

Minutes of the Planning Board Public Meeting of February 16, 2011

Present are Mayor Tagliarini, Mr. Cusumano, Mrs. Kelley, Mr. Mirabal, Councilwoman Montone, Mr. Swindle, Mr. Awofolaju, Mr. Shenton

Also present are Tim Gillen, CME Associates, Michael Leckstein, Esq., and Cindy Coppola, Coppola and Coppola Associates.

Absent is Mr. Brady for personal reasons.

Councilwoman Montone moved to accept the minutes of the January 5 and January 19, 2011 Public Meetings, seconded by Mr. Swindle, and on voice vote all members agreed.

New Business, **SP 10-539 (rev)/C&M County Road, LLC, 376 County Road and Moore Place, Block 196.04, Lot 27, Block 228, Lots 1 and 2**, Preliminary and Final **Site Plan** to construct a 115 condominium townhome development in the "IH" [Inclusionary Housing Overlay Zone] within the "LI" [Light Industrial Zone], on the northwest side of County Road. The development will include 37 COAH affordable family units for rent, 18 of which are to be moderate income units, and 19 to be low income units; the remaining units will be market rate units. Recreation areas will be provided as well as on site parking.

Michael Bruno, Esq., attorney for the applicant, states this is an application for preliminary and final site plan approval for 115 units in a project located along County Road, in Block 196.04, Lot 27, and Block 228, Lots 1 and 2. Thirty seven of the townhouse units are proposed to be affordable housing, deed restricted units, in compliance with the Township's Housing Element and Fair Share Plan.

Walter Hopkin, a licensed professional engineer and planner in the State Of New Jersey, is sworn in by Mr. Leckstein. Under questioning by Mr. Bruno, Mr. Hopkin marks as Exhibit A-1 a color rendering of the Landscape Plan, last revised February 1, 2011, and prepared by his office.

The property is located in the "IH" Inclusionary Housing Zone, on the northern side of County Road, approximately ¼ mile from Route 35, located next to the Union Hall. It is a mostly cleared vacant piece of property.

The site drains one way or another into Whale Creek, and on the run off is contained either on site or into the tributary.

There was a previous approval for this site, a 75,000 sq. ft. warehouse, with 184 parking spaces; similar limit of disturbance, but an intense commercial project.

The applicant is requesting preliminary and final site plan approval for 115 townhouse units, 37 of which will be COAH units. The Route 34 project that was before this Board had stacked up and down COAH units; this project will be similar. There will be just over a 10,000 sq. ft. recreational area, located in the rear of the site, in accordance with the ordinance. It will blend in with the wooded area and overlooks Whale Creek.

They provided in accordance with the Ordinance, they have provided a lot of landscaping, buffers to supplement existing vegetation along common property lines with the surrounding residential.

Mr. Bruno reminds the Board this was originally contemplated to be a 132 unit apartment complex. As a result of discussion with the surrounding community as well as the governing body, it was amended to its current townhouse project, similar to what was approved by this Board for Route 34.

Mr. Hopkin says the site will be served by public work and sewer. On site is a sanitary sewer easement they will tap into. Drainage patterns will remain the same. The project is in a CAFRA zone, so it is subject to further scrutiny by the DEP. They are reviewing the project but the applicant has not yet received comments or approval.

This project will have a detention basin, that will enhance the water quality prior to discharge to Whale Creek. There will be a series of storm water inlets directing the water into the bioretention basin.

There is an internal roadway with off street parking areas that will be common, available to all residents, that opens to a loop road in the back. There will be no on street parking.

There are two recreational amenities, playgrounds, age appropriate, a couple of benches.

The market rate units will have one parking space in a garage and one spot in the driveway. There are 83 overflow parking spaces spread throughout the site. The COAH units, because of the up and down design and being inclusionary, do not have garages, but there are two parking spaces in the driveway, and they have concentrated the bulk of off street parking spaces to two parking lots near the COAH units. Each COAH unit will have one spot directly in front of their unit, in the driveway, and there will be another off site but in close proximity parking spot in the parking lot. The parking lot is part of the 83 and could be designated COAH unit parking for the 37 parking spaces. Pointing to a site plan, Mr. Hopkin states there are 37 parking spaces in each of two parking lots closest to the COAH buildings, and there is additional parking throughout the project. There are three parking lots closest to the COAH buildings.

Since the COAH units don't have garages, there is a small refuse area along the northeast property line, that will be picked up by a private trash hauler. The other townhomes will bring trash to the curb.

You enter the site through a 30 ft. wide single driveway that tapers to 24 ft. once you get to the internal road.

The applicant will have six phases for the project. All of the improvements, the sanitary sewer, detention basin, the water, the pavement, storm sewer, will go into Phase 1, and to include a prorated share of buildings. Phase 2 will have improvements already done. The reason for the phasing is because of the substantial connection fees and BRSA has for water and sewer.

Mr. Leckstein swears in the Board's professionals.

Mr. Gillen asks if the phasing will be all site improvements are to be installed with a slab set out for the remaining phases building by building, and Mr. Hopkin says that is correct. The COAH units will be constructed as per COAH regulations.

Matthew Clemente is sworn in by Mr. Leckstein, and states he is one of the developers for the property. Eight units will go up in Phase 1, then they will consider three buildings plus six COAH in one building for Phase 2, and pointing to a plan shows how many COAH units will be built in accordance with COAH regulations as each building is built, through the sixth phase.

Mr. Gillen says revised plans were submitted as a result of his and the planner's initial review of the project. The planner subsequently issued a second letter for comments, reiterating some of the prior comments. Mr. Gillen did not issue a second review letter pending testimony before the Board. Once the project is approved, he will schedule a meeting with the applicant and their engineer to resolve all the outstanding issues, and perhaps with the planner. Most of his comments are of a technical nature and do not impact the presentation of the development per se nor would affect the Board's review. Based on their December 23, 2010 review letter, the important issues were addressed.

Mr. Gillen says the applicant had a response with comments from the fire department official, as referenced in his letter of February 3, 2011 to the applicant.

Mr. Hopkin, referring to the December 23 CME letter, Comment 2.13, regarding flood hazard permits, is not applicable when you are before CAFRA, so the Board should understand that permit is superseded by a CAFRA permit. Mr. Bruno says the comment talks about the applicant obtaining a Flood Hazard Area/Riparian Zone Permit. That permit is encompassed in the CAFRA application and permit that will be issued for this project; the applicant will not be getting a separate flood hazard permit. Mr. Gillen takes no exception to that.

Mr. Hopkin clarifies Comment 6.1.1 in regard to analyzing downstream sanitary sewer system capacity, stating this project goes on after this Board's approval, to being reviewed by BRSA and the DEP, and they take that into account. The applicant is asking this comment request be deferred until that time. Mr. Bruno says the Board granted that relief during the Route 34 hearing on a similar project.

Mr. Gillen, referring to Comment 6.1.1, says the municipality is currently in the process of working with the NJDOT relative to improvements to Route 35. As a result of that, there will be a modification to their existing facility, Pump Station No. 1, located proximate to Long Neck Creek and Route 35. If the municipality has to make an expenditure of funds to ensure adequate capacity at that facility, in conjunction with the DOT project, we would expect a contribution by the developer on a flow proportional basis. His understanding is that the DOT will fund it, so it may not be an issue, but if that is not the case, the municipality should not have to put out funds. Mr. Bruno says the applicant will be willing to pay its fair share in accordance with Municipal Land Use Law.

Mr. Gillen says there will be capacity when we get done. They have to do a certification, and the certification depends on scheduling. In fairness to the applicant and municipality, if there is an expenditure the applicant pays a proportionate share.

Mr. Gillen says his understanding of the agreement with the DOT is they will be funding the modifications to the Pump Station, with no expenditure by the municipality. They have to do that in order to get adequate clearance, culvert size crossing the creek. That should eliminate the issue plaguing the municipality relative to flooding of Long Neck Creek, causing detours thru County Road and Cliffwood Avenue. It is suppose to be the tail end of 2012 for the initiation of construction, so it will take at least a year before DOT gets their act together and starts construction. There will be detours during the project. We don't anticipate a negative impact associated with this project. Their project is to realign the sanitary sewers appropriate diameter and wet well and make modifications to that at no expense of the municipality.

Mayor Tagliarini asks about a timeline for the proposed project. Mr. Gillen responds he could look along the lines of approval process for a couple of years, but he does not believe the DOT will require the municipality to fund any of the improvements, and are looking to us to tell them the size of the wet well, locations, and other elements, to make sure it is appropriate for the facilities so we can get an increase in size, and they will fund it.

If that is the case, we are looking at a developer's agreement with them, with no exposure for the municipality, in which case, they benefit.

If that is not the case, and we pony up some money, which we won't know for at least a year, then we would expect a proportional share.

Mayor Tagliarini asks the applicant about a time line for development. Mr. Bruno says the Land Use Law requires the applicant to contribute a fair share contribution based on the use they will have. This project probably won't be completed for four years or so.

Mr. Leckstein says we should consider in the developer's agreement a possible contribution by the developer. Mr. Gillen says it should be addressed or the contingency if it appears. Mr. Bruno understands that and agrees.

Mr. Clemente says by the time he gets all his approvals from DOT, DEP, storm sewers, etc., it should take about a year; the construction will take at least three years, so a total of four years.

Mr. Hopkin acknowledges a February 3 letter from Mr. Gillen; he will address the issues in a set of revised plans.

Mr. Gillen says his understanding is the applicant will comply with all engineering comments and such subsequent comments the Board may have this evening, if approved, and the planner's comments, and any other comments of the municipality in a revised set of plans. If they are significant enough to adversely affect the application, the applicant will have to come back to the Board.

Mr. Bruno, referencing the February 9, 2011 letter from Coppola & Coppola, says most of the comments can be agreed to by the applicant.

Mr. Hopkin, referencing Comment "C," Requested Submission Waivers, says the waiver requested is for location of all trees greater than 8 inches. The site is mostly cleared, it has been cleared in the past and these are trees that have grown back. The applicant is doing a significant amount of landscaping, adding 237 trees and over 600 shrubs, so that is their justification for the

waiver, similar to the Route 34 project, where a waiver was granted, except this site is mostly cleared.

Referencing the landscaping plan, Mr. Bruno states in the dark green area nothing is to be disturbed, and Mr. Hopkin confirms this.

Mrs. Coppola says she does not have a substantial problem given the photos submitted and review of the plan, it doesn't appear there are a number of specimen trees on site, however, she did make recommendation, if the Board grants approval of the submission waiver to identify the tree, the developer, when working on the project, try to preserve any large trees where feasible. There are areas in the track because of grade, piping and other issues where it is not feasible. Particularly along the area adjacent to the single family homes, there are a number of trees in the area. They are going to supplement the area with a number of plantings, but the trees that are there should not be removed to put in smaller trees. Mrs. Coppola points to the exhibit, referencing the area she is talking about.

Mr. Hopkin states a note will be put on the revised plans stating that all existing vegetation will be reviewed by appropriate Township officials, and all tree save areas will have tree save fencing put up and be planted accordingly. Mr. Hopkin states we are referring to the southwest portion of the property.

The review agency will be CME Associates. Mr. Gillen says when they show a 25 ft. buffer along an existing property line and show the canopy of a tree, that could be a single tree with branches out, so you look right thru. In addition to the trees that are there, the objective to achieve a buffer for screening purposes is to place evergreens and other elements. They are also, because of the application with new residents, they are providing evergreens between the site and the adjoining labor union, who will have vehicles in their lot that could provide an adverse impact to residents of this site.

Mr. Hopkin, referring to Comment "D" Site Plan Comments, No. 4, there has been discussion regarding parking. When the COAH units, because there is no garage, there are 19 ft. driveways. Since this property is CAFRA zoned, they have to be sensitive to the amount of impervious area. They have at least two (2) 9 x 18 ft. sized spaces in the driveway. \

Mr. Bruno hands out the prepared exhibit, marked A-2. Mr. Hopkin says the Ordinance and RSIS standards require parking spaces to be 9 x 18, and there are two areas of that size. The Exhibit A-2 is two scaled, It has the driveway to an end COAH unit, and it has not two 9 x 18 ft. parking spaces, but two actual vehicles, one the equivalent of a Camry, and one the equivalent of a Ford 150. Both of them are smaller than 9 x 18, so from the exhibit you can see there is ample parking for two vehicles.

Mr. Hopkin says a minimum driveway length from the house to the edge of the sidewalk is 20.5 ft.

Mr. Hopkin says there are two sections of RSIS next to each other; one is for garages, one for parking spaces. Mrs. Coppola is referring to the section regarding garages, they are referring to the section regarding parking spaces. They are requesting a waiver, and they consider this a deminimus exception to RSIS.

Mrs. Coppola referring to Exhibit A-2, asks if the covered porches for the units are accurately shown; according to the architect's plans they will encroach into the 18 ft. wide driveway. She asks will the porches be narrowed to maintain an 18 ft. driveway to the front façade of the building.

Mr. Hopkin says except for the end unit with the tower that does clip it some, that is the scale and the way the architecturals are proposed.

Mrs. Coppola, in response to a question regarding the driveway parking from Mr. Mirabal, says there are two spaces in the driveway in front of the building, one for the upper, one for the lower unit. There is one space for each unit. More than one vehicle per unit would have to park in the overflow designated unit.

Mr. Mirabal requests the designated overflow area be designated for affordable unit parking only.

Mr. Leckstein says if the COAH unit only has one car, why would you designate another spot. You are creating a spot for a vehicle that doesn't exist.

Mrs. Coppola says there is a 14 space lot on the southwest side of the site between two COAH buildings. If you make that only for the COAH units, and the larger lot situated between the COAH and market rate building be left open for first come, first serve.

Mr. Leckstein says the lot would be designated for COAH units, not by unit numbers, however, for the spots.

Mr. Bruno says the driveway spots will be designated for each unit.

Mr. Hopkin agrees to all the other comments of the Coppola & Coppola review letters.

Mrs. Coppola says the distance between the front of the building and the sidewalk is at least 20 ft., and Mr. Hopkin confirms.

Mrs. Coppola asks if the slopes 20% or greater that are naturally occurring slopes will not be disturbed, and Mr. Hopkin says they will not be disturbed. This is a CAFRA project, so it is their requirement in addition to the Township requirements. Mr. Gillen says except for the area approximate to the existing culvert, which Mr. Hopkin says is correct, because they are man made. Mr. Gillen says the elevation of the retaining walls associated with that have to be adjusted, and he will review that with Mr. Hopkin.

Mr. Bruno says there will be private garbage pickup; the applicant will contract with a hauler for that purpose.

Mr. Mirabal asks about the width of the driveway thru the property (**note: the rest of Mr. Mirabal's comments cannot be heard as there is paper rattling on the dais**); Mr. Hopkin states the driveway will circulate throughout the site, and is 30 ft. wide at the entrance and then 24 ft., in accordance with RSIS.

Again in response to a question from Mr. Mirabal that cannot be made out, Mr. Hopkin says the Ordinance was written for this project and the applicant will comply with the Ordinance.

Mr. Shenton, referencing Item 15 on the planner's letter about some retaining walls that could be 10-1/2 ft. high, and could they be stepped. Mr. Hopkin says they cannot be. Mr. Gillen says the issue is wetlands and applying with CAFRA requirements to minimize the footprint. He looked at it and concludes they will have to do a design of the walls, which will have to have stability calculations, and be handled as a shop drawing by his office. The applicant could stage the other site; it is not possible on this site.

Mrs. Coppola says her concern with the walls is they are directly adjacent to sidewalks; there should be at least a 4 ft. high safety fence on top of the wall, and such that a child cannot climb thru it, to include some sort of mesh behind it. Mrs. Coppola says 5 ft. might be more desirable.

Mr. Gillen says State code for walls is 42 inches with child proof railings such as they can't get thru or put their heads thru. He will review the limitation requirements with their engineer.

In addition, proximate to the road areas, there must be guide rails so a vehicle is not at risk should it leave the road.

Mayor Tagliarini, asking about the detention basin, which Mr. Hopkin says will be surrounded by Whale Creek. Mr. Gillen says Whale Creek has in the past impacted flooding on Route 35, but a project done by DOT about seven years ago addressed that. The primary source of flooding of Route 35 is Long Neck Creek, between County Road and Cliffwood Avenue. County Road becomes the detour route when both southbound lanes are impacted. For this project, on the flooding issue associated with Route 35, would be negligible, not an issue. Mr. Gillen says there have been floods on Route 35 after the DOT project, however, they have not taken out the entire side of Route 35, whereas on Whale Creek they have had to close the road.

Mr. Hopkin says the applicant is proposing a significant reduction in post production run off because the water will drain into the detention basin a 58% reduction. If this has any effect, it should be minimal.

Addressing roof drain run off, Mr. Hopkin says all of the units have the bioretention facility, and the roof drains will be directed to the pipe in the back for the recharge facility rather than over land.

Mr. Gillen says this is a feature that the NJDEP likes to see, because in turn, the rain fall on the roof is considered clean and suitable for recharge. It is a significant reduction in run off from the site.

The applicant has done a soils report, including borings, and the recharge aspects are suitable for permeability with soil typical for recharge.

Mr. Hopkin says as part of their drainage report, they did submit permeability logs and soil logs that substantiate the design of the bioretention and recharge facilities, both of which were reviewed by Mr. Gillen's office.

Mr. Shenton asks if the homeowners association will be handling the street lights, since it will be a private road; Mr. Gillen replied that it does not work that way. Mrs. Coppola says the town will have to reimburse the homeowners association for the electricity. Maintenance of the lights will be the responsibility of the homeowners association, and this must be included in the developer's agreement, according to Mr. Gillen.

Mrs. Coppola says the street lights proposed are goose neck lights, attractive, but the detail does not indicate if the bulb is recessed or not. It must be recessed so as not to create glare.

Mr. Hopkin responds he will be sure the fixtures' bulbs are not protruding. If it requires switching to a different fixture, the applicant will do so.

Mayor Tagliarini asks about snow removal. Mr. Bruno says the Municipal Services Act applies, but the details will be done by the HOA. Mr. Gillen says it should be in the plan that it is a private road, lighting, snow removal and all of those types of things in accordance with the appropriate reimbursement as required.

Mrs. Coppola, with regard to the Environmental Impact Study, there was an incorrect statement in the EIS, which states that luxury condominiums are permitted on this tract. That is not the case; while they are permitted in the "LI" zoning district, it is only in the area of the train station. This should be corrected on the record. Mr. Bruno says he believes it is a typo, and it will be corrected.

With regard to Item 20, the acidic soil, Mrs. Coppola says Mr. Gillen raised the issue in his review letter, and the applicant has agreed to comply.

Mr. Gillen says the issue in the past had been the acid soil has a different buffer. Times have changed, it is an element of the CAFRA application relative to buffer, other elements, coastal bluffs, acid soil buffers, flood plain buffers, riparian buffers will all be covered under the CAFRA permit.

Mrs. Coppola says there is the possibility of soil being imported or exported from the cite; the Township has regulations relative to that. We should make sure any imported soil is certified clean. The Board may want to get an indication from the developer as to how much soil may be imported or exported. Mr. Hopkin replies he does not have a figure with him as to how much soil will be imported. Mr. Leckstein says the amount of soil imported via trucks could have an impact on traffic; Mr. Hopkin says it could be hundreds, not thousands of trucks. Mr. Bruno says the applicant will comply with whatever the Board engineer requires as to testing of the soils to assure they are clean soils.

Mr. Gillen says other communities got inexpensive soil and then had to remove all of it because it was contaminated. That will not happen in Aberdeen.

Referring to Item 22, Mrs. Coppola says if the Board approves this application, homeowner association documents should be submitted for review and approval. The Ordinance written for the Inclusionary Housing district, that if patios, decks or privacy fences are proposed and approved, those details be provided in the homeowner documents, and the Board specifically approve the design, a detailed list is included in the architectural plans to be approved, and a consistent detail should be reviewed for the Route 34 site. She had no problem with it, but we want to see uniformity in design for any subsequent replacement of the units; that's why the homeowner association documents must reflect those details, so they may be rebuilt as the developer built them originally.

Mayor Tagliarini wants the homeowner association documents to show the parking lot is not a road and but a parking lot, and we are not going to reimburse the association because we will not plow it. Mr. Gillen says participation by the municipality is only based on roadway.

Mayor Tagliarini also says the lights in the parking lot has to be separately metered; the municipality will not reimburse the association. Mr. Gillen says there is an issue of maintenance cost vs. cost of electricity. Mr. Gillen does not know how it is done in other developments.

Mr. Leckstein says you can enter into an agreement with Jersey Central Power & Light based on a fixture basis. If we are only responsible for the electricity, that is a meter situation. Mr. Gillen says JCP&L will be able to figure it out. It does not depend what lights are on what circuits; it is a fixture. Our issue is lighting of a parking area is not considered roadway lighting. Anything along the alignment of the roadway for safety purposes should be participated by the municipality according to State law, in fairness to the homeowners. The homeowners could enter into an agreement for additional lighting for parking spaces, which is not our problem. The association will pay for lighting, and the municipality will reimburse a portion only for those lights associated with roadway purposes, not parking areas. Mr. Bruno agrees with this condition.

Verita Francis, 86 Mystic Court, is sworn in by Mr. Leckstein and asks, because of the high water table in the neighborhood, how the drainage will affect the adjacent homeowners. Mr. Hopkin replies there are swales, a grassed area, around the property, that allows for water to be taken away and not go to adjacent properties. As for the bioretention facility, it is shallow, so ground water table would not be affected.

Mr. Hopkin states there are no basements proposed on this project, the units are basically set at grade level.

Mrs. Francis talks about additional fencing around the playground area; Mr. Bruno says the applicant will comply with that and it will be reflected in revised plans, according to Mr. Hopkin.

Mrs. Coppola says she asked for more fencing on the side facing Whale Creek; now it is just a post and rail fence proposed. She is concerned children could crawl thru. Mr. Hopkin agreed to more fencing.

Mrs. Francis, regarding the buffer area, 25 ft. and 60 ft. Mrs. Coppola says a 50 ft. wide buffer area is required, you cannot have any structures within that area. Within that 50 ft. buffer width, you have to have 25 ft. width of planting to provide the screen. They do maintain 50 ft. or more behind the units, but only 25 ft. of that will be planted with evergreens and trees.

Michael Monroe is sworn in by Mr. Leckstein, and states that he is a licensed architect in the State of New Jersey.

Mr. Bruno hands out a color elevation.

Mr. Monroe, under questioning by Mr. Bruno, states the project will have one, two and three bedroom units. All the one bedroom units are on the lower (basement at grade) level. The lowest level will have either a garage as part of a recreation room or a COAH unit will be a lower level one bedroom unit. One bedrooms are always on the bottom. The two and three bedroom units are almost identical in square footage. A two bedroom unit has two bedrooms and a study. There is an "A" unit design, three different spaces for that unit, three different looks, an end unit with a tower over the unit. They have done a couple of different things. The garage doors are 9 ft. wide, exteriors are a mixture of stone and vinyl. They ran the stone up a full two stories. They changed

the design of the exterior trim, the color patterns, a green roof, a pleasing pallet of earth tone colors and a custom pattern for the garage doors.

For the COAH units, there will be no garage doors but a series of three windows.

Mr. Monroe, describing the ramps into the accessible units, says there are several situations where you have entrances to get in, garage doors next to entry doors of different heights, units that are staggered, stepping, frame construction where you have to be a certain distance. None of those conditions exist on this project. The ground floor level is made out of rock and concrete. From the street to the units is one level plain. The driveway, sidewalk, landscape area will have a 2% grade to drain the water. Maximum of 5% grade is for a sloping walkway, before you get into curbs, ramps and handrails. The grade on this site is simple, relatively flat, roughly 2 to 5% at the street to the units, no steps, everything relatively flat. There should be no difficulty achieving the grade, putting walkways wherever you want to, any pattern you want. They meet all ADA threshold requirements for the units. There are options for elevators, but there are enough accessible units on the ground floor, so elevators shouldn't be needed but can be put in, and details have been provided on how to put in elevators.

Mrs. Coppola says some of the units are three bedroom units as required under COAH distribution, and they are all on the second floor level. Those units are not handicap accessible. Under COAH regulations, even though there are 37 COAH affordable units, there is sidewalk accessibility into the first floor, she suggests that if there is a handicap person who qualifies for a three bedroom, they will not be able to have access to that third floor unit unless there is an elevator. The developer may not want to put elevators for all three bedroom units, but she suggests, in accordance with COAH requirements, for those upper level units, 10% of those units should have a fund established for installation of elevators if and when necessary, for handicap accessible.

Mr. Monroe says that can be accomplished, but every single unit you come in thru a common exterior foyer, a covered porch, and then go thru two separate doors to the units. Coming in to the unit there would be access to the elevator.

Mrs. Coppola says elevators are not being built at this time; COAH rules say ***the builder should deposit funds sufficient to adapt 10% of the affordable units constructed with accessible entrances for a disability for a unit in which the buildings are located.***

We are not talking about the lower level, since they are assessable to everyone; but two upper units are affected on the upper level under COAH Rules 5:97-3.14e.

Mrs. Coppola believes once a disabled person can get to the elevator, all COAH requirements for accessibility and adaptability are met; Mr. Monroe says that is correct.

Out of the 19 units, Mr. Clemente says there will be 19 ADA compatible units, the entire first floor of the one and two bedroom units are ADA compliant. Mrs. Coppola says it is the three bedrooms that need to be made compliant.

Mr. Monroe was asked to clarify the "mystery" building with only one unit in it. It is a lower level, an unfinished basement. He will submit a drawing showing one of the units, because of the odd number, will have the unfinished basement, never to be touched. It will belong to that unit,

that person will get the entire unit. The unit could be finished off into a big rec room, a kitchen and bath or whatever. It was not feasible to create another unit to make it even. Mr. Monroe says it could be used for a common facility for association means, but that is not in the plans. It is not an affordable housing unit, although Mrs. Coppola says it could be converted to another affordable unit and they would still meet their density; it is just unfinished space. She suggests the Board should deed restrict the unfinished space as well as for the units with the exercise room not be converted to a fourth bedroom, since these are suppose to be no more than three bedroom units. There should be a restriction on all COAH and market rate units that the bedrooms be no more than three, since more would have implications on parking, water and sewer, etc.

Mr. Leckstein says if you limit to three bedrooms, with no living space in the empty space, could they make it into a rec room.

Mr. Shenton says it should stay with the unit above it.

Mr. Gillen says the first unit they are talking about should be restricted that it cannot be made into another living area; it cannot be converted to an apartment or a bedroom. The applicant agrees to this condition, according to Mr. Bruno.

Mr. Gillen says the studies, depending on how you look at the unit, a bedroom constitutes a door and a closet. The study has a closet and has the ability to have a door easily installed to become a bedroom. In another unit, A-4, the end units, have two doors, so you could put a partition down the middle of the room to create another bedroom. The applicant says he will put in the deed the restrictions, and in the homeowner documents, agreeing to these conditions, according to Mr. Bruno.

Mrs. Coppola says the provisions for the "Inclusionary Housing Affordable Housing District" specifically states no unit shall contain more than three bedrooms, so it should be in those documents; Mr. Bruno agrees.

Mr. Monroe was trying to show leaving the two doors to make one big room or two small rooms; they were not trying to complicate it. The homeowner could make a bigger bedroom.

Mr. Bruno says no modifications will be permitted to the rental units.

Mr. Monroe says the decks will be trex type decking material; the privacy partitions will be PVC. Mr. Monroe shows samples of the materials to be used in the construction of the green roofs, vinyl siding and stone.

Mr. Monroe explains there was an odd number of COAH units the developer had to supply, based on the requirements, so instead of creating a custom building for the left over unit, they left a small portion vacant, using most of the building, 2/3, leaving just 1/3 unfinished. This made more sense than to create another building; it was made as a conscious decision. It is a nice benefit for the person who has that unit.

Mr. Gillen says County Road is a municipal road, they must show the sight triangle on the construction plans. The traffic on this application for the housing is lower than what was previously approved for this site, namely flex lease space with trucks pulling in and out.

Richard Kenderian is sworn in by Mr. Leckstein, and states he is employed by KZA Engineering, and is a licensed in the State of New Jersey. His office prepared the Traffic Impact Assessment.

Mrs. Francis, previously sworn, states she read the traffic report and questions the volumes and peak hours and the location where the traffic study was taken. Mr. Kenderian says the counts were done to measure the traffic on County Road east and west; they did projections on trips this project would generate. Mrs. Francis says you have residential homes west of the point the study was done. Mr. Kenderian says cars driving by the applicant's site are counted. Mrs. Francis says the study should be done at least at the mid point on County Road. Mr. Kenderian says this is how traffic counts are done, they are done at the point of study, at the site, on County Road, how many cars are traveling on County Road at that point. You can do counts at the intersection of Route 35 and go to Cliffwood Avenue, but for a project of this size, you would not do that. The way it was done is the way transportation engineers recommend it is done. Mrs. Francis says all the homes on County Road are to the west of the assessment area, so it is not looking at the impact. Mr. Kenderian says it does show the cars passing the residences, they may be going to or coming from those residences. Every point along County Road will have different counts. They did do 50/50 trip distribution, taken by count on another street and found residences from that street were traveling 50% east, 50% west, so they took the traffic this project would generate, distributed it east and west, and published it. He is not sure if they counted Salem or the street next to it, Mystic Court, but it does not matter.

Mrs. Francis asks him if he is aware of the flooding on Route 35 and all the traffic is diverted down County Road; Mr. Kenderian is aware of that. She says residents have a hard time coming out of the residential streets now. How will this project affect the residents.

Mr. Kenderian says County Road is not a heavily traveled road, it is fairly lightly traveled, many gaps. This project is a low trip generator, similar to a quick service restaurant. There will be no bumper to bumper traffic. The impact of this project on the road will be insignificant, almost undetectable, since it is a light trip generator. The level of service at the new intersection will be "B" or better, which is exceptional. Good sight visibility, easy to get on and off County Road, there is absolutely no problem.

Mrs. Francis wants to know if the 18 wheelers were counted in the traffic report; Mr. Kenderian answers "yes." She states that is a concern. The applicant will not be generating that type of traffic.

Mr. Mirabal asks about point of measurement at site and at Cliffwood Avenue.....the rest of what he is saying cannot be made out as he is talking too low. Mr. Kenderian responds measurements were done, and while he thought 70% would go toward Route 35, he counted a 50/50 split.

Mrs. Francis, previously sworn, asks about the management of the COAH units, she asks how the people will be decided, she wants the community involved in that selection of future residents.

Mrs. Coppola responds the developer has to have an administrative agent certified by COAH and they go thru the selection process established by COAH to income qualify eligible households for the units. It is all handled under COAH's rules. Applications have to be taken from the three county region, it cannot be restricted to just locals. When the developer moves forward, he will have to work with the administrative agent and do advertising a minimum of four months before

units become available, get income qualified people for approval and go thru the selection process. Mrs. Coppola does not know if background checks are made.

Mrs. Rescorl states in her certification as Municipal Housing Liaison, she believes someone could be rejected if they didn't meet qualifications or couldn't get financing. Mrs. Coppola said she is the person who works for the municipality as the liaison with the administrative agent. Mrs. Francis says she spoke to someone at COAH who said the Township has to be fair and equitable. Someone could be rejected but it has to be for cause and uniformly applied. Mr. Bruno agrees with this.

~~Mr. Shenton says in his work history with the New York Housing Authority, many things were looked at, such as criminal checks, backgrounds, and as long as criteria was met and not showing prejudice, and uniformity was met.~~

Mrs. Francis says keeping the regular apartment complex you do background checks and see if you pay rent.

Mr. Bruno says the Township will administer the selection process and provide candidates. The owners will provide criteria. They don't want people who are convicted of crimes. They will look into it; the selection process is not up to the developer.

Mr. Cusumano moves to grant preliminary and final site plan approval with conditions, comments, revisions, seconded by Mr. Swindle.

Yes: Mayor Tagliarnini, who makes a comment how pleased we are with community input and how it got to tonight, and thanks everyone in the community. The applicant has done everything to make this evening possible; **Mr. Cusumano, Mrs. Kelley, Mr. Mirabal**, who comments to he would like to see a selection process provide guidelines; **Councilwoman Montone, Mr. Swindle**, who comments he would like to see the DOT start the work on Route 35 within the year to ease the flooding. Mr. Gillen responds the DOT has informed the municipality they are suppose to start the work in the fall of 2012. We have seen the plans, but we do not know what is going on with DOT funding thru the State. They are, however, still commenting the project will go forward; **Mr. Awofolaju, Mr. Shenton**.

No: None

Abstain: None

Mrs. Coppola says the town does not have to hire someone to take applications; the applicant has to do that, but Maxine will monitor the COAH units, reporting on an annual basis to COAH the status, when they came on line, among other requirements.

An administrative agent is hired four months before the units are ready; they will do credit checks. Mr. Gillen says the criteria and areas of concern have to be spelled out somewhere.

Mrs. Coppola says when all COAH units are built in the town, the administrative agent should be one person because it works busy; they provide the information to Maxine to complete forms for monitoring COAH, presuming there is still COAH.

Mr. Gillen says even if there is no COAH, there will be some agency for affordable housing, and the Township will still have to be involved and monitor those units. We just don't know right now how it will work, or what agency.

Councilwoman Montone says she has gotten many calls from residents wanting to know how to make application; Mrs. Rescorl states she has started a list, but doesn't know how the process will work yet. Mr. Gillen says the issue that all of the COAH affordable, etc. don't break the organization of the laws but may advertise on the Township web page that the units are available, so residents will come first, before they put an advertisement open to the three areas. But qualifications must be met, and they may not necessarily be from the Township. Mrs. Coppola says advertising will be done in specified locations by the administrative agent. Mr. Swindle says Mrs. Francis was trying to ask about Section 8; Mr. Leckstein says she does not want people with criminal backgrounds. Mr. Shenton says the landlord would not want that either. Mrs. Rescorl states this will be low and moderate income residents, not Section 8. We went thru that at the very first hearings. Mr. Leckstein says Mrs. Francis will not be able to have input as to who will be chosen to occupy the units. Mrs. Rescorl says three counties are involved, Monmouth, Ocean and Middlesex.

Memorialization of Resolution **SD 10-300/Weber, 633 Lloyd Road, Block 18, Lot 11, Minor subdivision with variances and conditions** to subdivide existing lot into two lots, keeping the existing dwelling and building one single family home on the proposed new lot, in the R 100 zone, is summarized into the record by Mr. Leckstein after discussion of some concerns he had and revisions to the resolution. Mr. Mirabal moves to memorialize, seconded by Mrs. Kelley.

Yes: Mayor Tagliarini, Mr. Cusumano, Mrs. Kelley, Mr. Mirabal, Councilwoman Montone, Mr. Swindle, Mr. Shenton

No: None

Abstain: None

Note that Mr. Awofolaju cannot vote on this memorialization.

Meeting adjourned.