

**WARREN TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard  
July 25, 2022  
APPROVED**

**CALL TO ORDER**

**FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS**

**ROLL CALL**

|                                |                        |
|--------------------------------|------------------------|
| Mayor Sordillo (excused)       | Mr. Pasi               |
| Committeeman DiNardo (excused) | Mr. Scuderi (excused)  |
| Mr. Gallic                     | Mr. Esposito (excused) |
| Mr. Toth                       | Mr. Lippitt (excused)  |
| Mr. Lindner                    |                        |
| Mr. DiBianca (excused)         |                        |
| Mr. Argiro                     |                        |

**Statement by Presiding Officer:** *Adequate notice of this meeting was posted on January 20, 2022, the Township bulletin board and sent to the Township Clerk, Echo Sentinel, and Star Ledger per the Open Public Meetings Act. All Board members are duly appointed volunteers working for the good and welfare of Warren Township. We plan to adjourn no later than 10:00 p.m.*

■ **APPROVAL OF MINUTES:**

July 11, 2022

Motion was made by Mr. Toth, seconded by Mr. Argiro to approve the minutes.

Roll Call

For: Mr. Toth, Mr. Argiro, Mr. Pasi, Mr. Lindner, and Mr. Gallic.

Against: None.

■ **Reports:** No reports

Steve Warner, Esq.  
John T. Chadwick, IV, P.P., Professional Planner  
Christian Kastrud, P.E., Professional Engineer  
Maryellen Vautin, Clerk

■ **CITIZENS HEARING non-agenda items**

Mr. Gallic opened the meeting to non agenda items and no one came forward so that portion of the meeting was closed.

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■ **RESOLUTIONS:**

**PB20-03**

**K. Hovnanian North Jersey Acquisitions, LLC  
Preliminary and final Major Site Plan  
Block 208 lots 4, 10, 12, 19, Block 2704 lot 3**

Roll Call

Motion was made by Mr. Linder, seconded by Mr. Argiro to adopt the resolution.  
For: Mr. Toth, Mr. Argiro, Mr. Lindner.

■ **PUBLIC HEARING agenda items**

■ **HEARING agenda items**

**PB22-04 The Hollows at Warren, LLC**

Block 86.01 lots 28.04, 29 and 30  
Final P & F Major Subdivision Phase II

Mr. Jay Bohn came forward as attorney for the applicant. The application is for final Subdivision approval for phase II of a previously approved preliminary subdivision, phase I was approved previously. Mr. Bohn had Mr. Kastrud's memo of July 25, 2022 and the applicant was in agreement with all the items and the comments could be made conditions of the approval.

Mr. Kastrud stated the items were mostly technical in nature. The biggest item was the bond being required to be submitted for all the public improvements. The applicant will need to submit a construction cost estimate of quantities to the Township to prepare for the bond. Inspection fees are already posted for the preliminary. The lots are basically the same as approved with the preliminary. There is an exception of one lot line at the end of the cul-de-sac that goes out to Mount Bethel Road has been moved slightly to align with the sanitary sewer.

Mr. Gallic explained to the public that the subdivision had been approved and it is now here for Phase II perfection. Mr. Chadwick said it does conform with the preliminary approval. Mr. Gallic asked if any board members had questions. The lots will be created to build houses.

Mr. Steve Warner, attorney for the board, bought up the Fire Marshall memo from March 2022 and a request for three hydrants. Mr. Gallic suggested to make any approval contingent to the Township Engineer approving the utility plans.

Mr. Gallic opened the meeting up to the public. Seeing no one come forward, he closed it. Mr. Gallic asked for a motion to approve the application.

**WARREN TOWNSHIP  
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Motion was made by Mr. Lindner, seconded by Mr. Toth.  
For: Mr. Toth, Mr. Argiro, Mr. Pasi, Mr. Lindner, and Mr. Gallic.  
Against: None.

Mr. Gallic mentioned that one of the board members was not prepared to vote on the next application and there is not a quorum to hear/vote on it.

Mr. Mark Peck, attorney for the board, came up and gave the opinion that they could continue and Mr. Pasi could listen to the previous hearing he missed or review the transcript and certified he did. They would not be able to vote this evening.

The transcript from July 25, 2022 for Hillcrest Crossing is attached to these minutes.

**PB 21-04 Hillcrest Crossing, LLC**  
Block 205 lots 58, 59, 60 and 61  
Preliminary and Final Site Plan

Transcript attached

**SCHEDULE OF NEXT MEETING August 8, 2022**

Mr. Gallic asked if some members could make a workshop meeting on the Downtown Design concepts. Some members will be able to attend August 4, 2022 and a public notice will be done. No action will be taken.

■ **ADJOURNMENT**

Mr. Toth made a motion to adjourn, seconded by Mr. Gallic. Meeting adjourned approximately 9:45.

WARREN TOWNSHIP  
WARREN TOWNSHIP PLANNING BOARD MEETING

-----X  
IN RE: PB 21-04 Hillcrest Crossing, LLC  
Block 205. Lots 58, 59, 60 and 61  
Preliminary and Final Site Plan  
-----X

The stenographic notes of the remote proceedings in the above-entitled matter, as taken by and before, MICHAEL WILLIAMS, a Registered Professional Reporter and Notary Public of the State of New Jersey, on Monday, July 25, 2022 commencing at approximately 7:44 in the evening.

HUDSON COURT REPORTING & VIDEO (732) 906-2078

- 1 APPEARANCES:
- 2 FOR THE APPLICANT:
- 3 DAY PITNEY, LLP
- 4 One Jefferson Road
- 5 Parsippany, New Jersey 07054
- 6 BY: KATHARINE A. COFFEY, ESQ.
- 7 BOARD MEMBERS:
- 8 DANIEL GALLIC - Chairman
- 9 JOHN LINDNER - Vice President
- 10 VICTOR J. SORDILLO - Mayor
- 11 (Not present)
- 12 STEVE WARNER - Board Attorney
- 13 GARY DINARDO - Committeeman
- 14 JERRY TOTH - Board Member
- 15 BARRY ARGIRO - Board Member
- 16 DAVID PASI - Board Member
- 17 SAL DIBIANCA - Board Member
- 18 (Excused)
- 19 LOU ESPOSITO - Board Member
- 20 (Excused)
- 21 MATT LIPPITT - Board Member
- 22 (Excused)
- 23 STAFF:
- 24 JOHN T. CHADWICK IV, PP - Professional Planner
- 25 CHRISTIAN KASTRUD, P.D. - Professional Engineer
- 26 MARYELLEN VAUTIN - Clerk
- 27 JIM MAZZUCCO - Associate

1 I N D E X

2 WITNESS DIRECT EXAMINATION BY PAGE

3 Matthew Kunsman Katherine Coffey 40

4 Gary Dean Katherine Coffey 94

5 E X H I B I T S

6 APPLICANT DESCRIPTION FOR I.D.

7 A-7 Overall Site Plan 41

8 A-8 Roadway Exhibit 47

9 dated 5-18-22

10 A-9 Emergency Access 51

11 Exhibit dated 5-18-22

12 A-10 Cross-section Exhibit 55

13 dated 6-1-22

14 A-11 Driveway Exhibit 66

15 dated 6-14-22

16 A-12 Sheet 302 96

17

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1 MR. CHAIRMAN: We are going to be

2 hearing PB 21-04, Hillcrest Crossing, LLC.

3 Just for the public's edification,

4 we will not be taking a vote on this, but we will

5 be hearing testimony and you will have an

6 opportunity to speak.

7 I believe the last time that it

8 closed, we left off with traffic because I just

9 listened to the tapes of the traffic engineer

10 finishing, but we didn't open it up to the public

11 for any questions on the traffic engineer?

12 MS. COFFEY: I thought we did open

13 for questions. He's here, so, and we are going

14 to have him on planning testimony, so.

15 MADAM SECRETARY: Mr. Klein's memo

16 is in front of you. There are five of them up on

17 the top part.

18 MS. COFFEY: We intended to start

19 with our engineer, but would you prefer that we

20 start with traffic again?

21 MR. CHAIRMAN: Just for the sake of

22 continuity, I understood that there was something

23 left to be said for the public asking questions.

24 Maybe I misunderstood the tapes, but that's what

25 I heard.

1 But let's just open up to the public  
 2 for that, for the traffic, and if there are any  
 3 questions on that; and if there is none, we are  
 4 moving on.  
 5 Any member of the public wishing to  
 6 speak or talk to the traffic testimony that was  
 7 given during the last hearing come on up. No?  
 8 Remember the rules of the testimony,  
 9 if you're going to give facts on the record, you  
 10 are going to be sworn in, but if you are going to  
 11 just be asking questions, you don't need to be  
 12 sworn in. You introduce yourself by name and  
 13 address and all the rest of it. So you're first  
 14 up.  
 15 MR. HEFFERNAN: My name is William  
 16 P. Heffernan, Jr. I live at 34 Valleyview Road;  
 17 Warren, New Jersey.  
 18 MR. CHAIRMAN: You were previously  
 19 sworn in, weren't you?  
 20 MR. HEFFERNAN: Yes.  
 21 MR. CHAIRMAN: That continues.  
 22 MR. HEFFERNAN: Just to remind you,  
 23 I'm a licensed civil engineer in the State of New  
 24 Jersey.  
 25 MR. CHAIRMAN: Right.

1 MR. HEFFERNAN: I have noticed that  
 2 the board decided not to hear the numbers from  
 3 the traffic engineer.  
 4 I think it would be a good thing to  
 5 hear the numbers from the traffic engineer as a  
 6 result of what they looked at as far as level of  
 7 service for the various entrances onto Hillcrest  
 8 Road from Emerson and from, I believe, it's  
 9 Bellewood and the ramp onto 78.  
 10 So those numbers I think are  
 11 important. We should hear what the level of  
 12 service is.  
 13 MR. CHAIRMAN: Sure.  
 14 MR. HEFFERNAN: And what the level  
 15 of service and what the number of cars once --  
 16 MR. CHAIRMAN: Sure.  
 17 MR. HEFFERNAN: And if the board  
 18 approves the development, what it will be, so.  
 19 MR. CHAIRMAN: We might be able to  
 20 do that right now. So let's ask the traffic  
 21 engineer.  
 22 MS. COFFEY: Mr. Chairman, just for  
 23 the record, this is Gary Dean, who's the  
 24 applicant's traffic expert. He's previously been  
 25 sworn, right?

1 MR. CHAIRMAN: So, Gary, did you  
 2 represent the level of service of Bellewood in  
 3 the previous testimony or any of your testimony  
 4 that was sent in to the board?  
 5 MR. DEAN: Mr. Chairman, I don't  
 6 recall, to be perfect candid. It was sometime  
 7 ago. It is memorialized in our report from April  
 8 9th of 2021.  
 9 MR. CHAIRMAN: For the sake of the  
 10 public, why don't you give the three roads, were  
 11 the onramp, Bellewood and what was the third?  
 12 Emerson?  
 13 MR. DEAN: Emerson. Just by way of  
 14 background, and I believe I covered this, I  
 15 actually served as the traffic consultant for the  
 16 Fasi family when Bellewood Estate was built. So  
 17 I had involvement with that application,  
 18 evaluation, presentation for those findings  
 19 before this board some 15 or so years ago.  
 20 Candidly, I didn't look at the  
 21 existing levels of service and for a very  
 22 specific reason.  
 23 This board and as part of the  
 24 collaborative effort between this application and  
 25 K. Hovnanian, we worked with the board

1 professionals, countless staff to look at ways to  
 2 improve Emerson, in particular, and Bellewood, as  
 3 well as the Route 78 off ramp.  
 4 Both are known to be problematic  
 5 applications and as a result of K. Hovnanian  
 6 application, there is an obligation to install a  
 7 traffic signal at Emerson and Bellewood and  
 8 Hillcrest.  
 9 We did evaluate level of service if  
 10 the traffic signal did not get implemented, and  
 11 they were levels of Service D and C during both  
 12 the peak hours.  
 13 The level of service existing on  
 14 Route 78 West is level of service F. The ramp  
 15 turning left to go down the hill toward Watchung  
 16 Circle is known to be problem.  
 17 MR. CHAIRMAN: Existing.  
 18 MR. DEAN: The highway.  
 19 MR. CHAIRMAN: West but like turning  
 20 south.  
 21 MR. DEAN: Going south, correct.  
 22 That's F. There is a stop sign control. There  
 23 is a lot of traffic on Hillcrest.  
 24 And to quantify those volumes, they  
 25 are in excess of 1,000 vehicles per hour, a

1 little bit less at night but mostly in the  
2 morning approaching almost 1100 vehicles per  
3 hour; and then we have a fair amount of traffic  
4 turning left during both peak hours from Route  
5 78. 450 vehicles in the morning and in excess of  
6 500 at night.

7 So the confluence of traffic at that  
8 location has been problematic as long as I've  
9 been appearing before this board, and that's why  
10 there is a requirement, and we will be meeting  
11 with DOT, with the county to put a traffic signal  
12 at the off ramp, and that benefits not either  
13 development, quite frankly. It benefits the rest  
14 of the community and the traffic that continues  
15 south toward the Watching Circle.

16 MR. CHAIRMAN: If you don't mind  
17 just, I have one other question towards that.

18 You gave testimony on the actual  
19 authority of the DOT, U.S. DOT, I think, and on  
20 78.

21 I didn't follow the testimony  
22 because I didn't see the maps because I was  
23 listening to the recordings.

24 What part of this application is  
25 governed by DOT versus this particular county?

1 MR. DEAN: When you say this  
2 application, you mean this very site plan  
3 application?

4 MR. CHAIRMAN: It is the only one  
5 we're hearing.

6 MR. DEAN: There's zero involvement  
7 as far as this applicant is concerned.

8 We have reviewed the jurisdictional  
9 maps. We have reviewed the condemnation maps  
10 when DOT acquired private property to construct  
11 Route 78, and the jurisdiction align ends at the  
12 ramp, and it is, basically, the simplest way to  
13 look at it is who snowplows, and DOT comes off  
14 the ramp, goes straight cross and snowplows the  
15 other road.

16 MR. CHAIRMAN: Yes and no, but we  
17 are splitting hairs here.

18 What I want to ask is and,  
19 Christian, to verify that the authority as  
20 presented by Gary Dean is correct.

21 MR. KASTRUD: I'll take it to the  
22 feet because the entrance to this application is  
23 so close that we just want to make sure we are  
24 100 percent correct.

25 MR. DEAN: Mr. Chairman, I assure

1 you the county engineer has asked the very same  
2 question.

3 MR. CHAIRMAN: It's a tough one.  
4 It's really close.

5 MR. DEAN: And I don't know if I  
6 introduced it as an exhibit, but I would be glad  
7 to do so for at least informational purposes, and  
8 what I'm referring to is a jurisdictional map  
9 that is prepared by the New Jersey Department of  
10 Transportation. It is dated January 1971.

11 MR. CHAIRMAN: Maryellen, what are  
12 we up to?

13 MR. WARNER: A-6 would be the next  
14 one.

15 MS. COFFEY: I have this as A-7.

16 MR. CHAIRMAN: Maybe not.

17 MR. WARNER: The transcript ends at  
18 A-5.

19 MADAM SECRETARY: Yes, it does.

20 MS. COFFEY: So be it. We'll go  
21 with A-6.

22 MR. WARNER: We're missing an  
23 exhibit. A mystery.

24 MR. CHAIRMAN: Now I'm going to tell  
25 you, a quick look at that map, I'm not sure I

1 agree with your summation. I will hear you out.

2 MR. DEAN: Let me point out what is  
3 what. The dark gray pencil shade tells you how  
4 sophisticated this was 50 years ago, is DOT  
5 right-of-way.

6 There is a cross-hatched shading  
7 that represents jurisdiction of county and then,  
8 lastly, there is a double X shading that says  
9 jurisdiction of the municipality.

10 MR. CHAIRMAN: Okay.

11 MR. DEAN: The only area on this map  
12 is municipal jurisdiction is the segment of  
13 Crestwood Drive immediately east of Hillcrest  
14 Road right-of-way.

15 So the single cross-hatched area and  
16 as far as the subject property is concerned,  
17 north is to the top of the page.

18 Emerson is the road that extends to  
19 the right. The subject property is in the upper  
20 left-hand corner of the interchange.

21 Our access and our driveway is in  
22 the cross-hatched shade area. That is Somerset  
23 County.

24 MR. CHAIRMAN: Let the record show  
25 it is impossible to understand what is hatched

1 and not cross-hatched. It is okay. We're not  
 2 going to settle this. We leave it to the  
 3 engineer.  
 4 MR. DEAN: We are I'll say bound and  
 5 subject to the whatever agency ultimately -- we  
 6 know it is not this board and the township, so we  
 7 are pursuing those approvals as a joint  
 8 application with the county, with the applicant,  
 9 with K. Hov participating because they are part  
 10 of the overall impacts.  
 11 MR. CHAIRMAN: Sure.  
 12 MR. CHADWICK: There's one other  
 13 place.  
 14 Are you meeting with the DOT?  
 15 MR. DEAN: Yes, John. That's what  
 16 I'm referring to. It's August 8th.  
 17 MR. CHADWICK: You just said the  
 18 county.  
 19 MR. DEAN: And the county is coming  
 20 to the meeting.  
 21 MR. CHADWICK: Okay.  
 22 So the state is involved?  
 23 MR. CHAIRMAN: Right. So we're  
 24 going to get to the bottom of this.  
 25 MR. DEAN: Mr. Kastrud is invited

1 and I believe attending, as is Mr Chadwick. So  
 2 we're engaging everybody we possibly can.  
 3 MR. CHAIRMAN: One other question  
 4 turned into a long discussion.  
 5 MR. HEFFERNAN: That's my point.  
 6 MR. CHAIRMAN: Your next question.  
 7 MR. HEFFERNAN: I would ask if you  
 8 could explain to everybody here what the levels  
 9 of service mean A through F.  
 10 MR. DEAN: Level of service is a  
 11 descriptive term the traffic engineers use  
 12 ideally to facilitate these types of discussions,  
 13 and it is a way of grading intersection or  
 14 roadway operations akin to a report card.  
 15 So A meaning a very favorable level  
 16 of service indicative you have short delays that  
 17 we as a driver you pull up to a light or stop  
 18 sign, look left and right and go. That's level  
 19 service A.  
 20 Conversely if we are sitting at a  
 21 light for a whole cycle change or it's anything  
 22 more than 80 seconds, that's considered level of  
 23 service F.  
 24 So it is --  
 25 MR. CHAIRMAN: Basically, all

1 Manhattan.  
 2 MR. DEAN: Manhattan is better than  
 3 you think, believe it or not, not at rush hour,  
 4 but you hit the lights at Sixth Avenue and you're  
 5 doing alright.  
 6 As it is now, again, because of the  
 7 absence of a traffic signal at the off ramp,  
 8 those delays are quite extensive at peak hours,  
 9 and that's one of the problems that affect this  
 10 community that this applicant is committed to  
 11 addressing.  
 12 MR. HEFFERNAN: My next question on  
 13 it is we know what the traffic counts look like  
 14 now.  
 15 What's the projected traffic counts?  
 16 MR. DEAN: Sure. In our projection,  
 17 we have included the subject application. We  
 18 have also included all the traffic from the  
 19 approval of the Hovnanian application, and once,  
 20 again, those numbers and projections have been  
 21 memorialized in our study.  
 22 They do increase above, you know,  
 23 depending on which peak hours; but in the morning  
 24 peak hours, for example, instead of being at  
 25 roughly 1100, those increase to 1175, and that

1 includes this site's traffic, K. Hovnanian's  
 2 traffic, and we also include what we call a  
 3 background growth factor which accounts for the  
 4 smaller in-fill developments that we don't  
 5 always -- we're not always aware of or those in  
 6 neighboring communities.  
 7 And in the evening peak hour that  
 8 increases to about nine other vehicles per hour,  
 9 and that's both directions on Hillcrest directly  
 10 in front of the site.  
 11 MR. HEFFERNAN: And the proposed  
 12 traffic signal would be at the exit of Route 78?  
 13 MR. DEAN: Correct.  
 14 MR. HEFFERNAN: From the westbound  
 15 lane?  
 16 MR. DEAN: Correct.  
 17 MR. HEFFERNAN: Does that -- how  
 18 does that affect the exit and entrance to the new  
 19 development?  
 20 MR. DEAN: Sure. As part of the  
 21 concept, there is widening proposed and a  
 22 restriping of Hillcrest for a dedicated turn lane  
 23 to enter the site.  
 24 We have left it up to the state,  
 25 although the county has expressed their

1 preference that this site's access be part of the  
 2 traffic signal so that anyone leaving this  
 3 property will be controlled by the light, and it  
 4 will be sequenced, the three signals will be  
 5 sequenced as a system between the Route 78 ramp  
 6 and Emerson.  
 7 MR. CHAIRMAN: I just want to  
 8 interrupt for a second because I have a question  
 9 towards that.  
 10 So you're telling me when you  
 11 control traffic coming out of the development  
 12 that we're hearing in now and we control the  
 13 outflow of the ramp and both east and west, I'm  
 14 sorry, south and northbound Hillcrest, that  
 15 you're not going to have worse levels of service  
 16 for everyone?  
 17 MR. DEAN: The difference is there  
 18 is no light on Hillcrest, right. So that traffic  
 19 doesn't stop. It just goes straight across. It  
 20 is at the expense of the ramp.  
 21 So as soon as we solve the problem  
 22 at the ramp, if you will, we disrupt traffic on  
 23 Hillcrest.  
 24 So, in that sense, yes, technically,  
 25 Hillcrest gets worse because it doesn't stop

1 today.  
 2 So that is the consequence of  
 3 putting in a light. So we trade off a little  
 4 efficiency for a lot more safety.  
 5 MR. CHAIRMAN: Okay. I'm absorbing  
 6 it, okay.  
 7 MR. HEFFERNAN: I'd also on that, on  
 8 the signalization of the light, I had heard you  
 9 say, I believe, at the last meeting then that the  
 10 driveway or the entrance into the development has  
 11 to take the buffer that exists currently for the  
 12 detention basin. The entire 50 feet?  
 13 MR. DEAN: Yes.  
 14 MR. HEFFERNAN: Right. And if you  
 15 were denied that, you would have basically no  
 16 access from Hillcrest --  
 17 MR. DEAN: Correct.  
 18 MR. HEFFERNAN: -- to the site,  
 19 making it unbuildable because I think the board  
 20 has already looked at access from Major Road, and  
 21 we all agree there is not going to be any  
 22 entrance from Major Road except for emergency.  
 23 So I would like you not to build  
 24 this development; but if you are, I'm asking if  
 25 you had considered an entrance that was half the

1 width of the 50 feet, just 25 foot, and use the  
 2 signalization in the development to control one  
 3 way traffic but a changeable directional  
 4 entrance.  
 5 In other words, when it was a green  
 6 light on Hillcrest, you could enter the  
 7 development from north and south on Hillcrest.  
 8 When it was red, then people in Hillcrest could  
 9 exist the property.  
 10 MR. DEAN: That's how we're  
 11 intending to run it, yes.  
 12 MR. HEFFERNAN: Had you considered  
 13 that?  
 14 MR. DEAN: That's how we're  
 15 proposing to sequence it, yes.  
 16 MR. CHAIRMAN: Wait a minute.  
 17 You're not having two-way traffic into the --  
 18 MR. DEAN: No, we definitely have  
 19 two-way traffic into the driveway.  
 20 MR. HEFFERNAN: I'm suggesting one  
 21 way.  
 22 MR. DEAN: No, we can't do that.  
 23 How do you get in and out on Saturday?  
 24 MR. CHAIRMAN: I want to make sure  
 25 we're clear.

1 MR. DEAN: Traffic doesn't work like  
 2 that.  
 3 We need a two-way driveway. The  
 4 ordinance requires it.  
 5 MR. HEFFERNAN: The ordinance might  
 6 require it but you're going for a variance, and I  
 7 would say maybe you want to look at a variance  
 8 for the driveway to be half the width single  
 9 direction but changeable based on --  
 10 MR. DEAN: No. I will say  
 11 categorically no.  
 12 MR. CHAIRMAN: You don't need to  
 13 respond to everything.  
 14 MR. HEFFERNAN: I understand, sir,  
 15 that you are an expert in this, but it is done  
 16 and it is done in other places.  
 17 So I would suggest you consider it  
 18 because the impact is we lose the entire 50 feet  
 19 of buffer that was required when they built the  
 20 Beltway Estates.  
 21 Now you're taking the entire buffer  
 22 away from us, if I understood you correctly.  
 23 MR. CHAIRMAN: Well, let's not talk  
 24 about engineering topics because that's an  
 25 engineering topic, not a traffic issue, other



1 than the redirection.  
 2 But you just went into an  
 3 engineering question which Gary Dean is not going  
 4 to answer.  
 5 MR. HEFFERNAN: I'm asking it from  
 6 the standpoint of have we looked a little bit  
 7 outside of the box so we can --  
 8 MR. CHAIRMAN: Right to your point,  
 9 we haven't.  
 10 MR. HEFFERNAN: -- to maintain some  
 11 buffer.  
 12 MR. CHAIRMAN: We haven't so far.  
 13 So thank you for that suggestion. The board will  
 14 definitely take a look at that.  
 15 MR. HEFFERNAN: Let's see if I have  
 16 any other questions.  
 17 As far as traffic, you're not into  
 18 sound at all?  
 19 What's the result --  
 20 MR. CHAIRMAN: He's not sound.  
 21 MR. HEFFERNAN: Okay. I'll come  
 22 back to that.  
 23 MR. CHAIRMAN: Yes, it's fine.  
 24 MR. HEFFERNAN: They were my  
 25 questions. Thank you, sir. I appreciate it.

1 application or project, to my knowledge.  
 2 MR. CHAIRMAN: And not on the  
 3 Hovnanian one either?  
 4 MR. DEAN: Correct. So I think  
 5 we're talking to --  
 6 MR. FARRELL: That other one, like  
 7 that intersection on that handles eastbound  
 8 traffic coming after. It does need it even  
 9 though it's not part of this.  
 10 MR. CHAIRMAN: Actually, that's a  
 11 real good question.  
 12 Does the signal you're putting in  
 13 that's going to handle this application and the  
 14 southern ramp exit, the southern ramp, you know.  
 15 MR. LINDNER: Eastbound traffic  
 16 going 78.  
 17 MR. CHAIRMAN: Going south will also  
 18 handle northbound.  
 19 Northbound has the long ramp. So  
 20 you're going to leave the long ramp there and  
 21 handle the southbound traffic?  
 22 MR. DEAN: I want to be clear,  
 23 traveling on Route 78 west there is an off ramp,  
 24 Exit 40. That ramp right at the intersection  
 25 splits.

1 MR. DEAN: You're welcome.  
 2 MR. CHAIRMAN: Thank you. I  
 3 appreciate it.  
 4 MR. CHADWICK: As a comment, they've  
 5 already agreed to put the triple pane glass on  
 6 the window facing.  
 7 MR. CHAIRMAN: Yes. Come on up.  
 8 Got a twofer.  
 9 Welcome. You testified earlier,  
 10 right? Were you sworn in?  
 11 MR. FARRELL: I don't think I was  
 12 sworn in by you.  
 13 MR. CHAIRMAN: This is your first  
 14 time.  
 15 MR. FARRELL: This is a question  
 16 regarding traffic.  
 17 MR. CHAIRMAN: Great.  
 18 MR. FARRELL: Just -- Joseph  
 19 Farrell, Three Sage Drive.  
 20 This is regarding is there going to  
 21 be, supposed to be a third traffic light that is  
 22 supposed to be installed to handle eastbound  
 23 traffic coming off the ramp onto Hillcrest  
 24 because --  
 25 MR. DEAN: Not as part of this

1 If you want to go toward the  
 2 Watchung Circle, you sit in a single lane and you  
 3 wait at the stop sign.  
 4 MR. CHAIRMAN: Right.  
 5 MR. DEAN: Traffic that wants to  
 6 continue north, there is a channelizing island  
 7 that separates it. It is not very long but it  
 8 does separate the left and the right.  
 9 We will preserve that.  
 10 MR. CHAIRMAN: Okay.  
 11 MR. DEAN: And as we're going  
 12 through the process, and I know the county has  
 13 some restriping of Hillcrest, whether that  
 14 remains yield, whether it remains stop, whether  
 15 it remains no turn on red are all part of the  
 16 DOT's decision. We don't control that.  
 17 MR. CHAIRMAN: Okay.  
 18 Does that answer your question?  
 19 MR. FARRELL: Yes. It does. I  
 20 would like to see another light on that other  
 21 intersection. It's pointless to have two on --  
 22 north of that and just have a stop sign  
 23 controlled area over there because that is  
 24 dangerous.  
 25 MR. CHAIRMAN: Okay.

1 MR. FARRELL: So I would make a  
 2 suggestion to push the DOT to install one. The  
 3 other two interchanges are fully signalized. You  
 4 have one. This is the only one in town that was  
 5 never signalized.  
 6 MR. CHAIRMAN: Right. It is  
 7 pointless, so, okay.  
 8 MR. FARRELL: Safety issues. I  
 9 would suggest it. That's it for my time.  
 10 MR. CHAIRMAN: Thank you very much.  
 11 MR. MAGGIPINTO: Hi. My name is  
 12 Pietro Maggipinto. I live on Majors Road --  
 13 MR. CHAIRMAN: Welcome.  
 14 MR. MAGGIPINTO: -- right on the  
 15 cul-de sac.  
 16 When I build my house, everybody is  
 17 telling me I need an acre-and-a-half to build my  
 18 house. Now this property right next to my  
 19 property.  
 20 It should be no build 176 piece of  
 21 property. It should be build houses in there,  
 22 like I did, like everybody else did, an  
 23 acre-and-a-half in Warren.  
 24 So this property should be maybe no  
 25 acre-and-a-half but not so many houses in there.

1 That's too many houses.  
 2 MR. CHAIRMAN: So it might be worth  
 3 hearing from the attorney or the planner as to  
 4 why this application is in front of the board  
 5 right now.  
 6 So would either of you want to just  
 7 explain why we're hearing this when it was zoned  
 8 an acre-and-a-half and now we have 176 homes.  
 9 MR. CHADWICK: The township was  
 10 involved in litigation for about five years, and  
 11 it is a result of a state statute and a supreme  
 12 court decision that requires the municipality to  
 13 provide affordable housing units and the township  
 14 went to court.  
 15 This site was ultimately selected as  
 16 part of a solution to have the court sanction the  
 17 municipality so that it wouldn't be sued any  
 18 further for affordable housing.  
 19 So that's the reason the number of  
 20 units are on this property.  
 21 MR. MAGGIPINTO: Yeah.  
 22 MR. CHADWICK: It is a capsule  
 23 version you can understand. I don't know --  
 24 MR. MAGGIPINTO: 25 acres right on  
 25 top of the hill, not that long ago they were

1 building house in there.  
 2 On the 25 acres they put 25 houses  
 3 or 26 houses, whatever that is.  
 4 MR. CHADWICK: 26.  
 5 MR. MAGGIPINTO: 26. So now why  
 6 this property they are going to put, 13 acres,  
 7 they are going to put 176?  
 8 MR. CHADWICK: Did you just hear  
 9 what I said to you?  
 10 MR. MAGGIPINTO: Yes.  
 11 MR. CHADWICK: The combination of  
 12 litigation and resolution within the court to  
 13 have both the state fair housing agency, the  
 14 court and all the people that were suing the  
 15 township to agree to a plan, this site was part  
 16 of it.  
 17 MR. MAGGIPINTO: Well, you know, my  
 18 opinion --  
 19 MR. CHADWICK: Do you understand  
 20 that 26 homes were a result of 15 years of  
 21 litigation with this township?  
 22 MR. MAGGIPINTO: Whatever that was,  
 23 you know. But my opinion they no should be so  
 24 many house in this piece of property. There are  
 25 too many cars, too many peoples riding a little

1 13 acres.  
 2 And, also, in the traffic, in the  
 3 morning the traffic on 78, if something, an  
 4 accident, which there have been almost every  
 5 couple days they have an accident. The traffic  
 6 builds up all the way up to almost to Newark  
 7 Airport.  
 8 So it's too many cars already on the  
 9 78, too many trucks already on 78; and when you  
 10 walking on Majors Road, you can't walk it in the  
 11 morning or in the night because the fumes you  
 12 can't stand it. I can't walk it in 78, I mean,  
 13 on Majors Road because of the fume. I can't  
 14 stand it.  
 15 So now I don't know about this  
 16 things here why they want to put so many house in  
 17 this little piece of property. So they should be  
 18 their houses, not so many townhouses or whatever  
 19 and all that.  
 20 MR. CHAIRMAN: Okay.  
 21 MR. MAGGIPINTO: So that's what I'm  
 22 concerned, and now if they go through, they are  
 23 going to come with the sewer toward the Majors  
 24 Road and the water.  
 25 Now, if they have everything okay,

1 if they go through, they are going to leave meter  
 2 connecting sewer or they should be water edging  
 3 for the firemen to pick up water for the engage  
 4 the firemen in the Majors Road. They should be  
 5 that.  
 6 MR. CHAIRMAN: I think you're  
 7 putting the sewer on Hillcrest or is it coming  
 8 up, actually, that's an engineering question.  
 9 Let's have the engineer answer that question.  
 10 MR. MAGGIPINTO: Yeah.  
 11 MR. CHAIRMAN: Would the --  
 12 MR. DEAN: I'm not the engineer.  
 13 Another witness will need to answer that.  
 14 MR. CHAIRMAN: Will the applicant's  
 15 attorney like to just comment on whether or not  
 16 the road will be left in better condition than it  
 17 is now if it's disturbed?  
 18 MS. COFFEY: If the road is  
 19 disturbed, we will be required to repair and  
 20 repave the road.  
 21 MR. MAGGIPINTO: Her going to  
 22 repair, but there is still going to pave all the  
 23 road or they are just going to fix it up and just  
 24 change where they going make a mess?  
 25 MR. CHAIRMAN: I actually don't know

1 the ordinance that governs that.  
 2 MR. CHADWICK: Chris and I talked  
 3 about that. We will basically video all the  
 4 roads that have a problem. This project, J.  
 5 Paules project, et cetera.  
 6 MR. CHAIRMAN: And what does that  
 7 mean?  
 8 MR. CHADWICK: What it looked like  
 9 when we started, at least will be that condition  
 10 when it gets done.  
 11 MR. CHAIRMAN: So if it's damaged --  
 12 MR. CHADWICK: Most likely --  
 13 MR. CHAIRMAN: -- it will get  
 14 resurfaced.  
 15 MR. CHADWICK: -- if it's  
 16 deteriorating, trenched, it is going to need a  
 17 new surface.  
 18 MR. CHAIRMAN: So the township  
 19 engineer and township planner will take pictures  
 20 of all the roadways around each of these  
 21 applications to make sure that it's left with at  
 22 least the quality that it is now. And if that  
 23 means it needs to be resurfaced, then the  
 24 applicant has agreed to resurface it per the  
 25 findings of the planner and the engineer.

1 MR. MAGGIPINTO: Okay.  
 2 Another question.  
 3 Can we see the view as Majors Road  
 4 what, it is going to look like? Can we see --  
 5 they are going put a fence? Are they going put a  
 6 gate?  
 7 Could we see that view.  
 8 MR. CHAIRMAN: I think architectural  
 9 last time.  
 10 MS. COFFEY: We did go over our  
 11 architectural last time, Mr. Chairman.  
 12 We have, do have, if you may recall  
 13 at the prior hearing we were asked about the gate  
 14 for Major Road and some options.  
 15 We do have an exhibit that our  
 16 engineer will be showing later this evening of  
 17 options for that gate.  
 18 MR. CHAIRMAN: That's forthcoming.  
 19 MR. MAGGIPINTO: That's going to  
 20 come?  
 21 MR. CHAIRMAN: Yes.  
 22 MR. MAGGIPINTO: Because they have  
 23 two cul-de-sac right on their property, and then  
 24 they don't -- now we can't even see what that  
 25 cul-de-sac what they are going to look like,

1 where the pump sewer station should be, where it  
 2 is going to be.  
 3 Could we see all that?  
 4 MR. CHAIRMAN: It's on the  
 5 engineering report, and it will probably be more  
 6 testimony later on this evening about that.  
 7 MR. MAGGIPINTO: All right.  
 8 In my opinion, I don't think they  
 9 should put too many houses in there.  
 10 MR. CHAIRMAN: Okay.  
 11 MR. MAGGIPINTO: Because it's too  
 12 much fumes around and the people they are going  
 13 to live there. They are going to wind up either  
 14 go to the hospital like me. I'm wearing mask  
 15 when I'm sleeping in the night because too much  
 16 traffic, too much trucks.  
 17 I have to wear a mask. Right now  
 18 the sleep because I can't sleep and I'm all the  
 19 way up.  
 20 You imagine the people 25 feet away  
 21 from 78 where they are going to feel like. So I  
 22 don't know about that, you know.  
 23 MR. CHAIRMAN: Okay.  
 24 MR. MAGGIPINTO: You guys should  
 25 think about or either not that many houses in

1 there.  
 2 MR. CHAIRMAN: Okay.  
 3 MR. MAGGIPINTO: Okay. Thank you.  
 4 MR. CHAIRMAN: Thank you for your  
 5 comments. Any other -- yes.  
 6 State your name and your address.  
 7 MR. MANSOOR: Yes. My name is  
 8 Mansoor. I have been here before.  
 9 MR. CHAIRMAN: You've been sworn in.  
 10 MR. MANSOOR: Just recap what the  
 11 traffic engineer has said, and I want to state  
 12 that stop sign currently is much more efficient  
 13 than whatever you're going to add.  
 14 Does that confirm basically any  
 15 modification will not be as efficient as what we  
 16 have right now?  
 17 MR. DEAN: No, I disagree. A sign  
 18 right-of-way so that there is a more uniform and  
 19 orderly progression of traffic and, quite  
 20 frankly, a safer means of traffic.  
 21 MR. MANSOOR: So new way. That's  
 22 debatable. From that -- anyway, I will leave  
 23 that.  
 24 The other thing is that right now  
 25 you're going to have how many units total between

1 the Hovnanian and this, about 500 I estimate,  
 2 right, a little bit less?  
 3 MR. DEAN: No, I don't think we're  
 4 that high. We're 176 and I think K. Hov was just  
 5 about 200 or slightly --  
 6 MR. MANSOOR: So 400 let's say --  
 7 MR. DEAN: Under 400.  
 8 MR. MANSOOR: You are 400 at 2.2  
 9 people per unit. That gives you, what, you know,  
 10 close to little over 800, and you're saying only  
 11 75 additional cars in the morning. I find that  
 12 hard to believe but anyway you're the expert, I  
 13 guess.  
 14 But there isn't any verification  
 15 after that? I mean, like, we're just coming up  
 16 with these figures with 800, only 75 additional  
 17 cars. I really find that -- the main thing I'm  
 18 objecting to is the variance of the 50 foot  
 19 buffer.  
 20 Imagine you have a property and  
 21 somebody is building a road right next to it. I  
 22 mean, maybe the board can explain why do we have  
 23 this regulation to have a 50foot buffer, and then  
 24 now you're getting rid of giving this variance.  
 25 I really find that unfathomable to

1 give a variance to remove that.  
 2 I mean, if you're removing a  
 3 variance from like 5 feet but 50, I mean, getting  
 4 rid of it, all that's --  
 5 MR. CHAIRMAN: So in the past, just  
 6 so you know how the board typically acts, if an  
 7 applicant asks for what is a de minimis exception  
 8 for a variance, typically, the board will grant  
 9 it. That usually represents 5 percent or less of  
 10 the variance of the total requirement.  
 11 So this is significantly more than  
 12 that. So, to your point, it would be unusual for  
 13 the board to grant a variance that large.  
 14 MR. MANSOOR: Okay. Fair enough.  
 15 MR. CHAIRMAN: At least this board I  
 16 could say. I don't know what other boards do.  
 17 MR. MANSOOR: I will wait for the  
 18 traffic engineer to come back.  
 19 How he came up with 75 additional  
 20 cars with 400 units and like eight other people,  
 21 like, you know --  
 22 MR. DEAN: Sure.  
 23 Is now the time to address that?  
 24 MR. CHAIRMAN: Is there any other  
 25 question? So if you want to give a short

1 synopsis.  
 2 MR. MANSOOR: I can come back.  
 3 MR. CHAIRMAN: To make sure we're  
 4 clear 75 cars per hour or for the entire morning  
 5 commute.  
 6 MR. DEAN: No. It is actually 82  
 7 total trips in the morning peak hours and 98 at  
 8 night.  
 9 MR. CHAIRMAN: Okay.  
 10 MR. DEAN: And the way these  
 11 estimates are derived, traffic consultants like  
 12 myself go out and study actual communities. We  
 13 put a machine down and we or we send people out  
 14 and we monitor every car that comes in and out.  
 15 And the premise that there is 2.2  
 16 people per unit is incorrect.  
 17 MR. MANSOOR: What's the ratio?  
 18 MR. DEAN: Sometimes they're  
 19 singles. Sometimes they're couples. Sometimes  
 20 people work at home. Sometimes people work at  
 21 hospitals, and they leave at 6 in the morning and  
 22 they don't come out at peak hours.  
 23 MR. CHAIRMAN: So wait.  
 24 MR. DEAN: Not everyone leaves at  
 25 once.

1 MR. CHAIRMAN: Two different  
 2 questions here. 2.2 people per apartment, you're  
 3 not saying that doesn't exist?  
 4 You're saying the traffic it  
 5 generates might be different?  
 6 MR. DEAN: I have no basis for his  
 7 representation of 2.2.  
 8 MR. CHAIRMAN: So you're not  
 9 discussing that?  
 10 MR. DEAN: Not at all.  
 11 MR. CHAIRMAN: What you're  
 12 discussing the trips per households?  
 13 MR. DEAN: Yes, and how trips are  
 14 calculated, and there are residents that leave at  
 15 5:30 in the morning or 6 or 8 or at 7:30 or 8:30  
 16 right at the peak hour. Not everyone leaves at  
 17 once.  
 18 MR. MANSOOR: I heard morning.  
 19 MR. DEAN: Now, just those estimates  
 20 are for the 176 units of this community and I  
 21 looked it up.  
 22 MR. MANSOOR: Combining --  
 23 MR. DEAN: Excuse me? The K. Hov  
 24 project is 192 units.  
 25 MR. CHAIRMAN: I would really like

1 not addressing K. Hov. This isn't part of the  
 2 application, and we already went through those  
 3 numbers, and I think at some point we are going  
 4 to stick with this application.  
 5 MR. DEAN: It was in response to the  
 6 question, Mr. Chairman.  
 7 MR. CHAIRMAN: I understand.  
 8 MR. DEAN: Just for clarification of  
 9 the record.  
 10 MR. CHAIRMAN: I'm just focusing --  
 11 MR. DEAN: Understood.  
 12 MR. MANSOOR: I'm done. Thank you.  
 13 MR. CHAIRMAN: Okay.  
 14 Any other members of the public  
 15 wishing to speak? Seeing none, we will close  
 16 this portion, at least of the question portion  
 17 and open up to any testimony you want to make.  
 18 MS. COFFEY: Thank you,  
 19 Mr. Chairman. I think now we'll go to  
 20 engineering.  
 21 Can everyone hear me? I realized  
 22 I'm not that close to the --  
 23 MR. CHAIRMAN: Everyone probably can  
 24 hear you.  
 25 MS. COFFEY: You can hear me, okay.

1 My husband says he can hear me all over the  
 2 house.  
 3 Our engineer also covers  
 4 landscaping, so it's well timed. It's one of the  
 5 first things we're going to be getting in to.  
 6 MR. KUNSMAN: Landscaping was  
 7 addressed last time on direct testimony.  
 8 MS. COFFEY: Right. The direct  
 9 testimony on landscaping was previously addressed  
 10 on May 9th, and then the engineer can address  
 11 questions on it, and then there's the memo we  
 12 received that we can talk about, too.  
 13 So, first of all, we have with us  
 14 Matthew Kunsman, who's one of the project  
 15 engineers.  
 16 Mr. Kunsman, I don't believe you've  
 17 been sworn yet.  
 18 MR. KUNSMAN: No, I have not.  
 19 MR. WARNER: Raise your right hand.  
 20 MATTHEW KUNSMAN,  
 21 called as a witness, having first been duly  
 22 sworn.  
 23 MR. WARNER: Could you state your  
 24 name for the record and spell it, please.  
 25 MR. KUNSMAN: Sure. Matthew

1 Kunsman, K-U-N-S-M-A-N. I'm employed at Bohler  
 2 Engineering in Warren, New Jersey.  
 3 I'm a licensed professional civil  
 4 engineer in the State of New Jersey. I received  
 5 my bachelor's of science in civil engineering  
 6 from Syracuse University, and I've been accepted  
 7 as a witness in front of various boards.  
 8 MS. COFFEY: I ask that he be  
 9 accepted, please, as a professional engineer.  
 10 MR. CHAIRMAN: Yes.  
 11 MS. COFFEY: We have a few kind of  
 12 open items that we wanted to cover with the board  
 13 this evening.  
 14 Our engineer had provided direct  
 15 testimony in answers to some questions previous  
 16 about the application.  
 17 The first is we had submitted an  
 18 updated plan after our first hearing back in May,  
 19 and we wanted to review some of the components of  
 20 that plan with the board. I think this would be  
 21 Exhibit A-8.  
 22 MR. CHAIRMAN: Members of the  
 23 public, I've stated this before but just keep in  
 24 mind, if you want to see this plan closer, step  
 25 right up and look at it. This is not a court

1 room. This is a meeting, and you're welcome to  
 2 walk up and take a look at it, right. Go ahead.  
 3 DIRECT EXAMINATION  
 4 BY MS. COFFEY:  
 5 Q. So Mr. Kunsman, can you please walk  
 6 us through there are two primary additions to the  
 7 plan that we added, a tot lot and a maintenance  
 8 shed.  
 9 Could you point each of those out,  
 10 please.  
 11 A. Do you want me to introduce the  
 12 exhibit?  
 13 Q. Yes, please.  
 14 MR. WARNER: And this should be A-7.  
 15 A. A-7.  
 16 MS. COFFEY: Hold on. I'm sorry. I  
 17 don't know why I keep miscounting, A-7.  
 18 (Exhibit A-7 marked for  
 19 identification.)  
 20 A. This is the overall site layout, the  
 21 plan prepared by Bohler. It is last revised May  
 22 17, 2022, and north to the bottom of the page.  
 23 So I believe this was submitted as  
 24 part of the last submission. Really, the only  
 25 adjustments we made to the site layout included

1 adding a maintenance building I guess in between  
 2 the apartment No. 2, which is in the center of  
 3 the page, and Route 78. So it is right in  
 4 between those two or apartment 2 and Route 78 is  
 5 25 feet by 30 feet, so the 600 square feet total  
 6 area.  
 7 And we also, per feedback from the  
 8 first hearing, we added a tot lot, which is like  
 9 a playground in between apartment No. 1 and the  
 10 clubhouse area.  
 11 Q. Thank you.  
 12 We also submitted updated  
 13 landscaping plans at the time of the same  
 14 submission as those plans, correct, and those  
 15 plans were updated to comply with all the  
 16 comments we had received from the most recent  
 17 memorandum from the Bosenberg firm, correct?  
 18 A. That's correct.  
 19 Q. In that memorandum there were a few  
 20 questions that require testimony rather than  
 21 updated plans. So if we could just touch on  
 22 those quickly, Mr. Kunsman.  
 23 The first question was asking about  
 24 the size and finish of the water meter vault.  
 25 A. Sure. So the original plans had a

1 water meter vault located near the entrance on  
 2 Hillcrest Road, and since then we have had  
 3 meetings with New Jersey American water, had  
 4 correspondence with them, and we're actually  
 5 going to be looping the water main from Major  
 6 Road to Hillcrest Road.  
 7 So we will no longer be required to  
 8 do provide a meter pit or a vault along the  
 9 driveway; however, there will be smaller meter  
 10 pits and potential vaults in front of each  
 11 townhome or apartment building.  
 12 Q. Thank you.  
 13 And the other comment we wanted to  
 14 touch on was comment No. 13 from that memorandum,  
 15 which asks about the outer surface of the block  
 16 of the trash enclosure.  
 17 A. Yes. We are going to revise our  
 18 detail to provide brick on the outside, CMU to  
 19 match or the brick on the apartment building and  
 20 townhomes.  
 21 Q. Thank you.  
 22 MR. WARNER: There was also a  
 23 question about the gates that were specified --  
 24 MS. COFFEY: I can repeat the  
 25 question if you would like. Go ahead.

1 MR. CHAIRMAN: Have you been sworn  
 2 in?  
 3 MR. MAZZUCCO: No. Possibly at the  
 4 beginning but I don't remember.  
 5 MR. CHAIRMAN: You were here at the  
 6 beginning of the hearing?  
 7 MR. MAZZUCCO: Yes.  
 8 MR. CHAIRMAN: Just introduce  
 9 yourself to the public.  
 10 MR. MAZZUCCO: Sure. Jim Mazzucco,  
 11 board landscape architect.  
 12 The question was a comment about the  
 13 gates for the trash enclosure were specified as a  
 14 chain link has that been looked at?  
 15 MR. KUNSMAN: We are going to revise  
 16 that, too. So vinyl landscape.  
 17 MR. MAZZUCCO: Okay.  
 18 MS. COFFEY: You read my mind.  
 19 That's where we were going next.  
 20 MR. MAZZUCCO: Sorry.  
 21 MS. COFFEY: I think those were the  
 22 only open questions from your memorandum, but let  
 23 me know if there are others you would like us to  
 24 touch upon.  
 25 MR. MAZZUCCO: There was also the --

1 there was a previous comment about the planting  
2 between the units, on the north side of the condo  
3 units, and originally it was, I believe, an  
4 arborvitae and that was changed to a Spartan  
5 Juniper, and I'm just concerned about the shade  
6 tolerance of that specific material.

7 MS. COFFEY: This is comment 16; is  
8 that right?

9 MR. MAZZUCCO: 16.

10 MS. COFFEY: So on the updated plans  
11 those have been replaced with an, and I'm going  
12 to mispronounce it, but you'll know hopefully  
13 what I'm talking about, Hicksii Yew.

14 MR. MAZZUCCO: Yes, comment about  
15 that as well it is very deer friendly I'd say.

16 MR. CHAIRMAN: Deer buffet.

17 MR. MAZZUCCO: Deer pate.

18 MR. KUNSMAN: We'll be willing to  
19 work with you for a substitution.

20 MR. CHAIRMAN: I just wanted to  
21 pause for a second.

22 Jerry, you had a question?

23 MR. TOTH: Yes. In all those roads,  
24 driveways, parking lots and sidewalks in the  
25 winter you're going to be salting all of this,

1 and all this salt water is going to drain into  
2 the retention basin.

3 Are all the shrubs, bushes, trees,  
4 plants going to be salt tolerant?

5 MR. KUNSMAN: Yes, those detention  
6 basins, so New Jersey DEP has done quite a bit of  
7 studies to come up with the best planning  
8 practices.

9 So these bio-retention basins there  
10 are certain plant species you have to pick from  
11 their list, and they have been selective for  
12 those kind of reasons of being tolerant to water,  
13 you know, a lot of water in their retention  
14 basins, potential pollutants and salt and things  
15 like that.

16 MR. TOTH: They won't develop  
17 failure to the site because of all of the salt  
18 being drained into there then?

19 MR. KUNSMAN: No.

20 MR. TOTH: Okay.

21 MR. MAZZUCCO: The New Jersey DEP  
22 puts together a suggested list of the plant  
23 material that's tolerant of that condition.

24 MR. TOTH: Salt?

25 MR. MAZZUCCO: Yes.

1 MR. TOTH: It falls into the streams  
2 and everything besides and that's not too healthy  
3 for some of the things in the streams, but you  
4 can't do anything about that.

5 MR. MAZZUCCO: Usually the basins  
6 are what filters that out typically before it  
7 gets to the streams.

8 MR. TOTH: Unless it's overflowed --

9 MR. MAZZUCCO: Correct.

10 MR. TOTH: -- by a super storm.

11 MR. MAZZUCCO: Exactly.

12 MR. TOTH: Then it runs.

13 MR. MAZZUCCO: Yes.

14 MS. COFFEY: Okay. If we're ready  
15 for the next topic that I was going to go to,  
16 there's been a request of the applicant to look  
17 at whether the cul-de-sacs that are currently  
18 shown in the property could be connected.

19 We have an exhibit for that, too.

20 MR. CHAIRMAN: This is Exhibit A-8.

21 MS. COFFEY: Exhibit 8. I'm up to  
22 speed now.

23 (Exhibit A-8 marked for  
24 identification.)

25 MR. KUNSMAN: All right. So this is

1 roadway exhibit prepared by Bohler dated May 18,  
2 2022. This is north at the -- again, north is at  
3 the bottom of that page.

4 We were asked at the first hearing  
5 if it were possible to connect the two  
6 cul-de-sacs, so exam examined that; and,  
7 essentially, what you see in the red curb on this  
8 exhibit is what the interconnection would be with  
9 elimination two cul-de-sacs; however, it does not  
10 comply with RSIS standards in the statement.

11 So we're not able to do that because  
12 the radius required for the center line of the  
13 road is 100 feet where we can only provide 80  
14 feet and, also, the tandemcy between two curbs is  
15 required to be 50 feet where we only have  
16 8.2 feet.

17 BY MS. COFFEY:

18 Q. Mr. Kunsman, can you explain why  
19 that matters from a safety perspective.

20 A. Yes, so there is potential that if  
21 you do not comply with the RSIS standards that a  
22 larger vehicle could go over the center line of  
23 the road when another vehicle is coming in the  
24 opposite direction and creates conflict.

25 MR. CHAIRMAN: I'm just going to

1 make my comment on this.  
 2 This is a nonstarter for me. This  
 3 cannot be two separate cul-de-sacs in the  
 4 configuration done right now. It needs to be  
 5 fixed.  
 6 There is a solution there. You  
 7 really need to find it. Saying that there is not  
 8 one is not acceptable, in my opinion. So I don't  
 9 know if the board members have any --  
 10 MR. CHADWICK: I have a suggestion.  
 11 The waiver of the connection of the curb, if you  
 12 made it just one continuous curb, then we get rid  
 13 of that deviation.  
 14 MR. KASTRUD: That's right.  
 15 MR. CHADWICK: Then if we widen the  
 16 driveway, I think we have vehicles that might  
 17 tend to cross over into the other lane. We have  
 18 got some wiggle room there.  
 19 MR. KUNSMAN: You will still be  
 20 short 30 feet.  
 21 MR. CHADWICK: My real issue how  
 22 steep is the grade when you're going to come  
 23 around.  
 24 MR. KUNSMAN: That's another good  
 25 point. The grade required to connect it would be

1 9.3 percent approximately. So it's --  
 2 MR. CHADWICK: Continuous or just  
 3 getting a little.  
 4 MR. CHAIRMAN: This is.  
 5 MR. KUNSMAN: Curb is about 9  
 6 percent.  
 7 MR. CHAIRMAN: I don't want to get  
 8 into the details of this. To me you guys have to  
 9 go back and, Chris, you can eliminate the tangent  
 10 by whether Mr. Chadwick said it and extend the  
 11 radius.  
 12 Let's throw it back. Let them do  
 13 their homework and come back around to me.  
 14 This is a nonstarter and we can  
 15 argue all day long; but the problem I am an  
 16 engineer and a planner and I see a solution. So  
 17 you have to figure it out and bring back a  
 18 solution, and I think the planner and the  
 19 engineer are willing to help you do that.  
 20 So come back anyway. We are going  
 21 to have another testimony. So we can't take a  
 22 vote tonight.  
 23 MS. COFFEY: We will. Our hope was  
 24 to conclude testimony tonight but the suggestion  
 25 we're considering, and I don't know whether it

1 would be palatable, but it might be helpful while  
 2 we're doing that homework is the possibility of  
 3 making that circulation route one way so we could  
 4 avoid conflict.  
 5 MR. CHAIRMAN: This is really your  
 6 plan, not ours.  
 7 MS. COFFEY: I just want to make  
 8 sure that's not offensive before we go too far  
 9 down the rabbit hole.  
 10 MR. KASTRUD: I would go back and  
 11 look at the geometry and the grades before you  
 12 start reducing it to one way. I don't think you  
 13 need to reduce it to one way.  
 14 You've got vehicle speeds that are  
 15 five, maybe 10 miles an hour traveling through  
 16 here. Go back and talk, look at the geometry.  
 17 MR. KUNSMAN: One thing I want to --  
 18 MR. KASTRUD: Lock yourself into  
 19 one-way traffic.  
 20 MR. KUNSMAN: We would still be  
 21 short 30 feet of distance between --  
 22 MR. CHADWICK: I don't think you  
 23 heard what the Chairman said. Let's not design  
 24 it now.  
 25 MR. CHAIRMAN: It is too complicated

1 and I know that there is a solution. I'm sure  
 2 you'll come up with something fantastic.  
 3 Okay, I'm moving on.  
 4 MS. COFFEY: Next was, and this came  
 5 earlier this evening, was control of the  
 6 emergency access that's going out to Majors Road.  
 7 All right. This one is A-9.  
 8 (Exhibit A-9 marked for  
 9 identification.)  
 10 BY MS. COFFEY:  
 11 Q. Mr. Kunsmann, can you tell us what  
 12 we're looking at here in terms of the exhibit,  
 13 please.  
 14 A. Yes. So this is the emergency  
 15 access exhibit prepared by Bohler dated May 18,  
 16 2022.  
 17 Essentially, we are giving two  
 18 versions here of what we can propose for the  
 19 emergency access to access the Major Road and,  
 20 also, the circle.  
 21 So we're either a change with  
 22 bollards option or some more of a swinging gate  
 23 option.  
 24 MR. LINDNER: What's the width  
 25 required?



1 MR. KUNSMAN: 20 feet.  
 2 MR. LINDNER: 20 feet.  
 3 MR. CHAIRMAN: Okay. I don't have a  
 4 comment right now.  
 5 Do any of the board members have a  
 6 comment right now?  
 7 I probably want to hear from the  
 8 neighbors to see what they want to look at.  
 9 MS. COFFEY: The applicant is happy  
 10 to install either. So it is really up to what's  
 11 going to be most palatable.  
 12 MR. CHAIRMAN: I'm sure somebody  
 13 will have something to say about it.  
 14 MR. KUNSMAN: This is just a sample  
 15 image of what it could look like. That's not  
 16 what is actually there.  
 17 MR. CHAIRMAN: Pietro, we are going  
 18 to let them give the testimony, and then we're  
 19 going to have a chance to have a conversation  
 20 with them. Go ahead.  
 21 Q. All right.  
 22 Then why don't you just explain  
 23 quickly what the two options are so everybody  
 24 knows and then we'll go from there.  
 25 A. Yes. The chain of bollard option,

1 essentially, you have two bollards or each side  
 2 of the drive isle, and there would be a chain  
 3 that connects the two. It could be taken down  
 4 during emergency access, and the second option is  
 5 a swinging gate where it will be a double gate,  
 6 and you could just swing it open when the fire  
 7 truck --  
 8 MR. CHAIRMAN: Are you planning to  
 9 have it locked or is it -- how does that work?  
 10 MS. COFFEY: I think it will be  
 11 controlled by a knox box.  
 12 Q. Isn't that right, Mr. Kunsman?  
 13 A. Yes.  
 14 MR. CHAIRMAN: Okay.  
 15 Q. And probably, just so everyone is  
 16 clear, can you just point out the location where  
 17 either one of these would be going just so that  
 18 everyone has a good visual.  
 19 A. Sure. It would be at the end of the  
 20 cul-de-sac on the proposed development. It would  
 21 be just approximately 5 feet inside the emergency  
 22 access drive aisle.  
 23 So the further away from the  
 24 property line or further from Majors Road than it  
 25 would be from the cul-de-sac. Makes sense.

1 Q. So the closer to what's currently  
 2 shown as the cul-de-sac?  
 3 A. Yes.  
 4 Q. And then it would be the property  
 5 line. Thank you. All right.  
 6 MS. COFFEY: Next we're going to an  
 7 updated site section visit. This was something  
 8 that had also come up at prior meetings where we  
 9 had requests to sort of visually depict what  
 10 folks in the Bellewood neighborhood would be  
 11 seeing.  
 12 MR. CHAIRMAN: We are at A-9.  
 13 MS. COFFEY: A-10, I think. It's  
 14 contagious.  
 15 (Exhibit A-10 marked for  
 16 identification.)  
 17 A. All right. So this is Exhibit A-10.  
 18 It is the cross-section exhibit prepared by  
 19 Bohler dated June 1, 2022. So we took --  
 20 MR. CHADWICK: Is this also Exhibit  
 21 A in the title?  
 22 MR. KUNSMAN: This is cross-section  
 23 of Exhibit 11.  
 24 MR. CHADWICK: You filed something  
 25 in July 21st.

1 MS. COFFEY: This is not that. This  
 2 is prior to that. That is a different view,  
 3 Mr. Chadwick.  
 4 MR. KUNSMAN: That's from, what, the  
 5 May --  
 6 MR. CHADWICK: What's the date on  
 7 yours?  
 8 MS. COFFEY: I believe it is June 1,  
 9 2022.  
 10 MR. CHADWICK: You're losing me.  
 11 What is the 21st, the July 21st?  
 12 MS. COFFEY: That was the view from  
 13 Major Road.  
 14 MR. CHADWICK: That's all Major  
 15 Road.  
 16 MS. COFFEY: Yes.  
 17 MR. CHADWICK: All right.  
 18 A. Okay. So we took a cross-section  
 19 from essentially the center of the site were  
 20 there is a retaining wall and some other features  
 21 that you can identify on the plan.  
 22 So if we're looking at a  
 23 cross-section A to A, one plan view at the top of  
 24 the page, we have the existing residential home  
 25 29, Bellewood Drive in the center; and then if

1 you're moving toward the right of the page, there  
2 is the property line and a 25 feet natural  
3 buffer.

4 Then we have proposed landscaping.  
5 There is a retaining wall with a fence on top of  
6 that and then the townhomes. Across from that is  
7 the drive aisle, and then beyond that would be  
8 the apartments.

9 One thing I want to point out is the  
10 existing finish floor of the building. The first  
11 floor of the building is an elevation  
12 approximately 469.

13 The --

14 MR. LINDNER: Which building?

15 MR. KUNSMAN: Bellewood Drive, 29  
16 Bellewood Drive first floor is 466.

17 A. Now, the proposed projects, the  
18 townhomes and apartment building, the finish  
19 floor is approximately 437.

20 So there is almost a 30 foot grade  
21 change between the first floor of the existing  
22 home to the townhomes and the apartments where  
23 the townhomes and the apartments are much lower,  
24 and there is also a nice existing 25 foot buffer  
25 and additional plantings to fill in the

1 understory.

2 Another thing to point out in this  
3 exhibit we dashed two red lines. This indicates  
4 the person's height looking out, straight out in  
5 the space; and what they would see, they would  
6 see the roof line of the townhomes or they would  
7 potentially, if they saw beyond, if they are on  
8 the second floor of their home, they would see  
9 the roof line of their apartment.

10 Q. What's the distance that they would  
11 have to be seeing?

12 A. To the townhome it's roughly 100  
13 plus feet, and to the apartment it would be, say,  
14 250 feet roughly.

15 MR. CHAIRMAN: So you surveyed --  
16 what was the number at Bellewood, 26?

17 MS. COFFEY: 29.

18 MR. CHAIRMAN: It is 100 feet away  
19 from the proposed building, the first building  
20 they encounter?

21 MR. KUNSMAN: Yes.

22 MR. CHAIRMAN: Okay.

23 MS. COFFEY: And I think when we  
24 were originally asked to prepare this it was  
25 within the context of the conversation of some of

1 the patios and decks.

2 I'm sure the board will recall some  
3 of the patios and decks encroach into the buffer  
4 by 2 feet, and so one of the points Mr. Kunsman  
5 is because --

6 Q. Could you just point out where the  
7 patios and decks are located with respect to the  
8 topographical difference between the Bellewood  
9 community and the proposed townhomes.

10 A. Yes, for example, townhome No. 2,  
11 the patio is located at approximately elevation  
12 it's at 437. The deck would be roughly 10 feet  
13 above that, so 447. The finish floor of the  
14 existing home is 466. So, you know, 20 to 30  
15 foot difference in grade change.

16 MS. COFFEY: Thank you. I think  
17 next we were going to go, there were --

18 MR. CHAIRMAN: I just have a  
19 question for you kind of sparked my memory.

20 We had that conversation about all  
21 these patios and decks and everything, and there  
22 was you described it as a two foot encroachment  
23 of the patio, right? No structure, just the  
24 patio?

25 MS. COFFEY: I think in some

1 instances, Mr. Chairman, it would be a patio and  
2 in some instances it would be a deck. It depends  
3 on the unit.

4 MR. CHAIRMAN: So before we go  
5 further, Mark, does that -- have you reviewed the  
6 public notice and whether that variance might be  
7 captured or design variance?

8 MR. WARNER: I did not review  
9 notices for this but if they --

10 MR. CHAIRMAN: It might be worth  
11 reviewing or at least having a conversation to  
12 make sure it is covered.

13 MS. COFFEY: Mr. Chairman, actually,  
14 because of the kind of peculiar timing of this  
15 application, you recall we had two hearings in  
16 May, and then the board didn't have a quorum, so  
17 we did renote at that point.

18 MR. CHAIRMAN: Okay.

19 MS. COFFEY: And I believe, I'm  
20 pulling it right now, we did include language  
21 about the decks and patios in that notice.

22 MR. CHAIRMAN: Thank you. All  
23 right.

24 MS. COFFEY: Yes.

25 MR. CHAIRMAN: Great.

1 MS. COFFEY: Cross that one off.  
 2 MR. CHAIRMAN: Cross Ts and dotting  
 3 the Is.  
 4 MS. COFFEY: We're trying our best.  
 5 MR. CHADWICK: Could I just comment,  
 6 the engineer commented the existing natural wood  
 7 land -- wood line along plus the additional land.  
 8 You haven't gotten that landscaping  
 9 plan up-to-date on that comment, right?  
 10 MR. KUNSMAN: I believe we  
 11 resubmitted that. These plans are dated May 17,  
 12 2022.  
 13 MR. MAZZUCCO: There is nothing on  
 14 the plans showing up.  
 15 MR. CHAIRMAN: To that end, while  
 16 you're looking for that map, I have a question  
 17 for the landscaper.  
 18 So if they're going to cut and put  
 19 in a retaining wall, I think it is anywhere from  
 20 like 3 feet to 8 feet along that edge, do you  
 21 think the trees are going to die in that 3 feet?  
 22 MR. MAZZUCCO: Well, that was going  
 23 to be one of my questions was because of the type  
 24 of wall they're using it usually requires years  
 25 and grade for stabilization.

1 MR. CHAIRMAN: Which goes into --  
 2 MR. MAZZUCCO: Which goes back 10 or  
 3 12 feet. I'm not sure, depending on the height,  
 4 they over dig, it would have to go into the root  
 5 systems of those trees.  
 6 We don't really have a true survey  
 7 of where those trees are so we don't know if they  
 8 are going to be affected or not.  
 9 Certainly, that is a concern.  
 10 MR. CHAIRMAN: Tree surveys are  
 11 typically part of an application request.  
 12 Was there a waiver request for that?  
 13 MS. COFFEY: I'll have to look.  
 14 While I'm checking, I will say,  
 15 Mr. Chairman, the proposal would be that the  
 16 through the wall infrastructure would start on  
 17 the side of the 25 feet that's closer to the  
 18 townhomes. So it wouldn't be eating into the  
 19 25 feet of wooded buffer, if that makes sense.  
 20 MR. MAZZUCCO: Can we ask what were  
 21 the, I guess, the dimensions from the face of the  
 22 wall is to, really not even the, more to the  
 23 canopy of the tree to the trunk of the tree.  
 24 MR. CHAIRMAN: They are all going to  
 25 die. I've been over this a million times.

1 Every time you run a machine over  
 2 anything that drip line dies. It's like a  
 3 guarantee. I don't care how careful they are.  
 4 They don't die right away. They die three years  
 5 later because it is just what happens.  
 6 This is anecdotal evidence. I'm not  
 7 testifying. I'm just saying that those are my  
 8 observations.  
 9 MR. TOTH: Agreed.  
 10 MR. MAZZUCCO: And then the other  
 11 comment, too, is also this is predominantly a  
 12 deciduous buffer we're talking about, so six  
 13 months out of the year that will be open and  
 14 that's visible.  
 15 MS. COFFEY: The applicant would  
 16 certainly agree to replant anything that's  
 17 impacted and replace that landscaping.  
 18 MR. CHAIRMAN: I think what we're  
 19 looking for, I should say I'm looking for and  
 20 board members --  
 21 MR. LINDNER: I agree. I have some  
 22 comment.  
 23 MR. CHAIRMAN: -- is just kind of  
 24 like a truthful, not truthful, an honest  
 25 conversation about what's going to happen to this

1 buffer with a retaining wall, and if this  
 2 application gets approved, we want to make sure  
 3 that those neighbors are best served with the  
 4 best possible solution. Just talking very  
 5 bluntly about what's going to happen, so.  
 6 MR. LINDNER: I've seen on other  
 7 applications where they have a pretty extensive  
 8 tree protection plan, which means our barriers  
 9 just don't go there. Just don't go to the whip  
 10 line.  
 11 You treat it with fences and pickets  
 12 that are maintained, like stone fence around the  
 13 property, and then you can't go on the roots as  
 14 you're saying. They die three years later.  
 15 So if that area we're looking at is  
 16 green, hard wood are protected properly, they  
 17 have a chance of surviving.  
 18 If they don't mark it off, they park  
 19 the machines under there for shade and they will  
 20 die.  
 21 So I recommend a tree protection  
 22 plan.  
 23 MS. COFFEY: A tree protection plan.  
 24 MR. LINDNER: On the drawings so it  
 25 can be --

1 MR. KUNSMAN: Our plan is to comply  
 2 with the soil erosion center plan for regulations  
 3 for tree protection.  
 4 MR. CHAIRMAN: No one is saying they  
 5 don't.  
 6 MR. LINDNER: Okay.  
 7 MR. CHADWICK: This isn't the first  
 8 rodeo in the town, and we would please tape off  
 9 through the American property/homes. It seems to  
 10 work.  
 11 MR. LINDNER: Good.  
 12 MR. MAZZUCCO: Okay.  
 13 MR. CHAIRMAN: On toll? There is no  
 14 trees there? They cleared the whole thing.  
 15 MR. CHADWICK: All along the edge.  
 16 They stayed.  
 17 MR. CHAIRMAN: Okay. All right. It  
 18 is also not three years old.  
 19 MR. CHADWICK: No.  
 20 MR. CHAIRMAN: I only know, quite  
 21 honestly, I've done it and I wish those trees  
 22 would still be alive but they're not. Such is  
 23 life.  
 24 That's all I have.  
 25 MS. COFFEY: Did you have other?

1 MR. MAZZUCCO: Just those comments,  
 2 and I guess you are going to update the landscape  
 3 plan to show those plantings that are above the  
 4 wall?  
 5 MS. COFFEY: Yes.  
 6 MR. KUNSMAN: Yes.  
 7 MR. MAZZUCCO: Okay.  
 8 MS. COFFEY: Just give me -- okay.  
 9 And then last we had received a  
 10 memorandum from Mr. Beer.  
 11 So we received two memorandum from  
 12 Mr. Beer since we are last here.  
 13 One of the requested submission of  
 14 architecture plans that depicted what had been  
 15 agreed to by the applicant at the May 23rd  
 16 hearing. Those were submitted and Mr. Beer  
 17 indicated in this May 25th memorandum that he was  
 18 satisfied with those; however, he did have a few  
 19 other items that were more of an engineering  
 20 nature than an architecture nature that we wanted  
 21 to touch on.  
 22 The first was regarding cul-de-sac,  
 23 so I think we know what our task is there.  
 24 MR. CHAIRMAN: Yes.  
 25 MS. COFFEY: Then he had requested a

1 drawing depicting the location of both the  
 2 Hillcrest Road access, as well as the K.  
 3 Hovnanian access. So we did put that together.  
 4 I think we are at, I have to check  
 5 now, A-11.  
 6 (Exhibit A-11 marked for  
 7 identification.)  
 8 A. So this is the driveway exhibit  
 9 prepared by Bohler dated June 14, 2022. North is  
 10 to the bottom of the page.  
 11 So this exhibit shows our proposed  
 12 development on top right, and then it also shows  
 13 the K. Hov development, I guess, to the east of  
 14 our development; and it identifies the three  
 15 traffic lights and has dimensions from our  
 16 driveway to the K. Hov driveway and, also, to the  
 17 traffic light beyond the K. Hov driveway.  
 18 Q. So, Mr. Kunsman, can you maybe just  
 19 point put either of those intersections for us so  
 20 we can see what you're talking about.  
 21 A. Sure. Where I'm pointing now in the  
 22 center of the page, that's the proposed  
 23 development, our application driveway.  
 24 To the bottom of the page is the K.  
 25 Hov driveway, and then there is a traffic light

1 right at this bottom of the page along Hillcrest  
 2 Road. There is also a traffic light proposed at  
 3 our proposed driveway and a traffic light  
 4 proposed at the 78 ramp.  
 5 Q. Thank you.  
 6 And then, lastly, in that memorandum  
 7 there was a question regarding exterior common  
 8 areas and recreation areas.  
 9 MR. LINDNER: These are questions  
 10 from Jeffery Beer, who's our architectural  
 11 consultant.  
 12 MS. COFFEY: Correct.  
 13 MR. LINDNER: He was asking about  
 14 the entrance, yes. I'm wondering if he wants to  
 15 see what the entrance looks like, like columns  
 16 and signage, not necessarily where the lights  
 17 are.  
 18 MS. COFFEY: Okay.  
 19 MR. LINDNER: So do you have an  
 20 entrance drawn?  
 21 MR. KUNSMAN: No, I do not.  
 22 MS. COFFEY: So the question we were  
 23 responding to was a drawing should be provided  
 24 showing Hillcrest Road access and the K. Hov  
 25 Hills of Warren intersections.

1 MR. CHAIRMAN: Right.  
 2 MR. LINDNER: Architectural  
 3 features?  
 4 MS. COFFEY: It doesn't say that.  
 5 MR. LINDNER: But he's our guy.  
 6 MR. CHADWICK: I discussed this with  
 7 Jeff several times and I did receive comment, and  
 8 that's what we're really getting to is your  
 9 entranceway and your treatment to it.  
 10 MR. CHAIRMAN: So because it's the  
 11 first view of what people coming to Warren see  
 12 off Exit 40, the board would like to kind of have  
 13 an idea of what it looks like.  
 14 MS. COFFEY: Sure. I imagine then  
 15 the portion about K. How we could ignore. That's  
 16 not part of the entrance.  
 17 MR. CHADWICK: We have to get from  
 18 him the same thing.  
 19 MS. COFFEY: I apologize. We  
 20 misunderstood what he was looking for there.  
 21 MR. LINDNER: Column, monument  
 22 signs.  
 23 MR. CHAIRMAN: I have to say  
 24 speaking of Toll Brothers, they did a great job.  
 25 The entrance is beautiful on Toll.

1 MR. CHADWICK: They cooperated.  
 2 MR. CHAIRMAN: They did a great job.  
 3 MR. KUNSMAN: We do have an exhibit  
 4 or a detail of the sign.  
 5 MS. COFFEY: Okay.  
 6 MR. KUNSMAN: It is on the site  
 7 plan.  
 8 MR. CHAIRMAN: Do you have an  
 9 architectural rendering of the entrance?  
 10 MR. KUNSMAN: Not a rendering. Just  
 11 a detail of what the proposed line sign is going  
 12 to look like.  
 13 BY MS. COFFEY:  
 14 Q. So can you just tell us what sheet  
 15 of the plan you are on.  
 16 A. This is sheet C902, and then there  
 17 is a Myron sign detail.  
 18 MR. CHADWICK: What's the date on  
 19 that plan?  
 20 MR. KUNSMAN: This one is dated  
 21 April 28, 2022. It was also on the original  
 22 submission submitted.  
 23 MR. CHADWICK: Same thing?  
 24 MR. KUNSMAN: Yes.  
 25 A. There is brick treatment, 16 feet

1 wide, 5 feet tall. There is proposal aluminum  
 2 signage plaque which identifies Hillcrest  
 3 Crossing.  
 4 Q. And can you show us on the site plan  
 5 where that sign would be going just so we have an  
 6 idea.  
 7 MR. CHAIRMAN: Hillcrest Crossings  
 8 or Crossing? Plural or singular?  
 9 MS. COFFEY: Singular.  
 10 MR. KUNSMAN: Crossing. No S on the  
 11 end. Sorry.  
 12 A. Referring back to Exhibit A-11, it's  
 13 at the southern portion of the egress movement to  
 14 the driveway.  
 15 MR. CHAIRMAN: I think he's probably  
 16 looking for what it looks like. If you could be  
 17 so kind enough to make a pretty picture, I would  
 18 appreciate it.  
 19 MR. LINDNER: A little landscaping,  
 20 the curbing rendering.  
 21 MR. KUNSMAN: I understand.  
 22 MS. COFFEY: I'm clear now. Thank  
 23 you.  
 24 MR. CHAIRMAN: Okay.  
 25 MS. COFFEY: Okay. I think.

1 MR. LINDNER: I cut off your  
 2 question number three.  
 3 MS. COFFEY: Thank you. The last  
 4 question we wanted to touch on was asking about  
 5 outdoor common areas and recreation.  
 6 Q. So since the last time we were here,  
 7 and you already pointed this out, Mr. Kunsman, we  
 8 added the top lot to the property but maybe just  
 9 point that out.  
 10 A. All right.  
 11 MR. CHAIRMAN: Can you give the  
 12 dimensions when you point it out, please.  
 13 MR. KUNSMAN: Sure. I'm just  
 14 referring to Exhibit A-7.  
 15 MR. CHAIRMAN: Sure.  
 16 MR. KUNSMAN: The tot lot is  
 17 approximately 2,200 square feet.  
 18 MR. CHAIRMAN: You don't need  
 19 exacts. Close enough.  
 20 MR. KUNSMAN: It's 70 feet long and  
 21 about 70 feet long, 30 feet wide approximately or  
 22 so. Yes.  
 23 MR. CHAIRMAN: How far away is that  
 24 from the end of the furthest part of the  
 25 building?

1 That's what we're calling these,  
 2 right, apartment buildings?  
 3 MS. COFFEY: Yes.  
 4 MR. KUNSMAN: Yes. About 50 feet.  
 5 MR. CHAIRMAN: Furthest?  
 6 MR. KUNSMAN: Furthest.  
 7 MR. CHAIRMAN: Longer than your  
 8 ruler?  
 9 MR. KUNSMAN: Almost. 760 feet.  
 10 MR. CHAIRMAN: I would suggest that  
 11 you might be able to put a tot lot where you  
 12 don't have cul-de-sacs on there. Just going to  
 13 throw that out there as a possibility.  
 14 MR. TOTH: Or even if it is  
 15 connected you have a tot walking path or riding  
 16 path with bikes for kids.  
 17 MR. CHAIRMAN: Something. A little  
 18 bit more physical potential and nothing planned  
 19 in between the buildings in terms of recreational  
 20 activity, organized?  
 21 MR. KUNSMAN: No.  
 22 MS. COFFEY: Not currently, no.  
 23 MR. CHAIRMAN: All right.  
 24 Any other members of the board have  
 25 questions? Barry.

1 somebody was just zipping around.  
 2 So personally I'm happy with not  
 3 having a cul-de-sac because you never know what  
 4 teenager is going to be zipping around that  
 5 thing.  
 6 I don't think there is going to be  
 7 any speed breakers and so on. That's just my two  
 8 cents. Thank you.  
 9 MR. CHAIRMAN: Thank you.  
 10 Any other members of the public  
 11 wishing to speak at this point? Welcome back.  
 12 MR. HEFFERNAN: Hello. It's William  
 13 Heffernan. I had a bunch of questions.  
 14 I think you have referenced like the  
 15 biggest question I had, and that's with reference  
 16 to what happens to the trees in the backyards of  
 17 the Bellewood people? They are all going to die.  
 18 They are giant trees, even not  
 19 little trees out there because I live down the  
 20 street. My trees are 100 foot tall.  
 21 When you go to dig for your  
 22 retaining wall, they are going to kill them  
 23 because a retaining wall most likely is going to  
 24 go 4 feet down below the grade and then however  
 25 much it sticks above, and then the -- unless

1 MR. LINDNER: The tot lot goes right  
 2 against the parking, right? Right there I think  
 3 you should have some substantial bollards.  
 4 MS. COFFEY: It will be fenced,  
 5 correct, Mr. Kunsman? The bollards as well. I'm  
 6 with you.  
 7 MR. LINDNER: And the bollards are  
 8 different. Fences are usually aluminum and  
 9 bollards are meant to take a hit.  
 10 MR. KUNSMAN: Sure. We can  
 11 re-examine that.  
 12 MR. LINDNER: It should be right on  
 13 the curb line. Thank you.  
 14 MR. CHAIRMAN: Any other cares or  
 15 concerns from the board at this time point?  
 16 I will open up this meeting to the  
 17 public. If you want to talk about anything about  
 18 this application, you're welcome to come up.  
 19 MR. MANSOOR: Just very quickly --  
 20 MR. CHAIRMAN: Just state your name  
 21 again just so we know.  
 22 MR. MANSOOR: I'm Mansoor, Murad.  
 23 In Bellewood we have round cul-de-sac and I  
 24 always pray for our kids. I mean, my kids almost  
 25 got killed at McDonald's parking lot when

1 you're going to drive sheeting or something, I  
 2 don't know how you save them.  
 3 And I think it is important that the  
 4 people who live in the Bellewood Estates  
 5 understand they are going to lose all their trees  
 6 in their backyard, and what they are going to see  
 7 is that entire development there.  
 8 I don't care how many trees you put.  
 9 I don't care if it's a six inch diameter tree  
 10 that you install there. You are going to see  
 11 those for years to come.  
 12 So those people lose a big -- it's a  
 13 big impact to them, big value of their house  
 14 because then they get to see the townhomes and  
 15 the apartment buildings and Route 78.  
 16 That's what's going to happen when  
 17 you build that retaining wall. I definitely know  
 18 that will happen, and at the top of the retaining  
 19 wall are you going to put a fence?  
 20 MR. KUNSMAN: That's correct.  
 21 MR. HEFFERNAN: Where will that  
 22 fence be?  
 23 MR. KUNSMAN: Around to that  
 24 retaining wall for fall protection.  
 25 MR. HEFFERNAN: Also, did you guys

1 do any cut and fill estimates?  
 2 MR. KUNSMAN: Yes, we have.  
 3 MR. HEFFERNAN: So is it equal or  
 4 are you going to be running fill into the site or  
 5 running fill off the site? And do you have to  
 6 get -- I don't know.  
 7 MR. CHAIRMAN: So the permit on the  
 8 site plan typically, which would include that  
 9 information and the application would have it on.  
 10 So you should have that information.  
 11 MS. COFFEY: I think, Mr. Kunsman,  
 12 you tell me if I'm out of my depth here, that  
 13 with the pavement foundations they'll be roughly  
 14 23,000 cubic yards of soil input; is that  
 15 correct?  
 16 MR. KUNSMAN: That's right.  
 17 MR. HEFFERNAN: You will be running  
 18 fill into the site?  
 19 MR. KUNSMAN: Yes.  
 20 MR. HEFFERNAN: What else did I want  
 21 to mention, a standard I wasn't familiar with on  
 22 the cul-de-sacs not meeting the RSIS?  
 23 MR. KUNSMAN: RSIS.  
 24 MR. CHAIRMAN: Residential Site  
 25 Improvement Standards.

1 MR. CHAIRMAN: I mean, nine is  
 2 significant but not insurmountable.  
 3 MR. HEFFERNAN: And then I had  
 4 another question.  
 5 MR. CHAIRMAN: San Fran is much  
 6 worse.  
 7 MR. HEFFERNAN: Is what is the  
 8 average slope across the site? Because I know --  
 9 MR. CHAIRMAN: Wait. Prefill or.  
 10 MR. HEFFERNAN: Before you touch it,  
 11 I think the site is an area state definition. If  
 12 it is more than 15 percent, I think it is  
 13 unbuildable personally.  
 14 MR. CHAIRMAN: We actually don't  
 15 have a steep slope ordinance that prohibits --  
 16 MR. HEFFERNAN: I think the state  
 17 does.  
 18 MR. CHAIRMAN: No.  
 19 MR. CHADWICK: The only regulation  
 20 is tied to the Middlebrook system which is sewer.  
 21 MR. CHAIRMAN: And that's not part  
 22 of this.  
 23 MR. HEFFERNAN: The state DEP, isn't  
 24 a critical area defined by 15 percent?  
 25 MR. KUNSMAN: No.

1 It applies to all mixed and all  
 2 developments throughout the state, and they are,  
 3 typically, they are -- some are codified. Most  
 4 are codified but not all, and we typically at  
 5 planning boards or boards of adjustment we try to  
 6 find them because they are best tracking at  
 7 minimum or a lot of them are legal also. It is a  
 8 pretty good thing to follow the RSIS if you can.  
 9 MR. HEFFERNAN: Now, if you  
 10 eliminate the double cul-de-sac somebody  
 11 mentioned 9.8 grade did you say?  
 12 MR. CHAIRMAN: I think that's what  
 13 the testimony was.  
 14 MR. KUNSMAN: I believe I said 9.3.  
 15 MR. HEFFERNAN: That's greater than  
 16 Warrenville Road.  
 17 MR. CHAIRMAN: Not greater than  
 18 Hillcrest going south.  
 19 MR. HEFFERNAN: Or Valleyview.  
 20 MR. CHAIRMAN: It is probably more  
 21 than Valleyview.  
 22 MR. HEFFERNAN: Yes.  
 23 MR. CHAIRMAN: Warrenville 15.  
 24 MR. KASTRUD: Warrenville reached  
 25 15.

1 MR. CHAIRMAN: No.  
 2 MR. CHADWICK: The process every  
 3 site in the town, which there are nine that are  
 4 involved in this affordable housing settlement  
 5 agreement, has to be reviewed by myself. It has  
 6 to be presented by the litigant, and it has to be  
 7 then reviewed by Fair Share Housing and a court  
 8 appointed master and a court appointed engineer  
 9 that is buildable.  
 10 Most instances in Warren wetland is  
 11 a contributor. Slopes, you know, over here by  
 12 the building you try building on the slope over  
 13 here that's steep.  
 14 MR. CHAIRMAN: That's more than 23,  
 15 27. Also, the steep slopes were part of  
 16 litigation with the township many, many years  
 17 ago, and it just was not found to be critical and  
 18 the township has not deemed it so.  
 19 MR. CHADWICK: The area that was  
 20 found that are real steep to the town is Borden  
 21 and the county border.  
 22 MR. CHAIRMAN: For the most part.  
 23 MR. HEFFERNAN: One thing I wanted  
 24 to point out, and when I brought this up to the  
 25 board maybe two meetings ago, I would like as

1 part of the approval of this plan is that you  
 2 require the developer to go to whichever board is  
 3 in town to get to no parking signs placed on  
 4 Major Road because it's my view that once  
 5 everything is built, that people who don't want  
 6 to go out to route -- to Hillcrest are going to  
 7 park on Major Road and walk down Major Road and  
 8 park their cars there.  
 9 Currently nobody parks on Major  
 10 Road.  
 11 MR. CHAIRMAN: There is also you  
 12 can't park overnight.  
 13 I will say so just before we get too  
 14 crazy into the no parking, no parking is a  
 15 double-edge sword. It also means anyone on Major  
 16 Road or anyone along there can't park there  
 17 either.  
 18 MR. HEFFERNAN: Mr. Maggipinto lives  
 19 on Major Road, and there is one other home on  
 20 Major Road, and they have a considerable  
 21 driveway. I have lived there for 29 years across  
 22 the street.  
 23 MR. CHAIRMAN: Okay. All right. We  
 24 will take it under advisement.  
 25 MR. HEFFERNAN: But I would

1 recommend that that board require that they go to  
 2 the proper board and get those no parking signs.  
 3 MR. CHAIRMAN: It is not that. The  
 4 township committee will take that as a suggestion  
 5 and deal with it if they feel like it was  
 6 important.  
 7 It is not, in other words, I don't  
 8 want to dismiss it. What I'm saying it is not  
 9 part of this application and, therefore, we  
 10 couldn't make it a condition.  
 11 MR. HEFFERNAN: I would also just  
 12 like to point out to the board what impact -- I  
 13 know you guys are professionals. You've been  
 14 doing this all for a long time and you're  
 15 volunteers.  
 16 MR. CHAIRMAN: By the way, I live on  
 17 Hillcrest.  
 18 MR. HEFFERNAN: So you know.  
 19 MR. CHAIRMAN: Since 1997.  
 20 MR. HEFFERNAN: I just want to point  
 21 out the loss of the trees is going to add to the  
 22 noise of the people in the Bellewood Estates for  
 23 sure, let alone Mr. Maggipinto. He will pick up  
 24 the noise, too, with the loss of trees. It is  
 25 pretty bad there.

1 I walk my dog down Major Road all  
 2 the time and it's tough for me. I'm two houses  
 3 away from Route 78, but when you take those trees  
 4 down, the Bellewood people are really going to  
 5 hear that.  
 6 The other thing is we're going to  
 7 lose, the people at Bellewood, will also lose  
 8 from the darkness of the sky quite a bit once you  
 9 put the lights in for the security and safety for  
 10 the people who live in the apartments and the  
 11 townhomes. The loss of the buffer --  
 12 MR. KUNSMAN: Is there a question?  
 13 Is there a question for me?  
 14 MR. HEFFERNAN: No.  
 15 MR. CHAIRMAN: We will be able to  
 16 respond. I hear you.  
 17 MR. HEFFERNAN: All right. If you  
 18 want to answer the question about light  
 19 pollution.  
 20 MR. CHAIRMAN: He wants light  
 21 pollution.  
 22 MR. KUNSMAN: I mean, our lights are  
 23 dark sky compliant so they don't --  
 24 MR. HEFFERNAN: Okay. That doesn't  
 25 mean it doesn't shine in the backyards of the

1 people who live there.  
 2 MR. KUNSMAN: I disagree.  
 3 MR. HEFFERNAN: All you have to do  
 4 is see what the horizon looks like at night here  
 5 in Warren compared to when I first moved here.  
 6 We also lose the environment because  
 7 we are losing a lot of buffer. We are certainly  
 8 going to lose the buffer at this entrance, and I  
 9 suggest you go to a 25 foot wide driveway.  
 10 I know our expert, the  
 11 transportation expert says it is not doable but I  
 12 recommend it. I think every problem can be  
 13 solved, and as engineers, we know how to solve  
 14 these things. Maybe everybody doesn't like them  
 15 but that's a solvable problem.  
 16 Of course, the other impact is  
 17 traffic increase, and, also, the increase in  
 18 density takes us away from that country suburban  
 19 feel we have here in Warren, with one-and-a-half  
 20 acre requirements down to 13 units per acre; and  
 21 we start to lose that identity and it becomes  
 22 more of an urban identity.  
 23 Anyway, I would hope that you guys  
 24 consider that, and in considering it, maybe in  
 25 granting variances that the development is asking



1 for, to give that to them they could decrease the  
2 number of units that they're planning on instead  
3 of 176, I don't know. Maybe 150 would be a  
4 little bit nicer.

5 I still have your 44 that the court  
6 is mandating us, but personally I would like to  
7 see the township go to war on this and not allow  
8 this and let them sue us but okay. That's all I  
9 have. Thank you.

10 MR. CHAIRMAN: Any members of the  
11 public wishing to speak?

12 MR. MAGGIPINTO: I would like to say  
13 a lot of stuff so I can't. You guys got to make  
14 your own decisions. So it don't matter what I  
15 say anyways. So it don't mean anything. So you  
16 guys are going to make a decision anyway.

17 MR. CHAIRMAN: For the record, that  
18 was Pietro -- what was your last name?

19 MS. COFFEY: Maggipinto.

20 MR. MAGGIPINTO: Maggipinto.

21 MR. CHAIRMAN: Maggipinto. Now I  
22 remember it. I said it. Now I will remember it.

23 MR. MAGGIPINTO: All I know when I  
24 build my house they make me build a cul-de-sac  
25 just for one acre house only and now all this

1 goes upright next to it.

2 MR. CHAIRMAN: Any other members of  
3 the public wishing to speak at this time at this  
4 point? We will have another shot at the apple.

5 MR. LINDNER: We have one more.

6 MR. CHAIRMAN: Come on up, Joe.

7 MR. FARRELL: Joseph Farrell, Three  
8 Stage Drive.

9 Is there supposed to be a lot of  
10 fill that is supposed to be delivered to this  
11 development?

12 MR. CHAIRMAN: They just testified  
13 43,000 --

14 MS. COFFEY: 23,000.

15 MR. CHAIRMAN: 23,000 cubic yards,  
16 Cubic meters? Cubic yard?

17 MS. COFFEY: Yards.

18 MR. CHAIRMAN: Still on the English  
19 system.

20 MR. FARRELL: That would be how many  
21 tandems?

22 MR. KUNSMAN: Like 230, maybe less.  
23 173, something like that.

24 MR. FARRELL: Hillcrest will take a  
25 beating as well as the surrounding hilltops.

1 MR. CHAIRMAN: I don't think anyone  
2 is arguing the point. I think we've already  
3 discussed that the engineer and the planner are  
4 taking pictures prior to start so the road can be  
5 returned appropriately to the appropriate  
6 condition that it was in. Okay.

7 MR. FARRELL: The same thing will  
8 happen to Mountain after as well once they  
9 operate the project starts.

10 MR. CHAIRMAN: So this applies to  
11 all developments in this go around.

12 The township engineer and the  
13 township planner will be taking pictures of the  
14 roads before and during so that they are returned  
15 to at least as good as they were before.

16 MR. FARRELL: Thank you for your  
17 time.

18 MR. CHAIRMAN: Yes, come on.

19 MR. MANSOOR: This had come up  
20 before regarding the light pollution, and I had  
21 said to have the motion sensor.

22 Since the engineer is here, he can  
23 basically address if there is any objection to  
24 having motion sensors to any external lighting,  
25 you know.

1 MS. COFFEY: There is an objection  
2 to it.

3 MR. CHAIRMAN: Are we doing lights  
4 out at certain times?

5 MS. COFFEY: No.

6 MR. CHAIRMAN: You are keeping  
7 lights on Duours Road.

8 MS. COFFEY: We had quite a bit of  
9 testimony in response to this suggestion  
10 previously, Mr. Chairman, but the testimony was  
11 all of the lights are full cutoffs. So we talked  
12 about there is no light spillage off of the  
13 property.

14 I think our architect was the one  
15 who went through all of this.

16 MR. CHAIRMAN: Yes.

17 MS. COFFEY: We changed some of the  
18 patio features. That was one of the comments in  
19 Mr. Beer's prior memo, and he deemed the updated  
20 plans acceptable to change those light fixtures  
21 to ensure they would all be down-facing rather  
22 than have any risk of facing out.

23 So it is something that the  
24 applicant has covered pretty extensively.

25 MR. MANSOOR: Last time the engineer

1 had not come up.  
 2 My question for the engineer is  
 3 there any technical reason for not having a  
 4 motion sensor activated lights or, you know, or  
 5 if you're saying that no, we cannot have that, at  
 6 least explain why we cannot have motion sensor  
 7 since your engineer is here.  
 8 MR. CHAIRMAN: There are actually  
 9 two questions in there. So let me bifurcate  
 10 that, if I can.  
 11 You spoke about patio lighting and  
 12 then you spoke about street lighting.  
 13 Are they being treated differently?  
 14 MS. COFFEY: With respect to the  
 15 hours that they are --  
 16 MR. CHAIRMAN: Hours of operation  
 17 and/or --  
 18 MS. COFFEY: Yes and, again, I think  
 19 all of this we covered previously.  
 20 So the patio lighting is controlled  
 21 by the resident, and so just the way any  
 22 homeowner would turn on a light if they wanted to  
 23 have dinner outside on their patio, they go back  
 24 inside. They certainly turn their lights off so  
 25 they can go to bed or watch T.V. without glare,

1 or whatever they want to do in their home, that's  
 2 controlled by the resident of the unit.  
 3 The street lighting, of course, is  
 4 not controlled by the individual residents.  
 5 That's instead controlled by the owner of the  
 6 property, the landlord, who ensures that the  
 7 lights are on to keep the community safer.  
 8 MR. CHAIRMAN: So that's 24/7?  
 9 MS. COFFEY: Yes.  
 10 MR. MANSOOR: So I haven't heard the  
 11 answer. All I heard this has been addressed  
 12 before, but I want to know a technical reason for  
 13 not having a motion sensor activated lights? I  
 14 mean because, look, we are light pollution and so  
 15 on.  
 16 If anybody is walking from a safety  
 17 point, it's motion activity even on a patio. If  
 18 anybody goes out, they can override it, of  
 19 course, but in 2022 we should have motion  
 20 activated.  
 21 How much is the cost? If it is high  
 22 cost, let them come back and say it is going to  
 23 cost \$1 million. It won't, and then you can say,  
 24 okay, one million is too much to ask for; but  
 25 besides, I mean, I still haven't heard any

1 technical reason or even a cost reason so as to  
 2 why should not have more activated --  
 3 MS. COFFEY: The answer provided it  
 4 is not a technical one or cost one. It is a  
 5 quality of life one for the residents, which is  
 6 that, for example, I have motion sensor lights in  
 7 my office and every 20 minutes the lights turn  
 8 off on me when I sit at my desk and I have to go  
 9 like this until they turn back on.  
 10 And so if you're enjoying dinner  
 11 with your family outside, you don't want to have  
 12 to do jumping jacks every 20 minutes while you're  
 13 having dinner.  
 14 MR. MANSOOR: On the street you are  
 15 walking. So when you're walking, they should be,  
 16 you know, they will be activated.  
 17 MR. TOTH: You want to just stand  
 18 there and not move, then the lights in the street  
 19 will go out.  
 20 MR. MANSOOR: But you can have a --  
 21 MR. CHAIRMAN: Also, what we need is  
 22 motion and heat, which are probably the most. I  
 23 sense it. I hear what you're saying.  
 24 Listen, I think the applicant has  
 25 answered the question saying they are not going

1 to entertain anything for safety reasons.  
 2 If they have, if there is a way to  
 3 do it, we will endeavor to ask those questions at  
 4 the next hearing but I appreciate the question.  
 5 MR. MANSOOR: Thank you.  
 6 MR. CHAIRMAN: Yes. You can ask  
 7 anything but motion sensors.  
 8 MR. HEFFERNAN: The only thing I  
 9 would ask also of the board they restrict the  
 10 developer access to the site during construction  
 11 so that they use the Hillcrest as their access  
 12 point and not Major Road.  
 13 MR. CHAIRMAN: Let's just make it  
 14 very clear, the applicant stipulates that they  
 15 are not going to use Major Road as a construction  
 16 entrance egress.  
 17 MR. HEFFERNAN: Or the workers  
 18 parking or any of that stuff.  
 19 MR. CHAIRMAN: That includes  
 20 everybody.  
 21 MS. COFFEY: And this has come up  
 22 previously as well.  
 23 What we had said we will be using  
 24 Hillcrest exclusively for access with the  
 25 exception of when we have to do work upon

1 Hillcrest and not able to access it.  
 2 MR. CHADWICK: They already agreed  
 3 to it.  
 4 MS. COFFEY: We agreed we will not  
 5 be using Major, correct.  
 6 MR. CHAIRMAN: We had this at the  
 7 first meeting. They're on notice.  
 8 MS. COFFEY: Yes.  
 9 MR. HEFFERNAN: Thank you.  
 10 MR. CHAIRMAN: I just had a deju vu  
 11 moment. We had this argument before.  
 12 Any other questions of the public at  
 13 this point? Seeing none, we are closing this  
 14 portion of the meeting.  
 15 MS. COFFEY: Mr. Chairman, we do  
 16 have our planner here.  
 17 MR. CHAIRMAN: Okay.  
 18 MS. COFFEY: And I don't think it  
 19 will take too, too long, just for the sake of --  
 20 MR. CHAIRMAN: You need a planner  
 21 for a litigated matter?  
 22 MS. COFFEY: We have the variance  
 23 and we want to make sure that we're -- it's  
 24 Mr. Dean, so you already know he's good at being  
 25 briefer.

1 variance and details and move on to that as well.  
 2 MS. COFFEY: Sure.  
 3 MR. CHAIRMAN: As opposed to trying  
 4 to show two at once.  
 5 MS. COFFEY: We can do them one at a  
 6 time. That's fine.  
 7 Q. All right.  
 8 Mr. Dean, let's take just probably  
 9 the driveway to start and then we'll do the  
 10 retaining wall --  
 11 MR. CHAIRMAN: Is that really the  
 12 best picture of the driveway we have this  
 13 evening?  
 14 MR. DEAN: It is. Sorry.  
 15 MR. CHAIRMAN: You know what, the  
 16 proofs don't need a map. If you want to just  
 17 dictate it, that's fine, too.  
 18 MR. CHADWICK: The overall plans  
 19 probably shows it.  
 20 MR. CHAIRMAN: That's better.  
 21 Introduce it then.  
 22 A. So what we have --  
 23 Q. Can you give us a number?  
 24 A. Sheet C302 prepared by Bohler  
 25 Engineering.

1 MR. CHAIRMAN: Mr. Dean brief.  
 2 MS. COFFEY: Briefer than some.  
 3 MR. DEAN: Challenge accepted.  
 4 MR. CHAIRMAN: Let's address the  
 5 variance one at a time.  
 6 MS. COFFEY: Sure. We previously  
 7 qualified Mr. Dean as a professional planner.  
 8 MR. CHAIRMAN: Yes.  
 9 MS. COFFEY: Still under oath.  
 10 DIRECT EXAMINATION  
 11 BY MS. COFFEY:  
 12 Q. So, Mr. Dean, we have just two  
 13 variances really talking about the -- the first  
 14 is with regard to the driveway, which has come up  
 15 this evening, as well as the associated retaining  
 16 wall, which is going to be located within the 50  
 17 foot buffer; and just before you get into the  
 18 planning process, I think it might be helpful to  
 19 just point out the shape of the driveway so  
 20 people are clear it is not running the entire  
 21 depth of the property.  
 22 A. It is not.  
 23 MR. CHAIRMAN: Actually, may I  
 24 suggest you describe the variance in detail and  
 25 then have Mr. Dean explain the proofs of those

1 MR. CHAIRMAN: It is already on the  
 2 record submitted.  
 3 MR. DEAN: It is part of your set, I  
 4 believe, and it has as revision date of  
 5 April 28th of this year.  
 6 MS. COFFEY: I believe it's Exhibit  
 7 A-2.  
 8 MADAM SECRETARY: That's a different  
 9 one.  
 10 MR. CHADWICK: Color.  
 11 MR. CHAIRMAN: No color.  
 12 MR. WARNER: That's been colorized.  
 13 MR. CHAIRMAN: Just mark it.  
 14 MS. COFFEY: A-12.  
 15 MR. CHAIRMAN: There is no marking  
 16 on it right now? Right.  
 17 MR. DEAN: It has just been marked  
 18 A-12.  
 19 (Exhibit A-12 marked for  
 20 identification.)  
 21 MR. CHAIRMAN: Great.  
 22 MR. KUNSMAN: We have another one  
 23 marked on back.  
 24 MR. CHAIRMAN: Let's stay there.  
 25 Q. Just hold. All right.

1 So A-12 is Sheet 302 dated?  
 2 A. Last revised April 28th of this  
 3 year.  
 4 Q. Okay.  
 5 A. And just for reference, north is to  
 6 the bottom of the page. It's consistently been  
 7 how the presentation with Route 78 to the top of  
 8 the exhibit and the subject site located in the  
 9 main portion of the exhibit, Hillcrest Road to  
 10 the left.  
 11 What is depicted on the plan and the  
 12 color is helpful, hopefully, the board members  
 13 and the public can see in a gray tone directly at  
 14 the common property line between the subject site  
 15 and the adjacent lot on Bellewood Estates is the  
 16 proposed location of the driveway.  
 17 That driveway has been intentionally  
 18 designed to be as far away from the on-ramp to  
 19 Route 78, which is just south of the site, and as  
 20 part of that and, again, for orientation  
 21 purposes, you hopefully can see that the buffer  
 22 area between the subject property and the  
 23 detention basin on the adjoining lot and by  
 24 reference it is lot 12.16 and Block 205 flares.  
 25 As the driveway enters the site,

1 that widens to a point and then we get to our  
 2 first residential unit where we do meet the  
 3 50 feet.  
 4 So the only area where the relief is  
 5 needed is to fit the driveway, and the question  
 6 is could we have complied?  
 7 The short answer is no, and the  
 8 reason is when the board may recall that we  
 9 examined a condemnation map by New Jersey DOT,  
 10 and in that process where the right-of-way line,  
 11 and I'm pointing with my finger, there is a  
 12 right-of-way line that runs parallel to Hillcrest  
 13 Road to our north.  
 14 That right-of-way line then deflects  
 15 and bends to the west as part of that onramp.  
 16 When DOT condemned the property for  
 17 this, they imposed what is known as a no-access  
 18 line along the ramp for obvious reasons. You  
 19 don't want a driveway anywhere near the ramp, and  
 20 the only way we could comply with your  
 21 requirement for 50 feet would be to have that  
 22 driveway in that limit of no access.  
 23 So to comply with your ordinance  
 24 means we don't have a project, and I would submit  
 25 that this falls arguably under the C-1 hardship

1 criteria given the configuration and the  
 2 dimensional limitations of the property in that  
 3 we cannot practically comply with your ordinance.  
 4 Number two goes to what is the  
 5 consequence of allowing that relief. The subject  
 6 property immediately next to us is essentially a  
 7 buffer. It's a green space. It's not more than  
 8 a detention basin for Bellewood Estates.  
 9 It can't be, a house cannot be  
 10 constructed on it. So it is perpetually green  
 11 space, and I'll say the need to buffer what is  
 12 already a buffer seems unnecessary.  
 13 And so that in the balancing test of  
 14 the benefits versus the detriments of granting  
 15 the relief, certainly from a traffic engineering  
 16 perspective and a safety perspective, by having  
 17 that driveway pushed all the way to the northern  
 18 limit of the property and maximizing the  
 19 separation away from the Route 78 ramp and the  
 20 interchange presents a better planning design  
 21 that advances, obviously, the stated purposes of  
 22 zoning; and that is to have, to protect the  
 23 interest of the public health, safety and  
 24 welfare.  
 25 So, in my opinion, the benefits

1 outweigh the detriments, and the fact that it  
 2 causes no injury or impairment to the neighbor by  
 3 virtue of the fact that it is perpetually going  
 4 to be a detention basin that the relief can be  
 5 granted without any detriment to your zoning plan  
 6 or ordinance.  
 7 And the only way to build that  
 8 driveway is to build a retaining wall. It just  
 9 has to do with the grading and to physically  
 10 construct that necessitates that additional  
 11 improvement.  
 12 So I would submit that the location  
 13 of the driveway and its construction necessitates  
 14 the retaining wall, which is the second form of  
 15 relief. So they are related.  
 16 And, in short, the only way to build  
 17 this project essentially is to grant that  
 18 relieve; otherwise, the only means of ingress and  
 19 egress would be via Major Road.  
 20 So we have looked at this a number  
 21 of different times with the county, with your  
 22 professional staff, and it was at the directive  
 23 of your engineer that said we will grant you  
 24 relief from our standards because Somerset County  
 25 also has a separation from common property lines,

1 and the county was supportive of the effort to  
 2 push the driveways as far to the north as we  
 3 could.  
 4 MR. CHAIRMAN: Is C-1 variance okay  
 5 for a self-imposed hardship?  
 6 MR. WARNER: Not for a self-created  
 7 one.  
 8 MR. CHAIRMAN: This is a  
 9 self-created one because they stipulated no  
 10 access to Major. That doesn't have this issue.  
 11 MS. COFFEY: It is also an ordinance  
 12 requirement that we not use Major.  
 13 MR. CHADWICK: A settlement  
 14 agreement prohibits access to Major.  
 15 MR. CHAIRMAN: Is not self-created.  
 16 Okay.  
 17 MR. DEAN: Thank you, Mr. Chadwick.  
 18 MR. CHADWICK: I was corrected on  
 19 that two weeks back.  
 20 MS. COFFEY: I'm glad we are all on  
 21 the same page.  
 22 With regard to the retaining wall,  
 23 just to have specificity on the record,  
 24 Mr. Chairman, the retaining wall is also behind  
 25 townhouse building number 2, and then a retaining

1 wall that runs along the back-end of townhouse  
 2 No. 4, and it wraps around the side of townhouse  
 3 Building No. 6.  
 4 Q. And those retaining walls are  
 5 necessitated because of the topography of the  
 6 site, which we already discussed this evening,  
 7 correct, Mr. Dean?  
 8 A. That is correct; and as I alluded,  
 9 the grading and the topography of the site, which  
 10 drops rather severely toward Route 78, that was  
 11 covered by our engineer, necessitates the  
 12 stabilization of that slope, obviously, for the  
 13 constructability of the site.  
 14 The presence of those walls will be  
 15 augmented by landscaping to provide appropriate  
 16 screening, but to those abutting property owners,  
 17 other than there physically being something in  
 18 the ground to stabilize that slope, it will be,  
 19 for all intents and purposes, hidden and  
 20 invisible and meet the spirit and intent of the  
 21 50 foot buffer.  
 22 Q. And then the third variance of the  
 23 applicant is requesting, which is now included in  
 24 the notice, is with regard to the encroachments  
 25 of certain patios and decks by 2 feet, and I have

1 the list of which ones it would be.  
 2 There are four within townhouse  
 3 Building No. 1, four within townhouse Building  
 4 No. 2, four in townhouse Building 3, two in  
 5 townhouse Building 4, four in townhouse building  
 6 5 and four in townhouse Building No. 6.  
 7 And, Mr. Dean, the architect had  
 8 explained that the reason why there's some  
 9 variation here is because the intention was to  
 10 stagger the units; and if we were to have this  
 11 encroachment, it would result in uniformity among  
 12 the sizes of the decks and patios while still  
 13 having the staggering, correct?  
 14 A. Correct, and the stagger, obviously,  
 15 promotes a more visual appearance of the  
 16 buildings as opposed to a monolithic, say, like  
 17 barracks-type design, which would be in  
 18 conformance.  
 19 So that the minor deviation of 2  
 20 feet, which is 4 percent of the requirement, in  
 21 my opinion, particularly given the setback of the  
 22 neighboring homes, would be indiscernible from a  
 23 functional perspective in that literally this  
 24 width that's the difference, 2 feet, and does not  
 25 inviolate or in any way impair your zone plan

1 ordinance; and I think again the benefits  
 2 outweigh the detriments of having a more  
 3 aesthetic facade of the building, which will be  
 4 visible for the need of shadows and other  
 5 building breaks is a greater benefit to those  
 6 abutters than simply having a rigid conformance  
 7 on those patios.  
 8 MR. CHAIRMAN: So just in terms of  
 9 -- you're not the engineer.  
 10 You're saying that this application  
 11 there is absolutely no way that you can't move  
 12 these buildings 2 feet, the width of your drawing  
 13 right there, to the south to remove this  
 14 variance?  
 15 MR. DEAN: That I can't answer.  
 16 MS. COFFEY: The applicant --  
 17 MR. CHAIRMAN: Would you like to put  
 18 that on the record?  
 19 MS. COFFEY: Well, I can ask our  
 20 engineer if he's prepared to testify to that.  
 21 I do know that the applicant had  
 22 previously said that if the board had made the  
 23 determination that it's preferable to have some  
 24 of those decks and patios shortened by 2 the  
 25 feet, the applicant would be willing to do that.

1 MR. CHAIRMAN: Let's hear from the  
2 engineer.  
3 MS. COFFEY: Are you able to address  
4 whether it can be moved 2 feet? That one I  
5 couldn't -- I majored in history.  
6 MR. CHAIRMAN: It is only the width  
7 drawing, right, Mr. Dean?  
8 MR. KUNSMAN: In my opinion, no,  
9 because though the spacing for the townhome No.  
10 5, No. 6 and the proximity of the apartment No. 3  
11 and then spacing requirement for the drive aisles  
12 to the property line that's really a pinch-point  
13 of the lot width.  
14 MR. CHAIRMAN: So we heard Building  
15 No. 2, 3, 4 and 6.  
16 MS. COFFEY: Just to clarify,  
17 Mr. Chairman, you're talking about the  
18 pinch-point at this rear of the site between  
19 proposed townhouse Buildings 5 and 6 and  
20 apartment building number 3; is that right?  
21 MR. KUNSMAN: Yes, and then, also,  
22 you can't just shift a few of the buildings  
23 because the way the roads are laid out to comply  
24 with the RSIS standards. That's really the  
25 pinch-point, which is driving the rest of the

1 then have the monolith building facade, and I  
2 don't have enough room to then step the building  
3 further interior because it would be too short.  
4 MR. CHAIRMAN: Are we all in  
5 agreement that they can't move in 2 feet?  
6 MR. KASTRUD: No.  
7 MR. CHAIRMAN: So I will tell you  
8 what, we are going to talk about some  
9 cul-de-sacs. You are going to put your proofs on  
10 the record for what you were talking about, but  
11 we would love not to have a variance. Okay.  
12 MS. COFFEY: We will see what can be  
13 done.  
14 MR. CHAIRMAN: There you go.  
15 MR. DEAN: Understood.  
16 MS. COFFEY: It may be shortening  
17 the patio.  
18 MR. CHAIRMAN: Is there more proofs  
19 to put on the record?  
20 MS. COFFEY: That's the only relief  
21 we need.  
22 MR. CHAIRMAN: Thank you. I would  
23 like to close this portion of the meeting and  
24 open to the public.  
25 Anyone to speak on the variances?

1 site. So you just can't shift the building  
2 around --  
3 MR. DEAN: I'll explain it a little  
4 differently, Mr. Chairman.  
5 MR. CHAIRMAN: Please do.  
6 MR. DEAN: If we were to slide the  
7 buildings forward, the driveways wouldn't be long  
8 enough. We would be short on parking.  
9 The narrowest driveway depth, if you  
10 will, on Building 5 and Buildings 1 is exactly  
11 18 feet, which is what we need to fit a car.  
12 If we slide the building 2 feet, we  
13 take that down to 16, and then the car hangs 2  
14 feet out in the street, so.  
15 MR. CHAIRMAN: I could have sworn  
16 there was some buffer on grass, too.  
17 MR. DEAN: There is some in front of  
18 the buildings but, for example, I'll go back to  
19 the colored Exhibit A-12.  
20 While the units that have the  
21 encroachment, those could be shifted, but then we  
22 have the monolith, and if we then shifted 2 feet  
23 forward, I'm pointing so forgive me, but the  
24 second unit in that driveway depth is 18 feet.  
25 So to get rid of the variance, we

1 Yes. Come on.  
2 MR. MANSOOR: I didn't bring my own  
3 expert on this buffer. He said that the buffer  
4 does not matter.  
5 But if you see here, you have all  
6 this buffer, right, but if you bring this higher  
7 this buffer is gone. So, basically, from here  
8 visually the visual buffer will be gone.  
9 So basically you have 2 feet of  
10 trees and you are getting rid of it, visual  
11 buffer will be gone.  
12 MR. CHAIRMAN: Mr. Dean, correct me  
13 if I'm wrong, but you testified that you realize  
14 that that is the case, and that you're counting  
15 in the retention basin as part of the buffer in  
16 your proof?  
17 MR. DEAN: I'm not counting it as  
18 part of the buffer, but what I'm positing it is a  
19 buffer. It is a basin. There's no home there.  
20 MR. CHAIRMAN: But you're not  
21 counting --  
22 MR. DEAN: There's no --  
23 MR. MANSOOR: But there are no trees  
24 there.  
25 MR. DEAN: It's not part of our site

1 but the purpose of a buffer is to provide just  
 2 that, space between abutting homes and use it.  
 3 That's a detention basin.  
 4 MR. MANSOOR: Visual buffer.  
 5 MR. DEAN: The basin itself is  
 6 150 feet wide, if not more. I don't know the  
 7 depth of these lots.  
 8 So it adds no value in terms of the  
 9 purpose of a buffer to a basin.  
 10 MR. MANSOOR: But for the person  
 11 living there to have a visual buffer is  
 12 important.  
 13 If you have trees there versus not  
 14 having trees, it is important. I'm not an  
 15 expert. That's my two cents.  
 16 MR. CHAIRMAN: Okay.  
 17 Any other anyone wishing to comment,  
 18 come on up?  
 19 State your name.  
 20 MR. HEFFERNAN: It's Bill Heffernan.  
 21 MR. CHAIRMAN: Thank you, Bill.  
 22 MR. HEFFERNAN: Mr. Dean, I would  
 23 disagree with you on the buffer because that 25  
 24 or 50 feet of buffer you take and even though you  
 25 have a nice big retention pond there, that's a

1 different habitat that's available to  
 2 environmentally to what that 50 foot buffer  
 3 offers, whether it's squirrels or chipmunks or  
 4 foxes, it is or whatever, that's no longer there.  
 5 So that's part of what the buffer  
 6 reason is, and the big flat area of the detention  
 7 pond is a lot different habitat and different,  
 8 you know, wildlife and fauna and flora, right. I  
 9 hate to sound it but every argument I can think  
 10 of.  
 11 MR. CHAIRMAN: I hear you. It's  
 12 okay. That's why there is a public hearing.  
 13 Any other members of the public  
 14 wishing to, okay. That closes that portion of  
 15 the meeting and let's go to the board.  
 16 Does the board have any questions of  
 17 this expert? No. Planning professionals?  
 18 Attorneys? Engineers have any questions? Okay.  
 19 We're going to close this portion of  
 20 the meeting and go to carry this to the next  
 21 meeting to finalize -- I think we may, you may  
 22 have one more engineering testimony. You may  
 23 not. It's up to you, but at that point I think  
 24 we wind up voting on this.  
 25 MS. COFFEY: Mr. Chairman, is that

1 August 8th?  
 2 MR. CHAIRMAN: Maryellen.  
 3 MADAM SECRETARY: It is.  
 4 MR. WARNER: Mr. Chairman, can the  
 5 applicant extend the time?  
 6 MS. COFFEY: We certainly agree to.  
 7 MR. CHAIRMAN: Through August.  
 8 MR. WARNER: I would like through  
 9 the end of the month.  
 10 MS. COFFEY: We are available for  
 11 the 8th.  
 12 MR. CHAIRMAN: And we are going to  
 13 extend it to the 8th of August.  
 14 MS. COFFEY: And, Mr. Chairman, just  
 15 for the sake of the record, the applicant I  
 16 expect to be bringing its engineer for additional  
 17 testimony, but we would consider the planning and  
 18 traffic portions of the application closed at  
 19 this point.  
 20 MR. CHAIRMAN: It is up to you.  
 21 MS. COFFEY: Okay.  
 22 MR. CHAIRMAN: Just for a little bit  
 23 of feedback, any of the board members have any  
 24 more traffic questions at this point? No.  
 25 If they do arise, we will let you

1 know.  
 2 MS. COFFEY: I appreciate that.  
 3 Just make sure we have the right personnel.  
 4 MR. CHAIRMAN: And we will need a  
 5 fifth for a quorum.  
 6 MS. COFFEY: Okay.  
 7 MR. CHAIRMAN: So we will let you  
 8 now that that has been arrived at for that  
 9 meeting also.  
 10 MS. COFFEY: Just so I don't want to  
 11 be in another renoticing situation if we don't  
 12 have five on the 8th.  
 13 MR. CHAIRMAN: I would suspect we  
 14 will.  
 15 MS. COFFEY: Okay.  
 16 MR. CHAIRMAN: Unless you hear from  
 17 the township planning board check.  
 18 (Time noted: 9:39 p.m.)  
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CERTIFICATE

I, MICHAEL WILLIAMS, a Registered Professional Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

\_\_\_\_\_  
MICHAEL WILLIAMS, RPR



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