

WEST WINDSOR TOWNSHIP PLANNING BOARD
REGULAR MEETING

PB20-15
PRINCETON JUNCTION TRAIN STATION REDEVELOPMENT

- - -
October 13, 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
- CURTIS HOBERMAN - Panel Member
- LINDA GEEVERS - Panel Member
- MICHAEL KARP - Vice Chair
- HEMANT MARATHE - Mayor
- GERALD MULLER - 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
- MAURICE RACHED - Traffic Engineer
- STUART JOHNSON - Architect for Pulse
- RONALD LADELL

RICHARD FORNARO - Attorney for AI Industries

1 CHAIRMAN O'BRIEN: Good evening,
 2 everybody. At 7:07 p.m. I'd like to convene the
 3 regular October 13th meeting of the West Windsor
 4 Township Planning Board. This is to advise that
 5 notice of the time, date, location, and, to the extent
 6 known, the agenda of the subject meeting was
 7 prominently posted in a public place reserved for such
 8 or similar announcements, transmitted to the Times of
 9 Trenton, the Princeton Packet, and West Windsor and
 10 Plainsboro News, and filed with the township clerk,
 11 all on October 7, 2021.

12 Cindy, would you please call the roll of
 13 the Board?

14 MS. DZIURA: Mr. Joseph?

15 Ms. Bahree?

16 Mr. Schectel?

17 Mr. Pankove?

18 Mr. Hoberman?

19 MR. HOBERMAN: Here.

20 MS. DZIURA: Ms. Geevers?

21 MS. GEEVERS: Here.

22 MS. DZIURA: Mr. Baig?

23 Ms. Appelget?

24 Mayor Marathe?

25 MR. MARATHE: Yes.

1 MS. DZIURA: Vice Chairman Karp?

2 MR. KARP: Here.

3 MS. DZIURA: Chairman O'Brien?

4 CHAIRMAN O'BRIEN: Yes.

5 Does any member of the public wish to
 6 make a comment about any item that is not on the
 7 agenda for tonight? In other words, not about the
 8 Princeton Junction train station application?

9 Okay. When members of the public do wish
 10 to make a comment, we invite you to come to the
 11 microphone that's at the center of the room to which
 12 I'm gesturing, and state your name and spell your last
 13 name and state your address, whether it's in West
 14 Windsor or outside West Windsor.

15 I wanted to reiterate something that I
 16 said last week, and that is that our attorney has
 17 advised us that I am not permitted to accept questions
 18 from the public who are not in attendance, because all
 19 commenters need to be sworn or affirmed.

20 We have a couple -- or one outstanding
 21 report to review that we did not get to last week, and
 22 that is from Chief Lynch for our emergency services --
 23 fire emergency services. I'll read the report. It is
 24 just a little over a page.

25 "The Applicant, Avalon Bay, has submitted

1 a site plan for review for a mixed-use improvement
 2 consisting of townhouses, senior housing, a hotel,
 3 multi-family housing, and commercial tenants."

4 Well, the hotel has been subsequently
 5 deleted from the original application.

6 "Applicant will require a waiver of the
 7 West Windsor Fire Prevention Code, specifically
 8 Chapter 89-4, Technical Amendments, which is
 9 F-10005.5, emergency vehicle access, sub C, which
 10 states, 'Buildings three stories or 35 feet in height
 11 or higher with full automatic fire sprinkler
 12 protection shall be provided with emergency vehicle
 13 access to 50 percent of its entire perimeter.'

14 "As configured, the proposed apartment
 15 buildings and parking garages do not meet the access
 16 requirement. However, the Applicant has provided a
 17 letter dated April 23, 2021, to the fire marshal
 18 stating that they will voluntarily upgrade the fire
 19 sprinkler system from the required NFPA 13R system to
 20 a full NFPA 13 system.

21 "Additionally, they will provide masonry
 22 constructed fire walls in the apartment buildings, and
 23 separate the apartments from the parking garages.

24 "With these two concessions, I fully
 25 support granting this waiver, and would ask the

1 Planning Board to include those conditions in the
 2 resolution if they choose to approve this application.
 3 Should the Planning Board choose to approve this
 4 application, I recommend the following conditions be
 5 listed in the resolution and memorialization: All
 6 roadways areas was not formally designated as parking
 7 should be designated as fire lane. The position of
 8 the fire department connection that supports the fire
 9 sprinkler system should be placed proximal to building
 10 access and water supply.

11 "Applicant shall comply with N.J.A.C.
 12 5:70, 510.1, emergency responder radio coverage. All
 13 new buildings shall have approved radio coverage for
 14 emergency responders within the building based upon
 15 existing coverage levels of the public safety
 16 communication systems of the jurisdiction at the
 17 exterior of the building.

18 "I would also like the Planning Board to
 19 be aware that, as mentioned previously, the Applicant
 20 has agreed in a letter dated April 23, 2021, to
 21 provide a full NFPA 13 sprinkler system in the
 22 apartment buildings, as well as to install masonry
 23 walls in the apartment buildings. Both of these
 24 measures are voluntary upgrades to the fire protection
 25 systems in the building above and beyond the code

1 requirements, which will provide for much greater fire
2 protection for the occupants of the buildings.

3 "Thank you."

4 That's from Chief Lynch. So as I read
5 his report, Jerry, it would seem that there are three
6 conditions that are generated by the report, to which
7 I would hope that the Applicant would agree. One is
8 to ensure that radio coverage inside the building is
9 adequate.

10 The second is that a full NFPA 13
11 sprinkler system will be provided in the apartment
12 buildings, and that the apartment buildings will have
13 installed masonry walls.

14 Mr. Hoff, is that acceptable?

15 MR. HOFF: Yes, that's agreeable, Mr.
16 Chairman. To the issue of fire protection, we did
17 want to make one qualification. Mr. Johnson provided
18 testimony relative to the townhouses. We just want to
19 correct one -- or supplement that testimony with one
20 additional item.

21 Mr. Johnson, previously you've been
22 sworn.

23 And as you'll recall, he's the architect
24 responsible for the Pulte portion of the project.

25 CHAIRMAN O'BRIEN: Good evening.

1 system. Again, compliant with the building code.

2 So I just wanted to clarify that for the
3 record and add that to the testimony.

4 CHAIRMAN O'BRIEN: Any member of the
5 Board have a question of Mr. Johnson?

6 MS. GEEVERS: So all the townhouses will
7 have a sprinkler system?

8 MR. JOHNSON: They will have sprinkler
9 systems, yes.

10 MS. GEEVERS: All of them? Okay.

11 CHAIRMAN O'BRIEN: Two different types,
12 depending upon whether it's a regular townhouse or
13 stacked?

14 MR. JOHNSON: Correct. Because they're
15 different construction types, they fall under
16 different building code that governs them; that is
17 correct.

18 CHAIRMAN O'BRIEN: Thank you, Mr.
19 Johnson.

20 MR. JOHNSON: Thank you.

21 CHAIRMAN O'BRIEN: The technical review
22 committee, which does preliminary reviews of
23 applications before they become official with the
24 Planning Board, had provided a memorandum in August.
25 And I wonder if Ms. Miller, who is a member of the

1 MR. JOHNSON: Hi, Good evening. Thank
2 you. So, again, Stuart Johnson. I'm the architect of
3 record for the Pulte Homes component of the project.

4 The letter that the Fire Chief was making
5 reference to was authored by Whittie Raskas
6 (phonetic), and that was associated to the rental
7 apartment buildings, for the other component of the
8 project.

9 The condo building is a five-story
10 building. The garage level of the condo building will
11 have an NFPA 13 sprinkler system. That complies with
12 the building code. That's type one noncombustible
13 construction. The four levels of residential condo
14 units above will be a 13R sprinkler system within that
15 building. But, again, that's a slightly different
16 building than the multi-family rental buildings.

17 And as it relates to the townhomes, I
18 believe there was a question as to whether they were
19 sprinklered. I had noted that the stacked townhomes
20 would provide a sprinkler system. They will have an
21 NFPA 13R sprinkler system that complies with the
22 building code. I had noted that the traditional
23 townhomes, the attached traditional townhomes, I noted
24 that they would not provide a sprinkler system. That
25 is incorrect. So they have will have a 13D sprinkler

1 affordable housing committee, has any follow-up
2 comments or questions that she would like to ask as a
3 member of the affordable housing committee.

4 MS. MILLER: Thank you, Mr. Chairman.
5 Allison Miller, M-I-L-L-E-R, 41 Windsor Drive.

6 We are concerned about the signage for
7 the affordable housing parking spaces in the Pulte
8 area. We feel this signage should be above ground
9 rather than written on the spaces, because that could
10 be covered easily by snow or by leaves. So we would
11 like to see it marked clearly above ground, and some
12 signage that is similar to marking handicapped spaces.

13 We heard you say about the parking
14 garages in the Pulte place, that people would have to
15 pay for parking, and we'd like that just clarified
16 because, what do the affordable housing people do?
17 Do they have to park outside?

18 And in the Atria section there are those
19 two credit units where people who are not related can
20 share a unit. Is there something available for people
21 who are related who also want to share a unit? And
22 what consists of related? I mean, suppose they're
23 friends? Suppose they're cousins? Just want
24 clarification.

25 We haven't seen the garbage corrals for

1 the Pulte affordable units. Maybe you haven't really
2 designed them yet, but we want to make sure that they
3 blend in as much as possible.

4 And snow storage. Please don't make the
5 snow storage right next to the affordable housing
6 parking spaces, because that's the only place where
7 people in affordable housing can park. And we don't
8 want it piled with snow.

9 Those are the only issues that we have.

10 CHAIRMAN O'BRIEN: Mr. Hoff, would you
11 like to ask any of your witnesses to respond? Ms.
12 Miller can repeat the items.

13 MR. HOFF: With regard to the first one,
14 the signs, no objection to providing some form of
15 co-signs so that there's above-ground water
16 demarcation for the parking.

17 The affordable units, relative to the
18 affordable spaces being paid for, it's anticipated all
19 the affordable parking will be surface parking, so
20 there is no cost associated with that.

21 With respect to the rooms within Atria,
22 again, recall that when you're doing an affordable
23 housing unit, there are certain selection criteria
24 that must be adhered to before placing an affordable
25 unit. And there's no preference given to friends or

1 And the remaining issue was what? I
2 apologize.

3 MS. MILLER: That's okay. Sorry.

4 MS. GEEVERS: The garage?

5 MS. MILLER: No. Snow storage. I think
6 you covered everything, I think.

7 MR. HOFF: Okay.

8 MS. MILLER: And thank you very much --

9 MR. HOFF: Thank you.

10 MS. MILLER: -- for the answer.

11 CHAIRMAN O'BRIEN: Allison, thank you on
12 behalf of the affordable housing committee.

13 The Planning Board is in the process of
14 reviewing a new draft circulation plan element as we
15 create a new master plan within the municipality. And
16 within the last iteration of this draft, which is 3.0,
17 there is a circulation map that indicates a master
18 plan road is proposed to connect Alexander Road and
19 Washington Road.

20 And I've asked our traffic consultant to
21 provide us with some visual aides to help us
22 understand where this road is going to be and how it
23 might evolve. And our traffic consultant is Jeff
24 L'Amoreaux, who is seated under the screen.

25 Jeff, are you ready?

1 neighbors. So we need to go through the same
2 selection process as you would for any affordable
3 unit.

4 So I don't know that there's -- maybe
5 that happens, but I don't think we can affirmatively
6 guarantee that individuals will be placed together.
7 That might be violative of the UHAC marketing
8 selection procedures.

9 With respect to the snow removal area,
10 they're set on the plans. Obviously, as any part of
11 snow removal, you're going to seek to avoid putting
12 snow in designated parking areas because -- for the
13 reasons that you've raised -- people park there. So
14 we'll take -- we don't believe that the snow plan
15 removed any designated parking areas, but we'll
16 certainly take a look at that to make sure that
17 adequate parking is provided at all times during snow
18 events. Again, that's a management issue that we're
19 -- that would remain on site to make sure that that's
20 addressed.

21 The trash collection is curbside for the
22 townhouses, so there's no separate corral issue. The
23 testimony provided was that it would be curbside
24 pickup like any other unit. So I think that would
25 apply to the affordables as well.

1 MR. L'AMOREAUX: Good evening, everyone.
2 My name's Jeff L'Amoreaux. I'm with Arora &
3 Associates. And I prepared two sketches to show the
4 location of the Vaughn Drive extension, and an interim
5 measure.

6 So which one would you like to see first,
7 Gene -- Mr. Chairman?

8 CHAIRMAN O'BRIEN: Well, I think we ought
9 to show what we hope for ultimately.

10 MR. L'AMOREAUX: Okay. All right.

11 CHAIRMAN O'BRIEN: So can you read the
12 legends, because probably most people won't be able to
13 see it?

14 MR. MULLER: Why don't we mark that as
15 Exhibit PB-1?

16 SPEAKER: Is this on-line?

17 MR. L'AMOREAUX: I can certainly furnish
18 it to the township for it to be on-line.

19 CHAIRMAN O'BRIEN: It's not on-line right
20 now. Mr. L'Amoreaux has indicated it will be.

21 MR. L'AMOREAUX: Okay. Right here, if
22 you can follow my cursor, I'm indicating where the
23 proposed site is for Avalon Bay. As part of
24 construction of Avalon Bay they're constructing what
25 they call on their plan Road A. They haven't named

1 the roads yet, but it's Road A, and it will extend
 2 from their property line out to Washington Road. It
 3 will be a dead end at the western end.
 4 I'm going to jump over here.
 5 CHAIRMAN O'BRIEN: Which, Jeff? Excuse
 6 me.
 7 MR. L'AMOREAUX: Yes?
 8 CHAIRMAN O'BRIEN: What are you terming
 9 the western end?
 10 MR. L'AMOREAUX: The western end of Road
 11 A which is the -- if you can just see the property
 12 line right here, right where the cursor is. Down here
 13 is existing Vaughn Drive. I think that we're all
 14 familiar with.
 15 CHAIRMAN O'BRIEN: You're pointing to the
 16 blue line?
 17 MR. L'AMOREAUX: I'm pointing to the blue
 18 line. Thank you.
 19 It comes out to a traffic signal at
 20 Alexander Road, and then proceeds to the east to -- to
 21 a cul-de-sac. But the cul-d-sac has a driveway
 22 access, a rather large one, so that motorists can get
 23 back to the parking area of the train station.
 24 The concept that we've -- that the
 25 township has had for some time now is to connect the

1 CHAIRMAN O'BRIEN: Please do.
 2 MR. MULLER: Jeff, can I ask a question
 3 about the road shown in red? Is that an existing road
 4 or is that proposed?
 5 MR. L'AMOREAUX: No.
 6 CHAIRMAN O'BRIEN: Jerry, could you
 7 repeat? I couldn't hear you.
 8 MR. MULLER: Yeah. The road shown in
 9 red, is that an existing road or a proposed road?
 10 MR. L'AMOREAUX: No. This is -- this is
 11 proposed. It would be part of the application this
 12 evening. It's the --
 13 CHAIRMAN O'BRIEN: It's Road A as
 14 designated on the plan.
 15 MR. L'AMOREAUX: Right. Okay.
 16 MR. MARATHE: Jeff, one question. At one
 17 point there was Vaughn Drive extension funding in the
 18 state plan. Was that exactly the same way?
 19 MR. L'AMOREAUX: I don't know, Mayor, if
 20 it was exactly the same, but it had the same rough --
 21 rough connection points, if you will.
 22 MR. MARATHE: Okay.
 23 MR. L'AMOREAUX: I don't know if it
 24 follows the same path that I've depicted, which is an
 25 approximation. But that's -- but that's the most

1 blue with the red. Now, that would involve one
 2 crossing of the Dinky line, the new one, because
 3 there's an existing one further down in the parking
 4 area. It will also involve four different parcels,
 5 which are of odd shapes. The largest one is owned by
 6 Amtrak.
 7 The Dinky line itself, according to the
 8 deed, is owned not by New Jersey Transit, but by New
 9 Jersey Department of Transportation. Then we have
 10 Amtrak again and we have NJDOT again. And then we
 11 have our application this evening.
 12 So that's ultimately what -- ultimately
 13 where we're headed. This will provide a smooth
 14 transition from -- smooth transport, if you will,
 15 between Alexander Road and Washington Road. I
 16 understand there's some wetlands in here, which will
 17 have to be worked around. But that's the idea.
 18 CHAIRMAN O'BRIEN: Jeff, is it -- is it
 19 my understanding that providing that connection that's
 20 shown in the yellow dashed line is a municipal
 21 responsibility?
 22 MR. L'AMOREAUX: That's my understanding.
 23 It's not part of this application this evening.
 24 Now, Mr. Chairman, if I could go to the
 25 other one?

1 logical place for it to go, if I'm drawing a map.
 2 CHAIRMAN O'BRIEN: So that connecting
 3 road has not yet been engineered and detailed, is what
 4 I'm inferring from your last comment?
 5 MR. L'AMOREAUX: Yes.
 6 CHAIRMAN O'BRIEN: Yes, it has not?
 7 MR. L'AMOREAUX: It has not been
 8 engineered.
 9 CHAIRMAN O'BRIEN: Thank you.
 10 MR. L'AMOREAUX: Okay. Let's go now --
 11 okay. In the interim we don't have a dotted yellow
 12 line here, but we do have the dotted red and blue.
 13 There's still Road A, and it's existing Vaughn Drive.
 14 Our interim goal is to be able to connect from the
 15 western end of Road A across the property line into
 16 the parking lot of the train station. That will
 17 likely involve the approval of New Jersey DOT, Amtrak,
 18 and possibly New Jersey Transit, simply because we
 19 can't rule it out.
 20 But the white dashed line that I have put
 21 in here approximates the path that a motorist might
 22 take from the western end down through the parking
 23 aisles, across the grade crossing of the Dinky line,
 24 making a right, if they're headed toward Alexander
 25 Road, and then out.

1 I might add that today a motorist can do
2 the same thing, but they have to go down Station Road
3 and around, and it's a little bit longer. So with it
4 being a little bit shorter, maybe we can see some
5 relief in other places in the township that's taking
6 this traffic now.

7 It's my goal to try to -- well, I've
8 reached out to the County, who's given me some names
9 of people at Amtrak and New Jersey Transit so that we
10 can have this conversation about connecting through.

11 MR. HOBERMAN: Jeff, is my impression
12 correct, the white dots of the path that you're
13 indicating on the Applicant side of the Dinky line
14 going towards Road A, the dashed red line, my question
15 is: Would such road travel by -- directly by parking
16 spots where drivers would be coming in and out of
17 parking spots along the white path?

18 MR. L'AMOREAUX: Along the white dotted
19 path there?

20 MR. HOBERMAN: That's my question. Are
21 they actually going at that point through a parking
22 lot?

23 MR. L'AMOREAUX: Yes, they are.

24 MR. HOBERMAN: So that's -- as you said,
25 that would be, like, an interim solution, but not -- I

1 MR. HOBERMAN: Yeah. I'm okay. Thank
2 you.

3 MR. MARATHE: Jeff, if you do that, then,
4 really, you just need a cross easement agreement
5 between the two. You don't need any new construction.

6 MR. L'AMOREAUX: Well, Mayor, there would
7 be a small amount of additional construction to tie in
8 to the parking lot, but not very much. And it would
9 be -- and it would be a cross easement or some sort of
10 agreement.

11 I'll let Mr. Muller talk about legal
12 stuff.

13 MR. MULLER: I mean, certainly we would
14 need that. By the way, this should be PB-2.

15 MS. GEEVERS: Are cross easements, is
16 that part of a condition or any specific time line?

17 MR. HOFF: No.

18 MR. L'AMOREAUX: Mr. Hoff has indicated
19 that it's -- he doesn't believe it can be part of a
20 time line. And I think that -- realistically, I don't
21 think that it can be either. I mean, we can try to,
22 but he's had limited success getting in touch with New
23 Jersey Transit. And I'm just starting. I just got
24 the names today. So -- so we can give it a try and
25 see if there's some sort of way that we can -- we can

1 don't know how much for a traffic way we would want to
2 encourage such, you know, cross transit with, you
3 know, with the volume of traffic with, you know, cars
4 coming directly at 90 degrees in and out of parking
5 spots. That does not seem safe to me.

6 MR. L'AMOREAUX: Mr. Hoberman, I
7 certainly understand where you're coming from on that.
8 I wonder about the utilization of the parking area
9 now. And if it's largely empty, then we might as well
10 connect through it. Was kind of my thought on that.

11 MR. KARP: Can I make comment following
12 up on Curtis and what you just said? I was about to
13 say the exact same thing. Have we done any kind of
14 utilization of the parking spaces right now? Because
15 I have a feeling that they're not filled anymore.

16 MR. L'AMOREAUX: The simple answer to
17 your question is no, we haven't done a parking calc.
18 or count out there.

19 MR. KARP: My guess is if you took away
20 those spots to make it safe, as per what Curtis hinted
21 to, you probably would -- you probably still wouldn't
22 fill the parking lot. Just my thoughts.

23 MR. HOBERMAN: Perhaps.

24 MR. L'AMOREAUX: Perhaps not.

25 Curtis, did I answer your question?

1 connect.

2 MS. GEEVERS: People need to get in and
3 out more than just one way, so it needs to be worked
4 out. It's a large development, so traffic has to flow
5 in order to make it safe. Have at least two ways to
6 get in and out.

7 CHAIRMAN O'BRIEN: Jeff, if there's a
8 question from the public in a few minutes about any of
9 this, you'll be able to pull these back up on the
10 screen, right?

11 MR. L'AMOREAUX: Sure. I just have to
12 watch my battery. Make sure there's an extension
13 cord.

14 CHAIRMAN O'BRIEN: All right. Thank you
15 for preparing those on short notice.

16 MR. L'AMOREAUX: That's okay. Thank you
17 very much.

18 CHAIRMAN O'BRIEN: Our office was made
19 aware of a potential resolution of an issue that has
20 been discussed at a previous meeting, and that
21 involves the revised ingress/egress for AI Industries,
22 Inc. in conjunction with this application. And it's
23 my understanding that attorneys representing these
24 parties have reached an agreement.

25 And I wonder if either Mr. Hoff or Mr.

1 Fornaro wish to speak to this point?
2 MR. HOFF: I'll start, Mr. Chairman. If
3 I screw anything up, Mr. Fornaro can correct me. As
4 the Board will recall, AI was lodging an objection to
5 the proposed connection off of Road A to their
6 property.

7 As you know, part of this project
8 includes the relocation of Washington Road, which,
9 technically, takes away AI's existing driveway,
10 because it now will connect to a vacated roadway. So
11 there needed to be a new connection point to AI.

12 Our proposal, as presented on this plan,
13 had that connection have -- being at Road A at the
14 intersection with Road C. AI did not want that
15 connection point. They wanted a connection point
16 directly off of Washington Road.

17 The County approval was granted without a
18 connection to Washington Road, but encouraged the
19 Applicant, Avalon Bay, and AI to continue discussions
20 consistent with that condition. We have, and we
21 believe we have a roadway configuration for direct
22 access off of Washington Road that would serve the AI
23 property. And, more importantly, it would do so
24 without the need for any outside agency approvals,
25 because it's a rather de minimis disturbance on their

1 property. So we believe that it can be accommodated
2 within the -- without the need for any outside agency
3 approval, be it DRCC, DEP. It would simply be a
4 driveway coming off of Washington Road.

5 We vetted that out with the County.
6 We're awaiting response.

7 But we would be agreeable -- and I
8 forwarded it to Mr. Muller a form of condition that
9 would provide for the relocation of AI's driveway off
10 of Washington Road, subject to approval from Mercer
11 County Planning Board. And if that approval were
12 granted, we would remove the proposed access off of
13 Road A.

14 If that approval would not be forthcoming
15 with some reason, or there was another outside agency
16 approval that would require, we would leave the Road A
17 on there, because, obviously, we can't leave their
18 property landlocked. So there would be some access
19 point.

20 But the expectation would be that's not
21 going to be the case. The expectation will be they'll
22 get direct access off of the new Washington Road, and
23 we'll close the Road A driveway.

24 So like I said, I provided some language
25 to Mr. Muller that had been reviewed by Mr. Fornaro.

1 He was agreeable to that language, and that would be
2 our hope that we're going to be able to work that out
3 as I've described.

4 CHAIRMAN O'BRIEN: Mr. Fornaro, would you
5 like to comment, please?

6 MR. FORNARO: Thank you. Sure.
7 Everything Mr. Hoff said was accurate.

8 MR. MARATHE: Please come to the
9 microphone.

10 MR. FORNARO: Thank you. My name is Rich
11 Fornaro. I represent AI Industries. I'm sorry. AI
12 Technology.

13 Everything Mr. Hoff said is accurate. We
14 do appreciate the cooperation of Avalon Bay, as well
15 as all the professionals that have been involved in
16 this, and this Board. We're hopeful that resolution
17 puts this to bed when we get to the County.

18 CHAIRMAN O'BRIEN: Okay.

19 MR. MULLER: Mr. Chair, I actually have
20 the text in front of me that was sent to me by Rick
21 Hoff today, and you have it also, and it was not
22 circulated to the Board members because we got it
23 quite late in the day, and Sam and I had to consult on
24 it first, and that was after 5:00.

25 But my suggestion is I read it to you as

1 a proposed condition that's been agreed to by the two
2 pertinent parties, Avalon and AI. Would you let me do
3 that?

4 CHAIRMAN O'BRIEN: Since you have a soft
5 voice and I can boom louder, why don't I read it?

6 MR. MULLER: Okay. The last sentence has
7 been eliminated. And when we get to that, I will jump
8 in with a new last sentence.

9 CHAIRMAN O'BRIEN: All right.

10 "As proposed, the application proposes
11 that the driveway currently serving the adjoining
12 property, Block 6, Lot 48, which property is owned by
13 AI Industries, Inc., AI, is to be eliminated, and that
14 access to the AI property shall be exclusively
15 provided along Road A, which Road A is to be
16 constructed as part of the present application.

17 "The Applicant's current proposal for the
18 AI access point, as reflected in the application, has
19 been conditionally approved by the Mercer County
20 Planning Board. AI desires to have the sole point of
21 access to its property to remain directly from County
22 Route 571, Washington Road.

23 "The Applicant and AI have explored the
24 potential for a relocation of the proposed AI driveway
25 access from Road A back to a revised point along

1 Washington Road. Then the parties believe that they
2 have developed a concept to achieve that objective,
3 the revised AI drive.

4 "It is the intent of the AI to present
5 the revised drive" -- I'm sorry.

6 "It is the intent of AI to present the
7 revised AI drive for approval by the Mercer County
8 Planning Board. In the event that the revised AI
9 drive is approved by the Mercer County Planning Board,
10 and that the revised AI drive does not require further
11 approval from any outside land agency, as it would
12 fall below the jurisdictional threshold for such
13 review, the revised AI drive may be incorporated as
14 part of the planned conformance review of the present
15 application upon review and approval of the same by
16 the Planning Board professionals.

17 "If for any reason the revised AI drive
18 is not approved by any authority, agency, body, or
19 other entity with jurisdiction, or the revised AI
20 drive is approved but not constructed, the current
21 design submitted by the Applicant, with the sole
22 access point to the AI property from Road A, is
23 accepted and approved as submitted by the Applicant."

24 MR. MULLER: And then I would add to that
25 -- and I sidebar'd with Rick and Rich right before the

1 hearing.

2 The position at this point the staff is
3 taking is, there should be no credit for this. This
4 is just substituting one access point for another
5 access point, and Avalon should bear the full
6 responsibility. But there has to be more discussions
7 on that.

8 MS. GEEVERS: We don't need to determine
9 that --

10 MR. MULLER: No.

11 MS. GEEVERS: -- when we're voting?

12 CHAIRMAN O'BRIEN: All right. I
13 commend --

14 MR. HOFF: And, just to be clear, Mr.
15 Muller, we reserved all rights, as you indicated, with
16 respect to our right to potential reimbursement if, in
17 fact, it is.

18 MR. MULLER: Right. And we discussed
19 that, and I can put that in the condition, Rick, if
20 you prefer that.

21 MR. HOFF: Thank you.

22 MR. MULLER: Okay.

23 CHAIRMAN O'BRIEN: All right. At 7:44 we
24 have reached the part of this application where we
25 will offer opportunities to members of the public to

1 meeting started, talked to Rick in the car shortly
2 before, so they have not seen this language, but they
3 want to make it clear that AI would bear no
4 responsibility for the cost for the improvements that
5 we described and read by Gene. AI will not be
6 responsible for the cost of the above-referenced
7 improvements.

8 Rick and Rich, is that okay with both of
9 you?

10 MR. HOFF: Yeah. We have no objection to
11 that line.

12 MR. MULLER: Okay.

13 CHAIRMAN O'BRIEN: So does anybody on the
14 Board have any questions about this proposed condition
15 relating to the settlement of the ingress/egress for
16 AI and the Applicant's application?

17 MS. GEEVERS: Who pays for the
18 improvements?

19 MR. MULLER: That remains to be
20 determined, but it won't be determined by the Board.
21 Certainly there's a question of to what extent this
22 would be included as off-tract improvements for which
23 Avalon would be entitled to a credit or a partial
24 credit. And that has to be resolved. But it will be
25 resolved outside the context of the Planning Board

1 ask questions or provide comments. Each member of the
2 public who wishes to speak will be asked to come to
3 the microphone in front and, as I said earlier,
4 provide your name and address, and our attorney will
5 swear or affirm you with regard to what you are going
6 to say.

7 Our township council allows three minutes
8 for public comment. In a spirit of trying to provide
9 everyone with ample time, I'm going to allow six
10 minutes per speaker, whether it's questions or
11 testimony or comments or whatever.

12 In addition, Mr. Surtees, our able
13 administrator here, is going to keep time. If a
14 speaker asks a question which necessitates an answer
15 from either an Applicant witness or one of our
16 professionals, Mr. Surtees will stop the timer and not
17 penalize the member of the public for the time in
18 which an answer is being given. I hope that seems
19 fair to everybody.

20 If, when we get through all this, there
21 is somebody who feels there's still an open question
22 or something that needs to be added, we will give them
23 another chance. But, hopefully, all of the possible
24 questions will be brought out during each speakers'
25 six minutes or less.

1 Mr. Surtees, when your timer reaches one
2 minute remaining for the speaker, would you please
3 holler out, "one minute"?

4 MR. SURTEES: Yes, Mr. Chairman.

5 CHAIRMAN O'BRIEN: Now, the members of
6 the public have provided to the Planning Board input
7 prior to tonight's meeting. And I'm going to invite
8 those individuals to speak first, since I know they
9 have something to say. And the first person who
10 provided input to the Planning Board was Mr. John
11 Church.

12 So, John, would you come up, please?

13 MR. CHURCH: Thank you, Mr. Chairman.

14 MR. MULLER: Raise your right hand. Do
15 you swear or affirm the testimony you're about to give
16 will be the truth?

17 MR. CHURCH: Yes.

18 MR. MULLER: So sworn or affirmed.

19 Please state your full name.

20 MR. CHURCH: Thank you very much. It's
21 -- name is John Church and I live at 11 Princeton
22 Place here in West Windsor. Since I provided previous
23 input to the Board and to the professionals and the
24 Applicants, I just want to say I've had to make some
25 revisions. Because at that time I had not yet

1 the other things, if you need a copy, a revised copy
2 of what I did before, I can provide that, but I'm not
3 sure it's necessary.

4 CHAIRMAN O'BRIEN: Please proceed.

5 MR. CHURCH: Thank you. Good evening,
6 Mr. Chairman. I'm a member of the West Windsor Zoning
7 Board of Adjustment and a retired research chemist. I
8 speak only for myself; not for the Zoning Board. And
9 this application has nothing to do with zoning.

10 I don't live in this project's immediate
11 area, but I'm still interested in it for its potential
12 impact on flooding and other issues.

13 Mr. Chairman, Section 200-277 of our code
14 defines West Windsor special flood hazard areas as
15 being the ones shown on the latest FEMA flood
16 insurance rate maps. FEMA being the Federal Emergency
17 Management Agency. The latest FEMA maps for our area
18 are from July 2016, and are the same as shown on the
19 2017 West Windsor flood map, indicating in pink the
20 limit of what's known as a 100-year flood. Individual
21 property owners can apply for a map amendment if they
22 can show that their house is sufficiently above grade.

23 Mr. Chairman, through an OPRA request I
24 obtained a copy of the NJDEP flood hazard area permit
25 that was issued to the Applicant. This permit

1 received a copy of the actual permit from NJDEP that
2 was granted. I did put in an OPRA request, and that
3 was fulfilled, and I did get the actual permit. And
4 so that necessitates some changes to the written
5 material that I'd already prepared. So I'll just go
6 ahead.

7 Good evening.

8 MR. MULLER: You have a copy of the
9 statement as revised?

10 MR. CHURCH: Sorry?

11 MR. MULLER: You have a copy of the
12 statement as revised?

13 MR. CHURCH: No, because -- no. I
14 haven't had time to do that. I can provide it later
15 because there's several revisions, and I did not
16 provide a copy of that yet. But I don't know if I
17 should provide one. I can do that. But I can -- what
18 I'm going to say this evening will modify some of the
19 things that were within those reports.

20 MR. MULLER: Okay. Fine. Because you're
21 going to do that and you're going to read that, we'll
22 mark that as an exhibit, and we'll just have the
23 statement that you're going to give right now.

24 MR. CHURCH: Okay. What I'm going to say
25 now is what really should be on the record, okay? And

1 establishes a design flood elevation of 64.1 feet. On
2 the NJ -- NGVD 29 elevation datum, which is equivalent
3 to 63.0 feet on the current NAVD 88 elevation datum.

4 Since this is more than two feet higher
5 than the current NAVD 88 FEMA base flood elevation of
6 60.9 feet, this elevation may be enough to prevent
7 structures from significant damage from a 100-year
8 flood. I said maybe, because we don't know. And if
9 you get a bigger flood, then things could change.

10 Now, that said, Mr. Chairman, however, I
11 could not find any reference in the permit to the
12 presence of a state-threatened bird species, the
13 long-eared owl, in the woods along the section of the
14 Washington Road and State Route 64 that would be
15 impacted. This was documented in DEP's landscape
16 project some years ago. The owls' habitat was mapped
17 and discussed in the 2015 Princeton hydro report
18 referred to by Mr. Lange at this Board's September
19 22nd meeting. So it's in the record.

20 The New Jersey Administrative Code
21 Section 7:13-11.6D expressly prohibits issuing a
22 permit for activities destroying, jeopardizing, or
23 adversely modifying a documented habitat for a
24 threatened species.

25 We did not have a specific environmental

1 report for this project; otherwise, this subject might
2 have come up then.

3 Now, these woods are presently fenced and
4 belong to SRI. There's no public access, so no one
5 can go in there and look.

6 Now, a couple of other points, Mr.
7 Chairman. If this application is approved by the
8 Board, it would be reviewed by the Delaware & Raritan
9 Canal Commission. The Commission's regulations
10 prohibit parallel roadways, new buildings, and flood
11 basins in stream corridors. Stream corridors extend
12 100 feet out from the edges of the 100-year flood
13 area, rather than from the edges of the NJDEP flood
14 hazard area.

15 So some adjustments in the plan might be
16 required as a result of the Canal Commission's review.

17 Finally, we talked about the Vaughn Drive
18 extension just now. This proposed extension has been
19 brought up several times. Some potential issues with
20 this extension are not only its cost, but also because
21 it would have to cross environmentally-constrained
22 land, as well as the second Dinky crossing.

23 This was discussed 10 years ago when the
24 InterCap proposal was up for discussion. It never
25 came before the Planning Board.

1 in the middle of the parking area to preserve their
2 neighbors' cars.

3 The other thing I wanted to say was the
4 NJ Transit lot abutting this project is a permit lot.
5 And if the company wants to have people park there
6 during events, there's going to have to be negotiation
7 with New Jersey Transit. And I'm urging you to start
8 that right away.

9 CHAIRMAN O'BRIEN: You say New Jersey
10 Transit?

11 MS. MILLER: It's a New Jersey Transit
12 parking lot. And --

13 CHAIRMAN O'BRIEN: But it may not be
14 owned by New Jersey Transit, based upon what Mr.
15 L'Amoreaux had stated.

16 MS. MILLER: Yeah, but that's for people
17 who are going through. But the actual parking spaces
18 are administered by New Jersey Transit. And if people
19 want to park there without paying, they're going to
20 have to -- there is going to have to be negotiation
21 with New Jersey Transit. I'm just urging that
22 negotiation to start right away.

23 CHAIRMAN O'BRIEN: Thank you.

24 Are either Naomi Richman or her husband,
25 Jerry Neumann, in the audience?

1 CHAIRMAN O'BRIEN: One minute.

2 MR. CHURCH: I'm almost through.

3 So that was a long discussion about that
4 10 years ago.

5 Because of these factors I personally
6 don't expect this extension to actually happen for a
7 long time.

8 Thank you very much, Mr. Chairman.

9 CHAIRMAN O'BRIEN: Thank you, Mr. Church.

10 We also have received input from Ms.
11 Miller who represented the affordable housing
12 committee, but I will give her a chance to speak on
13 behalf of what she has provided to the Planning Board
14 on August 26th.

15 Allison?

16 MS. MILLER: Thank you, Mr. Chairman.
17 Allison Miller, 41 Windsor Drive.

18 Two things: I'm urging the Planning
19 Board not to grant the waiver asked for to not do
20 hairpin striping.

21 CHAIRMAN O'BRIEN: Allison, we already
22 agreed last meeting that we would grant that waiver.

23 MS. MILLER: Well, I wish you hadn't.
24 And I didn't have a chance to speak on it. I do think
25 that people coming home should be constrained to park

1 Is Mr. William Rutledge in the audience?

2 MR. RUTLEDGE: Yes, sir.

3 CHAIRMAN O'BRIEN: Mr. Rutledge, you
4 provided us with a diagram, and all the Board members
5 should have a copy of that.

6 MR. RUTLEDGE: Yes, sir.

7 MR. MULLER: If you could raise your
8 right hand. Do you swear or affirm the testimony
9 you're about to give will be the truth?

10 MR. RUTLEDGE: Yes.

11 MR. MULLER: So sworn or affirmed.
12 Please state your full name and spell your last name.

13 MR. RUTLEDGE: William Rutledge,
14 R-U-T-L-E-D-G-E. I'm living at 19 Scott Avenue, which
15 is around the corner from the development.

16 Thank you, Mr. Chairman. I'm a
17 professional consultant, not on this project, and I've
18 never worked with the Applicant. I'm a
19 pro-development person, because that's how I make my
20 living. I do, however, have some concerns about the
21 traffic and the traffic patterns that the Applicant
22 has submitted.

23 I find, having reviewed the
24 publicly-available documents, as was affirmed earlier
25 in this meeting, that the proposed roadways don't

1 match in any way the configuration that has been on
2 the books for West Windsor's master plan and this
3 redevelopment plan going back 12 years or more.

4 The consultants make reference in their
5 comments, the town's consultants, that Road A is
6 considered part of Vaughn Drive extension. We heard
7 that again this afternoon or this evening. Is that
8 the understanding of the town and also the
9 understanding of the Applicant?

10 CHAIRMAN O'BRIEN: Mr. Hoff, do you have
11 a comment?

12 MR. HOFF: I mean, from the Applicant's
13 perspective it's our expectation that Road A is a
14 component of the eventual Vaughn Drive extension. So
15 in that respect, yeah, we're filling in part of the
16 puzzle. The remaining part of the puzzle needs to be
17 solved, as Mr. L'Amoreaux indicated earlier.

18 MR. RUTLEDGE: Thank you.

19 The town's drawings that are referenced
20 in the redevelopment plan, as well as described in the
21 master plan, have an intersection of the future Penns
22 Neck bypass intersecting with 571 and the Vaughn Drive
23 extension. The Applicant's drawings don't show this.
24 They will require traffic to travel for approximately
25 200 feet on 571, which is going to cause a bottleneck.

1 this is the configuration that was approved by the
2 agencies with jurisdiction.

3 MR. RUTLEDGE: Did the town approve the
4 changes with public input?

5 MR. HOFF: Well, just to get -- to cut
6 the town a break, this is a county roadway. So while
7 the town certainly has input, and the town can put in
8 their master plan whatever they might like to see,
9 ultimately it's the County that needs to make the
10 decision on what type of improvement they want and
11 where they want it. And this is what the County
12 wanted, and this is what the County got. And it was a
13 condition of our approval that it be exactly as it is
14 depicted.

15 MR. RUTLEDGE: So did the town have input
16 -- I'm going to repeat the question -- and approval of
17 this without public input?

18 CHAIRMAN O'BRIEN: I would ask our
19 professionals: Did any of them participate in the
20 meetings with the County?

21 MR. L'AMOREAUX: Mr. Chairman, Jeff
22 L'Amoreaux. The County Planning Board had a meeting.
23 I don't recall the exact date, but it's very recent,
24 where they approved this -- this configuration. And
25 as part of that meeting there's an opportunity for

1 How do you account for that?

2 MR. HOFF: How do we account for where
3 ours is as opposed to where it was in the prior
4 drawing?

5 MR. RUTLEDGE: In all of the town's
6 drawings and in the master plan descriptions, those
7 roads are supposed to meet.

8 MR. HOFF: Sure. And as I think was
9 testified by Mr. Rached during the last hearing, the
10 design that is presented as part of this application
11 was reviewed with the township, the County, and NJDOT.

12 So while I would agree that whatever
13 you're referring to, master plans, they're just that;
14 they're master plans. They're not fully designed.
15 They don't have the input of all applicable agencies
16 with jurisdiction.

17 When it came time to actually physically
18 plan this project, we needed to meet with other
19 entities other than the township, because it would
20 involve the County and it would involve the DOT.

21 As part of those discussions, it was the
22 design that's currently proposed that was agreed to.

23 So certainly the master plan concept is
24 there in part. You have the roundabout. It's just
25 not exactly what was located in the master plan. But

1 public input. I know this because I've attended them
2 when I was on staff at the County.

3 So the answer to the question is yes,
4 there was time for public input on this matter. We
5 put in the -- the township and the Applicant
6 approached the County with the roadway configuration
7 that we were looking for, and this is what came back
8 from the County. Kind of take it or leave it. This
9 is what they want.

10 So while we plan and we put together
11 master plans, when it's time to build something like
12 now, the County says, this is what's going to be on
13 our permit, and that's it. It may be different, but I
14 think that it works and --

15 MR. RUTLEDGE: Can I read from the master
16 plan? I'm going -- I'm sorry. I'm going to
17 interrupt. I know it doesn't count against the time.
18 Before you answer that, I'd like to read something
19 directly from the master plan.

20 CHAIRMAN O'BRIEN: Your time for reading
21 this will count.

22 MR. RUTLEDGE: Yeah, that's fine.

23 The master plan says, and I apologize; I
24 had to write my notes on my phone. And as I said
25 previously, all of the drawings show that intersection

1 happening where those two roads are supposed to meet
2 on 571. And I understand the County can say what they
3 are going to do. Our master plan says, extend Vaughn
4 Drive to a realigned County Route 571 on the west side
5 of the railroad tracks, linking Penns Neck Bypass to
6 Alexander Road and Meadow Road to the south to reduce
7 the impact of peak-hour traffic on Alexander Road.

8 And it goes on to say, other local roads
9 as well, to improve access by emergency vehicles and
10 to divert regional traffic from minor residential
11 streets.

12 Do you feel that that's been achieved by
13 having all the traffic that might go on the street 200
14 yards -- or 200 feet, I'm sorry, clogging up 571?

15 CHAIRMAN O'BRIEN: Mr. L'Amoreaux?

16 MR. L'AMOREAUX: Well, your term,
17 "clogging up," is something that you have created.

18 MR. RUTLEDGE: Traveling on and stopping
19 to make left turns on 571.

20 MR. L'AMOREAUX: Let me try to answer
21 your question. If you're coming from, let's say, the
22 extension on the SRI property, you pull up to the
23 roundabout, you make a right turn, and then you make a
24 left turn, okay? Which is exactly what would wind up
25 happening with -- with a roundabout if it was in the

1 two are going to be constructed at the same time.

2 MR. RUTLEDGE: No.

3 MR. L'AMOREAUX: Okay. We don't know if
4 the Vaughn Drive connector is going to happen at the
5 same time as the SRI.

6 MR. RUTLEDGE: But we should plan for it.
7 That's why it's a Planning Board.

8 MR. L'AMOREAUX: We can try to plan for
9 it, but it won't necessarily happen.

10 MR. RUTLEDGE: So you're creating a
11 situation where it can't physically happen, sir. I
12 understand that you are a professional; I'm just an
13 architect. I'm not licensed as an architect. I've
14 worked on master plans for MIT, Yale, University of
15 Pennsylvania. I know what you've just described is
16 absurd, and that you stake your own professional
17 reputation on it, and represented the town with the
18 County and gave up what should have been done. That's
19 absurd as well. You should be ashamed.

20 Thank you.

21 CHAIRMAN O'BRIEN: All right. I have no
22 other submitted input from a member of the public, so
23 we'll just open it up and -- yes, sir?

24 MR. SZEWCZYK: Eugene Szewczyk.

25 CHAIRMAN O'BRIEN: Please speak into the

1 same thing. You would have the same sort of pattern
2 of traffic coming the other way.

3 MR. RUTLEDGE: I'm sorry. Are you under
4 oath?

5 MR. L'AMOREAUX: I am under oath.

6 MR. RUTLEDGE: And that's your
7 professional testimony, that it's the same?

8 MR. L'AMOREAUX: Yes. And you're acting
9 like a traffic engineer and you're an architect.

10 CHAIRMAN O'BRIEN: Gentlemen, let's not
11 get personal.

12 MR. RUTLEDGE: I'm sorry. That is absurd

13 --

14 CHAIRMAN O'BRIEN: Let's stick to the
15 application.

16 MR. RUTLEDGE: It's absurd on its face.

17 It's absurd on its face, sir.

18 CHAIRMAN O'BRIEN: That's your opinion.

19 MR. RUTLEDGE: Stopping on a road -- on a
20 county road to make a left turn, and he says it's the
21 same as just going 180 degrees around a roundabout?
22 That's absurd on its face.

23 MR. L'AMOREAUX: I would like also to
24 point something else out. If you're going to connect
25 the east side to the west side, that assumes that the

1 microphone, sir.

2 MR. SZEWCZYK: Eugene Szewczyk,
3 S-Z-E-W-C-Z-Y-K.

4 MR. MULLER: Do that again, if you can.
5 Raise your hand. Do you swear or affirm that the
6 testimony you're about to give will be the truth?

7 MR. SZEWCZYK: Yes.

8 MR. MULLER: So sworn or affirmed. State
9 your full name. And, I'm sorry. I'm going to ask you
10 again to spell your last name.

11 MR. SZEWCZYK: S-Z-E-W-C-Z-Y-K. I have
12 only two questions.

13 CHAIRMAN O'BRIEN: Your address, please,
14 sir.

15 MR. SZEWCZYK: One question. I might be
16 late because I haven't been --

17 CHAIRMAN O'BRIEN: Your address, please.
18 Your address.

19 MR. KARP: Where do you live?

20 CHAIRMAN O'BRIEN: Your residence
21 address.

22 MR. SZEWCZYK: 136 Washington Road.

23 CHAIRMAN O'BRIEN: Thank you.

24 MR. SZEWCZYK: So I live, basically,
25 right in the --

1 CHAIRMAN O'BRIEN: Speak into the
 2 microphone. I'm sorry. We're recording this. This
 3 recorder here is for the Applicant, and our recorder
 4 is --

5 MR. SZEWCZYK: So I live probably halfway
 6 -- mid from Route 1 to train station.

7 So my question would be: Any studies
 8 have been done on the impact of traffic for so many
 9 residents on Washington Road? Because not long ago
 10 sometimes I try to make a left out of my property, and
 11 it's backed up almost to the property.

12 Second question: For so many years
 13 there's so much flooding coming right there by the
 14 Kraft Tennis Courts. Any studies done how would that
 15 impact?

16 And with so many properties we should
 17 consider lowering the taxes, because I'm near
 18 retirement, and I think I'm being chased out of the
 19 township. I've lived over here for over 25 years.

20 Thank you.

21 CHAIRMAN O'BRIEN: Well, hang on. You
 22 may want -- need a clarifying answer from you.

23 I'll start with you, Jeff. Has any study
 24 been done along the lines of what this gentleman has
 25 asked?

1 tennis center. I don't think you were here last week
 2 at the meeting where our township engineer, Mr. Guzik,
 3 gave a rather thorough explanation about the potential
 4 impact of this application on flooding.

5 And I point-blank asked him, was it his
 6 opinion that this application would not exacerbate the
 7 flooding condition? And he's here. He can contradict
 8 me. His answer was it would not.

9 MR. SZEWCZYK: With so much impermeable
 10 surface? Just few weeks ago Washington Road was
 11 flooded.

12 CHAIRMAN O'BRIEN: I understand that.
 13 Mr. Guzik, why don't you quickly, since
 14 many people didn't hear you last week --

15 MR. GUZIK: Thank you.

16 CHAIRMAN O'BRIEN: Thank you, sir.

17 MR. GUZIK: Yes. Good evening. Francis
 18 Guzik, township engineer.

19 Yes. In answer to the question there,
 20 one of their many engineers performed a stormwater
 21 management report and study. And, basically, they've
 22 met and complied with the township's requirements for
 23 stormwater runoff quantity control, which is reducing
 24 peak flows after development from the existing
 25 condition flows. They've met the requirement for

1 MR. L'AMOREAUX: Yes. I believe that --
 2 I'm going to indicate, Mr. Rached is here, and his
 3 company, Maser Consultants, conducted a traffic impact
 4 study in, I believe, 2018.

5 Am I right, Maurice, for this project?

6 MR. HOFF: What was the date? Just
 7 respond when the traffic study was performed.

8 MR. RACHED: We started doing the study
 9 in 2018. We published our first study in 2020.

10 MR. SZEWCZYK: Where were they published?

11 MR. RACHED: I'm sorry?

12 MR. SZEWCZYK: Where were they published?

13 MR. RACHED: November 1, 2020.

14 MR. SZEWCZYK: Where? Where?

15 MR. RACHED: They were submitted part of
 16 the application to the Planning Board, and the study
 17 should be available publicly.

18 CHAIRMAN O'BRIEN: Mr. Surtees, is the
 19 traffic study on the website?

20 MR. SURTEES: Yes, it is, Mr. Chairman.

21 CHAIRMAN O'BRIEN: So --

22 MR. SZEWCZYK: So what about the impact
 23 on the --

24 CHAIRMAN O'BRIEN: And the second
 25 question you asked had to do with flooding around the

1 water quality improvements, and also met the
 2 requirement for groundwater recharge where, after
 3 construction, the site will still recharge as much
 4 water into the ground as happens today under the
 5 present conditions.

6 With regard to the flooding conditions,
 7 what I explained at the last meeting was, after Irene
 8 and the flooding that the township experienced, the
 9 township hired a consultant, SWM Consulting, to do a
 10 study of Little Bear Brook area. And the short,
 11 unfortunate, answer is that the flooding that occurs
 12 out there is primarily due to back water from the
 13 Millstone River that uses the Little Bear Brook as a
 14 storage area.

15 So for most of the people who've seen the
 16 flow in the river actually reverse direction, that's
 17 when that situation occurs and the flooding happens.

18 There is some minor flooding attributed
 19 to the storm sewer system, the collection system, on
 20 the side of the road in Washington Road because it's
 21 an older system. Some older corrugated metal pipes
 22 over the years have started experiencing sinkholes and
 23 collapses and reduced capacity.

24 So we are working with Mercer County to
 25 try to improve some of those, in addition to the

1 improvements this project is going to do on their own
2 site for stormwater management purposes.

3 CHAIRMAN O'BRIEN: Fran, you're working
4 with the County because they own that sewer
5 infrastructure?

6 MR. GUZIK: Yes. Yes. That's a County
7 roadway. So anything within the right-of-way for the
8 road is Mercer County. So it's their funding, their
9 crews, their permission needs to be obtained for any
10 work in that roadway.

11 So what you don't see on the plan in
12 front of you on the screen, it's a rendering of what
13 you see on the surface. If you were to fly over in an
14 airplane or send a drone up after construction, so
15 some of the areas in green that you do see that are
16 landscaped are some of the stormwater management areas
17 that they are proposing. But there's also a large
18 number of underground storage areas, which will be
19 either in perforated pipes or concrete vault chambers
20 that will be under parking lots and under roadways.
21 Okay. So there's -- one of the maps is pulled up. I
22 believe they're the areas in pink.

23 MR. HOFF: Mr. Guzik, for the record it's
24 page 17 so the record's clear.

25 MR. GUZIK: Page 17 of the PowerPoint

1 that's from the developer or someone else, but it
2 looks like the -- the building, the fenced-in area,
3 has started to get knocked down. I don't know how
4 that is possible when, as far as I know, the
5 construction of this development hasn't been approved.

6 But, regardless, I guess my question
7 would be maybe to the developer. What is a reasonable
8 estimate of time for when the development construction
9 would be completed and when, I guess, people would be
10 moving in and traffic would start flowing?

11 MR. HOFF: It would be a number of years.

12 MR. RUBBO: Two years? A few years?

13 MR. HOFF: More than two, I would think.

14 MR. RUBBO: So then back to the concerns
15 around Vaughn Drive extension. Two years is,
16 basically, in my mind the deadline for when we need to
17 -- as of now there's one way in and out of this
18 development, high-density development, lot of cars on
19 the road.

20 CHAIRMAN O'BRIEN: Well, technically
21 there are two ways in and out, but they're both off
22 Washington Road.

23 MR. RUBBO: I'm sorry. What is the
24 second one?

25 CHAIRMAN O'BRIEN: Road A, and where the

1 presentation that the Applicant put together shows the
2 different stormwater management areas that they're
3 proposing. So the ones in the yellow are the surface
4 basins, which you will see driving by after
5 construction, either grass or landscape bioretention
6 basins, rain gardens; things of that nature.

7 The ones that are pink are what's going
8 to be underground underneath parking lots or
9 underneath structures. That will also provide storage
10 up above that flood elevation, but will reduce the
11 peak runoff rates coming from the development.

12 So I hope that answers your question.

13 CHAIRMAN O'BRIEN: Next member of the
14 public? Yes, sir? And then the lady in the back.
15 Raise your right hand.

16 MR. MULLER: Do you swear or affirm the
17 testimony that you're about to give will be the truth?

18 MR. RUBBO: Yes.

19 MR. MULLER: So sworn or affirmed.
20 Please state your full name and spell your last name.

21 MR. RUBBO: Mario Rubbo, R-U-B-B-O, 6
22 Coventry Circle.

23 CHAIRMAN O'BRIEN: Thank you, sir.

24 MR. RUBBO: I noticed that demolition
25 looks like it started at the site. I don't know if

1 proposed circle is.

2 MR. RUBBO: Yeah. But to your point --

3 CHAIRMAN O'BRIEN: Still on Washington
4 Road. Just wanted to clarify.

5 MR. RUBBO: Yup. Yup. So I guess,
6 again, I'm urging council to show some urgency for
7 trying to find some other solution for alleviating
8 what -- maybe I'm being cynical, maybe I'm being an
9 alarmist. But I strongly suspect that Washington Road
10 will turn into a parking lot as a result of all of the
11 units and all of the commuters that are going to be
12 living here.

13 So, you know, last week we talked about
14 reaching out to someone at NJ Transit or whatever. It
15 sounds like we just got a response in the past few
16 days or something. I don't know what the reasonable
17 expectation should be when you're trying to negotiate
18 with all of these various organizations.

19 But I'm urging council not to lose sight
20 of the fact that we, basically, have, I think, two
21 years before, you know, many of us who live in the
22 Long Meadow Exchange-Penns Neck area, I don't want to
23 say trapped in our homes, but not to get too
24 histrionic here. But it's going to be difficult, and
25 the quality of life for us in that area is going to be

1 seriously affected.
 2 CHAIRMAN O'BRIEN: Mario, just to
 3 clarify, you twice said you urge council. We're the
 4 Planning Board. The council is the governing body.
 5 But we got your drift.
 6 MR. RUBBO: So that's it from me. Thank
 7 you.
 8 MR. MARATHE: The temporary extension
 9 will happen in two years. The permanent Vaughn Drive
 10 connection won't happen in two years, but the
 11 temporary will happen in two years.
 12 MR. RUBBO: Well, I mean, even that,
 13 right? You require approval from a number of
 14 competing parties with negotiations, and, you know,
 15 lockdown and requesting something in exchange. I
 16 mean, it could go back. Worse case scenario as of
 17 this point, whenever this is approved, which I assume
 18 it will be, the clock starts ticking. We have about
 19 two years of some sort of --
 20 MR. MARATHE: We've already started
 21 background work. I fully expect to happen in two
 22 years.
 23 MR. RUBBO: Thank you.
 24 CHAIRMAN O'BRIEN: Thank you, sir.
 25 Yes, ma'am?

1 CHAIRMAN O'BRIEN: Maurice --
 2 MR. MARATHE: Can you use -- you can use
 3 this mike.
 4 MR. RACHED: Yes, of course we did. This
 5 would be the crux of the traffic study we did.
 6 MS. ANICO: Okay. And the traffic circle
 7 was sufficient for all this -- this number of cars --
 8 or let me ask this first: What was the assumption, in
 9 terms of additional cars on the road?
 10 MR. RACHED: So we did a trip generation
 11 analysis for all the uses, and we collected data for
 12 the existing trips on the road. We added the two. We
 13 analyzed before and after, and then we did a variety
 14 of solutions, and this solution worked best.
 15 MS. ANICO: How many cars -- just to
 16 repeat my question, how many cars, though, did you
 17 anticipate? Like, did you factor in? Were you
 18 assuming 1,000 more cars? 500 more cars? Does that
 19 question make sense?
 20 MR. RACHED: Thank you.
 21 MS. ANICO: I guess you're going to get a
 22 lot of questions tonight; you might as well get
 23 comfortable.
 24 CHAIRMAN O'BRIEN: Good observation.
 25 MR. RACHED: So in terms of additional

1 Raise your right hand, please.
 2 MR. MULLER: Do you swear or affirm the
 3 testimony you're about to give will be the truth?
 4 MS. ANICO: Yes.
 5 MR. MULLER: So sworn or affirmed.
 6 Please state your full name and spell your last name.
 7 MS. ANICO: Cammy Anico at 37 Fieldston
 8 Road. My last name is spelled A-N-I-C-O.
 9 CHAIRMAN O'BRIEN: Thank you.
 10 MS. ANICO: Thank you.
 11 MR. MULLER: I'm sorry. Your first name
 12 was Tammy?
 13 MS. ANICO: Cammy with a C.
 14 MR. MULLER: Thank you.
 15 MS. ANICO: So I was curious about the
 16 traffic study. I thought it would be more
 17 illuminating to me, personally. I guess I was -- I
 18 don't -- can you explain what that involved, the
 19 traffic study? I understand the time was roughly --
 20 and I think that's to this gentleman -- 2018 to 2020.
 21 But did you also sort of factor in or calculate the --
 22 what it means to have 1,000 more estimated cars on the
 23 road?
 24 MR. RACHED: Yes, of course. This is
 25 actually --

1 trips in the a.m. peak hour, we originally estimated
 2 an incoming number of 164, and outgoing of 218. In
 3 the p.m. the numbers would be 192 and 145.
 4 MS. ANICO: So just -- so just so that I
 5 understand that, you mean, like -- so when you say
 6 rides, you mean, like, an additional car on the road
 7 at that time?
 8 MR. RACHED: That is correct. Additional
 9 trips.
 10 MS. ANICO: So out of, like, over 800
 11 housing units, just --
 12 CHAIRMAN O'BRIEN: Cammy, what he's
 13 quoting is a per hour number.
 14 MS. ANICO: Per hour?
 15 CHAIRMAN O'BRIEN: Yes.
 16 MS. ANICO: Okay. I was like, yeah.
 17 CHAIRMAN O'BRIEN: He's not trying to
 18 mislead you. That's the way the traffic engineer does
 19 their studies.
 20 MS. ANICO: Nobody's intention is being
 21 impuned here. Okay.
 22 MR. RACHED: And I did say the a.m. peak
 23 and the p.m. peak. That means the a.m. peak hour and
 24 the p.m. peak hour.
 25 MR. MULLER: Can you explain what that

1 hour is for the witness?

2 MR. RACHED: Yeah. Typically the a.m.
3 peak hour is between 7:00 and 9:00. It's one to
4 two-hour, or a range -- one hour in that range. And
5 the p.m. typically is between 4:00 and 6:00 p.m.

6 MS. ANICO: Just so you know, having
7 lived in the area for almost -- for 13 years this
8 month, you forgot the lunchtime hours. When the world
9 gets back to normal, you can't get out of our
10 neighborhood, even at lunchtime because all the local
11 workers are going, running their errands and going to
12 get their lunch and these sorts of things.

13 So I have a quick question about the
14 Vaughn Drive extension. What -- I know it's off in
15 the distance, but if you had to put a number, can
16 someone just give me a ballpark figure? I literally
17 can't -- I heard, like, in my lifetime. I don't know
18 what that means. Are we talking 10, 20? Give me a
19 number. Just guess; I won't hold you to it.

20 CHAIRMAN O'BRIEN: Yes, you will.

21 MS. ANICO: No I won't, honestly. I just
22 don't even know what to think.

23 SPEAKER: Thirty.

24 MS. ANICO: Thirty? Do I have 20?

25 MR. MARATHE: To be honest, I can't give

1 you a number. If I give you a number, I'm just
2 picking a number out of a hat. So that's why I said I
3 can tell you that the temporary extension will happen
4 definitely. The permanent Vaughn Drive depends on 15
5 different factors that I don't control.

6 MS. ANICO: Yup.

7 I had another random question, but it is
8 related to a suggestion I'm going to make, because I'm
9 going to finish out with some suggestions.

10 There was a Dinky transit rail survey
11 done a couple months ago. When will those results be
12 in? Because -- well, I'll tell you why in a second.
13 Does anybody know?

14 CHAIRMAN O'BRIEN: Jeff or Francis, do
15 you have any answer to that?

16 MR. GUZIK: I don't have an actual date,
17 but I do know that transit way is supposedly
18 completed. It's a gathering of information and our
19 assembling their listed options. I would hope --
20 usually it's twice a year. So I think we're probably
21 beyond when they would release it for the end of this
22 year, so I'm hoping by spring of next year.

23 MS. ANICO: Okay.

24 MR. L'AMOREAUX: That's what I understand
25 as well, Francis.

1 MS. ANICO: Good. So, as I said, I'm
2 from the area. I've lived there 13 years this month.
3 This is so scary to us because there's already so much
4 traffic, you know. We're all used to this concept of,
5 like, oh, I got to go to the grocery store. Oh,
6 shoot. It's 5:00. I better avoid Route 1. Like, how
7 can I do that? But that's how we live every day on
8 Washington Road or navigating Washington Road. Like,
9 oh, it's this time. We got to make sure we get out a
10 little earlier or little later because we're going to
11 get to hit this and we're going to hit that.

12 My kids did sports in Princeton for a
13 little while. Like, crossing Route 1, you's sit
14 through three and four light cycles. This is serious
15 stuff. I mean, we're talking about ambulances and
16 school buses and everything like that.

17 So I really urge the Planning Board to
18 take that into consideration. And I'm going to make a
19 few suggestions.

20 Number one -- and you stole my thunder on
21 that Road A. Make that an absolute contingency on the
22 Planning Board approval. And that would be the sort
23 of interim one. But then, I mean, I guess you can't
24 make it contingent on the Vaughn extension; that's
25 sort of out of your hands right now. It just has to

1 happen. And when that does happen, you have to please
2 consider the Vaughn Drive as it reaches Alexander.

3 Right now Alexander Road, right now it's
4 two lanes. As you head over Alexander, let's say you
5 wanted to go toward, like, you know, Meadow Road to go
6 to Trader Joe's or something. There's -- you can --
7 you have to get in the left lane or take a left or you
8 get in the right lane if you want to take a right turn
9 only onto Alexander Road. You can sit through three,
10 four, five light cycles there too. I would suggest
11 making that three lanes so there's a right, a
12 straight, and a left, or else that will be of no help
13 at all.

14 Does that make sense?

15 CHAIRMAN O'BRIEN: Before you go on,
16 there is potential salvation in another route, and
17 that is a roadway through the current SRI property.

18 MS. ANICO: I know. That's another
19 question I have.

20 CHAIRMAN O'BRIEN: Okay.

21 MS. ANICO: What's the estimated time for
22 that; do you think?

23 CHAIRMAN O'BRIEN: As I understand it,
24 Sam, check me on this, there is discussion right now
25 at the TRC about something on the SRI property?

1 MR. MARATHE: I mean, let me answer that.

2 CHAIRMAN O'BRIEN: The Mayor --

3 MR. MARATHE: SRI has been trying to
4 market the property for last three years. They've
5 indicated that they've gotten couple of developers to
6 talk to us. We don't have any full plan, but they've
7 been told that any plan they produce it requires them
8 to build that road through their property.

9 So they're fully aware of that, that we
10 will not entertain any proposal from them without that
11 road. So they're fully aware of that.

12 But right now there's no formal proposal.
13 But the company needs money. So they have told us two
14 things for sure: That they will definitely sell the
15 property, and, two, they will not leave the area.
16 They're going to lease from whoever buys the property
17 from them and maintain their presence. But they very
18 much know that whichever developer comes, needs to
19 have that road in any plan they bring to us.

20 MS. ANICO: Yeah. I've heard that, and
21 that is very promising. But, again, it's the time
22 frame that I find concerning, because that could be
23 five -- not even five years. That would be too soon
24 in my estimation.

25 MR. MARATHE: I mean, the time frame

1 and it just would also -- all those adolescents that
2 are sort of underserved by this property, which I
3 share Linda's concern from last week, they would have
4 something to do. Get on their bikes, their
5 skateboards, their scooters and go up and down. It
6 would just be a quality of life that could be
7 incredibly helpful. And, really, you could market it
8 as a town. And I do think it would help the project
9 succeed, because nobody wants this project to fail.
10 It behooves all of us for it to succeed, but it has to
11 balance with everyone else's needs.

12 CHAIRMAN O'BRIEN: Before you go on,
13 again, again, referring to the draft circulation plan
14 element that the Board is working on, in addition to
15 these applications, on bikeway and multi-use trail
16 facility map quad 0 -- on map two, quad one, there is
17 a proposed pathway, as you've just described.

18 MS. ANICO: As part of the project?

19 MR. HOBERMAN: As part of the circulation
20 element of the master plan.

21 CHAIRMAN O'BRIEN: Not part of this
22 application. It's a part of a master plan document
23 that the Board is working on separately from any
24 application.

25 MS. ANICO: And would that go along the

1 depends on a lot of factors. This application was --
2 this thing was approved in 2007, then the bottom fell
3 off the financial market. So anybody who makes an
4 application now, makes an estimate, needs to factor in
5 hundred different factors. I mean, if the economy
6 sours, who knows how long it would take?

7 MS. ANICO: I'm sharing that it is
8 concerning that there will be such a lag in time,
9 that's all.

10 So my other suggestion would be a traffic
11 light at Washington and Wallingford, just to be active
12 maybe during these peak times in the rush hour in the
13 morning and in the evening so that we can get out of
14 our neighborhood and into our neighborhood. But maybe
15 blinking -- like a yellow blinking during the rest of
16 the time.

17 The other thing -- and the reason why I
18 asked about the Dinky survey, I would suggest, and,
19 again, it's out of my hands, but a biking and walking
20 path leading on the Dinky trail all the way to
21 Princeton. From Princeton all the way to this
22 development through to the Dinky station and/or the
23 New Jersey Transit station. This would take cars off
24 the road. I can imagine a lot of people biking to
25 work. You see them now. This way it would be safer,

1 Dinky tracks or --

2 CHAIRMAN O'BRIEN: Yes.

3 MS. ANICO: Oh, sweet. Very nice.

4 MR. GUZIK: I would just add also -- over
5 here, Gene, township engineer. That is one of the
6 options that transit is evaluating in that transit way
7 study.

8 And since I have your attention, I'll get
9 on my soapbox and say, if in the future you see a
10 request for your input as residents on a study like
11 that, and the results, I encourage you to get anybody
12 and everybody you can to respond to that, because
13 everybody assumes somebody else is going to vote in
14 favor of it.

15 And usually, from my years of working for
16 government, you only hear the negative. So it's only
17 if there's a problem that somebody comes to you and
18 says something.

19 So if there's something you're in favor
20 of, let them know that as well.

21 And knowing our Princeton neighbors, if
22 anybody here is from Princeton, you know, no offense,
23 but there are a number of Dinky advocates who knows
24 what strings to pull to try to stop any change to the
25 system as it exists today. So all public input is

1 welcome and strongly encouraged. Thank you.
 2 MS. ANICO: Thanks.
 3 And one more quick question. A slight
 4 change. I know that the flooding on Washington Road
 5 that is caused by the Millstone River is sort of out
 6 of scope for this project. And I do believe -- you
 7 know, I do believe you when you say these underwater
 8 basins will help actually maybe improve flooding
 9 somewhat.

10 However, what's happening to that big
 11 Millstone River? I understand that's the County. Is
 12 anything being done? Are they studying it? Do they
 13 have suggestions? What's happening? Help us. I
 14 mean, this is crazy. Every time it rains heavy, we're
 15 trapped.

16 CHAIRMAN O'BRIEN: Francis, you want to
 17 handle that question?

18 MR. GUZIK: Sure.

19 So around the time period of Floyd, after
 20 Floyd, which, I believe, was '99. So in the early
 21 2000s the USDA conducted a study of the Millstone
 22 River, and then the Army Corps also conducted a
 23 separate study of the Millstone River in different
 24 sections. The USDA section was from Princeton and
 25 several towns downstream, and the Army Corps focused

1 on poor Manville at the very end, who everybody reads
 2 the papers get really inundated and experience the
 3 most substantial loss every time there's severe
 4 flooding of the Millstone.

5 Regretfully, both studies came back that
 6 the cost benefit ratio of improving conditions to
 7 alleviate flooding were less than one, which is their
 8 trigger to provide federal funding for projects like
 9 that to alleviate flooding. Which means that,
 10 basically, they both concluded that it would be
 11 probably cheaper to buy out the people who live there
 12 so that they no longer get flooding, rather than doing
 13 something significant to reduce the problem.

14 So with us being upstream even further
 15 from those studies, you can imagine that the results
 16 would even be lower than one, than what they concluded
 17 for those studies.

18 MS. ANICO: Not good news. Well, thank
 19 you very much.

20 CHAIRMAN O'BRIEN: Thank you, Cammy.

21 This lady over here is next, and then the
 22 lady -- lady or -- with the gray mask on, and then Mr.
 23 Stevens and then --

24 MR. MULLER: Do you swear or the affirm
 25 the testimony you're about to give will be the truth?

1 MS. SIBILIA: I do.

2 MR. MULLER: So sworn or affirmed.

3 Please state your full name and spell
 4 your last name.

5 MS. SIBILIA: My name is Sharon Sibilias.
 6 My last name is spelled S, as in Sam, I-B, as in boy,
 7 I-L, as in Larry, I-A. I live at 217 Washington Road,
 8 which is between Wilder and Route 1.

9 I don't know that I believe that traffic
 10 will be any better with this amount of people. I
 11 think that it's already very dangerous to leave my
 12 house when something happens.

13 So, for instance, when they tried -- when
 14 they tried not having left-hand turns at Route 1, the
 15 traffic was so bad that we could not leave our house
 16 for about a month safely. Except for right-hand turn,
 17 you could not turn left, because we're right at the
 18 point where people are coming from Route 1, and
 19 they've just gotten up to 45 miles an hour, and they
 20 are ready to sail to the train.

21 And so unless you can see what's coming,
 22 you cannot leave the house. And one of my neighbor's
 23 daughters, who's 17, almost got killed on that road at
 24 that time. So I'm very concerned about the traffic.

25 One of the concerns I have with this

1 particular map is that you have an intersection where
 2 a large number of people are going to be wanting to
 3 turn left right at Route A -- Road A and Washington
 4 Road. And if you have seen when a train comes out,
 5 there are about 100 cars going around that
 6 intersection, and they aren't going to be able to turn
 7 left safely. And if somebody wants to turn left from
 8 Washington Road onto Route A, they're going to backup
 9 everyone coming from the train station, not to mention
 10 everyone coming from the rest of West Windsor.

11 So my question is: Will there be a
 12 traffic light there for safety?

13 CHAIRMAN O'BRIEN: No.

14 MS. SIBILIA: No?

15 CHAIRMAN O'BRIEN: But do you want to
 16 talk about the left turn restrictions, please,
 17 Maurice?

18 MR. RACHED: Yes. So under the existing
 19 conditions, which is what's happening today, the left
 20 turn from Washington up the ramp to 571 fails.

21 MS. SIBILIA: Where? I'm sorry. I'm not
 22 understanding.

23 MR. RACHED: If you're leaving the -- if
 24 you're coming, the two left turns at the existing T
 25 intersection today, the left turn up the ramp and the

1 left turn from the ramp to the train station, they
2 fail. And that's one of the reasons why we went to
3 this developer for this type of improvement, and
4 provided the roundabout, where the level of service
5 improves from failure, which is F, to a level of
6 service A.

7 Not only that, like I said before, I
8 don't want to repeat myself too many times, but the
9 roundabout provides several opportunities. One of
10 them is to connect into the SRI property. The other
11 one is to service more traffic.

12 MS. SIBILIA: There is nothing on the SRI
13 property, and there will not be anything for 20 years,
14 because we have been working on that for 20 years. So
15 there is no road there. Don't talk about it like
16 there is one.

17 MR. RACHED: I'm just telling you the
18 opportunity and the possibility that this will
19 provide.

20 Also, the -- like the Chairman said,
21 leaving Road A in the p.m. peak and the a.m. peak is
22 at two hours in the morning and in the afternoon, left
23 turn is not allowed. So if you need to make a left to
24 go towards Route 1, you would have to make a right,
25 turn around the roundabout, and come back in that

1 a road that is not currently there, but it also
2 intersects with a road that is a private road that
3 people are not supposed to use, right? It's not up to
4 code for anything.

5 And because of all the congestion that
6 you're going to have at that roundabout, people are
7 going to be turning right and using Station Drive as a
8 de facto exit. And where you don't think that they
9 will, they will be.

10 So you're going to have the two groups of
11 traffic meeting at that little tiny intersection, and
12 then trying to cross the Dinky tracks. And it seems
13 like no one thought about this before, and so you
14 don't have a plan, and I'm wondering if that plan will
15 be in place before this all gets approved.

16 CHAIRMAN O'BRIEN: Before when?

17 MS. SIBILIA: What?

18 CHAIRMAN O'BRIEN: Before when?

19 MS. SIBILIA: Before the application gets
20 approved. Is that part of the application?

21 CHAIRMAN O'BRIEN: We -- it's likely not.

22 MS. SIBILIA: No? And also --

23 CHAIRMAN O'BRIEN: But you also heard
24 earlier an exchange between one of your fellow members
25 of the public and the Applicant's lawyer that it will

1 direction.

2 MS. SIBILIA: That's pretty cute. I
3 don't know that that will happen.

4 But what about people turning onto -- how
5 do people get into your development?

6 MR. RACHED: Well, that also has been
7 taken care of by providing a separate storage lane,
8 which I testified to extensively at the last hearing
9 in terms of queuing capacity.

10 So we are doing an improvement and a
11 widening of the roadway so that vehicles making a left
12 turn in do not obstruct vehicle going straight on
13 Washington Road.

14 MS. SIBILIA: Okay. I have another
15 question.

16 MR. RACHED: For me?

17 MS. SIBILIA: Well, it's about the
18 traffic.

19 MR. MULLER: If I may just for a second,
20 if I may just for a second. Rick, can you identify
21 what's up there?

22 MR. HOFF: This is slide five.

23 MR. MULLER: Thank you.

24 MS. SIBILIA: Okay. In the two slides
25 that you showed, the one with the temporary fix, uses

1 be a while before this project is anywhere near
2 completion.

3 MS. SIBILIA: Well -- but it needs to
4 have a roadway before it gets completed. And if
5 you're going to plan for it to be there, you need to
6 plan how people will leave it.

7 And also speaking about the flooding, if
8 you're going to improve that road, will you make it so
9 that it doesn't flood? You're going to realign
10 Washington Road so it goes to the traffic circle, and
11 are you going to take into account the fact that it
12 floods and make it so it doesn't flood so people can
13 get to the train station?

14 Because I live there, and we give
15 directions to people how to get to the train station
16 twice a year because they can't get through. And
17 that's my question: Are you going to make
18 improvements to the road while you're doing this so
19 that it doesn't flood?

20 CHAIRMAN O'BRIEN: First, the road you're
21 talking about is a county road, not a municipal road.

22 MS. SIBILIA: Yes.

23 CHAIRMAN O'BRIEN: Secondly, as I read
24 the drawings, one of which I have in front of me, the
25 effort of construction by Mercer County and the

1 Applicant to install what's on the screen will
 2 probably end just northwest of AI Industry.
 3 MS. SIBILIA: So, no, it will still flood
 4 and people will still not be able to get to the train
 5 station during a heavy rain event. That's fine.
 6 Thank you very much.
 7 CHAIRMAN O'BRIEN: You're welcome.
 8 Yes, ma'am?
 9 Raise your right hand, please.
 10 MR. MULLER: Do you swear or affirm the
 11 testimony you're about to give will be the truth?
 12 MS. KAMPEL: I do.
 13 MR. MULLER: So sworn or affirmed.
 14 Please state your full name and spell your last name.
 15 MS. KAMPEL: Sarah Kampel, K-A-M-P-E-L,
 16 13 Wallingford Drive.
 17 MR. MULLER: I didn't catch the first
 18 name.
 19 MS. KAMPEL: Sarah.
 20 MR. MULLER: Thank you.
 21 MS. KAMPEL: Mr. Chairman and --
 22 CHAIRMAN O'BRIEN: Sarah, if it be easier
 23 for you to enunciate, why don't you slip your mask off
 24 temporarily, and speak as close as you can to the mike
 25 without touching it.

1 Washington and enter by the circle. Or if it's a
 2 Plainsboro ambulance, they would come over Cranbury
 3 Road and do the same thing.
 4 It's only if an ambulance were coming
 5 from Princeton, let's say, that they might be impacted
 6 by flooding.
 7 MS. KAMPEL: Okay. That's sufficient
 8 then. I mean, it just seems to me like you might have
 9 a circumstance where an ambulance, you know, the most
 10 immediately available ambulance might be coming from
 11 somewhere else and come up Washington and meet the
 12 flooding and not be able to reach the development.
 13 CHAIRMAN O'BRIEN: I understand that
 14 that's a possibility.
 15 MR. HOBERMAN: I'd like to ask a
 16 follow-up question on that, Gene, and I'm hoping, Sam,
 17 your staff member could answer this, as many of the
 18 citizens here tonight are Penns Neck residents.
 19 Which ambulance company serves
 20 specifically the section of Penns Neck from the Little
 21 Bear Brook up to Highway 1? Is it served by West
 22 Windsor or is it served by Princeton municipality?
 23 MR. SURTEES: West Windsor has one
 24 ambulance service and it services the whole town, and
 25 there's mutual aid that comes from Plainsboro.

1 MS. KAMPEL: All right. So thank you for
 2 the opportunity to speak. I've been attending these
 3 as one of the 10 people on YouTube and in person, as
 4 often as I possibly can. A lot of the points have
 5 already been made by my neighbors.
 6 As a fellow resident of Penns Neck, I've
 7 been there for over 10 years. One question I had,
 8 when you were reading the statement, you know, was
 9 regarding emergency services. Two issues that we have
 10 as residents in Penns Neck is, obviously, the traffic
 11 and the flooding. And was there any kind of study
 12 done in terms of emergency services, ambulances, and
 13 how they would reach the new development if there is
 14 flooding, which happens on an all too frequent basis
 15 now.
 16 I didn't hear anything about that. Just
 17 a lot of -- lot about sprinklers and stuff for the
 18 buildings.
 19 But how are ambulances going to reach
 20 this development if the road is flooded out, which
 21 happens all the time in the summer now?
 22 CHAIRMAN O'BRIEN: Well, if it's an
 23 ambulance from West Windsor, they would come over
 24 North Post Road and either enter -- go over the Route
 25 64 bridge, Princeton-Hightstown Road bridge, into

1 MR. HOBERMAN: Okay. And on that, does
 2 mutual aid -- is it mutual aid actually happened
 3 during these times of flooding upon Washington Road to
 4 serve the section of Penns Neck between Little Bear
 5 Brook and Highway 1?
 6 MR. SURTEES: If there's a need, the --
 7 Chief Lynch will call in for mutual aid to come in and
 8 assist.
 9 MR. HOBERMAN: Because, I mean, also the
 10 flooding that we've talked about on Washington Road
 11 sometimes it also simultaneously happens at Alexander
 12 Road and Little Bear Brook, and so that compounds the
 13 difficulty for emergency services to get to Penns
 14 Neck. So I'm just extending your thought.
 15 MS. KAMPEL: Thank you. And like my
 16 neighbor said, we don't want to see this project fail,
 17 but at the same time in this particular neighborhood
 18 we're kind of getting the squeeze here. There's
 19 development happening all around us. There's, you
 20 know, the proposed gas station complex --
 21 CHAIRMAN O'BRIEN: Redevelopment plan.
 22 MS. KAMPEL: -- that's going to be on
 23 Route 1.
 24 If, you know, the road that we currently
 25 use is no longer able to be used to get in and out of

1 our neighborhood, that just puts us, you know, on
 2 Washington Road.
 3 CHAIRMAN O'BRIEN: Well, it hasn't been
 4 decided.
 5 MS. KAMPEL: I know.
 6 CHAIRMAN O'BRIEN: I'm sorry to interrupt
 7 you. Personally I would preclude traffic leaving the
 8 redeveloped areas' parking lots into your
 9 neighborhood. But I would want to see the road left
 10 open for traffic -- you and your neighbors to get into
 11 the development. And, if appropriate, exit onto Route
 12 1 northbound.
 13 MS. KAMPEL: We would like that as well.
 14 Another question that I had was for the
 15 traffic engineers. When the traffic study was done,
 16 what was the peak traffic a.m., p.m. before the
 17 anticipated additional volume from the development?
 18 CHAIRMAN O'BRIEN: Mr. Rached, we
 19 appreciate your --
 20 MR. RACHED: Absolutely.
 21 CHAIRMAN O'BRIEN: -- patience.
 22 MR. RACHED: So we collected data on May
 23 3, 2018, and on May 5, 2018. We also collected data
 24 automatically for a whole week. In the a.m. peak, we
 25 collected data from 7:00 to 9:00, in the p.m. peak

1 collected was 907. And you have similar numbers as
 2 you go close to Route 1.
 3 MS. KAMPEL: So a couple hundred more
 4 each way? All right.
 5 MR. RACHED: That's -- actually, it's
 6 quite a bit -- I gave you on one roadway. When we
 7 split our traffic, it splits on different roadways.
 8 So it will not be 200 more. It would be quite a bit
 9 less than that. More on one of these roadways.
 10 MS. KAMPEL: But it all goes onto
 11 Washington?
 12 MR. RACHED: I'm sorry?
 13 MS. KAMPEL: It all goes onto Washington?
 14 MR. RACHED: No. Some traffic will go
 15 west and some traffic will go east. So traffic will
 16 distribute, depending on where people are driving.
 17 MS. KAMPEL: So when you say "west," are
 18 you talking about traffic going onto the temporary
 19 extension via Road A into the parking lot?
 20 MR. RACHED: No. When I say west, ma'am,
 21 they're going towards Route 1. And when I say east,
 22 they're going on 571 to 130, maybe to the Turnpike and
 23 different destinations.
 24 MS. KAMPEL: Okay. All right. Well, I
 25 just wanted to say as a resident, you know, once you

1 from 5:00 to 7:00, and we found that the highest hour
 2 in the a.m. peak was 8:00 to 9:00. And we found that
 3 the highest hour for the p.m. peak was 6:00 to 7:00.
 4 And we also collected midday volumes, and
 5 we found that the highest was on Saturday between
 6 11:15 and 12:15 midday.
 7 MS. KAMPEL: Can you tell us the number
 8 of vehicles during those times?
 9 MR. RACHED: I can give you anything you
 10 need; just will take me time. This is a very
 11 complicated study. It's hundreds of pages.
 12 MS. KAMPEL: I think we'd all just be
 13 curious.
 14 MR. RACHED: It's been available on-line
 15 for quite some time.
 16 MS. KAMPEL: But like you said, it's
 17 complicated to kind of figure out. What we want to
 18 know is how much additional volume is this going to
 19 create compared to what we're currently used to
 20 seeing, which is a lot already.
 21 MR. RACHED: So right now, coming over
 22 the bridge into the turn -- into the turn coming to
 23 Washington, on that approach you have approximately
 24 875 trips going west.
 25 And going east, the highest number we

1 approve this and it's done, it's done. And this has
 2 been in the works for a very long time.
 3 So I would urge the Board to really
 4 consider making the best possible decision in the
 5 interest of the residents who are already here when
 6 you're thinking about all of these things.
 7 So thank you very much.
 8 CHAIRMAN O'BRIEN: Thank you, Sarah.
 9 Mike, sir, in the back. Did you just
 10 raise your hand? You'll be third.
 11 MR. MULLER: Raise your right hand. Do
 12 you swear or affirm the testimony you're about to give
 13 will the truth?
 14 MR. STEVENS: I do.
 15 MR. MULLER: So sworn or affirmed.
 16 Please state your full name and spell your last name.
 17 MR. STEVENS: Michael Stevens,
 18 S-T-E-V-E-N-S, 25 Fieldston Road.
 19 And a fun fact. That property is the
 20 closest to the development within the Long Meadow
 21 Division by two or three feet, actually.
 22 And also for a full disclosure, I'm also
 23 a councilman for the township, and I sit on the
 24 governing board.
 25 I had a chance to review the traffic

1 impact study that you've been quoting when it was
 2 dated December 11, 2018, and then updated as of April
 3 22, 2021. And also by full disclosure, I'm not a
 4 traffic engineer, but my training is in
 5 pharmacokinetics and traffic flow and drug through the
 6 body would be pharmacokinetics, use many of the same
 7 equations, the concepts are the same between the two.

8 People are asking about the number of
 9 trips. And from the updated April 22nd document, a.m.
 10 peak, plus 353 trips. P.m. peak, plus 331 trips. And
 11 Saturday peak, plus 459 trips.

12 Now, give you a little background. We
 13 were talking about the Long Meadow-Penns Neck area.

14 MR. RACHED: I'm sorry, sir. I don't
 15 mean to interrupt you, but the numbers you quoted are
 16 not the same as the numbers I read, and I'd like to
 17 explain why.

18 The numbers you're reading and I'm
 19 reading now, 382 and 337, are in and out. So they're
 20 different. The numbers I quoted I separated the out
 21 from the in, because the two are looked at
 22 differently. They use different roadways. So I don't
 23 want people to mistake things and think that I
 24 misquoted. I did not. You just added them up, that's
 25 all. Thanks.

1 development from Route 1 by turning on Varsity Avenue
 2 to come in, or we can leave that way and then go Route
 3 1 towards Plainsboro.

4 There is also a part of Fisher Place,
 5 which is on the opposite side of Washington Road, and
 6 Manor Avenue is the conduit to there.

7 What I want to testify to here is that we
 8 all live there. Traffic backs up on Washington Road
 9 routinely. Two Saturdays ago at 2:41 p.m. in the
 10 afternoon six traffic lights had to go through before
 11 I could get onto Route 1. And that's with the current
 12 conditions. The traffic at that time is backed up to
 13 Perna's Flower Shop, trying to get to Route 1. And
 14 this was routine pre-Covid. It would be backed up to
 15 Wallingford, making it impossible to take a left turn.
 16 And so people will turn right and go through the train
 17 station, sort of do the path that we're talking about,
 18 to get over to Alexander to get out.

19 Now, the reason I bring that up is
 20 because, when I looked through your analysis, you had
 21 two analyses: One, the Alexander-Vaughn-Bear Brook
 22 area, and also the Washington Road/Route 64, which is
 23 the bridge. There was no mention whatsoever of the
 24 circle at Washington and Route 1.

25 My question to you is: Why was that not

1 MR. STEVENS: Because they're all on the
 2 same road at the same time.

3 MR. RACHED: No, they're not. So when
 4 you have in and out -- let me explain, please. When
 5 you have inward traffic and outward traffic, the
 6 traffic coming in comes in on a separate approach.
 7 And if you have a traffic signal, it is handled
 8 separately.

9 If you have a circle, it is taking a
 10 different capacity from the traffic that is moving in
 11 a different direction. So the two do not conflict
 12 with each other, and they are treated separately.

13 And that's why, when I was asked, I gave
 14 them separately. Thank you.

15 MR. STEVENS: Yeah. The numbers that I
 16 gave were from table two and in the April 22nd
 17 document.

18 Okay. I want to explain what Long Meadow
 19 is. Like I said, I live at the end of Fieldston, and
 20 the Long Meadow development reaches back to Route 1.
 21 There are currently 250, 251 single-family homes there
 22 now. We have three main exits to get onto Washington
 23 Road. The biggest one is Wallingford, and then
 24 secondarily Fairview and Pierson Avenues.

25 At the same time we can get into the

1 part of the traffic analysis that was done, knowing
 2 that putting this number of new vehicles on the road
 3 coming and going are going to be trying to funnel
 4 through that at the same time? Why was that not part
 5 of the analysis?

6 MR. RACHED: There was a criteria that we
 7 followed, which is nationally accepted, to determine
 8 what we identify as the scope of the study. So we
 9 used that criteria before we started the study back
 10 in, I'm guessing, maybe 2018, and we shared that
 11 information with the township. And we all agreed, the
 12 township professional agreed, it was our scope of
 13 study as to which intersections are to be analyzed.
 14 You have to start someplace, because one can argue,
 15 the same traffic will go up to the Turnpike and the
 16 Parkway and different places, when you start
 17 analyzing.

18 So there is a criteria, and we used that
 19 criteria. We came up with the scope as to which
 20 intersections need to be studied --

21 SPEAKER: What is that criteria? What is
 22 that range? What is that criteria?

23 MR. STEVENS: Let me ask: What is that
 24 criteria?

25 MR. RACHED: That is a criteria that is

1 published by New Jersey DOT.
 2 MR. STEVENS: Is it a physical distance?
 3 MR. RACHED: No. It's -- you
 4 (indiscernible) traffic, which we did, and then you
 5 look at the different intersections in the vicinity,
 6 and you determine which intersection is impacted by
 7 looking at the increase in trips at these
 8 intersections.

9 And there is a certain calculation you
 10 do. And if that number exceeds 100, that this
 11 intersection will become candidate for study. If it's
 12 not over 100, then the intersection is not a
 13 candidate.

14 But having said all of that, I have to
 15 inform everyone here that this isn't as-of-right
 16 application. In an as-of-right application by law the
 17 Applicant needs only to take care of the traffic on
 18 site and in the frontage. Off-site traffic is not the
 19 responsibility of the Applicant.

20 We did, though. We went beyond. We went
 21 beyond that. Brought this to the County and the
 22 township, and we provided the community with an
 23 improvement that has been needed for, actually, years,
 24 with or without this development.

25 MR. STEVENS: Okay. So what I'm hearing

1 those developments is provided a fair share
 2 proportionate amount that would go towards that
 3 identified improvement.

4 This project was no different. We were
 5 provided an assessment of our share of all of those
 6 improvements that West Windsor has identified as
 7 necessary within its town to be incorporated overall.
 8 Those improvements are not selected by any private
 9 developer. They're selected by West Windsor Township,
 10 and they put every single development through that
 11 analysis.

12 We were no different. Our obligation
 13 goes above and beyond that simple contribution,
 14 because we're contributing as part of that, a
 15 multi-million dollar improvement that is required by
 16 the relocation of Washington Road.

17 So while we're focused on that as part of
 18 this application, it's because we're constructing.
 19 But our obligation is being attributed to other
 20 components of the -- of improvements throughout the
 21 district -- throughout the township.

22 So it's unfair to say that we're not
 23 contributing to that. We are, but it's offset against
 24 what we are doing by way of actual improvements. So
 25 those things are all considered. West Windsor does it

1 is that traffic that turns on Washington Road going
 2 towards Princeton for you is out of sight, out of
 3 mind?

4 SPEAKER: Well said.

5 MR. STEVENS: Effectively yes. No
 6 responsibility for it.

7 So I would really like to see an analysis
 8 done using that intersection, because that's where
 9 those cars are going. That's where they're trying to
 10 get to. They will also be diverting down to Fairview
 11 onto Fisher Place to go to 1. That's going to impact
 12 that as well. So there are impacts that are directly
 13 due to this development that need to be taken into
 14 consideration.

15 MR. HOFF: Mr. Chairman, can I respond to
 16 that?

17 CHAIRMAN O'BRIEN: Yes.

18 MR. HOFF: It's important to note that
 19 the Township of West Windsor actually has an
 20 improvement criteria. So when you're a development in
 21 West Windsor, Mr. Guzik's office, in conjunction with
 22 Mr. L'Amoreaux's office, they prepare an analysis of
 23 that development's impact on a host of improvements
 24 that the Township of West Windsor has identified as
 25 necessary in the entirety of their town. And each of

1 for every project that comes before it.

2 So it's -- it's not accurate to say that
 3 we've just ignored those other things. We've been
 4 asked as an applicant to construct improvements,
 5 physical improvements that Mr. Rached said had been
 6 needed for many, many years.

7 So it's not fair to focus on this as us
 8 ignoring that. We're not. We are being assessed a
 9 share of those overall improvements.

10 MR. STEVENS: Okay. Thank you. I can
 11 understand that.

12 I think the Board should take into
 13 account, though, what the effect is on the township
 14 itself beyond the scope of what they're saying,
 15 because we have to live with this.

16 Put on my fire department hat now and
 17 respond. You know, you said that ambulance could come
 18 down that way from, you know, the Dunkin' Donuts area
 19 and get into the development. They're probably going
 20 to the hospital. They still would have to go through
 21 the flooded Route 1, or they're going to have to go
 22 way around to get there.

23 So thank you.

24 CHAIRMAN O'BRIEN: I don't follow what
 25 you just said. I was saying that if Washington Road

1 were flooded, then mutual aid would be called out from
2 Princeton to come eastbound across Route 1 to the
3 area. That's what I was trying to say.

4 MR. STEVENS: Yeah. But -- you know.
5 Okay. I understand.

6 MR. HOBERMAN: Michael, do I also
7 understand that your concern might be on the east side
8 of the township? Say, other side of the railroad
9 tracks that, for the need to get to, like, say Medical
10 Center of Princeton, and how the flooded areas would
11 affect the response time to get to the medical
12 center --

13 MR. STEVENS: Yes.

14 MR. HOBERMAN: -- as an example? Am I
15 correct? Is that where you're going?

16 MR. STEVENS: Yes. For mutual aid.
17 Mutual aid has to come from outside and pick up the
18 person and go back out and get there. It can be done.
19 It's just not effective.

20 MR. HOBERMAN: But response times are
21 effective.

22 MR. STEVENS: Yeah. And I haven't seen
23 any (indiscernible) response times with the impact on
24 response times for emergency services with this
25 development.

1 as a blight area.

2 In fact, at that time all the buildings
3 were fully occupied and it was vibrant. So the
4 previous mayor got it. Part of that new development
5 was having a boulevard going from Washington Road to
6 Alexander.

7 Now we have an applicant in front of us
8 who, that road only goes as far as the development.
9 No traffic to transfer the area from two different
10 overcrowded roads.

11 So with that thing, I think that this
12 whole development is really short sighted. That we
13 need to -- in order for the development to go through,
14 to make sure that road between Alexander and
15 Washington gets built prior to the development.

16 My second thing is -- and I have to go
17 back to all our testimonies with the professionals,
18 especially the traffic engineer. When you do a
19 traffic study like this, how far -- when do you go
20 back and prove your theory? Do you go back and prove
21 your theory? Do you go back and do studies after
22 development? One year? Five year? Ten year, to see
23 what the effect it has on your development and what
24 effects on the area?

25 Think it's very short-sightedness if you

1 So my time is probably about up, so thank
2 you.

3 CHAIRMAN O'BRIEN: Thank you, sir.
4 Mr. Pierson, you're next in cue.
5 Ma'am, you'll be third.

6 MR. MULLER: Do you swear or affirm that
7 the testimony you're about to give will be the truth?

8 MR. PIERSON: I do.

9 MR. MULLER: So sworn or affirmed.
10 Please state your full name and spell your last name.

11 MR. PIERSON: My name is Guy Pierson,
12 P-I-E-R-S-O-N. I live at 241 Fisher Place, Penns
13 Neck.

14 This whole project, redevelopment of the
15 train station, spawned out of the EIS Bypass for the
16 Millstone/Penns Neck Bypass.

17 There was two times that they agreed,
18 that no development could take place on the Sarnoff
19 tract without having a bypass. And in conjunction
20 with that, there had to be a connection road between
21 Alexander Street and Washington Road to help
22 distribute the traffic between those two arteries.

23 That's why the previous mayor dedicated
24 -- actually, previous mayor petitioned and got the
25 Penns Neck area that's in question here redesignated

1 don't do that and you continue to do that.

2 The second thing, I think it's very short
3 sighted on our township professionals who don't take
4 in consideration the arteries and the roads around the
5 development area, because we are in a bottleneck,
6 congested area.

7 So for them to approve any development
8 from the Applicant that doesn't affect Washington
9 Road, Fisher Place, no one's mentioned about the
10 detailed traffic that goes along Fisher Place. Did
11 they do a traffic count prior to the pandemic to see
12 what the traffic is?

13 I think that you need -- the biggest
14 issue is the traffic around here. And, in fact, I
15 think less people will come because we have more of a
16 traffic issue.

17 So with that question, I just want the
18 traffic professionals to know, do you go back and
19 prove your theory one year, two years, five years, ten
20 years out?

21 CHAIRMAN O'BRIEN: Before anyone answers,
22 what do you mean by theory?

23 MR. PIERSON: He's just saying -- he
24 states all the traffic assumptions, this is what's
25 going to happen in our traffic studies. This is how

1 many traffic units will be prevented or be per hour.
 2 Do you go back five, ten years, see what
 3 -- whether your testimony that you're giving to us as
 4 a professional, in fact, is proven correct or
 5 incorrect?

6 MR. RACHED: Okay. Mr. Chairman, how
 7 long do I have to answer that question? I could write
 8 a dissertation on this.

9 CHAIRMAN O'BRIEN: If you could
 10 abbreviate it.

11 MR. RACHED: The short answer is yes. As
 12 a matter of fact, Avalon has hired me in the past to
 13 go back and look at things, and it was spot on, as we
 14 had expected.

15 I'll give you a second answer. All these
 16 studies that we did, they're based on decades and
 17 decades of data collection studies and research. This
 18 is -- I'm not introducing something new. That
 19 information is very, very solid. And it's used all
 20 over the nation.

21 MR. PIERSON: The only thing I have to go
 22 on is all the development we've had in West Windsor
 23 that is all not going to be affected. We all think --
 24 the residents know how much traffic there is in
 25 today's world, and so a lot of these theories that

1 come in question, some of these things that you're
 2 supposed to be going back and proving, you know, to me
 3 it just seems like it's words said before in order to
 4 get the Applicant and get the Planning Board to
 5 approve, and then you walk away and that's it.

6 So that's my testimony tonight. Thank
 7 you.

8 CHAIRMAN O'BRIEN: Thank you.
 9 Sir, in the back with the gray shirt.

10 MR. MULLER: Raise your right hand. Do
 11 you swear or affirm the testimony you're about to give
 12 will be the truth?

13 MR. GUMKOWSKI: Yes.

14 MR. MULLER: So sworn or affirmed.
 15 Please state your full name and spell your last name.

16 MR. GUMKOWSKI: Michael Gumkowski,
 17 G-U-M-K-O-W-S-K-I. 204 Washington Road.

18 CHAIRMAN O'BRIEN: Michael, try and be as
 19 close to the microphone as you can. Thank you.

20 MR. GUMKOWSKI: Okay. So just wanted to
 21 say that, first of all, I'm inspired by Cammy and all
 22 the other neighbors who spoke. I haven't spoken in
 23 this. I haven't come in probably 25 years. But I
 24 lived here for about 25 years. So I remember the
 25 bypass discussions and the promises and temporary

1 solutions that, of course, things never happened.

2 So I just want to state about the
 3 traffic, right? I live right on Washington Road.
 4 When I need to turn left when I go to work, you know,
 5 I have to just hope for the best that people actually
 6 stop. Or else what I do --

7 CHAIRMAN O'BRIEN: Michael, excuse me.
 8 When you say turn left, does that mean going towards
 9 Princeton?

10 MR. GUMKOWSKI: Going towards Princeton,
 11 toward Route 1. I -- you know, it's impossible, you
 12 know. Sometimes if I follow the traffic rules I would
 13 have to wait an hour. So I just have to slowly edge
 14 in or else what I do, I take right, I take another
 15 right, go through the neighborhood, and see people
 16 walking dogs or kids playing. Not best.

17 This is all. I'm not a traffic engineer.
 18 I'm a different sort of scientist. But I know that
 19 this clearly is going to make it much -- way, way
 20 worse, if it possibly could be even worse. But,
 21 anyway, that's what I want to say as a background.

22 And, by the way, 20 some years ago I
 23 moved here in '96, when Millstone bypass is coming?
 24 Some people ask, when will things happen, right?
 25 We're saying, oh, Millstone bypass is coming. Of

1 course it never happened.

2 So I don't trust temporary solutions.
 3 There was some temporary solutions: We'll put
 4 temporary traffic light in your driveway. I'm glad we
 5 didn't do it.

6 So I have -- you know, so I just wanted
 7 to voice my frustration, I guess. I'm glad I came
 8 here.

9 Thank you for whoever put the flier on my
 10 -- in my mailbox.

11 So I think -- I hope that mayor and the
 12 council and everybody would really worry about us, the
 13 residents, and that we need to make -- I really hope
 14 we can make this approval conditional. For example,
 15 either the Vaughn extension, the yellow one, not the
 16 temporary one; that's a joke. Or else the Millstone
 17 bypass. I hope that could happen, you know, but
 18 that's number one.

19 Point number two, or else, you know, just
 20 listening here, I actually hope that the Road A, if we
 21 cannot have the Vaughn extension to distribute the
 22 traffic, let's stop the Road A access to -- actually,
 23 to Washington Road. But because -- actually, the more
 24 smoothly you make the traffic go around this new
 25 circle and the extension, the more smoothly the

1 traffic flows, the worst, actually, for us it's going
2 to get. It's going to be even more stuck on
3 Washington Road, if it could possibly be more stuck,
4 right?

5 So I hope, like, hey, let's wait for
6 Vaughn Drive. Let's not make Road A. Even if you go
7 with the project, stop Road A access -- Road A access
8 to Washington Road until you have proper Vaughn
9 access.

10 In a way I'm being contrary here. Make
11 it harder. If all else fails, maybe we can get, you
12 know, mayor, like, 50 percent tax rebate. It's our
13 safety, our value of the house.

14 Thank you. No questions.

15 CHAIRMAN O'BRIEN: Thank you.

16 Ma'am, please raise your right hand.

17 MR. MULLER: Do you swear or affirm the
18 testimony you're about to give will be the truth?

19 MS. PERCIALI: Yes, I do.

20 MR. MULLER: So sworn or affirmed.

21 Please state your full name and spell your last name.

22 MS. PERCIALI: Perciali, P, as in Peter,
23 E-R-C-I-A-L-I, and Rodica, R-O-D-I-C-A, at 114
24 Washington Road. And my husband, he's an architect.

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

1 Before you start, I think you came in after I
2 announced what the ground rules were for comments.
3 Mr. Surtees is -- I'm allowing six minutes per person
4 to comment. Mr. Surtees is keeping time.

5 MS. PERCIALI: Good.

6 CHAIRMAN O'BRIEN: If at any point
7 somebody from the Applicant or our staff needs to
8 answer a question, that time will not be counted
9 against you.

10 MS. PERCIALI: Okay. Thank you.
11 Generous.

12 Yeah. I have some questions and I have
13 some comments, but they are oriented to solutions. I
14 wouldn't have come again if I didn't want to just
15 insist for solutions. Because as I see, and I'm a
16 teacher, so -- and I analyze a lot of things. And I
17 gain a lot of experience here when the project -- the
18 previous project, how many years ago, eight? The
19 Hillier project was discussed and how well it was
20 presented in the press, which yours is not. On
21 panels, on the people being allowed to come to see.
22 Some people got to know right now. Almost everything
23 was hidden. And it's only because I didn't have time
24 to call on media, which I'm very scared to.

25 There are 40 articles in newspapers

1 around this country about me. So the point is that
2 I'm disappointed not on them; they are doing their job
3 trying to do the best for their interests. My
4 disappointment is you, because, first of all, you knew
5 -- you knew well what are the problems for many years.
6 And under this mayor, nothing was done.

7 So right now what do we do? Okay. Of
8 course you have to do Vaughn Drive, of course. I
9 mean, there is no question. And of course it must be
10 conditional. The issue is, what did you do? Because
11 what we need to know what is -- what is the property?
12 The property is -- belongs to New Jersey Transit?
13 Belongs to you and belongs to the County? What is --
14 can you tell us?

15 CHAIRMAN O'BRIEN: Which property?

16 MS. PERCIALI: The parking lot where the
17 Vaughn Drive.

18 CHAIRMAN O'BRIEN: The latest information
19 that I believe our traffic engineer has found, Mr.
20 L'Amoreaux, is that it's owned by New Jersey
21 Transit -- New Jersey Department of Transportation.

22 MS. PERCIALI: Just by them? Just by
23 them? Only by them? Only by New Jersey Transit?

24 MR. L'AMOREAUX: And Amtrak.

25 MS. PERCIALI: And Amtrak? Okay. So if

1 I made you a point last time. What I'm disappointed
2 is that for so many years you could not discuss with
3 them. You could not develop cooperation. We are
4 living in times of good activity, and you are not
5 created by any means. But you don't even bring us to
6 discuss, never, never.

7 So that is the point. I'm sorry for the
8 project. You knew that this would dry up. So I am
9 proposing that you should have a task force. I don't
10 know if the project would be delayed, maybe not.
11 Maybe we should go first. I am proposing that you
12 should have a task force and meet with the New Jersey
13 Transit and bring 100 of us if needed, okay, so that
14 we will convince them on the other side.

15 Another point that I have is related to
16 children and related to the fact that teenagers don't
17 have a place to play. Now, that's not so simple.
18 Because there will be accidents. And mayor said
19 something that I believe, if it was in the newspaper,
20 he would not be a mayor anymore. He said, oh, let
21 them -- they will find a place to knock the ball on
22 the walls like in India. That's what he said, so --

23 MR. KARP: I'm the one -- I'm the one
24 that said that, throw the ball against the wall. I
25 grew up in Queens. And that's what we used to do. So

1 I'm the one that said it, not the Mayor. Wasn't the
2 mayor.

3 MS. PERCIALI: Okay. I am sorry. I'm
4 sorry. Well, that was a very bad comment because,
5 first of all, it's not the ball. It's the fact that
6 those kids cannot -- they will tend to go to the parks
7 and there will be accidents, many accidents for sure,
8 because some of them are younger, some of them are
9 teenager. And, I mean, I cannot even imagine. So no
10 -- there is a need for that now.

11 The project might not afford a lot of
12 space, but what about Sarnoff? And what about you
13 talking with Sarnoff for -- I mean, you knew that you
14 need more space. And I do have a question for the
15 project. They met Sarnoff because you did all the
16 roundup. It was Sarnoff accommodating you. I feel
17 that they did. So Sarnoff, I understand they want to
18 sell. So I'm sure that if they here and if they -- if
19 we convince them again, we go a lot of them and beg
20 them, maybe they would allow more space and then --
21 then you have a playground.

22 And also I'm not sure if you turn there
23 might help in any way, maybe not. Maybe they will
24 give more space so that you can do a larger road or
25 something; I don't know. But then, of course, what do

1 you do about the alternate road? Why the alternate
2 road that was talking about for so many years? What
3 did you do? Did you put any pressure on anybody? Did
4 you bring us to put pressure? No. And that's what
5 I'm very dissatisfied. And I want you to start
6 working for us. Thank you.

7 CHAIRMAN O'BRIEN: Thank you.
8 Sir?

9 MS. PERCIALI: And bring us in.

10 MR. MULLER: Raise your right hand. Do
11 you swear or affirm that the testimony you're about to
12 give will be the truth?

13 MR. RUCEWICZ: I do.

14 MR. MULLER: So sworn or affirmed.
15 Please state your full name and spell your last name.

16 MR. RUCEWICZ: Good evening. Sean
17 Rucewicz. That's S-E-A-N R-U-C-E-W-I-C-Z.

18 MR. MULLER: Could you say that again? I
19 apologize.

20 MR. RUCEWICZ: Sean, S-E-A-N, Rucewicz,
21 R-U-C-E-W-I-C-Z, 248 Fisher Place. Rest easy in the
22 back corner.

23 You know, I understand everybody's done
24 what they were supposed to do, and perhaps even gone
25 beyond what they were supposed to do, and I appreciate

1 that certainly. But to echo the sentiments of all of
2 my neighbors, and some of the people that have stepped
3 forward already, you know, as a resident of Fisher
4 Place, and as someone who walks my dog and rides my
5 bike in the neighborhood, I work at the university, I
6 cross Route 1 on my bicycle, on my motorcycle, and my
7 car, on foot, I would say that the increased traffic
8 is going to be a problem. Whether or not it falls
9 under the purview of this development, you know,
10 that's beyond me. And I think we've determined that
11 it does not.

12 However, the reality is that we all, as
13 residents of the neighborhood, will have to live with
14 it. And it should be addressed by the township in
15 some way, shape, or form.

16 I appreciate the SRI, you know,
17 possibility. That's very appealing. But, you know,
18 as we've already said, that's tentative and there's no
19 clear time line for, you know, any execution there.

20 But currently, and certainly with this
21 development, Fisher Place and Varsity become, as well
22 as Washington and subsequently Alexander, will become
23 bottle necked, as we have already determined.

24 And I think that there are possibilities.
25 I can't quite name them certainly myself, but I think

1 it's certainly worth discussing and exploring for
2 making those roads safer.

3 Fisher Place is marked as a two-lane road
4 within the New Jersey literature, but it's not marked
5 as such on the actual road. Traffic flows in both
6 directions, but there's no clear path for people to
7 walk there dogs with their kids, whatever. It's a
8 25-mile-an-hour road, but very few people abide by
9 that.

10 And having walked on Varsity Avenue, I've
11 experienced much the same.

12 And I think there's a lot of potential
13 for abuse, especially once there's an even higher
14 number of cars moving through those roads, which is
15 inevitable.

16 So this isn't so much -- this is a
17 comment and a suggestion for the future, and I suppose
18 a bit of a warning that I will be -- I will be
19 attending these meetings more often and harassing you
20 about this. But I think that there's a lot that the
21 town could be doing to improve the safety and the
22 traffic flow through those roads that is not currently
23 being addressed. Thank you.

24 CHAIRMAN O'BRIEN: Before you go away,
25 Sam, when is the next date on which we expect to talk

1 about the circulation plan which involves our
 2 roadways?
 3 MR. SURTEES: November 3rd.
 4 MR. RUCEWICZ: I'll see you there.
 5 CHAIRMAN O'BRIEN: That would be a good
 6 date if you want to talk more about the road system
 7 and how we might do something about it.
 8 MR. HOBERMAN: And the circulation plan
 9 element is on the township website to read.
 10 MR. RUCEWICZ: Wonderful.
 11 MS. GEEVERS: It's a draft.
 12 CHAIRMAN O'BRIEN: The draft that I've
 13 been --
 14 MR. RUCEWICZ: Yes. Thank you.
 15 CHAIRMAN O'BRIEN: Thank you, Sean.
 16 Yes, ma'am?
 17 MR. MULLER: Do you swear or affirm that
 18 the testimony you're about to give will be the truth?
 19 MS. HALDERMAN: Yes.
 20 MR. MULLER: So sworn or affirmed.
 21 Please state your full name and spell your last name.
 22 MS. HALDERMAN: My name is Laura
 23 Halderman. That's H-A-L-D-E-R-M-A-N.
 24 CHAIRMAN O'BRIEN: Of car dealer fame?
 25 MS. HALDERMAN: It's an R in there, so

1 unexplained. From my perspective, living in this area
 2 and thinking about 900 residents with -- not exactly
 3 sure how many people you estimate to eventually live
 4 there and potentially drive, I understand the numbers
 5 from the traffic study that have been estimated. To
 6 me it almost seems like that's a permanent extra that
 7 will implode the traffic situation that we have on a
 8 good day. And it will be more often that we will
 9 experience the very bad day on Washington Road.
 10 So I understand that the developer has
 11 gone beyond what they were expected to help
 12 construct a plan for the circle that we see. But
 13 everything that has been presented so far, whether
 14 it's the Vaughn extension, whether it's the traffic
 15 circle plan, everything surrounding this, this
 16 development feels very myopic to me.
 17 And so I know it's not the developer's
 18 plan to solve all of our problems on Alexander, all of
 19 our problems on the intersection of Route 1 and
 20 Washington, and anything that's not pertaining
 21 specifically to this development.
 22 So I would urge, whether it's the
 23 planning committee, the city -- I'm sorry. I don't
 24 know the complete inner workings of the different
 25 departments here, to think much more broadly. Maybe

1 different. Similar but different. No relation.
 2 So --
 3 MR. HOBERMAN: Address?
 4 MS. HALDERMAN: Right. Sorry. 17
 5 Fieldston Road. So I'm in the Long Meadow
 6 neighborhood. So much of what I'm going to say
 7 everyone has said, but I'm going to say it to,
 8 hopefully, drive home the importance of this issue and
 9 the fact that it is a major concern for me and for my
 10 neighbors.
 11 So whenever I go to work, I have to exit
 12 out onto Washington and turn left towards the
 13 intersection of Washington and Route 1. And as you
 14 have heard, it is often a very difficult left to make.
 15 And what I wanted to say about the general traffic
 16 that we observe is that that's on a good day. That's
 17 on a normal day. But there are many, many times when
 18 some extra thing happens. It can be flooding; that's
 19 the worst. But it can be sort of any number of
 20 things, like an accident somewhere maybe even on
 21 Princeton-Hightstown Road that kind of throws things
 22 off. Or something on Route 1 that can happen that can
 23 really throw traffic off.
 24 There's many times where we have an
 25 extreme amount of congestion on Washington that is

1 this is the circulation plan that you're referencing.
 2 But to really think much bigger about all of these
 3 major -- these major streets that all kind of feed
 4 into the traffic patterns that are in this very high
 5 traffic important area.
 6 And I think one of the draws to our area
 7 is the fact that we can get to the train station. And
 8 that's a major artery, obviously, to New York and even
 9 to some extent using Amtrak and SEPTA from Trenton, et
 10 cetera. So we have a reason to want to let people get
 11 here easily and get around easily.
 12 So that's just -- I urge you to please
 13 try and think of a bigger plan for how we can just
 14 generally improve the traffic.
 15 Then I just had two questions if I
 16 actually have time. So, one, I'd like to understand
 17 from the study, what are the assumptions that you put
 18 into your ins and outs of traffic? Because if there's
 19 900 new residences, and only approximately 129 in or
 20 -- I can't remember how many you said now, and out,
 21 why are you assuming so few would be leaving?
 22 CHAIRMAN O'BRIEN: As I explained
 23 earlier, the numbers that the Applicant's traffic
 24 engineer provided were for one hour. So that if 900
 25 people do happen to live in the new area, I think it's

1 safe to assume they're all not going to be going out
2 on the roads, because this is a train station
3 development. And the number of cars leaving or coming
4 in are going to be fewer than the total number of
5 residents.

6 But those were per hour numbers, and
7 that's what's important to recognize. That doesn't
8 make you any happier that we're adding traffic if we
9 approve this, but those are per hour numbers.

10 MS. HALDERMAN: Okay. Well, I didn't
11 know if there was some assumptions built in that they
12 would be mainly commuters that would be taking the
13 train as their primary transportation, and whether we
14 see a resuming of this sort of pre-Covid levels of
15 commuting, I think, is still kind of interesting to
16 think about.

17 CHAIRMAN O'BRIEN: Well, the number of
18 counts started in 2018, Mr. Rached told us. So that
19 was certainly pre-Covid. The report was filed in
20 2020.

21 MS. HALDERMAN: Okay.

22 CHAIRMAN O'BRIEN: But I think the
23 detailed counts were taken pre-Covid.

24 MS. HALDERMAN: Assuming those levels of
25 commuting and whatnot. Okay.

1 numbers correctly. They haven't fought that.

2 And I have to believe our traffic
3 engineer when he says that he looked at the model and
4 the model looks reasonable. And model is based on
5 whatever the national studies are.

6 So it's not randomly picked out of hat.
7 It's something that's standard. I mean, two people
8 asked the question about the model.

9 MS. HALDERMAN: Right. I just wanted to
10 say too that when I said the word "assumptions," I
11 didn't necessarily mean that you just, like, made up
12 something.

13 I have a science background where models
14 are done and you make certain assumptions about your
15 models. I was really speaking more to that, like,
16 what kind of inputs were you thinking for your model?
17 But it was fundamentally something, you know, related
18 to, what do we imagine these people are going to be
19 doing for their -- you know, for their jobs and
20 whatnot? Will they be doing it locally? Will they be
21 taking the train? And I think that is relevant for,
22 you know, this development and, you know, these
23 people.

24 MR. MARATHE: I struggled with that, when
25 I look at that, I -- because I -- I take Washington

1 MR. RACHED: Thank you, Mr. Chairman.

2 MS. HALDERMAN: And then I did have a
3 second question, but I think I've already forgotten
4 what it is. But that's all I have. Thank you.

5 CHAIRMAN O'BRIEN: Thank you.

6 MR. MARATHE: Gene, can I ask a question?
7 Couple of people mentioned about this. Is the traffic
8 model that is Avalon (indiscernible) available model
9 that you use?

10 MR. RACHED: It is available, and I didn't
11 make any assumptions. Everything was done
12 scientifically. If you hire any traffic engineer that
13 follows the national criteria for accepted standards,
14 that traffic engineer will end up with the same
15 numbers.

16 MR. MARATHE: I mean, I'm not traffic
17 engineer, but I feel the same issue that you talked
18 about. The model they uses is universally available.
19 So, technically, anybody else using the model should
20 get the same numbers that they do. Now, I can't
21 judge, but there's a number on how many cars will
22 senior-only unit produce? How many cars will assisted
23 living produce? So those are -- numbers are
24 nationally available. They use the numbers. Our
25 traffic engineer verifies that they've used the

1 Road twice every day to go to work and come back. And
2 it's pre-Covid level, and, sorry, but sometimes I take
3 Fisher too if Washington is too crowded.

4 So I know exactly what you're talking
5 about. And I still go with that too, but I have two
6 experiences that I can tell you. The one at Millstone
7 when they put the two traffic lights in. I was
8 worried whether the cars will back up. It's worked
9 beautifully. What they said worked really well.

10 And I was the one -- I was very worried
11 on Canal Pointe Boulevard. I opposed that three
12 thing. I was worried that the model they used will
13 not work. My comments, I was thinking the same way.
14 They're building 400 units at the end of the road.
15 That road is going to be crowded. That has worked
16 beautifully. And they're both pre-Covid.

17 So then I have to at some level take our
18 experts at faith because we pay them to be our
19 experts.

20 MS. PERCIALI: But there's still traffic.
21 Why are you talking?

22 CHAIRMAN O'BRIEN: Excuse me, ma'am.
23 You've had your chance.

24 MS. PERCIALI: We are going around.

25 CHAIRMAN O'BRIEN: We've been here for a

1 little less than two and a half hours, and this young
2 lady sitting in front of me hasn't had any wiggle room
3 at all. So I'm going to declare a 10-minute recess so
4 that she at least gets a chance to stretch. And
5 anyone else who wishes to stretch may do so also. Ten
6 minutes, please.

7 (Short recess was held.)

8 CHAIRMAN O'BRIEN: Thank you, everybody.

9 Yes, ma'am?

10 MS. HOLMES: Ready.

11 CHAIRMAN O'BRIEN: So are we. You make
12 it sound like you're going to a slaughterhouse or
13 something.

14 MR. MULLER: Before this witness starts,
15 I just want to make just one quick announcement. Mr.
16 Rutledge had submitted a plan to the staff that was
17 circulated to the Planning Board for a really
18 alternative circulation plan. And Gene is showing it
19 now. I'm going to have that marked as Exhibit 01,
20 okay?

21 Then if you could --

22 MS. HOLMES: Thank you.

23 MR. MULLER: And if you could raise your
24 right hand. Do you swear or affirm the testimony
25 you're about to give will be the truth?

1 before any of the other connectors are going to
2 happen. So it's going to be a disaster. Even if it's
3 only for a few years, it's going to be awful. And
4 that's going to drive property values down, quality of
5 life is going to go down, and it's just -- it's really
6 unfair. So please do what you can. Thank you.

7 CHAIRMAN O'BRIEN: Yes, ma'am?

8 MR. MULLER: Do you swear or affirm that
9 the testimony you're about to give will be the truth?

10 MS. FOY: I do.

11 MR. MULLER: So sworn or affirmed.

12 Please state your full name and spell your last name.

13 MS. FOY: Colleen Foy, F-O-Y, 4 Manor
14 Avenue. Good evening.

15 CHAIRMAN O'BRIEN: Good evening.

16 MS. FOY: I have a background in
17 commercial refinance. I know Avalon well. A couple
18 of comments here on the development. I've lived in
19 Penns Neck for 30 years. I would like to emphasize a
20 regional consideration of the traffic flows due to
21 individual approvals for specific redevelopments. It
22 can't be -- it's not typically taken into account.

23 But we know now with this development, putting 900
24 plus cars on the road, the flooding that occurs on
25 Washington Road at the tennis center will continue.

1 MS. HOLMES: I do.

2 MR. MULLER: So sworn or affirmed.

3 Please state your full name and spell your last name.

4 MS. HOLMES: Dorothy Holmes, H-O-L-M-E-S.
5 I live at 19 Wallingford Drive in Long Meadow, and
6 I've lived here for 20 years. And I know right before
7 the break, Mayor, you were saying that the models
8 work. And I appreciate that. And I appreciate the
9 traffic study, although now we know that it's flawed
10 because it did not include the circle at Route 1,
11 which is probably the most important part of it.

12 But despite all of that, the fact that
13 everyone is getting up here tonight, people who have
14 lived here, like me, for 20 years, we're telling you
15 that traffic is awful. So even if there are only 50
16 houses, that would make the traffic that much worse.
17 There's clearly way more than that in the development.

18 So no matter what happens, the traffic,
19 it's going to be worse. And it's already horrible.
20 So it's kind of hard to imagine how much worse it can
21 get.

22 So, again, just reiterating what all of
23 my neighbors have said. Just please do everything in
24 your power to come up with a better plan and a quicker
25 plan because, obviously, this is going to happen long

1 We're still moving forward with the development, but
2 that flooding will happen quarterly. It will clog up
3 every car on that road. They won't be able to move
4 for a day or two. They'll be dumped out onto
5 Alexander Road.

6 So emphasizing that, that Vaughn
7 connector would have to be done as soon as possible.
8 I'm not sure why it can't be tied in with timing on
9 the project.

10 CHAIRMAN O'BRIEN: Well, to that point,
11 you heard Mr. Hoff report on the fact that they are as
12 an Applicant, like all of the commercial applicants,
13 or even residential, they are assessed a certain
14 amount of money for transportation improvement fund,
15 or whatever the official word is. And money that's in
16 that fund can be used by the -- does get used by the
17 municipality to fund projects for which we are
18 responsible. So the Vaughn Drive extension is a
19 candidate to be partially or fully funded from that
20 amount. I don't know how much money is in there, but
21 there is a process that the municipality uses that Mr.
22 Guzik, our township engineer, oversees. So the money
23 that comes in today doesn't get spent today by an
24 Applicant, but it's available to be used.

25 So I personally don't feel that the

1 community should be discouraged that the Vaughn Drive
2 extension or connector is not going to happen or that
3 it's going to be a decade before it does happen. I
4 think there's a need that's recognized in conjunction
5 with this development as a part of the Princeton
6 Junction redevelopment plan. So I'm just suggesting,
7 don't give up hope. Have some faith.

8 MS. FOY: Well, I think it's imperative
9 because you're going to have flooding, and it's
10 probably going to happen every quarter. I've lived 30
11 years here. I know. It gets worse and worse from the
12 back flow issue that they referred to.

13 So you can expect that the residents will
14 not be able to go west on Route 1 once a quarter.
15 They'll be stuck, so they have to go that other way.
16 So regional view focus.

17 So Sarnoff redevelopment, SRI
18 redevelopment, I know there's nothing yet in the
19 works. We don't know what will happen there. But
20 there is a plan, meaning an approved as-of-right plan,
21 for a number of square footage that could potentially
22 be built there. So you could derive the potential
23 cars that would come from a redevelopment of that
24 site. It's a valuable property. I expect something
25 to happen with it.

1 CHAIRMAN O'BRIEN: Rotary?
2 SPEAKER: Rotary.
3 CHAIRMAN O'BRIEN: Thank you, Ms. Foy.
4 MS. FOY: Thank you.

5 CHAIRMAN O'BRIEN: Yes, sir?
6 MR. PERCIALI: Thank you.

7 MR. MULLER: Do you swear or affirm that
8 the testimony you're about to give will be the truth?

9 MR. PERCIALI: I do.
10 MR. MULLER: So sworn or affirmed.

11 Please state your full name and spell your last name.
12 MR. PERCIALI: Michael. Last name,

13 Perciali, P, as in Paul, E-R-C-I-A-L-I. 114
14 Washington Road, West Windsor.

15 To make it short, Mr. O'Brien, everything
16 was said, so I don't need to repeat it. One thing
17 that I believe was not said was that all the problems
18 that we have in Penns Neck regarding traffic, then
19 flood, will become also Avalon's problem. Because
20 it's not that you built and leave, like some people
21 are saying. You wanted to make a profit out of this
22 effort. You wanted to be able to sell or rent.

23 And under the current conditions without
24 roads, it will be difficult for anyone to really buy a
25 property here with -- with so many problems when there

1 So in a regional view circulation meeting
2 on November 3rd we should account, okay, X, you know,
3 half a million square feet there, three cars per
4 thousand square feet built. That's another 250 cars.
5 Making up the numbers.

6 But we should consider that. And, you
7 know, you're still a half a mile between the train
8 station and Route 1. That's, you know, another 250
9 cars.

10 And then the University is building 325
11 units in the fields right there in West Windsor to the
12 west of the Route 1 light. Another regional impact
13 that is not being considered specifically with this.
14 So please take that into account and -- as we move
15 forward here.

16 I like the traffic circle. I was born
17 and raised in Indianapolis. It has the title of the
18 most traffic circles in the country.

19 SPEAKER: No. It's Massachusetts.

20 MS. FOY: And they work very well. Very,
21 very well.

22 So thank you very much for your time.

23 CHAIRMAN O'BRIEN: In New Jersey it's
24 traffic circle. In Massachusetts it's a roundabout.

25 SPEAKER: No; rotary.

1 are many others, much better places, like, in -- near
2 the shopping center and other places in West Windsor.

3 So take that in consideration. I know
4 you are not obligated to really pay more than \$300 --
5 \$300 million. We need to remember here in West
6 Windsor that somebody is pumping \$300 million in this
7 neighborhood, which is -- which is a very good thing.
8 And I do not want -- I do not see why people should be
9 unhappy about it. I am happy about it. And I'm
10 supporting the application.

11 But I hear from other neighbors, and I
12 have the same experience that the traffic is a
13 bottleneck. There is only one way in and out from a
14 very large area, including the parking lot and --
15 until the Vaughn Drive going to be done. Thank you
16 for having that, Mr. O'Brien, in consideration.

17 In the Sarnoff now, SRI Road, until those
18 will not be completed, it will be difficult for
19 anyone. I would not advise my friends to purchase in
20 the transit village if I don't have a good traffic.

21 Thank you much.

22 CHAIRMAN O'BRIEN: Thank you for your
23 comment.

24 Yes, ma'am? You guys are being so
25 orderly. This is great. Thank you.

1 MR. MULLER: Do you swear or affirm the
 2 testimony you're about to give will be the truth?
 3 MS. COFFMAN: Yes.
 4 MR. MULLER: So sworn or affirmed.
 5 Please state full name and spell your last name.
 6 MS. COFFMAN: Courtney Coffman,
 7 C-O-F-F-M-A-N.
 8 MR. MULLER: I'm sorry. I didn't catch
 9 your first name.
 10 MS. COFFMAN: Courtney. Thank you. I
 11 just wanted to --
 12 MR. HOBERMAN: Address?
 13 MS. COFFMAN: Sorry. 248 Fisher Place,
 14 Penns Neck.
 15 I just wanted to say that I appreciate
 16 the accessibility for a new development to be near
 17 public transportation. I also appreciate the urban
 18 scope and the master planning to put a roundabout.
 19 As many people have already said, and
 20 this is not to be redundant, and I understand you can
 21 write a dissertation on this, but I live it every day
 22 when I walk my dog four times a day, I run every other
 23 day. Not just on Fisher Place. I run down
 24 Washington, I run down Varsity, I run on Wallingford.
 25 In fact, I know some of the people here because you

1 would like to just reiterate that even the backing up
 2 and the flooding, I was the only one to get to my job
 3 on the day that the hurricane hit, because no one else
 4 could even get in, whether they lived in Pennsylvania,
 5 whether they lived in Princeton Junction.
 6 I appreciate the attention to the
 7 emergency services, considering another Avalon
 8 apartment complex that a coworker of mine lives in
 9 caught on fire in April. How will you get to those
 10 people should something happen at this new
 11 development?
 12 So I just want to iterate all of those
 13 points. Even though you've heard them already, how
 14 important it is to everyone's daily lives here. Thank
 15 you.
 16 CHAIRMAN O'BRIEN: Thank you.
 17 Mr. Weale, I think you had your hand up,
 18 then the lady who can't sit still, that is tonight.
 19 MR. MULLER: Do you swear or affirm that
 20 the testimony you're about to give will be the truth?
 21 MR. WEALE: I do.
 22 MR. MULLER: So sworn or affirmed.
 23 Please state your full name and spell your last name.
 24 MR. WEALE: Zack Weale, W-E-A-L-E.
 25 All right. So thank you to everybody for

1 may or may not have seen me running in the
 2 neighborhood. I also ride a bike, I drive my car.
 3 CHAIRMAN O'BRIEN: You must run fast.
 4 MS. COFFMAN: I run so fast.
 5 I do appreciate that the traffic study
 6 was done in 2018 pre-Covid, because there are many
 7 days in which I would go out -- I'm only four houses
 8 in from Route 1 -- and I would try to turn out of my
 9 driveway. I always park in reverse; I learned that
 10 trick really early on. And the traffic would go all
 11 the way down to Fairview and it will wrap around
 12 Fairview. Which means that all of those people are
 13 not only going to Route 1 North, they're also my
 14 co-workers, maybe even you, Mr. Mayor, trying to just
 15 get across Washington by bypassing the Route 1
 16 roundabout. Fair enough.
 17 But if you add this many more people --
 18 and I also understand -- I'm looking at the plan. I
 19 get that a majority of this are rental people. I am
 20 also -- I should state that I rent a home. I don't
 21 even own the home. So I'm here as a renter saying
 22 this. That most of those people in that community may
 23 not have the same stake in investment that I feel
 24 tonight in this particular issue.
 25 I look forward to November 3rd. I also

1 coming out. I apologize in advance if this is a bit
 2 scatterbrained here. Just some notes and some
 3 questions over the course of the past couple weeks.
 4 First question: Is 571 West Windsor's
 5 busiest road?
 6 CHAIRMAN O'BRIEN: No. Route 1 is West
 7 Windsor's busiest road.
 8 MR. WEALE: Okay. Is 571 the biggest
 9 road that, I guess, spans West Windsor in terms of,
 10 you know, cutting through?
 11 CHAIRMAN O'BRIEN: East-west?
 12 MR. WEALE: Yes.
 13 CHAIRMAN O'BRIEN: My visibility I'd say
 14 yes.
 15 MR. WEALE: Okay. So it's a main
 16 arterial vein, for the traffic person?
 17 CHAIRMAN O'BRIEN: It's defined in here.
 18 MR. WEALE: Fair enough.
 19 And just to confirm again, the traffic
 20 studies had absolutely no data from 2020, correct?
 21 MR. RACHED: No.
 22 MR. WEALE: Okay. Thank you.
 23 So the township is saying, you know, that
 24 this development won't have an adverse effect on
 25 aerial flooding based on estimates for groundwater

1 recharge, discharge, stormwater discharge. And that's
2 the issue, right? This property is not going to
3 flood. The roundabout is not going to flood. They're
4 going to crown and pitch the roads to make sure that
5 it doesn't flood.

6 But all of these traffic issues, all
7 these design issues, they're not going to matter if
8 you can't use the road when 571 is closed at Route 1,
9 okay? That's kind of the first issue.

10 I don't know if it was the engineer or
11 one of the people that, basically, conceded 571 will
12 still flood. And short of turning Avalon into a
13 bathtub, there's "nothing we can do about it."

14 Okay. The Dinky tracks on the west side
15 act as a natural dike, right? It's not natural, but
16 they act as a dike, right? NJ Transit to the south is
17 going to say, the water is not coming near us, so
18 that, basically, leaves the existing low point. And
19 as you can see, the low point where it floods isn't
20 even in these plans.

21 So it's as somebody else said before, out
22 of sight, out of mind. It's not your problem. But
23 guess what? It's everyone else's, right? We have to
24 deal with that.

25 The Millstone River study, the bathtub

1 Vaughn Drive extension, a number -- excuse me. A
2 number of other items that arose there was this
3 recurring question of, is the township responsible?

4 Is the County responsible? Is Avalon responsible?

5 And it sounded to me like there was
6 almost an unwillingness to make improvements to the
7 sewer situation that you guys have to use to get rid
8 of the stormwater runoff. And the recurring answer
9 was repeatedly, because the County said so.

10 So I propose or posit that if there's any
11 costs associated by default, that they should fall on
12 Avalon. And it's their burden to prove otherwise why
13 they shouldn't have to assume those costs. I'm
14 talking lifeguards, shade, lounge chairs, lighting,
15 you name it.

16 CHAIRMAN O'BRIEN: Well, they previously
17 testified, Zack, that they're going to retain
18 ownership, and they will be operating the common area.

19 MR. WEALE: Wonderful. Like, again, just
20 want some sort of, like, responsibility,
21 accountability, so that when -- if, and, or when
22 something does arise, that it's not like, well, the
23 County said it was all right, and, like, we couldn't
24 really do anything. So, again, just wanted to -- so
25 my question: Is Avalon a nonprofit?

1 study, just to confirm, that was done in 1999?

2 CHAIRMAN O'BRIEN: Mr. Guzik will answer.

3 MR. GUZIK: Hurricane Floyd happened in
4 '99. There were a couple of studies done by the USDA
5 which, I think, was 2003, and the Army Corps just
6 published theirs in 2016. The township did one after
7 Irene. I think that was either 2015 or some time
8 around there. The township one is up on the township
9 website.

10 MR. WEALE: Okay. Well, I think everyone
11 can agree that the flooding situation has markedly
12 changed, even within the past couple of years. As
13 evidenced, as I said before, about the number of
14 (indiscernible) just since July 15th. I will spare
15 you guys those.

16 So I guess to come back, so I'm all for
17 responsible redevelopment of that area. It's long
18 overdue. I think turning a long-neglected property
19 into one that benefits the community is a virtuous
20 one. So if this is a true improved redevelopment, we
21 have this town requirement for an improvement. And I
22 don't think saying that, you know, we're building you
23 a roundabout is -- like, fulfills that definition.

24 So items like refuse pickup, the
25 dependence on existing sewer infrastructure, even the

1 MR. LADELL: No.

2 MR. WEALE: 501?

3 MR. LADELL: No.

4 MR. WEALE: So the goal of this
5 speculative build is to make money?

6 MR. LADELL: Yes.

7 MR. HOFF: Yes.

8 MR. WEALE: How much revenue did Avalon
9 make in 2020?

10 MR. LADELL: Irrelevant.

11 MR. WEALE: We're not in court. This is
12 public comment.

13 MR. LADELL: You want to answer?

14 MR. WEALE: Well, it was over \$2 billion,
15 okay? So building costs are at an all-time high.
16 Supply chain issues abound. They have to make money.
17 What are some of the ways Avalon plans to reduce
18 costs?

19 CHAIRMAN O'BRIEN: Of what?

20 MR. WEALE: Building. So you have two
21 inputs, right? You have labor and materials.
22 Avalon --

23 CHAIRMAN O'BRIEN: I would suggest to you
24 that it's irrelevant. They're there. They're
25 building. They're going to save as much money as they

1 can, aren't they?
 2 MR. WEALE: How? At what cost? I'm
 3 talking building materials and labor.
 4 MR. SURTEES: One minute.
 5 MR. WEALE: Okay. That's where they're
 6 going to cut costs.
 7 This development is four times the size
 8 of any new construction projects in the area. How
 9 many additional students will this add to the school
 10 system?
 11 MR. MULLER: The Board cannot consider
 12 that.
 13 MR. WEALE: How many approximate
 14 students? You don't have an approximation for the
 15 number of students that are going to be added?
 16 MR. MULLER: No. The Board cannot
 17 consider that.
 18 MR. WEALE: Can anyone?
 19 MR. MARATHE: The school district
 20 published those numbers. I don't remember off the top
 21 of my head. The school district did publish all those
 22 numbers.
 23 MR. WEALE: There's the chicken and the
 24 egg problem, right? We have every school under
 25 construction. We have all these new developments that

1 weren't around in 2007. And I'll wrap this up right.
 2 Do you think the West Windsor parents
 3 will be all right with -- with seeing north and
 4 south's ranks decline even further? Would they be
 5 okay? Well, north has 1,400 kids; 13 to one student
 6 ratio. South has 1,600 kids; 14 to one student ratio.
 7 North is ranked number 18 in New Jersey, 468 in
 8 nation. South is ranked number 24 in New Jersey, 565
 9 in the nation.
 10 Mr. Mayor, does south provide an inferior
 11 education to north?
 12 MR. MARATHE: I can't comment on that.
 13 MR. WEALE: What do you think would
 14 account for the difference in ranking?
 15 MR. MARATHE: I don't know that. I mean,
 16 I can't comment on any school issues.
 17 MR. WEALE: Well, I will --
 18 CHAIRMAN O'BRIEN: When those rankings
 19 are published, there is usually an accompanying
 20 article that explains all the different variables that
 21 are taken into consideration by the particular ranking
 22 agency, and I think you know that.
 23 MR. WEALE: Okay. So what my insinuation
 24 is --
 25 MR. SURTEES: Time.

1 MR. WEALE: -- that increasing the number
 2 of students is going to send the ranking for the
 3 schools plummeting even further. It's based on
 4 student-to-teacher ratio. Increasing those numbers
 5 inherently --
 6 CHAIRMAN O'BRIEN: Mr. Weale, thank you
 7 for your comments.
 8 MR. WEALE: Thank you.
 9 MR. MULLER: Do you swear or affirm that
 10 the testimony you're about to give will be the truth?
 11 MS. RUSSELL: Yes.
 12 MR. MULLER: So sworn or affirmed.
 13 Please state your full name and spell your last name.
 14 MS. RUSSELL: Kathleen Russell,
 15 R-U-S-S-E-L-L. I'm at 8 Coventry Circle.
 16 So I've lived in the same house off of
 17 Washington Road for 19 years now, and I've driven
 18 Washington Road four to six times five days a week for
 19 that entire time. I go right into Princeton, into
 20 Montgomery, and back multiple times a day with kids.
 21 I'm sure everybody here can say the same thing.
 22 As everyone in this room knows, and it
 23 doesn't seem to be disputed, it has grown increasingly
 24 worse in the last five to seven years, as far as
 25 traffic and flooding. And it is not even something

1 that is in question. Yet here we are discussing plans
 2 to add to it with very little in place to combat it.
 3 Penns Neck has an estimated 250 homes, as
 4 we've heard. And this new development is adding 850
 5 plus units, which is three times the size of Penns
 6 Neck. That means a lot more of everything that we've
 7 talked about; traffic, cars, people. And, again, not
 8 much in place to combat it.
 9 How is Washington Road, which is the
 10 centerpiece of this whole plan, the only road that
 11 factors into these plans? It is the only road that
 12 factors into these plans. How is it possibly going to
 13 handle this volume?
 14 A roundabout, while, obviously,
 15 technically a good solution, is a minor solution
 16 because it probably deals more with what is existing
 17 now and not necessarily what is going to be existing.
 18 I think the thing that strikes me most
 19 about these Planning Board meetings and the process,
 20 and of course we could all say that we could
 21 participate more, is that so much of the important
 22 items are already planned, they're cemented, and
 23 they're laid out before any public comment or
 24 conversation is allowed or invited.
 25 We then listen as constituents and

1 residents and people who care about our town and our
 2 lifestyles and our families to what I'll call
 3 minutiae, get discussed. I mean, I know that all
 4 these details have to be dealt with, and maybe at this
 5 point that's all you can deal with as the Planning
 6 Board, but there's nothing more frustrating than
 7 listening to light fixtures and electric car chargers
 8 and so on when you, as a person who cares about where
 9 they live, is looking at what we're looking at. All
 10 the impacts, all the worries. So it is a very
 11 disturbing and frustrating process.

12 In the end there's very little that's
 13 controllable, it seems. It seems like you're probably
 14 going to pass this approval. And nothing against
 15 development. I think we all want good, well thought
 16 out, positive development. And there's nothing wrong
 17 with this development, except that it sits in such an
 18 area. And we are trapped in that. You have the train
 19 tracks and you have Washington Road, neither of which
 20 is going to help this out.

21 And so the question becomes: Why would
 22 we put this development in this spot without any
 23 contingencies in place? From a Planning Board
 24 standpoint, for people that are planning, that is your
 25 job. That is what we are hoping that you will do for

1 in. So I guess that makes it three, because the
 2 solution to satisfy AI, which was crazy that we got to
 3 this point last week, that Road A was in dispute. So
 4 Road A was a key pivotal point of access, and it was
 5 in dispute as of last week.

6 So I just think the planning is a missing
 7 component. It's just not something that is being
 8 thought out in the way that needs to be thought out to
 9 help this community, all these constituents, all of
 10 these families, and decades and decades of history in
 11 this really lovely community of 250 homes. Thank you.

12 CHAIRMAN O'BRIEN: Thank you, Ms.
 13 Russell.

14 MR. MULLER: You do you swear or affirm
 15 the testimony you're about to give will be the truth?

16 MR. ROSSMAN: Yes.

17 MR. MULLER: So sworn or affirmed.
 18 Please state your full name and spell your last name.

19 MR. ROSSMAN: Martin Rossman,
 20 R-O-S-S-M-A-N, 10 Coventry Circle, the next door
 21 neighbor of the lovely lady who just left this
 22 microphone.

23 If I heard correctly, the gentleman
 24 before Kathy asked the mayor or the Board whether they
 25 knew how many additional students were going to be put

1 us. How can we not have a plan in place before all of
 2 this happens? It can't be as it's happening or when
 3 it happens or after it happens. It doesn't make any
 4 sense. It doesn't make any sense. You can't deal
 5 with a problem that already exists, let alone what is
 6 going to happen.

7 That has nothing to do with Avalon's
 8 wonderful engineers and planning and traffic studies.
 9 And it has left out so many things that already
 10 mentioned here, from the regional planning standpoint,
 11 from the roads. It doesn't make any sense.
 12 Everything is focused on Washington Road, a two-lane
 13 road, that already has so many problems.

14 And nothing is being done. There's no
 15 plans in place. There's what ifs and maybes and we're
 16 working on it. And all of it is very complicated.
 17 Every road that you're talking about, even the Vaughn
 18 extension, requires going through wetlands from what
 19 you're saying, talking to the Department of
 20 Transportation, Amtrak, possibly New Jersey Transit,
 21 and probably Avalon.

22 So -- and just tonight you added another
 23 variable in that the AI driveway will now be a
 24 driveway. You eliminated, I think, seven driveways
 25 into two, and now there will be another one added back

1 into the school system? I didn't hear an answer. I
 2 don't hear that well, so -- but I heard blank stares
 3 from everybody.

4 So if, in fact, you don't know how many
 5 additional students are going to be involved because
 6 of this expansion, and you have environmental
 7 considerations, which we all know about over the last
 8 20, 30 years -- by the way, I've been a resident since
 9 1971, same spot.

10 The other point is the traffic
 11 considerations, which I'm not going to go over again.
 12 You've heard it many, many times. But what I heard
 13 this evening was that at the end of this meeting you
 14 may be making a decision on whether to accept the
 15 application or not accept the application.

16 And if that's the case and you don't know
 17 how many students are going to be affected, how many
 18 new students are going to be going to the schools, and
 19 whether you can solve some of the environmental
 20 problems which have been brought up, and the traffic
 21 situation, which has been discussed. And the only
 22 people to have evidently approved anything was the
 23 County rather than the township, I think that you
 24 don't have the right to approve this application
 25 tonight. Thank you.

1 MR. HOBERMAN: Jerry, could I ask you to
2 just briefly touch on the subject of the limitations
3 of a planning board in considering additions to the
4 school population as we consider applications?

5 MR. MULLER: It cannot consider them.

6 MR. HOBERMAN: Can you talk about the
7 reasons why New Jersey Municipal Land Use Law, or
8 whatever legal, says that stuff?

9 MR. MULLER: Well, that's just the way
10 the law's been set up. I mean, the way it works, as
11 you well know, you start with master planning, then
12 you do ordinances. During that legislative process,
13 the governing body and the planning board, really
14 wearing a quasi-legislative hat, can consider student
15 populations and zone accordingly.

16 But once that's been done, the Board just
17 has to look at all the standards that apply to the
18 application, and the school board -- the school board
19 population increases whatever they may be. Just is
20 not part of that. That's a legislative consideration.
21 It's not -- it's not a planning board consideration.

22 MS. GEEVERS: I think over the years the
23 school board was well aware of this project, and they
24 have done demographic studies. And I'm sure many of
25 you've noticed after the last referendum, they're

1 see Allison; she will explain to you. Take two hours
2 and explain to you what 1,550 means.

3 But we agreed to do that. And under that
4 plan we agreed to build several developments, first
5 starting from East Windsor border. First is
6 development next to the mosque, then going on the
7 other side of the building, Canal Pointe Boulevard.
8 We agreed to develop this development, then we agreed
9 to a development behind Lowe's, and then we agreed to
10 a development on either side of Meadow Road. That was
11 agreed with the -- with the code. It's a code
12 settlement.

13 Now, I know all of you have seen this for
14 the first time, but this was agreed to back in 2011
15 when the -- when the township settled with the
16 previous owner of this property, the lawsuit that he
17 filed. The 800 units and everything was settled at
18 that time.

19 What we have tried to do is reduce the
20 size in two -- at least two installments that I can
21 think of. One was -- originally there was 70,000
22 square feet of retail. We reduced it to 36,000. And
23 then we reduced -- we allowed them to put assisted
24 living, which will generate less traffic than for the
25 normal household, so we tried to reduce it twice.

1 building many of the schools, and they have taken into
2 account this project.

3 So if you go onto the West
4 Windsor-Plainsboro Regional School District website,
5 look for demographic studies. There's information in
6 there on their projections for different, you know,
7 applications that they anticipate are coming in.

8 MR. ROSSMAN: But evidently none of you
9 have seen those studies.

10 MS. GEEVERS: No. It's public.

11 MS. PERCIALI: Why don't you --

12 MS. GEEVERS: We don't represent them.

13 CHAIRMAN O'BRIEN: Excuse me, folks.

14 MS. GEEVERS: That's a school board
15 issue.

16 CHAIRMAN O'BRIEN: Excuse me, Linda.
17 Excuse me. We're not going to have a back and forth.
18 Mayor, you wanted to be recognized?

19 MR. MARATHE: Yeah. Yeah. So when we
20 settled with the affordable housing lawsuit, we agreed
21 to do 1,550 homes, affordable homes, in West Windsor.
22 Now, that's little more complicated because 1,550 from
23 (indiscernible) zero through 2025. So we agreed to
24 have 1,550 homes, and it doesn't necessarily mean
25 1,550 physical units. It's a complicated formula, and

1 We have done everything that -- within
2 our power that we can do. And as everybody here is
3 saying, none of us are kings. I mean, we have to
4 follow the law. That's what our -- that's the oath
5 each of us took. And everyone up here has done
6 everything within our power that we can do. And this
7 ordinance was literally voted for at least 10 times
8 for various reasons. And Allison will confirm that.
9 At least 10 times this ordinance was voted on in the
10 council, which means it was discussed in council 20
11 times.

12 You're seeing it first time. I
13 understand that. I understand there's a frustration.
14 But there's a history to it, and we can can't go and
15 say, oh, I'm a new guy on the block. I don't like
16 this. I don't want to do this. We have to honor
17 whatever agreement was made by the township or on
18 behalf of the township by whoever was on council,
19 whoever was mayor at that time.

20 And this has been going on from 2011.
21 And if you are unhappy, the place to talk is to the
22 governor and to the legislators, because they have not
23 given us any tool to deal with what the issues you
24 say.

25 We know exactly how many kids it's

1 expected -- all these five developments are expected
 2 to generate. The school district took those five
 3 developments into account. Not only West Windsor
 4 development, but whatever developments are coming up
 5 in Plainsboro under the Affordable Housing lawsuit.
 6 Every addition to the school will accommodate all the
 7 kids that are expected to be generated by all these
 8 developments.

9 So until 2025 the school will not need
 10 any additional space. Every development that is on
 11 the books in both towns will -- whatever kids are
 12 generated by that will be accommodated by whatever
 13 small additions that the school district is doing.
 14 Now, I don't have on top of my head what number the
 15 development will generate, but they're published in
 16 the school district website. You can go and look at
 17 those numbers. And there's a -- there's a formula for
 18 that. How much kids a single-family home will
 19 produce, how much kids a townhome will produce, how
 20 many kids an apartment will produce.

21 There's a ratio on that based on our
 22 district history, not based on New Jersey's history.
 23 Because New Jersey history will say that this generate
 24 -- this will generate ridiculously low, like four kids
 25 or five kids; something like that, if you use the

1 less. I guess it could be more. But that's a rough
 2 approximation for those who are just dying to have a
 3 number heard tonight.

4 MS. GEEVERS: I think, Gene, years ago,
 5 because it's more of a transit-oriented development,
 6 that the ratio was going to be less. I mean, it could
 7 be .28, because it's a little bit different than a
 8 regular apartment that's not next to the train
 9 station.

10 CHAIRMAN O'BRIEN: Yeah. I gave the
 11 most --

12 MS. GEEVERS: Highest.

13 CHAIRMAN O'BRIEN: You're right, Linda,
 14 because it's expected to be a commuter location. And
 15 the train station. There will be folks that right now
 16 are not interested in having a family. They'll do
 17 that later. But the worst scenario is roughly 350,
 18 360.

19 You've already been heard. This
 20 gentleman hasn't.

21 MR. MULLER: If you can raise your right
 22 hand. Do you swear or affirm the testimony you're
 23 about to give will be the truth?

24 MR. GALLAGHER: Yes.

25 MR. MULLER: So sworn or affirmed.

1 formula.

2 But we have our formula based on our
 3 history, and the school district uses those formulas
 4 to estimate how many kids are, have been done.

5 So the township, the school district, the
 6 Planning Board, has done everything within our power
 7 that we can do to reduce the impact on it, and we'll
 8 continue to keep doing that.

9 And I understand your frustration, but we
 10 can do only certain things, and we can't do certain
 11 things, like Curtis asked Jerry to explain.

12 CHAIRMAN O'BRIEN: For those who think
 13 that we don't know the number, I personally don't know
 14 the number. But as the mayor just said, there are
 15 ratios that are in place, general approximations.

16 There are 135 senior units that Atria is
 17 building. Of the remaining, there are 535 rental
 18 apartments. There are 150 townhouses, some stacked,
 19 some not stacked. And there are 48 units in the
 20 condominium. That's 733 dwelling units. The rough
 21 approximation, townhouses, apartments, condos, is
 22 about .5. Round it off to the nearest tenth of a
 23 decimal. So you multiply .5 times 733, and that's a
 24 seat-of-the-pants rough estimate of how many students
 25 might be generated from this development. Could be

1 Please state your full name and spell your last name.

2 MR. GALLAGHER: Sure. Raymond Gallagher,
 3 G-A-L-L-A-G-H-E-R. I'm at 2 Fieldston Road, West
 4 Windsor. And I think many of my neighbors have talked
 5 about the traffic. I've lived in West Windsor for 20
 6 years, 19 years at this address. Prior to that I was
 7 in corporate housing at Avalon in West Windsor. And
 8 I'm all for redevelopment.

9 The one thing I just wanted to bring up
 10 that I don't think anybody talked about, just a
 11 different perspective. And it's concerning the
 12 traffic. But was any of the assessment done in,
 13 perhaps, November of 2019 or December of 2019?

14 MR. RACHED: The data collection was done
 15 in May of 2018.

16 MR. GALLAGHER: Got it. Okay. I'm
 17 thinking, one of my neighbors mentioned some of the
 18 factors that will affect Washington Road and really
 19 drive up the traffic. The worst one that I remember
 20 is when Alexander -- Alexander Road, the bridge on
 21 Alexander Road over the canal, was redone back in
 22 November of 2019. Traffic was horrendous.

23 I heard about many people going into
 24 Princeton for work or traveling that way. I travel
 25 towards the Turnpike. And I remember leaving my house

1 fairly easy to make a right onto Washington Road from
2 my development. But as I traveled, it was just -- it
3 was a parking lot all the way over the bridge,
4 sometimes as far as High School South. And just
5 thinking, like, if I ever needed to turn around if I
6 forgot something, it'd take me, like, an hour to get
7 home.

8 So we heard scenarios about people
9 sitting through six lights to get across Route 1 or
10 to, you know, just make it that far. But it could be
11 a lot worse.

12 The other time was when the bridge on
13 Cranbury Road was -- was redone. It was horrendous.

14 The flooding, it's definitely -- it's an
15 issue. But it's -- with my house facing Washington
16 Road, it's almost like it's annoying, but I enjoy the
17 quiet, you know, for that little bit of time where the
18 traffic's not happening.

19 In the mornings I'll run, I'll bike, I'll
20 go towards Princeton towards the canal. And then, you
21 know, typically, like I said, travel towards the
22 Turnpike. Traffic during Covid, I haven't even been
23 thinking about it because it hasn't been as bad. It's
24 been -- driving up recently, the direction I go, not
25 as bad. But, you know, as things open up and more and

1 allow somebody to come up again. But I got to tell
2 you, if you don't raise your hand and want to speak,
3 this Board is going to pass a motion to close the
4 public hearing. And when that happens, you're cut
5 off. You had your opportunity. Then it's up to us to
6 deliberate, ask additional questions of the Applicant
7 that we hadn't asked previously.

8 Just wanted you to understand, that, as I
9 invite you to come forward, and if you don't do it,
10 we're going to pass that motion to close the public
11 hearing, and then we expect you to sit there quietly
12 while we do our thing.

13 You already spoken, but you haven't.
14 Black shirt. That doesn't mean you're a bad person.

15 MS. BURNS: I know.

16 MR. MULLER: Do you swear or affirm that
17 the testimony you're about to give will be the truth?

18 MS. BURNS: I do.

19 MR. MULLER: So sworn or affirmed.
20 Please state your full name and spell your last name.

21 MS. BURNS: Jennifer Burns, B-U-R-N-S.
22 18 Fieldston Road, down the road. I lived here 22
23 years and watched all this change happen between Route
24 1. And they were talking about doing the overpass
25 when they were talking about this development many

1 more corporations are going back to work, people are
2 going back to work, with the redevelopment I just, you
3 know, like everybody said, I think it needs to be
4 considered. And we need a long-term plan to make sure
5 that -- that people can move around here.

6 Thank you.

7 CHAIRMAN O'BRIEN: Thank you.

8 Let me explain to those of you who maybe
9 not have been at a meetings like this, Planning Board
10 or Zoning Board meetings. We go through a process of
11 letting the Applicant present its witnesses, its story
12 as to what it wants to do and why it should be
13 approved. Then we hear from the professionals that
14 represent the municipality for site plans, traffic,
15 environmental considerations, landscaping. Overall
16 planning significance and stuff like that.

17 It's after that that we open the meeting
18 to the public.

19 At some point, when the Board feels that
20 all the members of the public in attendance have had
21 an opportunity to speak, we pass a motion to close the
22 public hearing.

23 Now, there are many of you that are here
24 that have not spoken. And I did commit that if
25 everybody that wanted to speak has spoken, we would

1 years ago when Steve Gold, I think it was, owned it.
2 And now it's happening again, and they're going to do
3 a development, and I have no problem with that.

4 But as everyone said before, the traffic.
5 Getting out of our development, it's just been getting
6 worse as we build, West Windsor gets bigger and
7 bigger, it gets harder and harder to get out. The
8 circle, Washington Road, Route 1, always an issue.
9 Always waiting. I just -- I worry about the circle on
10 the map there.

11 I was just saying, when we built the Rite
12 Aid, when you pull out of Rite Aid, there was a sign,
13 no left turn. Nobody listened to that.

14 So that would be my fear that with that
15 circle, people would not want to turn right, go around
16 the circle. They would just turn left and cut in
17 front of people, or whatever they do on Washington
18 Road, to get onto that road. So that would be my
19 concern that you would take that into consideration.

20 I know they've done their thing with
21 traffic with the circle, and that's fine. But there's
22 other portions of it that will be affected in the long
23 run.

24 CHAIRMAN O'BRIEN: When we discussed this
25 at a previous meeting, Jennifer, we talked about the

1 fact that if somebody got into that left-turn lane,
2 what would they then have to do? They're likely to
3 want to try and make that left turn. So the question
4 is, to make sure that the signage that announces the
5 no left turn at certain hours is early enough for the
6 vehicles moving toward Washington Road --

7 MS. BURNS: Right.

8 CHAIRMAN O'BRIEN: -- that they will not
9 attempt to get in the left lane. And I would expect
10 that West Windsor Police will have what's called Title
11 39 enforcement rights. And some people would be made
12 to pay for trying to do something that they shouldn't
13 be doing.

14 MS. BURNS: Hopefully, yeah. But that's
15 all. Thank you.

16 CHAIRMAN O'BRIEN: You're welcome.

17 You've been heard. Yes, ma'am? I know
18 you came in late, Tirza, did you hear the ground
19 rules, that it's six minutes, but we don't count other
20 speakers against your time?

21 MS. WAHRMAN: Sam was kind enough to
22 mention that. Thank you.

23 MR. MULLER: Raise your right hand. Do
24 you swear or affirm that the testimony you're about to
25 give will be the truth?

1 also get caught in flooding, right? They live in our
2 neighborhoods. You know, Judge Jacobson lived in
3 Lawrenceville. I'm not sure where Judge Lougy lives.
4 But I think, you know, he lives around in one of our
5 communities also.

6 Is there a way to say that this
7 affordable housing number is now not workable because
8 we are in a climate emergency and our roadways cannot
9 sustain these additional number of people? I am just
10 asking that question as someone who's practiced law
11 for longer than I care to admit.

12 I think that these are really unique
13 times. I think that we're facing real hazards with
14 the numbers of people that this new plan will
15 accommodate. And I know that Avalon Bay has some
16 very, very smart people. And, you know, they're just
17 situations where we're asked to walk it back because
18 circumstances are different.

19 And I also want to add that my
20 understanding is that the traffic study that you were
21 referring to was done three years ago; is that
22 correct?

23 CHAIRMAN O'BRIEN: 2018 is when --

24 MS. WAHRMAN: 2018? And we're in 2021.
25 So I wonder if that should be updated.

1 MS. WAHRMAN: I do.

2 MR. MULLER: So sworn or affirmed.
3 Please state your full name and spell your last name.

4 MS. WAHRMAN: Tirza Wahrman,
5 W-A-H-R-M-A-N. I live at 5 Stonelea Drive.

6 I've been in communication with council,
7 as council knows, and I want to state again my
8 objection to the fact that there is no remote link
9 that allows persons who are not able to attend tonight
10 to know what is happening.

11 This is a very significant hearing, and I
12 appreciate all the hard work that went into the
13 planning. I really do. But I also live in town. I
14 don't live on Washington Road. I live up opposite
15 community part. But I do drive on Washington Road
16 quite often. I have a legal practice and I make my
17 way onto Route 1.

18 And the last few months have really been
19 terrifying, to be blunt. I've been caught in floods.
20 My husband has, my friends have. I mean, we are in
21 what the governor called a climate emergency.

22 And so I want to ask: Is there any way
23 to walk this plan back? Is there any way to walk it
24 back? And so, you know, I live in the real world. I
25 was just at a Mercer Bar Association meeting. Judges

1 CHAIRMAN O'BRIEN: Well, it was
2 pre-Covid, so the traffic would have been as bad as
3 ever, based upon that.

4 MS. WAHRMAN: I'm just -- you know, I'm
5 just throwing it out to you. I'm --

6 MR. RACHED: It was updated.

7 MS. WAHRMAN: It was updated?

8 MR. RACHED: Yes.

9 MS. WAHRMAN: When?

10 MR. RACHED: April 22, 2021.

11 MS. WAHRMAN: It was updated? Okay.
12 Well, I hope that -- you know, I hope that you will
13 take my remarks under consideration. I think that
14 it's just too large a project. The courts do use
15 their discretion to say sometimes that the numbers
16 don't work. They don't work because our roadways
17 cannot sustain these numbers.

18 We are in a climate emergency. We have
19 more frequent flooding, and it is dangerous not just
20 to residents, but to people using these roadways.

21 Thank you.

22 CHAIRMAN O'BRIEN: You're welcome.

23 Jerry, let me try and rephrase this
24 witness' question. You represented West Windsor
25 Township in Judge Jacobson's court when the township

1 was in attendance to report on its agreement with the
2 Fair Share Housing Organization or Association,
3 whatever it is.

4 What is your opinion about the likelihood
5 of Judge Jacobson who, I think, is now retired, or her
6 successor and the Fair Share Housing folks making any
7 changes in the ruling that she pronounced in May of
8 2019?

9 MR. MULLER: Well, I don't even know if
10 we get to that. But if we got to that, Fair Share
11 would have to consent. And if we had a different plan
12 and it still generated the required number of units, I
13 believe they would agree to that.

14 But I think the threshold question is:
15 Can we walk this back without the cooperation of
16 Avalon? I don't think we can. They submitted an
17 application which, on its face, appears to be
18 conforming, although there are several waivers that
19 are necessary. And we can't simply tell them,
20 withdraw the application. If there's a basis for
21 denying it, certainly we can do that. I don't know
22 that there is a basis for denying it. And during
23 Board deliberation there could be discussion of that.

24 But unless there's a basis for denying
25 it, the Board has to, you know, address the

1 But the Applicant has rights, and the Applicant is
2 taking measures that they've been directed to do to
3 mitigate those types of events.

4 So with all due respect, I appreciate the
5 members of the public and whatever frustrations they
6 have, but the Applicant does have rights to proceed
7 with the zoning that's in place.

8 CHAIRMAN O'BRIEN: Thank you.

9 Is there anyone who has not spoken who
10 wishes to be heard?

11 Yes, sir?

12 MR. MULLER: Do you swear or affirm that
13 the testimony you're about to give will be the truth?

14 MR. PATEL: Yes.

15 MR. MULLER: So sworn or affirmed.
16 Please state your full name and spell your last name.

17 MR. PATEL: Nimesh Patel. Last name --

18 CHAIRMAN O'BRIEN: Would you speak into
19 the mike, please? I can't hear you, sir.

20 MR. PATEL: Nimesh Patel. Patel, last
21 name, P-A-T-E-L.

22 CHAIRMAN O'BRIEN: What was your first
23 name?

24 MR. MULLER: I'm sorry. I didn't catch
25 your first name.

1 application, absent a decision by Avalon to
2 reconsider. And if it finds that it conforms, and if
3 the waivers are valid and should be granted, the
4 application has to be approved.

5 Certainly there can be conditions, and
6 there's a lot of discretion afforded to land use
7 boards in terms of imposing conditions.

8 CHAIRMAN O'BRIEN: Thank you.

9 Mr. Hoff, did you want to make a comment?

10 MR. HOFF: Yeah. Mr. Chairman, I mean,
11 we're not withdrawing the application. That's --
12 let's be clear. As the Mayor's indicated, this
13 project's been on the books for over a decade, and the
14 ordinance that gives rise to this application for the
15 better part of four years, I believe, for this
16 particular project.

17 So we have rights, and we've proceeded in
18 accordance with the ordinance. As Jerry's indicated,
19 there are no variances associated with this
20 application. It conforms to exactly what the zoning
21 requires.

22 So, you know, listen. I'm sympathetic to
23 the issues of traffic. We believe that we've
24 addressed that. I understand the traffic conditions.
25 People live them every day. I'm not minimizing them.

1 MR. PATEL: Nimesh, N-I-M-E-S-H.

2 CHAIRMAN O'BRIEN: Thank you. And your
3 address?

4 MR. PATEL: 11 Wallingford Drive.

5 CHAIRMAN O'BRIEN: Thank you.

6 MR. PATEL: Okay. Yeah. I mean, I will
7 not touch on too much of the traffic thing that you
8 already talked about. But, you know, new to the
9 neighborhood. Fairly new compared to how everybody is
10 three, four years, right?

11 Seeing the traffic here, since we moved
12 from South Jersey, you know, five times more, 10 times
13 more compared to there, obviously.

14 But it's -- you know, my objection is
15 pretty much on the -- not having a prerequisite or --
16 for the 1 connector, right? The permanent solution
17 that will kind of alleviate a little bit of the
18 traffic situation. Not having that completed, or even
19 having that in the language before we get this whole
20 thing done, the project done. That will be my major
21 concern, right? I think that should be part of this
22 whole thing.

23 And I work in telecom sector. I work on,
24 you know, putting cell towers throughout New Jersey.
25 You know, dealing with Amtrak, PennDOT, New Jersey

1 DOT, PennDOT, obviously, but New Jersey DOT and also
2 NJ Transit, and getting things done is not an easy
3 thing for them. I'm sure you guys all understand, you
4 guys on the Planning Board. It takes years to even
5 get something done with these guys.

6 So not having that connector built is a
7 major issue. And I think that's my major concern,
8 right? So that's one thing.

9 Also we keep talking about that this
10 whole project started decade ago or 2011. I'm not
11 sure why the public wasn't involved at all.

12 CHAIRMAN O'BRIEN: Excuse me, sir. They
13 were very much involved.

14 MR. PATEL: They were?

15 CHAIRMAN O'BRIEN: There were charrettes
16 held under the auspices of one of the leading
17 architects, Mr. Hillier, Robert Hillier. And there
18 were multiple charrettes that were held.

19 And following that, ultimately the
20 governing body at the time passed ordinances that
21 created the redevelopment zone for Princeton Junction,
22 and there were 12 separate zoning districts in that
23 redevelopment complex.

24 So -- and each time those ordinances were
25 introduced by the governing body at that time, there

1 MS. PERCIALI: It was slashed. It was
2 slashed.

3 MR. KARP: Because -- because -- let me
4 finish. Because of public input, the Planning Board
5 recommendations and push back and professionals, and
6 it got reduced to what it is now.

7 Now, yeah, we would love it to be zero,
8 you know, and have something else, but that's not
9 going to be viable, you know. So with the settlement
10 of affordable housing in addition to that.

11 So there was public input, and it was
12 reduced to where we are now. Just wanted to make that
13 known.

14 CHAIRMAN O'BRIEN: Anyone else that
15 hasn't spoken who would like to be heard? Okay. I'm
16 going to give those who wish to speak again a chance.
17 But the time limit is now three minutes, not six
18 minutes. And since questions have been asked, I
19 expect that these will be straightforward statements,
20 and these folks will complete their appearance in
21 three minutes.

22 And Mr. Pierson was first, this lady in
23 front of him was second, Mr. Rutledge was third.

24 You don't need to repeat your name.

25 SPEAKER: Okay. This is -- this has

1 were public hearings in conjunction with the
2 ordinances.

3 So I'm sorry I have to push back on the
4 statement that there was no public involvement.

5 MR. PATEL: Take that back.

6 CHAIRMAN O'BRIEN: I know you said you're
7 new to the neighborhood, but I wanted to put that on
8 the record and make sure everybody understood.

9 MR. PATEL: Yup. That's fine. So I
10 think pretty much -- I think we really need to have
11 this temporary, you call it, or permanent solution.
12 The connector needs to be completed before we get this
13 started.

14 Also, the temporary solution really looks
15 like a safety issue with the parking lot being used
16 and, you know, people trying to maneuver their way
17 around that whole area. It doesn't make any sense.
18 So -- but, yeah. Thank you.

19 CHAIRMAN O'BRIEN: Thank you, Mr. Patel.

20 MR. KARP: Chairman, just a quick
21 follow-up. Wasn't the original, like, the charrettes
22 in Hillier, didn't the developer want to put, like,
23 1,600 units there?

24 MS. PERCIALI: Exactly. Exactly.

25 MR. KARP: If I remember correct.

1 nothing to do with traffic. On a previous slide, I
2 think it was 59, about two meetings ago, it was about
3 the common area that was going to be available for
4 public venue. I think at that time there was mention
5 there weren't going to be any public bathrooms. And I
6 found it unusual to have a venue that would host
7 public events and not have a public bathroom.

8 And I was wondering if, perhaps, we could
9 address that, see if that's part of the, you know,
10 requirement. That if you're going to bill it and sell
11 it as a public venue, you probably should have and be
12 required to have restrooms. So if you could take that
13 under consideration, I'd appreciate it. Thank you.

14 CHAIRMAN O'BRIEN: Definitely noted.
15 Yes, ma'am? I'm sorry. I forgot your
16 name.

17 MS. PERCIALI: Sure. My issue is that
18 this project --

19 CHAIRMAN O'BRIEN: Your name again is?

20 MS. PERCIALI: Rodica Perciali.

21 CHAIRMAN O'BRIEN: Perciali.

22 MS. PERCIALI: My issue is that project
23 has been kept hidden. This is the worst of all. And
24 of course you can think why it was hidden. But so
25 right now I like the project. I appreciate their

1 work, but I'm in a democratic country, and I cannot
 2 stand that the people around did not know. Who did
 3 not know that the newspapers -- I need to see. And
 4 you should show us where was it publicized. Because
 5 talking about Hillier project, Howard Hughes project,
 6 that was popularized so much. There is no comparison.
 7 And you -- I don't believe -- Mrs.
 8 Geevers is here. I don't believe that you in -- not
 9 on purpose was hiding it, I cannot. Because it's
 10 incredible. In the newspapers there are so many
 11 articles about all kinds of developments, and in this
 12 newspaper there is nothing either.
 13 Is there a journalist? Do you have a
 14 journalist, Mrs. Geevers? Mr. Surtees, do you have a
 15 journalist here?
 16 MR. SURTEES: I'm sorry? A --
 17 MS. PERCIALI: A journalist.
 18 CHAIRMAN O'BRIEN: I don't believe
 19 anybody in the audience is a journalist, as you say.
 20 MS. PERCIALI: No. No. No. Of the --
 21 of the news, of the West Windsor news.
 22 MS. GEEVERS: They used to.
 23 MR. KARP: Yeah, but we don't control
 24 that.
 25 MS. GEEVERS: They used to. They don't

1 Windsor and Plainsboro news --
 2 MS. PERCIALI: Okay. So my --
 3 CHAIRMAN O'BRIEN: -- and U.S. 1
 4 Newspaper.
 5 MS. PERCIALI: Mr. O'Brien, you know, I'm
 6 only comparing this situation with what I knew from
 7 other developments. And I know about three of them,
 8 including Howard Hughes, Hillier, I know about that,
 9 and I know Princeton Future and I know another one in
 10 Montgomery.
 11 Montgomery newspaper is thick like that
 12 with all the information. So we are -- this township
 13 is very behind. And in my view you should -- you
 14 should delay, which I know that they don't want, of
 15 course, but you should delay and popularize it to the
 16 people.
 17 Certainly the issue of the number of
 18 students is not the same as in 2011. Now, I mean, 800
 19 more than proportionately at that time. So I don't
 20 know if they would compromise to reduce the number of
 21 students, but that's not really doing a lot of thing,
 22 but I don't know. I don't. It should be seeing how
 23 can the traffic -- if you didn't prepare this township
 24 for a better traffic, if you did not work with the New
 25 Jersey Transit with Mr. Sarnoff, then, again, maybe --

1 even cover council meetings anymore. They don't send
 2 anyone out.
 3 MS. PERCIALI: Did you employ them?
 4 That's incredible.
 5 CHAIRMAN O'BRIEN: Ms. Perciali --
 6 MS. GEEVERS: They used to.
 7 CHAIRMAN O'BRIEN: -- as I announced at
 8 the beginning of the meeting, the notice of this
 9 meeting and the notices of all the other meetings we
 10 have had has gone to the Times in Trenton, to the West
 11 Windsor --
 12 MS. PERCIALI: I'm talking about our
 13 newspapers here, that we pay for here.
 14 CHAIRMAN O'BRIEN: The West Windsor and
 15 Plainsboro News, and I think the third one is The
 16 Packet.
 17 MR. KARP: Yeah, Princeton Packet.
 18 CHAIRMAN O'BRIEN: Yes.
 19 MS. PERCIALI: We spent some time to look
 20 on U.S. 1, and my husband did, and so that we were
 21 prepared a little bit. A little bit (indiscernible).
 22 CHAIRMAN O'BRIEN: Community News Service
 23 owns --
 24 MS. PERCIALI: And that I --
 25 CHAIRMAN O'BRIEN: They provide West

1 I don't know how many years you have been here in
 2 planning. But whoever was supposed to work on that
 3 for 11 years, I mean, since for 2011. So those people
 4 are at fault, and now we cannot -- we cannot take
 5 anymore. We cannot take anymore.
 6 I mean, Washington Road is absolutely
 7 incredible. You cannot sacrifice older population.
 8 It must be a way either they reduce or they wait until
 9 you can assure that we have Vaughn Drive and the
 10 other, maybe Sarnoff -- Sarnoff. You should try and
 11 it should be in the newspaper, please.
 12 Thank you.
 13 CHAIRMAN O'BRIEN: Thank you.
 14 Mr. Rutledge?
 15 MR. RUTLEDGE: Thank you, Mr. Chairman.
 16 William Rutledge again. I appreciate the opportunity
 17 to close with a more calm demeanor than I did last
 18 time. I apologize again. I lost my temper.
 19 As you could tell, I'm passionate about
 20 this. I'm very concerned about the traffic. I
 21 believe that this Planning Board has the agency to
 22 correct the issues.
 23 It was my understanding that our Planning
 24 Board had approved the circle in its present location.
 25 The sketch that I -- the concept sketch that I created

1 showing the circle moved towards Route 1 to connect to
2 the Vaughn Drive extension down the road and the Penns
3 Neck bypass is listed in our master plan very
4 specifically, and it is listed in all of the drawings
5 of the redevelopment.

6 I understand the County may have had a
7 bad day and put this together. I strongly recommend
8 the Planning Board reject this, since this is part of
9 the application before you. You have the agency to
10 reject it. Require the Applicant to go back to the
11 County to get it right. It is going to create
12 irreparable harm if you let this go through.

13 Thank you very much.

14 CHAIRMAN O'BRIEN: Thank you.

15 MR. HOFF: Mr. Chairman, can I quickly
16 respond to that, because the Board's been getting beat
17 up unfairly, I think, a bit on that issue.

18 Jerry did make clear that on issues of
19 schoolchildren, the board doesn't have jurisdiction to
20 hear such things. And Jerry is correct.

21 But one other thing I think it's
22 important for the members of the public to understand,
23 this Board, likewise, does not have jurisdiction to
24 impose conditions or reject roadway improvements not
25 within their jurisdiction. That roundabout is within

1 MS. PERCIALI: Who was in the meeting
2 with the County? Did you make --

3 CHAIRMAN O'BRIEN: Is the Board ready to
4 -- yes, sir? Three minutes or less.

5 MR. GUMKOWSKI: I understand -- I
6 understand with schoolchildren we cannot consider
7 that. Floods I actually like; it gets quiet, so I'm
8 back on traffic.

9 And although now it seems like we cannot
10 even do this, but, you know, again, what I am -- cars
11 squeal, honk, there's accidents. You can look up how
12 many accidents 204 and 206.

13 But I think we should somehow make it
14 contingent or something, or really don't have -- or if
15 we cannot do 571 because it's County road, can we just
16 say, okay, Road -- what is it? The Road A, no access
17 to Washington Road? We don't put more traffic on that
18 thing? And just maybe there's some other solutions.

19 I guess we are counting on you. You're
20 supposed to represent us. I think that's what I think
21 lacking here a little bit now hearing it.

22 Thank you.

23 CHAIRMAN O'BRIEN: Before you go, would
24 you tell us your name again for the record?

25 MR. GUMKOWSKI: Michael Gumkowski.

1 the County's jurisdiction -- jurisdiction. Washington
2 Road is a county road.

3 So this Board and the council can't tell
4 the County what to do. They can't say, I don't like
5 it, go back and fix it. It's not within this Board's
6 jurisdiction. I think it's -- you know, I don't want
7 members of the public to think that, just because you
8 approve this application with this roundabout, that
9 you had the authority to change it. You don't. It's
10 the County's jurisdiction, and the County has reviewed
11 and approved it. So I just wanted the record to be
12 clear on that jurisdictional issue.

13 CHAIRMAN O'BRIEN: One last --

14 MR. RUTLEDGE: Irreparable harm, sir.

15 MS. PERCIALI: We should ask the
16 County --

17 MR. LADELL: Mr. Chairman --

18 MS. PERCIALI: It's our money.

19 SPEAKER: We're not getting paid to be
20 here.

21 MR. KARP: Either am I.

22 SPEAKER: Wonderful.

23 CHAIRMAN O'BRIEN: All take a deep
24 breath. I don't think we need another recess. I
25 least I hope we don't.

1 CHAIRMAN O'BRIEN: Thank you.

2 MR. GUMKOWSKI: So let me actually ask
3 then: Do we have -- I mean, are we really wasting our
4 time or can we actually propose, like, hey, no access
5 unless there are some other changes, Avalon Bay cannot
6 be built? That's actually us? That's West Windsor,
7 right?

8 CHAIRMAN O'BRIEN: You can suggest that,
9 but whether we agree with that is to be seen.

10 MR. GUMKOWSKI: Okay. Yeah. That would
11 be great. So that I would suggest Road A, no access
12 to Washington Road until the Vaughn extension is built
13 or the bypass is built.

14 Thank you.

15 CHAIRMAN O'BRIEN: Thank you.

16 Yes, Cammy?

17 MS. ANICO: Yeah. Good memory. Super
18 fast question just for my understanding.

19 What is within your purview? Can you put
20 a contingency on the developer and say, you know, in
21 order to approve it we need A, B, or C?

22 CHAIRMAN O'BRIEN: We can put conditions
23 on our approval. And I've been back on the Planning
24 Board for three and a half years now plus. It's been
25 my view that we work with the Applicant to come up

1 with conditions that we would like to see are within
2 our legal right to ask and the Applicant to agree.

3 There have been times when the Applicant
4 has agreed with a condition that they did not legally
5 need to agree to. So we do ask for things that are
6 not necessarily according to the law that the
7 Applicant would go by.

8 So we can put conditions. But as the
9 person sitting in this chair, I try very much to have
10 conditions that the Applicant agrees are reasonable
11 and acceptable.

12 Just a little anecdotal note. We had a
13 meeting a couple of years ago where the Applicant
14 actually asked us to take an intermission, and they
15 stepped out in the hallway to discuss among themselves
16 whether they wanted to agree to a condition that we
17 were seeking, which they did not need to do, but to
18 their credit they came back and agreed to it.

19 So that's how this give and go process
20 works.

21 MS. ANICO: Got it. I don't know if you
22 want to tip your hand now, but do you have anything --
23 any conditions you guys are thinking about?

24 CHAIRMAN O'BRIEN: Our attorney will
25 review the conditions.

1 done.

2 So this was looked at by -- multiple
3 times by our experts.

4 And, again, as each of us is a
5 professional in different field, but we are not
6 experts in traffic or engineering or landscape
7 architect, so we have to depend on people that we have
8 hired to represent us.

9 CHAIRMAN O'BRIEN: Colleagues, what's
10 your pleasure on input?

11 MS. GEEVERS: What do you mean? For
12 input to close the public hearing?

13 CHAIRMAN O'BRIEN: I didn't see any hands
14 raised.

15 MS. GEEVERS: Has everyone spoken?

16 SPEAKER: One question, please. I know
17 the answer, because you already told me during the
18 recess.

19 Is the concept sketch that I provided to
20 the Planning Board similar to what the town asked the
21 County to provide?

22 CHAIRMAN O'BRIEN: Yes.

23 SPEAKER: Thank you.

24 SPEAKER: Can I add something? Is it
25 past your bedtime or something? Why do you have to

1 MS. ANICO: I see.

2 CHAIRMAN O'BRIEN: I expect they are
3 going to be many that he will review.

4 MS. ANICO: Okay. Thank you.

5 CHAIRMAN O'BRIEN: You're welcome.

6 MR. MARATHE: Gene, can I make a
7 statement?

8 CHAIRMAN O'BRIEN: Sure.

9 MR. MARATHE: So, I mean, I don't want
10 you to have an impression that the County completely
11 designed this project for us. We have something
12 called technical review committee, consisting of our
13 expert, Francis, engineer, traffic expert,
14 environmental engineer, landscape architect. These
15 are all our experts. Before they even go to the
16 County they have to satisfy the TRC. Until we deem
17 the application complete, they can't even go to the
18 TRC.

19 So it's not -- I don't want to give you
20 an impression that the County completely designed this
21 or County's imposing on it. Our technical review
22 committee looked at it, found it satisfactory. That's
23 why it was deemed complete. And then it proceeds to
24 other bodies of the -- other bodies, whether it's the
25 state or the County or anybody else that needs to be

1 make so many comments for everyone?

2 SPEAKER: Not appropriate.

3 SPEAKER: Unreal.

4 CHAIRMAN O'BRIEN: Yes, Kathy?

5 MS. RUSSELL: I just have one question
6 from what Mr. Rutledge was asking. Is that roundabout
7 in a place that it would logically connect with SRI's
8 proposed --

9 CHAIRMAN O'BRIEN: Yes.

10 MS. RUSSELL: Okay.

11 SPEAKER: Not Vaughn extension.

12 MS. RUSSELL: Got you. Thank you.

13 MR. KARP: I make a motion to close the
14 public hearing.

15 MS. GEEVERS: Second.

16 CHAIRMAN O'BRIEN: It's been moved and
17 seconded to close the public hearing. Is there any
18 further discussion on that motion? All those in favor
19 please signify by saying aye.

20 MR. HOBERMAN: Aye.

21 MS. GEEVERS: Aye.

22 MR. KARP: Aye.

23 MR. MARATHE: Aye.

24 CHAIRMAN O'BRIEN: Motion is approved.

25 We are now into deliberation. Does anybody on the

1 Board have any questions of the Applicant that have
2 not already been asked?
3 Curtis?
4 MR. HOBERMAN: No, not at this time.
5 CHAIRMAN O'BRIEN: Linda?
6 MS. GEEVERS: Just, Francis, on these
7 plans that were submitted, I mean, I'm sure, when you
8 do engineering, there's different ways of doing
9 things.
10 But are you satisfied with what was
11 approved by the County? Is there any changes that
12 have been suggested by what has been submitted by Mr.
13 Rutledge?
14 MR. GUZIK: I'm not sure how to answer
15 that question. But if there were any suggestions on
16 Avalon's plans, they're in my report to the Board,
17 which has been discussed, you know, over the last
18 three meetings. Mr. Rutledge's plan is, I believe,
19 based on the township's redevelopment plan for what
20 was thought of by Hillier at the time in 2009 or so of
21 what could happen in this area. It's a concept plan.
22 It's a planning tool prepared by licensed planners.
23 It did not have physical field information applied to
24 it. It did not have engineering knowledge applied to
25 it.

1 other follow-up questions or comments?
2 MR. MARATHE: No.
3 CHAIRMAN O'BRIEN: Mike?
4 MR. KARP: No.
5 CHAIRMAN O'BRIEN: I have a question for
6 either David Novak, our planner, and/or Dan
7 Dobromilsky, our landscape architect.
8 What is either statute, our ordinance, or
9 precedent for a public place; i.e., the promenade on
10 the exhibit, to not have restroom facilities for
11 members of the public who would be coming to an event?
12 Not just walking through, but coming to an event, as
13 has been indicated by previous testimony can be done
14 at this promenade.
15 MR. NOVAK: Mr. Chairman, I think I can
16 answer that question. For the record, this is David
17 Novak, that's spelled N-O-V-A-K. I am with Burgis
18 Associates. We are the township planning consultants.
19 I am checking right now, but the original
20 formulation of this ordinance for the RP-1 district
21 did actually incorporate a bathroom in the promenade.
22 However, the last iteration of it, which I believe was
23 ordinance number 2021-02, eliminated that need.
24 So, quite frankly, based on the zoning of
25 the site, there is no need or requirement of the

1 Like Mr. Rached and Mr. L'Amoreaux's
2 knowledge of MUTCD requirements, of AASHTO
3 requirements for safety standards for traffic, which
4 are all the things that the County looks at and
5 applies to this, in addition to both the gentlemen I
6 just referenced.
7 So -- so with respect to what the
8 difference -- the deviations are between what was
9 originally in the concept for this area versus what's
10 been engineered, it's -- it's a give and take and a
11 development of a concept, similar to an artist taking
12 an initial sketch and turning it into an actual
13 painting that they can, you know, produce and sell.
14 So this is the finished product of that concept.
15 MS. GEEVERS: The County approved it.
16 They have jurisdiction.
17 MR. GUZIK: The County --
18 MS. GEEVERS: Are you satisfied that this
19 is going to work?
20 MR. GUZIK: -- conditionally approved
21 this, and also it has gone to NJDOT, because NJDOT has
22 jurisdiction of the Route 64 bridge connection to it.
23 CHAIRMAN O'BRIEN: Anything else, Linda?
24 MS. GEEVERS: Not on this, no.
25 CHAIRMAN O'BRIEN: Mayor, do you have any

1 Applicant to install a bathroom on the promenade
2 space. There are retail spaces that are proposed
3 along either side of the promenade, as well as a lobby
4 space adjacent to the promenade, which, presumably,
5 would feature bathrooms as well.
6 I think the philosophy behind was that,
7 rather than have bathrooms eating up space within the
8 promenade, allow for additional opportunities for
9 recreational space in that area, and utilize those
10 existing infrastructure that are circulating around
11 it.
12 CHAIRMAN O'BRIEN: Thank you.
13 Dan, do you have any comment?
14 MR. DOBROMILSKY: I think the only thing
15 I could add is the solution that we came to at Nassau
16 Park Boulevard, which is the bathrooms for the Panera
17 Bread, have a component where they can actually be
18 locked in the store side and become public accessible
19 when the store is closed. So they are Panera Bread's
20 bathrooms, but they have a component in the way they
21 have an exterior door nearby that they can function as
22 a public bathroom if need be. And the -- I'm not sure
23 how the management arranges that, but they are
24 arranged such that they can both serve the restaurant
25 and the public in the time of an event.

1 I do not know if the construction code
2 will come into a factor as to whether they would
3 request that that type of scenario occur with the
4 knowledge that there could be public events in that
5 space, and whether the construction code would require
6 a public restroom.

7 There's also the possibility that if
8 there are events, they would have to bring in
9 temporary restrooms for that event as an option.

10 MS. GEEVERS: Jerry, is there some
11 wording -- I believe the Applicant testified that some
12 of the events that will happen in what we used to call
13 the grand promenade area, will be open to the public.
14 Anybody in town, people from Penns Neck, anywhere,
15 right? That was supposed -- that's the whole thing.
16 That's the whole part of it. And so there are going
17 to be a need for bathrooms.

18 And at this point we don't know whether
19 any retail stores will be opened or not, or whether
20 they would want to open their stores to people just
21 coming in to go use the bathroom.

22 So is there any kind of condition,
23 because this -- this space is to be used for public
24 events. They said that, right? So where are people
25 going to go to the bathroom? They bring their kids,

1 facilities would be in one of the retail
2 establishments along the promenade.

3 MS. GEEVERS: But they have to be --

4 MR. MULLER: But I think we can impose a
5 condition that says that has to be, in fact, assured.
6 I don't think the Board would want to have
7 Port-A-Potties tracked in for a -- for public events.

8 MS. GEEVERS: Some people are going to go
9 into a possibility of restaurant or some kind of store
10 and have to use the bathroom. I mean, is there a
11 condition?

12 MR. MULLER: I'm having a little trouble
13 hearing you because of the noise behind us.

14 CHAIRMAN O'BRIEN: Jerry, can you say
15 that again? I didn't understand.

16 MR. MULLER: I'm having a little trouble
17 hearing Linda because of the noise behind us.

18 CHAIRMAN O'BRIEN: She's talking about
19 children being there.

20 MR. MULLER: I'm sorry. Say again.

21 CHAIRMAN O'BRIEN: Linda is talking about
22 public events with children, especially, needing to
23 use restroom facilities or toilet.

24 MR. MULLER: Right. I understand that.
25 And I think we can impose a condition to ensure that

1 you know. There has to be something that we can put
2 in.

3 MR. MULLER: I think we can impose a
4 condition that requires that there be public bathrooms
5 either on the promenade itself. And that would have
6 been relatively easy to do, absent the ordinance
7 amendment that, I think, Novak laid out, or in retail
8 space that's along the promenade.

9 MR. HOFF: We're not going to agree to a
10 condition for bathrooms. Mr. Novak is correct. The
11 redevelopment plan and the ordinance originally had it
12 in there, and the design intent was take it out to
13 provide more functionality in the promenade space.
14 That's the ordinance. It was changed. There's a
15 legislative intent clear, because it was in there and
16 the council took it out. So we're not required to put
17 it in, and there's a rationale for that, and that's
18 why it's not in.

19 MS. GEEVERS: But you have to provide
20 bathrooms if you're having a public event. It's not
21 just for people who are living there, it's for the
22 public, right? So where are they going to go to the
23 bathroom?

24 MR. MULLER: Well, the notion, as I
25 recall when this was done, was that the bathroom

1 that, in fact, is provided. If the Applicant doesn't
2 want to do it on the promenade, and I don't think we
3 can require it. I think Mr. Hoff is right. Given
4 that the recent ordinance amendment that require that
5 a store -- that there be a lease arrangement with a
6 store provides that their toilet facilities be
7 available to the general public.

8 CHAIRMAN O'BRIEN: Mr. Ladell?

9 MR. LADELL: Yes, Mr. Chairman?

10 CHAIRMAN O'BRIEN: I turn to you for your
11 years of experience. You've talked about having
12 served on a Planning Board. You've been in the
13 development business for a long time. Is there some
14 sort of accommodation that you can suggest we try and
15 agree upon?

16 MR. LADELL: Ronald Ladell, senior
17 vice-president of Avalon Bay.

18 I'm sorry to say, Mr. Chairman. I don't
19 have a good idea. Mr. Muller's idea is not workable.
20 That would inhibit our ability to lease space. If --
21 I don't know about Panera Bread or another community.
22 I'm not going to speak to that. I know the franchisee
23 of Panera in the entire State of New Jersey. If that
24 was the arrangement at that particular situation, I
25 can't speak to it directly.

1 But it's inappropriate -- I'll get to the
 2 legal side of it in a second. But from a business
 3 point of view, it would be a huge hindrance for me to
 4 go to potential retailers, including hard good stores,
 5 by the way, you talk about F and B, food and beverage.
 6 But we may have hard good stores, clothing stores.
 7 Their restrooms are not, per se, open for the public
 8 if we have a farmers' market or whatever public events
 9 we do want to have, by the way.

10 And, Mr. Muller, respectfully, that
 11 clothing store, as an example, may close at a certain
 12 time, Covid hours including, being less than typical.
 13 What would be the penalty? What would be the
 14 enforcement? What would be the hammer if they close
 15 and there's no bathroom there available?

16 Secondly, I can't agree to a condition in
 17 a vacuum. We have no idea, Mr. Chairman, who the
 18 potential retailers will be. They may be food and
 19 beverage, they may be a preschool, which, by the way,
 20 has huge issues about letting people go in that
 21 environment to use their bathroom. So that's not
 22 workable.

23 Mr. Hoff is correct and Mr. Novak is
 24 correct. This was specifically discussed with the
 25 governing body, of which two members of the governing

1 bathrooms. And there are children at the park every
 2 day. And I trust the parents or the caregivers to
 3 find a way that that child, if not in a diaper, will
 4 be able to find relief to go to a bathroom. However
 5 they do it, they do it.

6 Now, having said that, I'm fully
 7 committed to having public events. You and I've had
 8 private discussions, back when we got the ordinances
 9 done, about our vision for the promenade, and we'd
 10 like to work to do that.

11 But to require a public bathroom, which
 12 has been removed from the ordinance, Mr. Hoff is
 13 correct that there was legislative intent for the
 14 reasons already described.

15 Mr. Muller, it's just unworkable. You
 16 would potentially limit my ability to rent space or
 17 decrease the value of that space, which is, in my
 18 opinion, a cost generative obligation that you'd
 19 potentially be imposing on our community in an
 20 inclusionary project. And I don't -- I happen to go
 21 further to explain the legal implications to it. I
 22 don't think I need to. We're cognizant -- I don't
 23 mean to be harsh in any way -- that there's going to
 24 be need for people, when they visit these public
 25 events, which are very supportive, Arts Council, other

1 body are sitting on this Planning Board, and voted
 2 for. But the mayor didn't vote. I apologize. The
 3 mayor was there, but the council votes. Different
 4 form of government. I apologize.

5 But the council did approve that, knowing
 6 full well that the public bathroom requirement was
 7 removed for the reasons that Mr. Novak and Mr. Hoff
 8 described.

9 CHAIRMAN O'BRIEN: I hear you.

10 MS. GEEVERS: But it's still a problem.

11 CHAIRMAN O'BRIEN: Can we work toward --

12 MR. LADELL: Ms. Geevers, I don't
 13 actually think it is a problem. We can respectfully
 14 disagreement.

15 MS. GEEVERS: You bring a bunch of kids
 16 with you to a concert, and someone's going to have to
 17 go, especially if they're young. You need to --

18 MR. LADELL: Ma'am, I do think --

19 MS. GEEVERS: As a health issue.

20 MR. LADELL: Ma'am, I don't want to get
 21 into our own situations about when we have to and not
 22 have to go to the bathroom. And if you're a child --
 23 I'm sure there will be children, just like there is
 24 every day when you go to a park in a town. Many parks
 25 -- I live in Livingston. My parks don't have

1 community organizations, to help develop those events.
 2 And it will have to cooperatively to do that.

3 But the residents or nonresidents from
 4 West Windsor and beyond that come will have to find a
 5 way to figure out how people, if that retailer is not
 6 open, to then use the bathroom.

7 By the way, Mr. Muller, a lot of times
 8 when you go to a retailer -- sorry, Court Stenographer
 9 -- when you go to a retailer, they say, to come in you
 10 must buy something. That's a very typical requirement
 11 throughout any retailer. Otherwise, people just
 12 continue to go in and out of the Dunkin', or whatever
 13 equivalent store is there. And it's problematic for
 14 the operator of that particular retail store.

15 So I don't want to belabor, Mr. Chairman.
 16 I wanted to answer your question directly. We don't
 17 think it's workable. I defer to my attorney, I think
 18 who said it succinctly and correct. And I'm sorry if
 19 that disappoints, I guess, certainly one member of the
 20 Planning Board, maybe others, with regard to that.
 21 But we look to work cooperatively with -- after we,
 22 hopefully, receive an approval tonight -- with members
 23 of the representative of other organizations
 24 throughout the West Windsor community coming up with
 25 the best public events we can, and finding ways to

1 solve what is a concern. But it should not be a
 2 condition of a Planning Board resolution of approval.
 3 MS. GEEVERS: Well, I don't know.
 4 CHAIRMAN O'BRIEN: There was an
 5 indication that the signage package was going to be
 6 submitted. I may have asked this question previously,
 7 but I didn't write down the answer.
 8 When will a signage package be provided?
 9 MR. HOFF: When would it come in? Is
 10 that what the question was, Mr. Chairman? Because I'm
 11 having the same issue.
 12 CHAIRMAN O'BRIEN: The signage package,
 13 the information about where signage would be, et
 14 cetera.
 15 MR. LADELL: When?
 16 MR. HOFF: A month or two probably.
 17 CHAIRMAN O'BRIEN: So it will be
 18 available when the construction office is reviewing
 19 construction plans?
 20 MR. HOFF: Oh, sure. Yeah.
 21 CHAIRMAN O'BRIEN: Thank you.
 22 Do we have the capability of putting
 23 something up on the screen? Would you put slide 14 on
 24 the screen, please? I guess I said the wrong number.
 25 24, I guess, Mr. Ladell, this is directed to you.

1 names beyond this, and I have to be careful what I'm
 2 going to say. We were cognizant of the fact that
 3 we're at a train station. We're cognizant of the fact
 4 that West Windsor Township, notwithstanding the train
 5 station having the word "Princeton" in it, we didn't
 6 want any confusion that in any way that someone who's
 7 not familiar with the term "Princeton Junction" may
 8 think that Princeton Junction Train Station is in the
 9 town of Princeton, which is one of the reasons why we
 10 purposely did not include the word "Princeton" in any
 11 brand name.
 12 We think that when you look at a brand,
 13 it's not just the name, but there are fonts and colors
 14 and other aspects that go into a brand that you will
 15 ultimately see on the signage package, which was
 16 indicated that will be submitted in the coming months.
 17 So it's not just the name itself that
 18 carries that representation. I think you and I spoke
 19 a month ago where I said that I was aware that you
 20 personally -- I think it's the same case tonight --
 21 really didn't like that name. And I think I suggested
 22 at the time that I respect your opinion and I think
 23 you respected mine. We disagree.
 24 For what little it's worth, it means
 25 almost nothing, while we selected the name, we hired a

1 In the -- on the corner of that
 2 intersection, in the lower portion, but the center,
 3 there's a ground sign that says "W squared." What
 4 does that mean?
 5 MR. LADELL: "W squared" is the brand
 6 name that will be used for the entire project,
 7 although each codeveloper, if I can call it that for
 8 this conversation, will have a separate name for their
 9 individual residential community.
 10 CHAIRMAN O'BRIEN: Does it not strike
 11 you, as the representative for the overall developer,
 12 that that's a demeaning term? You heard one of our
 13 residents say that we have high schools that are
 14 ranked 28 -- I'm sorry -- 18 and 24 in the state, and
 15 yet you're going to imply by this signage that West
 16 Windsor is square?
 17 MR. LADELL: I heard the resident talk
 18 about the quality of the schools, and I certainly
 19 recognize the quality of West Windsor schools. I
 20 think we all know that's been there for decades. I
 21 don't view that the term or slogan, or whatever brand
 22 you want to call it, brand name, in any way demeaning
 23 at all. If you would like me to give a little
 24 history, I'm happy to do it.
 25 But there were numerous suggested brand

1 professional advisor and consultant who is in the
 2 industry to assist us with that. And we vetted for
 3 months various aspects to it. We think this is the
 4 best name. We think it's unique. We don't think it's
 5 demeaning at all. We think it's actually --
 6 CHAIRMAN O'BRIEN: I'd say it's unique.
 7 MR. LADELL: Unique is good for some
 8 people, others may not as much.
 9 But I would ask you, notwithstanding that
 10 signage, not really relevant for this application
 11 right now in the hearing. When signage does get
 12 submitted, you know, we certainly can discuss it
 13 again.
 14 But I think, looking at it, at the
 15 totality of the brand itself, may give a little more
 16 help in the context of it. And, I mean, the color and
 17 the font and the size and signage and things like
 18 that.
 19 CHAIRMAN O'BRIEN: When we last spoke
 20 about this, and it was much more briefly, it was at a
 21 hearing that had to be annulled for various reasons or
 22 a reason, whatever.
 23 When you say this name was vetted, by any
 24 chance did that include a focus group of West Windsor
 25 residents?

1 MR. LADELL: It did not.
 2 CHAIRMAN O'BRIEN: Okay. Thank you. I
 3 think --
 4 MR. MARATHE: Can I ask one? Why
 5 Princeton Junction? Former mayor and I agreed on one
 6 thing: We like West Windsor. We're not Junction
 7 anymore.
 8 MR. LADELL: Well, Mayor, we agree. We
 9 didn't want to use the name Princeton Junction. First
 10 of all, I'll be honest, I don't know the history of
 11 why this is all Princeton Junction. I'm sure there's
 12 people in this room that could educate me to that
 13 effect, and I'd love to hear that maybe off line about
 14 it. But --
 15 CHAIRMAN O'BRIEN: It's the junction of
 16 the main line with the Dinky line. Just like
 17 Petticoat Junction, that TV show.
 18 MR. LADELL: But the word "Princeton,"
 19 because of the Dinky? Because it emanates -- starts
 20 from Princeton became the Princeton Junction?
 21 CHAIRMAN O'BRIEN: Yeah.
 22 MR. LADELL: Yeah. We believe there was
 23 potential brand confusion. Avalon has, and is
 24 fortunate to have, a community at Avalon Princeton
 25 called Avalon Princeton.

1 Again, we're not a branding company. We
 2 did hire a branding company to work with us on this,
 3 and gave an entire sign palette, design palette, along
 4 those lines.
 5 And it's actually kind of interesting and
 6 intriguing, at least to me and the others on my team,
 7 to see the different fonts and different sizes, you
 8 know, and how that lays out. And you also have to be
 9 cognizant, just to say for the record, that you don't
 10 impede on anyone's other intellectual property rights
 11 when you do that.
 12 One of the reasons why "squared" was
 13 helpful, not because it's WW, West Windsor, but there
 14 are other companies that have a W in certain aspects
 15 that they brand. We wanted to certainly avoid any
 16 confusion with regard to those too.
 17 MR. MARATHE: I mean, there was a time
 18 when we were Junction. We no longer Junction. So, I
 19 mean, I would like to consider putting West Windsor
 20 rather than Princeton Junction.
 21 MR. LADELL: Thank you for that
 22 suggestion. And the signage package, we'll look at
 23 that specifically.
 24 CHAIRMAN O'BRIEN: Has any overture been
 25 made to New Jersey Transit or any state agency to get

1 For those who may not know, Avalon is
 2 involved, and will be building, ultimately, two
 3 additional communities in Princeton which will have
 4 names that will likely use the name "Princeton" in it.
 5 And we certainly thought that there's no
 6 reason why we would want to have a community in West
 7 Windsor that also uses the name "Princeton" in any way
 8 whatsoever.
 9 MR. MARATHE: So why not just say "W
 10 squared," West Windsor?
 11 MR. LADELL: Well, that's a possibility.
 12 Then we get to the other aspects of the brand.
 13 Fitting it on a sign, fitting it on paraphernalia and
 14 things like that, and I would again suggest to you,
 15 wait till you see the entire sign.
 16 MR. MARATHE: West Windsor is shorter
 17 than Princeton Junction.
 18 MR. LADELL: But I didn't want to do that
 19 either. It's not like either/or. We wanted to fit
 20 it. There was an idea, and there still is -- I don't
 21 want to go too far with this -- but retailers would
 22 then pick up with the brand. They would potentially
 23 use the brand in their marketing purposes. That brand
 24 could then be used on additional signage or other
 25 accoutrements that the retailer has.

1 approval for the pedestrian connection with the train
 2 station?
 3 MR. HOFF: Repeated. Many, many
 4 overtures over the course of two years. Over two
 5 years?
 6 CHAIRMAN O'BRIEN: So right now, and I'm
 7 not trying to be a smart guy, if somebody who resides
 8 in your complex wants to go to the train station, how
 9 do they get there?
 10 MR. LADELL: You mean once it's built,
 11 the community, how would they get there? Well, you
 12 can still -- I'll give you two answers. One, you
 13 could walk there. There's multiple ways, passageways
 14 through, even as -- thank you -- even as shown on the
 15 screen right there. You know, there are other access
 16 points through there. You could -- you would never do
 17 this, but there's a very circuitous route, if you
 18 wanted to go further down Washington and come past the
 19 stores and come that way too.
 20 You know, Mr. Chairman, we're very
 21 hopeful that that connection -- but -- I'm sorry.
 22 Someone else who spoke about how difficult it is to
 23 deal with that state agency. When you submit to them
 24 -- we gave them drawings and proposals. They came
 25 back from procurement -- this is what actually

1 happened -- with 10 questions that focus on liability
2 and insurance and who's paying for this, and they
3 didn't care about anything subsequently that we
4 submitted to them.

5 We responded to each of its 10, each of
6 those 10 points. Six months go by. They respond with
7 another letter, including asking the same questions
8 again, in some cases. We're about to submit, and, I'm
9 delinquent. I should respond to one of my colleagues
10 last week. I didn't.

11 To then follow another letter up with
12 regard to their other response, which we hope to keep
13 getting over the hurdle. This is while we're dealing
14 with New Jersey Transit in other communities
15 throughout the State of New Jersey. So we actually
16 have a first name relationship.

17 But -- and, by the way, I think it's
18 obvious we're getting increased ridership. We're
19 going to do all the good things about a TOD
20 development that we should be held in good stead.

21 But until you get out of the procurement
22 miasma -- I don't want to call it besides that -- it's
23 very, very difficult to get a businessperson involved
24 in that discussion.

25 We do think, notwithstanding the great

1 differential that we testified about, that what you
2 see up there does make sense that we're going to be
3 dogged in pursuing it.

4 Although, you should all know, we have
5 time. We'd like to get it resolved. But it's not
6 like people are going to be living in our community in
7 six months. It's not working that quickly.

8 CHAIRMAN O'BRIEN: I guess, Jeff, this is
9 a lesser important, but another item on your list.
10 When you -- if and when you were able to have any
11 communication with NJDOT or NJT?

12 MR. L'AMOREAUX: I'll combine both of
13 them.

14 CHAIRMAN O'BRIEN: We've got vehicular
15 issues that are very important, but we got a
16 pedestrian issue that's also important.

17 MR. L'AMOREAUX: Matt Lawson at the
18 County knows the right people. I'll bring Matt into
19 it if I need to.

20 CHAIRMAN O'BRIEN: Matt Lawson is a good
21 guy. Hopefully he will be able to help us. All
22 right.

23 MS. GEEVERS: Can I ask a question?
24 Matter of process. If this was approved, I mean, the
25 major issue that keeps coming up is traffic, and what

1 the township's going to do --

2 MR. MARATHE: Linda, can you talk in the
3 mike?

4 MS. GEEVERS: Yes. Okay. Sorry.

5 The traffic; that was the major issue
6 tonight repeatedly by almost everybody. And do you
7 have a plan, the engineering department,
8 administration, working with our traffic consultant or
9 consultants? What is the plan? How can we move
10 forward to -- to address these issues? Because
11 there's a concern. This is eventually coming in.
12 What are we doing now? What can we do in the future
13 to address all this traffic? Because it's here now.
14 It's a problem now.

15 So I'm just trying to give some
16 confidence that this township heard everybody loud and
17 clear. Not that we didn't know there was a problem,
18 but we heard them loud and clear tonight that we're
19 going to follow through on this, and it's going to be
20 a priority.

21 MR. GUZIK: So with regard to Washington
22 and Route 1, the DOT has been working on designs for
23 the improvements to Route 1 between Alexander Road and
24 -- I forget the terminus in Plainsboro. But it would
25 also obviously affect this intersection with

1 improvements.

2 There -- as has been stated, the township
3 has in its circulation element master plan, it's
4 previously been on the, I believe, the DVRPC TIP,
5 Transportation Improvement Plan, the Vaughn Drive
6 extension. Unfortunately, the priority and funding
7 that was in place previously, because of the lack of
8 the redevelopment plan at that time, had the funding
9 disappear. But it's still there. So it's working
10 with Mercer County and DVRPC to get that project moved
11 up in the time frame that works with, I guess, the
12 federal funding programs, as there's federal funding
13 available.

14 But also, as been previously indicated,
15 the township does collect transportation and
16 improvement funds from other developers. So it's --
17 as a method of enticing something to happen here, the
18 township's able to offer some percentage of
19 participation in the construction of those projects.

20 Unfortunately, because of some of the
21 constraints that you heard about with lands being
22 owned by federal agencies, with the extent of
23 environmental constraints involved, it's not something
24 the township's able to entirely fund on its own. But
25 it is able to offer and entice entering into

1 partnerships like was done with the Alexander Road
2 bridge, the roundabout, like was done with the metal
3 road overpass over Route 1.

4 So I can't give you a specific project or
5 time frame. But, yes, it's on the books. We have
6 these tools that we're using. I just don't have a
7 time frame I can offer.

8 MS. GEEVERS: Do you expect if the
9 federal government, Congress, ever approves some
10 infrastructure money to come down to the state and
11 come down to, say, this level, that if you had a
12 project like this that's approved, we can say, this is
13 approved. Here's specific needs because of the
14 traffic problems and issues to be addressed?

15 MR. GUZIK: It depends on who's put in
16 charge of the funding and where they rank our project
17 in comparison to everybody else who's out there
18 looking for funding.

19 It is a potential. And, certainly, the
20 more elected officials at the township, the county,
21 the state level, federal representatives that you get
22 involved, the more people pushing for your budget, the
23 more likely you are to get the funding.

24 MS. GEEVERS: Okay.

25 CHAIRMAN O'BRIEN: Jerry, if the Board

1 MR. MULLER: Yeah. I just wanted Dan to
2 elaborate on the waiver. At least I thought that he
3 raised at the last meeting the possibility of one with
4 the idea that, perhaps, the recreation facilities were
5 not sufficient under certain standards, under certain
6 profession provisions in our ordinance, and that a
7 waiver from those requirements would be appropriate.

8 MR. DOBROMILSKY: If it's Section 200-36,
9 the supplemental requirements as they related to
10 recreation. And in the testimony I elaborated on what
11 was the guideline or requirement of the code and what
12 was being provided.

13 I also indicated a number of things that
14 were being provided that are not addressed by that
15 section of the code. And then provided some testimony
16 on how this neighborhood would be different than many
17 of the suburban neighborhoods that those standards
18 really envision.

19 MR. HOFF: And, Jerry, there was a
20 discussion after Mr. Dobromilsky's testimony. I
21 raised the point that the promenade provisions within
22 the redevelopment plan were intended to address
23 recreational components, and that the redevelopment
24 plan specifically superceded any provisions in the
25 ordinance to the contrary.

1 were to feel inclined to approve this application,
2 what are the variances, nonwaivers, conditions that
3 would be a part of a motion of approval or resolution
4 memorialization of a motion to approve?

5 MR. MULLER: Well, the motion -- do you
6 want me to go over them?

7 CHAIRMAN O'BRIEN: Please.

8 MR. MULLER: So this is an application
9 for preliminary and final major site plan and
10 subdivision approval. There is three design waivers.
11 One is for the hairpin striping, which is required and
12 is not being provided.

13 The second is for the footcandle
14 requirement. I believe an average -- you have to be
15 average of 0.6 footcandles, and 0.8 footcandles is
16 proposed.

17 And then the third relates to the
18 question of whether there's sufficient recreation
19 facilities on site. And I know Dan discussed this at
20 the last meeting and suggested there be a waiver from
21 whatever the pertinent requirements are.

22 Dan, do you want to elaborate on that a
23 little bit?

24 CHAIRMAN O'BRIEN: I'm sorry. Did you
25 ask me to do something?

1 And the Chairman turned to Mr. Bahree to
2 ask whether, in his opinion, that a waiver would be
3 required. And it was recommended to the Board that no
4 waiver would be required because the provisions of the
5 redevelopment plan were being satisfied with respect
6 to the promenade.

7 MR. MULLER: I think, out of an abundance
8 of caution, it would make sense. And I appreciate
9 your comment, Rick, that the waiver be considered and
10 granted, because certainly the point can be raised
11 that the promenade isn't a sufficient substitute, and,
12 therefore, there's a deficiency in terms of
13 recreational facilities.

14 And rather than that issue being
15 addressed in court, if this ever gets to court, and
16 who knows whether it will, we'd be better off granting
17 a waiver.

18 CHAIRMAN O'BRIEN: Any objection by the
19 Board for granting such a waiver from the ordinance
20 referenced that Dan mentioned?

21 MR. KARP: No.

22 MR. MARATHE: No.

23 MR. MULLER: And then the 13 submission
24 waivers, they're laid out in Francis' memo -- 12 of
25 them are laid out in Francis' memo on pages four and

1 five. And I can go over them specifically, but I
 2 don't know that I need to. And the 13th is the one
 3 that Gene talked about earlier in the -- in the memo
 4 from Tim Lynch.
 5 And then in terms of conditions, there's
 6 one that the Board could consider. First, in terms of
 7 the PowerPoint presentation, A-1, I know what we've
 8 done in the past when we've gotten PowerPoint
 9 presentations like this, and say that the site plan
 10 has to be implemented in a manner consistent with the
 11 PowerPoint presentation, except where it's
 12 inconsistent with any of the plans approved by the
 13 Court -- approved by the Board, or any of the
 14 conditions submitted. So that would be one that I
 15 would recommend.
 16 The Board seem amenable to that? Should
 17 I go back over it?
 18 CHAIRMAN O'BRIEN: I'm sorry, Jerry. I'm
 19 having trouble understanding you. And I know you
 20 don't have your mask on.
 21 MR. MULLER: Okay. Is this clear? No?
 22 MS. GEEVERS: Go ahead.
 23 MR. KARP: Just read.
 24 MR. MULLER: Okay. Should I just -- am I
 25 clearer now?

1 for parking for the affordable units in the Pulte
 2 area, they should be above ground post signs. I take
 3 it everybody's okay with that?
 4 Then Mr. L'Amoreaux presented what we
 5 called PB-1 and PB-2. I mean, I don't see those as
 6 conditions, but I'm not exactly sure how we should
 7 treat them, other than exhibits.
 8 The only condition I would put in is
 9 should either PB-1 or PB-2 be implemented? There has
 10 to be a cross easement between New Jersey DOT and
 11 Amtrak on the one hand, and the township on the other.
 12 Everybody okay with that?
 13 MR. HOFF: But that would have nothing to
 14 do with us.
 15 MR. MULLER: Right. That has nothing to
 16 do with you, right. But I think it's worthwhile
 17 putting it as a condition so we have kind of a record
 18 of what may need to be done in the future.
 19 CHAIRMAN O'BRIEN: But a more operative
 20 condition is that the Applicant will make access to
 21 the current Road A for the connection to the ultimate
 22 road -- Vaughn Drive extension.
 23 MR. MULLER: It would fine.
 24 MR. HOFF: Sure. I mean, the town's
 25 master plan element with respect to that road calls

1 MS. GEEVERS: Yes.
 2 MR. KARP: Yes.
 3 MR. MULLER: Okay. Exhibit A-1 is a
 4 PowerPoint presentation that the Applicant submitted
 5 and that we've seen slides from on the screen tonight.
 6 What we've done in the past, when we've
 7 had these PowerPoint presentations, is that we impose
 8 a condition that says the site plan -- the site plan
 9 elements in the PowerPoint presentation have to be
 10 part of the -- have to be implemented, except where
 11 the site plan that is now before the Board is
 12 inconsistent with those, or whether there are
 13 conditions inconsistent with those.
 14 So that's one condition that I would
 15 recommend. Is that clearer now?
 16 CHAIRMAN O'BRIEN: Well, the plans --
 17 Jerry, the plans that we have, like so, do these
 18 supersede or are they --
 19 MR. MULLER: They supersede, yeah. The
 20 PowerPoint presentation slides would only be pertinent
 21 to the extent they're kind of filling things in that
 22 are not in the plans and not in other conditions.
 23 CHAIRMAN O'BRIEN: Right. If you feel a
 24 condition is warranted, so be it.
 25 MR. MULLER: Okay. Then for the signage

1 for it to be public anyway. So that would -- we'd
 2 have no control over that.
 3 MR. MULLER: So, Gene, how would you
 4 phrase that condition?
 5 MR. MARATHE: I mean, can we say that
 6 they work with us to approach Amtrak and NJ Transit
 7 and whoever else needs to be approached to provide
 8 that alternate path to the other side?
 9 MR. MULLER: To the train station?
 10 MR. MARATHE: That they will work with us
 11 to approach Amtrak and NJ Transit to get an alternate
 12 path out of the development.
 13 CHAIRMAN O'BRIEN: And the NJDOT.
 14 MR. MARATHE: NJDOT. Sorry.
 15 MR. MULLER: Rather than Washington Road?
 16 MR. MARATHE: Yeah. I mean, going to
 17 Alexander Road. We want that at least temporary for
 18 now, and then whenever the permanent one happens.
 19 MR. HOFF: So that would be a condition,
 20 Mayor, requiring us to cooperate with the township in
 21 --
 22 MR. MARATHE: Yeah.
 23 MR. HOFF: -- coordinating with relative
 24 state agencies? That's agreeable.
 25 MR. MULLER: So I'm not going to put in a

1 condition about a cross easement with respect to PB-1
 2 and PB-2. Those are simply the exhibits. There's not
 3 going to be any condition related to them, and I won't
 4 put in anything about a cross easement.
 5 Is the Board comfortable with that?
 6 MR. KARP: Yeah.
 7 MR. MULLER: The question for the public
 8 bathrooms, you heard what Mr. Ladell said. And it's
 9 certainly true, in terms of a public bathroom on the
 10 promenade itself. I think the recent legislative
 11 history and the removal of that requirement from the
 12 ordinance would preclude the Board from imposing that
 13 condition with respect to building a public bathroom
 14 on the promenade, and with respect to requiring a --
 15 retail facilities to have it open to the public. Mr.
 16 Ladell indicated the practical --
 17 CHAIRMAN O'BRIEN: That condition is a
 18 nonstarter, Jerry.
 19 MR. MARATHE: Yeah. I mean, one of the
 20 10 iterations of the ordinances we took it out. I
 21 don't remember the reason.
 22 So the condition about the alternate
 23 parking to leads to Alexander Road, right?
 24 (Indiscernible) to Washington Road.
 25 MR. MULLER: (Indiscernible) Alexander as

1 bullet, and the second bullet, 1.01B, 1.02, 1.03,
 2 1.04, 2.01A, the first bullet, 2.01A, the second
 3 bullet, 3.02, 3.03, 3.06, 4.02. There are two in that
 4 section, there would be two conditions, because there
 5 are two different points. 4.03, 4.04, 5.01, 5.02,
 6 7.02, 7.03.
 7 And then there's actually a set of three
 8 conditions in 7.03, 7.04, which is outside agency
 9 approvals.
 10 And then water fountains shall be
 11 installed on the promenade. I thought that was agreed
 12 to last week.
 13 The zoning table shall be annotated to
 14 show that approval for 79.9 percent impervious cover
 15 is being requested. The actual impervious cover is
 16 71.5 percent.
 17 Then in terms of Mr. L'Amoreaux's memo of
 18 August 18th, this is just cleanup stuff, it would be
 19 section -- and I'm just going to mention the ones that
 20 would apply.
 21 And I don't think -- Jeff, it's fair to
 22 say there's nothing really substantive here, correct?
 23 MR. L'AMOREAUX: Just say the numbers.
 24 MR. MULLER: Sections 2, 3, 4, 5, 12, 13.
 25 CHAIRMAN O'BRIEN: Does that take into

1 well as Washington.
 2 MR. MARATHE: Yeah. Alexander Road
 3 through the parking lot.
 4 MR. MULLER: Would it be to Washington
 5 Road also?
 6 MR. MARATHE: Washington Road already
 7 have a connection from Road A, right? You just want
 8 the Road A to connect to Alexander through either the
 9 parking lot or some other means.
 10 MR. MULLER: Both A and B, I think, but
 11 -- okay.
 12 And in terms of the memos, the main
 13 conditions from Francis, I will go through them. But
 14 just by referring to the sections of his memo and some
 15 from Arora and a little bit from --
 16 CHAIRMAN O'BRIEN: There are three from
 17 Chief Lynch's memo.
 18 MR. MULLER: Right. From Tim Lynch,
 19 yeah. Right.
 20 Okay. First starting with Francis' --
 21 and I'll just read the sections of the -- of his memo.
 22 And I can actually -- I have it written out. I can
 23 read in detail, but I think that would take more time
 24 than probably the Board really wants to spend on this.
 25 It would be section 1.01A, the first

1 consideration the supplemental memo that Jeff
 2 provided?
 3 MR. L'AMOREAUX: Right. I took -- I took
 4 those three out.
 5 MR. MULLER: 22, 24, and 26.
 6 I don't know if you want a
 7 recommendation, as per the recommendation from Jeff,
 8 in a separate submission to the Board that Road B be
 9 -- not be taken over by the township; that that be
 10 owned by the -- by the developer or the developers.
 11 CHAIRMAN O'BRIEN: Well, all interior
 12 roadways of the proposed development are currently
 13 owned by the Applicant. And if anything were to
 14 change, the Applicant or the owner of the property
 15 would have to come to the --
 16 MR. MULLER: Well, when you say
 17 "currently owned," I mean, do they say that in the
 18 plans that these are going to be -- or not going to be
 19 municipal roads? That they'll be privately owned by
 20 the Applicant? I don't know that they say that
 21 actually in the plans.
 22 MR. MARATHE: I think the road's
 23 automatically privately owned unless we take it over
 24 by --
 25 MR. MULLER: Yeah, that would be true.

1 Okay. So just --

2 MR. MARATHE: All roads are privately

3 owned until they're taken over by council action,

4 right?

5 MR. MULLER: Yes.

6 MR. MARATHE: Okay.

7 MR. MULLER: Okay. And that would only

8 be -- that would go to council, and that would be --

9 we could make recommendations if we want, but we

10 certainly don't have to.

11 Then in terms of the Lynch memo, Gene

12 discussed it at the beginning, and had three in terms

13 of the -- the system of upgrading in terms of fire

14 control and masonry construction, fire walls --

15 CHAIRMAN O'BRIEN: There were three

16 items: The upgrading of the fire protection system,

17 the provision of masonry walls between the apartments,

18 and the parking garage, and the assurance that

19 interior building radio reception is acceptable.

20 MR. MULLER: Right now, Gene, under 10's

21 miscellaneous section, said, "All roadway" -- this is

22 in addition to what you talked about.

23 "All roadway areas not formally

24 designated as parking should be designated as fire

25 lane."

1 request, the following at the very end, after

2 everything that Gene and I had read earlier, which is

3 "The Applicant reserves all rights to contest any

4 requirement that such costs, the cost of the

5 improvements, be its sole responsibility."

6 It's not to say that we're agreeing with

7 that. It's just that they're reserving their right to

8 make that argument subsequently when this is all

9 resolved. And that's it.

10 CHAIRMAN O'BRIEN: What's the pleasure of

11 the Board vis-a-vis this application?

12 MR. HOBERMAN: I'd like to add some on

13 the conditions, waivers.

14 In the last hearing Maurice testified

15 that the shoulders on Washington Road would be seven

16 feet, not six feet, as agreed to by the Applicant.

17 And even though the engineering documents by Maser

18 only have it as six feet, does that verbal part of the

19 deliberations and that agreement need to be a

20 condition or a waiver?

21 MR. MULLER: Well, this brings us back to

22 the question of Washington Road being a County road.

23 And the Board -- the Board doesn't have any

24 jurisdiction over it. And the Applicant can't make

25 those improvements unless the County agreed to them.

1 CHAIRMAN O'BRIEN: But that would be a

2 waiver that Chief Lynch is agreeable to.

3 MR. MULLER: No. He suggested that this

4 be imposed as a condition.

5 CHAIRMAN O'BRIEN: No. I think he said

6 in his memo he was agreeable to a waiver.

7 MR. MULLER: No. No, he did not. The

8 waiver was in a section on access. This is a section

9 entitled "Miscellaneous. Should the Planning Board

10 choose to approve this application, I recommend the

11 following conditions be listed in the resolution."

12 The first bullet, "All roadway areas not

13 formally designated as parking should be designated as

14 fire lanes."

15 And the second one is a position -- and

16 we see this all the time, "Fire department connection

17 that supports the fire sprinkler system should be

18 placed proximal to building access and water supply."

19 MR. MARATHE: Yeah. Yeah.

20 MR. MULLER: Okay. Then the last one is

21 simply what Gene read, and then I added something at

22 the end in terms of this whole implementing by

23 condition the settlement agreement between AI and the

24 Applicant.

25 And then I added, at the Applicant's

1 MR. HOBERMAN: Maurice, did the County

2 agree on the six, seven feet? Where are you?

3 MR. RACHED: Yes. Yes, they did.

4 MR. MARATHE: Can we just include that

5 the County has agreed, and the road will be seven

6 feet?

7 MR. HOBERMAN: That's shoulders. The

8 shoulders. We're talking about the shoulders of the

9 road.

10 MR. HOFF: It is true. However, I don't

11 want any condition, because the County can change that

12 on us.

13 MR. MARATHE: Yeah, I know. But as

14 long --

15 MR. HOFF: I don't want the County

16 saying, you know what? On second thought let's go

17 back to six, and then I've got a condition that I'm

18 violating locally.

19 MR. MULLER: Why don't we add to this

20 condition, unless the seven-foot requirement or

21 provision is modified by the County?

22 MR. MARATHE: Yeah.

23 MR. HOBERMAN: Say it again. Unless the

24 seven-foot --

25 MR. MULLER: Provision is modified by the

1 County.
 2 MR. HOBERMAN: Okay. Very good.
 3 Okay. And then the other question with
 4 that was -- Maurice also testified that on such
 5 shoulders there would be a -- bicycle markings on the
 6 shoulder. Yet, again, the Maser documents do not show
 7 that on their thing.
 8 But I think Maurice testified that there
 9 would be bicycle markings.
 10 MR. RACHED: That's also up to the
 11 County. So we do not know what the County's going to
 12 ultimately require of us. I would suggest we don't go
 13 into these minor details, and leave it that the County
 14 will dictate all these details.
 15 MR. MULLER: Okay. We'll leave the
 16 seven-foot provision in, but I'm sure -- not pursuant
 17 with respect to the markings on the -- on the
 18 shoulders.
 19 MR. HOBERMAN: Then the only other thing
 20 I'd like to ask is, Jerry, you made the judgment based
 21 on your review of the New Jersey Administrative Code
 22 and the Housing Code on the windowless bedroom issue.
 23 Does that need to get -- your judgment need to get
 24 worked into the resolution?
 25 MR. MULLER: I think it's worthwhile

1 MR. HOFF: Why is --
 2 MR. MULLER: It is not a condition. I
 3 did not say it was a condition. I was going to put a
 4 provision, as per Curtis' suggestion, in the
 5 resolution indicating that this had come up.
 6 MR. HOBERMAN: And you made a judgment.
 7 MR. MULLER: I made a judgment that the
 8 Board doesn't have jurisdiction, and the Board doesn't
 9 have jurisdiction.
 10 MR. GUZIK: Jerry, just based on some of
 11 the discussions that have happened, I just
 12 double-checked my memo and Jeff's memo. I didn't see
 13 it, but with some of the -- the parking restrictions
 14 and traffic restrictions, for there to be a Title 39
 15 request requirement, I would recommend -- I don't
 16 think they would have objection -- just to have police
 17 to be able to enforce, especially around the promenade
 18 during events, parking, things of that nature.
 19 MR. MULLER: Sure.
 20 CHAIRMAN O'BRIEN: And the left turn
 21 movements on Road A.
 22 MS. GEEVERS: Jerry, it wasn't a
 23 condition, but were you putting something in about
 24 those units with no windows in the bedrooms?
 25 MR. MULLER: Yes. Just that the issue

1 putting in the resolution that this was raised as an
 2 issue. But the Board -- because there are bedrooms
 3 that are windowless and do not have skylights,
 4 inconsistent with the -- both the New Jersey Housing
 5 Code as opposed to the construction code.
 6 MR. HOBERMAN: Adopted by us.
 7 MR. MULLER: But it's beyond the
 8 jurisdiction of the Board.
 9 MS. GEEVERS: But that will go -- if this
 10 is approved, it will go to the health -- the health
 11 officer in town?
 12 MR. HOBERMAN: And construction official.
 13 MS. GEEVERS: Construction official?
 14 MR. MULLER: It would go to the health
 15 officer who, under the township ordinance, which was
 16 adopted decades ago, has the enforcement power now.
 17 What the internal arrangements are at the
 18 administrative level as to how that gets enforced,
 19 that will have to be decided administratively, but
 20 certainly not by this board.
 21 MR. HOFF: And so why would we have a
 22 condition in the approval that talks things --
 23 MR. MULLER: It's not a condition.
 24 MR. HOFF: Why is --
 25 MR. MULLER: It's not a condition.

1 had been raised. Some of the plans showed windowless
 2 and -- bedrooms without skylights that the -- there
 3 was a New Jersey housing code as opposed to a building
 4 code which required that all habitable spaces have
 5 either windows or skylights, and the township had
 6 adopted -- that doesn't apply on its face, but the
 7 township adopted an ordinance, basically, adopting it
 8 many years ago, but this is not -- the health official
 9 was empowered to enforce it. It is not enforceable by
 10 the Planning Board.
 11 MS. GEEVERS: Go on record that the
 12 Affordable Housing Committee would like to see windows
 13 in bedrooms.
 14 MR. HOFF: You see, this is --
 15 MS. GEEVERS: Affordable housing units.
 16 I'm just going on record and saying that because I am
 17 a member of the committee.
 18 MR. LADELL: No, we're not.
 19 MR. MULLER: It's not up to Avalon to
 20 tell us what to do.
 21 MR. LADELL: Yes, it is.
 22 MR. MULLER: Oh, it certainly is not.
 23 MR. HOFF: We don't agree that that
 24 applies. And we'll work that out with the
 25 construction code. And if it applies, we have to deal

1 with it.
 2 But we're all in agreement this board
 3 can't dictate it. So I'm just --
 4 MR. MULLER: They could put a
 5 provision -- the Board could put a provision in the
 6 resolution saying what I laid out, and it's -- and if
 7 Avalon doesn't like it, that's too bad.
 8 MR. LADELL: That's not happening.
 9 MS. GEEVERS: Well, it --
 10 MR. MULLER: Of course it is.
 11 MR. LADELL: No, it isn't.
 12 MS. GEEVERS: You're out of order.
 13 MR. LADELL: So, Rick, I'm going to do
 14 it. So you don't want me to do it, but, Mr. Muller --
 15 MR. HOFF: That part's correct.
 16 MR. LADELL: It's not correct, okay?
 17 MR. HOFF: No, you're not talking.
 18 MR. LADELL: Why can't we just bring
 19 (indiscernible) I don't understand.
 20 MS. GEEVERS: Jerry, whatever wording you
 21 want, do you want to read that to us or --
 22 MR. LADELL: We're not going to agree to
 23 it.
 24 MR. MULLER: I don't have any language.
 25 You'll see it when I draft the resolution.

1 no windows, or however comfortable you want to word
 2 it. You don't have to get into the who does have
 3 responsibility and history of statutes and ordinances.
 4 That's in your memo.
 5 Anything else, Curtis?
 6 MR. HOBERMAN: No. That's all for me.
 7 CHAIRMAN O'BRIEN: The Chair will
 8 entertain a motion. The motions are usually stated in
 9 the affirmative, and if a majority disagrees, then the
 10 negatives will prevail.
 11 MR. HOBERMAN: On the matter of PB20-15,
 12 Princeton Junction Train Station Redevelopment, I move
 13 that the Planning Board approve the preliminary final
 14 major site plan and subdivision with approval of the
 15 waivers, submission waivers, and conditions.
 16 CHAIRMAN O'BRIEN: Is there a second?
 17 MR. KARP: I'll second.
 18 CHAIRMAN O'BRIEN: It's been moved and
 19 seconded to approve application PB-15 for Princeton
 20 Junction Train Station Redevelopment with some
 21 submission waivers and some design waivers and many
 22 conditions that have been referenced by the attorney.
 23 Is there any further discussion on the
 24 motion?
 25 MR. HOBERMAN: Yeah. We've gone through

1 CHAIRMAN O'BRIEN: It's typical in the
 2 resolutions and memorialization that there is
 3 background information provided. And I think that's
 4 the type of prose that Jerry is suggesting. That this
 5 issue came up, and he provided guidance to the Board,
 6 that it's not within our jurisdiction.
 7 MR. MULLER: Right. Correct.
 8 CHAIRMAN O'BRIEN: Simple as that. And
 9 that was the statement of fact that it's not imposing
 10 any condition or anything that resembles a condition.
 11 It won't discuss the health department. It will just
 12 say, you ruled that we do not have jurisdiction over a
 13 question about windowless bedrooms. Simple as that.
 14 Because that's a fact.
 15 MR. MULLER: Well, Gene, do you want us
 16 -- do you want to put anything in about --
 17 CHAIRMAN O'BRIEN: No. No. I think Mr.
 18 Hoff was accurate when he said that they'll have to
 19 deal with this issue when they go before the
 20 construction department when they submit the
 21 construction plans.
 22 Suffice it to say that a question was
 23 raised, and you provided guidance. You can put the
 24 date of the memo that says the Planning Board does not
 25 have jurisdiction over the design of the bedroom with

1 a lot the last three or four weeks, and there's been
 2 much public engagement on this thing. This site has
 3 languished for a long time, I'll be honest. I didn't
 4 think anything would ever happen in my lifetime at
 5 this site. The community has expressed its concerns
 6 about flooding, about major traffic problems, traffic
 7 patterns, Washington Road, emergency services,
 8 children play areas, climate emergency, and bathrooms.
 9 And my take is that any application that
 10 would come before us in this redevelopment zone, that
 11 we'd be hearing the very same concerns, no matter
 12 what, you know, is put before us.
 13 I think this would be a good addition to
 14 our township, and I will be voting in favor of the
 15 motion. I made it.
 16 MS. GEEVERS: I just wanted to thank the
 17 public, whoever's left here, for coming out. Some of
 18 you have been here, this is the third meeting or
 19 second meeting or your first meeting. You had a lot
 20 to say, and I'm glad that you're here, because I
 21 appreciate it when the public comes out. Sometimes we
 22 have nobody here. So I appreciate the effort.
 23 We're very cognizant of the flooding
 24 issues, but the traffic issues, I think, seemed to top
 25 the list. So we're going to work on that as a

1 township, the mayor, the administration. It's not
2 going to be forgotten. But that's going to be a big
3 priority, as far as I'm concerned. I can only speak
4 for myself. But I think that's what's going to
5 happen. Really going to work on this hard, because
6 there is a lot of traffic there, and this is going to
7 bring more, and we got to work on everything that we
8 discussed tonight.

9 MR. MARATHE: I mean, very few people
10 left here now, but I just want to thank you. I mean,
11 I know all of you are passionate, and we've tried to
12 do the best that we can. But I really appreciate a
13 really civil discussion we had at the end of it. You
14 may feel like the Planning Board did enough, but we
15 did what we legally could do. And I really want to
16 thank those who are still here and those who left for
17 all your input and the -- we discussed the issue.
18 Thank you so much.

19 CHAIRMAN O'BRIEN: Our Cindy, would you
20 call the roll, please, on the motion?

21 MS. DZIURA: Mr. Hoberman?

22 MR. HOBERMAN: Yes.

23 MS. DZIURA: Ms. Geevers?

24 MS. GEEVERS: Yes.

25 MS. DZIURA: Mayor Marathe?

1 meeting at 11:56 p.m.
2 (Hearing was adjourned at 11:56 p.m.)

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1 MR. MARATHE: Yes.
2 MS. DZIURA: Vice Chairperson Karp?
3 MR. KARP: Yes.
4 MS. DZIURA: Chairman O'Brien?
5 CHAIRMAN O'BRIEN: I vote yes.
6 The vote is five affirmative, zero
7 negative. The motion is adopted and the application,
8 PB20-15, is approved.

9 Sam, anything else for the Board before
10 we adjourn?

11 MR. SURTEES: No. We will have a meeting
12 next week. I left your package for that application,
13 and that application is on-line, if the public wants
14 to take a look at it.

15 MR. HOFF: Mr. Chairman, I want to thank
16 the Board for its patience tonight in getting through
17 this application. I know you've extended well beyond
18 your normal time, and it is appreciated by the
19 Applicant. Thank you.

20 CHAIRMAN O'BRIEN: You're welcome. We
21 are glad to be able to dispose of a major undertaking
22 here.

23 I thank the public who are here. I thank
24 all of the Applicant's witnesses for coming back
25 again. And having said that, I will adjourn the

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 deposition in
8 the above-captioned matter; that the foregoing is a
9 true and correct transcript of the stenographic notes
10 of testimony taken by me in the above-captioned
11 matter.

12 I further certify that I am not an attorney
13 or counsel for any of the parties, nor a relative or
14 employee of any attorney or counsel connected with the
15 action, nor financially interested in the action.
16
17

18 _____
19 Cindy Pineiro, CSR #30XI00181500
20 Notary Public #50010742 Exp. 2/24/25

21 Dated: October 13, 2021
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