

TOWNSHIP OF MANALAPAN
PLANNING BOARD
THURSDAY, MAY 23, 2024
7:30 P.M.

IN THE MATTER OF:) TRANSCRIPT OF
Application No. PPM-2046) PROCEEDING
American Properties at Manalapan, LLC)
Sawgrass Drive and Route 33)
Block 7200, Lot 3.02; Preliminary and)
Final Major Subdivision and Site Plan)

B E F O R E:
KATHRYN KWAAK, CHAIRWOMAN
TODD BROWN, VICE CHAIRMAN
STEVEN KASTELL, SECRETARY
JACK McNABOE, DEPUTY MAYOR
BARRY JACOBSON, COMMITTEEMAN
BRIAN SHORR, MEMBER
BARRY FISHER, MEMBER
CHIEF RICHARD HOGAN, MEMBER
JOHN CASTRONOVO, MEMBER
NUNZIO POLLIFRONE, ALTERNATE MEMBER #1
PASQUALE GIVELEKIAN, ALTERNATE MEMBER #2

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

2

3 RON CUCCHIARO, ESQUIRE

Counsel for the Board

4

5 HUTT & SHIMANOWITZ, ESQUIRE

BY: RON SHIMANOWITZ, ESQUIRE

6 459 Amboy Avenue

Woodbridge, New Jersey 07095

7 Counsel for the Applicant

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A L S O P R E S E N T:

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11 NANCY McGRATH, Recording Secretary

12 JORDAN RIZZO, P.E., CME ASSOCIATES

13 JENNIFER BEAHM, P.P., Leon S. Avakian, Inc.

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1 CHAIRWOMAN KWAAK: Mr. Cucchiaro, can
2 you please swear in our professionals?

3 MR. CUCCHIARO: Do you swear or affirm
4 the testimony you're about to provide this board is
5 the truth, the whole truth and nothing but the truth?

6 MR. RIZZO: I do.

7 J O R D A N R I Z Z O, P.E.

8 3141 Bordentown Avenue, Parlin, New Jersey,
9 having been duly sworn, testifies as follows:

10 MS. BEAHM: I do.

11 J E N N I F E R B E A H M, P.P.

12 3141 Bordentown Avenue, Parlin, New Jersey,
13 having been duly sworn, testifies as follows:

14 CHAIRWOMAN KWAAK: Thank you.

15 (Whereupon, the board conducts agenda
16 items.)

17 MR. CUCCHIARO: Onto the applications.
18 PPM2046, American Properties at Manalapan, LLC,
19 Heritage at Manalapan, Sawgrass Drive and Route 33,
20 Block 7200, Lot 3.02, preliminary and final major
21 subdivision and site plan, 63 single-family homes and
22 retail space.

23 This is continuing from the other
24 meeting.

25 MR. SHIMANOWITZ: Good evening, Madam

1 Chair, Members of the Board, Ron Shimanowitz on
2 behalf of the Applicant.

3 As the Chair has stated, we were last
4 before you on April 25th, 2024 where we introduced
5 the application. We've had Mr. Turner, our site
6 engineer, testify. We didn't quite complete his --
7 his testimony. I believe he needs to be subjected to
8 the public.

9 But with -- I wanted to just mention a
10 couple of housekeeping items for the Chair and the
11 board members.

12 One is just to note what our game plan
13 is. We want to finish up with Mr. Turner. And then
14 we only have two other witnesses, one being our
15 traffic engineer, Mr. Pehnke; and lastly, our
16 architect, Rob Larsen.

17 But the two clean-up items are as
18 follows: At the first hearing I think there was
19 mention made on the record from our side that the
20 trash collection and recycling would be all private.
21 We got a little more educated since that last meeting
22 and learned that the town actually provides those
23 services.

24 So to the extent that the town does
25 provide those services, we obviously would take

1 advantage of them. We understand that the town
2 provides that at least to the residential portion.
3 We're not quite sure about the commercial, but
4 whatever the town does, that's what -- that's what we
5 would do for the project.

6 The second item I just wanted to
7 mention, there was a request, I believe it was by
8 Ms. Beahm to look into the mailboxes.

9 We did have a representative go down to
10 the post office, speak with the Post Master about
11 what type of collection it would be.

12 No surprise here, the post office is
13 requesting gang mailboxes as Ms. Beahm predicted.

14 We did prepare a rough plan of where
15 those would be. It's conceptual at this point. The
16 applicant will be working with the Post Master to
17 come up with a finalized plan. Whatever the post
18 office requires, that's what we're going to do, but
19 it's going to be ganged mailboxes. I just wanted to
20 be responsive to that request.

21 And unless there were any other
22 housekeeping items on the Chair or the Board's part
23 --

24 MR. CUCCHIARO: Mr. Shimanowitz, I
25 think just one --

1 MR. SHIMANOWITZ: Yes.

2 MR. CUCCHIARO: -- additional area of
3 housekeeping, and I don't think it's anything we need
4 to address more substantively tonight, nor can we.

5 There was a question at the last
6 hearing from our board engineer regarding the
7 ownership and maintenance of the roads. You placed
8 the applicant's position on the record with regard to
9 the ordinance requirement that it be publically owned
10 and maintained. I'm not convinced that the governing
11 body has the same view of the ordinance.

12 However, what I am convinced of is this
13 board doesn't have the jurisdiction to adjudicate
14 that issue.

15 So I think that to the extent there's
16 an approval, there would just be a condition of the
17 approval that the ownership and maintenance of the
18 roads needs to be resolved with the governing body
19 one way or the other.

20 MR. SHIMANOWITZ: I think that's
21 consistent with your opinion last time around.

22 I think we made clear in both our
23 correspondence and our testimony at the last hearing
24 our position, but I understand the condition,
25 Mr. Cucchiaro, and we will -- we'll expect that to

1 appear in the resolution.

2 MR. CUCCHIARO: Okay.

3 MR. SHIMANOWITZ: Thank you.

4 DEPUTY MAYOR McNABOE: If I have just
5 address that trash --

6 CHAIRWOMAN KWAAK: Go ahead.

7 DEPUTY MAYOR McNABOE: -- obviously
8 commercial is not picked up by anybody.

9 Residentially we do pick up once a week
10 on the single-family homes in garbage cans provided
11 by the owners.

12 Now if we're going to get into the
13 dumpsters, we're going to get into size, because we
14 will not be making additional. So somebody is going
15 to have to testify as to the amount of units, amount
16 of trash that is being generated, that they will fit
17 in the enclosures you have or the enclosure is going
18 to need to be expanded in order to get those working
19 within twice a week --

20 MR. SHIMANOWITZ: Got it.

21 DEPUTY MAYOR McNABOE: -- pickup on the
22 dumpsters.

23 MR. SHIMANOWITZ: I appreciate that.

24 DEPUTY MAYOR McNABOE: Again, when it
25 was on you, you could call and have it picked up

1 every day. We don't have that luxury or option.

2 MR. SHIMANOWITZ: I understand. I
3 appreciate that clarification.

4 We'll -- we will address that issue.

5 MR. FISHER: Next question, the
6 recycling will also be in that container, in a
7 contained area?

8 DEPUTY MAYOR McNABOE: Yeah, the
9 recycling is picked up as well. That's required by
10 law. It's not just -- you know, we -- we pick up the
11 entire town as a courtesy and built into the taxes.
12 The only thing here, we're required --

13 MR. FISHER: But the commercial one, is
14 there going to be --

15 DEPUTY MAYOR McNABOE: Well, they're --
16 that's -- that's on -- all on it's own, Barry.

17 We don't handle commercial at all.
18 They will handle that, as every other business owner
19 in town does.

20 CHAIRWOMAN KWAAK: Okay. We're good?

21 MR. CUCCHIARO: Yes.

22 CHAIRWOMAN KWAAK: Okay.

23 So if you'd like to get sworn in your
24 first witness.

25 MR. CUCCHIARO: I think your first

1 witness was previously sworn, correct?

2 CHAIRWOMAN KWAAK: Okay.

3 MR. TURNER: Correct.

4 MR. CUCCHIARO: I just remind you that
5 you remain under oath and if you can just place your
6 name on the record again.

7 S C O T T T U R N E R, PE

8 261 Cleveland Avenue, Highland Park, New Jersey
9 08904, having been duly sworn previously,
10 continues to testify as follows:

11 MR. TURNER: Good evening, everybody.
12 My name is Scott Turner, T-U-R-N-E-R, with Menlo
13 Engineering Associates.

14 And I'm a licensed professional
15 engineer.

16 CHAIRWOMAN KWAAK: Okay.

17 DIRECT EXAMINATION

18 BY MR. SHIMANOWITZ:

19 Q. Scott, you heard the comments regarding
20 the trash collection particularly with regard to the
21 multifamily and the dumpsters.

22 Are you prepared to respond to that
23 tonight?

24 A. Yes.

25 We -- and I believe I put some

1 testimony on record the last time I was here.

2 We do show a rather large recycling and
3 dumpster pad area in between the two multifamily
4 buildings, Building A and Building B.

5 I'll circle it here with my -- my
6 cursor here. It's at the end of the parking lot, so
7 it's easily picked up (indicating).

8 We did or the applicant did consult
9 with a refuse and recycling consultant and firm. And
10 they sized these dumpsters for the particular use.

11 So we are comfortable with what we've
12 got shown on our plans in terms of sizing.

13 MR. SHIMANOWITZ: Thank you, Scott.

14 I believe we've completed Mr. Turner's
15 testimony. He also addressed the review letters.

16 CHAIRWOMAN KWAAK: Okay.

17 MR. SHIMANOWITZ: I'm not sure if the
18 Chair wishes to do the public witness by witness or
19 just continue --

20 CHAIRWOMAN KWAAK: No, we'll do the --
21 we'll do the public at the --

22 MS. BEAHM: I just have one thing,
23 those enclosures are masonry, right?

24 THE WITNESS: Correct, yes, they are.

25 MS. BEAHM: Okay.

1 MR. SHIMANOWITZ: If not, we have --

2 CHAIRWOMAN KWAAK: No.

3 MR. SHIMANOWITZ: -- nothing further of
4 Mr. Turner.

5 We'd go onto our next witness.

6 CHAIRWOMAN KWAAK: Sure.

7 MR. SHIMANOWITZ: Okay.

8 THE WITNESS: Thank you.

9 CHAIRWOMAN KWAAK: Thank you.

10 MR. SHIMANOWITZ: Thank you, Mr.
11 Turner.

12 Our next witness is our traffic
13 engineer, Mr. Karl Pehnke.

14 MR. CUCCHIARO: Do you swear or affirm
15 the testimony you're about to provide this board is
16 truth, the whole truth and nothing but the truth?

17 MR. PEHNKE: I do.

18 K A R L P E H N K E, PE

19 1 University Square Drive, Suite 110, Princeton,
20 New Jersey 08540, having been duly sworn,
21 testifies as follows:

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

24 MR. PEHNKE: Sure.

25 For the record, my name is Karl with a

1 "K", Pehnke, "P" as in Peter E-H-N-K-E.

2 VOIR DIRE EXAMINATION

3 BY MR. SHIMANOWITZ:

4 Q. And your qualifications for the board,
5 Karl?

6 A. I am vice president with Langan
7 Engineering and Environmental Services.

8 I am a registered professional engineer
9 in the State of New Jersey in good standing. And I
10 have been practicing and qualifying as a traffic
11 engineer for over 38 years. And I have been before
12 this board in the past.

13 DIRECT EXAMINATION

14 BY MR. SHIMANOWITZ:

15 Q. And, Karl, you prepared a Traffic
16 Impact Study for this site.

17 I'm looking for the date on it.

18 A. February, revised --

19 Q. Let's see --

20 A. -- revised February 2021.

21 Q. Revised 2021. Yeah.

22 If you can give the board the benefit
23 of that Traffic Impact Study, a summary of it.

24 And also a status of where we are
25 permitting-wise?

1 A. Certainly.

2 So my involvement with this project was
3 preparation of the traffic study that was submitted
4 with the application, as well as the traffic support
5 and analysis required by the Department of
6 Transportation associated with obtaining permits for
7 this development from Route 33, as well as
8 coordinating with Mr. Turner on the design of the
9 site.

10 With regard to the traffic aspects of
11 this project, obviously the site fronts on Route 33.
12 That's under the jurisdiction of the Department of
13 Transportation.

14 And the access design and permitting of
15 the access to the site as described by Mr. Turner at
16 the last site falls under that jurisdiction of DOT.

17 Traffic planning for this project
18 started back in 2020, pre-pandemic. At that point in
19 time, we collected data that was utilized in the
20 preparation of the traffic study that was submitted
21 with this board, as well as the data that was
22 submitted to the Department of Transportation.

23 At that time we also coordinated with
24 the Department of Transportation to identify the
25 growth that they wanted us to evaluate in the

1 background, including general growth, as well as
2 several developments at that time that they believed
3 we should incorporate over and above the growth.

4 And we did that and that's been carried
5 through the traffic study and carried through the
6 work we did with the Department of Transportation.

7 As you may be aware, when this
8 application originally started, we were considering
9 alternative access on Sawgrass Road and that has
10 evolved and been eliminated in our permitting and
11 efforts with the Department of Transportation have
12 reflected that change through -- through the years.

13 In general, the traffic study documents
14 our traffic analysis, our projections, which follow
15 the requirements of the Department of Transportation
16 and the results of that analysis, which has been
17 reviewed by the department in accordance with their
18 standards to their satisfaction that we meet their
19 standards and don't violate any of their
20 level-of-service conditions.

21 In general, if you read the traffic
22 study, you'll find that our driveways will operate at
23 Level of Service C or better. There are two
24 driveways, as described by Mr. Turner at the last
25 meeting. There is a right-turn in/right-turn out for

1 the commercial building. And there is a right-turn
2 in/right-turn out street for the residential portion
3 of the project with the internal emergency access
4 connection.

5 So we have permitted with the
6 department, what's known as an access permit for the
7 commercial. It's an A permit.

8 And we've permitted with the Department
9 of Transportation a street permit, which is an
10 S permit with the Department of Transportation.

11 The project actually permitted by the
12 department is a little bit larger. It permits up to
13 18,000 square foot of commercial space versus the
14 15,000 that this project has evolved. So it's a
15 little bit conservative from -- from that standpoint.

16 Associated with the traffic study and
17 the requirements of the Department of Transportation,
18 there will be work constructed along the frontage of
19 Route 33. The existing shoulder will be widened
20 along the frontage of the site to provide a full
21 12-foot-wide shoulder.

22 And while it's not typical, the
23 department did agree to allowing us to stripe that
24 shoulder to provide a right-turn lane into the
25 commercial development and a right turn into the

1 street.

2 Those plans have been fully designed
3 and approved by the department associated with the
4 permit and are ready to be constructed.

5 So usually we're subject to outside
6 agency approvals. In this case we're able to
7 represent what the outside agency approval entails
8 and that we are ready to build that.

9 The geometry meets all current
10 standards dictated by the department.

11 And, again, will operate at safe levels
12 of service. So from that standpoint, I think we've
13 established a good access system to this site.

14 And we can represent that we will be
15 able to build that access system.

16 Mr. Turner, I think, did a very good
17 job describing the internal circulation and parking
18 at the last meeting. I can affirm his testimony and
19 that the internal circulation is properly designed,
20 will support the types of vehicles typical to a
21 residential community, as well as to the commercial
22 building and will support the day-to-day activities
23 of the residents and future visitors and patrons of
24 this location.

25 And I think that really -- that really

1 sums it up.

2 MR. SHIMANOWITZ: Thank you, Karl.

3 CHAIRWOMAN KWAAK: Okay.

4 Professionals?

5 MS. BEAHM: I have nothing.

6 MR. RIZZO: Mr. Pehnke, did you say
7 that you -- you have your DOT permit already?

8 THE WITNESS: Correct.

9 MR. RIZZO: And that -- does that
10 include the traffic study that's been submitted to
11 the -- to the board?

12 THE WITNESS: It started with that
13 study, but it evolved, obviously, when the access off
14 of Sawgrass Road changed, so additional information
15 was prepared for the department, through the years,
16 before the permit was issued, so -- but, yeah, it
17 started with the same basis.

18 MR. RIZZO: Do you have a more recent
19 traffic study?

20 THE WITNESS: We do have -- I don't
21 know if it's the form of a study, but there is
22 analysis and work that was done that has that.

23 So we can provide that.

24 MR. RIZZO: Yeah, if you'll provide
25 that and then we just have a few, you know, comments

1 through our letter.

2 THE WITNESS: And we'll respond to
3 those comments --

4 MR. RIZZO: Yeah.

5 THE WITNESS: Those comments --

6 MR. RIZZO: -- you'll address the
7 comments.

8 THE WITNESS: -- there's nothing in
9 there that will change the access design or the
10 results of the work with NJ DOT.

11 MR. RIZZO: Okay. And then to your --

12 THE WITNESS: So we can provide a full
13 response.

14 MR. RIZZO: -- review, the development
15 is -- is in compliance with RSIS standards for the
16 roads?

17 THE WITNESS: It is.

18 MR. RIZZO: Okay. That's all I have.
19 Thank you.

20 CHAIRWOMAN KWAAK: Chief?

21 CHIEF HOGAN: Mr. Pehnke, can you speak
22 a little bit about the on-site parking with the
23 homeowners within the street?

24 THE WITNESS: Yeah, so the on-site
25 parking as Mr. Turner described is supported by both

1 the driveway and garage combinations, the two-car
2 garages, two-car driveway aprons.

3 And then the street system is built in
4 accordance with RSI standards with a 28-foot width
5 which permits one-sided parking throughout the
6 residential area.

7 CHIEF HOGAN: And will the -- a certain
8 side designated for non-parking people.

9 THE WITNESS: Certain side would be --
10 I don't know if that is already on the plan, but
11 certainly we will sign the side that's non-parking
12 for non -- no parking, yes.

13 CHIEF HOGAN: And just for the record,
14 so it does not conflict with any fire hydrants in the
15 area?

16 THE WITNESS: Correct.

17 We would design the site to make sure
18 we're compliant with Title 39.

19 And I think that was also a request to
20 have Title 39 on this site.

21 CHIEF HOGAN: Thank you.

22 That's it, Kathy.

23 CHAIRWOMAN KWAAK: Okay. Jack.

24 DEPUTY MAYOR McNABOE: Thank you.

25 Mr. Pehnke, if I were to come out of

1 Sawgrass and wanted to go into that proposed retail,
2 that third lane would be complete across the entire
3 front of the property there?

4 THE WITNESS: So the shoulder widening
5 is complete, but the -- the defined right-turn lane
6 into the commercial begins past Sawgrass.

7 So it doesn't blend together. You
8 don't want to encourage people coming out of Sawgrass
9 to think they have a lane to turn into and accelerate
10 in. So --

11 DEPUTY MAYOR McNABOE: So Sawgrass --
12 what you're saying then is Sawgrass would enter the
13 lane of traffic?

14 THE WITNESS: As they do today,
15 correct.

16 DEPUTY MAYOR McNABOE: Not the
17 deceleration?

18 THE WITNESS: That's correct.

19 DEPUTY MAYOR McNABOE: Okay. So you're
20 -- the way I'm seeing it, it starts slightly
21 thereafter there seems to be a flare of some type,
22 right?

23 THE WITNESS: It -- correct, the
24 striping flares open into the right-turn lane.

25 DEPUTY MAYOR McNABOE: All right. So

1 from when their flare straightens out, which is
2 basically, you know, before the commercial building,
3 itself, or really before its parking, that goes
4 across the entire front of the property or does it
5 end right after American Way?

6 THE WITNESS: The right-turn lane, the
7 widening runs the entire property just down to almost
8 where the traffic signal is, and -- and that widening
9 is used to stripe both right-turn lanes.

10 DEPUTY MAYOR McNABOE: Okay.

11 So it's the front of your property with
12 the --

13 THE WITNESS: That's correct.

14 DEPUTY MAYOR McNABOE: -- exception of
15 the part at Sawgrass.

16 THE WITNESS: That's correct.

17 DEPUTY MAYOR McNABOE: Could you
18 explain to me the -- how traffic will work to get to
19 the commercial building that is able to be accessed
20 through here, as well as maintenance of the tower?

21 So in other words, picture substantial
22 renovations to either the building or the tower,
23 commercial vehicles coming in and out of there.

24 THE WITNESS: Well, to -- to the
25 commercial building, itself, we have the right-turn

1 in/right-turn out driveway, not unlike any other
2 retail building along Route 33, you would travel to
3 the site, make the right in and make the right out.

4 With regard to the maintenance
5 facility, it's designed to utilize American Way and
6 enter the site. It is a street. It can accommodate
7 the types of vehicles that can move in and out of the
8 site.

9 So the occasional chance that that
10 might occur, the street system can accommodate that
11 movement.

12 DEPUTY MAYOR McNABOE: In other words,
13 full-size tractor trailers, which I can assume would
14 be used for major renovation to either that storage
15 building or the water tower, this is -- this is
16 planned for full-size trucks to be able to come in
17 and out?

18 THE WITNESS: If -- if that had to
19 occur, it can happen. It's unlikely, you're going to
20 need full-size tractor trailers, generally a
21 contractor's going to use something that's more
22 appropriate for the site and environments --
23 environs.

24 But certainly the roads are
25 substantive, they can certainly handle moving

1 vehicles for homes and large fire trucks and fire
2 apparatus.

3 So I would not be concerned if there
4 was an occasional chance that a larger vehicle needed
5 to get in here.

6 MR. RIZZO: Just to -- just to make it
7 clear, can you or Mr. Turner just submit a
8 circulation plan just to show how that movement would
9 work?

10 THE WITNESS: Yeah, with -- with the
11 fire truck? Sure. I mean --

12 MR. RIZZO: That's --

13 MS. BEAHM: And also, like we know that
14 the golf course has vehicles that are not passenger
15 vehicles.

16 They -- they -- there is trucks that
17 bring in golf carts, et cetera. So like not just a
18 fire truck, but a non-articulated truck.

19 THE WITNESS: Yeah, like a box truck or
20 something like that?

21 MS. BEAHM: Maybe a little bit longer,
22 but, yeah.

23 DEPUTY MAYOR McNABOE: Right.

24 And then, of course, with the water
25 tower too, there will be maintenance on this tower.

1 This would probably renovate it or something around
2 -- I'm just saying, you have to plan. This
3 development will be here forever. You are going to
4 need to bring in commercial vehicles to do commercial
5 repair --

6 THE WITNESS: Yes.

7 And, again, that's not a -- that's
8 really not a design parameter. When that has to
9 happen, you might need some traffic control or
10 something to make that completely happen.

11 That happens all across the state at
12 any place -- any place that's hosting those types of
13 --

14 DEPUTY MAYOR McNABOE: This one doesn't
15 exist, so driving a tractor trailer across somebody's
16 property is not an option, that -- that we work out
17 in this room tonight.

18 So my question is: If we come in with
19 -- with a major truck, you know, in American Way, we
20 make a right onto Theodore and a left onto this --
21 this service road that will bring us back to the
22 building, we can do that with a full-size truck?

23 THE WITNESS: A tractor trailer would
24 probably have to maneuver a little to -- to do that.
25 It's -- that -- that really isn't a typical design

1 vehicle for something of this nature even for
2 infrastructure. So I'm not sure you're going to be
3 able to maneuver a full-size tractor trailer.
4 Certainly box trucks and smaller trucks, but, again,
5 those types of vehicles would be developed based upon
6 the work that needed to be done and the contractors
7 knowledge of access to the site. So, you know,
8 generally the contractors will tailor what they need
9 to their access opportunity.

10 DEPUTY MAYOR McNABOE: Okay. But I'm
11 trying to work it from a standpoint of not boxing in
12 the contractors. The commercial is there. The
13 residential is coming --

14 THE WITNESS: Yes.

15 DEPUTY MAYOR McNABOE: -- so I'd like
16 them to be able to play together nice.

17 THE WITNESS: Understood.

18 And I think the intent is to play
19 together nice, but you don't want to over design
20 something for a very infrequent or rare condition.

21 DEPUTY MAYOR McNABOE: Okay.

22 THE WITNESS: So the access is
23 provided, but, you know, it's not as if it's designed
24 to handle a shopping center truck coming in and out
25 to a loading dock every day.

1 DEPUTY MAYOR McNABOE: Okay.

2 MR. RIZZO: Okay. Sorry, one more
3 question, just to that point, Mr. Pehnke, I know
4 you're going to provide "no parking" signs on one
5 side. Can you put them specifically opposite the
6 driveway where the easement is so that cars don't
7 park outside of that driveway?

8 THE WITNESS: I can look at that with
9 Mr. Layne.

10 MR. RIZZO: Just provide additional
11 clearance there.

12 DEPUTY MAYOR McNABOE: It is almost, if
13 you look at both sides, you have the green on either
14 side of those drives. I don't know the law of how
15 far you need to stay back, but those -- you need to
16 be able to turn on American Way and swing a truck of
17 a decent size and then swing it again.

18 So you say a circulation plan is
19 coming, is that what you asked for and will be
20 provided?

21 MR. RIZZO: They already agreed to
22 provide them for the site, but I think this specific
23 maneuver to get from Route 33 down American way to
24 the -- the maintenance lot and the water tower, that
25 can be provided.

1 MS. BEAHM: And out.

2 MR. RIZZO: Correct, yeah. Both
3 directions.

4 THE WITNESS: And -- and that would --
5 the typical type, you know, we can also identify the
6 typical type of vehicles that would do that for
7 maintenance, which is probably small box trucks.

8 MS. BEAHM: Okay. So I'm going to stop
9 you.

10 We have had the golf course owner come
11 in that say he's in almost a tractor trailer with
12 golf carts going in and out.

13 So it's not going to be just a simple
14 box truck, so stop saying that, like you need to
15 provide us the circulation plan for --

16 CHAIRWOMAN KWAAK: An 18 wheeler.

17 MS. BEAHM: -- a tractor trailer to
18 maneuver in and out, period, because they have golf
19 carts. They're not in a box truck. They're on a big
20 gigantic flatbed.

21 THE WITNESS: So we will check with the
22 golf course as to what he actually -- his perception
23 of what he's using versus what he might actually be
24 using. We will find out what it is.

25 MS. BEAHM: I mean, we've been in and

1 out with him, so --

2 THE WITNESS: I understand that. I
3 find it highly unlikely --

4 MS. BEAHM: What I'm saying is, is that
5 you need to provide the circulation plan for a
6 tractor trailer.

7 THE WITNESS: But there's multiple
8 types of tractor trailers. It's unlikely he's
9 bringing in a 50 --

10 MR. CUCCHIARO: So then let's just talk
11 about that for a moment. I mean, what is it like a
12 WB-30 we're talking about?

13 MS. BEAHM: Yes.

14 MR. CUCCHIARO: WB-30.

15 THE WITNESS: Yeah, there's -- that --
16 we'll look at that.

17 That's fine.

18 CHAIRWOMAN KWAAK: Okay, Jack?

19 DEPUTY MAYOR McNABOE: Yeah, I think we
20 need to check with the water department, too, for
21 major renovations, but we'll deal with that --

22 CHAIRWOMAN KWAAK: Okay.

23 DEPUTY MAYOR McNABOE: -- between...

24 I'm good for now.

25 CHAIRWOMAN KWAAK: Okay. And since you

1 guys asked my questions, you're going -- regarding
2 the town, the PD.

3 I have a question, but it's not for
4 you, sir, so I'm good.

5 Brian?

6 MR. SHORR: School buses are coming
7 into the development, correct?

8 THE WITNESS: That would be determined
9 by the school system, but, yes, I would assume the
10 school buses would have enter --

11 MR. SHORR: Okay. So, but --

12 THE WITNESS: -- entered the site.

13 MR. SHORR: -- you're going to have
14 sidewalks and curbs throughout the whole --

15 THE WITNESS: On both sides, correct.

16 MR. SHORR: Okay.

17 That's all I have.

18 CHAIRWOMAN KWAAK: Barry.

19 COMMITTEEMAN JACOBSON: My questions
20 were answered.

21 CHAIRWOMAN KWAAK: John?

22 MR. CASTRONOVO: I don't have anything.

23 CHAIRWOMAN KWAAK: Todd?

24 VICE CHAIRMAN BROWN: Just for
25 clarification, you're going to provide no parking

1 signs, as well as all the striping that's indicated
2 on the site plan --

3 THE WITNESS: You wouldn't --

4 VICE CHAIRMAN BROWN: -- for where
5 guest parking is --

6 THE WITNESS: -- you generally don't --

7 VICE CHAIRMAN BROWN: -- permitted?

8 THE WITNESS: -- stripe the street with
9 -- with tick marks and parking. It sort of looks
10 ugly and it's a maintenance problem. It's a
11 residential street.

12 VICE CHAIRMAN BROWN: Right.

13 So the hatching that's shown says
14 "guest parking space typical" is just an indication
15 --

16 THE WITNESS: I think it was --

17 VICE CHAIRMAN BROWN: -- on an area?

18 THE WITNESS: -- it was to do the count
19 so that we can show that we had the spaces.

20 VICE CHAIRMAN BROWN: Okay.

21 THE WITNESS: Yeah.

22 I don't think the town really wants to
23 see --

24 VICE CHAIRMAN BROWN: I was going to
25 say, like having all this striping everywhere, you

1 start --

2 THE WITNESS: Yeah.

3 VICE CHAIRMAN BROWN: -- people actually
4 go the opposite way.

5 THE WITNESS: It bugs the hell out of
6 me.

7 A lot of times I'll see commercial site
8 plans and -- and we'll have flow arrows on them and
9 then you go out there and they have painted the flow
10 arrows in the commercial and it just looks
11 ridiculous.

12 VICE CHAIRMAN BROWN: Thank you.

13 CHAIRWOMAN KWAAK: Barry?

14 MR. FISHER: It's been a while, so I
15 just want to make sure, the "no idling" signs around
16 the commercial areas, you know, they park the trucks
17 in the back in the winter and they leave the trucks
18 idling.

19 We have "no idling" signs?

20 THE WITNESS: The type of commercial
21 development here isn't generating that type of truck.
22 It's not a warehouse.

23 So I'm not sure that you really need to
24 install a "no idling" sign, but if the board wanted
25 something --

1 MR. CUCCHIARO: Just for purposes of
2 the record --

3 THE WITNESS: -- the building.

4 MR. CUCCHIARO: -- it's not a warehouse,
5 what would you anticipate -- how would you
6 characterize it.

7 THE WITNESS: A commercial -- little
8 commercial plaza. It could be a little business, a
9 little retail.

10 MR. CUCCHIARO: But they receive
11 deliveries, right?

12 THE WITNESS: Yeah, they would received
13 deliveries.

14 MR. CUCCHIARO: I mean, a lot of times
15 the truck drivers don't turn the truck off during
16 deliveries.

17 THE WITNESS: Yeah, I mean, this type
18 of use, it's probably small box trucks, the sprinter
19 vans are taking deliveries.

20 But if -- if the board's desire is to
21 post --

22 MR. CUCCHIARO: Well, I don't think
23 that the board member was talking about idling for
24 large vehicles. I think ge was just talking about
25 idling.

1 THE WITNESS: For cars or just for
2 trucks? We -- we can post on the back of the
3 commercial building a "no idling" sign.

4 MR. CUCCHIARO: I'm sorry, I didn't --

5 THE WITNESS: A "no idling" sign on the
6 back of the --

7 MR. CUCCHIARO: Okay.

8 MS. BEAHM: On the -- on the retail.

9 MR. CUCCHIARO: Okay.

10 MR. FISHER: That -- that was one
11 question. The other one was that I believe you are
12 providing EV areas?

13 THE WITNESS: Yeah, I think Mr. Layne
14 identified the EV on the commercial areas, yes.

15 MR. FISHER: Okay.

16 That's it.

17 CHAIRWOMAN KWAAK: Steve?

18 MR. KASTELL: I'm good. No questions.

19 CHAIRWOMAN KWAAK: Nunzio?

20 MR. POLLIFRONE: Sure.

21 Mr. Pehnke, could you just clarify,
22 again, how the deceleration entering into the
23 development or the commercial areas and the
24 acceleration exiting, how that's being handled?

25 THE WITNESS: So as I said, we're

1 widening along the entire frontage of Route 33.

2 And then there is a right-turn lane
3 that is striped into the commercial and there's a
4 right-turn lane that's striped into the street.

5 We do not stripe acceleration lanes.
6 You want somebody that's coming out of these
7 driveways to stop and choose a gap in traffic. You
8 don't want them to try to free flow out onto the
9 highway.

10 MR. POLLIFRONE: Okay. Because I know
11 that because we're talking Route 33, there's people
12 that are driving 60 miles an hour --

13 THE WITNESS: Uh-huh.

14 MR. POLLIFRONE: And someone exiting
15 that would have to get up to speed pretty quickly --

16 THE WITNESS: They would have to --

17 MR. POLLIFRONE: -- and that's why I
18 ask. So is that -- you talked about a 12-foot-wide
19 shoulder.

20 THE WITNESS: Correct.

21 MR. POLLIFRONE: Is -- is that what you
22 are looking towards in order to create room for
23 someone to accelerate and then move out onto traffic?

24 THE WITNESS: You, theoretically, could
25 do that, but the department's desire is that people

1 choose their gap in the -- in the oncoming traffic
2 and make the right turn when an appropriate gap is
3 coming and our analysis is based upon that.

4 MR. POLLIFRONE: Is that common in your
5 traffic assessments?

6 THE WITNESS: Yes.

7 MR. POLLIFRONE: Okay.

8 Thank you.

9 CHAIRWOMAN KWAAK: Pat, anything?

10 MR. GIVELEKIAN: Nothing at this time.

11 CHAIRWOMAN KWAAK: Okay.

12 Anything else for this witness?

13 MR. SHIMANOWITZ: Nothing further for
14 Mr. Pehnke.

15 Our next witness is our architect,
16 Mr. Rob Larsen.

17 CHAIRWOMAN KWAAK: Okay.

18 MR. CUCCHIARO: Do you swear or affirm
19 the testimony you're about to provide this board is
20 the truth, the whole truth and nothing but the truth?

21 MR. LARSEN: I do.

22 R O B E R T S . L A R S E N , RA, PP

23 2026B Briggs Road, Suite 300, Mt. Laurel

24 Township, New Jersey, having been duly sworn,

25 testifies as follows:

1 MR CUCCHIARO: Please state and spell
2 your name for the record?

3 MR. LARSEN: Robert Larsen,
4 L-A-R-S-E-N.

5 VOIR DIRE EXAMINATION

6 BY MR. SHIMANOWITZ:

7 Q. And, Rob, if you can give the board the
8 benefit of your qualifications?

9 A. Sure.

10 I am a licensed architect here in the
11 State of New Jersey, have been for the past 19 years.

12 I've been working doing residential
13 development for the past 26 years as an architect and
14 also a planner.

15 I have a degree from NJIT, bachelor's
16 of architecture.

17 And I have not had the pleasure of
18 being in front of this board, but I've presented in
19 front of many throughout the state.

20 CHAIRWOMAN KWAAK: Your credentials are
21 sufficient.

22 Thank you.

23 DIRECT EXAMINATION

24 BY MR. SHIMANOWITZ:

25 Q. Rob, if you can take us through the

1 architectural proposal for the site?

2 A. Sure.

3 It's very convenient sitting down. So
4 we are obviously proposing some single-family homes
5 here. We have 63 single-family homes, which I'm
6 going to show you a variety of models that we have
7 prepared for this site.

8 We also have 30 affordable dwelling
9 units. Those are in two buildings, 15 each.

10 And we have 15,000 square feet of
11 retail that is, again, has already been part of the
12 discussion and is up on Route 33.

13 In terms of the 63 single-family lots,
14 we are -- we have presented in the -- the filed plans
15 five models, with those five models we have three
16 alternative elevations for those five models.

17 And you're going to see in a minute, I
18 have some materials to share with you.

19 Each of the models has a two-car
20 garage, which has already been discussed. They range
21 in size, roughly from 2500 to 3300 square feet.

22 Within our models that are presented,
23 we have a Model D, which offers a master down
24 scenario, which some people find a positive when
25 they're purchasing.

1 And the Model E actually offers a guest
2 suite on the first floor as well.

3 And you'll see if you were to look at
4 the filed plans, we create porch alternatives, as
5 well as entry alternatives. Entries -- entries to
6 the homes can be important to certain buyers in terms
7 of the -- the direction which they face, which is why
8 we often offer that.

9 So what -- what I have up here and I'm
10 not sure if we marked this.

11 MR. CUCCHIARO: Is this something
12 that's new for tonight or was it previously
13 submitted?

14 THE WITNESS: This is a color rendered
15 front elevation of the Model A as filed.

16 MR. CUCCHIARO: So -- but it's a color
17 rendering it's -- it wasn't submitted in color
18 before.

19 THE WITNESS: No.

20 MR. CUCCHIARO: Okay. So we'll mark
21 it. We'll mark it.

22 THE WITNESS: What exhibit are we up
23 to?

24 MR. SHIMANOWITZ: I think we're up to
25 A-3.

1 MS. McGRATH: A-3.

2 MR. CUCCHIARO: Okay.

3 (Whereupon, Color Rendering, "Heritage
4 at Manalapan Model A" dated 5/23/24 is
5 marked as Exhibit A-3 for identification.)

6 BY MR. SHIMANOWITZ:

7 Q. So, Rob, if you could describe what is
8 up on the screen and we're going to mark that as
9 Exhibit A-3.

10 A. Okay.

11 So what's marked as Exhibit A-3 is
12 titled "Heritage at Manalapan Model A" dated 5/23/24.

13 And what I'd like to do is, for the
14 board, I have a -- a rendering of each of the five
15 models. We've chosen one version to share with you.

16 I also have a variety of materials,
17 physical materials to share so -- so A-3 is the
18 front elevation of the Model A.

19 I will go onto A-4, titled "Heritage at
20 Manalapan Model B."

21 (Whereupon, Rendering Entitled
22 "Heritage at Manalapan Model B" is marked as
23 Exhibit A-4 for identification.)

24 THE WITNESS: And, again, you can see
25 we've gone to from what was an olive palette with

1 some tan to a grey and -- with white trim and a
2 darker metal roof.

3 And I can go through these fairly
4 quickly.

5 (Whereupon, Rendering Entitled
6 "Heritage at Manalapan Model B" is marked as
7 Exhibit A-4 for identification.)

8 MS. BEAHM: Can you go back --

9 THE WITNESS: Sure.

10 MS. BEAHM: -- to the first one. Okay.

11 I just want to -- I didn't get it.

12 Okay, keep going.

13 THE WITNESS: Yeah.

14 And we -- and if you want me to go back
15 and forth, you're -- again, you're going to see --

16 MS. BEAHM: No, I just -- I didn't -- I
17 didn't realize I was looking at something different.
18 So keep going.

19 (Laughter.)

20 MS. BEAHM: Sorry.

21 THE WITNESS: Well, and -- and just to
22 take a step aside for a second, we are aware of the
23 look-alike ordinance --

24 MS. BEAHM: Yeah.

25 THE WITNESS: -- that is in town and we

1 -- we put a lot of effort into -- that's why we have
2 -- besides the models and the alternative entries and
3 the alternative porches, we also -- we are offering
4 base palettes of five different color combinations,
5 but my client has also said -- and if people would
6 like a slightly off, different color combination, it
7 will be varied. It's 63 homes with, I think if you
8 did the math, it would be very difficult to see two
9 of the exact same home.

10 We also do have a dropped garage.
11 There is some grade that happens around this site.
12 So it was actually in one of your review letters and
13 I do have separate renderings -- rendering which
14 shows what the slightly lower garage looks like.

15 But -- so here on A-3 we're looking at
16 Model A.

17 A-4, again, changing the color palette,
18 the stone, the roof, going to Model B.

19 What I'll call A-5, "Heritage at
20 Manalapan Model C."

21 (Whereupon, Rendering Entitled
22 "Heritage at Manalapan Model C" is marked as
23 Exhibit A-5 for identification.)

24 THE WITNESS: Again, we've gone to a
25 more brown earth tones with tan.

1 Again, different stone, different
2 accents.

3 A-6 is Heritage at Manalapan Model D,
4 5/23/24 date as well.

5 (Whereupon, Rendering Entitled
6 "Heritage at Manalapan Model D," dated 5/23/24
7 is marked as Exhibit A-6 for identification.)

8 THE WITNESS: And, again, you can see,
9 and I'm sure, if you've driven around anywhere and
10 see new developments, people actually really like the
11 -- the bright white look these days, so a darker
12 roof, a white siding and a grey stone is -- is
13 another palette that we're offering.

14 A-7?

15 MR. SHIMANOWITZ: A-7.

16 THE WITNESS: A-7, I was losing count.

17 MR. SHIMANOWITZ: You're good, A-7.

18 (Whereupon, Rendering Entitled
19 "Heritage at Manalapan Model E" dated 5/23/24
20 is marked as Exhibit A-7 for identification.)

21 THE WITNESS: Heritage at Manalapan
22 Model E, again, same date.

23 And you can see here not only the
24 colors, but the placement of the stone, the use of
25 the standing seam roof over the porches.

1 And, again, I should have said this
2 along the way, we're using clap look, you know,
3 clapboard look siding, as well as board-and-batten
4 siding, as well as stone, as well as, you know,
5 resilient PVC-composite type trim.

6 This is, I think, a good point for me
7 to -- if it's okay, can I bring these boards over?

8 CHAIRWOMAN KWAAK: Sure.

9 Just if you're going to stand, choose a
10 handheld microphone.

11 Do we have one for him, Nancy?

12 THE WITNESS: I can probably just lean
13 them at the chairs and speak to it.

14 MR. CUCCHIARO: So what's on these
15 boards?

16 This is a representation of the
17 materials.

18 MR. SHIMANOWITZ: Yeah, these are
19 materials.

20 MR. CUCCHIARO: So I just want to just
21 before we start introducing this, we will need to
22 keep the exhibits, you know, during the appeal
23 period. So if this is something you need to take
24 home with you, then...

25 THE WITNESS: After I show the images,

1 you can have them.

2 (Laughter.)

3 MS. McGRATH: A-8?

4 MR. SHIMANOWITZ: Yes.

5 (Whereupon, Rendering Entitled "Combo 1
6 House C," is marked as Exhibit A-8 for
7 identification.)

8 MS. BEAHM: That's all you, baby.

9 MR. CUCCHIARO: All right. So why
10 don't we begin marking them then.

11 MR. SHIMANOWITZ: So our next exhibit,
12 Rob, is A-8.

13 THE WITNESS: Can I borrow the --

14 CHAIRWOMAN KWAAK: There's one -- Nancy
15 has one, sir.

16 THE WITNESS: Oh, I'm sorry.

17 MS. McGRATH: What?

18 CHAIRWOMAN KWAAK: The handheld.

19 MS. McGRATH: Oh, yeah.

20 THE WITNESS: Thank you.

21 I tried to steal the board member's.
22 We're on A-8?

23 MR. SHIMANOWITZ: A-8 is the next
24 exhibit.

25 CHAIRWOMAN KWAAK: What are you going

1 to do, A-8, -9 and -10.

2 (Whereupon, Rendering Entitled "Combo 1
3 House C" is marked as Exhibit A-8 for
4 identification.)

5 THE WITNESS: Okay.

6 CHAIRWOMAN KWAAK: Do you want these
7 individually, Ron, or altogether could be A-8?

8 MR. CUCCHIARO: Individually.

9 CHAIRWOMAN KWAAK: Okay.

10 MS. McGRATH: And I do have colored
11 renderings of samples.

12 THE WITNESS: Whoa.

13 (Laughter.)

14 MS. BEAHM: Hold them up.

15 THE WITNESS: We got a little
16 performance as well as presentation.

17 So what's marked as A-8 is titled
18 "Combo 1 House C."

19 It is reflective of a Timberline roof,
20 a board-and-batten vertical siding by CertainTeed, as
21 well as a natural clay batt by CertainTeed and we
22 have the combo one stone included in this set of
23 exhibits.

24 Bucks County Ledgestone NE is what this
25 first one is here (indicating).

1 As I continue on, just for the board's
2 pleasure, our client takes this part of the
3 development very seriously. Every development I've
4 -- I've had the fortunate -- been fortunate to work
5 on with them, there's a lot of thought put into the
6 materials and the adjacency of different homes in all
7 of their developments.

8 (Whereupon, Rendering Entitled,
9 Combo 2, House D is marked as Exhibit A-9 for
10 identification.)

11 THE WITNESS: So what is noted as A-9,
12 Combo 2, House D.

13 Again, you can see a different
14 Timberline roof, a different color board and batten,
15 a different color lap.

16 Again, the board and batten is snow.
17 The -- the lap siding is also snow. And the roof is
18 charcoal.

19 And what we noted as A-10?

20 MR. SHIMANOWITZ: Correct.

21 (Whereupon, Rendering Entitled,
22 "Combo 5, House B" is marked as Exhibit A-10
23 for identification.)

24 THE WITNESS: Okay.

25 Combo 5, House B, showing a Timberline

1 slate style roof shingle, a sterling grey board and
2 batten and a charcoal grey lap siding with this
3 Nantucket stone.

4 And I -- forgive me, on A-9 we also
5 have this Sierra stone as well.

6 So, again, we brought these -- so you
7 can see, this is the -- we're using quality
8 materials, we're using a variety of quality
9 materials. We're changing it and offering, as I
10 said, as a base up to five different combinations.

11 MS. BEAHM: Can we see the
12 architecturals for the affordable units?

13 THE WITNESS: That's coming up.

14 MS. BEAHM: All right. Perfect, thank
15 you.

16 THE WITNESS: Again, I wanted to -- I'm
17 moving onto the affordable building next, but just to
18 wrap up on the single-family homes, this is -- I'm
19 believe -- I'm sorry, I believe this is A-11.

20 (Whereupon, Rendering Entitled
21 "Heritage at Manalapan Model D Dropped Garage
22 is marked as Exhibit A-11 for identification.)

23 MR. SHIMANOWITZ: Is that Model D --

24 THE WITNESS: So this is -- A-11 is
25 Heritage at Manalapan Model D dropped garage.

1 These elevations -- you know, prior to
2 the previous hearing we had done a submission and it
3 was asked by your professionals, can we see the
4 dropped garage?

5 The latest submission that you do have
6 has the dropped garage scenario for every home.

7 So I just wanted to show you, again,
8 though we -- we do drop their garage down a little
9 bit, I think you still see a pleasant architecture.

10 It's proportional and attractive. So I
11 just wanted to show you that we did consider the look
12 of that dropped garage.

13 MR. RIZZO: Mr. Larsen, can I interrupt
14 real quick?

15 THE WITNESS: Sure.

16 MR. RIZZO: We did receive your latest
17 architectural plan and I reviewed that with the
18 dropped garage.

19 When you show the height, can you just
20 show it based on the ordinance definition, which is
21 the average grade, so that's -- it's a little bit
22 different. It might be a little bit different with
23 your dropped garage.

24 THE WITNESS: I -- I can -- we can
25 certainly graphically fix how it's shown on my plan.

1 I can tell you, and it was actually the next note I
2 have on my testimony, is that we spent a lot of time
3 working with Mr. Turner's office as he calculated the
4 grade as required by ordinance and the peak from our
5 finished floor of each home model. We have an entire
6 spreadsheet that we made sure that we were compliant
7 with the 35-foot required height from the average
8 grade, including the dropped garage scenarios in
9 every case.

10 MR. RIZZO: Okay.

11 Yeah, I just wanted to make sure you're
12 covered.

13 MS. BEAHM: Can you just submit that?

14 THE WITNESS: Yes, we have that.

15 MS. BEAHM: Just to make sure.

16 I mean, I know, Mr. Turner, you did
17 testify to that extensively, but just submit it in
18 case anybody asks questions so we have it on file.

19 THE WITNESS: Yeah, and that -- that's
20 understood and -- and we did take the time to -- to
21 make sure that that was coordinated --

22 MS. BEAHM: Thank you.

23 THE WITNESS: -- so...

24 MR. CASTRONOVO: I'm sorry, can
25 somebody explain the concept of "dropped garage"? I

1 don't know what that is.

2 MS. BEAHM: So look at the garage
3 that's lower, then you walk up a couple of steps to
4 go into the first floor, that's what's considered a
5 dropped garage.

6 MR. CASTRONOVO: Oh.

7 MS. BEAHM: So it's lower.

8 MR. RIZZO: Mr. Larsen, do you have
9 a -- not a colorized version, but, like, an elevation
10 showing it too? I know it was on your submitted set.
11 It has a regular elevation --

12 THE WITNESS: I --

13 MR. RIZZO: -- and then a dropped garage
14 in comparison.

15 THE WITNESS: Are the architectural
16 plans on here?

17 MR. TURNER: Yes.

18 MS. BEAHM: But that's generally what
19 it is. The garage is -- the driveway goes in, but
20 then you have to step up a couple of steps to get
21 into the first floor.

22 MR. CASTRONOVO: Okay.

23 MS. BEAHM: It's a new term for me too,
24 by the way.

25 MR. CASTRONOVO: Look at that, I have a

1 dropped garage --

2 MS. BEAHM: It's a new term for me.

3 MR. CASTRONOVO: -- and I didn't even
4 know that.

5 (Laughter.)

6 MS. BEAHM: I don't know, right?
7 Apparently I have a dropped garage
8 too --

9 CHAIRWOMAN KWAAK: I think a lot of
10 people do.

11 MS. BEAHM: -- just so you know.

12 MR. FISHER: Is that because of the --
13 the basements also, right?

14 MS. BEAHM: I don't know.

15 CHAIRWOMAN KWAAK: Okay.

16 MALE AUDIENCE MEMBER: There's no
17 basement under the garage.

18 CHAIRWOMAN KWAAK: Okay.

19 MR. FISHER: No, there's basement --

20 THE WITNESS: No, there's no basement
21 not under the garage --

22 MR. FISHER: No, not under the garage
23 but under the house -- the house --

24 CHAIRWOMAN KWAAK: Okay. So let's --

25 MR. FISHER: -- has a basement and

1 that's why they have it stepped down?

2 THE WITNESS: So what -- what it is, is
3 that the way the house sits on the grade when you're
4 going into an upgrade situation, the garage, to meet
5 the street and to have the proper pitch and then to
6 have the home sit on the proper grade and then go
7 into its backyard, we vary the number of steps that
8 are from the finished floor, the main finished floor
9 of the home, to the garage. The rest of the house
10 stays the same, right? The first and second floor
11 stays the same.

12 We show this scenario because there is
13 a grade condition in a variety of the lots that we do
14 have to sometimes pull the garage down and create a
15 few more steps internally.

16 And if you were to look at what is
17 Sheet A1.12 of the filed set of plans.

18 MS. SHIMANOWITZ: This is the same set
19 that was submitted with the application package.

20 MS. BEAHM: A1.22.

21 CHAIRWOMAN KWAAK: Can you make that a
22 little bit bigger on your screen?

23 THE WITNESS: I'm -- I'm working on it.
24 This is not my computer.

25 CHAIRWOMAN KWAAK: Okay.

1 THE WITNESS: I think I did it.

2 MS. BEAHM: That's what they're
3 showing.

4 THE WITNESS: If I break it...

5 So, again, this is Sheet A1.12. This
6 happens to be Model A. And on top here we have the
7 elevation that's titled "Front Elevation, Elevation 1
8 Dropped Garage".

9 And you can see this critical distance
10 here (indicating). And then you can see the front
11 elevation, the same one. So this is the -- it's
12 really that critical distance of -- of that, where
13 the garage is in relationship to the rest of the
14 home. Hopefully that explains.

15 MR. CASTRONOVO: Thank you.

16 THE WITNESS: Okay.

17 MR. CASTRONOVO: I appreciate that.
18 Thank you.

19 MR. SHIMANOWITZ: Rob, I think you were
20 moving onto the affordable buildings?

21 THE WITNESS: Yes.

22 So what I have here -- so we -- again,
23 just before I get onto the architecture of the
24 elevation, to be clear, just to make sure that the
25 testimony is on the record, we are proposing 30

1 affordable dwellings in two buildings, 15 each.

2 We are compliant with the Uniform
3 Housing Affordability Controls in terms of mix. That
4 requirement gives us: Six one-bedroom; eighteen
5 two-bedroom; and six three-bedroom.

6 Again, that is not something that we
7 create. That's something that's regulated for us.

8 And these are in a three-story
9 structure. There was, in a previous review letter, a
10 concern that there was actually a four-story
11 structure proposed. It is not. It is three stories
12 occupied with a vacant attic.

13 There are some accents, windows and
14 other things that might make it seem like that, but
15 there is no occupied space up in that attic. It is a
16 three-story building. It has two stairs.

17 The ground floor of this building will
18 be handicap accessible as required by the building
19 code.

20 It will be sprinklered as required by
21 the building code as well.

22 MR. SHIMANOWITZ: Could you identify
23 this exhibit as Exhibit A-12?

24 THE WITNESS: So we -- so now we'll
25 move on to Exhibit A-12, which is titled "Heritage at

1 Manalapan Affordable Building," 5/23/24.

2 (Whereupon, Rendering Entitled
3 "Heritage at Manalapan Affordable Building,"
4 dated 5/23/24 is marked as Exhibit A-12 for
5 identification.)

6 THE WITNESS: Again, choosing a similar
7 color palette with stone, board and batten and clap
8 siding with the same type of trim treatment all
9 around the building and actually, I just want to be
10 clear for the board's pleasure, if you were to
11 compare the elevation that I filed, and this
12 elevation, we have taken it a little bit further.

13 As we've been -- I'm sure you saw the
14 set got larger for the single-family. We've been
15 hard at work improving the homes. We've actually
16 been also trying to improve the look of the
17 affordable building.

18 So what I'm presenting to you here
19 today is not an exact representation of what was
20 filed. We've tried to create a more interesting
21 front façade with more cross gable forms and
22 treatments.

23 So what I'm presenting to you is
24 actually, what I think, an improved elevation to the
25 affordable building.

1 It did not change in terms of size or
2 make up. I'm just trying to make a better looking
3 building, to be sure it's complimentary to the homes
4 around it.

5 You would notice on the site plan that
6 the front of one building faces one direction and the
7 front of another faces the other. And that was --
8 obviously, that's on the site plan, but I think, you
9 know, we're able to carry that broken up façade, a
10 little bit more vertical breaks, more gables, again,
11 in line with the architecture that surrounds it,
12 so...

13 Okay. One more thing.

14 Scott, if I break your computer, I'm
15 sorry.

16 Okay. And as I mentioned, we are
17 proposing a 15,000-square-foot retail structure.

18 Currently, it's shown with the proposed
19 architecture. I'm sorry. A-13, Heritage Plaza
20 Retail, dated 4/25/24, obviously from our last
21 meeting.

22 (Whereupon, Rendering Entitled
23 "Heritage Plaza Retail," dated 4/25/24 is
24 marked as Exhibit A-13 for identification.)

25 THE WITNESS: Again, incorporating

1 complimentary color palettes, the standing seam, the
2 stone, really obviously it has to stand out because
3 it is retail, it is not residential. But we tried to
4 keep the architecture complimentary and materials
5 complimentary. This building will be demised. We
6 don't know exactly how it will be demised today and
7 we would obviously plan for that in the future, but
8 currently it's a 15,000-square-foot one-story retail
9 building and this is the proposed look.

10 Again, this matches what was filed.

11 So in terms of the architecture, that's
12 it for me.

13 Certainly, if you have any questions.

14 MR. CUCCHIARO: Can I just bring you
15 back to the issue of the number of stories?

16 THE WITNESS: Sure.

17 MR. CUCCHIARO: You -- you weren't
18 counting a portion of the top of the building,
19 because you said it wasn't habitable.

20 But I'm looking at the definition in
21 the ordinance, a story, and it says:

22 "That portion of a building between a
23 floor and the ceiling excluding cellars."

24 I mean, it doesn't talk about habitable
25 area.

1 THE WITNESS: So -- so understood.

2 So this -- the ceiling here is the
3 ceiling of the top floor and that is then the roof
4 assembly.

5 So I'm familiar with the definition,
6 which you guys here in Manalapan have a definition
7 that's similar to the one used in many other
8 municipalities and sometimes it adds "or to the roof
9 above," because it's the top floor.

10 MS. BEAHM: So what does that mean?
11 Like what is -- how does the internal space look for
12 that area where you have that window?

13 THE WITNESS: It is -- behind that is
14 wood trusses. There's nothing.

15 MS. BEAHM: Is there a floor below it?

16 THE WITNESS: There's not a -- there's
17 a ceiling. It is the ceiling of the floor -- it is
18 not a floor. It will not be designed -- it is the
19 bottom cord of the roof trusses.

20 MS. BEAHM: Is it going to be open to
21 the floor below it?

22 THE WITNESS: No.

23 MS. BEAHM: So there's a floor?

24 MR. RIZZO: Can you walk or is it going
25 to be are used or --

1 THE WITNESS: No, it's not a floor.
2 It's a ceiling. It's the bottom cord. When we've
3 designed buildings --

4 MR. CUCCHIARO: Well, I guess, the --
5 just going back to the question that he asked,
6 though, can you walk in the --

7 THE WITNESS: No.

8 MR. CUCCHIARO: So there's nothing that
9 be stored there?

10 THE WITNESS: No.

11 The -- the tenants are not given access
12 to the storage. The -- this will be made of roof
13 trusses. If you've ever seen a roof truss, there's
14 lot of cross cords and like that. This is not a free
15 flowing area.

16 MR. RIZZO: So is it just instead of
17 having a flat roof directly above the third floor, it
18 gives it more of an architectural feature without
19 actually increasing the ceiling height in each unit
20 on the third floor?

21 THE WITNESS: That's correct. There
22 are no cathedral ceilings. There are no tray
23 ceilings. Is it just to give it the architecture
24 you're proposing -- we're proposing. It's a standard
25 sloped roof.

1 MS. BEAHM: All right. So can you
2 provide us with plans that show that to make sure
3 that it's not a story?

4 THE WITNESS: Sure.

5 I mean, we can give you a cross
6 section. I think that --

7 MS. BEAHM: Yes, that's what I'm asking
8 for --

9 THE WITNESS: -- would probably be
10 better, but I would tell you that there -- you'd have
11 to crawl.

12 MS. BEAHM: I get it. And I believe
13 you. I'm just saying for our records, can you just
14 provide us with a cross section so that we have it
15 for our file.

16 So if somebody were to ask why is this
17 a four-story building, we have the documentation to
18 say, it's not a four-story building.

19 THE WITNESS: Whatever -- again,
20 whatever we can do.

21 MS. BEAHM: Yes.

22 THE WITNESS: I can tell you as an
23 architect, it's definitely not, but I'm happy to --
24 you know, we would certainly --

25 MS. BEAHM: Right, but, you know, four

1 years down the road when someone complains, we're not
2 calling you up.

3 MR. RIZZO: And how do you access it?
4 Is it a fixed staircase?

5 THE WITNESS: So there are hatches, I
6 believe in certain cases, to be able to get up there,
7 but not for the tenants and not for storing or
8 anything, it's just for -- for maintenance or --

9 MR. RIZZO: A hatch with, like, a
10 ladder or --

11 THE WITNESS: I believe it can be just
12 a hatch, but, again, if you'd like me to provide a
13 more detailed scenario.

14 MR. RIZZO: Yes, just to clarify.

15 THE WITNESS: Yes.

16 MR. RIZZO: And then similar to this,
17 the bottom of the building, is there a basement or
18 cellar or anything?

19 THE WITNESS: No, this -- this building
20 is built slab on grade.

21 MR. RIZZO: Okay. Thank you.

22 MR. CASTRONOVO: So -- so the access
23 would not be in any of the residential units?

24 THE WITNESS: No.

25 MR. CASTRONOVO: It'll be in the common

1 area?

2 THE WITNESS: The -- the tenants will
3 not have access to get into the -- into the attic.

4 MR. CASTRONOVO: So that -- so that
5 means it's in the common area.

6 THE WITNESS: Either in the hallway or
7 in the stair, but, again, I'm happy to -- I don't
8 want to speak out of turn. This is a building that
9 -- this is part of how we get into the construction
10 drawings of the building is what's required for --
11 for fire safety, for -- there's alone often draft
12 stopping, which means you don't just look up in the
13 attic and everything is open, they often require us
14 to break it into compartments. So...

15 MR. CASTRONOVO: Okay.

16 MR. FISHER: I have a question, why was
17 the building changed from this to that (indicating)?

18 Is there a reason?

19 THE WITNESS: There is, because I think
20 it's more attractive now. We -- and that's -- you
21 can see from that elevation that what we've done
22 between the one that you're holding, which is the
23 filed plan that we had shown last time --

24 MR. FISHER: Uh-huh.

25 THE WITNESS: -- and this is, we've

1 incorporated some variety of materials, some variety
2 of color and some more gable forms to -- again, we're
3 not trying to be a single-family house, but we're
4 certainly trying to be as complimentary to the
5 community as -- as we can.

6 So that's -- I think we've made a more
7 attractive elevation.

8 MR. FISHER: I can see the coloring is
9 different and the design of the roof, yeah, it's a
10 little more attractive than this.

11 THE WITNESS: Oh, so we agree? All
12 right, good.

13 CHAIRWOMAN KWAAK: Are you done with
14 your testimony?

15 THE WITNESS: I am.

16 CHAIRWOMAN KWAAK: Okay.

17 Professionals, any questions?

18 MS. BEAHM: No.

19 MR. RIZZO: I asked mine.

20 Thank you.

21 CHAIRWOMAN KWAAK: Do you want -- okay.
22 Rick?

23 CHIEF HOGAN: Mr. Larsen, you testified
24 there re five models out of the 63 proposed, which
25 gives us 59 prototype homes, if I'm correct.

1 And you have to follow the look-alike
2 ordinance, which would be, I guess, six homes, if you
3 can look at it as a pod, right? You can't have a
4 look alike within that six-home pod.

5 So we're really knocked down to 59
6 prototypes with regard -- I don't want to get ahead
7 of you when you're submitting your paperwork for
8 permits, but I'd like to talk -- you talk a little
9 bit about the prototype processing to comply with the
10 look alike ordinances.

11 THE WITNESS: Understood.

12 CHIEF HOGAN: So looking at it as a
13 whole, rather than 59 prototypes, we're actually
14 going to have only nine, based on your five models,
15 because of the look-alike ordinance.

16 Are you prepared to talk about that
17 tonight or...

18 THE WITNESS: Well, I'm -- I'm not
19 quite sure I understand the math, but I believe I
20 understand the direction that you're going, which is
21 -- and, again, being familiar with the ordinance, it
22 speaks to we can't even do this without the zoning
23 officer agreeing with us, right?

24 So that I believe it reads that no home
25 within 100 feet either on the same street face or

1 across the street can have the same, and then there's
2 a set of rules in terms of color, pattern, placement
3 of windows and garages, which again, I think we've
4 put a lot of effort into meeting those criteria and
5 creating the greatest capability of compliance with
6 this ordinance.

7 Again, our -- my client is an -- an
8 experienced developer and this is something that we
9 deal with and have dealt with, that they internally
10 manage through their -- their marketing department
11 and like that.

12 And, obviously then we would have to go
13 to the town. Again, if I'm not mistaken, the
14 ordinance says that it has to be coordinated with
15 your zoning officer.

16 So that is -- again, they are a
17 sophisticated crew that will make sure that we meet
18 that look-alike ordinance as proximal as required.
19 Right?

20 So the 100 foot in any direction,
21 either side of the street.

22 CHIEF HOGAN: So within that look-alike
23 pod or those six homes within 100 feet of one
24 another, I just want to -- strike that.

25 I just want to go back to, will you be

1 submitting prototype processing with your permits?

2 Assuming --

3 THE WITNESS: So you mean in terms of
4 -- okay, I'm sorry.

5 So in terms of pulling a building
6 permit, we will do whatever is required of your
7 building department. Some -- some municipalities --
8 again, in my own experience, some municipalities
9 accept Model A, right?

10 And years ago I used to be able to do
11 Model A mirrored, Model A with this option and they
12 would accept it. Not so much anymore.

13 So our team will coordinate with your
14 building department to be sure, if they want a set of
15 plans for the lot, then -- you know, obviously we'd
16 like to create some repetition. And I believe an
17 extra copy has to be filed per lot anyway. But it's
18 something that we would coordinate with your building
19 department.

20 CHIEF HOGAN: That's fine.

21 I just want it on the record that when
22 we do look at prototype processing, we're going to
23 take a look into the look-alike ordinance and put
24 that altogether.

25 THE WITNESS: Excellent.

1 And I -- and I also believe at that
2 time we'll address whether the home, how it
3 encounters the grade, because that does affect the
4 foundation design.

5 CHIEF HOGAN: Thank you.

6 That's all I have, Kathy.

7 CHAIRWOMAN KWAAK: Okay.

8 Jack?

9 DEPUTY MAYOR McNABOE: No questions for
10 the architect.

11 CHAIRWOMAN KWAAK: Okay.

12 I have a couple. The affordable
13 buildings, the AC units are going to be on the
14 ground? I'm assuming -- I don't want to assume.
15 They're not going to be on the rooftop.

16 THE WITNESS: Bear with me one second.
17 I want to make sure.

18 CHAIRWOMAN KWAAK: Okay.

19 THE WITNESS: Check my own...

20 So, yes.

21 CHAIRWOMAN KWAAK: Yes, what?

22 THE WITNESS: Yes, the compressors will
23 be on the ground.

24 CHAIRWOMAN KWAAK: Okay. Excuse me.

25 Then my next question is on the retail

1 space. Obviously, you don't have any tenants yet,
2 but will you be coming back for signage?

3 MS. BEAHM: They're not here asking for
4 signage tonight. So...

5 CHAIRWOMAN KWAAK: Well, no, I know,
6 but they're showing -- but they're showing signage on
7 here, so I just --

8 MS. BEAHM: Right.

9 So they're either going to comply or
10 we're going to see them again.

11 CHAIRWOMAN KWAAK: Okay. And are you
12 going to want -- and this may not be for you, signage
13 on 33? We need to see that, too.

14 MR. SHIMANOWITZ: If -- if we need any
15 relief for any of that signage, we will be back to
16 you.

17 MS. BEAHM: Well, I think the pylon
18 sign is a site plan issue --

19 CHAIRWOMAN KWAAK: Yes.

20 MS. BEAHM: -- in terms of location, et
21 cetera.

22 So you probably will be back.

23 MR. SHIMANOWITZ: It's -- it's likely
24 we will. I -- I agree with Ms. Beahm.

25 CHAIRWOMAN KWAAK: Okay. Because

1 correct me if I'm wrong, are you going to do a sign
2 for the development as well?

3 MR. SHIMANOWITZ: My engineer is
4 whispering in my ear. It turns out we do show the
5 pylons along -- pylon signage along Route 33.

6 MS. BEAHM: Oh, they do, yeah.

7 MR. SHIMANOWITZ: Yes.

8 So that's already taken care of.

9 MS. BEAHM: Do we --

10 CHAIRWOMAN KWAAK: Okay.

11 MR. SHIMANOWITZ: So that we would not
12 come back to you for. We'll comply with the
13 ordinance in terms of size and Mr. Turner testified
14 to those.

15 As to façade signage for retail, if we
16 need relief, we will come back to you.

17 CHAIRWOMAN KWAAK: Okay. And what
18 about a sign into the development?

19 MR. SHIMANOWITZ: Is that one of the
20 pylon -- that's one of the pylons that we show.

21 CHAIRWOMAN KWAAK: Okay.

22 MS. BEAHM: That's to the development,
23 that's not the retail.

24 CHAIRWOMAN KWAAK: Okay. My other
25 question is about handicapped and that's not for you,

1 so that's okay.

2 That's all I have right now.

3 Brian?

4 MR. SHORR: I don't have any questions.

5 CHAIRWOMAN KWAAK: Barry?

6 COMMITTEEMAN JACOBSON: The
7 single-family homes, are they on slab or basements?

8 THE WITNESS: Basements.

9 COMMITTEEMAN JACOBSON: Are they going
10 to be walkout or...

11 THE WITNESS: I don't -- Scott, I don't
12 think we have any walkouts there, do we?

13 MR. TURNER: We have a combination of.

14 THE WITNESS: Oh, there are some?

15 MR. TURNER: Yes, there are some.

16 CHAIRWOMAN KWAAK: Okay. He needs to
17 be --

18 THE WITNESS: I'm sorry I'm asking --
19 my engineer is more familiar with the grading, but it
20 seems that we do have some walkout scenarios.

21 COMMITTEEMAN JACOBSON: Okay. So you
22 will comply with the -- with the ordinance, make sure
23 that the exposure.

24 THE WITNESS: With exposure as well as
25 the height --

1 COMMITTEEMAN JACOBSON: Yeah.

2 THE WITNESS: Again, realizing we have
3 average grade to deal with, so, and that -- it's
4 also, I believe, when Mr. Turner's office coordinated
5 with us, that was considered.

6 COMMITTEEMAN JACOBSON: Okay.

7 That's all I have.

8 Thank you.

9 CHAIRWOMAN KWAAK: John?

10 MR. CASTRONOVO: So on the affordable
11 housing, the units, the entrances, is there one
12 entrance per building or multiple entrances per
13 building?

14 THE WITNESS: So there's one main
15 entrance per building, but there is a second stair
16 for egress.

17 MR. CASTRONOVO: And do the buildings
18 have elevators or just stairways?

19 THE WITNESS: No elevators, just
20 stairways.

21 MR. CASTRONOVO: Thank you.

22 That's it.

23 CHAIRWOMAN KWAAK: Todd?

24 VICE CHAIRMAN BROWN: I apologize if
25 you already said this in your testimony, but the

1 architecture for the retail building, is that going
2 to match the beautiful front of elevation, are the
3 materials and design going to match 360 around the
4 building, like on the rear side of the building?

5 THE WITNESS: So it's definitely on the
6 -- the front and both sides, because you can see
7 that, right, as you're driving along 33 and as you go
8 there.

9 MS. BEAHM: And the back.

10 THE WITNESS: And...

11 MS. BEAHM: Since the residents will be
12 behind you.

13 VICE CHAIRMAN BROWN: I was about to
14 say, you have about 50 feet, that's within a coffee
15 cup toss from the neighbor --

16 MS. BEAHM: Yes.

17 VICE CHAIRMAN BROWN: -- a residential
18 directly behind.

19 THE WITNESS: So then I think
20 considering the concern, obviously it's going to look
21 a little different, because that's where man doors
22 and stuff are to service the rear, but we will give
23 credence to the rear elevation.

24 VICE CHAIRMAN BROWN: Thank you.

25 MS. BEAHM: So I would suggest, Todd,

1 before you go on to something else, if the board acts
2 in the affirmative, then a condition of the approval
3 would be the rear façade would be reviewed by Jordan
4 or myself to make sure that it's consistent with the
5 front and the side elevations.

6 VICE CHAIRMAN BROWN: That condition
7 like she said, would you be game for that?

8 MR. SHIMANOWITZ: I'll just remind the
9 board that we're here tonight for preliminary and
10 final on everything, but for the commercial.

11 So we will be back to you for final
12 approval on the commercial.

13 So you'll another shot at it.

14 MS. BEAHM: So the commercial is only
15 here for preliminary?

16 MR. SHIMANOWITZ: That is correct.

17 MS. BEAHM: Okay.

18 CHAIRWOMAN KWAAK: Okay.

19 VICE CHAIRMAN BROWN: But when it comes
20 for final, that will be addressed and shown?

21 MR. SHIMANOWITZ: Yes.

22 No objection to the condition --

23 VICE CHAIRMAN BROWN: Okay.

24 MR. SHIMANOWITZ: -- but I just want to
25 make it clear that you're going to see us again.

1 MR. CUCCHIARO: We need to do then
2 condition then I -- I think it would be more
3 appropriate if you're going to come back for final,
4 that the board actually see it for themselves, rather
5 than as an outside approval.

6 MR. SHIMANOWITZ: That's fine, too.

7 MR. CUCCHIARO: Yeah.

8 VICE CHAIRMAN BROWN: Mechanical
9 equipment for the retail building, on the roof?

10 THE WITNESS: So it will be on the roof
11 and it will be screened. So we have -- those forms
12 will come up and we'll be sure that the mechanical
13 equipment is not visible.

14 VICE CHAIRMAN BROWN: So when you say
15 "screened," how do you identify that? Some of those
16 buildings, the residential buildings directly behind
17 it are up to 5 and 6 feet taller or higher. The
18 ground floor is higher than the retail building. So
19 they're going to be looking down onto the retail
20 building.

21 Doing the screening, how will that be
22 measured that it is screened properly that you can't
23 see the actual mechanical equipment? Because there
24 is some grade change back there.

25 THE WITNESS: I actually think that's

1 something we're going to then need to bring up when
2 we -- when we come back because --

3 VICE CHAIRMAN BROWN: Okay. I'm just
4 thinking those neighbors are, again, within 50 feet
5 of the back -- from their back of the building to the
6 back of the retail building with minimal landscaping
7 and only a 6-foot-high vinyl fence. I just kind of
8 -- I don't know if that would be a desirable scenario
9 if it's not screened properly.

10 So I do have a lot of concerns about
11 how that would appear since you are so close.

12 Thank you.

13 THE WITNESS: Thank you.

14 MR. CUCCHIARO: Madam Chair.

15 CHAIRWOMAN KWAAK: Yes.

16 MR. CUCCHIARO: Just what was just
17 brought up that the nonresidential portion, they're
18 only seeking preliminary tonight.

19 CHAIRMAN KWAAK: The retail building.

20 MR. CUCCHIARO: Right, nonresidential,
21 the retail.

22 On the residential portion, we'll see
23 what they get. They're asking for preliminary and
24 final.

25 Is there are phasing plan in terms of

1 if you receive preliminary and final on the
2 residential, if everything is proceeding together or
3 the residential is going -- is anticipated to go
4 before the retail and maybe we don't get retail?

5 MR. TURNER: Are you prepared to
6 address it I think we may have actually --

7 CHAIRWOMAN KWAAK: Sir, you need to be
8 on the microphone.

9 MR. TURNER: Yeah.

10 So I think this was addressed last time
11 we were here. There are three phases proposed.

12 MR. FISHER: Can you bend over a little
13 bit?

14 CHAIRWOMAN KWAAK: Bend, yeah, there
15 you go.

16 MR. TURNER: So there's three phases.

17 MR. RIZZO: It was addressed last
18 hearing, but this might change now that you're
19 presenting it as preliminary only for the retail.

20 MR. TURNER: Well, what we did with
21 Phase 3 was limit it to the retail building, itself,
22 the physical building, itself, and that would be
23 built last, and all of the, you know, concrete around
24 that building.

25 The other two phases are involving the

1 residential components of the project.

2 MR. RIZZO: So you wouldn't start
3 construction, hypothetically, on any residential
4 until you receive all approvals on the retail
5 portion?

6 Otherwise it would be potentially
7 phased and you would need to show how you can start
8 the residential portion tying into existing
9 conditions on the retail site should that never be
10 developed --

11 MR. TURNER: I think the retail --
12 Phase 3, the retail, really is independent of any of
13 the construction activity.

14 MR. CUCCHIARO: So let me, if I can
15 just break it down, so what you're saying is to one
16 possibility, the entire residential could be
17 constructed and occupied, the retail never gets a
18 final approval --

19 MS. BEAHM: Right.

20 MR. CUCCHIARO: -- it's never
21 constructed.

22 MR. TURNER: Right, and that's --
23 that's correct, except for any of the site
24 improvements around that retail component, we have
25 that as Phase 2 of the application, because there was

1 some infrastructure improvements for the residential
2 component that need to go through the retail area.

3 So Phase 3, if you -- the phasing plan
4 we've provided, I think Mr. Rizzo, you have that
5 preliminary plan anyway, was really just outlining
6 the physical rectangle section of the building,
7 itself, and the concrete sidewalks around it.

8 MR. RIZZO: Yeah, so I understand why
9 you're calling it three phases, but my understanding
10 was that they're all going to be continuous. Once
11 you start Phase 1, you're not stopping and coming
12 back and picking up another phase in the future.

13 MR. TURNER: Correct, yeah.

14 So I think what will happen -- it's
15 going to take a while to get through Phase 1 and
16 Phase 2.

17 MR. CUCCHIARO: Yeah, but that's not
18 what you just said.

19 You said it's possible that the
20 commercial -- or I'm sorry, the retail never gets
21 constructed.

22 MR. TURNER: Well, if it -- if it
23 didn't get constructed, what I'm saying is that the
24 infrastructure and all of the components related to
25 the residential could be built and the pad, where the

1 commercial building will be sat on, would remain
2 undisturbed --

3 MR. RIZZO: That presents issues--

4 MR. TURNER: -- and undeveloped.

5 MR. RIZZO: -- as it relates to grading
6 and even stormwater management.

7 MR. TURNER: We can provide you with a
8 phasing plan that provides you with that detail.

9 MS. BEAHM: I mean, that's also a
10 little inconsistent with the settlement agreement,
11 which includes the retail.

12 MR. SHIMANOWITZ: Yeah, but there was
13 nothing in terms of phasing or connecting --

14 MS. BEAHM: No, but, Ron, it wasn't
15 anticipated that the retail was never going to get
16 built.

17 MR. SHIMANOWITZ: No, every -- please
18 don't say it's never going to get built. The retail
19 is going to be a function of the --

20 MS. BEAHM: Yeah, but we need to
21 connect the two.

22 MR. SHIMANOWITZ: -- of the market --

23 MS. BEAHM: It was always one project.

24 MR. SHIMANOWITZ: -- of the market --
25 it still is.

1 MS. BEAHM: The retail and the --
2 respectfully, the retail and the residential were
3 always considered as one project.

4 So if you consider Phase 1, Phase 2 and
5 maybe Phase 3 doesn't get done, that's not what was
6 anticipated in the settlement agreement. It was
7 anticipated that there was going to be retail
8 associated with this development.

9 So my recommendation to the board would
10 be that only a certain percentage of the residential
11 be allowed to be CO'd before the retail gets moving.

12 MR. SHIMANOWITZ: And we would
13 strenuously object to that.

14 The reason being mostly because it's an
15 affordable housing project. And your -- the
16 obligation from both the developer and the town is to
17 produce the affordable housing.

18 The affordable housing is connected to
19 the market-rate residential.

20 MS. BEAHM: It was connected to both.

21 MR. CUCCHIARO: Madam Chair?

22 MR. SHIMANOWITZ: Actually it was not.

23 MS. BEAHM: It was.

24 MR. SHIMANOWITZ: The commercial --

25 CHAIRWOMAN KWAAK: Hold on.

1 I understand what you're saying.

2 MR. SHIMANOWITZ: Yeah.

3 MR. CUCCHIARO: Here's my
4 recommendation --

5 MR. SHIMANOWITZ: And there's -- and
6 there's nothing in the settlement agreement or the
7 consent order or any type of order that lock steps
8 the residential to the -- to the commercial.

9 MR. CUCCHIARO: Well, I don't -- I mean
10 it wasn't aspirational, but here's my recommendation:
11 I think that this can be fleshed out in a more
12 definitive manner if the phasing plan is actually
13 provided to the board.

14 There's some other things that have
15 gone on or been discussed tonight, you know, the
16 turning -- the various turning radius movements,
17 revising the heights of the buildings or the
18 calculation of the heights of the buildings to be
19 consistent and a few other things that -- the
20 architectural cross sections. I think what the board
21 may want to consider is if there's a positive, and
22 certainly it's up to the board, but the board may
23 wish to consider in the context of acting positively
24 on the application, perhaps, preliminary for both and
25 then at least you can see the phasing plan, you can

1 see the turning radius, you can see the -- you know,
2 cross sections that are -- that are necessary.

3 I understand that there's not just an
4 objection, but a strenuous objection to the -- to
5 Jen's recommendation.

6 I don't think we need to get to that
7 recommendation before we see the phasing plan and we
8 can, you know, take a look at -- all of us
9 collectively can take a look at the -- the ordinance
10 and the -- the settlement agreement and, you know,
11 the project can keep moving forward.

12 MR. RIZZO: Can I just add to that
13 also?

14 The phasing plan can start with a site
15 plan version. And it's what you're thinking probably
16 with line work saying this is going to be done in
17 Phase 1, this is 2 and 3, but there's a lot of
18 engineering that goes into it also. The grading
19 needs to show how that portion is going to remain,
20 are the trees going to stay, are they cleared?
21 Stormwater management's a completely separate
22 parallel path at that point. Utilities.

23 So there's a lot of parts to it that
24 would need to be presented and we can work out those
25 details separately for sure.

1 But I just want to point that out
2 before you commit to just a phasing plan, because
3 you're probably thinking it's just a simple one
4 sheet, here's the line work.

5 MR. SHIMANOWITZ: No, I don't think we
6 disagree with that, Mr. Rizzo.

7 And I think we can provide what you're
8 looking for, I think between the engineers.

9 I think the bigger issue is what was
10 mentioned about the developer being obligated to do
11 the commercial in some sort of lock step with the
12 residential and that is not workable and not
13 required.

14 But can I make a request to the Chair?
15 Because of the issues that were just raised and the
16 suggestion by Mr. Cucchiaro, we did apply for
17 preliminary and final on everything but the
18 commercial, could we just take a five-minute break so
19 I can consult with my client?

20 CHAIRWOMAN KWAAK: Sure.

21 What time is it? Let me see. It's
22 8:50. We'll be back at 9.

23 (Whereupon, a brief recess is held from
24 8:50 p.m. to 8:58 p.m.)

25 CHAIRWOMAN KWAAK: I'd like to call us

1 back to order.

2 I know it's a little bit before 9, it's
3 8:58. Okay.

4 MR. SHIMANOWITZ: Thank you for that
5 break. I had a chance to speak with my client.

6 I think we can simplify matters and
7 move us along a little bit. I think what we're
8 actually going to end up doing is making the
9 development all one phase, but, fortunately, we won't
10 have to work that out tonight, because the applicant
11 would be amenable to Mr. Cucchiaro's suggestion, if
12 the board is inclined to grant us preliminary
13 approvals across the whole development proposal, both
14 residential and commercial.

15 The issues that were raised tonight can
16 be worked through thereafter, and we'll be back to
17 you for final, hopefully, to resolve those open
18 issues.

19 CHAIRWOMAN KWAAK: Okay.

20 Is everybody okay with that to my
21 right?

22 MR. CUCCHIARO: I'm not going to
23 disagree with myself.

24 (Laughter.)

25 CHAIRWOMAN KWAAK: Okay.

1 MR. CUCCHIARO: Tonight anyway.

2 CHAIRWOMAN KWAAK: Do you have any more
3 testimony with this gentleman?

4 MR. SHIMANOWITZ: No, that concludes
5 our case, our witnesses.

6 MR. FISHER: Any more questions?

7 CHAIRWOMAN KWAAK: We didn't get there
8 yet.

9 Professionals, do you have any
10 questions further for this witness?

11 MS. BEAHM: No, just submission of the
12 documentation that we've requested, that's all.

13 MR. SHIMANOWITZ: Yes.

14 CHAIRWOMAN KWAAK: Jordan?

15 MR. RIZZO: Nothing further now.

16 CHAIRWOMAN KWAAK: Rick?

17 CHIEF HOGAN: Nothing.

18 CHAIRWOMAN KWAAK: Jack?

19 DEPUTY MAYOR McNABOE: I don't have
20 anything, but there are other things that Ron didn't
21 mention being here for between preliminary and final.
22 So as long as we go back to that.

23 CHAIRWOMAN KWAAK: We'll go back to
24 that.

25 DEPUTY MAYOR McNABOE: Go back to that,

1 we'll be fine.

2 Thank you.

3 CHAIRWOMAN KWAAK: Okay. I don't have
4 anything at this time.

5 Brian?

6 MR. SHORR: No questions.

7 CHAIRWOMAN KWAAK: Barry.

8 COMMITTEEMAN JACOBSON: I have nothing.

9 CHAIRWOMAN KWAAK: John?

10 MR. CASTRONOVO: I'm good. Thank you.

11 CHAIRWOMAN KWAAK: Todd.

12 VICE CHAIRMAN BROWN: These are
13 questions for the overall or just for the architect?

14 MS. BEAHM: Just ask whatever.

15 CHAIRWOMAN KWAAK: Just ask.

16 VICE CHAIRMAN BROWN: Oh, all right,
17 because I guess this is more a question for the
18 engineer. The vegetated filtered area that's been
19 the single-family homes in the back of the retail
20 building, can you explain what that is?

21 MR. TURNER: It's an area that --

22 CHAIRWOMAN KWAAK: On the microphone.

23 MR. TURNER: Sorry. I'm assuming
24 you're asking about the...

25 VICE CHAIRMAN BROWN: Yeah, the green

1 like triangle -- yeah, I think you're -- I barely see
2 it. Yeah.

3 MR. TURNER: Right.

4 It's there for -- it's green
5 infrastructure purposes. It allows us to run
6 stormwater off of an asphalt or paved area and it
7 gets into that and gets treated by filtration.

8 VICE CHAIRMAN BROWN: Sure.

9 I guess, and maybe I can go to -- not
10 for a full description, but what landscaping would be
11 located in that filtered area.

12 MR. TURNER: We -- we -- I don't know
13 the exact species, but they are water tolerant type
14 of species and they can be a mixture of --

15 VICE CHAIRMAN BROWN: Trees, bushes,
16 shrubs?

17 MR. TURNER: A mixture of all of the
18 above, yes.

19 VICE CHAIRMAN BROWN: Okay. All right.
20 I just have a -- I have a lot of reservation how
21 close those residential homes are to the back of that
22 retail building. Specifically to the top of the
23 screen shown as you have on the -- on the screen
24 there and 20-foot rear yard setbacks and then another
25 probably 30 feet from there, is there any way to beef

1 up some of that landscaping as 20 feet of a rear yard
2 for a single-family home is kind of minimal, how
3 would that -- and those homes being taller,
4 especially the homes to the left, you know, they're
5 going to be looking right over onto -- and I only see
6 a minimum number of trees, granted you only had
7 maybe, like, 4 or 5 feet between the 6-foot-high
8 vinyl fence to the retaining wall.

9 So that's why -- like can that be
10 addressed in final on beefing that buffer up?

11 MR. TURNER: It can, but we do and what
12 I did is I pulled up the site plan set that was
13 submitted to the board. So this is not a new
14 exhibit. This is part of your packet.

15 Behind those residential homes you'll
16 note that they're -- we do have a 6-foot-high solid
17 vinyl perimeter fence to protect the rears of those
18 homes from getting down to the commercial component.

19 But, yes, to answer your question, we
20 can certainly look at that to see if we can introduce
21 any more landscaping. We don't like to introduce too
22 much landscaping, because it winds up, you know,
23 killing each other off --

24 VICE CHAIRMAN BROWN: Correct.

25 MR. TURNER: -- so we got to be careful

1 with what we provide in there.

2 VICE CHAIRMAN BROWN: If you go to page

3 --

4 MR. TURNER: But we can look at it.

5 MS. BEAHM: Can you pull up the

6 landscaping plan.

7 MR. TURNER: Sure.

8 VICE CHAIRMAN BROWN: Yeah, page 22, if

9 that PDF, I believe, if that helps you out.

10 There it is.

11 MR. TURNER: Right.

12 VICE CHAIRMAN BROWN: So I see those

13 trees are already overlapping over that fence.

14 So I'm trying to figure out how

15 realistic is that landscaping --

16 MR. TURNER: Well --

17 VICE CHAIRMAN BROWN: -- and buffering

18 if you have like a shade tree, an ornamental tree?

19 Like it looks great on paper-ish, but

20 just realistically for the best of the residents, as

21 well as for the retail, can that be beefed up and

22 improved to do the best we possibly can --

23 MR. TURNER: Sure.

24 VICE CHAIRMAN BROWN: -- without

25 compromising your retaining wall and your stormwater?

1 MR. TURNER: We'll take a look --

2 MS. BEAHM: I would recommend that you
3 work with Shari from Jordan's office especially along
4 this area to provide whatever landscaping she would
5 recommend in terms of screening.

6 MR. TURNER: Not a problem, we'll do
7 that.

8 VICE CHAIRMAN BROWN: As my translator
9 always jumps in on me.

10 (Laughter.)

11 CHAIRWOMAN KWAAK: Okay.

12 VICE CHAIRMAN BROWN: That is all.

13 CHAIRWOMAN KWAAK: Okay.

14 Barry?

15 COMMITTEEMAN JACOBSON: The trees are
16 nice, but in the winter when the leaves are down, any
17 way when you speak with Shari, maybe evergreens?

18 MR. TURNER: Sure. We --

19 COMMITTEEMAN JACOBSON: To give it more
20 of a buffer in the winter.

21 MR. TURNER: We'll consider that.

22 MR. FISHER: A couple -- just a couple
23 of things. I've always asked for in the homes, EV
24 wiring, not the boxes themselves, but just to have it
25 pre-wired for EV.

1 Can that be done? It's not a big
2 expense. You're not putting in the box, just the
3 wiring.

4 MR. TURNER: Yes, that's not a --
5 that's not a question I can answer.

6 I think we'll take it into
7 consideration, but it's really up to the developer.

8 (Laughter.)

9 MR. SHIMANOWITZ: The answer is yes.

10 MR. FISHER: That's a good answer.
11 Little birdie whispered it, huh?

12 The other thing is, are you offering
13 any solar in any of this, anywhere? The commercial,
14 how about the --

15 MR. TURNER: Not that I'm aware of, but
16 --

17 MR. FISHER: Yeah, you know what would
18 be --

19 MR. TURNER: No solar.

20 MR. FISHER: No? It's always -- I
21 always wondered why in the affordable housing solar
22 couldn't be put in there to keep the expenses down
23 for those people.

24 It's just something with me.

25 You're going to have EV, I'm sure,

1 around the commercial?

2 MR. TURNER: Yes, per the statute, yes.

3 MR. FISHER: And just roughly, the
4 qualifications for affordable housing, that goes
5 through a lottery, I guess, that's not in your -- in
6 your hands?

7 MR. SHIMANOWITZ: That's correct.

8 MR. FISHER: Okay. That's it.

9 CHAIRWOMAN KWAAK: Steve?

10 MR. KASTELL: With the new buildings,
11 the new affordable housing, what's -- how high is the
12 building now with the change in elevation?

13 MR. TURNER: I'm going to let the
14 architect come back and speak to that.

15 MR. LARSEN: I'm sorry, can you please
16 repeat?

17 MR. KASTELL: The new buildings that we
18 looked at the old pictures and the new, there's a
19 change in that attic elevation. How tall would the
20 new buildings be now?

21 CHAIRWOMAN KWAAK: Microphone, Steve.

22 MR. KASTELL: How tall will the
23 buildings be now?

24 MR. LARSEN: So the -- the height in
25 comparison to the previous design? Yes, so it's no

1 higher. It's -- the ridge remains, the max ridge
2 remains. The cross gables are really what we added.
3 Hopefully that -- I think that's what he's asking.

4 MR. KASTELL: Yeah. Okay. That's all
5 I have.

6 MS. BEAHM: But what is the height?

7 THE WITNESS: I believe it's 41 feet to
8 the ridge.

9 MS. BEAHM: Thanks.

10 CHAIRWOMAN KWAAK: Nunzio?

11 MR. POLLIFRONE: Nothing to add.

12 CHAIRWOMAN KWAAK: Pat?

13 MR. GIVELEKIAN: Nothing at this time.

14 CHAIRWOMAN KWAAK: Okay. Any other
15 questions before -- okay.

16 At this time I'd like to open it to the
17 public. Anyone from the public having any questions
18 regarding this application or comments, please come
19 forward?

20 (No Response.)

21 CHAIRWOMAN KWAAK: Seeing none, I close
22 public.

23 Okay. So regarding this application,
24 now it's being -- correct me if I'm wrong, now we're
25 treating the whole thing together as one phase.

1 MR. CUCCHIARO: Well, we're treating it
2 together -- we're treating it together and it's for
3 preliminary.

4 And one of the condition is that
5 they'll be submitting a phasing plan. So we'll have
6 that fleshed out.

7 It's also subject to all of the
8 conditions that were placed on the record. So it's
9 those conditions, plus whatever outside agency
10 approvals that they would need.

11 CHAIRWOMAN KWAAK: Okay. So can I have
12 a motion with regards to this application for
13 preliminary with all the recommendations and so forth
14 and phasing.

15 MR. CUCCHIARO: Conditions placed on
16 the record.

17 CHAIRWOMAN KWAAK: And conditions.

18 DEPUTY MAYOR McNABOE: So -- and to
19 place those on the record, we talked about the school
20 buses, so if we can reach out to -- the applicant can
21 reach out to transportation, find out if the bus will
22 be leaving Route 33 or if it will be entering the
23 facility. I don't want to speak for the school
24 board. They don't like doing the cul-de-sacs by
25 going in on American and making lefts and lefts and

1 lefts, like they may decide on that.

2 So you'll do that, right?

3 MR. SHIMANOWITZ: Yes, sir.

4 DEPUTY MAYOR McNABOE: Okay.

5 Jordan, you said the review was done by
6 the water company already to access their tank?

7 MR. RIZZO: There was a preliminary
8 review, in terms of future maintenance on the tank,
9 itself.

10 DEPUTY MAYOR McNABOE: Okay. We'll
11 follow -- I'll follow that up from the town's
12 standpoint.

13 You were going to check again with the
14 golf course about the type of trucks that will be
15 coming in there, being that we pretty much got
16 testimony, the big tractor trailers can't be coming
17 in. We need them to confirm that their operation can
18 work with that.

19 The garbage enclosures, you can look at
20 them again. I definitely will, because remember, if
21 you're going for town pickup, these are eligible for
22 that. Assuming that they are eligible, then they
23 need to be able to hold all of that trash for the
24 twice a week and just put it on the record, the town
25 is in the fourth year of a three-year contract, so

1 two years of extension. So that's done over, you
2 know, if the rest of the town doesn't have trash
3 pickup provided by the town, then this place wouldn't
4 either.

5 So I don't see that happening, but I
6 just want to put that on the record.

7 And then, of course, we're going to
8 work on the ownership.

9 That was everything I needed to add to
10 it.

11 Ron, you had a further list, right?

12 MR. CUCCHIARO: The list that I
13 enumerated before.

14 CHAIRWOMAN KWAAK: Okay.

15 So can I have a motion with regards to
16 this application, please?

17 MR. CASTRONOVO: Wait, wait, hold on.

18 CHAIRWOMAN KWAAK: Okay.

19 MR. CASTRONOVO: Can I get a little
20 clarity on the garbage collection?

21 CHAIRWOMAN KWAAK: Jack?

22 MR. CASTRONOVO: Jack, the -- the twice
23 a week, are you talking about the dumpsters being
24 picked up twice a week?

25 DEPUTY MAYOR McNABOE: Yeah, dumpsters

1 are grabbed twice a week throughout the entire town.

2 MR. CASTRONOVO: Oh, okay.

3 CHAIRWOMAN KWAAK: For the residential.

4 DEPUTY MAYOR McNABOE: Single-family
5 homes are picked up once a week.

6 Because the amount of dumpsters that
7 would go in any of them. I'm assuming it's going to
8 be twice a week. I don't know that for -- but the
9 other places that had dumpsters, the idea was that
10 they were never able to do it. So the big trucks
11 which are picked up differently, are done twice a
12 week.

13 MR. CASTRONOVO: Okay. Okay.

14 That's it. Thank you.

15 CHAIRWOMAN KWAAK: Okay. So now, go
16 for number three, can I have a motion with regards to
17 this application, please, from preliminary or not?
18 Someone want to make that motion?

19 DEPUTY MAYOR McNABOE: I'll make the
20 motion in the affirmative for preliminary with the --

21 VICE CHAIRMAN BROWN: I'll second that.

22 DEPUTY MAYOR McNABOE: -- conditions
23 that were laid out, put into the record.

24 CHAIRWOMAN KWAAK: And Todd.

25 VICE CHAIRWOMAN BROWN: I'll second

1 that, Jack.

2 CHAIRWOMAN KWAAK: Okay.

3 Steve?

4 MR. KASTELL: Mr. Fisher?

5 MR. FISHER: Yes.

6 MR. KASTELL: Mr. Brown?

7 VICE CHAIRMAN BROWN: Yes.

8 MR. KASTELL: Mr. Castronovo?

9 MR. CASTRONOVO: Yes.

10 MR. KASTELL: Committeeman Jacobson?

11 COMMITTEEMAN JACOBSON: Yes.

12 MR. KASTELL: Chairwoman Kwaak?

13 CHAIRWOMAN KWAAK: Yes.

14 MR. KASTELL: Mr. McNaboe?

15 DEPUTY MAYOR McNABOE: Yes.

16 MR. KASTELL: Chief Hogan?

17 CHIEF HOGAN: Yes.

18 MR. KASTELL: I'm a yes.

19 And, Mr. Shorr?

20 MR. SHORR: Yes.

21 CHAIRWOMAN KWAAK: Okay.

22 MR. SHIMANOWITZ: Thank you.

23 CHAIRWOMAN KWAAK: Thank you.

24 DEPUTY MAYOR McNABOE: Congratulations.

25 (Whereupon, this matter is concluded.)

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Time noted: 9:10 p.m.)

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

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

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

Laura A Carucci

LAURA A. CARUCCI, C.C.R., R.P.R.
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