

In The Matter Of:

In Re: Bonnie Burn

Transcript of Proceedings

February 18, 2020



66 W. Mt. Pleasant Avenue
Livingston, NJ 07039
T (973)992-7650 F (973)992-0666
www.rizmanrappaport.com
reporters@rizmanrappaport.com

Min-U-Script® with Word Index

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<p>1 BOROUGH OF WATCHUNG 2 MUNICIPAL BUILDING 3 PLANNING BOARD 4 TUESDAY, FEBRUARY 18, 2020 5 COMMENCING AT 7:45 P.M. 6 7 IN THE MATTER OF : TRANSCRIPT 8 : OF 9 : 10 CASE NO. PB 19-01; BONNIE BURN/BNE: PROCEEDING 11 : 12 BONNIE BURN ROAD REDEVELOPMENT : 13 BLOCK: 7402/7403 LOT: 19.01, : 14 19.02, 5 & 10 : 15 BERRA ZONE : 16 17 B E F O R E : 18 19 20 BOROUGH OF WATCHUNG PLANNING BOARD 21 22 THERE BEING PRESENT: 23 TRACEE SCHAEFER, CHAIRWOMAN 24 KEITH BALLA, MAYOR 25 PETE MARTINO, COUNCIL MEMBER 26 27 ALBERT ELLIS, MEMBER 28 ELLEN SPINGLER, MEMBER 29 STEPHEN POTE, MEMBER 30 DONALD SPEENEY, MEMBER 31 KAREN PENNETT, MEMBER 32 PAUL FIORILLA, MEMBER 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 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<p>1 A P P E A R A N C E S : 2 3 FRANCIS P. LINNUS, ESQUIRE 4 Counsel to the Planning Board 5 6 DAY PITNEY, LLP 7 BY: KATHARINE A. COFFEY, ESQUIRE 8 One Jefferson Road 9 Parsippany, New Jersey 07054-2891 10 Counsel to the Applicant 11 12 13 WILLIAM B. BUTLER 14 BY: WILLIAM B. BUTLER, ESQUIRE 15 501 Lenox Avenue 16 Westfield, New Jersey 07090 17 Counsel to the Objector Weldon Materials, Inc, 18 Watchung Quarry 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393</p>	

<p style="text-align: right;">Page 5</p> <p>1 CHAIRWOMAN SCHAEFER: Okay. I want to 2 thank you for indulging us. And we have gone back 3 online at 7:45 p.m. 4 The Chair seeks a motion to continue 5 the BNE application. 6 MR. ELLIS: So moved. 7 CHAIRWOMAN SCHAEFER: Thank you. 8 Second? 9 MS. SPRINGLER: Second. 10 CHAIRWOMAN SCHAEFER: Thank you, Ellen. 11 Discussion? 12 (No response.) 13 CHAIRWOMAN SCHAEFER: Roll call, 14 please. 15 MS. SNYDER: Ms. Spingler? 16 MS. SPINGLER: Yes. 17 MS. SNYDER: Mr. Ellis? 18 MR. ELLIS: Yes. 19 MS. SNYDER: Councilman Martino? 20 COUNCILMAN MARTINO: Yes. 21 MS. SNYDER: Ms. Pennett? 22 MS. PENNETT: Yes. 23 MS. SNYDER: Mayor Balla? 24 MAYOR BALLA: Yes. 25 MS. SNYDER: Mr. Speeney?</p>	<p style="text-align: right;">Page 7</p> <p>1 CHAIRWOMAN SCHAEFER: Thank you, 2 Ms. Coffey. 3 MS. COFFEY: Thank you. 4 CHAIRWOMAN SCHAEFER: All yours. 5 MS. COFFEY: Thank you, I appreciate 6 it. Can everyone hear me? Am I the right height? 7 Great. 8 So thank you. As you all have said, 9 we're back tonight. The applicant is Bonnie Burn 10 Urban Renewal Entity, LLC. I think at this point we 11 all know what property we're talking about, so I'm 12 not going to rehash that. 13 I will just talk a little bit about 14 who's with me this evening. We have Mr. Keller, 15 who's the project engineer. He's returning to 16 address a few open items that we had from our meeting 17 at the end of January, so he'll be here to cover 18 those. 19 And then after him, we have Jack Raker, 20 who is the project architect. He will be reviewing 21 the buildings that are proposed. 22 And then depending on if we have time, 23 Mr. Keller will be providing planning testimony as 24 well. 25 So that's our intentions for the</p>
<p style="text-align: right;">Page 6</p> <p>1 MR. SPEENEY: Yes. 2 MS. SNYDER: Mr. Pote? 3 MR. POTE: Yes. 4 MS. SNYDER: Mr. Fiorilla? 5 MR. FIORILLA: Yes. 6 MS. SNYDER: Madam Chair? 7 CHAIRWOMAN SCHAEFER: Yes. Thank you. 8 Okay, Ms. Coffey. 9 Oh, my mind is just like -- 10 MS. SPINGLER: Case No. PB 19-01; 11 Bonnie Burn/BNE Bonnie Burn Road Redevelopment, Block 12 7402/7403, Lot 19.01, 19.02, 5 & 10. Represented by 13 Katharine Coffey, Esquire. BBRRA Zone. Expiration: 14 3/31/20. 15 CHAIRWOMAN SCHAEFER: Thank you. 16 Before we continue on with this 17 application, if anyone is here tonight for The 18 Learning Experience, that has been continued until 19 our March 17 meeting. 20 So they will not be heard and there 21 will be no further notice for that. 22 MR. LINNUS: So if you're interested in 23 TLE, come back on March 17th and presumably they'll 24 be here. 25 No further notice will be given.</p>	<p style="text-align: right;">Page 8</p> <p>1 evening. 2 CHAIRWOMAN SCHAEFER: And just a 3 question, when do you think environmental will come 4 up? 5 MS. COFFEY: So our intention would be 6 to have our environmental person come at the next 7 meeting. 8 Well, I would say, it depends on how 9 far we get in all of this today, but assuming that 10 we're able to advance through the rest of 11 Mr. Keller's engineering testimony and our 12 architecture testimony, we would expect that 13 environmental would come after that. 14 CHAIRWOMAN SCHAEFER: And I'm going to 15 make an announcement to the public that, again, as we 16 did last meeting and the last several meetings, when 17 testimony is given, we will open it up to the public. 18 We will first open it up to Mr. Butler, 19 who represents Weldon, the opposer, to ask questions 20 of the witness or the expert. We will then open it 21 up to the public to ask questions of the expert. 22 I will make this statement loud and 23 clear. I gave a lot of latitude at our last meeting 24 to ask questions of previous testimony that was not 25 done that night. We are not going to do that</p>

<p style="text-align: right;">Page 9</p> <p>1 tonight. We're also not going to -- I am not going 2 to allow comments. It is questions only. 3 You will have ample opportunity to 4 mention or make any comments you have at the end of 5 the application, but if you start making comments, I 6 will shut you down. And I don't want to be harsh 7 about it, but I have to follow our rules. 8 Ms. Coffey? 9 MS. COFFEY: Thank you. 10 Mr. Keller, I'd ask you to come up and 11 join me, please. 12 MR. KELLER: Good evening, everyone. 13 ERIC KELLER, 14 54 Horsehill Road, Suite 100, Cedar Knolls, New 15 Jersey 07927, having been previously sworn, 16 continues to testify as follows: 17 DIRECT EXAMINATION 18 BY MS. COFFEY: 19 Q. Mr. Keller, you were previously sworn, 20 correct? 21 A. Correct. 22 Q. Thank you. 23 MS. COFFEY: And Mr. Keller's 24 credentials as an engineer were previously accepted 25 by the board, I believe, just for the record.</p>	<p style="text-align: right;">Page 11</p> <p>1 One, the outside corner, this is 2 Building 3 in the plan view (indicating), we have 3 shown a variety of plantings in this area to provide 4 screening for any headlight glare that may come as 5 vehicles come around this curve. The roadway is 6 higher than the adjacent ground and we have a mix of 7 evergreen trees, deciduous shrubs, and evergreen 8 shrubs along that area that are layered in so that 9 there is ample buffer through that area. 10 We have also changed the detail to show 11 a composite fence. It is not the color. We couldn't 12 find a photograph of a lighter earth-toned composite 13 fence. So this is to show the style of the fence, 14 not the color of the fence (indicating). 15 And those are the changes that we made 16 to that plan. 17 CHAIRWOMAN SCHAEFER: And the fence is 18 going, if you can just show us. 19 THE WITNESS: The fence would be along 20 the top of the retaining wall and extending northerly 21 along the loop road to where the retaining wall ends 22 towards the bioretention basin. 23 MS. PENNETT: I mean, I know you said, 24 you know, shrubs and so forth. Can you be more -- 25 can you be a little more specific?</p>
<p style="text-align: right;">Page 10</p> <p>1 CHAIRWOMAN SCHAEFER: Yes. 2 BY MS. COFFEY: 3 Q. Mr. Keller, why don't you -- we start 4 by talking about some of the changes that we had 5 agreed to make at the January hearing with regard to 6 additional plantings, please. 7 A. What are -- 8 Q. I think we're on A-11. I'll double 9 check. 10 MR. LINNUS: I think the last exhibit 11 was A-10. 12 Does that ring a bell? 13 MS. COFFEY: That's what I had, too. 14 That makes me feel better. 15 (Whereupon, Rendering entitled, 16 "Supplemental Buffer Plantings" is received 17 and marked as Exhibit A-11 for 18 identification.) 19 THE WITNESS: Okay. So I have marked 20 Exhibit A-11 with today's date. It is entitled, 21 "Supplemental Buffer Plantings." The rendering is 22 dated today as well. 23 This supersedes Exhibit A-10 from the 24 last meeting and what we have done on this based on 25 the discussions at the last meeting, two things.</p>	<p style="text-align: right;">Page 12</p> <p>1 THE WITNESS: Sure. 2 MS. PENNETT: Exactly what types. 3 THE WITNESS: We have American holly, 4 there are, I believe, nine of those. Those are 5 planted height of 8 to 10 feet. Those are located -- 6 where did they go -- disbursed along that. 7 Then we have Serbian spruce. These are 8 picked because of the shading from the deciduous 9 trees that are to the south of us. So both of those 10 are shade tolerant evergreens. We have -- 11 CHAIRWOMAN SCHAEFER: How tall would 12 they be? 13 THE WITNESS: Those are also 8 to 10 14 feet in height. We have four of those. So we have a 15 total of 13 evergreen trees in that stretch. 16 We then have a mix of deciduous shrubs 17 that include witch hazel, highbush blueberry, 18 Mapleleaf viburnum and another viburnum species. 19 They range from 2-and-a-half to 6 feet in height at 20 planting. 21 So, again, we're layering those in 22 there and there's approximately 57 of those deciduous 23 shrubs in that area and then we have Mount Laurel, 24 which is an evergreen shrub planted at 4 to 5 feet in 25 height and we have 15 of those through that same</p>

<p style="text-align: right;">Page 13</p> <p>1 area.</p> <p>2 So there's quite a dense planting of</p> <p>3 buffer material from low up to high.</p> <p>4 MS. PENNETT: Yeah, I was more</p> <p>5 concerned if they were the native plants. It seems</p> <p>6 like they're more of the native plants.</p> <p>7 THE WITNESS: Yes, yes.</p> <p>8 BY MS. COFFEY:</p> <p>9 Q. Okay.</p> <p>10 A. The only ones that are -- the only one</p> <p>11 that is not native is Serbian spruce. We would</p> <p>12 typically -- I shouldn't say typically, we would like</p> <p>13 to specify hemlock, but with the issues with the</p> <p>14 disease of hemlocks, we tend to stay away from those.</p> <p>15 There's no guarantee that they would become diseased,</p> <p>16 but why, you know, tempt fate.</p> <p>17 So we went with Serbian spruce to</p> <p>18 provide the same type of evergreen plantings, but</p> <p>19 without the worry of disease potential.</p> <p>20 Q. So that probably is a good transition</p> <p>21 to the next topic that we were reporting on, which</p> <p>22 was we've been asked to look into whether organic</p> <p>23 fertilizer, insecticide, and pesticide are a viable</p> <p>24 possibility for the property in lieu of a more</p> <p>25 commercially available one.</p>	<p style="text-align: right;">Page 15</p> <p>1 With the organics, it can vary widely</p> <p>2 within the product that you're getting. So you can</p> <p>3 end up with greater need to apply and, you know, what</p> <p>4 we're trying to do is to manage this through a</p> <p>5 licensed certified landscape contractor, which BNE</p> <p>6 uses for all of their communities. So...</p> <p>7 Q. Mr. Keller, can I just ask you to</p> <p>8 remind folks about what portion of the property would</p> <p>9 be given this treatment, in terms of how many acres</p> <p>10 we're talking about of the 41 that are subject to the</p> <p>11 application?</p> <p>12 A. Thank you.</p> <p>13 We are talking about treating three</p> <p>14 acres of the property. There's three acres of lawn</p> <p>15 area around the buildings, around the clubhouse that</p> <p>16 is a lawn area that would be treated, which is about</p> <p>17 7 percent of the entire site.</p> <p>18 So it's a very nominal area that we're</p> <p>19 treating and we -- our opinion with the applicant is</p> <p>20 that using the synthetic, what everybody or most</p> <p>21 everybody buys at the store applied by a licensed</p> <p>22 contractor is a more efficient and appropriate way of</p> <p>23 applying those materials in a uniform manner and</p> <p>24 minimizing how many times we would have to apply.</p> <p>25 MS. PENNETT: Right.</p>
<p style="text-align: right;">Page 14</p> <p>1 So why don't you talk about that,</p> <p>2 please?</p> <p>3 A. Sure.</p> <p>4 I want to preface this by saying</p> <p>5 whether it's a synthetic fertilizer or an organic</p> <p>6 fertilizer, it's still providing the same basic</p> <p>7 nutrients that lawns need to grow. You have</p> <p>8 nitrogen. You have phosphorous. And you have</p> <p>9 potassium. The difference is how that -- those</p> <p>10 nutrients are delivered to the lawn.</p> <p>11 The synthetic, it's a chemical makeup</p> <p>12 for that. The organic materials are naturally</p> <p>13 sourced. They're derived from pine needles,</p> <p>14 decomposed grass clippings or decomposed animal</p> <p>15 manure. The issue with organic materials is that</p> <p>16 it is not as control -- a controlled process as far</p> <p>17 as the amount of nitrogen, phosphorous and potassium</p> <p>18 that is applied. So it's possible that more</p> <p>19 applications of the organic fertilizer would need to</p> <p>20 be made, because with the synthetic you know exactly</p> <p>21 what you're getting.</p> <p>22 And as I testified to at the last</p> <p>23 meeting, it's four times a year and they're putting</p> <p>24 it down, and there's a uniform application of that</p> <p>25 material.</p>	<p style="text-align: right;">Page 16</p> <p>1 But then what about the runoff when it</p> <p>2 rains and stuff, when it runs off, it's all going to</p> <p>3 go into the basins and it's going to go into the</p> <p>4 wetlands.</p> <p>5 So you're not -- yes, you're getting</p> <p>6 instant gratification, but you're not -- you know,</p> <p>7 the whole aspect of the environment is --</p> <p>8 THE WITNESS: Well, I'll talk a little</p> <p>9 bit more about the bioretention basins in a little</p> <p>10 bit, but the point is the nutrients which are used</p> <p>11 for all plant growth, I mean all plants use nitrogen,</p> <p>12 potassium and phosphorus for growth. Without that, I</p> <p>13 mean, they wouldn't grow. So they're all necessary</p> <p>14 for the plants.</p> <p>15 What you don't want to do is to provide</p> <p>16 too much of that material, because an</p> <p>17 over-application of that creates unwanted growth or</p> <p>18 actually too much of it can be toxic and that some of</p> <p>19 our concern with the organic material is because they</p> <p>20 all contain the same nutrients is that we're applying</p> <p>21 it more often because it may not be as effective in</p> <p>22 its application.</p> <p>23 And what would end up in the</p> <p>24 bioretention basin is only what overspreads onto a</p> <p>25 sidewalk or onto a paved surface and then is washed</p>

<p style="text-align: right;">Page 17</p> <p>1 into first the bioretention basin. So I'm going to 2 hold that discussion for a little bit.</p> <p>3 MS. COFFEY: We thought it would be 4 helpful to talk about winter-storm treatment before 5 we get into the bioretention basin, because it 6 processes those applications similarly, but we don't 7 -- I don't mean to cut off the questions on the 8 insecticide, pesticide and fertilizer, but I just 9 wanted to let you all know that that was our thinking 10 in terms of sequencing.</p> <p>11 THE WITNESS: And just a point on 12 insecticide, that's applied once a year. That's part 13 of the summertime fertilizing program where the 14 fertilizer is combined with an insecticide to deal 15 with grub in the lawn. That's a summertime thing. 16 It's once a year.</p> <p>17 And the herbicide for the weeds is also 18 part of the spring feeding and the fall feeding. So 19 that you're getting it before the weeds take hold of 20 your lawn and at the end of the year you're using it 21 to prevent or minimize the weeds that show up the 22 next year.</p> <p>23 So those are applications that are made 24 as part of the four-step application process.</p> <p>25 So to move on to, because there was</p>	<p style="text-align: right;">Page 19</p> <p>1 the sidewalks for both pedestrian safety and 2 vehicular safety. I mean, that goes without saying.</p> <p>3 Obviously, they're applying it in 4 appropriate quantities to provide that level of 5 safety without overdoing it.</p> <p>6 But, again, anything that gets onto the 7 roadway surfaces ends up in the bioretention basin -- 8 the two bioretention basins. So...</p> <p>9 BY MS. COFFEY:</p> <p>10 Q. And now let's talk about bioretention 11 basins to Ms. Pennett's question.</p> <p>12 A. Let's talk about bioretention basins. 13 I'll try not to get too technical.</p> <p>14 But bioretention basins are the -- kind 15 of the highest and best stormwater management 16 facility that's recognized in the stormwater rules. 17 They're dynamic. They're living ecological systems 18 that are designed to protect the integrity of the 19 downstream ecosystem. The whole purpose of the 20 state's stormwater rules is to control quantity and 21 to protect water quality. So all of the paved 22 surfaces on the site are directed into two 23 bioretention basins.</p> <p>24 I'm referring to Exhibit A-5. We have 25 a bioretention basin in the northwest corner of the</p>
<p style="text-align: right;">Page 18</p> <p>1 also a question about what is the impact of the icing 2 salts that are used in roadways and parking lots on 3 the bioretention basins.</p> <p>4 First off, there's a number of 5 different deicing treatments that are available. BNE 6 uses only calcium chloride. So their contracts with 7 their vendors only use calcium chloride. Calcium 8 chloride is the most effective means of dealing with 9 deicing and is also the most water soluble and will 10 melt into and dissolve into calcium and chloride.</p> <p>11 Calcium is also something that while 12 plants are using it in the wintertime because they're 13 dormant, it is part -- it is a nutrient for plant 14 growth. So it is a better solution than using rock 15 salt, which is sodium chloride. Sodium in high 16 enough levels can be toxic to plants and can have a 17 negative impact.</p> <p>18 Now, of the 41-acre site, only 19 5-and-a-half acres of the site, about 12 percent or 20 13-and-a-half percent of the entire site is paved 21 areas, parking lots, roadways, sidewalks.</p> <p>22 So, again, it's a fairly small area 23 that would be treated with the calcium chloride. 24 Obviously, I don't need to explain to you the 25 importance of properly salting the paved surfaces and</p>	<p style="text-align: right;">Page 20</p> <p>1 site near the roundabout and then we have one in the 2 northeast corner of the site adjacent to Building 4.</p> <p>3 The design of these facilities involves 4 a couple of different elements. The hydrologic 5 cycle, how we manage the storm attenuation of 6 different rainfall events; non-point pollution, 7 pollutant treatment; the water quality aspect of it; 8 resource conservation; habitat creation; nutrient 9 cycles; and ecology.</p> <p>10 These bioretention basins have a 2-foot 11 soil layer underlain by a 6-inch sand layer and then 12 below that at a minimum, 12-inch stone layer with 13 underdrains that convey the water after it's been 14 filtered into the outlet structure and then on into 15 the downstream facilities.</p> <p>16 These are planted areas. We have an 17 extensive seed mix that's applied to the whole bottom 18 of the basin with -- where did my -- bear with me a 19 second here, my notes for this project have gotten a 20 little voluminous.</p> <p>21 What we're planting in the bottom of 22 both basins is a mix of milkweed, aster, broomsedge, 23 bergamot, switchgrass and bluesteam grass.</p> <p>24 In addition, there are deciduous trees, 25 evergreen trees and deciduous shrubs planted</p>

<p style="text-align: right;">Page 21</p> <p>1 throughout the basin.</p> <p>2 So there's a lot of plant material in</p> <p>3 the bottom of these basins, which filters suspended</p> <p>4 solids and also absorbs any excess nutrients that are</p> <p>5 washed off of the lawn areas will be absorbed by the</p> <p>6 plant material in the basins.</p> <p>7 Now, the function of these basins, is,</p> <p>8 one, to remove pollutants that are generated by land</p> <p>9 development sites and these include suspended solids,</p> <p>10 excess nutrients, metals, hydrocarbons and bacteria.</p> <p>11 That is accomplished in three ways.</p> <p>12 Physical treatment, where the water</p> <p>13 flows through the vegetation and that vegetation</p> <p>14 traps those suspended solids and particulates within</p> <p>15 the vegetation.</p> <p>16 There's a chemical treatment. Certain</p> <p>17 chemicals are positive and negative and they attach</p> <p>18 to the soil layer that we are providing in the bottom</p> <p>19 of these basins and then there's also the biologic</p> <p>20 treatment, which is the vegetation that's</p> <p>21 self-absorbing the nutrients, whether it's from</p> <p>22 fertilizers or the calcium chloride that washes in</p> <p>23 there, all of those things are absorbed by the plant</p> <p>24 material. The total suspended solid removal rate for</p> <p>25 these basins is 90 percent. That's the highest level</p>	<p style="text-align: right;">Page 23</p> <p>1 THE WITNESS: That's okay, Chairwoman.</p> <p>2 As far as herbicides, pesticides, salt</p> <p>3 that may run off from the site, the mulch layer</p> <p>4 that's provided in the bioretention basin and the</p> <p>5 plantings help filter these materials out before they</p> <p>6 will be discharged, again, downstream.</p> <p>7 Most importantly, I think is that with</p> <p>8 any stormwater facility, this is not a build it and,</p> <p>9 you know, we're done.</p> <p>10 There are requirements that stormwater</p> <p>11 facilities are maintained. As part of any stormwater</p> <p>12 management design we have to prepare an operations</p> <p>13 and maintenance manual. There are quarterly</p> <p>14 inspections that are required. There's an annual</p> <p>15 inspection that is required.</p> <p>16 We have to provide an annual report to</p> <p>17 the borough engineer and if there are damage or plant</p> <p>18 die off or anything, that has to be corrected and</p> <p>19 that is noted in the quarterly reports.</p> <p>20 So this is an ongoing process where the</p> <p>21 facilities are constantly maintained.</p> <p>22 CHAIRWOMAN SCHAEFER: Who do you send</p> <p>23 those reports to, the quarterly reports?</p> <p>24 THE WITNESS: The quarterly reports are</p> <p>25 held and then they're combined into the annual</p>
<p style="text-align: right;">Page 22</p> <p>1 that we can provide within a facility. So the</p> <p>2 quality of the water leaving these basins is, you</p> <p>3 know, well-treated.</p> <p>4 The bioretention basins have proven to</p> <p>5 be very effective in various studies removing</p> <p>6 phosphorus levels, nitrogen levels, which are common</p> <p>7 components of fertilizers. They remove oils and</p> <p>8 grease that come off of cars that are on the roadways</p> <p>9 that get washed into the basins. They remove salt</p> <p>10 ions, both sodium if, you know, that happens to be</p> <p>11 used, which it won't be, and calcium.</p> <p>12 It also reduces the heat in the surface</p> <p>13 runoff, because it's run through the basin, it has</p> <p>14 time as it seeps through the ground or is trapped by</p> <p>15 the vegetation. It cools the water before it is</p> <p>16 discharged into the downstream systems.</p> <p>17 Bioretention basins remain effective</p> <p>18 during the wintertime while the plants are dormant.</p> <p>19 There is still plant mass there. There is still the</p> <p>20 soil bed there. So they are still effective during</p> <p>21 cold weather.</p> <p>22 CHAIRWOMAN SCHAEFER: Excuse me. The</p> <p>23 people that just came in, there are seats up here if</p> <p>24 you want to sit.</p> <p>25 Okay, I'm sorry.</p>	<p style="text-align: right;">Page 24</p> <p>1 report, which is submitted to the borough engineer,</p> <p>2 because the borough engineer is then responsible to</p> <p>3 file the borough's annual report under their Tier A</p> <p>4 Stormwater Permit with the DEP.</p> <p>5 I've had the joy in two different</p> <p>6 municipalities I represent of being audited by the</p> <p>7 DEP to make sure that the process is being followed.</p> <p>8 So the DEP is very active in this.</p> <p>9 And, you know, we do inspections for a number of our</p> <p>10 clients on various projects throughout the state and</p> <p>11 provide that information to the municipal engineers.</p> <p>12 So that is an ongoing process that is</p> <p>13 done.</p> <p>14 CHAIRWOMAN SCHAEFER: Yes, Mayor.</p> <p>15 MAYOR BALLA: Question for you.</p> <p>16 THE WITNESS: Yes.</p> <p>17 MAYOR BALLA: What's the reduced water</p> <p>18 volume that goes now to the wells and wildlife by</p> <p>19 virtue of the project when it's completed?</p> <p>20 THE WITNESS: Well, groundwater</p> <p>21 recharge, as I talked about at the last meeting,</p> <p>22 there really isn't a lot.</p> <p>23 MAYOR BALLA: Groundwater recharge</p> <p>24 means it's not recharging, it just runs off somewhere</p> <p>25 else, right?</p>

<p style="text-align: right;">Page 25</p> <p>1 THE WITNESS: Well, it runs off today, 2 and that's why we have an underdrain system in these 3 basins is because the underlying soil is not very 4 permeable. 5 So today it runs off into the wetlands 6 and then it runs down, you know, whether it's towards 7 the Green Brook in Berkeley Heights or down towards 8 22 and ends up in the Green Brook down there. 9 With these bioretention basins, we are 10 providing a better opportunity for at least, because 11 the 2-foot sand -- 2-foot soil layers that we're 12 putting in the bottom of the basins will retain some 13 of the water, because it is a much more permeable 14 soil, but when it gets to a certain point, that's why 15 the underdrain is there and then it just runs out. 16 We are not reducing the volume of 17 runoff from the site. The rules do not require us to 18 reduce the volume runoff from a site. We have to 19 attenuate the rate of runoff and that is being done. 20 BY MS. COFFEY: 21 Q. So just to put it plainer English, when 22 you say you're attenuating the rate of runoff, what 23 you mean is you are slowing down the amount of volume 24 that's coming out at any given time? 25 A. Yes.</p>	<p style="text-align: right;">Page 27</p> <p>1 And we are maximizing what we are 2 doing. I mean, first off, we're only disturbing 3 15-and-a-half acres of a 40-acre site. Of that, 4 5-and-a-half is pavement. I don't -- the overall 5 impervious coverage is about 20 percent, if I recall. 6 So 80 percent of the site is remaining where it would 7 recharge whatever into the ground. 8 We're providing an opportunity with the 9 bioretention basins to provide habitat for other 10 birds and butterflies that really don't have a 11 habitat on-site today. 12 Q. Eric, is the water going to the same 13 route after the plans as it's going before the plans? 14 A. Yes. 15 The site is -- has a ridge line. The 16 western part of the site flows in a westerly 17 direction towards the Green Brook. You know, it ends 18 up out in Bonnie Burn Road and is piped up the Green 19 Brook in Berkeley Heights. 20 Q. So -- 21 A. The eastern part of the site -- I'm 22 sorry. 23 Q. Go ahead, I'm sorry. 24 A. The eastern part of the site flows down 25 to the stream that's on the eastern part of the</p>
<p style="text-align: right;">Page 26</p> <p>1 MAYOR BALLA: That I understand. 2 My question relates to the existing 3 wells that are there and the wildlife that's there is 4 dependant upon the existing runoff and volume of 5 water that builds on that site. 6 So if you now divert that water 7 somewhere else, the wildlife and wells don't get the 8 same volume of water. 9 Is that correct? 10 THE WITNESS: No. I mean, the 11 wildlife, we're actually creating a better 12 environment with these basins. 13 We're providing greater diversity 14 instead of a -- you know, a monoculture of a wooded 15 area. The wells -- if -- whatever wells are in the 16 area are drawing from an aquifer below the grade of 17 this soil surface. The borough engineer's 18 representative was out there when we did all the test 19 pits and looked at the soils. The soils at the 20 surface are not permeable. 21 So what is falling from the sky and 22 hitting the ground is not -- I mean, I'm not saying 23 that there is absolutely no permeability, that 24 there's no seepage of water into the ground, but 25 there's very little.</p>	<p style="text-align: right;">Page 28</p> <p>1 property, which then is picked up by the stormwater 2 sewer system in Bonnie Burn Road and does down the 3 hill to 22. We're not changing that pattern. What 4 goes towards Berkeley Heights today, will continue to 5 go to Berkley Heights. What goes down to 22, will 6 continue to go down to 22. 7 I hope that answered your question. 8 COUNCILMAN MARTINO: I think I 9 understand what the Mayor is saying. 10 What he's saying is everything within 11 that colored area is no longer flowing, it's going to 12 be caught in the catch basin. 13 Is that right? 14 MAYOR BALLA: Correct. 15 COUNCILMAN MARTINO: And, basically, 16 you're not feeding the wetlands any longer with that 17 additional 15 acres that you guys are scrubbing, I 18 believe that's -- 19 MAYOR BALLA: Yes. 20 COUNCILMAN MARTINO: -- if I'm not 21 mistaken. 22 MAYOR BALLA: Right. 23 BY MS. COFFEY: 24 Q. So let me see if I can -- so, 25 Mr. Keller, is it correct, though, that we are</p>

<p style="text-align: right;">Page 29</p> <p>1 essentially going to continue to feed the same areas 2 that we were feeding before, it's just going to be at 3 a more, sort of, regular volume as opposed to a flood 4 or a trickle? 5 COUNCILMAN MARTINO: No, that's not 6 possible, not if you're catching all of the roof 7 water, all the roadway, all the paved areas, the 8 landscaped areas, are going into the two retention 9 basins. Those retention basins are now holding the 10 water that used to trickle down into the wetlands, 11 correct? 12 MS. COFFEY: Well, I'll let him answer. 13 COUNCILMAN MARTINO: Okay. 14 THE WITNESS: Yeah, I mean, you know, 15 the design of the stormwater system, yes, we're -- 16 what is falling onto the wetland complexes along the 17 perimeter of the site is still going to go to the 18 stream, is still going to go to the wetlands. 19 What we are capturing within the 20 developed area does go to the bioretention basins and 21 is piped into the storm sewer system, which is where 22 the wetlands discharge today, but we've been to DEP, 23 the DEP is going to look at this as well. 24 We're not negatively impacting the 25 stream or the wetland areas, but, yes, I mean, what</p>	<p style="text-align: right;">Page 31</p> <p>1 COUNCILMAN MARTINO: Okay. 2 It will be? 3 CHAIRWOMAN SCHAEFER: Yes, sir. 4 COUNCILMAN MARTINO: Okay. 5 MS. PENNETT: A couple of questions. 6 Someone on the environmental committee asked if the 7 bioretention basins are designed and certified to 8 treat herbicide, such as Glyphosate. 9 THE WITNESS: A/k/a Roundup, 10 Glyphosate. 11 MS. PENNETT: And 240? 12 THE WITNESS: I mean, it's -- the 13 bioretention basins will treat all 14 commercially-available herbicides. I mean, that's 15 what they do, yes. 16 MR. SPEENEY: Question on the volume of 17 these bioretention basins. They're designed to, 18 obviously, a certain volume. What happens when the 19 volume is exceeded? 20 THE WITNESS: We all should get an ark. 21 I'm not -- I'm sorry, I couldn't -- they're designed 22 for the 100-year storm, which is -- 23 MR. SPEENEY: Every two years. 24 THE WITNESS: I know, but the 100-year 25 storm is kind of a misnomer. It's a storm of a</p>
<p style="text-align: right;">Page 30</p> <p>1 falls within the developed area, by rule, has to be 2 treated, attenuated. 3 So, yeah, I mean, but we are not 4 cutting off the wetland areas. We are maintaining a 5 connection between the wetland area and the northwest 6 portion of the site, and that -- all along the Bonnie 7 Burn Road, that complex will still be interconnected. 8 We're providing a pipe through the Boulevard area so 9 that those areas will still relate together. 10 COUNCILMAN MARTINO: Just a real quick 11 question, just a clarification. You said they're not 12 using salt anywhere on this side, not even on the 13 paved area? 14 THE WITNESS: We're using calcium 15 chloride. 16 COUNCILMAN MARTINO: You're 100 percent 17 sure about that? 18 THE WITNESS: Yes. 19 COUNCILMAN MARTINO: Because you know 20 it's, like, 10 times the cost between salt and 21 calcium? I just did some quick calculations. I 22 think you better talk to your contractor -- 23 CHAIRWOMAN SCHAEFER: Mr. Martino, if 24 that's what they're saying, that is what would be in 25 our resolution.</p>	<p style="text-align: right;">Page 32</p> <p>1 volume that has a 1 percent chance of occurring in a 2 year. We just call it the 100-year storm. It is 3 8-inches-plus of rain in a 24-hour period. That's 4 what we're required to design to. 5 If we get the 500-year storm, what will 6 happen is that -- and that's why we have an emergency 7 spillway on each of the basins -- it will then over 8 top and what it will do is it will flow into the 9 wetland areas. 10 MR. SPEENEY: In other words, the 11 outflow would be designed to flow into the wetland 12 areas and -- 13 THE WITNESS: If the basins are 14 overtopped, which is an extremely rare event -- 15 CHAIRWOMAN SCHAEFER: But it does 16 happen. 17 THE WITNESS: It can happen, yes. 18 MR. SPEENEY: But there's a design, you 19 designed your basin to handle that? 20 THE WITNESS: Yes. 21 MR. SPEENEY: What is it? What happens 22 is, is what you said, it just outflows, goes into the 23 wetlands area, but I'm a little confused as to where 24 the -- all that volume is going to run. 25 THE WITNESS: Well, most of it is --</p>

<p style="text-align: right;">Page 33</p> <p>1 well, I mean, if this basin overflows, the emergency 2 spillway is pointed into the wetland area in this 3 northwestern portion of the site (indicating). 4 It then, you know, if it flows out of 5 the wetland area -- and remember, this rain is 6 falling on the entire area, not just our site. 7 So I mean, there's a lot of water on 8 the roadways and everything else. This -- it would 9 still be attenuated by the basin and only when that 10 basin filled up, would it -- could it overtop. With 11 the basin by Building 6, it would -- this whole 12 wetland complex is where it would flow to. 13 MR. SPEENEY: All right. 14 MS. PENNETT: The filtration system, I 15 understand that, it all sounds great, but after a 16 while filters clog, and, you know, with any coffee 17 makers, vacuums, everything, filters do clog after a 18 while and after several years, I mean, sooner or 19 later all this filtration system will clog up. How 20 is -- how are you going to prevent that or how are 21 you going to resolve that? 22 THE WITNESS: Well, that's part of the 23 maintenance and inspection program. Every quarter, 24 go out there. If there's evidence of sedimentation 25 at a discharge point into a basin, then the</p>	<p style="text-align: right;">Page 35</p> <p>1 MR. SPEENEY: Underground system that 2 goes into -- 3 THE WITNESS: Right. 4 MR. SPEENEY: Is there a maximum volume 5 associated with that to worry about? 6 THE WITNESS: Again, that's all 7 designed to accommodate the 100-year storm. 8 MR. SPEENEY: Okay. 9 And what about some of these 10 fertilizers that we're talking about, is that going 11 to get in there as well? 12 THE WITNESS: Into the underground 13 system? No. The underground system is -- there's no 14 inlets connecting to that, it's roof drains to 15 underground pipes. There are manhole access points 16 for inspection, but there are no open grates. 17 MR. SPEENEY: All right. Thank you. 18 THE WITNESS: You're welcome. 19 MS. PENNETT: Rainwater from the roof 20 that is going to the underground system is going to 21 get debris and stuff from the quarry and different 22 things within the air. 23 Does that get filtered at all? 24 THE WITNESS: The DEP treats roof water 25 as clean water. There is no water quality provisions</p>
<p style="text-align: right;">Page 34</p> <p>1 maintenance contractor will go in there, they will 2 remove it. If they remove some of the plant material 3 in getting it out, then they restore the soil 4 material that was there, they replant that area, 5 re-vegetate it and this is all part of the 6 maintenance program that's provided. 7 So it's an ongoing thing. It's not 8 going to be that it's not done at any point. 9 MS. PENNETT: And then when they remove 10 this material, where is it taken to? 11 THE WITNESS: They have to dispose of 12 it in accordance with solid waste rules. 13 CHAIRWOMAN SCHAEFER: Any other 14 questions at this point before we allow them to 15 continue on? 16 MR. SPEENEY: Question about the 17 underground basin. 18 THE WITNESS: That serves -- 19 MR. SPEENEY: That takes the runoff 20 from the roof? 21 THE WITNESS: Correct, roof water. 22 MR. SPEENEY: The liters are piped 23 directly into the -- 24 THE WITNESS: Underground system, yes, 25 sir.</p>	<p style="text-align: right;">Page 36</p> <p>1 required for roof water. 2 CHAIRWOMAN SCHAEFER: Okay. You can 3 continue. 4 BY MS. COFFEY: 5 Q. I think, Mr. Keller, at this point we 6 were going to talk about, we had an inquiry in 7 January about our waterline and whether it was 8 looped. 9 A. Correct. 10 I have reviewed the Residential Site 11 Improvement Standards for water systems and this is 12 spelled out in Section 5:21-5.3, which talks about 13 the need for looped water mains so that customers are 14 provided water from multiple directions and our -- I 15 have another exhibit I think will help. A-12. 16 Q. A-12. 17 (Whereupon, Utility Plan is received 18 and marked as Exhibit A-12 for 19 identification.) 20 THE WITNESS: It's a very high-tech 21 rendering. 22 This is Sheet 6 of 22 of the plans. 23 It's the utility plan, last revised November 15th of 24 2019. This is the same plan that is in the set of 25 site plans you received, except that I've highlighted</p>

<p style="text-align: right;">Page 37</p> <p>1 the water main in blue (indicating). 2 We have a 12-inch main in Bonnie Burn 3 Road. We tap off of that to a standard New Jersey 4 American hotbox, which contains all the valving, the 5 meters and so on. 6 We then come up the boulevard road and 7 then we have a fully-looped system within the site 8 and within a sub-portion of the site. 9 Off of that are the domestic feeds for 10 each building, the fire feeds for each building. The 11 hydrants serving the entire site and we also provided 12 as requested by and in locations approved by the fire 13 chief, fire department connections so that when the 14 fire companies, should they have to come out, have a 15 way of surcharging into the sprinkler system within 16 the buildings. 17 All of the FDC locations are located 18 proximate to fire hydrants. 19 Just to put some context to the flow 20 and pressure that's available, New Jersey American 21 Water did a flow and pressure test in two locations 22 on Bonnie Burn Road, which I think I said it's a 23 12-inch water main. The residual pressure is 140 24 PSI. Anything over 80 PSI needs a pressure-reducing 25 valve. So we're going to be providing</p>	<p style="text-align: right;">Page 39</p> <p>1 So there is more than sufficient flow 2 and pressure available in Bonnie Burn Road to serve 3 this community. 4 CHAIRWOMAN SCHAEFER: Councilman 5 Martino, these were your questions from the last 6 meeting. 7 COUNCILMAN MARTINO: Correct. 8 CHAIRWOMAN SCHAEFER: Are they being 9 answered? 10 COUNCILMAN MARTINO: For the most part. 11 MS. PENNETT: I have a question, the 12 flow in -- how is that -- all all of a sudden you're, 13 you know, adding to the water system. 14 How is that going to affect everybody 15 else on Bonnie Burn Road when you're tapping in? 16 THE WITNESS: Our discussions with New 17 Jersey American, there's -- I mean, this is part of 18 an overall system. They have plenty of capacity to 19 provide service. It's not going to have an impact. 20 At those flows and pressures, it's not having an 21 impact on existing users. 22 MS. PENNETT: Okay. 23 CHAIRWOMAN SCHAEFER: Okay. 24 THE WITNESS: That's it. 25 MS. COFFEY: Okay. That was our report</p>
<p style="text-align: right;">Page 38</p> <p>1 pressure-reducing valves on this so that we don't 2 blow out facets and everything else within the units. 3 The flow that -- the flow at each 4 hydrant that was tested ranges between 1,550 gallons 5 per minute and 1,635 gallons per minute. 6 So there is sufficient flow and 7 pressure within the system. We are required by RSIS 8 looping the water main within the site and the design 9 of the system is consistent with the standard 10 practices of New Jersey American, which we've on 11 numerous other projects within their facility -- 12 within their service area, I mean. 13 BY MS. COFFEY: 14 Q. Mr. Keller, I think you may have 15 misspoken. I think the flow is 6,000 gallons per 16 minute. 17 Is that correct? 18 A. That's at 20 PSI. 19 Q. Thank you. 20 A. At the higher flow, there's -- there's 21 two flow rates. One is at the pressure of 140 22 gallons a minute and then at 20 PSI, which is the 23 minimum necessary within the system. It's 6,000 24 gallons per minute at one location and it's over 25 10,000 gallons per minute at the other hydrant.</p>	<p style="text-align: right;">Page 40</p> <p>1 in terms of open items from January. 2 CHAIRWOMAN SCHAEFER: Well, we did have 3 a couple of other open items. You were going to give 4 site exhibits as to -- 5 MS. COFFEY: Our architect will be 6 providing those. 7 CHAIRWOMAN SCHAEFER: Okay. Along that 8 the graphics of what the buildings will look like? 9 MS. COFFEY: Yes. 10 CHAIRWOMAN SCHAEFER: Okay. 11 MR. SPEENEY: A new thought here. 12 Mr. Keller, on the soil profile pit logs that you 13 provided. 14 THE WITNESS: Yes. 15 MR. SPEENEY: They generally reach in 16 -- the pits reach bedrock between 1 foot up to 12 17 feet. 18 How does that impact construction of 19 the buildings? 20 THE WITNESS: Well, I mean, where 21 there's shallow bedrock, I mean, there's going to 22 either -- you know, they're going to have to rip it, 23 hammer it, they will have to remove the bedrock to a 24 depth below the footings of the building so they can 25 construct the building.</p>

<p style="text-align: right;">Page 41</p> <p>1 MR. SPEENEY: And the process to do 2 that is, what you call -- 3 THE WITNESS: Well, it depends on the 4 competency of the rock. You know, the test pits 5 can't really determine what the competency of the 6 rock is. Is it fractured rock? Is it solid? You 7 know, and solid is a variable term. 8 At this point we don't know what the 9 removal method will be. Whatever the method is, we 10 will follow borough and other applicable standards as 11 far as -- 12 MR. SPEENEY: Will that include 13 blasting? 14 THE WITNESS: It's -- at this point I 15 can't rule it out. I don't know. It may not be. It 16 depends on the competency of the rock. 17 MR. SPEENEY: Thank you. 18 CHAIRWOMAN SCHAEFER: Any other 19 questions before I open it up to the public? 20 (No response.) 21 CHAIRWOMAN SCHAEFER: I'm going to open 22 it up to the public for questions only. 23 Again, I'm going to repeat that, 24 because comments will not be allowed. And the 25 questions will only be on the testimony that has been</p>	<p style="text-align: right;">Page 43</p> <p>1 run out into one of the two discharge basins, which 2 are on Bonnie Burn Road, correct? 3 THE WITNESS: It will go into the storm 4 sewer system of Bonnie Burn Road. 5 MR. TOSCANO: The existing -- okay. 6 THE WITNESS: Yes, sir. 7 MR. TOSCANO: So when you do your 8 inspections and all of that, you're going to check 9 for any kind of siltation or anything and you'll 10 remediate it. 11 However, what about the underdrain 12 that's several feet down in the bottom of the 13 bioretention basin? 14 THE WITNESS: Well, it's wrapped in 15 filter fabric. It's in a stone bed. You can also 16 see the end of it in the outlet structure, because it 17 daylights into the outlet structure. 18 MR. TOSCANO: Now of course. 19 THE WITNESS: So if you saw sediment in 20 there, you can see it, but the likelihood of getting 21 sediment into the underdrain after almost 3 feet of 22 soil and sand and stone is -- 23 MR. TOSCANO: Well, I could see -- I'm 24 thinking 15, 20 years from now. 25 THE WITNESS: Still, I mean --</p>
<p style="text-align: right;">Page 42</p> <p>1 given this evening. 2 If you have a question, I ask that you 3 please come up, state our name and address. 4 Actually, we're going to open it up to 5 Mr. Butler first. 6 MR. BUTLER: I have no questions, Madam 7 Chair. 8 CHAIRWOMAN SCHAEFER: Okay. Thank you, 9 Mr. Butler. 10 So any public want to come up and ask 11 questions of this testimony? 12 Okay. Oh, we do. 13 THE WITNESS: Damn. 14 MR. LINNUS: Almost made it, 15 Mr. Keller. 16 THE WITNESS: No offense. 17 MR. TOSCANO: No problem, none taken. 18 Ben Toscano, 185 Bonnie Burn Road. 19 A couple of questions. You brought up 20 the bioretention basins. 21 THE WITNESS: Yes, sir. 22 MR. TOSCANO: One of the council people 23 mentioned that the underdrain -- that the whole idea 24 is that the underdrain will take all of the filtered 25 water, it will go into the outlet structure and then</p>	<p style="text-align: right;">Page 44</p> <p>1 MR. TOSCANO: What's the remedy? 2 Redoing it? 3 THE WITNESS: I mean, in the ultimate 4 worst case, yeah, you would have to rip it out and 5 redo it. 6 MR. TOSCANO: Okay. 7 THE WITNESS: The likelihood of 8 sediment in the underdrain is a lot less than 9 sediment that's going to get into the storm pipes 10 that run along Bonnie Burn Road. 11 MR. TOSCANO: No, I understand, 12 understandable. 13 THE WITNESS: To put context to it. 14 MR. TOSCANO: And you also mentioned 15 that the runoff from the site, the developed site 16 will not exceed what is currently running off the 17 site right now, correct? 18 THE WITNESS: As to the rate of runoff. 19 MR. TOSCANO: The rate of runoff? 20 THE WITNESS: Correct. 21 MR. TOSCANO: Okay. So it's not a 22 problem. And looking at the plans -- 23 THE WITNESS: Actually, I'm sorry to 24 interrupt. We actually have to reduce the rate of 25 runoff for each of the storm events.</p>

<p style="text-align: right;">Page 45</p> <p>1 So we're going to discharge at a rate 2 less than what comes off the site today. The rules 3 require it. 4 MR. TOSCANO: That will help, that will 5 help, because when we get heavy storms, it's pouring 6 out all over the place, so that should help then. 7 Is it true that two buildings are 8 discharging directly into the Bonnie Burn drainage 9 system? 10 THE WITNESS: Two buildings? No. 11 MR. TOSCANO: Well, Building No. 1 and 12 Building No. 2, the -- 13 THE WITNESS: The roof area is tied 14 into -- because the DEP considers that clean water, 15 it does not need to be filtered, it does not run -- 16 it's detained. The rate of runoff is controlled by 17 an underground system, but it does not run through 18 the bioretention basin, that is correct. 19 MR. TOSCANO: So why was it done that 20 way? Why didn't it follow suit with all the other 21 buildings and go into the bioretention basin? Was it 22 economics, save a couple of bucks? 23 THE WITNESS: No, actually this design 24 is more expensive with underground pipes. It was a 25 matter of having enough volume to treat all of the</p>	<p style="text-align: right;">Page 47</p> <p>1 proposed development, but it still doesn't answer the 2 question. 3 Why wouldn't you loop the system so 4 that in the event that there's an issue, you can 5 always back feed the system through another -- 6 another -- 7 THE WITNESS: It's a very good 8 question. We're still tying into the water main at 9 Bonnie Burn Road. We don't have access to another 10 street. We don't have access to another water main. 11 MR. TOSCANO: Well, couldn't you -- 12 couldn't you tie in at the lower portion of Bonnie 13 Burn? 14 THE WITNESS: We could, but I mean, if 15 there's an issue with the water main on Bonnie Burn 16 Road, having those two connections isn't going to do 17 us any real benefit. 18 MR. TOSCANO: And then my final 19 question was, with regard to the building 20 construction. 21 THE WITNESS: That's the architect. 22 MR. TOSCANO: That's the architect? 23 THE WITNESS: Yeah. I don't do 24 buildings. 25 (Laughter.)</p>
<p style="text-align: right;">Page 46</p> <p>1 impervious surfaces. We have a lot of wetlands on 2 the property. We have other environmental 3 constraints. The basin couldn't be any larger, so we 4 had to treat those two buildings separate. 5 MR. TOSCANO: No, I understand that. 6 However, Building 1 and 2, I believe, they're 7 discharging directly into the Bonnie Burn Road 8 system. They're not going into any underground 9 detention basin. 10 THE WITNESS: No, they are. 11 MR. TOSCANO: They are? 12 THE WITNESS: They are going through an 13 underground detention system. 14 MR. TOSCANO: So all of them are then? 15 THE WITNESS: Yes. 16 MR. TOSCANO: Oh, okay. 17 THE WITNESS: They're all -- all of 18 them are detained. None of the buildings require 19 water quality, but it was just easier to pipe the 20 other four buildings into the basins. 21 MR. TOSCANO: So it's okay. 22 And then with regards to the water line 23 system, I understand and you had a lot of interesting 24 facts that the existing 12-inch main is sufficient, 25 more than adequate to handle the development, the</p>	<p style="text-align: right;">Page 48</p> <p>1 MR. TOSCANO: Well, there was a mention 2 about blasting. So I was just -- possibility of 3 blasting? 4 CHAIRWOMAN SCHAEFER: Well, I think he 5 answered that they don't know if they are going to 6 need to be blasting at this point, but if you have -- 7 MR. TOSCANO: Well, we live in 8 Watchung, so... 9 CHAIRWOMAN SCHAEFER: I understand 10 that, I know. 11 MR. TOSCANO: Would you be the 12 individual to talk to about if blasting is required, 13 what provisions, what requirements would you abide 14 by? 15 THE WITNESS: Well, I mean, if there's 16 blasting, if the borough has their own requirements, 17 we have to comply with those. We certainly have to 18 comply with state regulations on blasting. 19 MR. TOSCANO: So that would include 20 pre- and post-blasting surveys and, you know, by a 21 certified PE and everything? 22 CHAIRWOMAN SCHAEFER: I'm going to let 23 Tom, our engineer, answer that. 24 MR. HERITS: Whenever we blasted for a 25 sanitary sewer, that's what we had to do. Before and</p>

<p style="text-align: right;">Page 49</p> <p>1 after pictures and the whole thing. 2 MR. TOSCANO: And what about the -- 3 what's the radius? 4 Within how many feet of the site? 5 MR. HERITS: That I don't -- that I 6 don't know off the top of my head. 7 MR. TOSCANO: Okay. 8 Because, you know, blasting travels. I 9 live across from the quarry, so I know. 10 Okay, thank you. 11 THE WITNESS: You're welcome. 12 CHAIRWOMAN SCHAEFER: We have this 13 gentleman next. 14 MR. JUBIN: Hi, good evening. Ron 15 Jubin, 25 Birchwood Lane. 16 THE COURT REPORTER: Please spell your 17 last name, sir? 18 MR. JUNIN: J-U-B, as in boy, I-N. 19 I just had a few questions for 20 clarification. 21 MR. LINNUS: What was your address 22 again? 23 MR. JUBIN: It's 25 Birchwood Lane. 24 You mentioned pesticides and you said 25 -- first you said, once a year and then you said,</p>	<p style="text-align: right;">Page 51</p> <p>1 minimal treatments, but how will they determine that 2 there's additional treatments needed? 3 Are they doing tests on the soil or 4 other things of that nature, plant growth rates, 5 things of that nature. 6 THE WITNESS: Well, the applicant's 7 proposal is that what they have done for all of their 8 communities is four treatments a year. It's been 9 effective, it's worked. You know, so that's our plan 10 and that would be using synthetic fertilizers and 11 herbicides and so on. 12 MR. JUBIN: Okay. 13 MS. COFFEY: And just -- 14 MR. JUBIN: Yup, go ahead. 15 MS. COFFEY: Mr. Keller, it's also true 16 that the applicant has an on-site maintenance person 17 who would report back if there was some kind of an 18 issue on the site, correct? 19 THE WITNESS: Correct, yes. 20 MR. JUBIN: And then I guess the list 21 of the pesticides and herbicides will be made 22 available to -- for review as part of the -- I guess 23 the whole comprehensive plan? 24 THE WITNESS: Yeah, we could do that, I 25 mean, everything that they use is, you know, in</p>
<p style="text-align: right;">Page 50</p> <p>1 well, once in the fall and once -- is it the same 2 treatment once a year or is there a heavier one? 3 THE WITNESS: I said herbicides are 4 multiple times a year. The pesticide is the 5 summertime. 6 MR. JUBIN: Okay, okay. 7 THE WITNESS: Unless, you know, they 8 have to spot treat. 9 MR. JUBIN: Okay. So that was -- and I 10 guess that question and when you mentioned about the 11 chemical and the organics and organics would be -- 12 I guess it's because of the control rate of release, 13 it might be more required for more frequent 14 treatments. 15 THE WITNESS: No, no, no, the synthetic 16 fertilizers, because they're manufactured, have a 17 better controlled and more uniform release than the 18 organics. The organics, just by the nature -- 19 MR. JUBIN: Yeah, no, that's what I 20 meant. 21 THE WITNESS: So the organics might 22 need more applications, because they may not be as 23 affective as the synthetic materials. 24 MR. JUBIN: So is it fair to say then 25 there's -- as you said, there's going to be four</p>	<p style="text-align: right;">Page 52</p> <p>1 accordance with state regulations. 2 MR. JUBIN: Okay. Yeah, I just wanted 3 to understand that. 4 And I guess another question, and you 5 don't need to put the whole plan back up, but trying 6 to get a vision of the three acres of the grass, is 7 that a large field or how is that laid out across the 8 plan? 9 Oh, you just have to take it off. 10 THE WITNESS: I just have to take that 11 off. 12 MR. JUBIN: Okay. So just, again -- 13 THE WITNESS: That's Exhibit A-5 for 14 the record. 15 So the light green areas are the lawn 16 (indicating). So they're, you know, kind of 17 concentrated around the buildings and the clubhouse. 18 You know, the green areas of the bioretention basins 19 are not treated. They're not going to treat areas 20 below the retaining walls either. It's only going to 21 be really the areas around the buildings and the 22 clubhouse. 23 MR. JUBIN: Okay, great. So to that -- 24 and, again, it looks like it's good, it's 25 interspersed. I'm just wondering if -- again, I get</p>

<p style="text-align: right;">Page 53</p> <p>1 it, the greens are good, but, like, rock buffers 2 along the -- because you talked about runoff and 3 things that are overspread. So are there buffers 4 between the paved areas and, say, the grass where you 5 can have rocks to catch things rather than goes 6 running -- I'm thinking of also the hydrocarbons and 7 things like that, is there any type of buffer to kind 8 of trap or catch that? 9 THE WITNESS: No. I mean, what traps 10 and treats the hydrocarbons and any of that overspray 11 are the two bioretention basins. That's a function, 12 one of the main functions of those basins. 13 MR. JUBIN: Yeah, yeah, and the flow 14 from the asphalt then is directed to those basins? 15 THE WITNESS: Correct. 16 MR. JUBIN: Is it like a culvert or is 17 there actual piping? 18 THE WITNESS: There's a series of 19 inlets and pipes that collect the runoff and then 20 direct discharge it into each of the basins. 21 MR. JUBIN: Okay, great. And then just 22 wondering like if you -- weed control and things like 23 that, have you looked into things like ground cover 24 and other things that are more resistant to requiring 25 water and feeding and thins of that nature, you know,</p>	<p style="text-align: right;">Page 55</p> <p>1 MR. JUBIN: Okay. So then the 2 maintenance then would be -- then it's just you're 3 looking at it and seeing if it's maintaining its 4 composition? 5 THE WITNESS: Correct. 6 MR. JUBIN: Okay. And then I just -- 7 what you mentioned about sodium potassium being 8 removed by them and then you mentioned later that it 9 was calcium chloride. 10 So is it safe to -- is calcium also 11 being removed by the bioretention in addition to 12 sodium potassium. 13 THE WITNESS: It does. 14 Calcium is actually a plant nutrient. 15 So the plant material in the bioretention basins 16 would absorb the calcium. 17 MR. JUBIN: And the phosphorous and 18 nitrogen as well? 19 THE WITNESS: Correct, that's correct. 20 MR. JUBIN: Is there any worry about 21 overgrowth at all or is that maintained as well with 22 those systems? 23 THE WITNESS: I think considering the 24 limited amount of additional nutrients that get into 25 the bioretention basin, there's a lot of plants in</p>
<p style="text-align: right;">Page 54</p> <p>1 pachysandra or other ground covers, rather than 2 having grass? 3 It's still green, but the requirements 4 for herbicides and things like that can be -- 5 THE WITNESS: I mean, we have that in 6 areas around the buildings and so on, but there's 7 other areas where we're keeping it open lawn for pass 8 of recreation. 9 MR. JUBIN: Okay. That's -- yeah, 10 that's the answer to the next question. 11 And then I'm just curious with these, 12 the bioretention basins and you mentioned, you gave 13 some solid facts on 90 percent removal rate and 14 things like that. 15 So is that historical or when these are 16 put in, are there actually tests being done to 17 evaluate the efficiency of when they're placed in. 18 THE WITNESS: The removal rate is as 19 established by the DEP, but there have been 20 university studies that shown -- have shown that 21 these basins are effective and meet those standards. 22 MR. JUBIN: So you're not required then 23 when you put one in to do some type of drainage or 24 remediation type of testing? 25 THE WITNESS: No.</p>	<p style="text-align: right;">Page 56</p> <p>1 there, so I don't think that we're worried about 2 overgrowth or things like that or toxicity to the 3 plants. 4 MR. JUBIN: And is there a -- I guess a 5 detailed cross section or plans of the bioretention 6 basins on file already? 7 THE WITNESS: Yes, they're all in the 8 set in the site plans. 9 MR. JUBIN: Okay. 10 THE WITNESS: There's a soil section 11 through the bottom of the basin, shows the soil 12 layer, the sand layer, the underdrain system. 13 MR. JUBIN: Great, don't want to bring 14 that up again. 15 (Laughter.) 16 MR. JUBIN: And I guess, just the last 17 one, you mentioned at the last meeting that you had 18 filed and you were waiting to receive a DEP response 19 for about the wetland management. Did you receive 20 that yet from them and is that going to be covered in 21 the environmental section? 22 THE WITNESS: I'm going to leave that 23 for the environmentalist to talk about. 24 MR. JUBIN: Okay, okay, okay. Thanks. 25 THE WITNESS: You're welcome.</p>

<p style="text-align: right;">Page 57</p> <p>1 MR. JUBIN: Thank you very much.</p> <p>2 CHAIRWOMAN SCHAEFER: Someone else over</p> <p>3 here had a question.</p> <p>4 Sir?</p> <p>5 MR. VETTER: Good evening. George</p> <p>6 Vetter, 182 Mountain Avenue.</p> <p>7 THE COURT REPORTER: Please spell your</p> <p>8 last name, sir.</p> <p>9 MR. VETTER: V-E-T-T-E-R.</p> <p>10 THE COURT REPORTER: Thank you.</p> <p>11 CHAIRWOMAN SCHAEFER: Mountain Avenue</p> <p>12 in Warren?</p> <p>13 MR. VETTER: Yes.</p> <p>14 CHAIRWOMAN SCHAEFER: Okay.</p> <p>15 MR. VETTER: What is the square footage</p> <p>16 of asphalt and concrete or impervious surface on this</p> <p>17 project?</p> <p>18 THE WITNESS: Including the buildings</p> <p>19 or just of the asphalt and concrete?</p> <p>20 MR. VETTER: Without the buildings.</p> <p>21 You know what, you don't have to answer</p> <p>22 it now because I don't want to waste everybody's</p> <p>23 time.</p> <p>24 THE WITNESS: No, no, that's okay.</p> <p>25 MR. VETTER: Maybe for another --</p>	<p style="text-align: right;">Page 59</p> <p>1 under the impression that woods, like let's say a</p> <p>2 scale of 0 to 10, I've always felt like woods being a</p> <p>3 10 on absorption where, you know, the trees break the</p> <p>4 water pellets and the leaf litter breaks the water</p> <p>5 pellets and, you know, the clay or the silt or the</p> <p>6 sand will absorb some of the water.</p> <p>7 THE WITNESS: That's not exactly true</p> <p>8 when you have poor underlying soils.</p> <p>9 MR. VETTER: I know, you keep saying</p> <p>10 that, but I'm just -- you know, I'm familiar with the</p> <p>11 soil triangle, but I'm just -- I would think that</p> <p>12 soil would absorb something.</p> <p>13 THE WITNESS: It does absorb something.</p> <p>14 It's just not a lot in the fact that it's woods and</p> <p>15 leaf litter. It still absorbs more than the pavement</p> <p>16 would, which absorbs very little.</p> <p>17 MR. VETTER: I would think pavement</p> <p>18 absorbs zero.</p> <p>19 THE WITNESS: Well, it doesn't.</p> <p>20 MR. VETTER: It absorbs something?</p> <p>21 THE WITNESS: There's a very small</p> <p>22 amount that is absorbed or evaporates.</p> <p>23 MR. VETTER: Okay. Getting back to a</p> <p>24 500-year flood and I'm going to -- two thoughts that</p> <p>25 came to my mind were Hurricane Floyd and Sandy. I</p>
<p style="text-align: right;">Page 58</p> <p>1 THE WITNESS: Five-and-a-half acres of</p> <p>2 asphalt, concrete, etcetera. Not including</p> <p>3 buildings, 5-and-a-half acres.</p> <p>4 MR. VETTER: Square footage, an acre</p> <p>5 being 46,000 square feet?</p> <p>6 THE WITNESS: Whatever 5-and-a-half</p> <p>7 acres is.</p> <p>8 MR. VETTER: Okay.</p> <p>9 THE WITNESS: 250,000 square feet, give</p> <p>10 or take.</p> <p>11 MR. VETTER: Okay. When it rains, what</p> <p>12 is the volume of water in like, I'm just going to</p> <p>13 say, a 1-inch rainstorm?</p> <p>14 THE WITNESS: So you're going to make</p> <p>15 me --</p> <p>16 MR. VETTER: Well, water is landing on</p> <p>17 the surface. You are retaining it, but I'm just</p> <p>18 asking -- I'm just trying to show these people what</p> <p>19 the volume of water is that ends up on a site like</p> <p>20 this. We don't have to answer it now. I'm just</p> <p>21 trying to --</p> <p>22 THE WITNESS: Okay. I mean the water</p> <p>23 is going to run off from the asphalt areas and go</p> <p>24 into the basins and be attenuated.</p> <p>25 MR. VETTER: Yeah, I've always been</p>	<p style="text-align: right;">Page 60</p> <p>1 was driving in the Watchung traffic circle during</p> <p>2 Floyd and I thought my car was going to float away</p> <p>3 and I was by Water & Wine restaurant, which these</p> <p>4 people know.</p> <p>5 But, anyway, I'm going to take those</p> <p>6 big storms where we get 14 inches of rain, which</p> <p>7 occurred in Floyd or Sandy or something, one of them</p> <p>8 had 14 inches of rain, when these ponds -- you said</p> <p>9 we have the emergency overflow, right?</p> <p>10 THE WITNESS: Right.</p> <p>11 MR. VETTER: Wouldn't that concentrate</p> <p>12 the water discharging?</p> <p>13 Like let's say if you had, like, 10</p> <p>14 acres of woods and you very 14 inches of rain hit all</p> <p>15 10 acres, all 10 acres of woods are absorbing some</p> <p>16 water and it might not be concentrated in one little</p> <p>17 rivulet, it might be dispersed through the 10 acres.</p> <p>18 When you're putting it over an emergency overflow</p> <p>19 that's, whatever, 4-feet wide, now you're</p> <p>20 concentrating 14 inches of extra rain into one area,</p> <p>21 which is going to flow down to Bonnie Burn within</p> <p>22 increased velocity.</p> <p>23 THE WITNESS: Well, first off, the</p> <p>24 emergency spillways are designed to accommodate the</p> <p>25 storm, you know, when the out -- it's designed based</p>

<p style="text-align: right;">Page 61</p> <p>1 on the outlet structure being clogged and they're 2 designed appropriately. They don't have excess 3 velocity, because that's an issue with both DEP and 4 soil conservation. 5 So the velocity going over the 6 emergency spillway meets applicable standards. 7 The other thing, you know, 14 inches of 8 waterfall onto a wooded area, in a very short 9 distance, they're going to start creating rivulets 10 and channels through the woods. It's the way water 11 works. So there is concentration of flow no matter 12 what through this site. The systems are designed 13 according to applicable standards. 14 MR. VETTER: Okay. What size is the 15 pipe that's going through the complex, not Bonnie 16 Burn Road? 17 THE WITNESS: Well, it varies from 15 18 inches and up. Depends on where it is within the 19 system. 20 MR. VETTER: There's a 15-inch water 21 main going around those buildings? 22 THE WITNESS: Oh, you said -- I'm 23 sorry, I thought you wanted storm water. 24 MR. VETTER: No, within the complex. 25 THE WITNESS: It's an 8-inch water</p>	<p style="text-align: right;">Page 63</p> <p>1 many hydrants as the fire chief and the fire official 2 wanted. 3 MR. VETTER: Got you. 4 THE WITNESS: I don't remember the 5 exact number. 6 MR. VETTER: Bound Brook -- 7 THE WITNESS: There's at least six. 8 MR. VETTER: Bound Brook recently had a 9 fire where they had to have 36 fire departments come 10 to help them. 11 So I just don't know like -- you know, 12 I guess it gets a little crowded in there. 13 All right. Another question is: Would 14 100-foot buffer zone be better for neighbors to this 15 complex than a 50-foot buffer zone? 16 THE WITNESS: The redevelopment plan 17 requires 100-foot buffer along Mareu and 50-foot 18 around -- 19 MR. VETTER: People have their houses 20 right there. Wouldn't it be better with a 100-foot 21 there? 22 CHAIRWOMAN SCHAEFER: Mr. Vetter, we 23 had this testimony at our last meeting and we 24 discussed all of this. 25 So I'm going to ask that they make a</p>
<p style="text-align: right;">Page 62</p> <p>1 main. 2 MR. VETTER: Eight inches are going 3 around those buildings? 4 THE WITNESS: Correct, that's what's 5 the minimum required under the Residential Site 6 Improvement Standards. 7 MR. VETTER: And there's no way to get 8 access to to like what's the road in the back, 9 Oakwood? 10 THE WITNESS: No. 11 MR. VETTER: So you can't loop into 12 Oakwood or Johnson or -- 13 THE WITNESS: No. 14 MR. VETTER: Okay. Where on that map 15 are fire hydrants? 16 THE WITNESS: The fire hydrants are 17 shown on Exhibit A-12. The location of the hydrants 18 have been approved by the borough's fire officials. 19 MR. VETTER: Is there one hydrant? I 20 can't see. 21 Is there one hydrant on the map, is 22 there five? 23 THE WITNESS: No, there's six or seven. 24 MR. VETTER: Okay. 25 THE WITNESS: There's -- there are as</p>	<p style="text-align: right;">Page 64</p> <p>1 very brief statement back. 2 MR. VETTER: Okay. 3 CHAIRWOMAN SCHAEFER: But we've 4 actually talked about buffering and that's why they 5 were talking about adding bushes and trees and shrubs 6 to certain areas because of that buffer. 7 MR. VETTER: Okay. What is the 8 elevation difference in the site topography-wise from 9 highest point to the lowest point in the entire site? 10 MS. COFFEY: Madam Chair, would you 11 like us to go through that again? 12 MR. VETTER: Oh, I didn't know you did 13 this before. 14 CHAIRWOMAN SCHAEFER: Yeah, we did this 15 last meeting. 16 MR. VETTER: Okay, I'm sorry. 17 CHAIRWOMAN SCHAEFER: And I don't mean 18 to be rude to you. 19 MR. VETTER: Okay. 20 CHAIRWOMAN SCHAEFER: But I just have 21 to keep moving this along and that's why I made the 22 statement in the very beginning, we are only going to 23 take questions for testimony this evening. 24 MR. VETTER: Okay. 25 CHAIRWOMAN SCHAEFER: That was made</p>

<p style="text-align: right;">Page 65</p> <p>1 this evening.</p> <p>2 MR. VETTER: All right. You were</p> <p>3 asking us to ask questions. My last question was</p> <p>4 going to be, what is the height of the retaining</p> <p>5 walls?</p> <p>6 CHAIRWOMAN SCHAEFER: I'll let them</p> <p>7 answer that.</p> <p>8 MR. VETTER: Okay. It doesn't have to</p> <p>9 be exact, I mean, is it 10 foot, is it 30 foot?</p> <p>10 THE WITNESS: I have to find my notes</p> <p>11 from the October meeting.</p> <p>12 MR. VETTER: Okay. I guess I wasn't</p> <p>13 present at the October meeting.</p> <p>14 CHAIRWOMAN SCHAEFER: There are</p> <p>15 transcripts available that you can read and you can</p> <p>16 actually read the entire transcript.</p> <p>17 The other thing is is that we are now</p> <p>18 videoing our meetings. So our last meeting was our</p> <p>19 first video. You can watch that in its entirety</p> <p>20 tonight and moving forward, but last meeting we had a</p> <p>21 lot of -- I opened it up and I gave a lot more</p> <p>22 latitude, because there were a lot of questions and</p> <p>23 we didn't have a lot of residents, but there comes a</p> <p>24 point in time that I now have to get back to what our</p> <p>25 rules are.</p>	<p style="text-align: right;">Page 67</p> <p>1 We can't hear.</p> <p>2 MS. QUAN: Were geotechnical borings</p> <p>3 performed before design work was done?</p> <p>4 THE WITNESS: We did soil testing.</p> <p>5 MS. QUAN: Just soil testing?</p> <p>6 THE WITNESS: For stormwater purposes.</p> <p>7 You can ask the architect when he gets up, hopefully</p> <p>8 soon, about any geotechnical, because that would have</p> <p>9 been for him.</p> <p>10 MS. QUAN: I was curious about what the</p> <p>11 retention time through the bioretention basins were.</p> <p>12 THE WITNESS: I don't have that</p> <p>13 information.</p> <p>14 Most of that discussion was in the</p> <p>15 first meeting. I did not review that testimony. I</p> <p>16 don't --</p> <p>17 MS. QUAN: Okay. I just want to make</p> <p>18 sure that, you know, the mosquitos and things like</p> <p>19 that were considered.</p> <p>20 THE WITNESS: Let me put it this way:</p> <p>21 The rules say it has to drain within 72 hours, it</p> <p>22 does. Mr. Herits, the borough engineer, has made</p> <p>23 sure that we comply with the rules. So the mosquitos</p> <p>24 would not be an issue.</p> <p>25 MS. QUAN: Okay. What's the percent</p>
<p style="text-align: right;">Page 66</p> <p>1 So we're only allowing questioning on</p> <p>2 testimony from that night, otherwise we can keep</p> <p>3 going and going and going.</p> <p>4 MR. VETTER: Okay.</p> <p>5 CHAIRWOMAN SCHAEFER: But please read</p> <p>6 the transcripts or watch the video.</p> <p>7 MR. VETTER: Okay, thank you.</p> <p>8 CHAIRWOMAN SCHAEFER: Well, they are</p> <p>9 getting you the answer.</p> <p>10 MR. VETTER: I can hear from here.</p> <p>11 CHAIRWOMAN SCHAEFER: Okay.</p> <p>12 THE WITNESS: The maximum retaining</p> <p>13 wall height is in Basin 1, it's 22 feet. Most of the</p> <p>14 walls are much lower.</p> <p>15 MR. VETTER: Thank you.</p> <p>16 CHAIRWOMAN SCHAEFER: Any other</p> <p>17 questions from public?</p> <p>18 MS. QUAN: Hi. Hue Quan, 10 Corey</p> <p>19 Lane. It's spelled H-U-E, last name Q-U-A-N.</p> <p>20 I'm sorry, I came in late, so I'm sorry</p> <p>21 if this was covered or if it wasn't. I was just</p> <p>22 curious, were geotechnical borings performed for</p> <p>23 design work?</p> <p>24 MALE AUDIENCE MEMBER: Can you use the</p> <p>25 mic?</p>	<p style="text-align: right;">Page 68</p> <p>1 coverage of establishment of the vegetation within</p> <p>2 the bioretention basin that's required, you know,</p> <p>3 like, when you have a planting and you have, like, so</p> <p>4 much survivability?</p> <p>5 THE WITNESS: Well, the -- and this is</p> <p>6 part of our maintenance program is that the -- we</p> <p>7 have to inspect it and make sure that it has taken</p> <p>8 whatever may not take, any die off that occurs will</p> <p>9 have to be -- any plant material would be removed and</p> <p>10 a new plant installed and if it's the -- the basin</p> <p>11 bottom, it will be re-seeded.</p> <p>12 MS. QUAN: Okay. Yeah, so sometimes</p> <p>13 there's -- you know, I don't know if there's a</p> <p>14 requirement on like 85 percent survivability or, you</p> <p>15 know, like, in terms of, like, this is what you're</p> <p>16 going to plant and --</p> <p>17 THE WITNESS: Mr. Herits will make sure</p> <p>18 that we --</p> <p>19 MR. HERITS: I would think the owner</p> <p>20 would want 100 percent.</p> <p>21 MS. QUAN: Right.</p> <p>22 I was just curious about that.</p> <p>23 And, yeah, so it will be monitored by</p> <p>24 predation, by animals and just weather.</p> <p>25 THE WITNESS: Correct.</p>

<p style="text-align: right;">Page 69</p> <p>1 MS. QUAN: I was just curious --</p> <p>2 CHAIRWOMAN SCHAEFER: Speak into the</p> <p>3 microphone, because you keep fading.</p> <p>4 MS. QUAN: I was just curious if this</p> <p>5 township has, like, an MS4 permit for stormwater.</p> <p>6 THE WITNESS: Yes.</p> <p>7 MS. QUAN: It does?</p> <p>8 So, you know, does a site plan like</p> <p>9 this require them to fall under the township's MS4 in</p> <p>10 terms of, like, the inspection and things like that,</p> <p>11 like, an annual inspection and maintenance, kind of,</p> <p>12 like, have a certification.</p> <p>13 CHAIRWOMAN SCHAEFER: I'm going to let</p> <p>14 our engineer answer that.</p> <p>15 MR. HERITS: If the borough was</p> <p>16 maintaining it, we would be inspecting it.</p> <p>17 If the owner of this property is going</p> <p>18 to be maintaining it, and any inspections would be</p> <p>19 done under property maintenance.</p> <p>20 MS. QUAN: No, I understand that. You</p> <p>21 know, I've done work for other townships where they</p> <p>22 require certification by, you know, the owner to</p> <p>23 provide that information to the township so that, you</p> <p>24 know, you guys have paperwork for your own MS4.</p> <p>25 CHAIRWOMAN SCHAEFER: Isn't that what</p>	<p style="text-align: right;">Page 71</p> <p>1 the town and have them replace it?</p> <p>2 What's the mechanism for that? He</p> <p>3 plants 400 trees, they all die, who's -- who's -- who</p> <p>4 has to file the report?</p> <p>5 CHAIRWOMAN SCHAEFER: I'm going to let</p> <p>6 their attorney answer that.</p> <p>7 MS. COFFEY: Sure.</p> <p>8 Well, first of all, one thing to keep</p> <p>9 in mind is that it is a rental property, so we want</p> <p>10 people to want to live there. So it's in the</p> <p>11 applicant's own self-interest to keep the vegetation</p> <p>12 alive and healthy. People aren't going to want to</p> <p>13 pay the rents that we want to collect for a property</p> <p>14 that's full of dead trees.</p> <p>15 But, beyond that, we are required to</p> <p>16 post performance guarantees and maintenance</p> <p>17 guarantees with the municipality at the outset and</p> <p>18 typically if there's a maintenance issue on the</p> <p>19 property, which we don't expect, that gets reported</p> <p>20 to your municipal zoning officer.</p> <p>21 MR. DePARTO: By whom?</p> <p>22 MS. COFFEY: By whomever wants to</p> <p>23 report it.</p> <p>24 MR. DePARTO: So I walk by, I see a</p> <p>25 dead tree, I call the municipal -- the municipal</p>
<p style="text-align: right;">Page 70</p> <p>1 you were talking about, this quarterly or annual</p> <p>2 report?</p> <p>3 THE WITNESS: The O&M manual and the</p> <p>4 borough's MS4 requires us to submit an annual report</p> <p>5 to the borough engineer, because that's part of the</p> <p>6 reporting that the borough has to make to the state,</p> <p>7 is that have you received the annual report from</p> <p>8 privately maintained, so, yes.</p> <p>9 MS. QUAN: Okay, thank you.</p> <p>10 That's it.</p> <p>11 CHAIRWOMAN SCHAEFER: Thank you.</p> <p>12 Any other questions?</p> <p>13 MR. DePARTO: Mike DeParto, 46 Orchard</p> <p>14 Road.</p> <p>15 Just following up on her question,</p> <p>16 because there was a town easement put next to my</p> <p>17 property where the easement owners, we donated the</p> <p>18 waterline to the town, they were supposed to put all</p> <p>19 these trees, they all died.</p> <p>20 Is there an enforcement provision with</p> <p>21 this when all of your stuff dies? You're saying it's</p> <p>22 part of his -- their maintenance of the property.</p> <p>23 Self reporting the trees dying? The</p> <p>24 people renting reporting? Can I, as a stranger</p> <p>25 walking by and noticing that that tree is dead, call</p>	<p style="text-align: right;">Page 72</p> <p>1 zoning officer and report you or I call you up and</p> <p>2 say replace the tree?</p> <p>3 MS. COFFEY: I would think if you were</p> <p>4 concerned about enforcement, typically you would call</p> <p>5 the municipal zoning officer and say, they haven't</p> <p>6 built what they said there were going to build or it</p> <p>7 doesn't look like what I thought was going to build.</p> <p>8 CHAIRWOMAN SCHAEFER: Our zoning</p> <p>9 officer gets a lot of calls.</p> <p>10 MR. DePARTO: But do I have standing as</p> <p>11 somebody who lives down the block to make that call</p> <p>12 or is it only up to the owners --</p> <p>13 CHAIRWOMAN SCHAEFER: Absolutely.</p> <p>14 MR. DePARTO: So anybody can walk by</p> <p>15 and say, you have a dead tree, call the zoning</p> <p>16 officer?</p> <p>17 CHAIRWOMAN SCHAEFER: It's no different</p> <p>18 than if you go to XYZ company on the highway and</p> <p>19 they're selling things off the sidewalk and somebody</p> <p>20 says, hey, you can't do that, it's illegal, you</p> <p>21 haven't gotten the proper permits.</p> <p>22 They can report it to the town. People</p> <p>23 report their neighbors to the town. So, yes, you can</p> <p>24 as --</p> <p>25 MR. DePARTO: I have five dead trees</p>

<p style="text-align: right;">Page 73</p> <p>1 the town owes me somewhere, then I should go report 2 you guys to -- on the easement that I donated, they 3 died a year later. They look lovely when they come. 4 So I'll walk by every day and I'll just 5 call you and is there -- is there a -- besides you 6 calling them and telling them they're in violation, 7 is there a penalty for this if they don't respond in 8 30 days? 9 What's the -- how does that work? 10 CHAIRWOMAN SCHAEFER: I don't have an 11 answer to that. 12 Tom? 13 MR. HERITS: I was just going to go 14 back and say the project -- the developer has to post 15 a performance bond -- 16 MR. DePARTO: Right. For how long, 10 17 years? 18 MR. HERITS: Can I finish? 19 MR. DePARTO: Okay, sure. 20 MR. HERITS: So he has to -- he has to 21 post a performance bond. 22 Before that performance bond is 23 released, there will be an inspection of the entire 24 site, every improvement, which includes landscaping. 25 If there's anything dead at that time, he'll be made</p>	<p style="text-align: right;">Page 75</p> <p>1 finishing the project, plus -- my question is: When 2 does this all end and when the trees die 2-and-a-half 3 years later after or three years and one day after, 4 what is our recourse, to call you again? There's now 5 no performance bond. 6 MR. HERITS: I have an open line for 7 dead trees, believe me. You're not the only per -- 8 there's people calling with dead trees in this 9 borough everywhere. So, and anyone can make these 10 calls. 11 MR. DePARTO: Yeah, but these trees are 12 specific for shading for the neighbors. These are 13 more specific than any tree lying around. These are 14 specifically to protect the neighbors from the -- 15 CHAIRWOMAN SCHAEFER: Ms. Coffey, do 16 you want to add -- 17 MS. COFFEY: Sure. 18 Just to sort of finish the -- well, one 19 thing to clarify, I think what you mean to say is the 20 trees are intended to provide screening, rather than 21 shading. 22 MR. DePARTO: Right. 23 MS. COFFEY: So just to clarify that. 24 But then in terms of calling the zoning 25 officer because you're asking so what happens when</p>
<p style="text-align: right;">Page 74</p> <p>1 to replace it before he gets off his performance 2 bond. When he gets off his performance bond, there's 3 a two-year maintenance bond and before that is 4 released, there will be another inspection done to 5 check everything from sidewalk, pavement, landscaping 6 and that all gets checked before that gets released. 7 So you're kind of covered for at least 8 three years through his bonding. 9 MR. DePARTO: But he's not going to 10 plant the trees day one. So he's basically -- he's 11 going to plant the trees at the end. So really 12 there's one year, the -- 13 MR. HERITS: No, no, no, no. So he 14 plants the trees at the end and that starts the clock 15 and that all has to be planted and healthy before he 16 gets off his performance bond. 17 MR. DePARTO: Okay. 18 So they put the plants up last. So 19 we've got two, potentially three years from finishing 20 -- 21 CHAIRWOMAN SCHAEFER: From the date 22 when they're planted. 23 MR. DePARTO: From when they're 24 planted. Okay? 25 But the performance bond only goes to</p>	<p style="text-align: right;">Page 76</p> <p>1 you call, typically a zoning officer would first 2 reach out to the property owner and say, I've had a 3 complaint and you need to address it. 4 And if the property owner continues to 5 be noncompliant, at that time they receive a 6 violation, which can take a number of forms. It 7 often includes a fine and/or you can't use the 8 property anymore. Depending on the level of the 9 violation and you can get called into municipal 10 court. 11 So there's an escalating process 12 depending on how egregious and repetitive the offense 13 is. 14 MR. DePARTO: Okay. Thank you. 15 THE COURT REPORTER: Sir, can you spell 16 your last name, please. 17 MR. DePARTO: DeParto, D-e P-A-R-T-O. 18 THE COURT REPORTER: Thank you. 19 CHAIRWOMAN SCHAEFER: Any other 20 questions? 21 (No response.) 22 CHAIRWOMAN SCHAEFER: Okay, let's move 23 on. 24 MS. COFFEY: Okay. I'm going to move 25 over.</p>

<p style="text-align: right;">Page 77</p> <p>1 So our next expert is the project 2 architect, as we promised. 3 CHAIRWOMAN SCHAEFER: As you remember, 4 we do have a bewitching hour of 10 p.m. 5 So I would like to try to -- I'm not 6 going to stop you in the middle, but... 7 MS. COFFEY: We'll try to come to a 8 spot. 9 CHAIRWOMAN SCHAEFER: Thank you. 10 MR. KELLER: Do you want me to 11 introduce? 12 Jack is going to use it. 13 MS. COFFEY: All right. We have one 14 exhibit that our architect is going to use, but our 15 engineer prepared it, so if we can have the engineer 16 just introduce it onto the record and that was our 17 architect can refer to it and then we'll really be 18 done with him. 19 So this is A-13. 20 (Whereupon, Site Plan Rendering is 21 received and marked as Exhibit A-13 for 22 identification.) 23 MR. KELLER: This is a site plan 24 rendering, dated 2/18/2020. 25 It's the same rendering we have shown</p>	<p style="text-align: right;">Page 79</p> <p>1 MR. RAKER: My name is Jack Raker. I'm 2 with Minno & Wasko Architects at 80 Lambert Lane in 3 Lambertville, New Jersey. 4 MR. LINNUS: Your witness, Counsel. 5 MS. COFFEY: Thank you. 6 DIRECT EXAMINATION 7 BY MS. COFFEY: 8 Q. Mr. Raker, can you please introduce 9 yourself to the board and the public and tell them a 10 little bit about your experience and qualifications? 11 A. Sure. 12 I'm a principal with Minno & Wasko 13 Architects and Planners in Lambertville, New Jersey. 14 I graduated with a bachelor's degree in 15 architecture over 20 years ago from New Jersey 16 Institute of Technology. 17 I've been practicing in the field of 18 residential and mixed-use architecture land planning 19 for the past 20 years. 20 I've testified before numerous boards 21 in the State of New Jersey. 22 MR. LINNUS: Are you licensed? 23 THE WITNESS: I am. 24 I'm currently licensed in the State of 25 New Jersey and my license is in good standing.</p>
<p style="text-align: right;">Page 78</p> <p>1 previously. It's just at a bigger scale so that you 2 can see the context of the neighboring properties 3 around the subject site. 4 It shows the entire subject site and 5 the adjacent properties on Johnston and Mareu and 6 other streets around the site. 7 MS. COFFEY: Thank you, Mr. Keller. 8 MR. LINNUS: Sir, do you want to raise 9 your right, please? 10 MS. COFFEY: Just for the record, this 11 is Jack Raker, the project architect. 12 CHAIRWOMAN SCHAEFER: I'm sorry, Jack? 13 MS. COFFEY: Raker, R-A-K-E-R. 14 MR. RAKER: My name is Jack Raker. 15 CHAIRWOMAN SCHAEFER: We know that. 16 MR. LINNUS: Do you swear the testimony 17 you're about to give will be the truth, the whole 18 truth and nothing but the truth, so help you God? 19 MR. RAKER: I do. 20 J A C K R A K E R, 21 80 Lambert Lane, Suite 105, Lambertville, New 22 Jersey 08530, having been duly sworn, testifies 23 as follows: 24 MR. LINNUS: Do you want to state your 25 name and address for the record, please.</p>	<p style="text-align: right;">Page 80</p> <p>1 CHAIRWOMAN SCHAEFER: Okay, we're good. 2 MS. COFFEY: Thank you. 3 Okay. Get up to full power here. 4 There we go. 5 THE WITNESS: Thank you for your 6 patience, I apologize. 7 Okay. I have a copy of this 8 presentation and a thumb drive with a copy of the 9 presentation. 10 So rather than mark every slide into 11 evidence, I'm going to go through the slides and then 12 just provide that. 13 Is that okay? 14 MR. LINNUS: Well, why don't you mark 15 the slides for the public and identify the slides and 16 you say that you have a replicate of the slides here. 17 THE WITNESS: Sure, sure. 18 I'm going to refer to the slides. The 19 slides are essentially color versions of the 20 submission, but there are additional slides that were 21 not part of the submission in this presentation. 22 MR. LINNUS: So the first page up there 23 that is -- want to identify that and we'll marked 24 this A -- first page A-14. 25 (Whereupon, Cover Sheet of</p>

<p style="text-align: right;">Page 81</p> <p>1 Architectural Drawings is received and marked 2 as Exhibit A-14 for identification.) 3 THE WITNESS: Sure. This is the cover 4 sheet of the architectural drawings that were 5 submitted. This particular version is in color. 6 CHAIRWOMAN SCHAEFER: And you're 7 saying, though, that this does not include everything 8 that you're going to be showing us? 9 THE WITNESS: That copy includes 10 everything you're are going to see. 11 MS. COFFEY: What he was saying was 12 that what was previously submitted does not include 13 everything that's included in what he's showing you 14 this evening. 15 MR. POTE: The October version? 16 MS. COFFEY: Correct. 17 THE WITNESS: It's the January version, 18 that's the latest architectural -- 19 MR. POTE: Right, this is. 20 MS. COFFEY: So the January version 21 that has been submitted to the board also does not 22 include some material that's going to be shown on the 23 -- so for example, we had some requests at the 24 January meeting to bring additional exhibits that are 25 incorporated into the slides that are in the --</p>	<p style="text-align: right;">Page 83</p> <p>1 later. 2 Of the low and moderate, we have to 3 comply with state regulations and there's -- that's 4 less than 20 percent can be one -- are required to be 5 one-bedrooms and that would be nine. More than 20 6 percent need to be three-bedrooms, and that's 10 in 7 this project and the remaining units are two-bedroom 8 units, that's 27. 9 The next thing I would like to note is 10 on the submitted sheets there was an error in marking 11 a low- and moderate-unit and I want to point that 12 sheet out to everyone. 13 I know the planner, I'm sure is looking 14 at the number of low-and-moderate units and would 15 like to know. On Sheet A-4, and I'll bring it up 16 when it comes up, on the third floor plan there's a 17 two bedroom, 913 unit that was not labeled as a low 18 and moderate and should be. 19 MR. LINNUS: While we're on the low and 20 moderate, how many are going to be very low and you 21 want to identify the beds, the bedrooms that are 22 going to be very low? 23 THE WITNESS: Sure, I do have that 24 information. 25 MR. LINNUS: And 13 percent are</p>
<p style="text-align: right;">Page 82</p> <p>1 CHAIRWOMAN SCHAEFER: The last revision 2 we got was January 17th, 2020. 3 MR. LINNUS: If the witness is going to 4 testify from the slides, we're going to go page by 5 page and slide by slide. 6 And what I'll do is I'll mark the 7 replicas of what you're testifying to. 8 So A-14, you want to identify what A-14 9 is, please? 10 THE WITNESS: Sure. 11 A-14 is the cover sheet of the 12 submitted architectural set. 13 So I'm going to do a little 14 housekeeping. I'm going to talk a little bit about 15 the overall project mix and the number of dwelling 16 units in the overall project and then I'm going to 17 get and dive into very specific elements of each. 18 So the project includes 230 dwelling 19 units. Of those dwelling units, there's 184 20 market-rate dwelling units. There's 46 21 low-and-moderate units. 22 Of the market-rate units, there are 42 23 one-bedrooms and 142 two-bedrooms. And 26 of those 24 two-bedrooms are two-bedroom dens. And I'll get into 25 a little bit more testimony about that a little</p>	<p style="text-align: right;">Page 84</p> <p>1 required to be very low. 2 THE WITNESS: Okay. I'm going to take 3 it by unit type by unit type. So -- 4 MR. LINNUS: Just show us 13 percent 5 very low. 6 THE WITNESS: Okay. The very -- for 7 the very low, there's one one-bedroom, four 8 two-bedrooms and one three-bedroom unit. 9 For the low income, there is four 10 one-bedrooms, 10 two-bedrooms and four 11 three-bedrooms. 12 For the moderate income, there's four 13 one-bedrooms, 13 two-bedrooms and five 14 three-bedrooms. 15 MR. LINNUS: And your representation is 16 that complies with the COAH requirements, the UHAC 17 requirements and the affordable housing requirements? 18 THE WITNESS: Correct. 19 Okay. I'm going to go onto the next 20 slide. 21 And before I do, I just want to talk a 22 little bit about some of the site design issues, 23 because it was my firm that worked with the 24 engineering firm to design the site and the site 25 layout and, you know, we were really proud of what we</p>

<p style="text-align: right;">Page 85</p> <p>1 have done.</p> <p>2 I know there was some concerns that we</p> <p>3 were just plopping buildings down on the site in some</p> <p>4 random fashion and we really took into account the</p> <p>5 building design to be -- have the least -- we know</p> <p>6 we're in an environmentally-sensitive site. You</p> <p>7 know, we have wetlands surrounding us. And we know</p> <p>8 that we want these buildings to work with the grade,</p> <p>9 we have a sloping site.</p> <p>10 It slopes from this back here all the</p> <p>11 way down low area to the right side of the site</p> <p>12 (indicating).</p> <p>13 MR. LINNUS: Let the record reflect</p> <p>14 that you're -- excuse me, let the record reflect that</p> <p>15 you're referring to A-13.</p> <p>16 THE WITNESS: Correct.</p> <p>17 I was going to just say that. I was</p> <p>18 pointing to the board over there, A-13. So what we</p> <p>19 needed to do was to find a way to have these</p> <p>20 buildings make up that grade, that grade difference.</p> <p>21 We could have just went and a lot of</p> <p>22 developers just flatten the site, throw their</p> <p>23 building on it, put their parking, and put up a bunch</p> <p>24 of retaining walls.</p> <p>25 That's not what we did. We were very</p>	<p style="text-align: right;">Page 87</p> <p>1 board A-13. And then the other section is three and</p> <p>2 four section, three- and four-story section for these</p> <p>3 three buildings here (indicating), Buildings 4</p> <p>4 through 6.</p> <p>5 So what I want to point out in these</p> <p>6 sections is that this side, this left side of the</p> <p>7 building I'm pointing to, my slide now, is the high</p> <p>8 side of the site and the building takes the grade</p> <p>9 from one side to the other.</p> <p>10 So on this side of the building</p> <p>11 (indicating), it's two stories. On this side of the</p> <p>12 building, it's three stories (indicating).</p> <p>13 BY MS. COFFEY:</p> <p>14 Q. When you're talking about the sides,</p> <p>15 just to be clear for the record, you're saying that</p> <p>16 referring to the building type A/B section on the</p> <p>17 left side it's the two stories and the on the</p> <p>18 right-hand side it's the three stories, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Thank you.</p> <p>21 A. And what this does, is it allows the</p> <p>22 building to take the grade and we oriented these</p> <p>23 buildings parallel with the slope so that the</p> <p>24 buildings themselves take up a lot of that grade</p> <p>25 charge across the site. You'll enter on the</p>
<p style="text-align: right;">Page 86</p> <p>1 concerned about how this building -- how these</p> <p>2 buildings would work with the grade. We didn't want</p> <p>3 to put a lot of retaining walls everywhere. It is a</p> <p>4 sloping site, we knew they we're going to be</p> <p>5 required, we knew that there was going to -- there</p> <p>6 was some boring samples done.</p> <p>7 We knew there was going to be rock.</p> <p>8 Going through rock is expensive. Developers don't</p> <p>9 want to do it, so we want to avoid that as much as</p> <p>10 possible.</p> <p>11 So with this next slide --</p> <p>12 MR. LINNUS: For the record, you're</p> <p>13 referring to what I'm now marking as A-15 and putting</p> <p>14 today's date on it.</p> <p>15 (Whereupon, Drawing is received and</p> <p>16 marked as Exhibit A-15 for identification.)</p> <p>17 MR. LINNUS: Do you want to identify</p> <p>18 what A-15 is?</p> <p>19 THE WITNESS: A-15 is Sheet A-17 in the</p> <p>20 submitted drawing set. It is called "Section."</p> <p>21 This drawing shows a section through</p> <p>22 the two different types of buildings on-site.</p> <p>23 We have three -- two-and three-story</p> <p>24 buildings on this side of the site.</p> <p>25 Again, I'm pointing to Sheet A-13, the</p>	<p style="text-align: right;">Page 88</p> <p>1 three-story, you can enter on the three-story side or</p> <p>2 the two-story side and get access to the buildings.</p> <p>3 They're elevator-served buildings. So</p> <p>4 it doesn't matter which side you access on, you can</p> <p>5 just take an elevator up to the floor you live on.</p> <p>6 Another thing I wanted to talk about</p> <p>7 is, we have -- we wanted to reduce the amount of</p> <p>8 impervious surface as well, so one of the ways to do</p> <p>9 that is to put under-building parking and take those</p> <p>10 spaces off-site and put them under the building.</p> <p>11 So we've done that in both of these</p> <p>12 sections (indicating). You can see at least in these</p> <p>13 sections on the high side, we have garages and it</p> <p>14 varies per building. Each building section is</p> <p>15 slightly different depending upon its location.</p> <p>16 Sometimes the building is on the low side.</p> <p>17 But we've done this so that we can take</p> <p>18 those parking spaces, move them in site and then</p> <p>19 offer an additional amenity to our guests, to our</p> <p>20 renters.</p> <p>21 CHAIRWOMAN SCHAEFER: How deep are</p> <p>22 those garages?</p> <p>23 THE WITNESS: The garages vary in width</p> <p>24 from 20 to 25 feet. I'm sorry, vary in depth, I</p> <p>25 apologize.</p>

<p style="text-align: right;">Page 89</p> <p>1 So we have a total on-site of 107 2 parking spaces, which pulls 107 parking spaces inside 3 the buildings and allows us to reduce some of that 4 impervious surface. 5 All of these buildings are fully 6 accessible and they are fully sprinklered. They're 7 sprinklered with NFPA 13 system. 8 All of the corridors, one-hour rated; 9 stairwells, two-hour rated down. 10 Every unit has two ways out of the 11 building. 12 Next side, which is titled "A-1 13 Building 1 Plans." 14 MR. LINNUS: That's A-16. I'm marking 15 that A-16. Would you identify that, please. 16 (Whereupon, Sheet A-1, Building 1 Plans 17 is received and marked as Exhibit A-16 for 18 identification.) 19 THE WITNESS: That is A-1, Building 1 20 Plans. This is the A-1 sheet in the submitted set. 21 So I'm just going to take you through 22 these floor plans pretty quickly. I'm not going to 23 go through every building. I'll describe one 24 building and then I'll briefly touch on the aspects 25 of the different buildings, things that make them</p>	<p style="text-align: right;">Page 91</p> <p>1 This particular building has 23 2 dwellings in total. It has 12 ones and 11 twos. 3 CHAIRWOMAN SCHAEFER: So Building 1 on 4 the other exhibit is where? 5 THE WITNESS: Building 1 would be 6 located on Exhibit A-13 right here (indicating). It 7 is the smallest building. 8 We've distributed the low- and 9 moderate-units throughout the entire site. This is 10 the only building that doesn't have a low- and 11 moderate-unit in it and it's just because it's 12 smaller and it just didn't fit within the building 13 matrix. 14 I'm going to move to the next slide. 15 MR. LINNUS: That would be A-17. You 16 want to identify that, please. 17 (Whereupon, Sheet A-2, Building 1 18 Elevations is received and marked as Exhibit 19 A-17 for identification.) 20 THE WITNESS: It's called Sheet A-2, 21 Building 1 Elevations. 22 So the building we were just looking 23 at, the garage side is located to the top 24 (indicating) and you'll note we've changed -- we do a 25 lot of things here. This is a smaller building, so</p>
<p style="text-align: right;">Page 90</p> <p>1 slightly differently. 2 But all of the buildings are designed 3 essentially the same. The tuck-under garages, and 4 they're split from a two-story, three-story design or 5 a three-story, four-story design. 6 So on Building 1, you can see the 7 garages are here. The lowest level, which is on the 8 left labeled "Ground Floor," that level is the -- 9 it's one-sided. The back portions over here are 10 essentially unexcavated area. 11 So there's a hallway that serves these 12 stairwells and these units. There is no access or 13 exit other than the stairwells at this level. 14 At the next level, now the garages come 15 into play and they're accessed from the back. 16 There's also a lobby access here and 17 every garage gets access through a corridor into the 18 corridor spaces and each one of these little bump 19 areas is a doorway into those units. The corner 20 units get two bedrooms. They get a lot of extra 21 glass. And then there are storage spaces as well. 22 They're in orange here (indicating) in this plan, 23 they're for tenants to store some seasonal items and 24 some additional items that they don't -- can't fit in 25 their units.</p>	<p style="text-align: right;">Page 92</p> <p>1 we didn't use as many of the techniques that we use, 2 that I'll talk about in future buildings, to break 3 down the mass. 4 This building is fairly small, but we 5 do create some turn gables, roof dormers to break up 6 the mass of the roof. We have turn gables and we do 7 recess different sections of the building, large 8 recesses to create break shadow lines, changing in 9 the material heights so that your eye is drawn all 10 across the elevation and not one static linear line. 11 They're all high-quality materials. It's going to be 12 fiber cement siding, brick, there's going to be metal 13 accent roofs, vinyl windows, all high-quality 14 materials. 15 CHAIRWOMAN SCHAEFER: So on Building 1 16 on the first exhibit, can you show me what side the 17 garage is? 18 THE WITNESS: The garages would be on 19 the uphill side right here (indicating). 20 CHAIRWOMAN SCHAEFER: Thank you. 21 So the other side will show the 22 three-story. 23 THE WITNESS: Correct. 24 And that would be the drawing 25 underneath that. That is the three-story side of</p>

<p style="text-align: right;">Page 93</p> <p>1 that elevation.</p> <p>2 MS. COFFEY: Just for the record,</p> <p>3 that's the side that's facing towards Bonnie Burn</p> <p>4 Road.</p> <p>5 THE WITNESS: Correct.</p> <p>6 And, again, same techniques, the same</p> <p>7 materials.</p> <p>8 We don't treat any side of this</p> <p>9 building any differently, they're all treated the</p> <p>10 same with the same materials; brick, fiber cement</p> <p>11 siding and metal railings, metal accent roofs, all</p> <p>12 high-quality materials.</p> <p>13 I'm going to go to the next exhibit.</p> <p>14 MR. LINNUS: A-18. You want to</p> <p>15 identify that, please, sir.</p> <p>16 (Whereupon, Sheet A-3, Building 1</p> <p>17 Elevations is received and marked as Exhibit</p> <p>18 A-18 for identification.)</p> <p>19 THE WITNESS: Building 1 elevations,</p> <p>20 Sheet A-3. These are the end elevations of that</p> <p>21 building and you can see in this elevation, you can</p> <p>22 see how the grade slopes along here and changes from</p> <p>23 one story to the other.</p> <p>24 Building 1's building height complies</p> <p>25 with the ordinance and it's 34 feet, approximately</p>	<p style="text-align: right;">Page 95</p> <p>1 mix of both market-rate units and low- and</p> <p>2 moderate-units. It has the one low- and moderate-one</p> <p>3 bedroom and the blue here (indicating) is the low-</p> <p>4 and moderate-two bedrooms, they stack (indicating).</p> <p>5 We'd like the units to be the same all the way up</p> <p>6 through the building so that they stack all the way</p> <p>7 up. You do all the plumbing runs, you have to do</p> <p>8 everything through the building. You really don't</p> <p>9 want to switch floor to floor.</p> <p>10 BY MS. COFFEY:</p> <p>11 Q. Mr. Raker, just for the record, how</p> <p>12 many market-rate units are in this building and how</p> <p>13 many affordables just to give everyone the total</p> <p>14 view?</p> <p>15 A. Sure, sure.</p> <p>16 There are a total of 26 dwelling units</p> <p>17 in this building and there are nine affordable units</p> <p>18 in this building.</p> <p>19 Q. And could you also point out the trash</p> <p>20 rooms, please?</p> <p>21 A. Sure.</p> <p>22 Every building has a trash room that is</p> <p>23 located -- so all trash is handled internally. The</p> <p>24 trash is -- there's a trash room located on each</p> <p>25 floor in this area right here (indicating).</p>
<p style="text-align: right;">Page 94</p> <p>1 34-and-a-half feet. And that is measured from</p> <p>2 average roof to average grade and those calculations</p> <p>3 were provided in the engineer's submission.</p> <p>4 MR. LINNUS: Do all the buildings</p> <p>5 comply with the height requirements of the ordinance?</p> <p>6 THE WITNESS: All of the buildings do</p> <p>7 comply. I'm going to go to the next slide.</p> <p>8 MR. LINNUS: That will be A-19. Do you</p> <p>9 want to identify that, please, sir.</p> <p>10 (Whereupon, Sheet A-4, Building 2 Plans</p> <p>11 is received and marked as Exhibit A-19 for</p> <p>12 identification.)</p> <p>13 THE WITNESS: Sheet A-4, Building 2</p> <p>14 plans. This sheet, I'm not going to spend too much</p> <p>15 time on it. You'll notice that there's a green low-</p> <p>16 and moderate-unit that is pointed out here</p> <p>17 (indicating).</p> <p>18 This building contains 18 two --</p> <p>19 market-rate two bedrooms, two low-and-moderate one</p> <p>20 bedrooms and six low-and-moderate two bedrooms and</p> <p>21 one low- and moderate-three bedroom. That three</p> <p>22 bedroom is located right here (indicating).</p> <p>23 CHAIRWOMAN SCHAEFER: So is this --</p> <p>24 this building is all low or moderate?</p> <p>25 THE WITNESS: No. This building has a</p>	<p style="text-align: right;">Page 96</p> <p>1 And those trash rooms contain a chute</p> <p>2 inside of it and the tenant goes in with their trash,</p> <p>3 puts the trash into the chute, the chute drops down</p> <p>4 into a container, a compactor.</p> <p>5 It's compacted at the lowest level and</p> <p>6 then brought out on trash day. It's picked up just</p> <p>7 like a residential trash. Those containers are</p> <p>8 rolled out, brought out. The truck is scheduled, the</p> <p>9 truck comes by and picks it up and then continues on.</p> <p>10 And that's the same for every building.</p> <p>11 MS. PENNETT: What about recycling?</p> <p>12 THE WITNESS: Recycling is handled the</p> <p>13 same way and some of the ways, there's alternate ways</p> <p>14 to handle recycling.</p> <p>15 Sometimes you can put a chute in. That</p> <p>16 can be pretty loud going down as well, but sometimes</p> <p>17 what we'll do is we'll just do containers next to the</p> <p>18 chutes and that's emptied by maintenance, it's</p> <p>19 brought down to the trash room for recycling and</p> <p>20 it's picked up on scheduled recycling times.</p> <p>21 MS. PENNETT: So you have recycling for</p> <p>22 papers, plastics, cans?</p> <p>23 THE WITNESS: All that's required by</p> <p>24 the township.</p> <p>25 MR. LINNUS: And the county?</p>

<p style="text-align: right;">Page 97</p> <p>1 THE WITNESS: And the county, county 2 requirements. 3 Next slide. 4 MR. LINNUS: That would be A-20. You 5 want to identify that, please. 6 (Whereupon, Sheet A-5, Building 3 Plans 7 is received and marked as Exhibit A-20 for 8 identification.) 9 THE WITNESS: This is Sheet A-5 of the 10 submitted set, Building 3 plans. 11 This building is nearly identical to 12 Building 2. There's just a slight modification in 13 the number of low-and-moderate units, one additional 14 unit. 15 Whoops, I apologize. 16 That unit is located here (indicating). 17 BY MS. COFFEY: 18 Q. So Mr. Raker, can you just give us the 19 breakdown again, total number of units and how many 20 are affordable, please? 21 A. So for Building 3, again, it's 26 22 dwelling units and included in them is eight 23 low-and-moderate units. 24 This building is three -- two-split and 25 it's 34-and-a-half feet in height. This building has</p>	<p style="text-align: right;">Page 99</p> <p>1 A-13? 2 THE WITNESS: Building 3 is located in 3 this location here, furthest from Bonnie Burn Road 4 (indicating). 5 BY MS. COFFEY: 6 Q. In the northeastern, northwestern? 7 A. Southwestern. 8 CHAIRWOMAN SCHAEFER: And the 9 three-story would be facing towards Bonnie Burn Road? 10 THE WITNESS: The three-story goes to 11 to Bonnie Burn, the two-story is this direction 12 (indicating). 13 And another thing, I don't know if I've 14 pointed out previously is we recessed a lot of some 15 of the garage doors. You can see a lot of them end 16 up in shadow. We changed their colors as well. We 17 don't want to have a tenant drive down a row of 18 garage doors that are all lined up and visible. We 19 want to offset some of the aesthetic so that when you 20 drive down, you're not seeing any more than a 21 grouping of three or four at a time. 22 CHAIRWOMAN SCHAEFER: And maybe it's 23 just me, are those garage doors taller than normal? 24 THE WITNESS: No, they're standard 25 garage doors. There will be an accessible garage in</p>
<p style="text-align: right;">Page 98</p> <p>1 18 garages as well. 2 Next slide. 3 MR. LINNUS: That would be A-21. You 4 want to identify that, please? 5 (Whereupon, Sheet A-6, Building 2 and 3 6 Elevations is received and marked as Exhibit 7 A-21 for identification.) 8 THE WITNESS: This is Sheet A-6 in the 9 submitted set, Building 2 and 3 elevations. It's 10 both buildings. There's no difference in the 11 elevations of Buildings 2 and 3, even though there's 12 a slight unit shift and name. 13 This building is getting a little bit 14 longer. One of the things that we've done to this 15 building is we've dropped the roof line in the center 16 and raised it at the edge. 17 So that sort of helps break the length 18 of the building up and we've also included some 19 balcony bays that are different from gable bays, so 20 that it breaks some of that mass up along the 21 building. 22 Again, all high-quality materials, the 23 same as the previous buildings and it goes entirely 24 around each side of the building. 25 MR. LINNUS: Where is Building 3 on</p>	<p style="text-align: right;">Page 100</p> <p>1 each building. It's not a van-size space. It is a 2 standard-size accessible space. It doesn't require 3 any additional height. It's going to be the same as 4 the remaining spaces or garage doors. 5 Next slide. 6 MR. LINNUS: A-22, you want to identify 7 it, please. 8 (Whereupon, Sheet A-7, Building 2 and 3 9 Elevations is received and marked as Exhibit 10 A-22 for identification.) 11 THE WITNESS: This is Sheet A-7, 12 Buildings 2 and 3 elevations. These are the end 13 elevations of Building 3. 14 I'm not going to spend much time on 15 this slide. It's the same discussion that we had on 16 the previous ones. I'm going to skip onto the next 17 slide. 18 MR. LINNUS: That would be A-23. You 19 want to identify it, please. 20 (Whereupon, Sheet A-11, Building 4 21 Plans is received and marked as Exhibit A-23 22 for identification.) 23 THE WITNESS: This is Sheet A-11 in the 24 submitted set, titled "Building 4 Plans." 25 Building 4 contains 54 dwelling units</p>

<p style="text-align: right;">Page 101</p> <p>1 and in that 54 is 13 low-and-moderate units. You can 2 see those low-and-moderate, the three-bedroom 3 low-and-moderate you can see here and here 4 (indicating). 5 And all of the low-and-moderate units 6 are labeled with an "LM" for low and moderate. 7 This building is handled the same as 8 the other buildings. It's just longer. We moved the 9 garage doors in and out so that you're not seeing 10 groupings of them all lined up along that alley 11 (indicating). 12 We've created some storage spaces in 13 the back here (indicating) and this building also has 14 a trash room like the other buildings and an elevator 15 for circulation. Two means of egress from every 16 floor. 17 MR. LINNUS: And where is Building 4 on 18 A-13? 19 THE WITNESS: Building 4 is located in 20 the northerly side of the side, north, northeasterly 21 side of the side in front of that detention basin. 22 Move onto the next. 23 MR. LINNUS: A-24. 24 Do you want to identify it, please? 25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 103</p> <p>1 We use the same techniques. We've 2 changed some of the roof -- first of all, we've 3 changed some of the colors in this building. We're 4 going to do two different color schemes so that not 5 all the buildings look the same. We have two 6 different color schemes that we'll alternate through 7 the site so the buildings look somewhat different. 8 We have a drop roof here (indicating), 9 again, to sort of group these elements together and 10 these elements together. 11 Again, deep shadow lines, large 12 projections, a very elegant traditional look. 13 MAYOR BALLA: Question, what's the 14 elevation from the base to the top of the roof line 15 on the right there? 16 THE WITNESS: The elevation, you're 17 referring to the bottom drawing or the top drawing? 18 MAYOR BALLA: The bottom drawing. 19 THE WITNESS: So the bottom drawing, 20 the building height, itself, is -- this is Building 21 5. 22 MAYOR BALLA: So the base to the ridge. 23 THE WITNESS: The building height is 45 24 feet, 6 inches. The lowest point to the highest 25 point, it would be if you had, you know, you took a</p>
<p style="text-align: right;">Page 102</p> <p>1 (Whereupon, Sheet A-12, Building 5 2 Plans is received and marked as Exhibit A-24 3 for identification.) 4 THE WITNESS: Sure. 5 I'm handling these two buildings the 6 same. This is A-12 of the submitted sheets, Building 7 5 plans. 8 Buildings 4 and 5 are nearly identical. 9 There's just a slight change in the low-and-moderate 10 units. So Building 5 has 56 dwelling units and that 11 includes 12 low-and-moderates. 12 I don't know if I said Building 4. I 13 just want to make sure I get that on. Building 4 was 14 54 dwelling units with 13 low-and-moderate units. 15 I'm going to move onto the elevations. 16 MR. LINNUS: All right. A-25, you want 17 to identify that, please. 18 (Whereupon, Sheet A-13, Building 4 and 19 5 Elevations is received and marked as Exhibit 20 A-25 for identification.) 21 THE WITNESS: This is Sheet A-13 in the 22 submitted set, it's Buildings 4 and 5 elevations. 23 In this building, now this is -- you're 24 seeing the buildings that are a little bit further 25 away from the western side of the site.</p>	<p style="text-align: right;">Page 104</p> <p>1 view only from this corner all the way to the highest 2 point, probably be about 56 feet in that range 3 somewhere. 4 THE WITNESS: I'm going to move on to 5 the next slide. 6 MR. LINNUS: That would be A-26. You 7 want to identify that, please. 8 (Whereupon, Sheet A-14, Buildings 4 and 9 5 Elevations is received and marked as Exhibit 10 A-26 for identification.) 11 THE WITNESS: That's Sheet A-14 in the 12 submitted set, Buildings 4 and 5 elevations. And 13 these are the end elevations of those buildings. You 14 could see as the same as before, we have the 15 topography that changes from side to side taking up 16 the grade. 17 Next sheet. 18 MR. LINNUS: That would be A-27. You 19 want to identify what that is, please. 20 (Whereupon, Sheet A-8, Building 6 Plans 21 is received and marked as Exhibit A-27 for 22 identification.) 23 THE WITNESS: This is Sheet A-8 in the 24 submitted set, Building 6 plans. Building 6 has 45 25 dwelling units in it and four low-and-moderate units.</p>

<p style="text-align: right;">Page 105</p> <p>1 CHAIRWOMAN SCHAEFER: You said 45 2 units? 3 THE WITNESS: Correct. 4 CHAIRWOMAN SCHAEFER: And I'm sorry, 5 how many -- 6 THE WITNESS: Four low-and-moderate 7 units. 8 BY MS. COFFEY: 9 Q. Mr. Raker, before you go further with 10 A-27, do you want to point out where Building 6 is on 11 A-13? 12 A. Sure. 13 Building 6 is the southern-most 14 building in the highest area in these three. So the 15 buildings are stepping up one story at a time as they 16 go to the back, the same as these. 17 MR. LINNUS: And how many 18 low-and-moderate units? 19 THE WITNESS: This one, Building 6 had 20 four low-and-moderate units. 21 This building has 21 garages in it, the 22 same -- has a trash room and a number of storage 23 spaces for some of the tenants as well. 24 CHAIRWOMAN SCHAEFER: You know, you're 25 saying a "trash room."</p>	<p style="text-align: right;">Page 107</p> <p>1 accessed from either side. They're sized per code to 2 manage a stretcher and they're sized accordingly. 3 MAYOR BALLA: In the event of a fire, 4 you're on the fourth floor, the way out is where the 5 tan area is there? 6 THE WITNESS: Correct. 7 So all these stairs, there's stairs on 8 either ends of the building, those are fully 9 protected. 10 The corridor, itself, is rated and the 11 unit is rated. Each unit is rated individually, 12 between units and rated from the corridor. Then you 13 exit into a one-hour enclosed corridor down to the 14 stairwell, which takes you down to the ground floor 15 or the exit point. 16 BY MS. COFFEY: 17 Q. Mr. Raker, can you just explain to 18 people what "rated" means? 19 A. Rated, yeah. 20 All of the walls in these buildings are 21 required to have a fire rating. They're tested, ASTM 22 does testings and they provide ratings for the 23 various types of wall construction and we're required 24 to follow those types of construction. 25 MAYOR BALLA: My question with regard</p>
<p style="text-align: right;">Page 106</p> <p>1 Is it just one trash room per building? 2 THE WITNESS: Yes, yes. 3 In that trash room, at the bottom of 4 the chute, it has a compactor in it. Everybody goes 5 to the elevator, the trash room is located at the 6 elevator. Usually you're taking your trash out as 7 you're going out in the morning, so you go to -- as 8 you're going to the elevator, you bring your trash, 9 you throw it in room, then you're onto the elevator. 10 CHAIRWOMAN SCHAEFER: And is there fear 11 of overflow of the trash? 12 THE WITNESS: No, trash is totally 13 managed. It's compacted in the lower levels and it's 14 managed. They determine the volume and they just 15 schedule pickups as needed to manage the volume. 16 CHAIRWOMAN SCHAEFER: And how often do 17 they pick up? 18 THE WITNESS: It's relative to the 19 number of dwelling units, the number of trash. I 20 wouldn't know the frequency in volume for this 21 project. That might be an operations question. 22 MAYOR BALLA: The elevator is where in 23 that photo? 24 THE WITNESS: They're all located right 25 in the center of the building, so they're easily</p>	<p style="text-align: right;">Page 108</p> <p>1 to that is what is in the attic, in the top level in 2 the attic in terms of fire protection? 3 THE WITNESS: I'm going to go back to 4 the section. 5 BY MS. COFFEY: 6 Q. So you're looking at A-26? No? 7 A. No, I'm going to go back, it's like one 8 of the first slides. So this while it's -- it's 9 somewhat diagrammatic. 10 Q. A-15? 11 A. This is A-15, I guess, in the -- thank 12 you. 13 Q. A-15, yes. 14 A. You'll have these roofs here, and this 15 brings up another point, if you notice in all the 16 elevations, you didn't see any mechanical louvers, 17 which is great, it's not necessarily the most 18 aesthetically pleasing thing to see. 19 We're able to with the pitched roofs, 20 hide all the mechanical louvers up in the attic. It 21 does a couple of different things. 22 Not in the attic, but on the roof up in 23 here (indicating). And that does a couple of 24 different things; one, it shields anybody from having 25 to see it and two, it creates a little bit of a</p>

<p style="text-align: right;">Page 109</p> <p>1 buffer from sound of the units as well. 2 So I'm going to go forward back to 3 where I was again. 4 BY MS. COFFEY: 5 Q. But Mr. Raker -- 6 MAYOR BALLA: So the question I have 7 is: The ceiling in the top floor, it's separated 8 from that attic section by what? 9 THE WITNESS: Correct. All of these 10 are rated, every floor and assembly here is rated. 11 This is separated with a rated ceiling assembly. 12 MAYOR BALLA: A ceiling assembly? 13 THE WITNESS: Correct. 14 MAYOR BALLA: But what about the 15 ceiling assembly, itself, does that go straight 16 through the whole building? 17 THE WITNESS: Yeah, we -- there's a 18 number of fire and smoke barriers that we're required 19 to put up there as well. 20 We also are required to sprinkler. 21 We're putting in an NFPA13 system. All interstitial 22 spaces will be sprinklered. 23 MAYOR BALLA: Including that space up 24 there? 25 THE WITNESS: Correct.</p>	<p style="text-align: right;">Page 111</p> <p>1 laundry facility? 2 THE WITNESS: There are laundry in 3 every unit. I'm going to go through the unit plans 4 shortly. I'm going to show you some photographs of 5 typical units that we've done for this developer. 6 MS. COFFEY: A-28 at this point, 7 correct, Mr. Linnus? 8 MR. LINNUS: Do you want to identify 9 A-28, please. 10 (Whereupon, Sheet A-9, Building 6 11 Elevations is received and marked as Exhibit 12 A-28 for identification.) 13 THE WITNESS: A-28 is Sheet A-9 on the 14 submitted set, Building 6 elevations. 15 And again, the same techniques are used 16 in this building. This building, again, is the 17 upper-most building here on the southern side of the 18 site (indicating). 19 And the same high-quality materials for 20 this building, same techniques, breaking up the mass 21 of the building so it doesn't appear to be so long 22 and repetitive. You know, we've created a lot of 23 techniques to break that up. You can see some of the 24 balconies located here on these buildings as well. 25 Not every unit gets a balcony, but many of them do.</p>
<p style="text-align: right;">Page 110</p> <p>1 MAYOR BALLA: Okay. 2 THE WITNESS: Where did we leave off? 3 BY MS. COFFEY: 4 Q. This is where we left off. 5 A. Six, okay, thank you. 6 Q. Yup. 7 A. So did I give the count on this? I 8 did, okay. 9 So -- and, again, this building 10 contains all of the other amenities that the other 11 buildings have with the trash compacting and elevator 12 service, storage spaces, as well as garage, the 13 number of garages. This particular building is 21 14 garages. And all of these buildings comply with the 15 height ordinance. This particular building is 45 16 feet. 17 I want to go to the next slide. 18 Q. One second, Mr. Raker. 19 MS. COFFEY: Madam Chair, I believe, 20 there's a question. 21 MR. LINNUS: That would be A-28. 22 MS. PENNETT: Does every unit have a 23 garage? 24 THE WITNESS: No. 25 CHAIRWOMAN SCHAEFER: And what about a</p>	<p style="text-align: right;">Page 112</p> <p>1 CHAIRWOMAN SCHAEFER: And I will assume 2 at some point in your testimony you're going to show 3 us site exhibits of both directions and -- 4 THE WITNESS: Yes, I save that for the 5 end. 6 CHAIRWOMAN SCHAEFER: It won't be 7 tonight. 8 THE WITNESS: Next slide. 9 MR. LINNUS: It would be A-29. Do you 10 want to identify that, please. 11 (Whereupon, Sheet A-10, Building 6 12 Elevations is received and marked as Exhibit 13 A-29 for identification.) 14 THE WITNESS: It's Sheet A-10, Building 15 6 elevations. I'm not going to give any real 16 testimony to this. The building complies. These are 17 substantially similar to the other elevations that 18 I've discussed. 19 BY MS. COFFEY: 20 Q. And they're the building ends, correct? 21 A. Correct. 22 Next slide. 23 MR. LINNUS: Do you want to identify 24 A-30, please. 25 THE WITNESS: Yes.</p>

<p style="text-align: right;">Page 113</p> <p>1 (Whereupon, Sheet A-15, Unit Plan is 2 received and marked as Exhibit A-30 for 3 identification.) 4 THE WITNESS: A-30 is Sheet A-15, unit 5 plan. There are a number of unit plans that I've 6 submitted to the -- in the most recent submission, I 7 think we've gotten almost everyone, not every single 8 unit type, but at least every type is represented in 9 the most recent submission. 10 The unit plans I'm going to walk 11 through just briefly. Very open living kitchen 12 spaces, usually dual access baths for the bathrooms 13 so that there's a private access from one end and a 14 public access. 15 In the two-bedroom we would have a 16 master bedroom, which would have private access of 17 it's own bath and then the second bedroom would have 18 a common bath usually in a more less public area of 19 the unit so that they're not walking through the 20 living space to get to their bathroom. 21 We are showing low and moderate 22 slightly larger -- slightly smaller in size usually 23 grouped around the elevators. All of these units are 24 fully adaptable. Every unit in this complex will be 25 fully adaptable.</p>	<p style="text-align: right;">Page 115</p> <p>1 THE WITNESS: -- according to the 2 testimony that we gave. 3 CHAIRWOMAN SCHAEFER: So a one-bedroom 4 low and a one-bedroom moderate are going to be the 5 same size? 6 THE WITNESS: They could be. 7 CHAIRWOMAN SCHAEFER: But they might 8 not be? 9 THE WITNESS: When the building gets 10 engineered, it is possible that something, a 11 structural element makes one slightly smaller than 12 the other. 13 BY MS. COFFEY: 14 Q. Is it helpful to talk about what the 15 smallest one-bedroom affordable unit is and the 16 biggest one-bedroom affordable unit and give that 17 range? 18 A. Well, yeah, we can do that. 19 I can talk about the -- yeah, so right 20 now what we're showing here is -- and I think I 21 pulled these up because they're a little more typical 22 and not necessarily relegated to which one was very 23 low, which one was moderate. 24 So the one-bedroom low units are going 25 to be in that 600, upper 600 range. The two-bedroom</p>
<p style="text-align: right;">Page 114</p> <p>1 All the building -- the entire building 2 is adaptable. 3 MR. LINNUS: If the unit is very low, 4 take a one-bedroom, that would be 680 square feet? 5 THE WITNESS: It could be. I'm not -- 6 I can't testify -- 7 MR. LINNUS: Is there any very low 8 unit, one-bedroom less than 680 square feet? 9 THE WITNESS: You know what, I have to 10 look -- I'd have to look on the plan and check that 11 for you. I don't know that 100 percent. I'll have 12 to take a quick -- 13 MR. LINNUS: While you're looking at 14 that, the two-bedroom, if you have a two-bedroom very 15 low, what's the square footage of a two-bedroom very 16 low unit? 17 THE WITNESS: I have -- 18 MR. LINNUS: As well as moderate. 19 THE WITNESS: I have to say I haven't 20 -- on my plan sheets, I have not discerned the very 21 low from the low. They're all low-and-moderate units 22 and in my mind, the owner can dictate which one is 23 low and/or very low -- 24 CHAIRWOMAN SCHAEFER: So a one-bedroom 25 --</p>	<p style="text-align: right;">Page 116</p> <p>1 low-and-moderates are going to be in the upper 900 2 range. 3 I'm going to go to the next sheet, 4 because the next sheet will likely contain, I 5 believe, a three-bedroom unit. 6 MR. LINNUS: That would be A-31. 7 Do you want to identify that, please? 8 THE WITNESS: It does appear we have a 9 560 square foot one-bedroom low-and-moderate. 10 MR. LINNUS: Wait a second, you're 11 still on A-30, I guess. 12 BY MS. COFFEY: 13 Q. Mr. Raker, you may want to go back to 14 A-13, the cover sheet. I think you have that chart 15 on A-13, which might be the most helpful. 16 A. Yeah, I don't know that it would be 17 legible. 18 MR. LINNUS: The cover sheet is A-14. 19 MS. COFFEY: A-14, thank you. 20 THE WITNESS: So the smallest 21 low-and-moderate one-bedroom is 560 square feet. 22 That would likely be assigned as a very low. 23 MR. LINNUS: And the smallest moderate? 24 THE WITNESS: The next size up is the 25 680 square feet that we discussed earlier.</p>

<p style="text-align: right;">Page 117</p> <p>1 We have one that's 645 square feet and 2 one that is 680 square feet and then 760 square feet. 3 BY MS. COFFEY: 4 Q. Those are all dimensions of one-bedroom 5 affordable units? 6 A. Units. 7 CHAIRWOMAN SCHAEFER: It's 760? I'm 8 not seeing that here. I see 790. 9 THE WITNESS: Oh, I apologize, that was 10 790. It's my eyes and the size of the text on the 11 sheet. I apologize. 12 So then for the two-bedroom 13 low-and-moderate units, they range in size and I'll 14 list those sizes for you. We have 930 square feet. 15 CHAIRWOMAN SCHAEFER: Fifty. 16 MR. KELLER: Thirteen. 17 THE WITNESS: I don't think I'll be 18 able to see that. It gets blurry when you get close. 19 So we have 913 for the two-bedroom 20 low-and-moderate. We have, it looks like 987, 987. 21 BY MS. COFFEY: 22 Q. So 967. 23 A. Is it 967? 24 Q. That's a 6, yeah. 25 THE WITNESS: Okay. Sorry, I think I</p>	<p style="text-align: right;">Page 119</p> <p>1 identification.) 2 THE WITNESS: This is Sheet A-16 of the 3 submitted set, unit plan. 4 So in this -- in this I'm showing -- 5 and this is something I did want to talk about a 6 little bit. 7 We did have some, what we call, 8 one-bedroom dens. They're smaller units. They're 9 labeled on my sheets as two-bedroom units, because 10 conservatively we want to make sure that we're 11 getting the right number of parking, the right number 12 of -- of -- of sewer load calculations. 13 However, it is fully intentioned that 14 this space here be marketed not as a bedroom, as a 15 den. 16 BY MS. COFFEY 17 Q. You're referring to the two-bedroom 18 892-square-foot layout? 19 A. Correct. 20 And, likewise, for the two-bedroom den 21 unit, the den doesn't have a door on it. And this 22 space we're saying is a two-bedroom with an office. 23 We're not putting a door on it. 24 However, in our conservative parking 25 calculations, we counted it as a three-bedroom.</p>
<p style="text-align: right;">Page 118</p> <p>1 need new glasses. 2 CHAIRWOMAN SCHAEFER: No, 987. That's 3 according to what I have -- 4 MS. COFFEY: Oh, it is an 8. I need 5 glasses. 6 THE WITNESS: That's 987 for the 7 low-and-moderate units, the two-bedroom 8 low-and-moderate units. The three bedroom 9 low-and-moderate units vary. There's 983, it looks 10 like 983-square-foot unit. 1180 -- is that 1183? 11 1163. And what is that, 11 -- 12 CHAIRWOMAN SCHAEFER: It's 1083. 13 THE WITNESS: Yes, 1083. 14 And, again, those are approximate sizes 15 because when the building is fully engineered and 16 structural walls go in, they get pushed and pulled, 17 lose a few square feet here and there or gain a few 18 square feet as well. 19 I'm going to continue on. It's going 20 to take me a while to get back to my slides. 21 I'm going to move onto the next sheet. 22 MR. LINNUS: That would be A-31. You 23 want to identify that, please, sir. 24 (Whereupon, Sheet A-16, Unit Plan is 25 received and marked as Exhibit A-31 for</p>	<p style="text-align: right;">Page 120</p> <p>1 MR. LINNUS: Counsel, how are you going 2 to make sure that the dens or the offices that are 3 identified in the project are not used as bedrooms? 4 MS. COFFEY: So the leases that the 5 applicant intends to use prohibit use of those 6 offices as bedrooms and they actually do occupancy 7 checks to make sure that they're not being utilized 8 as bedrooms and they have a leasing requirement that 9 -- 10 MR. LINNUS: So you'll incorporate that 11 in the lease that someone who is leasing a 12 two-bedroom, plus an office they'll be prohibited 13 from office use -- from -- 14 MS. COFFEY: From bedroom use. 15 MR. LINNUS: -- bedroom use? 16 MS. COFFEY: Correct. 17 MR. LINNUS: As well as the dens? 18 MS. COFFEY: Same thing, correct. 19 MR. LINNUS: And that will be in the 20 leases? 21 MS. COFFEY: It's in the leases, 22 correct, and they do do occupancy checks to make sure 23 that that's being complied with. 24 CHAIRWOMAN SCHAEFER: How often do they 25 do that?</p>

<p style="text-align: right;">Page 121</p> <p>1 MS. COFFEY: I will have to find out 2 for you. 3 MR. FIORILLA: Would the two-bedroom 4 892-square-foot unit on the left, you said the 5 bedroom would be marketed -- that that would be 6 marketed as a one-bedroom? 7 THE WITNESS: Yeah, that one would be 8 marked as one-den. 9 MR. LINNUS: And for construction 10 purposes, they will not be bedrooms? 11 THE WITNESS: I'm not sure what you 12 mean for construction purposes. 13 MR. LINNUS: Are there differences 14 between -- 15 THE WITNESS: I can tell you for 16 occupancy calculations, we'll count it as a bedroom. 17 We always take the most conservative route. 18 BY MS. COFFEY 19 Q. But, for example, Mr. Raker, there's 20 not a closet provided? 21 A. Not a closet provided, no. 22 MS. COFFEY: And I have an answer for 23 you, Madam Chairwoman, on the frequency of the 24 inspections. I'm told they're done at least once a 25 year.</p>	<p style="text-align: right;">Page 123</p> <p>1 THE WITNESS: So the next thing I want 2 to hit on about these units is they're well 3 appointed. 4 These are all, you know, well-designed, 5 open floor plans, lots of glass, lots of natural 6 light, great amenities. I'm going to take you 7 through some of the -- 8 CHAIRWOMAN SCHAEFER: Before you go to 9 your next slide, which I'm assuming is going to start 10 showing the interiors of these, this is where we're 11 going to break you. I mean, breaking you and 12 stopping. 13 (Laughter.) 14 MS. COFFEY: We're going to end 15 testimony for the night. 16 CHAIRWOMAN SCHAEFER: I'm sorry, it's 17 my bewitching hour. 18 THE WITNESS: I'm very close to the 19 end. 20 CHAIRWOMAN SCHAEFER: Yeah, but then we 21 want to open it up to public and I want to be able to 22 refresh their memories for our next meeting. Okay? 23 So I do want to stop it here. And -- 24 because we're going to get a lot of questions, I'm 25 sure, from the public.</p>
<p style="text-align: right;">Page 122</p> <p>1 And I also see that you have another 2 question from one of your board members. 3 MS. PENNETT: Is there a population 4 number of people that can be living in each of the 5 apartments? 6 MS. COFFEY: So the applicant's lease 7 prohibits more than two people per bedroom. 8 CHAIRWOMAN SCHAEFER: I'm sorry? 9 MR. LINNUS: Say that again? 10 MS. COFFEY: The lease only allows two 11 people per bedroom, a maximum of two people per 12 bedroom would be the right way to say that. 13 MR. SPEENEY: You actually have an 14 agreement with the occupants that they can only have 15 two people per bedroom? 16 MS. COFFEY: Yes. 17 MR. SPEENEY: And babies? 18 MS. COFFEY: A baby is a person. 19 Oh, no, baby is not a person. Hold on. 20 The cutoff is 18 months or younger, I'm 21 told. 22 MR. SPEENEY: Okay, thank you. 23 MS. COFFEY: I'll have to let -- I have 24 an 18 month or younger. I'll have to let her know 25 she sneaks by.</p>	<p style="text-align: right;">Page 124</p> <p>1 So, you know, I want to give ample 2 opportunity. 3 With that being said, do we want to 4 schedule a couple of special meetings? Because we do 5 have another application that has now been put off to 6 March and we will start our March meeting with them. 7 So I had my board secretary reach out 8 and right now it looks like either March 10th or 31st 9 would work for a special meeting. 10 MS. COFFEY: Okay. Let's -- if I -- 11 may I poll our folks quickly? 12 CHAIRWOMAN SCHAEFER: Absolutely. 13 (Whereupon, a short recess is held.) 14 MS. COFFEY: We think that the 10th 15 works. We'd have to double confirm. 16 One thing that I would ask the board to 17 consider is if we have professionals who are 18 available on the 10th, would you be willing to have 19 us do a pause in the architectural testimony and, for 20 example, have our environmental consultant come and 21 testify that evening or would you prefer that we 22 complete architecture before we move onto somebody 23 else. 24 CHAIRWOMAN SCHAEFER: Yeah, I would 25 prefer the architect, because we're in the middle of</p>

<p style="text-align: right;">Page 125</p> <p>1 architecture. I don't want to -- you know, then 2 we're opening it up again to the public isn't able to 3 ask questions because we're only limiting it to that 4 specific testimony. I would prefer that we continue 5 on with architectural so we don't lose our thought 6 pattern. I understand where you're coming from, 7 but...</p> <p>8 MS. COFFEY: Okay. We should know in 9 the next little bit whether to be able to confirm 10 whether or not the 10th works. So for now if we can 11 plan for the 10th and we'll let you know for some 12 reason a conflict arises.</p> <p>13 Is that acceptable?</p> <p>14 CHAIRWOMAN SCHAEFER: That's 15 acceptable. And then we're going to also -- we're 16 also going to send out an e-mail to everybody for 17 special meeting dates for April and May. And we'll 18 get back to you with that.</p> <p>19 But with that being said, your 20 application, we need to extend again.</p> <p>21 MS. COFFEY: We're currently through 22 March 30th.</p> <p>23 CHAIRWOMAN SCHAEFER: March 31st.</p> <p>24 MS. COFFEY: Or 31st.</p> <p>25 CHAIRWOMAN SCHAEFER: So are you</p>	<p style="text-align: right;">Page 127</p> <p>1 yeah, if it's acceptable, we'll plan for March 10th 2 and if for some reason that does not work, we can 3 always send somebody on March 10th to continue it if 4 that's what's required. We don't know for certain 5 whether our architect is available. We're hoping 6 that he can rearrange his schedule to make that work, 7 but we just -- we can't say for sure this evening.</p> <p>8 CHAIRWOMAN SCHAEFER: Well, if we can't 9 continue with the architect, I strongly urge the 10 architect be here. If he can't, then we'll move on 11 to something else with you.</p> <p>12 But, yeah, let us know, but we'll put 13 you down for March 10th.</p> <p>14 MR. LINNUS: So there will be a special 15 meeting on this particular application on March 10th. 16 The intension is to have the architect come back and 17 provide testimony, but in any event, Ms. Coffey will 18 be here with witnesses on March 10th. If that's the 19 case, there will be no special notice, other than the 20 notice of this special meeting that Theresa will 21 attend to.</p> <p>22 This will be -- for the public, this 23 will be your notice that there be no further 24 notification by way of certified mail, typical 25 notice.</p>
<p style="text-align: right;">Page 126</p> <p>1 acceptable to moving it now to, say, the end of June? 2 MS. COFFEY: I'm seeing panic.</p> <p>3 CHAIRWOMAN SCHAEFER: I'll move it up 4 to the end of May, but I know that, you know, we're 5 trying to accommodate you as best as we can, but we 6 have other things on our agenda too and we're willing 7 to do special meetings for you guys, but --</p> <p>8 MS. COFFEY: We appreciate it.</p> <p>9 CHAIRWOMAN SCHAFER: -- I just want to 10 -- if we get that 500 year storm.</p> <p>11 MS. COFFEY: Why don't we plan for the 12 end of May and then we'll take it from there, if 13 that's all right.</p> <p>14 CHAIRWOMAN SCHAEFER: Okay.</p> <p>15 MR. LINNUS: All right. You're 16 extending the time within which the board would take 17 action on the application through May 31st, 2020; is 18 that right, Ms. Coffey?</p> <p>19 MS. COFFEY: That's correct.</p> <p>20 MR. LINNUS: Now, a little issue with 21 regarding notice, are you coming here on March 10th 22 or not?</p> <p>23 CHAIRWOMAN SCHAEFER: She's going to 24 get back to us.</p> <p>25 MS. COFFEY: Yeah. So what I would --</p>	<p style="text-align: right;">Page 128</p> <p>1 So March 10th special meeting BNE in 2 these facilities at 7:30.</p> <p>3 MR. BUTLER: Madam Chair, may I just 4 have a comment before you close the record. Bill 5 Butler representing objector Weldon.</p> <p>6 So it looks like BNE is going to be 7 carried to 3/10 and we're going to continue with the 8 architect.</p> <p>9 CHAIRWOMAN SCHAEFER: Unless the 10 architect cannot change his schedule, then we will 11 probably do environmental, is what she said.</p> <p>12 MR. BUTLER: Yeah. And you might have 13 a problem with that, but Weldon doesn't. I mean, we 14 don't -- we don't object to taking witnesses out of 15 turn. You might, but we don't.</p> <p>16 CHAIRWOMAN SCHAEFER: I prefer to keep 17 -- thank you. I prefer to keep it all in line.</p> <p>18 MR. BUTLER: I understand, I 19 understand.</p> <p>20 CHAIRWOMAN SCHAEFER: But if we can't, 21 we can't.</p> <p>22 MR. BUTLER: All right. Now, on the 23 10th we're doing architectural and/or environmental. 24 Are we doing traffic on the 10th?</p> <p>25 MS. COFFEY: I would think after we</p>

<p style="text-align: right;">Page 129</p> <p>1 complete those two subject areas, we would next be 2 moving to planning and I think it would be a lot to 3 expect that we would also get traffic in all in one 4 evening. 5 If things go very efficiently, perhaps 6 we would start on traffic. I would think it would be 7 unlikely. 8 MR. BUTLER: Okay. Now, on the 31st, 9 BNE has nothing to do with the 31st at this point; is 10 that correct, March 31st? 11 CHAIRWOMAN SCHAEFER: That's just when 12 they were -- their application was good until. They 13 now have moved that to May 31st. 14 MR. BUTLER: Okay. 15 CHAIRWOMAN SCHAEFER: They've extended 16 their time to May 31st. They're going to be in front 17 of us on March 10th and then The Learning Experience 18 is going to be in front of us March 17th, not BNE. 19 MR. BUTLER: Okay. And March 31st -- 20 CHAIRWOMAN SCHAEFER: Is not -- 21 MR. BUTLER: -- is irrelevant? 22 CHAIRWOMAN SCHAEFER: We gave them two 23 dates. 24 MR. BUTLER: Okay. And then they took 25 the 10th, I understand. All right.</p>	<p style="text-align: right;">Page 131</p> <p>1 more questions for the architect? 2 CHAIRWOMAN SCHAEFER: Right now. For 3 the next meeting. 4 COUNCILMAN MARTINO: The next meeting. 5 CHAIRWOMAN SCHAEFER: We're going to 6 let him finish his testimony. 7 Okay. So everybody in the public, you 8 know the gig, it's March 10th, 7:30. Be here for a 9 continuation of BNE. Thank you. 10 MS. COFFEY: Thank you, all. 11 (Whereupon, this matter is continuing 12 to a future date. Time noted: 10:07 p.m.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 130</p> <p>1 Thank you very much. 2 CHAIRWOMAN SCHAEFER: And then we're 3 going to come back to them in March with dates in 4 April. 5 MR. BUTLER: Okay, thank you. 6 MS. COFFEY: And, Madam Chair, I'm not 7 sure how all the scheduling will shake out, but it 8 may make sense for the two large applications that 9 you have to alternate, perhaps, between special 10 meetings and regularly scheduled meetings, for 11 example. I don't know if that helps or not, but just 12 a thought. 13 CHAIRWOMAN SCHAEFER: Well, we'll 14 planning on special meetings for you so that we 15 can -- 16 MS. COFFEY: Keep them regular. 17 CHAIRWOMAN SCHAEFER: Exactly. 18 MS. COFFEY: I understand. Thank you. 19 CHAIRWOMAN SCHAEFER: Okay. Any 20 questions from the board members at this point? 21 COUNCILMAN MARTINO: Are you cutting it 22 off for -- 23 CHAIRWOMAN SCHAEFER: We're cutting it 24 off. 25 COUNCILMAN MARTINO: We can't ask any</p>	<p style="text-align: right;">Page 132</p> <p>1 C E R T I F I C A T E 2 3 4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary 5 Public of the State of New Jersey, Notary 6 ID.#50094914, Certified Court Reporter of the State 7 of New Jersey, and a Registered Professional 8 Reporter, hereby certify that the foregoing is a 9 verbatim record of the testimony provided under oath 10 before any court, referee, board, commission or other 11 body created by statute of the State of New Jersey. 12 I am not related to the parties 13 involved in this action; I have no financial 14 interest, nor am I related to an agent of or employed 15 by anyone with a financial interest in the outcome of 16 this action. 17 This transcript complies with 18 regulation 13:43-5.9 of the New Jersey Administrative 19 Code. 20 21 22 23 24 25</p> <p style="text-align: right;">LAURA A. CARUCCI, C.C.R., R.P.R. License #XI02050, and Notary Public of New Jersey #50094914, Notary Expiration Date December 3, 2023</p> <p>17 Dated:</p>

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