

RE: 220 Stockton Street  
Case No. 19-001  
Site Plan Approval

Thursday, August 22, 2019

Hearing regarding Application for  
Site Plan Approval, was taken pursuant to  
Notice, held at, Phillipsburg Housing  
Community Room, 535 Fisher Avenue,  
Phillipsburg, New Jersey, commencing at  
7:00 p.m., on the above date, before Emily  
Jo Tanner, Court Reporter and Notary  
Public, there being present:

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1 A P P E A R A N C E S:  
2 DAY PITNEY LLP  
3 BY: KATHERINE A. COFFEY, ESQUIRE

4 One Jefferson Road  
5 Parsippany, New Jersey 07054  
6 (973) 966-8323  
7 E-mail: kcoffey@daypitney.com

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1 - - -  
2 MS. CARNEY: Mayor Ellis?  
3 MAYOR ELLIS: Here.  
4 MS. CARNEY: Councilwoman  
5 DeGerolamo?  
6 COUNCILWOMAN DEGEROLAMO:  
7 Here.  
8 MS. CARNEY: James Stetner.  
9 MR. STETNER: Here.  
10 MS. CARNEY: Keith Zwicker?  
11 MR. ZWICKER: Here.  
12 MS. CARNEY: David Morissette?  
13 MR. MORISETTE: Here.  
14 MS. CARNEY: Dominick  
15 Vangelli?  
16 MR. VANGELLI: Here.  
17 MS. CARNEY: Roseann Rohm?  
18 MS. ROHM: Here.  
19 MS. CARNEY: Darren Bodoogh?  
20 MR. BODOGH: Here.  
21 MS. CARNEY: James Stetner?  
22 MR. STETNER: Here.  
23 MS. CARNEY: Bernie Rooney?  
24 MR. ROONEY: Here.  
25 THE CHAIRMAN: Okay. New

1 business. 220 Stockton Street, Case  
 2 19-001, Site Plan Approval. Before  
 3 we start the case, the Mayor and  
 4 Councilwoman DeGerolamo have to be  
 5 recused from this and step down.  
 6 MR. MANDRY: If I could say  
 7 this, it's probably the best practice  
 8 for the Mayor and Councilwoman  
 9 DeGerolamo to recuse themselves  
 10 entirely from these proceedings.  
 11 It's probably the best practice, but  
 12 I'll leave that up to you folks.  
 13 - - -  
 14 (Whereupon, there was a  
 15 discussion held off the record.)  
 16 - - -  
 17 MR. MANDRY: Do you have an  
 18 objection to either the Mayor or  
 19 Councilwoman DeGerolamo being  
 20 present?  
 21 MS. COFFEY: This is Kate  
 22 Coffey, the attorney for the  
 23 Applicant.  
 24 Oh, it's up to the  
 25 Councilwoman and the Mayor, whatever

1 their preference.  
 2 MR. MANDY: As long as you  
 3 don't object, please make yourselves  
 4 comfortable.  
 5 MS. COFFEY: We don't object.  
 6 MAYOR ELLIS: Thank you.  
 7 MR. MANDRY: So if you don't  
 8 have an objection, we'll proceed.  
 9 MS. COFFEY: And just for the  
 10 record, no objection.  
 11 Good evening everyone. Can  
 12 everyone hear me?  
 13 THE CHAIRMAN: We can.  
 14 MS. COFFEY: So I'm Kate  
 15 Coffey from Day Pitney. I'm here  
 16 tonight on behalf of the Applicant,  
 17 which is Ingerman Development  
 18 Company, LLC. They are the contract  
 19 purchaser of the property, and the  
 20 property owner has consented to the  
 21 application. This is a Preliminary  
 22 Site Plan Application. We're also  
 23 seeking uses and variances, as we  
 24 just alluded to. The property that  
 25 we're talking about is Block 1901,

1 Lot 13, which is located at 220  
 2 Stockton Street. It's a 2.07-acre  
 3 vacant parcel. What's being proposed  
 4 is one three-story senior  
 5 age-restricted residential apartment  
 6 building. The building will contain  
 7 67 100 percent affordable  
 8 multi-family units, and the breakdown  
 9 between those units is 60 one-bedroom  
 10 units and seven 2-bedroom units.  
 11 Again, all affordable, all  
 12 age-restricted.  
 13 The building will also contain  
 14 common and amenity space, which is  
 15 for the residents only.  
 16 In addition to those  
 17 improvements, we're proposing to  
 18 install parking and storm water  
 19 improvements, landscaping and a  
 20 free-standing sign. We are  
 21 requesting a number of variances.  
 22 There's the D(1) use variance to  
 23 permit the senior residential  
 24 development where the use is not  
 25 permitted in the I-1 light industrial

1 zone to permit a side yard setback of  
 2 24.7 feet where a side yard setback  
 3 is 30 feet, it's required, that  
 4 includes encroachments for a setback  
 5 to the balcony of the building, 24.7,  
 6 and a setback to the building of 25.8  
 7 feet. Other variances include a  
 8 front -- sorry for the feedback,  
 9 everybody, I'll -- a front yard  
 10 setback of 19.1 feet, where a front  
 11 yard setback of 35 feet is required.  
 12 A C variance to permit 45  
 13 parking spaces, where 67 parking  
 14 spaces are required, as well as an  
 15 RSIS waiver associated with the  
 16 number of parking spaces. A C  
 17 variance to permit a driveway width  
 18 of 45 feet at the curb line, where a  
 19 maximum driveway width is 30 feet,  
 20 it's permitted at the curb line, and  
 21 the maximum width is 20 feet is  
 22 permitted for a residential driveway.  
 23 A C variance to permit the building  
 24 to be located at a distance of 40  
 25 feet from the residential district,

1 where 80.9 feet is required.  
 2 Okay. And so with us tonight,  
 3 we have the following professionals:  
 4 We have Brett Skapinetz of Dynamic  
 5 Engineering, he's the project  
 6 engineer, he'll give you the overview  
 7 of the property and orientation to  
 8 the surrounding area and lead us  
 9 through the proposed improvements; we  
 10 have Jim Haley of Haley Donovan, he's  
 11 the project architect, and he will  
 12 review the architectural features of  
 13 the project with you; we have Corey  
 14 Chase of Dynamic Engineering, he's  
 15 the project's traffic engineer, and  
 16 he'll talk about internal circulation  
 17 on the site, as well as the traffic  
 18 impact, associated with the proposed  
 19 project; and finally, we have Paul  
 20 Phillips of Phillips Preiss Grygiel,  
 21 he's the project planner, and he'll  
 22 be talking about the plan  
 23 improvements associated with the  
 24 variance relief that we're  
 25 requesting.

1 I do think there are some  
 2 completeness items that the Board's  
 3 engineer had identi- --  
 4 MR. SCHREK: Can I interrupt  
 5 you for a second?  
 6 MS. COFFEY: Certainly.  
 7 MR. SCHREK: Before we go any  
 8 further, Charee, we have the proper  
 9 notice publication and the green  
 10 cards?  
 11 MS. CARNEY: Yes.  
 12 MR. SCHREK: Okay. And so we  
 13 have jurisdiction to proceed.  
 14 MS. COFFEY: Okay. Thank you  
 15 very much.  
 16 We have a number of  
 17 completeness items that were noted in  
 18 the Board engineer's memorandum of --  
 19 is it the Board's preference to  
 20 address the completeness issues first  
 21 before we get into the testimony, or  
 22 do it as we come?  
 23 MR. MANDRY: Yeah, yeah, I'd  
 24 like you to go through it first.  
 25 MS. COFFEY: Okay. In that

1 case, I'd like to ask Brett Skapinetz  
 2 to join me.  
 3 MR. MANDRY: Could you raise  
 4 your right hand, please.  
 5 Please state your name for the  
 6 record.  
 7 THE WITNESS: Sure. First  
 8 name is Brett, it's Brett Skapinetz,  
 9 the last name is S-K-A-P-I-N-E-T-Z.  
 10 MR. MANDRY: Mr. Skapinetz,  
 11 please raise your right hand.  
 12 - - -  
 13 BRETT SKAPINETZ, having been  
 14 duly sworn, was examined and  
 15 testified as follows:  
 16 - - -  
 17 MR. MANDRY: Proceed.  
 18 MS. COFFEY: Thank you. So  
 19 I'm looking at the memorandum that we  
 20 received from Van Cleef Engineering  
 21 dated August 19th, 2019.  
 22 MR. MANDRY: Ms. Coffey, could  
 23 we have him qualified?  
 24 MS. COFFEY: Oh, I'm so sorry.  
 25 MR. MANDRY: That's okay.

1 MS. COFFEY: Sure.  
 2 - - -  
 3 EXAMINATION  
 4 - - -  
 5 BY MS. COFFEY:  
 6 Q. Mr. Skapinetz, could you tell  
 7 the Board a little bit about your  
 8 background and experience, please?  
 9 A. Sure. Again, Brett Skapinetz  
 10 with Dynamic Engineering Consultants. I  
 11 have a bachelor of science degree in civil  
 12 engineering from Rutgers University, I'm a  
 13 licensed professional engineer in the state  
 14 of New Jersey, been qualified for over --  
 15 over 120 boards in the state.  
 16 (Cross-talk.)  
 17 THE WITNESS: Several months  
 18 ago in relation to the bridge  
 19 project.  
 20 MS. COFFEY: So we would ask  
 21 that Mr. Skapinetz be accepted as a  
 22 professional engineer.  
 23 MR. MANDRY: Yes. So  
 24 stipulated.  
 25 THE WITNESS: Great. Thank

1 you.  
 2 MS. COFFEY: Okay.  
 3 BY MS. COFFEY:  
 4 Q. Now we're going to turn to the  
 5 memorandum that we received from Van Cleef  
 6 Engineering dated August 19th, 2019.  
 7 MR. SCHREK: And, Counsel, it  
 8 might be easier if I jumped in at  
 9 this point, maybe this will go a  
 10 little bit quicker. This part. On  
 11 the general submission checklist,  
 12 the -- at the time we reviewed this,  
 13 the taxes and assessments were  
 14 incomplete in Section 5, I believe  
 15 you submitted subsequent to those  
 16 that taxes were paid on that?  
 17 THE WITNESS: That's correct.  
 18 MR. SCHREK: So that in the --  
 19 under ordinary and site plan  
 20 submission checklist, waivers for  
 21 those requested for existing proposed  
 22 utility signs, and we have noted the  
 23 size and the type. We have no  
 24 objection to that waiver. So let's  
 25 mark that as waiver being allowed.

1 Location of all existing  
 2 buildings, parking areas within the  
 3 site, we're going totally new here,  
 4 so we have no objection to that  
 5 waiver.  
 6 The next one is existing  
 7 topography contours for the two -- so  
 8 we requested some relief from that.  
 9 Under Item Number 1, general  
 10 submission checklist, taxes have been  
 11 paid. Item Number 2 is for existing  
 12 proposed signs and utilities, waivers  
 13 requested, we have no objection.  
 14 Next one is for location of existing  
 15 buildings and drainage, move  
 16 200 feet. We have no objection to  
 17 that waiver request. Existing  
 18 topography, two-foot contour  
 19 intervals, a waiver is requested, the  
 20 Applicant has actually provided  
 21 one-foot contour intervals, we have  
 22 no objection. A waiver has been  
 23 requested for existing proposed  
 24 drainage facilities, preliminary  
 25 design data, supporting the adequacy

1 of the existing facilities, a waiver  
 2 was requested, we're -- we're  
 3 suggesting a temporary waiver for  
 4 that. We can get that information  
 5 later on.  
 6 MS. COFFEY: Okay.  
 7 MR. SCHREK: Next item, E, is  
 8 an analysis of existing and proposed  
 9 utilities, given the capacity to  
 10 accept what -- what's being planned,  
 11 we're suggesting a temporary waiver  
 12 for that also, the Applicant is  
 13 shaking his head in the affirmative.  
 14 THE WITNESS: Affirmative.  
 15 MR. SCHREK: Okay. Item F is  
 16 the location, nature of existing  
 17 right-of-way easements and  
 18 encumbrance. Again, we're suggesting  
 19 a temporary waiver for that, and  
 20 additional information can be  
 21 provided as the project progresses.  
 22 Plan's profiles of adjoining  
 23 streets, a waiver was requested,  
 24 we're suggesting a temporary waiver  
 25 also, once the design and layout is

1 finalized.  
 2 THE WITNESS: I'm okay with  
 3 that.  
 4 MR. SCHREK: And finally, I  
 5 think we had some discussion to try  
 6 to clarify this, this is what we  
 7 found, the Haley Donovan architects  
 8 have not been granted a certificate  
 9 of authorization in the state, that  
 10 we had a conversation on that. They  
 11 believe they are current, and I would  
 12 say that would be a temporary waiver  
 13 and eventually, we'll get the  
 14 certification for that.  
 15 So with that, we're looking  
 16 at, on my letter items, 2A and B  
 17 being granted waivers. Items C, D,  
 18 E, F, G, and H being temporary  
 19 waivers. And if the Board accepts  
 20 that, I would recommend the  
 21 application be deemed complete.  
 22 MS. CARNEY: Just for the  
 23 record, C is not --  
 24 MR. SCHREK: C is not  
 25 temporary.

1 MS. CARNEY: -- temporary,  
 2 correct?  
 3 MR. SCHREK: Yeah.  
 4 THE WITNESS: Did I miss that?  
 5 (Cross-talk.)  
 6 THE WITNESS: Yes, C is --  
 7 MR. SCHREK: C is a waiver,  
 8 yes. Thank you.  
 9 THE CHAIRMAN: We need a  
 10 motion to accept Stan's  
 11 recommendations and a second and a  
 12 roll call vote, please.  
 13 (Cross-talk.)  
 14 THE CHAIRMAN: And second?  
 15 MR. ZWICKER: I second.  
 16 THE CHAIRMAN: Any seconds?  
 17 And complete the roll call vote,  
 18 please.  
 19 MS. CARNEY: Chairman  
 20 Corcoran?  
 21 THE CHAIRMAN: Yes.  
 22 MS. CARNEY: Keith Zwicker?  
 23 MR. ZWICKER: Yes.  
 24 MS. CARNEY: David Morisette?  
 25 MR. MORISETTE: Yes.

1 MS. CARNEY: Dominick  
 2 Vangelli?  
 3 MR. VANGELLI: Yes.  
 4 MS. CARNEY: Roseann Rohm?  
 5 MS. ROHM: Yes.  
 6 MS. CARNEY: Darren Bodogh?  
 7 MR. BODOGH: Yes.  
 8 MS. CARNEY: James Stetner?  
 9 MR. STETNER: Yes.  
 10 MS. CARNEY: Bernie Rooney?  
 11 MR. ROONEY: Yes.  
 12 CHAIRMAN: Thank you.  
 13 MS. COFFEY: Thank you.  
 14 BY MS. COFFEY:  
 15 Q. Okay. So, Mr. Skapinetz, why  
 16 you don't you tell us a little bit about  
 17 where the property is located and the  
 18 existing conditions surrounding it.  
 19 A. Sure. And what I'd like to  
 20 do, is I -- I'll start out with, just  
 21 briefly, the -- the survey of the property  
 22 and I'll eventually -- an aerial photo.  
 23 This survey is actually what was submitted  
 24 to the Board, so I don't know if you need  
 25 that.

1 MR. SCHREK: Yeah, could you  
 2 mark it, please. Just with A-1 and  
 3 the date, please.  
 4 - - -  
 5 (A-1, Survey, was marked for  
 6 identification purposes.)  
 7 - - -  
 8 THE WITNESS: Sure. A-1 is  
 9 entitled as the survey, ALTA, land  
 10 title survey by Venand Survey with a  
 11 preparation date of 7/18/2019, and  
 12 that survey depicts the property  
 13 which has been described earlier in  
 14 the introduction as 220 Stockton  
 15 Street, it's a 2.07-acre parcel  
 16 designated as Block 1901, Lot 13 per  
 17 the Town of Phillipsburg. It's a  
 18 property that, as you can see, is  
 19 long in shape, it's -- well, let me  
 20 go back to the survey.  
 21 Stockton avenue -- Stockton  
 22 Street is on the left-hand side, this  
 23 is the westerly end of the property  
 24 with Stockton Street heading down  
 25 into the center of town. Towards the

1 bottom of the page, along our  
 2 southern boundary and our eastern  
 3 boundary is lands that's owned by  
 4 Norfolk Southern, the railroad. To  
 5 the east -- I'm sorry, to the north  
 6 is the nearby industrial building  
 7 that's been converted with multiple  
 8 uses, warehouse, retail, restaurant  
 9 uses. And then obviously, across  
 10 Stockton Street, to the west are  
 11 single-family residential homes.  
 12 The property, as it sits right  
 13 now, is sort of on a plateau. When  
 14 you look at the property, the --  
 15 the -- when you are on Stockton  
 16 Street, which falls downhill from the  
 17 north to the south, if you enter in,  
 18 it's level. But if you turn to the  
 19 north, up towards the industrial  
 20 building, there's a rise in grade of  
 21 more than 10 to 20 feet. And then  
 22 the same thing happens on the  
 23 southerly end. As you get to the  
 24 railroad, it drops down towards the  
 25 railroad tracks.

1 Our proposal -- sorry, let me  
 2 go to the aerial.  
 3 I'll mark this as A-2.  
 4 - - -  
 5 (A-2, Aerial Map, was marked  
 6 for identification purposes.)  
 7 - - -  
 8 THE WITNESS: This colored  
 9 exhibit is actually the same aerial  
 10 plan that's within site plan 7, it  
 11 would be sheet 2 of your set. It's  
 12 entitled "Aerial Map," and it has a  
 13 preparation date of 7/29/19.  
 14 This just gives a little bit  
 15 clearer picture as to the  
 16 surroundings I -- as I described.  
 17 Again, with the parcel, the lot in  
 18 the middle. I then show, obviously,  
 19 the railroad along the easterly end  
 20 and everything else that's been  
 21 described around the lot.  
 22 As Ms. Coffey originally noted  
 23 in her introduction, the proposal is  
 24 to build a senior affordable housing  
 25 project, which is a three-story

1 building. That is on this exhibit,  
 2 which I'll mark A-3.  
 3 - - -  
 4 (A-3, Site Plan Rendering, was  
 5 marked for identification purposes.)  
 6 - - -  
 7 THE WITNESS: And A-3 is  
 8 entitled "Site Plan Rendering," with  
 9 a preparation date of 8/22/19. This  
 10 is a colored version of our site  
 11 plan, which has been superimposed  
 12 with our landscaping and colored  
 13 for presentation, so it's a  
 14 combination of those two sheets in  
 15 the site plan set, and it illustrates  
 16 to the same orientation as our  
 17 survey, Stockton Street off to the  
 18 left, railroads to the bottom, and  
 19 the right, the building is in the --  
 20 we'll call it in the rust color, then  
 21 what's surrounding that building are  
 22 improvements which will include green  
 23 areas, which will be a combination of  
 24 grass and landscaping. Then we've  
 25 got areas of gray to the north and to

1 the east of the building, which are  
 2 proposed drive aisles, as well as  
 3 parking. And then other amenities  
 4 are shown in various colors around  
 5 the perimeter of the building.  
 6 Again, to go through the  
 7 specifics, the building that contains  
 8 67 units of three stories, the  
 9 description will be given by our  
 10 architect about the interior and the  
 11 breakup of those units. We -- to get  
 12 to the site, it's a single driveway  
 13 that is located on the northerly end  
 14 of the property. If you visited the  
 15 site right now, the driveway sits to  
 16 the property almost on the corner of  
 17 the bend of the front edge of the  
 18 property. We're moving it to the  
 19 north to give it better sight  
 20 distance. That driveway will be a  
 21 two-way driveway, which will have a  
 22 width of 25 feet for the drive aisle,  
 23 but at the curb line will be 45 feet.  
 24 That's one of our variances. And the  
 25 reason we're asking for that is we're

1 looking to propose radiuses on that  
 2 curb, or on that driveway of ten  
 3 feet, which may be a little bit more  
 4 than you might see in town, but I  
 5 think just for the ease of getting in  
 6 and out of the property, we think the  
 7 ten-foot is best to get in, so we're  
 8 requesting the 45 feet where 30 feet  
 9 is allowed at the curb line.  
 10 So that's a two-way driveway,  
 11 so residents can pull in, pull in to  
 12 any one of the parking spaces. Main  
 13 parking field, that faces to the  
 14 north. If they continue to the far  
 15 easterly end of the property, there's  
 16 a means to circulate around the  
 17 parking spaces, a cluster of them on  
 18 the eastern side, again, a two-way  
 19 drive aisle and then circulate back  
 20 out. Full movement driveway, we're  
 21 proposing movements and full  
 22 movements out of --  
 23 MR. SCHREK: Let me hold you  
 24 on the circulation driveway, Brett.  
 25 Charee, do we have a letter

1 back from the fire chief?  
 2 MR. SCHREK: We do.  
 3 MS. CARNEY: We do. We do.  
 4 (Cross-talk.)  
 5 MS. CARNEY: And we do, I also  
 6 got a letter that was --  
 7 THE WITNESS: Yeah. With  
 8 respect to the fire chief, we did get  
 9 his letter of August 13th, and he --  
 10 he did think the driveway width was  
 11 accurate when he saw our -- our  
 12 template with respect to the --  
 13 MR. SCHREK: Document.  
 14 THE WITNESS: It's in our plan  
 15 set for the truck, fire trucks to be  
 16 running through. We did --  
 17 MR. SCHREK: No, I don't have  
 18 all the files here, I'm sorry.  
 19 Okay. He has three comments  
 20 here. Could you just demonstrate to  
 21 the Board?  
 22 BY MS. COFFEY:  
 23 Q. And, Brett, just for the  
 24 record, what's the date on that?  
 25 A. August 13th.

1 Q. Thank you.  
 2 A. So his first comment talks  
 3 about the 25-foot driveway, and he was  
 4 asking whether if you take the 25-foot  
 5 driveway and bring it all the way around  
 6 the building. It -- it's a suggestion,  
 7 even though he notes that the -- the  
 8 building will, you know, be -- it will be  
 9 sprinklered, the access to around that side  
 10 is problematic for a couple different  
 11 reasons:  
 12 One, we do have -- if you look  
 13 to our grading plan, I talk about that drop  
 14 in grade that happens, and in order to  
 15 build this building, set it level, we have  
 16 a drop on that side that we wouldn't be  
 17 able to facilitate with additional walls.  
 18 And then, obviously, then it's taking away  
 19 from the green space, that's -- all the  
 20 green space or the majority of the green  
 21 space that will be left -- that is left in  
 22 this property.  
 23 So we -- we don't see that  
 24 being feasible to provide that driveway all  
 25 the way around the building. Yet, the

1 driveway that we do provide is adequate for  
 2 his -- for a ladder truck to pull in, per  
 3 our template, circulate around and get back  
 4 out.  
 5 MR. SCHREK: What access is  
 6 there on the southerly side?  
 7 Anything?  
 8 THE WITNESS: No, there's  
 9 no -- there's no other -- when you  
 10 say "access," to?  
 11 MR. SCHREK: Getting in and  
 12 out of.  
 13 THE WITNESS: To get into the  
 14 building?  
 15 MR. SCHREK: I'm just reading  
 16 his statement again. It says,  
 17 "Although the driveway width of 25  
 18 feet is adequate for our apparatus,  
 19 it would be most desirable if the  
 20 driveway extended all the way around  
 21 the facility so the fire department  
 22 would have proper access on all sides  
 23 of the facilities because the  
 24 building will be three stories high  
 25 and used for senior housing."

1 I mean, it tells me he wants  
 2 to be able to get up on that third  
 3 level, no matter what side of the  
 4 building it's on.  
 5 THE WITNESS: Well, he -- he's  
 6 got the ability to pull in, and  
 7 obviously with a ladder, to get up on  
 8 to the roof along the main side,  
 9 along the -- the eastern side. It's  
 10 just, again, to provide a drive along  
 11 the southern side is problematic with  
 12 respect to grades.  
 13 And then the next point is, is  
 14 having a driveway. It would end up  
 15 being a driveway that, for all  
 16 intents and purposes, I would end up  
 17 proposing as not being a -- a full, a  
 18 driveway for full use all the time.  
 19 So essentially, it would just be a  
 20 temporary drive because of the issues  
 21 that I would see providing a driveway  
 22 that you described, having it at the  
 23 southern end. It's difficult, more  
 24 difficult to make -- in and out of  
 25 this driveway in the sight distances

1 than the driveway location we  
 2 proposed.  
 3 MR. SCHREK: But there is one  
 4 there now?  
 5 THE WITNESS: Yeah, there is.  
 6 There is one there now, yes. It's  
 7 a -- it's a smaller drive that really  
 8 services that to get -- to the gate  
 9 to get into the back.  
 10 MR. SCHREK: Continue.  
 11 THE WITNESS: Okay. Comment  
 12 Number 2 was talking about the two  
 13 hydrants that we show on our site  
 14 being adequate, but he was looking  
 15 for additional information with  
 16 regards to the fire department  
 17 connections on the building, which  
 18 we'll certainly provide them and make  
 19 sure that he's satisfied with respect  
 20 to that.  
 21 The last comment was with  
 22 regard to water service, and we did  
 23 speak with Mr. Schrek and his office.  
 24 We did recognize and -- that there is  
 25 not a water main directly in front of

1 this property. There is a six-inch  
 2 main that's located to the north, and  
 3 we also know that the next side  
 4 street to the south, there's also an  
 5 eight-inch main. We'll be working  
 6 with Aqua water to obviously provide  
 7 the best means of providing service  
 8 in that will, I believe, serve the  
 9 building. Our -- our idea is to  
 10 bring it actually from the south,  
 11 where our plans right now is to show  
 12 it from the north, because that has,  
 13 actually, the better pressure and  
 14 flows.  
 15 MR. SCHREK: All right. You  
 16 are -- for preliminary only today,  
 17 that final, so we'll keep that first  
 18 issue from the fire chief open.  
 19 THE WITNESS: That's fine.  
 20 And we'll certainly meet with him on  
 21 that.  
 22 MR. SCHREK: There's enhanced  
 23 sprinklers you can put in there,  
 24 that's something that --  
 25 THE WITNESS: It's -- it's

1 going to be a sprinklered building,  
 2 and -- and we'll obviously go through  
 3 that with him just to make sure that  
 4 he's comfortable.  
 5 MR. SCHREK: Okay. Thank you.  
 6 I'd like to be in those conversations  
 7 when it happens.  
 8 THE WITNESS: No problem.  
 9 So I started on access, I  
 10 think I've gone through the access  
 11 and how that works with the property.  
 12 We also have a -- walkways for  
 13 pedestrians. There is a sidewalk  
 14 along the northerly face of the  
 15 building, services doors -- or access  
 16 on the easterly side. We also will  
 17 be proposing a new sidewalk along the  
 18 frontage of Stockton Street, that was  
 19 one of the comments within your  
 20 professional's letters. So that will  
 21 be proposed as part of the plan.  
 22 Utilities, I just touched on.  
 23 We do have -- there's a water comment  
 24 which we'll work through Aqua and the  
 25 fire department. All the utilities

1 do exist.  
 2 Mr. Schrek, again, we have the  
 3 plans and profiles on some of the  
 4 utilities, as well as examination of  
 5 the capacities of those, which we  
 6 certainly will -- will provide as  
 7 part of our -- our final approval.  
 8 From a storm water standpoint,  
 9 we took a look at this from the  
 10 standpoint of the conditions that are  
 11 out there, has been out there over  
 12 the last few years. We do recognize  
 13 that these are facilities that are, I  
 14 understand, had a fire a number of  
 15 years ago. But when out there, when  
 16 you look at historic aerials, there  
 17 are areas of concrete pavement  
 18 throughout the site, that when we  
 19 take a look at the proposed  
 20 conditions, we're showing a drop in  
 21 impervious coverage. We show that.  
 22 With that reduction in impervious  
 23 coverage, we actually would meet,  
 24 without requiring to provide  
 25 attention on site, the rules of the

1 State under 7, and 8, as well as the  
 2 Town code.  
 3 I did speak with Mr. Schrek,  
 4 and we'll work with him. Certainly,  
 5 if the capacity analysis works out  
 6 where we need to do some additional  
 7 measures on the site that works with  
 8 the system out in Stockton Street,  
 9 we'll certainly be able to  
 10 accommodate that.  
 11 MR. SCHREK: As well as water  
 12 quality?  
 13 THE WITNESS: As well as water  
 14 quality as well, yes. That's  
 15 correct.  
 16 So that would take care of  
 17 storm and utilities.  
 18 From a landscaping standpoint,  
 19 you'll see that we're introducing  
 20 numerous plantings, beds of shrubs  
 21 around the building. The areas of  
 22 dark green circles that are within  
 23 the plan, including larger circles in  
 24 the street, are street trees, as well  
 25 as other trees that are planted

1 within in the parking area.  
 2 The -- there is a gray line  
 3 along the northerly face of the  
 4 property or end of the property  
 5 between the parking and the adjacent  
 6 property to the north. That's a  
 7 retaining wall.  
 8 We'll be proposing a block  
 9 retaining wall along that edge. It's  
 10 going to be about 12 and a half feet  
 11 high at its highest point. That  
 12 helps to mitigate the drop in grades  
 13 that comes off of that property. If  
 14 the -- if the Board or any members  
 15 have gone by there, that's where we  
 16 have our more significant drop coming  
 17 off that, that northerly property.  
 18 So that will help to mitigate that.  
 19 Lighting, we're proposing ten  
 20 LED fixtures, they're a  
 21 decorative-type fixture, it's noted  
 22 in our landscaping plan. That will  
 23 be 15 feet high, and, again, they're  
 24 an LED-type fixture. No light  
 25 spillage from those fixtures will be

1 proposed at the property lines, any  
 2 one of the property lines.  
 3 We do propose a -- one sign.  
 4 It would be an identification sign  
 5 out at the street, that's a monument  
 6 sign, and it fits within your code.  
 7 It's a 24-square foot monument sign  
 8 that will have its letters  
 9 illuminated.  
 10 MR. SCHREK: On the front or  
 11 backlit?  
 12 THE WITNESS: It would be  
 13 backlit.  
 14 - - -  
 15 (Whereupon, there was a  
 16 discussion held off the record.)  
 17 - - -  
 18 THE WITNESS: I do just want  
 19 to touch base, go back to, I did  
 20 mention the one variance. Well, can  
 21 you -- you can touch base on all the  
 22 other variances that we're -- we are  
 23 seeking.  
 24 MS. COFFEY: Correct. But  
 25 before we get into your variances,

1 can we just touch on -- quickly, Mr.  
 2 Skapinetz?  
 3 (Cross-talk.)  
 4 THE WITNESS: See the --  
 5 MS. COFFEY: All right.  
 6 THE WITNESS: I -- Kate went  
 7 through the variances. We are going  
 8 to be seeking the D variance, because  
 9 we are in the industrial zones, we're  
 10 in the I-1 zone, and with that zone,  
 11 obviously, we're looking to follow  
 12 the setbacks here of -- of what an  
 13 industrial building would require,  
 14 and those setbacks are a bit larger  
 15 than what you would see typically,  
 16 obviously, in a residential zone.  
 17 So we do end up requiring  
 18 setbacks. For the side yard, we have  
 19 the setback of 24.7 feet, where a  
 20 30-foot is required, and I'm just  
 21 going to point that out. That's on  
 22 the southerly corner of the building,  
 23 towards the railroad tracks. That's  
 24 where our setback variances would be  
 25 proposed or requested. We also have

1 the front yard setback of 19.1 feet,  
 2 where 35 feet is required. We -- we  
 3 have the parking variance of which  
 4 we -- the code requires 67 parking  
 5 spaces, we propose 45, and there will  
 6 be some additional testimony from the  
 7 other professionals regarding that.  
 8 And I mentioned the driveway  
 9 width of 45 feet versus 30 and how we  
 10 got there with the 25 feet, plus the  
 11 two ten-foot radiuses. I guess it's  
 12 the 45, what you think is appropriate  
 13 about getting trucks in and out to  
 14 make easier movements in and out of  
 15 Stockton at that location.  
 16 And then there's an additional  
 17 variance, again, because we're in the  
 18 industrial zone, the industrial zone  
 19 says that your building also needs to  
 20 be set back a certain distance away  
 21 from the nearest residential zone,  
 22 and in this case -- and it's based on  
 23 the height of your building. So if  
 24 we use the same equation, we're  
 25 required to have a setback of about

1 80.7 feet to the nearest residential  
 2 zone, which is immediately to our  
 3 west, and -- and looking at the zone  
 4 line running along the middle of  
 5 Stockton Street, if we take the  
 6 setback of the building to that  
 7 point, we're at 40, 40 feet.  
 8 So -- but in this case, we're  
 9 not proposing an industrial building,  
 10 it's residential to residential.  
 11 And that's all I have at this  
 12 point.  
 13 Oh, I just want to touch base  
 14 just to the outside agencies. We do  
 15 recognize that we need to file to the  
 16 County. Even though we're not on a  
 17 County road, we will -- we're  
 18 deferring that, we would like to do  
 19 so as a part of the final, as well as  
 20 submission to the soil conservation  
 21 district, which is required we do.  
 22 MR. SCHREK: Okay. And then  
 23 any remaining technical comments  
 24 we'll just discuss prior to the final  
 25 submission.

1 THE WITNESS: That's correct.  
 2 THE CHAIRMAN: Questions from  
 3 the Board?  
 4 MR. MORISETTE: Is it -- on  
 5 the top of the drawing, is that an  
 6 existing building that encroaches on  
 7 the property?  
 8 THE WITNESS: Yes. Yes, that  
 9 is correct. There is an existing  
 10 structure that's there. It's not  
 11 being utilized right now. It's  
 12 essentially the -- the -- the  
 13 foundation and just falls and it's  
 14 not complete as of yet. And, again,  
 15 I -- I don't know the history of that  
 16 building, but, yes, there is a notch  
 17 of about -- one corner of about six  
 18 feet enters in now. That is the same  
 19 property owner as the other. Okay?  
 20 So we do have that there and  
 21 where we will working out an  
 22 arrangement, obviously whether there  
 23 needs to be an easement or a carting  
 24 off of a portion of that notch to  
 25 accommodate that building. That will

1 be taken care of as part of the  
 2 final.  
 3 MR. SCHREK: What did you have  
 4 for A-2? I guess A-1 is the survey,  
 5 I got A-3 as the site plan.  
 6 THE WITNESS: Yeah, and it's  
 7 A-2 was the aerial map.  
 8 MR. MANDRY: Okay. Thank you.  
 9 MR. MORISETTE: How many  
 10 one-bedroom apartments? Is it  
 11 possible for there to be two  
 12 occupants?  
 13 THE WITNESS: I'm going to  
 14 refer you to -- our architect can run  
 15 through the -- the size of the units  
 16 and then the setup of the units.  
 17 MR. SCHREK: Okay.  
 18 MS. COFFEY: Would the Board  
 19 like us to go through the remainder  
 20 of the engineering or are we good on  
 21 that now?  
 22 MR. SCHREK: We're good.  
 23 MR. COFFEY: We're good?  
 24 Good?  
 25 MR. SCHREK: Yeah, Brett and I

1 know each other's phone number by  
 2 heart.  
 3 MS. COFFEY: I bet you do.  
 4 Okay.  
 5 THE CHAIRMAN: All right.  
 6 Thank you.  
 7 THE WITNESS: Thank you.  
 8 MS. COFFEY: And just the  
 9 Board would prefer to hear from all  
 10 of the professionals before questions  
 11 from the public?  
 12 THE CHAIRMAN: I would -- want  
 13 to do it now. Yeah, I would do all  
 14 of the professionals and then we'll  
 15 ask whatever questions we have  
 16 because obviously they will be here  
 17 to answer.  
 18 MS. COFFEY: All right. In  
 19 that case, I'll ask Mr. Haley to come  
 20 up, please.  
 21 We'd ask that Mr. Haley be  
 22 sworn, please.  
 23 MR. MANDRY: Could you state  
 24 your name for the record, please?  
 25 THE WITNESS: James Haley,

1 H-A-L-E-Y.  
 2 - - -  
 3 JAMES HALEY, having been duly  
 4 sworn, was examined and testified as  
 5 follows:  
 6 - - -  
 7 MR. MANDRY: Qualify?  
 8 - - -  
 9 EXAMINATION  
 10 - - -  
 11 BY MS. COFFEY:  
 12 Q. Can you introduce yourself to  
 13 the Board, please, and tell them a little  
 14 bit about your background and credentials.  
 15 A. Sure. James Haley, principal  
 16 at Haley Donovan architecture firm, we're  
 17 in Camden, a 14-person architectural  
 18 business for 13 years. Personally, I have  
 19 degrees from Temple University and Drexel  
 20 University. I'm licensed in the states of  
 21 Pennsylvania, New Jersey, Maryland and  
 22 Delaware, and I have spoken and testified  
 23 in numerous boards throughout the state.  
 24 MR. MANDRY: Okay. So for the  
 25 matter of the record, I think we can

1 stipulate to Mr. Haley's  
 2 qualifications and consider his  
 3 opinion in the area of architectural  
 4 design.  
 5 MS. COFFEY: Thank you.  
 6 MR. MANDRY: You're welcome.  
 7 BY MS. COFFEY:  
 8 Q. Okay. Mr. Haley, why don't  
 9 you tell us a bit about the building and  
 10 what we're proposing here.  
 11 A. Sure. I'm going to walk you  
 12 through the plans and then I'll -- I'll  
 13 give you some more information on the  
 14 elevation.  
 15 So basically, just to orient  
 16 you a little better, and I'll -- I'll  
 17 change this for the final, just to make it  
 18 clear, our plans are oriented basically as  
 19 you experience the building, so coming off  
 20 of Stockton to the entrance of the  
 21 community. This is sort of a head and body  
 22 scheme where we have this vibrant sort of  
 23 face of the building, the accurate area and  
 24 then the residential, that displays off of  
 25 an angle, and I'll walk you through the

1 plans in that regard.  
 2 Q. So, Mr. Haley, the orientation  
 3 of Stockton Street is to your right?  
 4 A. Yes. So if you'll pull that  
 5 up, north is down.  
 6 THE WITNESS: Could we mark  
 7 this is A-4, please.  
 8 - - -  
 9 (A-4, Plans, were marked for  
 10 identification.)  
 11 - - -  
 12 THE WITNESS: So this is A-4,  
 13 this is basically -- so this is  
 14 basically the same as a blueprint  
 15 sheet that was presented in the  
 16 submission package. So I'll walk you  
 17 briefly through the plan and then I  
 18 have the floor plans so we can dial  
 19 into the community space, as well as  
 20 the residential land.  
 21 Together denoted is designs  
 22 for the head and body scheme with a  
 23 common area head that addresses  
 24 Stockton, provides active life on the  
 25 street. We have an -- the two-story

1 entrance lobby right off of the drive  
 2 aisle access. We also have a  
 3 community space right on the corner,  
 4 again, facing onto Stockton. A large  
 5 wrap-around porch, fitness center  
 6 facing on to Stockton and then  
 7 management suites specifically  
 8 located so that they can see the  
 9 comings and goings of the community  
 10 through the entrance lobby to the  
 11 elevator lobby, a large mail area,  
 12 and then an elevator core with  
 13 vertical circulation, then basically  
 14 along the corridor, and then we have  
 15 a mix of ones and twos, 60  
 16 one-bedroom apartments and seven  
 17 two-bedroom apartments, all meet the  
 18 same requirements for sizes. And  
 19 then basically, what you see up above  
 20 is the second-floor plan with the  
 21 two-story lobby and the two-story  
 22 community space, another wrap-around  
 23 balcony area. Again, we want  
 24 positive life on the street. We want  
 25 the residents to be able to use the

1 outdoor space in a very active way.  
 2 More apartments, and then the  
 3 residential wing anchored by  
 4 two-bedroom apartments.  
 5 It should be noted at the back  
 6 of the first floor drawing, back  
 7 there, we have a trash street located  
 8 vertically throughout the building,  
 9 so it will be trash and recycling.  
 10 That will be distributed to a  
 11 compactor area trash room on the  
 12 ground level and then dumpsters. We  
 13 really have to -- apply to all of  
 14 that, it will come routinely. We  
 15 also have a maintenance space on the  
 16 ground level.  
 17 The third floor, more of the  
 18 same. The only difference from the  
 19 third floor and the second floor is  
 20 that we have residential apartments  
 21 at the wing -- at the head area.  
 22 So that is the floor plans.  
 23 Now I'm going to going to dial into  
 24 two blow-ups, and we'll call this  
 25 A-5; is that right?

1 MS. COFFEY: Um-hmm.  
 2 - - -  
 3 (A-5, Partial Plan Apartments,  
 4 was marked for identification  
 5 purposes.)  
 6 - - -  
 7 MR. MANDRY: And could you  
 8 describe it, please, for the record?  
 9 THE WITNESS: Sure. It's  
 10 basically the blow-up of the end of  
 11 the residential wing so that you get  
 12 a better feel for the layouts of the  
 13 apartments. On the end of that, what  
 14 you see in the yellow, we have  
 15 two-bedroom apartments, large open  
 16 plans, all the apartments meet  
 17 accessibility, the building  
 18 requirements. 5 percent of the  
 19 apartments will be made fully  
 20 accessible per federal and -- and  
 21 State guidelines. Large open plan,  
 22 bathroom, washer, dryer, closet into  
 23 a large open kitchen, dining, living  
 24 area with a peninsula-style kitchen.  
 25 Each of the apartments has either a

1 patio or a balcony. And large  
 2 bedroom, large accessible bathroom,  
 3 as we noted. And the only -- in --  
 4 in a project like this, between  
 5 accessible and adaptable will be the  
 6 grab bars in the kitchen. Otherwise,  
 7 the entirety of the unit will be  
 8 navigable for all -- all residents.  
 9 So that's the two-bedrooms,  
 10 and then you see the one-bedroom  
 11 apartments. Similar to the two in  
 12 the layout, large open living,  
 13 dining, kitchen, washer, dryer,  
 14 closet space, walk-in closet for the  
 15 bedroom and then a large bathroom and  
 16 then a balcony off of that space.  
 17 BY MS. COFFEY:  
 18 Q. Jim, just the phrase on the  
 19 title of A-5 is "Partial Plan Apartments"?  
 20 A. "Partial Plan Apartments,"  
 21 correct.  
 22 A-6 is "Partial Plan Entrance,  
 23 Common Areas Partial Plan Entrance, Common  
 24 Areas."  
 25 - - -

1 (A-6, Partial Plan Entrance,  
 2 Common Areas, was marked for  
 3 identification purposes.)  
 4 - - -  
 5 THE WITNESS: And basically,  
 6 what we're looking at is the --  
 7 again, the head of the building.  
 8 Stockton Street is running through  
 9 here (indicating). As noted  
 10 previously, we have an entrance  
 11 vestibule and covered patio all for  
 12 the drive aisle. Close to the  
 13 entrance apron, we have a large  
 14 wrap-around covered patio directly on  
 15 Stockton and wrapping around to the  
 16 entrance area.  
 17 All of the vestibule entrance  
 18 would come into a large two-story  
 19 lobby, that will be furnished like a  
 20 hotel lobby with glass looking  
 21 through to a two-story community  
 22 space. That is 1,040 net square  
 23 feet. Across the corridor to a large  
 24 fitness center, that's 110 square  
 25 feet, again, with glass looking out

1 onto a patio. We have a direct link  
 2 connection from the corridor to the  
 3 covered porch patio area, as well as  
 4 the stair area for vertical  
 5 circulation. The management suite,  
 6 as well as a small wellness center  
 7 for use by healthcare professionals.  
 8 We have a package room. And then we  
 9 have a large mail kiosk/lobby area,  
 10 and then the elevators. Also, we  
 11 have our water and sprinkler access  
 12 area right off of the driveway.  
 13 BY MS. COFFEY:  
 14 Q. And, Jim, all of these  
 15 amenities are only available to residents,  
 16 correct?  
 17 A. Correct.  
 18 Okay.  
 19 THE WITNESS: So we'll call  
 20 this A-7.  
 21 MS. COFFEY: Um-hmm.  
 22 MR. SCHREK: It's all  
 23 slab-on-grade, Jim, there's no  
 24 basement?  
 25 THE WITNESS: It is

1 slab-on-grade, correct.  
 2 MR. SCHREK: Any storage  
 3 provisions for the residents?  
 4 THE WITNESS: Not -- not  
 5 beyond what they have in their  
 6 apartments.  
 7 MR. SCHREK: Just a small  
 8 closet?  
 9 THE WITNESS: Yeah.  
 10 - - -  
 11 (A-7, Building Perspective,  
 12 was marked for identification  
 13 purposes.)  
 14 - - -  
 15 THE WITNESS: So here are two  
 16 perspectives. This --  
 17 MS. COFFEY: A-7 is called  
 18 "Building Perspective."  
 19 Thank you. Go ahead.  
 20 THE WITNESS: The top  
 21 perspective is basically what you'd  
 22 see from the driveway entrance, and  
 23 this is consistent with the  
 24 perspective that we provided on the  
 25 application package, only it's been

1 colorized.  
 2 You notice that sort of  
 3 stylistically, we patched the -- the  
 4 context of the area, we have brick,  
 5 which we'll try to match with the  
 6 neighboring buildings, you see the  
 7 amount of glass at the two-story  
 8 space at the entrance lobby, the  
 9 covered area. You see the two-story  
 10 space, that the community space is  
 11 also a two-and-a-half-story space at  
 12 that community space. The  
 13 wrap-around patio that sort of  
 14 activates the stream, the resident  
 15 will do -- spend a lot of time  
 16 sitting on that covered porch.  
 17 Covered patio above is consistent  
 18 with other senior communities that  
 19 we've built that we see that the  
 20 residents really do use these areas  
 21 as sort of the center of their  
 22 communities, so we're -- we think  
 23 we'll see a lot of positive light on  
 24 those patios and those balconies.  
 25 A lot of nice light

1 penetration into the center spaces.  
 2 You see the nice size windows, the  
 3 balconies, and then you see basically  
 4 the image below is from parking  
 5 looking back towards the entrance,  
 6 and it gives you a glimpse as to  
 7 residential wing. And what we're  
 8 looking at is a base of brick which  
 9 will give us a really nice thermal  
 10 break and also some resiliency.  
 11 For our Energy Star, we have  
 12 lap siding, we have panel siding at  
 13 the base, and then we have balconies  
 14 and large open windows/sliding doors  
 15 off of the living room areas and then  
 16 into the bedroom area.  
 17 Three-story building, we'll  
 18 try to do a shingle-style  
 19 architecture, shingle-style roof.  
 20 All of the mechanical equipment will  
 21 be in -- within the roof structure.  
 22 Beyond that, what you see  
 23 here, basically we're Energy Star,  
 24 so, you know, we're fully compliant.  
 25 And, you know, beyond literally

1 Energy Star, Energy Star  
 2 certification, basically, you know,  
 3 is -- is a full building design  
 4 analysis, you know, the entire  
 5 building envelope will be, you know,  
 6 air sealed, water sealed, moisture  
 7 sealed, so that's going to be really  
 8 nice from a -- from our value  
 9 perspective, or an insulated  
 10 perspective, but it's also going to  
 11 control sound, it's also going to  
 12 control the movement of air, as well  
 13 as the movement of odors, so it's  
 14 going to protect the occupants.  
 15 HVAC equipment is fully  
 16 designed and certified, so it's the  
 17 right size. All the ductwork will be  
 18 the right size and sealed with  
 19 mastic. Ventilation systems will  
 20 have fully filtered ventilation  
 21 systems, so we're going to kind of  
 22 control the indoor air, as well as  
 23 control the -- the introduction of  
 24 outdoor air.  
 25 Energy Star appliances. All

1 the combustion equipment will be, you  
 2 know, sealed combustion direct. And  
 3 then probably most importantly, we'll  
 4 have a third-party verification. So  
 5 we'll have an independent group that  
 6 will come out and inspect this  
 7 property as it gets built to verify  
 8 that all the details that we've put  
 9 in get installed properly, and  
 10 hopefully, we'll do a blower door  
 11 test at the end. So we'll -- it'll  
 12 result in a supper energy efficient  
 13 building. The residents will have  
 14 really low utility bills because of  
 15 that, plus the building, we'll  
 16 certainly build it to last in that  
 17 regard.  
 18 Beyond Energy Star, we're  
 19 doing Enterprise Green Communities,  
 20 if you're familiar with LEED,  
 21 Enterprise Green Communities sort of  
 22 mimic LEED without the expensive  
 23 certification costs. We'll also,  
 24 we'll provide the Enterprise Green  
 25 Communities certification through the

1 Enterprise foundation, and one of the  
 2 big tenants of that is that the  
 3 Energy Star, but beyond that, we've  
 4 given them some of the site design  
 5 standards that we will be applying,  
 6 you know, we'll use the drop collar  
 7 in planting, indigenous planting.  
 8 We'll have storm water management  
 9 best practice.  
 10 We hit on the lighting, we'll  
 11 have no dark sky, we'll have dark sky  
 12 lightings, we won't have any  
 13 unnecessary light filtration.  
 14 Beyond that, water efficiency,  
 15 we talked about the Energy Star. We  
 16 use recycled materials, we'll have  
 17 resourceful materials. We'll also  
 18 have a really strong indoor air  
 19 quality, as I noted previously.  
 20 BY MS. COFFEY:  
 21 Q. In terms of preserving air  
 22 quality, as well as protecting the  
 23 residents from any odors, being in an  
 24 industrial zone, you do have experience in  
 25 carrying -- or developing buildings in

1 urban areas, correct?  
 2 A. Well, yeah, we have extensive  
 3 experience. On train lines, on highway  
 4 lines close to industrial zones. And by  
 5 and large, you know, we've often gotten our  
 6 buildings tested, and by and large, the --  
 7 the fact that we're doing Energy Star, 2 by  
 8 6 exterior walls, the insulation values  
 9 that we're putting into the walls, the air  
 10 sealing measures, the moisture migration  
 11 measure, the window types, the detailing,  
 12 we basically are really soundproof, we  
 13 won't have an issue that I anticipate. But  
 14 we'll do some exhaustive analysis before we  
 15 come in for permitting.  
 16 And as far as odors, we really  
 17 don't have any issues. The buildings are  
 18 super tight. Again, I talked about the  
 19 filtration, I talked about the ventilation  
 20 systems, so I don't anticipate having any  
 21 issues in that regard.  
 22 Q. And just to get back to the  
 23 question we had from one of our Board  
 24 members, in terms of the occupancy for the  
 25 one-bedroom affordable units, can they be

1 moderate-income household, some will  
 2 be for low-income households and some  
 3 will be for very low-income  
 4 households and the rent that is  
 5 permissible to be collected is  
 6 dictated based on the region that  
 7 we're in and what the median  
 8 household incomes are in the area.  
 9 And in order to qualify, for  
 10 moderate, you have to have a certain  
 11 percentage of the median -- of the  
 12 median household income in the area  
 13 and the same for low and very low.  
 14 And then on the age-restricted  
 15 component, there will -- again, there  
 16 will be a deed restriction on the  
 17 property, and the age-restriction  
 18 requirement here is -- is 55 and  
 19 older, so. Everyone in the household  
 20 must be 55 or older, so you can't,  
 21 you know, be an old parent and have  
 22 your kids live you with you,  
 23 necessarily.  
 24 THE CHAIRMAN: So do you have  
 25 any idea of what those incomes levels

1 occupied by two people?  
 2 A. Yes.  
 3 MS. COFFEY: Thank you. I  
 4 don't have any other questions.  
 5 THE CHAIRMAN: Questions from  
 6 the Board?  
 7 MR. SCHREK: Yeah, I -- I have  
 8 one, maybe -- maybe it's for the  
 9 Plaintiff. Can we get into a  
 10 definition of what you mean by  
 11 "affordable senior housing"?  
 12 THE WITNESS: I'll let --  
 13 MS. COFFEY: Sure. So in  
 14 terms of -- well, in terms of  
 15 there -- there are two different  
 16 criteria, right? So in terms of  
 17 affordable, there are affordability  
 18 restrictions that dictate how much  
 19 rent can be directed from the  
 20 residents, and those are standards  
 21 that are set -- there are standards  
 22 that are set by the State, and that  
 23 will dictate what rent can be  
 24 collected from the unit -- the units.  
 25 Some of the units will be for

1 are for moderate, low and very low?  
 2 MS. COFFEY: Sure. If -- if  
 3 it's permissible, why don't we  
 4 have -- well, we'll have Mr. Long  
 5 come up and explain that. Do you  
 6 want to finish your questions for  
 7 Mr. Haley?  
 8 THE CHAIRMAN: Sure. Yeah,  
 9 let's finish with him and then we'll  
 10 get to that.  
 11 MS. COFFEY: Yes.  
 12 MR. SCHREK: I'm hearing  
 13 testimony they were trying to meet a  
 14 fair share obligation where we don't  
 15 have one. I mean, where -- these  
 16 are -- these are affordable units,  
 17 but we don't have an affordable  
 18 requirement in town, so is this, in  
 19 some way, benefiting the whole  
 20 community by doing this? We do have  
 21 a housing authority. Do you ever  
 22 have conversations with the housing  
 23 authority?  
 24 THE WITNESS: We -- we --  
 25 MR. SCHREK: I think we should

1 square that further before we ask him  
 2 any questions. This might be a good  
 3 way --  
 4 (Cross-talk.)  
 5 THE WITNESS: One way --  
 6 (Cross-talk.)  
 7 MR. SCHREK: Might be a good  
 8 segue into what --  
 9 (Cross-talk.)  
 10 THE CHAIRMAN: All right. If  
 11 you could, please state your name for  
 12 the record.  
 13 THE WITNESS: Geoffrey Long,  
 14 G-E-O-F-F-R-E-Y, L-O-N-G. I am the  
 15 development principal with Ingerman  
 16 Development Company, LLC.  
 17 MR. MANDRY: Mr. Long, could  
 18 you kindly raise your right hand.  
 19 - - -  
 20 GEOFFREY LONG, having been  
 21 duly sworn, was examined and  
 22 testified as follows:  
 23 - - -  
 24 EXAMINATION  
 25 - - -

1 BY MS. COFFEY:  
 2 Q. Geoff, why don't -- why don't  
 3 you start by talking about what the income  
 4 limits are.  
 5 A. Sure.  
 6 THE CHAIRMAN: And then you  
 7 can qualify him.  
 8 MS. COFFEY: Oh, I'm sorry.  
 9 Well, he's a fact witness, so I  
 10 don't --  
 11 THE CHAIRMAN: Okay. So he's  
 12 coming back.  
 13 MS. COFFEY: He's a fact  
 14 witness, so, I mean, I really don't  
 15 think he qualifies as an expert.  
 16 THE WITNESS: I mean, I --  
 17 MS. COFFEY: We think of him  
 18 as an expert, but --  
 19 THE WITNESS: In my mind, I'm  
 20 an expert.  
 21 But I do -- I have worked in  
 22 affordable housing and affordable  
 23 housing development for 13 years, as  
 24 well as have master's in planning,  
 25 so.

1 BY MS. COFFEY:  
 2 Q. And you're a representative --  
 3 A. And I'm a representative of  
 4 Ingerman, the developer and owner, and  
 5 we've developed over 6,000 multi-family  
 6 units.  
 7 THE CHAIRMAN: So I should  
 8 have asked you the question, are you  
 9 proposing to, Mr. Long, be qualified  
 10 as an expert witness or just a fact  
 11 witness?  
 12 MS. COFFEY: Okay. I -- we  
 13 think that he would just be here in  
 14 the capacity as a fact witness,  
 15 talking about the development that's  
 16 proposed and the affordable  
 17 restrictions that would apply.  
 18 THE CHAIRMAN: Sure.  
 19 MS. COFFEY: Although he does  
 20 have expertise.  
 21 Not to sell you short.  
 22 THE WITNESS: No, that's --  
 23 that's quite all right.  
 24 Yeah. So just to summarize,  
 25 you're correct, this is outside of

1 the purview of fair share, even  
 2 though if there was to be some type  
 3 of requirement, this could meet that.  
 4 This is not -- it has nothing to do  
 5 with that. This is actually about  
 6 the market and the correct market for  
 7 reaching the senior population in  
 8 Phillipsburg.  
 9 Just to give an idea, the  
 10 median incomes for people who can  
 11 live in this property, so for these,  
 12 you know, you're talking about  
 13 anywhere from 41,000 to 51,700 for a  
 14 one-bedroom, and then for the two  
 15 bed -- well, yes, for the two-bedroom  
 16 units, you're talking anywhere from  
 17 50,000 to 62,000. So, you know, if  
 18 you look at basically what the median  
 19 household income is for the town of  
 20 Phillipsburg, the town of  
 21 Phillipsburg's median household  
 22 income is 49,000. So the median  
 23 household here, especially the senior  
 24 population, which tends to trend a  
 25 little bit lower in terms of income,

1 can easily qualify to live here. And  
 2 in terms of what we're talking about  
 3 with rents, the one-bedroom rents  
 4 range from 900 to \$1,075, and the  
 5 two-bedroom rents range from a 1,050  
 6 to 1275.  
 7 So that just gives you an idea  
 8 of what we're talking about.  
 9 And from our market research  
 10 and our market study of this area, we  
 11 believe that that is appropriate and  
 12 otherwise right around where we think  
 13 we can rent these units.  
 14 MS. DEGEROLAMO: That's your  
 15 two-bedroom rent? You'll be full in  
 16 a week.  
 17 THE WITNESS: From your lips  
 18 to God's ears.  
 19 MR. SCHREK: Are you regulated  
 20 by any board?  
 21 THE WITNESS: In terms of  
 22 "regulated by any board," we have to  
 23 comply with the -- in our deed  
 24 restriction that gets recorded on the  
 25 property, so we have a long-term,

1 30-year deed restriction that makes  
 2 sure that this stays targeted towards  
 3 the -- these households.  
 4 MR. SCHREK: For an  
 5 affordable?  
 6 THE WITNESS: Correct.  
 7 And so we have to every year  
 8 make sure that we comply, do income  
 9 tests for everyone that's coming in,  
 10 make sure that they qualify and  
 11 continue to qualify and then we are,  
 12 you know, regulated by the State of  
 13 New Jersey, New Jersey Housing and  
 14 Mortgage Finance Agency, and then we  
 15 answer to the higher power, which is  
 16 the U.S. Department of Treasury, who  
 17 oversees the housing programs that we  
 18 are utilizing.  
 19 MR. SCHREK: Okay. I asked  
 20 you this question when we first met,  
 21 are we, in any way, meeting with the  
 22 folks from the housing authority?  
 23 THE WITNESS: Not at all.  
 24 This is completely outside of that.  
 25 We think it's, if anything, in

1 conjunc- -- or it's a nice addition  
 2 to that because basically, those, you  
 3 know, the housing authority is  
 4 working through the Section 8 wait  
 5 list and the public housing authority  
 6 wait list, and while we can work with  
 7 them, we do not have any conflict  
 8 with them. We are privately  
 9 marketing these units to the people  
 10 that come along. And like I said,  
 11 based on the incomes that exist in  
 12 Phillipsburg, we believe that there's  
 13 a hardy market for people who fit  
 14 into this, the income tiers, that  
 15 would be looking to rent the  
 16 apartments that have nothing to do  
 17 with the housing authority  
 18 whatsoever.  
 19 MR. SCHREK: Are you keep --  
 20 are you exclusively marketing toward  
 21 Phillipsburg, or people can come in  
 22 from anywhere?  
 23 THE WITNESS: I mean --  
 24 MR. SCHREK: I mean, I find it  
 25 attractive myself.

1 THE WITNESS: Yeah, I mean,  
 2 you know --  
 3 (Cross-talk.)  
 4 THE WITNESS: You know, we  
 5 can -- obviously, we do not. We  
 6 can -- we do not turn away people  
 7 because that would be discriminatory.  
 8 But we find that the core interest  
 9 and the core market are people who  
 10 are living in Phillipsburg currently  
 11 and living in the area who want to  
 12 stay in the area, because obviously,  
 13 tax burden maintenance, especially in  
 14 an older housing stock area, becomes  
 15 difficult. And so, you know, when  
 16 you see the building going up,  
 17 there's a lot of natural interest  
 18 that generally comes from the area.  
 19 We also utilize, you know,  
 20 affirmative housing practices so that  
 21 way we get out in front of it. We  
 22 make sure that we market our  
 23 properties to people that are local.  
 24 We do open houses. We go to all of  
 25 the senior center. We're already

1 working and talking with all the  
 2 senior organizations that are in the  
 3 area to kind of get interest and to  
 4 really try to make sure that the  
 5 people of Phillipsburg end up living  
 6 here.  
 7 MR. ZWICKER: You're marketing  
 8 it as a senior development center?  
 9 THE WITNESS: Correct.  
 10 MR. ZWICKER: You are not  
 11 marketing this as Section 8 or  
 12 low-income housing?  
 13 THE WITNESS: No. I mean, the  
 14 key thing is, is that it's senior and  
 15 that we have to do the -- you know,  
 16 we income target and we make sure  
 17 that there's income qualifications,  
 18 but the senior population is the --  
 19 is the goal here, that's where we're  
 20 going for.  
 21 MR. ZWICKER: Okay. So what  
 22 I'm hearing, though, is when you  
 23 start talking about lower income and  
 24 you're marketable to Section 8 or  
 25 whatever, that makes me confused on

1 what this project is or what it is  
 2 not.  
 3 THE WITNESS: Well, this  
 4 project is geared towards these  
 5 income tiers, so it is really  
 6 targeted towards the middle-income  
 7 person that lives in Phillipsburg.  
 8 We can always work with the housing  
 9 authority to find people that might  
 10 be on their waiting list that do not  
 11 have housing opportunities that  
 12 income qualifies so that they are --  
 13 they're making too much money to  
 14 make -- to go live in the public  
 15 housing because it's on a needs  
 16 basis, but the goal here is to target  
 17 those people who are making these  
 18 higher incomes in that middle-income  
 19 band, that middle-income tier and to  
 20 give them that house opportunity  
 21 because that's the hole -- the hole  
 22 in the donut, if you will, that is,  
 23 in our opinion, not being served  
 24 right now.  
 25 MR. SCHREK: All right. And

1 if I may, I think you answered my  
 2 earlier question, we're not  
 3 interfering with the housing, that  
 4 big building over there, it's senior  
 5 housing.  
 6 THE WITNESS: Yeah.  
 7 MR. SCHREK: So that's at a  
 8 level -- income level that those  
 9 people would not qualify to live  
 10 there?  
 11 THE WITNESS: Yeah, and  
 12 that's -- that's -- that's the  
 13 major -- that's the major purpose.  
 14 And that's the -- that's kind of a  
 15 misnomer of this type of housing and  
 16 what -- why it services and what  
 17 purposes that it serves is -- is  
 18 that, you know, we are talking about  
 19 people who need to be able to pay --  
 20 so just to be clear, public housing,  
 21 you're paying 30 percent of whatever  
 22 your income is. If your income is,  
 23 what, \$3, you pay \$1 and then the  
 24 federal government picks up the  
 25 balance.

1 This housing, we need to be  
 2 able to pay rent, so that \$900, that  
 3 thousand dollar rent is a face value  
 4 rent. If you don't have that money,  
 5 then we can't rent to you.  
 6 And so that's a major  
 7 difference between a public housing  
 8 unit and what we're proposing here  
 9 today.  
 10 MR. MORISETTE: All right.  
 11 You had mentioned the 41,000 to  
 12 57,000 for the one-bedroom units.  
 13 And so say you had people living in  
 14 the -- so you had mentioned 41,000 to  
 15 57,000 for the one-bedroom unit, and  
 16 assuming two people are living there,  
 17 if the -- if the two people start  
 18 making, they get 65,000, are they  
 19 then not eligible to live there?  
 20 THE WITNESS: No. So you can  
 21 continue living there up until a  
 22 hundred -- you hit the 140 percent  
 23 median income level, at which point,  
 24 you basically have -- we have a  
 25 conversation, I guess is the best way

1 to put it, because we can't -- we  
 2 don't displace anybody and the  
 3 federal regulations do not allow  
 4 that, so at that point, you have a  
 5 conversation. But in terms of  
 6 practical application, when we're  
 7 talking about senior housing, the  
 8 probability that people start making  
 9 more money over time, upon moving  
 10 into a property when they're 55 and  
 11 older, is usually not the issue. The  
 12 issue is usually the other situation,  
 13 where people start having, you know,  
 14 having to do -- find more money or  
 15 find other sources of funds.  
 16 BY MS. COFFEY:  
 17 Q. And, Geoff, you certify their  
 18 income annually?  
 19 A. Yes. We do annual TICs, so  
 20 that's kind of the income service.  
 21 Q. Right.  
 22 A. And so basically, every year,  
 23 we go and check and -- and work from that.  
 24 MR. BODOGH: I have questions  
 25 relative to parking, but is that you

1 or someone else?  
 2 MS. COFFEY: That's someone  
 3 else.  
 4 THE WITNESS: Yes. Yes.  
 5 MR. BODOGH: Okay. I'll hold  
 6 then.  
 7 THE CHAIRMAN: Question on  
 8 the -- I understand there's a PILOT  
 9 or a discussion of a PILOT?  
 10 THE WITNESS: So I don't -- I  
 11 don't want to jump in front of  
 12 Mrs. Coffey's situation here, but I  
 13 don't know that this is the  
 14 appropriate venue for that  
 15 conversation, but it's --  
 16 MS. COFFEY: It's the -- the  
 17 PILOT is -- is being considered by  
 18 the -- the governing body, so ask a  
 19 question, if you -- if you like, but  
 20 it's pending --  
 21 THE WITNESS: Yes. Sorry.  
 22 MS. COFFEY: It's pending  
 23 before the governing body.  
 24 THE CHAIRMAN: I didn't know  
 25 if it was passed, not passed.

1 THE WITNESS: It's -- it  
 2 hasn't been heard yet.  
 3 THE CHAIRMAN: Okay.  
 4 COUNCILWOMAN DEGEROLAMO: No,  
 5 it has not even been presented.  
 6 THE CHAIRMAN: Any other  
 7 questions?  
 8 MR. STETNER: When we get to  
 9 the PILOT, I have a question on the  
 10 PILOT and then the parking is next,  
 11 so.  
 12 MS. COFFEY: All right. So  
 13 are we done with Mr. Long and  
 14 Mr. Haley?  
 15 THE CHAIRMAN: So I would say  
 16 yes for now.  
 17 MS. COFFEY: Okay. So without  
 18 further ado, Mr. Chase is going talk  
 19 about parking.  
 20 MR. MANDRY: Mr. Chase, would  
 21 you please state your name for the  
 22 record?  
 23 THE WITNESS: Sure. Corey,  
 24 C-O-R-E-Y, last name is Chase,  
 25 C-H-A-S-E.

1 MR. MANDRY: And would you  
 2 raise your right hand.  
 3 - - -  
 4 COREY CHASE, having been duly  
 5 sworn, was examined and testified as  
 6 follows:  
 7 - - -  
 8 EXAMINATION  
 9 - - -  
 10 BY MS. COFFEY:  
 11 Q. Mr. Chase, can you please  
 12 introduce yourself to the Board and tell  
 13 them a little bit about your background and  
 14 credentials.  
 15 A. Certainly. Corey Chase with  
 16 Dynamic Traffic, I'm a principal with the  
 17 firm, I've been practicing engineering for  
 18 over 18 years. I've been qualified as an  
 19 expert in traffic engineering in over 80  
 20 municipalities throughout that state.  
 21 Licensed in civil engineering in the state  
 22 of New Jersey, five other states, and I  
 23 have a bachelor's of science degree in  
 24 civil engineering from the University of  
 25 Massachusetts.

1 MR. MANDRY: So, Board, I  
 2 think we can stipulate as to his  
 3 qualifications for him to be  
 4 permitted to give his opinion as to  
 5 the traffic issues.  
 6 MR. SCHREK: Do you work with  
 7 Nick Verderese?  
 8 THE WITNESS: I do.  
 9 MR. SCHREK: All right.  
 10 You're good.  
 11 BY MS. COFFEY:  
 12 Q. All right. Mr. Chase, why  
 13 don't you walk us through your traffic  
 14 analysis on the property and the parking.  
 15 A. Certainly. As -- as part of  
 16 our role in the application, we evaluated  
 17 the -- the traffic that would be generated  
 18 by the development if the Board was to act  
 19 favorably on the application. The overall  
 20 site circulation, as well as the proposed  
 21 parking supplied. Mr. Skapinetz mentioned  
 22 we are requesting a parking variance before  
 23 you this evening, so I'm going to touch on  
 24 that as well.  
 25 As Brett mentioned earlier, we

1 are proposing a single full-access  
 2 driveway, and I'm referring to Applicant's  
 3 A-3, which is the rendered site plan, which  
 4 will provide full access through the  
 5 subject property on Stockton Street. We  
 6 took a look at the traffic that would be  
 7 generated as a result of the 67-unit senior  
 8 living facility. Unfortunately, the -- the  
 9 file that we used to project to analyze the  
 10 traffic projections, the Institute of  
 11 Transportation's Trip Generation Manual,  
 12 which is a national safe standard, they  
 13 don't have any affordable senior housing  
 14 test, so this was just based on standard  
 15 age-restricted senior housing.  
 16 For a 67-unit facility, it  
 17 would generate a maximum of 22 trips during  
 18 the peak hour.  
 19 Now, to give you guys an idea  
 20 as to the level of traffic generation, the  
 21 NJDOT and the ITE, the Institute of  
 22 Transportation Engineers, they have a  
 23 threshold of 100 trips during a peak hour  
 24 as the level of a significant increase in  
 25 traffic. So a hundred trips during a peak

1 hour, it's your threshold for a significant  
 2 increase in traffic, we're at 22, so we're  
 3 approximately 20 percent of that threshold.  
 4 So from a pure traffic generation  
 5 standpoint, this development would be  
 6 considered a very low traffic generator.  
 7 So the existing conditions on the adjacent  
 8 roadway network, they aren't going to  
 9 change as a result of this. We're talking  
 10 about one trip every three minutes during  
 11 an hour. So no one in the adjacent  
 12 neighborhood is going to notice any  
 13 additional traffic generated as a result of  
 14 this development.  
 15 We also took a look at the  
 16 parking because as it was mentioned  
 17 earlier, we are requesting a parking  
 18 variance. One space per unit is required,  
 19 so a total of 67 spaces would be required  
 20 for this development. We are proposing 45  
 21 parking spaces on-site. The Institute of  
 22 Transportation Engineers also publishes  
 23 parking generation data in the parking  
 24 generation manual. And in that manual,  
 25 they actually do have data for both market

1 rates in senior living facilities and  
 2 affordable senior living facilities. So we  
 3 took a look at the -- the data for both of  
 4 those.  
 5 For a market rate senior  
 6 housing facility, the ITE data suggests  
 7 that this development would generate 41  
 8 parked vehicles. So, again, we have 45  
 9 spaces proposed, 41 vehicles for a market  
 10 rate senior housing facility.  
 11 For an affordable senior  
 12 housing facility, that data suggests 28  
 13 vehicles would be on parked on-site. So  
 14 there -- if you look at the direct data for  
 15 an affordable senior housing facility, it  
 16 suggests it would only generate 28 parked  
 17 vehicles, we have 45 spaces proposed  
 18 on-site, we think that's going to be more  
 19 than adequate.  
 20 Through consultations with  
 21 Mr. Long's office, we also took a look at  
 22 eight of their existing facilities to see  
 23 what they had development in parking  
 24 generation, and of those eight facilities  
 25 that Mr. Long provided, they had a demand

1 which would be 38 parked vehicles, if you  
 2 translate it into 67 units.  
 3 So, again, if you look at the  
 4 national data and you looked at data  
 5 provided by Mr. Long for similar facilities  
 6 that they've developed, and all that data  
 7 supports the proposed 45 parked vehicles  
 8 on-sit.  
 9 We took a look at the -- the  
 10 circulation. Again, we are requesting a  
 11 variance for the overall driveway width at  
 12 the curb line opening, as well as the drive  
 13 aisle widths. We then, just based on the  
 14 nature of the driver that we're trying to  
 15 accommodate with this development, we feel  
 16 that the -- the wider driveway, the more  
 17 generous radius and the more generous drive  
 18 aisles are going to be a benefit to those  
 19 drivers who are going to be accessing this  
 20 facility. It also helps to accommodate  
 21 the -- the fire vehicle, as well as the  
 22 refuse vehicle to make those circulation  
 23 maneuvers efficient and safe.  
 24 That's all I have to direct.  
 25 If you have -- answering questions --

1 MR. SCHREK: Yeah, I do. I'm  
 2 still a little mixed up on the  
 3 definition between "age-restricted"  
 4 and "senior," because age-restricted  
 5 is 55 and older. Any age-restricted  
 6 development I've worked on would  
 7 involve taking a discount on the  
 8 parking, do -- most units would be  
 9 per RSIS standards. So we're saying  
 10 that senior housing, you're calling  
 11 it senior housing, you're looking to  
 12 take that discount in parking, but  
 13 the testimony you gave looked like it  
 14 would be age-restricted as 55 and  
 15 older, with people in a -- parking  
 16 and they both have cars, so why would  
 17 we be looking for a lower number of  
 18 parking spaces?  
 19 THE WITNESS: Senior housing  
 20 is an ideal correlation to  
 21 age-restricted, and I apologize if I  
 22 didn't make that clear.  
 23 MR. SCHREK: It's the same?  
 24 Okay.  
 25 THE WITNESS: It's 55 and up.

1 MR. SCHREK: It's still 55 and  
 2 up.  
 3 BY MS. COFFEY:  
 4 Q. Mr. Chase, am I correct that  
 5 Applicant is also proposing to provide a  
 6 shuttle service for the residents?  
 7 A. That's -- that's a great  
 8 point. I should have touched on that in my  
 9 direct.  
 10 As part of this development,  
 11 Mr. Long is currently coordinating this  
 12 being added to the existing shuttle service  
 13 that is provided for seniors within the  
 14 area. So a minimum of one time, likely two  
 15 times a week, there will be a shuttle  
 16 provided to this facility that will take  
 17 residents to various locations within the  
 18 town, Target, Walmart, ShopRite, the  
 19 medical facilities, the senior center,  
 20 things like that. And we are also located,  
 21 it's approximately 500 feet to the edge of  
 22 the transit bus stop on Heckman, which is  
 23 the -- the next street over, so there is  
 24 the opportunity to utilize existing mass  
 25 transit. We are going to provide shuttle

1 service on-site as part of the development  
 2 proposal. But, again, notwithstanding  
 3 that, the -- the -- the national data, as  
 4 well as the data as experienced by Mr. Long  
 5 at his existing facilities, all support  
 6 that the 45 spaces --  
 7 MR. SCHREK: So you're going  
 8 to park a shuttle bus?  
 9 THE WITNESS: No. It's not  
 10 specific to this development, it's  
 11 going to be part of an existing  
 12 network. There is currently a  
 13 shuttle service that goes throughout  
 14 the borough. This would be an  
 15 additional stop that's part of that  
 16 shuttle.  
 17 MR. ZWICKER: So where are  
 18 your buildings now?  
 19 THE WITNESS: Just -- just --  
 20 MS. COFFEY: Just for the  
 21 record, Mr. Long is coming up to  
 22 answer the question.  
 23 MR. LONG: And I'm just going  
 24 to clarify about the shuttle service.  
 25 It's an additional specific route

1 that we're working with Easton Coach  
 2 and the County on just for this  
 3 property to be available to the  
 4 seniors that live here to run pretty  
 5 much around town to shopping, to the  
 6 senior center and a few of the -- a  
 7 few other stops along the way. So  
 8 that's, just to be clear, it's --  
 9 it's something that we are actually  
 10 doing separate and above and outside  
 11 of what is the existing shuttle  
 12 service. That's the on-demand senior  
 13 shuttle service.  
 14 MS. COFFEY: And,  
 15 Mr. Long, because that shuttle is not  
 16 staying at the facility?  
 17 MR. LONG: No, it's -- it's --  
 18 it's an Easton Coach County bus, so  
 19 it's where they have their buses.  
 20 MR. ZWICKER: So it's an extra  
 21 stop on their route?  
 22 MR. LONG: Yeah, it's -- it's  
 23 their own route, yes, it's -- it's  
 24 a --  
 25 MR. ZWICKER: Your -- your

1 facilities are where now?  
 2 MR. LONG: Let's see, we are  
 3 talking about, the ones that we're  
 4 talking about, we're talking about  
 5 Haddonfield, New Jersey; Hopewell  
 6 Township, New Jersey; Perth Amboy;  
 7 Camden for two of them; Chester,  
 8 Pennsylvania; and then Ambler.  
 9 MR. ZWICKER: Anybody in a  
 10 rural setting like Warren County,  
 11 like Phillipsburg is?  
 12 MR. LONG: Well --  
 13 MR. ZWICKER: It's hard to go  
 14 without a car.  
 15 MR. ZWICKER: Yeah. I mean,  
 16 500 feet to somebody who is 60 years  
 17 old is not going to walk up and down  
 18 that hill, it's not going to happen.  
 19 Maybe -- maybe the guy who drives a  
 20 plane, maybe, but most of the people  
 21 aren't going to be running up and  
 22 down the hill to the bus stop,  
 23 they're going to have a car, you  
 24 know, and 67 units, and you're  
 25 probably looking at 75 cars out of

1 67.  
 2 MR. CHASE: You know, again, I  
 3 think we're looking at site-specific  
 4 data for his existing facilities and  
 5 national data. It doesn't support  
 6 that seniors have one and two cars  
 7 per unit. They're coming in at a  
 8 much lower rate, it's -- the fact  
 9 that's it's age-restricted and  
 10 seniors, they aren't driving, you  
 11 know, that's the point, that's why  
 12 we're proposing lower parking ratios.  
 13 Even in, you know, Haddonfield,  
 14 Hopewell, those are all rural areas.  
 15 They're not, you know, they're not  
 16 urban by any stretch of the  
 17 imagination. So I would characterize  
 18 both of those as being comparable to  
 19 Phillipsburg and, you know, again,  
 20 it -- the data all correlates with  
 21 each other. It -- it's not like, you  
 22 know, we looked at senior housing and  
 23 affordable and there's a dramatic  
 24 difference, they're -- they all  
 25 correlate with one another and it's

1 backed up by the fact that the  
 2 existing facilities that they're  
 3 currently managing, you know, it all  
 4 supports that same number. We're  
 5 just not seeing that typical, you  
 6 know, market rate nonage-restricted  
 7 residential use, that sort of parking  
 8 generation. It's very different for  
 9 a senior facility.  
 10 MR. ROONEY: How about  
 11 licensed? They're 55 and I'm 76, and  
 12 I still drive my car every day. And  
 13 all my friends, we drive. We go  
 14 golfing. We drive to them. People  
 15 are probably going to be doing the  
 16 same thing there. I totally agree  
 17 with that.  
 18 MR. ZWICKMAN: Yeah, I -- I  
 19 have a real problem with that  
 20 parking. The facility is gorgeous,  
 21 but I would like you to have about 20  
 22 more parking spots. I'd take that  
 23 grass area there and put 10 --  
 24 MR. SCHREK: Plus, we're not  
 25 even looking at visitor parking.

1 MR. ZWICKER: Yeah.  
 2 (Cross-talk.)  
 3 MR. HALEY: That's not a good  
 4 -- it's not the transportation, as an  
 5 architect, he's worked on numerous  
 6 senior apartment communities and many  
 7 of these that they're citing, and  
 8 I'll tell you that if we park any  
 9 more than we're parking now, it will  
 10 just be wasting impervious coverage.  
 11 It's -- you will -- you will -- your  
 12 highest demand will be on day one and  
 13 it will diminish as you go. You will  
 14 not require more parking. It's --  
 15 it's just you've seen residents, they  
 16 don't -- they -- they tend to get rid  
 17 of their cars. These become like  
 18 senior centers for them. Okay?  
 19 Additional public transportation  
 20 they're talking about. It's -- it's  
 21 just going to create a less appealing  
 22 community with unnecessary impervious  
 23 parking.  
 24 MR. SCHREK: Well, I'd rather  
 25 do this, plan for it to make sure we

1 still have a rolling case here. Your  
 2 summary is not --  
 3 MR. ROONEY: Is there any  
 4 chance that you could buy the  
 5 adjacent real property there? Buy  
 6 some of the property to expand the  
 7 parking?  
 8 MS. COFFEY: Buying the  
 9 railroad property?  
 10 MR. ROONEY: Yeah.  
 11 MS. COFFEY: It's -- it's my  
 12 understanding, I think, that the  
 13 railroad continues being used, it's  
 14 active.  
 15 MR. ROONEY: Yeah, but how  
 16 much -- well, how much land is there?  
 17 A right-of-way is there, it's not a  
 18 right-of-way.  
 19 MS. COFFEY: Well, we have  
 20 nothing, an agreement with Norfolk  
 21 Southern, but my experience in other  
 22 matters is Norfolk Southern is very  
 23 hesitant to transfer any portion of  
 24 property, especially when they still  
 25 have an active railroad.

1 MR. SCHREK: Has the Applicant  
 2 made an attempt for shared parking  
 3 with adjacent facilities?  
 4 MS. COFFEY: We have not, but  
 5 we can certainly look into it.  
 6 MR. SKAPINETZ: And we also --  
 7 MS. COFFEY: This is  
 8 Mr. Skapinetz.  
 9 MR. SKAPINETZ: Sorry. Yes,  
 10 Brett Skapinetz, Dynamic Engineering.  
 11 Just taking a look at the --  
 12 at the plan and, you know, it will --  
 13 it will result in an increase in  
 14 impervious, potentially, but I -- we  
 15 do have the ability to add in at  
 16 least seven more parking space into  
 17 the plan through regrading,  
 18 potentially adding some walls, but  
 19 I'm not -- what I'm looking at is  
 20 from a standpoint of banking those  
 21 spaces. If we were to bank those  
 22 spaces, there's areas where we could  
 23 say, we could designate, and I'm  
 24 primarily talking about the eastern  
 25 end of the property. We have a

1 little bit of a wider aisle in -- on  
 2 this end. We -- if we could place  
 3 two more parking spaces on the -- on  
 4 the end, that's three. And then if  
 5 we can get parking spaces along the  
 6 edge, we could even move this wall  
 7 and shift it a bit, make it a little  
 8 bit taller and -- and notch it to be  
 9 able to get a couple more. I'm  
 10 looking at seven, banking them.  
 11 It's -- it'll be situation where  
 12 they're there, they could be set up,  
 13 they could be built at a future date,  
 14 if -- if found necessary, and that  
 15 the numbers are not matching with  
 16 respect to what we are proposing.  
 17 MR. BODOGH: I -- I have, it's  
 18 is the same thing with Keith down  
 19 there, the way I did my math, the  
 20 two-bedroom units, I would assume at  
 21 least probably two cars per -- per --  
 22 for a two-bedroom unit, I would  
 23 assume. That's 14, and then the 60,  
 24 let's just say there's one a piece,  
 25 which around here, everybody drives.

1 Just like Bernie Rooney said, like  
 2 I'm 38, when I hit 55, I hope to be  
 3 driving still. I mean, really. I  
 4 hope to be driving until I'm 89 like  
 5 my grandfather.  
 6 MR. ROONEY: All -- all -- all  
 7 my friends, all my friends, all my  
 8 peers, they're married, have two  
 9 cars.  
 10 MR. BODOGH: There's no  
 11 addressing for like, let's say some  
 12 of these are older, older seniors,  
 13 and there could be visiting nursing,  
 14 extra staff, visitors in general, I  
 15 mean, where can all those people  
 16 park? I mean, there's going to be  
 17 holidays, people are going to come  
 18 and see them.  
 19 (Cross-talk.)  
 20 MR. BODOGH: And there is --  
 21 there is nowhere anywhere near on  
 22 Stockton Street to park anything  
 23 extra.  
 24 MR. SCHREK: Is there room in  
 25 the business plan to reduce the

1 number of units?  
 2 MS. COFFEY: Yeah, but to  
 3 follow up, a lot of -- a lot of  
 4 the -- we're just talking. All  
 5 right.  
 6 So the first question, I  
 7 think, was with regard to guests or  
 8 visitors coming to the property.  
 9 MR. BODOGH: Yeah, like  
 10 visiting nursing. I mean, I know it  
 11 said that there's a proposed two --  
 12 two full-time staff members, but, you  
 13 know, that would be outside the scope  
 14 of visiting nurses and things like  
 15 that, which parking is probably  
 16 always going to be the case, but it  
 17 could be. You know, so you could  
 18 have a problem running into that.  
 19 There's going to be holidays where  
 20 you've going to have visitors,  
 21 everybody is going to have visitors  
 22 at one time or another. It just --  
 23 it scares me that there's not even  
 24 enough for one -- at least one for  
 25 each unit, to be honest with you,

1 because there is really nowhere to  
 2 bleed into anywhere else.  
 3 MS. COFFEY: So -- and I'm  
 4 sorry to interrupt.  
 5 So I was just speaking with  
 6 the Applicant and his -- his proposal  
 7 would be that if we were to be  
 8 approved, it would be with the  
 9 condition that we would revise the  
 10 plans to get to a one space per unit  
 11 ratio on the site and then pursue a  
 12 shared parking arrangement offsite.  
 13 MR. ZWICKER: Where?  
 14 MS. COFFEY: In terms of the  
 15 shared parking?  
 16 MR. ZWICKER: Yeah. I'm  
 17 sorry.  
 18 MR. LONG: We would work with  
 19 the current landowner to utilize some  
 20 of his shared parking that he has to  
 21 potentially deal with overflow that  
 22 is offsite.  
 23 MR. ZWICKER: What about  
 24 getting in the back corner of the  
 25 property, getting some more of his

1 land in the back section, over --  
 2 over in here?  
 3 MR. SKAPINETZ: Over there?  
 4 MR. ZWICKER: Yeah.  
 5 MR. ZWICKER: You know, if  
 6 this -- if this came back --  
 7 MR. SKAPINETZ: The -- the  
 8 issue --  
 9 MR. ZWICKER: That I-1 zone?  
 10 MR. SKAPINETZ: In the -- in  
 11 the back corner here?  
 12 MR. ZWICKER: Yeah.  
 13 MR. SKAPINETZ: Yeah, the back  
 14 corner here, that's -- that's where  
 15 we have the big change in grade,  
 16 though. So there's a -- there's a  
 17 separation there and that wall, if we  
 18 were to continue to build, and that  
 19 wall continues along that edge, so --  
 20 and this is the railroad property  
 21 here, so to get to that --  
 22 (Cross-talk.)  
 23 MR. SKAPINETZ: And so to get  
 24 to that point is -- is difficult,  
 25 just being direct.

1 MR. ZWICKER: Can this -- can  
 2 this go up higher, take the -- take  
 3 the back end of the building, squeeze  
 4 it up 20 feet, add another floor? Is  
 5 that -- is that feasible?  
 6 MR. HALEY: We can do a lot of  
 7 things, yeah. I mean, I --  
 8 MR. ZWICKER: I -- I really  
 9 have a problem with the parking.  
 10 MR. CHASE: Okay. So I  
 11 can't -- I guess I can't convince you  
 12 that it's more than adequately  
 13 parked.  
 14 (Collective noes.)  
 15 (Cross-talk.)  
 16 THE CHAIRMAN: Let's take a  
 17 five-minute break here.  
 18 (Cross-talk.)  
 19 MR. ZWICKER: Yeah, yeah.  
 20 Yeah. Frankly, it's a great project,  
 21 but --  
 22 MR. MANDRY: Yeah. No.  
 23 Let's -- get to the -- let's get to  
 24 the -- let's get rid of the parking  
 25 variance right now and I'll come back

1 to you.  
 2 MR. SCHREK: Well, why don't  
 3 we get -- why don't we deal with D(1)  
 4 variance first.  
 5 MR. MANDRY: Why don't we see  
 6 what we can do here --  
 7 (Cross-talk.)  
 8 MR. SCHREK: No, I'd -- I'd I  
 9 rather talk about this.  
 10 MS. COFFEY: Give us five.  
 11 MR. LONG: Give us five  
 12 minutes.  
 13 - - -  
 14 (Whereupon, a recess was  
 15 taken.)  
 16 - - -  
 17 MS. COFFEY: Okay. We think  
 18 we've come up with a solution.  
 19 And, Mr. Skapinetz, I'll let  
 20 you talk about what we've come up  
 21 with.  
 22 MR. SKAPINETZ: So, again,  
 23 Brett Skapinetz, Dynamic Engineering.  
 24 I'm going to talk to A-3.  
 25 So what we can do to gain

1 additional parking is actually --  
 2 it's actually fairly simple, but it's  
 3 going to require a shifting of the  
 4 building, and an increase of a  
 5 parked -- a side yard setback for the  
 6 building to the railroad.  
 7 So we're essentially just --  
 8 we're going to keep the front portion  
 9 described as the -- the lobby and the  
 10 workout area, that would stay where  
 11 it is. But the -- the extension to  
 12 that, the larger residential portion,  
 13 that will shift down 20 feet. Okay?  
 14 So the edge of the building will sit  
 15 out instead of 41 feet from the  
 16 railroad, 21 feet from the railroad.  
 17 Okay?  
 18 In the back of that building  
 19 there, there's a drop in grade, so  
 20 the foundation of that building, when  
 21 we get to on the westerly end, we'll  
 22 probably have an exposed foundation  
 23 of maybe six, seven feet. How we'll  
 24 work that out from the foundation  
 25 standpoint, by the time we get to

1 this easterly end, it may be three  
 2 feet. Okay?  
 3 That's really the only change  
 4 that happens on there when it shifts.  
 5 In the front of the building,  
 6 then, once we shift it 20 feet, I can  
 7 then mirror this row of ten spaces in  
 8 the landscape island. This next row  
 9 of ten spaces, the landscape island  
 10 in between, and then about, I'm going  
 11 to about five parking spaces till I  
 12 get to the end of the building.  
 13 That's 25 more parking spaces right  
 14 there added in, plus the -- include  
 15 plus the 45, so now it's 70, so now  
 16 we don't need a variance for parking  
 17 based on the code. And I do believe  
 18 we can add in probably, as I  
 19 mentioned earlier, probably three or  
 20 four more parking spaces on the side  
 21 to get that many more, so we're  
 22 probably closer to 75 parking spaces  
 23 if I'm making that change.  
 24 And the only thing that we  
 25 would require is -- is us, I

1 mentioned the side yard setback  
 2 variance being 24.7 feet, I'm looking  
 3 at that now to be 21 feet under this  
 4 plan.  
 5 MR. ROONEY: You know, I -- I  
 6 have an additional concern, an  
 7 additional concern, it's an earlier  
 8 concern, it's the -- it's the fire  
 9 chief's concern about the access. I  
 10 think it's a legitimate concern, and  
 11 if you could -- you could address the  
 12 whole thing, of course you're going  
 13 to have to put a retaining wall in  
 14 there and make it happen.  
 15 MR. SKAPINETZ: And -- and I  
 16 think, if I understood, we know that  
 17 we need to meet with the -- the fire  
 18 official, and -- and certainly, you  
 19 know, we're looking for seeking  
 20 preliminary. On that condition, I'm  
 21 going to the fire official. And  
 22 certainly, if that becomes an impact  
 23 and we come back for a final and have  
 24 to make additional changes, you know,  
 25 we'll look to address it ahead of

1 time, but we -- we do believe that  
 2 the plan as situated works with  
 3 respect to access. This is non --  
 4 this is not unusual with represent to  
 5 a design to have the access. We  
 6 essentially have it to three sides of  
 7 the building, plus we need to provide  
 8 the additional information to the  
 9 fire chief as to how the building is  
 10 being sprinklered in this -- in this  
 11 setting here.  
 12 MR. SCHREK: Yeah. It's not  
 13 unusual to have both sides -- not  
 14 accessible. All right.  
 15 (Cross-talk.)  
 16 MR. HALEY: It also should be  
 17 noted that the building is -- is --  
 18 our preliminary analysis is that  
 19 we'll require NFPA 13R, 13  
 20 residential. We would be willing to  
 21 go to NFPA 13 to an increased  
 22 standard.  
 23 MS. COFFEY: So can you  
 24 explain NFPA to the Board?  
 25 MR. HALEY: Sure. So it's for

1 the fire sprinkler systems. So  
 2 basically, NFPA 13R is all  
 3 configured, required to do for a  
 4 building of this type, and NFPA 13R  
 5 is designed to protect the occupants  
 6 to exit the building. NFPA 13 goes  
 7 one step further, it protects the  
 8 building, so it will protect the  
 9 firefighters, it keeps the building  
 10 up so that it doesn't -- it's a --  
 11 it's a safer measure, it's -- it's a  
 12 significant cost increase to the  
 13 project.  
 14 MR. HALEY: That came into  
 15 prominence here -- (inaudible).  
 16 MR. HALEY: He said the new  
 17 NFPA came into prominence in New  
 18 Jersey after there was fire down in  
 19 Edgewater of a similar design, so the  
 20 enhanced. But the chief would know  
 21 about it too. I think that may --  
 22 that makes sense, what his concerns  
 23 are, but we'll have that conversation  
 24 in between now and the final.  
 25 MR. ROONEY: I'm -- I'm happy

1 to hear that because I'm -- as far as  
 2 I'm concerned, I think the whole  
 3 Board likes -- likes the project, the  
 4 parking and the fire are the two  
 5 major issues. I think that they're  
 6 being addressed.  
 7 MS. COFFEY: Okay. Are we  
 8 ready for our planning testimony at  
 9 this point? Okay.  
 10 Then, Mr. Phillips, I'd like  
 11 you to join us.  
 12 THE CHAIRMAN: Did you all  
 13 drive separately to the meeting  
 14 today?  
 15 MS. COFFEY: That's right.  
 16 MR. MANDRY: Could you please  
 17 state your full name, sir.  
 18 THE WITNESS: Paul Phillips,  
 19 PHILLIPS.  
 20 MR. MANDRY: Mr. Phillips,  
 21 would you please raise your right  
 22 hand.  
 23 - - -  
 24 PAUL PHILLIPS, having been  
 25 duly sworn, was examined and

1 testified as follows:  
 2 - - -  
 3 MR. MANDRY: Proceed, Counsel.  
 4 - - -  
 5 EXAMINATION  
 6 - - -  
 7 BY MS. COFFEY:  
 8 Q. Okay. Mr. Phillips, can you  
 9 please introduce yourself to the Board and  
 10 tell them about your credentials and  
 11 experience.  
 12 A. Sure. I am a principal in the  
 13 firm of Phillips Preiss, I've been  
 14 practicing in the field of planning in New  
 15 Jersey for over 35 years, I'm a licensed  
 16 professional planner in the state. I'm a  
 17 member of the American Institute of  
 18 Certified Planners. I do hold a master's  
 19 degree in urban planning from Hunter  
 20 College. I've appeared and been accepted  
 21 as an expert in over 250 municipalities in  
 22 the state. Dozens of occasions to appear  
 23 in court, and my firm does advise numerous  
 24 municipalities on land use planning and  
 25 redevelopment matters.

1 MR. MANDRY: And you didn't  
 2 say New Jersey in all of that. I'm  
 3 assuming that it was New Jersey, the  
 4 jurisdiction --  
 5 THE WITNESS: Yes.  
 6 MR. MANDRY: -- that you're  
 7 licensed?  
 8 THE WITNESS: And I'm licensed  
 9 in New Jersey. In fact, I think  
 10 there's only one other state in the  
 11 country that licenses planners.  
 12 That's why I have the --  
 13 MR. SCHREK: What is that  
 14 other state?  
 15 (Cross-talk.)  
 16 MR. SCHREK: What is the other  
 17 state?  
 18 THE WITNESS: It's in the  
 19 Midwest, and it's either Wisconsin or  
 20 Michigan. But there's only one other  
 21 state.  
 22 MS. COFFEY: And they don't do  
 23 it anymore, actually.  
 24 THE CHAIRMAN: Oh, really.  
 25 MS. COFFEY: We're now the

1 only ones.  
 2 THE CHAIRMAN: There you go.  
 3 So now it's just Jersey.  
 4 MR. MANDRY: So Mr. Chairman  
 5 and the Board members, I'd recommend  
 6 that we accept Mr. Phillips as a  
 7 licensed professional planner in the  
 8 state of New Jersey.  
 9 THE WITNESS: Will do.  
 10 BY MR. COFFEY:  
 11 Q. Okay. So, Paul, why don't you  
 12 walk us through the variance.  
 13 A. Sure. So let me start with  
 14 sort of the major variance. The property  
 15 is located in a I-1 light industrial  
 16 district. It provides for a variety of  
 17 uses that you might expect in a light  
 18 industrial district, manufacturing,  
 19 offices, warehousing, wholesale uses and I  
 20 think retail, if it's accessory. Clearly,  
 21 the proposed senior affordable development  
 22 is not permitted within the zone and,  
 23 therefore, we are seeking a D(1) use  
 24 variance.  
 25 As you've also heard, we are

1 seeking a number of bulk variances as well,  
 2 and they would be for the front yard  
 3 setback, and I'll get into that, and a side  
 4 yard setback. I guess at this point, we no  
 5 longer need a parking variance. We do  
 6 exceed the maximum driveway width at the  
 7 curb line, and we do need a setback  
 8 variance to a residential zone boundary.  
 9 So let me start with the  
 10 critical variance, which is the D(1) use  
 11 variance.  
 12 As the Board is aware, an  
 13 Applicant has to satisfy what's known as  
 14 positive and negative criteria.  
 15 Additionally, if a proposed use is  
 16 determined to be inherently beneficial, as  
 17 I believe this proposed use is, and I'll  
 18 get to that in a bit, the Supreme Court in  
 19 New Jersey has held under the SEQRA versus  
 20 Wall Township case, and they have opined  
 21 that this in and of itself presumptively  
 22 satisfies the positive criteria for the  
 23 granting of a use variance, if this is an  
 24 inherently beneficial use.  
 25 Also, if -- if we're dealing

1 with an inherently beneficial use, the  
2 enhanced proof requirements that come  
3 forward from the Medici case don't apply,  
4 an Applicant doesn't have to demonstrate  
5 that this site is particularly suited and  
6 he doesn't have to reconcile the fact that  
7 the governing body through the zoning does  
8 not permit or envision this use on that  
9 site. What the Court instead said was  
10 alternatively, you have to basically  
11 undertake the four-part balancing test.

12 Essentially, you need to  
13 identify the public interest which is at  
14 stake. You have to identify whether there  
15 are any detrimental impacts. This third  
16 step is to determine whether reasonable  
17 conditions can be imposed to address  
18 impacts. And lastly, basically, you need  
19 to do this, the Board needs to do a  
20 balancing test to determine whether the  
21 positives outweigh the -- the negatives.

22 So in terms of identification  
23 of the public interest, the first step is  
24 what is the scale or scope of the public  
25 interest which is at stake? I think this

1 development advances the public interest in  
2 at least two ways; it will provide senior  
3 housing, number one; and it will provide  
4 100 percent affordable housing, number two.

5 I'll state up front that one  
6 of the purposes of the -- of Municipal Land  
7 Use Law is to encourage senior citizen  
8 community housing instruction.

9 Secondly, the courts in New  
10 Jersey have also recognized both senior  
11 housing and affordable housing as  
12 inherently serving the public good. There  
13 are a number of cases, and I'll just cite  
14 them, I won't belabor it, but I think the  
15 key case is The Borough of Roselle Park  
16 versus Union Township, where the Court  
17 determined that a senior housing project  
18 met the special reasons for a use variance  
19 because senior housing inherently promotes  
20 the public good. There's a case, Riese-St.  
21 Gerard Housing Corporation versus City of  
22 Paterson where a use variance was submitted  
23 for a senior housing project that  
24 specifically house low-income seniors.  
25 That Court held that that project was an

1 inherently beneficial use. And probably  
2 the most recent case with affordable  
3 housing is a case called Homes of Hope  
4 versus East Hampton Township Land Use  
5 Planning Board, and that Court essentially  
6 affirmed that affordable housing continues  
7 to foster the general welfare and  
8 constitutes a special reason to support a  
9 use variance, and that Court also  
10 specifically said -- stated that affordable  
11 housing is an inherently beneficial use.

12 I would further note that you  
13 basically are undergoing not just in  
14 Phillipsburg, but the County and the state,  
15 the aging of the population, certainly not  
16 unique to the town of Phillipsburg. I took  
17 a look at just some figures from both  
18 Warren County and Phillipsburg in both  
19 entities, over 30 percent of the population  
20 is 55 and over. In addition, much of the  
21 agent population have incomes that are  
22 below the area-wide median. And, again, as  
23 you've heard, the -- for the target group  
24 here is basically moderate, low and very  
25 low income below that moderate income

1 threshold.

2 Lastly, I took a look at your  
3 master plan. There's some clear policy  
4 directives relative to both senior housing  
5 and affordable housing. The 2013  
6 re-examination referred back to the 2004  
7 master plan and said an objective to be  
8 accurately pursued is housing options for  
9 the town senior population, and one of the  
10 goals, the land use goals from the 2013  
11 re-examination was add senior housing  
12 options to residential districts for both  
13 new constructive or adaptive reuse. And  
14 the 2013 re-exam indicated those goals have  
15 not been addressed or -- or acted on.

16 So I think for all of these  
17 factors, 100 percent senior affordable  
18 housing ranks high on the public interest  
19 scale.

20 I'm going to combine steps 2  
21 and 3 of the SEQRA test step, which is  
22 basically identified potentially  
23 detrimental impacts and whether any  
24 mitigating measures could be put in place.  
25 I look at this property as an underutilized

1 property, pretty much an eyesore.  
 2 Certainly, redevelopment will have a  
 3 positive impact on, I think, both nearby  
 4 commercial and residential properties. As  
 5 you heard, it will generate minimal traffic  
 6 impact, no appreciable impact on the  
 7 adjoining roadway net -- network. I think  
 8 the project is certainly compatible with  
 9 the residential across Stockton Street.  
 10 I think the only issues, now  
 11 that we've addressed that, I think  
 12 hopefully, suitably the parking, I think  
 13 the only issues relate to the property does  
 14 adjoin a nonresidential use, basically to  
 15 the north, which would be the Tuscany Hill  
 16 Plaza, the property, and it also backs up  
 17 to a rail line, but I think the Applicant  
 18 has sought to address these concern for two  
 19 reasons: Basically it has kept the rear  
 20 portion of the building as far removed from  
 21 the rail line as possible. In fact, it's  
 22 twice the allowable rear yard setback. And  
 23 as you can see from the plan, the Applicant  
 24 has also sought to keep the grade of  
 25 separation to the commercial property along

1 that border. And now, actually, the  
 2 building is going to move probably 20 feet  
 3 further to the south, which I think is --  
 4 and I'll get to this when I deal with the  
 5 setback -- I think that's not inappropriate  
 6 here because the intervening property  
 7 between the rail line and this project is  
 8 railroad-owned property, but it's  
 9 undeveloped, so there's the ability to kind  
 10 of maintain adequate open space by -- by  
 11 basically doing that here.  
 12 MR. SCHREK: All right. Paul,  
 13 can we hold that thought for a  
 14 minute. We're -- we're getting into  
 15 the negative criteria now?  
 16 THE WITNESS: Yeah.  
 17 MR. SCHREK: You're making the  
 18 assumption that the Board is  
 19 considering this to be an inherently  
 20 beneficial use. I think the Board  
 21 should give you feedback on that, in  
 22 case we have to go to --  
 23 THE WITNESS: Absolutely.  
 24 MR. SCHREK: -- that level.  
 25 MR. MANDRY: But before we go

1 further on --  
 2 THE WITNESS: Sure.  
 3 MR. MANDRY: -- I just would  
 4 like to make sure it's really clear  
 5 that whether the operation is for  
 6 profit or not is irrelevant in terms  
 7 of it being inherently beneficial  
 8 use. But I'd just cite Jayber versus  
 9 Municipal Council, 238 NJ Super. 165,  
 10 which is an appellate division case,  
 11 the -- the certification was denied.  
 12 And if you talk about your Hope case,  
 13 and I just want to quote this for the  
 14 record, please: "Once a municipality  
 15 has actually provided its fair share  
 16 of affordable housing, further  
 17 affordable housing projects should  
 18 retain their status as inherently  
 19 beneficial uses for the purpose of a  
 20 D variance application or instead,  
 21 should be subject to the usual  
 22 requirements for a D variance when  
 23 outside the appropriate zone."  
 24 So --  
 25 THE WITNESS: So I -- I would

1 concur with, obviously. I'm glad you  
 2 read it. I'm familiar with the  
 3 Jayber case, which clearly said that  
 4 it doesn't have to be a nonprofit  
 5 entity to meet these standards, so I  
 6 would concur with that. And you just  
 7 also read the other case with regard  
 8 to affordable housing, per se, so I  
 9 would concur with that, and certainly  
 10 that would be rolled within my  
 11 testimony as well.  
 12 MR. MANDRY: So do you have  
 13 any further testimony as to whether  
 14 or not the use is inherently  
 15 beneficial, and just -- just for a  
 16 matter for the Board's understanding,  
 17 if the -- the use is determined to be  
 18 inherently beneficial, then you don't  
 19 have to go through and -- and you  
 20 planned this very well, I just want  
 21 to make sure we're clear, you don't  
 22 have to go through other tests, you  
 23 skip everything and you go right to  
 24 the negative criteria, you don't have  
 25 to prove the positive criteria, which

1 is often very difficult in a D  
 2 variance. So I think that as a  
 3 matter of procedural nicety, that we  
 4 ought to take vote and make a  
 5 determination as to whether or not  
 6 the use is inherently beneficial  
 7 under the Municipal Land Use Law and  
 8 we would need someone to make a  
 9 motion, second and then a roll call  
 10 vote.  
 11 THE CHAIRMAN: Motion.  
 12 MR. STETNER: Second.  
 13 THE CHAIRMAN: Okay. Roll  
 14 call, please.  
 15 MS. CARNEY: Chairman  
 16 Corcoran?  
 17 THE CHAIRMAN: Yes.  
 18 MS. CARNEY: Keith Zwicker?  
 19 MR. ZWICKER: Yes.  
 20 MS. CARNEY: David Morisette?  
 21 MR. MORISETTE: Yes.  
 22 MS. CARNEY: Dominick  
 23 Vangelli?  
 24 MR. VANGELLI: Yes.  
 25 MS. CARNEY: Roseann Rohm?

1 MS. ROHM: Yes.  
 2 MS. CARNEY: Darren Bodogh?  
 3 MR. BODOGH: Yes.  
 4 MS. CARNEY: James Stetner?  
 5 MR. STETNER: Yes.  
 6 MS. CARNEY: Bernie Rooney?  
 7 MR. ROONEY: Yes.  
 8 THE CHAIRMAN: Thank you.  
 9 And then if this is in  
 10 accordance with your understanding,  
 11 we need to get to the negative  
 12 criteria. Are you in agreement with  
 13 that, per se?  
 14 THE WITNESS: Well, it's per  
 15 the SEQRA test for an inherently  
 16 beneficial use where the first part,  
 17 I attempt to identify --  
 18 MR. MANDRY: Do you want to  
 19 wait on that issue?  
 20 THE WITNESS: Well, I'm sort  
 21 of three steps through, and I'm  
 22 sorry, you should have interrupted me  
 23 after I stated it was inherently  
 24 beneficial.  
 25 MR. MANDRY: All right. So if

1 you could finish on the negative  
 2 criteria.  
 3 THE WITNESS: Yeah. But --  
 4 yeah. But, again, I -- I attempted  
 5 to cite that I don't see significant  
 6 detrimental impacts per SEQRA, and in  
 7 terms of step 3, which is whether  
 8 reasonable conditions can be imposed  
 9 to mitigate, I started to say about  
 10 the placement of the building  
 11 basically as far away from the  
 12 railroad, more than double the rear,  
 13 allowable rear setback. And also  
 14 placing the building as -- as far  
 15 away with intervening parking from  
 16 the adjacent commercial uses, sort of  
 17 mitigating measures are built into  
 18 the site plan.  
 19 MR. MANDRY: Do you have any  
 20 concerns about the industrial  
 21 scenario in the area there, the --  
 22 THE WITNESS: So, yeah. So I  
 23 looked at the -- the industrial zone  
 24 in the area, and let's just take it  
 25 from the south side of the property.

1 As I mentioned, the  
 2 immediately adjacent property between  
 3 the -- the rail line and this  
 4 property is railroad-owned property,  
 5 which is undeveloped and I'm unlikely  
 6 to see anything there. To the north  
 7 side of the property is the Tuscany  
 8 Hill Plaza, which I characterize as  
 9 sort of a mixed-use building, there  
 10 seemed to be a variety of uses in  
 11 that building, including retail,  
 12 restaurant, it looks like there's  
 13 some wholesaling, some minimal  
 14 distribution.  
 15 To me, it's not the classic  
 16 sort of industrial, which is, you  
 17 know, to have nuisance factors or it  
 18 could be troublesome in terms of a  
 19 proposed residential use. I don't  
 20 see this being inherently  
 21 incompatible. And then the next  
 22 closest industrial uses are -- are  
 23 much more removed -- removed on the  
 24 far side of the railroad tracks. So  
 25 I think --

1 MR. MANDRY: Do you have any  
 2 concern about the -- the --  
 3 (Cross-talk.)  
 4 THE WITNESS: I understand. I  
 5 know where they are. They're on the  
 6 other side of the rail line. I think  
 7 they're pretty far removed from the  
 8 site. From a distance standpoint, I  
 9 think the railroad provides both a  
 10 physical and a psychological barrier,  
 11 if you will. And I -- and I also  
 12 noticed that that property is  
 13 immediately adjacent, literally  
 14 across the street to residential  
 15 properties, so it's not sort of out  
 16 of context with the -- the -- the  
 17 built in and -- and zone character of  
 18 the community, but I think here, it  
 19 is well removed from that facility.  
 20 MR. MANDRY: Not only, though,  
 21 to be considered, the potential for  
 22 noxious -- noxious fumes, but the  
 23 sound that emanates from that  
 24 facility, has that been taken into  
 25 consideration of all --

1 THE WITNESS: Well, I don't  
 2 think that we have -- you know, if I  
 3 understand, I have some understanding  
 4 of what they do there, and there may  
 5 be some noise impact. I don't think  
 6 we have undertaken a separate noise  
 7 study, I think --  
 8 MS. COFFEY: Yes. Well,  
 9 Mr. Phillips, if you're referring to  
 10 Mr. Haley's testimony previously,  
 11 the -- the buildings are being  
 12 designed as to -- they're to be  
 13 airtight to both fumes and to any --  
 14 any noise from the outside area.  
 15 Correct.  
 16 THE WITNESS: Yeah, I -- I  
 17 didn't hear that, that there were  
 18 going to be some sound --  
 19 (Cross-talk.)  
 20 MR. HALEY: I can tell you on  
 21 the record, more than just some  
 22 sound.  
 23 MR. MANDRY: I -- and I have  
 24 no doubt.  
 25 MR. HALEY: I'm sorry.

1 MR. MANDRY: I live farther --  
 2 (Cross-talk.)  
 3 THE WITNESS: I have no doubt  
 4 that there is some sound. I will say  
 5 that for a senior development, that  
 6 there is not basically a lot of  
 7 outdoor space. The community room,  
 8 the amenities are indoors. To some  
 9 extent, that's a mitigating factor.  
 10 But, yeah, if you're telling me  
 11 they're going to hear some sound,  
 12 they're going to hear some sound, as  
 13 all the residential neighbors do.  
 14 (Cross-talk.)  
 15 THE WITNESS: In a mixed used  
 16 zone context.  
 17 MR. SCHREK: Can I offer in  
 18 addition to the final, that we'll  
 19 have an independent sound study, and  
 20 we'll design the building in  
 21 accordance with that sound engineer's  
 22 findings?  
 23 MR. SCHREK: The south  
 24 elevation also has siding glass doors  
 25 and your balconies that are

1 overlooking the --  
 2 MR. STETNER: The back house.  
 3 MR. SCHREK: The back house,  
 4 is what our concern is.  
 5 MR. STETNER: But the Energy  
 6 Star --  
 7 (Cross-talk.)  
 8 MR. SCHREK: It's just --  
 9 (Cross-talk.)  
 10 MR. CHASE: Yeah, just -- just  
 11 for record, also, we first met Mr.  
 12 Long, had the first discussions on  
 13 this site, we could bring this to his  
 14 attention that he's overlooking the  
 15 big white site and what the issues  
 16 are, and if he's willing to  
 17 (inaudible), and, Mr. Haley, we've  
 18 had conversations, too, of what that  
 19 is and that's why you did hear the  
 20 testimony about the sound mitigation  
 21 that he's proposing construction, as  
 22 well as the enhanced air quality  
 23 within the building, so they're aware  
 24 of what -- what -- what's there.  
 25 THE WITNESS: Thank you.

1 So just to continue, the last  
 2 part of the SEQRA test is for the  
 3 Board to conduct the -- the balancing  
 4 of the -- the positives, the public  
 5 benefits associated with what's  
 6 proposed in terms of affordable and  
 7 senior housing relative to the -- any  
 8 negative impacts with mitigating  
 9 measures in place. It's my opinion  
 10 that the positives outweigh the  
 11 negatives, and I -- I would hope that  
 12 the Board would concur with that  
 13 opinion.

14 As I mentioned, the Applicant  
 15 is requesting a number of bulk C  
 16 variances, they've been touched upon  
 17 briefly by Mr. Skapinetz and our  
 18 traffic engineer as well. Let me  
 19 just say that based on the Price  
 20 versus Himeji case, which is a  
 21 relatively recent New Jersey Supreme  
 22 Court case, bulk variances have been  
 23 found to be essentially assumed,  
 24 assumed within the use variance. Not  
 25 withstanding that, I -- I believe

1 that bulk variance proof should still  
 2 be put on the record as part of this  
 3 application.

4 Let me address them.  
 5 First, the front yard setback.  
 6 35 feet is required and just over 19  
 7 feet is proposed. I see this as  
 8 essentially a C(2)-type variance  
 9 relief.

10 MR. MANDRY: I agree.

11 THE WITNESS: Thank you.

12 And I think what the Applicant  
 13 has attempted to do, basically, is  
 14 push the building as far toward the  
 15 street line as possible. Again, to  
 16 keep it away largely from the -- from  
 17 the rail line and also from any  
 18 industrial users on -- on the other  
 19 side of the -- of the rail line. As  
 20 I mentioned, the building is set back  
 21 at least, if not more, than twice the  
 22 allowable rear yard in the district,  
 23 and I think as -- the two mitigating  
 24 measures are if you look at the  
 25 existing buildings in the zone on

1 Stockton Street, as you basically  
 2 move to the north, they all have  
 3 setbacks that are either comparable  
 4 to or actually lesser than what is  
 5 proposed by this Applicant. So he's  
 6 not proposing anything out of charter  
 7 for the build context in terms of  
 8 setbacks along the street.

9 And I would also just add that  
 10 in terms of the front portion of the  
 11 building, for the most part, or  
 12 whether some units, for the most  
 13 part, the amenities are along the  
 14 frontage of the street, as opposed to  
 15 the units, which I think are -- I  
 16 think there's actually more amenity  
 17 space, if you look at the floor plans  
 18 for the three-story building, than  
 19 habitable residential space.

20 So I think this variance can  
 21 be granted without causing  
 22 substantial detriment to the public  
 23 good or substantial impairment of the  
 24 zone plan, given the -- the  
 25 neighborhood context.

1 The side yard setback now has  
 2 changed based on the representations  
 3 to do the additional parking. At one  
 4 point, the only deficiency was at  
 5 that one corner of the building where  
 6 the property jogs, but now, in order  
 7 to accommodate the parking, we're  
 8 basically looking to have a fairly  
 9 uniform building setback of 21 feet  
 10 to that property line. Again, I  
 11 think the mitigating factor here is  
 12 that it joins undeveloped railroad  
 13 property, so basically, it allows the  
 14 Applicant to basically push that  
 15 building further to the east.

16 I see this as both a C(1) and  
 17 a C(2), and I say it from a C(1)  
 18 standpoint, because just look at the  
 19 narrow -- narrowness of the lot.  
 20 It's a deep narrow lot, and if you  
 21 actually look at the building, which  
 22 is a double-loaded building, the  
 23 building itself is not taking up a  
 24 large portion of the lot width, and I  
 25 think the mitigating C(2) factor has

1 to do with the undeveloped railroad  
 2 property --  
 3 (Cross-talk.)  
 4 MR. MANDRY: And what's that,  
 5 the number on that side yard?  
 6 THE WITNESS: We're going to  
 7 be at 21 feet.  
 8 MR. MANDRY: The new number is  
 9 what?  
 10 THE WITNESS: No -- no closer  
 11 than 21 feet.  
 12 MR. MANDRY: 21 feet.  
 13 THE WITNESS: Yes. Correct?  
 14 That's -- okay.  
 15 So the parking is now a mute  
 16 issue because we're actually going to  
 17 provide more than the one per one  
 18 spaces, which leaves just the minimum  
 19 driveway width, and I think Brett  
 20 covered that. Basically, there's a  
 21 30-foot maximum requirement, we are  
 22 at 45 feet, but that measurement is  
 23 basically -- includes the radius of  
 24 the curb on either side, and  
 25 basically, we're looking to do that

1 to provide sort of proper turning  
 2 movements, both in and out for  
 3 emergency, fire trucks and/or for  
 4 garbage collection and the like, so  
 5 vehicles, service vehicles can easily  
 6 facilitate at the -- the site. I  
 7 think this is also a C(2)-type of  
 8 variance.  
 9 MR. MANDRY: And 41? I  
 10 forget --  
 11 THE WITNESS: 45 is proposed.  
 12 MR. MANDRY: 45.1?  
 13 THE WITNESS: Yeah, I think.  
 14 Is it 45.1? Yeah, 45.1.  
 15 I think this is also a  
 16 C(2)-type variance, and, again, I  
 17 don't see any significant negative  
 18 impacts, I only see a positive in  
 19 terms of accommodating the -- the  
 20 vehicles cited.  
 21 And then lastly, and Brett  
 22 also covered this, but from a  
 23 planning standpoint, the building is  
 24 actually located 40 feet from the  
 25 residential zone boundary, which runs

1 down Stockton Street, it's a  
 2 residential zone, R-50, directly  
 3 across the street. The I-1 zone  
 4 basically has a requirement that the  
 5 setback to a residential zone  
 6 boundary has to be twice the height  
 7 of the building, so it's roughly 80  
 8 feet is required.  
 9 I see this as sort of a  
 10 technical variance, and I think Brett  
 11 hit it right on the nose, is that I  
 12 think that standard is there to  
 13 protect existing residences from  
 14 industrial development from a big  
 15 industrial building. Here, we're  
 16 proposing residential, and  
 17 residential to residential,  
 18 particularly directly across the  
 19 street is -- is compatible here, so I  
 20 see no significant detriment if this  
 21 variance is granted, and that's the  
 22 same planning rationale, C(2)-type  
 23 variance as cited for the other  
 24 variance.  
 25 And I think that covers it.

1 Kate, is that everything?  
 2 MS. COFFEY: One -- one last  
 3 thing.  
 4 THE WITNESS: Yeah.  
 5 BY MS. COFFEY:  
 6 Q. Although the parking variance  
 7 is eliminated, do you still need an RSIS de  
 8 minimus exception?  
 9 A. Yes. And I would concur for  
 10 the reasons cited by our other experts,  
 11 including our architect and traffic  
 12 engineer, and part of the problem with RSIS  
 13 is RSIS standards do not take income into  
 14 account, and, again, we're dealing with an  
 15 affordable project where the residents have  
 16 to meet affordability criteria and  
 17 guidelines and have lower incomes. They do  
 18 not have the same level of car ownership.  
 19 But in -- I think the key here is we are  
 20 now basically going to exceed the one per  
 21 unit standard, which, again, should be more  
 22 than sufficient.  
 23 And I -- just for the record,  
 24 I also looked at even these other projects,  
 25 and we can debate whether they're in rural

1 areas or suburban or urban areas, but I --  
 2 I found that the -- the -- from the tables  
 3 they provided to me, the parking for  
 4 similar age-restricted senior projects,  
 5 they -- they were parking those at about  
 6 half the space to two-thirds of the space,  
 7 for the most part, and this is going to be  
 8 at over one space per unit, so I -- I think  
 9 it should be more than --  
 10 (Cross-talk.)  
 11 MR. MANDRY: So just so we're  
 12 clear on that --  
 13 THE WITNESS: -- basic --  
 14 basically request and be granted that  
 15 de minimus exception.  
 16 MR. MANDRY: One space per  
 17 unit?  
 18 THE WITNESS: At least. And  
 19 then I think there's more.  
 20 MR. MANDRY: And then there be  
 21 a vote on the de minimus on the RSIS?  
 22 THE WITNESS: Correct.  
 23 MR. MANDRY: Exception?  
 24 THE WITNESS: Correct.  
 25 MR. MANDRY: And will you

1 folks apply for that?  
 2 THE WITNESS: To be --  
 3 MS. COFFEY: You --  
 4 THE WITNESS: No, no. Go.  
 5 MS. COFFEY: So the -- the way  
 6 that it works is -- is we don't --  
 7 application isn't made to the State  
 8 and said just that -- the fact that  
 9 the Board is granting it.  
 10 MR. CHASE: It's not a waiver.  
 11 If it were a waiver, we'd have to go  
 12 the State's de minimus exception.  
 13 (Cross-talk.)  
 14 MR. CHASE: And you have the  
 15 ability to -- to grant that.  
 16 MR. MANDRY: Okay. Great.  
 17 (Cross-talk.)  
 18 MS. COFFEY: Thank you.  
 19 MR. MANDRY: So.  
 20 THE CHAIRMAN: All right.  
 21 MR. MANDRY: Any questions of  
 22 this gentlemen from the Board, I  
 23 guess, is where we need to be right  
 24 now. Any questions of this --  
 25 THE CHAIRMAN: Yeah, right,

1 and that's what I was going to ask.  
 2 MS. COFFEY: All right. Come  
 3 back.  
 4 MR. MANDRY: Come on back up.  
 5 THE CHAIRMAN: I think -- I  
 6 think this is your last witness?  
 7 MS. COFFEY: This is our last  
 8 witness.  
 9 THE CHAIRMAN: So I think, you  
 10 know, think any questions on anybody  
 11 that you want to ask before we open  
 12 it up for public comment, my question  
 13 is: Is this project, is it going  
 14 to -- how is it going to be financed,  
 15 and is that financing going to  
 16 require the PILOT?  
 17 MS. COFFEY: So that --  
 18 MR. CHASE: That's not for me.  
 19 MS. COFFEY: Right. I'm going  
 20 to direct that one to Mr. Long.  
 21 MR. LONG: The answer is is  
 22 that that -- that is correct, so the  
 23 PILOT is part of the financing  
 24 application to the State, so.  
 25 - - -

1 REDIRECT EXAMINATION  
 2 - - -  
 3 BY MS. COFFEY:  
 4 Q. And just to refine that a  
 5 little bit, so you intend to be making  
 6 applications --  
 7 A. Yes.  
 8 Q. -- for low-income housing tax  
 9 credits, correct?  
 10 A. Correct.  
 11 Q. And one of the components, in  
 12 order to qualify for those tax credits is  
 13 having a PILOT associated with the project?  
 14 A. Correct.  
 15 Q. So it's -- it's part of the  
 16 criteria that the State imposes?  
 17 A. Correct.  
 18 THE CHAIRMAN: Okay.  
 19 MR. ZWICKER: But we don't  
 20 have a -- any need for affordable  
 21 housing, so you're going to the State  
 22 to ask for money for affordable  
 23 housing in a town that has zero need?  
 24 MR. LONG: Well, specifically,  
 25 we're asking -- yeah. I mean, the

1 senior population, in order to  
 2 finance this project, we require  
 3 that, those credits in order to  
 4 finance this development.  
 5 BY MS. COFFEY:  
 6 Q. And, but to be clear, the  
 7 State agency that you're going to is not  
 8 OCOA -- or OCOA?  
 9 A. Correct.  
 10 Q. But -- that's not -- based  
 11 their decision on where you are in  
 12 compliance with your fair share plan, maybe  
 13 they're basing it on what they determine to  
 14 be regional need in the area?  
 15 A. Well, yeah. Specifically,  
 16 they look at the quality of the  
 17 developments and these developments will be  
 18 from other town -- when they are looking at  
 19 this pool, they'll be looking at this pool  
 20 from other towns that also basically don't  
 21 need affordable housing, that they're  
 22 opting into as a redevelopment or a  
 23 redevelopment opportunity basically. So it  
 24 places, you know, other urban areas that  
 25 would otherwise be throughout the state, so

1 that's -- that's where we are competing  
 2 against, and these are competitive  
 3 applications.  
 4 MR. ZWICKER: So you're  
 5 looking to market this, to bring  
 6 low-income people into the area?  
 7 THE WITNESS: Not at all.  
 8 MR. ZWICKER: I mean, maybe  
 9 I'm not just confused and I don't  
 10 understand.  
 11 (Cross-talk.)  
 12 THE WITNESS: No, it's --  
 13 it -- all I'm speaking about is the  
 14 specific financing mechanism, so  
 15 the -- the people who are actually  
 16 living here are from this area,  
 17 they're from Phillipsburg, that's who  
 18 we're building this for.  
 19 MR. ZWICKER: That's where I  
 20 see a need for some --  
 21 (Cross-talk.)  
 22 THE WITNESS: That's  
 23 absolutely the case. It's not about  
 24 bringing people in. It's not about  
 25 doing anything other than making sure

1 that seniors in this community have  
 2 an opportunity to stay in this  
 3 community at -- at affordable prices.  
 4 That's it.  
 5 MR. ZWICKER: Okay. I guess  
 6 the next question I got, and maybe  
 7 this is for your lawyer, is if we  
 8 approve something like that, could  
 9 this stipulation carry through with  
 10 the project that we are stipulating  
 11 it to be a low-income financed  
 12 project or is this something that you  
 13 will sell to somebody else if you  
 14 don't get the financing?  
 15 THE WITNESS: No. No. This  
 16 will be -- we -- we will retain the  
 17 property for the 30, 45 years. We  
 18 are long-term owner/operators. We do  
 19 not get ride of things. We do not  
 20 sell. We do not flip. We do not do  
 21 anything like that. We will remain  
 22 with the property for the duration of  
 23 the ownership.  
 24 THE CHAIRMAN: Any other  
 25 questions from the Board?

1 MR. ROONEY: So what's --  
 2 what's the PILOT say?  
 3 THE CHAIRMAN: There isn't one  
 4 yet.  
 5 MR. ROONEY: I know. I mean,  
 6 so tonight, this is -- this is not  
 7 the final say. I mean, I'd like to  
 8 see the PILOT, I'd like to see the  
 9 PILOT discussed by the -- by the  
 10 counsel, and let the town have some  
 11 idea and some input about the PILOT.  
 12 MS. COFFEY: And -- and the --  
 13 for the record, the PILOT does have  
 14 to be approved by your governing body  
 15 and they will do that a public  
 16 meeting.  
 17 MR. ROONEY: Okay.  
 18 MR. SCHREK: There's a  
 19 resolution there, we just sought  
 20 to -- we just introduced?  
 21 THE WITNESS: No, it has not.  
 22 MR. SCHREK: This is just a  
 23 draft?  
 24 THE WITNESS: Yeah, you're  
 25 looking at just the draft of that

1 document.  
 2 MR. ROONEY: I had -- none of  
 3 us had time to read this, so I have  
 4 no idea what's in it.  
 5 MS. COFFEY: Yeah, and that's  
 6 the -- the governing body hasn't  
 7 heard that, but will hear that at a  
 8 public meeting.  
 9 THE WITNESS: Yes. Yes.  
 10 MS. COFFEY: After the fact.  
 11 THE WITNESS: Exactly.  
 12 MR. SCHREK: Would you -- I  
 13 know the governing body has to  
 14 approve the PILOT.  
 15 THE WITNESS: Correct.  
 16 MR. SCHREK: And you don't  
 17 have a crystal ball.  
 18 THE WITNESS: Correct.  
 19 MR. SCHREK: Would you expect  
 20 the PILOT to resemble the copy of the  
 21 PILOT that we received in  
 22 documentation tonight?  
 23 THE WITNESS: I -- honestly,  
 24 I'm not sure what -- what you have in  
 25 your possession, but I would imagine

1 that it's a -- it's a pretty form  
 2 document that comes from the State,  
 3 so I think that that would probably  
 4 be what you're -- what you have in  
 5 your packet.  
 6 MR. SCHREK: Didn't Frank  
 7 McVey read the PILOT at the council  
 8 meeting?  
 9 THE WITNESS: He -- he read  
 10 a -- what was called a resolution of  
 11 MEEP, so it was a separate document  
 12 that was just about -- about  
 13 eligibility, and so the PILOT is a  
 14 separate document from that, but it's  
 15 basically just a long-term agreement  
 16 about the payment from us to the  
 17 Town.  
 18 MR. SCHREK: About they have  
 19 6.28?  
 20 THE WITNESS: Correct. Of --  
 21 of -- of the revenue.  
 22 MR. SCHREK: And the revenue  
 23 doesn't include payments by Section 8  
 24 and federal and State funding?  
 25 THE WITNESS: I mean, that --

1 that could be in that draft, but  
 2 that's obviously something that's for  
 3 discussion.  
 4 MR. SCHREK: Okay.  
 5 THE WITNESS: So.  
 6 MS. COFFEY: And -- and to  
 7 just point, that the agreement is a  
 8 form agreement from -- the HMFA  
 9 dictates, for the most part, there's  
 10 some things that can be between --  
 11 (Cross-talk.)  
 12 MS. COFFEY: And, again, it --  
 13 it becomes an eligibility question.  
 14 MR. SCHREK: In the meantime.  
 15 MS. COFFEY: But that's --  
 16 that will have its own meeting at  
 17 a -- at a later date.  
 18 MR. SCHREK: That's -- that's  
 19 not our purpose.  
 20 THE WITNESS: Not -- not --  
 21 but -- but it's -- you know, I'm  
 22 happy to talk to everybody offline  
 23 about that because I would love to  
 24 have, you know, the conversation  
 25 about it. So I'm open for that

1 conversation, you know, even after  
 2 this meeting, if you want to talk  
 3 about that.  
 4 THE CHAIRMAN: Questions?  
 5 Anybody in the -- from the public  
 6 want to just ask a question?  
 7 MS. PIERCE: I do.  
 8 THE CHAIRMAN: Come up to the  
 9 podium, please. State your name and  
 10 address.  
 11 MS. PIERCE: Joan Pierce, 111  
 12 Sigreaves Street.  
 13 I do have a question. How is  
 14 this going to affect the sewer and  
 15 water situation down on Sigreaves  
 16 Street and whatnot, because we flood  
 17 out every time it rains big time, so  
 18 how is that going to affect us?  
 19 MS. COFFEY: So Mr. Skapinetz  
 20 is going to talk about our storm  
 21 water control.  
 22 MR. SKAPINETZ: Sure. Well,  
 23 sewer and water, water over time, use  
 24 the Aqua, so we're going to make our  
 25 connection through them and that

1 shouldn't have an affect on what  
 2 sounds to be a run-off issue  
 3 water-wise. So water, from a storm  
 4 water standpoint, we're collecting  
 5 right now any water that falls on  
 6 this side basin that pools off and  
 7 then flows towards -- for the most  
 8 part and towards Stockton Street.  
 9 MS. PIERCE: Yeah, because  
 10 we're at the end of that street, I  
 11 live at the corner there.  
 12 MR. SKAPINETZ: Okay. So what  
 13 we're doing is is we're -- we're  
 14 proposing a pipe network system  
 15 on-site that's going to collect the  
 16 water and bring it underground so it  
 17 ties into the storm sewer in  
 18 Stockton, and we'll take a look,  
 19 we're going to be making some  
 20 changes, adding the additional  
 21 parking, but certainly, we'll be  
 22 working with Mr. Schrek and his  
 23 letter and to ensure that the storm  
 24 water systems functions per all the  
 25 rules of both the State and Town

1 ordinances.  
 2 MS. COFFEY: And correct, just  
 3 to clarify, you -- you are required  
 4 and you expect that you'll be reusing  
 5 runoff as -- gradually away from the  
 6 site right now.  
 7 MR. SKAPINETZ: That is --  
 8 that's correct.  
 9 MR. SCHREK: So I -- I -- the  
 10 situation will improve when the site  
 11 is finished. Mark my words.  
 12 MS. PIERCE: Uh-huh. Thanks.  
 13 THE CHAIRMAN: Okay. Anyone  
 14 else?  
 15 MR. MANDRY: So in terms of  
 16 the procedural niceness here,  
 17 there -- there was an affirmative  
 18 vote that the use is inherently  
 19 beneficial, am I not correct on that?  
 20 So then we need to go to the  
 21 negative criteria. The question then  
 22 becomes, does the granting of the  
 23 variance substantially impair the  
 24 zoning ordinance? If the answer is  
 25 no, then we have to decide whether or

1 not the granting of the variance  
 2 substantially impairs the zoned plan.  
 3 So it's really a balancing test, you  
 4 have to see whether or not it  
 5 negatively effects the neighborhood  
 6 and whether or not the master plan,  
 7 itself, is substantially effected by  
 8 the proposed use.  
 9 So assuming that, the negative  
 10 criteria is satisfied, that there's  
 11 no serious impact on the neighborhood  
 12 in a negative fashion and that there  
 13 is no impact on the master plan  
 14 itself, and I think you heard  
 15 testimony from the planner that there  
 16 was not such a substantial impairment  
 17 of the zone plan or the master plan,  
 18 you can take a -- if someone wants to  
 19 make to a motion that the negative  
 20 criteria is satisfied, then the  
 21 variance would be granted.  
 22 MR. ROONEY: So moved.  
 23 THE CHAIRMAN: Can I have a  
 24 counter motion?  
 25 MR. SCHREK: Well, you can --

1 you can second, you second for  
 2 discussion.  
 3 THE CHAIRMAN: Second. Okay.  
 4 So discussion --  
 5 MR. MANDRY: Can we take a --  
 6 excuse me, though, can we take a  
 7 second for -- for approving the --  
 8 the motion?  
 9 THE CHAIRMAN: Yes, Dave is.  
 10 MR. MANDRY: Okay. All right.  
 11 So is the second for discussion?  
 12 THE CHAIRMAN: I seconded for  
 13 discussion.  
 14 MR. MANDRY: Okay. Go ahead.  
 15 THE CHAIRMAN: So my -- my  
 16 proposal would be from a negative  
 17 perspective, not just to that  
 18 neighborhood, but I think to the town  
 19 in general, I think the PILOT is a  
 20 key factor that has to be considered  
 21 for the town. I know we've already  
 22 had one active PILOT. We actually  
 23 have a second one which is, let's  
 24 say, dormant at the moment for  
 25 another housing development that we

1 did, which at the end of the day, I  
 2 think in both of those cases, the  
 3 Town does not get its fair share of  
 4 revenue. We still have to pay for  
 5 police and fire and plow snow and do  
 6 all that stuff. My recommendation  
 7 would be that we table this decision  
 8 tonight and wait until we hear back  
 9 from counsel on whether we move  
 10 forward with the PILOT or not.  
 11 MR. ROONEY: I'll take back my  
 12 motion.  
 13 THE CHAIRMAN: Okay. So do we  
 14 have a second to tabling the motion?  
 15 MR. STETNER: I'll second.  
 16 (Cross-talk.)  
 17 THE CHAIRMAN: Okay. Roll  
 18 call vote, please.  
 19 MS. CARNEY: Sir, you first  
 20 motion and second motion was.  
 21 THE CHAIRMAN: JP.  
 22 MS. CARNEY: Chairman  
 23 Corcoran?  
 24 MS. COFFEY: Respectfully, if  
 25 I -- if I may, a couple of points on

1 the PILOT. In order for it to come  
 2 to fruition at all, the application  
 3 deadline is September 12th, before  
 4 the State agency. So we may run into  
 5 a timing issue where if this -- if  
 6 this Board decides to table the  
 7 application to wait and see what  
 8 happens with the council and the  
 9 PILOT, at that point, the whole thing  
 10 may be moved because we may be out of  
 11 days to get -- come back before this  
 12 Board to get a -- a site plan  
 13 approval.  
 14 The other thing that I would  
 15 just add, if I may, is -- again, this  
 16 is only a preliminary application so  
 17 we will be -- if you were to approve  
 18 us and we'll be back before for the  
 19 final.  
 20 And the last thing is, with  
 21 respect to the PILOT, again, it's a  
 22 governing body decision. So I don't  
 23 know exactly what the train of thought  
 24 is, but to the extent that you're  
 25 saying that the planning board wants

1 to see if a PILOT is going to be  
 2 approved, if a PILOT is being  
 3 approved, you would be disinclined to  
 4 approve the use variance, I'm not  
 5 sure that case law supports that kind  
 6 of an analysis because there is case  
 7 law that says that a planning board  
 8 ought not to consider the financial  
 9 impact of an affordable housing  
 10 project in deliberating as to whether  
 11 or not to approve it.  
 12 So I just wanted to be heard  
 13 on all of those points.  
 14 THE CHAIRMAN: Did you have a  
 15 question?  
 16 MR. STETNER: Is there any way  
 17 you can amend the motion that we just  
 18 had to go ahead with a use variance,  
 19 ask the Board if they're going to go  
 20 for the use variance, contingency  
 21 upon a PILOT program being approved  
 22 by our town council?  
 23 MS. COFFEY: So the use  
 24 variance being approved, provided  
 25 that the council approves the PILOT?

1 MR. STETNER: Correct. That's  
 2 what I'm asking.  
 3 MR. MANDRY: That's  
 4 actually -- PILOT if you're going to  
 5 go ahead and get the go-ahead.  
 6 THE CHAIRMAN: Well, that's  
 7 what we were saying.  
 8 MS. COFFEY: Well, so to be  
 9 clear, if the PILOT were -- if we  
 10 wait to vote on the application until  
 11 the PILOT is approved, the problem is  
 12 we're out of the board meetings  
 13 before the tax credit application is  
 14 due, and in order to have a complete  
 15 tax credit application, we're  
 16 required to have both the site plan  
 17 approval and a PILOT.  
 18 (Cross-talk.)  
 19 MR. STETNER: So how are you  
 20 getting the PILOT when it hasn't even  
 21 been introduced by the council yet?  
 22 MR. LONG: Well, there are two  
 23 reasons for that.  
 24 (Cross-talk.)  
 25 MS. COFFEY: One -- one

1 reading, but go ahead.  
 2 Great. And so what Mr. Long  
 3 pointed just now is if -- if the  
 4 council decides -- so two things:  
 5 One, with respect to procedure, for  
 6 an HMFA PILOT, which is what's  
 7 required here, it only requires one  
 8 council meeting, rather than two,  
 9 which we would have for a long-term  
 10 tax exemption PILOT;  
 11 But secondly, if the council  
 12 decides not to grant the PILOT for  
 13 this project, the -- the application  
 14 is incomplete and the project is  
 15 done, any way.  
 16 So to extent that -- that you  
 17 have a concern about, if we approve  
 18 the use variance and then they don't  
 19 get the PILOT, understand that the  
 20 PILOT would be dead.  
 21 Any way, so the -- the  
 22 contingency is still that they both  
 23 happen, is what I'm saying, if that  
 24 make sense, hopefully.  
 25 MR. ROONEY: Let me make my

1 motion over again.  
 2 MS. COFFEY: I'm sorry.  
 3 MR. SCHREK: Okay.  
 4 MR. ROONEY: I don't know, I  
 5 kind of --  
 6 MR. SCHREK: Is there a  
 7 motion?  
 8 THE CHAIRMAN: Right. We have  
 9 to vote one motion to table or not  
 10 table.  
 11 MR. ROONEY: Okay.  
 12 MR. SCHREK: Okay.  
 13 MR. ROONEY: I'll make a  
 14 motion not to table.  
 15 THE CHAIRMAN: We have a  
 16 motion and a second to --  
 17 MR. ROONEY: Motion --  
 18 (Cross-talk.)  
 19 THE CHAIRMAN: We have to vote  
 20 on that motion.  
 21 MR. ROONEY: Okay.  
 22 THE CHAIRMAN: Yes, sir.  
 23 MS. CARNEY: Chairman  
 24 Corcoran.  
 25 THE CHAIRMAN: Yes.

1 MS. CARNEY: Keith Zwicker?  
 2 MR. ZWICKER: Yes.  
 3 MS. CARNEY: I'm sorry.  
 4 David Morisette?  
 5 MR. MORISETTE: Yes.  
 6 MS. CARNEY: Okay. Dominick  
 7 Vangelli?  
 8 MR. VANGELLI: Yes.  
 9 MS. CARNEY: Roseann Rohm?  
 10 MS. ROHM: Yes.  
 11 MS. CARNEY: Darren Bodoogh?  
 12 MR. BODOGH: Yes.  
 13 MS. CARNEY: James Stetner?  
 14 MR. STETNER: Yes.  
 15 MS. CARNEY: Bernie Rooney?  
 16 MR. ROONEY: I'm not quite  
 17 sure what we're voting on.  
 18 THE CHAIRMAN: To table a  
 19 motion.  
 20 MR. ROONEY: To table the --  
 21 the --  
 22 THE CHAIRMAN: To table the  
 23 motion, not -- not table the motion,  
 24 table the action.  
 25 MR. ROONEY: Yes.

1 MS. COFFEY: So we would  
 2 respectfully need to request a  
 3 special meeting of this Board.  
 4 THE CHAIRMAN: And we will be  
 5 happy to provide it.  
 6 MS. COFFEY: Okay.  
 7 MR. ZWICKER: If the council  
 8 approves it, it's, like you said,  
 9 it's --  
 10 MS. COFFEY: Yes. So the --  
 11 your council meeting is scheduled for  
 12 September 3rd; is that correct?  
 13 MR. LONG: That's -- that's  
 14 correct. That's the next council  
 15 meeting, that's when we would be  
 16 heard on the PILOT. Is it  
 17 possible -- is it possible either  
 18 September 10th, September 11th or at  
 19 some point that week?  
 20 THE CHAIRMAN: We actually  
 21 have a special meeting on the  
 22 calendar, which would we would  
 23 accommodate you.  
 24 (Cross-talk.)  
 25 MS. COFFEY: I'm sorry.

1 MR. LONG: I'm sorry. The  
 2 problem is is that the application is  
 3 due on noon on the 12th.  
 4 THE CHAIRMAN: We'll go  
 5 earlier. We'll do -- we'll work with  
 6 you to do whatever you need to do.  
 7 MR. LONG: At 8:00 a.m.? No,  
 8 I'm saying, but like it would have to  
 9 be --  
 10 (Cross-talk.)  
 11 THE CHAIRMAN: No, I'm saying  
 12 one of these earlier dates would  
 13 be --  
 14 MS. COFFEY: Okay.  
 15 MR. LONG: Okay. Oh, you  
 16 would?  
 17 (Cross-talk.)  
 18 MR. LONG: I -- I thank the  
 19 Board for that. I thank -- no, I'm  
 20 serious.  
 21 MR. ZWICKER: Hey, if the  
 22 council approves it, I don't see a  
 23 problem.  
 24 MR. LONG: No, I -- and I  
 25 understand, and, yes. So I guess the

1 question would be --  
 2 MS. CARNEY: What day?  
 3 MR. LONG: Yeah. I mean, what  
 4 day is best for everyone? I'll  
 5 make -- obviously, I'll make myself  
 6 available. This is -- and I think  
 7 our team will make ourselves  
 8 available, even though I don't know  
 9 that there's any testimony about to  
 10 be given, so at this point, let's  
 11 just --  
 12 MS. COFFEY: Yeah, I -- can  
 13 we -- can we say that the hearing  
 14 closed for purposes of testimony and  
 15 questions from the public at this  
 16 point?  
 17 THE CHAIRMAN: Yes. Yes.  
 18 MS. COFFEY: So we can staff  
 19 appropriately?  
 20 THE CHAIRMAN: Yes. And we'll  
 21 just have a discussion about dates.  
 22 MR. LONG: Sure.  
 23 THE CHAIRMAN: Monday the 9th?  
 24 MR. LONG: Yeah, I'll make --  
 25 well, yes, I will make myself

1 available Monday the 9th.  
 2 - - -  
 3 (Whereupon, a discussion was  
 4 held off the record.  
 5 - - -  
 6 MS. COFFEY: So then just --  
 7 just for the benefit of the record  
 8 then, we're respectfully requesting  
 9 this matter be scheduled for  
 10 September 9th at 7 o'clock here?  
 11 THE CHAIRMAN: Yes. Yes.  
 12 MR. MANDRY: We'll confirm  
 13 about the room.  
 14 (Cross-talk.)  
 15 MS. COFFEY: For the purposes  
 16 of --  
 17 MS. CARNEY: They have another  
 18 room in the building, it's used --  
 19 MS. COFFEY: The community  
 20 center building.  
 21 (Cross-talk.)  
 22 MS. COFFEY: It's not a room  
 23 in the building.  
 24 MS. CARNEY: But they do have  
 25 another room that they will let us

1 use, but it's not equipped with the  
 2 --  
 3 MS. COFFEY: So for purpose of  
 4 the open public --  
 5 (Cross-talk.)  
 6 MS. CARNEY: Can I call you  
 7 tomorrow?  
 8 MS. COFFEY: We've got to put  
 9 it on the record tonight.  
 10 THE CHAIRMAN: We will  
 11 continue the meeting to that date, so  
 12 till September -- what did we say?  
 13 (Multiple "The 9th.")  
 14 THE CHAIRMAN: So we do not  
 15 have to re-notice, right?  
 16 (Cross-talk.)  
 17 THE CHAIRMAN: And there will  
 18 be any public advertising of it.  
 19 MR. LONG: And it will be in  
 20 this location, even if it's in the  
 21 parking lot or somewhere.  
 22 (Multiple "At this address.")  
 23 MR. LONG: At this address so  
 24 we'll be able to figure out rooms,  
 25 locations.

1 MS. CARNEY: So the council  
 2 meeting, we have a work session on  
 3 the --  
 4 (Cross-talk.)  
 5 MS. COFFEY: September 9th,  
 6 7:00 p.m. at this building.  
 7 MR. MANDRY: And just to be  
 8 really clear, no re-noticing by  
 9 certified mail or publications  
 10 necessary. Anyone who was here is  
 11 noticed of the extended date for the  
 12 meeting, and it's their obligation to  
 13 act accordingly.  
 14 MR. LONG: Okay. Thank you.  
 15 MS. COFFEY: Thank you.  
 16 THE CHAIRMAN: Thank you.  
 17 Yes. A motion to adjourn?  
 18 Second?  
 19 - - -  
 20 (Meeting adjourned at or about  
 21 9:16 p.m.)  
 22 - - -  
 23  
 24  
 25

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