'll look into that.

12 MR. MACANINCH: If I may ask, what was
13 approved with the Kara subdivision?

14 CHAIRMAN BELL: If my memory serves me they
15 knocked the wall down and I think -- didn't they terrace
16 it, Dave? In sections where it was high they terraced
17 it down so that it was safe and then I believe it was a
18 6 foot fence.

19 MR. CRANMER: My recollection, Mr. Bell, and
20 it's strictly my recollection is that the maximum wall
21 height there was somewhere between 6 and 10 feet in the
22 rear yards.

23 CHAIRMAN BELL: The walls, the retaining
24 wall because originally they were coming in and
25 originally it was 12 or something significantly higher

1 and it seems to me it was a 6 foot fence that was put
2 up. I'm pretty sure it was a 6 foot fence so that you
3 couldn't climb over it.

4 MR. CRANMER: You know what? My
5 recollection and again, like you said this was in 2005 I
6 think, was that we talked about a 6 foot high board on
7 board fence and then the decision was that we didn't
8 want a fence that occluded the vision so that you
9 couldn't see that there was something behind the wall
10 and we elected to go with something that you could
11 actually see through. The height of it, I honestly
12 can't remember.

13 CHAIRMAN BELL: I can't remember.

14 MS. WATERBURY: But you know, an interesting
15 thing that you just said when you talk about the 6 foot
16 then we have a 12 foot straight down and I think when
17 you have some scenarios where you have a slope going
18 down into the basin at the 6 foot high you have to have
19 almost like a little ledge there. That's obviously not
20 with a straight height, they're talking about the
21 criteria more from the sloping standpoint where we would
22 have to have --

23 CHAIRMAN BELL: I think that's what we did.
24 I think it was a slope because they talked about
25 planting something on the other side. So it was a slope

1 down so if somebody did fall they didn't fall 10 feet
2 they fell I don't remember, but --

3 MS. WATERBURY: I can see where that's going
4 to take some volume out of your basin so I'm sure that's
5 why you have more of a straight wall there to kind of
6 keep it away from your building, but I think it's a
7 balance.

8 MR. CRANMER: Mr. Holmes, while we're on the
9 topic, would you be able to either on this exhibit or
10 another one show us what the height of the wall is,
11 where the 12 foot high wall is, where the 4 foot high
12 wall is?

13 MR. HOLMES: Yes, I can do that and I'm
14 going to refer to A-4 because that designates the walls
15 the best and it basically is the dark heavy line that
16 you see not only on the development side, but also there
17 is a wall that runs parallel to the railroad tracks.
18 Can you all find that on the displays? Now starting
19 down towards Patterson on the bottom, you'll notice the
20 wall starts roughly halfway up our road C. There's a
21 wall that starts that obviously starts at zero. As you
22 climb up that wall until you get up to about the top of
23 this parking bank, runs basically from zero elevation up
24 to about 10 feet. And I don't know the exact, but it
25 starts down here at obviously no height and by the time

1 you get up to here it's 10 feet. And then basically the
2 10 that's not really 12, I think it's 11-and-a-half is
3 the maximum height is all through this area to the end
4 of road A. And then as this retaining wall runs back
5 and wraps around kind of parallel to the Super Foodtown
6 it goes back from the 10, 11-and-a-half to zero.

7 MS. WATERBURY: Now you have post and rail
8 fence all along that whole area? Is there anywhere
9 where there's guide rail or anything?

10 MR. HOLMES: There is guide rail proposed
11 around the hammerhead of road A.

12 MS. WATERBURY: What about the parking area?

13 MR. HOLMES: No, there's not. It's curbed.

14 MS. WATERBURY: The sidewalk is right there
15 too so what's the separation from the sidewalk to the
16 wall?

17 MR. HOLMES: The sidewalk to the wall is
18 about 8 feet and I'm just approximating that. Sidewalk
19 in that area is 6 feet wide.

20 MR. MORAN: Is that detailed on the
21 drawings?

22 MR. HOLMES: Yes.

23 MR. MORAN: I didn't see that.

24 MS. DONATO: May I ask about the
25 infiltration? You said there was no requirement to

1 infiltrate. Are you basing that on the smart growth
2 exception, the PA(1)?

3 MR. HOLMES: No. There is an infiltration
4 component of the stormwater regulations, but when you go
5 through the analysis it comes to a point where you go
6 through and you calculate how much you're supposed to
7 infiltrate based on a lot of parameters and when you
8 start looking at our site conditions, those parameters
9 start falling out and infiltration requirement starts to
10 come to zero.

11 MS. DONATO: The existing condition.

12 MR. HOLMES: Right, so that's what I meant
13 when I said there's no requirement because when you go
14 through that analysis you basically are coming up with
15 zero infiltration.

16 MS. WATERBURY: And I apologize, is that
17 annual recharge analysis, is that contained in that?

18 MR. HOLMES: Yes.

19 MS. WATERBURY: Thank you.

20 MS. SICILIANO: Would shrubbery be an answer
21 to that, the type of shrubbery that's on the north side
22 of that plan instead of a fence or a wall?

23 MR. HOLMES: There is landscaping.

24 MS. SICILIANO: No, I mean dense shrubbery
25 instead of a wall on the ground basin.

1 MR. CRANMER: You know, it's a double edged
2 sword.

3 MS. SICILIANO: To serve as a barrier.

4 MR. CRANMER: You don't want to put
5 something that's going to occlude the vision on the
6 other side of the wall. So you want someone approaching
7 the wall to see that there is a drop there. That's why
8 you would use an open type fence.

9 MS. WATERBURY: How would emergency vehicles
10 or emergency personnel get down into there if they had
11 to get down in there? Let's say a kid went down.

12 MR. HOLMES: Our basin access is coming in
13 from the back entrance of the Foodtown site. There is a
14 proposed access lane that will be graded and put into
15 the basin so it would come from the north to the south.

16 CHAIRMAN BELL: Do you have an easement to
17 get through that?

18 MR. HOLMES: There is an existing easement
19 that's there and we are -- Mike can attest to that --
20 we're working with Super Foodtown to finalize that.

21 MR. MACANINCH: We're in the process of
22 finalizing that. We've sent them the plans and the
23 engineering behind it and they're in support of it.
24 We're just finalizing it.

25 CHAIRMAN BELL: That was one of the reasons

1 I asked about the cross easement is right now even if
2 you had that, short of us having bowl cutters and
3 cutting, they have it closed off so you can't even drive
4 through there.

5 MR. HOLMES: That's true.

6 CHAIRMAN BELL: So if you're under
7 construction and something happened, we couldn't get in.

8 MS. WATERBURY: Not only that, you'd have to
9 make sure if they plowed a parking lot that they didn't
10 plow that over. You see at Holmdel Town Center they
11 have basins that don't have necessarily a steep wall
12 around it, but it could be a fairly deep basin. They
13 put a 6 foot high chain link fence around it and a
14 couple winters ago when we had a really bad winter, we
15 had a lot of rain and lot of water. There was always
16 water in that basin. Kids were playing ice hockey in it
17 and to try to get into them to try to get someone out,
18 at least in that instance they had a 6 foot high fence
19 to try and cut through, you know, to get into there.
20 But in this instance I have a lot of concern about
21 having that high of a wall along the majority of where
22 it would be the access from the development. So you
23 almost are forced to have to wait for an emergency
24 access vehicle to get around to the other side. And I
25 for one would be interested in some other way for them

1 to be able to get into there from the site itself.

2 CHAIRMAN BELL: I'm pretty sure and again, I
3 could be mistaken, but I'm pretty sure that how we
4 solved it and I don't know how you would do it here
5 because it wasn't -- the other application it wasn't a
6 retention basin, it was a build up. It was a retaining
7 wall, bring the elevation up to build the houses. And
8 behind it was all wetlands. But there was a terrace
9 effect and I don't remember the specifics. It might
10 have been 4 feet down, out 4 feet, 4 feet down, out 4
11 feet so that it was far more of a safer situation. I
12 have real concerns about 11-and-a-half foot straight
13 down, particularly there's not a lot of distance between
14 building 6, 8 and that wall. What's it, maybe 30 feet,
15 40 feet?

16 MR. HOLMES: It's a little over 40 because
17 that's a requirement. That's an ordinance requirement.

18 CHAIRMAN BELL: So when you have a complex
19 like this there's certainly going to be kids living in
20 this, young adults, whatever the case may be and I
21 personally think it's a real safety issue. There has to
22 be some way to mitigate something.

23 MS. WATERBURY: Plus, the site offers no
24 recreation that I see, no formalized recreation. So to
25 me a kid would look at that and go hey, I know where to

1 MS. WATERBURY: It's very stressed in its
2 use.

3 CHAIRMAN BELL: I think that, you know, I
4 know it was one of the things that either this Dave's
5 letter or the previous Dave's letter talked about no
6 recreation. Somewhere we talked very specifically at
7 the last meeting about the recreation where the parking
8 was going to be and so forth. I think that's something
9 that needs to be looked at as well.

10 MR. MACANINCH: Okay.

11 MR. MORAN: Is the elevation too high on
12 road A to have access at that point?

13 MR. HOLMES: Yes. The problem, the problem
14 with grading the site down to the low area is you can
15 only drop the road a certain percentage because we're
16 stepping the buildings down as much as we can.

17 MS. WATERBURY: Well, could you come off of
18 the end of the hammer head and head south into the basin
19 paralleling where the road is, the wall is?

20 MR. MORAN: The southern --

21 MR. HOLMES: You mean this way? We'll have
22 to look at that.

23 MS. WATERBURY: They got a little distance
24 there.

25 CHAIRMAN BELL: Okay.

1 MR. HOLMES: Let me just interrupt just so I
2 understand. You meant this, like this? I guess yeah,
3 this direction here.

4 MS. WATERBURY: Well, it just looked like
5 you had length there kind of paralleling down the side
6 of the wall, but you're the engineer.

7 MR. HOLMES: We'll have to look.

8 MR. MORAN: You'll look for access from the
9 site.

10 MS. WATERBURY: Within the site and also it
11 allows that if there's some kind of a scenario that does
12 occur, somebody can walk out at that area and at least
13 get up to the upper side.

14 MR. MORAN: You're going to take a look at
15 that.

16 MR. HOLMES: Yes.

17 MR. MORAN: You indicated that all of the
18 stormwater from Patterson Avenue from the site is going
19 to go north?

20 MR. HOLMES: Yes.

21 MR. MORAN: Even at that pinch to meet the
22 Patterson Avenue road?

23 MR. HOLMES: Well, the water that comes down
24 -- under existing conditions, if you go out there right
25 now and you stand at the corner of where the railroad

1 tracks are, there is an inlet that's in the street,
2 existing inlet and a little 18-inch pipe that just
3 discharges. Under existing conditions all the water
4 that's coming down Patterson that gets into that inlet
5 maybe some jumps over, goes into that inlet, goes into
6 that pipe and flows this direction.

7 MR. MORAN: And you'll continue to take the
8 water from the site north?

9 MR. HOLMES: Right, that's the intent of our
10 stormwater management plan.

11 MR. MORAN: And is that where Little Silver
12 creek and Parker's creek, they're north?

13 MR. HOLMES: Yes.

14 MR. MORAN: And you talked about, is the
15 storm scepter system or the entire system going to -- I
16 know it handled TSS suspended solids, but you also
17 mentioned hydrocarbons. You talked about hydrocarbons
18 in your report.

19 MR. HOLMES: In our remediation report or
20 stormwater?

21 MR. MORAN: No, you talked about it in your
22 stormwater.

23 MR. HOLMES: Specifically what page?

24 MR. MORAN: Page 2.

25 MR. HOLMES: I think that might have been --

1 what paragraph was that?

2 MR. MORAN: It's the first paragraph which
3 begins in June of 2008.

4 MR. HOLMES: That refers to the Parker Creek
5 watershed study that was done. Basically the reason
6 that's in the report is that was a watershed model that
7 was done that my firm actually worked on and within that
8 report made certain recommendations for water quality
9 within that watershed which this community is in.

10 MR. MORAN: The entire watershed.

11 MR. HOLMES: Entire watershed. So what we
12 wanted to do is demonstrate that our stormwater
13 management plan met the intent of that study that was
14 originally done.

15 MR. MORAN: There's no concerns about
16 hydrocarbons sufficiently?

17 MR. HOLMES: No.

18 MR. MORAN: And in the gutters, now the
19 gutters are noncontact water essentially as far as the
20 streets and oil and things like that. They are going to
21 eventually go into the same system?

22 MR. HOLMES: Yes. There's typical catch
23 basin inlets in the street and that gets piped into that
24 basin, yes.

25 MR. MORAN: And the rain gutters from the

1 buildings also go into that system?

2 MR. HOLMES: Ultimately. They are not
3 directly piped into that.

4 MR. MORAN: You deter it, but --

5 MR. HOLMES: They call it disconnect. You
6 want to disconnect that impervious coverage.

7 MR. MORAN: Okay and there is I guess it
8 doesn't matter, it talked about there was no stream
9 analysis done in the report, in that same report. It's
10 not really our problem, but has anybody looked? Stream
11 could be a problem because that's eventually where it's
12 going to, but in reference there was no -- it said the
13 stormwater management for this site excluding the stream
14 analysis. It was the last paragraph on page 2.

15 MR. HOLMES: I think we're referring to
16 Little Silver Creek which is really far off site.

17 MR. MORAN: Okay, it's not really our
18 problem as I said, but you're always concerned about the
19 entire system all the way down.

20 MR. HOLMES: And when you look at the fact
21 that this entire site is probably a very small
22 percentage of the overall watershed and then coupling
23 with the fact that we're only increasing impervious
24 cover, it's probably a negligible impact to that.

25 MR. MORAN: And the only other comment I had

1 on that was on page --

2 MS. DONATO: Mr. Moran, you're in the
3 stormwater management report? Is that it?

4 MR. MORAN: I'm in the actual stormwater
5 management report, not the maintenance.

6 MR. DODGE: March, 2009.

7 MR. HOLMES: Last revised October '09,
8 right.

9 MR. MORAN: On page 13, the detention basin
10 and outlet structure designed on a trial basis in which
11 a stage storm discharge reading curve is developed,
12 obviously a model. The final iteration minimizes
13 detention basin size, height and berm. So you're saying
14 what we're seeing is not what we're going to get?

15 MR. HOLMES: No, no. What that is
16 explaining is how the model works. You start with your
17 analysis. You come up with what you think is going to
18 work, then you model it to get the final answer. What's
19 designed is what's going to be built or what gets
20 approved is what's going to get built.

21 MR. MORAN: Okay.

22 MR. HOLMES: There's no more design beyond
23 this point.

24 MS. WATERBURY: What's the depth of the
25 water at like 25 in that 100 year storm?

1 MR. HOLMES: I have that information. The
2 depth of the water and I'll give you the three storm
3 systems designed for 2 year, 10 and 100. The 2 year
4 storm will have 1.8 feet of water. This is an average
5 depth. The 10 year storm will have 2.4 feet of water,
6 the 100 year storm will have 3.6 feet of water. So 1.8,
7 2.4, 3.6 at its peak height.

8 MS. WATERBURY: Did you do an analysis of
9 actually when you tie in what the impact might be for
10 changing the timing from the detention?

11 MR. HOLMES: We looked at the timing versus
12 how it currently exists and flows and we matched that
13 existing, those existing parameters. We did not analyze
14 their entire system on the shopping center site. We did
15 not do that. We looked at impacts because what happens
16 is we changed. It gets very complicated because you
17 change the drainage patterns. There are some areas on
18 the site that now spill over onto their site which we
19 stopped and we've taken that water into our basin. So
20 when you start looking at how to analyze that it gets to
21 be nearly an impossible mathematical way to do that. So
22 what we looked at is what existing conditions are, where
23 we're tying into and what we're doing to them and we
24 made them less.

25 MS. WATERBURY: And I guess so then for your

1 higher volume storms I'm sure Mr. Cranmer looked at all
2 of this. Just for my own curiosity, then since you
3 didn't do an analysis of the downstream then you just
4 assumed the back water for your event?

5 MR. HOLMES: That's what will happen.
6 That's why the basin, that's what the basin does. It
7 temporarily stores that water.

8 MS. WATERBURY: Well, I mean it can
9 temporarily store the water without the back water also,
10 but you took into account the 100 year storm the other
11 system is probably going to be full?

12 MR. HOLMES: You mean the existing system.

13 MS. WATERBURY: The existing system you're
14 discharging into.

15 MR. HOLMES: That's why we looked at it
16 under those conditions. We looked at that. We looked
17 at our impact on each of those storm events, 2 year, 10
18 year, 100. And we looked at what we're doing, what's
19 leaving our site and affecting that inlet. So we looked
20 at each of the different storms.

21 MS. WATERBURY: I guess, no. I figured you
22 looked at each of the different storms, I guess I'm not
23 phrasing my question correctly. I'm assuming that the
24 system you're tying into is probably going to have a
25 certain volume already in it before you dump into it.

1 MR. HOLMES: Yes.

2 MS. WATERBURY: And you took that into
3 account when you did your back routing? You did the
4 back water --

5 MR. HOLMES: Let me back up. We looked at
6 how we impact that connection point. I guess what I'm
7 saying is yes, we did, but I didn't calculate the flow
8 level in that exact pipe and how we tie into that. I
9 did not do that. I looked at how our water affects that
10 particular inlet point manhole where we're tying into,
11 what goes there right now at a bunch of different storms
12 and what we're going to put there when this is built and
13 we wanted to be under that.

14 MS. WATERBURY: So from a volume standpoint,
15 a runoff standpoint I understand that. I'm talking more
16 of any restriction in that pipe because it's already
17 full causing your basin maybe needing to be bigger
18 because the water can't get out, it's not free flowing.
19 The water can't get out.

20 MR. HOLMES: I understand what you're
21 saying, but we didn't analyze it that way.

22 MS. WATERBURY: You didn't?

23 MR. HOLMES: No.

24 MR. CRANMER: There was a downstream
25 capacity analysis that was performed.

1 MR. HOLMES: There is, but it's done at the
2 connection points of where we're connecting into each
3 system. I didn't analyze the entire system on that
4 shopping center.

5 MS. WATERBURY: And the outflow for your
6 basins were calculated to be free flowing and not to
7 have a back water associated with them. So my only
8 concern would be when you get to a high volume storm,
9 obviously if you have a 12 foot wall at least in the
10 upper ends you have lot of capacity, you know? I don't
11 know down at the other ends where your emergency
12 overflow is, you know, how close you are or you aren't,
13 but how much in a high volume storm like 100 year storm
14 the downstream may be having a back water influence
15 which would affect how much storage is in there and how
16 that would affect the basin, the amount of water that
17 would be in the basin.

18 MR. CRANMER: They're also 6 feet higher
19 than the invert of the pipe at Stop & Shop. The invert
20 of the basin is 6 feet higher.

21 MS. WATERBURY: Of the detention basin.

22 MR. HOLMES: Their pipe is deep and it's a
23 big pipe.

24 MS. WATERBURY: Okay.

25 CHAIRMAN BELL: Do you have a proposed, some

1 sort of a deed restriction, maintenance agreement
2 between the business and the residential for that
3 detention basin?

4 MR. MACANINCH: The business being the
5 commercial portion? Currently no, but obviously the
6 operation DMO plan is going to be in place and governed
7 by the association. Yeah, I mean it's something we'll
8 have to look at.

9 CHAIRMAN BELL: Because the association down
10 the road you're dividing the properties out and you're
11 going to assume the association is going to assume the
12 responsibility of the commercial drainage which I
13 wouldn't think if I'm on that board that I want to be
14 assuming their drainage. Somehow you need to have
15 something in there. The other thing, did you look at
16 containing the business drainage onto its own property?

17 MR. HOLMES: We did not. It would
18 ultimately have to discharge somewhere. It would
19 ultimately discharge down to -- it would have to come
20 down to our basin anyhow. That's just the way gravity
21 is going to work on this site and it really didn't make
22 sense from a maintenance and operation perspective to
23 have some small system there and then another system,
24 you know, 500 feet away.

25 CHAIRMAN BELL: But I'm getting back to my

1 concern about the 11-and-a-half foot wall. And I'm
2 looking at what apparently works because we haven't had
3 the 100 year storm, but we've certainly had plenty of 25
4 year storms over the last six months. The Stop & Shop
5 drainage works pretty well and they put that big -- it's
6 the same ground, it's the same underneath, and I don't
7 know whether it would be enough, but if there was some
8 retention, detention, whatever under the parking lot in
9 the B 3, may help compensate for you modifying your
10 wall. Because if you modify your wall you're going to
11 be reducing your retention basin, detention basin.

12 MR. HOLMES: The wall height has nothing to
13 do with the volume in the basin.

14 CHAIRMAN BELL: No, but if your wall is 11
15 feet high but you have to take it out, you go down 4
16 feet, go down 4, go out 4, go down 4, go out 4, this is
17 part of your detention basin.

18 MR. HOLMES: You're looking ahead. We would
19 have to look at the difference how much you lose. My
20 point was that the wall height was not dictated by
21 trying to get a certain volume in the basin.

22 CHAIRMAN BELL: Because you're only having
23 three and-a-half feet of water on an 11 foot wall. The
24 wall is not to retain the water, the wall is to build it
25 up to make the grade. I understand, I understand, okay.

1 MS. SICILIANO: You know, the Board has not
2 -- I forget whether we officially accepted the Borough
3 engineer's report, but he does have a number of remarks
4 about the detention basin.

5 MR. CRANMER: We just haven't gotten to it
6 yet.

7 MS. SICILIANO: I thought we were going to
8 have a general outline of the application and the plans
9 this evening. And I know I for one I read the Borough
10 engineer's report, but I did not read the stormwater
11 report because I didn't think it was going to be on the
12 agenda. So I think there are a lot of still open
13 questions on this whole detention basin and we'll get
14 into the actual analysis of the plans that have been
15 submitted so we can actually see the map and gauge
16 what's going on because there are a number of comments
17 in here that have to be addressed. I don't want to
18 bring them up now because I don't think it's appropriate
19 because we normally go through the engineer's report
20 from number 1 through and this is further back, it's
21 down on page 11.

22 MR. MACANINCH: What we had intended on
23 doing, we were going to have Mr. Holmes do his general
24 testimony and respond to questions.

25 MS. SICILIANO: I don't think this is

1 appropriate to go into the extreme details until we go
2 through the engineer's report.

3 MR. MORAN: Well, that's why I asked the
4 question, is this your testimony.

5 MR. MACANINCH: He was going to go through
6 at the completion of basically his direct, Mr. Cranmer's
7 review letter and say item number one, we'll comply or
8 no issue and we were going actually to go through and
9 where there are issues or disagreements or discrepancies
10 we were going to discuss those. That's what we were
11 proposing to do.

12 CHAIRMAN BELL: What I would suggest we will
13 do is let's stop because you've done your overview so
14 that the public can have an opportunity to ask any
15 questions and then why don't we stop -- your overview is
16 done?

17 MR. HOLMES: Yes.

18 CHAIRMAN BELL: Why don't we open the
19 meeting to the public for any questions of your overview
20 and then close it and then we take a little break and
21 then we go through and go through the engineer's letter.

22 MS. SICILIANO: Mr. Chairman? I just want
23 for the record, as of this meeting we have not received
24 a report from our fire department on the new plan.

25 CHAIRMAN BELL: Correct, we haven't gotten a

1 letter from any of them.

2 MS. SICILIANO: I'm looking at the roads and
3 the twists and the turns and because they're a
4 three-story buildings that means the large engine will
5 have to be accommodated all through this. I think an
6 ambulance will get through, but even if you have no
7 parking, no parking signs on the streets, I haven't
8 looked at the map yet to find out the width of the
9 street whether it's going to be able to get that big
10 engine to go through.

11 MR. MORAN: In fact, Mr. Cranmer talked
12 about some of the letters that came in and one of them
13 was the fire department.

14 MS. SICILIANO: That's what I'm saying.
15 There's too many questions. 16 pages.

16 MR. MORAN: That kind of leads us to
17 something that when Mr. Kurland was here we talked about
18 the fact that you would give us an agenda, that you
19 would tell us ahead of time where you were going so that
20 we could let the public know so that they could be
21 prepared and as Mrs. Siciliano said we could also be
22 prepared what's coming next and get into depth in that
23 and look at that detail. So that was one of the things
24 that was discussed and was agreed upon. So I don't
25 know, we haven't seen that.

1 CHAIRMAN BELL: It was discussed. That's
2 okay, that's okay.

3 MR. MORAN: I'm sorry.

4 MR. MACANINCH: And certainly at the
5 conclusion of tonight we will tell you for the meeting
6 on the 14th who our witnesses will be.

7 CHAIRMAN BELL: That's okay, you said it
8 better than I did.

9 MR. DODGE: One last question on that basin
10 wall to the east. I don't believe you described the
11 height. Could you tell us the minimum height along that
12 right side?

13 MR. HOLMES: That would be looking at A-4,
14 paralleling along the railroad track, that ranges
15 roughly around 4 feet in height.

16 MR. DODGE: And the maximum 100 year level
17 is what?

18 MR. HOLMES: 3.8 feet of -- I'm sorry, let
19 me give you that exact number. 3.6 feet.

20 MR. DODGE: To the low point of the basin
21 whatever its volume is, the low point is a 4 foot wall;
22 is that correct or is it the outlet end --

23 MR. HOLMES: Well, there is an emergency
24 spillway.

25 MR. DODGE: At what height?

1 MR. HOLMES: That's at elevation I think 60.
2 I don't know. I don't have the exact numbers in front
3 of me.

4 MR. DODGE: I don't want to prolong this, I
5 just want to get some idea.

6 MR. HOLMES: I think that height, that wall
7 basically runs 3, 4, 5 feet in height. Doesn't
8 necessarily mean that's the full height of the water
9 that's going to impound next to it. There's some slope
10 beyond that, but that wall is basically 4, 5 foot high
11 wall that runs through there.

12 MS. DONATO: Mr. Bell, I have a couple of
13 questions if I may. I know you've indicated in your
14 report that you have designed this stormwater management
15 system to comply with the Residential Site Improvement
16 Standards and the New Jersey Stormwater Management
17 Regulations.

18 MR. HOLMES: Yes.

19 MS. DONATO: I believe that the RSIS
20 requirements have also a free board (SIC) that's not in
21 the stormwater. Do you have the free board (SIC)
22 provided?

23 MR. HOLMES: Yes.

24 MS. DONATO: Then there's a preference
25 you're supposed to do nonstructural measures. Can you

1 describe what nonstructure measures you're referring to?

2 MR. HOLMES: Sure. In our stormwater report
3 there's an entire section devoted to that and it's
4 section 3.6. I'm referring to our stormwater management
5 report last revised October, 2009. If you look at the
6 table of contents, first couple of pages there's an
7 entire section, starts on Page 21, it's noted large
8 structure stormwater management strategy. There's an
9 entire section devoted to how we meet that. In a
10 nutshell I'll just go over it quickly. There's
11 basically a point strategy system that you need to
12 obtain. We're in a PA(1), planning area one zone so we
13 only need to meet 80 percent of those points. If you go
14 through that section in the stormwater report it lists I
15 think five or six nonstructural strategies that we've
16 implemented to obtain the necessary points so that we
17 can demonstrate we meet that criteria.

18 MS. DONATO: Okay.

19 MS. WATERBURY: Can I ask one more question?
20 Do you have an agreement with the shopping center to
21 allow your drainage to go through there and for them to
22 keep it maintained so it doesn't cause an issue for your
23 drainage since you're connected to them?

24 MR. MACANINCH: There's an existing drainage
25 easement in place currently between the properties.

1 What we're proposing is to relocate it to match up with
2 the proposed basin in the outlet and what the easement,
3 I don't have a copy with me unfortunately, but what it
4 basically does is it allows us to access in there, it
5 allows us to maintain reasonable access with notice to
6 maintain is what it will provide.

7 MS. WATERBURY: Is it possible to get a copy
8 of the easement?

9 MR. MACANINCH: Sure, absolutely.

10 MS. DONATO: Actually it's a submission
11 requirement, all easements on the site. If there are
12 any others --

13 MS. WATERBURY: Well, this is an off-site.

14 MR. MACANINCH: It's an off-site easement.

15 MS. DONATO: Oh, off-site.

16 MS. WATERBURY: Because it's on the shopping
17 center property to allow their drainage to connect.

18 MR. MORAN: You said you're going to move it
19 to line up with their system?

20 MR. HOLMES: Yeah, there's an existing
21 easement.

22 MR. MORAN: Are you going to extend their
23 connection or is there no connection?

24 MR. HOLMES: It's our connection. We'll
25 build our connection. We're going to them.

1 MR. MORAN: All right.

2 CHAIRMAN BELL: Can I get a motion to open
3 the meeting to the public for questions on the testimony
4 of the overview as heard this evening specific to the
5 testimony presented?

6 MR. MORAN: So moved.

7 MR. DODGE: Second.

8 CHAIRMAN BELL: All those in favor?

9 (Multiple members respond "Aye.")

10 CHAIRMAN BELL: Any questions you have for
11 the testimony that you've heard from Mr. Holmes
12 regarding the overview of the revised plan, anybody from
13 the public would like to ask a question come forward.
14 State your name, address and question.

15 MS. SULLIVAN: My name is Ella Sullivan. My
16 address is 6 Trafford Street. I am right on the corner
17 of Patterson and Trafford. My question is about the
18 sidewalk that you're proposing that's going to go east
19 on Patterson Avenue. I'd like to know how wide that
20 sidewalk is going to be and how that's going to work?
21 Will that become Borough property after that because I
22 know there's an ordinance that it needs to be cleaned
23 off after snowstorms so I want to know am I going to be
24 responsible for all of that?

25 MR. HOLMES: The sidewalk location as

1 proposed referring to that diagram, yes, that runs from
2 our entrance road down to the Trafford intersection,
3 it's going to be located adjacent to the existing curb.
4 If you go across Trafford and continue down Patterson
5 there's an existing sidewalk there now. That
6 arrangement is going to be continued. It's going to be
7 flush up against the curb and it will be within the
8 street right-of-way.

9 MS. SULLIVAN: Okay.

10 MR. HOLMES: So if you look at the way the
11 sidewalk is constructed on the other side of Trafford,
12 the sidewalk is right up against the curb right along
13 the other edge of the road, that's the way it will be
14 constructed.

15 MS. SULLIVAN: So it's going to be far away
16 from the fence and everything that I have there?

17 MR. HOLMES: Yeah, it will be right up
18 against the curb. It's 4 feet wide. Now when it gets
19 up against the railroad track in the railroad
20 right-of-way we need to make a change because we need to
21 do certain things around the railroad track so it goes
22 away from the street in that area. But in your area
23 it's right up against the curb. It will be 4 feet back
24 from the curb.

25 MR. MORAN: You said 4 feet, but you said it

1 was going to match across traffic.

2 MR. HOLMES: No, I actually double checked
3 that.

4 MR. MORAN: So that's already existing the
5 4, so that matches okay.

6 MS. SULLIVAN: And the retaining wall you
7 mentioned was going to be how way down at that end?

8 MR. HOLMES: Well, there's no retaining wall
9 down there.

10 MS. SULLIVAN: That's just sidewalk.

11 MR. HOLMES: Right, just sidewalk.

12 MR. TELLER: I don't think you had your
13 question answered as to who was going to be responsible
14 for clean up.

15 MS. SULLIVAN: Right, because that will be
16 my responsibility then.

17 CHAIRMAN BELL: Any sidewalk in the Borough
18 is the responsibility of the homeowner that fronts it
19 for snow removal, maintenance.

20 MR. MORAN: Actually it's on her side.

21 MS. SULLIVAN: It is on my property, yes.
22 That will be the easement or setback, but that will be
23 my responsibility, 150 feet of sidewalk. Okay.

24 MR. WISEMAN: Glen Wiseman, 140 Patterson.
25 At the base of this, at the bottom of the basin there is

1 going to be turf, I assume, but then there's a pipe -- I
2 want to understand this correctly. The water will only
3 leach through the turf and into the soil or is there a
4 pipe that takes the water through the Stop & Shop
5 parking lot and it ends up by the railroad tracks on
6 Newman Springs Road?

7 MR. HOLMES: Yeah, I'll go back and
8 re-explain. The detention basin bottom is going to be
9 landscaped and there will be a landscape architect
10 that's going to testify how that's going to happen.
11 Basically it's going to be grass with a meandering low
12 flow channel that it's going to carry the water and
13 direct it to the far end of the basin which is up
14 towards the Stop & Shop. There's going to be a pipe at
15 that point that's going to carry it from the basin to
16 the existing system that's in the Stop & Shop site and
17 then it's going to continue to flow. So no, the design
18 of the detention basin doesn't count on it leaching down
19 into the ground. It counts on these pipe systems to get
20 the water out of the basin.

21 MR. WISEMAN: And those pipes are solid?

22 MR. HOLMES: They're solid pipes. The under
23 drain in the low flow channel is a perforated pipe
24 obviously, but the pipes leaving the basin are solid
25 pipes.

1 MR. WISEMAN: So then after it goes through
2 the pipe ultimately where does it end up?

3 MR. HOLMES: It ultimately goes through the
4 Stop & Shop site, ends up at the intersection of Newman
5 Springs Road and where the railroad tracks cross and at
6 that point there's a larger existing system that the
7 water goes into. It ultimately gets to Little Silver
8 Creek and then ultimately to Shrewsbury River. I mean,
9 that's the ultimate path. You'd have to follow that on
10 the map to figure out where all those components are.

11 MR. WISEMAN: I'd just like to keep in mind
12 that we all know that water will seek out the lowest
13 point so from Shrewsbury Avenue where the auto part
14 store is and everything, all that water and we talked
15 about this briefly, but all that water wants to go down
16 to the basin that you're going to create, so any gas or
17 oil or grease that comes off of a car, any salt from
18 calcium that comes from clearing ice from the roads, any
19 pesticide from fertilizers from turf, waste control,
20 that's all going to end up in that basin and it's going
21 to end up in the Shrewsbury River.

22 MR. HOLMES: Actually we want it in the
23 basin because we have our water quality techniques
24 implemented at the basin. So we actually want that in
25 our basin so we can clean that water before it exits the

1 site.

2 MR. WISEMAN: And there's no chance of that
3 leaching through the turf into the sub soil?

4 MR. HOLMES: Sure, there's going to be
5 infiltration that occurs.

6 MR. WISEMAN: Because on the other side of
7 the tracks now you have private homes and those people
8 don't want all that stuff leaching into their side
9 either.

10 MR. HOLMES: Well, based on the permeability
11 rates that are in place on the natural soil, that's
12 going to be very marginal. That's why if you remember
13 in my testimony earlier I said there was no infiltration
14 component because of the infiltration ability of the
15 natural soils, there's not going to be a lot of
16 infiltration. It's going to be very marginal actually.

17 MR. WISEMAN: Because of the makeup of the
18 soil that's clay there?

19 MR. HOLMES: We had soil testings done by a
20 geotech firm and that information was submitted as part
21 of our plans and it shows very, very low or slow
22 permeability rate for that area. We had three large
23 test kits done actually in the bottom of where our basin
24 is going to be to confirm that.

25 MR. WISEMAN: Well, I look at this as this

1 project will be there for at least 100 years. You know,
2 the houses will hopefully be standing 100 years from now
3 so over the course of 100 years, you know, that's a long
4 time for water to filter through the soil.

5 MR. HOLMES: But actually if you look at the
6 existing conditions now, that's what's happening now
7 with no water quality measures in place. I mean, a lot
8 of that site, that's where the majority of that site
9 drains now. Water coming off the old Circle Auto site
10 and in reality the water we touched briefly about the
11 existing development on Patterson, all that water
12 ultimately ends up along the railroad tracks.
13 Untreated, no water quality implemented now. So that's
14 been going on for a long time. This actually, you know,
15 from a design perspective is going to enhance that
16 because we're going to collect that water in a situation
17 that gets no treatment now we're going to provide
18 treatment.

19 MR. WISEMAN: And then I heard you talk
20 about 2 year, 10 year, 100 year storms, but on a normal
21 rain like we've had recently, will there be standing
22 water in there?

23 MR. HOLMES: There will be temporary
24 standing water and I had cited to the Board, someone had
25 asked questions about how deep it will be. There will

1 be temporary impoundment of water into the levels that I
2 said. There are timing factors set forth by the
3 stormwater regulations on how long that's allowed to
4 stay in there, what basin has to drain in. I think it's
5 72 hours from peak of the storm event. So there are
6 criteria that says how long that water can stay in the
7 basin. And the basin is set up to design and drain by
8 gravity so as long as the outfall structure and the
9 basin, the HOA is falling or maintenance plan, that
10 should follow according to our design.

11 MR. WISEMAN: And then will the county
12 mosquito commission come in and treat that or anything
13 or how does that -- that's standing water?

14 MR. HOLMES: It's temporary ponded water.
15 It's going to stand -- that's why there's timing for
16 less than 72 hours. You can't leave it in the basin for
17 more than 72 hours. That's why those timings are in
18 place so it won't need that.

19 MR. WISEMAN: Okay, I had some other
20 questions but I think I'll come back, thank you.

21 CHAIRMAN BELL: Thank you.

22 MS. TELERY: Good evening, Donna Telery, 48
23 Francis Street. My question is I would like a recount
24 as to the amount of cars that you're expecting at this
25 facility.

1 CHAIRMAN BELL: There wasn't any testimony
2 on traffic yet.

3 MS. TELERY: No, it was he said that so many
4 units had two-car garages and I'd like a recount on
5 that.

6 MR. HOLMES: Okay. I had originally said
7 that there's 77 homes, 61 of the homes are the market
8 rate townhomes. 42 of those will have three bedrooms.
9 Of the three-bedroom homes there will be two-car
10 garages, two-car driveways.

11 MS. TELERY: How many units have them?

12 MR. HOLMES: 42. There will be 19 that are
13 two-bedroom homes with two-car garages, one-car
14 driveways. And then the 16 affordable condominium homes
15 will provide their parking which there's a mix of three
16 and two bedroom, eight, three-bedroom, eight,
17 two-bedroom. That requires by code 33 parking spaces.
18 We're providing 46. So the townhome parking generally
19 is at their own home, driveways and garages and more
20 than meets the RSIS criteria. And then the condominium
21 homes would be made up in the common parking areas that
22 are along the streets.

23 MS. TELERY: Okay, thank you.

24 MS. SOUTHWARD: Margaret Southward, 54
25 Francis Street. I wanted to make sure I understood

1 correctly, the main entrance and the secondary entrance.
2 The main entrance is off of Shrewsbury. Is it the main
3 entrance for both the commercial and the residential?

4 MR. HOLMES: Yes, ma'am.

5 MS. SOUTHWARD: Okay, and then the secondary
6 entrance is also the secondary for the residential and
7 the commercial?

8 MR. HOLMES: Well, the commercial you can
9 physically drive from the commercial site to Patterson,
10 but it's a securest route and your access right back
11 onto Shrewsbury Avenue is right at the facility.

12 MS. SOUTHWARD: Okay, so the main entrance
13 is off of Shrewsbury Avenue at the top there, at the top
14 or west, north?

15 MR. HOLMES: Upper left-hand corner.

16 MS. SOUTHWARD: Upper north and the expected
17 route for all of the people that live there are to
18 travel past the commercial and then through the
19 residential?

20 MR. HOLMES: I think there will be
21 testimony. Our traffic expert will provide that better
22 than I can explain it.

23 MS. SOUTHWARD: Okay, thank you.

24 MR. WISEMAN: Once again, Glenn Wiseman, 10
25 Patterson. The other question I had was you made the

1 point that there is soil contamination there now. So
2 knowing that we have soil contamination there now I
3 guess my question would be, why aren't we addressing
4 that now? If you know that your oil tank is leaking at
5 your house you have to remedy that. So the statement
6 was made that there's soil contamination at the site
7 now. Why is that being allowed to leach into the water?

8 MS. SICILIANO: No, Mr. Holmes mentioned
9 after the chairman brought that up, mentioned that they
10 were going to do a soil analysis. So we're going to
11 wait to see what that soil analysis is.

12 CHAIRMAN BELL: Remediation.

13 MR. MORAN: That will come under the EIR.
14 When they testify on the Environmental Impact Report,
15 then they'll discuss all the remedial activities
16 including the site assessment, site investigation and
17 remedial investigation and the RAP which is the Remedial
18 Action Work Plan--

19 MS. SICILIANO: We're not letting that
20 slide, we're waiting for a report.

21 MR. WISEMAN: I didn't assume that you were
22 going to let it slide, I just wonder whether this goes
23 through or not, if there is soil contamination, I mean,
24 this is something that we have to look at, isn't it?

25 MR. MORAN: In the Remedial Action Work Plan

1 they talk about the fact some of it will be coming out.
2 As I said we'll discuss that in detail when they testify
3 on the EIR.

4 MR. WISEMAN: Because it seems to me that
5 it's getting into the Shrewsbury River.

6 MS. SICILIANO: No.

7 MR. WISEMAN: Well, all the water goes to
8 the Shrewsbury River ultimately. It's going in over by
9 Newman Springs Road. Whether it's under a parking lot
10 or not, it all wants to go over to the railroad tracks
11 by Newman Springs Road and eventually it's going to seek
12 out the lowest level. And it may take a long time to
13 get through that subsoil, but that's where it's going to
14 go.

15 CHAIRMAN BELL: We will have testimony on
16 what -- there was testimony that they're going to have a
17 remediation plan in place. So when we have that
18 testimony then you'll hear how it's going to be
19 remediated.

20 MR. HOLMES: There's actually a remediation
21 plan prepared and an environmental scientist from my
22 firm will explain that and explain the conditions. What
23 we're going to do, what we propose, what we have to do
24 you can ask -- the questions you ask, I understand your
25 concern. She is going to be able to answer them much

1 better than I can.

2 MR. MORAN: You already provided that to the
3 state, right, to the DEP?

4 MR. HOLMES: Right. Actually that
5 information was part of our submission too as well.

6 MR. DODGE: The remediation will occur
7 according to New Jersey DEP guidelines and regulations,
8 correct?

9 MR. HOLMES: Correct.

10 MR. WISEMAN: And I know to hold my
11 questions about traffic. I'm going to hold those.

12 CHAIRMAN BELL: Correct.

13 MS. DECARLO: Jacqueline Decarlo, 118
14 Patterson Avenue. Last time we were here the original
15 entrance was next to the Napa building and that has now
16 changed and I'm wondering why they made that at the old
17 entrance now.

18 MR. HOLMES: We made changes to that
19 entrance based on comments we received from the Board's
20 engineer and basically we made this change to relocate
21 the entrance road we originally had on the opposite
22 side. We pushed it back to where it exists now and then
23 we took that plan and actually met with the county to
24 make sure they were okay with where this is going to be.
25 It's going to be back in the same spot.

1 MS. DECARLO: So my original question last
2 time I was here was why can't we have two entrances on
3 Shrewsbury Avenue, come in on the one side and then have
4 another out there because you said you needed two, one
5 in, two ways in and out. So why can't we eliminate the
6 Patterson Avenue one and be able to come in on one side
7 of the commercial building and go out on the other side?
8 Because you originally weren't going to use that side.

9 MR. HOLMES: I'll allow our traffic expert
10 to answer that. There are issues with spacing of
11 things. There's a lot that goes on with that so I'm
12 going to let him handle that question.

13 MS. SICILIANO: And the police department
14 will be addressing that.

15 MS. DECARLO: Okay, thank you.

16 CHAIRMAN BELL: Can I get a motion to close
17 the meeting to the public?

18 MR. DODGE: So moved.

19 CHAIRMAN BELL: Mr. Dodge?

20 MR. TELLER: Second.

21 CHAIRMAN BELL: Second Mr. Teller. All in
22 favor?

23 (Multiple members respond "Aye.")

24 CHAIRMAN BELL: It is 10 of 10. What I
25 would suggest is if we can take a five-minute break,

1 then come back and go over the engineer's letter and the
2 public is after the engineer's letter because it's not
3 going to be testimony, you're going to be commenting on
4 it so there won't be any -- I don't think there will be
5 any reason to open the meeting to the public to ask
6 questions on that, will we?

7 MS. DONATO: Well, you technically should.
8 It will be testimony because he'll be representing what
9 conditions and visions, et cetera.

10 CHAIRMAN BELL: Then we'll open.

11 MS. DONATO: The public has the right to
12 cross-examine on any testimony.

13 CHAIRMAN BELL: So we take a five-minute
14 break.

15 MR. MORAN: One thing before we do that,
16 could you give us an idea the agenda because people may
17 not want to stay now, they might want to know what's
18 coming up next.

19 CHAIRMAN BELL: And the next meeting for
20 everybody's information is a special meeting. It's
21 January 14th and then we have our regular meeting the
22 following Wednesday, but that will be the special
23 meeting. The meeting will start at 7:00 which is a
24 reorganization meeting and then the hearing on this
25 application will begin at 7:30.

1 MR. MORAN: What do you think you'll cover?

2 MS. KELLEHER: Wait, the 14th will start at
3 7:30. The regular meeting will start at 7.

4 MS. DONATO: I'm confused.

5 MS. KELLEHER: The 20th is the regular
6 meeting.

7 CHAIRMAN BELL: No, we have to reorganize on
8 the special meeting. We have to because it's the first
9 meeting of the year.

10 MS. DONATO: You really should. They should
11 reorganize at the first meeting, although it's a little
12 unusual. I don't think we've ever had this happen, but
13 you should reorganize at your first meeting.

14 MS. KELLEHER: Has the applicant agreed to a
15 special meeting?

16 MR. MACANINCH: Agreed in terms of agreed to
17 the fee?

18 MS. KELLEHER: Yes.

19 MR. MACANINCH: Yes, we've agreed to that.

20 MR. MORAN: Can you tell us before everybody
21 leaves?

22 MR. MACANINCH: At the next hearing we will
23 have our fiscal impact analysis. We'll start with that,
24 assuming Mr. Holmes is finished tonight with questions.
25 If not he will continue at the next hearing. We will go

1 to fiscal impact study. We will lead off with that and
2 then we will do our traffic analysis and if there's time
3 at that meeting then we'll do landscaping.

4 MR. MORAN: So EIR is going to be a
5 subsequent meeting.

6 MR. MACANINCH: That will be on the 20th.

7 CHAIRMAN BELL: And then for the --

8 MR. MORAN: Environmental portion will be on
9 the 20th.

10 MR. MACANINCH: Traffic is the next one.

11 AN UNIDENTIFIED VOICE: Michael, what about
12 demographics? When will we hear demographics?

13 CHAIRMAN BELL: The demographics will be
14 part of the fiscal impact, correct?

15 MR. MACANINCH: Correct.

16 MS. SICILIANO: You expect to go through 16
17 pages? It's 10 to 10.

18 MR. MORAN: Well, he mentioned if Mr. Holmes
19 finishes. I guess we won't get through all of that.

20 AN UNIDENTIFIED VOICE FROM THE PUBLIC: Put
21 it up on the website because you got plenty of time to
22 do it. Somebody should be able to figure it out by
23 then.

24 CHAIRMAN BELL: So we'll do -- do you guys
25 want to take a break or just want to go into doing your

1 report?

2 AN UNIDENTIFIED VOICE: Keep going.

3 MR. MACANINCH: I was going to say one
4 thing, Mr. Bell, just for clarification. Obviously in
5 Mr. Cranmer's letter, it's comprehensive. He touches on
6 landscaping. He touches on traffic issues. Mr. Holmes
7 will just be addressing the environmental issues. When
8 the traffic expert testifies he will then turn directly
9 to those areas in Mr. Cranmer's letter saying I am
10 addressing bullet point one. Landscaping, for example,
11 that person will wrap up with those. That way over the
12 three or four witnesses we'll hit all of the comments in
13 his letter, but it will be to some degree a little
14 disjointed. The witness will go 1.1, 1.8 just so
15 there's no confusion.

16 MR. HOLMES: I can't comment on the
17 landscape issues. The landscaping architect needs to do
18 that so it is disjointed, but we'll do it any way the
19 Board wants.

20 CHAIRMAN BELL: Are you comfortable with
21 that, Dave? Usually we go through your whole letter and
22 the applicant says yes, I will comply. No, I won't
23 comply.

24 MR. CRANMER: This is the first application
25 we've had in some time where we've had so many witnesses

1 specializing where multiple specialties are focused. So
2 I think it is going to be a little bit disjointed. Mr.
3 Holmes, you've had an opportunity to review the letter,
4 referring to the letter prepared by my firm dated
5 December 11th which contains certain comments,
6 recommendations. Were there any items that caused you
7 concern that you were not able to comply with?

8 MR. DODGE: Is that the review report,
9 David?

10 MR. CRANMER: That's correct. And
11 secondarily, Mr. Holmes, are you going to answer the
12 planning proofs?

13 CHAIRMAN BELL: This report for the public,
14 this report we're talking about is on record and you can
15 get a copy of it up at the secretary's, second floor.

16 MR. CRANMER: Are you going to enter the
17 planning testimony that's required for the variances?

18 MR. MACANINCH: Mr. Holmes will not be doing
19 that, but we will have another witness doing that.

20 MR. CRANMER: So we're not going to do that
21 either.

22 MS. DONATO: When is the planner going to
23 testify?

24 MR. MACANINCH: Towards the end.

25 MS. DONATO: Of January 20th? He's going to

1 do the wrap up?

2 MR. MACANINCH: The wrap up. To the extent
3 there's any need for any other -- we also have an
4 architect who will testify as to the architectural.

5 MR. CRANMER: Mr. Bell, quite frankly Mr.
6 Bell, I think it would expedite our review tonight if we
7 just skip to paragraph 2.0 of my report and let Mr.
8 Holmes deal with the items that he really has provided
9 testimony on.

10 MS. SICILIANO: We haven't done the
11 completeness.

12 MR. CRANMER: Yes, we've done the
13 completeness.

14 MS. SICILIANO: You did it on the new
15 application?

16 MR. CRANMER: Yes.

17 MR. MACANINCH: Mr. Bell, what we'll do at
18 the end of all of this, we'll submit a letter responding
19 directly to every one of the concerns in Mr. Cranmer's
20 letter so you have something in writing as well.

21 CHAIRMAN BELL: For the next meeting?

22 MR. MACANINCH: No, when we're all done with
23 our testimony.

24 MR. DODGE: Following wrap up.

25 MR. MACANINCH: Following wrap up we'll

1 submit a letter so you have it all in one document.

2 MR. HOLMES: Item one, item two, item seven.

3 MS. DONATO: Let me make sure I understand
4 something. You're basically stating that similar to
5 your letter that was submitted by Najarian, you'll be
6 submitting a written response to Mr. Cranmer's letter
7 detailing --

8 MR. MACANINCH: Following the testimony of
9 all of the witnesses and obviously what's going to I
10 assume, issues will be raised by the Board and things
11 will come up and we'll respond directly in writing to
12 make your life easier and the Board's life easier at the
13 end of that.

14 MR. DODGE: Can that replace testimony?

15 MS. DONATO: They're going to have to come
16 in and give some testimony on it. I think that if they
17 just agree, where they agree I think it's easy. I think
18 when they're asking not to comply there's definitely
19 going to have to be testimony and discussion.

20 MR. DODGE: Because certainly it would
21 expedite this phase of this meeting.

22 MS. DONATO: It would absolutely and I have
23 no problem with it in terms of those items that they
24 agree to.

25 MR. DODGE: The variance?

1 MS. DONATO: Not the variances. We're
2 talking let's say about the engineering details and
3 various things.

4 MR. HOLMES: I think you're going to find
5 that --

6 MS. SICILIANO: You know, I know from former
7 experience that the applicant may agree or disagree, but
8 the Board also has its own opinion on specific things.

9 MS. DONATO: Absolutely.

10 MS. SICILIANO: Which may not have been
11 brought before the applicant or that the engineer would
12 want to make sure that the engineer understands the
13 Board's position.

14 MS. DONATO: Absolutely, absolutely.

15 MS. SICILIANO: So I am very much against
16 going against the way we've operated for years.

17 MS. DONATO: I don't think we would be going
18 against that, Mayor. I think that what the engineer is
19 suggesting is this. Let's just give an example. It
20 would be a little bit easier if you look at paragraph
21 2.2 of Dave's report. He says that they should indicate
22 the location of building entries to ensure adequate
23 means of barrier free access. You know, that seems
24 fairly simple. If they agree to do that do you think
25 there's anything on that particular issue that the Board

1 would want to add in? It may be, for example, that --
2 but just because they submit it in writing doesn't mean
3 that you're not going to get the ability to adjust that.
4 So let's, for example, Ms. Waterbury was talking about
5 access and parking, et cetera. This may implicate that
6 because maybe the building entry should be someplace
7 else that might be preferable. Just because they
8 submitted in writing doesn't mean that the Board is now
9 out of the process. If that's what anyone thought that
10 I meant, I did not.

11 MR. HOLMES: I think what we meant is we're
12 just stating our point on a particular item. We're
13 either going to comply with it or I think you're going
14 to find a lot of them are going to be comply. There's a
15 handful that we have questions or concerns about, but at
16 least from my perspective a lot of the items are okay.

17 CHAIRMAN BELL: Well, what we've always
18 done, I was going to say normally, but normally is not
19 the right word. Always, what we've always done is we've
20 gone through this report.

21 MS. SICILIANO: With the plans in front of
22 us.

23 CHAIRMAN BELL: With the applicant and A,
24 yes. B, no. C, we're going to give you testimony on.
25 D, blah, blah, blah, blah, blah. And we go through it

1 and any questions that may come up because that also
2 from your perspective it may be something that doesn't
3 seem like it's a hot button to you, but to the Board it
4 is. You know, for instance tonight we got a little bit
5 too much into it in depth on your overview, but the
6 height of that wall and the retention basin obviously is
7 an issue to the Board. That might not have been an
8 issue to you had we not discussed it and had you said
9 I'm going to address it you wouldn't know it's a major
10 issue so that you might not address it or where the
11 handicapped parking or whatever the case may be. And so
12 normally what happens is with the attorney, you would or
13 the representative from the applicant would go through
14 and say yes, we've gone through everything. We agree to
15 this, this, this, this and this so that now we know what
16 we have to -- what we're going to hear testimony for,
17 what issues we have. And it's fair to you.

18 MR. HOLMES: We can do that.

19 CHAIRMAN BELL: You don't know the issues
20 that we have.

21 MR. HOLMES: I think actually the way and we
22 talked to David ahead of time, we kind of, that's we're
23 prepared. I think we're prepared to do it. I think the
24 only problem that we have tonight is myself as the site
25 engineer, I can't comment on 100 percent of every

1 comment because there's comment on landscaping. The
2 landscape architect needs to comment on that. There's
3 comments on traffic. The traffic engineer has to
4 comment on it. They haven't been before you yet. So I
5 think we're prepared to do that. Our only problem is I
6 can't go through every item. I can go through a lot of
7 the items because they have to do with the site work,
8 but there are certain items that don't and that's going
9 to be responded by our traffic guy or landscape or
10 whatever it is.

11 MR. MACANINCH: You're asking in a sense for
12 a preview.

13 CHAIRMAN BELL: It seems like this is 16
14 pages long and I have no problem, I'll sit and listen to
15 all of it, but it very well may benefit you and us and
16 maybe the Board doesn't agree with what I'm going to
17 say, but what you said was that you planned on
18 addressing everything in a written letter and I'm not
19 talking about detail because when we go through this we
20 don't hear, you know, on the wall. We have an
21 11-and-a-half foot wall and I don't remember seeing that
22 it's an 11-and-a-half foot wall, but say that's in here.
23 We don't expect to hear testimony well, we're going to
24 do this, this, this, this, and this. It is we're going
25 to address it and then when you come back with the

1 expert you give us the testimony this is what we're
2 proposing to do.

3 MR. MACANINCH: I can go through it now if
4 that's what you'd like.

5 CHAIRMAN BELL: And I think that we can go
6 through, if we go through it I think we can go through
7 it yes, yes.

8 MR. HOLMES: You want to take that letter
9 and condense it down to a handful of hot topics.

10 MS. SICILIANO: No, we're going through 16
11 pages. I'm going to go through 16 pages, that's it.

12 MR. MORAN: You can defer on those items
13 that you're not prepared to discuss and then we'll come
14 back to them.

15 MR. CRANMER: The good news is the old
16 letter was 25 pages.

17 MS. SICILIANO: I have so many questions all
18 the way through this thing.

19 MR. CRANMER: Just so everybody is aware, I
20 had occasion on probably three or four times now to meet
21 with Mr. Holmes and the other experts for the project
22 and we've been able to iron out a lot of them purely
23 technical engineering issues which is the reason my last
24 review letter was a little bit longer. They've actually
25 taken care of some of the stuff that was purely

1 technical in nature that had to do with compliance with
2 the RSIS or the stormwater standards and now what you
3 see here are things that really the Board has to be
4 involved in in design selections and preferences and
5 things like that.

6 MS. SICILIANO: We have to have police
7 department, fire department, first aid, all of them.
8 You know, that list is this long. Shade Tree Commission
9 met on Saturday.

10 MR. CRANMER: And I believe we have input
11 from the fire department.

12 MS. SICILIANO: And they advised the Board
13 about landscaping. Your landscaping architect should
14 meet with the Shade Tree Commission.

15 MR. MACANINCH: He attended that.

16 MS. SICILIANO: The Shade Tree Commission
17 then comes to the Board with their approval. That's the
18 way the ordinance is written and not only that, but I
19 was going to ask you if your section of the landscaping
20 has been copied to the Shade Tree Commission because
21 they should get a copy.

22 MR. CRANMER: They automatically get a copy,
23 right? And if they don't, Mayor, I'll see to it.

24 MS. SICILIANO: Make sure Mrs. Schmaltz gets
25 a copy of the landscaping because they've already met

1 last Saturday.

2 MS. KELLEHER: She responded to it and
3 they're just holding off on it.

4 MR. CRANMER: Now the last time I met with
5 Mr. Constantino, their landscape architect I suggested
6 just that, that he attend the Shade Tree Commission and
7 apparently he has.

8 MR. MACANINCH: He did attend that meeting.

9 MS. SICILIANO: But I was wondering whether
10 they saw your comments as well.

11 MR. CRANMER: That's a good question and I'm
12 going to E-mail Mrs. Schmaltz tomorrow so that she sees
13 it.

14 MS. SICILIANO: So the Board gets the report
15 from the Shade Tree Commission.

16 CHAIRMAN BELL: Let's go through the letter.
17 We'll get through as much as we can get through.

18 MR. MACANINCH: Do you just want me to go
19 through it?

20 CHAIRMAN BELL: Yes.

21 MR. MACANINCH: Okay, we probably need to
22 start further earlier than 2.0.

23 MS. DONATO: I think that Dave is suggesting
24 that some of the things that are prior to that might not
25 be this witness' --

1 MR. MACANINCH: I thought Mr. Bell wanted me
2 to go through the whole letter.

3 CHAIRMAN BELL: Go through the whole letter
4 and you're going to address it, you agree to do it or
5 not.

6 MR. MACANINCH: I understand. That to me
7 makes sense. Starting then 1.0, 1.1 is a comment.

8 MS. SICILIANO: I just have one more comment
9 on these two submissions. A-3 shows separation between
10 the commercial and the residential strip of parking
11 spaces. A-4 does not show that, it shows shrubbery or
12 landscaping.

13 MS. WATERBURY: It's actually parking spaces
14 right in here and then there's trees on the island
15 between it. Do you see the cars?

16 CHAIRMAN BELL: It's just here, it's not
17 showing -- A-3 doesn't show all of the plantings that
18 your A-4 rendering does.

19 MR. HOLMES: Correct.

20 MS. WATERBURY: And A-4 doesn't show as
21 boldly the parking striping, parking space striping and
22 so it wasn't as clear.

23 CHAIRMAN BELL: Right, so that's the same.

24 MR. HOLMES: It's the same. Generally
25 basically there's landscaping in that open space between

1 the two parking areas.

2 CHAIRMAN BELL: Okay.

3 MR. MACANINCH: 1.1 is comment.

4 MR. CRANMER: I think we can actually skip
5 to 1.4 and start from there. There's really nothing in
6 front of that that we need to discuss.

7 MR. MACANINCH: 1.4 is the relief we'll be
8 requesting. We'll have testimony on that and testimony
9 on the proofs. 1.5, again we will do that, have the
10 testimony. 1.6 we will have testimony on that.

11 MR. CRANMER: Maybe we should just put the
12 relief on the record and you can gauge by the faces of
13 the Board members.

14 MR. MACANINCH: Mr. Holmes I believe
15 testified to the four variances we are seeking, two on
16 the commercial, two on the residential. The commercial
17 is the maximum impervious coverage. 65 percent is
18 maximum that's permitted, we're proposing 68.4 percent.
19 The next one is the --

20 MR. CRANMER: That's only in the commercial
21 area?

22 MR. MACANINCH: That is only in the
23 commercial. The next variance is the perimeter buffer,
24 the 20 foot perimeter buffer for all tracts running on
25 arterial and collector streets. Here we're proposing 10

1 to 12 foot wide buffer for the commercial area and
2 again, that's only the commercial.

3 Next relief is the minimum of tract boundary
4 setback which setback required is 50 feet which is being
5 provided, however it's forbidden to have balconies
6 extended in the minimum required area by as much as 6
7 feet. Between certain buildings we are providing
8 balconies which will extend between 8 and 10 feet so
9 there will be an encroachment of 2 to 4 feet. And the
10 final is a clear yard area with some discussion of that
11 prior between certain of the buildings, minimum clear
12 yard area of 20 feet is required, we're proposing some
13 porches and that cleared yard area is only 15 feet and I
14 believe those buildings were identified, but we will go
15 through testimony to get into those.

16 1.5 we will provide the proofs. 1.6 we will
17 provide this testimony related to the intended uses of
18 the commercial portion. 1.7 we will have a phasing
19 plan.

20 MR. HOLMES: Actually there is a phasing
21 plan.

22 MR. MORAN: If you would tell us who's going
23 to do the testimony.

24 MR. MACANINCH: Absolutely. 1.7 is Mr.
25 Holmes.

1 MR. HOLMES: It's actually sheet 9 of 17 in
2 our plan set so you should have that, the phasing plan.

3 MR. MACANINCH: 1.8, 1.9 and 1.10 all relate
4 to the fiscal impact analysis which will be testified to
5 by Mr. Redding.

6 MR. CRANMER: What is the phasing that you
7 anticipate? How are you going to phase the project?

8 MR. HOLMES: There's a construction sequence
9 laid out on the plans. I'm not -- I don't know if I
10 follow exactly.

11 MR. CRANMER: Do you intend to build the
12 residential portion first, the commercial portion first?

13 MR. MACANINCH: Residential first.

14 MR. TELLER: Phasing plan?

15 MS. SICILIANO: When do we do the
16 subdivision?

17 MR. CRANMER: We'll get to that, Mayor.

18 MR. HOLMES: Pardon me?

19 MR. MORAN: The phasing plan.

20 MR. HOLMES: I think the phasing plan, this
21 application, the commercial portion is only for
22 preliminary site plan approval. There will be another
23 step for the commercial site. There will be a final
24 site plan. So our phasing plan indicates the commercial
25 site to be built at a later date and the residential

1 component being built first and within the residential
2 component specific steps of the phases of that. That's
3 what the phasing plan shows.

4 MS. MARTINELLY: The commercial site will be
5 developed by somebody else?

6 MR. MACANINCH: It will be.

7 MS. MARTINELLY: It will be sold and
8 developed?

9 MR. MACANINCH: That's why we're only coming
10 in for preliminary basically for the site layout issues.
11 The use and users are somewhat unknown at this point and
12 that's why we'll have to come back before this Board.

13 MR. CRANMER: Mr. Holmes, what do you
14 anticipate the duration of the phasing to be? Do you
15 anticipate a one to two year project, four to five year?

16 MR. HOLMES: I'll have to get the answer to
17 that.

18 MR. CRANMER: Okay.

19 CHAIRMAN BELL: 1.11?

20 MR. MACANINCH: 1.11 I believe is just a
21 comment. 1.12, let's see. Again, just a comment.
22 1.13, 1.14 are related to the growth share obligation.
23 We already stated that we'll follow-up with growth share
24 obligation of the commercial development. Mr. Piazza
25 had previously testified I believe regarding whether or

1 not the units are rental or not or for sale. I believe
2 they are for sale, but we'll confirm that and provide
3 that testimony on that issue. 1.15 is a comment. 1.16,
4 again a comment. The zoning will be AHMA 8 for the
5 residential.

6 MR. CRANMER: And the owner of the property
7 consents to that, is that your testimony since Hovnanian
8 is the applicant in this matter?

9 MR. MACANINCH: Correct. They're aware of
10 what will happen.

11 CHAIRMAN BELL: When you say comment, you
12 agree?

13 MR. MACANINCH: That is correct. I'm saying
14 that it was a comment. It was in the nature of a
15 comment by Mr. Cranmer, a developer's agreement will
16 have to be entered into. We agree, that's what I'm
17 saying. No testimony will be provided to that, but we
18 have to do that.

19 CHAIRMAN BELL: Okay.

20 MR. MORAN: You agree to Mr. Cranmer's
21 comment?

22 MR. MACANINCH: Correct, let's do it that
23 way. We agree. 1.17, that's agree.

24 MS. KELLEHER: What happened to 16?

25 MR. MACANINCH: We agreed to that, that was

1 that the zoning would change upon approval it will kick
2 over affirmatively to AHMFA.

3 MR. CRANMER: And quite frankly just so
4 everybody is aware, the reason I make these comments and
5 elicit the testimony is so that we have affirmative
6 evidence from the applicants on the record as part of
7 the proceeding rather than just a comment by the Board's
8 professional so it's important that we do get the
9 evidence.

10 MR. MACANINCH: 1.18 Mr. Holmes testified to
11 and that's an agree. 1.19 will be testified to by Mr.
12 Constantino, our landscape architect. Mr. Piazza
13 previously testified relating to the compliance with
14 COAH and to the extent we need further testimony on the
15 commercial growth share we will provide that.

16 MR. CRANMER: Did we complete the testimony
17 on who was actually going to administer the affordable
18 units?

19 MS. SICILIANO: The administrator, I've done
20 a lot of research on that because you know me.

21 MR. CRANMER: I do.

22 MS. SICILIANO: The administrator, the
23 Borough would have to enter into a contract with the
24 developer if the developer intends to have the contract
25 for administrator or the Borough can appoint its own

1 administrator. The municipal -- we already have Mr.
2 Steman as the municipal housing liaison who is the
3 contact, Borough contact with COAH. He's got about 12
4 titles.

5 MR. CRANMER: Yes, he does.

6 MS. SICILIANO: I don't think he can be an
7 administrator. So that even though Mr. Piazza made his
8 testimony, it's a wide open. That's something that
9 council has to address, not the Planning Board.
10 Planning Board doesn't appoint the administrator.

11 MR. CRANMER: And if I recall, the applicant
12 at the last meeting, the testimony by Mr. Piazza and I'm
13 paraphrasing of course was that they would take the
14 steps necessary to screen the initial applicants for the
15 affordable units and make the selections.

16 MS. SICILIANO: But that requires the
17 contract. Would you like to have a page?

18 MR. CRANMER: No, that's okay, Mayor. So
19 part of the developer's agreement are very likely to be
20 the assignment of this obligation and I believe the
21 ordinance would be--

22 MS. SICILIANO: There's a special section of
23 COAH. There is a division of COAH that addresses and
24 oversees the administrator. You have to get all the
25 approvals of COAH before you make any decisions on the

1 administrator. That's why I said it's a council
2 decision, not a Board decision.

3 MR. CRANMER: Okay, fair enough.

4 MR. MACANINCH: I believe we're up to 2.1.
5 It's just a comment. 2.2, this will be Mr. Holmes
6 and --

7 MR. HOLMES: Yeah, I'm actually -- on this
8 since this relates to the building, actually it was a
9 comment that we picked, it relates to access for the
10 commercial building itself. Since that building
11 actually has not been designed, the footprint has been
12 prepared, but the actual building hasn't been designed,
13 we showed generic access points.

14 MS. SICILIANO: Does the Board receive a
15 copy of the county review of the application?

16 MR. CRANMER: I know I get a copy of it and
17 I believe the municipal clerk and/or the Board clerk
18 gets a copy of it.

19 MS. SICILIANO: So that you're able to
20 report to us?

21 MR. CRANMER: They haven't submitted to the
22 county yet, so there is no report from the county.

23 MS. SICILIANO: No, but what I'm saying is a
24 lot of the questions that deal with the commercial
25 section maybe depend on what the county says you can do

1 or don't do on Shrewsbury Avenue.

2 MR. CRANMER: That's correct.

3 MS. SICILIANO: The police department report
4 that was submitted in August which I don't think really
5 should be brought up, there are a lot of questions. I
6 mean, if you start reading departmental agency reports,
7 there's a lot of questions this Board has to respond to.

8 MR. CRANMER: Okay. So Mr. Holmes in
9 paragraph 2.2, you'll provide that as part of a final
10 site plan application?

11 MR. HOLMES: Yeah, we request that that be
12 held to final. They have to come back to the Board for
13 final site plan approval.

14 MR. MACANINCH: 2.3, testimony will be
15 provided by Jeffrey Furie, our traffic expert. 2.4 as
16 was stated had not --

17 MR. MORAN: That's still CME or is that you?

18 MR. MACANINCH: CMX.

19 MR. MORAN: Good guess.

20 MR. MACANINCH: 2.4 we have not yet
21 submitted to the county planning board. We will
22 actually submit within the week or probably not next
23 week, but very shortly. We were just waiting for the
24 initial reviews from the Borough engineers so we didn't
25 have to make plan revisions with the county so that's

1 going to happen.

2 MS. WATERBURY: And you're submitting to
3 them the whole project?

4 MR. MACANINCH: Correct. They'll likely
5 focus on obviously the Shrewsbury Avenue is their
6 concern.

7 MS. WATERBURY: But I mean, if it's being
8 phased out because we have a preliminary and final on
9 the residential and a preliminary on the other, you're
10 not separating one of them out. You're getting those
11 both elements designed all as one.

12 MR. HOLMES: I don't think the county gives
13 preliminary and final approvals. They just give
14 approvals of the whole project.

15 MS. WATERBURY: But for you, if you're only
16 going for preliminary on the commercial you may not have
17 to have it for the final approval, final approval from
18 the county. But I know for myself I'd be interested in
19 looking at all the pieces of that.

20 MR. MACANINCH: 2.5, Tim this is --

21 MR. HOLMES: That's a comment that deals
22 with the commercial site only. There's a small bank of
23 dead end parking spaces that's located between our
24 proposed building and the auto body shop. I think
25 there's seven spaces in the loading zone. And the

1 comment is to try to eliminate the dead end spaces. We
2 really can't eliminate the dead end spaces. It doesn't
3 work with the size site, but what we talked about doing
4 is designating those few spaces as employee spaces only
5 to limit any traffic going in there. So that's what we
6 would propose.

7 MR. MORAN: Where is that?

8 MR. HOLMES: That would be looking at A-3
9 it's located just to the south of the building.

10 MR. MORAN: Oh, I see those.

11 MR. HOLMES: I think it's 7. It's right
12 near dumpster and then there's a loading zone there. So
13 we would propose to designate those as employee parking
14 spaces only and assign them appropriately.

15 MR. MACANINCH: 2.6, Tim?

16 MR. HOLMES: That's a comply. Yes, there is
17 a 10 foot dedication requirement. We met with the
18 county. It is shown on our plan. The building setbacks
19 are all related to the new proposed right-of-way, so
20 yeah, we will comply with that.

21 MR. MORAN: Excuse me, on the last point
22 before we leave it, this parking space, the employee
23 parking spaces, by designating those you still have
24 enough spaces for the square footage that's required?

25 MR. HOLMES: Yes, because the parking

1 criteria assumes not only employees, but customers.

2 MR. MORAN: Okay.

3 MR. MACANINCH: 2.7, we agree, we need to
4 submit this information to the Board. 2.8?

5 MR. HOLMES: That's comply.

6 MR. MACANINCH: A comply. 2.9 was a comply.

7 MR. CRANMER: Well, I want to make sure --

8 MR. DODGE: Will comply and agreed --

9 MR. MACANINCH: Where I say we'll comply
10 it's agreed. I apologize.

11 MR. CRANMER: In paragraph 2.9 I notice the
12 entrance road off of Shrewsbury Avenue, the curbing
13 selection was concrete vertical curb which we normally
14 see on a highway. The remainder of the development is a
15 granite block curb which is a little more of an
16 aesthetic feature. And in the commercial area also a
17 granite block was used. I was curious why you chose the
18 concrete for the entrance road and if it really made any
19 difference to you if it was a granite block.

20 MR. HOLMES: I chose that for the entrance
21 only because it's going to match up to some existing
22 curb that's on the Colex site. And I was going to use
23 concrete curb because that's what they have on their
24 site. Some of their curb spills over onto our property
25 so we have to make some changes in that area and I stuck

1 with concrete curbs because that's what they have. In
2 speaking with my client they'll switch that to granite
3 block.

4 MR. CRANMER: Does the Board have a
5 preference? I think the uniformity of having a granite
6 block throughout the development --

7 MR. HOLMES: Let me just point that out.
8 Looking at A-3, it's just the piece of the entrance
9 road. The road now has concrete curb. That existing
10 road if you went out and looked at it it runs down into
11 the site. So we just propose this area to be concrete
12 curb and then the rest of the site can be granite block.
13 There's some existing curb if you go out and take a look
14 that's right in the Colex site that we have to tear out
15 and replace. So we were going to replace it in kind.
16 That's why I selected that. It will work with granite
17 block.

18 MR. MORAN: We prefer the block. If you're
19 going to rip it out we prefer you put a block in.

20 MR. MACANINCH: No problem.

21 MS. WATERBURY: Where is there like the
22 entrance sign? What do you consider the official
23 entrance with the sign and everything for the
24 residential?

25 MR. HOLMES: This will be testified by the

1 landscape architect. There will be two signs located
2 referring to A-3 at the intersection of our road A and
3 the entrance road right where I'm designating. There's
4 going to be two identification signs.

5 MS. WATERBURY: That's where you consider
6 your official entrance?

7 MR. HOLMES: For the residential community,
8 yes. There will also be a sign in compliance with the
9 sign regulations for the commercial.

10 MR. MACANINCH: 2.10 will be testimony by
11 our traffic expert. 2.11, Tim if you want to --

12 MR. HOLMES: Well, we had touched on why
13 it's not within ours -- our anticipation is using the
14 existing rec facility, that's what we stated on
15 Patterson. That seems to be an issue.

16 MR. MACANINCH: Yeah, and I agree with your
17 comment.

18 MS. SICILIANO: Are you aware that in July
19 of 2008 the Borough adopted a resolution for traffic
20 calming on Patterson Avenue?

21 MR. CRANMER: What the governing body
22 adopted was a trust fund was adopted by ordinance which
23 established a trust fund for the provision of traffic
24 calming measures along Patterson Avenue so that we could
25 receive pro rata contributions from developers which had

1 an impact on Patterson Avenue and I believe that's
2 coming up in my report.

3 CHAIRMAN BELL: Will we hear any testimony
4 when you do your fiscal impact which is school age and
5 so forth, will you have some testimony as to why you
6 don't think you need to have a recreation playground,
7 whatever?

8 MR. MACANINCH: The fiscal impact wouldn't
9 address that per se. We'll have some testimony and why.

10 MS. SICILIANO: Are you aware that after the
11 lawsuit the court appointed a court master. I have a
12 letter addressed to the court master. I was Mayor at
13 that time from Mrs. Richmond who was the attorney and
14 the court master, there was an agreement at a meeting
15 and I have the date in my book, in 2006 that there would
16 be with the court of master mediating the discussion,
17 that there would be a recreation area for the children.

18 MR. MACANINCH: Okay.

19 MS. SICILIANO: That's part of the court
20 master's findings. Now we can invite Mr. Banish here to
21 confirm that.

22 MR. MACANINCH: And we're certainly not
23 trying to go back on anything we've said. As you can
24 tell we've had some changeover with people here. We'll
25 certainly look at the issue and to make sure A, we're

1 complying with what we agreed to in the past and if it
2 doesn't make sense with recreational facilities off site
3 we'll certainly look at that. We'll come back to that
4 issue.

5 CHAIRMAN BELL: Okay.

6 MS. DONATO: I remember that specifically.
7 In fact there was one concept plan where there was a tot
8 lot right by the entrance to Patterson.

9 MS. SICILIANO: Right and the council
10 received a report as part of public record of the
11 Borough. The agreement was to have a recreational.

12 MS. DONATO: Isn't there something in the
13 ordinance?

14 MR. CRANMER: The ordinance says that
15 appropriate recreational facilities and open space shall
16 be provided.

17 CHAIRMAN BELL: So you'll have testimony.

18 MR. MACANINCH: Absolutely, we'll look at
19 that.

20 MR. CRANMER: Frankly, it's been a topic of
21 discussion pretty much the whole time.

22 MR. MACANINCH: It certainly was on previous
23 iterations of the plan.

24 MS. SICILIANO: The letter from Mrs.
25 Richmond is dated November 16, 2006. The report to

1 council was made at the next meeting of the council.

2 CHAIRMAN BELL: Okay.

3 MR. MACANINCH: Okay.

4 MR. CRANMER: Perhaps we can give the
5 applicant the benefit of what recreational amenities the
6 Board feels would be appropriate. Tot lot, playground,
7 targeted to different age groups.

8 MS. WATERBURY: Were they going to provide
9 like the anticipated demographics? I mean, is that part
10 of what --

11 MR. MACANINCH: That's part of the fiscal
12 impact.

13 MR. DODGE: Let's do that when the testimony
14 concurs.

15 MR. MORAN: You should probably tie it into
16 the fiscal impact. That's the time to do it.

17 MR. MACANINCH: Okay, all right.

18 MR. CRANMER: We're up to 2.12.

19 MR. HOLMES: We briefly touched about the
20 location of the two handicapped stalls on row B and
21 there was some thought about maybe relocating them with
22 some input from the Board. We'll have a look at that
23 and come back to you with that.

24 MR. MORAN: So you'll take that under
25 advisement?

1 MR. HOLMES: Yes.

2 MR. MACANINCH: 2.13.

3 MR. HOLMES: Well, 2.13 goes hand in hand
4 with if we relocate the parking stalls, 2.13 becomes a
5 nonissue because we won't need a crosswalk.

6 MR. MACANINCH: 2.14, this relates to the
7 sidewalk on Patterson. We're proposing the sidewalk
8 within our site, the internal circulation we're
9 providing a sidewalk so that's east off Patterson
10 Avenue. There was prior testimony related to that and
11 also along Shrewsbury Avenue basically on our frontage.
12 Given what we looked at we think that's more than
13 sufficient in terms of the sidewalks.

14 CHAIRMAN BELL: This is --

15 MR. CRANMER: There's two issues. The
16 sidewalk going east on Patterson Avenue connecting to
17 Birch and Trafford is really necessary to who will
18 permit the children who would reside in this development
19 to be able to walk to school absent school busing in the
20 Borough. Secondly, there's going to be a number --
21 77 homes are going to be introduced onto the site. I
22 think there's a reasonable likelihood that folks from
23 this development would want to go to some of the
24 commercial establishments on Shrewsbury Avenue;
25 restaurants, CVS, whatever else, the ice cream stand.

1 So a sidewalk along Patterson may or may not be
2 warranted. I feel it at least deserves consideration.
3 Should the applicant not wish to construct it, another
4 possibility is just like we did with Thornbrook, a
5 contribution to the Borough sidewalk trust account also
6 established by ordinance. So my recommendation is the
7 Board consider it. If you feel it is warranted, I would
8 request that the applicant install it. We don't have --
9 it's not required by ordinance. I'm treating it as an
10 off-site impact.

11 CHAIRMAN BELL: And that's one of the things
12 when we get the traffic impact and the fiscal impact and
13 the demographics?

14 MR. MACANINCH: Um-hum.

15 CHAIRMAN BELL: Because I can absolutely see
16 the need. I can see people walking from there to the
17 banks, absolutely. It's a safety issue.

18 MR. MACANINCH: Okay.

19 MR. MORAN: Actually to facilitate the use
20 of the commercial use in the commercial aspects.

21 MR. CRANMER: Absolutely. Just so everybody
22 realizes, I'm sorry, Mike. On Shrewsbury Avenue they're
23 proposing a sidewalk along their site frontage and then
24 there is a sidewalk that exists in the form of either a
25 concrete sidewalk or a paved area behind the curb line.

1 So there is pedestrian access along Shrewsbury Avenue
2 from their site all the way down to the corner and then
3 if you cross onto the Tinton Falls side it continues
4 down into McDonalds and beyond.

5 MR. MACANINCH: 2.15, yeah. We're going to
6 have testimony from our traffic expert. 2.16 the same,
7 testimony. 2.17, we've already had testimony from Mr.
8 Holmes related to the sidewalks on one side of the road,
9 discussion about de minimus exception. Same thing with
10 2.18. We had testimony related to the needs to submit
11 for the 4 foot versus 6 foot.

12 Mr. HOLMES: I think we also agreed for both
13 of those two comments that when we do the planning
14 testimony for the variances that these will be included
15 in that.

16 MR. MACANINCH: Yes, 2.19 is an agree. 2.2
17 is an agree. 2.21 is an agree. 2.22 --

18 MR. HOLMES: Is an agree.

19 MR. MACANINCH: 2.23, Tim you want to jump
20 in?

21 MR. HOLMES: I don't -- I would just ask,
22 Dave maybe just to go on your train of thought on why
23 you want to concrete that sidewalk. Maybe I'm looking
24 at the wrong -- looking again at A-3, if you look down
25 towards the lower left corner, this one area where the

1 street stops, the small portion of that street, I think
2 that's where you're looking at, that you're referring to
3 is adding a piece of sidewalk along that area.

4 MR. CRANMER: It looks like building 9, the
5 end unit that's on the westerly most part of that
6 building doesn't have pedestrian access to that unit.
7 So somebody in a wheelchair couldn't access that unit
8 without going --

9 MR. HOLMES: Well, the one townhome won't
10 necessarily need to be ADA accessible, if that's going
11 to be a market rate home as well as the other end unit,
12 but the 8 condo units would have to be and that's what
13 the bank of sidewalks, the sidewalk in the front is used
14 for.

15 MR. CRANMER: So somebody who lives in that
16 unit that I'm referring to, the westerly most unit in
17 building 9 where the driveway comes out to that short
18 lane of road C was it?

19 MR. HOLMES: Correct.

20 MR. CRANMER: So if that person wanted to
21 walk to the commercial portion they'd have to walk on
22 the street for a short period?

23 MR. HOLMES: They would have to go 30 feet
24 to the crosswalk, cross the crosswalk and then they are
25 on the sidewalk. It's just a small portion.

1 MR. CRANMER: I think the sidewalk is
2 warranted. This is one of those design selections.

3 MR. HOLMES: We'll comply.

4 CHAIRMAN BELL: You'll comply?

5 MR. MACANINCH: You're going to pay for that
6 one.

7 MR. HOLMES: We paid for it already by
8 discussing it. We can move on. It's not that much of
9 sidewalk.

10 MR. MACANINCH: 2.24, Tim?

11 MR. HOLMES: Actually that's covered in CMX
12 traffic, so they'll testify to that.

13 MR. MACANINCH: 3.1, the grading plan.

14 MR. HOLMES: We'll comply. That's comply.
15 Some of these we'll have to sit down with David and get
16 actual details, but we'll comply with that.

17 MR. MACANINCH: 3.2?

18 MR. CRANMER: That's on the entrance.

19 MR. MACANINCH: We've had the discussion.

20 MR. HOLMES: I'm trying to catch up.

21 MR. CRANMER: Behind the sidewalk, the
22 embankment is very steep. If someone were to slip off
23 the sidewalk they'd tumble down.

24 MR. MACANINCH: We're going to have
25 testimony because I think you want to hear more about

1 the height of the retaining wall and what we propose in
2 that area so we'll have testimony on that. 3.3, that's
3 going to be testimony by our landscape architect. 3.4,
4 Tim, that's an agree.

5 MR. HOLMES: Yeah, comply.

6 MR. MACANINCH: We'll work with you. 3.5.

7 MR. HOLMES: We'll provide testimony on
8 that. Basically just to clarify, that is where the
9 accountant's office is now. If you're looking at A-3,
10 you can see that there's some improvements that are
11 built onto our property and we recognize that and any of
12 our work we kept away from that. I think Dave's letter
13 identifies it and there probably will need to be some
14 conversation with the property owner, but we don't plan
15 on disturbing it. Whether it got built on our property
16 by mistake or not, we recognize that and kept our
17 development away from it.

18 MR. MORAN: But by survey it is on your
19 property.

20 MR. HOLMES: Yes, it is.

21 MR. DODGE: That's an agree.

22 MR. MACANINCH: We'll provide testimony.

23 MR. MORAN: You're not going to disturb the
24 existing?

25 MR. HOLMES: No, we're not.

1 MR. CRANMER: You'll provide an easement to
2 that property owner?

3 MR. MORAN: To transfer the title.

4 MR. MACANINCH: Well, we couldn't do that
5 without, it would probably be an easement.

6 MR. MORAN: Yeah, that's what --

7 MR. MACANINCH: I thought you said transfer
8 title, I'm sorry.

9 MS. WATERBURY: Since we're talking about
10 Lot 2, just briefly when the traffic engineer testifies
11 to it he will then testify as to because that driveway
12 does come out real close there the impact between your
13 driveway coming out and their residential drive being
14 right at the end of your return so that's just more of a
15 throw it out there.

16 MR. HOLMES: That's the Patterson
17 intersection?

18 MR. MACANINCH: The adjacent property.

19 MS. WATERBURY: And the driveway for lot 2.

20 MR. MACANINCH: We'll testify on that. 3.6
21 we'll have testimony on that, the warrant analysis from
22 our traffic engineer. 3.7.

23 MR. HOLMES: That's a comply.

24 MR. MACANINCH: 3.8, that's a comply.

25 MR. DODGE: Again, that's agree?

1 MR. HOLMES: Agree, yeah. I'm sorry.

2 MR. MACANINCH: 3.9?

3 MR. HOLMES: Agree.

4 MR. MACANINCH: Well, we need the review
5 letter.

6 MR. HOLMES: We did receive from the August
7 plans, we did receive comments from -- we do have a
8 review letter regarding fire hydrant placement from I
9 don't want to say the fire official because I think it
10 was from Shrewsbury Hose Company. It was dated August
11 19th, '09 that commented on the hydrant location,
12 actually had us move some hydrants. I'm sure they're
13 going to need to review the new layout, but we
14 anticipated what their comments were and laid the
15 hydrants accordingly.

16 MR. MACANINCH: It will be agreed. Where
17 they are going to want them, we're going to put them.
18 3.10, that's an agree. We will provide that. 3.11.

19 MR. HOLMES: That's an agree. I'll sit down
20 with Dave and find out exactly what he wants, but it's a
21 minor grading issue.

22 MR. MACANINCH: 3.12.

23 MR. HOLMES: 3.12 I think we're going to
24 need to talk about because changing the grade of the
25 road C coming into Patterson, that's what it has to deal

1 with this area right in here. We comply with RSIS and I
2 understand where the comments of flattening the slope
3 out. The problem we have is if we do flatten that slope
4 out that moves the inlets, Dave, up the hill further.
5 That means we capture less water coming out to
6 Patterson. So that's what we were trying to juggle. If
7 that flattens out, that obviously gets lower. We can
8 only bring the inlets down to a certain elevation. And
9 if we put that flatter slope in there it's going to push
10 the inlets back up on the hill. So that's an issue that
11 we looked at RSIS and felt we were compliant to that and
12 trying to do the best with stormwater in that area.

13 MS. SICILIANO: Mr. Holmes, that particular
14 entrance is going to be the main entrance to the fire
15 department.

16 MR. HOLMES: I think either way on our plans
17 will have no effect on access for the fire department.

18 MR. CRANMER: The reason for my comments,
19 Mr. Moran, was the greater the roadway coming into the
20 intersection was about, 4 percent, 4 to 5 percent which
21 is okay in the middle of the summer, but when it ices it
22 could be very steep and a vehicle may have difficulty
23 maneuvering the intersection in the winter. What I
24 asked them to do was flatten the slope down to 1 to 2
25 percent so it will be a little bit more navigable and

1 then if they increase the slope to 4 percent they will
2 be right back to where they are now so I think it was a
3 minor change.

4 MR. MORAN: But we would like to get that
5 water out.

6 MR. HOLMES: We can sit down and look at how
7 much water. We can do that. We've had it sketched out
8 that way. Because maybe what we do is look at that, see
9 where the inlets fall and see how much additional water
10 is going to come down Patterson.

11 MR. CRANMER: So what you're saying, in
12 order to get positive flow back to the basin those
13 inlets have to be at a certain vertical alignment?

14 MR. HOLMES: So if you come up quick up
15 Patterson you get to move closer to it. If you go up
16 slowly it's going to push them further into the site.

17 MR. CRANMER: I'd like to look at that a
18 little closer because I would like to see that grade
19 flattened out a little bit as you get closer to
20 Patterson so you're not coming down a steep hill
21 directly to the stop sign.

22 MR. HOLMES: So we're going to report back
23 on that.

24 MR. MACANINCH: 3.13.

25 MR. HOLMES: We can look at adjusting the

1 slope on that. I looked at our grading and that has to
2 do with where this sidewalk will come around and we're
3 going to have to look at flattening that out.

4 MR. MACANINCH: Agree. 3.14.

5 MR. HOLMES: We could add the additional
6 inlet. I think our analysis showed we didn't need it,
7 but we can add an inlet right at that cross street
8 drain.

9 MR. MACANINCH: 3.15.

10 MR. HOLMES: That's comply. We'll have to
11 sit down with Dave and figure that out, but yeah, we can
12 comply with that.

13 MR. CRANMER: There's basically a low point
14 along the curb return at the midpoint where the water
15 actually flows to the midpoint and back out into the
16 gutter.

17 MR. HOLMES: I try to maintain the existing
18 grade on Patterson so we'll look at that and adjust it
19 accordingly. So we'll comply or agree.

20 MR. MORAN: Agree.

21 MR. MACANINCH: 3.16 is going to be an
22 agree. 3.17, that's going to be an agree. 3.18 is
23 agree. 3.19.

24 MR. HOLMES: That's implementation.

25 MR. MORAN: Just so you're prepared for the

1 next meeting, I know Mr. Bell touched on it and I had it
2 in my comments if we were going to discuss the
3 stormwater management O & M. You might want to look at
4 what kind of agreement you're going to have with the
5 commercial facility to make sure they have something
6 like an HOA that there's a guarantee.

7 MR. CRANMER: Well, they have to.

8 MR. MORAN: Okay, all right. I know you
9 covered it in 3.12 or 3.18 of your comment letter
10 before, but I just wanted to make sure that they were
11 prepared for that.

12 MR. CRANMER: They actually have to have the
13 Homeowner's Association. RTRA (SIC) municipal
14 stormwater management permit issued by the DEP requires
15 certain requirements for post development long-term
16 maintenance of stormwater management facilities. What
17 our ordinance requires is that developers such as this
18 applicant would have to establish a trust fund for the
19 continued maintenance of these facilities.

20 MR. MORAN: Even though they're two separate
21 sites, two separate subdivisions, okay.

22 MR. MACANINCH: 3.20, we're going to have to
23 meet with Dave just to find out the dollars that are
24 referenced in here for the biannual inspections.

25 MR. MORAN: I had that in my items too.

1 MR. MACANINCH: It gets easier now. All of
2 4.0 from 4.1 through 4.20 is going to be testified to by
3 our landscape architect. I can go through line by line.
4 It's not going to be a problem. He's going to provide
5 testimony. 5.1 is an agree. 5.2 is an agree. 5.3
6 we're going to have testimony from our environmental
7 expert. And 5.4 will be testimony on that. And 5.5 to
8 the extent we need outside agency approvals we will get
9 those outside agency approvals. That's an agree.

10 CHAIRMAN BELL: Okay, so the next meeting
11 you're going to have fiscal impact study, start off with
12 fiscal impact study?

13 MR. MACANINCH: To the extent we may need
14 some clean up with Tim we may start with him again just
15 to respond to some of the open issues. To the extent we
16 need that we will then go into fiscal impact analysis
17 with Mr. Redding. And he'll address some of the other
18 issues that you raised in terms of some of the
19 demographics. We will be prepared to get into that and
20 then traffic to the extent we have time to get into
21 traffic we will get into that as well. The following
22 meeting, the 20th again the spillover, but if not
23 ideally we'll do landscaping on the 20th. Our
24 environmental expert will testify and then our planner.
25 Hopefully we'll do some wrap up and our architect.

1 MR. MORAN: Do you intend to have your
2 landscape architect here for both meetings or do you
3 think you won't get to them?

4 MR. MACANINCH: We'll have both of them.

5 CHAIRMAN BELL: Just on the one thing and I
6 think I heard Mr. Moran sit and talk about it, but the
7 one thing that you need to really look at is the legal
8 tie in between the Homeowner's Association and the
9 business.

10 MR. MACANINCH: Yeah, I got that.

11 CHAIRMAN BELL: The Homeowner's Association
12 is on the hook, but somehow it has to be tied in between
13 the two. So, okay?

14 MR. MACANINCH: Okay.

15 CHAIRMAN BELL: This application is going to
16 be carried to January 14th at 7:30 p.m.

17 MR. TELLER: Public?

18 CHAIRMAN BELL: I'm sorry, we want to open
19 the meeting to the public. The motion to open the
20 meeting to the public to the testimony on the review
21 letter?

22 MR. TELLER: So moved.

23 MR. DODGE: Second.

24 CHAIRMAN BELL: Mr. Teller, second, Mr.
25 Dodge. All those in favor?

1 (Multiple members respond "Aye.")

2 CHAIRMAN BELL: Opposed? Meeting is open to
3 the public for any questions on the testimony that was
4 just heard. There being none, can I get a motion to
5 close the meeting?

6 MR. TELLER: Motion.

7 MR. DODGE: Second.

8 CHAIRMAN BELL: Mr. Teller, second Mr.
9 Dodge. All those in favor?

10 (Multiple members respond "Aye".)

11 CHAIRMAN BELL: Opposed? This meeting is
12 carried until January 14th, special meeting. There will
13 be no further notice and it will be 7:30. This will be
14 at 7:30. To the Board, we'll have our reorganization at
15 7:00. Michele, I think we have to have it since it's
16 the first meeting, even though it's the regular meeting.

17 (Discussion was held off the stenographic
18 record.)

19 (Proceeding concluded at 10:42 p.m.)

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CERTIFICATE

I, NADINE M. GAZIC, a Notary Public and Certified Court Reporter of the State of New Jersey, License No. XI01883, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

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

Notary Public of the State of New Jersey
Dated: January 8, 2010

