

EDISON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
EDISON, NEW JERSEY

TRANSCRIPT OF PROCEEDINGS

IN THE MATTER OF:

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

CASE NO. Z13-2021

COPY

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

DATE: TUESDAY, FEBRUARY 15, 202
TIME: 7:00 P.M.

STENOGRAPHICALLY RECORDED BY:
ANGELA BUONANTUONO, CCR, RPR

BOARD MEMBERS IN ATTENDANCE:

ROSEMARY FETERIK, CHAIRPERSON
ANTHONY BARONE
MICHAEL COMBA, VICE-CHAIRPERSON
DAVENDRA DAVE
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

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Page 2 1 COUNSEL FOR THE APPLICANT: 2 3 WILENTZ, GOLDMAN & SPITZER, P.A. 4 BY: STEVEN J. TRIPP, ESQUIRE 5 90 Woodbridge Center Drive 6 Suite 900 7 Woodbridge, New Jersey 07095 8 (732) 636-8000 9 xxxxxx@xxxxxxx.xxx 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 4 1 PUBLIC COMMENT 2 NAME ADDRESS PAGE 3 Amit Patel 38 Edgewood Road 151 4 Neera Shah 40 Edgewood Road 159 5 Sandeep Ramakrishna 36 Edgewood Road 162 6 Katherine Liseno 241 Plainfield Road 167 7 Anthony Martin 24 Edgewood Road 169 8 Timothy O'Brien 241 Plainfield Road 172 9 James Kelly 34 Edgewood Road 173 10 Nicholas Fagan 42 Edgewood Road 175 11 Ken Martin 406 Plainfield Road 195 12 Joel Bassofoff 17 Beech Lane 198 13 Lori Jordan 10 Golf Road 203 14 Ross Del Conte 960 New Dover Road 208 15 Vinay Ghante 201 Plainfield Road 212 16 Ryan Loeffler 6 Nancy Circle 218 17 Susan Del Conte 960 New Dover Road 223 18 Kaushal Patel 2 Reminton Drive 225 19 Karen Halo 55 1st Street 227 20 Akhtar Nasser 59 Pleasant Avenue 230 21 Elizabeth Conway 20 Netherwood Circle 238 22 Jitendra Patel 4 Twin Oaks Drive 242 23 Eric Kammer 47 Clive Hills Road 247 24 25
Page 3 1 I N D E X 2 FOR THE APPLICANT: PAGE 3 MATHEW WILDER, P.E. 16 4 Morgan Engineering, LLC 5 BETSY DOLAN, P.E. 26 6 Dolan & Dean Consulting Engineers, LLC 7 PAUL PHILLIPS, P.P. 46 8 Phillips Preiss Grygiel Leheny Hughes, LLC 9 FOR THE OBJECTORS: PAGE 10 Kate Fagan, Neera Shah, Amit Patel, and Shweta Sandeep 11 PETER STECK, P.P. 100 12 KENNETH HAUSMAN, P.E. 129 13 GPI/Greenman-Pedersen, Inc. 14 15 16 17 18 19 20 21 22 23 24 25	Page 5 1 APPLICANT EXHIBITS 2 EXHIBIT NO. DESCRIPTION PAGE 3 A-1 Colorized landscape plan 18 4 5 6 7 * * * 8 9 10 OBJECTOR EXHIBITS 11 EXHIBIT NO. DESCRIPTION PAGE 12 0-1 Planning report prepared 103 13 by Peter Steck, P.P., dated 2/15/22 14 0-2 Traffic report prepared 131 15 by Kenneth Hausman, P.E. 16 0-3 Photographs 152 17 18 (EXHIBITS WERE NOT RETAINED BY THE REPORTER) 19 20 21 22 23 24 25

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Page 6 1 CHAIRPERSON FETERIK: Good evening, 2 everyone. Township of Edison Zoning Board of 3 Adjustment regular meeting is now in session. 4 Adequate notice of this meeting, as required by the 5 Open Public Meetings Act of 1975, has been provided 6 by the annual notice published in the Home News and 7 Tribune on December 28th, 2021, and has been posted 8 by the main lobby of the municipal complex on 9 January 5, 2021. 10 Please join me in the pledge of 11 allegiance to the flag. 12 (Pledge of allegiance recited.) 13 Roll-call please, Cassandra. 14 BOARD SECRETARY: Mr. Ayotte? 15 ZONING OFFICER: Here. 16 BOARD SECRETARY: Ms. Shah? 17 ATTORNEY SHAH: Present. 18 BOARD SECRETARY: Mr. Bignell? 19 BOARD PLANNER: Here. 20 BOARD SECRETARY: Mr. Carley? 21 BOARD ENGINEER: Here. 22 BOARD SECRETARY: Mr. Patel? 23 MEMBER PATEL: Here. 24 BOARD SECRETARY: Mr. Skibar? 25 MEMBER SKIBAR: Here.	Page 8 1 welcome you as well so... 2 CHAIRPERSON FETERIK: Yes, welcome. 3 It's nice seeing everyone here this evening. 4 Okay, I have this little summary. 5 Because there have been so many misconceptions as to 6 this board, that is how it operates including what 7 it may consider and what it may not consider and its 8 procedures in the hearing, I have been doing this 9 summary since last summer prior to meetings so that 10 the public would become more informed as they watch 11 the meetings or are here in person. 12 We are all volunteers. We do not get 13 paid. We are appointed by council. We all have to 14 go through a training course. 15 As I have said at prior meetings the 16 Municipal Land Use Law is the legal Bible by which 17 this board operates along with its own bylaws. This 18 board differs greatly from the planning board. This 19 board is quasi-judicial; that is, it is like a court 20 and its members are like judges. And its 21 impartiality rules and -- necessitate to address 22 matters are in accordance with laws that are the 23 same statewide not only in our town. 24 Being impartial means board members are 25 not to discuss the matter with the public until the
Page 7 1 BOARD SECRETARY: Mr. Barone? 2 MEMBER BARONE: Here. 3 BOARD SECRETARY: Mr. Dave? 4 MEMBER DAVE: Here. 5 BOARD SECRETARY: Mr. Siddhada? 6 MEMBER SIDDHADA: Here. 7 BOARD SECRETARY: Vice-Chair Comba? 8 VICE-CHAIRPERSON COMBA: Here. 9 BOARD SECRETARY: And Chairwoman 10 Feterik? 11 CHAIRPERSON FETERIK: Here. Thank you, 12 Cassandra. 13 We have one notice, the first case 14 Z33-2021, Mr. Mehta, that matter is carried to 15 March 29th. The notice was okay, the newspaper did 16 not publish in time. So this is your notice. You 17 will not be getting a new notice. This is the 18 notice that the matter is carried to March 29th. 19 VICE-CHAIRPERSON COMBA: Chair Feterik? 20 CHAIRPERSON FETERIK: Yes, Mr Comba. 21 VICE-CHAIRPERSON COMBA: Before we 22 begin, I would just like to take this opportunity to 23 welcome our new members, welcome back Mr. Dave, 24 welcome back to the board. And welcome Mr. Barone 25 to the board. We brought everybody out here to	Page 9 1 matter is being heard at a meeting. The board has 2 always and continues to proceed in the following 3 manner: 4 All matters concerning an application 5 are not addressed by this board until the 6 applicant's case is presented at a meeting. The 7 board engages in no discussions and receives the 8 applicant's submissions only days prior to the 9 applicant's scheduled date. When the applicant has 10 presented its testimony and evidence, the public 11 portion is open to residents within 200 feet of the 12 subject property, then those outside of 200 feet of 13 the subject property. Each person is given only one 14 chance to speak. 15 All public are sworn in and subject to 16 cross-examination by the applicant, the board and 17 board professionals. The public may ask questions 18 to the applicant and their experts and board 19 professionals. The law allows me as Chair to stop 20 anyone from being repetitive in their objections or 21 to attempt to filibuster the board. Such redundancy 22 and conduct prevents the efficient operation by the 23 board. 24 Bylaws, as Chair, I'm also permitted to 25 stop anyone from speaking if what they are saying is

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Page 10 1 irrelevant to the case and prohibited from the 2 board's consideration. I am also permitted to 3 restrict all public comment to a timeframe 4 considered reasonable. I am not required to 5 tolerate disruption or disrespect to this board. 6 Once the public portion is closed that 7 is when I hit the gavel. It is closed and no one 8 from the public will speak again. It will not be 9 reopened under any circumstances unless new 10 testimony is provided in the matter. The applicant 11 then has the right of summation and the board then 12 votes. 13 This has been the procedure of this 14 board for more than 20-plus years and its procedure 15 or similar procedures are followed by every zoning 16 board in the State of New Jersey. The board has an 17 obligation to engage in a balancing act and is not 18 required to strictly apply the township ordinances, 19 zone plan or the Master Plan which is permitted by 20 the Municipal Land Use Law. This is statewide 21 conduct by all Boards of Adjustment. 22 As the name of the board suggests, we 23 are a board of adjustment. "Adjustment" being the 24 operative word. Variances are granted when 25 appropriately necessary following all legal	Page 12 1 sought along with use and bulk variances to replace 2 the existing restaurant with 23 townhomes all of 3 which to be age-restricted. This is not a permitted 4 use in the golf course zone. 5 Lot area, required is 100 acres; 6 proposed and existing is 2.016 acres. Lot depth 7 required is 500 feet, proposed and existing is 8 266.08 feet. Rear setback required is 60 feet, 9 proposed is 27 feet. Max lot coverage permitted is 10 5 percent, proposed is 22 percent. FAR permitted is 11 .05 and proposed is .66. Maximum number of stories 12 permitted is two and a half and proposed is three. 13 Affected property is located in the G-C Zone 14 designated as Block Number 557, Lot Number 16B2 on 15 the Edison Township tax map. 16 All paperwork is in order. 17 CHAIRPERSON FETERIK: Thank you, 18 Cassandra. Good evening, Mr. Tripp. 19 Good evening, Mr. Tripp. 20 ATTORNEY TRIPP: Yes, good evening. 21 Well, we are back. The last hearing was on 22 June 29th. This is the proposal for the 222 23 Plainfield Road, as everybody knows, the former 24 Charlie Brown's site. My name is Steven Tripp and 25 I'm here on behalf of the applicant, from the firm
Page 11 1 considerations. 2 Having said all of the above, the board 3 has and does reserve the right to cease all 4 proceedings as we near 10:30 p.m. and I plan to hope 5 to stay to that this evening. 6 I am assuming that most of you will 7 want to speak. Since there are so many, we will 8 allow each person five minutes to speak so that 9 everyone will have a chance. I noticed there are 10 some signs in the audience. You are not permitted 11 to raise any signs during this hearing. They can be 12 done outside but not in this room. 13 Having said all of the above, this 14 meeting will be conducted with respect, courtesy and 15 civility. I will not tolerate interruptions, 16 outbursts, booing, yelling. And if those actions 17 occur, the two officers that are here will escort 18 you out and you will not be permitted back in the 19 meeting. 20 Having said all of that, Cassandra, 21 will you please read the first case? 22 BOARD SECRETARY: Yes. Case Number 23 Z13-2021, Markim Developers, 222 Plainfield Road, 24 Edison, New Jersey. Section 37-46.2 and 37-46.5. 25 Preliminary and Final Site Plan approval is being	Page 13 1 Wilentz, Goldman & Spitzer. 2 So since the 29th we have had an 3 opportunity to consider changes to the plans and to 4 consider how to respond to the concerns that were 5 raised by the public and by the board during the 6 course of the proceedings. Revised plans were 7 submitted and the most significant change, as I'm 8 sure the board is aware from what we submitted, is 9 that we are now proposing to age-restrict the units 10 so it will be 100 percent 55 and over. 11 There's other options with 12 age-restricted; you could do 80 percent. We're 13 proposing 100 percent age-restricted. And that 14 would be enforced by deed restrictions, homeowners 15 association documents that would then be recorded 16 and binding on the property owner, any successors 17 and any owners of the individual units and the 18 homeowners association. 19 We believe that that will reduce any 20 possible impact from the development that to the 21 extent that there were impacts that were considered, 22 this will work to really significantly reduce them. 23 The traffic generation as you heard at 24 the last meeting was not significant to begin with 25 for this number of units but it's now even less.

Page 14 1 And our traffic engineer will be addressing that 2 this evening. 3 The Fiscal Impact Report that was 4 required to be submitted by the planner has been 5 updated reflecting the age restriction. And it's 6 even more positive in terms of tax revenues than it 7 was previously. 8 There are other changes, including a 9 reduction in height, a proposal to restrict and have 10 no left turns out of the site. That's something 11 that was suggested at the last meeting. We have 12 shown it on the plans but again that's going to be 13 up to the board and its consultants, after hearing 14 the testimony from our consultants, as to whether 15 you would want one or both restricted. That's 16 really going to be your judgment call. 17 In terms of if there were screening 18 added and some of the balconies were eliminated over 19 a concern about privacy. So these are the kinds of 20 changes that we made to the plans. 21 What I would like to do this evening is 22 I have Mr. Roshanski who is going to start by 23 explaining the changes that he directed his engineer 24 to make. We have the engineer, Matt Wilder, who 25 will be here to answer any questions to go through	Page 16 1 ATTORNEY SHAH: Mr. Wilder, raise your 2 right hand. Do you solemnly swear or affirm to tell 3 the whole truth, nothing but the truth do help you 4 God? 5 MATHEW WILDER: Yes, I do. 6 ATTORNEY SHAH: And just state your 7 full name. 8 MATHEW WILDER: Sure. Mathew Wilder, 9 W-I-L-D-E-R. And I'm a professionally licensed 10 engineer in the State of New Jersey and have been 11 before this board on numerous occasions. 12 CHAIRPERSON FETERIK: Okay, thank you. 13 We'll accept your qualifications. 14 Before you get started, Mr. Tripp; Ed, 15 is that second easel okay? Are you picking that up. 16 ED: Yes. 17 CHAIRPERSON FETERIK: Okay, fine. Go 18 ahead, Mr. Tripp. 19 20 E X A M I N A T I O N 21 22 DIRECT BY ATTORNEY TRIPP: 23 Q. Mr. Wilder, just a couple of quick 24 questions. You were involved in revising these 25 plans; is that correct?
Page 15 1 the reports as necessary. We have Betsy Dolan our 2 traffic consultant. Betsy will be addressing her 3 updated report. And Paul Phillips is the planner 4 and what he will do is address additional planning 5 testimony based on the age restriction and the other 6 revisions to our plans. 7 CHAIRPERSON FETERIK: Fine. Thank 8 you, Mr. Tripp. 9 ATTORNEY SHAH: Mr. Roshanski, would 10 you raise your right hand. Do you solemnly swear or 11 affirm to tell the whole truth, and nothing but the 12 truth so help you God? 13 THE WITNESS: I do. 14 ATTORNEY TRIPP: Now before Mr. 15 Roshanski testifies, I just wanted a little bit of 16 housekeeping. At the last hearing Frank Bear was 17 the engineer for the applicant. Mr. Bear has 18 retired and sold his practice to Morgan Engineering. 19 Matt Wilder is here this evening from Morgan 20 Engineering. He has been working on the plans and 21 the revised plans since Mr. Baer retired. 22 What I just would like to do is have 23 Mr. Wilder sworn in as well and qualified and he can 24 explain the preparation of the one plan that Mr. 25 Roshanski is going to talk about.	Page 17 1 A. Yes, it is. 2 Q. And you essentially took over as the 3 project engineer for Mr. Baer -- 4 A. Correct. 5 Q. -- upon his retirement? 6 A. Yes. 7 Q. And you're fully familiar with the 8 property and the plans that were prepared by 9 Mr. Baer as well as the plans that you have now 10 prepared? 11 A. Correct. 12 Q. And what's been put up is a rendered 13 site plan. Could you just describe -- we're going 14 to mark that as Exhibit A-1. In a minute, I will 15 ask you to mark it. 16 Can you just describe what that is? 17 A. Sure. Essentially it's the colorized 18 rendering of our landscape plan, additional 19 plantings were added in some areas of the site so we 20 had updated the previous rendering that WSB 21 Engineering had prepared and presented it to this 22 board, just to sort of show the additional 23 plantings. 24 (Exhibit A-1, colorized landscape plan, 25 was marked.)

Page 18 1 ATTORNEY TRIPP: Thank you. 2 Now I would like to ask Mr. Roshanski 3 to briefly describe what he has done since the last 4 hearing and what changes he asked his engineer to 5 prepare and also the decision to age-restrict units. 6 MARK ROSHANSKI: Good evening, ladies 7 and gentlemen. Since our last hearing in June of 8 2021, we spent the last eight months considering how 9 to address the concerns raised by the board members 10 and the public. Based on the feedback we made the 11 following changes to the application and the plans: 12 Units will now all be age-restricted, 13 requiring one of the residents to be at least 14 55 years of age. 15 A new traffic and physical impact study 16 was submitted reflecting the age-restricted use of 17 this property. Our traffic engineer and planner 18 will address our findings. 19 We also reduced the height of the 20 proposed buildings from 36 feet to 33' 10". 35 feet 21 is the maximum building height permitted in the G-C 22 Zone. By that we have eliminated the variance for 23 height. 24 The plans now show a proposed 25 prohibition of left turns out of the site. We added	Page 20 1 address to reviewing comments of the board planner 2 and the board engineer. And more importantly over 3 the last eight months, we spent time obtaining all 4 outside agency approvals which we hope will solidify 5 our application tonight. 6 We received approvals from the 7 Middlesex County Utilities Authority, the Department 8 of Environmental Protection, Freehold Soil 9 Conservation District and Middlesex County planning 10 board. Thank you. 11 CHAIRPERSON FETERIK: Go ahead, Mr. 12 Tripp. 13 ATTORNEY TRIPP: If there are any 14 questions of Mr. Roshanski? 15 CHAIRPERSON FETERIK: Does the board 16 have any questions of Mr. Roshanski? Mr. Comba. 17 VICE-CHAIRPERSON COMBA: Thank you, 18 Madam Chair. Mr. Roshanski, so you did address that 19 there were some residents concerns that you were 20 looking to respond to. 21 So June 2021 you had 35 members of the 22 public came to testify, 34 were in opposition. In 23 the interim, did you do any outreach to the 24 neighborhood so as to explain your position, maybe 25 try and gather some support?
Page 19 1 both no left turns to both the visitor parking lot 2 as well as the main entrance. This was a concern 3 that was raised by both the board members and as 4 well as the residents. We will leave this up to the 5 board to decide if this left turn will, in fact, 6 remain at both entrances or be eliminated in its 7 entirety. 8 As a concern of privacy residents 9 brought up a concern that the south and north 10 buildings, the one building back in Edgewood and the 11 other building back at the Metuchen Country Club had 12 a privacy concern because the third-floor balconies 13 would have people having the ability to look into 14 others' backyards. 15 After we heard the concerns of the 16 residents we, in fact, eliminated all the balconies 17 on both the north and south buildings. We also 18 added screening of 8- to 10-foot trees along the 19 southern building as a second row to completely 20 screen out the residents that are affected on 21 Edgewood properties. 22 There is also an 8-foot fence proposed 23 and currently there is heavy vegetation that exists 24 along both borders of those properties. 25 We also have revised the plans to	Page 21 1 MARK ROSHANSKI: So I did meet with 2 three of the residents along Edgewood Properties. 3 They did propose some changes to the plans actually 4 and they asked for some additional landscaping and 5 if we could do some cleanup work along Plainfield 6 Road. Those items have been added to these plans, 7 and I'm hoping it will be enough to satisfy those 8 residents. 9 VICE-CHAIRPERSON COMBA: This was in 10 between June 29th and today? 11 MARK ROSHANSKI: This was -- I believe 12 at that meeting, either before or right after our 13 meeting. It was sometime in June. 14 VICE-CHAIRPERSON COMBA: Okay. All 15 right. 16 So, my next question was if there was 17 any outreach during, you know, to your original 18 proposal? I have seen projects before where 19 sometimes the developer, they'll do kind of a design 20 -- they'll reach out to the residents and kind of 21 get an idea, you know, get some input. 22 Was there anything like that? 23 MARK ROSHANSKI: Not exactly. We 24 basically went over the transcript and the 25 videotapes from the last hearing and we figured that

Page 22 1 based off of their concerns and comments we'll touch 2 on each one of those changes. 3 VICE-CHAIRPERSON COMBA: And no one 4 has reached out to you at any point to ask you in 5 regard to if there's any input, feedback or anything 6 like that? 7 MARK ROSHANSKI: Not since our last 8 meeting, no. 9 VICE-CHAIRPERSON COMBA: But there was 10 prior? 11 MARK ROSHANSKI: I was reached out 12 prior, yes, somebody did reach out to me prior to 13 the June meeting in regards to this property. 14 VICE-CHAIRPERSON COMBA: Okay. And 15 then are you going to speak to the architectural or 16 will that will be Mr. Wilder? 17 MARK ROSHANSKI: I can speak for the 18 architectural points. 19 VICE-CHAIRPERSON COMBA: So in the 20 architectural, I noticed it says there's an optional 21 elevator. Can you enlighten me a little bit on 22 that? 23 THE WITNESS: So the optional elevator 24 will now become a permanent elevator. We left the 25 word "optional" on there as it was shown on the	Page 24 1 strictly for the bathrooms only? 2 MARK ROSHANSKI: That's correct. 3 MEMBER DAVE: So when you say your 4 privacy screen is only 8 to 10 foot it will not take 5 care of the complete privacy because you still have 6 some windows up there. 7 MARK ROSHANSKI: That's correct. 8 CHAIRPERSON FETERIK: Any other 9 questions of the board? Mr. Skibar? 10 MEMBER SKIBAR: Madam Chair? 11 CHAIRPERSON FETERIK: Yes. 12 MEMBER SKIBAR: You mentioned about 13 the right turn out only now. Is there any process 14 that you had to engage with DOT or in order to get 15 that implemented? 16 MARK ROSHANSKI: No, actually when we 17 submitted it to Middlesex County Planning Board they 18 would wait for the outcome of this meeting to either 19 impose that no left turn out or eliminate it. It 20 would be the sole discretion of this board tonight. 21 MEMBER SKIBAR: Again, my question is, 22 I guess, if a police officer could ticket someone 23 for making a left turn out of there? 24 MARK ROSHANSKI: Absolutely. That 25 would be an illegal left turn at that point.
Page 23 1 existing plan when these units were proposed to be 2 market-rate, but ever since we changed these now to 3 age-restricted we think it would be imperative for 4 the elevator to be mandatory. 5 VICE-CHAIRPERSON COMBA: Okay. So it 6 would be included? It would be changed and if so 7 approved it would be included? 8 MARK ROSHANSKI: Yes, there would be a 9 standard feature in all units. 10 VICE-CHAIRPERSON COMBA: Okay, all 11 right. Thank you very much. 12 CHAIRPERSON FETERIK: Any other 13 questions? Yes? Go ahead. 14 MEMBER DAVE: What are the heights of 15 those privacy screening trees that you're planting? 16 You have two rows of trees, what are the heights? 17 MARK ROSHANSKI: 8 to 10 feet. 18 MEMBER DAVE: Okay. So you also had 19 mentioned that you eliminated the balconies -- the 20 third-floor balconies. But you still have windows 21 there, right? 22 MARK ROSHANSKI: Yes, the third floor 23 is actually the bathroom. There's only two windows 24 there, that's the master bathroom. 25 MEMBER DAVE: But those two windows are	Page 25 1 MEMBER SKIBAR: Thank you. 2 CHAIRPERSON FETERIK: Any other 3 questions of the board to the applicant? 4 Mr. Tripp, move forward. 5 ATTORNEY TRIPP: Certainly. I think 6 next we would like to have Betsy Dolan testify. 7 ATTORNEY SHAH: Good evening, Ms. 8 Dolan. Raise your right hand. Do you solemnly 9 swear or affirm to tell the whole truth, and 10 nothing but the truth, so help you God? 11 ELIZABETH DOLAN: Yes, I do. 12 ATTORNEY SHAH: Okay. State your full 13 name for the record. 14 ELIZABETH DOLAN: Elizabeth Dolan, 15 D-O-L-A-N. Dolan & Dean Consulting Engineers, 181 16 West High Street in Somerville, New Jersey. 17 CHAIRPERSON FETERIK: Some 18 qualifications, please, Ms. Dolan. I know you have 19 been here many, many, many, many, many times, but 20 just for the record. 21 ELIZABETH DOLAN: Sure. I have a 22 bachelor of science degree in civil engineering from 23 Rutgers and I'm a licensed professional engineer 24 registered in New Jersey, New York, Pennsylvania and 25 Delaware. And for over 35 years I focused in the

Page 26 1 area of traffic engineering. I've testified in over 2 250 municipalities throughout New Jersey. I have 3 been before the Edison planning and zoning boards on 4 numerous occasions. 5 I have also had the opportunity to 6 review traffic, parking and DOT aspects of land use 7 applications on behalf of planning and zoning boards 8 throughout New Jersey. 9 CHAIRPERSON FETERIK: Thank you. 10 We'll accept your qualifications. 11 ELIZABETH DOLAN: Thank you. 12 ATTORNEY TRIPP: Thank you. 13 14 E X A M I N A T I O N 15 16 DIRECT BY ATTORNEY TRIPP: 17 Q. Ms. Dolan, you provided traffic 18 testimony at the prior hearing; is that correct? 19 A. That's correct. 20 Q. And that was based on a traffic study 21 that you did that was based on non-age-restricted 22 units, correct? 23 A. That's also correct. 24 Q. And once the applicant made the 25 decision to age-restrict the 23 units, did you go	Page 28 1 busiest one hour on a weekday morning. That would 2 be two entering and three exiting for a total of 3 five driveway movements. In traditional evening 4 peak hour, four entering and four exiting for a 5 total of eight movements and also eight movements 6 during the busiest hour on a Saturday midday. 7 Those numbers are about half of what we 8 had projected for the traditional townhouse units. 9 And it's based on the fact that older, semi-retired 10 and retired people have more freedom to make their 11 own schedules; they're not necessarily going to work 12 for an 8:00 or 8:30 or 9:00 o'clock start time. 13 They're not leaving around 5:00 and returning home; 14 their hours are more flexible. And so they make 15 more of their trips and driveway movements outside 16 of the peak hour. 17 I know at our last meeting there was 18 concern about the school activity right in the 19 immediate vicinity of this site so with the 20 age-restriction people would have more flexibility 21 to stay on-site or not make driveway movements into 22 and out of this development during those busy school 23 hours, as well as the traditional busy peak 24 commuting hours. 25 So again, we're looking at a modest
Page 27 1 back and update your report? 2 A. Yes, we did. 3 Q. And you submitted a report that is 4 dated September 13, 2021? 5 A. That is correct. 6 Q. And that was submitted to the board? 7 A. Yes. 8 Q. And what I would like you to do is -- 9 is review your updated findings and conclusions 10 based on that report. 11 A. Certainly. Our report as just 12 mentioned is dated September, 2021. And with the 13 age-restricted classification there's a different 14 trip generation that we look at to evaluate the 15 daily and peak hour driveway volumes that would be 16 estimated for 23 age-restricted units. 17 As Mr. Tripp had indicated a few 18 minutes ago, our findings regarding 23 standard 19 townhouses indicated that the traffic generation was 20 not considered significant. That's defined in our 21 State Highway Access Management Code and also by the 22 Institute of Transportation Engineers as 100 or more 23 movements in or trips in in one hour. 24 With the age-restricted we're looking 25 at a total of five driveway movements during the	Page 29 1 amount of traffic. It's not considered significant. 2 And even though the volumes are so low, we did 3 analyze the driveway movements. With a 4 right-turn-only designation coming out we have very 5 favorable levels of operation for these driveways. 6 Just to reiterate the testimony from 7 the last meeting, which was based on both left turn 8 and right turn movements coming out of the site and 9 higher trip generation or driveway volumes, we did 10 find that the driveway -- both driveways would 11 operate acceptably, at acceptable levels of service. 12 If the left-turn egress restriction is imposed as a 13 result of any approval of this application that 14 would mean even less delay and then people will be 15 able to come out even faster because, as you know, 16 you wait for a gap in two directions of traffic to 17 make a left out so it takes a little bit longer. 18 And to follow up on what Mark said 19 regarding the county, they had been fine with the 20 full-movement driveways with the higher trip 21 generation associated with the standard townhouses 22 and any left-turn prohibition we would be revisiting 23 with the county after an approval at the local 24 level, pending the board's decision on whether or 25 not it would be appropriate to prohibit those lefts.

Page 30 1 From my perspective and the prior 2 analysis and the prior testimony with the higher 3 trip generation, I find that the left-turn out can 4 be provided and operate at acceptable levels of 5 service. I think with the lower trip generation 6 associated with age-restricted, it would be -- I 7 think an imposition on the residents of the 8 development because what happens if you prohibit 9 that left-turn egress that it has to be made 10 somewhere else, possibly in the form of a U-turn or 11 turning down a side street and then coming back up 12 after making a K-turn. So you're sort of relocating 13 the -- the movement to somewhere else. But based on 14 the low activity associated with this current 15 proposal, from my traffic engineering analysis, I 16 would say it would be appropriate to maintain a 17 left-turn egress. 18 That formal analysis was performed with 19 pre-COVID data. It's the data that has been 20 available on NJDOT's website. I think we're back 21 to, in most areas, some of the traditional peak hour 22 activity that we had seen pre-COVID. But again, the 23 analysis results are based on a pre-COVID set of 24 data and inclusion of traffic from -- in this latest 25 analysis the lower age-restricted, but in the prior	Page 32 1 MEMBER SKIBAR: Thank you, Madam 2 Chair. I'm sorry, the age-restriction, what is the 3 age restriction on the units? 4 THE WITNESS: 55 and older. 5 MEMBER SKIBAR: 55 and older. Does 6 anyone know what the average age of retirement is in 7 the United States? Only because you're indicating 8 that the volume of traffic is 50 percent and again 9 just in my summation is that, you know, people are 10 still working past the age of 60, 62. 11 CHAIRPERSON FETERIK: People are 12 working past the age of 70. 13 MEMBER SKIBAR: Absolutely. I just -- 14 my question is, you know, how do you contribute to 15 the reduce in traffic? 16 THE WITNESS: Sure. Well, I can tell 17 you again that we're -- we're referencing data that 18 has been collected at age-restricted developments, 19 submitted to the Institute of Transportation 20 Engineers, and they then develop rates per unit. 21 I certainly agree because now that I'm 22 over 55, I'm still working and I don't think that 23 that's ending too quickly. But what I can tell you 24 is that my hours are much different now than they 25 were 15 or 10 years ago. I definitely have more of
Page 31 1 analysis with the higher volumes it still worked. 2 And just to reiterate some of the other 3 testimony from the last meeting, is that the site 4 had historically generated traffic. We never had 5 the opportunity during the case of this application 6 to count those driveway movements because the 7 restaurant was closed. But again, we reference data 8 that is published by the Institute of Transportation 9 Engineers. That's our go-to source and our required 10 trip-generation database for any DOT or county 11 analysis. And while Charlie Brown's wasn't 12 necessarily generating any traffic during the 13 morning peak hour, the ITE estimates would indicate 14 about 60 to 70 evening and then Saturday peak hour 15 traffic volumes at a restaurant of that size. 16 So those are estimates, they're not 17 actual counts, but if we were proposing a restaurant 18 those are the numbers that we would be using for 19 analysis. 20 CHAIRPERSON FETERIK: Thank you. Does 21 the board have any questions for Ms. Dolan? 22 MEMBER DAVE: Yeah, I have a number of 23 questions. 24 CHAIRPERSON FETERIK: Go ahead, Mr. 25 Dave. Oh, okay. Mr. Skibar, go ahead.	Page 33 1 a flex schedule, as do many of my -- my colleagues 2 and family members who are in the same age bracket. 3 So the other part of the answer is that 4 we -- we also ran this analysis with 5 non-age-restricted and then those numbers being 6 somewhat higher still showed acceptable driveway 7 activity. 8 So if these over 55 or a little bit 9 more active, then the driveway capacity is there. 10 But again, I think it's somewhat self-policing for 11 residents, particularly when they know when the 12 busier times are out on Plainfield Road in this 13 instance. 14 BY ATTORNEY TRIPP: 15 Q. I have a follow-up question to that. 16 When you say it's 55 and over, there could be people 17 of all ages in this, it's not just going to be 55 18 years old. 19 A. That's right. And one person has to 20 be 55 so if they have an older spouse or -- or 21 partner than that's the difference. 22 Q. Or younger? 23 A. Or younger, absolutely, yes. 24 Q. And also you think in terms of the 25 numbers from the ITE, it probably takes -- does it

Page 34 1 take into account the fact that even though the 2 minimum age is 55 there could be people of a variety 3 of ages, people who are older, who are retired, 4 people who are still working -- 5 A. Sure. 6 Q. -- and is it going to be a combination? 7 A. Sure. It is a combination. And 8 that's -- that's the ITE's definition of the 9 age-restricted is that where one or both of the 10 residents or whoever resides has to be at least 55 11 or older. And some of this data was collected at 12 age-restricted developments in New Jersey. 13 ATTORNEY TRIPP: Thank you. 14 CHAIRPERSON FETERIK: Mr. Dave? 15 MEMBER DAVE: Sure. Is there any 16 actual study has been done similar, 23, 30 units, 17 similar size of Plainfield Avenue kind of road, 18 traffic, peak hours, the number of schools driving 19 by there? 20 You go at 8:30 in the morning, school 21 opens, is that -- you have to stay there 10, 22 15 minutes on the roads when traffic is not moving 23 there. 24 What size of family you would sell 25 these units to? Just a husband and wife	Page 36 1 deed so -- 2 MEMBER DAVE: No school-going kids? 3 ATTORNEY TRIPP: -- you could not have 4 that. And if somebody moved in with school-age 5 children, first of all, they wouldn't be allowed to 6 register at the school because this property is 7 going to be listed as age-restricted. 8 Secondly, it will be enforceable by 9 deed restriction. 10 MEMBER DAVE: Okay. So my question to 11 you then this 60, 65-year-old couple living there 12 with 30, 35-year-old kids living with them, they 13 have four cars probably they will be working there, 14 correct? People are going in and out at this time 15 of the day and people with 60, 65-year-old still 16 works and their 30, 35-year-old -- their sons or 17 daughters will be working as well. 18 So your traffic study says that there 19 will not be much traffic there. How do you just 20 assume that there will not be much traffic with that 21 many cars? 22 THE WITNESS: Well, it's not 23 assumptions. These are estimates prepared on data 24 that is published that are representative of 25 different land use types. So the ITE Trip
Page 35 1 55-plus-old? You have -- I'm just assuming that you 2 will sell it to 60, 65-plus-old couple as, well 3 right? 4 THE WITNESS: Typically, and Mark can 5 probably tell you better, but I would say either a 6 couple or a single individual who is 55 or older. 7 MEMBER DAVE: And you're not 8 restricting couple of 65-year-old plus or minus they 9 have 30, 35-year-old kids, some might have a couple 10 of kids, school-going kids? What happens to the 11 study that you have? 12 ATTORNEY TRIPP: No, the kids -- you 13 can't have -- you can restrict it so that no one 14 under the age of 18 can occupy it. So if you have 15 -- if you have a child who is 35, a 35-year-old 16 could live with an older parent. They could be a 17 caregiver, they could be somebody who moved home to 18 relocate. That, certainly, you can allow that. 19 But you can't have -- you can 20 certainly, and we agree to do this, to age-restrict 21 it so no one of school age would be allowed to live 22 there. 23 MEMBER DAVE: So kids would not be 24 allowed in this, and you would put that in the deed. 25 ATTORNEY TRIPP: That would be in the	Page 37 1 Generation Manual provides rates per traditional 2 single-family home, which are higher than what we're 3 talking about, and rates per townhouse unit, rates 4 per age-restricted townhouse units. 5 So these are based on studies by 6 traffic engineers that are sent to ITE. They sort 7 the data and they develop the trip rates per unit 8 for the different types of housing types. 9 MEMBER DAVE: I understand. But I 10 don't know what motive, the difference, but you 11 would not have done this traffic study on a busy 12 road like Plainfield Road, and not in an area with a 13 lot of schools there. 14 THE WITNESS: The traffic study is -- 15 is based on two components; the estimates of the 16 future driveway volumes, and we estimate those 17 numbers based on historic studies, in this case of 18 age-restricted developments. And those estimates 19 are then blended with actual traffic counts in this 20 case on -- on Plainfield Road. 21 So it's actual traffic volume data 22 representative of what's traveling past the site 23 during peak hours analyzed with the projected 24 driveway volumes for the peak hours. 25 MEMBER DAVE: All right. So morning

Page 38 1 peak hour -- I'm looking at the traffic study -- you 2 are planning that only two cars would enter and 3 three car would exit in morning peak hours? 4 THE WITNESS: Yes. 5 MEMBER DAVE: So you're assuming that 6 out of 20, 23 units, assuming there are 46 adults 7 living there 55-plus, that only two cars be going 8 out? 9 THE WITNESS: That's how the data has 10 been showing, yes, because people are -- 11 MEMBER DAVE: And you believe that? 12 THE WITNESS: As a 55-plus-year-old 13 professional, I can tell you that I am not driving 14 down my road and past the school at 8:15 when all 15 the parents are picking up and dropping off and I 16 have a school down the street from me. I choose to 17 leave when I know that the traffic is not going to 18 be busy, and any person who is in that age bracket. 19 And to conclude that there would be two to four 20 vehicles per unit is inappropriate because the 21 parking isn't there to provide three or four parking 22 spaces per unit. 23 So the -- and I'll go back to what I 24 said earlier, if you don't like or think that the 25 projections for the age-restricted are -- if you	Page 40 1 exiting during the busiest evening peak hour on a 2 weekday for 16 trips. Nine entering, seven exiting 3 for a total of 16 during the busiest one hour on a 4 Saturday. 5 Q. Now the other thing I want you to 6 explain, just to put everything in context is, what 7 a peak hour is. 8 A. Sure. The peak hour, and as is 9 appended to our report, is the busiest one hour on a 10 weekday morning, typically between 7:00 and 9:00. 11 And in this location as school is ramping up and 12 people are going to work, that's -- that's the one 13 busiest hour. And based on the counts from NJDOT's 14 database, we're looking at the 8:00 to 9 o'clock 15 hour. So that's the one busiest hour in the 16 morning. And then in the evening while we recognize 17 there's a school peak, the 5:00 to 6 o'clock is the 18 peak hour on -- on Plainfield Road. 19 The peak hour volumes that we're 20 projecting for our driveway are representative of 21 the busiest hour of activity at a site, in this case 22 an age-restricted development. So we're blending 23 the peak street hour volumes that have been recorded 24 by the county and we're blending them with the peak 25 hour trip estimates developed based on data
Page 39 1 think they're too low, well, than we can go back to 2 the numbers that we assessed from the prior 3 application and those showed that the driveway would 4 operate acceptably. 5 But these are -- these are accepted 6 methodologies for developing a traffic study and 7 this is the numbers that -- the set of numbers that 8 is required by the county for using any analysis 9 subsequent to an approval at this level. 10 ATTORNEY TRIPP: Betsy, this might be 11 a good time to go back and look at the prior numbers 12 as well. 13 MEMBER DAVE: Madam Chair, I would 14 prefer that traffic study of the exit where 15 Plainfield Road kind of busy traffic street and 16 similar 30, 23, 25, 30-unit townhomes. Thank you. 17 CHAIRPERSON FETERIK: Thank you. 18 THE WITNESS: Can I answer the 19 question now? 20 BY ATTORNEY TRIPP: 21 Q. Do you have the answer? 22 A. Sure. Sure. So in the prior study 23 for 23 traditional townhouses we had three entering 24 and nine exiting for a total of 12 morning pear hour 25 driveway movements or trips. Ten entering, six	Page 41 1 collected at other age-restricted or standard 2 townhouse developments. 3 Q. And just to be clear, when you estimate 4 a certain number of trips, two, three, five, 5 whatever it is at the peak hour, you're not 6 suggesting those are the only trips that are coming 7 in and out in the morning; you're just suggesting 8 those are the number of trips during that one single 9 hour? 10 A. Right. 11 Q. There will be trips from 5:00 to 6:00 12 a.m., 6:00 to 7:00, 7:00 to 8:00, and then 8:00 to 13 9:00 is the peak, and then there could be trips from 14 9:00 to 10:00, 10:00 to 11:00? 15 A. That's correct. 16 Q. So there's trips throughout the day? 17 A. Right. And if you think about your 18 own neighborhood, not everybody leaves -- or the 19 husband and wife don't all leave at 7:00 or 7:30 20 and -- and then return at 5:00 or 6:00 o'clock. 21 People are coming and going at different times of 22 the day to suit their work or travel or 23 entertainment schedules. 24 So there will be traffic entering and 25 exiting. And I provided the 24-hour number as well.

Page 42 1 And so that for a typical weekday, over the course 2 of 24 hours, we're looking at about 84 -- I'm sorry, 3 43 entering, 43 exiting, for a total of 86. 4 So people are coming and going 5 throughout the day but traffic engineers focus on 6 the combination of the one busiest hour on the road 7 in the morning and evening, and then the peak trip 8 generation based on the ITE database. 9 ATTORNEY TRIPP: Thank you. 10 CHAIRPERSON FETERIK: Any other 11 questions from the board for Ms. Dolan? 12 Yes, Mr. Comba. 13 VICE-CHAIRPERSON COMBA: Thank you, 14 Madam Chair. I agree with both of my colleagues 15 with regards to their questions and their points. 16 So the reality is, Ms. Dolan, you're 17 looking at traffic on Plainfield Road from 7:00 a.m. 18 to 9:00 a.m., and then from 3:00 p.m. to 6:00 p.m. 19 It's not something your study is going to bring up, 20 it's reality. I live it every day. Okay? 21 THE WITNESS: Sure. The volumes are 22 appended for every hour of the day with the -- the 23 DOT counts are for every hour, 24 hours for every 24 hour. 25 VICE-CHAIRPERSON COMBA: I understand.	Page 44 1 the left to another location just as you indicated. 2 If someone can't make the direct left 3 out, they're going to go to another street, pull a 4 U-turn, K-turn, go to somebody's driveway, back out 5 and U-turn. So you're relocating the problem. 6 ATTORNEY TRIPP: So as I indicated in 7 my opening, Mr. Roshanski directed the engineer to 8 put that on the plans because that was a suggestion 9 that was made at the last meeting. We are 10 completely open to eliminating that and having it 11 right and left turns in and out. Again, we're 12 leaving that up to the board. 13 Ms. Dolan has testified, and on direct 14 before the questions, that she didn't see a problem 15 with allowing the left turns. And that is something 16 that we, obviously, have no issue with. 17 VICE-CHAIRPERSON COMBA: Thank you, 18 Madam Chair. 19 CHAIRPERSON FETERIK: Any other 20 questions of Ms. Dolan? 21 CHAIRPERSON FETERIK: Do you want to 22 move forward, Mr. Tripp? 23 ATTORNEY TRIPP: Paul Phillips. 24 ATTORNEY SHAH: Hello, Mr. Phillips. 25 Raise your right hand. Do you solemnly swear or
Page 43 1 Your conservative estimate from the ITE data is just 2 not going to fly. It's not reality. I understand 3 it's accepted, it's not reality. 4 And then further, this right-turn only, 5 so let's -- let's look at how this is going to work. 6 I'm pulling out of the site and I am going to do one 7 of two things; I'm going to pull -- make a right 8 onto Oak Road, pull a K-turn in the parking lot of 9 the -- the county club, and then make a left onto 10 Plainfield, say we're going southbound on Plainfield 11 Road heading to Metuchen. 12 The other option is you can make a 13 right onto Fielding, you can make a left onto 14 Remington, and then you're going to clog up 15 the already busy intersection of Remington and Park 16 or Remington and Fielding because you have school 17 buses coming through, you have cars coming through 18 and you have to say a prayer every time you try to 19 make a left out of there. So you're now, then, 20 diverting the traffic down into the residential zone 21 a little further. 22 THE WITNESS: Yes, in my direct 23 testimony I had mentioned that that, from my 24 perspective, I didn't think it was necessary to 25 prohibit the left because you would be relocating	Page 45 1 affirm to tell the whole truth, and nothing but the 2 truth, so help you God? 3 PAUL PHILLIPS: I do. 4 ATTORNEY SHAH: Can you state your 5 full name for the record? 6 PAUL PHILLIPS: Yes. Paul Phillips, 7 P-H-I-L-L-I-P-S. 8 CHAIRPERSON FETERIK: Your 9 qualifications please, Mr. Phillips, for the record. 10 PAUL PHILLIPS: Sure. I am a 11 principal in the firm of Phillips Preiss. I have 12 been practicing as a planner in New Jersey for 13 approximately 40 years. I'm a licensed professional 14 planner, member of the American Institute of 15 Certified Planners. I do hold a master's degree in 16 urban planning from Hunter College. 17 My firm currently advises several dozen 18 municipalities and boards on planning, zoning and 19 redevelopment. I have been accepted as an expert in 20 over 250 municipalities, including on numerous 21 occasions before this board and also on numerous 22 occasions in New Jersey Superior Court. 23 CHAIRPERSON FETERIK: Okay, thank you. 24 We will accept your qualifications, sir. 25 PAUL PHILLIPS: Thank you.

Page 46 1 ATTORNEY TRIPP: Thank you. 2 3 E X A M I N A T I O N 4 5 DIRECT BY ATTORNEY TRIPP: 6 Q. Mr. Phillips, you testified back in 7 June when this was a non-age-restricted project, 8 correct? 9 A. I did. 10 Q. And you are now aware of the changes 11 that were made to the plans and the decision to 12 age-restrict the units? 13 A. Yes. 14 Q. And did you have an opportunity to go 15 back through your testimony and look at your 16 testimony in terms of the statutory criteria for the 17 grant of the variances that we're seeking in light 18 of the decision to age-restricted the units? 19 A. Yes. 20 Q. And can you give us the benefit of your 21 analysis? 22 A. I will. And I'm certainly not going 23 to rehash all the testimony that I gave in June but 24 just to provide some context, it's been whatever, 25 eight months, there are probably new board members.	Page 48 1 You also have the prior non-conforming 2 use which is the restaurant, which has basically 3 vacated the premises. And as I think the board and 4 the public are aware, there is no other retail 5 presence in the immediate area. 6 So basically as I look at this property 7 from an overall planning standpoint, I look at this 8 as an isolated development site with frontage on an 9 arterial roadway and with an inappropriate zoning in 10 the existing condition. 11 And as I indicated at the -- at the 12 last meeting, I won't go through all of it, but I 13 think given this locational and land use context I 14 think this property is particularly well-suited for 15 a townhouse-type development. 16 And again, in addition to the frontage 17 and access on an arterial road, Plainfield Road, I 18 would add the proximity of the country club and 19 especially the clubhouse and outdoor pool and -- and 20 dining area adjacent to the site. And if I look at 21 this overall property what I see is a property that 22 is surrounded on one side by an arterial road, on a 23 second side by a clubhouse/golf course type 24 facilities. On a third side by actually the -- the 25 golf course. And then on the final side, it
Page 47 1 I just want to kind of provide a framework for the 2 zoning and for the planning proofs and -- and then I 3 will integrate, Mr. Tripp, the additional testimony 4 with regard to the age-restricted component which is 5 now being proposed for the board. 6 So, and again, we need a d(1) Variance. 7 As the board knows we have certain proof 8 requirements, including establishing special reasons 9 and demonstrating that the site is particularly 10 suited for the use. But really here we have unique 11 circumstances again, and I think it's important for 12 the board and the public to consider that you have a 13 property that is zoned for golf course use, yet you 14 have a separate tract that's just over two acres 15 that's not part of the adjacent Metuchen Golf Club. 16 And really what that means is any reuse of these 17 premises is going to require a d(1) Use Variance for 18 any applicant to basically do anything other than 19 golf course. And again, this piece has been 20 separate and apart from the adjacent golf course. 21 You also have standards, including a 22 100-acre minimum lot size and other development 23 requirements which go hand-in-hand with golf course 24 use, which really don't make much sense for whatever 25 is going to be proposed on this two-acre site.	Page 49 1 actually abuts the rear -- common rear lot lines -- 2 rear yard lines of -- of approximately three -- only 3 three single-family homes. 4 That's -- that's the context of this 5 particular site. And again, given that context I 6 think it is particularly suited for what I 7 characterize as an in-fill-type townhouse use. But 8 I think there are also benefits associated now with 9 the fact that this project is being proposed as an 10 age-restricted townhouse development. Again, these 11 type of -- of developments are geared towards active 12 adults, empty-nesters, those who want to downsize. 13 Those who want to live in an attractive community 14 and age in place within the township. And Edison, 15 like many other towns in New Jersey, is facing 16 changing demographics, a growing demand for housing 17 for this segment of the market. 18 We just took a look at some of the 19 latest Census information that we have for 2019 from 20 the -- what's called the American Community Survey, 21 and those aged 55 and older accounted for about 22 28 percent of the entire population in Edison. And 23 since 2010 that segment, that age cohort, if you 24 will, actually increased by 20 percent. And what 25 this means is that this senior or over-55 population

Page 50 1 has actually been growing at a faster rate than 2 other age cohorts within the township. 3 We also tried to get a sense -- or I 4 tried to get a sense of the current supply of 5 age-restricted product in Edison, market-rate 6 for-sale product and it's very limited, at least 7 based on the research that -- that my office did. 8 And as far as I'm aware there are -- there are 9 mainly sort of senior rental projects. There are 10 several senior affordable projects. But here we're 11 proposing 23 for-sale townhouses that is going to 12 sort of offer new product within the community. 13 Again, they're active adults and seniors. 14 And again, for this type use it will 15 come as no surprise to the board or the public, less 16 overall demand for public services and no burden on 17 the school district. And as Mr. Tripp had 18 indicated, we did revise our fiscal impact study 19 when we switched to age-restricted and the project 20 will be -- continue to be -- actually net positive 21 in terms of municipal and school district revenues. 22 That basically means revenues less expenses, being 23 net positive. And it's almost just a little short 24 of double what it was for the non-age-restricted 25 development.	Page 52 1 beneficial use, it is certainly, in my opinion, in 2 the public interest to provide this housing type 3 within the community where appropriate, again, given 4 demographics and given the policy directives of the 5 Master Plan. 6 And I would just add -- I think I set 7 forth four purposes of zoning at the original 8 hearing back in the summer -- I would add to that 9 Purpose L, which is to encourage senior citizen 10 housing construction since at least some segment of 11 the buyers will be -- certainly will be seniors, 12 notwithstanding the 55-age restriction. 13 I don't think, Mr. Tripp, I need to 14 probably go into the same testimony on the d(4) 15 variance. I put that testimony on the -- on the 16 record, this is the FAR. And the real issue here, 17 just to summarize, is that the allowable FAR in the 18 golf course zone is .05, which is really minuscule 19 and again, meant for a large 100-plus-acre site. 20 Our FAR is .66. For residential use, as a planner, 21 I think density is a better standard for FAR. I 22 think FAR is a better regulatory tool for commercial 23 or non-residential development. 24 And as I indicated at the -- at the 25 last meeting, our density at 11.4 units per acre is
Page 51 1 The other key thing is we took a look 2 at your Master Plan documentation and the Master 3 Plan also supports the provision of senior and 4 active-adult housing. The latest comprehensive 5 Master Plan actually goes as far back as 2003. And 6 I'm going to quote one of the goals from that 7 document, which is "to encourage the development of 8 creative senior citizen housing options such as, 9 assisted living and active-adult market housing to 10 accommodate an aging population." That was 2003, 11 which is almost 20 years ago. 12 And in addition, there was a 13 recommendation in that same document, amend the 14 zoning ordinance where appropriate to permit 15 By-Right a variety of senior citizen housing 16 options. I would add that the re-examination report 17 that the planning board did in 2011 re-affirmed both 18 of those goals in that document. 19 And again, I would reiterate that 20 there's very little in the way of age-restricted 21 for-sale townhouse projects in Edison and again, 22 notwithstanding the need for same as expressed in 23 the Master Plan. 24 So while this application in my opinion 25 does not rise to the level of being an inherently	Page 53 1 in line with what is permitted in your townhouse 2 zones. And the R-B-t-h zone actually allows as much 3 as 15 units to the acre. So again, I don't think 4 the density is -- is out of line with what the 5 township has provided for elsewhere for this product 6 type. So I think the applicant can meet that burden 7 to demonstrate that the FAR variance can be granted. 8 Again, I just want to add from the 9 negative criteria that, as you heard from Ms. Dolan, 10 even prior to going age-restricted, relative to many 11 commercial uses, 23 townhouses is relatively benign, 12 overall, relative to non-residential development. 13 From a traffic standpoint and with age-restricted 14 it's actually fewer trips and fewer peak hour trips. 15 As was indicated, we have actually 16 reduced the height of the townhouses. We were 17 slightly above the 35-foot limit and we needed a 18 variance back in the -- last summer. We have 19 actually -- we are now below the 35-foot limit. I 20 think we're 33' 10", if I'm not mistaken. 21 I believe we have sufficient setbacks 22 to the neighboring property lines. We have at least 23 one-to-one setback, which I think it's a good 24 standard. We provide a 35-foot setback. 25 There will be extensive landscaping.

Page 54 1 We've added buffering and screening along those -- 2 where those three houses about the one side yard. 3 And again, there are essentially only four 4 townhouses in this area close to the houses where we 5 beefed up the landscaping. 6 And as you heard from Mr. Roshanski, we 7 have eliminated the balconies basically along the 8 rear of those townhouse structures which face out 9 toward the residential. 10 And again, I would -- I would only add 11 that, in terms of either townhouse or multi-family 12 development, in Edison it's not uncommon to find it 13 either next to or across the street from a 14 single-family development. Any number of projects 15 basically have that context. Enclave, at least some 16 portions of the development, about single-family. 17 Enclave was one. Village Pointe. Pumpstown Corners 18 is completely surrounded, it's attached -- 19 completely surrounded by single-family. 20 We also looked at your residential 21 townhouse districts. There are a number of 22 districts that provide townhouses. And in many 23 cases they adjoin single-family residential 24 districts. So from a planning and zoning standpoint 25 there's nothing -- and certainly this is my	Page 56 1 The issue is in light of the 2 circumstances and the context, do these impacts rise 3 to being substantial in nature in terms of 4 detriment. And I don't see them rising to that 5 level of being substantially detrimental. 6 And same with the zone plan impacts, 7 Mr. Tripp, and Medici, which basically -- 8 interestingly, and I testified to this at the last 9 meeting, the Master Plan actually designates this 10 property for commercial use, kind of mirroring what 11 it had been before the restaurant vacated. But this 12 has never been acted on by the governing body, the 13 G-C zoning has remained. And my sense is, is 14 because historically this is sort of an isolated 15 commercial property and there are no other 16 contiguous commercially zoned properties. So my -- 17 my best professional judgment is the governing body 18 wasn't going to just basically spot zone one 19 property for commercial use. 20 And I think also what is critical here 21 from a Master Plan perspective and Medici, Mr. 22 Tripp, is that, now clearly there's affirmative 23 language in the Master Plan strongly advocating this 24 type of housing within the community. 25 So I also believe that the variance can
Page 55 1 professional opinion -- nothing inherently 2 incompatible with single-family and townhouse 3 development juxtaposed next to one another, provided 4 there are appropriate safeguards in terms of 5 setbacks and buffers. 6 I think I covered the, Mr. Tripp, the 7 zone plan of impacts. And we have to meet the 8 enhanced quality of proof under -- under Medici, and 9 I think this is important -- 10 Q. Oh, wait, before you get into the zone 11 plan and the zoning ordinance, all the reasons you 12 just gave, are those -- did you reach a conclusion 13 as to whether there would be any substantial 14 detriment to the public good? 15 A. No. And again -- 16 Q. "No" meaning -- 17 A. Yeah, I did reach the conclusion that 18 there would be no substantial detriment. And 19 understand that the standard is the word 20 "substantial" detriment. And I will acknowledge, as 21 a professional planner, that just about any 22 development or any variance application is going to 23 have some impact. And particularly on a -- on a 24 site right now that is fallow and redevelopment or 25 development is being proposed.	Page 57 1 be granted without the substantial impairment of the 2 zone plan and zoning ordinance. 3 And I think I covered all of the "C" 4 variances. I don't believe they have changed, other 5 than the fact that we have reduced the height to now 6 meet the 35-foot standard but the setback to the 7 rear, which is to the golf course, stays. And the 8 coverage at 22 percent is within that coverage 9 allowable in the R-B-t-h townhouse district, which 10 is 25 percent, which is a good guideline, so we -- 11 we meet that. 12 The dimensional deficiency is 100 acres 13 and the lot depth, there's nothing we can clearly do 14 to meet that. 15 And I think for the same reasons that I 16 indicated, I think the relief on the "C" variance 17 can continue to be granted and meet the test in 18 terms of no substantial detriment to the public good 19 or substantial impairment of the zone plan and 20 zoning ordinance. 21 Q. The only thing I wanted you to follow 22 up on is in Mr. Bignell's report he mentions signs 23 and talks about whether or not relief is required 24 because the G-C Zone has no reference to signs. 25 Can you just briefly address the signs

Page 58 1 that are proposed and the zoning consideration for 2 those signs? 3 A. Yeah, this is one of those funny ones 4 and Mr. Bignell can certainly chime in, but there 5 are -- there are sort of no sign standards for the 6 G-C zone and we're -- we're actually governed by 7 that even though it's not appropriate. And so it 8 begs the question of whether we need a variance or 9 not. I mean, you can kind of argue it both ways. 10 Assuming we do need the variance since 11 there are no sign standards and one can take the 12 position they're not allowed, we have sort of a -- a 13 screen wall in the front where we have an 14 identification sign. I think that screen wall is 15 set back several feet from the -- the property line. 16 And I believe that the area of that sign is just 17 under -- I think it's 24 and a half square feet. 18 And we took a look at the sign standards in your 19 ordinance where residential -- comparable 20 residential development is allowed, just to get some 21 guideline. And that standard for sign area is 22 25 square feet. So we're within that standard. So 23 we think what is being proposed is appropriate, 24 assuming the variance is needed. 25 And I think there may be a sign for	Page 60 1 So having said that, I will go to the 2 board. Does the board have any question for Mr. 3 Phillips? 4 VICE-CHAIRPERSON COMBA: Madam Chair? 5 CHAIRPERSON FETERIK: Yes, Mr. Comba. 6 VICE-CHAIRPERSON COMBA: Mr. Phillips, 7 you said that you looked at the age-restricted 8 market in Edison. Where is the nearest 9 age-restricted housing? 10 THE WITNESS: Well I only focused on -- 11 on Edison? 12 VICE-CHAIRPERSON COMBA: Yeah, that's 13 what I'm asking. 14 THE WITNESS: Yeah, and the one that I 15 found that wasn't either a rental or affordable, 16 meaning subject to income guidelines, was a kind of 17 condominium as opposed to townhouses which we're 18 proposing. And I can get you the -- the name of 19 that. But that's all we found. 20 I'm not saying that's the universe, but 21 that's what we found. That was referred to as 22 Village at Historic Clara Barton Condominiums. 23 VICE-CHAIRPERSON COMBA: And is it -- I 24 understand that it's age-restricted but I know that 25 in the age-restricted market there's a difference
Page 59 1 guest parking as well, but that's kind of typical, 2 in terms of, you know, internal signage that goes 3 with directional and so forth. 4 ATTORNEY TRIPP: Thank you. 5 CHAIRPERSON FETERIK: Mr. Bignell, are 6 you satisfied with that with regard to signs? 7 BOARD PLANNER: Madam Chair, those 8 signs are small. You have to provide -- if you 9 approve this application, you have to provide some 10 type of identification. 11 CHAIRPERSON FETERIK: Okay. 12 BOARD PLANNER: They're not 13 free-standing signs. 14 CHAIRPERSON FETERIK: Oh, okay. Fine. 15 BOARD PLANNER: They're on the wall. 16 CHAIRPERSON FETERIK: Okay, fine. 17 Thank you. 18 Before I go to the board I just want to 19 mention something so the public is aware and so it's 20 on record. I know everybody keeps mentioning the 21 June meeting. You'll notice we have two new 22 members. The members would not be sitting in if 23 they have not read -- read or watched the CD. They 24 both have and they both have certified to it. So I 25 just want the public to be aware of that.	Page 61 1 between active adult and assisted living. 2 THE WITNESS: Yes, there are clear 3 differences between -- 4 VICE-CHAIRPERSON COMBA: Absolutely. 5 But I'm -- I'm asking with regard to -- 6 THE WITNESS: I know there are 7 assisted-living projects in Edison. There are 8 several. But again, for proposes of this testimony 9 I only focused on the age-restricted market and to 10 try to get a sense as to whether there was any 11 inventory or -- or product similar to what we were 12 introducing. And I guess the conclusion that I have 13 come to is the closest was the one I just mentioned. 14 It is a for-sale product but it's condominium, a 15 little different than the townhouses. 16 So to me there seemed to be a lack of 17 this product notwithstanding some of the policy 18 directives of the Master Plan. 19 VICE-CHAIRPERSON COMBA: Did you do any 20 analysis to see if there was demand for it? 21 THE WITNESS: I did not do a demand 22 study. I basically looked up -- other than the 23 demographics which I cited in terms of the aging of 24 the population and the increase in over-55 and 25 looking at the inventory, the only other barometer

Page 62 1 that I used was the, again, the Master Plan 2 recommendations. That's it. 3 VICE-CHAIRPERSON COMBA: Okay. I mean 4 the avenue that you walk down is, I mean, if this 5 were to be constructed as age-restricted and people 6 didn't buy it, you would be back here saying, "Well, 7 we can't sell it as age-restricted," and you'd be 8 asking to change the restricting and allow it to be 9 market-rate. 10 THE WITNESS: I mean I can only speak 11 from my own experience in terms of the 12 age-restricted market. And certainly Mr. Roshanski, 13 I would think, would not be proposing that if he 14 didn't do his due diligence and understand that 15 there is a demand for the product. 16 All I can say again, is that based upon 17 my research there seemed to be a lack of this 18 for-sale, sort of upscale, non-rental, 19 non-affordable subsidized project in -- you know, 20 within the limits and boundaries of the township. 21 ATTORNEY TRIPP: One other thing I 22 just want to from a legal standpoint -- and your 23 attorney can comment as well -- when you talk about 24 the ability to just come back and get the 25 age-restriction limited, the board would have no	Page 64 1 And again, I'll defer to your attorney 2 because it's her job to advise you, but that would 3 be my opinion. 4 CHAIRPERSON FETERIK: Ms. Shah? 5 ATTORNEY SHAH: I don't -- I don't 6 disagree with Mr. Tripp. It's a very steep, steep 7 standard especially if there's a deed restriction. 8 It's going to run with the land. 9 VICE-CHAIRPERSON COMBA: Thank you. 10 And then, Mr. Phillips, did you do any analysis -- I 11 know you named some of the other multi-family 12 townhouse developments within the township. Did you 13 do any analysis as to where the nearest is to the 14 site? 15 THE WITNESS: Yeah. I think the -- I 16 can give you that in a second. The closest one I 17 believe was the Pumptown Corners, I'm going to guess 18 about a quarter of mile. Enclave, I think, is about 19 a half a mile. And again, this is order of 20 magnitude. 21 VICE-CHAIRPERSON COMBA: So Enclave -- 22 as I asked this question at the last hearing and I 23 did my own due diligence -- I went on Google Earth 24 and it's .87 miles away. So you can write that one 25 down.
Page 63 1 authority to do that. Once there's a deed 2 restriction, it's enforceable for the benefit of the 3 public. 4 The applicant would actually have to go 5 to Superior Court, on notice to the public, and 6 demonstrate a pretty steep standard. So this -- 7 this board would have to relieve an applicant of the 8 condition and they certainly would have the 9 discretion not to. And there are numerous cases 10 reported, and I'm sure your attorney is familiar, 11 when the board relies on specific condition in order 12 to grant certain relief and an applicant comes back 13 and asks to have that modified and the board 14 refuses, I have almost never seen a case where a 15 court would overturn that discretion, particularly 16 where it's something as substantial and as integral 17 to the board's decision. 18 So any resolution, if you would see fit 19 to approve this, you would have findings in your 20 resolution that would make it so integral that it 21 would be virtually impossible for this applicant or 22 any successor or interest to ever get that 23 restriction lifted either from this board as a 24 condition or from a Superior Court Judge, in my 25 opinion.	Page 65 1 THE WITNESS: I will -- I will trust 2 your judgement. I eyeballed it as about half a 3 mile. 4 VICE-CHAIRPERSON COMBA: My kids rely 5 on it for their homework so I've got to trust them. 6 You know, I pay enough in tuition and property 7 taxes. 8 THE WITNESS: I certainly, then, 9 wouldn't dispute that. 10 VICE-CHAIRPERSON COMBA: Absolutely. 11 Thank you. 12 And then with regard to the G-C zone, I 13 know there's two -- you know, two areas where the 14 G-C zone in the township, you know, the Metuchen 15 Country Club and then also the Plainfield Country 16 Club. With the Plainfield, has there been any other 17 multi-family residential or any other development 18 aside from the golf course within that -- that zone? 19 THE WITNESS: In the G-C? 20 VICE-CHAIRPERSON COMBA: Correct. 21 THE WITNESS: Not to my knowledge. 22 VICE-CHAIRPERSON COMBA: Okay. All 23 right. So this would be a first? 24 THE WITNESS: That would be my 25 understanding.

Page 66 1 VICE-CHAIRPERSON COMBA: Okay. Thank 2 you, sir. 3 ATTORNEY TRIPP: Can I follow up with 4 a question? 5 BY ATTORNEY TRIPP: 6 Q. Are you aware of any other situation 7 where the property is zoned G-C that is not part of 8 the golf course? 9 A. I'm not aware of that either. 10 ATTORNEY TRIPP: Thank you. 11 VICE-CHAIRPERSON COMBA: Thank you. 12 CHAIRPERSON FETERIK: Any other 13 questions from the Board for Mr. Phillips? 14 CHAIRPERSON FETERIK: No? 15 Moving along, Mr. Tripp. 16 ATTORNEY TRIPP: I think at this point 17 what we would like to do is go through the reports. 18 CHAIRPERSON FETERIK: Okay. 19 ATTORNEY TRIPP: Sometimes I go through 20 the reports before the planning testimony, but 21 because a lot of the reports asked for planning 22 testimony I thought we should address the planning 23 testimony first. 24 CHAIRPERSON FETERIK: Sure, no problem. 25 ATTORNEY TRIPP: And then I will have	Page 68 1 the townhouse development to be fenced. That would 2 be one of the items that would be in any HOA which 3 would have to be reviewed at least by the board 4 attorney, to make sure that whatever other 5 restrictions are imposed by this board are actually 6 in those documents. So that would be -- that's how 7 that would be handled. 8 The next comment, the zoning ordinance 9 does not prohibit or regulate front yard screening 10 walls. That's just an observational comment. 11 E: Lighting Plan should reduce 12 lighting to minimum levels of the south side of the 13 guest parking lot. Plan Note 8 is different than 14 foot-candles indicated on the site plan. 15 Mr. Roshanski, did you take a look at 16 that? 17 MARK ROSHANSKI: Yes. There's a typo 18 on the note. Actually the lighting plan does show 19 the minimum foot-candle. 20 ATTORNEY TRIPP: Of? 21 MARK ROSHANSKI: .02. 22 ATTORNEY TRIPP: Okay. 0.2? 23 MARK ROSHANSKI: 0.2. My apologies. 24 ATTORNEY TRIPP: As to the storage of 25 and removal of refuse and recycling, which is Number
Page 67 1 Mr. Wilder and Ms. Dolan, anybody else of our team 2 answer the reports as -- as necessary. 3 So we can start -- I guess we'll start 4 with Mr. Bignell's report. Basically the Plan 5 Review Comments, approvals from agencies having 6 jurisdiction, I think you have addressed, Mr. 7 Roshanski, the county. Do you have other approvals 8 that -- that you've obtained? 9 MARK ROSHANSKI: Yes. 10 ATTORNEY TRIPP: And what would those 11 be. 12 MARK ROSHANSKI: Freehold Soil 13 Conservation District, the DEP, Middlesex County 14 Utilities Authority. Those are all the governing 15 bodies associated with this project. 16 ATTORNEY TRIPP: Comment B is to 17 address the use density and FAR, "D" variances. And 18 we did address that with Mr. Phillips's testimony. 19 Mr. Bignell's next question is would an 20 HOA be formed? Would a master deed be filed? Which 21 would be owned as a qualifier parcel? Clearly it's 22 going to be an HOA with a master deed. 23 And there's a request that the deed 24 should notify residents -- future residents that the 25 ordinance doesn't permit individual rear yards in	Page 69 1 F -- Item F: Why is a trash enclosures needed? 2 Will trash be stored in cans inside the individual 3 units? 4 As the developer, can you address that 5 comment? 6 MARK ROSHANSKI: Yes. There will be 7 private garbage and recycling. The two forms of 8 pickup would be within trash enclosures. There 9 would be dumpsters there. And it would be regularly 10 picked up during off-peak hours. 11 ATTORNEY TRIPP: The next comments are: 12 G) is a minimum tree height of 8 to 10 feet; H) is 13 shrubs being a minimum of 36 inches at the time of 14 planting; and I) is a mechanical irrigation system 15 shall be included as part of the landscape plan. 16 I believe those are all shown on the 17 plans. We'll stipulate compliance with that if 18 they're not. 19 The plans should provide additional 20 sign area and setback details for the wall sign. 21 There is a sign proposed at the guest parking lot? 22 MARK ROSHANSKI: That detail is now 23 shown on the detail sheet. 24 ATTORNEY TRIPP: And there is a sign 25 proposed indicating guest parking, correct?

Page 70 1 MARK ROSHANSKI: Correct? 2 ATTORNEY TRIPP: Applicant shall 3 provide testimony address findings of the traffic 4 and fiscal impact. We did present that. 5 And the next one, again, says that we 6 should address the fiscal impact study. 7 So that's -- that is Mr. Bignell's 8 report. 9 CHAIRPERSON FETERIK: Mr. Bignell? 10 BOARD PLANNER: Madam Chair, the 11 applicant has addressed the comments in 12 of our 12 report. And the applicant usually has the -- the 13 comments in our Number 13 about the testimony for 14 the proofs and the substantial detriments and such, 15 they have -- they have provided that testimony. The 16 board just needs to make a decision whether you 17 agree or not. 18 CHAIRPERSON FETERIK: Okay, fine. 19 Thank you. 20 Mr. Tripp, do you want to go to the 21 engineer's report? 22 ATTORNEY TRIPP: Yes. The majority of 23 the items in Mr. Carley's report are indicated as 24 addressed or complied with. And I think we've -- we 25 agree to any -- any of the outstanding items we	Page 72 1 Now we have a December 7th, 2021, 2 report issued by Sergeant Douglas Turner, the 3 traffic unit supervisor. And he correctly points 4 out that the Woodrow Wilson School generates heavy 5 traffic in the area during drop off and pickup. 6 That may not be during the peak hours of analysis, 7 that are contained within the report. 8 Although the report does mention that 9 the school is there, relative to controls at the -- 10 at the proposed intersections of the driveways with 11 Plainfield Road, generally you do a warrant analysis 12 for controls even going out to a roundabout or a 13 traffic signal. 14 And I'm not suggesting that this rises 15 to the level of a roundabout or a traffic signal, 16 but even for stop signs, left-turn restrictions, 17 et cetera, et cetera. And some of the warrants 18 include proximity to school crossings, crash 19 experience, and volumes on the major road. 20 This is to Ms. Dolan. Have you 21 examined those various potential warrants? 22 ELIZABETH DOLAN: The left-turn 23 warrant would be performed for a left turn into the 24 site. The level of service calculation is the 25 appropriate valuation for the -- the capacity or the
Page 71 1 agree to. I don't know if there's anything that Mr. 2 Carley would like us to specifically address. 3 CHAIRPERSON FETERIK: Mr. Carley? 4 BOARD ENGINEER: Thank you, Madam 5 Chair. From the Chair to Mr. Wilder and Ms. Dolan, 6 I will just go to those comments. 7 Just for the board's edification and 8 the public's edification, I'm going through my 9 Friday, December 10th, 2021, report, second review. 10 My first review was issued on June 28th 11 of 2021. And Morgan Engineering revised the plans 12 on September 15th, 2021, which did address many of 13 the comments of that earlier report. There is still 14 some -- I'll call them issues to be addressed. 15 Mr. Wilder, can you certify that the 16 24-foot-wide drive aisle -- or Ms. Dolan -- meets 17 the New Jersey Residential Site Improvement Standard 18 access criteria? 19 MATHEW WILDER: Yes, 24 feet does meet 20 the RSIS standards. 21 BOARD ENGINEER: On Comment 2.5 of my 22 report, pursuant to Edison Chapter 16, Section 5.5, 23 fire and emergency access lanes, the plan should be 24 reviewed by the chief's of the fire department and 25 police or their designees.	Page 73 1 movements to turn left out. 2 We have not performed an accident 3 analysis but that's certainly something we can look 4 at. I know that there is a police officer at the 5 Woodrow Wilson intersection to help with the school 6 traffic activity but the -- there have been no 7 additional analyses. And certainly our driveways 8 would not warrant any type of signal. The 9 appropriate control is a stop sign. 10 BOARD ENGINEER: Then this goes to Mr. 11 Wilder. And as he prepared the book of exhibits 12 that goes with this, one of the -- the rendering 13 shows a no left turn out of the site. Is that what 14 is being proposed? 15 You know, the old saying is what you 16 see is what you get in front of the board. And I 17 have an exhibit that shows no left turn out of the 18 site. 19 ATTORNEY TRIPP: Yes, I can address 20 that actually. I mentioned that in my opening and I 21 think Ms. Dolan covered it in her testimony. 22 We proposed that in response to 23 suggestions at the last meeting that we restrict it 24 to show that we could restrict it if that's what the 25 board decides.

Page 74 1 I think Ms. Dolan testified, and she's 2 here and she can repeat that if necessary, that she 3 doesn't think it's necessary to restrict it but, 4 again, we're offering that if the board determines 5 that that would be a better -- a better way of 6 controlling the traffic coming out. 7 BOARD ENGINEER: Sometimes the 8 controls at an intersection aren't really solely to 9 maintain Levels of Service. You know, your traffic 10 generation would be modest during the peak hours. I 11 will acknowledge that based on ITE traffic 12 generation ratios. But sometimes traffic controls 13 are -- are meant to preclude accidents and preclude 14 awkward turning movements. 15 A left turn out of the site would cross 16 two lanes into an area that has pretty much in every 17 intersection that's from that Woodrow Wilson School 18 neighborhood, Plainfield Road has the benefit of 19 crosswalks. So it appears to me that there's a 20 significant amount of pedestrian activity that 21 crosses Plainfield Avenue. And as Ms. Dolan 22 testified, so much that the police have a presence 23 out there. So I will let the board take that in its 24 consideration. 25 To Mr. Wilder again -- again, what you	Page 76 1 to God's ears. And I always defer to Mr. Bignell 2 relative to landscaping. 3 You are -- you are providing 4 irrigation, I'm assuming, right? 5 MARK ROSHANSKI: That's correct. 6 BOARD ENGINEER: Going back to my 7 report, that Item 2.5, it suggests that getting 8 commentary from the chief of police, which you have 9 and also the chief of fire department. 10 You show fire lanes. Have you talked 11 to Chief Latham. 12 MARK ROSHANSKI: Yes, we actually have 13 his approval. 14 BOARD ENGINEER: Okay. Do you have a 15 copy of that approval? 16 MARK ROSHANSKI: I do. 17 BOARD ENGINEER: Okay. You have 18 provided testimony on the Traffic Impact Study. And 19 again I would -- I would suggest that the left turn 20 out, you know, perhaps restrict it to hours when the 21 Woodrow Wilson School is letting in and letting out. 22 It might be appropriate. But that will, I think, 23 require a study by Ms. Dolan. 24 In terms of parking, what are your 25 proposed arrangements for delivery vehicles?
Page 75 1 see is what you get -- the landscaping that you show 2 in the renderings, let's see, some of the trees look 3 like they're taller than the buildings. Is that a 4 20 years from now built condition or are they a 2023 5 condition? 6 MATHEW WILDER: Are you referring to 7 the rendering in these books? 8 CHAIRPERSON FETERIK: Microphone, 9 please. Microphone, please. We have to hear you. 10 BOARD ENGINEER: Yeah, the rendering. 11 And, you know, even -- all of the renderings. 12 MATHEW WILDER: So the 3-D renderings 13 were not done by my firm. 14 ATTORNEY TRIPP: Mark, can you address 15 those? You had those prepared? 16 MARK ROSHANSKI: Yes, we did have 17 those prepared. 18 BOARD ENGINEER: Is that the 2023 19 condition or the -- 20 MARK ROSHANSKI: So there is -- there 21 is existing trees on the tract that are 20 to 22 30-feet tall. The other trees, shade trees, you 23 know, we are showing the 3-and-a-half-inch caliper 24 which can easily have a 12 to 15-foot canopy. 25 BOARD ENGINEER: Okay. From your lips	Page 77 1 Amazon? What are the food delivery services -- Door 2 Dash, et cetera, et cetera? 3 MARK ROSHANSKI: Since it's a 4 24-foot-wide aisle, even if a box truck would pull 5 into the site there's plenty of room for a vehicle 6 to maneuver past it. 7 BOARD ENGINEER: Yeah, but the -- I'm 8 looking at the site plan and every square inch of 9 your -- your loop road says "fire lane, no parking". 10 So what I'm suggesting is that you really should 11 make an arrangement for -- that's part of life, 12 people complain about Amazon sprinter trucks and 13 tractor-trailers, but we all go on at 10:00 at night 14 to order stuff and so those things are ubiquitous 15 and I suspect they'll become -- we'll see a lot more 16 of them in the future. So I think it would be 17 prudent to provide some sort of parking for those 18 sprinter trucks. 19 MARK ROSHANSKI: That's something we 20 can comply with. 21 BOARD ENGINEER: Now this is for Mr. 22 Wilder. Can you testify that an adequate number of 23 accessible parking spaces are provided? 24 MATHEW WILDER: Correct. Correct, 25 there are two handicap accessible spaces in the

Page 78 1 center island in between the four buildings. And 2 there is additional handicap parking spaces in the 3 visitor parking area. 4 BOARD ENGINEER: Okay. Now since 5 our -- our first review, the great state of New 6 Jersey passed Senate Bill 3223 in July of 2021, 7 which has to do with electric vehicle 8 charging-station-ready parking spaces. 9 Do you comply with the state law? 10 MATHEW WILDER: We will. It will 11 require additional EV parking stations, which we'll 12 add. 13 BOARD ENGINEER: This is Item 3.6, 14 Madam Chair. And I think this is probably most 15 appropriate to Mr. Roshanski. 16 What kind of security measures, 17 cameras, surveillance, IT, do you propose in the 18 parking area? 19 MARK ROSHANSKI: We could propose 20 common area surveillance video, which would be 21 handled by the HOA. It would be mounted on the 22 buildings. 23 BOARD ENGINEER: Okay. That might be 24 a condition of a board resolution. 25 Do you agree with Item 4.2, that all	Page 80 1 if there is any vegetative growth that begins to 2 hinder or block any lights they will obviously be 3 cut back to ensure that the site functions properly. 4 BOARD ENGINEER: Comment 5.2 and 5 stormwater management, we recognize that the site is 6 almost fully paved now and there will be a net 7 reduction of post-development flows. However, in 8 terms of your certifications and your seal, we look 9 for your report to certify in addition to certifying 10 compliance with New Jersey Administrative Code 7418 11 of the stormwater management rule, that you also 12 comply with the township's stormwater management 13 requirements. 14 MATHEW WILDER: We do and we'll add 15 that certification. 16 BOARD ENGINEER: Great. The operation 17 and maintenance manual you have provided does comply 18 with the state statute. 19 Do you avert to file it on the -- or 20 memorialize the operation and maintenance manual 21 upon the deed of record for the property? 22 MATHEW WILDER: Yes. 23 ATTORNEY TRIPP: Yeah, we have a -- we 24 have a standard form we use to record those that 25 I've done here and in other --
Page 79 1 lighting not for security purposes should be 2 activated by motion-sensored devices during 3 non-operating hours, as suggested by Edison's 4 ordinance at 37-61.5? 5 MARK ROSHANSKI: We will comply with 6 that. 7 BOARD ENGINEER: Can you certify, Mr. 8 Wilder, that the proposed lighting is dark-sky 9 compliant? 10 MATHEW WILDER: It is. 11 BOARD ENGINEER: And this is to Mr. 12 Wilder again. You know, oftentimes engineers, 13 myself included, we get exuberant about placing 14 trees and light standards and everything works out 15 on the cartoon, but give it a little bit of a while 16 the mature canopy of trees ends up blocking the -- 17 the light. 18 Mr. Wilder, we look for you to just 19 check and double-check that there's good separation 20 between the mature canopy of the specified trees -- 21 particularly the locust trees, they'll grow big in 22 time -- and the proposed light standards. 23 MATHEW WILDER: We'll certainly review 24 that to ensure there's adequate circulation. And 25 then the property will be maintained by an HOA. So	Page 81 1 BOARD ENGINEER: Just wanted to put it 2 on the record. 3 ATTORNEY TRIPP: -- yep, and in other 4 municipalities. So, yeah. 5 BOARD ENGINEER: And just bear with 6 me, Madam Chair. I just want to go through anything 7 that is outstanding. 8 I do have some outstanding comments 9 relative to the sanitary sewer, 6.7, 6.8. We look 10 for you to video the existing sanitary sewer 11 underneath Plainfield Road, verify its condition. 12 And if that inspection demonstrates that the 13 sanitary sewer is in poor condition or requires 14 replacement, indeed that you will do such work in 15 coordination with the town engineer. 16 MARK ROSHANSKI: We will comply. 17 BOARD ENGINEER: 6.8 is technicals add 18 specified PVC standard ratings, the standard 19 dimension ratios on your plan. 20 MARK ROSHANSKI: We will comply. 21 BOARD ENGINEER: 6.13, Mr. Wilder, 22 have you communicated with the water utility? 23 MATHEW WILDER: Yes. And we do 24 indicate a hot box on the property just to the south 25 of the visitor parking, which shows an irrigation

Page 82 1 line and also an 8-inch line -- 2 (Stenographer clarification.) 3 ATTORNEY TRIPP: Hold on. Our reporter 4 needs... 5 MATHEW WILDER: -- domestic line as 6 well. 7 ATTORNEY TRIPP: Thank you. 8 BOARD ENGINEER: What I will suggest 9 to you, Mr. Wilder and Mr. Roshanski, what a hot box 10 is, is Middlesex Water requires water lines to come 11 out of the ground through a box so their serving 12 technicians can, instead of going into the ground, 13 can access these water service lines. 14 Now in New Jersey and the Northeast, if 15 there's water above ground and a hot box, the power 16 to the hot box goes off -- they call it a hot box 17 because it's heated -- then the water in the line 18 freezes and the pipe bursts. So we're going to be 19 looking for you to put a -- some sort of emergency 20 generator associated with it. 21 It oughtn't need to be a huge -- not a 22 water generator -- an electric generator. It 23 oughtn't need to be a huge electric generator, but 24 you always want that hot box in operation or else it 25 becomes a holy mess.	Page 84 1 mean, they become pretty ugly, pretty quick. 2 MARK ROSHANSKI: If we mount them 3 inside how do we get the utility company to maintain 4 them? 5 BOARD ENGINEER: Oh, easily. I mean, 6 PSE&G hasn't been in my house in a decade; they just 7 drive by and, you know, they read your data from the 8 street. The water company, in my part of the world, 9 hasn't been at my house in a decade. 10 It's 2022. We have the Internet, I 11 guess. 12 MARK ROSHANSKI: We can comply with 13 that comment. 14 BOARD ENGINEER: I mean, it's really 15 not a big leap. You're going to have individual 16 units, right? 17 THE WITNESS: That's correct. 18 BOARD ENGINEER: So, I mean, the 19 potential is that you ought to stack a 6 by how -- 20 you know, electric and gas and water meters, you 21 know, 6 times 3, having 18 meters stacked on the 22 outside of the building, like I said, that gets 23 pretty ugly pretty quick. 24 And the rest of 8.4 and the Section 9 25 really have to do with construction sequencing, the
Page 83 1 MARK ROSHANSKI: We are proposing a 2 generator. We already have it on the plan from 3 Elizabethtown Gas. 4 BOARD ENGINEER: When the electric is 5 off, there's an emergency generator, you can fuel 6 the generator. Whichever way you want. 7 And so to make sure that the emergency 8 generator complies with the township's regulations 9 as expressed in Chapter 12. Chapter 22, Health 10 Regulations and Environmental Regulations, as they 11 pertain to noise generation. 12 MARK ROSHANSKI: We will comply. 13 BOARD ENGINEER: Item 6.17, Utility 14 Meters. We look for you to mount them on the -- on 15 the interior of the proposed buildings. 16 ATTORNEY TRIPP: It says exterior. 17 BOARD ENGINEER: It should not be 18 mounted on the exterior. 19 ATTORNEY TRIPP: Not be mounted on the 20 exterior. 21 Can you mount them on the interior? 22 MARK ROSHANSKI: So you're saying we 23 cannot propose meter stacks on the outside of the 24 buildings? 25 BOARD ENGINEER: Yeah. They may -- I	Page 85 1 potential construction sequencing, clean fill 2 estimates, make sure they demonstrate to the town 3 engineer that any fill you bring on, any dirt you 4 bring off is clean. 5 If you have demolition work, make sure 6 it's done in a logical manner. And the same thing 7 with construction logistics. And if the board looks 8 favorably upon this and it proceeds, a 9 pre-construction meeting. 10 And then 9.6 is those other agency 11 permits. County planning board you testified you 12 already have. But, you know, street opening 13 permits, swale importation permits, et cetera, 14 et cetera. 15 MARK ROSHANSKI: We will comply with 16 all of those. 17 BOARD ENGINEER: And that's the length 18 and breadth of my report, Madam Chair. 19 CHAIRPERSON FETERIK: Thank you, Mr. 20 Carley. 21 Mr. Tripp, anything else at this point? 22 ATTORNEY TRIPP: We have nothing at 23 this point. Obviously we reserve the right to 24 recall witnesses to respond to any testimony of the 25 public, any comments of the public, or any experts

Page 86 1 that the public puts forth this evening. 2 CHAIRPERSON FETERIK: I'll go to the 3 board one more time. Any questions from the Board 4 from anyone, Mr. Skibar? 5 MEMBER SKIBAR: Madam Chair, can you 6 just review the number of bedrooms per unit? 7 MARK ROSHANSKI: There are three 8 bedrooms proposed. 9 Member SKIBAR: Thank you. 10 CHAIRPERSON FETERIK: Anything else? 11 Mr. Comba, anything else? 12 VICE-CHAIRPERSON COMBA: Madam Chair, 13 you just brought up another question, but I want to 14 go with my question first. 15 Have you submitted, based on Mr. 16 Carley's questions, have you submitted a growth plan 17 for as to when you anticipate the trees that you are 18 planting to be full grown, full growth? 19 MARK ROSHANSKI: Are you asking when 20 the landscaping is typically planted on the site? 21 VICE-CHAIRPERSON COMBA: No, no, not 22 when it's planted on the site, but when you're going 23 to plant trees, the trees are going to -- are going 24 to grow to certain -- a certain height. What do 25 you -- when do you anticipate it; how long is it	Page 88 1 Agricultural District that does provide such 2 information. Plus it provides information on deer 3 resistance of different species. And so I would 4 encourage Mr. Wilder to take a look at that and 5 provide that information to the board. 6 And I can get back to the board in 7 about ten minutes if I find it online. 8 CHAIRPERSON FETERIK: We're going to 9 take a little break, yeah. 10 Anything else, Mr. Comba? 11 VICE-CHAIRPERSON COMBA: And then also 12 with regard to your architectural plans, so there's 13 the -- you are only showing the first floor, second 14 floor, third floor, but there is a down and you're 15 proposing a basement for the additional bedroom. 16 MARK ROSHANSKI: It's in the back of 17 the architectural plans, it's a separate sheet. 18 Sheet A-15. 19 VICE-CHAIRPERSON COMBA: And these 20 units are in the basement as opposed to -- I'm 21 sorry, these bedrooms are in the basement? 22 MARK ROSHANSKI: There's one proposed 23 bedroom in the basement. 24 VICE-CHAIRPERSON COMBA: Yes, Mr. 25 Ayotte, can you shed some light onto township
Page 87 1 going to take for them to get to their -- to their 2 expected height? 3 MARK ROSHANSKI: It all depends on the 4 specimen of tree. I would have to revert to my 5 engineer. I'm not an expert on trees. 6 VICE-CHAIRPERSON COMBA: Mr. Wilder? 7 MATHEW WILDER: Sure. So the 8 township's requirement is that for the tree to count 9 towards tree replacement at the time of planting, 10 they need to be 8 to 10 feet in height, which is 11 what we're proposing. 12 I don't have the growth rate of the 13 various trees that are proposed throughout the site 14 as to inches per year. 15 VICE-CHAIRPERSON COMBA: Mr. Carley, 16 you have a green thumb; do you have any idea? 17 BOARD ENGINEER: Well, what I usually 18 rely on is the State University of New Jersey -- 19 CHAIRPERSON FETERIK: Mr. Carley, is 20 your microphone on? 21 BOARD ENGINEER: I'm sorry. I love to 22 mumble. 23 CHAIRPERSON FETERIK: That's okay. 24 BOARD ENGINEER: I usually rely upon 25 the State University of New Jersey, Rutgers	Page 89 1 standards with placing a basement -- a bedroom in 2 the basement? 3 ZONING OFFICER: It's required to have 4 an egress window and an egress door leading from the 5 basement. 6 We particularly don't approve a 7 basement bedroom apartments because they can become 8 a second dwelling. So technically speaking, that 9 would have to come before the board for 10 interpretation. 11 VICE-CHAIRPERSON COMBA: Is there an 12 access? 13 ATTORNEY TRIPP: Well this wouldn't be 14 an apartment. This would just be a bedroom. There 15 would be no separate dining facilities or anything 16 like that. 17 ZONING OFFICER: Would there be a 18 bathroom? 19 MARK ROSHANSKI: There is a separate 20 bathroom. 21 ZONING OFFICER: Yeah, so two of the 22 three rooms, you would have a bathroom and a bedroom 23 in the basement. At that point in time, we might 24 send it to the board for interpretation. Again, 25 because all you need is a hot plate or a place to

Page 90 1 prepare food and it could become a separate 2 dwelling. 3 We have had more than enough history 4 with this in the town where they say we're just 5 putting in a full bathroom and a bedroom, and then 6 the next thing we have a wet bar or sink, and we 7 have an outdoor exit, and it could be interpreted as 8 a second dwelling. 9 ATTORNEY TRIPP: I think what we could 10 do here because it's an HOA, we could agree to a 11 deed restriction. It would prohibit any cooking 12 facilities in the basement and would prohibit it 13 from being operated as a separate independent living 14 unit and it would be enforceable by the association 15 and by the municipality. 16 So that should take care of it because 17 we will have deed restrictions and that would be 18 another restriction we would add. 19 ZONING OFFICER: Well, deed 20 restrictions don't always necessarily prevent 21 someone from renting. I'm not saying it's the 22 option on the table but, it doesn't always prevent 23 someone from renting the unit out. Some people are 24 not aware of deed restrictions, quite often. And we 25 have them in town now that we're dealing with.	Page 92 1 And if we do the language correctly, we should be 2 able to avoid any of your concerns. 3 CHAIRPERSON FETERIK: Anything else 4 from the Board? 5 MEMBER BARONE: Madam Chair, good 6 evening. I would like to elaborate on some of the 7 things that Davendra Dave said and also Mr. Comba. 8 And this has to do with the testimony of Elizabeth 9 Dolan and the traffic engineer, which appears to be 10 a significant concern of the residents. 11 In my own due diligence I went to the 12 site this morning during those peak hours. I 13 visited that whole area from Charlie Brown's to Park 14 Avenue, down to -- Oak Hill Road I think it's 15 called. And I was there between 7:15 and 8:15, 16 because I wanted to experience myself, even though I 17 know one of the members is only two blocks away from 18 the site, what it was really like at that time. 19 And it's -- the southbound traffic, 20 with an officer controlling the entrance to Woodrow 21 Wilson School, stops traffic, which means there's no 22 passing traffic. There's a lot -- there's no way 23 you could make a left turn out of this complex in 24 the morning hours or high-traffic hours. And I 25 think that that would be impossible.
Page 91 1 If you want to remove the bathroom and 2 have a bedroom; remove the bedroom and have a 3 bathroom, it's one... 4 ATTORNEY TRIPP: Well, I've dealt with 5 these kind of issues before where there's a concern 6 about different various uses. I have come up with 7 different things where boards are concerned about 8 non-bedrooms being converted. Typically, what we do 9 is we put restrictions in the HOA, and we also can 10 put in a requirement in the public offering 11 statement, so anyone who purchases it sees it in the 12 public offering statement. And we can have that 13 language reviewed by your attorney. 14 And then -- it would be obviously just 15 like any other improper use in the town, it would be 16 a matter of enforcement but here you would have the 17 added layer of the association. And I find that 18 associations -- I have a townhouse that I own in 19 Massachusetts, and everybody knows everybody's 20 business and if you do anything that you're not 21 supposed to be doing, it comes to light very 22 quickly. 23 ZONING OFFICER: Sure. 24 ATTORNEY TRIPP: So I think, you have 25 an added layer of protection here for enforcement.	Page 93 1 Also, when the traffic is stopped, as I 2 witnessed this morning, it gets stopped almost 3 across the two entrances to your site, Mr. 4 Roshanski. And I just feel that the pattern -- the 5 traffic is a serious concern. That's what I would 6 like to say. 7 ATTORNEY TRIPP: In terms of that let 8 me ask -- direct a couple of questions to Ms. Dolan 9 to address this. With the understanding that any 10 use of this site is going to generate traffic; is 11 that correct? I mean is there any use that could 12 possibly propose other than leaving it vacant and -- 13 and in its current state; is there any use that 14 would not generate any traffic? 15 ELIZABETH DOLAN: Unless it were a 16 utility-type use it's going to generate traffic. 17 Some development or re-occupancy of a restaurant is 18 certainly going to generate traffic. So the school 19 activity and the peak hour traffic volumes passing 20 the site that are -- they come with the site. So 21 whatever activity is generated on the site, whatever 22 use is on the site, is going to be faced with the 23 same traffic flows that exist at this area now. 24 ATTORNEY TRIPP: And in terms of -- of 25 your analysis, and I know people can quibble over

Page 94 1 the exact numbers that you have in the report -- you 2 got them from the accepted ITE standards, but just 3 looking generally at a comparison of a proposed 23 4 senior units to other possible uses of the site, 5 where does this fall on the spectrum? 6 ELIZABETH DOLAN: I think this falls 7 on the lower end of the spectrum. We had provided 8 earlier in testimony the estimates that would be 9 associated with the existing restaurant if it were 10 to reopen. And again, I said they were estimates, 11 any commercial type use would be generating, 12 probably higher turnover activity than residential. 13 Residential is a little bit slower in terms of you 14 have a few outbound cars, a few inbound cars. So 15 residential is typically lower turnover type of 16 driveway movement than commercial. 17 ATTORNEY TRIPP: Thank you. 18 CHAIRPERSON FETERIK: Okay, thank you, 19 Mr. Tripp. Okay, before I go out to the public -- 20 MEMBER SIDDHADA: Madam Chair? 21 CHAIRPERSON FETERIK: I'm sorry, yes, 22 Mr. Siddhada. 23 MEMBER SIDDHADA: Ms. Dolan, I totally 24 agree with my colleague, Comba, and Dave and Anthony 25 made, their comments about the traffic. You didn't	Page 96 1 that that portion of the road from -- it narrows? 2 It narrows a little bit on that. I find accidents 3 every week on that road. 4 ELIZABETH DOLAN: Well these were the 5 reportable accidents from October 2016, to '21, so 6 five years. We submitted a request to the police 7 department for the accident data along the stretch 8 of Plainfield Road and that's what reportable 9 accidents there were. 10 MEMBER SIDDHADA: Thank you. 11 ATTORNEY TRIPP: The only other thing 12 I would add is that the police report, there was a 13 subsequent police report on 12/7 which did note the 14 heavy traffic during drop-off and pickup times, but 15 didn't note any safety issues or didn't call out any 16 unusual accident patterns or anything that they were 17 going to interpret and they had no further 18 recommendations. 19 So I think the police issued two 20 separate reports on this as well and I think that's 21 -- that's important to note. 22 CHAIRPERSON FETERIK: Thank you, Mr. 23 Tripp. 24 Okay, I'm going to take just a 25 five-minute break, let everyone stretch their legs,
Page 95 1 make any accident reports? 2 ELIZABETH DOLAN: Actually we did and 3 I forgot that earlier in my testimony. And maybe if 4 you give me a few -- a few seconds here to review 5 them, because I had summarized I didn't find a 6 specific accident pattern, that at least three years 7 worth of data. So just bear with me a second. 8 MEMBER SIDDHADA: Okay. 9 ELIZABETH DOLAN: There were two 10 accidents from October, 2016, to October of 2021, at 11 the intersection of Plainfield Road and Woodrow 12 Wilson. 13 There were a total of seven accidents 14 at the -- in front of, I will say, the Charlie 15 Brown's driveway because, let's see we had -- we had 16 two right-angle accidents in front of the driveway, 17 we had one, two, three rear-enders for a total of 18 seven from October -- and again this is October of 19 2016, to October of 2021. 20 At the intersection of Manor Boulevard, 21 across the street, there were a total of eight 22 accidents in that period. And that is the summary 23 of the accidents that -- that we obtained from the 24 township police department. 25 MEMBER SIDDHADA: I mean, do you know	Page 97 1 let this young lady give her fingers a rest and she 2 can have some water. 3 I will remind everyone, when we come 4 back, have your thoughts together. You will have 5 five minutes. My secretary has a timer so we will 6 be timing it with a timer so everybody will get the 7 same amount of time. 8 We're going to try -- we're going to 9 get through everyone this evening because this 10 meeting is not going to be carried over and we're 11 going to try to adhere to our schedule. So if 12 you -- now, I'm sorry, we can't until it goes out to 13 the public. 14 So I will give everyone about a 15 five-minute break to get up and stretch their legs. 16 (A recess is taken at 8:50 p.m.) 17 - - - 18 (The record resumes at 9:04 p.m.) 19 CHAIRPERSON FETERIK: Okay. We're 20 back on record. I understand that -- a couple of 21 things. First of all, we have to decide how we're 22 going to proceed this evening and how much time 23 every -- can I have a show of hands of the people 24 who propose to speak this evening? 25 So that's almost all of you. All

Page 98 1 right, we may have to shorten that five-minute time. 2 (Public interruption.) 3 CHAIRPERSON FETERIK: I'm sorry, I'm 4 running this meeting. 5 I am telling you right now when you get 6 up to speak, we do not want to hear the same thing 7 over and over again. I say this at every meeting: 8 When the first person gets up and he or she says 9 what they would like to say, anyone that comes after 10 that person will say, "I agree with the person in 11 front of -- all the other people that have spoken." 12 And then we want to hear the new ideas or the new 13 statements that you have to make. We don't want to 14 hear every person saying the same thing. That's 15 number one. 16 Number two, I understand we have a 17 planner and a traffic person tonight, correct, for 18 some of the objectors? So I will now give it to Ms. 19 Shah, our attorney, because there's some procedural 20 things that have to be done. 21 ATTORNEY SHAH: I understand there is 22 a planner. I don't know about a traffic expert -- 23 CHAIRPERSON FETERIK: Okay. 24 ATTORNEY SHAH: -- because I have not 25 been provided with anything.	Page 100 1 meeting, so I'm looking at them right now. 2 CHAIRPERSON FETERIK: Okay. 3 ATTORNEY TRIPP: And my experts are as 4 well. 5 CHAIRPERSON FETERIK: Okay, sure. 6 ATTORNEY SHAH: Do you need some 7 minutes before we proceed or do you want us to 8 proceed with the -- I think they were planning on 9 having their planner appear first. 10 ATTORNEY TRIPP: We can proceed with 11 the planner. 12 ATTORNEY SHAH: Mr. Steck, would you 13 raise your right hand. Do you solemnly swear or 14 affirm to tell the whole truth and nothing but the 15 truth, so help you God? 16 PETER STECK: I do. 17 ATTORNEY SHAH: Please state your full 18 name for the record, spelling your last. 19 PETER STECK: Peter J. Steck, 20 S-T-E-C-K. 21 ATTORNEY SHAH: And for the record, you 22 have prepared a report for Kate Fagan at 42 Edgewood 23 Road, Neera Shah at 40 Edgewood Road, Amit Patel at 24 38 Edgewood Road, Shweta Sandeep at 36 Edgewood 25 Road; is that correct?
Page 99 1 CHAIRPERSON FETERIK: Correct. 2 ATTORNEY SHAH: Mr. Tripp, I assume 3 you have not either? 4 We're entitled to know, as a board, who 5 represents -- and you -- and this is -- are you the 6 traffic expert? 7 UNIDENTIFIED SPEAKER: No. Here is the 8 traffic report. And it is the same folks as on 9 this. 10 ATTORNEY SHAH: And you -- and 11 you're -- okay, I guess we'll get into that. 12 And you're the traffic expert? 13 UNIDENTIFIED SPEAKER: I'm the traffic 14 engineer. 15 ATTORNEY SHAH: You may have a seat... 16 CHAIRPERSON FETERIK: Mr. Tripp? 17 ATTORNEY TRIPP: Yes. 18 CHAIRPERSON FETERIK: I thought you 19 were going to say something, I'm sorry. 20 ATTORNEY TRIPP: Well, no -- no, I was 21 just looking at these reports which we were just 22 handed. So they were not -- obviously they were not 23 submitted -- 24 CHAIRPERSON FETERIK: Correct. 25 ATTORNEY TRIPP: -- in advance of the	Page 101 1 PETER STECK: Yes. 2 ATTORNEY SHAH: And you have copies 3 for the board? 4 PETER STECK: I do. 5 ATTORNEY SHAH: Okay. Could you 6 please provide those and we will hand those out. 7 CHAIRPERSON FETERIK: Mr. Steck, we 8 need some qualifications for the record, please. 9 PETER STECK: Yes. By way of 10 education, I have a Bachelor's Degree in civil 11 engineering and a Master's in city & regional 12 planning. I was the Planning Director for the Town 13 of Montclair for just short of ten years. I was 14 also a planning -- an associate planner with two 15 consulting firms, Malcolm Kasler Associates and 16 Alvin Gershen Associates. I was licensed in 1976 17 and still hold that license. And I appeared in 18 approximately 200 municipalities as well as been 19 accepted as an expert planning witness in Superior 20 Court and in Tax Court and I have testified before 21 in Edison and been accepted as an expert planning 22 witness. 23 CHAIRPERSON FETERIK: Okay, thank you. 24 We will accept your qualifications, sir. 25 PETER STECK: Yes, I don't know if you

Page 102 1 want to mark my report? 2 CHAIRPERSON FETERIK: Ms. Shah? 3 ATTORNEY SHAH: Objector-1. 4 PETER STECK: Thank you. 5 (Exhibit 0-1, Planning report prepared 6 by Peter Steck, dated 2/15/22, is marked.) 7 PETER STECK: What I passed out is a 8 report prepared by me, dated today, February 15th. 9 And I will briefly go through it to lay a foundation 10 for my conclusions. Some of this information I am 11 sure the board is already familiar with but I want 12 to provide some foundation for my opinions. 13 The subject property is one lot, a 14 little over two acres, and it fronts on a county 15 road. And as the board is aware it has 16 historically -- it's a developed lot. It has a 17 restaurant, and it's got a parking area and two 18 driveways. It's burdened by an easement to the 19 rear. 20 And it's -- was a Charlie Brown's 21 restaurant. It's no longer operational. I don't 22 believe the applicant is contending that the use has 23 been abandoned. Just because it's not used, doesn't 24 mean you can't restart a restaurant potentially out 25 of it with a different name.	Page 104 1 This is an unusual design that, in my 2 opinion, results from overcrowding of the site. 3 There is a parking area with a driveway that is 4 separate from the units. So, for example, if you 5 have a unit, you can park in front of your unit. 6 But if you happen to have a third car or whatever, 7 you have to drop your groceries off, you have to 8 drive back up the street again to come back to use 9 the additional parking. There is only a pedestrian 10 connection between this remote parking. I have 11 never seen that before in a development like this. 12 Also, as you can see in the red 13 markings on Page 3, there is a misalignment of the 14 driveways with what's across the street. If the 15 applicant were proposing a public street, that 16 public street would be by your code and the Residential 17 Site Improvement Standards, which align with Broad 18 Avenue and it's the center lines are 15 feet off, 19 the driveway parked to the separate parking area is 20 60 feet -- 66 feet off center. Your code says you 21 are supposed to, as much as possible align, or be 22 125 feet away. And the problem is, let's say you're 23 exiting the driveway, normally you look straight 24 ahead to see is the car coming out of Broad Avenue, 25 but here it's offset. So this is not a classic
Page 103 1 As you can see from the photograph on 2 the first page, which is from Bing Maps, the 3 southern part of the property has a corner cut out 4 but otherwise it's a regular-shaped lot and there is 5 about 75 feet of green on the southerly end which is 6 close to the most sensitive land uses, meaning the 7 abutting single-family homes on Edgewood. 8 On the next page there is a description 9 of the proposed development. And I know the board 10 is familiar with it but I want to emphasize certain 11 things. 12 There are four living levels in this 13 townhouse development. The applicant is proposing 14 23 units, and there are four living levels in it, 15 which when I talk about 55-and-over it's quite 16 unusual. Usually the classic age-restricted 17 development has like a small ranch house or a 18 side-by-side small house. This is unusual in 19 that -- and it may have been to the fact that the 20 applicant developed this before the 55-and-over age 21 restriction was proposed, but these are very narrow 22 units but very large. Frankly, in my career I have 23 never seen an age-restricted development that has 24 four different living levels in it. That is very 25 unusual.	Page 105 1 design and in my opinion it's a result of having a 2 crowded development. 3 On the southerly side of the property 4 where there's 75 feet of greenery now, before you 5 get to the parking lot, that's going to get reduced 6 to 20.7 feet in the remote parking area and 23 feet 7 behind the patios to the row of four townhouses. 8 That's a dramatic difference from the 75 feet that 9 exists today. 10 The other thing I want to point out, is 11 let's say, you're driving into the project there are 12 six units on the left-hand side. Because the upper 13 levels are cantilevered out, those units, the second 14 floor for example, are only 16 feet back from the 15 driveway surface. The applicant had to inset the 16 first floor. So you have barely enough room for a 17 car -- to have 18 feet is the minimum. And what is 18 interesting, when you look at the site plan, and 19 it's hard to see it here because it's shrunken, the 20 applicant chose a rectangle presumably to represent 21 a car. The rectangles are only 13 feet deep, so 22 apparently there's a presumption that everybody here 23 is going to have a Mini Cooper or something. 24 So what I'm saying is there's a lot 25 with this project that shows a compromised design

Page 106 1 because there are so many units. There is a 2 complaint about -- there was a mention that there is 3 a pool to the north with a country club and there's 4 a 6-foot fence there. And the applicant is saying, 5 well, you know, if houses were there normally you 6 would have two and a half stories and likely to have 7 a window on the third floor. Despite the planting 8 of 6 to 8 feet evergreens the answer is the 9 occupants are going to be able to see the pool 10 because it's much taller than what a typical 11 single-family house would be. 12 One of the -- the applicant says they 13 comply with the height. Well, they comply with the 14 linear height but these are three-story buildings 15 where a maximum is only permitted of only two and a 16 half stories. And that is not counting the bedroom 17 in the basement. There are four living levels here, 18 which is highly unusual. 19 The next page, on Page 3, I have a 2020 20 aerial photograph. It's in red because it was an 21 infrared one from the NJDEP geoweb site. And as you 22 can see, on essentially two sides this property 23 abuts the golf and country club. It does abut homes 24 to the south. And it's across the street from 25 homes. And I point this out -- and the neighborhood	Page 108 1 is the planning board, in terms of land use policy, 2 was comfortable with Charlie Brown's or another 3 commercial use. 4 That is the public policy. There is 5 nothing in the public policy that says there should 6 be townhouses in this area. The closest townhouse 7 zone is over a half mile away to the west. 8 That policy was reaffirmed in 2011, in 9 the re-examination report. And among the goals and 10 objectives that were affirmed, under the heading of 11 Community Vision it said, "encourage consistency of 12 scale and spatial patterns between new development 13 consistent with a scale of established land uses, 14 while preserving the character and developed nature 15 of existing neighborhoods and promote land uses at 16 densities which consider available vacant land." 17 I will also note that the Master Plan 18 talks about senior housing. Senior housing is not 19 55 and older. That is age-restricted housing. If 20 you look at municipal Land Use Law, they define 21 senior housing. It's 62 and over. So while and 22 I'll go -- I'll end up with some comments about 23 this, but the applicant's planner says "Oh, this 24 promotes the public purpose of senior housing." 25 Senior housing is 62 and over, it's not 55 and over.
Page 107 1 is predominantly single-family. There is a golf 2 course and country club there, and as you know just 3 to the -- off the page to the west is the Woodrow 4 Wilson School. 5 But as the board is familiar with it, 6 in this stretch of Plainfield Road, and I apologize, 7 the state maps have Plainfield Avenue -- I will 8 apologize on behalf of the state I guess, but the 9 predominant length in this area are single-family 10 homes fronting on Plainfield Road. 11 The next page is some information from 12 the Master Plan which is a crucial document here 13 because the negative criteria involves demonstrating 14 that this development -- it does not substantially 15 impair the intent and purpose of the zone plan which 16 is the Master Plan and the zoning ordinance. Here 17 we have your 2003 Master Plan that has an existing 18 land use map and it had a red color for the subject 19 property and that means it recognized that Charlie 20 Brown's was there. 21 The recommended Master Plan said the 22 golf course ought to be the golf course. Most of 23 the surrounding area should be single-family 24 detached homes, but they reference commercial use 25 for the subject property. And what that says to me	Page 109 1 55 and over just means you don't like school kids, 2 that's what it means, or you don't like infants. 3 On the next page I talk about the 4 zoning and indeed the governing body placed this in 5 the golf course zone. And I suppose if the golf 6 course purchased the property that would be fine, 7 but clearly the standards of the G-C Zone were 8 intended for a golf course, 100-acre minimum. But 9 the answer is there's nothing in the Master Plan 10 that says there should be residential use on the 11 property. And there's nothing in the zoning 12 ordinance that should -- that there should be 13 residential use of the property. But what 14 the -- the, in my opinion, what the Master Plan 15 suggests is we like Charlie Brown's or a replacement 16 to Charlie Brown's. If someone were coming in with 17 a variance, they can demonstrate the negative 18 criteria because the Master Plan says we like 19 commercial use on this property. 20 There is an argument that seems to be 21 promoted that -- and indeed the G-C Zone is overly 22 harsh, we're not going to have 100 acres here but 23 there's already a use of the property. If another 24 restaurant came in tomorrow and said, "I'm going to 25 change the name. I'm not going to use Charlie

Page 110 1 Brown's." They don't have to go for a variance. 2 That's a continuation of the nonconforming use. 3 There is no evidence that that restaurant use was 4 intended to be abandoned. 5 The applicant needs a number of items 6 of relief. What I want to focus on is not only 7 is -- number one, residential use is not permitted 8 on it, and clearly that includes townhouse 9 development. Now I do note, if you look at the 10 portion of the Master Plan, both the recommended 11 plan and the zoning map, show -- an R-B Zone across 12 the street and an R-B Zone to the south. And if one 13 were to say the golf course zone is just too harsh, 14 100 acres is never going to happen, what would be 15 reasonable? And I would say, an R-B single-family 16 development. On the bottom of Page 5, I'll show 17 you -- I show you six lots that would be conforming 18 to the R-B Zone. And it would have a cul-de-sac 19 that is more than -- that is at least 125 feet from 20 the street across the way so it would comply with 21 that spacing requirement that is in your design 22 ordinance, and in the Residential Site Improvement 23 Standards. 24 So I did read the transcript and was 25 present when Mr. Phillips testified and I certainly	Page 112 1 levels of living and the applicant says for one or 2 two people, over four levels. That is unusual. 3 So the first one is, while it's true 4 that the applicant needs an FAR variance and other 5 things, obviously those were geared for the golf 6 course use. But the board, in my opinion, should 7 not lose track of the fact that residential use is 8 not permitted at all on this property, much less 9 townhouses at a density of 11.55 units an acre. 10 Keep in mind that the property is going to shrink in 11 size because the applicant has to dedicate land to 12 the county for highway widening purposes and so this 13 is 11.55 units per acre. 14 The applicant is saying it's great now 15 that you don't have school-age children here and 16 that is not a public purpose in the Municipal Land 17 Use Law. The applicant has submitted, I guess as a 18 completion requirement, a fiscal impact statement; 19 look how much money you're going to make by granting 20 us these variances. That, in my opinion, has 21 nothing to do with the merits of this application 22 whether the variances should be granted, the fact 23 that there is potentially a -- a ratable. 24 So 55-and-over is not a purpose of the 25 Municipal Land Use Law. There's nothing in the
Page 111 1 was present this evening to hear him and I 2 respectfully disagree with his conclusions. Let me 3 tell you why, in my opinion, the applicant has not 4 met its burden of proof. 5 First of all, this is a Medici case. 6 The applicant is proposing a use that is not 7 permitted in the zone. And not only is it, you 8 know, one house technically is not permitted on the 9 property but clearly townhouses are not permitted on 10 the property. And because it's a Medici case, the 11 applicant has to show that a purpose of the 12 Municipal Land Use Law is advanced, that the 13 property is particularly suited to the use, and that 14 the negative criteria are met to the enhanced burden 15 under a ruling of enhanced burden of proof. That is 16 that the applicant has to demonstrate that the 17 application can be approved without substantial 18 impairment of the Master Plan and the zoning 19 ordinance, and no substantial detriment to the 20 public good. And detriment has to do, in my 21 opinion, with like a terrible design where we have 22 remote parking, we have driveways that are 23 misaligned. You have in, my opinion, inaccurate 24 buffering and you have units that are, in my 25 opinion, not geared for age restriction. Four	Page 113 1 Municipal Land Use Law that says we hate school-age 2 children or preschool children. 3 The site is not zoned into inutility. 4 There is an improvement on the property today, 5 someone can reuse that restaurant. This may be a 6 more profitable use for the applicant rather than 7 trying to market it as a restaurant but that's 8 irrelevant to the proofs that are needed. 9 The applicant keeps on saying that this 10 site is isolated. This site has over 500 feet of 11 frontage on Plainfield Road and most of the -- most 12 of the uses along Plainfield Road are single-family 13 homes. Many of them just front on Plainfield Road. 14 So those properties are not isolated. 15 In my opinion, this abuts single-family 16 homes. It's not unusual to have single-family homes 17 adjacent to a golf course. In fact, as you know 18 many communities actually put housing in a golf 19 course. 20 This property is not particularly 21 suited for townhouses, especially at this scale. 22 There are no townhouses in the area. As I said, the 23 closest multi-family zone and project is over half a 24 mile away, at least as the crow flies. 25 This has a contorted parking design.

Page 114 1 It has the bare minimum place to park a car, only 18 2 feet between the true driveway and the garage door. 3 It takes a 75-foot green area that has 4 historically protected the residents on the southern 5 side of this, and now it's reducing it to 20 to 6 23 feet, and on top of that putting a, behind that, 7 a three-story building. Those trees they propose 8 are not going to block -- not going to affect the 9 privacy of neighbors when you have a three-story 10 building that close to the area. 11 This use is not endorsed by the Master 12 Plan. The applicant talked about, you know, senior 13 housing, in the Master Plan there is a need for it. 14 Well, that town-wide goal is not reflected in the 15 zoning pattern which is presumably implementing 16 those goals. The town planning board not recommend 17 any housing on this property and again I caution 18 you, when you promote senior citizen housing, it's 19 62 and over, it's not 55 and over. 20 The applicant referenced Purposes A, E, 21 G and I of the Municipal Land Use Law. And then 22 adds it's promoting senior housing. Well, it's not 23 promoting senior housing, this is age-restricted. 24 The applicant is presuming that this is 25 the most appropriate use or development of the land.	Page 116 1 rendering provided. That is a massive project, it 2 doesn't -- there are no three-story buildings in the 3 area. There are no townhouses in the area. How, in 4 my opinion, that doesn't -- the aesthetics of that 5 have nothing to do with the character of the area. 6 And I reference the fact that the Master Plan, 7 affirmed by the re-examination report, felt that 8 compatibility was an issue. 9 So the applicant has the burden of 10 proof. In my opinion, there are no Municipal Land 11 Use Law purposes that are advanced by this. I would 12 say, looking at the design, and the fact it doesn't 13 relate to what's around it in terms of the street 14 system, in terms of the massiveness, number of 15 stories, the density, it is not particularly suited 16 for this property. The dimensions of the property 17 accommodate a cul-de-sac with six homes. That would 18 be, in my opinion, particularly suited, for this 19 type of development. 20 The strongest objection I have is that 21 the Master Plan is very clear, the Planning Board 22 liked the commercial use on the property, but not 23 residential. The governing body zoned it for a 24 country club, but not residential. I don't see how 25 putting townhouses at this density, at this crowded
Page 115 1 In my opinion, the most appropriate use would be six 2 single-family homes on a cul-de-sac or a 3 continuation of the restaurant use. Keep in mind 4 that although the restaurant use produces more 5 traffic, it doesn't occur during school hours; you 6 got a good luncheon trade and you got an evening 7 trade. And that's not when the traffic is on the 8 street associated with the school. So yes, there 9 may have been more traffic but you have to look at 10 the timing of that. 11 This is -- even if this were in the 12 zone of the abutting area, the R-B Zone, this would 13 have a density of approximately twice the density 14 that would be permitted in the zone. Assuming, 15 again that the Master Plan was different from what 16 it says, there is clearly insufficient space to 17 accommodate these units. The applicant has narrow 18 units. They're vertical units where you have to 19 have elevators now to -- to accommodate. So it 20 doesn't lend itself to really seniors, except for 21 the fact that an elevator is inserted. And that 22 simply is a very unusual way to handle 23 age-restricted housing. 24 The applicant says that it promotes 25 aesthetics and I just draw your attention to the	Page 117 1 density, ill-suited to 55 and over, four stories so 2 you have to artificially now have an elevator. In 3 my opinion, this is ill-suited. It's not 4 particularly suited. And, in fact, if this is 5 approved it would be -- it would substantially 6 impair the intent and purpose of the Master Plan and 7 in my opinion would result in detriment to the 8 public good because of the contorted design. Not 9 having a parking area that you can even access from 10 the property. That in itself tells you how 11 overstuffed this is. 12 So, in my opinion, there is not 13 substantial credible evidence on the record that 14 would allow you to approve this use variance under 15 the standards of the Municipal Land Use Law and case 16 law. 17 Thank you. 18 CHAIRPERSON FETERIK: Mr. Tripp? 19 ATTORNEY TRIPP: Certainly. Mr. 20 Steck, a couple of questions for you. 21 PETER STECK: May I grab some water 22 before? 23 ATTORNEY TRIPP: Certainly. 24 PETER STECK: Thank you. 25 ATTORNEY TRIPP: So based on the

Page 118 1 existing zoning, the golf course, isn't it a fact 2 that the only use that could be carried on on this 3 property without getting a Use Variance is a -- an 4 existing nonconforming use; is that correct? 5 PETER STECK: Yes. 6 ATTORNEY TRIPP: So no use other than 7 the existing nonconforming use can be carried on 8 without somebody coming before this board to get a 9 Use Variance? 10 PETER STECK: I think I just answered 11 that. 12 ATTORNEY TRIPP: And if you wanted the 13 single-family residential use you propose, that 14 would require a Use Variance as well, correct? 15 PETER STECK: Yes. 16 ATTORNEY TRIPP: And any other 17 commercial use other than the existing restaurant 18 would require a Use Variance? 19 PETER STECK: Yes. 20 ATTORNEY TRIPP: And any expansion or 21 change in the intensity or scope of the existing 22 restaurant would also require a "D" variance for the 23 expansion of a non-conforming use, correct? 24 PETER STECK: Yes. 25 ATTORNEY TRIPP: So other than	Page 120 1 That is the standards that you were referring to was 2 a public -- for public street, correct? 3 PETER STECK: Yes. 4 ATTORNEY TRIPP: And this is a private 5 driveway, correct? 6 PETER STECK: It is but -- 7 ATTORNEY TRIPP: So the standards in 8 the ordinance don't apply; isn't that a fact? 9 PETER STECK: It's correct, but I 10 approach it from a design point of view. That 11 cul-de-sac -- that private street is going to 12 operate as if it was a cul-de-sac. So if it was an 13 issue it was never addressed. If you look at the 14 site plan, you have to piece it together because the 15 fact that it's misaligned is not clearly shown on 16 the site plan. 17 ATTORNEY TRIPP: And are you aware 18 there was two traffic reports issued by the police 19 department, and neither identified that as an issue 20 to be addressed, and there was no recommendations? 21 PETER STECK: As I said, in my opinion, 22 it's somewhat masked on the plans. 23 ATTORNEY TRIPP: Ah-huh. 24 PETER STECK: And -- and the answer -- 25 ATTORNEY TRIPP: Do you have any
Page 119 1 continuing a restaurant, which has now been vacant 2 for two years, and no one has come forward to 3 propose reopening it -- 4 PETER STECK: I don't know if that's on 5 the record, but you seem to be testifying about it. 6 I don't know if it's on the record. 7 ATTORNEY TRIPP: Well, did you look 8 into how long it's been vacant? 9 PETER STECK: No. I believe it's the 10 burden of the applicant to demonstrate if it's -- 11 ATTORNEY TRIPP: I understand that, but 12 you testified that the restaurant could be reopened. 13 PETER STECK: Yes, it could be -- 14 ATTORNEY TRIPP: I'm just wondering 15 whether you investigated whether anybody has made an 16 attempt to do that or whether there's any interest 17 in that. 18 PETER STECK: I was speaking from a 19 zoning point of view that -- that I don't believe 20 the use has been abandoned. 21 ATTORNEY TRIPP: And that may be, that 22 may be true. But the use has been vacant for 23 several years. Okay, moving on. 24 You talked about what you thought was a 25 misalignment of the driveway, one of the driveways.	Page 121 1 idea -- 2 CHAIRPERSON FETERIK: Excuse me, 3 gentlemen, you can go back and forth, but one at a 4 time because the young lady can only take down one 5 person speaking at one time. 6 PETER STECK: Your traffic expert 7 never addressed the issue of misalignment. 8 ATTORNEY TRIPP: Well, that's something 9 certainly that she can address. Nobody has raised 10 it up to now, and we've received multiple reports 11 and reviews by fire and traffic safety and reports 12 by the board's professionals. 13 So the issue was never raised 14 previously and I'm sure it's something that we can 15 address. 16 Moving along. In terms of height, you 17 talked frequently about three stories. The units -- 18 the proposed buildings are 33' 11". The two 19 residential zones you identify, one is R-B, which 20 allows 32 feet, and one is R-B-B, which allows 21 35 feet, which is actually higher. 22 So the heights here, isn't it a fact 23 the heights here are very similar, and fall somewhat 24 between the heights permitted in the two residential 25 zones?

Page 122 1 PETER STECK: Your plans show a zoning 2 table with two measurements of height. One is 3 linear feet, and you're correct, you're under the 4 limit. But you're also over, in terms of number of 5 stories, not even counting the basement. 6 ATTORNEY TRIPP: But in terms of linear 7 height, the linear height is consistent with the 8 linear height of the surrounding residential; is 9 that correct? 10 PETER STECK: It's consistent with the 11 zoning standard but there are many homes that are 12 one-and-a-half stories in the area. So they're 13 split-levels. So I will grant you that it's 14 consistent with the height limit in, let's say, the 15 R-B Zone -- or excuse me, the golf course zone, 16 which was not intended for single-family homes. 17 ATTORNEY TRIPP: Now it's -- 18 PETER STECK: And it's over the height 19 limit for the R-B Zone. It's over 32 feet. 20 ATTORNEY TRIPP: And would you -- you 21 would not agree that this is an active-adult 22 proposed development, correct? 23 PETER STECK: Yes. 24 ATTORNEY TRIPP: And one of the Master 25 Plan provisions in the Edison Master Plan from 2003	Page 124 1 ATTORNEY TRIPP: Isn't it a fact that 2 there is plenty of age-restricted developments in 3 the State of New Jersey that are 55 and over? 4 PETER STECK: There are. And they're 5 mostly one-story buildings. 6 ATTORNEY TRIPP: Well, are you 7 familiar -- are you familiar with the Pointe at 8 Garwood? 9 PETER STECK: Only from an aerial 10 photograph. 11 ATTORNEY TRIPP: Well that's a 12 three-story seniors with an elevator. And -- and 13 try buying a unit there; they sell before they hit 14 the market. 15 PETER STECK: I don't -- I didn't 16 recall any testimony on the record. 17 ATTORNEY TRIPP: Well, that's okay. 18 And in terms of the Master Plan, isn't it just as 19 likely that the Master Plan left it commercial 20 simply because it was commercial and didn't 21 really -- there was really no attention paid to 22 anything else because there had been a restaurant at 23 that site for a long time? 24 PETER STECK: I think you have to 25 presume that the planning board knew what it was
Page 123 1 is to encourage the development, and it lists senior 2 citizen, assisted-living and active-adult market 3 housing. So this would achieve at least that 4 purpose, correct? 5 PETER STECK: Except this property was 6 not zoned for that purpose. 7 ATTORNEY TRIPP: Okay. I understand 8 that. Now in terms of seniors, you talk about 9 senior citizens being 62 and over. A 55-and-over 10 age-restricted development, isn't it likely to have 11 a large number of people who are well into their 12 sixties, possibly seventies and even eighties? 13 PETER STECK: It depends. Some of the 14 larger communities they start out younger and then 15 people age in them. But there is -- there is no -- 16 and actually my house is a senior citizen house 17 because I'm over 62. But the answer is, it's -- 18 this is designed to allow people -- one householder 19 to be 55. So, let's say, you know, the head of 20 household can be 55 and over and let's say the 21 husband can be 45. So it's not as restricted as 22 typically 62 and over. 23 Now, there may be older people that buy 24 that but that's not -- but that's not the 25 restriction that is being proposed.	Page 125 1 doing. And I would presume that they colored it red 2 because they knew that Charlie Brown's was there. 3 ATTORNEY TRIPP: But the Charlie 4 Brown's is no longer there and the property now 5 cannot be used, as you stated earlier, for anything 6 other than a non-conforming use without a variance? 7 PETER STECK: I already answered that. 8 ATTORNEY TRIPP: I know. I don't have 9 any further questions. 10 CHAIRPERSON FETERIK: Does the board 11 have any questions of Mr. Steck? Mr. Skibar? 12 MEMBER SKIBAR: Yeah, thank you. Just 13 to clarify, the driveways that are currently 14 misaligned, are they existing or are they new cuts? 15 PETER STECK: They're new cuts. 16 MEMBER SKIBAR: They are? 17 PETER STECK: Yes. 18 MEMBER SKIBAR: Okay. 19 PETER STECK: Yes. As you know, right 20 now the site is a loop site. You enter on the 21 right-hand side and circulate and you exit on the 22 other side. 23 MEMBER SKIBAR: Thank you. And then 24 for zoning considerations now. Aside from a 25 residential use what else might be -- might we see

Page 126 1 there? 2 PETER STECK: Frankly I think the best 3 use is if the golf course is not going to purchase 4 the property or incorporate it as an accessory use 5 of the golf course would, in my opinion, be 6 single-family homes on the cul-de-sac. 7 MEMBER SKIBAR: I understand. What 8 else -- what other potential uses might we see 9 there? 10 PETER STECK: I don't know. It's -- 11 again, it's the applicant's burden and the applicant 12 I believe has admitted that the use hasn't been 13 abandoned. 14 So the automatic choice is renovate it 15 and restore the restaurant use. And that might not 16 even require board approval, that is just building 17 permits. 18 I don't think it's relevant to explore 19 the wide range of uses but all I can tell you is 20 that if someone came in with a single-family 21 development on a cul-de-sac it would be much easier 22 to meet the negative criteria, in my opinion, 23 because that's the abutting zones. There is some 24 leeway -- there could be another commercial use 25 there, but it's clear in my mind that when the	Page 128 1 Mr. Tripp. 2 ATTORNEY TRIPP: You were asked a 3 question about other commercial uses that would 4 require -- what other commercial uses would -- would 5 possibly go here other than the existing restaurant? 6 Would it be a fast food -- could it be a fast food 7 restaurant? 8 PETER STECK: I don't know, but that 9 has clearly a different land use impact. It's not 10 my job to do your job. 11 ATTORNEY TRIPP: It's not my job. It's 12 your job because you just testified as to -- as to 13 the other type uses that could be on the property. 14 Could it be a convenience store? 15 PETER STECK: It would need a variance 16 from this board. 17 ATTORNEY TRIPP: Yes. 18 PETER STECK: So that would be -- if 19 that was a 24-hour-a-day convenience store it would 20 have to be regulated by this board. I don't know, 21 but the burden of proof is on the applicant, not me. 22 ATTORNEY TRIPP: And when you talk 23 about surrounding -- which you just did -- 24 surrounding single-family, there is really only 25 three single-family homes that directly abut the
Page 127 1 planning board colored it red, they were comfortable 2 with Charlie Brown's and they wanted to allow 3 modification. So someone -- a restaurateur, was 4 coming in and wanted to expand it, yes, they would 5 have to be before you, but the applicant could say, 6 "Look, I'm consistent with the Master Plan." 7 The problem with this application is 8 it's totally inconsistent. 9 MEMBER SKIBAR: You also indicated 10 that 23 units is an over-intensification of 11 townhouses, right? 12 PETER STECK: It's, for example, it's 13 twice the density of dwelling units per acre that 14 would be permitted, were this in the abutting zone, 15 but when you look at the defects of the design, how 16 close the buildings are to the road, the fact that 17 there's a remote parking area that can't even be 18 accessed. Those are situations that tell me this is 19 the proverbial ten pounds in a five-pound sack. 20 MEMBER SKIBAR: Thank you very much. 21 CHAIRPERSON FETERIK: Any other 22 questions from the Board for Mr. Steck? None? 23 ATTORNEY TRIPP: I actually have a few 24 more questions based on what he just testified to. 25 CHAIRPERSON FETERIK: Sure. Go ahead,	Page 129 1 south building. And other than that there's no 2 direct abutting of single-family homes to any of 3 these buildings; is that correct? 4 PETER STECK: That is correct, except 5 right across the street there is a whole row of 6 single-family homes. 7 ATTORNEY TRIPP: Across a major county 8 road, correct? 9 PETER STECK: It's a county road, yes. 10 ATTORNEY TRIPP: Thank you. Okay, 11 that's it. 12 CHAIRPERSON FETERIK: Any other 13 questions from the Board? Okay, Ms. Shah, so that 14 is that. So now we go to the traffic person? 15 ATTORNEY SHAH: I presume so. I mean, 16 unless Mr. Tripp has any objections. 17 ATTORNEY TRIPP: Yeah, I will intend 18 to put Mr. Phillips back on to rebut, but we should 19 wait until all the public is done and I will do the 20 same thing with the traffic. My experts will 21 testify after. 22 CHAIRPERSON FETERIK: Sir, do you want 23 to come up, please? 24 ATTORNEY SHAH: Mr. Hausman, would you 25 raise your right hand. Do you solemnly swear or

Page 130 1 affirm to tell the whole truth, and nothing but the 2 truth, so help you God? 3 KENNETH HAUSMAN: I do. 4 ATTORNEY SHAH: And for the record -- 5 it is not on the report that I have, which we will 6 mark as 0-2, Objecter 2 -- you represent or you 7 prepared this report for Kate Fagan at 42 Edgewood 8 Road, Neera Shah at 40 Edgewood Road, Amit Patel at 9 38 Edgewood Road and Shweta Sandeep, 36 Edgewood 10 Road; is that correct? 11 KENNETH HAUSMAN: Yes, that's correct. 12 (Exhibit 0-2, traffic report prepared 13 by Kenneth Hausman, P.E., was marked.) 14 CHAIRPERSON FETERIK: May we have some 15 qualifications, please. 16 KENNETH HAUSMAN: Certainly. 17 CHAIRPERSON FETERIK: Please spell 18 your name, please, sir. 19 KENNETH HAUSMAN: Kenneth J. Hausman. 20 H-A-U-S-M-A-N. 21 CHAIRPERSON FETERIK: Just speak up 22 into the microphone please, sir. And your 23 qualifications? 24 KENNETH HAUSMAN: Certainly. I have 25 two degrees in civil engineering. A bachelors and a	Page 132 1 firm here in New Jersey that was a former client of 2 mine when I had my own business. 3 ATTORNEY TRIPP: Okay. Thank you. 4 CHAIRPERSON FETERIK: Sir, just for 5 the record, as we asked Mr. Steck, who do you 6 represent? Thank you. Who do you represent? 7 KENNETH HAUSMAN: The names are 8 presented on the original of my report. 9 CHAIRPERSON FETERIK: And that's it? 10 Because it seems that we're getting instructions 11 from a certain person that is not on this report, So 12 that's why I'm inquiring. 13 KENNETH HAUSMAN: No, no, no, I'm not 14 getting instructions from anyone. 15 CHAIRPERSON FETERIK: Okay. 16 KENNETH HAUSMAN: I prepared my -- I 17 reviewed the traffic analysis, traffic impact study 18 that the applicant's engineer has provided and I'm 19 offering my professional testimony with regard to 20 that. 21 CHAIRPERSON FETERIK: Ms. Shah, did 22 you hear that; is that sufficient for the record? 23 Okay, fine. Thank you. Go ahead. 24 KENNETH HAUSMAN: All right, thank 25 you. Well, I was certainly glad to hear that some
Page 131 1 Master's. I have been a licensed professional 2 engineer here in New Jersey since 1991. 3 From 1997 to 2019 I had my own small 4 traffic engineering and transportation planning 5 consulting firm. 6 CHAIRPERSON FETERIK: Okay, thank you. 7 We will accept your qualifications, sir. 8 ATTORNEY TRIPP: Can I ask him a 9 couple questions? I would like a little voir dire. 10 ATTORNEY SHAH: You may voir dire. 11 ATTORNEY TRIPP: And what is your 12 current affiliation; you have your own firm? 13 KENNETH HAUSMAN: I'm working on a 14 part-time basis with a former client. 15 ATTORNEY SHAH: And excuse me, Mr. 16 Tripp, I apologize. Give me one moment. 17 ATTORNEY TRIPP: Sure. 18 ATTORNEY SHAH: Mr. Hausman, do you 19 have copies of the traffic report for the board? I 20 forgot that has not been given to us yet. 21 ATTORNEY TRIPP: Are you currently 22 engaged in the field of traffic engineering? 23 KENNETH HAUSMAN: I am currently 24 engaged in the field of traffic engineering. I'm 25 working on a part-time basis for a large engineering	Page 133 1 of the traffic issues that I had trouble with the 2 report are also things that the board had concerns 3 about as well. And one of the things that struck me 4 from the report is that when you get to the end of 5 the report, all the conclusions are based on 6 Plainfield Road operating at -- I'll call them 7 uncongested conditions. Level of Service B, Level 8 of Service C. Now I drove on Plainfield Road for 9 five years when my children went to Woodrow Wilson 10 Middle School and my recollection is that it was 11 never uncongested during the morning peak or during 12 the evening peak. 13 Now in review of the report, I kind of 14 questioned how much I remembered and whether it was 15 accurate, so I went back to look at the Edison 16 Master Plan Circulation Element. In the Circulation 17 Element they list the 40 worst traffic locations in 18 the township. Among the 40 are Woodrow Wilson Drive 19 and Plainfield Road, a section of Plainfield Road 20 where the new development is proposed. And then the 21 signalized intersection at the south end where 22 Plainfield Road meets Plainfield Avenue and Central 23 Avenue. And I was thinking that no one could have 24 counted the traffic in front of the site and 25 determined that it operated under uncongested

Page 134 1 conditions. So I went back to look at the traffic 2 count that was conducted to look more closely at it. 3 As the applicant said, typically for 4 these kinds of studies we do a traffic count where 5 the site is, which we count Plainfield Road where 6 the proposed driveways are going to be. That wasn't 7 done for this study. Instead the applicant found 8 two traffic counts on the New Jersey DOT website, 9 one north of the site and one south of the site. 10 So when we look at the location of 11 those two sites, one on the north end is north of 12 Park Avenue. 13 Now as we have mentioned here, 14 Plainfield Road is a major county road and when 15 Plainfield Road meets up with Park Avenue. The 16 county road continues up Park Avenue. So Plainfield 17 Road north of Park Avenue carries a lot less traffic 18 than Plainfield Road south of Park Avenue, which is 19 the traffic that's going to be in front of the 20 development. 21 Now at the south end we have the same 22 condition where the traffic count was done on 23 Central Avenue in Metuchen, coming south the county 24 route turns left onto Plainfield Avenue and then 25 continues on Main Street. So we have the same	Page 136 1 number of bedrooms, not whether the building is 2 attached or free-standing that drives the number of 3 trips. 4 Now let's take a look at the senior 5 housing. Senior housing is broken into two 6 categories in the ITE book. There's senior housing 7 attached and senior housing detached. Now not 8 surprisingly, trip generation rates for both of 9 those is pretty much the same, four trips per day. 10 Which you would expect because whether the units are 11 attached or detached is not going to drive the 12 number of trips that are made. What is going to 13 drive the number of trips that are made are the 14 number of bedrooms. 15 And I just went back to look up one of 16 the things that was mentioned here, the Clara Barton 17 site, the Clara Barton site lists 15 recent sales. 18 Of those 15 on the website, 13 are one-bedroom 19 units. The other two are two-bedroom units. So 20 when you go into the ITE Trip Generation Manual and 21 you're taking the average of a development which has 22 one and two bedrooms and a development which 23 has -- which I think would be a more common case, 24 which has three bedrooms, when you're looking at, 25 I'll call them active adult communities, where
Page 135 1 situation where the traffic on Plainfield Road north 2 of that intersection is going to be much higher than 3 the traffic on Central Avenue south of that 4 intersection because a significant amount of traffic 5 is staying on the county road to head toward 6 Metuchen. 7 So we have a case where we clearly 8 underestimated the traffic in front of the site. 9 Now let's go back and just kind of take a brief look 10 at the analysis that was done. 11 Trip generation, one of the interesting 12 things when you look more closely at trip generation 13 and certainly The Trip Generation Handbook does not 14 provide a specific rate for any one specific 15 development. You're required to use engineering 16 judgment to select the appropriate weight. 17 Now trip generation for single-family 18 homes is about ten trips a day. Trip generation for 19 condominiums and townhouses which are combined in 20 the ITE trip generation book are about five trips 21 per day. Well, what's the difference between a 22 single-family home and a townhouse? It's the number 23 of people who live there. Single-family homes, 24 three, four, five bedrooms, typical. Condominiums 25 and townhouses, one and two bedrooms. It's the	Page 137 1 arguably many people are going to be working as 2 opposed to other locations in New Jersey which 3 everyone is retired, the average rate just doesn't 4 cut it. I would say that really the appropriate 5 rate to use is the townhouse development rate, this 6 is how the buildings were originally set up. 7 But now let's go back and take a look 8 at the townhouse and condo. Then here the average 9 is five, but the IT also provides a range of rates. 10 And the range of rates for the townhouse and the 11 condo goes from one to 12. Three-bedroom homes are 12 not generating one trip per day. That's a studio or 13 that's a house that has zero owners available to it. 14 The high end, the larger units are the ones that 15 have higher trip generation rates similar to 16 single-family homes. 17 And then the last thing I wanted to 18 mention and some discussion about the no left turn 19 and vehicle left turn and what vehicles are going to 20 do, one of the steps that we should be going through 21 with the traffic impact studies is called trip 22 distribution. Where are the trips? When they leave 23 the site, where are they going? How many of them 24 are turning left and how many of them are turning 25 right?

Page 138 1 Well, when we look at the destinations 2 for people who are leaving the development in the 3 morning, if you are bound for 287, either east or 4 west, you turn left; if you are bound for the 5 turnpike, north or south, you turn left; if you're 6 bound for the Garden State Parkway, north or south, 7 you turn left; if you going to U.S. 1 you turn left; 8 if you are going to Metuchen train station you turn 9 left. Not that nobody is going to turn right, but 10 certainly most of the traffic is going to turn left. 11 And we're going to try to turn left on a road which 12 is heavily congested and we're going to have a 13 negative impact on everyone who uses Plainfield 14 Road. And is that impact going to be significant or 15 not? 16 The applicant has presented, I would 17 say, two definitions for what is significant. One 18 is a reference to the State Highway Access Code 19 which says less than 100 trips it's not significant. 20 Well, as the title suggests, State Highway Access 21 Code only applies to state highways. Plainfield 22 Road is a county road. State Highway Access Code 23 doesn't apply in this case. 24 And then there's also reference to the 25 Manual of Traffic Engineers Studies, which is really	Page 140 1 not asking you about that. What I'm asking you is, 2 you said there was an issue with left turns. That 3 issue with left turns would apply to any use of this 4 property? 5 That's the only question I'm asking 6 you, and it's a yes or no answer. 7 KENNETH HAUSMAN: Okay. Yes. 8 ATTORNEY TRIPP: Thank you. 9 And in terms of traffic studies you 10 refer to the MTE and that also suggests that 100 11 peak hour trips, if you're generating more than 12 that, that would warrant a full-blown traffic impact 13 analysis; is that correct? 14 KENNETH HAUSMAN: What the handbook 15 suggests or says is that if it's 100 or more trips 16 then you, as the engineer, are obligated to prepare 17 a Traffic Impact Study regardless of what the local 18 regulations are. 19 ATTORNEY TRIPP: Correct. 20 KENNETH HAUSMAN: If it's less than 100 21 then you follow the local regulations. 22 ATTORNEY TRIPP: And the -- the traffic 23 study done by the applicant with which you disagree 24 somewhat with numbers, has a peak hour of 12 trips 25 in the morning and in the evening of 16 and that's
Page 139 1 good practice, and what it says in the Manual of 2 Traffic Engineering Studies is that if it's 100 3 trips or more, you, as the engineer are obligated to 4 do a Traffic Impact Study regardless of what the 5 local regulations are. 6 100 or more is definitely significant, 7 you're required to do the Traffic Impact Study. If 8 it's less than 100, it's not that you don't do 9 anything, if it's less than 100 then you're 10 obligated to follow the local regulation. And here 11 the local regulations are, you prepare a Traffic 12 Impact Study and determine the impacts of your 13 additional traffic and then provide appropriate 14 mitigation. Thank you. 15 CHAIRPERSON FETERIK: Mr. Tripp? 16 ATTORNEY TRIPP: Okay, I just have a 17 few -- a few questions. 18 In terms of the types of uses that 19 could happen on this site, any commercial use, 20 people would still have the same difficulty making 21 the left turn that you're talking about, correct? 22 KENNETH HAUSMAN: Well as part of the 23 process one needs to define appropriate mitigation 24 to address that. So -- 25 ATTORNEY TRIPP: But, no -- my -- I'm	Page 141 1 for the seniors. Did you look at the -- excuse me, 2 that's actually for the townhouses. 3 Did you look at the original traffic 4 study for the regular townhouses? 5 KENNETH HAUSMAN: I think if you are 6 talking about the trip generation -- 7 ATTORNEY TRIPP: Yes. 8 KENNETH HAUSMAN: -- it was repeated 9 here in this study. 10 ATTORNEY TRIPP: Well there were two -- 11 there were two studies done, one originally for 12 non-age-restricted and one for age-restricted. 13 Did you look at both of those? 14 KENNETH HAUSMAN: I only looked at the 15 September -- 16 ATTORNEY TRIPP: The September. 17 KENNETH HAUSMAN: -- 21. 18 ATTORNEY TRIPP: So the one that was in 19 April, which -- and you just testified that a more 20 appropriate use would be regular townhouses, that 21 was done -- 22 KENNETH HAUSMAN: No, no, no, what do 23 you mean by more regular -- 24 ATTORNEY TRIPP: Well you said that 25 the -- you wouldn't look at the ITE numbers that our

Page 142 1 traffic engineer did, you would go to a townhouse 2 number; is that correct. 3 KENNETH HAUSMAN: As far as the trip 4 generation. 5 ATTORNEY TRIPP: As far as trip 6 generation. 7 KENNETH HAUSMAN: I think that's more 8 appropriate, but I would also say that the 9 average -- because it's what I'm testifying to, that 10 the average number is not appropriate because the 11 condominium townhouse data that the ITE uses 12 includes studios, one bedroom, two bedroom, three 13 bedroom, four bedroom. They're all combined 14 together and then one takes the average. And I 15 would say the three-bedroom units that are proposed 16 are not the average of all condominiums and 17 townhouses. 18 ATTORNEY TRIPP: So you would expect 19 the numbers to be somewhat higher? 20 KENNETH HAUSMAN: I would expect the 21 numbers to be higher, correct. 22 ATTORNEY TRIPP: So when the original 23 study was done in April, the morning peak hour was 24 12 and the evening peak hour was 16; that's still 25 significantly below the 100-unit threshold that you	Page 144 1 site. It's the traffic volume which is north of 2 Park Avenue. It's the traffic volume on Central 3 Avenue to the south. 4 ATTORNEY TRIPP: No, we're talking 5 about two different things. I was talking about 6 trip generation, now you're talking about traffic 7 volume. Now in terms of traffic volume, these 8 studies were done during COVID. And isn't it a fact 9 that the numbers during COVID -- traffic counts 10 during COVID were particularly unreliable? 11 KENNETH HAUSMAN: That's a great 12 question, because actually I looked at this quite a 13 bit. Because when you're working for the state and 14 for the Turnpike they are very, very concerned about 15 the impacts of COVID on travel because the Turnpike 16 is relying on the toll dollars to fund them and the 17 DOT is relying on the gas tax. 18 So in March or April, traffic was down 19 typically 40 to 50 percent, COVID, March or April 20 of 2020. By October of 2020, it was down to, I 21 would say, 20 to 25 percent because things have been 22 returning to normal. And the more recent data into 23 October of 2021, I would say for off-peak travel 24 it's basically returned to pre-COVID levels. For 25 peak travel it's still lagging a little bit because
Page 143 1 refer to in the MTE, correct? 2 KENNETH HAUSMAN: The 100-unit 3 threshold is referenced from two different 4 documents. The State Highway Access Code states 5 100-trip threshold but Plainfield Road is not a 6 state highway. 7 The manual also states the 100, but it 8 states that if you are over 100 then you must do the 9 Traffic Impact Study. If you are under 100, it 10 doesn't say that you have to do anything, it says 11 that you have to follow what the local guidelines 12 are. 13 ATTORNEY TRIPP: And so what are you 14 suggesting? You're suggesting the numbers would 15 be -- would be somewhat higher, but you haven't 16 given us a number as to what you think would be the 17 traffic generation -- 18 KENNETH HAUSMAN: I didn't prepare a 19 Traffic Impact Study for this. 20 ATTORNEY TRIPP: But you looked at the 21 ITE and you looked at the various land uses, right? 22 KENNETH HAUSMAN: I looked at a bunch 23 of things. I mean, I started by looking at the 24 traffic count, and the traffic count that was used 25 is not the traffic volume that is in front of the	Page 145 1 not everybody has returned to office on a full-time 2 basis. So at this point it's 5 percent or a little 3 bit more -- 5 percent or a little bit greater below 4 pre-COVID conditions. 5 Now let me say pre-COVID conditions by 6 definition is 2019, not 2017. So if you were to do 7 a traffic count during COVID, what you need to do is 8 to adjust that traffic count to reflect pre-COVID 9 conditions. Not decide to use a count in 2017 which 10 is in a different location, which has much different 11 traffic characteristics, which is not on a county 12 road. 13 ATTORNEY TRIPP: So you don't think it 14 was reasonable to compare the two -- so you take 15 issue with the fact that they picked two different 16 locations and used the higher location? 17 KENNETH HAUSMAN: Well, interesting 18 that you say they used the higher location. At the 19 south location and typically when we do this 20 analysis we're only looking at weekday, an average 21 weekday. So we'll use Tuesday, Wednesday, Thursdays 22 for a typical week throughout the year. In the 23 south location they actually average five numbers, 24 Tuesday, Wednesday, Thursday, Friday, Saturday. 25 That's the number which was used on the south count

Page 146 1 and reason you typically don't use Sunday or 2 Saturday or Friday is that those volumes are below 3 typical conditions. 4 Now for the count on the north side, 5 the count was done during the week of Memorial Day, 6 Tuesday, Wednesday, Thursday after Memorial Day. 7 Which again is not a typical week as far as traffic 8 volumes go. In some parts of the state I mean the 9 volumes are higher during the week. I would say in 10 this part of the state the volumes are lower. 11 Now to adjust the volumes the DOT 12 publishes adjustment factors and actually they're on 13 the count sheets. They publish a seasonal 14 adjustment package which is based on the type of 15 road, the month and year that you're counting, and 16 the county where you're located. And from that you 17 can go and adjust a count which was done on an 18 atypical week to typical volumes and those 19 adjustments were not outlined in this report. 20 ATTORNEY TRIPP: So the data that was 21 used, though, was during the week, I think you 22 suggested it was on a Sunday, the counts that we 23 refer to in our report -- 24 KENNETH HAUSMAN: Tuesday, Wednesday, 25 Thursday, Friday and Saturday.	Page 148 1 you said after the public? 2 ATTORNEY SHAH: It's usually after the 3 public. 4 ATTORNEY TRIPP: It's going to be 5 after the public because the public may raise other 6 questions that we want to rebut. But we certainly 7 have a lot to say about what we just heard, trust 8 me. 9 CHAIRPERSON FETERIK: Okay, that's 10 what I heard. So having said that, I'm going to go 11 out to the public and like as I said, I'd like you 12 to cooperate with us, because I don't want you to 13 have to go through the expense of having your 14 professionals coming here again. 15 So anyone who is within 200 feet of the 16 property, that meaning that you received a certified 17 notice in the mail, wanting to be heard. 18 And one other thing I'm going to ask -- 19 because I've done this before because it does help 20 cutting down on the time -- when the first person 21 comes up, while he's talking, I want another person 22 behind that person so we have a constant flow so I 23 don't have to sit here and say, "Well, who wants to 24 come up next," and by the time you raise your hand, 25 we're going through another five or ten minutes.
Page 147 1 ATTORNEY TRIPP: Saturday, Okay. 2 KENNETH HAUSMAN: The figure and the 3 average of the five was used. 4 ATTORNEY TRIPP: Okay. Thank you. 5 CHAIRPERSON FETERIK: Mr. Tripp, are 6 you done? 7 ATTORNEY TRIPP: Yes. 8 CHAIRPERSON FETERIK: Okay. 9 Does the board have any questions of 10 Mr. Hausman? 11 No? Okay, thank you, sir. 12 KENNETH HAUSMAN: Thank you. 13 CHAIRPERSON FETERIK: Okay, it's now 14 10:06. As I had said, I usually stop my meetings at 15 10:30. Because some of you have paid out of your 16 pockets for your professionals, I am willing to let 17 this meeting go to -- go to the public. 18 I would like your cooperation by making 19 it as short as you can. We will do less than five 20 minutes because I think basically once the first 21 couple of people come up everything will be 22 redundant. Yes, I'm sorry -- 23 ATTORNEY SHAH: Mr. Tripp, do you want 24 to do your rebuttal testimony now or after? 25 CHAIRPERSON FETERIK: Oh. I thought	Page 149 1 So will the first person come up? I'm 2 going to start with, I don't know -- yeah, I think 3 I'm going to start with three minutes and let's see 4 how we go. Because there's a lot of you that want 5 to be heard and it is late and everybody does have 6 to work in the morning. And truthfully I don't want 7 to have to make you have to come back either because 8 of that. 9 UNIDENTIFIED SPEAKER: Here, let me 10 hand it over. I have pictures. 11 ATTORNEY SHAH: Hand it this way. 12 MEMBER OF THE AUDIENCE: Can I 13 suggest, for the people who are 200 feet, to have 14 the full five minutes? 15 CHAIRPERSON FETERIK: No, I'm sorry, 16 but as I say, I just said I'm willing to do this 17 tonight with probably being here until 12:30, which 18 I don't usually do because I don't want -- 19 ATTORNEY SHAH: Sir, before you hand 20 it to the board, you need to hand it to me. Sir -- 21 sir, you have to hand all the stuff to me before you 22 hand it to the board. He's not even sworn in yet 23 and he's raised photos. 24 Can I have those? 25 CHAIRPERSON FETERIK: Okay.

Page 150 1 ATTORNEY SHAH: Mr. Tripp gets to get 2 one. 3 CHAIRPERSON FETERIK: So as I was 4 saying we're going to try -- we'll try four minutes, 5 but as we go along, you will understand what I'm 6 saying. 7 As I said, there's a gentleman up here 8 now. I would like whoever wants to speak next to 9 come up and keep doing a constant flow, this way we 10 don't waste any time. And naturally, all have to be 11 sworn in. And again, I don't want a lot of 12 redundancy. I want you to come up, say what you 13 have to say. Then the people that are behind you, 14 "I agree with everything that's said," and then we 15 want to hear the new stuff. 16 The new information is what's 17 important. The redundancy we've heard and we know 18 what you're saying. We need the new information. 19 Sir, you will be sworn in. 20 21 P U B L I C P O R T I O N 22 23 ATTORNEY SHAH: Sir, would raise your 24 right hand. Do you solemnly swear or affirm to tell 25 the whole truth and nothing but the truth so help	Page 152 1 professionals that spoke immediately before me, not 2 necessarily to the others. 3 So my name is Amit Patel, like I said, 4 I live at 38 Edgewood Road, which is immediately -- 5 sorry? Oh -- immediately -- 6 CHAIRPERSON FETERIK: Times you did 7 before. 8 AMIT PATEL: Oh, first on that, I would 9 like to say for the record, I don't agree with the 10 time limit. And I think it's a violation of our 11 rights to be heard on an important project, or any 12 project, so I wanted that on the record. 13 CHAIRPERSON FETERIK: Yeah, you can go 14 ahead and stop the time, please. 15 You don't want to say that because it 16 is my prerogative and it's in according to the MLUL. 17 As I said, ordinarily we would close the meeting now 18 and have you all come back again. And I am willing 19 to go and have the meeting continue tonight, you 20 know, because I don't want you guys to have to pay 21 again to have your professionals come. If we have 22 to continue this, your professionals have to come 23 back again. 24 So I'm trying to cooperate with you and 25 I appreciate you cooperating with us.
Page 151 1 you God? 2 AMIT PATEL: Yes. 3 ATTORNEY SHAH: Please state your full 4 name for the record, spelling your name and 5 providing your address. 6 AMIT PATEL: Amit Patel. A-M-I-T, 7 P-A-T-E-L. 8 ATTORNEY SHAH: And, sir, you handed 9 photographs -- 10 CHAIRPERSON FETERIK: We need your 11 address first. 12 AMIT PATEL: 38 Edgewood Road, Edison, 13 New Jersey 08820. 14 ATTORNEY SHAH: And, sir, you handed 15 photographs to the board. We're going to mark 16 this -- I think I'm up to 0-3; is that right? 17 We're going to mark these as 0-3, 18 photographs. He's going to tell us. And before I 19 hand him off he's going to tell us. 20 (Exhibit 0-3, photographs, were 21 marked.) 22 CHAIRPERSON FETERIK: And just to start 23 off, I'm assuming that you agree with the 24 professionals? 25 AMIT PATEL: Yes, I agree with the two	Page 153 1 AMIT PATEL: Yeah, I think we all want 2 to be heard and heard fully and not abridge our 3 testimony. 4 CHAIRPERSON FETERIK: So what you're 5 saying is you want to -- 6 AMIT PATEL: I'm speaking for myself, 7 right? So I'm saying I would be -- I would prefer 8 to be heard fully. I might be able to do it in five 9 minutes myself -- 10 CHAIRPERSON FETERIK: Okay. 11 AMIT PATEL: -- but I think everybody 12 needs to be able to be heard. And they all should 13 be able to be heard at -- like, give their full 14 testimony. These guys have had hours to present and 15 we get three -- we went from, like, unlimited before 16 to five minutes to four minutes to three minutes 17 back to four minutes. I just think that's not fair. 18 CHAIRPERSON FETERIK: Okay, that's 19 fine. It's up to you, as I say, because if I gave 20 everyone here that wanted to speak five minutes, we 21 wouldn't be out of here until 4:00 o'clock this 22 morning. 23 SPEAKER: We're okay with that. 24 CHAIRPERSON FETERIK: Okay, let's go. 25 AMIT PATEL: Go in which way?

Page 154 1 CHAIRPERSON FETERIK: Continue. 2 AMIT PATEL: Okay, with the no times 3 limits? 4 CHAIRPERSON FETERIK: No, with the 5 five-minute time limit. 6 AMIT PATEL: Yeah, so on the record, 7 I'm stating for the record that I disagree with that 8 limit and I think it's a violation of my rights, our 9 rights to be -- to heard. 10 With that said, you know, so I live at 11 38 Edgewood Road, which is immediately adjacent to 12 the property that we're -- that we're talking about 13 today. 14 So we bought our house with the 15 understanding that the plot was adjacent, that the 16 plot adjacent would only be used for -- for golf 17 course. And obviously we knew Charlie Brown's was 18 there and we accepted it. 19 At the last hearing in June I raised a 20 number of concerns and these revised plans are not 21 satisfactory at all. As Mr. Comba, I believe, asked 22 the applicant -- no one reached out to us after that 23 hearing until now. You know we -- that didn't 24 happen at all. And especially it didn't happen to 25 me and I don't believe with anyone else.	Page 156 1 this up is because it affects privacy. These 2 buildings are very big. Yeah, there's going to be 3 trees, but these trees are going to take years to 4 grow. And that's if they make it, right? Like not 5 all of these -- I mean, I think we've all had 6 landscaping done at our house, right, not 7 everything -- not everything makes it. When it 8 doesn't make it then you have got to replant it and 9 you're kind of starting the clock all over again. 10 And to give you an idea, that's why I 11 handed out this picture. This is a picture taken -- 12 that I took from my backyard facing the property. 13 Right? So the parking -- just to give some you 14 reference point, the parking lot is on the other 15 side of this. The proposed parking lot is on the 16 other side of the fence. This is my kids' 17 playground. That playground is 9-and-a-half-feet 18 tall. These buildings are going to be almost 34' 19 tall. So imagine a 34' building behind -- a 34 -- 20 almost 34' building behind, you know, behind that 21 big tree there. As referenced, that playground is 22 only 9-and-a-half-feet tall. 23 So this is a very imposing structure. 24 It blocks out all that blue sky, greenery, and it 25 really creates like a sense of, like, closure in
Page 155 1 The changes are minimal and not enough. 2 The revised plans, just like the originals, show 3 that the developer is simply trying to do too much 4 in a two-acre lot. There's nothing so dense, like 5 within a mile. 6 Again, I must say that this application 7 needs to be denied. Townhouses are not permitted 8 and I do not feel that the applicant has 9 demonstrated that this lot is particularly suited 10 for townhouses and there are a number of negative 11 criteria which we considered for a D1 variance. 12 Now I won't go into all the, you know, 13 heights and all of that. I think we've covered that 14 before. But I do want to make one point. These 15 heights can't be taken in isolation. A 35 foot 16 allowance in G-C for two and a half -- 30 foot 17 height allowance in the G-C is for 18 two-and-a-half-story houses, not the three stories 19 that are proposed here. 20 These -- you can't look at it like in 21 isolation of each other. A 33' 10" -- a three-story 22 building is much different than a 33' 10" 23 two-and-a-half-story building. So you can't just 24 look at it one -- in isolation. 25 And I think this -- the reason I bring	Page 157 1 terms of our living space in our backyard. And as 2 we've heard in the previous session as well as 3 earlier today, it creates a privacy concern. Right? 4 Like these buildings are tall. They are going to be 5 able to look over these trees, directly into not 6 only our backyard but into our windows. 7 You know, I think the other thing I 8 want to mention here is that you need to look at all 9 these details, like they seem to, like, satisfy some 10 requirements for the G-C Zone but not all, some for 11 the R-A and R-B Zone or some other zone, but not 12 all. They're basically creating, like, a 13 Frankenstein zone, like picking and choosing where 14 they're going to have their application compared to. 15 And I think that kind of defeats the purpose of 16 having a plan in the first place. You should kind 17 of look at it again like in its entirety not just as 18 a little piecemeal criteria. 19 Finally, in summary, the developer is 20 trying to maximize his profit and I get it. But it 21 can't be at the expense of the neighborhood. It 22 can't be when these structures will be with us 23 decades into the future when some future resident 24 will look at the four imposing buildings and ask 25 why? How does this make sense?

IN THE MATTER OF MARKIM DEVELOPERS, BLOCK 557, LOT 16.B2
Transcript of Proceedings on 02/15/2022

Page 158 1 These enormous buildings do not fit the 2 character of the surrounding neighborhood which is 3 primary an R-B Zone. The proposed number is too 4 dense. We should stick to the Master Plan. The 5 council has had plenty of time to update the Master 6 Plan which was last updated in 2003. They didn't. 7 And that indicates they see no issue with the way 8 the plot was zoned. 9 One more thing, if you make a mistake 10 and approve this plan, you're setting a terrible 11 precedent for the town. You're giving approval for 12 profit at any cost. You're giving approval for a 13 hodgepodge development. It is a slippery slope -- 14 CHAIRPERSON FETERIK: Okay, finish, 15 because that's your five minutes -- 16 AMIT PATEL: Yes. A couple more 17 seconds. 18 CHAIRPERSON FETERIK: Okay. 19 AMIT PATEL: Homeowners all around town 20 will want to replace their house with three 21 townhouses or combine plots with their neighbors to 22 build even more. Those random projects would have 23 even more standing than this one since they're 24 already zoned for residential use. 25 No one here wants any haphazard	Page 160 1 with the Charlie Brown's property on the south side. 2 We have been living at that address for more than 3 six years. 4 I also wanted to state the fact that we 5 met the applicant before the first meeting because 6 he couldn't remember properly when it was at -- two 7 days before the first meeting. But since the plan 8 was too egregious we were not comfortable with his 9 proposal of -- you know, for the landscaping and 10 everything. And after that he has not reached out 11 to us to discuss any modifications or anything that 12 he can do to address the concerns of the 13 neighborhood. 14 We have some serious privacy concerns. 15 If this application is approved there will be a 16 building 80 feet wide and nearly 30 feet tall right 17 in front of my backyard property line which is 100 18 feet wide. So it completely blocks any open sky or 19 any view. 20 Furthermore, this building will be 21 three stories high, which means that multiple 22 families will have open view of my backyard, main 23 living area, second-floor bedrooms, bathrooms, 24 everything from around 30 feet away. 25 I want to mention that when we
Page 159 1 development. This plan is too much and doesn't 2 satisfy the criteria of a "D" variance. 3 Please do the right thing for the 4 residents of Edison, please reject this plan and 5 reject it tonight. 6 CHAIRPERSON FETERIK: Thank you. 7 Can the next person come on up and the 8 next person get behind him, please? 9 ATTORNEY SHAH: Sir, raise your right 10 hand. Do you solemnly swear or affirm to tell the 11 whole truth and nothing but the truth so help you 12 God? 13 NEERA SHAH: Yes. 14 ATTORNEY SHAH: And please state your 15 full name for the record, spelling your name, 16 provide your address. 17 NEERA SHAH: Neera, N-E-E-R-A Shah, 18 S-H-A-H, 40 Edgewood Road. 19 CHAIRPERSON FETERIK: I assume you 20 agree with what the gentleman before you just said? 21 NEERA SHAH: Yes, I agree with Peter 22 Steck and the traffic engineer, as well as Mr. 23 Patel. 24 I am Neera Shah from 40 Edgewood Road. 25 Property -- my property shares a common boundary	Page 161 1 purchased this property it was under the assumption 2 that this was golf zone or restaurant use, which did 3 not affect as much as the parking lot is about 75 4 feet away from my property and there is just grass 5 in between. 6 The proposed 8-feet fence will not 7 completely solve the privacy issue and even the 8 proposed double rows of trees is -- the applicant 9 has proposed, assuming those are planted at 10 feet 10 high, will take about eight to ten years to reach 11 that 20 feet high assuming they grow at like 1 foot 12 a year, which is, you know, even aggressive growth 13 in my opinion. 14 We understand that applicant has 15 proposed to reduce height on the building, but we'd 16 like to highlight that the current height proposal 17 of 33' 10" would be even higher than the height 18 allowed in townhome districts, R-B-th, R-R-B-th or 19 R-A-t-h, where the height limit it 30 feet. So 20 throughout, this proposal is so aggressive that it 21 would require variance even if it was a townhouse 22 district. 23 So considering all these factors, I 24 urge the zoning board to reject this application for 25 this high variances and not postpone any further.

Page 162 1 Thank you. 2 CHAIRPERSON FETERIK: Thank you. And 3 thank you for being less than five minutes, 4 appreciate that very much. 5 Come on up, sir. And the next person, 6 please, that wants to speak, get behind him. You 7 have to be sworn in. 8 ATTORNEY SHAH: Sir, would you please 9 raise your right hand. Do you solemnly swear or 10 affirm to tell the truth, the whole truth, and 11 nothing but the truth so help you God? 12 SANDEEP RAMAKRISHNA: Yes, ma'am. 13 ATTORNEY SHAH: Please state your full 14 name for the record, spelling your name and provide 15 your address. 16 SANDEEP RAMAKRISHNA: Sandeep 17 Ramakrishna, S-A-N-D-E-E-P, R-A-M-A-K-R-I-S-H-N-A, 18 36 Edgewood Road. 19 CHAIRPERSON FETERIK: Go ahead, sir. 20 SANDEEP RAMAKRISHNA: Okay. First of 21 all, congratulations, Mr. Dave and Mr. Barone for 22 your appointments. And I thank you for the 23 opportunity. I know this is a tough job. 24 So my house is my final -- my biggest 25 financial and emotional investment. I strongly	Page 164 1 golf course is prohibited, not -- it doesn't say 2 restricted. It's prohibited. We know building 3 multi-family townhouses in R-A and R-B Zone is 4 prohibited. Right? This is according to the law, 5 3747.3. I can read it but I don't have the time. 6 Yeah, and I think Mr. Neera Shah 7 suggested this, I mean, Mr. Patel suggested this, 8 that they pick and choose the multiple zones. In 9 one zone 35 feet is available, in another zone it's 10 not. The county road, for example, they are giving 11 up 35 feet, but a townhouse would require -- a 12 townhouse zone would require it to be 50 feet. So 13 this is more intentional strategy designated to make 14 it look like the characteristics are allowed. This 15 is not allowed in any single Edison zone ordinance. 16 So in the previous testimony, the 17 applicant was asked in general to show a location 18 where the land use of -- such intensive land use was 19 constructed in and around the area. They were not 20 able to show anything. I did my research, there's 21 no such intense land in any part of north of Edison. 22 Not in and around, not any part of north of Edison. 23 The only R-B- -- B-th zone -- R-B-th zone is by 24 Route 27 which is multiple miles away. Okay? 25 And just a few more on the variance,
Page 163 1 believe multi-family townhouses will destroy the 2 character of our neighborhood. 3 So cutting through, today in the 4 testimony, right, they said that the property is 5 being isolated and becoming inutility. And I think 6 Mr. Tripp already agreed that this is not between -- 7 actually a building and it's not abandoned. 8 I only want to also talk about being 9 inutility a little bit. Charlie Brown's 10 franchisee/owner declared bankruptcy in 2010. 11 Charlie Brown at Edison ran until COVID times. That 12 was almost a decade after. So that tells me it's 13 not economically into the deep but it is more of a 14 success criteria. 15 So Charlie Brown's today has -- is 16 bringing back a new restaurant in New Jersey. 17 There's nothing stopping them from coming back here. 18 All right? So this was the argument on why nobody 19 was approached because they did not let anybody 20 approach. 21 The structure of Charlie Brown's -- the 22 kitchen, the board is still intact. If I choose to 23 do tomorrow, I can easily make it into a thriving 24 business. So what we know as a fact today is the 25 building -- building multi-family townhouses in a	Page 165 1 this is important. The applicant is asking for 2 multiple variances in the same application. He's 3 asking for a d(1) variance, a d(4) variance and a 4 "C" variance, among all of the things. This is 5 highly unusual. This is making mockery of what a 6 Master Plan is and what the ordinances are. This is 7 like, "I want my own stuff, you give it to me." 8 Application -- applicant is also 9 seeking d(4) variance which is the FAR variance to 10 be 0.66. Even the townhouse zone does not allow 11 this density. It's one thing to say, "Hey, I have a 12 house and I want to construct my patio in another 13 different way so it takes up a little more space," 14 but it's entirely different to combine 23 townhouses 15 in a two-acre lot when it's not really allowed. 16 Okay, a couple more points real quick. 17 What is really stopping me and my neighbors -- we 18 have a lot more than two acres -- from putting on 19 another 30 townhouses? This is the law which says 20 that R-B-th zone needs 35 acres, is what is stopping 21 me and my neighbors from putting up any new 22 townhouses. 23 CHAIRPERSON FETERIK: Finish up. 24 SANDEEP RAMAKRISHNA: So I want to just 25 quickly summarize; is this a permitted use in any

Page 166 1 structure? No, it's not a permitted use. Is this 2 inherently beneficial or support betterment of 3 public good? It does not do it. It doesn't advance 4 special purposes, positive criteria as per the MLUL, 5 no. 6 7 There are some serious privacy concerns 8 which my colleagues -- I mean, my neighbors have 9 already covered. The structure is not in keeping 10 with the existing neighborhood. 11 And for the record, the appearance -- 12 architectural appearance of your zoning of Edison's 13 ordinance says that the permission must be denied, 14 not restricted, denied. 15 The applicant is -- what it -- at the 16 end of the day -- just two minutes, I have just two 17 more sentences. At the end of the day, what he's 18 trying to do -- what the applicant is trying to do 19 is shortcut the whole process. 20 What he should be doing is going in 21 front of the Edison council and making this 22 commercial into an essential property, letting 23 people speak to it and approve it. If they approve 24 it, go construct it, there's nothing we can do about 25 it. But he's asking you to shortcut all of it, keep the public out, keep the elected officials out, make	Page 168 1 KATHERINE LISENO: Yes. 2 CHAIRPERSON FETERIK: Okay. New 3 information, please. 4 KATHERINE LISENO: I'm sorry? 5 CHAIRPERSON FETERIK: I said, yes, you 6 did agree with everyone? 7 KATHERINE LISENO: Yes, I did. 8 CHAIRPERSON FETERIK: Let's hear your 9 new information, please. 10 KATHERINE LISENO: Okay. I've been 11 privileged to live at 31 Edgewood Road for over 12 35 years. 13 Oak Hills is a very special 14 family-oriented neighborhood of single-family 15 residence with neighbors who care about their 16 property and each other. It is surrounded by, as 17 you know, other single-family residence and Metuchen 18 Golf & Country Club to the north of us. And it has 19 been the home to a neighborhood restaurant as far 20 back as the 1930s -- I believe that started with Oak 21 Hills Manor. 22 With the recent closing of Charlie 23 Brown's as a result of a pandemic -- which no one 24 has addressed -- I, as well as my neighbors are 25 threatened with the construction of 23 high-density
Page 167 1 mockery of the Master Plan and the ordinances and 2 build it. I, respectfully, I ask you to reject 3 this. 4 And I want to make -- last point is, 5 there's not 23 townhouses, not 10 townhouses, not 6 15, there's no townhouses allowed in this area. And 7 we will continue to argue this point in front of 8 your board whenever they come back. 9 Thank you. 10 CHAIRPERSON FETERIK: Thank you. The 11 next person up, please come up. And the next person 12 that wants after her, get behind her, please. 13 ATTORNEY SHAH: Okay. Ma'am, 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 KATHERINE LISENO: Yes, I do. 18 ATTORNEY SHAH: And please state your 19 name for the record, spelling your name, and provide 20 your address. 21 KATHERINE LISENO: My name is Katherine 22 Liseno. It's K-A-T-H-E-R-I-N-E, L-I-S, as in Sam, 23 E-N-O. I reside at 31 Edgewood Road. 24 CHAIRPERSON FETERIK: I assume you 25 agree with everyone before you?	Page 169 1 three-story townhouses which will destroy the 2 character and the privacy of our neighborhood. 3 The application does not conform with 4 the nature and the character of the existing 5 surrounding residential area, which consists 6 exclusively of one and two-family residential homes. 7 The proposed over 77,000 square feet in buildings 8 would be 25 to 38 times larger than the typical area 9 home. And the height would be well above the 10 existing heights, so that it would stick out like a 11 sore thumb. 12 I respectfully request your denial of 13 this application. And thank you for the opportunity 14 to speak before you this evening. 15 CHAIRPERSON FETERIK: And thank you 16 for being precise and less than five minutes. 17 Come on up, sir. 18 Next person that wants to speak after 19 this gentleman, please come up. 20 ATTORNEY SHAH: Please raise your 21 right hand. Do you solemnly swear or affirm to tell 22 the whole truth and nothing but the truth, so help 23 you God? 24 ANTHONY MARTIN: I do. 25 ATTORNEY SHAH: And please state your

Page 170 1 full name for the record, spelling your name and 2 provide your address. 3 ANTHONY MARTIN: My name is Anthony 4 Martin, A-N-T-H-O-N-Y, M-A-R-T-I-N. My address -- I 5 live on 24 Edgewood Road. 6 CHAIRPERSON FETERIK: I assume you 7 agree with everyone before you? 8 ANTHONY MARTIN: Yes. 9 CHAIRPERSON FETERIK: Okay. Let's hear 10 new information, please. 11 ANTHONY MARTIN: Okay. I will try to 12 make this brief. Most of the stuff I crossed out. 13 CHAIRPERSON FETERIK: Yes, because 14 we've heard it. 15 ANTHONY MARTIN: Yes. I should say I 16 agree with my neighbors that spoke previously. I am 17 here tonight to describe my opposition to the 18 application. As most of the things here I have are 19 crossed out, so I will defer to what everybody else 20 has said. 21 The one thing that was touched upon in 22 some of the previous speakers was related to the 23 economic inutility and the -- and the role that 24 COVID took on the 222 Plainfield property. In my 25 opinion a permanent economic inutility does not	Page 172 1 education and quality of life. I would like to 2 preserve that and the proposal for these townhomes 3 violates that balance. We're depending on this 4 board's vote to deny this application. 5 Thank you for your time. 6 CHAIRPERSON FETERIK: Thank you. 7 Appreciate it. 8 Okay, the next person that wants to 9 speak after this gentleman, please come on up. 10 ATTORNEY SHAH: Raise your right hand. 11 Do you solemnly swear or affirm to tell the whole 12 truth and nothing but the truth, so help you God? 13 TIMOTHY O'BRIEN: Yes. 14 ATTORNEY SHAH: Please state your full 15 name for record, spelling your name and provide your 16 address. 17 TIMOTHY O'BRIEN: Timothy O'Brien, 18 O-B-R-I-E-N. I live at 241 Plainfield Road, across 19 the street from the Charlie Brown's restaurant. 20 CHAIRPERSON FETERIK: Okay. I assume 21 you agree with everybody before you? 22 TIMOTHY O'BRIEN: I agree with 23 everybody who opposes this, yes. 24 CHAIRPERSON FETERIK: Okay. New 25 information, please.
Page 171 1 exist where undue hardship, such as COVID-19, 2 resulted in the downturn of the restaurant and 3 hospitality industry, which is still recovering. 4 It took a global pandemic to take down 5 a restaurant as tough as 222 Plainfield. Stage 6 coaches stopped there in the 1800s on the way to New 7 Brunswick. And a successful, continually-operating 8 restaurant has operated in the location since at 9 least 1924. 10 Further, there is a hunger in the 11 community for a family restaurant to reopen on the 12 site, whether it be Charlie Brown's or a new dining 13 concept for the 21st century or something like that. 14 And since most of the things are 15 crossed out so I already have a summary. 16 CHAIRPERSON FETERIK: Okay, great. 17 ANTHONY MARTIN: In summary, I do 18 oppose this application and I do -- and I support 19 the current zoning laws and guidelines put forward 20 by this township and its Master Plan. I ask this 21 board to continue following those laws and 22 guidelines already in place and to deny this Use 23 Variance application. 24 I grew up in Edison and I have come to 25 love its unique balance of culture, history,	Page 173 1 TIMOTHY O'BRIEN: Well, every day my 2 wife walks down into Metuchen and crosses over to 3 Plainfield Road. And they can do all the studies 4 they want on traffic patterns, but there are several 5 times that she's almost been hit because of the 6 people and the way they drive up and down that road. 7 So adding more traffic, especially the high density, 8 would increase that risk. 9 CHAIRPERSON FETERIK: That's it? 10 TIMOTHY O'BRIEN: That's it. 11 CHAIRPERSON FETERIK: Great. Thank 12 you so much. I love you. 13 ATTORNEY SHAH: Sir, raise your right 14 hand. Do you solemnly swear or affirm to tell the 15 whole truth and nothing but the truth, so help you 16 God? 17 JAMES KELLY: I do. 18 ATTORNEY SHAH: And please state your 19 full name for the record, spelling your name, 20 provide your address. 21 JAMES KELLY: James Kelly. J-A-M-E-S, 22 K-E-L-L-Y. 23 CHAIRPERSON FETERIK: Your address? 24 JAMES KELLY: My address is 34 25 Edgewood Road. I'm within 200 feet.

Page 174 1 CHAIRPERSON FETERIK: Okay. I assume 2 you agree with everything before you? 3 JAMES KELLY: I do agree with 4 everything, including the experts who testified 5 earlier. So I'm fully on board with that, fully on 6 board with what Mr. Ramakrishna said, what Mr. Patel 7 said and what Mr. Shah said, firmly behind that. 8 I just want to make a global statement. 9 This is not a debate about this ordinance and that 10 ordinance and what that means and what something 11 else means. My overall comment is that all of these 12 changes that have been discussed really sort of 13 minimize the -- the fundamental project that's being 14 proposed here, which is so out of whack with the 15 character and nature of this neighborhood that -- I 16 can't even believe that anyone's even considering 17 it, to be quite honest, it's that out of whack. And 18 so I just want to really make that point to the 19 board. 20 I want to ask the board to deny this, 21 strenuously deny this. And I would be glad if you 22 could do that tonight. I don't see any public good 23 that comes out of this. I honestly don't. 24 Quite honestly, a restaurant would be 25 hugely more important for public benefit. We need	Page 176 1 NICHOLAS FAGAN: Yes, ma'am. 2 CHAIRPERSON FETERIK: Okay. 3 NICHOLAS FAGAN: I agree with those 4 opposing the project that came before me. And I 5 would like to add further, for the record, that 6 because Edison does not allow questions during the 7 public period -- during the professional testimony 8 period, I had a number of questions I wanted to 9 address but my right to due process is violated by 10 the shortened time limit, and I would like to make 11 sure that that's noted. So I will skip my questions -- 12 ATTORNEY SHAH: You're entitled to ask 13 your questions and now would be the time to ask 14 them. 15 NICHOLAS FAGAN: Okay. So -- 16 CHAIRPERSON FETERIK: And their 17 answers do not come within your time. 18 NICHOLAS FAGAN: I have a time limit? 19 ATTORNEY SHAH: Correct. 20 NICHOLAS FAGAN: I'm sorry, I didn't 21 hear you. 22 CHAIRPERSON FETERIK: I said your time 23 will not be taken up by their answers. 24 NICHOLAS FAGAN: Okay. 25 CHAIRPERSON FETERIK: Okay? So ask
Page 175 1 restaurants to come back. We need a restaurant 2 there. This neighborhood has sustained a restaurant 3 for 50, 75 years already, not even sure how long, 4 but quite a long period of time. That's the kind of 5 added value, I think, to the neighborhood that we 6 need. It was there a long time, we could use it 7 again. When this pandemic finally leaves us, I 8 think we'll have an opportunity to get back to that. 9 And that's the kind of development that I think 10 makes sense. 11 So thank you very much for giving me 12 the opportunity to speak and for considering my 13 request. 14 CHAIRPERSON FETERIK: Thank you, sir. 15 ATTORNEY SHAH: Sir, would you raise 16 your right hand. Do you solemnly swear or affirm to 17 tell the whole truth and nothing but the truth, so 18 help you God? 19 NICHOLAS FAGAN: I do. 20 ATTORNEY SHAH: And please state your 21 full name for the record, providing your address. 22 NICHOLAS FAGAN: Nicholas Fagan, 23 N-I-C-H-O-L-A-S, F-A-G-A-N. 42 Edgewood Road. 24 CHAIRPERSON FETERIK: I assume you 25 agree with everyone before you?	Page 177 1 your questions. 2 NICHOLAS FAGAN: My questions start 3 with -- well, I would rather not be rushed. I'm 4 willing to -- 5 CHAIRPERSON FETERIK: It's your 6 prerogative, sir. 7 NICHOLAS FAGAN: I would rather not my 8 questions be counted -- 9 CHAIRPERSON FETERIK: Well, you can 10 talk as -- you can ask your questions as you're 11 speaking and they will address them at the end 12 because that's what he's going to do anyway. 13 Yes, Mr. Tripp? 14 ATTORNEY TRIPP: He can ask questions 15 at this point. 16 CHAIRPERSON FETERIK: Yeah, I know. 17 That's what I just said. 18 ATTORNEY TRIPP: And our witnesses 19 will answer them. 20 CHAIRPERSON FETERIK: Yes, correct. 21 That's what I just said. 22 NICHOLAS FAGAN: But it will be 23 counted against my time. 24 CHAIRPERSON FETERIK: I just told you 25 their answers will not be counted against your time.

Page 178 1 NICHOLAS FAGAN: Will my asking a 2 question be counted against my time? 3 CHAIRPERSON FETERIK: We already told 4 you that. Just keep going. 5 NICHOLAS FAGAN: Okay. I will keep 6 going. 7 CHAIRPERSON FETERIK: If you would 8 just keep talking and ask your questions. 9 NICHOLAS FAGAN: Mr. Carley, the 10 designer that -- Mr. Carley, your report on 11 December 10, 2021, states the designer advises that 12 there are no easements pertaining to this 13 application. The completeness checklist from the 14 city required the easement to be shown. 15 Are you aware of any active easements 16 on the property? 17 BOARD ENGINEER: I am not. 18 NICHOLAS FAGAN: I am in possession of 19 two deeds of easements for the property -- 20 THE STENOGRAPHER: I'm sorry, Mr. 21 Fagan -- Mr. Fagan, you're just speaking a little 22 bit too fast. I apologize but -- 23 NICHOLAS FAGAN: Well, I have to be 24 fast. 25 THE STENOGRAPHER: I understand but...	Page 180 1 haven't seen them, but it's possible that they're 2 still active. 3 NICHOLAS FAGAN: Do I have to give it 4 to Ms. Shah first? 5 ATTORNEY SHAH: Do you expect to 6 present it to the board? 7 NICHOLAS FAGAN: I do, because the 8 completeness check for this application is not 9 completed. I only brought a copy. 10 CHAIRPERSON FETERIK: Then you can't 11 give it to the board. 12 ATTORNEY SHAH: Then you can't give it 13 to the board. 14 CHAIRPERSON FETERIK: It doesn't 15 become... Yeah. 16 ATTORNEY SHAH: Mr. Tripp can respond. 17 ATTORNEY TRIPP: Yeah, there appear to 18 be two easements. 1,700 feet -- yeah, there appear 19 to be two easements that were recorded. 20 CHAIRPERSON FETERIK: Mr. Tripp, how 21 do they affect the property, since we're not looking 22 at it? 23 ATTORNEY TRIPP: They don't appear -- 24 we'll look at it, but they don't appear to affect 25 the proposed use of the property.
Page 179 1 CHAIRPERSON FETERIK: You know, you're 2 really exaggerating this now. We're trying to be 3 cooperative. We're trying to listen to everyone 4 tonight. Don't go over the top, please. 5 NICHOLAS FAGAN: I am not. 6 CHAIRPERSON FETERIK: Have some 7 courtesy and some respect for this board. We have 8 shown you nothing but courtesy and respect this 9 evening and I would appreciate the same in return. 10 NICHOLAS FAGAN: I am in possession of 11 two deeds of easement from Robert and Eleanor 12 Heath[phonetic] to the Metuchen Golf & Country Club, 13 one from 1989 and the other from 1991. Are these 14 easements still active? 15 CHAIRPERSON FETERIK: Mr. Tripp, Mr. 16 Carley, anybody know? 17 BOARD ENGINEER: I think that question 18 would be directed at Mr. Tripp. 19 CHAIRPERSON FETERIK: Oh, I don't know 20 if that's on, Mr. Carley, please... 21 BOARD ENGINEER: I think that question 22 more properly would be directed at Mr. Tripp. 23 CHAIRPERSON FETERIK: Mr. Tripp? 24 ATTORNEY TRIPP: To the best of my 25 knowledge, we'd have to take a look at them. I	Page 181 1 NICHOLAS FAGAN: Mr. Bignell -- can I 2 go? 3 CHAIRPERSON FETERIK: Yeah, sure. 4 NICHOLAS FAGAN: Mr. Bignell 5 planning -- Mr. Bignell's planning review dated 6 December 8, 2021 states, "The development will have 7 a 7 foot 7 inch high privacy wall along the frontage 8 of the site to match the wall existing in the 9 frontage of Metuchen Country Club." Reference 10 Section 2 of your report, please. Page 1 of the 11 site plan indicates a 42-inch wall. 12 Which is true, please? 13 BOARD PLANNER: 22-inch wall. 14 NICHOLAS FAGAN: 42-inch wall? 15 BOARD PLANNER: You're asking me a 16 question that you should be asking the applicant. 17 It's his application and it's his design. 18 NICHOLAS FAGAN: But, Mr. Bignell, you 19 said -- 20 BOARD PLANNER: I don't have a tape 21 measure out. I just look at the plan itself. If I 22 missed something, I missed it. 23 NICHOLAS FAGAN: Okay. 24 BOARD PLANNER: But why don't you just, 25 instead of trying to play gotcha, why don't you just

Page 182 1 ask the question. We'll try and get you the best 2 answer we possibly can. 3 CHAIRPERSON FETERIK: Thank you, Mr. 4 Bignell. 5 BOARD PLANNER: You know, with all due 6 respect. 7 CHAIRPERSON FETERIK: Yeah. Mr. 8 Tripp? 9 ATTORNEY TRIPP: In terms of the 10 height of the wall? 11 CHAIRPERSON FETERIK: I believe that's 12 what he's talking about, yes. 13 ATTORNEY TRIPP: Mr. Wilder? 14 MATHEW WILDER: Sure. So the detail 15 of the wall is on Sheet 4 of my plan set. It's a 16 7-foot tall wall. 17 NICHOLAS FAGAN: It is a 7 foot -- is 18 it a 7 foot 7inch high privacy wall? 19 MATHEW WILDER: The 7 inches is these 20 columns or the top piece. The majority of the wall 21 is 7 feet and then at the column location there's an 22 additional 7 inches. 23 NICHOLAS FAGAN: Okay. So 7 feet, 24 thank you. Why did the applicant choose a wall as a 25 design feature at the front of the property?	Page 184 1 stayed within their time and less time and still had 2 to say what they got to say. 3 So please go forward and you will have 4 about three more questions. 5 NICHOLAS FAGAN: Where did you get -- 6 why did the applicant choose to -- did you get that 7 part? 8 THE STENOGRAPHER: I just need you to 9 speak a little slower. You have a mask on and 10 you're speaking fast. 11 NICHOLAS FAGAN: Mr. Carley's 12 engineering review dated December 10, 2021 states, 13 "Utility meters, water, electric, gas should not 14 mounted on the exterior of the proposed building." 15 Will the applicant abide by this 16 condition or will the meters show like they do at 17 Hardy? 18 ATTORNEY TRIPP: We already indicated 19 we would comply with that requirement. 20 CHAIRPERSON FETERIK: Correct. 21 NICHOLAS FAGAN: Mr. Bignell's 22 planning review, dated December 10, 2021, states 23 there's an 8-foot vinyl fence proposed around the 24 entire property. The site plan references a 6-foot 25 fence. Which is true?
Page 183 1 MARK ROSHANSKI: We wanted to stay 2 consistent with the Metuchen Country Club. 3 NICHOLAS FAGAN: Mr. Carley's 4 engineering review dated December 10, 2021 states, 5 "Utility meters, water, electric, gas should not 6 be" -- 7 (Stenographer interruption.) 8 NICHOLAS FAGAN: I can actually... 9 CHAIRPERSON FETERIK: Slow down 10 please. You know, we're giving you the opportunity 11 and all you're doing is throwing it back in this 12 board's face. This is the last time I'm going to 13 say, we are respecting you, please respect us. I 14 know what you're doing, and it's not going to work. 15 We're trying to be cooperative. We're 16 trying to listen to all of you. 17 NICHOLAS FAGAN: And I'm trying to ask 18 my questions. 19 CHAIRPERSON FETERIK: I'm giving you 20 time, so speak what -- you have to speak clearly so 21 the young lady can get it down. We'll answer your 22 questions. And then we'll keep going on to the next 23 person. Because what you're doing right now is 24 wasting time and it's not fair to the other people 25 who want to speak and to the lovely people who	Page 185 1 CHAIRPERSON FETERIK: Mr. Tripp? 2 MATHEW WILDER: 8 foot. 3 NICHOLAS FAGAN: 8 foot. Around the 4 entire property? 5 MATHEW WILDER: Yes. 6 NICHOLAS FAGAN: Including in front of 7 the golf course? 8 MATHEW WILDER: That's correct. 9 MARK ROSHANSKI: No, that's not 10 correct. Behind the golf course will be a 6-foot 11 fence. There's an existing 6-foot fence there, 12 we'll replace it with a new vinyl 6-foot fence. 13 The 8-foot fence would only be on the 14 north and south side of the property. 15 NICHOLAS FAGAN: Will these units -- 16 thank you. Will these units comply with the 17 required 15 percent minimum standard in the Edison 18 affordable housing ordinance for multi-family 19 housing with a total number of units in the 21 to 50 20 range as set forth by ordinance 0.1942-2016? 21 How will that work? 22 ATTORNEY TRIPP: We took a look at 23 that before. We don't believe that requirement 24 applies because of the absence of the compensatory 25 benefit. And that's obviously something that's

Page 186 1 going to have to be worked out. As a condition of 2 the approval the applicant has to satisfy the 3 requirements of the ordinance but we do not believe 4 we have a set-aside requirement for this project. 5 CHAIRPERSON FETERIK: Mr. Fagan, how 6 many more questions do you have? Because I can't 7 give you much more time. It's not fair to the other 8 people behind you. 9 NICHOLAS FAGAN: Ma'am, I have a 10 couple more questions. And they form the basis of 11 my testimony, too. And so they're foundational to 12 points that I'm going to make. 13 CHAIRPERSON FETERIK: Well, make your 14 points then, please. Now I'm going to count your 15 five minutes. Set the time for five minutes, 16 please. 17 NICHOLAS FAGAN: Will the property be 18 maintained by a professional landscaper? How will 19 the landscapers bring their equipment to the site? 20 Will they have standard trucks and trailers 21 comparable to landscaping companies in our area? 22 CHAIRPERSON FETERIK: Mr. Fagan, for 23 the third time, this young lady has asked you and I 24 have asked you to show this board respect, and you 25 are doing everything to antagonize us.	Page 188 1 applications -- CareOne went 40 minutes. The lady 2 went 40 minutes, so... 3 CHAIRPERSON FETERIK: Well, but right 4 now we're doing this. CareOne also went for four 5 meetings and I am trying to -- 6 NICHOLAS FAGAN: Four hours for the 7 hearing. 8 CHAIRPERSON FETERIK: But four to six 9 meetings. And I'm trying to avoid you having to 10 spend money to have your professionals come, so 11 please give us a little courtesy. 12 And one meeting does not set precedence 13 for other meetings. 14 NICHOLAS FAGAN: I'm here tonight to 15 state my opposition to Markim Developer's 16 application to the Edison Township Zoning Board of 17 Adjustment for preliminary and final site approval. 18 This application should be denied in its entirety 19 for the following reasons: 20 Reason number one, the application is 21 substantially in conflict with the Edison Township 22 Master Plan of 2003, adopted by the planning board 23 and the zoning -- adopted by the council, and as you 24 know, the only group responsible and allowed to 25 establish land uses in our community. Further, the
Page 187 1 Now, please ask your question in a 2 timely manner, like everyone else did, and like 3 everyone after you will do. And we will now time it 4 for five minutes and that will be it and we are 5 going to the next person. 6 Council allows time limits also, so I 7 don't want to hear that I'm ruining your undue 8 process. I'm just following council's... 9 NICHOLAS FAGAN: Ma'am, you have 10 stated that we follow rules and we do it the way we 11 have been doing it -- 12 CHAIRPERSON FETERIK: Well, you have 13 out-ruled your -- my rules. You have been up there 14 a lot, a lot of minutes right now. And I've given 15 you some -- I've given you some leeway. And I am 16 the board and you will respect that fact. This is 17 the board. You will respect us. I said at the 18 outset, we will be treated with courtesy, respect, 19 and civility. 20 Now please ask your questions. You 21 will have five minutes from now. And please speak 22 so the young lady can hear it and take it down. And 23 that is the last time I'm going to say that. 24 NICHOLAS FAGAN: I will switch to my 25 application. There have been on record many other	Page 189 1 Township Council has had 19 years of opportunity to 2 declare this land for another use and has actively 3 chosen not to. 4 This application exceeds the number -- 5 maximum number of permissible stories in the 6 existing G-C Zone. Applicant's plan calls for a 7 three-story building where two-and-a-half stories is 8 permitted. 9 There is sufficient evidence alone in 10 the structures that surround 222 Plainfield property 11 and the adjacent neighborhoods for the board to 12 conclude that a taller structure than permitted by 13 ordinance would not be consistent with the 14 surrounding neighborhood and would in fact -- would 15 offend the purpose of the township's height 16 restriction, as the purpose of height restrictions 17 are to limit the effect of building height on 18 traffic congestion, fire hazards, public health, 19 adequate light and air, and population density. You 20 will recognize those from the MLUL. 21 The applicant has not provided any 22 basis for how their proposed plans advance any of 23 the MLUL purposes. We have talked a little bit 24 about rules and procedures during this case, Madam 25 Chair, and if we're following the rules I'm sure you

Page 190 1 are painfully aware the state statute calls for the 2 applicant to prove the statutory proof requirement, 3 which they have not done. The applicant has not 4 provided any reasons or explanations of how their 5 proposed plans advances any of the MLUL purposes. 6 Further, our legislature has been clear 7 on these rules. The board may not exercise its 8 power to grant a d(1) variance without showing that 9 such variance could be granted without substantial 10 detriment to the public good and will not 11 substantially impair the intent and purpose of the 12 zone plan and zoning ordinance. 13 To the contrary, the application before 14 you will do just that, substantially impair and -- 15 the intent and purpose of the zone plan. The 2003 16 zone plan goals and Master Plan -- sorry, the 2003 17 Master Plan goals and objectives state the 18 following, quote, "Encourage new development 19 consistent with the scale of established land uses 20 while preserving the character and developed nature 21 of existing neighborhoods," unquote. 22 This application seeks to destroy the 23 character of our neighborhood by via its unruly 24 height, bulk, density, all of which are 25 inappropriate in our neighborhood as they do not	Page 192 1 another question. Okay? 2 NICHOLAS FAGAN: I personally want the 3 ability not to have to use our cars and have to 4 drive for an evening meal out. Contrary to what Mr. 5 Phillips has testified, to say the neighborhood is 6 comfortable with the restaurant use is an 7 understatement. 8 In summary, my family is committed to 9 the opposition of this application and we stand up 10 for Edison's Master Plan and the neighborhood that 11 we love and hold dear. We ask this board to follow 12 the Township Council's laws and stand with us to 13 protect neighborhoods from excesses of all kinds: 14 Excessive density; excessive traffic that puts our 15 pedestrians and children at higher risk for 16 accidents; excessive air pollution and noise while 17 under construction -- 18 CHAIRPERSON FETERIK: Okay, Mr. Fagan, 19 finish your thought and that's it. 20 NICHOLAS FAGAN: I have three lines. 21 -- excessive invasions of privacy from prying eyes 22 perched 30 feet in the air; and excessive greed by 23 developers using our neighborhoods like their 24 personal ATMs, acting as corporate robber barons. 25 I believe our neighborhoods are worth
Page 191 1 match the nature of one and two-story single-family 2 homes that surround 222 Plainfield. 3 I disagree that 6 -- I'm sorry 7-foot 4 walls -- that's why I needed to know that -- 5 33-foot-tall buildings and 77,000 square feet of 6 structures promote a desirable visual environment. 7 To the contrary, I believe that the proposed walls 8 and overpowering structures are ugly and contribute 9 directly to poor civic design and arrangement by 10 further contribution to urban sprawl. 11 The 2003 Edison Master Plan begs for 12 the exact opposite under the community vision 13 section of the goals and objectives, where it states 14 the goal to, quote, "encourage future development to 15 occur at appropriate locations and intensity in 16 accordance with the transportation and environmental 17 capacities and anti-sprawl initiatives," unquote. 18 In personally speaking with several 19 dozens of neighborhood neighbors about this project, 20 I have lost count of how many neighbors -- 21 ATTORNEY SHAH: Okay. I'm going to 22 stop you there. You cannot talk about what other 23 people may have said to you. That cannot be 24 considered by the board. They have to be here and 25 be under oath in order to testify. So move on to	Page 193 1 more than just profit waiting to be harvested. I 2 hope you agree with me as we depend on the Edison 3 zoning board to preserve and protect our residential 4 neighborhoods. Whichever way you do vote, we have 5 the opportunity to seek relief and I know we will, 6 if necessary. 7 I thank you for your time and I ask 8 that you vote tonight to deny this aggressive and 9 egregious application. 10 ATTORNEY TRIPP: He was under oath, 11 right? I have questions. 12 CHAIRPERSON FETERIK: I'm sorry? 13 ATTORNEY TRIPP: I just have a couple 14 of questions to ask Mr. Fagan before he steps down. 15 CHAIRPERSON FETERIK: Sure, okay. 16 NICHOLAS FAGAN: Yes, sir. 17 ATTORNEY TRIPP: Mr. Fagan, do you 18 know Mr. Roshanski at all? 19 NICHOLAS FAGAN: No. 20 ATTORNEY TRIPP: Have you ever had a 21 conversation with him? 22 NICHOLAS FAGAN: I have had a 23 conversation once in my life. 24 ATTORNEY TRIPP: And that was in 25 June, correct?

Page 194 1 NICHOLAS FAGAN: I don't remember 2 when -- what date or time. It was before the 3 meeting. 4 ATTORNEY TRIPP: And during that 5 conversation, did you not offer to sell Mr. 6 Roshanski a portion of your property? 7 NICHOLAS FAGAN: We spoke about the 8 potential and ability to do so. 9 ATTORNEY TRIPP: And you offered to 10 sell him a part of this property so he could obtain 11 additional units; is that correct? 12 NICHOLAS FAGAN: We talked about the 13 potential of doing so. 14 ATTORNEY TRIPP: So you don't deny you 15 had that conversation with him? 16 NICHOLAS FAGAN: I don't deny that I 17 had that conversation with him. 18 ATTORNEY TRIPP: Thank you. 19 MEMBER SKIBAR: Madam Chair? 20 CHAIRPERSON FETERIK: Yes, Mr. Skibar. 21 MEMBER SKIBAR: Mr. Fagan, would you 22 mind if I just asked you a question? 23 NICHOLAS FAGAN: Sure. 24 MEMBER SKIBAR: Unfortunately, due to 25 time constraints, I realize that you had a number of	Page 196 1 CHAIRPERSON FETERIK: I assume you 2 agree with everything that was said before you? 3 KEN MARTIN: Yes, I do. 4 CHAIRPERSON FETERIK: Okay. Let's 5 hear what you have to say. 6 KEN MARTIN: Plainfield Road is a very 7 busy road but it's not the road that's the culprit, 8 it's the drivers. And, you know, the drivers go too 9 fast, they go through the lights -- because they're 10 frustrated, you know, there's a lot of traffic, all 11 of a sudden they want to get someplace, they go 12 faster and many times they go through the lights. 13 I can attest to this because my 14 intersection, Stephenville Road and Plainfield Road, 15 there has been at least three pedestrians that have 16 been hit. 17 ATTORNEY SHAH: I'm sorry, Mr. Martin. 18 I'm sorry to interrupt you. We were looking for 19 people first within 200 feet. You didn't receive a 20 certified notice in the mail, did you? 21 KEN MARTIN: Did I what? 22 ATTORNEY SHAH: A certified notice of 23 this matter, you did not receive that in the mail; 24 is that correct? 25 ATTORNEY SHAH: Okay. So just, I
Page 195 1 questions that you weren't able to ask. Is there 2 any answer that you might have gotten that would 3 have changed your opinion on this application? 4 NICHOLAS FAGAN: No, there's no -- no 5 -- no. No, they were foundational to my testimony, 6 to connecting my testimony with actual answers. 7 MEMBER SKIBAR: Okay. Thank you very 8 much. 9 CHAIRPERSON FETERIK: Come on up, sir. 10 I have to apologize. I'm sorry you had to stand 11 there so long. 12 KEN MARTIN: That's okay. 13 ATTORNEY SHAH: Sir, would you raise 14 your right hand. Do you solemnly swear or affirm to 15 tell the whole truth, nothing but the truth so help 16 you God? 17 KEN MARTIN: I do. 18 ATTORNEY SHAH: And please state your 19 full name for the record, spelling your name, and 20 provide your address. 21 KEN MARTIN: Okay. My name is Ken 22 Martin and I live at 406 Plainfield Road in Edison. 23 CHAIRPERSON FETERIK: I assume you 24 agree with everyone before you, sir? 25 KEN MARTIN: What was that?	Page 197 1 think, for the sake of expediency we will continue. 2 However, the Board must remember that Mr. Martin is 3 not within the 200 feet, because we will go out to 4 everyone outside of 200 feet after we're done. But 5 continue. 6 KEN MARTIN: Okay. 7 CHAIRPERSON FETERIK: Go ahead, 8 continue, sir. 9 KEN MARTIN: So with that said, there 10 were three people that I know that were killed on 11 the intersection where I live, so I don't know about 12 the rest of Plainfield Road. 13 But my point being, it has become 14 overcrowded, Edison. So I did a little math on that 15 two acres of property. If I can find my math -- 16 here it is. So if you built four houses on that two 17 acres and you just use the husband and wife, so that 18 would make two people. So two times four would 19 be -- there would be eight people in that particular 20 area living there. We're not counting children. 21 So if you look at 23 townhouses and you 22 multiply that by a husband and wife of two, you now 23 have 46 people. So if you multiply -- if they both 24 had a car, the 46 times two becomes 92 cars. If you 25 go back to the houses, you multiply eight by two and

Page 198 1 you only have 16 cars. 2 So my point being, that property would 3 be much better with houses to lessen the number of 4 people and the number of cars that will now enter 5 into the Edison area. And that's it. 6 CHAIRPERSON FETERIK: Okay. Thank you 7 so much, sir. 8 KEN MARTIN: Thank you. 9 CHAIRPERSON FETERIK: We thank you for 10 making a comment. 11 Who wants to come up next? Come on, 12 let's keep it moving. Anybody else within 200 feet 13 of the property wanting to be heard? 200 feet of 14 the property wanting to be heard? 15 Okay, I'll go to anyone outside of 16 200 feet of the property wanting to be heard. 17 ATTORNEY SHAH: Sir, raise your right 18 hand. Do you solemnly swear or affirm to tell the 19 whole truth, and nothing but the truth so help you 20 God? 21 JOEL BASSOFF: I do. 22 ATTORNEY SHAH: And please state your 23 full name for the record, spelling your name, and 24 provide your address. 25 JOEL BASSOFF: Joel Bassoff, J-O-E-L,	Page 200 1 37-14.4 of the municipal code. 2 So how does the applicant's proposal 3 stack up against Edison's comprehensive townhouse 4 ordinance? The zoning code requires that a 5 townhouse development be set back from a county road 6 by at least 50 feet. The applicant's proposed 7 setback from Plainfield Road, which is part of 8 County Route 531, is only 35 feet. So on the issue 9 of setback from the road, the applicant's proposal 10 fails. 11 The zoning code requires that a 12 townhouse development be set back from the side 13 property lines by at least 35 feet. How much of a 14 side setback does the applicant propose for his 15 townhouses? Only 24 feet. So on the issue of the 16 side setback the applicant's proposal fails. 17 The zoning code requires that a 18 townhouse development be set back from the rear 19 property line by at least 45 feet. How much of a 20 rear setback does the applicant propose for his 21 townhouse? Only 27 feet. So on the issue of the 22 rear setback the applicant's proposal fails. 23 The zoning code limits townhouses to a 24 height of 30 feet in any townhouse zone. What does 25 the applicant propose? 33 feet and 10 inches. So
Page 199 1 B-A-S-S-O-F-F. I live at 17 Beech Lane in Edison. 2 And that's about 600 feet from the Charlie Brown's 3 site. The issue -- 4 CHAIRPERSON FETERIK: Okay. I assume 5 you agree with everything that was said before you? 6 JOEL BASSOFF: I agree with -- 7 CHAIRPERSON FETERIK: Okay. 8 JOEL BASSOFF: I agree with everything 9 the objectors and their witnesses and -- 10 CHAIRPERSON FETERIK: Correct. 11 JOEL BASSOFF: -- their experts said. 12 CHAIRPERSON FETERIK: Well, that's 13 what we're talking about. And that's the important 14 thing to be on record. 15 JOEL BASSOFF: Okay. I don't 16 necessarily agree with all the time taken, but I 17 agree with what they said. 18 I would like to talk about how the 19 applicant's proposal would, in the words of the 20 Municipal Land Use Law, substantially impair the 21 intent and purpose of the zone plan and zoning 22 ordinance. So the Edison governing body has already 23 formulated a comprehensive regulatory scheme for 24 townhouse developments specifically the R-A, R-B-B, 25 and R-B districts. And that can be found in section	Page 201 1 on the issue of height the applicant's proposal 2 fails. 3 The zoning code requires at least 4 35 feet between townhouse structures. Two of the 5 proposed units are only 27 feet apart. So on the 6 issue of distance between structures, the 7 applicant's proposal fails. 8 The zoning code requires that 9 townhouses be surrounded by a buffer zone of trees 10 or planted landscape. The width of the buffer has 11 to equal the required yard depth plus five feet of 12 buffer for each foot of building height over 13 25 feet. So the applicant's proposal already has 14 insufficient yard width on all sides so there's not 15 enough room for a buffer just based on that. In 16 addition, because the applicant's proposal is 8 feet 17 higher than the 25 feet, it would call for an 18 additional 40 feet of buffer on all sides. So on 19 the issue of the buffer zone, the applicant's 20 proposal fails by a lot. 21 And I have saved the worst for last. 22 For any townhouse development in the R-A, R-B-B or 23 R-B-t-h districts Edison requires a lot size of at 24 least 25 acres. The applicant proposes to cram his 25 townhouses into 2.016 acres, less than 1/12th of the

Page 202 1 required acreage. So on the issue of lot size the 2 applicant's application is a spectacular failure. 3 So by any standard putting a townhouse 4 -- putting these townhouses on the Charlie Brown's 5 site would substantially impair the intent and 6 purpose of the zone plan and the zoning ordinance. 7 The applicant has utterly failed to prove that the 8 proposed site is particularly suitable for the 9 proposed use. 10 Moreover, reference was made to the 11 Supreme Court case of Medici. They said, "We deem 12 it appropriate to require an enhanced quality of 13 proof as well as clear and specific findings by the 14 Board of Adjustment that the grant of the Use 15 Variance is not inconsistent with the intent and 16 purpose of the Master Plan and zoning ordinance. 17 Such proofs and filings must satisfactorily 18 reconcile the grant of a Use Variance with the 19 ordinance's continued omission of the proposed use 20 from those permitted in the zone and thereby provide 21 a more substantive basis for the typically 22 conclusory determination that the variance will," 23 quote, "not substantially impair the intent and 24 purpose of the zone plan and zoning ordinance." 25 CHAIRPERSON FETERIK: Sir, finish your	Page 204 1 LORI JORDAN: -- from the newspaper? 2 ATTORNEY SHAH: No, you cannot. 3 LORI JORDAN: Okay. Glad I asked. 4 So I trust that all the zoning board 5 members have visited Charlie Brown's at least once 6 since June. I know Mr. Barone did, so thank you for 7 doing that. The applicant was here in June and I 8 would imagine at least between those last eight 9 months that you have all visited the site, if only 10 to sit in your car and envision what 23 buildings, 11 three-stories would look like at 222 Plainfield 12 Road. 13 I'm hoping you parked, you walked 14 around. And I have seen a lot of residents doing 15 that. I drive by that lot all the time and a lot of 16 people were just literally walking around going, can 17 you imagine? Can you imagine 23 buildings in this 18 small two-acre spot? And when you visited the lot, 19 I hope you noticed that just 50 yards away is a 20 "Welcome To Edison" sign, all blue and gold, as you 21 enter the township coming from Metuchen. 22 So envision, if this bloated townhouse 23 project is approved, here is what people will see 24 upon entering Edison; a huge white walled-off 25 towering building. When workers hammer the last
Page 203 1 thought. 2 JOEL BASSOFF: And all we heard from 3 the applicant's experts were the conclusionary 4 regurgitation of the statutory language and not the 5 enhanced proof that the Supreme Court of New Jersey 6 calls for. Thank you. 7 CHAIRPERSON FETERIK: Okay. Thank you 8 so much, sir. 9 ATTORNEY SHAH: Would you raise your 10 right hand. Do you solemnly swear or affirm to tell 11 the whole truth and nothing but the truth, so help 12 you God? 13 LORI JORDAN: I do. 14 ATTORNEY SHAH: And please state your 15 full name for the record, provide your address. 16 LORI JORDAN: Lori Jordan, 10 Golf 17 Road. 18 CHAIRPERSON FETERIK: I assume you 19 agree with everyone else before you? 20 LORI JORDAN: I do. 21 CHAIRPERSON FETERIK: I'm getting 22 tongue-tied. 23 LORI JORDAN: I want to ask Ms. Shah a 24 question. Can I quote Mayor Joshi -- 25 ATTORNEY SHAH: No, you cannot.	Page 205 1 nail into this development, The Links of Edison will 2 become the white elephant at Edison. 3 "White elephant" is a phrase some may 4 not be familiar with so I will define it. It's an 5 idiom for a property whose cost is out of proportion 6 to its usefulness or worth. Cost is out of 7 proportion to its usefulness or worth. The cost 8 here isn't the six-figure purchase price of these 9 townhouses. The cost that I'm talking about is more 10 important than that, is the development -- if this 11 development is approved, the cost will be the loss 12 of residents' trust and faith in the zoning board 13 and by extension, the loss of trust and faith in 14 Edison government. This would cause serious and 15 perhaps irreparable damage to the township. 16 As you likely are aware, this project 17 has been a hot topic since June. For eight months 18 it has received a lot of press coverage, podcasts, 19 photos. The last newspaper article, which was just 20 two weeks ago, the headline was, "Battle Lines Being 21 Drawn Over Edison Controversial Townhouse Plan." 22 The whole township knows about this. There's over 23 15,000 people on Edison Facebook pages, Edison 24 Residents, Neighbors and -- 25 ATTORNEY SHAH: I'm going to stop you.

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Page 206 1 You cannot talk about social media or anything else. 2 If a person is not here or information that is not 3 here that you, yourself, are testifying to, you 4 cannot quote, you cannot bring in other things. 5 LORI JORDAN: Got you. Okay. I'll 6 just continue on. 7 ATTORNEY SHAH: Thank you. 8 LORI JORDAN: So this board can be 9 known as the one that upholds Municipal Land Use Law 10 and is accountable to residents or you can be known 11 as the board who approved the white elephant at 12 Edison; a three-story monstrosity that will ever be 13 a symbol of development greed. 14 I would like to make another point. As 15 shown in Markim's engineering diagrams, they propose 16 a wall in front of the townhouse. You don't need to 17 be an engineer or zoning expert to know what this 18 means. It means to stay out; we want to be separate 19 from you; we want to match the country club; we 20 don't want to match the neighborhood or try to even 21 be a part of it. 22 The brick wall visually pushes away the 23 neighbors creating faux exclusivity being walled-off 24 from the rest of the neighborhood and its proximity 25 to the country club. This townhouse development	Page 208 1 Edison municipal laws, the Master Plan, and do right 2 by Edison Township. Thank you. 3 CHAIRPERSON FETERIK: Thank you. 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 ROSS DEL CONTE: I do. 9 ATTORNEY SHAH: And please state your 10 full name for the record, providing your address and 11 spelling your name. 12 ROSS DEL CONTE: Sure. My name is 13 Ross, R-O-S-S, Del Conte, D-E-L-C-O-N-T-E. My 14 address is 960 New Dover Road in Edison. 15 (Stenographer requests clarification.) 16 ROSS DEL CONTE: New Dover. 08820. 17 CHAIRPERSON FETERIK: And I assume you 18 agree with everything that's said before you? 19 ROSS DEL CONTE: All the opposition. 20 CHAIRPERSON FETERIK: Correct. 21 ROSS DEL CONTE: Thank you for that. 22 Madam Chairperson and distinguished members of the 23 zoning board, I appreciate the opportunity to come 24 up here and speak. 25 I want to let everybody know that I was
Page 207 1 will not, as Land Use states, create -- quote, 2 "Create a desirable visual environment through 3 creative techniques and good civic design and 4 arrangement," unquote. It will be too big, out of 5 place. A big development disaster right next to the 6 "Welcome To Edison" sign. A town embarrassment for 7 decades to come. 8 And my last point is this, about spot 9 zoning. What Markim is asking -- and I'm not an 10 engineer or an expert, but it certainly sounds like 11 spot zoning from the definition that I read which 12 is, spot zoning is the illegal practice of zoning a 13 single tract of land in a manner that is 14 incompatible with the surrounding area and in a 15 manner that is incompatible with the City's zoning 16 ordinance. New Jersey courts have highlighted that 17 a municipality engages in spot zoning when it, 18 quote, "uses the zoning power to benefit particular 19 private interests rather than the collective 20 interests of the community." 21 In addition to the many reasons brought 22 up by my neighbors, Mr. Steck and Mr. Hausman, this 23 application must be rejected tonight. I hope you 24 have listened to all of us and take our major 25 concerns to heart. Vote no tonight and uphold	Page 209 1 two years old when I moved into 960 New Dover Road. 2 I have been a resident of Edison Township, on and 3 off, for almost 60 years. And I don't know if I'm 4 the longest resident here in this town -- or in this 5 room tonight, but I'm certainly one of the longest. 6 CHAIRPERSON FETERIK: I'm right behind 7 you. 8 ROSS DEL CONTE: So that being said, I 9 grew up in my neighborhood and watched it being 10 developed. Currently, there's still some protected 11 land around my house. And I see this application as 12 an opportunity to invade what Edison has been trying 13 to protect for the last 60 years. And if this 14 board -- the zoning board approves this application, 15 what is the next step? Is it going to be my 16 backyard? 17 And that being said, I hope that 18 everyone that's here in opposition tonight to this 19 application, just as I am up here in opposition, 20 would support me in opposition of any unrealistic 21 variances for intrusion in my backyard. 22 Again, I grew up in Edison, went 23 through all the school system and I have loved this 24 town. I plan on -- I'm retired now so my household 25 is a -- I guess you can call it an age-restricted

IN THE MATTER OF MARKIM DEVELOPERS, BLOCK 557, LOT 16.B2
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Page 210 1 household. I'm 64. My wife is older than 55. 2 CHAIRPERSON FETERIK: Don't give her 3 age. 4 ROSS DEL CONTE: My children are, still 5 live in the house, they're two boys, they are older 6 than 18 years of age. So my house qualifies as 7 age-restricted living environment. 8 We have four cars. It's a 9 three-bedroom house. These are three-bedroom units, 10 upwards of six people could probably live in them. 11 Two-thirds of those people justify this gentleman's 12 suggestion that 96 or 92 cars per -- for the units 13 would probably be the case. 14 How many parking spots, sir -- ma'am, 15 may I direct the question to him? 16 CHAIRPERSON FETERIK: Okay. 17 ROSS DEL CONTE: How many parking spots 18 are proposed in these units -- for this complex? 19 BOARD PLANNER: 61. 20 ROSS DEL CONTE: How many? 21 BOARD PLANNER: 61. 22 ROSS DEL CONTE: 61. That's not 23 including the friends and relatives that might come 24 over and visit. 25 So I suspect that it's going to be not	Page 212 1 your right hand. Do you solemnly swear or affirm to 2 tell the whole truth and nothing but the truth so 3 help you God? 4 VINAY GHANTE: I do. 5 ATTORNEY SHAH: And please state your 6 full name for the record, spelling your name. And 7 provide your address. 8 VINAY GHANTE: My name is Vinay Ghante, 9 V-I-N-A-Y, last name Ghante, G-H-A-N-T-E. I'm a 10 resident of 201 Plainfield Road in Edison. 11 CHAIRPERSON FETERIK: I assume you 12 agree with everyone before you, sir? 13 VINAY GHANTE: Overwhelmingly, yes. 14 CHAIRPERSON FETERIK: Yes, okay. Go 15 ahead. 16 VINAY GHANTE: I've been a 26-year 17 Edison resident and owner of the property I just 18 mentioned. And their experts have given some 19 impressive credentials. My credentials is I have 20 been in my house for 26 years. I have a front row 21 seat to the traffic that happens right in front of 22 my house. Right -- I'm only about 300 feet from 23 where the townhouse complex is going to come. 24 When we first heard of this plan, my 25 young children, then 12 and 16, were in total
Page 211 1 only a full parking area, as somebody's suggestion, 2 that there's an unattached area for parking not 3 conducive to a complex of this type. So there would 4 be parking in the fire -- illegal parking in the 5 fire lane, illegal parking probably on Plainfield 6 Avenue, and Edgewood, and so forth, and surrounding 7 roads. That is just because of the dynamics of 8 the -- of the unit structure. 9 And I understand that you have a legal 10 obligation to oblige the applicant with everything 11 under the law pertaining to him being able to apply 12 for these variances. But I would like you all, the 13 zoning board, to envision yourselves living on 14 Edgewood, on Plainfield Road or maybe you're a 15 member of Metuchen Country Club. If you are a 16 member or live in the neighborhood in such a close 17 proximity, would you want this to be approved by the 18 zoning board? 19 It's not just about legality, it's 20 about common sense. So I appreciate the fact that 21 you allowed me to come up here and speak. I ask you 22 to please deny this application. And thank you very 23 much. 24 CHAIRPERSON FETERIK: Thank you, sir. 25 ATTORNEY SHAH: Sir, would you raise	Page 213 1 disbelief. They couldn't imagine how 23 houses -- 2 or townhouse can fit in that tiny two-acre lot. And 3 they had so many questions, I could not answer a 4 single question to my 12- and 16-year old. 5 There's been some confusing things 6 about this complex. First, it was supposed to be 7 not age-restricted, now it is age-restricted. 8 Again, I'm having this thing -- if it is supposed to 9 be 55-plus and over that means to say that there are 10 people coming in and buying this 11 half-a-million-plus-dollar house and paying this 12 \$20,000 in taxes, then they can't be retired. 13 Nobody who is retired can be able to afford this 14 kind of housing. 15 And why would they come to Edison? And 16 if they're retiring, they're looking for a pool, 17 they're looking for nice entertainment, they're 18 looking for no restrictions. And why would they 19 live under these restrictions? You can't have 20 people coming. You can't do this, you can't do 21 that. Why would they? 22 On the other hand, if it's not 55-plus 23 and retired, then these are people who are 24 working -- who are working for big pay, probably 25 going to the city, in which case you will have a lot

Page 214 1 of traffic; people will be going to work at regular 2 hours, doing all -- so it is very confusing, what 3 the plan is actually; who these people are going to 4 be who are going to live there. 5 I really don't see -- I think it's very 6 confusing. I don't think there is any strong plan 7 for who the actual buyers are going to be. 8 So I want -- fortunately for me -- most 9 people have talked about all the ordinances. I 10 don't have to actually list those. I'm going to 11 touch upon the decline in the quality of life 12 aspect. 13 So there are going to be 23 townhomes 14 in a place where there were none. So these people 15 will have lives and they will be constant traffic. 16 There will be visitors. And like the person before 17 me said, guests, there will be people getting 18 dropped off, taxis, Uber, Lyft, package deliveries, 19 UPS, USPS, FedEx, Amazon, food deliveries, pizza 20 deliveries, Uber Eats, DoorDash. And then you will 21 also have moving trucks. You will have furniture 22 trucks, people need furniture. Where will they 23 park? 24 So far somebody mentioned that 25 everything is zoned out, there is -- where will they	Page 216 1 people parking in front of your house making 2 K-turns, U-turns, illegal turns. It is going to be 3 very frustrating. 4 Another point I wanted to touch upon is 5 the safety issue. Like one neighbor mentioned 6 before me, there is no sidewalk between Charlie 7 Brown's Steakhouse and Oak Hills Road on the north 8 side. So if a person in Edison Links wants to take 9 a walk to Metuchen, what he has to do, he has to 10 cross the road and come down to the south side, walk 11 down three blocks, and cross the road again to get 12 to Oak Hills Drive, and cut across to either 13 the park or downtown. And to think people have 14 already mentioned, do you know how difficult it is 15 to cross the road? It is impossible. People don't 16 stop. In fact, people -- you literally have to 17 advance yourself into the middle of the road before 18 anybody stops or they may just drive you over. 19 So then what other people may do is 20 they may try to walk across the northbound lane -- 21 CHAIRPERSON FETERIK: Finish your 22 thought, sir, please. 23 VINAY GHANTE: Yeah -- which is 24 actually there is no sidewalk on that, it's uneven 25 dirt way and they will try to walk there. How do I
Page 215 1 park? Will they park on the street and deliver 2 inside? In which case, what will happen to the 3 traffic on this road? So has that been addressed? 4 Now there's hardly any parking. And, 5 like these people mentioned, visitors -- they will 6 have parking. There will be Christmas parties, eves 7 parties, Diwali parties, Super Bowl parties. These 8 people, they're not going to live in isolation 9 whether they're retirees or they're active. They 10 are not going to live in isolation. 11 For paying this kind of money they will 12 want a full-blown life. Where will they park? I 13 know where they will park, they will park on the 14 side roads across from the complex. You know, 15 Woodrow Wilson Drive, and Gloria Avenue, and Path 16 Court and Oak Grove Lane. That is where they will 17 park. 18 This will result in more traffic and, 19 again, conflict with the existing neighbors. This 20 will actually decline the quality of life for not 21 just the existing residents but for the future 22 owners as well. What is the point of this? 23 If this is not a decline in quality of 24 life, I don't know what it is. Constant -- you 25 know, the stress of everyday of finding to park,	Page 217 1 know they will do that? Because I have seen people 2 already do that. And there will be more people 3 doing that. And that's again a safety issue, not 4 just for the people driving the car, even for the 5 people walking. 6 So one other thing that has not been 7 addressed so far -- 8 CHAIRPERSON FETERIK: Sir, your time 9 is up, so please... 10 VINAY GHANTE: Okay. Two points 11 quickly. 12 CHAIRPERSON FETERIK: Very quickly. 13 VINAY GHANTE: The construction of this 14 is -- I'm sure it's going to take a good two years. 15 What about all the construction vehicles? Where 16 will they park? Where will all the material come 17 from? Backing up of the trucks into the lot. 18 Can we have anybody addressed this? 19 This will take a good two years or even longer for 20 this. So we will have to put up with this before we 21 have to put up with the others. 22 In conclusion, there's already a lot of 23 development in Edison and there has been nothing of 24 this magnitude so far. Sometimes I look at the old 25 houses that have been torn down and two put in its

Page 218 1 place, and I look at it and I say, was this the 2 right thing? And I say, you know what, the 3 fixer-upper is done, but some of the things are 4 gone, but they're nice houses, it looks nice. Will 5 I ever be able to look at this 222 parking lot and 6 say, hey, this was a great thing that happened here? 7 I don't think so. 8 CHAIRPERSON FETERIK: Okay. Are you 9 done? 10 VINAY GHANTE: Yes. 11 CHAIRPERSON FETERIK: Your time is up. 12 VINAY GHANTE: I just want to say, 13 unfortunately, if this were to come to pass, this 14 will be the end of the Township of Edison and the 15 beginning of the city of Edison. Thank you. 16 CHAIRPERSON FETERIK: Thank you. 17 We have got to wait for the attorney 18 to come back. But while we're waiting, ma'am, I 19 like your handbag. 20 (A discussion is held off the record.) 21 ATTORNEY SHAH: Sir, raise your right 22 hand. Do you solemnly swear or affirm to tell the 23 whole truth and nothing but the truth, so help you 24 God? 25 RYAN LOEFFLER: Yes.	Page 220 1 course zone. 2 No residential or multi-family uses are 3 allowed in the golf course zone. Multi-family use 4 is not permitted in residential zones. They all 5 have their separate zones. The townhouses are not 6 conforming to the surrounding area or in character 7 with any structure in the vicinity. The site is 8 adjacent to the residential neighborhoods to the 9 south and west and the golf course to the east and 10 the swimming pool to the north. The project is not 11 well suited for the area. 12 The structure will be an eyesore and 13 out of place from adjoining neighborhoods and the 14 golf course as well as to people driving by due to 15 the height and the stature of the building. It will 16 redefine the immediate area to something other than 17 its present character. 18 It's been proposed that townhouses will 19 have less of an impact on the surrounding area than 20 any potential commercial use. That's not true, it's 21 merely an opinion. There are many potential 22 commercial uses that could have less impacts, not 23 necessarily a drive-thru restaurant or drive-thru 24 fast food place, but professional buildings, some 25 other uses potentially.
Page 219 1 ATTORNEY SHAH: And please state your 2 full name for the record, providing your address and 3 spelling your name. 4 RYAN LOEFFLER: Sure. Ryan Loeffler, 5 L-O-E-F-F-L-E-R, 6 Nancy Circle, Edison. 6 CHAIRPERSON FETERIK: I assume you 7 agree with everyone before you, sir? 8 RYAN LOEFFLER: All the opposition. 9 CHAIRPERSON FETERIK: Okay. Let's hear 10 what's new. 11 RYAN LOEFFLER: It's going to be a 12 little choppy. I don't want to repeat things that 13 people have said. 14 I do have to say that the discussion 15 attempting to stop basement apartments from being 16 turned -- turning the townhouses into multi-family 17 townhouses during the proposal to put 18 multi-townhouse units in a zone that doesn't allow 19 it, is a little disconcerting. 20 Nothing about this application complies 21 with the Edison zoning ordinances. Most 22 significantly, the applicant is seeking multi-use 23 and bulk variances to replace the existing 24 restaurant with 23 townhomes comprising of four 25 buildings, which is not a permitted use in the golf	Page 221 1 So I'm just going to list a couple of 2 things here. The application does not meet the 3 Edison Master Plan, the current zoning of the area, 4 conform with the existing residential area, exceeds 5 the allowable building coverages. One building will 6 be 17,000 square feet. Just one of them. In total 7 there will be about 56,000 square feet of building 8 on two acres. 9 This application will exceed the height 10 requirement of the zone -- will be the largest 11 square-foot, single building in the immediate area 12 except for the school. 13 Also the density and floor area ratios. 14 The other senior units at Village Pointe are all one 15 to two-bedroom units. 16 Lastly, the P loop or the road, as 17 noted on the plans, is listed as a fire lane. Due 18 to the intensity of the rear yard -- of the project, 19 the rear yard setback is only 27 feet. The building 20 is as big as the building is on the east, only 21 leaving enough room for a 20-foot wide road. 22 So where is the lawn care truck going 23 to go? Where are deliveries coming? Where are 24 drivers picking up people? There's no stopping, no 25 standing, no loading, no unloading permitted in a

Page 222 1 fire lane. That's reserved by the fire marshal or 2 chief of the fire to determine that this needs to be 3 a fire lane. 4 Lastly -- well, I already said "lastly" 5 -- but we have zoning ordinances in this town for a 6 reason. Under the MLUL, the zoning board compiles a 7 report of all variance relief that they have done 8 throughout a given year so that the governing body 9 can create ordinances. This zoning board has 10 compiled those reports and given them to the 11 governing body and the governing body has acted. 12 They have increased the golf course zone from 13 25 acres to 100 acres and then, most recently, 14 100 acres to 115 acres. 15 And the golf course's full nomenclature 16 is the Golf Course Natural Resource Preservation 17 Zone. So the legislative intent of this town is to 18 preserve the golf course and not over 19 density -- overbuild with too much density with the 20 townhomes. That's it. 21 CHAIRPERSON FETERIK: Okay. 22 RYAN LOEFFLER: And one last thing, I 23 think the planner said it best, it's the proverbial 24 putting 23-pounds of something in a two-pound bag. 25 CHAIRPERSON FETERIK: Okay, great.	Page 224 1 SUSAN DEL CONTE: Okay. My husband 2 took all of my good speaking points so as I was in 3 line I had to just struggle to come up with 4 something witty and bright and different to say. I 5 want to say that those are the ugliest townhomes I 6 think I have seen in a long time. No offense, but 7 they're ugly. They don't do anything to inspire me. 8 And as I sat in line and sat in the 9 audience I watched some of the people who gave 10 information today and I noticed kind of an 11 emotionless, passive look on their faces and I 12 realized it's just a business. It's billable hours. 13 It's submitting a report that eventually you will 14 get paid for. It's developing property that 15 eventually you will make a profit for. But it's 16 just business. But it's not business for these 17 people, it's where we live. And if they do it here, 18 they're going to do it in my backyard, and they're 19 going to do it in your backyard, and they're going 20 to do it in your backyard. Because eventually when 21 you open that door and you get your foot in, the 22 door gets larger and larger. And it's never going 23 to stop. 24 So I'm not going to take five minutes 25 to say what I have to say. If you're proud of the
Page 223 1 Thank you so much, sir. 2 SUSAN DEL CONTE: Hello. 3 ATTORNEY SHAH: Hi. 4 SUSAN DEL CONTE: I am said owner of 5 the purse. 6 CHAIRPERSON FETERIK: Yes. Right, i 7 know. 8 ATTORNEY SHAH: Raise your right hand. 9 Do you solemnly swear or affirm to tell the whole 10 truth and nothing but the truth, so help you God? 11 SUSAN DEL CONTE: Absolutely. 12 ATTORNEY SHAH: And please state your 13 full name for the record, provide your address, and 14 spell your name. 15 SUSAN DEL CONTE: Susan Del Conte. And 16 my husband was the one a couple of speakers ago, so 17 it's the same address. D-E-L, capital C-O-N-T-E. 18 916 New Dover Road, which is actually a lot farther 19 away than most of the neighbors who have testified 20 today. 21 CHAIRPERSON FETERIK: I assume you 22 agree with everything else? 23 SUSAN DELCONTE: Yes, ma'am. 24 CHAIRPERSON FETERIK: Get it on the 25 record please, okay?	Page 225 1 project that is being presented in front of you, I 2 implore you to have your names engraved on a plaque 3 that you place on the outside wall of that project 4 so you can proclaim with your name and your legacy 5 to everyone who drives by "I was a part of this." 6 And if you can't do that and you're not interested 7 in doing that, you have no business approving this. 8 That's it. Thank you. 9 ATTORNEY SHAH: Raise your right hand. 10 Do you solemnly swear or affirm to tell the whole 11 truth and nothing but the truth, so help you God? 12 KAUSHEL PATEL: I do. 13 ATTORNEY SHAH: And please state your 14 full name for the record, spelling your name. And 15 provide your address. 16 KAUSHEL PATEL: My name is Kaushal 17 Patel, K-A-U-S-H-A-L, Patel, P-A-T-E-L. I'm at 2 18 Remington Drive. 19 CHAIRPERSON FETERIK: I assume you 20 agree with everything that's been said before you, 21 sir? 22 KAUSHAL PATEL: Wholeheartedly. 23 CHAIRPERSON FETERIK: Okay, great. 24 Let's hear what you have to say. 25 KAUSHAL PATEL: So I have a couple of

Page 226 1 points, very briefly summarize. One, as a resident 2 who is living in this neighborhood since 2013, I 3 truly cherish this neighborhood. It's truly 4 amazing. And I think this is a major, major quality 5 of life compromise for me if this project gets 6 approved. Unfortunately, I live very close to the 7 site and every time I pass by it gives me a major 8 heartache. It's a major, major compromise to the 9 quality of life. 10 Second, a restaurant type of a project 11 could really work. I mean, I know with the last two 12 years some unfortunate things happened because of 13 the pandemic, the business went down. It doesn't 14 mean that a new restaurant cannot thrive over there. 15 Charlie Brown's, prior to the pandemic, was doing 16 amazing. And it would be a great addition to have 17 that restaurant, or some other version of it, in 18 this neighborhood. It actually also offers an 19 opportunity for people to walk there and I think 20 that can help reduce the traffic in the 21 neighborhood. 22 And the third point I would say is 23 overcrowding or a very highly dense project is the 24 core problem of this application and core with the 25 heart of all the objection that has been here.	Page 228 1 and provide your address. 2 KAREN HALO: My name is Karen. My last 3 name is Halo, H-A-L-O. And I live at 55 1st Street, 4 Edison 08837. 5 CHAIRPERSON FETERIK: I assume you 6 agree with everything before you? 7 KAREN HALO: Absolutely -- 8 CHAIRPERSON FETERIK: Okay. 9 KAREN HALO: -- and then some and to 10 eternity. You know, it's amazing, every time I walk 11 in this courtroom I notice this great, big wall 12 behind us and how, actually, when you look in, 13 everybody sitting here looks kind of insignificant 14 because the wall is so big. This wall is about 15 20 feet. So if we add about another 13 feet to it, 16 that's what we are going to put in somebody's 17 backyard. And that is pretty significant. I don't 18 know how I would feel. 19 I used to live in that part of town. I 20 grew up in it. I swam in the country club pool, ate 21 at Charlie Brown's. Don't know how I would feel 22 waking up in the morning and having that in my 23 backyard, and then somebody up on the top level 24 peering at me. I just don't know how I would feel 25 that morning.
Page 227 1 Between the first application and this meeting today 2 I don't see applicant making any major attempt to 3 bring down this whole problem of overcrowding. 4 It would have been amazing to see if 5 they would have even attempted to bring down the 23 6 townhouses to something smaller, like ten or maybe 7 hopefully even like four. But they are not taking 8 this problem seriously. I hope that this board sees 9 what they're trying to do; they're trying to push 10 the envelope as much as they can. 11 I hope you all listen to the residents 12 of Edison today, you reject this project and you 13 reject it tonight. 14 CHAIRPERSON FETERIK: Okay. Thank you 15 so much, sir. 16 KAREN HALO: Hi everybody. My name is 17 Karen. Oh, sorry. 18 CHAIRPERSON FETERIK: You have to be 19 sworn in. 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 KAREN HALO: I do. 24 ATTORNEY SHAH: Okay. And please 25 state your full name for the record, spelling it,	Page 229 1 I know these good hard-working people 2 here, they bought into a lifestyle that Edison sold 3 them on; great place to raise your kids, open space, 4 opportunity to own a house, have a beautiful yard, 5 live in a beautiful neighborhood. And then, one day 6 they just get, like, oh, by the way, somebody wants 7 to put some really ugly, large buildings in your 8 backyard and -- I don't know -- deal with it. 9 They dealt with it to the fact that 10 they have cared enough to take people and pay out of 11 their pockets to fight somebody for something they 12 feel really strongly about. And I am here because I 13 feel really strongly about it. 14 The town I grew up in, you know, the 15 one that she was talking about, when you come in and 16 it says, "Welcome To Edison Township," we should 17 have a little sign underneath it that says, 18 Townhouses Are Us, because we're turning into it. 19 Like how much more density do we need? 20 Like, yeah, it's a great place, everybody wants to 21 live here, but at what cost? And at what expense to 22 this beautiful lifestyle that we have? 23 And that's really all I wanted to say 24 tonight. I could talk about the traffic. Yeah, 25 okay, it's progress, people living here. But at the

Page 230 1 end of the day, it's really taking pride in their 2 community, making intelligent choices, leaving open 3 space. 4 Listen, I'm not a kid anymore. I was 5 raised here. I'm probably X amount of years from 6 retirement. I don't know if I can afford to retire 7 here, but what I am standing here for is for my 8 friend's kids to be able to stay in a town that 9 they're proud of and that they feel they still want 10 to be a part of. 11 I thank you for your time and I wish 12 everybody here good luck. I know how hard you work 13 and what life you want to bring to your families, so 14 I hope you continue with that. 15 Thank you, everybody. 16 ATTORNEY SHAH: Okay. Sir, would you 17 raise your right hand. Do you solemnly swear or 18 affirm to tell the whole truth and nothing but the 19 truth, so help you God. 20 AKHTAR NASSER: I do. 21 ATTORNEY SHAH: Okay. And please state 22 your full name, spelling your name, and provide your 23 address. 24 AKHTAR NASSER: Akhtar Nasser, 59 25 Pleasant Avenue.	Page 232 1 be. 2 AKHTAR NASSER: Okay. So number one, 3 many of us, including Peter Steck, Sandeep, and 4 others have said that we should open a restaurant. 5 I don't see that there's any issue. There has never 6 been anything offered by them that said that you 7 cannot open up the restaurant. 8 If they did decide to open up the 9 restaurant, I can assure you that the audience 10 that's over here would probably not be here because 11 we didn't have a problem with Charlie Brown's, I 12 don't see why we would have a problem with a new 13 Charlie Brown's or something else. 14 Has the developer/owner of the property 15 tried to actively sell Charlie Brown's? If they 16 did, I would love to see the developer show any 17 proof of an act of sale. If they have vacant land 18 that's not for sale, obviously nobody can take it 19 over. 20 The developer has a burden of proof to 21 show that they tried to sell the property as a 22 restaurant and nobody wanted it. Can they produce 23 that? If not, why jump from a restaurant to 23 24 townhouses? That doesn't seem logical. 25 What seems logical would be to go ahead
Page 231 1 (Stenographer requests clarification.) 2 ATTORNEY SHAH: That was fast. 3 AKHTAR NASSER: A-K-H-T-A-R, Nasser, 4 N-A-S-S-E-R. 59 Pleasant Avenue. 5 All right, so I have gone through so 6 many revisions here to try to make sure that I'm 7 staying within the time frame -- 8 CHAIRPERSON FETERIK: You agree with 9 everybody else before you? 10 AKHTAR NASSER: I do, anyone that is 11 opposing this project. 12 So this was all on paper before, now my 13 phone does not want to cooperate with me, so just 14 give me a moment. 15 CHAIRPERSON FETERIK: Wonderful world 16 of technology. 17 AKHTAR NASSER: It is. I could not 18 read my chicken scratch after all the notes I was 19 taking and then scratching out. 20 So the first part is, I'm going to make 21 some comments and make rhetorical questions. And I 22 don't need necessarily answers by the developer or 23 applicant unless they choose to speak. But I don't 24 want that to be part of my time. 25 CHAIRPERSON FETERIK: No, it will not	Page 233 1 and say, let's put some single-family residences. 2 But if you are doing something else, it's probably 3 just for profit. 4 The developer has mentioned that they 5 contacted three people who have abutting properties 6 to the Charlie Brown property. Can they show proof? 7 The speakers that border the property 8 have spoken today and they said that they really 9 weren't approached or they didn't talk about 10 anything much or their last conversation was a very 11 long time ago. Why didn't the developer contact all 12 the people in the 200-foot radius? Why only the 13 ones that were abutting the property? It's very 14 suspect to me. 15 Why didn't they arrange a meeting with 16 all the people in this building tonight? That would 17 have been much more sensible to me so that we don't 18 have to spend a very long night here to answer or to 19 hear any of the questions that we are bringing 20 tonight. 21 Why did the developer choose to read a 22 transcript versus talk to the audience that you see 23 here? Transcripts can be inaccurate and offer 24 interpretations. 25 I would like to know whether the --

Page 234 1 what the developer wrote down as the notes from the 2 transcripts because I'm highly confident that it 3 wasn't about the size of the building or the 4 shrubbery or something else as they kind of were 5 bringing along with most of their points. 6 If they wanted to do a land use change, 7 why didn't they try to make it a miniature golf 8 range? That would fit in with the area and you 9 could use the existing building as an office. The 10 area is family friendly around that area and has 11 three schools. Students and families would be 12 delighted to have a hangout so close. 13 For anyone that says a restaurant 14 doesn't belong in the area, they might have 15 forgotten that, hey, there is no restaurant one mile 16 away from this area. There are three schools there. 17 Teachers and students love to eat, so it would be 18 appropriate to have a restaurant in that area. 19 Has anyone clamored to get rid of the 20 restaurant? All of the time that I have been in 21 Edison I have never heard anyone say, "We must get 22 rid of Charlie Brown's, it's an eyesore." 23 There's also, the developer has also 24 said -- or the applicant, I should say -- also had 25 said that there's nothing else like that around that	Page 236 1 Charlie Brown's so it is not an eyesore at all and 2 it doesn't seem like it's well -- too well 3 developed. This restaurant is not the focal point 4 of the neighborhood. But tearing it down and 5 building something 2.5 times taller will make it the 6 focal point, especially since there will not be any 7 open space behind it. 8 And so the other thing that will happen 9 too is, the project will kind of be like a 10 king-of-the-hill kind of project at the top of the 11 loop. 12 CHAIRPERSON FETERIK: Finish your 13 thought, please. 14 AKHTAR NASSER: I also want to talk 15 about, just real quickly, about traffic. I work at 16 Woodrow Wilson Drive -- Woodrow Wilson Middle School 17 I should say and -- 18 CHAIRPERSON FETERIK: All right, slow 19 down. Because right when you get finished this 20 young lady asked for just a couple of minutes to 21 rest her hands. 22 AKHTAR NASSER: I apologize. 23 CHAIRPERSON FETERIK: It's okay. 24 AKHTAR NASSER: I feel really bad for 25 you.
Page 235 1 area. There's actually a garage, I don't know what 2 the exact name of it is, but it's very close. There 3 also used to be a deli right next to it as well. 4 The developer testified that one -- 5 only one 55-year-old needs to live on the property. 6 This opens up the Pandora's box and probably negates 7 much of the study presented. You could very well 8 have an 18-year-old living on that property, a 9 20-year-old, or somebody else -- anyone that would 10 have a 9-to-5 job, which means that there would be 11 many more cars than his projected five that would be 12 leaving from 7 to 9. 13 I want to talk about the height that 14 the builder has repeatedly stated many times. They 15 didn't reduce the height to appease us, they did it 16 so they wouldn't have to get a variance. 17 I wanted to mention that the area 18 surrounding Charlie Brown's has residences that are 19 15 feet to 25 feet tall. The current Charlie 20 Brown's restaurant completely fits in with that 21 height as mentioned. In fact, if you did not know 22 there was a restaurant there you would miss it 23 because it only takes seven seconds to pass the 24 property because it's very small. 25 There is a lot of open space behind	Page 237 1 So I work at the Woodrow Wilson Middle 2 School. I have been there for 16 years and I have 3 personally seen the traffic from the time frame 7:00 4 to 9:00 o'clock. It's -- and I'm always -- I'm 5 trying to make a left there. It's insanely 6 difficult even though there's a police -- I'm 7 sorry -- a police officer that is there. And 8 there's so many times when you're just trying to cut 9 in and you could have potential problems. 10 Also the school -- I'm sorry, I'm doing 11 it again -- the school also has increased like about 12 50 percent since I have been working there. So more 13 buses, more cars, et cetera. 14 I believe that we need to make sure 15 that we vote down this project. There is a 16 pedestrian issue that other people have talked 17 about. I'm actually talking with one of the 18 officers to try to figure out if we can get a 19 solar-powered crossing light for the safety of the 20 students and anything else that would be helpful. 21 I really hope that you vote this down. 22 It does not seem appropriate. And I don't think 23 that the applicant has done their due diligence. 24 Thank you. 25 CHAIRPERSON FETERIK: Okay, thank you.

IN THE MATTER OF MARKIM DEVELOPERS, BLOCK 557, LOT 16.B2
Transcript of Proceedings on 02/15/2022

Page 238 1 Now this young lady wants a couple of minutes, but I 2 don't want anybody to leave the room because we'll 3 never get everyone back. 4 Now this other young lady that is 5 standing there now will speak. Does anyone else 6 besides here want to speak this evening? 7 Okay. So -- okay, as soon as we give 8 her a couple of minutes to rest her hands, but I 9 don't want anybody leaving the room because I don't 10 want to waste that time, because it's late, I know 11 everyone has to go to work in the morning. 12 We're off the record. 13 (A discussion is held off the record.) 14 ATTORNEY SHAH: Would you raise your 15 right hand. Do you solemnly swear or affirm to tell 16 the whole truth and nothing but the truth, so help 17 you God? 18 ELIZABETH CONWAY: I do. 19 ATTORNEY SHAH: And please state your 20 full name for the record, spelling your name, and 21 provide your address. 22 ELIZABETH CONWAY: Elizabeth Conway, 23 C-O-N-W-A-Y. 20 Netherwood Circle, Edison. 24 CHAIRPERSON FETERIK: Before you 25 start, my vice-chair, Mr. Comba, said there was	Page 240 1 on a Master Plan from 20'3. What does that tell 2 you? 3 I moved into Edison in 1983. And the 4 whole look of the town was much different than it is 5 today; the size of the schools, the size of the 6 land. As I drive around Edison where one house used 7 to be there is now six. In another area of town 8 where three houses used to be are now 13. And it's 9 going on. The town is allowing it. 10 But this has been going on for 19 years 11 since the last Master Plan that everyone is talking 12 about. And my request has been, because of the 13 change in our town, we should be putting more effort 14 into updating our Master Plan. Where do we see 15 Edison going starting tomorrow? Should we be making 16 those decisions or should developers be making our 17 decisions? And that's my real question. 18 Will they be able to do anything to me 19 personally? No. I live in a 75-by-114 feet piece 20 of land and all the houses around me are similar. 21 So unless you go and they knock down the houses in 22 my development, I'm pretty safe. But my town is 23 not. And whether I am helping the people over at 24 Silver Lake or now Charlie Brown's -- I care about 25 this town and many people do. And I want our
Page 239 1 another gentleman with his -- okay, fine. And 2 then that's it. 3 Okay, go ahead, Ms. Conway. 4 VICE-CHAIRPERSON COMBA: Ms. Conway, I 5 apologize for interrupting. I promise it won't 6 happen again. 7 CHAIRPERSON FETERIK: I did not see 8 your hand, I'm sorry. 9 VICE-CHAIRPERSON COMBA: Sorry about 10 that. 11 CHAIRPERSON FETERIK: Okay, go ahead. 12 It's not coming out of your time. Go ahead. 13 You agree with everyone before you? 14 Are you speechless? Did I make you speechless? I'm 15 sorry. 16 ELIZABETH CONWAY: No, I'm just 17 looking at Mr. Comba. 18 VICE-CHAIRPERSON COMBA: Sorry. 19 ELIZABETH CONWAY: It's okay. I agree 20 with everything that everybody has to say, but I'm 21 here tonight to repeat something that I have said at 22 multiple, multiple town council meetings in the past 23 couple of years, and that's our last Master Plan, 24 according to what I know, was in 2011. Tonight 25 people keep talking about and basing their thoughts	Page 241 1 township to take the time to decide where do we 2 really want to go? Who is going to make these 3 decisions for us? Because, if they get approval 4 now, who is next? 5 I was here when there was another 6 development that took place over on Harding and Oak 7 Tree Road that many people were upset about, and 8 that took place. And every time I go by and I look 9 at those buildings with the number of the building 10 on it and the distance between that and a railroad 11 track, it really breaks my heart. 12 And I drive by Charlie Brown's very 13 often. And I used to be one of the regular visitors 14 to Charlie Brown's. That was a Charlie Brown's that 15 held up compared to many Charlie Brown's in the 16 state of New Jersey. So that tells me they were 17 doing a decent business until the pandemic took 18 place. And it's really disheartening that this 19 developer -- and I know it's their job -- has 20 decided that, no, they haven't been around lately so 21 let's do something else. And I am applauding -- I'm 22 pleading to you, please, think twice about allowing 23 this to happen. 24 And I just want to break with one item. 25 I'm a retired teacher and I used to teach math as

Page 242 1 one of the items. And they're talking about three 2 bedrooms which can hold six people. Multiply six 3 times 23. That will give you 138 people in just 4 that small area. And if 138 people each have a 5 car -- because you're not allowing children -- 18 6 and over, those six people can have a car, which 7 means 138 cars. And I heard earlier that they have 8 spaces for 61 spaces. Well, where is the other 9 77 people parking? 10 And that's where I leave you. 11 CHAIRPERSON FETERIK: Thank you. 12 ELIZABETH CONWAY: Please say no. 13 ATTORNEY SHAH: Sir, raise your right 14 hand. Do you solemnly swear or affirm to tell the 15 whole truth and nothing but the truth, so help you 16 God? 17 JITENDRA PATEL: I do. 18 ATTORNEY SHAH: And please state your 19 full name for the record, spelling it. And then, 20 provide your address. 21 JITENDRA PATEL: Jitendra Patel, 22 J-I-T-E-N-D-R-A, P-A-T-E-L. 23 ATTORNEY SHAH: Your address please? 24 JITENDRA PATEL: 4 Twin Oaks Drive, 25 Edison, New Jersey.	Page 244 1 ATTORNEY TRIPP: Repeat the question, 2 please. 3 JITENDRA PATEL: Would you buy a 4 single-family house adjacent to the apartments that 5 has a 33 high wall? 6 CHAIRPERSON FETERIK: Our attorney is 7 trying to speak. 8 ATTORNEY SHAH: Yes. That is not a 9 question, that -- it's a rhetorical question that 10 just simply can't be answered because it's 11 speculative. So you can't expect the -- 12 JITENDRA PATEL: It's not speculative. 13 Everyone knows their own heart inside. 14 ATTORNEY SHAH: Sir, sir, sir. We 15 can't consider that. So please move on to your next 16 point. Okay? 17 JITENDRA PATEL: Okay. So the next 18 point is about the traffic. Right? You mentioned 19 that left and right-turn signal, you give something, 20 somebody else give something. 21 Let me ask you two question. One, do 22 you go -- always make a left turn or right turn when 23 you go for dinner or lunch? 24 CHAIRPERSON FETERIK: Sir, we're going 25 into the same thing.
Page 243 1 CHAIRPERSON FETERIK: Do you agree 2 with everyone before you, sir? 3 JITENDRA PATEL: Yes, I do. I 4 oppose... 5 CHAIRPERSON FETERIK: Let's hear what 6 you have to say. 7 JITENDRA PATEL: It's very simple, two 8 questions. I bought my house seven years ago in 9 Edison on 4 Twin Oaks Drive. I drove through the 10 area surrounding a single-family neighborhood and I 11 found it very good for two reasons: It's a 12 single-family neighborhood and, second, is the 13 schooling. And both was very important criteria for 14 me to buy the house. And now, after a few years I'm 15 hearing that it's changing. The neighborhood is 16 changing. 17 Now a few things -- I want to ask a 18 question to applicant and everyone sitting here, 19 including respected board members. First question 20 is, will you buy the house and just 40-by-33 wall 21 just -- and the lights turns on and off at night and 22 you can see from your bedroom; would you buy the 23 house, single-family house? To everyone, builder, 24 and they can ask that question; will you buy for 25 your family?	Page 245 1 ATTORNEY SHAH: Sir. 2 JITENDRA PATEL: No, it's not the same 3 thing. 4 CHAIRPERSON FETERIK: Please move on. 5 JITENDRA PATEL: I am asking because I 6 have to drive that road every day. 7 ATTORNEY SHAH: Please, sir. Sir, you 8 have a right to question if you wanted to ask a 9 question of experts as to their testimony, but 10 you're asking -- 11 JITENDRA PATEL: Yes, so why I am 12 asking this question because -- 13 ATTORNEY SHAH: Sir -- sir, I am not 14 done. And she can't take both of us down. 15 JITENDRA PATEL: Yeah, okay. So -- 16 ATTORNEY SHAH: Sir. 17 JITENDRA PATEL: Yes. 18 ATTORNEY SHAH: Let me finish. We 19 cannot speculate. We cannot ask questions that are 20 hypotheticals. We have the application as 21 presented. We have the testimony as it's presented. 22 The board has to consider the testimony. That is 23 the testimony that you can question. You are 24 allowed to question that. Okay? 25 So unless it's related to the testimony

Page 246 1 you have heard, you can't ask hypotheticals. It's 2 very speculative. 3 JITENDRA PATEL: Okay. I'm answering 4 the question of a left turn. 5 ATTORNEY SHAH: You can answer the 6 question for yourself, but you can't speculate as to 7 anybody else. 8 JITENDRA PATEL: It's not a 9 speculation. Let me tell you this thing, when we 10 talk about left turn and right turn, this is all 11 depending on perspective of what is there, if there 12 are apartment. I'm going to work every day. I go 13 far. I don't take five miles or two miles where I 14 go for dinner versus where I go for work, which is 15 average 10-plus miles most of the people go. And 16 when you take a highway, Route 27, Route 1, Garden 17 State, NJ Turnpike, or anything, so you go the same 18 pattern. So you will make left always, as the 19 gentleman say about the traffic. 20 But when you go for your lunch or your 21 dinner, you go to the nearest place. So surrounding 22 neighborhood would go to that place. So it won't 23 cause the same congestion and traffic pattern which 24 is there for work, which will be always true. 25 CHAIRPERSON FETERIK: Okay, fine.	Page 248 1 ERIC KAMMER: My name is Eric Kammer, 2 K-A-M-M-E-R, 47 Clive Hills Road. And that's in 3 Edison. 4 CHAIRPERSON FETERIK: I assume you 5 agree with everything that's been said prior, 6 correct? 7 ERIC KAMMER: Yes, I do. 8 CHAIRPERSON FETERIK: Okay, go ahead. 9 ERIC KAMMER: So I'm here tonight 10 voicing opposition to the planned development of 23 11 townhouses on a two-acre lot. If this is approved 12 then anyone with a two-acre lot in my immediate area 13 can have 23 townhomes approved. And there are many 14 two-acre lots. 15 And packing 23 homes on a two-acre 16 piece of property is forever changing the character 17 of our area and density requirements of the 18 neighborhood as well as the surrounding this 19 property and should not be approved. 20 CHAIRPERSON FETERIK: Thank you so 21 much, sir. I think you're right, I really 22 appreciate that, short and sweet and to the point. 23 ERIC KAMMER: And one final question. 24 I think I know the answer. Some who were not able 25 to speak, they're just objectors, they have nothing
Page 247 1 Thank you, sir. 2 JITENDRA PATEL: Okay. So the last 3 point is, I think this is like -- I live in Edison 4 with one more reason is Mr. Thomas Edison, and then, 5 look behind you, what is written; "Let there be 6 light." We are turning off the light if we approve 7 this. Thank you. 8 CHAIRPERSON FETERIK: Okay, thank you. 9 Last and hopefully the biggest. 10 ATTORNEY SHAH: Sir, raise your right 11 hand. 12 ERIC KAMMER: I'm going to make you 13 happy because I will be short. 14 ATTORNEY SHAH: Do you solemnly swear 15 or affirm to tell the whole truth and nothing but 16 the truth, so help you God? 17 ERIC KAMMER: Yes, I do. 18 ATTORNEY SHAH: And please state your 19 full name for record, spell your name and provide 20 your address. 21 ERIC KAMMER: My name is Eric Kammer, 22 K-A -- 23 (Stenographer requests clarification.) 24 CHAIRPERSON FETERIK: We can't hear 25 you.	Page 249 1 to say but I don't know if that's possible because 2 they can't be sworn in, correct? 3 ATTORNEY SHAH: Correct, we can't. 4 Individual, not for somebody else. 5 ERIC KAMMER: Thank you. 6 CHAIRPERSON FETERIK: Okay, with that, 7 the public portion is closed. 8 Mr. Tripp? 9 ATTORNEY TRIPP: Well, obviously we 10 have more. I'd want to call my witnesses again. 11 The hour is getting very late. They would be 12 entitled to additional rebuttal. The public would 13 be entitled to comment on the testimony. And 14 realistically, we are never going to finish this 15 evening. 16 CHAIRPERSON FETERIK: Yeah. I was 17 really hoping we would, but you're right. 18 ATTORNEY TRIPP: Yes, I was really 19 hoping we would, too, but based on the number of 20 things that came out, we're clearly going to have to 21 -- have to address some of their expert reports, 22 some of the comments from the public, we have 23 extensive notes. And it's just not -- it's just not 24 going to happen. I think everybody is getting 25 tired.

Page 250 1 CHAIRPERSON FETERIK: Yes, you're 2 right. 3 ATTORNEY TRIPP: I can't imagine -- 4 CHAIRPERSON FETERIK: That's why I try 5 every night to -- I mean every meeting to try and 6 end around 10:30, but I tried to accommodate 7 everyone. 8 ATTORNEY TRIPP: We sincerely 9 appreciate your efforts to try to get through the 10 whole thing tonight, I appreciate the board's 11 efforts sitting here, but we need -- 12 CHAIRPERSON FETERIK: We will give you 13 a date in a minute but Mr. Comba has something that 14 he would like to put on record. 15 ATTORNEY TRIPP: Sure. 16 CHAIRPERSON FETERIK: Mr. Comba? 17 VICE-CHAIRPERSON COMBA: Thank you. 18 Madam Chair, members of the public, the applicant, I 19 just want to thank everybody for taking the time for 20 being here this late in the day. Something happened 21 a few weeks ago that concerned me and it disturbed 22 me and I have to bring this out. 23 I commend you. I am with you; it's 24 your First Amendment right to be here and to fight 25 for what you believe in. I work in a field that is	Page 252 1 MEMBER OF THE AUDIENCE: This is from 2 the website, the Edison website, that has your names 3 and addresses on it. 4 ATTORNEY SHAH: Ma'am -- 5 VICE-CHAIRPERSON COMBA: I understand 6 that but -- 7 CHAIRPERSON FETERIK: Ma'am, you 8 cannot speak anymore. 9 ATTORNEY SHAH: Ma'am you cannot 10 speak. 11 VICE-CHAIRPERSON COMBA: You put it up 12 on a Zoom. 13 MEMBER OF THE AUDIENCE: It's available 14 -- 15 VICE-CHAIRPERSON COMBA: I understand 16 that but you put it up on the zoom for other people 17 to see. 18 CHAIRPERSON FETERIK: You cannot speak 19 anymore. Please do not speak. 20 MEMBER OF THE AUDIENCE: Because we 21 were talking about the structure -- 22 CHAIRPERSON FETERIK: Ma'am, again -- 23 MEMBER OF THE AUDIENCE: -- we were 24 talking about the structure. 25 CHAIRPERSON FETERIK: Ma'am, you cannot
Page 251 1 based upon the right in the First Amendment to 2 petition the government. 3 However, I was contacted a few weeks 4 ago, that during a Zoom meeting amongst the Charlie 5 Brown/No Charlie Brown group, there was a map put up 6 with all of our addresses on it. Now, it was 7 also identified that I live closest to the site. 8 Now, I have two young children. For 9 the past two weeks I have been hesitant to allow my 10 children to go outside to play. And when I do, I 11 have to be extra careful because we live in a crazy 12 world. Over a year ago -- we live in a world where 13 over a year ago there was an insurrection in the 14 United States Capitol. We live in a world where as 15 parents, as people, we have to be extra careful as 16 to what could happen. 17 I chose Edison -- my wife and I chose 18 to live in Edison because it's number one in terms 19 of public safety. We need to do better. We are 20 volunteers. I don't have to worry about things 21 happening like this when I'm coaching two baseball 22 teams. I don't have to worry about this when I'm 23 volunteering at my kids' school. 24 So I would ask you please, do better. 25 Please allow us to live in our homes --	Page 253 1 speak. 2 (Cross-talking. 3 MEMBER OF THE AUDIENCE: Because we 4 were talking about the structure -- 5 CHAIRPERSON FETERIK: Ma'am, again, 6 you asked us to -- 7 MEMBER OF THE AUDIENCE: We were 8 talking about the structure of the zoning board, to 9 educate all of these people here. 10 CHAIRPERSON FETERIK: Ma'am, if you -- 11 if you will not stop, the police officers will 12 escort you out. And please let Mr. Comba finish and 13 then I have something to add. 14 VICE-CHAIRPERSON COMBA: It took all of 15 our public safety into question. You may disagree 16 and that's your right, that's your First Amendment 17 right to do so. But I want to express my opinion 18 that you jeopardized our public safety and that of 19 our families. 20 And I ask you, please, do better. 21 Continue to use -- utilize your First Amendment 22 right, continue to stand up for what you believe in, 23 but please keep our families and our homes out of 24 this. Thank you. 25 MEMBER OF THE AUDIENCE: Are we able to

Page 254 1 address this on the record? 2 CHAIRPERSON FETERIK: No, you cannot. 3 And I agree with him, you asked us to put ourselves 4 in your places for this application. Well, put 5 yourself in our places. You would not want all of 6 your private -- all of your information out there on 7 the internet or on FaceBook. 8 (Cross-talking.) 9 MEMBER OF THE AUDIENCE: It's on the 10 website. 11 CHAIRPERSON FETERIK: When I said that 12 this board deserves respect and courtesy, that's 13 what I mean. And respect and courtesy is not 14 putting our information out there. You would not 15 like it and we do not like it. 16 ROSS DEL CONTE: You asked us to give 17 our address at this podium which is public knowledge 18 now. 19 CHAIRPERSON FETERIK: But it's not on 20 the internet or on Facebook. 21 ROSS DEL CONTE: It's not? 22 MEMBER OF THE AUDIENCE: It's on 23 FaceBook. 24 ROSS DEL CONTE: They're going to post 25 it on YouTube, the whole video.	Page 256 1 CHAIRPERSON FETERIK: I'm sorry, say 2 that again? 3 BOARD SECRETARY: April 19th or 4 April 26th. 5 CHAIRPERSON FETERIK: Mr. Tripp, your 6 a professionals, April 19th or April 26th? 7 ATTORNEY TRIPP: I will ask. 8 CHAIRPERSON FETERIK: How about the 9 26th, Mr. Tripp? 10 ATTORNEY TRIPP: Yes, the 26th. 11 CHAIRPERSON FETERIK: The 26th, yes. 12 ATTORNEY TRIPP: The 26th works. Yes, 13 that's fine. 14 CHAIRPERSON FETERIK: Okay. So no new 15 notice will go out. The next meeting will be 16 April 26th. This is the notice for that meeting. 17 If, God forbid there's any change, just 18 keep checking the website. But as of now, it's 19 April 26th. 20 Thank you and good evening. And 21 everyone please stay safe and healthy. 22 23 (Hearing adjourned at 12:15 a.m.) 24 25
Page 255 1 MEMBER OF THE AUDIENCE: Your 2 information is on here, the same as your -- 3 (Cross-talking.) 4 CHAIRPERSON FETERIK: Okay, having 5 said all that -- 6 ROSS DEL CONTE: When I grew up in this 7 town I used to walk to James Madison. 8 CHAIRPERSON FETERIK: Sir. 9 ROSS DEL CONTE: You can't do that 10 anymore. 11 BOARD MEMBER: Sir. 12 CHAIRPERSON FETERIK: Cassandra? 13 There will not be another notice but we 14 will give you the date right now as to when the next 15 meeting will be. 16 ROSS DEL CONTE: Are you saying there 17 is not going to be a vote tonight? 18 CHAIRPERSON FETERIK: Correct. They 19 still have to come back and do a rebuttal for 20 everything that was said. Correct? 21 ROSS DEL CONTE: Well, they can do it 22 tonight. 23 (Cross-talking.) 24 BOARD SECRETARY: I have April 19th or 25 April 26th.	Page 257 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 5 Public of the State of New Jersey, certify that the 6 foregoing is a true and accurate transcript of the 7 proceeding as reported stenographically by me. 8 I DO FURTHER CERTIFY that I am neither a 9 relative, nor employee, nor attorney, nor counsel to 10 any of the parties to this action; and that I am 11 neither a relative, nor employee of any such attorney 12 or counsel; and that I am not financially interested 13 in the action. 14 15 16 17 18 19 20 21 22 23 24 <i>Angela C. Buonantuono</i> 25 ANGELA C. BUONANTUONO, CCR, RPR CCR License No. 30XI00233100 Notary Public of the State of New Jersey

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