

EDISON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
EDISON, NEW JERSEY

IN THE MATTER OF:

MARKIM DEVELOPERS
BLOCK 557, LOT 16.B2
222 PLAINFIELD ROAD

CASE NO. Z13-2021

HELD AT: EDISON MUNICIPAL COMPLEX
100 MUNICIPAL BOULEVARD
EDISON, NEW JERSEY 08817

DATE: TUESDAY, JUNE 28, 2022
TIME: 7:00 P.M.

ORIGINAL

STENOGRAPHICALLY REPORTED BY:
ANGELA BUONANTUONO, CCR, RPR

BOARD MEMBERS IN ATTENDANCE:

ROSEMARY FETERIK, CHAIRPERSON
ANTHONY BARONE
SHIVAM CHHABRA
MICHAEL COMBA, VICE-CHAIRPERSON
DANIEL O'GORMAN
KRISHNA K. SIDDHADA
JAYESH PATEL
PETER J. SKIBAR

ALSO PRESENT:

BHAVINI TARA SHAH, ESQUIRE, BOARD ATTORNEY
CHARLES CARLEY, P.E., Board Engineer
HANK BIGNELL, P.P., Board Planner
JIM AYOTTE, Zoning Officer
JENNY MANCE, Assistant Zoning Officer
CASSANDRA AUGUSTINE, Board Secretary

1 COUNSEL FOR THE APPLICANT:

2

3 WILENTZ, GOLDMAN & SPITZER, P.A.
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1 I N D E X

2 FOR THE APPLICANT: PAGE

3 MARK ROSHANSKI 16
4 Markim Developers

5 MATHEW WILDER, P.E. 27
6 Morgan Engineering, LLC

7 BETSY DOLAN, P.E. 36
8 Dolan & Dean Consulting Engineers, LLC

9 PAUL PHILLIPS, P.P. 48
10 Phillips Preiss Grygiel Leheny Hughes, LLC

11

12

13 FOR THE OBJECTORS: PAGE

14 Kate Fagan, Neeraj Shah,
15 and Shweta Sandeep

16

17 KENNETH HAUSMAN, P.E. 82
18 GPI/Greenman-Pedersen, Inc.

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1 APPLICANT EXHIBITS

2	EXHIBIT NO.	DESCRIPTION	PAGE
3	A-9	Colorized rendering of proposed building	21
4	A-10	Rendered Site Plan	26

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9 OBJECTOR EXHIBITS

10	EXHIBIT NO.	DESCRIPTION	PAGE
11	0-1	Figure 2 depicted on Page 6 of	85
12	(6/28/22)	Mr. Hausman's report	
13	0-2	Figure 3 depicted on Page7 of	85
14	(6/28/22)	Mr. Hausman's report	
15	0-3	Deed of Easement dated July 7,	120
16	(6/28/22)	1989	
17	0-4	Deed of Easement dated	120
18		October 20, 1991	
19	0-5	Map labeled Charlie Brown	169
20	0-6	Aerial photograph	169

19

20 (EXHIBITS WERE NOT RETAINED BY THE REPORTER)

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1 CHAIRWOMAN FETERIK: Good evening.

2 The Township of Edison Zoning Board of Adjustment
3 Special Meeting is now in session.

4 Adequate notice of this meeting, as
5 required by the Open Public Meetings Act of 1975,
6 has been provided by the Annual Notice published in
7 The Home News & Tribune on January 20, 2022, and has
8 been posted in the main lobby of the Municipal
9 Complex on January 5, 2022.

10 Please join me in the Pledge of
11 Allegiance to the flag.

12 (Pledge of Allegiance.)

13 CHAIRWOMAN FETERIK: Roll-call,
14 please, Cassandra.

15 BOARD SECRETARY: Mr. Ayotte?

16 ZONING OFFICER: Here.

17 BOARD SECRETARY: Ms. Shah?

18 ATTORNEY SHAH: Present.

19 BOARD SECRETARY: Mr. Bignell?

20 BOARD PLANNER: Here.

21 BOARD SECRETARY: Mr. Carley? He's
22 there.

23 BOARD SECRETARY: Mr. Chhabra?

24 MEMBER CHHABRA: Here.

25 BOARD SECRETARY: Mr. Patel?

1 AMIT PATEL: Here.

2 BOARD SECRETARY: Mr. Skibar?

3 MEMBER SKIBAR: Here.

4 BOARD SECRETARY: Mr. O'Gorman?

5 MEMBER O'GORMAN: Here.

6 BOARD SECRETARY: Mr. Barone?

7 MEMBER BARONE: Here.

8 BOARD SECRETARY: Mr. Siddhada?

9 MEMBER SIDDHADA: Here.

10 BOARD SECRETARY: Vice-Chair Comba?

11 VICE-CHAIRPERSON COMBA: Here.

12 BOARD SECRETARY: And Chairwoman

13 Feterik?

14 CHAIRWOMAN FETERIK: Here. Thank you

15 Cassandra.

16 Before we get started this evening,

17 just one personal announcement. Ed, who has been

18 around for many, many years, has decided to retire

19 from doing our meetings. This is his last meeting

20 with our board, so we wish him well. We wish him

21 all the luck in his new ventures.

22 VICE-CHAIRMAN COMBA: He's the only

23 person in this room who has had longer nights than

24 us.

25 CHAIRWOMAN FETERIK: Okay. So we go

1 to our usual schedule now and I will read my
2 summary.

3 Because there have been so many
4 misconceptions as to this board, that is, as to how
5 it operates, including what it may consider, it may
6 not consider, and its procedures in hearings, I have
7 been doing this summary since last summer prior to
8 meetings so that the public will be more informed as
9 they watch the meetings or are here in person.

10 We are all volunteers and do not get
11 paid. We are appointed by council. We all have to
12 go through a state-training course and we have our
13 own in-house session when it is deemed necessary and
14 appropriate. Naturally during COVID we were not
15 able to do any in-house training. This year we have
16 already done one.

17 As I have said at prior meetings, the
18 Municipal Land Use Law is the legal Bible by which
19 this board operates, along with its own bylaws.
20 This board differs greatly from the planning board.
21 This board is quasi-judicial. That is, it is like a
22 court and its members like judges. And its
23 impartiality rules and the necessity to address
24 matters are in accordance with laws that are the
25 same statewide, not only in our town.

1 Being impartial means the board members
2 are not to discuss the matter with the public until
3 the matter is being heard in a meeting.

4 The board has always and continues to
5 proceed in the following manner:

6 All matters concerning an application
7 are not addressed by this board until the
8 applicant's case is presented at a meeting. The
9 board engages in no discussions and receives the
10 applicant's submissions only days prior to the
11 applicant's scheduled date.

12 When the applicant has presented its
13 testimony in evidence the public portion is open to
14 residents within 200 feet of the subject property,
15 then those outside of 200 feet of the subject
16 property. Each person is given only one chance to
17 speak. All public are sworn in and subject to
18 cross-examination by the applicant, the board and
19 the board professionals. The public may ask
20 questions to the applicant and their experts and
21 board professionals.

22 The law allows me as chair to stop
23 anyone from being repetitive in their objections or
24 to attempt to filibuster the board. Such redundancy
25 and conduct prevents the efficient operation by the

1 Board.

2 By law, as Chair, I am also permitted
3 to stop anyone from speaking if what they are saying
4 is irrelevant to the case and prohibited from the
5 board's consideration. I am also permitted to
6 restrict all public comment to a time frame that is
7 reasonable, which I have limited to five minutes in
8 the past and reserve that right, and which I will do
9 this evening.

10 I am not required to tolerate
11 disruption or disrespect to this board. Once the
12 public portion is closed, that is when I hit the
13 gavel, it is closed and no one from the public will
14 speak again. It will not be reopened under any
15 circumstances unless new testimony is provided in
16 the matter. The applicant then has the right of
17 summation and the board then votes.

18 This has been the procedure of this
19 board for more than 20-plus years and its procedure
20 or similar procedures are followed by every zoning
21 board in the State of New Jersey.

22 The board has an obligation to engage
23 in a balancing act and is not required to strictly
24 apply the township ordinances, zone plan or the
25 Master Plan, which is permitted by the Municipal

1 Land Use Law. This is statewide conduct by all
2 Boards of Adjustment.

3 As the name of the board suggests, we
4 are a Board of Adjustment, adjustment being the
5 operative word. Variances are granted when
6 appropriately necessary, following all legal
7 considerations.

8 So having said that, as you know I
9 usually stop the meetings around 10:30. This
10 evening we are going to conclude this matter and
11 will be here until we conclude it.

12 I expect everybody to be courteous to
13 the board, everyone to be civil. I don't want any
14 outbursts and I don't want any booing. And if that
15 does happen and it does not stop, the officers will
16 escort you out and you will not be allowed back into
17 the meeting.

18 So, having said that, we have a couple
19 of notices here.

20 (Board continues with agenda items.)

21 - - -

22 (Time noted, 7:30 p.m.)

23 CHAIRWOMAN FETERIK: Case Number
24 Z13-2021, Markim Developers, 222 Plainfield Road,
25 Edison, New Jersey, Section 37-6.2, 37-46.5.

1 Preliminary and Final Site Plan approval is being
2 sought along with Use and Bulk Variances to replace
3 the existing vacant restaurant with eight duplex
4 buildings, consisting of 16 two-bedroom,
5 age-restricted residential units.

6 This is not a permitted use in the Golf
7 Course Zone. Lot area required is 100 acres,
8 proposed and existing is 2.016 acres. Lot depth
9 required is 500 feet. Proposed and existing is
10 266.08 feet. Rear yard setback required is 60 feet,
11 proposed is 17.7 feet, 23.7 feet and 32 feet. Max
12 lot coverage permitted is five percent, proposed is
13 23 percent. FAR permitted is .05, proposed is .48.
14 Affected property is located in the GC Zone,
15 designated as Block 557, Lot 16B-2 on the Edison
16 Township tax map.

17 All paperwork is in order.

18 CHAIRWOMAN FETERIK: Thank you,
19 Cassandra.

20 Good evening, Mr. Tripp. How are you?

21 ATTORNEY TRIPP: Good evening.

22 CHAIRWOMAN FETERIK: Long time no see.

23 ATTORNEY TRIPP: Well, it's been a
24 week.

25 CHAIRWOMAN FETERIK: Yeah.

1 ATTORNEY TRIPP: So good evening and
2 again, I would like to start by just thanking the
3 board for their patience as we've been through this.
4 This is our third hearing and, hopefully, we can get
5 through tonight.

6 And basically this started last June,
7 as you know. The project has evolved over time. It
8 started with 23 non-age-restricted units, with
9 townhouse-style buildings that were up to 140-feet
10 wide and were three-stories high. The plans have
11 evolved. We were before the board in February for
12 age-restricted units, 23 still in the townhouse
13 style. What we have tonight, and listening to the
14 concerns of the board, and listening to comments
15 from the public as well, everything has been scaled
16 down. What we have now are 16 duplex units, they're
17 age-restricted, two-bedroom units in eight
18 buildings. They're two stories, the reduction in
19 density over the prior plan is 30 percent down from
20 23 to 16. The bedroom count is significantly
21 reduced; they were 23 three-bedrooms. That was 69
22 total bedrooms. We're now down to 32, so the
23 intensity of the development has been reduced
24 significantly, and again the units have been scaled
25 down. The width is about 47 feet for the units

1 which you will hear testimony is not that different
2 from a large single-family home and again, we're
3 down to two stories.

4 We tried to create the look and feel,
5 as Mr. Roshanski will explain in a minute, the look
6 and feel of a single-family development but still
7 addressing the need for high-quality senior housing
8 in a location that we believe is particularly suited
9 for what we're proposing. Again, we think this is a
10 very low-intensity use. There is a minimal traffic
11 generation and you will hear additional testimony.
12 Our traffic engineer went out and did actual counts
13 of multi-family developments in the neighborhood to
14 back up her prior testimony that relied on a general
15 data. And again, this is going to be a senior
16 project and age-restricted to 55 and over.

17 So what I would like to do is start
18 with Mr. Roshanski. I would like him to just
19 explain to the board the evolution of the project.
20 He should be sworn in. I know he was previously
21 sworn, but we should have him sworn in again.

22 The only thing before we do, just
23 housekeeping, I looked at the transcripts and the
24 transcripts reflect exhibit numbers and we need to
25 get that clarified before we start marking exhibits.

1 There was A-1 through A-7 last June, and then
2 another A-1 was marked in February. So I don't know
3 if we want to correct that to be A-8, or we'll just
4 mark them with the dates so they'll be -- we'll
5 start again with A-1. I don't know, you know, I'll
6 defer to the board.

7 ATTORNEY SHAH: I think it would be
8 preferable if we just correct it and we can include
9 the date that we corrected that.

10 The last one on the last transcript was
11 A-8?

12 ATTORNEY TRIPP: Yeah, the colored
13 landscape plan on the transcript is listed as A-1,
14 it should be A-8. And we'll start this evening with
15 A-9.

16 So let's have Mr. Roshanski sworn in.

17 ATTORNEY SHAH: Mr. Roshanski, would
18 you raise your right hand. Do you solemnly swear or
19 affirm to tell the whole truth, nothing but the
20 truth, so help you God?

21 MARK ROSHANSKI: I do.

22 ATTORNEY SHAH: State your full name
23 for the record.

24 MARK ROSHANSKI: Mark Roshanski of
25 Markim Developers.

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E X A M I N A T I O N

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4 DIRECT BY ATTORNEY TRIPP:

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Q. Mr. Roshanski, can you just, again, for the record indicate, you're a principal of Markim, the applicant?

8

A. Yes, I am. I'm the managing member.

9

10

Q. And since the prior hearings you have come back with a revised plan; is that correct?

11

A. That's correct.

12

13

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Q. And can you tell us basically what your idea was in terms of what changes you made to the plans before the board tonight?

15

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A. I will. Good evening, ladies and gentlemen. Since our last hearing in June of 2021 and February of 2022, we wanted to come back in front of this board with a fresh and new plan in hopes of satisfying the residents and the board.

20

21

22

23

It was my mission to address all concerns raised by the board and the public. Based on the feedback, we made the following changes to the application and the plans:

24

25

The units will now all be two-story duplexes, in eight buildings, 16 two-bedroom units

1 in total. There will be private elevators in every
2 unit.

3 As before, a deed restriction will be
4 imposed for age-restricted, requiring one of the
5 residents to be at least 55 years of age, and no
6 children under the age of 18.

7 A new traffic study has been completed,
8 as well as an on-site traffic count of similar
9 communities in Edison during peak hours of the day.

10 An updated fiscal impact study with
11 multiple comparisons to single-family, commercial
12 and multi-family have been provided. Our traffic
13 engineer will provide testimony reflecting our
14 findings.

15 As I stated before, these units will be
16 two stories with a height of 32'9" where 35 feet is
17 the maximum building height permitted in the G-C
18 Zone. The plans now show the guest parking lot
19 connecting to the main circulation of the site.
20 Meaning we have one proposed egress in and out of
21 the site. This eliminates the need of the second
22 entrance from the previous plan.

23 Because of the concerns raised by the
24 residents and the board, and based on our traffic
25 study, the need for a no left turn at the main

1 entrance has been deemed unnecessary and thus
2 eliminated. The county has also required a 2 and a
3 half feet to 3-foot road widening dedication along
4 the entire frontage of our property, 5 feet
5 sidewalks, handicap crosswalks and a crosswalk from
6 one side of Plainfield Road to the other.

7 We now hope the privacy issues brought
8 up by the residents is no longer of concern. The
9 new proposed buildings are only 47-feet wide whereas
10 a typical single-family home is around 55 to 60-feet
11 wide. The previous design was a three-story
12 building of four to seven units in the building and
13 up to 140-feet wide.

14 Since our last meeting we have received
15 updated approvals from all outside agencies. Those
16 included approvals from the Middlesex County
17 Utilities Authority, the DEP, Freehold Soil
18 Conservation District, and the Middlesex County
19 Planning Board.

20 Also, we received approvals from the
21 Township of Edison's Health Department, the Fire
22 Chief and the Department of Public Works -- Public
23 Safety, excuse me.

24 The plans before this board this
25 evening are eight duplexes, with a total of

1 16 units. We have drastically reduced the number of
2 units previously proposed by 30 percent. The number
3 of bedrooms have been reduced from 69 to 32, a
4 reduction of more than 50 percent. The entire scope
5 and scale have been reduced to feel like a
6 single-family neighborhood.

7 This project is an opportunity for
8 residential housing type that is in short supply in
9 this area. This will bring our older Edison
10 residents an opportunity to stay in town, downsize
11 and enjoy the luxuries of senior housing. I would
12 now like to turn it over to my professionals.

13 Thank you very much for your time this
14 evening.

15 Q. Mr. Roshanski, before we swear in our
16 engineer, I would just like you to indicate whether
17 you had any renderings done for this evening?

18 A. Yes, I have.

19 Q. And do you have -- is that on the easel
20 to the left?

21 A. That is correct. There's four images
22 depicted on that easel. Two are aerial and two are
23 site renderings showing the actual building. And
24 board members also received a packet with those
25 renderings as well.

1 Q. And can you tell me how those
2 renderings were made; what they depict, and how they
3 were made?

4 A. So the renderings were created by our
5 in-house rendering team. Basically what we do is we
6 take the CAD file of the engineering site plan as
7 well as the CAD file of the architectural drawings.
8 Those are then manifested into profile, as well as
9 Google Earth, Google Maps to be able to get an
10 accurate depiction of the surrounding areas and then
11 plot it as a graphic image.

12 Q. And you review the plans during the
13 process; is that correct?

14 A. I do. My complete supervision on
15 these was there.

16 Q. And the colorings that were used, were
17 they your colorings?

18 A. Yes, they are.

19 Q. And they accurately reflect the general
20 tone and color of what you would do if these units
21 were approved?

22 A. That's correct.

23 ATTORNEY TRIPP: Thank you. That
24 should be marked Exhibit A-9.

25

1 (Exhibit A-9, Colorized rendering of
2 proposed building, was marked for
3 Identification.)
4

5 ATTORNEY TRIPP: At this point, what I
6 would like to do is --

7 CHAIRWOMAN FETERIK: I would like to
8 ask the board if they have any questions of
9 Mr. Roshanski.

10 ATTORNEY TRIPP: Certainly.

11 CHAIRWOMAN FETERIK: Does the board
12 have any questions of Mr. Roshanski at this point?
13 Mr. Comba?

14 VICE-CHAIRMAN COMBA: Thank you, Madam
15 Chair. Mr. Roshanski, I was reviewing the
16 architecturals and I was going to question you about
17 the elevator. I did not notice where the elevator
18 would be in the architecturals.

19 **THE WITNESS: If you look at the**
20 **kitchen, across from the island, those are the**
21 **elevators. Sorry, the note must be missing from the**
22 **plan, but that is the elevator. That's the**
23 **mechanical elevator, directly across from the**
24 **island, behind the staircase.**

25 VICE-CHAIRMAN COMBA: So it's right

1 behind the staircase?

2 **THE WITNESS: That's correct. I**
3 **apologize, the note's not there.**

4 VICE-CHAIRMAN COMBA: Don't worry
5 about it. Then the elevator would go from the --
6 the mechanicals of the elevator would be in the
7 basement?

8 **THE WITNESS: That's correct.**

9 VICE-CHAIRMAN COMBA: And there's no
10 habitability in the basements?

11 **THE WITNESS: No, the basements are**
12 **unfinished.**

13 VICE-CHAIRMAN COMBA: No hookup for
14 restroom or anything like that?

15 **THE WITNESS: Nothing like that.**

16 VICE-CHAIRMAN COMBA: Excellent. The
17 next question that I had was regarding the office
18 upstairs. Would you, if so approved, would you
19 agree to a condition that the office would not be
20 habitable or used as a bedroom under any case?

21 **THE WITNESS: Absolutely.**

22 VICE-CHAIRMAN COMBA: Great. Thank
23 you.

24 ATTORNEY TRIPP: It would be habitable
25 in that somebody could use it as an office, but it

1 wouldn't be a bedroom.

2 VICE-CHAIRMAN COMBA: Yes.

3 ATTORNEY TRIPP: Just to be clear,
4 absolutely.

5 CHAIRWOMAN FETERIK: I will add to
6 that, there will be no closets.

7 **THE WITNESS: That's correct.**

8 CHAIRWOMAN FETERIK: Sorry, Mr. Comba.
9 I'm sorry.

10 VICE-CHAIRMAN COMBA: No. I like the
11 interest.

12 And then the location of the approved
13 crosswalk, where within the site?

14 **THE WITNESS: So, the County on their**
15 **approval letter, is proposing that we install a**
16 **crosswalk to the north of the main entrance. So if**
17 **you're looking at the rendering, basically closer to**
18 **the Metuchen Country Club.**

19 VICE-CHAIRMAN COMBA: Okay, all right.
20 Thank you. And then with regard to your age
21 restriction, you had stated that it would be 55 --
22 one resident at a minimum 55, and then no resident
23 under the age of 18, correct?

24 **THE WITNESS: That's correct.**

25 VICE-CHAIRMAN COMBA: Would you give

1 any consideration to increasing that from 18 to 19?

2 ATTORNEY TRIPP: As long as it
3 complies with existing law, we would do that. I
4 would just need to check with the board attorney.
5 The standard is usually 18. If we can do it
6 legally, without it constituting some form of
7 running afoul of any Fair Housing Act or anything
8 like that, we would agree to do it. I just don't
9 want to represent if it's going to create a legal
10 issue.

11 But we'll look at that and any
12 condition of any board action could be that provided
13 that it's a valid, legal condition, we would agree
14 to it.

15 VICE-CHAIRMAN COMBA: Okay. Well,
16 first I don't have a problem giving attorneys more
17 work.

18 Secondly, my thinking is that, you
19 know, if someone is 18, you know, I had an early
20 birthday, you know, my birthday is in January so,
21 you know, I could very easily have, if my parents
22 had purchased something like this, I could have
23 registered and gone to school. You know my -- my
24 thinking is -- is so as to kind of keep that impact
25 from occurring.

1 **THE WITNESS: I understand.**

2 VICE-CHAIRMAN COMBA: Thank you so
3 much.

4 CHAIRWOMAN FETERIK: Any other
5 questions, Mr. Comba?

6 VICE-CHAIRMAN COMBA: No, thank you.

7 CHAIRWOMAN FETERIK: Okay. Mr.
8 Skibar?

9 MEMBER SKIBAR: Madam Chair, thank
10 you. Just out of curiosity have you seen a demand
11 for new dwellings with elevators?

12 **THE WITNESS: Well, because these are**
13 **age-restricted, I think it's mandatory that we have**
14 **to include elevators.**

15 MEMBER SKIBAR: And who would be
16 responsible for the maintenance and inspection of
17 the elevators?

18 **THE WITNESS: So private elevators --**
19 **they require one initial inspection at the time of**
20 **registering them to be active. After that it**
21 **becomes the responsibility of the homeowner to do an**
22 **annual inspection on the elevators.**

23 MEMBER SKIBAR: Thank you.

24 CHAIRWOMAN FETERIK: Any other
25 questions from the Board for Mr. Roshanski?

1 Moving along, Mr. Tripp.

2 ATTORNEY TRIPP: Thank you. Mr.
3 Wilder, who was previously sworn, is the Site
4 Engineer. I'm just going to have Mr. Wilder go
5 through the rendered site plan, landscaping plan
6 that will be marked as Exhibit A-10.

7

8 (Exhibit A-10, Rendered Site Plan, was
9 marked for identification.)

10

11 ATTORNEY TRIPP: We'll start with
12 that, but why don't we have him sworn in.

13 ATTORNEY SHAH: Mr. Wilder, raise your
14 right hand. Do you solemnly swear or affirm to tell
15 the whole truth, and nothing but the truth, so help
16 you God?

17 MATHEW WILDER: Yes, I do.

18 ATTORNEY SHAH: State your full name
19 for the record.

20 CHAIRWOMAN FETERIK: We might as well
21 have your qualifications since we didn't have them
22 last week and can't remember back to February, even
23 though we see you here all the time.

24 MATHEW WILDER: Sure. I'm Mathew
25 Wilder, W-I-L-D-E-R. I'm the Director of

1 Engineering Services at Morgan Engineering. I'm a
2 licensed Professional Engineer -- have been so since
3 2012. I have been before the Edison Zoning and
4 Planning Board multiple times as well as probably 45
5 to 50 boards across the state.

6 CHAIRWOMAN FETERIK: Okay. Thank you.
7 We'll accept your qualifications, sir.

8 MATHEW WILDER: Thank you.

9
10 E X A M I N A T I O N

11
12 DIRECT BY ATTORNEY TRIPP:

13 Q. Now, Mr. Wilder, you are currently the
14 project engineer for this project?

15 A. Yes.

16 Q. And the plans submitted to the board
17 were prepared by you, or under your supervision?

18 A. Yes.

19 Q. And you are familiar with the proposed
20 development changes since you testified last before
21 this board?

22 A. Yes.

23 Q. Now I would like you to explain what
24 the rendering that we have marked as Exhibit A-10,
25 and what does that show?

1 A. Sure. So that is a colored landscape
2 rendering which is dated 6/21/22. And what that
3 attempted to show was the duplex units, the drive
4 aisles and black hatching. The green areas are
5 lawn. And you'll see little symbols that represent
6 the trees that are sort of throughout the site. So
7 it's a colored landscape rendering to give the board
8 an idea of the amount of green space, but also the
9 configuration of the proposed development.

10 Q. And in terms of the changes, the
11 overall, changes, you heard Mr. Roshanski, could you
12 just briefly for the record indicate what the main
13 changes were to the plans?

14 A. Sure. So there are now 16
15 age-restricted duplex units across eight buildings.
16 As Mr. Roshanski had testified, previously there
17 were 23 units that had three bedrooms each, and now
18 we're proposing two bedrooms in each for the
19 16 units. The height has been reduced to two
20 stories, and a hair under 33 feet. And it complies
21 with the GC zone requirements for allowable height.

22 Q. And in terms of parking, how are we
23 handling parking at this point? And can you
24 reference the plan as well?

25 A. Sure. Sure. So each unit has a

1 garage, as well as an abutting driveway space. So
2 each unit has two parking spaces for a total of 32
3 spaces.

4 We also have two at-grade parking areas
5 on that rendering. One is in the top left. As you
6 recall in the prior plan you had sort of a satellite
7 parking lot that was accessed directly from
8 Plainfield Road. We maintained the same sort of
9 general configuration but now as Mr. Roshanski has
10 indicated, that's accessed internally. So when you
11 add in the 16 at-grade parking spots, we have a
12 total of 48 parking spaces for the development,
13 which is twice what is required by the Residential
14 Site Improvement Standards.

15 Q. And the RSIS requires one and a half
16 spaces per two-bedroom unit, correct?

17 A. Correct.

18 Q. Thank you. In terms of signage, there
19 was a question in Mr. Bignell's report, and we'll
20 get to that report later when the professional
21 testimony is finished, but regarding the signage,
22 indicating that there is no sign standards in the GC
23 zone, but what did you try to do with the signage?

24 A. We took a look at what would be
25 permitted in the residential zones. So you're

1 permitted two signs with the name of the
2 development. The maximum permitted size for each
3 sign is 25 square feet and you're allowed up to 8
4 feet in height. So what we proposed is a sign
5 affixed to the exterior of the screening wall that
6 is along Plainfield Road and that would conform with
7 the residential standards of signage. That sign is
8 only 24-and-a-half-square feet, where 25 square feet
9 would be permitted.

10 Q. Now, in terms of the bulk variances,
11 the existing bulk variances, the minimum acreage,
12 this is just over -- a little over two acres,
13 correct?

14 A. Yes.

15 Q. And that doesn't comply with either the
16 100-acre requirement that was in effect at the
17 beginning of the application, or the subsequent
18 115-acre requirement, correct?

19 A. Correct.

20 Q. For the zone. And that hasn't changed?

21 A. Correct.

22 Q. And in terms of the minimum lot depth,
23 can you just explain what that is?

24 A. Sure. 500 feet is required in the GC
25 zone, and 266.0 feet exists. And, again, that's

1 inherent to the property itself, not to the
2 application.

3 Q. Now in terms of setbacks, and I would
4 like you to -- if you could go over and just show us
5 where the rear yard setback variance conditions are?

6 A. Sure. So there are three locations
7 where the proposal violates the required minimum
8 rear yard setback; the two easternmost duplexes,
9 which is these two units, are 17.7 feet. And it's
10 worth noting they abut the golf course.

11 23.7 feet, which is in the northeast
12 corner which is this duplex. And again, it is worth
13 noting it does not abut residential, it abuts the
14 golf course.

15 And then lastly, there's 32 feet in the
16 southeastern duplex, which is this location. And
17 again, it's worth noting that it does not abut the
18 residential unit, it abuts vacant land for a
19 property that fronts on Edgewood.

20 So there are three locations where it
21 does not comply with the rear yard setback, but in
22 all instances it does not abut any adjoining
23 residential units.

24 Q. And in terms of percentage of lot
25 coverage, the GC zone permits five percent, and what

1 is our percentage?

2 A. 22.3 percent is proposed.

3 Q. And the floor-area ratio for the Golf
4 Course Zone is what?

5 A. .05 is permitted and .48 is proposed.

6 Q. And it's your understanding our planner
7 will address the relief, correct?

8 A. Yes.

9 Q. In terms of stormwater management, can
10 you just briefly tell us how we're handling it?

11 A. Sure, and we sort of briefly spoke
12 about this at the prior hearing, but just to refresh
13 the board's memory, the main takeaway is we're
14 significantly reducing the amount of impervious
15 surfaces on site. The reduction is about 20 percent
16 when you compare it to the existing restaurant as to
17 what were proposed.

18 So by reducing the amount of impervious
19 surfaces, we're decreasing the amount of stormwater
20 runoff from the property. We're increasing the
21 amount of groundwater recharge from the development.
22 So just by the nature of the application and the
23 introduction of green spaces, we would improve any
24 downstream conditions related to stormwater runoff.

25 ATTORNEY TRIPP: At this point we do

1 have the reports. Since they ask for traffic
2 testimony, planning testimony, and engineering, I
3 think we probably should wait and come back and
4 re-call Mr. Wilder and have the review -- the
5 comments, because a lot of them will be taken care
6 of during subsequent testimony.

7 CHAIRWOMAN FETERIK: Okay. I will go
8 to the board and see if they have any questions of
9 Mr. Wilder.

10 Does the board have any questions of
11 Mr. Wilder at this point?

12 MEMBER SKIBAR: Madam Chair, just in
13 regards to the parking, will the residents be
14 permitted to park in the circle, or anywhere outside
15 of the designated parking areas?

16 THE WITNESS: No. So we're not
17 proposing any on-street parking. It's not a street,
18 but all parking should occur in the garage, the
19 driveway or the at-grade parking spaces.

20 MEMBER SKIBAR: Thank you.

21 CHAIRWOMAN FETERIK: Any other
22 questions? Yes, Mr. Barone?

23 MEMBER BARONE: Yes. Mr. Wilder, since
24 we're speaking about water, on Mr. Carley's
25 engineering report, Page 3, 6.12 -- he indicates

1 that regarding water, the plan has been revised to
2 show separate fire and potable water supply lines,
3 however the fire supply line does not appear on the
4 updated plan. Has that been done?

5 **THE WITNESS:** Right, so the proposal
6 at this time does not require the individual
7 duplexes to be sprinklered for fire suppression, so
8 there are fire hydrants in the vicinity of the
9 property that we're proposing, which meet the
10 building code requirements for separation from
11 building to fire hydrants, and it's also worth
12 noting that the fire official has taken no exception
13 to the application, essentially provided their
14 approval. But, at this time, the individual duplex
15 units are not proposed to be fire suppressed.

16 **MEMBER BARONE:** I thank you for that
17 answer.

18 **CHAIRWOMAN FETERIK:** Any other
19 questions of Mr. Wilder?

20 Moving along, Mr. Tripp.

21 **ATTORNEY TRIPP:** Certainly. Elizabeth
22 Dolan, our Traffic Engineer.

23 **ATTORNEY SHAH:** Ms. Dolan, please
24 raise your right hand. Do you solemnly swear or
25 affirm to tell the whole truth, nothing but the

1 truth, so help you God.

2 ELIZABETH DOLAN: Yes, I do.

3 ATTORNEY SHAH: Just state your full
4 name for the record.

5 ELIZABETH DOLAN: Elizabeth Dolan,
6 D-O-L-A-N. Dolan & Dean Consulting Engineers in
7 Somerville, New Jersey.

8 CHAIRWOMAN FETERIK: Some
9 qualifications, even though we see you all the time,
10 too.

11 ELIZABETH DOLAN: Of course, yes. I
12 have a bachelor of science degree in civil
13 engineering from Rutgers. I'm a licensed
14 Professional Engineer, registered in New Jersey and
15 neighboring states. I have now 36 years of
16 experience in the traffic engineering field.

17 I have appeared in Edison on multiple
18 times, as well as in over 200 municipalities
19 throughout the state. I have been accepted as an
20 expert in traffic engineering in all cases.

21 And I have also had the benefit of
22 reviewing traffic, parking and DOT aspects and
23 applications for planning and zoning boards in New
24 Jersey.

25 CHAIRWOMAN FETERIK: Thank you. We'll

1 accept your qualifications.

2 ELIZABETH DOLAN: Thank you.

3

4 E X A M I N A T I O N

5 DIRECT BY ATTORNEY TRIPP:

6 Q. Now, Ms. Dolan, you've testified
7 previously at both hearings, correct?

8 A. **That's correct, yes.**

9 Q. And you prepared traffic study
10 initially for the first proposal and for the revised
11 plans that were heard in February, correct?

12 A. **That is also correct, yes.**

13 Q. And since that time, and with the
14 revisions to the plans, have you updated your
15 traffic study and submitted that to the board?

16 A. **Yes. Our latest report is dated**
17 **May 17, 2022, and was specifically prepared for the**
18 **now 16-unit count that has been discussed this**
19 **evening.**

20 Q. And did you do a supplement, dated
21 June 8th, with some additional information?

22 A. **Yes. As Mr. Roshanski indicated, we**
23 **had the opportunity to actually perform some counts**
24 **of residential developments in Edison, and so we**
25 **summarized that information in that June 8th letter**

1 **that was submitted.**

2 Q. So can you just tell us what you did
3 since the last hearing, in terms of review and to
4 study traffic impacts; what you did particularly in
5 response to some of the questions that the board had
6 raised at the prior hearing regarding the numbers
7 that you came up with and the impact on adjoining
8 roadways?

9 A. Certainly. As I said, the latest
10 report has specifically been revised to address 16
11 age-restricted duplexes, whereas our prior study had
12 assessed 23 units.

13 But the board and public have heard a
14 lot about the Institute of Transportation Engineers.
15 That is the group that collects and then publishes
16 trip generation rates for different types of land
17 uses, including single-family homes, multi-family
18 homes, and age-restricted developments.

19 So our first analysis was to update our
20 prior estimates for the now 16 units using ITE data.
21 Those numbers come in at four trips during the
22 morning peak hour, and four trips during the evening
23 peak hour on typical weekday. And that's a
24 combination of entering and exiting traffic. And
25 that is not to say that nothing else is happening

1 throughout the course of the day. This is the one
2 highest concentration of driveway activity in the
3 morning, and then the one highest concentration of
4 driveway activity in the evening. And then
5 throughout the course of the day, there's entering
6 and exiting vehicles, but it's usually lower than
7 what we find during the peak hours.

8 Recognizing that there was some
9 question about the, perhaps, the validity and the
10 appropriateness of the ITE data, we went out and we
11 counted two non-age-restricted developments here in
12 Edison. One is the Senior Village 2, which is
13 comprised of 24 dwelling units. And then the other
14 is 144 Harding Road in Edison. These are both off
15 the Oak Tree Road; sort of one at either end of
16 Edison.

17 Q. And those are both non-age-restricted
18 townhouse units?

19 A. Non-age-restricted, yes. So we have,
20 as I said, Senior Village, 24 units, and then eight
21 units at the Harding Road, that's 144 Harding.

22 So we performed counts from two hours
23 in the morning, two hours in the afternoon, which is
24 the typical way to isolate peak driveway activities.
25 These counts were conducted recently in June -- I'm

1 sorry, May and June, and we determined the actual
2 peak hour activity at those two sites. And then
3 using the higher number of units at Cinder, we
4 proportionally reduced those to reflect the 16 units
5 currently proposed. And then did the opposite at
6 Harding, where there's only eight units, so we had
7 to double that activity to come up with estimates
8 for 16 units. And those numbers came in at nine for
9 the morning peak hour, 11 total driveway movements
10 for the evening peak hour, based on the Cinder
11 Village 2 traffic counts and resultant trip
12 generation rates.

13 And then when we doubled the activity
14 at Harding, we came up with a total of ten trips for
15 the morning peak hour and six trips during the
16 evening peak hour. So, a little bit higher than
17 what we had estimated using ITE, but again these are
18 non-age-restricted. So there is school activity
19 with kids being picked up and brought home, so
20 that's why I would expect them to be a little bit
21 higher. But, certainly, we're talking about a
22 general range of low traffic volume regardless of
23 the estimating technique.

24 Q. So you would expect -- so now you have
25 actual counts of townhouses in reasonable proximity

1 to the site we're studying within Edison Township...

2 A. That's correct, yes.

3 Q. And because the units we're proposing
4 are age-restricted, you would expect the numbers to
5 be a bit lower than the extrapolated numbers for
6 Harding and Cinder Village?

7 A. Right. We're looking at, based on
8 these research rates, a total of six to 11 driveway
9 movements during the busiest peak hours, we
10 estimated four with the ITE data, so I think we're
11 generally in the same range. But even if we're as
12 high as the adjusted Cinder Village and Harding
13 research counts, we're still in a very low magnitude
14 of peak-hour trip generation.

15 Q. And would you expect that trip
16 generation to have any adverse impact on the
17 adjoining road network, particularly Plainfield
18 Road, in the vicinity of the site?

19 A. I would not. And the formal analysis
20 does show that. And that was also something
21 reviewed by the county as part of their approval
22 process. There's no need, for example, a left-turn
23 lane or any type of roadway improvements, because
24 this trip generation is so low.

25 Q. And did you also have occasion to

1 compare trip generation to trip generation for six
2 or eight single-family homes on the property?

3 A. I did. And again that was based on
4 the ITE's 11th edition of Trip Generation manual for
5 single-family homes. And we're looking at seven
6 morning peak hour, and nine evening peak hour, total
7 driveway volumes for eight single-family homes, or
8 six morning peak hour, and seven evening peak-hour
9 trips, for six single-family homes.

10 So again, we're in that plus-or-minus
11 ten trip per peak-hour range.

12 Q. So it would compare -- it would be
13 comparable to what you might expect from this
14 development when -- if it is built as 16
15 age-restricted, two-bedroom units?

16 A. Yes, I would think it would be a
17 comparable trip generation for the peak hours.

18 Q. In terms of circulation and safety of
19 the new layout, did you have a chance to look at
20 that?

21 A. Yes. And I think the engineer took
22 the board through the design, but it's now -- it's
23 one cohesive loop road with surface parking to
24 accommodate the overflow visitor activity, whereas
25 in the prior application we had two driveways and

1 **essentially two parking lots. This new design**
2 **allows for one driveway to align opposite Broad**
3 **Avenue on Plainfield Road, and as the engineer**
4 **explained, we have twice the amount of required**
5 **parking. And sometimes there is confusion about the**
6 **visitor parking. RSIS requires a half a space per**
7 **unit for visitor parking, and that is more than**
8 **accommodated in that 16 surface parking supply.**

9 ATTORNEY TRIPP: I don't have anything
10 further.

11 CHAIRWOMAN FETERIK: Does the board
12 have any questions for Ms. Dolan? Mr. Comba.

13 VICE-CHAIRMAN COMBA: Thank you, Madam
14 Chair. Ms. Dolan, based upon the supplement that
15 you provided in the letter, the analysis of the 16
16 age-restricted residences, was that -- you didn't
17 note, was that based on ITE data or did you look at
18 comparable site.

19 **THE WITNESS: I'm sorry, you're talking**
20 **about the June 8th letter.**

21 VICE-CHAIRMAN COMBA: Yes, ma'am.

22 **THE WITNESS: Yes, so there is a couple**
23 **of things, and I think if you go to the last page**
24 **it's easiest to go through the table. The table at**
25 **the top is 16 age-restricted residences, trip**

1 generation based on the ITE data.

2 And then if you go down to the second
3 table, that is ITE data for eight, single-family
4 homes. Then the next two tables would be what we
5 actually counted at Cinder Village and then how we
6 proportionately reduced for 16 units. And, again,
7 these are not age-restricted, this was just a
8 comparison of townhomes in Edison.

9 And then, similarly, the last two
10 tables, at the bottom of the page, are the actual
11 peak-hour counts recorded at the ITE units at
12 Harding and doubled to reflect trip generation for
13 16 units that are proposed here. But, again, those
14 numbers are a little bit higher than the ITE
15 age-restricted and some of the age-restricted data
16 that I have seen for other sites in New Jersey.

17 VICE-CHAIRMAN COMBA: Okay, thank you.
18 It wasn't on the top table, it wasn't -- but the
19 second table it was, so I just wanted to be clear.

20 THE WITNESS: Sure. Yeah, the only
21 notation I have on that top table is the May 17,
22 2022 traffic study, but it doesn't label ITE,
23 correct.

24 VICE-CHAIRMAN COMBA: Thank you very
25 much.

1 CHAIRWOMAN FETERIK: Mr. Skibar?

2 MR. SKIBAR: Does the ITE distinguish
3 between elder age-restricted community and
4 non-age-restricted?

5 THE WITNESS: Yeah, absolutely. And as
6 the newer and newer editions are released, they have
7 further defined and separated some of the housing.
8 So we're looking at senior attached housing for the
9 16 age-restricted units. ITE has a separate land
10 use category for multi-family townhouses, for
11 multi-family apartments and also in different
12 heights because they have got high-rise, mid-rise
13 and low-rise for apartments. The single-family
14 homes, they have also congregate care homes for, you
15 know, people that are, you know, not living
16 independently, like in a 55-and-older environment.

17 MR. SKIBAR: So they have a full range
18 of residential trip rates. And do they distinguish
19 that by specific age ranges?

20 THE WITNESS: I think the ITE
21 definition is 55 and older. I would have to
22 double-check that, but it's definitely the
23 age-restriction for partially retired people,
24 without children at home.

25 MR. SKIBAR: And I'd just like to

1 reiterate, I know I mentioned it last time; again,
2 the average age of retirement in this country is
3 probably 55, so I would question the, you know, I
4 guess, the actual volume of traffic.

5 **THE WITNESS:** And I think that's
6 where -- where these two research sites and the trip
7 generation are probably of interest to the board and
8 public, because if you did have, let's say, two
9 people still working and leaving between 7 and 9 and
10 returning between 4 and 6, that's the trip
11 generation you would be looking at. But again, it's
12 not much higher than the age-restricted, but it
13 gives a factor of safety, if you will, for maybe a
14 buffer in the trip generation.

15 **MEMBER SKIBAR:** Thank you.

16 **THE WITNESS:** You're welcome.

17 **CHAIRWOMAN FETERIK:** I do have a
18 question. Since we have been talking about peak
19 hours and I know you just said it, so it's clear for
20 the record, the time span of the -- what you say
21 peak hours are?

22 **THE WITNESS:** Sure. This actually --
23 I didn't testify to this, but I wanted to let you
24 know that in the prior traffic studies I presented
25 and submitted, we had relied on data from DOT's data

1 **base along Plainfield Road north and south of the**
2 **site because it was COVID. But for the preparation**
3 **of this May, 2022 report, we actually went out and**
4 **performed traffic counts on Plainfield Road at**
5 **Broad, and we found 7 to 8 and 5 to 6 as being the**
6 **peak hours, so that's the highest four 15-minute**
7 **segments of time when traffic volumes are highest**
8 **across our site frontage. And for our traffic**
9 **engineering analysis, we assumed that the peak**
10 **street volume coincides with the peak driveway**
11 **volumes that we've talked about tonight.**

12 CHAIRWOMAN FETERIK: Thank you. Any
13 other questions for Ms. Dolan?

14 Moving along, Mr. Tripp.

15 BY ATTORNEY TRIPP:

16 Q. So just to clarify one point. So, you
17 know, again, there was some skepticism about ITE
18 numbers last time, and just to clarify, so in
19 counting Harding and Cinder Village, you picked
20 local developments that were not age-restricted, you
21 expected to get some higher numbers and actual
22 counts, correct?

23 A. Right. I think these were great sites
24 to choose to study because one was a little bigger
25 or one a little bit smaller but neither is hundreds

1 of units. So I think it's a very fair comparison
2 and analysis to look at these.

3 Q. And you were able to cut one by a
4 third, and the other one you doubled to get the
5 numbers?

6 A. I doubled.

7 Q. And then you can compare those to see
8 if it fell within the range?

9 A. Correct. And that's what's summarized
10 in the June 8th letter that was submitted.

11 ATTORNEY TRIPP: Thank you.

12 CHAIRWOMAN FETERIK: Okay. Moving
13 along.

14 ATTORNEY TRIPP: Okay. Paul Phillips.
15 P-h-i-l-l-i-p-s.

16 ATTORNEY SHAH: Mr. Phillips, do you
17 solemnly swear or affirm to tell the whole truth,
18 nothing but truth, so help you God.

19 PAUL PHILLIPS: I do.

20 ATTORNEY SHAH: State your full name
21 for the record.

22 PAUL PHILLIPS: Paul Phillips,
23 P-H-I-L-L-I-P-S.

24 CHAIRWOMAN FETERIK: Some of your
25 qualifications please, sir?

1 PAUL PHILLIPS: Sure. I'm a principal
2 in the firm of Phillips Preiss. I have been
3 practicing with that firm for approximately four
4 years. I'm a licensed Professional Planner in the
5 State of New Jersey. I have been accepted as an
6 expert in my field in over 250 municipalities in the
7 state, including on multiple occasions before this
8 board.

9 CHAIRWOMAN FETERIK: Thank you. We'll
10 accept your qualifications, Mr. Phillips.

11 PAUL PHILLIPS: Thank you, Madam
12 Chair.

13

14 E X A M I N A T I O N

15

16 DIRECT BY ATTORNEY TRIPP:

17 Q. SO, Mr. Phillips, you were here back in
18 February with the 23 age-restricted proposal,
19 correct?

20 A. I was.

21 Q. And you are now here this evening to
22 provide supplemental testimony to address the
23 statutory criteria for the variances in connection
24 with the proposed unit types that we now have, the
25 16 two-bedroom, age-restricted units in eight

1 buildings, correct?

2 A. That is correct.

3 Q. Can you give us the benefit of your
4 analysis?

5 A. Sure. I'm not going to repeat all of
6 my prior testimony. I'm going to spare the board
7 and the public that. And that remains part of the
8 record, obviously. And I stand by that testimony,
9 but I would like to highlight what I believe are the
10 most critical issues in terms of our particular
11 proof requirements and also in doing that focusing
12 on the changes in the plan that is before you this
13 evening. So first, as I have repeatedly testified,
14 the underlying GC, Golf Course District
15 classification effectively zones this property into
16 inutility.

17 As the board is aware, the property is
18 not part of the adjacent country club and while it
19 has been most recently used as a restaurant the GC
20 zoning does not permit that use. The point being
21 the site is not zoned for a restaurant or any other
22 commercial use for that matter.

23 Secondly, in terms of site suitability,
24 I believe this property is particularly well-suited
25 for a residential development that really takes into

1 consideration not only the property's physical and
2 locational characteristics but also local
3 demographics as well as market trends. And again,
4 in terms of physical locational characteristics,
5 what I think is critical here is this site is
6 surrounded by an arterial roadway on one side,
7 basically its frontage. It adjoins country club
8 facilities on another side, including the clubhouse
9 and pool and associated outdoor areas, and then on
10 yet another side golf course lands. And I think
11 what's particularly relevant is that the property
12 shares a common lot boundary, meaning either the
13 rear or side yard, with no more than two or three
14 single-family homes that exist on Edgewood Road. To
15 me all of this suggests that the site is
16 particularly suited for what I characterize as a
17 sort of small, self-contained multi-family
18 development. And I say that with a caveat provided,
19 of course, that adequate safeguards can be put in
20 place relative to the product type, the building
21 placement, the height, the density, and setbacks,
22 and buffers.

23 And in that regard, I would like to
24 address an issue which I wasn't able to do at the
25 last meeting, Mr. Tripp, an issue that was raised by

1 Mr. Steck, the planner who represents the objectors.
2 And this issue was also raised by some of the
3 neighbors. And that relates to the notion that this
4 property is perhaps better suited for single-family
5 residential development. And Mr. Steck, as you
6 recall, actually did a conceptual layout at that
7 time that he presented to the board in his report
8 which showed a six-lot subdivision purportedly
9 consistent with RB Zone, RB being one of the
10 adjacent single-family districts. In my
11 professional opinion, this property is much more
12 suited for an attached housing product which to me
13 would allow for flexibility in terms of the layout
14 and the design and which appropriately responds to
15 the following factors:

16 Number one, the site having significant
17 frontage on a relatively busy arterial roadway,
18 where, all else being equal, I think you want to
19 avoid having single-family lots fronting on the
20 roadway. And I understand because I have been out
21 to the site on numerous occasions, I understand that
22 there are numerous instances where there's
23 single-family homes with frontage on Plainfield Road
24 in this area. That happens to be the historical
25 development context. But this is something, in my

1 opinion, that should be avoided in the future in
2 terms of any in-fill residential development which
3 is how I see this particular property.

4 Secondly, as I mentioned, you have
5 active country club facilities abutting the property
6 which, all else being equal, in my opinion, is not
7 ideal for sort of larger single-family homes and
8 lots that will back up to it.

9 Third, having only that very limited
10 number of single-family residences sharing the
11 common lot line with the property, again, the
12 subject lot boundaries here are largely contiguous
13 to either country club, golf course lands or
14 Plainfield Road.

15 And lastly and importantly, due to the
16 relative shallowness of this roughly two-acre lot,
17 it actually has more frontage on Plainfield Road
18 than it does depth. With that condition, I think
19 any cul-de-sac, and this is shown in the concept
20 that Mr. Steck did, any cul-de-sac would essentially
21 be no more than a short stop so that even the
22 rear-most lots would be exposed to some extent to
23 Plainfield Road. And if you look at a tax map and
24 you look at the context, there are other cul-de-sacs
25 in this immediate vicinity off Plainfield Road and,

1 for the most part, they have much greater depth
2 which basically affords most of the abutting
3 single-family homes greater separation and privacy
4 from Plainfield Road.

5 So I think, bottom line in my opinion,
6 a small attached housing project, such as what the
7 applicant is proposing, is a much better fit for
8 this particular tract of land, again, in my opinion.

9 And then the other point, I won't
10 belabor it. I spent a lot of testimony at the last
11 meeting, but the age-restricted units will provide
12 an opportunity, I believe, for a particular segment
13 of the local housing market that has been largely
14 unaddressed in Edison. I provided some examples at
15 the last meeting. And again, this is recognized in
16 the township's Master Plan documentation as well,
17 and that would be both the 2003 Master Plan as well
18 as the last re-examination that occurred in 2011.

19 And then finally, from an impact
20 standpoint, if you compare what is being proposed to
21 say, six or even eight single-family homes on this
22 property, that might have four to five bedrooms
23 each, the 16, two-bedroom age-restricted duplexes
24 will generate roughly an equivalent population with
25 zero school children, less peak hour traffic as

1 you've heard and more positive fiscal impacts. We
2 submitted a Fiscal Impact Statement, we're required
3 to as part of your checklist requirements, and even
4 after deducting for municipal cost, we see this
5 project as providing net revenues to the township
6 and the school district combined of roughly, just a
7 little under \$200,000 annually. And while we
8 weren't required to do it, I kind of anticipated
9 that the question might be asked. I did look at it
10 for single-family homes, assuming there would be six
11 homes. And again, because of additional costs and
12 particularly school costs, those net revenues would
13 be roughly 72,000 compared to 194 for this project.
14 So a single-family would actually be less fiscally
15 positive as compared to what we are proposing here.

16 Additional points, the applicant has
17 reduced the total number and bedroom of the units.
18 Basically, changed from a townhouse product where
19 there were multiple attached units to a duplex
20 product where there's no more than two units
21 attached. I think for that reason the proposal is
22 even more compatible with adjacent single-family
23 residence. You heard Mr. Roshanski talk about the
24 structures now being no more than 52 feet in
25 width --

1 Q. I believe it was 47, he said.

2 MARK ROSHANSKI: 47.

3 THE WITNESS: 47 feet in width. I
4 would say depending on the shape of the lot, you
5 have single-family homes that could be that wide
6 based again, as to what's the shape of the lot in
7 the zone district. So that's not uncommon. The
8 applicant has reduced the height to two stories to
9 better blend in with the adjacent neighborhood and
10 as I testified at the prior hearings, I don't
11 believe again, with safeguards in place that there's
12 anything inherently incompatible between the
13 townhouse product and a single-family product from a
14 planning and zoning perspective. And as evidence, I
15 pointed to multiple examples of the township's own
16 zoning where they are indeed placed side by side.
17 With that said, and I think recognizing
18 that the duplexes will be even less impactful, I
19 think the "d(1)" variance can be granted without
20 substantial detriment to the public good.

21 And on the issue lastly, on the issue
22 of zone plan impacts and reconciling what the
23 applicant is seeking with the Medici case, I would
24 continue --

25 BY MR. TRIPP:

1 Q. That would be the negative criteria, no
2 substantial impairment to the intent and purpose of
3 the zone plan and zoning ordinance?

4 A. Correct. And I just testified no
5 substantial detriment to the public good. Now, I am
6 going to the second part of that test of the
7 negative criteria, which is zone plan.

8 Again, while the Master Plan shows this
9 property as commercial I think in recognition of the
10 historic use, the governing body has never seen fit
11 to zone it accordingly. And I think that's in large
12 part because there's no other adjacent commercial
13 properties or zones in this area. And I believe it
14 made little sense to effectively spot zone this
15 property for commercial use.

16 The other key point on Medici is, I
17 think it's fair to say, that circumstances since the
18 last Master Plan have changed in that the Charlie
19 Brown's has vacated the premises and no other
20 restaurant or business entity has sought to reoccupy
21 it.

22 So all of that leads me to conclude
23 that under this particular set of circumstances the
24 "d(1)" use variance can be granted without
25 compromising the intent and purpose of the zone plan

1 and zoning ordinance.

2 There are other variances. I'll try
3 not to belabor this. It was mentioned there
4 continues to be a "d(4)" FAR, or floor area ratio
5 variance. The applicant has actually reduced this
6 from the prior iteration of the plans going from .66
7 to .48. Again, the G-C Zone, which is meant for
8 100-plus acre tracts has .05 FAR. It's just simply
9 not appropriate for this particular project.

10 And clearly, what the applicant is
11 proposing here residentially, I think a better
12 standard is actually density as opposed to FAR which
13 is more a nonresidential regulatory tool. And as I
14 mentioned, we, I guess now our density is slightly
15 under eight units to the acre. And as the board is
16 probably well aware, your three townhouse districts
17 allow either eight to the acre, eight to the acre or
18 15 to the acre. So we're actually somewhat less
19 than all your townhouse districts. I think we can
20 meet the burden of the "d(4)" variance for that
21 reason.

22 Mr. Bignell, in his report basically
23 opined that we technically also require a density
24 variance since the property is not zoned for
25 residential use. And again, based on these

1 densities that are permitted in your townhouse
2 districts of eight, eight, and 15 units per acre,
3 we're below and well within that standard. So I
4 think that the density variance, assuming the
5 technical variance we need one, I think can be
6 granted.

7 It was mentioned we have a 22 percent
8 building coverage. Again, the G-C Zone doesn't make
9 sense, it's five percent. Your townhouse zone is
10 actually between 20 and 25 percent. So the
11 applicant is kind of smack in the middle in terms of
12 building coverage.

13 And then lastly there's the three --
14 well, there are multiple locations where Mr. Wilder
15 talked about the rear setback not meeting the
16 60-foot standard. I would concur with his opinion.
17 I think a mitigating factor, three of those
18 buildings basically back up to the open-space lands
19 of the golf course, which I think allows the
20 applicant to kind of place these structures as far
21 back from Plainfield Road as possible, and also the
22 adjacent single-family houses, which I think is a
23 good thing.

24 And that one remaining building which
25 he characterized southeastern most with a 32-foot

1 setback, that setback is to an undeveloped lot. As
2 you can see, that little carve-out in the rear which
3 exists behind one of the residence is on Edgewood
4 Road, and the applicant also, if you look at the
5 landscape plan, is proposing landscape plantings
6 along that rear lot line as well.

7 And then lastly, Mr. Wilder talked
8 about signage. I would concur there are no sign
9 standards for this zone. So I agree with his
10 analysis looking at what's permitted in residential
11 zones and we are below the 25-foot sign area. I
12 think we're 24 and a half, if I'm not mistaken. And
13 that is proposed on this sort of screen-wall
14 entrance to the project. I think in this context,
15 that's more than reasonable. And certainly, I think
16 this board has a legitimate basis to grant that
17 relief. I think that covers all of the variances,
18 Mr. Tripp.

19 Q. As to signage, you would want to see
20 some type of sign to identify the development for
21 multi-family?

22 A. Correct. That's correct, and I think
23 the municipal zoning recognizes that as well by
24 providing for this type of residential development
25 to have the appropriate signage.

1 Q. Thank you. I don't have anything
2 further of Mr. Phillips.

3 CHAIRWOMAN FETERIK: Does the board
4 have any questions for Mr. Phillips at this point?
5 Mr. Comba.

6 VICE-CHAIRMAN COMBA: Thank you, Madam
7 Chair. Thank you, Mr. Phillips.

8 **THE WITNESS: You're welcome.**

9 VICE-CHAIRMAN COMBA: Can we explore
10 the difference between a duplex and a townhouse?

11 **THE WITNESS: Sure. I'll try and give**
12 **it -- it's pretty simple, actually.**

13 VICE-CHAIRMAN COMBA: I'm a simple
14 guy.

15 **THE WITNESS: And you will find this**
16 **in the planning literature. It's so simple you will**
17 **keep smiling after I give you the answer.**

18 **So a duplex is essentially a structure**
19 **that contains two dwelling units, two dwelling units**
20 **each with a private entrance. Units are typically**
21 **side by side and they share a common wall. Two is**
22 **the key to a duplex.**

23 **A townhouse is a structure containing**
24 **three or more dwelling units each with a private**
25 **entrance and each of those units share common walls.**

1 And typically the townhouses are, you know, anywhere
2 from three attached to eight attached. I have seen
3 cases where there's 10 or 12 attached. Typically,
4 what you see is anywhere from four to eight attached
5 townhouses.

6 The duplex, again, this is why the
7 width of the duplexes is much less than what the
8 previous iterations of the plans was. So it's
9 basically two as opposed to three or more, and it's
10 simple as that.

11 VICE-CHAIRMAN COMBA: You made it
12 simple. Listen, for a guy who has a master's from
13 Bloustein but I was on the public policy side of the
14 hallway and not the planning side, you made it
15 simple.

16 THE WITNESS: You're excused.

17 VICE-CHAIRMAN COMBA: Yeah. Thank you
18 so much. Thank you. I'm going to go and take a
19 break after that one.

20 In your review, did you take a look at
21 other duplex developments in the area?

22 THE WITNESS: Yes, there is one in the
23 adjacent community of Metuchen that is actually not
24 too far. It's off of Van Buren Avenue, which is a
25 street off of, I think where Plainfield Road and

1 **Central Avenue meet. And that is -- there are ten**
2 **duplexes there. They're a little bit different.**
3 **They don't have private garages. They have just**
4 **surface parking. And those ten duplexes, I kind of**
5 **looked on the tax map and I kind of had to measure**
6 **from the dimensions how big it was approximately**
7 **because it didn't have the acreage. I approximated**
8 **about an acre site. So that property, if you're**
9 **familiar with it, I'm going to estimate.**

10 VICE-CHAIRMAN COMBA: It's the one
11 directly adjacent to the train tracks, correct?

12 **THE WITNESS: Yes. And it's roughly**
13 **about ten units per acre and we're just a shade**
14 **under eight, if you want some kind of density**
15 **comparison.**

16 VICE-CHAIRMAN COMBA: That's exactly
17 what I was looking at. Are you done? Because I'll
18 move to my next question.

19 **THE WITNESS: Yes.**

20 VICE-CHAIRMAN COMBA: Did you happen
21 to take a look at any other age-restricted duplex
22 developments in the area?

23 **THE WITNESS: I did. There is an**
24 **age-restricted townhouse development also in**
25 **Metuchen off of Middlesex Avenue. I think it is**

1 referred to as the Winfield or Woodfield. And that
2 is 17 -- that's age-restricted where as I don't
3 believe the duplexes that I mentioned are. The
4 Woodfield is age-restricted. There's 17 units, the
5 street I think is Ayers Court. And that is sort of,
6 as best I can tell, a typical townhouse density,
7 probably somewhere six to eight units per acre as
8 best I can tell. But that is age-restricted.

9 VICE-CHAIRMAN COMBA: All right.

10 Thank you very much. I appreciate that.

11 Thank you, Madam Chair.

12 CHAIRWOMAN FETERIK: Mr. Skibar?

13 MEMBER SKIBAR: Madam Chair, a couple
14 of questions.

15 How many residential properties are
16 adjacent to this lot?

17 THE WITNESS: So it depends on -- I'll
18 try and answer it this way. So there are definitely
19 two.

20 CHAIRWOMAN FETERIK: Take the
21 microphone.

22 THE WITNESS: Oh, I'm sorry.

23 So here are two single-family. While
24 this has frontage on Plainfield it is accessed from
25 Edgewood, as is the second. And then the third is

1 here. And between this third and the lot there is a
2 separate lot which is not developed.

3 And I actually believe that lot is also
4 in the G-C Zone and not the residential zone. So
5 depending upon whether, you know, you count this,
6 point is it's either two or three.

7 MEMBER SKIBAR: Thank you. My other
8 question would be, you did mention that the Master
9 Plan makes reference to senior housing. Could you
10 kind of clarify that a little bit?

11 THE WITNESS: Yeah. Both the -- and I
12 testified to this at the last meeting and I can go
13 back and look at the actual citations if you wish,
14 but essentially, the 2003 last comprehensive Master
15 Plan made mention of the need-based on demographics
16 for various forms of appropriate senior housing
17 given the demographics. And that policy statement
18 was basically carried over into the 2011 Master Plan
19 re-examination.

20 I can find you the exact quote if you
21 need it but basically, that was the policy
22 objective.

23 MEMBER SKIBAR: Thank you.

24 THE WITNESS: You're welcome.

25 CHAIRWOMAN FETERIK: Any other

1 questions of Mr. Phillips?

2 MEMBER BARONE: Madam Chair?

3 CHAIRWOMAN FETERIK: Yes, Mr. Barone.

4 MEMBER BARONE: I don't know if it's

5 Mr. Phillips or Mr. Roshanski.

6 CHAIRWOMAN FETERIK: Go ahead.

7 MEMBER BARONE: I would like to speak
8 about why we're here tonight. And I don't want to
9 sound philosophical, but we were here -- we are here
10 tonight because your original plan, Mr. Roshanski,
11 was considered by many -- not necessarily me but by
12 many -- dense, too dense for the site; too obtrusive
13 and somewhat over-developed, and there was resident
14 opposition to it and that's why we're here looking
15 at a revised plan.

16 As I look at this plan, I think it, in
17 my opinion, works better. However, you have eight
18 duplexes and I hear a lot of references in all of
19 the testimony about this versus six single-family
20 residences. So I keep hearing the Number 8 and I
21 keep hearing the Number 6.

22 Would you consider, and the board would
23 have to approve, reducing it by one building?

24 If I call this Building 1, Mr.
25 Roshanski, 1, 2 -- 3 is the one that I make

1 reference to. That building, to me just looking at
2 this plan, makes it too dense, almost like a row
3 house kind of feeling. And I think it would breathe
4 better. It would be more suitable and get very
5 close to the opposition of eight versus six where we
6 would have seven versus six regardless of the amount
7 of families and what have you. But that's something
8 that I just ask, would you consider reducing by one
9 if the board also agreed?

10 ATTORNEY SHAH: Before anyone answers,
11 just so we're clear, we're not at the commenting
12 section, but I understand that you're just asking
13 generally right now. If the board approves that
14 would have to be part of a motion for discussion by
15 the board before it is incorporated.

16 Okay?

17 MEMBER BARONE: Can he answer or no?

18 ATTORNEY SHAH: He can.

19 CHAIRWOMAN FETERIK: Mr. Tripp, or
20 someone?

21 ATTORNEY TRIPP: I think that's really
22 a question for the applicant as opposed to the
23 planner. So if I may, can I direct that to
24 Mr. Roshanski?

25 MEMBER BARONE: That's why I asked, I

1 don't know if it was the planner or Mr. Roshanski,
2 so I just immediately went to Mr. Roshanski.

3 MARK ROSHANSKI: Mr. Barone, we would
4 take your recommendation and we would eliminate one
5 building need be.

6 MEMBER BARONE: Thank you for saying
7 that.

8 CHAIRWOMAN FETERIK: Any other
9 questions of the board for Mr. Phillips?

10 Moving along, what do you have next on
11 your agenda, Mr. Tripp?

12 ATTORNEY TRIPP: What I have next is
13 to go through any remaining items on the report.

14 CHAIRWOMAN FETERIK: Yeah, that's what
15 I thought. Do you want to start with Mr. Bignell's?

16 ATTORNEY TRIPP: Certainly.

17 CHAIRWOMAN FETERIK: Okay.

18 ATTORNEY TRIPP: Let's see, document
19 approvals or exemption from agencies, I know we've
20 supplied copies and Mr. Roshanski indicated what
21 approvals we had. This is Plan Review Comment 12A.

22 12B is to address the variances. I
23 think we have provided testimony this evening,
24 again, to address all the variances that we're
25 seeking.

1 12C asks for how we're going to enforce
2 age restriction and we -- it will be -- an HOA will
3 be created. There will be a master deed and there
4 will be deed restrictions which will run in
5 perpetuity and that will be a condition of approval.

6 The next question, D, is a homeowners
7 association. There will be a homeowners association
8 with a master deed and the units will be owned as in
9 a condominium form of ownership.

10 E, the applicant should notify all
11 future residences that the zoning ordinance does not
12 permit individual rear yards. And town asks duplex
13 developments to be fenced or altered and this would
14 apply to the development.

15 Mr. Roshanski, do you have any issue
16 with that?

17 MARK ROSHANSKI: No.

18 ATTORNEY TRIPP: Comment F, testimony
19 should be provided to clarify the height of the
20 front screening wall and verify the ability of
21 vehicles to see around it in a designated sight
22 triangle. That is for Mr. Wilder.

23 MATHEW WILDER: So we show a detail of
24 the proposed screen wall on Sheet 4 of the plan set.
25 And there's columns periodically with a max height

1 of 7'7" and there was some concern at the prior
2 meeting about it appearing like a gated community,
3 so we previously had just a straight brick wall
4 across the face. And if you refer to that detail
5 you notice what we've introduced is some aluminum
6 fencing in between the columns to provide some more
7 openness while still providing a screen.

8 The location of the walls are set back
9 such that they don't interfere with the sight line
10 from the driveway. And this has been reviewed and
11 approved by Middlesex County.

12 ATTORNEY TRIPP: Comment G asks to
13 explain storage and removal of refuse and recycling.

14 Mr. Roshanski?

15 MARK ROSHANSKI: During our TRC
16 meeting, we discussed the option between private
17 garbage cans and common storage for refuse and
18 recycling and we agreed that it would keep the site
19 a lot cleaner to have two separate garbage
20 enclosures instead of individual garbage cans for
21 each resident.

22 VICE-CHAIRMAN COMBA: Madam Chair?

23 CHAIRWOMAN FETERIK: Yes, Mr. Comba.
24 I'm sorry.

25 VICE-CHAIRMAN COMBA: No problem, I

1 forget my name sometimes too.

2 Where on the site would you look for
3 them to be located?

4 MARK ROSHANSKI: One is at the island.
5 It's depicted on the site plan, also the colored
6 rendering. And that would be in the southeast
7 corner of the site. Both are accessible by a
8 hauler.

9 VICE-CHAIRMAN COMBA: And it would be
10 a private hauler?

11 MARK ROSHANSKI: That's correct, sir.

12 VICE-CHAIRMAN COMBA: Would you agree
13 to a condition that, if so approved, that any
14 pickups would be within the parameters beyond
15 municipal quiet hours, SO after 7:00 a.m. during the
16 week, after 9:00 a.m. on the weekends?

17 MARK ROSHANSKI: Absolutely. We would
18 designate the hauler to abide by those hours of the
19 day.

20 VICE-CHAIRMAN COMBA: Excellent.
21 Thank you very much.

22 ATTORNEY TRIPP: Now we're on to
23 Comment H which wants a minimum shrub height of
24 36 inches at the time of planting.

25 Mr. Wilder, that's going to be

1 provided?

2 MATHEW WILDER: We have no issue with
3 that.

4 ATTORNEY TRIPP: And also requesting a
5 mechanical irrigation system that's been included as
6 part of the landscape plan. That's not on the plan,
7 right?

8 MATHEW WILDER: Yes.

9 ATTORNEY TRIPP: Any outstanding trees
10 should be provided via contribution?

11 MATHEW WILDER: So our intent is to
12 increase the diameter of some of the trees. There
13 is a small shortfall in our proposed plantings. So
14 to offset that shortfall what we'll do is we'll
15 increase the diameter of the trees at planting, so
16 that we're not requesting a waiver or need to
17 contribute to the fund.

18 ATTORNEY TRIPP: And that would be
19 subject to Mr. Bignell's review and approval.

20 The plan should provide sign area and
21 setback details for the wall sign. That is on the
22 plan, Mr. Wilder?

23 MATHEW WILDER: It is. And we can
24 provide some additional callouts on the actual site
25 plan sheet as well as on the detail sheet to better

1 illustrate exactly the location of the sign.

2 ATTORNEY TRIPP: But you testified as
3 to the details, right?

4 MATHEW WILDER: That's correct. Yes.

5 ATTORNEY TRIPP: Let's see. The
6 general landscaping plan should be maintained by the
7 HOA or property owner. If trees die or are removed
8 over time they should be replaced. This should be a
9 condition of approval. And, of course, we have no
10 objection to that.

11 Comment M, mail and parcel delivery
12 should be delivered to each individual unit.

13 Mr. Roshanski, can you address that?

14 MARK ROSHANSKI: Typically, what
15 happens is we meet with the postmaster and the
16 postmaster gives us an indication if he wants one
17 common mailbox for the site for deliveries or if he
18 would instead want individual mailboxes.

19 But typically, in multi-family it's one
20 common mailbox. It just simplifies the delivery
21 process.

22 ATTORNEY TRIPP: But it's going to be
23 ultimately the call of the postmaster?

24 MARK ROSHANSKI: Of the postmaster,
25 correct.

1 ATTORNEY TRIPP: The next item, N is
2 utility transformers, hot boxes, and other utility
3 equipment.

4 Mr. Roshanski, can you address that?

5 MARK ROSHANSKI: Yeah. We have, as of
6 today, the latest updates from PSE&G and Middlesex
7 Water, any proposed transformers or hot boxes will
8 be depicted on the plan and they will be landscaped
9 properly for screening.

10 ATTORNEY TRIPP: And the last comment
11 was to provide testimony regarding traffic and
12 fiscal reports which we have done.

13 So that's Mr. Bignell's report.

14 CHAIRWOMAN FETERIK: Mr. Bignell, I
15 assume you're happy?

16 BOARD PLANNER: Yeah, Madam Chair?

17 CHAIRWOMAN FETERIK: Yes.

18 BOARD PLANNER: With the hot boxes,
19 are they going to be set back behind the front
20 setback line; they're not going to be in the
21 right-of-way?

22 MARK ROSHANSKI: Absolutely.

23 BOARD PLANNER: Okay. Because I know
24 Middlesex doesn't like to do that but if we insist
25 they'll put it back.

1 MARK ROSHANSKI: Yeah, it will be
2 outside of the right-of-way.

3 BOARD PLANNER: Okay. And then the
4 mail and parcel delivery, if that's a common
5 location, is that on the site plan?

6 MARK ROSHANSKI: We can show that as a
7 compliance issue.

8 BOARD PLANNER: How about if you asked
9 them to be delivered directly to the units?

10 MARK ROSHANSKI: To put individual
11 mailboxes?

12 BOARD PLANNER: That would be my
13 recommendation.

14 MARK ROSHANSKI: Okay. We could -- we
15 could work that out with the postmaster, as long as
16 they're okay with that.

17 BOARD PLANNER: That's all I have,
18 Madam Chair.

19 CHAIRWOMAN FETERIK: Thank you, Mr.
20 Bignell.

21 Okay, Mr. Tripp, do you want to go to
22 Mr. Carley's report.

23 ATTORNEY TRIPP: Certainly.

24 Mr. Wilder, basically we comply with
25 the report and we will agree to comply with the

1 report but I think there are a couple of comments
2 you want to address specifically, Mr. Wilder --

3 MATHEW WILDER: There are.

4 ATTORNEY TRIPP: -- is that correct?

5 MATHEW WILDER: Yes.

6 ATTORNEY TRIPP: Why don't you do
7 that?

8 MATHEW WILDER: I'll start on Page 2,
9 specifically, Comment 2.3. The property does meet
10 the Residential Site Improvement Standards both from
11 parking, drive aisles. So just, for the record, it
12 is a conforming RSIS development.

13 Moving ahead to Number 3, which
14 discusses parking and delivery vehicles, as we've
15 testified here this evening, we have extra parking
16 on-site. The delivery vehicles are going to do one
17 of two things; if it's one individual delivery,
18 they'll stop in front of a unit, hop out, spend ten
19 seconds running it up to the door and then hop back
20 in their car.

21 If they're delivering multiple packages
22 to multiple units, what they'll do is they'll likely
23 occupy an individual parking space and then most
24 likely in the centralized parking area. That will
25 allow them access to the individual units as well as

1 the truck. Based on the speed at which residential
2 deliveries occur from things, such as Amazon, we
3 wouldn't expect this to be an issue on site.

4 3.3 discusses the amount of handicap
5 accessible parking. So we provide two
6 van-accessible handicap parking spaces in what I'll
7 call the at-grade parking in the center of the site,
8 so not in the remote parking area, which meets the
9 requirement for accessible parking.

10 Skipping down to 3.5 that discusses a
11 new law that was signed by the Governor last year
12 relative to EV parking. The law stipulates that
13 15 percent of your required parking must be
14 EV-ready. So the first third would need to be built
15 when the project is built, and the remaining
16 two-thirds needs to be built over a period of six
17 years.

18 To just sort of obviate that whole
19 issue about when it's being constructed, the intent
20 is to put all of the EV-capable charging stations in
21 the individual garages. So with that stipulation,
22 we'll actually exceed the state's requirement for
23 required percentage of EV parking spaces.

24 I'm going to skip over Sections 4 and
25 5, which pertain to lighting and stormwater

1 management.

2 ATTORNEY TRIPP: You already commented
3 as to 6.12 on the fire suppression.

4 MATHEW WILDER: That's correct.

5 So the last item that I think needs
6 direct discussion is 8.4, which talks about the cut
7 fill for the property. So the property has been
8 designed to be generally a net-neutral site from a
9 cut or fill standpoint. There will be a small
10 amount of export. The reason for that is what we've
11 done is to ensure that we don't have any issues with
12 the adjoining property owners, we sort of lowered
13 the grade along the perimeter of the property to
14 allow us to accentuate some swales. So what that
15 does is it gets the runoff that's coming from the
16 adjacent properties onto our property and get them
17 around the units and towards Plainfield Road.

18 So what we have designed is a generally
19 balanced site with a small amount of export just to
20 ensure that we didn't have any negative drainage
21 impacts on any of the neighbors. But, as Mr. Carley
22 indicated, we take no exception to coordinating it
23 with the township engineer on the proposed earth
24 work to ensure minimal impact to township facilities
25 and adjoining property owners.

1 Aside from those specific comments that
2 I pulled out, we take no exception to the remainder
3 of the comments within Mr. Carley's letter.

4 CHAIRWOMAN FETERIK: Mr. Carley, I
5 assume you're happy; any comments?

6 BOARD ENGINEER: Yeah, just quickly,
7 Chair. Just a couple of follow-up comments to Mr.
8 Wilder's touching on a couple of recommendations.

9 Relative to delivery, you know, that
10 comment is one of the observations. That main drive
11 aisle you can't park in, it's a fire lane from
12 curb-to-curb. So you might want to designate one of
13 the parking spots as a reserve for the Amazon truck
14 or whatever.

15 MATHEW WILDER: No problem. So we'll
16 put signage on the site directing delivery vehicles
17 to occupy one specific parking space slot on site.
18 That is a good recommendation.

19 ATTORNEY TRIPP: And that shouldn't be
20 an issue because we're well over the RSIS
21 requirements as it is.

22 BOARD ENGINEER: With the EV charging
23 stations, Matt, you have one on the site plan, a
24 dual charger for the handicap spot over there and
25 then a standard spot.

1 Are you going to provide that in the
2 future since you're providing garage EV chargers?

3 MATHEW WILDER: So initially, the
4 intent was to provide an at-grade EV charging
5 station and supplement it with the garage spaces.
6 The intent now is to just provide them entirely
7 within the individual garages. So we would be
8 removing the one from the handicap parking spaces.
9 So rather than pick and choose which individual
10 units got EV facilities in the garages, they'll all
11 be getting it.

12 BOARD ENGINEER: And the rest of the
13 report is pretty extensive but it does get into the
14 weeds relative to stormwater management and
15 lighting. There is nothing there that you shouldn't
16 be able to comply with or address.

17 Can you make the representation that
18 everything else in the report you will provide and
19 you will address the recommendations?

20 **THE WITNESS: Yes, we will.**

21 BOARD ENGINEER: And then the big
22 thing with the township engineer, of course if the
23 board looks favorable upon this proposal or indeed
24 any future proposal that requires demolition, make
25 sure you wrap your arms around that because the

1 demolition of the existing site is -- is going to
2 need a little bit of care for the neighbors.

3 MATHEW WILDER: Absolutely.
4 Understood.

5 BOARD ENGINEER: Thank you.
6 Thank you, Madam Chair.

7 CHAIRWOMAN FETERIK: You're welcome.
8 Mr. Comba, do you have something to
9 say?

10 VICE-CHAIRMAN COMBA: Thank you, Madam
11 Chair.

12 4.2 with dark sky compliance -- let me
13 start with 4.3, dark sky compliance; I just want to
14 make sure that you agree to meet that standard?

15 MATHEW WILDER: We do.

16 VICE-CHAIRMAN COMBA: Okay. And then
17 I do like on Mr. Carley's point on 4.2 in that
18 motion lighting be activated during non-operating
19 hours. That you would agree with?

20 MATHEW WILDER: Yes. We will agree to
21 that.

22 VICE-CHAIRMAN COMBA: Excellent.
23 Thank you.

24 CHAIRWOMAN FETERIK: Okay, we're all
25 in agreement.

1 I think before I go out to the public,
2 Mr. Tripp, I'm going to give this young lady a rest
3 for her fingers.

4 ATTORNEY TRIPP: Sure.

5 CHAIRWOMAN FETERIK: And give
6 everybody else a chance to get up and stretch their
7 legs. So let's take a five-minute break and then
8 get back here in five minutes so we can go out to
9 the public. Thank you.

10 (A recess is taken at 8:44 p.m.)

11 - - -

12 (Time noted, 8:58 p.m.)

13 CHAIRWOMAN FETERIK: Okay, everyone,
14 thank you. Mr. Tripp, I assume you have no problem
15 with my going out to the public, correct?

16 ATTORNEY TRIPP: No.

17 CHAIRWOMAN FETERIK: I will now go out
18 to the public.

19 ATTORNEY TRIPP: Of course, we do
20 reserve the right to provide a rebuttal testimony
21 based on anything that is testified to by any member
22 of the public or any expert.

23 CHAIRWOMAN FETERIK: Thank you. I
24 will now go out to the public. That will be anyone
25 within 200 feet of -- I am going out to the public

1 which will be 200 feet of the property, but first
2 one of the gentlemen in the chambers who is within
3 200 feet of the property has a traffic expert that
4 will be coming up first to present to us some
5 testimony.

6 Sir, do you want to come up, be sworn
7 in.

8 ATTORNEY SHAH: Sir, would you raise
9 your right hand? Do you solemnly swear or affirm to
10 tell the whole truth and nothing but the truth, so
11 help you God?

12 KENNETH HAUSMAN: I do.

13 ATTORNEY SHAH: And would you please
14 state your full name for the record.

15 KENNETH HAUSMAN: Sure. Kenneth
16 Hausman, H-A-U-S-M-A-N. And I have two exhibits
17 which I would like to use.

18 CHAIRWOMAN FETERIK: Yes, go ahead, if
19 you would like to mark them now.

20 Okay, Mr. Hausman, do you want to come
21 back? There's three housekeeping matters that we
22 have to take care of. One, we have to know who you
23 are representing. Number two, we need some -- we
24 need your qualifications and I believe you have a
25 report that has to be handed out to the board.

1 And I believe you already have given
2 one to Mr. Tripp; is that correct?

3 KENNETH HAUSMAN: No, it's not.

4 CHAIRWOMAN FETERIK: No? Okay, then
5 you have to give one to Mr. Tripp and to the board.

6 KENNETH HAUSMAN: Let me provide my
7 qualifications first.

8 CHAIRWOMAN FETERIK: Sure, go ahead.

9 KENNETH HAUSMAN: I have two degrees
10 in civil engineering, a bachelor's and a master's.
11 After graduation, I moved to New Jersey. I got my
12 professional engineering license here in 1991. Most
13 of my career I had my own small consulting firm here
14 in Edison. And for the past few years, I have been
15 kind of semi-retired working part-time.

16 This is the second time that I have had
17 the opportunity to present before this board and
18 about the third time I've had the opportunity to
19 present before any board here in New Jersey.

20 CHAIRWOMAN FETERIK: I see who the
21 report is prepared for and will you please give the
22 names so they are on record?

23 KENNETH HAUSMAN: Sure. Shweta
24 Sandeep, Neeraj Shah.

25 CHAIRWOMAN FETERIK: And the last one,

1 sir?

2 KENNETH HAUSMAN: It is Kate Fagan,
3 F-A-G-A-N.

4 CHAIRWOMAN FETERIK: Okay. What would
5 you like to tell us?

6 Oh, and by the way, so the public is
7 aware when it is a professional, he is not limited
8 by time. But when I do go out to the public and the
9 public comes up we will go with the five-minute
10 timing and we have our secretary who has a timer and
11 who will use the timer.

12 I'm sorry, go ahead, Mr. Hausman.

13 KENNETH HAUSMAN: I have two exhibits.
14 I would like to label those exhibits.

15 CHAIRWOMAN FETERIK: Sure.

16 ATTORNEY SHAH: Objector 1 and
17 Objector 2. Which one.

18 And do you have smaller versions of
19 these?

20 KENNETH HAUSMAN: They're in my
21 report.

22 ATTORNEY SHAH: They're in your
23 report. So just to be clear, Figure 2 you are
24 labeling as 0-1, which is on Page 6 of your report.
25 And Page 7, Figure 3 is 0-2.

1 (Exhibit 0-1, Figure 2 depicted on Page
2 6 of Mr. Hausman's report, is marked for
3 identification.)

4
5 (Exhibit 0-2, Figure 3 depicted on Page
6 7 of Mr. Hausman's report, is marked for
7 identification.)

8
9 KENNETH HAUSMAN: Since our last
10 meeting here I went back out to the site on a
11 typical day last month, on Friday, in the morning,
12 and I took a couple of pictures of what the traffic
13 looked like. I know some people on the board have
14 been out to see the traffic already, some people may
15 not be familiar with it. I was very familiar with
16 the site because I've lived here in Edison for over
17 25 years, took my children to school, Woodrow Wilson
18 Middle School, and this is the traffic that you see
19 every day.

20 I'm standing at the Charlie Brown's
21 site. I look to the south and you can't see the end
22 of the queue because it goes over the hill to the
23 south. You look to the north and you can't see the
24 end of the queue down toward Park Avenue. This is
25 traffic that we're going to be adding additional

1 traffic to when this site is developed.

2 Now, the applicant characterized this
3 traffic on Page 6 of their report. Ample capacity
4 available to accommodate the site-generated traffic.
5 My professional opinion is that there is not ample
6 capacity available. In fact, I would say that there
7 is no capacity available. I would say that this is
8 a site, a roadway, Plainfield Road, that today
9 operates at or above capacity.

10 The applicant provides the results of
11 their traffic analysis, which I repeated as Figure 1
12 in my report. And what I highlighted on Figure 1
13 they're presenting Level of Service, Level of
14 Service A for Plainfield Road, Level of Service D,
15 these Levels of Service without getting into the
16 details of the traffic engineering, these are
17 indicative of free-flow conditions. And again,
18 looking at the pictures, these are not free-flow
19 conditions.

20 Now, I was certainly glad to see that
21 each time the traffic engineer submits another
22 report, we have fewer units and we have greater
23 traffic because typical single-family house produces
24 ten trips per day, a duplex or a townhouse is not
25 going to produce two trips per day. In the

1 applicant's report they talk about 35 trips per day
2 total for this site and they're providing 48 parking
3 spaces. The applicant doesn't need to provide 48
4 parking spaces. It's well above your requirement.
5 The applicant is now providing 48 parking spaces
6 because that's the number of vehicles that are going
7 to be on the site making trips every day, every
8 morning, every afternoon.

9 I didn't want to get into a big
10 discussion about the trip generation. I think you
11 have all heard enough about trip generation for the
12 evening so -- and I wanted to be brief.

13 This is the condition today. It's
14 unsatisfactory traffic conditions. Additional
15 traffic in the future is going to make this worse:
16 Worse for people getting in and out of their
17 driveway; worse for everybody on Plainfield Road;
18 worse for everyone who has to drop their kids off on
19 Woodrow Wilson; worse for everybody on Broad who has
20 become the de-facto drop off because of the traffic
21 on Woodrow; and worse for the township.

22 Thank you.

23 CHAIRWOMAN FETERIK: Mr. Tripp?

24 ATTORNEY TRIPP: Certainly.

25 Mr. Hausman, your report references

1 review of Ms. Dolan's report dated April 15th --
2 revised through April 15, 2022.

3 So you have not reviewed the report
4 that was further revised, dated May 17, 2022?

5 KENNETH HAUSMAN: I have not.

6 ATTORNEY TRIPP: And you have not
7 reviewed the supplemental report that was dated
8 June 8, 2022 either, correct?

9 KENNETH HAUSMAN: Correct.

10 ATTORNEY TRIPP: So there could be
11 things in those reports that address your issues but
12 you have no idea because you haven't seen them; is
13 that correct? That's a yes-or-no answer.

14 KENNETH HAUSMAN: I can't answer the
15 question whether there's something in there that I
16 don't know about.

17 ATTORNEY TRIPP: But you haven't --
18 you have not reviewed these reports?

19 KENNETH HAUSMAN: I can testify that I
20 have not reviewed those reports.

21 ATTORNEY TRIPP: Thank you.

22 Now you testified that there's no
23 capacity that is available, assuming that's correct,
24 isn't it a fact that any development of this site
25 whatsoever will generate traffic?

1 KENNETH HAUSMAN: Not all developments
2 of this site will generate --

3 ATTORNEY TRIPP: My question is, isn't
4 it a fact that any use of the site will generate
5 traffic? That's a yes or no.

6 KENNETH HAUSMAN: Any use of this site
7 will generate some traffic, that's correct.

8 ATTORNEY TRIPP: And isn't it a fact
9 that a low-intensity residential use will generate
10 significantly less traffic than many commercial
11 uses?

12 KENNETH HAUSMAN: Different land uses
13 generate different amounts of traffic, that is true.

14 ATTORNEY TRIPP: And isn't it also a
15 fact that regardless of the conditions on Plainfield
16 Road the amount of traffic generated by 16
17 two-bedroom age-restricted units is not going to
18 differ significantly from single-family development
19 of six or eight units?

20 KENNETH HAUSMAN: Well that requires, I
21 would say, a little more detailed analysis than what
22 I prepared because there is no application before me
23 to analyze the traffic impact of six single-family
24 homes. I analyzed what was in the report, which is
25 16.

1 ATTORNEY TRIPP: Yes. So you did not
2 look at the applicant's traffic engineer's analysis
3 comparing the trip generation for six or eight
4 single-family homes to what would be generated by
5 what's proposed?

6 KENNETH HAUSMAN: I only analyzed what
7 was in the report. There was no analyst -- analysis
8 in the report that said what future traffic
9 conditions would be if six or eight single-family
10 homes were built.

11 ATTORNEY TRIPP: Although it's in the
12 additional report you didn't review.

13 Also, isn't it a fact that Ms. Dolan
14 testified this evening as to the relative comparison
15 between what would be generated?

16 KENNETH HAUSMAN: I can't comment on
17 what she testified to.

18 ATTORNEY TRIPP: Okay. And, in other
19 words, you're not in a position to comment on what
20 her testimony was this evening.

21 I don't have any further questions.

22 CHAIRWOMAN FETERIK: Okay, great.

23 KENNETH HAUSMAN: Thank you.

24 CHAIRWOMAN FETERIK: Mr. Hausman,
25 anything further --

1 KENNETH HAUSMAN: I don't.

2 CHAIRWOMAN FETERIK: -- or I assume
3 you're done?

4 KENNETH HAUSMAN: I am.

5 CHAIRWOMAN FETERIK: Okay. So now, I
6 will go out to the public.

7 Again, each person will have one chance
8 to speak. This is 200 feet within the property.
9 You will have five minutes.

10 I don't want to keep hearing the same
11 thing. If you agree with the person before you just
12 say, yes, I agree with what's been said before me.
13 And then give us the additional information that you
14 would like to furnish.

15 So having said that, I will call for
16 people within 200 feet of the property that want to
17 be heard.

18 ATTORNEY SHAH: Hi. Sir, would you
19 raise your right hand. Do you solemnly swear or
20 affirm to tell the whole truth, and nothing but the
21 truth, so help you God?

22 SANDEEP RAMAKRISHNA: Yes, ma'am.

23 ATTORNEY SHAH: And could you please
24 state your full name, spelling your last, and
25 provide your address.

1 SANDEEP RAMAKRISHNA: Yes. My name is
2 Sandeep Ramakrishna, R-A-M-A-K-R-I-S-H-N-A. 36
3 Edgewood Road.

4 CHAIRWOMAN FETERIK: Okay. What would
5 you like to tell us, sir?

6 SANDEEP RAMAKRISHNA: Okay, first,
7 thank you, to the board, for allowing us to speak.
8 I'm here in opposition to the proposed application
9 in its current form. And to review, I have been
10 here for all of the previous testimonies.

11 So this is a much better plan than
12 previous ones, no doubt, but what I want to also say
13 is Ordinance 3912-11 gives the option to the
14 residents to appeal the decision made by Zoning
15 Board of Adjustments to the council. So I want to
16 make sure that I put everything -- summarize and put
17 it on record so we have -- we have an option to go
18 to council and they have an option to look at
19 everything.

20 I would make a few things here, one
21 that the residents are for building single-family
22 houses. We don't want to see an empty lot there.
23 We want to see single-family houses. Mr. Phillip
24 and Mr. -- I'm sorry, if I'm misstating the name --
25 Mr. Wilder, spoke about Mr. Steck's six-house

1 proposal and that is consistent with what we have
2 said in the past. We are for putting single-family
3 houses and we are against putting multi-family
4 houses in what is predominantly a single-family
5 residential complex.

6 If this is approved, future
7 developments will use this as an example to build
8 additional multi-family houses in the neighborhood.
9 There is a property in front of Charlie Brown's
10 which is empty, which was in front of the zoning
11 board, they might come back and say, there is a
12 multi-family development and we want to revise it.

13 The zone in question should be rezoned
14 as either RA, or RB because those are adjacent to
15 this property. You cannot and you should not rezone
16 this to a townhouse zone and thus be last of the
17 townhouse zone, density and other things apply to
18 it.

19 What the application is asking you to
20 do is rezone this zone to a higher density zone. So
21 what that does is it increases the -- it creates
22 undue concentration which is not in purview of
23 zoning board of adjustments. You don't have the
24 authority to create a new concentration, that is a
25 duty -- that is the role of the council to make sure

1 they are rezoning into a higher density zone and
2 that is not an adjustment case, this is more of a
3 rezoning case.

4 Mr. Roshanski sent a letter to
5 Ms. Augustine and copying the Mayor on the
6 March 18th of this year, citing amongst other things
7 that he will propose a plan which will be a good fit
8 for the existing neighborhood and a long-term goal
9 of the city. The applicant has proposed eight
10 duplexes instead of 23 townhouses.

11 I think, Mr. Comba, you asked the
12 difference between duplex and townhouse and
13 Mr. Phillips said that the townhouse has a minimum
14 of three units, which might be misstatement or
15 misinterpretation, I'm not sure. The Edison zoning
16 ordinance says, that a townhouse should have a
17 minimum two units. It's on the code.

18 Clearly the application has shared
19 spaces, shared disposal units, applying HOA and
20 their own testimony compares traffic and other
21 things to other townhouses. So in all practical
22 purposes you need to consider this as a townhouse
23 development.

24 Ask yourselves this, why should I
25 approve this proposal when the previous proposal of

1 -- in the previous proposal the applicant himself
2 said, my 23 townhouses did not meet the standards?
3 The Mayor then posted on Facebook saying that he's
4 against townhouses.

5 Ask yourself this, as why would you
6 approve 16 townhouses instead of 23 townhouses?

7 ATTORNEY SHAH: If I may, I'm just
8 going to stop everyone for a second. I don't want
9 to hear, the board cannot consider what is on
10 Facebook, social media or otherwise unless the
11 person is present and subject to being
12 cross-examined and under oath.

13 So please don't reference this, please
14 do not mention it. It's inappropriate for the board
15 to consider.

16 SANDEEP RAMAKRISHNA: Okay. I was
17 just merely restating the position of the Mayor.

18 I say this again, we are not opposed to
19 building single-family houses. The density is in
20 keeping with the RB-Zone and I hope you consider
21 this.

22 The second point which I want to make --

23 CHAIRWOMAN FETERIK: No, your time is
24 up.

25 SANDEEP RAMAKRISHNA: Ma'am, I want to

1 put everything on record.

2 CHAIRWOMAN FETERIK: Your time is up,
3 I'm sorry. I said you have five minutes. If you
4 want to hand it over to someone else --

5 SANDEEP RAMAKRISHNA: No, ma'am, I
6 don't.

7 CHAIRWOMAN FETERIK: I am telling you
8 that everybody will be limited to five minutes and
9 your five minutes is up. I told you that at the
10 outset --

11 SANDEEP RAMAKRISHNA: Including people
12 with --

13 CHAIRWOMAN FETERIK: -- on the outset.
14 I told you that the only one that gets the exemption
15 was Mr. Hausman, I don't see him now, but Mr.
16 Hausman because he's a professional.

17 So your five minutes is up. I'm sorry.

18 SANDEEP RAMAKRISHNA: I am concluding
19 my --

20 CHAIRWOMAN FETERIK: Your five minutes
21 is up, sir. I'm sorry. Now, can we please move
22 along and let's get everybody else that wants to
23 speak up.

24 ATTORNEY SHAH: Sir, would you raise
25 your right hand. Do you solemnly swear or affirm to

1 tell the whole truth, and nothing but the truth, so
2 help you God.

3 NEERAJ SHAH: I do.

4 ATTORNEY SHAH: And please state your
5 full name for the record, spelling your last and
6 provide your address.

7 NEERAJ SHAH: Neeraj Shah, S-H-A-H, 40
8 Edgewood Road.

9 ATTORNEY SHAH: Sir, are you
10 represented by Mr. Hausman?

11 NEERAJ SHAH: Yes.

12 CHAIRWOMAN FETERIK: Okay, then if
13 you're represented by him you cannot speak.

14 NEERAJ SHAH: No, ma'am.

15 CHAIRWOMAN FETERIK: Yes.

16 NEERAJ SHAH: But it is not in regards
17 to -- please.

18 CHAIRWOMAN FETERIK: Wait a minute.

19 At the beginning of this I said that this meeting
20 would be conducted with courtesy, civility, and no
21 disrespect. So please, one person at a time and I
22 am speaking right now.

23 So just give us a minute. We know the
24 rules. We know the law. That's why we have an
25 attorney here that represents this board.

1 Ms. Shah?

2 ATTORNEY SHAH: Mr. Tripp has no
3 objection to him speaking.

4 CHAIRWOMAN FETERIK: Okay. Okay,
5 fine, Mr. Tripp.

6 NEERAJ SHAH: Thank you. Thank you
7 for the courtesy.

8 CHAIRWOMAN FETERIK: As I say, let it
9 play out and we'll see what will happen.

10 NEERAJ SHAH: I have a few questions
11 which I want to ask the planner and the engineer.

12 CHAIRWOMAN FETERIK: Sure. Remember
13 your five minutes, please.

14 NEERAJ SHAH: But the questions don't
15 get counted towards five minutes, correct?

16 CHAIRWOMAN FETERIK: Yes, they do.

17 MEMBER AYOTTE: Yes, they do. You
18 have five minutes to speak.

19 CHAIRWOMAN FETERIK: We went through
20 this already a couple of times so everybody is very
21 aware of all of this.

22 NEERAJ SHAH: I just want to make my
23 comment --

24 CHAIRWOMAN FETERIK: Microphone.

25 NEERAJ SHAH: How close is the patio or

1 deck on the southernmost property to the residential
2 property line?

3 MATHEW WILDER: Can you point to it on
4 the map so I understand?

5 NEERAJ SHAH: This one.

6 MATHEW WILDER: To the southern
7 property line?

8 NEERAJ SHAH: Yes.

9 MATHEW WILDER: That's to the
10 structure. That's 26.3 to the structure, 16.3 to
11 the end of the deck or the patio.

12 NEERAJ SHAH: Okay. So what I want to
13 state is -- well, first, I would like to go on
14 record and state that I request for a continuance
15 for tonight. Our professional planner had a
16 scheduling conflict and we requested for
17 re-scheduling, which has happened multiple times,
18 however, they rejected our request and did not grant
19 us the professional courtesy. But thank you for
20 granting me the courtesy to speak at least. Thank
21 you.

22 So what I want to point out is the
23 duplex building, or the townhouse building, by the
24 south side of the property which abuts my property
25 line is now going to be 26 feet away from my

1 property. In the prior application the building was
2 35 feet away. So this is now significantly closer
3 to my property than the last proposal.

4 In fact, when the planner was going
5 around, or the engineer was going around and
6 explaining the difference, he did not -- he did not
7 state the distance between my property. He looked
8 at the rear setback. But for that building the rear
9 setback should be my property, which is only
10 26 feet.

11 So considering, you know, that the
12 distance was reduced greatly from 35 feet to 26 feet
13 and since the board person, Barone, stated that, you
14 know, if the applicant would be open to reduction in
15 the number of units taking away the one that he
16 pointed out, as well as the one that abuts my
17 residential property, which is now significantly
18 closer than the last time, you know, it lessens some
19 of the privacy issues which I had.

20 So granted that, you know, they reduced
21 the height by 2 feet and reduced the width, but the
22 property is now closer to my residential property.
23 So overall, this is a much negative application for
24 me.

25 Also, removing this property would

1 result in not removing the 70-foot grass area, the
2 grass cover which shields the Charlie Brown property
3 from my property line and it would also provides
4 well-needed open space for this development, which I
5 don't see currently there is any open space.

6 This could also allow the additional
7 parking to move inside which would result in the
8 parking being even closer to the duplex buildings
9 instead of us neighbors.

10 The Bignell report, Item 70, also
11 mentions that buffers are required on the south side
12 of the property. However, eight units are proposed
13 in that area which is the 26-foot distance, and you
14 heard from the engineer that the distance is only
15 16 feet from the patio and my property line.

16 And in the testimony, they mentioned
17 the height of the property would require a variance
18 -- they mentioned the height of the property does
19 not require a variance right now but considering the
20 district, it would require a variance. So they're
21 just -- you know, it's basically picking the metric
22 under the current zone, G-C Zone, which they are not
23 currently going to apply.

24 Applicant says it looks and feels like
25 a single-family development yet when the planner was

1 talking about density, FAR, and other metrics they
2 were comparing it to a townhome district and saying
3 it is right in the middle of those metrics. So, you
4 know, we're not sure whether they want to look and
5 feel like a single-family or they admit that it is
6 right within the townhome density. And the planner
7 kept referring to Metuchen frequently when, you
8 know, talking about where is the latest duplex
9 development, but the property is in Edison.

10 So that's all. I didn't get to ask a
11 lot of other questions, but thank you for your time.

12 CHAIRWOMAN FETERIK: Okay. Thank you.

13 ATTORNEY TRIPP: Actually -- I
14 actually have a couple of questions.

15 Your home right now that abuts our
16 property, your property, there is a fence there,
17 correct?

18 NEERAJ SHAH: There is no fence there.

19 ATTORNEY TRIPP: There is no fence
20 there?

21 NEERAJ SHAH: Yeah.

22 ATTORNEY TRIPP: And your home is
23 about 60 feet from the property line?

24 NEERAJ SHAH: Yes.

25 ATTORNEY TRIPP: Okay. I don't have

1 any other questions.

2 CHAIRWOMAN FETERIK: Okay, great. Are
3 you finished, sir?

4 NEERAJ SHAH: I am.

5 CHAIRWOMAN FETERIK: Okay. Thank you
6 so much.

7 Next person who wants to come up?

8 ATTORNEY TRIPP: I just want to
9 correct one thing.

10 CHAIRWOMAN FETERIK: Sure.

11 ATTORNEY TRIPP: There was a statement
12 that we -- it's a rear yard. It's actually a side
13 yard.

14 CHAIRWOMAN FETERIK: Okay.

15 ATTORNEY TRIPP: So it's not -- it
16 isn't subject to the rear-yard standards, it's
17 subject to the side-yard standards.

18 NEERAJ SHAH: May I respond to that?

19 CHAIRWOMAN FETERIK: Yeah, sure. Go
20 ahead.

21 NEERAJ SHAH: Yeah. But when they
22 talk about, you know, when they were going around
23 and talking about abutting the golf course or the
24 residential property, the engineer made a statement
25 that that property abuts a vacant residential lot

1 which he was only looking at, you know -- so I'll
2 explain, he was only looking at this side which
3 is -- this is 32 feet, but much closer to that is my
4 property which is only 26 feet away.

5 So if you were to reduce the units I
6 would, you know, we would definitely like to include
7 that property, yes.

8 CHAIRWOMAN FETERIK: Just so everybody
9 is aware, when we do the timing, like when Mr.
10 Wilder was asked a question and we went to Mr.
11 Wilder, she does stop the timer. That's not
12 included in the time when you get to speak. And
13 then when you start speaking again, she starts the
14 timer again. Just so everyone is clear.

15 AMIT PATEL: Just one question along
16 the same lines.

17 ATTORNEY SHAH: Sir, raise your right
18 hand.

19 AMIT PATEL: Amit Patel.

20 ATTORNEY SHAH: Do you solemnly swear
21 or affirm to tell the whole truth, and nothing but
22 the truth, so help you God?

23 AMIT PATEL: Yes.

24 ATTORNEY SHAH: And please provide
25 your full name for the record, spelling your last

1 and give us your address.

2 AMIT PATEL: Amit Patel. P-A-T-E-L.
3 38 Edgewood Road, Edison.

4 CHAIRWOMAN FETERIK: Okay. Do you
5 want to ask your question before your time starts?

6 AMIT PATEL: Yeah.

7 CHAIRWOMAN FETERIK: Okay, go ahead.

8 AMIT PATEL: So I don't -- so can I
9 yield some of my time to someone else? Just to keep
10 it within five minutes but just allow somebody else
11 time to speak a little bit more?

12 ATTORNEY SHAH: No.

13 CHAIRWOMAN FETERIK: Ms. Shah says no,
14 that's not typical so. Because usually most people
15 take their time so -- I mean take their allotted
16 time -- not take their time, take their time, but
17 take their allotted time.

18 Okay, so at this point, just so we're
19 clear, I'm assuming you agree with everything that
20 has been said before you, correct?

21 AMIT PATEL: Well, with that point,
22 I'll make my own statement.

23 CHAIRWOMAN FETERIK: Okay. Your time
24 will start now.

25 AMIT PATEL: Okay. Simply put, this

1 plan is not enough. I'm not against development.

2 But this still has a building too close to my
3 property and that of my neighbor.

4 As we just heard from your engineer,
5 you know, it's even closer to his house than the
6 previous plan was.

7 And the privacy concern still exists
8 and the overall plan is too dense.

9 I get it, something has to go there.
10 The right thing would be just single-family houses,
11 just like the rest of the surrounding neighborhoods
12 have. I'm not even against duplexes per se. But
13 this is too much. It is not balanced. A balanced
14 plan would have fewer units.

15 Do we really want to continue the trend
16 of over-development? That is what this plan is
17 doing.

18 Take a look at the parking lot, for
19 example. It is a lot -- so I live in the, I guess,
20 the southwest corner, right? So take a look at the
21 parking lot; it's a lot closer to my property than
22 any of the other actual units. It makes no sense,
23 except if you were trying to jam as much as you
24 wanted into the property.

25 Mr. Roshanski is willing to remove one

1 building from the plan. At the very least, the
2 southern building -- the southernmost building
3 should be removed.

4 And the parking lot should be
5 reconfigured to be a strip and moved to be parallel
6 to the south property line, about 60 feet away
7 instead of a block in the southwest corner. It
8 would be closer to the other units and the
9 reconfiguration would create a larger privacy buffer
10 with the houses that are along the south property
11 line. It is a better design for everyone, including
12 the buyers of the new unit.

13 We should be starting with what is good
14 for the town, the neighborhood, and even the buyers
15 of the new units. More open space, less density,
16 space and privacy between neighbors, and then
17 working within that to create good business value,
18 not the other way around.

19 Thank you.

20 CHAIRWOMAN FETERIK: Okay, thank you,
21 sir.

22 Next, who wants to speak within
23 200 feet of the property? Sir, which means you
24 received a certified notice in the mail.

25 You will get a chance, sir. That's

1 why I'm limiting it to five because this way you all
2 get a chance.

3 ATTORNEY SHAH: Sir, will you raise
4 your right hand. Do you solemnly swear or affirm to
5 tell the whole truth, and nothing but the truth, so
6 help you God?

7 MR. O'BRIEN: I do.

8 ATTORNEY SHAH: Please state your full
9 name for the record, spelling your last and provide
10 your address.

11 TIMOTHY O'BRIEN: Timothy O'Brien,
12 O-B-R-I-E-N. 241 Plainfield Road.

13 CHAIRWOMAN FETERIK: Okay. What would
14 you like to tell us, sir?

15 TIMOTHY O'BRIEN: I agree with
16 everybody before me.

17 CHAIRWOMAN FETERIK: Great.

18 TIMOTHY O'BRIEN: If you are going to
19 put in eight duplexes, townhouses, whatever you want
20 to call them, why not just put eight single-family
21 homes?

22 The tax revenue to Edison on Edison's
23 budget is minimal. So the savings of or the tax
24 generation of 196,000 versus 72,000 is nothing. It
25 doesn't fit with the neighborhood. I said my piece.

1 CHAIRWOMAN FETERIK: Thank you. Thank
2 you for being brief.

3 Yes, ma'am.

4 ATTORNEY SHAH: Raise your right hand.
5 Do you solemnly swear or affirm to tell the whole
6 truth, and nothing but the truth, so help you God?

7 JOHNNIE WALKER: Yes, I do.

8 ATTORNEY SHAH: And state your full
9 name for the record, spelling your last, and provide
10 your address.

11 JOHNNIE WALKER: My name is Johnnie
12 Walker, 14 Beech Lane, Edison, New Jersey 08820.
13 Walker, W-A-L-K-E-R.

14 CHAIRWOMAN FETERIK: Okay. What would
15 you like to tell us, please?

16 JOHNNIE WALKER: People were
17 commenting on their credentials. My credentials are
18 not what you would expect. However, my father was
19 an attorney with the State Department, we lived in
20 Bethesda, Maryland. He dabbled in real estate early
21 in his career and one lesson I remember he taught me
22 was duplex houses turn to crap in a matter of years,
23 short-lived time.

24 It's like apartment living; you have
25 people next door you can hear. You can hear someone

1 going up the steps, you look and there's nobody on
2 the steps; they're going up the steps. He said they
3 draw a lower financial end and they don't care about
4 the property so much because it's kind of dumpy to
5 have to live like that.

6 Townhouses, historically, were built in
7 town not out in a one-bedroom community of
8 single-family homes and farmland, which is where we
9 are. Townhouses were built straight up to fit the
10 area in town that they could get -- some people
11 could jump out to get something from the vegetable
12 garden, the butcher or the liquor store, and go to
13 the post office; you were right in town, you didn't
14 need transportation. Everything was right there.

15 Townhouses don't belong out here at
16 all. This is not a townhouse community. We are not
17 in town. We're happily out of town by choice. So
18 that's very inappropriate.

19 There has been a huge concession among
20 the neighbors to agree to a change to allow these
21 houses on a property that is not zoned for it.
22 That's a big if. It's very selfish and really
23 greedy, which is not uncommon in this business to
24 want to put something else in there where they can
25 knock out a whole lot more money regardless on the

1 effect on all the people in the community, the
2 long-term effect, the traffic effect, the effect on
3 children also trying to get to St. Joe's High
4 School, because they walk through the neighborhood.
5 They have to make that crossing which is dicey at
6 best. We're all aware of it, but other people
7 flying by are not.

8 I'm okay with seniors. I'm stunned
9 that somebody doesn't know what a duplex is. I'm
10 sorry, how do you miss that? You have a house and
11 land between, you have another house and land
12 between that, you have another house. With a
13 duplex, you smack two of those houses together and
14 there is no land between them. There is no quiet
15 living. There is no buffer. There's no common
16 wall. Your life is no longer your own. You may be
17 your own landlord but, of course, in this case,
18 that's questionable; this is going to be a
19 cooperative setting with HOA fees.

20 It's a horrible idea. It's a greedy
21 idea. I don't want the town to go, "Oh, we can make
22 more taxes on this." That smacks of corruption.
23 That's an evil side of things. It's not for the
24 good of the community. It's not for the good of the
25 people.

1 I'm one of those very heavily-taxed
2 people in this community. I have been in Oak Hills
3 for a lot of years. And I pay my taxes with great
4 joy knowing that I can manage to live so well. I
5 go, if I'm paying this much in taxes, I must have
6 done something right in life. I don't need to see
7 somebody to come in and crap all over my
8 neighborhood and do that. That's a horrible thing
9 to do.

10 And he's not living there. He's just
11 going to build it and run on. So that's not a
12 gracious way or a good way to live a good life in
13 this country. That's not the right thing to do.
14 It's not ethical. There's no integrity in it. It's
15 just wrong. And I do agree with everything everyone
16 else said.

17 And yes, I would yield my time to the
18 gentleman who had some more important points to make
19 and was not able to. I'm aware that you don't want
20 to allow that. I'm not sure if that's right or
21 wrong or if it's a personal choice this evening, but
22 I'm sorry that's not being permitted. I think we
23 should be able to give our extra minutes to someone
24 else who has something of value to add here.

25 CHAIRWOMAN FETERIK: Number one, it's

1 not by choice. We do it for every meeting. And I
2 did tell him if he would like he could pass it on to
3 someone else.

4 JOHNIE WALKER: I wouldn't know how
5 to begin. I would hold you up trying to read his
6 words or make sense of what he had to say. And
7 that's why hearsay is not in court, I can't speak
8 his words for him. But I would happily stand right
9 beside him while he continued, if that were
10 permissible. But something that should be looked in
11 just so things are fair and equitable for everyone.

12 All right. Well, thank you.

13 CHAIRWOMAN FETERIK: Thank you. Who
14 is next?

15 MS. LISENO: Good evening.

16 ATTORNEY SHAH: Good evening. Raise
17 your right hand. Do you solemnly swear or affirm to
18 tell the whole truth, and nothing but the truth, so
19 help you God?

20 KATHERINE LISENO: I do.

21 ATTORNEY SHAH: And please state full
22 name for the record, spelling your last, and provide
23 your address.

24 KATHERINE LISENO: Katherine, with a
25 K-A-T-H-E-R-I-N-E, J. Liseno, L-I-S-E-N-O. I reside

1 at 31 Edgewood Road in Edison. And I live within
2 the 200 feet of the Charlie Brown's property.

3 As with the previous plan this is also,
4 I guess, not conforming and out of character with
5 the surrounding neighborhoods. If approved, it
6 would set a precedent for more of this type of
7 construction in a traditional area of single-family
8 homes.

9 As was said previously, this also, the
10 possibility that the contractor across the street
11 from Charlie Brown's site is waiting to hear the
12 decision on this so that he, too, maybe can
13 construct a duplex or multi-family buildings on his
14 site.

15 The number of variances are a concern.
16 I see them as red flags which still looks like
17 they're still trying to fit a square peg in a round
18 hole. A more conforming site, a lot, would have
19 eliminated all this wasted time and money for both
20 parties and the applicant's project could have been
21 completed or near completion by now.

22 I'm not opposed to people building. I
23 just have concerns about trying to fit this in a
24 very small lot. Thank you for the opportunity to
25 address the community -- to the committee.

1 Thank you.

2 CHAIRWOMAN FETERIK: And just for the
3 record, I assume you agree with everything else that
4 has been said before you.

5 KATHERINE LISENO: Yes.

6 CHAIRWOMAN FETERIK: We want that on
7 the record also.

8 KATHERINE LISENO: Yes. Thank you.

9 CHAIRWOMAN FETERIK: Okay, thank you.
10 Who is next?

11 ATTORNEY SHAH: Sir, would you raise
12 your right hand. Do you solemnly swear or affirm to
13 tell the whole truth, and nothing but the truth, so
14 help you God?

15 JOEL BASSOFF: I do.

16 ATTORNEY SHAH: And please state your
17 full name for the record, providing your address,
18 spelling your last name.

19 JOEL BASSOFF: Joel Bassoff,
20 B-A-S-S-O-F-F, 17 Beech Lane in Edison. I live
21 about 600 feet from the Charlie Brown property.

22 CHAIRWOMAN FETERIK: Oh, wait a
23 minute, I am only going within 200 feet.

24 JOEL BASSOFF: Oh, am I premature?

25 CHAIRWOMAN FETERIK: Yes.

1 JOEL BASSOFF: Okay.

2 CHAIRWOMAN FETERIK: We're at 200. So
3 you have to wait until we're out of 200, sorry.

4 Okay, next person up. Again, we're
5 within 200 feet of the property meaning you received
6 a certified notice in the mail.

7 So who wants to come up next? Come on,
8 let's go. If there's no one, I will go out to the
9 outside of 200 feet people.

10 ATTORNEY SHAH: Sir, would you raise
11 your right hand. Do you solemnly swear or affirm to
12 tell the whole truth, and nothing but the truth so
13 help you God?

14 NICHOLAS FAGAN: I do.

15 ATTORNEY SHAH: Okay. Would you state
16 your full name for the record.

17 NICHOLAS FAGAN: Nicholas Fagan.

18 ATTORNEY SHAH: And spell your last.

19 NICHOLAS FAGAN: F-A-G-A-N.

20 ATTORNEY SHAH: And provide your
21 address.

22 NICHOLAS FAGAN: 42 Edgewood Road,
23 Edison.

24 ATTORNEY SHAH: I note that you had
25 placed something on the easel, do you have copies

1 for the board.

2 NICHOLAS FAGAN: This picture is
3 depicted in the previous exhibits that have been
4 marked from the February 15th meeting and the board
5 can have --

6 ATTORNEY SHAH: Hold on. Whose
7 exhibit is this?

8 NICHOLAS FAGAN: This is from -- this
9 is a picture from Mr. Steck's report from
10 February 15th.

11 ATTORNEY SHAH: Do you know if it was
12 marked or if it was just a part of his report?

13 NICHOLAS FAGAN: So as a part of
14 housekeeping, I believe, that those -- those reports
15 were marked the first time as 0-1, -2. And then you
16 marked these as 0-1, -2. And so I wanted to make
17 sure that we cleared that up too.

18 ATTORNEY SHAH: So this is 0-1-2?

19 NICHOLAS FAGAN: No, no. In
20 February --

21 ATTORNEY SHAH: 0-1 and 0-2?

22 NICHOLAS FAGAN: I believe you marked
23 exhibits for the objectors in February as 0-1 and
24 0-2.

25 ATTORNEY SHAH: So we have Steck 0-1

1 and 0-2. Is this 0-1 or 0-2?

2 NICHOLAS FAGAN: No, no, ma'am. We're
3 still not tracking.

4 ATTORNEY SHAH: Okay.

5 NICHOLAS FAGAN: Steck was 1 and
6 Mr. Hausman was 2. Right? There were two reports
7 that were given to you on February 15th. I believe
8 that those were both marked. They were given to the
9 board and they were marked. I don't remember, Ms.
10 Shah, if they were 1 or 2, or which ones were --

11 ATTORNEY TRIPP: The Steck report, I'm
12 looking at the transcript, the Steck report was 0-1
13 and the Hausman report was 0-2.

14 So this is, so what you're saying is
15 this is a blowup of something that was within 0-1?

16 NICHOLAS FAGAN: Yes.

17 ATTORNEY TRIPP: Okay.

18 ATTORNEY SHAH: Fine.

19 NICHOLAS FAGAN: And, Ms. Shah, for
20 housekeeping, though, I think you marked
21 Mr. Hausman's pictures --

22 ATTORNEY SHAH: Yeah, I did.

23 NICHOLAS FAGAN: -- I think you marked
24 Mr. Hausman's pictures as 0-1 and 0-2, so I think we
25 have some duplication.

1 ATTORNEY SHAH: So we now have Mr.
2 Hausman's second report from today that is 0-1. And
3 since he's not here -- I don't see him, do you see
4 him? I'm just going to leave that as 0-1 with
5 today's date.

6 Okay, continue.

7 NICHOLAS FAGAN: Okay, as long as
8 you're clear on what the -- what those are.

9 NICHOLAS FAGAN: Also, I have some
10 more documents to give to the board. If you could
11 give me the procedure?

12 ATTORNEY SHAH: If you are referencing
13 them, you might as well pass them and give them to
14 Mr. Tripp.

15 NICHOLAS FAGAN: I have in the past,
16 at February 15th. He has seen these documents
17 before.

18 ATTORNEY SHAH: If you have them we
19 will need copies for everyone.

20 So this is now going to be 0-3 with
21 today's date. They're two different documents so
22 it's going to be 0-3 and 0-4 with today's date.

23 Mr. Fagan, I'm marking the Deed of
24 Easement as 0-3 with today's date and -- the Deed of
25 Easement that is dated July 7, 1989, as 0-3.

1 And the Deed of Easement, dated October
2 20, 1991 is going to be marked as 0-4.

3

4 (Exhibit 0-3, Deed of Easement, dated
5 July 7, 1989, is marked for identification.)

6

7 (Exhibit 0-4, Deed of Easement, dated
8 October 20, 1991, is marked for
9 identification.)

10

11 CHAIRWOMAN FETERIK: They don't have
12 any copies?

13 VICE-CHAIRMAN COMBA: We're ready when
14 you are, sir.

15 NICHOLAS FAGAN: Okay. I agree with
16 those opposing the project that came before me and I
17 would like to add further for the record.

18 The documents that you have been
19 proposed state that there's an easement between the
20 previous owner and I believe that it's perpetual
21 easement, but I'm neither a lawyer nor a surveyor.
22 But I do believe that they exist on the property and
23 I think that the applicant is building on that
24 easement.

25 So I would ask that you ask questions

1 about that and resolve that before you approve this
2 plan because it looks like there's going to be
3 patios that are going to go right on the golf
4 course's cart path because the cart path for the
5 golf course is going to go away because they don't
6 own it. So I would just ask that you resolve that
7 as a board.

8 Additionally Mr. --

9 ATTORNEY TRIPP: I think I can cut to
10 the chase. We actually got these easements at the
11 last meeting. We had our engineer plot them, plot
12 the area on these documents, and they're not
13 actually on within the lot and block.

14 They may reference the lot and block
15 but we plotted them and I can have Mr. Wilder
16 explain, if need be, but they do not affect the
17 development of the property. We have concluded
18 that.

19 Mr. Wilder, can you just for the
20 record...

21 MATHEW WILDER: Sure.

22 ATTORNEY SHAH: You need a microphone.

23 MATHEW WILDER: So what the easements
24 provide is sort of a tied this to allow you to plot
25 the easement. When you're basically doing a survey

1 you're really re-tracing. You're not creating a new
2 lot, it's not a subdivision. So the easement
3 description allows you, at some future date, to plot
4 the limits of the property or the limits of an
5 easement.

6 So based on this description we plotted
7 the easement, the easement does not encumber the
8 subject property.

9 ATTORNEY TRIPP: Thank you.

10 NICHOLAS FAGAN: Thank you. Mr.
11 Phillips testified that there is nothing wrong with
12 single-family townhouse development juxtaposed,
13 provided there are appropriate safeguards with
14 setback and buffers. However, there are no buffers
15 in this plan. And the applicant did not elaborate
16 on the safeguards in testimony. He stated that the
17 golf course is the rear-yard buffer which, I
18 believe, is not appropriate as the applicant does
19 not own the golf course.

20 Mr. Phillips also testified that this
21 is an age-restricted active adult community,
22 specifically mentioning the Enclave townhouse
23 community in Edison in previous testimony. That
24 community has 86 units on 28 acres. Enclave offers
25 an on-site swimming pool, tennis courts, clubhouse

1 with an exercise room, sauna, and meeting rooms for
2 private events. The applicant has not testified to
3 any amenities provided in the current plan as
4 there's no room to do so because it's 16 pounds in a
5 two-pound sack.

6 Mr. Phillips also testified that the
7 55-and-over community is 28 percent of the Edison
8 population and is the fastest growing segment. Mr.
9 Phillips also testified that there's a growing
10 demand for housing in this segment of the market but
11 did not state whether the demand was for 55-and-over
12 communities or otherwise.

13 Please take note that the applicant
14 never stated what the demand was or how his
15 conclusion was derived, making it a net opinion and
16 not proof as the Medici standard requires.

17 Further, 55 and up does not qualify as
18 senior-citizen community housing.

19 The 2003 and 2011 Master Plan state the
20 following goals: Quote, "Encourage the preservation
21 of distinct cohesive neighborhoods, encourage
22 well-designed anti-sprawl land development that's
23 consistent with established neighborhoods, encourage
24 new development consistent with the scale of
25 established neighborhoods," end quote.

1 There's no residential homes with two
2 front doors or homes with parking lots in the
3 surrounding area.

4 There are no residential buildings with
5 dumpsters and trash enclosures in the surrounding
6 area.

7 There is no multi-family residential in
8 the surrounding area.

9 What will make this property or
10 proposal unique is the inconsistency of a crammed
11 sardine can, 16 units, out of character with the
12 established area.

13 There is nothing aesthetically pleasing
14 with 31-and-a-half-foot tall buildings with only 10
15 feet of separation between them.

16 When the applicant's planner testified
17 that this is an in-fill development, he failed to
18 mention that the applicant's plan is an urban
19 in-fill development in a suburban area.

20 Every variance requested and every
21 non-compliance to the zone is a departure from and
22 an impairment to the zone and surrounding zones.
23 And I ask that you consider them as negative
24 criteria. And given that the current zone is G-C,
25 Natural Resource Preservation Zone, all these

1 departures should be considered substantial.

2 I hope we would all agree that the most
3 appropriate use of this land would be a use that
4 remains consistent and matches the surrounding area.
5 There are larger homes on the south, north, and east
6 side of Charlie Brown's and to the west of
7 Plainfield Road. There are mainly smaller Cape Cods
8 and colonials. You cannot find high-density,
9 multi-family buildings anywhere in the surrounding
10 area in Edison, the town that is on that. They do
11 not exist. Therefore, we continue to believe that
12 this townhome/duplex/multi-family building is not
13 consistent with the most appropriate use of the
14 land.

15 Thank you.

16 VICE-CHAIRMAN COMBA: Thank you.

17 Anybody else within 200 feet?

18 ATTORNEY SHAH: Sir, would you raise
19 your right hand. Do you solemnly swear or affirm to
20 tell the whole truth, and nothing but the truth, so
21 help you God?

22 JAMES KELLY: I do.

23 ATTORNEY SHAH: And please state your
24 full name for the record, spelling your last, and
25 provide your address.

1 JAMES KELLY: James Kelly. Last name,
2 K-E-L-L-Y. 34 Edgewood Road in Edison.

3 VICE-CHAIRMAN COMBA: Gotcha.

4 JAMES KELLY: I just have a couple of
5 comments to make. I would say, first of all, these
6 are my neighbors. I agree with just about
7 everything they have said. This is a property that
8 really should have single-family homes.

9 The biggest concern I think I have
10 about all of this is that from the zoning board's
11 point of view this is a precedent-setting move. If
12 you look down Plainfield Road in Edison from the
13 Metuchen border all the way down, there's not a
14 single development like this.

15 There are also a number of homes on
16 that road that are aging and will at some point be
17 sold and knocked down. And there will be many other
18 proposals just like this going down Plainfield Road,
19 I predict.

20 I think this sets a bad precedent to
21 approve a development of this kind. That's my
22 opinion, of course. And that's why I fully support
23 the idea that these should be single-family homes
24 because this will radically change the nature of
25 this neighborhood and all the way down Plainfield

1 Road in time.

2 I'm not a prognosticator by nature, but
3 I would predict this would be the first domino to
4 fall and it would be a bad domino for the whole
5 area. So I appreciate you listening to my thoughts
6 and thank you very much for your time.

7 VICE-CHAIRMAN COMBA: Thank you.
8 Thank you very much, sir.

9 Anyone else within 200 feet?

10 CHAIRWOMAN FETERIK: Anyone else
11 within 200 feet of the property that wants to be
12 heard before I go out to outside of 200 feet?

13 No one?

14 Okay, I'll now go to anyone that would
15 like to speak outside of 200 feet of the property.

16 ATTORNEY SHAH: Mr. Bassoff, you have
17 already been sworn in. Just state your full name
18 for the record. And please provide your address
19 again.

20 JOEL BASSOFF: Joel Bassoff, 17 Beech
21 Lane in Edison, about 600 feet away. I have a few
22 questions, if I may.

23 First, to Mr. Roshanski. So you said
24 that you responded to the concerns of the public and
25 thereby changed your plans, right?

1 MARK ROSHANSKI: That's correct.

2 JOEL BASSOFF: Okay. And you had sent
3 an e-mail to the zoning board in March. Would you
4 like a copy of that?

5 MARK ROSHANSKI: I'm aware of the
6 e-mail.

7 JOEL BASSOFF: Okay. Could you read
8 that for us?

9 Do you want me to read it for you?

10 CHAIRWOMAN FETERIK: I thought that
11 was read into the record already; was it not?

12 MR. BASSOFF: I'm not sure.

13 It says, "Considering the concerns
14 expressed by the public, Markim Developers will
15 either withdraw its pending application before the
16 zoning board or amend its application to eliminate
17 the townhouses."

18 Can we agree that what you're proposing
19 are, in fact, under the Edison zoning code,
20 townhouses? Do you need to consult with someone on
21 that?

22 MARK ROSHANSKI: No.

23 JOEL BASSOFF: Can you agree that they
24 are, in fact, townhouses?

25 ATTORNEY TRIPP: Under the Edison

1 definition they are townhouses but clearly they're
2 also duplex-style --

3 JOEL BASSOFF: No, but that's not what
4 I'm asking --

5 ATTORNEY SHAH: Excuse me. Excuse me,
6 Mr. Bassoff, please let Mr. Tripp finish.

7 JOEL BASSOFF: Oh, I'm sorry. I'm
8 sorry, I was asking Mr. Roshanski that's why.

9 ATTORNEY SHAH: Mr. Tripp can answer
10 it since it's his application.

11 JOEL BASSOFF: Okay.

12 CHAIRWOMAN FETERIK: One person at a
13 time. The young lady can only take one person.

14 ATTORNEY TRIPP: You're asking me --
15 the definition in the Edison says more than one
16 single-family constitutes a townhouse. These are
17 clearly duplex-style units and they differ from what
18 was previously proposed. And that's the answer to
19 the question.

20 You heard Mr. Phillips talk
21 about typically when there's two units it's called a
22 duplex. If you want to characterize it as a
23 townhouse, you can characterize it however you would
24 like. But the fact is these are two-family units,
25 and there's eight of them proposed. And that's what

1 we're seeking.

2 JOEL BASSOFF: Where do we find the
3 definition for duplex in the Edison Municipal code?

4 ATTORNEY TRIPP: It's a description
5 that is used to describe two units within a
6 building. I think it's a plain description that
7 everybody understands when you say duplex it means
8 two units.

9 JOEL BASSOFF: Is it fair to say,
10 then, that the definition for duplex is found
11 nowhere in the Edison Municipal code; is that fair
12 to say?

13 ATTORNEY TRIPP: It may not be.

14 JOEL BASSOFF: Is that fair to say?

15 ATTORNEY TRIPP: It may not be, but
16 that doesn't matter.

17 JOEL BASSOFF: Well, I'll represent I
18 did a word search and the term "duplex" does not
19 appear anywhere in the Edison Municipal code.

20 Is there a definition for townhouse
21 dwelling in the Edison Municipal code?

22 ATTORNEY TRIPP: Yes, there is.

23 JOEL BASSOFF: And what's the minimum
24 size for a townhouse dwelling?

25 ATTORNEY TRIPP: Excuse me?

1 JOEL BASSOFF: What's the minimum
2 number of units to constitute a townhouse dwelling?

3 ATTORNEY TRIPP: The ordinance
4 obviously says more than one.

5 JOEL BASSOFF: There's a more specific
6 part of the ordinance, I've given you a copy. I'll
7 refer you to Section 37-14 which refers specifically
8 to townhouse zones that your witnesses have referred
9 to.

10 Would you care to state what that says
11 is the minimum size for a townhouse zone -- for a
12 townhouse dwelling, rather?

13 ATTORNEY TRIPP: Well, we're not --
14 this is not, obviously, a property that meets the
15 townhouse requirements. That's not what we're
16 seeking. We're seeking a variance.

17 JOEL BASSOFF: Right. And your
18 witness has referred to those zones that govern as
19 townhouses.

20 ATTORNEY TRIPP: Well, in terms of
21 density, yes, but not in terms of anything else.

22 JOEL BASSOFF: Well I think in terms
23 of other factors that govern in terms of --

24 ATTORNEY TRIPP: Okay, I'm not sure
25 where you're going with this. But the fact is, what

1 we're seeking, however you want to characterize it,
2 are eight buildings with two units in each building
3 that are two-bedrooms.

4 The application is descriptive. The
5 rider is descriptive. The plans are descriptive.
6 And the notice is descriptive. So anybody looking
7 at this would know exactly what we're proposing.

8 If you want to argue that technically
9 it fits within a townhouse definition, feel free to
10 do so.

11 JOEL BASSOFF: But in the township of
12 Edison, we're governed by the Edison Township
13 municipal code. This body, I believe, has to make
14 its decision with reference to the municipal code,
15 particularly to the zoning chapter.

16 So I would like to establish, so that
17 this board can make an informed decision within the
18 law, as to what exactly is it that we're looking at.

19 ATTORNEY TRIPP: Mr. Bassoff, we're
20 seeking a Use Variance and we've described what
21 we're seeking a Use Variance for.

22 If you want to spend time arguing
23 semantics about what definition it would fit in,
24 we're seeking a Use Variance for eight buildings
25 that have two units in each building that will be

1 age-restricted. That's what we're seeking.

2 If you want to argue that they're
3 townhouses, feel free to argue that they're
4 townhouses.

5 ATTORNEY SHAH: Gentlemen, I'm going
6 to stop both of you. We can't continue arguing. We
7 need to have comments and we need the comments to
8 move forward.

9 JOEL BASSOFF: Okay. Mr. Roshanski, I
10 believe you stated earlier that you revised your
11 application in this way because it feels more like a
12 single-family residential?

13 MARK ROSHANSKI: Yes, I did.

14 JOEL BASSOFF: So that implies that
15 single-family residential is more desirable than
16 what you had proposed before?

17 MARK ROSHANSKI: No, that's not what I
18 stated.

19 JOEL BASSOFF: I'm saying, does it
20 imply that single-family is desirable?

21 MARK ROSHANSKI: No. That's not what I
22 stated.

23 JOEL BASSOFF: Okay. So single-family
24 is not desirable but nevertheless, you're making
25 this feel more like single-family; is that what

1 you're saying?

2 MARK ROSHANSKI: No, I'm not. The
3 design of the project was to fit within the
4 surrounding neighborhood.

5 JOEL BASSOFF: But you did say it now
6 feels more like single-family?

7 MARK ROSHANSKI: Because of the size of
8 the units.

9 JOEL BASSOFF: Would single-family feel
10 even --

11 CHAIRWOMAN FETERIK: Excuse me. Ed,
12 we are out of microphone again, please.

13 You're getting a workout for your last
14 night with us, Ed. Sorry. Sorry, sorry, sorry.

15 Yes, you can continue, Mr. Roshanski.

16 MARK ROSHANSKI: Did I answer your
17 question?

18 JOEL BASSOFF: My question is, if what
19 you're proposing feels more like single-family than
20 before, would single-family houses feel even more
21 like single-family than what you're proposing now?

22 ATTORNEY TRIPP: I'm going to object
23 to the question because I don't know how that --
24 that question, it's a rhetorical question that, to
25 my mind, is not susceptible of an answer one way or

1 the other.

2 JOEL BASSOFF: Or he could simply say,
3 yes, it would, because a single-family house is even
4 more like single-family than townhouses are.

5 ATTORNEY TRIPP: Again, I think it's a
6 rhetorical question and I'm going to reject it --

7 CHAIRWOMAN FETERIK: I'd like to move
8 on. Your five minutes is probably almost up. I can
9 hear her clicking back and forth. I have no idea
10 but it seems like it, I don't know.

11 JOEL BASSOFF: Okay. I have a
12 question for Mr. Phillips, if he knows.

13 MEMBER OF THE AUDIENCE: It's
14 30 seconds with him walking.

15 CHAIRWOMAN FETERIK: Oh, no, she
16 un-clicks it.

17 JOEL BASSOFF: So how far is this
18 townhouse complex from the nearest supermarket?

19 PAUL PHILLIPS: I did not do an
20 analysis that can answer your question.

21 JOEL BASSOFF: Okay. If I told you
22 that it was 2.2 miles from the south Plainfield
23 ShopRite on Park Avenue, would you say that that's
24 within walking distance for the people that are
25 likely --

1 PAUL PHILLIPS: Typically 2.2 miles to
2 go to a supermarket? Typically, people don't walk
3 to go to a supermarket 2.2 miles, whether it's a
4 single-family home or a townhouse or an apartment
5 building.

6 JOEL BASSOFF: Okay. What if it's --
7 how far from the nearest train station?

8 PAUL PHILLIPS: I did not do that
9 exercise.

10 MR. BASSOFF: You didn't do that
11 either, okay. If I told you that it was 1.4 miles
12 to Metuchen train station, 4.4 miles to Edison train
13 station, would you say that, that is within a
14 typical walking distance for an age-restricted
15 community?

16 PAUL PHILLIPS: It's not a typical
17 walking distance for any community.

18 JOEL BASSOFF: Okay. In your analysis
19 did you determine if there are any restaurants
20 within the walking distance of, say, a mile?

21 PAUL PHILLIPS: I did not do that
22 exercise either, sir.

23 JOEL BASSOFF: Any stores, retail
24 stores within a mile?

25 PAUL PHILLIPS: I did not do that

1 exercise, sir.

2 JOEL BASSOFF: How about parks; any
3 parks within a mile?

4 PAUL PHILLIPS: There are parks, but I
5 can't tell you because I didn't measure.

6 CHAIRWOMAN FETERIK: I'm sorry, okay,
7 your time is up. I have to be fair to everybody.

8 MEMBER OF THE AUDIENCE: These are
9 questions.

10 CHAIRWOMAN FETERIK: Listen, I am
11 sorry, but I read this summary and have been reading
12 my summary for over a year now which specifically
13 says that we limit the time to five minutes.

14 I do it with every meeting when there's
15 a large crowd. Usually, when there's a residential,
16 that doesn't come into play. But that's what I have
17 been doing for over a year and a half -- maybe two
18 years, but ever since after COVID. And I have to be
19 fair to everyone.

20 Every meeting has to be fair to the
21 meeting before that. All people have to be fair to
22 each other. So have a seat please, sir.

23 And I will find out -- outside of
24 200 feet, sir?

25 TONY DE PASQUALE: Outside of 200 feet,

1 yeah.

2 CHAIRWOMAN FETERIK: Okay. Come on up,
3 I just wanted to make sure.

4 ATTORNEY SHAH: Sir, raise your right
5 hand. Do you solemnly swear or affirm to tell the
6 whole truth, and nothing but the truth, so help you
7 God?

8 TONY DE PASQUALE: Yes.

9 ATTORNEY SHAH: Please state your full
10 name for the record, spelling your last, and provide
11 your address.

12 TONY DE PASQUALE: Tony De Pasquale.
13 D-E P-A-S-Q-U-A-L-E. 2 Pine Street, Edison.

14 CHAIRWOMAN FETERIK: What would you
15 like to tell us, sir?

16 TONY DE PASQUALE: I'm actually going
17 to finish Mr. Fagan's -- since he ran out of time,
18 what he was going to say, if that's okay?

19 CHAIRWOMAN FETERIK: Okay.

20 ATTORNEY SHAH: But you're speaking
21 for yourself as you're up here.

22 TONY DE PASQUALE: Yes, I am speaking,
23 I am here.

24 So I hope you all agree that the most
25 appropriate use of this land would be a use that

1 remains consistent with and matches the surrounding
2 area.

3 There are larger homes on the south,
4 north, and east side of Charlie Brown's and to the
5 west of Plainfield Road, there are mostly smaller
6 Cape Cods and Colonials. You cannot find
7 high-density, multi-family buildings anywhere in the
8 surrounding area, they do not exist. Therefore, we
9 continue to believe townhouses, duplexes,
10 multi-family homes are not consistent with the most
11 appropriate use of this land.

12 We believe the two-acre property's
13 highest use is single-family residential. Four
14 single-family lots at 20,000 square feet would each
15 satisfy the RA Zone requirements or eight
16 single-family lots at 10,000 square feet, each would
17 satisfy the RP Zone requirements.

18 I am asking you to please consider our
19 obligation to grant Use Variances only to the
20 highest and best use of property around town with
21 the least intense use that is consistent with the
22 zone plan's surrounding area.

23 Therefore I respectfully request you
24 deny this application as it violates the stated
25 purposes of the zoning board and the appropriate use

1 of land throughout the township and zoning board's
2 obligation. Whichever way you vote, we have the
3 opportunity to seek relief and I know we will, if
4 necessary. I want to thank you for your time.

5 And now I just have just a few comments
6 I just wanted to make myself. So as far as the
7 residents, they have loads of questions that they
8 would like to ask. Now the applicant has hours and
9 hours and hours to bring their case, but the
10 residents have only five minutes.

11 So what's this inequality here of they
12 can give all their time to you guys, hours and hours
13 at all these meetings but the residents can't?

14 Is that the zoning rules? Is that the
15 law?

16 CHAIRWOMAN FETERIK: That's our bylaws
17 which have been the bylaws for many years --

18 TONY DE PASQUALE: Okay. But it's not
19 equal. You are giving them more of -- more time.
20 So how does the balance work?

21 CHAIRWOMAN FETERIK: Okay, all right.
22 You said it. Let's stop. I want Mr. Tripp --

23 ATTORNEY TRIPP: Can I just briefly
24 respond? If anybody looks at the transcripts, the
25 public portion of the meeting is far in excess of

1 the time that we spend.

2 At the last meeting we probably
3 presented for an hour, an hour and a half, and the
4 meeting went on for another three to four hours.

5 So the time allotted to the public as a
6 whole, significantly exceeds the time that we've
7 spent. So I think it's unfair to contend that the
8 public is not being given its due.

9 TONY DE PASQUALE: But they are given
10 five minutes. You're not given five minutes to
11 talk. If they said, just Mr. Tripp, you only have
12 five minutes to talk and you're done, then I can
13 understand what you're saying. But you're incorrect
14 by saying that. You have more than five minutes to
15 talk.

16 So again, don't just say this is
17 the -- we're giving the community a big -- you're
18 wrong, okay. So your words you can say whatever you
19 want, but you're incorrect.

20 CHAIRWOMAN FETERIK: Okay, let's not --

21 TONY DE PASQUALE: So again, the
22 inequality -- well, I know-- the basis here is the
23 inequality that the residents have to ask all the
24 questions they want to ask, it's not there. Okay?
25 So it's not a fair process. That's the problem.

1 You don't give the residents a fair process to give
2 all the information they want to provide. But the
3 applicant gets all of it. So something needs to be
4 rethought about this whole process.

5 Thank you.

6 CHAIRWOMAN FETERIK: Okay.

7 ATTORNEY SHAH: Just for the record so
8 we're all clear, the application was submitted back
9 in 2021 with varying changes. Everybody's been on
10 notice. The time to ask those questions, you could
11 have asked all those questions by going to the
12 zoning office and reviewing the application before
13 coming here.

14 The MLUL does have certain requirements
15 and we are required to move the matter along and not
16 have redundancy. So just so you're aware.

17 CHAIRWOMAN FETERIK: Are you outside
18 of 200 feet, ma'am?

19 MICHELE KAMPF: Yes.

20 CHAIRWOMAN FETERIK: Okay.

21 MICHELE KAMPF: Can you hear me?

22 CHAIRWOMAN FETERIK: No. You want to
23 move the microphone down and speak up, please.

24 ATTORNEY SHAH: Please raise your
25 right hand. Do you solemnly swear or affirm to tell

1 the whole truth, and nothing but the truth, so help
2 you God?

3 MICHELE KAMPF: Yes, I do.

4 ATTORNEY SHAH: And state your full
5 name for the record.

6 MICHELE KAMPF: Michele, with one L,
7 M-I-C-H-E-L-E, Last name is Kampf. K-A-M, P as in
8 Peter, F as in Frank, Michele Kampf.

9 ATTORNEY SHAH: And please provide
10 your address.

11 MICHELE KAMPF: 17 Beech Lane in
12 Edison.

13 CHAIRWOMAN FETERIK: Okay. What would
14 you like to tell us, ma'am?

15 MICHELE KAMPF: Thank you. I'm a
16 little nervous, but I'll do my --

17 CHAIRWOMAN FETERIK: It's okay.

18 MICHELE KAMPF: Okay. This application
19 fails on every basis factually and legally and it
20 has to be denied. It violates the Municipal Land
21 Use Law. It fails to comply with Use Variance
22 standards established by case law. It violates the
23 zoning code. It violates the vision of the Master
24 Plan and usurps the authority of the township
25 council to determine the zoning plan.

1 The Municipal Land Use Law allows for a
2 Use Variance, only in particular cases for special
3 reasons. But you scour the records you won't find
4 the evidence that there is a special reason to build
5 townhouses of any size or configuration on this
6 particular property. The applicant has failed to
7 meet the burden of proof imposed by the Supreme
8 Court in the landmark Medici case.

9 I don't know if anybody knows -- is
10 familiar with it? Okay.

11 Did the applicant approve that a
12 townhouse developed on this particular site promotes
13 the general welfare because the proposed site is
14 particularly suitable for the proposed use? No.
15 No, he has not.

16 Has the applicant provided evidence
17 that would enable this board to make, quote, "clear
18 and specific findings," end quote? Findings that
19 the grant of a Use Variance for townhouses, quote,
20 is not inconsistent with the intend and purpose of
21 the Master Plan and zoning ordinance? No, he
22 hasn't.

23 The Municipal Land Use Law also
24 requires a show that such variance will not
25 substantially impair the intent and the person the

1 of the zone plan and zoning ordinance. If you scour
2 the record, you won't find any such showing.

3 Not only has the applicant failed to
4 meet the standard of an enhanced quality of proof
5 required by the Supreme Court, he's failed to
6 provide any proof at all. All that the applicant
7 has provided is the type of verbiage that the Medici
8 court rejects, and that is a conclusion
9 determination.

10 The applicant's planner's testimony was
11 not more than a net opinion devoid of factual
12 evidence or reason which the courts of New Jersey
13 have rejected. The land use intensity proposed by
14 Mark in his application violates the Medici standard
15 by being inconsistent with the intent and purpose of
16 Edison's zone plan.

17 The purpose of the zone plan is to
18 avoid undue concentration of population, and to
19 re-regulate the density of population. With regard
20 to concentration and density of population, the goal
21 of the Master Plan is to just, quote, "to discourage
22 the construction of isolated housing developments,
23 separate from employment and shopping thereby
24 increasing reliance on the automobile and
25 contributing to sprawl."

1 Testimony has confirmed that the
2 Charlie Brown's site is far from employment,
3 shopping, transit and recreation. Anyone living
4 there would be totally reliant on an automobile. I
5 think we all know that. The applicant's own planner
6 has confirmed that. By placing a high-intensity
7 residential development on the Charlie Brown's site,
8 the applicant would do exactly what the Master Plan
9 discourages.

10 The Master Plan encourages, quote, "the
11 preservation of distinct cohesive neighborhoods,
12 unquote." The applicant's proposal would
13 permanently transform the neighborhood from
14 single-family homes into a hodgepodge of mixed-using
15 houses.

16 The Master Plan encourages, quote,
17 well-designed, anti-sprawl land development that is
18 consistent with established neighborhoods and land
19 use patterns," unquote. The applicant's proposal,
20 one, is poorly designed with too many structures set
21 too close together. And two, is pro-sprawl in that
22 it increases the population intensity.

23 CHAIRWOMAN FETERIK: Okay, it's time.

24 MICHELE KAMPF: I'm almost done. I'm
25 almost done.

1 CHAIRWOMAN FETERIK: You're done. Just
2 to be fair to everyone, I'm sorry, you're done.
3 Okay?

4 MICHELE KAMPF: Thank you.

5 CHAIRWOMAN FETERIK: Anybody else
6 outside of 200 feet of the property? Come on up.

7 ATTORNEY SHAH: Good evening. Raise
8 you right hand. Do you solemnly swear or affirm to
9 tell the whole truth, and nothing but the truth, so
10 help you, God.

11 BHARVI STALHEMER: I do.

12 ATTORNEY SHAH: And please state your
13 full name for the record, spelling your last and
14 provide your address.

15 BHARVI STALHEMER: Bharvi Stalhamer.
16 Spelled S-T-A-L-H-A-M-E-R. I live on 26 Nottingham
17 Road.

18 CHAIRWOMAN FETERIK: Okay. What would
19 you like to tell us, ma'am?

20 BHARVI STALHEMER: I want to agree with
21 the folks that have spoken prior, so I will try not
22 to repeat that.

23 And I just want to remind that though
24 the applicant has reduced the density, the original
25 density of 23 townhomes required about 15 acres.

1 They've reduced it by 30 percent. It still would
2 require ten acres. So from a concept perspective
3 this is still only two acres. So from a density
4 perspective, they have reduced, but is in the area
5 of the single-family homes. So again, everything
6 that's been repeated.

7 The other thing I would like to say is
8 that, you know, the comments between townhomes or
9 duplexes, at the end of the day the ownership of the
10 person buying it is still recorded as a condo. It
11 doesn't change. It's not a single-family home.

12 So, you know, you can go from that or
13 you could go with a legal aspect of it, it's still
14 the same thing. And that's it for me.

15 CHAIRWOMAN FETERIK: Okay, great.

16 Thank you so much, ma'am.

17 Next, anyone else outside of 200?

18 KAREN HALO: Hi, everybody. Good
19 evening.

20 ATTORNEY SHAH: Good evening. Would
21 you raise your right hand. Do you solemnly swear or
22 affirm to tell the whole truth, and nothing but the
23 truth, so help you God?

24 KAREN HALO: I do.

25 ATTORNEY SHAH: Please state your full

1 name for the record, spelling your last. And if you
2 could raise that microphone so we can hear you --

3 KAREN HALO: She was a little shorter
4 than me.

5 CHAIRWOMAN FETERIK: A little.

6 ATTORNEY SHAH: -- and then provide
7 your name, spell your last, and provide your
8 address.

9 KAREN HALO: It's Karen, last name is
10 H-A-L-O. Okay, first of all --

11 ATTORNEY SHAH: Your address, please.

12 KAREN HALO: What?

13 ATTORNEY SHAH: Your address?

14 KAREN HALO: Oh, 55 1st Street. I live
15 in the Clara Barton Section. I'm a long-time Edison
16 resident.

17 Who on the application board, is
18 anybody here from Edison, living in Edison
19 currently?

20 Okay, I didn't think so. I was just
21 kind of curious.

22 I do remember Steve Trip from J.P.
23 Stevens and he probably remembers when Oak Tree Road
24 actually had trees, like I do. But now, Steve does
25 no longer live in Edison, good for him. But I now

1 live in Ming Edison, where we're having density
2 issues, random buildings here and there. I don't
3 know exactly what our building code is or what our
4 vibe is because we just have random things next to
5 dense things, next to residential houses, next to --
6 it's a mishmosh. And it hurts.

7 And I have lived here so long and it
8 just hurts to see the growth and it's not for a
9 healthy, thriving community. It's just for tax
10 base. And there's trucks all over the place.
11 Route 27 is unrecognizable. My dad died ten years
12 ago, and I thought if he would back and I would drop
13 him, you know, over by Route 27, he wouldn't know
14 where he was. And it's not because it's a good
15 thing, it's because it's a thing. And we really
16 need to look at our things and see what matters
17 more. Our things or our quality of life. So that's
18 my little vibe, my little spiel on that.

19 I was at home watching this and I sort
20 of got -- I had to get down here because I couldn't
21 get the full feel on TV.

22 And, Ed, great job, happy retirement.

23 ED: Thank you.

24 KAREN HALO: Well deserved.

25 But I was just thinking that one guy

1 who kept saying, "in my opinion, in my opinion
2 townhouses are great, in my opinion, in my opinion."
3 Well, my opinion is not the same as that. And I
4 think I have a whole room full of people that don't
5 share your opinion.

6 One of the things I heard somebody
7 talking about was peak travel times, so I looked at
8 just a very simple formula of you've got three
9 schools within a mile of each other. St. Joseph
10 starts -- they said peak was 7 to 8. St. Joe's
11 starts at 7:45. Woodrow Wilson starts at 8:30. So
12 a peak is over by then and you're leaving the kids
13 on the curb at school. And Woodbrook starts
14 8:55 a.m. way past their peak time. But if you've
15 ever travelled down those roads, buses, cars,
16 because kids don't want to take buses, moms drop
17 them off, it's easier.

18 Let me see what else I wanted to say.
19 You know, listening to all the stuff about -- sure,
20 it sounds terrific. The garbage plan sounds
21 terrific. The electric plugs in every garage sounds
22 terrific. The elevators -- God bless the old
23 people, they don't get stuck in them -- they sound
24 terrific. But at the end of the day all this smoke
25 and mirrors really don't cover the fact that it's

1 not in the variance. It's not planned for that.

2 It's not a community for a dense neighborhood.

3 I grew up on Mulberry Lane. It was a
4 development made by John Goya and he took down an
5 old mansion and put all the lovely houses up and I
6 enjoyed a great childhood. And in the back of our
7 neighbor's house there was a Green Belt, and they
8 wanted to buy it when we moved in. It was an
9 affluent group. They all said, "Hey, we'll buy it."
10 The town said, "No, no, no, it's a Green belt."
11 Until one day the bulldozer showed up and Nicky
12 Visco cut a back deal with the country club.

13 So I hate to think that that's what
14 still happens in our town. And I know probably half
15 of you have your mind made up, but I really would
16 hope that you would keep your minds open.

17 And my last question is, who lives in
18 North Edison here, like on the board? Just raise
19 your hand. Okay. See, that's another problem.
20 Right? We've got one out of how many? So you're
21 making decisions for people that aren't in your
22 hood. Okay?

23 I'm here talking for these people.
24 That is my old hood. That's where my heart is. And
25 I'm here fighting with people in the hood to keep

1 that -- just to keep that spirit and to keep that
2 quality of life.

3 It just seems like I'm in court all the
4 time. I feel like I'm a resurrected Jane Tousman.
5 If you've been here for a long time, Jane was a pain
6 in the tuchus. But you know what, Jane got us some
7 green things, Jane sat on the zoning board, whatever
8 it took. And if she felt strong about it --
9 Woodbrook Farms, that whole swamp back there, is
10 thank you, Jane. And you know what, and if that's
11 her spirit I'm carrying tonight, you know what,
12 thank you, Jane. And please be considerate of this.

13 Thank you.

14 CHAIRWOMAN FETERIK: Anyone else
15 within 200 feet of the property?

16 ATTORNEY SHAH: Sir, would you raise
17 your right hand. Do you solemnly swear or affirm to
18 tell the whole truth, and nothing but the truth, so
19 help you God?

20 MANUEL COELHO: I do.

21 ATTORNEY SHAH: And please state your
22 full name for the record, spelling your last,
23 provide your address.

24 MANUEL COELHO: Manuel. Last name is
25 Coelho, C-O-E-L-H-O, 54 Ellmyer Road.

1 CHAIRWOMAN FETERIK: What would you
2 like to tell us, sir?

3 MANUEL COELHO: Okay, I just want to
4 continue reading the letter that was started by the
5 gentleman before me. Oh, first of all --

6 ATTORNEY SHAH: Just do me a favor,
7 make your statement. If you are going to read it,
8 just read it. Don't say anything beyond that.

9 MANUEL COELHO: Okay. Let me start
10 over again.

11 ATTORNEY SHAH: Right.

12 MANUEL COELHO: First of all, I agree
13 with everybody before me who spoke against the
14 application or the, you know, against this
15 development. The letter I'm reading was to
16 Cassandra and I will continue reading it, "Markim
17 Developers will propose a new plan for development
18 of the site which will be consistent with the vision
19 of the Mayor and local residents."

20 From what I've heard so far I don't
21 think this is consistent with the vision of the
22 local residents.

23 But I do want to ask a question of Mr.
24 Roshanski. Have you contacted the Mayor about is
25 this, your new application, your new plan,

1 consistent with his vision?

2 I don't know if you have had a chance
3 to talk with the Mayor about this.

4 ATTORNEY TRIPP: I'm going to object
5 because I don't think this has anything to do with
6 the burden of proof, who he has spoken to or what
7 discussion. The Mayor isn't on the board.

8 MANUEL COELHO: This was a letter that
9 was sent by Mr. Roshanski to the zoning board and it
10 has everything to do with this application, sir.

11 ATTORNEY TRIPP: Well, I believe that
12 the Mayor made very public statements about the
13 property during the election and during the
14 campaign. And I think that Mr. Roshanski was most
15 likely referring to concerns that had been expressed
16 publicly. But I don't think at this point it makes
17 any sense to start questioning discussions that may
18 have been had that are really not appropriate for
19 this board to consider.

20 ATTORNEY SHAH: Sir, just so you're
21 aware, even if the letter is sent in advanced to
22 Cassandra, if it is not something that the board may
23 consider during an application, that letter probably
24 has not even made it to the board.

25 And just so you're further aware, the

1 board is not allowed to consider what is being put
2 on Facebook, out in media, social media or
3 otherwise, whether it is said -- especially if it is
4 said by any administration or any of council
5 members. They are not to take note of it and cannot
6 consider it in this application. That's not the
7 burden of proof. That is not what they're entitled
8 to consider, otherwise we'll face a bigger problem.

9 MANUEL COELHO: Okay. This is a
10 letter, again, that was sent --

11 ATTORNEY SHAH: I would rather you
12 not. Because if there is a letter that was sent and
13 if it has something to do with any administrator, if
14 it has anything to do with council or any of the
15 governing body, this board cannot consider it. You
16 putting it on the record will jeopardize whichever
17 way the board decides.

18 MANUEL COELHO: All right. Just a
19 couple of comments about the new plan.

20 I thought this was a two-story; is it a
21 two-story building?

22 ATTORNEY TRIPP: Yes. Within the
23 definition of the ordinance, it's a two-story
24 building.

25 MANUEL COELHO: Okay. When you read

1 through it, they talk about the kitchen being on the
2 first floor, and dining room, and everything. And
3 then bedrooms would be on the second floor. And
4 then the office area will be in the attic, which to
5 me would be the third floor.

6 Is that correct?

7 ATTORNEY TRIPP: If it's on the third
8 level, that's correct.

9 MANUEL COELHO: So there's three
10 levels?

11 ATTORNEY TRIPP: Well, the ordinance
12 is clear, the ordinance defines -- where is it,
13 habitable attic? Under the definition, yes, defines
14 habitable attic as "an attic in a residential unit
15 that has a stairway and means of access and egress
16 from the residential story below in which a ceiling
17 area at a height of at least 7 feet above the attic
18 is no more than one third of the floor area of the
19 residential story below. A habitable attic shall
20 not constitute a story unless it exceeds the limits
21 of the definitions herein set forth."

22 MANUEL COELHO: Now, that office, what
23 prevents the owner or whoever purchases the
24 residence, what prevents that person from turning
25 that into a bedroom?

1 ATTORNEY TRIPP: I think one of the
2 first things that happened this evening was a board
3 member made a request that we stipulate and put in a
4 restriction that it not be utilized as a bedroom and
5 that there not be a closet utilized as well.

6 MANUEL COELHO: Again, what prevents
7 the owner from doing it?

8 ATTORNEY TRIPP: A deed restriction
9 and a condition of approval that's enforceable by
10 the zoning officer and enforceable by a homeowners
11 association. Just like any other deed restriction
12 in a homeowners association situation.

13 MANUEL COELHO: Okay. Well, that's all
14 I have. And thank you for your attention.

15 CHAIRWOMAN FETERIK: Okay. Thank you,
16 sir. Anyone else outside of 200 feet of the
17 property wanting to be heard?

18 ATTORNEY SHAH: Please raise your
19 right hand. Do you solemnly swear or affirm to tell
20 the whole truth, and nothing but the truth, so help
21 you God?

22 LORI JORDAN: I do.

23 ATTORNEY SHAH: And please state your
24 full name for the record, spelling your last, and
25 provide your address.

1 LORI JORDAN: Lori Jordan, J-O-R-D-A-N.
2 At 10 Golf Road.

3 I have a question. If I ask a question
4 does that count against my time?

5 CHAIRWOMAN FETERIK: No, it doesn't.

6 LORI JORDAN: So I can ask the
7 question?

8 CHAIRWOMAN FETERIK: Yes, go ahead.

9 LORI JORDAN: So just a question, can
10 the owner own the townhouse but rent it; can it be a
11 rental unit?

12 ATTORNEY TRIPP: The units -- and
13 Mr. Roshanski can clarify, but the units are going
14 to be sold individually, correct?

15 MARK ROSHANSKI: That's correct.

16 ATTORNEY TRIPP: That's individual
17 homeowners?

18 MARK ROSHANSKI: That's correct.

19 LORI JORDAN: But they could rent it?

20 ATTORNEY TRIPP: Well, just like
21 anybody could rent their own house, you could
22 presumably rent it. But homeowners associations
23 typically have limits and restrictions on rentals
24 and that would be up to the HOA.

25 LORI JORDAN: So it could turn into a

1 big rental unit.

2 Okay, so here starts my time. So on
3 their opening statements it was shocking to me to
4 hear Mr. Tripp and Mr. Roshanski use phrases like,
5 "after listening to the public we had hopes of
6 satisfying the residents; we based feedback from the
7 residents." And yet here I look to my right, or
8 did, and seeing 16 townhouses. I'm not sure where
9 any evidence of any of this feedback is.

10 If they had truly done any of these
11 things then the applicant would have heard loud and
12 clear that the neighbors do not want a multi-family
13 development. We have Municipal Land Use Law and
14 Master Plan to back us up on this.

15 We have been at this for a solid year.
16 There have been thousands of hours with people in
17 this room devoted to staying focused on this
18 terrible development. It's not that we don't want
19 the development with these cheap looking duplexes,
20 it's the law that does not allow it.

21 The residents have said loud and clear
22 since June of 2021. We said it in February in '22.
23 We've said it in 10 or 15 newspaper articles, where
24 we were quoted. We said it on podcasts. And we
25 said it at a rally. We do not want multi-family.

1 It doesn't go with the neighborhood --

2 ATTORNEY SHAH: I'm going to stop you.

3 LORI JORDAN: And it's against the
4 laws.

5 ATTORNEY SHAH: I'm going to stop you,
6 Ms. Jordan, for a second. Please again do not --

7 LORI JORDAN: Okay. I was there.

8 ATTORNEY SHAH: Ma'am, don't interrupt
9 me.

10 LORI JORDAN: Sorry.

11 ATTORNEY SHAH: Please do not
12 reference things that are outside of this room.
13 You're testifying. When you testify you cannot
14 reference podcasts, you cannot reference hours.

15 And the board cannot consider those
16 things. You're not permitted to.

17 LORI JORDAN: How should I share
18 opinion about we don't want multi-family? How could
19 I say that?

20 ATTORNEY SHAH: This is not a
21 we-opinion moment. This is a you-opinion moment,
22 for Ms. Jordan to state what her opinion is.

23 LORI JORDAN: Okay. I have said in all
24 these things -- I can't say that I was on a podcast
25 or that I was interviewed for a newspaper article?

1 ATTORNEY SHAH: No, ma'am.

2 LORI JORDAN: Okay.

3 ATTORNEY SHAH: Just give your
4 opinion. The board wants to hear it.

5 LORI JORDAN: Okay. It's in my view
6 that, I was going to use the word disingenuous but
7 I'm going to change it to deceitful, for this
8 developer to pretend in front of this board that he
9 took residents into consideration when he came back,
10 instead of an enormous 23 horrible enormous
11 townhouse monstrosity, that now he's coming back
12 with a still-too-large 16 townhouses.

13 And to use the term low-intensity use
14 for that enormous new development they're proposing
15 is an insult to this board, I believe.

16 Why won't the applicant agree to
17 lower-density housing on this property which is more
18 with the purpose of the zoning board's stated
19 obligations and residents want it. The only reason
20 a builder would want more units is to make more
21 money.

22 And it is not the zoning board's
23 obligation to be concerned about how much money it
24 costs the builder to build or how much the builder
25 makes on a project. It is the zoning board's

1 obligation to grant Use Variances to the highest and
2 best use of every piece of property --

3 (Stenographer interruption.)

4 LORI JORDAN: I'm trying to make that
5 five minutes.

6 COURT REPORTER: I understand, but
7 you're --

8 LORI JORDAN: So now I have to slow
9 down to make those five minutes. Okay, I respect
10 your work, I know you have a hard job but, you know,
11 I've got a lot to say.

12 The zoning board has an obligation to
13 make sure land use is used appropriately or the
14 least intense use that is consistent with the
15 surrounding area. Therefore, I respectfully request
16 that you deny this application for a variance as it
17 violates the stated purpose of the zoning board, the
18 appropriate use of land throughout the township and
19 the zoning board's obligation to the township and
20 its residences.

21 If I have one more minute I would like
22 to continue someone else's conclusion.

23 In conclusion, our argument is not
24 arbitrary, capricious or unreasonable. Our planner
25 has provided professional opinion. Applicant did

1 not provide any evidence to prove Use Variance be
2 approved. The municipal land use law gives you the
3 sole authority to determine if the land use variance
4 criteria has been met.

5 Allowing a high-density zoning,
6 creating undue concentration goes directly against
7 the purpose of the zoning board. Let the council
8 and the Master Plan decide and rezone. We can
9 revisit this then.

10 Please work with the applicant to come
11 back with single-family homes which we can support
12 and I can support and happily let the motion pass
13 and applaud your leadership. I think this is a fair
14 comprise, the math also adds up, and everyone in
15 this room would emerge as winners.

16 Don't let profit motivate this
17 development. This board has no obligation to
18 support applicant commercial interests. Therefore,
19 respectfully -- that you deny this application and
20 work to compromise on single-family homes.

21 Thank you.

22 CHAIRWOMAN FETERIK: Anyone else
23 within 200 feet of the property come on up --
24 outside 200 feet of the property?

25 It's getting late, sorry.

1 ATTORNEY SHAH: Please raise your
2 right hand. Do you solemnly swear or affirm to tell
3 the whole truth, and nothing but the truth, so help
4 you God.

5 ELIZABETH CONWAY: I do.

6 ATTORNEY SHAH: And please state your
7 full name for the record, spelling your last, and
8 provide your address.

9 ELIZABETH CONWAY: Elizabeth Conway.
10 C-O-N-W-A-Y.

11 CHAIRWOMAN FETERIK: Okay. What would
12 you like to tell us?

13 ATTORNEY SHAH: Address.

14 CHAIRWOMAN FETERIK: Oh, address,
15 address, address.

16 ELIZABETH CONWAY: 20 Netherwood
17 Circle, Edison.

18 CHAIRWOMAN FETERIK: Okay, now go
19 ahead.

20 ELIZABETH CONWAY: I've been following
21 this journey, I would like to say, for quite a
22 while. And Markim had came up with an idea which
23 was fabulous for that site. Well, it didn't go
24 anywhere. So then they come up with another plan.
25 Fabulous design, this is just the right one. And

1 then that was changed. And now tonight we've got
2 the third plan. This is the perfect for this site.

3 Well, I'm sitting around listening to
4 these people and they're reaching out saying, this
5 is our neighborhood. This isn't the right thing for
6 our neighborhood. I'm sorry, Markim, but it's not
7 right for our neighborhood.

8 And we went through this with Harding,
9 and when -- I completely blocked out of my mind,
10 Harding. Because every time I go over the bridge on
11 Oak Tree Road into South Plainfield I cringe because
12 of that dense building and all the cars and there's
13 no space in that property whatsoever. It went from
14 a one-family building to now eight buildings and
15 it's sad to see that.

16 And it's so close to the railroad
17 tracks. So I cringe at that. And I know they are
18 professionals, but they're just doing their job, but
19 it's their job. It's our town.

20 And today in the mail I've got a
21 magazine from the Mayor, the Illuminator. And if
22 you open up the page it has a picture of the people
23 that were appointed for the Master Plan, and each
24 one has a viable interest in the Township of Edison.
25 And it states that it would probably take up to

1 almost 18 months to come up with the great new
2 Master Plan. It's not from 2003 that people are
3 quoting from. It's not from 2011 that people are
4 quoting from. Our township has changed and we need
5 to really sit down and decide where do we want to
6 go?

7 Do we want to turn this into a Hoboken?
8 Do we want to turn it into an urban area? Rather
9 than the town that I moved into in 1983, which was
10 Suburbia.

11 I didn't realize that behind my house
12 was a horse farm when I first moved in. And soon
13 after it became another development. But it was
14 within the neighborhood and it just blended in. I'm
15 sorry, no matter how good you are and no matter how
16 many trees you put up, it's not going to blend in
17 with the neighborhood.

18 So I implore you to listen to us. You
19 represent us, not them. They'll come and go. But
20 we're not going anywhere. And whether it's
21 Plainfield Road, Inman Avenue, or Route 27, we're
22 not going anywhere. They are. They are moving into
23 another town and try another development.

24 So I implore each and every one of you,
25 truly think about what these people are doing. And

1 I applaud each one for not giving up and giving
2 their all for the Township of Edison. And now I
3 just ask you to care as much as they do instead of
4 them.

5 Thank you.

6 CHAIRWOMAN FETERIK: Anyone else
7 outside of 200 feet come on up?

8 ATTORNEY SHAH: Sir, would you raise
9 your right hand. Do you solemnly swear or affirm to
10 tell the whole truth, and nothing but the truth, so
11 help you God?

12 ERIC KAMMER: Yes, I do.

13 ATTORNEY SHAH: And please state your
14 full name for the record, spelling your last, and
15 provide your address.

16 ERIC KAMMER: Eric Kammer.
17 K-A-M-M-E-R. And that's 47 Clive Hills Road in
18 Edison.

19 I have some handouts. I don't know if
20 it'd be appropriate doing so or if it's allowed?

21 ATTORNEY SHAH: It depends on what
22 those handouts are. Why don't you bring them over
23 to me first.

24 I'm going to mark this as 0-5 and 0-6.
25 0-5 will be the one labeled Charlie Brown. And 0-6

1 will be the aerial. And I'm going to pass it
2 around.

3 (Stenographer clarification.)

4 ATTORNEY SHAH: 0-6 is an aerial view.
5 And 0-5 is labeled Charlie Brown's, but it's like --
6 it's a map.

7

8 (Exhibit 0-5, Map labeled Charlie
9 Brown, is marked for identification.)

10

11 (Exhibit 0-6, aerial photograph, is
12 marked for identification.)

13

14 CHAIRWOMAN FETERIK: Okay. Sir, do
15 you want to start?

16 ERIC KAMMER: Okay. So what I have
17 distributed is another property on the other side of
18 the golf course. It has a strange spelling of the
19 name, I'll spell the name, K-A-C-Z-M-A-R, on Kaczmar
20 Court. This property was a single-family home at
21 one point. And what the -- I guess what the
22 purchase of it is they split the property into three
23 homes. It was a 1.5 acre home. And so each -- what
24 they did is they built three, half-acre homes on a
25 1.5 acre lot.

1 And if you look at the non-aerial,
2 that's entitled Charlie Brown, you will see where
3 Charlie Brown is versus where Kaczmar Court is.

4 And the reason I bring this up is that,
5 okay, if this property was two acres you could
6 probably put one or two more homes on the lot, but
7 this is a much more palatable type of housing
8 development next to a golf course on a small lot.

9 So I want to use this as a reference
10 for something that was done, because otherwise
11 what's going to happen, as people have mentioned, is
12 this will become a precedent and this type of
13 development, which has a smaller number of homes per
14 the acreage, makes more sense in my opinion. And
15 that's what I wanted to bring up with these, with
16 these two pictures.

17 The aerial shows you the three homes
18 with an arrow. This is off Grove Avenue, which is
19 not as bad as Plainfield, but it's probably equally
20 as bad in terms of the traffic. It made more sense,
21 it's only three homes to the 1.5 acres. And they
22 are large homes but I think it fits more into the
23 surrounding neighborhood.

24 Any questions on what I presented?

25 CHAIRWOMAN FETERIK: Mr. Tripp, do you

1 have any questions?

2 ATTORNEY TRIPP: I don't have any
3 questions.

4 CHAIRWOMAN FETERIK: Okay, fine.
5 We're okay.

6 ERIC KAMMER: Okay. And I have some
7 other -- hopefully I get it in within the five
8 minutes.

9 So, you know, all of us are expressing
10 our feelings here including myself and we want to
11 point out that the land use variance, which is MLUL,
12 gives this board the sole authority to determine if
13 the land use variance criteria has been met or not.
14 This rule is upheld by superior courts.

15 In the July 2021 meeting, the planner
16 that they hired said that the A, E, G, and I
17 positive criteria were met. But in the
18 February 22nd meeting the new planner added L to the
19 positive criteria.

20 To remind the board on what this means:
21 A, encourages promotion of public health, safety,
22 morals and general welfare.

23 E, promotes the establishment of
24 appropriate population densities and concentrations
25 that will contribute to the well-being of persons,

1 neighborhoods, communities, and regions and the
2 preservation of the environment.

3 G, to provide sufficient space and
4 appropriate locations for the varying of
5 agriculture, residential, commercial and industrial
6 uses, and open space from both public and
7 right-of-way.

8 I, is to promote a desirable visual
9 environment through creative development techniques
10 and good civil design and arrangements.

11 So let's be clear, the proposal does
12 not do any of the positive criteria which is
13 described above.

14 And to L, to encourage senior citizen
15 community housing, this is not a senior citizen
16 community. This is age-restricted and would create
17 an undesirable appearance of large, oversized duplex
18 home on an undersized lot. They do not provide
19 things like a sauna or swimming pool or open space
20 for recreation which is reminiscent of an active
21 adult community.

22 Additionally, there's no corroborating
23 evidence given by the applicant to prove otherwise.
24 The argument that they choose is that any
25 development will need a Use Variance and therefore

1 should be approved. This is making a mockery of the
2 MLUL and Edison ordinance.

3 Consider this, the zone is a minimum 25
4 acre for a reason. With that density the builder
5 can provide swimming pools, tennis courts, walking
6 paths, open space, et cetera. However building that
7 density in a two-acre lot degrades quality of life
8 for the residents along with the neighbors.

9 I say this again, we're not opposed to
10 building single-family homes, but we continue to
11 fight any multi-family units. Although
12 single-family units will need a variance, the
13 residents can unite and appreciate the leadership of
14 this zoning board for driving the compromise.

15 CHAIRWOMAN FETERIK: Out of time.
16 Just in time, great timing.

17 Anyone else outside of 200 feet wanting
18 to be heard? Come on up. Come up.

19 I wish you would line up so we don't
20 have to waste the time with everybody deciding,
21 because it is getting late.

22 MEMBER OF THE AUDIENCE: We have to
23 work, too.

24 ATTORNEY SHAH: Sir, would you raise
25 your right hand. Do you solemnly swear to tell the

1 whole truth --

2 AKHTAR NASSER: I do.

3 ATTORNEY SHAH: -- and nothing but the

4 truth, so help you God?

5 AKHTAR NASSER: I do.

6 ATTORNEY SHAH: You have to let me

7 finish.

8 AKHTAR NASSER: Sorry.

9 ATTORNEY SHAH: She's taking it down.

10 Please state your full name for the

11 record, spelling your last, and provide us your

12 address.

13 AKHTAR NASSER: I was just trying not

14 to waste time.

15 CHAIRWOMAN FETERIK: Oh, no, your time

16 doesn't start until --

17 AKHTAR NASSER: Yeah, I know, but I

18 know it's late, we're all tired and --

19 CHAIRWOMAN FETERIK: Yeah, it's late,

20 exactly.

21 AKHTAR NASSER: -- I kind of jumped.

22 I'm sorry. Akhtar Nasser, N-A-S-S-E-R. 59 pleasant

23 Avenue.

24 I can't believe that one year later

25 you're still talking about over-developing this

1 property, the former Charlie Brown restaurant. If
2 you travel 25 miles -- the speed limit, it takes
3 seven seconds to pass this from end to end. For
4 context, it takes seven seconds to pass two
5 conforming houses of 75 by 100.

6 Here we are talking about putting
7 16 units on this property. That blows my mind. It
8 blows everyone's mind. It is an extremely small
9 property and it's nonconforming.

10 I'm unsure why the developer decided
11 not to want to reopen the Charlie Brown restaurant.
12 Another Charlie Brown restaurant has opened. If my
13 information is correct, Markim has sold the liquor
14 license for Charlie Brown, so that narrows down what
15 restaurants can be built in its place.

16 It was interesting at the last meeting
17 to see that Markim Developers did not know if the
18 property had an active license and was asking us for
19 that information when the onus is on them.

20 On testimony, it was admitted that --
21 today, that there is more frontage than depth on
22 this property. It's clear, then, that this property
23 is best suited for a restaurant then.

24 We have asked for a restaurant to be
25 placed in this location, but we have not seen any

1 plans. There are three schools that have mentioned
2 many times and the closest restaurant is over a mile
3 away.

4 Even a different development other than
5 a restaurant, such as a new golf course next to a
6 real golf course, would be welcomed by the students
7 from three schools here, but that's neither here nor
8 there.

9 On testimony today we're heard a few
10 things, such as 144 Harding Avenue or Cinder Village
11 and it was compared to this property. First off, we
12 know that Markim built the 144 Harding Avenue, so
13 I'm not sure if that's something that they really
14 should have reflected on. But regardless, we do
15 know that there are multiple streets and exits at
16 least on the Harding Avenue to get around town,
17 whereas with the Charlie Brown, you'll only need
18 Plainfield Avenue -- or Plainfield Road, sorry.

19 I am not sure -- I couldn't really tell
20 about Cinder village, but it seemed that there are
21 multiple ways to exit that property as well. So I
22 don't know that's a fair comparison again.

23 Mr. Roshanski, you said something on --
24 I think you said that you want the vision of the
25 plan to be that of the local residents and the

1 Mayor. You wanted the local residents to agree to
2 this plan; is that correct, for the townhouses or
3 for the duplexes?

4 MARK ROSHANSKI: I listened to the
5 comments and concerns and I proposed this project
6 based on the input that I received.

7 AKHTAR NASSER: Okay. And you kept
8 saying that you want it to look like single-family
9 houses, as we heard on testimony today.

10 How are the newly proposed eight duplex
11 units consistent with what the local residents want?
12 As we keep hearing here, it is not what we want.

13 Where did you get the idea that the
14 public would be okay with eight duplexes which are
15 essentially 16 units? Were duplexes in the
16 transcript or were they -- were even as certain
17 amounts of units? Why can't we get eight
18 single-family homes in place as many people have
19 asked?

20 You can respond to that or they can be
21 rhetorical questions.

22 ATTORNEY TRIPP: It's rhetorical.

23 AKHTAR NASSER: Okay. Can you name any
24 specific times or dates that you have spoken to the
25 No Charlie Brown Townhouse Group? If so, when?

1 132 days ago you stated that you read
2 the transcripts, which personally, I felt, was
3 arrogant; you want to build a project in our
4 community and you won't have a conversation with us.
5 Also, are we to trust that you read the entire
6 transcript?

7 Furthermore, transcripts are often
8 incomplete or misunderstood. Even the best
9 documents, like the Constitution, allow
10 interpretation.

11 We want to be heard and understood and
12 that's why you keep seeing us come here and give
13 different perspectives. It seems like it's a David
14 versus Goliath battle with you guys, especially when
15 you keep cancelling and postponing meetings without
16 a care to the residents' schedule. That is poor
17 salesmanship, especially for a developer that has
18 done business in Edison for a very long time. We
19 feel like we're being gamed and not listened to.

20 We agreed that -- you agreed that you
21 did not say what wanted -- you agree that you did
22 not say you wanted to have the plan fit in with the
23 existing neighborhood. Are there duplexes in the
24 neighborhood near Charlie Brown?

25 ATTORNEY TRIPP: Obviously, this

1 continues to be rhetorical questions. You can keep
2 speaking.

3 AKHTAR NASSER: Okay. All right.

4 With all the research you have done --
5 this probably is not rhetorical when I get to the
6 next question -- you must be aware about the hill by
7 Plainfield Avenue. Can you tell us what the change
8 in elevation is from the bottom of the hill to the
9 top.

10 ATTORNEY TRIPP: The hill on Plainfield
11 Avenue?

12 AKHTAR NASSER: Yes, you are aware that
13 there's a change in elevation. There's, like, a
14 hill. Charlie Brown's sits on top of the hill. It
15 was documented with traffic reports.

16 ATTORNEY TRIPP: You stated it, if you
17 say so. I mean I am not sure what you are getting
18 at. Do you want to explain it again?

19 AKHTAR NASSER: Okay, so you don't know
20 that number.

21 Can you tell us over the course of how
22 many miles this elevation change is, for the hill?

23 ATTORNEY TRIPP: Can you explain what
24 you're getting at? I'm just not clear what you're
25 asking.

1 CHAIRWOMAN FETERIK: Yeah, I am
2 confused, too.

3 ATTORNEY TRIPP: You are asking him
4 about an elevation? You know, our engineer has --

5 AKHTAR NASSER: So if you are coming
6 in from Metuchen, you can clearly see that there is
7 a change in elevation going to Charlie Brown.

8 I'm asking do you have those numbers of
9 the elevation change?

10 MARK ROSHANSKI: I don't understand the
11 question.

12 CHAIRWOMAN FETERIK: Yeah, I don't
13 understand the question either.

14 I think the board knows where you're
15 getting at; we are all familiar with the property.
16 We've all gone out to the property. So why don't
17 you just move along and not waste your time.

18 AKHTAR NASSER: I'll move along. I'll
19 answer those questions, too.

20 CHAIRWOMAN FETERIK: Yeah, because I
21 think your time is running out.

22 AKHTAR NASSER: So my next question is,
23 what is the height of the houses adjacent to the
24 property to the Charlie Brown?

25 Okay, I know you guys don't want to

1 answer my questions, so it's rhetorical, whatever.

2 ATTORNEY TRIPP: That's actually a
3 question that has an answer.

4 CHAIRWOMAN FETERIK: Okay. And your
5 time.

6 ATTORNEY TRIPP: Can we answer?

7 CHAIRWOMAN FETERIK: Okay, you can
8 answer.

9 MARK ROSHANSKI: The homes that abut us
10 on Edgewood are 34 and 35 feet.

11 We actually took engineering shots of
12 those elevations. So they are taller than our
13 buildings.

14 CHAIRWOMAN FETERIK: Okay. And your
15 time is up, sir. I'm sorry.

16 AKHTAR NASSER: I just asked them a
17 question. We were going back and forth, I just
18 wanted to mention that --

19 CHAIRWOMAN FETERIK: No, because it
20 isn't fair to everyone else that's been before you
21 that I was strict with time. I mean, what's good
22 for one is good for everyone, and everyone --

23 AKHTAR NASSER: But there might be some
24 change, they're stopping and starting that I kept
25 on -- I just wanted to --

1 CHAIRWOMAN FETERIK: No, she takes
2 time on that. When he talks, she stops it. When
3 you start, she starts it. I'm not doing that, our
4 secretary is doing that.

5 AKHTAR NASSER: It's literally like --

6 CHAIRWOMAN FETERIK: I'm not going to
7 argue with you, sir. Please.

8 AKHTAR NASSER: I appreciate that.

9 CHAIRWOMAN FETERIK: Your time is up.
10 Let's go to the next person.

11 Anyone else outside of 200 feet of the
12 property wanting to be heard?

13 ATTORNEY SHAH: Sir, would you raise
14 your right hand. Do you solemnly swear or affirm to
15 tell the whole truth, and nothing but the truth, so
16 help you God?

17 FRANK ABELLA: I do.

18 ATTORNEY SHAH: And state your full
19 name for the record, spelling your last, and give
20 your address.

21 FRANK ABELLA: My name is Frank J.
22 Abella, Junior, A-B-E-L-L-A. I live at 21 Oak Grove
23 Lane here in Edison.

24 CHAIRWOMAN FETERIK: Okay, what would
25 you like to tell us, sir?

1 FRANK ABELLA: Let me make it
2 abundantly clear, I oppose the applicant's proposed
3 plan.

4 George Orwell penned the admirable
5 "Animal Farm". You may recall the following, "All
6 animals are equal," it starts, then it morphs into,
7 "All animals are equal, but some are more equal than
8 others."

9 So when we talked about equality, one
10 of the speakers before me spoke to equality, how is
11 it fair and equal that members of the public cannot
12 approach individual members of the zoning board, but
13 the zoning board can speak to the applicant? Where
14 is it fair?

15 And my question is, have members of the
16 board had any discussions with the applicant outside
17 of the council meetings?

18 And if so, have they talked to certain
19 residents that they chose, including the country
20 club?

21 ATTORNEY SHAH: If any member of this
22 board has spoken to the applicant about anything
23 other than procedure or have spoken to any of the
24 public about anything other than procedure regarding
25 this application, then they are disqualified from

1 voting. So when we get to the voting portion we'll
2 make that abundantly clear.

3 FRANK ABELLA: I appreciate that.

4 So then we can see what happens in a
5 situation at hand. People are set out to create
6 their own vision of an ideal society only to become
7 another group's dystopia, which basically means a
8 society where there is great suffering or injustice.

9 So in this case, here is what happens:
10 The citizens own their property contiguous to the
11 Charlie Brown's site. Never imagined that a new
12 owner could be so insensitive to the ownership and
13 property rights of neighbors that they bought and
14 built their houses assuming that they would stay
15 consistent with R-2 zoning. But in reality we're
16 now faced with an intrusion on their utopia.

17 The applicant's first application was
18 to cram 23 residences into an R-2 Zone. And when
19 that was denied, came back with a number of 16
20 residences in a different form, called them
21 duplexes. They, according to the ordinance, are
22 townhouses. No different.

23 They gain approval from zoning, from
24 you all. You're, I understand, you know, appointed
25 not elected people. And I have to say, I recognize

1 you have a very difficult job. You have to actually
2 make a decision somewhat like whether it's the
3 farmers or the cattle ranchers. In this case it's
4 the citizens against the builders.

5 So as we go forward, I think you agree
6 this is not an ordinary application. An ordinary
7 application is the one that you had before us, which
8 basically a person comes and they want to make a
9 change, in accordance with the ordinance they have a
10 variance that they have to seek from you.

11 But you met the owner that is going to
12 reside on the property. They're saying none of you
13 know who the new owners are going to be. It's an
14 association. To that extent the builder, in this
15 case a resident of Manhattan with the LLC, basically
16 having his parents, who live in Texas, they don't
17 live in Edison. Okay? I don't hear any testimony
18 that they're going to live on the property and own
19 one of the units. I dare say they're not. Okay?

20 So what you're hearing here is not
21 typical of the way you have people who own their own
22 property come forward and you know who they are and
23 what they're about. So this is not the normal
24 application.

25 Now, I have some specific questions on

1 why this application is also different. I don't
2 know when we talk about utilities whether or not you
3 talk about communications. But I know what it is
4 like to live up the block when Internet connections
5 are now going to be put to the test. My speed is
6 going to go slower, okay. And there are probably
7 going to be more people on the Internet because --
8 if these people are the kind that are 55 or older
9 they're likely to already be literate in how to
10 utilize the computer age that we live in. And I
11 don't know whether you have any standards for how to
12 look at how that change is going to affect the
13 people who already residing on all the surrounding
14 properties that are now open what we call the
15 Charlie Brown property.

16 Where is the issue of sound being
17 discussed? I know we're going to hear, "well, we
18 have ordinances if there's a band, if there's a lot
19 of sound" but the sound doesn't come just from the
20 country club. The sound can come from the new
21 residents as well.

22 Let me tell you about what's like to
23 live close by. I'm 500 yards away. At 5:30 in the
24 morning when the garbage company comes to take the
25 refuse from the dumpster that's at the club, okay,

1 it's enough of a sound to knock you out of bed. If
2 I were one of the new buyers of these properties I
3 would like to know just exactly what that sound
4 barrier is going to look like when they come to pick
5 up --

6 CHAIRWOMAN FETERIK: Sir, I'm sorry,
7 your time is up, sir.

8 FRANK ABELLA: Oh, no, it isn't.

9 CHAIRWOMAN FETERIK: Sir, I am sorry,
10 your time --

11 FRANK ABELLA: Not. No, it's not.

12 CHAIRWOMAN FETERIK: Sir, your time is
13 up. You are being treated like everyone else in
14 this room has been treated. Your time is up.

15 Either you sit down, like everyone else
16 did, or I will have the officers march you out, one
17 or the other.

18 FRANK ABELLA: Aye aye, sir.

19 CHAIRWOMAN FETERIK: Thank you.

20 Next, please.

21 ATTORNEY SHAH: Sir, do you solemnly
22 swear or affirm to tell the whole truth, and nothing
23 but the truth, so help you God.

24 KASH SARAIYA: I do.

25 ATTORNEY SHAH: And please state your

1 full name for the record, spelling your last,
2 provide your address.

3 KASH SARAIYA: Kash Saraiya. Last name
4 is spelled S-A-R-A-I-Y-A. 15 Hector Avenue, Edison,
5 New Jersey 08817.

6 CHAIRWOMAN FETERIK: What would you
7 like to tell us, sir?

8 KASH SARAIYA: So first of all, I
9 agree with all the testimony that others have
10 presented tonight. So the objectors whose
11 application wanted to have an opportunity to bring
12 their expert planner, Mr. Steck, to offer expert
13 testimony before this board with respect to the
14 applicant's new plan, right? The objectors were
15 told that the time frame for the board to act
16 expires on June 30th by this board, and that the
17 applicant refuses to consent to an extension. Of
18 course, why would they consent to an extension,
19 right?

20 The objectors' position -- the
21 residents' position is that the current proposal is
22 a new application, and therefore in April when it
23 was filed, it triggered a new 120-day period for
24 board review. It is an entirely new site plan. It
25 had to go through a new Technical Review Committee

1 process, new engineering review, and new planning
2 review. It's a new application replacing a
3 withdrawn application. If this application is
4 approved, the objectors might have grounds for
5 appeal, right?

6 And a couple more comments I would like
7 to make in terms of that, right. So, for example,
8 Fox and Foxx in August 2017, sued the Metuchen
9 zoning board for subdividing the property at 212
10 West Chestnut Avenue, stating amongst other things,
11 that the Borough did not define "neighborhood" in
12 its code so the board made its own definition.

13 The company argued that the plan is in
14 keeping with characteristics of surrounding homes.
15 They argued that the surrounding homes did not
16 conform with the ordinance and, hence, they should
17 be approved.

18 First, duplexes do not exist on the
19 code today in our town. Okay? Will you be making
20 up the definition of a "duplex" for this applicant
21 and your ruling later on tonight?

22 If this is a TH then the TH zone rule
23 should apply. Right? If you approve --
24 furthermore, if you approve, a future applicant will
25 argue that multi-family houses exist in that area

1 and demand Use Variance be approved.

2 So one of the comment I would like to
3 make, right, what is the point of having codes when
4 every Tom, Dick, and Harry can come here and ask for
5 a variance and you grant it? What's the point of
6 having codes?

7 In fact, instead of -- this is a race
8 to the bottom, that's all it is. We should be
9 raising the level up. We should be trying to build
10 our neighborhoods up to our current codes, you know,
11 not seek variances, not go around showing houses
12 within a 200 or 300 feet of the site and say, "oh,
13 so many homes are not conforming to code," right,
14 lot width or whatever. It should all be -- we
15 should be striving to bring all of these homes and
16 neighborhoods up to standard with codes, especially
17 when they get sold.

18 Our roadways and many of these streets
19 are so narrow, they should all be brought down when
20 homes get sold. Right? And when builders come with
21 these plans we should be making sure our cart ways
22 match what is required today, right, which is not
23 the case with this applicant in terms of roads and
24 whatnot. But other parts of town it is a big issue,
25 right?

1 One last point I would like to make is,
2 so today I was made to swear, right? And so was
3 everyone else. They presented the testimony under
4 oath. Right? I can give you examples where a
5 builder came before you under oath, made certain
6 statements, is building a multi-family apartment on
7 Old Post Road, then they go to the planning board
8 and they completely violated the testimony they
9 presented you with where you gave approval for the
10 multi-family residences on Old Post Road. Right?
11 You, in your approval, failed to impose conditions
12 on your approval, and now the planning board -- when
13 I raised this issue before the planning board, I was
14 told, oh, we don't conform, go to the zoning board.

15 And one last comment I would like to
16 make is, this is so lopsided. Somebody here is
17 going to make millions of dollars or hundreds of
18 thousands of dollars. The other people are sitting
19 here getting paid by the hour.

20 Everyone over here is not getting paid.
21 We all have to go to work tomorrow morning yet we
22 are here, we're not getting paid. So we are
23 protecting our town which really you should be
24 doing.

25 CHAIRWOMAN FETERIK: Okay. Sir, one,

1 your time is up. Number two, as one of the board
2 members said, we are not getting paid either.

3 KASH SARAIYA: Thank you for saying
4 that.

5 ATTORNEY SHAH: Sir, would you raise
6 your right hand.

7 CHAIRWOMAN FETERIK: Oh, wait, excuse
8 me. Sir, the gentleman behind you with the white
9 shirt, you; if you want to speak I think you will be
10 the last one because we have heard from all
11 residents within 200 and that will be the last one
12 out.

13 ATTORNEY SHAH: Sir, would you raise
14 your right hand. Do you solemnly swear or affirm to
15 tell the whole truth, and nothing but the truth, so
16 help you God?

17 PATRICK MAGLIONE: I do.

18 ATTORNEY SHAH: And state your full
19 name for the record, spelling your last, and provide
20 your address.

21 PATRICK MAGLIONE: Patrick Maglione.
22 M-A-G-L-I-O-N-E. 15 Oak Grove Lane.

23 CHAIRWOMAN FETERIK: Okay. What would
24 you like to tell us, sir?

25 PATRICK MAGLIONE: I just have

1 been -- I don't have much to say, just that I have
2 been here 60 years and living up the street, Oak
3 Grove Lane. So I just want to say I'm so impressed
4 by everybody speaking here and everything. And what
5 they presented is a lot of situations that I think
6 you have to look at first. And I disagree with
7 building so much stuff there. So I think basically
8 it's just too much for the area.

9 And again, I'm so impressed by what
10 everybody said and I think there's a lot of issues
11 that should be followed first.

12 Thank you very much.

13 CHAIRWOMAN FETERIK: Okay. Thank you,
14 sir, for being brief.

15 Come on up, sir. As I said, you will
16 be the last one.

17 ATTORNEY SHAH: Sir, would you raise
18 your right hand. Do you solemnly swear or affirm to
19 tell the whole truth, and nothing but the truth, so
20 help you God?

21 CHUNG LEE: I do.

22 ATTORNEY SHAH: And please state your
23 full name for the record, spelling your last and
24 provide your address.

25 CHUNG LEE: It's Chung Lee, L-E-E. 16

1 Oak Grove Lane, Edison.

2 CHAIRWOMAN FETERIK: Sir, what would
3 you like to tell us?

4 CHUNG LEE: So -- I'm not going to be
5 that long. I shouldn't go the full five minutes,
6 Cassandra.

7 But I disagree with what Mr. Phillips
8 said in terms of it -- well, first off, I'm sorry.
9 I would like to say that I agree with all of the
10 folks who oppose the development of this property.
11 And Mr. Phillips did say that the zoning for this
12 property is not zoned -- you know, in golf course,
13 right, so it has to be put into multi-family house.
14 So I think that that's inappropriate because that's,
15 in essence, spot zoning saying that we should fit a
16 multi-family house when it doesn't conform with the
17 rest of the neighborhood.

18 And I think everybody's said the same
19 thing, that we want houses or properties -- a
20 development there that conforms with the rest of the
21 neighborhood. So that's my comment there.

22 I do have one last question for the
23 board and I think Ms. Jordan had said that it's not
24 the board's obligation to ensure the developer makes
25 a profit. If the developer overpaid in buying this

1 property, does the board have an obligation to make
2 them whole on this?

3 ATTORNEY SHAH: Just so you know, it's
4 irrelevant what -- regardless of the application
5 before the board.

6 And no testimony has been provided as
7 to how much Mr. Roshanski or Markim will make on
8 this application. The board can never consider
9 that, it doesn't matter which application. We've
10 heard zero testimony on it before this board on the
11 course of any of the hearings.

12 So that is an irrelevant consideration
13 for the board.

14 CHUNG LEE: Okay. That's good to hear.
15 I mean the fact that he -- I understand he paid \$2
16 and a half million for this property --

17 ATTORNEY SHAH: I don't even want to
18 hear it. The board cannot consider it.

19 MEMBER OF THE AUDIENCE: Why not?

20 CHUNG LEE: Why not?

21 CHUNG LEE: I can say it, can't I?

22 ATTORNEY SHAH: Sir, no. The board
23 can't consider it. This is not before the board.
24 They are not to consider any portion of that.

25 CHUNG LEE: Okay. So if a developer

1 overpaid on the property that's none of your
2 concern, right? So they should have done their due
3 diligence before they did that. All right?

4 So I respectfully ask the board that
5 they disapprove this application.

6 Thank you.

7 CHAIRWOMAN FETERIK: Thank you.

8 Okay, with that, you will be the last,
9 so with that I'm going to close the public portion
10 and I -- but I want to close, I want a motion to
11 close public portion first.

12 I need a motion to close the public
13 portion, please.

14 VICE-CHAIRMAN COMBA: Motion to close.

15 CHAIRWOMAN FETERIK: Second?

16 MEMBER SKIBAR: Second.

17 CHAIRWOMAN FETERIK: All in favor?

18 BOARD MEMBERS IN UNISON: Aye.

19 CHAIRWOMAN FETERIK: Any opposed?

20 Mr. Tripp?

21 ATTORNEY TRIPP: I'm going to be very
22 brief. I think you've heard a lot of our testimony --

23 MEMBER OF THE AUDIENCE: Five minutes.

24 MEMBER OF THE AUDIENCE: Five minutes.

25 MEMBER OF THE AUDIENCE: Five minutes.

1 MEMBER OF THE AUDIENCE: Five minutes.

2 ATTORNEY TRIPP: Okay, so we've been
3 here for three hearings. I'm not going to belabor
4 the points. I think that one thing to bear in mind
5 here is what you have is really an oddball, isolated
6 piece of property you have to do something with.
7 It's in a golf course zone, but has never --

8 CHAIRWOMAN FETERIK: Excuse me, give
9 him the courtesy of speaking.

10 ATTORNEY TRIPP: -- but it's never
11 been used as a golf course. It's been a restaurant
12 for years. And I remember actually going to events
13 there in the 1960s when it was a catering hall.

14 So it's been historically a restaurant
15 use, a catering hall use and at this point it's been
16 vacated, it's not currently being used and the
17 question is, what do you do with it?

18 Adaptive reuse of a property. You look
19 at the property and it can't be used for anything
20 other than what it is as a non-conforming use. The
21 zoning allows nothing. It requires 100 acres and
22 only permits a golf course and, therefore, it's
23 essentially been zoned into inutility. So the
24 question is, what do you do with it?

25 Well, we really have tried hard to come

1 up with something that works. We initially started,
2 as I said, with 23 townhouse units, a much larger
3 scale building. And we've been trying to meet the
4 neighbors as much as we can, I'm quite frankly -- we
5 have --

6 CHAIRWOMAN FETERIK: Excuse me, Mr.
7 Tripp.

8 You know, this is not a joke. We are
9 all adults. And we deserve to give each other
10 courtesy and respect. And this is not what I call
11 respect. And it's not courteous. And it's not
12 civility. So let's keep it calm and let's get
13 through this evening with courtesy, respect and
14 civility.

15 Sorry, Mr. Tripp. Go ahead.

16 ATTORNEY TRIPP: Thank you.

17 We've reduced the density. We've
18 reduced the size of the buildings. We've reduced
19 the number of stories. We have gone down to two
20 bedrooms. We've age-restricted the units. We have
21 done everything that we think is reasonable to
22 create what we think is a reasonable, low-intensity,
23 low-density, senior development that fits in well
24 with this particular site which, again, is unique.

25 I think you heard Mr. Phillips say that

1 you've got Plainfield Road, which is busy, right in
2 front. You've got a shallow property. You've got
3 the country club. And you've got the golf course.
4 And it only directly abuts three single-family
5 homes. So we're not talking about plopping
6 multi-family in the middle of a single-family area.
7 It's a site that has unique characteristics and I
8 think Mr. Phillips covered it well.

9 I think that we did meet the statutory
10 criteria. I'm not going to belabor the points that
11 Mr. Phillips made but, quite frankly, we addressed
12 all the positive and negative criteria. And the
13 suggestion that this will somehow set a precedent I
14 think is -- is really unwarranted because this
15 doesn't open up anything else. It only deals with
16 one particular unique property that has a unique
17 zoning situation and that we have to find something
18 to do with.

19 The fact is what we think -- what we
20 propose strikes a balance. It provides for a type
21 of housing that is not found in the immediate area,
22 which is two-bedroom senior housing. I think it
23 provides a unique opportunity.

24 I think we've shown that the impact in
25 terms of everything -- in terms of traffic, in terms

1 of population density, in terms of overall number of
2 bedrooms, and in terms of impact on the community --
3 is equal to or less than a single-family development
4 but provides an opportunity to meet a housing need.

5 And I think we have shown that. I'm
6 disappointed that the neighborhood does not agree,
7 quite frankly, but I think we have met our burden of
8 proof. And going forward we would like to develop
9 the property as we have proposed.

10 CHAIRWOMAN FETERIK: Thank you, Mr.
11 Tripp.

12 Mr. Ayotte, do you want to shed some
13 light on the certain aspects?

14 ZONING OFFICER: Yes. For members of
15 the board and the residents, I want to clarify the
16 definitions that were kicked around tonight between
17 townhomes, multi-family and duplexes.

18 These are not townhomes. This is not
19 the definition of a townhome. A townhome is three
20 units or more. They must be registered with the
21 state. These are two units. These are duplexes.

22 **A duplex is a building containing two**
23 **single-family dwelling units, which these are,**
24 **totally separated from each other by an un-pierced**
25 **wall extended from the basement to the roof.**

1 **This is the Moskowitz book of**
2 **definitions adopted by the State of New Jersey,**
3 **which we use in situations like this. These are --**
4 **again, these are single-family dwelling units**
5 **separated from each other. They are not**
6 **multi-family units. They do not have to be**
7 **registered with the state as multi-family or hotel**
8 **multiple dwelling units. These are single-family**
9 **units. I just want to make that clarification for**
10 **the board and for the residents.**

11 CHAIRWOMAN FETERIK: Thank you, Mr.
12 Ayotte.

13 Okay, does the board want to have any
14 discussion before I call for a motion?

15 MEMBER SKIBAR: Madam Chair, I will
16 make a motion, but I would like to, first, get some
17 clarification on one of the units that was pointed
18 out in a diagram being close to the residential
19 home.

20 I know there's no variance on it, I
21 just wanted to clarify that.

22 Yes, that's the unit in question. Is
23 that in violation of any of the ordinances proposed,
24 any of the town ordinances?

25 MARK ROSHANSKI: No.

1 ATTORNEY TRIPP: I'll defer to our
2 engineer, but my understanding --

3 CHAIRWOMAN FETERIK: Microphone,
4 please. Microphone.

5 ATTORNEY TRIPP: Yeah.

6 CHAIRWOMAN FETERIK: Sorry.

7 MATHEW WILDER: It would just violate
8 the rear yard setback, as we discussed. So it's
9 required to have a 60-foot setback to the east side
10 and 32 feet is what exists.

11 MEMBER SKIBAR: Okay. And --

12 MATHEW WILDER: And as it relates to
13 the southern --

14 ATTORNEY TRIPP: The setback it
15 violates is just here, so we don't --

16 CHAIRWOMAN FETERIK: We need a
17 microphone, Mr. Tripp.

18 ATTORNEY TRIPP: All right. So I
19 think what Mr. Wilder is explaining is it violates
20 this 60-foot rear yard setback, but it doesn't
21 violate the side yard setback.

22 Based on the property configuration,
23 this is considered a side yard. So that's why it
24 doesn't require relief under the ordinance.

25 CHAIRWOMAN FETERIK: Okay. Before you

1 make your motion, Mr. Skibar, I will ask again, does
2 the board want to have any kind of discussion
3 before --

4 MEMBER SKIBAR: Madam Chair, I would
5 like to poll the Board. Again, I think we're in
6 some unchartered territory in the type of zone that
7 we are dealing with, and in the disparity between
8 the neighborhood and the applicant.

9 So if possible, Madam Chair, can we get
10 some input from the Board?

11 CHAIRWOMAN FETERIK: Okay. Who wants
12 to start? Mr. Barone. I know what you said before
13 but, yes?

14 MEMBER BARONE: Madam Chair, I would
15 start by saying what I spoke about earlier, and Mr.
16 Roshanski is willing to comply, that we reduce the
17 application from eight buildings to seven.

18 In particular, I like the, if I recall,
19 Building Number 3, Mr. Roshanski. I think the one
20 that's kitty-cornered. It offsets everything and
21 will look much more palatable, more spacious.

22 And that's my request.

23 CHAIRWOMAN FETERIK: Mr. Siddhada,
24 anything to say?

25 MEMBER SIDDHADA: Yeah, I agree with

1 what Anthony has to say.

2 CHAIRWOMAN FETERIK: Okay. Mr.

3 Skibar, do you have anything to say other than what
4 you --

5 MEMBER SKIBAR: I'll go last before I
6 make the motion.

7 CHAIRWOMAN FETERIK: Okay.

8 MEMBER SKIBAR: Is there anyone else on
9 the board?

10 CHAIRWOMAN FETERIK: Mr. O'Gorman,
11 anything?

12 MEMBER O'GORMAN: No.

13 CHAIRWOMAN FETERIK: Mr. Patel?

14 MEMBER PATEL: I agree with what he
15 said.

16 CHAIRWOMAN FETERIK: Okay. Mr.
17 Chhabra?

18 MEMBER CHHABRA: I'm in agreement.

19 CHAIRWOMAN FETERIK: Okay. Mr. Comba?

20 VICE-CHAIRMAN COMBA: Madam Chair, I'm
21 in agreement. I would like to consider possibly, if
22 there's a way to flip-flop the building from the
23 south to, Mr. Barone, Building Number 3; would you
24 consider that?

25 It would then allow them to stretch out

1 that parking area, maybe add a bit more green space
2 than that. I believe it would alleviate the
3 resident's concern.

4 MEMBER BARONE: I think that's a
5 reasonable question, a reasonable request.

6 MEMBER SIDDHADA: Yeah, that way it's
7 not -- the residents are also are happy with it, if
8 that is not interfering with their backyard.

9 MEMBER PATEL: I agree.

10 CHAIRWOMAN FETERIK: I do agree with
11 that also.

12 MEMBER SIDDHADA: So then they can
13 extend the parking lot.

14 VICE-CHAIRMAN COMBA: Extend the
15 parking lot and then they can also increase the
16 green space as well.

17 CHAIRWOMAN FETERIK: Green space, okay.

18 MEMBER SIDDHADA: Yes. Makes sense.

19 MEMBER SKIBAR: And to answer it
20 myself I can say, you know, sitting up here, I do
21 take into consideration everything that everyone has
22 said. I have lived in this town for 28 years. I
23 have suffered the traffic on Plainfield Avenue as
24 well as all around town and it impacts all of our
25 lives.

1 But what I look at is I look at this
2 application and I look at what impact it's going to
3 have. And, you know, we haven't had any direct
4 testimony on what single-family homes could look
5 like, but my summation is that if you were to have
6 eight four-bedroom homes, what would the intensity
7 be? How many cars could each home conceivably have?
8 How many children could each home conceivably have?

9 I look at what other type of use, if
10 it was a commercial use? A high-volume restaurant
11 could greatly impact the traffic in that area, as
12 well as the residents.

13 So in looking at -- in considering this
14 application and what reductions the builder has
15 made, I will make a motion to approve. Again, and
16 leave it to the discretion of the board.

17 There has been an overall 30-percent
18 reduction from the initial application. He has
19 addressed many of the privacy concerns, is willing
20 to reduce one of the units to help alleviate some of
21 the impact on the surrounding neighborhood.

22 I will note that, you know, in the
23 Master Plan it does encourage a creative use --
24 creative senior housing solution.

25 I do feel that the duplexes, in

1 comparison to townhouses, would be much less
2 impactful.

3 The applicant will also agree, I
4 believe if permitted, to restrict the age to the age
5 of 19.

6 Trash pickup will be handled by a
7 private company and will be after 7:00 a.m. Monday
8 through Friday, and after 9:00 a.m. on weekends.

9 There will be a designated parking spot
10 for deliveries.

11 The habitable attic will not be used as
12 a bedroom.

13 Any other?

14 CHAIRWOMAN FETERIK: I will add to it
15 the deed restriction. And there will be individual
16 mailboxes.

17 And I think we have covered it all.

18 So having said that, just so that the
19 record is clear, we're approving not for eight but
20 we're approving for seven, correct?

21 MEMBER SKIBAR: Correct.

22 CHAIRWOMAN FETERIK: Okay.

23 ATTORNEY SHAH: If I may, Madam Chair,
24 just so I'm clear and Mr. Tripp is clear, so the age
25 restriction to 19, it's only if it's legally

1 permissible because that will require us to craft a
2 resolution that would withstand some kind of an
3 attack.

4 Also with respect to the postal
5 delivery, that would be subject to the postmaster.

6 ATTORNEY TRIPP: That would be subject
7 to the postmaster.

8 And in advance of the resolution I
9 should have an answer. I'm going to take a look at
10 that to see if it runs afoul.

11 Once you start age-restricting you just
12 have to be careful you don't run afoul of any
13 federal or state laws. So we need to check that and
14 I'll get back to you on that. But we agree to make
15 it 19, if that's permissible.

16 CHAIRWOMAN FETERIK: Okay. So I now
17 have a motion --

18 VICE-CHAIRMAN COMBA: Also, Madam
19 Chair, just to add that the applicant would agree
20 with all the provisions in the Bignell planning
21 report of June 10, 2022 and the Delaware Raritan
22 engineering report of May 20, 2022.

23 CHAIRWOMAN FETERIK: Okay. So I think
24 with that we have everything covered.

25 So I have a motion. Do I have a

1 second?

2 VICE-CHAIRMAN COMBA: Second.

3 CHAIRWOMAN FETERIK: Can I have a
4 roll-call, please, Cassandra.

5 ATTORNEY SHAH: Before the roll-call
6 -- so before the roll-call is done, because it was
7 raised, I'm just going to make sure the board is
8 aware that if you've had any substantive discussion
9 with any of the residents, objectors, interested
10 parties, or with the applicant, you cannot vote on
11 this application. I leave that to your honor and
12 your discretion.

13 CHAIRWOMAN FETERIK: Thank you.
14 Cassandra, roll-call, please.

15 BOARD SECRETARY: Mr. Skibar?

16 MEMBER SKIBAR: Yes, on the motion.

17 BOARD SECRETARY: Mr. Barone?

18 MEMBER BARONE: Yes, on the motion.

19 BOARD SECRETARY: Mr. O'Gorman?

20 MEMBER O'GORMAN: Yes, on the motion.

21 BOARD SECRETARY: Mr. Siddhada?

22 MEMBER SIDDHADA: Yes, on the motion.

23 BOARD SECRETARY: Mr. Patel?

24 MEMBER PATEL: Yes, on the motion.

25 BOARD SECRETARY: Vice-Chair Comba?

1 VICE-CHAIRMAN COMBA: Madam Chair --

2 Madam Secretary, just one minute -- if I may.

3 CHAIRWOMAN FETERIK: Yes.

4 VICE-CHAIRMAN COMBA: For over a year
5 this has been a very, very difficult decision to
6 make. Charlie Brown's was a dream. It was a dream.
7 You know, my wife and I, when we moved into -- into
8 Edison, we'd be able to walk there and have a nice
9 meal and, you know, enjoy. And then, you know, when
10 I had kids later on we would take the kids there.
11 And, you know, it was our lunchtime spot for 12:00
12 o'clock sessions. They were an unfortunate victim
13 of COVID.

14 For the past year we've sat here, we've
15 considered different proposals. We've considered
16 what could go there. As of-right another restaurant
17 could go there. It could be a more intense use in a
18 restaurant. It could be something that could be a
19 huge detriment to the neighborhood.

20 I have considered single-family homes
21 and I think that all -- given the size of the
22 property, given all that comes in to the
23 single-family home and, you know, families and kids
24 and vehicles and play yards and everything else, I
25 think it would be an over-intensification of a use

1 for that site.

2 Seeing this as a transition area, you
3 know, where it does have age-restriction and we do
4 have a reduction in units, it will be -- it would
5 lessen the impact on traffic. It would be a good
6 use of the site. And I believe it's worthy of an
7 approval, so I vote yes.

8 CHAIRWOMAN FETERIK: And I vote yes on
9 the motion and I agree wholeheartedly with Mr.
10 Comba. Thank you.

11 Good evening. Thank you, gentlemen.
12 Cassandra -- please, we still have business to
13 attend to here. We are done with this matter, so
14 please if you don't mind, so we can hear.

15

16 (WHEREUPON, the application was
17 concluded at 11:25 p.m.)

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1 C E R T I F I C A T E O F O F F I C E R

2

3 I, ANGELA C. BUONANTUONO, a Certified Court
4 Reporter, Registered Professional Reporter and Notary
4 Public of the State of New Jersey, do hereby certify
5 that the foregoing is a true and accurate transcript
6 of the proceeding as reported stenographically by me.

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

19

20

21

22

23

Angela C. Buonantuono

24

ANGELA C. BUONANTUONO, C.C.R., R.P.R.
C.C.R. License No. 30XI00233100

25

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