

TOWNSHIP OF LONG HILL
PLANNING BOARD

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IN THE MATTER OF:

TRANSCRIPT

Application No. 19-13P
PRISM MILLINGTON, LLC
50 Division Avenue
Blocks 12301/10100 Lots 1/7.01
Major Preliminary and Final
Site Plan

OF
PROCEEDINGS

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Tuesday, September 8, 2020
Zoom Remote Hearing
Commencing at 8:10 p.m.

BOARD MEMBERS PRESENT:

DAVID HANDS, Chairman
THOMAS JONES, Vice Chairman
BRENDAN RAE, Mayor
JOHN FALVEY
TOM MALINOUSKY
J. ALAN PFEIL
DENNIS SANDOW

A P P E A R A N C E S

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Attorneys for the Applicant

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1 A L S O P R E S E N T :

2 DEBRA COONCE, Planning & Zoning Board
3 Coordinator

4 PAUL GRYGIEL, Township Planner

5 GARY SZELC, Board Engineer

6 BRIAN CONWAY, Board Engineer

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8 ROBERT FOURNIADIS (Previously sworn)

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1 CHAIRMAN HANDS: Okay. We'll
2 continue on to number 9, the major preliminary
3 and final site plans for Prism Millington.

4 If I recall, last meeting we had
5 testimony from the architect and we had Board
6 discussion at that point and then we held off
7 public discussion for the architect for this
8 meeting.

9 And I know since then also, Deb, you
10 received some documents from various people.

11 COORDINATOR COONCE: Yes. Do you
12 want me to --

13 CHAIRMAN HANDS: Yes. Can you just
14 remind us where we are procedurally with
15 documents, et cetera?

16 COORDINATOR COONCE: Absolutely.

17 CHAIRMAN HANDS: And I'll hand it
18 over to the Prism counselor to continue.

19 COORDINATOR COONCE: So, Mr. Regan,
20 I'm going to go through what was posted on the
21 website today and if I miss anything, please
22 let me know.

23 And apologies to all. I've been out
24 on medical leave so I just got caught up today
25 so a bunch of things went up on the website

1 today.

2 Today I posted -- we received
3 engineering and site plans with revision dates
4 of August 25th. They were uploaded today. We
5 received an engineering response letter dated
6 August 25th, uploaded today. We received a
7 soil movement plan that was dated July 31st
8 and we labeled that as Exhibit A-9 as it was
9 sent to us as an exhibit. So if that's all
10 right with the applicant, we will keep it at
11 Exhibit A-9.

12 And, in addition, I posted members
13 of the public. Mr. Charles Arentowicz of
14 Millington had previously sent us photos that
15 he would be discussing and asking questions of
16 the applicant. They went up on the website as
17 proposed public exhibits CA-1.

18 We received additional information
19 from Mr. Jon Caputo of Millington, three
20 submissions. And they are on the website as
21 proposed public exhibits JC-A, JC-B and JC-C.

22 So I believe -- I think that's
23 everything that -- oh, and there was one more.
24 There was a revised -- where did it go? There
25 was a revised engineering perspective

1 rendering. Yes, revised perspective
2 rendering. So it's on the website as Exhibit
3 A-1 revised August 28th, 2020, perspective
4 rendering, uploaded today as well.

5 CHAIRMAN HANDS: And just for
6 clarification on the public exhibits you had
7 proposed, Deb, that's to enable those to be
8 presented during discussion tonight. And if
9 they are discussed and added as an exhibit,
10 then the "proposed" will be removed and they
11 will be fully --

12 COORDINATOR COONCE: Correct. So
13 basically what happens with the public
14 testimony, the public, when it's their turn
15 to speak and they've proposed these exhibits
16 to the Board, the Board can either accept them
17 as exhibits or not. If they choose to accept
18 them I will remove the "proposed" and they
19 will be labeled as permanent exhibits.

20 CHAIRMAN HANDS: Thank you.

21 Okay. So with that all said, Frank,
22 should we hand it over to yourself to continue
23 on from this point or where did you want to
24 pick it up from?

25 MR. REGAN: I believe where we left

1 it, Chairman, was, I guess, public questions
2 of the architect. So I'm going to -- oh, I'm
3 not sure if -- oh, there's Angelo.

4 And then after that, Mr. Chairman,
5 we have -- with regards to the revised plans
6 that Debra indicated had been submitted, we'll
7 bring our engineer back to address those. We
8 also have our landscape architect because I
9 know some of those plans have been reviewed by
10 the Board's engineers and they may have some
11 comments.

12 But I think where we left it was
13 public questions of our architect, Angelo
14 Alberto, who is -- who is with us.

15 CHAIRMAN HANDS: Thank you very
16 much. Okay. So with that said, thank you,
17 Frank.

18 Shall we open it up, Deb? Do you
19 want to --

20 COORDINATOR COONCE: Absolutely. So
21 let's see. So we'll start with Mr. Bill
22 Kaufman, K-A-U-F-M-A-N. I'm going to allow
23 Bill to talk.

24 Bill, can you hear us?

25 MR. KAUFMAN: I can. Can everyone

1 hear me?

2 COORDINATOR COONCE: Yes.

3 MR. KAUFMAN: Excellent. So my name
4 is William Kaufman. My address is 1932 Long
5 Hill Road, Millington, Kaufman.
6 K-A-U-F-M-A-N.

7 Chairman Hands and members of the
8 Board, I have a number of questions for the
9 architect, but before I get into that, I just
10 wanted to express some concerns over the
11 architectural documents that were submitted
12 with respect to their accuracy and
13 completeness. I question whether or not the
14 Board has even enough information to be able
15 to really comprehend this proposal adequately
16 and to make an informed decision on the
17 proposed structures.

18 The plans for all the buildings
19 conflict with themselves and to some extent
20 they're misleading. They're missing even the
21 most basic rudimentary information for
22 dimensional and material factors. So they
23 don't put any structural information -- roof
24 pitches, floor-to-floor heights -- just
25 standard architectural minimal information in

1 which you can make any kind of informed, you
2 know, inquiry about.

3 We heard obviously from -- from --

4 BOARD MEMBER SANDOW: Bill, would
5 you please crowd the mic a little bit? You're
6 fading.

7 MR. KAUFMAN: Sure. I don't know if
8 I have a volume on here either that might
9 help.

10 So to the extent that I can, I'm
11 certainly going to do my best, but I just want
12 to go on record that I don't think there's
13 really a standard in which the Board can
14 review this in terms of, you know, the
15 completeness, but I wanted to make that first
16 before I ask my first question.

17 And, actually, my first question --

18 MR. REGAN: Can I just jump in
19 before Mr. Kaufman proceeds?

20 CHAIRMAN HANDS: Yes.

21 MR. REGAN: Just for the record, the
22 application was deemed complete by the Board
23 and the Board's professionals.

24 MR. KAUFMAN: Thank you, Mr. Regan.
25 That's my first question.

1 So how could this application be
2 deemed complete without signed and sealed
3 plans submitted by a New Jersey architect?
4 It's really a question to the Board or the
5 Board's professionals just to sort of -- Mr.
6 Regan --

7 COORDINATOR COONCE: Well, there
8 were signed and sealed plans that were
9 submitted.

10 MR. KAUFMAN: Oh, those are not the
11 ones that are exhibits?

12 COORDINATOR COONCE: No. There's
13 architectural plans that are on the website.
14 Hold on.

15 MR. KAUFMAN: Can you pull those up
16 for me?

17 COORDINATOR COONCE: Architectural
18 -- architectural plans. Prism architectural
19 plans. The ones that we have are elevation.
20 These are dated -- hold on. Elevation. How
21 many pages of these are there?

22 Mr. Alberto, you're the architect,
23 correct?

24 A N G E L O A L B E R T O, having
25 been previously duly sworn, remained under

1 oath and testified as follows:

2 THE WITNESS: Correct, yes.

3 COORDINATOR COONCE: Can you speak
4 to what's on the website for Mr. Kaufman?

5 THE WITNESS: Yes, and I can even
6 pull others if you'd like. There were two
7 renderings which gave an overview. The three
8 floor plans and there was a plan rendering and
9 elevations of the clubhouse and the same for
10 retail.

11 MR. KAUFMAN: And is there -- just a
12 question. The plans that I see on the website
13 are not dated. I don't see a sealed signature
14 from a licensed architect.

15 I'm just curious as to if those were
16 different from the ones you have on record,
17 Deb, or if these are the actual ones that
18 we're just seeing here?

19 COORDINATOR COONCE: Well, they're
20 sealed. They're definitely sealed.

21 MR. KAUFMAN: So can you pull those
22 up so the public can see them? Because the
23 ones that are on your website, I don't see --
24 I don't see anything. I could just be looking
25 at an old set or something.

1 COORDINATOR COONCE: No, I mean,
2 it's very possible that the site -- I mean, I
3 don't know that they scanned the specific ones
4 that they signed and sealed that went up on
5 the website. You're very correct that that
6 could be the case. Mr. Alberto would have to
7 answer that question. But I can tell you that
8 from a completeness perspective, the plans
9 that we received, the hard copies of the
10 plans, were signed and sealed.

11 MR. KAUFMAN: Okay. So maybe it's a
12 good place to start, Mr. Alberto.

13 If you can have him pull up the
14 elevations of the residential structures.

15 THE WITNESS: I'm going to share my
16 screen now.

17 So this is the elevation that I
18 presented last meeting with --

19 MR. KAUFMAN: Well, that's a
20 rendering --

21 (Indiscernible cross talk; reporter
22 requests one speaker).

23 THE WITNESS: Okay. So this is a
24 rendering that I presented last -- last month
25 as an overview. And then these -- you know, I

1 thought that that covered it in the meeting.
2 So also as part of my exhibit, but I didn't
3 get, you know, into the detail, this is the
4 -- the other elevations here in black and
5 white.

6 MR. KAUFMAN: Okay. So those are
7 the drawings that I'm referring to. I'm not
8 going to -- I don't want to dwell on this too
9 much. I just -- I don't -- this is the
10 information that I believe from a minimum
11 basic standard. I don't believe these are
12 dated. I don't see an architect's name or
13 seal. And I don't see a dimension or -- I
14 think there's one note on here. It says
15 "shakes" in the middle. I think that's in
16 direct conflict with what was presented by
17 Mr. Alberto a few weeks ago.

18 I think -- my point is these are the
19 very minimum, informative documents that could
20 be presented and they don't really tell the
21 full story. And I have detailed questions
22 regarding dimensional characteristics of these
23 which have the zoning implications which can't
24 be inferred from these documents.

25 So that's why I was just curious if

1 I were just to ask one simple question, how
2 did the reviewing agent -- whoever it was,
3 whether it be the planner in his report or
4 engineer -- determine the height of this
5 building when there is not a dimension on a
6 single drawing that explains what the height
7 is?

8 THE WITNESS: If I could just say --
9 this is the architect -- often when we do
10 these submissions, the engineering drawings
11 have to be complete construction documents.
12 And generally the level of architectural
13 drawings are what we would consider a
14 percentage of schematic design, which these
15 are. These are probably about 40 or 50
16 percent schematic design, which that's what
17 you're seeing here.

18 So they're not construction
19 documents. However, I can -- and I did speak
20 to the heights last time and I can do that
21 again.

22 MR. KAUFMAN: Okay. Well, let me --
23 let me -- let's go on. We don't have to dwell
24 on this. I just wanted to point out that it
25 was difficult from an observer to read the

1 documents and wondered how someone else was
2 able to do it either. That's really the point
3 of my inquiry.

4 Mr. Alberto, you did state that
5 you're not the architect of record -- well,
6 you're the architect of record, but you're not
7 the design architect for the design of these
8 structures, is that correct?

9 THE WITNESS: We're the design
10 architects for the retail. We designed the
11 retail and we designed the clubhouse and a
12 colleague firm designed the residential
13 buildings. And as I stated in the last
14 meeting, you know, we've done very similar
15 buildings to these and they're common
16 three-story walk-up products. So that's what
17 I testified to.

18 MR. KAUFMAN: Okay. And is that
19 Devereaux?

20 THE WITNESS: Yes.

21 MR. KAUFMAN: Devereaux. Okay.

22 Do you know -- do you know if
23 whoever the design architects were, if they
24 were able to visit the site in Millington
25 before they engaged in the design process or

1 do you happen to know the answer to that?

2 THE WITNESS: I don't know the
3 answer to that.

4 MR. KAUFMAN: Was -- was there a
5 professional -- other than your firm and
6 Devereaux, was there a professional design
7 planner, an urban planner, engaged at the --
8 for the design side of this, not the
9 testimonial side, that you're aware of?

10 THE WITNESS: Well, the urban plan
11 was done by the engineering firm. So we
12 adopted the plan and, you know, we did the
13 architecture. So we were not responsible for
14 the urban plan.

15 MR. KAUFMAN: Okay. So were you --
16 have you visited the site, Mr. Alberto?

17 THE WITNESS: No, I have not.

18 MR. KAUFMAN: Okay. So, all right.
19 So you haven't been to the site. We don't
20 know if the design architect's been to the
21 site.

22 You have some familiarity with
23 the -- the land use ordinance of Long Hill
24 Township?

25 THE WITNESS: Yeah. I read the land

1 use ordinance as well as the master plan. And
2 just as a professional, I always look at sort
3 of some of the historical buildings in town
4 and things like that. So that's the extent of
5 my knowledge.

6 MR. KAUFMAN: All right. So do you
7 take, like, an inventory of those? Like
8 documenting those findings with photographs or
9 sketches or anything like that when you review
10 those or is it just something you review
11 online? What's your procedure for that?

12 THE WITNESS: Well, in this case,
13 because of COVID, it was online. Generally I
14 do make a site visit and, you know, just get a
15 feel for the town. Here, I did it online
16 through Google Earth and through some of
17 the -- you know, just did historical searches
18 on some of the buildings.

19 MR. KAUFMAN: Okay. So, second, I
20 just want to talk about the ordinance just
21 briefly as it relates to your design. 152-1,
22 Section 152 of the design standards, are you
23 familiar with the -- and I'll paraphrase --
24 that "all new buildings shall be related
25 harmoniously to the natural features of the

1 site"? Does that ring a bell in the
2 existing --

3 THE WITNESS: Yes.

4 MR. KAUFMAN: Okay. Can you tell me
5 in the design, in your words, what specific
6 sort of attributes or traits or maybe design
7 ideology, whether it's massing or forms or
8 material or context, it was derived from some
9 of that local vernacular architecture or the
10 history of the Millington regional area that
11 you observed, you know, when you did your
12 study? In other words, like, how did this --
13 how did you or the design architect arrive at
14 this architectural solution as it relates to
15 Section 152?

16 THE WITNESS: Well, we -- I
17 testified last meeting that I considered the
18 architecture more of what I called a
19 transitional style of architecture, which is
20 we took the forms, you know, the pitched roofs
21 and the horizontal siding and the brick, and,
22 you know, we started with -- we looked at that
23 in town. And we also had a product type that
24 worked with the site plan and we thought it
25 created a nice streetscape.

1 So you're looking at, I think here,
2 a hybrid of some of the more traditional kind
3 of materials and roof pitch types in town with
4 this product type. So that's where I was
5 saying it's more of a transitional style of
6 architecture. It wasn't truly traditional.

7 MR. KAUFMAN: Right.

8 THE WITNESS: And that also
9 speaks to the industry as well. This is
10 really an attractive product for people that
11 are, you know, renting and buying in today's
12 market.

13 MR. KAUFMAN: You used that word a
14 couple of times, "product."

15 Have you used or seen this design
16 used at other projects, this particular
17 layout?

18 THE WITNESS: Yes. And we've
19 done -- we've done this -- quite frankly, I
20 don't like to use the word "product" because
21 they're homes, but that's kind of been more of
22 a developer's term. But we've done this type
23 of residential unit in other towns as well as
24 our colleague from the past. So, yes, I've
25 seen it.

1 MR. KAUFMAN: So would you -- like,
2 would you say that pulling the stock plans
3 from a drawer or wherever it came from and
4 repeating it multiple times on a site to be an
5 appropriate application for this kind of
6 development given its obvious impact on the
7 surrounding community and its scale relevant
8 to other development in Long Hill Township?
9 And would that be consistent with 152 of the
10 ordinance?

11 THE WITNESS: I would say -- I would
12 say yes, you know, my professional opinion.
13 It's not a stock plan. We developed a plan
14 that has COAH units in it and things like
15 that.

16 But what -- and I should also point
17 out to the Board and the audience, in addition
18 to being an architect, I'm also a licensed
19 professional planner.

20 So I had come into this project
21 when the site plan was already laid out, which
22 in a small town like Millington or small
23 village, the urban layout is really important
24 or the small-town layout. I think it's strong
25 in this -- in this proposal and I think the

1 buildings are laid out in a way that they
2 create a streetscape, they create greens, they
3 enclose exterior space.

4 So before you even get to the
5 architecture, I think they're small. The
6 parking is dispersed. Before you even get to
7 the architecture, I think it's a small town
8 community feel. And then the architecture,
9 having the brick base and brick accents and,
10 again, the roof forms. And then, you know,
11 historically brick complemented with slate
12 blue, which, you know, bluestone, that --
13 those two, that color combination, almost
14 complements each other. It's just a real
15 traditional and warm feeling, expression of
16 the architecture.

17 So that's -- that's the level that
18 we were looking at this at. But they're not
19 stock plans. They were designed for this site
20 and, you know, we took a product that does
21 occur in other areas and we sort of adapted it
22 to this site.

23 MR. KAUFMAN: Are you -- thank you
24 for that explanation.

25 Are you familiar with LU 135,

1 uniformity and architectural design or
2 appearance?

3 THE WITNESS: Yes.

4 MR. KAUFMAN: Okay. So you're
5 aware that there is a design ordinance there,
6 a design standard that basically discusses
7 that no new dwelling shall be directed at any
8 housing development that appears from the
9 plans that are submitted substantially alike
10 between any other within 300 feet of it?

11 Would you say that -- and it goes on
12 to explain the same basic dimensions of floor
13 plans are used without substantial
14 differentiation and that the height and design
15 of the roofs are the same.

16 MR. REGAN: Can I just ask, can you
17 repeat where that -- where is that from?

18 MR. KAUFMAN: Yeah. It's LU 135.

19 MR. REGAN: Is that part of the
20 ordinance?

21 MR. KAUFMAN: It's a -- yes, it's
22 part of the land use ordinance.

23 MR. REGAN: So you are familiar with
24 that, Angelo?

25 THE WITNESS: Actually, I'm looking

1 at -- I'm looking at the ordinance 413-18. So
2 I responded, yes, I'm familiar with the
3 ordinance that I'm looking at, but I'm not
4 familiar with that language.

5 What section is it?

6 MR. KAUFMAN: It's in LU 135. Let
7 me see if I have the actual document up here.

8 CHAIRMAN HANDS: I see.

9 MR. KAUFMAN: We're all struggling
10 with the new format.

11 CHAIRMAN HANDS: Yeah. Uniformity
12 in architectural design or appearance, LU
13 135.

14 MR. KAUFMAN: Did you find it,
15 Mr. Hands?

16 CHAIRMAN HANDS: Yeah. Yes. I'm
17 just pulling this -- I'm not familiar with
18 LU -- just a minute. No new dwelling -- I
19 think this is where you're heading. No new
20 dwelling shall be erected in a housing
21 development which consists of two or more
22 houses should appear -- shall appear from the
23 plans submitted if said house is substantially
24 alike in design and appearance with any
25 adjacent building offset within 300 feet. No

1 new dwelling.

2 MR. KAUFMAN: All right. It goes on
3 in some detail about similarity between
4 multiple dwellings. And I just wanted to know
5 if the applicant had reviewed that and was
6 aware of it before they create one of these
7 from sort of a standard design and then
8 reviewed it 14 times. So this is -- seems to
9 be in direct conflict with the intent of LU
10 135 to me.

11 I was just wondering if they were --
12 whether they or the planner was aware.

13 THE WITNESS: Yeah, I -- I either
14 was not aware of LU 135 or I was thinking that
15 that was referring to a single-family home.
16 And I don't recall, it's been some time, but,
17 you know, this -- we do a number of these
18 types of developments and that would suggest
19 that every building would be unique, which is
20 not what we did here.

21 MR. KAUFMAN: Right. So if we can
22 just look for now, at the very minimum, it
23 seems as though we would require some relief
24 from LU 135 if they are, in fact, the same and
25 this does, in fact, apply.

1 You -- you mentioned earlier -- I
2 don't want to really spend a lot of time on
3 this because this is not a -- we don't need to
4 debate this back and forth. I just wanted to
5 ask you if you were aware of it.

6 You said you had experience with
7 similar TODs in our area, with Prism actually.
8 I think you mentioned Dunellen Station in
9 Bloomfield and maybe West Orange and maybe a
10 few others, is that -- am I correct in
11 remembering that?

12 THE WITNESS: That is correct.

13 MR. KAUFMAN: So would you agree,
14 this site is generally well-suited for a
15 transit-oriented development?

16 THE WITNESS: Yes.

17 MR. KAUFMAN: And I assume that you
18 are generally familiar with the State's DOT
19 guidelines for TODs?

20 THE WITNESS: Yes.

21 MR. KAUFMAN: And I actually have a
22 random question in the middle here and this
23 may or may not be in Mr. Martell's testimony
24 earlier. Forgive me.

25 Do you know where -- can you point

1 out where the covered bicycle racks were in
2 this plan, or are there covered bicycle
3 racks?

4 THE WITNESS: That would be a civil
5 engineering question.

6 MR. KAUFMAN: Okay.

7 THE WITNESS: We did not design any
8 bicycle racks.

9 MR. KAUFMAN: Okay. So given that
10 this site, there's been a lot of discussion
11 about what it has been historically and it
12 clearly has been an historical -- I mean an
13 industrial site from its onset and for many,
14 many decades. And that virtually no one alive
15 has ever known it to be anything other than a
16 large manufacturing industrial site for
17 presumably multiple generations.

18 So do you feel that a
19 redevelopment solution for this site should
20 reflect that language or the history of its
21 industrial -- this industrial site or relate
22 to that typology in any way?

23 THE WITNESS: Well, not speaking
24 specifically to this project, there's
25 different approaches that you can take with

1 different projects. And we were not
2 responding to the historical -- the historical
3 layout of the site. We were just more trying
4 to have kind of a walkable community and, as I
5 said, lay out the houses so it felt like more
6 of a streetscape.

7 But, no -- I mean that is an
8 approach. That was not the approach we took
9 here.

10 MR. KAUFMAN: Okay. So, and just
11 to -- I bring this up again because you
12 mentioned that you were involved with other
13 Prism projects but I wasn't sure which ones.

14 Are you familiar with ones that I
15 have seen such as in other towns that are more
16 reflective of some of that approach where a
17 historical use inspired sort of industrial
18 sites like the Wonder Lofts project in Hoboken
19 or the Parkway Lofts in Bloomfield or even the
20 South Street in Morristown project? Are you
21 familiar with any of those are you have you
22 had a chance to work on any of those with
23 Prism?

24 THE WITNESS: Well, Parkway Lofts
25 we're doing a second phase. So there is --

1 the large building you see along the parkway,
2 that was completed. And then, in that similar
3 style, we are doing a stacked townhome
4 project, you know, in the shadow of that, away
5 from the parkway site. So I am familiar with
6 that project.

7 MR. KAUFMAN: So you have -- in that
8 particular project you have a mix of uses.
9 You have the stacked townhome product and then
10 the more industrial loft product mixed in
11 there.

12 THE WITNESS: Right. The industrial
13 loft product was originally there and then we
14 did all stacked townhomes.

15 MR. KAUFMAN: Do you know why some
16 of that, attention to that detail and the
17 historic industrial context really wasn't
18 applied to the project in Millington when it
19 does have such a rich industrial history or
20 why wasn't that considered? Or was it
21 considered and rejected?

22 MR. REGAN: Can I just interrupt
23 before you answer?

24 Are you asking if the buildings that
25 are there, that some of them should have been

1 retained and potentially adaptively reused or
2 something different?

3 MR. KAUFMAN: No, not necessarily
4 retained. I don't think there's anything of
5 much value there from a development
6 perspective.

7 My question is Prism clearly has
8 experience with industrialized sites, historic
9 sites, other TODs, and they've paid particular
10 attention to some of those and been sensitive
11 to some of that typology. And in this
12 particular case, I'm wondering why they opted
13 not to. And I'm asking the architect if he
14 has an idea why they didn't build off of that
15 when that is the history of this little
16 village.

17 R O B E R T F O U R N I A D I S,
18 having been previously duly sworn, testified
19 as follows:

20 MR. FOURNIADIS: Well, I can answer
21 that, if you like, since I'm with Prism. And
22 you'll see in the practice that you're
23 referring to, where there was a building that
24 it was appropriate to adaptively reuse, we
25 did. Parkway Lofts, Edison Battery, and the

1 Wonder Lofts building in Hoboken.

2 But each one of those projects
3 also had other lots where it wasn't
4 appropriate to reuse an existing building and
5 those buildings were demolished and new
6 construction was put in place. There was two
7 other lots in Hoboken where we're doing ground
8 up. There's three hundred townhouses in West
9 Orange that are going to be ground up after we
10 demolish the industrial buildings that were
11 there that weren't appropriate for adaptive
12 reuse.

13 And as Angelo pointed out, there was
14 also eight acres next to the Parkway Lofts
15 building which have almost 400,000 square feet
16 of old industrial buildings that weren't
17 appropriate for adaptive reuse and those were
18 demolished and ground-up construction is going
19 to take place there.

20 MR. KAUFMAN: Right. That's great.
21 I understand that and that's what I guess I'm
22 wondering. It sounds like you had a variety
23 of mixed unit types. You have some penthouse
24 units, you have some presumably some loft
25 apartments and you have some townhouses.

1 There seems to be a diverse mix of building
2 units and housing types in those projects.

3 I understand that there were some
4 buildings that were able to be salvaged there.
5 Was that the case in the Morristown plan as
6 well?

7 MR. FOURNIADIS: Morristown was a
8 three-story office building that we added a
9 floor to. And this property, there were no
10 buildings that were capable or appropriate for
11 adaptive reuse. And if there were, we
12 probably would have considered it, but there
13 weren't and I don't think anybody can
14 contradict me on that.

15 MR. KAUFMAN: I wouldn't disagree
16 with that.

17 Mr. Alberto, typically in your
18 experience in a downtown environment or a
19 transit village, is it common for the building
20 massing of the facades to directly and
21 prominently address or face or abut the main
22 public thoroughfare for the streets or even
23 the public transit?

24 THE WITNESS: Yeah, that's -- I
25 mean, that's sort of a main street approach

1 where there's some more enclave-type
2 approaches where they don't face --

3 MR. KAUFMAN: Right. Is that what
4 you're saying? This plan seems to
5 intentionally ignore that sort of streetscape
6 along Division Avenue and just made some
7 conscious and strategic design efforts to
8 really screen and set back from the street and
9 even the transit center? So I --

10 THE WITNESS: Right.

11 MR. KAUFMAN: Can you explain the
12 intent behind sort of ignoring that, in terms
13 of addressing the main street and the main
14 entry, the gateway to Millington, and turning
15 the backs of buildings to the main street?

16 MR. REGAN: Angelo, before you
17 answer that, the ordinance applies to this
18 property. The mixed-use overlay sets forth
19 requirements, you know, for setbacks from
20 Division Avenue, you know, and that the retail
21 needs to be on -- you know, the plan was
22 designed in accordance with those zoning
23 requirements, which may not be what you're
24 asking.

25 THE WITNESS: I'm sorry, what did

1 you say there at the end, Frank?

2 MR. REGAN: I'm just -- I don't
3 think that those requirements, those zoning
4 requirements, which we were obligated to
5 comply with, necessarily sync up with
6 Mr. Kaufman's question.

7 THE WITNESS: Right. And, again,
8 Mr. Kaufman, I was not the planner of this
9 project. We were strictly the architects on
10 this. But in my preparation for this -- I
11 was going to sort of say almost exactly what
12 Frank said -- from what I recall, the
13 zoning required these setbacks. And, you
14 know, it looks to me like the solution is that
15 the residential is set back and only the
16 public retail is expressed along Division
17 Street.

18 MR. KAUFMAN: I understand. And
19 that's a product of -- that's a decision to
20 not mix the buildings, right? If there were
21 retail in those buildings, they could have
22 addressed the street, but that's a design
23 decision.

24 And I was asking --

25 THE WITNESS: I don't think so,

1 though, because I was looking at -- the
2 building heights are -- facing Division
3 Avenue, I think the building heights are --
4 hold on one second here.

5 MR. FOURNIADIS: While Angelo is
6 looking at that, I'd like to point something
7 out, too. That early in this process we
8 presented a plan that had all of the
9 buildings fronting onto Division Avenue to
10 give it that appearance and that was soundly
11 rejected when the zoning ordinance was
12 adopted. And that's why we designed the
13 project the way we did, so it would comply
14 with the zoning ordinance.

15 MR. REGAN: And, additionally,
16 because the purpose of the zoning, the
17 mixed-use overlay, is to provide zoning for
18 affordable housing, a house for a realistic
19 opportunity for the construction of very low,
20 low and moderate-income housing.

21 So that's really the purpose of this
22 zoning and why the requirements are the way
23 they are.

24 MR. KAUFMAN: Well, certainly a
25 percentage of those I would assume.

1 MR. REGAN: Well, but that's what --
2 I don't disagree, but that's -- you know, the
3 purpose of this zoning was to require, you
4 know, affordable housing compliance.

5 MR. KAUFMAN: Is there a higher
6 number percentage than what's required
7 particularly in this particular development,
8 Mr. Regan?

9 MR. REGAN: The requirement is 15
10 percent, which is what's being proposed.

11 MR. KAUFMAN: Okay. So it's not
12 really any more than you would do if they were
13 all multimillion dollar homes. You'd still
14 have to have 15 percent, the same number that
15 you're proposing, is that correct?

16 MR. REGAN: I'm not sure if it would
17 apply in the instance of multimillion dollar
18 homes. This is a multifamily complex which
19 has a requirement of 15 percent affordable
20 housing.

21 MR. KAUFMAN: Okay. And,
22 Mr. Alberto, you were looking for height. I
23 think you said that the typical residential
24 buildings to the ridge line are just about 45
25 feet? I think you -- my notes say you had 9

1 foot for the first two floors, 8 foot on the
2 third floor, and you used a number of a 31
3 foot 2, which assumed there was some structure
4 in there.

5 THE WITNESS: Right.

6 MR. KAUFMAN: You stated the roof
7 was another 10. So I think that adds up to 44
8 feet 10 inches or something like that.

9 Does that sound about right?

10 THE WITNESS: Right. In my
11 testimony I said that from the third floor to
12 the peak of the roof, we had 13 feet -- 13
13 feet 9 inches to -- that we were able to
14 design the roof in. And we're close to that
15 now in the preliminary designs. Certainly
16 we're going to be under it, but, you know we
17 wanted, again, to have the maximum roof pitch
18 we could because that reflects a little bit
19 more the traditional style.

20 MR. KAUFMAN: Okay. So you
21 mentioned the MUO overlay zone. There's
22 some specific height limitations that you
23 brought up. Maximum building height along
24 Division Avenue is two and a half stories or
25 35 feet.

1 THE WITNESS: Right.

2 MR. KAUFMAN: And you said your
3 building was plus or minus 45 feet. So just
4 by percentage, how much higher than 35 is
5 45?

6 THE WITNESS: Well, not along
7 Division Avenue. We're pulled back from
8 Division Avenue. The only building along
9 Division Avenue is the one-story retail.

10 MR. KAUFMAN: I don't think I follow
11 you. That's not the first building that's in
12 the front -- there's a front yard between
13 Division Ave. and buildings 12, 10 and 8, I
14 think? I'm not sure which -- yeah, 12, 10 and
15 8 all face Division Ave.

16 MR. REGAN: They don't face it.

17 MR. KAUFMAN: Okay. The ends of
18 them face it.

19 THE WITNESS: Right.

20 MR. KAUFMAN: It doesn't matter the
21 orientation to me. It faces Division Ave.
22 They front Division Ave. There's no buildings
23 between those buildings. They're set back the
24 minimum setback.

25 THE WITNESS: I believe our

1 interpretation was this whole, you know, sort
2 of building edge concept that you were talking
3 about, we kept this at one story, but these
4 were the same three story, but they're set
5 back with this buffer and this road.

6 MR. REGAN: And, Angelo, can I ask,
7 those three buildings, those three residential
8 buildings, in your opinion do they front on
9 Division Avenue?

10 THE WITNESS: No, no. They're
11 fronting on the green -- these were, as I
12 testified last month, kind of double-fronted
13 buildings. They front on the green and on the
14 parking.

15 MR. REGAN: Right.

16 MR. KAUFMAN: So it's the
17 testimony of -- and does our planner agree
18 that those buildings do not front Division
19 Ave.? If that were just one building being
20 presented on the corner of Stone House Road
21 and Division, that wouldn't have a front on
22 Division Ave.? That would be fronting
23 where? On those -- the inner parking lot?

24 I'm not sure I follow the logic on
25 if it's the only building, the only thing that

1 separates Division Ave. from those buildings
2 is a front yard, how could that not be
3 fronting on Division Ave.? Just because it's
4 not closer? I don't think it has a specific
5 distance specified in the ordinance about what
6 fronting is.

7 THE WITNESS: Well, that's not how
8 we interpret it.

9 MR. REGAN: You answered the
10 question. It fronts -- you explained what the
11 buildings front on and the way --

12 MR. KAUFMAN: Those buildings are
13 three stories tall, is that correct?

14 THE WITNESS: Yes.

15 MR. KAUFMAN: Okay. And your
16 contention is that because they're set back
17 from Division, they can be three stories and
18 not two and a half -- they're not required to
19 be two and a half stories?

20 THE WITNESS: Right. Again, we
21 didn't design the site plan, but that was, you
22 know, my understanding of the engineer, that
23 they were fronting here, here, and this way
24 and then these were not facing or fronting
25 Division Avenue.

1 MR. REGAN: The entrances -- the
2 entrances to those buildings, Angelo, the
3 units in those buildings, where do they
4 face?

5 THE WITNESS: They face the parking
6 side.

7 MR. REGAN: Okay.

8 MR. KAUFMAN: Okay. So it's your
9 contention, your testimony, that it's the
10 orientation of the building, which way they
11 face, is how the ordinance is expecting you to
12 interpret height?

13 THE WITNESS: No. I'm saying
14 that -- I'm saying that we don't have any of
15 the residential units facing Division Avenue,
16 which would require a 35-foot building height.
17 We --

18 MR. REGAN: That's it. You said
19 that. Okay.

20 MR. KAUFMAN: Okay. So your
21 contention is because they're facing sideways,
22 you don't measure the height? Because you're
23 looking at the end of the building, not the
24 front of the building.

25 THE WITNESS: No, I'm saying they're

1 not facing Division Avenue. Our
2 interpretation was the -- with the buffer in
3 the street, that they, you know, they weren't
4 fronting on Division Avenue. They were
5 fronting on either parking or green.

6 MR. KAUFMAN: Okay. Because there's
7 a drive aisle between them, they're not
8 fronting the street, Division Avenue.

9 THE WITNESS: Yes.

10 MR. KAUFMAN: Okay. I have a couple
11 of questions on the unit types, but I'm not
12 going to get into them because I think it's
13 just -- it really has to do with -- it's
14 really one question and the question has got
15 so many parts to it, I'm wondering if you
16 could just indulge me with ten seconds of --
17 because I've taken a lot of your time --
18 units -- the lower units along -- I say
19 lower. The southernmost units along Stone
20 House, in particular.

21 The first floor on all of your
22 units, first floor has -- each building has
23 two units, a three-bedroom Type A unit. And
24 that's required -- those are required to be
25 accessible because they're on the ground

1 floor, correct?

2 THE WITNESS: Yes.

3 MR. KAUFMAN: And because there
4 aren't any other elevators or any other
5 accessible routes to the upper floors serving
6 the 140 units, those 28 ground floor units
7 are the only ones available for handicap
8 access.

9 Is that also correct?

10 THE WITNESS: Yes.

11 MR. KAUFMAN: Okay. And you
12 also mentioned, I believe, that half of those
13 three-bedroom units are restricted for low
14 income, is that also right?

15 THE WITNESS: Five. Yes, five of
16 the ten.

17 MR. KAUFMAN: Okay. So for the
18 market rate accessible units, there's about 23
19 accessible units out of 140? Something
20 like -- I think that's the number. I'm not
21 going to hold you to it. I think I did my
22 math right. Half of the three -- half of the
23 three-bedrooms and all of the two-bedrooms on
24 the first floor.

25 So my question --

1 THE WITNESS: No. No, that's not
2 correct. You're talking about accessible
3 units?

4 MR. KAUFMAN: Correct.

5 THE WITNESS: They're adaptable
6 units on the first floor, but not on the
7 second and third floor.

8 MR. KAUFMAN: No, I understand that.
9 On the first floor they're required to be
10 accessible, though, correct?

11 THE WITNESS: Yes.

12 MR. KAUFMAN: Okay. That was my
13 question.

14 So the parking -- I believe from
15 Mr. Seckler's testimony that you used an RSIS
16 standard to develop the residential parking
17 count. So just in the case of the Type A
18 units, which we have 14 of, and the E units --
19 I'm sorry, A and --

20 THE WITNESS: E.

21 MR. KAUFMAN: -- E, which are also
22 14.

23 So other than the two market rate
24 handicap ones, which I don't remember the
25 clusters that they were in, they -- those

1 units don't have designated handicap parking,
2 am I correct in that? In other words, all the
3 three-bedroom units and all the first floor
4 two-bedroom units other than those two units
5 that were designated on the plans in the
6 middle of the scheme, they need to find
7 parking somewhere else on the site, is that
8 correct?

9 THE WITNESS: Well, there's -- you
10 know, again, I didn't do the site plan, but
11 there is adequate accessible handicap parking.
12 So they do have access to handicap parking.

13 MR. KAUFMAN: Right. But in the
14 case of -- I understand that you probably have
15 the number correct. My question really is --
16 and I think Mr. Lanzafama mentioned this in
17 his testimony or his question to the engineer,
18 was that the lower part of the southern end of
19 the site is a little underparked. If you just
20 took clusters 5 through 10, right there,
21 like -- I'm sorry, I guess that's 6, 7 and 8.
22 Yeah, you can go through 5 through 10, I
23 guess. All of those.

24 So 5 through 10 you need -- you've
25 got six in-house parking spaces, right,

1 because you've got six for each one in there
2 and then a space on the outside.

3 Do you need, like, 54 additional
4 spaces to accommodate those six buildings?

5 And I guess, really -- I didn't mean to make
6 this as long. I apologize.

7 My question is, if you are a
8 disabled person and you're in any one of those
9 units and you don't have a -- there aren't any
10 garages designated, you need to seek parking,
11 accessible parking, somewhere to the north of
12 the site, and wouldn't it make more sense to
13 have accessible parking for accessible units,
14 at least one or so for each of those clusters?
15 That's really -- that's really the premise of
16 my question.

17 MR. REGAN: Angelo, don't answer
18 that. And I believe -- it may not be
19 reflected on this concept plan, but there has
20 been a reallocation and an additional parking
21 that has been proposed. And there'll be
22 testimony with regards to those revised plans
23 to address the one particular concern you
24 raised with the allocation of the location
25 of a handicap-accessible spaces to bring more

1 to the southern end of the site to address
2 that.

3 MR. KAUFMAN: Okay. Thank you,
4 Mr. Regan.

5 Okay. I'm going to wrap this up
6 since I know other people have questions and
7 I don't mean to monopolize everyone's time
8 here.

9 I just have a question about the
10 retail building. Again, we talked about the
11 design standards, Section 152.

12 Are you familiar with the section
13 where it states -- where it states that
14 buildings with extensive blank walls are
15 prohibited and that long horizontal facades
16 should be broken down into segments having
17 vertical orientation and tall orientation
18 facades should be broken down into horizontal
19 components?

20 Can you just scroll down on your
21 drawing there a little bit for me? I can't
22 see the bottom of the elevations there. The
23 south side elevation.

24 THE WITNESS: Right.

25 MR. KAUFMAN: Would you consider

1 that to be a blank facade?

2 THE WITNESS: What I would -- you
3 know, with the okay of the client and the
4 attorney, I would testify that, you know,
5 there was a discussion -- you know, we want to
6 open that up as much as we can. We just
7 don't have users yet and that's in part why we
8 came in with a conceptual design.

9 So there's nice green patches on the
10 end of these buildings and outdoor dining
11 there would be great. We just don't know.
12 But for the most part we -- I mean, I guess we
13 can go back and put a bunch of windows in
14 there, but we have not -- we don't have the
15 final design on this.

16 CHAIRMAN HANDS: Do you mind if I
17 interrupt just for one second?

18 I think it's my recollection on this
19 building that we -- I think, Bob at least or
20 maybe Frank, you offered a subsequent
21 discussion about this building and I think you
22 were open to some comments.

23 MR. FOURNIADIS: Yes. We have
24 agreed that --

25 MR. REGAN: Bob, I --

1 (Indiscernible cross talk; reporter
2 requests one speaker)

3 MR. FOURNIADIS: I'm sorry. I
4 thought that was me.

5 The Chairman is correct.

6 MR. REGAN: Yeah. And I think what
7 we had agreed to, Mr. Chairman, was that if
8 the Board was to approve the application, that
9 a condition of approval would be that the
10 applicant would work with the Board and its
11 professionals -- the Board's professionals to
12 redesign the retail building to address the
13 concerns that had been raised.

14 CHAIRMAN HANDS: Thank you.

15 Bill, does that help you in any
16 way?

17 MR. KAUFMAN: Yeah, I -- that
18 certainly -- that's wonderful. I think,
19 aesthetics aside, I think there is some just
20 questions about how that building functions.
21 I'd like to know more about -- I mean, there
22 was some brief testimony by Mr. Seckler that
23 deliveries were coming from the internal side
24 of the site, but the signage is shown on the
25 Division Ave. side. And then I believe

1 Mr. Alberto said that it's sort of a
2 double-fronted retail, but it doesn't work
3 well, but he'd work it out.

4 And I have concerns that putting a
5 few windows in is not going to make it a
6 functional building and that this is
7 preliminary and final site plan and there's
8 just not enough information to really make any
9 kind of assessment.

10 I can understand it if it was, well,
11 let's just make the building prettier, but I
12 think there's questions as to how people come
13 in and out of this thing and where they park.
14 You know, it just seems to be an afterthought
15 to make the entire complex mixed use to fit
16 the criteria and it's concerning that it would
17 be at this stage in Planning Board approval so
18 woefully developed.

19 That's my concern and I'll leave
20 it at that and I don't need a response on
21 that.

22 THE WITNESS: Well, I need to speak
23 to the retail just for a second here. If you
24 go to the site plan, you know, we spent our
25 time on this front facade because that faces

1 the public street. But this is, you know --
2 you sound like you know about New Urbanism and
3 Neotraditional development.

4 This is a classic problem. We
5 didn't want to have a blank facade on this
6 side; however, most people are going to be
7 entering from this side. So, I mean, I think
8 it's a compliment to the developer that they
9 said let's do a double-fronted building. And
10 that raises many challenges about the ease and
11 control and things like that.

12 So I didn't really say it didn't
13 work. It just presents more challenges. But
14 Prism Partners has said we'll meet those
15 challenges. We just want to make sure that we
16 have a first-class facade along Division
17 Avenue. And the only thing we really reduced
18 on this side was, in the sketch, less windows
19 and we didn't present the signage. But we're
20 not -- we're not going for signage approval
21 anyhow.

22 So that was the idea behind the
23 design. I think it's actually trying to --
24 trying to address this issue that you have in
25 so many of these developments where we did not

1 want to turn our back on Division Avenue. We
2 wanted to create what we thought was an
3 elegant facade, the same facade in the rear.
4 We just didn't show the signage and it has a
5 little less windows.

6 MR. FOURNIADIS: Angelo, we also
7 didn't want a sea of parking in front of the
8 retail building between Division Avenue and
9 the retail building so it would give that
10 downtown village look.

11 The same thing we did in the
12 previous town if you are familiar with our
13 Dunellen project. We did the exact same thing
14 there because there the town didn't want a
15 parking lot between South Washington Avenue
16 and the front of the retail building.

17 And we think it's a much better look
18 for the face of the community to have the
19 stores upfront where people can walk to them,
20 coming off the train maybe, but it's much
21 nicer than having -- you know, two rows of
22 parking would have been 20 feet plus 24 feet
23 plus another 20 feet. That's 64 feet. That
24 means the retail building would have been set
25 back 64 feet off of Division Avenue.

1 And we certainly didn't want that
2 and we don't think the town wants that either.
3 It's not one of the shopping centers on
4 Valley Road. It's a neighborhood retail
5 building.

6 MR. KAUFMAN: Okay. Thank you.

7 MR. REGAN: If I might, before we
8 just move away from an issue that Mr. Kaufman
9 raised regarding LU 135. The reason the
10 applicant, you know, didn't look to it is
11 because, if you read it, I think its intention
12 really applies to a single-family home
13 development. Because it says "No new dwelling
14 shall be erected in a housing development
15 consisting of two or more houses if they shall
16 appear from the plans submitted that said
17 house is substantially alike in exterior
18 design and appearance with any adjacent
19 dwellings located on the same or opposite
20 sides of the street."

21 So I think that's why the applicant,
22 you know, didn't look to that provision.

23 MR. KAUFMAN: Well, I appreciate
24 that, but in this particular passage,
25 Mr. Regan, the word "dwelling," the word

1 "house," and the word "residence" are
2 interchanged in all paragraphs.

3 So the only thing I could look to
4 was the definition of dwelling in the
5 ordinance. And the definition of dwelling is
6 is "a building or a portion thereof designed,
7 occupied or intended for occupancy as a
8 separate living quarter with cooking, sleeping
9 and sanitary facilities for the exclusive use
10 of the occupants thereof, and the term
11 'dwelling' shall also include the term
12 'residence.'"

13 So while I agree that it may -- one
14 interpretation might be that they mean a
15 house. It's very specific and the word
16 "dwelling" is the predominant operative word.
17 And I would think that there are -- it's
18 loosely interpreted, at best, that it could
19 only apply to a single-family house.

20 I think that the uniformity and the
21 architectural design appearance from its
22 intent can be applied to more than just a
23 single-family home. I think the intent here
24 from the master plan and from this -- deriving
25 from the master plan and zoning ordinance was

1 to prevent repetitive, monotonous, lifeless
2 communities. So I really would disagree.

3 MR. FOURNIADIS: "Lifeless" he says.
4 Okay.

5 MR. KAUFMAN: Sorry. That was
6 uncalled for. I'll retract -- I'll retract
7 "lifeless."

8 CHAIRMAN HANDS: Yeah. Not to dwell
9 on this too much, we've got the architect
10 expert, but isn't that a common practice,
11 though, for communities or, you know,
12 developments of this sort of nature? I think
13 of the garden units and garden properties and
14 other places in town. Isn't that -- isn't
15 that a common theme, though, to have --

16 MR. REGAN: I think Mr. Alberto
17 addressed that, but, yeah.

18 You can respond, Angelo, if you
19 can.

20 THE WITNESS: Yeah. Mr. Hands,
21 you're talking about repetition in
22 architecture?

23 CHAIRMAN HANDS: Yeah. I mean,
24 not trying to -- one side or the other, the
25 discussion, but I've seen that in many sort of

1 garden units and townhouses, et cetera.

2 THE WITNESS: I mean, there's a
3 lot -- there's many examples of both and
4 there's a lot that's been written about. You
5 know, really well-done projects with a lot of
6 variety and then there's projects with a lot
7 of variety that aren't well built that look
8 really cheap.

9 There's some, you know -- I
10 understand -- you know, certainly, like, you
11 know, very simple workers' housing in England,
12 you know, and things like that, it's very
13 repetitive but the materials are really high.
14 So they look really good although they're
15 really simple.

16 So there's lots of different
17 examples of each one.

18 What I think you -- one of the
19 challenges that we have as architects for a
20 project like this is, is that to make it a
21 really successful, highly varied project, I
22 just don't think you'd have a project from an
23 economics standpoint. So then you're into
24 trying to maximize the quality of the design
25 and materials and have more repetition. And

1 that's, you know, what we opted for here.

2 There's examples of both.

3 CHAIRMAN HANDS: Thank you. Thank
4 you.

5 Deb, do you want to bring forward --
6 what's the time check?

7 COORDINATOR COONCE: It's 9:08. I
8 would think that we're probably due for a
9 break.

10 CHAIRMAN HANDS: At the
11 appropriate -- hang on a second. Every time I
12 get a break, it's always Pam next.

13 COORDINATOR COONCE: True story.

14 CHAIRMAN HANDS: So --

15 COORDINATOR COONCE: It's up to --
16 well, let me ask the court reporter because
17 she's the one busy typing.

18 Bridget, do you need a break?

19 THE REPORTER: We could go but do
20 you want to put some time -- what is it now?
21 9:09? Just so we could have a break by 9:30
22 would be great.

23 CHAIRMAN HANDS: Does anybody wish
24 to have a break now or should we wait in 15 or
25 so minutes? To the Board.

1 VICE CHAIRMAN JONES: We can wait 15
2 minutes.

3 CHAIRMAN HANDS: Okay. Thank you.

4 COORDINATOR COONCE: Okay. So we
5 will welcome Pam.

6 Pam, are you there?

7 MS. OGENS: Yes. Do you hear me?

8 COORDINATOR COONCE: Yes.

9 MS. OGENS: Rather than be faced
10 with a 15-minute time constraint, why don't
11 you take your break now. I have no problem
12 with that.

13 CHAIRMAN HANDS: We can do that.
14 Then how about we come back at 9:20? Ten
15 minutes or is that too much?

16 MS. OGENS: That's fine with me.

17 CHAIRMAN HANDS: Thank you, Pam.
18 9:20 then.

19 COORDINATOR COONCE: Okay. Official
20 break. Here we go.

21 (Whereupon, a recess is taken.)

22 CHAIRMAN HANDS: Okay. Can we
23 mention, just quickly, before we jump to Pam,
24 about the Q and A question?

25 COORDINATOR COONCE: Yes. So to

1 members of the public, generally when I set up
2 a webinar, we turn off what is called the Q
3 and A section of a webinar because all
4 questions have to be -- actually should be
5 spoken in the public session and then they
6 will be answered accordingly.

7 I see, unfortunately, whether it was
8 my -- whether I neglected to turn it off when
9 I set up this particular webinar through the
10 Zoom app, I may have inadvertently forgotten
11 to turn that off. There's only one individual
12 from the public, MaryLou Zivos -- if I
13 pronounced that wrong, I'm very sorry -- that
14 seems to have answered -- asked six particular
15 questions.

16 MaryLou, at such time that you would
17 like to raise your hand or if we get through
18 the rest of the individuals that have
19 currently raised their hand on the call in
20 this meeting, we will address your questions
21 and, you know, you can ask them or we can look
22 at them at that time.

23 But for other members of the public,
24 please do not put anything in the Q and A.

25 VICE CHAIRMAN JONES: Yeah. We will

1 not entertain any questions in the Q and A.

2 So, those six questions, Mary Lou,
3 you can ask those verbally so they're recorded
4 for the record and you should just omit that
5 section.

6 COORDINATOR COONCE: Correct.

7 VICE CHAIRMAN JONES: Thank you.

8 COORDINATOR COONCE: So now we move
9 on to Pam.

10 Pam, are you there?

11 MS. OGENS: Yes, I am. This is Pam
12 Ogens, Millington.

13 And thank you, Deb. I'm glad you
14 cleared that up since this is, indeed, a
15 hearing, that we're creating a legal record.
16 It's not your ordinary Q and A and public
17 comment session.

18 With that having been said, I do
19 have some questions about the residential
20 buildings and the retail building. I have
21 several other questions, but I understand
22 we're just addressing questions to
23 Mr. Alberto at this time so I'm going to get
24 to that.

25 Debra, do you have the document that

1 I sent you?

2 COORDINATOR COONCE: Yes, ma'am.

3 MS. OGENS: You don't have to bring
4 it up just now. If you want to wait until I
5 get --

6 COORDINATOR COONCE: I have it ready
7 to be shared when you're ready, Pam.

8 MS. OGENS: Excellent. Thank you.

9 Very briefly, just a quick
10 statement. And, Mr. Alberto, if you have read
11 this, that would be appreciated. But in the
12 Long Hill Master Plan 2020 survey that
13 residents received, the mission statement is
14 as follows: "The mission of the master plan
15 is to responsibly grow the township while
16 respecting Millington's historical feature."

17 My question to you, I understand you
18 have not put boots on the ground at this site,
19 but are you aware of the two buildings in
20 Millington that are on the National Registry
21 of Historic Places?

22 THE WITNESS: As I testified
23 earlier, I did look at some of the historic
24 buildings on the website. I can't say I know
25 it particularly well enough to know those two

1 buildings, but I just was kind of getting a
2 feel for the character and for the look of the
3 town.

4 MS. OGENS: So for the record, you
5 are not aware of the two sites in Millington
6 that are on the National Registry of Historic
7 Places, correct?

8 THE WITNESS: That's correct.
9 Correct.

10 MS. OGENS: Okay. Let me just fill
11 you in then. One you can see right from the
12 development site. It's the Millington Train
13 Station. And I'm not an architect, but its
14 architecture has been described as vernacular
15 and also Richardsonian Romanesque. And that
16 would include features such as for the
17 vernacular use and indigenous materials,
18 building materials. You can see it in the
19 structure of the train station. And with
20 the Richardsonian Romanesque, having some
21 rounded arches and block column recessed
22 entrances.

23 So knowing that that is the closest
24 historical site to the development, can any
25 of those be found in the residential

1 structure?

2 THE WITNESS: We did not respond to
3 that building for our designs.

4 MS. OGENS: Okay. And this is --
5 even though we have said that we will in our
6 responsible growth respect the historical
7 features of Millington.

8 That being said, also in the area we
9 have, up on Sunny Slope and Oaks, we have
10 colonial and Victorian homes. On Division
11 Avenue we have Craftsman and farmhouses still.
12 We have a mock Tudor design at our post
13 office. And, as Mr. Kaufman would illustrate,
14 this was an industrial site.

15 The artist renderings that we
16 have -- I'm getting feedback. Does somebody
17 have their phone or another device on or
18 something? It's not --

19 COORDINATOR COONCE: You're coming
20 through -- it cleared up to me. Everybody
21 else is good?

22 THE REPORTER: There is a feedback,
23 Pam.

24 MS. OGENS: Thank you. Yeah. It's
25 better now. It's better.

1 Okay. We have -- "we" being some
2 residents who have called in -- requested
3 artists' renderings with views from Division
4 Avenue. There is sort of an aerial view from
5 the -- that includes a little bit of the train
6 station, but the scale is not -- does not seem
7 to be accurate. And, also, renderings of the
8 development from Stone House.

9 When will these be available and
10 when will they be posted?

11 I can't -- I can't hear you,
12 Mr. Regan. I see your lips moving, but I
13 can't hear you.

14 MR. REGAN: The rendering that was
15 presented at the last hearing has been revised
16 and submitted to the Board. I don't know that
17 the applicant has agreed to provide any
18 additional renderings.

19 MR. FOURNIADIS: We have not.

20 MS. OGENS: Can I ask the Planning
21 Board to request those?

22 CHAIRMAN HANDS: What's your typical
23 slate of renderings that you'd normally do for
24 a development of this size?

25 MR. FOURNIADIS: I'm sorry,

1 Chairman, did you ask me that?

2 CHAIRMAN HANDS: Yeah. How many --
3 how many renderings would you normally present
4 for something of this size?

5 MR. FOURNIADIS: Really no more than
6 what we did here. We gave you a sense of what
7 the buildings look like from a perspective as
8 well as one up close.

9 MS. OGENS: Well, I do find that
10 interesting since on your website, when you --
11 "you" being Prism, sir -- first put some
12 artist renderings of the Millington Station
13 Village, there were two different angles:
14 one from, I think it's Division Avenue and
15 Stone House and another from an unidentified.
16 But they definitely showed the residences
17 where here we don't have as many views. And
18 that's really unfortunate since this is site
19 plan.

20 Debra, would you be so kind as to
21 pull up the document that I submitted.

22 COORDINATOR COONCE: Can everyone
23 see it?

24 CHAIRMAN HANDS: Yes.

25 MS. OGENS: This is --

1 COORDINATOR COONCE: The first page
2 is "Millington Village Developer Artist
3 Rendering."

4 MS. OGENS: This, I believe, I'm
5 not sure, but I believe this was in April of
6 2012. I think the architect was Lance Blake
7 for Advanced Realty and it was with the
8 consideration of 220 residential units.

9 Can you turn to the next page,
10 Debra?

11 And I'm sure, Mr. Fourniadis, these
12 are very familiar to you. These are the
13 Millington Station where you have the two and
14 a half stories facing, I believe, Division
15 Avenue. And that -- I'm not sure of the date
16 on that, but it was prior to the submission
17 June 9th of this year.

18 Then the next picture shows no
19 visible garages, but it is also from that time
20 period.

21 And then, Debra, can you put up the
22 next page?

23 MR. REGAN: What time period are
24 you referring to? Because we didn't
25 obviously -- the applicant did not submit

1 these drawings that we're seeing now.
2 Obviously the last two were submitted, but the
3 earlier ones were not submitted as part of the
4 application.

5 MR. FOURNIADIS: No, no. Frank.
6 Frank, let me correct you, Frank. The first
7 one, that building, that really big building,
8 was not ours.

9 MS. OGENS: No, that wasn't.

10 MR. FOURNIADIS: That's from 2012.
11 That was -- we didn't get involved in this
12 property until 2013.

13 MS. OGENS: Right.

14 MR. FOURNIADIS: The next two were a
15 product that we did submit at the time when we
16 did a presentation held at the firehouse for
17 folks to come in and consider what we were
18 thinking about. And I alluded to this
19 earlier in a discussion with Mr. Kaufman that
20 we did show residential buildings along
21 Division Avenue and nobody wanted them.
22 That's why the zoning is the way it is right
23 now with the big 60-foot setback off of
24 Division Avenue.

25 So those -- those were renderings

1 that we prepared at a time when we were
2 considering or asking the town to consider
3 rezoning, I believe back in 2016 or 2017.
4 And then, of course, it was many, many years
5 later when the zoning ordinance was adopted
6 and that zoning ordinance -- the plan that we
7 submitted at that time complied with the
8 zoning ordinance that was ultimately adopted.

9 Now, those buildings did have
10 garages. They were in the back of the
11 building, but every one of those buildings had
12 garages as well. Actually they were carports.
13 They didn't have garages.

14 MS. OGENS: I understand. I am
15 getting feedback through Mr. Fourniadis.

16 MR. FOURNIADIS: I don't know why
17 that is. I don't have any other devices on
18 me.

19 MS. OGENS: Am I the only one who's
20 getting the feedback?

21 CHAIRMAN HANDS: I can hear it, Pam.

22 MR. FOURNIADIS: Is there any chance
23 you have two devices on?

24 MS. OGENS: No, not me.

25 MR. FOURNIADIS: Well, somebody

1 does. It's not me. I just have my iPad on.

2 MS. OGENS: Okay. Well, if you look
3 at the last page, those are the artists'
4 renderings to date.

5 I'm wondering what happened from
6 earlier versions where we had stone accents
7 on, multidimensional front, copper accented
8 multi-level roofing with peaks, shutters,
9 accents above the window frames, bay windows,
10 balconies, all of which I think most will
11 consider desirable features to what has been
12 considered by someone far more versed in
13 military structures than myself and
14 barracks-like.

15 MR. FOURNIADIS: Well, I don't
16 know --

17 MS. OGENS: I don't know about
18 barracks -- please allow me to finish, sir.

19 I am not familiar with barracks, but
20 I have had the good fortune of traveling to 46
21 of our 50 states and I have stayed in multiple
22 Hampton Inns. And these to me are, like, 14
23 mini Hampton Inns. I feel they are not
24 respectful to the historical surroundings and
25 what we pride so much in Millington.

1 MR. REGAN: Are there questions
2 here, Mr. Chairman?

3 MS. OGENS: Yes.

4 The question is, can you make these
5 buildings acceptable to the historic --
6 showing more respect to the historical
7 structures nearby and resubmit?

8 MR. FOURNIADIS: The original plans
9 that you mentioned were rejected by the town
10 and our zone change wasn't granted and the
11 zoning didn't come about until it was time for
12 the township to settle its affordable housing
13 obligation and that's when this zoning came
14 into effect.

15 Nobody was happy about our plan. It
16 was also called lifeless at the time by
17 several members who attended the open house
18 where we presented them. Lifeless,
19 barrack-like, no imagination, obtuse, and then
20 a few other uncomplimentary descriptions. So
21 that's why we trashed those because nobody
22 liked them.

23 This new view is a sign that was
24 close to something that I developed for
25 Wesmont Station, another redevelopment site in

1 my old company. It's a colonial style. We
2 went through a lot of different iterations and
3 came up with something that we think is
4 appropriate for this part of the state and
5 doesn't conflict with your zoning ordinance.

6 So the answer to your question is,
7 no, we're not going to scrap these plans and
8 resubmit.

9 MS. OGENS: Well, then I plead to
10 the Planning Board to consider
11 Mr. Fourniadis's decision when you decide
12 whether or not to accept this application.
13 And certainly you can see the other iterations
14 of the site plans. And if you were to bring
15 these to the public again, I would imagine
16 that they would find other versions less
17 distasteful. But that is only my assumption.
18 And other than the color blue, which truly
19 does not blend in with the area.

20 I will go on to my next question.

21 CHAIRMAN HANDS: Pam, just one
22 second. Just one second.

23 Just for Jolanta, are we going to
24 submit these photos, or renderings I should
25 say, as evidence here at this point?

1 COORDINATOR COONCE: That's up to
2 the Board and up to the applicant.

3 MS. MAZIARZ: Well, this portion
4 right now is public questions so the answer is
5 no. If someone wants to submit them during
6 public testimony and comments, that's
7 different. This is questions of the
8 architect.

9 MS. OGENS: Debra, may I request
10 that they be added at that time if the
11 Planning Board so approves?

12 MS. MAZIARZ: If they are to be
13 added, then someone will have to appear and
14 testify with their regard -- in regards to
15 them and testify, lay a foundation and tell
16 the Board why they should be submitted into
17 evidence and why they're relevant.

18 MS. OGENS: I will do that. I am
19 not a lawyer, I am not a licensed architect,
20 but I will give my opinion as a resident that
21 lives 400 feet from the development site. You
22 just tell me where and when and what to do and
23 I'll be happy to do that.

24 Next question. Is that okay?

25 CHAIRMAN HANDS: Yes. Please carry

1 on, Pam.

2 MS. OGENS: Okay. My question,
3 pretty much the same for the retail buildings.
4 How did your design demonstrate, reflect -- or
5 respect, rather. How does your design of the
6 retail building demonstrate respect for the
7 historical feature found in Millington?

8 And I did give you an idea of the
9 historical features as far as the train
10 station, in vernacular and Richardsonian
11 Romanesque, the colonial, Victorian,
12 Craftsman, farmhouses for the area.

13 What in that retail building
14 shows respect for historical features in the
15 area?

16 THE WITNESS: Well, Ms. Ogens, last
17 meeting I testified that our approach for the
18 retail was not to do an historical building,
19 but to take the materials from residential,
20 common material like brick, and do more of a
21 transition or a contemporary building for the
22 retail. We were trying to, depending on how
23 you interpret it, elevate the design to a more
24 contemporary feel and, again, be more
25 reflective of retail spaces that are being

1 built today.

2 So in the case of, you know, the
3 relatively small retail building, we were
4 going for a more contemporary style.

5 MS. OGENS: I understand that.
6 Unfortunately, it conflicts with the statement
7 that there will be responsible --
8 responsibility to grow the township while
9 respecting historical features. So the
10 decision was made to ignore that.

11 But now I'm interpreting --

12 MR. REGAN: Can I ask a question,
13 Ms. Ogens? That quote, that's from the master
14 plan?

15 MS. OGENS: That is from the
16 master -- it's the Long Hill Master Plan 2020
17 Survey Mission Statement. This went out to
18 every -- was available to every resident in
19 Millington.

20 I also can tell you from the land
21 use goals that fundamentally low-density
22 residential community is what's desirable.
23 And not intrude on the residential areas, but
24 that's not a question. This is -- that is the
25 quote from the mission statement of the survey

1 that was sent.

2 THE WITNESS: All right. If I can
3 just read from my notes on the retail
4 building, just for the record. This was
5 our -- we had said "The design approach for
6 the retail is to tie the materials and colors
7 to the residential units and to introduce
8 minimal upgraded styling (flat roof, wood
9 accents) that is more reflective of
10 contemporary retail architecture."

11 So we deliberately took that
12 direction, whereas we had the residential
13 more transitional or traditional. And we,
14 again, pushed that styling a little bit more
15 for a number of reasons with the retail. So
16 that was our desire and our approach.

17 MS. OGENS: I have a question for
18 Mr. Fourniadis.

19 In your Dunellen Station
20 redevelopment, you show a retail building
21 which is in design similar to a train station.
22 It's actually quite pleasing to me.

23 Why would you not have considered a
24 similar design at this site as you designed
25 for Dunellen Station, or were you directed by

1 the officials of Dunellen to design with a
2 railroad motif for the retail?

3 MR. FOURNIADIS: In Dunellen we
4 designed the building consistent with the
5 zoning ordinance --

6 MR. REGAN: Redevelopment
7 ordinance.

8 MR. FOURNIADIS: -- and a plan of
9 redevelopment. We don't have a plan of
10 redevelopment here. We have a zoning
11 ordinance and we feel that this plan doesn't
12 violate any provision of your zoning
13 ordinance. But we also did state that, as a
14 continuing condition of the approval, we would
15 come back with alternate plans for the retail
16 building to be approved by whoever the Board
17 wants to approve it even if we come back in
18 front of the full Board.

19 The retail building is really the --
20 it's the tail here. It's not going to wag the
21 dog. And, in fact, in this economy right now,
22 you know, who knows if we'll ever be able to
23 rent this building with what's happening in
24 the economy.

25 But the answer to your question, the

1 redevelopment plan and the zoning ordinance
2 were very specific as to what the retail
3 building had to look like and we complied with
4 the zoning ordinance just like we're doing
5 here.

6 MS. OGENS: In Dunellen you're
7 saying the redevelopment is very specific, the
8 redevelopment expectations.

9 MR. FOURNIADIS: Yes. Not
10 expectations. The actual wording of the
11 redevelopment plan.

12 MS. OGENS: And, unfortunately, our
13 mission statement doesn't carry the same
14 amount of clout.

15 MR. FOURNIADIS: Yeah, I'll let the
16 attorneys answer that, but we are willing to
17 work with your professionals to come up with a
18 design that everybody's happier with. It's
19 only 4,000 square feet. So we are willing to
20 work with the town to come up with a different
21 look that everybody's happy with.

22 MS. OGENS: I understand that and I
23 appreciate your response. I would encourage
24 the Planning Board not to make this a
25 condition of approval, but not to approve this

1 site application until we know what the plans
2 are with the retail building.

3 Moving on to my next question.

4 And, Mr. Fourniadis, I'm wondering
5 if you have a relationship with any businesses
6 or business owners who might be interested in
7 becoming tenants in the 4,000 square feet,
8 realizing the 4,000 square feet is small,
9 about one and a half times the size of the
10 Cumberland Farms country farm building across
11 the street, which creates a walkable, vibrant
12 downtown. But it is 4,000 feet.

13 And I wondered, do you have any idea
14 as to tenants?

15 MR. FOURNIADIS: I have none. I
16 have none. We have not -- we certainly
17 wouldn't start marketing this building until
18 we had an approval. I can tell you we've been
19 marketing the Dunellen building for nine
20 months and no takers right now in this
21 environment.

22 So the short answer to your question
23 is no. We haven't spoken with anybody and
24 we're certainly not going out to market
25 because I've been very bad at predicting when

1 I was going to get site plan approval here.
2 So we'll wait until we have site plan
3 approval.

4 MS. OGENS: I understand. So it
5 wouldn't -- it would be a possibility that
6 those 4,000 square feet in light of the
7 circumstances we're living under presently
8 could be vacant for an indefinite period of
9 time.

10 MR. FOURNIADIS: Let's hope not,
11 but you see the vacancies you have on Valley
12 Road.

13 MS. OGENS: Correct. Correct. We
14 have lots of vacant retail space and we are
15 discussing building more retail space.

16 So I guess my other question was, is
17 it common to build retail solely on
18 speculation knowing that it's risky that it
19 may never be occupied?

20 MR. FOURNIADIS: It depends. It
21 depends on if it's integral to a building, you
22 obviously have to build it when you build the
23 building. When it's free-standing like this,
24 you may not want to build it until you have
25 some tenants. But then, again, it is only

1 4,000 square feet and it would be a lot easier
2 to rent it when you have space that's ready to
3 move in.

4 But we haven't gotten there yet. We
5 will retain a commercial real estate broker at
6 the appropriate time and make the decision
7 that optimizes -- optimizes the success of the
8 retail building for everybody involved. We
9 view it as an amenity to the people that are
10 going to be living here in addition to being
11 something that the folks in the town will also
12 patronize.

13 But a lot of it right now, it's just
14 too soon to tell what the -- how we're going
15 to tackle it.

16 MS. OGENS: I appreciate your
17 response.

18 I have other questions that I
19 imagine I'll have the opportunity to ask
20 regarding impact on our schools, density,
21 land use goals, and what's appropriate in
22 this development for the residents, but I will
23 hold those until the open public comment
24 section.

25 CHAIRMAN HANDS: Are you finished,

1 Pam?

2 MS. OGENS: Yes, I am.

3 CHAIRMAN HANDS: Thank you very
4 much.

5 COORDINATOR COONCE: Okay. Next we
6 have Mr. Jon Caputo.

7 MR. CAPUTO: Hello. Good evening.

8 Mr. Alberto, could you please --

9 THE REPORTER: Excuse me. This is
10 the Reporter. You're breaking up a lot. I
11 cannot make that out.

12 COORDINATOR COONCE: I can't hear
13 you very well either, Jon.

14 MR. CAPUTO: Is this sounding
15 clearer? If not, I'll reconnect on a
16 different device.

17 CHAIRMAN HANDS: Yeah. Can you try
18 something else?

19 (Pause)

20 MR. CAPUTO: Okay. I just -- I just
21 joined the meeting on a second device.

22 CHAIRMAN HANDS: You're going to
23 have to --

24 COORDINATOR COONCE: You have to
25 mute one of them.

1 CHAIRMAN HANDS: Yeah, one device.

2 MR. CAPUTO: Is that -- okay. Thank
3 you for hosting the planner.

4 THE REPORTER: No, that's not going
5 to work.

6 CHAIRMAN HANDS: It's not going to
7 work.

8 COORDINATOR COONCE: You have a
9 double --

10 CHAIRMAN HANDS: Can you just phone
11 in or something else?

12 MR. CAPUTO: I am on a phone. I'm
13 sorry.

14 MR. FOURNIADIS: Use your computer.

15 CHAIRMAN HANDS: Can we go to
16 someone else?

17 COORDINATOR COONCE: Hold on a
18 minute. Let me go and see if I can help here.

19 Are you on under a different name,
20 Jon, that I can mute you?

21 MR. CAPUTO: It looks like --

22 CHAIRMAN HANDS: He's on twice, I
23 see.

24 MR. CAPUTO: I'm on twice. Can you
25 hear one of them?

1 COORDINATOR COONCE: Yep. Hold on.

2 Well, one of you -- is it JC Joe?

3 CHAIRMAN HANDS: No.

4 MR. CAPUTO: Yes. Hello?

5 COORDINATOR COONCE: Okay. JC Joe,
6 you are not Jon Caputo?

7 MR. FAZARI: No. Sorry.

8 COORDINATOR COONCE: I have to
9 disable you for now. Sorry.

10 Jon, I don't see you on a second --
11 oh, there he is.

12 CHAIRMAN HANDS: Do you see Jon
13 Caputo twice?

14 COORDINATOR COONCE: Well, he's
15 muted a second time here.

16 MR. CAPUTO: Okay. If you like, I
17 can pass the microphone on to someone else,
18 let someone else speak for a few minutes, and
19 try to figure it out.

20 CHAIRMAN HANDS: That would be fine.

21 COORDINATOR COONCE: Why don't we do
22 that. Why don't you end the connection with
23 both of your connections and then try to come
24 in with just one.

25 Okay.

1 CHAIRMAN HANDS: JC Joe.

2 COORDINATOR COONCE: Now we're going
3 to JC Joe.

4 Are you there?

5 MR. FAZARI: Yes, I'm here.

6 COORDINATOR COONCE: Okay.

7 MR. FAZARI: So --

8 COORDINATOR COONCE: Wait. We need
9 your full name and where you're from.

10 MR. FAZARI: Sure. So Joe Fazari at
11 --

12 COORDINATOR COONCE: Can you spell
13 the last name, please?

14 MR. FAZARI: Sure. F-A-Z-A-R-I.

15 COORDINATOR COONCE: Okay.

16 MR. FAZARI: And I'm over at 88
17 Pleasant Plains Road in Stirling.

18 COORDINATOR COONCE: Thank you.

19 MR. FAZARI: So I have -- I have two
20 questions with respect to -- with respect to
21 the project that I saw online and I perused
22 some of the documents that were down in the
23 Township Planning Board website.

24 So my first question relates to the
25 affordable housing piece of the plan. So, and

1 I think it was responded to earlier. So one
2 of the questions I had, so out of the 140
3 units, 15 percent of those units, so roughly
4 21, if my math is right, have to be affordable
5 housing units?

6 MR. FOURNIADIS: That's correct.

7 MR. FAZARI: Is that correct?

8 MR. FOURNIADIS: Yes. Exactly 21.

9 MR. FAZARI: So what does that mean
10 exactly? Is there -- in terms of -- in terms
11 of the rent that the landlord is going to be
12 allowed to charge and what would that rent be?
13 And what sort of parameters are we talking
14 about? And is it -- are we talking about,
15 like, site -- it has to be specifically, like,
16 Section 8 housing?

17 MR. REGAN: There are state
18 regulations, rules and regulations, that take
19 the income of the potential tenants as well as
20 the rents of the tenants that we would have to
21 comply with. So we're not able to now to tell
22 you what the rents would be and who they could
23 rent it to. As I said, ultimately the
24 property owner, if this project's approved,
25 would hire somebody -- typically would hire

1 somebody who would administer the affordable
2 housing to --

3 THE REPORTER: Frank, you need to
4 come closer to the mic or something.

5 MR. REGAN: Sorry. And demonstrate
6 compliance with the regulations.

7 MR. FOURNIADIS: And if I could add,
8 it's based on a percentage of median income
9 for the county. You've heard the expression
10 "low and moderate." There's a percentage for
11 low-income units, which have to be half of
12 them, and a percentage for moderate. And I
13 believe the numbers are 35 percent and 65
14 percent of median income.

15 So, and then there's a formula that
16 the state has that qualifies people based on
17 those numbers, takes into account the other
18 expenses that they have for utilities, for
19 example, and then they tell us how much you
20 can charge for a low-income home, one, two --
21 I mean two or three bedrooms. We don't have
22 any one-bedrooms here. And how much you could
23 charge for a two- or three-bedroom low and
24 moderate.

25 And people have to qualify the same

1 way they qualify for the market-rate units.
2 And it's not Section 8 housing. People come
3 in, they have to have a job, they have to make
4 enough money to qualify for the rent that
5 we're allowed to charge them.

6 And usually it ends up being, as a
7 rule of thumb, about a dollar a square foot.
8 So if it's a 1200-square-foot unit, the median
9 might be about \$1,200. I mean the moderate
10 unit. The low would be a little bit less.

11 But, again, they have to qualify.
12 Somebody -- they have to show that they can
13 pay the rent, which means they have to have
14 income.

15 MR. FAZARI: Okay. So let me ask
16 you -- thank you for that.

17 So has -- and this may not be the
18 appropriate, I guess, meaning to ask the
19 question, but, you know, with regards to the
20 impact of having 140 units, additional units,
21 in the township, you know, has there been any
22 sort of study done? You know, what are the
23 ramifications to the services of the town?
24 Namely, the schools and how's it going to
25 impact the taxes with regards to the other

1 residents in the township. The impact that
2 it's going to have on the services; fire,
3 police, you know, and all the other services
4 that, you know, the folks here, you know, of
5 roughly eight thousand residents really rely
6 on.

7 So, and, again, this may not be the
8 right forum to raise that question because I
9 know the questions have been directed, you
10 know, namely at the architect.

11 CHAIRMAN HANDS: Well, it's up to
12 you.

13 Do you want to give a quick summary?

14 MR. FOURNIADIS: No, I'm not going
15 to answer that because that's not part of the
16 site plan process. That's part of the master
17 plan and the determination to adopt a
18 particular zone. Once the zone's in place,
19 the impact to schools and roads, my --
20 from what I understand, doesn't come into
21 play. It's compliance with the zoning
22 ordinance. That's what comes into play. I
23 think that's something your attorney should
24 answer, not me.

25 CHAIRMAN HANDS: I think you

1 explained it fairly well.

2 Jolanta, do you want any last words
3 on that or should we give Joe another
4 question?

5 MS. MAZIARZ: No. This is the time
6 to ask the architect questions about the plans
7 that have been submitted. So I'll leave it
8 there.

9 CHAIRMAN HANDS: Okay. Joe, do you
10 have a question to the architect at this
11 point?

12 MR. FAZARI: Right. And I guess
13 he's not in a position to ask about the
14 asbestos on the site either then.

15 MR. REGAN: I've already addressed
16 that question. We had an environmental
17 consultant, you know, respond to questions
18 for, I don't know, five hours.

19 CHAIRMAN HANDS: Joe, there is
20 testimony, in case you haven't seen it, you
21 may well have seen it, but there have been
22 videos on the website should you want to look
23 at past meetings if you were not able to make
24 them.

25 MR. FAZARI: Right. So I will and

1 thank you for that.

2 So I don't have any other additional
3 questions, but the only thing I'm going to end
4 with is I think that, you know, I would have
5 impressed upon the Planning Board to have done
6 all of this, frankly, when the pandemic is
7 over. So all of this should have been,
8 frankly, postponed to a time where the public
9 and everyone in the township having had, you
10 know, due time to review what was being
11 submitted and, you know, the potential
12 ramifications to everyone else in the town and
13 that whole entire area and the number of other
14 things that were brought up by the other folks
15 on the call, to have done all of this in
16 person. To have this being done remote, you
17 know, I don't think it's, you know, really in
18 the best interests of anyone who's going to
19 be impacted by this project and the folks in
20 the town. So I'm just going to close with
21 that.

22 Thank you for your time.

23 CHAIRMAN HANDS: Thank you. Duly
24 noted. Thank you.

25 COORDINATOR COONCE: Okay. We're

1 back to Jon Caputo.

2 MR. CAPUTO: Okay. Hello.

3 COORDINATOR COONCE: Jon, are you
4 there?

5 MR. CAPUTO: Hello?

6 COORDINATOR COONCE: Yep.

7 MR. CAPUTO: Okay. I'd like to try
8 it again if my technology permits.

9 COORDINATOR COONCE: You sound
10 better.

11 MR. CAPUTO: Okay. Thank you.

12 Mr. Alberto, can you put the site
13 plan up again? Thank you.

14 My first question, while we're
15 waiting, just based on other testimony I heard
16 tonight. I didn't plan on asking these
17 questions, but I'm wondering how Building 1
18 complies with the building height limitation
19 in zoning being that it aligns with the north
20 property line.

21 THE WITNESS: Again, this is -- our
22 interpretation was this was not facing
23 Commerce Street so it has a 45-foot building
24 height.

25 MR. CAPUTO: Okay. So you're saying

1 Commerce Street is the only property line that
2 is meant by -- when the zoning -- the zoning
3 ordinance says the north property -- the north
4 boundary line. The specific language is "New
5 Jersey Transit railroad tracks' north boundary
6 line."

7 So you're saying that this line
8 isn't subject to any maximum building
9 height?

10 THE WITNESS: Well --

11 MR. CAPRIO: Or are you on the
12 interior of the property?

13 THE WITNESS: We interpreted it to
14 be just what you saw from the street. And
15 with this buffer, we just picked -- being
16 internal to the site, we just -- our
17 interpretation was that 45 feet was
18 permitted.

19 MR. CAPUTO: Okay. I've read the
20 zoning and I don't agree, but if the planner,
21 the Board's planner, could take a look at
22 that, I'd be appreciative.

23 Since it's getting late, I'm just
24 going to move on to the next question. This
25 is -- this is also in regards to unit mix.

1 The site proposal doesn't -- it only
2 includes two- and three-bedroom apartments, is
3 that correct?

4 THE WITNESS: Correct.

5 MR. CAPUTO: Not one-bedrooms,
6 studios or efficiencies.

7 Given that the goal of any transit
8 village or any mixed-use development like this
9 should be to allow for retirements in place,
10 how could the project not offer smaller units
11 for households of one or two people?

12 THE WITNESS: Right. I mean, a lot
13 of times that's a developer's decision. We
14 have clients that, you know, never want to
15 build one-bedroom units. That also depends on
16 the market sometimes. But in this particular,
17 two-bedrooms are the most desirable and that's
18 what we went with here. And we added the
19 three-bedrooms because of the affordable
20 component on the first floor.

21 Yes, so there's no one-bedrooms.
22 And as a professional, I'm perfectly
23 comfortable with that.

24 MR. CAPUTO: Okay. I just wanted to
25 point out the owner's still affordable

1 housing -- affordability control ordinance at
2 the state level allows 30 percent of what we
3 used to call COAH units to be developer's
4 choice.

5 So you're saying that regardless of
6 what the requirements are, the developer has
7 told you they're comfortable with not having
8 any one-bedroom apartments or smaller,
9 correct?

10 THE WITNESS: One-bedroom is not a
11 requirement.

12 MR. CAPUTO: Right.

13 THE WITNESS: Yes. So, yeah. The
14 owner/developers is comfortable with that.

15 MR. CAPUTO: Okay. Would you --
16 would you say that because the developer has
17 chosen two- and three-bedroom apartments that
18 the potential impact to the schools is more
19 serious?

20 MR. REGAN: Angelo, don't answer
21 that. You're not qualified to answer that.

22 MR. CAPUTO: I think that's a
23 consideration of building and planning.

24 MR. REGAN: I'm not sure whether
25 school-aged children will live here or not.

1 Maybe the size of the units and the type of
2 units, I don't disagree if you ask that, but
3 you were asking him the question of whether it
4 would generate school children and it's not
5 his area of expertise. He's an architect.

6 MR. CAPUTO: Okay. So -- okay.

7 So, Mr. Alberto, has the applicant
8 to your knowledge hired a planning consultant
9 to identify concerns like this, the
10 aforementioned impact to schools and bedroom
11 distribution and issues of those nature -- of
12 that nature?

13 THE WITNESS: I would just ask the
14 applicant himself. I'm not sure.

15 MR. CAPUTO: Okay. Does the
16 applicant --

17 THE WITNESS: Bob, you're on mute.

18 MR. CAPUTO: I don't know, is he
19 available to answer?

20 MR. REGAN: You're muted, Bob.
21 You're muted, Bob.

22 MR. FOURNIADIS: Sorry.

23 The answer is, no, we've not hired
24 someone to analyze the impact on the schools.
25 It's not required by your site plan or

1 ordinance.

2 MR. CAPUTO: Okay.

3 MR. FOURNIADIS: It's not going to
4 be considered in determining whether or not to
5 grant site plan approval.

6 MR. CAPUTO: Well, certainly the
7 bedroom distribution is an issue that is
8 relevant to site plan approval, how it meets
9 the needs of the town.

10 Wouldn't you agree?

11 MR. FOURNIADIS: It meets the
12 needs -- it meets the requirements of your
13 ordinance. There's no bedroom mix in your
14 ordinance. And the -- you have -- the regs
15 have a maximum of one-bedroom affordable
16 units. There's no minimum. There's a minimum
17 of three-bedrooms, but there's no minimum for
18 one-bedroom units, which means you can offer
19 zero, which is what we're doing. This is
20 Morris County, not Hudson County.

21 MR. CAPUTO: Yes, I understand it's
22 Morris County, but this is a transit village
23 and the idea is to create a living environment
24 for different types of families and different
25 sizes of families, potentially some who

1 commute, some who might need the connection to
2 mass transit.

3 So I would think that families in
4 the -- to cater to families with larger
5 apartments, who would also necessarily have
6 more cars and tend to drive, would be a
7 conscious design decision. And I'm just
8 wondering where that came from.

9 And you alluded -- you said this
10 isn't Hudson County and that's true, but it's
11 a transit village much like Wesmont Station is
12 in Wood-Ridge.

13 MR. FOURNIADIS: Wesmont Station has
14 no -- has no one-bedroom units.

15 MR. CAPUTO: Maybe, but Wesmont
16 Station is a collection of developments built
17 by four or five different developers.

18 MR. FOURNIADIS: Three. Three.

19 MR. CAPUTO: Three, excuse me. I'm
20 sure some of those do have one-bedrooms.

21 MR. FOURNIADIS: Wesmont Station is
22 also Bergen County. It's a different market,
23 sir. If we thought this was a market
24 appropriate for studios and one-bedrooms, we
25 would have done that. And Wood-Ridge we have

1 one-bedrooms and studios. It's a -- it's a
2 mid-rise building. In Dunellen we have all
3 two-bedrooms and three-bedrooms for the
4 affordable requirement.

5 It depends on the market. We took a
6 look at this market and we determined this is
7 not a one-bedroom or a studio market. You're
8 not going to get a 24-year-old millennial
9 commuting to Wall Street from this location.
10 He or she are living in Hoboken or Jersey
11 City.

12 MR. CAPUTO: Okay. I'll let that
13 stand on its own. Okay.

14 So I do have another question for
15 the architect and his time is running short.
16 One thing that was mentioned in the previous
17 meeting, and I'd like to hear it, is that the
18 buildings will meet NFPA 13R fire protection
19 code.

20 THE WITNESS: Uh-huh.

21 MR. CAPUTO: As you know, as I do
22 and others in the industry, the issue right
23 now --

24 THE REPORTER: Excuse me. You're
25 breaking up again. If this question is to Mr.

1 Alberto, could -- Bob, could you mute
2 yourself?

3 Thank you.

4 Go ahead, Mr. Caputo.

5 MR. CAPUTO: Okay. Thanks. Please
6 stop me if I break up again.

7 So my question is about the fire
8 code that was stated. Mr. Alberto, you said
9 that you were going to meet NFPA 13R, which
10 is --

11 THE WITNESS: Yes.

12 MR. CAPUTO: -- which is typical --
13 or, rather, it used to be typical.

14 Would you say that incidents over
15 the past five years, the Edgemont fire, some
16 other high-profile apartment fires, the
17 Maplewood fire in 2017, Somerville, would
18 cause you to rethink that during the design
19 process or are you comfortable leaving it at
20 the less restrictive fire code? The more
21 restrictive fire code would be NFPA 13.

22 THE WITNESS: Correct.

23 MR. CAPUTO: So are you comfortable
24 leaving it as is?

25 THE WITNESS: Yes. Yeah. You know,

1 we certainly always meet the minimum standard,
2 but we believe that NFPA 13R is, you know,
3 more than adequate for this building type. It
4 certainly meets the code.

5 MR. CAPUTO: Yes, I believe it does
6 meet code, but you're aware there's a push to
7 have that code changed.

8 THE WITNESS: Yes.

9 MR. CAPUTO: Okay. So the current
10 code allows -- and please, correct me --
11 allows attics, like you have shown in the
12 renderings, unsprinklered because they're
13 enclosed, combustible spaces.

14 Do you anticipate that the attics
15 here would be unsprinklered?

16 THE WITNESS: We have not designed
17 that yet and we have a couple of real
18 technical experts here. Sometimes we
19 sprinkler the attics, sometimes we don't. We
20 haven't made that determination yet. But
21 certainly, as I stated, we will be within
22 code. And the answer is, yes, we'll consider
23 it.

24 MR. CAPUTO: You'll consider it.

25 THE WITNESS: Yeah, but they are

1 currently not sprinklered.

2 MR. CAPUTO: Okay.

3 And are the garages -- for the
4 garages, are those the same type of
5 construction as the residential floors? This
6 isn't a plinth-type building?

7 THE WITNESS: No. No, it's not that
8 type of building. It's the same construction
9 type.

10 MR. CAPUTO: Okay. So the garages
11 would be wood-framed walls?

12 THE WITNESS: Correct. Right.

13 MR. CAPUTO: Okay. That's all I
14 have on fire code. There's one -- one other
15 question I have.

16 So you might not be able to answer
17 this, but the renderings seem to indicate --
18 and I think it -- it seems like some of the
19 site plans also show that the utility line
20 along Division, I believe they would be buried
21 or beautified in some way? I'm not sure if
22 there's any -- if you're able to comment on
23 the plan for that.

24 MR. REGAN: I think it would be best
25 for the engineer to testify to that.

1 MR. CAPUTO: Okay. Okay. I just
2 want to close -- the developer brought up a
3 meeting in 2016 that was held at the
4 Millington firehouse about a previous
5 iteration of this design.

6 And I just have to ask the
7 developer. He mentioned that the design was,
8 I believe he said, roundly rejected. But I'm
9 curious what aspects of the design weren't
10 received well. And I'm a little uncomfortable
11 having results of a previous meeting I can't
12 really recall or see the transcript of or the
13 Board's from or anything.

14 So I'm just curious why --

15 MR. FOURNIADIS: We didn't get -- we
16 didn't get the zoning. We didn't get the
17 zoning at the time. There was a failure. And
18 the only reason we got the zoning is because
19 Millington Town -- Long Hill Township had an
20 affordable housing obligation and this site
21 was suitable to satisfy part of their
22 affordable housing obligation. If everybody
23 loved it, we would have gotten the zoning in
24 2016 and we didn't.

25 MR. CAPUTO: Well, so I just want to

1 give you a chance to clarify because you say
2 you didn't get the zoning. Does that mean
3 there was an aspect of the plan that wasn't
4 liked? Was it the appearance --

5 MR. FOURNIADIS: You'll have to ask
6 the township council as to why they didn't
7 take up the rezoning at that time. I don't
8 know why we didn't get it. I thought we
9 presented a good plan. We didn't get it and
10 so we came up with something new after the
11 town adopted the current zoning ordinance, the
12 affordable housing overlay zone.

13 MR. CAPUTO: All right. Do you
14 recall how many units that plan proposed? Was
15 it a higher number? higher density?

16 MR. FOURNIADIS: Yes, it was. Yes,
17 it was.

18 MR. CAPUTO: Okay. So there were
19 aspects of that plan that I think several
20 members of the public, at least in this
21 meeting, prefer. I --

22 MR. FOURNIADIS: They should have
23 spoken up in 2016. We're not going back to
24 that plan. This plan complies with your
25 zoning ordinance. It doesn't violate anything

1 and we're not going to change it. We think
2 it's a good plan.

3 MR. CAPUTO: Well, in my opinion
4 it's not a good plan. It's --

5 MR. FOURNIADIS: I know. I know. I
6 could tell.

7 VICE CHAIRMAN JONES: I'm sorry,
8 Mr. Caputo, I just need to interject here.

9 Mr. Hands, Chairman Hands, sorry,
10 we're coming up ten minutes short of the 10:30
11 time frame. So we would have to make a motion
12 to extend further.

13 CHAIRMAN HANDS: Thank you. Thank
14 you, Tom.

15 Mr. Caputo, it sounds like you've
16 come to your conclusion anyhow. That's how I
17 was listening. Is that a fair statement?
18 Because there are a couple of things that we
19 just need to resume some additional points for
20 this meeting without extending.

21 So have you concluded your comments
22 or questions?

23 MR. CAPUTO: If you're asking me,
24 yeah. I'd just like to close my discussion
25 with Mr. Fourniadis. He mentioned that he

1 knows I'm not happy with the plan. I'd like
2 to say that I -- I -- there are aspects that I
3 do like and there are aspects that I don't
4 like. I just want this process to play out
5 and make sure everyone gets the best plan for
6 Millington Village.

7 So, but he's also contended that the
8 plan meets zoning. And I've reviewed the memo
9 from the Board's planner and I don't believe
10 that the planner has said that. So at some
11 point I think the Planning Board should review
12 that it does meet it. They haven't presented
13 a full EIS and Building 1 doesn't comply with
14 the height limitation.

15 So that's all I wanted to say.

16 Thank you.

17 CHAIRMAN HANDS: Thank you, Jon.
18 Appreciate those comments.

19 Okay. With that said, I see Terry
20 just popped his hand up.

21 Terry, do you have a big question,
22 one question? And I'm just conscious of the
23 little bit of time here if you can hear me.

24 MR. CARRUTHERS: If there will be a
25 future opportunity to discuss some elements of

1 the plan, I'd be happy to leave them until
2 then, David.

3 CHAIRMAN HANDS: I see Mary Lou has
4 now raised her hand as well.

5 What's the interest of extending for
6 another 15 minutes the meeting or do we want
7 to postpone any further questions to another
8 time?

9 MAYOR RAE: I think, David, since
10 we're coming back anyway...

11 BOARD MEMBER PFEIL: This is a
12 logical place to stop.

13 MAYOR RAE: Yeah.

14 CHAIRMAN HANDS: Everybody
15 comfortable with that?

16 MAYOR RAE: Yeah.

17 CHAIRMAN HANDS: Okay. Terry,
18 because I just saw your hand popped up, and
19 Mary Lou, as well, with your questions earlier
20 in the Q and A, so we appreciate you coming
21 forward now.

22 So can we hold that for the next
23 meeting?

24 Deb, what is your schedule like?
25 What's our proposal for another meeting?

1 COORDINATOR COONCE: The next
2 meeting will be September 22nd.

3 MS. MAZIARZ: How are we with
4 time?

5 COORDINATOR COONCE: I think, Frank,
6 I think we went through the end of September,
7 did we not?

8 MR. REGAN: Correct.

9 MS. MAZIARZ: I thought we did, but
10 I just want to confirm.

11 COORDINATOR COONCE: Yep.

12 MR. REGAN: I'll check.

13 CHAIRMAN HANDS: While you do that,
14 Terry, Mary Lou, if you could just hold your
15 places to the next meeting, that would be
16 great. Thank you for your patience.

17 COORDINATOR COONCE: So we need a
18 motion to carry to September 22nd.

19 MAYOR RAE: So moved.

20 VICE CHAIRMAN JONES: Second.

21 CHAIRMAN HANDS: All in favor?

22 (Whereupon, a voice vote was taken;
23 chorus of "ayes" heard)

24 CHAIRMAN HANDS: Thank you.

25 COORDINATOR COONCE: Okay. So we

1 will carry the applicant to September 22nd
2 with no further notice required.

3 CHAIRMAN HANDS: Thank you.

4 MR. REGAN: Thank you.

5 CHAIRMAN HANDS: Okay. I appreciate
6 members of Prism and the professionals for the
7 Planning Board. We have a couple, just last
8 five minutes, a couple of other points on the
9 agenda. So everybody else can feel free to --
10 I'd say go home but you're already home.

11 MR. REGAN: We want to stay. We
12 want to stay and watch. Good night, all.

13 MR. FOURNIADIS: Yeah, we want to
14 see what you guys do when we're not here.

15 CHAIRMAN HANDS: We talk about you.

16 BOARD MEMBER PFEIL: Nothing. We do
17 nothing.

18 MR. FOURNIADIS: Good night,
19 everybody. Thank you.

20 VICE CHAIRMAN JONES: Good night.
21 Stay safe.

22 MR. REGAN: Good night.

23 (Whereupon, the hearing was
24 adjourned at 10:25 p.m. to September 22, 2020,
25 at 7:30 p.m.)

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C E R T I F I C A T E

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