

SAYREVILLE PLANNING BOARD

MINUTES OF February 19, 2020

The regular meeting of the Sayreville Planning Board was called to order by Robert Davis, Chairman and opened with a salute to the flag. The meeting was being conducted in accordance with the Open Public Meeting Law P.L. 1975, c231, Public Law, 1975.

Members of the Planning Board present were: Mr. D'Addio, Mr. Kelly, Mr. Macagnone, Ms. Ochenge, Ms. Pawłowski, Mr. Sivilli, Mr. Tighe and Chairman Davis

Absent Members: Councilman Dalina, Ms. O'Leary and Ms. Patel

Also present were: Mr. Cornell, Engineer, Mr. Alfieri, Esq., Attorney and Mr. Fowler, Planner

AT THIS TIME, THE MEETING WAS OPENED:

Chairman Davis asked the Planning Board Secretary if the board meeting was being conducted under the Sunshine Law and if all publications were notified, the secretary had stated, yes.

MEMORIALIZATION OF RESOLUTION:

n/a

ACCEPTANCE OF MINUTES:

Chairman Davis requested a motion to accept the minutes of February 5, 2020. Mr. Tighe made the motion, seconded Mr. Macagnone. Motion carried.

SITE PLANS/SUBDIVISION HEARINGS:

Camelot at Main Street, LLC ~ Preliminary & Final Major Site Plan

Main Street

Blk 136.16, Lots 30.05 & 30.06

Atty: Bret Kaplan, Esq.

433 River Road

Highland Park, NJ 08830

See attached transcript for further details on this hearing.

Mr. Tighe made a motion to accept this application as presented, seconded by Mr. Macagnone.

ROLL CALL:

YES: Mr. D'Addio, Mr. Kelly, Mr. Macagnone, Ms. Ochenge, Ms. Pawlowski, Mr. Sivilli, Mr. Tighe and Chairman Davis

NO: n/a

ABSTAIN: n/a

OLD BUSINESS/NEW BUSINESS/ADMINISTRATION MATTERS:

Letter from Clerk dated February 11, 2020 ~ Planning Board Review & Recommendation back to the Council regarding Ordinance #485-20 Amending the Waterfront Redevelopment Plan ~ Jennifer Phillips-Smith, Gibbons PC on behalf of the Sayreville Seaport Assoc. Urban Renewal LP. In front of the board is a proposed amendment based on street names after Veterans. Mr. Cornell provided the board with a color copy to make it easy to see what is being proposed by street names. This does not impact the prior approval granted. They have reached an agreement with the Veteran alliances and are in favor, as the Mayor and Council are as well. This is strictly for review and comments from the board.

Mr. Macagnone made a motion to accept the draft amendment, second by Mr. Tighe.

ROLL CALL:

YES: Mr. D'Addio, Mr. Kelly, Mr. Macagnone, Ms. Ochenge, Ms. Pawlowski, Mr. Sivilli, Mr. Tighe and Chairman Davis

NO: n/a

ABSTAIN: n/a

Letter from Clerk dated February 11, 2020 ~ Planning Board Review and Recommendation back to the Council regarding Ordinance #489-20 ~amending the River Road Redevelopment Plan. Mr. Cornell stated that the summer of last year there was an application before the board, The Place @ Sayreville – 88 Affordable housing units were proposed behind the Senior Center on Main Street. As part of application, there were inconsistency and as part of the resolution, the redevelopment plan would need to be amended as a result of board concerns. This amendment would bring the plan in compliance in what was previously approved by the board.

Mr. Tighe makes a motion to accept the draft amendment, second by Mr. Macagnone.

ROLL CALL:

**YES: Mr. D'Addio, Mr. Kelly, Mr. Macagnone, Ms. Ochenge, Ms. Pawlowski, Mr. Sivilli,
Mr. Tighe and Chairman Davis**

NO: n/a

ABSTAIN: n/a

Public portion was opened and closed.

Mr. Tighe made a motion to adjourn the meeting, seconded by Mr. Kelly.

Respectfully submitted,

**Beth Magnani
Planning Board Secretary**

PLANNING BOARD
BOROUGH OF SAYREVILLE
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

In the Matter of)
The Application of:) Transcript of
CAMELOT AT MAIN STREET, LLC) proceedings
Main Street)
Block 136.16, Lots 30.05, 30.06)

Wednesday, February 19, 2020
Borough Hall
167 Main Street
Sayreville, New Jersey

PLANNING BOARD

ROBERT DAVIS, Chairman
MICHAEL MACAGNONE
THOMAS TIGHE
DAVID SIVILLI
EDNA OCHENGE
ALEKIS PAWLOWSKI
MICHAEL D'ADDIO
KEVIN KELLY

BETH MAGNANI, Secretary
MICHAEL P. FOWLER, Township Planner
JAY CORNELL, Township Engineer

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1 A p p e a r a n c e s :

2 DANTE ALFIERI, ESQUIRE,
Attorney for the BOARD

3 BRET KAPLAN, ESQUIRE,
4 Attorney for the APPLICANT

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I N D E X

<u>WITNESS</u>	<u>PAGE</u>
WILLIAM T. WENTZIEN DIRECT EXAMINATION BY MR. B. KAPLAN CONTINUED	7 41
JASON KAPLAN DIRECT EXAMINATION BY MR. B. KAPLAN	32
PAUL KAUSCH DIRECT EXAMINATION BY MR. B. KAPLAN	33
JAY CORNELL SWORN	39
MICHAEL P. FOWLER SWORN	39
RICH ARZBERGER DIRECT EXAMINATION BY MR. B. KAPLAN	68
DAN DISARIO DIRECT EXAMINATION BY MR. B. KAPLAN	79

I N D E X T O E X H I B I T S

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	Existing condition plan	9
A-2	Preliminary grading plan	13
A-3	Landscape plan sheet 10 of 25	16
A-4	Sign exhibit	54
A-5	Architectural renderings	69
A-6	Building 4 floor plan	72
A-7	Building 3 floor plan	72
A-8	Building 5 floor plan	73
A-9	Colored rendering of building 5	75
A-10	Building 3 elevations	76

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2
3
4
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1 THE CHAIRMAN: Like to go to site plans
2 and subdivision hearings.

3 MS. MAGNANI: Camelot at Main Street,
4 LLC, for preliminary and final major site plan, Main
5 Street, block 136.16, lots 30.05 and 30.06.

6 THE CHAIRMAN: Good evening.

7 MR. B. KAPLAN: Good evening. Mr.
8 Chairman, ladies and gentlemen of the board, my name
9 is Bret Kaplan. I am the attorney for the applicant
10 this evening, Camelot at Main Street, LLC, one of
11 the Kaplan Companies. We're here tonight seeking
12 approval for construction of an inclusionary
13 development consisting of 176 multifamily luxury
14 rental units on Main Street. The project will
15 contain 10 affordable COAH units. The project is
16 being developed pursuant to the express terms of a
17 settlement agreement that was executed between the
18 applicant, the borough, and the planning board dated
19 June 22, 2019. A copy of the settlement agreement
20 was provided with you as part of the application.
21 Mr. Cornell also provided a copy of the settlement
22 agreement to the board as part of a recent
23 memorandum. The property is identified in the
24 settlement agreement as Camelot 1 or site 1.

25 The settlement agreement was affirmed by

1 the Superior Court of New Jersey on June 28, 2019,
2 as being an appropriate affordable housing site and
3 therefore provide credits to the borough in order to
4 satisfy part of its affordable housing obligations.
5 The agreement among many other terms provided for
6 cooperation provision among the parties, and the
7 parties have been cooperating to date.

8 Sayreville adopted their affordable
9 housing plan to include this property as an
10 inclusionary development. The borough also
11 introduced and adopted the necessary zoning
12 ordinances, which permit this inclusionary
13 development.

14 The applicant has also cooperated and
15 performed under the settlement agreement to date.
16 We've built two affordable units off site at the La
17 Mer development. Those units are occupied already.
18 The deed restriction restricting those two units for
19 50 years to the affordability controls as designed
20 by the applicant and is now pending with the mayor
21 for his signature.

22 The settlement agreement also provides
23 for reasonable variances and design waivers as part
24 of the application that's before you this evening.
25 We're only requesting one minor bulk variance for

1 the size of the driveways. We're proposing 18 feet
2 where 20 feet is required pursuant to the ordinance.

3 We are requesting several design
4 waivers, which have been identified in your
5 planner's report, and we'll get to those design
6 waivers in the testimony of the engineer, planner,
7 and the other professionals here tonight.

8 I do have five witnesses this evening.
9 The first is Bill Wentzien, the engineer and planner
10 who prepared the plans that are before you. Richard
11 Arzberger is the architect who prepared the
12 architectural renderings and the floor plans. Dan
13 Disario is here tonight from Langen Engineering.
14 He's our traffic engineer. And I also have Jason
15 Kaplan, the principal, and Paul Kausch, the director
16 of forward planning, who can discuss with the board
17 and answer any questions in regard to the affordable
18 units that are going to be built as part of this
19 development.

20 So without any other delay, I'd like to
21 bring up Bill Wentzien, have him sworn in, and can
22 begin our presentation.

23
24 WILLIAM T. WENTZIEN, sworn.

25 DIRECT EXAMINATION BY MR. B. KAPLAN:

1 MR. ALFIERI: Can you please state your
2 name for the record and spell your last name.

3 THE WITNESS: It is William T. Wentzien,
4 and the last name is W-e-n-t-z-i-e-n. If it helps,
5 I'll give a business card to the reporter.

6 MR. ALFIERI: Qualify him.

7 Q. Bill, for the board, would you please
8 state your educational --

9 MR. D'ADDIO: Hold on one second. Is he
10 licensed in the state? He needs to be approved as a
11 professional.

12 MR. B. KAPLAN: I'm going to qualify him
13 right now.

14 Q. You heard the attorney and the board
15 member. Would you state your educational and
16 professional qualifications for the board.

17 A. Yes, absolutely. Bachelor of science in
18 engineering from Old Dominion University down in
19 Norfolk, Virginia, in 1976; been a licensed
20 professional engineer in the State of New Jersey
21 since 1982 and a licensed professional planner in
22 the State of New Jersey since 1989; also currently a
23 certified municipal engineer, and I have appeared
24 before this board on numerous occasions.

25 MR. TIGHE: Mr. Chairman, I make a

1 recommendation we accept his credentials.

2 MR. B. KAPLAN: Thank you very much.

3 Q. And, Bill, you prepared or you oversaw
4 the preparation of the plans that are before the
5 board this evening?

6 A. Yes, I did.

7 Q. As part of your preparation for your
8 testimony this evening, did you review the
9 Sayreville zoning ordinances, settlement agreement,
10 and visit the property?

11 A. Yes, I have.

12 Q. Outstanding. You have a map up there.
13 I'd like to mark that as Exhibit A-1. If you review
14 with the board, please, the existing conditions of
15 the property.

16 A. Yeah, the board that's currently on the
17 easel is the existing condition plan, sheet 2 of 25,
18 and it is exactly as in the set submitted before the
19 board. If you need the exhibit separately, it would
20 be A-1.

21 MR. B. KAPLAN: Mr. Alfieri.

22 MR. ALFIERI: A-1, that's fine.

23 (Existing condition plan marked A-1 for
24 Identification)

25 THE WITNESS: What A-1 depicts, which is

1 includes a bank. So that's what's surrounding the
2 property.

3 Q. Bill, briefly, could you review with the
4 board the existing easements which impact this
5 property.

6 A. Yes, I can. There are several easements
7 which encumber the site. The site is undeveloped in
8 its existing conditions except for where the
9 easements do encumber, and the easements on the site
10 have a fairly extensive intrusion into the site. On
11 the east side, which is the left side of the plans
12 in front of you, for the first up to 100 feet that
13 comes onto the site is a JCP&L easement, which is
14 currently containing large towers. I'm sure you all
15 are aware of these. But that's in the first
16 100 feet encumbers into the site for there. The
17 JCP&L easement then continues to turn along Main
18 Street for about a third -- between a third and a
19 half of the frontage. It continues in, and that
20 easement intrudes into the site up to a maximum of
21 270 feet, which then wraps around a JCP&L substation
22 out parcel. So basically the north side and the
23 east side in an L shaped configuration have a JCP&L
24 easement that encumbers the site, which is opened on
25 the ground, but it contains the electrical poles and

1 the same sheet 2 that you have in the set that was
2 provided to the board members, is the site as it
3 currently exists today. For the record, it's block
4 136.16, and it is lots 30.05 and 30.06, with
5 frontage along Main Street. The tract area is
6 11.951 acres, which is denoted on the cover sheets
7 of the plans. It's surrounded on the north side by
8 Main Street, itself, which has also some uses across
9 of commercial and some -- there are some residential
10 lots, but those residential lots face the other way,
11 so facing Main Street would be the rear of those
12 properties. On the opposite side on South Street is
13 a residential single-family development in there,
14 which is separated between this property and the
15 back end of those lots of an open lot area that
16 contains a drainage swale. On the east side is an
17 open lot, which happens to be owned by the same
18 party as the applicant, which then behind that is
19 Sayreville Boulevard, which extends -- you can tell
20 by the 200-foot boundary map that was put on the
21 plans that the opposite side of Sayreville Boulevard
22 goes up to between like 170 and 200 feet from the
23 property heading towards the east. On the west
24 side, if you continue on the west side along Main
25 Street, there's some commercial areas, which

1 electrical towers and wires that go with it.

2 Also overlapping the JCP&L easement
3 along Main Street and then continuing further along
4 Main Street is another easement of the Middlesex
5 County Utilities Authority, and that pretty much
6 goes across the frontage of the site overlapping
7 with JCP&L but then continues until it tapers off at
8 the west end of the frontage. That easement goes
9 onto the site up to about 130 feet. So basically
10 the north and the east sides of the property are
11 pretty much encumbered by the easements of JCP&L and
12 the MCUA. The balance of the site is basically
13 undeveloped.

14 Q. Now, Bill, as part of this application
15 that's pending before the board, we've actually
16 identified a phase 1 and a phase 2 of the
17 development.

18 A. Yes, we have.

19 Q. I would ask you to testify as to what is
20 phase 1 of the development and why the applicant has
21 so phased the development in this fashion.

22 A. Well, the reason for the phasing can be
23 identified when you look at the existing conditions
24 map. The existing conditions map has a unique
25 topographical feature in that the central portion of

1 the site, the darker line that's on sheet 2 or now
 2 A-1, is a depressed area. So the land has what we
 3 call undulations. It goes up and it goes down.
 4 It's not like it's at one spot and it all flows nice
 5 and clean to another spot. So to allow for proper
 6 site development onto the site, it was felt prudent
 7 to provide a phase 1. Phase 1 is basically to do
 8 some earthwork onto the property to allow for an
 9 even plateauing of the properties for proper
 10 construction later on.

11 The board that I've just put on is sheet
 12 3 of 25 out of the site. It is labeled preliminary
 13 grading plan, phase 1. It -- on the board, it's
 14 exactly as it's in the set that was submitted to the
 15 board.

16 MR. B. KAPLAN: Mr. Alfieri.

17 MR. ALFIERI: Mark that A-2.

18 (Preliminary grading plan marked A-2 for
 19 Identification)

20 A. So what A-2 shows is providing a plateau
 21 of the site to provide for an even grade that would
 22 allow for an ease of construction vehicles that move
 23 in and out of the site. It varies. I know I think
 24 it was raised in the planner's report about how much
 25 is involved or along those lines. It's going to

1 seeded as we say, and that also aids in the
 2 beneficial construction that will take place later
 3 on.

4 MR. CORNELL: Mr. Chairman, if I might.
 5 I had raised that issue in my report just to go over
 6 the timing because I wanted to understand what
 7 conditions if the board acts favorably need to be
 8 addressed before you can start bringing soil onto
 9 the site, so I think it's a little more than just
 10 the board approval. You have DEP wetlands permit
 11 that you need.

12 MR. B. KAPLAN: And we'll get to that.
 13 That's pending, absolutely.

14 MR. CORNELL: I just -- the board acts
 15 favorably, I just want to have it clear that before
 16 you can start bringing dirt on the site, these items
 17 need to be addressed before you start construction.

18 MR. B. KAPLAN: Mr. Cornell, I concur.
 19 I know the comment was in your report. I just
 20 wanted to get it on the record that as soon as
 21 possible, subject to any and all applicable
 22 approvals.

23 MR. CORNELL: Thank you.

24 MR. B. KAPLAN: Thank you very much.

25 THE WITNESS: Thank you, Jay.

1 vary because on the extreme west side, the
 2 plateauing is right there. It's at grade, so
 3 there's no fill on that side, and basically, it will
 4 undulate in the amount of fill on the average about
 5 3 and a half to 4 and a half feet of fill if I
 6 average it out when I look at it across. There are
 7 points at the property where it's not at all.
 8 There's isolated, very isolated areas where the
 9 undulation might be at its deepest, and it's a
 10 little more, but on the average 3 and a half to 4
 11 and a half feet to make that spread out. So that
 12 was what considered on the plans the early sheets
 13 called phase 1 is what allowed this to happen. Once
 14 this can happen, then a safe and proper development
 15 can take place on the property.

16 Q. And from a timing perspective, Bill,
 17 it's the applicant's request that it be permitted to
 18 do this subject to this board's approval and Jay
 19 Cornell and CME's approval of any soils approvals
 20 that are necessary for that to be undertaken,
 21 correct?

22 A. Oh, absolutely, that would be requested.
 23 I think that's good from an engineering point of
 24 view to allow the soil materials once spread out and
 25 plateaued on the area to take its seed or it gets

1 Q. Now, obviously after phase 1 --
 2 hopefully that goes smoothly and quickly --
 3 obviously, phase 2 is the sum and substance of the
 4 application which is before the board this evening,
 5 the 7 buildings and the 176 units.

6 A. Yeah, I'm going to flip it over for
 7 another board. This one we will need to mark into
 8 evidence.

9 MR. ALFIERI: We'll mark that as A-3.
 10 (Landscape plan sheet 10 of 25 marked
 11 A-3 for Identification)

12 THE WITNESS: A-3. Let me get the page
 13 number correctly. A-3 is predominantly -- A-3 is
 14 predominantly a colored version basically taking
 15 from the landscape plan sheet 10 of 25 that has a
 16 couple of amendments to it where actually it's
 17 exactly -- the amendments are that we've hazed in
 18 the background an aerial view from Google area that
 19 shows the surrounding area in its shading form, and
 20 to ease with the board for what will be A-3, I also
 21 have 11-by-17 handouts of that. I thought it would
 22 be nice that this one you have in front of you.

23 Q. Bill, those 11-by-17 handouts are exact
 24 carbon copy of what we've already marked as A-3 with
 25 today's date.

1 A. Yes, that is exactly A-3 but in 11-by-17
 2 format.
 3 Q. I think everybody has it, Bill, so now
 4 they know --
 5 A. No, I'm glad.
 6 Q. Why don't you begin to walk the board --
 7 A. Even got extras. I'll be referring to
 8 A-3 now. Basically, this is the -- what is intended
 9 to be proposed on the site in conjunction with
 10 everything that was talked about in the background
 11 from the attorney and particularly for the AH-1 zone
 12 known as Camelot 1 that was created for the site.
 13 What's proposed is a residential
 14 apartment complex of seven buildings, and the
 15 density proposed within this is 176 apartments.
 16 According to the referenced document, it indicated
 17 that the site would have 168; however, there was a
 18 caveat that went with that that between site 1 and
 19 site 2 in total you can't have more than 318, and
 20 then there was a subclause that says, understanding
 21 that, you can be permitted to add an additional
 22 10 units to site 1 as long as you still recognize
 23 the maximum 318. So in doing that, we're proposing
 24 176 out of the 318, understanding that that would
 25 leave 142 for site number 2, and I think that's

1 of necessity, there's a maintenance building in the
 2 rear southeast corner and kind of in the upper left
 3 on the plan in front of you. There's four refuse
 4 areas, and there is a sprinkling of some retaining
 5 walls throughout the site.
 6 There was some mention -- I think it was
 7 in the planner's report -- just talk about the
 8 height of some of those walls a little bit. The top
 9 one that's near the off by the parking lot, that is
 10 6 feet high. By building 7, which is on the right
 11 on the plans or west on the site, there is a portion
 12 of one that goes through a portion of the back. It
 13 ranges. It averages 5 and a half feet. It ranges
 14 from 2 feet at its lowest to 9 at its highest. And
 15 then there's one along the front area that is --
 16 that averages 5 feet high, too. It's between 1 foot
 17 and 10 foot, but in its majority going around, it
 18 averages 5 feet. Just to help answer some questions
 19 that I know, were raised.
 20 Q. And, Bill, on top of those walls based
 21 on the height, would we be installing any fencing?
 22 A. Yes. That was properly pointed out in
 23 the planner's report. On the detail sheet where we
 24 indicate the retaining wall detail, it directly
 25 indicates a 4-foot-high split rail type of fence

1 pointed out -- I know it's pointed out in the
 2 engineer's report. It might also be pointed out in
 3 the planner's. I'm not recalling it particularly.
 4 But density-wise, that's what's being proposed in
 5 there, and that still complies.
 6 It's being provided with a standard
 7 on-site circulation that has two access points being
 8 designed on Main Street. One of them was required
 9 under the zone to provide the entry point as a
 10 boulevard type of entry, so that was proposed on the
 11 entry that's pretty much centered along the frontage
 12 there.
 13 Parking is being provided on the site.
 14 There are 72 garage spaces, 72 driveway spaces, 196
 15 surface parking, for a total of 340, and when that
 16 is checked against the Residential Site Improvement
 17 Standards, the 340 is what is required, so the
 18 parking is met. There are eight handicapped parking
 19 spaces that are also delineated on the plans.
 20 There's some amenities that's on the
 21 plan to go with what I've mentioned. A portion of
 22 building 5, the one kind of closest to the pool
 23 area, a portion of that will contain a clubhouse
 24 along with the pool and patio area. There's a tot
 25 lot proposed. There's a dog park proposed. And out

1 with a green wire mesh to be provided at 4 feet
 2 high. It's intended that they're everywhere. I
 3 believe inadvertently they're not directly called
 4 out when we call out the retaining wall, but the
 5 detail was intended to be for all retaining walls.
 6 So all retaining walls will be provided with a
 7 safety fence at the top. I'll make one caveat
 8 addition to that to help alleviate another comment
 9 that was raised. As I said, they're going to be
 10 4-foot-high split rail with the wire mesh for
 11 safety. There was a concern raised in the planner's
 12 report about the one retaining wall at the extreme
 13 south end due to its proximity to the area behind.
 14 Directly behind is the drainage swale in the rear of
 15 the other lots. That it was suggested that, A, make
 16 sure there's a wall, a fence on top of the wall,
 17 and, B, it would be recommended that that particular
 18 fence area, which I think is about 150-foot wall,
 19 that particular fence area be a solid type of fence
 20 for headlight glare, and we will do that. That will
 21 be provided.
 22 The other -- the rest of what's
 23 happening on the site is what we're required to do
 24 from an engineering point of view. Drainage-wise,
 25 everything is being collected on site to be

1 collected into a proposed detention basin, which is
2 located at the easterly portion of the site, but
3 it's inside because you have the JCP&L easement
4 that's there, and that is due to a couple of things,
5 the topography of the ground, the soils work that
6 was done on site for the water table, and, B, the
7 lowest connection point that could safely
8 accommodate the discharge flow, which is a culvert
9 that's under -- that goes underneath Sayreville
10 Boulevard, which then has ultimate access direct to
11 the Raritan River. So that's why it's placed where
12 it is. It will collect all flows on site. Even if
13 some of the perimeter flows to the south and to the
14 west, kind of went off site a little bit, everything
15 in the perimeter boundary of the property is going
16 to be collected and drained towards the basin.

17 Due to the size of the site, as pointed
18 out in the engineer's letter, which we have had a
19 good opportunity to go back and forth with the
20 engineer, who the report you have is actually a
21 revised report where we've addressed a majority of
22 the comments, that not only do we have to provide
23 the basin, but its design parameters have to meet
24 the New Jersey Department of Environmental
25 Protection parameters, which has very restrictive

1 room left to work with.

2 THE CHAIRMAN: Will that be fenced in,
3 also?

4 THE WITNESS: Oh, yes. I'm sorry. I
5 should have pointed that out. There is a fence that
6 goes around the entire basin with a gate that's up
7 near the maintenance road. That little gray area is
8 the maintenance road, the service road. That is the
9 same split rail fence with the green wire mesh, and
10 then there will be a gate across the access. It's
11 the exact same fence. It's all a consistent fence
12 except for the correction I added where the one up
13 on the south end will now be a solid fence.

14 Sewer and water will both be public
15 sewer and water, all with connections to the
16 existing facilities in Main Street.

17 As you can tell by A-3, it's depicting
18 the landscaping we're proposing on the site, which
19 is spread throughout the site. There's a little bit
20 of plantings going around the basin and around the
21 south end and around the north end near where the
22 right access road is I call it. There's an area
23 between the two access points that's contained
24 within the Middlesex County Utility Authority's
25 easement which is not being touched. You'll see the

1 constraints on its design, and its most direct
2 effect is you have to take the flows much reduced by
3 percentage -- many percentage points but even below
4 that existing. It's not that what's going to leave
5 the site is just as it is today. It's going to be
6 much less, and we're required to do that, which has
7 helped predicate the size of the basin you actually
8 see that's in front of you. A lot of that was being
9 parametered by those constraints.

10 Q. Let me interrupt.

11 A. I'm sorry. Go ahead.

12 Q. There was a comment I believe in
13 Mr. Fowler's report, the planner's report, that
14 asked the location that based on the location of
15 that basin and its proximity to a couple of the
16 buildings, could it be reshaped.

17 A. I am not of the opinion that it can be
18 reshaped. That basin is maxed, and I can tell you
19 -- you look at the size, it's larger than you would
20 normally think for the size, but the constraints --
21 you see it's at an acute angle. It's being
22 constrained by JCP&L coming from the left, and
23 that's JCP&L coming right up. You'll see the JCP&L
24 easement limit is actually labeled on your plans.
25 It's constrained from two sides, so there's not much

1 darker area is existing vegetation that's in that
2 area, and then the balance of it is being sprinkled
3 throughout the site around the buildings where the
4 buildings about parking, and it's spread throughout
5 the site. It's going to have a mix of shade trees
6 and ornamental trees and evergreens as a mix that's
7 throughout the site.

8 There's some comments raised about maybe
9 some additional evergreens and stuff around the
10 perimeter. Of course, we can work with that, but I
11 just wanted to you understand the plan as it is that
12 you currently have before you.

13 Q. Bill, staying on the buffer and the
14 evergreens and the trees for a minute, one of the
15 waivers that's identified in Mr. Fowler's report and
16 we're seeking a design waiver on is the requirement,
17 the design requirement that a buffer be provided
18 along all property lines as we're talking about the
19 buffer now.

20 A. Yeah, there's a requirement in the
21 ordinance that was created. There was actually
22 section 9AI, where it says to the extent feasible,
23 try to provide a 10-foot-wide buffer along the
24 perimeter lot line's easements closest to the
25 residential structures. I believe in that case, as

1 it relates to the residential structures, we meet
 2 that in its direct straight, but it said -- and I
 3 just want to point it out -- it said perimeter lot
 4 line/easements, so the one point just so you have it
 5 for the record being as they slashed the word
 6 easements in there, is up in the corner near where
 7 -- particularly near where building 1 is, the --
 8 there is 101.4 feet from building 1 to the property
 9 line. That well exceeds the 10 feet we're talking
 10 about, but if you also have to look at it against
 11 the easement, it's 1.4 feet from the easement being
 12 as there's a hundred-foot easement. So yes, it's a
 13 little close to it, but you're back 101 feet from
 14 the property. So I think the adequate separation
 15 that's needed in there has been provided, and as I
 16 said, even what's past that is an open lot and then
 17 another roadway past that. We provide where we can
 18 a little bit of extra landscaping up in the corner,
 19 so I don't think there's any detrimental effect in
 20 that particular area.

21 Q. I mentioned in my introduction that we
 22 are requesting one bulk variance for the size of the
 23 driveways where we're requesting 18 feet where
 24 20 feet is required. Can you discuss with the board
 25 -- put on your planner's hat and discuss with the

1 In providing that, what we were able to do was
 2 provide a layout adjustment, still working with the
 3 constraints we're under that I mentioned before, to
 4 provide 4-foot-wide sidewalks on both sides,
 5 particularly where parking lots are across from
 6 parking lots, like in the areas of buildings 5, 6,
 7 and 7 predominantly, to put 4-foot sidewalks on both
 8 sides, and it resulted having an 18-foot-long
 9 driveway. Now, that 18-foot long driveway is to the
 10 rear of the sidewalk, not to the curb, so there's a
 11 clear 18 foot being provided to that, and according
 12 to the Residential Site Improvement Standards, to
 13 help bolster why we think that is an okay and
 14 adequate working solution, that the Residential Site
 15 Improvement Standards, when they discuss the length
 16 of driveways, indicate that the length of 18 feet.
 17 So the resulting length, while respecting the
 18 comment to provide additional sidewalk, still
 19 provides a depth of a driveway that meets the
 20 Residential Site Improvement Standards, so we think
 21 that is adequately addressed.

22 Q. Any detriment associated with that
 23 proposed variance, that proposed driveway condition?

24 A. No, there's not.

25 MR. MACAGNONE: Mr. Chairman. Jay,

1 board why from a C-2 perspective you believe that
 2 that bulk variance can be granted.

3 A. Yeah, there was one bulk variance
 4 pointed out, and I just want to get the section
 5 reference correctly. It's in section 4. Section 4
 6 is the section of the ordinance called bulk
 7 variances. It's in section 4E, where it talks about
 8 elements of the distances from buildings to parking
 9 lots, and we meet that in all areas except one, the
 10 driveways adjacent to the garages were to be a
 11 minimum of 20 feet in length. Now, as I indicated
 12 before, we had a couple of responses and additions
 13 for the engineer to help address some of the
 14 technical issues that -- before we even approach
 15 tonight's meeting. The original plan as we had it,
 16 working with the constraints of the site, had
 17 driveways at 20 feet, but there was a request by the
 18 engineer to reconsider the sidewalk layout on the
 19 site. We did provide a sidewalk circulation that
 20 did get through the site, but in some of the areas,
 21 particularly where the driveways are, the sidewalk
 22 was on one side only, and the engineer said we would
 23 really like to see driveways on both sides
 24 circulating through the site, so we respected that
 25 request, and we amended the plans to provide that.

1 what's your thoughts on that?

2 MR. CORNELL: I agree with Mr. Wentzien.
 3 He's correct in what he indicated to you. The
 4 Residential Site Improvement Standards are typically
 5 what governs residential development. You're not
 6 supposed to have ordinance requirements that exceed
 7 the RSIS requirements. In this case you do. You
 8 required 20; RSIS allows 18. So we were okay that
 9 the RSIS is met, and he's also providing additional
 10 sidewalk to provide interior circulation, which is
 11 what we asked for.

12 MR. MACAGNONE: You if have a full-size
 13 extended SUV, you're going to be on the sidewalk?

14 MR. CORNELL: No, your typical
 15 residential parking in the parking lots, they're
 16 9-by-18. Your vehicles are typically 16-foot range,
 17 so we're okay with this proposal. We actually
 18 reviewed it. We went back and forth, and this is
 19 what we agreed, so he did modify the plans to
 20 address our concerns. Even though he technically
 21 needs a variance, he still complies with RSIS.

22 MR. MACAGNONE: Good enough. Thank you.

23 THE WITNESS: Thank you Jay.

24 Q. Staying on Jay and CME here for a
 25 minute, have you received their most recent report?

1 A. Yes, I have.
 2 Q. According to my notes, it's dated
 3 12-23-2019. I'm not sure if that's the most recent
 4 one, but nonetheless, have you reviewed it?
 5 A. Yes, I have.
 6 Q. Are you able to --
 7 A. I have it in front of me.
 8 MR. CORNELL: Just to clarify, the
 9 report that was given to the board this evening
 10 dated February 19, which you should have received a
 11 copy of --
 12 MR. B. KAPLAN: We did.
 13 MR. CORNELL: -- that technical review
 14 is the one that we gave you back in December based
 15 upon your revised plans, so it's the same that
 16 you're referring to in December that's before the
 17 board this evening.
 18 THE WITNESS: That's correct. I had the
 19 same observation.
 20 MR. B. KAPLAN: Thank you for the
 21 clarification.
 22 Q. So that technical review report that's
 23 attached to Jay's February 19, 2020, memo, have you
 24 had the opportunity to review all of the comments in
 25 that technical review report?

1 punch.
 2 THE WITNESS: Yes.
 3 MR. B. KAPLAN: He'll address those.
 4 MR. CORNELL: That's fine.
 5 THE WITNESS: That was the only caveat I
 6 was going to point out. That's why I said in
 7 technicalness I can address what you have.
 8 MR. CORNELL: I think from my
 9 standpoint, as long as they agree to address all our
 10 items that are in the report, that's fine, but just
 11 to get it on the record, the de minimus RSIS
 12 exception that you're looking for, you'll do that at
 13 a later date.
 14 MR. B. KAPLAN: We'll do that with --
 15 yes, with the traffic engineer.
 16 MR. D'ADDIO: I have just a couple of
 17 quick questions for the engineer. Can you tell me
 18 how you came up with eight three-bedroom units.
 19 THE WITNESS: That's not I. That will
 20 be the applicant and architect.
 21 MR. D'ADDIO: Okay.
 22 MR. B. KAPLAN: We can address that now,
 23 or we can do it later. Jason Kaplan and/or Paul
 24 Kausch.
 25 MR. D'ADDIO: Since I brought it up,

1 A. Yes, I have.
 2 Q. Are you able to comply with the comments
 3 and conditions contained in that technical
 4 engineering review?
 5 A. Yes, and I would say, you know, all the
 6 majority, the main thrust of the technical reviews
 7 was in his prior letter, which we've addressed
 8 wholeheartedly. There are some remaining issues.
 9 As it relates to the technicalness of the letter, we
 10 have some more cleanup to do, but that cleanup does
 11 not change anything that's looking at in front of
 12 you, and I have gone through them enough to review
 13 them, and even there were a few of the calcs to know
 14 that I can comply with the technical aspects of that
 15 letter to Jay's -- to the engineer's satisfaction.
 16 MR. CORNELL: Mr. Chairman, I would
 17 concur for the board's information. The majority
 18 are just what I'd call cleanup items to go through
 19 and revised some grading and addressed some problems
 20 with the stormwater that may have come up based on
 21 some other revisions. The only thing I want to just
 22 point out is there are some de minimus exceptions to
 23 the RSIS requirements. Is your traffic engineer
 24 going to address those?
 25 MR. B. KAPLAN: You beat me to the

1 let's address.
 2 MR. B. KAPLAN: Jason, get up and be
 3 sworn in.
 4
 5 J A S O N K A P L A N, sworn.
 6 DIRECT EXAMINATION BY MR. B. KAPLAN:
 7 MR. ALFIERI: Can you please state your
 8 name for the record.
 9 THE WITNESS: Jason Kaplan, K-a-p-l-a-n.
 10 Q. Jason, we have some new board members
 11 here who might not know who you are. Would you just
 12 state your position with the applicant, please.
 13 A. Sure. I'm president of the Kaplan
 14 Companies, principal of the owner of the property
 15 and applicant.
 16 Q. And you're familiar with the project?
 17 A. I am.
 18 Q. You've done past developments in
 19 Sayreville?
 20 A. Yes, I have.
 21 Q. You heard Mr. D'Addio's question?
 22 A. Yeah. To address the issue, those are
 23 COAH. That's to meet the state requirements. So
 24 all the three-bedrooms are for the COAH requirement.
 25 I think it's a minimum of --

1 FROM THE FLOOR: Twenty percent.
 2 MR. D'ADDIO: Twenty percent of
 3 affordable. At least 20 percent of what number?
 4 THE WITNESS: Twenty percent of -- do
 5 you have the overall calculation?

6 MR. D'ADDIO: I think it's 18.
 7 THE WITNESS: We have two units over in
 8 La Mer. It's twenty units.

9 MR. B. KAPLAN: I can bring Paul up,
 10 Paul Kausch up.

11 MR. D'ADDIO: At least 20 percent of 20
 12 is still four.

13
 14 P A U L K A U S C H, sworn.

15 DIRECT EXAMINATION BY MR. B. KAPLAN:

16 MR. ALFIERI: Can you please state your
 17 name for the record and spell your last name.

18 THE WITNESS: Paul Kausch, K-a-u-s-c-h.

19 THE CHAIRMAN: Can you give a background
 20 on your credentials.

21 MR. B. KAPLAN: Absolutely.

22 Q. Paul, would you state your position with
 23 the applicant, how long you've been there, and what
 24 you do for the applicant.

25 A. I am vice president and director of

1 20 percent one-bedroom units, and so since the
 2 settlement was based on -- let me back up. Since
 3 the settlement was based on the overall 20 units
 4 over the multiple projects, the bedroom distribution
 5 was calculated based on that overall number and then
 6 distributed between the three.

7 The number -- UHAC requires no greater
 8 than 20 percent of the units be one-bedroom.
 9 Twenty units times the 20 percent is four. We
 10 provide four throughout the three sites. Two of the
 11 units at La Mer are the one-bedroom units that are
 12 now occupied already. You needed at least
 13 20 percent three-bedroom units, which again is
 14 four units, and four are provided, and then the
 15 balance is two-bedroom units. The requirement for
 16 that is that we provide at least 30 percent, so that
 17 would be six units, and 12 are provided.

18 MR. D'ADDIO: I'm hearing four from you
 19 so where is eight coming from?

20 THE WITNESS: I don't know where you're
 21 getting the eight from.

22 MR. J. KAPLAN: Where are you seeing
 23 eight three-bedrooms?

24 MR. FOWLER: On page 1, three-bedroom
 25 distribution. Page 1 of the site plan.

1 forward planning for Kaplan Companies. I've been
 2 with them for well over 23 years. I have functioned
 3 as director of construction, purchasing contracts,
 4 and forward planning, product development. I've
 5 done all those different aspects of the company in
 6 one form or another, and I've been on the DCA
 7 building subcode committee in the State of New
 8 Jersey since 2005.

9 Q. As the director of COAH planning for
 10 Kaplan and the applicant, one of your
 11 responsibilities is to ascertain the number of COAH
 12 units, the compliance with uniform -- UHAC, and to
 13 make sure that all of our applications to the extent
 14 they're Inclusionary projects comply in all respects
 15 to the COAH requirements, correct?

16 A. Yes, that is correct.

17 Q. And did you undertake a study for this
 18 project to confirm compliance?

19 A. Yes, I did.

20 Q. Can you review that study with the board
 21 and go through the number of one-bedrooms, number of
 22 two-bedrooms, number of three-bedrooms.

23 A. Right, so UHAC and the borough ordinance
 24 both require that there be a bedroom distribution.
 25 The way it works is there can be no greater than

1 MR. D'ADDIO: When your engineer said
 2 the number of units, he said eight.

3 Q. Sheet 1 of Bill's plan. Take a look at
 4 the cover page of the site plan. I think there
 5 might be a mistake.

6 A. That's a mistake.

7 MR. B. KAPLAN: We're looking at the
 8 architectural plans; you're looking at the cover.
 9 That's a mistake. We will obviously fix that.

10 MR. D'ADDIO: Number of units 172. How
 11 many units you have?

12 MR. B. KAPLAN: One seventy-six.

13 THE WITNESS: Yes, there should be. So
 14 there --

15 MR. D'ADDIO: What's the number? Give
 16 me the number.

17 THE WITNESS: There are 176 for this
 18 development, 142 for --

19 MR. J. KAPLAN: No, there's two
 20 three-bedrooms is the answer.

21 MR. D'ADDIO: How do you get 176? The
 22 other numbers won't add up then. Comes to 168.

23 Q. Let Paul --

24 A. So 176 units at Camelot 1.

25 MR. D'ADDIO: All right. We're just

1 talking about Camelot 1. This is what's in front of
2 us tonight, right? Is this Camelot 1?

3 THE WITNESS: Yes.

4 MR. D'ADDIO: Can you just tell me the
5 number for 176. That's the plan before us tonight.

6 THE WITNESS: Right. So for this
7 project here, this is one one-bedroom. There are
8 seven two-bedrooms and two three-bedrooms for a
9 total of 10 units, 10 COAH units.

10 MR. D'ADDIO: How many total units?

11 THE WITNESS: One seventy-six.

12 MR. D'ADDIO: How does that break down?

13 THE WITNESS: The 176?

14 MR. KELLY: You're saying one-bedroom --

15 MR. MACAGNONE: I teach math. The
16 question he's asking you, sir, is if you have 176
17 and that was based on eight four-bedrooms -- eight
18 three-bedrooms, does that come up to 176? That's
19 what he's asking.

20 THE WITNESS: You have to start out at
21 the overall settlement. The overall settlement
22 requires six and a quarter percent of the units for
23 a total of 20 units over the 320. Twenty percent of
24 320 is 6.25 percent. Those are then broken up. The
25 two units at La Mer, it's a hundred percent of the

1 MR. ALFIERI: While they're working it
2 out, Mr. Cornell, Mr. Fowler, we have to swear you
3 in, so any testimony that you have provided or will
4 provide, do you swear to tell the truth, the whole
5 truth?

6 MR. FOWLER: Yes.

7 MR. CORNELL: I do.

8
9 JAY CORNELL, sworn.

10 MICHAEL P. FOWLER, sworn.

11 MR. B. KAPLAN: So those four units that
12 are incorrectly identified as three-bedrooms, they
13 will be two-bedroom units.

14 MR. D'ADDIO: So you have 106
15 two-bedrooms, four three-bedrooms?

16 MR. B. KAPLAN: Yes, 66 one-bedroom, 106
17 two-bedrooms, and four three-bedrooms.

18 THE CHAIRMAN: For a total of 176.

19 MR. CORNELL: Mr. Chairman, just to
20 clarify, the applicant is going to have to submit
21 revised plans. If the board acts favorably on those
22 revised plans, it's going to reflect the numbers.

23 MR. B. KAPLAN: That will be part of the
24 resolution.

25 MR. CORNELL: As well as being in the

1 two building at La Mer are COAH because there's two
2 COAH units, and then there's 5.6 percent at the
3 Camelot 1 and Camelot 2, which averages --

4 MR. D'ADDIO: I understand all that.
5 That's not my question.

6 THE WITNESS: I don't understand your
7 question.

8 MR. D'ADDIO: You have 176 units on this
9 site.

10 THE WITNESS: Right.

11 MR. D'ADDIO: What's the breakdown? How
12 many one-bedroom, how many two-bedroom, how many
13 three-bedroom?

14 MR. J. KAPLAN: Hold on. Hold on one
15 second.

16 MR. FOWLER: Mr. Kaplan, your bedroom
17 distribution, one-bedroom, 66; two-bedroom, 102;
18 three-bedroom, you have eight units for 176. So Mr.
19 D'Addio is asking what's your bedroom distribution.
20 You're saying eight; it's supposed to be four, so
21 then if we have four less three-bedrooms, how does
22 it break down.

23 MR. B. KAPLAN: He's asking for the
24 bedroom distribution because the number we're
25 saying --

1 resolution.

2 MR. B. KAPLAN: Apologize about the
3 confusion, but yes, absolutely correct.

4 MR. D'ADDIO: I have one more question.
5 Just this one is going to be easy.

6 MR. B. KAPLAN: We can't do the math so
7 this one is going to be easy. Who is the question
8 for?

9 MR. D'ADDIO: I'll tell you the
10 question; you tell me who is going to answer. How's
11 that? Years ago when I was on this board, we had a
12 big project, and it was smaller than this, and there
13 was also a pool involved in the project, and this
14 board at the time gave a number of CO's that had to
15 be done before the pool was built. Can you give me
16 a number, anything reasonable, for the record. I
17 mean, I don't expect you to put a pool in at
18 50 percent.

19 MR. J. KAPLAN: We will, though.
20 Actually, when we construct this, because it's a
21 rental project and the rental office is in the first
22 building, we actually construct it all in the
23 beginning because it's part of our marketing, so
24 it's constructed right from the beginning. It won't
25 be ready by the first one, but definitely by the

1 halfway mark it will be completed.

2 MR. D'ADDIO: That's all I needed.

3 MR. J. KAPLAN: Sure.

4 MR. B. KAPLAN: Get back on track.

5 Thank you for that little deviation. So we have
6 agreed -- I think the last discussion we had is we
7 can comply with the technical review comments in
8 your last memo, Mr. Cornell.

9

10 WILLIAM T. WENTZ IEN, continued.

11 Q. Bill, you also had the occasion to
12 review Mr. Fowler's February 14, 2020, report,
13 correct?

14 A. Yes, I did.

15 MR. B. KAPLAN: Mr. Chairman, is it all
16 right if we go through that report at this point to
17 the extent that there are comments that Bill could
18 address.

19 Q. I believe the first comment that is
20 addressed to an engineering testimony is D1 on page
21 3, talks about the site containing no water feature.
22 There was something in the requirements that stated
23 that the existing water features may be modified;
24 however, the water feature shall be enhanced and
25 maintained as an amenity and potentially function as

1 a retention basin. Just for the record, that's not
2 happening in this case, right?

3 A. No. As I said, on the engineering that
4 came about as we were going into the design of the
5 application because it says potentially as a
6 retention basin. The soils on the site are not what
7 I would call good soils, so in being able to design
8 any type of feature on the site to handle
9 stormwater, we had to aggressively address how we
10 were going to handle it and safely discharge it
11 without an appropriate use of the soils that are on
12 site. The soils on site are dense, and they don't
13 allow -- so that area that has the low depression
14 area does not properly go dry in the way you would
15 want it to or just it just sits, and the other
16 aspect that was working with us is we have to design
17 the stormwater to work with the seasonal high water
18 table. Seasonal high water table, we have to be
19 above that, and if the -- if you're into it, we
20 cannot properly drain that, so we're unable to drain
21 a -- provide a design on there that would allow it
22 to stay where it is and then be able to have a place
23 to discharge.

24 The big problem on this site in terms of
25 that was the ultimate discharge point, which I said

1 the low end in checking all around, the high end is
2 sitting on the west side. On the east side there is
3 a very low level culvert that goes under Sayreville
4 Boulevard which can adequately handle the flow, and
5 as I said, any flow leaving the site is going to be
6 well below existing, so anything happening there is
7 going to be much better, but we were unable to
8 retain a water feature. As it kind of written here.
9 It's being detained in a detention basin, properly
10 so with the latest DEP requirements.

11 Q. Moving on --

12 MR. FOWLER: Mr. Chairman, if I may, and
13 to Jay. One of my questions was possibly reshaping
14 the basin, something you can do with the stormwater
15 system to make it a little bit smaller to move it
16 away from those two buildings. If it was a
17 retention basin, which you do have to go below the
18 seasonal high water table in order for it to retain
19 water on a regular basis, could you hold more
20 stormwater in a smaller basin? Would it help?

21 THE WITNESS: No, it doesn't allow us to
22 work that way. That would be not allowed as part of
23 our reductions. We might -- whatever we have to do
24 to tweak with this basin to address some of the
25 final comments, it's not going to allow us to reduce

1 the basin. I thought about it. I truly understood
2 your comment. I just -- from an engineering
3 hydraulic point, I just can't make it happen.

4 MR. CORNELL: I think that from his
5 initial submission, from the engineer's initial
6 submission to what we are now, I think the basin
7 actually got bigger because of the design parameters
8 that we pointed out needed to be addressed. The
9 other constraint you have changing the shape are the
10 easements. One side of this basin is right up
11 against a Jersey Central easement. The other side
12 is only a few feet away so there's not a lot of room
13 to move. To provide more room behind the unit,
14 which I know is one of the other concerns you have,
15 with the usable back yard. That was another issue,
16 but because of the constraints with the easements,
17 there's not a lot of room to change --

18 THE WITNESS: I wish it was otherwise,
19 and the engineer is correct, it actually got a
20 little bit bigger because we had to constrain even
21 more water to take care of some final comments from
22 the engineer, but I understand where we were
23 going -- the attempt was there. It truly was.

24 MR. CORNELL: I think there are still
25 revisions that you have to make to address

1 stormwater.

2 THE WITNESS: Yes.

3 MR. CORNELL: Keep in mind some of the
4 concerns that have been raised, and if it's possible
5 to reconfigure to increase back yard area, maybe
6 something you can try to do.

7 THE WITNESS: Well, we'll certainly look
8 at that. It's one of those things, and it's what I
9 deal with all the time. You get tugged from one
10 side to do this, but the other side is tugging me
11 this way, and I have to create the best balance in
12 the middle for the best product for the town, but I
13 understand.

14 MR. FOWLER: I believe you're grading a
15 little bit into the JCP&L easement on the north side
16 of the basin. I was wondering if, again, if maybe
17 you get permission to extend the basin a little bit
18 to pull, again, reshape it slightly to pull it away
19 from the building.

20 THE WITNESS: We will look at
21 everything. I'm not going to -- I'm just not
22 blanketly saying no. I'm just saying it was a very
23 difficult constraint.

24 MR. FOWLER: Thank you.

25 THE CHAIRMAN: Do you have a question,

1 MR. CORNELL: No, I think it's the
2 grading. There's more grading on that side.
3 Mr. Wentzien can correct me if I'm wrong, but on the
4 east side, looking at this colored rendering, you're
5 showing some area between the easement line and the
6 retaining wall. I think it's actually --

7 THE WITNESS: No, that's absolutely
8 correct. Is there a little bit of extra berm that's
9 happening on the one easement than the other,
10 absolutely correct. We're not going to be able to
11 detain water, itself, within those easements areas,
12 and we have to have an adequate, safe way -- the
13 whole berm and earthwork is constrained about how we
14 design that, so I've safely pushed it as far as I
15 can. One area -- the easement heading out towards
16 Main Street is a different type of easement than the
17 one going to Sayreville Boulevard, which has the
18 larger towers in it. So we've -- the engineer is
19 correct. We had to enlarge the basin just a hair,
20 but we've enlarged it to the max working with the
21 easements properly. Any little wiggle room that's
22 in there is not going to be of the size on an
23 initial thought to make the whole shape change, but
24 we will certainly look at what we can.

25 Q. Bill, moving down Mr. Fowler's report, I

1 Mr. Kelly?

2 MR. KELLY: I think you might have
3 touched on it. It seems like there's a lot of room
4 to the left of the basin where the shrubbery is and
5 what have you whereas it's right up to the easement
6 going towards Main Street. I sit -- is there a rule
7 that says it cannot be up to the easement on both
8 sides of that quadrangle?

9 THE WITNESS: We are up to the easement.
10 What you're seeing on the plan is the retaining wall
11 that is within the basin. The grading plan reflects
12 the berm that's graded with that, so we are grading
13 and providing earthen berm area right up to the
14 limit of the easement.

15 MR. CORNELL: Typically, the utility
16 company, in this case Jersey Central, will allow you
17 to do some minor grading, but they're not going to
18 want to have a detention basin.

19 MR. KELLY: Well, I'm saying, just
20 looking at the picture, the easement starts twice --
21 not even -- 10 times further back on the one side
22 than it does on the front side. I mean, it's right
23 up against that dotted line, so is it just artist
24 rendering is making it look like it's more than it
25 really is?

1 believe you already -- and, Mr. Fowler, please, if
2 you want some more specific testimony, we can
3 certainly provide it. I believe you've already
4 addressed B and C in your testimony previously. In
5 regard to D, Mr. Fowler identifies that there are
6 many pervious areas along the front of the site that
7 are not landscaped. It is not clear if this area
8 includes trees that are being saved. That area may
9 be encumbered by easements. That sort of dovetails
10 right into E, as well, what he requests or makes a
11 statement that only three street trees are proposed
12 over 600 feet of frontage. Can you address the
13 waivers we are seeking relative to D and E and why
14 we can't do more plantings along Main Street.

15 A. Right. I think 9AII in the zoning
16 talked about evergreens there, and the 9DI talked
17 about street trees. It says the following
18 particular ordinance that's in town. When you check
19 that ordinance, it says street trees should be
20 provided at least one every 50 feet. I think the
21 planner in his report identified three, and they
22 would kind of be on the west end where the right
23 access is.

24 Couple things are going to -- are
25 happening here. On the right end, we can certainly

1 work -- we can certainly work with that. That is
 2 the -- that last little bit of frontage is the only
 3 piece of frontage this project has that doesn't have
 4 an easement in front of it, which is why we were
 5 able to bring the landscaping up where we did.
 6 As you go through the site, between the
 7 two access points is the Middlesex County Utilities
 8 Authority easement, and it's also an area that we're
 9 not touch -- that is indicated on the plans you have
 10 that's not being touched in that way. There was
 11 existing vegetation along there, and that's the
 12 darker shaded area that's on A-3. The balance of
 13 the frontage on the east side is all a combination
 14 of JCP&L and MCUA easements, so there's only limited
 15 intrusion we can do on that, but at the same time, I
 16 do acknowledge to you that we have to work with the
 17 county as part of road improvements we're working at
 18 with them at that site. So we can certainly take a
 19 look if anything that's being adjusted with the
 20 county and still work with the intensive amount of
 21 electric equipment that's out there, because that
 22 came up in our discussions when we had met with the
 23 county. You do have the one JCP&L out parcel of the
 24 substation, and there's quite large extensive
 25 utility poles that's in the air and towers along

1 ordinance says that you got to conform to perimeter
 2 setbacks. When you go through the ordinance, it
 3 looks like setbacks were discussed in two ways. One
 4 is a buffer setback, and the other is what you would
 5 classically call your building setbacks.
 6 So in terms of working with the
 7 perimeter buffers, we can certainly work with that.
 8 I think we have to do about a 6-inch shift on the
 9 one that's on the west side, but we can -- all the
 10 enclosures can be made to comply with the setback
 11 requirement in the zoning that talks about a buffer
 12 setback. That we can do.
 13 If you also take into account the
 14 building setback, the planner points out that when
 15 the buildings were being laid out, the main
 16 structures, there was a requirement that they be
 17 90 feet back from Main Street and then 20 feet back
 18 from the side property line, which they were
 19 designed and laid out so to do, but the two
 20 remaining refuse areas that's in the front, though
 21 they're within the buffer setback, they are within a
 22 building setback. Just to clarify, some of the
 23 dimensions that were noted -- and I just wanted to
 24 reach out just to make sure we're on the same
 25 wavelength. The one of them on the left side coming

1 there, and the county is having us work with that,
 2 also. So we're very limited along the entire
 3 frontage of Main Street with shade trees. We
 4 understand it, and -- but we will do what we can,
 5 and some of the discussions with the county may open
 6 up something there. We'll certainly keep that in
 7 mind when we're talking with the county, but in
 8 terms of just blanketly saying, well, one every
 9 50 feet, it's a little bit -- for this particular
 10 site a little bit awkward in working with that.
 11 Q. Moving down, number 2, letter F,
 12 Mr. Fowler identifies that all outside refuse and
 13 recycling storage areas shall conform to the
 14 perimeter setbacks as established herein. The
 15 setback of 90 feet is required from Main Street and
 16 20 feet from the side property lines. Two trash
 17 enclosures proposed in the northwest section of the
 18 site are 20 and 25 feet from Main Street, and the
 19 most westerly enclosure is 12 feet from the side
 20 property line. I think you've gone into this a
 21 little bit, but can you justify the design waiver
 22 we're seeking the location of these trash
 23 enclosures.
 24 A. Yes. He identifies two that's pointed
 25 out when you're reviewing the ordinance. The

1 in, it's by scale to the corner of the refuse
 2 23 feet, and the other I think you might have been
 3 pointing out the 25-foot dimension to the curb, but
 4 to the refuse enclosure is 45. So the one is
 5 23 feet back and the one is 45. I just wanted to
 6 make sure we're okay with the planner that I think I
 7 just wanted to clarify that.
 8 To counteract that -- as a design
 9 waiver, to counteract that, we're providing some
 10 extra heavy landscaping that goes around,
 11 particularly around the area in the bottom right
 12 corner. That is a very heavily landscaped around
 13 the perimeter of the site on that one. The one
 14 that's on the left, we're providing some planting
 15 around it, plus there will be the separation to the
 16 balance of Main Street where some of the existing
 17 vegetation that's staying. So I think that while
 18 complying with the buffer a little bit closer on the
 19 building, I think they are still being adequately
 20 screened, and they will be adequately separated out
 21 as we tried to work with the constraints and the
 22 extensive easements that's on the site. I don't
 23 think there's any real detriment that's going to
 24 happen.
 25 Q. Bill, I believe the last design waiver

1 that I need you to discuss with the board tonight is
2 the design waivers based on the number of proposed
3 signs, monument signs, as well as the location.

4 A. Yes. That was properly pointed out by
5 the planner. Under -- I think we're still under
6 section 9 of the ordinance, which is the design
7 waivers, it's classified as a design waiver. Under
8 B, it says that the signs, there's a constraint on
9 the size and the height and the setback from
10 property lines on the signage. Maximum 32 square
11 feet, 4 feet in height, and 10 feet back from the
12 property line. And there are two signs proposed,
13 one at each of the entrances. The size of the sign
14 is 43.56 square feet as opposed to 32, and the
15 height is indicated at 4.25 feet as opposed to the
16 4, and we will certainly be able to at the end of
17 the day work with the setbacks, so that one is not
18 going to be an issue. So it's in excess a little
19 bit on the size, and there's a very, very minimal,
20 negligible .25 feet on the height.

21 We think the sign as presented on the
22 plans on sheet -- direct you to that -- on sheet
23 23 -- excuse me -- 22 of the site plans, 22 at the
24 top is the appearance of what the signs at the
25 entrance will look like. Does everybody have that?

1 veneer.

2 A. That's correct. Just giving you numbers
3 is one thing, and it helps to have a look on it that
4 the colors and the neutralness of it I think is a
5 good design. I think that what was intended here
6 was to present something that would be aesthetically
7 pleasing when you're approaching the project.
8 You're trying to enhance a piece of property that's
9 sitting the way it's been sitting for many, many a
10 year, so -- and you also need something that's just
11 clearly readable and good contrast to itself without
12 being obtrusive. I think the desired effect is what
13 was said here for the project.

14 There's two of them because of the
15 separation between the two access points there's
16 430 feet, and there's a curve in the road. It was
17 felt safer for people coming down Main Street that
18 with the curve in the road and the distance of
19 separation and the existing vegetation that's noted
20 between the two that if you miss one, you have on
21 the other, and it doesn't cause awkward movements on
22 the road. We think it's the way to go. It's the
23 correct way to go to safely do it, and wanted to do
24 it in, as I said, in a nice looking way.

25 The size I think, given the way the

1 If I can help -- the only plans you have
2 are the large size? If it helps, out of the set I
3 was going to talk with, I had 11-by-17 in front of
4 me. When I print that set of plans, the signs come
5 out in color. Oh, no, I like it. Very good. The
6 sign that is detailed on sheet 22 is --

7 MR. ALFIERI: Mark that as A-4.

8 THE WITNESS: Colorized -- so this will
9 be a new handout.

10 MR. ALFIERI: Mark that as A-4.

11 (Sign exhibit marked A-4 for

12 Identification)

13 MR. ALFIERI: You identified this as
14 color rendering of the signs, freestanding sign?

15 MR. B. KAPLAN: Can I grab one so we can
16 identify.

17 Q. Bill, so this has been marked as A-4 for
18 record, and to help with the court stenographer,
19 would you just identify what we've handed out,
20 please.

21 A. This is the rendition of the
22 identification sign, one each at each of the two
23 entryways into the site.

24 Q. It's identified as Main Street entry
25 monument sign, cement constructed base with stone

1 entrances are and the spread out and the boulevard,
2 itself, has got a little bit of width to it, I think
3 it will look proportionately correct in size. It is
4 not my opinion that it would look out of proportion.
5 I think it would look correct given the size, given
6 the layout, the curve in the road, and the size
7 coming in.

8 I've just been advised that there is a
9 Towne Lake sign off to what would be the east.
10 These signs are actually smaller than that existing
11 sign.

12 And in term -- and as I said, they'll
13 meet the setback requirement. So I think it's
14 important. You got the unused portion. You got the
15 size going on. I think it will be proportionately
16 correct. It's colored in such a way to be clearly
17 identifying without being in your face in that
18 respect in terms of the colors. So we think -- we
19 don't think it's inappropriate. We actually think
20 it's appropriate, and we actually think it will
21 serve proportionately to the project correctly.

22 Q. Thank you, Mr. Wentzien.

23 MR. FOWLER: Mr. Chairman, if I may. On
24 the height, there was no dimension for the base on
25 the plan so I kind of estimated about 2 feet, but

1 the base is 18 inches, the height of 51, so you've
2 got about 5 and three-quarter foot sign.

3 THE WITNESS: If you count the bottom,
4 you're correct.

5 MR. FOWLER: Measures at the grade.

6 THE WITNESS: When I mentioned 4.25,
7 that was the sign face proper, so the plan is
8 correctly pointing out there's an additional
9 18 inches to the ground, and you want the sign --
10 where it says community name, you need that at the
11 right spot when you're in your car.

12 MR. FOWLER: Then on the setback on the
13 sign that's furthest to the west, it was difficult
14 to tell where the property line was and where the
15 easement line was, but I thought there was zero
16 setback, it was right on the property line. You're
17 saying it met the front yard setback, which is
18 10 feet? Does that not meet setback?

19 THE WITNESS: I was saying that it's
20 going to meet -- it can meet the -- we can make it
21 meet the 10 feet. That one will go away with any
22 finalized plans. But no, you're correct in pointing
23 out what you did. You did read it correct.

24 Q. Thank you, Bill.

25 MR. B. KAPLAN: Mr. Fowler, the rest of

1 the comments in your report can be addressed by
2 other professionals, and your remaining comments
3 under G, general comments, I believe Mr. Wentzien
4 has already addressed them in his direct testimony.
5 He's not going home so he'll be here if you want to
6 hear from him again.

7 MR. TIGHE: Mr. Chairman, before he
8 steps down, I'd like to ask the engineer a question.

9 THE CHAIRMAN: Sure.

10 MR. TIGHE: Let's go back to the swales
11 and the dirt. How much dirt we bringing in? Once
12 we bring the dirt in, what are we doing with it?
13 We've had some problems on this site with compaction
14 the last time around, so what are your plans to
15 handle it this time?

16 THE WITNESS: Going to have to -- we
17 don't have a volume with us tonight. The
18 question -- I can tell you how -- I told you the
19 depths. How they're going to logistically do it and
20 what they're going to do, I cannot answer that.

21 THE CHAIRMAN: Do you know where the
22 material is coming from?

23 MR. J. KAPLAN: Yeah, so I was just told
24 it's --

25 MR. B. KAPLAN: Jason Kaplan again.

1 You've been sworn.

2 MR. J. KAPLAN: I have. I was just told
3 about 61,000 cubic yards that are going to be
4 brought in. The material's actually over in La Mer,
5 so we're just bringing it over from the other side
6 of town. The plan hopefully with timing, if
7 everything is approved by this board and by the
8 other outside agency approvals, we would basically
9 just be grading it. We're just really looking to
10 move the dirt out of La Mer, and then I'm hoping
11 that we just continue with the construction and
12 build it out. We were just looking -- we've broken
13 it into phases just so we can move that dirt from La
14 Mer in an expedited manner.

15 MR. CORNELL: Mr. Chairman, to follow up
16 on Mr. Tighe's question, the issues at Towne Lake
17 have to do with the manner the materials were
18 compacted. You use dynamic compaction.

19 MR. J. KAPLAN: Oh, yes, no, no, that's --

20 MR. CORNELL: So you're not
21 proposing dynamic compaction to --

22 MR. J. KAPLAN: No, from a geotech
23 standpoint, we're --

24 MR. TIGHE: You're just going to roll it
25 over.

1 MR. J. KAPLAN: That's correct, the dirt
2 is just being brought in to raise the site above the
3 floodplain. So it's not a geotech issue; it's a
4 height issue.

5 MR. TIGHE: Just going to level it off
6 and compress that.

7 MR. J. KAPLAN: They'll use like a
8 vibratory roller. I have memories of that, as well.

9 MR. TIGHE: You were here. Okay.

10 MR. FOWLER: Mr. Chairman, just my
11 points that were -- just on 2A and B, where it talks
12 about the 10-foot buffer around the perimeter and
13 then what a buffer actually is, it does say that
14 when you're next to an easement that that's taken
15 into consideration if you're going to buffer the
16 easement, but on the rear of the property on the
17 southern side where you've got that wall, there's
18 zero buffer there because the wall basically abuts
19 the property line, so you would need a waiver from
20 that requirement.

21 THE WITNESS: Yes, and we can certainly
22 work with some of the planting types, too. If the
23 mix needs to be a little bit more intermixed with
24 evergreens or something, we can certainly do that
25 where we can. There is a 5-foot space between the

1 wall and the parking lot, but by the time we make
2 that a solid fence, it will serve no purpose for the
3 public, so except for where the walls is -- where
4 the wall is, we can certainly play with the
5 landscaping there. We would be glad to.

6 MR. FOWLER: Give us 5 feet there if you
7 want to go extend the fence and then have a row of
8 shrub behind that to block the headlights, that will
9 be fine, too.

10 THE WITNESS: That we can do.

11 MR. FOWLER: And then a buffer is
12 supposed to contain evergreen plantings, so to the
13 rear of the buildings on the west side of the site,
14 there was no evergreen plantings, so you're going to
15 work some in.

16 THE WITNESS: That's why I said we can
17 actually work with the materials in a slight mix
18 different to what's exactly there to accommodate
19 that concern.

20 MR. FOWLER: And then on G under 2,
21 also, we talked about refuse and recycling
22 containers. I don't think you addressed the fact
23 that there's only four refuse containers on the
24 whole -- on the site and how is that going to be
25 able to handle the seven buildings.

1 you're up here and we're talking about management
2 and the garbage, who is going to manage this
3 property, who is building it, and what's the Kaplan
4 family --

5 MR. J. KAPLAN: Sure, so similar to
6 Camelot at Towne Lake, we will be the manager. We
7 have our own employees on site and staff. We'll
8 have a property manager, leasing agents that are
9 there during normal business hours, and then we
10 typically have a superintendent and a maintenance
11 tech that live on site so they have 24/7 service,
12 and then we subcontract out -- we don't do our own,
13 you know, landscaping maintenance and pool
14 maintenance. That we'll subcontract out, but all
15 the -- everything is done through us so if there's
16 an issue at the site, it's all, you know, grievances
17 or problems or complaints all come to us directly.

18 MR. B. KAPLAN: Thank you.

19 MR. D'ADDIO: One quick question. I'd
20 just like to get on the record that this project
21 will comply with the borough's rent control
22 ordinance.

23 MR. J. KAPLAN: If that's the
24 requirement, yes.

25 MR. D'ADDIO: Yes. I have a good reason

1 THE WITNESS: I'm going to refer that to
2 Mr. Kaplan.

3 MR. FOWLER: I guess the traffic
4 engineer will handle H where it talks about getting
5 in and out with the trash containers.

6 MR. B. KAPLAN: Sure.

7 MR. FOWLER: And then I have looked
8 on the --

9 MR. B. KAPLAN: Do you want him to
10 answer the question?

11 Jason, why don't you come up and talk
12 about the number of refuse areas and the adequacy.

13 MR. J. KAPLAN: So based on our
14 experience, what we've seen is that it is adequate,
15 and if we found -- if it's not, we can increase the
16 frequency of pickup. We are going to explore -- we
17 did feel that I think building 4 -- we were going to
18 explore looking at a possible additional dumpster
19 for that area to see so it's not as far for the --

20 MR. FOWLER: Besides the numbers, it
21 seemed like for convenience --

22 MR. J. KAPLAN: That seemed to be the
23 one building. We agree so we will try to fit
24 something in.

25 MR. B. KAPLAN: And, Jason, again, while

1 for asking. Thank you.

2 MR. J. KAPLAN: Okay.

3 MR. FOWLER: Last quick points, and I
4 didn't have a chance to go over this with Jay
5 because it was short timewise.

6 THE WITNESS: I understand.

7 MR. FOWLER: But on the flood hazard
8 area, I was looking at the flood hazard area map, it
9 looked the hundred-year flood and the 500-year flood
10 kind of came close to the site but didn't come onto
11 the property.

12 THE WITNESS: No, we're good that way,
13 and just to further buffer that, when I was
14 mentioning before there was the undulations in there
15 and I said we had a letter of interpretation from
16 the DEP already issued for the site, anything that
17 was on there was considered isolated and not
18 connected to anything.

19 MR. FOWLER: And they're beyond the
20 CAFRA limits.

21 THE WITNESS: Correct.

22 MR. FOWLER: Thank you. That's all, Mr.
23 Chairman.

24 MR. B. KAPLAN: Mr. Chairman, I have
25 nothing further for Mr. Wentzien. If any -- want to

1 open to the public, he'll be here.
 2 THE CHAIRMAN: I want to ask the board
 3 if they have any questions.
 4 MR. KELLY: How many units phase 1 and
 5 phase 2 total again, 332 or something? All told,
 6 how many units?
 7 MR. B. KAPLAN: For Camelot 1 and
 8 Camelot 2, not phase 1 -- you mean both?
 9 MR. KELLY: All of this, all seven
 10 buildings.
 11 THE WITNESS: Just this site he's
 12 talking about.
 13 MR. KELLY: No, just this site, how many
 14 buildings?
 15
 16 MR. B. KAPLAN: Seven buildings.
 17 MR. KELLY: How many apartments or
 18 homes?
 19 MR. B. KAPLAN: One hundred seventy-six.
 20 MR. KELLY: And how many parking spaces
 21 are there?
 22 MR. B. KAPLAN: Three hundred forty.
 23 MR. KELLY: So the other thing is that
 24 development altogether.
 25 MR. B. KAPLAN: Yes.

1 MR. SIVILLI: Isn't that a little short?
 2 THE WITNESS: No.
 3 MR. SIVILLI: Isn't it one for every 25
 4 spots?
 5 MR. KAUSCH: It's 2 percent, and it
 6 calcs out to be correct. Actually required is
 7 seven, and there's an eighth one because there's an
 8 extra one provided for the leasing office area.
 9 MR. SIVILLI: Okay. I was under the
 10 impression there was one for every 25.
 11 MR. CORNELL: I thinks that's based upon
 12 the surface parking. I think you are looking at the
 13 garage area and the driveways.
 14 THE CHAIRMAN: And they will be
 15 throughout the -- they're not going to be --
 16 MR. J. KAPLAN: They're labeled on here.
 17 Yeah, they're usually -- you have -- they're in
 18 front of each building.
 19 MR. SIVILLI: Are they required to be
 20 van parking?
 21 MR. CORNELL: They are in that.
 22 MR. SIVILLI: Five-foot aisles?
 23 MR. J. KAPLAN: Yeah, and you have to
 24 have an accessible pathway to the building so that
 25 it's --

1 MR. CORNELL: Mr. Chairman, the RSIS,
 2 residential site standards, set the parking
 3 requirement based upon the number of bedrooms.
 4 Based upon this unit count, they comply with that.
 5 MR. MACAGNONE: But you're including the
 6 garages and driveways.
 7 MR. CORNELL: That's correct.
 8 THE WITNESS: Yeah, the driveways was
 9 part of the calculation.
 10 MR. J. KAPLAN: And just to address that
 11 issue because we've had concern, we've built similar
 12 product actually in Camelot. We monitor the garages
 13 ourselves. We make sure people are using them for
 14 parking spots, they're not using them for storage.
 15 MR. MACAGNONE: You can enforce that?
 16 MR. J. KAPLAN: Yes. It's in their
 17 lease, and we actually make them sign an addendum
 18 saying that they have to park their car in the
 19 garage. Yeah, otherwise, it becomes a marketing
 20 issue for me, and it's a problem. In the condos I
 21 can't enforce, but on the rentals we do.
 22 MR. SIVILLI: If I may, on the parking
 23 spots, how many were handicapped again? You
 24 mentioned it.
 25 THE WITNESS: Eight.

1 THE CHAIRMAN: Do you want to call your
 2 next witness.
 3 MR. B. KAPLAN: Rich, why don't you come
 4 up and be sworn in.
 5
 6 R I C H A R D A R Z B E R G E R, sworn.
 7 DIRECT EXAMINATION BY MR. B. KAPLAN:
 8 MR. ALFIERI: Please state your name for
 9 the record and spell your last name.
 10 THE WITNESS: Richard Arzberger,
 11 A-r-z-b-e-r-g-e-r.
 12 Q. Rich, would you please confirm for the
 13 board your educational, professional qualifications.
 14 A. I have a bachelor of architecture degree
 15 from the University of Notre Dame, a master's in
 16 business from the University of Michigan. I've been
 17 a licensed architect in the State of New Jersey
 18 since 1984 and also a licensed planner in New Jersey
 19 since 1989.
 20 Q. And your licenses are current I hope?
 21 A. Yes.
 22 MR. TIGHE: Make a motion we accept his
 23 credentials.
 24 Q. Are you prepared and you oversaw the
 25 preparation of the architectural renderings and

1 floor plans that are before the board this evening?

2 A. Yes.

3 Q. Why don't you start walking the board
4 through the renderings and the floor plans, please.

5 A. Okay. First I'll orient you on the site
6 plan that the engineer previously entered into -- as
7 an exhibit. The 176 units are distributed among
8 seven residential buildings. There are four
9 specific prototypes comprised of those seven
10 buildings. Building 1, 2, 7, and 6 share the same
11 prototype. Building 5 is unique, building 4 is
12 unique, and building 3 is unique, and I'll go into
13 each detail on each one of those.

14 The four buildings which I said --

15 MR. ALFIERI: We'll mark this as A-5.

16 MR. B. KAPLAN: Is it A-5?

17 MR. ALFIERI: A-5.

18 (Architectural renderings marked A-5 for
19 Identification)

20 THE WITNESS: By the way, all the boards
21 that are pinned are just reproductions of what was
22 previously submitted as part of the application. I
23 have one exhibit, which is a rendering, which was
24 not submitted with the rest of the application.

25 MR. ALFIERI: Please identify A-5.

1 sized living and dining area, and the way we floor
2 planned this is the two-bedroom units typically have
3 what we call a double master, so the living area and
4 kitchen area and dining area is in the center of the
5 unit, and on each side is a bedroom with its own
6 bathroom, one of which is accessible from outside
7 the bedroom. The other one is a typical master
8 scenario where you enter the bedroom to enter the
9 bathroom.

10 The, one, bedroom units, which are
11 located in the front of the building, likewise have
12 a large living/dining area and kitchen, except this
13 has a one-bedroom with a single bath access off of
14 an alcove adjacent to the bedroom.

15 The square footage in size of these
16 units, the two-bedroom units are approximately in
17 the 1,200 square foot range, and the one-bedroom
18 units range from about 775 square feet up to a
19 thousand square feet, depending on which unit we're
20 referring to.

21 The next prototype is very similar to
22 the one I previously showed you. This is the
23 prototype which is used for building number 4. The
24 primary difference in this one is just the unit mix
25 in terms of bedroom count.

1 THE WITNESS: A-5 is sheet A 2.0 from
2 what was submitted, and it is the first floor plan
3 and typical upper floor plan of the prototype used
4 for buildings 1, 2, 6, and 7. Those are the four
5 that I showed you on the site plan.

6 So on this sheet you see it in the lower
7 portion of the sheet is the first floor plan, and in
8 the front of the building as you face the building
9 are 12 garages as well as two entrances. On the
10 first floor is a corridor that runs the length of
11 the building, which provides access to those garages
12 as well as to the four grade floor units on the back
13 side of that building. On the upper floors -- and
14 all the upper floors are identical -- this is a
15 four-story building, so the three upper floors are
16 indicated as typical upper plan, and that building
17 has eight units in the upper floors.

18 Most of these buildings are consistent
19 in that they have a central corridor that's accessed
20 on either side of the hallway with units and also
21 include an elevator, which provides access to all
22 four floors.

23 In this case, you'll see that there is a
24 combination of one and two-bedroom units, and each
25 of the two-bedroom units contains a fairly good

1 MR. B. KAPLAN: Rich --

2 MR. ALFIERI: Mark this exhibit as A-6.
3 (Building 4 floor plan marked A-6 for
4 Identification)

5 THE WITNESS: This was part A-6 of the
6 submission and exhibit -- yeah, Exhibit A-6, and
7 it's titled building 4 building floor plans, and
8 just as I described on the other building, first
9 floor is in the lower portion of the sheet, has 12
10 garages, you know, along the front of the building,
11 four units to the rear, and the only primary
12 difference between this and the previous prototype,
13 as I said, was bedroom mix.

14 The third prototype plan, which is
15 labeled building 3, which was sheet A 4.0 on the
16 submission --

17 MR. ALFIERI: A-7.

18 THE WITNESS: And it's going to be
19 called Exhibit A-7.

20 (Building 3 floor plan marked A-7 for
21 identification)

22 THE WITNESS: This building is unique in
23 that it's somewhat smaller in size. It's fewer
24 units. This unit only -- this building only has
25 10 units as opposed to the 28 units in the previous

1 buildings I showed you. In this particular
 2 building, there are four garages facing front and
 3 two units in the rear as well as four units above.
 4 In this case, all the units in the building consist
 5 of one-bedroom units, and this building does not
 6 have an elevator, and it's only three stories tall.
 7 Whereas the other buildings were four stories tall
 8 and elevator service, this building has just a
 9 single central stair that accesses each of the units
 10 and does not have an elevator. This is the --
 11 building number 4 is the only building utilizing
 12 this prototype.

13 And finally, building number 5, which --
 14 MR. ALFIERI: A-8.

15 THE WITNESS: Sheet 9.0 on the
 16 submission and is now Exhibit A-8.

17 (Building 5 floor plan marked A-8 for
 18 Identification)

19 THE WITNESS: And it's labeled building
 20 5 building -- I'm sorry -- it's labeled building 5
 21 building floor plan, so that will be Exhibit A-8.
 22 Likewise, this building is similar to the larger
 23 buildings that I showed you earlier with one
 24 exception, that being that at ground floor level at
 25 one end of the building is the community clubhouse

1 As far as the appearance of the
 2 building, what we tried to do -- and I'm going to
 3 show you a rendering, colored rendering that we did,
 4 that's -- that needs an exhibit number.

5 MR. ALFIERI: That would be A-9.

6 (Colored rendering of building 5 marked
 7 A-9 for Identification)

8 THE WITNESS: And this can be called the
 9 colored rendering of building number 5. So this is
 10 the building I just described to you. It has the
 11 clubhouse on the left-hand side as you face the
 12 building. This is the front of the building, and
 13 the side elevation is below that, and this side
 14 elevation illustrates the clubhouse elevation.

15 These are rendered in colors to
 16 approximate what's being proposed for the site. The
 17 materials used on the elevation include this darker
 18 gray area, which if you see it up close you can see
 19 is a stone veneer, cultured stone or manufactured
 20 stone. The medium gray is vinyl siding, and the
 21 white elements, which include the bays and these
 22 elements, are a combination of fiber cement board
 23 and AZEK synthetic trim work. So you'll see that
 24 there's a box bay in this location and these larger
 25 bay elements here and here. Likewise that detailing

1 area. That clubhouse area will consist of fitness
 2 room, a large lounge, a leasing area towards the
 3 front of the building, and public restrooms. Those
 4 restrooms will be utilized by people using the
 5 fitness and lounge area as well as serving the pool.

6 Q. Rich, how big is that proposed
 7 clubhouse?

8 A. It's approximately 3,900 square feet.

9 The balance of the building, which
 10 includes eight garages and two dwelling units on the
 11 first floor, are similar to the other buildings with
 12 the exception of that clubhouse. On the upper
 13 levels, they're the same as those other buildings,
 14 and that's an elevator service building with two
 15 access stairs and a central corridor. The units
 16 within this building likewise are similar in size
 17 and similar in layout to the one and two-unit --
 18 bedroom units that I showed you in the other plans.

19 So the total number of units, as we
 20 said, is 176, including 66 one-bedrooms, one of
 21 which is an affordable, 108 two-bedrooms, seven of
 22 which are affordables, and two three-bedrooms, both
 23 of which are affordables. So that's unit breakdown.
 24 So you have 10 affordables in that distribution out
 25 of the 176 units, just for clarification.

1 and materials carry all the way around the building.
 2 The roofs are an asphalt shingle roof with
 3 approximately a 6-on-12 pitch, and if I show you --
 4 I don't have renderings of all the buildings, but if
 5 I show you, for example, the three-story building --
 6 this Exhibit 10 --

7 MR. ALFIERI: A-10.

8 THE WITNESS: -- of sheet A 5.0 labeled
 9 building 3 elevations, this was part of the
 10 submission. I just wanted to show this to you
 11 because it illustrates that the way in which the
 12 elevations are treated carry through all the
 13 building types, as you can see, and the materials
 14 are likewise carried all around all four sides of
 15 each of the buildings. So there's a consistency
 16 that runs through the community as a whole, giving
 17 it a cohesive character to it.

18 And that pretty much summarizes a
 19 description of the buildings which are being
 20 proposed.

21 (Building 3 elevations marked A-10 for
 22 Identification)

23 Q. Okay. There's been a lot of confusion
 24 here tonight with the number of units and the number
 25 of bedroom units. So again, I know while you were

1 sitting back in the pews, you --
 2 A. The numbers I gave I just recounted.
 3 There was an error on our matrix, which indicated
 4 that there were eight three-bedrooms. We're
 5 proposing two three-bedrooms, both of which are
 6 COAH. The six that are not three-bedrooms are
 7 actually two-bedroom markets.
 8 Q. So and --
 9 A. And the numbers that I gave you reflect
 10 that change.
 11 MR. B. KAPLAN: So just for
 12 clarification purposes, let's go through matrix one
 13 more time. How many one-bedrooms; how many
 14 two-bedrooms, how many three-bedrooms.
 15 MR. J. KAPLAN: The total unit count is
 16 176.
 17 THE WITNESS: Right.
 18 THE CHAIRMAN: We're on board with that.
 19 MR. J. KAPLAN: The number --
 20 THE WITNESS: The number of
 21 one-bedrooms, including both market and COAH, are
 22 66; however, of those 66, one is a COAH. Of the
 23 two-bedroom units, there are 108 total two-bedroom
 24 units, seven of which are COAH units. And there are
 25 two three-bedroom units, both of which are COAH

1 DANIEL DISARIO, sworn.
 2 DIRECT EXAMINATION BY MR. KAPLAN:
 3 MR. ALFIERI: Please provide your name
 4 and spell your last name.
 5 THE WITNESS: Certainly. Dan Disario,
 6 D-i-s-a-r-i-o.
 7 Q. Dan, would you please provide your
 8 educational and professional qualifications for the
 9 board.
 10 A. Certainly. Bachelor of science, civil
 11 engineering, Temple University; master of science
 12 transportation engineering, NJIT; licensed
 13 professional engineer in the State of New Jersey
 14 since 1996; and I have appeared before hundreds of
 15 boards throughout the state and have been accepted
 16 as an expert in traffic engineering.
 17 MR. D'ADDIO: Make a motion we accept
 18 his credentials.
 19 Q. Did you -- Dan, did you review the
 20 traffic assessment report that's before the board
 21 this evening?
 22 A. Yes.
 23 Q. And did you also review the RSIS
 24 conformance letter that was sent to CME dated
 25 October 18, 2019?

1 units. There are no three-bedroom market units. So
 2 that gives us a total of 10 affordable units out of
 3 the total 176 units.
 4 Q. Thank you for the clarification, Mr.
 5 Arzberger.
 6 MR. MACAGNONE: Didn't we determine that
 7 20 percent of 20 was 4?
 8 MR. J. KAPLAN: Yeah, there's 20 --
 9 there's 20 between both sites plus La Mer.
 10 MR. MACAGNONE: Just make sure this is
 11 clarified in the resolution.
 12 MR. D'ADDIO: Yeah, because the last
 13 count was four three-bedrooms.
 14 MR. B. KAPLAN: That's why Mr. Arzberger
 15 gets the big bucks. He was -- for the record, we're
 16 clear that it's 66 one-bedrooms, 108 two-bedrooms,
 17 and two three-bedrooms.
 18 THE WITNESS: And that will be revised
 19 in the resubmission upon approval.
 20 MR. B. KAPLAN: I apologize about the
 21 confusion.
 22 THE CHAIRMAN: Any other questions from
 23 the board? Next witness, please.
 24 MR. B. KAPLAN: Thank you, Rich.
 25

1 A. Yes.
 2 Q. Before we get into the traffic
 3 assessment report, can you review the de minimus
 4 exceptions that we are requesting and that have been
 5 identified in Mr. Cornell's technical engineering
 6 comment letter.
 7 A. Certainly. Jay has identified
 8 essentially three aspects in terms of the site
 9 design as it relates to de minimus exceptions that
 10 we're seeking from you as it relates to the layout.
 11 One is RSIS requires 100-foot center line radius for
 12 residential streets. We are proposing at this
 13 smallest radius 37. RSIS requires at intersections
 14 minimum corner radii of 25 feet, and we are
 15 proposing in a few locations less than that. And
 16 the third one is RSIS requires between reverse
 17 curve -- so you curve to one way and then you curve
 18 to another way -- in between those opposite curves a
 19 minimum tangent length of 50 feet.
 20 And I'll take you through briefly on the
 21 plan, referring again to Exhibit A-3 -- I always
 22 hate when north is down so forgive me if I refer to
 23 the wrong direction, but in terms of the first
 24 relief that I identified, the hundred-foot minimum
 25 center line radius, the best example of that is in

1 the southeast corner of the site where those radii
2 are the 37 feet that I have described previously.
3 As it relates to having a minimum 50-foot tangent in
4 between adjacent reverse curves, right here
5 essentially in the center of the site between
6 buildings 2 and 3, we have that occurrence where
7 there's one radius that goes right into another
8 radius with no tangent in between. And then the
9 third is corner radii of 25 feet. We have that in a
10 couple instances near building 5 and 7. Some of the
11 radii in the interior islands in the parking area
12 are smaller than 25 feet. Some of the radii over
13 between buildings 5 and 6 similarly are smaller than
14 25 feet.

15 Now, I would respectfully submit to you,
16 if you look at this site -- and I'm sure everyone in
17 this room has been to residential developments
18 similar to what is being proposed by the applicant.
19 When I look at this site, as a traffic engineer, the
20 objective is to make sure traffic drives slowly
21 through these areas. I would like in most of this
22 site to -- any type of parking lot that you've
23 probably been to, whether it's at a shopping center
24 or otherwise, what you really want to encourage
25 lower rates of speed as people travel through these

1 So the de minimus exceptions we are
2 asking of you reflects this plan, which doesn't
3 provide generous geometry. It provides appropriate
4 geometry, and it's going to result in lower travel
5 speeds through many areas in the site, and that's
6 essentially the basis of the exceptions that we're
7 asking for.

8 MR. MACAGNONE: Mr. Chairman, I have a
9 question. Based on what you're proposing, how is a
10 school bus going to navigate through that site?

11 THE WITNESS: As part of I believe the
12 package that was submitted to you, we did provide
13 turning templates, both for garbage trucks as well
14 as emergency fire truck. A fire truck and garbage
15 truck can circulate throughout this site without
16 issue, can get to all areas of the site. I will
17 point out we do have dead end parking towards the
18 southwest portion of the site. That is not an
19 uncommon occurrence. It occurs quite often. I do
20 not suspect that a school bus would drive down
21 there. We do have the ability with the two points
22 of access along Main Street, if a school bus was
23 going to serve this property -- and frankly and
24 admittedly, I don't know what the policy is of the
25 board of education in this borough. In my town,

1 areas. Particularly because this is a residential
2 development, you're going to have people parking in
3 these parking areas, and they're crossing drive
4 aisles to get into their respective units and their
5 respective buildings.

6 One of the things I hate about RSIS, and
7 I'll put it on the record, and I will defend it to
8 anyone that challenges me, RSIS in my opinion is
9 outdated, and I know they updated it and they've
10 made changes, but it's really geared towards a
11 single-family home residential subdivision, and
12 those standards I will respectfully submit to you
13 encourage a very high type design that allows people
14 to drive faster through residential areas,
15 particularly single-family residential subdivisions,
16 than anybody would ever want to see. So the
17 standards that they put forth that apply to all
18 residential developments, when you try to overlay
19 them on this type of residential development, it's
20 encouraging designing to allow people to drive
21 faster through essentially parking lots than you
22 would otherwise want to see. So I think it really
23 puts forth standards that result in overdesign and
24 would allow people to drive faster than we would
25 want to see happen.

1 South Brunswick, school buses don't go into
2 residential developments like this. They would be
3 picking up along Main Street. But if you needed to
4 circulate a bus through here, we could accommodate
5 quite easily a bus coming in in either access point
6 on Main Street, circulating into the interior of the
7 site, and then looping back out.

8 MR. MACAGNONE: Now, behind building 2,
9 somebody -- obviously the engineer, he designed
10 green space and shrubbery back there. Why don't we
11 allow access around building 2? Seems to me you
12 would flow around the site much better, plus you
13 could add more parking spaces. What's the purpose
14 of having that buffer there? Why create the dead
15 end?

16 THE WITNESS: I would have to defer to
17 the site engineer for the specific answer. I'm
18 always of the opinion, minimize the amount of
19 pavement that you're trying to provide. Having a
20 dead end aisle from a pure traffic circulation
21 perspective in my opinion doesn't pose any issues as
22 it relates to circulation. If somebody wanted to
23 come down to this dead end parking, we are providing
24 a turn-around space at the end of it that would be
25 hatched and signed so that nobody would park in that

1 space, and you've heard from the applicant, they
2 will have active management on the site,
3 particularly as it relates to the parking garages
4 and that people park in those garages. Similarly,
5 there would be active management of that turn-around
6 space at the end.

7 MR. MACAGNONE: Yeah, my point is a
8 school bus comes in on the west side, picks up kids
9 in building 6, 7, then cut across aisles of parking,
10 which you frown upon. It would be easy to circulate
11 around building 2, pick up kids in building 2,
12 building 1, come out the main entrance. I don't
13 understand why you created a dead end down there.
14 Can somebody answer that, Counsel.

15 MR. B. KAPLAN: Bill, why don't you come
16 up. I'll bring up the civil engineer. He can
17 address it.

18 MR. WENTZIEN: That was absolutely
19 looked at when we were doing the -- the quick answer
20 is I told you there was wetlands identified on the
21 site as isolated wetlands. We had a letter of
22 interpretation issued, and we are as a follow-up to
23 that in the throes of them to finalize the review
24 and approval for a general permit number 6, which
25 only allows us to fill up to 1 acre of wetlands.

1 development, which is similar to many other
2 residential developments throughout our state.

3 MR. MACAGNONE: So the radiuses that
4 you're reducing, is that not going to affect the
5 school bus?

6 THE WITNESS: They will not, no.

7 MR. CORNELL: Mr. Chairman, for the
8 board's information, the applicant's engineer is
9 correct. We did request turning templates for both
10 garbage trucks and for fire trucks to show how they
11 can circulate through the site. They provided
12 those. The RSIS allows a certain amount of units to
13 be serviced by one roadway, so this is permissible
14 by RSIS. If they had additional buildings where
15 they had a dead end, then it may be a problem where
16 they exceeded that number, but based on this layout,
17 they're allowed to have one means of access to that
18 corner of the development.

19 MR. MACAGNONE: What's the width of the
20 parking aisles between building 7 and building 3 in
21 the center of the site? Is that standard size?

22 MR. CORNELL: I believe 24. I guess
23 they can confirm that.

24 THE WITNESS: Yes, they're all 9-by-18
25 stalls served by 24-foot-wide two-way aisles.

1 That area in the back contains some of those
2 wetlands, and that limits our ability to fill the
3 site.

4 MR. MACAGNONE: Okay. Let me ask the
5 question differently. Are you saying for the record
6 that that cannot be paved?

7 MR. WENTZIEN: Correct, and nor could we
8 accommodate disturbance, just the word disturbance
9 in that area. We don't have usable property in that
10 corner all the way to the property line.

11 MR. MACAGNONE: My concern is a school
12 bus, having spent 12 years on the Board of Ed,
13 they're not going to pick up kids on Main Street.
14 If you have kids that reside in building 1 -- and
15 I'm assuming there's going to be kids because you're
16 building a tot lot. You know, kids with building 1
17 supposed to walk out to Main Street, so a school bus
18 needs to be able to cycle around that site.

19 THE WITNESS: And I agree with you, and
20 a bus can circulate throughout site, and I would
21 respectfully submit to you a bus could come in and
22 basically access the center of this site where kids
23 could all come from different buildings and
24 congregate in one location so that the bus is at one
25 location to pick up all the kids of this

1 MR. MACAGNONE: Thank you.

2 THE WITNESS: You're welcome.

3 And since we're on the on-site
4 circulation, your planner had some questions
5 relating to that so we might as well just address
6 that now. There was a question as to how garbage
7 vehicles would circulate through the site. We did
8 provide that template. The intention and the
9 likelihood is that a garbage truck would be the
10 front loading kind where they would approach the
11 dumpsters head on, pick up the dumpster, and it
12 would swing over the top of the front of the truck
13 into the back area of the truck. So all the
14 dumpster locations that are throughout this site can
15 be accommodated by a garbage truck circulating,
16 approaching them head on, picking up, dumping, and
17 then some locations -- actually all locations --
18 would require the garbage truck to back up and then
19 continue on their way. Again, that is a very common
20 situation, particularly for these types of
21 residential developments, being a rental community,
22 and I do not see any issues with respect to garbage
23 vehicles being able to access the refuse areas in
24 terms of either circulating to them or from them.
25 Your planner -- and it's good to see you. I don't

1 know if you remember me. It was Stop & Shop, Brick.
2 That's how long ago it's been. Turns out this Mike
3 Fowler is a distant relative of another Mike Fowler
4 at my firm.

5 Anyway, there was a question -- there
6 was a question as to the location of this dumpster
7 in the northwest corner of the site as well as this
8 dumpster location in the extreme northwest corner of
9 the site. Both of those dumpster locations will
10 require the garbage truck to back up once they get
11 the garbage. There was a question as to whether or
12 not that would create a safety concern because of
13 the proximity of these two intersecting aisles in
14 terms of relative to the Main Street intersection.
15 I've looked at it. From the curblin along Main
16 Street to that first intersecting aisle where the
17 dumpster would be on the east side and the parking
18 and the dumpster would also be on the west side,
19 that's about 50 feet. I would tell you that if this
20 were a state highway, we could actually put a gate
21 across this driveway 50 feet away from the curblin.
22 So DOT requires a minimum of 50 feet to put in a
23 gate that would stop traffic from being able to come
24 in. So we are providing 50 feet clearance from Main
25 Street to that first intersecting aisle, and with

1 distance issue, and I again would ask that all the
2 landscaping be kept fairly low and level in those
3 areas for that reason.

4 I don't know if you wanted to just --
5 MR. FOWLER: Mr. Chairman, just a
6 question on the garbage truck. Just on the dumpster
7 on the southwest side, could you go the distance has
8 to back up after it picks up before it can turn
9 around and come out? To get to the drive aisle.

10 THE WITNESS: It's going to be about 40
11 to 50 feet.

12 MR. FOWLER: And you feel that would be
13 safe moving backing up to be able to turn and make a
14 left?

15 THE WITNESS: Yes, especially since all
16 the garbage trucks have those backup warning beeps,
17 and you're not mistaken when you hear that and you
18 know what's going on.

19 THE CHAIRMAN: That being said, do you
20 have any kind of timeline of when you're going to be
21 picking garbage up or you'll be setting that up?

22 MR. J. KAPLAN: Yeah. Typically, we
23 have a private hauler that comes in, and we found
24 like I think once a week for the normal pickup, and
25 I forgot how Sayreville works with the recycling.

1 that, I do not have any issues as it relates to the
2 location of those dumpsters. The fact that a
3 garbage truck would have to momentarily back up once
4 they've collected the garbage, and I don't believe
5 there would be any safety issue created because we
6 do have that 50-foot offset.

7 I've talked to the project team. I
8 think it is critical that in terms of these corners
9 at both driveway locations that are proposed along
10 Main Street that the landscaping and the vegetation
11 should be sensitive to providing adequate sight
12 lines, so any landscaping in those areas should be
13 kept to a minimum 30 inches high, and if the plans
14 need to be revised to that effect, the applicant
15 agrees to do that, and that's also the case for any
16 of these intersecting or internal intersections.
17 The landscaping adjacent to those internal
18 intersections, as an example, where building 7 is,
19 the westerly aisle coming in, you have the parking
20 that's between buildings 5 and 2. At the ends of
21 those parking aisles, in that central parking area,
22 all the landscaping in those islands should be kept
23 to no more than 30 inches high, and oftentimes you
24 see in shopping centers where they'll mound up and
25 berm in those landscape islands. Becomes a sight

1 But yeah, it's typically --
2 THE CHAIRMAN: Early in the morning?
3 MR. J. KAPLAN: Hard to determine. I
4 can, you know, get back with how it's working at
5 Camelot. I'm not sure exactly.

6 THE WITNESS: I think Mr. Fowler also in
7 his review letter just wanted some indication as to
8 what is happening along the site frontage with
9 respect to the county. We have met with the county,
10 and the county has requested and the applicant has
11 agreed there will be a frontage widening along Main
12 Street to create a center two-way left-turn lane.
13 That center two-way left-turn lane essentially will
14 start slightly west of the westerly site access
15 that's proposed and extend to the east of the
16 easterly site access that's proposed. That center
17 two-way left-turn lane will not only serve the two
18 proposed access points; it will also serve Memorial
19 Way across from the site, and it will also serve the
20 driveway for Winding River Plaza, which is that
21 small retail plaza across from the site. So
22 certainly a public benefit in terms of the widening
23 that's proposed and as requested by the county.

24 In addition, sidewalk will be installed
25 along the entire site frontage, again, another

1 requirement or request that the county has made of
2 the applicant and the applicant's agreed to do, so a
3 pretty significant improvement project relative to
4 the size of the project that's proposed.

5 I'll just briefly touch upon my traffic
6 study. If you have any detail questions, I'd be
7 happy to go through them with you. I think relative
8 to traffic -- and it's always a sensitive issue, and
9 I know this borough has some particular sensitivity
10 to Main Street, and we're cognizant of that and
11 sensitive to that, but I think in terms of relative
12 size, this is a modestly sized residential
13 development. I might even characterize it as a
14 relatively small one. I have an 1,800-unit one
15 going in in my town in South Brunswick, so that's a
16 relatively large one. Just to give you an idea of
17 how much traffic this development will generate on a
18 peak hourly basis, so 1 hour between 7 and 9 in the
19 morning during commute time, based on published
20 rates, about 20 vehicles would come in, 60 vehicles
21 would go out, in round numbers. So about 80 two-way
22 trips. P.m. peak hour, one hour between 4 and 6,
23 evening commute, about 60 vehicles would come in --
24 again, round numbers -- 40 vehicles would go out,
25 about a hundred, two-way trips. Most of that

1 the site, but just at Main Street, just so people
2 realize when pulling in that there's somebody coming
3 out, I think the arrow helps identify that.

4 THE WITNESS: So -- and I did see that
5 comment. I think along the boulevard that makes
6 sense because it's a boulevard type design. I think
7 along the westerly driveway, maybe a two-way --
8 excuse me -- a double yellow line makes more sense
9 rather than directional arrows.

10 MR. FOWLER: That's fine. And then
11 comment on handicapped parking spaces. Mr. Sivilli
12 had a question on it slightly. It is one for every
13 25 for the first hundred, and then after the first
14 hundred, it's like one per 50 and starts to dwindle
15 down. Seems like more and more handicapped parking
16 spaces are in demand, so I was looking to see if
17 maybe there is an opportunity to provide one or two
18 more without losing any spaces. There might be a
19 couple locations where you can double up on a
20 discharge area to add another handicapped space
21 within the site without losing a parking space. And
22 also, just have found that with the van accessibles
23 with the 8-by-8 that a lot of people are pulling
24 right into the 8-foot-wide discharge area and taking
25 away somebody who needed it to get in and out of the

1 traffic would be oriented to and from the east to
2 get to the Route 9 corridor, the Parkway. That's a
3 predominant commuting pattern, not only for people
4 that live in the borough, but you get a lot of
5 through traffic, too, so I do understand and I'm
6 sensitive to that. So about 70 percent would be
7 distributed to and from the east, about 30 percent
8 to and from the west. If you look at those
9 distribution percentages, in any specific direction
10 along Main Street during those peak hours, at worst
11 you'd be looking at about one new vehicle every 1 to
12 2 minutes coming from this development. I would
13 respectfully submit to you that level of traffic
14 generation is not going to be able to be perceived
15 noticeably in terms of changing any of the traffic
16 operations along Main Street.

17 We've analyzed the proposed driveways.
18 We've analyzed the intersection at Main and Memorial
19 with this proposed development in place, and all
20 three of those stop controlled intersections would
21 operate adequately with this proposed development.

22 MR. FOWLER: Mr. Chairman, I just have
23 two other traffic questions that were on my list.
24 Just on the driveways I'd asked for directional
25 arrows at the entrances and exits, not internal to

1 car, so 11-foot-wide space with a 5-foot-wide
2 discharge area covers the same amount of space.
3 Something you can consider also possibly?

4 THE WITNESS: Yes, we will consider
5 changing those dimensions as it relates to providing
6 some van accessible spaces. We will take a look at
7 trying to provide additional handicapped spaces. I
8 can't tell you right now that we'll be able to
9 achieve that, but we certainly will look at that,
10 and the applicant's site engineer can certainly work
11 with the board engineer.

12 MR. FOWLER: Again, it can be done
13 without losing other spaces, then that would be
14 great.

15 That's all, Mr. Chairman.

16 THE WITNESS: Thank you.

17 THE CHAIRMAN: Anybody else from the
18 board have any questions?

19 THE WITNESS: Thank you for your time.

20 MR. B. KAPLAN: Mr. Chairman, that
21 concludes our presentation tonight. I believe
22 everybody has gotten up and said their piece. If
23 the board has any questions or -- I don't know if
24 there's any questions.

25 THE CHAIRMAN: Anybody from the board

1 have anything to say, questions, anything?
 2 MR. MACAGNONE: Before the resolution is
 3 accurately reflecting this update on number of
 4 bedrooms.
 5 MR. ALFIERI: It will.
 6 MR. MACAGNONE: Appreciate.
 7 MR. D'ADDIO: Make a motion we open up
 8 to the public.
 9 MR. MACAGNONE: Second.
 10 THE CHAIRMAN: Anyone from the public
 11 wish to speak?
 12 MR. MODI: Yes, sir. My name is Sanjay
 13 Modi. I live at 144 Whitehead Avenue.
 14 MR. B. KAPLAN: Can you just provide
 15 your name, sir.
 16 MR. MODI: Sanjay Modi, S-a-n-j-a-y;
 17 last name, M-o-d-i.
 18 MR. ALFIERI: What was your address?
 19 MR. MODI: One forty-four Whitehead
 20 Avenue. Is a question. Our properties are -- I'm
 21 one of the board member, and our property are next
 22 to the one lot on one side.
 23 MR. ALFIERI: Are you asking questions,
 24 or are you providing comments?
 25 MR. MODI: Yes. Question also I have.

1 didn't have time to read. I saw they were asking
 2 for the waiver for the frontage and the back
 3 properties. We have the property behind it. So we
 4 want you guys to consider whole area before you
 5 approve this thing. That's -- because I am the
 6 board member, and some of the community, the
 7 homeowners, particular on Wisniewski Drive, five
 8 homeowners which is directly behind the property,
 9 there is a -- they are the one who is going to get
 10 affected by height and by -- so that's the reason
 11 I'm here. And this, you know, initially we thought
 12 there was going to be stores because the zoning
 13 board -- not residential property, which is -- you
 14 guys are asking for approval, and I want you guys to
 15 consider that.
 16 THE CHAIRMAN: So if I understand you,
 17 what you're saying that Camelot charges anybody that
 18 has more than two vehicles, they have to pay.
 19 MR. MODI: Yes, sir.
 20 THE CHAIRMAN: So in lieu of paying,
 21 they're parking in front of your home.
 22 MR. MODI: They park on the front of the
 23 property in the Sayreville South -- Wisniewski
 24 Drive. You can look at it right now. There's at
 25 least 15 cars park over there. Actually, they used

1 MR. ALFIERI: Let's swear you in.
 2
 3 S A N J A Y M O D I, sworn.
 4 MR. MODI: One question I have for you
 5 guys is right now Towne Lake, other apartments, they
 6 park outside because lack of parking, and their
 7 tenants, they charge money, so it's encourage the
 8 tenant to park outside on the Wisniewski Drive --
 9 Wisniewski Road -- sorry. This is affecting our
 10 community, and I have to go to borough hall to put
 11 No Parking signs in, and this is -- before you guys
 12 decide to approve this drastic change, we want you
 13 guys to consider those first because our -- we --
 14 our property are -- we are houses on Wisniewski
 15 Drive, and people are prone to park on Wisniewski
 16 Drive and walk because they have to pay Camelot.
 17 They are charging \$120 a month for the parking if
 18 you are more than two cars, which is adversely
 19 affecting the homeowners community that we want you
 20 guys to consider.
 21 Second thing. I am engineer, myself. I
 22 have P.E., also. New Jersey I am licensed
 23 professional engineer. I work for 30 years for New
 24 York City. I saw that there was a -- I mean, I
 25 didn't have whole document in front of me and I

1 to park on both sides. I had to go to city hall
 2 last year, last year, because I was almost got
 3 killed in accident because the car was coming head
 4 on. It was both side parking. So police department
 5 came, and they did traffic study, and they found out
 6 that yes, so they allow No Parking sign on one side.
 7 It's there right now. And this is the same
 8 situation here.
 9 THE CHAIRMAN: So you're concerned that
 10 this --
 11 MR. MODI: Property --
 12 THE CHAIRMAN: Same thing. Can you guys
 13 address that.
 14 MR. MACAGNONE: This application doesn't
 15 affect --
 16 THE CHAIRMAN: He's curious on how the
 17 parking is -- how they're going to handle the
 18 parking. Is there a limitation?
 19 MR. J. KAPLAN: I think what he's
 20 referring to is Wisniewski, which permits parking
 21 one side, so I have residents that park on one side.
 22 This property does not connect up to Towne Lake.
 23 THE CHAIRMAN: No, I understand that.
 24 If I rent an apartment there, can I have 15 cars?
 25 MR. J. KAPLAN: No, no, no. We do limit

1 -- we don't charge extra for parking, but we only
 2 permit two cars per thing.
 3 MR. MODI: What's going to happen if
 4 more cars because --
 5 THE CHAIRMAN: They can't be in control
 6 of that.
 7 MR. J. KAPLAN: I mean, if somebody
 8 wants to park on a public street, I can't stop them
 9 if they park in --
 10 MR. MODI: But this is adversely
 11 affecting the community. That's why I'm --
 12 MR. J. KAPLAN: There's no connection.
 13 I mean, if they parked here, you would have to --
 14 MR. MODI: What happened before was
 15 no -- first year they did not charge money; we
 16 didn't have parking problem. It started after that.
 17 THE CHAIRMAN: But that doesn't affect
 18 what they're doing here. They answered the
 19 question. There's a limitation to amount of --
 20 MR. MODI: The other thing is the --
 21 MR. J. KAPLAN: This is a homeowner.
 22 MR. MACAGNONE: Not renting.
 23 MR. MODI: And also the other --
 24 MR. J. KAPLAN: There's Camelot in there
 25 that are rentals.

1 MR. MODI: Setback requirement. I just
 2 want to make sure because initially was 5 feet,
 3 15 feet, and it was supposed to be 25 feet something
 4 in the waiver original document of what I saw a long
 5 time ago.
 6 MR. CORNELL: That may be a landscaping
 7 issue?
 8 MR. FOWLER: There's a -- I'm not sure
 9 what the setback was going back in time, but the
 10 setback for side is 20 feet for the building. The
 11 perimeter landscaping I think was 10 feet on the
 12 side, and they're going to provide the 10 feet on
 13 the side.
 14 MR. MODI: Okay. Because at the time
 15 because I remember they want waiver at the time.
 16 MR. CORNELL: There's no waiver. And
 17 also for your information, this property is zoned
 18 for residential so the use they're proposing is a
 19 permitted use.
 20 MR. MODI: We were told was owned by the
 21 commercial property.
 22 MR. CORNELL: It may have been
 23 previously, but it's been rezoned within the past
 24 few years as a result of some litigation --
 25 MR. MODI: Okay.

1 MR. MACAGNONE: The apartments.
 2 MR. J. KAPLAN: Correct.
 3 MR. MODI: And also we have the one of
 4 the property, which owned by the -- we have land
 5 owned by --
 6 MR. J. KAPLAN: He's referring to --
 7 yeah, the association owns the drainage swale.
 8 MR. MODI: We have the one property,
 9 little small property over there. Not -- further --
 10 there's a parking lot right next to -- I forgot the
 11 orientation. Here. There is a bank, Columbia Bank.
 12 MR. J. KAPLAN: It's off site.
 13 MR. MODI: We own this.
 14 MR. J. KAPLAN: Right.
 15 MR. MODI: So that I'm also worrying
 16 about the easement here that --
 17 MR. ALFIERI: Are you speaking to
 18 the application, itself, right now? Which street
 19 are you talking about?
 20 MR. MODI: See, we own the property
 21 here, also. This is owned by the Towne Lake West
 22 association, and we want to make sure the front --
 23 the requirement of space has to be maintained.
 24 MR. CORNELL: Mr. Chairman, I think this
 25 applicant has met the building setback requirement.

1 MR. CORNELL: -- and the Borough's
 2 affordable housing requirements, so the application
 3 that's before the board this evening --
 4 MR. MODI: I remember when they proposed
 5 the borough for the housing requirement at the time
 6 I went, and I went for that, and that's the reason
 7 we found out about that, but this is one of the
 8 problem. Biggest problem for me is the parking, and
 9 also the other thing is traffic. I know they are
 10 saying that there's no traffic. If anybody drives
 11 between 7 and 8:30 on Main Street, you will know
 12 what I'm talking about. Can look at it. It's a
 13 parking lot because we have two schools on the
 14 Washington Road. This is going to be adversely
 15 affected, and there's no question about it. I don't
 16 care somebody says. I'm an engineer. I do New York
 17 City lot of studies for lot of big projects. I did
 18 -- I work in -- around person's yard projects, big
 19 developments. I did lot of things over there. So
 20 these are traffic problem. Yes. I mean,
 21 logistically on the piece of paper, you can see,
 22 okay, every minute 10 cars, 5 cars, but if you look
 23 at the people are coming from McArthur Avenue from
 24 South River, if you are coming from the Main Street,
 25 and then you have houses like this, it's going to

1 adversely affect our traffic on Main Street. I just
 2 want to for the record --
 3 THE CHAIRMAN: Okay. We appreciate your
 4 comments.
 5 MR. MODI: I want you to see.
 6 THE CHAIRMAN: Okay. Thank you.
 7 Anybody else from the public wish to speak? Take a
 8 motion to close.
 9 MR. D'ADDIO: So moved.
 10 MR. TIGHE: Second.
 11 MR. ALFIERI: Mr. Kaplan, would you like
 12 to sum up your testimony today.
 13 MR. B. KAPLAN: Very briefly. It's
 14 getting late. I want to thank the board for their
 15 time and consideration. Kaplan has been in town a
 16 long time. I think their projects are a benefit to
 17 the community. It's one of the few builders I know
 18 in New Jersey that you can pick up the phone and
 19 reach the principals if there's a problem, and they
 20 don't flip and sell. They're going to be in town
 21 for 50 more years, and as stated, these are going to
 22 be luxury units and a real benefit for the
 23 community. I look forward to a vote. Thank you.
 24 THE CHAIRMAN: Like to go to closed
 25 session so we can discuss.

1 resolution after so you'll be able --
 2 MR. MACAGNONE: Based on what Tom said
 3 and what the counsel said, I second the motion.
 4 MS. MAGNANI: Roll call. Mr. D'Addio.
 5 MR. D'ADDIO: Yes.
 6 MS. MAGNANI: Mr. Kelly.
 7 MR. KELLY: Yes.
 8 MS. MAGNANI: Mr. Macagnone.
 9 MR. MACAGNONE: Yes.
 10 MS. MAGNANI: Ms. Ochenge.
 11 MS. OCHENGE: Yes.
 12 MS. MAGNANI: Ms. Pawlowski.
 13 MS. PAWLOWSKI: Yes.
 14 MS. MAGNANI: Mr. Sivilli.
 15 MR. SIVILLI: Yes.
 16 MS. MAGNANI: Mr. Tighe.
 17 MR. TIGHE: Yes.
 18 MS. MAGNANI: Chairman Davis.
 19 THE CHAIRMAN: Yes.
 20 MS. MAGNANI: Application granted.
 21 MR. B. KAPLAN: Thank you very much.
 22 MR. J. KAPLAN: Thank you, everybody. I
 23 appreciate it. Thank you.
 24
 25

1 MR. ALFIERI: Not closed.
 2 THE CHAIRMAN: Not closed, but do you
 3 have any closing statements?
 4 MR. ALFIERI: Closing statements.
 5 THE CHAIRMAN: Any further comments from
 6 the board? Take a motion. What's your pleasure?
 7 MR. TIGHE: Make a motion -- Mr.
 8 Chairman, I'll make a motion that we accept this as
 9 presented with all the waivers and variances, and I
 10 hope you succeed in Sayreville.
 11 MR. MACAGNONE: I'll second that with
 12 just making sure again, I want to reiterate, make
 13 sure we clarify the resolution in English, plain
 14 English what the numbers are based on what we had to
 15 discuss today. COAH.
 16 THE CHAIRMAN: One seventy-eight.
 17 MR. MACAGNONE: See what I mean?
 18 MR. ALFIERI: One seventy-six. There
 19 are 66 one-bedrooms, 108 two-bedrooms, and two
 20 three-bedrooms. The affordables will be one
 21 one-bedroom, seven two-bedrooms, and two
 22 three-bedrooms for a total of 176.
 23 MR. B. KAPLAN: Correct.
 24 MR. CORNELL: Also, board members,
 25 you'll have an opportunity to memorialize the

1 PLANNING BOARD
 2 BOROUGH OF SAYREVILLE
 3 COUNTY OF MIDDLESEX
 4 STATE OF NEW JERSEY
 5 In the Matter of }
 6 The Application of: }
 7 CAMELOT AT MAIN STREET, LLC } CERTIFICATE
 8 Main Street }
 9 Block 136.16, Lots 30.05, 30.06 }
 10 -----

11 I, DEBORAH A. MASTERTON, a Certified Court
 12 Reporter and Notary Public of the State of New
 13 Jersey, certify that the foregoing is a true and
 14 accurate transcript of the proceedings in the above
 15 entitled matter at the time and place aforesaid.

16 DATE: February 26, 2020

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 20 License No. XI001655
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