Township of Manalapan  
Department of Planning & Zoning  
120 Route 522 & Taylors Mills Road  
Manalapan, NJ 07726  
(732) 446-8350  
(732) 446-0134 (fax)

Planning Board Minutes  
October 25, 2018

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:32 p.m. followed by the salute to the flag.

Roll Call: Secretary, Barry Jacobson

In attendance at the meeting: John Castronovo, Todd Brown, Daria D'Agostino, Alan Ginsberg, Barry Jacobson, Kathryn Kwaak, Jack McNaboe, David Kane, Richard Hogan, Steven Kastell

Absent from the meeting: Barry Fisher

Also present: Ron Cucchiaro, Board Attorney  
Brian Boccanfuso, Board Engineer  
James Winckowski, Board Engineer  
Peter Van den Kooy, Board Planner  
Lisa Nosseir, Recording Secretary

Mr. Cucchiaro swore in Brian Boccanfuso and James Winckowski, Professional Engineers and Peter Van den Kooy, Professional Planner, all of CME Associates.

Minutes:

A Motion was made by Mr. Jacobson, Seconded by Chief Hogan to approve the Minutes of October 11, 2018 as written.

Yes: Castronovo, Brown, D'Agostino, Ginsberg, Jacobson, Kwaak, McNaboe, Kane, Hogan

No: None

Absent: Fisher

Abstain: None
Not Eligible: Kastell

**Resolutions:**

**PAM0729 ~ Ahl' e Baith Foundation, Inc.**
Mount Vernon Road and Tracy Station Road
Block 51 / Lot 1
Amended Preliminary and Final Major Site Plan

A Motion was made by Ms. D'Agostino, Seconded by Mr. Jacobson to approve the Resolution for Ahl' e Baith Foundation as written.

Yes: Castronovo, Brown, D'Agostino, Ginsberg, Jacobson, Kwaak, McNaboe, Kane, Hogan
No: None
Absent: Fisher
Abstain: None
Not Eligible: Kastell

**PPM1441 ~ K. Hovnanian Shore Acquisitions, LLC**
Four Seasons at Manalapan Brook
Highway 33 West ~ Block 72 / Lot 6.01
Preliminary Major Subdivision
Preliminary Major Site Plan

A Motion was made by Ms. D'Agostino, Seconded by Mr. Jacobson to approve the Resolution for the Four Seasons at Manalapan Brook, as written.

Yes: Castronovo, Brown, D'Agostino, Jacobson, Kwaak, McNaboe, Kane, Hogan
No: None
Absent: Fisher
Abstain: None
Not Eligible: Ginsberg, Kastell

**PMS1813 ~ Chris Sullivan**
113 Gordons Corner Road ~ Block 15.01 / Lot 3
Minor Subdivision

A Motion was made by Mr. Jacobson, Seconded by Chief Hogan to approve the Resolution for application PMS1813, as written.

Yes: Castronovo, Brown, Ginsberg, Jacobson, Kwaak, McNaboe, Hogan
No: None
Absent: Fisher
Abstain: None
Not Eligible: D'Agostino, Kane, Kastell

Applications:

PMS1745 ~ Skeba Tract Warehouse Development
Highway 33 ~ Block 74 / Lot 23.02
Preliminary Major Site Plan

Mr. Cucchiaro stated that we received a letter from the applicant’s attorney, Mr. Pape, requesting that the Skeba application be carried to the November 8, 2018 meeting. Mr. Cucchiaro said application PMS1745 ~ Skeba Tract Warehouse Development will be carried to the November 8, 2018 meeting at 7:30 at Town Hall. If you received a notice in the mail, you will not receive another notice – this is your notice that the application is being carried. For those interested, the documents associated with this application are on file in the office of the Planning Board to be reviewed during normal business hours. Again, there will be no further notice to property owners.

Mr. McNaboe spoke to the members in the courtroom not from Manalapan. He stated that Planning Board updates are posted to our website, mtnj.org and to please check the website if they aren’t sure if an application is being heard and can save them a trip for no reason.

PFM1732 ~ INLOM, LLC
Templar Road ~ Block 3.01 / Lot 2
Final Major Subdivision

Edward Eastman, Esq. appeared this evening to represent the applicant, INLOM, LLC. Mr. Ploskonka will be our witness as their engineer and planner. Mr. Eastman explained that this subdivision was granted preliminary approval in December 2017. It is a small four lot subdivision in a R20 zone with no variances. We are back this evening for Final approval.

Mr. Cucchiaro swore in Mr. Ploskonka, Professional Engineer/Professional Planner, Manalapan, New Jersey. He stated this application was approved last December as a Preliminary. We have gone back to various agencies and received the LOI, NJDEP transition areas, WMUA approval, Monmouth County approval and have been to the Environmental Commission and Shade Tree Commission. Freehold Soil is in the approval process at this time.

Mr. Ploskonka said the four lot subdivision is conforming, but we had to make some last minute changes due to the State of New Jersey being critical of rain gardens, unless they are maintained by a Home Owners Association or by a Town. The Town doesn’t want to maintain rain gardens. We put in a small detention basin in lieu of the rain gardens and
that will meet the DEP requirements for this subdivision in the future. We agree with all the comments in Mr. Boccanfuso’s engineering report with no exceptions.

Mr. Boccanfuso stated that he agrees that the State regulations somewhat threw into disarray the Preliminary approval. He wouldn’t say that the State is critical of rain gardens. The issue is that the State does not allow the responsibility for a public stormwater management facility to be placed on a private home owner. An HOA would have to be established, or the Township would have to be established as the responsible party. In keeping that in mind, we worked with Mr. Ploskonka to come up with a solution that would be most acceptable to the Township. What they are proposing to do in lieu of the previously proposed rain gardens, is have more of a standard detention basin with an engineered manufactured treatment device that would be maintained by the Township. He believes that would need to be approved by the Township Committee. If it were to be approved, built and accepted, the Township would be the party responsible for the maintenance of the structural components. The lawn maintenance, because it would be placed in an easement would remain the responsibility of the home owners.

Mr. Cucchiaro stated that the applicant will have to request of the governing body that they take the property that the detention basin is going to be on and maintain it. It is not a requirement that the Town accept it, and it is not something we can do in lieu of the Town. So, this is something that needs to be worked out with the governing body. If it doesn’t work out, they may have to do something else and they may have to appear before the Planning Board again.

Mr. Boccanfuso stated that there was one waiver granted in connection with the Preliminary approval. The Township has a specific requirement for drywells, or seepage pits. The applicant was granted a waiver, however as part of these recent stormwater management system modifications, they are now proposing the drywells, so they are in compliance with that requirement. With that said, they do require a new waiver in connection with the Final approval because the modified detention basin does not meet the setback requirements from the right of way line. It is in the design standards, so it is a design waiver, not a variance. The top of the bank of the basin needs to be 15’ from the property line, whereas it is about 5’ from the new ROW line associated with the new cul-de-sac on Templar Road. Beyond that, we had a number of comments in our report that Mr. Ploskonka agrees to comply with.

Mr. Van den Kooy asked how the lawn maintenance would be communicated to the owner and subsequent owners going forward. Mr. Ploskonka said there will be a statement in the deed.

Chief Hogan asked Mr. Ploskonka on existing lot 3 if the easement for that particular driveway is shared with the new lot 4? Is lot 4’s driveway going to be adjacent to that – are they going to share that driveway as well? Mr. Ploskonka said yes it would be a shared driveway. Mr. Winckowski said lot 4 is going to have its own driveway. An off-site property which is adjacent lot 3, has an existing driveway that is located within the
applicants tract which are providing an easement to allow that driveway to remain. There is also the emergency access driveway which is in between the applicant’s lot 1 and 2.

Mr. Kane asked if the emergency easement is marked at the back so that people don’t build something on 20 years from now. Mr. Ploskonka said it restricted in the deeds to be maintain with grass pavers. It has to be signed as an emergency access only and we will put small signs up so that people can’t just drive through there from A – B. Mr. Boccanfuso said at the Clayton Lane end, there is a timber swing gate to prevent unauthorized access. At Templar Road we have requested some type of signage alerting people. This easement will not allow for any type of fencing, it will always be used for emergency access only.

Mr. McNaboe asked for drawings of the proposed retention basin. Mr. Boccanfuso said he received drawings from Mr. Ploskonka’s office. It was not submitted to the Board. Mr. McNaboe asked which lot the basin would be located on. Mr. Ploskonka spoke about Sheet 4 of 9 that was revised and is hereinafter marked as Exhibit A1, a grading and utility plan for INLOM, LLC, dated October 2018. The rain gardens have been eliminated and the detention basin will be on lot 3 only. This stormwater management meets DEP requirements. Mr. McNaboe asked if the retention basin is sand bottomed? Mr. Winckowski said it does not have a sand bottom.

Mr. McNaboe asked who is responsible for maintenance of the emergency access road? Mr. Ploskonka said the home owners have to maintain it. There are two homeowners involved, each would have responsibility for half of the driveway. Mr. Eastman said we could deed restrict the two lots to reserve notice of the obligation.

Mr. Cucchiaro asked what happens in the instance where the two homeowners do not get along and can’t agree on how to maintain the emergency access? Mr. Eastman said there could be a lien on the property for failure to maintain. The day to day maintenance is on the homeowner, but the long term maintenance and structural matters is the responsibility of the Town.

Chairwoman Kwaak asked Chief Hogan about the emergency easements around Town. Chief Hogan said from time to time, we do visit the sites, ride the lanes and make sure they are maintained. If not, we report them to code enforcement for maintenance as well as the Department of Public Works. If there is a snowstorm and we need to get through, we will direct a Township plow to clear the area.

Mr. Jacobson wanted to comment about the detention basin. When the applicant came before the Environmental Commission, there were two options for stormwater. He stated that they have chosen the option that is less of a burden.

Mr. Ginsberg asked if the Township is going to plowing the snow, or is the homeowner? Mr. Ploskonka said the homeowners will be plowing the snow in the easement and their own driveways, but the Town would maintain the structural system if necessary. Mr.
Cucchiaro said that is what’s anticipated and what actually happens needs to be the result of interaction between the applicant and the Township Committee.

Chairwomen Kwaak opened the floor to the public regarding the application; seeing none she closed public.

A Motion was made by Ms. D’Agostino, Seconded by Mr. Jacobson Hogan to approve the Resolution for application PFM1732. INL0M, LLC.

Yes: Castronovo, Brown, D’Agostino, Ginsberg, Jacobson, Kwaak, McNaboe, Kane, Hogan
No: None
Absent: Fisher
Abstain: None
Not Eligible: Kastell

**Applications:**
PPM1724 ~ Manalapan Crossing
162 HWY 33 ~ Block 66 / Lot 8.01
Preliminary & Final Major Subdivision
Preliminary & Final Major Site Plan
Carried from September 13, 2018

*Please refer to the attached transcript of the above-mentioned application.*

Chairwoman Kwaak opened the floor to any non-agenda items; seeing none she closed public.

Chairwoman Kwaak stated that the next meeting will be November 8, 2018 and there are several applications pending at this time.

**Adjournment**

A Motion to adjourn the meeting was made by Chief Hogan and agreed to by all.

Respectfully submitted,

Lisa Urso-Nosseir
Recording Secretary
<table>
<thead>
<tr>
<th>INDEX</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>NICHOLAS VERDERESE</td>
</tr>
<tr>
<td>8</td>
<td>DAVID FISHER</td>
</tr>
<tr>
<td>6</td>
<td>ALLAN ROSS</td>
</tr>
<tr>
<td>7</td>
<td>TAMAR SYDNEY-GENS</td>
</tr>
<tr>
<td>9</td>
<td>LARRY WEINER</td>
</tr>
<tr>
<td>11</td>
<td>BRAD BERGER</td>
</tr>
<tr>
<td>13</td>
<td>BENJAMIN LEVY</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INDEX TO EXHIBITS</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-13</td>
<td>Home model illustrations</td>
<td>36</td>
</tr>
</tbody>
</table>

**Appearsances:**

- RONALD CUCCHIARO, ESQUIRE, Attorney for the BOARD
- CLEARY GIACOBBE ALFIERI JACOBS, LLC, Attorneys for the APPLICANT
- BY: SALVATORE ALFIERI, ESQUIRE

**THE CHAIRWOMAN:** At this time, PPM1724, Manalapan Crossing.

**MR. ALFIERI:** Good evening, Madam Chair, members of the board, Salvatore Alfieri on behalf of the applicant.

**THE CHAIRWOMAN:** Go ahead.

**MR. ALFIERI:** We're here tonight to continue obviously with the Manalapan Crossing presentation. I know there were a few loose ends that we needed to address through our traffic testimony, so we have Mr. Verderese back here to comment on a few items and then obviously answer any additional questions the board may have.

**NICHOLAS VERDERESE,** having been previously sworn, resumed and testified as follows:

**DIRECT EXAMINATION BY MR. ALFIERI:**

**MR. CUCCHIARO:** Mr. Verderese, I remind you you remain under oath.

**THE WITNESS:** Yes, thank you.

I guess there were three items I think that might have been open at the last meeting we wanted to talk a little bit about a little bit more. The first one was there was some discussion about some potential additional improvements along Route...
33, specifically, the potential to construct an additional lane on Route 33 westbound through the intersection. I gave some testimony as far as what that would entail. We went back and looked at a little more to see what the extent of that improvement would be. It would be about a 1,900-foot-long widening along Route 33. It would require right of way from a number of parcels. Specifically, east of the intersection would be the Enright property, Andee Plaza, Amboy Bank to get the lane prior to the Intersection. Then after the intersection, it would all be under our control so that would not be an issue. So it would require widening onto those properties as well as right of way from those property owners, as well.

While any additional lanes is going to provide more capacity at an intersection, way back when we started on this job, we looked at a number of different scenarios. We're always looking at where we can add lanes, where we get capacity, how we can get to a point where we've mitigated our traffic, where we've improved the existing traffic conditions, and along the way, we've met with DOT, met with the county. Everyone came together, and it was determined that this was the most efficient improvement that would provide the most benefit, the one that we're proposing, not one that did work on 33, because what you would do is you would trade off an improvement on Route 33 for a lesser improvement on Millhurst or Sweetmans to get that same capacity.

So when we went to the county, one of the specific things was we had something that worked, and then they asked us to go beyond and add another northbound through lane so we added an additional lane to the improvement at that point. So any more lanes would -- again, it would -- obviously would improve the intersection, but then you're going further and further beyond mitigating the traffic and improving existing conditions, and what this improvement does, because we add so much more capacity on the side street, on Millhurst Road, we're able to change the signal timing to where we give some more time to Route 33. So the mitigation that occurred in our plans was additional time to 33, not necessarily additional lanes, so we did get improvements to Route 33 by doing it that way.

There's a number of different ways obviously that you could mitigate an intersection. This was the one that all the agencies came together and felt that it was the most efficient improvement of the intersection.

Two other items I want to discuss. One was I know we've had a lot of discussion about some of the unsignalized intersections along Millhurst Road. I went back. I looked at two particular ones, Cannonero and Village Drive, to see what type of existing width there is, to see if there is the ability to stripe additional turning lane exiting those. They're both 28-foot-wide roadways so wouldn't allow for two lanes exiting because we don't have enough width there so any improvement to those intersections would require widening, right of way. There's sidewalk reconstruction required. So it would be a rather extensive Improvement for really not getting all that much additional capacity at the intersection, particularly at Cannonero where you don't really have too many people making a left so you don't have a lot of sitting behind the person waiting to make a left. At Village there is about an even split on lefts and rights, but at Cannonero, it's -- 80 percent of people are making a right so it wouldn't really do much as far as capacity at that intersection, and sometimes -- and it's kind of up in the air with engineers as to the benefit of an additional capacity of a left and a right-turn lane versus at an unsignalized intersection when two people line up next to each other at a stop bar, sometimes the sight distance is compromised. You can go either way. It all matters what situation you're in. If you have clear sight lines, what the volumes are, whether you determine if you want to do that. I know there are a couple of intersections that already have it in this stretch. So I don't know that it's a significant detriment, but it's something to consider when you're looking at doing the two lanes.

The last item was the construction entrance, and as I testified to previously, our plans all show -- on our soil erosion plans, our construction driveway is on Route 33. It's on our plans into DOT so our intention is to get an approval from them for a construction entrance there. It is in their jurisdiction so ultimately is up to them if they accept our construction entrance to be there, but we're doing everything we can to have our construction entrance be on Route 33.

MR. ALFIERI: Those were the three items that we wanted to just come back to the board with, and we're prepared to answer any questions the board may have.
THE CHAIRWOMAN: Okay. Professionals.
MR. WINCKOWSKI: I have a question.

About the 33, the widening, the third lane, I don't know if you touched on it just now, though, but if you were to add a third lane for through traffic, you have to take away -- you don't add a third lane and then have a shoulder beyond that. You'd lose the shoulder, which kind of acts -- which does act as an acceleration and deceleration and turning lane now.

THE WITNESS: Yeah, so if you -- essentially, what you would do is you would take away the shoulder plus widen so you'd go from a 10-foot shoulder to about a 15-foot lane, but then you're not also taking on a 10-foot shoulder outside of that. Otherwise, you'd have a good, you know, 15-foot-widening to do that. So you do lose the accel/decel that those driveways all get prior to the intersection that you can slow down. Otherwise, you're doing that acceleration and deceleration in what is a live lane of through traffic through the intersection.

MR. WINCKOWSKI: And it could be eventually if ever a third lane was desired by the state, they could also go in the median. They'd not necessarily go within the shoulder. So you'd kind of be kind of trying to pick the best solution now when it's really meant to be an entire corner needs to be addressed.

THE WITNESS: Really is a corridor improvement, and it likely really needs -- I think I talked about it at the last meeting. Where 33 business comes on and then they merge on, it likely needs to be that that lane doesn't require to merge, and you actually take the three lanes from that point on, carry it all the way through the intersection, and then eventually drop it some point west of Millhurst Road, but again, it's really a regional improvement that needs to be done by the Department of Transportation because that's a significant project in itself.

MR. WINCKOWSKI: I guess what I'm getting at is I don't see the benefit of having that third lane as a through lane and taking away from the shoulder now. I think there's more of a benefit to have a shoulder now for those, you know, the density of those businesses along 33, especially as you approach from the westbound direction, and there's really, you know, once you get through the intersection, you're really -- they're just going to have to merge back in to -- I don't see the benefit of having the added capacity to losing that shoulder.

THE WITNESS: I agree.
MR. WINCKOWSKI: You talk about Cannonero and Village. The other two roads, side streets on the opposite side street, Covenhoven and Hedgerow, those cartways were set up for a third lane. They're not 30 feet. They're 30 feet plus to have the proper pavement width for the left and right turn out.

THE WITNESS: Yeah, those are 35-foot-wide roads.

MR. WINCKOWSKI: I know on Hedgerow it's separated by a boulevard, too.
THE WITNESS: Yeah, that one's even wider. I know Hedgerow has the two lanes and one receiving lane. Covenhoven has an island in between the in and the outbound.

MR. WINCKOWSKI: That's all I wanted to ask.


MR. KANE: You had said you were going to go to the DOT about the construction entrance on

33, and when do you think you'll know that? Are you going to know that during this process here?
THE WITNESS: No, it would be after.
We're probably a good 60 days away from getting our next review from them so it's likely after this process.

MR. KANE: So if you were to get approved here, it would be on that condition, and if you couldn't meet it, what would happen?

THE WITNESS: We'd have to come back.

MR. ALFIERI: If the board imposes that condition, yes.

MR. WINCKOWSKI: I've never seen -- if you get approval from the DOT for an access road, for a new road off a state highway, I've never seen them come back and say, well, you can't -- you can put the new road in there, but you can't construct it from the highway.

MR. CUCCHIARO: On your issue, there's also -- they have asked for preliminary and final approval. If the board feels at the end of the day that there are things, outside agency approvals or like to see how that works out, any revisions in the plan that they want to see, if you're going to give an approval, you can also determine to give a
preliminary approval, and when they come back for final, they would likely have all those things in hand, and you'd be able to see it.

MR. KANE: Okay. That was the next question I was going to ask, which was the likelihood. So I guess that answers. No more questions right now. Thank you.

THE CHAIRWOMAN: Jack.

MAYOR McNABOE: So I certainly I'm listening to experts that deal in traffic every day.

I don't know that I buy it, but again, I don't have your experience so let me just say that up front, but also think of the big picture. I agree with you as far as in front of Andee Pizza, the gas station going all the way down to where the 33's meet each other, that that would be over and above to ask you, in front of your project, I just say this to you. If you have a two-lane highway and a shoulder that's marked as a shoulder, many people will not leave the right lane. They'll be decelerating in that right lane, creating a hazardous situation as people are trying to do through traffic. So again, I defer to the expertise of the two of you. I certainly don't have that, but I have been a driver for a good many years, and I do watch that problem.

It seems like you get the slow traffic into its own lane, let it slow down. I've even said acceleration, and not you, but other traffic experts say acceleration lanes are a bad thing. I think today's four-cylinder automobile days, I don't think it is a bad thing, but again, you guys are the ones trained in it. I think we'll be having more conversation on that.

I also look at you say the regional site. So this project is finished, it's up, it's operational, and now the state's coming in, and curbs are getting moved and all. We already went through a lot of work to make sure that all of our berms have met, everything we want, and now we're moving curb lines. Just to me it doesn't seem like we're planning for the future. So just keep that in the back of your mind. I would tend to think that we get the cars out of the lanes so picture two lanes going by -- whatever the state sets the limit at -- at 55, and then the lane all the way to the right would be decelerating to turn into the new Crossings lane, road, boulevard, whatever it is.

THE WITNESS: We have one of those.

MAYOR McNABOE: Right, but I mean before that.
make sure that the home builders of the single-family homes aren't on their game and building away and the road improvements aren't. If not house 1 gets CO'd or allowed to continue, we have attention. We're getting what we already have in our GDP.

So these are all things that we're going to move forward. I just want to make sure that, you know, a month has gone by and we've worked through this so the traffic in my estimation is almost resolved up front as we're starting this project.

THE WITNESS: Yeah, so at least my understanding of the timeframe of kind of how the housing would come on and while we're finishing approvals for a significant roadway project and actually constructing them, so the housing would come on. So say it takes about a year for them to move all the dirt and build the roads and even get to the first, you know, start to try to get the first CO, they're a good year plus, maybe a little over a year into the project before even that first house is built. Then typical maybe five to six, seven homes, maybe, five to six a month, so you're looking at maybe five coming on month 1 and then incrementally over the year. So our schedule would be likely from the point when the project is approved, from that point it would likely be by the time we get approvals and build the roadway improvements, that's probably about a 2-year period to get. Well, the first year of it there aren’t going to be any because they can't possibly move the dirt and build the roads in the first year. Then it would only be in the second year when maybe they built 70 homes over a year, but they would come on about five to six at a time so you're not looking at a rush of all the cars like in day 1. You're looking at that when we get really close to constructing, then we would have a number like 70 or 75 units that would actually be on -- that would be occupied, and then at that point, we're confident that we're going to have the full roadway improvements in, and then we'll have the road, you know, the signal, the two extra signals, and all the roadway widening, and the road out to Millhurst Road essentially by that second year.

THE WITNESS: Correct.

MR. WINCKOWSKI: No shovel in the ground. So you'd be able to start the traffic improvements the same time you'd be able to start the on-site improvements for the on-site roadways, on-site development. So how -- basically what you're saying take about a year to do both, a year to do the traffic improvements, a year to do the first CO.

And I want to keep in mind, too, we don't have a phasing plan. We just have one development plan in front of us. There is no phasing on that plan. So if you're -- the applicant is seeking a phasing plan, we're going to need to see how you want to carve this up before it can be really entertained. So as of now, you're seeking...
approval for one project with a certain amount of traffic improvements, and, you know, those improvements are going to be done before we start, you know, issuing CO's.

MR. CUCCHIARO: So can we just talk about the phasing plan. What is the --

THE WITNESS: Maybe when the engineer gets up, he might be able to talk a little bit about internal. I can only tell you what the access plan was during the phase.

MR. CUCCHIARO: That's fine.

MAYOR McNABOE: Some of these questions, I don't know that they're necessarily for you, but they're certainly for Mr. Alfieri and his team.

MR. ALFIERI: Yes.

MAYOR McNABOE: And then the other thing. Keep this in mind. We were talking about some houses. If this board were so inclined to give them to you, we're putting more traffic on a road that needs to be improved that's going to get worse before it gets better. I mean, can anybody see the failure written all over that? So I'm trying to say we almost want to get those improvements. You say I can't do final capping until the end or something.

That would be a discussion to have, but certainly

the curb lines have been moved, you know. As you said, the poles are up or at least the bases. All of that where the road is -- the width of the road has been established. In other words, we know where we are at that point.

THE WITNESS: Once the width of the road is established, though, it's really a short period of time to finish the last part so I don't know that that really changes anything.

MAYOR McNABOE: Glad you said that.

Okay. I'm good for now, but, you know, again, we're going to start hearing testimony. Mr. Alfieri, we haven't even heard about there's supposed to be a supermarket on this site. That was always part of our GDP. We don't know what building that is. We don't know where those trucks are coming in. So when all those questions are asked, I don't know that that's not going back to traffic.

MR. ALFIERI: Nick will be here throughout the hearings.

MAYOR McNABOE: Just so you know.

MR. ALFIERI: We wanted to get through the traffic improvements first because I believe that that was the key issue for the board and the public, and then obviously, we have multiple

witnesses we have to get through.

MAYOR McNABOE: Okay. I'll wait for it to unfold.

THE CHAIRWOMAN: I have nothing.

MR. JACOBSON: Nothing right now.

THE CHAIRWOMAN: Anyone on this side?

MS. D'AGOSTINO: No.

MR. KASTELL: I still have an open question and a problem with the traffic study, and not down at the corner, but we talked about this, and I spent some time actually sitting at Andee Plaza looking at the traffic flow, and to me, the flow -- you tell me -- you said that you estimated that 20 percent of the cars would go back towards Millhurst. My eyes show me that the cars coming out of Andee is 180 degrees opposite that, that 80 percent of the cars are going back to Millhurst and no one is coming out to 33, and I don't have anything to tell me that -- why your site would be different. The majority of Manalapan is north and east, and Millhurst and Tennent is where they're going to go to go anywhere. Where the majority of Manalapan homes are, to get to the east, they really have to go that way unless they're going out to Freehold. I don't see where -- and we looked at it,
1 thing --
2 THE WITNESS: Coming in and out there all the time.
3 MR. KASTELL: The only reason someone comes out of Andee Plaza is to go west, due west on 633. If you're going south or north, you're coming out to Millhurst.
4 THE WITNESS: Sure, yeah, that's why you see 60 and 40, and that's retail traffic. We have three different -- so we have 20 percent of our retail was going north, but we had about 20 percent of our residential and 35 percent of our office so it was skewed a little bit more than 20 percent in the overall.
5 MR. KASTELL: I just don't think your numbers -- and I think that's going to make the corner of Millhurst and 33 horribly under, you know, on Millhurst and Tennent -- excuse me -- because I don't see 20 percent. I don't see why yours is going to be different than Andee Plaza.
6 THE WITNESS: That's -- this is a lot different project than Andee Plaza. This is a much more regional use here. There's -- Andee Plaza is a real local --
7 MR. KASTELL: More stores in there that have more regional appeal.
8 THE WITNESS: So this will have a supermarket type use, which is going to draw from a lot wider area. Our study area was at almost 10 miles or so from this location for these types of uses. Restaurant uses are going to draw from a lot further --
9 MR. KASTELL: That's all Andee Plaza is.
10 THE WITNESS: It's a small, really local strip center that serves the residents in this small area.
11 MR. KASTELL: You have your supermarkets are 5, 6 miles away in all directions. I don't see how it's any different, and you haven't convinced me that it's any different.
12 THE WITNESS: I'll tell you we do -- there's a significant study of where they come and go from based on populations and a lot of other factors in the area, and that's how we come up with the distributions. Those are reviewed by your engineer, county, DOT, and they've all agreed on those numbers.
13 MR. KASTELL: Can we ask our engineer if he agrees.
14 MR. WINCKOWSKI: Yeah, I mean, it's called a gravity model analysis, and it's usually what you use when you have a large development as this that's going to be drawing from a large area, and, you know --
15 MR. KASTELL: Have you looked at their model to make sure that --
16 MR. WINCKOWSKI: Yes. We used the same thing when we studied the same -- the general development plan 10 years ago.
17 MR. KASTELL: So you're okay with the fact that 20 percent of the traffic is going to go north on Millhurst?
18 MR. WINCKOWSKI: Yeah, we're comfortable with the distribution percentages.
19 THE WITNESS: So comparatively to Andee Plaza -- what I was saying earlier -- of who goes left and right, say in the p.m. peak hour, we have 152 that go left to go north, 120 go towards Route 33 out of that driveway. So it's very similar to what you see at Andee Plaza.
20 MR. KASTELL: Right, but you can't -- right. You can't -- okay, but I think that's a lot more cars. I think that you're looking at 20 percent, and I'm saying that it's going to be more like 40 or 50 percent. Do those weightings take into effect the odd situation there that the next two roads in both directions don't go anywhere? They don't go north? Wemrock Road ends at the park, the road to the east. Woodward -- and curbs right back around to the same intersection. So it's a very strange situation where there's no other access north because the other two roads a mile in either direction essentially deadhead back to Tennent.
21 THE WITNESS: I can tell you that -- so we basically put a circle that's 10 miles, and we have all the census tracks in there. We know the populations that are in all of those census tracks. Then we Google route those people from those locations to here, and that's how we come up with how they're going to get here. So if you're out east towards Route 9, you're coming down 33. If you're north, you're going to be up -- you're going to be up in Manalapan towards Marlboro if you're going to take Tennent down to here. So we have all the populations of all the different areas, and that's how we get the model. It's pretty substantial analysis, and it's accepted practice.
22 MR. KASTELL: I'm really not comfortable with what I've --
MR. WINCKOWSKI: I understand what you're asking. I do not believe 50 percent of the site traffic is going to be going strictly out to Millhurst Road or going north.

MR. KASTELL: Why would you think 50 percent is going to go south?

MR. WINCKOWSKI: Just the characteristics of Route 33, the multiple directions to go to and from the site from Route 9, the Turnpike, you know. There's -- and from reading the analysis, discussing the same application with DOT and the county, I mean, everybody is all on the same page. I mean, I understand your feelings, but I mean, I believe the percentages are accurate.

MR. KASTELL: I don't think anybody is leaving there --

MR. WINCKOWSKI: Honestly, if the percentages were fluctuated by 10, 15 percent, I don't see it changing much of the analysis.

MR. KASTELL: Okay.

MR. WINCKOWSKI: Distribution is probably the hardest, most subjective part of a study, and collectively, we all have to work together to think about what's most appropriate, and I believe, you know, we all did that.

MR. KASTELL: I think that statistics work sometimes. I think so when you look at them and, okay, so people heading east are going to go east on 33. I don't think that's the case here because especially 2 or 3 months out of the year, they'll be heading straight for the mall. I don't think it's just -- I think unless somebody actually goes out and looks, I think it's a situation where because of those other two roads, I just think plain statistics don't capture what normally happens in an intersection. It's not a great intersection. I think far enough.

THE CHAIRWOMAN: Okay. We're going to have the public hold their questions until the end, and Mr. Alfieri are we done with --

MR. ALFIERI: Yes. Our next witness is Mr. Fisher from K. Hovnanian.

THE CHAIRWOMAN: And then after this gentleman, we'll do our questions, and then I'll open it to the public.

DAVID FISHER, sworn.

DIRECT EXAMINATION BY MR. ALFIERI:

MR. CUCCHIARO: Please state and spell your name for the record.

THE WITNESS: David Fisher, F-i-s-h-e-r.

Q. And, Mr. Fisher, I believe you may have testified before this board in the past, but just in case those members or members of the public don't know who you are, can you identify what your role is at K. Hovnanian.

A. Sure. I'm vice president of governmental affairs, and I'm also a licensed professional planner so I handle the evaluation of the feasibility of developing properties, the acquisition process, and securing development approvals for our company projects.

MR. CUCCHIARO: Mr. Fisher, are you testifying tonight as just a fact witness or also as a planner?

THE WITNESS: Just a fact witness, yes.

THE CHAIRWOMAN: Your credentials are sufficient. Thank you.

Q. And would you describe for the board again generally as it relates to the residential component what is being proposed and how it's similar, for example, to the Four Seasons to the west.

A. Sure. I'd be happy to. And by the way, thank you for passing the resolution earlier tonight. I am pleased to be here -- except that it's my wedding anniversary so my wife's not so pleased, but we'll go out tomorrow night -- and to be a part of this application. Really, it's a unique opportunity because you don't see that many developments, let alone an active adult community that's tied to a mixed use commercial development, and there are some real advantages to that and benefits I think. The town had some foresight in ending up with this type of mixed use development for this property.

So the residential use is about 75 percent of the site. It's land intensive because of the lots, and there's 280 proposed homes, as you heard. It occupies about 121 acres of the site, and as you can see from A-1, which is up there on the easel, all of those yellow rectangles are the proposed dwellings that will be part of the active adult community. It borders Four Seasons at Manalapan on the left and parts of the NJR solar field, open space situated along Cannonero Drive to the north, a little piece of Millhurst Road to the east, and then the balance of the community will be adjacent to the proposed commercial development and part of it.
There are two entrances to the community, one when you come in from either side of what's to be called Crossing Lane off of Millhurst or off of Route 33 to a central roundabout. The main entrance is at that location, and just to the right of that once you enter is the proposed clubhouse and recreation facilities. There's a secondary entrance that's just off of the Route 33 entrance to the development, and that also provides access in and out for community residents.

We've been involved with the property owner since they began developing plans, and so we've reviewed many iterations of the proposed engineering plans, and we're familiar with them and have been kept in the loop in terms of reviewing letters that have been generated by the board's professionals.

In accordance with the mixed use overlay zone, we're familiar with the minimum lot requirements, and as you've probably seen in your professional's reports, this adheres to that, and exceeds really -- the minimum lot size is 5,000. The vast majority of our lots are 55 feet wide, 125 feet deep, which is 6,875 square feet. So that's a gross density of about three homes per acre.

I'd just like to reiterate that this is an inclusionary development, and even though we're not building affordable housing, our commercial developer partner is, and so the development of our homes is dependent on the construction of the affordable homes within the commercial portion of the development where they'll be situated over top of retail space.

The design meets all the bulk requirements and setbacks that are required by the ordinance. It meets the minimum tract area size, open space requirement, which is 15 percent, and it will adhere to the maximum building coverage and impervious coverage limits of 60 and 65 percent.

We are proposing the model homes will all have two-car garages. That was something that was -- there was a question in the review reports -- and all will have a two-car-wide driveway. So each will be designed that way.

We have four proposed models that will range in size from --

MR. CUCCHIARO: Just before you go on to that --

THE WITNESS: Yes.

MR. CUCCHIARO: -- you referenced the other application that K. Hovnanian was involved in, and that application there was a condition of the approval concerning the garages, that there would be a restriction if you're using them as living space or storage. Would you take the same condition here?

THE WITNESS: Yes, we have no objection to that, preventing the conversion of that space to living space.

The four models will range from size from approximately 1,800 square feet to about 2,100 square feet; however, each model also has a loft option, a second story option, which will add anywhere from 25 to sometimes 40 percent in square footage. So the larger home I believe gets up into close to or just above 3,000 square feet in size.

There will be all slab-on-grade foundation types so there will be no basements proposed. Was a question in one of the reports. And there will be no fencing permitted on the individual lots. That was another question from your professionals.

We had submitted I think an illustration of the different models, but I just wanted to show the board those for the purpose of giving you an idea of what they will look like but also how we can adjust and vary front elevations and elevation options to meet the terms of your look-alike ordinance. Should we mark each? There's four exhibits, and it's exactly what I'm handing out.

Should I mark them --

MR. CUCCHIARO: Let me just take a look at them first.


MR. CUCCHIARO: So we'll take -- how many sheets are in here, Mr. Fisher?

Q. It consists of four sheets, Dave?

A. Yes.

MR. CUCCHIARO: I would just mark this all as A-13, a four-sheet package of the proposed --

THE WITNESS: So then we don't have to mark each?

MR. CUCCHIARO: No.

(Home model illustrations marked A-13 for Identification)

THE WITNESS: The first illustration is of the Ibiza model, 1-b-i-z-a, and this is just an illustration of kind of a craftsman style front elevation. The single level story homes is about 2,000 square feet, and the loft version it's about
2,700 square feet. The second is to give you an idea of the variety of elevations that we offer, and these are not all of them, but there are four of them for the same model so you can see how by changing gable roof lines, window types, siding types, stone, brick, types of siding materials, and windows and doors. There are five criteria in the township look-alike ordinance. We're very familiar with it due to our previous developments, and we know we won't have any problem complying with this when we develop the property. So that's the second exhibit elevation options.

The third is the newer model that may have been referenced in one of the reports. We're not offering one that we offered at Four Seasons at Manalapan. It was the Captiva. Calling this the Copenhagen. And this is not a digital rendering, but it's a colored hand-drawn rendering, and it will give you an idea as to the single-story and two-story elevation of that. Not all homes with the second story loft option look like a two-story home, but this one does, and I think it will bring some greater variety to the community. Oftentimes we will kind of bury the second story in the roofline, and the windows for those rooms are on the side but not in the front or in the back. So that's a new model and a new elevation that we plan to offer in the community.

And then I'll just jump ahead to an elevation for the proposed clubhouse, which I'll describe in a few minutes. That's just two angles, straight on and below, kind of a side angle of the proposed clubhouse, which is a two-story clubhouse. Just one or two other things on the models, themselves. We will provide additional floor plans for the Copenhagen. I know the board's professionals asked for that. And we will adjust the landscape plans because we did foundation planting plans for each of the four models so we'll substitute that in the landscape plans and provide a landscape foundation layout for the Copenhagen.

Also to make clear that we do plan to designate and have enough space in the garages to store garbage cans or refuse containers, so that will be taken care of, and we anticipate the garbage will be collected by the municipality, as it has in other age restricted communities, as well as recycling materials.

The recreation package is significant.

The clubhouse is about 7,100 square feet. The initial design that we submitted was a little smaller than that as reported in your board’s review report, but it grew a little bit, and we've refined parts of that clubhouse because we used a different version of that for a different community, and we've updated it for this community and changed a few things, and it added a little bit of square footage. So with that, we've got a large multipurpose room on the ground floor, a fitness room, billiard room, catering kitchen, and men's and women's restrooms. On the second floor you have two activity rooms or card rooms, another small conference room, an office for the association, as well as a second small kitchen. So that's essentially the layout of the clubhouse, and we know that we need to demonstrate how that complies with the height requirement. It's 40 feet for the clubhouse in your ordinance, and we will have no problem demonstrating that the clubhouse will not exceed the height limit.

The -- and it exceeds -- the ordinance requires 20 square feet per home for a clubhouse space, and that equates to about 5,600 square feet so this it quite a bit larger than that, but we think it's suitable and, you know, desirable based on this design of this community.

And it also will meet the parking requirements. There's a parking standard in the ordinance that requires basically one space per hundred square feet. That means we need 71 spaces. We actually have 72, and we did that by having 55 spaces on site in the parking lot that surrounds the clubhouse. We actually added some additional handicapped spaces that go beyond the required spaces, but we have 17 on-street parking spaces immediately adjacent to the clubhouse, and that's permitted in the ordinance. Says that you can have up to 30 percent of your parking on street adjacent to the clubhouse. The 17 spaces on the street are about 23 percent so we're lower than that limit.

And completion of the clubhouse. I know this is a standard that appears in other ordinances and in this ordinance. It also requires the clubhouse to be completed, a CO received by the time we get to 40 percent of our building permits. With the size of this development at 280 homes, 40 percent is 112 homes, and we have no doubt that we will get the clubhouse completed by that time frame so that's a standard we intend to meet.
The outdoor activities around the clubhouse are what you would expect. We've got a large swimming pool with kind of an expansive patio, several levels of patio out of the back of the clubhouse, a small pool for young children when they visit or people that like to sit in shallow pools. We've got a fire pit area that's covered by a pavilion. There's a tennis court that can be also used for paddle or pickleball, and we've got bocce courts. So all that exists in close proximity to, right next to, or behind the proposed clubhouse.

The internal main entry to the community will have a gatehouse, but it will not be manned 24 hours. How that usually works is while we're going through the sales of the community, we don't have the gates operable. It's just too much confusion. You don't -- it's too hard to regulate how you allow the public in and out, in and out while you're selling, but by the time we complete the community, the gates will become operative at both locations, and they will be operated by a wireless system very similar to what I described for our other community in Manalapan. So it will be operated by probably several means. We haven't decided on the exact vendor or system, but we've looked a quite a few of them, and there will be an app on people's phones. You can also use it by a wireless or home phone line and be able to let people in and guests in that way, and the whole system should be functioning in a way that makes it convenient for the residents as well as for people who visit the community but still controlled by the residents.

There's a temporary sales trailer and model park that's been located on our plans that's situated right behind the clubhouse on Sunflower Drive. That sales trailer would occupy two lots with some associated parking and then there would be a model walk to three or four models that could be developed along that street. So it's -- what's good about that is that street is a cul-de-sac. There will be no traffic on it, and people can walk right behind from the clubhouse to the model and back, you know, without encountering traffic.

We will, of course, have a homeowners association in place to maintain all of the common areas and common elements of this community, including, of course, the clubhouse facility, the structure and all of the recreational amenities, and have proper reserves and maintenance reserves set up to maintain and/or replace those amenities when necessary.

Q. I'm not sure if you mentioned this, but before I lose, I want to make sure while you're on that subject. How are you handling mail for this facility. Is it separate mailboxes or central location?

A. The mailboxes were actually approved by the regional district post office. We got on that very early, and they allowed for dual mailboxes. So we will have individual mailboxes that will serve two homes each. So in other words, you'll have two mail boxes on one post, and the post office has agreed to that, and your local post office is aware of that decision.

I think that's for the most part what we've got to offer in terms of direct presentation and information.

MR. ALFIERI: That's all we have.
MR. CUCCHIARDO: Mr. Fisher.
THE WITNESS: Yes.
MR. CUCCHIARDO: Just since we have some experience going down some of these roads before, did the Environmental Commission make any recommendations with regard to this clubhouse?

THE WITNESS: They did not. I did not attend the meeting, but I've spoken to PDS representatives who were there, and there were 10 recommendations relative to the clubhouse from the Environmental Commission.

MR. CUCCHIARDO: And the temporary sales trailer, that obviously upon the sale of the last unit, that's coming out?
THE WITNESS: Yes, that's correct.
THE CHAIRWOMAN: Okay. Professionals, questions?

MR. WINCKOWSKI: I just have one quick question. The foundation plantings, were you saying that -- that doesn't apply to the single-families; that's just for the clubhouse and the commercial.
THE WITNESS: No, we did individual foundation plantings for the homes.
MR. WINCKOWSKI: Okay. That's a service you're providing. That's not something we enforce, though, for C of O.

THE WITNESS: That's correct.
MR. WINCKOWSKI: We enforced the landscaping for the open space and street trees.
THE WITNESS: Yes, yeah, but we offer a modest package of plantings for at least the front
MR. WINCKOWSKI: And then the patio in the back is the regular concrete patio.

THE WITNESS: Yes. I don't know the exact size, but yes.

MR. WINCKOWSKI: That's the basic --

THE WITNESS: Some of the patios on depending on how the back of the house is, you know, terminates, because sometimes it's a little L shape.

It creates a nice area for a patio rather than just expanding out.

MR. CUCCHIARO: Mr. Fisher, I don't know if this is for you or another witness. You refer to this as an inclusionary development. I don't know if members of the public necessarily understand what an inclusionary development is, so if you can explain that and also talk about the state regulations which govern how many market rate units can be constructed versus the affordable units.

THE WITNESS: Okay. Do you want to do that?

MR. ALFIERI: Well, we know -- and we obviously have to comply with the UHAC regulations. Our contracts with K. Hov. also provide for that, and although I don't know every percentage, I do know that the first CO for the affordable unit has to be delivered by the time 25 percent plus 1 of the market rate units are constructed, and then it's sequential after that, and you have to deliver affordable tied to the CO's of the markets.

THE WITNESS: Correct.

MR. ALFIERI: We would obviously comply with that.

THE WITNESS: Yeah, that takes place --

MR. CUCCHIARO: Just so the board understands, what it does is it makes sure that the applicant is not able -- any applicant is not able to construct all of the market rates and then, you know, leave and you never get your affordable units, and the reason that the project exists is to help the town to satisfy its affordable housing obligation.

In terms of inclusionary development, if you can just explain what an inclusionary development is.

THE WITNESS: Yeah, sure. An inclusionary development is one where, as it says, the affordable homes are included within the development. That's where the name came from. And generally what that has meant over the years is that roughly 20 percent of the homes, of the total number of homes, would be made affordable, meaning the residents would meet low and moderate-income housing or income limit requirements in order to qualify to either rent or purchase those homes. In this case, the number of units is a little less than that 20 percent, but the town, because they're rental and special needs units, gets credit, a higher 2-to-1 credit for the units, and it balances out to represent an obligation that meets the affordable housing requirements for the town's compliance plan.

MR. CUCCHIARO: So just a comment on that, Madam Chair. I think it's important for the board and members of the public to understand. So there's a methodology to determine how many units of affordable housing a municipality is required to have. We don't establish as a municipality the methodology. Right now it's judiciously created. It's based upon a case that came out of Mercer County at the moment; however, you don't necessarily have to build one house per one unit, you know. What Mr. Fisher said was this project has been designed so that we get more credits than units so ultimately, the town does not have to build as much affordable housing as their ultimate credit number is because we've found different opportunities,

different models, different ways to provide it so we can actually provide less units and get more credits out of it.

MR. ALFIERI: Right, and we had stipulated and the plans that's presented are proposing 58 units, all one-bedroom, all handicapped accessible, that will service special needs, disabled vets, et cetera, all rentals.

THE CHAIRWOMAN: Okay. Professionals?

MR. VAN DEN KOOY: So just a few quick questions. Is private fencing permitted on the residential lots?

THE WITNESS: No, no, it will not be.

MR. VAN DEN KOOY: Do any of the units have basements?

THE WITNESS: No, we will not have any basements or walk-out conditions that would allow for a basement to be built.

MR. VAN DEN KOOY: Would you mind walking us through for the seniors that would want to walk between the residential component and the commercial component, just how they may do that.

THE WITNESS: How they would get there, sure. As shown on A-2, throughout the entire development, there are sidewalks on both sides of
the streets; however, when our roads intersect with
what's called Crossing Lane, which moves through the
development in this location, these sidewalks also
come out to Crossing Lane, and then there's a
sidewalk all along Crossing Lane on our side of the
development as well as on the opposite side, and
there are locations where there will be, you know,
intersections where crosswalks will be shown for
people to stop and for the traffic to recognize the
people would cross. The main area where I think
people will cross into the commercial development if
they choose to walk would be at the roundabout, and
there are several locations, two locations on either
side where you'd enter a crosswalk, you enter the
center little kind of park plaza area, which, you
know, is a gathering place of sorts, if you remember
some of the images that were shown at the first
hearing, for those of you who were here, and then
there's a crosswalk that enters two sections of the
commercial development. So there are sidewalks in
all areas of the community. There are sidewalks and
then crosswalks to get you across the kind of spine
road through the development into the commercial
part of the development.

MR. CUCCHIARO: So, Mr. Fisher, I have a
couple questions going back towards, you know, this
is an inclusionary development. It's not two
separate communities, correct?

THE WITNESS: Well, it has different
uses, but that's correct, it's designed as one
community, one mixed use community.

MR. CUCCHIARO: So and part of that is,
I mean, can you just go over if there's going to be
an ability for people in the affordable portion of
this site to walk, you know, take advantage of maybe
passive recreation or play bccce or go to the
clubhouse in the age restricted community.

THE WITNESS: I can tell you that there
haven't been any discussions about making
arrangements for that to date. They are separate in
terms of where they're located, number 1. They're
in a building, you know, within the commercial part
of the development on the second and third level I
believe so they would have easy access to the
commercial development just by coming downstairs to
the ground floor and walking out into the commercial
section of the community. We haven't had any
discussions. We didn't plan to include, you know,
the affordable residents as part of, you know, to
take advantage of the age restricted community's rec

facilities. It's a little unusual since they're not
age restricted.

MR. CUCCHIARO: Well, but it's also
unusual to have an inclusionary development with,
you know -- or is it unusual I should ask to have an
inclusionary development where the two, the market
and the affordable, are so completely removed from
each other?

THE WITNESS: It is a little unusual
only because most inclusionary developments are more
of a cohesive all residential development. So
whether they're developed with townhouses and/or
rental apartments, they usually have common
recreation facilities, or if they're large enough,
they may have two recreation facilities, one for the
apartments, one for the townhomes, but this is a
little bit different. It's two distinct, you know,
uses in terms of all active adult age restricted
housing and then commercial development side by
side, and there will be a lot of, you know,
interaction between the two just because people want
to shop, and maybe many of the people that work in
the commercial part of the development will end up
living in the active adult community, but because
they're physically separated, they're not age

restricted, I just don't see that they would -- it
would be a good fit for the association to invite
those residents into the community for that purpose.

MR. CUCCHIARO: I guess also where I'm
going with some of that is -- and I don't know the
answer. I don't know if you're the person to ask
this or whether it's another professional -- whether
there are any state regulations that would require
some integration between the two populations.
whether it be, you know, DCA or, you know, whatever
organization has to certify the special needs
housing.

MR. ALFIERI: We -- I can tell you that
meetings have taken place between the township
professionals, the administrative that the developer
has consulted with to manage at least the special
needs component of the affordable housing, and as
you may recall, the special needs housing was
actually on the separate lot, which was the one
furthest north I guess that is, and the state told
us that they did not want it segregated. They
wanted it integrated into the commercial component
because they wanted the special needs people to be
either be able to work at the commercial spaces or
live and visit them. So the state has been involved
in the specific location of these units, and we're
working with them to try to get a waiver to get as
many special needs units as possible out of the 58
for funding purposes.

MR. CUCCHIARO: But they haven't told
you at all that there needs to be any kind of access
to the age restricted, the amenities or anything
like that.

MR. ALFIERI: No. There was -- a
question was raised by the state as to why the
special needs units could not be integrated within
the residential, itself, but since it's an age
restricted community, they understood that therefore
the special needs would all have to be age
restricted and it would defeat the purpose.

MR. CUCCHIARO: Well, I wasn't asking
that so -- I wasn't asking whether the units had to
be integrated. When I said populations, I meant,
you know, their living on their site, the age
restricted on their site. Have any state agencies
talked about the --

MR. ALFIERI: The recreation?
MR. CUCCHIARO: -- special needs having
access to any of the amenities?

MR. ALFIERI: No, they were more
concerned with the jobs and primarily the jobs to
have it integrated into that commercial component.
They never raised the access to the amenities of the
active adult.

THE CHAIRWOMAN: Were you done, Peter?
MR. VAN DEN KOODY: That's all I have for
the time being.

THE CHAIRWOMAN: Okay, Brian.
MR. BOCCANFUSCO: Yeah, just a couple
questions, Madam Chair. Mr. Fisher, welcome back,
first of all.

THE WITNESS: Thank you.

MR. BOCCANFUSCO: If there's any
questions that you feel would be better addressed by
one of the later professionals. by all means, I
don't have any issue with you deferring.

Will there be any access, pedestrian,
vehicular, otherwise, with the adjacent existing
Four Seasons development, and will there be any
provisions for those residents to access the
commercial development through the proposed
residential development?

THE WITNESS: I think I can answer that.
The answer is no. There is no proposed access into
or between Four Seasons at Manalapan. It wasn't
designed for that. We have proposed and the
engineer shows on the plans a connection of
utilities that are stubbed out in that location,
underground sewer, and water, and that's the extent
of the connection to that community, but no
vehicular, no walking path is proposed.

MR. WINCKOWSKI: Is that based on
feedback from the other community, or is that just
what you wanted?

MR. ALFIERI: Well, we were told that
the association of the existing Four Seasons
community was adamant that they wanted no connection
so we did not provide a connection.

MR. WINCKOWSKI: Thanks.

MR. BOCCANFUSCO: So the storm water
management design and system, it's been designed to
provide storm water management necessary for both
the commercial and the residential development. Do
you want to address the dynamic by which that's
going to be owned, maintained, or would you prefer
to have engineer --
MR. WINCKOWSKI: Or the HOA.

MR. ALFIERI: The HOA, yes.

MR. WINCKOWSKI: So the HOA complains that the commercial developer is not doing something, they complain to the township, what happens?

MR. ALFIERI: Well, like any other storm water management systems, if it's not being maintained, the town could do it and assess all the owners, and that will be obviously in the documentation, as well, or the association can come in and do it and assess the commercial owner.

MR. WINCKOWSKI: Do you feel the commercial entity would maintain the basin better than HOA or vice versa?

MR. ALFIERI: I can't offer that opinion.

MR. WINCKOWSKI: I don't know, either.

MR. ALFIERI: We think the commercial component, if you calculate the amount of traffic and everything that's generated, the percentage that was worked out, the commercial developer is paying a larger share because they felt that that would be the more taxing of the two uses so that's why they took on that responsibility.

MR. WINCKOWSKI: I mean, I think that issue we can discuss further as part of like a developer's agreement issue. Just want to be -- the township stuck between in the middle of a commercial entity and a HOA and trying to enforce --

MR. CUCCHIARO: That might be the better place for it because the who's going to maintain it and what the deal is between them isn't really a zoning issue.

MR. WINCKOWSKI: Right.

MR. BOCCANFUSO: I would agree. I think that it may be more appropriate for the commercial to bear the bigger, the larger share; however, where the larger basin is is going to be more visible to the residential community so the HOA may have a more vested interest in keeping that looking nice, functioning well, etcetera.

THE WITNESS: Okay.

MR. BOCCANFUSO: Has the -- to the extent that you know, has the -- can you confirm that the residential development has been designed in accordance with the RSIS, and is the intent to fully comply with the RSIS?

THE WITNESS: The intent is. I don't recall whether Nick verified that in earlier testimony, but either he could or I think the engineer from PDS could confirm that it meets all the requirements of RSIS, and the streets I know are designed to 30 feet wide so there's parking on both sides.

MR. BOCCANFUSO: That was my next question. And I think the only other question I have right now, you heard the discussion earlier relative to the phasing. In your capacity as K. Hov's representative, would you care to add anything to that at this time.

THE WITNESS: Not really, although I would say what Nick represented is fair. It will take us a good probably, you know, at least 9 to 10 months or more to get the site in a condition where we can begin to install utilities and roads to the first homes, and then as we apply for building permits, if we're permitted to, and build homes and begin to close them, I don't see if 2 years the frame that they described within which, you know, by that time they hope to have all of the major traffic improvements in place, I don't see us getting much beyond about 70 homes closed within that period of time. It just would be very difficult to expect any more than that.

MR. BOCCANFUSO: Now, when you say closed, you mean CO'd and occupied?

THE WITNESS: Yes. We plan on, you know, our schedule would have us closing about five homes per month.

MR. BOCCANFUSO: Okay. That's all I have right now, Madam Chair.

THE CHAIRWOMAN: Okay. Rick.

MR. HOGAN: Nothing right now.

THE CHAIRWOMAN: David.

MR. KANE: Just a quick question. I can see that there are trees between the commercial and the housing. I don't know if this is a question for you, but is there a fence there, as well? I'm just wondering, you know, the people who are on that back row of houses, they're probably not going to want people from the commercial wandering into their back yard area. Is there something to prevent them?

THE WITNESS: There is. From I recall from the Mellilo & Bauer plans, I think there's a low wall with a small fence on top of it as kind of a decorative fence, but so that's an additional -- there's almost like a small retaining wall there, and then it jumps up a little bit and then the berm.

MR. KANE: So that goes all the way
along essentially the back side of the commercial
between the houses.

THE WITNESS: Correct, all along that
Crossing Lane adjacent to our homes.
MR. KANE: That was my only question.
MR. WINCKOWSKI: Melillo & Bauer is
testifying eventually?
MR. ALFIERI: Torr Bauer, yes.
MR. WINCKOWSKI: And then your engineer
still has to testify, right?
MR. ALFIERI: And our planner, yes.
MAYOR McNABOE: So if the question were
between the existing Four Seasons and yours as far
as berming, plantings, all of that, that will be
later?
MR. ALFIERI: Yes.
MAYOR McNABOE: That will later come to
us.
THE WITNESS: Yeah, there are shown --
MAYOR McNABOE: Okay. That’s fine. I
don’t want to jump -- I just want to make sure I
don’t let you off the hook if that isn’t the case.
THE WITNESS: Thank you.
MAYOR McNABOE: And as far as storm
water management, who will be addressing that, Mr.

Mr. Alfieri?

MR. ALFIERI: The engineer.
MAYOR McNABOE: Fine. So the location
of the retention pond and why we went with one
instead of multiples, that will all be addressed?
MR. ALFIERI: Yes.
MAYOR McNABOE: Okay. I’m good for now.
MR. ALFIERI: And there’s actually two.
That’s a smaller one, but the engineer will get into
all of that.
THE CHAIRWOMAN: Okay. I guess this
question is for Mr. Fisher. The clubhouse we’re
going to be putting a generator at?
THE WITNESS: I’d this board requests
one, we will.
THE CHAIRWOMAN: Okay. Now, this other
question, you said that at the clubhouse there’s 72
parking spots.
THE WITNESS: Yes.
THE CHAIRWOMAN: Nobody from the -- I’m
just asking because it’s hard for me to see that,
but anyway, nobody from the commercial area can get
into the clubhouse. They have to go through the
residential, correct?
THE WITNESS: Correct. They would have
to go through our main gate.
THE CHAIRWOMAN: Okay. So those 72
parking spots are not part of the 1,046 that Mr.
Alfieri --
MR. ALFIERI: That’s correct.
THE CHAIRWOMAN: That’s my questions
right now so far. Thank you.
MR. JACOBSON: I have one question for
Mr. Fisher. When you were before the Environmental
Commission, they didn’t get too much into the LEEDS
in the whole development so I’ll bring it up.
Clubhouse solar panels or green roof possibility?
THE WITNESS: Well, I know we discussed
this with our prior application. You know, I think
to be fair, if the board is concerned that we ought
to try to include solar panels at this clubhouse, we
will consider that. It’s funny because the
orientation of the clubhouse is almost the same as
the other project so the optimal side would probably
be the front again, but I think we can work it out
with our architect so there’s enough roof space on
the southeastern roofline to install solar panels
that could provide a reasonable amount of payback or
credit to the association.
MR. JACOBSON: As long as it’s

considered. Thank you.
1 to the clubhouse are actually shown on the engineering plans, and there's a notation to the fact that they're reserved, and they will be stripped that way. So they're right against the clubhouse frontage on that side street and then some spaces on Sunflower Court. The balance of the community will allow for parking on both sides of the street with the exception of close proximity to intersections and fire hydrants.

| 10 | MR. BROWN: So a 50-foot right of way -- |
| 11 | I'm just trying to do the quick math -- which the sidewalks -- 4-foot sidewalks? |
| 12 | THE WITNESS: Yes. |
| 13 | MR. BROWN: -- are included in that 50-foot right of way? |
| 14 | THE WITNESS: Yes. |
| 15 | MR. BROWN: Will that be tight if people park on both sides and still have through traffic-way? |
| 16 | THE WITNESS: Shouldn't be. Three foot -- |
| 17 | MR. BROWN: Fire, emergency vehicles? |
| 18 | THE WITNESS: That's a standard roadway. |
| 19 | MR. WINCKOWSKI: The engineer will testify, but RSIS, which is the Residential Site Improvement Standards, is pretty clear that, you know, a 50-foot right of way is a 30-foot cartway. |

| 1 | is more current than the floor plan that we submitted with the original application. So there may be some adjustments in the floor plan that will match better with -- it will have to match, obviously, with the ultimate elevation that's produced for the new clubhouse. |
| 2 | MR. BROWN: Now, you said the existing Four Seasons at Manalapan, the HOA did not want access, vehicular or pedestrian access, to get to the commercial area. |
| 3 | MR. ALFIERI: That's what we've been told. |
| 4 | MR. BROWN: And there's going to be a sidewalk connecting between the Four Seasons at Manalapan to the commercial area on Route 33? |
| 5 | MR. ALFIERI: On Route 33? |
| 6 | MR. BROWN: On Route 33? |
| 7 | MR. ALFIERI: I don't think so, no. |
| 8 | We're not making improvements -- |
| 9 | MR. BROWN: Traffic being an issue and people wanting to come to -- who live in neighboring areas wanting to come and enjoy themselves at the commercial area, would that not be an issue? Are we not creating more trips? You know, would a pedestrian access possibly be a -- can't force the HOA. |
| 10 | MR. ALFIERI: The developer has no issue with it. The problem is we were told by the association that they absolutely do not want it. So we would do whatever the communities wanted. |
| 11 | MR. BROWN: Right. |
| 12 | THE WITNESS: Mr. Verderese mentioned that there is sidewalk that will be constructed along the Millhurst Road entrance to Cannonero, so, and there's sidewalk in from there. That's a long stretch to go along 33. I don't know that we'd want to encourage people to walk along that highway. |
| 13 | MR. BROWN: Okay. That's all I have. |
| 14 | Thank you. |
| 15 | THE CHAIRWOMAN: John. |
| 16 | MR. CASTRONOVO: No questions. |
| 17 | THE CHAIRWOMAN: Steve. None. At this time, we're going to take a 5-minute break, and then when we come back I will open it to the public. |
| 18 | MR. ALFIERI: Thank you. |
| 19 | (Board recess) |
| 20 | THE CHAIRWOMAN: I'd like to call our meeting back to order at this time. |
| 21 | MR. ALFIERI: Before you -- I'm not sure what you want to do next, but I have to clarify |
two points that we testified to before you move to
whatever you’re moving to.
THE CHAIRWOMAN: Lisa, can you just
close that door. Thank you, Brian.
MR. ALFIERI: One is what I stated
earlier about the maintenance. I was corrected by
K. Hov reps and my client. The large basin is going
to be maintained by K. Hov even though that will all
be in a developer’s agreement, but I said the
commercial developer was going to do it. The
commercial developer will be responsible for the
road and the smaller basin that’s located on the
commercial tract. The larger basin will be K. Hov’s
responsibility in our documentation.
MR. WINCKOWSKI: K. Hov, then the HOA.
MR. ALFIERI: Then the HOA, correct.
And then the other thing is I -- I commented, I
didn’t testify, I commented on the affordable
housing special needs, but Peter I believe was
actually at the meeting with the state, and he may
want to clarify and make sure what I said was
accurate because I wasn’t at the meeting. I was
just told what was happening.
THE CHAIRWOMAN: Peter, microphone.
MR. VAN DEN KOOPY: Yeah, at that
meeting, the state as per HLD’s guidelines was
interested in integrating the special needs to the
maximum extent practicable. The things, the primary
things that were focused on was really the
separation -- at that time it was a different plan
-- of the special needs units being separated by
drive aisles and major circulation routes on site
from the other commercial components in terms of
getting the special needs individuals from their
residence to potential employment, you know, if they
wanted to go out for something to eat, things like
that, so that was redesigned to accommodate that,
and apart from that, I mean, I think in a perfect
world, having everything integrated in terms of
special needs units in with the age restricted was
something they would also be interested in, but it
was discussed, and there was a number of different
hurdles to that given the layout of the site and the
differences in the types of units, both in terms of
occupancy in terms of age restricted and special
needs, but also in terms of the single-family versus
a multifamily configuration, which is typically on a
separate lot, often adjacent though. So and I guess
those were the main items in a nutshell, and, you
know, I think there was some significant steps taken
in the redesign to try to integrate it, but, you
know, that’s essentially the quick summary from the
meeting.
THE CHAIRWOMAN: Okay.
MR. ALFIERI: That’s all we had.
THE CHAIRWOMAN: Okay. At this time,
I’m going to open it up to the public. Any
questions regarding what you heard this evening
only, no comments. Comments will be held to the end
of the application. So -- yes, Ron.
MR. CUCCHIARO: I want to just be clear
that we did open it at the last hearing to
Mr. Verderese so it is limited to the testimony he
gave tonight, not the testimony he’s given at some
other time.
THE CHAIRWOMAN: Okay. Come forward,
sir, and you can -- tonight we don’t have a mic in
the middle so if you can just take that mic.
MR. CUCCHIARO: Sir, were you previously
sworn at the last meeting?
MR. ROSS: No, I was not.
MR. CUCCHIARO: Okay, sir, I’m going to
swear you in just in case you accidentally go off
into testimony rather than questions.

A L L A N R O S S, sworn.
MR. CUCCHIARO: Please state and spell
your name for the record.
THE CHAIRWOMAN: Please use the
microphone.
MR. ROSS: May name is Allan Ross,
A-l-a-n, R-o-s-s. I live at 53 Comtois Road,
Manalapan, Four Seasons, and if you don’t mind, I’ll
show you where I live. This is my house right here
so if anyone is affected by the proposed
development, it would be myself, and with that said,
I am not a NIMBY, not in my back yard.
THE CHAIRWOMAN: Sir, you need to come
back to the middle of the room.
MR. ROSS: If anything, I am thrilled
that there’s a commercial development being
proposed. I’m looking forward to it.
MR. CUCCHIARO: Sir, that’s testimony.
What we’re here right now, this is if you have
questions of the two witnesses that testified
tonight. You’re going to have an opportunity to
testify at the end after you’ve heard everybody, but
right now this is for asking questions if you have
any of the two witnesses.
MR. ROSS: Well, it’s about the proposed
1 -- lack of proposed access to the Four Seasons that
2 already exists. I don't know if you would consider
3 that a question. I know several members of the
4 planning board mentioned it.
5
6 MR. CUCCHIARO: What is the question?
7 MR. ROSS: The proposed or lack of
8 proposal for an access to Four Seasons to the
9 Wintergreen and Comtols location, which is over
10 here. I can show you.
11
12 MR. CUCCHIARO: So you're asking why is
13 there no access.
14 MR. ROSS: Yes.
15 MR. ALFIERI: And the answer was that we
16 are told that the association your association
17 doesn't want it. So if your association wants it,
18 let us know and we can address it.
19
20 MR. CUCCHIARO: Just, Mr. Alfieri, who
21 communicated that?
22
23 MR. ALFIERI: The township attorney said
24 -- told us that he met with the association, and
25 they made it clear that it wasn't wanted.
26
27 MR. ROSS: The association never brought
28 it to the homeowners. There was never a vote on it.
29 MR. ALFIERI: That's possible. We're not going to get in the middle of your internal --

1 MR. CUCCHIARO: I think what they said
2 though, sir, was that if the homeowners association
3 expressed an interest.
4
5 MR. ALFIERI: We would certainly
6 consider it.
7 MR. ROSS: Well, you said I have an
8 opportunity to I guess you would say testify later
9 on?
10
11 MR. CUCCHIARO: At the end. After
12 you've heard everybody, then you'll have an
13 opportunity to testify based upon the totality of
14 the application rather than just a small part of it.
15 MR. ROSS: Okay, because I have
16 something that I feel the board and developer are
17 not really looking at, and it's an oversight on
18 their part.
19
20 MR. CUCCHIARO: Well, is that --
21 MR. ROSS: The access road to Comtols
22 and --
23 MR. CUCCHIARO: Can you form that into a
24 question?
25 MR. ROSS: Well, it's not really a
26 question.
27 MR. CUCCHIARO: Okay, so at the end,
issue of whether any residential CO's would be
issued is still up in the air. The mayor made it
clear that he has concerns with that, but we have
not concluded that discussion I don't believe.

MS. SYDNEY-GENS: Okay. Continuing on
that note, if I heard correctly -- and please let me
know if I'm calculating this based on what was
tested -- so it would take about 9 months for the
site to be cleared for utilities and things like
that, and then the hope would be -- so that would be
about 9 months, and then you're looking to build and
close five houses per month. So if you're building
five houses per month and you do that and 5 months
later that would be 25 houses, does that mean that
the first affordable housing unit, which would be
built over a commercial property from what I gather,
would have to be in place on month 14?

MR. ALFIERI: Right, so the -- no, it's
not 25 units. It's 25 percent. The 70 units that
Mr. Fisher discussed was really designed not only
because the engineer -- the traffic engineer
indicated that the Route 33 access would accommodate
more than that, more CO's than 70, but the UHAC
regulations, which govern the delivery of the
affordable housing units in relation to the
construction of the market units, states that when
you get your 25 percent plus one CO, so you're
looking at 280 units, 25 percent is 70, so with 71st
CO, you have to have -- you have to start delivering
CO's for the affordable units.

MS. SYDNEY-GENS: Okay. Thank you for
that clarification. Question on the traffic piece
of it. How long is the proposal for the road
widening on Millhurst supposed to take?

MR. ALFIERI: There's two phases, and
Mr. -- and, Nick, you'll come up. One is the
approvals and the permitting and then the actual
construction I guess. I'm not sure if you're asking
for both or one component.

MS. SYDNEY-GENS: Both if I could. Or
if you could split it and let me know what they each
are.

MR. VERDERESE: Yeah, so what we were
talking about earlier was probably about a year to
finalize all the approvals and bonding and all that
stuff and then approximately a year to construct the
full improvement of all the of the improvements.

MS. SYDNEY-GENS: Now, when you say all
the improvements, the Millhurst Road in particular;
Is that a whole year you're suggesting?
1 the primary access is going to be off the Millhurst
2 Road side. So it was developed so that the primary,
3 if I'm not mistaken, is off a local road rather than
4 on the main highway, which would get a lot less
5 traffic, and my one question was in the past when I
6 heard this, and it was previous developers, was some
7 issue about the state giving you greater access than
8 33. So what I was wondering if you did that because
9 it was easier to get the approval or -- because
10 certainly as a resident here, with the traffic going
11 on -- and I read this and I realized that the
12 statistics about the traffic and so forth are
13 developed as you by an agent for the developer
14 rather than independent, and I have some concerns
15 with the town whether what I read in the paper so I
16 came here and read the transcript, and you talked
17 about the traffic and so forth, which I experience
18 every day, and it didn't quite go with me so I was
19 wondering, just living here, it would certainly be
20 easier for me as a resident I feel to have the
21 primary access off 33.
22
23 The second question -- and just one more
24 question. Presently the way things exist, if you're
25 coming from Hightstown and you want to go into town
26 in Millstone, you have to take a U-turn between Gus'

<table>
<thead>
<tr>
<th>Page 81 of 84 of 111</th>
<th>83</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 MR. ALFIERI: And Mr. Verderese at the</td>
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<td>2 last hearing testified that there's substantial</td>
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<td>3 improvements on that -- the south side of Millhurst</td>
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<td>4 Road, as well, including the jughandle area.</td>
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<td>5 MR. WEINER: Okay, because the jughandle</td>
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<td>6 now handles about eight cars.</td>
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<td>7 MR. ALFIERI: We understand.</td>
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<td>8 MR. WEINER: And if you can't get in</td>
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<td>9 there, you're on 33.</td>
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<td>10 MR. ALFIERI: Yes, there's major</td>
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<td>11 reconstruction on that side of Millhurst Road.</td>
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<td>12 MR. WEINER: So you're going to take</td>
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<td>13 Gus', the fire thing, or take down the</td>
<td></td>
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<td>14 other driveway based on that.</td>
<td></td>
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<td>15 MR. ALFIERI: No.</td>
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<td>16 MR. WEINER: Okay. I'm done.</td>
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<td>17 THE CHAIRWOMAN: Thank you. Anyone</td>
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<td>18 else? Yes, sir.</td>
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<td>19 MR. CUCCHIARO: Sir, were you previously</td>
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<td>20 sworn?</td>
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<td>21 MR. G. BERGER: Yes, I was. George</td>
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<td>22 Berger, B-e-r-g-e-r, at 47 Comtois Road, Manalapan,</td>
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<td>23 in Four Seasons. I have a question. I have a</td>
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<td>24 number of questions, but the engineer hasn't</td>
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<td>25 testified yet so I'll hold those. But I have a</td>
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<th>82</th>
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<td>1 Diner, the firehouse in the back, and the newly</td>
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<td>2 developed emergency care doctor that has seven</td>
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<td>3 spaces. So that I'm thinking now people are going</td>
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<td>4 to want to access this. One: heard that I think</td>
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<td>5 that's going to be part of the engineering is to</td>
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<td>6 remodel that, and as I'm driving it very frequently,</td>
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<td>7 I don't see any space there so I'm concerned that</td>
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<td>8 that's --</td>
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<td>9 MR. ALFIERI: If I may, people heading</td>
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<td>10 east are going to have a left-hand-turn lane into</td>
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<td>11 the development. They're not going to --</td>
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<tr>
<td>12 MR. WEINER: Yes, they're going to go on</td>
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<td>13 Crossings Road.</td>
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<td>14 MR. ALFIERI: Right.</td>
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<td>15 MR. WFTNER: What I read in the paper</td>
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<td>16 was -- you know, I'm concerned about the volume of</td>
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<td>17 that. You talked about traffic on 33. I can</td>
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<td>18 certainly tell you that every day from 4 to</td>
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<td>19 7 o'clock at night that traffic at the 33 light</td>
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<td>20 backs up well beyond --</td>
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<td>21 THE CHAIRWOMAN: Sir, but we need a</td>
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<td>22 question from you, not --</td>
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<td>23 MR. WEINER: I'm sorry. So those are</td>
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<td>24 the questions. So is there a plan to redevelop also</td>
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<td>25 the U-turn between Gus' and that?</td>
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<th>84</th>
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<tr>
<td>1 question for Mr. Fisher. In the development that</td>
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<td>2 you're proposing, what buffers if any or fences are</td>
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<td>3 you proposing where the property meets Four Seasons?</td>
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<td>4 MR. FISHER: The buffer that's shown is</td>
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<td>5 I believe 50 feet in width, and on this A-1 exhibit,</td>
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<td>6 behind all the lots there is, you know, a 50-foot</td>
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<td>7 distance that will be landscaped continuously along</td>
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<td>8 this entire frontage. It'll have to stop at the</td>
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<td>9 solar field in this location. And then there is</td>
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<td>10 some space behind the lots in Four Seasons at</td>
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<td>11 Manalapan. You also have some open space because it</td>
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<td>12 was designed that way. So you've got open space</td>
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<td>13 backing to open space essentially. That's the</td>
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<td>14 buffer. And there's also buffer plantings between</td>
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<td>15 the property line and the storm water basin on the</td>
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<td>16 southern end.</td>
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<tr>
<td>17 MR. G. BERGER: So you're not proposing</td>
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<td>18 a fence behind your property.</td>
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<tr>
<td>19 MR. FISHER: No.</td>
</tr>
<tr>
<td>20 MR. G. BERGER: Just open space.</td>
</tr>
<tr>
<td>21 MR. FISHER: Yes.</td>
</tr>
<tr>
<td>22 MR. G. BERGER: Okay. My other question</td>
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<tr>
<td>23 is behind the storm water management basin, there</td>
</tr>
<tr>
<td>24 are currently trees on the I guess southwest run of</td>
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<tr>
<td>25 Comtois Road. Are you planning on taking those</td>
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</table>
MR. B. BERGER: That I'm confused?

MR. CUCCHIARO: Mr. Berger, you made a bunch of statements earlier, and I want to make sure --

MR. B. BERGER: Oh, I'm sorry. Go ahead.

MR. ALFIERI: And she's trying to take this down so try to let Mr. Cucchiaro finish.

MR. B. BERGER: I'm sorry. Okay.

MR. CUCCHIARO: You ready?

MR. B. BERGER: Ready.

MR. CUCCHIARO: I asked you at the last hearing how you wanted to proceed, if you wanted to proceed and make an appearance as an attorney or whether you wanted to proceed as an interested party or member of the public. You told me that you did not want to proceed in this matter as an attorney. Is that still the case?

MR. B. BERGER: Yes.

MR. CUCCHIARO: Okay. All right. You have questions tonight?

MR. B. BERGER: Yeah.

MR. CUCCHIARO: Okay.

MR. B. BERGER: Okay. I'm confused right now as to how many parking spaces there are.
Tonight we were told that there are 280 houses and each one has two parking spaces.

MR. FISHER: In the driveway.
MR. B. BERGER: So that’s 560?
MR. FISHER: That’s correct.
MR. B. BERGER: Okay, and then there are 72 for the clubhouse?
MR. FISHER: Yes, mostly in a parking lot, correct.

MR. B. BERGER: Okay. On top of that, are there another thousand, or is that part of the 1,000?
MR. VERDERESE: There’s another 1,050 plus spaces on the commercial portion of the property.
MR. B. BERGER: So altogether there is room for about 1,700 cars? Approximately.
MR. FISHER: If everybody parked in their driveway, sure.
MR. B. BERGER: My next question is your study showed that most of the cars that are going to exit from the community, the Crossing community, are going to exit to where?
MR. VERDERESE: Well, they’ll exit -- they have two different locations they can enter or exit from so some will come from the west or go back to the west, to and from the east, to and from the south, to and from the north.
MR. B. BERGER: I’m sorry. There’s the Millhurst exit, right, and there’s the Route 33 exit.
MR. VERDERESE: Yes.
MR. B. BERGER: Okay. Are there any other exits?
MR. VERDERESE: No.
MR. B. BERGER: Okay. So your study shows that most of the cars are going to exit from which exit?
MR. VERDERESE: Well, it’s a combination of both.
MR. B. BERGER: So it’s going to be 50/50 in your opinion?
MR. VERDERESE: Not exactly, no.
MR. B. BERGER: Could you tell what your study shows, please?
MR. VERDERESE: It would be approximately 60 plus percent using Route 33 with maybe high 30 percent-ish using the driveway on Millhurst Road.
MR. B. BERGER: Now, is there a formula that gave you those figures, or how did you come up with that?
MR. VERDERESE: Yeah, so I think the board member Kastell and I talked about it. It was a gravity model that was done for the site. The board engineer’s reviewed it as well as the county and DOT. They have accepted it.
MR. B. BERGER: So you think -- according to this gravity method, most people who exit on 33 would exit to where, going east or going west?
MR. VERDERESE: It’s mixed. We have slightly more coming from the east than from the west.
MR. B. BERGER: Exiting.
MR. VERDERESE: Both, yes.
MR. B. BERGER: So you’re saying that 55-year-old people are going to exit to the west.
For what reason? Is there a reason?
MR. VERDERESE: Yeah, Route 33 to the west.
MR. B. BERGER: Yeah, where are they -- are they --
MR. VERDERESE: Travel to the Turnpike in that direction. There’s --
Manalapan who use the Crossings, the commercial, where are they going to come from do you project?

MR. VERDERESE: As I said earlier, there are a lot of census tracks in Manalapan so they come from all different directions.

MR. B. BERGER: Well, most of Manalapan, wouldn't they use Millhurst Road?

MR. VERDERESE: Well, some of Manalapan is south of the project, some of Manalapan is west of the project, some of Manalapan is north of the project, and some of Manalapan is east of the project.

MR. B. BERGER: Is most of Manalapan north of the project?

MR. VERDERESE: Population-wise, most of it is northeast of the project, yes.

MR. B. BERGER: So northeast people you would be entering on what?

MR. VERDERESE: Either likely Route 33 from the east or Millhurst Road from the north.

MR. B. BERGER: But if another traffic expert did the same thing that you're doing, could they come up with different numbers than you do?

MR. VERDERESE: For distribution, not likely, because we all use the same methodology. We use the gravity model. We use the census tracks for populations, and we round the traffic so it's all the same analysis from all of us. Trip generation would be exactly the same, as well.

MR. B. BERGER: So everyone uses the same programs.

MR. VERDERESE: Essentially, yes, you could say that.

MR. B. BERGER: Okay, and everyone then would have to put the same data into the programs?

MR. VERDERESE: Correct.

MR. B. BERGER: There was talk tonight about the construction and where the construction is going to enter from. Will any construction trucks enter from Millhurst Road?

MR. VERDERESE: Well, our proposal, as I'll say it again. Our construction entrance was from Route 33.

MR. B. BERGER: So what you're saying is that Millhurst Road will not be used for construction.

MR. VERDERESE: I don't know if when the last building is being constructed and all the driveways are open that there may be construction traffic that uses that driveway. I couldn't say,

but the primary construction on this site when it's ramping up is accessed to a construction driveway on Route 33.

MR. B. BERGER: So then you're saying that at some point, construction trucks may use Millhurst Road.

MR. VERDERESE: I can't say because it isn't something that I looked into.

MR. B. BERGER: So you don't know the answer?

MR. VERDERESE: I do not.

MR. B. BERGER: So then it is possible if you don't know the answer that truck construction may use Millhurst Road.

MR. ALFIERI: The applicant has agreed to limit construction vehicles to Route 33 provided the NJDOT approves that.

MR. B. BERGER: And is that usually approved?

MR. ALFIERI: I believe Mr. Winckowski or someone said that they don't see why it wouldn't be, but we understand that if the board imposes that as a condition, it would be a condition of approval.

MR. B. BERGER: So then no trucks would enter Millhurst Road for construction.
MR. B. BERGER: Yes.

MR. VERDERESE: That video showed from Cannonero through the site area down Sweetmans Lane.

MR. B. BERGER: No, but tonight you talked about roads north of Cannonero exiting -- cars exiting and entering that. Did you include that on your video?

MR. VERDERESE: No.

MR. B. BERGER: Okay, and can you include that in your video?

MR. VERDERESE: I think I answered this question at the last meeting. It was not part of my charge of what we were looking into. My charge was to show the board, and what the mayor had asked for at the meeting was something that showed what our improvements to the roadways were, and that's what we centered our presentation around.

MR. B. BERGER: Okay. Now, at Cannonero, according to your videos I saw last time and as I think the people here remember, where the two lanes ended, okay, going north, you did not show any merger. You just showed a straight line.

MR. CUCCHIARO: Madam Chair, can I just -- the cross-examination tonight is supposed to be based upon the testimony tonight.

THE CHAIRWOMAN: Correct, what you heard tonight is all you can ask questions about, sir.

MR. B. BERGER: Yes, I heard about -- he testified to streets north of Cannonero.

THE CHAIRWOMAN: Yes, because he was answering what the mayor had asked him at the last hearing.

MR. CUCCHIARO: Well, I guess what I'm saying is when you're asking him about the exhibit that he prepared at the last hearing, that is not about tonight's testimony. He stated to you that the streets that he testified to tonight, not all of them were included in his exhibit.

MR. B. BERGER: Am I wrong about the exhibit? Did it show the -- I'm just curious. Do you -- am I wrong about his exhibit from the last meeting? Did it show the merger?

MR. CUCCHIARO: I don't get to tell anyone that they're right or wrong unless it's a legal argument, but --

MR. B. BERGER: You talked about Battleground tonight. Hedgegrow you talked about, right?

MR. VERDERESE: Yes.

MR. B. BERGER: And you talked about -- average delay for that movement is 45 seconds.

MR. B. BERGER: Oh, so that's almost a minute.

MR. VERDERESE: Yes, but it's not minutes.

MR. B. BERGER: Okay, so the delay will become more than 45 seconds?

MR. VERDERESE: No, that's the future condition, yes.

MR. B. BERGER: What if I say -- oh, well. What do you think it takes now?

MR. VERDERESE: Our analysis is 30 seconds.

MR. B. BERGER: To make a left. Okay.

If you make a mistake as to your traffic estimates, what's your responsibility?

MR. ALFIERT: I object. That's a legal question. I'm not sure it's a --

MR. CUCCHIARO: What was the question again, Mr. Berger?

MR. B. BERGER: If he makes a mistake as to his estimates, what's his responsibility, if any. He may not have any. I don't know.

MR. CUCCHIARO: I don't know that that's a legal question, but, I mean, Mr. Verderese, are
you capable of answering that?

MR. VERDERESE: No.

MR. CUCCHIARO: I mean, I guess maybe as a follow-up question, if during the hearing process you realize that something that you said was inaccurate, you would bring it to the board's attention, correct?

MR. VERDERESE: Correct, as well as the three reviewing agencies that are reviewing what I've submitted.

MR. B. BERGER: Okay.

MR. CUCCHIARO: And you have an ethical responsibility as a licensed professional engineer to provide complete candor to this board.

MR. VERDERESE: Absolutely.

MR. B. BERGER: You can tell me if I'm allowed to ask this. What if everything is in place now and the estimates were wrong; does the expert have any responsibility to the town?

MR. CUCCHIARO: Well, what I can tell you is that's not an issue for us at the planning board. At the planning board, we're here to evaluate testimony. So Mr. Verderese has provided his testimony, and there's been a lot of questions from the board members, from members of the public, and the board will determine whether they believe him or not, whether they think his numbers are accurate or not, and once the board makes a decision one way or the other, that's as far as we go.

Issues of whether he was right or wrong, whether his estimates were correct, you know, post denial or approval are not the board's issues.

MR. B. BERGER: Okay. When you did your traffic study, did you take into consideration emergency vehicles?

MR. ALFIERI: We didn't testify to any of that this evening so I'm not sure how much latitude you want to give the questions.

MR. CUCCHIARO: Mr. Verderese.

MR. ALFIERI: It may never end. That's the only reason I'm bringing it up now rather than 20 minutes from now.

MR. B. BERGER: Just as part of the study.

MR. CUCCHIARO: It's a yes or no answer Mr. Verderese. Did you take that into account?

MR. VERDERESE: Yes.

MR. CUCCHIARO: Okay.

MR. B. BERGER: That was -- can I ask a follow-up or not? It's up to you.

MR. CUCCHIARO: No, really -- it's not up to me. It's the law. We are here to cross-examine based upon his testimony tonight. Mr. Verderese was subject to vast cross-examination on the totality of -- or what was the totality of his testimony at that point at the last hearing so this is really just the three or four categories that he testified to tonight.

MR. B. BERGER: Okay. When did you do your traffic study? The month and year, that's you will.

MR. ALFIERI: And he testified to that at the last meeting, not that he can't answer it, just making the record clear.

MR. VERDERESE: April and May of 2017.

MR. B. BERGER: That's it. Thank you.

THE CHAIRWOMAN: Anyone else from the public having any questions? Sir.

MR. CUCCHIARO: Sir, were you previously sworn?

MR. LEVY: No.

BENJAMIN LEVY, sworn.

MR. CUCCHIARO: Please state and spell your name for the record and give us your address.

102

MR. LEVY: My name is Benjamin Levy, L-e-v-y, 32 La Valley Drive in Manalapan. I'll try to keep this short. So first, because I didn't have the benefit of coming to the other meeting, how many of the special needs housing units are there going to be?

MR. ALFIERI: Fifty-eight.

MR. LEVY: Fifty-eight, okay. My understanding is that one of the main roles for this development was to satisfy the need of the township to have those sorts of units. What's the rationale for the remaining 280?

MR. ALFIERI: That's not any of the witnesses this evening. The ordinance is in place so we're not here to discuss --

MR. CUCCHIARO: I think it's within the purview of Mr. Fisher. Mr. Fisher, are you able to answer that?

MR. FISHER: When we refer to a development as an inclusionary development, there's always a market rate component, and the market rate housing is the active adult portion of this development. So, you know, there is a substantial number of homes in theory that need to support the subsidies you need to provide to build the
affordable housing because generally, depending on
the type of affordable housing you build, you don't
make money on that. You lose money on it. So you
need to compensate, and the courts and Fair Housing
Act has established requirements that allow towns to
approve developments with an inclusionary component,
and the market rate component is usually 80 percent
of the homes or more.

MR. CUCCHIARO: I think, Mr. Alfieri,
your planner, who you're going to be putting up, can
probably speak to the requirement for density
bonuses and incentives and affordable housing that's
imposed on the town by the Supreme Court and the
Fair Housing Act, correct?

MR. ALFIERI: Correct.

MR. LEVY: Okay. Another follow-up
question. For the individuals that are going to be
in the special needs housing, it wasn't entirely
clear. Are they actually going to have access to
the remaining facilities that the other people who
own in the 55 plus are going to have access to, or
are they going to be segregated?

MR. FISHER: Well, they're located in
the commercial portion of the development by design.
We're not building those units, just so you know.

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The commercial developer is. So I can't say for
sure exactly what they're going to be entitled to,
but there was some discussion and debate about
whether or not they could have access to the
recreation facilities within the age restricted
community, and I think the sense is that that's not
going to take place because they're two separate
communities with different age requirements, and,
you know, as the planner for the board indicated,
there was never -- that issue never came up when
they met with DCA, and I think it would be a little
awkward to have renters within the commercial
district who are not age restricted use an age
restricted clubhouse.

MR. LEVY: So will the renters of the
special needs units -- I guess first and foremost,
I'm assuming there's going to be like a housing
association for the age restricted?

MR. FISHER: We'll have a homeowners
association.

MR. LEVY: Homeowners association,
right. So then the folks that are in there are
going to have voting rights I suppose for things
that come up?

MR. FISHER: With respect to their

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common facilities, yes.

MR. LEVY: Right, so then what about the
folks in the special needs. If there are issues
that are going to affect them, are they also going
to have some sort of representation here?

MR. ALFIERI: They're going to be
tenants of the commercial developer.

MR. LEVY: So you're going to have to
explain to someone who doesn't quite get that. I'm
not sure if I'm the only one in the room that --

MR. CUCCHIARO: I think what their
answer to your question is they would not be
eligible for membership in the homeowners
association and would not have a vote on any matter
that the association was considering.

MR. LEVY: But it's an inclusive
community, but then you're going to have folks with
special needs, including disabled veterans, that
have no representation to things that could actually
affect them in that surrounding area. I just want
to make sure that's clear.

MR. CUCCHIARO: Well, that's --

MR. FISHER: It's separate ownership,
and there will be one owner of all of those
apartments, and again, it's not us so I really don't

want to get too much into --

MR. CUCCHIARO: That wasn't really his
question.

MR. ALFIERI: I could answer his
question then. The special needs housing and the
disabled veterans housing and other similar type
housing are funded by various governmental agencies
who are involved in the monitoring it, the -- to
making sure that they meet various standards. For
example, the special needs housing we have a company
called Enable, who manages multiple special needs
housing communities throughout the state. They deal
with the state, who provides the funding for these
people because they don't have their own money, and
they regulate how they're cared for. They have

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certain standards where they have to have on-site
people caring for them. They have -- these are very
highly regulated.

MR. CUCCHIARO: I think, sir, the answer
to your question is there is no proposal -- and I'm
not even sure it's legal -- for the special needs --
the occupants of the special needs units to have any
legal rights to vote or participate in the age
restricted HOA.

MR. LEVY: Okay. Just not clear why all
THE CHAIRWOMAN: Anyone else having any questions from the public? Seeing none, I close the public.

Okay. Mr. Alfieri, we're going to carry you again to our -- the next meeting we have is December, correct?

MR. ALFIERI: October 29 I think -- I mean November 29. November -- sorry, I need a break. I had November 29 down. Is that the date we were --

THE CHAIRWOMAN: That will be a special meeting just for you.

MR. ALFIERI: We'll pay for it.

THE CHAIRWOMAN: Okay. You're going to provide food -- no, I'm just kidding.

MR. GINSBERG: Hold on. I see a deal in the making here.

THE CHAIRWOMAN: Okay, so we're going to then, Mr. Cucchiaro, have a special meeting on November 29, correct?

MR. CUCCHIARO: So, well, there's two things we're going to have to do. So we'll carry this application until November 29 under the Municipal Land Use Law notice. So let me just get the formal name. An agenda says Manalapan Crossing, Mr. Alfieri. What's the formal name of the application, the applicant?

MR. ALFIERI: Good question. Well, it says Cardinale & Associates, LLC, Manalapan Crossing.

MR. CUCCHIARO: Okay, so that application, which bears application number PPM 1724, will be carried to a special meeting on November 29, 2018, beginning 7:30, here at town hall. So you will not receive another letter or notice in the mail under the Municipal Land Use Law for that meeting. This is your notice. We do, however, under the Open Public Meetings Act have to publish a notice in two newspapers at least 48 hours prior to that meeting stating that the board is going to have a special meeting and provide any agenda for that meeting.

THE CHAIRWOMAN: Okay.

MR. ALFIERI: Thank you.

THE CHAIRWOMAN: Thank you.