

TOWNSHIP OF WEST ORANGE
PLANNING BOARD
SPECIAL MEETING

IN THE MATTER OF:	:	TRANSCRIPT
	:	OF
PB-24-01	:	PROCEEDINGS
WEST ESSEX HIGHLANDS, INC.:	:	
BLOCK: 179, LOT: 32,	:	
ZONE: IH-1	:	
	:	

WEDNESDAY, JULY 31, 2024
TOWNSHIP OF WEST ORANGE
66 MAIN STREET
WEST ORANGE, NJ 07052
COMMENCING AT 6:34 P.M.

BOARD MEMBERS PRESENT:

DR. ROBERT BAGOFF, Chairman
JERRY GUARINO, Vice Chairman
MAYOR SUSAN McCARTNEY
BILL RUTHERFORD, Council President
KEN ALPER
WILLIAM B. WILKES II
LEE D. KLEIN, P.E., PTOE
JOHN R. CARDOZA (Alternate #1)
LORI KAPFERER (Alternate #2)

ALSO PRESENT:

JAMILET BAQUERIZO VITE, Board Secretary
JOHN J. HESS, P.E., P.P., Consulting Engineer
GERALD M. HAIZEL, P.P., Consulting Planner
GENIECE GARY-ADAMS, Zoning Official
JOSEPH FAGAN, Zoom Moderator

STENOGRAPHICALLY REPORTED BY:

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CHAIRMAN BAGOFF: Good evening, ladies and gentlemen, and welcome to the Planning Board meeting. Notice of this meeting was given to the township clerk and posted on the township bulletin board and township website calendar and sent to the West Orange Chronicle and The Star Ledger. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 p.m.

I'll ask all of you to rise for the Pledge of Allegiance.

(The Pledge of Allegiance is recited.)

CHAIRMAN BAGOFF: Thank you. I'd also like to welcome everybody who's on Zoom watching the meeting. The next regular Planning Board meeting will be held August 7, 2024 at 7:30 p.m. via Zoom. Jamilet, roll call, please.

MS. BAQUERIZO VITE: Mr. Alper?

MR. ALPER: Here.

MS. BAQUERIZO VITE: Mr. Cardoza?

MR. CARDOZA: Present.

MS. BAQUERIZO VITE: Mrs. Kapferer?

MS. KAPFERER: Here.

MS. BAQUERIZO VITE: Mr. Klein?

MR. KLEIN: Here.

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EXHIBITS MARKED INTO EVIDENCE

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A-1	PowerPoint prepared and presented by Paul Anderson, P.E.	66
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MS. BAQUERIZO VITE: Mr. Morgan? Mr. Wilkes?

MR. WILKES: Here.

MS. BAQUERIZO VITE: Council President Rutherford?

COUNCIL PRESIDENT RUTHERFORD: Here.

MS. BAQUERIZO VITE: Mayor McCartney?

MAYOR MCCARTNEY: Present.

MS. BAQUERIZO VITE: Mr. Guarino?

VICE-CHAIRMAN GUARINO: Here.

MS. BAQUERIZO VITE: Chairman Bagoff?

CHAIRMAN BAGOFF: Here. Thank you.

MR. KLEIN: Chairman?

CHAIRMAN BAGOFF: Mr. Klein.

MR. KLEIN: Can I hand in my certification --

CHAIRMAN BAGOFF: Yes.

MR. KLEIN: -- that I listened to last night's meeting?

CHAIRMAN BAGOFF: Yes. So this is a certification that Mr. Klein listened to last night's meeting and can participate in the meeting going forward.

Ms. McGovern, will you swear in the township professionals, please.

1 JOHN J. HESS, P.E., P.P., Consulting
2 Engineer, is duly sworn/affirmed by the Board
3 attorney.

4 GERARD M. HAIZEL, P.P., Consulting
5 Planner, is duly sworn/affirmed by the Board
6 attorney.

7 CHAIRMAN BAGOFF: Thank you. Ladies
8 and gentlemen, housekeeping. So some people have
9 been asking about public comments. The way the
10 meeting works is the applicant presents their case
11 and they have their professionals explaining parts
12 of the application. Each time, the public or the
13 representative of groups of the public may come up
14 and ask the questions of the person presenting that
15 portion of the application. At the end of the
16 entire meeting when all is said and done, the public
17 will have time to comment. The public can then, at
18 their time, come up and say "I like this," "I don't
19 like this," "I love it," "It makes sense," "This is
20 how I feel about it." So we just want to keep
21 things streamlined and within the reason of how
22 things go. If anybody has a question, please raise
23 your hand at the appropriate time and I'll be happy
24 to answer it.

25 The other thing is with the decorum;

1 clapping, yelling and everything else is nice, we
2 appreciate that you are very, very interested in
3 this application and all applications before the
4 Planning Board. We'll expect you to keep that to a
5 minimum as we keep the meeting going forward, with
6 the idea that the public and the Planning Board
7 hears the information at hand, and your comments and
8 questions.

9 So to that end, PB-24-01, West Essex
10 Highlands, Incorporated, Block 179, Lot 32, IH-1
11 zone, Warner Road. The applicant is proposing to
12 develop a 496-unit inclusionary multifamily
13 residential development on a vacant 120-property --
14 acre property in the northwest corner of the
15 Township of West Orange.

16 For the applicant, Mr. Plocker.

17 MR. PLOCKER: Good evening, Chairman
18 Bagoff.

19 CHAIRMAN BAGOFF: Good evening.

20 MR. PLOCKER: Mr. Anderson, our
21 engineer, testified yesterday. We intend on calling
22 our architect shortly, but there is a small portion
23 of testimony that Mr. Anderson needs to revisit.
24 There was some discussion and some questions about
25 which version of the DEP stormwater regulations

1 apply to this application. Mr. Anderson testified
2 that the drainage portion of that application had
3 been withdrawn. We confirm that that actually was
4 not the case and that the old regulations apply, and
5 very briefly, Mr. Anderson is going to address that
6 issue.

7 CHAIRMAN BAGOFF: Thank you.

8 Okay, ladies and gentlemen, Mr.

9 Anderson is still under oath as he testifies before
10 the meeting [sic], and at the end, you will be able
11 to ask questions of him based on what he testifies
12 to this evening.

13 Mr. Anderson, you have the floor, and
14 the Board has voir dire him. That means that we
15 have listened to his bona fides, we have accepted
16 him as an expert in the field and he now has the
17 floor.

18 MR. ANDERSON: Thank you, Mr.
19 Chairman.

20 CHAIRMAN BAGOFF: One more thing. If
21 you can't hear in the back, please raise your hand.
22 You don't have to jump up, I'm looking, we're all
23 looking. We want everybody to hear. Thank you all
24 very much, and go right ahead, sir.

25 MR. ANDERSON: I will try to speak up,

1 do my part too.

2 PAUL ANDERSON, P.E., was previously
3 sworn/affirmed by the Board attorney.

4 MR. ANDERSON: So when I was
5 discussing the pulling of the DEP application, what
6 we need to clarify is we pulled the FHA individual
7 permit portion of it, the wetlands permit and the
8 stormwater analysis that goes along with it remained
9 active, and therefore, we were grandfathered under
10 the old stormwater standards and that's how we got
11 there. We re-submitted the original flood hazard
12 permit and it is being reviewed along with the
13 wetlands and stormwater plan.

14 MR. PLOCKER: Thank you, Mr. Anderson.

15 CHAIRMAN BAGOFF: That's it?

16 MR. PLOCKER: That's it.

17 CHAIRMAN BAGOFF: Okay.

18 Okay. Council President, do you have
19 any questions for Mr. Anderson on his recent
20 testimony?

21 COUNCILMAN RUTHERFORD: Not at this
22 time -- not at this time, Mr. Chairman.

23 CHAIRMAN BAGOFF: Thank you, Council
24 President. Mr. Klein, do you have any questions?

25 MR. KLEIN: Not about tonight, but am

1 I allowed to ask questions about last night?

2 CHAIRMAN BAGOFF: Yes.

3 MR. KLEIN: So Mr. Anderson, what is
4 the diameter of the -- I guess the outside radius or
5 the diameter of the roundabout circle inside and the
6 cul-de-sac at the end of, what is it, Building --
7 the really long building, C or D?

8 UNIDENTIFIED VOID: D.

9 MR. KLEIN: D?

10 MR. ANDERSON: I know what you're
11 asking, Lee, but I don't know that I have that
12 information right now. It's -- it's -- I believe
13 it's a hundred feet --

14 MR. KLEIN: Diameter?

15 MR. ANDERSON: Yeah.

16 MR. KLEIN: So it's greater than 80 --

17 MR. ANDERSON: Yeah, it's --

18 MR. KLEIN: -- RSIS for turning
19 around?

20 MR. ANDERSON: Yeah. I demonstrated
21 last night the turning radius for a fire truck going
22 through, all the way through in either direction,
23 and turning in the cul-de-sac at the end of Road D
24 also.

25 MR. KLEIN: Okay. That was it.

1 CHAIRMAN BAGOFF: Mayor McCartney, do
2 you have any questions for Mr. Anderson?

3 MAYOR McCARTNEY: No questions, but
4 thank you for the clarification on the DEP permit.

5 CHAIRMAN BAGOFF: Vice-Chairman
6 Guarino, do you have any questions?

7 VICE-CHAIRMAN GUARINO: None at this
8 time, Mr. Chairman.

9 CHAIRMAN BAGOFF: Thank you. Mr.
10 Alper, do you have any questions?

11 MR. ALPER: I do have one holdover
12 from yesterday if that's all right. Assuming it
13 is --

14 CHAIRMAN BAGOFF: Yes.

15 MR. ALPER: -- on Building D, there's
16 underground parking on Building D?

17 MR. ANDERSON: Yes, there is.

18 MR. ALPER: If it appears necessary to
19 do blasting for Building D specifically for the
20 parking, who decides whether or not that's safe in
21 terms of the stability of the slope? Is that the
22 contractor? Is that the township? Is it DEP? Who
23 would that be?

24 MR. ANDERSON: I think the -- it's
25 more of an architectural and contractor

1 determination. The town's building department
2 certainly would be looking at it. When the
3 architect provides his testimony this evening,
4 you'll probably see some cross-sections and you'll
5 see that that building is set below grade
6 considerably and it really, in my opinion, is not
7 susceptible to sliding down towards Mayfair or any
8 failure like the other building that was in town,
9 but I think you'll have to see the exhibit to
10 actually appreciate what I'm -- what I'm saying.

11 MR. ALPER: Sure. That makes sense.

12 The concern that's in my head and, you know, as a
13 layman, it could be from nowhere, it's just that
14 blasting -- is it possible that blasting could --
15 before anything is built, that blasting could
16 disturb the rock and cause a future problem, change
17 the condition of the site in a way that might not be
18 detectible if all the soil studies and everything
19 else have been completed?

20 MR. ANDERSON: Well, the blasters
21 obviously do it all the time and they do pre-blast
22 surveys and other things to identify the existing
23 conditions around the site and identify any
24 potential problems such as that. It's their
25 profession, they know all the real particulars of

1 how to do it. And I know this applicant has had
2 other projects where they have done blasting so they
3 have a good relationship with the people that do
4 that type of work.

5 MR. ALPER: Thank you.

6 CHAIRMAN BAGOFF: Thank you, Mr.
7 Alper. Mr. Wilkes.

8 MR. WILKES: No additional questions.

9 CHAIRMAN BAGOFF: Thank you, Mr.
10 Wilkes. Mr. Cardoza?

11 MR. CARDOZA: No questions, Mr. Chair.

12 CHAIRMAN BAGOFF: Thank you, Mr.
13 Cardoza. Ms. Kapferer.

14 MS. KAPFERER: I have a holdover
15 question as well.

16 Regarding the porous pavement --

17 MR. ANDERSON: Um-hum.

18 MS. KAPFERER: -- can you describe how
19 that will be maintained, like frequency and things
20 like that, and then also, who would be responsible
21 for maintaining it?

22 MR. ANDERSON: It would be the
23 applicant. Whoever is the owner of the property is
24 obligated to clean it periodically, usually we're
25 thinking two to three times a year, to get dust and

debris off of it. Also, they need to measure the outlet structure after rainfalls periodically to see whether it drains within 72 hours and it would all be outlined in detail in a maintenance plan for not only the porous pavement systems but for all of the stormwater management systems.

MS. KAPFERER: Okay. And then one question about the stormwater regulations.

MR. ANDERSON: Um-hum.

MS. KAPFERER: So do you have something in writing from DEP that says that, you know, you're grandfathered?

MR. ANDERSON: The environmental attorney, I believe, has something, I don't have anything on my record, but there has been some e-mails back and forth that I've read myself that say that, yes, we're going to go under this new standard -- or the old standard is what still applies, pardon me.

MS. KAPFERER: Okay. Is it appropriate to request that?

MS. McGOVERN: Yes.

CHAIRMAN BAGOFF: Yes. Our attorney will.

MS. KAPFERER: Okay, thank you.

CHAIRMAN BAGOFF: Mr. Hess, do you have any questions?

MR. HESS: Thank you, Mr. Chairman. One question. If blasting is determined to be necessary, would the applicant agree that they would have the contractor submit a blasting plan, including their proposal for monitoring for vibrations and dust to ensure that they're not going to cause problems in the surrounding area?

MR. ANDERSON: Yes.

MR. HESS: Okay.

MR. ANDERSON: Yes, they would.

MR. HESS: And that could be submitted to the township through -- I guess through the engineering department. And the building department.

MR. ANDERSON: Yes.

MR. HESS: Okay. Thank you.

MS. McGOVERN: That can be a condition.

CHAIRMAN BAGOFF: Yes.

MS. McGOVERN: Okay, so the condition is that -- sorry. The condition is that somebody will submit -- what was it that you wanted, Mr. Hess?

MR. HESS: A blasting plan.

MS. McGOVERN: Plan or application?

MR. HESS: A plan.

MS. McGOVERN: A plan?

MR. HESS: Yes.

MS. McGOVERN: Okay.

MAYOR McCARTNEY: Mr. Chairman, that raises another question.

CHAIRMAN BAGOFF: Mayor McCartney.

MAYOR McCARTNEY: Thank you.

So Mr. Anderson, that raises another question. With the slope, will there be a study conducted by a qualified professional geotechnical engineer?

MR. ANDERSON: There has been geotechnical studies completed on site --

MAYOR McCARTNEY: Okay.

MR. ANDERSON: -- and within -- all through that Building D area with both borings and test pits, so there is geotechnical information already available.

MAYOR McCARTNEY: And do we have that information?

MR. HESS: I don't believe so. I think that was an item that we had requested in our

review letter, if I'm not mistaken.

MR. ANDERSON: The recent review letter?

MR. HESS: I believe so.

MR. ANDERSON: Yeah, we have not responded to it, but we have no objection to submitting that.

MAYOR McCARTNEY: Thank you. Is that a condition?

CHAIRMAN BAGOFF: Yes, we'll make that a condition.

MAYOR McCARTNEY: Thank you.

COUNCILMAN RUTHERFORD: Mr. Chair?

CHAIRMAN BAGOFF: Council President Rutherford.

COUNCILMAN RUTHERFORD: Thank you. Just a quick question. Why was the FHA permit pulled?

MR. ANDERSON: Why was it pulled? Because we were running out of time. There was comments that needed time to be designed. We had a 90-day clock on the application and you're allowed one 30-day extension, which we had granted, and the feedback was coming in slowly and didn't leave enough time to make adequate revisions.

1 COUNCILMAN RUTHERFORD: How long ago
2 was that?

3 MR. ANDERSON: I don't know. Several
4 months ago.

5 COUNCILMAN RUTHERFORD: Has it been
6 re-submitted?

7 MR. ANDERSON: It was re-submitted
8 approximately three weeks ago.

9 COUNCILMAN RUTHERFORD: Thank you.
10 Thank you, Mr. Chair.

11 CHAIRMAN BAGOFF: Thank you. Mr.
12 Afran, do you have any questions?

13 MR. AFRAN: Thank you, Mr. Chairman.
14 Can you hear me? I'm sorry.

15 Thank you. Good evening, Mr. Chairman.
16 I don't have any questions, I just wanted to note
17 for the record that I opened this issue up yesterday
18 when I asked about the DEP permit being pulled, as
19 we had been advised through our expert that that had
20 occurred. One of my client's Board members received
21 an e-mail at 7:45 a.m. this morning from DEP --
22 they're working hard -- essentially confirming what
23 Mr. Anderson has said. At this time, I'm taking no
24 position. If we look into it and have any other
25 questions, we'll raise them as we go further, but I

1 MR. SHARRET: Thank you. My name is
2 Jonathan Sharret, S-H-A-R-R-E-T. If I understood
3 what you were saying earlier, you said that part of
4 the DEP application was pulled and now is under new
5 regulations; is that correct?

6 MR. ANDERSON: No, it's actually just
7 the opposite. So we pulled -- partially pulled the
8 permit that we had, we pulled the FHA individual
9 permit, but we left active the wetlands permit and
10 the stormwater review associated with the project,
11 and that does not have a calendar time limit, so now
12 that we've made the re-submittal of the individual
13 permit, it goes back to the standard of what we had
14 when we originally filed the application.

15 MR. SHARRET: So everything is under
16 -- everything is grandfathered; is that what you're
17 saying?

18 MR. ANDERSON: It's grandfathered to
19 the old stormwater standard, correct.

20 MR. SHARRET: Okay. In terms of the
21 steep slope and the stability of that slope, are you
22 qualified as an expert to testify to this Planning
23 Board as to the stability of that slope and whether
24 there's any risk of that slope failing?

25 MR. ANDERSON: Yeah, I've seen all the

1 appreciate the clarification.

2 CHAIRMAN BAGOFF: Thank you, Mr.
3 Afran.

4 Mr. Haizel, I bypassed you, I'm sorry.

5 MR. HAIZEL: I have no additional
6 questions at this time.

7 CHAIRMAN BAGOFF: Thank you. Mayor
8 McCartney.

9 MAYOR McCARTNEY: Mr. Anderson, one
10 more question talking about the blasting. When you
11 talk about the detention basin, will that require...
12 (indiscernible)

13 (Court reporter instruction)

14 MAYOR McCARTNEY: I'm asking if to
15 install the detention basins, would that potentially
16 --

17 MR. ANDERSON: No.

18 MAYOR McCARTNEY: -- require blasting.

19 MR. ANDERSON: No, they should not
20 require any blasting for the detention systems.

21 MAYOR McCARTNEY: Okay. Thank you.

22 CHAIRMAN BAGOFF: Do any members of
23 the public have any questions? Please stand up,
24 come up to the front to the microphone, state your
25 name and spell your last name, please.

1 geotechnical reports and I know what the slope is
2 and where it is and so forth, so yes.

3 MR. SHARRET: I didn't ask if you've
4 seen the geotechnical report, I'm asking if you,
5 yourself, have either an educational or other
6 professional qualification that allows you to
7 testify as to the stability of that slope.

8 MR. ANDERSON: Yes.

9 MR. SHARRET: And what is that
10 qualification? Because I don't believe you were
11 voir dired on that issue.

12 MR. ANDERSON: Could you say the last
13 part again, please?

14 MR. SHARRET: What is your
15 qualification regarding steep slopes, because I
16 don't believe that when you were voir dired, you
17 were voir dired on that particular issue.

18 MR. ANDERSON: Well, there's not a
19 special certification. I'm a professional civil
20 engineer, licensed since 1988, I've been practicing
21 site engineering on flat sites, steep sites, working
22 with soil conditions and with every project since
23 1988, so I have done this a few times.

24 MR. SHARRET: Is there anybody else
25 that will be testifying as to the stability of that

1 slope on behalf of the applicant?

2 MR. ANDERSON: Not that I'm aware of.

3 MR. SHARRET: Okay. Thank you.

4 That's it.

5 CHAIRMAN BAGOFF: Thank you. Ma'am
6 and then sir. Come up, state your name and spell
7 your last name, please.

8 MS. BUTENSKY: Deborah Butensky,
9 B-U-T-E-N-S-K-Y. I live on Rappleye Court, West
10 Orange.

11 So I have a question regarding --

12 MEMBER OF THE PUBLIC: Can't hear.

13 CHAIRMAN BAGOFF: Ma'am, could you
14 hold the mic up a little?

15 MS. BUTENSKY: Question regarding the
16 deer fencing. And similar to Mr. Sharret, what is
17 your credentials in terms of expertise with the deer
18 fencing?

19 MR. ANDERSON: Well, deer fence is
20 just like any other fence, it's just taller and it
21 has openings in it that allows, you know, some
22 animals to go through and keep larger ones out; it's
23 really not a complicated topic. In terms of getting
24 animals out of it and so forth, that is not my
25 expertise, but installing --

1 CHAIRMAN BAGOFF: That's correct.

2 MS. BUTENSKY: And perhaps things have
3 changed, because it should probably be revisited --

4 CHAIRMAN BAGOFF: Ma'am --

5 MS. BUTENSKY: -- by an environmental
6 expert.

7 CHAIRMAN BAGOFF: Ma'am, last evening,
8 the Board engaged an environmentalist who will be an
9 expert of the Board and this will be one of the
10 questions that will be revisited. So yes, it's
11 going to be revisited. His expertise is not in deer
12 fencing and it is also part of the settlement
13 agreement, so it is agreed by all the parties that
14 it will be done. We will have our environmental
15 expert look at it to see how it -- if anything has
16 changed. So you will come back at another meeting
17 and hear more testimony.

18 MS. BUTENSKY: Okay. And it was also
19 stated by Mr. Anderson that the forest was deemed
20 unhealthy.

21 CHAIRMAN BAGOFF: There --

22 MS. BUTENSKY: Is there any
23 substantiation?

24 CHAIRMAN BAGOFF: Yes.

25 MS. BUTENSKY: Is that opinion or is

1 MS. BUTENSKY: That's not where I'm
2 going.

3 MR. ANDERSON: -- the deer fence is
4 fine.

5 MS. BUTENSKY: I'm going with the
6 environmental impact of modifying a forest by
7 closing out approximately 30 acres on the west, 30
8 acres on the east of this 120 acres. On what basis
9 is the deer fence even necessary? I know it gives
10 the ability for the saplings to grow, but is that
11 your area of expertise?

12 MR. ANDERSON: No, that --

13 MS. BUTENSKY: Are you an
14 environmental --

15 MR. ANDERSON: All right, so --

16 MS. BUTENSKY: -- or ecological
17 expert? You did say yesterday --

18 MR. PLOCKER: He's trying to answer
19 the question.

20 CHAIRMAN BAGOFF: Ma'am, ma'am, this
21 was part -- the deer fence was part of the
22 settlement agreement. There was an environmentalist
23 who did do their expert opinion and the expert
24 opinion is on the record.

25 MS. BUTENSKY: In 2020.

1 that fact?

2 CHAIRMAN BAGOFF: That's fact, based
3 on the original documentation supplied to the three
4 parties and the Court that created the final
5 settlement agreement.

6 MS. BUTENSKY: Correct. And what date
7 was that?

8 CHAIRMAN BAGOFF: 2020.

9 MS. BUTENSKY: That's right. And what
10 date are we in now?

11 CHAIRMAN BAGOFF: If we're checking
12 dates, I have a calendar just like you do, so let me
13 just say --

14 MS. BUTENSKY: My point is, just like
15 the Hudson River had been --

16 CHAIRMAN BAGOFF: The Board --

17 MS. BUTENSKY: -- polluted at one
18 time --

19 CHAIRMAN BAGOFF: Ma'am --

20 MS. BUTENSKY: -- things change --

21 CHAIRMAN BAGOFF: Ma'am --

22 MS. BUTENSKY: -- environmentally.

23 CHAIRMAN BAGOFF: Ma'am, the Board
24 understands and we've hired an environmentalist last
25 evening that will take this up and we will get an

1 opinion from that person and their -- their company.

2 MS. BUTENSKY: The question is: Just
3 because it was in the settlement that was done in
4 March of 2020 --

5 CHAIRMAN BAGOFF: Ma'am, I'm going to
6 try this one more time. We will get a new
7 evaluation and see how it compares with the
8 information provided in the 2020 settlement
9 agreement. That's the goal of the Board, to hear
10 information based on expertise today and then and
11 compare them and see how anything has changed.

12 MS. BUTENSKY: Thank you.

13 CHAIRMAN BAGOFF: You're welcome.

14 MR. PLOCKER: Chairman Bagoff, may I,
15 very briefly?

16 CHAIRMAN BAGOFF: Yes, Mr. Plocker.

17 MR. PLOCKER: Just in relation to that
18 point, and I appreciate the Chairman's recognizing
19 the settlement agreement and I understand the member
20 of the public's concern about the passage of time
21 and we look forward to hearing what the
22 environmental expert has to say, but the fact of the
23 matter is, what hasn't changed in that settlement
24 agreement is that Court approval and the
25 implications and consequences that flow from that

1 the settlement agreement said the Board was not
2 participant in the settlement agreement; however,
3 having said that, there is a zone plan that was
4 adopted by the Board and placed into -- and adopted
5 by the Town Council and placed into the Master Plan.
6 So the Board is responsible overseeing the IH-1 zone
7 plan. So we are responsible based in that fashion
8 and we are responsible -- as the settlement
9 agreement says, the township and Board will work
10 together with the applicant to move forward -- and
11 the people in the township -- to hear the
12 application, and we are doing that based on the Open
13 Public Meetings Act.

14 MR. AFRAN: No dispute as to that last
15 point, we are certainly moving forward and we
16 appreciate the time involved. I'm simply pointing
17 out that we take the position, I just want to
18 preserve it for the record, that that settlement
19 agreement in itself is not binding, in our view, on
20 the Board or on other parties. To the extent it's
21 part of a zone plan, that may be a different
22 question, but there's been constant discussion that
23 "the settlement says this," "the settlement says
24 that." Our position legally is that that is not
25 binding.

1 settlement agreement and Court approval and,
2 obviously, we would reserve all our legal rights in
3 that regard. I just wanted to make that clear for
4 the record.

5 CHAIRMAN BAGOFF: Absolutely.

6 MR. PLOCKER: Thank you.

7 CHAIRMAN BAGOFF: And the Board
8 understands. Thank you.

9 MR. AFRAN: Mr. Chairman, as the
10 objectors' counsel --

11 CHAIRMAN BAGOFF: Mr. Afran.

12 MR. AFRAN: -- I'd like to --

13 CHAIRMAN BAGOFF: Yes.

14 MR. AFRAN: -- respond to that point
15 legally. I made this point yesterday and we still
16 maintain this point. That settlement agreement is
17 not binding on this Board and the individuals here,
18 including objectors, were not parties to it, and the
19 law is very clear that nothing is binding by way of
20 a settlement on persons who are not parties to the
21 settlement, and the settlement agreement is not
22 binding on this Board and this Board cannot defer to
23 it. So I just want to establish our position on
24 this point since it's now been raised in detail.

25 CHAIRMAN BAGOFF: The settlement --

1 Now, we also have the position, and I
2 should preserve it at this point, there was a 2004
3 set of settlement agreements between the developer
4 and various private parties, including my client, We
5 Care NJ Corp. That agreement contained
6 representations by the developer that limited the
7 use on the property to single-family homes of a
8 certain number.

9 MR. PLOCKER: I'm going to object.
10 That's an extreme mischaracterization of that
11 agreement.

12 MR. AFRAN: Well, that's not an
13 objection --

14 MR. PLOCKER: But --

15 MR. AFRAN: -- that's a disagreement.

16 MR. PLOCKER: And this isn't the forum
17 for legal disagreements regarding settlement
18 agreements.

19 MR. AFRAN: Excuse me. Let me --

20 CHAIRMAN BAGOFF: Let me stop you a
21 second. The Board is not participant nor is that
22 settlement agreement before the Board, so at this
23 moment, we can't hear it, we can't evaluate it, my
24 attorney hasn't listened to it, so we're here to
25 hear the application. I understand you're making a

1 record, you said it, we don't want to hear anything
2 about it because it is not part of this application.

3 MR. AFRAN: Fully understood. I'm not
4 even asking you to evaluate it, but I don't want to
5 be in a position later of someone saying "We never
6 said there was an earlier settlement; therefore, the
7 2020 is the only one that's cognizable in this whole
8 set of cases. I just want to be clear that we
9 preserve the position that that is binding and it's
10 a legal matter for the courts, but I don't want to
11 be seen as neglectful in not stating that position
12 here.

13 CHAIRMAN BAGOFF: I appreciate it, I
14 appreciate both sides.

15 Ladies and gentlemen of the public,
16 what's happening here is two attorneys are
17 expressing their views of settlement agreements that
18 the Board is not participant in on either side. The
19 goal of the Board is to hear the information on this
20 application, that's it. All information flows to
21 us, we did not participate in the settlement
22 agreement; however, we understand there are many out
23 there. The application before us is for a plan,
24 we're going to evaluate the plan with the experts
25 from the applicant and from our experts and come to

1 a conclusion, including your public comments going
2 forward. Mr. Plocker.

3 MR. PLOCKER: Yeah, just very briefly.
4 Irrespective of who's actually a party to the
5 settlement agreement, because the settlement
6 agreement addresses the settlement amount or a
7 litigation, and the settlement agreement and
8 ordinance propose an inclusionary development.
9 There are certain state regulations which do apply
10 to this Board, and I'm not going to go into detail
11 now, you have very capable counsel, but those are
12 the types of regulations that say the municipal
13 development application review process is pretty
14 limited; you need to look to see if the proposed
15 application complies with the Court-approved zoning
16 and, in addition, imposes an obligation to cooperate
17 with the applicant, such as granting reasonable
18 variances. So those regulations are very real and
19 do exist, regardless of whether the Land Use Board
20 is a party to the settlement agreement.

21 CHAIRMAN BAGOFF: The Court said, and
22 I will just give my -- and counsel can weigh in on
23 this, the Court said that the township adopted a
24 zone plan. The Court didn't adopt a zone plan, it
25 agreed that all parties will have a zone plan. We

1 have reviewed it, the township Council has adopted
2 it, it is part of our Master Plan, so we are looking
3 at this application as though it is part of our
4 Master Plan, which it shall be, and that's the way
5 we look at it going forward, for the public.

6 Mr. Afran, you want to say something.

7 MR. AFRAN: Yes, thank you. I just
8 want to note our view that Mount Laurel issues,
9 whatever may have been decided in a Mount Laurel
10 fairness hearing, does not extend to this
11 application, it does not govern this Board. The
12 Mount Laurel decision in a court is extremely
13 limited to solely questions of fairness in
14 affordable housing. It does not presume a project
15 will be built, it only says if it's built, if it's
16 approved, if it meets the law, then these hundred
17 units could count towards the fair share goal. It
18 does not mean it must be built, it does not direct
19 this Board, and I would not like to have any
20 misunderstanding, because reference to Mount Laurel
21 and regulations has just been made. We're now
22 getting off the point, but I can't be silent each
23 time the applicant's counsel suggests there's this
24 outside set of regulations that govern it.

25 CHAIRMAN BAGOFF: I would say that the

1 Board feels no pressure.

2 MR. AFRAN: Thank you.

3 CHAIRMAN BAGOFF: Thank you.

4 COUNCILMAN RUTHERFORD: Mr. Chairman?

5 CHAIRMAN BAGOFF: Council President.

6 One second, sir. Yes, sir.

7 COUNCILMAN RUTHERFORD: So now I'm a
8 little confused. I've heard both sides and I
9 probably won't get an official answer tonight but I
10 would like our Board attorney, Ms. McGovern, to
11 weigh in -- it doesn't have to be in realtime right
12 now -- about whether or not we are, as the Planning
13 Board, bound by the settlement agreement, and
14 further, there's some reference to an ordinance
15 being included into the Master Plan. Is that the
16 one from 2020, is that what we're...

17 CHAIRMAN BAGOFF: Yes, sir, it's IH-1,
18 inclusionary zone.

19 COUNCILMAN RUTHERFORD: So I'll need
20 the Board attorney to also weigh in as to propriety
21 of relying on that given the questions about the
22 timing of the filing of that particular ordinance.
23 Unless I'm speaking about something different, it's
24 my understanding that there was an ordinance
25 properly passed by the Town Council in 2020 but was

1 not properly filed with the county and there's some
2 -- some information in our inboxes as Council
3 members regarding that. So if we're going to rely
4 on it, I need to understand from the attorney what
5 we are relying on, what is proper, and what we're
6 not relying on.

7 MS. McGOVERN: So part of the
8 requirements when you pass an ordinance is that an
9 ordinance involving land use be filed with the
10 county and that part of it was not completed at the
11 time that the ordinance was passed, but that defect
12 was cured and the ordinance was filed on July 3 of
13 this year. It doesn't affect the actionable status
14 of the ordinance. It took effect as soon as it was
15 filed and the applicant's attorney re-noticed this
16 hearing, which is why, when we were originally
17 scheduled in July, it was moved to these dates, to
18 allow everybody to receive notice that this
19 ordinance is perfected and we are ready to go.

20 The settlement agreement refers
21 directly to the intent of the parties and there is
22 language in the settlement agreement regarding the
23 trees, because I think this is how this started,
24 about the forest and about the fact that it was
25 unhealthy. These are all almost like legislative

1 intent as to why the town passed the ordinance that
2 it did, so you are all here to enforce this
3 ordinance and you have this understanding, based
4 upon the settlement agreement, as to why this was
5 put together, and one of the very important reasons
6 why the ordinance was passed is because you have an
7 affordable housing obligation, and there was
8 litigation regarding that, and this settlement took
9 care of or settled the action by the owner who owned
10 the property and wanted to develop it; as I
11 understand, wanted to develop it with even more
12 units, around the town, who had an obligation with
13 respect to affordable housing and had, I think, even
14 more units than what was originally agreed to, and
15 working with the Fair Share Housing and the town and
16 the owner of the property, the settlement was
17 achieved. That's put together and what was passed
18 after -- or in conjunction with the settlement was
19 the ordinance. What you all here, as Planning Board
20 members, are listening to is whether they meet the
21 status under that ordinance and that's what we're
22 here about.

23 CHAIRMAN BAGOFF: Thank you. Yes,
24 sir.

25 MR. KNIGHTS: Yes, Orin Knights,

1 K-N-I-G-H-T-S.

2 CHAIRMAN BAGOFF: Yes, sir.

3 MR. KNIGHTS: I have a question I'd
4 like to revisit and it's imperative both for the
5 contractor and the township, and it's imperative
6 because I think this is an issue and a subject that
7 we must take seriously, and that's concerning the
8 bedrock of the area that we're talking about. I
9 know the contractor said "Oh, we do this all the
10 time and it's no big deal," but we're talking about
11 an area that's on a slope and on a hill, and if I
12 remember correctly, in 2021, we had a disaster here
13 in Elizabeth. So the question that I have to ask
14 you, when it comes to blasting in that area, has
15 there been a study regarding the bedrock of that
16 area and is DEP involved? Because for the sake of
17 ill gotten game, you just don't want to rush through
18 this and make it something that's trivial. So has
19 there been a study concerning the bedrock of this
20 area? Because that's on a high slope. You talk
21 about these buildings and I'm quite sure you have
22 Lot 4, I believe it is, that's close to the corner.
23 And I haven't gotten any specific answers to how
24 it's going to be done, how it's going to be built,
25 it just seems to be knee-jerk reactions or answers.

1 So that's my question. And bedrock, can somebody
2 explain to me what the bedrock is and has there been
3 a study of that area concerning the bedrock? And
4 what the bedrock really is is when you start to
5 blast, it's not only going to affect that area up
6 there but it's going to affect downhill.

7 MEMBER OF THE PUBLIC: And the houses.

8 MR. KNIGHTS: And houses. So that's
9 my question.

10 (Applause by members of the public)

11 CHAIRMAN BAGOFF: Thank you. Thank
12 you, come right up.

13 MEMBER OF THE PUBLIC: No answer?

14 (Public outburst)

15 CHAIRMAN BAGOFF: I'm sorry, Mr.
16 Anderson, can you answer?

17 MR. ANDERSON: I don't know if there
18 is a question there, but I do know that we were just
19 discussing --

20 MS. BENYO: The question was --

21 (Public outburst)

22 CHAIRMAN BAGOFF: Woah, woah, woah.

23 MR. ANDERSON: Let me finish my
24 sentence, please.

25 So we just spoke a moment ago about

1 having, you know, the pre-blast survey and the
2 conditions associated controlled by the municipal
3 engineer and the building department, whoever is
4 appropriate, and to do those studies at the time of
5 construction, which is when those studies are
6 typically done. We do have borings all over that
7 hillside that indicate the depth of the bedrock. I
8 don't recall the nature of the bedrock itself,
9 whether they classified it as a specific rock type,
10 but they do have an understanding of where it is,
11 how deep it is, and I think with the safeguards that
12 were just requested and indicated that would be a
13 condition of approval, you know, if this project
14 moves forward, then I think you're -- you're safe in
15 terms of having the safeguards that you need. So
16 now that's --

17 MS. BENYO: And at what point are
18 those assessments going to be made and who's
19 responsible to do them? Are you hiring someone to
20 do that?

21 (Multiple speakers at once - court reporter
22 instruction)

23 MS. BENYO: Claire Benyo, B-E-N-Y-O.

24 MR. ANDERSON: All right. Claire, I
25 am the site engineer, I design the project site.

1 this evening specifically because that person was
2 going to be here to --

3 MS. McGOVERN: Yes.

4 MR. ANDERSON: Which person, the
5 architect?

6 MS. BENYO: The architect.

7 MR. ANDERSON: The architect, he's
8 right here.

9 MS. BENYO: We will have an
10 opportunity to hear him?

11 CHAIRMAN BAGOFF: Yes.

12 MS. BENYO: Thank you. Never mind.
13 Then I have just a couple of other unrelated things.
14 I mean different things.

15 CHAIRMAN BAGOFF: We're finishing up
16 Mr. Anderson's testimony and questions --

17 MS. BENYO: Got it.

18 CHAIRMAN BAGOFF: -- and then the
19 architect will testify.

20 MS. BENYO: Excellent. So I have just
21 a couple of more questions and then back to my
22 favorite topic, the environment.

23 So, Mr. Chairman, I have a question.
24 You mentioned two environmental specialists would be
25 engaged, so that's going to be one by the Township

1 I'm not the contractor. There is a contractor and
2 there will be a blasting contractor associated with
3 it that would take care of those type of things on
4 site when they're going to construction. When they
5 plan on blasting the site, if it requires blasting,
6 then they would do their pre-blast surveys,
7 coordinate with the town engineering department, as
8 we just agreed to, and it would be done at that
9 time. It's not done as part of their approval
10 process, it's part of the implementation of
11 construction.

12 MS. BENYO: I was under the impression
13 that there would be someone here this evening that
14 could expand on the specifications of that plan.

15 MR. ANDERSON: So the project
16 architect will have some exhibits which may clarify
17 how these buildings sit in the hillside so that you
18 can physically see that it is not teetering at the
19 top of the hill and would not likely fall down.
20 You'll -- you'll get a better feeling when you see
21 his exhibits of the stability that is involved.

22 MS. BENYO: I was under the impression
23 that that person was going to be here this evening.
24 Last night, it was confirmed that the questions that
25 we asked of this topic last night were pushed to

1 of West Orange and one by the applicant; is that
2 correct?

3 CHAIRMAN BAGOFF: Well, we have an
4 environmental expert. I'm not sure if the applicant
5 will put everything, you can ask the applicant what
6 they propose presenting.

7 MS. BENYO: I thought you had
8 mentioned a few moments ago that there was going to
9 be two.

10 CHAIRMAN BAGOFF: We have -- the Board
11 has hired an environmental expert --

12 MS. BENYO: And --

13 CHAIRMAN BAGOFF: -- who will be
14 evaluating the site.

15 MS. BENYO: -- will the applicant hire
16 an independent environmental specialist?

17 MR. PLOCKER: If and when we make that
18 decision and they issue a report, we'll obviously
19 put the report on file with the Board.

20 MS. BENYO: And what conditions would
21 be if and when that would be happening?

22 MR. PLOCKER: That's going to be up to
23 my client's decision and we don't have an answer for
24 that today.

25 MS. BENYO: And what are the

1 township's requirement for them to provide
2 environmental reports by a specialist?

3 CHAIRMAN BAGOFF: We're going to have
4 our expert provide a report and they can respond or
5 they can adopt, and Mr. Plocker wants to say
6 something.

7 MR. PLOCKER: You know, just, with all
8 due respect, I know that Mr. DeFeo issued an initial
9 letter in connection with the application, we all
10 look forward to seeing what he has to say now that
11 the application is underway. I don't know if she's
12 referring to an environmental impact statement, but
13 the township site plan application requirements, it
14 is not a checklist item, it is not addressed, it is
15 not required.

16 CHAIRMAN BAGOFF: That's right, it's
17 not required by the applicant.

18 MS. BENYO: Okay. And so to the
19 Board: When will your hired environmental
20 specialist be available for public hearing?

21 CHAIRMAN BAGOFF: Okay, at some time
22 during the process. We have to -- we just hired him
23 last night. He has to go out and evaluate the site,
24 he's going to talk to us, so we want to do
25 everything expeditiously but we don't want to miss

1 how they calculated what trees are there, the
2 progress of the road, expected width, the measures
3 being taken, those kinds of things.

4 CHAIRMAN BAGOFF: Okay. He's here
5 during these meetings also to hear the questions of
6 the public.

7 MS. BENYO: Um-hum.

8 CHAIRMAN BAGOFF: So he will be able
9 to answer things that come from the questions of the
10 public, besides what we feel, if necessary, and he
11 is the expert who will provide more testimony.

12 MS. BENYO: Then I look forward to
13 that time. Thank you.

14 CHAIRMAN BAGOFF: Thank you.

15 MR. STOLOFF: Good evening.

16 CHAIRMAN BAGOFF: Good evening.

17 MR. STOLOFF: Aaron Stolloff, I live in
18 Verona.

19 CHAIRMAN BAGOFF: Could you state your
20 name and spell your last name, sir?

21 MR. STOLOFF: I just stated my name.
22 Aaron Stolloff.

23 MS. McGOVERN: Spell it.

24 CHAIRMAN BAGOFF: Spell your last
25 name, sir.

1 anything.

2 MS. BENYO: Excellent.

3 CHAIRMAN BAGOFF: So we're going to
4 have a complete, well-done study.

5 MS. BENYO: And since you hired them
6 yesterday, what are their scopes of services, what
7 specific reports or assessments will they be
8 running?

9 MS. McGOVERN: The resolution that was
10 passed last night was to hire Mr. DeFeo, who was
11 instrumental in 2020 with reviewing the forest.
12 He's here tonight, he will be here until he
13 testifies, he may even be here after he testifies.
14 I don't know that any subsequent report is going to
15 be done because I think there was already something
16 submitted, but he's here and will testify when the
17 other witnesses that are completed before him are
18 done.

19 MS. BENYO: And what assessments will
20 he be conducting?

21 MS. McGOVERN: I think the health of
22 the forest, the effect of the deer fence, um -- I'm
23 trying to remember some of the things we went
24 through, a lot of the questions, the trees, the
25 health of the forest, trees, the number of trees,

1 (Member of the public spelled his name while
2 Chairman Bagoff was speaking - court reporter asks
3 him to repeat it.)

4 MR. STOLOFF: S as in Sam, T as in
5 Tom, O, L, O, F, F.

6 CHAIRMAN BAGOFF: Go right ahead, sir.

7 MR. STOLOFF: Sure. So I live in
8 Verona on the other side, not on the most recent
9 side that was built in the mid to late '80s. That
10 was called the Garden Homes, though. I did confirm
11 with my friends. So I do know that, from living
12 there, that the whole area is bedrock. So --

13 CHAIRMAN BAGOFF: Sir, sir --

14 MR. STOLOFF: When Mr. Anderson was --

15 CHAIRMAN BAGOFF: Sir, if, when, why,
16 what, where, how, which. Please ask a question.

17 MR. STOLOFF: I'm getting to a
18 question.

19 CHAIRMAN BAGOFF: You're testifying.

20 MR. STOLOFF: No, I'm getting to a
21 question, all right?

22 CHAIRMAN BAGOFF: Getting to a
23 question is testifying. The law considers it
24 testifying.

25 MR. STOLOFF: Okay.

CHAIRMAN BAGOFF: I'm going to ask you to ask a question, please.

MR. STOLOFF: So the question is, Mr. Anderson was talking about the water control, but since it's bedrock, most of the water issues happen underground and taking away the trees does affect those underground water flows, so how -- I'm curious how the plan addresses those underground water flows that will definitely be altered by the removal of so many trees. Question, there you go.

CHAIRMAN BAGOFF: Thank you.

MR. ANDERSON: So the analysis is studies using the existing conditions using the appropriate parameters to develop what the discharge is.

MEMBER OF THE PUBLIC: Speak up.

MR. ANDERSON: Sorry.

CHAIRMAN BAGOFF: Mr. Anderson, you want to hold it.

MR. ANDERSON: I will, I'm sorry.

CHAIRMAN BAGOFF: Thank you.

MR. ANDERSON: I backed up an inch. So we did the redevelopment study that indicates what the stormwater discharge is from the site under the existing conditions, with the

built in the mid to late '80s, so there should be some data about the amount of --

CHAIRMAN BAGOFF: Bedrock?

MR. STOLOFF: -- bedrock and what was involved because my understanding, it was excessive and caused quite a bit of disruption because in the process of building those homes. Okay? So I would suggest looking at that.

My other question is -- it's more actually for the Planning Board, if that's possible. Okay. So I attended the Latino action network's legislative conference in March. There, there was a housing expert and I asked them specifically about having affordable housing and where affordable housing should and shouldn't be built, and my understanding is from talking to this person and reading up, is that this area is not a good location for affordable housing. Generally, you want affordable housing near --

CHAIRMAN BAGOFF: Let me stop you right there.

MR. STOLOFF: -- near downtown --

CHAIRMAN BAGOFF: Time out, time out.

MR. STOLOFF: -- public access and so forth?

requirements that the law requires in terms of it being a forest in good standing and so forth. And then we do borings or test pits throughout the site, we identify areas where it's deeper soil area, deeper to bedrock, and that there's no groundwater present or there's groundwater at a deeper level. And then we design systems that retain the water, some of it recharges back into the ground and back into the bedrock that is probably below, as you indicated --

MR. STOLOFF: Um-hum.

MR. ANDERSON: -- and then some of that goes away in the way of groundwater recharge. The rest of it is controlled with an outlet structure that slowly releases the water out to its ultimate discharge, which is either one of the streams that are on site.

MR. STOLOFF: Okay. Some of my time, you took away from me having to --

CHAIRMAN BAGOFF: Keep going.

MR. STOLOFF: Okay. There was something brought up Mr. Anderson also said -- seemed to reference that there was no data about the bedrock and I want to point out the thing with the garden homes, what I was going to say is that was

CHAIRMAN BAGOFF: You're testifying. I'm going to stop you. So there is an agreement --

MR. STOLOFF: So my question is, I guess: Why would you be focusing on a project like this with affordable housing when I'm sure there are many vacant areas that are more -- that are closer to the downtown that would be better suited for affordable housing, that's my question.

CHAIRMAN BAGOFF: It's a good question. There's a settlement agreement and the Court adopted it with a Special Master specifically for affordable housing. That's it. Thank you.

MR. STOLOFF: Okay.

MR. FAGAN: Just hand him the mic.

MR. STOLOFF: Oh, sorry.

CHAIRMAN BAGOFF: Yes, sir, can you state your name and spell your last name for the record, please, sir.

MR. TENKATE: My name is Peter T-E-N-K-A-T-E.

CHAIRMAN BAGOFF: I couldn't hear that, I'm sorry.

MR. TENKATE: My name is Peter Tenkate, T-E-N-K-A-T-E. I am from Boswell Engineering, I'm township engineer in Verona. The

1 Mayor and Council has asked us to review the
2 stormwater as it affects the residents in Verona.
3 You have a report, which I understand the Board does
4 not accept by mail, so I'm here to present the
5 report formally for the record.

6 (Applause by members of the public)

7 MS. McGOVERN: Could you pass that
8 out. The Board hasn't had a chance to read it.

9 MR. TENKATE: I understand.

10 MS. McGOVERN: Are you going to make
11 yourself available for questions with respect to the
12 report or would you like to pass it out and then
13 give a summary to the Board of the salient points
14 within it?

15 MR. TENKATE: Yes, it's very technical
16 in nature. I could come back to another meeting to
17 go over it after everybody's had the chance to
18 review it or I could --

19 MS. McGOVERN: All right, so my
20 suggestion is if you give the exhibits to our Board
21 secretary, who will pass them out. If you will
22 identify it as the exhibit, we'll do -- we'll call
23 it -- you're the one who prepared this report,
24 you're familiar with it?

25 MR. TENKATE: I am not the one who

1 think that the applicant's --

2 MR. PLOCKER: No.

3 MS. McGOVERN: -- attorney would be
4 prepared, so that we'll take it at this point and
5 ask for you to come back or the author of the report
6 to come back, but you've identified it as a reliable
7 instrument, I'm going to have to say that, that it
8 is something that -- it can have some bearing on the
9 Board's decision.

10 So if you could just give a brief
11 summary of what we are accepting right now and the
12 Board will take a look at it, but we'll delve into
13 testimony at a later date when someone from your
14 office can respond to it, okay?

15 MR. TENKATE: Okay.

16 MR. KLEIN: What are you labeling
17 this?

18 MS. McGOVERN: We're going to label it
19 as O-1 because he's -- it's an objector exhibit.

20 MR. PLOCKER: Is Mr. Anderson still
21 being questioned? I know it's kind of a little out
22 of order now.

23 MS. McGOVERN: Mr. Anderson, we
24 haven't finished him --

25 MR. PLOCKER: Okay.

1 prepared it.

2 MS. McGOVERN: But you're familiar
3 with it?

4 MR. TENKATE: That person is not
5 available.

6 MS. McGOVERN: It's from your company
7 and you --

8 MR. TENKATE: Yes.

9 MS. McGOVERN: -- you have the
10 expertise to discuss it, correct?

11 MR. TENKATE: I prefer that the person
12 who prepared it did it but I could discuss it. It's
13 very technical in nature and that is to do with the
14 regulations.

15 MS. McGOVERN: Do you have the
16 expertise to give us a summary of what's in that
17 report?

18 MR. TENKATE: Yes.

19 MS. McGOVERN: Okay. So Mr. Hess, I
20 did send that to you earlier --

21 MR. HESS: Yes.

22 MS. McGOVERN: -- because I did have a
23 copy. It would be my suggestion that you give a
24 brief summary and the Board won't be in a position,
25 really, to ask any substantive questions nor do I

1 MS. McGOVERN: -- because I think
2 there might be someone behind --

3 MR. PLOCKER: Okay, great.

4 MS. McGOVERN: -- but you took the
5 opportunity to get on the line and do this and I get
6 it, so... It's sort of in the same subject matter
7 because it's an engineer.

8 MR. TENKATE: I would prefer if we
9 could defer this to the next meeting to have the
10 author present --

11 MS. McGOVERN: Do you have any
12 objection to that?

13 MR. PLOCKER: No objection.

14 MS. McGOVERN: All right, Mr. Hess,
15 then, our Board engineer will also be able to review
16 that. And if you could give a copy of your report.
17 Thank you.

18 MR. AFRAN: Thank you.

19 MS. McGOVERN: We'll ask you to come
20 back. So the Board members, you can take a look at
21 this and we'll -- once we get somebody back here to
22 ask questions about it, that's when we'll delve into
23 it in more detail.

24 MR. TENKATE: Okay. When is the next
25 meeting?

1 MS. McGOVERN: That's a good question.
2 Give me a second.

3 CHAIRMAN BAGOFF: We'll discuss it
4 with the applicant. If we don't finish tonight,
5 we'll publish that later in the meeting.

6 MR. TENKATE: Thank you.

7 CHAIRMAN BAGOFF: And it will be on
8 the website.

9 MR. TENKATE: Thank you.

10 MS. McGOVERN: And feel free, you
11 could contact, uh, contact the Board offices, they
12 can put you in touch with me or you -- I think -- if
13 you don't have my e-mail, you may, I'm at Gaccione
14 Pomaco, you should be able to find me, okay?

15 MR. TENKATE: Okay.

16 MS. McGOVERN: Thank you.

17 MR. HESS: Mr. Chairman, if I could
18 offer one comment.

19 CHAIRMAN BAGOFF: Mr. Hess.

20 MR. HESS: Thank you. I'd like to let
21 Mr. Tenkate know that the plans and the report that
22 you referenced in the letter are not the latest. My
23 suggestion would be that you contact the Board
24 secretary and get a copy of the latest plans,
25 because there have been changes and some of the

1 with his entire career, and I know it's been lengthy
2 so I just ask, as precisely as you can estimate, how
3 many times during your career have you been the
4 primary for evaluating a site for the potential for
5 landslides?

6 The second question is: Of all of
7 those, how many times did you recommend for the
8 security of the site and that there wouldn't be a
9 landslide?

10 And the third part of the question is:
11 Was there ever any instances where you approved a
12 site where it turned out that there was a landslide?

13 MR. ANDERSON: Okay, so I have not
14 worked with any projects where there were
15 landslides. What we do every day is we ensure site
16 stability of soil conditions by providing
17 appropriate grading, looking at existing soil
18 conditions and things that might create soil
19 instability. There has been no soil failures on any
20 of the projects that I've worked on over my career.

21 MR. KRAKOVIAK: Okay.

22 MR. ANDERSON: Did I miss one part?
23 What part did I miss?

24 MR. KRAKOVIAK: No, that was -- that
25 was sufficient.

1 items you're indicating don't accurately reflect
2 what's proposed.

3 MR. AFRAN: Thank you.

4 MR. HESS: Okay. Thank you.

5 CHAIRMAN BAGOFF: Thank you, sir.

6 MS. McGOVERN: We will -- oh, did you
7 want to -- okay.

8 CHAIRMAN BAGOFF: Just for the public
9 information and those on Zoom, this has been
10 supplied to the Board, to the applicant and to our
11 professionals. Only when and if their expert or the
12 maker of this report testifies will it then be
13 available to the public. If the maker of this or a
14 representative doesn't testify, this will not be
15 available to the public and the Board will hold it
16 with no weight. Okay? In fairness to the
17 applicant. Thank you, sir.

18 MR. TENKATE: Thank you.

19 CHAIRMAN BAGOFF: Mr. Krakoviak.

20 MR. KRAKOVIAK: Thank you. Good
21 evening.

22 CHAIRMAN BAGOFF: Good evening.

23 MR. KRAKOVIAK: Joe Krakoviak, last
24 name, K-R-A-K-O-V-I-A-K. I have two three-part
25 questions for Mr. Anderson. The first one has to do

1 MR. ANDERSON: Okay.

2 MR. KRAKOVIAK: You didn't, by chance,
3 work on the project here in West Orange several
4 years ago for the Seton Hall Prep athletic fields?

5 MR. ANDERSON: No, I did not.

6 MR. KRAKOVIAK: Okay. For this
7 specific project, did you evaluate with a potential
8 for landslide in mind? If so, what was your process
9 of evaluation and what was your conclusion and your
10 rationale?

11 MR. ANDERSON: I don't look at it in
12 terms of landslide; again, I look at it in terms of
13 soil stability. So when we're looking at something
14 that might cause instability of that building on the
15 slope, which has become a concern, I look at what
16 the building is founded on based on the geotechnical
17 studies that have been done in the area in terms of
18 what I see is bedrock down approximately 7 to 11
19 feet into the ground, so the building would be
20 founded on bedrock, probably pinned to bedrock
21 entirely over its entire foundation and it would not
22 be on soil that would be unstable, it would be on
23 solid bedrock. So if you -- if I was to be asked
24 whether I think that's a stable situation, poured
25 concrete foundations pinned into bedrock all the way

1 through, I think it's probably one of the most
2 stable circumstances you can get from an engineering
3 basis.

4 MR. KRAKOVIAK: Thank you, Mr.
5 Anderson.

6 MR. FAGAN: You can just hand it
7 behind you.

8 MR. KRAKOVIAK: Oh, sorry.

9 CHAIRMAN BAGOFF: Good evening.

10 MR. LATERZA: Good evening. Patrick
11 Laterza, L-A-T-E-R-Z-A. I have a really quick
12 question because I couldn't hear earlier.

13 The flood hazard permit with the DEP
14 was pulled. Are you able to confirm -- I couldn't
15 hear what you said -- that it was pulled maybe
16 around November of 2023?

17 MR. ANDERSON: I didn't give a date --

18 MR. LATERZA: Oh, okay.

19 MR. ANDERSON: -- but it's probably
20 correct. I mean, I'd have to go back and look at my
21 records to see the exact date that it was pulled.

22 MR. LATERZA: Okay, so like eight
23 months ago?

24 MR. ANDERSON: Say again?

25 MR. LATERZA: About eight, nine months

1 duration, how many projects have you worked on where
2 this could have been a potential issue, similar to
3 the site that's under question right now?

4 MR. ANDERSON: I don't know what the
5 number is but there's quite a few steeper lots that
6 are being developed throughout New Jersey that I've
7 worked on over the years and it comes up in just
8 virtually every municipality in North Jersey in
9 steep areas that we work on.

10 MR. PATEL: And has there ever been
11 any issue of stability of the building, structure?

12 MR. ANDERSON: No, there is not.

13 MR. PATEL: That you're aware of,
14 okay. Thank you.

15 One question for the Board. The Board
16 mentioned that there was a consultant hired, right,
17 last evening for doing the survey of the forest
18 again, and if I understood correctly from the
19 comments, it was the same consultant who provided
20 the report previously. Is that correct?

21 CHAIRMAN BAGOFF: That's correct.

22 MR. PATEL: Is there any rationale for
23 hiring the same consultant compared to any other
24 third parties out there --

25 CHAIRMAN BAGOFF: Yes.

1 ago, somewhere around there?

2 MR. ANDERSON: Yeah, it was -- yes.

3 MR. LATERZA: Okay.

4 MR. ANDERSON: That's correct.

5 MR. LATERZA: Thank you. Now I'll put
6 it back.

7 MR. FAGAN: No, hand it to the person

8 --

9 MR. LATERZA: Oh, another person.

10 MR. PATEL: Good evening. Kumar
11 Patel, P-A-T-E-L.

12 (Court reporter asks Mr. Patel to re-state
13 his first name.)

14 MR. PATEL: Kumar, K-U-M-A-R.

15 COURT REPORTER: Thank you.

16 MR. PATEL: I have a question. So how
17 many projects have you worked where stability could
18 be an issue?

19 MR. ANDERSON: Could you say that last
20 part again, please?

21 MR. PATEL: You mentioned earlier the
22 landslides, right? That you look at the landslides
23 piece from a soil stability standpoint. So over
24 your career, from 1988 or whatever you mentioned
25 when you were certified, over your career's

1 MR. PATEL: -- in New Jersey?

2 CHAIRMAN BAGOFF: Yes.

3 MR. PATEL: Okay. Is there an answer
4 that the Board will be providing of the rationale
5 for --

6 CHAIRMAN BAGOFF: Yes. He has great
7 credentials --

8 MR. PATEL: Okay.

9 CHAIRMAN BAGOFF: -- he teaches
10 environmental science --

11 MR. PATEL: Okay.

12 CHAIRMAN BAGOFF: -- and he knows the
13 area, as was brought out by many people, what has
14 changed between 2020 and today.

15 MR. PATEL: Okay.

16 CHAIRMAN BAGOFF: He would be the best
17 person and his group would be the best people to
18 give the most accurate understanding of where it was
19 and where it is today. So as opposed to trying to
20 reinvent the wheel, we have somebody who is well
21 known in the field, an expert, and knows the site.

22 MR. PATEL: Okay. And credentials
23 will be shared by the Board?

24 CHAIRMAN BAGOFF: Absolutely.

25 MR. PATEL: Thank you.

CHAIRMAN BAGOFF: Do any other members of the public have any questions for Mr. Anderson about his testimony?

(No response)

CHAIRMAN BAGOFF: Seeing none, thank you very much, Mr. Anderson.

MEMBER OF THE PUBLIC: Sorry, can I ask --

MR. ANDERSON: Thank you, Mr. Chairman.

CHAIRMAN BAGOFF: Oh, I'm sorry.

MS. JHAVERI-GAJARAWALA: Sorry. I was trying to figure out who was going to come speak. My name's Sejal Jhaveri-Gajarawala. Okay, let me help you out with this. S-E-J-A-L, the last name is J-H-A-V-E-R-I hyphenation G-A-J-A-R-A-W-A-L-A.

COURT REPORTER: Thank you.

MS. JHAVERI-GAJARAWALA: You're welcome. So my question is, if this were -- sorry. My question is: If this were to move forward, Mr. Anderson, would your applicant -- or maybe it's to, I'm sorry, to Mr. Plocker, would the developer be willing to put in an escrow fund for anybody who may be impacted by the blasting?

CHAIRMAN BAGOFF: I think that's going

the back.

MR. APPEL: Laurance Appel, A-P-P-E-L, and that's L-A-U-R-A-N-C-E.

MR. AFRAN: Thank you.

MS. McGOVERN: Please raise your right hand.

L A U R A N C E A P P E L, P. A., is duly sworn/affirmed by the Board attorney.

MR. PLOCKER: Okay. Mr. Appel, could you please offer your qualifications to the Board?

MR. APPEL: Sure. I am a principal of Appel Design Group Architects, I hold a Bachelor of Science degree in civil engineering and a master's in architecture. I'm licensed in New Jersey since 1992, also New York, Pennsylvania, I'm NCARB certified, I've appeared before many local boards, including West Orange, not the Planning Board but the Zoning Board several times, Livingston, Florham Park, Millburn, Maplewood, South Orange, most of the municipalities in the area. And I'm here just as an expert in architecture.

CHAIRMAN BAGOFF: Sir, is your license in New Jersey in force?

MR. APPEL: Yes.

CHAIRMAN BAGOFF: Okay. Did you do

to be a condition that we have to hear all the testimony and then there may be a condition, there may not, based on testimony of all the experts. It's a good question. Stay with us and come back, please.

MR. PATEL: We'll stay. Thank you.

(Applause by members of the public)

CHAIRMAN BAGOFF: Do any other members of the public have any questions for Mr. Anderson?

(No response)

CHAIRMAN BAGOFF: Seeing none, thank you.

MR. ANDERSON: Thank you.

CHAIRMAN BAGOFF: Mr. Plocker.

MR. PLOCKER: Thank you, Mr. Chairman.

The applicant calls our architect, Larry Appel.

MS. McGOVERN: Can we have the spelling of your last name.

CHAIRMAN BAGOFF: Can you state your name and spell your last name for the record?

MR. APPEL: Yes. My name is Laurance, L-A-U-R-A-N-C-E, Appel, A-P-P-E-L.

MR. AFRAN: Can we hear that again, please? I'm so sorry.

MS. McGOVERN: They didn't hear you in

the architecture for the site or is your name on the plans?

MR. APPEL: Yes.

CHAIRMAN BAGOFF: Okay. Do any members of the Board have any questions?

(No response)

CHAIRMAN BAGOFF: Seeing none, we accept Mr. Appel as an architect in the State of New Jersey, who drew the plans for the site.

Great. Thank you. So one of the questions first is that I have some exhibits here. Do I need to start tagging them or -- or reference them?

MS. McGOVERN: Were they given to the Board with the record or --

MR. APPEL: Yes. Well, no.

MS. McGOVERN: No?

MR. PLOCKER: I'm just going to consult with Mr. Appel to determine what he's referring to.

MS. McGOVERN: Okay.

CHAIRMAN BAGOFF: So ladies and gentlemen, what's happening is some housekeeping, for those on Zoom. Anything that's not presented to the Board in our packets has to be identified for us

1 and the public, so the applicant's attorney and the
2 architect are talking.

3 MR. PLOCKER: I guess the question is,
4 was that part of your packet and was it posted as
5 part of the agenda documents?

6 MS. McGOVERN: Yeah, what we could
7 also do is if you have -- I think you already
8 submitted this PowerPoint to -- we'll mark the
9 PowerPoint as A-1 so that we have it, even though it
10 might be duplicative in terms of what the Board has.

11 MR. KLEIN: Isn't there already an
12 A-1?

13 MS. McGOVERN: No.

14 MR. KLEIN: Really.

15 MS. McGOVERN: Did we mark anything
16 yet?

17 MR. PLOCKER: No, I think it's fair to
18 say that these were demonstrative exhibits that were
19 provided to Mr. Fagan so he could digitally display
20 it for everybody in the room, so perhaps actually we
21 should mark Mr. Anderson's PowerPoint presentation.

22 MS. McGOVERN: As A-1 --

23 MR. PLOCKER: As A-1.

24 MS. McGOVERN: -- and this will be
25 A-2. Okay, so we'll retroactively mark last night's

1 PowerPoint as A-1 and tonight's PowerPoint will be
2 A-2.

3 CHAIRMAN BAGOFF: Use the microphone.

4 MS. McGOVERN: Our PowerPoint from
5 last night will be A-1, the PowerPoint from tonight
6 will be A-2.

7 MR. AFRAN: Yeah, I'm sorry, could we
8 just make it a standing request that Mr. Plocker
9 will forward these PDFs to me as well? Because we
10 don't have a copy.

11 MS. McGOVERN: Do you have any
12 objection to that?

13 MR. PLOCKER: That's not a problem,
14 and just for the record, I did not know of Bruce's
15 involvement until after we submitted these to the
16 Board.

17 MS. McGOVERN: Okay.

18 MR. AFRAN: Oh, no criticism intended.
19 Thank you.

20 MS. McGOVERN: Okay.

21 MR. APPEL: I'll start with -- and am
22 I talking loud enough because I'm trying to speak a
23 little bit louder than normal. Can everyone hear
24 all right?

25 MEMBER OF THE PUBLIC: Talk into the

1 microphone.

2 MEMBER OF THE PUBLIC: You gotta lean
3 in.

4 MR. APPEL: Is this okay now?

5 (Many members of the public say "yes.")

6 MEMBER OF THE PUBLIC: Thank you.

7 MR. APPEL: So Mr. Anderson provided a
8 thorough presentation regarding the site. The
9 project was designed in accordance with the IH-1
10 zone, as well as the settlement agreement. We
11 worked diligently with the project team and other
12 professionals to create an exciting architecture for
13 the buildings.

14 This is one of the rendering reviews
15 that we have prepared. I will just keep this up.
16 It's a little nicer than seeing the last screen with
17 my name on it, so...

18 We worked diligently with the project
19 team and other professionals to create an exciting
20 architecture for the buildings. This is a luxury
21 community providing a balanced lifestyle with
22 integration of both market and affordable homes in a
23 pristine, wooded site. The team was able to retain
24 large portions of the wooded site which surround the
25 buildings and the surrounding neighbors.

1 The project includes well-thought-out
2 vehicular circulation, parking, as well as
3 pedestrian circulation around the site, and in
4 particular, between the buildings.

5 There are -- as Mr. Anderson explained,
6 there are four building clusters, A, B, C and D.
7 496 rental units proposed with 26 percent affordable
8 component. This also contemplates on-site
9 superintendents as well. Buildings A and D are
10 separated into small -- two smaller buildings, which
11 create smaller volumes, so when you saw that larger
12 building, both the A and D buildings were broken up
13 into two smaller buildings while maintaining a
14 compact design as well. So the affordable housing
15 are all integrated in each building and all the
16 units are described in a unit-distribution matrix,
17 which is on the cover page of the drawing that all
18 of you were circulated. That's on drawing C-01.

19 One of the things to mention in here
20 when we're looking at units is we have a lot of
21 diversity in the types of units in a building like
22 this, and we've done that because we've taken the
23 corridor, the internal corridor on each floor, and
24 offset it slightly, so you have basically a deeper
25 side and a shallower side, and we believe that this

1 gives more opportunity, um, opportunity to be
2 responsive to residents.

3 So the typical unit configurations are
4 shown on Drawing PB-4.7. And I'm not going to pull
5 that up and walk through the design in there because
6 I wanted to keep in mind that while the overall
7 building and massing is set with the design, the way
8 the interior units are configured sometimes shift
9 slightly a couple of inches one way or another way
10 to take advantage of structural issues, structural
11 concerns and architectural development following the
12 approvals, and this is because we bring drawings for
13 an architectural submission for the Planning Board
14 to a schematic completion, as opposed to the site
15 design is brought to full completion. Some we have
16 a lot of work still to do in here, but this is an
17 accurate depiction of what we're proposing, but
18 there's a little bit of some of the internal
19 workings of the building that will develop over
20 time.

21 Now, all of the buildings share a
22 similar design motif. They use similar palliative
23 materials that's shown here on the rendering. One
24 of the things that's a little different is Building
25 D. It incorporates additional amenity spaces as

1 well as a rooftop outdoor amenity deck as well.

2 Building D also incorporates higher
3 interior ceilings. We have made that building 10-
4 foot ceiling heights as opposed to 9 feet and all of
5 the buildings are conforming with the height
6 provisions in the ordinance.

7 So parking. This was discussed a
8 little bit in the prior testimony and I'm sure
9 you'll have more about this when the traffic
10 consultant comes up as well. So the project was
11 designed with a mix of surface spaces, surface
12 stalls, as well as covered spaces, internal garage
13 spaces under the building, as Mr. Anderson
14 explained. All of these were designed to meet RSIS
15 and, in fact, exceed the ratios that are provided in
16 RSIS.

17 So, typically, below the buildings, the
18 spaces are assigned. One of the questions raised by
19 the Board professionals was with regard to tandem
20 stalls. We have used tandem stalls on numerous
21 buildings. They're efficient, they work very well,
22 but there's a caveat. They need to be assigned to a
23 single residential unit, and it's no different than
24 having a townhouse with a garage and if my wife was
25 parked in the garage and I was parked in the

1 driveway, I've got to move my car out, let her pull
2 her car out and all is fine. It's the same thing
3 with a tandem stall in a common garage.

4 So all of the surface parking will not
5 be assigned, so all of the surface spaces will be
6 available for both residents as well as guests. We
7 comply with the half a stall per unit, which is a
8 requirement of RSIS.

9 Now, another small caveat in here is
10 Building D, as Mr. Anderson explained, has mostly
11 internal garage parking, not surface stalls, so we
12 had to make a portion of those garages not secured,
13 in other words, that they would not be able to have
14 a gate on the outside opening to the garage, that
15 gate would be put internal to allow the requisite
16 number of stalls to meet the RSIS provisions.

17 So another item that was questioned was
18 with regard to EV stalls, electric vehicle. They're
19 provided per the ordinance and applicable state
20 laws. Mr. Anderson placed at each building one
21 handicap and one standard surface stall that would
22 be EV. This is something that we coordinated with,
23 but it was not fully updated on our architectural
24 submission. So the balance of the stalls for EV
25 compliance are going to be placed inside the

1 garages, and while we show some of these locations,
2 I would represent that the overall number will be
3 met but the location may vary because we don't know
4 exactly where the utility company is going to allow
5 us to put our transformer and bring power in, so
6 we'd like to keep all of these things clustered
7 close to our electrical distribution for efficiency.

8 So this ordinance requires that there
9 be 5 percent of the overall parking stalls to be for
10 EV charging and additionally, provisions for make-
11 ready stalls for another 5 percent and 5 percent
12 phased in the future. We will comply with all of
13 the requirements in here, and as I indicated, Mr.
14 Anderson is showing his stalls on the revised site
15 plan, the balance of the EV stalls are proposed to
16 be internal to the buildings.

17 So in doing everything that we're
18 doing, we're actually permitted to take a 10 percent
19 credit on our parking, but I understand Mr. Anderson
20 has not taken that credit so that even adds a little
21 bit to the potential additional stalls that are
22 available, and the other thing that I would mention
23 is with these EV stalls, what we like to do is plan
24 for the future. We're not going to put in extra
25 charges, but we want to make sure the building has

adequate power and distribution to permit all of this, so we will provide the infrastructure for the future growth in here just because it makes good sense and it's appropriate for planning, but we don't necessarily want to put them in, especially because what was cutting edge today will be antiquated a year from now. It's everything moving very quickly.

So some of the questions that were raised in here were with regard to questions of life safety. This building is fully sprinklered. There are requirements under NFPA for all of the sprinkler systems in here. This building will be fully sprinklered. In addition, one thing to note is all of the building from the podium -- and the podium is that garage level of the building, that lower level of the building where you often will have a lobby and a garage. It's called podium construction. It's three-hour fire-rated. That's extraordinary. And in addition, all of the upper floors are one-hour fire-rated. There will be standpipes in each building, you'll have a fully monitored alarm system. That means when the alarm system goes off, it's not a local alarm, it goes right to the fire department or to the monitoring station.

We will be providing emergency generators at each building to provide, at a minimum right now, access controls, security lighting, controls for the garage, getting in and out, so no one would be stranded in case there's a power failure.

We have not made a decision of whether the emergency lighting will be on batteries or the generator, that's a decision that we make a couple of ticks down when we're closer to construction in here, but again, all of this will meet all the requisite building codes.

One of the other items that I believe was brought up at one point was would there be an area of refuge. Yes, there will be an area of refuge in these buildings, so that's a protected area that's built into the design of the building that allows, in case of an emergency, someone can be in a safe place and wait for the first responders to come.

The building is going to be elevator serviced. Some of the buildings have multiple elevator cores so that they're more efficient for the residents, and again, what we're trying to do is we're designing this smart for the residents because

that's -- you know, residents and the renters are smart now. They all look for amenities, they look for all of these features and safety features and we look to provide all of these items. So we provide elevators that are oversized in height, so at least one of the elevators will be oversized in height to enhance movement, and all of the elevators will be sized for stretchers as well. And again, we are happy -- no, I have not seen a fire report, but I've designed numerous buildings like this, so I am happy to work with the local authorities on locating Knox-Boxes and making sure that any of the issues they have with truss plaque or signage or what have you, that we accommodate and coordinate with that; that's an easy process.

So one of the issues I was bringing up was design features and amenities. Again, all of the design was, the starting point for this was the ordinance as well as the settlement agreement, which also included provisions for green design, and these are -- we have met or exceeded all of the standards that were proposed in here, so I believe we're in a very good place. Each building has its own defined entries and are essentially independently occupied. So they don't rely on a neighboring building. This

is something that Mr. Anderson was explaining, that one building doesn't have a surplus of parking and the other one have a shortage so you have to park at one building and walk over; they're truly independent structures.

Each building has an amenity space, as shown on the drawings; however, as I mentioned, Building D, which is the building on the ridgeline, is a bit more unique. It has more amenity spaces as well as we've included a rooftop deck for passive amenities for residents. As well, up on the roof, 20 units will have private roof terraces above their units.

Balconies are also provided for residents and also to provide architectural interests on the facade. So you can see on this rendering in here that we have these wraparound terraces as well as these balconies, and all of these were carefully integrated with the design so that it breaks up the building, provides a lot of architectural interest, and we feel that this was a very good response.

One of the things I want to know is, if you look carefully at the rendering over here (indicating), you will see down-lights on each of

1 the terraces or balconies, and the reason why we've
2 done that is, rather than provide a lantern on a
3 wall that shines and throws the light out
4 horizontally, these aim down and are very, very
5 controlled sources, so we believe that this will
6 provide and eliminate a glare. It provides a
7 cleaner illumination and eliminates clear from the
8 building to adjoining areas, and this was something
9 that was brought up as one of the comments last
10 night.

11 Another thing that I want to mention is
12 the handling of trash. So we have a trash compactor
13 in each building. We believe this is the gold
14 standard, it's the right way to do this. Trash is
15 collected, so you don't have to walk downstairs, out
16 the lobby or with a -- one of your neighbors in the
17 elevator carrying bags of trash or your recycling.
18 There's a room on each floor with a chute, trash is
19 dropped down and it goes down to a compactor, the
20 compactor compacts it into a container, it's brought
21 out for collection. This is really the best way to
22 do this.

23 The other issue, recycling is handled
24 just a little bit differently. We find that the
25 recycling tends to clog these, uh, these chutes,

1 because people will put a pizza box down there, they
2 unfold, they open up, so we find that it's more
3 efficient right now, until there's a better
4 technology, that we collect the recycling inside
5 each of these trash rooms in bins and the
6 superintendent brings these down, collects them,
7 brings them down to the garage; from the garage,
8 they go in containers often, sometimes large toter
9 cans, similar to larger versions of what you
10 probably have at your home, and they're brought out
11 for collection by a hauler.

12 So one of the other buildings that we
13 have designed, and I will go -- this is -- I'll --
14 I'm passing one of the other renderings. This is an
15 end view of the building to show how the ends of the
16 buildings step down and are landscaped and this is
17 pulled back seven feet and giving more of an overall
18 view. You can kind of see how some of the elements
19 are working together.

20 This building over here is that central
21 clubhouse building, and this is -- as you drive up,
22 this is -- there's that rotunda that Mr. Klein was
23 asking about. This is just up the hill from that
24 area, so as you drive up, you will see the back of
25 the building, which is exposed, and as you can

1 imagine, all of these buildings, and I'll -- all of
2 these buildings, because there's a lot of
3 topography, there's a lot of slope on the property,
4 we've designed all of the buildings to take
5 advantage of the slope, so they're often nestled in
6 with an accessible entrance, all of these buildings
7 are handicap accessible, and then the backs of the
8 building tend to be what I'll call "daylight" or a
9 walkout; some people are familiar with the term a
10 "walkout basement." That's essentially what we have
11 here. So this clubhouse is for tenants and their
12 guests, this is central to the job, and we have made
13 this building a little bit different so it has a
14 different special feel, but we've used many of the
15 same materials that are common to the residential
16 buildings. So there is an apartment that is shown
17 in the clubhouse. This was brought up on one of the
18 reports, I believe the planning report, and I want
19 to indicate there's nobody living in this building.
20 This is a part of a leasing office, so this is an
21 apartment so that when a renter is coming to look at
22 the property, he or she can see the layout of the
23 apartment with the finishes and basically without
24 having to navigate the site and find an empty
25 apartment to, uh, to look at. But we find that this

1 is a very good strategy and also nicer for the
2 residents as well.

3 We believe that this building will be
4 kind of the center point and it's a large amenity
5 structure, basically to provide a centralized hub
6 for the residents. It will include both interior
7 and exterior amenities. You can see there's some
8 roof decks and balconies and areas in here for
9 congregation. Again, there are outdoor spaces
10 adjoining this. Now, one of the things that -- on
11 the inside of the building, we've started labeling a
12 number of these clubhouse amenity -- amenities, but
13 a lot of these change over time because they need to
14 be responsive to the needs of the residents, so
15 while the building we're proposing is static, some
16 of these items will change over time. For instance,
17 a business center may have a conference room and
18 that may turn out a couple of years later to become
19 cubicles or something like that as a business
20 center. So these things tend, over time, to get
21 repurposed, but the idea of these spaces are they're
22 allowed for people to -- residents to congregate,
23 people who want to come who may be working out of
24 their house can come and utilize the clubhouse as
25 well.

1 So I'm going to go back to the starting
2 point in here that we were looking at and the color
3 and materials that are shown on the rendering, this
4 is an artistic conceptual view. This is Building D,
5 but it's really typical of all the residential
6 buildings. Color and materials are suggestions.
7 These are our best selection at this point. It is
8 possible that some of the colors and materials will
9 have to change slightly based on what is available
10 in the marketplace because sometimes colors get
11 discontinued, but this gives a close idea
12 conceptually of what we are trying to do and if an
13 alternate manufacturer came in, maybe the color will
14 be a little beiger or a little grayer or something
15 like that.

16 The materials include brick, illuminate
17 storefront at the entries, decorative architectural
18 railings, decorative panels, we have balconies. We
19 also have many openings that you will see along the
20 base of the building here and what we have done is,
21 these are openings that are screened with
22 architectural treatment that allows ventilation, but
23 it also hides the parring behind. All of the
24 buildings need, all the parking need to either be
25 mechanically ventilated or naturally ventilated. To

1 be more in the spirit of a green building, we have
2 tried to do these with natural ventilation where
3 grading permits. There are a couple of instances on
4 certain areas on buildings that we are not -- we
5 believe we will not be able to do that, so certain
6 portions of the garages will need to be mechanically
7 ventilated.

8 Windows are all large and well
9 proportioned for the contemporary feel of these
10 buildings and we've created architectural paneling,
11 which is either metal composite or fiber cement.
12 All of these are -- all of the materials used are
13 very, very low maintenance. The idea in here, their
14 high-quality materials, have very low maintenance,
15 and the idea is that the building will look good
16 with very little maintenance for years to come.

17 As we have discussed on here, the --
18 the building as a whole is well broken up and,
19 again, these buildings were designed compliant with
20 the ordinance; however, there's one small caveat.
21 Due to the way the buildings are graded -- so the
22 buildings are always tucked into the hill. The
23 buildings all need to be handicapped accessible,
24 there's no option there. So what we've done is
25 worked with the existing grading and worked with Mr.

1 Anderson closely so that what we can do is create a
2 situation where we get the roads to have the right
3 pitch, the sidewalks to have the right pitch, and
4 usually what happens is, at the garage level, is --
5 that was the equalizer, so we've had to make the
6 garage taller in some instances than is necessary,
7 and what that has done is there's a portion of the
8 ordinance called Section 25-19(b)10 which has to do
9 with exposure of the ground floor, and we have a
10 provision where we need to hold to 50 percent, but
11 because of these conditions in here, we are over 50
12 percent. Now, what does that mean? Well, we've
13 mentioned that the buildings are built into grade
14 where we can, but rather than drastically alter
15 grade, put in retaining walls and other elements in
16 here, we believe that it's far better to create more
17 interesting architecture, create architectural
18 treatment of the ground floor and provide more
19 landscaping and in a couple of places where we have
20 more exposed wall -- and these are the walls of the
21 garage level in all cases, is those walls in there,
22 we've created a -- where we have one of those
23 ventilation holes, we've created a green wall and
24 that green wall will take the place where we have a
25 larger opening, where we have on certain buildings

1 where it is dropped down much lower, that we will --
2 that it will -- we will have basically green
3 vegetation growing on the kind of louvered frame
4 system, protecting the garage.

5 So I believe Mr. Anderson had the
6 metrics in here for Building A, Building B, Building
7 C and Building D for where the proposed design was
8 in excess of the 50 percent.

9 Now, one of the things just to -- all
10 other provisions of the IH-1 ordinance and all of
11 the building heights and other provisions are all
12 conforming, so this was the only item that we're
13 looking for relief on.

14 One other item that I wanted to bring
15 up, and this is something that Mr. Anderson had
16 discussed, is that we had cut two sections through
17 the building -- through the site, so we took one
18 going over this side to Howell and down over here --
19 can you pan to the -- to the right? So -- down to
20 Rosemont. So I will show you these two section
21 views, and what is very hard to understand, we have
22 a building here that's placed on the site and there
23 are all of these lines and topo, but you can see,
24 this is a relatively flat area over here, and you
25 can see, in the fenced area, how steep it gets.

1 Steepness, you would see because the topography
 2 lines are much closer together. So I'm going to go
 3 and show respective -- this is that first
 4 diagrammatic Section AA, which shows over here going
 5 toward Howell, and you can see, respectively, where
 6 the house is, the existing vegetative tree line, and
 7 actually, how it kind of flattens out here. Now,
 8 there was discussion that was brought up about --
 9 and I'll actually show the other -- the other view
 10 because I think that's even -- is a lot more
 11 telling, is now you see it's at a completely
 12 different scale, here's the cross-section of the
 13 building, you see the flat portion of the ridge.
 14 This is at section BB. And the house and scale is
 15 back down over here (indicating). So you can kind
 16 of get a sense of it's very hard to understand when
 17 you look at the site from an adjoining area or look
 18 at a floor plan, you don't quite get a sense of
 19 scale. I think this does give you a good sense of
 20 scale here.

21 Now, one of the things that we were
 22 discussing, and Mr. Anderson -- we talked a little
 23 bit about this because he was asking questions and
 24 he had shared the geotechnical reports with us and
 25 what is very interesting is the best --

1 (Noise disturbance)

2 MR. APPEL: The best -- the best way
 3 to support a building is on bedrock. We have an
 4 opportunity here to be at bedrock or close to
 5 bedrock. Do I design these things? Well, to a
 6 degree, yes, but we hire, we read the geotechnical
 7 reports, we provide them to a structural engineer
 8 who designs the foundation systems for the building,
 9 and in collaboration with each other, they decide
 10 how deep and what type of foundation needs to be
 11 used for the building. The conditions here for me
 12 are not scary but almost bordering on ideal. The
 13 negative to this is that there may be some rock that
 14 has to be moved away from certain areas to construct
 15 the buildings. There was little room to change a
 16 lot of the roadway elevations, so Mr. Anderson kind
 17 of gave us whatever leeway we had, but there was not
 18 a lot of leeway there, but what is -- what will
 19 happen in here is, when rock is encountered, and
 20 there is shallow rock in portions of the site, per
 21 the geotechnical reports, they're indicating that
 22 top portions of this may be able to be ripped and
 23 removed because they're already fractured, and
 24 that's the investigation that Mr. Anderson was --
 25 was talking about with a contractor. The

1 contractors don't just make these decisions, it's
 2 done with engineers and studies. In addition to
 3 this is that a building like this, it's not that an
 4 architect designs it, it's not just that a
 5 structural engineer is involved and a geotechnical
 6 engineer, but there's also inspections, inspections
 7 by the town and also third-party independent
 8 inspections, so the developer has to hire these
 9 inspectors as well that are looking at strength of
 10 concrete, placing of reinforcement bars, elements
 11 like this, so there are a lot of levels of design
 12 and redundancy, all that create an enhanced factor
 13 of safety for the construction. I don't look at
 14 this as anywhere -- like, when you look at this and
 15 you see this in scale, it's nowhere hanging off a
 16 cliff, it is not at all concerning, but that's not
 17 just me. The geotech engineer and the structural
 18 engineer will be looking at that and determining how
 19 deep he needs these to go and to what level they
 20 need to go to get either satisfactory soils or to --
 21 into existing bedrock.

22 So, let's see. I think I have covered
 23 all of the items that I wanted to cover in my
 24 testimony. I do have the remainder of my
 25 architectural drawing submittals with me here as

1 well, but I don't know whether, at this scale on a
 2 screen, I don't know whether it's useful time to
 3 walk through and talk about all the, you know, the
 4 way the buildings are laid out, but if there are
 5 questions, I can certainly point to one of these
 6 exhibits to aid any of the Board members or...

7 MR. PLOCKER: I just have a couple of
 8 follow-up questions for Mr. Appel before we turn it
 9 over to the Board.

10 Mr. Appel, obviously, there are a
 11 hundred affordable housing units proposed.

12 MR. APPEL: Correct.

13 MR. PLOCKER: And there are state
 14 regulations which govern the number of one, two- and
 15 three-bedroom units that are required. Are you
 16 familiar with those?

17 MR. APPEL: Yes, that's exactly what
 18 Mr. -- I think it was testified by Mr. Anderson.

19 MR. PLOCKER: Yeah, I just wanted to
 20 confirm as the architect --

21 MR. APPEL: Yes.

22 MR. PLOCKER: -- and we are looking at
 23 some unit layouts now. Do the affordable units
 24 comply with those regulations?

25 MR. APPEL: A hundred percent,

1 correct.

2 MR. PLOCKER: Okay, thank you very
3 much. And also, with respect to the amenities, is
4 it fair to say that a large majority of the
5 amenities are focused towards the center of the
6 overall site?

7 MR. APPEL: Well, the largest amenity
8 is the clubhouse, which is at the center of the
9 site, so I will -- let's see. I think the best way
10 to show this over here is our clubhouse is over
11 here, so this is -- this is the center of the site,
12 this is that rotunda, the traffic circle that Mr.
13 Klein was referring to earlier. So we have the
14 clubhouse structure over here and then directly to
15 the side, we have two tennis courts and a pool. The
16 tennis courts are up on the high side and then
17 there's a transition grade-wise to the pool on the
18 lower side, and then obviously, I will say Building
19 A, which is in two pieces, Building B, Building C,
20 and to the right is Building D shall and Building D
21 is also in two separate pieces so it presents itself
22 as two separate buildings.

23 MR. PLOCKER: Okay. Thank you, Larry.
24 I have nothing further for Mr. Appel.

25 CHAIRMAN BAGOFF: Okay. Thank you,

1 question about the roofs. What other -- I know
2 that, like, you just shared, you know, some are
3 flat, some are sloped. What kinds of equipment will
4 you need to have, if any, on some of the roof
5 structures?

6 MR. APPEL: So for the most part, and
7 I can go to one of the -- one of the roofs. Let's
8 see. Well, really, any of them. Each of the
9 apartments are going to have a condensing unit, so
10 for the most part, all of these condensing units
11 will be located up on the roof. They take a small
12 area, they're tended -- they tend to, we call them,
13 like a condenser farm, we huddle them together and
14 they're kind of pods on the -- on the roof and they
15 take a portion of the roof. All of the buildings,
16 A, B and C, do not have occupiable roofs. Building
17 D does, so there, we basically worked around all of
18 those condensing units so that we provided
19 programmatic space as well as condensing space.
20 Space for the condensers.

21 MS. KAPFERER: Okay. And those spaces
22 are separate?

23 MR. APPEL: Yes.

24 MS. KAPFERER: You mentioned in your
25 testimony that you had incorporated green design

1 Mr. Appel. We'll start with Ms. Kapferer. Do you
2 have any questions for Mr. Appel about his
3 testimony?

4 MS. KAPFERER: Yes. Thank you, Mr.
5 Chairman. I do have a few questions.

6 MEMBER OF THE PUBLIC: Can you
7 raise...

8 CHAIRMAN BAGOFF: Speak louder.

9 MS. KAPFERER: Yes. I'll do my best
10 here. I do have a few questions. One is about roof
11 drainage. Are you at the point in your design where
12 you have a sense for where downspouts will be, any
13 comment on that?

14 MR. APPEL: So this -- these
15 buildings, for the most part, have internal drainage
16 structures so they're taken down through the
17 building because they're flat roof. The only
18 building that -- well, the maintenance building has
19 a pitch roof and the clubhouse has a partial pitch
20 roof, but most of the roof water is going to be
21 coming down and is going to be collected and
22 conveyed into the drainage systems that Mr. Anderson
23 designed. What's good about this is it's all clean
24 water, it doesn't have to be treated.

25 MS. KAPFERER: Yeah, one other

1 features. Can you share more specifically about
2 what those features are?

3 MR. APPEL: They are fully enumerated
4 in the settlement agreement. These have to do with
5 certain types of lighting, certain types of plumbing
6 fixtures, efficiency of heating and air-
7 conditioning. We are designing the roofs so that
8 the structural system can accommodate future solar
9 panels. So there's a bunch of items like this. It
10 also has to do with colors, lighting that does not
11 project, you know, that the lighting is facing
12 downward so that you don't get a lot of light
13 filtering up into the sky, so efficiency of windows,
14 efficiency of appliances. In many cases, we have
15 designed these similar to provisions in Energy Star
16 and other green standards, but we are not going
17 through the whole process to do all the
18 certification. We have a series of items that are
19 outlined in the settlement agreement. Some of them,
20 you have to -- are mandatory and some of them are
21 optional, and the ones that are optional, you have
22 to do a certain number of them to comply, so we're
23 -- we've gone through that and that is actually one
24 of the reasons why we went to a pitched roof,
25 because the efficiency for the equipment that we can

1 place on a -- on a flat roof is much higher; we
2 couldn't get the efficiencies to work on some of the
3 other equipment.

4 MR. PLOCKER: And just for the record,
5 that the settlement agreement Mr. Appel is referring
6 to, it is the design terms and conditions contained
7 in Exhibit C.

8 MS. KAPFERER: Yeah, one more question
9 about the roof. I know you said there are, like,
10 roof terraces and public areas and there are
11 balconies as well. Can you tell us about -- I
12 imagine there's a typical height for, like, fence
13 around that. I'm just thinking of kids, you know,
14 are kids roaming around up there? Are they going to
15 be climbing the sides? Like, how -- can you
16 describe how they're safe?

17 MR. APPEL: So there's two -- there
18 are two issues that need to be addressed in here.
19 Typically one is sometimes we do higher elements as
20 windbreaks and sometimes you do mandatory for what's
21 called a guardrail. The guardrails need to be 42
22 inches.

23 MS. KAPFERER: And can you describe --
24 I know you talked about accessibility. Can you
25 describe maybe how someone who has a physical

1 building. Most of these units will be -- have dens,
2 that's why they're a little deeper, it allows having
3 a little bit kind of nook or alcove that is a good
4 place to put a desk or element like this, but as you
5 can see, they're kind of integrated and spread
6 around, you know, on each of the floors and it was
7 done, you know, in -- you know, intently that when
8 you walk the building, all the doors look the same,
9 you can't tell who's an affordable unit and who is a
10 market unit.

11 MS. KAPFERER: And even, like,
12 fixtures inside or features inside the apartments,
13 are they close in -- I mean, are you able to
14 describe...

15 MR. APPEL: They're -- we haven't
16 gotten that far.

17 MS. KAPFERER: Okay.

18 MR. APPEL: They're usually similar,
19 but usually the kitchens are a little, you know, a
20 little bit smaller, a little tighter, sometimes will
21 not have an island, where a market unit may have an
22 island, but they still will have a washer/dryer, you
23 know, it's not like that they're missing, you know,
24 an element, just some of the elements may be a
25 little bit smaller --

1 disability might navigate the site, from -- I mean,
2 this is just a typical -- from a car to an
3 apartment?

4 MR. APPEL: So if you -- I'll come to,
5 for instance, I'll just randomly select Building C.
6 You drive into the building as a resident and you
7 will have an accessible stall right opposite the
8 lobby. So you literally drive in, park, walk across
9 the matched area right into the lobby, up the
10 elevator to your apartment. So that's as simple as
11 simple can be.

12 MS. KAPFERER: Okay. Thank you.

13 MR. APPEL: And every portion of the
14 building will be accessible per FHA guidelines.

15 MS. KAPFERER: And can you describe
16 how -- or what differences might exist between an
17 affordable unit versus like a luxury unit?

18 MR. APPEL: So here's a -- we've
19 colored them a little bit differently, so here's --
20 here's a COAH unit and one-bedroom unit, so you can
21 see they're relatively similar. The COAH units are
22 located, in general, on the shorter side of the
23 building. As I mentioned, the hallway, the
24 corridor, is offset a little bit, so we generally
25 have slightly larger units on one side of the

1 MS. KAPFERER: Okay.

2 MR. APPEL: -- but they all have the
3 same type of heating and air-conditioning, washer
4 and dryer and, you know -- you know, full kitchens
5 and similar -- similar bathrooms, et cetera.

6 MS. KAPFERER: Okay. I think that's
7 it for now. Thank you so much.

8 MR. APPEL: Thank you.

9 CHAIRMAN BAGOFF: Mr. Cardoza.

10 MR. CARDOZA: Yes, thank you, Mr.
11 Chairman. I think I'll begin by piggybacking off
12 Ms. Kapferer. For the affordable housing units, I
13 believe in previous applications to the Board, we've
14 conditioned that, you know, appliances not be
15 cosmetically substantially different than -- or
16 second tier compared to marketplace units. If we
17 can, I'd just like to submit that, if we can --

18 CHAIRMAN BAGOFF: The terminology is
19 "materially similar."

20 MR. APPEL: Materially similar.

21 MR. CARDOZA: Thank you.

22 CHAIRMAN BAGOFF: I believe that's
23 what was in our application previously.

24 MR. CARDOZA: Right.

25 MR. APPEL: That's something that I

1 would ask the, you know --
 2 MR. CARDOZA: Yeah.
 3 MR. APPEL: -- the developer to do.
 4 MR. CARDOZA: Well, as available based
 5 on, you know, supply. Right? Okay, that's one
 6 thing.
 7 I took a lot of notes so I'm going to
 8 be jumping around.
 9 MR. APPEL: No worries.
 10 MR. CARDOZA: Looking at PB-4.7.
 11 MR. APPEL: So that was the site
 12 section, right?
 13 MR. CARDOZA: That's the markup of
 14 each type of unit.
 15 MR. APPEL: Oh, okay. Let me go to
 16 there, okay.
 17 MR. CARDOZA: Okay, so this represents
 18 every type of unit that would be available --
 19 MR. APPEL: No.
 20 MR. CARDOZA: -- across all buildings?
 21 MR. APPEL: No. No. These are --
 22 these are representative typical buildings because
 23 there are a lot of -- because we've carved the
 24 building out and created lots of nuances design-
 25 wise, there are a lot of other unit types, so --

1 MR. CARDOZA: Okay.
 2 MR. APPEL: But these are
 3 representative, these were our starting blocks. So
 4 when you have a building that, let's say, has a turn
 5 where the building kind of angles like a boomerang,
 6 --
 7 MR. CARDOZA: Um-hum.
 8 MR. APPEL: -- what we'll have to do
 9 is we'll have to kind of modify the unit and make it
 10 a little bigger, it might get a little smaller. But
 11 this gives a starting point for the units --
 12 MR. CARDOZA: Okay.
 13 MR. APPEL: -- and as I said, is that
 14 these units will go with a sales and marketing team
 15 and we will fine-tune this. The units, you know,
 16 could jog a little one way or another, the
 17 building's not going to grow, but the way some of
 18 the units are configured may alter slightly.
 19 MR. CARDOZA: All right. But at this
 20 moment, these are the plans, you have one-bedroom,
 21 one-bedroom plus den, two-bedroom, three-bedroom?
 22 MR. APPEL: Correct.
 23 MR. CARDOZA: Okay, and that's pretty
 24 much -- no further iterations on them or...
 25 MR. APPEL: Oh, we're not proposing a

1 four-bedroom, we're not proposing any studios at
 2 this time. I don't want to say -- like, never is
 3 never, but this is the typical unit mix --
 4 MR. CARDOZA: Okay.
 5 MR. APPEL: -- and we'll just have
 6 permutations of same.
 7 MR. CARDOZA: All right. And you
 8 mentioned that the internal hallways will not be
 9 centered. Is that for all four?
 10 MR. APPEL: That's how we set up each
 11 of the buildings because it just gave more variety
 12 to have some units with dens and some without dens
 13 and...
 14 MR. CARDOZA: Understood.
 15 Regarding the shared amenities, could
 16 you give us, I don't know, kind of a brief overview
 17 of at least proposed what's -- what do all the
 18 buildings have in common and what can only be found
 19 in the clubhouse, what is unique to each building
 20 aside from, you know, you've explained Building D
 21 has a rooftop terrace.
 22 MR. APPEL: Okay, so to go through --
 23 it's a little tough to go through at this, you know
 24 --
 25 MR. CARDOZA: Yeah, I understand.

1 MR. APPEL: -- because it's going to
 2 be very small, but this is Building A-1 and A-2, so
 3 what you can see is a common parking podium with two
 4 boomerang masses that are separated with an outdoor
 5 courtyard between them, and at the two corners in
 6 here, we created amenity structures to utilize this
 7 courtyard. Now, the roadway is up here, so you
 8 basically can go from the roadway right onto this
 9 courtyard through these vestibules and open to the
 10 building, you know, into the building. The main
 11 entrance is on the lower side at these two lobbies
 12 that are in the two corner knuckles of the building.
 13 So we have these two amenities over
 14 here and we have an outdoor amenity space. The
 15 remaining portions of this building are all market
 16 here. They're all units, there's no other
 17 amenities. When we go to another building type is
 18 that we have an amenity space right next to the main
 19 lobby, so you have the lobby over here, you have an
 20 amenity, and then you have a little bit of an
 21 outdoor space directly outside that. So Building B
 22 has this one small amenity, and when you go to
 23 Building C, in a similar fashion, we have this
 24 outdoor courtyard over here kind of tucked into the
 25 building and we have an amenity space adjacent to

1 the lobby. So that's the formula for Building A, B
2 and C.

3 Building D is a little bit unique,
4 because when you come into the center of the
5 building, we have a gym at the ground floor, so
6 separate from the amenities, I'm going to say the
7 standard -- every building has an elevator core, has
8 stairs, has a trash room, has a mailroom and a
9 package room. All those things are -- I consider
10 those almost necessities, not -- not amenities, but
11 over here, this building has a gym. When you come
12 upstairs, you have other amenity spaces, you have an
13 outdoor amenity space across the lobby, over here
14 (indicating), and on each corner, you have a small
15 amenity space.

16 Can you pan up to the top a little bit?

17 Yes.

18 And then above the gym, we have a club
19 room, and then when we go upstairs again, this
20 repeats itself with these small amenities at that
21 same corner, they're all stacked over here, but
22 these will no longer -- you're above where you have
23 the outside space, so these have no way to get to
24 the outside, but we still have these amenity spaces
25 over here. And if you can pan down. And then we

1 have this lounge. We're going to call this the sky
2 lounge and I'll explain to you why, because we're
3 going to go to the rooftop. The rooftop -- all of
4 these hatched areas that are dark, all of these
5 hatched areas are private for one of the residents.
6 These condenser farms in here will be screened,
7 where they'll have the mechanical equipment, but
8 rather than spread that all around the building,
9 what we've done is we've created these private roof
10 terraces with a small little bulkhead for stairs and
11 a little place to have, like, a little kind of wet
12 bar or kitchenette over here, and it's just a nice
13 private space that these residents can -- can use.
14 In addition, if you can pan to the left a little
15 bit, we have -- this is a larger public space inside
16 the -- at the roof level. It has a larger view
17 toward -- into the development, so this is looking
18 toward the clubhouse, and this smaller element,
19 which is a view toward the New York skyline.

20 So I'll go to the clubhouse. The
21 clubhouse has a mix of lots of different amenities.
22 Did you want me to walk through the clubhouse also
23 or...

24 MR. CARDOZA: Yes.

25 MR. APPEL: So coming in, you have a

1 large common vestibule and a stair that is, we call
2 them "monumental stair" because it's not enclosed,
3 so it's just more visual, elevator, we have a
4 private -- private dining area, then an open area
5 here for some passive areas --

6 MR. CARDOZA: Can everyone be quiet,
7 please?

8 MR. APPEL: -- a game room, bar, home
9 theater, a sitting area. This is the leasing office
10 over here, this is the model apartment, and this is
11 a -- basically a business center, kind of like a
12 WeWork.

13 Upstairs -- oh, this is the basement
14 below, is the services that are more connected
15 toward kids. We are proposing a golf simulator, we
16 have different types of -- we have different types
17 of toilet rooms servicing the pool, and this is
18 exercise and yoga as well. This area here is more
19 of a kids' area to the side and then we have an
20 upper level that we have, if you go down, which was
21 a -- kind of a -- like a members-only kind of club
22 area that would have some interior space and some
23 outside space, and we've created two-story volumes,
24 both on the up side and the downhill side, where we
25 have open two-story spaces with an overlook from

1 there. So we've tried to kind of make this very
2 flexible and adaptable so that we can reprogram
3 these type of things just by changing some
4 furniture, kind of repurpose themselves.

5 MR. CARDOZA: All right. Thank you
6 for the walk-through; that is helpful. I have
7 several follow-up questions. I guess the first
8 thing, just to clarify, so the gym -- there's a gym
9 in the clubhouse and the only other building that
10 has a gym is Building D.

11 MR. APPEL: That is correct.

12 MR. CARDOZA: Okay. And all of the
13 residents are able to access the gym and the
14 clubhouse, but is that the intention for the gym in
15 Building D, is that only accessible to --

16 MR. APPEL: Typically -- this is
17 really an ownership --

18 MR. CARDOZA: Yeah.

19 MR. APPEL: -- decision and a sales
20 and marketing. What was envisioned is the amenities
21 that were part of D were specific to residents at D
22 because this was such a robust clubhouse, we felt
23 that was -- but that's really an ownership decision.

24 MR. CARDOZA: Okay. Just to clarify,
25 and some of this might be still under discussion, I

1 believe we spoke about it yesterday, usage and
2 access for the clubhouse, the kennel and dog park,
3 residents only or --

4 MR. APPEL: You're talking about the
5 clubhouse?

6 MR. CARDOZA: Well, I guess, yeah, we
7 can say the clubhouse specifically first. Residents
8 and guests or...

9 MR. APPEL: So the clubhouse is
10 typically residents or guests and what I would say,
11 this is -- this is an ownership, you know --

12 MR. CARDOZA: Um-hum.

13 MR. APPEL: -- decision --

14 MR. CARDOZA: Some of my questions may
15 be, a lot of them might be.

16 MR. APPEL: -- but the -- my
17 understanding is that the clubhouse is residents and
18 guests.

19 MR. CARDOZA: Okay. Taking a step
20 back looking at everything, so do we have security,
21 24/7 security on site or do we have a concierge or
22 is everything unmanned and just...

23 MR. APPEL: So we -- right now, that,
24 again, is an ownership and kind of a, you know, part
25 of a sales and marketing strategy, so I don't know

1 MR. APPEL: Yes.

2 MR. CARDOZA: You mentioned the
3 original intention was for the rooftop deck to only
4 be accessible to building D residents, and did you
5 mention that there was a rooftop deck for the
6 clubhouse?

7 MR. APPEL: There -- there's a lot of
8 outdoor space at the clubhouse, but that rooftop
9 deck is part of the -- that upper floor that we were
10 talking about --

11 MR. CARDOZA: Okay.

12 MR. APPEL: -- which was -- which was
13 right now initially planned. That's really an
14 ownership, I don't know whether that's been
15 solidified.

16 MR. CARDOZA: Okay.

17 MR. APPEL: But there's an abundance
18 of indoor and outdoor terraces and gardens and --

19 MR. CARDOZA: Okay. But not a rooftop
20 that people could...

21 MR. APPEL: I --

22 MR. CARDOZA: For the purposes of, you
23 know, this rooftop is for parties, celebrating,
24 gathering.

25 MR. APPEL: Correct --

1 exactly how that would be staffed. We have allowed
2 space for a concierge at Building D.

3 MR. CARDOZA: Okay. Mr. Plocker, feel
4 free to jump in. A lot of my questions might be --
5 I'm trying to work out how -- how this is going to
6 function.

7 MR. PLOCKER: Oh, and we very much
8 appreciate the questions, please keep going.

9 MR. CARDOZA: Okay.

10 (Court reporter asks the Chairman to instruct
11 the members of the public to keep the noise down.)

12 CHAIRMAN BAGOFF: Ladies and
13 gentlemen, we ask you to be a little quieter.
14 There's going to be a record maintained here and she
15 can't hear everything. Thank you very much, we
16 appreciate that.

17 COURT REPORTER: Thank you.

18 MR. CARDOZA: Okay. I guess looking
19 at the rooftop deck on Building D. First of all,
20 the --

21 MR. APPEL: I'm sorry, which building
22 were you --

23 MR. CARDOZA: Building D.

24 MR. APPEL: Building D, yes.

25 MR. CARDOZA: The rooftop deck.

1 MR. CARDOZA: Okay.

2 MR. APPEL: -- it's intended to be
3 passive, passive space.

4 MR. CARDOZA: As far as how this is
5 separated from the individual units and divided --
6 the space is divided, how are we dealing with light
7 and noise, you know, what rules -- are there already
8 rules proposed to put in place to, you know, quiet
9 hours so that we're not affecting the private
10 residents?

11 MR. APPEL: I would make the
12 assumption that the leases and rules of the
13 community would have limitations of the hours that
14 any of the public spaces are -- are available and
15 open.

16 MR. CARDOZA: Do you have plans for
17 specific lighting on the public sky lounge as of
18 right now?

19 MR. APPEL: There will be lighting,
20 but our intent is to keep this lighting to be low-
21 bollard type lighting so that it's not up high but
22 it's kind of illuminating the lower surfaces, so --

23 MR. CARDOZA: And that would be set to
24 only, you know, run at certain times of day?

25 MR. APPEL: Well, normally, there

1 would be a certain time that the -- and I don't have
2 an answer for you on when that would be shut off,
3 whether it's 9:00, 10:00, 11:00 --

4 MR. CARDOZA: Um-hum.

5 MR. APPEL: -- but I would assume
6 ownership would set reasonable standards for that.

7 MR. CARDOZA: Okay. How is it
8 physically, because we're looking at an aerial view,
9 how is it physically divided from -- how are these
10 side by side --

11 MR. APPEL: So where you have two of
12 these private terraces meeting, we've actually
13 created planters so that this will be a vegetated
14 planter with basically a screen similar to what you
15 would kind of find as a -- as a fence in somebody's
16 backyard, so it would be an element going across,
17 but we provided some planters in here. When we get
18 to these main areas, maybe some of these areas,
19 rather than being a hard fence, may also be planters
20 also, like we're showing a planter over here, maybe
21 these will end up wrapping around, but the intent in
22 here is that you will have -- the residents will
23 have a little bit of privacy and it's meant to be
24 kind of a neat, cool place to hang out, that's...

25 MR. CARDOZA: Okay. Thank you. In

1 lieu of one of our other Board members, Pete
2 Smeraldo not being here, former fire chief, I'm just
3 going to ask some questions about accessing the
4 roofs. Full stairwells to access each roof or do we
5 have hatches?

6 MR. APPEL: No. We are bringing up --
7 oop. We have full stairs providing access, so we
8 have a stair -- a full stair and another full stair
9 and this lobby and stair go down to the sky lounge,
10 which is directly below this, so this side has two
11 stairs -- oop. One stair over here, another stair
12 over here (indicating), so we have two stairs to
13 handle the access to the roofs.

14 MR. CARDOZA: And that holds true for
15 each building?

16 MR. APPEL: Correct.

17 MR. CARDOZA: Okay. So no hatches.

18 MR. APPEL: So that -- and actually,
19 on the other buildings, we will typically, where we
20 don't have an occupiable roof, we will have one
21 stair go up; that way, for maintenance, fire access,
22 safety, you will have at least one stair. Where you
23 have an occupiable roof, you have to have two.

24 MR. CARDOZA: Okay. Good, terrific.
25 Yeah, that's what we want to hear. I know Pete

1 loves full stairwells as opposed to hatches.

2 MR. APPEL: And there will be -- and
3 there will be standpipes and there will be -- we've
4 already checked the heights per NFPA sprinkler code
5 and -- so all the -- all those things that we want
6 to make sure worked.

7 MR. CARDOZA: All right, terrific.
8 You mentioned the alarm system, a signal reaching
9 the emergency responders directly?

10 MR. APPEL: It's a monitored system,
11 so it will usually go to a monitoring station that
12 will contact the first responders.

13 MR. CARDOZA: Okay. Do you have --

14 MR. APPEL: Yeah, and there will be a
15 Knox-Box on each building as well for the --

16 MR. CARDOZA: That's fine. Okay. Are
17 you proposing AEDs be available and accessible in
18 any...

19 MR. APPEL: I haven't gotten -- that,
20 I haven't gotten that far on.

21 MR. CARDOZA: Okay. Yeah, we'll want
22 to revisit a condition and especially around the
23 gyms, especially around the gyms and tennis area,
24 any physical activity especially.

25 Okay, you mentioned that, generators,

1 emergency lighting.

2 The natural ventilation that you
3 mentioned, that was in regards to the garage only,
4 correct, when we saw the visual --

5 MR. APPEL: That's.

6 MR. CARDOZA: -- rendering?

7 MR. APPEL: That is correct.

8 MR. CARDOZA: Okay.

9 MR. APPEL: That's only for the podium
10 level of the garage.

11 MR. CARDOZA: The large windows, are
12 those treated in any way; what are we doing for
13 protection from heat and glare?

14 MR. APPEL: So the settlement
15 agreement actually provided fairly rigorous U values
16 for all the window systems, so you're already at a
17 high-performance window per the settlement
18 agreement.

19 MR. CARDOZA: And the architectural
20 panel, low-maintenance materials, you mentioned,
21 that was -- that's facade, correct?

22 MR. APPEL: That's facade --

23 MR. CARDOZA: Okay.

24 MR. APPEL: -- that's exterior.

25 MR. CARDOZA: The trash compactor, do

1 we have an idea -- is that demarcated anywhere, the
2 proposed tract compactors, like do we know the
3 size --

4 MR. APPEL: Oh, sure.

5 MR. CARDOZA: -- the noise, how they
6 operate, smells emanating?

7 MR. APPEL: So what I will show you is
8 -- why don't I go down just to -- could we zoom in
9 over, let's say -- a little bit more. Over to this
10 area (indicating)?

11 MR. FAGAN: That's as far as I can go.

12 MR. APPEL: Oh, okay. So here's
13 elevator, stair, that's the trash room right there.
14 So you're going to go in here, there's going to be a
15 door, a bin door to a chute, you're going to drop
16 the trash down there and there will probably be a
17 row of some shelving and toter cans for putting
18 recycling in there. So, basically, a resident goes
19 out of their apartment, walks down toward the
20 elevator, drops the trash and -- it's a simple
21 process.

22 MR. CARDOZA: So the size of the trash
23 compactor is?

24 MR. APPEL: The trash compactor is not
25 there, that's only a chute.

1 MR. CARDOZA: Okay.

2 MR. PLOCKER: I just wanted to state
3 for the record -- sorry to interrupt you.

4 MR. CARDOZA: No, please.

5 MR. PLOCKER: I just want to --

6 CHAIRMAN BAGOFF: Mr. Plocker, go
7 right ahead.

8 MR. PLOCKER: Thank you very much, Mr.
9 Chairman, my apologies. Just the level of detail,
10 obviously, some of this is a little premature, the
11 more detailed we get, and I appreciate Mr. Appel to
12 the extent he can address some of the more specific
13 items, but he did allude a couple of times some of
14 these will be ownership decisions after the
15 buildings are built, but we do intend to fully
16 comply with the design terms and conditions of the
17 settlement agreement.

18 MR. CARDOZA: Terrific, terrific.

19 Yeah, I understand and I appreciate that, I'm just,
20 as much as I can, you know -- thank you.

21 So you mentioned handicapped
22 accessibility and you mentioned FHA. I just want to
23 -- I just want to understand, are we talking ADA
24 compliance as well?

25 MR. APPEL: So FHA is the equivalent

1 MR. CARDOZA: Ah, okay.

2 MR. APPEL: In the garage level --

3 MR. CARDOZA: The garage level, okay

4 --

5 MR. APPEL: -- that room is going to
6 be like four times the size --

7 MR. CARDOZA: Okay.

8 MR. APPEL: -- and is going to have a
9 compactor unit, which is remarkably small and the
10 container is remarkably small; it's amazing, these
11 things just crush the garbage into like a third of
12 the volume.

13 MR. CARDOZA: So what I'm getting at
14 is that you're anticipating that the proposed trash
15 compactor will be able to handle the volume of, you
16 know, waste produced by, say, full occupancy or 80
17 percent and that maintenance will regularly, you
18 know, remove these --

19 MR. APPEL: Correct.

20 MR. CARDOZA: Okay.

21 MR. APPEL: -- the strategy is those
22 containers, they will typically engage a hauler and
23 they will figure out do they need two or three of
24 those to handle, let's say biweekly or whatever, you
25 know, the collection, so...

1 of ADA for residential buildings.

2 MR. CARDOZA: Okay.

3 MR. APPEL: So it's just a simple,
4 that's the term -- if I said ADA, everyone would
5 know what I'd meant but I'd be wrong, so --

6 MR. CARDOZA: All right.

7 MR. APPEL: -- I'm saying "FHA".

8 MR. CARDOZA: I just wanted to clarify
9 that.

10 MR. APPEL: And there's also a
11 barrier-free subcode, so we will be conforming with
12 that as well.

13 MR. CARDOZA: Okay. Can we look at
14 the dog park and maintenance building?

15 MR. APPEL: This is -- this is
16 obviously the maintenance building.

17 MR. CARDOZA: Okay. And -- I guess I
18 don't need too much. More so just looking at them
19 on the -- on the map, actually.

20 MR. APPEL: So --

21 MR. CARDOZA: Or we can -- actually,
22 you're close to it. We can go to the dog park. Or
23 the kennel, the kennel. Go to the kennel.

24 MR. APPEL: Do you want the overall,
25 like --

1 MR. CARDOZA: Yeah.
 2 MR. APPEL: -- site plan view?
 3 MR. CARDOZA: What is the -- yeah.
 4 MR. APPEL: So I can go to --
 5 MR. CARDOZA: Well --
 6 MR. APPEL: The trouble is this
 7 background may be a little older that -- over here
 8 (indicating).
 9 MR. CARDOZA: Okay.
 10 MR. APPEL: So this all is, I think, a
 11 little bit -- Paul, this is a little -- this is an
 12 older background that was used when we did this.
 13 MR. ANDERSON: Correct.
 14 MR. APPEL: So this building is pretty
 15 close, but this building over here turned around so
 16 it faces this parking lot.
 17 MR. CARDOZA: And the lower -- the
 18 smaller building towards the bottom is the kennel.
 19 MR. APPEL: That's a kennel going
 20 through -- basically in this area over here
 21 (indicating), so the idea is that you pull in over
 22 here and you go back and this parking lot is shared
 23 between the maintenance building, which has very
 24 little parking need, and this kennel building, which
 25 also has very little parking need, so it just seemed

1 to be a good shared arrangement over here. The
 2 difference is, instead of this building sitting over
 3 here, it was moved up in here to engage that parking
 4 lot (indicating).
 5 MR. CARDOZA: Okay. As pertains to
 6 the Chem -- now, I'm not a dog owner so I don't
 7 know. What is the scope of this building? I assume
 8 you're going to be -- dog owners would be grooming,
 9 I don't know what else, we're not talking about
 10 overnight boarding of these animals, correct?
 11 MR. APPEL: So that -- that portion of
 12 the scope in here, I would probably defer that to
 13 ownership to discuss because that is not as clearly
 14 developed as all the other pieces of the, uh, of the
 15 project.
 16 MR. CARDOZA: Okay.
 17 MR. APPEL: It's a C -- we were
 18 looking -- the whole model for this is, I know the
 19 owner was looking at several different models, I
 20 would leave it to him on which of those models is
 21 the closest fit to where he's posturing a kennel.
 22 MR. CARDOZA: Okay. And I understand
 23 that you're still working it out. I would like, you
 24 know, an explanation of the full intent of the use
 25 of the kennel, especially if there is, you know, a

1 possibility of, say doggie daycare or something like
 2 overnight boarding, you know, something to ensure
 3 that the animals are being monitored and safe, et
 4 cetera.
 5 Can you look at the garage? And I
 6 think I'm just about done.
 7 MR. APPEL: Which -- which, um --
 8 which --
 9 MR. CARDOZA: Any of the garages.
 10 MR. APPEL: So -- I mean, I can do...
 11 MR. CARDOZA: Okay. So just to
 12 clarify, all of the handicapped accessible parking
 13 spaces are single spaces, not tandem spaces,
 14 correct?
 15 MR. APPEL: Always, yes.
 16 MR. CARDOZA: Okay. Does that hold
 17 true for electric charging?
 18 MR. APPEL: So the electric charging
 19 can be anything, so what we need to -- what we
 20 always need to do, just for FHA, we need to make
 21 sure that everywhere we put a charger, every type of
 22 stall is covered, so if you have a handicapped
 23 stall, you would have to have a charger at one of
 24 these, just, you know, just so that you have that
 25 diversity. Normally in here, these charges will be

1 a single charger but often will have two or three --
 2 can serve as two or three different vehicles, so
 3 they're often placed where they can serve as
 4 multiple vehicles. They can be put at a tandem
 5 stall or a single stall.
 6 MR. CARDOZA: Okay.
 7 MR. APPEL: Either work.
 8 MR. CARDOZA: All right. I'm looking
 9 at some of these angles with single stalls, sharp
 10 corners, and I'm wondering, will some of these be
 11 marked for compact vehicles only?
 12 MR. APPEL: So where we need to, we
 13 would. In some cases, we actually have larger
 14 spaces that accommodated storage bins at the foot of
 15 the cars, so in most of these cases, we actually had
 16 extra -- extra space. What's unique about here is
 17 anyone coming here is coming here because they have
 18 an assigned stall. So they know, to get the easiest
 19 way to pull into this stall is they're going to pull
 20 in this way or something, or if they want to get to
 21 this stall, it may be easier to come around the left
 22 side rather than the right side, but because they --
 23 it's their stall, they're not, you know, circling
 24 around finding something, it's actually quite
 25 efficient and they kind of know how to maneuver

1 around, usually know who's next to you and...

2 MR. CARDOZA: Okay. Well, for
3 example, I'm looking at the triangular peninsula,
4 bottom right.

5 MR. APPEL: Over here (indicating)?

6 MR. CARDOZA: No. There.

7 MR. APPEL: There.

8 MR. CARDOZA: Right. The edge of that
9 parking space, you know, you see it looks like it's
10 clipping the turn radius, for lack of a better term
11 here. That and the one just across from it to --
12 yeah. Those both look tight on the ends. That's
13 what I'm looking at.

14 MR. APPEL: I don't have a problem
15 with that.

16 MR. CARDOZA: Okay.

17 MR. APPEL: I mean, I personally don't
18 have a problem with it, but I would defer if people
19 on my team wanted to request to stripe that
20 differently or ask for a de minimus to make that a
21 compact --

22 MR. CARDOZA: I'm all for striping and
23 any other parking where it makes sense.

24 The -- so to clarify, all parking
25 spaces throughout each underground garage are

1 all, they wouldn't be able to get into the garage,
2 right? Is that going to something like a fob access

3 --

4 MR. APPEL: In --

5 MR. CARDOZA: -- for a vehicle?

6 MR. APPEL: In this building, it's a
7 fob access so guests wouldn't get there unless a
8 resident came down and brought their fob down to get
9 them in.

10 MR. CARDOZA: Yeah. Because I'm --
11 I'm also envisioning some type of kind of rush-
12 loading situation, maybe people don't want to park
13 in their assigned spot because they need to move
14 something quickly so I'm just wondering about an
15 open spot, that's my question, but you've answered
16 it.

17 MR. APPEL: The most accessible spots
18 are going to be the assigned spots; I couldn't see
19 you not wanting to take your own spot.

20 MR. CARDOZA: Okay. When it comes to
21 the tandem parking, how common is this?

22 MR. APPEL: I'm going to say probably
23 80 percent of the garage jobs we do have -- have
24 some tandem spots --

25 MR. CARDOZA: In New Jersey?

1 assigned? Are there no trees --

2 MR. APPEL: So except for D, I
3 mentioned that since we didn't have enough to cover
4 the .5 stalls per out --

5 MR. CARDOZA: Um-hum.

6 MR. APPEL: -- which has to be
7 unassigned so that it can be shared and used for
8 guests. So D, I have a portion of the garage, so
9 over here (indicating), you have a security gate
10 coming into the garage, whereas, let's just say I
11 didn't have enough surface parking, I would have put
12 the security, let's say gate across one side or
13 across over here (indicating) so that a certain
14 position, so a certain portion of the garage in D is
15 open access and the remaining is going to be now --
16 even though it's open, only the stalls -- let's say
17 you can have one row of stalls that will be
18 unassigned, but the others are going to have numbers
19 and they're going to be assigned stalls so people
20 can't --

21 MR. CARDOZA: Okay.

22 MR. APPEL: -- can't park there.

23 MR. CARDOZA: Yeah, I'm just
24 wondering. I'm envisioning people having guests,
25 they direct their guests only to -- well, first of

1 MR. APPEL: Yes, actually, New Jersey,
2 New York and Pennsylvania.

3 MR. CARDOZA: Okay. Because I'm also
4 envisioning just -- well, first, I guess, the tandem
5 spots, the way you envision assigning them, each
6 tandem spot will belong to a multiple-room unit, so
7 -- so what I'm getting at is, do you see a scenario
8 where people not living in the same unit are sharing
9 a tandem assignment --

10 MR. APPEL: That's already been worked
11 through.

12 MR. CARDOZA: Okay.

13 MR. APPEL: We've checked -- we've
14 actually looked at that and that's one of the
15 reasons why we actually have a couple of extra
16 spots, because we've made sure that balancing act is
17 working well.

18 MR. CARDOZA: Okay. And the way you
19 explained it earlier is, you know, if you had a
20 small garage in a single-family home, you would
21 coordinate moving one out, so this is typically not
22 seen as traditionally messy or dangerous in some
23 way?

24 MR. APPEL: It seems -- it seems to
25 work. I was a little questioning of it the first

1 time we did it and when I see these in operation and
2 the feedback I get from the developers, most of the
3 developers I work with have multiple projects,
4 multiple buildings, so if it doesn't work, they will
5 not repeat it.

6 MR. CARDOZA: Okay.

7 MR. APPEL: And this is one of the
8 things they repeat.

9 MR. CARDOZA: All right. Okay, so
10 it's just a matter of people being extra cognizant
11 as they back up as to not scrape or damage the other
12 car.

13 Yeah, I think I'll end my questioning
14 for now, I may have some for the traffic engineer,
15 but thank you.

16 MR. APPEL: Thank you.

17 MR. PLOCKER: Chairman Bagoff, may I
18 just address a point raised by Mr. Cardoza?

19 I just wanted to point out, you
20 mentioned about potential uses for the dog area.
21 I'm just reading from the ordinance and it includes
22 the option for an on-site pet service that you'll be
23 permitted to offer walking services, pet-sitting
24 services, a pet spa or grooming service, overnight
25 boarding or related services.

1 there will be some adjustments, you know, as needed,
2 you know, getting the grade married into the
3 building.

4 MR. WILKES: Okay, so --

5 MR. APPEL: But it'll be subtle, it's
6 not going to be this...

7 MR. WILKES: Right, it's not going to
8 be severe.

9 MR. APPEL: Correct.

10 MR. WILKES: But that's the only
11 building that's going to have the underground is D.

12 MR. APPEL: Oh, no, all the -- all the
13 buildings are planned in a similar, you have
14 basically --

15 MR. WILKES: Right.

16 MR. APPEL: -- they're all built into
17 the hill.

18 MR. WILKES: Okay. Now, is there any
19 other connections between the buildings,
20 underground, underneath? They're all separate,
21 right? There's no way to connect and go underneath?

22 MR. APPEL: Except for the -- A has an
23 A-1 and an A-2 so it's under -- on a common podium,
24 you've got two buildings, and D is a common podium
25 with two buildings --

1 MR. CARDOZA: Okay.

2 MR. PLOCKER: So all of those uses are
3 listed in the ordinance. Obviously, the final
4 version of this is not determined at this time.

5 MR. CARDOZA: Terrific. Thank you
6 both.

7 MR. PLOCKER: Thank you.

8 CHAIRMAN BAGOFF: At this time, we're
9 going to have a ten-minute bio break.

10 (Recess taken)

11 CHAIRMAN BAGOFF: 9:18, back on the
12 record.

13 Mr. Wilkes, you're up, sir.

14 MR. WILKES: Thank you, thank you. My
15 two colleagues have asked some great questions that
16 I got some answers to, but for the underground
17 parking --

18 MEMBER OF THE PUBLIC: We can't hear
19 you.

20 MR. WILKES: For the underground
21 parking, we have -- is that going to be level or is
22 that going down into a ramp, to go into the
23 building; how is that set up?

24 MR. APPEL: Generally level. It's
25 building by building. It's generally level, but

1 MR. WILKES: Okay.

2 MR. APPEL: -- so those are kind of
3 connected, so the lower floors connect and the upper
4 floors don't.

5 MR. WILKES: So the way it's kind of
6 set up, it seems like D is going to be the gyms that
7 have the rooftop. That's going to be more the
8 exclusive, so to speak, by -- I guess by --

9 MR. APPEL: It wasn't -- it wasn't --
10 I wouldn't use the term "exclusive." It was
11 intended to capture somebody who wanted to spend a
12 little bit more to have different amenities and
13 features.

14 MR. WILKES: Okay. So that -- but the
15 option to go to that area is going to be open to
16 everybody there, that's what you're saying.

17 MR. APPEL: Of course. Of course.

18 MR. WILKES: So how will they get
19 access? Everybody's going to have a key fob to get
20 access to everybody's building or will they be
21 exclusive?

22 MR. APPEL: No, I think you -- my
23 understanding is you will have access to get into
24 your building and your unit and the clubhouse.

25 MR. WILKES: And the clubhouse.

1 MR. APPEL: Not to go from building to
2 building.

3 MR. WILKES: Right.

4 MR. APPEL: That's normally not done

5 --

6 MR. WILKES: Right.

7 MR. APPEL: -- but that's an ownership
8 issue.

9 MR. WILKES: Okay. Now, how is
10 storage going to be done for the tenants; do you
11 have any areas of excess storage?

12 MR. APPEL: We do. In the garage,
13 we've carved out any place that we don't need for
14 parking, we've created storage. We've also carved
15 out some limited storage areas and there are some
16 nooks and crannies that we can try and exploit in
17 the future if residents need that space.

18 MR. WILKES: So all residents will
19 have access to that, will have an option to have
20 that?

21 MR. APPEL: My guess is it'll either
22 be a for-purchase or some other -- or first come
23 first serve; I don't know how they'll divvy those
24 up.

25 MR. WILKES: Can you show me on -- can

1 MR. ALPER: Thank you. A lot of mine
2 were stolen as well. On the exposed foundation, on
3 the requirement in the ordinance on the exposed
4 foundation, what's the reason for the no more than
5 50 percent requirement? Is that aesthetic or is it
6 something else?

7 MR. APPEL: I'm going to say,
8 originally, that tied into that there were
9 provisions in the code so that the basement would
10 not be considered a story, but, you know,
11 notwithstanding, we don't need to address that
12 portion of the building code because of the way the
13 podium is, we're permitted to have that as a story,
14 so it didn't matter. So it's -- I think that's
15 where that provision came up, and in a perfect
16 world, I would like to grade up, but to do that, I
17 think would be so disturbing to other issues, it's
18 just, you know, it's like be careful what you wish
19 for --

20 MR. ALPER: Right.

21 MR. APPEL: -- it would end up having
22 retaining walls and more mechanical ventilation and
23 that would end up having sloped entries to -- to the
24 garages and...

25 MR. ALPER: Can we go to the -- I

1 you show me where that's going to be located at?

2 MR. APPEL: So as a for-instance in
3 here, there's -- you see -- you have like these
4 little kind of spots in here every so often?

5 MR. WILKES: Yes.

6 MR. APPEL: Those are where we have
7 ability to put either a mechanical closet or storage
8 room and then, as I showed on one of the earlier
9 slides, where a parking stall, let's say, has 22 or
10 24 feet in depth where we only need, let's say, 18
11 feet, we can put a little bit of storage container
12 at the foot of the garage door.

13 MR. WILKES: Okay. Will there be
14 separate mailrooms for all of these areas too?

15 MR. APPEL: Each building will have a
16 separate mailroom and separate package room,
17 correct?

18 MR. WILKES: Okay.

19 MR. APPEL: There's no pods on the --
20 on the, you know, there's no pods around the site or
21 stuff like that; they're in the buildings.

22 MR. WILKES: Okay. That's all my
23 questions right now.

24 CHAIRMAN BAGOFF: Thank you. Mr.
25 Alper.

1 think the very first rendering is probably a good
2 one for that, that shows the garage area.

3 MR. APPEL: So --

4 MR. ALPER: Yeah, I think that one is
5 probably the best. I know that this is very
6 subjective, but to my eye, especially the louvers
7 where you can see the cars and more of the grade
8 cover on the bottom, it's much more of a -- like a
9 city look that I think -- as opposed to, like, you
10 know, a suburban township, in fact, a rural part of
11 a suburban township, and I don't know, you know, to
12 what extent that's really, you know, my place to
13 say, but it's -- it just looks a little bit out of
14 place with aesthetics, I think, more than anything
15 else, to my eye, and I don't know if that's because
16 of the proposed foundation or if it's just this
17 artistic treatment of it or if it's something else.

18 MR. APPEL: So I'll explain a little
19 bit of the, you know, the -- these trees are -- are
20 small, so as these trees mature and get larger,
21 there's going to be more screening and buffering.
22 What we wanted to do is the buildings tend to get
23 dirty and get tired looking when you have
24 light-colored or not durable, so we thought that the
25 dark-colored brick down low in the buildings would

1 be very successful in that and would also tie into
 2 dark windows and have the remainder of the building
 3 be very light and transparent with lots of glass, so
 4 that's what our strategy was. Now, where the
 5 buildings come down much deeper, what we can do and
 6 we have done, not on this rendering, but on some of
 7 the architectural elevations, is we've taken some of
 8 these dark areas where you have the access, the
 9 ventilation access, and actually put vegetation
 10 growing inside of it, what I call a green wall, and
 11 we've done that where we have the larger exposure,
 12 in here. I would say this in here is kind of
 13 bordering on whether it's not large enough to do,
 14 but we are utilizing that and we've utilized that on
 15 a number of places on other building facade, just
 16 not in this particular area.

17 MR. ALPER: Do you have an example of
 18 what that would look like, the green wall?

19 MR. APPEL: I don't have a colored
 20 example, I just have what we -- you know, we're just
 21 showing it on the elevation, so it's going to be
 22 black and white, I don't think it's going to give
 23 you the depiction.

24 MR. ALPER: Gotch ya, but it's
 25 especially vegetation growing on the louvers

1 got. Thank you.

2 CHAIRMAN BAGOFF: Thank you. Would
 3 you consider a condition of having a green roof in
 4 some of the areas that are open? Where you have
 5 greenery on the roof, grass, other plantings.

6 MR. APPEL: So that's a more
 7 complicated question.

8 CHAIRMAN BAGOFF: I like to ask those.

9 MR. APPEL: What I will say right now
 10 is that the -- I don't think this is dictated by the
 11 settlement agreement -- and by the way, the
 12 settlement agreement is quite excessive above code.

13 CHAIRMAN BAGOFF: I'm not arguing, I'm
 14 just asking.

15 MR. APPEL: It's significant, so that
 16 would be something I would need to, you know, work
 17 through because it's complicated. You have to make
 18 the building taller. You have to change the
 19 structure. You have to -- there's a lot of
 20 components to do that.

21 CHAIRMAN BAGOFF: We'll put some pots
 22 out. We'll put some pots out with green.

23 MR. APPEL: Well, there are -- there
 24 are going to be planters --

25 CHAIRMAN BAGOFF: Okay.

1 themselves or...

2 MR. APPEL: Correct. You basically
 3 grow -- you grow from the ground up and it grows
 4 into and around these -- these kind of illuminate
 5 rails.

6 MR. ALPER: Hmm. Does it end up
 7 looking like a solid piece of greenery or does it
 8 sort of show, like striped?

9 MR. APPEL: No, it's gets pretty
 10 solid, solid looking.

11 MR. ALPER: There's a building I pass
 12 in Newark sometimes that has a wall that looks like,
 13 I always assumed it was fake grass.

14 MR. APPEL: You can do it as natural
 15 and you can also do it as synthetic.

16 MR. ALPER: Okay, so it might look
 17 like that. I get it.

18 I think my only other question is
 19 probably an ownership or a planner question on the
 20 trash after the trash is compacted, if that's
 21 intended to be moved by a private hauler or by the
 22 township.

23 MR. APPEL: Yeah, it's -- most of
 24 these buildings are all private.

25 MR. ALPER: Okay. That's all I've

1 MR. APPEL: -- but when you're saying
 2 a green roof, I'm talking about like where you take
 3 the broad area and you put sedum down.

4 CHAIRMAN BAGOFF: Make it partial.
 5 You don't have to do anything that you will
 6 structurally change, I'm just asking if you could
 7 put more greenery, maybe small areas of grassland
 8 that's not going to change the structure of the
 9 roof.

10 MR. APPEL: I would say Building --
 11 Building -- Building D and also Building A, that
 12 amenity deck, and also Building C, the amenity deck,
 13 I think all of those as far as, like, I would say if
 14 we're free to use potted planters and things like
 15 that, I would say you definitely can incorporate
 16 that into the --

17 CHAIRMAN BAGOFF: I'm just going to
 18 ask you to come back to us and give us an idea,
 19 okay?

20 MR. APPEL: (Mr. Appel nods.)

21 CHAIRMAN BAGOFF: Secondly, how many
 22 parking spaces do you have on the total project?
 23 76?

24 COUNCILMAN RUTHERFORD: 1070 plus 102.

25 MR. APPEL: I think 1070 plus 102.

1 CHAIRMAN BAGOFF: Okay.
 2 MR. APPEL: Is that --
 3 CHAIRMAN BAGOFF: Okay. And you need
 4 966, as I recall?
 5 MR. APPEL: 966, and that's without
 6 doing the EV credit.
 7 CHAIRMAN BAGOFF: Right. So I'm going
 8 to throw this out. Can we get 75 tree islands, 25
 9 tree islands in each parking -- in each parking
 10 facility? I'm just throwing that out there. And --
 11 MR. KLEIN: It's inside the building.
 12 CHAIRMAN BAGOFF: I'm sorry?
 13 COUNCILMAN RUTHERFORD: No, there's
 14 some surface parking.
 15 CHAIRMAN BAGOFF: Surface parking but
 16 take surface parking, like we've done before, and
 17 take out a parking space, because they're way above
 18 what we need, and make a tree island.
 19 COUNCILMAN RUTHERFORD: Right, no, I
 20 was just clarifying for my colleagues; they thought
 21 the parking was all indoors.
 22 CHAIRMAN BAGOFF: No, no, it's outdoor
 23 parking.
 24 COUNCILMAN RUTHERFORD: Yeah.
 25 MR. APPEL: So --

1 CHAIRMAN BAGOFF: It's outdoor
 2 parking.
 3 MR. APPEL: So as long as it doesn't
 4 tip the scale to the --
 5 CHAIRMAN BAGOFF: Right.
 6 MR. APPEL: So in certain areas, like
 7 Building D, I will say that I don't think it's going
 8 -- I don't think you have that option --
 9 CHAIRMAN BAGOFF: Right.
 10 MR. APPEL: -- but --
 11 CHAIRMAN BAGOFF: I'm looking for you
 12 to look --
 13 MR. APPEL: Right.
 14 CHAIRMAN BAGOFF: -- and come back and
 15 say "No," "Yes," "Maybe" or "We can do it over
 16 here."
 17 MR. APPEL: (Witness nods.)
 18 CHAIRMAN BAGOFF: Okay, Mr. Guarino.
 19 Thank you. Thank you, Mr. Appel.
 20 VICE-CHAIRMAN GUARINO: Good evening.
 21 Everybody can hear me?
 22 MEMBER OF THE PUBLIC: Yes.
 23 VICE-CHAIRMAN GUARINO: Okay. Okay.
 24 Mr. Appel, thank you for your presentation. I have
 25 a number of questions. Either yourself and the

1 traffic engineer, have you both looked at our
 2 Complete Streets ordinance and that's part of the
 3 Master Plan? Do you know about our Complete Streets
 4 ordinance?
 5 (Pause)
 6 VICE-CHAIRMAN GUARINO: Okay. I guess
 7 not. Okay.
 8 MR. APPEL: So --
 9 VICE-CHAIRMAN GUARINO: Okay.
 10 Basically, we look at all our developments and all
 11 the members, we're aware of Complete Streets where
 12 we make our projects to be as accessible and
 13 walkable for the residents and visitors of the
 14 township of West Orange. So we want to make sure
 15 when you're doing your traffic flows, when you're
 16 doing your parking, when you're doing the
 17 walkability from the main buildings to the
 18 clubhouse, to such, and to the kennel, you know, are
 19 you taking into consideration the proper
 20 considerations of Complete Streets? And we can get
 21 you a copy of the Complete Streets, but it's also
 22 incorporated into the Master Plan. So that's
 23 something we'd like to look at, and when you're
 24 doing your walkways and your traffic flows, the
 25 traffic engineer would look; everybody that we've

1 asked, particularly all the major projects we've
 2 done in town, they've looked at our Complete Streets
 3 and they followed it to the T and it's something
 4 that makes it more attractive, makes it more
 5 walkable and safe for our residents and safe for
 6 drivers and driver traffic. So we appreciate --
 7 CHAIRMAN BAGOFF: We're going to get
 8 you a copy of that within a week.
 9 VICE-CHAIRMAN GUARINO: We'll get you
 10 a copy of it. Thank you, Mr. Chairman.
 11 Recycling. How is recycling going to
 12 be handled within the development?
 13 MR. APPEL: So I did discuss that a
 14 little bit, is that inside each of the trash rooms
 15 on each building -- each floor of each building,
 16 there's excess space, there will be bins with
 17 shelves and smaller bins with larger toter cans.
 18 Residents, they drop their trash in the compactor,
 19 they put their recycling in the bins, the super
 20 collects the bins, brings it down to the garage,
 21 it's stored there, brought out for collection by the
 22 hauler.
 23 VICE-CHAIRMAN GUARINO: Okay. So my
 24 other question that abuts on that: In the trash
 25 chutes, do you have fire suppression?

MR. APPEL: I believe there's ventilation and there's suppression either in the chute or the room.

VICE-CHAIRMAN GUARINO: Okay. So I'm going to take that down downstairs to the garage level. Is there fire suppression in the covered garage?

MR. APPEL: Yes, of course.

VICE-CHAIRMAN GUARINO: Is it --

MR. APPEL: And it's also a three-hour rating.

VICE-CHAIRMAN GUARINO: Okay. Is it wet or dry?

MR. APPEL: Typically dry.

VICE-CHAIRMAN GUARINO: Okay. Secondly -- lastly, bicycle racks, you know, people are getting into bicycling with Complete Streets will there be plans to put bicycle racks throughout the development?

MR. APPEL: We are showing bike racks inside the garages. I don't believe they're on the site.

MR. ANDERSON: No.

MR. APPEL: Okay, so I don't think there are any on the sites, although, as you're

square footage, an average, for a one-bedroom --

MR. APPEL: You're talking about for the -- you're talking about specifically for the --

MAYOR McCARTNEY: In general.

MR. APPEL: -- for the COAHs, for the affordable?

MAYOR McCARTNEY: In general.

MR. APPEL: So the -- so the affordable units right now is -- the requirement, per your settlement agreement, is a one-bedroom is 650 square feet; we are providing 738 square feet.

MAYOR McCARTNEY: Okay.

MR. APPEL: A two-bedroom is 875 square feet, per the settlement agreement, we're providing 1150 square feet, and a three-bedroom is 1150 square feet and we are providing 1220 square feet.

As far as at market units, if you can bear with me one moment...

(Pause)

MR. APPEL: I'm going to give you a little bit of a range -- I'm going to give you a little bit of a range in here and the reason I'm giving you a range is because with all the jukes and jogs of the building and balconies and cutbacks and

mentioning this, we probably should find a place near the clubhouse, but other than that, we find it better to put it under the garage.

VICE-CHAIRMAN GUARINO: Okay. No, that's very good. And another question is, it may sound crazy, but I didn't see anywhere or -- is there a central laundry facility or each unit has its own laundry --

MR. APPEL: Every -- I may or may not have mentioned that --

MAYOR McCARTNEY: You did.

MR. APPEL: -- is that every unit has their own washer/dryer, affordable and market.

VICE-CHAIRMAN GUARINO: That's all. Thank you, Mr. Chairman. Thank you, Mr. Appel.

MR. APPEL: Thank you.

CHAIRMAN BAGOFF: Mayor McCartney.

MAYOR McCARTNEY: Thank you, Mr. Chairman. You used the word materially similar and I was using the word indistinguishable so I was pleased to hear that the affordable units are basically indistinguishable from all the other units, but I do have a question about that. The square footage of these units, can you tell us what that is? The square footage -- I'm asking the

everything, there's a lot of diversity in the size of the units, but on the market units, a one-bedroom will be roughly between 800 and 900 square feet, a one-bedroom plus den, approximately 1,000 to 1200 square feet; a three-bedroom den is -- I'm sorry, a two-bedroom would be 1200 to 1300 square feet; a two-bedroom plus den would be 1500 to 1750 square feet; a three-bedroom would be 1690 to 1850 square feet; and a three-bedroom plus den, 1735 to 2225 square feet; and while I gave you an exact range, there's a little bit of a range on the affordables --

MAYOR McCARTNEY: I understand.

MR. APPEL: -- as well, but they're all hovering above that minimum requirement.

MAYOR McCARTNEY: Thank you. Do you know or do you have what moderate income and low income is?

MR. APPEL: I don't have those -- those numbers. You're talking about the UHAC numbers.

MAYOR McCARTNEY: Yeah.

MR. APPEL: I don't have that.

MAYOR McCARTNEY: Okay. So on View 1 here, I know you said it was an artistic rendering,

1 it really looks like a real picture because it looks
 2 like the sun is -- the sun is up after a rainfall,
 3 so it really looks like this exists already, I think
 4 this was an interesting aesthetic to show this, this
 5 type of picture. What immediately caught my
 6 attention, though, is the railing on the balcony.
 7 We heard about safety. That actually serves as a
 8 ladder for young children. I don't know if you want
 9 to take that into consideration.

10 MR. APPEL: We will look at that. We
 11 would -- I will be more concerned on the, uh, on the
 12 public spaces where, uh, where I think it's more
 13 critical, but we will take that into, uh, into
 14 account --

15 MAYOR McCARTNEY: Thank you.

16 MR. APPEL: -- when we're fine-tuning
 17 that.

18 MAYOR McCARTNEY: Thank you. And
 19 similarly to -- Mr. Alper asked you a question about
 20 the -- on that same -- if you could zoom out again.
 21 Yeah, where the garages are.

22 MR. APPEL: Um-hum.

23 MAYOR McCARTNEY: So when I first saw
 24 this image, it did look very industrial to me and I
 25 thought those were metal grates, so I was glad that

1 85 are then to 66, then to 24, then to 22, then up
 2 to 43, and then the closest spot is there's one
 3 corner that's a pinch point and that's seven feet --

4 MAYOR McCARTNEY: Um-hum.

5 MR. APPEL: -- and then it goes to 32
 6 and then 41.

7 MAYOR McCARTNEY: Because of all the
 8 different angles?

9 MR. APPEL: It's because of the way
 10 the building's situated and -- but those are --
 11 those are the numbers.

12 MAYOR McCARTNEY: So in the same --

13 MR. APPEL: And those are kind of
 14 approximate, those are scaled off the -- off the
 15 drawing.

16 MAYOR McCARTNEY: And it is level
 17 here. In the same view here, are those trees
 18 existing or is that proposed?

19 MR. APPEL: That's part of the
 20 existing, uh, the existing trees in there.

21 MAYOR McCARTNEY: Okay. And so if
 22 these are rental units, is the -- is there a fee, a
 23 separate fee, for parking? I understand in other
 24 municipalities, when there are units like this, the
 25 renters do not like to pay the extra rental fee and

1 you clarified that those are more louvered and you
 2 could add greenery to that.

3 MR. APPEL: They're almost like --
 4 they're actually made by the same companies that do
 5 the railings, so they're -- so they're considered,
 6 they're railings, and we have a lot of latitude, we
 7 can make them look like anything.

8 MAYOR McCARTNEY: They did look
 9 industrial to me as well.

10 Could you go to 4.4 C?

11 MR. APPEL: Oh, that's the -- that's
 12 the section?

13 MAYOR McCARTNEY: Here we go. Thank
 14 you. So this came up last night, we were talking
 15 about the slope, and can you tell us what that
 16 distance is from the -- from the ridgeline?

17 MEMBER OF THE PUBLIC: Could you
 18 repeat, please?

19 MAYOR McCARTNEY: I was asking what
 20 the -- how many feet from the building to the
 21 ridgeline.

22 MR. APPEL: So that varies because of
 23 the way the building and the ridgeline is situated.
 24 At some points, it -- so I'm going by Building D.
 25 At one corner, it starts off at 25, then it goes to

1 they end up parking out on the street. Is that
 2 something that you can address?

3 MR. APPEL: I --

4 MAYOR McCARTNEY: Is the parking
 5 included in the rent? That's the question. When
 6 it's separate, we're finding other municipalities
 7 complain about people not paying the extra fee and
 8 parking on the street.

9 MR. APPEL: Well, there's no --

10 MAYOR McCARTNEY: On the road.

11 MR. APPEL: In this case, there's no
 12 street parking, but the surface parking.

13 MR. HOFFMAN: Can I speak, Brian? Can
 14 I answer that?

15 MR. PLOCKER: Yeah. I have an owner
 16 representative, if we just can -- you can swear him
 17 in and he can address the mayor's question, if
 18 that's appropriate, Mr. Chairman. It would be
 19 related to this question only.

20 CHAIRMAN BAGOFF: Go ahead. Swear him
 21 in.

22 MR. PLOCKER: Okay. All right, I'd
 23 like to call Mark Hoffman.

24 MS. McGOVERN: Mr. Hoffman -- you want
 25 to give him a microphone?

1 MAYOR McCARTNEY: Good evening, Mr.
2 Hoffman.
3 MS. McGOVERN: Put your name on the
4 record and spell your last name, please.
5 MR. HOFFMAN: Mark Hoffman.
6 CHAIRMAN BAGOFF: Spell your last
7 name, please.
8 MR. HOFFMAN: H-O-F-F-M-A-N.
9 CHAIRMAN BAGOFF: Thank you, sir.
10 M A R K H O F F M A N, owner representative, is
11 duly sworn/affirmed by the Board attorney.
12 MR. PLOCKER: Thank you, Mark. You
13 heard the mayor's question about parking.
14 MR. APPEL: Yes.
15 CHAIRMAN BAGOFF: Can we just say who
16 Mark Hoffman is for the record?
17 MR. PLOCKER: Oh, I'm sorry, Mark, can
18 you please identify yourself?
19 MR. HOFFMAN: Sure. I'm a partner
20 within the Garden Homes organization, I'm
21 principally responsible for the design, development,
22 construction of the project that's being presented
23 this evening.
24 CHAIRMAN BAGOFF: Thank you.
25 MR. PLOCKER: Okay. And Mark, did you

1 hear the mayor's question about whether residents
2 would be required to pay for parking?
3 MR. HOFFMAN: Yes.
4 MR. PLOCKER: Okay. Could you please
5 address that one question?
6 MR. HOFFMAN: Sure. Typically,
7 they're not required to pay for parking and
8 residents are assigned spaces within the community.
9 There are times, and I don't think that'll happen
10 here, where individuals that don't have cars might
11 not have to --
12 MAYOR McCARTNEY: Um-hum.
13 MR. HOFFMAN: -- they might get a
14 decreased rent or something of that nature but we
15 really don't have that issue here because we won't
16 have street parking and based on the location of the
17 development, you know, no one's really going to have
18 an opportunity to park anywhere but in a parking
19 space near the building.
20 MR. PLOCKER: Okay. Thank you, Mark.
21 MAYOR McCARTNEY: Thank you, Mr.
22 Hoffman. Thank you.
23 CHAIRMAN BAGOFF: Thank you, Mr.
24 Hoffman.
25 MAYOR McCARTNEY: Mr. Appel, one more

1 question about, you referred to the amenities in the
2 different buildings.
3 MR. APPEL: Um-hum.
4 MAYOR McCARTNEY: Can you elaborate on
5 that? Is it an amenity like a game room; is it a
6 workspace area?
7 MR. APPEL: So you're talking about
8 other than the clubhouse --
9 MAYOR McCARTNEY: Yes.
10 MR. APPEL: -- in Building D.
11 MAYOR McCARTNEY: In the buildings
12 themselves.
13 MR. APPEL: So, typically, that would
14 be kind of a club room, so just a lounge or sitting
15 area.
16 MAYOR McCARTNEY: Um-hum.
17 MR. APPEL: It's only Building D that
18 will have its own gym.
19 MAYOR McCARTNEY: Right. Okay. Let
20 me just check. I think that's it. Thank you very
21 much.
22 MR. PLOCKER: Thank you.
23 MR. APPEL: Great. Thank you.
24 CHAIRMAN BAGOFF: Mr. Klein.
25 MR. KLEIN: Good evening, Mr. Appel.

1 I just want to talk about Building D a little bit.
2 The length of Building D, I thought I saw some
3 numbers, like one piece was 200 feet and 400, then
4 another 2. Isn't that like 800 feet long, roughly.
5 Yeah, I think it's that the lower portion I don't
6 know if you can zoom in enough to see them, but it
7 just seems like it's going to be difficult for
8 emergency people to get around the building if they
9 have to rescue somebody from the second floor
10 balcony or something like that?
11 MR. APPEL: So you have access along
12 one entire side of the building, plus your two end
13 caps.
14 MR. KLEIN: Right.
15 MR. APPEL: So you do have limited
16 area to come around. You can see the buildings in
17 there, the legs are wrong. On the elevation used,
18 the buildings look longer because we didn't -- we
19 made true elevation each side, so it makes the
20 building look a little bit longer than it really is,
21 but at least it gives you an accurate pictorial
22 representation of each piece of facade. But the
23 code is interesting with -- with fire safety, is
24 that we are fully conforming in here and actually
25 over-conforming, but you actually get credits for

1 additional street frontage, so I can build the
 2 building bigger by having excess street frontage,
 3 but let's say a building like an urban building that
 4 was on here, usually only has one side rather than
 5 three sides. We have three sides exposed.
 6 MR. KLEIN: But there's no road on the
 7 -- on the ends, is there?
 8 MR. APPEL: Well, there's parking
 9 access so that you can -- you can -- you can
 10 traverse around the building.
 11 MR. KLEIN: So a fire truck can get --
 12 MR. APPEL: No, no, no, not a fire
 13 truck.
 14 MR. KLEIN: That's what I was asking.
 15 MR. APPEL: But you would never bring
 16 a fire truck next to a -- next to a building --
 17 MR. KLEIN: Right, it would be too
 18 close --
 19 MR. APPEL: Yeah.
 20 MR. KLEIN: -- to the fall zone,
 21 right. So how would they rescue somebody? They'd
 22 have to carry the ladder around to the back of the
 23 building --
 24 MR. APPEL: It would be --
 25 MR. KLEIN: -- if they had to.

1 MR. APPEL: It would be carrying a
 2 ladder --
 3 MR. KLEIN: Okay.
 4 MR. APPEL: But you gotta remember
 5 that this is a building with --
 6 MR. KLEIN: A sprinkler, right.
 7 MR. APPEL: -- an area of refuge, a
 8 sprinklered building --
 9 MR. KLEIN: Okay.
 10 MR. APPEL: -- with elevators, so --
 11 MR. KLEIN: Okay.
 12 MR. APPEL: Multiple stairs.
 13 MR. KLEIN: All right. Even though
 14 it's in black and white, can you pull up the image
 15 that shows what these green walls will look like?
 16 MR. APPEL: Let me see if --
 17 MR. KLEIN: I'm just curious. Because
 18 you don't want to block the louver with green
 19 because then you'll block the 50 percent open space
 20 for the --
 21 MAYOR McCARTNEY: Ventilation.
 22 MR. KLEIN: -- ventilation.
 23 MR. APPEL: Right. So we have them
 24 shown on the back portion of this building, I
 25 believe --

1 MR. KLEIN: So those --
 2 MR. APPEL: You see these areas over
 3 here (indicating).
 4 MR. KLEIN: So that tall one -- so the
 5 floor --
 6 MR. APPEL: One, two --
 7 MR. KLEIN: Where's the floor of the
 8 garage?
 9 MR. APPEL: You have one, two, three.
 10 So the floor of the garage here is you have a
 11 portion that has two levels of garage in here and
 12 that's why you have more -- more exposure.
 13 MR. KLEIN: Oh, okay.
 14 MR. APPEL: So if you go to the -- if
 15 you go all the way to the end, you see you have a
 16 garage level and then a lower garage level.
 17 MR. KLEIN: Oh, okay. So there is a
 18 ramp inside.
 19 MR. APPEL: No, no, it just has
 20 different access --
 21 MR. KLEIN: From the front and the
 22 back, okay.
 23 MR. APPEL: They're not connected
 24 inside except vertically with stairs and elevator.
 25 MR. KLEIN: So the green to your,

1 let's say, next to the --
 2 MR. APPEL: These are elements over
 3 here.
 4 MR. KLEIN: They don't block any
 5 elevation.
 6 MR. APPEL: We use taller -- no, you
 7 can have the ventilation typically behind them but
 8 where this is below ground level, these are the
 9 areas that we're going to need to mechanically
 10 ventilate.
 11 MR. KLEIN: Oh, okay, okay.
 12 MR. APPEL: Because we just couldn't
 13 get enough of those. On the upper level, we can be
 14 conforming; on the lower level, we can't.
 15 MR. KLEIN: And I don't know, I
 16 probably should have asked this of Mr. Anderson, are
 17 there sidewalks along any of the roads A, B, C, D?
 18 MR. APPEL: I think there were
 19 sidewalks and I think Mr. Anderson had described
 20 that there was one place that he hopped to the other
 21 side to align with --
 22 MR. KLEIN: Okay.
 23 MR. APPEL: -- other sidewalks --
 24 MR. KLEIN: Okay.
 25 MR. APPEL: -- but there's sidewalks

1 around the whole community.

2 MR. KLEIN: Okay, good. That was it.

3 Thanks.

4 CHAIRMAN BAGOFF: Council President
5 Rutherford.

6 COUNCILMAN RUTHERFORD: Thank you, Mr.
7 Chair, and I want to thank my colleagues for asking
8 so many questions, some of which I won't have to ask
9 him.

10 So since we're on this slide, the
11 greenery for the louvers, so is the entire wall
12 green or is it just the louvers? Does it go up from
13 the ground?

14 MR. APPEL: So imagine that you have
15 planting that starts in the ground and then there's
16 a hole here (indicating) or a recess in the facade
17 and you have a grid work of power-coated aluminum,
18 and that the -- the plants grow --

19 COUNCILMAN RUTHERFORD: Greenery will
20 grow around it.

21 MR. APPEL: -- up and into the -- into
22 the spaces and it just creates a -- like almost a
23 translucent green feel to the facade.

24 COUNCILMAN RUTHERFORD: Got it.

25 MR. APPEL: It's actually very

1 MR. APPEL: 5 percent initially.

2 COUNCILMAN RUTHERFORD: Right.

3 MR. APPEL: -- so that's going to be,
4 it's going to start off needing 5 percent of your
5 overall parking count, and then an additional 5
6 percent phases in as make-ready stalls to phase in
7 and another 5 percent after that, so --

8 COUNCILMAN RUTHERFORD: So over what
9 period of time will they be phased in?

10 MR. APPEL: I think he said three
11 years?

12 COUNCILMAN RUTHERFORD: So each year,
13 you're going to do an additional 5 percent?

14 MR. APPEL: I'm not a hundred percent,
15 I think it's three years.

16 COUNCILMAN RUTHERFORD: All right. In
17 the building itself, are there any recyclable
18 materials used? The actual structure of the
19 building.

20 MR. APPEL: So there's a lot of
21 materials that will have recycled content and
22 there's a little bit of that discussion in the
23 settlement agreement as well. So we will comply
24 fully.

25 COUNCILMAN RUTHERFORD: I think they

1 attractive.

2 COUNCILMAN RUTHERFORD: I understand.
3 So some of this may be redundant and I do apologize
4 in advance, but back to the tandem stalls. So --
5 and I want to thank my colleague for asking the
6 question, but I was a little unclear on the answer.
7 So for the tandem stalls for parking, will the two
8 stalls -- the two spots that are in tandem, will
9 they be assigned to the same unit?

10 MR. APPEL: Single unit, correct.

11 COUNCILMAN RUTHERFORD: Okay. Is
12 there any material separating the stalls, even if
13 it's not every single stall?

14 MR. APPEL: There's not --

15 COUNCILMAN RUTHERFORD: Structural
16 columns.

17 MR. APPEL: There's structural columns
18 typically every three parking stalls. Other than
19 that, they're right next to each other.

20 COUNCILMAN RUTHERFORD: All right.
21 You talked about EV spots, EV stalls in the garage,
22 and I know there's some on the exterior as well. I
23 was a little unclear on your testimony. Is it a
24 total of 15 percent of the -- how many -- what is
25 the percentage of --

1 need you to talk into the mic.

2 MR. APPEL: Oh. I'm sorry.

3 COUNCILMAN RUTHERFORD: Unfortunately,
4 these mics don't work when you're right on them.

5 MR. APPEL: So the settlement
6 agreement has, to my understanding, has some
7 provisions for green materials, so we will, where we
8 can, utilize recycled content materials.

9 COUNCILMAN RUTHERFORD: You said you
10 weren't going to go through the full certification
11 process. Can you describe for me what you would
12 expect your -- and by that, I'm talking about the
13 LEED certification or the other types of
14 certification for --

15 MR. APPEL: Energy Star or -- yeah.

16 COUNCILMAN RUTHERFORD: Can you
17 describe for me what or is it possible for you to
18 describe for us what this would be similar to? Is
19 it gold standard? Is it platinum? Is it green?
20 You know, I don't -- is it possible to -- based on
21 what you're incorporating into the -- into the
22 building, and you gave plenty of testimony about
23 that, is it possible to estimate what it would be
24 equivalent to?

25 MR. APPEL: I -- I couldn't do that

1 accurately because I don't want to talk, you know,
2 without being accurate on here. The only thing I
3 can mention is what is in the settlement agreement
4 is substantially above what code requires and we
5 will be compliant with that. I don't -- I don't
6 know, I can't tell you where that scoring will put
7 you, whether it's certified, gold, platinum, silver
8 or what have you, or what the equivalent is.

9 COUNCILMAN RUTHERFORD: You mentioned
10 that the three buildings, A, B and C, or maybe it
11 was Mr. Anderson, mentioned that Buildings A, B and
12 C are built so that they could hold solar panels.

13 MR. APPEL: That is correct. So we're
14 designing the roof with additional dead load so that
15 solar panels can be incorporated, so --

16 COUNCILMAN RUTHERFORD: But you're not
17 incorporating them now.

18 MR. APPEL: Right now, there is not a
19 plan; it's under consideration. So it has not been
20 decided, but we -- what we will commit to is
21 creating the additional dead load as well as any
22 chase space required to make that work.

23 COUNCILMAN RUTHERFORD: Any other
24 renewable energy being used on site, co-gen, heat
25 pumps, anything else, or is it just anticipating

1 what was just discussed with regard to Building D
2 and emergency evacuation --

3 MR. APPEL: Um-hum.

4 COUNCILMAN RUTHERFORD: -- so if there
5 is a need to evacuate someone from the rear of
6 Building D, which faces the steep slope, can you
7 help me understand how we are addressing the need
8 for the firefighters to get back there with heavy
9 equipment?

10 MR. APPEL: So the firefighters would
11 be able to -- like, that building in itself has, I
12 think, four different stair towers, so there will be
13 stair towers, there will be standpipes, they will
14 come up to fight a fire. In addition, there will be
15 an area of refuge so that somebody who was in an
16 area can go to an area of safe protection, whether
17 that will be an enlarged area within a stair tower
18 or will be a separate firewall separating that area
19 to be an area of refuge. So that will be provided,
20 you know, provided there. Typically what we
21 understand is that if firefighters need to go into
22 an upper floor, they can go in from one side of the
23 building, go through and go to the opposite side of
24 the hallway, pull somebody -- and pull somebody out
25 on the opposite side.

1 solar down the road?

2 MR. APPEL: So other than the EV
3 charging, you know, that's -- that's on there, the
4 mechanical equipment is actually a higher efficiency
5 than what is required by code, so that's one of the
6 reasons why we had to go to the flat roof.

7 COUNCILMAN RUTHERFORD: Okay.

8 MR. APPEL: There's -- in the
9 settlement agreement, there's kind of a pretty long
10 list of items. We have to do a light-colored roof
11 and there's a -- there's a -- there's a -- and I
12 don't want to gloss over it very quickly but, you
13 know, that could be a half-hour discussion just on
14 the green stuff.

15 COUNCILMAN RUTHERFORD: Well, I think
16 your earlier testimony was fine; really, I'm looking
17 at just how we power the actual apartments and if
18 there's a source of energy other than natural gas.

19 MR. APPEL: There is not an
20 alternative fuel, and even if it was solar, I think
21 you would still have the same types of furnaces and
22 stuff like that, it wouldn't be substituting that.

23 COUNCILMAN RUTHERFORD: All right, I
24 do have to jump around because some of these
25 questions were already asked, but following up on

1 COUNCILMAN RUTHERFORD: So you do not
2 anticipate a need for firefighters to evacuate from
3 the rear of the building.

4 MR. APPEL: Code does not require
5 that.

6 COUNCILMAN RUTHERFORD: But -- so I
7 understand that, and I'm not trying to be snarky,
8 you know, it's just if there were an emergency and
9 there's some things you can plan for; some things,
10 you can't.

11 MR. APPEL: Um-hum.

12 COUNCILMAN RUTHERFORD: Right? The
13 things you can't plan for, you should. We know the
14 slope is steep; I believe the testimony you gave a
15 moment ago was that on the slope, all of the trees
16 will be undisturbed. Is that right?

17 MR. APPEL: So on the slope, there's a
18 line on the site plan that is a disturbance line, so
19 for clearing and then -- so everything down-sloped
20 from that, my understanding, is being left
21 untouched.

22 COUNCILMAN RUTHERFORD: Oh, so you
23 mean at the top of the slope, there's a line --

24 MR. APPEL: It has to be cleared for
25 the construction, so that's why there is going to be

1 a perimeter around the building to allow
2 construction, and firefighters will be able to
3 traverse around the building, they will just need to
4 drag hose or carry a ladder. It's not like they
5 didn't have access. Like, an urban site, you only
6 have access to one side of the building. This, you
7 will have access to four sides but with a vehicle on
8 two or three sides.

9 COUNCILMAN RUTHERFORD: Right, so,
10 just so that I'm clear, if firefighters need to
11 access the rear of the building, they will be able
12 to do so on foot, carrying heavy equipment, and they
13 have enough space to get back there; obviously,
14 response times matter, and that pinch point, you're
15 saying, will be no less than seven feet?

16 MR. APPEL: The pinch -- that pinch
17 point to the ridgeline is seven feet, so those
18 numbers that I was giving you was to that ridge --
19 was to that line which was established by the -- by
20 the town or one of the consultants that was called
21 the ridgeline. I was giving you those dimensions
22 because it's just an arbitrary line, you know, it's
23 a -- but that's -- that's a line that everything had
24 to be designed around.

25 COUNCILMAN RUTHERFORD: And so that

1 Anderson, is can we create alongside the building
2 just to have a smoother transition grade-wise on the
3 ridge side or are we getting into areas that would
4 create disturbances that would cause other issues?
5 And that would be the -- the question of whether, as
6 long as there's adequate space...

7 MR. ANDERSON: The space that's graded
8 behind the building is already graded in a smooth,
9 continuous way. It might change in slope, but the
10 one thing that's relevant here is, if you go back to
11 the section that you had showing where the building
12 was with the trees, you can see you're at the top of
13 the hill. So we built just short of the top of the
14 hill, then there is still the top of the hill which
15 is generally very level and then it starts going
16 back down. Okay? So if you look at the exhibit
17 that Larry will bring up here --

18 MR. APPEL: I thought I --

19 MR. ANDERSON: You have it there
20 somewhere. Well, he knew all the numbers.

21 MR. KLEIN: Yeah, but we're talking
22 the other direction.

23 MR. APPEL: Either one is --

24 MR. ANDERSON: So --

25 COUNCILMAN RUTHERFORD: Go back one.

1 space back there is still sloped going up toward the
2 top of the ridge?

3 MR. APPEL: It goes up and down. It
4 follows -- because whatever the natural topography,
5 so once we clear the building, it's in the a -- it's
6 not like on the front of the building that's a
7 straight line, the back of the building is going to
8 go up and down and follow the normal --

9 COUNCILMAN RUTHERFORD: Yeah. So
10 that's what I anticipated. I am a little concerned
11 about that. I don't know how to capture that in a
12 condition, I don't know if we can capture that in a
13 condition, but my concern, sir, is that if there is
14 a need for firefighters to access the rear of the
15 building, you have a bottleneck at that corner of
16 Building D, which has been described as seven feet
17 from the building to the ridgeline, we have an
18 uneven surface, we have a very long building, and it
19 looks to me, as a layman -- I'm not a firefighter,
20 never have been; it looks to me like that's going to
21 take a considerable amount of time to get back there
22 safely, set up there safely and then handle whatever
23 the emergency may be.

24 MR. APPEL: So I'm going to pose a
25 suggestion in here, and this is to the -- Mr.

1 Go back. That one.

2 MR. KLEIN: Parallel to the back of
3 the building.

4 MR. ANDERSON: Yes, parallel to the
5 back of the building. So if you're talking about
6 firefighters, we have anywhere between seven at one
7 discreet point where you have 30 feet, it's like 30
8 feet of level area. Now, look at the slope of that
9 area immediately behind the building. That's not a
10 steep slope.

11 MR. KLEIN: Right.

12 MR. ANDERSON: Farther to the right is
13 where the steep slope actually occurs. You're at
14 the top of the hill, right to the top where it gets
15 level. You go up over the hill with your car and
16 you get to the top and all of a sudden, you go back
17 down the other side. This is at the top parts. So
18 --

19 COUNCILMAN RUTHERFORD: So -- I fully
20 understand that. My concern is, so this is a
21 hillside, right?

22 MR. ANDERSON: Yeah.

23 COUNCILMAN RUTHERFORD: You're not
24 planning on sidewalks, paver or some other firm or
25 smooth surface back there, it is -- it would be

1 great if it was on a nice hot, sunny day and the
2 ground is great --

3 MR. ANDERSON: Yeah.

4 COUNCILMAN RUTHERFORD: -- and there
5 are no issues, but if it's in the middle of winter
6 and it's been snowing, if it's on a rainy day and
7 it's been rainy and firefighters have to get back
8 there, they're on uneven -- as I understand it, and
9 you could correct me if I'm wrong, they're on uneven
10 ground, they're on a slope, even though it's sloping
11 toward the building, it may not be a steep slope but
12 it is a slope, and it's a long building so they've
13 got to park at one door or the other and then go all
14 the way around the building to get to the back --

15 MR. ANDERSON: Yeah.

16 COUNCILMAN RUTHERFORD: -- should that
17 happen. That, to me, seems like something we should
18 plan better for.

19 MR. ANDERSON: Okay. I just -- yeah,
20 that's -- it's back to the code issue and how the
21 fire chief, who we're waiting for him, the fire --

22 CHAIRMAN BAGOFF: Mr. Anderson --

23 MR. ANDERSON: I'm sorry.

24 CHAIRMAN BAGOFF: Thank you.

25 MR. ANDERSON: Waiting for the fire

1 that or Ms. McGovern, I don't know how to capture
2 that but --

3 CHAIRMAN BAGOFF: We're going to wait
4 for --

5 MR. KLEIN: The fire chief.

6 CHAIRMAN BAGOFF: Mr. Plocker.

7 MR. PLOCKER: Yeah, I just want to
8 confirm, and Mr. Anderson alluded to it, a member of
9 our team did attempt to reach the fire chief, he is
10 away on vacation, and we definitely will be having
11 this conversation with him and we will be happy to
12 revisit after we do.

13 CHAIRMAN BAGOFF: Okay, so we will
14 revisit this once we have the information from the
15 fire chief, who will hear the questions that have
16 been asked and will respond to that.

17 COUNCILMAN RUTHERFORD: Much obliged.
18 Thank you very much, Mr. Anderson and Mr. Appel.
19 Sorry, I forgot for one second.

20 All right. Accessibility, it seems
21 like you've done a great job making all of the
22 buildings accessible. I have a question about folks
23 that are mobility challenged getting around the site
24 or getting off site, and that question really -- I
25 know that there are some sidewalks, Mr. Anderson

1 official to come back from vacation before we can
2 speak with him about how we would go about operating
3 here and see if he has any concerns, but as Larry
4 indicated, we are exceeding the code requirement for
5 access to the sides of the building and that's, you
6 know, that's -- you know, that's the paramount thing
7 here, so... But that explains the slope so you get
8 a better picture of the top of the hill.

9 COUNCILMAN RUTHERFORD: No, I
10 understand, I understand that the code is the code
11 as it is now and I know that the code as it is now
12 will govern with regard to this particular project,
13 but if we are aware at this point of a flaw or a
14 concern and not a single tree has been taken down,
15 nothing has been built, if we can address it now, I
16 think we should, and the last thing that I would
17 want, as an elected official and a member of this
18 Planning Board, to have had this conversation in
19 public and five years from now, that exact thing
20 happens and nothing was done. So that is my
21 concern, it is one of several questions, but that is
22 something that I would have to have addressed
23 satisfactorily before I would be comfortable moving
24 forward.

25 Mr. Chair, I don't know how you capture

1 testified to that yesterday and I believe the
2 sidewalks do connect with Warner. Are we FHA or ADA
3 compliant with regard to the slope for those that
4 are in wheelchairs?

5 MR. APPEL: I can only talk about kind
6 of the building and the surrounding of the building
7 --

8 COUNCILMAN RUTHERFORD: I should have
9 asked that to Mr. Anderson yesterday. I'll come
10 back to him later on, you don't have to get out of
11 your Chair, just don't go anywhere.

12 All right. The COAH units -- and
13 again, I've taken notes through your thing so I'm
14 going to jump around a little bit. The affordable
15 units, it looked to me, and I looked quickly, that
16 most of them, if not all of them, were on the
17 shorter side of the building, in other words, the
18 hallway's not equidistant.

19 MR. APPEL: That is correct.

20 COUNCILMAN RUTHERFORD: Okay. And you
21 just gave some testimony regarding square footage.
22 Now, there was a question asked earlier, followed up
23 by our mayor, with regard to the affordable units in
24 comparison to the market-rate units and the original
25 answer provided to Mr. Cardoza was that they would

1 be materially similar, and the mayor introduced a
2 word called "indistinguishable." So are they
3 materially similar or indistinguishable?

4 MR. APPEL: So I would say
5 indistinguishable, like the outside from the door,
6 so from the -- you look at the building and the
7 door, but inside is that the units are a little
8 smaller, the kitchens can be a little bit different.
9 I can't really talk about whether it's going to be
10 the exact same appliances and packages in there, but
11 all of -- all of these were designed to have full
12 heating and cooling systems, their own washer and
13 dryer, closet, storage, all the things -- have the
14 same windows and similar features, so -- but I can't
15 talk about those other items.

16 COUNCILMAN RUTHERFORD: So I think
17 with regard to finish, I would like to -- I would
18 like the affordable units to be indistinguishable or
19 materially -- I would like to know if they are
20 indistinguishable or materially similar to the
21 market-rate units.

22 MR. APPEL: You're talking about now
23 with finishes and --

24 COUNCILMAN RUTHERFORD: Yeah, so the
25 last -- and listen, I'm not a -- I don't pretend to

1 but the appliances will be materially similar based
2 on supply chain.

3 COUNCILMAN RUTHERFORD: And I think it
4 went to -- to other things as well, not just
5 appliances. We didn't want to have, you know,
6 granite countertops in market-rate units and, you
7 know, something substandard in an affordable unit.

8 MR. APPEL: So this is something I
9 would -- I need to review with ownership and have a
10 clear understanding of those, uh, those items.

11 COUNCILMAN RUTHERFORD: Use the
12 microphone, please.

13 MR. APPEL: Oh. I have to review that
14 with ownership because it's something that was not
15 reviewed and discussed prior.

16 COUNCILMAN RUTHERFORD: Thank you, Mr.
17 Appel.

18 You showed us a leasing office, in the
19 clubhouse, I believe.

20 MR. APPEL: Yes.

21 COUNCILMAN RUTHERFORD: So when the
22 project is done and fully leased up, what will
23 become of the leasing office?

24 MR. APPEL: It remains, so there's a
25 large enough community where there is always going

1 be a professional or expert in this stuff, I'm not,
2 but the last project that we had that incorporated
3 these kind of units, that I was a part of, I do
4 believe -- you guys can correct me if I'm wrong --
5 that we required them to be the same and the
6 developer actually, at least what I recall off my
7 memory, I think they were the same, I think that was
8 something that we want.

9 CHAIRMAN BAGOFF: The terminology we
10 used was "materially similar based on supply chain,"
11 so if you couldn't get an appliance A, all the
12 units, whether they were market-rate or affordable,
13 would get appliance B, so you wouldn't distinguish
14 between the different units in those appliances. So
15 you don't have to give everybody the same appliance,
16 but you have to give all the units at that time the
17 same appliance, because that's what we considered
18 materially similar based on the supply chain.

19 COUNCILMAN RUTHERFORD: And if I
20 understand that correctly, and again, I'm going on
21 memory and so thank you for the clarification --

22 CHAIRMAN BAGOFF: So the units could
23 be smaller, the units could have other certain
24 things that one unit may -- that the affordable unit
25 may not have that the market-rate unit would have,

1 to be a need for potential renters to look at this,
2 so we find for communities that are larger, this is
3 the right way to do it.

4 COUNCILMAN RUTHERFORD: Okay, and then
5 you mentioned windows a moment ago. If you go back,
6 I think it was the first or the second slide, there
7 was an exterior presentation. The next one, I
8 think. That one.

9 So you show some birds in the upper
10 right.

11 CHAIRMAN BAGOFF: They come with the
12 site.

13 COUNCILMAN RUTHERFORD: They come with
14 the site?

15 MR. APPEL: That is an artistic
16 expression.

17 MR. ALPER: The birds will be
18 materially similar.

19 COUNCILMAN RUTHERFORD: Are they
20 materially similar? Hats off to the --

21 MR. APPEL: They fly equally over the
22 affordable housing and the market units.

23 COUNCILMAN RUTHERFORD: My hats off to
24 the artist. My question is, you know, they're
25 there, they're a reminder that you are in the middle

1 of woods, this development, and we have -- I've
2 personally experienced it, I'm sure others have,
3 birds flying into windows. Is there any technology
4 on any of these large windows to help prevent or
5 mitigate that risk?

6 MR. APPEL: Usually when you have
7 window shades and stuff like that is that -- my
8 understanding is those are helpful with that, but I
9 don't have --

10 COUNCILMAN RUTHERFORD: So there's no
11 anti-strike technology or...

12 MR. APPEL: I have not looked at that.

13 COUNCILMAN RUTHERFORD: Okay. All
14 right, let's go back to the rooftop deck. I think
15 that's on Building D.

16 Yesterday, Mr. Anderson gave some
17 testimony with regard to attempted balloon tests for
18 sight lines, and I think you today gave some
19 testimony stating that -- well, is there a view of
20 New York City from this property?

21 MR. APPEL: So I -- my -- my
22 understanding is toward -- toward New York; I don't
23 know that you will see -- my understanding from what
24 we've seen with the tree line is that upper floor
25 will have some kind of peek-through places, so not

1 building poking up? Possibly, yes.

2 COUNCILMAN RUTHERFORD: So that is
3 facing east, is what you're saying.

4 MR. APPEL: This is --

5 COUNCILMAN RUTHERFORD: To the right
6 is east.

7 MR. APPEL: Right is facing east,
8 correct.

9 COUNCILMAN RUTHERFORD: So, you know,
10 we are on -- that's on second mountain, am I right,
11 or is that first mountain? I know there's two
12 mountains, this is on one, that's at the top of one,
13 right?

14 MR. APPEL: So the other one is going
15 to be South Mountain Reservation is the second
16 mountain, if I'm understanding what you're saying.

17 COUNCILMAN RUTHERFORD: Right and it
18 may not be called that but whatever it's called,
19 that's what it is, right?

20 MR. APPEL: Right.

21 COUNCILMAN RUTHERFORD: Are you going
22 to be able to see this building? Will it extend
23 above the tree line? Those trees are not -- those
24 are just for --

25 MR. APPEL: I couldn't tell you from

1 every place is going to give you a straight line,
2 but you will have some pockets where there are
3 thinner and exposure, so that's my understanding and
4 that's what we were designing to accommodate and,
5 um, and take advantage of.

6 COUNCILMAN RUTHERFORD: So -- so there
7 is a portion of the building that will be visible
8 above the tree line?

9 MR. APPEL: From where?

10 COUNCILMAN RUTHERFORD: Well --

11 MR. APPEL: Not from those surrounding
12 locations because that exhibit was showing that --
13 let me go to -- when you look at the actual view,
14 taking advantage of the topography, you see that,
15 even if this was above, you're not going to be able
16 to see -- you can zoom back out, please. There.

17 COUNCILMAN RUTHERFORD: Is that
18 Building D?

19 MR. APPEL: That's Building D right
20 there.

21 COUNCILMAN RUTHERFORD: Right.

22 MR. APPEL: So you can see that that
23 sight line is through so many hundreds of feet of
24 trees. Now, is there a remote top, like up by the
25 manor, where you may see a little piece of the

1 where exactly you can get that viewpoint, I can just
2 say that the exercise doing these sight studies was
3 to show that the adjoining residents are not at a
4 vantage point to be -- have this -- you know,
5 there's a tremendous amount of distance and
6 topography that, um, that creates privacy and
7 buffering between those homes and the, uh, and the
8 proposed structures.

9 COUNCILMAN RUTHERFORD: So my concern
10 with that is not just that you could see it, I don't
11 know that that would be a bad thing, I imagine the
12 building's going to look nice, but it's about light
13 pollution and you talked about the downward-facing
14 lights in the decks, but on Building D, what is the
15 lighting on the deck?

16 MR. APPEL: The testimony I gave
17 earlier is that we were proposing that to be
18 predominantly bollard type lighting.

19 COUNCILMAN RUTHERFORD: Can you --
20 what is bollard?

21 MR. APPEL: Bollard type lighting is
22 where you have low-level lighting so that instead of
23 a light fixture up high shining down, it's a low
24 light that broadcasts to the side, so we're looking
25 at low lights in walls, planters and bollards rather

1 than highlighting.

2 COUNCILMAN RUTHERFORD: Got it.

3 MR. APPEL: And that was in regard
4 just to being more sensitive to that.

5 COUNCILMAN RUTHERFORD: All right.

6 Now, have you considered, in your public spaces,
7 where or how many garbage cans you're going to have,
8 around the clubhouse, the dog kennel, the dog park?

9 MR. APPEL: Have not gotten into that
10 level of detail.

11 COUNCILMAN RUTHERFORD: But there will
12 be public trash cans in those public areas?

13 MR. APPEL: I think that's a wonderful
14 idea and I think that we should include some of
15 these, and one of the things we did not, uh, we did
16 not think through, we located bike racks below the
17 buildings but not at the clubhouse and I think
18 people should be encouraged to bike to the
19 clubhouse.

20 COUNCILMAN RUTHERFORD: On that note,
21 are you going to have bike lanes?

22 MR. APPEL: Um...

23 MR. ANDERSON: No.

24 MR. APPEL: I don't believe there was
25 anything proposed as a bike lane.

1 for a couple minutes? It's hard to see.

2 MR. APPEL: So living room, so the
3 balconies off the bedroom and this is -- on the one-
4 bedroom, it's off the bedroom --

5 COUNCILMAN RUTHERFORD: Right.

6 MR. APPEL: -- and that was to allow
7 the living room to be larger. That was why we had
8 done that, we thought it was a better tradeoff.

9 COUNCILMAN RUTHERFORD: Okay.

10 MR. APPEL: And then on the two-
11 bedroom COAH, it is off the living room --

12 COUNCILMAN RUTHERFORD: Living room,
13 right.

14 MR. APPEL: -- and on the three-
15 bedroom COAH, it's also off the living room, so --

16 COUNCILMAN RUTHERFORD: So my notes
17 weren't clear, but on the --

18 MR. APPEL: But you're correct on --
19 on that one.

20 COUNCILMAN RUTHERFORD: And so the
21 thinking was to give a larger living room.

22 MR. APPEL: That was why we had placed
23 it over there, because we could mirror the unit so
24 we keep the balcony in the same place, but now
25 you're going to have a smaller living room and we

1 COUNCILMAN RUTHERFORD: Is the street
2 wide enough to incorporate a bike lane?

3 MR. APPEL: Not currently.

4 COUNCILMAN RUTHERFORD: All right, and
5 then my last question, back to the COAH units. In
6 the affordable units, the balconies -- you can go to
7 the slide, whichever slide that was. In the COAH
8 units, the balcony is accessed only through
9 bedrooms. In the market-rate units, the balcony is
10 accessed through the living rooms. What is the
11 thinking behind that?

12 MR. APPEL: I'm not sure if that's the
13 case for everything.

14 COUNCILMAN RUTHERFORD: Okay.

15 MR. APPEL: Give me a moment, please.

16 COUNCILMAN RUTHERFORD: Sure.

17 (Witness looks through documents.)

18 COUNCILMAN RUTHERFORD: So it's slide
19 --

20 MR. APPEL: So I'm looking at PB-4 --

21 COUNCILMAN RUTHERFORD: 7.

22 MR. APPEL: -- .7 --

23 COUNCILMAN RUTHERFORD: Yes.

24 MR. APPEL: -- so -- so 4.7 --

25 MR. AFRAN: Can the lights be dimmed

1 thought that was more valuable for the residents.

2 COUNCILMAN RUTHERFORD: That's a
3 choice, I just wanted to understand the thinking
4 behind it.

5 I will say I am a little disappointed
6 with the size -- the square footage difference
7 between the affordable and the market-rate units.
8 That is disappointing. What we -- what I would like
9 to see, I won't speak for anyone else, are the
10 affordable units, I won't use the word
11 "indistinguishable," that's already been refuted and
12 pushed back against, but substantially or were
13 substantially similar to the market-rate units. The
14 lower-end, you know, you're looking at about a 20
15 percent difference between an affordable unit and a
16 market-rate unit, with the affordable unit being
17 much smaller. You know, it's not as bad in the
18 two-bedroom, but it is a big difference in a three-
19 bedroom.

20 MR. APPEL: So what you have to look
21 at in here is -- is that, on the short side of the
22 building, we have both market and affordable units,
23 so you have a one-bedroom over here, and this has to
24 be a two -- so here's a one-bedroom COAH and a
25 one-bedroom market. You can see -- you shouldn't

1 compare the one-bedroom COAH to the one-bedroom-plus
2 den across the hall that there's a big difference,
3 but you can see the one-bedroom and the one-bedroom
4 COAH are really quite similar size-wise, it's just
5 that there happen to be other larger one-bedrooms
6 available also. So there are small one-bedroom
7 market units also.

8 COUNCILMAN RUTHERFORD: Smaller,
9 correct. The numbers you gave were 800 to 900
10 square feet. I don't know what that block is that's
11 missing, if it's a one-bedroom or two-bedroom COAH.

12 MR. APPEL: Those are placeholders for
13 both storage room as well as mechanical fobs.

14 COUNCILMAN RUTHERFORD: Yeah, I mean,
15 so, not to belabor the point, however we got here,
16 you know, 738, on average, versus 850 on average,
17 right? 800 to 900. 1150 --

18 MR. APPEL: But you're comparing
19 larger one-bedrooms and smaller one-bedrooms, so --

20 COUNCILMAN RUTHERFORD: No, what I'm
21 comparing are averages. If you're -- you're saying
22 the affordable average was 738, or the affordable
23 was 738; the average of the market-rate one-bedroom
24 is 800 to 900 -- I mean the range is 800 to 900, the
25 average would be 850, just looking at that -- at

1 stack these large units and we've -- we've actually
2 set back these units so that the units on the -- on
3 the lower floors are larger, so if you can look at a
4 -- I'm going to go to an upper floor, you can see
5 how -- you see here's the profile of the unit below.
6 They're set back. So that was to get an
7 architectural expression, not -- you know, so you
8 have some of these three-bedrooms that are larger,
9 but then they get smaller to accommodate, you know,
10 the stepping of the building.

11 COUNCILMAN RUTHERFORD: Well, even if
12 you use the smallest three-bedroom, you're looking
13 at 1690 square feet versus 1220 --

14 MR. APPEL: Um-hum.

15 COUNCILMAN RUTHERFORD: -- which is a
16 470-square-foot difference, which is still about 30
17 percent.

18 MR. APPEL: So we will -- we will look
19 at the -- at the COAH -- COAH unit sizes.

20 COUNCILMAN RUTHERFORD: Right, and you
21 know, that is just a philosophical approach to how
22 we treat renters who would fall into that affordable
23 category and making it as difficult as possible to
24 distinguish between an affordable unit and a
25 market-rate unit, and it's not just about the door,

1 that number -- at those two numbers. So you're
2 looking at 850 square feet versus 738, it's 112
3 square feet difference. That's almost a 20 percent
4 difference in size. That's substantial to me. Now,
5 it's not as big of a difference on the two-bedroom.
6 Two-bedroom is 1150 on average, market rate is 1200,
7 1300 square feet. Just say 1250. It's 150 -- it's
8 a hundred-square-foot difference, it's not a
9 meaningful difference, it's less than 10 percent.
10 But when you go to the three-bedroom, it is -- it is
11 now a large percentage. 1220 is the number you
12 gave, 1690 to 1850 is the range, which would put you
13 at about 1720. It's a 500-square-foot difference,
14 which is almost a -- it's about a 40 percent
15 difference.

16 MR. APPEL: Right, and the reason
17 being is that if you pan to the side, either to the
18 left --

19 MR. FAGAN: Oh, I'm sorry.

20 MR. APPEL: -- or to the right --

21 COUNCILMAN RUTHERFORD: Into the
22 microphone.

23 MR. APPEL: Oh, sorry. So all of the
24 market three-bedroom, the only place we're putting
25 them are these end caps, so they were just done to

1 because with a three-bedroom in particular, we would
2 expect there to be children, and what I would hate
3 to see is children going from one unit to another
4 and being able to distinguish that this is the
5 affordable unit, which, you know, could expose to
6 that type of bullying or kids can be cruel
7 sometimes. So that's the thinking, that's the
8 philosophy, and if we can address it beforehand, I
9 would appreciate it.

10 Those are my questions and my thoughts
11 and that does it for me, Mr. Chair.

12 CHAIRMAN BAGOFF: Thank you, Council
13 President. I'd like to go back to Building D. Mr.
14 Anderson couldn't tell us yesterday exactly how far
15 the back side of the building is from the ridgeline.
16 Can you tell us?

17 MR. APPEL: We already -- I thought I
18 already did.

19 CHAIRMAN BAGOFF: Well, there's some
20 outpocketings from the back of Building D. I want
21 to know, from those outpocketings, if we put up the
22 picture again, you can look at that, where people
23 can walk out from the back side of the building.
24 That's what it looked like.

25 MR. APPEL: So, coming from the top of

1 the building, so we've scaled off a couple of
2 dimensions along -- from the top corner of the
3 building, so I'm kind of starting back over --
4 please don't zoom in.

5 MR. FAGAN: Sorry.

6 CHAIRMAN BAGOFF: Well, on the first
7 floor where you can't walk out. You have it on one
8 of the diagrams.

9 MR. APPEL: Okay, so let me go back to
10 here. So we can come from this corner starting over
11 here, about 25 feet to the ridge, then it's going to
12 -- as you come around the side of the building, it
13 will go up to about 85 feet, then to about 66 feet,
14 and then to about 24 feet.

15 CHAIRMAN BAGOFF: So when you come
16 right over here, is that a walk-out?

17 MR. APPEL: About 24 feet to the
18 ridge.

19 CHAIRMAN BAGOFF: Is that a path for
20 people to walk out and sit on or --

21 MR. APPEL: Can you --

22 CHAIRMAN BAGOFF: -- what is it?

23 MR. APPEL: -- zoom in over there?

24 CHAIRMAN BAGOFF: Yeah.

25 MR. APPEL: We created a placeholder.

1 to be pavement back there, trees, because that's the
2 area where, we heard testimony, firefighters are
3 going to drag a hose or medics may drag a stretcher.

4 MR. APPEL: I don't believe there's
5 landscaping along the base of the building at the
6 rear.

7 MR. ANDERSON: Not at this time.

8 MR. APPEL: Yeah. So I think it's --
9 it's open.

10 MR. KLEIN: The green wall is in
11 spots. Go -- go to the back of the building
12 elevation again. That's what we're talking about,
13 right?

14 MR. APPEL: No, we were not looking at
15 this building.

16 CHAIRMAN BAGOFF: They didn't talk
17 about this part of the building. They talked about
18 louvers in front of the building for the garage.

19 MR. KLEIN: Oh, the one where it
20 undulates down, that's not D, that's not the back of
21 D?

22 MR. APPEL: No, this was -- this was
23 -- this was --

24 MR. KLEIN: That's the back of D
25 there? No.

1 Can you zoom in on this area here (indicating)?

2 So we've created an outdoor space
3 behind the gym over here, so --

4 CHAIRMAN BAGOFF: And how far is that
5 from the ridgeline?

6 MR. APPEL: If this is about 20 feet
7 deep, you are probably about maybe anywhere between
8 four and six feet from the ridgeline.

9 CHAIRMAN BAGOFF: Okay.

10 MR. AFRAN: What was that last number?
11 I'm sorry.

12 MEMBER OF THE PUBLIC: Four and six
13 feet.

14 MR. APPEL: And then as you continue
15 around the building, it goes back up to about 43
16 feet and then at this corner, that's the tightest
17 pinch point, which is about seven feet to the ridge
18 and then opens up to 32 and about 40 feet over here
19 (indicating). And that's a product of the building
20 moves and the ridgeline is not a straight line, it's
21 all --

22 CHAIRMAN BAGOFF: Sure.

23 MR. APPEL: -- carved all over the
24 place.

25 CHAIRMAN BAGOFF: Now, is there going

1 MR. APPEL: This is the building that
2 we were --

3 CHAIRMAN BAGOFF: That's the front of
4 the building, facing the driveway.

5 MR. APPEL: This is --

6 MR. KLEIN: That gym patio doesn't
7 face the driveway, that faces the ridge.

8 MR. APPEL: This is Building A.

9 CHAIRMAN BAGOFF: I'm talking about
10 Building B. Where you're getting close to the
11 ridgeline is a gym patio and I asked how far was
12 that from the ridgeline, it's four feet.

13 MR. KLEIN: It's less because it's
14 like a 30-foot-deep patio --

15 CHAIRMAN BAGOFF: Right.

16 MR. KLEIN: -- so it's right up to the
17 edge. And that's -- so where is it? So it's down
18 here on the left? No, that's the front.

19 MR. APPEL: This is the --

20 MR. KLEIN: This is the lobby, right?

21 MR. APPEL: It is -- oop. East side.

22 MR. KLEIN: That's east side, okay.

23 MR. APPEL: Yup.

24 MR. KLEIN: So then down here -- yup,
25 down there, that's the patio?

1 MR. APPEL: Correct, that's the patio
2 right here (indicating). Gym beyond. This is not
3 the elevation that we were putting the green wall
4 on.

5 MR. KLEIN: Okay.

6 MR. ALPER: And is the term
7 "ridgeline" being used to mean the actual crest of
8 the hill or the "Do not build past this line" line?

9 MR. APPEL: Whenever we use the term
10 "ridgeline," it's that line that was established by
11 the town.

12 MR. ALPER: That's what I thought. Do
13 we know the distance to the actual top of the hill?

14 MR. APPEL: I don't -- I don't -- I
15 couldn't correlate, like, where the topo lines --

16 MR. ALPER: Okay.

17 MR. APPEL: -- relate to that.

18 MR. ALPER: But it's not the case that
19 we're six feet from the top of the hill at any
20 point.

21 MR. APPEL: No, the only thing that I
22 can tell you with -- like, this is taken from all of
23 the actual grades, when we did these sections, so
24 you can kind of see how, you know, where all of this
25 kind of, you know, you have this kind of flat spot

1 apply --

2 MR. KLEIN: Get closer to the mic.

3 MR. ANDERSON: I'm trying.

4 MR. ALPER: I understand it doesn't.

5 (Multiple speakers at once)

6 MR. ALPER: I understand it doesn't
7 apply, but I'd like it --

8 MR. ANDERSON: So --

9 MR. ALPER: -- to be used --

10 MR. ANDERSON: So --

11 MR. ALPER: -- as an existing
12 definition.

13 MR. ANDERSON: So your slope ordinance
14 starts regulating slopes at 10 percent. Okay? The
15 10 percent point starts about 20 feet off of that
16 corner.

17 MR. ALPER: From the tightest --

18 MR. ANDERSON: From the tightest
19 point.

20 MR. ALPER: Thank you.

21 MR. PLOCKER: Thanks, Paul.

22 CHAIRMAN BAGOFF: Will there be
23 wayfaring signs throughout the complex, "Go this
24 way," "Go that way," "Building A," "Building B,"
25 "Park here"?

1 and it doesn't get really steep till you're all the
2 way back over here.

3 MEMBER OF THE PUBLIC: It's pretty
4 steep at the top.

5 MR. KLEIN: It depends where you take
6 the slice.

7 MR. APPEL: Correct.

8 MEMBER OF THE PUBLIC: You're under
9 oath.

10 MR. ALPER: It would be useful to know
11 -- it would be useful to know the actual closest
12 distance to the point where it becomes a problem if
13 it's the top of the hill -- probably both, but if
14 it's the top of the hill and where the slope gets
15 beyond a certain percentage of slope. It's
16 important to know how far it is from the actual line
17 of the plants too. That six feet number's not
18 unimportant, but I would want to know how many feet
19 we are from the top and from -- at whatever point
20 the slope becomes technically steeper.

21 MR. ANDERSON: May I?

22 CHAIRMAN BAGOFF: Mr. Anderson.

23 MR. ANDERSON: Thank you.

24 So at that pinch point where it's seven
25 feet, there -- your slope ordinance, which does

1 MR. APPEL: Not -- oh, I'm sorry. Not
2 part of the application now, but my understanding is
3 that there would be and should be wayfaring signs.

4 CHAIRMAN BAGOFF: Would you consider
5 using solar-powered wayfaring signs?

6 MR. APPEL: That could be a reasonable
7 solution.

8 CHAIRMAN BAGOFF: And the birds, we'll
9 talk about another time.

10 Mr. Hess.

11 MR. HESS: Thank you, Mr. Chairman. I
12 have -- Mr. Appel, I have two questions for you.
13 The first is, you spoke about the visitor -- the
14 parking spaces for Building D and that they would be
15 assigned, then you're going to have the visitor
16 spaces. Are the visitor spaces going to be marked
17 for visitors or are they also open to other tenants
18 who may want to have a second vehicle?

19 MR. APPEL: What is proposed right now
20 is that you have assigned stalls --

21 MR. HESS: Right.

22 MR. APPEL: -- for each unit, and in
23 addition to the signed stalls for each unit, the
24 remainder of the stalls are shared and they will
25 accommodate the .5 stalls per unit for -- for

visitors, but they would not be labeled specifically "visitor only," they would just be non-labeled. So you would have an assigned stall or an un-labeled stall.

MR. HESS: But are there excess spaces above the .5 per unit? So my question is: If they're not labeled for visitors, then you could potentially have tenants who have a second vehicle that don't have an assigned space that could be using the unassigned parking and taking away spaces that would be there for visitors. So my question is: How do you plan to address that?

MR. APPEL: Normally, this is the process that --

MR. HESS: Okay.

MR. APPEL: -- we do, we don't just label them specifically as "visitor only" spaces. It tends to work well, that ownership, you know, if they find a problem, they address a problem, but usually it works out well.

MR. HESS: And are any assigned spaces proposed in the other buildings?

MR. APPEL: Yes, all -- so in Building A, B and C, all of the garage spaces will be assigned.

not parking, you know, inside. They would -- they're just open for anybody.

MR. HESS: Okay. The second question is: The plans show that you have one bedroom with dens and two-bedroom units with dens.

MR. APPEL: I'm sorry, can you repeat that? I can't hear, there's...

MR. HESS: The plans show that you're proposing one-bedroom units with dens and also two-bedroom units with dens. What provisions have you incorporated into the design to keep the dens from being converted to bedrooms?

MR. APPEL: In this particular case, we are overparked, so the question is I don't know whether a restriction is needed or valid. Usually the reason you do it is because you don't have enough parking. We have excess parking right now.

MR. HESS: Okay.

MR. APPEL: So I don't know whether it's necessary to restrict that.

MR. HESS: Okay. Thank you.

CHAIRMAN BAGOFF: Mr. Haizel.

MR. HAIZEL: If I can start off with the last response. You said that you --

CHAIRMAN BAGOFF: Mr. Haizel speak up

MR. HESS: Okay.

MR. APPEL: It's only D that there's limited surface stalls, so that has some interior unassigned stalls.

MR. HESS: Are there excess garage spaces in the other buildings, other than D?

MR. APPEL: When you say "excess" --

MR. HESS: Well, if you're -- if you're assigning one space per unit, then are there more than one space per unit in the garage?

MR. APPEL: I believe -- I believe so.

MR. HESS: Okay.

MR. APPEL: And some, you know, some units will be assigned to tandem stall and some units --

MR. HESS: Right.

MR. APPEL: -- would be assigned to single stall.

MR. HESS: Okay. And then all the spaces on the surface will then -- they'll be open for visitors or --

MR. APPEL: Visitors --

MR. HESS: -- they'll be unassigned?

MR. APPEL: You know, visitors, guests, or possibly, you know, residents that are

a little bit. Thank you.

MR. HAIZEL: You said that usually you would not restrict that den area. Based on the availability of parking, that would be one thing that would -- would sort of require you to restrict that, but based on the exchange you had with the Council President before due to the unit size, wouldn't a two-bedroom with a den that became a three-bedroom, would that not compromise the space further?

MR. APPEL: I'm not -- I don't understand what the question is.

MR. HAIZEL: You say that the -- in terms of what Mr. Hess was mentioning about the dens, what is to stop someone taking a two-bedroom with a den and turning it into a three-bedroom, putting a wall up or what have you, to turn that den into a third bedroom?

MR. APPEL: Well, I don't know whether they would be permitted to do construction on a unit, but if somebody were to have, let's say, a guest that was going to stay there overnight, would that be a restriction? I don't -- I don't know. I don't know if that's -- that's necessary to make. In some ordinances, the bedroom count is limited or

1 you're limited by parking. In this particular case,
 2 we don't have a limitation on here. We're
 3 suggesting the dens not to be bedrooms, we've
 4 designed them to be extra spaces, like for a home
 5 office or a dining space or a hobby room or
 6 something like that, but not -- not a bedroom, but I
 7 don't know whether a restriction is necessary.

8 MR. HAIZEL: No, I only responded -- I
 9 only picked up on that because of the -- what you
 10 had said the limitation was based on availability of
 11 parking.

12 MR. APPEL: Right.

13 MR. HAIZEL: Other question: The
 14 nonconforming situation that you have that is
 15 triggering the variance, did I hear you say that
 16 there was some visual that you had that showed where
 17 that 50 percent maximum was, you know, you've gone
 18 over that 50 percent maximum, in which buildings and
 19 what areas?

20 MR. APPEL: I don't have a specific
 21 visual, but we went through and did calculations
 22 for, um, for all of this and that we felt that it
 23 was a better design solution to request that relief
 24 rather than try to build walls and alter grading in
 25 an awkward manner. It's --

1 MR. HAIZEL: If I may, Mr. Chair, I
 2 would recommend that, because this is the non-
 3 conformant variant condition for which a variance
 4 would be required, that some sort of a graphic be
 5 provided showing the extent to which that is --
 6 because when I look at the -- the elevations in some
 7 areas there, it's fairly significant, and I think
 8 that someone did ask about if there's a sidewalk
 9 adjacent to the buildings. I know buildings that do
 10 have this situation, they would not have this on the
 11 -- the louvers and so on the front facade, so it
 12 kind of keeps the front facade looking like a front
 13 facade, but in this case, because of the undulating
 14 nature of the site, it's difficult to do that.

15 Last question is: The apartment in the
 16 clubhouse that is going to be the model apartment,
 17 is there any -- do you have -- is there any intent
 18 to have a, for want of a better way of putting this,
 19 service quarters or service habitation for --

20 MR. APPEL: No.

21 MR. HAIZEL: Okay.

22 MR. APPEL: No, and if that needs to
 23 be a restriction, that's certainly fine to have that
 24 it will not be an occupied unit, it's only for
 25 sales -- leasing and marketing purposes.

1 MR. HAIZEL: Mr. Chair, I would
 2 recommend that that be included.

3 CHAIRMAN BAGOFF: Deed restricted.
 4 Yes, we'll --

5 MR. HAIZEL: Thank you.

6 CHAIRMAN BAGOFF: -- make that a
 7 condition.

8 COUNCILMAN RUTHERFORD: Mr. Chair, can
 9 I --

10 CHAIRMAN BAGOFF: Council President
 11 Rutherford.

12 COUNCILMAN RUTHERFORD: I would like
 13 to follow back up to the parking. So it's my
 14 understanding that there are no restrictions with
 15 regard to usage of the den as a bedroom and there is
 16 -- there are no assigned visitor parking, so visitor
 17 spots could be used by residents and there is an
 18 additional fee for the parking. I think the
 19 combination of those three things is --

20 MR. APPEL: I'm not sure, did -- who
 21 represented that there was an additional fee?

22 COUNCILMAN RUTHERFORD: So the parking
 23 is included with the rent?

24 MR. KLEIN: Yes.

25 MR. APPEL: Yes.

1 COUNCILMAN RUTHERFORD: Okay, so I
 2 missed that. Sorry. Relax. Take a deep breath. I
 3 think everybody in here is human.

4 So there is -- the parking is included
 5 in the rent.

6 MR. APPEL: That's what I think Mr.
 7 Hoffman had said.

8 COUNCILMAN RUTHERFORD: And so those
 9 tandem spots, so if you have a two-bedroom or a
 10 three-bedroom, you will get two spots included with
 11 your rent; is that right?

12 MR. APPEL: Those would be the normal
 13 connection -- I'm sorry. Those would be the normal
 14 connection for the tandem stalls.

15 COUNCILMAN RUTHERFORD: All right, I
 16 still think that there's some concern, and it's not
 17 that this happens in other municipalities, it
 18 happens here, we have a property in town where folks
 19 don't pay for parking, they park on the street. If
 20 there are additional cars, instead of paying the
 21 additional fee and if those visitor spots are not
 22 clearly marked or restricted, residents may choose
 23 to park in those visitor spots, which could cause
 24 additional, you know, issues for folks that are
 25 visiting, force them to park on the street or park

1 far away, which, you know, isn't ideal, so if that
2 could be addressed, I think it should be addressed
3 beforehand. And that's an easy fix, just designate
4 a number of spots as visitor parking spots.

5 MR. APPEL: We will look at that with
6 the site engineer.

7 COUNCILMAN RUTHERFORD: Thank you.
8 Yeah, I think that's the, I think we are going to
9 end up with enforcement issues and other issues if
10 -- if the parking is not better regulated.

11 CHAIRMAN BAGOFF: Thank you, Council
12 President. Mr. Klein.

13 COUNCILMAN RUTHERFORD: Thank you,
14 Chair.

15 MR. KLEIN: Can you -- for next time,
16 can you calculate the -- based on the number of
17 parking spaces you have and based on a den being a
18 bedroom, figure out if you still meet RSIS if every
19 den was used as a bedroom? So a one with a den is a
20 two, a one only is a one, two with a den is a three,
21 a three with a den -- you know what I mean? And do
22 the math. Maybe you're close overall.

23 MR. APPEL: Yeah, we haven't done that
24 and --

25 MR. KLEIN: And then it's not an

1 didn't -- it didn't seem like a restriction.

2 MR. KLEIN: Right.

3 MR. ALPER: I do --

4 CHAIRMAN BAGOFF: Wait, wait. Mr.
5 Alper.

6 MR. ALPER: I do think we want to find
7 a way to discourage the use and not have dens used
8 as bedrooms. I think if dens are used as bedrooms
9 in our economy, then every two-bedroom plus a den is
10 really a three-bedroom, every three-bedroom plus a
11 den is then a four-bedroom use.

12 MR. APPEL: They're just not --
13 they're just -- most of them are windowless and
14 they're just not well suited to be a bedroom, other
15 than something, you know, temporary, interim, for an
16 overnight guest or something like that.

17 MR. ALPER: Can we put that as a
18 condition or...

19 CHAIRMAN BAGOFF: Yeah. All right,
20 Mr. Appel, you testified that you're not considering
21 four bedrooms at the moment. Does that mean you're
22 not considering four bedrooms or at the moment? I
23 want to be clear about what we're talking about.

24 MR. APPEL: So -- so what you're
25 saying is that a three-bedroom plus den --

1 issue, right, Mr. Haizel --

2 MS. McGOVERN: Right.

3 MR. KLEIN: -- if they met that
4 number?

5 MR. HAIZEL: Right.

6 MR. KLEIN: But then if you do, then
7 you're going to have to do some restrictions. I
8 mean, do you have archways and -- in your dens or
9 interior --

10 MR. APPEL: Usually it's not a door,
11 it's just --

12 MR. KLEIN: Right --

13 MR. APPEL: -- an open area.

14 MR. KLEIN: -- and is it an interior
15 area so you don't have lights, nobody wants to
16 sleep in a room like that, or...

17 MR. APPEL: They're usually interior.

18 MR. KLEIN: Yeah.

19 MR. APPEL: They're not well suited to
20 bedrooms but --

21 MR. KLEIN: Right, they're too short
22 to put a bed in maybe or something.

23 MR. APPEL: But I didn't know whether
24 -- there was no -- nothing either ordinance-wise or
25 parking reason that I thought to restrict it so I

1 CHAIRMAN BAGOFF: Well, no, you said
2 -- somebody asked "Are you considering four
3 bedrooms?" You said "No, at this time, we're not
4 considering four bedrooms."

5 MR. APPEL: Oh. There's no -- not on
6 the plans, it was not under consideration.

7 CHAIRMAN BAGOFF: So there will be no
8 four bedrooms.

9 MR. APPEL: Correct.

10 CHAIRMAN BAGOFF: Okay, so we can put
11 that in there, that's good. Thank you.

12 Now, the clubhouse, you will have 469
13 units. Will the clubhouse pool and amenities be
14 large enough to be used by the population in this
15 complex?

16 MR. APPEL: Usually what we find is,
17 in most cases, these spaces are way underutilized
18 and that's the problem. We feel it's right sized
19 for this. It's a large clubhouse, but we feel we
20 have the right spaces.

21 CHAIRMAN BAGOFF: Okay. Thank you.

22 MR. CARDOZA: I have a few questions,
23 Mr. Chairman.

24 CHAIRMAN BAGOFF: Mr. Cardoza.

25 MR. CARDOZA: Thank you. Following

1 up, you mentioned bike racks. I just want to be
 2 sure when you come back to us that you've had a
 3 chance to really look at bike racks. While a pool
 4 might be unutilized, we have a building in town,
 5 600-plus unit, 634, I believe; the bike storage is
 6 just in one room and it's insufficient. I think
 7 with this, you know, site, you're going to have a --
 8 MR. KLEIN: 634-unit building?
 9 MR. CARDOZA: My apologies. I'm
 10 misstating it.
 11 MAYOR McCARTNEY: 300.
 12 MR. CARDOZA: 300.
 13 (Multiple speakers at once)
 14 MR. CARDOZA: Well, the bike storage
 15 is insufficient.
 16 MR. KLEIN: Right.
 17 MR. CARDOZA: What you're going to get
 18 with this site is, you know, it's in the woods,
 19 right? And you're going to have these long -- what
 20 should I say -- roads. I would expect people want
 21 to ride their bikes. I mean, we had the question
 22 about possibly bike lanes --
 23 (Many members of the public speaking to each
 24 out - court reporter advises she could not hear Mr.
 25 Cardoza.)

1 MR. CARDOZA: My apologies. I would
 2 say, you know, when you have a chance, really look
 3 at the -- at the bike storage --
 4 MR. APPEL: We will --
 5 MR. CARDOZA: -- make sure that's
 6 sufficient.
 7 MR. APPEL: We will -- we will re-look
 8 at that.
 9 MR. CARDOZA: Okay. The -- a question
 10 about the windows. Are those all fixed; is there no
 11 opportunity for -- what's the possibility of airflow
 12 if people want to crack the windows?
 13 MR. APPEL: We're -- we're -- we're
 14 assuming that the units will have operable windows.
 15 MR. CARDOZA: Okay. You mentioned,
 16 you know, amenities, and I know a lot of this is
 17 still in the works, but you mentioned -- you said
 18 for the most part, a lot of these amenity spaces
 19 would be lounges and I saw that they were, you know,
 20 kind of packed into corners and I'm just hoping that
 21 there will be some imagination when it comes to
 22 amenity spaces, theater rooms, music rooms.
 23 MR. APPEL: Are you talking about in
 24 the apartments or are you talking --
 25 MR. CARDOZA: In the -- yeah, in the

1 apartment buildings.
 2 MR. APPEL: So the apartment buildings
 3 A, B and C will not have those type of spaces.
 4 MR. CARDOZA: Okay, so D --
 5 MR. APPEL: D will and the clubhouse
 6 will have those shared amenities.
 7 MR. CARDOZA: Okay.
 8 MR. APPEL: So the idea here was,
 9 rather than have lots of spaces in the buildings, D
 10 has extra amenities, but A, B and C had just small
 11 lounges and then they, you know, the clubhouse is
 12 the community amenity, and this is a large building
 13 --
 14 MR. CARDOZA: Yeah.
 15 MR. APPEAL: -- it's got a lot of
 16 really neat, special spaces.
 17 MR. CARDOZA: And you said, with the
 18 clubhouse, you were still working out the specific
 19 uses, especially with the children's area?
 20 MR. APPEL: Well, we -- we have -- we
 21 have a bunch of spaces that are well programmed in
 22 here, but what I was mentioning is that this is all
 23 in flux because it responds to what the needs are of
 24 the residents, and so some of these spaces may get
 25 repurposed over time but --

1 MR. CARDOZA: Okay. And you have no
 2 plans -- so you have the back patio, right? And we
 3 spoke about that for Building D, back patio. Did
 4 you say that was closed?
 5 MR. APPEL: You're talking about in
 6 the -- you're talking about in the clubhouse?
 7 MR. CARDOZA: D, leading to the
 8 ridgeline.
 9 MR. APPEL: Oh, that back patio?
 10 MR. CARDOZA: Yeah.
 11 MR. APPEL: You're talking about off
 12 the gym?
 13 MR. CARDOZA: Yes.
 14 MR. APPEL: That's not enclosed.
 15 MR. CARDOZA: No? Okay.
 16 MR. APPEL: That's just -- that's
 17 open.
 18 MR. CARDOZA: All right. And so -- I
 19 guess, because we also -- we asked questions about
 20 the emergency services, being able to get to the
 21 back, we asked questions about, you know, potential
 22 paving. Are we imagining that people aren't just
 23 going to use, you know, the space between the
 24 ridgeline and the deer fence as just a backyard and
 25 move about there?

1 MR. APPEL: I mean, I think people
 2 can --
 3 MR. CARDOZA: So no restrictions.
 4 MR. APPEL: -- walk back there --
 5 MR. CARDOZA: Okay.
 6 MR. APPEL: -- but there are so many
 7 other well-defined places to be, I would think
 8 there's a lot of nicer and better program spaces for
 9 them to go to.
 10 MR. CARDOZA: Okay. You have no plans
 11 for any outdoor grills anywhere, do you? Did you
 12 mark those?
 13 MR. APPEL: These could be placed,
 14 there could be outdoor grills. There are special
 15 grills that are permitted on a, let's say on an
 16 outdoor terrace, not individual but a common
 17 terrace, as well as possibly at the clubhouse, there
 18 may be a grilling area that's, uh, that's included
 19 as well.
 20 MR. CARDOZA: And it will not be sky
 21 terrace in Building -- on Building D?
 22 MR. APPEL: It probably wouldn't be up
 23 there, it would probably be on -- the terrace
 24 between the two buildings is probably the more
 25 appropriate place for that --

1 MR. CARDOZA: Okay.
 2 MR. APPEL: -- but I think either
 3 place can accommodate. They have special grills
 4 that are non-flare grills that are acceptable to put
 5 onto public, you know, terraces like that.
 6 MR. CARDOZA: Okay. So it's something
 7 you're considering or not considering?
 8 MR. APPEL: I think that would be a
 9 reasonable thing --
 10 MR. CARDOZA: Okay.
 11 MR. APPEL: -- as a passive amenity.
 12 MR. CARDOZA: No, if you are, I just
 13 want to include it in when you come back. That's
 14 all.
 15 CHAIRMAN BAGOFF: Thank you. Vice-
 16 Chairman Guarino.
 17 VICE-CHAIRMAN GUARINO: Last question.
 18 I have a quick question about the clubhouse and the
 19 facilities, stuff like that. Will the clubhouse,
 20 tennis courts and the pool, will it be accessible to
 21 West Essex Highlands residents 1 and 2? Or it's
 22 just going to be for the apartment?
 23 MR. APPEL: This is just for this
 24 community.
 25 VICE-CHAIRMAN GUARINO: It's just for

1 the rental units.
 2 MR. APPEL: Correct.
 3 CHAIRMAN BAGOFF: Thank you. Council
 4 President.
 5 COUNCILMAN RUTHERFORD: Mr. Chair,
 6 thank you. I did want to ask Mr. Anderson a follow-
 7 up question if it's okay.
 8 CHAIRMAN BAGOFF: (Chairman nods.)
 9 COUNCILMAN RUTHERFORD: Mr. Anderson,
 10 with regard to sidewalks, the slope exiting -- going
 11 down toward Warner, is that ADA or FHA compliant?
 12 Is that a steep slope? Is that able -- are those
 13 that are wheelchair-bound able to traverse that
 14 safely?
 15 MR. ANDERSON: Which area are you
 16 speaking of?
 17 COUNCILMAN RUTHERFORD: The sidewalk
 18 exiting the community connecting with Warner.
 19 MR. ANDERSON: Okay, so the sidewalk
 20 follows the slope of the road, which is permitted by
 21 ADA. When you get to the intersections, the profile
 22 of the road levels out to 1 percent and you have
 23 crosswalks at that intersection that are compliant
 24 with ADA standards.
 25 COUNCILMAN RUTHERFORD: I'm very

1 satisfied with that answer, thank you. I would like
 2 to -- are you the proper person -- I should have
 3 probably asked this yesterday. Have you
 4 incorporated any bioswales or rain gardens into your
 5 stormwater management on site?
 6 MR. ANDERSON: No, those are usually
 7 for smaller -- smaller applications and green
 8 technology. So we have green technology is the
 9 porous pavement, small-scale infiltration basins and
 10 so forth. So those are mechanisms which are used
 11 for a little bit larger-sized storm drainage
 12 systems.
 13 MR. CARDOZA: Into the mic.
 14 COUNCILMAN RUTHERFORD: Thank you very
 15 much, Mr. Anderson. Thank you, Mr. Chair.
 16 CHAIRMAN BAGOFF: Thank you. I have
 17 one other thing to throw out there. I'd like the
 18 builder to consider this for next time. There will
 19 be a next time; I'll tell you about that in a
 20 minute. This application has a lot of parking, a
 21 lot of people, and we've had other projects do this,
 22 that after the project is 30 percent filled, the
 23 applicant will provide a jitney to the local bus
 24 station and train station in perpetuity, depending
 25 on how many people are using it in their complex,

1 make a lot of sense, and it will save cars, and we
2 can work that -- we can work the details out. So
3 consider that.

4 MR. PLOCKER: Thank you.

5 CHAIRMAN BAGOFF: And to that end, Mr.
6 Plocker has asked for another meeting and this will
7 be carried, there will be no notice required. The
8 two dates that we have now will be August 14 --
9 August 13, a Tuesday, August 14, a Wednesday, 6:30
10 p.m. start, 11 p.m. finish, and Mr. Afran, you'll be
11 able to ask your questions next time and then we'll
12 go through the --

13 MR. AFRAN: No, it's a scheduling
14 issue.

15 CHAIRMAN BAGOFF: I'm sorry?

16 MR. AFRAN: A scheduling issue. A
17 scheduling issue.

18 CHAIRMAN BAGOFF: Oh, scheduling
19 issues.

20 MR. AFRAN: Yeah. First of all,
21 someone left their glasses on the podium.

22 CHAIRMAN BAGOFF: Okay.

23 MR. AFRAN: They're a red pair of
24 glasses.

25 CHAIRMAN BAGOFF: Okay, we'll keep it

1 MR. AFRAN: Those who can't be here
2 won't be able to ask questions, that's the --

3 CHAIRMAN BAGOFF: I got that.

4 COUNCILMAN RUTHERFORD: Mr. Chair, I
5 can tell you I'm unavailable both of those days,
6 even by Zoom.

7 CHAIRMAN BAGOFF: We do have a quorum.

8 (Off-the-record discussion)

9 CHAIRMAN BAGOFF: We'll do the 14th
10 and --

11 MR. PLOCKER: I was going to suggest
12 that we'll make any professional who testified on
13 the 13th available on the 14th -- testifying on the
14 13th available on the 14th for any questions.

15 (Public outburst)

16 COUNCILMAN RUTHERFORD: Mr. Chairman,
17 can we -- can we --

18 CHAIRMAN BAGOFF: We won't have it on
19 the 13th, we'll have it on the 14th.

20 MR. PLOCKER: Okay, thank you.

21 CHAIRMAN BAGOFF: This way, we'll pass
22 Tish'a B'Av and you'll be able to hear and
23 participate, and we will have to come up with more
24 dates.

25 MR. AFRAN: Thank you very much.

1 here and leave it in Town Hall. Thank you.

2 MR. AFRAN: Yeah, it's been brought to
3 my attention, I should have realized it myself, it
4 was brought to my attention, on the 13th, that is a
5 Jewish holiday, Tish'a B'Av. And so I know there's
6 some people observing, it is a day of study and
7 fasting, so I think the Board should be alerted to
8 that, in its own discretion; I'm not sure what --

9 CHAIRMAN BAGOFF: Can you come on the
10 14th?

11 MR. AFRAN: Yes, the 14th works.

12 CHAIRMAN BAGOFF: Well, we can still
13 have the meeting and Mr. Appel will be here on the
14 14th and you can watch on the --

15 MR. AFRAN: Well, no, it wasn't so
16 much myself I was concerned with; I know some people
17 interested in this matter --

18 CHAIRMAN BAGOFF: They can -- it's all
19 on video. It will all be preserved on video and
20 they could watch on the --

21 (Public outburst)

22 MR. AFRAN: Yeah, the problem will be
23 those who can't be here won't be able to ask
24 questions.

25 CHAIRMAN BAGOFF: I'm sorry?

1 COUNCILMAN RUTHERFORD: Mr. Chair --
2 wait, wait, before we go any further, Mr. Chair --

3 CHAIRMAN BAGOFF: For the record,
4 we're going to have the next special meeting on
5 August 14 starting at 6:30 and we will go till
6 11:00. The meeting is carried, there will be no
7 additional notice provided and it will be available
8 on Zoom on the 14th. The next regular Planning
9 Board -- in person here. It will be in person and
10 available on Zoom, as it is now.

11 (Hearing adjourned at 10:56 p.m.)

CERTIFICATE

I, MICHELE QUICK, a Certified Court Reporter, Registered Merit Reporter, Certified Realtime Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S. 41:2-1, do hereby state that the foregoing is a true and accurate verbatim transcript of my stenographic notes of the within proceedings, to the best of my ability.

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