

TOWNSHIP OF LONG HILL  
PLANNING BOARD

IN THE MATTER OF:	:	TRANSCRIPT
	:	
Application No. 19-13P	:	OF
PRISM MILLINGTON, LLC	:	
50 Division Avenue	:	PROCEEDINGS
Blocks 12301/10100, Lots 1/7.01	:	
Major Preliminary and	:	
Final Site Plan	:	
	:	X

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Tuesday, October 13, 2020  
Zoom Remote Hearing  
Commencing at 8:42 p.m.

BOARD MEMBERS PRESENT:

DAVID HANDS, Chairman  
BRENDAN RAE, Mayor  
JOHN FALVEY  
VICTOR VERLEZZA  
TOM MALINOUSKY  
J. ALAN PFEIL  
DENNIS SANDOW

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1     A L S O     P R E S E N T :

2             DEBRA COONCE, Planning & Zoning Board Coordinator

3             ELIZABETH LEHENY, Township Planner

4             MICHAEL LANZAFAMA, Board Engineer

5             ROBERT FOURNIADIS, (Previously sworn)

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22  
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24  
25

I N D E X

WITNESS:		PAGE
JEFFREY MARTELL.....		6
ANGELO ALBERTO.....		44

E X H I B I T S

IN EVD.	DESCRIPTION	PAGE
A-12	Elevation Rendering	43
WK-1	Six-page document presented by Mr. Kaufman	52

1 (The Board hears Agenda Items.)

2 CHAIRMAN HANDS: Okay. Back to the Major  
3 Preliminary and site plan -- Final Site Plan  
4 application from Prism, formerly known as Tifa.

5 MR. RICHARDSON: I'm signing off, Dave.

6 CHAIRMAN HANDS: Oh, yes. Thank you for  
7 coming. We do the Special meetings just so we can see  
8 you. (Laughter).

9 So, Frank, I think would I hand it to you  
10 first in a second, or --

11 MR. REGAN: Sure.

12 CHAIRMAN HANDS: Just remind us where we  
13 are.

14 MR. REGAN: I think where we left it was  
15 that there were some questions I think from members of  
16 the public and I think from one of the Board members  
17 for our engineer, Jeff Martell, who I think is gone to  
18 another meeting, I thought 15 minutes he had done that,  
19 but I see him on the screen. So I was hoping we can  
20 start with him so we can dispose of him so he can move  
21 on.

22 CHAIRMAN HANDS: That's fine. Thank you.  
23 Jeff, do you know where you wanted to pick up from  
24 discussions the last time or --

25 MR. REGAN: No, I think it was more --

1 there was questions, Mr. Chairman. I think Mr. Sandow  
2 had a question or questions and then I think there were  
3 two or three members of the public that had questions  
4 of the engineer.

5 CHAIRMAN HANDS: Just so -- I couldn't find  
6 my note, but I think Bill Kaufman had some questions.  
7 Christina who I also see on the meeting, and Chuck who  
8 I see has his hand raised. So I see Bill, Christina  
9 and Chuck here. So thank you for reminding me. I just  
10 found my notes as to who is wishing to speak.

11 So with that said, should we hand it over  
12 to the members of the public, Deb?

13 COORDINATOR COONCE: Sure. I will start  
14 with Mr. Arentowicz.

15 MR. ARENTOWICZ: Can you hear me all?

16 CHAIRMAN HANDS: Hardly, Chuck. Speak a  
17 little bit louder, please?

18 MR. ARENTOWICZ: Sure. Let me turn this  
19 up. Is that better?

20 CHAIRMAN HANDS: That's better. Thank you.

21 MR. ARENTOWICZ: Okay. Mr. Martell --

22 THE REPORTER: Excuse me. Mr. Can you  
23 please state your full name? This is the Court  
24 Reporter.

25 MR. ARENTOWICZ: Sure. Charles Arentowicz,

1 A-r-e-n-t-o-w-i-c-z.

2 Mr. Martell, what is the highest height of  
3 this hill into the developable area?

4 J E F F R E Y M A R T E L L, having been previously  
5 sworn, testifies as follows:

6 THE WITNESS: The highest height of the  
7 fill, like at the ground surface?

8 MR. ARENTOWICZ: Bring in there -- that's  
9 correct. It goes, I assume, from one inch to X number?

10 THE WITNESS: Right. I understand the  
11 question. Just looking around the plan. It's about  
12 17 feet.

13 MR. ARENTOWICZ: And where is that highest  
14 17-foot on the property?

15 THE WITNESS: It's really in a very small  
16 are on the southwest corner on the Stone House Road  
17 frontage.

18 MR. ARENTOWICZ: Could you relate it to one  
19 of the buildings, so is it by Building 6?

20 THE WITNESS: Correct. Keep in mind, Stone  
21 House Road drops about 24 feet.

22 MR. ARENTOWICZ: I'm well aware of that.

23 THE WITNESS: So Building 8 is anywhere  
24 from five -- 2 to 5 feet below the road and then  
25 Building 6 is where the fill is, and that's in the

1 southwest corner.

2 MR. ARENTOWICZ: Okay. At your current  
3 estimate what's the amount of fill required for this  
4 site, assuming cubic yards?

5 THE WITNESS: About 21,800, which I will  
6 probably say is a high number, but as we discussed at  
7 the last meeting I wanted to represent a conservative  
8 number that doesn't assume any value engineering or  
9 reuse of any of the demolition materials which would  
10 reduce that number if that were to be the case, but we  
11 wanted to represent a conservative number for the  
12 purpose of the presentation.

13 MR. ARENTOWICZ: So 21,800 does that  
14 include replacing some of that, for example, floorings  
15 in the demolition, are you going to take out some of  
16 the soil below the pavement across the lot right now.

17 THE WITNESS: That is after demolition  
18 whatever voids would be created by demolition, so if  
19 you remove the foundation it would create a void. So  
20 it assumes filling in any of those voids and then it  
21 also displaced anything in the proposed condition. So  
22 trenches, proposed foundations, what have you. The  
23 number I gave you is a soil number. On the exhibit we  
24 presented we also itemized all of the demolition or  
25 construction materials as well.

1 MR. ARENTOWICZ: Just to confirm what was  
2 said at the last meeting, if I'm on the lowest slope on  
3 Stone House Road as you said by Building 6 where you've  
4 got 17 feet of fill, to get to the height of your  
5 45-foot Building 6 are we I think it was mentioned  
6 65 feet; is that correct?

7 THE WITNESS: Well, what was mentioned was  
8 the grade around the bottom of Building 6 to the road  
9 is 20 feet, and then, right, you added the building  
10 height another 45 feet. But everybody's just got to  
11 keep in mind Stone House Road drops 25 feet. So  
12 Building 8 actually sits 2-feet lower or 5-feet lower  
13 than Division. The retail building sits several feet  
14 lower than the road. So what you have is you have a  
15 25-foot drop on Stone House Road where it's not  
16 feasible to step the buildings down 25 feet. So it's  
17 basically a safe plateau at the high side and creates  
18 the condition you're describing on Building 6.

19 MR. ARENTOWICZ: So for some reason, and  
20 I'll just make a comment and if Mr. Rae wants to make a  
21 comment he certainly can, I'm concerned that if, for  
22 example, we had a fire incident in Building 6 and for  
23 some reason we couldn't get to the property through  
24 your pathways into your site and we had to put the fire  
25 truck on Stone House Road and we've got I think a



1 75-foot ladder truck and we're in the middle of that  
2 road and that's the closest we can get, we've got a  
3 30-foot setback I'm not sure if it was in the roof of  
4 that building we could fire -- effectively fight that  
5 fire.

6 If no one wants to respond I just raise it  
7 as a concern for those people in Building 6, given the  
8 height difference and given our 75-foot ladder truck.

9 THE WITNESS: My understand was that was a  
10 comment, but we would defer the fire -- Official's fire  
11 department. I don't think they've commented on that,  
12 so --

13 MR. ARENTOWICZ: Thank you. That's all I  
14 have for tonight.

15 THE WITNESS: Thank you.

16 CHAIRMAN HANDS: Thank you.

17 COORDINATOR COONCE: Next we have Bill  
18 Kaufman.

19 MR. KAUFMAN: Hello.

20 COORDINATOR COONCE: Bill?

21 MR. KAUFMAN: Yes, I'm here. William  
22 Kaufman, K-a-u-f-m-a-n. Just a follow up, Mr. Martell,  
23 on something that Mr. Arentowicz had mentioned on this  
24 subject. Are you familiar with the section of the  
25 ordinance that has the definitions in it? Specifically

1 there's one LU-111 height of building?

2 THE WITNESS: It's been a while since I've  
3 read it, but I believe it's based on the grade around  
4 the -- the height of the building that's measured from  
5 the grade around the building itself is my  
6 recollection.

7 MR. KAUFMAN: That's a good paraphrase.  
8 Are you familiar with the term "highest adjacent  
9 grade," which is the definition listed directly beneath  
10 the definition for height of building? I can quote it  
11 for you.

12 THE WITNESS: Yes. I couldn't recite it.

13 MR. KAUFMAN: It states and I quote, "The  
14 highest natural elevation of the ground surface prior  
15 to construction next to the proposed walls of the  
16 structure."

17 So my question is, in your experience or  
18 why do you -- are you familiar with this type of  
19 language, and why do you think ordinances have  
20 provisions or definitions for highest adjacent grade?

21 THE WITNESS: I mean, I don't think that's  
22 a fair question necessarily to ask. It would be up to  
23 each person who wrote the ordinance and what their  
24 intent was. I couldn't summarily make an assessment of  
25 that question.

1           MR. KAUFMAN: Well, what do you interpret  
2 it to mean when you say highest adjacent grade and it  
3 states the "Highest natural elevation of the ground  
4 surface prior to construction next to the proposed  
5 walls and structure"?

6           THE WITNESS: I think the answer to the  
7 question is exactly what you just said. Aren't you  
8 stating the definition?

9           MR. KAUFMAN: Well, I am, I'm just  
10 asking -- my question has to do with, I want to  
11 understand why as a professional engineer if you've  
12 come across this language before, and just for the  
13 Board's and laymen what is it used for? In your  
14 experience, how do you interpret it or how to you apply  
15 it to site design?

16          THE WITNESS: I think it's for everybody to  
17 interpret themselves. I mean, that's not the way the  
18 building height is defined in this ordinance. I  
19 haven't -- I really don't understand what you're really  
20 asking me to do.

21          MR. KAUFMAN: I'm not asking you to do  
22 anything. I mean, do they put those provisions in  
23 there to prevent essentially piling dirt up around the  
24 buildings in an attempt to conform -- you know, to keep  
25 --

1 THE WITNESS: I don't write zoning  
2 ordinances. I don't write zoning laws. I engineer  
3 plans and I look at ordinances written by others.

4 MR. REGAN: I think he indicated he doesn't  
5 know how to respond to it.

6 MR. KAUFMAN: Okay. It's a definition in  
7 the ordinance and I think it's relevant to what Mr.  
8 Arentowicz was trying to point out. And the question  
9 really is, what is the height of the natural elevation,  
10 or what the highest adjacent grade using the definition  
11 in our Land Use Ordinance at the southwest corner of  
12 the development basically where you were stating where  
13 it intersects Stone House Road right to the south of  
14 the devising line between the restricted area and the  
15 development. I mean, would you say that's elevation  
16 240, or approximately elevation 240?

17 THE WITNESS: Down by the road it's about  
18 240, 241, yeah, directly. I've tried to answer every  
19 question that's been asked of me. Just understanding  
20 --

21 MR. KAUFMAN: I'm not holding you to an  
22 inch. I just --

23 THE WITNESS: On the west side it's about  
24 246 directly if you true a line on the plain in the  
25 building closest to Stone House directly west it would

1 be 246, if you went down to the road it's about 240.

2 MR. KAUFMAN: So just to cut to the chase,  
3 there's a lot of points I'm sure you want to get into,  
4 other people want to get in. The southwest corner  
5 looking up at Building 6 we heard testimony from you  
6 and from Mr. Alberto that the finished floor elevation  
7 is around 263, so then 45 feet above that would be  
8 elevation 308. So that's somewhere between 65 and  
9 75 feet, or 65 and 70 feet above the natural elevation,  
10 natural grade elevation prior to development and the  
11 finished elevation of the street. So to your knowledge  
12 is there any experience or any condition that you can  
13 relate to or help the Board to digest within the  
14 township or the surrounding townships or anywhere that  
15 would even come close do this kind of a 70-foot tall,  
16 100-foot wide building that fronts a side street like  
17 that? I mean is there something that we can point to  
18 on the board?

19 I know that the members of the public had  
20 asked the applicant to provide a rendering depicting  
21 what that might look like and they refused to do it.  
22 But are you aware of any condition in Millington or  
23 Long Hill that would have something similar to that?

24 THE WITNESS: I'm not aware of anything in  
25 Long Hill, no. I mean I'm sure we're all generally

1 from this part of New Jersey and there's other projects  
2 in northern, central Jersey that have similar  
3 conditions but I'm not aware of one in Long Hill  
4 Township, no.

5 MR. KAUFMAN: Could I ask the Chair if an  
6 exhibit that I posted could be presented?

7 COORDINATOR COONCE: Well, Bill, what are  
8 you -- are you testifying? Because this is not the  
9 time to testify. This is for questions.

10 MR. KAUFMAN: Okay. I can save it for  
11 later. I just thought we can use it for reference.  
12 That's fine. We can wait till later. That's my last  
13 question. Thank you, Mr. Martell.

14 THE WITNESS: Thank you.

15 MAYOR RAE: Actually, could it be used just  
16 to illustrate some of those questions?

17 COORDINATOR COONCE: Jolanta?

18 MS. MAZIARZ: Well, it depends on what it  
19 is, because if we're going to start testifying with  
20 regard to exhibits we're going to have to mark it as an  
21 exhibit and then we're going to have to swear in Mr.  
22 Kaufman and take testimony. I don't think we're there  
23 yet. I think we should continue with the line of  
24 questioning and if Mr. Kaufman would like to present  
25 something that should come during testimony.

1                   MAYOR RAE: No. I was just wondering,  
2 Jolanta, if it would illustrate some of the points that  
3 Mr. Kaufman was making rather than, you know, rather  
4 than add testimony. And if we can't do that then, if  
5 we've crossed the lane then that's okay. But it's more  
6 to just he obviously was trying to make a point and I  
7 thought this may be illustrative and it would help the  
8 Board members, but if we're crossing any territory that  
9 we can't then that's okay.

10                   MS. MAZIARZ: I think the operative phrase  
11 there is making a point. If you're making a point then  
12 we need to swear people who are making points and have  
13 them testify, because that's what's going to end up  
14 happening I fear here. So let's limit it to testimony  
15 and later on if Mr. Kaufman has testimony along these  
16 lines, well, then the applicant is going to have an  
17 opportunity later to bring back the applicant's  
18 engineer and to rebut any of this testimony that's  
19 going to be brought by any members of the public.

20                   If the applicant's attorney disagrees with  
21 me and would like to start doing this now please let me  
22 know, but I really would prefer not to muddy the water  
23 between questioning and testimony.

24                   MR. REGAN: I agree with you not to.

25                   MS. MAZIARZ: Okay.

1                   CHAIRMAN HANDS: Just by reference then,  
2 the document is on the web site, so by reference people  
3 can view it.

4                   COORDINATOR COONCE: So next I'm going to  
5 bring Pam Ogens. Pam, are you there?

6                   MS. OGENS: I am here. Thank you very  
7 much.

8                   Several meetings ago, actually it was the  
9 July 14th meeting, there was some discussion with Mr.  
10 Martell that centered around density. There was  
11 discussion with Mr. Caputo and then Mr. Martell. And  
12 in that discussion, Mr. Martell, you said you're going  
13 to hear from Mr. Steckler.

14                   Who is Mr. Steckler and when will he give  
15 expert testimony?

16                   MR. REGAN: Jeff, I'll respond. It's  
17 Matthew Steckler. He's the traffic engineer and he's  
18 already testified.

19                   MS. OGENS: I would have to check that out.  
20 I'll take your word for it, but he didn't address  
21 density which apparently was the question.

22                   MR. REGAN: What specifically was the  
23 question and maybe we can try to answer it for you?  
24 I'm not sure -- I think you're correct, he may not have  
25 been the right person to answer it, but his testimony



1 was focused on traffic and parking.

2 MS. OGENS: Yes. This was discussion  
3 around the cramped environment and the lack of green  
4 open space.

5 MR. REGAN: I'm not sure that he would have  
6 been the person that would have testified to that. I  
7 mean, I think --

8 MS. OGENS: So then that would be the  
9 architect?

10 MR. REGAN: I'm not sure what the specific  
11 question is.

12 MS. OGENS: I think we'll just leave it  
13 then for public comment session and take it from there  
14 since the density question was directed to Mr. Steckler  
15 with regard to traffic only; is that correct.

16 MR. REGAN: I'm not sure.

17 THE WITNESS: I don't know what the  
18 question was. I mean, we comply with the density  
19 requirement, we comply with the coverage requirement.  
20 So I don't recall deferring a "density question" on  
21 something related to coverage to Mr. Steckler. If it  
22 was based on the number of units and somehow traffic  
23 going on and off I would have deferred it, but unless  
24 you want to ask the question again I'm happy to answer  
25 it, but as far as the ordinance I don't see any element

1 of this site that's cramped.

2 MS. OGENS: I do see a response and it  
3 complied with the ordinance in the zoning. And the  
4 question with Mr. Steckler now I believe was with  
5 regard to traffic only.

6 THE WITNESS: Got it. Thank you.

7 CHAIRMAN HANDS: Pam, are you good?

8 MS. OGENS: Uh-huh.

9 CHAIRMAN HANDS: Thank you so much.

10 COORDINATOR COONCE: Moving along we'll go  
11 to Christina Berquist.

12 MS. BERQUIST: Good evening. I have a  
13 question for Mr. Martell. I would like you to  
14 elaborate on the soil movement plan that you mentioned  
15 at your last meeting -- I mean, at your last testimony  
16 during the last meeting. Could you -- I'm not really  
17 familiar with exactly what is entailed in a soil  
18 movement plan. I was hoping you could outline more to  
19 what kind of activities it encompasses and what  
20 sequences. I mean, obviously in a rough kind of idea,  
21 but --

22 THE WITNESS: Understood. The Board asked  
23 us to prepare this, so we did. It's not necessarily a  
24 document that is always accompanied with a site plan,  
25 but in this case there was a question about it and a

1 request, so we prepared what we call a soil movement  
2 exhibit that basically in numerical form described the  
3 change in grade, either in a plus or minus fashion, in  
4 the number of feet across the site in a grid format,  
5 and then did calculations relative to demolition  
6 materials and construction materials in order to  
7 understand and quantify, in this case the amount of  
8 soil that would be brought to the site to construct the  
9 facility.

10 MS. BERQUIST: Well, last time I recall I  
11 think you said something like the soil movement plan or  
12 the soil movement would be estimated anywhere from four  
13 to -- I missed the exact number, but how many months  
14 did you say?

15 THE WITNESS: Three to four.

16 MS. BERQUIST: Three to four months?

17 THE WITNESS: Yes, for the majority of the  
18 work.

19 MS. BERQUIST: So what actions are  
20 encompassed in this soil movement plan?

21 THE WITNESS: The plan is just to quantify  
22 the amount, the sequence of construction. It doesn't  
23 necessarily detail the sequence of construction, it's  
24 just a plan to quantify the amount of material coming  
25 on and off the site. But generally speaking the

1 buildings would be demolished, the pavement would be  
2 removed. The earthwork would be completed, and then  
3 they would start the building and site work for the  
4 proposed development.

5 MS. BERQUIST: When you're saying the soil  
6 would be prepared does this entail moving it around to  
7 make it all level and all that, I'm guessing?

8 THE WITNESS: Correct.

9 MS. BERQUIST: So I know last time you said  
10 that soil in your plan was going to be, you know,  
11 stipulation that soil was going to be brought in, and  
12 then Mr. Lanzafama suggested reusing some of the  
13 material from the demolition as fill; is that correct?

14 THE WITNESS: Well, if he suggested it per  
15 se, he said that that was a possibility, which I agree  
16 with common practice. We didn't quantify it that way  
17 but there's a good chance that that does occur and that  
18 would just reduce the amount of soil that would have to  
19 be brought to the site.

20 MS. BERQUIST: But is it fair to assume  
21 that it would increase the amount of soil movement that  
22 occurs on the site?

23 THE WITNESS: It would decrease the amount.  
24 If we reused the materials on-site it would decrease  
25 the amount of movement of soil and the amount of import

1 of soil.

2 MS. BERQUIST: But you're going to have to  
3 be moving those pieces from one place to another,  
4 right?

5 THE WITNESS: Right. But we already  
6 assumed we were doing that anyway. So essentially if  
7 we were going to remove the material from the site, or  
8 if we were going to reuse it that's essentially  
9 redundant activity and then it would reduce the amount  
10 of soil it would have to bring in and the amount of  
11 soil activity.

12 MS. BERQUIST: I mean, from where I see it  
13 maybe the actions might be redundant, but I am quite  
14 concerned that we're dealing with contaminated soil and  
15 fill and moving it around even more than, you know,  
16 taking it off the site and handling it as little as  
17 possible seems more sensible under these conditions?

18 THE WITNESS: There are parameters that  
19 they would have to comply with so you can't reuse  
20 materials that have been subject to, you know, certain  
21 contaminants. So the LSRP would have to agree and  
22 approve anything that were to be reused and any soil  
23 that would be brought to the site we agreed would be  
24 certified clean soil. So I don't think there's an  
25 environmental concern relative to this soil movement.

1 MS. BERQUIST: So can you qualify then what  
2 the -- just give me an outline of what the parameters  
3 would be?

4 THE WITNESS: Parameters for what?

5 MS. BERQUIST: For reusing that fill?

6 THE WITNESS: The laws of the state of New  
7 Jersey and the LSRP dictate.

8 MS. BERQUIST: So would that mean that the  
9 LSRP has to be on-site checking this?

10 THE WITNESS: The LSRP is responsible for  
11 --

12 MR. FOURNIADIS: Didn't the we spend a lot  
13 of time talking about this?

14 MS. BERQUIST: Well, I don't know. I mean,  
15 I'm asking the expert on this, so clearly I didn't feel  
16 that it's been addressed because otherwise I wouldn't  
17 be asking.

18 MR. FOURNIADIS: He's not the LSRP.

19 MS. BERQUIST: I understand that, but  
20 you're refusing to bring back the LSRP. And when the  
21 LSRP was there and he was asked specifically about that  
22 he specified that he's not aware of any asbestos  
23 containing soil standards in New Jersey. And now we're  
24 saying we might be suggesting moving the soil around  
25 even more that --

1                   THE WITNESS: Let's just back up one  
2 second. Let's just back up one second. The soil  
3 movement plan that was submitted does not assume reuse  
4 of any construction materials. The soil movement  
5 exhibit was submitted in order to give the Board an  
6 understanding of the earthwork on the project and what  
7 I characterize as a conservative assessment meaning  
8 that the amount of soil that we're calculating is  
9 probably a little high, but for the purpose of a  
10 Planning Board presentation we didn't want to risk  
11 being low and then having more material.

12                   So we've given a conservative assessment,  
13 whether materials are reused or not the movement  
14 exhibit comment on that either way, if it can be done  
15 in the confines of the law and with the approval of the  
16 LSRP who has oversight on the project then it  
17 physically can be done. If that were to be the case  
18 then it would reduce the amount of soil that would be  
19 imported to the site. So I think that's the answer,  
20 period, end sentence relative to the soil movement.  
21 Anything else in terms of environmental I would not be  
22 answer to answer.

23                   MS. BERQUIST: So as far as bringing in  
24 21,000 cubic feet of soil or fill how much are you  
25 estimating to take out?

1           THE WITNESS: We don't estimate to take out  
2 soil because it's a site where we need to raise the  
3 grade. So we don't plan to remove soil, we plan to  
4 just bring soil in to supplement what's there to create  
5 a safe grade for the project.

6           MS. BERQUIST: Is anything going to be  
7 taken out? I mean, maybe not soil but rubble or I  
8 don't know what it would be called?

9           THE WITNESS: Yes. Construction debris  
10 would be probably taken out and that's itemized on the  
11 plan as well.

12          MS. BERQUIST: So how much are you roughly  
13 talking on that end?

14          THE WITNESS: Well, we only itemize below  
15 the ground. I didn't quantify anything above the  
16 ground so, I don't have an estimate for the total  
17 demolition debris.

18          MS. BERQUIST: So, it's very hard for me to  
19 conceptualize that because what I see there right now  
20 is quite massive the structures that are there. So --  
21 and maybe my confusion is because I'm not, you know,  
22 this is not my subject area so I'm not necessarily  
23 understanding each detail of this. So am I  
24 understanding correctly that when you're talking about  
25 fill being brought in that's separate, like it's a



1 separate thing from the material, the building material  
2 that's currently there?

3 THE WITNESS: Correct. That soil being  
4 brought in.

5 MS. BERQUIST: So the building material  
6 that's currently there or the buildings, the structures  
7 that are currently there aren't included in your soil  
8 movement plan? I mean, just by nature of them not  
9 being soil?

10 THE WITNESS: Anything below the surface  
11 has been calculated and quantified. So all the  
12 demolition below the surface was quantified, but that  
13 is a separate item than fill. So we assumed that that  
14 would be removed and any voids created from that would  
15 be filled in with soil that would be brought in to the  
16 site.

17 MS. BERQUIST: Okay. That's fair enough.  
18 Then who would be able to give an approximate estimate  
19 of how much is going to be removed that's above the  
20 surface?

21 THE WITNESS: I don't think anybody has  
22 calculated that number.

23 MR. REGAN: That would be done as part of,  
24 you know, the demolition contract. I mean, if there's  
25 any information that we submitted to the construction

1 official in association with the demolition permit it  
2 would be dealt with at that time. I don't think it's  
3 within the Board's purview to require that information  
4 from the applicant at this stage.

5 MS. BERQUIST: Well, I'm not sure that a  
6 requirement is really what I'm asking for. I'm just  
7 asking to find out what -- if the demolition is not  
8 included in the soil movement plan then how -- then  
9 what's the time frame.

10 MR. FOURNIADIS: It's 150,000-square  
11 foot -- total of 150,000-square feet in the four  
12 buildings. That's all we know. We're going to get a  
13 demolition contractor licensed in the state of New  
14 Jersey. We're going to apply for a demo permit which  
15 will include many things, including controlling dust  
16 and the traffic pattern, and then that's something that  
17 we'll do after we have site plan approval and we're  
18 ready to start demolition. We're not going to demolish  
19 the building before we have site plan approval.

20 There's nothing else we can tell you and  
21 I've never been asked this question in a site plan  
22 application before, and I've developed property with  
23 much larger buildings than this one here and we've  
24 never had a problem demolishing them and carting the  
25 material away. We always comply with the law and get

1 the necessary permits and we're certainly going to do  
2 the same thing here.

3 MS. BERQUIST: Well, how many of these  
4 buildings that you keep referencing are in a  
5 residential area on top of a Superfund site with  
6 contaminated --

7 MR. FOURNIADIS: This site does not sit on  
8 a Superfund site. The building will sit on the eight  
9 acres that are not part of the Superfund site. And the  
10 Superfund site isn't the Superfund site anymore.

11 MS. BERQUIST: With all due respect that's  
12 wrong.

13 MR. FOURNIADIS: It's not wrong. But  
14 that's okay. Every building we have ever done the  
15 trucks have had to go through residential areas.

16 MS. BERQUIST: So how much, or how long do  
17 you plan on this removal to be happening for?

18 MR. FOURNIADIS: Total demolition could be  
19 between six and nine months.

20 MS. BERQUIST: Six to eight months? Is  
21 that what you said?

22 MR. FOURNIADIS: Six to nine months. I  
23 mean, it depends. It depends on availability of  
24 trucks, material, labor. It depends on how quickly the  
25 town rules on the permits. There's a lot of factors

1 involved. It depends on the whether, it depends on  
2 what time of year we start.

3 We demolished 440,000-square feet in  
4 Dunellen, a job that was mentioned several times by  
5 some of the public participants, and it took us 12  
6 months to demolish that building and cart everything  
7 away through a residential area next to residential  
8 neighborhoods with no incidents.

9 CHAIRMAN HANDS: Do you mind if I just  
10 interject for one second and maybe just help clarify  
11 something in my mind? And maybe it's just terminology  
12 here. So you're going to move material out, demolition  
13 material we'll call it for simplicity sake. You're  
14 going to bring in cleaner soil. You're not going to  
15 remove soil, but I think just from my understanding if  
16 it were contaminated soil on this site would that be  
17 removed or is that --

18 MR. FOURNIADIS: Yes. We're in the middle  
19 right now, Chairman, of completing our remedial  
20 investigation report for the eight acre, the  
21 developable area. And that will determine if there are  
22 any hot spots that need to be removed. That cant be  
23 left in place underneath engineering and institutional  
24 controls. We don't know what that number is. I don't  
25 expect it to be a large number, but whatever it is that

1 has to be removed that can't remain, not withstanding  
2 the engineering controls, that will also be removed.  
3 But as we sit here today we're still in the middle of  
4 completing the RI and we don't have that number, but  
5 whatever it is if it needs to be removed it will be  
6 removed. If it will stay in place and be capped it  
7 will stay in place and be capped. Once we demolish the  
8 buildings and we have the concrete tested, if we get  
9 the approval from the DEP for reuse of the materials  
10 then we will reuse that to reduce the amount of  
11 material that (A), has to be exported, and (B), has to  
12 be imported, thereby reducing the movement of debris in  
13 soils, and reducing the number of trucks that have to  
14 come to the property and leave the property. So it's  
15 in everybody's best interest to reuse as much of the  
16 material as we can if it is environmentally proper to  
17 do so.

18 That's exactly what we did in Dunellen. We  
19 were able to reuse 20,000 cubic yards of concrete from  
20 the buildings. So there the import was almost 70,000  
21 cubic yards, so we're able to reduce the import by  
22 about a third, and we're hoping to do something similar  
23 here.

24 CHAIRMAN HANDS: So without putting words  
25 in your mouth, in simple terms, if something is

1 contaminated the material or soil based upon your  
2 findings that would be moved out appropriately.  
3 Anything coming in will be cleaned, and if you can  
4 reuse you will reuse -- that can be reused safely.

5 MR. FOURNIADIS: Yes to all three  
6 questions.

7 CHAIRMAN HANDS: Thank you. Christina,  
8 does that help at all just to clarify that a bit?

9 MS. BERQUIST: A bit, yes. I mean,  
10 honestly there is still a concern on my end for that  
11 because, you know, you said the DEP is going to be  
12 approving whether or not you can reuse the material.  
13 So I'm -- who is going to be that person overseeing  
14 that, is that the LSRP?

15 MR. FOURNIADIS: Ms. Berquist, I'll tell  
16 when, you it's time to apply for this why don't you  
17 come with me so you can see.

18 MS. BERQUIST: It's simply a yes or no  
19 question. You don't have to talk to me in a  
20 condescending way.

21 MR. FOURNIADIS: I'm trying to answer you.  
22 The DEP makes us go through so many hurdles. So much  
23 information has to be provided. Everything has to be  
24 certified. First of all, we wouldn't want to keep  
25 contaminated soils in place just to save a few dollars.

1 Nobody does that. But even if we wanted to we wouldn't  
2 be able to do that because the DEP puts so much  
3 scrutiny on everything that you do and it takes months  
4 to get the necessary approvals to reuse the spoils from  
5 a demolition. And we'll be an open book, as I've told  
6 the Board many times. Whatever we submit to the DEP  
7 we'll submit to the town, we'll submit to Mr.  
8 Lanzafama, and they're free to look at it and let's see  
9 what we already know. We're not going to try to get  
10 away with anything here.

11 CHAIRMAN HANDS: And Christina, I also  
12 think he's trying to be transparent in that comment and  
13 that's and offering to you to be involved in that  
14 process.

15 MS. BERQUIST: Yeah. Well, thank you. I  
16 appreciate that. Okay. So I have another question for  
17 Mr. Martell then. The building height on the corner of  
18 Division and Stone House or really Division, you just  
19 said, I didn't ask that question earlier, but then it  
20 just got brought up right before, you said it's going  
21 to be 65-feet high from the road. That's awfully tall.

22 THE WITNESS: Let's just back up. So the  
23 building's not 65 feet and we weren't talking about  
24 Division. The buildings along Stone House Road are  
25 45 feet. Building 8 which is closest to Division

1 actually sits lower than Division so it would be  
2 perceived as, you know, being even lower than the  
3 building height. Building 6 which is closest to the  
4 river sits on the area of the site where we're  
5 essentially filling the site. So it's a 45-foot tall  
6 building, that one particular building sits 20 feet  
7 higher than Stone House Road.

8           Along Division all of the buildings  
9 actually sit lower than the grade on Division. So  
10 along Division they would all be perceived by, you  
11 know, a flat level eye as being lower than that true  
12 height of the building, because it's at a lower grade.  
13 So it's really just the one area along Stone House Road  
14 which is really just a function of the fact that Stone  
15 House Road drops 25 feet along the frontage.

16           MS. BERQUIST: So looking at the design  
17 plan for the trees, I see that there are, you know,  
18 some large or trees that are to grow larger in front of  
19 it, but they're going to be sitting lower than the  
20 foundation of the building; right?

21           THE WITNESS: The trees along Division  
22 would sit just a tick higher than the buildings would  
23 be at their grade. So they would be in between the  
24 elevation of Division and the buildings themselves.  
25 That would be the grade elevation of those trees.



1 Obviously those trees, the evergreens are 6-plus feet,  
2 and the deciduous trees will obviously grow to a height  
3 over time.

4 MS. BERQUIST: Right. So I was looking at  
5 that, I know like a Willow Oak that you have in your  
6 plans is probably the largest tree in there which grows  
7 to up to 60-feet tall. But even of that sitting below  
8 grade the building is going -- is still, and this is  
9 once the trees are fully grown which, you know, at a  
10 rate of like two feet per year is going to take a  
11 considerable amount of time, but the Building 6 is  
12 going to be towering over any kind of landscaping  
13 design in front of it regardless of what time we're  
14 looking at it, right?

15 THE WITNESS: Right. And we have talked  
16 about this grade a number of times.

17 MS. BERQUIST: I don't understand why I  
18 can't -- I really feel that I'm not getting a  
19 respectful yes or no answer. I think I'm getting --

20 MR. REGAN: Well, you asked if it was  
21 towering. It's not towering. I mean, you're using  
22 words to describe things that are not realistic, and  
23 the trees aren't intended to block the buildings.

24 MS. BERQUIST: Okay. Well, let's see. I  
25 asked for quantifiable answers before and I was told

1 that's not possible. So let's go with this one then.  
2 How many feet above the tree line are going to be  
3 showing off the building from Stone House Road.

4 MR. REGAN: When?

5 MS. BERQUIST: Once the trees are fully  
6 grown, for all I care. Certainly not when you put them  
7 in, because I highly doubt you're going to put them in  
8 at 60 feet.

9 MR. REGAN: We can't answer that question  
10 unless you tell us when.

11 MS. BERQUIST: Okay. Then why don't we  
12 talk about in five-year from now from when it's build?

13 MR. REGAN: Are you able to give an  
14 estimate for that, Jeff?

15 THE WITNESS: Yes. So building eight is,  
16 you know, on Division it's 5-feet lower. On Stone  
17 House it's anywhere from 2 feet lower to about the  
18 same. So in five years the trees will be about 10-feet  
19 taller. So take the height of the building minus 10  
20 feet. Then on Stone House, you know, the building sits  
21 20-feet higher than the road, the building is 45 feet  
22 tall, as we talked about. Trees sit on the low side of  
23 that, it will be about 10-feet tall in five years. So  
24 they'll be lower than the building considerably on  
25 Building 6, and they'll be, you know, in that first 10

1 feet of Building 8.

2 MS. BERQUIST: So how much lower will they  
3 be?

4 THE WITNESS: About 10-feet lower than the  
5 bottom of the building.

6 MS. BERQUIST: Than the bottom of the  
7 building meaning the ground level of the building?

8 THE WITNESS: Correct.

9 MS. BERQUIST: So how much lower will they  
10 be than the top of the building?

11 THE WITNESS: Anywhere from on one side  
12 they'll be --

13 MS. BERQUIST: Of Building 6?

14 THE WITNESS: Yes, I've got you. On one  
15 side it would be 35-feet lower, and on the other side  
16 it would be about maybe 20, 20-feet lower.

17 MS. BERQUIST: So whether or not you're  
18 using an adjective to describe that 35 feet of building  
19 well into the time after it's being built that's a lot,  
20 that's a lot of building that's --

21 THE WITNESS: Well, I echo with a what Mr.  
22 Regan said. The idea is not to block the building.  
23 The building's been designed with the treatment to, you  
24 know, to be proud to be visible. So it's not --  
25 landscaping wasn't intended to block anything, it was

1 meant to really soften the view of the walls along the  
2 road frontage and just provide a nice streetscape. So  
3 it was never the intention to block these buildings.

4 MS. BERQUIST: Well, in that case, it would  
5 really be great, just as I believe Chairman Hands asked  
6 before, to get at least an approximate rendering of  
7 what it would look like from let's say the Division -  
8 Stone House Road. I mean, that direction is much more  
9 frequently traveled than the direction behind the train  
10 station which is what you currently have as a  
11 rendering. And maybe it would soften this a little bit  
12 looking, you know, at that kind of view as opposed to  
13 the view on the lowest end of the property, because  
14 that's a concern of mine, you know, if you're showing  
15 this building at its highest height and there is  
16 nothing representing that it's a little bit hard to  
17 conceptualize, especially when you're talking about  
18 such an enormous height as compared to any other  
19 building structure in Millington.

20 THE WITNESS: Well, the height of the  
21 building not, per se, but from Stone House Road, you  
22 know, we've described the height in both cases, depends  
23 on where you're looking at it, but yeah the applicant  
24 heard their request for the rendering. It's been  
25 said --

1 CHAIRMAN HANDS: Is that something --

2 THE WITNESS: -- I've presented everything  
3 fairly and accurately.

4 MR. REGAN: I don't know what the point is.  
5 It's clear that, you know, it's going to show that the  
6 landscaping is below the building itself. I mean, I'm  
7 not sure what the purpose of it is, the rendering.

8 MR. FOURNIADIS: If I may also. First, we  
9 complied with the ordinance. Secondly, there's a  
10 terrace wall in front of it that we spent a lot of time  
11 designing it, redesigning it, responding to all of your  
12 expert's concerns and suggestions. There's a lot of  
13 landscaping in that corner between Building 6 and then  
14 Stone House Road. It's not just a straight wall. It's  
15 not the foundation of a building. It's a step terrace  
16 landscape feature. No amount of trees is going to  
17 block that building. Maybe one day when the tree is  
18 60-feet tall it will be but that's not going to be for  
19 a long time.

20 I just don't understand the purpose of a  
21 rendering, you're going to see the building. Like Jeff  
22 said, it's -- the top of the building is going to be  
23 65 feet from the bottom of the road, but there is going  
24 to be landscaping on the road and there's also that  
25 landscaped terraced area behind -- between Building 6

1 and Stone House Road. We have complied with everything  
2 in your ordinance and all of the recommendations and  
3 requests of your professionals.

4 I don't see why we have to now stop  
5 everything and come back with a rendering and have  
6 another meeting on that.

7 MS. BERQUIST: Well, I mean, if you're --

8 MR. FOURNIADIS: And we're not going to do  
9 it. The bottom line is we're not going to do it.

10 MS. BERQUIST: Of course. Just because you  
11 don't have to.

12 MR. FOURNIADIS: No. Because this is our  
13 seventh meeting, and then we have answered questions.  
14 We have brought our professionals back. We have  
15 provided revised renderings, and everything the town  
16 has asked us to do we have done. There comes a point  
17 in time where the applicant rests and says that's it.  
18 No more testimony. We're here to take questions and  
19 listen to the public testify.

20 MR. REGAN: I mean, we're answering  
21 questions now with our professionals. That's the  
22 purpose of where we are in the hearing.

23 CHAIRMAN HANDS: Ms. Berquist, do you have  
24 any other points?

25 MS. BERQUIST: No. I don't. Thank you.

1 CHAIRMAN HANDS: Thank you. I appreciate  
2 it. I see that Chuck and Pam there, but I also see  
3 that it's 10:28. So should we he take a break time or  
4 should we carry on?

5 COORDINATOR COONCE: I think for the Court  
6 we should take a break.

7 BOARD MEMBER PFEIL: Of course we've got to  
8 take a break. We've been at this for two hours. Let's  
9 take a break.

10 CHAIRMAN HANDS: Ten minutes. 9:40.

11 (Whereupon, a recess is taken at 9:29 p.m.)

12 (Back on the record at 9:40 p.m.)

13 CHAIRMAN HANDS: Okay. We'll continue  
14 then. Where were we, Deb? It looks like we have a  
15 couple of raised hands.

16 COORDINATOR COONCE: Yes. So it looks like  
17 Mr. Arentowicz raised his hand again, so I will allow  
18 him in. Chuck? Mr. Arentowicz?

19 MR. ARENTOWICZ: I'm okay. I guess I  
20 didn't lower my hand. I'm okay.

21 COORDINATOR COONCE: Okay. Pam had some  
22 more questions. Pam are you there?

23 MS. OGENS: Yes, I am. To follow up on  
24 Christine's questions, I want to clarify what's in the  
25 EWMA. I know that this is only for questions but when

1 a response isn't accurate I feel it's my duty to bring  
2 it to the attention of the group. And in the EWMA the  
3 preliminary assessment site investigation report that  
4 was submitted to Mr. Fourniadis in March of 2019 on  
5 page four it states, "The proximately 12-acre property  
6 located at 50 Division avenue is a delisted National  
7 Priorities List, or Superfund site." It is the full  
8 12 acres. I will investigate that further. I'll get  
9 the list from the USCPA, but it's not just the site,  
10 the part that has been partitioned off as developable  
11 versus restricted. It is the entire 12 acres, and it  
12 was delisted, it was not removed from the Superfund.  
13 And that's evident from the fact that it still has to  
14 be monitored.

15 CHAIRMAN HANDS: Thank you, Pam. I don't  
16 know if anybody wants to respond to that or not.

17 MS. OGENS: Well, going forward can we  
18 please get that correct that it's the full 12 acres,  
19 and not the five acres that is restricted?

20 MR. FOURNIADIS: But you just read that  
21 it's de-listed.

22 MS. OGENS: It's delisted, it's not  
23 removed.

24 MR. FOURNIADIS: It's the same thing.

25 MS. OGENS: I would have to find proof of



1 that, but it is still contaminated enough that it is  
2 monitored, and it is monitored by the New Jersey DEP.

3 MR. FOURNIADIS: I'm sorry. Are you  
4 testifying or are you asking me a question?

5 MS. OGENS: I'm correcting your error, sir.

6 MR. REGAN: Bob just let her --

7 MR. FOURNIADIS: You're testifying.

8 MS. OGENS: I will bring it up when it's  
9 time for public comment as well. And I appreciate your  
10 accepting the correction.

11 MR. REGAN: We're not.

12 MR. FOURNIADIS: We're not accepting it.

13 MR. REGAN: We're not accepting it.

14 MS. OGENS: Then I would just like to be it  
15 on the record that you are incorrect and I will testify  
16 when it is public he comment, sir.

17 CHAIRMAN HANDS: Thank you, Pam.

18 MR. REGAN: Do we have a question?

19 MS. OGENS: I will, but not tonight.

20 CHAIRMAN HANDS: Thank you, Pam.

21 MR. FOURNIADIS: Not tonight? Are we  
22 finishing tonight?

23 CHAIRMAN HANDS: I don't the see anymore  
24 hands raised. Do you Deb? I don't see anything else.

25 BOARD MEMBER PFEIL: I have one quick

1 question for Mr. Martell, if you don't mind.

2 THE WITNESS: Yes.

3 BOARD MEMBER PFEIL: There's been a lot of  
4 discussion at the last two meetings about that height  
5 at the western edge of Building 6.

6 THE WITNESS: Right.

7 BOARD MEMBER PFEIL: Why did you not grade  
8 the property to minimize that? Is it technically or  
9 for safety aspect why didn't you try to grade the  
10 property to eliminate that?

11 THE WITNESS: Safety, basically, I mean,  
12 there's safety and I guess I would just say use and  
13 enjoyment of the property. From a safety standpoint  
14 it's kind of acceptable grades within parking areas,  
15 within driveways from an engineering perspective. So  
16 certainly we didn't violate any of those, create any  
17 awkward, you know, situations on the property. So the  
18 reality is the property has a 30, you know, 34, 35-foot  
19 grade change across it, and that is a difficult  
20 situation to accommodate in the proposed condition, you  
21 know, while designing a desirable safe development. So  
22 really all the fill is really concentrated in that one  
23 corner.

24 If you look at the earthwork exhibit that  
25 we submitted, you know, really, on the balance of the

1 site you're in single digits until you really get into  
2 that one area of the site. So we're really talking  
3 about a small area of the property, even when you go to  
4 the next door building you're only filling between one  
5 and three feet. So the property just drops off  
6 dramatically in that one area. Stone House Road drops  
7 24 feet long the frontage, and we're unable to design a  
8 safe desirable development and have that one building  
9 sit significantly lower than really the other buildings  
10 to avoid that fill.

11 BOARD MEMBER PFEIL: Okay. Thank you.  
12 That answers my question.

13 CHAIRMAN HANDS: I think that's the end of  
14 questions of the engineer.

15 THE WITNESS: Thank you all.

16 CHAIRMAN HANDS: I see there's some  
17 submission. Deb, did you say, there are some documents  
18 on the website, is that --

19 COORDINATOR COONCE: There was just one  
20 exhibit. There was an elevation rendering update that  
21 I believe unless Mr. Regan is -- has a different number  
22 I think we would have to mark as A-12.

23 (Exhibit A-12, Elevation Rendering, was  
24 received and marked.)

25 MR. REGAN: I think what it is, Mr.

1 Chairman, was a question was raised by a member of the  
2 public at last month's meeting about the plans not  
3 showing height dimensions. So Mr. Fourniadis had  
4 directed the project architect, Mr. Alberto, to prepare  
5 that and that was what was submitted. So I don't think  
6 -- obviously, it's a new drawing, but I don't think  
7 it's ultimately any different than any of the other  
8 documents that were submitted, other than it now shows  
9 clearly, you know, the height of the building as  
10 measured out.

11 I can have Mr. Alberto elaborate a little  
12 if you so desire. I'm not sure that it's necessary.

13 CHAIRMAN HANDS: I just wanted to point out  
14 that it exists and it's on the website and it's been up  
15 loaded. So whatever way to discuss it or just  
16 reference it, I'm happy to leave it as a reference.

17 COORDINATOR COONCE: Yes. Currently up on  
18 the website it's labeled as Exhibit TBD, to be  
19 determined, because I have to go back through the notes  
20 and make sure that we're all caught up with the exhibit  
21 numbers.

22 MR. REGAN: Angelo, if it's okay, Mr.  
23 Chairman, I'll just have him literally spend a moment  
24 just quickly describing what it is.

25 CHAIRMAN HANDS: Yes, thank you.

1 MR. REGAN: Angelo, if you don't just  
2 briefly describe to the Board, you know, that  
3 additional plan that you submitted.

4 A N G E L O A L B E R T O, having been previously  
5 sworn testified as follows:

6 THE WITNESS: Sure. And if I can show my  
7 screen to show the graphic.

8 MR. REGAN: That would be great.

9 THE WITNESS: So we presented -- we added  
10 three elevations, but these really are just rendered  
11 elevations and we're expressing the floor-to-floor  
12 heights. So can everyone see this?

13 CHAIRMAN HANDS: Yes.

14 THE WITNESS: So this is the front  
15 elevation that we showed before in black-and-white.  
16 And it shows the total height permitted is 45 feet.  
17 We're at 44 feet right here, which allows -- you'll see  
18 the side elevation for a good roof pitch. And that's  
19 what I testified to before. We're showing  
20 floor-to-floor heights of 10 foot 10, giving a 9-foot  
21 finished floor height inside. Second floor is 10 foot  
22 8 giving it 9-foot floor height inside. And then the  
23 third floor is 9-foot eight. It's a bedroom level. So  
24 that floor will be 8 feet. And we have about 13 feet  
25 2 inches, as I testified before, for the top of the

1 plate to the maximum building height of 45 feet. So  
2 that's what this elevation shows.

3           We also took the same elevations we had  
4 before and these are not rendered, they're toned  
5 similar to the tone colors of the professional  
6 renderings showing the slight blue horizontal siding,  
7 the brick and the white composite trim. So that's the  
8 front elevation. This is a similar elevation. It's a  
9 rear elevation. And these are the two side elevations  
10 showing that you still have a generous pitched roof  
11 above the third floor, same building heights.

12           We also detailed the trash enclosure here  
13 to reflect the architecture of the electric closet and  
14 on the other side the sprinkler closet. We also put in  
15 scale here five electric meters because that was  
16 something else that was brought up before and we might  
17 be beholden to the electric company but we're hoping we  
18 can put five meters on each end of the building, which  
19 lessens the number of meters on each side, five on each  
20 side as opposed to ten on one side. And that's our  
21 design intent and our hope. Again, the electric  
22 company may change that.

23           But that's essentially what we have added.  
24 Those three elevations.

25           MR. REGAN: Thank you, Angelo. I have

1 nothing further.

2 CHAIRMAN HANDS: Thank you very much. So  
3 with that -- is that the end of your professionals'  
4 testimony at this point?

5 MR. REGAN: Yes, it is, Mr. Chairman.

6 CHAIRMAN HANDS: Do we want to go over to,  
7 Jolanta, go over to public testimony at this point, no  
8 questions -- no comments rather, but testimony?

9 COORDINATOR COONCE: Yes.

10 CHAIRMAN HANDS: Do you want to just  
11 outline what that means?

12 MS. MAZIARZ: Okay. If any members of the  
13 public have any exhibits or testimony that they would  
14 like to present to the Board at this time the Board  
15 will ask members of the public to present their  
16 testimony when you are -- you have to get in line  
17 effectively, you have to queue, and Debra will choose  
18 who will testify first. When you are chosen to testify  
19 you will have to be sworn. So all of the testimony you  
20 are going to be giving will be sworn testimony. You  
21 will have to state your name for the record and your  
22 address, and you must testify with regard if you are a  
23 fact witness through facts that are within your  
24 knowledge.

25 So the Board is going to have to evaluate

1 whether the facts that are being presented are facts  
2 that the person who is testifying has knowledge of. If  
3 you are going to testify with regard to areas of  
4 expertise then you will have to be qualified as to  
5 those areas and be accepted as an expert witness,  
6 otherwise you will not be allowed or your testimony  
7 will not be considered if you're going to be testifying  
8 with regard to an area that requires certain expertise,  
9 such as planning or engineering or architecture.

10           So this is not the time for public  
11 comments. This is not the time to express an opinion.  
12 This is the time to testify with regard to facts,  
13 and/or expert opinion if anyone out there is an expert  
14 in any of these subjects. If you have any exhibits  
15 that you would like to present to the Board for the  
16 Board's consideration then those exhibits will be  
17 marked. We will be marking them, I think, Deb, the way  
18 that we marked exhibits during the Redevelopment  
19 Hearing. We will mark it as "O" Objector and then we  
20 will add the individual's initials after "O," so that  
21 we can keep track of whose exhibits were whose; is that  
22 okay, Deb?

23           COORDINATOR COONCE: Well, actually, I've  
24 given proposed exhibits to the individuals who have  
25 submitted to us on the website. And so what I've done



1 is basically so Mr. Arentowicz' is marked CA-1. Mr.  
2 John Caputo who had submitted three exhibits they're  
3 marked with his initials as well. And Mr. Bill  
4 Kaufman, yes.

5 MS. MAZIARZ: That's fine. As long as it's  
6 clear, because I'd like it to be clear for the record  
7 so the Court Reporter will know how we're marking these  
8 things. So for the Court Reporter as each exhibit is  
9 marked into evidences we'll clearly state on the record  
10 what the name of that exhibit is so that you can get  
11 that into your transcript.

12 THE COURT REPORTER: Thank you.

13 CHAIRMAN HANDS: And in terms of  
14 expectations of testimony in terms of time and  
15 responses from somebody else, what's the process? Can  
16 somebody just testify on the facts?

17 MS. MAZIARZ: Well -- yes. Any person who  
18 is testifying can be cross-examined by the applicant,  
19 by the applicant's attorney. Also, Board members are  
20 also entitled to ask anyone who is testifying about  
21 their testimony. The Board is also allowed to examine  
22 all witnesses.

23 CHAIRMAN HANDS: Thank you very much. With  
24 that said, do you want we're going to call the first  
25 person to testify.

1                   COORDINATOR COONCE: Yes. So I would  
2 suggest if the Board is in agreement that when we take  
3 members of the public who are planning on testifying or  
4 offering exhibits for testimony.

5                   Members of the public, this is the point  
6 where you would raise your hand if you want to testify.  
7 I'm not seeing anyone. Oh, Mr. Kaufman. Okay. Bill  
8 are you there?

9                   MR. KAUFMAN: I'm here. Pardon my pause.  
10 I'm preparing for comment. I didn't really necessarily  
11 break out for efficiency sake testimony as a separate  
12 item. So I was hoping to have a few minutes to do that  
13 prior to starting out so someone else would go, but if  
14 I'm the only one who is going to testify as an expert  
15 then I will attempt to do that now.

16                   My name is William Kaufman. I am a  
17 professional architect. Licensed --

18                   MS. MAZIARZ: Okay. Mr. Kaufman, before  
19 you testify, can you raise your right hand? Do you  
20 swear that the testimony you're about to give with  
21 regard to this application will be the truth so help  
22 you God?

23                   MR. KAUFMAN: I do.

24                   MS. MAZIARZ: Can you please spell your  
25 last name for the record?

1 MR. KAUFMAN: K-a-u-f-m-a-n.

2 MS. MAZIARZ: Thank you. And can you  
3 please state your address for the record?

4 MR. KAUFMAN: 1932 Long Hill Road,  
5 Millington.

6 MS. MAZIARZ: Thank you.

7 W I L L I A M K A U F M A N, having been duly sworn,  
8 testifies as follows:

9 MS. MAZIARZ: Thank you. And if you are  
10 going to testify as an expert I know you've been  
11 qualified before, at least in the Zoning Board in Long  
12 Hill Township in the past, perhaps even the Planning  
13 Board, but can you give the Board the benefit of your  
14 qualifications? I understand that you are going to be  
15 testifying as an architect.

16 MR. KAUFMAN: Certainly.

17 MS. MAZIARZ: Thank you.

18 MR. KAUFMAN: I am a professional architect  
19 in the state of New Jersey for over 25 years. I have  
20 presented numerous cases as an expert fact witness to  
21 the Long Hill Township Planning Board and the Long Hill  
22 Township Board of Adjustment. My license is current  
23 and active. I've also appeared in numerous other  
24 Boards across the country. I have a Bachelor of  
25 Architecture Degree from the New Jersey School of

1 Architecture at New Jersey Institute of Technology from  
2 1991 and I've been practicing here in Millington, my  
3 primary office is located in Millington here for over  
4 20 years.

5 MS. MAZIARZ: Thank you, Mr. Kaufman. Mr.  
6 Chairman Hands, do you accept Mr. Kaufman's  
7 qualifications?

8 CHAIRMAN HANDS: Oh, yes. And Bill's been  
9 before the Board before so --

10 MS. MAZIARZ: Yes. He's been qualified  
11 before. Thank you.

12 MR. KAUFMAN: Thank you. My -- I have a  
13 couple of exhibits that I would like to have marked, or  
14 at least one exhibit. I'm not sure -- pardon the  
15 noise, that's the Millington train running through.  
16 I'd like to at least have the exhibit marked for  
17 evidence.

18 COORDINATOR COONCE: So Bill, there's six  
19 pages in this exhibit. Do you want me to share the  
20 screen?

21 MR. KAUFMAN: Sure. Can we mark them all  
22 as one exhibit or do you want to mark them all as --

23 COORDINATOR COONCE: If the Board is in  
24 approval I have marked them all as Exhibit-WK as  
25 submitted by William Kaufman of Millington.

1 (Exhibit WK-1, was received and marked.)

2 MR. KAUFMAN: That's fine.

3 CHAIRMAN HANDS: Okay. That's different  
4 slides so that's easy to refer to.

5 COORDINATOR COONCE: Yes.

6 MR. KAUFMAN: Okay. She's going to share.

7 COORDINATOR COONCE: I'm going to try.  
8 Hold on a minute. It's not pulling up the correct page  
9 on my screen here. Hold on a minute. Here we go. Can  
10 you see it?

11 CHAIRMAN HANDS: Yes.

12 COORDINATOR COONCE: Okay. Is my cursor  
13 moving around, can you see that? Okay.

14 MR. KAUFMAN: So just for the Board's  
15 benefit, the exhibit that's before you is, what is it  
16 WK-1, Deb?

17 COORDINATOR COONCE: Yes, WK-1. It's a  
18 series of six pages. Essentially, what this is is a  
19 compilation of the applicant's documents as submitted  
20 to this Board copied and pasted together. So they have  
21 not been manipulated in any way other than to apply  
22 them in plan and elevation to a form of massing so that  
23 they can be viewed three dimensionally. So in other  
24 words, the applicant's elevation drawings were pasted  
25 onto an extrusion of the engineer site plan and placed

1 on the applicant's documents just for reference.

2           It's not intended to be artistic in nature  
3 or express or show anything other than sort of massing  
4 in scale, and it's the only information other than  
5 possibly some items indicated, outside elements per  
6 scale, a vehicle or two, maybe a tree is simply a cut a  
7 paste of the applicant's documents into a  
8 three-dimensional depiction.

9           The purpose of these exhibits are really  
10 just to illustrate different perspectives that the  
11 community would have and how these things would feel in  
12 direct opposition to some of the statements that were  
13 made by the applicant and the applicant's  
14 professionals.

15           So page one is an aerial perspective view  
16 very similar in height and, you know, in vantage point  
17 from the applicant's rendering, although not admittedly  
18 not beautifully colored with surrounding landscape,  
19 just to compare if the Board were to take this view  
20 perspective and just compare it against the applicant's  
21 rendering you can see it's -- you can compare and  
22 contrast the heights of the buildings. You'll see that  
23 they are similar. They should be a very close  
24 approximation to one another.

25           If you scroll to page two, if you can

1 scroll down, Deb, a little bit, two and three are  
2 somewhat redundant. These two are approximate  
3 perspective renditions from the much discussed lower  
4 Stone House Road vantage point. Again, no landscaping  
5 is shown here, these are not intended to be  
6 illustrative just a way to help the Board visualize and  
7 the public visualize the scale of what these buildings  
8 might feel like in terms of their massing along Stone  
9 House Road.

10 So this particular one on page number three  
11 is vantage point from about the center of Stone House  
12 Road looking northeast toward the enclave development.  
13 You can see the buildings placed in a row, and the  
14 approximate grade. Again, these grades taken right  
15 from the engineering plan just to press in the general  
16 area to give an idea of the height differentiation.

17 If you scroll down a little bit further to  
18 I believe this is Sheet 4 and 5 of that exhibit both of  
19 these perspectives are taken from Division Avenue. The  
20 first one that's in the screen now in your vantage  
21 point is at the intersection of Division and Stone  
22 House looking back toward the development in the  
23 southwesterly direction. So that first building is  
24 Building 12, I believe. Let me just double-check that.  
25 I'm sorry, Building 8.

1                   The first one is Building 8, and then as  
2 you approach down towards the right of your screen  
3 looking back toward the railroad station along Division  
4 in a northerly direction so it goes Building 8 Building  
5 10, and Building 12. And then in the very, very  
6 distance you can see sort of a gray shadow, that's the  
7 scale of the original commercial building prior to its  
8 redesign. And if you scroll down one more to number  
9 five, this is the same street but looking back up  
10 Division towards the south.

11                   The gray sort of shaded box is on the right  
12 is the height of the original proposed retail building,  
13 and then Buildings 12, 10 and 8 respectively looking  
14 south along Division Avenue on the right. And then the  
15 final one is just an elevated perspective just to show  
16 how this thing was created. It's very rudimentary but  
17 sort of affective. You can see it's the applicant's  
18 drawings and they're sort of dropped down there for  
19 scale. So that's the exhibit.

20                   I want to get to the ordinance again. I  
21 apologize for the delay here, I just want to get my  
22 testimony separate from my closing discussions.  
23 Section 1-52-1b of the ordinance states that all new  
24 buildings shall be related harmoniously to the natural  
25 features of the site and to existing buildings and



1 other substantial structures in the vicinity that had  
2 some visual relationship to the proposed building or  
3 buildings.

4 We heard from the applicant's architect  
5 that they had not actually been to the site, and that  
6 Mr. Alberto felt that the design conformed to all the  
7 neighborhood -- conformed to the neighborhood and he  
8 described it as handsome, I think was his adjective.  
9 So it's really a question and a statement. I wonder  
10 how these buildings can conform to 152-1.b having not  
11 been designed to meet any of the that criteria.

12 So in terms of its direct, the direct  
13 testimony -- I'm trying to make this a little more  
14 factual so it's easier for the Board to understand my  
15 position, "The achievement of such a relationship --"  
16 this is reading directly from the ordinance -- "may  
17 include the enclosure of space in conjunction with  
18 other existing buildings or other proposed buildings  
19 and the creation of focal points with respect to  
20 avenues of approach, terrain features, and other  
21 buildings in particular areas. Building design  
22 orientation may have to be adjusted in order to  
23 maintain such relationships and to preserve visual  
24 access to the community or focal points."

25 The fact is there really are no specific

1 attributes or traits or design ideology, massing or any  
2 of the forms that were derived specifically from the  
3 local vernacular architecture or even the history of  
4 the Millington regional area which is required by  
5 ordinance. This project requires relief from this  
6 Board, and its relief that which was not properly  
7 noticed for. And I would hope that the Board members  
8 could see that this important provision of the code  
9 really has been ignored by this applicant in terms of  
10 its conformity with Section 151-1.b.

11 Session 135-1, we talked a little bit about  
12 this testimony on this and I would like to put some  
13 clarification on this. 135.1 LU, Uniformity in  
14 Architectural Design or Appearance. Quoting from the  
15 ordinance, "No new dwelling shall be erected in a  
16 housing development consisting of two or more houses if  
17 it shall appear from the plans submitted that said  
18 house is substantially alike in exterior design and  
19 appearance with any adjacent dwellings situated on the  
20 same or opposite side of the street within 300 feet of  
21 the proposed dwelling, or with said distance from a  
22 proposed dwelling for which a building permit has been  
23 issued or is pending."

24 Now, the applicant and their architect  
25 stated that they weren't really aware of this

1 provision, and then they claimed after reading it that  
2 they presumed it to be referring to single-family  
3 homes. However, nowhere in that language is there any  
4 reference to single-family construction. So in fact,  
5 the way I read it and the way it seems to be logically  
6 interpreted professionally is, the term that's most  
7 frequently used is "dwelling." And that term is used  
8 four times. And that language the word dwelling  
9 cross-references with the word "house" in the very  
10 first sentence.

11           So what it means to me as a professional  
12 architect is that the term "dwelling" and the word  
13 "house" become interchangeable. If the authors had  
14 somehow intended this provision to be limited to just  
15 single-family homes it would have been really easy to  
16 state that. But in fact, the ordinance has a  
17 definition for dwelling and not one for house.

18           So I want to refer the Board to the  
19 definition in the ordinance for dwelling. The  
20 definition of dwelling is, and I'm quoting from the  
21 ordinance again, "A building or portion thereof, a  
22 building or portion thereof designed, occupied or  
23 intended for occupancy as a separate living quarter  
24 with cooking, sleeping, and sanitary facilities for the  
25 exclusive use of the occupants thereof. The term

1 dwelling shall also include the term residents."

2 Now, the operative part to me, there are  
3 two parts of this definition that are very relevant.  
4 "The first part is a building or portion thereof,"  
5 which clearly means it can be a part of another  
6 building. It's not referring to a single-family  
7 residence.

8 The last part is, "The term dwelling shall  
9 include the term residence." We can all speculate as  
10 to why they would need to do that, but to me it's  
11 really put this all encompassing idea together that  
12 we're not just talking about just single-family homes,  
13 we're talking about any type of residential structure.

14 In LU 135.2 it states, "Houses within such  
15 specified distance from each other shall be considered  
16 uniform in exterior design and appearance if they have  
17 any one of the following characteristics: --" just one  
18 -- "1A, the same basic dimensions in floor plans that  
19 are used without substantial differentiation of one or  
20 more existing exterior elevations. Two, the height and  
21 design of the roofs are without substantial change in  
22 design and appearance. And Three, the size, type and  
23 location of windows and doors in the front elevation  
24 are without substantial differentiation."

25 So regardless if the applicability of this

1 provision is conveniently suited for the proposed  
2 application or not, the intent is patently clear by the  
3 language that the ordinance attempting to curtail, in  
4 fact, it's actually intended to eliminate replication  
5 or repetition of design in housing projects.

6           This application is the antithesis of that  
7 and the intent of the law. So it repeats as we know a  
8 single prototype building 14 times on the site. So my  
9 position as a professional architect is that simply  
10 ignoring the law doesn't excuse it. And the Board has  
11 to consider this applicant was not only unaware of this  
12 provision, but once they became made aware they stated  
13 emphatically that they wouldn't change their design and  
14 this is a "good design," and "this is what they're  
15 sticking to." So I wanted to make sure that was clear  
16 and put on the record.

17           The ordinance also has a definition for  
18 adjacent grade. Now, adjacent grade refers to the  
19 natural grade of a site prior to construction. And we  
20 heard from the applicant's engineer, I didn't really  
21 get a chance to talk to Mr. Lanzafama directly on the  
22 record about this, but in my experience as a  
23 professional architect in many, many development  
24 projects, ordinances often use this language to prevent  
25 developers from essentially just piling up dirt around

1 their buildings to mitigate the effect of the height of  
2 the structure.

3           So it's precisely what this applicant has  
4 done in this case and in the case of the buildings  
5 along Stone House Road. There's been a lot of  
6 discussion about that corner. I don't want to beat it  
7 to death, but what I really want to put on the record  
8 here is that the applicant's engineer and the architect  
9 have testified to various degrees of this and confirmed  
10 that we're talking about Stone House Road elevation of  
11 approximately 240 feet above sea level, which is closer  
12 or about the original virgin grade prior to  
13 construction.

14           The finished floor for Building 6 set back  
15 only 35 feet from the right-of-way is at 263. And then  
16 the applicant's architect testified on the building  
17 height to the ridge line is about 45 feet. So putting  
18 that elevation about 308 feet above sea level, the math  
19 just simply says that the actual height above the  
20 natural grade, which is the way the height in my  
21 opinion is intended to be measured by this ordinance,  
22 or at least just the definition of it, is nearly 70  
23 feet, and 45 feet is clearly required.

24           And this is some 55 percent over the  
25 required height ordinance. The Exhibit WK-1 hat I

1 submitted shows how that corridor along Stone House  
2 Road might be perceived by pedestrians and neighbors in  
3 the adjacent areas of Stone House Road. And so I  
4 submit that this condition requires a height variance.  
5 And because it requires a relief greater than ten  
6 percent it requires a "D" Variance. A variance that  
7 was not properly noticed for, and a variance that this  
8 Board is not authorized to rule on.

9           So if for some reason unknown to me that  
10 this Board decides that it doesn't require relief for  
11 the Stone House Road structures I think the Board is  
12 still obligated to consider the enormous and  
13 unprecedented scale of these building and the negative  
14 impact -- and the negative visual impact that this  
15 area's going to have on the surrounding community and  
16 the public.

17           The applicants -- let me back up. We  
18 discussed with the applicant's architect and the  
19 applicant's architect concurred that he had extensive  
20 experience in transit oriented development, and that a  
21 common feature was the Main Street Approach and not one  
22 that was taken for this project, but a Main Street  
23 Approach is essentially one that provides buildings to  
24 crowd up tightly to streets, framing pedestrian  
25 corridors and subsequently slowing traffic and creating

1 more of a streetscape.

2 He further went on to say that the  
3 ordinance unfortunately prohibited the placement of  
4 buildings tight along Division Ave., and that rather  
5 than submit a plan along with some compelling arguments  
6 supporting the Main Street concept, the developer chose  
7 by his right to set the buildings back from the street  
8 some 50 feet from Division Ave.

9 So in doing so the developer now claims he  
10 is somehow exempt from the height ordinance. So  
11 122.15.3(d)8.C, I want to be crystal clear for the  
12 record on this. The definition is maximum building  
13 height, and it reads, number one, "Two-and-a-half  
14 stories or 35 feet for buildings facing Division Avenue  
15 (east boundary lines) or the New Jersey Transit  
16 railroad tracks (north boundary lines)." So this  
17 language is written clearly, and as far as I can read  
18 without any ambiguity. There is no reference to  
19 setback. It simply states buildings that face Stone  
20 House Road must not exceed 35 feet in height or  
21 two-and-a-half stories. It doesn't say, oh by the way  
22 if you push them back 50 feet, or 5 feet or 500 feet  
23 you can ignore this provision of the ordinance.

24 Mr. Regan asked the applicant's architect  
25 to clarify it because the front doors faced inward on



1 the internal streets or parking lots that those  
2 buildings don't actually face Division Avenue because  
3 the front doors are on the front side. On my cross the  
4 applicant's architect testified that on Buildings  
5 number 12, number 10 and number 8 the front door of six  
6 different unite types do in fact face Division Ave. And  
7 so the testimony on the record is that these structures  
8 are all three-stories high, and 45-feet high. And this  
9 is approximately 30 percent higher than the ordinance  
10 allows, which requires a "D" Variance for relief.

11 Again, which this Board is not authorized to grant.

12           It further requires a use variance for the  
13 construction of a third floor, where a third floor's  
14 not permitted. So this Board is also not authorized to  
15 grant a use variance. Buildings number One and  
16 Building number 14 face the north boundary line. The  
17 language in the height ordinance in the DRO is exactly  
18 the same. It's actually -- it's a run-on sentence. It  
19 treats these two exactly the same. It says, and I'll  
20 read it again, "Thirty-five feet for buildings facing  
21 Division Avenue, the east boundary line, or the New  
22 Jersey Transit railroad tracks north boundary line.  
23 There's no other descriptor.

24           We heard from the engineer and the  
25 architect that those buildings along the north property

1 line are in fact 45-feet tall and three-stories high.  
2 And so they require the same relief from the Board of  
3 Adjustments for the same reasons previously stated.  
4 And I don't know, I mean, the applicant and its  
5 professionals lead us to believe that the language in  
6 the ordinance, although it seems crystal clear to me as  
7 an architect, actually means that the buildings that  
8 face Stone House Road and are set back 34 feet can be  
9 three stories and 45-feet tall, particularly the  
10 buildings on the corner, but using the same language in  
11 the same ordinance simply by pushing those buildings  
12 back an additional 14 feet that somehow miraculously  
13 the buildings along Division Avenue no longer face  
14 Division Ave, and that the ordinance is no longer valid  
15 and doesn't apply.

16 So we go back to the exhibit that I  
17 presented, the views along Division -- Deb, would you  
18 please bring that exhibit back up?

19 COORDINATOR COONCE: Everyone see it?

20 MR. KAUFMAN: Yes. If you can scroll down  
21 to the middle of I think it was page four. That one  
22 right there and the next one. So I understand that  
23 there's a set back difference from the building on the  
24 corner of Stone House Road and the building on the  
25 corner of Division, but this is the perspective, this

1 exhibit shows the perspective of what that feels like.  
2 And there may be more trees in here, but we have  
3 already heard testimony from the engineer that these  
4 trees aren't designed to block the view.

5           If you scroll down to the next page number  
6 four, this is the view looking the other way. It's a  
7 really tough thing for me to hear an applicant or a  
8 professional architect or a reviewing Board saying that  
9 those buildings are not facing Division Ave. I don't  
10 know what they're facing if they're not facing Division  
11 Ave. It seems patently clear to me that they are. I  
12 don't know how it wasn't flagged. I mean, the concept  
13 that these don't need to comply to the height ordinance  
14 is just -- it's just incomprehensible to me having  
15 professionally been run through the ringer by many,  
16 many professionals and Boards. I find it a little  
17 disconcerting that this was not flagged upon the  
18 initial review by the Zoning Officers or the Board  
19 Professionals, but what it really reinforces to me is  
20 the notion that the information that was presented for  
21 completeness was in fact incomplete and misleading.

22           CHAIRMAN HANDS: Are you still speaking  
23 or --

24           MR. KAUFMAN: One second, Mr. Chairman.  
25 I'm trying to move to --

1                   COORDINATOR COONCE: Do you want me to keep  
2 the shared screen up?

3                   MR. KAUFMAN: No. You can take it down.  
4 That's the extent of my professional observation and  
5 testimony with respect to those exhibits and some of  
6 the testimony given by the applicant. Thank you.

7                   CHAIRMAN HANDS: Thank you for that. And I  
8 just want to say thank you for taking the time to do  
9 that work. That's very helpful, so I really appreciate  
10 your thoughts and testimony there.

11                   Perhaps best if Frank, perhaps, if there's  
12 anything you wish to comment before the Board  
13 professionals wish to comment.

14                   MR. REGAN: Not at the moment, Mr.  
15 Chairman.

16                   CHAIRMAN HANDS: Board Professionals, did  
17 you want to comment and say anything back based on the  
18 testimony provided?

19                   MR. LANZAFAMA: The only thing I would like  
20 to comment on is the use of the term "highest adjacent  
21 grade" in the definitions. That's a term that's often  
22 used in the FEMA regulations with regard to the  
23 topography adjacent to a structure, not necessarily  
24 associated with measuring the height of the building.

25                   The way I read your ordinances it seems to

1 me that it's clear that the grade is measured from the  
2 lowest elevation around the foundation, and it's silent  
3 on whether that's existing or proposed. And it appears  
4 that from the zoning officer and others that the  
5 interpretation is from the finished grade post  
6 construction. So I believe that their measurements are  
7 correct with regard to the elevation measurement from  
8 the finished grade around the foundation to the ridge  
9 of the roof. So I think the 45-foot measurement that  
10 they've depicted on their plans is accurate, and is  
11 consistent with the ordinance wording.

12 Now, the other items he raises, Mr. Kaufman  
13 raises with regard to the orientation of the buildings  
14 might have some merit. I would want to the research  
15 that a little bit further, but I believe the intent was  
16 that the primary entrance or the largest facade of the  
17 building would be faced away from the primary roadway.  
18 And that would then allow them to use a higher  
19 elevation.

20 The question with regard to repetitive  
21 design, I have seen that regulation in many ordinances,  
22 and in every municipality that I've been involved with  
23 that always seemed to refer to subdivisions or of  
24 single-family homes. I haven't seen it apply to  
25 multifamily developments such as this. Those are the

1 only comments I have with regard to Mr. Kaufman's  
2 testimony.

3 CHAIRMAN HANDS: Thank you. Any Board  
4 comments or thoughts? Yes, Dennis, please.

5 BOARD MEMBER SANDOW: The comment about  
6 repetitive design is an interesting one and perhaps  
7 useful, but as I look at the other multifamily  
8 developments in town, and there are about five of them,  
9 six of them, they all feature repetitive design.

10 Now, a few of them vary that by moving the  
11 facade in and out a couple of feet to give the  
12 appearance of different buildings, but in general they  
13 are all cookie-cutter developments. And so this is not  
14 out of line with the developments of the subdivisions  
15 -- I'm sorry, not subdivisions, the multifamily houses  
16 that have been approved in the past in this town.

17 My second point is a question for Mr.  
18 Kaufman, and you'll have to forgive me, Bill, for  
19 asking this, but in terms of design consistent with the  
20 neighborhood, just exactly surrounding that lot, what  
21 are the benchmark architectural designs that you would  
22 like to see copied?

23 CHAIRMAN HANDS: Bill, before you go to  
24 that, we're knocking on 10:30. I'd like to extend if  
25 possible. I'd like to get beyond his testimony on the

1 record here. Anyone want to suggest 10:45 to extend  
2 the meeting.

3 BOARD MEMBER PFEIL: How about just to the  
4 end of Mr. Kaufman's testimony.

5 MAYOR RAE: Well, what if his testimony  
6 takes us to eleven o'clock. I mean, can we can come  
7 back to it? Because it looks like we're going to  
8 another meeting. Can we finish this point in the next  
9 couple of minutes and then come back to it? Because  
10 there's a big difference between half past ten and  
11 eleven o'clock.

12 BOARD MEMBER PFEIL: Amen.

13 CHAIRMAN HANDS: So should we do that?  
14 Should we go to 10:45 then give Bill a chance to finish  
15 off his thoughts and points? I'd like to give the  
16 opportunity to respond back to the Professionals as  
17 well. Will at 10:45 be appropriate, or Brendan, are  
18 you suggesting moving to the next meeting?

19 MAYOR RAE: Well, answer this question and  
20 then cut to -- otherwise we could be here for the  
21 duration and then we're coming back for another meeting  
22 anyway.

23 CHAIRMAN HANDS: I don't mind if it's the  
24 Board's pleasure.

25 BOARD MEMBER PFEIL: Answer the question.

1 We'll see what happens in another two minutes.

2 MR. KAUFMAN: Can I give me answer to Mr.  
3 Sandow's question?

4 CHAIRMAN HANDS: Yes, please.

5 MR. KAUFMAN: Now, forgive me now, there's  
6 been some other discussions. Was your question what  
7 elements I would I like to see copied from Millington?

8 BOARD MEMBER SANDOW: Your statement was  
9 reading from our ordinance about consistency with  
10 surroundings, and just which buildings are surrounding  
11 this plot that would be a good pattern for consistency?

12 MR. KAUFMAN: So there are two different  
13 sections and two different pieces of the ordinance.  
14 One is its intent is to prohibit repetitive design and  
15 repetition in housing developments, which this clearly  
16 is. And I'd partly responded to Mr. Lanzafama and say,  
17 yea, I understand that maybe there are specific  
18 ordinances in other towns that use this for  
19 single-family subdivisions but this specific language  
20 was not written that way. And maybe it was sloppy.  
21 That's not really for us to interpret, it's for the  
22 Board to interpret, us being design professionals.  
23 It's for the Board to interpret. But no, I don't think  
24 I would like to see anything copied, per se.

25 My point was that the applicant submitted a



1 plan pulled from a box in a drawer from an architect in  
2 Virginia, and I asked them if they had been to the site  
3 and none of them had visited other than looking at some  
4 Google photographs. So there are some specific things  
5 in the ordinance and within Section 152.1.B that  
6 require -- and again, I'll agree that the -- I'll  
7 concede at least not agree, that some of the language  
8 is difficult to exactly interpret, but relating  
9 harmoniously to natural features of the site. To me  
10 relating harmoniously to the natural features of the  
11 site does not piling up 20 feet of fill in order to  
12 level your site because you don't know how to design on  
13 a slope, and to existing buildings and other  
14 substantial structures. There are only a few  
15 substantial structures, if you would call them  
16 substantial, and they're right in the mix of the  
17 downtown business district in Millington. So those  
18 views down Division Ave., I pointed out that Main  
19 Street effect would have a more calming effect than  
20 what currently exists with a factory with its back  
21 turned to it, those are the kind of things that I would  
22 see, scale, height, density, all those kind of ideas  
23 come together when you're talking about a section of  
24 this ordinance.

25 My point was that they were ignored and

1 this proposal repeating one 10-unite building repeated  
2 14 times really cannot relate harmoniously to something  
3 because nothing like this exists in Millington.

4 CHAIRMAN HANDS: Thank you. Does that  
5 answer your question?

6 BOARD MEMBER SANDOW: I'll accept Mr.  
7 Kaufman's answer at its face value.

8 CHAIRMAN HANDS: Thank you. Did you have  
9 any other last minute comments before we consider  
10 adjourning and picking this up? Because I think  
11 Michael, our Board Engineer wanted to take a look at a  
12 couple of things. So I think we're going to come back  
13 to this anyway. Is that something that we can pick up  
14 next time or is there anything else?

15 MR. KAUFMAN: No. I'm find adjourning with  
16 my testimony, postponing this to the next time. As I  
17 said, I'm through with my professional testimony until  
18 public comment.

19 CHAIRMAN HANDS: I just want to make sure,  
20 Bill, if we come back next time you're okay to step  
21 forward again just for testimony still should the Board  
22 Engineer come back with any comments based upon your  
23 points?

24 MR. KAUFMAN: Yes, I'll be available.

25 CHAIRMAN HANDS: And Michael, is that okay?

1 I don't want to put you -- I think that's what I heard  
2 you say that you wanted to do?

3 MR. LANZAFAMA: Yes. I'll be here and I  
4 wanted to look into a few of the items that he raised  
5 with regard to orientation of the buildings.

6 CHAIRMAN HANDS: I appreciate that. Thank  
7 you. Okay. So with that said we'll pick up on that  
8 point next time out. Deb, do we need to notice or  
9 anything? What's the procedural points at this time?

10 COORDINATOR COONCE: No, the applicant has  
11 granted us an extension for the month of October. So  
12 we can carry upon motion and second on the Board  
13 agreement we can carry to the Board's next meeting on  
14 October 27th.

15 MAYOR RAE: So moved.

16 BOARD MEMBER VERLEZZA: Second.

17 COORDINATOR COONCE: All those in favor?

18 (A voice vote is taken; unanimous vote  
19 "aye.")

20 COORDINATOR COONCE: Any opposed? (No  
21 response.)

22 So the applicant is carried to October 27th  
23 with no further notice required.

24 CHAIRMAN HANDS: At that point we'll finish  
25 up with public testimony and then to public comments

1 and then towards the end of it. So thank you  
2 everybody. Appreciate --

3 BOARD MEMBER PFEIL: Motion to adjourn.

4 CHAIRMAN HANDS: And I'll ask for a motion  
5 to adjourn. Thank you. Second somebody?

6 MAYOR RAE: Second.

7 COORDINATOR COONCE: All in favor.

8 (Voice vote is taken; unanimous vote "aye.)

9 COORDINATOR COONCE: Have a good night  
10 everyone.

11 CHAIRMAN HANDS: Good night.

12 (Whereupon, the hearing on this application  
13 adjourns at 10:38 p.m.)

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C E R T I F I C A T E

I, IRIS LA ROSA, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth.

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

IRIS LA ROSA, CSR, RPR  
Certificate No. 30XI 00162800