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STATE OF NEW JERSEY
OCEAN COUNTY
TOWNSHIP OF BRICK
PLANNING BOARD
APPLICATION NUMBER PB-2880-PMS-FMS 8/2021

- - - - -X

DR HORTON NJ/PA
c/o ROBERT FESCO
Block 646, Lot 21,
443 Laurel Avenue
Preliminary and Final Major Subdivision,

Applicant.

- - - - -X

COMPUTERIZED TRANSCRIPT of the stenographic
notes of the proceedings in the above entitled
matter as taken by DENISE L. SWEET, a Certified
Court Reporter and Registered Professional Reporter,
at the TOWNSHIP OF BRICK, MUNICIPAL BUILDING, 401
Chambers Bridge Road, Brick, New Jersey on
Wednesday, February 23, 2022, at 7 o'clock in the
evening.

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A-3 Color Scheme Booklet 20

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A P P E A R A N C E S

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GIORDANO, HALLERAN & CIESLA
125 Half Mile Road
Red Bank, New Jersey 07701
BY: JOHN GIUNCO, ESQ.
For the Applicant.

7

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Brick Township Planning Board:

9

Bernard Cooke, Chairman
Kevin Aiello, Vice Chairman
Brad Clayton
Councilman Vince Minichino
Matthew Fagan
Kevin Nugent
William Philipson
George Osiopovitch
Jo Anne Lambusta
Daniel Ward
Harold Hensel, Esq.
Tara Paxton, Township Planner
Brian Boccanfuso, PE
Pamela O'Neill, Board Secretary

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CHAIRMAN COOKE: Good evening,

2

everyone. Okay. At this point I just want to make

3

a quick announcement before we open up the meeting

4

that we are at capacity. There will be no one else

5

from the public allowed in. Please note the exit

6

signs. If there is an emergency, familiarize

7

yourself with the exits so we know where to go.

8

So, at this time, okay, at this

9

time I would like to call the Wednesday, February

10

23, 2022 Brick Township Planning Board meeting to

11

order. Please rise to salute the flag.

12

(Flag salute.)

13

CHAIRMAN COOKE: Okay. Quick

14

announcement before we get started. As the

15

proceedings this evening are quasi judicial, the use

16

of recording devices or audio devices are

17

prohibited. So, you cannot videotape or record this

18

meeting. Thank you.

19

Okay. Please let the minutes

20

reflect that adequate notice for holding this

21

meeting was provided in the following manner: By

22

resolution of the Brick Township Planning Board on

23

January 12, 2022. The notice was posted on the

24

bulletin board in the Municipal Building, forwarded

25

to the official newspaper, and filed with the

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1 Township Clerk as required by the Open Public
 2 Meetings Law.
 3 May we have a roll call, please?
 4 MS. O'NEILL: Mr. Cooke?
 5 CHAIRMAN COOKE: Here.
 6 MS. O'NEILL: Mr. Aiello?
 7 MR. AIELLO: Here.
 8 MS. O'NEILL: Mr. Clayton?
 9 MR. CLAYTON: Here.
 10 MS. O'NEILL: Mr. Fagan?
 11 MR. FAGAN: Here.
 12 MS. O'NEILL: Councilman Minichino?
 13 COUNCILMAN MINICHINO: Here.
 14 MS. O'NEILL: Mr. Occhiogrosso?
 15 Mr. Osiopovitch?
 16 MR. OSIPOVITCH: Here.
 17 MS. O'NEILL: Mr. Nugent?
 18 MR. NUGENT: Here.
 19 MS. O'NEILL: Mr. Philipson?
 20 MR. PHILIPSON: Here.
 21 MS. O'NEILL: Ms. Lambusta?
 22 MS. LAMBUSTA: Here.
 23 MS. O'NEILL: And Mr. Ward?
 24 MR. WARD: Here.
 25 MS. O'NEILL: Thank you.

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1 CHAIRMAN COOKE: Mr. Hensel, would
 2 you like to make the announcement regarding the
 3 church as far as, as far as the Board is concerned?
 4 MR. HENSEL: To follow-up with the
 5 roll call that Pam has just done, one of the
 6 applications on this evening is for DR Horton and
 7 the Board has received correspondence from an
 8 attorney representing, I believe it's, Save Barnegat
 9 Bay, who's voiced an objection to any Board members
 10 participating in hearing this matter that would be
 11 of Roman, of the Roman Catholic faith as a result of
 12 the fact that the contract seller of the property is
 13 the Church of the Visitation.
 14 To that end, we did some legal
 15 research, I've looked at the cases that were cited
 16 by counsel, and there's a Supreme Court case that
 17 governs it, essentially, that indicates that a
 18 public official should not participate in a matter
 19 if they are, not just a member of the church, but in
 20 a leadership roll.
 21 So, as long as we've done a roll
 22 call of the Board, I'd ask any of the Board members,
 23 are any of them congregants of the Church of
 24 Visitation in a leadership roll or capacity? If so,
 25 they may be in conflict and probably should step off

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1 the dais. Anyone?
 2 Now, I know the correspondence had
 3 indicated there Roman Catholics should not
 4 participate. I don't think the state of the law
 5 based on the decision of Grabowsky versus Township
 6 of Montclair, 221 New Jersey 536, and it's only if
 7 you were in a leadership capacity of the Church of
 8 Visitation would you be presented with a conflict.
 9 As a result I'd ask the Board, and I want the record
 10 to reflect, that no Board members are not in that
 11 role and, therefore, we don't believe there's any
 12 conflict of any of the Board members to participate.
 13 We do this now, because that's apparently the only
 14 application that's going to be before this Board at
 15 this time. Thank you, Mr. Chair.
 16 CHAIRMAN COOKE: Thank you. Thank
 17 you, Mr. Hensel.
 18 Okay. Moving along with this
 19 evening's agenda, this evening we do not have any
 20 vouchers. Under old business, we have
 21 PB-2885-PSP-FSP-V 9/2021, that is Brick Smoothie,
 22 LLC. We do not have a resolution prepared at this
 23 time, so that will be carried to a later date.
 24 MR. HENSEL: Mr. Jackson shames me
 25 when he said they were always done. That was a

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1 three meeting application. That will be at the next
 2 meeting, the draft of the resolution.
 3 CHAIRMAN COOKE: Okay. Seeing no
 4 further old business, we'll move on to new business.
 5 First on the agenda we do have PB-2856-MSP-V 7/2021,
 6 and that is Poole Properties, LLC. I've been
 7 advised that, if anybody is here for that, we will
 8 not be hearing that application tonight and that is
 9 going to be carried to March 23, 2022.
 10 Any comment, Mr. Hensel?
 11 MR. HENSEL: Only that there is,
 12 there will be no further notification by way of
 13 publication or 200-foot property owner notices.
 14 Anyone that was interested in this application were
 15 noticed for this evening's hearing and this
 16 announcement was to advise to give them further
 17 notice of the next hearing date of March 23. So, if
 18 anyone has an interest in Poole Properties, they
 19 don't have to stay for the rest of the meeting.
 20 CHAIRMAN COOKE: Okay. And before
 21 we move on to the application this evening, just a
 22 couple housekeeping items. As we go through the
 23 proceedings this evening, we will have our
 24 professionals and Board professionals speak. We
 25 will ask the Board if they have any questions. And

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1 as the witnesses are here, I will actually ask if
2 anyone from the public has a question. We'll bring
3 you up, just please state your full name and your
4 address. You don't have to get sworn in for that
5 process. But, at the end of the application, if we
6 get to the end of the application, we will open up
7 for comments from the public and you will have to be
8 sworn in at that time.

9 MR. HENSEL: And if I can just
10 emphasize that, as the Chairman's indicated, it's
11 questioning only. Each witness will testify. There
12 will be an opportunity for any members of the public
13 to cross examine that witness. That is not a chance
14 to tell us that you do like this application or
15 don't like it. Rather, it's simply an opportunity
16 to ask questions of the witness as to what they
17 testified to. That is the parameters of the cross
18 examination that will be permitted.

19 After the applicant has completed
20 its entire application, then members of the public
21 can be sworn in and testify and be subject to cross
22 examination by the applicant's counsel.

23 CHAIRMAN COOKE: Thank you, Mr.
24 Hensel.

25 Okay. So, moving along, under new
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1 business this evening, we have PB-2880-PMS-FMS
2 8/2021, DR Horton, New Jersey/PA, care of Robert
3 Fesco, and that's preliminary and final major
4 subdivision.

5 MR. GIUNCO: Mr. Chairman, John
6 Giunco, Giordano, Halleran and Ciesla, appearing on
7 behalf of the applicant.

8 This is an application to seek
9 development for the property located at 443 Laurel
10 Avenue in Brick. It's designated as Block 646, Lot
11 21 on the tax map. It's approximately 31.63 acres
12 in the R-15 zone. The applicant is seeking approval
13 for the property to be subdivided into 59 individual
14 home lots. It also has two detention stormwater
15 lots, construction of single family residences,
16 roadways, parking, sidewalks, stormwater management
17 facilities, lighting, landscaping, signage, and
18 related site improvements for delivery of utilities
19 to the property.

20 This application was first
21 submitted to Brick in August of 2021. After a
22 couple of rounds of completeness review, the
23 application was deemed complete and a technical
24 review meeting was scheduled. The meeting was held
25 on December 7th of 2021. And, at that point, we

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1 received, on behalf of the applicant, several
2 comments and direction, if you will, as to
3 modifications to the plans from the consultants and
4 staff. Particularly, the most significant issue of
5 the application had to do with the revision of the
6 stormwater management system proposed.
7 You're all aware, if you're not,
8 DEP has changed the stormwater management
9 regulations over the past year or so and it,
10 basically, moves to an infiltration type of system.
11 Those rules became effective, adopted by NJDEP and
12 adopted by Township, Brick Township, as part of your
13 ordinances. And in that, our client's original
14 application had proposed 72 individual stormwater
15 management systems facilities within the site. The
16 staff requested and suggested that we do away with
17 that, it created too much issues for the town, and
18 requested a modified plan that would have more
19 infiltration through other routes and more detention
20 basins, larger detention basins, but less of them,
21 and that resulted in a plan that met with the new
22 standards that were proposed, particularly porous
23 pavement in the street and mechanical or devices, if
24 you will, to further clean the stormwater before
25 it's distributed.

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1 These plans were revised as a
2 result of that request and resubmitted on February 4
3 to the Board engineers and consultants for review
4 and that is why we're here. On February 9 we
5 appeared before the Architectural Review Committee
6 in this room and, basically, we think we, based on
7 the report, satisfied the Architectural Review
8 Committee and I'm going to start our presentation by
9 going over that.

10 And between the last couple of
11 days, we did receive an engineering review letter
12 from CME dated February 22, planner letter from Tara
13 dated February 22, the Architectural Review
14 Committee report was received today, the Township
15 engineer review letter dated February 17, fire
16 marshal review February 10. Based on all of those,
17 we tried to modify the application somewhat and
18 that's what we have before you. We did receive
19 within the last couple of days further comments. We
20 plan to address those during this presentation.

21 So, we also, we're aware, received
22 a letter that you addressed earlier from the Save
23 Barnegat Bay attorney and I'm glad you saved me some
24 arguments here, because I also agree with you, Mr.
25 Hensel. I don't think this was properly presented,

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1 given the fact that most cases all speak of
2 management in the church.
3 So, tonight we have four witnesses
4 available, Robert Regazzoni, our architect; Ethan
5 Oglevee, the project manager; Leanne Hoffman, our
6 civil engineer; John Rea, our traffic consultant,
7 and we have planner Christine Cofone available also.
8 What I'd like to do first, Mr. Chairman, with your
9 approval, is to ask Robert and Ethan to explain the
10 architecture, the design, and, basically, explain to
11 the Board, even though the Township does not have an
12 ordinance for what's called look alike developments,
13 this, my client has a system that they address and
14 manage that and that's part of what we would like to
15 explain to you.

16 So, with your permission, I would
17 call these two witnesses, ask they'll be sworn, and
18 we'll offer Robert as an expert in the field of
19 architecture.

20 (Robert Regazzoni, Architect, was
21 sworn to testify.)

22 (Ethan Oglevee was sworn to
23 testify.)

24 CHAIRMAN COOKE: Excuse me, before
25 we continue, I just want to make sure we are

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14

1 speaking into the mic, so our reporter and secretary
2 can pick it up.

3 MR. GIUNCO: We will work on that
4 and I'm sure you'll correct us if we slip.

5 All right. So, Robert, would you
6 identify yourself for the Board?

7 MR. REGAZZONI: Yes, my name is
8 Robert Regazzoni. I'm a principal and partner with
9 Wade Architecture. We're an architectural firm from
10 Maryland. I'm a licensed architect in the State of
11 New Jersey and nine other states in the US along the
12 east coast, including Hawaii. I have 25 years of
13 experience in the residential and commercial area of
14 the industry.

15 MR. GIUNCO: I didn't ask him, Mr.
16 Chairman, but he presented his credentials. I'll
17 ask you accept him as an expert.

18 CHAIRMAN COOKE: Mr. Hensel, good?

19 MR. HENSEL: No questions.

20 CHAIRMAN COOKE: Absolutely.

21 MR. GIUNCO: Ethan, would you
22 identify yourself to the Board, your position with
23 the company?

24 MR. OGLEVEE: Hi, I'm Ethan
25 Oglevee. I work in both land and operations for DR

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1 Horton in New Jersey and Pennsylvania.

2 MR. GIUNCO: Okay. So, Ethan and
3 Robert, you, under Robert's direction, all prepared
4 exhibits to present to the Board. For example, on
5 the first board you have is for the Hadley?

6 MR. REGAZZONI: Yeah. So,
7 basically, what we're presenting here --

8 MR. GIUNCO: Hold on a second,
9 Robert. What we need to do, I want you to just
10 introduce these two exhibits, we'll mark them, and
11 then I'll ask you to describe them.

12 So, first, for the Hadley? Would
13 you like me to put a mark on here?

14 (Exhibit A-1, Hampshire design
15 board, and A-2, Hadley design board, were
16 marked.)

17 (Audience interruptions.)

18 CHAIRMAN COOKE: We can try the
19 best we can, but, unfortunately, the Board has to be
20 able to see all presentations here. We'll do the
21 best we can.

22 MR. GIUNCO: Let's start with this.
23 Can I ask, what I'd ask to be marked A-1 is an
24 exhibit for the Hampshire model, which shows three
25 front elevations, and could I ask to be marked as

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16

1 A-2 an exhibit for the Hadley model, which shows two
2 front elevations? And, with that, I would like to
3 ask Ethan to, basically, describe, first of all,
4 would you describe DR Horton's method of homes,
5 construction, and sales, and then, describe exhibit
6 A-1 and A-2, and we'll ask Robert to explain the --

7 MR. HENSEL: And, counsel, can we
8 have the witness, he is not an architect, the
9 architect is Mr. Regazzoni --

10 AUDIENCE MEMBER: I want to make an
11 objection that goes on the record that this whole
12 meeting we cannot see, we cannot see anything.

13 MR. HENSEL: That's fine.

14 AUDIENCE MEMBER: I want it on the
15 record.

16 MR. HENSEL: It's noted. You, sir,
17 your position is with DR Horton; is that correct?
18 What is that position, sir?

19 MR. OGLEVEE: Operations and land.

20 MR. HENSEL: Okay. And that means
21 you work with the architect in designing and
22 developing the project?

23 MR. OGLEVEE: No, my testimony is
24 more about how DR Horton does business, how we'll
25 address the look alike. My testimony is not about

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17

1 the architecture itself.

2 MR. HENSEL: Okay. The
3 architect --

4 MR. GIUNCO: Part of what I know
5 the Board is interested in is a look alike and how
6 we comply with that.

7 So, Ethan, can you describe to the
8 Board how DR Horton prepares their products for sale
9 and then presents them for sale?

10 MR. OGLEVEE: So, DR Horton, we're
11 a spec build. What that is means, as opposed to a
12 customer coming to our office saying, I would like
13 to buy this lot and put this house on this lot, we
14 pre-spec every lot in the community and build the
15 homes. And the customer would come in and buy
16 either a home that's under construction or
17 potentially a completed home that has already been
18 preselected as far as home type, elevation, color
19 scheme, everything. So, it's actually much more
20 similar to buying a resale home in the market is the
21 customer experience.

22 MR. GIUNCO: Now, Ethan, you also,
23 could you also explain what DR Horton does in order
24 to make the community more visually acceptable?

25 MR. OGLEVEE: Yes. So, right now

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1 we have the Hampshire and Hadley are two of the home
2 types that we're offering in the community. These
3 were, we're showing the most popular elevations,
4 which Robert will speak to the architecture, but
5 what this allows us to do is we can have a Hampshire
6 next to a Hampshire, but we do not allow the same
7 elevation next to the same elevation nor the same
8 color scheme next to the same color scheme and that
9 also goes for across the street. So, side by side
10 and across the street it will always be different
11 elevations and different color schemes.

12 MR. GIUNCO: Ethan, you also have,
13 you also have conducted studies about the market
14 sales and based on that, would you just give the
15 Board an idea of what you project would be the sales
16 in the Hadleys?

17 MR. OGLEVEE: That is correct. So,
18 we have two active communities and in the last two
19 years have built five communities with this product
20 lineup, with the Hadley and Hampshire being two
21 products in a five product lineup. By far, the two
22 most popular houses, and the Hampshire sells two to
23 one to every other house. So, the Hampshire is by
24 far the most popular model.

25 MR. GIUNCO: Could you also explain

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1 the differential different color scheme and how you
2 regulate those?

3 MR. OGLEVEE: So, we provided to
4 the Board a color scheme booklet and really that's
5 just to show that it's not that we have two or three
6 color schemes. We have 14 different colors schemes
7 that we choose from. And those color schemes
8 include different primary siding, different
9 supplemental siding, different stone, front doors,
10 and shutter colors.

11 MR. GIUNCO: Okay. So, you want to
12 give the microphone to Robert?

13 Robert, could you, starting with
14 the Hampshire, describe these three elevations and
15 then we'll introduce the floor plan and ask you to
16 describe that?

17 MR. HENSEL: Counsel, before you do
18 that, they were handed out to the Board was the
19 traditional series, which was just identified as the
20 color scheme. We should mark that as exhibit A-3
21 since it's been submitted to the Board.

22 MR. GIUNCO: The color scheme
23 booklet, yes.

24 MR. HENSEL: The Board members have
25 it to show the color schemes.

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1 (A-3, color scheme booklet,
2 marked.)

3 MR. GIUNCO: Robert, beginning with
4 the Hampshire, would you describe to the Board or
5 anyone who's interested, the various elevations that
6 we propose and then do the same with Hadley and then
7 we'll go through the floor plans?

8 MR. REGAZZONI: Well, starting with
9 the Hampshire, this is a two-story single family
10 home, four bedrooms, having one bedroom on the first
11 floor. The concept that we have presented here is
12 three of the multiple variations of elevations that
13 we have. We have different combinations of
14 materials. We tried to show here most of the
15 materials that are used here, such as the stone,
16 stone veneer siding. We have also, like, in the
17 first elevation, we can see shakes on the second
18 floor, asphalt shingles for roofing, siding, and all
19 the vinyl trims around all the windows and we also
20 have siding on the first floor.

21 The second option shown here
22 presented another one that we have, has a variation
23 on the way we show, distribute the windows and the
24 fenestrations. We also include the board and
25 batting as an alternative finish and some

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1 combination with siding and some of the other
2 materials that I mentioned before.
3 And the third one is also another,
4 a different elevation, same four bedroom, two-story
5 house, but now with a different combination of
6 materials and colors.

7 The exhibit number three that we
8 talked about shows the alternate colors within the
9 same materials that we're showing here.

10 MR. GIUNCO: And with regard to the
11 Hadley, can you describe the elevation?

12 MR. REGAZZONI: On the Hadley, we
13 also, it's a two-story, four bedroom home. This one
14 is slightly smaller than the first one is 3,200
15 square feet, this is around 2,300, give or take.

16 This one combines the same multiple materials that
17 we saw on the Hampshire. We have siding, we have
18 board and batting, and different colors, vinyl
19 trimming, asphalt shingles, and I believe this one
20 representing also shakes on the second floor as an
21 alternate finish and stone as well.

22 CHAIRMAN COOKE: Okay. Excuse me
23 one moment. I have to make an announcement. I've
24 just been advised that we have several people from
25 the public outside waiting to try and come into this

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22

1 proceeding. So, unfortunately, we are going to have
2 to postpone this evening's meeting --

3 (Audience interruptions.)

4 CHAIRMAN COOKE: -- this way we can
5 give everyone an opportunity to hear and be able to
6 make comment as we see fit.

7 (Audience interruptions.)

8 CHAIRMAN COOKE: The meeting will
9 be carried over to the Civic Plaza. Mrs. O'Neill,
10 do you have some dates?

11 MS. O'NEILL: We have two dates
12 available for the Civic Plaza, March 21 or March 28.

13 MR. HENSEL: Would they be special
14 meetings?

15 MS. O'NEILL: These will be special
16 meetings.

17 MR. HENSEL: Counsel, we've got a
18 fire marshal telling us we can't have this meeting.

19 MR. GIUNCO: I understand and my
20 client is fine with the special meeting. Let me
21 just --

22 (Audience interruptions.)

23 CHAIRMAN COOKE: Quiet, please.

24 MR. GIUNCO: Mr. Chairman, if we
25 could, we'd like to ask for the 21st.

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1 CHAIRMAN COOKE: March 21.

2 MR. HENSEL: That will start at 7
3 p.m.

4 MR. GIUNCO: 7 p.m.

5 MR. HENSEL: 7 p.m., March 21, at
6 the Civic Center. Pam, if you can give us the

7 address, because the applicant will not be required
8 to republish or renotice. This announcement shall
9 suffice to alert the public that the next meeting

10 will be on March 21 at 7 p.m. at the Civic Center,
11 which is located on Chambers Bridge Road. Pam?

12 MS. O'NEILL: Yes, sir. I'm trying
13 to make sure I have the right address. The address
14 is 270 Chambers Bridge Road.

15 MR. HENSEL: That's the Bricktown
16 Civic Center, 270 Chambers Bridge Road.

17 (Audience interruptions.)

18 CHAIRMAN COOKE: Excuse me. Please
19 be quiet.

20 MR. GIUNCO: I was just going to
21 say, if I may, I'd like to hold the exhibits in
22 custody and I'll bring them back.

23 MR. HENSEL: That's fine. We're up
24 to A-3 at this point. That's most appropriate to
25 hang on to those.

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24

1 MR. GIUNCO: You actually have A-3.

2 So, I'll take A-1 and two. Thank you.

3 CHAIRMAN COOKE: Any further
4 questions? Okay. Thank you. All right. At this
5 time a motion to adjourn would be in order.

6 MS. LAMBUSTA: I make a motion.

7 CHAIRMAN COOKE: A motion to
8 adjourn, Mrs. Lambusta. Second?

9 MR. FAGAN: Second.

10 CHAIRMAN COOKE: Mr. Fagan. All in
11 favor?

12 UNANIMOUS BOARD: Aye.

13 CHAIRMAN COOKE: Okay. Listen,
14 everyone be safe.

15 MS. PAXTON: Mr. Chairman?

16 CHAIRMAN COOKE: Yes. Excuse me.

17 MS. PAXTON: Just a note for the

18 public, all of the exhibits are online on the
19 Township of Brick website. You can view them from
20 your phone, from your computer, at

21 www.BrickTownship.net, go to Boards and Commissions,
22 Planning Board. Every file that we have is
23 available there for you to view.

24 MS. O'NEILL: Just to let everyone
25 know, the exhibits that were given today will be

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25

1 added tomorrow.
 2 CHAIRMAN COOKE: Everyone be safe.
 3 (Meeting adjourned at 7:46 p.m.)
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DENISE SWEET & ASSOCIATES, LLC (732) 462-6096

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