

SAYREVILLE PLANNING BOARD

MINUTES OF August 21, 2019

The regular meeting of the Sayreville Planning Board was called to order by Thomas Tighe, 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. Chodkiewicz, Mr. Davis, Mr. Kelly, Ms. Lee, Ms. O'Leary, and Chairman Tighe

Absent Members: Councilman Dalina, Mr. Macagnone, Ms. Mantilla Mr. Volosin
Also present were: Mr. Marc Rogoff, Attorney, Mr. Cornell, Engineer and Mr. Leoncavallo, Planner.

AT THIS TIME, THE MEETING WAS OPENED:

Chairman Tighe 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:

Sayreville Economic & Redevelopment Agency (SERA)

Minor Subdivision for River Road Redevelopment

Blk 175, Lots 9, 10, 11, 12.03 & 12.04

Blk 176, Lots 2.02 & 2.04

Atty: Mr. Michael J. Baker, Esq.

Hoagland, Longo, Moran, Dunst & Doukas, LLP

40 Paterson Street, New Brunswick, NJ 08903

Mr. Chodkiewicz made a motion to accept the resolution; seconded by Mr. Davis.

ROLL CALL:

YES: Mr. Chodkiewicz, Mr. Davis, Mr. Kelly, Ms. O'Leary, Chairman Tighe

NO:

ASBSTAIN:

ACCEPTANCE OF MINUTES:

Mr. Chodkiewicz made a motion to accept the Minutes of August 14th meeting; seconded by Mr. Kelly, motion carried.

SITE PLANS/SUBDIVISION HEARINGS:

The Place at Sayreville, LLC
Blk 175, Lot 10.01
Atty: Mr. Chad Warnken, Esq.
Archer & Greiner, PC
10 Highway 35
Red Bank, NJ 07701

See Attached CSR transcription for application.

OLD BUSINESS/NEW BUSINESS/ADMINISTRATIVE MATTERS:

Our next meeting is next week on September 11, 2019.

Public portion was opened and closed.

Chairman Tighe made a motion to adjourn, Mr. Chodkiewicz seconded.

Respectfully submitted,

Beth Magnani
Planning Board Secretary

BOROUGH OF SAYREVILLE
PLANNING BOARD

PUBLIC HEARING RE: :
APPLICATION OF THE PLACE AT :
SAYREVILLE, LLC, REQUEST :
FOR PRELIMINARY MAJOR SITE :
PLAN APPROVAL :
: :
: :

Sayreville Municipal Building
167 Main Street
Sayreville, New Jersey
August 21, 2019 at 7:30 p.m.

B E F O R E:

- THOMAS TIGHE, CHAIRMAN
- ALLEN CHODKIEWICZ, COUNCILMAN
- KEVIN KELLY, COUNCILMAN
- DEBORAH LEE, COUNCIL WOMAN
- ANNA O'LEARY, COUNCIL WOMAN
- ROBERT DAVIS, COUNCILMAN

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1 A P P E A R A N C E S

2 LAW OFFICES OF MARC ROGOFF
BY: MARC J. ROGOFF, ESQ.,
3 770 King George Road
Fords, New Jersey 08863
4 Marcr60@comcast.net
Attorney for the Board.

5 ARCHER & GREINER
6 BY: CHAD WARNKEN, ESQ.,
Riverview Plaza
7 10 Route 35
Red Bank, New Jersey 07701
8 Cwarnken@archerlaw.com
Attorney for the Applicant.

9
10 Also present:
11 JAY CORNELL, BOROUGH ENGINEER
12 JOHN LEONCAVALLO, BOROUGH PLANNER
13 BETH MAGNANI, BOARD SECRETARY

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1 EXHIBITS

2	IDENT.	DESCRIPTION
3	A-1	Colored rendition of the preliminary plan for the minor subdivision
4	A-2	Sayreville River Road site plan
5	A-3	Sayreville River Road revised site plan
6	A-4	Highlighted garbage truck circulation
7	A-5	Lot constraints
8	A-6	Front elevation of a typical 24 unit building
9	A-7	Rear elevation of a typical 24 unit building
10	A-8	Typical 12 unit building
11	A-9	Ground floor plan, first floor plan of a typical 24 unit building
12	A-10	Four elevations of the community building
13	A-11	Community Room floor plan
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1 CHAIRMAN TIGHE: Thank you for
2 coming to the August 21st planning board. Madam
3 secretary, are we in accordance with the Sunshine
4 Laws?

5 MS. MAGNANI: Yes, Chairman we are.

6 CHAIRMAN TIGHE: Can we have a roll
7 call.

8 MS. MAGNANI: Mr. Chodkiewicz.

9 MR. CHODKIEWICZ: Yes

10 MS. MAGNANI: Councilman Dalina.

11 Mr. Davis.

12 MR. DAVIS: Here.

13 MS. MAGNANI: Mr. Kelly.

14 MR. KELLY: Here.

15 MS. MAGNANI: Miss Lee.

16 MS. LEE: Here.

17 MS. MAGNANI: Mr. Macagnone.

18 Miss O'Leary.

19 MS. O'LEARY: Here.

20 MS. MAGNANI: Mr. Volosin.

21 Miss Mantilla.

22 Chairman Tighe.

23 CHAIRMAN TIGHE: Here.

24 MS. MAGNANI: Mr. Rogoff.

25 MR. ROGOFF: Here.

5

1 MS. MAGNANI: Mr. Cornell.
 2 MR. CORNELL: Here.
 3 MS. MAGNANI: Mr. Leoncavallo.
 4 MR. LEONCAVALLO: Here.
 5 MS. MAGNANI: We have a quorum.
 6 CHAIRMAN TIGHE: Thank you. We have
 7 a site plan subdivision hearing here for The
 8 Place at Sayreville, LLC, block 175, lot 10.01.
 9 Mr. Nelson.
 10 MR. WARNKEN: It's Chad Warnken.
 11 Archer & Greiner.
 12 CHAIRMAN TIGHE: Oh okay. Well, you
 13 didn't make the paperwork. But we'll take you
 14 any way.
 15 MR. WARNKEN: Thank you. Again,
 16 Chad Warnken of Archer & Greiner on behalf of the
 17 applicant.
 18 CHAIRMAN TIGHE: Okay.
 19 MR. WARNKEN: We are here for a
 20 preliminary site plan approval for 89 residential
 21 housing apartments, 88 of those are affordable,
 22 and one is going to be the superintendent's
 23 apartment. This is for preliminary site plan
 24 only. This is, the apartments are in the
 25 affordable housing district of the River Road

6

1 development plan. The proposed development is to
 2 implement the Borough's settlement agreement with
 3 the fair share housing center that was dated back
 4 in May of 2018 and to resolve the Borough's Mount
 5 Laurel fair share housing obligations.
 6 The applicant is the named
 7 redeveloper for the affordable housing site and
 8 has entered into agreement with the Borough on
 9 that.
 10 At this time we would be asking
 11 again for the board for preliminary site plan
 12 approval only. There are some timing constraints
 13 that is why we are seeking that at this point.
 14 There is one issue I just wanted to
 15 raise right up front. We had noticed for and
 16 applied for a variance with respect to the buffer
 17 between the proposed project and the residential
 18 properties. Based upon comments we had received
 19 in the review letters we are able to modify the
 20 plan to respect the 50 foot buffer between the
 21 project and the residential homes on Main Street.
 22 The architect and the engineer will
 23 describe that in more detail but we just wanted
 24 to lay that out up front.
 25 CHAIRMAN TIGHE: Thank you very

7

1 much.
 2 MR. ROGOFF: Does that mean the
 3 application is variance free?
 4 MR. WARNKEN: No. The one area of
 5 the variance is going to be modified, the
 6 variance is still going to be needed for another
 7 spot.
 8 MR. ROGOFF: You are just talking
 9 about that one area?
 10 MR. WARNKEN: That one area that
 11 we'll be compliant.
 12 CHAIRMAN TIGHE: I tried to get it
 13 all. I could only get that though. All right.
 14 Go ahead. It is all yours.
 15 MR. ROGOFF: I just need you to make
 16 some of these reports part of the record to put
 17 into evidence and ask you a few questions about
 18 them.
 19 The first report is prepared by Jay
 20 Cornell dated August 21, 2019 from CMA. Did you
 21 get that?
 22 MR. WARNKEN: We did.
 23 MR. ROGOFF: There was a report from
 24 our planner, John Leoncavallo dated August 19,
 25 2019. Did you receive that?

8

1 MR. WARNKEN: We did.
 2 MR. ROGOFF: And there are a lot of
 3 attachments to Mr. Cornell's report, including my
 4 legal memo.
 5 MR. WARNKEN: Which we have receipt
 6 of.
 7 MR. ROGOFF: And redeveloper
 8 agreement. You received that as well?
 9 MR. WARNKEN: Correct.
 10 MR. ROGOFF: You agree to make those
 11 reports a part of the record and enter into them
 12 into evidence with respect to this matter?
 13 MR. WARNKEN: We do.
 14 MR. ROGOFF: Are there any terms and
 15 conditions in either of those reports that you
 16 can't comply with, particularly the engineer's
 17 report?
 18 MR. WARNKEN: We can generally
 19 comply with the engineer's report. I can let Mr.
 20 Zelina testify to that. We have been in
 21 discussions with the engineer. We believe those
 22 items can be resolved by the time of final
 23 approval. There are certain items.
 24 CHAIRMAN TIGHE: You have to speak
 25 into the mic.

9

1 MR. WARNKEN: There are certain
2 items that we will address that we can not comply
3 with at the time --

4 CHAIRMAN TIGHE: Hold on. Somebody
5 in the back -- he is speaking into the mic, Al.
6 If you can't hear, come up front.

7 MEMBER OF AUDIENCE: The attorney
8 isn't speaking into the mic.

9 MR. ROGOFF: Sorry. You are right.
10 How about now?

11 So anyway, I am going to assume that
12 your client is in agreement to all of the terms
13 and conditions unless you tell me to the
14 contrary.

15 MR. WARNKEN: Correct. One final
16 thing I just wanted to confirm that we provided
17 our notice package and the services appropriate.

18 MR. ROGOFF: I reviewed the notice
19 and I reviewed the public notice in the newspaper
20 and we have jurisdiction to entertain this
21 matter.

22 MR. WARNKEN: Thank you.

23 MR. ROGOFF: Raise your right hand.
24 M A R K Z E L I N A, having been duly sworn,
25 testified as follows:

10

1 MR. ZELINA: My name is Mark with a
2 K, Zelina, Z-E-L-I-N-A. I am a senior associate
3 with the firm Maser Consulting. I am the
4 engineer of record for the plan that we are going
5 to discuss here this evening.

6 I had appeared before this board
7 previously and I am a licensed, my license -- I
8 continue my license as a licensed professional
9 engineer.

10 CHAIRMAN TIGHE: Do I have a motion
11 to accept his credential?

12 COUNCIL WOMAN LEE: Motion.

13 CHAIRMAN TIGHE: Second?

14 COUNCILMAN CHODKIEWICZ: Second.

15 CHAIRMAN TIGHE: All in favor.

16 COUNCILMAN CHODKIEWICZ: Aye.

17 COUNCILMAN KELLY: Aye.

18 COUNCIL WOMAN O'LEARY: Aye.

19 COUNCIL WOMAN LEE: Aye.

20 COUNCILMAN DAVIS: Aye.

21 CHAIRMAN TIGHE: Aye.

22 Thank you, sir. Go ahead.

23 MR. ZELINA: I'll try to keep up the
24 volume a little bit here.

25 The first exhibit I have for you

11

1 this evening which I'll mark A-1.

2 MR. ROGOFF: That is a colored
3 rendition of that which is contained in the
4 subdivision plan -- the site plans?

5 MR. ZELINA: That is correct.

6 MR. ROGOFF: A-1.

7 MR. ZELINA: And it is a colored
8 rendition of the preliminary plan for the minor
9 subdivision. I just brought it up first to
10 illustrate the property that is being discussed
11 this evening on the piece of property that is
12 being developed. The lot under consideration was
13 formerly proposed lot 10.01 but after today's
14 resolution is now lot 10.01 and on this, on the
15 exhibit it is the light pink area on the board.
16 It contains 13.745 acres and it is in the
17 affordable housing district under the
18 redevelopment plan.

19 Just for the record it has frontage
20 on Sayreville Boulevard. It has limited frontage
21 on Main Street. This small lake here, there is a
22 deep ravine there so that is totally
23 inaccessible. And there is a little bit more
24 frontage a little bit further to the southeast
25 impacted somewhat by wetlands.

12

1 For the record, we are not proposing
2 any access anywhere on Main Street. You will see
3 on the plans for the development access to the
4 development both for utilities as well as cars
5 and whatnot will all be to Sayreville Boulevard.
6 That is the purpose of that exhibit.

7 MR. WARNKEN: Okay. Mark, can you
8 bring up your next exhibit which is the site
9 plan. We are going to mark this A-2.

10 MR. ROGOFF: That's fine. A-2.

11 CHAIRMAN TIGHE: A-2.

12 MR. WARNKEN: Mark, can you describe
13 what that is for the board.

14 MR. ZELINA: Yes, I can. Exhibit
15 A-2 is entitled "Sayreville River Road site plan
16 exhibit." This is a colored rendering of the
17 site plan that has been submitted in the package
18 to the board in advance of this meeting.

19 It is important, I want to review
20 this a little bit because in a few minutes we are
21 going to discuss the modified site plan. But it
22 is important for me to illustrate that the
23 modified site plan is very similar to the plan
24 that was submitted and is included in your
25 package.

13

1 MR. WARNKEN: Just for confirmation
2 the modification is based as a direct result of
3 the comments received by the planning board's
4 professionals, correct?

5 MR. ZELINA: That and some of the
6 public in attendance at the subdivision planning
7 meeting last week.

8 MR. WARNKEN: Thank you.

9 MR. ZELINA: First of all, the
10 project proposes 88 affordable units plus one
11 additional unit for a superintendent's unit.
12 They will be located at five separate buildings,
13 all of which will be three stories. The five
14 buildings are clustered around a parking lot.
15 Parking is provided, adequate parking is provided
16 for each unit and appropriate circulation in and
17 around the units both for car circulation as well
18 as trucks, emergency vehicles, trash vehicles,
19 whatnot. We have an exhibit to demonstrate that
20 a little bit more.

21 But as I mentioned initially, access
22 is provided from Sayreville Boulevard via a
23 Boulevard entrance road approximately 800 feet
24 long to the parking court.

25 The Boulevard adjoins some

14

1 additional property that is zoned for senior
2 development and the Boulevard has been designed
3 to provide access to that additional development
4 should it ever take place. But that is not part
5 of the application here today.

6 So in addition to the five
7 residential buildings proposed by the
8 development, there is a clubhouse and a tot lot.
9 The clubhouse is 1,750 square feet. Single
10 family -- single story, one story as opposed to a
11 three story for the residential buildings.

12 MR. WARNKEN: And again there is no
13 connection out to Main Street, correct?

14 MR. ZELINA: None whatsoever.

15 The site is interesting in the fact
16 that it slopes from the south to the north. All
17 the storm water runoff runs to the north.
18 Currently, as it will in the post developed
19 state, we've provided for a storm water
20 management system. It does not appear on this
21 rendering because it is an entirely, completely
22 underground system. Series of underground pipes,
23 inlets, pipes and water pulling devices as well.
24 All the storm water runoff is gathered through
25 the site and tied into an existing pipe system in

15

1 Sayreville Boulevard which someone had the
2 forethought at the time in Sayreville Boulevard,
3 and not only did they provide a storm water
4 collection system adjacent to this site but they
5 have also extended sanitary sewer along that side
6 of Sayreville Boulevard which we will be able to
7 tie in a gravity sewer system to an existing
8 manhole on our side of Sayreville Boulevard.

9 Potable water will also be provided
10 from an existing line in Sayreville Boulevard.
11 We do have to cross into the street there for
12 that service.

13 At some point in the future we will
14 do a fire hydrant test to determine the available
15 capacity and pressure in Sayreville Boulevard and
16 determine whether we need a connection to Main
17 Street or not.

18 Take notice of the layout of this
19 plan. There are four buildings, clustered in one
20 area, then another building at the very
21 southeasterly corner. When this plan was
22 originally proposed we had provided, you will see
23 there is some parking adjacent or to the rear of
24 some of the residents along Main Street. The
25 driveway and then the tot lot and clubhouse which

16

1 infringed or encroached upon a 50 foot buffer
2 which, a landscape buffer that is required by the
3 ordinance or by the redevelopment plan in this
4 zone.

5 So as we alluded to in the beginning
6 of the presentation we had some feedback that
7 said maybe that is not such a good idea. So we
8 went back to the drawing board and we moved
9 things around a little bit, tightened up the
10 layout a little bit and we created, presented a
11 new design which we have in our next exhibit
12 which alleviates the need for a variance for that
13 buffer. So we are able to re -- to lay out this
14 development and respect the 50 foot landscape
15 buffer that is required in all those residential
16 properties.

17 MR. WARNKEN: Mark, just to clarify,
18 the variance is needed in another area still but
19 we are deleting it with respect to those
20 residences on Main Street, correct?

21 MR. ZELINA: Yes, that is correct.
22 What I failed to describe is, as far as the
23 layout of this project site, there is a large
24 JCP&L right of way along the border of this site
25 to the east, 150 foot wide and then there is some

17

1 additional right of ways and easements that
 2 border the site. And you can see it had been
 3 disturbed previously by some other activities.
 4 That borders the site immediately to the right.

5 The other variance that we are
 6 talking about has to do with the setback -- I am
 7 sorry the landscape buffer along that eastern
 8 most property line. The way that the
 9 redevelopment plan reads, a 50 foot landscape
 10 buffer is required between the project site and
 11 any adjacent residential properties or zones.

12 Under the redevelopment plan the
 13 adjacent lands to the east are in fact zoned for
 14 residential development as is the property to the
 15 west as well.

16 We meet the buffer along the west.
 17 You will see later on with some testimony from
 18 our planner that we do not quite provide the 50
 19 foot buffer required along the eastern most
 20 property line. We were able to respect it along
 21 the southerly property line with the residents,
 22 we still, as was the question earlier, we still
 23 will require or are requesting a variance for the
 24 setback into the landscape buffer along the
 25 eastern most project.

19

1 Make it a little easier.

2 MR. ROGOFF: As long as I have the
 3 actual dimensions of the location.

4 MR. ZELINA: It is behind building
 5 one and three and five. It is the entire,
 6 outside of the parking lot areas on the east side
 7 of the development.

8 MR. ROGOFF: That is along that
 9 Jersey Central Power & Light easement.

10 MR. WARNKEN: Correct.

11 MR. ZELINA: Yes.

12 MR. ROGOFF: No homes impacted over
 13 there?

14 MR. WARNKEN: None.

15 MR. ZELINA: That is correct.

16 MR. WARNKEN: So we are going to ask
 17 to mark this A-3 which is the modified site plan
 18 which has been done in response to the board and
 19 the public's comments about that buffer.

20 MR. ROGOFF: A-3.

21 MR. ZELINA: Exhibit A-3 is titled
 22 "the Sayreville River Road revised site plan
 23 exhibit." If you will note, the layout of the
 24 project site is very close to the original plan.

25 The access road comes from Sayreville Boulevard

18

1 CHAIRMAN TIGHE: How short are you?

2 MR. ZELINA: We are 20 feet.

3 CHAIRMAN TIGHE: 20 feet. So you
 4 have 30 foot of buffer plus the 50 foot that the
 5 power line has.

6 MR. ZELINA: 150. In excess of 150.

7 CHAIRMAN TIGHE: So you are 180.

8 MR. ZELINA: If you include the
 9 power line.

10 CHAIRMAN TIGHE: Okay.

11 MR. ZELINA: It is not on our
 12 property but it is adjacent land use next to us.

13 MR. WARNKEN: That means there is
 14 not going to be any residential uses within 180
 15 feet of the property line.

16 MR. ZELINA: That is correct.

17 At least 150 feet because the 30
 18 foot buffer is on our property.

19 MR. ROGOFF: Just to clarify, that
 20 is along, I guess that is the rear of building
 21 three? I just want to be clear where that buffer
 22 relief is being requested.

23 MR. WARNKEN: Mark, why don't we
 24 bring up the new exhibit. Because that is going
 25 to be the plan we are going to be going for.

20

1 into a court of four buildings and then further
 2 to the fifth building in the southeast corner.

3 What we were able to do is flip flop some
 4 buildings so that what was previously a 17 unit
 5 building is now a 12 unit building. It enabled
 6 us to reduce some of the parking around that
 7 building and pull out any of the disturbance into
 8 that landscape buffer in that area.

9 We removed the driveway between the
 10 units and were able to pull or to move the
 11 parking and clubhouse and tot lot out of the 50
 12 foot buffer here as well.

13 So what we have on this plan now, an
 14 undisturbed -- well, I don't know if it would be
 15 undisturbed at the end but it will be completely
 16 landscaped 50 foot buffer between the project
 17 site and the existing residential homes along
 18 Main Street.

19 MR. ROGOFF: That revised site plan
 20 with those modifications, that's been reviewed by
 21 our professional staff, is that correct?

22 MR. CORNELL: If I might clarify. I
 23 was provided with an advanced copy. I had some
 24 discussions with Mr. Zelina. I was provided with
 25 the advanced copy just to see it but we have not

21

1 done a detailed review. So that would be a
2 condition. If the board acts favorably we will
3 have to review that, as we are going to have to
4 any way before they come back to final because
5 there are a lot of other engineering issues.

6 MR. ROGOFF: You agree to that?

7 MR. WARNKEN: Yes.

8 CHAIRMAN TIGHE: Okay.

9 MR. WARNKEN: Mark, with respect to
10 this revised plan it does not impact drainage,
11 increase density, we still meet the parking
12 requirements, correct?

13 MR. ZELINA: That is correct. We
14 have an excess number of parking spaces. Just
15 for the record I will just enumerate them. With
16 the mix of bedrooms, some of these units have one
17 -- are made up of one, two and three bedroom
18 units. For instance, there is eleven one bedroom
19 units, 50 two bedroom units, and 28 three bedroom
20 units.

21 Based on that unit distribution,
22 under the residential site approval standards,
23 179 parking spaces would be required. Then if
24 you provide for one space per 300 square feet for
25 the clubhouse, we would need another -- where is

22

1 the clubhouse? Right there is the clubhouse.
2 Another, an additional six spots up our
3 requirement to a total of 185 parking spaces for
4 the entire development.

5 What you will see on this plan is we
6 have proposed a total of 191 parking spaces in
7 and around the residential units and the
8 clubhouse. Not only do we have enough spaces on
9 our gross number, what we have taken great care
10 of is to make sure that we have distributed the
11 parking adequately around each unit so that there
12 is appropriate parking in close proximity to each
13 of the units based on, you know, in accordance
14 with the calculated requirements. So it is 24
15 spaces required here, there is 25, and so on so
16 forth. This 24 unit building, there is enough
17 parking. So the parking is well distributed
18 around the buildings and we meet the -- we are in
19 excess of that that is required.

20 Going back to the utilities, that is
21 why we felt comfortable presenting this plan this
22 evening, all of the utilities remain the same,
23 the water and sewer run out to Sayreville
24 Boulevard. The storm water management and the
25 storm water runs back out to Sayreville Boulevard

23

1 through the underground system as well. So there
2 will be some modifications required for your
3 engineer to review. Nonetheless we feel that
4 this is a much improved plan. We were anxious to
5 present that tonight to eliminate that variance
6 that we had previously requested along the buffer
7 along Main Street.

8 MR. WARNKEN: Can you just touch
9 base a little bit about operations, trash?

10 MR. ZELINA: Absolutely.

11 There are three separate dumpster
12 enclosures, one at this corner outside this
13 building, one in this corner and one on the
14 opposite corner.

15 MR. ROGOFF: When you say this
16 building, sir, could you just identify which
17 building you are looking about because when I
18 look at the transcript I don't know what you are
19 talking about.

20 MR. ZELINA: Okay. There is a
21 dumpster enclosure located to the north of
22 building one, to the south of building four, and
23 outside, to the north of building five. Each of
24 the dumpster enclosures are wide enough to
25 include a dumpster, a trash receptacle for

24

1 regular trash as well as recycling. So it is a
2 little bit wider than maybe what we are used to
3 seeing but we had to make sure it is appropriate
4 for recyclable materials as well as regular trash
5 materials.

6 I'll just segue that into an exhibit
7 that was a part of the engineer's comments.

8 MR. WARNKEN: So we are going to
9 mark this A-4.

10 MR. ROGOFF: A-4.

11 MR. WARNKEN: Can you describe A-4.

12 MR. ZELINA: Of course. A-4 is a
13 highlighted garbage truck circulation exhibit.
14 We have prepared one of these both for fire truck
15 as well as trash removal or garbage truck. So
16 what you will see in red is what we created from
17 a truck turning template just to show that there
18 is adequate turning movements that allows a
19 garbage truck to very freely circulate through
20 the site, approach the dumpster, remove the
21 trash, circulate around to the other dumpster,
22 come back out, pick up the other dumpster and
23 then back out of the site.

24 I think we have very generous curb
25 radii on the site. We have been through this

25

1 before so we make sure that there is appropriate
2 areas for both the fire and emergency vehicles as
3 well as the trash vehicles to maneuver through
4 the site without any difficulty.

5 MR. WARNKEN: The schedule of the
6 project, I know there was a question about the
7 scheduling, it is going to be in conformance with
8 the schedule in the redevelopment agreement?

9 MR. ZELINA: 100 percent correct.

10 MR. ROGOFF: Is that phasing?

11 MR. WARNKEN: The planner had asked
12 the question about the construction sequencing
13 and when it is going to start, and it will be in
14 accordance with the redevelopment agreement with
15 the Borough.

16 MR. ROGOFF: Well, for the benefit
17 of the public can you tell me what that is.

18 MR. WARNKEN: It is, I think we are
19 planning, under the plan is to come back for
20 final by next May and then from there it will
21 move on from there.

22 Yes, it is Exhibit B of the
23 redevelopment agreement. The submit for final
24 building in May of 2020, submit for building
25 permit in July of 2020. Start of construction

26

1 November of 2020. And we anticipate about a 15
2 month construction period.

3 MR. ROGOFF: Thank you.

4 MR. ZELINA: That is essentially an
5 overview of the engineering associate with the
6 project. So I would be happy to answer questions
7 at this time.

8 MR. ROGOFF: I just want to know,
9 sir, before the board asks you any questions, as
10 it relates to the technical comments made by Mr.
11 Cornell, and more particularly when you are
12 talking about site grading, general comments.

13 MR. ZELINA: I can save you, we
14 reviewed all of those in detail. We are able to
15 comply with all of them and work with Mr. Cornell
16 through the revision of these plans prior to
17 coming back to see you with final site plan.

18 MR. ROGOFF: So you are good with
19 everything that is in there?

20 MR. ZELINA: I am.

21 CHAIRMAN TIGHE: Planner's report,
22 too?

23 MR. ZELINA: Yes, but we have a
24 planner here, let's hear his testimony, will go
25 into a little more, before I speak to that.

27

1 MR. WARNKEN: And our planner is
2 also our landscape architect so he will talk
3 about landscape as well.

4 CHAIRMAN TIGHE: Good. Anybody from
5 the board have any questions of the engineer?
6 Mr. Kelly.

7 COUNCILMAN KELLY: Can you show me
8 where the property ends on the other map, there
9 was a lighter pink. On this one where those
10 buildings are, it looks like a forest to the
11 north. I guess that is northwest?

12 MR. ZELINA: The property line runs
13 along the right of way of Sayreville Boulevard
14 down along the common boundary line with the
15 JCP&L easement, out to Main Street along the rear
16 of the residential properties and back to the
17 proposed drive, access driveway and along the
18 southern line of that driveway.

19 COUNCILMAN KELLY: If you go along
20 Sayreville Boulevard along that road all the way
21 to where it runs out, to where the map ends, and
22 you come down, almost like a giant triangle,
23 right?

24 MR. ZELINA: Yes.

25 COUNCILMAN KELLY: All that foliage

28

1 northwest is part of this lot?

2 MR. ZELINA: It is. What I failed
3 to mention is the lot is, I'll say, severely
4 impacted by wetlands and wetlands transition
5 areas. There was a previous LOI issued on this
6 site back in 2009. The basis -- those wetlands,
7 that was the basis for --

8 MR. ROGOFF: Tell everybody what
9 that means. That is a letter of interpretation?

10 MR. ZELINA: Yes, it is. Basically
11 a confirmation by DEP of the wetlands limits on
12 the site.

13 We've applied for an updated letter
14 of interpretation to the DEP. We are awaiting
15 that. One of the requirements to get that is the
16 subdivision plan. So once that -- now that we
17 have a subdivision in place we can provide that
18 to the DEP which shows the limits of the
19 boundaries which we are seeking the LOI upon.
20 That will happen in very short order. Hopefully
21 we will get a response affirming the limits of
22 the wetlands.

23 Mr. Liotta will get into it a little
24 bit more. But there are wetlands impacting this
25 site. So associated with the wetlands by the DEP

29

1 there are transition areas. Under the previous
 2 letter of interpretation issued for this site,
 3 there are 50 foot wide buffers or transition
 4 areas required around the wetlands that are on
 5 this site. To develop this site in this manner
 6 we have to average some of those wetlands. The
 7 DEP has a provision where you can reduce some of
 8 the buffers as long as you replace that buffer
 9 somewhere else on the site. The reason why we
 10 included this land in this particular -- in the
 11 lot for this subdivision is to provide us with an
 12 area where we can utilize for our wetlands
 13 transitioning average. We are going to reduce
 14 some of the transition areas or buffer areas in
 15 and around the development. We are going to have
 16 to replace some of that transition area in some
 17 other areas on the site. That is why the lot is
 18 bigger than it would normally seem, or why would
 19 we include all that in this development? So that
 20 is the reason why.

21 MR. WARNKEN: I think what Mr. Kelly
 22 might be getting at too is there is no proposal
 23 to take those trees down. Those trees are
 24 anticipated to remain?

25 MR. ZELINA: No, those will end up

31

1 there is a community garden located on the
 2 original plan that we haven't yet located on the
 3 other plan. But beyond the clubhouse, tot lot
 4 and the community garden there are no other
 5 recreational amenities proposed.

6 COUNCILMAN CHODKIEWICZ: Other than
 7 the clubhouse and tot lot, that is it?

8 MR. ZELINA: That's correct. As I
 9 had mentioned and alluded to, because of the
 10 constraints, the environmental constraints on
 11 this site we have done about the best we can to
 12 get the 88 units on this site and all the
 13 associated parking, driveways and everything
 14 around it so we don't have a lot of room for
 15 other amenities even with the larger than what
 16 would appear larger area because of the wetlands.

17 CHAIRMAN TIGHE: Any other
 18 questions? You have another witness?

19 MR. WARNKEN: Do you want to open to
 20 the public for this witness or do you do it at
 21 the end?

22 CHAIRMAN TIGHE: We'll open them up
 23 at the end.

24 MR. WARNKEN: Okay. Great.
 25 We are going to have our landscape

30

1 in a conservation easement when we are through
 2 with all of the DEP permitting and confirmation
 3 by the DEP.

4 COUNCILMAN KELLY: I appreciate what
 5 you are saying. But my thought, what I am
 6 saying, you could take this development and have
 7 more of it running in a row versus impacting the
 8 people living along Main Street. But now you
 9 have explained why you have done what you have
 10 done.

11 MR. ZELINA: We'll have an exhibit
 12 later on to that will present, show that a little
 13 bit more clearly. I won't steal our planner's
 14 thunder.

15 CHAIRMAN TIGHE: Allen, you had a
 16 question?

17 COUNCILMAN CHODKIEWICZ: Yes. Under
 18 John's report, the project description, it
 19 mentions there ancillary recreation areas and
 20 amenities. You mentioned the clubhouse and the
 21 tot lot. Do you have, can you explain what the
 22 recreation areas are, how many, where they are at
 23 and what they will be?

24 MR. ZELINA: No, that is all that is
 25 proposed. There is proposed in the original,

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1 architect and professional planner testify now.
 2 RAY LIOTTA, having been duly sworn,
 3 testified as follows:

4 MR. WARNKEN: Ray, can you give your
 5 name to the board and your qualifications.

6 MR. LIOTTA: Yes. My name is
 7 Raymond Liotta, L-I-O-T-T-A. I am the director
 8 of landscape architecture at Maser Consulting,
 9 business address is 331 Newman Springs Road, Red
 10 Bank. I am also a licensed planner with Maser
 11 Consulting and I am here in both capacities.

12 MR. WARNKEN: And have you testified
 13 before this board before?

14 MR. LIOTTA: Yes, I have testified
 15 here. I am licensed as a landscape architect
 16 since 1985. And I am licensed as a professional
 17 planner since 1988.

18 CHAIRMAN TIGHE: Motion to accept
 19 his credentials?

20 COUNCIL WOMAN LEE: I make a motion.

21 CHAIRMAN TIGHE: Second?

22 COUNCILMAN CHODKIEWICZ: Second.

23 CHAIRMAN TIGHE: All in favor?

24 COUNCILMAN CHODKIEWICZ: Aye.

25 COUNCILMAN KELLY: Aye.

33

1 COUNCIL WOMAN O'LEARY: Aye.

2 COUNCIL WOMAN LEE: Aye.

3 COUNCILMAN DAVIS: Aye.

4 CHAIRMAN TIGHE: Aye.

5 Please continue.

6 MR. WARNKEN: Ray, why don't we
7 start off, we'll get to the planning testimony,
8 Mark talked a little bit about the site design
9 and the layout, why don't you describe to the
10 board and to the public what the landscape plans
11 for the project.

12 MR. LIOTTA: Yes, let me start with
13 the landscaping and the lighting aspects. I am
14 going to refer back to, well I'll use Exhibit A
15 too which is the old plan. The new exhibit that
16 we put up will have the same components in it
17 because we will be complying with the landscape
18 and lighting design requirements within the
19 ordinances.

20 So within the landscape components
21 of the plan we have a street scape component
22 which is along the Boulevard aspect from
23 Sayreville Boulevard to the actual development
24 site. And that requires a street planting on
25 both sides of the road as well as a planting

35

1 that was prepared under my direction. It is
2 entitled "lot constraints exhibit." It is dated
3 with today's date. And let me just orient you to
4 the mapping.

5 The very dark solid line is the
6 project perimeter so maybe that helps you
7 understand a little bit more about where the
8 property line is to this particular site.

9 The various colors in here, we have
10 a blue line that has a flood patterned
11 designation to it which kind of meanders around
12 some of the wetland areas and through some of the
13 water facilities or water features on the site.

14 There are long blue dashed lines on
15 the eastern end or right side of the exhibit
16 which is the JCP&L exhibit. That is 150 foot
17 wide power line easement that is just to the
18 northeast of the property.

19 There are also two parallel other
20 JCP&L easements, one of which is an old railroad
21 siting and JCP&L easement as well as an
22 additional 50 foot JCP&L easement next to it.
23 Those are the red solid lines that are also on
24 the northeast side of the property.

25 And we have a red dashed line that

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1 within the median of the buffer. There is an
2 open space requirement that indicates any
3 undeveloped property within the development site
4 which is not building or pavement or those types
5 of improvements are to be landscaped. This plan
6 does significant amount of landscaping through
7 those other open space and pervious areas within
8 the site.

9 There is a minimum requirement of 20
10 percent of the site to be landscape area. This
11 particular plan because of all of the wetland and
12 open space areas, that will not be disturbed,
13 there is approximately 71 percent of landscape
14 pervious area throughout the site.

15 We talked a little bit about the
16 buffers. I think I'd like to introduce a new
17 exhibit which may help show a little bit more of
18 what the buffer situation is.

19 MR. ROGOFF: I think we are up to
20 A-5.

21 MR. WARNKEN: Correct.

22 MR. ROGOFF: A-5 into evidence.

23 MR. WARNKEN: Can you describe what
24 A-5 is, Ray.

25 MR. LIOTTA: Yes. A-5 is an exhibit

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1 is within the property that I am tracing right
2 now. That is the required 50 foot buffer line.
3 So as you can see it is tracing around the area
4 that is adjacent to other property that is either
5 existing residential, such as the units down on
6 Main Street, or the residentially zoned property
7 which is to the northeast of us or east of the
8 JCP&L power line and to the west of us and south
9 of Sayreville Boulevard just to the left on the
10 exhibit.

11 And as you can see, we are
12 respecting the 50 foot landscape buffer at the
13 southern end where it adjoins the residential
14 property zone on Main Street. The location where
15 we do require the variance is along the parking
16 lot side of the eastern/northeastern side of the
17 two development sites where the units are.

18 So we are encroaching into the 50
19 foot buffer at the southeast end where we have a
20 minimum of approximately 27 feet and at the north
21 end we have approximately 42 feet. So we are
22 into that buffer a little bit. But we are
23 immediately adjacent to the JCP&L power line
24 which is at least 150 but it is more in the
25 neighborhood of up to around 200 feet before we

1 would get to any area that could be developed as
2 residential.

3 Also technically the entrance
4 Boulevard is actually within the 50 foot
5 landscape buffer as it enters the site
6 immediately adjacent to the adjacent lot which is
7 also zoned residential in its plan for some type
8 of residential in the future.

9 So that is the description and
10 graphic depiction of what the buffer variance is
11 with this application.

12 MR. WARNKEN: Do you want to go onto
13 the landscape design?

14 MR. LIOTTA: We also have other
15 landscape design requirements are to vegetate the
16 parking lots with a certain number of trees per
17 ten car spaces. We have done that. The
18 ordinance requires a certain number, the plan
19 exceeds that number. So we are meeting that
20 ordinance requirement.

21 Now there was and is a tree
22 inventory requirement. We did comply with
23 submitting doing the tree inventory and
24 submitting the tree inventory plan and
25 replacement plan.

1 plan, we have done the Boulevard lighting as
2 required by the redevelopment plan and we've also
3 used similar type fixtures, they are colonial
4 post top fixture both on the Boulevard road as
5 well as the interior of the site. We are
6 essentially complying with the ordinance
7 requirements except that we are asking for a
8 waiver from the one foot candle minimum
9 requirement on the sidewalks. We believe that is
10 a little bit excessive for a project like this.

11 And we believe that we are consistent with
12 Illuminating Engineering Society recommendations
13 for minimum levels of enhanced security which is
14 a half a foot candle.

15 So we are asking that the plan that
16 we revise meet the half a foot candle standard
17 for enhanced security on the sidewalk areas.

18 MR. ROGOFF: What does the ordinance
19 require?

20 MR. LIOTTA: The ordinance requires
21 one foot candle in all sidewalk areas.

22 CHAIRMAN TIGHE: And you are
23 proposing a half.

24 MR. LIOTTA: A minimum of a half a
25 foot candle, correct.

1 Because this is a redevelopment area
2 and it is an affordable housing development site
3 we are requesting a waiver from strict compliance
4 on complete satisfaction of all the required
5 number of trees that are indicated on that
6 replacement plan. There is a deficit and we are
7 requesting a waiver from that because of the
8 affordable housing component which desired to not
9 add additional costs if necessary. And we
10 believe that the landscape plans sufficiently
11 plants the developed portion of the site as well
12 as it's surrounded by wetlands at wetland areas
13 that would not be developed and are wooded.

14 The initial colors on the map, the
15 dark green color represents the wetlands areas.
16 And the light green color represents the wetland
17 transition areas. So as you can see the
18 remainder or the developable portion is the
19 yellow color. So we have a very irregularly
20 shaped lot. We have a very constrained lot. And
21 we are basically taking the required number of
22 units and fitting it into essentially only the
23 developable portion of the very constrained,
24 environmentally constrained portion of the site.

25 Now with respect to the lighting

1 MR. WARNKEN: But we are going to
2 comply with the one foot candle at the entrance
3 driveway, correct?

4 MR. LIOTTA: We can comply with the
5 one foot candle on the entrance drive. Primarily
6 it is in the area of where the lighting fixtures
7 are fairly immediate and close to the buildings
8 and the sidewalks are essentially right there, so
9 if we achieve one foot candle on the sidewalks
10 immediately adjacent to the building, that is
11 actually going to impact those units, and be
12 somewhat of a nuisance to the residents of the
13 units because it is going to be fairly bright.

14 And we are proposing to have a
15 minimum of a half a foot candle instead of one
16 foot candle throughout the residential portion.

17 MR. WARNKEN: And you believe that
18 is appropriate from a safety perspective?

19 MR. LIOTTA: It is appropriate from
20 a safety perspective because it meets the
21 enhanced security minimum standard of
22 Illuminating Engineering Society recommendations.

23 MR. WARNKEN: And the roadway would
24 have the one foot candle which again is in
25 compliance with the ordinance because again that

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1 is not going to impact the residents in any way.

2 MR. LIOTTA: That is correct. And
3 the lighting plan in any case will not have any
4 spillage off site, will not affect any adjacent
5 residential properties.

6 MR. ROGOFF: Can you just be more
7 specific about where the half foot candles are
8 going.

9 MR. LIOTTA: What we are asking is
10 that --

11 MR. ROGOFF: You said the sidewalks.

12 MR. LIOTTA: The sidewalks --

13 MR. WARNKEN: The sidewalks
14 surrounding the building.

15 MR. LIOTTA: The ordinance says all
16 sidewalks. So that means any sidewalks that are
17 shown within the project site itself. So there
18 is a sidewalk on the north side of the Boulevard
19 and then there are sidewalks throughout the
20 residential portion of the project, essentially
21 in front of the buildings and between the
22 buildings. The ordinance requires one foot
23 candle on all of those sidewalk areas.

24 MR. ROGOFF: So you want the half a
25 foot candles on the interior. How do we describe

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1 are based on the number of trees that are being
2 removed and the size of the trees being removed,
3 the ordinance would require us to replace 1,732
4 trees.

5 The plan includes 136 trees which
6 are being -- are meeting the other landscape
7 design components of the ordinance for buffer
8 plantings, parking lot plantings, and other
9 requirements that require trees. So those trees
10 count towards the replacement.

11 But this site is entirely surrounded
12 by vegetated areas, heavily vegetated areas,
13 wetland and wetland transition areas that are
14 going to be preserved. And we've planted the
15 site sufficiently so that we are meeting the
16 other landscape standards so we believe we have
17 satisfied the aesthetic requirements for
18 landscaping in the site.

19 The site cannot accommodate another
20 1,700 trees in the project area. So we are
21 asking for a waiver from strict compliance so
22 that that cost does not impact the affordable
23 housing project.

24 MR. CORNELL: Mr. Chairman, if I
25 might.

42

1 that?

2 MR. LIOTTA: Basically from the
3 south end of the Boulevard where it contacts the
4 first parking spaces throughout the remainder of
5 the developed portion of where the residential
6 units would be and that from the south end of the
7 Boulevard to where it intersects Sayreville
8 Boulevard would be one foot candle.

9 MR. ROGOFF: Okay.

10 MR. LIOTTA: Does that make sense?

11 MR. ROGOFF: Yep.

12 CHAIRMAN TIGHE: Yep.

13 MR. LIOTTA: Okay.

14 That's it for the landscape and
15 lighting testimony. I would like to get a little
16 bit into the planning issues if I can. I am
17 going to stick a little bit with this exhibit.

18 MR. ROGOFF: I am sorry, I hate to
19 interrupt you, but the tree waiver you are
20 talking about, do you have the numbers?

21 MR. LIOTTA: We do.

22 MR. ROGOFF: I am going to need
23 those given to the public.

24 MR. LIOTTA: We conducted the tree
25 inventory per the ordinance requirements. They

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1 CHAIRMAN TIGHE: Go ahead.

2 MR. CORNELL: Concerned that from
3 our standpoint we have with regard to the waivers
4 is we are not dealing with a final plan at this
5 point. We have a plan that has a number of
6 engineering issues. You've come in tonight with
7 the plan that is now going to shift buildings
8 which is going to modify your landscaping and
9 possibly your tree preservation plan. So I think
10 from our standpoint there is a concern with
11 granting waivers on something that is going to
12 change in the future.

13 So our suggestion would be to hold
14 off those waivers until you come back for final.

15 MR. LIOTTA: We agree with that. I
16 just wanted to get on the record what our
17 position was with a few of those items so that
18 you knew where we were, particularly with this
19 tree replacement issue.

20 MR. CORNELL: I think from a
21 conceptual standpoint we understand the
22 constraints on the site and more than likely we
23 will agree in the future with some of the waiver
24 requests. But until we can actually tell you
25 what the impacts are, I think we would rather

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1 wait until we have those final plans and then we
2 can tell you specifically X number of trees as
3 opposed to what you are throwing out now. Which
4 in our engineer report where we have some concern
5 with the numbers any way.

6 MR. WARNKEN: We are agreeable to
7 that.

8 MR. LIOTTA: We understand, yes.

9 MR. CORNELL: Thank you.

10 MR. LIOTTA: So respect to the
11 planning issues, let me just reiterate what Mr.
12 Zelina said. We are in the River Road
13 redevelopment area affordable housing district,
14 so the project itself is -- it's affordable
15 housing so it is inherently beneficial use and
16 based on that we are satisfying the positive
17 criteria necessary for any variance associated
18 with the project.

19 With respect to the variances, the
20 only variance that we are requesting is the
21 variance to the buffer and the only location
22 where we are actually not providing the buffer
23 that is impacting -- that is not impacting anyone
24 is along the PSE&G easement area on the eastern
25 side of the property.

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1 buffer is vegetated. Now it is wooded however we
2 are going to supplement those areas with
3 additional landscape material as required in the
4 ordinance so that we enhance this existing
5 landscape area so that we have a very solid
6 buffer to allow for screening of the project site
7 to the residential units on Main Street.

8 MR. CORNELL: Mr. Chairman, a follow
9 up on that. The original plan proposed fencing
10 along that property line. Is that still
11 proposed?

12 MR. LIOTTA: That is, will still be
13 in the revised plan, yes. And as Mr. Mr. Zelina
14 indicated earlier, the project site is actually
15 lower in elevation than the residential homes so
16 we get the advantage of some of that elevation
17 slope down into our site so as we put evergreen
18 trees and additional landscaping, essentially
19 along the property line we are achieving more
20 impact with those plantings for screening
21 purposes because it is on the highest point or
22 highest elevation of the site and will help
23 screen the buildings even more effectively.

24 MR. ROGOFF: But along the Main
25 Street corridor you comply with the 50 foot

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1 There is also no impact to anyone
2 for the Boulevard being in that location because
3 it has to be in that location due to the physical
4 wetland constraints and wetland buffer
5 constraints. It can't go anywhere else. We
6 can't get the permits to move the roadway out of
7 that area.

8 MR. WARNKEN: And Ray, just a
9 clarification, I think when you were talking
10 about the impact, you are saying the only spot
11 where it will be is along that JCP&L power line
12 and it will not impact any residential area?

13 MR. LIOTTA: It will not impact
14 residential properties. And if the site to the
15 east is ever developed under the current zoning
16 and redevelopment plan as residential the nearest
17 home would be approximately 180 to 200 feet from
18 our property line. So there is essentially no
19 impact to us encroaching 32, 33 feet into the
20 buffer.

21 CHAIRMAN TIGHE: Could you explain
22 what you are going to do down near Main Street,
23 with the 50 foot buffer. What is that buffer
24 actually going to be?

25 MR. LIOTTA: A majority of that

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1 buffer?

2 MR. LIOTTA: We do, yes.

3 MR. LEONCAVALLO: Mr. Chairman, I
4 have a question. Ray, to the east of the PSE&G
5 buffer, that area which might be developed
6 sometime in the future, may not be developed,
7 most of that, my estimation is flood plain,
8 correct?

9 MR. LIOTTA: It is a combination of
10 wetlands and flood hazard area. It may
11 potentially be developed but it would be very
12 challenging.

13 MR. LEONCAVALLO: So unlikely to
14 happen.

15 MR. LIOTTA: It is unlikely.

16 MR. LEONCAVALLO: Thank you.

17 MR. LIOTTA: In my opinion.

18 So we talked about the other water
19 items. I don't want to reiterate that but we are
20 proposing the variance issue with respect to the
21 buffer area as a hardship type variance because
22 of the physical constraints associated with the
23 property. As you can see by exhibit A-5 we have
24 significant wetland areas and wetlands buffers
25 surrounding the site. We are utilizing all of

1 the developable area to the best extent we can
 2 and still provide the number of units we need to
 3 provide based on the settlement agreement and we
 4 are not creating any detriment or impact,
 5 negative impact to the residential homes on Main
 6 Street.

7 So I think we have done what we can
 8 with respect to mitigation and we have limited
 9 any impact to adjacent residential homes. And I
 10 believe that we have met the criteria for
 11 satisfying that variance request.

12 COUNCILMAN CHODKIEWICZ: Is there
 13 fencing along that JCP&L?

14 MR. LIOTTA: There is not.

15 COUNCILMAN CHODKIEWICZ: So the
 16 only, what I put up before about recreational and
 17 you have family units that are going to be there,
 18 I believe that property to the east is what the
 19 kids in this town refer to as Acapulco where they
 20 go back there swimming and do whatnot. So being
 21 as you are not providing anything, I think that
 22 is where a lot of the kids are going to be going.
 23 And I have some concerns about that.

24 MR. LIOTTA: I put exhibit A-1 back
 25 up and the lot east of us, this blue lot is the

1 providing any kind of recreational for the
 2 families that are going to be living in these
 3 units.

4 MR. WARNKEN: Well, we are, the tot
 5 lot, the clubhouse, and the clubhouse different
 6 services they are going to provide there. I know
 7 there was some discussion about a garden. There
 8 are physical constraints on the property as to
 9 how much they can do.

10 COUNCILMAN CHODKIEWICZ: I
 11 understand.

12 MR. WARNKEN: So we are limited in
 13 that way. It is an affordable housing project so
 14 there is a limited ability financing that you can
 15 do with that as well.

16 But if we can take a look between
 17 now and the final approval to see if there is
 18 anything we can do to restrict access to that
 19 area. I can't promise anything but that is
 20 something we can take a look at.

21 COUNCILMAN CHODKIEWICZ: Take a look
 22 at it. See what you can do. Thank you.

23 MR. LIOTTA: That is the end of my
 24 direct planning and architecture testimony unless
 25 you have any questions.

1 area that we are talking about being completely
 2 constrained.

3 COUNCILMAN CHODKIEWICZ: Put the
 4 other one back up where you show the actual
 5 water.

6 MR. LIOTTA: You want to see that
 7 one, okay.

8 MR. WARNKEN: Can you indicate which
 9 plan it is for the record.

10 MR. LIOTTA: Yes, will do.

11 This is exhibit A-2 which shows a
 12 better depiction of the water body that is just
 13 to the east of the power line.

14 COUNCILMAN CHODKIEWICZ: There is a
 15 lot of kids that go back there with cars and
 16 motor bikes.

17 MR. LIOTTA: Yes, it has evidence of
 18 dirt bikes and quads and the like being back
 19 there.

20 MR. WARNKEN: The applicant is
 21 willing to, at final to take a look between now
 22 and final to see if there is something that we
 23 can do to understand what your concerns are.

24 COUNCILMAN CHODKIEWICZ: I mean, if
 25 there is fencing along there, you guys aren't

1 COUNCILMAN KELLY: Two questions.
 2 One about the trees. When you say the
 3 requirement, I know we are not going to get into
 4 it too much, the requirement being 1,700 so, do
 5 you have to replant those trees on the lot or
 6 could those trees, could you fill that quota
 7 elsewhere in town?

8 MR. LIOTTA: Maybe, I'll say but Mr.
 9 Cornell could update me if I misspeak. I believe
 10 there are various options of either planting on
 11 site and/or planting at another Borough owned
 12 site or contributing to a tree fund account.

13 MR. WARNKEN: Again, we understand
 14 that the Borough wants to talk about that. We
 15 can discuss it between now and final too.

16 COUNCILMAN KELLY: I wanted to get
 17 clarification. The second thing is the one foot
 18 versus half foot. Would the actual light fixture
 19 itself be identical and simply a question of a
 20 difference of brightness of bulb?

21 MR. LIOTTA: No, it is going from
 22 one foot candle to a half a foot candle, we are
 23 using fixtures that are not very tall. They are
 24 in that residential size and type. They are 16
 25 foot height mounting height. So they are in a

1 residential scale. So to increase the light on
 2 the sidewalk and to have a fairly good uniformity
 3 so we don't have significant hot spots and cold
 4 spots, we are probably going to have to add
 5 fixtures to meet that one foot candle. However,
 6 if we achieve the half a foot candle on the
 7 residential component we will be satisfying the
 8 minimum enhanced security standard that the
 9 Illuminating Engineering Society recommends.
 10 COUNCILMAN KELLY: I understand that
 11 but you said it affects the residents themselves
 12 but in fact it affects you with the cost of the
 13 structures.
 14 MR. LIOTTA: It would. And if the
 15 board decides that we need to provide one foot
 16 candle, we will.
 17 COUNCILMAN KELLY: Right. Okay.
 18 MR. LIOTTA: What I am just saying
 19 is I believe that providing that amount of light
 20 which is essentially a commercial standard is
 21 inappropriate in this setting.
 22 MR. WARNKEN: You think, in your
 23 professional opinion the half a foot candle is a
 24 better design alternative?
 25 MR. LIOTTA: I believe it is, yes.

1 site. And the buffering to the residential units
 2 to the south will be substantial but through the
 3 combination of proposed plantings and the
 4 preservation of existing plantings so we are
 5 protecting those residential units to the south
 6 on Main Street through that buffer establishment.
 7 And as the plan is generally
 8 consistent with all of the other landscape
 9 requirements within the ordinance we believe that
 10 the development will occur and provide a very
 11 nice visual aesthetic appearance and not create
 12 any nuisances to the existing residential units
 13 which are essentially along Main Street. And not
 14 along any of the other property lines.
 15 MR. WARNKEN: It won't impact the
 16 zone plan of the ordinance, if you will?
 17 MR. LIOTTA: No, that is the second
 18 aspect is doing substantial impairment to the
 19 zone plan and the zone ordinance has the master
 20 plan and the zoning ordinance. The proposed use
 21 again is permitted within the affordable housing
 22 redevelopment plan. In this particular zone this
 23 is what is intended for this site. Except for
 24 the one buffer variance we are talking about
 25 everything else with respect to bulk standards

1 CHAIRMAN TIGHE: Any other questions
 2 to the landscape architect/engineer?
 3 MR. ROGOFF: I just have a little
 4 question.
 5 CHAIRMAN TIGHE: Go ahead.
 6 MR. ROGOFF: With respect to the
 7 negative criteria, I think you said it was
 8 inherently beneficial use --
 9 MR. LIOTTA: Yes, I'll cover that.
 10 MR. ROGOFF: I think you should. I
 11 think you have to. So really you need to address
 12 whether or not the variance can be granted
 13 without substantial detriment to the public good
 14 and will not substantially impair the intent and
 15 purpose of the zoning ordinance.
 16 MR. LIOTTA: I will cover that
 17 again. I kind of covered it in the summary with
 18 some of the other discussion. But I will cover
 19 it directly.
 20 The first component of the negative
 21 criteria is discerning substantial detriment to
 22 the public good. Again the plan includes a large
 23 amount of landscaping within the development site
 24 that contributes to the well being of the
 25 residents and the aesthetic value of the proposed

1 complies. So we are for all intents and purposes
 2 compliant with the redevelopment plan.
 3 MR. WARNKEN: That advances the
 4 purpose of the zoning.
 5 MR. LIOTTA: That advances the
 6 purposes of the zoning, specific to this lot.
 7 MR. ROGOFF: The purpose of zoning
 8 that you are referring to is 4055D-2C to provide
 9 adequate light near open space, is that correct?
 10 MR. LIOTTA: That would be one of
 11 them, yes.
 12 MR. ROGOFF: And that would also
 13 be --
 14 MR. LIOTTA: We could also start
 15 with --
 16 MR. ROGOFF: You mentioned this, you
 17 just didn't mention the letter which is I to
 18 promote a desirable visual environment through
 19 creative development techniques, and specific
 20 design arrangement.
 21 MR. LIOTTA: That is correct.
 22 MR. ROGOFF: That is your opinion?
 23 MR. LIOTTA: That is and the main
 24 one is A which is promoting the general welfare.
 25 We are doing that by providing a use that is

1 consistent with the redevelopment plan or
 2 essentially the master plan for this area. We
 3 are specifically putting what is intended to be
 4 here. So that advances the general welfare of
 5 the municipal land use law.

6 CHAIRMAN TIGHE: Thank you for that
 7 explanation.

8 MR. WARNKEN: Just the architect is
 9 next.

10 CHAIRMAN TIGHE: Okay.

11 MR. ROGOFF: Sir, raise your right
 12 hand.

13 ROBERT COGAN, having been duly sworn,
 14 testified as follows:

15 MR. WARNKEN: Mr. Cogan, can you
 16 give the board and the public the benefit of your
 17 background and education.

18 MR. COGAN: Yes, I have 37 years of
 19 professional experience, since earning a
 20 Bachelor's Degree of architecture. I am a
 21 principal in the firm Barton Partners Architect
 22 Planners. We are out of the Norristown, PA
 23 although 50 percent of our work is in New Jersey.
 24 I am a registered architect in New Jersey. I
 25 appeared before 35, 40 boards across the state.

1 MR. WARNKEN: Can you describe what
 2 A-6 is?

3 MR. COGAN: Sure. In A-6 is what we
 4 are calling a front elevation of a typical 24
 5 unit building.

6 MR. WARNKEN: Can you describe it
 7 for the board?

8 MR. COGAN: Sure. Mr. Zelina had
 9 testified there are three different building
 10 types, a 24, a 17 and a 12, and I will show you
 11 those. I think that the, I'll go through some of
 12 the particular aspects but one of the things I
 13 would like to discuss in the very beginning, two
 14 major aspects. One, is it is a very traditional
 15 residential design. It is something that is
 16 familiar. It has pitched roofs, there are
 17 gables, there is horizontal siding, there is
 18 stone base, high pieces of stones. There is
 19 shutters, single hung windows, and things like
 20 that, that we are not trying to be a very modern
 21 building. Trying to be a very traditional
 22 building which we think will fit in very well.

23 The other important thing to note is
 24 that this, we believe this architecture is what
 25 we call four sided architecture. There is no

1 I have not been in Sayreville yet.

2 CHAIRMAN TIGHE: Make a motion that
 3 we accept his credentials. Do I have a --

4 COUNCIL WOMAN LEE: Second.

5 CHAIRMAN TIGHE: All in favor.

6 COUNCILMAN CHODKIEWICZ: Aye.

7 COUNCILMAN KELLY: Aye.

8 COUNCIL WOMAN O'LEARY: Aye.

9 COUNCIL WOMAN LEE: Aye.

10 COUNCILMAN DAVIS: Aye.

11 CHAIRMAN TIGHE: Aye.

12 MR. COGAN: I just have a handful of
 13 boards. I am going to go through some of the
 14 elevation drawings of the proposed buildings.

15 MR. WARNKEN: Okay. So, Mr. Cogan,
 16 these are drawings that were part of the
 17 submission package to the board but these are
 18 just color versions.

19 MR. COGAN: Exactly. They are the
 20 same exact drawings, they were submitted as black
 21 and white. These are the colorized versions.

22 MR. WARNKEN: Why don't we mark it
 23 as an exhibit. For the record I think we are up
 24 to A-6 now.

25 MR. ROGOFF: A-6.

1 rear elevation where it becomes a straight wall
 2 and it is unarticulated. All four of the
 3 elevations are articulated the same. I think
 4 what you will see when I go to the other building
 5 types, all three of the building types are
 6 similarly articulated.

7 MR. WARNKEN: Great.

8 MR. COGAN: As an example in this
 9 here we have three different types of horizontal
 10 siding, three different colors. We also have one
 11 of those three is a shake like siding for a
 12 little bit of accent. In this white area here in
 13 these tight upper gables is a cement, fiber
 14 cement based panelized area for a little bit of
 15 accent. We added some detailed elements up at
 16 the top. Some little chocks at the raise board,
 17 stone base at the bottom and in areas where the
 18 stone will jump up higher.

19 What is also interesting to note
 20 here is that again this is not a flat building,
 21 there is a lot of articulation in and out, in
 22 recesses and depressions. That I will show in
 23 the floor plan will kind of describe that, but
 24 since I have this drawing up here now,

25 All the windows are either

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1 surrounds, have a white window surround or have
2 shutters. So there is no windows that are
3 unadorned.

4 The other interesting thing about
5 this too is our client is very adamant about
6 this, these buildings here, everybody has their
7 own front door. Everybody has their own front
8 entrance. There is no one building entrance that
9 you enter into and therefore there's a long
10 corridor. Everyone has their own front door.
11 Any staircases that are required are inside the
12 units, a little bit more of a sense of place and
13 pride.

14 MR. WARNKEN: That's great.

15 MR. COGAN: And those, again I'll
16 show you those in the floor plan, will make a
17 little more sense, but those areas are, what I am
18 referring to here in these little shaded areas
19 that are in between. So in this area here there
20 are eight doors. You enter into this courtyard.

21 Courtyard you are entering through is a metal
22 roofed portico. We have some columns, kind of
23 signify where the entrance is. You pass through
24 that area and then you go to your entrance doors.

25 MR. WARNKEN: Great. So now we are

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1 going to go to A-7. What is A-7?

2 MR. COGAN: A-7 is also part of the
3 typical 24 unit building. And what we are
4 showing here is what we are calling the rear
5 elevation, although I just explained the rear is
6 almost the same as the front. That is also as
7 you saw from the site plan with Mr. Zelina the
8 buildings are facing parking. Parking is very
9 convenient located to each of the buildings.

10 Also up here in the upper corner is
11 a left side elevation and a right side elevation.
12 Again, this is a little bit hard to tell but you
13 can see with the double gable, there are ins and
14 outs in detail. We have different colored siding
15 than we do up on the regular portion of the
16 building, the main body and another lighter color
17 up at the top gable. Again we are trying to do
18 things that are, break it up, make the building
19 look very familiar.

20 MR. WARNKEN: Okay. And again you
21 are trying to make it so the front and the back
22 look the same, feel the same, there is not a
23 colloquial back door?

24 MR. COGAN: That is correct.

25 MR. WARNKEN: So this is going to be

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1 A-8. Which building is this?

2 MR. COGAN: This is a typical 12
3 unit building. It is more of the same. Same
4 material, same architectural language, in terms
5 of some of the details. It is just a shorter
6 version. And again here we have just one of
7 those entry porticos where you have all the entry
8 doors.

9 MR. WARNKEN: And all the buildings
10 that are being designed all have that same direct
11 entry? None of the buildings at all have a
12 common entrance?

13 MR. COGAN: That's correct. There
14 will be 88 or 89 doors.

15 MR. WARNKEN: So we are up to A-8.
16 Can you explain what this exhibit is. Again this
17 is a color --

18 MR. ROGOFF: Nine. That is A-9.

19 MR. WARNKEN: A-9, okay.

20 MR. COGAN: A-9 is a ground floor
21 plan, first floor plan of a typical 24 unit
22 building. For shading here this brownish color
23 here is our three bedroom units. The orange-ish
24 here, the far left are two bedroom units. The
25 yellow is a one bedroom unit.

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1 The interesting thing as I am
2 saying, in this area here, where I am pointing
3 to, this is where you are passing through the
4 columns where you have a little roof area and you
5 can enter into doors here that are on the front
6 or you can enter into further in the courtyard
7 where you can enter into each one of your units.

8 MR. WARNKEN: And all these
9 buildings have automatic fire suppression
10 systems?

11 MR. COGAN: Absolutely, correct.

12 MR. WARNKEN: And the washers and
13 dryers, how do they do them?

14 MR. COGAN: Yes, all washer and
15 dryers are within the units. There is no common
16 washer dryer laundry area. Every unit gets that.

17 MR. WARNKEN: Great.

18 MR. COGAN: I could go and show more
19 of the other shorter buildings are the same exact
20 diagram, they are just smaller.

21 MR. WARNKEN: I am not sure if the
22 board would like that. How about the clubhouse?

23 MR. COGAN: Sure.

24 COUNCILMAN CHODKIEWICZ: I have a
25 question on the housing units. They are all

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1 stairs, there is no elevators?
 2 MR. COGAN: That's correct.
 3 COUNCILMAN CHODKIEWICZ: So the
 4 senior housing is --
 5 MR. COGAN: It is not senior
 6 housing.
 7 MR. WARNKEN: This is affordable
 8 family.
 9 COUNCILMAN CHODKIEWICZ: Affordable,
 10 sorry.
 11 MR. COGAN: But to your point, by
 12 state building code all the ground floor units
 13 will be adaptable towards the accessibility code.
 14 COUNCILMAN CHODKIEWICZ: Okay.
 15 MEMBER OF THE AUDIENCE: The word is
 16 adapted.
 17 MR. ROGOFF: We can't have any
 18 questions. Ma'am, it is not your turn yet.
 19 MR. WARNKEN: Mr. Cogan, can you
 20 explain what adaptable means?
 21 MR. COGAN: Yes, adaptable means
 22 that the unit is designed with all of the
 23 clearances that are required for full
 24 accessibility, door swings, distances between
 25 doors, distances between countertops, showers,

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1 all things like that. And you can provide
 2 blocking behind a bathroom wall so that if there
 3 is a need then a grab bar can be put in with
 4 ease. There are some other small things that are
 5 done to make it adaptable.
 6 MR. WARNKEN: And before we get to
 7 the clubhouse just one question on the
 8 residential buildings, they all comply with the
 9 height requirements?
 10 MR. COGAN: Correct, they are all
 11 three stories, yes.
 12 So the community building is what I
 13 am showing here now, I have four elevations of
 14 the community building, A-10.
 15 MR. WARNKEN: A-10.
 16 MR. COGAN: And of which only the
 17 front elevation is color rendered. It is a 1,750
 18 square foot building, 50 feet wide, 35 feet deep.
 19 The front elevation here which is shown that
 20 again is the same color from the residential
 21 buildings, the siding, including the shake siding
 22 up in the upper gable. Single standing metal
 23 seam roof which is shown on the other building as
 24 well. The gridded windows, columns, stone base
 25 and pitched roofs.

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1 MR. WARNKEN: And the intent of the
 2 design of this was to blend in and mesh with the
 3 residential units for a cohesive look?
 4 MR. COGAN: Absolutely correct. On
 5 the front elevation it is also important to show,
 6 it is shown kind of hidden here behind a tree, is
 7 a 12 foot by 32 foot side porch, open air porch.
 8 Then I'll go to the floor plan. It
 9 is a single story building.
 10 MR. WARNKEN: So this is A-11.
 11 MR. COGAN: A-11 is the floor plan.
 12 MR. WARNKEN: Just before we go, the
 13 floor plans that we have marked as exhibits they
 14 have color on them but again these are the same
 15 floor plans that were part of the package of
 16 submission?
 17 MR. COGAN: That's correct.
 18 This building here is a community
 19 building, maybe more so than a clubhouse that we
 20 would be typically think of in other communities.
 21 What is inside here, the main functions of it to
 22 the left-hand side of the entry foyer are offices
 23 which are management offices by the applicant to
 24 maintain the facility, the community. There is
 25 janitor storage. There are rest rooms. There is

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1 a small kitchenette that will be used in small
 2 doses when there is a larger gathering. And the
 3 primary function is a community room. Community
 4 room is about 18 feet by 34 feet deep and they
 5 have programmed activities, meetings and such in
 6 this room.
 7 And there on the side is the covered
 8 porch.
 9 MR. WARNKEN: And the covered porch
 10 is just for seating people?
 11 MR. COGAN: Yes, and outside
 12 activities, similar.
 13 MR. WARNKEN: I don't think there is
 14 anything else direct for the architect unless the
 15 board has questions.
 16 CHAIRMAN TIGHE: That building has a
 17 generator?
 18 MR. COGAN: The building does have a
 19 generator, yes, it does.
 20 CHAIRMAN TIGHE: Ancillary generator
 21 in case there is loss of power?
 22 MR. COGAN: That's correct. It will
 23 be intended to not light up everything, but it
 24 will light up the foyer, the lobby, the
 25 management offices and some street lights which

1 are outside nearby.
 2 CHAIRMAN TIGHE: What kind of noise
 3 impact is that?
 4 MR. COGAN: It is a small unit, 40
 5 kilowatt. Probably going to put off the sound of
 6 65 decibels when tested. And testing will be up
 7 to the applicant, but often times we make
 8 recommendations you test it maybe once a month
 9 for a couple of minutes.
 10 CHAIRMAN TIGHE: Okay. Thank you.
 11 Any other questions for the
 12 architect? If not...
 13 MR. WARNKEN: As of now that is the
 14 applicant's direct case. We reserve the right to
 15 respond to questions from the board and
 16 supplement the testimony.
 17 MR. ROGOFF: Okay.
 18 CHAIRMAN TIGHE: Any questions?
 19 COUNCIL WOMAN LEE: Not yet.
 20 CHAIRMAN TIGHE: Before I open up to
 21 the public.
 22 Anybody from the public like to
 23 speak? Come on up.
 24 State your name and your address.
 25 S H A R O N A P P E L L, 16 Quaid Avenue, having

1 been duly sworn, testified as follows:
 2 MS. APPELL: I have a question. I
 3 have a question and concern about the storm water
 4 that is going to be running off, basically the
 5 environment. I think the gentleman from Maser
 6 says that there is existing piping that is
 7 already on Sayreville Boulevard. They are going
 8 to be tapping into it?
 9 CHAIRMAN TIGHE: That is what he
 10 said.
 11 MS. APPELL: That was my
 12 understanding?
 13 MR. ZELINA: I just want to refer to
 14 exhibit A-3. Yes, the testimony is that the
 15 current pattern of storm water runoff runs from
 16 the south which is along Main Street to the north
 17 to the wetlands and the river further to the
 18 north. There is currently a storm water
 19 collection system installed within Sayreville
 20 Boulevard that outlets to the wetlands that
 21 discharge, eventually flowed towards the river
 22 and the collection system on site will direct the
 23 water in the same manner which it is directed
 24 currently.
 25 We are providing for a storm water

1 detention system so that the rate of runoff from
 2 the site will be less after development than it
 3 is currently before development based on all the
 4 DEP standards and requirements for storm water
 5 management.
 6 MS. APPELL: Because my concern is I
 7 live on Quaid Avenue.
 8 MR. ZELINA: That is over to the
 9 east.
 10 MS. APPELL: That is over to the
 11 east. I can almost walk to Acapulco, to the area.
 12 When I built my house back in the early '70's, my
 13 property was not in a flood zone. When they
 14 redid the Fema maps within the last ten years I
 15 was put in a flood zone. I did suffer from
 16 Sandy.
 17 MR. ZELINA: That is Quaid Avenue.
 18 MS. APPELL: Right. Right. I don't
 19 know where the water came from. I just know I
 20 had four feet in my basement.
 21 MR. ZELINA: During Sandy, you said.
 22 MS. APPELL: First time in 40 years.
 23 MR. ZELINA: During the Sandy event?
 24 MS. APPELL: Yes. Prior to that,
 25 when we had a hurricane, and I forget the

1 hurricane, I was asked to evacuate my house
 2 because they said the river was rising. My
 3 answer to the person that asked me to evacuate, I
 4 said before I flood we have the pits over there,
 5 they have to fill in. Now you are going to be
 6 building in the pits. We call them the pits.
 7 So my concern is, where is all this
 8 water going to go if I already experience a water
 9 damage and behind my neighbor's house you can
 10 hear water running and she is, she backs up to
 11 the blue area there.
 12 MR. ZELINA: Right. And the blue
 13 area is not a part of this development.
 14 MS. APPELL: I know that but right
 15 now on heavy rains there is always like a little
 16 bit of a brook there. It is getting bigger and
 17 bigger. And I have the storm drain in front of
 18 my house and it is constantly, constantly running
 19 water. So there is runoff coming from someplace.
 20 Now you are going to be adding more to that.
 21 MR. ZELINA: No, absolutely not.
 22 Absolutely not. The storm water, our site's here
 23 in pink, our storm water currently flows in the
 24 north direction to the northeast to the wetlands
 25 and to the river. But with our development we

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1 are going to continue to direct our runoff in
2 that direction. It will not be directed to the
3 east towards Quaid Avenue where you are located.
4 There is significant land currently, and we
5 alluded to it earlier, about the amount of
6 wetlands, flood plains, everything else
7 associated on this site. So I can't speak to
8 what the issues are there, because we didn't
9 explore anything on that side of the site. But
10 certainly within our development area we will not
11 impact any of the drainage issues or problems on
12 Quaid Avenue.

13 MR. WARNKEN: You are not going to
14 direct any of our storm water onto Quaid Avenue.

15 MR. ZELINA: That's correct.

16 MS. APPELL: The water doesn't come
17 from Quaid Avenue, it actually came to Brookside
18 which is the next street over. So it actually
19 came in the back. I don't know where the water
20 came from, I just know there was a significant
21 amount of water that came in during Sandy.

22 CHAIRMAN TIGHE: Sharon, all we can
23 do is take them at their word that they are
24 relieving the water problem on their property.

25 MS. APPELL: By putting it where

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1 though?

2 CHAIRMAN TIGHE: Putting it back in
3 the sewer system that will go out to the north
4 into the river and everything. If it is into the
5 river and comes back down Brookside Avenue, they
6 are not responsible for it.

7 MR. CORNELL: Mr. Chairman, if I
8 might. The Borough has design standards for new
9 construction and storm water requirements. We
10 had a 10 page report of technical comments, five
11 of those pages has to do with his design. So we
12 have some concerns about how it is designed. So
13 eventually before final approval is granted he
14 will have to demonstrate compliance, Borough
15 compliance.

16 In addition to that, there are
17 outside agency approvals, namely the DEP. He has
18 to get permits from the DEP to be able to develop
19 this property. So there is a lot of work they
20 still have to do to demonstrate that they are
21 meeting both the Borough and state requirements
22 for storm water that is associated with this new
23 development. That is going to have to be
24 addressed before final approval can be granted
25 and they can do any construction on the property.

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1 MS. APPELL: My other concern was
2 there is only going to be one way in and out, it
3 is going to be the Sayreville Boulevard?

4 MR. ZELINA: That is correct.

5 MS. APPELL: What happens if the
6 river does ever overflow, that area is going to
7 be completely cut off?

8 MR. ZELINA: I assume you are
9 correct.

10 MS. APPELL: So there won't be any
11 emergency vehicles going to be able to get in
12 there?

13 MR. ZELINA: Based on our review of
14 the current flood plain and we have applied to
15 the DEP for flood hazard determination the land
16 upon which we are developing and our access along
17 Sayreville Boulevard is not in a flood plain zone
18 or flood zone.

19 MS. APPELL: All right. My other
20 question is you are saying there is going to be
21 security there. Is that going to be paid by
22 somebody or is that going to become the burden of
23 the police department?

24 MR. WARNKEN: I am not sure --

25 MS. APPELL: In the clubhouse. Is

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1 there going to be security in there for the
2 clubhouse?

3 MR. WARNKEN: I don't think there
4 was any testimony with respect to security in the
5 clubhouse. They are going to have, the clubhouse
6 is going to be staffed during the day.

7 MS. APPELL: In the complex, is
8 there going to be a security guard or anything in
9 there?

10 MR. WARNKEN: There is going to be
11 an office staff and there is going to be a
12 superintendent on site.

13 MS. APPELL: Okay. All right. And
14 as far as the lighting goes, they were talking
15 about the one candle or whatever versus a half a
16 candle. I know myself, again living on Quaid
17 Avenue, it is a very dark street, they put a very
18 bright light. I love it because I feel very
19 safe. I would rather see more lighting than less
20 lighting. If there is a problem, I am just
21 looking for on security basis.

22 And with regard to the trees, you
23 are going from 1,732 trees to 170 something I
24 believe it was.

25 MR. WARNKEN: And I guess we agreed

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1 we don't know the exact number right now because
2 it is going to be determined between now and
3 final and we agreed to work with the Borough
4 between now and final and have a more definitive
5 answer when we come back with the final
6 application.

7 CHAIRMAN TIGHE: Sharon, after
8 negotiation they will have to come up with a
9 number of what they are going to pay for, what
10 they are going to plant, where they are going to
11 put them. Of if they are going to put, the town
12 has what they call a tree bank. Then they would
13 have to make a monetary contribution to the tree
14 bank. So those trees are not going away, even
15 though they are going away, they are accounted
16 for and they have to be accounted for later on.

17 We took that waiver off because the
18 engineer gave me the indication that we want to
19 talk specifics when that happens. So we want,
20 when they come back for final, they are going to
21 have to tell us exactly what they are going to,
22 how they are going to do it and how they are
23 going to comply with the Borough ordinances.

24 MS. APPELL: Is there going to be a
25 meeting when they come back for final?

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1 there is.

2 MR. ROGOFF: Comment by who, you?

3 MR. WARNKEN: No by the public.

4 MR. ROGOFF: This is the public
5 portion. They are going to make their comments,
6 ask questions.

7 MR. WARNKEN: That's fine. Just
8 making sure.

9 CHAIRMAN TIGHE: Who are you?
10 P A U L D E S A R N O, having been duly sworn,
11 testified as follows:

12 MR. DE SARNO: So I am from 451 Main
13 Street. Which is that one lot that juts out a
14 little more than the rest of them. I know there
15 were other people across the street from me who
16 couldn't make it tonight. You may know him, he
17 is a former marine, never a former marine but he
18 is a marine, flies the flag, he was very upset
19 about the whole thing.

20 However, I noted, let's see a couple
21 of things, number one, which really came in last
22 to me, but you have no accessibility for handicap
23 people to have affordable houses there. You say
24 it is adaptable or something. I saw stairs on
25 every unit.

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1 CHAIRMAN TIGHE: Oh yes. Yes. This
2 is only the preliminary. The reason we are doing
3 this is because they have some constraints to get
4 all their money tied up before September. We
5 granted them this with all of this up in the air
6 in good faith. But if they come back here and
7 they don't produce everything that they said they
8 were going to do, then we have a problem.

9 MS. APPELL: Okay. All right. Well
10 like I said my concern was water because I have
11 been there, lived through it.

12 CHAIRMAN TIGHE: Unfortunately it is
13 not going to get any better either.

14 MS. APPELL: Thank you.

15 CHAIRMAN TIGHE: Anybody else from
16 the public?

17 Mr. DeSarno.

18 MR. WARNKEN: And just for
19 clarification, for the record purposes, these are
20 questions and there is comments afterwards just
21 so we have the procedure correct?

22 MR. ROGOFF: What do you mean?

23 MR. WARNKEN: It has been open to
24 the public. Is this for questions and then a
25 section for comments afterwards because typically

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1 MR. WARNKEN: Not the first floor.

2 MR. DE SARNO: So the first floor
3 you can roll right in with no ramping, no
4 nothing?

5 MR. WARNKEN: I'll let the architect
6 address that.

7 MR. COGAN: That is correct. 30 of
8 the units are ground level -- 30 of the units are
9 accessible directly flush right from the parking.

10 MR. DE SARNO: Of those 30 units how
11 many are one bedroom, two bedroom, three bedroom?

12 MR. COGAN: I don't have that number
13 right off the top. I can give it to you in a few
14 minutes.

15 MR. DE SARNO: But there is a mix.

16 MR. COGAN: Yes, there is.

17 MR. DE SARNO: But inside you have
18 to do adaptable things, you have to add rails,
19 showers?

20 MR. COGAN: Showers. Primarily it
21 is about spacial requirements.

22 MR. DE SARNO: I noticed on the, I
23 forget which one it was but one of your plans has
24 the yellow markings where you can build and the
25 green where you can't build. Can you put that

1 one back up for me for a second.
2 Looks like you have some options to
3 move a couple of things around if you wanted to.
4 I am not sure that you do.

5 MR. ROGOFF: Do you know which
6 exhibit it is, sir? Exhibit A-5.

7 MR. DE SARNO: So on exhibit A-5 we
8 are looking at and I am thinking about the people
9 on Main Street, me being one of them hopefully
10 soon, we have crowded down in that area the
11 public accessible things, the tot lot, your
12 clubhouse or meeting house, whatever it is
13 called, which side of that has that outdoor
14 component to it?

15 MR. ZELINA: The outdoor porch, on
16 the side?

17 MR. DE SARNO: Yes. Is that on that
18 side?

19 MR. ZELINA: Yes.

20 MR. DE SARNO: So that would be --

21 MR. ZELINA: The west side.

22 MR. DE SARNO: And then there is a
23 tot lot which I haven't heard any real
24 description of that. Is that just an open field
25 where you can throw the kids in a fenced area or

1 what is that?

2 MR. ZELINA: No, there will be
3 equipment for children to play on. It hasn't
4 been designed yet. That will be part of our
5 final.

6 MR. DE SARNO: And that is directly
7 adjacent to the families on Main Street now,
8 correct, with the buffer?

9 MR. ZELINA: With the buffer and
10 approximately 12 foot change in grade. When we
11 graded the initial plan this, it was a retaining
12 wall, a good slope from the existing properties
13 there. So we feel that the enhanced buffer, or
14 the full width buffer, the change in grade, the
15 slope, whatnot, and the fence, the privacy fence
16 being placed along the property line, there will
17 be adequate buffering and screening.

18 MR. DE SARNO: And you think that is
19 the safest place to put that tot lot?

20 MR. ZELINA: We have had to
21 accommodate a lot of things in the site, severely
22 environmentally constrained site. So we came up
23 with what we think is a pretty good design, it
24 fits well there.

25 MR. WARNKEN: You meet the buffers

1 and the setbacks?

2 MR. ZELINA: We definitely do. One
3 of the requirements would be to be in close
4 proximity to the community center or community
5 house there so it does belong there.

6 MR. DE SARNO: This area that is at
7 the entranceway, you've chose not to put anything
8 there, any reason for that, some of the other
9 things that can go there? The third item would
10 be the dumpster that is right on the corner at
11 the bottom of the property, the southwest corner.

12 MR. ZELINA: That's correct.

13 MR. DE SARNO: Have you thought
14 about any other place you could put that as
15 opposed to being nearest to the people who are
16 already there on Main Street?

17 MR. ZELINA: We most certainly have.
18 Again it is masonry dumpster enclosure, screened
19 enclosure in excess of 75 feet from the property
20 line and at a significant grade below it. The
21 impact, I don't think it will in any way impact
22 any of the residents that are fronting on Main
23 Street.

24 MR. DE SARNO: All right. To add my
25 voice to the young lady that spoke ahead of me, I

1 think that more lighting is better especially in
2 this kind of environment. I like the fact you
3 don't have any common hallways, that is a nice
4 touch. I like the fact that you gave back the
5 buffer that you were asking for a variance on for
6 us. I don't think anybody is going to mind a
7 buffer of, a reduced buffer along the high
8 tension wires but the attractive nuisance in the
9 area is little Acapulco and you are going to have
10 issues with regard to that I think ultimately.

11 The other thing this, was all just
12 open space, there was vegetation, there was dirt,
13 it was various things there. And before your
14 development, the ground was absorbing a lot more
15 water than after. Now it is going to be runoff.
16 It is going to run off from paved areas where
17 cars are parked. And it is low income housing,
18 there may be some cars totally not up to snuff,
19 maybe some leaking oil. So you are going to
20 have, even with the best parking lot you are
21 going to have dirty water running off that
22 development, right?

23 MR. ZELINA: You could say that.
24 You can assume that, for instance. However, part
25 of our storm water management system includes

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1 storm water treatment devices and we also have a
 2 storm water management plan where the collection
 3 system and devices have to be maintained. So
 4 there are three filters being provided to clean
 5 the water before it is discharged to the
 6 collection system off site and there is a
 7 maintenance plan that has to be maintained by the
 8 owner of this property and what is unique or what
 9 is good about this property it is being operated
 10 by a single owner. It is not a condominium
 11 association which may have difficulty being
 12 maintained where in this instance we have a very
 13 responsible owner, owns the property and I would
 14 believe would maintain the storm water collection
 15 system as well as the storm water filters so we
 16 won't have any issue with any unclean storm water
 17 discharging from the site.

18 MR. DE SARNO: Good to know. Thank
 19 you very much. That is all I have.

20 CHAIRMAN TIGHE: Chester. Mr. Zach,
 21 you are next.

22
 23 CHESTER PRZYBILKO, having been
 24 duly sworn testified as follows:

25 MR. PRZYBILKO: Chester Przybilko,

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1 503 Main Street.

2 I just have a couple comments. I
 3 want to thank the board and the developers for
 4 extending that 50 foot buffer. I thought that
 5 was very important. I also have a little bit of
 6 a concern with the dumpster on the south side.
 7 As far as when is that going to be picked up and
 8 how big are they? We don't want a lot of over
 9 flow and waste and then are they going to be
 10 picked up mid-morning or during the normal
 11 working hours? Because those dumpsters can make
 12 a lot of noise being picked up. That would
 13 impact some of the close residents there.

14 MR. ZELINA: First of all, it will
 15 be a private carting service so it can be
 16 scheduled appropriately. Let's say it starts
 17 out, until it is fully occupied maybe pick up
 18 might be twice a week. But then it will be based
 19 on the need. They can schedule with a private
 20 carter on a schedule that is needed based on the
 21 amount of trash or recyclables that are placed
 22 there. It is premature to say what the schedule
 23 would be at this time. That is something that
 24 certainly can be worked out or tested at a later
 25 date.

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1 MR. WARNKEN: There is a
 2 superintendent on site who can help coordinate
 3 that.

4 MR. ZELINA: Absolutely.

5 MR. PRZYBILKO: Are there any laws
 6 or ordinances on when garbage pick up can be
 7 picked up? You don't know?

8 CHAIRMAN TIGHE: No. But when we
 9 get down to the final we can ask to make it like
 10 11:00 or not before 10:00. So you are not, your
 11 concern is somebody coming at 6:30 in the morning
 12 and waking you up.

13 MR. PRZYBILKO: 3:00 in the morning,
 14 yes.

15 MR. ZELINA: Keep in mind this is a
 16 residential development. It is not commercial
 17 development where that could be more common.
 18 There will be residents living here that have
 19 concerns.

20 MR. WARNKEN: Mark, isn't it typical
 21 that they will do commercial sites first and then
 22 come to the residential sites?

23 MR. ZELINA: That has been my
 24 experience. Obviously it is important for the
 25 commercial. We don't have to get into it. But,

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1 yeah, we understand your concern. It is a
 2 residential development where the residents would
 3 have the same issues you do. So I think you will
 4 be accommodated as this thing moves forward.

5 MR. DE SARNO: Next question is
 6 about the fence. What type of fence would be in
 7 that buffer zone and who is going to maintain it
 8 in ten years?

9 MR. ZELINA: The owner of this
 10 property will be responsible for maintaining the
 11 fence. Right now it would be a solid fence. I
 12 don't believe we settled on the material at this
 13 point in time. The idea is to provide a solid
 14 screening fence so as to help alleviate any of
 15 the noise from the dumpster or any visual impacts
 16 from the lighting or things like that.

17 CHAIRMAN TIGHE: I think on your
 18 plan it says six foot vinyl board on board.

19 MR. ZELINA: That was the intent,
 20 the six foot solid.

21 CHAIRMAN TIGHE: And that is what we
 22 are asking everybody to do in town to do any way,
 23 Chester. Less maintenance on their part. Nicer
 24 product.

25 MR. PRZYBILKO: Last point that I

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1 don't know the gentleman's name brought up, but
2 in regards to the applicant for waivers of
3 approvals, variances, exceptions, and to be
4 brought up again later so nobody gets a blank
5 check, I think that is perfect. This way we know
6 what is going on with everybody.

7 CHAIRMAN TIGHE: That's right.

8 MR. ROGOFF: We will be addressing
9 the buffer variances tonight.

10 MR. PRZYBILKO: Thank you.

11 CHAIRMAN TIGHE: Mr. Zach.

12 MR. ZACH: My name is Alvin Zach. I
13 am here in response to a letter I received at 465
14 Main Street concerning this development.

15
16 A L V I N Z A C H, having been duly affirmed,
17 testified as follows:

18 MR. ZACH: I heard some talk about
19 revised drawings. Are these the same drawings
20 that were downstairs in the planning board for
21 the July 14th meeting?

22 MR. ZELINA: The plan that was
23 submitted and was downstairs was part of our
24 presentation. It is illustrated in exhibit A-2.

25 This would be colored representation or colored

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1 version of that plan.

2 MR. ZACH: My concern is the
3 notifications that I received didn't say anything
4 about revised drawings.

5 MR. ZELINA: That is absolutely
6 correct. What happened is we were --

7 MR. WARNKEN: In response to
8 comments we received from the planning board with
9 respect to review letters we looked at the plan
10 to see if we could modify it to respect the
11 required buffer between this project and the
12 residents along Main Street.

13 We have brought this revised plan
14 with us this evening to show you how we can do
15 that. We would be, as a condition of approval,
16 we would submit in these revised sets for the
17 board professionals to confirm what we are
18 telling them is the case.

19 We presented, brought it here this
20 evening so when we were explaining what we could
21 do in response to the board's comments
22 graphically depict what we were proposing to do
23 because we knew the public might have comments on
24 it and we thought it would be beneficial to have
25 it with us.

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1 MR. ZACH: I understand that. My
2 problem that I have with that is, if your notice
3 said revised drawings the public could have gone
4 to look at the revised drawings and show up
5 tonight being more informed on what is being
6 discussed and presented.

7 MR. WARNKEN: What we are saying is
8 these revised drawings were not submitted into
9 the planning board. They were brought here this
10 evening to address a comment from the planning
11 board. We have briefly discussed it with the
12 board engineer so we could take a look at it
13 prior to that. But the applicant has the right
14 to address the comments made from the board and
15 to the board's professionals at the hearing which
16 is what we are doing.

17 MR. ZACH: I think the public has
18 the right to see those before the hearing.

19 MR. ZELINA: If you will, right now
20 we here only for preliminary approval. We have
21 to appear back before this board for final
22 approval. At which time we will provide not only
23 the revisions, the engineering of this particular
24 plan but also response to all of the comments
25 that have been raised by the planning engineer.

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1 MR. ZACH: I just think there is a
2 fault in the notification process.

3 MR. ROGOFF: Sir, if I can have just
4 a moment of your time.

5 MR. ZACH: I am sorry?

6 MR. ROGOFF: If I could just address
7 your concerns about the notice you raised. It is
8 not unusual for applicants to come in with plan A
9 and based upon comments either by the board or
10 the public make modifications the very evening of
11 the meeting where you don't even get a chance to
12 look at a revised plan.

13 In this case the revision that is
14 before you is true it was not on file ten days
15 before the meeting. However, is to address
16 specific concerns that were made in the
17 professional reports that raised the issue of the
18 buffer along Main Street that we are here to
19 address tonight. This is a preliminary approval.
20 There will be another opportunity for you to see
21 those plans at the final. So I don't think there
22 is any legal problem with the manner in which
23 this is being presented. It is not a major
24 provision. It is confined to that area over on
25 Main Street. So I am confident that the public

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1 notice requirements that the applicant has made
2 in this case and the effort they are making
3 tonight to explain the issues that were raised is
4 adequate.

5 MR. ZACH: Okay. A couple other
6 questions. Can you bring up the plan.

7 MR. ZELINA: I am not sure what plan
8 you are speaking to.

9 MR. ZACH: Is this the drainage
10 pitch from Main Street?

11 MR. ZELINA: Yes, it is.

12 MR. ZACH: Is the plan to pipe that
13 or not pipe that?

14 MR. ZELINA: No, it will continue as
15 an open ditch to the wetlands that you see in the
16 dark green area. We are not touching that.

17 MR. ZACH: Wouldn't it better serve
18 the Borough if that was piped to the back of the
19 property line on Main Street. Question.

20 CHAIRMAN TIGHE: We'll have our
21 engineer look at it.

22 MR. CORNELL: There might be issues
23 with the DEP.

24 MR. ZACH: Right now it is an open
25 ditch.

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1 MR. CORNELL: Right, but it is
2 considered a wetland area. There may be
3 difficulties with the state allowing permits to
4 be granted to that to have it piped to the back.

5 MR. ZACH: You are only piping it
6 right to there, to the depth of the property.
7 You end up protecting the two properties that are
8 there, the abutting property owners. They are
9 not my properties, all right. I understand that.

10 CHAIRMAN TIGHE: We understand.

11 MR. ZACH: Just point of
12 information.

13 The area up here, area over here,
14 partial wetlands, right, this area, partial
15 wetlands, I would suggest the board consider
16 creating conservation easements and wetlands
17 easements across those properties so they can't
18 be used later. We all know eventually they are
19 going to be dry wetlands and then somebody is
20 going to come in and say "well that is all dried
21 up, we are going to build on here." So my
22 suggestion to the board is that you consider that
23 on a more permanent basis, with a conservation
24 easement and a wetland easement.

25 MR. ZELINA: We have no objection to

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1 that. That is certainly a point of discussion as
2 we move forward with final. That we have no
3 objection.

4 MR. ZACH: Lastly with relationship
5 to the variances and what is being considered
6 deminimus changes, I find it very striking that
7 Borough council spent two or three years
8 developing these plans, planning board looked at
9 them I presume at some point and approved them
10 and now you have a developer coming in and
11 already looking to get variances. I respect his
12 right to apply for a variance, law provides for
13 that. But it would seem to me that with all of
14 the effort that the Borough council and the board
15 and everyone else put into this to be granting
16 variances at this point really makes no sense
17 whatsoever to me. This is not a not for profit
18 developer. This is a developer who is going to
19 make a profit on this project. And you know if
20 you are trying to be kind to him and save them
21 money, I don't think that is in the Borough's
22 best interest. I think you are going to set
23 yourselves a precedent if you make those changes
24 now. Everybody is going to come in and say I
25 want the same thing. I don't want one foot

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1 candle, I want a half a foot candle. You gave it
2 to him, give it to me. I think those are issues
3 you as board members need to consider when you
4 deliberate on this matter. Thank you.

5 CHAIRMAN TIGHE: Thank you.
6 Anybody else from the public like to
7 speak?

8 Anybody else from the public like to
9 speak? If not I will make a motion to close the
10 public portion.

11 COUNCIL WOMAN LEE: I'll make that
12 motion.

13 COUNCILMAN CHODKIEWICZ: Second.

14 CHAIRMAN TIGHE: All in favor?

15 COUNCILMAN CHODKIEWICZ: Aye.

16 COUNCILMAN KELLY: Aye.

17 COUNCIL WOMAN O'LEARY: Aye.

18 COUNCIL WOMAN LEE: Aye.

19 COUNCILMAN DAVIS: Aye.

20 CHAIRMAN TIGHE: Aye.

21 Any other questions?

22 MR. CORNELL: Mr. Chairman, just one
23 comment. I had a discussion with the engineer
24 just procedurally if the board is going to act
25 favorably on the application, the redevelopers

1 agreement requires SERA's concurrence when plans
 2 are submitted. The plans that were initially
 3 submitted went through the SERA process phase.
 4 Signed off on it. SERA did not review the
 5 revised plans with regard to the 50 foot buffer.
 6 I am sure they are not going to have an issue
 7 with it. I think it should be a condition that
 8 they get SERA's approval before they come back
 9 for final.
 10 MR. WARNKEN: No problem what so
 11 ever.
 12 MR. ROGOFF: Do you agree with that
 13 condition?
 14 MR. WARNKEN: Yes we do.
 15 MR. ROGOFF: Just to highlight one
 16 other thing, that is that it is referred to not
 17 only my memo but Mr. Cornell's August 21, 2019
 18 review memo that the applicant's going to, as a
 19 condition of approval, the boundaries of the
 20 affordable housing zone as contained in the
 21 redevelopment plan are not consistent with the
 22 newly created block 175, lot 10.01, now includes
 23 property zoned for both affordable housing
 24 residential uses. This issue was reviewed by me
 25 and I prepared that memo dated August 2. And you

1 Applicant will have to come back and get final
 2 approval at that time. Any waivers or further
 3 variances can be discussed by the board.
 4 You will be required to comply with
 5 the conditions that were contained in the
 6 technical review and our report dated August 21,
 7 as well as the items contained in Mr.
 8 Leoncavallo's August 19th report.
 9 And also the affordable housing zone
 10 has a specific requirement for the types of
 11 units. It is 50 percent low income, 13 percent
 12 of which are supposed to be very low income, and
 13 50 percent moderate income. I believe the
 14 applicant comply with that requirement but that
 15 would be a condition they would have to comply
 16 with those requirements for the type of housing
 17 to be constructed on the property.
 18 MR. WARNKEN: Yes, we do.
 19 MR. CORNELL: That is it, Mr.
 20 Chairman.
 21 CHAIRMAN TIGHE: You've heard the
 22 summarization of the tonight's proceedings. What
 23 is your pleasure, Board?
 24 COUNCILMAN CHODKIEWICZ: I'll make
 25 that motion that we grant preliminary site

1 agreed to comply with that.
 2 MR. WARNKEN: Correct.
 3 CHAIRMAN TIGHE: Mr. Cornell, could
 4 you summarize all the engineering aspects of
 5 this.
 6 MR. CORNELL: I have a lengthy
 7 report. In there were some recommended
 8 conditions. I'll just run through those quickly
 9 for you.
 10 The first would be perfection of the
 11 approval for the minor subdivision that was
 12 granted by SERA. They still have to go through
 13 and file deed so a condition of this application
 14 would be that SERA perfects that previously
 15 granted subdivision.
 16 Also as I just mentioned SERA would
 17 have to go through and approve the revised plans
 18 that show the alternate layout for the 50 foot
 19 buffer. As Mr. Rogoff just indicated River Road
 20 development plan would have to be amended so the
 21 boundaries of the affordable housing zone
 22 correspond with the boundaries of the property
 23 based on the recent subdivision. You are only
 24 going to be granting preliminary major site plan
 25 approval. No construction will be allowed.

1 approval in accordance with the conditions that
 2 Jay outlined and that SERA approval also.
 3 COUNCIL WOMAN LEE: Second.
 4 CHAIRMAN TIGHE: Roll call.
 5 MS. MAGNANI: Mr. Chodkiewicz.
 6 MR. CHODKIEWICZ: Yes.
 7 MS. MAGNANI: Mr. Davis.
 8 MR. DAVIS: Yes.
 9 MS. MAGNANI: Mr. Kelly.
 10 MR. KELLY: Yes.
 11 MS. MAGNANI: Miss Lee.
 12 MS. LEE: Yes.
 13 MS. MAGNANI: Miss O'Leary.
 14 MS. O'LEARY: Yes.
 15 MS. MAGNANI: Chairman Tighe.
 16 CHAIRMAN TIGHE: Yes.
 17 MS. MAGNANI: Application granted.
 18 MR. WARNKEN: Thank you very much.
 19 CHAIRMAN TIGHE: Public portion.
 20 MR. ROGOFF: Counselor, I want to
 21 make sure that the court reporter gets the
 22 transcript to the secretary. If it is
 23 electronic, just e-mail it to me directly.
 24 MS. APPELL: Sharon Appell, 16 Quaid
 25 Avenue. With this application, is this going to

1 make us code compliant with Mount Laurel?
 2 CHAIRMAN TIGHE: Partially. As part
 3 of our number.
 4 I will entertain a motion to
 5 adjourn.
 6 COUNCIL WOMAN LEE: I'll make that
 7 motion.
 8 CHAIRMAN TIGHE: Do I have a second.
 9 COUNCILMAN KELLY: Second.
 10 CHAIRMAN TIGHE: All in favor.
 11 COUNCILMAN CHODKIEWICZ: Aye.
 12 COUNCILMAN DAVIS: Aye.
 13 COUNCILMAN KELLY: Aye.
 14 COUNCIL WOMAN LEE: Aye.
 15 COUNCIL WOMAN O'LEARY: Aye.
 16 CHAIRMAN TIGHE: Aye.
 17 (Meeting adjourned.)
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CERTIFICATE.

1
 2
 3 I, BETH J. SPINNER, a Certified
 4 Shorthand Reporter, Registered Professional
 5 Reporter, and Notary Public of the State of New
 6 Jersey do hereby certify that prior to the
 7 commencement of the examination the witness
 8 and/or witnesses were sworn to testify the truth,
 9 the whole truth, and nothing but the truth.
 10 I do further certify that the foregoing
 11 is a true and accurate computer-aided transcript
 12 of the testimony as taken stenographically by and
 13 before me at the time, place, and on the date
 14 hereinbefore set forth.
 15 I do further certify that I am neither of
 16 counsel nor attorney for any party in this action
 17 and that I am not interested in the event nor
 18 outcome of this litigation.
 19
 20
 21 _____
 Notary Public of the State of New Jersey
 My commission expires July 20, 2024
 22
 Dated: August 22, 2019
 23
 24
 25