

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF JULY 12, 2023

MONTHLY MEETING Borough Planning Board was held on Wednesday, July 12, 2023 at 7:00 p.m. in the Council Room of the Municipal Building.

Chairman Barricelli stated that this meeting was provided in accordance with the Open Public Meeting Act, by providing a copy of the agenda to the official newspaper and posting same on the official bulletin board of the Municipal Building.

ROLL CALL

PRESENT	Mr. William Barricelli
ABSENT	Mr. Paul Ceppi
PRESENT	Mr. Michael McCabe
ABSENT	Mr. Michael Wildermuth
PRESENT	Ms. Shealyn M.S. Crombie
PRESENT	Ms. Caridad Argote-Freyre
ABSENT	Ms. Brianne Van Vorst
PRESENT	Councilwoman Margaret Rogers
PRESENT	Mr. Garry Jackson
PRESENT	Mr. James Keelan
PRESENT	Mayor Kevin A. Kane

Mr. Barricelli read Item No. 3 on the Agenda as follows:

Application PB-SP-2023-006, CT95-CT07 200 Park LLC and DT95-DT07 200 Park LLC, Location 200 Park Avenue, Block 117 Lot 21, Requesting Preliminary and Final Major Site Plan approval;

The stenographic notes of the proceedings in the above-entitled matter, as taken by and before, MICHAEL WILLIAMS, a Registered Professional Reporter and Notary Public of the State of New Jersey, on Wednesday, July 12, 2023 commencing at approximately 7:02 in the evening. HUDSON COURT REPORTING & VIDEO

39 pages attached prepared by Court Reporter

BOROUGH OF FREEHOLD
FREEHOLD TOWNSHIP PLANNING BOARD MEETING

-----X
IN RE: CT95-CT07 200 Park LLC & DT95-DT07
200 Park LLC.; Location: 200 Park
Avenue - Block 117/Lot 21 - Zone R-7;
Preliminary and Final Site Plan
Approval
-----X

The stenographic notes of the proceedings in the above-entitled matter, as taken by and before, MICHAEL WILLIAMS, a Registered Professional Reporter and Notary Public of the State of New Jersey, on Wednesday, July 12, 2023 commencing at approximately 7:02 in the evening.

HUDSON COURT REPORTING & VIDEO (732) 906-2078

1 APPEARANCES:

2 FOR THE APPLICANT:

3 WILENTZ GOLDMAN & SPITZER, PA
4 90 Woodbridge Center Drive, Suite 900
Woodbridge, New Jersey 07095
5 BY: STEVEN J. TRIPP, ESQ.
6

7 BOARD MEMBERS:

8 WILLIAM BARRICELLI - Chairman
9 RONALD D. CUCCHIARO - Board Attorney
10 KEVIN A. KANE - Mayor
11 MICHAEL McCABE - Class IV Member
12 SHEALYN M.S. CROMBIE - IV Member
13 CARIDAD ARGOTE-FREYRE - IV Member
14 MARGARET ROGERS - Class III Member
15 GARRY JACKSON - Alternate Member II
16 JAMES KEELAN - Alternate Member II
17

18 STAFF:

19 ANTHONY MALTESE, PE, PLS, PP, CME - Board
20 Engineer
21 DOMINICA NAPOLITANO - Board Secretary
22
23
24
25

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1 MR. CHAIRMAN: The order of business
2 tonight includes application number
3 PB-SP2023-006. The applicant is CT95-CT07,
4 200 Park, LLC and DT95-DT07.

5 They are requesting a preliminary
6 and final major site plan approval, and we
7 will begin that almost immediately but we
8 have an opening statement.

9 MR. CUCCHIARO: Mr. Chairman, just
10 for the purposes of the board members and
11 the public, prior to Mr. Tripp entering his
12 appearance, the borough BA has requested to
13 be given a hearing with a presentation or
14 an explanation of sort of how he the steps
15 he's taken from where we were on this
16 property to where we are here tonight to
17 just sort of set the background so everyone
18 understands, you know, the history.
19 Mr. Gallo.

20 MR. GALLO: Thank you, Mr. Chairman,
21 members of the board.

22 You will recall that a few months
23 ago I was here to discuss the preparation
24 of a redevelopment plan for this parcel of
25 land. The plan was part of the settlement

1 of a builders remedy lawsuit in New Jersey.
 2 Every community has an obligation to
 3 create an environment where all types of
 4 housing, including affordable housing, can
 5 be developed. Each community is expected
 6 to allow a certain number of affordable
 7 units to be built.

8 Those communities that don't have an
 9 approved affordable housing plan are
 10 subject to builders remedies lawsuits and
 11 that's what happened here.

12 The developer availed themselves of
 13 their right to engage in a builders remedy
 14 lawsuit to create affordable housing. The
 15 borough was engaged in this litigation for
 16 several years, and it was apparent that the
 17 risks involved pursuing the litigation were
 18 too great.

19 Those risks include the possible
 20 loss of local control over land use in the
 21 borough, and that was just something we
 22 weren't willing to put at risk.

23 The resolution of this litigation
 24 has resulted in the project that you are
 25 hearing this evening. The project does

1 help us achieve our affordable obligation
 2 and should be considered favorably.

3 I have with me this evening Matt
 4 Good, who is the borough attorney, and
 5 Lesley London, who is our special counsel
 6 for affordable housing, if any questions
 7 should arise on those subjects we are here
 8 to try to answer them.

9 MR. CHAIRMAN: Thank you.

10 MR. CUCCHIARO: Mr. Chair, also,
 11 just before Mr. Tripp enters his
 12 appearance, Mr. Tripp, just to amplify what
 13 Mr. Gallo said, the affordable housing
 14 requirements he talked about, again, they
 15 are state mandated. They are not generated
 16 by any local ordinance or that establishes
 17 a fair share. It's state mandate.

18 Our New Jersey Supreme Court has
 19 held that every single municipality under
 20 our state constitution has a requirement to
 21 provide their fair share of affordable
 22 housing.

23 So there is nothing that the town
 24 could have done to avoid it by way of
 25 ordinance and even our legislature is

1 somewhat hampered because it is a
 2 constitutional requirement that has been
 3 interpreted by the state supreme court.

4 So we were left with it, and you
 5 heard the steps that the municipality took
 6 to ensure the most positive result possible
 7 and retain some level of local control.

8 Also, just before we get started, I
 9 wanted to establish sort of what this
 10 planning board's role is tonight in the
 11 process, and what it is that we need to
 12 hear and what our jurisdiction is in terms
 13 of making a decision.

14 As you heard and as you remember,
 15 this area was included in the redevelopment
 16 plan. There was an orderly open area.
 17 There was a redevelopment plan that was
 18 adopted. The redevelopment plan governs
 19 this site.

20 It has the design criteria, the bulk
 21 requirements, the permitted density, the
 22 number of units. All of that is contained
 23 in the redevelopment plan.

24 What we are here to do tonight as a
 25 planning board is to make sure that all of

1 the requirements in the redevelopment plan
 2 have been satisfied, and if they haven't,
 3 whether relief should be granted or if the
 4 type of relief is something we can even
 5 grant if it's beyond the bulk standard, but
 6 what we're looking for is compliance with
 7 the redevelopment plan.

8 And it is very important you
 9 understand it. It is important that
 10 members of the public understand it.

11 Whether you like or dislike the
 12 project that's not what this board is here
 13 to do tonight, to understand the Municipal
 14 Land Use Law. That's legislative. That
 15 has happened. We are simply here to look
 16 at compliance with that redevelopment plan.

17 So, again, whether you like the path
 18 that this took, whether you dislike the
 19 path that it took, whether you like the
 20 product, whether you dislike the product,
 21 you're free to have all those views, but we
 22 are constrained under the law as to what we
 23 can take a look at.

24 Now, also, I just want to make this
 25 comment generally in terms of traffic.

1 Increase in traffic in the area by itself
2 is not a reason that this board can deny an
3 application, whether it is this one or any
4 other for a permitted use.

5 We can look at the safety ingress
6 and egress certainly, but merely the fact
7 that there is going to be an increase in
8 traffic, the law says that that was assumed
9 when the legislation took place adopting
10 the redevelopment plan.

11 So, again, what we are hyper-focused
12 on here, not by choice but by law, is
13 compliance with the elements of that
14 redevelopment plan. That's what we should
15 be looking at and listening to; and when
16 members of the public come up to testify,
17 if you happen, you know, unintentionally to
18 go into areas that are beyond our
19 jurisdiction, just be aware we are going to
20 reign it back in because we have certain
21 rules that we have to follow.

22 Now, I mean, you're not experts,
23 attorneys, engineers, so I don't expect,
24 nor does the board expect you will be able
25 to completely understand the parameters,

1 but I just want to let everybody know that
2 if I jump in it is because it is going into
3 an area that the board doesn't have any
4 powers or regulates under the law.

5 So with that said, Mr. Chairman.

6 MR. TRIPP: Yes, thank you. Good
7 evening. Steven Tripp from the law firm
8 Wilentz, Goldman and Spitzer on behalf of
9 the applicant.

10 This property, as I'm sure the board
11 is familiar, is at 200 Park Avenue and West
12 Main. It's a 1.47-acre parcel, currently
13 has an existing house of worship, which
14 will be demolished as part of the proposed
15 development and, as indicated, this is in
16 the Park and Main affordable housing
17 district; and a redevelopment plan was
18 adopted, as your attorney indicated, for
19 that district pursuant to the settlement.

20 As a result, we submitted plans that
21 we believe fully comply with the ordinance,
22 with the redevelopment plan.

23 There was one slight deviation for
24 height of the sign noted in your engineer's
25 report. We're going to eliminate that by

1 cutting back the height so that it
2 complies. So there will be no -- we're not
3 seeking any relief from the redevelopment
4 plan whatsoever, and we're prepared to
5 address your engineer's report as well.

6 In terms of parking, for example, we
7 comply with both your standard and the
8 redevelopment plan and the residential site
9 improvement standards which govern through
10 the state.

11 We have electrical vehicle charging
12 stations, which comply with the statute,
13 and, again, we are fully compliant and we
14 will be presenting testimony to that effect
15 shortly.

16 MR. CHAIRMAN: Okay. Just a word to
17 the public, first, I want to reiterate
18 what my cochair was saying. We are not
19 here to re-litigate what happened five
20 years ago. That's been done. We are here
21 to hear an application that is seeking
22 preliminary and site plan approval.

23 They will get that from this board.
24 We will do our job. We're not going to
25 risk, you know, lawsuits or time delays and

1 things like that, but I can assure you that
2 everybody here who has something to say
3 will be heard. All right.

4 And the way we do things here is
5 that after we get expert testimony -- and
6 you are going to have how many people
7 testify?

8 MR. TRIPP: I have our site
9 engineer. We have our architect, and if
10 there are questions regarding the traffic
11 report that was submitted, our traffic
12 engineer is available.

13 MR. CHAIRMAN: So two or three
14 people testifying.

15 After each person testifies, I will
16 open it up to the public to ask questions
17 on the testimony. I don't want to hear
18 what you think about the Yankees baseball
19 season, you know. I don't care you talking
20 to me about what's going on in Ukraine.

21 You can ask your question based upon
22 the testimony and, if you stray, I'm going
23 to have, you know, bring you back in, okay.

24 When we hear all the witnesses and
25 all of your questions are asked and

1 answered, we'll then open up to the public
2 for commentary. So, okay, it is a fair
3 process. We intend to be transparent, but
4 we will do our job and we know what our job
5 is.

6 So your first witness, please.

7 MR. TRIPP: Thank you, Brett

8 Skapinetz, Dynamic Engineering.

9 MR. SKAPINETZ: Given the layout of
10 the room that everybody gets to see the
11 exhibits and should it be best to stick it
12 in the corner there.

13 MR. CHAIRMAN: That works better for
14 us. Thank you, sir. Public, you may want
15 to see to go over there.

16 MR. SKAPINETZ: Sorry. In transport
17 a couple of them got mixed together. One
18 minute.

19 MR. CUCCHIARO: Are you ready?

20 BRETT SKAPINETZ,
21 called as a witness, having first been duly
22 sworn, testifies as follows:

23 MR. CUCCHIARO: Please state and
24 spell your name for the record.

25 MR. SKAPINETZ: First name is Brett,

1 B-R-E-T-T, last name is Skapinetz,
2 S-K-A-P-I-N-E-T-Z with Dynamic Engineering
3 Consultants.

4 DIRECT EXAMINATION

5 BY MR. TRIPP:

6 Q: Mr. Skapinetz, for the record, could
7 you just give the board and the public the
8 benefit of your background and your professional
9 qualifications.

10 A: Sure. I have a bachelors of science
11 degree in civil engineering from Rutgers
12 University, currently director of Dynamic
13 Engineering Consultants out of our Chester, New
14 Jersey office.

15 I'm licensed in the State of New
16 Jersey as a professional engineer. My license is
17 still current. I've testified before close to
18 150 municipal boards in the state. This is my
19 first time in the Borough of Freehold however.
20 Thank you for having me.

21 MR. CHAIRMAN: Welcome to Freehold.

22 MR. SKAPINETZ: Thank you.

23 A: So I would like to start, my first
24 exhibit is bringing just up a -- I have three
25 exhibits this evening.

1 MR. CUCCHIARO: Can you mark the
2 exhibits before.

3 MR. SKAPINETZ: We're going to
4 premark them.

5 MR. CUCCHIARO: None of these were
6 previously submitted?

7 MR. SKAPINETZ: The business site
8 plan set.

9 MR. CUCCHIARO: That is it. Okay.
10 We don't need to mark that.

11 What do you have for tonight?

12 MR. SKAPINETZ: Actually, there is
13 two of them. I have a survey in there as
14 well, so.

15 MR. TRIPP: The survey was submitted
16 as well. The only one we are going to mark
17 is the rendered site plan?

18 MR. SKAPINETZ: Right, correct.

19 MR. CUCCHIARO: So what are we up
20 to?

21 MS. NAPOLITANO: 22.

22 MR. SKAPINETZ: Let me do this
23 because the aerial exhibit is renumbered
24 one of one. It is not consistent with
25 what's in the plan as sheet two. Do you

1 care?

2 MR. CUCCHIARO: This was already
3 submitted, right?

4 MR. SKAPINETZ: It was already
5 submitted, numbered differently.

6 MR. CUCCHIARO: You don't need to
7 mark it at all and, actually, we have some
8 premarked exhibits.

9 Dominica, we can mark that already,
10 the original plan, right.

11 MR. SKAPINETZ: So the only one that
12 is new is the aerial, is the rendering.

13 MR. CUCCHIARO: So just one moment.
14 What number are we up to?

15 MS. NAPOLITANO: A-22.

16 MR. CUCCHIARO: A-22.

17 Is this is an aerial?

18 MR. SKAPINETZ: Site plan rendering.

19 MR. CUCCHIARO: Site plan rendering.

20 MR. SKAPINETZ: I have the
21 preparation date of 7/27/23.

22 MR. TRIPP: Just for the record, we
23 have a list of what the premarked exhibits
24 are.

25 MR. CUCCHIARO: I can give you my

1 copy, Mr. Tripp.
 2 MR. TRIPP: Sure.
 3 (Exhibit A-22 marked for
 4 identification.)
 5 Q. Okay.
 6 So Mr. Skapinetz, these plans were
 7 prepared by your firm, correct?
 8 A. That's correct.
 9 Q. And your familiar with the plans?
 10 A. Yes, I am.
 11 Q. And with reference to what's, what
 12 you put up, the aerial, which was submitted with
 13 the application, could you just generally explain
 14 the site and the area around the site.
 15 A. Yes. I'm going to orient -- the
 16 property is outlined in yellow on the aerial
 17 exhibit. This is actually sheet 2 within the
 18 site plan and it depicts the lot, as Mr. Tripp
 19 noted. It is 1.47 acres in the redevelopment
 20 area, which is located at the southern corner of
 21 the intersection of West Park, I'm sorry, of Park
 22 Avenue, which is New Jersey State highway Route
 23 33 and Main, which is County Route 537.
 24 So 537 runs on the bottom of the
 25 lot, which I'll call it in this case north to

1 south and east to west is Route 33.
 2 Currently on the site as noted is
 3 the house of worship of about 6500 square feet.
 4 It's got about 16 striped parking spaces on it
 5 right now but room for additional cars. It
 6 hasn't been striped.
 7 There are currently two access
 8 driveways to the property, one off of 33, which
 9 we are going to maintain. Another one which is
 10 really not used, sort of blocked off by a fence
 11 off the county road, and that's going to be
 12 completely removed, the curb cut to the county
 13 road.
 14 Surrounding the property are all
 15 residential dwellings, either in the R-6 or R-7
 16 zones at all sides.
 17 The property will be, the house of
 18 worship will be demolished, as well as the
 19 parking area that's in front of it to support the
 20 development of the new use.
 21 Just we noted the building that
 22 exists there today is set back further to the
 23 rear of the property actually violates the rear
 24 yard setback.
 25 You'll see in an up coming exhibit

1 we're pushing the building forward towards the
 2 highway which pulls it away from the surrounding
 3 residential uses.
 4 So I will just move then to the next
 5 exhibit, which is the survey, which was prepared
 6 by Vallee Surveying with a preparation date of
 7 June 23, 2016 with a revision date of 11/10/21;
 8 and this just helps to clarify, since that
 9 exhibit was pretty far out as far as it was very
 10 small, it shows now the outline of that 1.47 acre
 11 parcel, same orientation with the county road at
 12 the bottom.
 13 Here is the house of worship, and
 14 then the darker area is the paved or the pavement
 15 that is associated with the parking field.
 16 MR. MALTESE: I'm sorry. What was
 17 the latest revision date on?
 18 MR. SKAPINETZ: It is 11/1/021.
 19 MR. MALTESE: What we received was
 20 5/23/23 was the latest survey that we have.
 21 A. Okay. So this you -- it's been an
 22 update but the arrangement of the property is
 23 still -- remains the same.
 24 MR. MALTESE: Okay.
 25 Q. Just stood up.

1 A. So unless there are any other
 2 questions for this, I'll just go into the
 3 proposed plan.
 4 This is the site plan rendering.
 5 MR. MALTESE: I have questions.
 6 MR. SKAPINETZ: Sure.
 7 MR. MALTESE: Note, number one
 8 states survey performed without benefit of
 9 title report. We just received a title
 10 report today earlier this morning, and
 11 should we enter that as an exhibit?
 12 MR. CUCCHIARO: We will mark the
 13 title report. It has a May 27, 2016 cover
 14 letter from Lisa Dembroski. We will mark
 15 this as, I'm sorry, A-23.
 16 MS. NAPOLITANO: A-23.
 17 MR. CUCCHIARO: We will mark that as
 18 A-23.
 19 (Exhibit A-23 marked for
 20 identification.)
 21 MR. MALTESE: When you go through
 22 it, the actual engineering plans, there was
 23 a 7-foot right-of-way easement proposed
 24 along West Main Street, and one of these
 25 deeds it actually looks like there was an

1 acquisition taken of 8.57 feet, and it's
2 not represented on the actual survey on the
3 engineering plans.

4 Were you aware of that?

5 MR. SKAPINETZ: I actually am not
6 aware of that.

7 MR. MALTESE: Okay. So it's listed
8 in the Schedule 2, Schedule B, Section 2 as
9 item no. 16 as an easement of county of
10 Monmouth contained D4975, page 22.

11 MR. TRIPP: So that's an existing
12 easement.

13 MR. MALTESE: It's actually an
14 acquisition.

15 MR. CUCCHIARO: Well, it is an
16 easement and it has to be -- it can't be
17 their property unless, so.

18 MR. MALTESE: It's listed in the
19 title report as an easement. When you
20 actually go to the deed of record, it's
21 listed as an acquisition.

22 MR. CUCCHIARO: So, Mr. Chairman,
23 here's what I would recommend, subject to
24 comments from everybody else, so the plan
25 that we have is based on a survey that did

1 not have the benefit of the title report.

2 If there is an approval, we can
3 condition it upon the survey being
4 resubmitted, taking into account that the
5 title report and if it changes anything on
6 the plan, you know, the gap is on us. They
7 may have to come back, but I think we can
8 handle this by way of condition at this
9 time.

10 MR. MALTESE: I just want to make
11 another comment.

12 MR. CHAIRMAN: Counsel.

13 MR. TRIPP: We'll look into that.

14 MR. CHAIRMAN: Did you hear what he
15 said?

16 MR. MALTESE: Yes.

17 My other comment to that is if there
18 is an acquisition 8.75 feet what that will
19 do is decrease the size of the property,
20 increase the size, the impervious coverage,
21 which you guys are already at 74.98.

22 MR. SKAPINETZ: Right.

23 MR. MALTESE: So you will be over
24 impervious coverage. You have to reduce
25 parking and your building setbacks will

1 change.

2 You basically have to re-engineer a
3 good portion of the site.

4 MR. TRIPP: We think there was
5 something further cleared up that title,
6 but we will look into it.

7 MR. CUCCHIARO: Like, as I said, Mr.
8 Chairman, if the applicant wants to
9 proceed, that could also be a condition of
10 the approval that the survey be reconciled
11 to take into account the title, the title
12 report; and, you know, to the extent there
13 are, if there is anything depicted that
14 changes something else approved, then they
15 have to come back.

16 A. Okay. So with that I'm going to go
17 into the rendering, site plan rendering, the
18 layout of the site itself.

19 MR. CHAIRMAN: You wish to proceed?

20 MR. SKAPINETZ: We're going to
21 proceed.

22 MR. CHAIRMAN: Very good.

23 A. So the site plan rendering has a
24 preparation date, again, of 7/12/23, and it is
25 based on our latest site plans which are dated

1 3/27/23.

2 Now, in the same orientation as the
3 previous exhibits, we have the county road along
4 the bottom and the state highway along the left
5 happened side.

6 The proposal is for a building that
7 has a footprint of 16,953 square feet. It is
8 basically three stories of residential units
9 above parking. The area -- the number of units
10 is total 52. That is the building outline in
11 tan.

12 The area that is darker color in
13 black is the proposed parking field, and then
14 there are areas in green shown throughout, which
15 are either grass or additional landscape areas,
16 whether it be in islands or around the perimeter
17 of the site.

18 There is also an area off to the
19 right-hand side of the building which designates
20 a proposed patio and seating area to the right
21 side of the building as shown in the exhibit.

22 As I mentioned, it is 52 total
23 units, which comprise of 32 one-bedroom units, 18
24 two-bedroom units and two three-bedroom units.

25 Nine of the total units will be the

1 affordable for low and moderate income housing.
 2 Other features on the site includes
 3 a trash enclosure off -- you see that in the
 4 upper left-hand corner of the page. It's a 10
 5 foot by 20 feet masonry enclosure so it is not a
 6 fence. It is more sturdy. That is to service
 7 the building.
 8 There is a pad that is shown up in
 9 the upper right-hand corner. It's an area that
 10 we have designated for equipment that we expect
 11 to be utilized for the EV charging stations. It
 12 has not been fully designed yet, but in our
 13 experience there is usually a pad and an area for
 14 that outside equipment; and then from there, the
 15 lines are brought in to where the EV stalls are
 16 going to be proposed. I'll get to that in a
 17 moment.
 18 The property is surrounded on the,
 19 I'll call it, the eastern, which is toward the
 20 top and southern sides of the property by a six
 21 foot, six foot high and four foot high vinyl
 22 fence.
 23 There is a transition, and it is
 24 noted in the plan right at above the trash
 25 enclosure where it goes from six to four, and

1 then right at about the bend in the property line
 2 here where it goes again from six to four. We're
 3 willing to make that just six foot all the way
 4 across just to keep it consistent and keep the
 5 higher fence, so height, if the board is amenable
 6 to that.

7 The access to the site I mentioned
 8 before. There is no longer a driveway curb cut
 9 to the road. Where the existing curb cut sits
 10 right now, Route 33, that's just going to be
 11 cleaned up and utilized for access into the site
 12 for full movements in and out of the property.

13 When you enter into the property,
 14 the configuration shows the two way 24-foot wide
 15 drive aisles to allow for residents to circulate
 16 through and into the site. There is one dead-end
 17 area of six parking stalls where the trash
 18 enclosure is; otherwise, it is two-way
 19 circulation around the outside of the building of
 20 that parking field.

21 There is -- there are two access
 22 points to get into the parking area underneath
 23 the building. One is located right where I'm
 24 pointing here in, I guess, that would be the
 25 southwest corner of the building. Now in the

1 southeast corner of the building there is one as
 2 well.

3 The breakdown of the parking is that
 4 there is 58 surface parking stalls at 9 foot by
 5 18 foot. They are located outside the building,
 6 and then there are 43 stalls underneath the
 7 building for a total of 101.

8 To go through the parking
 9 calculations, as Mr. Tripp noted in his
 10 introduction, we meet the borough ordinance
 11 requirement. We have 101 and the ordinance
 12 requirement, the borough ordinance says 78 are
 13 required. RSIS says 98 are required. So we are
 14 over that one by three.

15 I also want to point out that under
 16 recent legislation by the state, we have 50
 17 parking stalls and the requirements there. We do
 18 meet those as well.

19 What the code says is that based on
 20 the total amount of parking that's required by
 21 code, in this case the 78, 15 percent of those
 22 need to be EV stalls for a total of 12; one-third
 23 of those need to be built right away.

24 We are building four of those EV
 25 stalls inside the building right where I'm

1 pointing here. If you look on the plan, those
 2 are designated as EV. They have EV painting
 3 boxed out at the beginning of the stall.

4 The remaining stalls are what's
 5 called make-ready, and they are located opposite
 6 and inside the building in the row of stalls that
 7 I'm pointing to here, and they are -- that is an
 8 additional eight to make up the 12 that is
 9 needed.

10 With this the calculation as well,
 11 there is also a credit for the number of stalls.
 12 We can take 10 percent of the amount of stalls
 13 that are essentially what's required and that
 14 would be eight additional stalls. So we get a
 15 credit and show in this case 109 total stalls as
 16 basically what we're providing under that code.

17 With respect to the building itself
 18 and operations, I know the trash enclosure
 19 residents will take their trash out to that. We
 20 will have to walk it out to that trash enclosure.
 21 We have our architect here. We will provide more
 22 detail.

23 But just briefly, the units, the
 24 rooftop, there is no roof top amenities on top.
 25 He'll verify that in the units, rooftop unit AC,

1 HVAC are all screened by a parapet at the top as
 2 well.
 3 MR. CUCCHIARO: You're talking about
 4 the trash, is that going to be a private
 5 trash pick up?
 6 MR. SKAPINETZ: Yes.
 7 MR. CUCCHIARO: Okay.
 8 A. If we look at the plan further,
 9 there is a table, a zone chart, as well
 10 additional requirements, which are outlined,
 11 which are broken down based on what's in the
 12 redevelopment ordinance.
 13 The -- based on those requirements,
 14 we meet each of those, as Mr. Tripp noted. That
 15 means now the site with respect to setbacks and
 16 coverages is all full conforming.
 17 In this plan, we do recognize what
 18 your engineer just noted with respect to that
 19 strip that may have been dedicated and,
 20 obviously, that could very well change. What
 21 more than likely will change will be coverage,
 22 and we would also change the setback of the
 23 building to the area in which it was -- the
 24 dedication --
 25 Q. That will be if there was, in fact,

1 an acquisition?
 2 A. That is correct.
 3 Q. And we need to look into that.
 4 A. That is correct. I would not expect
 5 though anything else changing, the height, other
 6 setback to other site property line and other
 7 requirements within the code generally should not
 8 change.
 9 MR. MALTESE: I have a question
 10 about the fence. You guys are proposing
 11 this new fence.
 12 MR. SKAPINETZ: We are proposing the
 13 new fence on these two property lines.
 14 MR. MALTESE: This shows it is a
 15 couple feet off the property line is that
 16 for purposes --
 17 MR. SKAPINETZ: We are going to
 18 propose it on line.
 19 MR. MALTESE: Okay. I just want to
 20 make sure the plans are noted that way.
 21 Right now it shows up two feet inset.
 22 MR. SKAPINETZ: Yes. We'll show it
 23 there. The only thing it maybe slightly
 24 offset. Obviously, we don't want the
 25 foundation to be on the property or within

1 the property line.
 2 A. To go into other aspects of the
 3 plan, the area of the parking lot will be
 4 illuminated.
 5 The proposal is to install nine new
 6 LED lights on poles that are 14 feet in height,
 7 and they will also be wall fixtures that will be
 8 on the plan, and the inside faces of the building
 9 that will be situated 11 feet high. All these
 10 LED lights will essentially be shielded.
 11 If you've seen more current LED
 12 lights today, they shine out outward. It helps
 13 to reduce sky glow and, obviously, inherent light
 14 onto adjacent properties.
 15 We, from a landscaping standpoint,
 16 we're significantly increasing the amount of
 17 landscaping on this property.
 18 If you go back into the survey and
 19 look, there are trees that are being removed.
 20 There is actually -- and it is shown on that
 21 plan. There is a total of 14 trees that are
 22 being removed, a few along the perimeter of the
 23 site, and then most of them are on the interior
 24 around the building, but we're going to be
 25 increasing that significantly.

1 If you go into our table and you
 2 break it down just by total plantings, on the
 3 general site we have 738 plantings that include
 4 68 trees. So 68 of those are trees and you can
 5 see the larger circles that I'm pointing to on
 6 the plan.
 7 There is one along the perimeter as
 8 well, and you'll see the focus was along both the
 9 southern and easterly property lines where we
 10 make a more consistent bunch with respect to
 11 those plantings, a mix of evergreen, mostly
 12 evergreen and deciduous trees.
 13 There is also additional
 14 landscaping. You'll see along the right-of-way
 15 including some trees that are mostly contained
 16 within the proposed stormwater detention basins.
 17 I'll get to that in a moment as far as the basins
 18 themselves, but they are tolerant species for
 19 placement within those basins, non-invasive
 20 species, meaning the requirements of the state
 21 for plantings within those locations.
 22 With respect to the utilities, all
 23 utilities are available to the site today. If we
 24 start with water, water is going to come off of
 25 Route 33 and be brought into the site. The

1 building will be sprinklered. There will be two
 2 new hydrants added on the site.
 3 This was based on communication with
 4 your fire officials who okayed that plan.
 5 There will be sanitary sewer
 6 service. It's right now exits the house of
 7 worship and runs in a southerly direction through
 8 an easement off site between the two residential
 9 homes that I'm pointing to the right-hand side of
 10 the page.
 11 We are looking to make just a new
 12 tie in to that same exact sewer line. We'll have
 13 to redirect that easement. We propose that and
 14 slope in the plan, and we will make the
 15 connection to outside of our property line to
 16 that to a manhole that sits right in that corner.
 17 Gas and electric are out there as
 18 well in the highway will be brought into the
 19 site.
 20 With respect to the electric, one
 21 other point is that there is a JCP&L easement
 22 that runs into the property from West Main Street
 23 in about the location. I'm pointing in the north
 24 western end of the site. It runs partially into
 25 the site and stops.

1 MR. MALTESE: Will you provide that
 2 will-serve letter?
 3 MR. SKAPINETZ: Excuse me?
 4 MR. MALTESE: Will you provide that
 5 will-serve letter?
 6 MR. SKAPINETZ: It was from
 7 Abington and it was signed by William
 8 Wenson.
 9 MR. CHAIRMAN: Bill.
 10 MR. MALTESE: In 2021.
 11 MR. SKAPINETZ: In '21, right. Now
 12 we talked to and I -- Joe Floudas with the
 13 borough public works. We spoke to the
 14 city's assistant today.
 15 MR. MALTESE: Tom LaSalle?
 16 MR. SKAPINETZ: Tom LaSalle,
 17 correct. We spoke to him and Tom noted, in
 18 deed, it is not so much a concern of our
 19 property, but he said, apparently, there
 20 are issues on another residential
 21 development downstream that are -- is
 22 providing more flow than was anticipated to
 23 the system. So it sounds like it's more of
 24 a checks and balances.
 25 He wants the report as you noted in

1 Once that electrical service is
 2 abandoned during construction and pulled out of
 3 the way, we will then abandon that easement.
 4 There will be no new easement being proposed to
 5 JCP&L's part of this. We don't anticipate one
 6 either.
 7 MR. CHAIRMAN: What about water and
 8 sewer, did you see and hear his comment?
 9 MR. SKAPINETZ: We did.
 10 MR. CHAIRMAN: Page 12 do you want
 11 to talk to that now?
 12 MR. SKAPINETZ: I can talk to that
 13 now. Absolutely.
 14 We did see that. We did, prior to
 15 proceeding with this work, we asked for a
 16 will-serve letter, and we did it back in
 17 November of '21. So we have a will-serve
 18 letter that actually said there was water
 19 and sewer capacity available.
 20 Now, I know things change. It's
 21 been a year-and-a-half. So maybe there is,
 22 you know, I assume maybe there was an issue
 23 or concern. So what we did was we spoke
 24 today to, I'm just going -- bear with me,
 25 please.

1 your review letter for both water and sewer
 2 to provide the calculations. We will
 3 provide those to him, and then he wants to
 4 meet with us and discuss and show us where
 5 that issue is downstream to see what we can
 6 come up with and if there are any plans to
 7 mitigate.
 8 MR. MALTESE: Okay. Great.
 9 MR. JACKSON: When that sewage goes
 10 out and goes into Enright Avenue, which is
 11 the street --
 12 MR. SKAPINETZ: Right.
 13 MR. JACKSON: -- do you know if that
 14 goes out to West Main Street or goes back
 15 up toward Barkalow and all up that way?
 16 MR. SKAPINETZ: That I don't know
 17 off the top of my head.
 18 MR. JACKSON: Do you know, Anthony?
 19 MR. MALTESE: That will be in part
 20 of their report to show that.
 21 MR. JACKSON: It is always a
 22 concern. You're dumping a lot of water,
 23 you know, people on Enright Avenue also get
 24 backed up into their basements.
 25 MR. SKAPINETZ: Well, again, the

1 capacity is there within our leg of the
2 system, and so we understand that's not a
3 problem in our immediate area, and it's
4 apparently an issue further away downstream
5 from us where there is the concern.

6 MR. JACKSON: You don't know what's
7 further downstream?

8 MR. SKAPINETZ: I don't know exactly
9 where downstream, no; I didn't get that
10 information from the call today.

11 A. Now, with respect to the stormwater
12 management, there is and if you recall it's down
13 below to see the existing condition.

14 There is an increase in impervious
15 coverage. We are increasing it by 23,000 square
16 feet. So under the new state stormwater rules we
17 are required to mitigate that. There is various
18 ways that can be done.

19 The way that we chose was to put in
20 two bio-retention basins in the front of the
21 site. Those were the areas I mentioned when we
22 talked about landscaping and then the plantings
23 within those basins.

24 Those are two depressions that are
25 located right between the building and the edge

1 of the right-of-way and West Main, as well as
2 between the edge of the building and the
3 right-of-way with West Park or with Park. So
4 with those basins, we take on the water.

5 There are two outlets structures to
6 help control the volume of water. We also are
7 filtering the water in these bio-retention basins
8 to essentially a sand filter with the plantings
9 on top.

10 Water is -- basically goes through
11 that medium, goes into pipes under drains is what
12 they're called, and then discharged out as part
13 of the water quality storm which they had to be
14 treated to remove total suspended solid.

15 This design meets the requirements
16 for that.

17 Then the volume is then controlled
18 by those outlet structures, the two of them
19 combined, for larger storms to reduce the amount
20 of stormwater that will come off the site, and
21 under existing conditions today water generally
22 flows towards West Main.

23 There is an inlet right where I'm
24 pointing now that will remain, and we're going to
25 make a brand new connection on our basins to that

1 inlet where water will then continue on its way
2 through the stormwater system of the borough.

3 MR. CHAIRMAN: It will be fences
4 around both of those basins?

5 MR. SKAPINETZ: There are, yes.

6 MR. CHAIRMAN: What's the floor of
7 the basin going to be?

8 MR. SKAPINETZ: Below the -- it
9 varies four to six feet deep.

10 MR. CHAIRMAN: Yes.

11 What's that going to be, earth?

12 MR. SKAPINETZ: Oh, yes, earth, sand
13 and earth basically, yes. So that, so like
14 I said, there will be plantings within
15 there so you're not just going to see a
16 bear sand. You'll see vegetation within it
17 and we said it meets all the requirements
18 for DEP.

19 MS. CROMBIE: Can you describe these
20 plantings.

21 MR. SKAPINETZ: I can actually. I
22 can tell you what they are, yes. Trees
23 that are in there are Heritage River Birch.
24 At eight to 10 feet we've got various
25 shrubs, in no particular order. Some are

1 sweet Clethra.

2 MR. CHAIRMAN: Clethra you said?

3 MR. SKAPINETZ: C-L-E-T-H-R-A.

4 Winter red, winter berry hollies, button
5 bush. I think there's one more.

6 "Rodosier" -- I can't -- it's Redo --

7 Redosier, R-E-D-O-S-I-E-R dogwood.

8 MS. CROMBIE: Thank you. My concern
9 was it was going to be right close to the
10 road.

11 MR. MALTESE: The majority of the
12 plantings are well based. They are like
13 grass, sea grass, low grass.

14 MR. JACKSON: The question on the
15 drainage might be in your report here.
16 I've got to tell you I didn't read every
17 page of this.

18 The parking lot area --

19 MR. SKAPINETZ: Yes.

20 MR. JACKSON: -- is that the curb to
21 prevent water from going onto the neighbors
22 prop --

23 MR. SKAPINETZ: Yes.

24 MR. JACKSON: So it can't overflow
25 and go into the residential section?

1 MR. SKAPINETZ: No. It's absolutely
2 not. Again, from the standpoint the way
3 that this site drains it's generally
4 flowing from the top of the page to the
5 bottom of the page, and we're maintaining
6 that same pattern, so there is no chance
7 that water is going to the top of the page.

8 Again, curb, no chance of any water
9 going to the east in those residential
10 units essentially all going towards the
11 roadways.

12 We're actually in the parking lot
13 we're creating some depressions with inlets
14 to be able to capture that water and most
15 of the water originally starts out by going
16 to the basin on the Park Avenue side.
17 That's where it starts, and then it runs to
18 the basin that is along West Main before it
19 discharges.

20 MR. JACKSON: Okay. We just want to
21 make sure the chances of the neighbors
22 having flooding in their back yards.

23 MR. SKAPINETZ: No chance. The way
24 the topography sits on the property such as
25 the water is draining towards us.

1 COUNCILWOMAN ROGERS: I had a
2 question about the plantings as well.

3 There is only one driveway into and
4 out of the property, which is on a road
5 that school children walk. So I want to
6 make sure that there are no plantings that
7 would block the view of people going in and
8 out of that driveway.

9 MR. SKAPINETZ: No. There are nine.
10 We make sure that slight triangle are wide
11 open and cars will be able to see anyone
12 walking up and down the sidewalks.

13 COUNCILWOMAN ROGERS: Okay.

14 A. So that describes my stormwater
15 management.

16 Mr. Tripp noted when we talked about
17 signage, we do have two ground mounted signs.
18 There is one at the corner and there is another
19 one at the driveway.

20 Each one of those we're proposing to
21 be 50 square feet per face, which -- which meets
22 the ordinance. We do note 8.33 feet in height in
23 our plan for the height sign. We're going to
24 take that back to eight feet which meets the
25 ordinance requirement.

1 There are also two building mounted
2 signs, one in the northwest corner where I'm
3 pointing the light right now and then another in
4 the southeast, I guess we will call it, the
5 northeast face of the building right near the
6 entrance.

7 Each of those signs are shown at 100
8 square feet each. Again, sign area complies and
9 as well as the other dimensions.

10 There are a couple of directional
11 signs that are shown in the site as well just to
12 direct people through in and out of the parking
13 spaces or parking areas, and we meet the size and
14 dimensions for those also.

15 Outside agencies, we have submitted
16 to the soil conservation district, there have
17 been some comments that have been received.
18 We're just waiting to make revisions. We're
19 waiting till this hearing and getting the
20 comments from your professionals, NJDOT.

21 We do have our traffic engineer
22 here, but we did submit to DOT for that driveway
23 and the proposed project, and they responded by
24 giving us a letter of no interest, which means we
25 have no further action to take with the DOT with.

1 respect to that driveway.

2 Q. Monmouth County?

3 A. Yes, Monmouth County we did also
4 submit. They have essentially given us an
5 approval. There are some conditions. They did
6 per your engineer noted in his review letter --
7 I'll just jump to it, which is about the only
8 comment with regard to the county was whether or
9 not we provided dedication or an easement to the
10 county along West Main because right now our
11 property line does extend out into the roadway.

12 We met with the county before we
13 prepared these plans because we knew that that
14 would form the basis of the weather and how we
15 would design and what we would do for the site
16 because, obviously, a dedication, a reduction in
17 the area versus the easement and the county was
18 okay with the easement.

19 We proceeded in that manner with an
20 easement.

21 We, actually, in the June letter
22 that we received from the county, they're
23 acknowledging, it was their June 7th letter, that
24 they are accepting an easement for that area
25 within their right-of-way. So we're proceeding

1 on the basis that we're providing an easement to
2 the county.

3 MR. MALTESE: Part of that letter it
4 notes receipt of a deed of easement for
5 widening of West Main Street. This is a
6 40 feet from the center line right-of-way.

7 So when you widen the right-of-way,
8 you're taking it. You're not giving an
9 easement.

10 MR. CUCCHIARO: No, it's however
11 they accept it --

12 MR. SKAPINETZ: They're accepting it
13 as an easement.

14 MR. CUCCHIARO: -- the county. If
15 they accept it as an easement, it doesn't
16 change the size of the property.

17 MR. SKAPINETZ: Correct.

18 MR. TRIPP: And they said they'll
19 take it as an easement. That's in their
20 approval.

21 MR. CUCCHIARO: You may want to talk
22 to them about that with regard to the other
23 deed.

24 MR. CHAIRMAN: Yes.

25 MR. TRIPP: Obviously, we're going

1 to have to take a look at that and see what
2 happens.

3 MR. CUCCHIARO: Because that's who
4 the other party was with that deed as well
5 as the county.

6 MR. TRIPP: We will take a look at
7 that.

8 MR. SKAPINETZ: Right.

9 A. We will, obviously, have to submit
10 to the borough water and sewer, and I mentioned
11 the issue that was raised, and we'll work with
12 them on that with regard to sewer, the demand for
13 sewer is increasing here to the extent we need to
14 file to the DEP for what's called a treatment
15 works application.

16 Once we get through the public
17 works, they need to sign off on the application
18 to the state so we will need to satisfy them.
19 Then we will submit our application to the state
20 for their review for the increase in the demand.

21 For water, we don't have an increase
22 in demand that requires any further review other
23 than through the borough, and that is all with
24 respect to my direct testimony.

25 Q. Well, why don't we go through the

1 report.

2 A. Yes. That's fine.

3 MR. TRIPP: To the extent there are
4 engineering comments, if there is anything
5 left after the architect testifies, we'll
6 deal with those.

7 MR. SKAPINETZ: There are a few
8 things that need to be --

9 MR. TRIPP: Largely, the way we're
10 going to handle this is we largely agree to
11 comply. We are just going to hit the items
12 that we want to discuss that we either have
13 an issue with or want to work out with the
14 engineer, but anything we don't cover it
15 will be agreed to.

16 A. I went through the letter and this
17 is dated July 7, 2023 from Abbington. He said,
18 "Mr. Tripp, as you noted, for most part we can
19 agree through the majority of the comments with
20 those which were either need to be testified, I
21 did already provide testimony to. I'll jump
22 through those quickly, but there are other ones
23 where additional testimony was requested so I'll
24 do that here."

25 To clarify the number of ADA parking

1 spaces we have five ADA spaces proposed.

2 Q. This is under comment parking spaces
3 loading one Romanette two on page seven?

4 A. That is correct.

5 MR. TRIPP: So everybody knows where
6 we are right now.

7 MR. CHAIRMAN: Thank you.

8 A. There are five -- there are four
9 outside of the building and they are in blue on
10 this plan. There is one additional, sorry.
11 There are three there. There is one underneath
12 the building where I'm pointing my, the laser
13 here, in the interior corner of the building
14 underneath the building as well.

15 The fifth one is the EV parking
16 stall that's next to that. It's just not
17 designated as both an EV stall and an ADA stall
18 as well. So we'll add an additional notation to
19 the plan to designate that.

20 MR. CUCCHIARO: Just a question on
21 that, I don't know how the law reads on it.
22 I will get a bonus for the EV parking
23 spaces.

24 If the EV parking space is
25 handicapped, you get a bonus of one

1 handicap or is it just --
 2 MR. SKAPINETZ: No, it's just the
 3 total number of spaces. It's not -- it
 4 doesn't break it out by ADA. We submit the
 5 title report.
 6 Testimony was to be provided
 7 regarding the process and dealing with the
 8 JCP&L easement. I provided that testimony.
 9 We talked about the county easement, the --
 10 Q. Sign. Reduce the height?
 11 A. The sign, reduce the height,
 12 correct. The testimony regarding the sanitary
 13 sewer concern that was raised, I provided
 14 testimony and, again, I noted we spoke to public
 15 works today about that.
 16 We -- the other comments that I want
 17 to bring up was under site plan comments about --
 18 I talked about the location of the four and six
 19 foot fences, but I just want to reiterate we're
 20 willing to go the full six foot high instead of
 21 having the transition.
 22 Location and function of the EV
 23 charging equipment --
 24 MR. MALTESE: So the fence it's not
 25 allowed to go four foot high in the front

1 yard set back?
 2 MR. SKAPINETZ: Right.
 3 MR. MALTESE: We're not requesting
 4 you to do so.
 5 MR. SKAPINETZ: Right.
 6 MR. MALTESE: Unless the board sees
 7 fit.
 8 MR. SKAPINETZ: Correct. That's
 9 where the transition was. We'll maintain
 10 as is on the plan unless the board requests
 11 it's okay to go six foot into the front
 12 yard setback.
 13 MR. CHAIRMAN: We ordered that, yes.
 14 A. I talked about the EV charging
 15 locations. I talked about the spot where we are
 16 holding a pad for what would be the main probably
 17 transformer and other main switching equipments
 18 for that EV, for those EV stalls.
 19 What generally will happen is that
 20 lines will then be brought into the stalls where
 21 we're designating them.
 22 Inside the building we are expected
 23 to put in some wall mounted charges, and then
 24 there will be conduit run for, as needed, to
 25 provide charges at a future date as required

1 under code. That staged over the years to then
 2 bring on line the additional eight EV stalls
 3 underneath the building as well.
 4 The last comments I want to talk
 5 through is under site access and circulation, and
 6 there were three comments there.
 7 One was talking about the -- there's
 8 two parking spaces underneath the building on the
 9 southwest I'm calling the southern side. Those
 10 two stalls have some striping to the right of
 11 them and an area in the driveway aisle to allow
 12 for a car to back out and move on their way.
 13 There was some concern about --
 14 MR. MALTESE: Those weren't the two
 15 spaces. It was in the northeast corner
 16 parking numbered one and numbered 43, and
 17 that's shown on your architectural plan.
 18 MR. SKAPINETZ: On the architectural
 19 plan I saw one in here. So you're
 20 talking --
 21 MR. MALTESE: That was the county.
 22 That is one and 43 when you --
 23 MR. SKAPINETZ: And that would be,
 24 just to clarify, that would be these two
 25 parking stalls?

1 MR. MALTESE: That's correct.
 2 MR. SKAPINETZ: My comment will
 3 remain the same in that we don't prefer to
 4 to lose those parking spaces at this time.
 5 It's our goal to leave the stalls and have
 6 them as now and should there be a problem
 7 or a concern about the operation of those
 8 in the future, we could then change those
 9 over and make them compact as suggested, or
 10 possibly just stripe them off completely
 11 where we could provide another -- move the
 12 feature or as suggested use the bike rack
 13 was other comment, possibly putting in one
 14 of those stalls as well. It was our
 15 preference.
 16 We trust the operation. We've
 17 designed these types of stalls on the ends
 18 before and we feel they can function fine.
 19 There is not traffic, obviously,
 20 going through there. It is just a handful
 21 of stalls from the resident. So there's no
 22 worry. The width of the aisle is wide
 23 enough to allow for the movements. So we
 24 prefer to keep it as is.
 25 The last comment in that section was

1 talking about the fire lanes striping.
 2 I'll get up.
 3 Q. And, Mr. Skapinetz, so you
 4 preferring to keep the bike rack outside?
 5 A. Outside as well.
 6 Q. At the present time?
 7 A. Correct, and the bike rack is
 8 located right here closest to the seating area in
 9 this corner of the building.
 10 The parking -- the fire lanes
 11 striping, so in the area here, here and here, so
 12 this is at the end of the center. I will call it
 13 the parking island in the main parking field.
 14 That's striping was placed there after we
 15 coordinated with fire.
 16 If you go into the last sheet of
 17 your plan set, we have a five circulation plan.
 18 That fire truck doesn't go across
 19 those lanes but fire was asking for just
 20 additional room side to side for the trucks so if
 21 they had to get out, move apparatus, they have
 22 room side to side.
 23 So they prefer to have extra space
 24 as opposed to making it a landscape island. So
 25 that's why we show it in that configuration just

1 Q. And I think you had a comment on the
 2 lighting also.
 3 A. Oh, yes, there was a comment on
 4 lighting.
 5 So it was about adding additional
 6 lighting to go light up sidewalks along those
 7 right-of-ways. We have a brand new sidewalk
 8 being added both along West Main and Park.
 9 We have lighting, obviously, for the
 10 parking field. There is the lights, the light at
 11 the driveway off of Park does light up the
 12 sidewalk at the driveway, which is appropriate,
 13 and for safety we want that.
 14 There is light that is provided for
 15 the patio area. It doesn't quite extend to the
 16 sidewalk, but I think it should be, at least the
 17 lights in that area, to get people to walk down
 18 the stairs or the ramp to get to that patio area
 19 and the access on that end of the building but
 20 nowhere else along either roadway do I see street
 21 lights or lamps illuminating sidewalks.
 22 So I don't --
 23 MR. MALTESE: Well, currently, this
 24 plan shows this as part of your property.
 25 So it is pedestrian walkway as part of your

1 to satisfy fire.
 2 MR. MALTESE: Did you receive that
 3 in a letter?
 4 MR. SKAPINETZ: We received their
 5 approval but we didn't receive that
 6 specifically that they wanted. This is our
 7 discussion with them, and I'll be glad to
 8 go through and speak to you, you know.
 9 MR. MALTESE: That was a discussion
 10 with Matt Young verbally?
 11 MR. SKAPINETZ: Well, it was part of
 12 the review. We went and sat and met with
 13 him some and reviewed the plan as far as
 14 what they wanted to see as far as
 15 circulation through the site. That
 16 discussion was, hey, when you do this,
 17 leave the additional room at the ends of
 18 the island and leave the designated as fire
 19 lanes.
 20 MR. MALTESE: That was verbal. I
 21 didn't see anything in writing.
 22 MR. SKAPINETZ: All we received was
 23 the, essentially, the email saying that the
 24 plan was acceptable.
 25 MR. MALTESE: Okay.

1 property. It is outside the right-of-way.
 2 So you have a front patio area with
 3 benches with no lighting?
 4 MR. SKAPINETZ: Yes. So,
 5 technically, yes, because it is within our
 6 property, I understand that. I think the
 7 -- we would request, however, it's -- to
 8 place the lights there it would mean
 9 additional stanchions.
 10 I don't have -- we would have to
 11 list the light posts all along that edge
 12 and --
 13 MR. MALTESE: If you can do building
 14 mounted lights.
 15 MR. SKAPINETZ: But the building is
 16 set back further from the basins. You have
 17 the separation of the basins from there, so
 18 now we're -- with that distance I'm not
 19 going to be able to get more of a spread
 20 and probably have way more impact on the
 21 sidewalk then we are willing to have.
 22 MR. MALTESE: You guys have to
 23 figure that out.
 24 MR. SKAPINETZ: We prefer not to
 25 have the sidewalk lit along there because,

1 again, while it may technically be within
 2 our property, anyone driving through that
 3 doesn't see the invisible line. That is
 4 called our property line. It sits within
 5 the road.
 6 It really looks like a right-of-way
 7 and --
 8 MR. CUCCHIARO: Let me bring it back
 9 to this then, what is the -- does the
 10 redevelopment plan address this at all one
 11 way or the other?
 12 MR. MALTESE: No.
 13 MR. SKAPINETZ: No.
 14 MR. CUCCHIARO: Okay. It does not
 15 require illumination of the sidewalk area?
 16 MR. MALTESE: My concern is 52 units
 17 is an increase in population in the area,
 18 and there's going to be a lot of people
 19 walking around there and I think it should
 20 be well lit.
 21 MR. CUCCHIARO: Would there be any
 22 objection if there is an approval with the
 23 condition that makes lighting on the
 24 sidewalk area subject to the review and
 25 approval of the board engineer?

1 MR. SKAPINETZ: We can work -- we
 2 can agree to that. We just want to come up
 3 with something that's not too bright and
 4 too out of character and that would provide
 5 to --
 6 MR. MALTESE: I agree.
 7 MR. TRIPP: -- to do whatever is
 8 necessary for safety from your standpoint
 9 but without creating too much illumination.
 10 MR. MALTESE: I agree.
 11 MR. TRIPP: And structures and
 12 things like that. Okay. That's fine.
 13 MR. SKAPINETZ: Yes.
 14 MR. CHAIRMAN: Anything else in your
 15 report that you want to address?
 16 MR. MALTESE: No, I think that was
 17 it.
 18 MR. CHAIRMAN: Any members of the
 19 board have a question for Brett, the
 20 engineer?
 21 MS. ARGOTE-FREYRE: Yes.
 22 So your bicycle rack, what capacity?
 23 How much are you having, you know?
 24 MR. SKAPINETZ: It's shown right now
 25 for five.

1 MS. ARGOTE-FREYRE: So only five
 2 bicycles?
 3 MR. SKAPINETZ: It shows five
 4 bicycles.
 5 MS. ARGOTE-FREYRE: Is there any
 6 other space there for the resident to put
 7 their bicycles anywhere? Have you guys
 8 thought of that?
 9 MR. SKAPINETZ: I will defer that to
 10 the architect. He has a little more
 11 information on the building storage area
 12 there.
 13 MS. ARGOTE-FREYRE: Okay. Your
 14 testimony is that you're increasing the
 15 impervious coverage by 200 square feet.
 16 MR. SKAPINETZ: 23,000 square feet.
 17 MS. ARGOTE-FREYRE: 23,000 square
 18 feet, and your testimony is the
 19 bio-retention basin you intend to install
 20 will result in compliance with the
 21 regulation; is that what your testimony is?
 22 MR. SKAPINETZ: Yes, correct.
 23 MS. ARGOTE-FREYRE: Okay.
 24 And your testimony I want to be very
 25 clear is that the current structures that exist

1 are going to be able to handle the additional
 2 water usage?
 3 MR. SKAPINETZ: Yes.
 4 MR. TRIPP: The structures that are
 5 proposed.
 6 MR. SKAPINETZ: Well, proposed or
 7 the structures?
 8 MR. CUCCHIARO: I think the
 9 infrastructure.
 10 MR. TRIPP: Infrastructure.
 11 MR. SKAPINETZ: You're talking about
 12 infrastructure in the roadway? For
 13 stormwater standpoint, yes, because what
 14 we're doing is while we're getting
 15 additional volume because of the additional
 16 impervious, it is being mitigated by the
 17 basins where water is going to be held, and
 18 the rate in which that water discharges is
 19 actually going to be less than what comes
 20 off the site today to that inlet and to the
 21 basins.
 22 That's how the rules read. So what
 23 we increase that's what these basins do.
 24 They choke back the amount of volume
 25 so over the a period of time we essentially

1 get a trickle of water from this larger
 2 amount of run-off so that it's less than
 3 what is coming off the site today from a
 4 rate standpoint.
 5 MS. ARGOTE-FREYRE: And because of
 6 the increase in impervious coverage, you're
 7 adding additional landscaping and so forth;
 8 is that what you were testifying a little
 9 bit about that?
 10 MR. SKAPINETZ: No, we're providing
 11 additional landscaping because -- just
 12 we're providing additional landscaping. We
 13 have the opportunity to add more buffer
 14 particularly along the residential property
 15 lines and we're doing that.
 16 We want to beautify the site to make
 17 it aesthetically pleasing for everyone
 18 going by this. So we're doing that, right.
 19 So we want shading and landscaping
 20 in the parking areas for, you know,
 21 vehicles there and that's being provided
 22 and, obviously, along the right-of-way
 23 we've got additional landscaped for the
 24 basins, which is needed for basins because
 25 that's part of the technical requirement

1 for the design of the basins were provided
 2 there.
 3 We need to provide specific
 4 vegetation. We're doing that but,
 5 obviously, there is additional vegetation
 6 out beyond the basins in the right-of-ways
 7 as well, and that's, obviously, from the
 8 aesthetic standpoint.
 9 MS. ARGOTE-FREYRE: I have some
 10 questions about the lighting inside the
 11 parking garage but maybe that's better for
 12 the architect.
 13 MR. SKAPINETZ: Yes.
 14 MR. CHAIRMAN: Anyone else from the
 15 board? Margaret.
 16 COUNCILWOMAN ROGERS: I also had a
 17 question about the bike racks and you
 18 mentioned that it's a question for the
 19 architect, but I want to give him time to
 20 think about it or her.
 21 We are -- I don't know how much you
 22 know about our town, but we are a very
 23 walking town and bikes, scooters, that type
 24 of thing is very popular in this town.
 25 So I'm not sure that applies,

1 applies --
 2 MR. CHAIRMAN: Bike.
 3 COUNCILWOMAN ROGERS: Bike capacity
 4 is going to work, and, also, with the
 5 uprise of electric bikes, there is a
 6 concern with those being indoors.
 7 So I would think there would be a
 8 need for an area to store electric bikes as
 9 well.
 10 MR. SKAPINETZ: Okay.
 11 COUNCILWOMAN ROGERS: That would
 12 not, you know, cause danger in the building
 13 as far as, you know, being a fire hazard or
 14 that type of thing.
 15 The other question that I had was
 16 when, as far as the construction, I'm
 17 assuming all of the pipes are going to be
 18 replaced or definitely checked to see if
 19 any of them are light containing as is
 20 required, correct?
 21 MR. SKAPINETZ: Well, if, as far as
 22 ones that are existing out there today, of
 23 course, and anything that should be found
 24 in that manner will be disposed of
 25 properly.

1 COUNCILWOMAN ROGERS: Okay. All
 2 right.
 3 And then I guess the other question
 4 I have is --
 5 MR. MALTESE: Excuse me. I'm sorry.
 6 To your point, as part of our
 7 application and condition of approval, we
 8 require that the, if there is a led line
 9 found, that it's replaced to the main not
 10 just on site.
 11 MR. SKAPINETZ: Okay.
 12 COUNCILWOMAN ROGERS: And going back
 13 to our engineer's question regarding
 14 lighting, again, I, you know, made that
 15 comment that this is a
 16 walking-scooter-riding biking area.
 17 So the light would be beneficial,
 18 while it might not be aesthetically
 19 pleasing, it would be beneficial,
 20 especially since there's a bus stop right
 21 there.
 22 There may be people going around
 23 your property to get to wherever they live,
 24 so I would like that to be considered.
 25 MR. SKAPINETZ: We're going to work

1 with your engineer to add lights on there,
 2 and I'll note, too, that we will be adding
 3 additional bike rack capacity as well.
 4 COUNCILWOMAN ROGERS: And the last
 5 comment I have, as you guys are doing your
 6 construction, keep in mind that this is a
 7 high traffic area for school children, and
 8 once again, being a walking district there
 9 is a lot of traffic in that area outside of
 10 what your traffic study covered because you
 11 covered from 4:30, and we really need to
 12 cover from 3:30 as far as walking traffic,
 13 not necessarily auto traffic.
 14 MR. SKAPINETZ: Right. So there is
 15 going to be to a point, and we will come up
 16 with a plan with your engineer on that
 17 because at the end there is going to have
 18 to be a shut down of the sidewalk there for
 19 some work for a period of time, obviously,
 20 to install a new sidewalk. The work we do
 21 with the basins nearby, you know, we'll do
 22 out best.
 23 Usually, the basins go in first. So
 24 we can structure timing to ensure we get
 25 the walkways open, but if there needs to be

1 a walkway plan per se to redirect people
 2 and sign it correctly, we'll work it to do
 3 that to make sure it's safer.
 4 COUNCILWOMAN ROGERS: Okay. That's
 5 good to know.
 6 MR. CHAIRMAN: Shealyn.
 7 MS. CROMBIE: Couple of things, food
 8 for thought on aesthetically pleasing light
 9 on the proposed sidewalk is matching the
 10 lighting that is downtown with those same
 11 light fixtures. I don't know. Something
 12 that looks good.
 13 But my actual question: Is it
 14 standard and customary to put your trash
 15 enclosure so far away from the units?
 16 Like if I'm in the front right
 17 corner unit and it's February, I have to
 18 walk all the way to that back corner.
 19 That is not lit in the back corner.
 20 MR. SKAPINETZ: The width of the
 21 drive aisle is 24 feet. So we're talking
 22 about six parking spaces. It looks bigger
 23 on paper. It's really not a far distance.
 24 It really was placed from the
 25 standpoint of access for the truck and the

1 fact that the truck has to come in and
 2 maneuverability and not impact the
 3 operations, you know, and residents that
 4 are moving in and out at that time.
 5 It usually would be an off hour.
 6 It's scheduled so it can be a point where
 7 there is not as much foot traffic. They're
 8 not going to schedule it between 8 and 9 in
 9 the morning, obviously, when everybody is
 10 trying to get in and out.
 11 But the idea was really to get it to
 12 a point the truck would come in, make its
 13 turn, get -- typically, they're front
 14 loading and then back up, essentially like
 15 a general K-turn in that area and pull out.
 16 MS. CROMBIE: And when you say
 17 regular schedule, is that once a week?
 18 Twice a week?
 19 MR. SKAPINETZ: I think it's going
 20 to vary, to be honest. It's a private
 21 hauling. So, obviously, you know, it could
 22 be weeks with the residents there or maybe
 23 there is a bit more trash needs to get
 24 picked up. I would anticipate probably
 25 once a week to start and then it gets

1 varied from there.
 2 MS. CROMBIE: And I believe you
 3 wrote that there will be some sort of
 4 aesthetic shield.
 5 Can you describe what that looks
 6 like around the trash enclosure.
 7 MR. SKAPINETZ: It just a masonry
 8 trash enclosure. In a lot of cases you
 9 will see a board on board fence or
 10 something that probably has a tendency to
 11 fall apart and break.
 12 This being a masonry block enclosure
 13 it's going to be sturdy and more
 14 aesthetically pleasing. The block will
 15 probably work to match the exterior of the
 16 building so you don't have that difference.
 17 MS. CROMBIE: Okay. Thank you.
 18 MR. CHAIRMAN: Anyone else from the
 19 board?
 20 I believe there was a hot, humid
 21 day, I was going to ask you about snow
 22 removal.
 23 How are you going to remove the snow
 24 from this parking lot?
 25 MR. SKAPINETZ: In cases where there

1 is a little bit of snow, we do have some
2 grass areas where it can be placed.

3 MR. CHAIRMAN: There is a lot of
4 snow.

5 MR. SKAPINETZ: When there's a lot
6 of snow it gets hauled off. It's got to be
7 a private hauler and they have to take
8 enough to go away.

9 MR. CHAIRMAN: Any members of the
10 board? Yes, Mr. Mayor.

11 MAYOR KANE: Can you walk me
12 through, and I understand my issue, and
13 Garry hit on it before, is this sanitary
14 sewer issue, the conveyance downstream.

15 My concern this gets built and the
16 whole sanitary sewer system in that area
17 blows up like, and I don't know if this is
18 for Anthony or yourself, but maybe walk
19 myself and the public through a future,
20 understanding your capacity connecting to
21 the existing, the easement and all is good
22 on your end.

23 MR. SKAPINETZ: Right.

24 MAYOR KANE: But there may be
25 concerns downstream that it's going to

1 become an issue at some point.

2 How do we make sure that prior to
3 this being built we're going to be good? I
4 mean, if too major roads there and,
5 obviously, the sanitary runs up away from
6 those two main roads.

7 How -- just walk me through the
8 process on that.

9 MR. SKAPINETZ: So recognize we have
10 to go, I mentioned we have to go for a
11 treatment work approval from the state.
12 That's a multi-prong process.

13 So it starts with the town. Before
14 I even get to submit to the state, I have
15 to go to public works. I will work with
16 Anthony, work with Tom LaSalle. We're
17 going to do that first, by the way, before
18 anything, and we're going to find out where
19 his concern is, where the downstream flow
20 concern is of his that he raised in what we
21 talked about earlier.

22 We are going to nail that down, and
23 once he's satisfied, and that may be a
24 matter of, I don't know what it could be,
25 but it could vary between maybe there is a

1 replacement of a line, maybe there's a
2 manhole that needs to be replaced. Maybe
3 there's something that's just got to get
4 TV'd and unclogged or cleaning a line.

5 Something will happen to ensure that
6 he's okay with what we're providing and to
7 the sewer system and not going to further
8 impact what's downstream because once --
9 the next step is to go to the sewer
10 authority. They deal with treatment only.
11 Okay.

12 So there is treatment conveyance.
13 Conveyance is local in the case, and the
14 regional sewer authority they will sign off
15 on conveyance saying we can treat the
16 additional effluent that's going there.

17 Those two sign-offs is what DEP
18 needs, and then they will review with their
19 records and basically say we agree with you
20 that you have enough room in your treatment
21 plan based on all our past inspections and
22 you, borough, you know your sewer system
23 better than anyone else. That's fine,
24 conveyance.

25 So we need to get satisfied, and I'm

1 sure your public works is not going to want
2 to stick their neck out too far in signing
3 a TW application before they're satisfied
4 that we're not going to have any problems
5 here.

6 So we will, like I said, we're going
7 to meet with public works first and take
8 care of their concern.

9 MAYOR KANE: Just one more
10 follow-up, one more question, but one more
11 follow-up.

12 Is there another way to do it
13 outside of that existing easement that runs
14 through those properties to Enright? I
15 mean, is there another --

16 MR. SKAPINETZ: You know, you know
17 what, off the top of my head, I don't know.
18 Is it possible? It may be.

19 It is something certainly we can
20 look and explore. If that's the concern
21 about just that one leg, I mean, I don't
22 know of a concern of that leg though.

23 MAYOR KANE: From what I understand
24 it terminates coming up Park Avenue by
25 Barkalow. I don't know. It's going to

1 have to be checked off a lot of boxes prior
 2 to anything being built but I think
 3 Mr. Galla.
 4 MR. GALLO: Mr. Chairman, if I may,
 5 I'm the person who signs the TWAs, so we
 6 will be looking through testimony.
 7 Unfortunately, Dynamic stole our water and
 8 sewage engineer. You guys hired Kyle Smith
 9 who was our guy who used to review this
 10 stuff.
 11 So we have recently contracted with
 12 CME Associates, Mike Zubeck. So he'll be
 13 reviewing everything to make sure that it
 14 works.
 15 MR. SKAPINETZ: Okay.
 16 MR. GALLO: Obviously, anything that
 17 is required to service your project the
 18 cost would have to be borne by the
 19 developer.
 20 MR. SKAPINETZ: Understood.
 21 MR. GALLO: Tom LaSalle will direct
 22 you to Mike Zubeck.
 23 MR. SKAPINETZ: Okay.
 24 MR. CHAIRMAN: Any more questions
 25 from the board? Do the members of the

1 public wish to ask a question of the
 2 engineer?
 3 If you do, please step forward and
 4 identify yourself and give your basic
 5 residence. We will let the young lady go
 6 first.
 7 MR. CUCCHIARO: We need you to get
 8 close to the microphone of the space to get
 9 in there and if you just state and spell
 10 your name and give us your address.
 11 MS. BERG: Hi. My name is Pat Berg,
 12 B-E-R-G. My address is 133 West Main
 13 Street.
 14 Now, I'm going to ask this to you
 15 first: Was there anything in the
 16 redevelopment plan stating the orientation
 17 of the building?
 18 MR. CUCCHIARO: Well, I think the
 19 applicant engineer should answer that
 20 first.
 21 MR. SKAPINETZ: Other than the
 22 setback, there are setback requirements
 23 that show where the footprint can be
 24 placed. So we fit within those setbacks.
 25 That was the guidance.

1 MS. BERG: Was there ever any
 2 concern about changing the shape of the
 3 building, flip-flopping it, facing the long
 4 side toward the back so it wasn't so close
 5 to the road?
 6 There is nothing on that street that
 7 has a 50-foot wall 7 feet literally from
 8 the sidewalk because, according to your
 9 plan, that is the right-of-way for Monmouth
 10 County, which now if it turns into, if I
 11 was current, Anthony 8.8 something feet.
 12 MR. MALTESE: 8.67.
 13 MS. BERG: So the building will
 14 actually be sitting 8.67 feet from the
 15 sidewalk?
 16 MR. MALTESE: I can shed a little
 17 light what's in the redevelopment plan.
 18 The Section 2.0 of the plan that states
 19 plan area utilize the size from
 20 multi-family residential development that
 21 fits within the character of the existing
 22 residential development of the area.
 23 The proposed building should be
 24 similar in footprint to the existing
 25 structure but will be better, will better

1 relate to the streetscape by bringing
 2 building in the forefront of the property
 3 and provide both under and behind the
 4 parking -- built under and behind the
 5 building. So it does call for the building
 6 to be up front.
 7 MS. BERG: To be that close to the
 8 road.
 9 MR. TRIPP: And then there is also
 10 the specific standards that reinforce that.
 11 You have a 15-foot setback from Park
 12 Avenue. You've got a 23-foot from West Main
 13 and then you've got a 35-foot yard 85 foot
 14 rear yard. So the standards reinforce
 15 that.
 16 MS. BERG: Okay.
 17 MR. SKAPINETZ: And the building
 18 will actually be off the curb line of the
 19 roadway about 26 feet back.
 20 MS. BERG: Okay, but there is still
 21 going to be a little grassy area, then
 22 there's the sidewalk. Then there's going
 23 to be you're 7 feet according to your plan.
 24 MR. SKAPINETZ: There's going to be
 25 the basins.

1 MS. BERG: Seven feet and then the
2 basin.
3 MR. SKAPINETZ: Right, correct.
4 That's right.
5 MS. BERG: Now, according to your
6 plan on that basin, I'm not sure because
7 I'm looking on page 1 or 2 or it could be
8 3. It shows a wall around that basin.
9 MR. SKAPINETZ: That's correct.
10 MS. BERG: How high is that wall?
11 MR. SKAPINETZ: So from the view
12 point of the sidewalk, it's level
13 essentially with the sidewalk.
14 MS. BERG: Okay.
15 MR. SKAPINETZ: Basin goes down.
16 MS. BERG: So that walk is not
17 really a wall there?
18 The second point you have your
19 fence, your four foot high fence going
20 through basically that right-of-way, and in
21 your drawings you specify a particular type
22 of, you say aluminum fence, which doesn't
23 exist by the way. You copy and pasted
24 that.
25 MR. SKAPINETZ: You got me.

1 here. Since there is also no landscaping
2 plan for that area, you're going to have
3 people looking down into their back yard
4 when they are sitting on the seating area.
5 So you may want to either think
6 about adding extra landscaping because on
7 your landscaping plan here there is the one
8 big tree that is existing on the corner.
9 No other plants.
10 MR. SKAPINETZ: Understood. We will
11 look at that.
12 MS. BERG: I'm just trying to think
13 these people will only have a four foot
14 high fence that was what was planted.
15 These people are going to be raised up
16 above them looking down into their
17 backyard.
18 MR. SKAPINETZ: We can certainly
19 take a look at that and look to increase
20 the size of fencing.
21 There are two fences and this is
22 just for the boards and the public.
23 MS. BERG: Right.
24 MR. SKAPINETZ: You're talking about
25 --

1 MS. BERG: Yes.
2 So that I believe that spec will
3 have to be specified. I don't know with
4 kids walking with back packs and that fence
5 with pointy pickets sticking up is a good
6 idea, you know.
7 You just get a kid to swing his back
8 pack and he gets caught on it or falls on
9 his bike, whatever the case may be.
10 You may want to think about having
11 something flat across the top and not
12 pickets sticking up.
13 Another thing while we're on the
14 fence, I know you mentioned to the board
15 that you had no objection with carrying the
16 fence six foot forward of you're seating
17 area because I also see in your landscape
18 plans that this is raised. Your seating
19 are is raised.
20 Then you have a four foot fence on
21 top of that, and then this would be a four
22 foot fence going down the property line,
23 correct?
24 MR. SKAPINETZ: Correct.
25 MS. BERG: People live on the corner

1 MS. BERG: This is going from all
2 the way around --
3 MR. SKAPINETZ: We're talking about
4 the area to the right of the building
5 called to the southwest side, and the --
6 along the property line that's the area
7 where we had mentioned transition from a
8 four feet, which is required in the front
9 setback to six foot through.
10 And then there is a secondary fence
11 on top of a wall, which supports the
12 seating area, and that is raised by between
13 three and four feet in relation to -- she's
14 correct, the property to the right.
15 So that fence is shown at four feet.
16 We could also look to make that fence at
17 six foot high as well along and provide
18 double the amount of screening and we will
19 --
20 MR. TRIPP: Along the side yard?
21 MR. SKAPINETZ: That is in the side
22 yard.
23 MR. TRIPP: So you would be able to
24 do six feet without adding --
25 MR. SKAPINETZ: Right, as long as

1 it's not within the front yard. It doesn't
 2 extend to the front yard setback.
 3 Remember, the front yard setback out
 4 of West Main Street starts essentially at
 5 the building, but the majority of that wall
 6 actually is correct, is outside of that.
 7 So we could put a six foot fence on this
 8 wall and we will, in fact, additional
 9 landscaping in that gap in between.
 10 MS. BERG: Okay. Next question.
 11 All right. Also on your plan you
 12 can see it on this page right here, if
 13 anyone wants to look at it, page 8.
 14 MR. JACKSON: Is that the landscape
 15 plan?
 16 MR. SKAPINETZ: Landscape plan.
 17 MS. BERG: Landscape plan. You can
 18 see it on page 8 on your little, you also
 19 have it marked as a spill way. I guess
 20 this area right here in front that borders
 21 on the sidewalk that looks like a paved
 22 area you're showing a gate.
 23 MR. SKAPINETZ: Yes.
 24 MS. BERG: Double gate going across?
 25 MR. SKAPINETZ: Yes.

1 MR. SKAPINETZ: Right.
 2 MS. BERG: Some of these people on
 3 the Enright side already have existing six
 4 foot high fences. You cannot put your
 5 fence on the property line if they have
 6 their fence six foot off the -- six inches
 7 off the proper line, which is usually
 8 standard.
 9 MR. SKAPINETZ: Yes.
 10 MS. BERG: Plus you have all these
 11 existing trees, which are staying.
 12 MR. SKAPINETZ: Yes.
 13 MS. BERG: Some of them are
 14 extremely large, which mean you are going
 15 -- in order to do that, unless you're going
 16 to kill the roots of the trees, you are
 17 going to have to move the fence inward
 18 quite a bit, which will leave an alleyway
 19 between your fence and the people,
 20 neighbor's fence.
 21 Who is going to maintain that
 22 alleyway?
 23 MR. SKAPINETZ: What we're going to
 24 do is before we construct the fence what
 25 typically happens is we'll bring in a

1 MS. BERG: This is a 10 foot width.
 2 MR. SKAPINETZ: Yes.
 3 MS. BERG: When you open a 10 foot
 4 wide gate each leave is five foot that will
 5 encroach on the sidewalk?
 6 MR. SKAPINETZ: I'm going to swing
 7 the gates inward so they won't go out, and
 8 that is an access point for basins so it
 9 rarely going to be used. Probably going to
 10 be inspected quarterly. So once every
 11 three months it will be required to be
 12 opened and go in there also.
 13 MS. BERG: Otherwise, it will be
 14 kept locked because you are going to have
 15 people --
 16 MR. SKAPINETZ: That's correct.
 17 Otherwise, it will be kept locked.
 18 So the goal here then I'll change
 19 the swing of the gate's interior so it
 20 doesn't go out and then it will only be a
 21 couple of times a year.
 22 MS. BERG: Okay. But let's do talk
 23 about the outside perimeter fence.
 24 In this corner you show existing
 25 trees, which is large.

1 landscaping expert to come out, take a look
 2 at the trees, and we'll make sure once
 3 that -- where that fence is staked, we do
 4 keep it as close to the property line as
 5 possible.
 6 MS. BERG: Okay. It's just that I
 7 know my property has huge trees in the back
 8 and when we tried to put a fence up there,
 9 it was almost impossible to the trees, the
 10 roots go out.
 11 So it's almost impossible to post
 12 posts in there. Okay.
 13 Next question, let's go to drainage.
 14 Some people who live in the area know that
 15 when it rains heavily West Main Street
 16 floods from Enright almost to my house
 17 because the storm sewers cannot handle the
 18 amount of water.
 19 There is a storm sewer at Enright.
 20 There's a storm sewer across the street
 21 where the track entrance is. There is
 22 another symptom sewer here and another one
 23 directly across the street.
 24 I am very concerned about even the
 25 extra flow of water that's -- the road is

1 going to flood.
 2 Has anybody done a study seeing how
 3 much these storm sewers can handle because,
 4 from what I understand, this one here, this
 5 one here, they all drain out to the same
 6 place, which is a drainage grate in the
 7 track parking lot.
 8 So I think we're going to have
 9 issues with flooding of the roadway just
 10 from that extra amount because right now
 11 you're going to say, oh, it's probably the
 12 same amount it was before.
 13 No, there's a lot more grass on this
 14 property than what you proposed; and, yes,
 15 you are going to have your little
 16 bio-retention basins but, you know, until
 17 we get the first flood are we going to go
 18 see how they really work?
 19 MR. SKAPINETZ: I'm required, and
 20 this basin has been designed per local and
 21 state requirements. That requires us to
 22 reduce the storm flow by not just five
 23 percent but by, like, 20 and 50 percent for
 24 various storms.
 25 So I have to choke back that water

1 enough between these two basins so that the
 2 water that goes to the inlet, the one you
 3 pointed out that is located right in front
 4 of our site on West Main, we are going to
 5 connect in the back of that.
 6 I have to be less than what's going
 7 there today even from the site with more
 8 grass.
 9 MS. BERG: Okay.
 10 MR. SKAPINETZ: So we took that all
 11 into account. It's in my drainage report,
 12 and we factor in all the grass and there's
 13 number X that goes there. It is minus X
 14 minus 20 and 50 percent to tie in, and so
 15 we have a reduction in stormwater from this
 16 property.
 17 We're controlling that additional
 18 water that falls on the site with those two
 19 basins.
 20 MS. BERG: Okay. So you can
 21 guarantee that road is not going to flood.
 22 MR. SKAPINETZ: That I cannot do. I
 23 am not -- I do not control the rest of the
 24 roadways off the site. I'm only required
 25 to control what's on my site.

1 MS. BERG: Okay. These are my
 2 concerns.
 3 Another comment that --
 4 MR. CHAIRMAN: Question.
 5 MS. BERG: Question, is about the
 6 size of your water connection and the size
 7 of your sewer connection.
 8 You're asking for an eight inch
 9 water connection?
 10 MR. SKAPINETZ: Correct.
 11 MS. BERG: And you're asking for a
 12 six inch sewer connection?
 13 MR. SKAPINETZ: Correct.
 14 MS. BERG: Are you aware that the
 15 borough ordinance only allows for four inch
 16 sewer connection?
 17 MR. SKAPINETZ: The requirement --
 18 we have a six inch line that we're tying
 19 into and we're maximizing the capacity for
 20 our building to tie into a six.
 21 If it was a maximum, minimum four, I
 22 don't understand why there would be a
 23 maximum of four for sanitary because a lot
 24 of sanitary systems are typically six and
 25 eight inches that are designed and it --

1 but that could be for a simple -- I'm not
 2 sure if that's just a separate requirement.
 3 MR. CUCCHIARO: We're looking at it
 4 in the redevelopment plan. If it's not in
 5 the redevelopment plan, the diameter of the
 6 connections is not something that's
 7 regulated by our land use zoning or site
 8 plan ordinance. So it's not in the
 9 redevelopment plan.
 10 It's not something that we could
 11 correct prevent or deny an approval on;
 12 however, there are municipal approvals that
 13 are still required, you know, for hooking
 14 up to the infrastructure.
 15 MR. SKAPINETZ: Right.
 16 MR. CUCCHIARO: So if that is a
 17 prohibition, then they won't get that, but
 18 that's not within the parameters of what we
 19 consider here but, also, just to let you
 20 know, one of the standard condition we have
 21 for every single approval when there is
 22 approval is that the applicant has to
 23 obtain all outside approvals, whether it is
 24 from the borough, the county, the state.
 25 So they don't get resolution compliance

1 until they have shown that they can look
 2 into the system.
 3 MS. BERG: Okay. I think that's it.
 4 MR. CHAIRMAN: Thank you.
 5 Anyone else from the public have a
 6 question? Yes, sir. Please step forward
 7 and identify yourself.
 8 Sure. Steven Tepper, 9 Berkeley
 9 Place, T-E-P-P-E-R.
 10 MR. CUCCHIARO: This is just a
 11 question.
 12 MR. TEPPER: So I've lived in
 13 apartment buildings all my life. I know
 14 how people deal with their garbage, and
 15 I've seen where the garbage is put and
 16 stuff like that.
 17 I'm concerned --
 18 MR. CUCCHIARO: Your concern is
 19 testimony. So if you've got a question.
 20 MR. TEPPER: My question is, is that
 21 the open enclosure next to all the
 22 properties around that with that garbage
 23 being where it is right now leads itself to
 24 insects.
 25 MR. CUCCHIARO: Still that's not a

1 question.
 2 MR. TEPPER: So my question is how
 3 are we going to control the insects and
 4 the, and the --
 5 MR. CUCCHIARO: Is that something
 6 better for the architect to discuss or is
 7 that --
 8 MR. SKAPINETZ: My subject is to
 9 answer that part. My assumption is that
 10 the borough health officer, there is
 11 township personnel that will, should there
 12 be a complaint, we'll deal with it, but the
 13 reality is the enclosure is four-sided, has
 14 gates.
 15 MR. TEPPER: I understand that.
 16 MR. CUCCHIARO: Let him finish
 17 answering the question.
 18 MR. SKAPINETZ: And that and,
 19 obviously, there's bins with lids, so it's
 20 your typical enclosure.
 21 MR. TEPPER: So is it going to be
 22 like a container where people lift up the
 23 lid and put the garbage in?
 24 MR. SKAPINETZ: Typically, there's a
 25 lid on the top or there's a lid and there's

1 sliders on the side.
 2 MR. TEPPER: Okay. So it's up to
 3 the tenants to close and open and if they
 4 don't, stuff gets in. That's my question.
 5 MR. CUCCHIARO: I mean, the way this
 6 is set up is a rental community. There is
 7 going to be a property manager.
 8 MR. TEPPER: Property manager?
 9 Okay.
 10 MR. CUCCHIARO: I would ask the
 11 applicant.
 12 MR. TRIPP: Yes, obviously, there's
 13 going to be --
 14 MR. TEPPER: So there's going to be
 15 somebody to make sure there is compliance
 16 with --
 17 MR. CUCCHIARO: As the stenograph
 18 said, we have to talk one at a time.
 19 MR. TEPPER: I'm sorry.
 20 MR. CUCCHIARO: Mr. Tripp.
 21 MR. TRIPP: There will be,
 22 obviously, a property management.
 23 Somebody's got to be monitoring the site.
 24 There is going to be people dealing with
 25 any issues within the units and any issues

1 with the trash.
 2 MR. TEPPER: And then layered on top
 3 of that, as the expert just said, is
 4 municipal health enforcement.
 5 MR. TRIPP: Of course. Obviously,
 6 if there's an issue, it will be brought to
 7 our attention as well.
 8 MR. CUCCHIARO: And that may be
 9 brought to their attention in an informal
 10 way or through municipal court action.
 11 MR. TEPPER: So my other question
 12 is, is there going to be somebody on site
 13 all the time or somebody just wandering
 14 through on a periodic basis?
 15 MR. CHAIRMAN: We might get
 16 testimony about that later on I think.
 17 MR. TRIPP: We don't -- at this
 18 point --
 19 MR. TEPPER: Okay. That has nothing
 20 to do with this.
 21 My second question is with the
 22 basins.
 23 So when the water goes into the
 24 basins, how long does it, I mean, I know it
 25 is supposed to trickle out but how long

1 does it usually stay in there?
 2 MR. SKAPINETZ: Well, there is --
 3 it's varying times depending on the level
 4 of the storm. If there's water --
 5 MR. TEPPER: Is it like --
 6 MR. CUCCHIARO: Let him finish.
 7 MR. TEPPER: I'm sorry.
 8 MR. SKAPINETZ: There's water
 9 quality. So, basically, the basins need to
 10 all show that they can drain within 72
 11 hours, so no longer than three days are you
 12 going to have water got in there at anyone
 13 -- at any --
 14 MR. TRIPP: And three days would be
 15 the maximum --
 16 MR. SKAPINETZ: The maximum.
 17 MR. TRIPP: -- for the larger
 18 storms?
 19 MR. SKAPINETZ: Correct.
 20 MR. TEPPER: Because my concern
 21 would be in the summer time mosquitoes and
 22 stuff like that --
 23 MR. SKAPINETZ: Understood.
 24 MR. TEPPER: -- doing stuff in
 25 there. So that's taken care of. Those are

1 MAYOR KANE: Yes.
 2 MR. CHAIRMAN: Mr. Tripp.
 3 MR. TRIPP: The next witness -- what
 4 I'd like to do is address the easement
 5 issue, a representative of the county
 6 dedication, a representative of the
 7 applicants is here who is familiar with
 8 this and reviewed the title and would like
 9 to clarify our understanding of what, of
 10 what the deed accomplishes.
 11 MR. CUCCHIARO: Please raise your
 12 right hand.
 13 FRANCINE TAFJEL,
 14 Called as a witness, having first been duly
 15 sworn, testifies as follows:
 16 MS. TAFJEL: I do.
 17 MR. CUCCHIARO: Please state and
 18 spell your name for the record.
 19 MS. TAFJEL: My name is Francine
 20 Tajfel, F-R-A-N-C-I-N-E, last name
 21 T-A-J-F-E-L.
 22 DIRECT EXAMINATION
 23 BY MR. TRIPP:
 24 Q. And can you just tell us your
 25 position with the applicant.

1 my two questions.
 2 MR. CHAIRMAN: Thank you, sir.
 3 Anyone else from the public have a
 4 question for the engineer? Seeing none,
 5 motion to close.
 6 MR. JACKSON: Motion for public
 7 questions be closed.
 8 MR. CHAIRMAN: Second.
 9 MR. KEELAN: Second.
 10 MR. CHAIRMAN: Roll call, please.
 11 MS. NAPOLITANO: Mr. Barricelli?
 12 MR. CHAIRMAN: Yes.
 13 MS. NAPOLITANO: Mr. McCabe?
 14 MR. MCCABE: Yes.
 15 MS. NAPOLITANO: Ms. Crombie?
 16 MS. CROMBIE: Yes.
 17 MS. NAPOLITANO: Miss Freyre?
 18 MS. ARGOTE-FREYRE: Yes.
 19 MS. NAPOLITANO: Councilman Rogers?
 20 COUNCILWOMAN ROGERS: Yes.
 21 MS. NAPOLITANO: Mr. Jackson?
 22 MR. JACKSON: Yes.
 23 MS. NAPOLITANO: Mr. Keelan?
 24 MR. KEELAN: Yes.
 25 MS. NAPOLITANO: Mayor Kane?

1 A. I'm in-house counsel to the owner of
 2 the property.
 3 Q. And you had an opportunity to look
 4 at the title report while we were --
 5 A. I had an opportunity to review my
 6 files, to the extent I could, as I sat here on my
 7 laptop over the concerns that were raised by
 8 Mr. Maltese.
 9 Q. And what did you find in terms of
 10 the deed that was referenced in connection with
 11 the county?
 12 A. So I found that the title company
 13 concluded it was an easement and not a
 14 dedication.
 15 And just to enhance the board's
 16 understanding of how this information came about,
 17 we acquired this property in September of 2016.
 18 Earlier that year in May as part of
 19 your routine due diligence efforts, we consulted
 20 with our title company and asked them to produce
 21 what's called a title commitment, which is a
 22 report that shows all easements and other
 23 encumbrances on the property. That title
 24 commitment from May 2016 is what we delivered to
 25 the township today, and it cites all easements,

1 as I said, and other burdens or restrictions on
 2 the property.
 3 And on that list was the particular
 4 easement mentioned by Mr. Maltese. It was item
 5 no. 16 on the schedule of title exceptions.
 6 The next month I wrote a letter to
 7 the title company and I asked them to clarify
 8 whether that particular exception, no. 16, was an
 9 easement or an outright conveyance. Because, I
 10 guess, like Mr. Maltese said, it occurred to me
 11 that perhaps we could seek further clarity.
 12 The title company came back and then
 13 they issued their final title policy. It
 14 remained in the policy as an easement. They
 15 conducted whatever investigations they needed in
 16 order to make that determination, and there is
 17 language in the body of that document which
 18 confirms that the intent was to convey an
 19 easement to the county.
 20 It is my suspicion that whatever
 21 easement, were anybody to convey to the county
 22 now, like the overlaps to some extent, but we
 23 will take a closer look. We'll ask our engineer
 24 to take a closer look and ensure that those
 25 easements overlap and are compliant with our

1 plan.
 2 Q. So, basically, the title company
 3 ensured it as an easement not --
 4 A. Not only did the title company
 5 ensure it as an easement, but they ensured the
 6 boundaries on the property as shown on the survey
 7 that was up on the easel earlier. So, to the
 8 extent you see a dark boundary line around the
 9 property, that represents what we understand to
 10 be the boundary of the property.
 11 The title company issued title
 12 insurance assuring us that that is, in fact, the
 13 boundary line of the property and that is what we
 14 worked off of as far as developing the site plan.
 15 MR. CUCCHIARO: Mr. Chairman.
 16 MR. TRIPP: Yes, sir.
 17 MR. CUCCHIARO: So this, I mean, I
 18 would agree that the title insurance policy
 19 that reached that conclusion we've not had
 20 a real opportunity to take a look at it.
 21 It was given to us this afternoon.
 22 So if there is an approval, I would
 23 just condition it upon, you know, whatever
 24 documents or further inquiry would be
 25 necessary.

1 I do note, however, at the end of
 2 that document it says that it is the
 3 intention of the grantor, which would be
 4 the owner of the property, that title to
 5 the property, sorry. The text is very
 6 small here. Title to the property conveyed
 7 will be held by the grantee.
 8 I mean, normally when you're doing
 9 an easement, you're not getting a title,
 10 you know, to the property.
 11 MS. TAFJEL: So, Mr. Cucchiaro, I
 12 saw that as well and that followed the
 13 easement language, so I recognize as well
 14 when I reviewed it.
 15 MR. CUCCHIARO: It's not for -- to
 16 me it's not up for discussion tonight
 17 because I could just tell you in the 15
 18 minutes I've had to look at it I'm not
 19 going to disagree or agree with you. I
 20 mean, at best I think you can make it a
 21 condition of approval and, you know,
 22 perhaps the county may want to weigh in on
 23 this, you know, because they are the entity
 24 that has rights here.
 25 And, you know, if the county agrees,

1 then my other suggestion --
 2 MR. TRIPP: That will be my other
 3 suggestion, when we talk to the county
 4 about the easement that they requested,
 5 this issue could be addressed and we can
 6 clarify it but --
 7 MR. CUCCHIARO: I would agree that
 8 the deed uses a lot of different language
 9 sort of interchangeably for different types
 10 of documents.
 11 So whatever it is that the applicant
 12 wants to, you know, further provide, but I
 13 do feel the county absolutely needs to
 14 weigh in in terms of what their, they fell
 15 their rights are.
 16 MS. TAFJEL: Mr. Cucchiaro, if I
 17 could offer to also deliver to the township
 18 the final title policy, the policy itself
 19 that was issued in September of 2016
 20 because the commitment is not the final
 21 determination of the title company.
 22 So I think that should be in front
 23 of the town --
 24 MR. CUCCHIARO: You can submit
 25 whatever you like. I'm not restricting,

1 you know, what the applicant would submit.
 2 So submit whatever you believe would be
 3 dispositive of the issue.
 4 What I'm saying is I don't think the
 5 board can come to a conclusion on it
 6 tonight. I do believe the board can
 7 condition an approval upon those results to
 8 resolve the issue.
 9 MR. TRIPP: And that's what we would
 10 ask; that be conditioned.
 11 MR. CHAIRMAN: Do I have any
 12 questions for counsel. Wait.
 13 Is there any members of the public
 14 have any questions for the counselor?
 15 Seeing none, motion to close.
 16 COUNCILWOMAN ROGERS: So moved.
 17 MR. CHAIRMAN: Thank you, Margaret.
 18 Second.
 19 MS. ARGOTE-FREYRE: Second.
 20 MR. CHAIRMAN: Roll call, please.
 21 MS. NAPOLITANO: Mr. Barricelli?
 22 MR. CHAIRMAN: Yes.
 23 MS. NAPOLITANO: Mr. McCabe?
 24 MR. MCCABE: Yes.
 25 MS. NAPOLITANO: Ms. Crombie?

1 board and the public the benefit of your
 2 qualifications and profession background.
 3 A. Yes. I received a bachelors degree
 4 in architecture from Drexel University, and I'm a
 5 licensed architect in the State of New Jersey.
 6 My license is in good standing, and I have
 7 provided testimony at -- before other planning
 8 board in the State of New Jersey.
 9 MR. CHAIRMAN: Okay. Accepted.
 10 MR. TIETKE: Thank you.
 11 Q. So why don't you just take us
 12 through the floor plans and the elevations.
 13 A. Sure.
 14 Q. And, now, is there anything you
 15 brought with you that was not submitted as part
 16 of the application that we did not submit?
 17 A. Yes.
 18 Q. So why don't we mark those items
 19 first.
 20 A. I did bring one new exhibit.
 21 Q. Okay.
 22 MR. CUCCHIARO: We're going to mark
 23 this as A-24.
 24 MR. TRIPP: A-24. That's what I was
 25 thinking.

1 MS. CROMBIE: Yes.
 2 MS. NAPOLITANO: Miss Freyre?
 3 MS. ARGOTE-FREYRE: Yes.
 4 MS. NAPOLITANO: Councilman Rogers?
 5 COUNCILWOMAN ROGERS: Yes.
 6 MS. NAPOLITANO: Mr. Jackson?
 7 MR. JACKSON: Yes.
 8 MS. NAPOLITANO: Mr. Keelan?
 9 MR. KEELAN: Yes.
 10 MS. NAPOLITANO: Mayor Kane?
 11 MAYOR KANE: Yes.
 12 MR. CHAIRMAN: Thank you very much.
 13 MR. TRIPP: Okay. I would like to
 14 have the architect testify.
 15 STEPHEN TIETKE,
 16 called as a witness, having first been duly
 17 sworn, testifies as follows:
 18 MR. CUCCHIARO: Please state and
 19 spell your name for the record.
 20 MR. TIETKE: My name is Stephen,
 21 S-T-E-P-H-E-N, Tietke, T-I-E-T-K-E.
 22 DIRECT EXAMINATION
 23 BY MR. TRIPP:
 24 Q. Okay.
 25 Mr. Tietke, can you just give the

1 MR. CUCCHIARO: It's -- what title
 2 should we give this?
 3 MR. TIETKE: This is called 200 Park
 4 Avenue; Freehold Borough, New Jersey
 5 rendering.
 6 MR. CUCCHIARO: Color rendering.
 7 MR. TIETKE: It is a color
 8 rendering.
 9 MR. CUCCHIARO: Is there a date on
 10 it?
 11 MR. TIETKE: Yes. December 2, 2022.
 12 MR. CUCCHIARO: Okay.
 13 MR. TIETKE: And you said A-24,
 14 right?
 15 MR. CUCCHIARO: Correct.
 16 (Exhibit A-24 marked for
 17 identification.)
 18 A. Okay. So I would like to start by
 19 walking through the building floor plans and the
 20 unit configuration.
 21 First I'll just explain there are 52
 22 units and this is an inclusionary development.
 23 Nine of those 52 units are set aside for low and
 24 moderate income housing.
 25 There are 32 one-bedroom units. One

1 of those is set aside for affordable housing.
 2 The square footage of those one bedroom units
 3 varies from 670 to 725 square feet. The minimum
 4 requirement per the ordinance is 650 square feet.

5 There are 18 two-bedroom units and
 6 of those six are set aside as affordable. Square
 7 footage of those varies between 940 and 1240
 8 square feet. The minimum requirement per
 9 ordinance for two-bedroom units is 825 square
 10 feet, and there are two three-bedroom units,
 11 which are both set aside as affordable. They are
 12 each 1065 square feet, and the minimum
 13 requirement for those is 950 square feet.

14 MR. CHAIRMAN: Could you do the one
 15 bedroom again.

16 MR. TIETKE: The one bedroom units
 17 there are 32 one-bedroom units.

18 MR. CHAIRMAN: What size?

19 MR. TIETKE: Of the size, they vary
 20 from 670 to 725 square feet, and the
 21 ordinance requires that at least 650 square
 22 feet for those one bedroom units.

23 Q. So all of the units exceed the
 24 requirements in the LE development?

25 A. Yes, that's correct.

1 The plan I have up on the easel is
 2 our sheet A-1.0, which was previously submitted.
 3 It's dated March 23, 2022, and this is the first
 4 floor plan which depicts parking level area and
 5 the building entrances.

6 So you can see in this area of the
 7 building is the entrance. This is the entry
 8 lobby that's accessed both from the surface
 9 parking and from within the interior parking
 10 areas and in that lobby is mailboxes for the
 11 residents.

12 There's also parcel delivery boxes
 13 for the residents, and there is an elevator
 14 lobby, which is where the residents would come in
 15 and access the units on the upper floors.

16 There is also two egress stairs at
 17 this level. We have 43 parking spaces, and there
 18 are various areas for the water sprinkler service
 19 to come in, the electrical service to come in,
 20 and then there is a maintenance storage area up
 21 in this corner here.

22 In response to the question asked
 23 earlier about the lighting in the parking garage,
 24 typically, the parking garage would receive a
 25 finished ceiling that would mask any plumbing

1 that drops below in structure, and that ceiling
 2 would be fitted with lighting fixtures, like a
 3 fluorescent light fixture or something similar.
 4 That has not been designed yet, but
 5 as we work through the construction document, we
 6 will work with our engineer to ensure that the
 7 lighting levels in there are what's required by
 8 code as far as, you know, the foot candles that
 9 are required for minimum safety requirements for
 10 people who are using that parking garage.

11 I'll flip to the second floor.

12 MR. CUCCHIARO: Is this going to be
 13 a new exhibit or something that was already
 14 marked?

15 MR. TIETKE: I'm sorry.

16 Q. This was already submitted, correct?

17 A. This was already submitted.

18 MR. CUCCHIARO: Just identify it.

19 A. This is our sheet A-1.1. It is also
 20 dated March 23, 2020.

21 MR. CHAIRMAN: It should be my
 22 slides are dated 2023. You said 2022.

23 MR. TIETKE: I apologize. No,
 24 that's correct. March 23, 2023. I
 25 apologize.

1 MR. CHAIRMAN: I'm sorry.

2 A. This is a typical residential floor,
 3 and you can see we have the units depicted as
 4 boxes.

5 Again, the elevator lobby at the
 6 first level brings you to the elevator that
 7 accesses all the other floors.

8 On this floor off the elevator lobby
 9 is an amenity area for the residents, which we
 10 have labeled as fitness lounge. There are two of
 11 these spaces, one on the second floor and one on
 12 the third, and one will be a fitness area. One
 13 will be a lounge. We haven't decided which is
 14 which yet.

15 On this floor, on this floor there
 16 are a total of 10 one-bedroom units. There are
 17 six two-bedroom units and two of those are the
 18 affordable units; and then there are, is one
 19 three bedroom units here, which is also an
 20 affordable unit.

21 I won't flip you to the third floor
 22 plan because it is identical, and I will quickly
 23 flip to the fourth plan because it's very similar
 24 but a little bit different.

25 This is the fourth floor plan, which

1 is our plan sheet A-1.2. I'm sorry, A-1.3 dated
2 March 23, 2023, and on this floor the one change
3 is in this area around the elevator lobby,
4 instead of a three-bedroom unit and the fitness
5 room or a lounge, there is an additional
6 one-bedroom unit here, which is the sole one
7 bedroom affordable unit.

8 So on this floor there are 12
9 one-bedroom units, one of which is affordable and
10 six two-bedroom units, two of which are
11 affordable.

12 I would like to now pull up the
13 rendering that we marked as Exhibit A-24. This
14 Exhibit A-24 is a 3D perspective of the rendering
15 of the building as it is taken from the corner of
16 Park Avenue and West Main Street.

17 You can see the building height, the
18 building height as measured from the -- from the
19 mean grade to the highest point of the roof is
20 52.85 feet, and that's the average of the grade
21 along Main Street to that highest point of the
22 roof.

23 The height as measured from the
24 parking garage slab is, which is here, to the
25 height of the roof is 47 feet.

1 So the actual what I would call the
2 working height of the building is 47 and the
3 actual as it is measured by ordinance is 52.85
4 feet.

5 Q. So the plans actually have the 47
6 foot that you've looked at the engineer's
7 calculations?

8 A. Yes.

9 Q. The board engineer, he came up with
10 the 52 number per the ordinance and you agree
11 with that?

12 A. Yes, I do.

13 Q. Thank you.

14 And the permitted height under the
15 redevelopment plan is 60 feet?

16 A. 60 feet, yes; that's correct.

17 At the top of the building are some
18 parapets which are there to screen some limited
19 HVAC units and mechanical units at the roof.

20 The low parapets are approximately
21 42 inches high, and the high parapets at least at
22 the corner and center of the building are
23 approximately 66 inches high.

24 As I said, there is very limited
25 mechanical on the roof because you can see here

1 there is some faint grills along the facade.

2 Each of the units has its own
3 packaged air handling unit that provides heating
4 and cooling to that unit. So there is no need
5 for a condenser on the roof, and those are color
6 matched to the facade of the building.

7 As I believe was testified to
8 before, there is no other -- there is no other,
9 you know, the roof isn't occupied; otherwise,
10 there is no roof terrace. There is no real
11 resident access to the roof. So it's just
12 strictly mechanical.

13 Along Main Street you'll see on the
14 first floor at the base of the building along the
15 parking level we have incorporated a simulated
16 stone material, which is meant to evoke
17 limestone. There are openings in the, in the
18 facade that communicate with the parking garage.

19 So the parking garage is open for
20 ventilation and over those openings are some rod
21 hung canopies. Those rod hung canopies won't
22 protrude more than two feet beyond the face of
23 the building.

24 At the upper floors between we've
25 incorporated a mix of fiber cement panel, which

1 is like a hardy panel and brick in some soft
2 grays and the brick is traditional brick color.

3 The windows are bronze, and we have
4 incorporated these accent panels, fiber accent
5 cement accent panels that are also bronze that
6 help break up the scale and the texture of the
7 building.

8 The same treatment it follows along
9 onto the Park Avenue side.

10 You can see we have used the same
11 materials at the top of the building and the
12 cornice line. We've incorporated this fiber
13 cement cornice at the parapet level, and we have
14 popped that up at the corner to accentuate the
15 corners with some additional bracketing and, you
16 know, some additional articulation, and that's
17 really all I have you to present for the building
18 unless somebody -- anybody has any questions.

19 Q. One question I would ask there was a
20 comment that was deferred to you regarding
21 bicycles, whether there would be any room for
22 additional bike racks or something within the
23 garage area for easement bikes, whether we would
24 have any room to put that in?

25 A. We don't have anything currently

1 designated; however, there is an area of
2 maintenance storage, which will be required, you
3 know, by the, you know, by the owners of the
4 building just for daily operations.

5 But there is a possibility we could
6 take some of that spaces to create a bike storage
7 room. Ultimately, in this area over here where
8 the stair tower is entered, there is additional
9 closet opposite the stair tower which currently
10 isn't designated for any use. It's just an extra
11 space that's held open.

12 So we could possibly locate some
13 bike storage in there. I would have to study it
14 to see what would be available and how many bikes
15 we could fit, but there's some possibility at the
16 parking level.

17 And to answer your question about
18 E-bikes, the first floor of this building all
19 noncombustible construction, so this is all
20 concrete walls and concrete slabs and steel, you
21 know, steel columns, steel deck.

22 COUNCILWOMAN ROGERS: Okay.

23 MR. TIETKE: That might address that
24 concern.

25 MR. CHAIRMAN: So you provided no

1 storage areas for public use for the use of
2 the residents?

3 MR. TIETKE: No, there are no
4 additional storage area, only within their
5 own unit.

6 MR. CHAIRMAN: Anything that has to
7 be stored has to be stored in the unit?

8 MR. TIETKE: Yes.

9 MR. CHAIRMAN: Of four floors.

10 MR. TIETKE: But there is elevator
11 service.

12 MR. CHAIRMAN: How many elevators do
13 you have?

14 MR. TIETKE: There is one elevator.

15 MR. CHAIRMAN: Is that a standard
16 number for 52 units?

17 MR. TIETKE: For a building of this
18 size that's typical, yes.

19 MR. CHAIRMAN: Okay.

20 COUNCILWOMAN ROGERS: I have a
21 question.

22 MR. CHAIRMAN: Thank you. Margaret.

23 COUNCILWOMAN ROGERS: The design
24 standards, item A, it says facade of the
25 residential building shall have a

1 contextual architectural treatment which
2 shall consist of any combination of brick
3 finishing, masonry, stone, hardy plank,
4 wood and/or vinyl.

5 Now, the building that you showed us
6 had more of a modern look to it, and
7 contextually Freehold Borough is a historic
8 town, so I don't find that facade ties in
9 with the look of our town.

10 So have you studied the surrounding
11 buildings to make the appearance of the
12 building be more in line with the existing
13 buildings?

14 MR. TIETKE: Well, I felt that the
15 ordinance really was talking specifically
16 about materials, and we have provided
17 materials in keeping with the ordinance.

18 COUNCILWOMAN ROGERS: Right, but it
19 says contextual. Contextual to me means to
20 look around, like, I guess, from my
21 perspective, I would like to have liked you
22 guys to spend more time in our town to see
23 the look and feel of our town, and I don't
24 feel that this building fits in with the
25 look and feel of our town. It's very

1 modern. It's very blocky and that's just
2 not what, you know, what our town looks for
3 or is looking for, you know, when we're
4 adding different properties to our town.

5 So is there any way possible that
6 you can reconsider, you know, the look and
7 feel so that it fits in with our current,
8 you know, the current appearance of the
9 buildings in our town. It doesn't have to
10 look like an old building, but this is a
11 very, a very modern, and I don't think it
12 really fits in with the existing, the
13 existing look and feel of our town.

14 MR. TIETKE: Okay.

15 MR. TRIPP: Well, the only response
16 I would have is that we do have the
17 materials. I mean, the redevelopment plan
18 is to talk about what materials. It
19 doesn't have -- I'm not sure how the word
20 "contextual" is used but it talks about --

21 MR. CUCCHIARO: Just on that,
22 Mr. Tripp.

23 MR. TRIPP: Yes.

24 MR. CUCCHIARO: I was just looking
25 up a general definition. What I found was

1 contextual design in architecture refers to
2 constructing a building that intentionally
3 reflects, compliments and suits its
4 surroundings.

5 This meaning either being in
6 reference to the local architecture or a
7 natural landmark. It's right away working
8 along this concept will generate, you know,
9 it goes on, but that's generally, you know,
10 a definition for it.

11 MR. CHAIRMAN: I totally agree with
12 what you're saying and it would seem -- so
13 let me ask you a question as an architect,
14 what kind of changes would you make?

15 I use soften the tone of this
16 building, given the surroundings because
17 you are taking a building and you are
18 putting up a building that's already got a
19 neighborhood.

20 If this was on Route 9 on a corn
21 field, this would be the first. There
22 would be five more. So there is your
23 environment. It's compatible but you're in
24 downtown Freehold, you know.

25 What things could you do or do we

1 talk about shutters? I don't know. I'm
2 not an architect.

3 MR. TIETKE: I don't think this
4 building lends itself to shutters. I think
5 it's not the right scale.

6 MR. CHAIRMAN: Do we change the
7 colors? What do we do to soften the impact
8 to the neighborhood?

9 This is rather stark.

10 MR. TRIPP: Well, I'm advised that
11 the redevelopment plan can actually include
12 the architectural, at least included the
13 prototype architecture.

14 MR. CUCCHIARO: You could just refer
15 us to whatever section you're looking at.

16 MR. CHAIRMAN: Was that the building
17 report?

18 MR. TIETKE: Yes.

19 MR. CHAIRMAN: Sir, first of all, we
20 don't even have this picture. We don't
21 have this picture in this packet. This is
22 the first time we have seen it.

23 MR. CUCCHIARO: It's in resolution
24 220-22.

25 MR. CHAIRMAN: This one right here.

1 MR. MALTESE: It's not color. It's
2 black and white in. What I have is a black
3 and white.

4 MR. TRIPP: And so the redevelopment
5 plan actually has this building. So what
6 we submitted to the board was consistent
7 with what we were required to do under the
8 redevelopment plan.

9 MR. JACKSON: So this is our plan in
10 our package, right?

11 COUNCILWOMAN ROGERS: Yes, I see the
12 building in our packet, but that building
13 is a modern building. It does not fit
14 contextually. That's my question.

15 Is there anything we can do
16 contextually to make it fit in with what we
17 have existing?

18 MS. CROMBIE: I hear you, Margaret.
19 I do. I'm wondering if it was more brick
20 that would be too much because it is so
21 close to that corner, and I think a similar
22 structure is in that redevelopment plan
23 that they are looking at for downtown. I
24 think it's in there.

25 COUNCILWOMAN ROGERS: I would need

1 to see it because I can't see how they
2 would recommend that type of building.

3 MR. TRIPP: Well, again, as we
4 started the hearing, I mean, I understand
5 your concerns, but when we started the
6 hearing our obligation was to produce a
7 plan that's consistent with the
8 redevelopment plan and that's what we did.

9 And, quite frankly, if we did
10 something that was dramatically different
11 we wouldn't be in compliance. This actual
12 plan, this actual plan is part of the
13 redevelopment plan.

14 So, you know, I think --

15 COUNCILWOMAN ROGERS: Do we have a
16 copy of that?

17 MR. TRIPP: You know, we worked on
18 this. This was worked on in the process of
19 developing the redevelopment plan and now
20 we're following through with what our
21 obligation is.

22 COUNCILWOMAN ROGERS: Do we have a
23 copy of this?

24 MR. CUCCHIARO: This was adopted by
25 the governing body.

1 MR. TRIPP: Correct.
 2 COUNCILWOMAN ROGERS: Right. I just
 3 don't recall ever -- photo of that plan.
 4 MR. CUCCHIARO: We looked at it, and
 5 after the draft was produced of the
 6 redevelopment plan, it was referred to the
 7 planing board, this board, for a review as
 8 to consistency with the master plan, which
 9 we did, and we found out that it was
 10 substantially consistent. So we did have a
 11 look and we voted upon it prior to --
 12 COUNCILWOMAN ROGERS: No, I
 13 understand that. I don't have it in front
 14 of me is what I'm saying.
 15 So I would like to see it, where
 16 this building is projected. That's all. I
 17 don't remember from when we approved it.
 18 MR. CUCCHIARO: Oh, when we approved
 19 it.
 20 COUNCILWOMAN ROGERS: No, I don't
 21 remember seeing this particular building
 22 when we approved it. So I was just
 23 wondering if we had a copy handy.
 24 MR. CUCCHIARO: Well, it's
 25 interesting because it is attached to the

1 redevelopment plan. For whatever reason
 2 there wasn't a reference to it in the
 3 architectural standard section.
 4 MR. TRIPP: It's also a figure in
 5 the actual redevelopment plan provided
 6 January 17, 2023.
 7 MR. CUCCHIARO: I'm just looking.
 8 Is there a reference?
 9 COUNCILWOMAN ROGERS: A specific
 10 reference?
 11 MR. TRIPP: Yes, there's a specific
 12 reference.
 13 MR. CUCCHIARO: In the text of the
 14 redevelopment plan it says the building
 15 should be liked and then --
 16 COUNCILWOMAN ROGERS: I don't see
 17 that.
 18 MR. TRIPP: Yes, Figure 3 shows
 19 general rendering, elevation examples of
 20 the anticipated residential building type.
 21 MR. CUCCHIARO: Which page are you
 22 on, Mr. Tripp?
 23 MR. TRIPP: I am on page two under
 24 plan vision.
 25 THE REPORTER: Mr. Tripp, just

1 repeat what you just said.
 2 MR. TRIPP: Just give me one second.
 3 Plan vision it says Figure 3 shows general
 4 rendering elevation examples of the
 5 anticipated residential building type.
 6 MR. CUCCHIARO: Page 2 than what we
 7 have here. I got it, Mr. Tripp. You are
 8 on Section 2.0 plan vision.
 9 MR. TRIPP: Figure 3 and then plan
 10 vision it says, let's see. It's got to be
 11 reference to vision board as well.
 12 MR. CHAIRMAN: Mr. Tripp, would you
 13 need a five-minute break?
 14 MR. TRIPP: Sure.
 15 MR. CHAIRMAN: We will break for
 16 five minutes and resume on this topic.
 17 Thank you very much.
 18 (A break from the record was taken.)
 19 MR. CHAIRMAN: Welcome back, folks.
 20 Mr. Tripp.
 21 MR. TRIPP: After some discussion
 22 with your attorney what we, you know,
 23 again, what we would agree to would be a
 24 condition that would state that the final
 25 architecture would be compliant with the

1 redevelopment plan and substantially
 2 consistent with the figures shown in the
 3 redevelopment plan.
 4 MR. CUCCHIARO: Mr. Chairman, taking
 5 a look at it, you know, you can't escape
 6 the fact that these exhibits are attached
 7 to the redevelopment plan.
 8 There is some loose language around
 9 it talking about it is a general rendering;
 10 but, like I said, it is legally inescapable
 11 that those are exhibits.
 12 So the applicant has agreed to
 13 comply with the requirements of the
 14 redevelopment plan. There is going to be
 15 some modification beyond what was depicted
 16 in the exhibits, which was approved by the
 17 governing body, as well as this body,
 18 saying that it was substantially
 19 consistent.
 20 So I legally probably more than what
 21 they may be required to do, so I think it's
 22 a good faith effort to bring themselves
 23 into greater compliance with the
 24 councilwoman or to best address the
 25 councilwoman's concerns stays within the

1 spirit and the language of the
2 redevelopment plan.

3 So my legal recommendation would be
4 that the board should seriously consider
5 accepting it, but just on the general note
6 in terms of the discourse tonight. I mean,
7 it's been mentioned. It's been discovered.

8 They said what they are willing to
9 do. They are not willing to do anything
10 else, so if that generates a no vote, it
11 generates a no vote, but that's what's on
12 the table.

13 But from a legal perspective, I can
14 tell you I feel it complies with a more
15 buttoned-up manner than was expressed in
16 the redevelopment plan.

17 So I think it was productive
18 comments from the councilwoman, good faith
19 effort to the address those comments by the
20 applicant and in a way that is going to
21 ensure compliance with the terms of the
22 redevelopment plan, which is part of our
23 focus.

24 MR. CHAIRMAN: I would also like to
25 have the architect come back here again and

1 resume your testimony because I think some
2 of the changes we were talking about in
3 public -- we're not saying tear down this
4 project and start over again. No one is
5 suggesting that. All we're suggesting that
6 this is a colonial build.

7 If you're going to put a brochure in
8 Freehold, my home town, we would never put
9 that picture on the front because that's
10 the opposite of my home town, Freehold.

11 So all we're asking, and I asked
12 before I didn't have an answer for me, what
13 slight modifications, cheap. Don't spend a
14 million dollars. I will give you \$100,000,
15 could you use to soften this building to
16 make it compatible with the people who live
17 next door, especially the people who live
18 next door and especially the people who
19 live in Freehold.

20 COUNCILWOMAN ROGERS: And I just
21 want to add, conceding this is a similar
22 photo is in our redevelopment plan, for
23 some reason it's just hitting me different
24 with the darker brick and a more -- the
25 windows stand out a bit more and that kind

1 of thing.

2 So conceding it is in our plans, my
3 thought was that when you bring the
4 architectural design to us, it would be
5 your own design.

6 So maybe you can tweak what's in
7 this plan a little bit and make it more
8 your own and make it more, you know,
9 fitting in with the surrounding; and like
10 our chairman said, I'm not saying change
11 the whole thing, but this just struck me as
12 being like a block, and we really want
13 something that's attractive and, you know,
14 and people want to, you know, feel like it
15 fits in with the community.

16 That's the biggest issue that we're
17 having, you know, not that, you know,
18 people understand that the building is
19 coming, but they wanted something that's
20 going to be attractive and fits in with the
21 way, you know, our community looks.

22 MR. TIETKE: I think we would be
23 able to explore articulating the cornices
24 more, and that might give a little more of
25 a, you know, a historical field you're

1 looking for.

2 COUNCILWOMAN ROGERS: That would be
3 nice.

4 MR. CHAIRMAN: That's what we're
5 talking about.

6 MR. TIETKE: We could look at that.

7 COUNCILWOMAN ROGERS: And thank you
8 for your consideration of my comments. I
9 appreciate that.

10 MR. TIETKE: Sure.

11 MR. CHAIRMAN: Are we good with
12 that?

13 MR. CUCCHIARO: And that will be a
14 condition of the resolution. So we can
15 memorialize.

16 MS. CROMBIE: I have a question.

17 MR. CHAIRMAN: Yes.

18 MS. CROMBIE: Did you say bronze?
19 What are going to be bronze?

20 MR. TIETKE: Bronze, yes.

21 MS. CROMBIE: Will they turn green?

22 MR. TIETKE: No, no. They are not
23 actually real bronze. They are --

24 MS. CROMBIE: Okay.

25 MR. TIETKE: The color is bronze.

1 MR. JACKSON: When you mentioned
2 that; when the sun is setting on the west,
3 it is going to hit those windows on Park
4 Avenue.
5 Is that going to give any kind of
6 reflection or be a problem for drivers or
7 anything like that?
8 MR. TIETKE: They are not highly
9 reflective windows. Typically, in these
10 types of building, we will use a standard
11 double hung residential style window. So
12 they are not heavily tinted. It's not like
13 a, like a retail window that's heavily
14 tinted and highly reflective.
15 MR. CHAIRMAN: Caridad.
16 MS. ARGOTE-FREYRE: I just want to
17 clarify and perhaps you testified and I
18 just missed it.
19 So all the different openings that
20 are shown here, could you indicate what
21 they are.
22 MR. TIETKE: At that ground level?
23 MS. ARGOTE-FREYRE: Yes.
24 MR. TIETKE: Those are openings into
25 the parking garage. We designed the

1 parking garage as an open parking garage to
2 allow ventilation. So they are openings
3 along the facade.
4 MR. CUCCHIARO: Not ingress and
5 egress?
6 MR. TIETKE: Not egress, no.
7 They're ventilation and they provide a
8 little bit of interest at the street level
9 rather than solid parking walls.
10 MR. CUCCHIARO: Right. You didn't
11 want to put a solid wall with no --
12 MR. TIETKE: No, absolutely not.
13 MR. MALTESE: I have a concern with
14 that only because there are residents
15 across the street with the parking that is
16 facing those residents going at night, the
17 lights from the vehicles will be flashing
18 through those open areas.
19 Were you putting anything in the
20 interior to prevent that from happening?
21 MR. TIETKE: Right now we're showing
22 a low wall that comes up that the railing
23 sits on. I could look at maybe bringing
24 that low wall up a little higher, maybe
25 another foot or so, so that it blocks the

1 reflection from lights.
2 MR. MALTESE: So a minimum four feet
3 would you agree to from the ground level?
4 MS. TAFJEL: It's feasible.
5 MR. TIETKE: I think it's feasible.
6 We'll explore if it's feasible.
7 MR. MALTESE: Okay. Something to
8 shield the cars.
9 MR. TIETKE: Okay.
10 MS. CROMBIE: I do note, just from
11 experience of living in a building that
12 looks just like that one, is it feasible to
13 put the garbage unit in the parking garage,
14 like near the lobby parking spots 32 and
15 31?
16 MR. TRIPP: I'm seeing my engineer
17 shaking his head. So why don't I bring him
18 forward. I think you are going to have an
19 issue.
20 I think you are going to have an
21 issue with access.
22 MR. SKAPINETZ: No, we can't put it
23 inside the building. We wouldn't be able
24 to access it with the truck.
25 There's a clearance on the garage

1 doors is --
2 MR. TIETKE: Eight foot two.
3 MR. SKAPINETZ: Which is never going
4 to work for commercial.
5 MR. MALTESE: They have rolling
6 trash dumpsters.
7 MR. SKAPINETZ: It would be --
8 MR. MALTESE: Doable?
9 MR. SKAPINETZ: Which would be
10 pretty large dumpsters from what we are
11 proposing here to be able to build them in
12 and out. That's really going to be a
13 challenge.
14 MR. CHAIRMAN: Caridad.
15 MS. ARGOTE-FREYRE: I just wanted to
16 clarify, too, with respect to the bike
17 racks, sorry to get back to that, so you
18 will explore trying to put in more
19 additional bike racks; is that correct?
20 MR. TIETKE: Yes, we will explore.
21 MS. ARGOTE-FREYRE: I was going to
22 say in addition to Freehold being a walking
23 town, there are a lot of bikers. Actually,
24 there is a festival, people biking and all
25 that. It is pretty important to encourage

1 that. Thank you.
 2 MR. TIETKE: Thanks.
 3 MR. CHAIRMAN: Mr. Mayor.
 4 MAYOR KANE: Just -- I know you
 5 talked about that first floor being all box
 6 and noncombustible, all that.
 7 Any talks about restricting E-bikes,
 8 other scooters with all the current
 9 situations that are going on, like
 10 especially in New York.
 11 MR. TIETKE: We don't have a plan
 12 currently to put any E-bikes in there. I
 13 think we were talking about exploring the
 14 possibility of bike storage but if, I mean.
 15 MAYOR KANE: It is worth
 16 consideration if maybe restricting them
 17 with all the issues currently happening
 18 around.
 19 I know it's, you know, something I
 20 would like to avoid.
 21 MR. KEELAN: You don't want people
 22 bringing them in their apartment.
 23 MAYOR KANE: Or in the building at
 24 all even like some now, even though it's
 25 all block on the first floor,

1 MS. NAPOLITANO: Miss Freyre?
 2 MS. ARGOTE-FREYRE: Yes.
 3 MS. NAPOLITANO: Councilman Rogers?
 4 COUNCILWOMAN ROGERS: Yes.
 5 MS. NAPOLITANO: Mr. Jackson?
 6 MR. JACKSON: Yes.
 7 MS. NAPOLITANO: Mr. Keelan?
 8 MR. KEELAN: Yes.
 9 MS. NAPOLITANO: Mayor Kane?
 10 MAYOR KANE: Yes.
 11 MR. CHAIRMAN: Thank you, sir.
 12 MR. TRIPP: Now unless there is
 13 other questions, that's our case.
 14 As I said, we do have our traffic
 15 engineer if there are questions. I know
 16 the report said that we should be prepared
 17 to address, but if there is any lingering
 18 issues, as your attorney indicated, we're
 19 really focused on the safety of ingress and
 20 egress.
 21 We have the letter of no interest
 22 from the DOT and we have the testimony of
 23 our civil engineer.
 24 So, at this point, I wouldn't
 25 propose to call my -- to call the traffic

1 noncombustible and all that, some have
 2 storage areas to park bikes, you know,
 3 E-bikes and scooters, but there's a lot of
 4 talk now about restricting any kind of
 5 E-bikes or scooters from being physically
 6 in the footprint of a building.
 7 I would just like you to consider
 8 that as possible.
 9 MR. CHAIRMAN: Anything else from
 10 the board? Open to the public to step
 11 forward and ask Mr. Tietke, the architect,
 12 any questions about this architectural
 13 plans?
 14 Seeing none, no interest, can we
 15 have a motion to close?
 16 MR. JACKSON: I make a motion.
 17 MR. CHAIRMAN: Second?
 18 MR. KEELAN: Second.
 19 MR. CHAIRMAN: Roll call, please.
 20 MS. NAPOLITANO: Mr. Barricelli?
 21 MR. CHAIRMAN: Yes.
 22 MS. NAPOLITANO: Mr. McCabe?
 23 MR. MCCABE: Yes.
 24 MS. NAPOLITANO: Ms. Crombie?
 25 MS. CROMBIE: Yes.

1 engineer, but if there is specific
 2 questions, we can address them.
 3 MR. CHAIRMAN: Okay. Before we --
 4 MAYOR KANE: Just one maybe. If
 5 you're heading west on Park Avenue, you got
 6 to be able to turn left into the facility.
 7 MR. CHAIRMAN: Okay. We have to
 8 swear him in. That's fine.
 9 MR. TRIPP: That's not a problem.
 10 He's here.
 11 MR. CUCCHIARO: Raise your right
 12 hand.
 13 NICHOLAS VERDERESE,
 14 called as a witness, having first been duly
 15 sworn, testifies as follows:
 16 MR. CUCCHIARO: Please state and
 17 spell your name for the record.
 18 MR. VERDERESE: Nicholas Verderese,
 19 V-E-R-D-E-R-E-S-E.
 20 MR. CUCCHIARO: Could you just
 21 qualify Mr. Verderese.
 22 MR. TRIPP: Sure.
 23 DIRECT EXAMINATION
 24 BY MR. TRIPP:
 25 Q. Can you give the board your

1 professional background and qualifications as a
2 traffic engineer.
3 A. Yes. I have a bachelor of science
4 degree in civil engineering from Rutgers
5 University. I'm principal founder of Dynamic
6 Traffic located at 1904 Main Street in Lake Como.
7 I've appeared before this board a
8 handful of times in the past. I'm a licensed
9 professional engineer as well.
10 Q. And you prepared the traffic impact
11 study?
12 A. Correct.
13 Q. In this matter?
14 A. Yes.
15 Q. Can you address the Mayor's
16 question?
17 A. Yes. So that driveway is going to
18 remain exactly as you see it today. So it will
19 still be a full movement driveway.
20 The trip generation at the site is
21 about 30 peak hours trips, so one vehicle every
22 two minutes. So it's a relatively low generator
23 of traffic.
24 MAYOR KANE: So you will be able to
25 heading west on Park Avenue turn left?

1 to submit a traffic impact study because of
2 the volumes are low. We do the traffic
3 impact study for the borough and the
4 county.
5 It is good site lines there. Again,
6 it is the same driveway that's been there
7 all these years.
8 Q. And there's not -- and it will
9 function safely and, as you said, there's
10 adequate site distance?
11 A. Yes, safely and efficiently,
12 correct.
13 MR. CHAIRMAN: Do you have any
14 questions for Nicholas?
15 MS. ARGOTE-FREYRE: You took into
16 consideration there's a school farther
17 down?
18 MR. VERDERESE: Yes, the traffic
19 volume, what really controls the traffic
20 volumes there, the school has volume,
21 obviously. The heaviest volumes are
22 actually out on West Main Street.
23 The actual heavy traffic volume
24 happens during your normal peak hour and
25 not during the hour that, you know, the

1 MR. VERDERESE: You can turn left
2 in, yes. That's right where the striped
3 area goes. It is right in the area where
4 the striping is where the left turn hangs
5 opens up for the traffic signal.
6 MR. CUCCHIARO: Mr. Verderese, while
7 you are up, maybe you could put some
8 testimony on the record regarding the
9 safety of the egress and ingress.
10 MR. VERDERESE: Yes. We did traffic
11 counts and our analysis showed good level
12 of service for the driveway.
13 As our attorney mentioned, we
14 received a letter of no interest from the
15 department of transportation, essentially
16 what that says there is not a significant
17 increase in traffic.
18 MR. CUCCHIARO: That means, also, I
19 guess, from a numbers perspective, it's
20 generating less than 100 trips during peak
21 hours, right?
22 MR. VERDERESE: Yes, correct. So
23 they consider that to be not significant,
24 where you would generally not even need a
25 traffic study, and they don't require you

1 school let's out.
2 The morning peak hour we look at
3 does coincide with the school. So we did
4 look at the morning hour that coincides and
5 we did pedestrian counts as well during our
6 study.
7 MS. ARGOTE-FREYRE: So you took into
8 account the pedestrian traffic?
9 MR. VERDERESE: Correct.
10 MS. ARGOTE-FREYRE: During that time
11 period?
12 MR. VERDERESE: Being two blocks
13 from the schedule we would definitely do
14 that, yes.
15 MS. ARGOTE-FREYRE: Okay. Thank
16 you.
17 MR. CHAIRMAN: Do any members of the
18 public have a question? Yes, sir.
19 MR. TEPPER: Steven Tepper again.
20 MR. CUCCHIARO: Get a little closer
21 to the mic.
22 MR. TEPPER: Steven Tepper, 9
23 Berkeley Place. My question is when it
24 rains or it snows, does anybody see the
25 traffic on that road where it blocks up to

1 when parents bring up all their kids to the
 2 school?
 3 So that traffic backs up passed the
 4 light. Some days it gets in there, so how
 5 is his traffic doing to get in and out on
 6 those days?
 7 MR. VERDERESE: Yes, so any time
 8 when there's a queue, any property that's
 9 on a corner you have the same, same
 10 questions and concerns, how do you get in
 11 and out?
 12 We do it on every corner, right, all
 13 over the borough and, you know, the county.
 14 I have no concern.
 15 If traffic is backed up passed the
 16 driveway, like it's backed up passed
 17 everyone's driveway and every other street,
 18 there's either you wait or someone gives
 19 you a courtesy gap during peak time
 20 periods, but, in general, traffic is
 21 flowing, you know, pretty freely.
 22 MR. TEPPER: Oh, I've been on that
 23 corner. I've waited at least five, six
 24 minutes trying to get out of it to make a
 25 left turn going down towards 79, and then

1 MR. CHAIRMAN: Thank you, sir.
 2 Any other questions from the public
 3 for the traffic engineer? Seeing none,
 4 motion to close.
 5 MR. KEELAN: Motion.
 6 MR. CHAIRMAN: Thank you.
 7 COUNCILWOMAN ROGERS: Second.
 8 MR. CHAIRMAN: Thank you. Roll call
 9 please.
 10 MS. NAPOLITANO: Mr. Barricelli?
 11 MR. CHAIRMAN: Yes.
 12 MS. NAPOLITANO: Mr. McCabe?
 13 MR. MCCABE: Yes.
 14 MS. NAPOLITANO: Ms. Crombie?
 15 MS. CROMBIE: Yes.
 16 MS. NAPOLITANO: Miss Freyre?
 17 MS. ARGOTE-FREYRE: Yes.
 18 MS. NAPOLITANO: Councilman Rogers?
 19 COUNCILWOMAN ROGERS: Yes.
 20 MS. NAPOLITANO: Mr. Jackson?
 21 MR. JACKSON: Yes.
 22 MS. NAPOLITANO: Mr. Keelan?
 23 MR. KEELAN: Yes.
 24 MS. NAPOLITANO: Mayor Kane?
 25 MAYOR KANE: Yes.

1 you get stuck in all of traffic that's
 2 going into the school.
 3 So that puts me -- I have to make a
 4 consideration of what I have to do to get
 5 out of my house to get to work.
 6 MR. VERDERESE: Yes. So if you're
 7 going in that direction from our site,
 8 you're only making a right out so you're on
 9 the other side of the street. So they
 10 wouldn't have to contend with that traffic.
 11 So they're actually on the safe --
 12 see, it's a little harder for you. You're
 13 on the opposite side of the street and
 14 you're trying to get into the queue. They
 15 are on the side where they just make a
 16 right turn into the queue so you don't have
 17 to try to cross traffic.
 18 MR. TEPPER: I'm talking about
 19 people coming out of the building, too, at
 20 the same time when everything is going to
 21 work and stuff like that.
 22 MR. VERDERESE: It's going to work
 23 fine. There's good level of service.
 24 MR. TEPPER: Okay. That was my
 25 question. Thank you.

1 MR. CHAIRMAN: Before the board
 2 enters deliberation where we are going to
 3 decide whether or not we are going to
 4 approve this, this is the time for the
 5 public to now step forward and give your
 6 commentary, your thoughts on what you
 7 think, and the same way just step forward
 8 near the microphone, identify yourself.
 9 If you've spoken before, we got your
 10 address. It not just give us your address.
 11 Now is the time for any commentary from the
 12 public.
 13 Seeing none, motion to close.
 14 COUNCILWOMAN ROGERS: So moved.
 15 MR. KEELAN: Second.
 16 MR. CHAIRMAN: Thank you. One more
 17 roll call.
 18 MS. NAPOLITANO: Mr. Barricelli?
 19 MR. CHAIRMAN: Yes.
 20 MS. NAPOLITANO: Mr. McCabe?
 21 MR. MCCABE: Yes.
 22 MS. NAPOLITANO: Ms. Crombie?
 23 MS. CROMBIE: Yes.
 24 MS. NAPOLITANO: Miss Freyre?
 25 MS. ARGOTE-FREYRE: Yes.

1 MS. NAPOLITANO: Councilman Rogers?
 2 COUNCILWOMAN ROGERS: Yes.
 3 MS. NAPOLITANO: Mr. Jackson?
 4 MR. JACKSON: Yes.
 5 MS. NAPOLITANO: Mr. Keelan?
 6 MR. KEELAN: Yes.
 7 MS. NAPOLITANO: Mayor Kane?
 8 MAYOR KANE: Yes.
 9 MR. CHAIRMAN: Okay. Would you want
 10 to review one more time for the question
 11 about the title that you would discuss with
 12 counsel.
 13 MR. CUCCHIARO: So in terms of, so
 14 we're clear, in terms of size of the
 15 property and where the boundaries are,
 16 today this afternoon we received a title
 17 report that had a deed in it that has some
 18 confusing language regarding whether a
 19 portion of the property was subject to an
 20 easement in favor of the county for road
 21 widening or whether there was actually a
 22 piece subdivided off and is now held in
 23 title by the county.
 24 So there is not enough time to.
 25 resolve it one way or the other tonight;

1 we have to deal with the county anyway in
 2 terms of the easement. So that issue can
 3 be raised when we're working with the
 4 county.
 5 MR. CHAIRMAN: Okay.
 6 MR. TRIPP: But we're confident that
 7 we will be able to do that based on the
 8 testimony that we presented earlier.
 9 MR. CHAIRMAN: Okay. I look forward
 10 to that.
 11 Anyone want to start off?
 12 COUNCILWOMAN ROGERS: I will start
 13 off since I had a lot of questions. You
 14 know, reviewing the proposal and hearing
 15 that parties willingness to consider our
 16 comments and our condition, I think that
 17 this is, you know, primarily in line with
 18 the redevelopment plan for the community,
 19 and I'm leading toward a yes because I
 20 think they met all of the requirements that
 21 we set forth.
 22 MR. CHAIRMAN: Thank you. Caridad.
 23 MS. ARGOTE-FREYRE: So, yes, I agree
 24 with everything Margaret said, and I think
 25 it does meet the redevelopment plan and,

1 however, it does need to be resolved.
 2 So the condition is that the
 3 applicant will have to demonstrate to the
 4 board's professionals that the boundaries
 5 of the property, you know, are as
 6 restricted in the survey that they sent.
 7 So they've talked about going to the
 8 county. They have to go anyway to get the
 9 other easement --
 10 MR. CHAIRMAN: Right.
 11 MR. CUCCHIARO: -- draft. So that's
 12 something -- they have additional
 13 documents. They are going to talk to the
 14 county. So they are going to submit
 15 something to prove the property boundaries
 16 are correct.
 17 If they're not correct, then they
 18 might have to come back, but the condition
 19 is they have to show that that title or
 20 that deed is giving an easement and that
 21 the depiction on the surveys is correct.
 22 MR. CHAIRMAN: Yes.
 23 MR. TRIPP: That's correct. We will
 24 demonstrate that the boundaries are as
 25 shown and, as your attorney has indicated,

1 you know, I appreciate, you know, the
 2 applicant working with us, you know, with
 3 some of the comments that we made in trying
 4 to clarify some of the other issues with
 5 respect to the easements and so forth.
 6 So I'm leaning towards approving it
 7 also.
 8 MR. CHAIRMAN: Anyone else?
 9 MR. JACKSON: I agree. I have a
 10 question.
 11 What -- did we decide on a fence?
 12 There was a section that was four foot. It
 13 would go to six foot.
 14 MR. CHAIRMAN: The patio.
 15 MS. CROMBIE: Yes.
 16 MR. CHAIRMAN: They had to raise the
 17 fence up because it looks over to the
 18 neighbors backyard.
 19 MR. MALTESE: I believe he may be
 20 putting the fence on top of the wall and,
 21 also, additional plantings between the wall
 22 and the property line.
 23 MR. CHAIRMAN: And you were
 24 satisfied with that resolution?
 25 MR. MALTESE: Yes.

1 MR. JACKSON: I mean, the questions
2 of the sewage is out there but that's
3 decided by the professionals?

4 MR. CUCCHIARO: Well, that's going
5 to be the subject of an outside approval.
6 So they're going to have to show us that
7 they can hook up in order to give us
8 resolution and compliance.

9 MR. JACKSON: I guess the only other
10 concern I have because I didn't really
11 bring it up because I'm not sure it is for
12 the board is parking spillage on the
13 surrounding streets.

14 If visitors come, there is not
15 enough parking.

16 MR. CUCCHIARO: It's subject to two
17 things, one, the state has its own
18 requirements under the Residential Site
19 Improvement Standards, which really
20 preempts every municipality and if you're a
21 residential property, you know, and
22 permitted use in the zone and you satisfy
23 RSIS, there is not much that a municipality
24 can do.

25 Second, they satisfy the parking

1 requirements that were enumerated in the
2 redevelopment plan.

3 So, as a board, you know, you're
4 constrained in making them do more than to
5 comply with those two requirements.

6 MR. JACKSON: I mean, I know there
7 is some parking restrictions in other parts
8 of town by the courthouse and by the race
9 track and stuff; but, really, that's the
10 governing body, too, I guess, take up if
11 they feel they need to.

12 Other than that, I think they've
13 addressed all our concerns and I would be
14 in agreement to vote in favor.

15 MS. CROMBIE: Actually, I do have
16 one more question.

17 The trees that are remaining, if a
18 tree is just over onto the other
19 residential, and that tree happens to be a
20 very large tree that happens to die because
21 of the impervious coverage?

22 MR. CUCCHIARO: I'm sorry. The tree
23 would be located --

24 MS. CROMBIE: So there's like a --

25 MR. CUCCHIARO: -- on the subject

1 property but overhang them or something?

2 MS. CROMBIE: Some of them it looks
3 like right on the property line. If that
4 tree dies or comes down, unfortunately, on
5 its own, who is responsible for that?

6 MR. MALTESE: Currently, the way the
7 drainage is flowing where they are still
8 going to get water from the same direction,
9 all impervious coverage is in front of
10 those trees and everything is draining
11 toward West Main Street and those basins.

12 So anything that's been added
13 impervious is in front of those trees. So
14 any water that the trees are actually
15 getting are from behind those properties.

16 MS. CROMBIE: What about the root
17 system, is it under where the new parking
18 lot will be?

19 MR. MALTESE: It finds the water.
20 Those are large trees. They got the
21 system.

22 MS. CROMBIE: I don't know if that's
23 true but I will defer to you.

24 MR. CHAIRMAN: I would like to thank
25 the public for understanding what our task

1 was. That we could not re-litigate. We're
2 not changing the basic agreement that was
3 put forth by the judge and agreed to by
4 borough counsel.

5 And if the architect can do some of
6 the things we talked about with the basic
7 structure, I think this will be a very nice
8 building in Freehold Borough. So I tend to
9 think I'm going to vote yes on this
10 project.

11 Anyone else?

12 Could someone make a motion.

13 COUNCILWOMAN ROGERS: I make a
14 motion to approve the proposed plan with
15 the conditions that have been identified.

16 MR. CHAIRMAN: Thank you. Second?

17 MR. MCCABE: I will second that.

18 MR. CHAIRMAN: Thank you, Michael.
19 Roll call, please.

20 MS. NAPOLITANO: Mr. Barricelli?

21 MR. CHAIRMAN: Yes.

22 MS. NAPOLITANO: Mr. McCabe?

23 MR. MCCABE: Yes.

24 MS. NAPOLITANO: Ms. Crombie?

25 MS. CROMBIE: Yes.

1 MS. NAPOLITANO: Miss Freyre?
2 MS. ARGOTE-FREYRE: Yes.
3 MS. NAPOLITANO: Councilman Rogers?
4 COUNCILWOMAN ROGERS: Yes.
5 MS. NAPOLITANO: Mr. Jackson?
6 MR. JACKSON: Yes.
7 MS. NAPOLITANO: Mr. Keelan?
8 MR. KEELAN: Yes.
9 MS. NAPOLITANO: Mayor Kane?
10 MAYOR KANE: Yes. We all know the
11 traffic at hand.
12 (Time noted: 9:54 p.m.)
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1 CERTIFICATE

2
3 I, MICHAEL WILLIAMS, a Registered
4 Professional Reporter and Notary Public of the
5 State of New Jersey, do hereby certify that the
6 foregoing is a true and accurate transcript as
7 taken stenographically by and before me at the
8 time, place and on the date hereinbefore set
9 forth, to the best of my ability.

10 I DO FURTHER CERTIFY that I am neither a
11 relative nor employee nor attorney nor counsel of
12 any of the parties to this action, and that I am
13 neither a relative nor employee of such attorney
14 or counsel, and that I am not financially
15 interested in the action.
16

17
18 _____
19 MICHAEL WILLIAMS, RPR
20
21
22
23
24
25

Mr. Barricelli – anyone else have anything to discuss; Dominica will we have a meeting in two weeks;

Ms. Napolitano – No, we will not have a meeting in two weeks, July 26, 2023 meeting is being canceled; we will meet on Wednesday, August 9, 2023.

Mr. Barricelli – thank you; anyone, motion to adjourn

Mr. Keelan made the motion to adjourn, Ms. Councilwoman Rogers seconded; All in favor – aye (all), nay (none);

Meeting adjourned at 9:58PM.

Respectfully submitted,

Dominica R. Napolitano

