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IN THE MATTER OF
MANALAPAN TOWNSHIP PLANNING BOARD
PUBLIC MEETING-TOWN HALL:
MIKE SHORE BUILDER

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DATED: THURSDAY, APRIL 23, 2026
TIME: 7:00 P.M.
HELD AT: MANALAPAN TOWNSHIP
MUNCIPAL BUILDING
120 ROUTE 522
MANALAPAN, NJ 07726

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

2

3 CHAIRMAN KWAAK

4 NANCY MCGRATH

5 RICHARD HOGAN

6 JORDAN RIZZO, PE

7 JENNIFER BEAHM PP

8 RICHARD BRIGLIARDORO

9 ERIC NELSON

10 BARRY JACOBSON

11 JOHN CASTRONOVO

12 TODD BROWN

13 BARRY FISHER

14 NUNZIO POLLIFRONE

15 PAT GIVELEKIAN

16

17

18

19 WILENTZ GOLDMAN & SPITZER PA

20 BY: DONNA M. JENNINGS, ESQ.

21 90 WOODBRIDGE CENTER DRIVE

22 SUITE 900

23 WOODBRIDGE, NEW JERSEY 07095

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I N D E X

WITNESSES

TED PIVOVARNICK, Pg. 4
DAN FORTUNATO, Architect Pg. 36

EXHIBITS

A-9 Revised subdivision colorized plan. 7
A-10 Colored rendering drawing. 11

EXAMINATION BY

MS. JENNINGS: 5

(Member of the Public)

Alora Lesel Pg. 48

1 CHAIRWOMAN KWAAK: The first
2 application this evening is PFM 2431 Mike Shore
3 Builders, LLC, preliminary final major
4 subdivision, Woodward Road, Block 76.03, Lot
5 11.01, three lot subdivision. We carried this
6 from our March 12th meeting of this year.

7 MS. JENNINGS: Thank you. Good
8 evening.

9 CHAIRWOMAN KWAAK: Please make sure
10 you mute your microphone.

11 MS. JENNINGS: Good evening. For the
12 record I'm Donna Jennings from the law firm of
13 Wilentz, Goldman & Spitzer.

14 As the Board Chairwoman correctly
15 indicated we were here in March with respect to
16 this three lot subdivision. We had agreed at
17 the end of the meeting to reduce it to two
18 lots. But after we thought about all of the
19 comments that Board had made, we took a crack
20 at making some modifications to the actual
21 footings, footprints of the buildings, reducing
22 the size of the driveways, speaking with the
23 fire, and our site engineer if he can get sworn
24 in, he will explain the changes that we made to
25 see if the Board would reconsider the three lot

1 subdivision as opposed to the two lot
2 subdivision.

3 CHAIRWOMAN KWAAK: Okay.

4 BOARD MEMBER: Do you swear that the
5 testimony you are about to give before this
6 court is completely the truth, the truth whole
7 and nothing but the truth?

8 THE WITNESS: I do.

9 BOARD MEMBER: Can you state your name
10 and spell your last name and address for the
11 record?

12 THE WITNESS: My name is Ted
13 Pivovarnick, P-I-V-O-V-A-R-N-I-C-K. And I am
14 the Director of Surveying and Land Development
15 at Roberts Engineering.

16 BY MS. JENNINGS:

17 Q If you could Ted, you were here at the
18 last hearing, correct?

19 A **That's correct.**

20 Q And you're responsible for the
21 subdivision plan?

22 A **That's correct. I prepared these**
23 **plans.**

24 Q Could you just walk us through the
25 changes that the applicant made based on the

1 comments they received from both the Board's
2 consultants and the Board members?

3 A Sure. Since the last time we were in
4 front of the Board, we have made a few revisions
5 and we also had a meeting with the fire
6 commission. So we revised those -- we revised the
7 plans based on all those comments. We also
8 received an email earlier today from Tom Kirkland
9 saying that we are in general agreement with the
10 fire commission.

11 The revisions that I'm going to show
12 that are on the Board right now are reflective of
13 the revisions I made since Monday meeting with the
14 fire commission. So they are slightly different
15 than the plans that you have in front of you. But
16 important you should know that the overall
17 subdivision hasn't changed, all the bulk variances
18 are the same, the zoning chart has not changed, it's
19 just really the house locations and the driveway
20 locations.

21 The summary of the subdivision. The
22 existing lot is 15.47 acres. We're looking to
23 subdivide it into three lots. Lot A, will contain
24 4.02 acres; B, will be 6.04 acres. C, will be
25 5.3 acres.

1 What that does is over 78 percent of
2 the original tract will be put into a permanent
3 conservation easement. And because of our
4 self-imposed restriction on limit of disturbance,
5 over 93 percent of the original tract size will be
6 undisturbed. So less than seven percent of the
7 entire tract will be disturbed as part of the
8 subdivision.

9 The summary of the changes that we
10 prepared since Monday is that the homes on Lot A
11 have been shifted closer to Eaglewood Court. The
12 house on Lot A has moved about 75-feet closer. The
13 house on Lot B has moved about 130-feet closer.
14 What we did was we swapped where the house was going
15 and the septic. Now the house is going to sit in
16 front of the septic system on Lot B.

17 This was all done in coordination
18 with the fire commission. And it really improved
19 the emergency access and response distance to those
20 two houses.

21 In addition to moving those houses
22 forward, and the emergency access, it also gives
23 more room for outdoor space in the rear the two
24 homes. I know that was a concern of the Board last
25 time. And it's more typical residential use.

1 The revised locations remain within
2 the previously established developed areas. So
3 there is no new encroachment into the environmental
4 areas. Our conceptual outdoor improvements on the
5 sketch that is on the screen, we added a 20 by
6 20-foot patio, conceptual patio to the rear of Lots
7 A and B. We also added the front walkways and the
8 steps. That wasn't on the previous plans.

9 We also added a conceptual 10-foot by
10 20-foot patio out the rear of the house on Lot C. I
11 actually have 11 by 17s of this. If you want me to
12 hand those out.

13 CHAIRWOMAN KWAAK: That would be
14 helpful.

15 Andy, have you seen these?

16 BOARD MEMBER: Is this the architect
17 ones?

18 THE WITNESS: No.

19 MR. BRIGLIARDORO: We should hand them
20 out and mark them as an exhibit.

21 UNKNOWN WOMAN: We should be at A-9.

22 CHAIRWOMAN KWAAK: This is going to
23 become A-9. Okay.

24 THE WITNESS: What has being handled
25 out now is what is on the screen, it's the same

1 plan.

2 BY MS. JENNINGS:

3 Q It is going to be Exhibit A-9 and
4 identify it for the record.

5 A This is exhibit A-9.

6 Q What is it?

7 A It's the revised minor subdivision
8 colorized plan.

9 Q The date on that?

10 A The date on this plan, I have a
11 revision date -- today's date, it will be today's
12 date.

13 Q 4-23-2026?

14 A 2026. That's correct.

15 CHAIRWOMAN KWAAK: It doesn't say that
16 on there. It doesn't say revision date on
17 there.

18 MS. JENNINGS: Now it is.

19 MR. RIZZO: Use the date that's on
20 there.

21 THE WITNESS: The revision date is
22 2-18. February 18.

23 MR. RIZZO: 2-16?

24 CHAIRWOMAN KWAAK: 2-16?

25 THE WITNESS: 2-16, excuse me. 2-16.

1 It was even too blurry for me to see.

2 MR. RIZZO: This is the colorized
3 version of the subdivision plan dated just not
4 for the record --

5 THE WITNESS: It hasn't been --

6 MR. RIZZO: -- (inaudible), right?

7 **A That's correct.**

8 MS. JENNINGS:

9 Q Now that everybody has a copy of it,
10 why don't you go back over what the changes were
11 from the original proposal?

12 **A Sure. I'm going to zoom in on Lot A
13 and B so we can take a look at that area.**

14 MR. BROWN: Quick question. We got
15 revised plans that have a revision date of
16 April 22nd. You just passed out something
17 from February.

18 THE WITNESS: Because my exhibit, I
19 didn't have chance to get the revised date on
20 the exhibit for tonight.

21 MR. BROWN: All right, I'm going to go
22 check on that. I'm trying to match the dates
23 and they are not matching up right.

24 THE WITNESS: This exhibit was
25 prepared per the meeting I had on Monday with

1 the fire commissioner.

2 MR. BROWN: Thank you.

3 THE WITNESS: If you can see the
4 screen, it's pretty small on your 11 by 17 but
5 Lots A and B now show a -- they are moved
6 closer to Eaglewood Court than it was before.
7 And they both show a 20 by 20-foot conceptual
8 patio out the rear of the building. They also
9 show a front walk and some steps.

10 We also showed on lot C a smaller 10 by
11 20-foot conceptual patio out at the back of
12 that. I know that was a concern along the back
13 of that lot, and the front walk going to the
14 driveway.

15 BY MS. JENNINGS:

16 Q Going back to Lots A and B, can ask
17 you discuss what the fire official asked you to do
18 with respect to the driveways and the dryline?

19 A Sure. The dryline doesn't show up on
20 this plan. But what we are proposing is to make
21 each driveway 18-feet wide, so the fire equipment
22 can drive up closer to the house without the
23 wheels going over the edge of the edge of the
24 pavement. We are also proposing to install 180
25 linear feet of a dry fire line. There will be a

1 standpipe at the end of the cul-de-sac and
2 there'll be a standpipe that gets installed near
3 the property line between A and B, equal distance
4 between the two houses. That way the fire
5 department can connect their pumper trucks, their
6 tank trucks to the standpipe at the end of the
7 cul-de-sac. Then the apparatus can be farther up
8 and the hoses can be farther up closer to the two
9 house us.

10 Q Those modifications satisfy the
11 individual that you spoke to and again state on
12 the record who you spoke to?

13 A That's right. That was Tom Kirkland
14 earlier today. I reached out to him to make sure
15 what I had given him was acceptable and he said it
16 was.

17 CHAIRWOMAN KWAAK: Okay.

18 BY MS. JENNINGS:

19 Q I know that one of the other concerns
20 that the Board has was the fact, you know, how
21 would you enforce the limits of disturbance. So
22 that can be done by a deed restriction. And it
23 will be part of subdivision plaque, and the deed
24 restriction can only be lifted if you go to court.
25 It's not like anybody could come to the Board and

1 ask for that to be lifted. They have to go to
2 court to get that, and obviously all three of the
3 lots would be tied together. And that would
4 appear in each person's deed when it's sold to
5 them. So you would have the final plaque, the
6 deed restriction that would protect them and
7 anybody buying the property is going to know
8 that's what it is. I know myself, I have six
9 acres in Monroe and five and a half and it has a
10 tree conservation easement on it, you can't touch
11 it.

12 I don't have a pool in my backyard
13 and I don't think I'd put one anyway because the
14 leaves would just fill the whole backyard up. So I
15 think that anybody -- and I love it, even though
16 it's beautiful. I think somebody who maybe wants a
17 pool, this isn't going to be a lot that they're going
18 to select, it's going to be somebody else who
19 appreciates all the trees and the woods that the
20 property will always have.

21 I know that another concern the Board
22 has is it hasn't seen a floor plan or elevation so
23 we did bring an architect with us and we did submit
24 a floor plan elevation. And we can bring him up to
25 discuss that unless Ted --

1 CHAIRWOMAN KWAAK: Right, but let's
2 keep progressing. Do you have any further
3 questions for this gentleman?

4 MR. RIZZO: Madam Chair, we have a few
5 things.

6 So the latest plan it shows the house is
7 moving closer to cul-de-sac, it does result in
8 more disturbance. We're at .98 acres. I
9 appreciate that offer and I was going to ask
10 that. I do agree with that. That would be in
11 respect to the deed restriction future
12 disturbance and structures. It's a little bit
13 different than a conservation easement. That's
14 its own thing and that is a little bit further
15 away from this disturbance this is much closer
16 to the house, and the exhibit that was passed
17 out, you could see this in the -- I don't know
18 how to describe this. The green closest to the
19 house that is the disturbance line essentially
20 so they can -- everything is trees essentially
21 and that's where they can build any patios or
22 any disturbance, anything outside of that is
23 going to be the forest area.

24 THE WITNESS: Correct.

25 MR. RIZZO: One of the biggest

1 concerns at the last hearing was the useable
2 yard area. This exhibit kind of presents to
3 you what is left with a more detailed footprint
4 at this point.

5 MS. JENNINGS: One of the things we
6 did to achieve that was we reduced the size and
7 footprints of the building. I don't know if
8 you mentioned that.

9 THE WITNESS: Well, that's right. On
10 Lots A -- all three lots are really just a
11 conceptual size right now. They are pretty
12 large. The houses, we haven't decided
13 100 percent on any of these houses, so we tried
14 to pick the largest envelope that would fit
15 there. We made those a little bit smaller, I
16 think they are --

17 MS. JENNINGS: We can have the
18 architect give that specific information.

19 MR. RIZZO: One of the things that
20 came out of the fire review that still remains
21 was request to this Board that with an approval
22 the condition on an easement covering the
23 dryline, and the maintenance responsibility
24 would remain with the applicant and future
25 owners.

1 MS. JENNINGS: Correct.

2 MR. RIZZO: I want to kind of circle
3 back to the last hearing. There is a few
4 things that we didn't totally wrap up yet.

5 The discussion of minor subdivision. One
6 of the requirements was the installation of
7 curbing sidewalk unless required due to
8 specific conditions in the area, and there is
9 two design waivers required. One is curbing
10 along the Woodward Road frontage and sidewalk
11 along both frontages, the Woodward Road and
12 Eaglewood Court.

13 At last hearing we also discussed a split
14 rail fence along the entire conservation
15 easement. And then I believe DEP you are still
16 at the same place you were -- you were last
17 month right?

18 THE WITNESS: That's correct. We're
19 getting ready to file the deeds for the
20 wetlands boundaries.

21 MR. RIZZO: Okay, so any deviations
22 for the worse, would almost certainly bring you
23 back to the Board.

24 THE WITNESS: That's correct.

25 MR. RIZZO: Thank you, Chair.

1 MS. BEAHM: I just have one question.
2 I understand what you are saying you are going
3 to deed restrict the disturbed area.

4 My question is how are you going to
5 delineate it? Because so long as to have
6 something deed if someone buys a piece of
7 property and shoves it away in the back of a
8 drawer or a file cabinet and then they want,
9 you know, they want a swing set or they want a
10 garden or they want this or they want that.
11 And the delineated area, I mean, these are not
12 rectangles. This is a very unusual shape like
13 amoebas almost.

14 So what is your plan?

15 THE WITNESS: We can put meets and
16 bounds on those.

17 MS. BEAHM: That's not helpful. Let's
18 be honest. I'm not talking about a surveyor.
19 I'm talking about a couple that buys a house,
20 they're not going to know how to read a meets
21 and bounds.

22 So what are you physically proposing in
23 the backyards to show them this is it. This is
24 what you got.

25 MS. JENNINGS: What about concrete

1 monuments? That's what's in my Monroe
2 backyard. It's about yay high and on top of it
3 says Monroe Township Tree Conversation Easement
4 and it goes from point to point if you look on
5 your survey it matches up.

6 MS. BEAHM: Yes. I think that's
7 definitely something that if the Board asks me
8 to put on the application, it's something that
9 is going to be incorporated. Because we have
10 seen here, creep, right? Especially in
11 backyards that are not very clearly delineated
12 as to where the limit is.

13 Secondly, I'm still significantly
14 concerned about, "Useable backyard for this
15 home on Woodward." Like you will barely have
16 enough room for patio, it is cradled there so
17 tightly. I just -- I think the Board
18 ultimately is going to to need -- the
19 application still needs a significant amount of
20 relief.

21 So the board is going to have to
22 determine whether or not they are going to entertain
23 three versus two.

24 CHAIRWOMAN KWAAK: That's all you
25 have, Beahm?

1 MS. BEAHM: Yes.

2 MR. RIZZO: I can add one more thing
3 to this.

4 The disturbance line, beyond that, the
5 home owners can still use it for passive
6 recreation, things like that. Responsibility
7 is going to fall on the zoning office a lot to
8 make sure that any future permits that come in
9 are not outside of this line. So I want to
10 kind of --

11 CHAIRWOMAN KWAAK: If permits come in.

12 MR. RIZZO: When legal permits come
13 in, correct.

14 MS. BEAHM: That's because you were so
15 close to the line of disturbance, correct?

16 MR. RIZZO: Yes.

17 MS. BEAHM: If we went back to two
18 lots instead of three lots, it would be a
19 little bit over the line on the available
20 developability --

21 MR. RIZZO: That's correct.

22 THE WITNESS: I think we can agree
23 that at the time of plot plan, that line would
24 obviously be shown on the plan and that we
25 would actually have to stake that line in the

1 field and have silt fence installed on that
2 line, whatever line happens to be on the plan.

3 MS. BEAHM: I don't think it concerns
4 it during construction. I think the concern is
5 the town is responsible for maintaining the
6 stormwater management overall. You are super,
7 super, super, super close to the limit before
8 you need actual significant drainage. And you
9 have zero control once this is approved and the
10 subdivision is perfected over what an
11 individual homeowner will do on their property.
12 You are super, super, super close to that one
13 acre issue.

14 And the site -- the project needs a
15 significant amount of relief I guess the three
16 lots are conforming in area. But they are a
17 number of variances associated with it. And
18 the concern is that this is going to be an
19 ongoing issue for the town to manage and
20 maintain, to make sure that the homeowners
21 don't go over the limit. I have seen people
22 walk through concrete monuments and put a swing
23 set, like we have a swing set in one town in a
24 conservation easement agreement. Green Acres
25 was threatening the town. So like they are --

1 THE WITNESS: Well, they could put a
2 swing set outside of that limit.

3 MS. BEAHM: Not on a concrete pad,
4 they can't.

5 THE WITNESS: Not on the concrete pad.

6 MS. BEAHM: I'm just saying I have
7 seen it all. I'm concerned that you are so
8 tight to the limit, and that one house along
9 Woodward is current and they're so tightly with
10 zero backyard. I feel like this subdivision
11 would be a much easier swallow from a drainage
12 standpoint, from a developability standpoint,
13 from a usability standpoint if it was a two lot
14 subdivision. But that's up to you guys. You
15 guys can decide how you want to move forward.
16 That's kind of where I'm coming from.

17 THE WITNESS: Let me address that
18 point a little bit. I was thinking before the
19 meeting that if the two lot came up again --
20 and kind of anticipated that, the most
21 reasonable thing to do would be to lose the lot
22 on Woodward Road, right?

23 MS. BEAHM: Exactly.

24 THE WITNESS: What that would do would
25 have unintended consequences. We can take that

1 limit of disturbance and use it all over on
2 Eaglewood Court. So we have a full acre of
3 disturbance over on Eaglewood Court.

4 At that point, maybe the applicant would
5 decide that the return on investment requires
6 bigger houses and we would determine that we
7 need to do stormwater on each one of those a
8 lots, so then we technically would not be
9 limited to that one acre of zoning. Now that
10 would be much more disturbance. We wouldn't
11 need to do any compensation so the area on Lots
12 A and B would get bigger, the developable area
13 would get bigger. We would cut down many more
14 trees.

15 So earlier in my presentation I said it's
16 really a self-imposed restriction of the one
17 acre because we could propose stormwater
18 management and go beyond that one acre of
19 disturbance.

20 MS. BEAHM: Any developer can do that.
21 It's been my experience over the 30 years I
22 have been doing this. That a developer is not
23 going to spend money on drainage for two lots.
24 You guys are free to do whatever your
25 application is that you want to do,

1 understanding that there is always a way to
2 engineer it.

3 I know that, everyone here knows that it's
4 just a matter of money. But at the end of the
5 day, we're here looking at what you are
6 proposing, that lot on Woodward is troublesome.
7 It is crammed in there even at the smaller
8 footprint where you have no usable backyard.
9 You are up against the limits from the
10 regulatory requirements that now is going to
11 impose a hardship on township staff to make
12 sure that that homeowner does not encroach
13 beyond the limits that are shown on the plan.

14 And you want to make the two other lots,
15 the limits of disturbance beyond an acre
16 including full stormwater management, have at
17 it. No one saying here you can't do that. But
18 at the end of the day, what is being proposed
19 and what we're looking at shows very, very
20 tightly controlled development proposal to
21 avoid stormwater management.

22 So if you guys were all okay with
23 providing the full blown drainage, I don't know
24 why you would come back with this proposal.

25 THE WITNESS: Well, it was a couple

1 different reasons. One it was, the Board is
2 concerned about the environmental concerns on
3 the lot to begin with. And two, you're right.
4 Financially, it didn't make any sense to have
5 three separate stormwater basins. But if we
6 were to drop back and say two lots, that might
7 make more sense at that point. And I
8 understand.

9 MS. BEAHM: Okay.

10 CHAIRWOMAN KWAAK: Rich, do you
11 anything before I move it along?

12 MR. BRIGLIARDORO: I don't have any
13 questions.

14 CHAIRWOMAN KWAAK: Mr. Hogan,
15 anything?

16 MR. HOGAN: I'm pleased with your
17 consideration with the fire service with regard
18 to the dryline. You did move the houses up
19 closer to Eaglewood as well as the 18-foot
20 driveway. I'm very happy with that.

21 Also, I don't have any issues with the
22 three lot subdivision. I'm okay with that as
23 well. I believe the home owners during their
24 purchase they are going to realize what they
25 could do with their backyards, that's going to

1 be in the deed. And it would be -- the
2 attorneys would go over that. If it's a
3 positive tonight, I know our resolution is
4 going to reflect that that dryline be
5 maintained by the home owners. So thank you
6 for that. That's all I have.

7 CHAIRWOMAN KWAAK: Okay. Jack.

8 MR. JACOBSON: I was there Monday
9 night. Thank you for working out right through
10 today you and Chief Kirkland really rolled up
11 your sleeves and got in there.

12 Just for clarity, you discussed the
13 monuments being put in that's in addition to
14 the fencing?

15 MS. JENNINGS: Correct.

16 MR. JACOBSON: The fencing will stay
17 up at all times. When you close on it, the
18 owner gets the fencing will be standing.

19 MS. JENNINGS: Yeah, the fences are
20 more for the wetlands.

21 MR. RIZZO: They are two totally
22 separate lots.

23 MS. JENNINGS: Yes.

24 MR. RIZZO: Got it.

25 MR. HOGAN: But it's the fence I'm

1 trying to concern myself with. You tried that
2 before with markers and it's not beyond some
3 people to actually dig them up and move them.
4 So to that point we have the worry about those
5 constantly.

6 MS. JENNINGS: Understood.

7 MR. HOGAN: I'm good from there.
8 Thank you.

9 CHAIRWOMAN KWAAK: I have two
10 questions. Thank you for redesigning.

11 Looking at the hand out that was sitting
12 here before the one you just physically handed
13 out, if you go to the flood hazard corridor
14 exhibit, it shows that the stream corridor kind
15 of clips the part of the house, is this an old
16 --

17 THE WITNESS: We're asking for relief
18 for part of the stream.

19 CHAIRWOMAN KWAAK: I just want to
20 confirm that.

21 Is there any way to give Lot Three a
22 little bit more of backyard if you shorten the
23 driveway, closer to the road?

24 THE WITNESS: Well, we could but we
25 held the front set back from the zoning across

1 the street which was 65-feet. We could ask for
2 more relief than that and move the house closer
3 to Woodward Road.

4 CHAIRWOMAN KWAAK: I just know that
5 yes it goes in the deed. Some attorneys read
6 the deeds to their clients but it's when it
7 then changes hands again that things get lost
8 in the shuffle. Like the planner said, they
9 moved back. But I'm okay with markers and a
10 fence I'm okay with that. That's all I have.
11 Eric?

12 MR. NELSON: The Lot C, that zone for
13 wet set back? You're proposing 65 --

14 MS. JENNINGS: 100 is the zone.

15 MR. NELSON: The zone is 100.

16 THE WITNESS: The zoning chart
17 reflects variances for the 100-foot set back.

18 MR. NELSON: Where the back of the
19 house is?

20 THE WITNESS: Pretty close.

21 MR. NELSON: And 100 feet is pretty
22 close to 100 points, let me make sure we're
23 getting it, right.

24 THE WITNESS: That right.

25 MR. NELSON: One of the things you

1 wanted relief os to build closer to the road
2 than it is?

3 THE WITNESS: That's tight.

4 MS. JENNINGS: Across the street
5 that's the zoning for across the street. I
6 know it's not the same zone but across the
7 street anybody looking at it, that's where
8 their house is going.

9 MR. NELSON: And that is necessary
10 because of the nature of the land?

11 MS. JENNINGS: Basically, due to the
12 wetland restrictions and everything else, we
13 can't push it back any further.

14 THE WITNESS: And the slope on the
15 lot. So we're trying to keep it up on the
16 highest corner. That happens to be the highest
17 corner on the Woodward Road, so we're trying to
18 keep it up in that corner.

19 MR. NELSON: That's all I have.

20 CHAIRWOMAN KWAAK: Barry.

21 MR. JACOBSON: I understand that when
22 the original -- the new owner would be
23 understanding the limits. My concern is when
24 future owners come at closing, they are going
25 to go over the deeds in such that and because

1 it's such a remote area, the new owner might
2 just say, no one's going to know, I can do
3 whatever I want. No one's going to see this.
4 That's my concern.

5 You know, how would you get that so that
6 future owners are aware that this is not
7 developable?

8 MS. JENNINGS: Well, again, we agree
9 to the monuments and the fencing and it will be
10 a deed restriction, so your title company is
11 certainly going to look at it. If your title
12 company has to insure the property, they are
13 going to flag it.

14 So most people are going to have an
15 attorney and they are going to have to get a
16 title insurance policy, because their mortgage
17 company's going to make them get a title
18 insurance policy, and it'll all be in there.
19 They're going to flag it for them and say, I
20 hope you know, you're buying a piece of
21 property that has restrictions, like when I
22 bought my property that's -- again, I'm a
23 lawyer so, I did it read everything so I
24 readily admitted that.

25 THE WITNESS: One of the requirements

1 from Jordan is that we file the map. So it's
2 going to be a filed map as well. So it's just
3 not going to be hidden in a deed somewhere,
4 it's actually going to be a filed map, and all
5 the deeds are going to reference that filed
6 map. So they'll have it in their hands and be
7 able to look at it.

8 MR. JACOBSON: Because I'm going by
9 the experience, we have a lot of properties now
10 that are being sold and a lot of unzoned --
11 unpermitted work. That's what was concerning.
12 Thank you. That's it.

13 CHAIRWOMAN KWAAK: John?

14 MR. CASTRONOVO: I have no questions.

15 CHAIRWOMAN KWAAK: Okay, thank you.

16 Todd.

17 MR. BROWN: I'm looking over my notes
18 from the last meeting. Did you meet with the
19 Health Department?

20 THE WITNESS: No. Not again I met
21 with them once to discuss the soil testing but
22 I haven't met with them again because I was
23 still trying to figure out exactly where these
24 houses are going to sit, and what soil tests we
25 need to use for the septic systems.

1 Essentially, they will have a review of Lots A
2 and B. Lot C is going to be on city water and
3 sewer. So they won't have a say on that one.
4 But Lots A and B will have to get health
5 department approval for the septic system
6 designs.

7 MR. BROWN: So if the Board acts on
8 this you would be getting a conditional
9 approval through the health department --

10 THE WITNESS: Yes.

11 MR. BROWN: -- results. Also from my
12 notes from the last meeting, I think the
13 concern in addition to fire bringing the homes
14 the closer was the elimination of Lot C because
15 of pretty much all of the other professionals
16 and Board members' concerns, of there is no
17 useable backyard. Now you haven't indicated
18 how big these homes are to be because we are
19 waiting for the architect. But I'm
20 envisioning probably about a 2,000 square foot
21 home with basements, are you still proposing
22 basements? You said the soils were great.

23 THE WITNESS: Yes.

24 MR. BROWN: You are looking at a
25 basement. They are going to be limited to --

1 how big is that patio for Lot C?

2 THE WITNESS: Theoretically, I haven't
3 limited it to anything. You're going to be
4 limited by that limit of disturbance, but
5 theoretically, I show a 10 by 20.

6 MR. BROWN: It's going to be first
7 come first grab in regards to the remainder of
8 .02 acres because --

9 MS. JENNINGS: No, nobody can use
10 that. Everybody is going to be deeded to exactly
11 what is shown on the lot subdivision. It would
12 be extra.

13 MR. BROWN: You are looking for
14 approval for Lot C as is shown on plans today?

15 MS. JENNINGS: Correct. Unless you
16 would like to us move it closer to Woodward as
17 was suggested by the Chairwoman that would
18 increase the front yard setback giving them
19 more rear yard.

20 MR. BROWN: I think I'm still in the
21 same mindset from last meeting is the
22 elimination of Lot C. Keep it to two lots, and
23 allow the other two lots, similar to what Jen
24 was saying, just allow them more flexibility in
25 regards to having amenities in their backyard,

1 and not limiting to you are only permitted to
2 do this. You are kind of setting them up to
3 fail.

4 I have great reservation in regards to why
5 we're keeping Lot C in this subdivision as
6 designed. I will wait for the architect to
7 learn how big of a home this will be in
8 relation to is this realistic or not. That's
9 all.

10 CHAIRWOMAN KWAAK: Barry, anything?

11 MR. FISHER: I agree with all the
12 concerns because I live in house where behind
13 me is restricted woods, and I have seen slowly
14 creeping up. So I like the idea of the fence,
15 definitely. I like the idea it's going to be
16 part of a deed. It will follow.

17 Who's going to maintain the fence? I've
18 seen trees fall down -- I've seen fences that
19 look absolutely horrible, and they don't bother
20 to fix them and eventually --

21 MS. JENNINGS: That would be the
22 responsibility of the future homeowner.

23 MR. FISHER: The fence. And that's
24 going to be in --

25 MS. JENNINGS: Yes.

1 MR. FISHER: No further questions.

2 CHAIRWOMAN KWAAK: Nunzio.

3 MR. POLLIFRONE: If could you provide
4 a little more clarification on the change you
5 made with the septic tank? I understand this
6 was in the front of the house, now it's behind
7 the house. If you could just give a little
8 more explanation.

9 THE WITNESS: I will -- let me zoom in
10 on -- not this one, this one. This is really
11 just for Lot B. On the previous plan, they
12 looked at a month ago, the house sat near that
13 circle on the lot as opposed to being in front
14 of the septic. The septic is set there because
15 that's where we did the soil testing, so the
16 septic is in a set location. You can move
17 around a little bit 20-feet something like
18 that. But it can't move away more than 15 feet
19 from where the soil tests were done.

20 So we took the house that used to seat in
21 that contiguous area circle and moved it up in
22 front of the septic system to address the fire
23 commission concern, to shorten up that
24 driveway.

25 So we had enough room to put the house

1 there. And have the correct separation from
2 the house to the septic system. That's really
3 all it was.

4 MR. POLLIFRONE: So the septic tank
5 location hasn't changed?

6 THE WITNESS: No.

7 MR. POLLIFRONE: The home location has
8 changed?

9 THE WITNESS: That's correct.

10 MR. POLLIFRONE: Okay. So then there
11 shouldn't be any changes to for example the
12 slope of the sewerage pipe or --

13 THE WITNESS: No. It's not fully
14 designed yet. But it's really -- the tanks
15 don't show up in here it's just the septic bed,
16 the leaching field you're talking about.

17 MR. POLLIFRONE: Thank you for that
18 clarification. No other questions.

19 CHAIRWOMAN KWAAK: Pat.

20 MR. GIVELEKIAN: My focus is the
21 amount alleviated for the three lots versus
22 two. Jen, you mentioned quite a lot of relief
23 being requested.

24 MS. BEAHM: Sure. In our letter dated
25 March 11th on page 4 of 6. Lot frontage for

1 Lot A, lot frontage for Lot B, and as you -- as
2 you may remember from the prior hearing that is
3 based upon the fact that that driveway or joint
4 driveway comes off Eaglewood Court, and that
5 lot is very limited to where it touches up.

6 Lot width for Lot A as well. Front yard
7 set back for Lot C, we didn't know what the
8 height of the structures are, we didn't really
9 have -- I can't even think today. What was the
10 word, architectural. Obviously, having kind of
11 a senior moment.

12 Improvable area in Lot C, improvable
13 diameter Lot B, improvable diameter Lot C.
14 Stream corridor waiver, sidewalks and curbing.
15 So, you know, it is a pretty significant number
16 for a project that is not significant or not
17 super big.

18 I'm not even really that concerned about
19 the number. They are obviously are here for
20 relief associated with the subdivision. I'm
21 more worried about how tight we are with the
22 drainage. And as Jordan can also opine, they
23 go over that acre with the two lots, they need
24 an H. O. A. You are going to have like a home
25 owner's association with these two lots as we

1 know here in town doesn't generally work out
2 too well.

3 I'm very worried how tight this is on the
4 area of disturbance which would kick that into
5 a major development for drainage. Losing one
6 lot would free up a lot of coverage which would
7 give the other two lots a little bit more
8 flexibility. But as I said, that's up to you
9 guys.

10 MR. GIVELEKIAN: Thank you.

11 CHAIRWOMAN KWAAK: Okay. Can we have
12 your next witness, please?

13 MR. RIZZO: Sure. I'd like to call
14 the architect up at this time.

15 Dan.

16 BOARD MEMBER: Do you swear that the
17 testimony that you are about to give in court
18 is the truth, the whole truth and nothing but
19 the truth?

20 THE WITNESS: Yes, I will.

21 BOARD MEMBER: Can you tell us your
22 name, spell your last name and give business
23 address.

24 THE WITNESS: Daniel Fortunato,
25 F-O-R-T-U-N --

1 CHAIRWOMAN KWAAK: Can you use the
2 microphone, sir.

3 THE WITNESS: Daniel Fortunato,
4 F-O-R-T-U-N-A-T-O. The address is 13 Tamarack
5 Circle, Skillman, New Jersey. Fortunato
6 Architecture is my firm.

7 CHAIRWOMAN KWAAK: Thank you.

8 BOARD MEMBER: Madam Chair, I have
9 these architectural -- it's one page dated
10 April 7th, is that what you are showing up
11 there?

12 **A Yes.**

13 **This is actually April 23rd because**
14 **I did the color rendering today. That's the same**
15 **drawing.**

16 CHAIRWOMAN KWAAK: Can we back that
17 (inaudible).

18 THE WITNESS: It's the same document.
19 It's just the color version. That's all it is.

20 CHAIRWOMAN KWAAK: Can you guys see
21 that?

22 MS. JENNINGS: For the record that
23 would be Exhibit A-10.

24 CHAIRWOMAN KWAAK: Can you give us
25 this credential, please?

1 MS. JENNINGS: Oh, I'm sorry, yes.

2 BY MS. JENNINGS:

3 Q If you could give the Board the
4 benefit of your background and qualifications.

5 A I'm a graduate of Ohio State
6 University, Bachelor of Industrial Design, and a
7 graduate of Jackson University, Bachelor of
8 Architecture. I'm licensed in New Jersey, New
9 York, Pennsylvania, and Ohio.

10 Q And your license is currently valid
11 today?

12 A Yes, they are all valid.

13 CHAIRWOMAN KWAAK: We can call those
14 sufficient. Thank you.

15 MS. JENNINGS: Thank you.

16 BY MS. JENNINGS:

17 Q Right now they're passing out what
18 we've identified as Exhibit A-10. Can you just
19 identify or describe A-10 for the record?

20 A Yes. The drawing that I produced is a
21 sketch.

22 May I have one of those copies
23 Because I don't have one of those?

24 CHAIRWOMAN KWAAK: There should be a
25 handheld microphone. Oh, it's by her desk.

1 And turn it on. Go ahead.

2 THE WITNESS: What I work with here is
3 a plan based on what Ted earlier proposed as
4 far as the size of the houses. So I work with
5 -- originally we had a 60 by 40 footprint. I
6 reduced it down to 58 by 36. So the footprint
7 that you see right here, I can essentially get
8 a two-storey house, four bedrooms, three and a
9 half bath, 3,500 square feet. So that would
10 fit on the lot, at least Lot C, that is what
11 this is designed around right now.

12 And this has also a full basement in it.
13 Two-car garage, and I also added onto it too, I
14 know the site slopes a little bit so I added a
15 deck off to the side. And I also had a
16 walk-out basement. That's where Ted put the
17 patio on his plan, the 10 by 20 patio.

18 Q And what's the height of the building?

19 A Well, from the front, it's a sloping
20 site, but right now it's 35 feet.

21 MS. BEAHM: What do you mean right
22 now?

23 THE WITNESS: I'm sorry.

24 MS. BEAHM: I mean, I guess my concern
25 is how you put that you said right now it's

1 35-feet. Is it going to be 35-feet --

2 THE WITNESS: All right. I may have
3 made a mistake right now. I meant it's a
4 sloping site, so we took the elevation for the
5 front is 35-feet from the front of the house to
6 the ridge.

7 MS. BEAHM: How much is it from the
8 back?

9 THE WITNESS: Well, it would be higher
10 obviously. The site drops off in the back.

11 MS. BEAHM: That's why I'm asking the
12 question.

13 THE WITNESS: Okay. Well, it's
14 measured from the front, the front elevation.

15 MS. BEAHM: I understand that. I want
16 to know how tall the building is from the back.
17 So, I don't understand why it's so difficult --

18 THE WITNESS: It's not a difficult
19 question. I don't have the grading on it right
20 now. This is just a schematic concept for a
21 house that could fit on that lot.

22 MS. BEAHM: Okay.

23 CHAIRWOMAN KWAAK: You did this just
24 for Lot C?

25 THE WITNESS: That's correct.

1 MS. JENNINGS: And the other homes
2 would look similar just different elevations.

3 CHAIRWOMAN KWAAK: Same size.

4 MS. JENNINGS: Same size.

5 CHAIRWOMAN KWAAK: Not bigger.

6 THE WITNESS: It can be the same size,
7 yes. We could take any footprint and just
8 reconfigure it but, yes, basically it's the
9 same size.

10 CHAIRWOMAN KWAAK: Okay. I'm sorry,
11 you can continue with your testimony. If you
12 have any more.

13 MS. JENNINGS: I don't think he
14 technically has anymore. I know the board was
15 just concerned about what would the house look
16 like and where would it sit and so that's why
17 we came up with the one concept plan.

18 CHAIRWOMAN KWAAK: Got it.

19 Okay. Professionals, any questions about
20 the plan?

21 MR. RIZZO: I don't have any
22 questions. Thank you.

23 CHAIRWOMAN KWAAK: Rich, anything?

24 MR. BRIGLIARDORO: Did you say 3,500
25 square foot?

1 THE WITNESS: 3,500 square feet.

2 CHAIRWOMAN KWAAK: Jen? Do you want
3 us to come back to you?

4 MS. JENNINGS: Yes. Because I'm just
5 calculating.

6 CHAIRWOMAN KWAAK: Okay. Rick?

7 MR. HOGAN: No questions.

8 CHAIRWOMAN KWAAK: Jack?

9 MR. JACOBSON: Just real quick on what
10 Jen had -- I assume, what do you have,
11 nine-foot basement walls, eight-foot?

12 THE WITNESS: Eight-foot basements.

13 MR. JACOBSON: Eight-foot. How far do
14 you figure the front, the floor to the grade is
15 set now? How is it set above grade --

16 THE WITNESS: About 32 inches. I try
17 to work on three steps and a four-inch step up.
18 So usually I work about 32 inches from the
19 front grade elevation to the front -- first
20 floor.

21 MR. JACOBSON: So using that, you can
22 pretty much do the math in the back. Do you
23 want to do it or you want me to do it?

24 THE WITNESS: Math in the back, okay,
25 it's another eight-feet high -- say nine-feet

1 higher in the back.

2 MR. JACOBSON: Thirty-five and eight.

3 THE WITNESS: Thirty-five plus nine,
4 I'll say, 35 plus nine.

5 MR. JACOBSON: Great, thank you.

6 CHAIRWOMAN KWAAK: Okay. I have no
7 questions. Thank you.

8 MR. NELSON: I'm going to repeat
9 myself a little bit. The back of the house
10 is -- so the back of the house would be where
11 the zoning is for the front step it's the rear
12 the structure is where it is the front of the
13 structure?

14 MS. JENNINGS: Correct.

15 MR. NELSON: I understand that.

16 CHAIRWOMAN KWAAK: Barry.

17 MR. JACOBSON: No questions.

18 CHAIRWOMAN KWAAK: John?

19 MR. CASTRONOVO: Not from me. Thanks.

20 CHAIRWOMAN KWAAK: Tod.

21 MR. BROWN: 3,500 square foot home and
22 all they have is a 10 by 20 patio and a 12 by
23 17 deck. That's all they can do?

24 THE WITNESS: No. That's what I
25 designed. I don't have the zoning requirements

1 as far as impervious coverage and everything
2 else. I certainly can design something
3 different. This is just sort of a schematic
4 they need to fit with the size of the
5 footprints of the house in the area we have.

6 MR. BROWN: Sure, no doubt. I think
7 it's to conserve the stormwater. We go back to
8 the prior professional in regards to this is
9 what we are looking at this 3,500 square foot
10 home and this is all they are able to do for
11 amenities with a limit of storm water.

12 That's my point is -- I strongly believe
13 the elimination of Lot C would make a so much
14 better subdivision. Thank you.

15 CHAIRWOMAN KWAAK: Barry.

16 MR. FISHER: The only question I have,
17 the EV stations, EV wiring in the garages would
18 be no problem putting that in, just the wiring
19 no appliances.

20 THE WITNESS: Absolutely. That's
21 always can be done. We do quite a few of those
22 actually for analysis.

23 CHAIRWOMAN KWAAK: Pat.

24 Nunzio.

25 MR. POLLIFRONE: Nothing to add.

1 CHAIRWOMAN KWAAK: Pat.

2 MR. GIVELEKIAN: I suppose you have a
3 concern regarding Lot C. Essentially for a
4 home office instead of a bedroom.

5 CHAIRWOMAN KWAAK: Is that all for
6 your witnesses?

7 MS. JENNINGS: Yes --

8 MS. BEAHM: I have a question about
9 square foot that is shown, this thing you just
10 -- this exhibit. I don't remember what the
11 number was.

12 MR. BRIGLIARDORO: A-10.

13 MS. BEAHM: So the first floor plan
14 you are excluding the garage?

15 THE WITNESS: Yes. That's correct.

16 MS. BEAHM: Okay, and the second floor
17 plan, what are we excluding to get to 1706?

18 THE WITNESS: The open below section
19 that's the two storey vestibule section that's
20 in the front there.

21 MS. BEAHM: That's kind of small and
22 when I add like 36 times 58, it is like over
23 2,000 square feet. So you are saying that area
24 is the 500 square feet?

25 THE WITNESS: We are not including the

1 attic.

2 MS. BEAHM: Okay. So if you add the
3 1547 plus 1706 it comes up to 32 and change.
4 And that does not include any of the area in
5 the walkout basement.

6 THE WITNESS: That's correct.

7 MS. BEAHM: What's the useable area of
8 the basement?

9 THE WITNESS: I don't have that
10 number.

11 MS. BEAHM: The only reason that I ask
12 is that there's a bathroom down there, there's
13 a big area, there's a closet, and there is a
14 walk out. So in all likelihood that is going
15 to be additional square footage. I'm not
16 saying there is a problem with it, I'm just
17 trying to get the accurate square footage of
18 all these homes are proposed to be on the
19 record. Because it doesn't seem like that is
20 3,000 -- or 300 square feet.

21 **A Generally, when it's more than 50**
22 **percent, it'll count as a floor. This is not 50**
23 **percent exposure on the four sides, I should say.**

24 MS. BEAHM: We don't have a
25 requirement here for a minimum or a maximum

1 square footage of a house. I think the Board
2 is trying to understand how much useable square
3 footage is going to be in these homes and when
4 you have a big open basement area with a closet
5 and a lavatory you are -- you are not using
6 that for storage if there's a bathroom down
7 there. So I'm assuming that that's going to be
8 usable square footage for a walkout.

9 MS. JENNINGS: Yes.

10 MS. BEAHM: I'm just asking what the
11 square footage is? That's it.

12 MS. JENNINGS: Correct. Understood.

13 THE WITNESS: I do not have that
14 number.

15 MS. BEAHM: Okay.

16 CHAIRWOMAN KWAAK: Okay. Done?

17 MS. BEAHM: Yes.

18 CHAIRWOMAN KWAAK: Is that your final
19 witness?

20 MS. JENNINGS: Yes.

21 CHAIRWOMAN KWAAK: At this time, I'd
22 like to open it to the public. Anyone from the
23 public having any comments or questions
24 regarding this application, please come
25 forward.

1 Ma'am, if you can come up and take the
2 microphone and get sworn in.

3 Who did you say you sworn in as?

4 THE CLERK: Please raise your right
5 hand.

6 Do you swear or affirm the testimony you
7 are about to give before this court is going to
8 be the truth, the whole truth and nothing but
9 the truth?

10 MS. LESEL: Yes.

11 THE CLERK: Please tell us your name,
12 spell your last and give us the address.

13 Tell your name?

14 MS. LESEL: Alora Lesel.

15 THE CLERK: Spell your last name?

16 MS. LESEL: L-E-S-E-L. First name is
17 A-L-O-R-A.

18 CHAIRWOMAN KWAAK: And your address,
19 ma'am?

20 MS. LESEL: 2 Darlington Drive.

21 CHAIRWOMAN KWAAK: Chair go ahead.

22 MS. LESEL: My question is, they are
23 asking not to put a curb --

24 CHAIRWOMAN KWAAK: Wait, wait. We
25 have a feedback. Did you turn off the other

1 microphone?

2 MS. LESEL: My question is you are
3 requesting not putting in curbing on Woodward
4 Road, and I would like to see the curbing in
5 there because the road, you know, the road's
6 beside where the road ends, and then there's a
7 big -- big ditches on the side, and there are
8 cars that have swerved over into there.

9 On top of that, in the winter, when the
10 plow guys are going through, they don't know
11 what the property line is. And I'm the first
12 house that has the curbing, so when they are
13 plowing, all that dirt comes up and they drop
14 it on my storm drain.

15 So curbing would help the plow guys plow
16 the road properly without bringing all that
17 dirt up -- dirt, mud, soot, you know. That's
18 my only -- I think every body has covered
19 pretty much everything else but that was my
20 only, you know, comment today to make.

21 CHAIRWOMAN KWAAK: Okay, thank you.

22 MS. LESEL: Thank you.

23 CHAIRWOMAN KWAAK: Anyone else have
24 any questions comments, concerns about this
25 application?

1 Seeing none, I close the public.

2 Okay. Board members, do we move on?

3 MR. HOGAN: I was just wondering if
4 the applicant had an answer for the public on
5 the curbing.

6 MS. JENNINGS: I would actually defer
7 to the site engineer.

8 THE WITNESS: Sure, we were asking for
9 relief from installing curbing along Woodward
10 Road. I think the applicant would be agreeable
11 to install curbing along the frontage of Lot C
12 of just where the home site is, but not the
13 full length. I think it's close to 850-feet,
14 but the home site is very small compared to
15 that. So just maybe 25-feet beyond where the
16 driveway would be, from the property corner to
17 a point just beyond where the proposed driveway
18 would be.

19 MR. RIZZO: To clarify for that. With
20 the waiver you are seeking, it also comes with
21 a payment in lieu for curb and sidewalk.

22 THE WITNESS: Yes, we understand that.

23 MR. RIZZO: Okay.

24 CHAIRWOMAN KWAAK: Okay.

25 MR. HOGAN: To the same point, not

1 getting to that, but to say 25-feet to the --
2 what would be north of the driveway?

3 THE WITNESS: Yes.

4 MR. HOGAN: Is it not smaller? I
5 mean, I can see the stream corridor and the
6 flood hazard being a problem to get permits and
7 all to do it, but certainly among the like
8 regions there, or what is the improvable part
9 of the property?

10 THE WITNESS: Well, that's right. If
11 you install curb and sidewalk all the way down
12 the culvert more north, that brings in the
13 stream corridor, it brings in DEP permits for
14 flood hazard. It brings in wetlands permits as
15 opposed to just transition area waivers. It
16 would bring in a wetland permit.

17 MR. HOGAN: So I'm not disagreeing
18 with you. Whatever we're trying to do is find
19 a happy medium between the 25-feet that you
20 offered and what we can live with.

21 MR. RIZZO: To your knowledge the road
22 drains off down over this pavement, right?

23 THE WITNESS: That's correct. It
24 drains -- there's a crown in the road, it
25 drains towards our property and then down to

1 the culvert.

2 MR. RIZZO: This isn't to scale. I
3 imagine about a third of Woodward Road frontage
4 probably brings you to what --

5 THE WITNESS: Past the intersection of
6 the street across the right-of-way.

7 MR. RIZZO: With any curbing you
8 should look at curb cuts as well to make sure
9 they are allowing the water to get off the
10 road.

11 I would say somewhere a little bit past
12 that intersection.

13 THE WITNESS: You are talking about
14 past Hillside Road or aligned with Hillside
15 Road.

16 MR. RIZZO: Yes, probably past it.

17 THE WITNESS: Aligned with the PC of
18 the second radius.

19 MR. RIZZO: The north side.

20 CHAIRWOMAN KWAAK: Jordan, this new
21 map they gave us is starting roughly where?

22 MR. RIZZO: It's generally -- I don't
23 know if you can read this but, in the middle of
24 the road is the center line, there is the word
25 on, so if you can put a mark there that's where

1 the curb would start.

2 CHAIRWOMAN KWAAK: And go down to the
3 end of property which is past the driveway.

4 MR. RIZZO: To the south.

5 THE WITNESS: Right about the -- where
6 the word on is. That's right. From there to
7 the property --

8 MR. RIZZO: I'll with work my office
9 in regard that the curbing to make sure we're
10 allowing water to get through.

11 THE WITNESS: Well, the -- our lot is
12 higher than the road at that point, so it will
13 get channelized right there, and it will
14 probably go down. It doesn't drop off, it goes
15 up a little bit.

16 MR. RIZZO: Okay.

17 CHAIRWOMAN KWAAK: Okay. Anything
18 else?

19 Okay. So Rich can you please go down the
20 shopping list of what they need. Very positive
21 resolution of this application before the Board
22 discusses what we're going to do or not do?

23 MR. BRIGLIARDORO: So, in terms of
24 variances for Lot A, minimum lot frontage,
25 minimum lot width. For lot B, variance for

1 minimum lot frontage, and minimum improvable
2 lot diameter. For lot C, the front yard
3 setback, the minimum improvable lot area, and
4 the minimum improvable lot diameter.

5 Then there a number of design waivers that
6 have been outlined in Jen's report. So one is
7 for disturbance and construction as proposed in
8 the stream for Lot C. So we need a waiver for
9 that. The sidewalks and curbing, so in terms
10 of I guess they are not proposing a sidewalk.

11 MR. RIZZO: The waiver for sidewalk is
12 both frontage Woodward Road and Eaglewood
13 Court. Curbing exists on Eaglewood Court. So
14 it would be a partial waiver for Woodward Road
15 frontage. It is also -- sorry, it's also the
16 driveway set back for Lots A and B because they
17 share the driveway and there is zero set back
18 to each side of the property line.

19 MR. BRIGLIARDORO: With the conditions
20 that we talked about tonight, in terms of the
21 dry fire line, the homeowner's are going to be
22 responsible for maintaining that, the deed
23 restrictions in regard to the conservation
24 easement, deed restriction in regard to future
25 disturbance. Easement covering the dry line

1 split rail fence, for the conservation
2 easement.

3 CHAIRWOMAN KWAAK: Didn't we also say
4 concrete markers?

5 MS. JENNINGS: Correct.

6 MR. BRIGLIARDORO: These concrete
7 markers that's for the disturbances on the Lot
8 C they have concrete markers there.

9 MR. RIZZO: The subdivision will be
10 filed by plat.

11 CHAIRWOMAN KWAAK: Anything else.

12 MR. RIZZO: I'm good.

13 CHAIRWOMAN KWAAK: That's all we have.

14 Okay. Board members with regard to this
15 application, can we have some discussion or
16 motion with two lot, three lot, requirements,
17 all the stuff (inaudible).

18 MR. BROWN: Madam Chair, I have been
19 very vocal since the very beginning that Lot C
20 -- I don't see that being feasible. I don't
21 see that being realistic. And to allow the
22 other two homes to have a proper outdoor
23 amenity, with stormwater regulations and
24 restrictions. I don't -- I think it's very
25 reasonable to make this only a two lot

1 subdivision.

2 CHAIRWOMAN KWAAK: Okay. So, do you
3 have a motion two lots with all the other stuff
4 --

5 MR. BROWN: I'll let the board
6 discuss, but I'll make the motion.

7 CHAIRWOMAN KWAAK: I understand.

8 MR. NELSON: Should we poll the Board,
9 before we make the resolution?

10 CHAIRWOMAN KWAAK: Absolutely. Go
11 ahead. I want to see if there was anybody else
12 for discussion.

13 MR. NELSON: I'm going to agree for
14 probably the fifth time. Lot C is not a
15 buildable lot, by the restrictions in the
16 zoning rules, it's 100-foot set back and one of
17 the expert's testimony was the only reason it's
18 done so close is because it's not buildable due
19 to the slope of the property. So it's not a
20 buildable lot. If you follow the zoning rules.

21 CHAIRWOMAN KWAAK: All right, let me
22 take a poll of the Board, Rick?

23 MR. HOGAN: In regard to the three lot
24 --

25 CHAIRWOMAN KWAAK: Three lot to two

1 lot.

2 MR. HOGAN: I agree.

3 CHAIRWOMAN KWAAK: Jack.

4 MR. JACOBSON: Let me just throw this
5 caveat in. Ordinarily, I would be for the two
6 with you. The only thing is, when we eliminate
7 C, we have to make sure it's in there that Lot
8 A and B maintain the back of their properties.
9 So we have it all over town where they are done
10 that way. Nobody worries about the part 3,000
11 feet away. And then the town is mowing, the
12 town is cleaning it, the town is taking care of
13 all the trees. If we do that, I am fine either
14 way. I will support the motion with a majority
15 Board goes with it.

16 CHAIRWOMAN KWAAK: Okay. I'm more in
17 favor of a two lot than a three lot because I
18 just don't -- I just don't see Lot C happening.
19 I think the first person that would buy it
20 would be fine, it's just down the road. If
21 they change, they are going to creep into that,
22 the different buffers so to speak. I'm a two.

23 And Eric you said you were a two.

24 MR. NELSON: I'm a two because this is
25 not a buildable lot by the current standards.

1 CHAIRWOMAN KWAAK: Barry?

2 MR. JACOBSON: I'm a two.

3 CHAIRWOMAN KWAAK: John.

4 MR. CASTRONOVO: Honestly, I'm on the
5 fence. Because you want to build -- you want
6 to build a lot, the um three houses that maybe
7 two will be sellable and a third will not.
8 That's up to you.

9 CHAIRWOMAN KWAAK: So you are on the
10 fence?

11 MR. CASTRONOVO: I think it would be
12 prudent for the applicant to seriously consider
13 two rather than three.

14 CHAIRWOMAN KWAAK: Todd, I know you're
15 a two. Barry?

16 MR. FISHER: I have no problem with a
17 three, honestly.

18 BOARD MEMBER: Barry and Nunzio were
19 not at the March 12 meeting, they did not --

20 CHAIRWOMAN KWAAK: Sorry, guys.

21 Pat.

22 MR. GIVELEKIAN: I'm for two lots as
23 discussed at the last meeting. Quite frankly
24 it's surprising we are back here on three
25 tonight.

1 CHAIRWOMAN KWAAK: So as it stands
2 right now, I've got one person for three, I've
3 got one person on the fence, guys, and I've got
4 Jack with two.

5 So with that being said, can I have -- it
6 looks like a motion for two lots with regards
7 to this application?

8 MR. BROWN: Madam Chair, since I've
9 been vocal, I'll make that motion for a two lot
10 subdivision. Elimination of Lot C with all of
11 the variances minus the two that are required
12 for Lot C, all the design waivers which minus
13 two because of Lot C and all of the conditions
14 that the applicant has agreed to.

15 MR. JACOBSON: I will second.

16 BOARD MEMBER: So Mr. Brown?

17 MR. BROWN: Yes.

18 BOARD MEMBER: Castronovo is a no.

19 Mr. Jacobson?

20 MR. JACOBSON: Yes.

21 THE CLERK: Chairwoman Kwaak?

22 CHAIRWOMAN KWAAK: Yes.

23 BOARD MEMBER: Committeeman Nelson.

24 MR. NELSON: Yes.

25 BOARD MEMBER: Committeeman

1 Givelekian?

2 MR. GIVELEKIAN: Yes.

3 MS. JENNINGS: Okay, thank you so you
4 much. Have a good day.

5 (Whereupon the proceedings were
6 concluded at 8:09 PM.)

7 (Continued on next page for
8 certification.)

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C E R T I F I C A T I O N

I, Luann Galarza, a Certified Court Reporter of the State of New Jersey, License No. 30X100234600, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the within proceedings, to the best of my ability.

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