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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, CIVIC CENTER, 270 Chambers
Bridge Road, Brick, New Jersey on Monday, March 21,
2022, at 7 o'clock in the evening.

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1

I N D E X

2

WITNESSPAGE

3

Robert Regazzoni, Architect 8

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Leanne Hoffman, PE 45

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PUBLIC QUESTIONSPAGE

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Travis Limper 10

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Aaron Tinger 11

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David Szczytko 12

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Richie Campbell 15

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William DeCamp, Jr. 19

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Laura Pennington 23

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Brendan Stuk 23, 39

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Nancy Rutherford 28

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Rick Morrison 30

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Mary Waldron 33

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Victoria Gianakos 35

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Marc Vasquez 38

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Christina Weaver 43

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A-5 Site Plan Drawing of March 9, 2022, Sheet SP-05 and SP-06 47

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A P P E A R A N C E S

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4

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

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7

8

Brick Township Planning Board:

9

Bernard Cooke, Chairman
Kevin Aiello, Vice Chairman
Councilman Vince Minichino
Cosmo Occhiogrosso
Kevin Nugent
William Philipson
George Osiopovitch
Jo Anne Lambusta
Daniel Ward
Harold Hensel, Esq.
Tara Paxton, Township Planner
Brian Boccanfuso, PE
Elissa Commins, PE
Christopher Romano, Zoning Officer
Pamela O'Neill, Board Secretary

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1

CHAIRMAN COOKE: Okay. Good

2

evening, everyone. At this time, I would like to

3

call to order the special meeting of tonight, March

4

21, 2022, of the Brick Township Planning Board.

5

Please rise to salute the flag.

6

(Flag salute.)

7

CHAIRMAN COOKE: Please let the

8

minutes reflect that adequate notice for holding

9

this meeting was provided in the following manner.

10

48-hour notice, the notice was posted on the

11

bulletin board in the Municipal Building, forwarded

12

to the official newspapers, and filed with the

13

Township Clerk as required by the Open Public

14

Meetings Law.

15

May we have a roll call, please?

16

MS. O'NEILL: Mr. Cooke?

17

CHAIRMAN COOKE: Here.

18

MS. O'NEILL: Mr. Aiello?

19

MR. AIELLO: Here.

20

MS. O'NEILL: Mr. Clayton? Mr.

21

Fagan? Councilman Minichino?

22

COUNCILMAN MINICHINO: Here.

23

MS. O'NEILL: Mr. Occhiogrosso?

24

MR. OCCHIOGROSSO: Here.

25

MS. O'NEILL: Mr. Osiopovitch?

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5 1 MR. OSIPOVITCH: Here. 2 MS. O'NEILL: Mr. Nugent? Mr. 3 Philipson? 4 MR. PHILIPSON: Here. 5 MS. O'NEILL: Ms. Lambusta? 6 MS. LAMBUSTA: Here. 7 MS. O'NEILL: And Mr. Ward? 8 MR. WARD: Here. 9 MS. O'NEILL: Thank you. 10 CHAIRMAN COOKE: Okay. Thank you. 11 Before we start this evening, I would like to 12 welcome everyone. It looks like we have a good 13 crowd tonight, so please be mindful. What I would 14 ask is that you refrain from calling out, getting 15 disruptive, because I will call the meeting; okay? 16 Please be respectful of the applicant, okay, of the 17 Board members up here, we have to hear what's going 18 on. 19 Also, the way we'll work this this 20 evening is, as you hear the testimony of the 21 applicants, the public will be able to ask 22 questions. Okay. We'll allow anybody to come up 23 and ask questions. And at the end of the meeting we 24 will also open it up to the public for comments, but 25 each comment will be limited to five minutes; okay? DENISE SWEET & ASSOCIATES, LLC (732) 462-6096	7 1 speaker identification.) 2 AUDIENCE MEMBER: -- to see if any 3 members had any leadership positions at Visitation; 4 correct? 5 MR. HENSEL: Yes. 6 AUDIENCE MEMBER: Well, being as 7 the diocese is selling the property, the question 8 should be do the Board members have a leadership 9 position in any Roman church within the diocese. 10 MR. HENSEL: Mr. Chairman, if I 11 may, we already ruled on that. I made a ruling on 12 that. You have to be a leader of the particular 13 church that is applying. It does not matter that 14 the diocese of Trenton is the property owner and is 15 the contract seller of the property. We already 16 polled the Board to determine no one on the Board 17 has a leadership role with the church and, 18 therefore, all Board members are eligible to vote. 19 Thank you for your comments, sir. 20 Go ahead, Mr. Giunco. 21 MR. GIUNCO: Okay. So, when we 22 were at the last meeting I introduced the testimony 23 of Ethan Oglevee from DR Horton and Robert 24 Regazzoni, our architect. And we finished our 25 direct testimony, Mr. Chairman, but I did note DENISE SWEET & ASSOCIATES, LLC (732) 462-6096
6 1 If it starts getting repetitive, we're going to move 2 on and we'll keep going. Just try not to be 3 repetitive with any questions or comments. 4 Anything else, Mr. Hensel? 5 MR. HENSEL: No, sir. 6 CHAIRMAN COOKE: So, gentlemen? 7 MR. GIUNCO: Mr. Chairman, John 8 Giunco, Giordano, Halleran and Ciesla, appearing on 9 behalf of the applicant. As you may recall, we 10 commenced the hearing at our last gathering -- 11 CHAIRMAN COOKE: I'm sorry. I did 12 need to make one more announcement. If you could 13 please speak close to the microphone so the public 14 can hear and so we can hear and we can get it on the 15 recording. And, also, all the exhibits will be on 16 the screen so you can see as we move forward. Thank 17 you. 18 MR. GIUNCO: We have -- 19 AUDIENCE MEMBER: Point of order, 20 Mr. Chairman. Point of order before we begin. 21 CHAIRMAN COOKE: We can't have 22 that. 23 MR. HENSEL: What's your name and 24 what's your question, sir? 25 (Stenographer interruption for DENISE SWEET & ASSOCIATES, LLC (732) 462-6096	8 1 within the transcript, it referred to the Hadley 2 model as 2,300 square feet, but the testimony in the 3 model was 2,600 feet. And I have Mr. Regazzoni here 4 so he can verify that, which I'll do. There, I have 5 no other direct questions for them, but they were 6 ready for cross examination. So, they're here and 7 we're ready to proceed. And, if I may, first, Mr. 8 Regazzoni -- that was my other question. You want 9 our witnesses to go to the -- 10 CHAIRMAN COOKE: Yes, please. 11 MR. GIUNCO: The size, the Hadley 12 size, what is the -- 13 MR. HENSEL: Counsel, why don't we 14 have him identify himself for the record again and 15 remind him he's still under oath. Go ahead, sir. 16 MR. REGAZZONI: My name is Robert 17 Regazzoni, architect with Wade Architecture. 18 MR. GIUNCO: Mr. Regazzoni was 19 sworn in and accepted as an expert at our last 20 hearing. 21 MR. HENSEL: Yes. 22 MR. GIUNCO: And he remains under 23 oath. 24 Robert, the square footage of the 25 Hadley model? DENISE SWEET & ASSOCIATES, LLC (732) 462-6096

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1 MR. REGAZZONI: I just want to
2 clarify the square footage was written on the
3 transcript reads 2,300, it's actually 2,600.

4 MR. GIUNCO: Okay. So, that was
5 just a corrective question, Mr. Chairman. I have
6 both Mr. Regazzoni and Mr. Oglevee are available for
7 questions.

8 CHAIRMAN COOKE: Okay. As we go
9 through this evening's testimony, if we can review
10 each letter line by line of our professionals, go
11 through step by step, this way everybody can get on
12 the path.

13 MR. GIUNCO: Okay. All right. So,
14 if I could ask Ethan and Robert to come here and you
15 want the folks to come up to the lectern or how do
16 you want to do that, Mr. Chairman? Is that okay?
17 Come over here and whoever wants to ask questions at
18 the lectern.

19 MR. HENSEL: First the Board
20 members.

21 CHAIRMAN COOKE: Any Board member
22 have any questions? No questions?

23 How about any member of the public
24 have any questions? Come on up, sir, and please
25 just state your full name and your address.

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1 MR. LIMPER: My name is Travis
2 Limper, 495 Harmony Ave. I have a question. I
3 don't expect an answer. I just want to know. Do
4 you have an approximate tree count? How many trees
5 you're going to cut down and also --

6 CHAIRMAN COOKE: Excuse me. Please
7 speak into the mic.

8 MR. LIMPER: I think he heard the
9 question. Approximate tree count of removals and
10 also remediation, what are you planning on doing for
11 replacing the trees or restoration work?

12 MR. GIUNCO: This was the testimony
13 about architecture and I think that question is fine
14 to answer, but I just don't have a witness here now
15 who's testified yet to that subject. So, it
16 probably should come a little later.

17 CHAIRMAN COOKE: Okay. Save that.

18 MR. LIMPER: The one thing I want
19 to state is that --

20 MR. GIUNCO: Again, I'm going to
21 object to, Mr. Chairman.

22 CHAIRMAN COOKE: We'll get back to
23 you, sir. If you could just so --

24 MR. LIMPER: I don't want to take
25 any time. I appreciate it.

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1 CHAIRMAN COOKE: Right now the
2 questions are for the architect about the
3 architecture of the building.

4 MS. O'NEILL: Spell your last name,
5 sir.

6 MR. LIMPER: L-I-M-P-E-R.

7 MS. O'NEILL: Thank you.

8 CHAIRMAN COOKE: Is there any
9 member of the audience that has a question of the
10 architect? Come on up, sir.

11 MR. TINGER: Good evening, Aaron
12 Tinger, T-I-N-G-E-R, 225 Circle Way. What is the
13 parking capacity for this?

14 MR. REGAZZONI: It's a two car
15 garage.

16 MR. TINGER: Two car garage and a
17 driveway?

18 MR. REGAZZONI: It's a two car
19 garage with a driveway for a total of four spaces.

20 MR. TINGER: So, four is the
21 capacity for each of the homes?

22 MR. GIUNCO: That is not really an
23 architectural question. There was two -- the
24 testimony is there are two in the garage and
25 driveway. Our engineer will testify to the

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1 dimensions of the driveway and the compliance with
2 RSIS for the parking requirement. But, that's the
3 answer, four.

4 MR. TINGER: Thank you, sir.

5 CHAIRMAN COOKE: Thank you.

6 MR. SZCZYTKO: I'm David Szczytko,
7 7 Aarons Way. My question is the amount of
8 bedrooms, this is one model; right?

9 MR. REGAZZONI: Two models.

10 MR. SZCZYTKO: So, two models and
11 the total is how many models? I only care about the
12 largest model is what I'm going to focus on. How
13 many bedrooms in the largest model?

14 MR. REGAZZONI: It's a four
15 bedroom.

16 MR. GIUNCO: Robert, first tell him
17 which is the largest model.

18 MR. REGAZZONI: The Hampshire is
19 the largest model. It starts at 3,200 square foot.

20 MR. SZCZYTKO: 3,200 square feet
21 largest model. Does that have a basement?

22 MR. REGAZZONI: No.

23 MR. OGLEVEE: Yes. Yes, it does.

24 MR. SZCZYTKO: So, the, which one
25 of you guys is the architect, by the way?

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1 MR. REGAZZONI: I am.

2 MR. SZCZYTKO: Okay. Basement,
3 full basement? Should I ask him?

4 MR. REGAZZONI: Full basement,
5 unfinished.

6 MR. SZCZYTKO: Full basement,
7 unfinished. So, is there a walk-in section to the
8 basement or how is the basement accessed?

9 MR. REGAZZONI: The basement is
10 accessed from the inside.

11 MR. SZCZYTKO: From the inside. Is
12 there an exterior access to the basement?

13 MR. REGAZZONI: That depends on the
14 engineering. That's a civil engineering question.

15 MR. SZCZYTKO: So, there is a
16 potential to have exterior access to the basement?

17 MR. REGAZZONI: There is potential
18 anywhere in the house, but it is located within it.

19 MR. SZCZYTKO: Okay. So, would you
20 also in that fact state that there is a potential to
21 have a finished basement, a finished bedroom within
22 the basement? We're just talking hypotheticals
23 here.

24 MR. REGAZZONI: Any space could be
25 a bedroom.

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1 MR. SZCZYTKO: Okay.

2 MR. OGLEVEE: Yes, we have a rec
3 room option for the basement. So, there is a
4 finished basement option.

5 MR. SZCZYTKO: Okay.

6 MR. OGLEVEE: And just for
7 clarification, my role is operations and land
8 manager for DR Horton. So, I can speak to how we
9 market homes.

10 MR. SZCZYTKO: That's what I was
11 looking for. Okay. So, it's not out of the realm
12 of possibility for there to feasibly be ten people
13 living in the home comfortably.

14 MR. OGLEVEE: I can't give a final
15 number how many people --

16 MR. SZCZYTKO: Okay. We're
17 speaking hypotheticals. I'm just trying to get a
18 general sense, I'm not looking to waste time or be a
19 nitpicker, I'm just really trying to get how many
20 people, somebody was asking about how many cars,
21 we're ultimately talking about how much more, we're
22 asking the same questions, which is how many more
23 people are going to be there, how much more traffic
24 is there going to be, how much more taxing is there
25 going to be on the general services, this kind of

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1 thing. So, that's ultimately what my line of
2 questioning is driving at and --

3 MR. OGLEVEE: I'll answer your
4 first question. The largest, the Hampshire, is a
5 five bedroom home.

6 MR. SZCZYTKO: Five bedroom. So,
7 would the potential feasibly be six?

8 MR. OGLEVEE: No, I didn't say
9 that. I said five.

10 MR. SZCZYTKO: Okay. Well, like I
11 said, I'm speaking hypotheticals. I'm not trying to
12 put you in a position. I'm just trying, ultimately,
13 to get a general sense of what the potential is. Do
14 you have a statement? Can't hear because people are
15 talking. All right. They're excited. All right.

16 So, I'm going to say hypothetically
17 eight people is a very fair assumption for a large
18 home like that, which is a good amount of people and
19 that's ultimately the question I had for you
20 tonight. That's it. Got one for me?

21 MR. CAMPBELL: My name is Richie
22 Campbell. I had a couple questions.

23 CHAIRMAN COOKE: Excuse me, sir.
24 Please state your full name and your address.

25 MR. CAMPBELL: Nobody else stated

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1 their address. Why are you all asking me that?

2 Some people that talked didn't state their address.

3 CHAIRMAN COOKE: Yes, they did.

4 MR. CAMPBELL: I'm Richie Campbell.
5 I live off Mantoloking Road. I have a couple
6 questions. The home development, is this built with
7 the 2050 New Jersey Master Energy Plan in mind at
8 all?

9 MR. OGLEVEE: I don't know if
10 that's been contemplated yet.

11 MR. CAMPBELL: That should be
12 contemplated. I recommend the Board do not go with
13 the basements on these homes. I don't think that's
14 a smart move personally.

15 MR. GIUNCO: Mr. Chairman, I'm
16 going to object at this point. You were specific
17 that these were supposed to be questions.

18 CHAIRMAN COOKE: Questions of the
19 architecture.

20 MR. CAMPBELL: Fair enough. Fair
21 enough. Did you guys -- now, you spoke on it,
22 they're shingled roofs, right, asphalt shingles?

23 MR. REGAZZONI: Correct.

24 MR. CAMPBELL: Was any other
25 sustainable options considered?

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1 MR. REGAZZONI: No.
 2 MR. CAMPBELL: No. Okay. A glass
 3 solar roof probably would be a smart interesting use
 4 of the space. It would go to New Jersey 2050 Master
 5 Plan. I support sustainability.
 6 CHAIRMAN COOKE: I understand, sir.
 7 Okay? At the end of the application, we will ask
 8 for opinions and comments. So, please stay specific
 9 to questions of the architecture. Thank you.
 10 MR. CAMPBELL: Okay. All right.
 11 And the building material, these are wood framed
 12 homes?
 13 MR. REGAZZONI: Yes, sir.
 14 MR. CAMPBELL: No other material
 15 was considered?
 16 MR. REGAZZONI: No.
 17 MR. CAMPBELL: So, no 3D printed
 18 carbon through concrete or polymers were discussed?
 19 MR. REGAZZONI: The slabs will be
 20 concrete.
 21 MR. CAMPBELL: I'm sorry?
 22 MR. REGAZZONI: The slabs are going
 23 to be concrete.
 24 MR. CAMPBELL: Okay. But, a 3D
 25 printed building was not considered in this?

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1 MR. REGAZZONI: No, sir.
 2 MR. CAMPBELL: I know the icon,
 3 it's an investor through DR Horton, that's why I
 4 asked the question. It should be considered. Did
 5 any of you work on the two projects in New Jersey
 6 that violated the Clean Water Act?
 7 MR. OGLEVEE: I'm not familiar with
 8 those jobs.
 9 MR. CAMPBELL: There is a job in --
 10 CHAIRMAN COOKE: That's not
 11 specific to architecture.
 12 MR. CAMPBELL: It is land use
 13 development. This is critical to this. They
 14 violated the Clean Water Act twice. This is a
 15 corporation. If this was an individual entity, this
 16 would be a far strung question and has been
 17 recorded. They are the land developer.
 18 MR. HENSEL: Mr. Campbell, you've
 19 got to phrase it within the form of a question. The
 20 witness testified about architecture.
 21 CHAIRMAN COOKE: Excuse me, sir.
 22 Let our attorney finish.
 23 MR. HENSEL: If it's not a question
 24 that they testified to, they won't be able to answer
 25 it. This one fellow said he didn't know anything

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19

1 about that. So, he's not going to be able to answer
 2 anymore questions. I don't know about the other
 3 questions.
 4 MR. CAMPBELL: The initial
 5 testimony the first day seemed it was cut short, so
 6 it's very confusing to me.
 7 MR. HENSEL: That's fine. Just try
 8 to phrase everything in the form of a question.
 9 That's the most helpful way.
 10 MR. CAMPBELL: That's fair. I have
 11 it right here. Did you work on the Mount Olive, New
 12 Jersey site?
 13 MR. OGLEVEE: No.
 14 MR. CAMPBELL: Did you work on the
 15 site in Whippany, New Jersey?
 16 MR. OGLEVEE: No.
 17 MR. CAMPBELL: Okay. You didn't as
 18 well, sir?
 19 MR. REGAZZONI: No, I haven't
 20 worked on either of them.
 21 MR. CAMPBELL: All right. And
 22 the -- that's all. Thank you.
 23 CHAIRMAN COOKE: Thank you, sir.
 24 MR. DECAMP: My name is William
 25 DeCamp, Junior and I'm president of Save Barnegat

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1 Bay and we have an office, and we have an office at
 2 117 Haines Road in Toms River.
 3 MR. HENSEL: Mr. DeCamp, let me ask
 4 you a question before you start. The Board received
 5 correspondence from Michele Donato, she's an
 6 attorney in Lavallette, that indicated she
 7 represented Save Barnegat Bay. If you are
 8 represented by Ms. Donato, she should be the one
 9 asking questions. I don't think she'd want -- and
 10 you're kind of precluded if you are represented by
 11 counsel. Is she representing Save Barnegat Bay and
 12 you, sir, in this application?
 13 MR. DECAMP: It's a very fair
 14 question. No, she is not.
 15 MR. HENSEL: Then you're free to
 16 ask as many questions as you want, sir. We had
 17 received correspondence and were aware of her
 18 involvement to some extent. Thank you.
 19 MR. DECAMP: My question is --
 20 MR. GIUNCO: That letter did
 21 represent that, did indicate Ms. Donato was
 22 representing the association.
 23 MR. HENSEL: That is correct.
 24 MR. GIUNCO: Now we're learning
 25 that is not the case.

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1 MR. HENSEL: At this point she's
 2 not. She may have been released from services and
 3 Mr. DeCamp is going to ask questions.
 4 MR. GIUNCO: Okay.
 5 MR. DECAMP: So, my question is,
 6 how can the public have a fair opportunity to
 7 question the architect? When the architect
 8 testified, they were backed out into the hall and
 9 could not hear. There are people who by definition
 10 wanted to hear everything and, therefore, are being
 11 denied the right to question, because they were
 12 denied the right to hear at the last attempt at a
 13 hearing.
 14 MR. HENSEL: Mr. DeCamp, I don't
 15 believe you were here at the last meeting. We had
 16 capacity in the other room. When we exceeded
 17 capacity, there were folks outside, the Chairman
 18 called the meeting at that point and did not
 19 continue. At the time that those witnesses started
 20 to testify, we weren't at capacity and it wasn't
 21 suspended. We suspended once we had more people
 22 wanting to gain access to the building. So,
 23 probably most of these folks were here and did hear
 24 him. I know, sir, you were not. We received
 25 communication you couldn't make it that night, but
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22

1 there was some testimony and, actually, there is a
 2 transcript available I think at this point. The
 3 limited testimony only went on for about ten minutes
 4 or so. I think you can ask them to reiterate a
 5 little bit of it at this point.
 6 MR. DECAMP: So, we'll be making
 7 the same point, if someone comes to the microphone
 8 and says, I was there at the last hearing, I was out
 9 in the hall, I wanted to hear and I couldn't.
 10 MR. HENSEL: We suspended once we
 11 realized there were more folks that wanted in. The
 12 meeting was stopped and Mr. Giunco, I think said he
 13 understood, because the more folks wanted to get in.
 14 MR. DECAMP: The meeting was
 15 stopped, but --
 16 MR. GIUNCO: Mr. Chairman, I'm
 17 going to object at this point. We're here. If
 18 there's questions for the architect, this would be
 19 appropriate. The Board made a decision to stop the
 20 meeting when they were advised. We were there. We
 21 didn't go any further than what the Board said,
 22 there were people who did not gain access and we
 23 have a transcript, so they're available.
 24 MR. DECAMP: I won't drag it out.
 25 My point, I still believe and what I said, it's not
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23

1 proper procedure and we reserve the right to object
 2 and thank you for hearing me.
 3 CHAIRMAN COOKE: Thank you.
 4 MR. HENSEL: Did you have a
 5 question, sir, of the -- okay.
 6 CHAIRMAN COOKE: Come on up, ma'am.
 7 MS. PENNINGTON: Hello. My name is
 8 Lauren Pennington. I live at 7 Aarons Way. I was
 9 wondering, is there any variances in this project,
 10 how many variances there are, and what those are?
 11 CHAIRMAN COOKE: We will get to
 12 that as we go through the proceeding. But, we need
 13 specific questions of the architecture.
 14 MS. PENNINGTON: Are there any
 15 architectural variances?
 16 MR. OGLEVEE: No.
 17 CHAIRMAN COOKE: Thank you.
 18 MS. O'NEILL: Tell me the spelling
 19 of your name, the spelling of your last name?
 20 MS. PENNINGTON:
 21 P-E-N-N-I-N-G-T-O-N.
 22 MS. O'NEILL: Thank you.
 23 MR. STUK: How you doing? Brendan
 24 Stuk, 730 Lynnwood Ave. Question, basements, how
 25 deep are the basements going to be?
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1 MR. OGLEVEE: The basement height
 2 is eight feet, but they're in ground and will vary
 3 based upon the grade which the engineer will speak
 4 to.
 5 MR. STUK: Is that eight feet
 6 finished or nine feet and eight feet finished with a
 7 drop ceiling?
 8 MR. OGLEVEE: It's an eight foot
 9 concrete wall. So, it's probably seven, eight,
 10 something like that.
 11 MR. STUK: So, if you have a
 12 finished basement, what's the ceiling height going
 13 to be in that finished basement?
 14 MR. GIUNCO: You're asking, is it a
 15 finished basement, that's your question?
 16 MR. STUK: Yes. Yes.
 17 MR. GIUNCO: Is it a finished
 18 basement?
 19 MR. REGAZZONI: If it's going to
 20 be, the height of the ceiling is going to be around
 21 seven, seven and a half feet at the lowest point.
 22 MR. STUK: At the lowest point.
 23 Out of the number of homes built, how many are going
 24 to have a full basement that could be finished at
 25 some point?
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1 MR. OGLEVEE: All of them.
 2 MR. STUK: Was a study done to show
 3 the impact that these 59 houses will have on the
 4 surrounding homes that have a basement currently for
 5 them disturbing the groundwater table -- I'm not
 6 done -- and will you guys be paying for any flooding
 7 that is caused in these basements after this
 8 development is built?

9 MR. OGLEVEE: That is not an
 10 architectural question.

11 MR. STUK: How is it not?

12 MR. GIUNCO: Our engineer will
 13 address it.

14 CHAIRMAN COOKE: The engineers
 15 will.

16 MR. GIUNCO: The full soils testing
 17 was done and that will be given during engineering.

18 MR. STUK: Next question, the
 19 attics, how are they going to be constructed?

20 MR. OGLEVEE: Trusses.

21 MR. STUK: Trusses, prefab trusses?

22 MR. OGLEVEE: Yes.

23 MR. STUK: So, there's no
 24 possibility of a finished attic?

25 MR. OGLEVEE: That's correct.

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1 MR. STUK: Okay. The basement
 2 itself, will these houses be possible, once
 3 finished, that they could rent the basement out as a
 4 separate basement apartment?

5 MR. OGLEVEE: I don't know that I
 6 can answer that.

7 MR. HENSEL: That's probably a
 8 question for the planner and Tara is looking at us.
 9 I'm sure she's going to tell us it's a single family
 10 residence, duplexes are not allowed.

11 MS. PAXTON: Correct. Single
 12 family means single family. Only one family can
 13 live in it in each home. If they are going to rent
 14 out their basement, they would be in violation of
 15 the zoning code and they would get a violation
 16 notice and --

17 MR. STUK: So, what constitutes a
 18 single family?

19 MS. PAXTON: Well, it could be an
 20 extended single family home. A rental cannot --

21 MR. STUK: I've been living with my
 22 girlfriend for 14 years. We have her mom, her
 23 brother living with us. I consider ourselves a
 24 single family in a single family home. I could have
 25 grandparents. I could have ten other people living

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1 with me and I can call them that's part of my
 2 family. It's still a single family home.

3 MS. PAXTON: Correct, but once you
 4 rent a part of your home that becomes a two-family
 5 home and that is not permitted in the zone.

6 MR. STUK: Okay. I think they
 7 understand my question. Correct? Yes?

8 MR. OGLEVEE: I understand your
 9 question, yes.

10 MR. STUK: Okay. The basements
 11 will have a possibility of having a finished
 12 kitchen?

13 MR. OGLEVEE: No.

14 MR. STUK: There will be gas in the
 15 basement?

16 MR. OGLEVEE: To the furnace.

17 MR. STUK: Okay. Sewer?

18 MR. OGLEVEE: Yes, there will be a
 19 sewer.

20 MR. STUK: Hot water?

21 MR. OGLEVEE: Hot water heater,
 22 yes.

23 MR. STUK: So, if you wanted to
 24 build a rec room, you could possibly have a kitchen
 25 with a wet bar, dishwasher, you could have a

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1 bathroom down there, you could have your own central
 2 heat, your own air. Basically, everything you would
 3 need to make it a living residence; correct?

4 MR. OGLEVEE: Not from DR Horton
 5 you can't. We are not offering that. So, no, you
 6 can't buy that from me.

7 MR. STUK: You suggested before a
 8 game room, correct, or a rec room --

9 MR. OGLEVEE: A rec room.

10 MR. STUK: What's considered a rec
 11 room?

12 MR. OGLEVEE: It's an open room
 13 with carpet, drywall.

14 MR. STUK: What makes that a rec
 15 room?

16 MR. OGLEVEE: I'm not sure. That's
 17 what it's labeled on the blueprint. It doesn't have
 18 a kitchen. It doesn't have anything you just
 19 mentioned.

20 MR. STUK: Okay. That's it. Thank
 21 you.

22 CHAIRMAN COOKE: Any other
 23 questions of the architect, architecture?

24 MS. RUTHERFORD: My name is Nancy
 25 Rutherford, 20 Hulse Landing Road. I read tonight

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1 that DR Horton has a class action suit in Alabama
2 because of bad codes, not following the codes for
3 hurricanes, and I just want to know how we can trust
4 you on that.

5 MR. OGLEVEE: I'm not sure how
6 Alabama code pertains to New Jersey code.

7 MS. RUTHERFORD: It shows just, you
8 know, a point of trust, following codes or not
9 following codes, architectural codes for hurricanes.

10 MR. GIUNCO: Is your question, will
11 our clients follow the code?

12 MS. RUTHERFORD: My question is,
13 have these houses, are they up to code for
14 hurricanes? We get hurricanes here.

15 MR. OGLEVEE: We are required to
16 meet the code with our building permit submission
17 and our inspections that the town will perform.

18 MS. RUTHERFORD: So, are the houses
19 going to be built to code?

20 MR. OGLEVEE: Yes.

21 MS. RUTHERFORD: And are we to
22 trust you on that?

23 MR. OGLEVEE: Yes, you're trusting
24 our company and you're trusting the Township who is
25 required to inspect the homes to give us a

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1 certificate of occupancy.

2 MS. RUTHERFORD: Okay. That's my
3 question.

4 CHAIRMAN COOKE: Thank you, ma'am.
5 Excuse me, ma'am. Can we get your last name again,
6 please?

7 MS. RUTHERFORD: Rutherford.

8 MS. O'NEILL: Thank you.

9 CHAIRMAN COOKE: Thank you. I
10 believe the gentleman over here. Come on up.

11 MR. MORRISON: Good evening,
12 everyone. Rick Morrison, 481 Adamston Road. The
13 questions I have, are the homes themselves, what's
14 the actual framing? Is it two-by-four, two-by-six?

15 MR. OGLEVEE: Two-by-six exterior
16 walls. Two-by-four interior walls.

17 MR. MORRISON: Prefabricated?

18 MR. OGLEVEE: No, it's stick build.

19 MR. MORRISON: So, they will all be
20 stick built on site?

21 MR. OGLEVEE: Yes.

22 MR. MORRISON: That includes the
23 roofing, the trusses, and all that?

24 MR. OGLEVEE: The trusses, the
25 trusses are built and shipped to us. The rest of

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1 the framing is stick framed.

2 MR. MORRISON: When I look at a
3 house being built by you, am I looking at a crane on
4 site for that house?

5 MR. OGLEVEE: Perhaps for the
6 trusses. That would be the only time.

7 MR. MORRISON: What's the average
8 time for the largest model to be built as far as
9 framing and the outer skin, rough? So, a rough
10 home, no interior work, just the outer skeleton.

11 MR. OGLEVEE: From beginning to
12 outer skeleton would be four weeks.

13 MR. MORRISON: The materials that
14 come in will all be on 18-wheeler flatbeds; is that
15 correct?

16 MR. OGLEVEE: I believe so.

17 MR. MORRISON: And the roads that
18 lead into there are able to accommodate 18-wheeler
19 flatbeds?

20 MR. OGLEVEE: I can't speak to
21 that. It's not our decision.

22 MR. MORRISON: Does the building of
23 the homes, do those get built as a purchase is made
24 or are there a certain amount built ahead of time?

25 MR. OGLEVEE: No. Actually, Mr.

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1 Giunco said we'd be willing to kind of rehash some
2 of the testimony. So, the way DR Horton does
3 business is we spec all of our homes. So, we will
4 be starting probably a home a week every week and
5 they are not offered, they're not offered for sale
6 to the public until they are somewhere past the
7 framed stage.

8 MR. MORRISON: And the average
9 time, you said four weeks, those are normal working
10 hours Monday to Friday, Monday to Saturday, nine to
11 five, sunrise to sunset?

12 MR. OGLEVEE: Whatever is permitted
13 by the Township. We work within the Township
14 ordinance.

15 MR. MORRISON: Okay. Any deviation
16 that a customer asks for, that has to be made clear
17 prior to the building of the home; is that correct?

18 MR. OGLEVEE: That doesn't happen
19 with us, because we pre-spec the homes. So, we
20 build the home the way we've decided to build the
21 home. You come buy it. Not very much different
22 than if you were buying a resale within the
23 community.

24 MR. MORRISON: And, finally, the
25 lots themselves, are they set up that they can

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1 accommodate nearly the full range of models that you
2 offer?

3 MR. OGLEVEE: I'll defer to Leanne
4 and the engineering testimony.

5 MR. MORRISON: Is that within the
6 realm of an architectural question?

7 MR. OGLEVEE: No, that's an
8 engineering question.

9 MR. MORRISON: Fair enough then.
10 Thank you very much.

11 CHAIRMAN COOKE: Thank you, sir. I
12 think we had one more. We have one more question?
13 Come on up.

14 MS. WALDRON: I'm Mary Waldron, 45
15 Edwards Road. I'm new to this, so I'll just, I
16 don't have all the information people have. My
17 question is, how many houses is this that you're
18 building?

19 MR. OGLEVEE: 59.

20 MS. WALDRON: 59. And how many of
21 them are five bedrooms?

22 MR. OGLEVEE: To be determined
23 based on the market, but we actually anticipate the
24 vast majority being four bedroom, since we spec
25 them, unless there is some market shift toward

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1 wanting a five bedroom, we would anticipate most
2 being four bedroom.

3 MS. WALDRON: Is it just four
4 bedrooms and five bedrooms, nothing smaller or
5 bigger?

6 MR. OGLEVEE: That's correct.

7 MS. WALDRON: And this probably is
8 a town question, is there an occupancy limit for a
9 one family house in Bricktown?

10 MS. PAXTON: From a single family
11 home standpoint, no, there's really no regulatory
12 requirement. However, the code enforcement office,
13 which is not my forte, but perhaps our zoning
14 officer could shed a little bit of light on it, I
15 think there's a minimum square footage per occupancy
16 per bedroom.

17 MS. WALDRON: Can you repeat that?

18 MS. PAXTON: There's a minimum
19 occupancy per square footage per bedroom. So, for
20 instance, in a sleeping area -- I'll ask Chris
21 Romano to come up. He's our zoning officer, so he's
22 an expert in that code. I'm not an expert in that
23 code.

24 MR. ROMANO: Thank you. So, to
25 answer your question, and I don't know the exact

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1 numbers, it is more of a code enforcement, yes, when
2 it comes to occupancy it's the size of bedroom that
3 matters. So, and I believe it's somewhere around
4 90, but don't quote me, 90 or less you're allowed
5 one person and if it's over 90 you can have two.
6 So, if it's, for instance, a four bedroom house most
7 likely there's going to be, each bedroom is going to
8 be over 90 square feet, particularly with these
9 models. So, you're looking at, you know, eight.

10 So, for a four bedroom house based on eight people.
11 Eight would be the occupancy based on the bedrooms.

12 MS. WALDRON: Four bedroom.

13 MR. ROMANO: For a four bedroom
14 house.

15 MS. WALDRON: For four bedroom.

16 So, five bedrooms, ten?

17 MR. ROMANO: Yeah, depending on the
18 size of it.

19 MS. WALDRON: That's my question.

20 Thank you.

21 MS. O'NEILL: Excuse me, ma'am.

22 Can you give me your address?

23 MS. WALDRON: 45 Edwards Road.

24 MS. GIANAKOS: Hello. My name is

25 Victoria Gianakos, G-I-A-N-A-K-O-S. I live at 452

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1 East End Avenue. I'm not sure if this is an
2 architect's question or town question. I'm not
3 quite sure. The designs of the homes, they're very
4 large homes. They seem out of character with the
5 other homes in the surrounding communities. Most of
6 the homes in the area are bungalows, small capes,
7 some of them have, you know, additions put on them
8 certainly. Some new construction has come in.
9 These seem to be significantly larger. I don't know
10 if that was a decision on DR Horton's part, but I
11 don't know the consultation with the town about
12 that. We do have some homes in our community. This
13 seems significantly out of place with the other
14 homes. There's one that's absolutely enormous.
15 It's probably about --

16 MR. HENSEL: Questions, ma'am.

17 Questions.

18 MS. GIANAKOS: -- four stories.

19 I'm just wondering the story on that.

20 MR. OGLEVEE: So, really, the
21 market is what guides us. There's actually a
22 community a few blocks down, maybe a mile away, that
23 has had very significant success right down
24 Mantoloking Road, very good success with actually
25 larger homes than we're proposing. And we've had

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1 very good success with the two models that we've
2 shown, these are the two most popular models. We've
3 had very good success throughout the State. These
4 being desirable homes built in 2021, 2022. So, that
5 was the reason.

6 MS. GIANAKOS: So success means you
7 sold lots of them?

8 MR. OGLEVEE: The market seems to
9 like them.

10 MS. GIANAKOS: So, it would
11 preclude single people, couples, small families,
12 starters, empty nesters from being able to really
13 purchase in our area is what we're seeing for what
14 you'll price them out probably.

15 MR. OGLEVEE: I don't determine who
16 is going to purchase the home. I mean --

17 MS. GIANAKOS: But --

18 MR. GIUNCO: My client does not
19 have an opportunity to discriminate against a buyer,
20 particularly whether they're married, unmarried,
21 single, or otherwise. So, if a buyer comes into the
22 model and it's a single person and they can afford
23 that, they can buy it just like anybody else.

24 MS. GIANAKOS: I totally respect
25 that.

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1 MR. GIUNCO: My clients do not
2 discriminate based on family membership or --

3 MS. GIANAKOS: I realize they're
4 not discriminating. The issue is that in our area
5 most homes have been on the lesser expensive side
6 and they have provided lovely family homes for many
7 years for many, many people.

8 MR. GIUNCO: Well, the Township
9 zoned these lots at 15,000 square feet, which is
10 twice the size of the lots around it.

11 MS. GIANAKOS: It is. That's
12 right. Correct.

13 MR. GIUNCO: So, that's really a
14 decision that was made by your elected officials.

15 MS. GIANAKOS: Okay. Thank you
16 very much for the answer.

17 CHAIRMAN COOKE: Thank you. Any
18 other questions? Anybody who hasn't gone yet? Come
19 on up, sir.

20 MR. VASQUEZ: Good evening, Marc
21 Vasquez, 440 Lonna Court. Quick question. In the
22 architect, in the studies that you guys have done,
23 what environmental impact will your architect have
24 on our environment here in Brick and how much tons
25 of carbon will these construction cost or produce?

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1 MR. OGLEVEE: I don't know the
2 answer to that question.

3 MR. VASQUEZ: Can that be something
4 that could be gotten or a study done?

5 MR. OGLEVEE: I don't believe we
6 will do that study.

7 MR. VASQUEZ: So, you guys will not
8 do any study on what your architect will impact on
9 our environment?

10 MR. GIUNCO: Correct.

11 MR. OGLEVEE: That's correct.

12 MS. O'NEILL: Your name again, sir?

13 MR. VASQUEZ: Marc Vasquez, 440
14 Lonna Court, Brick, New Jersey.

15 MS. O'NEILL: Thank you.

16 MR. STUK: You need my name and
17 everything again?

18 THE STENOGRAPHER: Yes, please.

19 MR. STUK: Brendan Stuk, 730
20 Lynnwood Avenue. We've heard all the great things
21 about these houses. What's your number one
22 complaint with these two models? You heard me.

23 CHAIRMAN COOKE: Excuse me. Sir,
24 please be respectful.

25 MR. STUK: That's fine. I don't

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1 need him to be disrespectful to me.

2 CHAIRMAN COOKE: Please be
3 respectful.

4 MR. STUK: I ask the same of him.

5 MR. OGLEVEE: I haven't received
6 any complaints about the floor plans themselves.

7 MR. STUK: Not the floor plans.
8 The construction of these homes.

9 MR. OGLEVEE: I'm not aware of any
10 complaints.

11 MR. STUK: Okay. Are any of these
12 homes currently built in Brick?

13 MR. OGLEVEE: Not that I'm aware
14 of.

15 MR. STUK: Resale value, how's the
16 resale value on these homes?

17 MR. OGLEVEE: Whatever the market
18 bears. I have no idea.

19 MR. STUK: You have no complaints
20 about these houses being built, with the quality of
21 the workmanship that you guys produce?

22 MR. OGLEVEE: I don't understand
23 the question. No.

24 MR. STUK: I can explain the
25 question. I know someone who bought this exact

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1 model down in South Jersey and it's a disaster of a
2 house. The work is the shoddiest work I've ever
3 seen.

4 CHAIRMAN COOKE: Sir.

5 MR. GIUNCO: I'm objecting now.

6 CHAIRMAN COOKE: You need to ask a
7 question.

8 (Stenographer interruption for
9 overlap of speaking.)

10 MR. STUK: I'm asking the question.

11 What is the number one, I can't imagine a big
12 business like you, that you guys have no complaints
13 against the building of these houses and the quality
14 of the workmanship. So, my question is, what is
15 your number one complaint about the quality of these
16 homes that you guys build on a daily basis? I'm
17 pretty sure you can answer this question for us.

18 MR. OGLEVEE: I actually cannot
19 answer that question. I don't know what the number
20 one complaint is. That was your question. I don't
21 know the answer.

22 MR. STUK: How many millions of
23 dollars do you guys make at DR Horton? What's your
24 profit?

25 MR. GIUNCO: Objection. This is
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1 cross examination, Mr. Chairman.

2 MR. STUK: I'm asking questions as
3 far as the workmanship of their homes.

4 MR. GIUNCO: No, you're not.

5 MR. STUK: Yes, I am. Yes, I am.

6 And here's my point of view. Excuse me. Excuse me.
7 I'm talking. Excuse me. I'm talking.

8 CHAIRMAN COOKE: Sir, excuse me.

9 MR. GIUNCO: He's not going to
10 answer that question.

11 CHAIRMAN COOKE: Sir, excuse me.
12 Excuse me. Allow us to speak.

13 MR. HENSEL: Sir, you have to
14 confine your questions to the testimony that was
15 given by the architect. What you're doing is
16 offering facts that are not in evidence at this
17 point concerning the construction of houses. If the
18 witness says I don't know the complaints, you can't
19 continue to ask him you must know what they are.
20 So, if you move on to another area of questions,
21 that's fine, but badgering is not going to get us
22 anywhere excepted delayed. Thanks.

23 MR. STUK: Okay. So, my question
24 is, do you foresee people having issues selling
25 these homes in the future due to the quality of your

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1 work?

2 MR. OGLEVEE: No.

3 MR. STUK: Okay.

4 CHAIRMAN COOKE: Thank you. I'm
5 going to ask one more time for questions of the
6 architect and then we're going to move on. Come on
7 up, ma'am.

8 MS. WEAVER: Can you hear me,
9 everybody? I'm Christina Weaver, 314 Alameda Drive
10 in Brick. I wasn't clear in your answer about the
11 special materials that you use in the construction
12 of the houses as it pertains to being able to
13 withstand a hurricane. Could you elucidate?

14 MR. OGLEVEE: I didn't speak to any
15 special materials we use to withstand a hurricane.
16 We meet the code. There are different wind zones
17 throughout the State. I believe this is the 120
18 mile an hour wind zone. Our homes are designed to
19 meet that standard. And, again, the inspections,
20 the building department inspects to make sure we
21 have built to what the architect and engineer
22 designed.

23 MS. WEAVER: I want to know ahead
24 of time what the plans provide for. That's why I'm
25 asking the question. Not waiting until there's an

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1 inspection. I want to know in the architectural
2 specifications what types of materials, such as the
3 windows, such as the roofing materials, that type of
4 question. Is that an architectural question?

5 MR. OGLEVEE: That is an
6 architectural question, but you're asking about the
7 specific materials. What I'm saying is the
8 blueprints are reviewed by the Township prior to us
9 building and each of the materials has certain
10 rates. The homes will be built to code.

11 MS. WEAVER: I see. Now, the other
12 question I have is, are these houses built so that a
13 disabled person can get into the house?

14 MR. OGLEVEE: We do not
15 discriminate. If there is a person who needs
16 handicap access, we are required to at least offer
17 them the ability to modify the home to make it
18 accessible.

19 MS. WEAVER: I see. Thank you.

20 CHAIRMAN COOKE: Thank you.

21 MR. GIUNCO: Mr. Chairman, if I
22 may, I'd like to call Leanne Hoffman, our civil
23 engineer. Can I ask Ms. Hoffman to stand and to be
24 sworn?

25 (Leanne Hoffman, PE, was sworn in.)

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45 1 MR. GIUNCO: Leanne, would you 2 advise the Board of your address and work location 3 and your professional standing and licensure and 4 expert credentials? 5 MS. HOFFMAN: Leanne R. Hoffman, 6 licensed professional engineer, professional 7 planner, certified municipal engineer, certified 8 public works manager. Currently -- 9 MR. HENSEL: We just want to place 10 on the record, a member of the Board, Kevin Nugent, 11 has appeared. Kevin, what time did you come into 12 the meeting? 13 MR. NUGENT: I arrived at 7:35. 14 MR. HENSEL: 7:35. Mr. Nugent, if 15 we do not finish this evening, Mr. Nugent, then will 16 sign an affidavit indicating he's listened to the 17 tape and will continue to be eligible to vote on 18 this application. If, however, we were to conclude 19 tonight, I would advise that he'd be ineligible to 20 vote this evening. But, I want it on the record 21 that Mr. Nugent has appeared and is in attendance 22 and attentively listened. I apologize to the 23 witness for interrupting. 24 MR. GIUNCO: I'm offering Ms. 25 Hoffman as an expert in the field of civil DENISE SWEET & ASSOCIATES, LLC (732) 462-6096	47 1 average lot coverage for these large size lots is 2 between 17 and 21 percent. 3 MR. GIUNCO: Did you prepare any 4 exhibits to present to the Board? 5 MS. HOFFMAN: I did. 6 (Off the record discussion.) 7 (A-5, site plan drawing of March 9, 8 2022, Sheet SP-05 and SP-06.) 9 MR. HENSEL: Let's identify what's 10 on the screen now for everyone to see. Do it by 11 page, last revision date, so we're all on the same 12 page, what we're looking at. Thank you. 13 MS. HOFFMAN: What's on the exhibit 14 and what's on the screen is known as SP-05 and 15 SP-06, last revised March 9, 2022. 16 MR. HENSEL: And what is it? 17 MS. HOFFMAN: They are drawings of 18 the site plan for the proposed development at 443 19 Laurel Avenue, 59 single family homes. 20 MR. GIUNCO: Okay. So, Leanne, can 21 you, first of all, you've had an opportunity to 22 review the property, surrounding neighborhood, and 23 the zoning applicable to our site? 24 MS. HOFFMAN: Yes. 25 MR. GIUNCO: And in that regard, DENISE SWEET & ASSOCIATES, LLC (732) 462-6096
46 1 engineering and that ask she be accepted as a 2 licensed professional engineer expert before this 3 Board. 4 CHAIRMAN COOKE: Thank you. 5 MS. HOFFMAN: Thank you. 6 MR. GIUNCO: So, Leanne, can you 7 identify, first of all, all these plans, exhibits 8 and other information submitted to the Board in 9 support of the application were prepared by you and 10 others under your direction? 11 MS. HOFFMAN: Correct. 12 MR. GIUNCO: And, in that regard, 13 can you just outline, first, we've identified the 14 location of the project already, so can you just 15 identify the application, what we are seeking? 16 MS. HOFFMAN: Yes. This is an 17 application to construct 59 conforming lots in the 18 existing R15 zone within Brick Township. The R15 19 zone requires a minimum lot size of 15,000 square 20 feet, 100 foot lot width, 115 foot lot depth, 35 21 foot front and rear yard setbacks, and 12 foot side 22 yard setbacks. Corner lots, 17,250 square feet. 23 Permitted lot coverage, a maximum of 55 percent. 24 This development shows that with the house, the 25 driveway, and the entranceway to the house, the DENISE SWEET & ASSOCIATES, LLC (732) 462-6096	48 1 you and others under your direction prepared the 2 plans which are now marked as A-6? 3 MS. O'NEILL: Correct. A-5. 4 MR. GIUNCO: A-5. Excuse me. So, 5 can you describe to the Board, and this is within 6 the R15 zone? 7 MS. HOFFMAN: Correct. 8 MR. GIUNCO: Does the application 9 request any variances? 10 MS. HOFFMAN: No, it does not. 11 MR. GIUNCO: Can you describe the 12 application to the Board, please? 13 MS. HOFFMAN: Sure. The subject 14 property is known as 443 Laurel Avenue. It's 15 located, as I said, in the R15 zone. It's 16 surrounded on the north by residential zone R7.5 and 17 R5, on the east by R15, on the south side there's 18 some village zone, a school, and some small 19 residential subdivisions along Aarons Way. 20 The applicant has provided site 21 access along Laurel Avenue, two accesses as per 22 RSIS. There's approximately over 900 linear feet of 23 frontage on Laurel Avenue. In addition, as per a 24 technical review meeting that this team attended in 25 December of 2021, we were requested to add an DENISE SWEET & ASSOCIATES, LLC (732) 462-6096

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1 additional access along Aarons Way.
 2 (Audience interruption.)
 3 MR. GIUNCO: Did you do that?
 4 MS. HOFFMAN: Yes, we did do that
 5 as requested.

6 The site is for 59 residential lots
 7 in accordance with the R15 zoning, five large-scale
 8 infiltration basins, and porous pavement. In the
 9 design of the site, Hammer Engineering, who I work
 10 for, had to consult both the new NJDEP BMP manual,
 11 the current Brick Township ordinance, which has
 12 adopted the new standards, and the RSIS.

13 MR. GIUNCO: Let me interrupt you a
 14 second. When you mentioned the BMP manual, would
 15 you explain what that is?

16 MS. HOFFMAN: Sure. The New Jersey
 17 Department of Environmental Protection has provided
 18 guidelines for all development within the State of
 19 New Jersey which gets periodically updated. As of
 20 March of 2021, all municipalities were required to
 21 adopt those standards or adopt them with their own
 22 revisions. The BMP manual, the Best Management
 23 Practices, guides stormwater management within the
 24 State of New Jersey. The particular items of note
 25 in the most recent revision of the Best Management

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1 Practices manual is an implementation of green
 2 infrastructure. So, for those, for just ease of
 3 understanding, the way things used to be developed
 4 in the seventies and eighties were dig a big hole
 5 and put all the water there. And the new BMP
 6 manual, one of the things it does is tries to
 7 infiltrate water back to the water source, encourage
 8 smaller scale green infrastructure, bio swales, bio
 9 basins, porous pavement, there's a number of things
 10 that a designer can look at and implement on each
 11 particular site.

12 MR. GIUNCO: Before you leave this
 13 point, would you describe what the bio facilities,
 14 what those are and a quick description and
 15 infiltration, just describe that so the Board and
 16 the interested persons can understand?

17 MS. HOFFMAN: Sure. There's
 18 several different types of basins that a designer
 19 can now choose. There's large-scale, small-scale,
 20 bio basin, infiltration, wet ponds, extended basin.
 21 I can go on a little longer, but I don't want to
 22 bore anybody. But, the intent is for the bio basins
 23 to make them infiltrate back into the groundwater,
 24 to make them landscaped, to make them a natural
 25 feature of the development. So, that is an option

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1 of, for designers. Infiltration basins serve the
 2 same purpose. They're just not landscaped within
 3 the basin. The perimeter is landscaped, but the
 4 basin itself allows infiltration through the bottom
 5 of the basin. However, in accordance with the
 6 guidelines and in accordance with the Brick Township
 7 standards, when you are designing an infiltration
 8 basin, you are not allowed to take infiltration into
 9 account. Meaning, if you have a certain
 10 infiltration rate, you have to negate it. So, the
 11 basin is designed that if the infiltration does not
 12 work, the basin will hold the required storm.

13 MR. GIUNCO: Now, you indicated
 14 that you had changed the design at the request of
 15 the planning department?

16 MS. HOFFMAN: So, there was an
 17 original design for this project and what it had was
 18 instead of five large-scale infiltration basins, we
 19 had 72 small-scale bio basins. And what it provided
 20 was a way to treat the stormwater runoff along the
 21 site in much smaller basins. These basins were
 22 proposed on the side of the house within the setback
 23 or beyond the setback area along the common property
 24 lines. They were approximately two feet deep. They
 25 were graded and they were landscaped.

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1 We had a meeting, again, back in
 2 December and we were discouraged from using that
 3 particular green infrastructure, which is allowed
 4 under the BMPs and the ordinance, due to concerns
 5 that the Township had with required maintenance.

6 MR. GIUNCO: And as a result of
 7 that, you designed the infiltration basin plan
 8 you're now representing?

9 MS. HOFFMAN: Right. So, we, at
 10 the direction, we went back and we redesigned for
 11 another green infrastructure, which is allowed under
 12 the ordinance, the RSIS, and the DEP BMP manual,
 13 which is porous pavement, which treats all the
 14 stormwater runoff from your driveways, your
 15 roadways, and your sidewalks and then all the clean
 16 runoff would go to the five infiltration basins.

17 MR. GIUNCO: And that's the system
 18 that you're proposing?

19 MS. HOFFMAN: That's correct.

20 MR. GIUNCO: Okay. Now, this
 21 project also is to receive public water and public
 22 sewer?

23 MS. HOFFMAN: Yes. So, the water
 24 is connected through Aarons Way and also off of
 25 Laurel. The sewer is connected off of Laurel Avenue

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1 and there's an existing easement to Cedar Knoll. Do
2 you want me to continue?

3 MR. GIUNCO: Yes.

4 MS. HOFFMAN: The site is designed
5 in accordance with the RSIS 20-foot wide roadways,
6 no parking on one side. There will be signage
7 provided for such. There is one monument sign
8 provided along the corner on Laurel Avenue. The
9 five infiltration basins will be maintained and
10 owned by a homeowner's association. They are
11 perimeter fenced. They have access and they are
12 landscaped.

13 The landscaping, I'm just going to
14 refer to my notes for a second, the landscaping
15 provides over 197 street trees, 66 flowering trees,
16 554 deciduous trees, and 272 evergreen trees for a
17 total of 1,089 new trees on the site.

18 With respect to parking, I know
19 this came up in the prior testimony, the RSIS
20 requires for any house, four bedrooms or more, there
21 is no further distinction whether it's four or five
22 or six, that you have two and a half spaces of
23 parking for that house. With the houses that are
24 proposed with a two car garage and a driveway
25 combination, that gives you three and a half spaces

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1 per house. So, any guests or overflow of parking
2 there would be one space in the driveway and one on
3 the street on one side.

4 Also, there is lighting proposed on
5 the site. The proposed fixture has been provided
6 through JCP&L, the municipal handler. The average
7 foot candle on the roadway is .6 with no spillover
8 on the property lines. The poles are 16 feet high.

9 What else? Were there any other
10 questions that you have for me?

11 MR. GIUNCO: And they're placed in
12 accordance with, to adequately light the streets?

13 MS. HOFFMAN: That's correct.

14 MR. GIUNCO: And the provider is
15 JCP&L?

16 MS. HOFFMAN: Yes.

17 MR. GIUNCO: And the landscaping,
18 buffering, fencing, you discussed. Can you describe
19 any fencing that's proposed?

20 MS. HOFFMAN: It would be white PVC
21 type fence. There's a detail on the plan, four feet
22 high around the basins, along with the landscaping.

23 MR. GIUNCO: Now, with the
24 stormwater calculations, to go back to that, what
25 methodology did you use to determine the rates of

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1 infiltration and the proposal to meet those
2 standards?

3 MS. HOFFMAN: So, a geotechnical
4 engineer, which I believe the Board and consultants
5 have the report, Earth Engineering Incorporated, was
6 retained to do various testing throughout the site.

7 MR. GIUNCO: Under your direction
8 and control?

9 MS. HOFFMAN: Yes, under our
10 direction and control. Sorry. There were, I don't
11 have the exact count, but there were over 20 test
12 pits done at the site. The testing, basically,
13 indicate depth to any soil modeling, depth to
14 groundwater, and one boring was done down to 75 feet
15 in accordance with the BMPs. What was found was
16 that the soils on the site represent your typical K4
17 or K5 sandy type sales. K5 is the type of soil
18 that's required when you're going to make a basin an
19 infiltration basin. So, you overestimate and put
20 material in the bottom of the basin. K5 is the
21 material that you want.

22 It was determined on average that
23 the seasonal high water table was between seven and
24 eight feet down. And the way that the, the way the
25 development has been, inclusive of basements, is the

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1 bottom of the basement will be two feet above the
2 seasonal high water table as per the recent soil
3 testing. In addition, and as per CME's review
4 letter, there is additional testing required in
5 those basin areas as per the BMP manual.

6 MR. GIUNCO: And did we, and we
7 requested that be deferred based on the findings
8 that we found and submitted that to the civil
9 engineer for the Board to review?

10 MS. HOFFMAN: Yes. Also of note is
11 when you do design an infiltration basin in
12 accordance with the rules and regulations, the Brick
13 Township ordinance and the BMP manual, you have to
14 provide a factor of safety of two. For example, if
15 the infiltration rate was ten, you would use five.
16 So, not only is the infiltration rate ignored in the
17 stormwater management calculations, you also, you
18 divide it by two when you have to do the drain down
19 time and provide the basin drains within a certain
20 amount of time.

21 MR. GIUNCO: Okay. Now, with
22 regard to that calculation, what factors did you
23 consider?

24 MS. HOFFMAN: Meaning the
25 development on the property?

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1 MR. GIUNCO: Yes.

2 MS. HOFFMAN: So, in accordance
3 with the R15 zone and the setbacks and the model
4 that is being proposed here, we show a 2,500 square
5 foot first floor footprint, which will encompass
6 either of the models that DR Horton is proposing
7 here and even larger. That footprint is larger than
8 the models that are being proposed just to be
9 conservative. In addition, we have the driveways,
10 which are 18 feet wide, and the walkways to the
11 homes. So, on a 15,000 square foot lot, the average
12 impervious area that we are proposing is
13 approximately 3,222 square feet, which is well
14 below. The allowable on the R15 is 55, 55 percent
15 of a 15,000 square foot lot, which is 8,250 square
16 feet. We are well below, you know, one quarter of
17 that.

18 MR. GIUNCO: Did you have any other
19 considerations when you were preparing the
20 stormwater management?

21 MS. HOFFMAN: With respect to the
22 review letters?

23 MR. GIUNCO: Well, with respect to
24 the coverage. And we'll do the review letters next.

25 The Chairman would like us to go line by line in the

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1 review letters.

2 MS. HOFFMAN: Sure.

3 MR. GIUNCO: In that March 16
4 letter, there's a comment, item 2G, page two,
5 requesting stormwater design be calculated based on
6 maximum impervious coverage in the zone of 55
7 percent. Did you do that?

8 MS. HOFFMAN: No.

9 MR. GIUNCO: Did you study that
10 issue?

11 MS. HOFFMAN: Yes.

12 MR. GIUNCO: And what were your
13 findings?

14 MS. HOFFMAN: The findings were
15 that all of our lots are proposed within the
16 allowable coverage and there's no code that requires
17 us to design to the 55 percent lot coverage. If, in
18 fact, someone is going to come, as they do in other
19 towns and this town, back and ask for a shed or an
20 addition, that would fall within the zoning and the
21 engineering of the town and if there are additional
22 infiltration trenches of stormwater required of
23 that, that's how it would be handled.

24 MR. GIUNCO: For our purpose, our
25 plans propose a 21.4 percent lot coverage.

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1 MS. HOFFMAN: Yes.

2 MR. GIUNCO: And not a 55 percent.

3 MS. HOFFMAN: So, if the developer
4 wanted to, they could, basically, double the house
5 and then some. So what I'm trying to say is that
6 with the 3,222 on average square foot impervious
7 area, it's well below the 8,250 square feet
8 impervious area that's allowed on the lot. Someone
9 could actually build a whole other home on that lot
10 and still have room to do more impervious coverage.
11 This developer is not putting the largest home on
12 their lot. They're putting a home on the lot which
13 we provided a 2,500 square foot footprint, the
14 driveway, and the sidewalk.

15 MR. GIUNCO: Now, when you prepared
16 your plans and revisions, you had the benefit of
17 reviews from the Township consultants; is that
18 correct?

19 MS. HOFFMAN: Yes.

20 MR. GIUNCO: The Chairman mentioned
21 at the start of the application he would like us to
22 address those review letters in a line by line
23 basis.

24 MS. HOFFMAN: Sure.

25 MR. GIUNCO: So, why don't we begin

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1 with the Brick Township Land Development, amended
2 second review, dated March 16, 2022 and that's from
3 the Office of the Township Engineer. So, the first
4 comment, Laurel Avenue is a county road?

5 MS. HOFFMAN: Correct. I can
6 address also, which comes up later, so Laurel is a
7 county road. We had a meeting with the Ocean County
8 Engineering Department. We have submitted to the
9 Ocean County Planning Board. We have been deemed
10 complete. We are going through revisions and
11 comments right now to submit back to the planning
12 board.

13 MR. GIUNCO: The county's
14 jurisdiction is limited to the roadway and any
15 impact to their stormwater facilities?

16 MS. HOFFMAN: So, the county has no
17 stormwater facilities in the area. As a matter of
18 fact, they are asking us to take the drainage of
19 Laurel Avenue on the east side or our side of the
20 development into consideration on our property. So,
21 not only are we infiltrating all the stormwater
22 within our site, we're also taking the improvements
23 on Laurel Avenue to our site.

24 MR. GIUNCO: The next question was,
25 there's no roadway dedication indicated to Brick.

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1 In fact, Leanne, aren't we proposing internal
2 streets be dedicated to the Township?
3 MS. HOFFMAN: Yes, we are.
4 MR. GIUNCO: Would you describe
5 that?
6 MS. HOFFMAN: So, the internal
7 streets, as I mentioned, are 28 feet wide, curbing
8 on both sides, sidewalk, with a 50-foot cart way.
9 The porous pavement is, in fact, allowed under the
10 Section 396 of the Bricktown ordinance, the NJDEP
11 BMP manual, and adopted through RSIS. To answer, I
12 think subsection 2A, the reason there is no cross
13 section in the RSIS is because when you design a
14 porous pavement system, it depends specifically on
15 the drainage area to that system. So, there can't
16 be a typical detail that says it's going to be six
17 inches or eight inches. You won't know that until
18 you have the stormwater calculations as to what
19 that's infiltrating, if any, on the roadway.
20 MR. GIUNCO: So, the RSIS, the
21 regulations do not require that?
22 MS. HOFFMAN: It's based on the
23 designer.
24 MR. GIUNCO: Okay. And you, in
25 fact, performed that preparation and design in that
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1 fashion?
2 MS. HOFFMAN: Right. So, the
3 porous pavement is designed to take all the runoff
4 that is, quote, unquote, defined as dirty, which is
5 the roadway and the driveways.
6 MR. GIUNCO: Okay. Now, the next
7 comment, maintenance recommendations for porous
8 pavement from the operations and maintenance manual.
9 MS. HOFFMAN: Right. So, we can
10 comply. I think the comment is to update the OMM
11 manual to add that information that's requested
12 there.
13 MR. GIUNCO: Okay. So, we'll be
14 able to provide that under item C, Mr. Chairman.
15 I'm on page two of four, item C.
16 Now I'm going to D. The plans, the
17 plans, the comment that the plan intersects or the
18 extension of Aarons Way to the proposed development
19 require further planning revisions. Have you
20 reviewed that?
21 MS. HOFFMAN: I have and we can
22 comply with that.
23 MR. GIUNCO: Okay. Item E,
24 applicant should provide major development
25 stormwater summary sheet for each proposed basin to
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1 this office for review.
2 MS. HOFFMAN: Yes, we can comply.
3 MR. GIUNCO: Item F, the operation
4 and maintenance manual provided makes references to
5 the current design as well as prior design of
6 multiple water quality basins on individual
7 properties.
8 MS. HOFFMAN: Yes, I referenced
9 that earlier, the difference of 72 water quality
10 basins that we had put forth in our original design
11 and then we, on the advice based on our meeting, we
12 switched and went to five large-scale infiltration
13 basins. So, yes, I will update the operation and
14 maintenance manual.
15 MR. GIUNCO: Item G, the stormwater
16 calculations are based on post-development of the
17 lots. Can you address that issue?
18 MS. HOFFMAN: So, this issue goes
19 back to the 55 percent and what is being requested
20 here is that we design to 55 percent. And, again,
21 we design based on what the developer is
22 constructing here, which is well below what's
23 allowed by ordinance.
24 MR. GIUNCO: Item H, the 100 year
25 water surface elevation for basins exceeds tributary
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1 inlet elevations.
2 MS. HOFFMAN: Right, so that would
3 be revised and resubmitted.
4 MR. GIUNCO: Okay. Item I, the
5 basic design information provided in the
6 stormwater -- you already indicated you were going
7 to finalize the operations and maintenance manual.
8 MS. HOFFMAN: Yes, that's correct.
9 MR. GIUNCO: That's in I.
10 MS. HOFFMAN: Yes.
11 MR. GIUNCO: Again, on page three
12 of four, item J, safety standards for stormwater
13 management basins, escape provisions.
14 MS. HOFFMAN: So, there's a couple
15 items here. First we have basin access into the
16 basin, which provides an escape provision, but this
17 is a basin that is constructed of retaining walls,
18 which is not a new technique. As a matter of fact,
19 there are basins within Brick Township that have
20 been constructed with retaining walls. So,
21 typically you see your three to one slope as
22 something for an earthen basin or an earth, so you
23 don't have your soil erosion. These are structural
24 retaining walls within the basin, so there will be
25 no erosion.
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1 MR. GIUNCO: Okay. There is a
2 comment K, again on page three of four, comment K,
3 for a safety ledge and it cites to a particular
4 section. Did you investigate that?

5 MS. HOFFMAN: Yes. And in
6 accordance with the 396 section of the Brick
7 Township code and the DEP BMP manual, a safety ledge
8 is required when you have a permanent pool of water
9 two and a half feet deep. These basins do not have
10 a permanent pool of water. These are infiltration
11 basins. They have a drain down time of less than 27
12 hours in the hundred year storm.

13 MR. GIUNCO: Okay. Item L speaks
14 of rear yard drainage swales protecting deed
15 notices.

16 MS. HOFFMAN: We will comply with
17 that.

18 MR. GIUNCO: And item M,
19 small-scale infiltration basins are limited to a
20 contributory drainage area of 2.5 acres.

21 MS. HOFFMAN: Right. So, M and N
22 kind of go together. These are not small-scale
23 infiltration basins. The porous pavement, again,
24 handles the water quality and the recharge and
25 there's a comment in N that we have to update the

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1 table to show that we meet the three times the area
2 for the porous pavement, which we'll do, and then
3 that negates M, we have large-scale infiltration
4 basins. They are not doing groundwater recharge or
5 water quality.

6 MR. GIUNCO: Okay. And then item
7 O, stormwater facilities operations and maintenance
8 manual on page one, list the location of porous
9 pavement areas with a table provided of infiltration
10 basin locations.

11 MS. HOFFMAN: We can comply with
12 that.

13 MR. GIUNCO: Okay. Item P is
14 reserved.

15 CHAIRMAN COOKE: Excuse me,
16 counsel. Excuse me. Excuse me, sir.

17 MR. GIUNCO: I'm sorry.

18 CHAIRMAN COOKE: Typically when we
19 get halfway through, I think a five minute recess.
20 We're a little bit past that time. So, I'm going to
21 allow for a five minute recess.

22 MR. GIUNCO: This is probably a
23 good time in between sections. We'll come back at
24 section three.

25 CHAIRMAN COOKE: We'll reconvene in

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1 another five minutes.

2 MR. GIUNCO: Perfect.

3 (Recess taken.)

4 CHAIRMAN COOKE: Okay. It's 8:54.
5 We'll reopen the meeting.

6 MR. GIUNCO: Yes, Mr. Chairman,
7 thank you.

8 CHAIRMAN COOKE: Thank you.

9 MR. GIUNCO: We left off reviewing
10 the Township Engineer review letter, page three of
11 four, item number three. Leanne, did you have an
12 opportunity to review this, this is parcel one, have
13 you designated a parcel one on the plan? Can you
14 describe that?

15 MS. HOFFMAN: Sure.

16 MS. O'NEILL: Do you need something
17 up, John?

18 MR. GIUNCO: The exhibits that were
19 up would be fine, the full sheet layout. I think
20 you had one that's A-4.

21 MS. O'NEILL: Yes, hold on one
22 second.

23 MR. GIUNCO: Mr. Chairman, I do
24 have some large size plans of the layout if that
25 would be helpful to the Board, full size ones.

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1 CHAIRMAN COOKE: The Board good?
2 Let's pass them out.

3 MR. GIUNCO: Okay.

4 CHAIRMAN COOKE: Thank you.

5 MR. GIUNCO: So, you'll see on the
6 sheet that we've identified an area that's located
7 as parcel one. Leanne, can you describe what parcel
8 one is?

9 MS. HOFFMAN: Sure. Parcel one is
10 shown on SP-06, last revised 3/9/2022. And it's
11 currently shown at the top of the page, which is
12 north on Block 646.23, proposed Lots 10 and 11. And
13 what is being shown there is the adjoining property,
14 Block 650, tax Lot 1, which fronts on Cedar Knoll
15 Drive has taken the liberty of having some
16 improvements beyond their property line. So, the
17 developer was trying to accommodate some of the
18 improvements that are over the common property line
19 boundary by providing the area of this lot, subject
20 of the application this evening, to Lot 1, Block
21 650. There's currently a shed, a koi pond, and the
22 home is exactly right on the property line.

23 So, we showed it now being conveyed
24 to Block 650, Lot 1 and that lot area is not
25 factored into the lot area for proposed Lots 10 and

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1 11. This is really the applicant trying to be a
2 good neighbor versus asking this person that's on an
3 irregular shaped, very small lot that has been there
4 for some time with these improvements not to have to
5 relocate or move them.

6 MR. HENSEL: Counsel?

7 MR. GIUNCO: That would be
8 dedicated, that's just going to be a dedication.

9 MR. HENSEL: Yeah. Let me explore
10 that just for a moment. We've had some
11 conversations about that. Is there question as to
12 whether there's an overlap between the property
13 owner, does your title work show you as the owner of
14 the parcel?

15 MR. GIUNCO: We're shown as owner
16 of the parcel and the property line is shown on this
17 plan. The encroachment is shown as existing on the
18 applicant's property.

19 MR. HENSEL: And the intent would
20 be to quit claim deed that parcel to the other
21 property owner so she's not violating her setbacks
22 so she's more in conformity with what her lot should
23 look like; is that fair?

24 MR. GIUNCO: That is correct and we
25 certainly expect that would be a condition in the

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1 form of a deed. It would be subject to your review
2 or another official's review.

3 MR. HENSEL: And the lot, I think
4 your engineer just testified, that lot area, that
5 parcel is not factored into the lot you're proposing
6 to create. So that that lot is conforming, you
7 don't need that parcel.

8 MR. GIUNCO: That is correct.

9 MR. HENSEL: Moreover, do you have
10 an easement with that property owner?

11 MR. GIUNCO: There is an easement
12 that permits the access to this site for sewer
13 connections.

14 MR. HENSEL: Okay. Okay. Thank
15 you.

16 MR. GIUNCO: And, by the way, this
17 has been negotiated with that property owner and
18 they are ready, willing, and able to accept the
19 property so they don't have to impact any of their
20 improvements.

21 MR. HENSEL: So, that would
22 eliminate parcel one from the existence essentially,
23 to merge into.

24 MR. GIUNCO: Exactly. It will
25 merge into Lot 650, I guess.

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1 MS. HOFFMAN: It would merge into
2 Block 650, Lot 1. There's a note on SP-06 that it
3 would be conveyed to that property.

4 MR. GIUNCO: Okay. So, item B on,
5 now we're on page four of four, the outbound line
6 limitations set prior to filing the plan.

7 MS. HOFFMAN: We can comply.

8 MR. GIUNCO: Applicant should
9 indicate block, lot, and street name and addresses
10 as provided by tax assessor.

11 MS. HOFFMAN: Right, this has been
12 completed already.

13 MR. GIUNCO: All easements shown on
14 the plan with associated variance, dimensions, and
15 areas, easements should also indicate to whom they
16 are to be dedicated.

17 MS. HOFFMAN: Yes.

18 MR. GIUNCO: And we'll deliver
19 forms of deeds for those dedications also; is that
20 correct?

21 MS. HOFFMAN: That's correct. Yes.

22 MR. GIUNCO: Item E, descriptions
23 of all easements submitted for engineering review
24 prior to use.

25 MS. HOFFMAN: We will comply.

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1 MR. GIUNCO: And new road
2 certification provided on the plans for endorsement
3 by the municipal clerk. This endorsement does not
4 require the Township to maintain jurisdiction of
5 such streets.

6 MS. HOFFMAN: Right. So, we can
7 comply with adding the certification.

8 MR. GIUNCO: Now, Mr. Chairman,
9 these are proposed to be dedicated to the Township
10 and presumably at that point the Township would
11 enforce their traffic controls on the roadways and,
12 if not, our client would, of course, grant any
13 consent that might be needed. I don't think we do
14 need it.

15 Item number four, the proposed
16 homeowner's association will not allow expansion of
17 development as presented on any plans. And we will,
18 Leanne, we will provide a form of homeowner
19 association document?

20 MS. HOFFMAN: Yes, the applicant
21 will.

22 MR. GIUNCO: Okay. Item five, deed
23 notices reviewed by the Board attorney prior to
24 filing in the office of clerk. I already mentioned
25 that we would expect to comply with that.

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1 Item six, Block 646.23, Lot 27 and
2 646.22, Lot 1 have unique flagged features. Can you
3 explain that and reference them on the site, on the
4 subdivision plan, please?

5 MS. HOFFMAN: Sure. Hold on. So,
6 646.23, Lot 27 and 646.22, Lot 1 are shown, well,
7 Lot 1 is shown on SP-05 which includes a basin and
8 lot, the other lot, Lot 27, is shown north of
9 Carmens Way, which is also a basin. There are
10 easements provided there and access provided there
11 which would be maintained by the homeowner's
12 association, as they maintain the basins also.

13 MR. GIUNCO: So, the homeowner's
14 association and their documents would demonstrate
15 they're responsible for the maintenance of the
16 basins and any lands associated with the basin?

17 MS. HOFFMAN: Correct.

18 MR. GIUNCO: Okay.

19 MS. HOFFMAN: And the same with
20 item number seven, which is the maintenance of the
21 site identification sign located at the corner of
22 Laurel and Reagan Way.

23 MR. GIUNCO: Okay. That's the
24 conclusion of the March 16, 2022 report.

25 CHAIRMAN COOKE: Thank you. We

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1 have Elissa Commins, would you like to comment?

2 MS. COMMINS: I had a concern about
3 the porous pavement on the roads. And I understand
4 that the New Jersey stormwater regs have been
5 updated to accept porous pavement as a treatment for
6 infiltration and water quality and they're requiring
7 it. I also understand our Township ordinance has
8 been revised to accept porous pavement for water
9 quality, water quantity. It's an acceptable
10 stormwater management feature. It also has a
11 limitation on how much drainage area it can accept
12 being three times the area of the pavement.

13 So, you could realistically come up
14 with a standardized pavement specification in
15 thickness for porous pavement if you were going to
16 use it for a road. Yet, the Residential Site
17 Improvement Standards for New Jersey have not
18 changed their section how it's acceptable for a
19 street pavement section, not for any residential
20 street of any grade. They have incorporated the New
21 Jersey Stormwater Management Regulations, but they
22 haven't altered their pavement section. Which leads
23 me to believe it's not really encouraged to be used
24 in a high traffic area.

25 I also wanted to comment that we

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1 don't have a lot of the equipment that's listed in
2 the stormwater management maintenance manual to
3 maintain porous pavement. So, it would just be an
4 added hardship to the municipality.

5 MR. GIUNCO: Well, Mr. Chairman,
6 our first design had 72, what they call,
7 bioretention basins; correct?

8 MS. HOFFMAN: Bio basins.

9 MR. GIUNCO: Bio basins. That plan
10 was requested specifically at a technical review
11 meeting that we had to be amended to provide for the
12 proposed infiltration system, large basins rather
13 than all the small ones. As a result of that,
14 that's where the porous pavement comes in. It's
15 part of your ordinance. It's permitted. It's
16 following the stormwater maintenance standards and,
17 quite frankly, the request that was made directly of
18 us at that review meeting.

19 Our client went out and spent a
20 substantial amount of time and money to revise the
21 plans to incorporate those provisions and at that
22 point we actually addressed the question of porous
23 pavement recognizing that there are some maintenance
24 issues that have to be addressed. And we were
25 assured that would have to be handled by the

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1 Township at one point or another.

2 So, that's why the design is like
3 that. We contend it's fully permitted. In fact,
4 the Residential Site Improvement Standards will
5 recognize it doesn't have any impact on the
6 stormwater management requirements and the Township
7 ordinance.

8 MS. COMMINS: We did have a site
9 meeting and there were many issues that we raised
10 with respect to the initial design of the
11 subdivision's stormwater management system. Every
12 lot had one, two halves of infiltration basins on
13 every lot and the streets drained onto private
14 property. However, in everything we discussed at
15 that meeting, I don't ever recall recommending
16 porous pavement to be used on the streets. Perhaps
17 the driveways would be a consideration, private
18 property, but not in the residential streets.

19 MR. GIUNCO: Well, I have a
20 distinct recollection of that meeting where that
21 issue was raised and we said we didn't use porous
22 pavement because of the maintenance and we were told
23 that's what we wanted to see.

24 In any event, that plan was
25 submitted. It's designed properly in our

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1 expectation and it meets the stormwater management
2 ordinances that were adopted in, I think, November,
3 by Brick Township, of 2021. Oh, March of 2021.

4 MR. HENSEL: So, the roadways are
5 proposed to be dedicated to the municipality?

6 MR. GIUNCO: That is correct.

7 MR. HENSEL: And the municipality
8 would then undertake the required maintenance of the
9 porous pavement roadway?

10 MR. GIUNCO: Those maintenance
11 requirements, again, imposed by the stormwater
12 management standards, in order to keep them
13 operational, and that's part of the municipal
14 ordinances. Correct.

15 MR. HENSEL: And it's not a
16 situation where the roads could be maintained as
17 private roadways to be owned by the HOA and
18 maintained by the HOA?

19 MR. GIUNCO: We're not proposing
20 that. The stormwater portion of the driveway or the
21 street, Leanne, can you explain that?

22 MR. HENSEL: Why don't we get some
23 detail for everybody to understand what porous
24 pavement is and also the maintenance requirements,
25 if you can get into that, what's required for that?

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1 It's not cobblestones in the city, if I can recall.

2 MR. GIUNCO: It's not cobblestones.

3 MS. HOFFMAN: Porous pavement is
4 also known as, in the field or the industry, open
5 rated. So, sometimes when you drive down the
6 Parkway, for instance, in a rainstorm, in the older
7 sections of the Parkway you'll see water sheeting
8 off the side the way the roadway is graded and then
9 when you get to a newer section and your tires sound
10 different and you look at the road, there's no water
11 on there. What it is, it's called an open rated mix
12 and there's more voids between the stones and some
13 of the stones are larger to allow the water to
14 infiltrate through the top surface layer of the
15 pavement down into what's called a choker layer and
16 then down into stone and then back into the
17 groundwater, which, again, is an initiative of the
18 Best Management Practices manual.

19 So, the roadways here, as we
20 discussed earlier, are 28 feet wide with a 50-foot
21 cart way, sidewalks on either side. The 28-foot
22 pavement is what is porous in these roadways. And I
23 think there was comments in both Elissa's and
24 Brian's letter with respect to the three to one
25 drainage area. They're only allowed to take three

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1 times as much area. So, we have that calculation
2 and we can provide it.

3 MR. HENSEL: What are the
4 maintenance requirements of the porous pavement?
5 What's required to keep it porous?

6 MS. HOFFMAN: So, it has to be
7 cleaned. It has to be swept. It could potentially
8 be, vac, like vac, almost like vacuumed, not the
9 same vacuum as obviously you use, but there's
10 equipment out there to do that. It has to be
11 periodically inspected. Those are some of the
12 requirements. Those aren't all the requirements.

13 MR. HENSEL: And those requirements
14 are imposed by whom?

15 MS. HOFFMAN: There's a specific
16 standard, there's a standard maintenance that goes
17 along with porous pavement that's also suggested
18 through the BMP manual. That would be updated in
19 the operation and maintenance manual for stormwater.

20 MR. GIUNCO: Was that adopted in
21 the ordinance that adopted by Brick?

22 MS. HOFFMAN: Correct, they
23 reference the NJDEP BMP standards.

24 MR. HENSEL: So, then if the
25 roadways were dedicated to the municipality, it

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1 would be the burden of the municipality to maintain
2 those roadways with that equipment?

3 MR. GIUNCO: Well, I would suggest
4 that whether they were privately owned and publicly
5 owned, since the Township now maintains those
6 streets, it would be subject to Municipal Services
7 Act.

8 MR. HENSEL: Just, counsel, just to
9 explore that just for one second, based on what the
10 Chairman said. The Municipal Services Act would
11 require, similar to garbage collection for an HOA
12 where the municipality isn't obligated or required
13 to pick it up, is that the position of the
14 applicant?

15 MR. GIUNCO: It's a taxation
16 fairness issue. If the Township is paying for a
17 service and a property owner's paying taxes, they're
18 entitled to that same proportion of the shared
19 services.

20 MR. HENSEL: It's the same way with
21 garbage pick up, for example, in an HOA?

22 MR. GIUNCO: Correct.

23 MR. HENSEL: So, that's the
24 position, it would become the municipality's
25 obligation?

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1 MR. GIUNCO: In our view those are
2 the kind of things that it's intended to accomplish.
3 If the homeowner's association actually handles it
4 and then the applicant, the property owners are
5 entitled to reimbursement. In any event, that was
6 our attempt to satisfy the requirements and to
7 eliminate the issues that were perceived to be by
8 the bioretention basins.

9 MR. HENSEL: Brian, did you want to
10 address that at all?

11 MR. BOCCANFUSO: Yes, thank you.

12 CHAIRMAN COOKE: For the record,
13 just state your name for everyone.

14 MR. GIUNCO: If I may, Mr.
15 Chairman?

16 CHAIRMAN COOKE: Just for the
17 public, so they understand.

18 MR. GIUNCO: Mr. Boccanfuso's
19 letter is coming up next.

20 CHAIRMAN COOKE: I understand.

21 MR. BOCCANFUSO: I think it's an
22 appropriate time. Elissa and I share a lot of the
23 same concerns. In fact, there are some comments in
24 both reports that perhaps we can save some time if I
25 address them now.

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1 MR. GIUNCO: I got a request to go
2 line by line.

3 MR. BOCCANFUSO: Understood. I
4 share Elissa's concerns relative to the porous
5 pavement as a municipal roadway and I would ask,
6 Leanne, have you ever designed a roadway for a
7 subdivision that has a porous pavement roadway?

8 MS. HOFFMAN: This plan here.

9 MR. BOCCANFUSO: This one here.
10 Aside from this plan, have you ever designed one?

11 MS. HOFFMAN: This, and for the
12 record, for my fans in the back, the BMP manual has
13 changed as everyone knows and was adopted by the
14 municipality in March of 2021 and it encourages
15 different green infrastructure, which in the past
16 design engineers were not encouraged to use and
17 porous pavement also encourages infiltration back to
18 the groundwater at the source and that is what this
19 is done for.

20 MR. BOCCANFUSO: Understood. And I
21 agree that the BMP manual has changed recently, but
22 prior iterations of it did have porous pavement; did
23 they not?

24 MS. HOFFMAN: That's correct.

25 MR. BOCCANFUSO: Okay. So, up

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1 until the change of the BMP manual and the change to
2 the stormwater management regulations, were you ever
3 involved in designing a public roadway that was a
4 porous pavement system?

5 MS. HOFFMAN: No. As I answered
6 before, no, I was not.

7 MR. BOCCANFUSO: Okay. You also
8 have experience in reviewing applications on this
9 side of the dais; do you not?

10 MS. HOFFMAN: Yes, I do.

11 MR. BOCCANFUSO: Okay. As a review
12 engineer, have you ever received an application that
13 proposed such a system?

14 MS. HOFFMAN: As a review engineer?

15 MR. BOCCANFUSO: Yes.

16 MS. HOFFMAN: No, I left my prior
17 assignment where I was a review engineer for a town
18 for 13 years right after the implementation of the
19 new BMP manual or several months thereafter. So,
20 no, in my tenure there, no, I have not, to answer
21 your question.

22 MR. GIUNCO: Well, I have a
23 follow-up question for that. Were there any
24 applications presented to you at that time that had
25 porous pavement for your review?

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1 MS. HOFFMAN: No.

2 MR. BOCCANFUSO: I'm sorry. What
3 was the question, Mr. Giunco?

4 MR. GIUNCO: Were there any
5 applications presented for review when Leanne was a
6 municipal engineer for her review. Because you
7 asked her if she ever reviewed any. I wanted to
8 find out if any had ever been submitted to her for
9 review and the answer to that is no.

10 MR. BOCCANFUSO: Okay. She's never
11 seen one as a reviewer and never designed one as a
12 designer.

13 MR. GIUNCO: No, she said she
14 designed this one here.

15 MR. BOCCANFUSO: This.

16 MS. HOFFMAN: And I've seen, so you
17 said I've never seen one, that's actually not true.
18 When I worked for Earl Asphalt Paving Company I was
19 literally standing in the middle of the Parkway
20 after dark while they were installing open rated
21 porous, which was a test patch or a test system for
22 the DOT.

23 MR. BOCCANFUSO: And, Mr. Chairman,
24 I'm certainly not trying to be argumentative. I'm
25 just making a point that this is unique. In my

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1 experience as a review engineer, I have never seen a
2 public roadway proposed to be dedicated to a
3 municipality that was comprised of this porous
4 pavement. I've seen it many times on applications.
5 There's certainly a place for it. It does comply
6 with the BMP manual. There's specifications listed
7 therein and in private parking lots it's a very
8 common occurrence. I've seen many designs. I've
9 just never seen anything quite like this.

10 And I just want to make sure that
11 the record is clear on that, because it does present
12 maintenance issues. I mean, it's not akin to a
13 normal roadway that you just sweep whenever you feel
14 like. You have to keep up with the maintenance on a
15 regular basis. If you don't do so, that roadway,
16 the porous pavement roadway, which is also a
17 stormwater management BMP, loses its ability to
18 treat water quality. So, it's just something that
19 the Board should consider. We also have a letter
20 from the municipal engineer and we just heard from
21 her that her recommendation would be that the
22 municipality does not accept the roadway if it's
23 comprised of porous pavement. Now, I don't know how
24 that whole process would work, whether, I don't
25 think the Township is required to accept it. But,

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1 even if the Board were inclined to approve the
2 application, it would have to be a process by which
3 the Township accepts the roadway and then we'd be
4 going against the recommendation of their engineer,
5 at least as it stands right now.

6 MR. GIUNCO: Mr. Chairman, if I
7 may. Are you finished?

8 MR. BOCCANFUSO: I'm finished with
9 that, yes.

10 MR. GIUNCO: We did submit a
11 complete design using another alternative under the
12 stormwater management rules. Our clients can go
13 back to that.

14 MR. BOCCANFUSO: And, Mr. Chairman,
15 I'm glad that Mr. Giunco brought that up. That was
16 right where I was going next is there's been some
17 discussion about this previous design. The previous
18 design required 220 something variances just by
19 virtue of the basins alone. So, it was far from a
20 compliant design. In addition to that, we had
21 several dozen technical comments relative to the 71
22 or 72 individual rain gardens that were proposed on
23 the previous design. I think that design was dead
24 on arrival in plain English. I don't think it was
25 something that was ever feasible. I don't think

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1 it's something that ever could have gotten to the
2 point that the Board would consider. I mean, 220
3 something variances in addition to dozens of
4 technical comments create a lot of issues.

5 In addition to the fact that the
6 ownership and maintenance of those basins, as far as
7 I'm aware, was never directed. You can't assign the
8 maintenance responsibilities of those individual
9 rain gardens or bioretention basins to the
10 individual homeowners. It would need to be
11 established in an HOA or assign it to the town.
12 Again, I don't think the town would have accepted
13 those either.

14 So, you know, I'm not sure of the
15 relevance of this previous design. It was a
16 previous design. It was never approved. It was
17 never as of right. The Board can give it whatever
18 consideration they think is appropriate. To say
19 that you can go back to the other design I think is
20 a step in the wrong direction, quite frankly.

21 MR. GIUNCO: Well, we're proposing
22 the street dedication and that design is fully
23 compliant with those standards and the number of
24 variances were created is because the land use
25 ordinance hasn't been updated to incorporate those

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1 standards yet.

2 But, having put that aside, we have
3 this application in front of you. There is an
4 alternative for the Board. We're proposing a plan
5 that we believe will demonstrate is in full
6 compliance with the ordinance.

7 CHAIRMAN COOKE: Anything further,
8 Mrs. Commins?

9 MS. COMMINS: The only thing I
10 wanted to point out was the safety standards for
11 stormwater management basins, it's actually listed
12 as an escape provision and we do have dozens of
13 basins in town constructed with retaining walls.
14 However, none of them have been approved since we
15 were required to adopt the model ordinance issued by
16 the DEP. And while the three to one slope
17 requirement is negated by a retaining wall, the
18 erosion is negated by a retaining wall, the standard
19 as specifically written states, safety standards for
20 stormwater management basin, escape provision. So,
21 I have to give due consideration to the requirement
22 that if there's children in the development and they
23 can fall in, they may not be able to get to the ten
24 to one access road for, to negate the basin. It's
25 just something that should be given consideration.

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1 Also, and with all due respect to
2 the Board, it's not a land use issue. It's a
3 requirement in the stormwater management section of
4 the ordinance. So, I think it needs to be addressed
5 where the applicant has to get a design waiver from
6 the stormwater management section. I know we
7 discussed that at length at the last Planning Board
8 meeting at the Master Plan hearing.

9 MS. HOFFMAN: Can I ask for
10 clarification? So, are you negating the maintenance
11 access road as an escape provision? I didn't hear.
12 So, each basin has an accessway to get into the
13 basin.

14 MS. COMMINS: Correct.

15 MS. HOFFMAN: Are you not
16 considering that an escape provision?

17 MS. COMMINS: I'm saying that as
18 the model ordinance that was given to us to adopt it
19 reads, the maximum interior slope for an embankment
20 shall not be deeper than three horizontal to one
21 vertical.

22 MS. HOFFMAN: Right. We have --
23 okay. So, are we talking about the escape provision
24 or are we talking about the retaining wall? I just
25 want to understand.

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1 MS. COMMINS: I'm saying that you
2 have an embankment that's one to one or a batter of
3 the wall.

4 MS. HOFFMAN: It's a retaining
5 wall. It's a structural retaining wall.

6 MS. COMMINS: Correct. Correct.

7 MS. HOFFMAN: Our position is the
8 structural retaining wall, and it's not an earthen
9 embankment and it's not an embankment that's subject
10 to three to one. Three to one is typically for
11 erosion control. This is not that. This is a basin
12 with a wall that's structural.

13 But, with respect to the escape
14 provision, we do provide a ten foot access drive
15 into the basin, which is an escape provision. In
16 addition, the applicant has said if required we can
17 provide ladders throughout the basin.

18 MS. COMMINS: Very good.

19 (Audience interruption.)

20 CHAIRMAN COOKE: No, not yet.

21 MS. COMMINS: And the only other
22 question I had was with respect to, the applicant
23 has stated that there's going to be a homeowner's
24 association to maintain the stormwater management
25 facilities.

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1 MR. GIUNCO: I didn't quite hear
2 what you said.

3 MS. COMMINS: You were going to
4 establish a homeowner's association to maintain the
5 stormwater management facilities.

6 MR. GIUNCO: Basins, yes.

7 MS. COMMINS: The basins. So, I
8 just, I question, I have concerns about a
9 homeowner's association continuing existence in
10 perpetuity and paying into an association to
11 maintain a basin when there is no benefit or
12 improvement that serves the homeowner's association,
13 like a pool or a clubhouse. I mean, they're just
14 going to provide dues to provide maintenance for a
15 basin. I don't know how sustainable that will be in
16 the long term to keep and maintain the basins
17 professionally maintained.

18 MR. GIUNCO: There isn't a pool and
19 clubhouse proposed. This is a facility that serves
20 each of the homeowners. It's certainly suitable for
21 an assessment for maintenance, unless the Township
22 wants to take it over, including the tax rate. What
23 we're trying to do is to address the maintenance of
24 the basin and the landscaping around it, along with
25 the signage for the overall project. That will all

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1 be maintained by the homeowner's association and
2 those are all issues that were raised and we thought
3 we were complying with the recommendation.

4 MR. HENSEL: Did you have more
5 testimony from the engineer?

6 MR. GIUNCO: Well, we can address
7 this line by line or we can address it in a general
8 statement. I think we went through most of the
9 significant comments of both letters, Mr. Chairman,
10 but I can wrap this up with Leanne with a couple
11 questions.

12 CHAIRMAN COOKE: I think what we'll
13 do is we'll continue on to our engineer's report,
14 CME's.

15 MR. GIUNCO: Okay.

16 CHAIRMAN COOKE: Okay?

17 MR. GIUNCO: Leanne, you also had
18 an opportunity to review the January 21 report
19 prepared by CME and Brian?

20 MS. HOFFMAN: Yes.

21 CHAIRMAN COOKE: February 22.

22 MR. GIUNCO: I grabbed the wrong
23 one. Yes, February 22. So, items one through four
24 are descriptions of the project. I suggest we move
25 to page three and begin with the bulk requirements.

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1 Brian, is there anything in the
2 first couple pages that you need us to review or is
3 that just information?

4 MR. BOCCANFUSO: No, Mr. Giunco, I
5 think it's --

6 MR. GIUNCO: It's just information.

7 MR. BOCCANFUSO: -- it's just for
8 information. And, in fact, if you refer to the top
9 of page three it speaks to the possible relief that
10 we had identified. I'm not licensed as a planner,
11 so I would defer to our planner on that.

12 MR. GIUNCO: I have a planner that
13 will testify to that. We're able to address all
14 five of those and lay out the variances.

15 MR. BOCCANFUSO: I will note that
16 some of those items, specifically those that pertain
17 to parcel one have already been addressed. We have
18 identified the noncompliant condition offsite and
19 your planner and our planner letter with address it
20 as necessary.

21 MR. GIUNCO: Well, if we're talking
22 about, A are reciting the bulk requirements.
23 Leanne, any questions about that or we're compliant?

24 MS. HOFFMAN: No. So, we
25 identified earlier that parcel one as shown on

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1 SP-06, which was submitted as an additional exhibit,
2 was being conveyed to Block 650, Lot 1. So, it's
3 not an individual parcel. Brian, does that satisfy
4 that?

5 MR. BOCCANFUSO: Again, I'll defer
6 to the planner on that.

7 MS. HOFFMAN: Okay.

8 MR. GIUNCO: Then, section B, that
9 lots on proposed future streets would have frontage
10 on more than one public street or private right of
11 way. How would you address that?

12 MS. HOFFMAN: So, on the exhibit
13 presented SP-05, on sheet 05, last revised 3/9/2022,
14 we have added additional area to Lot 1 and Lot 3
15 that border the basin on Lot 646.2. These areas
16 have fences in them and the applicant has also
17 stated that he would have the homeowner's
18 association maintain those strips of land as they
19 are adjacent to and for all intensive purposes it
20 would be in everyone's best interest since there's a
21 fence and landscaping there that wants to beautify
22 the development, that the homeowner's association
23 would maintain those areas.

24 (Audience interruption.)

25 CHAIRMAN COOKE: Please don't call

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1 out. Excuse me. CME is the engineering firm.

2 MR. GIUNCO: Leanne, there is a
3 reference that there is a side lot line, right
4 angles to street lines, radial, and parcel one is
5 irregularly shaped. Could you confirm that parcel
6 one is the parcel you've identified to be dedicated
7 to the adjoining property?

8 MS. HOFFMAN: Yes, that's correct.

9 MR. GIUNCO: Item D, each lot must
10 front upon an improved street which is 50 feet in
11 width, where parcel one is proposed to be
12 landlocked. Did you modify the plan?

13 MS. HOFFMAN: Yes, that's correct.

14 Parcel one is to be conveyed to Lot 650, Block 1.

15 MR. GIUNCO: And item E, stormwater
16 management basins shall not be located in the front
17 yards whereas portions of all five basins encroaches
18 in the front yard area.

19 MS. HOFFMAN: So, in the exhibits
20 that were presented, SP-05 and SP-06, we modified
21 the basin area to be within the setbacks. Some
22 basins were moved. Some basins were modified. So,
23 we no longer seek that variance for a front yard.

24 MR. GIUNCO: Okay. And then
25 finally item F, no aboveground stormwater facility

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1 within 50 feet of a residential dwelling, basins two
2 and five are less than 50 feet.

3 MS. HOFFMAN: Right, and we have
4 made that same adjustment on SP-05 and SP-06 where
5 we've shown a buildable area larger even than what
6 the developer, the house is going to be there and
7 that area is greater than 50 feet or equal to 50
8 feet from the proposed basin.

9 MR. GIUNCO: And, Mr. Chairman,
10 like Brian was saying, we have professional planning
11 testimony also. All right, item five identifies --

12 MR. HENSEL: Can I just clear that
13 there are no variance requests on E or F? They've
14 been completely eliminated?

15 MR. GIUNCO: Correct.

16 MS. HOFFMAN: Correct.

17 MR. BOCCANFUSO: Mr. Hensel, Mr.
18 Giunco, just what I would ask for, for confirmation
19 of number F, the plan that was submitted doesn't
20 have any grading on it. So, I would just need to
21 see a grading plan that verifies no embankments or
22 anything associated with the basin.

23 MS. HOFFMAN: Understood.

24 MR. GIUNCO: Can you accommodate
25 that?

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1 MS. HOFFMAN: Yes, we can comply.
 2 MR. BOCCANFUSO: Thank you.
 3 MR. GIUNCO: Okay. So then item
 4 five, just to be clear, the application is deemed
 5 complete. On page four, section six, general
 6 comments, testimony in support of required
 7 variances. Mr. Chairman, we have planning
 8 testimony, but we contend we don't have any
 9 variances, but we'll offer testimony to clarify all
 10 of our positions on that.

11 Item B, the sanitary sewer easement
 12 existing for Lot 1 and Block 650, that's the lot we
 13 identified, Leanne identified a few minutes ago as
 14 being parcel one and that easement does exist.
 15 We'll provide a copy of it. It's been recorded.

16 Item C, address the purpose for the
 17 proposed parcel. Mr. Chairman, again, that we did.
 18 If you need more clarification, I think it's
 19 self-evident there, if you need more testimony on
 20 that, we'll provide it.

21 Item D, all streets and roads for
 22 final plan continuous with adjoining links to system
 23 and designed in compliance with street and road
 24 system and, again, we defer to the planner for
 25 determination whether variance relief is required

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1 from this requirement. Leanne, from our
 2 perspective, are you satisfied, do you see any
 3 variances required there?

4 MS. HOFFMAN: No.

5 MR. GIUNCO: Item E, the irregular
 6 geometry of the two lots adjoining parcel one,
 7 parcel one is the parcel that will be dedicated to
 8 the adjoining property. Can you address that?

9 MS. HOFFMAN: So, I think --

10 MR. GIUNCO: It's a direct
 11 question. The direct question is, do we require any
 12 variances for that?

13 MS. HOFFMAN: No, we're referring
 14 to Block 646.23, Lots 10 and 11, first which are
 15 adjacent to parcel one. The lot lines at the right
 16 of way are either perpendicular or radial. The
 17 irregular shaped lot line in the rear is, again, to
 18 try and accommodate the neighbor whose improvements
 19 are on the subject applicant's property. It's the
 20 right thing to do, so that's why that irregular lot
 21 line exists in the rear.

22 MR. GIUNCO: And that the portion
 23 of the site that's moving to the east, that's where
 24 the house actually is on the property line and it
 25 encroaches.

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1 MS. HOFFMAN: Right. So, the
 2 common property line to the north where the house
 3 sits, which fronts on Cedar Knoll, the common
 4 property line is to the north there.

5 MR. GIUNCO: Okay. In addition,
 6 the applicant address the radial of proposed basin
 7 Lot 17 and 19 and can they be consolidated?

8 MS. HOFFMAN: Brian, was that from
 9 the old plan, 17 and 19?

10 MR. BOCCANFUSO: Yes, I think we're
 11 on the old plan with some of these.

12 MS. HOFFMAN: They've been
 13 adjusted. Hold on. Let me just, I don't have the
 14 old plan in front of me.

15 MR. BOCCANFUSO: I can hopefully
 16 clear this up. So, the only lots in question with
 17 regard to the geometry at this point are the
 18 detention basin or infiltration basin, Lot 27 in
 19 Block 646.3 and Lot 1 in Block 646.2. Those are the
 20 two stormwater management basins in the westerly
 21 portion of the property. In addition, with this
 22 most recent plan revision, residential Lots 3 and 1
 23 in Block 646.20 have been modified to provide a
 24 similar panhandle type geometry. So, the question I
 25 have is, how those irregular panhandles play into

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1 the lot depth. The Township's definition of lot
 2 depth indicates that it's a mean horizontal
 3 distance. So, what I would ask is that calculation
 4 be provided as to what the lot depth is of those
 5 four irregular lots, considering those odd
 6 panhandles just to show that you comply.

7 MR. GIUNCO: So, Leanne, did you
 8 make any comments on that design? Like, for
 9 example, the two residential lots on either side of
 10 the detention basin, they have adequate room for the
 11 houses?

12 MS. HOFFMAN: Yes.

13 MR. GIUNCO: Property setback?

14 MS. HOFFMAN: Yes.

15 MR. GIUNCO: Access to the roadway?

16 MS. HOFFMAN: Yes.

17 MR. GIUNCO: And the lots meet the
 18 minimum lot size?

19 MS. HOFFMAN: That's correct.

20 MR. GIUNCO: Okay. And if there
 21 are any variances that's subject to planning, our
 22 planner should address?

23 MS. HOFFMAN: Correct.

24 MR. GIUNCO: Okay.

25 MR. BOCCANFUSO: I honestly didn't

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1 hear any of that line of questioning, Mr. Giunco,
 2 quite honestly. The question I have is very simply
 3 and clearly, you have these irregular panhandles.
 4 How, I need calculations that show how the lot depth
 5 on each of those lots was calculated taking into
 6 fact, taking into account those irregular
 7 panhandles, because the definition of lot depth is
 8 the mean horizontal distance, so that includes all
 9 of the areas. I recognize that the lots are, the
 10 lines comply with the ordinance requirements. We
 11 didn't cite any other variances. In fact, we didn't
 12 cite this one, because it was unclear. So, I just
 13 need clarification is what I'm asking for.

14 MR. GIUNCO: We'll have to review
 15 and clarify.

16 MR. BOCCANFUSO: Understood. Thank
 17 you. All right. So, in the interest of time, I
 18 know you have a traffic engineer, so we can probably
 19 table all the traffic, parking, and circulation
 20 comments, which it starts on page five and goes on
 21 to the middle of page seven. I recognize that some
 22 of those may be more appropriately addressed by the
 23 site engineer. I'm sure Leanne isn't going to
 24 leave. She'll be here when Mr. Rea provides his
 25 testimony. If we need to bring her back, that's

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1 fine. Unless there's any comments in there that
 2 she'd like to address upfront we can skip that and
 3 get back to it.

4 MS. HOFFMAN: So, when I prepared
 5 my response letter, I believe dated March 10, I did
 6 not address the traffic ones. I am here to address
 7 them when Mr. Rea gives his testimony or if you want
 8 me to address them now, I will.

9 MR. BOCCANFUSO: I think Mr. Rea is
 10 probably going to address a lot of those comments
 11 directly, so I don't think it would be efficient for
 12 you to go through and revisit later. We can just
 13 address all the traffic, parking, and circulation
 14 comments with him.

15 MR. GIUNCO: Mr. Chairman, based on
 16 that direction, may I have permission to call Mr.
 17 Rea now, address the traffic, and then we'll return
 18 to civil engineering?

19 CHAIRMAN COOKE: Well, so, like
 20 Brian had said, in the essence of time, we're
 21 already at 9:35. We go to 10 p.m., okay, I don't
 22 think we're going to have enough time.

23 MR. GIUNCO: We'll certainly finish
 24 our traffic testimony in a half hour, I believe.

25 CHAIRMAN COOKE: Well, we still

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1 have -- excuse me -- excuse me -- please, we still
 2 have to go through number nine.
 3 MR. GIUNCO: What I was suggesting,
 4 basically, is let's bring, let's do the traffic,
 5 address these issues, that will be finished, and
 6 then bring Leanne back to finish the letter from
 7 this point.

8 CHAIRMAN COOKE: Do you think we
 9 have enough time?

10 MR. BOCCANFUSO: Mr. Chairman, it's
 11 my pleasure to stay all night if you want. I don't
 12 know that --

13 CHAIRMAN COOKE: I would rather we
 14 stick with CME's.

15 MR. GIUNCO: I'm familiar with the
 16 cases that say you get to set the rules.

17 CHAIRMAN COOKE: Let's continue
 18 with number nine and go through the engineering
 19 report. We'll continue with that.

20 MR. GIUNCO: We'll come back to
 21 section eight, which is traffic, parking, and
 22 circulation, and that would bring Leanne to section
 23 nine, which is on page seven, stormwater management,
 24 grading, and utilities. Do you want to just go
 25 through these questions one by one?

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1 MS. HOFFMAN: Sure. With respect
 2 to 9A, Brian, was there any additional information
 3 you would request with respect to the overall
 4 stormwater management system?

5 MR. BOCCANFUSO: No, you described
 6 the system. I think the Board has an understanding.
 7 If they have any questions, they can ask you that.

8 MS. HOFFMAN: Okay. With respect
 9 to 9B, our response is that, yes, we can provide the
 10 calculation to satisfy that, those items that you
 11 identified for the porous pavement.

12 MR. BOCCANFUSO: Understood.

13 MS. HOFFMAN: With respect to 9C,
 14 regarding the OMM manual, okay, I think that was
 15 also a carryover from the original design. So, the
 16 OMM manual needs to be updated to request the
 17 large-scale infiltration basins that are being
 18 proposed on the site, we will comply.

19 MR. BOCCANFUSO: I will note that
 20 in your response letter you indicated that the
 21 stormwater quality and recharge requirements would
 22 be met through the BMP porous pavement and clearly
 23 we have some concerns relative to that, but
 24 compliance with the regs is one of them.

25 MS. HOFFMAN: And we can expound on

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105 1 that in a narrative in the stormwater report that 2 all of the, quote, unquote, dirty water is going to 3 the porous pavement for recharge and groundwater 4 infiltration and water quality. And to add onto 5 that, the clean water, the roof and the rest area is 6 the water that's going to the infiltration basin. 7 It will infiltrate directly back into the ground. 8 MR. BOCCANFUSO: That's consistent 9 with your testimony. 10 MS. HOFFMAN: Thank you. And then 11 item D we touched on earlier, with respect to the 12 retaining walls and our position is that those are 13 retaining, structural retaining walls within the 14 basin, not subject to the three to one slope. 15 However, the applicant has and we have provided an 16 escape maintenance road and will also provide 17 ladders if as required. There's also a four-foot 18 fencing proposed around all the basins. 19 MR. BOCCANFUSO: And I'll defer to 20 the municipal engineer on that. It's in Chapter 21 396. I don't believe it's under the jurisdiction of 22 this Board anyway. It's something you'll work out 23 with the Board engineer. 24 MS. HOFFMAN: With respect to item 25 E, I think we testified that the owner and DENISE SWEET & ASSOCIATES, LLC (732) 462-6096	107 1 or anything before final approval? 2 MS. HOFFMAN: Yes. 3 MR. BOCCANFUSO: And similarly F, I 4 think G and H are similar comments, similar 5 concerns. 6 MS. HOFFMAN: Understood. So, we 7 would do a submission to address those through Ms. 8 O'Neill. 9 MR. BOCCANFUSO: Yes. 10 MS. HOFFMAN: Understood. I'm 11 just, I'm just making a note. Are we on I? 12 MR. BOCCANFUSO: We are. 13 MS. HOFFMAN: So, yes, we are in 14 agreement that additional inlets would be needed 15 there to keep all the water on site and not 16 adversely impact any adjacent properties. I did 17 answer J in my response. So, this site is unique in 18 the fact that the entire site drains in and amongst 19 itself and it's, it kind of makes sense when you 20 read the EEI geotechnical report and it indicates K4 21 and K5 soils, which are indicative of sandy type 22 soils. So, our design was that all the drainage is 23 contained within the site. That's why you don't 24 have any outlet structures or any discharge off site 25 because all the drainage is being designed and DENISE SWEET & ASSOCIATES, LLC (732) 462-6096
106 1 maintenance responsibility of the stormwater 2 management system would be through a homeowner's 3 association and then we are, our testimony is that 4 we are proposing roadways be dedicated to the 5 Township. Was there any other questions related to 6 9E? 7 MR. BOCCANFUSO: I think that's 8 something that we've addressed at length already. 9 MS. HOFFMAN: Okay. Sub item F, 10 with respect to the plat, we will update that, that 11 the basins will be dedicated to the homeowner's 12 association. So, that would clarify that. 13 G is a technical issue. We have to 14 look at the elevation of that inlet along the 15 property and we can comply with that regarding we've 16 already done some work analysis to look at that. 17 MR. BOCCANFUSO: Before we get off 18 of that one, it's a, while not an insurmountable 19 issue, it's a significant concern. I think that 20 it's something that we would need to see addressed 21 before I would be comfortable recommending that the 22 Board take action on the application. Is that 23 something you can address in a resubmission at some 24 point before, I don't know when is going to be the 25 next hearing, before you seek a vote from the Board DENISE SWEET & ASSOCIATES, LLC (732) 462-6096	108 1 contained within the site in this one drainage area. 2 Is there additional information you want with 3 respect to 9J? 4 MR. BOCCANFUSO: I think J and K go 5 hand in hand and pertain to that westerly drainage 6 area that based upon the topography it looks like it 7 does leave the site. I can certainly take another 8 look at it. 9 MS. HOFFMAN: We can meet out there 10 and walk out there. We've walked out there and 11 there is a low point, that was our analysis, .4, and 12 in addition to the westerly drainage area now we're 13 extending Laurel Avenue at the request of Ocean 14 County three feet wider pavement and they're asking 15 us to take that drainage on our site. So, not only 16 are we including our drainage, but we're also taking 17 on additional drainage in that area. So, if you 18 want, I can provide that information back to you. 19 MR. BOCCANFUSO: Yeah, if you can 20 give me some background information that would be 21 helpful. I mean, regardless of what the county is 22 asking you to do, I think the pertinent fact is how 23 the area is draining the existing conditions and it 24 is getting off site, those requirements become 25 applicable. DENISE SWEET & ASSOCIATES, LLC (732) 462-6096

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1 MS. HOFFMAN: Understood.
 2 MR. BOCCANFUSO: If not, then
 3 perhaps they're not and we can keep all the drainage
 4 on site. I think that's the question that we need
 5 to have answered.

6 MS. HOFFMAN: Sure. And we
 7 understand in L, the need for the additional soil
 8 testing. We understand that that's required. We
 9 will comply in the proper time.

10 MR. BOCCANFUSO: Okay.

11 MS. HOFFMAN: I did investigate
 12 item M. I can present to you the separation based
 13 on the testing that was done there. I have it here
 14 with me, but I'll just submit it through Ms. O'Neill
 15 for the separation for the bottom of the
 16 infiltration basins for the seasonal high.

17 MR. BOCCANFUSO: So, your position
 18 is that you do comply?

19 MS. HOFFMAN: That's correct. Our
 20 position is we comply and I can provide
 21 documentation to that effect.

22 MR. BOCCANFUSO: Great.

23 MS. HOFFMAN: Item N, I did send
 24 this information over to EEI, who's the geotechnical
 25 consultant, who did the groundwater testing. I

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1 wasn't actually sure exactly what you were
 2 referencing in N.

3 MR. BOCCANFUSO: I think it's
 4 similar to L, where there's additional, additional
 5 profile pits and borings required, similar comment.

6 MS. HOFFMAN: Okay. So, we did do
 7 the on finished model of the groundwater mounding
 8 analysis. I think it was a matter of labeling all
 9 the information that was provided to you. I think
 10 that's what that comment is.

11 MR. BOCCANFUSO: We just needed
 12 some clarification on what went where and I would
 13 also note in your earlier testimony you indicated
 14 that a minimum of two feet would be required between
 15 the seasonal high water table and the basement floor
 16 elevation; is that correct?

17 MS. HOFFMAN: That's what we're
 18 maintaining now.

19 MR. BOCCANFUSO: That's what you're
 20 maintaining?

21 MS. HOFFMAN: Uh-huh.

22 MR. BOCCANFUSO: So, that's what
 23 you intend to provide?

24 MS. HOFFMAN: Yes.

25 MR. BOCCANFUSO: Okay.

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1 MS. HOFFMAN: Item P on page ten,
 2 drainage easements shall be provided for all rear
 3 yard swales. We understand that. An easement
 4 should be depicted on the plat and subdivision,
 5 which would obviously get submitted and reviewed by
 6 the attorney. We can comply with that.

7 Item Q, I did provide testimony for
 8 that. Did you have any other comments?

9 MR. BOCCANFUSO: Yeah. So, this is
 10 something that was raised in Elissa's report. I
 11 know you provided testimony on it earlier. What you
 12 said was roughly 3,222 square feet of impervious
 13 cover was proposed on the lots, which was at least
 14 15,000 square feet, well below the 55 percent
 15 permitted. In fact, I think you said something to
 16 the effect that you can put two houses on.
 17 Obviously you can't put two houses on it.

18 MS. HOFFMAN: Obviously you can't.

19 MR. BOCCANFUSO: But from the
 20 impervious coverage standpoint.

21 MS. HOFFMAN: Correct.

22 MR. BOCCANFUSO: This presents some
 23 concerns for me, because there's nothing in Brick's
 24 ordinance that can prevent future homeowners from
 25 providing additional impervious coverage. They can

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1 put large patios, they can put pools, decks, things
 2 of that nature, just by simply pulling a zoning
 3 permit, if they even choose to do that. Now, I
 4 think there was some testimony that the HOA would
 5 restrict these types of things and so far we have an
 6 HOA that's going to maintain open space areas,
 7 maintain a sign, tell people they can't do things in
 8 their backyard, and maintain five infiltration
 9 basins. It seems like a burden on homeowners more
 10 than anything else. I don't know why they would
 11 want this HOA. I understand that it's your
 12 proposal, but --

13 MS. HOFFMAN: That one item is not
 14 correct. So, the HOA is not going to dictate what
 15 the homeowner can or cannot do. That was part of
 16 the discussion in the earlier December meeting on a
 17 different plan. So just, I understand where your
 18 point is going, I just wanted to clarify.

19 MR. BOCCANFUSO: And I appreciate
 20 that. I misunderstood. I'm glad you clarified
 21 that. Even still, the fact remains that future
 22 homeowners could put large patios and things of that
 23 nature in the rear yards and I have real concern
 24 that if you're analyzing just 3,200 or so square
 25 feet of impervious coverage on each lot, which is

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1 consistent with the conceptual plans that are shown,
 2 it's not an accurate representation or a reasonably
 3 accurate representation of the future impervious
 4 conditions. And, therefore, not painting a clear
 5 and accurate picture of the future stormwater
 6 impact. It's a real concern and I think that I
 7 recognize there's no ordinance requirement that
 8 calls for it, but my professional opinion is that
 9 it's not accurately analyzing the proposed
 10 conditions when you're preparing your pre versus
 11 post. So, perhaps 55 percent isn't what you should
 12 do, but I think that there needs to be some
 13 provision for at least a reasonable degree of
 14 impervious coverage on future lots.

15 MR. GIUNCO: Are you suggesting we
 16 should prepare for something other than what we're
 17 going to build on this site?

18 MR. BOCCANFUSO: That's correct,
 19 yeah.

20 (Audience interruption.)

21 MR. BOCCANFUSO: Mr. Giunco, one
 22 more time.

23 MR. GIUNCO: What's the standard?
 24 What ordinance? What rule?

25 MR. BOCCANFUSO: The impervious

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1 coverage requirement in the zone, 55 percent. If
 2 you meet a requirement, I mean, that's, you know,
 3 that is the high end.

4 MR. GIUNCO: I think that perhaps
 5 you don't understand the ordinance. That's a
 6 limitation on the extent of coverage. Our clients
 7 are proposing to build these houses with these
 8 driveways and use their 24.1 percent of coverage.

9 MR. HENSEL: Let me throw something
 10 out, Brian, if I may? Deed restricted? Could we
 11 deed restrict the lots so the impervious coverage
 12 could not exceed 55 percent?

13 MR. GIUNCO: We didn't, we didn't
 14 set the 55 percent. That's the municipal ordinance
 15 and it's a 15 to 17,000 square foot lot area. So, I
 16 don't know if that's something you want to do. You
 17 can do anything you want, but at the end of the day
 18 that's pretty restrictive on these people. Why are
 19 they being punished? If they want to build or
 20 expand it, the stormwater management rules are
 21 specifically set up to provide for that additional
 22 infiltration. We have a soils report that shows the
 23 soils on this site are fabulous for infiltration.
 24 If someone wants to expand it and it exceeds the
 25 24.1 percent that was approved, part of what that

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1 application would have to say, Mr. and Mrs.
 2 McGillicuddy, you own Lot X, they want to add a
 3 patio of 500 square feet, they might have to add an
 4 additional stormwater infiltration system. That's
 5 not what my clients are selling.

6 MS. COMMINS: We would have to
 7 amend our land use ordinance to require that.

8 CHAIRMAN COOKE: Excuse me.
 9 Elissa, can you please repeat that?

10 MS. COMMINS: We would have to
 11 amend our land use ordinance to require that.
 12 Currently a single family homeowner could apply for
 13 any accessory structure that complies with the
 14 setbacks and requirements as long as they don't
 15 exceed impervious coverage without having to
 16 implement additional stormwater management measure
 17 and unless it was actually a stormwater management
 18 measure that would be considered a major development
 19 under the stormwater ordinance Section 396, they'd
 20 be exempted from requiring any water quality or
 21 water quality benefit as well.

22 MR. GIUNCO: We would use, we would
 23 use the same comment. We don't have an ordinance
 24 that requires that. We're proposing what we're
 25 proposing to build. We're providing stormwater

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1 management for it with the capacities that are
 2 necessary.

3 MS. COMMINS: The applicant's
 4 proposing to build single family residences. I
 5 would anticipate with single family residences there
 6 would be someone who would want accessory structure
 7 ancillary to their single family residences.

8 MS. HOFFMAN: How is that handled
 9 currently on, not this property, on a property where
 10 someone wants to max out their -- what happens when,
 11 an application comes to the zoning or engineering of
 12 this town?

13 MS. PAXTON: So, if they require a
 14 variance, you'll require drainage structure.

15 MS. HOFFMAN: Okay. So, no
 16 variance. So, there's an R15 zone actually right to
 17 the east here. There's an R15 zone. So, someone
 18 comes in, they want to do an addition, a pool, a
 19 shed, and a deck, I don't know. They came, they
 20 inherited a ton of money.

21 MS. PAXTON: So, when they apply to
 22 the zoning office, the zoning office reviews it
 23 based on the setbacks and the bulk standards and
 24 then it goes to the engineering office and the
 25 engineering office makes sure that all the

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1 improvements do not impact the surrounding
2 properties. So, but each one --
3 MR. GIUNCO: Isn't that what we're
4 doing? We're showing you what we're going to build.
5 We're showing you how the stormwater --

6 MS. PAXTON: I think the question
7 that Mr. Hensel asked earlier about setting an
8 impervious cover limitation --

9 MR. GIUNCO: No. No. That --

10 MS. PAXTON: I just want to go back
11 to that.

12 MR. GIUNCO: That's another issue.

13 MS. PAXTON: I know that's not your
14 issue, that's our issue. I think setting an
15 impervious cover limitation on this subdivision
16 would, and I'll defer to Ms. Commins and Mr.
17 Boccanfuso, might alleviate some of their
18 trepidation about the site being designed only to
19 handle what Leanne anticipates is the 21 percent
20 impervious cover. That is not reality. Reality is
21 that there will be much more than 21 percent of
22 impervious cover within a few years of this
23 development being constructed. So, we're a Planning
24 Board. We have to plan for those things. So,
25 that's, one of our questions is, would you consider

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1 an impervious cover limitation to be part of the
2 homeowner's association or part of this potential
3 approval?

4 MR. GIUNCO: When you say a
5 limitation, you're saying anyone who buys one of
6 these houses couldn't do anything else there?

7 MS. PAXTON: No. No. A threshold.
8 So, 55 percent might have been appropriate when we
9 adopted the impervious ordinance years ago for, or
10 two years ago, for before the new stormwater rules
11 were imposed. But, now these new stormwater rules
12 are imposed, it's obviously difficult. If you're
13 just designing for the minimum, that is, that's not
14 what we're asking for you to do. We're asking for
15 you to design for more than the minimum.

16 MS. HOFFMAN: Just let me say that
17 the, we designed here for the 2,500 square foot at
18 grade footprint, which is larger than the models
19 that they are putting on there. So, there is a
20 factor of safety that this is conservative for the
21 models that DR Horton is putting on there. So,
22 there is additional impervious area already included
23 in this calculation.

24 MS. PAXTON: So, Mr. Boccanfuso,
25 that gets my question to you, how much more

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1 impervious cover could this stormwater system handle
2 based on the design proposed?

3 MR. BOCCANFUSO: It's not a
4 question I could answer right away. I would have to
5 look through the stormwater management. It's
6 hundreds of pages. But, I'm sorry, did you get any
7 of that? It's not, it's not a simple answer. I
8 don't know exactly. I would have to look at it. I
9 would say not a tremendous amount, because as a
10 designer we try to be efficient in design of the
11 site. What Leanne and her staff would have done is
12 they would have taken their impervious coverage and
13 designed their basins so that they would. You don't
14 want to over design a basin, just like you don't
15 want to under design a basin. So, I would say
16 there's probably not a tremendous amount of wiggle
17 room in there, although there probably is some based
18 upon this impervious coverage, 2,200 or so square
19 feet on each lot.

20 MR. GIUNCO: Well, we contend we
21 meet the conditions of the ordinance and that if
22 there's an expansion in coverage that impacts
23 stormwater, that could be addressed in the
24 stormwater management ordinances that were just
25 adopted in December of or, excuse me, March of '21,

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1 could just supplement those if that's the case.
2 What we're proposing is what we designed and there
3 is some, quote, wiggle room. We designed for what
4 we're proposing to build and at the very beginning
5 of the testimony was that DR Horton has a folder of
6 homes, prepares the plan and that's what they sell.
7 They don't offer those options. That's not a deed
8 restriction. It's not saying somebody, you can't
9 have it in the future, but then they'd have to come
10 before you guys and say I want to do this.

11 If you have an ordinance that says
12 we have a stormwater issue, you're adding X
13 percentage, you've got to add, and we know from our
14 plans that the soils are good in that area, they can
15 infiltrate almost anywhere. But, having said that,
16 our point is simple. At this point our plan meets
17 the criteria of the ordinance and there is an excess
18 in the design just based on the footprint that was
19 calculated at 2,500 square foot, the actual
20 dimensions with the various storms. In any event,
21 that's what we are seeking.

22 CHAIRMAN COOKE: Anything further,
23 Brian?

24 MR. BOCCANFUSO: No, I think that's
25 pretty much it. All the rest of the comments are

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1 very straightforward. Leanne indicated in her
2 response letter that she'd be able to address those.
3 The only thing I would ask, while we're in this
4 section of the report, is a status update relative
5 to the BTMUA, if you might.

6 MS. HOFFMAN: We have received a
7 preliminary approval from the BTMUA and are
8 currently submitted back to them approximately two
9 weeks ago.

10 MR. BOCCANFUSO: Understood.

11 CHAIRMAN COOKE: Okay. So, we're
12 good from R to W?

13 MR. BOCCANFUSO: Yes, sir. Mr.
14 Chairman, I'll leave it to you, but as far as I'm
15 concerned, if you'd like to table the rest. I mean,
16 the stormwater is really the primary engineering
17 item I had questions about. I don't know if there
18 is anything specific in the rest of the report. I'm
19 skimming through it now.

20 MR. GIUNCO: Mr. Chairman, if Mr.
21 Boccanfuso and Ms. Commins would like to have
22 another meeting with our engineers over the
23 stormwater, we'd be happy to meet.

24 CHAIRMAN COOKE: That's a great
25 suggestion. Mrs. Commins and Mrs. Paxton?

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1 MS. PAXTON: Yup.

2 CHAIRMAN COOKE: Agree? Brian?

3 MR. BOCCANFUSO: Absolutely, sir.

4 MS. O'NEILL: And who will be
5 scheduling that meeting?

6 MR. BOCCANFUSO: We'll talk about
7 it tomorrow.

8 MS. HOFFMAN: Can we just request
9 that we have the meeting sooner rather than later so
10 if we can do a response back to the professionals
11 prior to the next hearing so we have time?

12 MR. BOCCANFUSO: Absolutely. I
13 think that's a great idea.

14 MS. O'NEILL: Will this be in
15 person or on Zoom?

16 MS. PAXTON: In person.

17 MS. COMMINS: In person.

18 MR. GIUNCO: We can get a couple
19 dates for us.

20 MS. O'NEILL: Yes. Normally what I
21 do is I give two dates and times and then you have
22 to select.

23 MR. GIUNCO: Perfect. We don't
24 have a problem setting dates.

25 MS. O'NEILL: It cannot be secured

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1 until you accept the invitation.

2 MR. GIUNCO: You got it.

3 CHAIRMAN COOKE: Okay. So, this
4 evening we're going to end with the CME review
5 letter dated February 22, 2022. We're going to end
6 at number ten on page ten with the environmental.

7 So, at this time this evening's
8 meeting is coming to an end. Please, for the
9 public, please hold your comments and questions.
10 When we return again, we do have dates, I believe
11 what we're going to do is reconvene April 18,
12 another special meeting here.

13 MS. O'NEILL: At 7 p.m.

14 CHAIRMAN COOKE: At 7 p.m. I
15 appreciate the patience and being respectful of our
16 applicants.

17 MS. O'NEILL: April 18.

18 CHAIRMAN COOKE: April 18, 7 p.m.,
19 at this location.

20 MR. HENSEL: You don't, no need for
21 publication.

22 MR. GIUNCO: I understand that.

23 You formally advise everyone it's at 270 Chambers
24 Bridge Road.

25 CHAIRMAN COOKE: Correct.

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1 MR. GIUNCO: Okay.

2 CHAIRMAN COOKE: 270 Chambers
3 Bridge Road, April 18, 7 p.m. Motion to adjourn?

4 MR. WARD: Motion.

5 MR. NUGENT: Motion.

6 CHAIRMAN COOKE: Motion to adjourn,
7 Daniel Ward, Kevin second. All in favor?

8 UNANIMOUS BOARD: Aye.

9 (Meeting adjourned at 10 o'clock in
10 the evening.)

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C E R T I F I C A T E

I, DENISE L. SWEET, a Certified Court Reporter and Registered Professional Reporter, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken by and before me at the time, place and on the date hereinbefore set forth.

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

DENISE L. SWEET, CCR, RPR
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