

WEST WINDSOR TOWNSHIP PLANNING BOARD
REGULAR MEETING

PB20-15
PRINCETON JUNCTION TRAIN STATION REDEVELOPMENT

- - -
October 6, 2021
- - -

West Windsor Planning Board Meeting was taken in the offices of West Windsor Township Senior Center, 271 Clarksville Road, West Windsor, New Jersey, before Cindy Pineiro, RPR, CSR #30XI00181500, and Notary Public of the State of New Jersey, on the above date, commencing at 7:00 p.m., there being present:

GENE R. O'BRIEN - Chairman
ALLEN SCHECTEL - Panel Member
CURTIS HOBERMAN - Panel Member
LINDA GEEVERS - Panel Member
MICHAEL KARP - Vice Chair
HEMANT MARATHE - Mayor
SAJU JOSEPH - Panel Member
MARTINA BAILLIE - Planning Board Attorney
SAM SURTEES - Land Use Manager and Zoning Officer
DAVID NOVAK - Planner
FRANCIS GUZIK - Township Engineer
JEFFREY A. L'AMOREAUX - Traffic Engineer
DAN DOBROMILSKY - Landscape Architect
CINDY DZIURA - Recording Secretary
RICHARD J. HOFF, JR. - Attorney for the Applicant
JEROMIE LANGE - Engineer (via video)
KENNETH O'BRIEN - Engineer
THOMAS CARMAN - Landscape Architect
MAURICE RACHED - Traffic Engineer
RONALD LADELL

1 CHAIRMAN O'BRIEN: I will convene the
 2 regular meeting of the planning board at 7:05 p.m.
 3 Cindy, excuse me.
 4 This is to advise that notice of the
 5 time, date, location, and to the extent known, the
 6 agenda of the subject meeting was prominently posted
 7 in a public space reserved for such or similar
 8 announcements, transmitted to the Times of Trenton,
 9 the Princeton Packet, and the West Windsor and
 10 Plainsboro News, and filed with the township clerk on
 11 September 24th.
 12 Cindy, please call the roll.
 13 MS. DZIURA: Mr. Joseph? Ms. Bahree?
 14 Mr. Schectel? Mr. Pankove? Mr. Hoberman?
 15 MR. HOBERMAN: Here.
 16 MS. DZIURA: Ms. Geevers?
 17 MS. GEEVERS: Here.
 18 MS. DZIURA: Mr. Baig? Ms. Appelget?
 19 Mayor Marathe?
 20 MR. MARATHE: Yes.
 21 MS. DZIURA: Vice Chairman Karp?
 22 MR. KARP: Here.
 23 MS. DZIURA: Chairman O'Brien?
 24 CHAIRMAN O'BRIEN: Yes.
 25 Martina Baillie is serving as the Board's

1 counsel tonight. Mr. Muller is enjoying some
 2 well-deserved vacation.
 3 Are there any members of the public who
 4 wish to make a comment on any item that is not on the
 5 agenda?
 6 Yes, sir. Please come up to the mike,
 7 give your name, and spell your last name, and your
 8 address, please.
 9 ZACK WEALE: So Zack Weale, W-E-A-L-E.
 10 You need the address? 144 Fisher Place.
 11 CHAIRMAN O'BRIEN: Thank you.
 12 ZACK WEALE: All right. So I am
 13 obviously right around the corner. I just wanted to
 14 address this very briefly. It's pretty scary that at
 15 the last meeting there was one comment about the
 16 potential for flooding on 571. I appreciate your
 17 asking that.
 18 CHAIRMAN O'BRIEN: Mr. Weale, it sounds
 19 like that comment is in relationship to the item
 20 that's on the agenda.
 21 ZACK WEALE: I thought we were doing
 22 traffic tonight.
 23 CHAIRMAN O'BRIEN: The agenda item is the
 24 application for the redevelopment project.
 25 ZACK WEALE: Well, I would ask that in

1 the context of water being of the upmost importance --
 2 CHAIRMAN O'BRIEN: Sir, we will hear from
 3 you when we get the public comments on that item.
 4 ZACK WEALE: I didn't expect that water
 5 specifically was going to be on the agenda, but it is?
 6 CHAIRMAN O'BRIEN: Water's not on the
 7 agenda. The Princeton Junction redevelopment at the
 8 train station is on the agenda.
 9 ZACK WEALE: So you asked for any items
 10 that weren't on the agenda, which is what I tried to
 11 address. Thank you.
 12 CHAIRMAN O'BRIEN: Hang on. Are you
 13 talking about water on 571 caused by rain storms or
 14 something not related -- I'm not trying to cut you
 15 off, but we expect to be talking about stormwater
 16 management.
 17 ZACK WEALE: This is directly related --
 18 directly related to the development. And, I mean, all
 19 you have to do is look at the number of --
 20 CHAIRMAN O'BRIEN: So, please --
 21 ZACK WEALE: -- alerts.
 22 CHAIRMAN O'BRIEN: We will get to you
 23 when we get to public comment about the application.
 24 ZACK WEALE: Well, it's going to get to
 25 be -- 10:00 we're going to cut it off.

1 CHAIRMAN O'BRIEN: No, we're not going to
 2 cut it off at 10:00. We're going to go, so --
 3 ZACK WEALE: Well, again, I'm not going
 4 to stick around for that. I just had dinner.
 5 Honestly, I would just ask that everybody please think
 6 of that in the context of water is extreme dire
 7 situation in that area in particular. It's the only
 8 place that flooded --
 9 MR. LADELL: Out of order.
 10 ZACK WEALE: -- on August 23rd. CBS-3 was
 11 there. Univision was there. There were no more
 12 counts.
 13 CHAIRMAN O'BRIEN: Mr. Weale, I can't
 14 allow you to continue.
 15 ZACK WEALE: So thank you.
 16 CHAIRMAN O'BRIEN: Yes, sir, in the back.
 17 JOHN HINSDALE: Hi, there. I'm John
 18 Hinsdale. I live at 38 Quaker Road here in West
 19 Windsor. I have comments not related to the agenda,
 20 but to the conduct of this meeting.
 21 First, I'd like to thank everyone in the
 22 room, and I'm very pleased to see that every single
 23 person in the room is wearing a mask tonight in
 24 response to the ongoing concerns about Covid. Our all
 25 choosing to wear the masks here speaks for itself as

1 to the general concerns about Covid that still plague
2 us.

3 And I think what I just wanted to point
4 out was because the Covid concerns are still here,
5 there might actually be people who didn't attend
6 tonight, despite our excellent mask compliance,
7 because of Covid. And Covid would be the only reason
8 that they were not here in the room in person tonight.
9 Such people are not allowed to speak here at the
10 meeting, like I'm going to speak right now, because
11 there is no interactive remote link to participate in
12 this meeting. There's only a read-only YouTube
13 meeting.

14 I believe that not providing that link
15 limits the public participation in the input from the
16 community into this meeting, and I believe that the
17 planning board deliberately does not provide that link
18 so as to limit public participation that they don't
19 want to hear in opposition to the project, or just in
20 general. And I feel that our township could do better
21 to solicit opinions. Or not even solicit. Just even
22 allow people to come who are concerned about Covid.
23 Come virtually to give their opinions.

24 Ideal case, the planning board would
25 actually proactively solicit opinions, but I will

1 My concerns about the lack of a remote link for the
2 planning board date back to the proceedings that
3 occurred last year. During the heart of the pandemic,
4 when none of us were vaccinated, and I raised the
5 issue of lack of a Zoom link or remote link with
6 council, and did not get a satisfactory response.

7 And I want to note that Counsel for
8 Avalon Bay at the last meeting remarked that there was
9 no Zoom link. So I think that this is irregular, and
10 I have serious concerns about it.

11 And I trust in the good faith of the
12 planning board, and I hope you will revisit this going
13 forward. Thank you.

14 CHAIRMAN O'BRIEN: Our ranks are
15 swelling.

16 Does anyone else wish to make an comment
17 that does not pertain to an agenda item?

18 All right. Then we will go to the
19 application. Before we do that, I want to indicate
20 that I made a bad mistake at the last meeting. In the
21 beginning of the hearing for the application I stated,
22 for those watching on YouTube, we will entertain any
23 comments or questions that you'd like to submit after
24 tonight's meeting.

25 Our attorney, Mr. Muller, provided the

1 never call it out for that.

2 I want to make those opinions known and
3 thank you for letting me speak.

4 CHAIRMAN O'BRIEN: You're welcome.

5 GUY PIERSON: Good evening. My name is
6 Guy Pierson. I live at 241 Fisher Place. And the
7 only reason I'm wearing a mask tonight, because I
8 think it was required to come in. Other than that, I
9 don't wear a mask at work. I don't -- vaccinated, so
10 to make a statement that everybody concurs with this
11 wearing a mask here by the individual behind me, I
12 disagree. So I'll put my mask up for the courtesy of
13 everybody here, but it's only required here at the
14 meeting. Thank you.

15 CHAIRMAN O'BRIEN: Thank you, sir.

16 Anybody else?

17 Yes, ma'am?

18 TIRZA WAHRMAN: Good evening. Tirza
19 Wahrman.

20 CHAIRMAN O'BRIEN: You need to get close
21 to the mike. I'm sorry.

22 TIRZA WAHRMAN: That's all right.

23 Tirza Wahrman, 5 Stonelea Drive.

24 Can you all hear me? I wanted to

25 reiterate the remarks that were made by Mr. Hinsdale.

1 planning board -- provided me with a memorandum that
2 indicated -- this was on September 29th. And I'll
3 quote a few excerpts.

4 "This is a follow-up to our discussion
5 after the last Avalon Bay hearing about reading
6 questions from members of the public not in attendance
7 at the hearing, and attributing the questions to them.
8 I confirm my advice to you that it would not be
9 appropriate and, indeed, would be improper to read
10 such questions and attribute them to members of the
11 public.

12 "Counsel for the Applicant, or an
13 objector, is entitled to cross-examine a member of the
14 public, even if only questions are being asked."

15 So I apologize to any member of the
16 public who does not feel comfortable in attending our
17 meeting in person. But we will not be entertaining
18 remote questions on the basis of our attorney's
19 guidance.

20 With that, we will begin a continuation
21 of the Princeton Junction Train Station Redevelopment
22 PB20-15.

23 Mr. Hoff, are you ready?

24 MR. HOFF: Yes. Thank you, Mr. Chairman.

25 Again, for the record, Richard Hoff with the law firm

1 of Bisgaier & Hoff on behalf of the Applicant, Avalon
2 Bay Communities, Inc.

3 As the Board and members of the public,
4 previously on September 22nd we presented the
5 testimony of our civil engineer, as well as the
6 architectural testimony, or what we are refer to as
7 the Pulte section of the project, and the
8 architectural testimony with respect to the Atria
9 section of the project.

10 Tonight we have our final three
11 witnesses. We're going to start with Mr. Ken O'Brien.
12 Mr. O'Brien is going to provide testimony relative to
13 the Avalon Bay architecture within the project.

14 For the record, Mr. Chairman, as was
15 marked at the last hearing A-1, we have a slide show
16 presentation that's been collectively marked. And as
17 we did at the last hearing, we will continue this
18 meeting. It's 72 separate sheets. Each of the
19 witnesses has designated portions of that presentation
20 that they're going to walk through. As they walk
21 through it, they'll direct everyone's attention to the
22 page that they're on so that the record is clear. And
23 we'll proceed in the same manner as we did at the last
24 meeting.

25 CHAIRMAN O'BRIEN: Excuse me just a

1 minute, please.

2 MR. HOFF: Sure.

3 CHAIRMAN O'BRIEN: I'm sorry for the
4 interruption. The only screen that will display the
5 presentation material and/or Mr. Lange, who's not able
6 to be here tonight because of a Covid situation. So
7 if anybody in the audience wants to turn their chair
8 so they're facing the screen to my left, please feel
9 free to do so. It will be easier on your torso to be
10 comfortable.

11 MS. BAILLIE: I'm just going to point out
12 for a second that we've had -- some additional Board
13 members have joined the quorum. We have a quorum now.

14 CHAIRMAN O'BRIEN: We had a quorum when
15 we convened it. Yes, Mr. Schectel has joined the
16 meeting. Mr. Joseph has joined the meeting.

17 Thank you, Martina.

18 MS. BAILLIE: And also, Mr. O'Brien, I
19 don't think has been sworn in.

20 You can raise your right hand, please.
21 Do you swear or affirm that the testimony you're about
22 to give shall be the truth?

23 MR. O'BRIEN: I do.

24 MS. BAILLIE: Thank you. Could you state
25 your name, please?

1 MR. O'BRIEN: Kenneth O'Brien.

2 BY MR. HOFF:

3 Q Mr. O'Brien, if you could for the Board
4 provide your educational and professional background?

5 **A I'm a registered architect in the State
6 of New Jersey. I have a Bachelor's of Architecture
7 from Virginia Tech. I've been licensed in the state
8 for 14 years now, and presented at planning boards all
9 over the state.**

10 Q And qualified by those boards?

11 **A Yes. Correct.**

12 MR. HOFF: Mr. Chairman, I'd offer Mr.
13 O'Brien qualified to testify in the field of
14 architecture.

15 CHAIRMAN O'BRIEN: Does anybody object to
16 this witness being considered expert? So be it.

17 MR. HOFF: Thank you, Mr. Chairman.

18 BY MR. HOFF:

19 Q Mr. O'Brien, as indicated, we're going to
20 work through this slide show that we've done with
21 prior witnesses. I believe you're going to start at
22 page 21; is that correct? We moved on to 22, so why
23 don't we start with where -- just give -- because, you
24 know, we're starting it new today, why don't we just
25 reorient the Board members, the members of the public,

1 and then focus on your area of the architectural
2 aspect?

3 **A Yes. Absolutely. Thank you.**

4 **So we're looking at Exhibit Sheet 22
5 right now. In the middle of the page, between the two
6 blue blocks here, you see the promenade, which splits
7 the project in half. And north is up to the top
8 right. And you see to the east side the bigger blue
9 block is the east -- what we refer to as Avalon East.
10 And to the left of the promenade is what we'll refer
11 to as Avalon West.**

12 **CHAIRMAN O'BRIEN: Excuse me, Mr. Hoff.
13 Why did you turn off these lights?**

14 MR. HOFF: It's easier for people to see
15 in the back. I just thought it would be easier to see
16 the screen.

17 MR. MARATHE: I think you can turn these
18 off.

19 SPEAKER: Did you ask him how well we can
20 see? Is that the question?

21 MR. HOFF: Yes.

22 SPEAKER: I can see fine, but the people
23 on YouTube -- don't turn that camera. They won't see
24 anything up there. Thank you.

25 MS. GEEVERS: Do you have one of those

1 pointers with the red dot, so if you're talking about
2 a certain area you can, you know, point to it?

3 MR. O'BRIEN: It's not working right now.

4 MS. GEEVERS: It's not working?

5 MR. O'BRIEN: To the top of the left side
6 of the Avalon West building is the Atria Senior Living
7 portion. Along the central spine of the promenade is
8 the Pulte condo building. And then you see the
9 townhomes to the top right.

10 You can go to the next slide, I believe.
11 Yes. So this is slide sheet 23. Here you see in a
12 little more detail the Avalon West and Avalon East
13 buildings. To the left of the promenade on the top is
14 the Avalon West building. 159 units. 126 are market
15 rate and 33 are affordable. It's about 205,000 square
16 feet. There's three market rate studios. Sixty-one
17 one-bedrooms. Of those, 58 are market rate and four
18 are affordable. Seventy-seven two-bedrooms.
19 Fifty-six are market rate and 21 affordable. Eighteen
20 three-bedrooms. Ten market rate and eight affordable.

21 See the West garage that is to the top of
22 the page? There's an entrance from Road B to the
23 Avalon West garage. That garage houses 309 parking
24 spaces. There are 50 EV charging spaces in that.
25 That is a shared parking garage between senior living

1 If you can go the next slide that you'll
2 see is from the corner of -- so this is sheet 24 of
3 the exhibit. This is the view from Washington Road as
4 you -- at the corner of Road B. So Road B is --
5 you're looking south -- southwest here coming in off
6 of Washington. This is the corner of the building
7 that you'll first see entering the site from
8 Washington Road. See the breakdown in massing. The
9 townhomes are directly to your -- the right side of
10 this image.

11 So we're trying to break down the massing
12 into three-story elements. Break it down into smaller
13 elements to coordinate with the townhomes.

14 We worked collaboratively with the other
15 architects to pick up different materials that carry
16 throughout the -- throughout the development, and
17 different scaler elements that relate to each other.

18 SPEAKER: Excuse me. Is this the view
19 from the circle?

20 MR. O'BRIEN: This is after you come out
21 of the circle and coming down to that the
22 intersection.

23 SPEAKER: So is the intersection -- in
24 relationship to this, where's the circle?

25 MR. LADELL: Who is this, Mr. Chairman?

1 and the Avalon residence. It's 81 parking spaces for
2 senior living and 228 for Avalon.

3 There's 11 resident bike parking spaces.
4 And you see there's a liner building to the right-hand
5 side between the building and Road B.

6 On the East Building, which is the bigger
7 of the two buildings, Avalon East, we have 376 units.
8 There's 309 market rate and 67 affordable. There's
9 six market rate studios, 153 one-bedrooms. 136 are
10 market rate and 16 affordables. 183 two-bedrooms, 134
11 market rate and 39 are affordable. And 44
12 three-bedrooms, 32 market rate and 12 affordable.

13 Here in the middle of the East Building
14 you see there's a parking garage. That parking garage
15 is five tiers and about 170,000 square feet. Houses
16 495 parking spaces. Sixty parking spaces are shared
17 and public. Twenty-nine are resident -- there's 29
18 resident bike parking spaces and 36 EV charging
19 spaces.

20 You see there's two entrances to the
21 Avalon East garage. There's one to the north side
22 from Road B, and there's one from the south side off
23 of Station Road -- Station Drive.

24 And the Avalon East garage is contained
25 on all sides by the residential building.

1 MR. O'BRIEN: I'm sorry. I can't --

2 CHAIRMAN O'BRIEN: I'm listening.

3 MR. O'BRIEN: -- I can't point, so I can't
4 give you the exact location on the map.

5 The building has a base of masonry.
6 There's brick on the -- light, bright brick on the
7 base. There's a white fiber cement frame element on
8 many of the corners. There's a wood look fiber cement
9 panel, and there's also fiber cement lap siding and a
10 mixture -- mixture of different fiber cement products
11 on the facade, along with vinyl windows and aluminum
12 railings.

13 Go to the next slide. Here as you go
14 down Road B and go into the promenade. So this is
15 promenade -- north is to the right, just to orient
16 you. So the Avalon West building is to the top of the
17 page. The Avalon East is to the bottom of the page.
18 This shows all the nonresidential square footage in
19 the project.

20 And to the top right of the page you see
21 the entrance to the Avalon West parking garage, along
22 with an amenities base.

23 As you move down the promenade to the
24 left from that corner there's units along the
25 promenade that have entrances to the street. And then

1 there's a nonresidential retail portion to the left of
 2 that building, which you'll see in one of the views.
 3 As we come around the promenade you see
 4 we have anchoring the Avalon East Building is the
 5 retail -- retail portion of the building. Large
 6 retail portion. And then we have amenity space for
 7 the Avalon -- Avalon residents. And this is shared.
 8 Both of these amenity spaces on both sides are shared
 9 between the residents of both buildings.
 10 MR. HOBBERMAN: Ken, now that you have a
 11 pointer -- I think you have a pointer.
 12 MR. O'BRIEN: Yes.
 13 MR. HOBBERMAN: I'd like to ask -- I'm
 14 asking all presenters that, as you use your pointer
 15 tonight on the display, please be more descriptive for
 16 those that are watching on YouTube and cannot see the
 17 screen. They might be able to see the presentation by
 18 reference to page number, but they cannot see as you
 19 point to a particular item upon the screen. Makes
 20 sense?
 21 MR. O'BRIEN: Absolutely.
 22 CHAIRMAN O'BRIEN: Ken, might I impose on
 23 you to go back to Page 23 or slide 23 and help us with
 24 the orientation?
 25 MR. O'BRIEN: Yes.

1 CHAIRMAN O'BRIEN: Who would have access
 2 to that deck?
 3 MR. O'BRIEN: The residents of the Avalon
 4 buildings.
 5 CHAIRMAN O'BRIEN: Any resident?
 6 MR. O'BRIEN: Yes.
 7 CHAIRMAN O'BRIEN: And it's just, what?
 8 A seating area or something like that?
 9 MR. O'BRIEN: It's not fully programmed
 10 yet, but, yes; seating areas and lounge space.
 11 CHAIRMAN O'BRIEN: Thank you.
 12 MR. O'BRIEN: Go to the next slide. Here
 13 we're looking from the train station parking lot view.
 14 Sorry. This is sheet 27 of the exhibit. We're
 15 looking at the Avalon West building. Again, this is a
 16 mixture of fiber cement lap siding, panel siding, and
 17 some wood look -- some wood look fiber cement siding
 18 and siding as well. Vinyl windows, storefront on the
 19 ground floor, retail areas.
 20 There are canopies and awning -- awnings
 21 along the retail frontage on both of the buildings
 22 that are compatible with the buildings. And here
 23 we're really trying to make a landmark.
 24 You also notice on the -- towards the
 25 right-hand side of this image that you can see the

1 So as you come out of the circle on
 2 Washington Road and you come down here, that view that
 3 you are looking at on page 24 is at this intersection
 4 facing -- facing this corner of the building.
 5 CHAIRMAN O'BRIEN: Thank you.
 6 MR. O'BRIEN: Thank you.
 7 Go to the next sheet. So now we're
 8 looking at page 26. This is the north end of the
 9 promenade. Here you see the angles on the corner of
 10 the building, as the buildings angle away at the
 11 corners and have recessed entries. The entry to the
 12 left here is the amenity entry to the Avalon East
 13 Building. There's a large bay announcing that amenity
 14 corner. This is similar materials to the rest of the
 15 building. There's fiber cement products in a
 16 combination of lap and panel siding. There's a brick
 17 base masonry base. We have a base metal top motive.
 18 You can see on the top floor of this building it's
 19 stepped back to recede away from the facade of the
 20 street. And there's an amenity deck up on the top
 21 portion of this corner of the building.
 22 You see the promenade and the entrance on
 23 the right-hand side of this slide is the entry element
 24 and corner element that announces the entry to the
 25 Avalon West amenity space.

1 pavilion in the promenade in this image. There's an
 2 open-air pavilion that has electric and water service,
 3 and really anchors this end of the pavilion.
 4 I believe last time you talked about how
 5 this end of the promenade can be closed off to
 6 traffic, and this can be used as an event space.
 7 MS. GEEVERS: Is there any public
 8 bathroom anywhere there? Because you mentioned about
 9 having concerts and different things. That promenade
 10 not -- is not just for the people living there, but
 11 for the, you know, general public, West Windsor
 12 residents, especially.
 13 MR. O'BRIEN: There's not a restroom, a
 14 public restroom, in the -- in the promenade itself.
 15 MS. GEEVERS: Where would they go if they
 16 had -- you have little children or something?
 17 CHAIRMAN O'BRIEN: Linda, might that
 18 better be a question for the landscape discussion with
 19 the accoutrements related to that? I think Mr.
 20 O'Brien is --
 21 MR. O'BRIEN: I am complete my prepared
 22 testimony. So if you guys do want to ask me
 23 questions, that's fine.
 24 MS. GEEVERS: I just wanted -- I just
 25 want to know, because you're attracting large crowds,

1 you're having nice concerts, and that's all good for
2 the community and people living there. I mean, it's
3 just something that I would want addressed. People
4 supposed to go into a restaurant if there's a
5 restaurant there?

6 MR. O'BRIEN: There are. There will be
7 retail, you know, components here and --

8 MS. GEEVERS: But will they be open late
9 enough?

10 MR. O'BRIEN: We don't know what they're
11 going to be yet.

12 MS. GEEVERS: It's hard to tell. I'm
13 just saying, if you're going to be doing this, then
14 you got to think about how that's going to work.

15 MR. SCHECTEL: I'd like to follow up on
16 Linda's question with regard to the utilization of
17 that space.

18 CHAIRMAN O'BRIEN: Allen, can you use the
19 mike? Get a little closer, please. Thank you.

20 MR. SCHECTEL: Okay. So with regard to
21 the open space that we have to the public, are you
22 going to put in any kind of framework infrastructures
23 so that if you had bands playing, you know, they would
24 have something to plug into? Are you thinking of
25 doing anything of that nature? Any lighting for the

1 I'm a licensed landscape architect here in New Jersey.
2 I've been a graduate from Rutgers University with a
3 degree in landscape architecture, 1994, licensed in
4 1997. I've appeared before numerous boards on similar
5 applications, and I did have the pleasure of appearing
6 before this Board about a year ago on an application.

7 CHAIRMAN O'BRIEN: Anyone object to this
8 witness being considered expert? So be it.

9 MR. HOFF: Thank you, Mr. Chairman.

10 BY MR. HOFF:

11 Q Mr. Carman, same presentation format.
12 You're going to start on slide 45, and you'll walk us
13 through your presentation.

14 **A Great. Thank you.**

15 **So if we can move to the next slide, this**
16 **is a slide -- we're looking at slide 46. This is an**
17 **image that everybody has seen in the past. It's the**
18 **overall rendered site plan. And I'm going to stay on**
19 **this plan for a little bit, as I just give a bit of an**
20 **overview related to the landscape architectural**
21 **portions, and then I will make my way through. I'll**
22 **touch on lighting, and then I will also discuss the**
23 **recreational amenities for the residential -- the**
24 **various residential buildings. And then, lastly, I**
25 **will discuss the promenade.**

1 area if there's going to be evening concerts?

2 MR. O'BRIEN: Yeah. The landscape
3 architect, I believe, will address the promenade
4 layout in a little more detail.

5 MR. SCHECTEL: Okay.

6 CHAIRMAN O'BRIEN: Anything else for this
7 witness?

8 Thank you, Ken.

9 MR. O'BRIEN: Great. Thank you.

10 CHAIRMAN O'BRIEN: But don't go home.
11 There might be other questions.

12 MR. HOFF: And with that segway, Mr.
13 Chairman, I'd like to call Mr. Tom Carman, the
14 landscape architect for the project.

15 MS. BAILLIE: Good evening, Mr. Carman.
16 Place raise your right hand. Do you swear or affirm
17 that the testimony you're about to give will be the
18 truth?

19 MR. CARMAN: I do.

20 MS. BAILLIE: Thank you. Please state
21 your name for the record.

22 MR. CARMAN: My name is Thomas S. Carman,
23 C-A-R-M-A-N. I'm a landscape architect, a principal
24 with the firm Melillo, Bauer & Carman Landscape
25 Architects, 200 Union Avenue in Brielle, New Jersey.

1 **So we have a very richly detailed**
2 **landscape plan that includes a very diverse and hardy**
3 **palette of plant material, both ornamental and native**
4 **plant material, along the street frontages, the**
5 **building facades, as well as the promenade stormwater**
6 **basins and the amenity spaces. Deciduous shade trees**
7 **are located throughout, and they're a mix of maple,**
8 **oak varieties, elm, honey locust, just among some of**
9 **them.**

10 **All the trees proposed are at a caliper**
11 **of three to three and a half inches or greater.**
12 **Evergreen trees ranging from the ordinance minimum,**
13 **which is five to six, up to a height of over eight**
14 **feet are what we're proposing. Really, these**
15 **evergreens are along the edge of the stormwater basin**
16 **over where the existing train station parking lot is**
17 **to create a little bit of a buffer there.**

18 **The existing landscape that's out there**
19 **today is a combination, especially along that edge of**
20 **the existing train station. It's kind of a volunteer**
21 **landscape in that it's plant material that's just**
22 **grown up over years and includes many invasive**
23 **species, some native species.**

24 **The balance of the existing landscape is**
25 **a designed landscape that's around the existing office**

1 buildings. It's somewhat unkept today, but, again,
2 that -- that landscape includes some invasive material
3 as well, some ornamental material, as well as some
4 natives.

5 So there's approximately 380 trees on the
6 site that are going to be removed. There's a bit
7 over, approximately 460 trees that are proposed,
8 within the landscape plan.

9 Along with the trees there's detailed
10 foundation building planting that's proposed along the
11 Avalon buildings, the Atria buildings, as well as
12 typical unit foundation plants for the various
13 townhomes.

14 All the planting includes some evergreen
15 shrubs, deciduous shrubs, all to kind of accent the
16 architecture, as well as a mix of ornamental grasses
17 and perennials.

18 Native and adaptive plants are being used
19 to really reduce the irrigation requirements, and
20 seasonal planting to provide some good accent and
21 texture.

22 Lighting. If I can now talk about
23 lighting a bit, using the same -- the same slide.
24 We've provided a series of lighting plans within the
25 submitted landscape and lighting sheets. There's over

1 And then as we move more towards the
2 promenade, we have some other more decorative
3 fixtures. And I'll show an image of that in a little
4 bit.

5 So if I could now -- we're going to move
6 to some of the amenity slides. What we've done is
7 created a very comprehensive package of amenities for
8 the residents. What I'm going to do is I'm going to
9 walk you through a few plans that identify the areas,
10 such as this plan, which is sheet 47. That indicates
11 Atria North courtyard and the Atria West courtyard.
12 And then what I will do is I'll show you a couple of
13 3-D views as we move through.

14 So moving to slide 48 here, this is a 3-D
15 view of the Atria North courtyard. What we're seeing
16 in the foreground is some table and chair seating, a
17 nice garden wall, and in the background a shade
18 structure.

19 And then associated with the
20 architecture, you see a fireplace with some lounge
21 seating there. This image -- and you're going to see
22 it in all the other 3-D images. We've got about half
23 a dozen images that I'll be showing you. You're going
24 to see the architecture. We've turned the materials
25 off, right? And we've turned the colors of the

1 four sheets, I think, dedicated just to the lighting.
2 And we indicate on there a table that shows that we
3 meet all the ordinance requirements or exceed those
4 requirements. There is one item that we are exceeding
5 in that it's ordinance section 231.K4, which requires
6 an average of .6 foot candles in residential areas.
7 And our average is a little bit above that. We are
8 actually at .8.

9 So -- and the reason that we are -- we're
10 exceeding that .6 is because the ordinance does not
11 have a minimum requirement. So what we've done is
12 we've established .2 as a minimum. And the .2 is the
13 Illuminating Engineering Society's guideline for that.
14 Essentially, once we establish that minimum, kind of
15 drives up our average a bit.

16 So we feel it's really a prudent approach
17 not to go down to, like, a zero, but to provide that
18 minimum of .2, which has elevated our average up to
19 .8.

20 We have a very compatible palette of
21 lights. We've really worked to select light fixtures
22 that work throughout, whether it's using the county
23 kind of standard over at the roundabout, or the
24 Princeton Junction-style fixture that comes in along
25 Road A and is used all within the townhome portion.

1 architecture off. So, really, it's just the landscape
2 architecture that is being focused in these views.

3 **CHAIRMAN O'BRIEN: With regard to the**
4 **fireplace, what's the source of energy?**

5 MR. CARMAN: It's a natural gas
6 fireplace. All the fireplaces include emergency
7 shutoffs, code compliant shutoffs, and such.

8 CHAIRMAN O'BRIEN: Thank you.

9 MR. CARMAN: Moving to the next slide
10 here, we're at 49. This is a view of the west
11 courtyard of the Atria building. And in the
12 foreground we see a long panel that's used for things
13 such as chair yoga. And then a little bit more of an
14 intimate garden seating space towards the background.

15 There's also some garden space associated
16 with it, such as for growing some vegetables or
17 flowers.

18 Next slide. Slide number 50. So this
19 indicates the various courtyard spaces, part of the
20 Avalon West Building, as well as the East Building.
21 And it ranged from -- on the West or the East
22 Building, on the north side the children's play area.
23 On the east side towards the south where there's a dog
24 run.

25 What I'll do is I'll take you through a

1 few of these 3-D views, starting on the West Building.
 2 Slide number 51, please. So this is
 3 highlighting Avalon West courtyard. And then we'll
 4 see a 3-D view on sheet 52.
 5 So looking into this space on the
 6 foreground, we see barbecue grills, nice open lawn
 7 area, raised seating node with tables and chairs.
 8 Various seating opportunities throughout.
 9 Slide number 53. We'll jump over to the
 10 West courtyard. And we're going to focus on the pool
 11 courtyard here, which is 3-D view on slide 54. Here a
 12 bird's eye view looking at the pool. It's a
 13 multi-level terrace. So within the brown tone, that's
 14 the upper deck area where there's some barbecue
 15 grills, some seating spaces.
 16 And then we have a code compliant pool
 17 fence that encloses the whole pool area where you
 18 could then step down with an ADA ramp, bringing you
 19 down to the pool area. A sun shelf associated with
 20 the pool, which has a shallow depth of water, and then
 21 a pool which is more traditional depth.
 22 CHAIRMAN O'BRIEN: Is this the only pool
 23 in the entire tract?
 24 MR. CARMAN: This is.
 25 MS. GEEVERS: How many units does that

1 3-D view of that on slide 56. So here again we're
 2 seeing some different opportunities for residents. A
 3 shade trellis, the fire pit below. There's some
 4 outdoor gaming associated with this one, some string
 5 lights to just provide some ambiance out there.
 6 And the last courtyard that we're going
 7 to look at is on sheet 57. So this is the courtyard
 8 that opens up to Washington Road. Here's the 3-D
 9 view.
 10 Sheet 58 where in the foreground we're
 11 seeing barbecue grilling, central fire pit area, a
 12 lawn panel. Then you also see ringing this -- towards
 13 the building. And most of the courtyards have
 14 residential terraces. So any of the units that face
 15 these courtyards, some of them may have a private
 16 patio that would come out to it.
 17 All the spaces are ADA compliant, include
 18 lush planting, just creating some really welcoming
 19 environments.
 20 MS. GEEVERS: Where is the lighting --
 21 the lighting poles around?
 22 MR. CARMAN: The light poles are shown on
 23 the lighting plan. In this image there are bollard
 24 lights. They're not depicted in this 3-D kind of
 25 artist's interpretation.

1 pool serve?
 2 MR. CARMAN: This pool would serve all of
 3 the Avalon Bay residents. Offhand I do not recall the
 4 exact unit number. I can -- excuse me.
 5 MR. LADELL: 535.
 6 MR. CARMAN: 535.
 7 CHAIRMAN O'BRIEN: So this is just for
 8 the apartments?
 9 MR. CARMAN: That is correct. That is
 10 correct.
 11 MR. HOBERMAN: Avalon Bay pool locations,
 12 maybe at other Avalon Bay locations, is it typical for
 13 it to be swim at your own risk or does Avalon Bay use
 14 lifeguards?
 15 MR. CARMAN: There is a lifeguard, and we
 16 have worked on a number of Avalon Bay communities
 17 throughout New Jersey. And, really, the program that
 18 they have developed is a really superior program where
 19 the residents -- they offer great amenities for the
 20 various residents, and really have related to the
 21 number of units right down to the amount of chaise
 22 lounges and things like that that they have surveyed
 23 across their various portfolio of properties.
 24 Now, if we could move to slide 55, this
 25 -- the Avalon East, it's a central courtyard. And a

1 Now we'll go to slide 59. Slide 59, this
 2 is another -- this is -- we're just keying in the
 3 promenade. And I think you've seen this -- this
 4 exhibit in the past during the civil engineer's
 5 testimony. But central -- central to the overall
 6 redevelopment is the promenade. It's really a
 7 significant amenity. We just spoken about all the
 8 various amenities, but this is really the greatest
 9 amenity for the residents, as well as the general
 10 public.
 11 If we could -- so this is an enlargement
 12 of it. We're on slide 60. And so this is -- the
 13 beauty of the promenade, the way it's designed, is,
 14 really, to create some flexibility. The flexibility
 15 is created through designing multiple spaces within
 16 the overall space.
 17 And then further the flexibility that's
 18 achieved by being able to limit vehicular circulation
 19 around that. So on a typical day cars can come in off
 20 of Road B and circulate around the promenade clockwise
 21 along Road D down and around, 360 degrees back out
 22 along Road E, parallel parking along there.
 23 But during times where maybe there's
 24 going to be an event, Road B, we can close that down.
 25 Well, we can close down Road D and E along Road B so

1 cars can continue to circulate up and down on this
 2 slide at Road B, but would not be able to come in.
 3 So from Avalon West to Avalon East, and
 4 from Road B to the transit parking lot, that whole
 5 zone can totally become a pedestrian area.
 6 We also have created the ability to do a
 7 hybrid solution. So just about centered of this space
 8 is an opportunity where a couple of bollards could be
 9 removed and cars could make their way through. So now
 10 we're able to close about a half -- almost a third of
 11 the promenade and leave the left half or the left
 12 two-thirds of it open, purely to pedestrian
 13 circulation.
 14 CHAIRMAN O'BRIEN: What's the
 15 significance of the color coding?
 16 MR. CARMAN: The color coding of the
 17 trees?
 18 CHAIRMAN O'BRIEN: Yeah.
 19 MR. CARMAN: Just -- we have some -- we
 20 have a variety of different tree types, and these are
 21 some that are accented that would be a flowering tree.
 22 So now within this space there's also, as
 23 I mentioned, there's multiple spaces within the
 24 greater overall promenade design.
 25 So starting on the left-hand side where

1 And then next to that is a larger lawn
 2 panel.
 3 And then finally we have a -- what we
 4 called a north plaza. And in the 3-D views provided
 5 by the architect earlier you saw that north plaza.
 6 If I could now, let's move to slide 61.
 7 So here we have the amphitheater area, the sitting
 8 steps. Our back is directly to the train station
 9 parking. You can see how people can sit on these
 10 steps during an event. They could also set up chairs
 11 on the -- on the lawn there.
 12 And then the pavement that defines the
 13 vehicular area, defines the pedestrian zone, kind of
 14 blurs the line of a shared space, having the ability
 15 to put a stage out there as well. And then we're
 16 seeing the open air pavilion in the background.
 17 Next, moving to slide 62, now we're down
 18 at grade. In the same -- looking north, again, we're
 19 down -- you see the way the pavement defines the area?
 20 Defines that south plaza space? Defines the area
 21 where the pavilion is then where the sidewalk would
 22 be.
 23 There was a question earlier related to
 24 lighting. And you see the column lights that are a
 25 very decorative element located right in front of the

1 the train station parking lot is, we have an ample
 2 theater type of seating element. So it's about six
 3 foot of grade change. Train station parking being
 4 higher than the promenade.
 5 So the sidewalk that's in the white
 6 meandering configuration, that's handicapped
 7 accessible route. It doesn't even require handrails
 8 in that. It's just a sloped walkway that meets the
 9 compliance for ADA access.
 10 And then there are four different
 11 terraced seating opportunities. They have these long
 12 treads that step down. So we would be able to sit
 13 there on a great day or set up a stage down on the
 14 lower portion down on the road.
 15 So as we move further there's the -- the
 16 open air pavilion, which the architect just previous
 17 before me had provided some testimony on. And I'll
 18 show you a view of that again.
 19 Then as we move on there's a tree grove,
 20 so having a lot of shade within this area and some
 21 seating.
 22 Then moving along a bit further, we have
 23 a splash pad. And I'll have some 3-D views of all of
 24 these elements as well. So some deck jets where the
 25 water can come up out of the pavement.

1 pavilion.
 2 And in terms of electric and water, yes,
 3 that is something that would be brought to the
 4 pavilion. That is something that's part of the
 5 redevelopment plan that we are certainly going to
 6 provide.
 7 MS. GEEVERS: So the lights will have
 8 outlets, a couple of outlets, so if the band wants to
 9 hook up?
 10 MR. CARMAN: Yeah. So whether -- whether
 11 the lights themselves have an outlet to it or within
 12 the pavilion or within the seat wall there, we will
 13 provide that electrical connection.
 14 MS. GEEVERS: Is that in the plans now?
 15 MR. CARMAN: It's noted in the plans.
 16 The exact location is not shown.
 17 MR. SCHECTEL: What about water
 18 fountains? Water fountains. For example, do you have
 19 anything in that -- that promenade area?
 20 MR. CARMAN: So we do have -- we are
 21 bringing water to the site to be connected. We
 22 currently do not have -- we do not show a water
 23 fountain for drinking.
 24 MR. SCHECTEL: If you have a lot of
 25 people, it's a hot day or whatever, I think that would

1 be an amenity that people would use.
 2 MR. CARMAN: I'm sure that's something
 3 that we could incorporate.
 4 The next view would be slide 63. So here
 5 we're seeing -- now we've switched around all the way
 6 at the end of this towards the top of this view.
 7 That's where the train station parking is. So, you
 8 know, we're looking south. And the synthetic turf
 9 lawn panel right in the foreground. And then that
 10 plaza space with the deck jets coming out of it.
 11 All right. So synthetic turf panel, the
 12 deck jet, the fountain, great amenity for people of
 13 all ages, but certainly something that children would
 14 like as well.
 15 During a previous -- I think during the
 16 last meeting there was a question posed to the other
 17 architect of the townhomes, whether there was a play
 18 area associated with the townhomes. And to clarify,
 19 there is not a specific play area at the townhome
 20 portion. But certainly all the residents throughout
 21 this redevelopment have access to the promenade, which
 22 is, really, the -- we feel is the greatest amenity.
 23 Really unique opportunity.
 24 Some of the residents of this overall
 25 development, I'm sure that they will visit West

1 knowledge related to programming for residents.
 2 And so in looking at the courtyards and
 3 identifying where the best locations would be for
 4 that, collectively work through them, and, yeah, that
 5 seems to be a good location. It's --
 6 MR. SCHECTEL: Well, where you located
 7 it, they're -- I think they're good. I thought it
 8 would be nice to have distributed them throughout the
 9 community.
 10 MR. CARMAN: I see, yeah. So the amount
 11 of it, again, that goes to just our experience, as
 12 well as their experience, with communities like this.
 13 MR. SCHECTEL: So, essentially, you're
 14 saying that two tot lots that you're showing, that's
 15 it for this size community?
 16 MR. CARMAN: That's correct. It's
 17 actually just the one tot lot on the -- on that East
 18 Building of Avalon Bay.
 19 MR. SCHECTEL: Right. And in terms of
 20 the swimming pool, what standards did you rely upon
 21 to, basically, size the swimming pool? 530 units.
 22 And also what percentage of the day will
 23 that pool be, basically, in shade, because it is the
 24 north side of your building.
 25 MR. CARMAN: Right. It is. So the way

1 Windsor's community parks. I'm sure that some of the
 2 greater West Windsor public will come and visit this
 3 promenade.
 4 MS. GEEVERS: So the children will be
 5 able to run through the water during the summer? It's
 6 not just an architectural type of --
 7 MR. CARMAN: Right. So what it -- what
 8 it is is it's flush pavement. So during -- if there's
 9 an event where, let's say, it's an arts and crafts
 10 event, I'm just speculating something, and they set up
 11 some tents along there. This fountain has the ability
 12 to be turned off and be no water. You could just walk
 13 along the pavement. When the fountain is turned on,
 14 the water comes out of the pavement so a child could
 15 play in that water that disappears right into the
 16 pavement.
 17 MR. SCHECTEL: In terms of the
 18 recreational amenities for children, you touched on
 19 the -- I noticed that the only tot lots you had were
 20 around the East Building. Nothing around the West.
 21 Is there a reason for that?
 22 MR. CARMAN: No. As we -- as I
 23 mentioned, we -- when we work on a project with Avalon
 24 Bay, we work through some specific program elements
 25 that they have. As I mentioned, they have a wealth of

1 we've designed that space is that we provided the
 2 seating as on the northern side the best that we could
 3 so it would get some southern exposure. But
 4 certainly, yes, the pool itself is in -- is in shade a
 5 decent amount of the time.
 6 MR. SCHECTEL: Yeah. Most of the time.
 7 MR. CARMAN: Yes.
 8 MR. SCHECTEL: And in terms of sizing the
 9 pool, did you rely upon any state or national
 10 standard, recreational standards, for that?
 11 MR. CARMAN: We did not rely on national
 12 standards for -- we relied on standards that we have
 13 worked through with our clients and their and our
 14 experience.
 15 MR. SCHECTEL: Thank you.
 16 MS. GEEVERS: Maybe one of our
 17 professionals could just comment on that later, if
 18 it's township code you have so many units, the pool
 19 has to be so many square footage.
 20 MR. CARMAN: So if I could now move to
 21 the next slide, which is -- we're at 64. And this is
 22 a view of the promenade. We are at the north plaza
 23 looking towards the south, and we're seeing an arcade
 24 structure that takes off on the same kind of elements
 25 that are in the pavilion.

1 The column light we're seeing right in
2 the foreground here, which is a bit of a more
3 architectural light, and then some seating
4 opportunities within that space. Sidewalk moving off
5 to the -- to the left, and then that synthetic lawn
6 space.

7 The next slide is slide 65, which on the
8 top we're seeing the various types of furniture that
9 are proposed within the promenade. A picnic table,
10 movable tables, and chairs. Some lounge kind of
11 seating, as well as some -- a bench that comes in
12 multiple configurations, right? It could be way back
13 without a back, depending upon where it is located
14 within the promenade.

15 And then on the bottom, the bottom row
16 we're seeing the -- the various types of light
17 fixtures. So I referenced the column light in the
18 previous slide, and that is the first one on the left
19 with a compatible bollard.

20 And then we have what's called the
21 millennial post fixture, which is in the middle, and
22 that's a bit more of an architectural fixture. So
23 that's located around the Avalon Bay building.

24 And then the last one, which is the
25 Princeton Junction's style light, which comes in if we

1 seeing street lights. There's bike racks, benches,
2 seat walls, that further layering; elements to enhance
3 the pedestrian experience. The multiple spaces within
4 the promenade are defined by the trees by various
5 paving patterns, as well as the arcade structure and
6 the pavilion itself.

7 So we're really excited about the overall
8 promenade, the project in general. We think that it's
9 -- that it would be a great addition for the
10 residents, as well as the general public, coming to
11 the space.

12 MR. HOBERMAN: Tom, looking at slide
13 66 --

14 MR. CARMAN: Yes?

15 MR. HOBERMAN: -- the planting slope,
16 pretty well developed. How developed are they at the
17 time of initial planting compared to the view that
18 we're looking at?

19 MR. CARMAN: Right. So the -- the trees
20 that we're looking at over here, you're almost seeing
21 that it's -- that -- it's my gut feeling is those
22 trees are shown at about 20 -- a little over 20 feet
23 in this image. And, really, when they go in they'll
24 be more in the range of 14 to 15 feet, so they'll be a
25 bit smaller. But it's a three and a half -- three to

1 come in off of the roundabout, that -- and that
2 happens within the townhome as well.

3 CHAIRMAN O'BRIEN: Tom, who maintains the
4 furniture and lighting?

5 MR. CARMAN: Within -- within the
6 promenade and along the street, that is Avalon Bay or
7 the Applicant.

8 CHAIRMAN O'BRIEN: Thank you.

9 MS. GEEVERS: The furniture looks a
10 little bit light in terms of weight. You know, we get
11 a lot of rainstorms.

12 MR. CARMAN: Sure.

13 MS. GEEVERS: Blows in, blows out,
14 everything is thrown all the -- all over the place.
15 Is this going to be heavy enough? Will it blow all
16 over?

17 MR. CARMAN: You'd be very surprised.
18 That specific company, they -- we've had them bring
19 that piece to our office to take a look at, and it's a
20 very substantial piece. In some of the locations some
21 of that furniture will be bolted down, some of it will
22 be movable.

23 This is the final slide. This is slide
24 66 or -- yes. And this is -- this is an overall view
25 of the looking back at the promenade where we're

1 three and a half caliper tree which will come in at
2 about that 14, 15.

3 CHAIRMAN O'BRIEN: Tom, did you say that
4 it's expected that the vehicular movement in Roads D
5 and E will be in one direction only?

6 MR. CARMAN: Yes. Yes.

7 CHAIRMAN O'BRIEN: Clockwise, I think I
8 heard?

9 MR. CARMAN: That's correct.

10 MR. HOBERMAN: Actually,
11 counterclockwise.

12 MR. CARMAN: It is counterclockwise.

13 CHAIRMAN O'BRIEN: So it's showing
14 counterclockwise, and that's what the intention is?

15 MR. CARMAN: That's correct.

16 MS. GEEVERS: These wooden structures,
17 especially the one that's partially covered on page
18 62, is there any chance any of the, like, nonprofits
19 in town, let's say the -- like, the arts center could
20 ever hold an event there or something? An arts sale;
21 something like that?

22 MR. HOFF: The redevelopment agreement
23 between the Applicant and West Windsor requires,
24 actually, the public-private partnership. So West
25 Windsor is able to use it for various activities

1 within the community.
 2 MR. SCHECTEL: So will somebody be
 3 responsible for planning the use of the promenade over
 4 time, over the year, for example, X, Y, Z, or could
 5 have concerts in the park? You're going to have an
 6 art show or craft show, whatever?
 7 MR. HOFF: We don't know. I mean, part
 8 of the agreement between the parties is to work
 9 towards that. Right now we don't have the programming
 10 yet, but that's certainly the intention to allow for
 11 different activities that would benefit different
 12 sectors of the community to use the promenade.
 13 MS. GEEVERS: We should have something in
 14 writing. I know it's not worked out yet, but I
 15 thought years ago maybe we discussed that there would
 16 be some kind of agreement at some point on how this is
 17 going to work.
 18 MR. HOFF: No. There is a redevelopment
 19 agreement that calls exactly for that. But,
 20 obviously, for the same thing that we're struggling
 21 with now as to what it might be, we don't know yet.
 22 Just like when we entered the agreement we didn't know
 23 then. We just made it the acknowledgement between the
 24 parties that, yes, it would be public space. I
 25 remember back in the day we talked about a farmers

1 complete?
 2 MR. CARMAN: That does conclude my
 3 testimony. Thank you.
 4 CHAIRMAN O'BRIEN: Any other questions
 5 for this witness at this time?
 6 Thank you, sir.
 7 MR. CARMAN: Thank you.
 8 MR. HOFF: Thank you, Mr. Chairman. And
 9 our final affirmative witness, Mr. Maurice Rached.
 10 He's our traffic engineer.
 11 MS. BAILLIE: Good evening, Mr. Rached.
 12 MR. RACHED: Good evening.
 13 MS. BAILLIE: Please raise your right
 14 hand when you have a second. Do you swear or affirm
 15 that the testimony you're about to give will be the
 16 truth?
 17 MR. RACHED: I do.
 18 MS. BAILLIE: Thank you. Please state
 19 and spell your name, please.
 20 MR. RACHED: Maurice Rached. That's
 21 R-A-C-H-E-D.
 22 BY MR. HOFF:
 23 Q Mr. Rached, if you could for the Board,
 24 your educational and professional qualifications,
 25 please?

1 market. That that constantly came up. But, again,
 2 that's one use. It's a great use. And if that works
 3 out, all the better. But maybe one month it's the art
 4 show. Maybe another month it's the craft show. We
 5 have little doubt that we'll be able to work
 6 collaboratively with the township to come up with
 7 programs that benefit, you know, all different
 8 activities within the community.
 9 MR. SCHECTEL: So the framework of your
 10 development, there will be somebody in charge of that?
 11 And I assume somebody in the township would be working
 12 with that person in concert?
 13 MR. HOFF: Yeah. Avalon Bay retains
 14 ownership of the property, so we're not going
 15 anywhere. So there will always be a point person at
 16 the community that will have regular interaction with
 17 the township representatives over the promenade, as
 18 well as any other issues.
 19 But, yeah. This isn't a situation where
 20 we're selling it off to someone else. We're there and
 21 we'll maintain lines of communication with township
 22 officials to ensure that the intent of the
 23 redeveloper's agreement is achieved.
 24 MR. SCHECTEL: Thank you.
 25 CHAIRMAN O'BRIEN: Tom, is your testimony

1 **A Certainly.**
 2 **Good evening, Mr. Chair, members of the**
 3 **Board. It's good to be here tonight. Again, the name**
 4 **is Maurice Rached. I'm a traffic engineer.**
 5 **CHAIRMAN O'BRIEN: Your affiliation?**
 6 MR. RACHED: I work with Colliers
 7 Engineering & Design, and I've been doing this for 35
 8 years. I've testified approximately 1,500 times
 9 before at least 150 boards. I've testified in courts,
 10 including federal court. I've testified before this
 11 Board here, and I'm licensed in the State of New
 12 Jersey. And I also have a national certification as a
 13 professional traffic operations engineer.
 14 CHAIRMAN O'BRIEN: Anybody object to this
 15 witness being considered expert? So be it.
 16 MR. HOFF: Thank you, Mr. Chairman.
 17 MR. RACHED: Thank you.
 18 MR. RACHED:
 19 Q Same drill as before. We're going to
 20 walk through. But you recall Mr. Lange sort of gave
 21 us some background as to the area we're dealing with
 22 from a traffic perspective. I thought it would also
 23 make sense for -- for you to sort of step back and
 24 remind the Board members and the public sort of the
 25 general roadway network, where we are, and sort of how

1 the area functions right now.

2 **A Very well.**

3 Q Just make reference to the slide numbers
4 as we go through.

5 **A We're looking at slide number 68. And on
6 that slide you see the development itself, and it's
7 highlighted in yellow. And if you look to the right
8 of the yellow markings you will see the outline of
9 Route 571.**

10 **And then moving up on that slide you will
11 see the alignment of Washington Road.**

12 **In general, the access for this
13 development is through a combination of traffic coming
14 from Route 571, Princeton-Hightstown Road, and
15 Washington Road, and then it filters in through a
16 couple of access points, which we will show on a -- on
17 the next slide.**

18 **If we can go to the next slide. On this
19 slide you could -- you see the development a little
20 bit closer. And to orient you one more time, I'm
21 pointing now on this slide all the way to the right of
22 the slide. You see the alignment of the
23 Princeton-Hightstown Road, which is also Route 571.
24 And today it actually curves and meets Washington Road
25 somewhere in this location. So that is being**

1 **And what I mean by that, not only access
2 to this development that you have before you tonight,
3 but access to future development that may happen to
4 the right of the roundabout, as you see it on the
5 sheet. And we worked with the county very closely on
6 finalizing the design.**

7 **One of the very important elements that
8 we included in the design is connectivity for
9 pedestrians and connectivity for bicycle traffic.**

10 **And on future slides you will see a
11 closeup where we can talk about some more details, as
12 far as bicycle lanes and pedestrian sidewalks.**

13 **So if we can go to the next slide. So
14 this slide is to demonstrate some of the improvements
15 that we're achieving. To orient you, I'm pointing now
16 to the existing site, which is pretty much the lower
17 half of that aerial shot that you see on the screen.
18 And above it there's a building. This is known as the
19 AI building.**

20 **And there are seven driveways along
21 Washington Road which we're consolidating into two,
22 and some of the driveways, like the driveway that
23 currently services AI, and that is that -- the one
24 next to it that also services our site do not have the
25 proper sight distance.**

1 **eliminated for the purpose of realigning the roadway,
2 improving it, improving capacity, and building a
3 roundabout.**

4 **So this is an effort that's been in the
5 works for a few years now. We've worked with the
6 township, with the county, and with the state on
7 developing this plan.**

8 **Before we started our traffic study with
9 the township, we provided the township with our intent
10 in terms of what we studying and how we're doing it.
11 The township professionals gave approval to the intent
12 of the study, which we called the scope of study, and
13 then we proceeded forward. We conducted the analysis,
14 the daily collection, and we finalized a traffic
15 report, and then we worked with the county on
16 reconfiguring and redesigning 571 and Washington Road.**

17 **We went through a variety of analyses.
18 We looked at placing a traffic signal. We looked at
19 changing the geometry and keeping it unsignalized, and
20 we looked at, as you see before you, the installation
21 of a roundabout.**

22 **The county was very strongly in favor of
23 the installation of the roundabout for a variety of
24 reasons. It improves capacity greatly, it provides
25 the community for better access.**

1 **And this exhibit is to show you how it
2 doesn't have the proper sight distance. But resolving
3 all these issues, and with the introduction of the
4 roundabout, sight distance is restored, and the whole
5 road will operate very efficiently and safer than
6 existing.**

7 **We can go to the next slide. And I think
8 on this slide we'll spend most of the time. It has
9 most of the details.**

10 **So this is a closeup of the roundabout,
11 the alignment. To orient you again, this is the
12 bridge over the rail right here. Just to reference,
13 this part of the roadway belongs to NJDOT. And then
14 the rest belongs to the county. And then moving to
15 the west, it becomes a municipal roadway. And,
16 therefore, we had to work with the DOT and the county
17 and, of course, with the town to finalize this
18 alignment and finalize all the details specifically
19 when it comes to pedestrian connectivity and bike
20 path.**

21 **So in terms of the bicycle routes, we
22 worked with the county on developing seven-foot
23 shoulders on both sides of the roadway throughout the
24 project limit, which would be appropriate for bicycle
25 traffic. This is a solution that we found to be the**

1 **most appropriate, and it's a solution that the county**
2 **also recommended, and we followed their**
3 **recommendation.**

4 MR. HOBERMAN: Maurice?

5 MR. RACHED: Yes?

6 MR. HOBERMAN: I really do like the
7 indication in this graphic of bike lanes. And even
8 though it's only a small portion, this is an element
9 of our -- this is a part of our circulation element
10 that we do want to have bicycle connectivity between
11 Penns Neck and other parts of the West Windsor
12 Township on the other side of the Northeast Corridor
13 train line.

14 However, I do note in the engineering
15 documents, the Maser Engineering documents, pages 45
16 through 47, on traffic signing and striping plans that
17 there are no indications of bicycle lanes or bicycle
18 path. And these documents also indicate a six-foot
19 shoulder. And you have testified there would be a
20 seven-foot shoulder.

21 Can you clarify, please?

22 MR. RACHED: Yes. Thank you for the
23 question and thank you for reviewing the plans with
24 such detail.

25 The original design was six-foot lanes

1 Then there is a crossing across one of the legs of the
2 roundabout, and then we pick it up right here with
3 another sidewalk and a crossing here, and then we meet
4 the existing sidewalk system.

5 On the other side of the roundabout we
6 have a wider area, which is about eight to 10 feet,
7 which is appropriate for bicycle traffic. So bicycle
8 traffic will be using the shoulder, but then they will
9 merge into this area around the roundabout, and then
10 continue into the shoulder on their way.

11 CHAIRMAN O'BRIEN: So page 46 of the
12 Maser submission appears to show crosswalks on either
13 side of the roundabout; is that true?

14 MR. RACHED: Yes. There will be
15 crosswalks across the three -- there will be a
16 crosswalk across the side of the length of the
17 roundabout that actually goes towards the train
18 station.

19 CHAIRMAN O'BRIEN: So what sort of
20 controls will be used at those crosswalks so that
21 pedestrians can get across?

22 MR. RACHED: There will be a yield sign
23 and there will be paved markings, which are
24 standard. You can find these on traffic control
25 devices in the MUTCD, which stands for Manual on

1 and 12-foot -- I'm sorry. Six-foot shoulders and
2 12-foot lanes.

3 But then, in discussing the design with
4 the county, we mutually agreed that we should widen
5 the shoulder to seven feet to make it more appropriate
6 for bicycling traffic, and add whatever signs are
7 necessary to indicate that this is a bicycle lane.

8 MR. HOBERMAN: So you would say then
9 right now the Maser documents are lacking with that
10 level of the development?

11 MR. RACHED: There will be revised plans.

12 MR. HOBERMAN: That will reflect what
13 you're saying?

14 MR. RACHED: Yes. Correct. But the
15 agreement has been done with the County.

16 And just for the record, the County
17 approved the application, I believe, on August the
18 24th, as you see it on the board on this slide.

19 So continuing on, anything you see in
20 white, like this area that is just below the
21 roundabout, indicates a walking path or a bicycle
22 path.

23 Now, you see, going from Road A and then
24 moving down on the slide and going along Washington
25 Road or along 571, you will see a continuous sidewalk.

1 Uniform Traffic Control Devices. And you see them
2 around the state and around the nation.

3 So, again, there will be yield signs and
4 there will be pavement markings to delineate where
5 pedestrians are to cross and delineate where cars be
6 to -- to -- are to stop.

7 CHAIRMAN O'BRIEN: Will there be flashing
8 signals that the pedestrians can activate?

9 MR. RACHED: No.

10 CHAIRMAN O'BRIEN: Why not?

11 MR. RACHED: Because there is no need at
12 this point. And that's really the reason for putting
13 a roundabout, is that a traffic signal or other type
14 of intersection -- because the roundabout slows
15 everybody down. Everybody that comes through the
16 roundabout has to slow down, usually to maybe 15 miles
17 an hour or so, to negotiate the roundabout. And
18 that's why most professionals and most publications,
19 if not all of them, view the roundabouts as safer for
20 cars and for pedestrians.

21 CHAIRMAN O'BRIEN: Well, just to play it
22 a -- a little bit further, as a car enters the
23 roundabout from Princeton Junction toward Princeton,
24 the line of vision is onto the adjoining lane to the
25 right. And it's only after the driver negotiates the

1 roundabout that they are able to be looking directly
 2 at the crosswalk. I'm concerned that there's not
 3 enough time, perhaps, for a vehicle's operator to
 4 react to an elderly person negotiating the crosswalk.
 5 MR. RACHED: Actually, if you -- I'm sure
 6 you've been, Mr. Chairman, through many roundabouts.
 7 So when you get close to the roundabout, you will see
 8 an island, which tells you that the roundabout is
 9 coming, and you can make a turn into it. And then in
 10 the middle of that island there's the crossing. Prior
 11 to that crossing, there's the yield sign. And at the
 12 crossing on the pavement there's the pavement
 13 markings. It is unmistakable.
 14 So there's few things that happen here.
 15 Number one, unlike a regular crossing, let's say that
 16 is mid block or is unsignalized, what happens here is
 17 traffic must slow down because of the geometry of the
 18 -- of the roundabout. And that's why roundabouts have
 19 been popular in the last 10, 20 years in New Jersey
 20 and other states, and they've been popular in Europe
 21 for many more decades, specifically because they are
 22 safer for pedestrians. And the key is visibility and
 23 reduced speed. You combine these two elements and
 24 that's safety for pedestrians.
 25 MS. GEEVERS: What about the lighting

1 you know, it's very, very bright and you cannot miss
 2 it.
 3 MR. SCHECTEL: There will be bike paths
 4 on both sides of the road or just on one?
 5 MR. RACHED: Yes. On both sides of the
 6 road, yes.
 7 MR. SCHECTEL: So that's -- it will be
 8 two seven-foot shoulders then?
 9 MR. RACHED: That's correct, yup.
 10 MR. SCHECTEL: Okay.
 11 MS. GEEVERS: When we get big rainstorms
 12 or tropical storm or hurricane, this area floods. How
 13 is that going to work with the roundabout and anything
 14 elevated, or where is the water going to go so people
 15 can get in and out of there?
 16 MR. RACHED: I'm sorry. This, again, is
 17 a question not within my expertise. That's a question
 18 for the site engineer.
 19 But being a traffic engineer and knowing
 20 roadway design, I could tell you that the primary
 21 consideration, when designing a roadway, is drainage.
 22 It's the primary consideration. If it doesn't drain,
 23 the design is not acceptable. So drainage is primary.
 24 And -- and I believe that this area is actually
 25 slightly elevated. So I would not be concerned at all

1 around the roundabout?
 2 MR. RACHED: Well, that's something
 3 that's addressed by the landscape architect or the
 4 site engineer. Unfortunately, it's not within my
 5 expertise to talk about lighting.
 6 MS. GEEVERS: Well, you have -- you're
 7 going to have pedestrians and cars. You're going to
 8 need a nice -- a decent amount of lighting.
 9 MR. RACHED: Yeah. These issues are
 10 usually addressed by the site engineer. But now that
 11 you asked the question, I'll make sure they're
 12 addressed as we work the plans with the NJDOT and the
 13 county.
 14 MR. SCHECTEL: Maurice, will you be
 15 providing pedestrian crossing signs prior to getting
 16 to that pedestrian crossing?
 17 MR. RACHED: Yes.
 18 MR. SCHECTEL: Okay. I think I'm just
 19 comparing this to the one in Princeton on Alexander
 20 Street near the McCarter Theater. They don't have any
 21 lighting for the pedestrians, but they do have a lot
 22 of signage, so it is very evident.
 23 MR. RACHED: Yeah. The signage at night
 24 is extremely visible. The material we use today is
 25 very reflective, and as you drive, it just -- it's --

1 about drainage at the roundabout.
 2 Remember that this is a roundabout that
 3 also is being reviewed by the county and by the state.
 4 So you have too many eyes looking at drainage and
 5 safety. So I can assure you, there should be no issue
 6 with drainage at all.
 7 MR. KARP: Isn't this brown area a
 8 retention basin?
 9 MR. RACHED: That I'm not sure. It looks
 10 like a retention basin looking at the slide. But,
 11 again, I would hate to opine on things that are not
 12 within my expertise.
 13 MR. KARP: I think all the water would
 14 run off of there, I guess, or somehow get there.
 15 MR. HOFF: As Mr. Lange testified during
 16 the first hearing, the county has agreed to accept
 17 that -- exactly that area. It's a county-maintained
 18 basin for the purpose of the roadway improvement.
 19 CHAIRMAN O'BRIEN: It's Basin F.
 20 MR. KARP: Yup.
 21 MR. HOBERMAN: Okay. So our circulation
 22 element --
 23 MR. RACHED: Yes?
 24 MR. HOBERMAN: -- we do have, in the
 25 circulation element, a secondary arterial road future

1 that would connect somewhere around Harrison Street
2 and U.S. Route 1, and connect to -- on this side of
3 the Northeast Corridor to, you know, 571/526/64. You
4 know, they all merge together at that point.

5 So my question is: Mr. Lange did at the
6 last hearing mention that -- that such arterial would,
7 question mark, connect at the circle -- at the rotary.

8 But my question is: Does the rotary have
9 the capacity to take additional traffic coming off a
10 principal -- a secondary arterial road that might come
11 into the rotary from -- as we look at the screen, from
12 the right side?

13 MR. RACHED: Yes, it does. And that was
14 the primary reason why we and the county chose to do a
15 roundabout. Because of capacity.

16 MR. HOBERMAN: So the whole idea with the
17 second right arterial coming into this area would be
18 at the roundabout and not at the -- what might become
19 the future Vaughn Drive, which is whatever that road
20 at the top of the plan, Road A?

21 MR. RACHED: Well, either way Road A was
22 designed for such future construction, and that's
23 built into the plan in terms of how Road A is done and
24 how it connects to the rest of the system. And if
25 there is another means of connecting that arterial to

1 connect Washington Road to Alexander Road --

2 MR. RACHED: Yes.

3 MR. HOBERMAN: -- that's part of our
4 circulation element --

5 MR. RACHED: Yes.

6 MR. HOBERMAN: -- would that -- those
7 prescriptions be reexamined if that became the case?

8 MR. RACHED: They may be. They may be
9 eliminated if we find from experience that that's not
10 an issue, or they may be expanded.

11 So this is a public road, and the town
12 has the prerogative to implement traffic control as
13 they wish. But at this point this is the best we
14 could see for safety and efficiency.

15 MR. MARATHE: So those -- hi. So those
16 no left turns will be enforced by West Windsor Police?

17 MR. RACHED: Yes.

18 MR. MARATHE: So that's --

19 MR. HOFF: Mr. Rached, it's me back here.
20 And to your earlier point, you're able to allow for
21 the prohibitions because you have the capacity to
22 direct everybody to the roundabout, right?

23 MR. RACHED: Yes, of course. So the
24 prohibition doesn't mean that if you need to go
25 westbound on Washington you go to Route 1. You can't

1 571, the roundabout has plenty of capacity to absorb
2 it.

3 CHAIRMAN O'BRIEN: Maurice?

4 MR. RACHED: Yes?

5 CHAIRMAN O'BRIEN: Looking at Road B
6 coming into Route 571, what type of traffic control --
7 no. Up on top. I'm sorry. Road A coming into --

8 MR. RACHED: Very good question, Mr.
9 Chairman, because you prompted me to explain some
10 additional improvements at the intersection of Road A
11 and Washington Road.

12 So at that intersection we're providing a
13 left turn bay. A left turn bay meaning, if you want
14 to make a left turn in, you have a storage area so you
15 don't interfere with traffic that is going straight on
16 Washington Road.

17 And in terms of the control, it's going
18 to be stop control. However, the county has required
19 that we prohibit left turns in the a.m. peak and p.m.
20 peak only so -- between, let's say, 7:00 and 9:00 a.m.
21 and 4:00 and 6:00 p.m., left turns out from Road A
22 onto Washington would be prohibited.

23 MR. HOBERMAN: Would that prescription --
24 if Road A does eventually become, you know, Vaughn
25 Drive as part of the circulation element, which would

1 anymore. What you do is make a right and go around
2 the roundabout and go back.

3 CHAIRMAN O'BRIEN: Where will signage be
4 provided to alert drivers to this no left turn
5 prohibition?

6 MR. RACHED: So there will actually be
7 several signs. There will be a sign on the near side
8 and there will be a sign on the far side of the
9 intersection. And these signs will have the no left
10 turn signal. And under the sign there will be a
11 placard saying 4:00 to 7:00 a.m., 4:00 to 6:00 p.m.

12 MS. GEEVERS: Have you or any of the
13 other professionals talked to the school district
14 about the school bus traffic and where the pickups
15 will be?

16 MR. RACHED: I have not.

17 MS. GEEVERS: Has anybody?

18 MR. RACHED: Not to my knowledge.

19 MR. HOFF: Typically those kind of
20 conversations would be had once there's actual
21 population, so that the school district could make a
22 determination as to when and where they want bus stops
23 located. We would work with the school district to
24 determine where they want to pick up. It's their
25 call.

1 Mr. Rached, the roadways have been
2 designed to accommodate school buses, garbage trucks,
3 you know, vehicles of all sizes?

4 MR. RACHED: Yes. These are roadways
5 that are compliant with the residential site
6 improvement standards. Like any development in the
7 state, they're designed to accommodate the traffic
8 that usually come to these developments.

9 MR. MARATHE: So the left turn on Road A
10 is not prohibited at any time? If I go to Route 1 I
11 can turn on Road A at any time of day?

12 MR. RACHED: Yes, that is correct. So
13 that's the left in, you mean?

14 MR. MARATHE: Yes, left in.

15 MR. RACHED: That is correct. So the
16 left in to the development is not prohibited at any
17 time. And the reason for that -- that's why we put a
18 storage bay on Washington Avenue to provide for a safe
19 area for a car to wait.

20 MR. MARATHE: And how many cars will fit
21 in that storage?

22 MR. RACHED: You could fit about five
23 cars. The study shows that you may need two, but we
24 have more than the need. So when we did the model, we
25 calculated and estimated how many cars may wait when

1 MR. RACHED: Okay. So we're looking at
2 slide 72. And toward the top of the slide you will
3 see Road A, and it's designated as Road A. Now, the
4 existing -- the existing condition there is an -- an
5 access, pretty much, where Road A is for this site.
6 But little bit to the west or to the top on the -- on
7 the slide there is an existing driveway.

8 Looks like we're having some technical
9 difficulties with the projector. But let me continue
10 describing, and I think I can answer your question
11 without the -- I'll try to be more descriptive.

12 So there is an existing drive, it's
13 approximately 26 feet in width, that services the AI
14 building. So in lieu of that drive we're building
15 Road A, and we're providing access to AI from Road A.
16 And we're providing a 43-foot wide access. We did
17 that to accommodate different types of vehicles.

18 But having said all that, I believe
19 there's been meetings that I have not been part to
20 with AI to try to resolve that whole issue.

21 CHAIRMAN O'BRIEN: So you leave us
22 hanging? You don't know?

23 MR. RACHED: I have to leave you hanging,
24 Mr. Chairman, because I do not know what transpired
25 out of this meeting. Maybe the attorney could give us

1 there's traffic on Washington, and the model told us
2 two, but we provided storage for more than two.

3 CHAIRMAN O'BRIEN: Maurice?

4 MR. RACHED: Yes?

5 CHAIRMAN O'BRIEN: Let's have you talk
6 about the intersection of Road C, Road A, and the
7 ingress/egress of AI Technology.

8 MR. RACHED: Okay. So I think if we go
9 back to the previous slide, it will be more
10 appropriate. Yeah. Maybe slide 70.

11 CHAIRMAN O'BRIEN: Or 69?

12 MR. RACHED: Maybe 71 then. Okay. I
13 think this is the best one to answer your question,
14 Mr. Chairman.

15 CHAIRMAN O'BRIEN: Well, 69 it's clearly
16 shown --

17 MR. RACHED: Okay.

18 CHAIRMAN O'BRIEN: -- at the top.

19 MR. RACHED: Okay. We can go to 69 if --

20 MR. HOFF: It's the same one, 72 -- 72
21 and 69, I think, are the same.

22 MR. RACHED: You prefer this slide, Mr.
23 Chairman?

24 CHAIRMAN O'BRIEN: I beg your pardon? I
25 didn't turn to 72. I didn't get that far.

1 some guidance. But all I could tell you is that the
2 parties are talking to each other, and they're
3 discussing various solutions.

4 CHAIRMAN O'BRIEN: What can you tell us
5 about traffic control devices at that intersection,
6 that four-way intersection?

7 MR. RACHED: So that is a -- that is a
8 stop intersection. Anyone that is coming to cross
9 Road A will have a stop sign and will need to stop.
10 However, traffic on Road A will have the right-of-way.

11 CHAIRMAN O'BRIEN: Is there consideration
12 for putting a stop sign where the traffic on Road A is
13 heading toward Route 571 so that it gives trucks
14 coming out of AI's property a little chance of getting
15 out?

16 MR. HOFF: I'm sorry, Mr. Chairman. I'm
17 dealing with technical issues.

18 Where would the stop sign go?

19 CHAIRMAN O'BRIEN: On the --

20 MR. RACHED: Right here.

21 CHAIRMAN O'BRIEN: -- the northbound side
22 of Road A, yes, crossing the roadway with that.

23 MR. RACHED: So, Mr. Chairman, that's a
24 very tough question. It's unfair for me and for the
25 Board to answer it immediately. Usually when we do

1 four-way stops you have to comply with national
2 standards.

3 CHAIRMAN O'BRIEN: I'm not asking for a
4 four-way stop. I'm asking for a three-way stop.

5 MR. RACHED: Or a three-way stop.
6 Anything more than a two-way stop. Let's say a
7 multi-way stop, and that these requirements are
8 published in the Manual on Uniform Traffic Control
9 Devices, and it sets specific criteria as to when a
10 three-way or a four-way stop can be implemented.

11 There is a -- this criteria has to do
12 with volumes, with volume distribution, and other
13 factors.

14 So it would be unfair for me to give you
15 an opinion without looking at the numbers and doing
16 analysis.

17 What I could tell you is we can look at
18 the numbers and do the analysis and respond to the
19 town.

20 CHAIRMAN O'BRIEN: Well, my concern is
21 that -- I mean, we've had correspondence from an
22 attorney representing the AI Technology folks, and
23 there's been no testimony here or no public comment by
24 the party, but we do have correspondence from them,
25 and this driveway is going to be their sole

1 **we collected data, and from memory I could tell you in**
2 **the half an hour, approximately about 30 trips. But I**
3 **can go to my records and give you an exact number.**

4 **But --**

5 Q And that's total trips, not truck trips?

6 **A That's total trips, yes.**

7 Q Right. And --

8 CHAIRMAN O'BRIEN: That was per hour,
9 right?

10 MR. HOFF: I'm sorry?

11 CHAIRMAN O'BRIEN: It was per hour?

12 MR. RACHED: Yes.

13 BY MR. HOFF:

14 Q No. Per day.

15 **A Let me double-check. Give me one moment.**

16 MR. HOFF: While he's checking that, Mr.
17 Chairman, you know, if, to the extent that Road A
18 becomes a public road, which would be anticipated, the
19 decisions on where to put stop signs and restrictions
20 goes up to the Township of West Windsor. So, you
21 know, Mr. Rached is correct. Whether you make it a
22 two or four is usually dictated by the amount of
23 volumes coming in certain directions.

24 So I would be shocked -- I'm a traffic
25 engineer. I would be shocked that he would have

1 ingress/egress for trucks that they need to come to
2 their property. Cars have a little better
3 acceleration and ability to get out to Road A.

4 MR. RACHED: Understood.

5 CHAIRMAN O'BRIEN: But a large truck is
6 going to have to be very deliberate in how it does it.
7 That's why I'm concerned for --

8 MR. RACHED: So my opinion in that
9 regard, Mr. Chairman, is that we table this discussion
10 to the next meeting, I'm hoping.

11 MR. HOFF: Hold on. Stop.

12 MR. RACHED: Then maybe Mr. Hoff can help
13 us.

14 MR. HOFF: Let me ask a couple of
15 questions, because I think it helps with this line of
16 questioning.

17 BY MR. HOFF:

18 Q Mr. Rached, the entranceway into the AI
19 property, as it's been designed, can it accommodate
20 truck traffic?

21 **A Yes.**

22 Q Okay. And are you privy to some traffic
23 counts as to how often currently truck traffic is
24 coming in and out of the AI property?

25 **A Yes. I have all the numbers. We took --**

1 sufficient traffic coming from either our development
2 or the AI property to warrant a four-way stop, such
3 that the traffic that's flowing back and forth on Road
4 A is interrupted.

5 But, again, that will be something that
6 someone will study. And if it's warranted, West
7 Windsor can make the decision to put up a stop sign.

8 CHAIRMAN O'BRIEN: Well, right now Avalon
9 Properties owns Road A.

10 MR. HOFF: That's -- well, that's --
11 would be anticipated as a public roadway, especially
12 considering, you know, the future extension
13 anticipated for that.

14 CHAIRMAN O'BRIEN: I can't -- can't
15 foresee into the future any more than you can, I
16 think.

17 MR. RACHED: So, Mr. Chairman, I found
18 the information, and here's the results. A.m. peak,
19 31 cars, zero trucks, zero tractor-trailers. Daily
20 volume, 58 cars. That's entering, by the way.
21 Fifty-eight cars entering, three single-unit trucks
22 entering, and zero tractor-trailers. That's for the
23 whole day.

24 CHAIRMAN O'BRIEN: So the first set of
25 numbers you gave us for what time?

1 MR. RACHED: For the a.m.
 2 CHAIRMAN O'BRIEN: Which was considered
 3 the peak a.m.?
 4 MR. RACHED: 7:00 to 8:00 p.m.
 5 CHAIRMAN O'BRIEN: A.m.?
 6 MR. RACHED: A.m., correct.
 7 CHAIRMAN O'BRIEN: And the other set of
 8 numbers was for what?
 9 MR. RACHED: For the whole day.
 10 SPEAKER: Do you have p.m. peak?
 11 MR. RACHED: Actually, for the p.m. peak
 12 -- this is all entering for the p.m. peak, there was
 13 zero entering trips. Zero for cars and zero for
 14 trucks.
 15 But for the exiting, there was 28 exiting
 16 vehicles, cars, that is, and zero single-unit trucks
 17 and zero tractor-trailers in the p.m. peak.
 18 CHAIRMAN O'BRIEN: Which was 4:00 to
 19 5:00? 5:00 to 6:00?
 20 MR. RACHED: Yeah. 4:00 to 5:00, yup.
 21 MS. GEEVERS: Is that roundabout designed
 22 for tractor-trailers?
 23 MR. RACHED: Yes, it is.
 24 CHAIRMAN O'BRIEN: All right. We'll
 25 defer any further questions on the subject till we

1 plan we show an extension of Vaughn Drive coming
 2 through the parking lot. It's undetermined area.
 3 From my perspective the most logical place would be
 4 where there's an existing crossing, a rail crossing,
 5 so as to avoid putting in another crossing.
 6 So does that -- what you're showing up
 7 there, does that line up with the rail crossing?
 8 MR. RACHED: Well, that's -- I think
 9 that's a whole different discussion, Mr. Schectel. Do
 10 we want to move the crossing up? Do we want to -- I
 11 don't know. This is -- this is a situation, an
 12 analysis, a design, for another team in the future to
 13 look at and do.
 14 But in terms of how this is designed, in
 15 terms of how it's connected, it was done envisioning
 16 that it may be connected in the future.
 17 MR. SCHECTEL: Okay.
 18 BY MR. HOFF:
 19 Q Mr. Rached, if I could go back to one
 20 point -- it's me back here. If I could go back to one
 21 point about the AI driveway, the relocation of
 22 Washington Road is happening. That was a county and a
 23 state -- as you had testified to, that was a decision
 24 made collaboratively. It makes more sense to relocate
 25 Washington Road, correct?

1 hear from our traffic engineer.
 2 MR. RACHED: Okay.
 3 MR. HOBBERMAN: I want to ask one more
 4 question on that, the left turn restriction from Road
 5 A to northbound of Washington Road. What's the timing
 6 on that again?
 7 MR. RACHED: It is from 7:00 to 9:00 a.m.
 8 and from 4:00 to 6:00 p.m.
 9 MR. HOBBERMAN: So is my understanding
 10 correct, if there's a late afternoon delivery to AI
 11 and the truck wants to get back to the principal
 12 arterial of U.S. Route 1, the truck must make a right
 13 turn and do a full -- like, almost a 360 on the rotary
 14 to go northbound?
 15 MR. RACHED: That is correct. But I'll
 16 remind you that there was zero trucks in the p.m.
 17 peak, by the way, entering or exiting AI.
 18 But, yes, you are correct. If there was
 19 a truck, the truck would have to make a right, go
 20 around the roundabout, and to proceed westbound to
 21 Route 1.
 22 MR. SCHECTEL: I have a question on Road
 23 A, Maurice.
 24 MR. RACHED: Uh-huh.
 25 MR. SCHECTEL: In our circulation master

1 **A In my opinion this design is final, as**
 2 **far as the county. The state has seen it and they**
 3 **gave us some comments on it. They accepted the**
 4 **general design. So all the agencies on the outside**
 5 **sees this design as the best and very appropriate.**
 6 Q So with the relocation of Washington
 7 Road, as a matter of just fact, the existing AI
 8 driveway cannot function, correct?
 9 **A That will be my opinion, yes.**
 10 Q Because the road that it connects to has
 11 been moved further away, correct?
 12 **A Well, for a variety of reasons. Also you**
 13 **cannot have two driveways right next to each other.**
 14 **It would create a lot of conflicts. And already the**
 15 **county sees a conflict, and that's why they're**
 16 **prohibiting the left turn part time. So putting a**
 17 **driveway next to it would actually exacerbate that**
 18 **situation.**
 19 Q And providing AI access off of Road A,
 20 that allows them access to the roadway network as any
 21 other motorist would have, correct?
 22 **A Yes.**
 23 MR. FORNARO: I represent AI, so when do
 24 I get my shot to be involved in this conversation?
 25 CHAIRMAN O'BRIEN: When this gentleman

1 finishes his testimony.

2 MR. FORNARO: Because I have some
3 questions I'd like to ask Mr. Rached, and I'm trying
4 to get an idea if it's tonight after your
5 professionals are done, or at some other hearing.

6 CHAIRMAN O'BRIEN: No. No. We'll give
7 you a chance to ask your questions since you were here
8 previously at a meeting that needed to be annuled.

9 So have you finished your testimony?

10 MR. RACHED: Yes, sir, I have.

11 BY MR. HOFF:

12 Q I have one last follow-up on that point.

13 With respect to the roadway
14 configurations throughout the project, Mr. Rached,
15 including the relocation of the AI driveway, from a
16 traffic safety perspective, anything about the
17 geometry that gives you any pause?

18 **A Not at all.**

19 Q And that's from a traffic safety, as well
20 as just internal circulation?

21 **A And I'm not answering lightly. We did a**
22 **safety analysis. We looked at a site distance of**
23 **every point. We did truck simulation analysis. And I**
24 **could tell you that the geometry is very suitable for**
25 **the traffic that is expected.**

1 MR. FORNARO: Make sure we swear Mr. Hoff
2 in before we leave.

3 CHAIRMAN O'BRIEN: Sorry?

4 MR. FORNARO: Make sure you swear Mr.
5 Hoff in before we leave.

6 MR. HOFF: I always tell the truth.

7 CHAIRMAN O'BRIEN: Well, let me ask --

8 MR. FORNARO: No. I'm just joking. I
9 don't object.

10 CHAIRMAN O'BRIEN: Martina, do you swear
11 attorneys or can they speak without being sworn?

12 MS. BAILLIE: We typically don't swear
13 attorneys. If you have a witness this evening, we'll
14 swear your witness. But if you're -- do you have a
15 witness this evening?

16 MR. FORNARO: No.

17 MS. BAILLIE: You don't? I think for the
18 record, since you're providing comments, we'll swear
19 you in just so that we are on the side of caution.

20 MR. FORNARO: Fair enough. But I just
21 have questions for this witness, but I'll be glad to
22 be sworn in. My name is Rich Fornaro, and I'll put my
23 appearance on the record.

24 MS. BAILLIE: Sure. Do you swear or
25 affirm that the comments you're going to provide are

1 Q Thank you, Mr. Rached.

2 **A Sure.**

3 **CHAIRMAN O'BRIEN: Does any Board member**
4 **have any other questions at this time for this**
5 **witness?**

6 **All right. We will give Mr. Fornaro a**
7 **chance to be heard, so if you step aside.**

8 SPEAKER: We are from Washington Road
9 that we have questions and comments.

10 CHAIRMAN O'BRIEN: Excuse me, ma'am.

11 SPEAKER: We are from Washington Road
12 that --

13 CHAIRMAN O'BRIEN: That's fine.

14 SPEAKER: -- we have questions and
15 comments.

16 CHAIRMAN O'BRIEN: You'll get a chance,
17 but this is not your chance.

18 SPEAKER: Okay.

19 CHAIRMAN O'BRIEN: Would you swear this
20 witness, please?

21 MR. FORNARO: I'm not offering any
22 testimony. I have some questions for the witness.

23 CHAIRMAN O'BRIEN: We swear all persons
24 that speak. That's a part of the letter that I read
25 earlier.

1 the truth?

2 MR. FORNARO: I do.

3 MS. BAILLIE: Go ahead.

4 CHAIRMAN O'BRIEN: Thanks, Mr. Fornaro.

5 MR. FORNARO: Thanks. Mr. Chairman,
6 members of the Board, my name is Rich Fornaro. I'm
7 from the firm of Fornaro & Francioso, LLC. We
8 represent AI Technology.

9 Since I've been sworn, I could make --
10 maybe I'll make some statements to try to move this
11 ahead. What I will represent on the record is, first,
12 AI Technology is not an applicant in this -- in this
13 proceeding. They have not consented to this
14 application. And I will represent to you, and I said
15 this the first night in that proceeding that had to be
16 redone, they have not consented or entered into any
17 agreement to have their property impacted, accessed,
18 touched, or changed by the Avalon Bay application,
19 okay? So I just want to make that clear. On the
20 first night -- and I don't know if you redid it at the
21 last hearing. So I wasn't here.

22 MR. MARATHE: Can you just stay close to
23 the mike so people can hear you on the internet?

24 MR. FORNARO: Okay. So the first hearing
25 we had submitted a letter. We objected to the Board's

1 jurisdiction. Mr. Muller had an opinion about that.
 2 I respectfully disagree with his opinion. And I will
 3 again tell you, I don't believe the Board has
 4 jurisdiction as it relates to the application to make
 5 a decision that affects the AI property. Which --
 6 which, you know, if you extrapolate that a bit, that
 7 has a big impact on that whole Road A portion of the
 8 application.

9 So I'm just -- again, for the purpose of
 10 the record, I'm telling the Board, notwithstanding
 11 what Mr. Muller said, I don't believe you have
 12 jurisdiction. And, frankly, I don't believe you're
 13 confined to what the opinion is that your attorney
 14 offers you.

15 I mean, how many applications have you
 16 had come before you involving properties where
 17 development approvals are sought, but the owner of
 18 that property hasn't consented to that development
 19 approval? I think that's a valid point. I think it's
 20 something that you have to resolve as a Board. And I
 21 frankly don't see how they're here without my client
 22 signing off on it, because that is a major and
 23 significant element to making this whole development
 24 work.

25 So, anyway, that's our position related

1 and Washington Road, but for the Avalon Bay
 2 development, would there have been any modifications
 3 to that -- that -- origins of the new roadway design?

4 **A Yes. Actually, it's a good question.**
 5 **So these modifications are consistent with the master**
 6 **plan. The existing intersection of 571 and Washington**
 7 **is a T intersection. We all know it. The road**
 8 **curves. You go down, you make a right or you make a**
 9 **left. Currently, without this development as it**
 10 **operates today, it's a failing intersection. One**
 11 **approach has about 104 seconds of delay in the p.m.**
 12 **peak, another approach has over 120 seconds of delay,**
 13 **which far exceeds the threshold for failure at an**
 14 **intersection.**

15 **So something needs to be done today. I**
 16 **think something needed to be done years ago. And this**
 17 **development, it -- it's just a catalyst. It's the**
 18 **opportunity to get this improvement done, which, in my**
 19 **opinion, needs to be done anyway.**

20 Q Okay. And just to follow up on that, so
 21 -- but for this development there is no changes,
 22 reconfiguration projects on the books to address the
 23 concerns that you just outlined, to the best of your
 24 knowledge?

25 **A Well, the master plan does talk about**

1 to the application. And I do have some questions for
 2 Mr. Rached. So if I may?

3 BY MR. FORNARO:

4 Q You indicated that there had been
 5 extensive meetings and conversations with the county.

6 CHAIRMAN O'BRIEN: Rich. I'm sorry. Use
 7 the microphone just to be sure.

8 MR. FORNARO: I'm sorry.

9 MR. FORNARO:

10 Q You -- Mr. Rached, you testified that
 11 there were extensive meetings with Mercer County and
 12 West Windsor Township related to the road
 13 configuration; is that correct?

14 This gentleman doesn't have a microphone,
 15 so it's little bit awkward, but --

16 **A Yes.**

17 Q At any point in time was any
 18 representative of AI Technology involved in any of
 19 those discussions?

20 **A I don't know.**

21 Q With any of the meetings that you were
 22 involved in, was any representative of AI Technology
 23 present?

24 **A No.**

25 Q Do you know, the reconfiguration of 571

1 **area alignment in this area. They don't have the**
 2 **exact design, but they recognize the issue. And the**
 3 **community has always recognized the poor traffic**
 4 **operations at the intersection that's described.**

5 **So, again, I think this is a project that**
 6 **the county and the state are looking at it as a public**
 7 **infrastructure improvement project.**

8 Q To the best of your knowledge, had the
 9 county or West Windsor Township or the state
 10 established a funding to do this project without the
 11 involvement of Avalon Bay?

12 **A I have no knowledge of funding at all.**

13 Q Can we go to -- I believe it's slide 68.

14 I'm not sure if that's it. The next one. No. I'm
 15 sorry. Maybe slide 70. Back. That one. It shows
 16 existing condition. Thank you.

17 Mr. Rached, the driveway for AI
 18 Technology is being eliminated because of where Avalon
 19 Bay engineered Road A for its project; is that
 20 correct?

21 **A Not necessarily. If any engineer is**
 22 **looking to realign this roadway and provide access,**
 23 **there is no way, in my opinion, that you can have two**
 24 **access points in proximity of each other in that**
 25 **location. So it's an engineering matter that one**

1 **access point has to service two sites.**

2 Q Okay. And I'm not sure exactly what
3 slide we should go to. Maybe slide, I don't know, 71
4 just to show the proposed Avalon Bay. Okay. Maybe
5 that's not a good one. 72? I apologize.

6 Okay. Now, Mr. Rached, if -- Road A does
7 not have to be located in that -- in that specific
8 location, right? It could have been dropped down, the
9 best way to describe it, so it would intersect at a
10 different location on Washington Road; isn't that
11 correct? I mean, this -- that location was picked to
12 accommodate -- maximize this development; is that
13 correct?

14 **A Actually, that is not correct. The**
15 **spacing is totally needed for -- to reduce proximity**
16 **to the roundabout and to provide for a left turn**
17 **storage lane. As you could see, you finish the**
18 **roundabout and you start the storage lane. If you**
19 **move it any closer, you would compromise the storage**
20 **lane, which would give you a deficient design.**

21 Q Okay. Would it be possible to have moved
22 Road A to the middle of the project and have it access
23 the roundabout in a different location, and push --
24 and push the buildings, the structures, out more
25 towards Road A?

1 Q All right. So -- and I appreciate the
2 fact that you're not going to waiver on that point.
3 But Road A does not have to be part of this project,
4 does it? You could move the housing elements all the
5 way up to where Road A --

6 CHAIRMAN O'BRIEN: Mr. Fornaro, I think
7 he answered that question already.

8 MR. FORNARO: I don't think he did answer
9 that question, frankly. That's what I'm trying to get
10 at.

11 CHAIRMAN O'BRIEN: Well, I think he
12 answered the question, so move on to another question,
13 please.

14 MR. FORNARO: Okay.

15 BY MR. FORNARO:

16 Q Mr. Rached, was this roadway
17 configuration worked out in advance of the application
18 with West Windsor Township?

19 **A I don't know.**

20 Q Were you in any meetings with West
21 Windsor Township officials that requested that --
22 where it was decided that Road A would go in that
23 location?

24 **A I was not.**

25 Q Do you know if anybody from your office

1 **A No, that wouldn't work.**

2 Q Tell me why it wouldn't work.

3 **A Because if you move it closer, then you**
4 **interfere with the other access that is needed for the**
5 **community and for other uses. So you need the**
6 **separation. And this is the minimum separation, as I**
7 **explained, because of the left turn and safety**
8 **factors, and maintaining also the distance between the**
9 **two intersections.**

10 Q Okay. But, again, you could have -- you
11 can relocate that other access point that enters into
12 the roundabout and readjust the way that project's
13 laid out? There's another -- maybe the question's
14 better stated this way: There's another traffic
15 engineering solution other than placing Road A in that
16 location; is that correct?

17 **A No, that's not correct. And I answered**
18 **the question and I explained to you, from an**
19 **engineering perspective, why not.**

20 **This is the -- this is the only way where**
21 **you could have access to Road A, the only location,**
22 **unless you make it even further up, which we can't.**
23 **So this was ideal. This is the right location. It**
24 **provides for all the design elements, the safety**
25 **elements, and, operationally, it's the best location.**

1 was in those kind of meetings where there was a
2 determination made where Road A would be placed
3 collaboratively with West Windsor Township officials?

4 **A I cannot opine on meetings I didn't**
5 **attend. I'd be guessing. So I would tell you, I**
6 **don't know.**

7 Q Okay. Same question for Mercer County
8 officials. Were you ever in a meeting with Mercer
9 County officials where a determination was made that
10 Road A would be placed in that location?

11 **A No. But I read in the record and -- that**
12 **Mercer County -- and I saw review letters where Mercer**
13 **County recommended this design and adopted it and they**
14 **approved it, as we all know, I believe, on August**
15 **24th.**

16 Q Okay. Thank you very much. I don't have
17 any further questions.

18 **A Thank you.**

19 **CHAIRMAN O'BRIEN: Now that we've heard**
20 **more comments from this particular witness, does the**
21 **Board have any follow-up questions or any comments?**

22 MR. KARP: I have a question.

23 Who owns the driveway, the existing
24 driveway, that connects to Washington Road?

25 CHAIRMAN O'BRIEN: From AI Technology?

1 MR. KARP: From AI Technology. That road
2 that's labeled "driveway," it goes right into
3 Washington Road. Who's the owner of that property?
4 MR. RACHED: So are you referring to the
5 driveway that exists?
6 MR. MARATHE: Go to 70.
7 MR. KARP: I'm sorry. Page 70.
8 MR. MARATHE: Go to 70.
9 MR. KARP: And the word "driveway" is
10 right there coming from AI Property onto Washington
11 Road. That piece of roadway, who owns that?
12 MR. FORNARO: I would have to --
13 MR. KARP: Is it county? Is it township?
14 Is it AI's property? Is it part --
15 MR. FORNARO: Are you referring to this
16 driveway here?
17 MR. KARP: That word "driveway" and that
18 road underneath the word.
19 MR. FORNARO: I believe that's owned by
20 AI.
21 MR. KARP: Okay. Thank you.
22 MR. FORNARO: Sure.
23 MR. HOFF: Mr. Chairman, can I ask one
24 follow-up question on the subject?
25 CHAIRMAN O'BRIEN: Sure.

1 Alexander Road through the parking lot.
2 MR. FORNARO: Yes. If you're very
3 familiar with the parking lot, yes. Yes. Yup.
4 CHAIRMAN O'BRIEN: Mr. Hoff, does that
5 complete your --
6 MR. HOFF: I have nothing further for Mr.
7 Rached, and he is our final witness.
8 CHAIRMAN O'BRIEN: All right. Ma'am, I'm
9 sorry, but our custom is to hear reports from our
10 professionals before we open the meeting to the
11 public, in general. We may or may not get to that
12 tonight.
13 SPEAKER: I didn't know that the
14 professionals had not --
15 CHAIRMAN O'BRIEN: No, they haven't made
16 their offer yet.
17 At this point, notwithstanding any cause
18 of angst to anybody in the room, I'm going to declare
19 a 10-minute recess, if for no other reason but in
20 consideration of the stenographer, who is working
21 diligently here in front of the Chair's seat. So
22 stretch for 10 minutes, please, and then we will go to
23 our professionals.
24 (Short recess was held.)
25 CHAIRMAN O'BRIEN: All right. Martina,

1 BY MR. HOFF:
2 Q Mr. Rached, with respect to the Road A
3 and why it is where it is, are you familiar with the
4 master planning for the Vaughn Drive extension?
5 **A Yes.**
6 Q And the location of Road A, as it relates
7 to that future potential roadway improvement --
8 **A It does.**
9 Q -- is that in line where it would
10 logically be?
11 **A It does. And that goes back to what I**
12 **was explaining. The capacity of left turn, the**
13 **spacing, and the safety of the intersection. Where it**
14 **is is the optimal location.**
15 Q Thank you.
16 MR. MARATHE: Just one question. Until
17 Vaughn Drive is built, you can still go to Alexander
18 Road through the -- through the NJ Transit parking lot
19 if you know what you're doing.
20 Is there -- will there be any signs to
21 direct people?
22 MR. FORNARO: I'm not sure I have an
23 answer for you, Mayor, on that issue. I don't think
24 there are signs to direct people, no.
25 MR. MARATHE: Because you can go to

1 our witnesses, I don't believe, were sworn last week,
2 our experts.
3 MS. BAILLIE: Remind you --
4 MR. SURTEES: We were two weeks ago.
5 CHAIRMAN O'BRIEN: You were? Okay. Sam
6 says they were. Okay.
7 MS. BAILLIE: Yes.
8 CHAIRMAN O'BRIEN: All right. So we will
9 begin with our professional planner, Mr. Novak.
10 David?
11 MR. NOVAK: Mr. Chairman. Hello,
12 everybody. Just for the record, again, my name is
13 David Novak. That's spelled N-O-V-A-K. If you look
14 at the (indiscernible). Just for the record, my name
15 is David Novak. That's spelled N-O-V-A-K. I am a
16 principal with Burgis & Associates. We are the
17 planning consultants for the township. I had issued a
18 memo dated August 18, 2021, in this application, which
19 is largely informational in nature.
20 Before I delve into that, though, I just
21 wanted to give the Board a little bit of a historical
22 perspective of this application, and, really, the
23 redevelopment efforts of the Princeton Junction area,
24 which even predate our time here being the planning
25 consultants. This is the back in 2004, Mr. Chair,

1 when the governing body passed Resolution 2004-R096,
 2 which authorized the planning board at that time to
 3 determine whether this area, the Princeton Junction
 4 area, constituted an area that needed redevelopment.
 5 On November 2, 2005, the planning board
 6 adopted the Princeton Junction redevelopment study
 7 area determination of need resolution. So,
 8 essentially, the planning board found that this area
 9 did, in fact, meet the criteria set forth by the state
 10 to declare the portion of the township as an area in
 11 need of redevelopment.
 12 On December 19, 2005, council approved
 13 Resolution 2005-R285, which approved the site,
 14 Princeton Junction area, as a redevelopment area.
 15 November 2006 the township initiates the
 16 drafting of the redevelopment plan. That leads to
 17 several public meetings, workshops, charrette, and
 18 that's, essentially, a three-year process.
 19 By January 2009 the council refers the
 20 redevelopment plan to the planning board for their
 21 review.
 22 And on February 23, 2009, council
 23 reviewed any of the comments the planning board had.
 24 And by March 2000 -- pardon me -- March
 25 2009 the redevelopment plan was officially adopted.

1 design standards.
 2 Just had a few questions. I don't know
 3 which expert would be the most appropriate to address
 4 them. But first and foremost, regarding U.H.A.C.,
 5 something called the Uniformed Housing Affordability
 6 Controls, set certain parameters on what affordable
 7 units need to be constructed in relation to market
 8 rate units.
 9 So, Mr. Hoff, I don't know if that
 10 question would best go to you? To somebody else?
 11 But will the development be meeting the
 12 U.H.A.C. controls regarding when affordable units will
 13 be built?
 14 MR. HOFF: Yes.
 15 CHAIRMAN O'BRIEN: So the question's
 16 pertaining to all three developers?
 17 MR. NOVAK: They would be for all three
 18 developers. I believe it would be for all different
 19 portions as well, yes.
 20 MR. HOFF: Yes. The redevelopment speaks
 21 to this. U.H.A.C. is complied with on a sectional
 22 basis. So as -- if one of the projects were to move
 23 forward quicker, it would deliver its proportionate
 24 share of affordable housing in accordance with
 25 U.H.A.C., as would the other sections as well.

1 So this process goes all the way back to
 2 2014. This area in that Princeton Junction
 3 redevelopment plan was placed in the RP-1 district.
 4 Over the years it's gone through several iterations.
 5 Most recently there is a recent amendment to the
 6 redevelopment plan which allowed the developer the
 7 option of replacing what was envisioned to be a hotel
 8 with 68 additional residential units that would
 9 incorporate additional affordable units as well.
 10 So I just wanted to provide that as a
 11 little bit of a historical background of how we got
 12 here, why we are here, and how this development came
 13 to be.
 14 I think it's also important to note that
 15 this development is a part of our affordable housing
 16 strategy. It was included in our settlement agreement
 17 with Fair Share Housing Center, and also included in
 18 our housing element and fair share plan, as a
 19 mechanism to produce very low low and moderate-income
 20 units for the township.
 21 That being said, Mr. Chairman, my memo,
 22 as I mentioned, was dated August 18, 2021. Lot of it
 23 is informational in nature. We generally found that
 24 the Applicant was meeting the intent of the RP-1
 25 district, including the zoning standards and the

1 So recognizing that this was a
 2 three-component parts of one larger project, the
 3 U.H.A.C. was approached in that manner so that they
 4 come on line on a project-by-project basis.
 5 MR. NOVAK: Okay. And I just had one
 6 other final question regarding bicycle parking. I
 7 believe this was mentioned at an earlier meeting. But
 8 the affordable stacked townhouse units, will they have
 9 access to the bicycle parking in the garage level of
 10 the condo building?
 11 MR. HOFF: Correct.
 12 MR. NOVAK: Okay. Mr. Chair, everything
 13 else in my memo, essentially, the Applicant had
 14 addressed, unless the Board has any questions for me.
 15 CHAIRMAN O'BRIEN: David, you had a
 16 comment on -- I can't find the page number -- your
 17 item two, circulation and parking -- bicycle parking.
 18 Is that what you just asked about? The access to the
 19 garage level provided for affordable townhouses?
 20 MR. NOVAK: Yes.
 21 CHAIRMAN O'BRIEN: And under senior
 22 living building it was item three, the Applicant
 23 should also specify the differences in the types of
 24 proposed units, including the difference between a
 25 shared -- shared two-bedroom and a two-bedroom unit.

1 Did you hear an explanation of that from
2 the Altria witness?

3 MR. NOVAK: I thought the Altria witness
4 had touched upon that at the first meeting, that the
5 shared two-bedroom would be two individuals that are
6 not necessarily related to one another living
7 together, but could the Applicant confirm that?

8 SPEAKER: That's correct.

9 MR. CULPEPPER: That's correct.

10 MR. NOVAK: I'm hearing a smattering of,
11 "that's correct."

12 MR. HOFF: That's Mr. Culpepper, he
13 testified at the last hearing, confirming that that
14 is, indeed, correct.

15 CHAIRMAN O'BRIEN: Thank you, Rick.
16 Any other questions for David by the
17 Board at this time?

18 MR. SCHECTEL: I have a question.

19 David, in your report you indicated the
20 testimony should be provided as to whether affordable
21 townhouse units without access to a garage will have
22 any internal space to accommodate a bicycle. Was that
23 satisfactorily answered?

24 MR. NOVAK: Okay. Yes. I believe the
25 answer from the Applicant was yes, those affordable

1 you're about to give shall be the truth?

2 MR. MULLEN: I do.

3 MS. BAILLIE: Thank you. Please state
4 your name.

5 MR. MULLEN: It's James Mullen,
6 M-U-L-L-E-N, and I'm the director of the land
7 entitlements for Pulte Homes of New Jersey.

8 And to answer your question, Mr. Novak,
9 is that if the township will not pick it up, and so if
10 they don't have any accommodation for that, then we
11 would use a private garbage hauler. And that would be
12 for all the townhouses and the condominium building.

13 MR. SCHECTEL: And that would be for the
14 mixed-use building as well? That's Avalon? I'm
15 sorry.

16 MR. MULLEN: That's not Pulte.

17 MR. HOFF: Ken, just identify yourself
18 for the record again.

19 MR. O'BRIEN: Mr. Kenneth O'Brien.

20 And for the Avalon projects that they'll
21 have private pickup.

22 MR. SCHECTEL: Thank you.

23 CHAIRMAN O'BRIEN: What about Altria? We
24 might as well cover all three.

25 Front and center, please.

1 townhouse units that might not necessarily have a
2 bicycle parking space in their building will have
3 bicycle parking area within the garage level of the
4 condo building.

5 MR. SCHECTEL: Okay. And in terms of
6 refuse collection, who's responsible for that? You
7 outline three different types of collection. Is the
8 township picking it up or do they have their own
9 private --

10 MR. NOVAK: You know what? I'll ask the
11 question of the Applicant. I believe refuse question
12 was addressed briefly at the last meeting.

13 MR. HOFF: What section?

14 MR. NOVAK: Refuse collection for -- I
15 believe the townhouses will have curbside pickup. Is
16 that picked up by the township or a private collector?
17 Townhouses; would that be private collection?

18 MR. HOFF: Yeah. Let's get -- can we get
19 Jim Mullen sworn in? He's the representative of
20 Pulte. That would be the developer.

21 MS. BAILLIE: You didn't testify
22 previously, did you? You didn't testify previously?

23 MR. MULLEN: No, I have not.

24 MS. BAILLIE: Raise your right hand,
25 please. Do you swear or affirm that the testimony

1 MR. HOFF: I suggest you hover around the
2 mike. Musical chairs part of the proceeding.

3 MR. CULPEPPER: Jim Culpepper. I
4 represent Atria. It will be private also. Okay.

5 CHAIRMAN O'BRIEN: Thank you, Jim.
6 Anything else, Allen?

7 MR. SCHECTEL: No.

8 CHAIRMAN O'BRIEN: All right. Short and
9 sweet, David.

10 MR. NOVAK: Thank you, Mr. Chairman.

11 CHAIRMAN O'BRIEN: Thanks for the
12 history. That was helpful for members of the public
13 and some of us shorter-term members on the Board.

14 MR. NOVAK: Absolutely.

15 CHAIRMAN O'BRIEN: At this time we'd like
16 to hear from our township engineer, Francis Guzik.

17 MR. GUZIK: Sure. Good evening,
18 everyone. Francis Guzik, township engineer. I
19 prepared a report of August 18th. Over the last
20 couple hearings on the projects many of the comments
21 and questions in the report have been addressed, but
22 I'll go through and touch on those items that have
23 not.

24 So beginning on page four of the report,
25 under section one related to the subdivision

1 requested, comment 101, Section A, the first bullet
 2 recommends a condition that the Applicant show
 3 existing and proposed utilities on the plans as a
 4 condition of approval, but as a temporary submission
 5 waiver there was no objection.
 6 For the second --
 7 CHAIRMAN O'BRIEN: I'm sorry, Fran. I
 8 missed the second part of your statement.
 9 MR. GUZIK: I'm sorry?
 10 CHAIRMAN O'BRIEN: I didn't hear what
 11 your conclusion was.
 12 MR. GUZIK: Oh. Just that it's a
 13 temporary submission waiver, but that, as part of
 14 resolution compliance, those missing utilities be
 15 added to the drawings.
 16 CHAIRMAN O'BRIEN: So it will be a
 17 condition?
 18 MR. GUZIK: Yes.
 19 CHAIRMAN O'BRIEN: Thank you.
 20 MR. GUZIK: The next bullet is submission
 21 waiver request for submission of an environmental
 22 impact statement. And because the majority of the
 23 site has previously been developed, and the fact that
 24 they've already, as part of the project, delineated
 25 environmental constraints, I didn't have a problem

1 MR. LANGE: I do not. I have not been
 2 involved with the site cleanup.
 3 MR. HOFF: Yeah. We would obviously
 4 agree to any condition that the LSRP entered.
 5 Whatever remedial action outcome would be appropriate.
 6 MR. GUZIK: Okay. Well, the type of
 7 testimony I was interested in was hearing what's the
 8 proposed plan, as far as, would the cleanup be
 9 complete or would there be any remaining areas,
 10 possibly deed restricted and capped on the property?
 11 Would they be in the public roadway, on any of the
 12 individual parcels proposed for development, or lands
 13 left undeveloped?
 14 MR. HOFF: The current expectation that
 15 we have is that there would be no deed restriction, no
 16 deed notice that would be required on the property.
 17 So that's what we're being directed by our
 18 environmental professionals.
 19 MR. GUZIK: Understood. Understood.
 20 I don't know if any of the Board has any
 21 follow-up, but I'm fine. I would request additional
 22 information from the LSRP.
 23 MR. HOFF: We'll be happy to provide
 24 copies of anything that's produced.
 25 CHAIRMAN O'BRIEN: So do you phrase a

1 with the request, but I did feel the Board should hear
 2 testimony on the status of the contamination on site
 3 and any proposed cleanup of the same. And I don't
 4 believe that's been addressed.
 5 MR. HOFF: Isn't that under the direction
 6 of the LSRP? Jeromie's here. I mean, the cleanup's
 7 ongoing by the direction of the LSRP. Generally I
 8 know that's happening. We have Jeromie Lange, I
 9 think, is here.
 10 Jeromie, can you hear us? Let's see.
 11 Jeromie is -- hold.
 12 CHAIRMAN O'BRIEN: Mr. Lange, the site
 13 engineer, could not be here tonight as, I think I
 14 mentioned, because of a Covid incident at his house.
 15 He's quarantined, but he is supposedly accessible
 16 remotely.
 17 MR. HOFF: Yeah. So we're bringing him
 18 up. He's been listening in the entire proceeding, and
 19 he should appear on our screen right now. And there
 20 he is.
 21 Mr. Lange, Mr. Guzik asked for just a
 22 brief update and status of the cleanup on site. I
 23 just indicated that an LSRP has been retained and it's
 24 under their jurisdiction. But do you have any, you
 25 know, brief summary of where that stands?

1 condition that would protect us in regard to any
 2 contamination that could be made a condition in the
 3 resolution? A memorialization?
 4 MR. GUZIK: Well, not that it would be
 5 necessarily a protection for the township, because the
 6 LSRP, the retaining of that, is, really, DEP's
 7 jurisdiction. It's really wanting to be aware of what
 8 is where on the site, and to what extent it's being
 9 cleaned up.
 10 So I guess just submission of a copy of
 11 the proposed remediation plan would be satisfactory.
 12 MR. HOFF: To that we have no objection.
 13 CHAIRMAN O'BRIEN: Linda, did you have a
 14 question?
 15 MS. GEEVERS: Well, you're asking for a
 16 waiver of the environmental impact statement. I mean,
 17 Francis, you had a lot of good questions, but we
 18 haven't gotten anything in writing regarding any type
 19 of remediation, where it is, what the problem is.
 20 MR. GUZIK: Well, again, for the Board's
 21 information, you don't really need to know the extent
 22 of what is where currently. It's more as -- the
 23 questions I have were, what's proposed with the
 24 cleanup, and how will it be left?
 25 It would be more of interest to know if

1 there's going to be any areas that are deed
2 restricted. Because normally there's use limitations
3 associated with them. So if they're saying
4 something's going to be a recreation area or left as
5 open space or a parking lot, would that be in
6 compliance with the proposed remediation plan that the
7 LSRP put together?

8 MS. GEEVERS: All right. Well, shouldn't
9 we have that now so the Board's aware of what -- what
10 the issues are?

11 MR. HOFF: No. No.

12 MR. GUZIK: Well, if something happens
13 through the process where something changes and it
14 affects what the Board has approved tonight, then they
15 could possibly have to come back to the Board for an
16 amended approval. I don't think there's a need to
17 require. It's permitted at this time.

18 CHAIRMAN O'BRIEN: So we're going to get
19 a copy of the report, and this will be a staff review
20 of the report that it's satisfactory?

21 MR. GUZIK: Yes. And if there's anything
22 in there that proposes something differently than is
23 represented on the plans, then, you know, we can bring
24 it to Jerry's attention and the Applicant's attention.
25 If we can't resolve it at the staff level, we'll bring

1 there's some technical requirements for the
2 subdivision maps and descriptions and conformance to
3 the Title Recordation Act -- trip on that word all the
4 time -- should be made a condition of approval.

5 Similarly, comment 103 regarding block
6 and lot numbers for the parcels to be provided at the
7 direction of my office.

8 And 104, street names and numbering
9 assigned by my office in coordination with the
10 postmaster and emergency services should be a
11 condition of approval.

12 Moving on to section two, the opening
13 comments are very similar to the section one comments.
14 One is -- that deviates is their request for the
15 signage details. And I defer to David on those for
16 whatever's in his report. And, let's see.

17 CHAIRMAN O'BRIEN: Well, have we gotten
18 complete signage details?

19 MR. GUZIK: Honestly I don't know. I
20 don't typically get involved with them.

21 MR. HOFF: No. The sign package will
22 come later, Mr. Chairman.

23 CHAIRMAN O'BRIEN: I'm sorry, Rick. I
24 didn't hear you.

25 MR. HOFF: Sorry. The sign package would

1 it back to the Board.

2 MR. SCHECTEL: Fran, do you know what the
3 actual contamination is? What -- what is it?

4 MR. GUZIK: At this present time, no.

5 MR. SCHECTEL: But is it a chemical
6 contamination?

7 MR. GUZIK: Yeah. I believe it's
8 pesticide related.

9 CHAIRMAN O'BRIEN: All right. Next item,
10 Fran.

11 MR. GUZIK: Okay. So next item, sticking
12 with submission waiver requests, so there's a waiver
13 request for a traffic signage plan, which they've
14 partially complied with. And, again, I don't have an
15 objection to what they requested for proceeding before
16 the Board.

17 But in conjunction with resolution
18 compliance and the later recommendation for a Title 39
19 endorsement plan, a full traffic signage and striping
20 plan, as well as identifying what restrictions and
21 prohibitions would be enforced for Title 39 would be
22 required through resolution compliance.

23 CHAIRMAN O'BRIEN: Martina, you got that?

24 MS. BAILLIE: Yes.

25 MR. GUZIK: Similarly, comment 102,

1 come later.

2 MR. NOVAK: For the record, this is David
3 Novak. That was my understanding as well, the signage
4 package would come later, since the tenants are not
5 identified yet.

6 CHAIRMAN O'BRIEN: So that submission of
7 a signage package, subject to staff approval, would be
8 a condition of the resolution?

9 MR. NOVAK: Presumably, yes. And if
10 there's any waivers that would be required, say if
11 they have a situation, they would just come back to
12 this Board for a waiver relief.

13 MR. GUZIK: That's right.

14 CHAIRMAN O'BRIEN: That's agreeable?

15 MR. HOFF: Yes.

16 CHAIRMAN O'BRIEN: Thank you.

17 MR. GUZIK: Okay. So moving on in my
18 report, page six, comment 207, there's a request for a
19 discussion of any proposed phasing for the projects in
20 either construction or occupation. And phased
21 construction would require development of supplemental
22 plans for any potential interim conditions.

23 So I know Anis had asked a similar
24 question at the prior hearing about discussion of
25 proposed phasing. And that was deferred. So -- and

1 Jeromie --
 2 MR. LANGE: Yes?
 3 MR. HOFF: Project phasing.
 4 MR. LANGE: Yeah. That was addressed in
 5 the redevelopment agreement. There is not any other
 6 separate project phasing.
 7 MR. GUZIK: Is there any representation
 8 of that on the plans, or does there need to be with
 9 anything that's constructed and left in a "temporary
 10 situation" for a period of time?
 11 MR. LANGE: No. There's no -- there's
 12 only a plan that's offering phasing, you know, per se.
 13 But, obviously the things are in chronological order.
 14 So you typically would start downstream
 15 (indiscernible) sort of things like that, utilities
 16 have to come in in a timely manner before the final
 17 paving is put in.
 18 But we're seeking approval with
 19 everything at one time here. All the construction is
 20 anticipated to move forward at the same or similar
 21 time, and it is, basically, going to be a sequencing
 22 exercise between the three developers to make sure
 23 their contractors are working in harmony. Avalon Bay
 24 would take the lead over that. They have in-house
 25 construction management, so they will take the lead,

1 and the other developers will be (indiscernible)
 2 community.
 3 MR. GUZIK: Okay. So I guess a
 4 subsequent question, based on that response, is: Is
 5 it clear on the plans which developer is responsible
 6 for which improvements? So it's known how the
 7 responsibilities will be monitored and any problems
 8 raised, and who would be coordinated with, or is that
 9 something to be dealt with at the construction phase?
 10 MR. LANGE: That would be dealt with at
 11 the construction phase. But, again, Avalon Bay will
 12 be doing the overall construction. They're the master
 13 redeveloper. So they will coordinate those activities
 14 and make sure, obviously, that those are coordinated
 15 with the township's construction officials and
 16 inspectors.
 17 MR. GUZIK: Okay. It will come up later,
 18 but while we're on this topic, I would request with
 19 any construction cost estimates that are submitted for
 20 bonding and inspection fee purposes, if they're to be
 21 chopped up amongst the different parties, where
 22 they're going to be submitting different fees to the
 23 township to address the entire thing, that it's clear
 24 who's responsible for what. So as releases get
 25 requested and anything supplemental is required, that

1 it (indiscernible) the staff in knowing which of the
 2 entities to deal with.
 3 Okay. Let's see. Moving on to section
 4 three of the report, access and circulation, I believe
 5 a lot of these items have been discussed through Mr.
 6 Lange's testimony previously.
 7 CHAIRMAN O'BRIEN: Is 3.02 for the other
 8 condition?
 9 MR. GUZIK: Yes. There's a couple of
 10 recommendations. So for -- in comment 3.02 there's
 11 recommended a condition that construction of any of
 12 the site areas tributary to Basin F would be
 13 prohibited to begin until Basin F is constructed and
 14 stabilized.
 15 Similarly, with comment 3.05, it's a
 16 recommendation for provision of 10 scale detailed
 17 enlargements of designs for the barrier-free parking
 18 and building access areas.
 19 I believe that's about all under section
 20 three for access and circulation.
 21 MS. GEEVERS: What about the snow
 22 storage? Are you satisfied with the snow storage and
 23 removal plans?
 24 MR. GUZIK: Yeah. I didn't have any
 25 comments on those, so they were fine to me.

1 MS. BAILLIE: What about -- I'm sorry.
 2 Were you done? What about 3.06, the (indiscernible)
 3 access at the AI site?
 4 MR. GUZIK: Yeah. I believe that was
 5 discussed at the first hearing. Jeromie mentioned
 6 that, with any construction done, that they recognize
 7 that the AI properties must be able to have access
 8 throughout the construction.
 9 MS. BAILLIE: Do you recommend a
 10 condition?
 11 MR. GUZIK: Sure. I don't think that's a
 12 problem, unless they have an objection.
 13 So under section four, stormwater
 14 management --
 15 CHAIRMAN O'BRIEN: Excuse me, Fran. What
 16 about 3.07?
 17 MR. GUZIK: 3.07?
 18 CHAIRMAN O'BRIEN: With the roadways?
 19 MR. GUZIK: Yeah. There was -- Jeromie
 20 had discussed that. He gave a pretty good summary
 21 road-by-road of which standard was being met with the
 22 proposed widths. I can look through my notes if you
 23 have a question.
 24 CHAIRMAN O'BRIEN: So you're satisfied?
 25 MR. GUZIK: Yes.

1 CHAIRMAN O'BRIEN: Thank you.
 2 MR. GUZIK: Section four, stormwater
 3 management. 4.02 there was a question about the
 4 expected transfer of -- in the area of Washington Road
 5 from the county that's going to be required for the
 6 stormwater basin, and a part of the areas also
 7 involved with the SRI property. But I know that's
 8 currently being worked on, but I don't believe there's
 9 been a conversation of what has to happen at the
 10 county level and whose responsibility it is for
 11 initiating that action with Washington Road.
 12 MR. HOFF: Yeah. The details of how the
 13 SRI acquisition happens and the transfer of the
 14 relevant parcels is currently being negotiated amongst
 15 all parties.
 16 MR. GUZIK: Okay. How about with the
 17 county indicating that portion of --
 18 MR. HOFF: We've had discussions with the
 19 county. It's going to be subject, likely, to a
 20 developer's agreement that talked about when that
 21 happens and in what sequence.
 22 MR. GUZIK: That's a separate agreement
 23 with the county directly?
 24 MR. HOFF: Likely. I doubt it would just
 25 be a situation where we just turn over the deeds.

1 idea would be if these roadways and the areas to be
 2 acquired has all been laid out, as set forth on this
 3 map, negotiated -- since I don't want to get into
 4 discussions with them because they're -- they're
 5 settlement discussions of sort. But conversations
 6 that we've been having with SRI we do not anticipate
 7 any issue with the acquisition of these parcels.
 8 CHAIRMAN O'BRIEN: But it should be made
 9 a condition?
 10 MR. HOFF: Well, it is, because if the
 11 project changes --
 12 MR. MARATHE: Yeah. So as long as it
 13 happens, the project doesn't happen. So whether you
 14 have condition or not, if they're not successful, this
 15 project doesn't happen.
 16 CHAIRMAN O'BRIEN: I'll sleep better if
 17 it's a condition.
 18 MS. BAILLIE: So the condition would be
 19 that Avalon acquired the SRI --
 20 MR. HOFF: No. No. The condition is
 21 that the project properties depicted in the site plan
 22 are consistent with the site plan, because that's,
 23 really, what the condition is. And that's like any
 24 other project you ever approve. If the property or
 25 the project changes, you got to come back. So we're

1 There's going to be some form of developer's
 2 agreement, I would imagine. Again, we just received
 3 county approval in August. We'll start working out
 4 those details as soon as we acquire the property.
 5 MR. GUZIK: Okay. Yeah, I'm fine with
 6 that.
 7 MS. GEEVERS: Francis, is that some kind
 8 of condition that says, testimony to be provided
 9 regarding the expected transfer of this property for
 10 the Applicant's use? I mean, we're assuming that's
 11 going to happen. But if it doesn't, this project
 12 doesn't go forward, or how is that going to work?
 13 MR. GUZIK: Yeah. But I have to figure
 14 out some way around it. And they'll be back to the
 15 Board for any change. That, in fact, what's currently
 16 potentially being approved.
 17 CHAIRMAN O'BRIEN: So it's definitely a
 18 condition.
 19 MS. GEEVERS: It's a condition then.
 20 MR. HOFF: Fortunately the Township of
 21 West Windsor has agreed to help us in that regard.
 22 MS. GEEVERS: Help how? What are you
 23 saying, help?
 24 MR. HOFF: The Township of West Windsor
 25 is acquiring the SRI parcel, if necessary. So the

1 not doing anything differently than any other project.
 2 MS. BAILLIE: Right. Well, that would
 3 seem to be self-evident with the approval. So I don't
 4 know if you want to be more specific about a condition
 5 with respect to the SRI portion; I don't know.
 6 MR. GUZIK: Well, I was really more
 7 dealing with the Mercer County right-of-way of
 8 Washington Road and what's going to be vacated.
 9 SPEAKER: (Indiscernible).
 10 MR. GUZIK: No. I understand. But I
 11 don't know what the county's process is, and if
 12 they're expecting them to do it and they're expecting
 13 you to do it.
 14 MR. HOFF: No. It's a fair question,
 15 because we've had the discussion on sequencing. Who
 16 does what when? And we're still -- I'm talking with
 17 Mr. Ridolfi, county counsel, and there will be an
 18 agreement as to who acquires it, transfers it to who,
 19 when, and that will all be subject to --
 20 MR. GUZIK: Okay. So if there's
 21 anything, I would just request a copy of the County's
 22 agreement that they enter into regarding the
 23 Washington Road transfer.
 24 MR. HOFF: No objection.
 25 CHAIRMAN O'BRIEN: Is that clarified,

1 Martina?

2 MS. BAILLIE: Yes. Thank you.

3 MR. GUZIK: Towards the other comment,
4 4.02, there's a recommendation that the township sewer
5 interceptor in this area of Old Washington Road will
6 require monitoring during construction, to the extent
7 of the construction activity that will be happening
8 over top of it. That's a pretty important interceptor
9 in this area.

10 CHAIRMAN O'BRIEN: So it appears, Fran,
11 that this is one or more conditions, the language you
12 have in 4.02?

13 MR. GUZIK: Well, yes. There's the one
14 regarding the transfer of the property, and then there
15 is the -- the sewer interceptor monitor.

16 CHAIRMAN O'BRIEN: And so the plan needs
17 to be adjusted to identify the relocation for the
18 utilities; does it not?

19 MR. GUZIK: Yeah. Jeromie had talked
20 about that at the last meeting. He said that's
21 something that will be -- at the time that it was
22 submitted it was still being worked on, but that with
23 resolution compliance that those relocations will be
24 indicated.

25 CHAIRMAN O'BRIEN: Unfortunately, Martina

1 members of the public. What's the impact of this
2 development on the overall, I'll call it blunt-out,
3 flooding issues in the township on Washington Road and
4 Alexander Road that are proximate to this particular
5 site?

6 MR. GUZIK: Well, based on the designs as
7 provided to the township, the impact is near
8 negligible. And most of the reason I say that, and
9 for those who weren't here to hear Mr. Lange's
10 testimony at the first meeting, a lot of the problems
11 the township experiences with this area and the
12 chronic flooding that occurs has to do with the
13 effects of the Millstone River and not with the Little
14 Bear Brook itself.

15 Unfortunately, Little Bear Brook acts as
16 the storage basin for a lot of the Millstone River's
17 flood waters. Shortly after Hurricane Irene happened,
18 where we experienced some of the worst flooding we've
19 had in a long time, probably since Floyd in '99, there
20 was commissioned a study by the township using SWM
21 Consulting of Ringoes, New Jersey, to do a review of
22 this exact problem and to try to figure out what the
23 problem is, why is it occurring, and what can be done
24 about it, if anything?

25 Unfortunately, as I said, the conclusion

1 did not hear Jeromie's testimony, and I have a short
2 memory, so I just like to make sure everything --

3 MR. GUZIK: Watch the videos, read the
4 transcript.

5 All right. So moving on to page seven,
6 comment 4.03, there's a stormwater BMP maintenance
7 manual that's a requirement. So there were some
8 relatively few minor deficiencies of the last version
9 of it that were submitted, and we recommended
10 condition that the Board have that approval of the
11 document by the engineer's office as a requirement.

12 Similarly, comment 4.04, there's an
13 agreement they have to enter into with the township by
14 ordinance that requires the installation and perpetual
15 maintenance by the Applicant and any of the
16 Applicant's successor-in-interests (indiscernible)
17 stormwater management improvements proposed by the
18 developer as part of the project, which, of course,
19 would exclude the basin that the County's going to
20 assume responsibility for.

21 CHAIRMAN O'BRIEN: Francis, under this
22 heading, "Stormwater Management" --

23 MR. GUZIK: Yes?

24 CHAIRMAN O'BRIEN: -- let me anticipate a
25 question that might be asked by many of the people,

1 was, basically, as I just summarized, that we're the
2 bathtub for the Millstone River's waters when they
3 reach flood condition. But that flood condition isn't
4 always the dreaded hundred year storm or the one
5 percent probability storm, however you want to refer
6 to it.

7 As part of the study that was done by SWM
8 Consulting, and this study is on the website, as well
9 as a couple of other studies for those who want to
10 review it. But one of the things that they determined
11 was that a lot of the roadways in this area, being
12 Fisher Place, Washington Road, Alexander Road, the
13 Alexander Park Development, and a lot of the yards and
14 the parking lots in this area experienced flooding
15 with storms as low as the two-year storm or the
16 five-year storm.

17 And just to give you -- you know, I can
18 mention years of storms. But, basically, in this
19 area, 100-year storm is 8.3 inches of rain falling in
20 a 24-hour period. A five-year storm is approximately
21 a little bit less than half of that; it's 4.2 inches
22 of rain.

23 That's why, with some of these more
24 recent storms like Ida and Henri, even though we
25 didn't have that eight inches of rain, that was down

1 more in the five-inch area, that's why those areas
2 still experienced flooding, because that's how low of
3 a rainfall, or how little rain, I guess, is a better
4 way of saying it, that we need to get in order for the
5 Millstone to back up enough to flood these areas.

6 So, realistically, there's -- short of
7 Avalon not happening and turning Avalon property into
8 a giant bathtub, taking SRI Properties and building a
9 big storage basin out of that, I'm not even sure if
10 doing that would prevent flooding that occurs during
11 these events.

12 A lot of it has to do with the drainage
13 area upstream of us. There's approximately 78 square
14 miles of lands in other townships that drain to the
15 Millstone River at the point that it reaches the
16 Little Bear Brook, whereas Little Bear Brook itself is
17 only a three-acre -- I'm sorry -- three square mile
18 drainage area.

19 Did I say 78 acres or 78 square miles?
20 If I said acres, I apologize.

21 So it's really just a matter of the
22 Millstone's the big bully and we're the little kid
23 with the lunch money.

24 So I don't know if that helps answer your
25 question or --

1 they have to reduce the amount of total suspended
2 solids in the stormwater after development, and
3 they've complied with that requirement as well.

4 So they've met all the requirements of
5 our local ordinance. They received DEP approval for
6 the flood hazard area permit, and they've reviewed all
7 those same requirements at the state level as well and
8 received their permits.

9 CHAIRMAN O'BRIEN: And Mr. Lange provided
10 testimony about underground basins. Is there any
11 concern about how they would be used or permitting
12 them to --

13 MR. GUZIK: No. That's one of the
14 technologies that's available that's out there. What
15 has happened recently with the green infrastructure
16 rules is that those types of facilities are going to
17 become less common.

18 The development was submitted and under
19 review before the green infrastructure requirements
20 became into effect, which is why they have the types
21 and numbers of facilities that they're proposing. So
22 they are in compliance with the rules that were in
23 effect at the time that they made their submissions
24 and reviews commenced.

25 So that's, really, the only significant

1 CHAIRMAN O'BRIEN: Is it your testimony
2 -- or please answer this question: Will approval of
3 this application, as it currently exists, by the
4 planning board worsen, exacerbate, hurt the situation
5 with flooding in these areas?

6 MR. GUZIK: No, it will not. And if
7 anything, the improvements that they're doing would
8 reduce the peak runoff from the site that currently
9 comes off for the more frequent storm events. And
10 that's based on the state and township stormwater
11 control ordinances where peak runoff rates after
12 development have to be reduced to a percentage of the
13 existing site runoff rates for the two-year storm, the
14 10-year storm, and the hundred-year storm.

15 And reviewing their plans they complied
16 with that stormwater quantity control requirement,
17 which is that percentage reduction after development.

18 They've also complied with the
19 groundwater recharge requirement, which is that they
20 have to -- whatever the site is recharging today, as
21 far as groundwater, they have to either exceed that
22 after development. And with the number of facilities
23 they're proposing, they will comply with that
24 requirement.

25 And, similarly, with water quality, that

1 change between them submitting when they did and if
2 they submit it today. If they submit it today, there
3 would be a significantly more green infrastructure and
4 less underground basins the way they have it.

5 But other than that, they meet those
6 three prongs of the stormwater ordinance; the runoff
7 quality control, the runoff quantity control, and the
8 groundwater recharge requirements.

9 CHAIRMAN O'BRIEN: Thank you for your
10 patience in handling those questions.

11 MR. GUZIK: No problem. I tend to ramble
12 a bit.

13 MR. MARATHE: I did have one question.
14 You did say that the peak runoff rates will be
15 reduced. Can you quantify (Indiscernible)?

16 MR. GUZIK: Yes. I looked at what they
17 had done. I went back into their stormwater report,
18 and, basically, they have, in the back of the site
19 which -- with Route 1 is north, the south end of the
20 project closest to the transit parking lot, there's an
21 existing detention basin that's there today. So where
22 that basin outlets today is one of their analysis
23 points. The other analysis point they used was the
24 storm sewer line that's in Washington Road.

25 So for that second point, the Washington

1 Road storm sewer system, they -- for the two-year
 2 storm they have an existing runoff rate of 4.8. Peak
 3 runoff rate of 4.8. Cubic feet per second they're
 4 allowed to discharge 2.41, and their proposed
 5 discharge is 1.6. So they're lower than they're
 6 allowed to.

7 For the 10-year storm their existing
 8 runoff is 7.4 cubic feet per second. They're allowed
 9 to discharge 5.5, and their proposed is 3.9. So,
 10 again, they're less than they're allowed to.

11 For the 100-year storm their existing
 12 peak discharge is 15.1 CFS. They're allowed to
 13 discharge 12, approximately, and the proposed peak is
 14 11. So, again, they're less than they're allowed.

15 For that other analysis point, the one
 16 that's on the south side of the property off of the
 17 parking lot near where the Vaughn Drive extension ends
 18 at the parking lot, and this -- in this area, because
 19 of the existing detention basin that's there, the
 20 existing development that's there, there's two-year
 21 and 10-year runoff rates they're allowed to match.
 22 They don't actually have to apply those reductions.

23 So their two-year existing is 2.96 cubic
 24 feet per second peak, and they're proposing 2.4, so
 25 slightly less than existing. The 10-year storm is 4.5

1 of that. I can tell you it's not signed for the
 2 100-year storm, the existing storm sewer system, and
 3 that's -- you know, it will be surcharged, basically.

4 And that's part -- there's two types of
 5 flooding that happen on Washington Road and the county
 6 route there. One is chronic flooding, which is more a
 7 result of an undersized storm sewer system on the
 8 existing roadway. And we're going to help that,
 9 because in the new sections of the roadway we are
 10 getting brand new storm sewer system, which is
 11 designed for a 25-year storm, and a brand new
 12 stormwater basin that has a sand bottom infiltration.

13 So we're certainly going to help the
 14 county situation. But the existing condition there,
 15 it's not assigned to modern standards, so that's why
 16 you get that chronic flooding.

17 CHAIRMAN O'BRIEN: So that's Basin F to
 18 which you're referring, Jeromie?

19 MR. LANGE: Sorry, Gene. The audio is a
 20 little spotty here. I couldn't --

21 CHAIRMAN O'BRIEN: Is that Basin F, as in
 22 Francis, that you're referring to?

23 MR. LANGE: No. The Basin F is serving
 24 the Pulte neighborhood. There is adjacent to Basin F
 25 -- and I don't know if you could put up the plan

1 CFS, and they're proposing 4.4. So, again, a very
 2 slight reduction.

3 The most significantly, though, is their
 4 100-year discharge, which today is 66.8 cubic feet per
 5 second. And mostly because of that basin overtops for
 6 the 100-year storm, so a lot more water comes out when
 7 it overtops, and they're reducing -- their proposed
 8 discharge for that facility is down to 18.1 CFS.

9 So, again, for the hundred year it goes
 10 from 66.8 down to 18.1. So a lot of that water will
 11 be kept on site and then released more slowly over
 12 time so the peak is that much less.

13 So -- but I did have a couple additional
 14 questions, after hearing the testimony of the person.
 15 Jeromie fell asleep during my rambling or he's
 16 available?

17 CHAIRMAN O'BRIEN: He's looking down on
 18 you, Frank.

19 MR. GUZIK: A lot of people do that.

20 So with the proposed discharge into
 21 Washington Road storm sewer system, have you or Mercer
 22 County assessed the condition of the storm sewer line
 23 in Washington from a point downstream of your point of
 24 connection to where it outlets to Little Bear Brook?

25 MR. LANGE: We have not done an analysis

1 again, but there's a separate basin dedicated to the
 2 county road improvements.

3 CHAIRMAN O'BRIEN: I thought that was F.

4 MR. KARP: No. F is next to it. F is
 5 the green part.

6 MR. GUZIK: F is the green one, the
 7 county one is the tan one in the exhibit on the
 8 screen.

9 MR. LANGE: Of course I'm not seeing
 10 these on the screen, so I can't tell what's up. But
 11 there it goes. Looks like -- okay.

12 Yeah. So the area being (Indiscernible)
 13 right now, that tan crescent-shaped basin, that will
 14 be a separate basin dedicated to the road
 15 improvements, that that will be a county basin they
 16 will manage. That was approved -- part of the county
 17 approval that both I and Maurice testified to.

18 CHAIRMAN O'BRIEN: Okay.

19 MR. GUZIK: So my comment to the Board
 20 is, if Mercer County is not requiring the developer to
 21 review or do anything with the existing Washington
 22 Road system, then that's something, Mayor, you and I
 23 will have to work on with the County on trying to
 24 budget for that work as part of their capital projects
 25 in the future.

1 CHAIRMAN O'BRIEN: So just to clarify,
2 Fran, we do not have jurisdiction over the area to
3 which you're referring?

4 MR. GUZIK: No. It's Mercer County
5 infrastructure and Mercer County right-of-way. It's
6 their storm sewer system, Washington Road, that
7 discharges to Little Bear Brook.

8 CHAIRMAN O'BRIEN: Thank you.

9 MR. GUZIK: So the other question I had
10 was, with regard to the two underground detention
11 basins in Road A, which I believe service a portion --

12 MR. LANGE: Sorry.

13 MR. HOBERMAN: Slide 17.

14 MR. LANGE: I'm losing audio here, so,
15 Rick, maybe you can repeat the question.

16 MR. HOFF: Sure.

17 MR. GUZIK: Yeah. So the two underground
18 basins in Road A, they partially service proposed Road
19 A and they partially service the residential
20 properties adjoining them and the parking areas.

21 How are the maintenance of those
22 facilities set up, especially in light of a request
23 that the town assume ownership of Road A?

24 MR. LANGE: So there are two storm draft
25 systems that service those. So they would be -- yeah.

1 either a condition or some kind of deed restriction,
2 something that would show up in writing that that's
3 what's going to happen.

4 MR. GUZIK: Sure. I agree that that
5 would be included in the agreements.

6 MR. HOFF: I mean, that would be
7 typically covered by the development agreement, I
8 think, already to the -- wouldn't that be covered by
9 your comment, 4.04? Doesn't the ordinance cover that
10 when you talk about the stormwater responsibility?

11 MR. GUZIK: It does. And I guess that
12 that comment would have to be -- or that agreement
13 would have to be expanded on to get into detail on
14 this.

15 Because, again, it's unusual for the
16 town, number one, to have a road with underground
17 detention basins within it. But also that those
18 basins, again, would serve adjacent properties rather
19 than the roadway itself. So it's a new one for us.

20 MR. HOFF: It's a fair point. Certainly
21 something that would be covered in the developer's
22 agreement, along with a number of other items post
23 approval that we would --

24 MR. GUZIK: Correct. So whether it's in
25 the developer's agreement or the stormwater agreement,

1 That's how you would access those. Who is actually
2 going to be responsible, I'm not entirely clear on
3 that yet. But whether it's the township or if that
4 would be the developer that would maintain --

5 MR. GUZIK: Yeah. Because, ultimately,
6 that would be my concern, that the town would be asked
7 to take over a road with a stormwater facility that's
8 serving a private interest.

9 CHAIRMAN O'BRIEN: Do we want Mr. Ladell
10 to respond to that?

11 MR. HOFF: I'm sorry. The question --

12 MR. GUZIK: Well, I'm curious on what the
13 potential maintenance arrangements for the stormwater
14 management facilities in Road A would be if it's
15 requested that the township assume responsibility for
16 Road A after construction. But there's basins in
17 there that are, basically, serving, you know, private
18 -- private interests at that point.

19 MR. HOFF: Yeah. There's a master
20 association fee form between the development entities
21 that would include a number of improvements, including
22 the basins. So it would be our expectation that would
23 just be another element within that association's
24 responsibility.

25 MS. GEEVERS: We would have to make that

1 or -- probably have to be touched on in both, that's
2 fine. It should be included or addressed in both.

3 MS. BAILLIE: So we could make it a
4 condition that -- that the redeveloper's agreement
5 will cover the maintenance responsibilities for those
6 underground basins that are underneath in public roads
7 (indiscernible). Just specify who's responsible for
8 maintenance.

9 CHAIRMAN O'BRIEN: So that's a yes,
10 right?

11 MS. BAILLIE: Yes.

12 MS. GEEVERS: Francis, on Road A --

13 MR. GUZIK: I'm sorry?

14 MS. GEEVERS: Have we determined Road A
15 is a private road or the township -- or a township
16 road?

17 CHAIRMAN O'BRIEN: Right now it's a
18 private road.

19 MS. GEEVERS: Okay. All right. I just
20 want to make sure we have that in writing.

21 SPEAKER: We have it.

22 MR. GUZIK: I plead the 5th on that.

23 CHAIRMAN O'BRIEN: There's nothing in
24 writing. It's a part of the application, Linda. And
25 if they want -- they want to request the township to

1 take ownership of Road A, then they have to do that,
2 and you and council would have to decide, right?
3 So isn't that how it works?
4 MR. GUZIK: Yup.
5 CHAIRMAN O'BRIEN: Okay?
6 MS. GEEVERS: Yeah.
7 MR. GUZIK: Okay. So moving on to
8 section five, utilities, 5.01 there's a recommendation
9 that the Applicant file a request for sewer allocation
10 to my office so that we can proceed with a reservation
11 and a recommendation for endorsement of the TWA
12 application so the Board acts favorably on this
13 project.

14 Comment 5.02 is a recommendation for a
15 condition that number and location of any fire
16 hydrants required on the site is subject to review and
17 approval of the fire official, if Chief Lynch has not
18 already approved them in his memorandum. If he has,
19 then that condition is moot.

20 Section six, about the site lighting. I
21 read testimony on the first bullet. I have no
22 objection to the slight exceedance of the average of
23 8.5 foot candle proposed, compared to the .6
24 requirement in residential areas. But the second --

25 CHAIRMAN O'BRIEN: So would that be a

1 Board have a question or want further clarification
2 from our engineer on this subject? Otherwise we'll
3 presume that the waiver is granted that the Applicant
4 has requested, okay?

5 MR. GUZIK: So the rest of the comments
6 under section seven are pretty much standard.

7 Comment 7.02 is a recommendation for a
8 condition about providing metes and bounds
9 descriptions for each parcel, and easement or
10 dedication proposed, and those instruments are subject
11 to the review and approval of the Board attorney.

12 Comment 7.03 is a recommendation of
13 providing engineer cost estimates of probable
14 construction cost for the project for use in
15 determining required performance guarantees and
16 inspection fees.

17 And, again, per my prior request, if
18 they're going to be broken up amongst the different
19 developers, it will be helpful if those estimates were
20 broken up accordingly.

21 And comment 7.04, outside agency
22 approvals. There's a list of recommended other agency
23 approvals that be made a condition of any Board action
24 on this project.

25 And I believe that's all I had for my

1 waiver, Fran?

2 MR. GUZIK: Well, I guess that's a
3 request for Martina, because there's no upper limit of
4 lighting levels in this ordinance.

5 CHAIRMAN O'BRIEN: I thought the
6 explanation that was given by their witness, who is
7 very logical, made sense.

8 MR. GUZIK: Right. But for the -- for
9 the next section -- well, I guess they're overlapping,
10 because we already addressed them. So, okay. So,
11 yeah. I'm fine with the testimony I heard in
12 response. My apologies for that.

13 The waiver requests. Moving on to
14 section seven, general comments, comment 7.01, the
15 waiver request for the single line parking stalls in
16 lieu of the township standard for the hairpin striping
17 18 inches on center.

18 For the permitted long-term parking
19 areas, which, as you heard in testimony, is going to
20 be the majority of the development. There's really
21 not a lot of short-term parking proposed, except for
22 the parallel parking stalls. And those you don't
23 normally stripe with hairpin striping. So I don't
24 have any objection to the waiver being requested.

25 CHAIRMAN O'BRIEN: Does anybody on the

1 report, if the Board has any questions or comments.

2 MS. GEEVERS: Francis, the Board received
3 two maps today, you know, via e-mail. And I just want
4 to double-check. The maximum impervious coverage, it
5 says 79.9. So is that the maximum for this project?

6 MR. GUZIK: That -- that's a good point.
7 Thank you for bringing that up, Linda.

8 So, Jeromie, if you're still with me,
9 there was a question and some correspondence that
10 happened after the first meeting regarding the
11 proposed improvement coverage, as indicated on the
12 plans, at approximately 90 percent, and that not
13 agreeing with the stormwater management report and the
14 impervious coverage used in the design of the
15 stormwater management features. I believe it had to
16 do with the improvement coverage calc. indicated on
17 the plans at 90 percent not using the total tract area
18 in the calculation. And that when you use the total
19 tract area in the calculation, it results in a maximum
20 coverage of 79.9 percent as opposed to the 90 percent
21 that's indicated?

22 MR. LANGE: That's correct.

23 MR. GUZIK: Okay. So that would be a
24 correction made as part of resolution compliance?

25 MR. LANGE: I'll just point out that the

1 actual impervious coverage is actually about 71 and a
2 half percent, as the plan currently stands. So there
3 is over two acres of additional impervious coverage
4 that was included in the stormwater modeling, but is
5 actually on the current plan.

6 And the purpose for that is if there's
7 any minor changes or amenities or sidewalks, you know,
8 consultation (indiscernible) stormwater design. So
9 the stormwater design and all that performance Mr.
10 Guzik testified to, will actually, in reality, be even
11 better because it will probably not get all the way to
12 that additional two acres of impervious coverage.

13 MR. GUZIK: Yeah. I don't have -- to
14 that last point I don't have a problem with that
15 being, like, an asterisk and a footnote to the zoning
16 data table. I think David Novak would agree to that.
17 And he's nodding his head yes. So that would be fine.

18 If you indicate that the drawings as
19 shown are slightly less, but you're requesting an
20 approval up to the 79.9 percent, that's fine with me.

21 MR. LANGE: Actually, I think that's an
22 excellent idea. And we'll agree to do that as a
23 condition of any approval where we'll -- we're
24 requesting (indiscernible) and we'll know with the
25 current plan, current (indiscernible) that way it can

1 covered this, but take -- drawing your attention to
2 your 2.05, cross access privileges for the residents
3 at Avalon East and West buildings. Was that
4 satisfactorily covered by Mr. O'Brien or somebody else
5 to your satisfaction?

6 MR. GUZIK: Yes. I did not write --
7 actually, I think it was Mr. O'Brien at the last
8 meeting.

9 CHAIRMAN O'BRIEN: Well, he wasn't here.
10 He testified tonight.

11 MR. GUZIK: I had it crossed off I was
12 satisfied with his testimony.

13 CHAIRMAN O'BRIEN: My last question,
14 2.06, about the types of senior living.

15 MR. GUZIK: Yes. That -- that testimony
16 was addressed by their architect.

17 CHAIRMAN O'BRIEN: That covers my items.
18 Allen, do you have anything for Francis?

19 MR. SCHECTEL: No, I don't.

20 MR. HOBERMAN: I'm okay.

21 CHAIRMAN O'BRIEN: Anything else, Linda?

22 MS. GEEVERS: Just one other question.
23 If there's any flooding once all of this is built on
24 Washington Road and it's near that roundabout, how do
25 people get in and out or emergency vehicles? How is

1 be tracked as changes are made to make sure we stay
2 within the allotment that was planned into the
3 stormwater design.

4 MR. GUZIK: Okay. And thank you again,
5 Linda, for bringing that up.

6 MS. GEEVERS: Also can we make these
7 exhibits? Maybe these should be marked?

8 CHAIRMAN O'BRIEN: They're not exhibits.
9 They haven't been entered into by him.

10 MS. GEEVERS: I know. Well, the Board
11 just got --

12 CHAIRMAN O'BRIEN: I asked him for the
13 (indiscernible).

14 MS. GEEVERS: No. But don't you want to
15 mark these as some kind of official record?

16 MR. GUZIK: No. That's really not any
17 new information. That's just taking what the
18 Applicant had put together and pulling out numbers
19 from the report. That was to answer a couple of the
20 Mayor's questions to me. And I think he thought it
21 might be beneficial for some of the other Board
22 members who had similar questions. So it's not an
23 official exhibit for purposes of this hearing.

24 MS. GEEVERS: Okay. Just asking.

25 CHAIRMAN O'BRIEN: Francis, you may have

1 that going to work? Is there a --

2 MR. GUZIK: Unfortunately, I can't hear
3 you, Linda.

4 MS. GEEVERS: Cutting through the parking
5 lot to Alexander Road? Is this one way in, one way
6 out, or are they going to be -- if Washington Road is
7 flooded and they can't get out, do they go on Road A?

8 MR. GUZIK: Yeah. We've had discussions,
9 Chief Lynch and I, and probably modeled similarly to
10 what the county has on Quakerbridge Road at Quaker
11 Road where there's that advisory signage with the
12 flashing lights and a gate that closes. As we get
13 into this, either at the township's expense or through
14 a county emergency mitigation plan, as a mitigation
15 plan grant, would look to incorporate some advisory
16 signage probably prior to the roundabout as you come
17 from Route 64 advising you that the road's flooded,
18 and then there being an actual gate more in the area
19 of the Road A intersection so that you could still get
20 to Road A, but not go past it.

21 MS. GEEVERS: Yeah. I just want to make
22 sure people have a way of getting out that -- if the
23 road is flooded, Washington Road. So they would have
24 to use Road A to get out of this development?

25 MR. GUZIK: Well, as the Mayor said,

1 anybody who's savvy can cut through across the dinky
2 line and cut through the transit parking lot to get to
3 Alexander Road. Or they would travel through the
4 roundabout, back to Route 64 bridge to make use of the
5 roads on the other side of the train tracks.

6 MS. GEEVERS: Okay.

7 CHAIRMAN O'BRIEN: Saju, anything for
8 Francis?

9 MR. JOSEPH: No.

10 CHAIRMAN O'BRIEN: Mayor?

11 MR. MARATHE: No, thanks.

12 CHAIRMAN O'BRIEN: Mike?

13 MR. KARP: No.

14 CHAIRMAN O'BRIEN: All right.

15 MR. GUZIK: Thank you.

16 CHAIRMAN O'BRIEN: Thanks, Francis.

17 We normally target adjournment for 10:00,
18 but we are expecting that we are going to be here till
19 close to 11:00 tonight, in order to try and complete
20 this application by next week. So with that in our
21 normal order, we will move on to Jeff L'Amoreaux, our
22 traffic engineer.

23 Jeff, do you want to enjoy the table?

24 MR. L'AMOREAUX: I don't know if I'll be
25 able to hear you, but I'll give it a try.

1 MR. L'AMOREAUX: And there's an echo in
2 here.

3 If someone gets in the left-turn lane and
4 then realizes that they can't turn left because of the
5 prohibition, what do they do? They might be trapped;
6 I don't know.

7 It would just be something that I would
8 -- I would -- I would like to approach the County with
9 that -- with that thought and see what they think.
10 Because --

11 CHAIRMAN O'BRIEN: With what end in mind?

12 MR. L'AMOREAUX: They might not -- they
13 might not do the prohibition, or we might stripe it as
14 one lane out instead of two.

15 MR. MARATHE: Jeff, prohibition is good.
16 We need that prohibition. That will reduce lot of
17 accidents.

18 MR. L'AMOREAUX: Okay.

19 MR. MARATHE: And I seen that kind of
20 thing in Plainsboro all the time.

21 MR. L'AMOREAUX: Okay. Okay.

22 CHAIRMAN O'BRIEN: And it would really be
23 penalizing people who want to make a right turn to
24 restrict this to one egress lane, wouldn't it?

25 MR. L'AMOREAUX: Yes. Yes.

1 CHAIRMAN O'BRIEN: All right. That's a
2 good point if you want to stay there.

3 MR. L'AMOREAUX: Good evening. Martina,
4 I believe I've been sworn?

5 CHAIRMAN O'BRIEN: Yes, you were.

6 MS. BAILLIE: Yes.

7 MR. L'AMOREAUX: Okay. Great. Good
8 evening, everyone. Jeff L'Amoreaux, Arora &
9 Associates. I produced a memorandum dated August 18th
10 with a follow-up memorandum dated August 20th, which
11 addressed some of the concerns that -- that the
12 Applicant had.

13 Before I get into that, though, I would
14 like to share three observations which have come up
15 since this memo was issued. The first is that it's
16 come to my attention that the County is -- and based
17 on Mr. Rached's testimony this evening, the County is
18 interested in banning left turns out of Road A from
19 7:00 to 9:00 and 4:00 to 6:00, presumably Monday
20 through Friday.

21 The geometry that they're proposing there
22 is to have two lanes out, a left-turn lane, and a
23 right-turn lane.

24 MR. LANGE: Left-turn lane and a
25 right-turn lane.

1 CHAIRMAN O'BRIEN: So come back to Mr.
2 Rached with the question about adequate signage to
3 make sure. Besides signage, would it be possible for
4 the Applicant to agree to put some sort of flashing
5 device as a part of the signage so that it would draw
6 the drivers' attention to the fact that no left turns
7 could be made at the restricted hours?

8 MR. HOFF: We have no objection -- to the
9 extent Mr. L'Amoreaux talk to the County, we welcome
10 that. We didn't propose the restriction. It was the
11 County that came up with that. So we didn't propose
12 it. We didn't think it was necessary. They required
13 it.

14 So to the extent that there's a
15 suggestion that maybe they back off on it or they vary
16 it, we'll welcome it. But it's the County's call.

17 MR. L'AMOREAUX: Yeah. I'm not
18 suggesting that they back off on the prohibition. I'm
19 just saying that we have to be careful not to trap a
20 motorist in that lane and then they panic or something
21 like that.

22 CHAIRMAN O'BRIEN: Let's hear from Mr.
23 Rached.

24 MR. L'AMOREAUX: Yeah. Sir, what do you
25 think?

1 MR. RACHED: Thank you, Jeff. This is
2 not any different from any part-time provision. You
3 see it all over the country. What we could do is put
4 just one sign in advance that says, no left turn at
5 these hours so people don't set themselves up in that
6 lane. That's all. That should do it.

7 CHAIRMAN O'BRIEN: Maurice --

8 MR. SCHECTEL: Excuse me. Where you
9 would place that sign? You wouldn't place it -- you
10 would place it at the intersection, but then it would
11 be too late.

12 MR. RACHED: No.

13 MR. L'AMOREAUX: You might do it ahead.
14 You might do it ahead, like, up at the intersection of
15 Road C, you know, so that way people don't get into
16 the left lane to begin with.

17 CHAIRMAN O'BRIEN: Road C or Road B?

18 MR. L'AMOREAUX: Whichever one is closer
19 to Washington Road.

20 CHAIRMAN O'BRIEN: After one passes the
21 intersection with Road B, which would be a conspicuous
22 sign, which maybe the signage needs to be a little
23 bigger than the standard size or --

24 MR. L'AMOREAUX: I think that the --
25 given the slower speeds, that the standard size would

1 item that you stumbled onto?

2 MR. L'AMOREAUX: It's my understanding
3 that the Applicant is relying on on-street parking to
4 fulfill part of their parking obligation. And if I
5 was not mistaken, on Road B, that's where -- that's
6 where it was going to be.

7 I also understand that they may be
8 looking for the township to take over Road B as a
9 public roadway.

10 My question to the Board is: If that's
11 true, and the Applicant can weigh in on this, is the
12 Board comfortable with parking fulfilling a
13 development requirement being on a public roadway?
14 Am I reading that right?

15 CHAIRMAN O'BRIEN: What's the -- what is
16 the difference in the parking? I think there's a
17 significant difference, isn't there? What's required
18 and what they're providing?

19 MR. HOFF: We can address that.

20 MR. MARATHE: Yes. We have not
21 committed. They are pushing, but we're not committed
22 to taking on Road B. That's a private road inside the
23 development.

24 MR. L'AMOREAUX: Okay.

25 CHAIRMAN O'BRIEN: And I was mistaken.

1 probably be okay.

2 CHAIRMAN O'BRIEN: All right.

3 MR. SCHECTEL: So then, Jeff, anybody
4 wanting to make the left-hand turn would go down Road
5 B and then come into the traffic circle?

6 MR. L'AMOREAUX: They could. They could
7 also make a right and go up and swing a U-turn at the
8 traffic circle too.

9 MR. SCHECTEL: I'm sorry. That's the
10 obvious, yes.

11 MR. L'AMOREAUX: I'm just saying, well,
12 maybe this is boiling down to, this is just something
13 that we should just pay attention to as we're
14 deploying it.

15 MR. MARATHE: That identical sign is in
16 Plainsboro when you go over the bridge. You know,
17 when you go over the bridge you want to go to the
18 hospital, you go -- can go there exactly same hours.
19 You can't take the left turn to bridge. So, I mean,
20 smart people have figured out a way around.

21 But people, first time you have a
22 problem. Then you don't figure out, then you really
23 have a problem.

24 SPEAKER: Yes, sir.

25 CHAIRMAN O'BRIEN: What was your second

1 You were right. It's Road C that feeds into Road A
2 close to the intersection with Washington Road. So
3 for the record I want to clarify it. I should have
4 said -- agreed with you for Road C.

5 MR. L'AMOREAUX: Okay. Go ahead.

6 MR. RACHED: I do have an answer, Jeff,
7 for this. RSIS has a very specific language that
8 says, if parking is available on a public street, it
9 shall be counted. I'm paraphrasing a little bit. But
10 I believe they used the word "shall," and they used
11 the concept if it's available.

12 Being that these roads are for the
13 development, parking is available so the Board shall
14 count that parking towards the requirements.

15 MR. L'AMOREAUX: Okay. I'll -- I will
16 check that. But I'll take Maurice at his word there.

17 The third is that I encourage any
18 connection at the end of Road A or the future Vaughn
19 Drive extension to connect into the parking area, so
20 that way we have at least another relief route across
21 the tracks to get over to Alexander Road. Because I
22 tend to hear from people that, oh, gosh, if only we
23 had another way out of the Washington Road area. And
24 this would be -- there is a way out. You have to go
25 down Station Road and all the way around and then lump

1 over the tracks.
 2 But if you put it at the end of Road A,
 3 it would just be that much more convenient, and it may
 4 have a more beneficial effect.
 5 CHAIRMAN O'BRIEN: So you're suggesting
 6 another crossover of the dinky line tracks?
 7 MR. L'AMOREAUX: At some point, yes. But
 8 we can do something about it relatively easily,
 9 because we would use the same crossing. We would just
 10 go down through the parking lot.
 11 MR. SCHECTEL: So I guess the question I
 12 have is -- I mean, I know it's expensive to put in a
 13 rail crossing with the flashing lights, the stop.
 14 MR. MARATHE: Can you move closer to the
 15 mike?
 16 MR. SCHECTEL: Yes. I just said, I know
 17 it's expensive to put in another crossing with the
 18 signal lights with the flashing bells, the lights, the
 19 whole nine yards.
 20 So my thought is that maybe Road A should
 21 have been curved down and the cul-de-sac road should
 22 have been widened. That would be the logical way you
 23 would, you know, come in. You'd utilize the existing
 24 crossing, the existing signal lights crossing. But
 25 you're indicating that there's a need for a second --

1 Transit to get back to us, we'd love to hear from
 2 them, because we've been talking to them about trying
 3 to get easements, as we testified to during the first
 4 hearing (indiscernible) three years.
 5 MR. L'AMOREAUX: So that's the issue?
 6 MR. HOFF: Yeah. They're just not
 7 particularly responsive. I mean, it's not for lack of
 8 effort.
 9 MR. SCHECTEL: It's not surprising.
 10 CHAIRMAN O'BRIEN: Do we know somebody at
 11 the County that could impose on New Jersey Transit to
 12 be more responsive?
 13 MR. L'AMOREAUX: Yeah. I could give Matt
 14 Lawson a call and see if we can get them to talk.
 15 CHAIRMAN O'BRIEN: And after you make
 16 that call, let me know. I'll follow-up, because I
 17 know Matt also.
 18 MR. L'AMOREAUX: So if -- so -- so, Rich,
 19 if we can bust this loose with New Jersey Transit,
 20 could you hook up?
 21 MR. HOFF: Well --
 22 MR. L'AMOREAUX: Would you hook through?
 23 MR. HOFF: If New Jersey Transit allows
 24 it.
 25 MR. L'AMOREAUX: Okay. Okay. We're

1 MR. L'AMOREAUX: No, there isn't a need
 2 for a second. What I'm saying is, is that at the
 3 western end -- on the planned western end of Road A
 4 that there is a -- I don't believe that they're
 5 proposing to connect to the parking lot at New Jersey
 6 Transit or Amtrak's parking lot now. And we should
 7 work towards that, because it's pretty low-hanging
 8 fruit.
 9 MR. MARATHE: Jeff, doesn't that show
 10 connection? I mean, I always thought that connects
 11 the parking lot.
 12 MR. L'AMOREAUX: I didn't think that they
 13 were proposing to connect.
 14 Are you proposing to connect right now?
 15 SPEAKER: In the future.
 16 MR. HOFF: In the future.
 17 MR. MARATHE: We should connect to the
 18 parking lot so there's, like, second exit out.
 19 MR. L'AMOREAUX: Is that something that
 20 we could work on?
 21 MR. SCHECTEL: Is it a problem, like,
 22 making the connection? You're putting in Road A. I
 23 don't follow the difficulty of making (indiscernible)
 24 dealing with New Jersey Transit.
 25 MR. HOFF: If you can get New Jersey

1 going to try. Okay.
 2 MR. MARATHE: Jeff, that's a good point.
 3 We do need that connection there.
 4 MS. GEEVERS: Do you have a map for a
 5 future meeting to show that?
 6 MR. L'AMOREAUX: I could come up with
 7 something, Linda.
 8 MS. GEEVERS: Yeah. Just the visual
 9 would be helpful.
 10 MR. L'AMOREAUX: Yeah. Sure. Sure.
 11 MS. GEEVERS: Thanks.
 12 MR. L'AMOREAUX: Finally, in my -- in my
 13 memorandums -- memoranda most of the items are
 14 adjusting tables, adjusting words, title sheets,
 15 corrections of figures, all of which I'm sure that the
 16 Applicant would stipulate to. Because they're not --
 17 they're not necessarily a substance; just a
 18 clarification.
 19 Let's see here. I'll ask the Applicant
 20 to talk about the Board's favorite subject, which is
 21 electric vehicle charging stations.
 22 You're proposing -- help me out. Refresh
 23 my memory. You're proposing some in the garages and
 24 also in the -- in the townhouses and the apartments?
 25 MR. HOFF: Yeah. Mr. O'Brien has those

1 numbers, I think. I know he has those numbers.
 2 MR. L'AMOREAUX: Putting you on the spot.
 3 MR. O'BRIEN: Ken O'Brien. I can speak
 4 for the Avalon garages. In the West garage there's 50
 5 EV charging spaces. And EV -- and in the East garage
 6 there are 36 EV charging spaces proposed.
 7 MR. L'AMOREAUX: How about anyplace else?
 8 The apartments or townhomes?
 9 MR. HOFF: I believe the testimony was
 10 that they'd be offered in the townhomes for anybody
 11 wishing to have them installed.
 12 MR. L'AMOREAUX: Okay. Thanks. Thanks.
 13 I appreciate you bearing with me. I just wanted to
 14 get that out there.
 15 Members of the Board, I have nothing
 16 further, unless you have questions for me.
 17 MR. MARATHE: Just one second.
 18 MS. GEEVERS: Charging stations in the
 19 senior living facility? Some of those people could
 20 have cars. Is there any charging stations there?
 21 MR. L'AMOREAUX: I don't -- I don't
 22 believe they do.
 23 MR. O'BRIEN: Yes. This is Ken O'Brien
 24 again. Yes, they have EV charging spaces in the
 25 garage. Some of those that count in the West garage

1 are dedicated for the senior living spaces.
 2 MS. GEEVERS: So they're going to have --
 3 the seniors are going to have to -- which garage?
 4 MR. O'BRIEN: The West garage has
 5 dedicated senior living spaces, and some of those are
 6 EV dedicated. So the 50 EV -- EV spaces in the West
 7 garage, some of those are for the senior project.
 8 MR. MARATHE: I have one question. Can
 9 you make that diagram a little bigger? That circle,
 10 is that just a walking path or the circle shows
 11 connected to the parking lot, near Basin A. If you go
 12 down Basin A, that road.
 13 MR. L'AMOREAUX: There in the lower left?
 14 MR. MARATHE: Yeah.
 15 MR. L'AMOREAUX: Everybody remembers,
 16 right?
 17 MR. MARATHE: It shows connected. I just
 18 assumed that you could drive there. Just a walking
 19 path?
 20 MR. L'AMOREAUX: No. It's a service
 21 area.
 22 MR. HOFF: It's a service area.
 23 CHAIRMAN O'BRIEN: That roadway is
 24 labeled "access driveway" between Road A, and there's
 25 a cul-de-sac.

1 MR. MARATHE: But can you go to the
 2 parking lot from that cul-de-sac?
 3 CHAIRMAN O'BRIEN: Not the way it's on
 4 the plan.
 5 MR. MARATHE: Then you can drive to the
 6 parking lot? You go straight, you go to Alexander
 7 Road.
 8 Come down. Come down. Come down. That
 9 circle, see that -- show that car? Can that car drive
 10 straight?
 11 MR. LADELL: No.
 12 MR. HOFF: Emergency.
 13 MR. MARATHE: Why are you showing opening
 14 there then?
 15 MR. HOBERMAN: Emergency. Emergency
 16 access.
 17 MR. L'AMOREAUX: As I recall, Mr. Mayor,
 18 it was an emergency access offering by the Applicant.
 19 It wasn't permitted -- it wasn't proposed to be a
 20 through connection.
 21 MR. HOBERMAN: Slide five shows this very
 22 clearly.
 23 MR. MARATHE: Yes. Slide five, exactly.
 24 That's what I'm looking at.
 25 MR. SCHECTEL: So, Jeff, following up on

1 what the Mayor was saying --
 2 CHAIRMAN O'BRIEN: Wait. Wait. Wait.
 3 If it doesn't pertain to the cul-de-sac -- hang on for
 4 just a minute.
 5 MR. SCHECTEL: It does pertain to it.
 6 CHAIRMAN O'BRIEN: Okay. Go ahead.
 7 MR. SCHECTEL: Following up with what the
 8 Mayor was suggesting, I mean, I think it's a good
 9 idea. Why -- why have the lot -- I'm sorry. Why have
 10 Road A connect into this portion of the parking lot so
 11 people will be thinking, screw the -- that lot, and
 12 you'd be taking up nine spaces, I believe, up at the
 13 top, when you could just, let's say, widen possible
 14 the -- that road leading to the cul-de-sac, and then
 15 getting rid of the cul-de-sac and just making the
 16 connection across to where you actually have the
 17 railroad crossing. Would that be more logical?
 18 CHAIRMAN O'BRIEN: The plan already shows
 19 the removal of six parking spaces that is adjacent to
 20 that cul-de-sac.
 21 MR. SCHECTEL: The cul-de-sac. I think
 22 you'd also be losing spaces up at the top.
 23 MR. MARATHE: I mean, that removes a
 24 substantial burden of traffic, because then you can go
 25 out on Alexander Road.

1 MR. HOFF: Yeah. But that -- you're
 2 talking about an access drive to get behind the senior
 3 building to provide access to, you know, effectively
 4 --
 5 MR. MARATHE: Anyplace you provide access
 6 to the parking lot, and then you can go to Alexander
 7 Road.
 8 MR. LADELL: That's not what we want.
 9 MR. HOFF: We're not encouraging that.
 10 MR. LADELL: We don't want that.
 11 MR. KARP: You're going to get commuters
 12 parking in this building.
 13 MR. HOFF: It's the access, that's it.
 14 SPEAKER: Why?
 15 SPEAKER: Who's answering?
 16 MR. L'AMOREAUX: Let me --
 17 MR. MARATHE: I don't know why.
 18 SPEAKER: It's one way in and out.
 19 MR. MARATHE: No. That's dangerous, one
 20 way in and out.
 21 SPEAKER: Why?
 22 MR. MARATHE: And then if I live in
 23 building Avalon West, if I want to go to the train
 24 station, I have to go all the way around, come to
 25 Washington Road, and then go to Station Drive. Going

1 MR. SCHECTEL: Sorry.
 2 I just felt it might be a little bit a
 3 better alternative, rather than having people snaking
 4 more through that parking lot.
 5 And in terms of it being private
 6 property, it's supposed to be a public road. A is a
 7 public road. At this point it's going through private
 8 property, but it will be a public road. So it's,
 9 basically, an extension of A, if you look at it that
 10 way.
 11 MR. HOBBERMAN: I mean, my thought would
 12 be to keep -- let's keep this circulation plan element
 13 that the eventual Vaughn Road extension does connect
 14 between Washington and Alexander. And I realize that,
 15 with the way the plan presented to us, that that
 16 suggestion for the Vaughn Road extension would be more
 17 north than the current connection where the railroad
 18 -- over the railroad tracks is now.
 19 So, you know, we just -- I'd say there
 20 would have to be some alteration, you know, in the
 21 circulation plan element to accommodate Road A
 22 becoming part of the Vaughn Drive extension. It's an
 23 eventuality, and that would keep it off private
 24 property.
 25 MR. L'AMOREAUX: Mr. Chairman, that's all

1 to take me 10, 15 minutes.
 2 By the way it's shown, I always assumed
 3 that it was connected.
 4 MR. L'AMOREAUX: It's my recommendation
 5 to the Board that, to keep the number of jurisdictions
 6 down so we don't have three, but instead we only have
 7 two, that we go all the way. And I understand what
 8 Mr. Schectel is saying. But to go all the way to the
 9 end and then go through the Amtrak lot, now we only
 10 have two jurisdictions instead of three. And taking
 11 -- and, basically, we would be taking regional traffic
 12 through private property by going in back of the
 13 senior center. And I just don't recommend that. I
 14 can't recommend that to this Board.
 15 MR. KARP: You also would get a lot of
 16 commuters maybe parking for free in this development.
 17 MR. LADELL: Correct.
 18 MR. MARATHE: That's your ticket revenue.
 19 MR. LADELL: Your ticket, not mine.
 20 MR. L'AMOREAUX: So I'm glad that you
 21 picked up on that. But I just don't think it's going
 22 to work.
 23 MR. SCHECTEL: Well, I mean, I just felt
 24 that it would be a little bit better, since --
 25 CHAIRMAN O'BRIEN: Allen, the mike.

1 I have.
 2 CHAIRMAN O'BRIEN: Hang on. What slide
 3 number is up on the screen now?
 4 MR. MARATHE: Five.
 5 MR. L'AMOREAUX: Five.
 6 CHAIRMAN O'BRIEN: If you go to 72,
 7 please? Let me begin my question, Jeff. You heard a
 8 lengthy discussion earlier in the meeting when Mr.
 9 Fornaro expressed concern, and whether or not we have
 10 jurisdiction has already been established. But he was
 11 asking questions of the Applicant's traffic engineer,
 12 and I also offered some comments.
 13 What is your viewpoint on the proposed
 14 arrangement for the AI Technology's ingress/egress to
 15 be handed by the proposed connection to Road A
 16 opposite Road C?
 17 MR. L'AMOREAUX: I think -- I think that
 18 that is a way of doing it. It is a way of connecting.
 19 You could also have a driveway out onto Washington
 20 Road further away too. There's a few ways to do it.
 21 CHAIRMAN O'BRIEN: When I asked the
 22 question about putting a stop sign on Road A for
 23 traffic heading toward Washington Road, Maurice made
 24 the point about meeting certain standards. Are you
 25 familiar enough with those standards to explain what

1 the conditions would be to prompt the requirement for
 2 a stop sign at the location I'm describing?
 3 MR. L'AMOREAUX: Sure. Yeah. I can
 4 touch on it. Basically, what happens is you need to
 5 have a certain volume of traffic per hour on one road,
 6 say Road A in this case. And a certain minimum --
 7 minimum volume of traffic on the intersecting road,
 8 which would be Road B in the AI driveway.
 9 CHAIRMAN O'BRIEN: Road C.
 10 MR. L'AMOREAUX: Road C, thank you, in
 11 the AI driveway.
 12 And in my experience the volumes of
 13 traffic that you need to meet those requirements are
 14 usually much higher, as in the hundreds per hour, in
 15 order to satisfy the warrant criteria in the MUTCD
 16 that Mr. Rached mentioned. So, truly, meeting a
 17 four-way or three-way stop configuration based on
 18 volume is, I found, to be surprisingly hard to do.
 19 My recommendation, if I could, should the
 20 Board choose to go this way --
 21 CHAIRMAN O'BRIEN: Go which way?
 22 MR. L'AMOREAUX: With -- with the -- with
 23 the cross -- with the cross street and connection to
 24 AI or not, would be to watch it operate. And then if
 25 we have an issue -- generally you can see an issue

1 evening, and thank you to the Applicant.
 2 CHAIRMAN O'BRIEN: Dan, can you do it in
 3 less than 15 minutes?
 4 MR. DOBROMILSKY: I'll try.
 5 CHAIRMAN O'BRIEN: Tell them who you are.
 6 MR. DOBROMILSKY: Dan Dobromilsky,
 7 landscape architect for the township.
 8 Good evening, everyone. I had a report
 9 dated August 18, 2021. There were five points in that
 10 report. The first point was regarding the master plan
 11 green belt line. I think there was testimony about
 12 the environmentally constrained areas in the upper
 13 left side of the plan shows green. And I believe the
 14 Applicant indicated that the ownership of that
 15 property will remain with the property owner or
 16 management company with conservation easements to the
 17 township and the state due to the environmental
 18 constraints, but they would retain the responsibility
 19 to manage or maintain the property. Mostly, just if
 20 anything occurs on the property, it becomes hazardous,
 21 it would have to be dealt with.
 22 Moving on to comment number two, I
 23 believe there was good testimony about the removal of
 24 existing trees and the planting of new trees to
 25 mitigate the impacts of that removal. And I've

1 before it becomes a bona fide problem. And you can --
 2 and you can go out there and take the measurements and
 3 go ahead. And I don't think that that's going to
 4 happen.
 5 CHAIRMAN O'BRIEN: Well, unless the
 6 township agrees to assume ownership of Road A, there
 7 is no down the road further consideration, unless AI
 8 Technologies chooses to sue the owner of this tract
 9 over this situation. I was just trying to anticipate
 10 a potential problem and try to come up with some
 11 workable solution. But I hear what you're saying.
 12 The traffic that Mr. Rached quoted on for
 13 the a.m. and p.m. peak hours is nowhere near what you
 14 just indicated is likely to be required for the
 15 warrants to be met.
 16 MR. L'AMOREAUX: I think that's a fair
 17 assessment, yes.
 18 CHAIRMAN O'BRIEN: So it's a dead issue
 19 with me now.
 20 MR. L'AMOREAUX: Yes, sir.
 21 CHAIRMAN O'BRIEN: Any other questions
 22 for Jeff from our Board?
 23 MR. HOBERMAN: No.
 24 CHAIRMAN O'BRIEN: Thank you, sir.
 25 MR. L'AMOREAUX: Thank you. Good

1 indicated that there's no impact upon the community
 2 forest as a result of this project as a whole. The
 3 forest as a whole.
 4 In comment number three, indicating that
 5 the landscape architectural design that was presented
 6 tonight meets the requirements of the township code
 7 standards, and will greatly enhance the esthetics and
 8 function of the new neighborhood of the community.
 9 Comment number four is -- goes to the
 10 request that the Applicant provide testimony regarding
 11 the recreational features and site details, which they
 12 did this evening. And there was some questions from
 13 the Board regarding the adequacy or the details of
 14 what's being proposed. And I can elaborate on that in
 15 response to those questions.
 16 Township code -- township section 200-36
 17 offers guidance on the recreation improvements
 18 associated with multi-family development. It --
 19 particularly it has eight points that come up. The
 20 first being playground size. For a population of
 21 2,000 people, a playground of three and a half acres
 22 is suggested. What they're -- estimating the
 23 population of this neighborhood to be around 1,500.
 24 Not -- maybe not including all the seniors, since they
 25 would not necessarily be using the playground. And

1 they're proposing a playground of about 2,000 square
2 feet, plus the spray pool and turf area that they show
3 in the promenade.

4 Regarding play lots or tot lots, the code
5 requires one for every 400 persons. They're proposing
6 one for 1,500 persons. So it's below that standard.
7 The size of the tot lot, we would typically request
8 two. One for younger children and one for older
9 children. As I indicated, they're proposing one. It
10 seems oriented towards younger children. The minimum
11 for that would be 2,000 square feet for the younger
12 children and 5,000 square feet for the older children.
13 What they're proposing approaches or meets the
14 standard for the younger children, and they have not
15 provided a typical tot lot for older children.

16 For the elements in the tot lot, we
17 typically request a swing, a slide, play element, such
18 as benches. They have not proposed swings. The tot
19 lot is mainly for younger children.

20 When it comes to tennis courts, we have a
21 standard of one tennis court for every 100 dwelling
22 units. There are no tennis courts proposed. There
23 are 868 units, as you've heard.

24 For the swimming pool, for a development
25 greater than 200 dwelling units, we would have a

1 And in terms of the type of development
2 occurs, it's more urban than suburban. And the
3 recreational needs differ for that type of community.
4 So for that, what you heard in the testimony was they
5 were doing things a bit different. And some of the
6 things that they were proposing, the promenade, in the
7 code for the redevelopment area there's a requirement
8 that that be 50,000 square feet of outdoor civic space
9 for seating, dining, and it includes seating, dining,
10 a lawn panel, and gathering space. The area of the
11 promenade measures 78,000 square feet. But that
12 includes approximately 25,000 square feet of the
13 roads, which you heard could be or not closed down.
14 So they do meet that standard.

15 Regarding areas, there are several areas
16 of outdoor, like, cafe seating associated with some of
17 the retail uses. And we have no requirement for that
18 specifically. They measure about 9,600 square feet.
19 There's at least two of those. They have a number of
20 areas that will be devoted to outdoor seating, dining,
21 barbecue islands, lounge seating, a dog run, a hammock
22 grove, game tables, a boulder garden. And this is all
23 in addition to the promenade area that they provided a
24 lot of testimony tonight about.

25 There was also the areas of the

1 standard for an 1,800 square foot swimming pool. The
2 swimming pool that they've proposed measures about 16
3 or 1,700 square feet. So it's just slightly below
4 that standard. They do have an extensive area of pool
5 and lounge deck space surrounding that pool. There is
6 a requirement for a community building for anything
7 over 150 dwelling units, and I think they've indicated
8 that there are a number of indoor
9 recreational-oriented spaces or civic spaces
10 associated with the development that should address
11 that, I believe.

12 With that said, these standards are
13 really designed for the typical suburban development
14 that occurs in this township. And this, I think we
15 would all agree, is a unique proposal.

16 First off, it's a redevelopment and it
17 represents, as I indicated in my comment number five,
18 the redevelopment of lands and facilities that are
19 antiquated and inefficient -- inefficient, and they're
20 offering to build a diverse multi-generational
21 mixed-use neighborhood with pedestrian-oriented design
22 in close proximity to a major transit station, which
23 is something that this town has been trying to do for
24 a very long time, as you all are aware. And with that
25 comes a different type of development.

1 courtyard, pools and terraces that they did tonight.
2 Those areas measure approximately 30,000 square feet.
3 That does not include the roof deck that I think was
4 alluded to in the design.

5 So the senior portion of the development
6 there was no specific requirement for outdoor space in
7 our code. They're proposing approximately 10,000
8 square feet of outdoor space associated with that.

9 So they do have over three acres of
10 outdoor space provided. But the facilities that
11 they're proposing differ from what we would typically
12 require in association with this.

13 So I think, as they've indicated in their
14 testimony, they're relying upon their experience in
15 building this type of product in this type of
16 situation, and what this clientele will have as demand
17 for recreation space. I mean, in short it seems like
18 it's more oriented towards adult population. Not
19 senior, but adult population and less towards children
20 and more towards people that are pedestrian oriented
21 rather than vehicle oriented.

22 And I think that's what the Board has to
23 consider is, is that appropriate or not? I would
24 think that they have the experience doing this, and
25 that it seems appropriate to me, and it should be a

1 very attractive neighborhood to finally get this type
2 of development adjacent to the train station, as we've
3 wanted to do for a very long time.

4 CHAIRMAN O'BRIEN: Dan, is the absence of
5 a play area for older children something that requires
6 Board's granting of a waiver?

7 MR. DOBROMILSKY: I mean, I think -- I
8 think there should be a waiver of 200-36 for the
9 entire development, basically, is what we should do.
10 We should just say that their -- the recreation
11 improvements differ from what 200-36 requires, and
12 that there is a waiver from that section as a whole
13 for this development in order to do that.

14 CHAIRMAN O'BRIEN: Does the Applicant
15 have any objection if the Board considers granting a
16 waiver for section 36?

17 MR. HOFF: No objection. The only thing
18 we might add is it was kind of our reading of the
19 redevelopment plan that sort of the promenade and some
20 of the details within the redevelopment plan captured
21 the recreational intent for the project. So -- and
22 the redevelopment plan would typically supersede any
23 ordinances to the contrary.

24 So don't know if it applies, but bells
25 and suspenders, if the Board is inclined to grant a

1 transit village, you know, oriented development.
2 That's what's going to happen.

3 CHAIRMAN O'BRIEN: I think --

4 MS. GEEVERS: And, you know, the kids
5 need to go somewhere. I know I've gotten complaints
6 from the development off of Old Bear Brook Road there
7 with all the newer, you know, apartments and
8 everything that went in there, the kids are playing in
9 the parking lots and stuff.

10 So this is West Windsor. That's what
11 happens. They want to live here because the education
12 that their kids are going to get. So we can't just
13 think that's not going to happen. Every developer
14 comes in and they're, you know, going for the
15 millennial's and all this kind of stuff. Fine. But
16 the reality is that we will get school children here.
17 There's no question in my mind. And the school
18 district has the statistics to figure out a
19 percentage. Sometimes it's like .53 for an apartment
20 for, you know, child. Maybe it's a little bit less.

21 CHAIRMAN O'BRIEN: I think we acknowledge
22 that children are going to come.

23 MS. GEEVERS: They're coming.

24 CHAIRMAN O'BRIEN: What's your point?

25 MS. GEEVERS: And where are they going to

1 waiver, that's fine.

2 But we think probably the terms of the
3 redevelopment plan and the specific elements of that
4 redevelopment plan with the promenade would control
5 here.

6 But to the Chairman's point, you're
7 inclined to grant a waiver to just to cover that base,
8 certainly have no objection.

9 CHAIRMAN O'BRIEN: Martina, do you have
10 any recommendation as to what action we might want to
11 take?

12 MS. BAILLIE: I agree with Mr. Hoff's
13 analysis that general -- in general the redevelopment
14 plan would supersede.

15 CHAIRMAN O'BRIEN: So we need to take no
16 action?

17 MS. BAILLIE: In my view you wouldn't.

18 CHAIRMAN O'BRIEN: Thank you.

19 MS. BAILLIE: It's up to the Board.

20 CHAIRMAN O'BRIEN: Any questions for Dan
21 by members of the Board?

22 MS. GEEVERS: Well, the reality is is
23 that you are going to get children down there because
24 this is West Windsor. We have a top school district,
25 and people come, right? They will, even though it's a

1 go? Where are they going to play?

2 MR. MARATHE: Linda --

3 MS. GEEVERS: I mean, they have to go
4 somewhere. They're going to be running all over the
5 promenade here because they need to get outside,
6 especially in Covid, you know. So with the schools
7 and everything. So I'm just saying, maybe some of
8 this -- when I see these waterfalls, they're really
9 going to be up and running June, July, and August,
10 part of September. It looks all pretty, but they're
11 not going to be swimming the rest of the year or
12 jumping in their bathing suits through the water. So
13 I'm just concerned about that. You know, what are
14 they going to do?

15 MR. SCHECTEL: My opinion, I really think
16 that at least an additional tot lot or a play area for
17 older children should be established there. I can't
18 believe that they can't find room to put in additional
19 equipment for that age group, at least to balance it
20 out.

21 MR. DOBROMILSKY: I think what I've
22 indicated is they do have space. It's just how is it
23 designed and what is it dedicated to?

24 MR. SCHECTEL: I know they have the
25 space.


1 MR. DOBROMILSKY: I mean, what they're
 2 indicating to you is -- what they're proposing is what
 3 they think their clientele will demand. And I think
 4 that's -- the question is: Do we -- do we suggest
 5 that they should do something different, or do we
 6 suggest that they be given the flexibility that they
 7 may have to adjust it if they find different than what
 8 they anticipate?
 9 MR. MARATHE: Gene, I just have a
 10 comment. I mean, Linda, we spent hours talking about
 11 (indiscernible) kid or not. Here they're making it
 12 kid unfriendly. That's exactly what you want, and now
 13 you're complaining about them making it kid
 14 unfriendly. And I know (indiscernible) can say after
 15 me, but people will decide if they want to come there
 16 or not. If I have three kids and there's no swings,
 17 I'm not going to rent there. That's just the bottom
 18 line.
 19 So if it's kid unfriendly, that's good
 20 for me. I mean, that's what you spent hours talking
 21 about, a simple lot in the redevelopment. So don't
 22 force them to make it more kid friendly.
 23 MS. GEEVERS: Generally I would say that,
 24 but the reality, because is the school district is so
 25 good --

1 that's the difference. And I think you're being asked
 2 to -- to either rely upon their experience or not.
 3 MS. GEEVERS: Well, a lot of developers
 4 will say you get no kids by the train station. I
 5 think years ago we were saying about .28 students per
 6 unit. So it is lower than maybe elsewhere in town,
 7 but it wasn't zero. It wasn't anywhere near zero.
 8 So I'm just saying -- I'm just saying,
 9 the kids, they're going to come. I just -- I just --
 10 MR. HOBERMAN: I agree with Dan's
 11 approach on this, that it's got a more urban dynamic
 12 to it. And so that's why it might not need all the
 13 amenities, recreational amenities requirements, that
 14 we've had previously. And also, you know, it's near
 15 to the arboretum, that big green space there, West
 16 Windsor Community Park, and Duck Pond Park, which, I
 17 think, can meet the recreational needs.
 18 CHAIRMAN O'BRIEN: Board members have
 19 anything else for Dan?
 20 MR. KARP: I agree with Dan. And kids
 21 will come. But if there's no playground, there's
 22 great parks in town. They'll find a park or they'll
 23 do what I do; they're throw a ball against the wall.
 24 CHAIRMAN O'BRIEN: Spoken like a true New
 25 Yorker.

1 MR. MARATHE: But --
 2 MS. GEEVERS: Lot of services.
 3 MR. MARATHE: But you're not giving
 4 parents enough credit. Parents are smart enough to go
 5 and see what development is there. I mean, if I have
 6 two -- four kids when they're five years old, I'm not
 7 going to go in development with no playground. I
 8 mean, once they go high school, that's a different
 9 matter. Parents will decide. And if there's less
 10 kids, that's what you've been trying to do for 15
 11 years on the planning board. Don't force them to put
 12 swing sets if they don't want to put swing sets.
 13 MS. GEEVERS: I'm just concerned. I saw
 14 the Woodmont, so I'm not going to bring that
 15 application in, but they have a very nice, I call it,
 16 like preschool room over there. Very nice. They've
 17 put in a pickle ball court. They got a beautiful
 18 pool, you know. You see a few things.
 19 MR. DOBROMILSKY: I think the difference
 20 here is the fact --
 21 MS. GEEVERS: I know the kids are going
 22 to come.
 23 MR. DOBROMILSKY: -- that it's close to
 24 the train station. I think that's the big difference
 25 is -- this is different. I'm not going to -- I mean,

1 MR. KARP: You got it.
 2 MR. MARATHE: Looks like you grew up in
 3 India.
 4 CHAIRMAN O'BRIEN: Mr. Hoff, will all of
 5 your witnesses be able to be with us next week?
 6 MR. HOFF: Yes, Mr. Chairman.
 7 CHAIRMAN O'BRIEN: Thank you.
 8 MR. HOFF: We still will likely have the
 9 same -- Mr. Lange will likely appear on the screen,
 10 given the township's protocols, but he'll be here by
 11 remote.
 12 CHAIRMAN O'BRIEN: Glad to have him.
 13 MR. HOBERMAN: Mr. Chair, am I correct
 14 that we still have one more report that would be Chief
 15 Lynch's?
 16 CHAIRMAN O'BRIEN: Yes, you are correct
 17 in that. I was going to make that comment. But other
 18 than handling the fire service report, I expect that
 19 next week will be reserved for questions, input,
 20 comments by members of the public. And, hopefully, we
 21 will be able to get through all of that so that we can
 22 work and deliberate and render a final decision before
 23 we leave next Wednesday, the 13th.
 24 MS. GEEVERS: Gene, just quickly. The
 25 affordable housing committee had some questions and

1 different things, so those answers we can get next
 2 week?
 3 CHAIRMAN O'BRIEN: Yes.
 4 MS. GEEVERS: Okay.
 5 CHAIRMAN O'BRIEN: That's not a report,
 6 but that's a communication from one of our township
 7 agencies.
 8 MS. GEEVERS: Yes.
 9 CHAIRMAN O'BRIEN: So if the Board
 10 members have no objections, I will adjourn tonight's
 11 meeting at 11:04 p.m. Good night, everybody.
 12 MR. HOFF: Just to make clear, no further
 13 notice will continue next October 13th?
 14 CHAIRMAN O'BRIEN: I think we said that
 15 last time.
 16 SPEAKER: What about community input? I
 17 cannot believe this is a democratic country anymore.
 18 We are paying taxes here.
 19 CHAIRMAN O'BRIEN: Next week, ma'am.
 20 SPEAKER: It's too late. It's too late.
 21 CHAIRMAN O'BRIEN: Why?
 22 SPEAKER: Because it will be the final
 23 decision. (Indiscernible).
 24 CHAIRMAN O'BRIEN: Our people will be
 25 here, their people will be here.

1 CERTIFICATION
 2 STATE OF NEW JERSEY
 3 COUNTY OF CAMDEN
 4
 5 I, Cindy Pineiro, a Certified Shorthand
 6 Reporter and Notary public of the State of New Jersey,
 7 do hereby certify that I reported the hearing in the
 8 above-captioned matter; that the foregoing is a true
 9 and correct transcript of the stenographic notes of
 10 testimony taken by me in the above-captioned matter.
 11 I further certify that I am not an attorney
 12 or counsel for any of the parties, nor a relative or
 13 employee of any attorney or counsel connected with the
 14 action, nor financially interested in the action.
 15
 16 
 17 _____
 18 Cindy Pineiro, CSR #30XI00181500
 19 Notary Public #50010742 Exp. 2/24/25
 20 Dated: October 6, 2021
 21
 22
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1 (Hearing was concluded at 11:05 p.m.)
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