

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
February 25, 2016**

The West Orange Zoning Board of Adjustment held a special meeting on February 25, 2016 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Neuer called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the Star Ledger, the West Orange Chronicle and posted on the Township Bulletin Board in accordance with the "Open Public Meetings Act."

Chairman Neuer asked everyone to stand for the Pledge of Allegiance.

Alice Beirne, Esq., Board Attorney, read the Opening Statement.

PRESENT: B. Buechler, C. Darconte, D. Gabry, D. Nash,
P. Neuer, B. Quentzel, W. Steinhart, M. Sussman

ABSENT: I. Schwarzbaum (recused)
A. Weiss (recused)

ALSO PRESENT: Paul Grygiel, Acting Consulting Planner
Eric Keller, Consulting Engineer
Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary
H. Grossman, Esq., Public Advocate

ANNOUNCEMENTS

Future Meetings: March 17, 2016 (regular meeting)
April 21, 2016 (regular meeting)
May 19, 2016 (regular meeting)

Chairman Neuer stated for the record that Ms. Denise C. Clark will be the official transcriber for these proceedings and that the meeting is also being recorded on the Township's audio recording system.

MINUTES

Adopt: February 18, 2016 (regular meeting)

Chairman Neuer asked the Board Members if they had any additional comments to the minutes of the February 18, 2016 regular meeting that were circulated by the Board Secretary that included all comments submitted in advance by any Board Member.

Seeing none, Chairman Neuer made a motion to approve the February 18, 2016 minutes; Ms. Gabry seconded the motion and all were in favor.

Chairman Neuer noted for the record that Vice Chairman Buechler was present but did not vote on these minutes since he had not attended that meeting.

SWEARING IN

Paul Grygiel, consulting Planner for the Township and Eric Keller, consulting Engineer for the Township were sworn under oath.

APPLICATION(S)

- 1. ZB-15-12/Executive West, LLC** **Carried from 1/21/16**
Block: 80.03; Lots: 10 & 21; Zone: R-1
Ridge Road
Seeking preliminary and final site plan approval with a "d" variance and bulk variances for the construction of a 36 unit townhouse development.
- 2. ZB-15-13/Executive West, LLC** **Carried from 1/21/16**
Block: 82.03; Lot: 17; Zone: R-1
Ridge Road
Seeking preliminary major subdivision approval with variances for the creation of two residential lots with an abutting road for egress and ingress.

EXHIBITS

A-11 - Drawing 6 of the Grading, Drainage and Soil Erosion Plan showing the colored renderings of the units that have walk out basements, daylight basements or cellars.

A-12 – Rear Elevations and Cellar Plan of Buildings #5 to 9, Drawing A2, with a revision date of 2/9/16.

A-13 – Preliminary and Fine Site Plan Area Map, Drawing 1, with a revision date of 2/10/16.

A-14 – Tree Removal Plan, Drawing 3, with a revision date of 2/10/16.
A-15 – Lighting Plan, Drawing 8, with a revision date of 2/10/16.
A-16 – Landscape Plan, Drawing 9, with a revision date of 2/10/16.
A-17 – Existing Tree Inventory, Drawing 16, dated 7/6/15.

Robert C. Williams, Esq. approached the podium and stated that he is appearing on behalf of the applicant.

Chairman Neuer stated that before the hearing proceeds, he would like to read a statement concerning notice of a prior special Zoning Board meeting that was held on January 28, 2016. He said that although notice for this meeting was posted in places that are reserved for public notices, was filed with the Clerk of the Municipality and was also given in accordance with the Municipal Land Use Law it was brought to the attention of the Zoning Board that notice for that meeting was not published in two newspapers.

Chairman Neuer said that a written transcript of the January 28, 2016 special meeting was prepared and filed with the Zoning Board Secretary and was made available for inspection in the Secretary's office. He said a copy of what he just read was published as part of the notice for tonight's meeting and for at least the last ten (10) days, members of the public have had a chance to read the transcripts from the January 28, 2016 special meeting.

Chairman Neuer asked if any members of the public would like to examine the witnesses that testified at the January 28, 2016 meeting, because they were not present at that meeting, they can do so at this meeting.

Chairman Neuer asked Mr. Williams to proceed.

Mr. Williams stated for the record that he re-noticed for the meeting tonight; he said that he sent notices to all property owners within 200' of the site and had the notice published in the West Orange Chronicle. Mr. Williams said that when he reviewed the notice that was published, he noticed a typographical error; he said that the notice for one application, ZB-15-12, stated that the meeting was going to be held on Thursday February 25, 2016 and the notice for the other application, ZB-15-13, stated that the meeting was going to be held on Thursday February 26, 2016. Mr. Williams said that when he caught the error, he notified the Board Attorney and the Board Secretary about this right away. He said that, because of this error, he is limiting his testimony solely to the site plan application this evening because it was not properly noticed in the West Orange Chronicle and he will re-notice for the ZB-15-13 subdivision application.

Chairman Neuer stated for the record that the subdivision application, ZB-15-13, will not be presented at this meeting; Mr. Williams said that is correct.

Chairman Neuer asked Mr. Williams if the notices that went out in the mail to the properties within 200' of the site had the typographical error in it; he replied no just the one ad in the West Orange Chronicle that was emailed to them.

Chairman Neuer stated that he agrees with Mr. Williams and that he should re-notice. He advised Mr. Williams that he may have to ask him to prepare another transcript for this meeting just in case people are interested solely in the subdivision application. Mr. Williams said that will not be an issue because they will prepare a transcript of this meeting anyway.

Chairman Neuer asked if anyone is present at this meeting that was not present at the January 28, 2016 meeting to please come to the podium and state their names and addresses for the record.

Rene Tiche 10 Ridge Road West Orange.

Rudoï Tiche 10 Ridge Road West Orange

Rose Delessandro 12 Ridge Road West Orange

Eugene Delessandro 12 Ridge Road West Orange

Durecia Watley 18 Jones Place West Orange

Chairman Neuer asked if any of the five (5) citizens have read the transcript from the January 28, 2016 meeting; they all replied no.

Chairman Neuer stated to let the record reflect that no one has read the transcript so the Board does not anticipate any questioning of people who possibly did not receive notice who have reviewed the transcript.

Chairman Neuer asked Mr. Williams to proceed.

Mr. Williams stated that the first time that the applicant appeared before the Board was on December 17, 2015 and he presented the testimony of Michael Lanzafama, engineer for the applicant.

Mr. Williams said that the applicant appeared before the Board the second time on January 28, 2016 and he presented the testimony of Michael Lanzafama and Mark Marion, architect for the applicant.

Mr. Williams said that he would like to start tonight with testimony from Mark Marion.

Chairman Neuer said that before they start with testimony he would like to know where they stand with the town accepting the sewer line and the town accepting the dedication of Ridge Road.

Mr. Keller stated that he met with the Township Engineer, Mr. Lepore, on February 4, 2016 and Mr. Lepore said that the sewer line that extends through the assisted living facility is intended to be a public sewer and that the township maintains it. Mr. Keller said that Mr. Lepore said that, for some reason, the easement was not recorded or it was not recorded properly and the township will address that deficiency.

Mr. Keller said in regards to the dedication of Ridge Road, Mr. Lepore affirmed that there was some sort of reservation or easement associated with the assisted living facility for the west half of Ridge Road across the assisted living property. He said that Mr. Lepore said that he will research that to find out what the details were in the resolutions but has not heard back from Mr. Lepore.

Mr. Keller stated that if the township will accept Ridge Road as a public right-a-way, it would be a Township Council decision and they will not entertain that discussion until the application is heard. He said that Mr. Lepore did say that if the township did accept the dedication of Ridge Road then it would have to be brought up to municipal standards. Mr. Keller said that the applicants engineer has agreed to make whatever improvements are necessary to bring it up to municipal standards.

Chairman Neuer stated that if the Board does approve this application as presented the applicant would understand that there would be a condition requiring the enactment of an ordinance by the township to accept the roadway and the applicant will agree to bring the roadway up to municipal standards.

Mr. Williams stated that the applicant will bring the roadway up to standards but if the township accepts the dedication is another matter.

Chairman Neuer advised Mr. Williams that the Board cannot continue to hear an application where what he is presenting may not be what the applicant is going to do. He said that if the township does not accept the roadway then whatever the Board approves will go away. Chairman Neuer said that the Board does not have the authority to approve a roadway for an application that does not exist.

Mr. Williams said that they will build the roadway to municipal standards even if the town does not take it. He said that he hopes that Mr. Lepore will give them some better guidance soon and say that he would recommend that the township take the dedication of the road.

Chairman Neuer said that Mr. Lepore's recommendation is not the same as an ordinance. He said that the acceptance of this road as a public roadway could be a condition but what Mr. Williams is just now saying is that the applicant is proposing to improve Ridge Road to municipal standards so that if the township does accept it as a public roadway no additional work has to be done to it. Chairman Neuer said this is something the Board would have to consider as to whether they would want to approve that.

Chairman Neuer asked Mr. Keller if the road is shown as up to township standards on the plans; he replied yes.

Mr. Keller said that one thing that Mr. Lepore has discussed with him is that there has been a maintenance issues in the past which the town has taken on. He said that one issue that the Board must take into consideration if the town does not take ownership as a public street then there has to be some sort of maintenance plan for the road that they are proposing up to Mt. Pleasant Avenue. Mr. Keller said that someone will have to maintain the road.

Chairman Neuer stated that from a legal standpoint the Board cannot make any other residents on Ridge Road responsible for the maintenance of the road because they are not before this Board.

Vice Chairman Buechler referred to the transcripts of the special meeting held on January 28, 2016 and asked Mr. Williams if he has a copy of the easement for the assisted living facility that he was asked to provide the Board with; he said that he has not seen that easement yet.

Mr. Williams stated that they did uncover the deed into the assisted living facility which makes reference to the twenty five foot (25') right away; he said that it is a grant by reservation.

Chairman Neuer asked Mr. Williams to submit a copy of the deed to the Board Secretary so that the Board and Mr. Keller could review it.

Chairman Neuer asked if there was any other legal counsel present for any interested parties besides Mr. Biehl; there were none.

Vice Chairman Buechler referred to the transcripts of the special meeting held on January 28, 2016 and asked what letter the transcript was referring to that he sent requesting an area map.

Mr. Williams said there was no letter; he said that Mr. Buechler requested that the applicant provide an area map in which they did. Mr. Williams said that this was a typographical error in the transcript.

Mr. Williams stated that testifying at this meeting tonight will be Mark Marion, architect for the applicant, Brian Conway, landscape architect, and David Kruger, environmental specialist.

Mark Marion approached the podium.

Chairman Neuer stated that Mr. Marion will be continuing under oath from the January 28, 2016 meeting.

Mr. Williams stated that Mr. Marion testified at the January 28, 2016 meeting and asked Mr. Marion to refer to Exhibit A-9 and detail it.

Mr. Marion referred to Exhibit A-9 and stated that it is a colored rendering of a project that he did in Morristown, New Jersey that is called James Place. He said basically the townhouses being proposed are exactly like the ones in the Exhibit with some minor differences in the brick façade. Mr. Marion said that this rendering gives a good feeling of how the Ridge Road project is going to be.

Chairman Neuer asked Mr. Marion if the colored rendering is a photograph; he said no it is an artist rendering and is identical to the townhouses they are presenting.

Chairman Neuer addressed Mr. Marion and said that at the last meeting he stated that the rendering was not identical but was very close to what is being proposed.

Mr. Marion stated that there are only minor variations of what is being proposed.

Chairman Neuer advised Mr. Williams that Exhibit A-9 will not be entered into evidence because this is an artist rendering of a project that is not before the Board.

Mr. Williams stated that they just wanted to give the Board an idea of what the proposed townhouses looked like from the outside.

Mr. Marion referred to drawing A-1 of Exhibit A-4 and detailed all of the floor plans of the units stating that they will all be two story with attics and basements. He said that the buildings on the end have garages with the entrance ways facing the sides and the two middle units have garages with an entrance ways facing the front.

Chairman Neuer asked Mr. Marion if his testimony is a repeat of the testimony he presented at the January 28, 2016 meeting; he replied yes and continued to detail the floor plans of all of the units.

Mr. Marion presented a colored rendering of the engineer drawing depicting the units that have basements, cellars or walk out basements that was pre-marked as Exhibit A-11 for identification.

Mr. Williams said that Exhibit A-11 was prepared so that it is clear what units will have walk out basements.

Mr. Marion detailed Exhibit A-11 noting that the green units have basements or cellars, the orange units have daylight basements which are partially exposed and have large windows and the pink units have walk out basements. He said that this is based on Mr. Lanzafama's grading plan.

Chairman Neuer asked Mr. Marion if the daylight basement could also be a walkout basement; he replied no because the grade is higher than the floor.

Mr. Marion continued to refer to Exhibit A-11 and noted all of the units that have walkout basement and the units that do not have walkout basements.

Mr. Marion presented the rear elevations of the units that have walk out basements, which was pre-marked as Exhibit A-12 for identification, and began detailing it.

Vice Chairman Buecher asked Mr. Marion if there is a difference in the basements because of the grade; he said yes.

Vice Chairman Buechler asked Mr. Marion what the height of the buildings are according to the township ordinance; he said they vary from building to building because of the grade line.

Mr. Williams stated that all of the buildings are under 35' high and were measured in accordance to the Township ordinance.

Vice Chairman Buechler asked Mr. Marion why the walkout basement units that have a door do not qualify as a three (3) story home; he said that based on the criteria according to the township's ordinance they do not qualify as a three (3) story home.

Vice Chairman Buechler asked Mr. Grygiel if he agrees with Mr. Marion; he said that once he reviews the drawings during the break, he will answer that question.

Mr. Williams asked Mr. Marion what the applicant was trying to achieve with the design of the townhouses being proposed; he said that they were designed for affluent empty nesters looking to downsize and remain living in the area so that they could live in a new home with little or no maintenance.

Mr. Williams stated that at the last meeting, several members of the Board were concerned that the bonus room or the den could be made into a bedroom and he asked Mr. Marion to comment on that.

Mr. Marion said that the reason there are bonus spaces on the second floor is because the first floor is designed to be open for entertaining. He said that the only private spaces in the house are on the second floor and, if the individual wants a study or an exercise room, the bonus spaces can be used for that.

Mr. Marion said that these units are marketed for elderly empty nesters moving from a larger home and the basements were designed basically for storage and are sold as unfinished.

Chairman Neuer asked Mr. Marion what the total number of townhouse units being proposed are; he said thirty six (36).

Chairman Neuer asked Mr. Marion if twenty seven (27) of the townhouses are three (3) bedroom units; he replied yes.

Chairman Neuer asked Mr. Marion if his testimony is that the three (3) bedroom units were designed for individuals, who are empty nesters, wanting to downsize; he replied yes or individuals who have college aged children who may come back home to visit.

Chairman Neuer asked Mr. Marion if there was any marketing statistics or analysis that prove that this is an appropriate number of bedrooms for empty nesters; he said no.

Mr. Quentzel asked Mr. Marion if the basement total sq. footage is included in the totals he gave the Board earlier; he said no.

Mr. Quentzel asked Mr. Marion how high the ceilings were in the walkout basements; he said 8 ½ to 9' high.

Mr. Quentzel asked Mr. Marion what the sq. footage of all of the basements were; he said unit A which is the largest unit is approximately 1600 sq. feet but because of all the mechanical equipment you could not finish off the entire basement; only approximately $\frac{3}{4}$ of that basement could be finished off.

Mr. Marion said that unit B has approximately 750 sq. feet that could be finished off in those units and unit C would have approximately 600 or 700 sq. feet that you could finish off.

Chairman Neuer asked Mr. Marion if there was plumbing on all three floors; he said there is plumbing on two floors but he did not know if there was plumbing in the basement.

Mr. Steinhart asked Mr. Marion what the elevations of the sanitary sewers are; he said Mr. Lanzafama could answer that question.

Chairman Buechler asked Mr. Marion what the height of the basements with the walkout doors are; he said 8 $\frac{1}{2}$ to 9' high depending on the construction type.

Vice Chairman Buechler said that they might have an issue if the units with walkout basements are three story, depending on what Mr. Grygiel determines, they may require an additional variance.

Chairman Neuer said that they will get back to that issue once Mr. Grygiel makes a determination.

Chairman Neuer asked Mr. Lanzafama if he would like to answer Mr. Steinhart's question; he replied yes.

Chairman Neuer said that Mr. Lanzafama was sworn in at the last two meetings and he will continue under oath.

Mr. Steinhart asked Mr. Lanzafama what the elevation of the sewer line above the basement floor is as it exits the foundation wall to the street; he said that it varies as you move around the site and twenty eight (28) units would be able to have sewer lines.

Mr. DarConte asked Mr. Marion what the size of the large basement windows would be and the distance from the top of the window to the ceiling of the basement; he said the windows would be set at the standard height of 7' and about 2' above the window to the ceiling.

Mr. Keller asked Mr. Marion if all of the buildings are going to have basements or is there a question that some may not have basements; he said all buildings are intended to have basements unless they hit bedrock.

Mr. Keller asked Mr. Marion if the mechanical equipment will be in the basements; he said that air handlers and the hot water heater will be in the basement and additional air handlers will be in the attics that service the second floor.

Mr. Keller asked Mr. Marion if some of the units do not have a basement, what will happen to the mechanical equipment; he said that there are storage areas off of the garages that could accommodate the mechanical equipment.

Mr. Keller asked Mr. Marion what building materials will be used in the area below the first floor in the rear of the buildings; he said typically concrete will be used.

Chairman Neuer asked Mr. Marion if concrete will be used in the area below the first floor on this site; he said yes.

Mr. Quentzel asked Mr. Marion to describe the attic space and access to the attic; he said there is a code minimum and pull-out stairs are proposed for access to the attic. Mr. Marion said that the attic is constructed of wood trusses and it would be difficult to store anything in the attic. He said that you could stand in the middle of the attic but it would be difficult to walk around.

Mr. Grygiel asked Mr. Marion what the exact height of the attic would be because the definition of a story, according to the township ordinance, is that the height has to be 7' 6" or no more than 60% of the area.

Mr. Marion stated there is no ceiling in the attics so there is no ceiling height.

Mr. Grygiel said that there is a roof above the attic so there has to be a ceiling height. Mr. Marion said he would have to verify what the height would be.

Chairman Neuer suggested that Mr. Grygiel and Mr. Marion review the plans to determine if the attic would be considered another story.

Mr. Grygiel and Mr. Marion agreed that the attic space does not appear to meet the criteria, per township ordinance, for another story.

Mr. Grygiel referred to Exhibit A-11 and asked for clarification regarding how many buildings could potentially be considered three (3) story due to the walkout basement and it was determined there are three buildings in question.

Mr. Grygiel asked Mr. Marion if the cellars will have windows in them; he replied no.

There were no further questions for Mr. Marion from the Board Members of the Board Professionals.

Cia Pak approached the podium and stated that he lives at 235 Mt. Pleasant Avenue. He asked Mr. Marion how many units have master bedrooms on the first floor; he replied nine (9) units.

Mr. Pak asked Mr. Marion if he had any statistics to prove that the proposed townhouses are designed for empty nesters; he replied no, just anecdotal evidence.

Mr. Pak asked Mr. Marion how safety will be provided when they are building the townhouses.

Chairman Neuer stated that the Township's Building Department approves the plans and everything has to be built to code.

Kevin Malanga approached the podium and stated that he lives at 57 Ridge Road. He asked Mr. Marion what age range he considered affluent elderly empty nesters that the townhouses are being marketed for; he said that he does not have a number but it is families that have older children that are in the process of leaving. Mr. Marion said maybe he misspoke when he used the term elderly.

Mr. Malanga asked Mr. Marion what income range he was referring to when he said that the townhouses were being marketed for "affluent" empty nesters; he said he does not know the price of the units so he cannot answer that.

Mr. Malanga asked Mr. Marion if he was given a budget to design the townhouses for sale; he said he was designing them at his clients' request and was not given a budget. Mr. Marion said it was not part of the program.

Mr. Malanga asked Mr. Marion if cost was no limit when he was asked to design the townhouses; he said it was not a concern.

Frederick C. Biehl III, attorney for Michele Cestone, approached the podium and asked Mr. Marion how many of the units have walkout basements; he replied eleven (11).

Rene Tiche approached the podium and stated that she lives at 10 Ridge Road. She asked Mr. Marion if they are talking about making the entire Ridge Road a public road.

Chairman Neuer said that Mr. Marion did not testify to the street.

Chairman Neuer explained to Ms. Tiche that the applicant is proposing a new roadway from Ridge Road to Prospect Avenue and that anything to the left of the new roadway would remain a private road.

Durecia Watley approached the podium and stated that she lives at 18 Jones Place. She said she is concerned about the blasting and asked Mr. Marion if they will be blasting; he said that they are not anticipating blasting on the site. Mr. Marion said that Mr. Lanzafama testified to that.

Chairman Neuer stated that their Engineer testified that they are not intending to blast and if they have to blast to put a basement in, then they will not put the basement in.

Tal Ben-Zvi approached the podium and stated that he lives at 5 Allsop Court. He asked Mr. Marion how many people they anticipate living in the thirty six (36) townhouses; he said approximately one hundred and fifty (15) people.

Mr. Ben-Zvi asked Mr. Marion what he based this number on; he said four (4) occupants per unit.

Mr. Ben-Zvi asked Mr. Marion if they surveyed all townhouses in West Orange to come up with this number; he said no.

Mr. Ben-Zvi asked Mr. Marion if he should have surveyed all townhouses instead of making up a number on the spot; he said that Planners are better suited to testify about the demographics of West Orange.

Mr. Ben-Zvi asked Mr. Marion what study he based his testimony on regarding elders wanting to stay in town; he said there was no study. Mr. Marion said his testimony was based on just anecdotal evidence.

Mr. Ben-Zvi asked Mr. Marion if he was aware that the census between 2000 and 2010 showed there were less people aged 65 and older living in West Orange; he replied no.

Mr. Ben-Zvi asked Mr. Marion what the definition of a bonus space is according to the Township ordinance; he said that there is nothing in the ordinance that defines a bonus space.

Mr. Ben-Zvi asked Mr. Marion if there is any restrictions so that a basement can only be used only for storage; he replied no.

Mr. Ben-Zvi asked Mr. Marion what would prevent a tenant converting a basement into a bedroom; he said that a tenant is required to get a building permit to finish a basement and could only do what the town permits them to do.

Rudoi Tiche approached the podium and stated that he lives at 10 Ridge Road. He asked Mr. Marion if the townhouses can be rented; he replied yes.

Mr. Tiche asked Mr. Marion if there will be a limit on how many people can rent each one of the buildings; he said not that he is aware of.

Chairman Neuer said that this Board does not rule on the form of ownership. He said that the presentation that the applicant is making to the Board is that they are being sold as condominium units and each unit will be owned by an individual family or person. Chairman Neuer said that there is nothing preventing them from leasing to other people and if the developer wants to put a restriction as to the number of people in each unit, then he can do that.

Mr. Tiche asked if the Township has any restrictions as to the number of people living in one unit; Ms. Beirne said she thinks there is a limit only on rentals.

Chairman Neuer advised Mr. Tiche that they will try to get that information for him before the next meeting.

Kevin Malanga approached the podium again and asked Mr. Marion if the design of the townhouse was for occupancy of four (4) individuals per unit; he said each unit has multiple bedrooms and has the potential for people living in those bedrooms.

Mr. Malanga asked Mr. Marion if he had a conversation with the developer to design the townhouse for four (4) people; he said each unit has two (2) or three (3) bedrooms and typically there are two people in the master bedroom suite. Mr. Marion said that they were designed with the intent that they could have guests staying with them or parents and children living with them. He said that the occupancy level is not a hard number; it is an approximation.

Cia Pak approached the podium again and asked Mr. Marion if he designed the way the traffic is going to flow.

Chairman Neuer stated that Mr. Marion did not testify to traffic and that there is a traffic engineer who will be presenting testimony regarding traffic and the traffic flows.

Mr. Williams stated for the record that Mr. Malanga's statement was incorrect and that the architect did not say that he was asked to design the townhouses for four (4) people per unit; he said that Mr. Marion was asked what he anticipated the occupancy to be.

Mr. Steinhart asked Mr. Marion who determined how the townhouses were to be built; he said that he was responsible for designing the building but the number of buildings on the site was not under his jurisdiction.

Chairman Neuer asked Mr. Marion if he was told to build a certain number of units and by whom; he said yes the developer.

Chairman Neuer asked Mr. Marion if the engineer determined how many buildings were to be on the site depending on the topography and the size of the site; he replied yes.

Mr. Williams asked Mr. Steinhart if he wants to know what the rationale was for building so many two (2) and three (3) bedroom units i.e. the demographics or the potential pricing; he said yes.

Mr. Williams said that he will provide testimony to answer Mr. Steinhart's question.

Mr. Grygiel stated that he is ready to answer the question presented earlier regarding whether the townhouses with walkout basement are three (3) stories. He said the definition of a story according to the definition in the township ordinance 25-4b they are not three (3) story.

Chairman Neuer asked Mr. Grygiel if no variance will be required; he said yes there is no additional story for the basement so no variance is required. Mr. Grygiel said that he is not sure about the attic because no definitive height was presented in the architect's testimony.

Mr. Williams said that they will give the definitive height of the attic shortly.

Chairman Neuer called for a break at 9:25 pm.

Chairman Neuer resumed the meeting at 9:35 pm.

Mr. Williams called his next witness.

Brian Conway approached the podium and was sworn under oath. Mr. Conway detailed his professional and educational background as a licensed landscape architect and a professional planner licensed in the State of New Jersey. He said that he will not be testifying as a planner this evening and has testified before this Board before.

Chairman Neuer asked Mr. Conway if he has worked on similar projects of similar size and scope; he replied yes.

Chairman Neuer accepted Mr. Conway as an expert landscape architect.

Mr. Williams asked Mr. Conway if he prepared a tree inventory for the application; he replied yes.

Mr. Conway stated that the site has a large variety of trees and it appears that it has experienced some disturbance in the past. He said that the site was previously developed because there is evidence of walkways, roads and walls on the site.

Mr. Conway stated that originally he wanted to do a random sampling analysis of the trees on site but after meeting with the township forester, Mr. Linson, it was determined that there was not a big enough area to sample that is consistent. He said that instead of doing a random sampling analysis, they inventoried all of the trees in the developable part of the site.

Chairman Neuer asked Mr. Conway to explain the difference between doing a random sampling analysis of the trees and the inventory of the trees that was taken; he said that a random sampling analysis is taken when there is a large number of the same size and types of trees on a very large site. Mr. Conway said that they could not do that so they inventoried every tree on the site except on the steep slopes.

Mr. Conway said that the surveyors tagged every tree and he identified the trees and evaluated the condition of them.

Mr. Conway presented sheet two (2) of twenty two (22) of the preliminary and final site plan area map of Exhibit A-13, with a revision date of 2/10/16, that was pre-marked for identification and identified the trees on slopes greater than 15%.

Mr. Conway presented the tree removal plan with a revision date of 2/10/16 that was pre-marked as Exhibit A-14 for identification. He referred to Exhibit A-14 and identified the fifty (50) trees that will be taken down on the slopes greater than 15%.

Mr. Conway stated that he detailed the condition of the trees; he said there were eight hundred (800) trees on the site; Fifty seven (57) trees were in good condition, sixty (60) trees were in average condition, three hundred thirty one (331) trees were in fair condition, two hundred sixteen (216) were in poor condition, one hundred and twelve (112) trees were in very poor condition and twenty four (24) trees were dead.

Mr. Conway detailed the ages of the trees on the site; he said eighty percent (80%) of the trees have been there between 25-35 years.

Mr. Conway stated that four hundred eighty (480) trees are scheduled to be removed and three hundred twenty (320) trees are to remain. He said that they are proposing to plant eighty eight (88) major trees and two hundred ninety (290) minor trees on the site.

There were no further questions regarding the trees from the Board Members.

Mr. Keller referred to item #4 in his review memo dated 2/19/16 and said that there are potential discrepancies between sheet three (3) of the title and topographic survey and sheet sixteen (16) of the tree inventory and asked Mr. Conway to address that; he said that he went through all of the steep slope areas and updated sheet sixteen (16) and came up with fifty (50) trees on steep slopes. Mr. Conway said that sheet sixteen (16) and sheet three (3) are consistent.

Mr. Conway said that Mr. Keller asked to have all of that information put on the plans which was very hard to do; he said he usually does the tree inventory in a booklet. Mr. Conway said that he can bring revised drawings the next time if Mr. Keller wants.

Mr. Keller explained why this needs to be on the plans and not in a booklet.

Mr. Keller stated that in order to make sure the fifty (50) tree count is accurate they must submit a revised sheet sixteen (16) along with a revised sheet three (3) re-submitted in color that includes a legend. Mr. Keller said this is in accordance to township ordinance.

Chairman Neuer advised Mr. Conway to make sure the revised drawing is submitted at least ten (10) days before the next meeting.

Chairman Neuer asked if any members of the public had any questions for Mr. Conway based on his testimony.

Kevin Malanga approached the podium and stated that he lives at 57 Ridge Road. He asked Mr. Conway if he found any specimen trees on the site; he replied yes.

Mr. Malanga asked Mr. Conway to define a specimen tree; he said he would define it as a tree of a significant size, condition or has some other virtue that would qualify it as a specimen tree.

Mr. Malanga asked Mr. Conway how many specimen trees he identified on this site; he said that he did not count the specimen trees on the site.

Mr. Malanga asked Mr. Conway if he is correct in saying that they do not know how many specimen trees will be cut down on the site; he said that he never said that he didn't know how many specimen trees will be cut down, he said he did not count them. Mr. Conway said that his tree inventory does note the specimen trees.

Chairman Neuer asked Mr. Conway to provide the Board with the number of specimen trees that are on the site and how many of them will be removed.

Mr. Malanga referred to the tree size distribution summary that Mr. Conway provided and asked how many of the trees in the other categories, other than specimen trees, will be removed; he said he did not know.

Mr. Malanga asked Mr. Conway what a monster specimen tree is; he said that is a tree that is deserving of being preserved and, if it is possible, they will preserve it.

Mr. Malanga referred to tree #741 that was noted as a monster specimen tree and asked Mr. Conway to identify it; he said it is a multi-stem elm tree.

Mr. Malanga asked Mr. Conway if the multi-stem elm tree is scheduled to be removed; he said yes.

Mr. Malanga asked Mr. Conway if there will be any attempt to preserve that tree; he said, because of the design of the site, he will defer that question to Mr. Lanza. fama.

Chairman Neuer asked Mr. Keller if the applicants plan is in accordance with the tree removal ordinance; he said other than the removal of the trees on slopes in excess of 15% in which a variance is required, they rely on Mr. Linson to identify the trees that should be removed.

Chairman Neuer asked Mr. Keller if the fifty (50) trees being removed in the steep slopes require a variance; he said yes.

Chairman Neuer asked Mr. Keller if the other aspects of the townships tree removal ordinance has been analyzed; he said that he has not gone through a detailed analysis of that yet but the township ordinance requires 30% of the existing trees on the site are to remain and Mr. Conway testified that 40% of the trees on the site will remain. Mr. Keller said that the trees that have to be removed due to soil erosion and runoff have been addressed in the storm water management plan.

Chairman Neuer asked the Board Secretary if Mr. Linson submitted a report to the Board; she replied yes.

Mr. Williams said the letter from Mr. Linson is dated October 19, 2015.

Mr. Conway stated that he spoke to Mr. Linson and he said that he hasn't had a chance to revise his memo but will have it done by the next meeting.

There were no further questions for Mr. Conway from the Board Members or the Board Professionals regarding the tree removal plan.

Chairman Neuer asked if any members of the public had any questions for Mr. Conway based on his testimony.

Tal Ben-Zvi approached the podium and stated that he lives at 5 Allsop Court and asked Mr. Conway how many trees will be removed; he said there are eight hundred (800) trees on the site, four hundred eighty (480) trees will be removed along with fifty (50) trees on the steep slopes will be removed.

Chairman Neuer asked Mr. Conway if the eight hundred (800) trees are just in the area to be developed; he said yes.

Mr. Ben-Zvi questioned certain trees that are scheduled to be removed and asked Mr. Conway why; he said that those trees scheduled to be removed will die if they disturb the area so it is the right thing to do.

Mr. Williams stated that Mr. Conway will now present testimony for the landscaping plan.

Mr. Conway presented the colored rendering of the landscape plan that was marked as Exhibit A-3 for identification at a previous meeting.

Chairman Neuer asked Mr. Conway if this is the current landscape plan; he replied no. Mr. Conway said that the only difference is the bus stop and the detention basin on the site.

Mr. Conway referred to Exhibit A-3 stating that the street trees being proposed coincide with the design of the street lights, sidewalks and the walkways. He detailed all of the species of the street trees that will be planted. Mr. Conway said that they also reinforced the property buffer by planting evergreen trees on the property line and along Ridge Road. He said that the area between Ridge Road and along Mt. Pleasant Avenue will remain in its natural state.

Mr. Conway presented the revised landscape plan, dated 2/10/16, that was pre-marked as Exhibit A-16 for identification. He referred to sheet 9 of Exhibit A-16 and detailed what will be planted on the slopes of the detention basin.

Mr. Conway referred to sheet ten (10) of Exhibit A-13 of the full set of drawings and detailed the planting plan.

Mr. Conway said there was some question regarding the air condition units being visible from Ridge Road. He said that all of the air condition units will be in the back of the units and will not be visible from the road. Mr. Conway said that they will also be planting evergreens that will provide a buffer between the patios so this should not be an issue at all.

Mr. Conway said that they decided to tie in with the existing stone wall along Mt. Pleasant Avenue and take the stone wall and wrap it around the main entrance of the site. He said that they will place a masonry sign on the wall that will identify the townhouses.

Vice Chairman Buechler asked Mr. Conway if it will be a lighted sign; he said no.

Chairman Neuer asked Mr. Conway to depict on the plans where the sign will be on the wall; he complied.

Mr. Conway presented sheet eight (8) of the lighting plan with a revision date of 2/10/16 that was pre-marked as Exhibit A-15 for identification.

Chairman Neuer asked Mr. Conway for his credentials to be able to testify as a lighting expert; he detailed his experience in preparing lighting plans for more than ten (10) years and listed the lighting courses he completed as a landscape architect.

Mr. Conway referred to Exhibit A-15 and explained the drawbacks of using traditional lighting and the benefits of using LED lighting. He detailed what lighting they are proposing and said that the LED fixture gives out more light and is more uniform. Mr. Conway detailed the light fixtures that are being proposed and stated that the light fixtures on the house will be according to the townships building code.

Mr. Conway stated that Mr. Linson had a concern about the trees near the stone wall along Mt. Pleasant Avenue; he said that some of the trees may cause a problem with the wall so they might have to be removed.

Mr. Keller asked Mr. Conway if any of the trees along the stone wall will be on a slope of 15% or more; he referred to sheet two (2) of Exhibit A-11 and replied yes as the wall continues down Mt. Pleasant Avenue.

Mr. Keller asked Mr. Conway if he is referring to removing the trees along the inside of the stone wall on Mt. Pleasant Avenue; he replied yes. Mr. Conway said that Mr. Linson suggested they remove the trees so the stone wall does not get damaged.

Chairman Neuer stated that if the township ordinance provides for non-viable trees then the Board does not have to do anything. He said it is not up to the Board to determine if non-viable trees must remain; it is up to the township forester.

Mr. Keller asked Mr. Conway if there is any maintenance plan for the trees remaining in the center of the site; he said none that they have considered as of yet.

Mr. Keller asked Mr. Conway if he testified that there is only one sign being proposed on the northerly side of the stone wall; he said no there will be two signs on the northerly side of the stone wall and none on the southerly side of the stone wall.

Mr. Keller asked Mr. Conway if the lighting plan was re-examined after Mr. Lanzafama expanded the on-street parking; he said that they re-adjusted the lights to accommodate the

additional parking spaces. Mr. Keller asked Mr. Conway to take another look at the foot candles because there are dark spots.

Mr. Keller asked Mr. Conway if the color they are proposing for the LED lighting is appropriate for a residential development or is a warmer light more appropriate; he said he has no objection to a warmer light. Mr. Keller said this will not affect the illumination; it is only the color they are changing.

There were no further questions from the Board Members of the Board Professionals.

Chairman Neuer asked if any members of the public had any questions for Mr. Conway regarding the landscaping and lighting plan.

Kevin Malanga approached the podium and stated that he lives at 45 Ridge Road and asked Mr. Conway if he said that three hundred twenty (320) trees on the site are going to remain and that three hundred seventy (370) trees will be planted; he said that three hundred seventy eight (378) will be planted.

Mr. Malanga asked Mr. Conway how many square feet will the trees be planted in; he said he cannot answer how many square feet they will be planted in but it is shown on the landscape plan.

Mr. Malanga asked Mr. Conway will the new trees interfere with planting them next to existing trees along the border; he said no they will not cause any harm to the existing trees when they are being planted. Mr. Conway said it will be difficult to do but it can be done.

Mr. Malanga asked Mr. Conway if he tries to make the design of a lighting plan compatible with the neighborhood; he said that he tries to make it appropriate for the condition that he has to work with. Mr. Conway said that there are no lights on Ridge Road so he could not make it compatible. He said that he tried to provide a safe level of light.

Mr. Malanga asked Mr. Conway if this lighting plan will provide vastly greater lighting then currently exists on Ridge Road; he said yes because there are no lights on Ridge Road.

Vice Chairman Buechler asked Mr. Conway if they are proposing any lights on Ridge Road; he said there will be a light fixture on each entrance to the site but not on Ridge Road. Mr. Conway said there will be some spillage and will provide some lighting on Ridge Road.

Cia Pak approached the podium and stated that he lives at 235 Mt. Pleasant Avenue and asked Mr. Conway if any trees will be taken down below the steep slope near the Tulip intersection; he replied no.

Mr. Pak asked Mr. Conway if the maps are accessible for viewing; he replied yes.

Chairman Neuer stated that he can contact the Board Secretary and make an appointment to view the application, maps and plans.

Frederick C. Biehl III, attorney for Michele Cestone, approached the podium and asked Mr. Conway what the length of the stone wall that they are going to install from Mt. Pleasant Avenue along Ridge Road to the first intersection; he said approximately fifty (50) or sixty (60) feet long.

Mr. Biehl asked Mr. Conway if there is an existing wall on the opposite side of the street; he said yes.

Mr. Biehl asked Mr. Conway what the wall is made of; he said it is a solid stone wall with concrete peers in intervals for reinforcing.

Mr. Biehl asked Mr. Conway if they are proposing any lights on Mt. Pleasant Avenue at the entrance to Ridge Road; he said no.

Mr. Biehl asked Mr. Conway what the height of the proposed wall on Ridge Road is; he said four feet high.

Mr. Biehl asked Mr. Conway if the height of the wall on Mt. Pleasant Avenue is higher than four feet; he replied yes.

Mr. Biehl asked Mr. Conway if the wall will make it darker for a car coming from Mt. Pleasant Avenue on to Ridge Road; he said he does not think so.

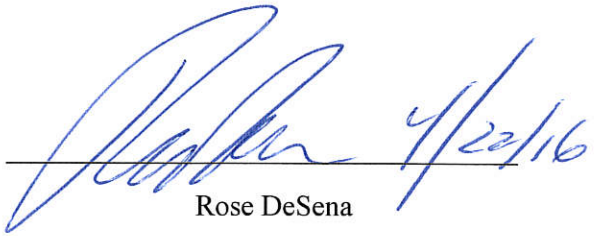
There were no further questions for Mr. Conway.

Chairman Neuer noted the time and stated that the meeting end promptly at 11:00 pm.

Chairman Neuer stated that for application ZB-15-12 no further notice will be necessary for the March 17, 2016 meeting.

The meeting was adjourned by Chairman Neuer at 11:02 pm.

Adopted: April 21, 2016



Zoning Board Secretary