

TOWNSHIP OF MAPLEWOOD  
COUNTY OF ESSEX, STATE OF NEW JERSEY  
PLANNING BOARD

IN THE MATTER OF: )  
 ) TRANSCRIPT  
 ) OF  
MAPLEWOOD ALR URBAN RENEWAL, LLC ) PROCEEDINGS  
BOYDEN AVENUE & TUSCAN ROAD )  
BLOCK 48.47, LOTS 123, 124.01, )  
130.02, 131 & 167) )  
REDEVELOPMENT AREA 2 )  
 ) CONTINUED  
APPLICATION NO. 2018-1 ) PUBLIC HEARING

REGULAR BOARD MEETING  
MAY 8, 2018

B E F O R E:

JERRY RYAN, Chairman  
EDWARD BOLDEN, Vice-chairman  
VICTOR DeLUCA, Mayor  
TAMMY HAYNIE  
JOHN LARRIER  
JIM NATHENSON  
KAREN PISCIOTTA  
ERIN SCHERZER

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

MICHAEL EDELSON, ESQ., Board Attorney  
ANDREW CANGIANO, P.E., Board Engineer  
ADELE LEWIS, Board Secretary

AB COURT REPORTING, LLC  
CERTIFIED COURT REPORTERS  
26 Algonquin Terrace  
Millstone Township, New Jersey 08535  
Tel: (732)882-3590  
angelabuonocsr@gmail.com

TRANSCRIPT of the stenographic notes of the continued proceedings in the above-entitled matter, as taken by and before ANGELA C. BUONANTUONO, a Certified Court Reporter, Registered Professional Reporter, Certified LiveNote Reporter and Notary Public of the State of New Jersey, held at THE TOWNSHIP OF MAPLEWOOD, Council Chambers, 575 Valley Street, Maplewood, New Jersey, 07040 on Tuesday, May 8, 2018, commencing at 8 o'clock in the evening.

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

HEHL & HEHL, P.C.  
BY: STEPHEN F. HEHL, ESQUIRE  
370 Chestnut Street  
Union, New Jersey 07083  
T: (908) 687-7000  
F: (908) 687-7028  
Email: shehl@hehlandhehl.com  
www.hehlandhehl.com

--Counsel for the Applicant, Maplewood ALR Urban  
Renewal, LLC

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(Exhibits not retained by reporter.)

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1 CHAIRMAN RYAN: The first order of  
 2 business this evening is the continuation of Case PB  
 3 17-10. So just a couple of logistical things. We  
 4 had two members who did not attend our last meeting,  
 5 Ms. Haynie and Ms. Pisciotta. We're expecting Ms.  
 6 Pisciotta to come. Ms. Haynie and Ms. Pisciotta have  
 7 both reviewed the transcript of the meeting and have  
 8 signed the certification so they'll be participating  
 9 in the meeting this evening.

10 Secondly, for folks who perhaps weren't  
 11 here at the last meeting I just want to review from a  
 12 procedural standpoint. These folks are presenting  
 13 their case. They have witnesses that they're going  
 14 to put forward. Members of this board will have  
 15 questions for those witnesses. And when members of  
 16 this board are done asking questions, if you have  
 17 questions for those witnesses about their testimony,  
 18 we'll give you an opportunity to come up and ask your  
 19 questions. You will also later have an opportunity  
 20 to provide your own testimony about this case if you  
 21 have any testimony that you want to offer.

22 So we are continuing this case, picking  
 23 it up where we left off which was, I believe, that  
 24 you had all but one witness?

25 MR. HEHL: We actually -- good evening,  
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1 everyone. Stephen Hehl from the firm of Hehl & Hehl  
 2 representing the applicant, that's the combination  
 3 assisted living and senior adult daycare facility.

4 And, yes, at the last hearing we had the  
 5 testimony of our site engineer first. We then had  
 6 our architect. And then we had the operational  
 7 testimony from both the representative of the  
 8 assisted living and the representative of the adult  
 9 daycare.

10 We then were going -- our last witness  
 11 was going to be Gary Dean, both a traffic engineer  
 12 and professional planner. Mr. Dean is not available  
 13 but his partner, Betsy Dolan, is here to provide  
 14 traffic. And we do have a professional planner,  
 15 Mr. Nicholas Graviano, to cover the planning  
 16 testimony associated with this application.

17 So that's a little bit of a recap. And  
 18 what I would like to do first, Mr. Chairman, our  
 19 engineer, based upon our last meeting, had done a  
 20 supplemental submission with a letter to Adele dated  
 21 April 25th which addressed some of the items that  
 22 were raised at the last hearing. And what I would  
 23 like to do is to -- our engineer, it's a different  
 24 associate from that firm that wrote the letter, Mr.  
 25 Mark Gimigliano, and I would like to have him briefly  
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1 testify as to what revisions were made. And those  
 2 revisions were made in response to the comments from  
 3 your professionals and from the Board.

4 And, Andrew, I think you have a copy of  
 5 that letter?

6 MR. CANGIANO: Yes, I have a copy. I  
 7 reviewed that plan and I commented. I gave my review  
 8 letter back last week.

9 CHAIRMAN RYAN: I don't know, did we  
 10 receive that review letter?

11 MR. BOLDEN: Yes, right here.

12 CHAIRMAN RYAN: Okay. Well then, that  
 13 sounds fine.

14 MR. HEHL: Great. Thank you. So I would  
 15 like to call upon --

16 MR. NATHENSON: Can I just -- what was  
 17 the date of Andrew's second letter?

18 MR. CANGIANO: May 4th.

19 MR. NATHENSON: Was that in our packet?

20 MS. LEWIS: Electronically.

21 MR. HEHL: I don't think I -- I don't  
 22 know if I saw a copy of that.

23 MS. LEWIS: I can go print some copies.

24 CHAIRMAN RYAN: So what I would like to  
 25 ask you to do before we swear you in -- let's just  
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1 remind everyone the acoustics in this room are not  
 2 wonderful so please be sure to speak into whatever  
 3 microphone is in front of you so that not only the  
 4 board members can hear but the folks in the audience  
 5 can hear as well.

6 MR. HEHL: Great. Let's have you sworn.

7 CHAIRMAN RYAN: I think you need to  
 8 introduce him.

9 MR. HEHL: Yes. I would like to call  
 10 upon Mr. Mark Gimigliano. He's a professional  
 11 engineer with the firm of Dykstra Walker, the firm  
 12 that prepared the site plan. And we're going to be  
 13 offering his testimony as a professional engineer.

14 CHAIRMAN RYAN: I think what I would like  
 15 to have you do is go to the microphone, swear you in.  
 16 And I am sure that the court reporter would like you  
 17 to spell your name. I can't begin to know how to  
 18 spell it.

19 MR. GIMIGLIANO: My name is Mark  
 20 Gimigliano, spelled G-I-M-I-G-L-I-A-N-O. I'm with  
 21 Dykstra Walker Design Group.

22

23 M A R K G I M I G L I A N O, is sworn.

24

25 CHAIRMAN RYAN: Qualify him.  
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Gimigliano - Direct

1 MR. HEHL: Sure.

2 DIRECT EXAMINATION BY MR. HEHL:

3 Q. If you could please give the board the

4 benefit of your work experience, your area of

5 expertise, where you have been accepted as an expert

6 in the field of professional engineering before this

7 or other boards in the state or other courts in the

8 State of New Jersey?

9 A. Sure. I'm a professional engineer

10 licensed in the State of New Jersey. I earned a

11 degree in civil engineering from the New Jersey

12 Institute of Technology.

13 I have been working civil engineering for

14 over 20 years, have been licensed since 2008 and have

15 testified in front of numerous planning and zoning

16 boards across Northern New Jersey.

17 I've worked on this project. I did most

18 of the work on the project, visited the site on

19 several occasions and I reviewed Mr. Walker's

20 testimony with him that he gave at the previous

21 meeting.

22 CHAIRMAN RYAN: I believe we have no

23 issues qualifying the witness as an expert.

24 MR. HEHL: Great.

25 CHAIRMAN RYAN: I believe Ms. Lewis is

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Gimigliano - Direct

1 A. Yes.

2 CHAIRMAN RYAN: Let's mark this A-5

3 please.

4 (Exhibit A-5, Landscaping Plan, was

5 marked for Identification.)

6 THE WITNESS: So the first change made to

7 the plan was the addition of a four-foot-high privacy

8 fence along the Tuscan Road entrance. That would be

9 a four-foot PVC privacy fence that will run from the

10 front of the building, the adjoining property, to the

11 back of the stem of the Tuscan Road access. It's

12 shown as a yellow line on the plans.

13 (Board Member Pisciotta joins the board.)

14 THE WITNESS: We also enhanced the

15 landscaping for the project. We added six Japanese

16 maple trees in the court yard area in the back of the

17 building and low-level ground plantings in between

18 the evergreen trees that are proposed to screen the

19 neighbors. The ground plantings are shrubs and

20 decorative grasses that will fill in those gaps

21 between the trees to screen the neighbors.

22 We've added along the backs of the

23 property of Lots 130, 134.01, 131.01, and along the

24 entrance off of Boyden Avenue adjacent to adjoining

25 Lot 123 -- 123.01.

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Gimigliano - Direct

1 here with the copies, so why don't we let her

2 distribute the copies.

3 MR. CANGIANO: And just for clarification

4 on that review letter, it was just revised. Only the

5 comments in bold reflect the latest revisions. So if

6 I put a bold comment that's what's changed and that

7 is in response to their submission.

8 MR. HEHL: That makes it very easy for us

9 to address.

10 CHAIRMAN RYAN: I believe we're ready.

11 MR. CANGIANO: Page 3 is the first one.

12 THE WITNESS: We submitted the revised

13 site plans to the board on April 25th. And the

14 changes to the plans were to address review letters

15 by the board engineer's office issued in March and

16 also to address some of the comments at the meeting,

17 the last time.

18 I brought a rendering exhibit with me

19 that I would like to present that reflects the

20 changes we made. As far as the Landscaping Plan

21 exhibit, it's dated at the bottom 5/8/18. I know

22 it's tough to see so I brought some handouts as well.

23 BY MR. HEHL:

24 Q. So that's a different exhibit than

25 before?

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Gimigliano - Direct

1 And then finally we have some additional

2 building-mounted lights to the back of the building.

3 Previously there was a little alcove area in the back

4 of the building, because of the particular shape of

5 the building we didn't get illumination as intended

6 so we added this additional building-mounted

7 lighting. 12-foot high LED light right in the center

8 of that alcove and we located the 25 lumens. The 25

9 point analysis is shown on our plans and it's not

10 shown on that handout, it's on the plans. And it

11 shows the areas illuminated without any spillover on

12 adjoining properties.

13 And those are basically changes to the

14 plans that are illustrated on that exhibit. The

15 other changes made to the plan has to do with

16 building height. As the board engineer's office

17 noted, the building height is measured to the highest

18 point on the roof and in this case it is a -- it is a

19 stair bulkhead on the top of the building.

20 CHAIRMAN RYAN: Do you want to give us

21 the page?

22 THE WITNESS: I'm on the cover sheet of

23 the plans. We have building-height calculations.

24 And Mr. Walker testified on the building

25 height last time and the number he gave for the

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Gimigliano - Direct

1 building height was 53.2 feet. That is measured from  
 2 after grade to the top of the stair bulkhead. We  
 3 looked at that and just adjusted those numbers to  
 4 make sure our plans were consistent with the  
 5 architect's plans and the building height for this  
 6 project is 53.2 feet. 55 feet is required so we  
 7 comply with the building-height requirements.  
 8 And those are basically the changes to  
 9 the plan. One other thing I would like to mention is  
 10 there was some discussion on the site identification  
 11 sign at Boyden Avenue so I brought another exhibit.  
 12 I have another couple handouts, couple more handouts  
 13 actually.  
 14 Q. If you can describe that? We'll mark  
 15 that as A-6.  
 16 CHAIRMAN RYAN: So you have A-6 and A-7.  
 17 (Exhibit A-6, Sign Plan, for  
 18 Identification.)  
 19 (Exhibit A-7, Sign Plan, for  
 20 Identification.)  
 21 BY MR. HEHL:  
 22 Q. For the record, if you can identify A-6  
 23 and A-7?  
 24 A. Yes. The previous sign shown on the  
 25 plans that were resubmitted showed the curb monument

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Gimigliano - Direct

1 sign on the Boyden Avenue entrance. It would face  
 2 southwest and only have lettering on the southwest  
 3 side. The board member brought up the fact that it  
 4 couldn't be read in both directions and there's other  
 5 traffic coming in other directions so we modified the  
 6 sign. And what you see on that plan is a straight  
 7 sign which is perpendicular to Boyden Avenue and now  
 8 will have lettering on both sides so it's visible  
 9 from both directions on Boyden Avenue.  
 10 The sign got a little bit smaller and a  
 11 little bit farther away from the property line so  
 12 just to go through the numbers for you, the previous  
 13 proposed sign was 9.5 feet high. This sign will also  
 14 still be 9.5 feet high. The maximum allowable height  
 15 is six feet so that requires a deviation from the  
 16 Redevelopment Plan. The previous sign was 50 square  
 17 feet in area. This was reduced down to 36 square  
 18 feet where 24 square feet is required. So it still  
 19 requires a deviation, however we're closer in  
 20 conformance with this new sign.  
 21 The previous sign was two feet from the  
 22 right-of-way. This sign will still be two feet from  
 23 the right-of-way but the different shape allows us to  
 24 move it to five feet from the side property line  
 25 which previously it was two feet. 14.25 feet is

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Gimigliano - Direct

1 required from the side property line, so it's still a  
 2 design waiver but it's an improvement over the prior  
 3 submission.  
 4 And that's about the extent of the plan  
 5 changes. So if you have any questions I would be  
 6 happy to --  
 7 MR. HEHL: Just one other item. That  
 8 letter -- and, Andrew, maybe we can go through if  
 9 there were any issues on your review? I don't have a  
 10 copy, I gave him my copy.  
 11 MR. CANGIANO: Well I had a couple  
 12 follow-up questions on that.  
 13 In my review letter that wasn't addressed  
 14 in your last submission, was the sign on Tuscan for  
 15 vans only? That still hasn't been added there to  
 16 direct the vans to Tuscan.  
 17 THE WITNESS: It's not entered in the  
 18 plans but if the board would like to see a sign at  
 19 the Tuscan Road entrance we would be happy to add  
 20 that.  
 21 MR. CANGIANO: Yes, I think that would go  
 22 and help to limit the traffic turning at that  
 23 intersection of Boyden and Tuscan and limits the  
 24 traffic coming in from Tuscan. So that sign should  
 25 be added.

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Gimigliano - Direct

1 I think there was testimony or comment in  
 2 one of the reviews there wasn't adequate area to put  
 3 a sign but I think you can put it near the sidewalk  
 4 there, I think you can find a spot.  
 5 THE WITNESS: Yes, we can and we will add  
 6 a sign.  
 7 MR. CANGIANO: Now there was comments  
 8 from the fire department about additional hydrants  
 9 on-site and various different items from the fire  
 10 department. I haven't seen if they have been  
 11 addressed yet. Is the plan --  
 12 THE WITNESS: We have not addressed any  
 13 hydrants on the site but we will certainly comply  
 14 with their request.  
 15 MR. CANGIANO: And they also asked for  
 16 turning templates for the fire truck emergency  
 17 vehicles?  
 18 THE WITNESS: We will provide them with  
 19 that.  
 20 MR. CANGIANO: I just have another  
 21 comment for the traffic engineer when the traffic  
 22 person comes up.  
 23 CHAIRMAN RYAN: We'll wait for testimony.  
 24 Any board members have questions of this witness?  
 25 Mr. Bolden.

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Gimigliano - Direct

1 MR. BOLDEN: I heard you mention that you  
 2 had some additional landscaping, shrubbery, and I can  
 3 see that on some. But when I look at what was  
 4 submitted previously along the main entrance could  
 5 you point out again where that additional -- because  
 6 I'm looking at what was provided at the last meeting,  
 7 and granted this picture is smaller than what you  
 8 submitted now, and maybe it is because I can't see  
 9 it...

10 THE WITNESS: Sure. It may be tough to  
 11 see through the graphics and the red line, the red  
 12 line represents the property line. Just behind the  
 13 evergreen trees on the southwest side of the entrance  
 14 we've added various shrubs and decorative branches in  
 15 that area.

16 MR. BOLDEN: Requires a deviation.

17 THE WITNESS: And on the other side we  
 18 already have those plantings.

19 MR. BOLDEN: All right.

20 MR. CANGIANO: And didn't you add trees  
 21 in the patio to the rear of the building on the west  
 22 side, the comment on that?

23 THE WITNESS: We added six Japanese  
 24 Maples in the rear of the building in the patio area.

25 MR. CANGIANO: Any other improvements in  
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Gimigliano - Direct

1 the patio area?

2 THE WITNESS: No, that was the -- and the  
 3 additional building-mounted lights.

4 CHAIRMAN RYAN: Other members of the  
 5 board?

6 MR. NATHENSON: I have a very small  
 7 design question on the sign. It is attached to the  
 8 -- some sort of a stone-clad structure and then  
 9 supported by a concrete pier it says here. I'm just  
 10 wondering why that concrete pier would not be stone  
 11 clad to make it consistent?

12 THE WITNESS: Repeat that last part?

13 MR. NATHENSON: The concrete pier is not  
 14 shown as being stone, clad in stone.

15 THE WITNESS: Can I see a copy of the  
 16 detail? Oh, the pier holding up the front? I mean  
 17 that can certainly be stone clad as well.

18 MR. NATHENSON: A small point but, you  
 19 know...

20 THE WITNESS: That can certainly be stone  
 21 clad as well.

22 CHAIRMAN RYAN: Other questions from  
 23 board members for this witness?

24 CHAIRMAN RYAN: Do any members of the  
 25 public want to ask this witness any questions about  
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Gimigliano - Direct

1 his testimony? If you do, feel free to come up give  
 2 your name and address and ask him.

3 MR. WILLIAMS: My name is Martin  
 4 Williams, I live at 220 Tuscan Road. The question I  
 5 have is the privacy fence that you want to put on the  
 6 back of my property, are you going to put trees as  
 7 well?

8 THE WITNESS: There are trees in that  
 9 area that will be removed in order to fit in the  
 10 sidewalk and the curbing.

11 MR. WILLIAMS: So you will put a sidewalk  
 12 along as well the back of the property?

13 THE WITNESS: The driveway will be  
 14 repaved and then the curbing on one side, and a  
 15 four-foot-wide sidewalk, and then between the  
 16 sidewalk and the property line.

17 MR. WILLIAMS: You're talking about the  
 18 driveway. I'm the house after the house with the  
 19 driveway.

20 MAYOR DeLUCA: Can you show where your  
 21 house is and show what's in back of his house?

22 MR. WILLIAMS: This is the driveway right  
 23 here.

24 THE WITNESS: This is Tuscan. This is  
 25 the privacy fence.

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Gimigliano - Direct

1 MR. WILLIAMS: This is my house right  
 2 here.

3 THE WITNESS: This will be added right  
 4 here. So it would be next to the house next to yours  
 5 and then in the back.

6 MR. WILLIAMS: In the back?

7 THE WITNESS: In the back there will be  
 8 all trees and shrubs along the property line.

9 MR. WILLIAMS: And how high is that  
 10 privacy fence?

11 THE WITNESS: There's no privacy fence  
 12 proposed along the back line, just on the side.

13 CHAIRMAN RYAN: So it's fence along the  
 14 side, and shrubs and trees along the back but no  
 15 fence along the back?

16 THE WITNESS: That's correct, yes.

17 MS. HAYNIE: And to clarify, no sidewalk?

18 THE WITNESS: The sidewalk, when he was  
 19 talking about the privacy fence I was thinking that  
 20 he was talking about the driveway entrance. So there  
 21 is no sidewalk behind his property.

22 MR. NATHENSON: Just a thought, or just a  
 23 question, what is the height of the trees along that  
 24 -- along that back property line there?

25 MR. WILLIAMS: Is it possible we can get  
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Gimigliano - Direct

1 a privacy fence back there?

2 THE WITNESS: I'm sorry?

3 MR. WILLIAMS: Is it possible to get a

4 privacy fence back there?

5 MR. HEHL: Let me just...

6 THE WITNESS: The trees there, the

7 planting height are specified at six to seven feet

8 high.

9 CHAIRMAN RYAN: We can't have multiple

10 conversations.

11 THE WITNESS: They are spruce trees.

12 They grow to be 30 to 35 feet high.

13 MR. NATHENSON: Okay. So in the ten-year

14 span or something like that?

15 THE WITNESS: Yes. It will be a complete

16 evergreen barrier across there. And we have the

17 shrubs and the ground plantings in between them now

18 to screen that area as the trees fill in.

19 MR. HEHL: And what is the width of that,

20 I believe the width of that buffer area?

21 THE WITNESS: Right now there are

22 buildings that back directly up to the property and

23 we're moving those buildings and adding the green

24 space. So it will be about 10 to 12 feet of green

25 space in that area.

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Gimigliano - Direct

1 CHAIRMAN RYAN: Ms. Scherzer, first.

2 MS. SCHERZER: Just to be clear, just to

3 follow up on what he just said, so currently there's

4 a building there but there's no fencing or anything

5 between the gentleman's property on Tuscan Road and

6 the proposed site. It's kind of what you see.

7 THE WITNESS: Right now there is a

8 building that butts up to the corner of his property

9 and then pavement right up to the back. I don't

10 think that there's any fencing. I don't see any

11 fencing on the survey or recall fencing from when I

12 was out there, but that pavement and the building

13 will be removed and then that will be green space and

14 landscaping added.

15 MS. SCHERZER: Currently the structure

16 now, can people kind of walk through -- if there's a

17 tree there you can walk between trees, but if

18 there's -- can people walk across like behind his

19 property into this particular property or is the

20 building serving as almost like a fence?

21 THE WITNESS: Most of the property, my

22 recollection is most of the property was fenced in

23 and accessible.

24 When I visited I had to wait for somebody

25 to come to unlock the gate so I couldn't get in

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Gimigliano - Direct

1 without getting through the fence. So I don't know

2 for certain about the back of his property but I'm

3 pretty sure that most of the property is not

4 accessible.

5 MS. SCHERZER: Okay. So the proposed

6 property will be a little more open, then?

7 THE WITNESS: It will be more open. The

8 property -- there will be less pavement, less

9 building. Everything will be pulled away from the

10 property line and it will be landscaped and improved

11 in that way.

12 MS. SCHERZER: How much of a hardship

13 would it be to add a privacy fence to the back?

14 Because just in terms of securing of one's property,

15 be mindful of the person that lives on Tuscan, having

16 that barrier prevents people from coming in and out

17 of his property.

18 THE WITNESS: Privacy fence certainly

19 could be added in that area.

20 MR. HEHL: They're okay with that.

21 CHAIRMAN RYAN: The applicant says yes

22 so...

23 MAYOR DeLUCA: Just some clarity. Part

24 of the problem not just the privacy but in both the

25 houses, where this gentleman lives, we have head-in

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Gimigliano - Direct

1 parking. So the headlights of cars are going to be

2 going to the back, and then of course in a couple of

3 the lots down on Boyden also. So I think we ought to

4 have a privacy fence that goes along where that

5 head-in parking is.

6 THE WITNESS: That's fine, we'll

7 certainly add that.

8 MR. HEHL: Let's just clarify where

9 that --

10 THE WITNESS: So this will be behind Lots

11 130, 130.01 where that gentleman lives, and 131.1 on

12 the northeast side of the parking lot. And then

13 behind Lots 125 and 125.01 the southeast side of the

14 development.

15 CHAIRMAN RYAN: Mr. Bolden?

16 MR. BOLDEN: How high can you recommend

17 or suggest a height that the fence then would be?

18 Are we talking 4 feet, five, six?

19 THE WITNESS: A four-foot fence with all

20 the landscaping that is proposed there would

21 certainly screen the property very well. Certainly a

22 four-foot fence would block any headlights and

23 accommodate and would make it seem like a very

24 closed-off area.

25 MR. BOLDEN: If I may ask a follow up,

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Gimigliano - Direct

1 excuse me, you said there were going to be some  
 2 evergreens there and over ten years they go to X feet  
 3 in height. Now from the base of that evergreen tree  
 4 and to the top of where it actually has branches, how  
 5 much is that distance? I don't know if you know  
 6 offhand.

7 THE WITNESS: It depends how it's pruned  
 8 and maintained. But in that area there are -- there  
 9 is an area down below at the bottom of the tree that  
 10 they're -- that doesn't have branches, that area  
 11 fills in with the shrubs though and other  
 12 landscaping. So it will be filled in with  
 13 landscaping itself, and then with the privacy fence  
 14 it will certainly screen any area without branches at  
 15 the bottom of the tree. A four-foot privacy fence  
 16 would certainly screen that area.

17 MR. NATHENSON: Just one more question  
 18 just to clarify an item on that exhibit which we have  
 19 here. At the back of the residences that face on  
 20 Boyden, the back of those properties there's a  
 21 white-dashed line which curves up. I just wonder  
 22 what that is?

23 THE WITNESS: This is on the  
 24 northwesterly side?

25 MR. NATHENSON: No, no, no. Look at the  
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Gimigliano - Direct

1 houses that face onto Boyden.

2 THE WITNESS: Right down here?

3 MR. NATHENSON: What is that white?

4 THE WITNESS: This is a small retaining  
 5 wall because the ground slopes slightly off in that  
 6 direction and that is a wall maybe a foot or two high  
 7 to keep the parking lot level.

8 MR. NATHENSON: Thanks.

9 CHAIRMAN RYAN: That does raise a  
 10 question because I'm looking at the topo and up the  
 11 hill the elevation is 20 feet, a little bit further  
 12 down behind this gentleman's property is 22 feet. So  
 13 folks' property slopes down two feet per lot, right.  
 14 So I mean when we're talking about a four-foot fence  
 15 what does it mean really when we mean a four-foot  
 16 fence? Something that is four feet at the top of  
 17 that little hill is completely different from the  
 18 bottom.

19 THE WITNESS: And it is, in this area  
 20 this is the higher end of the property so it's not as  
 21 if it's a four-foot fence at the bottom that you're  
 22 standing up on top and looking over.

23 CHAIRMAN RYAN: Well, that's the point.  
 24 The four-foot fence on the top does it have to be  
 25 six-foot fence at the bottom to provide the same  
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Gimigliano - Direct

1 level?

2 THE WITNESS: It would just be set at one  
 3 elevation right along the property line so that  
 4 there's not much of a change in elevation on either  
 5 side of the property line. So when you walk up to  
 6 the fence from either side it would seem to be  
 7 four-foot high.

8 CHAIRMAN RYAN: I'll think about this a  
 9 little bit, I'm trying to envision it.

10 Other members of the board have questions  
 11 or other members of the public have questions?

12 UNIDENTIFIED SPEAKER: I just have a  
 13 quick question.

14 CHAIRMAN RYAN: Come forward. If you  
 15 would come forward to the microphone, give your name  
 16 and address.

17 MS. RAMOS: My name is Flora Ramos, 56b  
 18 Newark Way. I just have a quick question. You said  
 19 a four-foot fence would go. Four foot is like this  
 20 height. And then you're talking about trees over a  
 21 ten-year period that will grow. So what happens from  
 22 now until ten years, they have to be exposed?

23 THE WITNESS: Well the trees when they  
 24 plant it will be about six or seven feet high and  
 25 then in between the trees will be shrubs that fill in  
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1 those areas and a four-foot fence would also be added  
 2 to further screen that area. So a four-foot fence  
 3 then would be...

4 MS. RAMOS: Can it be a six-foot fence?  
 5 I mean if you have a high vehicle, you know, and they  
 6 have headlights that will be beyond the four feet.

7 THE WITNESS: The vehicle headlights will  
 8 not be above four feet in height.

9 MS. RAMOS: They can be. A pickup truck  
 10 can be above four feet, the lights.

11 THE WITNESS: I mean I'm sure that there  
 12 are some vehicles --

13 MS. RAMOS: Can it be a high fence?

14 THE WITNESS: Could be. Typical  
 15 vehicles, most vehicles do not have headlights at  
 16 four feet.

17 MS. RAMOS: Can it be a high fence? I  
 18 think that it should be at least between five and six  
 19 feet.

20 CHAIRMAN RYAN: I think you and your  
 21 client have heard testimony about fencing and people  
 22 seeming to prefer six feet rather than four feet  
 23 so...

24 MS. RAMOS: That is my question.

25 MR. CANGIANO: And to the Chairman's  
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Gimigliano - Direct

1 point looking at the grades, the parking lot is 2 to  
 2 3 feet higher than the proposed or the existing  
 3 property line. So to the Chairman's point, you put a  
 4 four-foot high fence, it's essentially a  
 5 one-foot-high fence depending where you put it. But  
 6 particularly along -- adjacent to the Lot 126 you're  
 7 at 217 for the parking lot and the -- it's around 214  
 8 for the property. So I think a six-foot fence is  
 9 appropriate.

10 MR. HEHL: The applicant is nodding yes.

11 CHAIRMAN RYAN: Great. Okay, the  
 12 applicant is nodding yes.

13 Are there other questions from the Board  
 14 or other questions from the public for this witness  
 15 about their testimony? His testimony, I'm sorry.  
 16 Great, thank you.

17 Mr. Hehl?

18 MR. HEHL: Yes. I would like to call  
 19 upon our traffic engineer, Elizabeth Dolan.

20 This is Elizabeth Dolan, professional  
 21 engineer, focussing her expertise in traffic  
 22 engineering.

23

24 E L I Z A B E T H D O L A N, is sworn.

25

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Dolan - Direct

1 study and you read -- you weren't at the last  
 2 hearing, you read the transcript of the operational  
 3 testimony and you're obviously well familiar with  
 4 assisted-living facilities and adult daycare. Can  
 5 you give the board an overview of your findings?

6 A. Certainly. We had prepared and have  
 7 submitted a March 22nd, 2018, traffic impact  
 8 assessment. The traffic study focuses on the  
 9 accommodation of existing and projected traffic  
 10 volumes, existing traffic volumes that are on the  
 11 roadway system in proximity to this site and then  
 12 projection of anticipated driveway volumes.

13 So as has been introduced, and the site  
 14 location is known as being generally at the Boyden  
 15 Avenue and Tuscan Road intersection, we performed a  
 16 series of traffic counts back in March when we  
 17 initiated this traffic study. And because of the  
 18 proximity of the set ordinance just to the north on  
 19 from the north of the Tuscan Road intersection we  
 20 wanted to make sure that we captured all of the busy  
 21 activity in the area.

22 So the counts were performed from  
 23 6:45 a.m. to 9:00 a.m. and again from 2:45 in the  
 24 afternoon until 6 o'clock. So we captured the  
 25 dismissal of school activity and plus the peak

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Dolan - Direct

1 EXAMINATION BY MR. HEHL:

2 Q. Mrs. Dolan, could you please give the  
 3 board the benefit of your work and your education,  
 4 areas of expertise, licenses you hold that are in  
 5 full force and effect, and whether you have testified  
 6 before other boards and been accepted as an expert.

7 A. Yes. I have a Bachelor of Science degree  
 8 in civil engineering. I'm a licensed professional  
 9 engineer registered in the State of New Jersey, New  
 10 York, Pennsylvania and Delaware. My license has been  
 11 renewed with Continuing Education credits and has  
 12 been in good standing. For 30-plus years I have been  
 13 focused on traffic and transportation engineering.  
 14 I've prepared traffic studies, parking studies,  
 15 N.J.D.O.T. applications for numerous applicants  
 16 throughout New Jersey.

17 I have appeared in over 250  
 18 municipalities and been accepted as an expert in  
 19 traffic engineering including here in Maplewood  
 20 several years ago.

21 CHAIRMAN RYAN: Okay, I think she's  
 22 qualified.

23 MR. HEHL: Thank you very much.

24 BY MR. HEHL:

25 Q. Ms. Dolan, your firm prepared a traffic

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1 community activity. And, just to focus, all those  
 2 counts were performed Wednesday, March 14th of this  
 3 year. And we performed the counts not only at the  
 4 Tuscan intersection but also Brown, which is the  
 5 intersection just to the south, and then Harding  
 6 which is slightly offset from the access point that  
 7 is proposed on Boyden Avenue.

8 We isolated the peak hours as occurring  
 9 between 8 and 9:00 a.m. and 4:15 to 5:15. Traffic  
 10 engineers isolate the busiest traffic hour to analyze  
 11 because we combine the busy street volume with the  
 12 proposed driveway volumes and when we look at those  
 13 worst-case busiest combination of traffic hours we  
 14 know that that will be the busiest concentration of  
 15 traffic. All other hours will operate similarly or  
 16 better than during those busiest hours.

17 There is no question that this school  
 18 generated significant traffic volumes queuing in the  
 19 morning with a lot of drop-off. And afternoon  
 20 pick-up drove on. And that queue can't be  
 21 accommodated so police presence at the intersection  
 22 and that's a common situation.

23 CHAIRMAN RYAN: I'm sorry, you said there  
 24 is police presence at the intersection. Can you  
 25 clarify for the record which intersection?

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1 THE WITNESS: Tuscan and Boyden.  
 2 CHAIRMAN RYAN: Thank you.  
 3 THE WITNESS: And other than that very  
 4 heavy school activity we see the traffic moving  
 5 generally without restriction or delay. But there's  
 6 no question the school is certainly a significant  
 7 traffic generator but it's being managed with the  
 8 police presence and that's, again, a typical school  
 9 situation.  
 10 So we have these two peak hours. We  
 11 determined the traffic that exists out on Tuscan  
 12 Road, which is between 200 and 300 vehicles, that  
 13 would be a two-directional flow on Tuscan during  
 14 those two peak hours and higher on Boyden corridor  
 15 with 700 in morning peak hour and 800 in that evening  
 16 peak hour.  
 17 MAYOR DeLUCA: Bi-directional?  
 18 MR. BOLDEN: Bi-directional.  
 19 THE WITNESS: That's a combination of the  
 20 two-way.  
 21 MR. BOLDEN: I said bi-directional.  
 22 THE WITNESS: Yes. So once we have the  
 23 existing traffic volumes established through the  
 24 system we need to project how much traffic will be  
 25 entering and exiting the driveway proposed on Tuscan,  
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1 that one-way driveway proposed as 16 feet, and then  
 2 the full-movement driveway on Boyden Avenue.  
 3 To do this we looked at the numbers  
 4 published by the Institute of Transportation  
 5 Engineers in their Trip Generation Manual. And this  
 6 is the go-to book for traffic engineers because it  
 7 provides the trip rates for virtually any type of  
 8 land use based on actual counts at these type of land  
 9 uses. And so there is an assisted-living facility  
 10 category in the Trip Generation Manual. That's based  
 11 on counts performed during peak periods during  
 12 similar facilities and it is a low generator.  
 13 I think you heard a lot of testimony  
 14 about that at the last meeting and that is because  
 15 the residents don't drive, and we also have a daycare  
 16 component here and they don't drive.  
 17 So for the assisted-living component with  
 18 having employees' arrival and departure it's 35 trips  
 19 during the morning peak hour and about closer to 50  
 20 trips during the evening peak hour. I think the  
 21 testimony at the last meeting was that there might be  
 22 three to four vans entering and existing in the  
 23 morning and afternoon we went a little bit higher and  
 24 used eight entering and exiting during both the  
 25 morning and afternoon peak hours. So our projections  
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1 are 30 entering and 21 exiting during the typical  
 2 morning peak hour and then 26 entering and 37 exiting  
 3 during the evening peak-hour. So those are the  
 4 projected estimated volumes associated with the  
 5 specific operation.  
 6 Those volumes are routed to the different  
 7 driveways that are proposed on the two existing  
 8 streets based on review of traffic flow in the area.  
 9 And in the back of our report probably the most  
 10 interesting figure, if you can call them interesting  
 11 figures, would be Figures 9 and 10. These represent  
 12 the future combination of existing traffic volumes  
 13 that were counted. We added growth factor to account  
 14 for fluctuation in traffic and estimated traffic  
 15 associated with the daycare and assisted-living  
 16 facility.  
 17 What traffic engineers do is evaluate the  
 18 combination of street and site traffic. Particularly  
 19 on the adjacent intersections that were counted and  
 20 at the site driveways. We want to make sure that the  
 21 addition of site traffic isn't going to change the  
 22 operational characteristics of the area.  
 23 And that is measured by Levels of Service  
 24 A through F. Levels of Service A and B you're at the  
 25 top of the scale, that means little or no delay. E  
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1 and F at the bottom of the scale, you're waiting  
 2 uncomfortably long on average and that would be  
 3 either a need for improvement or for an unsignalized  
 4 location you might need a traffic signal.  
 5 None of the Levels of Service change at  
 6 the site intersection with the addition of the  
 7 traffic from this development and most importantly  
 8 the analysis of the driveways indicates acceptable  
 9 Levels of Service A, B and C during these busy peak  
 10 hours. So that being said the driveways will be able  
 11 to allow movements into and out of the site and into  
 12 and out of the adjacent street system. And if you  
 13 look at the rendered plan which is A-5, the other  
 14 thing to note is that the driveways are very long and  
 15 that means there's available queuing area  
 16 particularly as they're exiting to Boyden.  
 17 We really wouldn't expect there to be any  
 18 delay on the inbound movement, that's a free-flowing  
 19 movement certainly plenty of length in that driveway  
 20 to get the vehicles in and not in any way obstruct  
 21 traffic flow on Tuscan and again plenty of stacking  
 22 length along the driveway to Boyden in the event that  
 23 there is a little of that school traffic or other  
 24 traffic in the area. Those vehicles will be allowed  
 25 to stay onsite and not conflict with the queue-moving  
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1 traffic on the roadway system.

2 The conclusion from the reviewing

3 engineer was that there will be minimal impact from

4 site traffic on adjacent roadway system. From a

5 traffic engineering perspective adult daycare and

6 assisted living are quiet uses, they don't generate

7 much traffic, so our analysis confirms that

8 conclusion and certainly the numbers on the analyses

9 are contained in the report.

10 I think the other witnesses talked a bit

11 about the parking supply. And as I said the

12 residents and the people coming for daycare they're

13 not going to be driving. We're only six spaces shy

14 of the requirement for the ordinance but I think it's

15 very comfortable when you consider that the peak

16 shift or high parking demand is not going to be

17 coincident with the peak visitor demand. And if you

18 take it through the site plan that certainly does

19 allow for appropriate circulation, the parking space

20 appropriately sized. There was question about how

21 the driveway on Tuscan would be used primarily for

22 vans but from our perspective we thought that it

23 might be better for anyone coming in that direction

24 to be able to avoid Tuscan and avoid the

25 intersection.

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1 departure of the peak shift.

2 MR. NATHENSON: What is the peak parking

3 need from the staff?

4 THE WITNESS: I believe we talked about

5 peak of 34 employees at once for the assisted living

6 and 15 to 18 for the daycare, but not all of them

7 would be on-site at one time for the daycare and not

8 all of the employees drive themselves. Some are

9 dropped off by spouses or friends, some of them can

10 take the bus, if they're close enough they can walk.

11 But I believe that was the testimony from operations

12 that not everyone is driving themselves and that's

13 what we experience from other similar...

14 MR. NATHENSON: So what would you think

15 the peak parking needs of staff in your estimation?

16 THE WITNESS: I would say it's 30 to 35

17 ranging, conservatively.

18 MR. NATHENSON: Leaving approximately 45

19 for others?

20 THE WITNESS: Right because there are 45

21 in the structured parking, the basement-level parking

22 and other 45 surface.

23 MR. NATHENSON: The visitors would park

24 in the surface lot?

25 THE WITNESS: That's right.

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1 So that's the -- this is a decision for

2 the board to make but certainly keeping any extra

3 traffic out of that intersection during peak hours

4 that could be readily accommodated on the one-way

5 ingress driveway proposed off of Tuscan.

6 MR. HEHL: Thank you, Ms. Dolan.

7 CHAIRMAN RYAN: Mr. Nathenson.

8 MR. NATHENSON: Can you just give us a

9 little more detail about the intersection of the

10 staff parking need with the peak visitor parking

11 need?

12 You said that they were not -- that they

13 did not coincide but I would like a little more

14 detail about what you found, what your -- you know,

15 what your opinions are about that.

16 THE WITNESS: I think that the majority

17 or the main staffing present is weekdays. During the

18 course of the general day there's 24-hour staffing

19 and there's shifts. And typically the weekends are

20 when there's a little bit higher visitors. So maybe

21 like midday there would be higher concentration of

22 employee staff plus visitors but for the most part

23 visitors are after hours. So I would say -- and when

24 my mom was in a similar place it was usually after

25 work type of thing, so that would coincide with the

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1 MR. NATHENSON: And the employees would

2 park in the...

3 THE WITNESS: In the covered parking.

4 CHAIRMAN RYAN: Ms. Scherzer?

5 MS. SCHERZER: As part of your traffic

6 study did you examine the pedestrian traffic in the

7 area, particularly during school hours?

8 THE WITNESS: We observed it. I didn't

9 do any specific summary, counts or anything like

10 that. There was sidewalk. And if there were more

11 pedestrians there would be less traffic because there

12 were more pedestrians walking to school as opposed to

13 walking off -- that would help reduce but we didn't

14 do anything special with pedestrian activities.

15 MS. SCHERZER: The police officer it was

16 noted a few times at the Seth Boyden School. Did

17 your team speak with the officer? Is it an officer

18 that is there all the time?

19 The reason I'm asking, at other schools

20 sometimes there's a police officer there and

21 sometimes it's just a regular crossing guard, which

22 is different in terms of how --

23 THE WITNESS: Traffic control.

24 MS. SCHERZER: Yes, how people respect a

25 person.

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1 THE WITNESS: We did not because we were  
 2 there at peak and while we were watching and counting  
 3 that was happening and so there was no communication  
 4 and no disturbance on either side so I don't know the  
 5 routine.

6 I would imagine based on the observations  
 7 you made that it was likely a police officer but I  
 8 can't confirm that.

9 MS. SCHERZER: My last question may be  
 10 more of an operations question.

11 You mentioned that the buses, after the  
 12 buses -- after they drop the seniors off at daycare,  
 13 can wait and queue before they leave. Do you know if  
 14 they're going to another facility, basically doing  
 15 another run to help another facility? That may be an  
 16 operations question.

17 THE WITNESS: Based on my understanding  
 18 and from the testimony provided for this application  
 19 that they're making two runs at various locations,  
 20 but I believe they would be more at this facility. I  
 21 know we talked about how do they park off-site. Any  
 22 further information would have to be from operations.

23 CHAIRMAN RYAN: Mr. Bolden?

24 MR. BOLDEN: You indicated that you  
 25 observed the -- observed pedestrian activity. I

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1 understand that you didn't do an analysis of any  
 2 pedestrian but are you able or based upon those  
 3 observations are you able to characterize it in any  
 4 way; heavy, light, sporadic?

5 THE WITNESS: I would have to go back to  
 6 the data. And I don't know that there -- I wasn't  
 7 asked about the intensity of the activity of  
 8 pedestrians other than a much more urban setting.  
 9 But I would say that based on the overall  
 10 observations certainly crosswalks and sidewalks and  
 11 that's what we want, that's what we're going to  
 12 provide. So I don't have, like I said, any further  
 13 opinion or information on pedestrians.

14 CHAIRMAN RYAN: Ms. Dolan, excuse me, so  
 15 your report and your testimony talks about the Level  
 16 of Service at the driveways is Level of Service C or  
 17 better.

18 THE WITNESS: Yes.

19 CHAIRMAN RYAN: What is the Level of  
 20 Service at the intersections on Boyden? I know you  
 21 said that they were changed, but I'm curious.

22 THE WITNESS: Well it's a little  
 23 difficult but in an unconstrained situation without  
 24 that school surge they're operating at a C. A, B and  
 25 C also. And if you look at the turning movement

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1 volumes coming off of Tuscan and Harding, they're  
 2 very low. So I know the area is perceived as busy  
 3 but when you have 300 cars on Tuscan and 7, 800 on  
 4 Boyden it's really not that heavy.

5 I think that most interesting  
 6 characteristic of this particular area is the school  
 7 and influence that has on thru-traffic because that  
 8 really adds delay. But if it weren't for that  
 9 pick-up/drop-off activity we would be having smooth  
 10 operations into and out of the various intersections  
 11 here.

12 CHAIRMAN RYAN: Other questions from  
 13 board members?

14 Do any members of the public have any  
 15 questions that they would like to ask this witness  
 16 about her testimony?

17 If you would come forward, ma'am, and  
 18 give your name and address?

19 MS. VALENTINE: Yes, Kay Valentine. And  
 20 my question is employees normally work in  
 21 assisted-living facilities usually work from 7 to 3.  
 22 So wouldn't that be releasing the work people plus  
 23 the school people at the same time? That area is  
 24 very congested and very busy.

25 THE WITNESS: And I think the testimony

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1 from operations at the last hearing was that because  
 2 of that school and being a physical existing  
 3 generator that they may move the shifts around a  
 4 little bit so that there's less activity entering and  
 5 exiting this site when peak activity is experienced  
 6 at the school.

7 MS. VALENTINE: And also my concern is  
 8 there is a lot of children who do work in the area  
 9 from school. I have seen a lot of accidents happen  
 10 within that area, just minor casualties, so -- and  
 11 normally there is not a police, it's normally a  
 12 crossing guard that is there on that corner to direct  
 13 traffic.

14 So my concern is would that crossing  
 15 guard be able to direct business traffic and school  
 16 traffic at the same time?

17 THE WITNESS: Well the traffic that would  
 18 be entering and exiting this site would be doing so  
 19 in advance of the school area and the Tuscan Avenue  
 20 intersection so that traffic would enter and exit and  
 21 actually be part of the Boyden Avenue flow. So I  
 22 would think that that nominal increase in traffic  
 23 associated with this traffic being active  
 24 would -- would not be a perceived difference for the  
 25 officer controlling that intersection.

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1 MS. VALENTINE: Thank you.

2 CHAIRMAN RYAN: Other members of the

3 public?

4 MS. PISCIOTTA: You said that the rating

5 for traffic during the non-peak school hours is a C;

6 is that correct?

7 THE WITNESS: C or better.

8 MS. PISCIOTTA: C or better, great.

9 During the afternoon, the peak afternoon when school

10 let's out which would, I believe, coincide with the

11 departure of some of the daycare vans, can you give

12 us an idea of what the rating is of the traffic

13 pattern at that time?

14 THE WITNESS: Well again with any surges

15 in pick up and drop off, it's really impacting the

16 ability to get through on Boyden, so it brings you

17 down into different -- I can't really analyze it but

18 you can classify it as constrained, you can talk

19 about it as a short-term E or F type of situation

20 because certainly people have to wait because that

21 queue is building up during pick up or drop off,

22 there's congestion.

23 MS. PISCIOTTA: Okay. So those vans

24 would be in the vicinity, recognizing that we're only

25 talking about eight vans or less --

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1 THE WITNESS: No, three or four was the

2 testimony, right?

3 MS. PISCIOTTA: Right. But you had used

4 eight.

5 THE WITNESS: We used eight entering and

6 exiting. So that's twice what is expected. And

7 again I believe the testimony was that the applicant

8 can work around the dismissal period so that they

9 didn't have the surge of departure activity

10 simultaneous with the school activity.

11 MS. PISCIOTTA: Thank you.

12 THE WITNESS: You're welcome.

13 CHAIRMAN RYAN: Mr. DeLuca?

14 MAYOR DeLUCA: I just want to ask the

15 attorney, if we put a condition in here that the

16 operators of both the adult daycare and the assisted

17 living would have to work with the town to modify any

18 traffic or shifts to compensate for anything that

19 might come up with the interference with the school,

20 would that be something your client would be willing

21 to take?

22 MR. HEHL: I will have to turn around and

23 look and see if I have a nod, but it certainly seems

24 interesting. Yes, as long as it doesn't totally

25 impact the operations I don't see why that couldn't

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1 be accomplished.

2 MAYOR DeLUCA: The testimony last time

3 was that they would be willing to take a look at that

4 and make some adjustments.

5 MR. HEHL: Yes. And it would make sense

6 from their standpoint also.

7 MAYOR DeLUCA: They said they don't want

8 their buses to be stuck in traffic.

9 MR. HEHL: Correct. So it would make

10 sense from an operational standpoint and from

11 Maplewood's standpoint.

12 CHAIRMAN RYAN: Mr. Nathenson?

13 MR. NATHENSON: At the last meeting there

14 was some testimony about where the vans would park

15 when not in use. It's basically a peak load. I mean

16 it's the beginning of the day/end of the day kind of

17 use of the van, so they need to park somewhere. And

18 there was testimony to the effect that they would

19 park off-site, that they would not be utilizing the

20 parking on-site. And I'm wondering has there been

21 any clarification about what the parking arrangements

22 for the van would be?

23 THE WITNESS: I don't know.

24 MR. HEHL: I don't think that's been

25 arranged yet but that's down the road, I guess

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1 depending upon availability. I can look into that

2 but as of right now I don't think that's not been

3 established.

4 CHAIRMAN RYAN: Well you had one witness

5 in answer to my question said that they

6 wouldn't -- you have absolutely no expectation that

7 they will be parking on the street.

8 MR. HEHL: Correct.

9 MR. NATHENSON: Not on the street and not

10 on the site.

11 CHAIRMAN RYAN: Right.

12 MR. NATHENSON: Correct.

13 MR. BOLDEN: Just a clarification because

14 my memory is not always that good. These vans which

15 are affiliated with the daycare, are those vans the

16 daycare vans or something that is contracted out?

17 MR. HEHL: I do proffer, based upon our

18 architect, that they are owned by the daycare.

19 MR. BOLDEN: They're owned by the

20 daycare. So if they're not going to be parked on

21 site that means they would need to lease or acquire a

22 site where they're going to be parked?

23 MR. HEHL: Correct.

24 CHAIRMAN RYAN: I actually just wanted to

25 clarify something because there was some testimony at

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1 our last meeting about a desire to make the driveway  
 2 on Tuscan an entrance only and perhaps to even put a  
 3 sign to say vans only. But then you testified that  
 4 perhaps if we wanted to we didn't necessarily have to  
 5 put that restriction on and we could perhaps even  
 6 encourage employees to...

7 THE WITNESS: To the first part of your  
 8 question, it most definitely will be only a one-way  
 9 driveway, in only. The review by GPI, March 29th,  
 10 2018, commented a bit on this. We routed traffic  
 11 based on the overall distribution pattern and didn't  
 12 necessarily segregate the van versus the employee  
 13 activity.

14 It's a handful of trips that we're  
 15 looking at over an hour period, so from a traffic  
 16 impact perspective it's not a lot of vehicles so if  
 17 it were a few staff cars plus the van there's  
 18 certainly not a capacity problem, the driveway  
 19 functions fine.

20 I think the safer question was during  
 21 peak activity if a staff person or a visitor was  
 22 coming along Tuscan and the school activity or busy  
 23 peak-hour activity was occurring why not let them  
 24 come in as opposed to having them go through all that  
 25 activity. So from that traffic management

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1 perspective I think that's where we are. It is  
 2 certainly not a capacity or a problem with the  
 3 driveway design or orientation.

4 CHAIRMAN RYAN: Having a sign that said  
 5 Employee Entrance Only instead of Van Entrance Only.

6 MR. BOLDEN: But how many -- we're not  
 7 talking about a significant increase in the amount of  
 8 employee parking that would be -- that you're  
 9 diverting from that intersection. I mean that would  
 10 have a minimal effect on the level of service.

11 THE WITNESS: I think you can argue it  
 12 either way. The amount of traffic that would come  
 13 into that driveway is not a significant amount of  
 14 traffic, so letting it all go in there I don't see  
 15 that as a functional problem. The on-site  
 16 circulation is comfortable. There's ample access and  
 17 circulation to the employee parking area.

18 So then the argument the other way, well  
 19 if there's only a few people then it's okay to let  
 20 them go through all the congestion at Tuscan and  
 21 Boyden.

22 I think why push more traffic through  
 23 that congested location if you don't need to.

24 MR. CANGIANO: Well our concern was that  
 25 that's a very small, narrow driveway with houses real

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1 close to them, we didn't want to encourage any more  
 2 cars going into the driveway on Tuscan. And from  
 3 your report it appears there are very few cars coming  
 4 down Tuscan to the site anyway. A vast majority are  
 5 either traveling south on Boyden or north on Boyden,  
 6 which would be a straight shot to the driveway. I  
 7 understand your point but we're concerned about that  
 8 small driveway on Tuscan and limiting the amount of  
 9 cars going in there. That's our only concern.

10 CHAIRMAN RYAN: That's fine.

11 MR. CANGIANO: For the board's  
 12 consideration.

13 CHAIRMAN RYAN: Other comments from the  
 14 board or any other questions from the public about  
 15 this testimony?

16 Ma'am, if you would come forward?

17 MS. RAMOS: Just quickly I wanted to ask.

18 CHAIRMAN RYAN: You have to state your  
 19 name.

20 MS. RAMOS: Flora Ramos. When you talk  
 21 about your use you're talking about the traffic, car  
 22 traffic, the vehicle traffic. But the pedestrian  
 23 traffic, is there any way that analysis can be done  
 24 for pedestrian traffic? Because you're talking about  
 25 -- I'm not sure of the client of the assisted living

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1 or the adult daycare, but you may have a lot of  
 2 family members now that are visiting by foot.

3 My concern would be the kids and all  
 4 these people coming into the area by foot. I think  
 5 that should be a concern, maybe we can do a  
 6 pedestrian analysis.

7 THE WITNESS: I think it's less of an  
 8 analytical issue and it's more of a site plan issue.  
 9 And there was testimony at the last meeting and again  
 10 tonight that along that 16-foot-wide ingress driveway  
 11 from Tuscan there would also be a sidewalk. And if  
 12 you look at the Plan A-5 behind you there's also a  
 13 sidewalk into the site from the Boyden corridor so  
 14 the pedestrian connection to the existing sidewalk  
 15 system are being provided. I wouldn't expect there  
 16 to be a significant amount of pedestrian trips  
 17 generated. If there were more pedestrian trips that  
 18 would reduce the vehicular trips. Either way it's  
 19 not a significant increase and that does have a  
 20 definition in traffic, it's 100 or more.

21 So I don't think that's there's an  
 22 analysis needed. I think the site plan and planning  
 23 to accommodate those pedestrians is the more  
 24 important aspect of consideration for that coming in,  
 25 pedestrian activity.

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1 MS. RAMOS: My question is more the  
 2 pedestrians that come in to visit the people that are  
 3 in the assisted living and just coming in from  
 4 different areas into this area. And you don't know  
 5 -- again, I mean, you don't know who's driving in but  
 6 just walking in and the kids are there, to me that's  
 7 a concern.

8 I'm just trying to figure out if there's  
 9 any way to, you know, do some type of study just to  
 10 see the pedestrian traffic that is going there now,  
 11 and you're right, it wouldn't be an analysis because  
 12 you don't know who's going to be coming in and you  
 13 can't sit there and determine that, but that had been  
 14 a concern that there's going to be a lot of  
 15 pedestrian traffic coming in from the buses coming on  
 16 Springfield Avenue into the area.

17 CHAIRMAN RYAN: So I think I understand  
 18 your question. It seems to me there's existing  
 19 pedestrian traffic around school time that is  
 20 unchanged, there's existing pedestrian traffic that  
 21 isn't going to change. There may be additional  
 22 pedestrian traffic if people want to walk and be  
 23 visitors, but I think we heard testimony that they  
 24 didn't expect that the people that were coming to  
 25 visit would be coming during commuting hours, right,

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1 so that either -- whether it's extra people driving  
 2 in or extra people walking in, they're not doing that  
 3 at the same time that the kids are going to and from  
 4 school. That's the way I understood the testimony  
 5 from last time and this time.

6 Ms. Pisciotta?

7 MS. PISCIOTTA: Would the addition of a  
 8 crosswalk near -- on Boyden near the entrance have  
 9 a -- would that further impede traffic in the area  
 10 significantly or would that facilitate -- would that  
 11 allow for better pedestrian foot traffic and at the  
 12 same time not negatively impact car traffic and  
 13 create a balance that might work to the benefit of  
 14 both?

15 THE WITNESS: You're talking about  
 16 crossing at Boyden? I don't think we want to  
 17 encourage another crossing. We have a crossing at  
 18 Tuscan and now starting to come into the curve in the  
 19 roadway, I don't think that's an appropriate place to  
 20 introduce a crossing.

21 MS. PISCIOTTA: There is a crosswalk at  
 22 Tuscan crossing Boyden?

23 THE WITNESS: Yes.

24 MS. PISCIOTTA: Oh. I didn't see it on  
 25 here. I didn't think there was one. And is there

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1 also one further down behind the school?

2 CHAIRMAN RYAN: No. They don't want them  
 3 crossing. They don't want mid-walk crossing, they  
 4 want you at the intersection.

5 THE WITNESS: There is a crosswalk across  
 6 Tuscan and then across Boyden at the Tuscan  
 7 intersection at --

8 MS. PISCIOTTA: The one crossing Boyden  
 9 at Tuscan is not under -- it's under the tree so it's  
 10 not visible?

11 THE WITNESS: Right.

12 MS. PISCIOTTA: So that existing  
 13 crosswalk would accomplish what I'm suggesting?

14 THE WITNESS: That would take care of it  
 15 and that's where it wants to be.

16 MR. LARRIER: What about hours of the  
 17 adult daycare?

18 THE WITNESS: I believe the testimony was  
 19 that they would be coming in staggered between 9 and  
 20 10:30 a.m. and 2:30 and 4 p.m. That would be the  
 21 daycare.

22 MS. RAMOS: Are there specific visiting  
 23 hours or is it just any time you want to come and  
 24 visit you visit?

25 CHAIRMAN RYAN: Was there -- is

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1 there -- did you have any testimony about specific  
 2 visiting hours?

3 MR. HEHL: I don't think so. I think  
 4 that -- well, having had my mother-in-law in one for  
 5 15 years, I know later at night they shut it down.  
 6 You can get in if it's any type of emergency and  
 7 depending upon people's work schedule.

8 CHAIRMAN RYAN: So would you say it's not  
 9 as though -- it's not like you're going to the  
 10 hospital with visiting hours?

11 MR. HEHL: No.

12 CHAIRMAN RYAN: So there's no specific  
 13 visiting hours.

14 MS. RAMOS: That's my concern, anybody  
 15 can come at any time. Kids are going to be coming in  
 16 and out of school. That's more or less my concern.

17 You can visualize kind of what I'm trying  
 18 to say or think, but my concern would be visitors  
 19 coming out of town, strangers essentially coming from  
 20 other towns. There's a school there, they'll be  
 21 walking done Boyden from Springfield. There's a  
 22 concern.

23 That is my concern.

24 MR. HEHL: I understand. But  
 25 unfortunately there isn't as much visiting as one

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1 would imagine, unfortunately.

2 CHAIRMAN RYAN: Mr. Nathenson?

3 MR. NATHENSON: Yeah, I think that the

4 number of pedestrians to some extent would be a

5 function of the proximity to mass transit

6 specifically bus. So there's probably bus -- I don't

7 know where the bus stops on Springfield but it's

8 within a couple of blocks of this location. So I

9 don't think people will be walking from any distance

10 but they might be walking, employees or visitors,

11 might be walking from Springfield Avenue.

12 THE WITNESS: They might be. But also,

13 too, a lot of the visitors and the experience I have

14 had at other places, they're often bringing things to

15 the people living there. So sometimes it's easier to

16 bring that in a vehicle. There certainly can be

17 pedestrian trips but I would think more likely it

18 would be vehicular trips.

19 MR. NATHENSON: I agree.

20 CHAIRMAN RYAN: Ms. Haynie first.

21 MS. HAYNIE: Will there be a need to have

22 usage of the adult daycare facility in the evening

23 hours for any types of activities or events? And, if

24 so, will that have an impact on the traffic study?

25 MR. HEHL: Why don't we wait on that,

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1 we'll see if we can answer on that. But I

2 don't -- my understanding is no, but we'll confirm

3 that.

4 CHAIRMAN RYAN: Ma'am, you have a

5 question for this witness?

6 MS. VALENTINE: Yes. I'll be very brief.

7 CHAIRMAN RYAN: Again okay, Valentine.

8 MS. VALENTINE: The area is becoming so

9 congested, we have these new buildings coming all

10 along within the area. How many residents or

11 capacity would be living within these borders?

12 THE WITNESS: 182.

13 MS. VALENTINE: And how many residents

14 will be living within this area and how many will we

15 be having vehicles?

16 THE WITNESS: It's assisted living.

17 MS. VALENTINE: I know. But some of them

18 still drive, they have capacity to drive.

19 THE WITNESS: There's a very limited

20 number of resident vehicles at these type of

21 facilities.

22 MS. VALENTINE: What is the age?

23 MR. HEHL: Well, again, this was...

24 CHAIRMAN RYAN: This is a review, that's

25 true. This witness wasn't --

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1 MS. VALENTINE: I'm sorry.

2 CHAIRMAN RYAN: Your question should be

3 answered but I don't think she's able to answer, but

4 I think we did have testimony.

5 MR. NATHENSON: Average age was 84.

6 MR. DELUCA: 84-plus, the age.

7 MS. VALENTINE: Not younger?

8 MAYOR DELUCA: 65 is the youngest.

9 MS. VALENTINE: I drive.

10 CHAIRMAN RYAN: But you're not 65.

11 MS. VALENTINE: And I have grandchildren.

12 They're not dead. Sorry.

13 MAYOR DeLUCA: The testimony we received

14 last meeting from the operator of the assisted-living

15 facility and the adult day center was that these

16 folks are not walking around outside, they're not

17 going to be pedestrians outside, nor are they

18 driving. That's what was told to us.

19 MS. VALENTINE: From 60...

20 CHAIRMAN RYAN: It's not just age.

21 MAYOR DeLUCA: These are folks who need a

22 lot of help to live.

23 MS. VALENTINE: Thank you.

24 MR. WILLIAMS: Martin Williams. Just to

25 touch back on the traffic situation, Tuscan Road is

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1 predominantly people who are renting properties and

2 on the evenings and on the weekends the road is jamb

3 packed. Even the cops, they don't -- I call every

4 weekend, somebody is either parked diagonally or

5 they're trying to get away from Barnett and block my

6 driveway. So the street is always crowded. Then you

7 have all these people that coming from Irvington to

8 get through the town they use Tuscan Road to

9 Springfield Avenue. So the street is always busy.

10 After school it is busy. Tuscan Road is always

11 backed up.

12 One more question with the driveway on

13 Tuscan Road the one way where the tenants' going in

14 and out from, if it's a one way coming in?

15 THE WITNESS: It's my understanding from

16 the engineering testimony that the residents on the

17 north side of that 15-foot driveway will have the

18 right to travel through the site to exit.

19 MR. WILLIAMS: So they have to go through

20 the one way so follow the --

21 CHAIRMAN RYAN: I think that's the way it

22 is now, isn't it? I think. I might be wrong about

23 that.

24 MR. WILLIAMS: They have that property,

25 the gate for the lumbar yard back there, so they go

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Graviano - Direct

1 there and out as they want.

2 CHAIRMAN RYAN: Other questions from the

3 board? Okay.

4 MR. HEHL: Yes.

5 CHAIRMAN RYAN: Thank you.

6 MR. HEHL: Thank you very much. I now

7 would now like to call upon our professional planner,

8 Mr. Nicholas Graviano.

9

10 N I C H O L A S G R A V I A N O, is sworn.

11

12 EXAMINATION BY MR. HEHL:

13 Q. Mr. Graviano, if you could please give

14 the board the benefit of your work and educational

15 experience, areas of expertise, licenses you hold and

16 whether you have been qualified as an expert in the

17 field of professional planning before boards or

18 courts in the State of New Jersey?

19 A. Yes, I hold a bachelor's degree in

20 geography and urban study from Rutgers University. I

21 have a Master's degree in city and regional planning

22 from Rutgers University. I have a law degree from

23 Temple University where I received the distinguished

24 award in state and local government law. I'm a

25 licensed planner in the State of New Jersey. I hold

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Graviano - Direct

1 application for two inherently beneficial uses that

2 will help the senior community have a desirable life

3 and not only accommodate residential care needs but

4 also daytime care needs through the adult daycare

5 operation.

6 The applicant is pretty much in

7 substantial conformance with the Redevelopment Plan

8 as well as the ordinances that -- the ordinances that

9 govern land use within the township. However there

10 are some relief that is requested as part of this

11 application.

12 The first one being that a side yard

13 deviation from the Redevelopment Plan is required.

14 As you heard in the first hearing that this is a

15 highly irregularly shaped piece of property.

16 Essentially you have this little piece of pie, this

17 little triangle area which cuts into the property.

18 It's a very irregular shape and the applicant is

19 requesting some side yard setback relief in that

20 area.

21 CHAIRMAN RYAN: Only in that area,

22 correct?

23 THE WITNESS: That is correct. The

24 applicant also requires deviation from the

25 Redevelopment Plan in the building length, the

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1 an AICP certification.

2 And I've testified before numerous boards

3 and governing bodies in 13 counties in the State of

4 New Jersey, including West Orange and Belleville here

5 in Essex County.

6 CHAIRMAN RYAN: No issues.

7 MR. HEHL: Thank you very much, Mr.

8 Chairman.

9 BY MR. HEHL:

10 Q. MR. Graviano, you're obviously well

11 familiar with the site, having reviewed the plans,

12 the area and the testimony that has been presented

13 both at the last hearing and this evening, and if you

14 could please give the board your findings? We

15 recognize that this is a Redevelopment Area and the

16 plan is basically in compliance with that, there's

17 some deviations. If you could discuss the planning

18 aspects of this proposal?

19 A. Sure. As you all know this property is

20 located within what's commonly referred to as the

21 Boyden Avenue Assisted Living Redevelopment Area

22 adopted by the Township of Maplewood in Ordinance

23 2856-17. It's a specific piece of property known as

24 Block 4847, Lots 123, 124.01, 130.02, 131 and 167.

25 What you have before you tonight is an

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Graviano - Direct

1 Redevelopment Plan specifies the maximum building

2 length of 350 feet. The applicant is proposing

3 slightly over 402 feet. This request is acceptable

4 and can be accommodated because the applicant has

5 gone through painstaking measures to break the facade

6 of this building to have it look like it has some

7 substance, some aesthetically pleasing elements to

8 not make it like one long monotonous building. And

9 given the fact that this is an isolated site and the

10 only real area that will see the length of the

11 building is an industrial area, all the other

12 viewpoints from the other areas on Tuscan and on

13 Boyden you're going to see a lot smaller of the

14 building and you will see on the applicant's

15 renderings that there are substantial deviations to

16 make it look like there is multiple buildings. So

17 that deviation can be accommodated without any

18 substantial impairment of the Redevelopment Plan.

19 You've heard the engineer and the traffic

20 engineer discuss some of the parking relief that is

21 required. The Redevelopment Plan requires 86 spaces

22 as per the math and the applicant is proposing 80 and

23 as you heard from Ms. Dolan this is more than enough

24 space to accommodate the needs of these two

25 facilities.

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Graviano - Direct

1 With reference to the parking stall size  
 2 the applicant requires a design waiver in that the 45  
 3 garage spaces are going to be eight and a half feet  
 4 in width when the ordinance requires nine feet. As  
 5 was stated previously this is employee parking, this  
 6 is not an area that experiences high turn over. I  
 7 think that half a foot reduction in spot size can be  
 8 easily accommodated within the parking garage.

9 In terms of the signage, the  
 10 Redevelopment Plan permits monument signs to be six  
 11 feet tall. The applicant is proposing a highly  
 12 decorative stone pillar to accommodate the sign.  
 13 That is nine and a half feet. I think given the  
 14 isolated nature of the site, a larger sign serves it  
 15 justice because it makes the site a little bit more  
 16 identifiable to a building that is very set back from  
 17 the entrance points to the development. Actually I  
 18 really like this sign. I think I'm going to steal it  
 19 for some of my projects.

20 Furthermore, the required sign size, the  
 21 applicant is requesting 36 square feet which was a  
 22 reduction from the previously proposed sign. However  
 23 24 square feet is required and as I stated previously  
 24 the enhanced size sign really helps the circulation  
 25 and identification of the site.

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Graviano - Direct

1 it's frankly to provide the adequate lighting that  
 2 this site needs in order for it to function safely.

3 The Redevelopment Plan also specifies  
 4 requirements for glazing which is windows or  
 5 fenestration. Page 34 of the Redevelopment Plan  
 6 indicates that certain areas with residential areas  
 7 require 25 percent and 50 percent windows in the  
 8 adult daycare and common areas. The applicant  
 9 proposes less than required glazing on the west and  
 10 north elevation. The south elevation and the east  
 11 elevation deviation from the Redevelopment Plan is  
 12 required in six areas. And some of these  
 13 circumstances it's a very minor deviation only a  
 14 certain percent. And as you can see on the rendering  
 15 there's windows all over this building and I think  
 16 the applicant has met the design intent to not  
 17 encourage blank walls and other unesthetically  
 18 pleasing wall configurations.

19 The Redevelopment Plan also requires site  
 20 access to be screened. You heard the applicant  
 21 provide additional landscaping and fencing in these  
 22 areas. I defer to the board to whether or not that  
 23 is satisfied. In the event that it's not satisfied  
 24 additional plantings can be provided or relief shall  
 25 be granted considering this is a highly landscaped

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Graviano - Direct

1 You heard the applicant's engineer  
 2 discuss the setbacks for the ground sign, where 14.25  
 3 feet is required from the street and the neighboring  
 4 property line, where two feet is proposed from the  
 5 street and five feet is proposed from the property  
 6 line. And that is given the very limited nature of  
 7 the access points and what needs to be accommodated  
 8 in them. There's, frankly, not much opportunity to  
 9 locate the sign in an area where it's visible.

10 There is a mention regarding the  
 11 topographic survey overlapping. There are very  
 12 limited areas where the applicant did not provide  
 13 100 feet behind the subject property. In the  
 14 previous testimony at the last hearing you heard the  
 15 engineer explain why this could be accommodated  
 16 because in those areas it's an area where it slopes  
 17 down and was not substantial grading and disturbance.  
 18 So that waiver can be easily accommodated.

19 Additionally the Redevelopment Plan does  
 20 not specify a threshold to measure the applicant's  
 21 lighting. So the township's site development  
 22 ordinance regulates Section 271-46 specifies lighting  
 23 shall not exceed one foot candle. The applicant  
 24 exceeds one foot candle in very selected areas and  
 25 the engineer explained why that's necessary because

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Graviano - Direct

1 area.

2 So, in summary, all of the requested  
 3 deviations from the Redevelopment Plan and design  
 4 waivers can be granted without substantial detriment  
 5 or impairment of the Redevelopment Plan or the  
 6 ordinance of the Township of Maplewood.

7 You've heard various testimonies from  
 8 numerous professionals regarding the rationale and  
 9 justification for such deviations or waivers.

10 Now when you look at these projects you  
 11 must analyze them in the context of not only the  
 12 Redevelopment Plan itself but for the Master Plan of  
 13 the township. And in terms of the Redevelopment Plan  
 14 it breaks it down how this project effects the Master  
 15 Plan. And on Page 8 it specifies that relationship  
 16 and it says to preserve and enhance the sense of  
 17 community for all residents specifically to thrive  
 18 and renew physical and psychological barriers that  
 19 divide the town in ways that are unconstructive or  
 20 promotes stigmatization or stereotyping.

21 And here you have a situation that gets  
 22 seniors out of the isolation of their home and puts  
 23 them in the community environment. It puts them in  
 24 an area, for example in the adult daycare, where they  
 25 receive socialization, they receive exercise, they

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1 condition on my letter, Comment B8, regarding the  
 2 redevelopment plan requirement for municipal  
 3 infrastructure improvements or capacity enhancements,  
 4 the Redevelopment Plan has a component where, on  
 5 Page 42, that requires the applicant to look at the  
 6 existing infrastructure. So our comments will need  
 7 to be a condition of approval that the applicant  
 8 does the -- we ask for a study of the existing sewer  
 9 system to check capacity, I/I, and various other  
 10 items. So that just needs to be a condition of  
 11 approval or -- and/or included in any redevelopment  
 12 agreement should this be approved.

13 MR. HEHL: And there's no objection on  
 14 part of the applicant. It's certainly part of the  
 15 plan.

16 CHAIRMAN RYAN: And some of that I  
 17 believe you would need to do for a project of this  
 18 size anyway.

19 MR. CANGIANO: Yes. I just want to make  
 20 it clear that that's going to be a requirement.

21 CHAIRMAN RYAN: Other members of the  
 22 public that would like to provide comment? Okay.

23 MR. HEHL: If I could just briefly  
 24 perhaps sum up?

25 CHAIRMAN RYAN: Please.

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1 MR. HEHL: I did want to thank the board  
 2 and the public and your professionals, and obviously  
 3 Adele, for your listening and your feedback, the  
 4 municipality for the foresight that was given in the  
 5 development of the Redevelopment Plan. I know this  
 6 body was involved in that process. It's a  
 7 well-conceived Redevelopment Plan and then based upon  
 8 that this project was put together.

9 The deviations that Mr. Graviano  
 10 explained are minimal in nature and certainly in  
 11 keeping with the spirit and intent of the  
 12 Redevelopment Plan. This is an inherently beneficial  
 13 use, it brings an important moment to the Township of  
 14 Maplewood, its senior population and for people that  
 15 have elderly parents or adults in the family, having  
 16 a place for those people to go during the daytime.

17 Again I think that the operational  
 18 testimony was very detailed showing the adequacy of  
 19 the parking, site circulation. The applicant is  
 20 willing to work and the operators work with the  
 21 township on timing of their services. And all in and  
 22 all, again, this is very consistent with what is  
 23 sought in this Redevelopment Area bringing again  
 24 inherently beneficial use to the Township of  
 25 Maplewood.

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1 So thank you again to the public, the  
 2 board and its professionals for hearing us throughout  
 3 two nights.

4 CHAIRMAN RYAN: Thank you. Members of  
 5 the board, it's time to deliberate. Does anybody...  
 6 Mr. Larrier.

7 MR. LARRIER: I just had a question about  
 8 the sign, why it needs to be 36 square feet. Why  
 9 can't it be just 24? It seems it's a nine-foot-wide  
 10 sign on Boyden Road.

11 CHAIRMAN RYAN: The applicant is asking  
 12 for a waiver on the sign. We don't necessarily have  
 13 to grant it. Ms. Scherzer.

14 MS. SCHERZER: So this is where we start  
 15 discussing?

16 CHAIRMAN RYAN: Please. Fire away.

17 MS. SCHERZER: Okay, perfect. I thank  
 18 you -- thank you for your application. I think it's  
 19 incredibly well designed. I like the T-shaped  
 20 structure. I feel like it makes the building seem  
 21 smaller than it actually is.

22 I think providing a facility for senior  
 23 citizens to do day activities and for those who need  
 24 extra help, a place to live where they can feel  
 25 empowered instead of being kind of pushed to the side

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1 is a good thing.

2 I think the modifications that were made  
 3 between meeting one and meeting two I thought that  
 4 was very -- thank you to the applicant for that.

5 I do have some reservations about the  
 6 proposal and I would hope in the spirit of good faith  
 7 and it seems you all are in good faith, that these  
 8 can be addressed.

9 The first is assuring that there is a  
 10 six-foot privacy fence that goes around any  
 11 residential property. And if you look here these  
 12 individual properties, these homes are right up  
 13 against the driveways. They're right up against  
 14 where cars park. People have enjoyed a certain quiet  
 15 enjoyment in their own backyards and their homes and  
 16 that should be respected.

17 I heard clearly from your design expert,  
 18 from operations expert, and from everyone that you're  
 19 looking to be a good neighbor and part of being a  
 20 good neighbor is keeping that tranquility for the  
 21 people that live there.

22 To that end I do have some concerns about  
 23 buses and vehicles idling in the driveway areas in  
 24 particular, that someone sitting in their yard and  
 25 even in their home, that's an area of concern. So I

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1 would hope that with any proposal that there's some  
 2 sort of -- any approval there is signage prohibiting  
 3 idling of loud noise, things of that nature.  
 4 I would like to limit the Tuscan Road  
 5 access to just the vans and buses that go in. If  
 6 it's creating a significant traffic flow in the other  
 7 areas it may be allowing additional cars but my  
 8 concern with that is that if you're a person who  
 9 lives, like the gentleman who lives right there, he's  
 10 going to hear those cars constantly going in next to  
 11 his house and that is incredibly disruptive to  
 12 somebody that has lived there and a property that has  
 13 been there that predates this one here.  
 14 I do have some significant concerns about  
 15 pedestrian traffic and the school traffic. The  
 16 silent elephant in the room is the fact that our  
 17 School District is facing a major redistricting if  
 18 you want to call it something else, whatever you want  
 19 to call it, and they're going to have to shuffle kids  
 20 around. One potential pairing could be Tuscan  
 21 Elementary and South Boyden Elementary because those  
 22 elementary schools are closest in proximity which  
 23 would increase both vehicular and pedestrian traffic  
 24 in this region.  
 25 I would want as part of the approval that  
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1 there be ongoing dialogue between -- among, excuse  
 2 me, the applicant, the township, the school and the  
 3 PTA. The PTA they're the ones that have the heart  
 4 and beat of what's happening in the school community.  
 5 And I would hope that in the spirit of being a good  
 6 neighbor, that you have active dialog with the  
 7 neighbors and they're given adequate context if  
 8 there's a problem or concern so that could be  
 9 addressed amicably would be my proposal.  
 10 But overall, with those concerns  
 11 addressed, I'm supportive of the proposal.  
 12 CHAIRMAN RYAN: Other members of the  
 13 board? I have comments but I'm saving myself for  
 14 last. It is important to hear your wisdom.  
 15 MR. BOLDEN: Well I am inclined to agree  
 16 with John regarding the size of the sign. I think  
 17 that it is a little large. Having had experience  
 18 with the assisted-living facilities in Bloomfield and  
 19 in West Orange neither one had an extremely large  
 20 sign. And although the first time I had to go find  
 21 it I passed it a couple of times, but you learn where  
 22 it is and people figure that out pretty quickly. I'm  
 23 not too sure if you need to have that large of a  
 24 sign.  
 25 Regarding the amount of people who would  
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1 be parking in this area, I think there is sufficient  
 2 enough parking space. I have never been to an  
 3 assisted-living facility -- and I have had both my  
 4 father in law in one and both my parents in one --  
 5 and the only time that it may have been "crowded",  
 6 which it was not, is if there was some type of an  
 7 event like if there was a party, a Christmas party or  
 8 something like that.  
 9 MR. LARRIER: Or Mother's Day.  
 10 MR. BOLDEN: Mother's Day or Father's Day  
 11 for that matter.  
 12 So I have no problems with that.  
 13 Visitation, people come but you would be surprised  
 14 how many people do not go to assisted-living  
 15 facilities. So the amount of parking that is  
 16 provided I think is sufficient.  
 17 I agree that Tuscan Road should be used  
 18 primarily for the daycare. I think the number of  
 19 employees that will be coming in in that area will be  
 20 small and have basically a minor impact on the  
 21 intersection of Boyden and Tuscan. The only way that  
 22 it would not is that if all the employees use Tuscan  
 23 Road to get to this facility and we all know that  
 24 that's not the case.  
 25 Generally speaking I'm in favor of this  
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1 because I think these things are -- these facilities  
 2 are needed. And, who knows, everybody here on this  
 3 board might be needing it at some point in time.  
 4 CHAIRMAN RYAN: Other people on the board  
 5 have comments about this?  
 6 MR. NATHENSON: Yes, I am supportive of  
 7 this. It's well conceived, well designed. I  
 8 initially had some concerns about the adequacy of the  
 9 parking but I'm convinced that based on the testimony  
 10 of the applicant's experts and Mr. Bolden that the  
 11 parking is quite adequate.  
 12 I do have one questions that maybe, Vic,  
 13 you can answer. How many of these units are set  
 14 aside for affordable?  
 15 MAYOR DeLUCA: 50 percent.  
 16 MR. NATHENSON: 50 percent? Which I  
 17 think is an attractive, another attractive piece of  
 18 this application. So I'm supportive and I just want  
 19 to thank the applicant for a thorough presentation.  
 20 CHAIRMAN RYAN: Mr. LARRIER?  
 21 MR. LARRIER: I have a question. Since  
 22 the school is nearby, in the past in the other  
 23 facilities that you have interactions with, community  
 24 interaction with the school and the facility as far  
 25 as events, I mean I know sometimes where kids go to  
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1 the facility they might perform, you know, the chorus  
 2 or the band or something like that?  
 3 MR. HEHL: You mean the interaction  
 4 between the assisted living and the school?  
 5 MR. LARRIER: Yes.  
 6 CHAIRMAN RYAN: Community outreach, yes.  
 7 MR. HEHL: Yes, I think they did talk  
 8 about that. And, frankly again, having a  
 9 mother-in-law who was in one for 15 years they -- I'm  
 10 sure Mr. Bolden has had that experience, where they  
 11 try to have interactions both at the senior adult  
 12 daycare and the assisted living where they will bring  
 13 schools in and do little concerts and things. So  
 14 that's an important part for both the community and  
 15 the facility.  
 16 CHAIRMAN RYAN: Ms. Haynie?  
 17 MS. HAYNIE: Yes. So basically this type  
 18 of facility is very much needed in our community and  
 19 I want to thank the applicant for his willingness to  
 20 be flexible based on some of the requests made this  
 21 evening. Going back to the privacy fence, not to  
 22 beat a dead horse but I'm 5'3" and I think a  
 23 four-foot fence and what that wouldn't do, so to hear  
 24 that there was flexibility around that was very much  
 25 a positive and a check mark that I put down right

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1 away.  
 2 In addition to that, though, the vans, I  
 3 know you said something would be worked out but in  
 4 going back to the potential vans idling knowing what  
 5 that is, working through that is so important as well  
 6 as and then usage of the facility in the evening  
 7 during the evening hours as relates to the daycare.  
 8 I sit on a board, it's inter-generational daycare  
 9 center and for both ends of life spectrum and I know  
 10 for the seniors who participate in daycare they also  
 11 have evening events from time to time and that is not  
 12 based on holidays or anything that is special, it's  
 13 that they want to get together outside of the day  
 14 hours. So sometimes that's factored in. I know you  
 15 guys said you would look into that so just I would  
 16 love to hear more about that but if it's going to  
 17 impact the traffic in the area, if there will be  
 18 evening types of events then that is something that I  
 19 think that will need to be addressed and looked at  
 20 from traffic standpoint study as well.  
 21 But overall I would have to concur with  
 22 my fellow board members to stay that this is an  
 23 application that I could certainly support and will  
 24 certainly support. And other than that, you know,  
 25 the traffic coming in off Tuscan, certainly that's

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1 one of the issues that I was looking at as well as  
 2 the foot traffic because I know I travel this roadway  
 3 quite a bit when I head over to the Parkway, that's  
 4 the way that I go, and I know it can be very busy and  
 5 there's a lot of foot traffic not only for the  
 6 elementary age school students but also for the high  
 7 schoolers who walk through that area.  
 8 So those were the things that were  
 9 most -- that were of most concern to me. I think  
 10 they have been addressed but I would also say going  
 11 back to keeping the lines of communication open as  
 12 things arise, if there are any issues, concerns,  
 13 comments that have to be shared that they are done in  
 14 a way that is collaborative and works to a positive  
 15 end for all involved or will be a positive for all  
 16 involved in some way, shape or form.  
 17 CHAIRMAN RYAN: Ms. Pisciotta, do you  
 18 want to...  
 19 MS. PISCIOTTA: Sure, just a few  
 20 comments. I like this application very much. I  
 21 think this is a great addition to our town, to our  
 22 community. I was not at the last meeting but read  
 23 through all the materials today, so I feel like I  
 24 have had a crash course in this application reading  
 25 the materials that were provided for last month's

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1 meeting as well as the transcript and the related  
 2 materials that were provided and the testimony this  
 3 evening.  
 4 The more I learn about this application  
 5 the more I like it and the more I appreciate the  
 6 applicant's willingness to respond to some of the  
 7 things that we have asked. The size of the sign was  
 8 one of the things that concerned me a great deal at  
 9 the beginning. While I appreciate that you have  
 10 decreased the size of the sign significantly I would  
 11 like to see it even smaller given that this is  
 12 primarily a residential area.  
 13 The pedestrian and auto traffic on Boyden  
 14 is something that still concerns me. I had children  
 15 that did a summer camp at Seth Boyden School and that  
 16 camp used a fraction of the capacity of that school  
 17 and the traffic at drop off and pick up was crazy. I  
 18 cannot begin to imagine what traffic is like at Seth  
 19 Boyden Elementary School during normal school times  
 20 when the school is at capacity.  
 21 So it's something that concerns me but I  
 22 also recognize that that is something that is just a  
 23 short period of time twice a day. I think the fact  
 24 that the property has two different places where  
 25 employees or vans can enter the property is helpful.

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1 But as for most of the things that the applicant is  
 2 asking for relief on, I'm not concerned about them,  
 3 I'm not concerned about the number of parking spaces,  
 4 the width of the parking spaces. Like I said overall  
 5 I really like this application and am supportive of  
 6 it.

7 CHAIRMAN RYAN: Mayor, I'm prepared to  
 8 sum up unless you have something you would like to  
 9 add?

10 MAYOR DELUCA: I want to just thank  
 11 everybody for coming out and listening to these last  
 12 couple of hearings. It's very important and your  
 13 comments have helped us work with the developers and  
 14 the operators to make this project better. I know  
 15 that there's some concern about the amount of  
 16 development that has happened in the area as some of  
 17 these older industrial uses have faded away, we've  
 18 replaced them with residential properties, we've  
 19 cleaned them up from environmental concerns, we've  
 20 placed them with residential properties. But we have  
 21 decided that we're really not doing anymore of that  
 22 except for this building when it comes to the whole  
 23 area. And why this building? This building is for a  
 24 very set population. A population that needs help,  
 25 that needs assistance with living. In this Sunday's  
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1 New York Times they ran a whole story about the  
 2 growth of this industry because we're just aging, our  
 3 population is aging.

4 The other thing that is happening here in  
 5 our town as our parents age we want them near us, and  
 6 they really can't live with us oftentimes because our  
 7 houses are not suitable, too many stairs they're just  
 8 not maneuverable, you can't maneuver around. So this  
 9 whole story is talking about parents are looking  
 10 towards the communities where their children are  
 11 living. And this facility is to be 118 units,  
 12 they're quite small the units, 350 square feet, maybe  
 13 a little bigger. They're not going to be driving,  
 14 they're going to get three meals a day, they're going  
 15 to be cared for, they're going to have some outside  
 16 seating area. And it's important housing stock that  
 17 we need in our town.

18 And 50 percent of these are going to go  
 19 to folks who don't have the income to pay for the  
 20 Winchester Garden or other assisted-living  
 21 facilities. It's very important. 50 percent will be  
 22 market. So that does impact a bit on the sign  
 23 because there is some selling that has to occur here,  
 24 people have to feel that this is a welcoming place to  
 25 come to and that makes it -- makes the presence. And  
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1 we can debate the sign a little bit more but I think  
 2 that some of the thinking that I heard from some of  
 3 the testimony about the sign was they wanted to make  
 4 a statement of where it was because it's set back in  
 5 the area and for those-- those people that are paying  
 6 they wanted to know that they're seeing something.

7 So I think this is a good project. I  
 8 absolutely agree with Ms. Scherzer's recommendation  
 9 of putting the fencing all around. I think we want  
 10 to make sure that there is an ongoing communication  
 11 between the -- not only the developer because we have  
 12 three entities here on-site, we have the developer  
 13 and we have the operator of the assisted-living  
 14 facility and the operator of the adult day center.  
 15 And they all need to work together and a need to work  
 16 with the town to make sure that some of the concerns  
 17 that we're talking about, duplication of events, the  
 18 future traffic problems get worked out. So I think  
 19 you can -- we've done this before where we have said  
 20 the town is more than willing to assess this after  
 21 six months or after a year to make course corrections  
 22 as we have to go.

23 I just want to say one other thing on the  
 24 record about Seth Boyden School. This parking study  
 25 I think says it very well, that one of the problems  
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1 is the drop-off driveway at Boyden is too narrow and  
 2 it talks about the queuing there and the town worked  
 3 with the school and the parents there to present to  
 4 the School Board a widening of that driveway so that  
 5 we can -- so it could accommodate the cars going  
 6 through and a lane of passes so that when you're done  
 7 dropping off you can go around and get out, which  
 8 would solve a lot of problems. Now we will go back  
 9 this got dropped because of changes in  
 10 administration, but we'll go back and this document  
 11 will -- we'll use this document to go back to the  
 12 School Board and try and resurrect that conversation  
 13 about widening that drop-off lane which I think will  
 14 help some of that.

15 We have also done some other things by  
 16 creating some parking near the cross walks so that  
 17 people don't jaywalk. So we have done some  
 18 incremental steps but we'll continue and I think we  
 19 can widen this drop off that will help a lot.

20 CHAIRMAN RYAN: Well let me try and offer  
 21 my own comments and try and sum up. Not only do I  
 22 agree with most everything that has been said, I  
 23 think everybody agrees with everything that has been  
 24 said, I think this is a good use. Particularly  
 25 compared to what's there now, this will be a very  
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1 good improvement and it's sort of an easy use, too.  
2 I mean I think I would feel differently about this  
3 project if this was several hundred apartments and  
4 people with cars coming and going. I think this sort  
5 of use is important as has been said by a number of  
6 people, of great use to the town, of great demand in  
7 the town, and it's not as burdensome as it would be  
8 if it was a couple hundred apartments and a couple  
9 hundred cars.

10 So I'm glad to see it and I don't have  
11 any problems with almost any of the waivers, the side  
12 yard deviation is nothing at all, the building length  
13 is fine and the parking is fine. I think that  
14 everybody has said and everybody has agreed that this  
15 notion of six-foot privacy fence is critical and  
16 really ought to be a condition of approval. I don't  
17 think anybody is arguing about that.

18 There was some discussion back and forth  
19 about should the driveway on Tuscan be one way just  
20 for vans or should it be vans and cars. And I think  
21 that I bundle my thoughts about that in with a  
22 suggestion that the mayor made earlier, if there are  
23 problems with the operation or if there are changes,  
24 particularly as Ms. Haynie pointed out, suppose that  
25 the operator wants to add night activity or suppose

1 that the next school redistricting happens and  
2 there's going to be more traffic, a change in hours,  
3 for any change like that there needs to be a  
4 mechanism in place and commitment in place by all  
5 parities to sit down and work things out if either  
6 something isn't working or if something changes.

7 So specifically about this Tuscan item  
8 although there was testimony that we could  
9 potentially reduce the amount of cars going through  
10 the Boyden point intersection, let's not right now.  
11 We still have the opportunity to change it if need be  
12 as long as everybody is talking about what is working  
13 and what isn't working. So I don't have any issues  
14 with that.

15 I think the only question that anybody  
16 has sort of expressed any disagreement about one way  
17 or the other, frankly, is the size of the sign. I  
18 think I have heard everybody sort of smile and nod.  
19 And from my only personal standpoint I can certainly  
20 go either way on the sign, not granting approval of  
21 the waiver that is needed and requiring a compliant  
22 sign or allowing this small de minimis change to --  
23 over the required -- the specified allowed sign. I  
24 can go either way on that. I am not strongly opposed  
25 to the larger sign and I just before I say yes we

1 agree to the larger sign and agree to all those  
2 waivers, we should -- maybe we should have a little  
3 discussion about it.

4 MR. HEHL: And I know you're in dialogue  
5 but this was a critical -- pardon me if I can  
6 interrupt, counsel, because the signage -- and this  
7 is this is Rocco, our architect, again if you want to  
8 hear for me just briefly on this, the sign really  
9 isn't that large when you look at it, the size of the  
10 site and the limited visibility there and if I can  
11 just briefly have maybe just comparing on how large  
12 it is.

13 CHAIRMAN RYAN: It might not be  
14 necessary, frankly. If everybody is okay with the  
15 sign as discussed then we'll be okay with the sign as  
16 discussed.

17 MR. NATHENSON: I personally would be  
18 okay with the sign as proposed. You know, I think  
19 the difference between 36 square feet and 24, it's,  
20 you know, you have 24 square feet is smaller but I  
21 don't think the sign that is proposed -- the way it  
22 was originally designed -- the way it's now designed  
23 is a significant improvement over what the original  
24 was. So I can go along with the sign as it is  
25 proposed by the applicant.

1 MR. BOLDEN: The size of the sign would  
2 not be the reason why I would vote -- if I was  
3 thinking about voting against this project, that  
4 would not be the reason I would be voting it down.

5 CHAIRMAN RYAN: So there doesn't seem  
6 that there's objection to granting the variance.

7 Mr. Nathenson did make a point which I  
8 think I saw people agree to that you have a nice  
9 looking brick clad pillar on one side of the sign and  
10 this sort of concrete-looking thing on the other side  
11 of the sign and Mr. Nathenson opined that they ought  
12 to match and I agree.

13 MR. HEHL: That's an excellent  
14 suggestion.

15 THE CHAIRMAN: And the applicant agreed  
16 to that.

17 MR. NATHENSON: The other thing we should  
18 put in our resolution is the van parking is not to be  
19 onsite and it's not to be on the street.

20 CHAIRMAN RYAN: Yes, I think they  
21 testified that's what it's going to be so I don't  
22 think there's any issue with putting that in the  
23 resolution. Mike?

24 MR. EDELSON: Do you want to put  
25 something in now for what the sign is going to be for

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1 the driveway on Tuscan; do you want it to say "Van  
2 Only"?

3 MAYOR DeLUCA: Yes.

4 MS. PISCIOTTA: May I suggest that we  
5 have a sign that says "Authorized Access Only" so  
6 that if the access changes --

7 MR. BOLDEN: Because you can have a car  
8 be authorized. If it's only vans you just say it's  
9 vans.

10 MAYOR DeLUCA: Or people authorize  
11 themselves.

12 MR. BOLDEN: Exactly.

13 MAYOR DeLUCA: When we were looking at  
14 this for a development site we were well aware that  
15 that Tuscan Road is much more -- it's a different  
16 road than the Boyden Avenue entrance, it's not as  
17 wide, it really should be limited to just the vans.

18 MR. LARRIER: It needs to be clarified  
19 that it's the facility vans because vans are vans.

20 MR. EDELSON: Yeah.

21 MR. NATHENSON: Well, in any event, the  
22 entrance off of Boyden is much closer to where the  
23 employees are going to park. They're going to come  
24 in on the big driveway.

25 CHAIRMAN RYAN: I think the bigger

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1 concern is people who don't know where they're going  
2 may want to go in that way or visitors may think that  
3 that's a way. So putting up a sign that says "Vans  
4 Only" that probably solves that.

5 MAYOR DeLUCA: Just remember that this  
6 driveway is also an easement for the houses that are  
7 there on the right. So those residents that live  
8 there will also be going and parking behind that  
9 house and then going through the complex to go out  
10 through an easement that you work out with that  
11 property owner. So we can say "Van", we can say "Van  
12 Only", but there will be some of those residents that  
13 will go there.

14 MR. NATHENSON: There's not going to be  
15 any facility identification signage on Tuscan Road.

16 MAYOR DeLUCA: That's correct.

17 MR. NATHENSON: So visitors are probably  
18 not going to be coming in that way anyway.

19 CHAIRMAN RYAN: In addition, I mentioned  
20 this at the beginning of the last bit of testimony,  
21 the details about the subdivision, the subdivision  
22 will be part...

23 MR. EDELSON: Yes.

24 MR. NATHENSON: I have one question. Are  
25 the daycare employees going to be parking in the

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1 basement area parking for the --

2 CHAIRMAN RYAN: Their testimony was  
3 employee parking.

4 MR. NATHENSON: So, and this is a  
5 question I just want to clarify this, the assisted  
6 living employees will have access to the building  
7 from the basement; is that right?

8 MR. SARACCO: Yes.

9 MR. NATHENSON: Well what about the  
10 daycare employees, they have to go outside to get  
11 through to the bigger...

12 MR. SARACCO: Yeah, we have a door --

13 MR. HEHL: Just to identify, this is our  
14 architect, Mr. John Saracco, who was previously sworn  
15 and qualified at the last hearing.

16 MR. SARACCO: Yes, there's a door from  
17 the parking garage out to the exterior.

18 MR. NATHENSON: So the daycare employees  
19 have to go outside to get over to where their first  
20 employment is?

21 MR. SARACCO: Yes.

22 CHAIRMAN RYAN: I think everything has  
23 been said and everybody who needed to say has said  
24 something. So I think we need a resolution. Mr.  
25 Nathenson?

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1 MR. NATHENSON: I'm not sure there's a  
2 sidewalk for those daycare employees over to the --

3 CHAIRMAN RYAN: Of course there is.

4 MR. NATHENSON: They have to come out  
5 someplace here and it's up here, and then there's no  
6 way for them to get over this.

7 CHAIRMAN RYAN: It's not a problem,  
8 right? It's on private property.

9 I need somebody to make a motion on the  
10 resolution granting preliminary and final approval  
11 subject to conditions that have been outlined this  
12 evening and granting the waivers that have been  
13 applied for.

14 MR. NATHENSON: Can you just rattle off  
15 the conditions that you want in the resolution?

16 MR. EDELSON: No. The conditions are  
17 going to be everything that the applicant has agreed  
18 to, everything that is in Andy's letter that has been  
19 -- that may not yet have been put on the plans, a lot  
20 of those things have been put on the last plan and I  
21 will have to go through that, I have the transcripts.  
22 I mean I can read what I have but it wouldn't  
23 necessarily be complete and I don't want to enable 19  
24 conditions and leave out four and then do a  
25 resolution with 23 and somebody say there's too many.

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1 CHAIRMAN RYAN: I think the important  
2 thing is the issue of the fence. I think the  
3 important thing is granting the sign as we discussed.  
4 I think the important thing is the commitments to the  
5 communication between the district and the township  
6 and the operators.

7 MR. EDELSON: And I'm assuming that  
8 you're going to reach an agreement that you want the  
9 signage in an appropriate place?

10 CHAIRMAN RYAN: I assume that there is an  
11 agreement about signage regarding no idling.

12 MR. EDELSON: Everything else has either  
13 been agreed to or discussed. So I don't want to try  
14 to go through each and every one.

15 CHAIRMAN RYAN: Someone needs to make a  
16 motion.

17 MS. SCHERZER: So moved.

18 CHAIRMAN RYAN: Is there a second?

19 MR. NATHENSON: Second.

20 CHAIRMAN RYAN: Moved by Ms. Scherzer and  
21 seconded by the entire board. Would you call the  
22 roll on this matter, please?

23 MS. LEWIS: Mayor DeLuca?

24 MAYOR DeLUCA: Yes.

25 MS. LEWIS: Karen Pisciotta?

1 MS. PISCIOтта: Yes.

2 MS. LEWIS: Tammy Haynie?

3 MS. HAYNIE: Yes.

4 MS. LEWIS: John Larrier?

5 MR. LARRIER: No.

6 MS. LEWIS: Edward Bolden?

7 MR. BOLDEN: Yes.

8 MS. LEWIS: James Nathenson?

9 MR. NATHENSON: Yes.

10 MS. LEWIS: Ellen Scherzer?

11 MS. SCHERZER: Yes.

12 MS. LEWIS: And Chair Ryan?

13 CHAIRMAN RYAN: Yes.

14 MS. LEWIS: Motion carries.

15 CHAIRMAN RYAN: Thank you.

16 MR. HEHL: Great. Thank you very much.

17 Appreciate your time this evening.

18

19 (Application concluded at 10:04 p.m.)

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## C E R T I F I C A T E

I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that the witness(es) were duly sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the hearing as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



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Angela C. Buonantuono, CCR, RPR, CLR

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