
TOWNSHIP OF CRANFORD PLANNING BOARD
APPLICATION FOR PRELIMINARY AND FINAL
SUBDIVISION AND SITE PLAN APPROVAL

750 WALNUT AVENUE A/K/A BLOCK 541, LOT 2
HARTZ MOUNTAIN INDUSTRIES, INC.

- - -
July 20, 2022
Volume I
- - -

Planning Board Hearing, held at
8 Springfield Avenue, Cranford, New Jersey,
commencing at 7:51 p.m., before Caren
Sheehan, Certified Court Reporter - Notary
Public. There being present:

1 A P P E A R A N C E S:

2 TOWNSHIP OF CRANFORD PLANNING BOARD:

3 JUAN CARLOS NORDEL, Vice Chairman
4 JONATHAN DRILL, attorney
5 KATHY LENAHAN, Secretary
6 KATE RAPPA
7 DIANE SEN
8 PETER TAYLOR
9 MAYOR MILLER PRUNTY
10 DAVID LEBER
11 JEFF PISTOL

12 JACQUELINE DIRMANN
13 NICHOLAS DICKERSON

14 FOX ROTHSCHILD
15 BY: HENRY KENT-SMITH, ESQUIRE.
16 997 Lenox Drive
17 Lawrence Township, NJ 08648
18 HKent-smith@foxrothschild.com

19 HARTZ MOUNTAIN INDUSTRIES:
20 JAMES RHATICAN

21 ZACK CHAPLIN
22 DAVID LUSTBERG
23 VINCENT ANTONACCI
24 BRUCE ENGLEBAUGH
25 MATTHEW SECKLER

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1 MR. NORDEL: Good evening, everyone and
2 welcome to the Cranford Planning Board
3 Meeting on Wednesday July 20 at 8 p.m. in
4 the Council Chambers located in the
5 municipal building at 8 Springfield Avenue
6 Cranford, New Jersey.

7 This meeting is in compliance with
8 the Open Public Meetings Act as adequate
9 notice of this meeting has been provided to
10 the Westfield Leader, the Star Ledger with
11 the agenda specifying the time, place and
12 matters to be heard having been posted on
13 the bulletin board on the town hall reserved
14 for such announcements and the filing of
15 said agenda with the township clerk of
16 Cranford. Formal action may be taken at
17 this meeting.

18 If we can all rise for the Pledge of
19 Allegiance, please.

20 (All in attendance reciting Pledge of
21 Allegiance.)

22 Ms. Lenahan, please call the roll.

23 MS. LENAHAN: Mr. Pistol.

24 MR. PISTOL: Here.

25 MS. LENAHAN: Mr. Leber.

1 MR. LEBER: Here.

2 MS. LENAHAN: Mr. Taylor.

3 MR. TAYLOR: Here.

4 MS. LENAHAN: Miss Sen.

5 MS. SEN: Here.

6 MS. LENAHAN: Miss Rappa.

7 MS. RAPPA: Here.

8 MS. LENAHAN: Mayor Prunty.

9 MAYOR PRUNTY: Here.

10 MS. LENAHAN: Mr. Nordelo.

11 MR. NORDELO: Here.

12 MS. LENAHAN: Mr. Drill.

13 MR. DRILL: Here.

14 MS. LENAHAN: Miss Dirmann.

15 MS. DIRMANN: Here.

16 MS. LENAHAN: Mr. Dickerson.

17 MR. DICKERSON: Here.

18 MS. LENAHAN: Let the record show Miss

19 Pedde, Deputy Mayor Gareis, Ms. Didzbalis

20 and Miss Kellett are absent this evening.

21 MR. NORDEL: So this evening we have

22 one application to consider, it's

23 Application PB-22-022. The Applicant being

24 Hartz Mountain Industries Incorporated; the

25 location being 750 Walnut Avenue in

1 Cranford, New Jersey Block 541 Lot 2. The
2 applicant in this matter is seeking
3 preliminary and final major subdivision;
4 preliminary and final major site plan the
5 residential; and preliminary and final major
6 nonresidential approval.

7 Before we start so I just want to say
8 tonight's hearing for this application will
9 be conducted in the following fashion: The
10 Applicant will present its witnesses and
11 material before this Board. Each witness
12 will be subject to questions by Board
13 professionals, Board members or members of
14 the public. In that order. After the
15 Applicant's witness list has been exhausted
16 and the presentation before the Board has
17 been concluded, I will then call members of
18 the public to have the opportunity to make
19 any sworn statements relevant to the
20 application. Any member of the public
21 making a statement before this Board will
22 also be subject to questions by Board
23 members and the Applicant's attorney, as
24 well as other members of the public. Not
25 other members of the public, I apologize.

1 When all public comments have been
2 issued, then and only then will the Planning
3 Board deliberate on the application and we
4 will adjourn this evening's hearing at
5 10:30 p.m.

6 I kindly remind everyone to speak in
7 to the microphone directly so that TV 35 can
8 pick that up for our comments and then I
9 invite counsel.

10 MR. DRILL: Can you enter your
11 appearance?

12 MR. KENT-SMITH: Thank you, Mr. Vice
13 Chairman. Henry Kent-Smith firm of Fox
14 Rothschild appearing on behalf of Hartz
15 Mountain Industries on the application for
16 subdivision site plan approval for
17 properties 750 -- 750 Walnut Avenue in Block
18 541 Lot 2.

19 MR. DRILL: Are there any other
20 attorneys that represent any other parties
21 that plan on participating in the hearing?

22 Seeing none. Okay.

23 MR. KENT-SMITH: Thank you. Just as a
24 preliminary, I want to confirm with the
25 Board that we have provided the proper

1 public notice. I provided the original
2 affidavit of publication tonight to the
3 Board secretary and Mr. Drill, if we can
4 just confirm that all noticing for
5 jurisdiction purposes?

6 MR. DRILL: I reviewed the notice and
7 it's satisfactory and I'm going to ask the
8 Board secretary, who reviewed the certified
9 receipts, were they satisfactory?

10 MS. LENAHAN: Absolutely.

11 MR. DRILL: So in my opinion the Board
12 has procedural jurisdiction over the
13 application.

14 MR. KENT-SMITH: Thank you very much.

15 So we are here tonight to begin the
16 process of subdivision and site plan review
17 by this Board for the 750 Walnut Avenue
18 property that is owned by Hartz Mountain.
19 This property and this Board have a long
20 history and I am glad to say that we have
21 been able, through a lot of hard work and
22 wonderful cooperation by this Board and the
23 township counsel, to reach a position
24 tonight where we will be presenting an
25 application that fairly and I think almost

1 completely captures all of the requirements
2 of the township redevelopment plan.

3 Now, just as a preliminary we do have
4 a stenographer tonight. She is going to be
5 doing transcripts of each of these hearings,
6 it's always good to have in writing what
7 we're saying tonight. And so, we will be
8 providing the Board and the Board for public
9 review, if they wish, a copy of the
10 transcript of each of the hearings on this
11 application.

12 MR. DRILL: Why don't we say this,
13 because all the application materials have
14 been posted online, why don't we e-mail
15 those transcripts in to the Planning Board
16 office so they can be posted online.

17 MR. KENT-SMITH: You don't have a
18 problem doing that do you? You can e-mail
19 it to me. Yes, we'll do it.

20 So after quite a long time we, Hartz,
21 and the township worked through a Memorandum
22 of Understanding addressing the
23 redevelopment of the Hartz property. This
24 Board at one point had, at the request of
25 the township counsel, designated this

1 property as an area need of redevelopment.
2 That triggers all the authority and powers
3 under the local redevelopment and housing
4 law. In so doing, Hartz was also
5 participating in the township's declaratory
6 judgment action under the March 10, 2015,
7 supreme court order vesting affordable
8 housing jurisdiction with the courts.
9 Utilizing the redevelopment process,
10 utilizing our abilities through the court to
11 actually work through affordable housing
12 issues so that this property could become
13 part of the township's formal housing plan
14 that is what happened.

15 The Memorandum of Understanding
16 establishes the basic terms by which we have
17 agreed with Cranford to provide affordable
18 housing. In this instance 38 of the 250
19 residential units will be day restricted to
20 be affordable to low, very low and moderate
21 income households. That is one component of
22 the redevelopment plan that was agreed to.

23 The second component is the
24 commercial component. That consists of
25 about 241,000 square feet of commercial flex

1 space and we will be presenting to this
2 Board a complete presentation on all
3 elements of the application for the Board
4 tonight. The subdivision, the site plan,
5 architectural, there's an open space element
6 to this plan that was negotiated as part of
7 the redevelopment plan and we're going to
8 present more detailed information on the
9 open space element.

10 We have a traffic engineer to address
11 traffic issues as required by the
12 redevelopment plan and finally, we will have
13 a professional planner who will provide
14 planning testimony on the relatively limited
15 relief that we're required for this
16 application.

17 Now, just to give you a little
18 context so the residential property is about
19 13 and a half acres, it will be subdivided
20 off, it will be two buildings, 250 units, 38
21 affordable units. The commercial property
22 will have two commercial buildings different
23 sizes. But the total will be about
24 241,000 square feet and that property is
25 about 17.5 acres.

1 So we're here tonight to have the
2 Board review the complete package so we are
3 seeking subdivision and site plan on both
4 projects, the residential and the
5 commercial. So that when we complete the
6 process before this Board, we will have all
7 of the Board approvals necessary for us to
8 then proceed with securing all of our other
9 approvals necessary to build.

10 Now on the application itself, the
11 redevelopment plan has very detailed
12 standards that require this applicant to
13 comply. However, the redevelopment plan
14 does vest this Board with jurisdiction over
15 variances under essentially the same terms
16 that you would do under MLUL. So for this
17 application, there were some variances that
18 were identified that we're going to comply
19 with. For example --

20 MR. DRILL: Just quick, a redevelopment
21 plan is an ordinance, correct?

22 MR. KENT-SMITH: Yes, it is a
23 superseding yes. This is not -- it is a
24 superseding plan so the plan is the
25 ordinance. To the extent, though, that the

1 redevelopment plan is silent, the underlying
2 3C zones standards would apply. So there
3 was an issue about the number of bicycle
4 storage areas in the commercial building we
5 will comply. So that will not be a
6 variance, we will simply comply.

7 MR. DRILL: So what you're saying is
8 you're asking the Board if they're so
9 inclined at the end of the application to
10 grant approval, one of the conditions should
11 be you're going to comply with that
12 ordinance?

13 MR. KENT-SMITH: Absolutely.

14 MR. DRILL: Okay.

15 MR. KENT-SMITH: Yes. The second issue
16 which we are seeking relief and in my
17 opinion it would be a design exception or a
18 hardship waiver would be for the eight-foot
19 pedestrian path along Walnut and our
20 frontage; we will present testimony in
21 support of why we believe that is both
22 appropriate and necessary for relief.

23 MR. DRILL: Okay. So on that one I've
24 spoken with the Board's planning expert and
25 the two of us agree that an exception -- a

1 design exception is required. That's not a
2 variance because it appears that that
3 provision of the redevelopment plan is a
4 design standard provision which would be an
5 exception, not a variance. Even though the
6 technical difference between a variance and
7 exception it might not -- to the average
8 person it might not matter but to us land
9 use attorneys and planners it matters.

10 MR. KENT-SMITH: That is correct.

11 The third relief that we'll be
12 requesting from the Board relates really to
13 an ambiguity in the redevelopment plan
14 itself related to the building citing
15 standards, which includes both a design
16 standard as well as, a front side and rear
17 yard standard. Because of the ambiguity it
18 could be interpreted that there's a front
19 yard requirement between the commercial
20 building and the residential building along
21 the side property line. We will put on both
22 planning and other expert testimony in
23 support of that. And that would have to be
24 treated as a variance because it is in the
25 bulk standard section of the redevelopment

1 plan so that would be a variance.

2 MR. DRILL: And you sent in a letter to
3 me dated July 19, 2022, which I submitted to
4 the Board secretary and she made it part of
5 the package and you specifically asked me
6 after you described the issue, "please
7 review this issue and advise us as to how
8 you wish Hartz to address that question
9 regarding item 3 at Wednesday's night
10 hearing" and the answer is in my opinion and
11 I spoke with again the Board planning expert
12 that yes, you need relief that's a variance,
13 a C variance.

14 MR. KENT-SMITH: So then we will be
15 proceeding with that proofs as well. And I
16 was just notified late this afternoon that
17 the redevelopment plan does not have a
18 standard for how tall light standards should
19 be. In an instance where the redevelopment
20 plan doesn't speak the C3 then takes over.
21 The C3 zone has a 16-foot high light. You
22 can't put your standard higher than 16 feet.
23 We will comply on the residential however,
24 because of the nature of the layout of the
25 commercial loading area in between the two

1 buildings, we are going to request a 25-foot
2 high light standard in the commercial
3 loading area. So we'll present proofs as to
4 that and to why that lighting --

5 MR. DRILL: Okay. So that one is an
6 exception from the C3 lighting extension
7 requirement for the commercial property only
8 maximum height allowed in the C3 is 16 feet,
9 the proposed is 25 feet, that's an
10 exception.

11 MR. KENT-SMITH: Correct.

12 MR. DRILL: Okay.

13 MR. KENT-SMITH: Yes. So --

14 MR. DRILL: Let's just ask Nick --
15 after I get everyone sworn in I'm just going
16 to ask you to confirm you're agreement on
17 these even though we already spoke.

18 MR. KENT-SMITH: So just for the
19 Board's edification --

20 MR. NORDEL: I just want to clarify the
21 16 and 25, can you just repeat that again?
22 So it's 25 feet is that's you're accepting
23 the commercial zone, right? I just want you
24 to clarify.

25 MR. KENT-SMITH: Just commercial.

1 MR. NORDEL: Okay. Thank you.

2 MR. DRILL: Not the residential
3 correct, you're complying with residential.

4 MR. KENT-SMITH: Yes, we are complying
5 with the residential.

6 So the hearing tonight I will be
7 presenting quite a few witnesses and I'll
8 just go right through who I'll be presenting
9 and in their order and what they're going to
10 talk about.

11 MR. DRILL: And go slowly.

12 MR. KENT-SMITH: My first witness will
13 be James Rhatican. He is with Hartz, he is
14 counsel with Hartz, and he will be
15 discussing with this Board some of the
16 operational issues the Board has raised as
17 well as, a couple of other issues related to
18 how the affordable housing will be provided.

19 MR. DRILL: He's a fact witness not an
20 expert, correct?

21 MR. KENT-SMITH: Fact. Fact.

22 MR. DRILL: Okay.

23 MR. KENT-SMITH: The rest of my
24 witnesses are all experts. Zack Chaplin who
25 is with Stonefield Engineering, is a

1 professional site design engineer who has
2 prepared the site plans and will review
3 those with the Board as well as, the
4 subdivision.

5 I have landscape architect David
6 Lustberg. He's going to talk specifically
7 about the open space area. And landscaping
8 and all that, the amenities with related to
9 the open space.

10 We have two architects, one for the
11 commercial and one for the residential. The
12 commercial architect is Vince Antonacci and
13 the residential architect is
14 Bruce Englebaugh. Bruce Englebaugh is with
15 Minnow and Wasko and Vince you're in house
16 with Hartz? And Vince is inhouse with
17 Hartz.

18 Our traffic engineer is Matt Seckler,
19 he's with Stonefield Engineering. He will
20 address all the traffic issues.

21 And then our professional planner is
22 Keenan Hughes, he's with Phelps Price and
23 has prepared a community impact statement
24 and will provide planning testimony in
25 support of the relief we're requesting

1 tonight.

2 With that, Mr. Drill do you want to
3 swear in all witnesses?

4 MR. DRILL: I like to swear everyone in
5 so I don't have to worry about forgetting.
6 So can all of the Applicant witnesses that
7 Mr. Kent-Smith just mentioned stand up? Can
8 all the Board experts who are going to
9 participate -- so we have Nick Dickerson and
10 Jackie Dirmann, do we have anyone else here
11 from the Board tonight?

12 MS. LENAHAN: No.

13 MR. DRILL: We're eventually going to
14 have a traffic expert, correct, who is not
15 here tonight. Everyone already has their
16 hands raised. Very nice.

17 Does everyone swear or affirm the
18 testimony you're going to give in this
19 matter will be the truth, the whole truth,
20 nothing but the truth.

21 (All sworn confirmed I do.)

22 So let's start in the back and work our
23 way across each row like that. Identify
24 yourself. State your name, we already have
25 your designation from Mr. Kent-Smith.

1 MS. LENAHAN: Mr. Drill do they need to
2 be on the mic?

3 MR. DRILL: Here. Yeah. Put that on
4 and we'll pass it around.

5 MR. ANTONACCI: Vincent Antonacci
6 Junior.

7 MR. DRILL: And you are?

8 MR. ANTONACCI: Oh, I'm the inhouse
9 architect for Hartz Mountain.

10 MR. DRILL: And you're going to be
11 testifying on the architecture of the
12 residential site?

13 MR. ANTONACCI: No, the commercial,
14 commercial.

15 MR. ENGLEBAUGH: Good evening, Bruce
16 Englebaugh, E-N-G-L-E-B-A-U-G-H. I'm an
17 architect with Minnow and Wasko Architects
18 and I'll be testifying on the residential
19 portion.

20 MR. DRILL: Okay.

21 MR. LUSTBERG: Hi, David Lustberg,
22 L-U-S-T-B-E-R-G, and I'm with Arterial LLC
23 we're the landscape architect for the
24 residential site. And I'll be testifying in
25 regards to the open space.

1 MR. RHATICAN: Good evening, James
2 Rhatican, R-H-A-T-I-C-A-N, with Hartz
3 Mountain. As Mr. Kent-Smith identified,
4 I'll be a fact witness talking about some of
5 the operations of the project.

6 MR. CHAPLIN: Good evening, my name is
7 Zachary Chaplin, C-H-A-P-L-I-N, with
8 Stonefield Engineering. I will be
9 testifying as to the civil engineering and
10 site design of the complete project.

11 MR. SECKLER: Matt Seckler, that's
12 S-E-C-K-L-E-R, I'm with Stonefield
13 Engineering. And I'll be the traffic
14 engineer for the developer.

15 MR. DICKERSON: Nicholas Dickerson,
16 Board's planning expert.

17 MS. DIRMANN: Jackie Dirmann, for
18 Colliers engineering design for as a board
19 engineer.

20 MR. DRILL: And Nick just for the
21 record you're also with Colliers, correct?

22 MR. DICKERSON: That is correct.

23 MR. DRILL: And I take it that
24 Mr. Hughes is not here tonight.

25 MR. KENT-SMITH: No, Mr. Hughes is not

1 here tonight.

2 MR. DRILL: So when this gets continued
3 we've got to swear him in.

4 MR. KENT-SMITH: Yes.

5 So my first witness is Mr. Rhatican.

6 So Mr. Rhatican you are just
7 affirming that you are under oath and if you
8 can please explain to the Board your
9 relationship with Hartz, your relationship
10 with the property, and your role in this
11 application.

12 MR. RHATICAN: So my title at Hartz is
13 vice president of land use and development,
14 I'm also assistant general counsel.

15 MR. DRILL: Slow. Slow.

16 MR. RHATICAN: Assistant general
17 counsel and my primary job responsibility is
18 to manage the procurement of approvals for
19 development projects such as this. So I
20 work with a lot of government agencies at
21 the municipal state, county levels for that.
22 This particular project I've worked in one
23 capacity or another about five years on
24 this.

25 First -- some of you may remember the

1 applications on the property we petition the
2 town to designate it for redevelopment. And
3 then ultimately through when there was an
4 application for a flex space or flex
5 building that was about two years ago, I
6 think.

7 MR. KENT-SMITH: Yep.

8 MR. RHATICAN: So worked on that and
9 now here.

10 MR. KENT-SMITH: So in that role -- can
11 you just describe briefly the structure of
12 how Hartz owns these two pieces, they're two
13 different entities, correct?

14 MR. RHATICAN: Well, right now it's
15 only one entity. Historically when we
16 acquired the property it was set up and
17 split up in to a condominium, a commercial
18 condominium scheme of ownership. There
19 were, I believe, seven different units owned
20 in two different Hartz entities. In
21 anticipation of this project, we dissolved
22 the condominium and put the title in one
23 Hartz entity ultimately and we signed
24 redevelopment agreements with two other
25 Hartz entities. So once the subdivision is

1 perfected, the property will be conveyed --
2 the two properties will be conveyed two
3 separate Hartz entities; one an urban
4 renewal entity, that's the residential
5 project and one just a standard LLC, that's
6 the commercial project.

7 MR. DRILL: But right now Hartz
8 Mountain Industries, Inc., is the owner and
9 the Applicant; is that correct?

10 MR. RHATICAN: The Applicant I don't
11 know if -- I don't have the form in front of
12 me. The Applicant is Hartz Mountain. The
13 owners I believe is identified in the papers
14 I don't have in front of me I think it's 751
15 Holdco, LLC.

16 MR. DRILL: I'm reading from
17 Mr. Kent-Smith's letter it says, owner. So
18 it's some other entity that's the owner.

19 MR. NORDEL: It's 750.

20 MR. RHATICAN: I'm sorry.

21 MR. NORDEL: It's 750 Walnut
22 Development LLC.

23 MR. RHATICAN: That's correct. I'm
24 sorry, I misspoke about the name but that's
25 correct.

1 MR. KENT-SMITH: So it is Hartz's
2 intent, then, to conform with the
3 redevelopment plan for each of one of these
4 entities?

5 MR. RHATICAN: That's correct.

6 MR. KENT-SMITH: Okay. So let's go
7 through there's some questions that the
8 Board and their consultants have raised
9 relative to the operation and maintenance of
10 this property once it is developed and
11 constructed.

12 Can you describe -- let's do the easy
13 stuff like trash, recycling, how is that
14 going to be accomplished?

15 MR. RHATICAN: Well, through private
16 third parties. The commercial project will
17 be managed directly by Hartz. And the
18 residential project we will have a third
19 party residential property manager that we
20 use for all of our residential projects
21 called -- name of the company is Greystar,
22 it's a national third party residential
23 management company. And so they'll have the
24 management contract and they'll contract
25 with whomever they choose is appropriate for

1 trash and recycling.

2 MR. KENT-SMITH: And there are certain
3 standards in the redevelopment plan related
4 to recycling, the amount of recycling, also
5 things like energy efficiency with the
6 washer/dryer and that stuff. Hartz' intent
7 is to comply with all of those elements?

8 MR. RHATICAN: That's correct. The
9 redevelopment plan goes into great detail on
10 a lot of those elements and Hartz will
11 comply.

12 MR. KENT-SMITH: Okay. And then snow
13 removal, who will responsible for snow
14 plowing and that kind of stuff?

15 MR. RHATICAN: As with the trash and
16 recycling it will be a third party, a
17 private third party contractor that in the
18 example of the commercial project Hartz will
19 retain directly. In the example of the
20 residential project, our third party manager
21 will retain somebody. May very well be the
22 same company, but we leave that to our
23 residential property manager.

24 MR. KENT-SMITH: Now, because the
25 property is going to be subdivided it will

1 be two different entities owning it, how
2 would Hartz memorialize its agreement
3 between those two property owners as to all
4 of these various elements that are required
5 for maintenance and the operation of this
6 property; how would you do that?

7 MR. RHATICAN: Again, it's two
8 different Hartz entities, we'll own two
9 distinct properties. Obviously they'll be
10 related entities same people involved. But
11 for the types of the operations we've
12 already described to be totally separate
13 although they'll operate separately there
14 will be certain things, like, storm water
15 management and the open space maintenance
16 that we would -- in all likelihood draft up
17 some sort of operations document that would
18 be both entities would be party to it, it
19 would get recorded so -- and we're not going
20 to sell the properties but I know someone
21 raised an issue and wanted to review
22 reports. And we would make it of record so
23 that's it's evident to the public that, how
24 it would be managed going forward.

25 MR. KENT-SMITH: So we are stipulating

1 that we would provide as a condition that
2 any action this Board takes -- well, what I
3 call it a declaration, that declaration that
4 establishes the various maintenance
5 obligations and responsibilities of each of
6 the property owners in this development and
7 that would be submitted to the Board.

8 Another issue that has been raised
9 is, how does Hartz intend to phase the
10 development and construction of this
11 project?

12 MR. RHATICAN: Well, we intend to start
13 on both projects as soon as we get the
14 approvals and building permits. So we're
15 really anxious to break ground on both
16 projects. We understand that the town
17 committee any way would very much like us to
18 start on the commercial project first so
19 we're willing to do that. In fact, I think
20 that's memorialized in one of the
21 redevelopment agreements that we signed. We
22 are willing to do that we'll start on the
23 commercial project first and then whether
24 it's the next day or very quickly thereafter
25 start on the residential project. The

1 commercial project we expect will take
2 about, you know, there's always variables
3 like weather and things of that nature but
4 12 to 14 months to construct. The
5 residential probably 22 to 24 months to
6 construct.

7 MR. KENT-SMITH: And with regard, then,
8 to the phasing, we could memorialize how
9 that phasing occurs through the site design
10 plan process to show you're going to do this
11 first and then that?

12 MR. RHATICAN: Sure. If the Board
13 wants that level of detail.

14 MR. KENT-SMITH: So then we defer to
15 the Board in terms of.

16 MR. DRILL: In other words, you're
17 suggesting the Board could impose a
18 condition that requires a phasing plan for
19 review and approval?

20 MR. KENT-SMITH: Yeah, I believe that's
21 what the Board had requested through staff
22 comments.

23 MR. DRILL: I mean, a phasing plan
24 wouldn't literally have the first phase
25 starting on a Monday and the second phase

1 starting on a Tuesday, would it?

2 MR. RHATICAN: Look, ideally again as I
3 said we would like to construct both
4 projects simultaneously we have the capacity
5 to do it.

6 MR. DRILL: I understand. But we'll
7 have -- which ever professional raises it
8 and I'm sure we'll have questions about that
9 once we get there.

10 MR. KENT-SMITH: Right. And relative
11 to how the construction sequencing does
12 occur effectively there are certain elements
13 of this project that are mutual and that's
14 storm water management. The storm water
15 design does somewhat standalone but not
16 totally. And we do rely on common best
17 management practices of storm water
18 attenuation. So that because you have to
19 start storm water first that's just the way
20 it is you always have to address your storm
21 water right off the bat we probably will
22 show that we're gonna be doing for phase 1,
23 phase 2, all of the storm water improvements
24 then proceeding through. Because you can't
25 even begin to do any impoverish coverage

1 until your storm water system is in place.

2 So that type of -- Mr. Drill to
3 answer your question, it really will go in a
4 single sequence for the storm water because
5 it needs to be that way in order for the
6 storm water system to work.

7 MR. DRILL: It might be a three-phase
8 or a four-phase it might not be two phase.

9 MR. KENT-SMITH: You're right.

10 MR. RHATICAN: Just to clarify for
11 example, I believe that the commercial
12 project will be on pilings so that could be
13 done first and the -- and the storm water
14 and other site work done either
15 contemporaneously or after that's done. I
16 don't remember the --

17 MR. KENT-SMITH: We can show that on a
18 plan.

19 MR. RHATICAN: Right. I'm happy to lay
20 all that out for you.

21 MR. NORDEL: The declaration that
22 you're providing for the phasing will be as
23 detailed as possible for the Board to review
24 and the timeline of how the construction is
25 going to take place, right? Like you will

1 explain step by step.

2 MR. KENT-SMITH: I don't see a reason
3 why we couldn't do that.

4 MR. NORDEL: Thank you.

5 MR. KENT-SMITH: So another crucial
6 element to this proposal is the affordable
7 housing on the residential side. Has Hartz
8 operated inclusionary developments with
9 affordable housing?

10 MR. RHATICAN: Yes, we have. Through
11 our third party property manager, yes we
12 have. We currently own a number of
13 properties that include an affordable
14 housing component.

15 MR. KENT-SMITH: So then Hartz has
16 experience with how affordable housing units
17 are marketed, how tenant selection goes,
18 you're familiar with the HMFA deed
19 restrictions relative to what your maximum
20 permissible rentals are for each of the
21 various income tiers so you're familiar with
22 all that?

23 MR. RHATICAN: Yes.

24 MR. KENT-SMITH: So then what would be
25 your intent and this is actually a question

1 for the Board, I looked on your website and
2 I did not see affordable housing
3 administrator, does Cranford have?

4 MAYOR PRUNTY: Yes.

5 MR. KENT-SMITH: You do. So then you
6 would be able to work through the affordable
7 housing administration in the township
8 relative to your marketing plan and tenant
9 selection and all that?

10 MR. RHATICAN: That's common in our
11 experience.

12 MR. KENT-SMITH: Okay. All right. So
13 that would be our intent. And just to
14 confirm for the record, the affordable
15 housing units are distributed as 8 three
16 bedroom, 24 two bedroom, 6 one bedroom --

17 MR. DRILL: Wait, wait. Slow down.

18 MR. RHATICAN: Too fast for me too.

19 MR. KENT-SMITH: I'm sorry. There will
20 be 8 three bedroom units, there will be 24
21 two bedroom units, and there will be 6 one
22 bedroom units. Our project architect will
23 detail where those units are in the two
24 residential buildings.

25 MR. RHATICAN: That is correct. And

1 those are otherwise stipulated by the
2 affordable housing rules.

3 MR. DRILL: And those affordable units
4 are integrated in the project, correct?

5 MR. KENT-SMITH: They are and when you
6 see the architectural floor plans you'll see
7 how they are integrated.

8 Just a couple other issues. Signage,
9 how does Hartz operate in terms of signage,
10 what are you looking for here?

11 MR. RHATICAN: Well, for both projects
12 we propose a monument sign at Walnut Avenue,
13 signs that would comply. I think the
14 signage that we showed on our plans are
15 large -- two large but we'll comply with the
16 requirements for the monument signage.

17 On the commercial project I think the
18 ordinance permits one on each building. One
19 sign -- façade sign per tenant so we would
20 comply with that. There might be some
21 directional signage interior to both sides
22 but that would all comply with the ordinance.

23 MR. DRILL: Quick question on that
24 signage. There was item 4, in your letter
25 to me dated July 19, we neglected to deal

1 with that. That was the -- Mr. Dickerson
2 raised the question about the free standing
3 monument sign, in the letter you said,
4 you're going to comply with the monument
5 sign area and height requirements. You
6 intend to provide single tenant
7 identification sign for each commercial
8 building, that's correct, right?

9 MR. KENT-SMITH: Yes.

10 MR. RHATICAN: We just said that, yes.

11 MR. DRILL: Okay. But that's item 4.

12 MR. KENT-SMITH: That is correct.

13 MR. RHATICAN: Absolutely.

14 MR. DRILL: As a condition of approval,
15 so the Board will approve.

16 MR. KENT-SMITH: Yes. Now, one of the
17 major issues that we had ongoing discussions
18 with relates to how we interplay this
19 proposed development with the residential
20 neighborhood directly across Walnut from
21 this property. Have you started the process
22 of discussions or authorized Mr. Seckler to
23 start discussions with the county?

24 MR. RHATICAN: Yes. In fact, I
25 participated in a telephone conference,

1 Mr. Seckler might have to tell when he
2 testifies, I don't remember what it was. It
3 was several months ago with county
4 representatives, in fact, the boards traffic
5 consultant participated in that and since
6 then I believe Mr. Seckler, our traffic
7 consultant, and the boards consultant have
8 had communications with the county
9 engineering staff.

10 MR. KENT-SMITH: And therefore we will
11 be presenting a pedestrian circulation plan
12 between -- for the Walnut Avenue corridor
13 hopefully in advance of the August 17th
14 hearing.

15 MR. RHATICAN: Yeah. That's our --

16 MR. KENT-SMITH: That will be good.

17 MR. RHATICAN: Our intent of course is
18 all going to be subject to the county's
19 approval.

20 MR. KENT-SMITH: And in the
21 redevelopment plan as well as in the
22 township traffic consultants report, there
23 are some recommendations relative to
24 off-track improvements that Hartz will be
25 looking to install on the residential

1 neighborhood across the street for the
2 purpose of traffic calming.

3 MR. RHATICAN: Right. In fact, that
4 was discussed with the governing body a
5 month or so ago when it passed on the
6 project as consistent with the redevelopment
7 plan. There was some questions about that I
8 addressed that we're happy to comply with
9 the -- Mr. Rashad's proposals with respect
10 to that but we understand the Board may not
11 want to adopt all of those proposals. So
12 we'll do I guess what the Board prefers.
13 Certainly with respect to traffic signal
14 we'll make those upgrades. Traffic signal I
15 think we're all in agreement, we'd get
16 upgraded that's at Raritan and Walnut. But
17 there was some traffic calming measures in
18 the neighborhood across Walnut there may be
19 some further discussion on but whatever the
20 Board likes us to do.

21 MR. DRILL: I assume that traffic
22 discussion is gonna be not at this hearing
23 session but August 17th when Mr. Rashad is
24 here; is that correct?

25 MR. RHATICAN: Yes. Yes.

1 MR. KENT-SMITH: Mr. Seckler is here
2 just to listen.

3 MR. DRILL: Correct. Yeah.

4 MR. KENT-SMITH: But the answer's yes.
5 So at this juncture I don't have any further
6 direct questions for Mr. Rhatican and I
7 would submit him to questions.

8 MR. NORDEL: Are there questions from
9 members of the Board?

10 MR. LEBER: How -- could you help me
11 understand how you're going to address with
12 two entities the common areas such as
13 maintenance of storm water?

14 MR. RHATICAN: Well, as we explained
15 earlier there would be a storm water
16 operating manual or plan that would be
17 prepared and presented to your engineer for
18 his or her approval. The storm water
19 management would also be subject to the
20 declaration that Mr. Kent-Smith described a
21 short while ago that would get recorded
22 against the property. So I hope that
23 answers your question.

24 MR. KENT-SMITH: In other words, though
25 the declaration would establish who has what

1 part.

2 MR. RHATICAN: Yes. More specifically
3 it would be a Hartz entity that would be
4 responsible for maintaining the storm water
5 system. It would not be our third party
6 residential property manager.

7 MR. LEBER: Thank you.

8 MR. NORDEL: Just to clarify, you would
9 be going further deep diving into that with
10 other experts explaining storm water and all
11 that?

12 MR. RHATICAN: Absolutely, yes.

13 MR. NORDEL: Thank you.

14 MS. SEN: I got a couple questions. I
15 think the bulk of my questions related to
16 community impact statement I'm assuming
17 you're not available to answer those
18 questions today.

19 MR. DRILL: He's not the right guy.

20 MR. KENT-SMITH: Yeah. So we have two
21 people that will answer. Mr. Chaplin will
22 talk about the Stonefield impact statement.
23 Mr. Hughes will talk about his community
24 impact statement because we actually have
25 two different ones.

1 MS. SEN: So my question relates to --
2 you mentioned there were two separate
3 corporate entities that own this related to
4 Hartz?

5 MR. DRILL: That will own it.

6 MS. SEN: That will own it. I was just
7 curious who gets sued? So if the tenant
8 wants to sue what entity or if the town
9 wants to sue the entity you know what, you
10 know what sort of the is there --

11 MR. RHATICAN: I mean, I guess it would
12 depend on what kind of lawsuit you're
13 talking about.

14 MR. DRILL: How about this, can you
15 mention again which is the corporate entity
16 that will own the residential at the
17 subdivision.

18 MR. RHATICAN: The name of it I believe
19 is 750 Walnut Residential Urban Renewal
20 entity or just Urban Renewal LLC. And then
21 the commercial property owner will be after
22 the subdivision's perfected, 750 Walnut -- I
23 think it's logistics LLC. But to answer the
24 question, you know, if you're talking about
25 an injury that takes place it could be the

1 property owner of that particular property.
2 If you're talking about a breach of lease it
3 would be again the property owner for that
4 particular property.

5 MS. SEN: But what about -- like, I'm
6 just trying to figure out the corporate
7 structure. So is the parent company Hartz
8 and then there are these multiple LLC's
9 cause sometimes -- you know, it's hard for
10 people to be able to seek justice if they
11 sue or have a problem and sometimes it's
12 hard for them to figure out who owns what.
13 And so I was just curious corporate wise.

14 MR. DRILL: I assume after the
15 subdivision that these two entities will be
16 on the deed that will be recorded with the
17 county.

18 MR. RHATICAN: That's correct.

19 MR. DRILL: As the owner of each of
20 these properties.

21 MR. RHATICAN: That's correct.

22 MS. SEN: And you don't know who that
23 will be at this stage? Like who's the
24 parent company?

25 MR. RHATICAN: I just named them.

1 MR. DRILL: No, they do.

2 MS. SEN: Okay. The 750 Walnut LLC.

3 Okay.

4 MR. RHATICAN: Those are entities that
5 are created and established and existing now
6 they just don't own the property yet.

7 MS. SEN: Okay.

8 MR. DRILL: Because legally --

9 MS. SEN: Can you explain that?

10 MR. DRILL: I'll ask Mr. Kent-Smith,
11 legally you can't sell any portion of the
12 property before it's subdivided or you're
13 violating the law, correct?

14 MR. KENT-SMITH: All of that is
15 correct.

16 MR. DRILL: So they need subdivision
17 approval before they can transfer ownership
18 to the two entities that you have already
19 created; is that correct?

20 MR. RHATICAN: That is correct. I will
21 add that those two entities have signed
22 redevelopment agreements with the town for
23 those two respective properties.

24 MS. SEN: Thank you.

25 MR. NORDEL: I realize that we're early

1 on in the presentation but do our board
2 professionals have any questions in this
3 stage? Mr. Dickerson?

4 MR. DICKERSON: Okay. So just looking
5 through my letter I believe most of the
6 questions were addressed.

7 MR. DRILL: Mr. Dickerson your letter
8 dated?

9 MR. DICKERSON: Yes. My letter dated
10 July 14, 2022.

11 MR. KENT-SMITH: I got it right here.

12 MR. DICKERSON: One of the questions
13 that was raised concerning the signage dealt
14 with I believe commercial signage cannot be
15 within a certain number of feet, 150 feet of
16 a residential zone. Will you need an
17 exception for that or will there be no
18 signage on the commercial buildings?

19 MR. RHATICAN: Probably have to ask a
20 civil engineer. We do propose signage on
21 the commercial frontage, monument sign as I
22 mentioned I couldn't tell you how far is
23 from the property line.

24 MR. DRILL: I thought that
25 Mr. Kent-Smith said they're going to comply.

1 MR. DICKERSON: I know with the
2 monument sign and with one PER tenant, but
3 there's also another provision in the C3
4 signage requirements that prohibits signage
5 within 150 feet of a residential zone.

6 MR. DRILL: Okay. So let's mark that
7 down and make a --

8 MR. KENT-SMITH: I didn't realize under
9 the C3 I was looking at the redevelopment
10 plan. We will need that because we'll have
11 a monument sign on Walnut and that will be
12 within a 150 feet of the residential zone
13 across Walnut.

14 MR. DICKERSON: I will double check if
15 it's for the monument sign or just for that
16 it might be just wall signs.

17 MR. KENT-SMITH: If it's wall signs it
18 will be over 150 feet from the residential
19 district opposite Walnut.

20 MR. DICKERSON: I guess the zone line
21 though to the north.

22 MR. KENT-SMITH: That I'd have to
23 figure out with our engineer.

24 MR. CHAPLIN: It's 100 feet.

25 MR. KENT-SMITH: It's 100 feet. To the

1 extent that there would be relief required
2 for the wall signage on the commercial
3 building facing the residential and
4 subdistrict one that we would need relief
5 and we would request that.

6 MR. DRILL: I'm going to ask you after
7 this hearing session concludes before the
8 next one but the shortly after this one
9 concludes maybe by the end of the week to
10 send an updated letter.

11 MR. KENT-SMITH: Yes.

12 MR. DRILL: With the relief that is
13 required in order for the Board --

14 MR. KENT-SMITH: Will do.

15 MR. DRILL: -- to be in the position to
16 grant the application.

17 MR. KENT-SMITH: Yep. And Mr. Hughes
18 would testify on each one of these
19 affirmative relief.

20 MR. DRILL: I assume you're going to
21 give a copy of this transcript to
22 Mr. Hughes.

23 MR. KENT-SMITH: Absolutely.

24 MR. DICKERSON: I think that covers it
25 for this witness on my end. I believe most

1 of my questions relating to either the
2 phasing or the separation of
3 responsibilities I'll ask of the landscape
4 architect and the engineer.

5 MR. NORDEL: Miss Dirmann.

6 MS. DIRMANN: I don't know if you're
7 the right person to talk about the flex
8 space and what that means. What is --

9 MR. RHATICAN: Flex space generally
10 means that it's not a full high ceiling,
11 high clearance warehouse like a 40-foot
12 clear warehouse or more which is standard
13 these days. It's space that is flexible as
14 the name suggests that you can have a
15 variety of users. It could be storage, it
16 could be light distribution, it could an
17 office, it could be a wholesaler, so it's
18 really variety of uses that --

19 MR. DRILL: Put it this way, any of the
20 uses will all be permitted uses.

21 MR. RHATICAN: Absolutely.

22 MR. DRILL: You're not promoting any
23 prohibited uses, are you?

24 MR. RHATICAN: The point is the
25 building's going to sub divided in any which

1 way they might not even be industrial user
2 you might have an engineering firm that
3 decides to set up shop in one of the spaces.
4 But the building is developed and built in a
5 way that it's available for a variety of
6 users. We don't expect because it's, again,
7 lower ceiling building it's not gonna be a
8 high --

9 MR. DRILL: When you say lower ceiling
10 what is the height of floor to the under
11 side --

12 MR. RHATICAN: Better question to the
13 architect. I believe it's 28 feet but the
14 architect can better answer that question.
15 But the point is we are not expecting --
16 this is not like heavy tractor trailer
17 traffic type of operation.

18 MR. DRILL: It's not -- is it a
19 warehouse?

20 MR. RHATICAN: Well, it might be a
21 warehouse.

22 MR. DRILL: Accessory warehouse to a
23 permitted use, not a primary warehouse.

24 MR. RHATICAN: It could be a primary
25 warehouse. It could be -- it's a primitive

1 use.

2 MR. DRILL: I'm just going to ask
3 Mr. Dickerson, unless you have an objection,
4 could he read the permitted uses allowed in
5 the redevelopment zone?

6 MR. KENT-SMITH: What's that?

7 MR. DRILL: Can I have him read --

8 MR. KENT-SMITH: Yes.

9 MR. DRILL: -- permitted uses in the
10 redevelopment zone?

11 MR. KENT-SMITH: Yes, please.

12 MR. DRILL: And Nick indicate where in
13 that redevelopment plan you're reading from.

14 MR. DICKERSON: Certainly. So there is
15 two subdistricts. Subdistrict one, is the
16 residential subdistrict and the permitted
17 principle uses are; dwelling, multi-family
18 and privately owned public open space.

19 Would you like the accessory uses as
20 well?

21 MR. DRILL: No, I just want the
22 principle uses.

23 MR. DICKERSON: Okay. And then
24 subdistrict two, the commercial and
25 industrial subdistrict the permitted

1 principle uses are; ambulatory healthcare
2 services, limited assembly, office
3 executive --

4 MR. DRILL: Go slow yourself.

5 MR. DICKERSON: Office executive
6 corporate headquarters; office professional
7 business administrative; office distribution
8 centers; privately owned public open space;
9 research laboratory; and self storage.

10 MR. DRILL: So, I don't see as a
11 principle permitted use, warehouse.

12 MR. RHATICAN: Well, I think if you
13 look at your ordinance definition of office
14 distribution center I believe it's a
15 distribution facility with no more I think
16 it's ten percent of the area being office.

17 MR. DRILL: Can you read that?

18 MR. DICKERSON: I'm pulling the code
19 right now.

20 MR. RHATICAN: The point being this is
21 not your big box type of warehouse operation
22 but it could be a smaller distribution
23 facility.

24 MR. DRILL: That's what I wanted to
25 confirm.

1 MR. DICKERSON: Is that the office
2 distribution centers.

3 MR. KENT-SMITH: Yes.

4 MR. DICKERSON: Okay. Office
5 distribution centers includes the
6 warehousing and distribution of goods
7 provided up to ten percent of the gross
8 floor area of any office distribution center
9 may be used for executive or administrative
10 office ancillary to the warehouse and
11 distribution uses. Warehousing and office
12 distribution centers shall not include the
13 storage of fuels, hazardous materials,
14 hazardous waste, highly flammable liquids or
15 gases or petrochemical products. All
16 warehousing and the storage of goods shall
17 be conducted entirely within enclosed
18 structures and buildings. "Office
19 distribution centers," shall not include
20 mini warehouses or similar uses, or truck
21 depots or similar uses.

22 MR. DRILL: Thank you. Sorry for the
23 interruption.

24 MR. KENT-SMITH: At this point I am now
25 open to any and all questions to this

1 witness.

2 MR. NORDEL: I think Ms. Dirmann has
3 some questions.

4 MS. DIRMANN: I actually do have a
5 follow-up on that. Is there a potential for
6 multiple floors then?

7 MR. RHATICAN: No.

8 MS. DIRMANN: It's an office build --
9 some of those uses --

10 MR. RHATICAN: I don't -- that's
11 probably, again, a question for the
12 architect. I don't believe the ceiling
13 height would accommodate what is often known
14 or called mezzanine space --

15 MS. DIRMANN: Right. Okay.

16 MR. RHATICAN: -- but you'd have to talk
17 to the architect about that.

18 MS. DIRMANN: Okay. Thank you.

19 MR. NORDEL: Does that conclude
20 questions from all local officials? Okay.
21 Good. I just had one clarifying question,
22 at the beginning, so when construction does
23 take place, at the beginning you talked
24 about -- I mean, you'll have a construction
25 waste management diversion plan that's

1 already laid out, I just want -- can you
2 speak about that a little bit? During that
3 phase you have a contractor that will take
4 care of that?

5 MR. RHATICAN: We submitted a plan. We
6 would comply with the plan that we
7 submitted. It would be a third party
8 private contractor that would remove all the
9 construction debris to licensed facilities,
10 not on the property obviously.

11 MR. NORDEL: All right. So we now open
12 it up to the members of the public that wish
13 to ask questions of this witness.

14 MR. DRILL: The questions of this
15 witness, like, the chair said in the
16 beginning, go witness by witness anyone with
17 questions for this witness come on up you
18 can grab that microphone that the applicants
19 attorney has. You have to identify yourself
20 nice and loud, your address and just speak
21 slowly for us taking notes we can take
22 notes.

23 MR. ROETTKER: My name is Tom Roettker
24 R-O-E-T-T-K-E-R. 347 South Union Avenue in
25 Cranford. Two questions, you're not

1 anticipating commercial space to have any
2 retail?

3 MR. RHATICAN: It's not permitted use I
4 don't think, we just read off the uses, so
5 no.

6 MR. ROETTKER: Okay. This is more to
7 the Board at this point, is there a
8 redevelopment --

9 MR. DRILL: These are questions for the
10 witness not questions for the Board.

11 MR. ROETTKER: The anticipated
12 companies that are going to own the
13 property, I assume they are limited
14 liabilities companies.

15 MR. RHATICAN: Yes, one is an urban
16 renewal.

17 MR. ROETTKER: Right, but a limited
18 LLC?

19 MR. RHATICAN: Correct.

20 MR. ROETTKER: And 100 percent owned by
21 Hartz Mountain Corporate?

22 MR. RHATICAN: I don't know it's
23 pertinent to get into the corporate
24 structure of the ownership.

25 MR. ROETTKER: So it could be multiple

1 members here in these entities?

2 MR. RHATICAN: It could be.

3 MR. ROETTKER: And Hartz Mountain
4 Industries Corporate may not be a majority
5 owner.

6 MR. RHATICAN: They are all -- I'll
7 tell you what, I'll answer it this way.
8 Both entities will be 100 percent owned by
9 one Hartz Mountain entity or another.

10 MR. ROETTKER: Which is, again, owned
11 by Hartz Mountain Industries?

12 MR. RHATICAN: Ultimately.

13 MR. ROETTKER: That's all I had, thank
14 you.

15 MR. NORDEL: Any other members of the
16 public that wish to come up, please?

17 MR. COLLINS: Thank you, Mr. Rhatican
18 for coming tonight.

19 MR. DRILL: We don't even know you.
20 Your name, your address?

21 MR. COLLINS: I'm sorry can you hear me
22 now?

23 MR. DRILL: Now we can.

24 MR. COLLINS: My name is George
25 Collins. I live at 5 Bennett Place, right

1 cross the street. So my question for you
2 Mr. Rhatican is, you mentioned about -- I'm
3 a tractor trailer driver, so you mentioned
4 that you didn't see tractor trailers coming
5 from that facility or this commercial space,
6 is that what you're saying?

7 MR. RHATICAN: That may be the case but
8 we don't anticipate that it would be a high
9 volume of traffic given the nature of the
10 use. Again, it's not like a high speed
11 warehouse where it's all tractor trailers
12 coming in and out.

13 MR. COLLINS: Okay. So let me ask you
14 a question, are you building loading docks?

15 MR. RHATICAN: Yes.

16 MR. COLLINS: Okay. So in order to
17 park at a loading dock and you're bringing
18 goods to the loading dock, you usually come
19 by truck because the loading dock is up
20 higher so you need a truck, right?

21 MR. RHATICAN: Yeah. But it could be a
22 variety of types of trucks.

23 MR. COLLINS: So if we're going to have
24 commercial space and it's warehousing, me
25 being a tractor trailer driver, I'm assuming

1 that these loading bays are going to be made
2 for tractor trailer, correct?

3 MR. RHATICAN: You can talk to our
4 civil engineer, but that is my
5 understanding.

6 MR. DRILL: Mr. Rhatican, we're not
7 hearing you.

8 MR. RHATICAN: I'm sorry. I'm trying
9 to look at the witness --

10 MR. DRILL: You have to enunciate
11 though.

12 MR. RHATICAN: I keep turning my back
13 to the witness.

14 MR. COLLINS: You tell me where you
15 want me to go.

16 MR. RHATICAN: Well, I think I said
17 that there would be a variety of trucks. As
18 far as the design you'd have to talk to our
19 civil engineer it is designed to accommodate
20 tractor trailers.

21 MR. COLLINS: That was my question,
22 because you minimized it -- it appeared to
23 me that you were minimizing that there
24 weren't going to be any tractor trailers and
25 it was basically straight jobs what we call

1 straight jobs.

2 MR. RHATICAN: I don't want to say
3 there is no tractor trailers. My point is
4 this is not a large 40-foot clear, high cube
5 warehouse where there's going to be a heavy
6 volume of tractor trailer traffic.

7 MR. COLLINS: Would a 24 foot high
8 ceiling warehouse the tractor trailer stays
9 outside the warehouse and unloads the goods.
10 And the reason that I'm bringing this up,
11 again, is the impact on traffic.

12 MR. NORDEL: Just allow him to answer
13 that first part of that question.

14 MR. RHATICAN: I wasn't sure it was a
15 question it sounds like it's a statement.

16 MR. NORDEL: It's a statement. We just
17 have to state questions. Did he answer your
18 question as to the tractor trailer, do you
19 feel like he sufficiently answered your
20 question? Because you're starting to
21 venture into a statement and we are just
22 answering questions right now.

23 MR. COLLINS: I'll layoff the traffic
24 situation for now. But my point is that,
25 would 24-foot high ceilings tractor trailers

1 usually would park outside and unload their
2 goods, would you agree with that?

3 MR. RHATICAN: I don't -- I can't say
4 honestly because we don't have a lot of
5 buildings that are 24 feet most of our
6 buildings are up to 40 feet or 36 feet
7 variety. So personally I don't know. That
8 may very well the case. I don't know.

9 MR. ROETTKER: It is as a tractor
10 trailer driver and as a delivery guy and I
11 deliver, it is accessible. So I'll just say
12 that. Thank you for answering my question.

13 MR. DRILL: Can I just ask a follow-up
14 question? The office distribution center
15 definition which Mr. Dickerson read, has the
16 sentence that says, "all warehousing storage
17 of goods shall be conducted entirely within
18 the enclosed structures and buildings." I
19 think his question is, when a tractor
20 trailer pulls up to load or unload how --
21 explain how that's-- that operation is gonna
22 be conducted entirely within and enclosed
23 structure of the building. I assume there's
24 gonna be some sort of -- I forget the name
25 --

1 MR. ROETTKER: Loading dock.

2 MR. RHATICAN: Loading dock.

3 MR. DRILL: Yeah. But what is it
4 called? At a loading dock you have these
5 things.

6 MR. KENT-SMITH: Dock seals.

7 MR. DRILL: Dock seals. Do the plans
8 show dock seals so when the truck backs up
9 no light no sound no rain can get in or is
10 the truck just backing up --

11 MR. RHATICAN: You'd have to talk to
12 the architects. I don't know the answer to
13 that question but I would say that's not --
14 there you go, our architect says, yes. But
15 you'll hear his testimony.

16 MR. DRILL: That may answer your
17 question.

18 MR. COLLINS: Okay. I might have one
19 more question. I didn't see the layout of
20 the commercial space but if it's 53-foot
21 tractor trailer, is there enough room for
22 this guy to turnaround and back in and is it
23 compliant to that?

24 MR. RHATICAN: That you're going to
25 have to ask the civil engineer. He designed

1 it so you have to ask him that question.

2 MR. ROETTKER: That will be important
3 too. Thank you.

4 MR. NORDEL: Thank you. I believe
5 there is another member of the public coming
6 up.

7 MS. ESPOSITO: Hi, Christine Esposito,
8 11 Bennett Place. Christine Esposito, 11
9 Bennett Place. Is there any documentation
10 about the discussion you had with the county
11 regarding the traffic? Notes from that
12 meeting or anything to that?

13 MR. RHATICAN: I mean, I've got my
14 personal notes I am sure everyone has their
15 personal notes. I don't remember if there
16 was any minutes distributed that I don't
17 remember but there will be other people
18 testifying including the boards traffic
19 consultant.

20 MS. ESPOSITO: So has there been an
21 understanding between the county and your
22 site plan designers in terms of what's
23 required?

24 MR. RHATICAN: Well, again probably a
25 better question for the traffic consultant.

1 I only participated in one of the
2 conversations there were other conversations
3 after that initial one. My understanding is
4 that, it's still being worked through the
5 county wants to look at a layout that
6 includes crossings, things of that nature.
7 So that will be presented to the county in a
8 more formal way and the county would
9 ultimately tell us, yay or nay, after that.

10 MS. ESPOSITO: And that comes after the
11 site plan is approved? Or does that come
12 before the site plan is approved?

13 MR. RHATICAN: Probably comes after.

14 MS. ESPOSITO: Lastly, this is one 750
15 Walnut, what's my address if I live there
16 and what's my address if I work there.

17 MR. RHATICAN: That's ultimately going
18 to be coordinated with the tax assessor.
19 But it would probably be -- you know what,
20 the answer is, I don't know. It would be a
21 Walnut Avenue address and it would probably
22 be apartment --

23 MR. DRILL: If you don't know just say
24 you don't know.

25 MR. RHATICAN: I told enough witnesses

1 that over the years in my own capacity. My
2 answer is, I don't know.

3 MS. ESPOSITO: I just wanted to
4 establish nothing in terms of the roadways
5 that are being added into that development
6 would eventually become a street.

7 MR. RHATICAN: It wouldn't become a
8 public street.

9 MS. ESPOSITO: It wouldn't be a public
10 street. It wouldn't have a private name
11 where it's Hartz Drive?

12 MR. RHATICAN: No, it's a driveway.

13 MS. ESPOSITO: It would be just a
14 driveway entrance into this subdivision --

15 MR. RHATICAN: Yes.

16 MS. ESPOSITO: -- not a street.

17 MR. RHATICAN: Certainly not a public
18 street.

19 MS. ESPOSITO: Thank you.

20 MR. NORDEL: Are there any other
21 members of the public?

22 MS. LABRUTTO: Rita LaBrutto, 104
23 Arlington Road. Just to comment, Mr. Drill,
24 you mentioned that the reports were on the
25 townships website.

1 MS. LENAHAN: They are.

2 MS. LABRUTTO: Not under the
3 redevelopment tab, though.

4 MR. DRILL: Under 750 Walnut.

5 MS. LABRUTTO: Okay. All right.

6 MR. DRILL: That's an exception for you
7 to ask me a question. All right. The
8 question should go to them.

9 MS. LABRUTTO: So the one question I
10 have is, you mentioned ambulatory care as a
11 permitted use, do you have any idea of what
12 hours you think this ambulatory care would
13 be in operation.

14 MR. DRILL: I'm not answering questions
15 for him. Nick Dickerson read that as a
16 permitted use. Okay. He didn't say they
17 are proposing ambulatory care. Nick said --
18 I asked him can you please read the
19 principle use -- the principle permitted
20 uses residential and commercial and he said,
21 accessory also and I said, no no just
22 permitted uses and then, he read off
23 principle uses and ambulatory care was one
24 of them.

25 MS. LABRUTTO: And as a principle

1 permitted use do you see ambulatory care as
2 a 24-hour care station with traffic coming
3 in and out of it or you don't -- you don't
4 limit the hours; if it's a permitted use it
5 can be 24-hours?

6 MR. DRILL: And if you don't know you
7 say you don't know.

8 MR. DICKERSON: I don't believe they
9 have any specific uses proposed as part of
10 this plan. And I don't believe there are
11 any standards in place in the redevelopment
12 plan that stipulates certain times of day.

13 MS. LABRUTTO: Okay. So it can be
14 24 hours?

15 MR. DRILL: Mr. Dickerson, if there's
16 no ordinance requirement restricting it the
17 less than 24 hours in your opinion could it
18 be 24 hours?

19 MR. DICKERSON: It could be without
20 looking at the other section of the code,
21 that would be correct.

22 MR. DRILL: My next thing would be,
23 look through other sections of the code not
24 right now but add that to your list of
25 things to do.

1 MR. DICKERSON: Will do.

2 MR. NORDEL: I also want to clarify,
3 Mr. Dickerson just enumerated the list of
4 principle uses out loud. He wasn't
5 suggesting that any of them were actually
6 going to take place, he was just enumerating
7 them to clarify what the principle uses were
8 but go ahead.

9 MS. LABRUTTO: Okay. The other thing
10 was, these 25-foot lights will they be
11 fronting -- where will they be located?

12 MR. KENT-SMITH: That's a question to
13 the engineer.

14 MS. LABRUTTO: Okay. And the fact that
15 you need 25-foot lights that's also a
16 question for him?

17 MR. RHATICAN: Yes.

18 MS. LABRUTTO: Okay. And if we think
19 the 25-foot lights would end up lighting the
20 basketball court, that's also I guess a
21 question for him.

22 MR. KENT-SMITH: That's a good
23 question.

24 MR. NORDEL: Could you please speak
25 into the mic.

1 MR. KENT-SMITH: Are you intending to
2 illuminate the basketball court?

3 MR. RHATICAN: The basketball court
4 itself will not be illuminated, I believe
5 we're proposing some light in the parking
6 area for safety purposes but not on the
7 court itself.

8 MS. LABRUTTO: So do you, again,
9 anticipate that the spillover from the
10 parking lot lights will end up lighting the
11 basketball court?

12 MR. RHATICAN: I don't think so --

13 MR. DRILL: Mr. Kent-Smith can't answer
14 the questions. Okay. The witness has to
15 answer the questions.

16 MS. LABRUTTO: Okay.

17 MR. DRILL: Mr. Kent-Smith you don't
18 even have the microphone, so she's hearing
19 you but we're not hearing you and your court
20 reporter's not hearing you. So you got to
21 let the witness answer the question.

22 MR. RHATICAN: And the answer is, I
23 don't think so but if you have to ask the
24 civil engineer.

25 MS. LABRUTTO: And if there were

1 teenagers hanging out on these basketball
2 courts who polices that?

3 MR. RHATICAN: Hartz will be managing
4 the property itself and I don't know what
5 the town's policy is on that. So I don't
6 know that I can answer the question.

7 MS. LABRUTTO: Are you aware that many
8 residents did not even want these basketball
9 courts? We don't understand how they even
10 got there.

11 MR. RHATICAN: We were asked to provide
12 them, that's all I know.

13 MS. LABRUTTO: Okay. Will the
14 community impact statement be updated to
15 include EMS, police, fire and the rest of
16 the impacts to the community?

17 MR. RHATICAN: I don't believe that's
18 planned.

19 MS. LABRUTTO: You don't believe that's
20 planned?

21 MR. RHATICAN: That's what I said.

22 MS. LABRUTTO: Okay. And that isn't
23 something I guess our planner -- I mean,
24 it's in the planners comments that it should
25 be updated.

1 MR. NORDEL: Can you repeat the
2 question just for the record?

3 MS. LABRUTTO: The community impact
4 statement the planner suggested -- I believe
5 it was the planner suggested in his report
6 that it should be updated to include impact
7 to EMS, police, fire and right now it shows
8 27 students. My question was, did they
9 intend to comply with that and update the
10 community impact statement?

11 MR. RHATICAN: I think our community
12 impact statement quantifies that impact, but
13 I guess we'd have to discuss that with the
14 author and Mr. Kent-Smith.

15 MS. LABRUTTO: Okay.

16 MR. DRILL: So put it this way, the
17 community -- if the report says that the
18 Board would want to see that updated before
19 it decides the application. That's not
20 something that the Board would say oh, that
21 can be a condition of approval. I just want
22 to make sure the applicants aware of my
23 opinion on that.

24 MS. LABRUTTO: Okay. I guess that's
25 it. I mean, yeah.

1 MR. RHATICAN: Okay.

2 MR. NORDEL: Next member of the public,
3 please?

4 MS. LEARY: Angela Leary, 4 Benard
5 Place. Mr. Rhatican you mentioned a little
6 bit about the commonalty and the management
7 of the storm water issues. What about the
8 berm? The berm has been for an eyesore for
9 many of us for many years.

10 MR. DRILL: Make it a question.

11 MS. LEARY: Who will be maintaining the
12 berm, which of the two entities will be
13 maintaining the berm or will it be Hartz
14 parent?

15 MR. RHATICAN: The berm itself will be
16 maintained by Hartz as the entity on the
17 commercial and then the -- our residential
18 property manager will be managing and
19 maintaining all the landscape features on
20 the residential side, except for the public
21 the park that's being proposed Hartz would
22 maintain that.

23 MS. LEARY: So the berm is going to be
24 managed by two different companies?

25 MR. RHATICAN: There will be a

1 demarkation as to their responsibilities,
2 but that's the intent right now.

3 MR. NORDEL: And the other company
4 being Greystar?

5 MR. RHATICAN: Correct. Greystar would
6 retain the landscaping firm.

7 MR. NORDEL: Just to clarify for the
8 question, Hartz will handle the berm and
9 then the landscaping and exterior is for
10 Greystar?

11 MR. RHATICAN: That's correct.

12 MR. NORDEL: Okay.

13 MS. LEARY: But Greystar -- it is my
14 understanding that Greystar will not be
15 maintaining the commercial berm, the berm on
16 the commercial end.

17 MR. RHATICAN: That's correct.

18 MS. LEARY: A comment is that makes
19 absolutely no sense.

20 MR. NORDEL: Is that the end of your
21 questions?

22 MS. LEARY: That's the end of my
23 question.

24 MR. NORDEL: Are there any other
25 questions from the public for this witness?

1 MS. RAPPA: I am sorry, I had one
2 follow-up question based on the public
3 question. When Ms. LaBrutto asked about the
4 basketball court and who would be in charge
5 of, I guess, policing that you said, Hartz
6 would be, is it -- would it be Hartz or
7 would it be the third party that you intend
8 on contracting?

9 MR. RHATICAN: There is no third party
10 on the commercial side. That's just the
11 residential side.

12 MR. NORDEL: Mr. Dickerson, just a
13 quick question, so as it relates to your
14 recommendations particularly for your
15 community impact statement, just to clarify
16 was there a recommendation that you issued
17 with the impact statement that was a good
18 question.

19 MR. DICKERSON: We did have some
20 comments related to the community impact
21 statement and I was going to address those
22 when the planner testified.

23 MR. NORDEL: There were some comments
24 related to that?

25 MR. DICKERSON: That's correct.

1 MAYOR PRUNTY: I have a question. I
2 think I am confused as Mrs. Leary, just to
3 go back to maintenance. So the public
4 space, the recreational if you will, public
5 space. Hartz is going to maintain that
6 because that's your property.

7 MR. RHATICAN: That's correct.

8 MAYOR PRUNTY: And the berm is also
9 your property, so why wouldn't you just
10 manage -- have a single entity manage all of
11 that versus breaking it up?

12 MR. DRILL: You are subdividing the
13 property, right?

14 MR. RHATICAN: That's correct.

15 MR. DRILL: Is there a subdivision line
16 somewhere dividing the berm between the
17 residential and commercial?

18 MR. KENT-SMITH: Yes, it does.

19 MR. RHATICAN: I don't remember exactly
20 where it crosses the berm but I believe
21 that's correct.

22 MAYOR PRUNTY: Okay. I didn't realize
23 it crosses the berm.

24 MR. DRILL: That's fine. Just for the
25 record, Mr. Dickerson's report again is

1 dated July 14, 2022, and on Page 10 starts
2 his comments about the community impact
3 statement comments 25, 26 goes over to Page
4 11, 27 and 28. So I would suggest to the
5 Applicant that you look at them and make
6 sure that your planner can respond to them
7 so you know ahead of time what's he going to
8 ask because he laid it out. And that is a
9 follow-up on the I forget the name of the
10 person who asked about it, the member of the
11 public, that's a follow-up on her question.

12 MR. RHATICAN: Agreed.

13 MR. NORDEL: Go ahead.

14 MR. DRILL: It's a question, right?

15 MS. LEARY: It is a question. If I
16 needed -- as a resident if I needed to
17 follow-up to berm maintenance do I have to
18 call two separate companies?

19 MR. RHATICAN: I guess it depends on
20 where your -- if you have a complaint where
21 your complaint lies.

22 MS. LEARY: If my complaint lies with
23 both berms.

24 MR. RHATICAN: I would suggest
25 ultimately if you called Hartz we would take

1 care regardless of which property it's on.

2 MS. LEARY: Hartz who?

3 MR. RHATICAN: There would be -- we
4 have a redevelopment agreement with the town
5 we have all of our contact information. No
6 different than any other commercial
7 property.

8 MR. DRILL: What she is asking is, if
9 there was a problem with the berm, right,
10 where the subdivision line comes through,
11 she wants to know, does she have to call two
12 people --

13 MR. RHATICAN: She can call Hartz or
14 whether it's on the residential side or not,
15 we would have it taken care of.

16 MS. LEARY: Thank you.

17 MR. DRILL: Was this question spurned
18 on by another question or was this something
19 you forgot?

20 MS. LABRUTTO: It's something I forgot
21 about the basketball.

22 MR. DRILL: All right. Cause let's try
23 to keep the questions, like, you know, not
24 coming back constantly. Can you identify
25 yourself? We know who you are, but for the

1 record.

2 MS. LABRUTTO: Rita LaBrutto, 104
3 Arlington Road. The question I had is, you
4 said the basketball court was in the
5 commercial area. So if there was a problem
6 there is there like security in the
7 commercial area 24 hours, do you anticipate
8 that?

9 MR. RHATICAN: You know, I don't know
10 that we thought that far ahead. Probably
11 not but I don't know.

12 MS. LABRUTTO: And are the Cranford
13 police allowed to go on to your property if
14 there were teenagers there drinking, not
15 that they with do that in a basketball court
16 that's hidden behind a berm or anything. I
17 mean, let's not think that. So will the
18 police be able to go onto your property and
19 take care of that situation?

20 MR. RHATICAN: I believe police in any
21 town can go on any private property to
22 address unlawful behavior. It wouldn't be
23 any different then any other site.

24 MR. KENT-SMITH: There is a thing
25 called Title 39 consent.

1 MR. DRILL: But Title 39, is for motor
2 vehicle offences not for drinking on a
3 basketball court.

4 MR. KENT-SMITH: Right. But there is a
5 driveway and there are parking spaces. And
6 I know municipal police utilize Title 39 to
7 address issues relative to disorderly
8 conduct associated with cars parked, et
9 cetera. So that -- that could be one of the
10 answers.

11 MR. DRILL: So to me that's responding
12 to a question that wasn't asked, but it
13 could be asked. So what you're suggesting
14 is the Applicant would be willing to allow
15 Title 39 enforcement on the property; is
16 that correct?

17 MR. RHATICAN: At least insofar as the
18 basketball court.

19 MR. DRILL: If you're going to consent
20 to Title 39 enforcement, it's on the entire
21 property.

22 MR. RHATICAN: Then I don't think we
23 can address that at the moment.

24 MR. DRILL: I think you should get back
25 to the Board on that.

1 MR. RHATICAN: But I think the point is
2 -- well, I'll stop right there.

3 MS. LABRUTTO: Would you be -- would
4 Hartz be interested in just making all the
5 open space passive versus having a
6 basketball court on the property?

7 MR. NORDEL: Members of the public if
8 we could please --

9 MR. RHATICAN: All I can say is we are
10 complying with the redevelopment plan as it
11 was drafted by the town.

12 MS. LABRUTTO: And the public -- are
13 you aware that the public asked that the
14 basketball court not be there when that was
15 drafted and we were told there would be
16 discussions surrounding that at the site
17 plan.

18 MR. RHATICAN: I'm not aware of that.

19 MR. KENT-SMITH: I'm not aware of it.

20 MS. LABRUTTO: I am sure you're not.
21 Right. I mean, there is more people against
22 -- I think there's more people against this.

23 MR. NORDEL: Any other questions?

24 MS. LABRUTTO: Any other questions?
25 Nope that's it.

1 MR. NORDEL: Are we moving on?

2 MR. DRILL: I'm going to ask

3 Mr. Dickerson to read the redevelopment

4 plan. This is what it says -- just to

5 understand. I don't take a position on what

6 should be on, I just want to get the facts

7 straight. I want you to read that section

8 of the redevelopment plan and this might be

9 an issue that if the Applicant wants to make

10 a change they may have to ask the township

11 committee about it. But Mr. Dickerson can

12 you read what the redevelopment plan says

13 about a basketball court and what section in

14 the plan its in.

15 MR. DICKERSON: So this is under --

16 just to get the header to this one. This is

17 under Chapter 4 land use, and this is for --

18 scrolling down, just bear with me.

19 Subdistrict two, the industrial district,

20 and the preamble section states that, this

21 subdistrict will serve as a commercial

22 center providing modern flexible spaces to

23 allow new businesses to thrive in Cranford.

24 A variety of commercial and industrial uses

25 are envisioned to take up space in one or

1 more buildings. A minimum of 25,000 square
2 feet shall be provided for privately owned
3 public open space in conformance with design
4 standards available in Section 4.6 of this
5 redevelopment plan and include a basketball
6 court.

7 MR. DRILL: That's what the plan says.

8 MR. NORDEL: I think we have one more
9 member of the public who would like to ask a
10 question.

11 MR. SMITH: Don Smith, 2109 Adler
12 Place. Question for Hartz, during all the
13 planning and recognizing that this
14 basketball court -- gotten itself in to the
15 plan, had you ever considered the fact that
16 applying to the Board or the township of
17 having that part removed?

18 MR. RHATICAN: Not really. We were
19 told it was -- it was it desired --

20 MR. SMITH: I understand.

21 MR. RHATICAN: -- and it was in the
22 redevelopment plan.

23 MR. SMITH: But when you think about
24 the consequences of what the neighborhood --
25 doesn't want it. It came up I'm not sure

1 how it came up and got in there but would
2 you not consider filing an application to
3 remove the basketball court from the -- it
4 makes less headache for you, less headache
5 for the township police department, and it
6 becomes part of the open space program.

7 MR. RHATICAN: It's something we would
8 have to discuss, but, you know --

9 MR. SMITH: I lay that question out to
10 you because I think you would be better off
11 for it.

12 MR. KENT-SMITH: We understand your
13 comment.

14 MR. NORDEL: Is it a new question or is
15 it spurred from the conversion?

16 MR. COLLINS: It's pertaining to the
17 basketball court.

18 MR. DRILL: I do not want to stir a pot
19 or raise anything but I just discussed with
20 Mr. Dickerson, if the Applicant wanted to
21 apply for a variance to not put the
22 basketball court in, my opinion and
23 Mr. Dickerson it would be a C variance
24 because a basketball court is an accessory
25 use and not a principle use. I'm just

1 putting it out there you guys should --

2 MR. KENT-SMITH: Well, I want to say we
3 hear all of the public comment, we take it
4 all seriously and under advisement, and
5 between now and the next hearing you'll have
6 a response.

7 MR. DRILL: You might want to consult
8 with the township committee but if you
9 wanted to eliminate it after consultation
10 the easiest way to eliminate it would be
11 through a C variance and not through an
12 amendment.

13 MR. NORDEL: We can clarify that you're
14 going to look in to that and provide a
15 response to the communities concerns.

16 MR. KENT-SMITH: We will provide an
17 update, a written response on all relief
18 requested. That will be part of the
19 response.

20 MR. NORDEL: Thank you. All right. I
21 think that concludes this witness.

22 MR. KENT-SMITH: Yes.

23 MR. NORDEL: Thank you so much. Next
24 witness please.

25 MR. KENT-SMITH: All right. My next

1 witness is Mr. Chaplin from Stonefield
2 Engineering, the professional site engineer.

3 MR. DRILL: Mr. Chaplin you have
4 already been sworn in so you have to get him
5 qualified.

6 MR. KENT-SMITH: Mr. Chaplin, would you
7 please provide the Board with your
8 educational experience, licenses, and
9 qualifications in the area of site plan
10 engineering.

11 MR. CHAPLIN: Good evening. I received
12 my Bachelors Degree in civil engineer from
13 the University of Delaware. A licensed
14 professional engineer in the states of New
15 Jersey, New York, and Connecticut. I've
16 been an expert witness in the field of civil
17 engineering by multiple boards throughout
18 the state including this Board previously.

19 MR. KENT-SMITH: We're proffering
20 Mr. Chaplin as a professional engineer
21 specializing in site plan engineering
22 process.

23 MR. NORDEL: Do any of the Board
24 members have any questions as to his
25 qualifications? Any member of the public?

1 MR. DRILL: Do you accept him as a
2 expert, Mr. Chairman?

3 MR. NORDEL: I accept.

4 MR. KENT-SMITH: So Mr. Chaplin,
5 director of Hartz, did you undertake a
6 review of the subject property for the
7 purpose of preparing the site plans for the
8 Board tonight?

9 MR. CHAPLIN: Yes.

10 MR. KENT-SMITH: And have you prepared
11 plans that if you could just list through
12 the plans that you have submitted as part of
13 the application.

14 MR. CHAPLIN: Sure. The site plans
15 dated May 23, 2022, which were filed on
16 May 25, 2022. The storm water management
17 report dated May 23, 2022, and filed on
18 May 25, 2022. And finally, the
19 environmental impact statement is May 23,
20 2022, and also filed on May 25, 2022.

21 MR. KENT-SMITH: And Mr. Drill, just a
22 quick question, all application materials
23 that have been submitted on this application
24 are already in the record.

25 MR. DRILL: Are already in the record.

1 MR. KENT-SMITH: So I do not need to
2 mark anything.

3 MR. DRILL: You do not need to mark
4 them as exhibits.

5 MR. KENT-SMITH: Very good.

6 Could you describe the proposal --
7 and I understand that you have a flash drive
8 that you can some how magically make appear
9 on the screen and then a board that I can
10 formally mark -- cause I will mark this as a
11 new exhibit.

12 MR. CHAPLIN: Sure. Just a big picture
13 before I kind of, jump into some of the
14 specifics, this is a redevelopment, of
15 course, roughly a 30-acre property follows
16 the redevelopment plan, I think it was
17 listed some of the relief that need -- that
18 we're seeking earlier. Some of the big
19 picture items when we were looking at
20 redesigning of this plan is keeping a lot of
21 the perimeter vegetation around the
22 property, especially by the new commercial
23 use.

24 I think it's important to note that
25 we are putting in two acres of green space

1 into this property. So we're significantly
2 reducing the imperious coverage. And again
3 there's going to be a very enhanced
4 landscape plan. There is a landscape
5 architect here tonight, he will speak more
6 about that. It's definitely going to
7 beautify the property compared to what it is
8 today.

9 In terms of the existing conditions
10 I'd like to show an exhibit. Move around a
11 little bit.

12 MR. NORDEL: So this is going to on
13 there but you are also going to see this?
14 Okay.

15 MR. DRILL: This is not part of the
16 application materials. This is going to be
17 Exhibit A1. So I'm looking, you got a blank
18 spot in the upper right-hand corner so A1,
19 with today's date.

20 (Whereupon, Exhibit A1, overall
21 aerial exhibit, was marked for
22 identification.)

23 MR. CHAPLIN: And just for the boards
24 awareness, there's two sheets on this so we
25 can mark the second one as A2. The

1 difference is, this is --

2 MR. NORDEL: Can you just hold on one
3 second? Thank you.

4 MR. DRILL: Also while we are doing
5 that for the record, what is the title of
6 Exhibit A1, who prepared it, and what's the
7 date?

8 MR. CHAPLIN: Sure. So it's the
9 overall aerial exhibit. Sheet 1 of 2
10 prepared by Stonefield Engineering and
11 design, dated July 19, 2022.

12 MR. DRILL: Tell me about A2. That's
13 going to be sheet 2 of 2 of the overall
14 aerial exhibit prepared by Stonefield
15 Engineering dated July 19, 2022?

16 (Whereupon, Exhibit A2, aerial
17 exhibit, was marked for identification.)

18 MR. CHAPLIN: This one is just labeled
19 aerial exhibit. We've removed the word
20 overall because it's zoomed in. But
21 prepared by Stonefield dated July 19, 2022.

22 MR. NORDEL: I believe we have --
23 members of the Board have it? Okay.

24 MR. DRILL: Go ahead. I don't have it
25 but I am looking at this. I can see that

1 one too.

2 MR. NORDEL: You can proceed.

3 MR. CHAPLIN: Thank you. So the
4 property is a triangular shape, it fronts
5 Walnut Avenue to the east, just for
6 orientation purposes north is towards the
7 right side of the page, south is towards
8 left, so just kind of rotating it slightly.
9 The Hyatt Hills Golf Course in Clark Commons
10 is to the south of the property and then
11 there is residential to the north and east
12 along with the consolidated rail directly
13 abutting our property to the north.

14 Shifting over to the second exhibit
15 and apologies I'm used to scrolling, the
16 site developed today and has been for quite
17 sometime. It's been a mixed use of
18 industrial, office, flex space that's been
19 on the property and as you can see there is
20 a nice perimeter of landscaping that has
21 been maintained on the property.

22 There are two storm water basins on
23 the property including a basin all the way
24 at the southeast corner and a basin closer
25 to the northeast corner. And when looking

1 at this plan I think -- like I said before
2 we really wanted to maintain --

3 MR. NORDEL: Can you hover over the
4 basins, just quickly?

5 MR. CHAPLIN: Sure. So the basin is at
6 the southeast corner.

7 MR. NORDEL: Okay.

8 MR. CHAPLIN: And toward the northeast
9 corner.

10 MR. NORDEL: Thank you.

11 MR. CHAPLIN: Moving on to the actual
12 plan. I'm going to reference the
13 subdivision plot.

14 MR. KENT-SMITH: Do I need to mark
15 that?

16 MR. DRILL: That's part of the Board
17 file, correct? And you're not adding any
18 colorization to it?

19 MR. KENT-SMITH: Nope.

20 MR. DRILL: Okay. So you can just
21 refer -- that's a demonstrative exhibit it
22 does not need to be separately marked. Just
23 refer to it, the title, who prepared it, and
24 the date. And just make it clear that's in
25 the Board file already.

1 MR. CHAPLIN: Great. So I'll be brief
2 on this. This is the subdivision plot
3 prepared by control layouts. Bear with me,
4 it's dated --

5 MR. DRILL: Can you pickup the date off
6 the hard copy easier than looking at your
7 computer.

8 MR. CHAPLIN: November 15, 2021. And
9 really just the point of presenting this
10 plan is to kind of show where the
11 subdivision line is. Basically, bisects
12 closer to the -- mostly in the center of the
13 property and there is one turn in that sub
14 division line.

15 In turn, with this subdivision there
16 are two fully conforming lots to the
17 redevelopment plan.

18 MR. DRILL: Just a quick, the partial
19 to the north to the right and you have
20 partial to the south to the left, which
21 parcel is residential which parcel is
22 commercial?

23 MR. CHAPLIN: So the parcel to the
24 right or to the north, that's the commercial
25 parcel. And the parcel to the south or left

1 side of the page that's the residential.

2 MR. DRILL: And can you point out where
3 the berm is -- you might not be able to do
4 it is on the subdivision plat but do you
5 have a exhibit that shows the berm?

6 MR. CHAPLIN: Yes.

7 MR. DRILL: Okay. And you will be
8 showing that, correct?

9 MR. CHAPLIN: Yes.

10 MR. DRILL: Okay. Great.

11 MR. CHAPLIN: So I would like to
12 present the next exhibit and what this is --

13 MR. DRILL: That's going to be Exhibit
14 A3 the next exhibit.

15 MR. CHAPLIN: Correct.

16 (Whereupon, Exhibit A3, overall site
17 plan rendering exhibit, was marked for
18 identification.)

19 MR. DRILL: So what is the title of
20 that, who prepared it, and what's the date?

21 MR. CHAPLIN: I just want to be clear,
22 so the aerial is A2 --

23 MR. KENT-SMITH: It's not marked.

24 MR. CHAPLIN: Got it. This is the
25 overall site plan rendering exhibit. Dated

1 July 19, 2022, prepared by Stonefield
2 Engineering and design.

3 MR. DRILL: And this is a color
4 rendered exhibit which is A3, correct?

5 MR. CHAPLIN: Correct. So this is
6 identical to the site plan that was
7 submitted to the Board it's just been
8 colorized and with landscaping for the Board
9 and public's benefit.

10 MR. DRILL: Okay. Does that thing show
11 the berm?

12 MR. CHAPLIN: Yes. So jumping into the
13 site plan what you'll see is we're proposing
14 two residential buildings on the south side
15 about 156,000 square feet each. And then two
16 flex buildings one is, 132,000 square feet,
17 the other is 109,200 square feet on the
18 north side of the property. Access to the
19 site would be provided via three new curb
20 cuts you have a curb cut on Walnut Avenue
21 that is going to align with Behnert Place,
22 that would be a full movement driveway. And
23 this curb cut would be specific to access
24 the residential property. There'd be a
25 second curb cut further to the north that

1 would be used for the commercial property,
2 which would also be a full moment driveway.

3 And lastly there is a right egress
4 only driveway on Walnut Avenue all the way
5 to the south and the purposes of that is
6 really just for circulation purposes to help
7 with delivery trucks and residents to have
8 that extra egress curb cut. 157 parking
9 spaces are proposed for the flex building,
10 and 450 for the residential building. We'll
11 note that this does meet the requirements
12 within the redevelopment the plan.

13 MR. DRILL: You said it does or it
14 doesn't?

15 MR. CHAPLIN: It does. I also want to
16 point out because I know there was a note in
17 one the memos about, which numbers were used
18 for the flex buildings the numbers that were
19 use in the calculation on the site plan are
20 accurate and those are the ones that we
21 should be referring to, cause I know there
22 was might have been a discrepancy on the
23 architect plan. We are proposing EV
24 charging stations per the new requirements.
25 We have EV stations that are located to the

1 west or sort of rear to the site for the
2 residential areas. And also we are
3 proposing it for the flex buildings as well.
4 Which meet the requirement and I would note
5 that with the new rules that there a certain
6 amount that you have to install now and then
7 in 3 years and 6 years you kind install the
8 remainder. We do make them ready, so we put
9 the conduits in and over time the rest get
10 installed.

11 MR. NORDEL: Just speaking to future EV
12 charging plans assuming that there's
13 compounding growth of that, you're saying
14 the spaces are allocated and will be
15 manufactured if necessary based on change in
16 consumption or just explain the future
17 planning for the EV charging stations.

18 MR. CHAPLIN: Sure. So the
19 infrastructure gets built now so we don't
20 have to rip up the pavement and do this work
21 later on. But the actual charging stations
22 themselves don't need to be installed at the
23 point of CO. Only a certain amount needs to
24 be installed and then you can install the
25 rest later on.

1 MR. NORDEL: Than you.

2 MR. CHAPLIN: In terms of just the
3 access and circulation around the site
4 everything -- all driveways are at least
5 24-feet wide, that's typical standard for
6 drive aisles. There's good circulation
7 around both residential buildings. Around
8 the commercial property there's also
9 360-degree circulation around both buildings
10 and the entirety of the property. They've
11 been designed to accommodate larger
12 vehicles, even tractor trailers that can
13 maneuver through the property and as well as
14 fire and emergency services as well. And
15 we'll note that we have been working with
16 the fire official, we'll continue to work
17 with them and comply with his requests.

18 MR. DRILL: Thank you. His requests
19 are the ones in his July 13, 2022, memo?

20 MR. CHAPLIN: Yes.

21 MR. DRILL: So you're gonna work with
22 him -- you're gonna -- I assume you're
23 proposing that everything he says in here,
24 you're proposing as a condition of approval.

25 MR. KENT-SMITH: Yes. The answer is

1 we're going to comply with the
2 recommendations. There are some
3 modifications that are still in discussion
4 with the fire department on for example
5 location of certain building mounted fire
6 suppression.

7 MR. CHAPLIN: Jumping in to loading --

8 MR. NORDEL: Before you jump to
9 loading, so the parking spaces that you
10 discussed bicycle parking, is also located
11 on the premise, correct?

12 MR. CHAPLIN: Correct. There are bike
13 racks there are actually shown closest to,
14 like, building entrances and there are bike
15 racks for the commercial property.

16 MR. DRILL: On Exhibit A3 are those
17 bike racks revised to comply with the
18 comment or they still have to be revised?

19 MR. CHAPLIN: They will be revised.
20 They have not been revised yet.

21 MR. DRILL: I understand, but I didn't
22 know if they already put it on this exhibit
23 or not.

24 MR. CHAPLIN: In terms of loading, what
25 we've done for the residential loading we

1 actually put it in between the buildings.
2 We feel it's best between there. It's not
3 going occur too often sometimes people are
4 moving in end of month, beginning of the
5 month, that will occur in this area again
6 between the buildings in that striped area
7 they're able to get inside the building on
8 the side. And our architect can answer any
9 questions about access the building. In
10 terms of FedEx, UPS deliveries, you can see
11 a bit of a semicircle in front of the
12 buildings those have been designed to
13 accommodate the typical FedEx UPS style
14 delivery.

15 For the commercial space, of course,
16 you have the parking on one side of the
17 building and then you're loading on the
18 other side, which is fairly common for this
19 type of building. You do have loading docks
20 as was discussed earlier, that stretched
21 throughout the building so the tenant could
22 have their parking on one side and the
23 loading docks behind that.

24 MR. KENT-SMITH: And with regard to the
25 circulation on the loading areas, they're

1 sufficient aisle width between the buildings
2 and in loading areas for all sized trucks to
3 fully circulate.

4 MR. CHAPLIN: Correct. So there is a
5 large park area that is proposed kind of in
6 the center of the site. I just want to
7 point out because I know there was a comment
8 in the letter specifically, the area of the
9 park.

10 MR. DRILL: That's going to be Exhibit
11 A4 I assume?

12 MR. CHAPLIN: Correct.

13 (Whereupon, Exhibit A4, park area,
14 was marked for identification.)

15 MR. DRILL: Read the title, prepared
16 by, and the date, please.

17 MR. CHAPLIN: So this is the park area
18 exhibit, dated February 18, 2022, prepared
19 by Stonefield Engineering and Design. So
20 this -- what this exhibit does is, it just
21 quantifies the different areas because I
22 know as part of the redevelopment plan
23 there's certain sizing to the park areas
24 that we're proposing.

25 As you can see there's 2.3-acre of

1 park that can be open to the public, that's
2 located on the residential lot as well as
3 .888 acres total on the commercial side.
4 That's inclusive of a portion of the main
5 park as well as, the basketball court
6 facility.

7 MR. KENT-SMITH: And two different
8 colors the represent the ownership of each
9 of the respected areas. The blue being
10 commercial and red being residential,
11 correct?

12 MR. CHAPLIN: Correct. And I know the
13 berm has been brought up a bit. The berm
14 exists along Walnut Avenue. The majority of
15 the berm is located on the residential
16 property. As I said before there's a storm
17 basin that's located at south east corner
18 there is some vegetation along that corner
19 as well. For the most part the berm and
20 vegetation basin will remain as is, of
21 course, any maintenance that needs to occur
22 will happen. Where we are proposing our new
23 curb cuts for the driveways that's we're
24 bisecting in to the berm to provide access
25 to the site.

1 To the north of this berm area that
2 I'm circling over now, that's the other
3 storm water basin that has been designed and
4 relative any in the same position as the
5 existing basin. But that will also be
6 vegetated as well so we can keep a vegetated
7 buffer along the perimeter of Walnut.

8 Finally just making our way up north
9 that's where the basketball court is
10 currently located. There are a couple
11 parking spots. I believe it's four parking
12 spots for the basketball court. What I'll
13 say, the gray change once you get to this
14 portion of the property begins to drop on
15 Walnut Avenue and there a lot of vegetation
16 at the north end corner of the property. In
17 terms of Walnut Avenue we are seeking a
18 deviation of having a five foot sidewalk
19 where eight feet is required.

20 I want to present a new exhibit -- I
21 apologize I forget where we left off.

22 MR. DRILL: A5.

23 (Whereupon, Exhibit A5, photos of
24 Walnut Avenue frontage sheet 1 of 2, was
25 marked for identification.)

1 MR. CHAPLIN: A5. So this exhibit is
2 called photos of Walnut Avenue frontage
3 exhibit. Prepared by Stonefield Engineering
4 and Design, dated July 19, 2022. It is two
5 sheets, so I don't know if we need to mark
6 it as A5 and A6.

7 MR. DRILL: So let's do that. A5 will
8 be sheet 1 of 2 and A6 will be 2 of 2. Does
9 it have the same name on it?

10 (Whereupon, Exhibit A6, photos of
11 Walnut Avenue frontage sheet 2 of 2, was
12 marked for identification.)

13 MR. CHAPLIN: It does. We didn't
14 change the name on this one. So we wanted
15 to do is, when we saw the comment initially,
16 we were looking pretty closely at this and
17 what happens at this property is it slopes
18 up once are you past the sidewalk that
19 exists on Walnut and of course many areas
20 you have the landscape berm. There is also
21 utility poles, infrastructure, most of which
22 is in the county right of way.

23 Right now what we're looking at is
24 the area of the site that's closer to the
25 residential development closer to Raritan

1 Road, you kind of see how it works, the way
2 the exhibits been prepared the number one
3 that's on the screen that represents Photo 1
4 and as we move to the right there's
5 corresponding photo for where the photo has
6 been taken. What you'll notice is these
7 areas are well vegetated, there is utility
8 infrastructure, and the sidewalks in
9 relatively good condition.

10 To make this sidewalk wider you would
11 have to be eating in to the slope and
12 disturbing in this vegetation. I'll
13 continue to move onto the second sheet--

14 MR. DRILL: What's the existing width
15 of the sidewalk right now?

16 MR. CHAPLIN: I believe it's five feet.

17 MR. DRILL: Do we know if it's five
18 feet and not four feet?

19 MR. CHAPLIN: I can't confirm right
20 this second but I'm happy to get back to
21 you.

22 MR. KENT-SMITH: Just a follow-up
23 question, the entirety of the sidewalk is
24 existing within the county of right of way,
25 correct?

1 MR. CHAPLIN: Correct.

2 MR. DRILL: The entirety of the
3 sidewalk --

4 MR. KENT-SMITH: The sidewalk is within
5 the county right of way.

6 MR. CHAPLIN: So I just want to
7 continue with the exhibit, as you move
8 further down, you can kind of see, and I'm
9 just zooming on the screen, you can see the
10 dense vegetation in the utility poles and
11 the conflict that we have. So to really do
12 anything further would be a big challenge
13 and we'd be disturbing a lot of this
14 vegetation to do it. And that's why we feel
15 it's in the best interest to kind of leave
16 it as it is and really if we need to provide
17 further planting in areas that --

18 MR. NORDEL: Can you extend the
19 sidewalk towards the street?

20 MR. KENT-SMITH: No, the county has
21 certain design standards --

22 MR. DRILL: Mr. Smith, you can't answer
23 those questions.

24 MR. NORDEL: So you're saying county.
25 Why can't it go towards the street?

1 MR. CHAPLIN: So there's county
2 standards that like to have the landscape
3 strip in front of the sidewalk. And then
4 you've got things like utility poles and
5 other infrastructure, so what will happen
6 you start to do that you will start to get
7 that zig-zag, which the county wouldn't be
8 supportive most likely.

9 MR. DRILL: How far does the county
10 road right of way extend beyond the sidewalk
11 towards the Hartz property? Does it end at
12 the end of the sidewalk or does the county
13 right of way go beyond? Mr. Kent-Smith is
14 doing a very good job of not answering the
15 question.

16 MR. CHAPLIN: Just to clarify your
17 question, you want to know the distance
18 between the property line and the curb?

19 MR. DRILL: No. I want to know how far
20 west of the sidewalk does the county right
21 of way go. Does the county right of way end
22 at the western edge of the sidewalk or does
23 the county right of way extend beyond the
24 western side of the sidewalk?

25 MR. CHAPLIN: Sorry. If you could just

1 repeat it one more time.

2 MR. DRILL: You testified that the
3 sidewalk exists for the county right of way,
4 correct?

5 MR. CHAPLIN: Correct.

6 MR. DRILL: I'm trying to find out
7 where the does the county right of way end.
8 Does it end at the west -- west is up on
9 this exhibit, correct?

10 MR. TAYLOR: Where is the property
11 line?

12 MR. CHAPLIN: It varies. So for
13 example at the northern end of the property
14 it hugs the property line then it jets in
15 and then it's -- there's an area that the
16 county owns for further encroaching into the
17 property. Then, you know, a couple feet I
18 would say until you hit the sidewalk and as
19 you keep going it just tends to hug the
20 sidewalk as you go further south.

21 MR. DRILL: So your testimony, the
22 sidewalk is in the county right of way.

23 MR. CHAPLIN: Now that I'm taking a
24 closer look at this, it does appear that the
25 southern corner of the property there is a

1 portion of the sidewalk that is located on
2 Hartz property.

3 MR. DRILL: So the right of way of the
4 Hartz property line versus the right of way
5 varies as to the western edge of the
6 sidewalk?

7 MR. CHAPLIN: Correct.

8 MR. DRILL: Right. Is this truly a
9 right of way? A right of way is an easement
10 over private property or does the county own
11 the property underneath the sidewalk?

12 MR. CHAPLIN: To my knowledge, if it's
13 not within the applicant's property the
14 county owns it.

15 MR. DRILL: Okay. So we're calling it
16 the county right of way, but it's not really
17 the right of way. It's the county owned
18 property, correct?

19 MR. CHAPLIN: Yes.

20 MR. KENT-SMITH: This is a legal issue.
21 Your question as to the ownership of the
22 roadway, I don't know the answer to I was
23 looking at my client we'd have to go back to
24 title. But I am going to, for right now,
25 just make a stipulation we will get a firm

1 answer to you by the next meeting. I'd have
2 to look at the title.

3 MR. NORDEL: I just to clarify, you
4 testified before that you said the county
5 for a variety of reasons prefer not to have
6 this but you could have this conversation
7 once you get that information.

8 MR. CHAPLIN: We can, but as my
9 perspective is there's not much we can
10 really get. You got a couple feet to work
11 with, you got your infrastructure, your
12 grass strip, I'm happy -- if that's
13 something the Board want to pursue we can --

14 MR. DRILL: If you know the answer, why
15 does the redevelopment plan call for an
16 eight-foot wide sidewalk and does it
17 actually call for eight-foot wide sidewalk
18 or does it call for eight-foot wide
19 something else? I'm going to ask
20 Mr. Dickerson.

21 MR. DICKERSON: So I'm looking at my
22 letter here and the terminology used in the
23 redevelopment plan is, sidewalk, planting
24 zone and sidewalk, pedestrian zone. And
25 sidewalk, pedestrian zone requires a

1 dedicated pedestrian zone of eight-feet
2 wide.

3 MR. DRILL: Do you know why the
4 redevelopment plan requires an eight-foot
5 wide what he just said versus leaving
6 sidewalk five feet?

7 MR. CHAPLIN: I don't.

8 MR. DRILL: Does any one on your team
9 know why the redevelopment plan calls for
10 eight foot wide what Nick said versus
11 leaving the sidewalk at five feet?

12 MR. KENT-SMITH: So the concept was
13 discussed during the course of the
14 redevelopment planning process.

15 MR. DRILL: So right now, you are
16 making a representation?

17 MR. KENT-SMITH: I am making a
18 representation as to the discussions. The
19 initial focus was related to having an
20 eight-foot wide, neutrally usable
21 bike-pedestrian that was primarily focussed
22 on navigating the open space.

23 MR. DRILL: That's what I was
24 wondering, if it was an eight-foot wide
25 combined pedestrian bicycle zone. So

1 because in New Jersey --

2 MR. KENT-SMITH: Let me -- because that
3 was for the open space. Then the thought
4 was, well, how do we interconnect to Walnut?
5 And the debate was, the interconnect with
6 the full eight-foot wide bicycle-pedestrian
7 or do you come down to Walnut and within the
8 county right of way keep with the existing
9 sidewalk. Our position -- the township's
10 decision was, we're going to go eight feet
11 and that's what the redevelopment was
12 contemplated so you have circumnavigation of
13 the open space and then the
14 interconnectivity in to Walnut.

15 In looking at the plan, can you
16 describe to the Board Mr. Chaplin, what are
17 the impacts relative to grating utilities,
18 servants, the need for slope preservation,
19 et cetera.

20 MR. DRILL: I'm gonna end up asking if
21 you can't do eight feet if can you do seven?
22 If you cant do seven can you do six? I'm
23 just telling you where I'm going to go with
24 the questions.

25 MR. CHAPLIN: Understood.

1 MR. NORDEL: Ms. Dirmann?

2 MS. DIRMANN: Yeah. So I think what
3 the Board was asking was, why couldn't you
4 expand in the green space, not the berm, but
5 the grass strip?

6 MR. DRILL: Right. Between the
7 sidewalk and the curb.

8 MS. DIRMANN: Correct. I have other
9 towns where the concrete goes all the way to
10 the back of curb and it could be 12 feet
11 wide so I don't think that's a county
12 standard. Unless I'm mistaken.

13 MR. KENT-SMITH: So what we would do is
14 talk to the county. But is it not -- it
15 wasn't our understanding that was an option
16 but that is something to discuss with the
17 county.

18 MR. TAYLOR: I prefer a strip of green
19 then all concrete. So I will try that
20 there.

21 MR. PISTOL: One of the things I wanted
22 to ask was, what the county standards are
23 you know, and the other things is, and what
24 the county funds is permissible put also I
25 think the --

1 MR. DRILL: Listen, ask one question at
2 a time. What's the county standard and
3 what's permissible.

4 MR. CHAPLIN: I can't confirm that is
5 the standard, it's very typical to have a
6 three-foot, it's called a landscape and
7 infrastructure strip because there's a lot
8 of equipment in the county roadway for
9 signals, for storm water, for util -- you
10 know, whatever it may be that you have that
11 strip. Utility poles, then you have your
12 sidewalk that's typical in any --

13 MR. DRILL: He's not asking typical.

14 MR. CHAPLIN: I don't know specifically
15 the county.

16 MR. DRILL: His answer is, he doesn't
17 know as he stands here tonight, what the
18 county standard is.

19 MR. PISTOL: Okay. But you're going to
20 be checking that, right? You're going to
21 have conversations with the county?

22 MR. CHAPLIN: Yes. Our traffic
23 engineers had conversations with the county.

24 MR. DRILL: He just asked you, will you
25 be having additional conversations with the

1 county to find out about this?

2 MR. CHAPLIN: Yes.

3 MR. DRILL: You got to speak louder.

4 MR. PISTOL: Now, the thing is -- so
5 actually the town ordinance that's aside
6 from the redevelopment plan calls for
7 four-foot minimum sidewalks. So that means
8 that on the residential streets in Cranford
9 we're you have one family houses, you have
10 four-foot sidewalks typically. The volume
11 of pedestrians in that area where the
12 development is proposed, the number of
13 pedestrians -- the pedestrian traffic will
14 probably increase. Do you think that it
15 will increase as a result of the land use
16 compared to what the existing land use was
17 or the previous land use?

18 MR. DRILL: I think he's asking, when
19 you add hundreds of additional residential
20 units, do you think more will be used on the
21 sidewalk on Walnut, is that what you're
22 asking?

23 MR. PISTOL: Yes.

24 MR. CHAPLIN: Yes.

25 MR. PISTOL: And this redevelopment

1 plan really promotes pedestrian and bicycle
2 and mass transit use, correct?

3 MR. CHAPLIN: Correct.

4 MR. PISTOL: Okay. So if those are
5 desirable, I think, personally, that we
6 should have as wide a sidewalk as we can
7 while preserving the landscaping to the
8 greatest degree possible. I'm wondering if
9 we need something that's maybe -- instead if
10 it's four feet the sidewalk that that there
11 now if you could bring us back measurements
12 for the next meeting how wide it is I'm
13 thinking it may be four feet and if we could
14 have maybe an additional foot or so.

15 MR. NORDEL: When you're asking -- what
16 is the exact question? I just want to
17 clarify.

18 MR. PISTOL: Well, the exact question
19 is, what's the width of the sidewalk now and
20 then if you -- but the feasibility would be
21 to add a foot or two -- at least the reason
22 I feel --

23 MR. NORDEL: Aside from the reason, so
24 Mr. Chaplin, you can provide -- you just
25 stated you can provide the measurements as

1 to the width at the next meeting. And then
2 --

3 MR. PISTOL: And then --

4 MR. NORDEL: -- secondary to that.

5 MR. PISTOL: I think that it would be
6 desirable to have a wider sidewalk than
7 what's there now, because when you have a
8 number of people, especially you know,
9 people -- you have people going walking to
10 -- for commuting, shopping, so on and so
11 forth. And with the pandemic that we are
12 still in --

13 MR. NORDEL: Mr. Pistol, so I think
14 he's answered your question. I mean, we can
15 leave that to comment. I just want to --
16 he's answered your question though.

17 MR. PISTOL: I just wanted to provide
18 the reasoning.

19 MR. NORDEL: The rationale to your
20 question?

21 MR. PISTOL: Right. When people are
22 walking around and social distancing, and we
23 might have to do that again. In the private
24 neighborhoods and even in the downtown,
25 people are walking out in the middle of

1 street so they weren't walking so close to
2 the people on the sidewalk. You know, you
3 have people walk on the sidewalk and people
4 in the street, I think it's probably pretty
5 dangerous on Walnut Avenue to have people
6 walking in the street because the sidewalk
7 is too narrow. So I don't know and maybe
8 you can provide information. What is the
9 setup going to be on Walnut Avenue as if
10 it's going to be -- are there going to be
11 bicycle lanes there? And is that part of
12 the discussion with the county about bicycle
13 lanes or the strip there that maybe
14 pedestrian will be able to walk in and is
15 that a messenger situation.

16 MR. DRILL: Can I -- why don't we just
17 ask, what's in the redevelopment plan right
18 now? Let's just ask Nick --

19 MR. PISTOL: Well it said it's
20 eight-feet wide -- you know, sidewalks.

21 MR. DRILL: Right, now he doesn't know
22 standing here if the existing sidewalk is
23 four-foot wide or five-foot wide, he is
24 going to find out that's number one. Number
25 two, the redevelopment plan says it's eight

1 feet. So they need relief if they're not
2 going to do eight-feet. Now you're
3 explaining to him, why before you hear what
4 they have to say, you're giving them a heads
5 up on what you'd like to hear.

6 MR. PISTOL: Right.

7 MR. DRILL: You're not prejudging
8 anything.

9 MR. PISTOL: Right.

10 MR. DRILL: You're telling him it might
11 be a safety issue but they're gonna -- they
12 have the right to explain why they
13 physically can't do eight feet and the Board
14 will listen to that.

15 MR. PISTOL: Right.

16 MR. DRILL: And then also consider
17 safety things. But what I asked Nick
18 specifically is, but I would like you also
19 to look into, look in New Jersey law, is a
20 bicycle allowed to ride on a sidewalk?

21 MR. KENT-SMITH: The answer is no. That
22 I know. I've researched that.

23 MR. DRILL: I believe the answer is no,
24 except if the surface is not designated as a
25 sidewalk, but it's designated as a

1 sidewalk/bicycle path and it's eight-foot
2 wide, then I believe a bicycle can ride.
3 But this one I'm going to ask Nick, what is
4 this designated I know it says eight-feet,
5 what's the designation in the redevelopment
6 plan? Is this a sidewalk/bicycle path or is
7 this just a sidewalk? Because if bicycles
8 are not allowed on it, bicycles are going to
9 have to be in the street and it's a county
10 road, they're gonna find out if the county
11 has any plans for bike lanes. Okay. But
12 the redevelopment plan doesn't mention
13 anything about bike lanes, but what does the
14 redevelopment plan say about this sidewalk,
15 what is it called?

16 MR. DICKERSON: It's called the
17 sidewalk pedestrian zone. And a dedicated
18 pedestrian zone along the sidewalk shall be
19 provided and will have a minimum
20 unobstructed width of eight feet at all
21 points.

22 MR. DRILL: It doesn't say bicycle in
23 there?

24 MR. DICKERSON: It does not.

25 MR. KENT-SMITH: Let me just get to the

1 point which is this, this isn't our decision
2 because this is the county right of way so
3 therefore we are representing to the Board
4 tonight that we will bring this issue up
5 with the county specifically, relative to
6 sidewalk width and use.

7 MR. DRILL: I want to make one thing
8 clear though. Because the redevelopment
9 plan calls it a sidewalk, bicycles are not
10 gonna be allowed on this sidewalk no matter
11 how wide it is. I want to make sure you
12 understand that.

13 MR. PISTOL: The reason I brought
14 bicycles up and a bicycle lane is going to
15 be a bicycle lane on Walnut Avenue and
16 bicycles are going to go right up to the
17 curb, then pedestrians won't be able to use
18 that if they need to -- in other words
19 that's taking real estate from a he
20 potential --

21 MR. KENT-SMITH: This is not any
22 decision this Board can make it's the
23 county.

24 MR. PISTOL: I understand that.

25 MR. KENT-SMITH: We will talk to the

1 county, if the county says, hey, we'll
2 designate a bike lane within the county
3 pavement of Walnut, which is typically done
4 by painting, great that sounds good. But
5 that's not our decision, that's the county.
6 We will discuss that with the county.

7 MR. PISTOL: Right. But what I'm
8 saying is, if there is going to be a bike
9 lane that is going up to the curb that makes
10 it more important then ever for the sidewalk
11 to be wide enough for the pedestrians to be
12 able to pass through safely because
13 pedestrians won't --

14 MR. KENT-SMITH: That's three-foot
15 landscaping between curb line and sidewalk.

16 MR. PISTOL: And maybe that will need
17 to be lessened to allow for pedestrians,
18 because like I said in the majority of the
19 pandemic people were walking in the street.

20 MR. NORDEL: Yeah. And not to
21 interrupt you, Mr. Pistol, but just to
22 reconfirm because I know there is arbitrary
23 testimony remaining, so you're going have to
24 that conversation with county, you're going
25 to conduct any measurements that this Board

1 -- specifically, this Board requested to
2 come to some conclusion, which you will
3 deliver to Jonathan, and then we will
4 deliberate on that. Now, before we move on
5 I know you have a lot of testimony left.
6 Mr. Taylor, is there anything you wanted to
7 ask real quick?

8 MR. TAYLOR: The proposed walkways
9 throughout the development, how wide are
10 they?

11 MR. CHAPLIN: So I think those are six
12 feet.

13 MR. TAYLOR: You think they're what?

14 MR. CHAPLIN: At least six feet. Six
15 feet is the minimum.

16 MR. DRILL: Nick, does that comply with
17 the redevelopment plan?

18 MR. DICKERSON: It would not. It would
19 have about three feet.

20 MR. CHAPLIN: It's eight feet around
21 the park. It's six feet for around like the
22 residential building.

23 MR. DRILL: Let me ask you a question,
24 you don't know. You have to check all this
25 stuff out. I'm going to make a suggestion

1 that -- it's up to you.

2 MR. CHAPLIN: It's the dimensions on
3 the plan, I'm looking at as we speak. And I
4 also can confirm, it's four-foot for the
5 sidewalk in Walnut. So it's a four foot
6 sidewalk.

7 MR. DRILL: So it's not five feet?

8 MR. CHAPLIN: It's not five feet. It's
9 four foot and we are proposing six foot
10 around the residential. There's larger
11 sidewalk within the park area. And I just
12 want to point everyone's attention briefly
13 to the screen in the photo that I'm showing
14 there is that grass strip. And the reason
15 for it, again, is because you have that
16 utility pole, tree, utility pole, tree, so
17 to extend the sidewalk further towards the
18 curb, you would have conflicts in the way
19 and that creates that zig-zag. So I have a
20 feeling -- I can't speak for the county, but
21 that might be what they say when we speak to
22 them.

23 MR. NORDEL: But you'll confirm that,
24 you'll speak with them, you'll have that
25 conversation as the Board requests?

1 MR. CHAPLIN: Yes.

2 MR. DRILL: Okay. The relief that
3 you're seeking is not simply from eight feet
4 to five feet now; the relief you're seeking
5 is from eight feet to four feet.

6 MR. KENT-SMITH: Well four feet is
7 exiting condition.

8 MR. DRILL: I understand that. Your
9 application said -- I thought that you were
10 going from eight-foot proposing five feet.

11 MR. KENT-SMITH: Again, it was because
12 I was operating under the presumption it was
13 a five foot sidewalk.

14 MR. NORDEL: I understand that's why I
15 asked from the very beginning, what's the
16 width of the sidewalk, because most
17 sidewalks are four feet wide. When you come
18 back again it might be better not to burn
19 any more time tonight, but whatever you say
20 the physical problems are on the western
21 side of the sidewalk, be specific because
22 even if you can get another foot or two feet
23 and not the eight feet, it's better than
24 leaving it at four feet. That's my opinion.
25 I'm not speaking for the Board. I think

1 Nick wants the microphone.

2 MR. DICKERSON: I just want to clarify
3 to answer Mr. Taylor's question, around the
4 buildings it is six feet, is the
5 requirement. So if they have six feet
6 around the buildings they comply. It's the
7 other sidewalks -- pedestrian space where
8 the eight-foot with the two-foot planting
9 strip. So I just wanted to clarify that.

10 MR. TAYLOR: Thank you.

11 MR. NORDEL: Mr. Chaplin you can
12 proceed but there will be time for our
13 professionals to ask any additional
14 questions and board members. If we can just
15 continue the presentation and save the Board
16 member questions. Mr. Chaplin you can
17 continue.

18 MR. CHAPLIN: Sure.

19 MR. KENT-SMITH: If you would please
20 now go through the storm water management
21 and how that is being addressed.

22 MR. CHAPLIN: Sure. So from a storm
23 water standpoint, the site is generally
24 flat. The exception of some of the
25 perimeter areas that obviously will be you

1 have your berm, you have your basins and
2 then there is some slope around the
3 perimeter of the property. The site
4 generally drains to the south and to the
5 east. I would say a certain portion of the
6 site drains to the basin the northeast
7 corner and then the rest of that site drains
8 to that basin at the southern corner. They
9 both have separate discharges to the county
10 draining system.

11 From a storm water standpoint we are
12 adding in two acres of green space. So we
13 are having a significant improvement on the
14 drainage conditions. Just to kind of give
15 some context of that. When it rains any
16 paved surface or building surface, the
17 water's got to get collected, it gets
18 conveyed, it may or may not go to the same
19 basin and then it goes in to the system.
20 When you have natural landscaping, you have
21 grass, the water can infiltrate through
22 recharge the ground water and does not end
23 up into the municipal system. So I think
24 it's important to note that while
25 applications say this is reducing the

1 impervious, this is by two acres that we're
2 reducing the pervious which is a significant
3 reduction. So we're reducing peak flow
4 rates and storm water volume for the two,
5 ten, and hundred year storm events.

6 In addition, we are meeting the new
7 NJDEP green infrastructure practices via a
8 bevy of buyer retention and the Eco buyer
9 filers which are structured rain guarded.

10 MR. KENT-SMITH: So you have an exhibit
11 that actually shows the areas of actually
12 conduction and impervious, that I'm going to
13 go ahead and mark A7. Could you just
14 identify this?

15 (Whereupon, Exhibit A7, landscape
16 area map, was marked for identification.)

17 MR. CHAPLIN: Sure. So this exhibit is
18 titled landscape area map.

19 MR. DRILL: This exhibit is titled what
20 again?

21 MR. CHAPLIN: Landscape area map. It
22 is dated May 23rd -- May 23, 2022.

23 So the purpose of this and it's
24 prepared by Stonefield Engineering. The
25 purpose of this exhibit there's two shades

1 of green, there's the dark green which
2 represents existing landscape areas that are
3 currently on site today that are to remain.
4 And then there's the light green which is,
5 new landscape areas that we're putting in.
6 As you can see there is a large portion of
7 the site that is now green space where it
8 wasn't green space previously, to the amount
9 of 2.13 acres. So I think this exhibit kind
10 of helps show how much of that storm water
11 and that runoff will actually be able to
12 infiltrate through the ground rather than
13 runoff through the municipal system.

14 MR. KENT-SMITH: Now, this is
15 considered -- under DEP standards a major
16 development.

17 MR. CHAPLIN: Correct. So this is a
18 major development because we are over one
19 acre of disturbance and we do meet all state
20 and local requirements from a storm water
21 management standpoint for a major
22 development.

23 Speaking of the green infrastructure
24 practices, I just want to briefly go through
25 some of the things we're proposing. So

1 there are buyer retention basins proposed at
2 the corner of the commercial building. So
3 this would be the southwest corner of one
4 commercial building, the northeast corner,
5 so the areas that I'm hovering over. The
6 second building, as well, has quite
7 extensive bio-retention areas. These
8 naturally filter the storm water through the
9 soil media before they get through to the
10 onsite basin.

11 There's also a bio-retention areas
12 specific to the residential area, so on the
13 far side of the parking lot there's a pretty
14 long bio-retention area to help filter that
15 storm water run off. And even in addition
16 to that, we are proposing the Eco Biofilter,
17 there are these structured rain guarding
18 units just in the tighter areas where we
19 don't have room for the rain gardens, we put
20 in this these as well.

21 So overall, there is a major
22 improvement from a water quality standpoint,
23 ground water recharge, and quantity
24 reduction. I had a chance to speak with the
25 Board engineer, review the comments

1 regarding storm water and I think we can
2 comply with those comments to her
3 satisfaction and work through that with her.

4 MR. KENT-SMITH: One of the comments,
5 though, was made by the environmental
6 commission that once our request that this
7 project utilize a presumption of an increase
8 in impervious coverage, do you think that's
9 appropriate?

10 MR. CHAPLIN: No, I do not.

11 MR. KENT-SMITH: Why not?

12 MR. CHAPLIN: I think the project meets
13 state and local requirements and we'll have
14 a substantial benefit to the neighboring
15 area as it stands alone.

16 MR. KENT-SMITH: So with regard then to
17 storm water, you will prepare and submit an
18 operation and maintenance manual as part of
19 the resubmission. Can you briefly describe
20 what is an operation and maintenance manual?

21 MR. CHAPLIN: Sure. The purpose of the
22 operations and maintenance manual is, you
23 have all these great storm water
24 infrastructure practices but they need to
25 get maintained; you need a way to make sure

1 that they do get maintained so this manual
2 walks through specifically what it is you
3 should be doing in the time frames that this
4 should be done, what needs to get inspected,
5 what type of equipment, how do you access
6 it, specifically for these buyer retention
7 areas how you treat the soil, checking the
8 structural components. And that's something
9 that the maintenance team will have to
10 follow as part of this approval.

11 MR. NORDEL: When you talk about
12 maintenance, and I'm sorry, as a member of
13 the public did make an excellent point as
14 the delineation of maintenance, as per this
15 whole operation. When we're talking about
16 maintenance of the storm water system, who
17 is maintaining -- is there another division
18 of labor that needs to occur based on
19 geography or is it Hartz that is maintaining
20 the entire infrastructure for storm water
21 maintenance?

22 MR. KENT-SMITH: So what we have agreed
23 to do is, we're going to provide a
24 declaration that's going to clearly
25 delineate who does what where.

1 MR. DRILL: Can you submit that before
2 the next hearing session?

3 MR. KENT-SMITH: I'm looking at my
4 client to see if -- I doubt we can. It is
5 somewhat extensive. What we can do is a
6 memo, a summary.

7 MR. DRILL: Why don't you do something
8 cause I think the Board will want to know
9 something from its engineering expert, her
10 opinion on it. And I don't know if they're
11 willing -- if they get to the point where
12 they were willing to approve this that's --
13 storm water maintenance -- storm water
14 management is one of the four essential
15 elements of a development. So that one I
16 don't think they can delegate that to the
17 Board.

18 MR. KENT-SMITH: Mr. Drill, we will do
19 it. We will get you a summary that's
20 sufficiently clear so that you and the Board
21 and the staff can all review and be
22 comfortable relative to the operation and
23 maintenance of the storm water system.

24 And there was one last question that
25 I believe the engineer had relative to --

1 there are three drainage areas that are part
2 of this project, can you just describe the
3 analysis that you will do relative to those
4 drainage areas in response to the comments
5 from the Board engineer.

6 MR. CHAPLIN: So the site has three
7 main drainage areas. There's the two basins
8 that some of the site drains use, that's two
9 areas and there is a sliver at the western
10 side of the property that is undetained, it
11 doesn't make its way to the basins. We did
12 analyze it from a quality standpoint for
13 those three areas, I would think and she can
14 correct me if I'm wrong but, she's probably
15 looking for the sub areas with our
16 bio-retention areas and kind of pinpoint a
17 little bit more of the analysis as well as
18 we talked about providing the state
19 discharge table for the existing basins and
20 providing -- showing that the storage that
21 we provide.

22 MR. KENT-SMITH: And just regarding the
23 overall storm water management plan, given
24 the reduction in the impervious coverage and
25 the storm water management plan is used by

1 design, will there be any offsite impact
2 associated with any increase in runoff?

3 MR. CHAPLIN: No.

4 MR. KENT-SMITH: Okay. Let's shift
5 gears to lighting.

6 MR. DRILL: Before you shift gears.

7 MS. SEN: I have some questions on the
8 last --

9 MR. NORDEL: Mr. Drill has a question,
10 Mr. Taylor, and Ms. Sen we'll move to you.
11 Mr. Drill first.

12 MR. DRILL: Back to the environmental
13 commissions July 11, 2022, report on the
14 bottom of the first page going to the top of
15 the second page it says, the environmental
16 commission wants the Applicant -- I'm
17 paraphrasing -- to adopt the same standards
18 that would apply to a major development that
19 increased impervious coverage by
20 1,000 square feet.

21 Let's hypothetically assume that the
22 Applicant agreed to do that. What
23 additional storm water management measures
24 would have to be taken that you are not now
25 proposing.

1 MR. CHAPLIN: It could be quite
2 significant because you're going from a curb
3 under curb high graph analysis that likely,
4 could peak productions for the two, ten, and
5 hundred year storms events. So it could
6 create some issues with just the overall
7 layout of the property, where we put all
8 this extra infrastructure we'd have to take
9 a closer look at the numbers.

10 MR. KENT-SMITH: But the bottom line
11 is, those standards, though, only apply when
12 your increasing the impervious coverage on
13 the property, correct?

14 MR. CHAPLIN: Not exactly. So the
15 standards apply because we're major
16 development and we're over an acre of
17 disturbance. But we are decreasing
18 impervious coverage by two acres which is
19 what allows us to show that we comply with
20 the requirements.

21 MR. DRILL: Right. So what would
22 happen if instead of decreasing impervious
23 coverage. If impervious coverage was
24 increased by 1,000 square feet it's still a
25 major development -- obviously it has some

1 additional requirements.

2 MR. CHAPLIN: Right. And again it
3 could be extensive because --

4 MR. DRILL: So you're saying, you don't
5 know what the additional requirements would
6 be off the top your head, you don't know?

7 MR. CHAPLIN: No.

8 MR. DRILL: But you think it would be
9 substantial and not just minor?

10 MR. CHAPLIN: Correct.

11 MR. KENT-SMITH: But the presumption
12 there is an increase in impervious coverage,
13 correct? So what you were designed -- let
14 me ask the questions. What you would be
15 designing for would be an impact greater
16 because more impervious coverage, correct?

17 MR. CHAPLIN: Right. Yes.

18 MR. KENT-SMITH: And therefore, your
19 mitigation is going to presume certain
20 runoff of coefficients associated with
21 vacant or un -- not impervious surface
22 versus I now have knew impervious, correct?

23 MR. CHAPLIN: Correct.

24 MR. KENT-SMITH: Now in this situation
25 we are actually reducing the amount of

1 impervious by over two acres, correct?

2 MR. CHAPLIN: Correct.

3 MR. KENT-SMITH: And as a result, you
4 testified that that -- what was paved is
5 going -- is going to create more runoff is
6 now green grass that's going to be more
7 absorbent of rainfall, et cetera, correct?

8 MR. CHAPLIN: Correct.

9 MR. KENT-SMITH: Therefore your
10 analysis is already demonstrated, that
11 you're going to be reducing the total runoff
12 on the project associated just with the
13 reduction of the impervious and of all the
14 other storm water mitigation --

15 MR. DRILL: I'm not saying anything,
16 you're lading. And this is so bad it's not
17 funny. But I'm just letting you do it.
18 You're doing the testifying, but go ahead.

19 MR. CHAPLIN: Yes.

20 MR. DRILL: Let me ask you this, they
21 also have a recommendation that each
22 building be fitted with onsite storm water
23 retention and additional green
24 infrastructure catch basins being included
25 as necessary to reduce runoff and pollutants

1 from the impervious servant. You guys
2 willing to do that?

3 MR. CHAPLIN: I'm not sure I quite
4 understand the question. Typically you
5 don't want the catch basins to catch water
6 if you want to reduce pollutants cause you
7 want it to naturally sheet flow into our
8 biorientation area. So I don't quite
9 understand that.

10 MR. NORDEL: They were suggesting that
11 there is additional green infrastructure
12 improvements that could be made. You
13 testified just a second ago that you are
14 making those additional enhancements and
15 that you've added some of that
16 infrastructure already.

17 MR. CHAPLIN: Correct. There is a
18 plethora of green infrastructure on this
19 proposal, yes.

20 MR. NORDEL: Okay. So Mr. Taylor, and
21 then Ms. Sen.

22 MR. TAYLOR: My questions more
23 generally in terms of this site and I guess
24 your design in cooperation with the
25 environmental aspect of it. From the

1 history of the site I know we asked for
2 previous environmental statements about
3 chemicals that may have been in the soil and
4 if there was any cap on this site that's
5 preexisting, which I'm not sure if it is or
6 not. Sometimes pavement actually will work
7 as a cap, now that you're removing pavement
8 and adding green space, does that affect
9 globally any environmental issue in terms of
10 pollutants?

11 MR. CHAPLIN: I don't have an answer to
12 that. It would -- the LSRP would have to
13 speak to potentially --

14 MR. KENT-SMITH: I can't testify.

15 MR. RHATICAN: I'll answer.

16 MR. DRILL: Identify yourself.

17 MR. RHATICAN: James Rhatigan, again.
18 We bought the site in 1988. To our
19 knowledge there's nothing in the ground,
20 there's no cap, there's no engineering
21 controls required at the time. Soils, as
22 far as we know, are clean. So it's -- I
23 hope that answers your questions.

24 MR. KENT-SMITH: I have one follow-up
25 question. You demolish buildings and start

1 from scratch, correct?

2 MR. RHATICAN: That's correct, yes.

3 MR. KENT-SMITH: Did you find any other
4 infiltrations, environmental issues from the
5 demolition of the building?

6 MR. RHATICAN: No. What we did know
7 when we brought the project -- or the
8 property back then was that there were PCPs
9 in the building not in the ground. DEP has
10 no jurisdiction over interior areas like
11 that, the PCPs were remediated years ago in
12 the mid '90s-- early '90s by a certified
13 contractor who did that work. So at the
14 time the building came down, the building
15 was clean there was no asbestos nothing of
16 that nature in the building.

17 MR. NORDEL: Before we get to Ms. Sen,
18 just this question for Mr. Rhatican,
19 according to the assessment that was done on
20 soil would be done on the soil.

21 MR. DRILL: What document is this?

22 MR. NORDEL: I'm sorry this is
23 Stonefield, environmental impact.

24 MR. DRILL: This is an environmental
25 impact statement you're reading from.

1 MR. NORDEL: Yeah. I'm reading from
2 the statement.

3 MR. DRILL: Dated April 4, 2020.

4 MR. NORDEL: So the soil testing you
5 did was to see if it could sustain the
6 building.

7 MR. RHATICAN: I believe it's how green
8 tech works. But that is for Mr. Chaplin to
9 answer.

10 MR. NORDEL: I just wanted to clarify
11 that. Okay.

12 Ms. Sen?

13 MS. SEN: And respectfully I raised my
14 hand to be recognized previously, so I'm
15 unfortunately have to go back to a couple
16 exhibits so I could ask a couple quick
17 questions not related to storm management.

18 So one of the questions, earlier you
19 had stated that the sidewalk, that there was
20 -- you would have to disturb vegetation to
21 increase the sidewalk. What do you mean by
22 that?

23 MR. CHAPLIN: So, I'm just going to
24 refer, this is a marked exhibit already but
25 this is photos of Walnut. So if you look at

1 -- you look at the photos, there is
2 vegetation behind the sidewalk you can kind
3 of see it --

4 MR. DRILL: But there's vegetation to
5 the west of the sidewalk.

6 MR. CHAPLIN: There are also street
7 trees to the east.

8 MR. DRILL: She is not asking about the
9 east, she's asking about the west.

10 MS. SEN: Yeah. I'm just wondering,
11 you know, and it relates to another question
12 which is, you mentioned that you would be
13 disturbing vegetation so I'm wondering, is
14 that cutting down weeds, is that dealing
15 with something? And my second question
16 relates to the slope because I want to
17 insure that the sidewalk is ADA compliant.
18 And so that was my second question.

19 MR. CHAPLIN: Right. So if you look at
20 the screen you can kind of see, I just
21 zoomed in the slope going up and you start
22 to have vegetation. So there's just a
23 difficulty or challenge to expand the
24 sidewalk with the slope and then when you're
25 doing the construction to not necessarily

1 impact the vegetation. It could be trees,
2 it could be bushes, it's a challenge. I'm
3 not saying it's impossible for the entirety
4 stretch of it could be certain parts where
5 we could do it but I think there's going to
6 be challenges along the way where you're
7 going to have, again, that zig-zag and
8 that's where we felt that it was better just
9 kind of leave it in tact and that the
10 four-foot is pretty standard for the
11 sidewalk and then you get the three-foot
12 strip. It was just our thought that it was
13 probably best to keep it. If it's really
14 important to expand it, it sounds like the
15 Board feels like a wider sidewalks important
16 we'll do our best to accommodate. We hear
17 the feedback, so.

18 MS. SEN: My question relates to if
19 there is a slope, you know, is there a slope
20 that's going to be difficult for a
21 wheelchair to be able to access in its
22 current form. And if it were to be expanded
23 was is that also a potential consideration?

24 MR. CHAPLIN: We wouldn't be allowed to
25 install a sidewalk theoretically that -- it

1 would be pro ADA standards and the county
2 just wouldn't approve it.

3 MS. SEN: So you're certifying that the
4 sidewalks are ADA compliant?

5 MR. CHAPLIN: I can't certify that
6 based on the existing condition. I'm saying
7 if we were to --

8 MR. DRILL: Put it this way --

9 MS. SEN: That would be a question.

10 MR. DRILL: You're going to go take a
11 look and make sure that the slopes and the
12 sidewalk going north south are ADA
13 complaint, because those aren't the slopes
14 he was talking about.

15 MS. SEN: I know. I actually had
16 several questions but again I didn't -- I
17 was in the cue and did not have the
18 opportunity to ask. So if you could
19 actually turn to the other exhibit that you
20 actually showed the greenery and you were
21 able to see the commercial building with the
22 greenery -- not that one. And so my other
23 question just relates to pedestrian safety
24 between the residential buildings and the
25 commercial building is there a walkway, is

1 it accessible? I'm also concerned about
2 safety, I have two little children, they are
3 running around, going into the commercial
4 lot and they shouldn't. It doesn't seem
5 there like many access ways, so I just
6 wanted to ask, is there a connection? You
7 know can a resident at 750 Walnut go to the
8 commercial space and back and forth?

9 MR. CHAPLIN: So the idea is to
10 landscape buffer. There's a landscape
11 buffer and berm that's proposed that's in
12 between the flex space and the residential
13 building. The park space is kind of, again,
14 it's open to the public it can be used by
15 employees of the flex space as well as the
16 residents as well. So there is some for
17 interconnectivity as you get further east to
18 the site. Where you could theoretically
19 access that property. But not to the west
20 closer to the buildings.

21 MS. SEN: Okay. So if a resident were
22 to want to go to the commercial building,
23 they would either have to cross a berm or go
24 out in to the Walnut Avenue street to be
25 able to access it?

1 MR. DRILL: Not the street, the
2 sidewalk.

3 MS. SEN: The sidewalk.

4 MR. CHAPLIN: They can go around the
5 berm but there also is a portion, a pretty
6 small portion they could cross through the
7 park.

8 MS. SEN: So they can cross --

9 MR. CHAPLIN: I'm kind of hovering over
10 it, that area. And we --

11 MS. SEN: So how would the employees of
12 the commercial building be able to get into
13 the park?

14 MR. CHAPLIN: So we can put a sidewalk
15 connection. That's a good thought. We
16 don't have one proposed right now. Right
17 now the thought was going around but we can
18 put one in.

19 MS. SEN: Okay. And where would that
20 connection be?

21 MR. CHAPLIN: It would be -- if you're
22 looking at the screen just between this
23 corner here to the path just right here.

24 MS. SEN: Thank you.

25 MS. RAPPA: I have a question while you

1 have this up. If a member of the public is
2 coming on Walnut Avenue to access the public
3 space on the property, how do they get in it
4 looks like they would have to walk along the
5 driveway. Is there was sidewalk next to the
6 driveway?

7 MR. CHAPLIN: Correct. Good question.
8 I missed this in my testimony but there's
9 actually two sidewalks on both sides of the
10 driveway that connect to the walkway path
11 and this will be explained a little bit more
12 by our landscape architect. There is also a
13 sidewalk on the curb cut furthest to the
14 south that gets you to the park as well. So
15 multiple points to enter in to the park.

16 MS. RAPPA: And how wide are those
17 sidewalks running along the driveway?

18 MR. CHAPLIN: I believe these sidewalks
19 are the larger ones. I believe internal are
20 eight, they might taper down to the six as
21 you get closer to Walnut Avenue.

22 MS. RAPPA: Okay. Thank you.

23 MR. NORDEL: I know that you're keeping
24 track of the -- you just testified that
25 you'd do that, where you explore adding that

1 connection, correct?

2 MR. KENT-SMITH: Yes. Yes.

3 MR. NORDEL: Okay.

4 MR. TAYLOR: Just a follow-up. Just a
5 follow-up regarding widening of the
6 sidewalk, the use of retaining walls, low
7 block retaining walls is another option to
8 modify the slope of the existing berm,
9 correct?

10 MR. CHAPLIN: It's going to be
11 dependant if the county would want to
12 maintain a retaining wall that is located on
13 their property.

14 MR. DRILL: I thought we asked you
15 before, you said some parts of the sidewalk
16 are actually on your property. If a
17 sidewalk is, let's say, a foot or two feet
18 from your property line, and the county
19 didn't have an objection to cutting in to
20 the slope on their property and the
21 retaining wall that he's suggesting going up
22 on your property, that wouldn't be a
23 problem, would it?

24 MR. CHAPLIN: Well, unless the county
25 -- typically they like to maintain, you

1 know, sometimes even own their sidewalks,
2 you would have an easement with them. It's
3 typically not on the private property owner
4 to maintain that public sidewalk. Even if
5 it's on our property right now as part of a
6 formal submission to them, they would look
7 usually for an easement.

8 MR. DRILL: Add this to your list of
9 what your going to ask them. Cause what
10 Mr. Taylor is suggesting is a way to widen
11 the sidewalk from four feet to as close as
12 eight feet as possible. If not eight feet
13 would be to cut in to the slope and put a
14 low retaining wall on the Hartz property.

15 MR. CHAPLIN: Yeah. We're happy to do
16 it.

17 MR. TAYLOR: Or recreate the berm.

18 MR. CHAPLIN: I'm not opposed to these
19 ideas. I'm just pointing out potential
20 obstacles the county may have.

21 MR. KENT-SMITH: But the real critical
22 question, legally is, that if there is a
23 wider sidewalk on Walnut the county and --
24 nor Hartz are going to allow the line to be
25 bisected by two owners. Hartz on one side

1 the county on the other. So it would all be
2 dedicated to the county that's why we have
3 to get the county's okay.

4 MR. DRILL: Whatever you have to do.
5 Talk to the county.

6 MR. KENT-SMITH: I just want to
7 explain. It's not like something we can do
8 by ourselves. That's what my point it.

9 MR. NORDEL: I don't think we're going
10 to transition. Are there any other
11 questions from our members?

12 MS. PRUNTY: Just stay on this.
13 Earlier you mentioned or you showed the
14 public spaced and the small portion of that
15 public space is subdivided. So I'm going to
16 go back to the maintenance question, so when
17 we talked about the berm we talk about it
18 being maintained but the two individual,
19 sperate entities so is the public space
20 going to be subject to that same issue?

21 MR. KENT-SMITH: We will prepare the
22 declaration. Which won't be a complete
23 document but we will answer all of these
24 questions in summary fashion.

25 MR. RHATICAN: You want me to address

1 that?

2 MR. NORDEL: Mr. Rhatican, I think.

3 MR. RHATICAN: I testified to that
4 earlier.

5 MR. NORDEL: You suggested to the
6 Mayor's point that, there was the Greystar
7 individuals would take care of the
8 vegetation management and that the main area
9 of the berm would be Hartz. But if you -- I
10 know it's going to be clarified in that
11 statement but if you could just speak to --
12 to get the point across.

13 MR. RHATICAN: The intent and all of
14 this has not been programed but the intent
15 is that Hartz will maintain the park. We're
16 not going to ask our property manager to do
17 that. They will take care of the typical
18 landscaping, but we'll manage the park.
19 Even though part of it will be on the
20 residential side.

21 MS. PRUNTY: Thank you.

22 MR. NORDEL: Anyone else before he
23 transitions? All right.

24 MR. KENT-SMITH: So let us transition
25 then, over to the lighting plan. In

1 particular I want to focus you on the
2 lighting standards on the commercial because
3 there are a couple of issues that were
4 raised that I would like you to address with
5 the Board. Relative to height of the light
6 stand and intensity lighting.

7 MR. CHAPLIN: Sure. There is -- there
8 are lighting standards in the redevelopment
9 plan and I just want to point out that for
10 the residential development to meet them the
11 light poles are 16 feet maximum height.
12 It's decorative light poles that kind of fit
13 a residential development and i would say
14 the lighting is generally pretty common in
15 terms of the intensity of it for this type
16 of use.

17 For the commercial property, I do
18 want to openly say that there is an issue
19 with the lighting plan that was submitted.
20 The values are not accurate. It does need
21 to be revised. I think your professionals
22 are noting that as we speak. So I do
23 apologize for that. What I will say, when
24 we were working on this plan and we were
25 looking at the values as they should be

1 there's a challenge when you have -- I think
2 it's 130 feet between two flex buildings.
3 Right, because you got 60 foot loading
4 space, you got a 70-foot Drive out, and
5 another 60-foot. And you don't want to put
6 light poles in that area because there's a
7 lot of driving, maneuvering that's
8 happening. So what tends to happen, the
9 higher you can put the light fixture and
10 again this is it specific to the face of the
11 building for these flex buildings the more
12 it can kind of spill out further and that's
13 why we're looking to have the 25-foot
14 height, only for the flex buildings to
15 really light up that loading area.

16 MR. KENT-SMITH: And that's just the
17 loading area. In other words, the parking
18 area on the exterior would have 16-foot
19 standards, correct?

20 MR. CHAPLIN: That's correct. And I
21 just want to point out again, it would be
22 revised if it was showing differently.
23 Everything would be revised to the 16-foot
24 with the exception of the loading area
25 between the two flex buildings.

1 MR. TAYLOR: What is the minimum foot
2 candle requirement in the redevelopment
3 plan?

4 MR. CHAPLIN: One and a half foot
5 candles.

6 MR. TAYLOR: At what distance?

7 MR. CHAPLIN: Ground level.

8 MR. TAYLOR: How far away from the
9 light or that's the minimum anywhere that's
10 really bright. Why is it so bright?

11 MR. CHAPLIN: I mean, one and a half is
12 probably, I would say, right -- I wouldn't
13 call it very bright.

14 MR. TAYLOR: The minimum is half a foot
15 candle?

16 MR. KENT-SMITH: Let me clarify. Cause
17 now I think -- are you talking about the
18 foot candles on the overall total property?

19 MR. CHAPLIN: Oh, you're talking about
20 the spillage.

21 MR. TAYLOR: I'm talking about the
22 spillage -- well, not spillage but at the
23 midpoint between the two commercial
24 buildings is going to be your darkest area.

25 MR. CHAPLIN: Correct.

1 MR. TAYLOR: What I was curious about
2 was, what foot candle were you using as your
3 minimum there?

4 MR. CHAPLIN: Roughly, between one and
5 one and a half.

6 MR. TAYLOR: That's too high. Just go
7 down to .5, in my opinion.

8 MR. DRILL: By way of background, do
9 you happen to be an engineer?

10 MR. TAYLOR: Yes.

11 MR. CHAPLIN: And I appreciate that. I
12 think, we can probably massage it a little
13 bit I still think the 16 foot unless --

14 MR. TAYLOR: Oh, I agree. Go 25 feet.
15 I don't have a problem with that. I think
16 you're trying to make it too bright at that
17 distance. Our -- I think our minimum -- our
18 township minimum for lighting are too high.
19 That's my personal opinion.

20 MR. CHAPLIN: Well, that's what I was
21 getting at, I think it is one and a half
22 minimum.

23 MR. TAYLOR: I know that. I've been on
24 this Board for years.

25 MR. DRILL: That is your personal

1 opinion.

2 MR. TAYLOR: That is my personal
3 opinion.

4 MR. DRILL: And the Board is
5 duty-bound.

6 MR. TAYLOR: No. We can also get a
7 variance on lighting.

8 MR. DRILL: Correct. Are you seeking a
9 variance on the intensity of lighting or are
10 you only seeking a variance on the --

11 MR. KENT-SMITH: We can't answer that
12 yet because we got to rerun the lighting
13 because of some inaccuracies in the lighting
14 plan so until we rerun the lighting we don't
15 the answer.

16 MR. TAYLOR: Yeah. Those numbers were
17 --

18 MR. CHAPLIN: Well, no, we've ran them
19 that was just the last iteration. What I
20 can say is, we were looking to meet the
21 intensity requirement. But I understand
22 where you're coming from and, you know, a
23 slight deviation could be acceptable. I
24 think it's something we could look into.

25 MR. DRILL: Just quick to the

1 applicant's attorney. I know the chairman
2 said witness by witness they testified the
3 Board asks questions in the public. If you
4 don't like this process tell us. But we
5 figure it's better that you know what's on
6 our mind now as he brings it up. So it will
7 be more efficient for the next meeting.

8 MR. KENT-SMITH: I agree.

9 MR. NORDEL: And I just wanted to
10 clarify, you will take those into account
11 when you are running the numbers and you
12 will come back and provide some sort of
13 response in addition to all other all the
14 other questions and inquiries you got.

15 MR. CHAPLIN: Correct.

16 MR. KENT-SMITH: All right. With
17 regard then to utilities, sanitary sewer,
18 and potable water. There was a question
19 raised relative to A, the need for sanitary
20 sewer treatment works approval for sewer
21 extension, that's one. And then two, the
22 sizing of the existing sewer pipes. Have
23 you done an analysis and can address that?

24 MR. CHAPLIN: I think it was more so
25 just getting conformation from the utility.

1 We did receive a well serve from Rahway
2 Sewage Authority. They provided that well
3 serve in 2017 for the original application
4 which I think was roughly 1,000 units. So
5 we do need to reach out to them again
6 confirm they can still service us but given
7 the downsizing of the application, we are
8 pretty confident that they will provide
9 service.

10 We most likely will need TWA
11 concerning the amount of those additional
12 units that we are proposing in the increase
13 in the flows. And then of course new
14 infrastructure be proposed. New utility
15 connections for the project.

16 MR. KENT-SMITH: Right. So in other
17 words, you have totally new lateral
18 connections into the to main, correct?

19 MR. CHAPLIN: Correct.

20 MR. KENT-SMITH: And you're confident
21 that the existing main in Walnut is
22 sufficiently sized?

23 MR. CHAPLIN: For which?

24 MR. KENT-SMITH: For where you're
25 connecting into to go down stream?

1 MR. CHAPLIN: Yes.

2 MR. KENT-SMITH: For sanitary?

3 MR. CHAPLIN: Yes.

4 MR. KENT-SMITH: Potable water.

5 MR. NORDEL: Well, before we get into

6 potable water can we just go back to

7 lighting quickly? Can you demonstrate on

8 the map where exactly the 25-foot ones are

9 going to be in that commercial area and then

10 where they are going to be in the

11 residential area?

12 MR. DRILL: How about start with

13 commercial area on the exhibit. Where are

14 they going to be 25 feet and where are they

15 going to be 15 feet? Looking for the

16 exception for the 25 feet tell us where

17 exactly that is and how close to neighboring

18 property that is.

19 MR. CHAPLIN: Yeah, so it's just within

20 this courtyard that I'm hovering over. So

21 essentially within the loading area in

22 between the flex building far away from

23 Walnut Avenue.

24 MR. DRILL: Can you, with your finger,

25 and do a description on that exhibit as A3.

1 MR. TAYLOR: What's your spacing of
2 lights?

3 MR. DRILL: If it's not A3 direct us to
4 the plan showing us where the light
5 standards so the Board can see where the
6 25-foot poles are going to be located.

7 MR. CHAPLIN: They're not poles they're
8 building mounted.

9 MR. DRILL: So where are they in zone 3
10 located.

11 MR. CHAPLIN: They will be located
12 25 feet above grade on the building façade
13 of the loading area more than 225 feet away
14 from Walnut Avenue.

15 MR. DRILL: Along where?

16 MR. CHAPLIN: Along here and here.

17 MR. TAYLOR: Do you know the spacing?

18 MR. CHAPLIN: I could probably look it
19 up.

20 MR. KENT-SMITH: I thought they were on
21 standard drawing.

22 MR. DRILL: Because you asked him all
23 these questions and he said yes. And you
24 said that if you have lower stanchions or
25 lower lights you had to have more of them

1 and that would be an obstruction of the
2 vehicles but if the things are on the side
3 of the building I don't understand why you
4 couldn't have 15 footers and just have more
5 of them and how would that I don't get it.

6 MR. TAYLOR: What he was saying is
7 another way to provide light to the middle
8 of the parking area is by putting a pole
9 right in the middle of the parking area
10 which they wanted to avoid. Does that make
11 sense?

12 MR. DRILL: So now I understand putting
13 them 25 feet high in the building you don't
14 need a pole in the middle.

15 MR. CHAPLIN: Correct. Apologies for
16 not explaining that right.

17 MR. DRILL: Are these wall-mounted
18 light fixtures shielded to put the light
19 down only and not up?

20 MR. CHAPLIN: No, they are not pointing
21 up they're shielded down and out.

22 MR. DRILL: So the answer to the
23 question are they shielded down and the
24 answer is yes.

25 MR. CHAPLIN: Yes.

1 MR. NORDEL: On the sanitary on the
2 previous one that you were just on I just
3 want to make sure there was a specific point
4 about the standards in the drawing would
5 that accurately explain or would you like to
6 explain.

7 MS. DIRMANN: We would need to see
8 calculations not just a statement I'm
9 assuming that --

10 MR. NORDEL: I was referencing your
11 report. One of them was for those
12 calculations and verify the flow and service
13 so I just wanted to make sure you got that.

14 MS. DIRMANN: Right. So I -- my
15 question got lost in the mix as well.
16 Should we expect these plans to be revised
17 in accordance with our letters for storm
18 water, sanitary sewer, you know, before the
19 August meeting.

20 MR. KENT-SMITH: So what we will do is
21 provide a written response to your report
22 stating exactly how we would respond to
23 every one of your comments to your report.
24 However, it would not be possible to make
25 all those plan revisions by the time and

1 have them in time for the public to review
2 and all of that. So we would enter that in
3 to the record at the next meeting at which
4 point, then, it's really up to you
5 Mr. Chaplin when would you be able to make
6 changes but we would have it in writing.

7 MR. DRILL: If you bring that thing in
8 writing to the August 17th hearing that's
9 not going to help. It has to be submitted
10 even though it doesn't have to be submitted
11 we're not seeking approval of it sooner
12 before the hearing with the answer to her
13 report the better.

14 MR. KENT-SMITH: When can you get them
15 in.

16 MR. CHAPLIN: We can have a letter
17 drafted.

18 MR. DRILL: No, we're talking about the
19 letter.

20 MR. KENT-SMITH: Letter will be in
21 probably in the next week to ten days.

22 MR. DRILL: I thought you said --

23 MR. KENT-SMITH: Before the next
24 hearing. Week to ten days I can get the
25 letter.

1 MR. DRILL: Then when can you make
2 those revisions.

3 MR. CHAPLIN: It's going to be a little
4 bit of discussion depending on the extent of
5 what we would do and I think that is a
6 conversation we would have to figure out how
7 much is needed. I think we're spoke briefly
8 where we can address all the comments but I
9 think some of the questions that are on the
10 review letter that I think we'd want to talk
11 further and understand. I think if you had
12 to say approximately how long we could
13 probably have the plans completed within a
14 month, the revisions.

15 MR. KENT-SMITH: What I think I'm
16 hearing is we can get the letter in you can
17 review and have your discussion but the
18 final plan revisions won't be until the
19 hearing after you know between the 17th and
20 whatever the next meeting date is.

21 MS. DIRMANN: My point is we shouldn't
22 have -- we should try to rectify as much as
23 we can on a final plan set and not make a
24 conditions of approval so if everyone is
25 comfortable with that.

1 MR. DRILL: I agree with that.

2 MS. DIRMANN: That's usually how we do
3 it.

4 MR. KENT-SMITH: My suggestion would be
5 we can make the stipulations and endeavor
6 before the final, whatever that following
7 hearing is to then have the Board the
8 consultants everybody have fully engineered
9 revised plans.

10 MS. DIRMANN: Absolutely before the
11 dates. That's usually what this Board does.

12 MR. DRILL: I guess there's five more
13 minutes tonight. He's not even going to
14 finish his direct let alone cross. You're
15 looking for a date you got.

16 MS. LENAHAN: Mr. Kent-Smith you're
17 telling me you have to be on the mic.
18 Sorry.

19 MR. KENT-SMITH: The answer yes so we
20 have the 17th let's look at another date.

21 MR. DRILL: Kathy what do we have
22 coming up?

23 MS. LENAHAN: After the 17th the next
24 date we have is September 7th or
25 September 21st.

1 MR. DRILL: Do we anything on those
2 agendas yet.

3 MS. LENAHAN: Not yet.

4 MR. DRILL: September 7th or 21st let's
5 ask the Applicant what's your.

6 MR. KENT-SMITH: Mr. Chaplin you'll be
7 able to get your plans in like August 20th
8 somewhere around there.

9 MR. CHAPLIN: Yes.

10 MR. KENT-SMITH: Then that would be in
11 sufficient time I trust if we went on the
12 7th we would have a response.

13 MR. DRILL: You know what just for
14 planning purposes why don't we give them
15 September 7th and September 21st but not
16 commitment that's.

17 MS. LENAHAN: I know there's something
18 else it's just not ready. It's going to be
19 ready this week.

20 MR. DRILL: But at least give them a
21 portion, you know, of each of those hearings
22 now if you have nothing else they get the
23 whole one but you have members of the public
24 here I think it would be helpful for
25 everyone to know the schedule. So can we

1 list them for September 7th and
2 September 21st not committing to give them
3 the entire hearing but what if you only want
4 to go September 7th.

5 MS. LENAHAN: No, I just know there's
6 something waiting in the wings that's big.

7 MR. DRILL: Hold on. Hold on. Hold
8 on.

9 Okay. There's another redevelopment
10 application coming so out of fairness I'll
11 give you September 7th for now we have to
12 hold September 21 open.

13 MR. KENT-SMITH: That's acceptable.

14 MR. DRILL: Thank you very much.
15 You're absolutely right.

16 MR. KENT-SMITH: Yes.

17 MR. DRILL: This matter is going to be
18 continued to August 17th and September 7th
19 without a need for further notice.

20 MR. KENT-SMITH: Thank you.

21 MR. NORDEL: The officer may cancel
22 we'll continue -- the August 3rd meeting of
23 the planing board is cancelled for lack of
24 agenda. So we will reconvene on this
25 particular matter on August 17th and seeing

1 that do I have a motion to adjourn the
2 meeting? Second?

3 Thank you. Meeting adjourned.

4 MR. KENT-SMITH: I would like the
5 original and three copies, minis.

6 (Time noted: 10:30 p.m.)

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C E R T I F I C A T I O N .

I, Caren Sheehan, hereby certify that
the proceedings and evidence noted are
contained fully and accurately in the
stenographic notes taken by me in the
foregoing matter, and that this is a correct
transcript of the same.



Caren Sheehan, Certified
Court Reporter - Notary Public

(The foregoing certification of this
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supervision of the certifying reporter.)

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