

Minutes of the Township of Aberdeen Planning Board Public Meeting of Wednesday,
August 7, 2013.

Present are Mayor Tagliarini, Mr. Brady, Mr. Hirsch, Mr. Mirabal, Deputy Mayor Montone, Mrs. Sims, Mr. Vena, Mr. Shenton

Also present are Michael Leckstein, Esq., Leckstein & Leckstein, Tim Gillen, Anthony Abbonizio, and Kevin Chen, of CME Associates, and Anthony Rodriquez, T&M Associates.

Absent are Mr. Awofolaju for personal reasons, Mr. Vinci, and Mr. Drapkin.

Memorialization of Resolution **SP 10-539/C&M County Road, LLC, Applicant and Property Owner: C&M County Road, LLC, LCpl Phillip E. Frank Way, Block 228, Lot 1, Administrative change** to create a laundry/storage room in Building D, originally approved for a storage/utility room, for use solely by the affordable unit tenants, is summarized into the record by Mr. Leckstein. Mr. Brady moves to memorialize, seconded by Mr. Vena.

Yes: Mayor Tagliarini, Mr. Brady, Mr. Hirsch, Deputy Mayor Montone, Mr. Vena

No: None

Abstain: None

Note that Mr. Mirabal, Mrs. Sims and Mr. Shenton are ineligible to vote on this memorialization.

Memorialization of Resolution **Redevelopment Study and Preliminary Investigation Report, Northbound Side of Route 34, Block 114, Lots 6, 7.01, 13 and 13 Q-Farm, Presentation by T&M Associates, Planning Board Planner**, is summarized into the record by Mr. Leckstein. Mr. Mirabal moves to memorialize, seconded by Mr. Vena.

Yes: Mayor Tagliarini, Mr. Brady, Mr. Hirsch, Mr. Mirabal, Deputy Mayor Montone, Mr. Vena

Note that Mrs. Sims and Mr. Shenton are ineligible to vote on this memorialization.

Continued Business, **SP12-508 (rev-3)/Somerset Development (The Glassworks), Applicant: Somerset Development, LLC, Property Owner: Somerset Anchor, LLC, 145 Cliffwood Avenue, Block 155, Lot 1, Preliminary and Final Site Plan approval, with phasing plan** for demolition of an existing multistory masonry building/warehouse, remove all site features with the exception of three existing smoke stacks, construct a mixed use development consisting of 500 residential units, community center, pool, neighborhood park, 82,000 sq. ft. of retail space, 110 room hotel, 10,000 sq. ft. movie theater, with associated parking, circulation, landscaping, lighting, grading and drainage improvements in a Township designated redevelopment area. **Note: This application is carried from the June 19, 2013 Public Meeting for additional information, architectural plans and testimony.**

Mr. Leckstein swears in the Board's professionals.

Board member Pedro Mirabal steps down from the dais into the audience as he was noticed on this application.

Michael Bruno, Esq., attorney for the applicant, says this is a continuation from the June 13 meeting; the Board raised four concerns at that meeting and suggested his clients meet with the Board professionals and Mrs. Rescorl. They held the meeting on July 17

At the last Board meeting an issue was raised about the level of architectural details provided, so on July 26 the applicant submitted elevations and floor plans for Phase 1A. The architect is present tonight to clarify the type of elevations and minimum architectural elements proposed for the development.

Another issue raised was the emergency access during construction; their traffic engineer will go thru the emergency access plan in detail tonight.

The third issue raised was that the smokestacks be reviewed with the Board's professionals, which was done at the July meeting. Tonight they are prepared to discuss any environmental issues relating to the smoke stacks with the environmental consultant they have here tonight. The applicant is also prepared to condition any action this Board may take on submitting a structural engineering plan as it relates to the smokestacks, establishing the structural integrity of the smokestacks, as well as a maintenance plan, all subject to the Board's professionals review and acceptance, if the Board were inclined to approve the smokestacks.

The fourth issue was in respect to the phasing of the development and when the commercial elements would be introduced. At the July 17 meeting with the Board's professionals, Phase 1 A, B, and C, which are residential, and would include the water mains along Avenue "B." Part of Phase 1D would include improvements to the main road that would access the commercial, as well as the inclusion of the first element of the commercial, which would be the retail under the apartments, two buildings. The commercial development would start at approximately 146 residential units out of the 390 residential units, and then it would be marketed at that point and as users came on it would be developed as part of the overall project.

A carry over item not addressed at the last public meeting is the Board's issue with respect to environmental conditions at the property and safety of the site for its intended use. His environmental person will speak about that tonight as well as any environmental issues relating to the smokestacks.

Mr. Bruno calls Robert Goodall, the architect of the project, and his firm, Torti Gallas and Partners that prepared the elevations submitted in July for review. Mr. Goodall was previously sworn; his credentials were accepted according to Mr. Bruno, as a licensed planner, but not in the State of New Jersey. Mr. Goodall says his firms have architects that are licensed in the State of New Jersey.

Under questioning by Mr. Bruno, Mr. Goodall says his firm prepared the elevations and floor plans recently submitted. He says they designed the elevations of the building for Phase 1A, 51 apartments and 23 townhouses, in the northeast corner of the property, as shown on his exhibit slides. Street Elevation AA is the east side of the street coming in from Cliffwood Avenue; Street Elevation BB is the Cliffwood street elevation; Street Elevation CC is a partial elevation of the west side, looking at the rest of the partial elevations of the west side as a mirror of the east side. Referring to his slide show, the street elevation AA is the east side of the street coming in, a nine unit small apartment building, called the Manor House, a series of townhouses, the larger apartment building and then the apartment building.

Showing the Cliffwood street elevation, essentially twin small apartment buildings and their accompanying townhouses that form the face of the neighborhood along Cliffwood.

Mr. Goodall says the blow up is a larger scale drawing of street elevation AA. They will look at this with respect to the amounts of surface materials. In this case, the twin manor houses are brick and siding, and then the townhouses are siding. Going south, some premium siding and some more standard siding. The larger apartment building, siding and brick adjacent to it.

Elevation BB, looking at the street, two brick buildings on the corner, some siding and some enhanced siding. The enhanced colors are a big part of the mandate for the neighborhood. Looking at this elevation, the number of enhanced door treatments, which helps to enrich townhouses. There is a covered stoop and a porch on the townhouses.

Street Elevation CC is two townhouses put together, looking like a larger house, not the same townhouse increment again and again. Each has a little two bay porch that combined makes a four bay porch, so you have a series of townhouses that you can sit on the same street with large buildings around it, making a nice ensemble of the streetscape, making it attractive with the brick, premium siding with enhanced colors, detail at the windows are essentially what makes the facades as rich as they are and makes for a neighborhood with a quality aspect.

Mr. Goodall points to an example of two townhouses combined in his slide show, to make a larger house, with the four bay porch. He also shows the three townhouses with the different surrounds, the covered stoop surrounds and a flat front surround and then a house with premium color and door surround.

Looking at the apartment building, the nine unit manor house, looking at the corner because these are situated within the neighborhood at strategic locations, and to the quality of the neighborhood, brick is placed very strategically.

The larger apartment building is a siding building with front porches and columns, and of the Georgian style, which Phase 1A has been designed to be of the Georgian style in its entirety, but the neighborhood could have all of the styles that are in the pattern book.

For Phase 1A not less than 15% of the total wall surface is to be brick, with the brick to be on the street elevations and in the back. Premium colors and premium vinyl siding will be on the street and in the back, which means with houses in the front and in the back, about 30% of the street wall is brick; not less than 30% of the total wall surface will be a premium color vinyl siding. Some could be used in the back, some could be used on the sides and some in the front, but it is a generous proportion of enhanced color, red, green, blue, deep yellow, in the neighborhood, and not more than 55% of the wall surface will be a regular vinyl siding product on the backs and sides. All of the vinyl will be a heavier gage rather than medium gage vinyl. 60% of the building entrances will have the enhancements of porches and covered stoops, which is a good number to make a rich neighborhood.

Mr. Bruno, addressing Mr. Goodall, says what the applicant is contending is to make this a minimum condition of any Board action; the minimum standards the applicant is prepared to live by and he would like to call this an exhibit, not just a visual. Mr. Leckstein asks if the visual is in some type of form; Mr. Bruno meant to bring it, but he will provide a paper form to the Board Secretary and Mr. Leckstein for the record. Mr. Goodall says this is in addition to the pattern book the Board received previously. This criteria will be applicable across the different styles.

To clarify, Mr. Bruno asks Mr. Goodall for the Board they now have the sample elevations, pattern book and minimum standards; how can the Board rely upon that, that the applicant will design the entire project, which is the architect provided in the pattern book, that a sample of that is provided in Section 1A, sample elevations, and that in the entire project, the minimum standards just discussed will be adhered to. Mr. Goodall responds that the Board's professionals will be able to review the styles against the pattern book, and the materials against that list, and in essence, Phase 1A, which is designed, will set the standard for the rest of the units. Any development coming in will be tested against those three elements.

Mr. Gillen confirms we have not yet been provided with the exhibit referenced by Mr. Goodall, relative to the minimum standards, greater or equal to 15%, so that is an important component that must be resolved; Mr. Bruno says it will be provided.

Mr. Shenton says the typical floor plans, he does not believe we have heard the sizes of the proposed units, the square footage, the distribution in Phase 1. Mr. Bruno responds that all the density and sizes will be complied with the redevelopment plan. Mr. Goodall does not have actual sizes but agrees they will comply with what the plan requires. Mr. Shenton asks how many units in Phase 1A; Mr. Goodall says they have the program. The Phase 1A program is 51 apartments, 23 townhouses, for a total of 74 units. Of the 51 apartments, 21 are one bedroom, 30 are two bedroom apartments. Six of the 30 are two bedroom with a den. Mr. Shenton asks for the square footage, but Mr. Goodall does not have the precise square footage of these units. Mr. Bruno says they have not prepared construction drawings yet, just elevations. Mr. Shenton asks if there is a minimum square footage; Mr. Bruno replies they will comply with whatever our plan requires. Mr. Rodriguez says there is no minimum square footage per unit in the plans, but there is a bedroom mix. He presumes the square footage of each unit would be to satisfy the bedroom mix. He agrees with Mr. Leckstein, who says as long as they provide what the law requires, but they could be very small.

Ralph Zucker, previously sworn, says the way the plan reads gives you lot coverage, height and stories; they will try to make them as big as they can. Mr. Leckstein asks if he has any idea how big a one bedroom could be; Mr. Zucker replies 725 sq. ft.

Mr. Goodall says lately unit sizes have changed dramatically; they are a function of money and time as well as the other amenities of the apartment community. The better the amenities of the apartment community, the smaller the units can be. Because of the planning and the lovely neighborhood it is possible the units could be smaller here than they would be somewhere else because of how rich in amenities the neighborhood is.

Mr. Bruno calls Karl A. Pehnke, who is sworn in by Mr. Leckstein, and states he is a registered professional engineer in the State of New Jersey, as well as in seven other states, and has been a practicing traffic engineer (PTOE) since 1985, with offices at 989 Lenox Drive, Suite 124, Lawrenceville, NJ. Mr. Pehnke states he was asked to prepare a traffic analysis for this application, and he is familiar with the plans submitted.

Mr. Pehnke says he prepared a traffic impact study in January, 2013, that was filed with the application. The traffic impact study was prepared with the standard technology for traffic engineers. They went out and sampled traffic on the roadway system to understand traffic flow patterns, get future projections associated with the development, prepare a model of the operation of the road system, driveways and how they operate and to ensure they operate safely

and efficiently. The information is documented in a form and report prepared, which is the report that was submitted showing analysis results, findings and recommendations.

By way of background, Mr. Pehnke says he has been involved in this project since the early 2000's, as the plan has evolved to come to this evening. He gathered data on the existing roadway system over the years, 2004, 2006, 2009, and even earlier he has been involved in some planning back to the 90's. Over the years he would characterize what he has seen as a stable system, and he was able to use the roadway of this corridor to project forward a snapshot of this project.

The project is a redevelopment project; the property is not vacant but was rather quite active with a manufacturing facility of 755,000 sq. ft. That type of facility, fully occupied and active, generates someplace between 500 to 600 vehicles per hour during peak hours to the roadway system.

Mr. Pehnke says he has actively participated with the development team at the site as the densities were developed, a mix of retail to residential, a mix of the units. He focused on the peak hours and traffic contributions to the road system, and ended up with a development plan consisting of mixed uses on the site; it was a good marriage of known density and associated traffic generation, to the capacities are and operating abilities are, and the adjacent roadways are. In this case they married the development program to what the road system can handle.

During peak periods with this project, they focused on three issues: (1) the AM peak hour, which is the highest peak one hour period when people are generally going to and from work and school, 7:15 to 8:15. One hour peak evening hour is generally 5 p.m. to 6 p.m., Monday thru Friday, when you have commuter traffic and traffic associated with other activities, such as school activities, shopping, visiting, social events. Generally the PM peak hour is higher than the AM peak hour. They then took the retail components of the site, and the highest would be Saturday midday peak hour from 12 Noon to 1 p.m., when people do what they normally do on weekends, shop, entertainment, activities. When he compared peak hours, his conclusion is this project will generate less AM peak traffic than a 755,000 sq. ft. manufacturing plant. There was a bit of an increase in evening hours with the retail component that has more activity in the evening hours. This community will definitely have activity on Saturday, whereas a warehouse facility may not.

They looked at the site and analyzed the traffic; they looked at key locations of adjacent roadways, extending south to the Parkway interchange, key intersections at Cross Road, County Road, Rose Street, which is near their property, up to Route 35. Once you get to the intersection of Route 35, traffic starts to distribute in multiple different directions, levels out, and impacts become less. These were key locations for them to do their traffic study.

The traffic study starts at Route 35 and Cliffwood Road, where the Department of Transportation is moving forward with a substantial reconstruction project along Route 35, including up Cliffwood Road. When that is done, the intersection will be significantly enhanced in terms of traffic, and they are finding with build out of the project the intersection will continue to operate at Level of Service "C," but this is all based on how the DOT prioritizes the signals, but at the end of the day and completion of the project he believes this is the level it will be.

Mr. Pehnke says traffic engineers try to characterize the operation of a roadway, and rate them from Level "A" thru "F", with "A" being an excellent level of service and "F" being the worse level of service, with extenuating conditions, which means when you arrive at a traffic signal, you arrive at the end of the queue and may not make the light that is turning red; you experience delays, you may have to wait for the next green light to go. At an intersection that is not signalized, you may be two or three cars into the queue and then proceed slowly thru the intersection as traffic permits. Levels of service "C" and "D" are good levels of service and Level "E" is considered acceptable.

As you move down the corridor to the applicant's site frontage, they have designed the driveways to obtain good levels of service. Referring to the site plan, they have proposed four points of access along the frontage, starting at the western end to the west of the retail, right turn in, right turn out; the driveway leading into the retail is seen as a relatively lightly utilized driveway that will lead traffic away from the next location, which is the main point of access, Avenue C, coming into the site. This location was selected for a couple of reasons. Today there are two plant entrances (showing on his exhibit this location and one to the north). Looking at the opportunity to create a major access point, they identified a multifamily development across the street from this site that had driveway connections, one of which will be lined with appropriate signage so that the signal will not cause any problems to this development. There are no single family residential at that location; they begin further to the east. That was selected as a location to signalize to help the movement in and out of the development across the street. It provides a location advantageous to the applicant to place the signal where they maintain good sight visibility as you come over a little grade change coming up on the overpass, and also provides the ability to do geometrical improvements along their site frontage, which consists of widening of left turn lanes, both into the multifamily dwellings across the street from their site and a left turn lane proposed into their site. They are also proposing to provide a right turn lane into the site. That will be the main point of access to provide access to the commercial portion of the site, and lead back to the residential neighborhoods. The other advantage of a signal at that location is the signals designed today will have all the appropriate features in it, crosswalks, ADA handicap meeting all State standards, which will provide for the residential development across the street from the applicant a safe location for people to cross and enjoy the commercial area.

Mr. Pehnke says there were discussions at the last meetings with regard to Transit. After his research, there is no current New Jersey Transit line running on Cliffwood Avenue, but there is a Transit line running on Route 35, and one on 35 running to the Morristown Aberdeen Road south of this applicant's location. Right now there is no Transit bus line on Cliffwood. They are creating a density in the neighborhood which supplements the density across the street, so this may create the opportunity for a bus line consideration, either Transit or providers in the future. They will look to design improvements to the County standards, they will look to provide an additional area after the intersection for bus pull out areas as an eventual actuality.

Further to the east they are proposing a right turn in right turn out driveway, which leads in to the back end of the theater and 12,000 sq. ft. retail that supplements the service and takes some pressure off.

Regarding level of service at 35, the signal is designed to operate multi task and at capacity. All the unsignalized driveways are at minimum a general level of service "C"

Getting to the eastern portion of the site, there will be access to all parking on the east side, right up against the railroad tracks that are being removed and shifted about 200 ft. away from the rail tracks, and constructing a similar driveway which will be the first point of entry into the site, Phase 1A thru D as they take down the residential portion of the site on the east side, the first phase, that driveway will be developed with a left turn lane exiting and right turn lane existing, done to separate left and right turns because they operate at a very low level of service with delays in the "D" range. This intersection does allow left turns in, unlike the other two signalized driveways, and those left turns are projected to operate at "A" level of service. That intersection will operate at full build out Phase 1.

Continuing to move to the east, Mr. Pehnke says the next intersection is County Road; analyzing that will be left turns into County Road at "A" levels of service coming over the bridge, and coming out of County Road it drops to "B" level of service.

The next intersection after the bridge is Cross Road, an interesting intersection as you approach Cliffwood Avenue it sort of "Y's" as a right turn channels off to the right, crossing the left turn traffic area about 8 ft. of storage area for the left turn out. At that intersection right turns and left turns in operate at an excellent level of service. The left turn out accommodates 12 to 28 vehicles at the A.M. peak Saturday hour will operate at an excellent level of service because it can accommodate that number of vehicles it can handle in an hour onto Cliffwood Avenue. There is no corrective action; it does not warrant a traffic signal. More importantly, they do not add any traffic to the left turn, it is pretty stable. If it does become problematic, whoever is making that movement does have the option to go down to Morristown Road.

The last intersection analyzed was Laurence Harbor Road/Morristown Road with Cliffwood Avenue, a big intersection that not too many years ago was improved by the County of Middlesex, with multiple phases of traffic signal set to respond to the traffic pattern. It also has a setting for the southbound approach to keep traffic away from the interchange of the Parkway ramps. This intersection operates at a relatively good level of service "C" and "D" and will continue to do so.

The study identified two weaknesses in it; basically coming from the west making a left turn onto Morristown Road, where there is very heavy movement. Coming southbound from the Parkway AM peak hours southbound has very heavy movement. It does not operate at a good level of service and will continue at that level.

Summarizing, Mr. Pehnke says the traffic improvements along Cliffwood Avenue are subject to Monmouth County approval since it is a County road. The County knows problems exist because of their conversations with the County over the years. They will provide the Board and its professionals with the Monmouth County approvals, which will allow the applicant to do the improvements and traffic signals, proper sight lines, addressing any horizontal grades on Cliffwood Avenue and proper geometry. Based upon their conceptual analysis, they see no reasons why they can't accomplish the design standards for this site.

Moving on to the site, Mr. Pehnke says from a traffic perspective it is designed to be a town center with a couple of main circulation roads coming into the site (referring to his exhibit), Avenues C and A. In his opinion it is a well designed site, sidewalks on both sides, pedestrian accommodations throughout the site, some areas separated with pedestrian promenades, all of the roadways internal to the site are designed to meet the residential site improvement standards,

where those standards are applicable. They will seek Title 39 to enforce regulations on the site. The retail will evolve with parking and circulation, emergency access circulation has been tested; Mr. Pehnke says our engineers noted some areas that need attention and possible adjustment; they will do that until the Board's professionals are comfortable with the plan.

Overall Mr. Pehnke thinks the site is well set up to receive the traffic from Cliffwood Avenue and distribute it to areas in the various neighborhoods.

Items regarding the site plan, Mr. Pehnke says there was discussion about the parking; in his experience it is not applicable to break out parking for certain amenities such as the pool and club house. Parking is already factored in to the supply provided for the apartments, and parking is more than adequate for the person who might be located further out and carrying equipment. He does believe they have sufficient parking.

The only mediation that would be required and they are requesting residential site improvement standards is along the curbs in terms of the site as a satellite radius of 42 ft. By the straight reading of the residential site improvement standards, several radius are set at 100 ft., so they are asking for a di minimus exception of that satellite radius.

Mr. Pehnke says the RSIS standards are not set up for dealing with multifamily; they were set up years ago when we were still doing suburban design, circular suburban subdivision layouts; it doesn't work for this type of site. For the most part throughout the site they have been careful to meet the design standards that are good. With regard to the di minimus exceptions, they can work with our professionals for additional approval so it is properly signed for the few cars that may use the road, and there are a few parking spaces in the curbed area that should be removed; this will be worked out with the Board's engineer. For their own traffic they anticipate utilizing this section of the road for major circulation around the site, with major circulation around Avenue C, and Avenue C leaving the site, and Avenue B, which connects with Avenues A and C, so in his opinion this exception could be granted.

With regard to site plan, Mr. Pehnke refers to the CME report series of questions and comments with regard to the southeastern portion of the site plan. Occurring at this location, Avenue C comes down and into the apartments area. The planner, in his design, has created a neighborhood that splits into a large traditional neighborhood green. This provides a challenge to traffic design for signing/stripping and regulatory control at the western end of it and eastern end that has access to the back end of the apartments. His suggestion is for him to sit with CME and work out the proper signage, striping to control the area while maintaining the integrity of the plan as proposed. This is the back end of the development, there is no traffic back there except for the residents who live there, it is a nice focal point.

Most of the other comments raised in the CME letter are about the parking spaces here and there, eliminating some spaces, the roundabout and a couple of questions about handicap ramps, etc. These can all be resolved with the Board's engineer and the applicant.

Mr. Pehnke addresses the emergency access, Phase 1A, B, and C how do they maintain emergency access to the communities. The purpose of emergency access is in the case of a rare event, the one access point starting with in Phase 1 gets blocked for whatever reason, an emergency vehicle would have the opportunity to get in and residents have the opportunity to get out. Thinking that thru, the site provides many opportunities to satisfy that. Referring to a

series of pictures of how they will deal with emergency access. When the building is coming down, they would still have emergency access. Looking at Phase 1A, the first townhouse/apartment community, you would have the main access opened up to Cliffwood Avenue, and emergency access would be established thru the use of the existing pavement parking circulation aisles that would allow them to get down to the existing main gate, to the facility. These would be controlled with fire and police departments having access but it would be gated at both ends so no public traffic could maneuver thru the site. This creates the opportunity for the emergency vehicles to move thru the site.

Moving to Phase 1B, and the development addresses down to the south, they would continue to maintain that access opportunity, but they would also maintain a gate that would allow emergency vehicles to circulate the rear of the site and access to Cliffwood Avenue, so there would be two points of access.

Moving to Phase 1C, progressing all the way to the south, both emergency accesses would be maintained from Phases 1A and 1B, so at all times there would be two or three points of access.

Moving to Phase 1D, as it comes along and the 12,000 sq. ft. retail element is introduced, they will construct Road B and the first portion of Avenue C, which becomes an improved road section, opened to the public, and provides a second access to the whole community and to the retail. At this time the community is starting to come together as a whole, a master intersection has been created, they have created the first elements of retail, and at this time they would also maintain a gate at the rear.

Moving to Phase 1E, the rest of the community starts to develop, there would now be multiple ways in and out with completed infrastructure and multiple access drives have been created into and out of the site.

Mr. Pehnke says this is how currently they envision the site to be maintained, with ample opportunities to maintain emergency access from all points of access to the site. If the fire department wants them to delineate parking lot striping, they will do that, although they do not feel it is necessary.

Mr. Bruno says his client will provide a hard copy of this presentation to the Board Secretary for the record.

Mr. Bruno asks Mr. Pehnke to talk about DOT; Mr. Pehnke says they need County approval. A question raised in CME's report in regard to the relationship of the project to the railroad crossing. There is no regulation requiring them to get any permit position with the Department of Transportation. The applicant is proposing sidewalks along the entire frontage, which would bring sidewalks to the crossing location. The crossing does not have gates on it but there is a process to reach out to the NJDOT and NJ Transit to upgrade the crossing, pedestrian crossing. They have programs for that; the Governor and Commissioner Simpson not too long ago commissioned a State wide program to start reevaluating the safety of their crossings. This will be a process involving the municipality with communication to NJ Transit in regard to pedestrian crossing upgrades.

Mr. Hirsch asks Mr. Pehnke if there are any plans for speed bumps installed throughout the road system in the redevelopment area; Mr. Pehnke says no, the way the site is designed with on street parking they do not believe the site will be a traffic problem.

Mr. Hirsch asks Mr. Pehnke asks the maximum speed limit thru the new streets; Mr. Pehnke responds that RSIS standards are 25 mph, so the site is predicated on residential speed limits.

Mr. Pehnke says the on street parking spaces in the residential area are 7 x 23 ft. Our Ordinance requires 8 ft. in commercial areas, but 7 ft. is actually national standards and is more than sufficient. They will agree to provide the wider width for commercial vehicles.

Responding to Mayor Tagliarini, Mr. Pehnke, referring to his exhibit, says starting at what he calls the western side of the property, the driveway that leads into the parking lots is strictly a right turn in, right turn out only. The next intersection, a primary point of access into the site away from the railroad tracks, is a signalized location, aligned with the multifamily across the street, and designed with a left turn lane into the development across the street and a left turn lane into this site and a right turn lane into the site, so the applicant's traffic is separated from thru traffic at the signal. Stepping toward Rose Street towards driveways to single family homes will strictly be right in right out only and service basically back end to retail only. As you get to the Phase 1 access driveway, that driveway outlet turn in right in and outbound widened to provide a left and right turn lanes.

Answering Mr. Brady, Mr. Pehnke says they have not done a staging construction plan yet, but they do have two existing main ways to the plant that handle tractor trailers and trucks to be used, his anticipation is to use that gate for all construction vehicles coming in and out of the site. Mr. Brady asks if during the construction period will they be limited or will it be left and right; Mr. Pehnke says they will be allowed to use each driveway that is built at that time.

Mr. Gillen says there was discussion about the potential for providing a bus turnout, whether it be for a commuter bus or for school children pick up along Cliffwood Avenue proximate to the signalized intersection; Mr. Pehnke says they are anticipating is a design in the plans is a curb side pull out after the signal, and they fully expect the school system to utilize the site and for commuters.

Mr. Chen says there was discussion about the train crossing, the pedestrian process with the NJDOT, is the applicant going to pursue the upgrades to the crossing; Mr. Pehnke says they do not anticipate any expense; they can assist the municipality to make the appropriate inquiries to the department to initiate the process, but he understands that it is governed by the State.

Mr. Rodriguez brings to the Board's attention that one of the purposes of the Redevelopment Plan Ordinance not only contemplates costs with Transit on Cliffwood Avenue but specifies a parking lot facility with shuttles to the train station. He wants to make everyone aware of the purpose of the Redevelopment Plan. He is not so sure bus and shuttle service to the train station would be necessary, but he thinks it is something everyone should be cognizant of. Mr. Pehnke replies that in the Redevelopment Plan it is not a requirement but an option; he thinks the fact they have created a mixed use integrated, fully walkable community that can be responsive to Transit as it comes along, they have built towards that concept in and of itself that type of compliance, but it is not a requirement.

Mr. Bruno says that Mr. Zucker testified to that point was contemplated when there were a lot more units and there was an entrance to the Parkway; those are no longer part of the plan so are no longer warranted at this point. Mr. Pehnke agrees with him.

Mr. Bruno calls Tom Davis, who is sworn in by Mr. Leckstein and states he is employed Accutech Environmental Service, with offices in Keyport, and states he is accepted as an environmental expert and has worked in the field since 1985.

Under questioning by Mr. Bruno, who says Mr. Davis has reviewed the application, visited the property, and seen the plans, asks him to describe to the Board existing conditions from an environmental perspective. Mr. Davis says the property was developed in 1960 and operated as a glass bottle manufacturing facility from 1965 thru the 70's and 80's, and ceasing in 1996. During the course of the operation, the business itself was sold on two different occasions, and in 1984, the initial sale triggered something that caused an environmental clean up and responsibility. An investigation was done at that time to identify the areas of concern in the storage tanks, that wouldn't be used any longer. In 1996 when cessation of operations occurred, that was triggered again and there was a law superseding that called ISRA (Industrial Site Recovery Act), which triggered a whole round of investigation on the site. A couple of things were addressed including soil sampling in areas of concern, and this resulted in a placement of a deed notice in two locations on the property, and that occurred because there had been a fire in the basement where an electrical transformer caught fire (Mr. Davis points to the location on an exhibit). The fire was put out, the electrical transformer was removed from the building and set down in the cullet bin at the far south end of the property. It was suppose to be contained, but apparently it leaked small amounts of PCB containing dialectic oil onto the floor of the lower basement. The clean up ensued after that. Some soils along the edge of the cullet was excavated; there still remains some hydrocarbons in the form of PCB's, which are used in electrical transformer oils. In the hot tub there was a second little area, a troth (pointing to the exhibit) that contained cooling water taken out of the building to the separator. They found, not PCB but one little contaminant. Sampling was done around the location, documented that it was not wide spread, and rather than dig up 22 inches of concrete, they just put a deed notice on the area.

The deed notice is a DEP approved document that defines a specific area that it applies to. It requires engineering control over it, and in this case there is a concrete floor over it and also in the cullet bin there is a concrete floor over the deed notice there. Every two years the DEP requires the areas be reinspected and certifications submitted.

Mr. Davis says other DEP issues will be addressed as the development goes forward. There is an underground storage tank in what use to be known as the bus parking lot. It is a double walled tank with a monitoring system and no soil contamination has been found around it. Removal will be done in accordance with State regulations.

There is an underground storage tank in the weigh station building (pointing to the location on his exhibit) that is empty but will have to be removed.

There are two above ground storage tanks and the substation.

Mr. Bruno, going back to the deed restricted areas, asks Mr. Davis if they will remain in place with caps; Mr. Davis answers "yes." Mr. Bruno asks if they are in areas of proposed residential areas. Mr. Davis says the first one is going to be a park over it. This is a common practice with development in New Jersey on top of these areas. A system is put in place to make sure no one has any kind of contact; it is absolutely safe.

Pointing to an exhibit for the other area referenced, he says there is an emergent wetland adjacent to it that requires a 50 ft. buffer of any development, which actually encompasses the deed notice, and there is a street over it, so it will not be an area that is impacted with the deed notice.

Mr. Bruno asks Mr. Davis if he has done an environmental study of the smoke stacks; Mr. Davis has, and explains the stacks are not like a car exhaust. The reason the buildings have the shapes they have is melting glass is all about melting glass and moving air thru the "checkers" system to obtain proper temperatures. As air is being pulled out of the building there are tunnels made of brick. Each stack has two tunnels that come to a single point and then go out thru the stack. The tunnels are made of brick, and because the air slows down as it goes thru the spot, as it prepares to enter the stack, any material that was air borne falls out at that point and the material becomes known as ash. They have sampled the checkers, and the ash accumulated in the system is about 10 to 12 inches deep; they have sampled it and found nothing there of any concern but "promain" associated with making glass. It will be regulated materials as it is being cleaned out and disposed of. Underneath that is a 22 inch concrete floor; all of that will be cleaned out as well. The stacks themselves do not really have any contamination.

Mr. Gillen asks Mr. Davis if they looked at the structure itself and whether or not there is any asbestos associated with the building for demolition purposes. Mr. Davis replies there was an asbestos survey conducted by a certified asbestos inspector. There is asbestos in the building and there will be asbestos removal plan prepared for demolition.

Mr. Hirsch, questioning Mr. Davis' testimony, asks if he said the stacks themselves create no environmental hazard or will create no environmental hazard at completion of the clean up and construction, or whatever needs to be done there. Mr. Davis replies "correct."

Mr. Bruno says this concludes his presentation; he does have a planner if the Board wants to hear a summary of the conformance of the plan and the redevelopment plan, confirmation from the planner's perspective as to the meaning of all the elements and all the requirements and goals of that plan.

Mr. Leckstein says he does not think that is necessary, but what the Board wants to know if the phasing....the Board is always concerned about when commercial construction is to take place, and they started to address it by saying Phase 1B will begin to have commercial....Mr. Bruno corrects him that it is Phase 1D. Mr. Leckstein asks for some idea about how that commercial development is coming; the Board is concerned that it never be left or abandoned, that the housing element be finished and then we never get to see the final commercial.

Mr. Bruno replies that he has met with the Board's professionals and it makes sense to include the first element of commercial when you build the main road as part of Section 1D, so commercial will be started as part of Section 1D. Mr. Bruno asks Mr. Zucker the time, and Mr. Zucker says they could bring the commercial in earlier; they could start marketing the site in terms of the commercial. Over the years the Board was not in favor of a large scale supermarkets shown in early preliminary concepts. Mr. Zucker says when they do the road and intersection they will know they have approximately 12,000 sq. ft. of retail in Phase 1D. That is the minimum, and will be mixed use retail and residential. They will market from the get go of Phase 1A. They will do the infrastructure, the roadways, to allow for the development, plus the buildings and parking lots.

Mr. Zucker cannot commit to a specific time for the remainder of the commercial to be done; they can commit to marketing it.

Mr. Leckstein, saying he is the "bad guy," saying what Mr. Zucker is really saying is the only thing he guarantees is 12,000 sq. ft. of retail will be built in 1D; he is not telling us about any other commercial development that will be taking place, but theoretically they could the rest of the 500 units and never build one more square foot of commercial. Mr. Bruno says what Mr. Zucker is saying part of 1D he will do the infrastructure for the commercial, there will be a developer's agreement with the Township that will provide a project schedule as required under the redevelopment law. If Somerset is not in compliance with that schedule as agreed, it would put them in default and someone else would have to do the commercial. You cannot guarantee times.

Mr. Leckstein says, maybe it will be in the developer's agreement, but the concern has always been on this project that it be a mixed use project and commercial development take place, not that they would be able to sell it, not that they are going to put in the infrastructure for it, but in fact we are going to build it at some point in time, and before we build 500 units. He believes that is the feeling the Board has always had, and he does not hear that coming now. What he hears now is we will build the infrastructure for it, but if we can't market it, can't sell it, we are not going to build it. He does not think that is acceptable from what he understands the concept of the Board. That has been a driving force for all the years this project has been discussed, about the fact this is just not a residential development.

Mr. Zucker replies that they at minimum will do the 12,000 sq. ft. retail. The full amount will be in the developer's agreement, and if they fail, they can be undesignated as the developer and not Somerset Development, and if they don't meet the timeframes and another developer steps in. But to go ahead and say 75,000 sq. ft. of retail has to be developed by a certain date....

Mr. Leckstein, trying to make it clear, says the total possible if everything goes exactly, it is a gift that they are going to have the maximum of 75,000 sq. ft. of commercial. Mr. Zucker says that does not include the hotel. Mr. Bruno says you have 75,000 commercial, a four story 110 room hotel and a 220 seat theater. Mr. Leckstein says since the theater and hotel is not in the 75,000 sq. ft., what we hear now the only thing for sure is while the housing is going up we are going to have 12,000 of the 75,000 sq. ft. commercial, leaving 63,000 sq. ft. that may never be built.

Mr. Zucker replies they are going to spend a lot of money doing the infrastructure, the hotel, the theater, the access, the traffic counts, the heavy lift items are being done not to create a vacant strip mall.....Mr. Leckstein says the Board in approving this can make a condition that a certain percentage of commercial be developed with a certain number of homes, if that be the Board's desire, or to give guidance to the Township for the developer's agreement. He thinks this is a critical question that has to be dealt with now as to whether or not these representations are what we expect at this point or whether or not we feel there has to be a schedule for something more than 12,000 sq. ft. before the 500th unit is built.

Mr. Zucker replies he is not in the position to have vacant store fronts. They are willing to commit to a schedule in the developer's agreement, which will affect the development rights.

Mr. Leckstein says what Mr. Zucker is saying to him is he doesn't do it he can be removed as the developer and let someone else continue, and he will walk away.

Mr. Bruno says there are remedies; this project will be totally bonded, all the improvements, so you will have...

Mr. Leckstein says he is talking about improvements, not talking about the construction. They are not going to bond the building of the commercial, you are going to bond the infrastructure. So you can say the pipes are there, the roads are there, everything is there, but not one brick. That is the issue the Board ...he is only bringing it to the Board's attention; he has been involved with this project for ten years or so and there is always this discussion. How much commercial, it is a mixed use.

Mr. Shenton says you are talking about 1A, B, C, and then 1D for the 12,000 sq. ft. retail, how many housing units will be built by the time we are at 1D. Mr. Bruno replies 146 out of the 390 market rates will be built thru 1A, 1B, and 1C to get to 1D. Mr. Gillen says plus the 110 affordables. Mr. Shenton says we are talking about 256 units out of the total 500, plus the 12,000 sq. ft. of retail, which Mr. Zucker says is correct. Mr. Shenton asks if that means the bulk of 1E is going to be retail. Mr. Zucker says no, once you get to 1D the retail will start; the infrastructure and access will be in.

Mr. Leckstein says there will be no more retail; retail will be built as they are able to sell it. None of the phases will require any further construction of retail; 1D is tied to retail because there are residential units above it. You can't build the residence without building the retail unit on the bottom. From that point on there is nothing in what they are testifying to say that one more square foot of retail will be built until the 500th unit is built. Not 1E, not 1F, but as they are going along.

Mr. Bruno says the same argument could be made with the residential.

Mr. Leckstein says the issue is there is no commercial tie to residential development, other than Phase 1E. Mr. Bruno agrees. Mr. Leckstein says there is no requirement other than infrastructure to build one more square foot of commercial property right thru to the end of the project. Mr. Leckstein asks if we shouldn't give the Town fathers when they do the developer's agreement some guidance of what we think should be a minimum amount of retail use when you are building 500 units? That is the question that is before the Board.

Mr. Zucker replies that 12,000 sq. ft. of retail is not insignificant for a retail strip. He says Mr. Leckstein is correct in what he is saying, but he is discounting the power of the development. What is there today is a dilapidated decommissioned plant that is being used as a warehouse and light manufacturing. They have been working on this for many years, talking about this and that, should smokestacks be or not be removed, and he thanks the Board for keeping them there with professionals determining they are safe, but that is a separate issue. They are here to make the site better. If the Board feels they cannot guarantee 100% perfection better than the current state, then that is how the Board will vote, but they are asking the Board tonight to vote on the plans presented tonight, which will vastly improve the place to make a great neighborhood. The Board needs to remember they are taking an old site that needs to be repositioned. They need to make a decision, would the Board rather leave it in its current state, not just with the smokestacks up but the other stuff that creates an eyesore, because a "no" vote is what they will leave. They will be forced to continue its current use as a warehouse....

Mr. Leckstein interrupts and says Mr. Zucker is going down the wrong road, making another sales argument, which Mr. Zucker says is his job....Mr. Leckstein says he cannot do his job, which is to crystallize for the Board...Mr. Zucker interrupts saying his job is to try to sell this project to the Board....Mr. Leckstein says he will let him finish and then he will crystallize it for the Board that it isn't a yes or no, it isn't black or white, it is a matter that we can approve it and also suggest certain minimum standards as to when the commercial is built.

Mr. Zucker says that in order to do the residential they have to build 75,000 sq. ft. of to be vacant stores, build the stores without tenants. You are creating the next problem for the next redevelopment. It creates a financial drag on the community that it cannot be built. There is a way to go ahead and assure.....Mr. Zucker asks Mr. Leckstein if he thinks they will spend all the money in Phase 1D, build a roadway, build the retail and not take advantage of it. Does anyone on the Board think they will not commit to constantly marketing. They will do what they can; the only reason they won't do it is because the market won't allow. To force them to build something that is going to remove a slum and force them to go ahead with the rest of the project, they will not be able to go ahead to spend the sum to knock the building down, bring in all the infrastructure with the hope they are going to have to build something they have to sell 25,000 sq. ft. of retail. There is no way they can get that done. The end result will be as he is telling us. Although the Board does have the right to do what they want, he is asking the Board to allow them to go ahead with their plan as presented, and the end result of that plan will be 75,000 sq. ft. of retail, a hotel, a theater, which they are concerned about but they will try, and a hotel is a winner and may go up before the residential goes up. He has to commit before he knocks down the building, he has to have it all in place, it has to be doable, and he asks the members of the Board to allow him.

Mayor Tagliarini says he agrees with Mr. Zucker 100%. He and some Council members feel they cannot lose focus that the building is unsightly, whatever environmental issues are found, this gives us the opportunity to clean up what will be the gateway to Aberdeen in that part of town, and the ramifications of this project on that entire community, property values and everything else is something he feels we have to proceed with. He believes Mr. Leckstein brings up major concerns...Mr. Leckstein interrupts saying he is only trying to crystallize for the Board what the issues are....Mayor Tagliarini says fortunately or unfortunately, what we have here is reality, and the reality is he does not want empty stores on Cliffwood Avenue. The Number 1 thing is to proceed to clean up the area, proceed to make this one excellent project that will help all of Aberdeen. He wants to get this project done, that there is the ability to start it.

Mr. Leckstein says he was playing bad boy for the Board, because he wants to crystallize for the Board because Board members have talked about this, as to what guarantees there are for the commercial. The exchange between him and Mr. Zucker has made it clear where we are, what their position is and what our worries are, and it had to be aired.

Mr. Zucker replies that 12,000 sq. ft. of retail is not a little bit of square footage. Mr. Bruno says from a legal perspective, this is dealt with in the redevelopment law by way of the redeveloper must provide a project schedule to the town. There will be the ability that at some point this is not completed, according to the agreed upon schedule, the town will have the opportunity to get someone else to do it. That is the mechanism that the law provides because of the argument

Mr. Zucker raised, otherwise no one would do anything to a blighted site if you hold them to a standard they can't answer to.

Mr. Leckstein says do not take any of his remarks that there was to be a negative vote based on that issue. Just that it has to be aired so the Board is aware of what is and isn't committed at this stage.

Mr. Hirsch says comments he has heard in both the residential and business communities, and he will direct his question to the Board's engineer. The smokestacks, though a small factor, can be properly secured to avoid any kind of hazardous condition as far as the condition of the stacks creating a danger to the town or to the residents. Mr. Gillen responds he cannot answer that without performing a structural evaluation of the condition of the stacks.

Mr. Shenton, addressing Mr. Hirsch, says if we were approving a new development, and the smokestacks were not there already, and the developer asked to put up smokestacks, it would not be permitted. It would require variance approval. The question is do you think they belong in a residential development.

Mr. Hirsch responds that that is not the question; the reason why he asked his question is because he knows there is concern in our community as it relates to the safety of the smokestacks. He understands if Somerset Development, after their engineers have evaluated the smokestacks and they feel that they are unsafe, or cannot be made safe, they will be taken down. If they are deemed to be safe, and our engineer agrees with the findings, they will remain. He knows that is one of the things brought to his attention as a member of the Planning Board and a member of the Economic Business Council, that within the community people are concerned that the smokestacks won't be a hazard to the community.

Mr. Shenton replies that when we make a motion we can say do away with the smokestacks, we don't want them, or not.

Mr. Bruno replies to be sure it is clear that the applicant has stipulated that they are willing to agree with the Board's professionals beyond any doubt that they are structurally sound and agree to a maintenance plan, if that is the case. It is ironic that the Board worries about the commercial, but they testified how valuable they would be to bring people to the site, and the Board wants to take them down. It is something the Board might want to reconsider.

Mr. Hirsch says should the Board chose to vote this evening, and it be an affirmative vote, what is the timeframe to start the demolition of the factory, or the empty facility.

Mr. Zucker replies that the answer is as soon as possible, but they have existing leases, they have to vacate the building, and guestimating it would take over a year or more to vacate the building. They had asked to remove the building in phases, and that was denied by the Board, so they have to empty the entire building before they can start.

Mr. Hirsch, addressing Mr. Zucker, says should he receive an affirmative vote this evening, we are looking at 12 to 18 months before demolition will start? Mr. Zucker replies that even if the building were vacant today, there are a lot of permits he has to get, including the County and DEP clearances, that takes time. Even if it was a vacant building, to put a shovel in the ground would be hard in 18 months. Mr. Hirsch asks if it would be two years; Mr. Zucker says they will

start immediately to apply for permits as they are looking to move forward as quickly as possible.

In response to a question from Mr. Vena asking how many tenants he would need before starting, Mr. Zucker says they are committing to approximately 12,000 sq. ft. even without any tenants. Those store fronts will be up as part of the phase even if they don't have any tenants. But these will have residential above, so there are ways to make it work. He refers to his development called Westmont Station in Wood Ridge. He designed it the same way, building with the retail and residential above. The retail sat for about a year, but having the building there helped when a tenant was interested. So 12,000 sq. ft. will be built in Phase 1D, whether or not there is a tenant, and that will force them to start leasing. It could be one or ten tenants; he thinks on that side of the street it will be more like eight or nine tenants with small shops to start, so the main street will have the feeling they are trying to get.

Mr. Gillen, addressing Mr. Zucker, did he say he thinks the hotel may be up before the retail? Mr. Zucker says right now that is a possibility. Mr. Gillen says if that were the case, that would advance some of their construction phasing, because they would have to build the main access road, the rear access road, associated parking for the hotel, and the hotel has a 10,000 sq. ft. retail on the ground, which is facing Cliffwood Avenue. Is he indicating if he were able to negotiate his lease with the hotel, would he expedite those components; Mr. Zucker answers "yes."

Aberdeen Councilman Gregory Cannon is sworn in by Mr. Leckstein; he states he comes home via the Parkway south, and the first thing he sees is the Anchor Glass in Aberdeen. He has watched the building rotting for the last 17 years, and it has become an eyesore. You can see the property from the south side of the beach, Cliffwood proper, County Road, Melrose, and the entire area you can see this rotting factory. He would encourage the Council to work with the applicant on the phasing and not hold their feet to the fire, but that being said, there is an aging population especially on Cliffwood Avenue, so how can you sell your property with that being seen from your backyard. He feels the Planning Board has done an excellent job including getting Mr. Zucker to take down the factory, but he appeals to Mr. Zucker that he does not want to see empty retail nor see Mr. Zucker build whatever phase he is on and then go out of business. That would be a disaster for all of us.

Councilman Cannon acknowledges Mr. Zucker is to build in Holmdel, a significantly larger project at Bell Labs, but we have to put some trust into the Town Fathers and encourages Mr. Zucker to go forward.

Addressing Mr. Zucker, Councilman Cannon asks if the plans with the smokestacks, what is he going to do with them in terms of painting; Mr. Zucker thanks Councilman Cannon for his comments and tells Councilman Cannon that to make this place special there is an incredible asset, the smokestacks stripped of all the steel and everything around it, repoint them and make them look like they did on Day 1, will serve to anchor the park, they will guarantee their safety or they will take them down and, at the same time, they will be visible from the Parkway. Talking about the retail, Mr. Zucker says retail needs to be visible, and the way the site is designed, the retail is not visible from the Parkway, and you can't take the trees along the buffer, and they would be the most significant element allowing the public as they drive along the Parkway to identify the retail location. Their marketing, if the smokestacks are there, they will be marketing the Glassworks property as a community glassworks and they will show the three smokestacks. Similar to Freehold Raceway Mall, this gives them a great opportunity to market it but would be lost if the smokestacks were removed. There will be no risk, subject to the Board's

professionals review of their study that they will perform, you will have engineers qualified to do that, and if the reports are not good, they will take them down. They will keep them closed until then so no one can come in so they are not a hazard. He is not asking the Board to allow them to keep them up no matter what but rather to demonstrate to the Board's professionals that they can stay up to their satisfaction.

Mayor Tagliarini, addressing Mr. Zucker, asks if he is not prepared tonight to give the Board the condition of the stacks. Mr. Zucker says that is correct, but he will submit to them for their analysis, and it is up to their jurisdiction to say they are safe to stay or they have to come down. Mayor Tagliarini says that is an excellent decision and he does not want this issue to hold up any approvals, but any approvals would be contingent upon the smokestacks staying or going.

Mr. Leckstein is not sure where the Board is going; forget about the smokestacks for a minute because there are many issues besides their safety, that people just don't want smokestacks, and that is a planning issue, and nothing to do with whether or not they are safe. Secondly, we are giving preliminary approval tonight and only preliminary approval to Phase 1A. Mr. Bruno says the application is for preliminary and final; Mr. Leckstein understands that but asks what the Board wants to do, give preliminary and final for the whole shooting match or preliminary for the whole thing and final for Phase 1A. Mr. Bruno says that is not what is before the Board. Mr. Brady says they previously wanted preliminary for the whole thing, and we told them we wanted final for the whole thing.

Mr. Leckstein suggests polling the Board to see what they want to do about the smokestacks if the Board is favorable to giving preliminary and final approval for the entire project, which is what they asked for.

Barbara Wagner is sworn in by Mr. Leckstein and asks if there are going to be sidewalks on both sides of the street. Mr. Zucker replies "no, only on his project frontage." Mr. Leckstein says they will not be putting sidewalks in front of Mrs. Wagner's house.

Mr. Gillen says he met with the applicant prior to them doing the supplemental submittals, and prior to this meeting, and he has reviewed all of his engineering and planning issues with them, and they in turn agree to address all of those items in revised plans. Mr. Bruno confirms this. Mr. Gillen says they have agreed to comply with all their engineering and planning items and submit revised plans addressing those items.

Mr. Leckstein says there are a lot of conditions; condition of developer's agreement and revisions of it, and a considerable amount of other revisions. Mr. Gillen says the plans cannot be signed unless they comply with all the conditions of approval. His review letters and the other elements that go with the conditions of approval, which include the amended redeveloper agreement, a developer agreement, posting of performance guarantees, because they will not be constructing all of this at one time, ...

Mr. Leckstein says this is a very large, complicated project, and it might be as we are working out the final things and meeting all the conditions, there is some type of interpretation or impasse, they will come back to us to resolve. Mr. Bruno does not anticipate that happening, but Mr. Leckstein tells him if something happens come back to the Board to help us resolve it and move it along. This is not adversarial in any way.

Mr. Shenton wants to poll the Board regarding keeping the smokestacks or having them removed. Mr. Leckstein says someone should make a motion to approve or not approve the application with or without the smokestacks. Mayor Tagliarini says we can't approve the smokestacks because we don't have an architectural engineering report. Mr. Bruno says it would be a condition. Mr. Shenton says some people may object to the smokestacks there; Mr. Hirsch says some people may want them there.

Polling the Board:

Mr. Hirsch is in favor of the smokestacks staying on the property if they are deemed structurally and engineering sound.

Mr. Brady agrees with Mr. Hirsch.

Councilwoman Montone says she was completely against the smokestacks staying, and she is waffling now. She would like to take a ride over and look at them because she is understanding both parts of it. She is concerned about the safety of them, and they would have to be absolutely safe. At this point she is willing to say if they are absolutely safe, and the majority of the Board is in favor of keeping the smokestacks, then she would be in favor of keeping the smokestacks.

Mr. Shenton is definitely against keeping the smokestacks because of the planning issue involved. They would require a variance to put them there if this were a new development because of the height. It is an advertising type of thing, a marketing thing. It would be like allowing someone to put a balloon up to advertise their store. Our plan doesn't allow for it, so it is a planning issue, and he does not feel it belongs in a residential area.

Mr. Vena is in favor of keeping the smokestacks.

Mrs. Sims is in favor of the smokestacks.

Mayor Tagliarini said before they have to be structurally sound, they have to be environmentally safe....(Mr. Shenton is talking over Mayor Tagliarini saying they have the five already so he's got the smokestacks, so I cannot determine what else the Mayor is saying).

Mr. Leckstein, clarifying the poll results, says the smokestacks are a go, conditioned upon them being determined thru....this is not coming back to us, it is going to our professionals....who must be satisfied there are no environmental, safety or structural issues. If they are not satisfied, we are giving the professionals the ability to say no, but the Board is in favor of them.

Mr. Hirsch moves to approve the application, with the conditions stated during the process....

Pedro Mirabal, 141 Jersey Avenue, Cliffwood, is sworn in by Mr. Leckstein after some discussion if he should be permitted to speak from the public. Mr. Mirabal states he does agree with the project, but his concern is on the retail end that the applicant fulfills the investment the Board has made in this project, and that the smokestacks stay as long as they are safe. Mr. Bruno says a study will be done to prove to the Board's professionals satisfaction establishing the safety and structural integrity of the smokestacks, whatever if any repairs have to be made, and a maintenance program. Mr. Bruno says someone mentioned Bell Labs; Holmdel loves the water tower and it will never comes down, so it is the same kind of principle, it is a landmark.

Mr. Vena seconds the motion.

Yes: Mayor Tagliarini, Mr. Brady, Mr. Hirsch, Deputy Mayor Montone, Mrs. Sims, Mr. Vena, Mr. Shenton

No: None

Abstain: None

Mayor Tagliarini thanks on behalf of the Mayor and Council the members of the Planning Board as volunteers for the time spent on this application and for their actions tonight. This was not easy, but he is proud of the Board for completing this action tonight.

Mr. Zucker thanks the Board and says he will make this a great place.

Meeting adjourned.