

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
November 1, 2021
VIA REMOTE MEETING ACCESS ONLY

CALL TO ORDER

Chairman Rochat called the virtual meeting to order at 7:12 p.m. and read the Open Public Meetings statement in accordance with the law. Those present stood for the pledge of allegiance.

ROLL CALL:

Present: Chairman Tom Rochat, Vice Chairman Richard Rinzler, Mayor Paul Vallone, Councilwoman Sheila Tweedie, Robert Lewis, Marilyn Layton arrived at 7:40 p.m., John Lawlor and Jack Koury, Alt. #1

Also Present: Peter Henry, Board Attorney, David Banisch, Planner, Steve Bolio, Engineer and Shana L. Goodchild, Secretary

Absent: Suzanne Humbert, Alt. #2

There were approximately 28 audience members present.

BILL LIST

- November 1, 2021

Vice Chairman Rinzler made a motion to approve the Bill List. Councilwoman Tweedie seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Vice Chairman Rinzler, Mayor Vallone, Councilwoman Tweedie, Mr. Lawlor, Mr. Lewis, Mr. Koury, Alt. #1 and Chairman Rochat

Those Opposed: None

MINUTES

- September 22, 2021 Regular Meeting (rescheduled from 9/7/21)

Mayor Vallone made a motion to approve the minutes of the September 22, 2021 Regular Meeting for content and release. Councilwoman Tweedie seconded the motion. All were in favor.

- October 2, 2021 Special Meeting – Site Walk

Councilwoman Tweedie made a motion to approve the minutes of the October 2, 2021 Special Meeting for content and release. Vice Chairman Rinzler seconded the motion. All were in favor.

RESOLUTION

- **Resolution No. 2021-24** – Far Hills Country Day School –Route 202, Block 4, Lot 11

Mr. Henry noted that he spoke to the attorney for the applicant with regard to an issue that was mistakenly misrepresented at the public hearing. The testimony was that the athletic fields involved in the application were not rented to anyone however it was omitted that the school rents the fields in the summer when the school is not in operation; they are rented to summer users who are not permitted to use the scoreboards. The applicant's attorney has requested that the Board change the resolution to reflect that use and amend the condition to allow for the fields to be rented during the summer provided that the users be prohibited from using the scoreboards. Mr. Henry was of the legal opinion that the Board was unable to make that change in the condition until testimony is provided, on the record, to support summer rentals since it was not the subject of any previous testimony. He suggested that the Board adopt the resolution as written but allow the applicant to present a letter application at a future meeting to modify that condition. When asked by Mayor Vallone if there will be night games with lighting, Mr. Henry noted that his understanding was that there is no lighting and whoever uses/rents the fields is bound by the general terms of the approval which includes a timeframe for use of the fields (daytime only without the scoreboards).

Kathy Hatfield, Attorney on behalf of the applicant was present and confirmed that there is no lighting of the field; the fields are rented with the condition that the fields are used without the use of the scoreboards. When asked by Mr. Henry about the timing, Lori Fitzgibbon, Far Hills Country Day School CFO clarified that the field rentals occur on the weekends and during the summer daylight hours. Mr. Henry noted that testimony was not previously provided about weekend use and requested clarification. Ms. Fitzgibbons explained that the fields are rented on weekends during the school year which has been the case over several years. Mr. Henry pointed out that it raises a different fact issue that ultimately should be put on the record because the Board was only aware of summer rentals. The Board's concern was having third-party renters using the scoreboard in a way that was not provided for in the resolution of approval. When asked for the hours of rental, Ms. Fitzgibbons testified that the use of the field does not exceed 6 p.m. in the Summer, Fall and Spring rentals are normally from 10 a.m. to 4 p.m.

The applicant was instructed to submit a letter application for a modification of the condition of approval.

Councilwoman Tweedie made a motion to approve the resolution as written. Vice Chairman Rinzler seconded the motion.

The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mayor Vallone, Councilwoman Tweedie, Vice Chairman Rinzler, Mr. Lewis, Mr. Koury and Chairman Rochat

Those Opposed: None

- **Resolution No. 2021-25** – Colasurdo – 300 Pennbrook Road, Block 4, Lot 3

Councilwoman Tweedie made a motion to approve the resolution with one minor correction to page one (1) Finding No. 1 (the acreage of the tract). Vice Chairman Rinzler seconded the motion.

The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mayor Vallone, Councilwoman Tweedie, Vice Chairman Rinzler, Mr. Lewis,
Mr. Koury and Chairman Rochat

Those Opposed: None

- **Resolution No. 2021-26** – Symington – 180 Douglas Road, Block 23, Lot 1

Councilwoman Tweedie made a motion to approve the resolution as written. Mayor Vallone seconded the motion.

The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mayor Vallone, Councilwoman Tweedie, Vice Chairman Rinzler, Mr. Lewis,
Mr. Koury and Chairman Rochat

Those Opposed: None

- **Resolution No. 2021-27** – Living the Life of Our Dreams, LLC – 49 Route 202, Block 15, Lot 1.01

Councilwoman Tweedie made a motion to approve the resolution as written. Mr. Lewis seconded the motion.

The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mayor Vallone, Councilwoman Tweedie, Vice Chairman Rinzler, Mr. Lewis,
Mr. Koury and Chairman Rochat

Those Opposed: None

- **Resolution No. 2021-28** – Mountain Top Advisory Group – 49 Route 202, Block 15, Lot 1.01

Councilwoman Tweedie made a motion to approve the resolution as written. Vice Chairman Rinzler seconded the motion.

The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mayor Vallone, Councilwoman Tweedie, Vice Chairman Rinzler, Mr. Lewis, Mr. Lawlor, Mr. Koury and Chairman Rochat

Those Opposed: None

PUBLIC COMMENT

There was no public comment.

APPLICATIONS/PUBLIC HEARINGS

- Appl. No. PB2021-15
Robustelli
Block 3, Lot 10
170 Lake Road
Stream Corridor Buffer Variance

Mr. Henry learned that afternoon that the applicants, Mr. and Mrs. Robustelli are also represented in various transactional matters by his firm although it did not appear in the conflict check with respect to their individual names and not under the entity name. Having learned that, Mr. Henry recused himself from counseling the Board and recommended the Planning Board contract with a conflict attorney to handle the matter during the public hearing.

Robert Lewis noted for the record that he was recusing himself from the application as he resides within 200 feet of the property that is subject of the application.

Nicole Magzdiak, Attorney on behalf of the applicant was present and explained that the property is the primary residence for Mr. and Mrs. Robustelli; the property contains an existing house and many environmental constraints which are impacted by the proposed development, particularly those located in the stream corridor buffer. The applicant is seeking relief for an addition to the home and some related patios, stormwater and septic improvements proposed in the stream buffer corridor; much of the home is already located within that stream corridor buffer. Ms. Magzdiak requested that the Board announce an adjournment to a date certain and, in the meantime, schedule a site walk prior to the public hearing.

Ms. Layton joined the meeting at this time.

After a brief discussion about availability, it was announced that a site walk would be held on Saturday, December 4, 2021 at 9 a.m. at the site; the applicant is to coordinate the staking of the proposed improvements with Mr. Banisch and Mr. Bolio.

It was announced that the public hearing would be adjourned to December 6, 2021, 7 p.m. without further notice.

Mr. Lewis returned to the meeting at his time.

- Appl. No. PB2021-07
Pulte Homes of NJ, Limited Partnership/Residences at Overleigh
Block 5, Lot 4
220 Route 202
Prel./Final Subdivision and Site Plan and Variance

A transcript of the Pulte Homes of NJ, Limited Partnership/Residences at Overleigh public hearing has been attached to the minutes.

After a brief discussion about availability and the availability of a quorum, it was announced that the public hearing would continue at a special meeting scheduled for November 23, 2021, 7 p.m. (to be held remotely) without further notice.

Mr. Gianetti agreed to grant an extension of time for the Board to take action to December 6, 2021.

CORRESPONDENCE

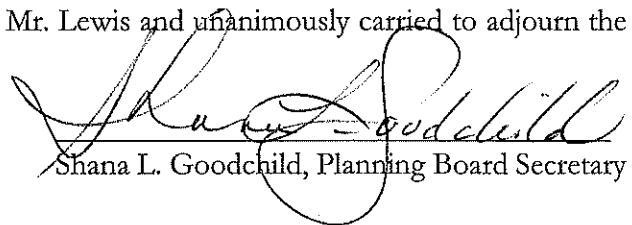
1. A letter dated October 22, 2021 from the Somerset-Union Soil Conservation District re: New Gas Main – 1141 Route 202.
2. A letter dated September 8, 2021 received October 5, 2021 from Dolan & Dean re: Residences at Overleigh, Block 5, Lot 4.
3. A letter dated October 1, 2021 received on October 13, 2021 from Gladstone Design, Inc. re: Pulte Homes – Far Hills, Preliminary and Final Major Site and Subdivision Plans, Block 5, Lot 4, Route 202.
4. A letter dated September 28, 2021 from Craig Gianetti to Peter Henry, Board Attorney re: Melillo Equities/Far Hills.
5. A letter dated October 28, 2021 from Bruce Englebaugh re: Pulte Homes, Block 5, Lot 4 Architectural Response to Banisch Assoc., Inc. memorandum dated July 5, 2021.

ZONING UPDATE

- Zoning memo dated October 26, 2021 – Kimberly Coward

ADJOURNMENT

Motion by Councilwoman Tweedie, seconded by Mr. Lewis and unanimously carried to adjourn the meeting at 9:57 p.m.



Shana L. Goodchild, Planning Board Secretary

APPROVED 12/6/21

STATE OF NEW JERSEY
BOROUGH OF FAR HILLS
PLANNING BOARD
MONDAY, NOVEMBER 1, 2021
COMMENCING AT 7:00 P.M.

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IN THE MATTER OF	:	TRANSCRIPT OF
APPLICATION	:	PROCEEDING
Application No. PB2021-07	:	
Pulte Homes of NJ, Limited	:	
Partnership/Residences at	:	
Overleigh	:	
Block 5, Lot 4	:	
220 Route 202	:	
Prel./Final Subdivision and Site	:	
Plan and Variance	:	

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B E F O R E:

BOROUGH OF FAR HILLS, PLANNING BOARD

THERE BEING PRESENT:

TOM ROCHAT, CHAIRMAN

RICHARD RINZLER, VICE CHAIRMAN

SHEILA TWEEDIE, COUNCILWOMAN/SECRETARY

PAUL J. VALLONE, MD, MAYOR

ROBERT LEWIS, MEMBER

MARILYN LAYTON, MEMBER

JOHN LAWLOR, MEMBER

JACK KOURY, ALTERNATE MEMBER #1

SUZANNE HUMBERT - ALTERNATE MEMBER #2 (ABSENT)

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732-906-2078

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

2 PETER HENRY, ESQUIRE

Counsel to the Planning Board

3

CRAIG GIANETTI, ESQUIRE

4 DAY PITNEY LLP

One Jefferson Road

5 Parsippany, NJ 07054

Phone: 973-966-6300

6 Fax: 19739661015@m5fax.com

Counsel to the Applicant

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

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13 SHANA L. GOODCHILD, BOARD SECRETARY

14 DAVID BANISCH, P.P., BOARD PLANNER

15 STEVE BOLIO, P.E., BOARD ENGINEER

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1 I N D E X

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3 W I T N E S S E S

SWORN PAGE

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RONALD KENNEDY, AIA

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5

Direct Examination by Mr. Gianetti
Board/Professional Questions

9, 31
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ADAM STERN, P.E.

32

Voir Dire Examination by Mr. Gianetti

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8

Direct Examination by Mr. Gianetti
Board/Professional Questions

40
42

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Public Questions/Comment

10

Karen Reilly

94

11

7 Fox Hunt Court

12

Charles Schwester

98

13

410 Lake Road

14

Jonathan Sobel

99

15

44 Spring Hollow Road

16

ROBERT HOLMES

76

Board/Professional Questions

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E X H I B I T S

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NO. DESCRIPTION

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EVID

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A-14 Overall Site Rendering
Dated 11/01/21

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A-15 Stormwater Management
Systems Exhibit, dated
11/01/21

18

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A-16 Landscape Plan, dated
11/01/21

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25

A-17 Stream Buffer Exhibit,
Dated 11/01/21

23

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1 CHAIRMAN ROCHAT: All right.

2 Next we have application 2021-7, Pulte
3 Homes.

4 I believe we have Mr. Gianetti.

5 MR. GIANETTI: Yes. Good evening,
6 Chairman, members of the Board. Craig Gianetti, the
7 law firm Day Pitney, on behalf of the Applicant,
8 Pulte Homes of New Jersey, L.P.

9 This is a continued application for
10 preliminary and final major site plan and subdivision
11 approval for property located at 220 Route 202, Block
12 5, Lot 4.

13 This is the, believe it or not, I think
14 the sixth hearing on the application. We were before
15 the Board July 5th, August 2nd, we had a site visit
16 August 14th, then hearings September 22nd and
17 October 4th.

18 You know, the Board will recall that
19 this is an application for an inclusionary
20 development consisting of 105 acres with townhouse
21 dwellings and apartment buildings consisting of 29
22 affordable units, of which 25 of the affordable units
23 will be family and four of them will be age
24 restricted, we are totaling 134 residential units.

25 Property located in -- IAR zone where

1 it is a permitted use. It is also part of the
2 affordable housing settlement agreement between the
3 Borough and Fair Share Housing Center, as well as
4 Melillo Equities dated September 9th, 2019.

5 If you recall, the last few meetings we
6 presented testimony from our architect, as well as
7 updated architectural exhibits with -- I'm sorry, I'm
8 hearing some feedback from somewhere, I don't know if
9 anyone else is hearing that.

10 (Brief pause.)

11 MR. GIANETTI: Okay, I don't hear it as
12 much now.

13 So, yes, the September 22nd meeting we
14 presented updated testimony from our architect which
15 had additional exhibits for the, kind of, redesign of
16 the townhouse development at least with the façade
17 and the look and updated architectural plans that had
18 been submitted based upon that testimony and exhibits
19 from September 22nd.

20 Also, if you recall from the July 5th
21 meeting, Mr. Kennedy from Gladstone Design testified
22 as to the site plan application -- I'm sorry, I'm
23 still hearing that.

24 BOARD SECRETARY: Yes, I have --
25 Mr. Hewitt, Don Hewitt, could you please mute

1 yourself?

2 I can't seem to mute you.

3 MR. GIANETTI: Okay.

4 So if the board recalls, at the
5 July 5th meeting Mr. Kennedy testified as to the site
6 plan. We had recently received the board
7 professionals' review letters.

8 And after he presented the site plan he
9 noted that he would be addressing the comments in
10 those review letters, that he would be updating the
11 plans, and he would also be meeting with the borough
12 or the board professionals concerning a number of
13 those comments.

14 So since that time Mr. Kennedy, we have
15 submitted revised site plan addressing a number of
16 the comments, along with the response letter from
17 Mr. Kennedy.

18 So Mr. Kennedy will be testifying this
19 evening as to the revised site plan.

20 Also at our last meeting with the
21 architect on September 22nd there was some questions
22 as to the on-site treatment facility, and we
23 indicated, you know, our engineer could address
24 those.

25 We do have Adam Stern from Natural

1 Systems Utilities to address, you know, give an
2 overview of the on-site treatment facility and
3 address any questions the board or the public may
4 have with respect to it.

5 So with that -- I am still hearing
6 that --

7 MR. HENRY: Can we somehow get rid of
8 that noise?

9 MS. GOODCHILD: I'm not sure where it's
10 coming from, Peter and Craig, I'm sorry.

11 Everyone in the public is muted, it's
12 just board members and --

13 MR. GIANETTI: I think it might be
14 Board Member Layton.

15 I keep seeing her thing light up every
16 once in a while.

17 MS. GOODCHILD: Marilyn, I'm going to
18 mute you for a second.

19 MS. LAYTON: Okay.

20 MR. GIANETTI: That seems to have done
21 it.

22 MS. GOODCHILD: Yeah.

23 MR. GIANETTI: There we go.

24 MS. GOODCHILD: Apologies.

25 MR. GIANETTI: Thank you, not a

1 problem. Hopefully everyone was able to hear my
2 long-winded introduction.

3 With that, so again, we have with us
4 here tonight Ron Kennedy from Gladstone Design, as
5 well as Adam Stern from Natural System Utilities.

6 And, Mr. Henry and Mr. Chairman,
7 similar to what we did with the architecture with Rob
8 Holmes, since some of Mr. Kennedy and Mr. Stern's
9 testimony is related or will overlap probably some
10 questions, I'd like to present Mr. Kennedy and then
11 go right to Mr. Stern to address the last component
12 of the on-site treatment facility, and then the board
13 can ask anyone, obviously, their questions and the
14 public can then be open to the public for both of
15 those witnesses to be asked any questions related to,
16 you know, the engineering or the on-site treatment
17 facility.

18 MR. HENRY: I have no problems doing it
19 that way. If you have no problem, Mr. Chairman, I
20 think it may make it more efficient.

21 MR. GIANETTI: So at this time I'd like
22 to call Ron Kennedy.

23 MR. KENNEDY: Good evening.

24 MR. HENRY: Mr. Kennedy, you were
25 previously sworn, and as you well know, that means

1 you're still under oath in this hearing.

2 MR. KENNEDY: I do.

3 I understand.

4 R O N A L D K E N N E D Y, AIA

5 265 Main Street, Gladstone, New Jersey, having
6 been previously sworn, continues to testify as
7 follows:

8 MR. HENRY: Thank you.

9 DIRECT EXAMINATION

10 BY MR. GIANETTI:

11 Q. So, Mr. Kennedy, since the July 5th
12 meeting when you last testified you have had an
13 opportunity to meet with the board professionals and
14 update the plan set to address a number of those
15 comments.

16 Is that correct?

17 A. I have.

18 Q. And in connection with that, you and
19 your office submitted an updated, a site plan set?

20 A. Yes, we have.

21 Q. In connection with tonight's meeting?

22 I guess with respect to tonight, did
23 you or someone under your direction prepare any
24 exhibits that you'd like to use for this evening?

25 A. Yes, we have a series of exhibits that

1 show the changes that were made in the site plans
2 based on the elements that you talked about; review
3 letters, site meetings and the site visit.

4 Q. So maybe what we can do is you can
5 start to highlight the revisions that you made, we
6 can mark into evidence the exhibits that you intend
7 to use.

8 And then when you get to the point of
9 your first one -- I believe, Mr. Henry, we're up to
10 Exhibit A-14?

11 MR. HENRY: I believe you're right.

12 MS. GOODCHILD: That's correct.

13 MR. GIANETTI: Great.

14 BY MR. GIANETTI:

15 Q. So maybe, Mr. Kennedy, if you want to
16 just give a brief introduction as to what you did in
17 connection with preparing these plans and then
18 revisions and then move into the exhibits.

19 A. Great.

20 THE WITNESS: Shana, can I share the
21 screen?

22 MS. GOODCHILD: You should be able to
23 share your screen now, Mr. Kennedy.

24 If you can't, just let me know.

25 THE WITNESS: Yes, it says host

1 disabled participant screen sharing.

2 MS. GOODCHILD: Try it.

3 THE WITNESS: There it goes.

4 Thank you.

5 MS. GOODCHILD: Yes, you're welcome.

6 THE WITNESS: Okay.

7 Can the board see this?

8 CHAIRMAN ROCHAT: Yes.

9 MR. HENRY: Yes.

10 THE WITNESS: Okay, great.

11 So the first exhibit I want to talk
12 about tonight is an overall site rendering.

13 The date is November 1st, 2021. And
14 it's similar to the last exhibit I presented in July,
15 but just has the updated details that are being
16 discussed.

17 MR. HENRY: Ron, excuse me, could you
18 give me that date again?

19 THE WITNESS: Sure.

20 November 1st, 2021, today's date.

21 MR. HENRY: And that's going to be
22 Exhibit A-14.

23 (Whereupon, Overall Site Rendering
24 dated 11/01/21 is marked as Exhibit A-14 for
25 identification.)

1 MR. GIANETTI: Correct.

2 And what we'll do, Mr. Henry, similar
3 to the prior hearings, as we use these exhibits
4 tonight we will send, you know, marked exhibits to
5 Ms. Goodchild in a PDF and hard copy so she has them
6 for the file.

7 MR. HENRY: Would you be so kind as to
8 send me hard copies as well?

9 MR. GIANETTI: We could do that.

10 MR. HENRY: Thank you.

11 I think, if I can --

12 MR. GIANETTI: Full size or 11-by-17.

13 MR. HENRY: If they're -- if the
14 11-by-17s will be adequately legible, they're fine.

15 If, by reducing them, that I need to
16 get out magnifying glasses, then I'd rather full
17 size.

18 MR. GIANETTI: Okay.

19 MR. HENRY: And I think on the 22nd of
20 September you had some exhibits which I had asked you
21 to send me hard copies of, which either I have not
22 come to learn that I have or perhaps they didn't get
23 sent, and I would appreciate it if you'd send those,
24 too.

25 MR. GIANETTI: All right. I'll look

1 back at the transcript.

2 I'm sorry, from the September 22nd or
3 the October 4th?

4 MR. HENRY: I think it was
5 September 22nd because October 4th we basically just
6 dealt with traffic, as I recall.

7 MR. GIANETTI: Sure.

8 MR. BANISCH: Mr. Gianetti, will you
9 send Mr. Bolio and I hard copies of the renderings or
10 the exhibits as well, please.

11 MR. GIANETTI: Sure.

12 MR. BANISCH: Thank you.

13 MS. GOODCHILD: Those were from the
14 September 22nd hearing.

15 MR. BANISCH: And these that are being
16 introduced this evening.

17 MR. GIANETTI: Yes.

18 And they'll be the same ones that are
19 on the website. They'll be the ones -- the ones we
20 send you will have the marked -- the actual marking
21 of the exhibit. You know, A-14 and so forth.

22 MR. HENRY: Right.

23 That's good.

24 CHAIRMAN ROCHAT: Okay, Mr. Kennedy.

25 THE WITNESS: Ready? Okay.

1 So the -- what I want to talk about
2 first is on this plan is what really has not changed
3 in any of the revisions that were made. The road
4 network from 202, the road network internally, the
5 physical unit locations of both the townhouses and
6 the multifamily, the parking lot, none of those have
7 changed in this layout.

8 So the revised plans did not move the
9 prime components of the site, including, again, the
10 buildings themselves, the road network, the parking
11 areas, they have not changed.

12 What they are is some minor revisions
13 that were needed to be clarified and shown on the
14 plans that were discussed either in review letters or
15 certainly at the meetings.

16 And I'm going to take a minute to go
17 through them is, the first thing was mailboxes that
18 were ganged mailboxes.

19 There was a comment and a discussion
20 about where they would be located, and we show those
21 on the plan now and there's four locations.

22 Where my pointer is now in the upper
23 portion of the property on what is Schley Avenue. On
24 Ayers Street it has another location for a gang.
25 There is another location on Baldwin Avenue that is

1 closer to Route 202. And then another location
2 that's in the rear part of the property.

3 So there's four locations that we feel
4 are appropriate on to be located for these ganged
5 mailboxes, similar that you would have in a townhouse
6 development.

7 But it does require the approval of the
8 U.S. Postal Service and the local branch, so we're
9 showing those based on our best assumptions in the
10 experience that we have in talking with Pulte, but
11 ultimately it's going to come down to some of the
12 decisions that the U.S. Post Office will be involved
13 in.

14 CHAIRMAN ROCHAT: And the affordable
15 hasn't changed?

16 THE WITNESS: It hasn't.

17 They're internal, Tom, that we talked
18 about, that they be a mailbox that would be internal.

19 CHAIRMAN ROCHAT: Right.

20 THE WITNESS: The other item that we
21 spent a little time on is the walking trail.

22 And as you recall, we had an extensive
23 walking trail along the perimeter of the property
24 that was more of a hiking trail.

25 And there was comments both by your

1 planner and by the board that you wanted something a
2 little more specific or detailed around an area of
3 the property that one could walk in a flatter area.

4 So what we did is around the recharge
5 area, the disposal system is we show a stone walking
6 path that we connect the sidewalk on Ayers Court and
7 the sidewalk on Baldwin and make a connection and it
8 would be an all-weather surface that would be around
9 the perimeter of this area.

10 And it feels about an acre-and-a-half.
11 So it will be an all-weather surface that would be
12 around there that we would allow a better ease of
13 access, flatter areas, as opposed to more of the rear
14 of the property as anyone that was on the site visit
15 is a little more steep, and we're not proposing stone
16 walkways down in those areas.

17 The next area we talked about was
18 recreation, and there was two areas that were focused
19 on recreation. One is on top of the recharge field,
20 itself, of having more of a lawn area there as
21 opposed to a meadow that you could have some
22 recreation on.

23 So the plan is now is to have that area
24 as a lawn area. And it's about 150-by-400-foot, so
25 just about an acre-and-a-half that would be lawn,

1 again, as opposed to a meadow that was originally
2 proposed in the application.

3 The other area I'm going to move to is
4 a small 40-by-50-foot area that is just off the
5 corner, this would be the southwest corner of the
6 multifamily building, and that would be another lawn
7 area or level play area that would be a 40-by-50 area
8 off the southwest corner of the building.

9 MR. GIANETTI: And if I may, just for
10 the record, you know, pursuant to the settlement
11 agreement with the borough and Melillo Equities it
12 provided that in lieu of providing recreation
13 amenities on-site, that the applicant would make a
14 payment for, you know, recreation facilities to the
15 town, you know, to the borough that would be used
16 for, you know, facilities in town.

17 Even with providing the recreation
18 within this -- on this property, you know, net
19 payment would still be made for recreation
20 facilities.

21 THE WITNESS: The next change that we
22 did, which was a lot of clarifying some of the
23 detailed stormwater management, I'd like to bring in
24 another exhibit, I guess this would be A-15.

25 MR. HENRY: Right.

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(Whereupon, Stormwater Management Systems Exhibit, dated 11/01/21 is marked as Exhibit A-15 for identification.)

THE WITNESS: And again, Peter, it's called Stormwater Management Systems Exhibit, date is the same, November 1st, 2021.

MR. HENRY: Thank you.

THE WITNESS: And, again, what it does is highlight in these green and red areas the different stormwater management features on the property.

And for the most part, the locations of them haven't changed, but the details of them have that are in the stormwater report.

So there's basins that are -- in green colors that are surface basins that I'm pointing to around the south part of the property -- excuse me -- the west part of the property.

And then in these red shades, they're underground detention that's infiltration and detention.

And, again, it's the same locations as the original application, there's just detail changes that were made to the plans.

1 There is other areas that we had around
2 the multifamily building that were slight changes to
3 those in the shape, slight changes of the shape below
4 these two buildings that are in the -- just to the
5 west of the multifamily building, and an underground
6 basin that was proposed where my pointer is now at
7 the end of Baldwin was changed to a surface basin,
8 and then some minor changes to the basin that's on
9 the lower portion of the property away from 202.

10 So I'll say this, there's a lot of
11 detail in the design that is going to be reviewed by
12 your borough engineer, but the general locations
13 haven't changed and the functionality of what those
14 detention basins and bio-filtration basins really
15 have not change at all in the general purpose of what
16 they're providing.

17 It's a lot of technical details that
18 you'll get a thorough review by your engineer in
19 reviewing those.

20 The next area I want to touch upon is
21 the landscaping plan. And this particular plan,
22 again, it's a simple -- it's entitled Landscape Plan,
23 today's date, November 1st, 2020 [sic].

24 MR. GIANETTI: We could mark this A-16.

25 MR. HENRY: Probably 2021.

1 THE WITNESS: '21, sorry.

2 Sorry, thank you.

3 (Whereupon, Landscape Plan, dated
4 11/01/21 is marked as Exhibit A-16 for
5 identification.)

6 THE WITNESS: And what this plan shows
7 is that the various tree plantings that are being
8 proposed and supplementing around the perimeters of
9 the property. And it also shows the plantings that
10 would be around each of the bio-filtration systems
11 that are, essentially, the detention basins.

12 And there's enhanced plantings that are
13 required based on the green infrastructure technology
14 that we're using today for detention basin and
15 stormwater management.

16 A couple things that are changing on
17 this plan is originally we had tree removal of 631
18 trees and with some of the fine elements in grading
19 in this revision, we're down to 609 tree removal, so
20 actually we're removing less trees than what was
21 previously proposed.

22 And with the changes that we were
23 making to the plans we actually reduced the area of
24 site disturbance. In the original plan it was 26.1
25 acres and now it's 25.7 acres, so we slightly reduced

1 the disturbance area.

2 The tree replacements have increased.
3 Originally it was 855 trees that were being replaced
4 and now we're showing 888 trees that are being
5 replaced around the property.

6 The current plan has 286 evergreen
7 trees and then 602 deciduous and ornamental trees
8 that are shown on this plan.

9 And as we talked about at the last
10 meeting, the focus is the screening along the 202
11 corridor that would supplement the existing trees
12 that are there already and the vegetation that's
13 there, but it would substantially supplement
14 perimeter along both the east side and the west side
15 of the property having enhanced perimeter landscaping
16 that would be around the existing vegetation that's
17 there already.

18 There would be landscaping that would
19 be typical around each one of the units themselves.
20 We did show the 2-foot strip between the units that
21 had garage doors right next to each other, some
22 planting strips in there. There were some grass
23 plantings that would grow about 3-and-a-half-foot
24 high.

25 That's shown.

1 And you'll see an extensive area of
2 plantings, supplemental plantings that we show in the
3 southeast corner of the property, and these are along
4 the stream corridor and some areas that have less
5 vegetation. That's shown on this plan.

6 I'll get into a little more detail when
7 we talk about the conservation easements, but there
8 is a focus of reforestation and replanting that was
9 the focus of some DEP permitting that's shown in this
10 southeast corner of the property.

11 It's likely, because of endangered
12 species, that tree clearing will be limited from
13 April to the end of September. And that's based on
14 most of all the lands out in this part of the
15 counties that surround this area for the Indiana bat
16 population. So there will be a limit of tree
17 clearing of when you can clear trees on the property.

18 And it's also to note on other
19 applications within this borough and surrounding
20 towns with both Mr. Banisch and Mr. Ferriero's office
21 that we would propose that before any tree clearing
22 was done on this property, extensive to stake out and
23 review by the professionals of the Planning Board
24 would be done before any tree removal is started on
25 the property.

1 The next exhibit, I'm going to spend a
2 couple of minutes on it, is talking about stream
3 buffers.

4 And we -- the entitlement is Stream
5 Buffer Exhibit. Again, today's date, November 1st,
6 2021.

7 MR. HENRY: It will be A-17.

8 (Whereupon, Stream Buffer Exhibit,
9 Dated 11/01/21 is marked as Exhibit A-17 for
10 identification.)

11 THE WITNESS: I want to focus on a
12 couple of elements of this.

13 We did spend some time talking about
14 this in my previous testimony and I want to go
15 through the regulated areas in this portion of the
16 exhibit.

17 We have a series of wetlands that have
18 been identified on -- through a process with NJDEP
19 through a letter-of-interpretation process, and
20 there's connected with some sections that are state
21 open waters that don't have buffers associated with
22 that. And you will see with this exhibit it shows
23 wetlands buffers, 50-foot wetlands buffers along the
24 wetlands, and then some other areas don't have
25 buffers because they're considered state open waters

1 or swales.

2 MR. GIANETTI: Ron, are you sharing
3 your exhibit because I don't see it on the screen.

4 THE WITNESS: Okay. Let me try it
5 again.

6 MS. GOODCHILD: I'm not seeing any
7 exhibit.

8 THE WITNESS: I'm sorry.
9 How we doing?
10 Better?

11 MR. GIANETTI: Yes.

12 MS. GOODCHILD: Yes.

13 Thank you.

14 THE WITNESS: Okay, I'll start over
15 again.

16 Peter, did you get the title for the
17 exhibit?

18 MR. HENRY: Green Buffer Exhibit,
19 11/1/21.

20 THE WITNESS: Great, okay.

21 So let me just zoom out so I can just
22 make sure everyone is in the right context.

23 So in the rear of the property as we
24 discussed in the last hearing that I testified on is
25 there is a small stream corridor that's up on the

1 center of the property that runs from the railroad or
2 the south part of the property and runs up towards
3 202.

4 And in that area there are components
5 of regulated areas by DEP, wetlands, state open
6 waters, there's wetlands buffers that are 50-foot
7 buffers. You'll see other lines that are riparian
8 buffers which are 50-foot riparian buffer around an
9 actual stream corridor itself, and all reviewed and
10 I'll say approved, but concurred with DEP that these
11 are the regulated areas on the property.

12 Additionally, there are a conservation
13 easement under your section, the borough's stream
14 corridor buffer requirements, 803(b), that was
15 mechanically the predecessor of any of these DEP
16 regulations, and they were put in before DEP even had
17 wetlands regulations.

18 And their corridor requires a 100-foot
19 stream corridor buffer, and it measures it from the
20 actual stream corridor itself, and it adds the caveat
21 that if the slopes are 12 percent or greater go to
22 those wetlands, then you need to include that in the
23 calculations.

24 So we've recalculated this not based on
25 where it touches the actual wetlands buffer, but

1 actually the wetlands, itself, at 12 percent, and
2 they have a new line, that 100-foot line, that shows
3 in orange -- and I'm pointing out to it right here --
4 that is 100-foot either from the wetlands, the state
5 open water, or in some cases where the slopes are
6 greater than 12 percent.

7 Then it will extend out to the tops of
8 those slopes and it'll get wider than the actual 100
9 foot.

10 And that mostly occurs where my pointer
11 is now, and then it also occurs down closer to the
12 railroad tracks in the rear of the property.

13 So in those areas we have slopes that
14 touch the wetlands at 12 percent or more and we have
15 to carry it up the slope. And it occurs where my
16 pointer is right now.

17 Where it doesn't occur is it doesn't
18 occur on this wetland that, in our previous
19 application we had it farther up the slope with these
20 colored slopes that are shown here that were manmade
21 slopes, but it doesn't touch the wetlands based on
22 measuring it to the actual wetlands and not to the
23 wetlands buffer.

24 So we show that on the plan. We still
25 need a deviation from 803(b) and we'll need relief

1 from that and the planner will spend time talking
2 about the justification of that relief.

3 But what I want to do is just go
4 through the components that the math on -- on what
5 that relief is.

6 The area within the orange line, which
7 represents the stream corridor, buffer, the borough's
8 stream corridor buffer under 803(b) is approximately
9 6.22 acres, in this orange area. It's 6.22 acres.

10 Within the disturbance that are being
11 proposed, and my pointer is now in the slopes where
12 the detention basin is, where the sewer treatment
13 building is, there's disturbance that's outside the
14 regulated area of DEP, but within your buffer there
15 is 1.2 acres in that area. And that's what we would
16 be seeking relief for.

17 And what we're doing in lieu of that is
18 we are taking the rest of this property, the whole
19 southeast corner quadrant of the property and putting
20 the entire section in a conservation easement to DEP,
21 and I'm assuming the town is going to want similar
22 conservation easement in that area.

23 But this area would be preserved, and
24 that the primary notion of that, and I'm going to
25 refer back to a preexisting exhibit, and Peter, I

1 assume it was A-1.

2 And, Craig, you may help me on this.

3 This was the first exhibit I had, neighborhood
4 exhibit. Date was July 5th, 2021. I mean, it was my
5 first exhibit, I am assuming it's A-1.

6 I don't think there was any other
7 exhibits before put in before I testified.

8 MR. GIANETTI: What was -- which
9 exhibit is it?

10 THE WITNESS: Neighborhood aerial.

11 MR. GIANETTI: Yeah, there was two
12 aerials, A-1 and A-2.

13 THE WITNESS: A-2 was a blown in,
14 that's just to the site, itself. This was the
15 neighborhood aerial. So A-1 --

16 MR. GIANETTI: This would have been
17 A-1.

18 THE WITNESS: Okay.

19 So I'm referring back to A-1 dated
20 July 5, 2021. And if I blow that area up it shows
21 the entire parcel of Lot 4, Block 5.

22 And it shows the neighboring parcels
23 that are up towards Castle Court and the rear of
24 those lots.

25 And what you see on this exhibit is

1 this whole -- let me get it zoomed in. This
2 southeast corner of the property has the darkest
3 colors, and that's where the most mature trees are on
4 the property. And you see that spills over to the
5 properties that are on Lot 3.03 and 3.02.

6 In conversations with DEP, when we
7 talked about the wastewater management plan
8 amendment, they really wanted us to get contiguous
9 areas that they can have as wooded areas, and they
10 wanted us to take areas that had any breaks in those
11 wooded areas that you can see in here and replant
12 those areas as well with additional landscape.

13 So when we take the area approximately
14 of the southeast corner, which is about
15 eight-and-a-half acres, that will be in a
16 conservation, but to DEP and, again, to the borough.

17 There is also contiguous conservation
18 easements that are on these two lots that total
19 another 20 acres.

20 And, again, the most wooded area in the
21 neighborhood now, you have just under 30 acres of a
22 conservation easement that would all be contiguous to
23 one another.

24 So back to my initial exhibit on the
25 stream buffers, the relief we're asking for is this

1 sliver of area of the town's ordinance for 803(b),
2 put in lieu of that we're making a larger area that
3 will all be in conservation easements, both regulated
4 by DEP and not regulated by DEP, that is upland, but
5 has the more mature trees, and we're replanting, I
6 think it's about 200 more trees in this area as well,
7 in consultation with DEP.

8 So the proposal is do some disturbance
9 in the town's buffer. We would not be disturbing the
10 areas within the wetlands themselves. There'll be a
11 slight transition for one small area, but not the
12 wetlands themselves. And we would have this enhanced
13 buffer and enhanced conservation easement on the
14 southeast corner of the property.

15 Well, let me actually refer back to
16 this thing. Can you still see this?

17 I didn't know if I kicked you back out
18 again.

19 MR. GIANETTI: You might have to
20 re-share.

21 THE WITNESS: The minute it goes back
22 to the video I have to -- sorry about that.

23 The other thing I wanted to bring up in
24 this exhibit is the steep slope disturbance, that
25 hasn't changed. It's the same disturbance that I

1 testified to last time and still needs some relief
2 associated with that. And the -- our planner, Paul
3 Phillips, will have that discussion when he
4 testifies.

5 And then, lastly, it would just be on
6 the zoning aspects, with any of these changes, we're
7 looking to have the same relief, there is no change
8 in that relief.

9 And a couple of things to note is the
10 impervious coverage slightly got larger because we
11 added the path that was in the front that is a stone
12 path, and then we added a couple of those paths for
13 the postal areas and it's now increased to
14 28.2 percent, but the zone allows 60 percent.

15 So our impervious coverage it still
16 less than half of the allowable on the property.

17 So that's the overview of where we
18 stand right now with the changes to the plans that I
19 have to present tonight.

20 BY MR. GIANETTI:

21 Q. Let's just also confirm, I guess, when
22 we're talking about the relief, Mr. Kennedy, the
23 scenic corridor development where we have the
24 subsurface groundwater recharge field, that remains
25 the same and that relief is also being --

1 A. It does, yes, we haven't changed any of
2 the grading in that area.

3 The path, itself, we're working around
4 any of the trees. There's no change to grades there.
5 That's the same relief.

6 Q. All right.

7 Thank you, Mr. Kennedy.

8 MR. GIANETTI: So as I mentioned, I
9 have -- there was some questions also as to the
10 on-site treatment facility that Mr. Kennedy has some
11 knowledge on, but we thought it best with Adam Stern
12 of Natural Systems Utilities that designed the system
13 and is very familiar with the system, if he can come
14 up and testify as to the on-site treatment facility.

15 CHAIRMAN ROCHAT: Very good.

16 Thanks, Ron.

17 MR. HENRY: Mr. Stern.

18 MR. STERN: Yes, sir.

19 MR. HENRY: Before you begin, would you
20 raise your right hand.

21 You swear the testimony you're about to
22 give in this hearing will be the truth, the whole
23 truth and nothing but the truth, so help you God?

24 MR. STERN: I do.

25

1 A D A M J. S T E R N, P.E.

2 70 Township Line Road, Building C, Hillsborough,
3 New Jersey, having been duly sworn, testifies as
4 follows:

5 MR. HENRY: Would you state for the
6 record your full name and spell your last.

7 MR. STERN: Adam J. Stern, S-T-E-R-N.

8 MR. HENRY: Thank you.

9 VOIR DIRE EXAMINATION

10 BY MR. GIANETTI:

11 Q. Mr. Stern, if you could provide for the
12 board your license, qualifications in the field of
13 engineering, particular, you know, sewer systems?

14 A. Sure.

15 I've got bachelor's degree in
16 bio-resource engineering and bio-environmental
17 engineering and a master's degree in civil and
18 environmental engineering from Rutgers University.

19 I'm a licensed professional engineer in
20 about a dozen states including New Jersey.

21 I have been employed by NSU for about
22 27 years, currently serving as Vice President. I am
23 responsible for water and wastewater design
24 permitting, construction and operations.

25 Q. And have you ever had to testify before

1 a planning board or zoning board?

2 A. Yes.

3 Q. And were you accepted as an expert in
4 the field of civil engineering in particular with
5 sanitary sewer and wastewater treatment facilities?

6 A. Yes.

7 MR. GIANETTI: Mr. Chairman, I'd ask
8 that Mr. Stern be accepted as a civil engineer with
9 an expertise in wastewater treatment facilities for
10 his testimony this evening.

11 CHAIRMAN ROCHAT: Yes.

12 THE WITNESS: Okay, thank you.

13 So what I plan on doing is just first I
14 have an overview of these types of systems and then
15 we'll get into a little more detail about what we
16 have here on-site.

17 So with today's current regulations, we
18 can't get a septic system approved here. And this is
19 a common challenge everywhere in New Jersey for
20 facilities of these sizes.

21 So in this case, here's what we do. We
22 collect all of the wastewater that's generated
23 on-site and we treat it on-site.

24 For this project, treatment will
25 include settling processes, screening, biological

1 nitrification under aerobic conditions, biological
2 denitrification condition under anoxic conditions,
3 followed by membrane filtration and ultraviolet
4 disinfection.

5 We then take this clean water and
6 recharge it just below the ground surface. This
7 approach works very well and has become very common
8 because having site specific facilities limits
9 sprawl. It is a self-contained self-sufficient
10 system.

11 They're far more protective of
12 groundwater. We're treating to new drinking water
13 quality standards and recharging the local
14 groundwater system.

15 And as I said, these have been --
16 become very common. We've got extensive background
17 and experience with these on-site facilities. Our
18 headquarters, as some of you know, is right here in
19 Somerset County, and we have been at it as a company
20 for over 37 years.

21 We've got over 250 facilities similar
22 to this in operation which has one of the largest
23 base of such facilities in the country.

24 The industry, itself, is very highly
25 regulated, so in addition to the more typical local

1 building permits, plumbing, mechanical and so forth,
2 on-site treatment is subject to an array of state
3 permits.

4 First, the project must be in
5 accordance with the water quality management plan and
6 the wastewater management plan. We call this plan
7 consistency.

8 Next, we must obtain a New Jersey
9 pollutant discharge elimination permit. This is the
10 permit that grants permission to discharge a specific
11 volume of treated water in a specific location
12 on-site. And it's the product of extensive
13 hydro-geologic testing and modeling that undergoes a
14 great deal of scrutiny by the DEP.

15 Finally, the applicant must obtain a
16 Treatment Works Approval, or TWA. This is the permit
17 for actual treatment system, the nuts and bolts of
18 the system that converts the wastewater to the higher
19 quality water that's required by the discharge
20 permit.

21 Following receipt of the TWA, local
22 building permits are obtained.

23 And, of course, during construction,
24 the administrative authorities, DEP, are free to
25 conduct inspections at any time.

1 Once the facility is built and
2 operational, the regulatory oversight continues. The
3 facility must be run by a state licensed operator.
4 The operator is required to run the system, adjust
5 the processes as needed, is also required to collect
6 and analyze water quality samples to ensure
7 compliance.

8 And then also on a monthly, quarterly
9 and annual basis, reports are filed with DEP. And,
10 again, during the life of the project, DEP is free to
11 come out and inspect at any time.

12 There's a lot of redundancies and
13 safeguards that are built into such a system. Number
14 one I've already described, this is regulated very
15 highly by the DEP and operated by licensed
16 individuals. And the DEP does have the power --
17 their power of enforcement includes fines and can
18 include imprisonment as well, so this is pretty
19 serious stuff.

20 The facility is continually monitored.
21 It doesn't mean it's staffed 24/7, 365, but it is
22 absolutely monitored 24/7, 365.

23 There are also mechanical redundancies
24 built into the system. If a pump fails, for example,
25 there's a backup pump. And typically for each

1 pumping operation there will be two pumps. They
2 alternate operative and standby duties so that if we
3 need to rely on a single one, it's ready to go.

4 There is power redundancy. We're also
5 required to have a emergency backup generator that
6 can operate the full facility at the full flow,
7 should there be a loss of utility power. The
8 continuous monitoring includes all of the critical
9 process elements including tank levels, pump
10 operations, pump failures, utility power, aerators,
11 pH mixers, dissolved oxygen, temperatures, pressures,
12 UV intensity, you name it.

13 Each one of those is alarmed so if any
14 one of those falls out of the expected range, we're
15 instantly aware of it and can often, you know, either
16 resolve the issue remotely or determine that it can
17 wait until normal business hours.

18 But in the case that an on-site
19 response is required, we guarantee a two-hour or less
20 response.

21 In terms of meeting the permit effluent
22 requirements, we've got a 99.9 percent compliance
23 record. The .1 percent there is typically due to
24 larger systems, older systems, that experience
25 extreme flows during wet weather so it's essentially

1 beyond our control.

2 I'd also like to go through a few other
3 issues that I think came up in previous meetings, one
4 is noise.

5 So as I mentioned, there will be an
6 emergency generator. However, the generator will be
7 in a sound attenuating enclosure. And in terms of
8 how we keep it ready, we do exercise it for about 20
9 minutes every week. And that's usually some time
10 midday, midweek, when there's the least opportunity
11 for disturbance. And we're flexible there. If
12 something works better for the community, that's no
13 problem for us.

14 Issues or concerns also came up
15 regarding odors. So these are addressed in a number
16 of ways. First, there's no open tanks, so this
17 doesn't look anything like the EDS facility a couple
18 miles to the south. No tanks are open to the
19 atmosphere. All of the process and storage tanks are
20 either buried below ground or entirely contained
21 within a small control building. And the bulk of the
22 treatment propose does occur indoors.

23 The process and storage tanks, the ones
24 that do have the potential to generate odors are
25 placed under a slight negative pressure so the air

1 space at the top of those tanks is actually vacuumed
2 out continuously and run through an odor control
3 system as additional backup.

4 Lastly, there was a comment about -- or
5 question about traffic. You know, what is required
6 to maintain this?

7 What's that large garage door there
8 for? Well, what we'll have is daily or almost daily
9 there will be a passenger-type vehicle on-site for an
10 hour or two, and this will probably be a small white
11 pickup truck or maybe a small van.

12 And then about once per month a larger
13 vehicle will be on-site for about an hour or so to
14 remove spent biosolids. This is essentially the dead
15 bacteria cells that we grew to consume waste, plus
16 some inert matter.

17 So I hope that gives a good general
18 background to what we're doing here and that this is
19 -- I'd love to say this is real fancy rocket science
20 innovative, but the fact is it's relatively common in
21 the state and beyond.

22 And with that, I will --

23 DIRECT EXAMINATION

24 BY MR. GIANETTI:

25 Q. Mr. Stern, just a couple follow-ups.

1 One, you mentioned the large garage
2 door.

3 Is that a truck access or what is that
4 used for?

5 A. That is not used for any vehicular
6 access. That is used in the event that we need to
7 remove or replace any of the large equipment.

8 We certainly don't anticipate that need
9 any time in the near future, but you build that
10 feature in just in case.

11 Q. I think there were some also questions
12 about the proximity of the sewer treatment facility
13 or building to the residential units.

14 In your experience, how common is it
15 and where are they generally located with these type
16 of projects?

17 A. Yes, good question.

18 So this is -- I don't have the exact
19 distance at my fingertips, Ron may be able to pull
20 that up.

21 But as you can see, this is on-site.
22 It is integrated into the development. It's
23 self-sustaining and it's part of the development.

24 This is very common. And this is also
25 why we're very sensitive to noise, to traffic, to

1 odors.

2 We have other facilities that are much
3 closer than this. We've got one just up the road
4 that's about 40 feet away from the community pool for
5 age-restricted development and, you know, knock on
6 word, but no complaints in 20 years.

7 MR. GIANETTI: Thank you.

8 That's all I have for direct of
9 Mr. Stern.

10 If there's any questions from the board
11 or its professionals of Mr. Kennedy or Mr. Stern?

12 MAYOR VALLONE: Mr. Chairman, if I can,
13 Ron, Adam, I want to thank you for your
14 presentations, I appreciate that.

15 It's Mayor Vallone.

16 Adam, is -- and I guess either Adam or
17 Ron, there was some discussion about the development
18 that -- that had a failure of such a system.

19 In looking into that I realize that
20 that property is over 30 years old, and I'm sure the
21 equipment was very different at that point.

22 I did, however, go out and speak with
23 an engineer that was very familiar with that problem,
24 and I also spoke to the then Mayor. It seemed that
25 there was some question as to the equipment, as to

1 the monitoring, and that there was no arrangement,
2 either through nature way of the community or the
3 developer or was there -- nor was there a contract
4 for maintenance and monitoring.

5 So I guess my question to -- well, and
6 the upshot of that was that it did become a financial
7 concern to the town.

8 So to that end, how can you assuage our
9 community that these things don't fail and if they
10 do, how is it remediated and who is responsible.

11 MR. GIANETTI: Thank you, Mayor.

12 I guess before Mr. Stern or Ron,
13 whoever answers the question, I think maybe I can
14 address part of that with respect to the developer
15 and the homeowner association and their
16 responsibility with this treatment facility.

17 Now, I'll preface, I am not really
18 aware of this other project, and so I don't have the
19 details as to why it failed or how it failed and what
20 arrangements there were between, you know, in the
21 developer's agreement between the town and the
22 development, as well as the developer and the -- and
23 owners of the property, meaning the individual unit
24 owners and the association.

25 With this type of project, so this

1 sewer treatment facility is going to be a common
2 element, just like, you know, any other common
3 element that's part of a planned-unit development
4 like this.

5 So the homeowners -- so, initially the
6 homeowner association, which at first will be Pulte
7 Homes as the owner and then eventually the residents
8 as it transitions to ownership, are going to own and
9 be responsible for maintenance of this facility.

10 So what that means is when Pulte does
11 its public offering statement and gets it registered
12 with the state to form this community and form the
13 association, they're going to have to create a budget
14 which includes a reserve for the maintenance and
15 upkeep of all these facilities, just like they do for
16 the roofs and any other infrastructure.

17 There will have to be a separate
18 section or line item for the maintenance of the sewer
19 treatment facility and buildings to make sure, as
20 maintenance is required or any upkeep required over
21 the years, that there is a reserve in the homeowner
22 association to take care of it.

23 And then I guess I would also note,
24 too, you know, as many know, eventually the project
25 transitions from the developer to the unit owners and

1 as part of that transition there's a thorough vetting
2 to make sure that the residents know there's
3 adequate, you know, funding and inspections of the
4 facility to make sure, as they transition as the new
5 owners of the property, that there's no issues with
6 the facility.

7 So I guess from a mechanical standpoint
8 of how this will operate with respect to who owns it
9 and maintains it, I could at least address that.

10 But Mr. Stern or Mr. Kennedy, I guess,
11 if you have any other, I guess, insights or, you
12 know, comment to address concerns to ensure that this
13 facility can work and as things do need upkeep or
14 maintenance, how that works to ensure it continues to
15 function properly.

16 MAYOR VALLONE: Yeah. No, I appreciate
17 that very much. And I agree. I think in this
18 particular case that I referenced, I do not believe
19 that there were any reserves that were in place or
20 that were required to be in place.

21 And the other comment that the Mayor
22 that I spoke with at the time indicated that there
23 should be a surety bond or some type of bond, whether
24 or not the HOA puts that up or the builder at first,
25 to ensure that should there be a catastrophic

1 failure, that there are monies to address this issue.

2 MR. GIANETTI: Again, I guess I'll take
3 that one, too, since it's probably more legal for
4 Mr. Stern or for Mr. Kennedy.

5 So, with respect to bonding and usually
6 those things are dealt with as part of a developer's
7 agreement with the town. I think in this case the
8 reserve is effectively acting as that bond. You know
9 the MLE will prescribe how bonds are posted and what
10 they're for.

11 And, frankly, you know, I don't even
12 know if the town would want a bond for this because
13 it's almost like if you're touching it, then you have
14 some responsibility for it.

15 MAYOR VALLONE: Exactly.

16 MR. GIANETTI: Where here, where this
17 is going to be solely owned and maintained by the
18 association and this borough is not going to have any
19 responsibility with respect to it.

20 MAYOR VALLONE: Okay.

21 I think then if you could or would
22 reach out to our Borough Attorney to just sort of
23 revisit that and be sure that there's no loose ends
24 with regard to this.

25 MR. GIANETTI: Yes, we're happy, as a

1 condition, to provide a draft of the association
2 formation documents which will show that there is a
3 reserve line item and that it's part of the common
4 elements and things like that in the budget.

5 MAYOR VALLONE: Thanks. That's all I
6 have for now.

7 MR. GIANETTI: I don't know, Adam or
8 Ron, if you had anything further with respect to this
9 facility, this type of facility, where to -- you
10 know, I know you've indicated the significant number
11 of facilities you've done in the northeast, but maybe
12 even locally, Adam, you know, where -- generally
13 locally where these facilities have been used.

14 MR. STERN: Yeah, sure.

15 So I took a look at some of our systems
16 in the area. I didn't do an exhaustive search, but I
17 looked at what we have within, you know, five, six,
18 seven miles of the site, and we do have almost a
19 dozen of these facilities in that proximity.

20 We've got Crossroads at Oldwick, which
21 is a Toll Brothers community over in Tewksbury
22 Township.

23 We've got Four Seasons at Chester up
24 the road in Chester Township.

25 The Willow School, which is also just a

1 bit north in Peapack-Gladstone and Bedminster.

2 We also have done a system for Hamilton
3 Farms Golf Club, Trump National Golf Course; The
4 Streets of Chester, which is not a residential
5 development, but a retail development.

6 So these systems work regardless of
7 whether it's residential, retail or institutional.

8 We also have one over in Warren
9 Township, I'm now moving east, which will be a very
10 similar system, and this is moving through permitting
11 right now. It's a little further ahead of this
12 project.

13 And, you know, although I don't know
14 any of the specifics on the problem facility in
15 Mendham Township, I would have loved to rewind 20 or
16 30 years and get that one off on the right foot.

17 It doesn't sound like it started well.

18 But I think Mendham understands that
19 also, because we have another project there, again
20 much further along in permitting, called Hillandale,
21 which is a residential community, again, with very
22 similar approach here to on-site management of water
23 and wastewater.

24 MR. GIANETTI: Just so I'm clear with
25 that, Mr. Stern, I guess you were recently involved,

1 and I think Mr. Kennedy's office and my office
2 involved, with a residential project in Mendham
3 Township where they approved an on-site facility like
4 this?

5 MR. STERN: Yes, correct.

6 That's moving forward.

7 MR. GIANETTI: And just so it's clear,
8 too, I don't know if the Mayor mentioned it, but were
9 you or your office involved in this other project
10 that had the issues with their on-site treatment
11 facility?

12 MR. STERN: No, we were not.

13 And as I said, I would have loved to
14 rewind and have gotten in there in the beginning. I
15 think we could have easily averted whatever issues
16 they ran into.

17 MAYOR VALLONE: Thank you, gentlemen.

18 MR. KOURY: Mr. Stern, I have a
19 question.

20 With regards -- my lingering question
21 with this sewer treatment plant is its visibility to
22 so many units.

23 Again, you have probably a dozen to a
24 dozen-and-a-half units that are going to have a view
25 of the sewer treatment plant.

1 And I just think aesthetically, I -- I
2 just don't think it's -- in a housing development
3 that -- in an upscale housing development, I just
4 think it's poor aesthetics.

5 Is this the only place that this thing
6 could go, because that's what I was to understand?

7 MR. STERN: So that's a great point.

8 And as I mentioned before, these
9 systems generally are part of the community and, you
10 know, how do you integrate those.

11 The façade of these buildings can be
12 dressed up any way we want. We've done them as barn
13 structures, agricultural-type buildings. We have
14 done them with cultured stone and stucco. We've done
15 them to match the residential units.

16 And I believe we've got a rendering
17 that Ron may be able to pull up that shows the
18 architectural aspects of the building.

19 And you'll --

20 MR. GIANETTI: Yes.

21 Maybe if, Ron, if you want to stop
22 sharing, I could probably bring it up as a prior
23 exhibit, A-13, on my screen.

24 MR. STERN: And, Mr. Koury, exactly to
25 your point that we've got to be cognizant of where we

1 are here.

2 This is not, you know, miles down a
3 dead-end road and, you know, in an urban area, this
4 is right in the community.

5 And we understand that and that's why
6 you're looking at something like -- that's on your
7 screen right now.

8 MR. GIANETTI: This is Exhibit A-13,
9 which was introduced and testified to by the
10 architect at the September 22nd meeting.

11 MR. KOURY: Thank you very much,
12 Mr. Stern.

13 I appreciate it.

14 VICE CHAIRMAN RINZLER: I have a number
15 of questions, if I may.

16 My first question is a question
17 regarding pricing, so is that something that can be
18 answered this evening.

19 MR. GIANETTI: Pricing as to --

20 VICE CHAIRMAN RINZLER: Well, the
21 prices that were quoted at previous meetings, which I
22 believe were in the 800 to a million dollar range; my
23 question was, were those pre-construction prices or
24 were those going to be, you know, those are the
25 prices?

1 MR. GIANETTI: Well, when you -- what
2 do you mean by pre-construction? I think what their
3 testimony was is that given the market, it's
4 anticipated if their units were being sold today,
5 that's what they would sell for.

6 A number of units will be built
7 multiple years from now, so they can't guarantee what
8 those sales prices would be, but if units were sold
9 today, that's what they would be going for.

10 VICE CHAIRMAN RINZLER: No, I
11 understand that.

12 What I meant by pre-construction
13 prices, typically with new developments there's a
14 discount to the buyer if they're one of the first
15 ones to make a purchase. So that was my question.

16 In other words, assuming it were today
17 with the 800 or -- to a million, that is the price?

18 In other words, it's not going to be
19 discounted if someone were able to get it at
20 pre-construction?

21 Is that correct?

22 MR. GIANETTI: I could see if someone
23 from Pulte Homes is available, but I think the answer
24 is that it's -- those are the units, it's not
25 factoring any kind of a discount.

1 VICE CHAIRMAN RINZLER: Okay. All
2 right.

3 Thank you.

4 My next question was on a lot of the
5 information that were submitted, I didn't see the
6 square footages listed for each of the rooms or the
7 total units.

8 Is there a reason for that?

9 MR. GIANETTI: You're referring to the
10 floor plans?

11 VICE CHAIRMAN RINZLER: Yes, yes.

12 MR. GIANETTI: I don't think there was
13 any particular reason as to why they were off.

14 We'll have to pull up the plans to see
15 what was exactly shown, but I don't think the square
16 footages have changed since the initial presentation.

17 VICE CHAIRMAN RINZLER: Okay.

18 Then on the document from Gladstone
19 Design that was discussed this evening, I had a few
20 questions.

21 On page 2, Item No. 4, it says:

22 "The trash and recycling for the
23 apartment building will be collected within
24 the building and maintenance personnel will
25 take the trash and recycling to the refuse

1 enclosure located in the parking lot."

2 And then on page 15, it says:

3 "Residents will dispose of trash and
4 recycling."

5 So it's not clear, are you proposing
6 that the residents will put their trash within the
7 building and someone from the development was
8 actually going to come by and remove it and put it in
9 a dumpster? I wasn't clear on how the trash is being
10 handled.

11 MR. KENNEDY: This is Ron Kennedy
12 speaking.

13 So the townhouses are pretty simple.
14 That's going to be just curbside pickup like every
15 other project.

16 There is some trash enclosures within
17 the building, itself. And then they would be wheeled
18 out to a larger fenced-in area that maintenance
19 people would bring out to and dump into a dumpster
20 area.

21 VICE CHAIRMAN RINZLER: So there will
22 be regular, going forward throughout that -- the
23 entire length of the -- timeframe of the community,
24 there will always be a maintenance person to act as
25 trash collector and take out the refuse.

1 MR. KENNEDY: Correct.

2 That's the design, yes.

3 CHAIRMAN ROCHAT: Well, isn't that just
4 for the apartment building?

5 MR. KENNEDY: Correct.

6 The other one is just normal, let's
7 say, curbside pickup that would be by the trash
8 hauler and then Somerset County for the recycling.

9 VICE CHAIRMAN RINZLER: Okay, all
10 right.

11 Then on page 5, under I, No. 1, the
12 lighting plan, where it says:

13 "The intent of the lighting design is
14 to provide minimal lighting for safety, but
15 maintain the rural characteristics of the
16 area."

17 I sort of -- my interpretation of that
18 is you want to provide the minimal amount of lighting
19 as possible, but there seems to be a -- you know,
20 almost, like, an oxymoron between minimal lighting
21 and safety.

22 Can you comment on that?

23 MR. KENNEDY: Certainly.

24 In many communities we put a lot of
25 lights in the community and we put lights that would

1 be every, you know, 40 or 50 feet, you would have a
2 light pole that would go down on the site.

3 In this case our lighting plan was
4 based on more of the intersections and having
5 lighting, and then on longer areas, maybe between
6 buildings have a light that would be there. A
7 standard 12-foot-high street light that you would see
8 there.

9 Again, fixtures are different than the
10 older fixtures because now they're all Dark Sky
11 compliant, which means the bulb and the assemblies up
12 in the housing and then this light only goes down, it
13 doesn't go out.

14 What was discussed, and it was at the
15 combination of the board meeting and that we had with
16 the professionals, that in this case, rather than to
17 put more lighting in and still allow for some of
18 those dark areas along the path, that there's
19 lanterns that are being proposed outside each garage.

20 And what we put in there is those
21 lanterns themselves would be controlled by the
22 community as opposed to the homeowners association
23 and as opposed to that individual person.

24 And Pulte's done that on other
25 projects. And they would be by a dusk-to-dawn type

1 of light that would be there with a sensor. And
2 rather than put, you know, more lighting in there,
3 this would be a nice elegant way to do it up and down
4 the roads.

5 And that was discussed and proposed
6 that we have there, that we have the standard street
7 lightings, again, at the intersections or in long
8 runs every 5, 600 feet, and then it would be the
9 street -- the lanterns that are at the end of the
10 garages, they would be all a communal setup, where
11 those would go on from dusk to dawn.

12 VICE CHAIRMAN RINZLER: Okay.

13 And my next question was on page 16,
14 Item 19, the on-site rec areas and the contribution,
15 I recall a number from the original meetings of what
16 the builder was going to contribute to the town in
17 lieu of recreation facilities.

18 Can you clarify if that number is still
19 the same? I believe at the time it was around
20 \$800,000.00.

21 MR. GIANETTI: I'd have to pull up the
22 settlement agreement, but we're not changing what was
23 agreed to be contributed per that settlement
24 agreement.

25 VICE CHAIRMAN RINZLER: Okay, all

1 right.

2 Thank you very much.

3 MR. LEWIS: Mr. Chair, I have a few
4 questions, if you don't mind.

5 CHAIRMAN ROCHAT: Yes, go ahead.

6 MR. LEWIS: Mr. Stern, what is the
7 product of the treatment plant? What are the solid
8 wastes? Like a hazardous waste, medical waste?

9 MR. STERN: Non-hazardous.

10 MR. LEWIS: What comes out of the
11 sewer.

12 MR. STERN: Non-hazardous and
13 non-medical waste.

14 What we do, for every -- everything
15 that comes in, about 99 percent of that ends up as
16 clear, clean, effluent that's recharged to
17 groundwater.

18 The remaining approximately 1 percent
19 is, itself, still 99 percent water, but also contains
20 spent biological matter, mostly spent bacterial cells
21 that we had intentionally grown in the process to
22 consume the waste. It could also be some inert
23 matter as well.

24 That's removed from the facility in the
25 larger vehicle that I mentioned, and that would occur

1 not daily, not weekly, probably on a monthly basis,
2 maybe every 30 or 40 days, depending on actual flows.

3 MR. LEWIS: So it's Soy lent Green.

4 MR. STERN: Exactly.

5 MR. LEWIS: And what is the cost per
6 unit, the cost to run it?

7 MR. STERN: Well, that's a great
8 question, and I think that may be why -- I'm just
9 speculating, but that could be why the other facility
10 you mentioned before ran into problems.

11 It's very easy to come up with your
12 operational costs, right? But if you just charge
13 that amount you don't have your long-term cap X
14 replacement covered. So that needs to be built into
15 the rates as well.

16 And then more directly, to answer your
17 question, the rates for a small system like this are
18 in line with market. They tend to be higher than
19 your largest systems in the state, but they are less
20 than some of the more expensive systems in the state.

21 MR. LEWIS: Well, how is an HOA going
22 to manage a sewage company, water company.

23 MR. STERN: Really the same way
24 they're, you know, managing other utilities. It can
25 be direct with customers or it can be through the

1 HOA.

2 For example, they're -- I imagine
3 they're contracting for their snowplowing, right, or
4 for mowing of common areas.

5 So -- so here the idea is they're
6 contracting with a licensed facility, a licensed
7 firm, capable of running the facility.

8 VICE CHAIRMAN RINZLER: If I could
9 comment in terms of what Mr. Lewis just said, I can
10 tell you that, for example, at the Polo Club there's
11 a management company that their job is they handle
12 all of the contractor selections.

13 So they're the people that are supposed
14 to find, let's say, the ideal landscaper or snow
15 removal or in the case of this development, it would
16 be the ideal company to work with the sewage
17 treatment. That's typically how it's done in these
18 things.

19 MR. LEWIS: Right, but you're running a
20 plant, so for a large capital item you have to
21 maintain (inaudible) plan for the future.

22 VICE CHAIRMAN RINZLER: The other
23 thing, too, that is typically done, I can tell you
24 that a homeowners' association will hire a consultant
25 every few years to do a reserve study, to do all the

1 what-ifs, you know, do -- is there enough money in
2 the reserves to fund, you know, should this plant
3 break down or the -- what's the lifecycle, the
4 expected life expectancy?

5 So there are supposed to be reserve
6 studies that are typically one.

7 MR. LEWIS: Sure.

8 And then --

9 MR. LAWLOR: So to the Mayor's point, a
10 well-run HOA won't have a problem impacting a town
11 and making sure the town doesn't have to come in and
12 safe the day, but a poorly run HOA is obviously --

13 VICE CHAIRMAN RINZLER: Absolutely,
14 yes.

15 MR. LEWIS: -- a scary thing.

16 VICE CHAIRMAN RINZLER: Yes, couldn't
17 agree with you more.

18 MR. LEWIS: Thank you, Mr. Stern.

19 Ron, I noticed there's some -- in the
20 first or second item you put up, there were some --
21 there was a setback on -- I am trying to figure it
22 out, on the western edge there, on that finger that
23 goes out towards Overly.

24 And the setbacks look like they had
25 orange triangles encroaching on them, orange squares.

1 What is that?

2 MR. KENNEDY: Let me try and pull it
3 up.

4 MR. LEWIS: You might have to -- there,
5 Yeah, down at the bottom. Yup.

6 MR. KENNEDY: Right here?

7 MR. LEWIS: Yeah.

8 So go up there. Up -- yes, right
9 there, see those orange triangles, are they in the
10 setback?

11 MR. KENNEDY: Yeah, they're just the
12 patios.

13 MR. LEWIS: Patios?

14 MR. GIANETTI: And they're not within
15 the setback.

16 MR. KENNEDY: No, they're within the
17 100-foot setback, the patio.

18 MR. GIANETTI: Yeah, they're not
19 outside of the setback.

20 MR. KENNEDY: No, they're outside the
21 buffer.

22 There's a 50-foot buffer that we're not
23 doing it, but they're not in the building setback.

24 Again, they're just patios.

25 MR. HENRY: I think the concept of

1 within and without the setback can be very confusing.

2 The question is, are they compliant
3 with the setback?

4 MR. KENNEDY: Again, my response is,
5 Peter, is there are less than 100 foot -- the
6 buildings themselves, the structures, are 100 foot.

7 The patios themselves are less than
8 100 foot, but they're just patios. No different than
9 a sidewalk.

10 (Simultaneous Speaking.)

11 MR. HENRY: They are structures.

12 MR. LEWIS: They are structures. And
13 they may require --

14 (Simultaneous Speaking.)

15 MR. KENNEDY: Yes, but the retaining
16 wall's a structure. The sidewalk's a structure.

17 MR. LEWIS: Ron, can you put up the
18 landscaping plan again?

19 MR. KENNEDY: Which one?

20 Do you remember?

21 MR. LEWIS: I have it as the
22 landscaping plan, tree planting or something like
23 that.

24 MR. GIANETTI: I believe it's A-16.

25 MR. LEWIS: A-17.

1 Oh, there it is.

2 MR. GIANETTI: The landscape plan?

3 MR. LEWIS: Right above your pointer.

4 MR. KENNEDY: Yes, I try to keep going
5 to it and it keeps dropping down the menu. Give me a
6 second.

7 MR. LEWIS: Can you show me the plant
8 species down in the far right.

9 MR. KENNEDY: Right here.

10 MR. LEWIS: Yeah.

11 MR. KENNEDY: So we have the deciduous
12 are maples, honey locust, sweetgum, london plane.
13 Evergreens are holly, juniper, spruces and Doug firs.

14 And then when we get down to the wooded
15 areas, the reforestation, silver maples, yellow
16 birch, shag bark hickory, white oak, American elm,
17 and then white pines.

18 MR. LEWIS: Have you talked to a
19 forester on those (inaudible).

20 MR. KENNEDY: We've been talking to DEP
21 about these in -- in these areas that we're
22 reforesting. These are some of their
23 recommendations.

24 MR. LEWIS: They referenced yellow
25 birch?

1 MR. KENNEDY: Yeah.

2 We went through this with them.

3 MR. LEWIS: (Inaudible).

4 CHAIRMAN ROCHAT: Bob, your audio is
5 breaking up.

6 MR. GIANETTI: Yeah, I'm having trouble
7 hearing Mr. Lewis.

8 MR. LEWIS: Really?

9 CHAIRMAN ROCHAT: Yeah.

10 MR. LEWIS: Can you hear me now or
11 still breaking.

12 VICE CHAIRMAN RINZLER: As you leaned
13 in it got better, Robert.

14 MR. LEWIS: Okay.

15 Yeah, yellow birch is now -- that's
16 just bizarre to bring up yellow birch. And the --
17 that forest area, that forested area is not in good
18 shape from what I saw on the walk.

19 MR. KENNEDY: And that's why they asked
20 us to supplement that.

21 But, again --

22 MR. LEWIS: A lot of the --

23 (Simultaneous Speaking.)

24 MR. KENNEDY: -- if you have some
25 recommendations, we'll certainly take them and we'll

1 go back and talk to DEP about them.

2 MR. LEWIS: I mean, my recommendation
3 is to have a strip forester take a quick breeze
4 through there and talk to them because they'll be
5 able to come up with a list very easily and
6 inexpensive. And put you on the right track.

7 MR. KENNEDY: Okay.

8 MR. LEWIS: Okay, I think that's it.

9 MR. KOURY: I just have two more
10 questions, if I may.

11 Mr. Stern, Mr. Rinzler alluded to it,
12 but is there such a thing as a typical lifespan for
13 one of these sewer treatment systems?

14 MR. STERN: Difficult to say. You
15 know, it's a utility, so it needs to be there
16 indefinitely. I think another way to look at it is,
17 what is the lifespan of each of the components,
18 right.

19 So your moving parts, your mechanical
20 parts and pieces, yeah, they wear out. So we look at
21 it as replacement lifespans for each piece of
22 equipment.

23 So a pump, depending on how hard it's
24 run, how well it's maintained, its hours in
25 operation, maybe you get 10, 15 years out of a pump.

1 Concrete tank, 50, 75, 100 years.

2 So the utility needs to exist in
3 perpetuity, but the components have their own
4 replacement cycles.

5 MR. KOURY: Okay, thank you.

6 And, Mr. Kennedy, I just have a quick
7 question for you, sir.

8 On the Gladstone Design, it's page 3,
9 and it talked about an emergency generator is not
10 proposed, nor is it required by code for the
11 apartment building.

12 I recall with that discussion some
13 concern about the people that were going to be in
14 that building, they wouldn't have access to their own
15 portable generators, and in terms of if there was a
16 power outage, which that -- this area of the township
17 has a history of, any kind of emergency lighting and
18 things like that would not be available. I mean, is
19 that --

20 MR. GIANETTI: Maybe I can clarify,
21 because I think we've gone through this a couple
22 times.

23 The applicant is willing and is
24 agreeable to having, which is common for apartment
25 buildings, a backup power source, but it's normally

1 like a large battery pack that can be recharged and
2 re -- you know, refitted to make sure the emergency
3 lighting and the emergency operations of the building
4 are working.

5 It's not going to run the whole
6 building, frankly, nor would a generator because you
7 would need your own little substation next to this
8 thing.

9 So it wasn't meant to say there won't
10 be a backup power source, it just wouldn't be a
11 generator, it would be a, you know, backup battery
12 pack that's used to ensure that, you know, the
13 lighting in common areas have power.

14 MR. KOURY: I'm just thinking in the
15 event one of the tenants has a medical issue where
16 they require ongoing power.

17 Okay. Thank you very much, I
18 appreciate it, sir.

19 MR. GIANETTI: Um-hmm.

20 CHAIRMAN ROCHAT: Since we're on the
21 generator subject, there was talk of street lighting
22 still going to be on a common generator for the whole
23 facility.

24 Is that correct?

25 MR. KENNEDY: I don't remember having

1 that discussion. I don't know if it was during
2 architecture testimony.

3 But street lights wouldn't be on a
4 generator at all. They certainly aren't on 202. So
5 if lights go down on 202, they're off. There's no
6 power there.

7 We didn't discuss having street
8 lighting on a generator. That would have to be a
9 communal generator and because of those distances, it
10 would have to be a significantly large generator in
11 order to run -- power those distances for emergency
12 generation.

13 CHAIRMAN ROCHAT: There was something
14 about street lights.

15 Since we have the landscape plan up, in
16 the affordable housing unit, if you look -- I am
17 going to call it the closest boundary, the north
18 side, is there adequate screening in that area? Is
19 that -- I guess, do you see the façade of the
20 building? The parking lot's screened quite well.

21 MR. KENNEDY: Yes, I think it's a good
22 discussion. And you'll see areas that we have them
23 tighter together as opposed to areas like this so
24 they're farther apart.

25 And we basically overlaid the existing

1 tree survey that we've done on the property and we
2 enhanced the areas that didn't have trees and put
3 more in.

4 And areas that had some pretty good
5 vegetation already, we put a little less in. That's
6 why you see the differences.

7 And even you see that, Tom, back to the
8 right here, you see areas that have high density and
9 then other areas have low.

10 Well, this had pretty heavy vegetation
11 already and then other areas that have tighter, new
12 features were more barren.

13 So I would say with the landscape plan
14 as a whole is, again, working with your engineer and
15 your planner, is making sure this landscaping plan,
16 especially along the buffers to the residents both to
17 202 to the east and to the west, that the landscape
18 plan fills in the gaps and accomplishes what
19 certainly our design intent is, is to -- to make sure
20 it has screening to those folks.

21 So I think the details would be when
22 they go to plant is coordination with the town
23 professionals to make sure it's accomplishing the
24 objectives of screening to those neighbors.

25 CHAIRMAN ROCHAT: So -- and since you

1 took away the -- underneath the parking lot you had
2 the retention area. How did you offset that? How
3 did you --

4 MR. KENNEDY: We made it a longer,
5 skinnier detention basin right in this location here.

6 CHAIRMAN ROCHAT: Right.

7 MR. KENNEDY: That's a bio-filtration
8 basin right here.

9 And that runs the length of the parking
10 lot now.

11 CHAIRMAN ROCHAT: The wall will still
12 be there?

13 MR. KENNEDY: The wall's on the outside
14 of that, that would be here. And then it discharges
15 to this basin and then ultimately discharges to the
16 basin 3E.

17 So it becomes cumulative that actually
18 we're -- we have to keep these drainage areas under
19 2.5 acres so it collects the water, treats it, then
20 it brings it to the other basin, treats it, and then
21 it brings it to the larger basin here, 3E.

22 CHAIRMAN ROCHAT: And the sewage
23 treatment plant, I notice there's a little dotted
24 line.

25 Is that the underground storage tank?

1 MR. KENNEDY: Yeah, yeah.

2 There's a series of tanks that would be
3 in that area.

4 CHAIRMAN ROCHAT: Yeah, down by the --

5 MR. KENNEDY: Right here.

6 CHAIRMAN ROCHAT: No, the sewage
7 treatment plant there. Yeah, that's --

8 MR. KENNEDY: Well, here's the
9 building.

10 CHAIRMAN ROCHAT: Right.

11 And the dotted line, that's --

12 MR. KENNEDY: This dotted line here.

13 CHAIRMAN ROCHAT: Yes.

14 MR. KENNEDY: Yeah, that's where the
15 underground tanks would be.

16 CHAIRMAN ROCHAT: Right.

17 Both intake and discharge; is that --

18 MR. KENNEDY: Adam, you may have to
19 step in on that. I don't know if that's the first
20 thing it goes to, I am not sure.

21 MR. STERN: Yes, that's generally the
22 reserve area for the below grade tanks. It will be
23 influenced, and I don't know that we will have
24 finished water storage there. That will probably be
25 within the building.

1 Then the small pad that you see behind
2 the building there, that's for the emergency
3 generator.

4 Again, even though we've got
5 weatherproof sound enclosure, we put it on the back
6 side of the building there just for a little more
7 buffering.

8 CHAIRMAN ROCHAT: 'Cause that's an
9 added wall there also, Ron. That wasn't on the plan.

10 MR. KENNEDY: It was. This retaining
11 wall here, that was here.

12 CHAIRMAN ROCHAT: Was it.

13 MR. KENNEDY: Yeah. That was there.
14 We had it to -- both retaining walls and the buffer.

15 CHAIRMAN ROCHAT: That front wall was
16 there.

17 MR. KENNEDY: Yeah, this one was here,
18 too.

19 But then we did have a retaining wall
20 back here around these tanks. Because I had to stay
21 out of the wetlands. That's the wetlands transition
22 area right here.

23 CHAIRMAN ROCHAT: Right.

24 MR. KENNEDY: I had to stay out of
25 that.

1 CHAIRMAN ROCHAT: So what is the -- I'm
2 going to call it the liquid or septic field where
3 it's pumped to, what is the longevity of that?

4 MR. STERN: So the difference between
5 that and anything with septic effluent is that
6 there's really no nutrients left in the water, so --

7 CHAIRMAN ROCHAT: Nothing solid.

8 MR. STERN: Right, there's no solids,
9 but there's also very limited nitrogen. The total
10 nitrate in the effluent here complies with drinking
11 water quality standards.

12 So that puts you in a situation where
13 you're not really growing any kind of biological
14 matting layer, so we're not relying on any of the
15 soils of the select fill for any treatment.

16 We're meeting all standards at the end
17 of our facility. So the groundwater recharge field
18 is, essentially, a hydraulic feature only. And the
19 life of it, again, is indefinite because you don't
20 have that ticking clock that you might have with a
21 septic system that's ultimately going to develop a
22 biological cloaking mat. There's nothing to feed the
23 growth of any kind of biological material here.

24 CHAIRMAN ROCHAT: Algae does not grow
25 in this water; is that --

1 MR. STERN: No.

2 Well, it could if you left it at the
3 surface with sunlight hitting it, but this is all
4 below grade.

5 CHAIRMAN ROCHAT: Correct.

6 MR. STERN: So no issues there.

7 VICE CHAIRMAN RINZLER: I have two more
8 questions, if I may.

9 CHAIRMAN ROCHAT: Yes, go ahead, Rick.

10 VICE CHAIRMAN RINZLER: Thank you.

11 On page 13, Item B, where it says:

12 "Testimony will be provided regarding
13 the estimated length of time the sales trailer
14 and model home will be operational."

15 So if I understand you correctly,
16 you're anticipating it's going to take three years to
17 fully sell out this development?

18 MR. HENRY: I'm not sure you have the
19 right witness for that question.

20 VICE CHAIRMAN RINZLER: Okay.

21 MR. GIANETTI: Yes, I think that was
22 the prior testimony of Mr. Holmes concerning, you
23 know, construction pre-sales and then sales to kind
24 of get it to full, full completion.

25 VICE CHAIRMAN RINZLER: Okay.

1 And I am just curious about something.
2 Most luxury home developments will offer several --
3 by several I mean three or four or five different
4 models, but you have chosen two models. What was the
5 rationale behind that?

6 Instead of having, you know, three or
7 four models to choose from, which is typical in
8 luxury home developments.

9 MR. HENRY: I think you may still not
10 have the right witnesses for that question.

11 MR. GIANETTI: I could see if
12 Mr. Holmes is available, but I think -- I can only
13 talk about my experience, it's quite common to have
14 just two, but there's going to be a whole series of
15 options to kind of distinguish.

16 But if Mr. Holmes or -- I thought I saw
17 him.

18 VICE CHAIRMAN RINZLER: If, at a future
19 meeting, if someone could just clarify that.

20 MR. GIANETTI: He's here, he's here.
21 We can address this.

22 VICE CHAIRMAN RINZLER: Okay.

23 MR. GIANETTI: Mr. Holmes -- well,
24 first, I guess you recognize you remain under oath.

25 MR. HOLMES: Yes.

1 R O B E R T H O L M E S,
2 3350 Peachtree Road NE, Suite 150, Atlanta,
3 Georgia, having been previously sworn, continues
4 to testify as follows:

5 MR. GIANETTI: You've been previously
6 sworn.

7 MR. HOLMES: Okay.

8 Craig, your response is correct. We
9 have two model homes, but given the optionality, we
10 felt that that was adequate for the community.

11 VICE CHAIRMAN RINZLER: All right.

12 CHAIRMAN ROCHAT: Ron, there was
13 another question about -- the architect really didn't
14 have an answer. We did ask him as far as
15 air-conditioning condensers on the units, how would
16 they be placed, are they -- you know, you're going to
17 have these homes right on the 100-foot mark.

18 And if that's the back side, I guess
19 the condenser units are going to be on the back side
20 right there, they're not going to be in the driveway.

21 MR. KENNEDY: That's a good point. I'd
22 have to talk to them about where that would go.

23 I typically wouldn't get involved in
24 the detail of that location of where the mechanical
25 equipment would go.

1 CHAIRMAN ROCHAT: We did ask him, he
2 didn't really have any answers for us.

3 And, you know, how many units are in --
4 how many condensers you're going to have in there a
5 unit? You know, some of the three-floor ones you may
6 have three.

7 Likewise, in the affordable units,
8 placement, are they going to have air-conditioning?
9 You know, where are they going to be placed?

10 MR. KENNEDY: Yeah, well, that one I
11 can answer, because we did set that aside. So if you
12 look at this exhibit -- and I say, "this exhibit,"
13 this is still the landscaping plan, it happens to be.
14 It's going to take a second to regenerate.

15 We have an area here that shows the
16 condenser units. So that was discussed, and we
17 had --

18 CHAIRMAN ROCHAT: And the ones to the
19 left --

20 MR. KENNEDY: And there's a couple
21 here, too. So that we -- I addressed.

22 As far as the units, I'd have to go and
23 defer and talk to them about that.

24 MR. GIANETTI: Wherever they were
25 located, they'd have to conform to the town ordinance

1 with respect to location of mechanicals and things
2 like that.

3 MR. BANISCH: Mr. Chairman, I have some
4 questions for the two witnesses when the time is
5 appropriate, if we're there yet.

6 CHAIRMAN ROCHAT: Yes, you can go
7 ahead, David.

8 MR. BANISCH: I'd like to start with
9 some questions for you, please.

10 I read the transcript, I think, from
11 the last meeting when architecture was discussed, and
12 a question came up about whether or not the
13 wastewater treatment plant can be situated farther
14 below grade. And there was another question asked
15 tonight about the location in the development, and
16 the question went something like, is that the only
17 location in the development.

18 And I'll just pose those two questions
19 to you. Do you need that much of the building above
20 grade, number one, and number two, why is that the
21 best location in the neighborhood or in the
22 development for that facility, or is it for
23 engineering reasons? Could it be located somewhere
24 else farther away from the residential dwelling
25 units?

1 MR. STERN: Thanks, Dave. I think Ron
2 and I will both take a shot at this. I can go first.

3 You know, there are issues with
4 locating components below grade, right? You're more
5 subject to flooding, what happens in extreme weather
6 events. We've got a lot of sensitive equipment,
7 controls, control panels, power distribution panels.
8 We really don't want them below grade.

9 And then secondly, in terms of
10 location, you're right, there probably are other
11 places where it is possible to site this. However,
12 this is the optimal location based on topography,
13 relationships to other constraints on the project,
14 proximity to the units, minimization of pumping for
15 the collection system and proximity to the recharge
16 fields. So there's a number of things that went into
17 it and this is where we feel is the most optimal
18 location.

19 Ron, I don't know if you can add
20 anything else to that.

21 MR. KENNEDY: Yes, again, it's all
22 choices that you do when you do a layout, and it's
23 the configuration of the road networks, it's the
24 configuration of these little courtyards that we
25 created for each one of these units or each one of

1 these little neighborhoods where there's eight units
2 off of a courtyard.

3 We have to deal with the environmental
4 constraints that are in the center section of this
5 property, the various components of stormwater
6 management that we have to have in here. And again,
7 the design practices that we see in the other
8 neighborhoods that we're working on with companies
9 like NSU, we see them generally integrated right near
10 the other buildings. It's not put in the back of the
11 property on these sites.

12 The one that we just did up in Mendham
13 Township, that's less distance from a unit to where
14 the sewer treatment building is than what's even
15 proposed on this plan.

16 So it's generally relatively close to
17 these other structures and it's not necessarily
18 hidden in the back of the property. You need access
19 to it. And generally, as I believe Adam Stern
20 described, regular access to the facility, and it's
21 just part of the design elements when we put all of
22 the details together.

23 Can it be in other places? Sure. We
24 can move buildings around and we can have a
25 completely different layout than this that would

1 incorporate something different, but again, it takes
2 into the constraints, the topography, the layout, and
3 it's generally acceptable that they're in locations
4 similar to this.

5 MR. BANISCH: Okay, thank you.

6 Adam, initially or earlier in your
7 testimony you said a couple things, one is I think
8 you have 250 systems like this in operation. And
9 then you cited about a half a dozen examples nearby
10 that I think your firm designed.

11 But do you guys design and operate
12 these systems? Do you design them, get them
13 permitted, get them built and then on the other side
14 once they're constructed, does your firm actually
15 operate these systems?

16 MR. STERN: We do.

17 MR. BANISCH: Okay.

18 So you have a lot of -- you have a lot
19 of experience with the operations of these kinds of
20 systems, right?

21 MR. STERN: Yes, absolutely. And that
22 also kind of influences our design. So we design,
23 build and operate these. That creates a really nice
24 feedback with when we're able to continually do
25 things better, safer, more effectively.

1 MR. BANISCH: There were some questions
2 about the financial viability, or at least some
3 concerns around the financial viability of a system
4 like this. And I wanted to ask you, is the size of
5 this development, in your experience, adequate to
6 financially support this system without it being a
7 financial burden to the community.

8 MR. STERN: As long as you have a rate
9 structure that is based on actual projections of
10 costs that cover not just your operational cost but
11 your longer term capital replacement costs, then
12 you're going to be fine.

13 Now, where does that come out to be
14 here? Right now the work is not finalized, but we
15 believe that comes in line with market conditions.
16 So the answer to your question is yes.

17 MR. BANISCH: And are you working with
18 Pulte on that to create that structure and --
19 essentially that long-term budget to set this whole
20 thing up? Is that part of the services that you're
21 providing to them.

22 MR. STERN: Correct. In fact, that's
23 where we started probably two-and-a-half years ago,
24 and that continues to be refined as we get closer to
25 construction here.

1 MR. BANISCH: Okay.

2 You described a situation where Pulte
3 owns the systems first before it transitions to the
4 ownership of the HOA, and you explained that Pulte
5 builds the reserve. So presumably, while they're
6 operating the system for less than a built out
7 neighborhood, they're charging the new residents fees
8 to operate the time and to build the reserve. Do I
9 understand that correctly? Is that how that would
10 work?

11 MR. STERN: I think that was --

12 MR. GIANETTI: Can you say that again,
13 David? That while Pulte owns it --

14 MR. BANISCH: Yeah, Pulte -- yeah, the
15 testimony was Pulte owns the system first before it
16 transitions ownership of the system to the HOA. And
17 a comment was made during that description that Pulte
18 builds the reserve. And it just had me wonder, so
19 when the new residents, let's say there's 20 or 30
20 townhomes that are built. Pulte is -- Pulte owns and
21 operates the wastewater treatment system. Are they
22 charging those new residents a monthly fee that is
23 attributable to the cost for operating that and
24 thereby, as the neighborhood builds out, are they
25 building the reserve as new residential dwellings

1 come online? Is that how that works.

2 MR. GIANETTI: It is. And I'll let
3 either Jim or Rob correct me if I'm wrong with --
4 that is how it operates. And I guess when I say
5 Pulte owns it, what's really -- Pulte controls -- the
6 HOA is formed and Pulte controls it 'cause they are
7 basically the -- they own all the units until they
8 start selling them off.

9 So they're controlling the HOA, they're
10 building up the reserves, charging themselves as unit
11 owners as well as the, you know, as new residents
12 come in, they start paying into it. It's basically
13 part of the, you know, there is not a specific line
14 item, there's dues every unit owner has to pay, you
15 know, association dues. Part of that goes for this
16 reserve, part of it's going to go for the roof
17 reserve, part of it's going to go for the, you know,
18 daily operations of the development itself like, you
19 know, any, you know, the garbage or snow removal or
20 things like that.

21 So it's all factored into whatever
22 that, you know, monthly association dues are.

23 MR. BANISCH: Okay.

24 Adam, do you expect that those
25 residential dwellings in closest proximity to this

1 facility are going to be able to detect odor on a
2 routine or intermittent basis emanating from the
3 sewage treatment plant?

4 MR. STERN: No, I don't. We have other
5 examples where there have not been any issues.

6 MR. BANISCH: What's your level of
7 confidence about that.

8 MR. STERN: Very high, you know, for
9 the reasons I stated before. We -- on multiple
10 levels, we're addressing odors, right? We've got
11 tanks that are not open to the atmosphere, they're
12 closed. They're either buried or they're indoors.
13 And then on top of that, we're vacuuming off the air
14 in the head space of those tanks and running it
15 through a carbon filter.

16 DAVE: Thank you.

17 I have a few questions that I wanted to
18 ask you about your testimony this evening. The
19 ganged mailboxes together, is it possible to provide
20 a graphic of what those 25 or 30 mailboxes, you know,
21 all those mailboxes ganged up sitting on the side of
22 the road, is it possible for you to provide a graphic
23 to show us what that's expected to look like?

24 MR. KENNEDY: Sure. It's, you know,
25 it's a standard detail that the post office requires

1 for their detail. And again, it would be in the
2 neighborhood of about 25 boxes per -- per location.
3 But we can go and say that it's typically that --
4 that silver stainless steel type of look that's
5 associated with it that you would typically see in
6 any townhouse development.

7 MR. BANISCH: Okay. Just to get a look
8 at it, see if there is any screening needed around
9 like the sides or the back of it or something like
10 that. I don't know what's possible or what it's
11 going to look like, but something like that may be
12 desirable. Just like to leave that open, if we
13 could.

14 The walking path that -- you described
15 it as an all-weather surface. Are you going to use
16 something like pulverized stone where the surface is
17 going to be flat and hard and, you know, essentially
18 passable by a wheelchair, let's say, in dry
19 conditions but maybe not so much in wet conditions?
20 Like, what is that surface going to be like?

21 MR. KENNEDY: It's actually, it's built
22 with a fabric below the stone. In the stone itself
23 it has a, I'll call it like a poly carbon, like you
24 see on those truck or fire lanes, and then the stone
25 goes on the top of it. So it has some rigidity to

1 it. So it's more than just stone that's placed in
2 there, it's an all-weather surface. It's a detail,
3 actually, for a trail that's ADA compliant.

4 MR. BANISCH: Okay.

5 MR. KENNEDY: And that detail is
6 actually on the plans that we put, David, for it.
7 But it's a pretty enhanced detail, it's just not
8 stone by itself.

9 MR. BANISCH: You made references to
10 the basins and just briefly I wanted to ask you, for
11 everyone's benefit, are the side slopes to be
12 planted? What are the bottoms of the basins going to
13 be like? Are they going to be sand bottoms on the
14 basins? Are they going to be vegetated? Can you
15 give us just a little bit of color about that?

16 MR. KENNEDY: Certainly.

17 So they'll all be vegetated, okay? And
18 there's no doubt about that. And in the
19 bio-filtration basins, which are the majority of
20 these, they will be heavily landscaped as far as tree
21 materials, and I'll just blow up one of these for
22 example. This is near the multifamily unit building.
23 You will see various forms of trees, shrub masses,
24 ornamental trees, and then different grasses that
25 will be in a bio-filtration basin.

1 So they're not the old type of sand
2 basins or the old type of detention basins that you
3 just put a mower in it every week when the landscaper
4 goes and cuts these things, these are supposed to
5 look naturalized and supposed to provide -- the
6 vegetation is actually assisting in providing water
7 quality treatment in the upper horizons of the soil,
8 so that is a very detailed design.

9 The plant material itself is outlined
10 in the DEP's best management practice manual that we
11 would have to plant a certain type of material in
12 each one of these basins.

13 MR. BANISCH: In your opinion, is that
14 going to be an aesthetic attribute to the site or --

15 MR. KENNEDY: It is. It's an
16 enhancement. If you see -- I don't have images with
17 me now, but the way we have to plant these now,
18 they're aesthetic enhancements. They look a lot
19 better than the old type of basins that were just a
20 hole in the ground and cut once a week or once every
21 two weeks.

22 MR. BANISCH: Over time do you imagine
23 they're going to look like landscaped elements of the
24 site?

25 MR. KENNEDY: Yeah, yeah, definitely.

1 And again, as we all know with these new stormwater
2 rules, there is a requirement for maintenance of
3 these that have to be reported. And there's a very
4 detailed O&M manual that's part of this application
5 and part of the application to DEP that requires
6 maintenance and upkeep and inspections of these
7 different basins, and some of that will be the
8 vegetation itself. So it can't be planted initially
9 and let go. That will be then inconsistent with the
10 O&M manual and the reporting.

11 MR. BANISCH: Finally --

12 CHAIRMAN ROCHAT: If I may, which basin
13 -- are any of the basins going to have water in them
14 all the time.

15 MR. KENNEDY: No, they're all dry, Tom.
16 They have to drain -- I forget if it's 12 or
17 24 hours. They have to drain within a certain -- the
18 infiltration basins have to drain within a certain
19 amount of hours after a storm event. But they're all
20 designed as dry, there's no wet basins.

21 MR. BANISCH: Finally I just have one
22 more, I think, two-parter. You talked about the
23 Indian bat clearing limitations, and that is what,
24 April to the end of September you cannot clear; is
25 that correct.

1 MR. KENNEDY: Correct. That's the
2 breeding season and that's when we can't clear.

3 MR. BANISCH: Okay. And that means
4 that you will be clearing during times of the year
5 when there is a greater likelihood, I guess, of
6 erosion, at least certain times, I would think, prior
7 to April. We may have to look at a schedule for that
8 kind of thing.

9 MR. KENNEDY: Sure. And when we get to
10 pre-construction meetings and coordination, we can go
11 through all that with the Pulte team on that. And
12 we're doing another similar type of project in
13 Somerset County and I can tell you that the soil
14 conservation district is very keen about that because
15 they know most of the clearing of any project that
16 has any amount of woods in it has that same
17 limitation anywhere within Somerset County.

18 So the local soil conservation service
19 is aware of that and wants certain precautions made
20 during the construction.

21 MR. BANISCH: A couple times in your
22 testimony, I think you said it initially July and you
23 said it again tonight, that there will be stake-out
24 and flagging or marking prior to tree removal, and
25 that that would be subject to the engineer and

1 planner's review.

2 I am assuming you're recommending or
3 suggesting that or volunteering that as a condition,
4 correct?

5 MR. KENNEDY: Yes.

6 And I know we've done that in other
7 applications and I think it's appropriate here
8 because of the nature of the tree removal on this
9 property and the sensitivity to these buffers.

10 And again, they're going to be in
11 conservation easements as well. So I think it's
12 imperative that that is done.

13 MR. BANISCH: Okay.

14 Mr. Chairman, I think those are the
15 questions I have for these two witnesses this
16 evening.

17 CHAIRMAN ROCHAT: Thank you.

18 Steve, do you have any questions?

19 MR. BOLIO: I just have a few
20 questions, Mr. Chairman.

21 One, Mr. Stern indicated the emergency
22 generator testing for the sewer treatment building
23 was typically done during midweek midday, and the
24 board may want to impose, as a condition,
25 restrictions on when that testing can, in fact, be

1 done.

2 Typically it would be done during
3 midweek, midday, because it's the least obtrusive to
4 residents. That may be something the board may want
5 to consider as a condition and specifying the time
6 range when that testing is done.

7 And then I just have two quick
8 questions for Ron. With respect to some of the
9 plantings, I know you're planting trees between
10 basins 3E and 3L along the top of the wall, soils 3M,
11 planting trees along that basin with the wall there.

12 Do you foresee any impacts to those
13 proposed retaining walls as the trees mature.

14 MR. KENNEDY: No, I don't, because
15 they're small. They're the more ornamental, Steve,
16 than hardwood.

17 So I don't -- it's a good question,
18 we'll look at it, but we don't want to certainly
19 compromise the integrity of that wall system at all.

20 So we'll have smaller trees in there as
21 opposed to some of the hard woods.

22 MR. BOLIO: All right.

23 Then the other question was along the
24 front septic field where the walking path is you're
25 proposing trees.

1 My question is, how are you going to
2 maintain that area where the trees are being planted?
3 Because I think in the stormwater analysis you're
4 modeling that as wooded condition.

5 And I'm just wondering how that area
6 around the path below those trees is going to be
7 maintained, or is it going to be left to go natural.

8 MR. KENNEDY: Yeah, the objective in
9 that is to make it go natural. And we can certainly
10 put the appropriate notes on the plans and make sure
11 that that area is different than the are of the --
12 I'll say meadow or the grassed area of the play area
13 so there's a delineation that they don't go and keep
14 continuing to mow that and let it go natural.

15 So we can definitely bulk up the notes
16 on that and make sure that that's taken care of
17 correctly so it maintains that wooded area.

18 MR. BOLIO: All right, thank you.

19 That's all I had at this time,
20 Mr. Chairman.

21 CHAIRMAN ROCHAT: Thank you, Steve.

22 Any questions for the applicant from
23 the board? I guess not.

24 Shana, should we open it to the public
25 for questioning of the applicant?

1 MS. GOODCHILD: Yes.

2 If there's anyone in the public that
3 has questions for the witnesses that have testified,
4 please raise your hand.

5 Karen Reilly. Karen, you can unmute
6 yourself.

7 MS. REILLY: Hi.

8 Can you hear me?

9 MS. GOODCHILD: Yes.

10 MS. REILLY: Okay.

11 Mr. Stern mentioned that the sewage
12 treatment equipment is sensitive to possible
13 flooding.

14 The building and several of the
15 townhouses are infringing on what the town has as a
16 stream corridor.

17 In the last, probably, about two months
18 we've had three major storms. I live on the street
19 just west of this area and the water was running
20 through the streets like a river. And, you know, my
21 neighbor was -- had flooding in the basement, et
22 cetera.

23 Was anyone out there during the storms
24 to see how much water was in that area and how that
25 affects, you know, how you're planning on developing

1 that?

2 MR. STERN: First let me clarify, the
3 facility is not subject to flooding. That was a
4 comment about, you know, why not lower the grade of
5 the facility. You know, at some point you -- you
6 lower the grade, you can create problems that don't
7 exist.

8 But regarding overall stormwater
9 management and flow, I'll defer to Ron who's the
10 expert on that.

11 MR. KENNEDY: Well, just on the grades,
12 it's a valid point. I mean, we're getting more and
13 more storms that are causing more complications with
14 storm events on our houses, on our roads.

15 And I understand that.

16 But the elevations of this wetland area
17 which is the top of the finger of this small stream
18 corridor that goes to underneath the railroad, it's
19 -- from that elevation to the actual finished floor
20 of the sewer treatment building, it's about 12-foot
21 higher, so there's 12-foot grade change there.

22 So these parking lots around the
23 affordable units, the building, the area of Baldwin
24 Avenue, itself, it is significantly higher than this
25 stream corridor through this area.

1 So even if there was a significant
2 amount of rain, and I think that we had 10 inches of
3 rain, a significant amount of rain in this corridor,
4 it's still significantly lower than the elevations of
5 the physical improvements here, whether it's a road
6 improvement, a building, a unit itself.

7 So on this site I'm not particularly
8 concerned about a flooding issue from the existing
9 stream corridor to the units themselves. It's not
10 regulated, it's a small drainage area that goes into
11 that. But if that flash flood or the flash storm
12 comes over there, there is a significant elevation
13 change.

14 But it is a valid point and we are
15 changing, as we speak, different design criteria for
16 that.

17 We used to design the stormwater
18 systems, conveyance systems for 25-year storms and
19 now they're being designed for the 100-year storms.

20 So as the stormwater management or the
21 reality of how it rains these days, the regulations
22 and the designs keep getting updated to try to take
23 into account the new criteria.

24 MS. REILLY: Did anyone see what
25 happened during Ida.

1 I mean, water was running, I mean, so
2 fast and so deep on my street and I am just west of
3 where this is.

4 And if you don't get the relief because
5 the sewer treatment building and a couple of the
6 townhouses were over the orange line that you -- the
7 hashed line that you had shown, are you going to --
8 if you don't get the relief, are you going to move
9 the road back and move the treatment plant and take
10 some of those townhouses out.

11 MR. KENNEDY: No, we don't plan on it.
12 If we're doing that and they don't get relief, we'll
13 have to look at a different alternative for a layout.

14 MS. REILLY: Okay. I don't see too
15 much space where it could go, but...

16 And has -- was there any consideration
17 on, you know, considering what is happening with the
18 climate and the storms we're getting, was there any
19 consideration to doing anything more sustainably with
20 this development.

21 MR. KENNEDY: Yes.

22 And, again, the design, itself, is
23 something that is based on new criteria of green
24 infrastructure based on climate change. And the DEP
25 has been studying this for quite a number of years

1 based on changes and they've come up with
2 substantially new criteria that we're having to
3 design stormwater management systems for.

4 And this is, certainly, I think in Far
5 Hills, is probably one of the first projects that
6 will be designed to these new standards.

7 MS. REILLY: I mean, when I'm talking
8 about sustainability I mean like solar panels or
9 anything like that that would --

10 MR. KENNEDY: We're not proposing solar
11 panels on a project like this.

12 MS. REILLY: Thank you.

13 CHAIRMAN ROCHAT: Thank you.

14 MS. GOODCHILD: Mr. Schwester, if you'd
15 like to unmute yourself for questions of the
16 witnesses.

17 MR. SCHWESTER: Okay.

18 My question -- actually I have a
19 question and statement.

20 I'm pretty --

21 MR. HENRY: A question is fine, a
22 statement is not.

23 MR. SCHWESTER: Pardon? Okay.

24 I still don't understand why we can't
25 shingle the buildings instead of having them blocked

1 together, like, shoeboxes, why can't we shingle? I
2 know that doing that, or stepping them, would be a
3 little more expensive, but it would give more natural
4 light and it would be more barracks like.

5 And the second thing is a lot of the
6 questions that were asked and answered were things
7 that I was asking for for months and months and
8 months, and I was delighted to see that the Planning
9 Board and the Mayor addressed those.

10 And I just want -- the Mayor has said
11 that I don't give any credit or praise, and I'm going
12 to tell you, Mayor and Planning Board, you did well.

13 Thank you.

14 CHAIRMAN ROCHAT: Thank you,
15 Mr. Schwester.

16 Do you have any other questions?

17 MR. SCHWESTER: No, I'm done.

18 CHAIRMAN ROCHAT: Thank you.

19 Shana?

20 MS. GOODCHILD: Is there anyone -- oh,
21 we do. I'm sorry.

22 Jon Sobel, if you can unmute yourself
23 for any questions of the witnesses.

24 MR. SOBEL: Yes, hi, good evening.

25 Thank you.

1 I caught most of the presentation and
2 my questions, I guess, would be specific.

3 First, as far as the applicant, my
4 question is we're referencing a settlement agreement.

5 We're seeing plans with developer's
6 information on it.

7 Why on the agenda is Melillo not being
8 mentioned on our agenda?

9 We don't mention Erica Acres which has
10 history in our town.

11 We don't mention Melillo that's part of
12 the settlement agreement.

13 And now we're sitting here giving
14 testimony and I'm trying to understand why there's no
15 involvement, but they are referenced on the plans
16 even.

17 So can someone answer that first, since
18 this is our applicant and owner and who's proposing a
19 development?

20 MR. GIANETTI: So I guess I will note
21 that Pulte Homes is the applicant for this
22 application.

23 That is why they're identified.

24 MR. SOBEL: Okay.

25 And so --

1 MR. GIANETTI: Also -- and Pulte Homes
2 is the contract purchaser of Melillo, who is also a
3 contract purchaser.

4 MR. SOBEL: So they're both the
5 contract purchaser of the current property, but don't
6 currently own the property.

7 MR. GIANETTI: Correct.

8 MR. SOBEL: So they're co-acquiring,
9 it's not a flip opportunity.

10 MR. GIANETTI: Well, as we stated,
11 Melillo is going to retain ownership of the
12 affordable apartments and Pulte is going to develop
13 and sell the townhomes.

14 MR. SOBEL: Okay.

15 That's the first time I'm hearing
16 confirmation of ownership. I think when we first
17 started these meetings it was still uncertain.

18 So they're going to be owning the
19 affordable units and you guys are going to be selling
20 the for sale as quickly as possible, et cetera.

21 Correct?

22 MR. GIANETTI: They'll be selling --

23 MR. SOBEL: Okay.

24 MR. GIANETTI: Yeah, Pulte will be
25 developing and selling the townhouse units.

1 MR. HENRY: Where is that yelling
2 coming from?

3 MS. GOODCHILD: I believe it's
4 Mr. Sobel.

5 If you have someone in the background,
6 if they could...

7 MR. SOBEL: Yeah, I have a family and
8 this is Monday night with the Giants and these are
9 usually planned on normally inconvenient days,
10 whether it's a holiday or -- et cetera.

11 So I am just happy to be able to make
12 myself heard.

13 So that was my first part.

14 And then, you know, specifically is --
15 what's the purpose of the treatment facility and is
16 it replacing a type of will-serve letter such as
17 sewer?

18 Do we have a sewer will-serve letter.

19 MR. GIANETTI: I mean Mr. Stern
20 testified at length as to the treatment facility and
21 how it operates.

22 I don't think we need to --

23 MR. SOBEL: I'm saying intake and
24 discharge.

25 So, like, I'm just curious for intake,

1 what is all the -- what does it consume, every
2 product specifically?

3 And then it's discharged where
4 specifically is -- where specifically is it
5 discharged on the site?

6 MR. GIANETTI: I think he testified to
7 this already.

8 There's a groundwater --

9 MR. SOBEL: I'm asking him that
10 specifically, then one more time, because I wasn't
11 100 percent clear on everything it takes and
12 specifically where it discharged.

13 And same thing with detention basins.
14 You guys are going to have to maintain those over a
15 longer period of time and, potentially, you're in on
16 the project, or maybe you're not, but the property
17 owners and stakeholders in our community.

18 So, like, it has to perform.

19 So detention basin, while you're in
20 control of it, are you going to have a performance
21 bond or a maintenance bond while you're in control?

22 Is there a requirement?

23 MR. GIANETTI: There is no requirement
24 for maintenance bonds or performance guarantees on
25 stormwater management basins.

1 But it will be part of the homeowner
2 association's maintenance responsibilities.

3 MR. SOBEL: So I would ask the Planning
4 Board just to look further into that making sure we
5 get what is built to require -- like, whatever we're
6 acquiring is built to spec and performing.

7 MR. GIANETTI: There will be
8 inspections of everything being built by the borough.

9 MR. SOBEL: So sometimes they do
10 require those types of maintenance bonds, correct,
11 and performance bonds.

12 MR. GIANETTI: No, but the laws have
13 changed and the requirements have changed.

14 MR. SOBEL: Okay, but sometimes...

15 So moving on, because I know I'm always
16 limited on time and your experts are here today,
17 there was, I guess, testimony as far as -- I'm going
18 to skip around, I may come back to this specific
19 topic, but there is testimony now that you're going
20 to be using the acreage in the front of the property
21 instead of being preserved, it's going to be
22 accessible to residents. You were talking about
23 meadows.

24 So I always come from this approach
25 where I am not sure about this development and how it

1 came about, and then hey, let's limit the impacts.
2 So when I'm looking at it -- so I remember my first
3 comment and I'll come back to the meadow.

4 MR. HENRY: Mr. Sobel, do you have a
5 question for the witness.

6 MR. SOBEL: Yes.

7 Why are we not --

8 MR. HENRY: Please ask it.

9 MR. SOBEL: I'm trying to get there. I
10 apologize. I've been listening for hours.

11 So I'm trying to understand why we're
12 not tapping in, requiring the developer to tap into
13 our systems and collect fees. And we're having this
14 conversation.

15 So why are we not requiring the tap in
16 and we're having a conversation about treatment
17 facility.

18 MR. HENRY: I don't know if they
19 understand the question, but I don't.

20 MR. SOBEL: Well, do we get --

21 MR. GIANETTI: I assume --

22 MR. SOBEL: Do we not have connection
23 fees when developments happen and where are the
24 connection fees.

25 MR. HENRY: They're not connecting.

1 MR. GIANETTI: We're not connecting to
2 a public system --

3 MR. SOBEL: So you're not, that's --
4 that's my --

5 MR. GIANETTI: -- nor are we extending
6 any --

7 MR. SOBEL: But that's my point to you.

8 MR. GIANETTI: -- we're not extending
9 sewer line.

10 MR. SOBEL: So you're not connecting to
11 water or sewer, but do we consider those?

12 Because there's impact associated with
13 what you're proposing. So why wouldn't --

14 MR. GIANETTI: No.

15 MR. SOBEL: -- us as a municipality or
16 as a borough want to collect fees.

17 And then --

18 MR. GIANETTI: Because --

19 MR. SOBEL: -- so no, the answer is no.
20 I'll let the planning board --

21 MR. GIANETTI: Sewage fees are governed
22 by statute, so you can only charge what you're
23 allowed to charge.

24 MR. SOBEL: Yes.

25 But we're getting nothing versus

1 something, and then you potentially have additional
2 impacts to our community.

3 But I'll let the Planning Board look
4 into that as well.

5 It's a little -- a little concerning,
6 and -- I wish I had my train of thought.

7 Oh, back to the meadows. I thought we
8 were trying to minimize impacts and create buffers
9 from the street. And it sounds like, you know, we
10 lose 600 trees or something, but we gain 200.

11 So, regardless, of the tree
12 conversation, I am just curious how are we now
13 allowing for meadows and accessibility, not, like,
14 just preserve lands? Has this become another impact?

15 MR. GIANETTI: I'm not sure really what
16 the question is, but the meadow area I think you're
17 referring to is up near the front of the property
18 where the groundwater recharge is, where it has to be
19 -- remain like that.

20 MR. HENRY: And it already is meadow.

21 MR. SOBEL: So that buffer is not
22 preserved land, it would be accessible for the
23 300-plus residents that will be living there.

24 Is that what we're saying?

25 MR. GIANETTI: Well, you say the land

1 is accessible. If people wanted to walk around it or
2 walk through it, they can.

3 MR. SOBEL: Yeah, they can set up tents
4 --

5 MR. GIANETTI: They can't build
6 anything there. They can't --

7 MR. SOBEL: -- and they could hang out
8 all day and it becomes another amenity for the
9 property, but it's another impact to our community.

10 MR. GIANETTI: If that's your feeling,
11 that's your feeling.

12 MR. SOBEL: I am, because we're trying
13 to limit the impacts to the street and we're trying
14 to limit impacts to --

15 MR. HENRY: Mr. Sobel, this is the time
16 to ask the witnesses about their testimony.

17 MR. SOBEL: I am.
18 You just --

19 MR. HENRY: Not to debate what's going
20 on --

21 MR. GIANETTI: No, you're not.

22 MR. SOBEL: -- this is the first time
23 I'm asking. This is the first time you're --

24 MR. GIANETTI: You're giving public
25 comment.

1 MR. SOBEL: -- introducing the meadow
2 to us.

3 MR. GIANETTI: You're making -- no,
4 we're not. This is the same that's been proposed
5 since the initial application.

6 MR. SOBEL: So is it now accessible for
7 all the residents then to be able to be there,
8 however many, and do events or anything there.

9 MR. HENRY: Just like your backyard is
10 to you.

11 MR. SOBEL: Okay.

12 Well, here I am, saying as a Planning
13 Board, we have the ability to make decisions --

14 MR. HENRY: Do you have a question for
15 the witness?

16 This is not a time for statements.
17 It's not a time for your opinions.

18 MR. SOBEL: It's never a time to be
19 heard, right? It's only a time -- okay, I hear you.

20 CHAIRMAN ROCHAT: That comes at the
21 end.

22 MR. GIANETTI: There is public comment
23 at the end.

24 MR. HENRY: That comes after -- after
25 they have completed their case.

1 Then we turn to the public side of
2 opinions, testimony, comments, putting on a case.

3 That's when that happens. Not now.

4 MR. SOBEL: Okay.

5 Well, I am asking specific questions,
6 like use of your property and the impacts on our
7 community. And I think both the front, the acres --
8 fine. I have to ask specific questions. You just
9 answered them specifically. We have to worry about
10 the front acres. We have to worry about the
11 treatment facility.

12 As far as discharge, where on the site
13 specifically is the discharge? I'm just curious.
14 Because everyone down gradient and in the wetlands,
15 and if it goes everything downgradient into the
16 wetlands there could be impacts. I'm just curious,
17 where is the discharge?

18 MR. GIANETTI: Discharging of what?
19 Discharging of what?

20 MR. SOBEL: Like everything. All the
21 gray water, everything coming down. It's --
22 everything downhill, downgradient.

23 MR. GIANETTI: Stormwater management?
24 Drainage?

25 MR. SOBEL: Correct.

1 The wetlands are all below us. I'm
2 curious about -- you're proposing impacts.

3 You talked about line delineation
4 within 12 whatever, I don't know, you're talking
5 about slopes towards the wetlands and you were
6 showing a line of delineation --

7 MR. GIANETTI: There's the detention
8 basin --

9 MR. SOBEL: -- that we cover and built
10 over. So I'm asking if everything goes downhill.

11 (Simultaneous Speaking.)

12 MR. GIANETTI: Mr. Kennedy --

13 Mr. Sobel, Mr. Kennedy has already
14 testified as to the stormwater management system and
15 how it operates and how much -- how long it has to
16 hold the water before it slowly dissipates into the
17 ground.

18 If Mr. Kennedy wants to give a quick
19 update to that, he may. But it's already been
20 testified to.

21 (Brief pause.)

22 MR. SOBEL: Okay, I guess he doesn't
23 want to testify.

24 Well, I do have questions about the
25 retaining walls as far as landscaping. So you had

1 your landscape guy here today. There are obviously
2 retaining walls proposed all over the property.

3 Is that correct? Are they -- are you
4 required to be on performance bond for those.

5 MR. GIANETTI: No, we're not required
6 to be on a performance bond for retaining walls.

7 MR. SOBEL: So nothing for site; no
8 performance bond for site.

9 MR. GIANETTI: Performance bond
10 guarantees only cover public improvements that are
11 being dedicated to the town and landscape buffering.

12 MR. SOBEL: Okay.

13 MR. GIANETTI: By law.

14 MR. SOBEL: Well, I have more questions
15 along the way.

16 I still question the site, itself, and
17 try and minimize impacts.

18 Thank you for your time, everyone.

19 CHAIRMAN ROCHAT: All right, thanks.

20 Thank you, Jon.

21 Shana?

22 MS. GOODCHILD: Is there any other
23 members of the public that has questions for the
24 witnesses that have testified this evening, please
25 raise your hand.

1 (No response.)

2 MS. GOODCHILD: Chairman Rochat, I
3 don't see any other members of the public with
4 questions.

5 CHAIRMAN ROCHAT: I'd like to close the
6 public comment at this time.

7 MR. GIANETTI: Questions. Public
8 questions.

9 CHAIRMAN ROCHAT: Go ahead.

10 MR. GIANETTI: No, I'm saying you were
11 closing public questions. You said closing public
12 comment.

13 CHAIRMAN ROCHAT: Oh, questions.
14 Sorry.

15 MR. HENRY: Difference between
16 questions and comments.

17 CHAIRMAN ROCHAT: I'm closing.

18 I'm just going to say closing from now
19 on.

20 Do you want to have a discussion about
21 a special meeting?

22 MR. GIANETTI: We would. And we
23 appreciate that.

24 As you know, we were trying to get a
25 special meeting in October. Unfortunately, the

1 schedules weren't working. I know at the last
2 meeting, even though I couldn't make the October 4th
3 meeting, we noted we'd be looking for a special
4 meeting in November.

5 I know Ms. Goodchild has been kind of
6 polling around and it seemed like possibly
7 November 23rd could be a date for a special meeting.

8 So we can confirm, you know, board
9 members' availability, you know, we will be available
10 at that meeting, our planner -- we plan to call our
11 last witness who is our planner, present his
12 testimony and, you know, open it up to public
13 comments at that point.

14 CHAIRMAN ROCHAT: Is your architect
15 coming back? Architect?

16 MR. GIANETTI: We have our architect.
17 He updated plans based upon his prior testimony, but
18 the plans were showing basically what he testified to
19 previously. If there's any other questions --

20 CHAIRMAN ROCHAT: I didn't know if he
21 was going to come back for the updated plans just to
22 go over them.

23 MR. GIANETTI: We weren't intending to
24 have him go over the updated plans. I mean, it's not
25 -- the floor plans haven't changed and we showed the

1 board through exhibits what the units would look
2 like. Obviously the plan set, you know, shows it.

3 If there's any specific questions of
4 the architect, you know, we could have him come up to
5 address them.

6 CHAIRMAN ROCHAT: I didn't know if any
7 of the board wanted to talk to the architect again.

8 I don't see any hands.

9 All right. Just a question, I know we
10 had gotten the updated plans, I thought he was going
11 to expound on them or expand.

12 MR. GIANETTI: I don't think there was
13 anything to expand, it was just showing what was
14 already kind of been shown to the board, just on a
15 bigger scale.

16 CHAIRMAN ROCHAT: Okay. All right.
17 So special meeting. November 23rd?
18 That was put out?

19 MR. GIANETTI: Yes. I know our team is
20 available that evening. You know, if there is a
21 quorum available for the board?

22 MS. GOODCHILD: I had heard from four
23 of you: Councilwoman Tweedie, Vice Chairman Rinzler,
24 Marilyn and Suzanne Humbert who's not present this
25 evening, that you were available.

1 If the other members could comment on
2 your availability so we could ensure a quorum of the
3 board?

4 CHAIRMAN ROCHAT: I can make it.

5 MAYOR VALLONE: Shana, I'm not sure if
6 I can. I'll know some time next week and will let
7 you know.

8 MS. GOODCHILD: Okay, thank you.

9 MR. KOURY: And I'm in the same boat.
10 I don't have -- I can't confirm at the moment.

11 MR. LEWIS: I'm in the same boat as
12 well, Shana.

13 MS. GOODCHILD: Okay, well with --

14 MR. GIANETTI: I'm sorry, who is that,
15 that's in the same boat.

16 MR. LEWIS: Robert Lewis.

17 MS. GOODCHILD: Robert Lewis.

18 MR. GIANETTI: Okay, thank you. Sorry,
19 Shana, who did you say the other --

20 MS. GOODCHILD: So I have -- yes,
21 Suzanne Humbert, Marilyn Layton, Rick Rinzler,
22 Councilwoman Tweedie and Chairman Rochat are
23 available.

24 CHAIRMAN ROCHAT: And Rick, correct.

25 MS. GOODCHILD: Yes, Vice Chairman

1 Rinzler.

2 MR. HENRY: Which would be a quorum.

3 MS. GOODCHILD: Correct.

4 Mr. Lawlor, are you available?

5 (No response.)

6 MS. GOODCHILD: Mr. Lawlor?

7 He's not muted. He appears to still be
8 on the line. Mr. Lawlor?

9 Mr. Gianetti, I'll have to check on his
10 availability.

11 MR. GIANETTI: Sure. Okay.

12 So then if we have a quorum and I think
13 the professionals are available, you know, if we can
14 have this carried to November 23rd for a special
15 meeting? I guess time wise, it would be 7:00 p.m.,
16 normal time?

17 MS. GOODCHILD: There was, I think,
18 mention of possibly having it a little earlier. I
19 don't know if the members who are able to attend can
20 accommodate an earlier meeting.

21 MR. HENRY: That's problematic for me.

22 MS. GOODCHILD: Is it? Okay, Peter.

23 MR. GIANETTI: 7:00 p.m. is fine for
24 us.

25 MS. GOODCHILD: Okay. 7:00 p.m.

1 CHAIRMAN ROCHAT: Okay. So we'll carry
2 it till the 23rd.

3 MR. GIANETTI: Without further notice.
4 Well, I guess the board would have to notice for a
5 special meeting, but --

6 MR. HENRY: We have to do a Sunshine
7 Notice.

8 MS. GOODCHILD: Correct.

9 MR. GIANETTI: But we wouldn't have to
10 send out --

11 MR. HENRY: Without further applicant's
12 notice to surrounding owners or anybody.

13 MR. GIANETTI: Correct.

14 MS. GOODCHILD: And it will be a
15 virtual meeting.

16 MR. GIANETTI: Great.

17 Thank you.

18 CHAIRMAN ROCHAT: Okay, thank you.

19 Do I have a motion to adjourn?

20 MS. GOODCHILD: Actually, before we go,
21 Mr. Gianetti, did you want to put -- I'm sorry. Can
22 you -- Mr. Gianetti, can you put on the record an
23 extension of time for the board to take action.

24 MR. GIANETTI: Yes. I could do that.

25 I guess you want to do to November 23rd since that's

1 going to be the next meeting.

2 MR. HENRY: I think you should do it at
3 least through the December 6th meeting.

4 MR. GIANETTI: Okay.

5 MR. HENRY: I have to believe that it's
6 possible but not necessarily likely that we'll be
7 totally concluded on the 23rd.

8 MR. GIANETTI: That's fine, December
9 6th. I'll confirm it in writing.

10 MS. GOODCHILD: Thank you, I appreciate
11 it.

12 MR. GIANETTI: No problem.

13 MS. GOODCHILD: Thank you,
14 Mr. Chairman. I'm sorry to have interrupted.

15 CHAIRMAN ROCHAT: No problem. Thank
16 you.

17 (Whereupon, this matter is continuing
18 at a future date. Time noted: 9:55 p.m.)
19
20
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25

C E R T I F I C A T E

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

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

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

LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

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