

MINUTES OF THE  
EAST BRUNSWICK TOWNSHIP  
PLANNING BOARD

January 25, 2023

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT: ABSENT:

- Shawn Taylor, Chairman
- Brad Cohen, Mayor
- Charles Heppel
- Muhammad Hashmi
- Kevin McEvoy
- Joseph Criscuolo
- Laurence Reiss
- Steve Philips
- Adam Neary
- Erum Shakir
- Mary Pan
- Ziad Burghli - Student Rep.

ALSO PRESENT:

- Lawrence B. Sachs, Esquire
- Keith Kipp - Director of Planning/Engineering
- Anthony Abbonizio - Engineer
- Malvika Apte - Planner
- Jessica Tegeder - Secretary

MINUTES

January 11, 2023 - Motion to approve by Mr. Reiss,  
second by Mayor Cohen. Minutes approved.

RESOLUTIONS

Resolution of Appreciation for Laurence Bravman -  
Motion to adopt by Mr. Criscuolo, second by Mr.  
Philips. Resolution adopted.

Resolutions for Planning Board Reorganization -

1 Motion to adopt by Mr. Criscuolo, second by Mayor  
2 Cohen. Resolutions adopted.

3 NEW BUSINESS

4 Application #22-26 - Fern Road Estates, LP -  
5 Proposed demolition of all existing structures to  
6 construct 12 new single-family homes and one  
7 detention basin located at 44 Fern Road, block  
8 322.10, lot 8.01, in the R-2 zone. Mandatory date  
9 March 29, 2023. Taxes paid to date. Motion to  
10 approve by Mr. Heppel, second by Mr. Hashmi.  
11 Application approved with conditions.

12 Application #22-28 - Osage Cemetery Association,  
13 Inc. - Proposing to remove existing fence and plant  
14 landscape buffer between subject property and  
15 adjacent neighbors located at New Brunswick Avenue,  
16 block 243.01, lot 2, in the R-3 zone. Mandatory  
17 date February 28, 2023. Continued to March 8, 2023.  
18 No further notice required.

19 ADJOURNMENT

20 Motion to adjourn by Mr. Neary. Meeting adjourned  
21 at 10:32 p.m.

22 MR. HEPPEL: This is the January 25,  
23 2023, East Brunswick Township Planning Board  
24 meeting. In accordance with the Open Public Meeting  
25 Law, on December 15, 2022, notice of this meeting  
stating the time, date, and location was sent to the  
Home News Tribune, filed with the township clerk,  
and posted on the bulletin board in the lobby of the  
municipal building. A copy of this notice will be  
incorporated in the minutes of the meeting.

The chair reserves the right to call any  
application in an order different from that  
appearing on the agenda. On each application, the  
chair will give the public an opportunity to  
comment.

The planning board will entertain no new  
business after 10 p.m. and will close all  
proceedings at 10:30.

Could we please stand for the pledge of  
allegiance.

1 (Flag salute)

MR. HEPPEL: Thank you.

2 MAYOR COHEN: Yeah, I just wanted to  
3 point out to everybody here on the dais that I left  
4 you a letter that was addressed to me today from  
5 Acadia Realty, which is the company that last year  
6 took over the Midstate Mall, and the reason that I  
7 wanted to do that was to emphasize an appreciation  
8 for all the work that we've done, all the land use  
9 boards, the administration, and our planning and  
10 engineering department, in the entire redevelopment  
11 process that we've been undergoing for the last  
12 several years and the understanding that if we were  
13 able to get some significant work done, which we  
14 have approved, whether that's the Vermella project  
15 or the Garden Homes project, that it would serve as  
16 a beacon for other malls to start to invest in their  
17 own properties so that it becomes a process that  
18 will start to follow itself down the highway and  
19 upgrade the entire region of the Route 18 corridor,  
20 and this letter from Acadia is exactly that. They  
21 are basically telling us that they are investing in  
22 the property. They are -- they just got zoning  
23 board approval at its last meeting to take the old  
24 -- whatever the gym was.

MR. CRISCUOLO: New York Sports Club.

14 MAYOR COHEN: New York Sports Club, and  
15 it's going to be a recreation area with an indoor  
16 pool. There's going to be around it a lot more  
17 retail. A lot of the empty retail, they're  
18 negotiating with a lot of higher end retail to go in  
19 there, and they're investing in the property. That  
20 is exactly what redevelopment was supposed to  
21 instigate along the highway, and this is just the  
22 first example of that starting to take place, and I  
23 wanted each of you to have a copy of that letter,  
24 and I just wanted to recognize each of you because  
25 we all have had a part in making that happen. I  
know it's slow and it's steady, and we've had to  
listen to the enduring drip of complaints from  
people in the community about criticisms, but I  
think at the end we know what we're looking for. We  
know this is going to be a good thing for the  
highway, for the corridor, for the residents, for  
stabilizing taxes, and this is just proof that the  
process is working, and I'm just asking everybody to  
be a little bit more patient as we get there. So  
thank you.

MR. HEPPEL: Very good. Thank you very  
much, Mayor. It's very good to hear. Just give me

1 one second.

2 Okay. The first order of business is to  
3 have our roll called. Jessica, as soon as you're  
4 done there, I'll let you do that.

5 MS. TEGEDER: Ziad Burghli.

6 MR. BURGHLI: Here.

7 MS. TEGEDER: Mrs. Pan.

8 MS. PAN: Here.

9 MS. TEGEDER: Mrs. Shakir. Mr. Neary.

10 MR. NEARY: Here.

11 MS. TEGEDER: Mr. Philips.

12 MR. PHILIPS: Here.

13 MS. TEGEDER: Mr. Reiss.

14 MR. REISS: Here.

15 MS. TEGEDER: Mr. Criscuolo.

16 MR. CRISCUOLO: Here.

17 MS. TEGEDER: Mr. McEvoy.

18 MR. MCEVOY: Here.

19 MS. TEGEDER: Mr. Hashmi.

20 MS. HASHMI: Here.

21 MS. TEGEDER: Mayor Cohen.

22 MAYOR COHEN: Here, and Mrs. Shakir is  
23 here, and Shawn is coming in.

24 MS. TEGEDER: And Chairman.

25 MR. HEPPEL: Here.

Okay, first resolution is a resolution  
of --

MR. SACHS: Minutes, Charlie.

MR. HEPPEL: Pass the minutes, okay.

Has everybody had a chance to review the minutes of  
the January 11, meeting? Any comments? Okay, do I  
have a motion an approve them? Larry Reiss,  
seconded by the mayor.

Okay, with the resolutions that we have,  
we're going to vote on these all?

MR. SACHS: We need a vote.

MR. HEPPEL: We haven't had, sorry.

MR. SACHS: The minutes. We can do a  
voice vote. All in favor of the minutes, adopting  
the minutes of January 11, 2023? Thank you.

MR. HEPPEL: Opposed? Okay, abstain?

MR. SACHS: Mr. Chairman, let me just  
read the resolution for vice chairman because I see  
the real chair -- Mr. Chairman, is coming.

MR. HEPPEL: The real chairman, jeez.

MR. SACHS: Let me read this resolution  
while we're getting set up here.

"Whereas, the Planning Board of the  
Township of East Brunswick is a duly constituted  
body as authorized by statute with the

1 responsibility to supervise and be concerned with  
2 the orderly development and planning of the township  
as authorized by the statutes and ordinances made  
and provided; and

3 "Whereas, Laurence Bravman has been a  
4 member of the East Brunswick Planning Board from  
January 2003 through December 2022, Mr. Bravman also  
5 served on the Environmental Commission board from  
January 2001 from December 2022; and

6 "Whereas, as the member of the planning  
board, Laurence Bravman has served with sincerity to  
7 the Township of East Brunswick; and

8 Whereas, the planning board desires to  
commemorate Laurence Bravman for his time and  
efforts devoted to the planning board.

9 "Now, therefore, be it resolved that the  
Planning Board of the Township of East Brunswick  
10 hereby commends Laurence Bravman for his services to  
the Township of East Brunswick and its citizens, and  
11 this is to certify that the foregoing is a true copy  
of a resolution adopted by the planning board of the  
Township of East Brunswick at its public hearing  
12 held on January 25, 2023."

13 Before we take a vote on this -- and I'm  
sure you'll all unanimously vote in favor of this  
14 because Mr. Bravman was a very long standing and  
excellent member of our planning board,  
15 unfortunately, since he is -- since he is a recently  
appointed Superior Court judge, he is precluded from  
16 actually attending this meeting this evening. So I  
feel like this is the Academy Awards where someone  
17 wins an award and they can't be here. So on behalf  
of Judge Bravman, I'll accept this on his behalf.  
18 But we just need to vote to adopt this resolution.  
And let's do that. Let's have someone move it,  
second it.

19 MR. CRISCUOLO: Move it.

MR. PHILIPS: I'll second it.

20 MR. SACHS: Seconded by Mr. Philips.

Roll call.

21 MS. TEGEDER: Mrs. Pan.

MS. PAN: Yes.

22 MS. TEGEDER: Miss Shakir.

MS. SHAKIR: Yes.

23 MS. TEGEDER: Mr. Neary.

MR. NEARY: Yes.

24 MS. TEGEDER: Mr. Philips.

MR. PHILIPS: Yes.

25 MS. TEGEDER: Mr. Reiss.

MR. REISS: Yes.

1 MS. TEGEDER: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

2 MS. TEGEDER: Mr. McEvoy.

MR. McEVOY: Yes.

3 MS. TEGEDER: Mr. Hashmi.

MR. HASHMI: Yes.

4 MS. TEGEDER: Mayor Cohen.

MAYOR COHEN: Yes.

5 MS. TEGEDER: Mr. Heppel.

MR. HEPPEL: Yes.

6 MS. TEGEDER: And Chairman Taylor.

7 THE CHAIRMAN: Yes. I was -- spoke to  
8 Judge Bravman the other day. He really, as we all  
9 know, was a wonderful member, a thoughtful member of  
10 this board. I'm sure he'll do honor to the bench  
11 just like he did here, and he -- you all know how  
12 much he enjoyed this board, also, and will miss  
13 serving with us, and we wish him well.

14 MR. SACHS: And I'll make sure he gets a  
15 copy of this.

16 THE CHAIRMAN: Thank you, Larry.

17 MR. SACHS: And, Mr. Chairman, we're  
18 up to the -- just we can probably do these as a  
19 block, resolutions 3 through 10, which were all the  
20 reorganization resolutions. So if someone --

21 THE CHAIRMAN: Yes, would someone like  
22 to make a motion to approve items 3 through 10 under  
23 resolutions.

24 MR. CRISCUOLO: I make a motion.

25 MS. TEGEDER: Larry, the three members  
26 aren't able to vote.

27 MR. SACHS: I'm sorry, what was that?

28 MS. TEGEDER: Three members aren't able  
29 to vote.

30 MR. SACHS: Well, they weren't able to  
31 vote on the original, so, yeah.

32 MS. TEGEDER: Okay.

33 MR. SACHS: So whoever was not here at  
34 the last meeting could not vote on that resolution.

35 MR. CRISCUOLO: I make a motion.

36 MAYOR COHEN: Second.

37 THE CHAIRMAN: Been moved and seconded.  
38 Discussion? Hearing none, Jessica, please call the  
39 roll of those eligible.

40 MS. TEGEDER: Mrs. Pan.

41 MS. PAN: Yes.

42 MS. TEGEDER: Mr. Neary.

43 MR. NEARY: Yes.

44 MS. TEGEDER: Mr. Reiss.

45 MR. REISS: Yes.

1 MS. TEGEDER: Mr. Criscuolo.  
MR. CRISCUOLO: Yes.  
2 MS. TEGEDER: Mr. McEvoy.  
MR. McEVOY: Yes.  
3 MS. TEGEDER: Mr. Heppel.  
MR. HEPPEL: I guess I should abstain if  
4 I'm voting for myself, right?  
MR. SACHS: No, you can vote.  
5 MR. HEPPEL: I can on this one?  
THE CHAIRMAN: We know you have an ego.  
6 MS. TEGEDER: Mayor Cohen.  
MAYOR COHEN: Yes.  
7 MS. TEGEDER: Chairman Taylor.  
THE CHAIRMAN: Yes. That's wonderful.  
8 And also, we are so happy. As Judge Bravman moves  
on, we are fortunate enough to have a new member,  
9 who could not make the last meeting.  
Mayor, would you like to do the honors.  
10 MAYOR COHEN: So I would like to  
introduce everybody to Erum, Erum Shakir. She is a  
11 member of the planning board now but spent a lot of  
work in the township. She chairs the Human  
12 Relations Council. Grew up here in town, Shawn, so  
I know you like to also mention --  
13 THE CHAIRMAN: I do.  
MAYOR COHEN: Class of --  
14 MS. SHAKIR: Two thousand three.  
THE CHAIRMAN: Decades after me.  
15 MAYOR COHEN: Whenever he does that, it  
usually starts a roll call with everybody.  
16 MR. CRISCUOLO: Have to rub it in.  
MAYOR COHEN: So I think you have to do  
17 that, you know, what year everybody --  
MR. SACHS: Seventy-five.  
18 THE CHAIRMAN: Seventy-four.  
MR. NEARY: Ninety-four.  
19 MR. KIPP: Judge Bravman and myself,  
'84.  
20 THE CHAIRMAN: There you go.  
MAYOR COHEN: So there you go, and  
21 welcome to the planning board, and I'm sure you'll  
be a pleasant addition and one that will do justice,  
22 as Judge Bravman did for so many years.  
MS. SHAKIR: I hope so. Thank you so  
23 much. Looking forward.  
THE CHAIRMAN: Yes, welcome. And, you  
24 know, just any questions you have, it's not possible  
you could ask a question any dumber than I have  
25 asked over my 20 years here. So we like to  
interact, we like to share, and we're a board that

1 works hard at building consensus. So we're really  
happy to have you.

2 MS. SHAKIR: Looking forward to it.

3 THE CHAIRMAN: Okay. Moving on. The  
application 22-10, 166 Rues Lane, I believe --

4 MR. SACHS: Is off.

5 THE CHAIRMAN: -- Mr. Sachs, is off the  
agenda this evening.

6 MR. SACHS: That's off the agenda.  
They're trying to work out acquiring some property  
to make this probably a more conforming subdivision.  
So, all right, I understand that's in the works.

7 THE CHAIRMAN: So if anyone is here for  
that application, we apologize. It will not be  
8 heard tonight. We don't have a new date yet, do we,  
Larry? But hopefully, as Mr. Sachs mentioned, it  
9 will be a better application than it is now.

10 Our next item of business is application  
22-26, Fern Road Estates. Mr. Sachs.

11 MR. SACHS: Yeah, Mr. Chairman, I'm  
going to recuse myself from this application this  
evening. My esteemed colleague, David Lonski, will  
12 sit in my place. I was involved in the preparation  
of a sewer easement between the applicant and the  
13 homeowners association, so I prefer that Mr. Lonski  
handle this application.

14 THE CHAIRMAN: Okay.

15 MR. SACHS: But I'll be back for the  
next one. I'm not leaving.

16 THE CHAIRMAN: We'll be holding our  
breaths.

Welcome, Mr. Lonski.

17 MR. LONSKI: Thank you.

18 THE CHAIRMAN: Wow, look at that.  
Change the name plate and everything. Wow, that's  
something. David, how are you?

19 MR. HEPPEL: Just like Larry Bravman's  
nameplate went.

20 THE CHAIRMAN: Welcome, Mr. Lonski.  
Happy new year to you and the family. Always good  
21 to see you.

22 So anyway, we have application 22-26.  
Is someone here on that application, Mr. Roselli?

23 MR. ROSELLI: Yes. Thank you, Mr.  
Chairman. As the board knows, my name is Thomas  
Roselli. I represent Fern Road Estates, LP.

24 THE CHAIRMAN: South River, what year  
were you?

25 MR. ROSELLI: Seventy-eight.

THE CHAIRMAN: All right. I knew he was



1 a local boy.

2 MR. ROSELLI: Concerning this  
3 application, we have the engineer here as a witness.  
4 We also have the principal of Fern Road Estates, LP.

5 This application is an application for  
6 block 322.10, lot 8.01, preliminary and final major  
7 subdivision. The property is approximately 10 acres  
8 with 500-foot frontage on Fern Road. Seeking to  
9 subdivide 13 lots, 12 for single-family units and  
10 one nonresidential lot for a drainage basin.

11 THE CHAIRMAN: Mr. Roselli, if you  
12 would. Mr. Lonski, before we move forward, is this  
13 application in order for us to hear tonight?

14 MR. LONSKI: It is. We have  
15 jurisdiction.

16 THE CHAIRMAN: Thank you.

17 MR. ROSELLI: Thank you, Mr. Lonski.

18 The proposed plan is fully compliant  
19 with the exception of the basin, a lot which we are  
20 looking for a width variance.

21 I am going to call as our first witness  
22 Scott Turner from Menlo Engineering Associates, and  
23 then if there is questions later on, we will also  
24 call Mr. Kaye from Fern Road Estates if needed. I  
25 would ask that you swear in Mr. Turner.

THE CHAIRMAN: Sure. Mr. Turner, good  
evening.

MR. TURNER: Good evening.

THE CHAIRMAN: Do you swear to tell the  
truth, the whole truth, so help you God?

MR. TURNER: I do.

THE CHAIRMAN: Please have a seat, and  
would you give us a little bit of your CV, please.

MR. TURNER: Absolutely. Good evening,  
everyone. It is nice to see all of you. I have  
been in front of this board on many occasions over  
the many past years. Once again, my name is Scott  
Turner. I am a principal with Menlo Engineering  
Associates. I have been employed by Menlo  
Engineering for over 35 years now. I am a licensed  
professional engineer in the State of New Jersey.  
My license is in good standing. I'm a graduate of  
the New Jersey Institute of Technology with a  
Bachelor's of Science degree in civil engineering,  
and I've provided testimony as a professional  
engineer to a number of planning and zoning boards  
throughout the State of New Jersey.

THE CHAIRMAN: We're happy to accept you  
as an expert, and welcome back to East Brunswick.

MR. TURNER: Thank you.

1 MR. ROSELLI: Thank you, Mr. Chairman.

2 THE CHAIRMAN: Just before you start.  
3 Normally, East Brunswick, South River, I wouldn't  
4 think your chances are good, but we're not going to  
5 hold that against you.

6 MR. ROSELLI: Thank you very much, Mr.  
7 Chairman.

8 Mr. Turner, you and your firm had an  
9 opportunity to review the site and to -- and you did  
10 draw up plans, and you're familiar with the same,  
11 correct?

12 MR. TURNER: Yes, correct.

13 MR. ROSELLI: I would ask you to give  
14 the board an overview of the plans, review the  
15 proposal, and go through the comments from the  
16 different professionals from the Township of East  
17 Brunswick.

18 MR. TURNER: Sure. If you don't mind,  
19 I'm going to stand just so I can kind of use the --

20 THE CHAIRMAN: Sure. Let's make sure  
21 you get on mic, though.

22 MR. TURNER: Sure. I can speak loud?  
23 Is that loud enough?

24 THE CHAIRMAN: You know what, Mary,  
25 maybe you want to --

MR. PHILIPS: He's got that one.

MR. TURNER: I think I'm good there? I  
will talk loud.

Okay, so just very quickly for the  
record, this property is, of course, the Conover  
Nursery site. It is block 322.10, lot 8.01. It  
does contain 10.0 acres with frontage along Fern  
Road. The site, itself, along with the nursery  
operations include a single-family home down in this  
corner of the site here, which would be the  
northwest corner. For reference, I should say we're  
using an exhibit here prepared by my office, Fern  
Road Estates. It's an existing conditions exhibit  
dated January 25, 2023, and we can mark that as  
Exhibit A-1. Fern Road is sitting parallel with the  
long side of the sheet at the bottom here. North is  
pointing towards the right of the sheet.

So the site again contains an existing  
single-family home in the northwest corner.  
Scattered throughout the rest of the property are a  
number of out structures. There is a greenhouse.  
There's a number of gravel driveways, dirt pathways.  
There is metal greenhouses and a frame shed on the  
site.

Topography for the most part drains in a

1 northerly direction, primarily a northwest  
2 direction, so it mostly drains from this corner, the  
3 southeast corner, and heads down in a northerly  
4 direction, and kind of lowest spot of the site for  
5 the most of the site is in this corner here on the  
6 north end. There is a portion of the site up in  
7 this southeast corner here that drains in the  
8 opposite direction but primarily heading in a  
9 northerly direction.

10 Surrounding this property, as you can  
11 see, are single-family homes on all sides, including  
12 across the street, as well, single-family  
13 residential developments.

14 The proposed development is for a 13-lot  
15 subdivision, and maybe we can switch to the second  
16 exhibit. Okay, so this is another exhibit prepared  
17 by my office, Fern Road Estates overall plan exhibit  
18 dated January 25, 2023. We can mark this exhibit as  
19 A-2. This is another aerial image, same orientation  
20 as the last except for this one has a -- the  
21 proposed subdivision overlaid on top of the existing  
22 aerial overlay. So again, Fern Road is situated  
23 down in this location here.

24 The site is for a 13-lot subdivision.  
25 We have 12 single-family homes proposed on this  
piece of property along with one stormwater  
management lot, which is located in this what I'll  
call the northerly side of the site behind a couple  
of the new proposed homes here. The existing house  
that's situated in this northwest corner, which  
fronts Fern Road Estates, will be removed,  
demolished, and replaced with a new single-family  
home so it will be similar in fashion to the other  
models that are being built with this development.

There will be a single point of access  
into the site. It will be a 50-foot-wide public  
right-of-way. It will be a public roadway,  
50-foot-wide right-of-way, cartway width of 28 feet,  
granite block curbing. We're proposing sidewalk on  
the southerly side of the street and up and around  
the cul-de-sac, where it will terminate. We don't  
show any sidewalk along Fern Road, but I do believe  
there was a request to have sidewalks installed  
along Fern Road, which we will do, and that will be  
the limitations of sidewalk on the property, itself.

Each one of these homes will include  
obviously a paved driveway for each of the lots that  
will access the properties. They are asphalt  
driveways. Most of these lots in here will be  
side-loaded garages. They will have anywhere --

1 maybe probably three-car garages, but they could be  
2 two- or three-car garages. They're going to be  
3 four- and five-bedroom homes, so they will be larger  
4 homes, but the lots, themselves, range in lot area  
5 anywhere from 22,000 square feet up to 40,000 and a  
6 little bit larger. The minimum lot size in the  
7 zone, itself, which is the R-2 zone, is 20,000  
8 square feet, so all the lots are fully compliant  
9 with the requirements within that R-2 zoning  
10 district.

11 The only variance that we are required  
12 on this particular piece of property is for lot  
13 width of the stormwater management lot, itself,  
14 which has access in this little section here to get  
15 to the back where this basin is located in this  
16 location. The basin access width there is proposed  
17 at 20 feet wide. The reason why it's 20 feet wide  
18 simply is because we just need enough room to get  
19 access to the back of the detention basin for  
20 maintenance purposes. Trying to make that width at  
21 the 120-foot lot width requirement would absolutely  
22 make that look sort of silly in relationship to the  
23 rest of the development. So that is a waiver that  
24 -- or variance that we are seeking with this  
25 application, the one and only variance that we need  
with the application, itself.

14 The site, itself, in terms of  
15 Residential Site Improvement Standards, it is  
16 considered a low-density residential development,  
17 which is why we have 28-foot-wide cartways. There  
18 will be on-street parking on one side of the street  
19 permitted. The cul-de-sac is compliant with minimum  
20 radius requirements for RSIS, and sidewalks on the  
21 one side of the street, as I previously mentioned.

18 The site is fully compliant with respect  
19 to all other aspects with New Jersey RSIS  
20 requirements, including the parking demand. Parking  
21 for the site is required to comply with the minimum  
22 two and a half spaces per unit. We have three and a  
23 half spaces provided on each lot with the garages  
24 and the driveway combination. Each driveway,  
25 itself, will have a little parking area to allow the  
backup out of the garage space, which are 30 feet  
wide by 34 feet DEP to provide ample maneuverability  
out of the garages, and that will allow for, of  
course, ample parking behind the garage, itself, and  
then the driveways, themselves, loading to the  
street are 15 feet wide, and they will allow for  
parking in that location as well as within the  
parking courtyard.

1                   Utilities to the property. We have all  
2 of the utilities proposed underground. We'll start  
3 with sanitary sewer. Sanitary sewer will run  
4 through an easement. It does not come out to Fern  
5 Road. The sanitary sewer will run down the center  
6 of the road and out an easement that runs within the  
7 open space of the Indian Forest development that's  
8 located on the east side of the property. The  
9 sanitary will tie into an existing sewer main that's  
10 located in Cherokee Road, and it's located  
11 approximately in this location here. There's an  
12 existing manhole.

13                   There are no pump stations proposed with  
14 our development. Everything flows gravity. We have  
15 nothing in regards to that. The reason why it  
16 needed to go in that direction, we were told that  
17 the sewer system that sits in Fern Road and Lavender  
18 Way did not have adequate capacity for this  
19 development, so there was an easement negotiated  
20 with the homeowners association of Indian Forest,  
21 and that easement is going to be signed should the  
22 application be approved tonight.

23                   Waterlines for the property. Again,  
24 conventional waterlines, 8-inch water mains on the  
25 site. We're tying into the existing waterline  
system in Fern Road. We currently show the plan now  
as a dead-end line out to the cul-de-sac up on the  
easterly side of the site. There was a comment made  
in one of the staff reports that we take that line  
and extend it through Indian Forest and out into the  
existing water system that's in Cherokee Road. Not  
required by RSIS. We don't meet that threshold, but  
we certainly would be agreeable to do that as long  
as the, you know, we can get the negotiations done  
with the homeowners association and they would agree  
to allow us to use it. It would sit in the same  
easement that's been already negotiated for the  
sanitary sewer. There's no need to modify that in  
any way, and in my opinion, it's always a better  
situation if you can get rid of some dead-end water  
maintains and just have it -- it not only benefits  
this community, the new development, but it will  
also benefit the Cherokee Road community, the Indian  
Forest community, as well. So that to me is a  
benefit for that installation.

26                   Stormwater management. Stormwater  
27 management on the site was very tricky. Stormwater  
28 management these days is not what it used to be, as  
29 I'm sure you all know. Stormwater management here  
30 had to comply with the latest and greatest

1 stormwater standards, which not only requires us to  
2 do the conventional stormwater management system in  
3 the roadways and throughout the properties with  
4 underground piping and utilities, but we have to  
5 deal with water quality, groundwater recharge, and  
6 the new green infrastructure requirements, and those  
7 green infrastructure requirements required us to do  
8 some additional stormwater management measures on  
9 the property to detain the runoff from the roadway  
10 and from the driveways and then treat them prior to  
11 them being discharged into the stormwater management  
12 system that's located in this northerly section  
13 here, which is a bioretention infiltration basin.

14 So what we have is the water is  
15 collected in the roadways and the driveways and  
16 basically the fronts of all of the new development.  
17 They're discharged into a new stormwater management  
18 water quality system. It's called an aquaponic  
19 system. It's basically a recharge area where it  
20 gets collected. It goes through an infiltration  
21 area of pea gravel and some landscape material, and  
22 then it goes through what I'll call tentacles to  
23 clean the filter, clean the water, and it collects  
24 at the bottom of the can and then gets discharged  
25 through a pipe and into the infiltration system,  
itself. The infiltration system in this large area  
here then will further treat the water, and it's not  
only an infiltration basin, it's a bioretention  
system, as well. So the bottom of this basin won't  
necessarily be all sand. It will have landscape  
materials. There will be some landscaping at the  
bottom of this pond -- or not the pond, but the  
infiltration area, and then it will be collected and  
controlled rate discharged out through an outlet  
control structure and discharged into the open space  
that's on the development immediately to the north  
of us, which is where the water goes today.

26 THE CHAIRMAN: Scott, if I might ask  
27 just one question. How much additional maintenance  
28 are these additional water treatment facilities  
29 going to take?

30 MR. TURNER: They're no more maintenance  
31 than some of the other water quality treatment  
32 devices that you've probably seen, the manufactured  
33 treatment devices that are more like a manhole.

34 THE CHAIRMAN: Manhole, right.

35 MR. TURNER: There's filters in there.  
They're basically the same thing. They have to be  
maintained. If they don't get maintained, they're  
not going to work long-term, and that's just with

1 all of these measures, and that's always been the  
2 rub with these. If you don't maintain them, they're  
3 just not going to work. They're going to work for  
4 the short term but not the long term, and, you know,  
5 they have to be maintained. They're in areas that  
6 are visible. We kept them close to the road.  
7 They're off the road. They can't be in the road.  
8 They're off the road grassed areas within easements,  
9 but they do have to be maintained, and they're  
10 visible, so at least people will see them. There  
11 will be an operation and maintenance manual filed by  
12 deed, and that's just somebody has to be mindful to  
13 do it.

14 THE CHAIRMAN: And I'll -- thank you,  
15 Scott.

16 MR. CRISCUOLO: Shawn, in that regard --

17 THE CHAIRMAN: Yes, Joe.

18 MR. CRISCUOLO: I think we'll require  
19 the homeowners association to maintain that or a  
20 copy of that maintenance plan and who is going to be  
21 performing that at any time on file.

22 THE CHAIRMAN: Thank you. That's what  
23 was going to be my point, Joe. Thank you.

24 MR. CRISCUOLO: Thank you.

25 MR. TURNER: Okay, moving on to lighting  
and landscaping on the site. Landscaping. We have  
obviously street trees proposed around the new  
roadway. We have street trees proposed along Fern  
Road's frontage, as well. The landscaping around  
the stormwater management basin and inside the  
stormwater management basin that will be planted in  
conformance with the BMP manual associated with  
bioretention systems, themselves. We do have graded  
along the frontage of Fern Road Estates on these two  
homes that are, you know, the first two homes coming  
into the development on the new road. There is a  
berm that's graded currently right now on the plan  
about 4 feet high on each side. We don't have any  
landscaping on that now, but we certainly will be  
providing some landscaping on that berm, and that  
will be part of the new package that would be  
submitted as part of resolution compliance should  
the board approve the project, itself.

We are also fully compliant with the  
woodlands management plan. We're taking down a  
handful of trees. We're planting a significant  
number of additional trees. So we do comply with  
woodlands management.

Lighting is decorative post top lighting  
along the new roadway. We believe there will be

1 lighting in accordance with the utility company  
2 standards and requirements, all LED lighting,  
itself.

3 Zoning. For zoning we are in once again  
4 the R-2 single-family residential zoning district.  
5 We're fully compliant with respect to the zoning  
6 standards. It's obviously a permitted use within  
7 the zone.

8 The only variance that we do have, as I  
9 mentioned before, is for minimum lot width on the  
10 stormwater management lot where we have 20 feet  
11 versus the 120 feet required, and as I mentioned  
12 before, that is just a -- it's pretty typical.  
13 We've done that in the past, not only in East  
14 Brunswick but other municipalities, as well, when we  
15 need to get the stormwater management system located  
16 in the appropriate area on the property because we  
17 want to have it at the low spot of the property so  
18 that it will discharge where it needs to discharge.  
19 We need to just be able to maintain access from  
20 that.

21 That's my direct testimony. If you have  
22 questions now, or we can go --

23 THE CHAIRMAN: Yeah, Mr. Lonski.

24 MR. LONSKI: Just want to make sure that  
25 we get these marked correctly in paper form. So,  
Keith, you have them that we can print at some point  
and mark A-1 and A-2.

MR. KIPP: Yes, we'll store them  
digitally with our file.

MR. LONSKI: So it will be part of your  
file. But I don't know if there's a way that you  
can have them marked A-1, A-2 digitally so that if  
there's an appeal that there's an appropriate  
record.

MR. KIPP: Yeah, absolutely. We can  
write right on the PDF.

MR. LONSKI: Okay.

THE CHAIRMAN: Yes, Mr. Criscuolo.

MR. CRISCUOLO: Definitely want the  
waterline moved up to the roadway, so I'm going to  
ask that the applicant do that and also put  
sidewalks all the way around. Makes no sense to me  
to have a sidewalk on one side of the road, and you  
know I'm a big fan of sidewalks, and also do it  
along Fern, and then eventually hopefully we get  
those (inaudible) connected, as well. And not  
unlike we've done in other applications, I heard  
that you're going to be saw cutting into Fern; is  
that correct?



1 MR. TURNER: Yes.

2 MR. CRISCUOLO: So I'd ask in front of  
3 the site for the footage there that either the  
4 roadway be repaved curb to curb or a donation be  
5 made to the program -- pavement replacement program  
6 so we would be able to, you know, do that, pave it,  
7 in accordance to what Mr. Kipp's pavement management  
8 plan is. As you know, we did Fern, and we're making  
9 our way down from Dunhams. We did great strides  
10 last year, and we're continuing on and the county's  
11 working on the light at Cranbury and Fern. So  
12 eventually we'd like to have that all nice fresh  
13 point in time cleaned up.

14 So those will -- the sidewalk is  
15 definite. I want it on both sides of the roadway  
16 and (inaudible) I think it's a reasonable ask as we  
17 asked other developers, and they seem to comply for  
18 making that -- paving that roadway or putting  
19 something in the trust account so when Mr. Kipp does  
20 it -- and I'm sure Mr. Kipp can calculate the cost  
21 of it (inaudible) final resolution. Thank you.  
22 That's all I have for now.

23 MR. ROSELLI: Our client will  
24 (inaudible)

25 MR. TURNER: The only question I have,  
26 though, is in regards to the -- I'll call a couple  
27 questions. The pavement along Fern Road. We  
28 certainly would agree to do something in that  
29 regards. You said curb to curb both sides or just  
30 our half?

31 MR. CRISCUOLO: Curb to curb.

32 MR. TURNER: Curb to curb, okay. I  
33 think probably makes sense to do the donation as  
34 opposed to milling and resurfacing bits and pieces.  
35 That's up to you, Keith, and others and staff,  
36 whatever you want to do.

37 MR. CRISCUOLO: (Inaudible)

38 MR. TURNER: The sidewalk on both sides  
39 of the street. Again, I just want to make sure  
40 we're all clear, and I understand your position  
41 about having sidewalk on both sides. The  
42 Residential Site Improvement Standards, because of  
43 the density of this development, it's a  
44 low-intensity residential access street. They have  
45 very specific requirements in terms of what you do,  
46 and that is a 28-foot-wide cartway, which allows  
47 parking on one side, and then also requires you to  
48 have sidewalk on one side of the street. It's all  
49 about limiting the impervious coverage.

50 MR. CRISCUOLO: (Inaudible) standard,

1 but that's what I would like as a member of the  
2 board.

3 MAYOR COHEN: It's been consistent.

4 MR. TURNER: If we're going to be  
5 obligated to do it, we'll do it.

6 THE CHAIRMAN: You are.

7 MR. TURNER: We're not going to make an  
8 argument over 200 feet of sidewalk.

9 THE CHAIRMAN: I think that -- I'm sure  
10 it's going to be a beautiful development, and I  
11 think it just seems consistent to have the sidewalk  
12 all the way around.

13 MR. TURNER: That's fine.

14 MR. CRISCUOLO: And curbs.

15 MR. TURNER: Yeah, Fern we agreed to do  
16 that. We kind of knew that was coming.

17 THE CHAIRMAN: Mr. Vice Chair Heppel.

18 MR. HEPPEL: I just need a little help  
19 with something just to make things more clear. We  
20 certainly like see applications work out, and we  
21 also care a lot -- and we care with our residents,  
22 and your presentation was very good, but when I  
23 looked at everything, went over everything and when  
24 I went to the site, you know, currently, it's like  
25 going off a cliff, okay, off of Fern Road, and you  
have the drainage basin in that one spot, and  
certainly, it is necessary, and then there are a  
number of drainage easements that you have, okay.  
When I look at it -- and I'm not a professional in  
just understanding every little nuance of what  
you're discussing, but I'm concerned for the  
property owners that surround that property, okay,  
that they could have flooding, because when I look  
at the way -- again, I may be incorrect -- that I  
believe it would drain in some of the areas, this  
could be a problem. So maybe if you could provide  
some information regarding some numbers that would  
be helpful and -- to make myself more comfortable,  
and if there are any residents here, you know,  
perhaps them, as well.

26 MR. TURNER: Sure. So what we did, what  
27 we did the drainage analysis here, we basically  
28 broke it into three subareas. The large subarea is  
29 this area here where it drains, you know, into the  
30 site from Fern Road and then basically to the north  
31 in this basin here. That area in the existing  
32 condition is approximately 8 acres going to that  
33 subarea. In the proposed condition, that goes to  
34 about 9 and a half acres roughly, which is why you  
35 need to do the stormwater mitigation standards that

1 we've done with the groundwater, the infiltration,  
2 the bioretention basin. So all of the water that's  
3 now currently running surface off the property and  
4 onto other adjacent properties, it's all being now  
5 collected in pipes and inlets like it normally would  
6 do, but then it's also going through these water  
7 quality devices, and then before it even gets  
8 discharged to its ultimate discharge point off  
9 property, it sits in this infiltration basin. The  
10 infiltration basin's been designed to hold the water  
11 for a period of time. The soil conditions out  
12 here -- there were a number of soil borings and  
13 tests done throughout the whole community. The soil  
14 is out here is like gold. The soil -- you don't get  
15 better soils than you have out here. I'm pretty  
16 familiar with the area. I did the Park Chateau  
17 Hotel development, as well. Same thing. The soils  
18 are just really, really, really good, very much  
19 conducive to doing this type of stormwater design  
20 where you try to get the water back in the ground.  
21 So what we're doing is collecting the runoff,  
allowing it to sit in that detention area, and that  
water theoretically is going to seep back into the  
ground, which allows us to show a significant  
decrease in runoff into the other -- into the  
off-site properties. So that's how we're handling  
water, not only for the roadways, the driveways, but  
we've also introduced on the majority of these homes  
are, if you looked at the plans, there are  
infiltration trenches. Those infiltration trenches  
are designed for the discharge of the roof runoff.  
Rather than letting them go overland, they'll go in  
the ground, tie into those trenches that are  
designed to accommodate the runoff from those roofs,  
and then that water ultimately will again seep back  
into the ground. If it for some reason can't handle  
the runoff, there's an overflow with a splash block,  
and that will allow the water then to run off, but  
the vast majority of the storms it will get back  
into that trench and just simply get back into the  
aquifer under the ground.

22 The other areas that we did analyze was  
23 there was a smaller subarea in this northeast corner  
24 here, which in the existing condition was 2 and a  
25 half acres, and then in this location here, like I  
mentioned earlier, this does drain off to the  
southeast in this location here. In the existing  
condition it's .8 acres. In the proposed condition,  
this went from 2.5 discharge overland to 1 acre. So  
we've significantly decreased the amount of runoff

1 into that corner because we're conveying all the  
2 flow into these water quality and stormwater  
3 management devices in order to treat it. That's  
4 what we have to do. And in similar fashion, the  
5 southeast corner in this location here, it goes from  
6 .9 to .4. So again, the area is cut in half. So  
and what we did is we analyzed all three subareas  
and documented that we are complying with all of the  
required peak rates of runoff reductions that are  
required by not only your town, by the state, as  
well.

7 MR. HEPPEL: One last thing to do with  
8 that because when I looked at it, it seems like you  
9 had the drainage basin and then you had the drainage  
10 easement, and it looked like really did a good job  
11 covering those four houses but not anywhere near as  
much on the rest of the property, and I was  
concerned with what I'll call the southeast corner  
and also on the northern part up there, as well, on  
the far end, that there was enough mitigation there  
to prevent the problem.

12 MR. TURNER: Yeah, and there is, and we  
13 do that by regrading of the properties to make sure  
14 that the water -- some of the water is still going  
15 to be discharged there, but it's all just overland  
16 grassed area, nothing more than that. The runoff  
17 will be reduced in terms of how much is going to get  
there. The rest of the area is all being graded.  
The reason why there's other easements throughout  
the property up to the -- again, I'll call it the  
north -- is because we have utility -- we have  
drainage systems up there, as well, to collect the  
runoff --

18 MR. HEPPEL: Thank you very much. Thank  
19 you.

20 MR. TURNER: -- to get it down into the  
21 detention basin.

22 MR. HEPPEL: Thank you.

23 THE CHAIRMAN: Adam, you had a question?

24 MR. NEARY: Thank you again for the  
25 presentation. I just had two questions. The first  
one was we had discussed about tapping into Fern  
Road and the work that will be done, whether it's a  
contribution, but what about Cherokee Road? Will  
there be any kind of construction along that, any --

26 MR. TURNER: Cherokee Road will need a  
27 utility construction, so there will be a trench that  
28 will be required to install the sanitary sewer. The  
29 manhole will require some pavement replacement in  
30 that area to get the connection made. The water tap

1 will happen basically as soon as we hit the road at  
2 this corner once we get off the easement right in  
3 in that location. So there will be a trench that  
4 will be obviously replaced in accordance with  
5 municipal standards like the municipality would do  
6 when they do a utility repair. It's the same  
7 situation.

8 MR. NEARY: Okay. And my second  
9 question is that the -- you talked about the type of  
10 soils on the property, but there is nothing in the  
11 report about the -- any kind of remediation in terms  
12 of the potential chemicals that were used during the  
13 nursery, any kind of discussions about what kind of  
14 testing that were done, and secondary, if there are  
15 chemicals on the property that need to be remediated  
16 and how it would impact the construction about kind  
17 of keeping it cleaned up so it doesn't impact the  
18 neighbors' properties.

19 MR. TURNER: Sure. So there was a phase  
20 1 report done on the site, and there was also a  
21 pesticide testing report done, as well. They were  
22 both submitted to the town for review, and we did  
23 get a letter from the Environmental Commission  
24 asking for that type of testing, and we did reply  
25 that that report was done, and basically, what that  
report had indicated was that there is no mitigation  
required based on the testing that they did on the  
site. Obviously, it needs to be tested and complied  
with residential standards, and right now the site  
does.

MR. NEARY: Did we get a copy of that  
report?

MAYOR COHEN: I don't remember seeing  
that.

MR. ABBONIZIO: So we actually did get  
the report late last week. Our environmental  
department did review it. They did do a preliminary  
assessment phase 1. It didn't show anything;  
however, it did recommend the pesticide testing.  
That's the report that we got, you know, kind of  
late last week. We didn't specifically talk about  
it in the report because it already went out;  
however, our department did review it, and it did  
come back with lower findings than would be required  
for the state remediation.

MR. NEARY: Thank you.

MR. CRISCUOLO: In line with Adam's  
question on Cherokee there, I think it's fitting  
that they -- when they put the sewer line in there

1 and the water line or the loop that they at least,  
2 you know, pave to the -- minimally to the center  
3 line or whatever Mr. Kipp asked for, like, 35 feet  
4 in each direction so that we don't have the dip like  
5 we always get along roadways.

6 Keith, what would be your opinion on  
7 that?

8 MR. KIPP: I think the trench is good,  
9 and we can calculate an area again for a  
10 contribution when we ultimately pave Cherokee Lane,  
11 but I think the trench would work, and then I can  
12 help (inaudible) and calculate that.

13 MR. TURNER: If that's what we need to  
14 do, then I think we're going to do that.

15 MR. CRISCUOLO: Thank you.

16 THE CHAIRMAN: Yes, Mr. Philips.

17 MR. PHILIPS: Maybe one question turns  
18 into two. The ownership of the storm drainage  
19 system is going to be a homeowners association; is  
20 that correct?

21 MR. TURNER: Correct, yes.

22 MR. PHILIPS: Okay. Is the street going  
23 to be maintained also by the homeowners?

24 MR. TURNER: No, it's a public roadway.  
25 It will be maintained by the municipality.

MR. PHILIPS: Okay, and that means also  
that the streetlights are going to be owned by?

MR. TURNER: By the municipality and/or  
the utility company, itself.

MR. KIPP: It's the utility company  
(inaudible) just pay the bills.

THE CHAIRMAN: Right.

MR. PHILIPS: So the responsibility of  
the homeowners is only then the drainage setup  
system.

MR. KIPP: And landscaping in the basin.

MR. PHILIPS: Yeah. Thank you.

THE CHAIRMAN: Any other board  
questions?

MR. HEPPEL: There's a comment on page  
15 to do with foot-candles, and it says that  
residential streets shall have an average of .40 and  
a .45 foot-candles, whereas the proposed plan  
provides an average of 1.10 foot-candles.  
Considering this is a residential development, an  
attempt should be made to bring the light levels  
more in line with the standard. But that is going  
to be the township's responsibility then?

MR. TURNER: Well, what we're going to  
do is we're going to look at the lighting design

1 that we have, and we're going to see if we can  
2 reduce the light levels. That may require a loss of  
3 a light, itself, within the roadway, itself, to get  
4 down to that light level that is being recommended,  
5 but ultimately then you'll pay the bills for  
6 whatever lighting that's on the street.

7 MR. HEPPEL: Okay. Thank you.

8 MR. PHILIPS: The lights will be  
9 shielded?

10 MR. TURNER: The lights will be shielded  
11 to the extent they need to be. I don't know if  
12 we've got it shielded now, but for all intents and  
13 purposes, if they need to be, I mean, the homes are  
14 set back far enough away I don't believe they really  
15 have an impact anyway.

16 THE CHAIRMAN: Any staff questions for  
17 this witness? Anthony.

18 MR. ABBONIZIO: Mr. Chairman, if you  
19 don't mind, there's a few things. I'd like  
20 Mr. Turner to have testimony regarding some  
21 questions or just some clarifications.

22 THE CHAIRMAN: Sure. And then  
23 understand we'll go through the recommendations  
24 after this.

25 MR. ABBONIZIO: The first thing is there  
is a drainage and utility easement between lot 39  
and 40 that actually is under the township  
requirement of 15 feet. I think that right now they  
have a proposed. We're simply asking if they can  
increase it to the 15 between the township's  
maintenance equipment or possibly the HOA's  
landscaping equipment that they would need to get  
access to that for their quarterly cleaning as part  
of the O&M manual. We would just ask that they  
increase that from a 10 to a 15.

MR. TURNER: Is that this easement in  
here, Anthony?

MR. ABBONIZIO: Correct.

MR. TURNER: So the reason why it's only  
10 feet wide is because the other half of what would  
be the easement is within the homeowners association  
lot. So in essence, you have 10 foot wide of  
easement, but then you've got an additional 20-foot  
width of the open space lot, you know, the access  
road, itself, so theoretically, you have a total  
width of 30 feet, not just 10. You understand what  
I'm saying?

MR. ABBONIZIO: No, but from the front  
of Breckner I guess to the back of the basin, those  
are both private property lots, correct?

1 MR. TURNER: No, the basin here is a  
homeowners lot. It's not on private property.

2 MR. ABBONIZIO: Agreed.

3 MR. TURNER: It's a homeowners  
association lot. It's and HOA lot that comes in and  
4 has this 20-foot-wide access. Basically, it looks  
like a flag lot in all intents and purposes. So  
it's 20-foot-wide.

5 MR. ABBONIZIO: So you're only taking it  
from the private property on the 39 --

6 MR. TURNER: Just the 10 on the 39 to  
make up the difference. That's all we're doing.

7 MR. ABBONIZIO: Okay. Scott, does that  
go all the way back, that flag lot portion of it?

8 MR. TURNER: Yeah, the flag lot goes  
from the street to the back of the lot 39 rear  
9 property line, and that's where it opens up, and  
this is the stormwater management lot, itself.

10 MR. ABBONIZIO: Okay.

11 MR. TURNER: If you were to look at the  
overall plan, I think it would be best plan to kind  
of look at how that lot's situated.

12 MR. ABBONIZIO: Okay, I see now. Okay,  
it's on the subdivision plan it shows. Okay.

13 THE CHAIRMAN: You good for now,  
Anthony?

14 MR. ABBONIZIO: No, I'm going through my  
16 pages.

15 THE CHAIRMAN: Take your time.

16 MR. ABBONIZIO: I have them flagged. I  
just got to get to them.

17 THE CHAIRMAN: That's it. Take your  
time.

18 MR. KIPP: Maybe I'll take an  
opportunity real quick.

19 THE CHAIRMAN: Sure, Keith.

MR. ABBONIZIO: You might steal some.

20 MR. KIPP: Scott, the one lot on Fern  
Road, the sewer drains towards Cranbury Road,  
correct?

21 MR. TURNER: Yes, we have a lateral that  
drains towards Cranbury Road.

22 MR. KIPP: All right, and to tie that  
in, you actually have to go traverse the  
23 right-of-way of the house, I guess it's to the left  
of the furthest house there?

24 MR. TURNER: We're going to flip it and  
tie it into the new sewer line that we're putting  
25 in.

MR. KIPP: So I just want to make sure



1 the restoration on that lot is -- yeah, that one  
right there, perfect.

2 MR. TURNER: What we're going to do,  
Keith, is we're not going to tie in this way. I  
3 think the recommendation was to tie it in to the new  
sewer line that we're building.

4 MR. KIPP: Okay.

5 MR. TURNER: That's what we're going to  
do. We're going to do that. We looked at it. We  
can get there.

6 MR. KIPP: All right, because the plan  
shows --

7 MR. TURNER: I think your recommendation  
was to try to get it in the other way, so that's  
8 what we're doing. We're going to go the other way.

9 MR. CRISCUOLO: So the line that's now  
past the other lot on Fern, there going to be an  
easement for that?

10 MR. TURNER: Depending on where we  
locate that sanitary line, there may be an easement  
11 on that lot, yes.

12 MR. CRISCUOLO: But where -- we don't  
want to maintain it -- we aren't going to want to  
maintain it force main, am I correct, Keith, so  
13 property owner will have to maintain that to where  
it connects into the force main.

14 MR. TURNER: Right, there's no force  
main. It's just a gravity line. It will be a  
15 lateral with a gravity system.

16 MR. KIPP: Typically, we would have a  
clean-out in between the curb and sidewalk or just  
behind the curb, where in this case -- Mr.  
17 Criscuolo's got a good point -- we would want the  
clean-out as close to the new street as possible.

18 MR. CRISCUOLO: Correct.

19 MR. KIPP: And the rest of that run is  
going to be the responsibility of the homeowner.

20 MR. TURNER: Of the homeowner, right.

21 MR. CRISCUOLO: Going to be on somebody  
else's property.

22 MR. TURNER: Yeah, there will be an  
easement that will be to the benefit of the  
homeowner where the lateral comes from, which is  
this lot here, the most northwesterly new lot that's  
23 facing Fern Road.

24 MR. CRISCUOLO: Can we make sure that's  
clear in --

25 THE CHAIRMAN: I was going to say, that  
could really -- that could be difficult.

UNKNOWN SPEAKER: Are you suggesting

1 that the sewer easement service that I guess the  
2 existing house lot, should that go through the  
3 easement or the flag lot? Or could it go behind to  
4 the -- down the flag lot so --

5 MR. TURNER: Well, it's funny you just  
6 mentioned that because Andrew just asked me the same  
7 thing. The answer is I don't know. It could be  
8 possible.

9 UNKNOWN SPEAKER: It seems to me if it's  
10 in the easement of the homeowners association, it  
11 might be --

12 MR. TURNER: I think we -- if I just can  
13 make a recommendation. We'll come up with a sketch.  
14 We're going to share it with staff and make sure  
15 they're comfortable with what we're doing, and then  
16 that's what we'll implement, but I just want to make  
17 sure we can make the numbers all work. But before  
18 we do anything, we'll make --

19 MR. CRISCUOLO: Don't want to maintain  
20 it until it hits the road.

21 MR. TURNER: I get it. I understand  
22 that.

23 MR. CRISCUOLO: Thank you. I'm glad you  
24 understand.

25 THE CHAIRMAN: So we'll make that a  
condition then.

MR. TURNER: That's fine.

MR. CRISCUOLO: Good idea.

MR. KIPP: All right. I just -- another  
item I know in Anthony's -- CME's review, I guess  
it's on page 13, he brought up striping and signage  
complying with MUTCD. I just want to confirm that  
what the town would look for is a stop sign, No  
Parking signs on the side of the street that you're  
going to have no parking on, a painted stop bar and  
painted crosswalk, and I think Anthony went into  
some detail about the dead-end being MUT -- the sign  
being MUTCD compliant.

MR. TURNER: That's fine. We'll provide  
all those details for review.

MR. KIPP: All right. I'm on a roll.  
The infiltration trenches, since there wasn't a  
detail in the set provided, I'm not real clear what  
they are. In your testimony, you sort of cleared it  
up for me that they are for the roofs, the roof  
leaders, but my concern is just, looking at the  
grading, some of those are on steep slopes, and I'm  
not sure how you take something that you want to  
infiltrate into the ground while it slopes, how  
that's going to actually infiltrate.

1 MR. TURNER: Well, remember they're not  
2 at grade. They're below grade. Those infiltration  
3 trenches are set 2, 3 feet below grade, so they're  
4 not sitting in that slope condition. They're going  
5 to be level and horizontal. The roof leader comes  
6 down off the house, down underground, and ties into  
7 those trenches. So it's not an above ground system.  
8 You wouldn't even know it's there. They're  
9 underground. And I apologize. I thought we had a  
10 detail on the plan, but we missed it. There will be  
11 a detail showing you minimum depth from grade, how  
12 deep they got to go. We know by soil testing that's  
13 been done that we have no issues whatsoever with  
14 groundwater or seasonal high water table because we  
15 have to be above that. But, yeah, we'll have them  
16 deep enough so they'll be level and horizontal. And  
17 that's how they are situated.

18 MR. KIPP: I just want to get on the  
19 record, though, that there's a few of them that it's  
20 really going to be difficult.

21 MR. TURNER: No, I get you, Keith, I  
22 understand.

23 MR. KIPP: -- 8 feet on one side or  
24 9 feet, which -- so --

25 MR. TURNER: We made need to manipulate  
the grades a little bit to get that to work, and  
that's fine.

MR. KIPP: Let me have some input in  
helping you place them.

MR. TURNER: Absolutely. Not a problem.  
We'll do that. And also, Keith, I just want to make  
sure we're clear. I know there was a comment about  
soil testing for all of these infiltration trenches.  
We've done a significant amount of testing on the  
site. We've determined for all intents and purposes  
the soil conditions out here are pretty -- they're  
pretty much at the same across the board. They're  
pretty consistent soil conditions. What we don't  
want to have to do is go out and dig another 30 or  
40 holes on top of the infiltration trenches. So  
we'd like the opportunity at least to use some of  
the testing that's already been done that are within  
proximity. Keith, we'll work with you, of course,  
as to what to do and what you're comfortable with  
rather than going out there and doing a whole bunch  
of additional holes. If we had marginal soils,  
yeah, absolutely, I would agree with you, but in the  
way the soils are out here, you know, at least in my  
opinion, I'm comfortable with what we can do in  
design.

1 MR. KIPP: I'm okay with that, Anthony,  
2 only because everything I saw, the soil types are  
pretty uniform.

3 MR. ABBONIZIO: So I do have one last  
4 one. Keith stole my other two. There was a  
5 question about the tree removal and the replacement  
6 plan. What -- can you just -- I think it came up,  
7 but can you just state for the record what the plan  
8 was for --

9 MR. TURNER: Yeah. The survey picked up  
10 I think there is eight or nine trees existing that  
11 weren't part of the tree farm that were out there on  
12 site. We're remove -- or maybe there was 11 or 12.  
13 We're removing six or seven of those trees, you  
14 know, based on what we need to do for the  
15 development. We're, you know, by visual inspection  
16 you can see we're planting a significant number over  
17 and above that number we're taking down. So I think  
18 the agreement -- and I think the report indicates  
19 that we are in compliant with the tree replacement  
20 ordinance requirements.

21 MR. ABBONIZIO: Okay. And the last  
22 thing was, we -- and maybe we missed it, but we saw  
23 the detail for the post-and-rail fence, but we  
24 didn't see it called out. The presumption is that  
25 it's for the basin.

MR. TURNER: It is, and I should have  
mentioned that, yes. The basin, itself, will be  
fenced in 4-foot-high post-and-rail fence with the  
safety meshing and the gate for access. That's the  
only fencing we're proposing on the property,  
itself. It will be wood. It will be wood.

MR. CRISCUOLO: Plastic, please.

MR. TURNER: You want plastic? Okay  
with plastic? Look, wood is always a little more  
rustic looking.

MR. CRISCUOLO: These are the same thing  
I ask everybody, so don't think I'm picking on you.

UNKNOWN SPEAKER: I don't.  
Aesthetically, it's --

MR. TURNER: Plastic it is.

MR. CRISCUOLO: Post and rail rots, and  
it falls apart. The next application tonight we're  
talking about a fence (inaudible)

UNKNOWN SPEAKER: As part of the basin  
they would have to maintain.

MR. CRISCUOLO: Yes.

THE CHAIRMAN: Yes, Councilman McEvoy --  
Council President.

MR. ABBONIZIO: And just for the record,

1 anything else that wasn't obviously specifically  
2 addressed, the applicants have agreed to --

3 THE CHAIRMAN: Yeah, we're going to  
4 quickly go over the -- Vice President.

5 MR. McEVOY: Mr. Turner, thank you for  
6 your testimony this evening. My question is geared  
7 towards Mr. Kipp, and we heard a lot of -- we heard  
8 some conversation about the infiltration system, the  
9 drainage, the storm design, and then there was the  
10 maintenance of this whole system, which seems new to  
11 me with regard to sitting on the planning board. It  
12 made me think about the high school and the problem  
13 we had up there with regard to flooding and the  
14 entire football field being ruined because there was  
15 not a maintenance -- there was not a maintenance  
16 program to take care of the runoff from excessive  
17 water that hit the field. As a result of the water  
18 having nowhere to go, it just ruined the entire  
19 football field. So let's just take this project  
20 that is happening in real time and let's go down  
21 15 years down the road. Will we still have a  
22 maintenance department from the homeowners  
23 association to take care of an emergency situation  
24 like Ida and how it affected the high school whereas  
25 all of a sudden this basin is flooding and these 15  
beautiful houses are in trouble. Can you comment on  
that.

MR. KIPP: Yeah, technically, we do have  
some basins that are 15 or 20 years old that HOA  
associations are responsible for. We have had some  
incidents in the past. HOA has been responsive.  
It's much like any other property maintenance item  
where our code enforcement can write a summons if  
they're not taking care of it.

I will say that, as Scott mentioned in  
his testimony, this is new. These are new  
requirements from DEP. This is really our first  
subdivision that has to be compliant with the last  
year's rule changes. And I agree, there is more  
maintenance, there is no doubt, that's required.  
These have what's called a scour hole, which is a  
design requirement to slow velocity down, but it's a  
maintenance nightmare because things get trapped in  
there. It's a flat area that things get trapped,  
and if it's not maintained, it's going to pond  
water, mosquitos are going to collect there, and  
it's right out by the street. That's why, as Mr.  
Criscuolo said, we want to make sure the HOA is  
responsible for this, and they have to know right  
away that this is them. And some of the new systems

1 they're using, I've never seen them used before. I  
2 don't know. The manufacturer makes plans. As Scott  
3 will attest to that he's designed it to what they're  
4 claiming. What happens in an extreme event, I don't  
5 know. We've never dealt with some of this stuff  
6 before.

7 MR. McEVOY: And, Mr. Turner, would you  
8 just like to shed some light on what --

9 MR. TURNER: Sure. Look, we --  
10 unfortunately we have really no latitude about this.  
11 We have to do it. They have to comply. And there's  
12 only so many measures that we have available to us  
13 to provide the stormwater management compliance  
14 that's necessary. The maintenance is going to be  
15 there. The maintenance is going to be there  
16 forever. As I mentioned, if the maintenance does  
17 not occur, these -- they won't work. Now, that's  
18 not to say it's going to flood the community because  
19 we have -- what we do as engineers, we always try as  
20 best we can to have a way for the water to get out,  
21 and the way the water gets out is either through an  
22 emergency spillway, the outlet control structure.  
23 If one of those aquaponic systems did fail or filled  
24 up, there is a bypass line that's set at a higher  
25 elevation that allows that higher elevated water to  
26 get through a bypass line that's located parallel to  
27 the line that's discharged from that aquaponic  
28 system. So we do as best we can in terms of putting  
29 in the measures that need to be put in, but I can  
30 tell you the stormwater standards are going to get  
31 more -- they're going to get worse before -- they're  
32 not going to get better. These are going to get  
33 worse as we move forward, and we're doing the best  
34 we can with what we have available to us. And the  
35 aquaponic systems that we're using here are new.  
36 These -- this is I think our second time on a  
37 project that we've used them on. We just don't --  
38 it is -- that's what we have to use.

39 MR. McEVOY: Thank you for your insight,  
40 Mr. Turner.

41 MR. ABBONIZIO: Mr. McEvoy, just for the  
42 record for the board's understanding, also -- and  
43 this has been going on I think for the last 7 years,  
44 but whenever a developer comes in with some type of  
45 basin or infiltration trench or some kind of a  
46 stormwater management system, the state essentially  
47 requires, whether it's a township, municipality,  
48 whether it's an HOA, there is two different  
49 documents that have to be filed at the county for  
50 these type of systems. One is what they call an O&M

1 manual, which is an operations and maintenance  
2 manual, which essentially speaks to what they have  
3 to do to maintain these things. There's quarterly  
4 cleanings. There's yearly cleanings. There's  
5 5-year cleanings for the sand, for the infiltration  
6 that has to get replaced with the K-5. So there  
7 is -- and it's a manual. I mean, it's a pretty  
8 thick, you know, booklet of requirements that the  
9 HOA essentially has to have as part of their, you  
10 know, council or, you know, organization, and they  
11 have to abide by it. That's the first thing. So  
12 it's filed with the county. The township has a  
13 record of it. The HOA has a record of it.  
14 Fifty years from now, someone could pull it from the  
15 county clerk's office and essentially -- and look it  
16 up. So -- and that's the point of it, so it's  
17 always there. It doesn't get lost with a turnover  
18 of an HOA. If someone moves out, he was the  
19 president, he kind of did this, now he's gone and  
20 there's a new one. There's turnover every 20 years,  
21 right, with different families. So that O&M manual  
22 gets put on the record. It gets filed with the  
23 county.

24 The second document is an access and  
25 maintenance agreement, which is also required by DEP  
that we -- a lot of this is usually done behind the  
scenes at reso compliance, but it's a document that  
the developer has to prepare. They have to sign,  
notarize, and it gets filed with the O&M manual at  
the county. That document, the verbiage comes  
straight out of the DEP's regulations. You have it  
on your ordinance, too, quite frankly, because you  
had to adopt it. It speaks to if there is lack of  
maintenance. There is two entities that have the  
ability to go onto that property, the township or  
whatever municipality, and the county that it sits  
in, because the county is the ultimate one that  
holds the records for all these things, and that was  
predicated by the DEP. So that O&M manual and that  
maintenance and access agreement gets filed, and  
it's part of the record. There are certain criteria  
that if the code enforcement officer provides them  
14 days' notice, right, they have to remedy within  
14 days. There is an appeal period that's within 30  
days. But the idea is they are put on notice that  
they have to fix this within a certain amount of  
time. If it doesn't get done, that's when the  
county or the township has the ability to go in  
there and do it for them. And then there is also a  
language in there that says the town or the county,

1 whoever did it, has the ability to put a lien  
2 against the property to collect the cost it took to  
bring it back to the standard.

3 So there is two documents that -- and  
4 that's for every development going forward. That's  
5 been doing it for the last 7 years. And as the  
6 regulations get harder, it does make it more  
7 difficult for the HOA's, but there's really no other  
way around it. But those two documents do get filed  
with the county. Anyone can pull them up as public  
record at the clerk's office, and it assures  
theoretically that that HOA knows what they have to  
do in perpetuity.

8 MR. McEVOY: Don't want to belabor the  
9 point. Just want to make sure that you were -- our  
professional staff was comfortable with the  
presentation by Mr. Turner.

10 MR. KIPP: Just a final note. I'm  
11 sorry. Granted, the older basins, the most of the  
12 maintenance is mowing the basin. That's what they  
13 have to do. I think as these start to proliferate,  
14 there's more and more companies that see that, hey,  
15 these new systems are going to have to be maintained  
so it's a business opportunity for us, and I think  
the homeowners, once they start seeing that, hey, if  
we didn't maintain that and caused a problem, they  
maybe realize that, hey, it's sort of like mowing  
the lawn and we should have it done, and if we keep  
up with the maintenance, it's not as expensive as  
when there's a calamity.

16 THE CHAIRMAN: Mr. Philips.

17 MR. PHILIPS: Just I was going to ask  
18 Mr. Lonski. The writing of the HOA agreements, is  
that cookie cutter, or is it specific to each  
individual homeowners association?

19 MR. LONSKI: I would imagine -- and  
20 correct me if I'm wrong -- but there will be a  
21 developers agreement that is between the township  
22 that will have the maintenance provisions in it and  
will have the obligations of the various parties  
drafted into it. That's the agreement between the  
developer and the township that will address  
maintenance.

23 As far as the homeowners association  
24 internal documents, the reason that you don't  
25 necessarily want to rely on them as a board or  
municipality is because the association can amend,  
right, their own. We want to make sure it's part of  
the redevelopment agreement and part of the  
maintenance agreements that are on file.



1 MR. PHILIPS: In the same sense that  
2 until they have 51 percent of the ownership of the  
3 individuals who are moving in here, technically it  
4 falls back on the developer; is that correct?

5 MS. APTE: Chairman, may I?

6 THE CHAIRMAN: I'm sorry.

7 MR. CRISCUOLO: I would just ask, too,  
8 that in the condition of approval, if we decide to  
9 do this, that -- and I think the DCA now requires  
10 it, but I think it's important that we put in there  
11 that each homeowner receives a copy at closing of  
12 that homeowners agreement so the homeowner is  
13 clearly knows what that association is responsible  
14 for. I've seen in other towns -- and Mr. Kipp and I  
15 have some experience with this -- where, you know,  
16 they don't realize that they're responsible for that  
17 fence or this or that, and next thing you know,  
18 they're calling my office or Keith and saying, oh,  
19 you know, the fence over here is broken or you guys  
20 didn't come cut the grass, and we go to tell them  
21 it's your responsibility to cut that grass, it's  
22 your responsibility to do that. So I'd like to have  
23 it a condition clearly in the condition of  
24 approval -- and I think the DCA requires it -- that  
25 each property owner, you know, gets a copy of that  
homeowner association saying what their  
responsibilities are because we went to DCA to look  
up one of them at one time, and, Keith, remember  
they couldn't find it because they got hundreds of  
them.

THE CHAIRMAN: Hundreds of thousands of  
them.

MR. CRISCUOLO: HOA agreements down  
there, and we'd like to have that at least in our  
office, as well, filed with the clerk and with Mr.  
Kipp.

MR. LONSKI: Again, two things, and I  
kind of shared with -- so we're talking about two  
different things, right. You want the developer to  
provide that information to the first level home  
buyers, but we're also requiring that there be a  
deed restriction that references that in that deed  
so when the property is turned over, it's a matter  
of public record that runs with the land. So --

MR. CRISCUOLO: Correct.

MR. LONSKI: Because usually, it's the  
second homeowner that doesn't know what the  
responsibilities are.

MR. CRISCUOLO: Some of the things that  
Keith and I deal with now truth in lending kind of

1 requires that anyway to be in there, but I think it  
2 should be memorialized in the resolution.

3 THE CHAIRMAN: But, Steve, the real  
4 answer to your question is these agreements are very  
5 cookie cutter, but the lawyer charges like they're  
6 very highly individualized.

7 MR. PHILIPS: That's by plan.

8 THE CHAIRMAN: Mr. Heppel, did you have  
9 another comment?

10 MR. HEPPEL: No, it was answered. I was  
11 going to ask about the deed restriction.

12 MS. APTE: Thank you, Chairman.

13 Mr. Turner, really quickly, I just want  
14 to put it on record. Since we didn't have  
15 calculations of the impervious coverage or the  
16 slopes on the property, do they comply with the  
17 ordinance?

18 MR. TURNER: They do comply. We did do  
19 a steep -- a slope analysis, and we are compliant.

20 MS. APTE: Okay. And we will get  
21 calculations of the impervious coverage during  
22 the --

23 MR. TURNER: Yeah, that's a little tough  
24 to do now because, you know, each home lot is going  
25 to be a little different depending on what model  
26 gets chosen and what, you know, add-ons are there.  
27 Normally what we'll do is -- look, the lots here are  
28 significant in size, so we have no issue with, you  
29 know, meeting or, you know, hitting or getting up to  
30 that threshold, in my opinion anyway. During plot  
31 plan stage, we do those types of calculations, and,  
32 of course, the resolution will state that we are  
33 going to be compliant, and that's what we're  
34 obligated to do.

35 MS. APTE: Okay. Thank you. In terms  
36 of building height, since we didn't get any kind of  
37 architectural plans, are those going to be the same  
38 thing? Are they going to be in compliance?

39 MR. TURNER: They'll be in compliance  
40 and calculated in conformance with the definitions  
41 in the ordinance, yes.

42 MS. APTE: Thank you. And last question  
43 which was in our memo had to do with Township of  
44 East Brunswick has a policy on look-alike ordinances  
45 in terms of, you know, at least not three buildings  
46 should look similar. Would you be able to -- again,  
47 I understand you don't have any kind of  
48 architectural plans right now, but how would we  
49 ensure that at least three prototypes of elevations  
50 are used?

1 MR. TURNER: I think the applicant's  
2 very familiar with the township and the work he's  
3 done in the past, and he's very familiar with that  
4 ordinance and will comply.

5 MS. APTE: Okay. That's it, Mr.  
6 Chairman. Thank you.

7 THE CHAIRMAN: Yes, Adam, Mr. Neary.

8 MR. NEARY: Thank you, Chairman. In  
9 terms of just landscaping buffers between the  
10 proposed houses on the I guess the eastern corner,  
11 lot 34 and 35 and Cherokee Road, is there any  
12 consideration or to put in a pretty extensive tree  
13 buffer between that and neighbor's property?

14 MR. TURNER: Honestly, no. It's  
15 residential to residential, single-family to  
16 single-family. You know, I don't like to see  
17 single-family homes against single-family homes kind  
18 of barricade themselves in with buffer plantings.  
19 If a resident or homeowner wants to decide to put  
20 some landscaping in along its perimeter, I think it  
21 should be up to that homeowner to do that work.  
22 There are some existing mature trees along the  
23 Indian Forest development already. So we didn't see  
24 honestly the need to put in any additional buffer  
25 plantings just for the sake of trying to screen  
house to house.

MR. NEARY: Okay.

MR. KIPP: Adam, if I may just follow  
up. Technically, I don't believe it abuts any of  
the residential lots. It abuts open space.

MR. TURNER: Right.

MR. KIPP: And so there is a bit of a  
buffer. It may be as small as 10 feet, I'm not  
sure, but there is a buffer there that's open space  
already.

MR. TURNER: That's a good point, yes.  
Thank you.

MR. KIPP: A residential lot.

MR. NEARY: Okay.

MR. CRISCUOLO: Just ask that you don't  
put a tree on top of that sewer line that's going to  
the (inaudible)

MR. TURNER: Got you.

MR. CRISCUOLO: Please don't.

THE CHAIRMAN: Any final board  
questions?

MR. CRISCUOLO, also, I have no objection  
to the higher wattage of the roadway, itself, as  
long as it's, you know, shielded down. We  
repeatedly get calls people want more lighting on

1 their street.

MR. TURNER: Ideally, we'd like --

2 MR. CRISCUOLO: I'd like for Keith to  
3 take a look at that. I know Jersey -- I think  
4 Jersey Central covers this area.

THE CHAIRMAN: Jersey Central.

4 MR. CRISCUOLO: So in the new lighting  
5 manual that came out, they got some new pictures.  
6 So LED, low-cost, two at once, last forever. That's  
7 what we want.

6 MR. KIPP: Yeah, for the record, I want  
7 to compliment Scott on nailing that street entrance  
8 that you're able to utilize the existing streetlight  
9 that's out there because that was my first question.  
10 I wanted to make sure at the intersection there's a  
11 streetlight and --

9 MR. TURNER: There is. I must admit  
10 we're not that good.

10 THE CHAIRMAN: Anything else for this  
11 witness? Mr. Roselli, anything else?

11 MR. ROSELLI: You want to go over any of  
12 the recommendations on the report?

12 THE CHAIRMAN: Actually, what I'd like  
13 to do is take about a 10-minute break. The chairman  
14 is old and needs it. We are in recess for a few.

(Board recess)

14 THE CHAIRMAN: Mr. Roselli, do you have  
15 any other witnesses.

15 MR. ROSELLI: No, we don't. We're ready  
16 to go through the report.

16 THE CHAIRMAN: Okay, why don't we go  
17 through recommendations, which -- let me see where  
18 they start on page -- let's see -- I'm sorry, page  
19 8. If you -- thank you, whoever yelled that out.  
20 Appreciate it.

19 If you don't have any problem complying,  
20 just say, you know, section A, no problem, and then  
21 if there's an issue, we'll chat about it, and then  
22 you'll do what we want anyway.

21 MR. TURNER: Mr. Chairman, I can tell  
22 you that we have no issue or comments on any of the  
23 recommendations in CME's January 18, 2023, report.  
24 We'll agree to comply, but you can certainly go  
25 through whatever you'd like.

23 THE CHAIRMAN: Yeah, no, I --

24 MR. KIPP: Can't make it much easier  
25 than that.

25 THE CHAIRMAN: Yeah, you can't. Staff,  
do we need to make any comments or --

MR. ABBONIZIO: No, Mr. Chairman, I went

1 through all the items that I wanted clarification  
2 on.

3 MS. APTE: Me, too.

4 THE CHAIRMAN: Good. Okay. Mr. Lonski,  
5 do you have any issues or comments that you'd like  
6 to make?

7 MR. SACHS: I don't.

8 THE CHAIRMAN: Well, then, at this time  
9 I'd like to open up this application to any member  
10 of the public wishing to be heard on it.

11 MR. TURNER: Can I just interrupt one  
12 more time. Couple other things I'd like to get on  
13 the record.

14 THE CHAIRMAN: Sure.

15 MR. TURNER: I don't know if we can get  
16 the exhibit put back up --

17 THE CHAIRMAN: No problem.

18 MR. TURNER: -- Jessica, the Exhibit  
19 A-2. I just want to make sure the board's aware of  
20 what we're going to do with one particular lot  
21 that's fronting on Fern Road or close to Fern Road I  
22 should say.

23 MR. KIPP: Want me to zoom in, Scott?

24 MR. TURNER: No, I don't think we need  
25 to, Keith, that's fine. So one of the lots here you  
26 can see on the south side of the new road coming in  
27 off of Fern Road, we have a side loaded garage with  
28 the garage facing Fern Road. The house on the other  
29 side does not have the garage facing Fern Road. It  
30 has it facing the new street. To make this uniform  
31 and to be in compliance with the agreement that's in  
32 place with Indian Forest, we're going to agree to  
33 move this garage to the front and have it more  
34 consistent with the other property on the other  
35 side. So there will be no side loaded garages  
36 facing Fern Road. They will be facing the new  
37 roadway, itself. So that's just a technical thing  
38 that we're going to change.

39 The other thing we're going to do is on  
40 the easement -- on the berm that we're proposing on  
41 both of the lots on the corner of Fern and the new  
42 road, we're going to put landscaping on that berm.  
43 We are going to place them in an easement to provide  
44 protection that the landscaping gets maintained and  
45 that it cannot be removed in the future.

46 MR. KIPP: And easement to who?

47 THE CHAIRMAN: Yeah, I was going to say.  
48 Easement to the homeowners?

49 MR. TURNER: It will be an easement to  
50 the -- probably to the property owner that they

1 cannot remove or modify the landscaping or the berm,  
and it has to be maintained.

2 MR. LONSKI: Is it going to be like a  
deed restriction?

3 MR. TURNER: Yes, it will be a deed  
restriction; yes.

4 MR. KIPP: Not dedicated to the  
township.

5 MR. TURNER: No, no.

6 MR. ABBONIZIO: Mr. Chairman. Can you  
just confirm that you'll have the site triangle  
easements for that intersection.

7 MR. TURNER: Yes, we will. We'll make  
sure that --

8 MR. ABBONIZIO: You don't have anything  
within that site triangle easement.

9 MR. TURNER: Yes, that's correct, we  
will do that.

10 MS. APTE: And, Mr. Turner, just to  
clarify because you did testify they are going to be  
11 four- or five-bedroom houses, so there will be three  
parking spaces with turning, that the front driveway  
12 there will be one space?

13 MR. TURNER: Yes, RSIS you get three and  
a half spaces per home with a two-car garage and a  
driveway. We have more than adequate parking.

14 MS. APTE: Okay. Thank you.

15 MR. TURNER: That was it. Thank you,  
Mr. Chairman.

16 THE CHAIRMAN: Okay, then I would like  
to again open this up to any member of the public  
wishing to be heard on it. Like to speak, raise  
17 your hand, I'll recognize you. Go to the podium.  
I'll have to swear you in, and then you can ask your  
18 questions. Yes, ma'am.

19 MS. GONCHAR: Meryl Gonchar.

THE CHAIRMAN: We need to swear you in.

20 MS. GONCHAR: As attorney representing  
you have to swear me in?

21 THE CHAIRMAN: I'm sorry.

22 MS. GONCHAR: This is just really a  
question. I'm confused, and I represent Indian  
Forest Association. Can someone clarify what is  
going to happen with regard to the work that's going  
23 to be done on Cherokee after the sewer and the water  
are tied in there, because I heard a contribution,  
24 but I heard paving for a certain distance. Can you  
clarify. We had asked that it be repaved. We know  
25 the homeowners, particularly in that area, will be  
concerned if they see patching for any period of

1 time. I understand the township has a program, but  
2 can someone clarify what's actually going to happen  
out there if they can.

3 MR. KIPP: Sure. What we're looking for  
4 the applicant to agree to is to after they do the  
5 utilities to pave the trenches, let the trenches  
6 settle because typically if you try and pave too  
7 early, you're going to have settlement problems, and  
8 what we're looking for is a full-width dedication of  
9 whatever the length of the work is that enough money  
10 for our program to pave the street curb to curb,  
11 just like we asked for on Fern Road, for the  
impacted section on Cherokee, and then what we would  
do is when we come around with our paving program, I  
know we're doing Buffalo this year, and once we get  
into a neighborhood, we stay and we'll finish. So  
when we have our paving contractor in the  
neighborhood, we'll come, saw cut both sides of the  
streets, and pave full width in that area so all you  
see is two seams perpendicular to the curb lines,  
and it will be brand new pavement.

12 MS. GONCHAR: Okay, and again, if the  
13 project doesn't proceed, if the paving in that area  
14 is done first, there will be some coordination --  
15 the only concern is that that area not remain with  
patches for any extended period of time. That's the  
concern, that -- if this all works out and the  
timing, that's wonderful, but if it doesn't, some  
undertaking that it will be done.

16 MR. CRISCUOLO: Mr. Chairman.

17 THE CHAIRMAN: Go ahead, Mr. Criscuolo.

18 MR. CRISCUOLO: We have a moratorium on  
19 opening the road and everything. If that happens,  
20 they have to do it curb to curb by our ordinance  
21 already.

22 MR. KIPP: And anyone can call my  
23 office, and we will respond. We're not going to let  
24 it go, and we're not going to let it become a  
25 problem.

26 MS. GONCHAR: We appreciate that. Thank  
27 you.

28 THE CHAIRMAN: Not a problem. Anyone  
29 else would like to be heard on this application?  
30 Yes, in the back. Please come up and raise your  
31 hand.

32 MS. FAM: Hi, Angela Fam. I live at 38  
33 Fern Road.

34 THE CHAIRMAN: Please raise your hand  
35 and be sworn. Do you swear to tell the truth, the  
whole truth, so help you God?

1 MS. FAM: I do.

THE CHAIRMAN: Welcome.

2 MS. FAM: So my question's very easy and  
3 brief. Currently, so I am your southernmost  
4 neighbor. We share a property line. My driveway  
5 and, you know, the length of my lot extends four  
6 houses, and currently -- yes, that's my house. So  
7 currently there stands a chain link fence between  
8 Conover Nursery and my property, and that fence lies  
9 on the Conover Nursery property. So I'm just  
10 curious what your plan is for the fence. I mean, it  
11 would be my preference to keep the fence. I have  
12 three small children, and I would like some sort of  
13 barrier between me and my four newfound neighbors.

14 MR. TURNER: Well, I think it's going to  
15 have to be removed to do the grading that needs to  
16 be done in the area. Did you put the fence up or  
17 was it --

18 MS. FAM: No, it was there when I moved  
19 in. It's Conover's property.

20 MR. TURNER: The intent was to remove it  
21 and then not have it there.

22 MS. FAM: Okay, and nothing would be put  
23 in its replacement.

24 MR. TURNER: No, nothing on this  
25 development side, no.

26 MS. FAM: Okay. So, all right. I would  
27 just like the board to take that into consideration,  
28 that there is no buffer now between my property and  
29 four back yards. That's all. Thank you.

30 MR. REISS: So what can be done?

31 THE CHAIRMAN: I don't know. I mean,  
32 I'm not crazy about fences between neighbors. I  
33 mean, I don't know. I guess we can ask the  
34 applicant, but I'm not sure that that's a position  
35 that this board wants to take for one homeowner.  
36 You know, I mean, I think then where does our --  
37 where does our line of responsibility end to ask a  
38 developer to do something that benefits one  
39 particular homeowner, and then what about the person  
40 next door, next door.

41 MR. REISS: My concern is it's coming  
42 four houses.

43 THE CHAIRMAN: Yeah, I mean, I think the  
44 property owner always has the option. In other  
45 words, if your --

46 MAYOR COHEN: It's not hers. If she  
47 wants one, she puts it up.

48 THE CHAIRMAN: I mean, no different than  
49 if you're -- the person that you live behind took



1 their fence down. If you wanted a fence, you would  
2 have to put it up.

MR. HEPPEL: Shawn.

THE CHAIRMAN: Yes.

3 MR. HEPPEL: As a father of three  
4 children that are well into adulthood, I understand,  
5 and might be this. Assuming -- and I'm just  
6 assuming this, that they are young children -- if  
7 that fence could -- and I don't know if it can --  
8 remain until the basic construction of the property  
9 is just about done, then you don't have the  
10 possibility of a child running where there's,  
11 whatever it is, a backhoe, whatever, in the back  
12 yard and something bad happening or leveling and  
13 it's knowing -- and that wouldn't cost anybody  
14 anything if -- and I don't know, but, you know, if  
15 it could be done very late in the project, I think  
16 that would help our resident out.

17 THE CHAIRMAN: Yeah, but I would think  
18 that since it's a grading issue, it might have to be  
19 done sooner rather than later.

20 MR. HEPPEL: At the edge of the  
21 property, and I know that they don't have to do  
22 anything. I'm well aware of that.

23 MR. TURNER: We certainly will agree  
24 that the fencing can stay up for as long as it can  
25 stay up until the construction activity gets to that  
location, but there will be a point where it will  
have to be removed. We'll leave it up as long as we  
can.

MR. HEPPEL: That's good. Thank you.  
Okay.

THE CHAIRMAN: Any other member of the  
public wishing to be heard on this application?  
Seeing none, I declare the public portion closed.

Any final thoughts by the staff? Final  
thoughts by the board? What is the board's pleasure  
with this application?

MR. HEPPEL: I'll move it.

THE CHAIRMAN: It's been moved. Do we  
have a second?

MR. HASHMI: I'll second.

THE CHAIRMAN: Moved and seconded.

MR. LONSKI: If I can verify something  
if you don't mind.

THE CHAIRMAN: Sure.

MR. LONSKI: So there were several  
recommendations that I just want to make sure that  
the applicant is agreeing to so that when you  
vote --

1 THE CHAIRMAN: Absolutely, Dave.

MR. LONSKI: -- you're aware of them.

2 THE CHAIRMAN: Run through them.

3 MR. LONSKI: I'm just going to go from  
my notes a couple of things that I starred.

4 So there was a request that the sidewalk  
go around the entire development on the interior  
along with Fern Road. Is that acceptable?

5 MR. TURNER: Yes.

6 MR. SACHS: Okay. Talked about tying  
the water into the Indian Forest Apache loop.  
That's acceptable?

7 There was discussion about with respect  
to the maintenance of the stormwater that the --  
8 that there be deed restrictions that reflect the  
homeowners association and the responsibility of  
9 maintenance.

10 We talked about the contributions toward  
the pavement program, township's pavement program on  
Fern and also for Apache, as those are tied in.  
11 That's acceptable? I'm sorry, Cherokee, Cherokee.  
Sorry.

12 Let's see. The lighting is to be  
approved by the township, street lighting, board  
13 engineer.

14 Let's see. I covered all that  
maintenance with my general generic comment.  
15 Plastic fence around the detention  
basin.

16 MR. TURNER: Yeah, the applicant -- we  
certainly will agree to do the PVC fencing if that's  
what is required, you know. Our preference would be  
17 to have a wooden fence. We think it's more  
appropriate in character and nature. And it is the  
18 responsibility of the HOA to maintain it and fix it  
if it needs to be fixed. Whatever the board's  
19 pleasure, of course, but --

20 MR. CRISCUOLO: Board's pleasure is for  
PVC. For me. Should only talk for myself.

21 MR. McEVOY: Beg your pardon, Mr. Chair.  
That's your comment, that's not this board's  
22 comment. If it's something that the board's  
pleasure, we should discuss it and come back to it.

23 THE CHAIRMAN: I think let's discuss it  
before we start voting on it.

24 MR. LONSKI: I agree. I just wanted to  
see if there's anything else here.

25 THE CHAIRMAN: Go through all those, and  
then we'll come back.

MR. LONSKI: No trees on the sewer line.

1 I think we covered that.

2 The look-alike ordinance would be  
3 complied with.

4 From the plans there will be revision so  
5 that the front entrance garage for lot 1 will be  
6 front facing.

7 Landscaping and berm will be in some  
8 kind of deed restriction on the lot, lot 1. And I  
9 forget the other lot number. The berm is in front  
10 of lot 1 and lot 11.

11 MR. KIPP: I think it's lot 30.

12 MR. TURNER: It's lot 30 and lot 40.  
13 Those are the new lot numbers assigned by the tax  
14 assessor.

15 MR. LONSKI: Thank you. All right. And  
16 the last was that the applicant will allow the fence  
17 to remain as long as possible so it doesn't  
18 interfere with the construction project that we  
19 talked about.

20 THE CHAIRMAN: Okay, so let's quickly go  
21 back to the idea -- the issue of a wood fence versus  
22 a PVC fence. I would, you know, just generally, Mr.  
23 Criscuolo, as the township administrator, has lots  
24 of experience on this. I would defer -- I would,  
25 Shawn Taylor, would defer to his wish on this. Does  
the board have a strong feeling either way? Give me  
a little direction, guys.

MR. PHILIPS: I think it's just the  
aesthetics of the plastic. If they have different  
options as far as what it looks like instead of the  
white plastic. I think that aesthetically for  
the -- for this new development might be something  
they will try to avoid. That's all. And maybe  
there's some other option other than the straight  
white plastic.

THE CHAIRMAN: Mayor, do you care one  
way or the other?

UNKNOWN SPEAKER: Can there be a brown  
PVC? Is that what you're suggesting? Or green?

MR. TURNER: I don't know if it's even  
available, to be honest with you. I've only seen  
white PVC fencing. I've not seen any other color.

MR. CRISCUOLO: There is tan.

MAYOR COHEN: How about chain link?

MR. CRISCUOLO: But there also is chain  
link fence.

MAYOR COHEN: Chain link lasts longer,  
and it doesn't look as bad.

MR. TURNER: We're looking for -- we're  
trying to pick something that is more appropriate

1 for the community and the development, what's going  
2 to look the most appropriate. It's just my humble  
3 opinion as an engineer, the post-and-rail wooden  
4 fence -- because remember, it's going to have that  
5 safety mesh stapled to the back. So the wooden  
6 fence, that color of that wood sort of masks the  
7 color of that safety mesh that gets stapled to it.  
8 What we've seen in the past with the PVC fencing and  
9 you staple that to the back of it, there's a  
10 contrast there. There really is. And you try to  
11 staple that to the plastic, it doesn't really -- it  
12 can't really make a good tight bond between the two.  
13 Again, it's my opinion that post-and-rail, the  
14 wooden post-and-rail fence is more appropriate for  
15 this use.

MR. KIPP: I would propose there could  
be a middle ground, a compromise --

THE CHAIRMAN: Sure. Please.

MR. KIPP: -- where you can get a  
recycled plastic that will get the longevity that I  
think our administrator is looking for, and it also  
comes in different colors that they could get the  
look that the developer is looking for. So I would  
recommend a composite plastic maybe recycled  
material is available.

MAYOR COHEN: It's worth looking into.

THE CHAIRMAN: Yeah, why don't we do  
that. Why don't we try to look into a recycled  
plastic.

MAYOR COHEN: We're just dealing with an  
awful lot of wood fences around town and a lot of  
areas that are town responsibilities, and it's  
caused a lot of problems in neighborhoods because we  
don't want to replace them because of the fact that  
it's rotting, and so we know what happens 20 years  
down the line. That's where we're at. The town's  
older. We're seeing these problems. That's why  
it's on our mind right now.

THE CHAIRMAN: I think that's a good  
resolution.

MR. ROSELLI: We don't know, quite  
honestly, what kind of composite's out there that we  
might be able to get. Can we put a condition in  
there that our client will work with the town --

THE CHAIRMAN: Perfect.

MR. ROSELLI: -- and we'll come up with  
something that's agreeable to both parties.

THE CHAIRMAN: Absolutely.

MAYOR COHEN: That's what it will be.

THE CHAIRMAN: Okay. So we still have a

1 motion on the floor. It's been moved. It's been  
2 seconded. There's been discussion. Let's call the  
roll.

MS. TEGEDER: Mr. Neary.

MR. NEARY: Yes.

MS. TEGEDER: Mr. Philips.

MR. PHILIPS: Yes.

MS. TEGEDER: Mr. Reiss.

MR. REISS: Yes.

MS. TEGEDER: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

MS. TEGEDER: Mr. McEvoy.

MR. MCEVOY: Yes.

MS. TEGEDER: Mr. Hashmi.

MR. HASHMI: Yes.

MS. TEGEDER: Mr. Heppel.

MR. HEPPEL: Yes.

MS. TEGEDER: Chairman Taylor.

THE CHAIRMAN: Yes.

MS. TEGEDER: I didn't say Mayor Cohen.

MAYOR COHEN: Yes.

THE CHAIRMAN: Okay, then this  
12 application is approved.

MR. ROSELLI: Thank you.

THE CHAIRMAN: Mr. Roselli, thank you.  
13 Good to see you again.

14 Before moving on to our next  
application, it's been a tradition on this board to  
15 have the alternates vote on every application. Even  
though technically your votes don't count towards  
16 the official approval, it certainly -- we certainly  
want to hear your opinion on an application. So  
17 what I would just like to do -- and, Jessica, just  
make a side note on this -- is if you could call the  
18 two alternates and get their vote on the previous  
application.

MS. TEGEDER: Mrs. Pan.

MS. PAN: Yes.

MS. TEGEDER: Ms. Shakir.

MS. SHAKIR: Yes.

THE CHAIRMAN: Thank you, and we  
21 apologize for that little slip.

22 Okay, the next application is  
application Osage Cemetery Association, block -- I  
23 don't have to read the lot and block, but it is  
application 22-28. Is there someone here on that  
24 application?

MR. ALFIERI: Yes, Chairman. Good  
25 evening, Chairman, members of the board, Dante  
Alfieri on behalf of the applicant. Tonight we're

1 here seeking minor site plan approval to construct  
2 -- or not to construct -- to install a tree line  
3 along the -- a portion of the property. I have one  
4 individual who's going to provide testimony. We  
5 also have the applicant in the event there's  
6 additional questioning, but our engineer should be  
7 able to answer most, if not all, of the questions.

8 THE CHAIRMAN: Okay, and, Mr. Sachs --  
9 by the way, Mr. Sachs is back. Mr. Lonski -- we  
10 thank Mr. Lonski for his efforts on the first  
11 application.

12 Larry, do we have authorization,  
13 jurisdiction to hear this application?

14 MR. SACHS: Yes, we do, Mr. Chairman.

15 THE CHAIRMAN: Okay.

16 MR. ALFIERI: I will call our witness,  
17 John Ploskonka.

18 THE CHAIRMAN: Yes, please raise your  
19 right hand, Mr. Ploskonka, to be sworn. Do you  
20 swear to tell the truth, the whole truth, so help  
21 you God?

22 MR. PLOSKONKA: I do.

23 THE CHAIRMAN: And give us a bit of your  
24 CV, please.

25 MR. PLOSKONKA: It's John Ploskonka,  
26 P-l-o-s-k-o-n-k-a, president, Concept Engineering,  
27 Manalapan, New Jersey. I've been around for about  
28 50 years from Sayreville to Manalapan to Howell to  
29 Colts Neck.

30 THE CHAIRMAN: We're happy to accept you  
31 as an expert.

32 MR. PLOSKONKA: Thank you.

33 THE CHAIRMAN: Nice to see you again.

34 MR. SACHS: Mr. Ploskonka is more than  
35 qualified.

36 THE CHAIRMAN: Yes, more than qualified.

37 MR. SACHS: Known him many years.

38 MR. PLOSKONKA: Thank you, Mr. Chairman.

39 THE CHAIRMAN: Yes, known him from his  
40 Sayreville days.

41 MR. ALFIERI: John, if you could orient  
42 the board to the site and just describe what we're  
43 proposing today.

44 MR. PLOSKONKA: We have some exhibits  
45 that -- can we put those up, Jessica. The first one  
46 is A -- so we're all on the same page? Let me get  
47 the focus. You see the cemetery in the center.  
48 This is 336 New Brunswick Avenue to the left, and  
49 you have Bosko Street to the bottom where the  
50 existing houses are, and it's located next to Frost

1 Woods Memorial Park, which is to the north to the  
2 top. So you have again there's the park. New  
3 Brunswick Avenue is here. Here's Bosko over here.  
4 And here's the cemetery.

5 So the -- there are 17 homes next to us  
6 at our southerly property line on Bosko Drive, and  
7 back in 1994, the board granted approval for the  
8 cemetery subject to putting in a fence as like a  
9 buffer to these 11 homes, 10, 15 feet from the  
10 property line that's been there now for 30 plus  
11 years. So that fence is there. We received a  
12 violation notice from the town that it's  
13 deteriorated, as wood fences do, as you discussed at  
14 the last meeting, and the idea was how can we  
15 replace it or do something that makes sense here on  
16 this property.

17 So I talked to my client and he talked  
18 about having a living fence of giant green  
19 arborvitaes along that property line in lieu of the  
20 fence. So we what we did is I asked him to go and  
21 visit the neighbors, knock on the doors, and say who  
22 he was and suggest to them what he wanted to do so  
23 that there would be no surprises when we got to a  
24 public hearing, and he did that, and he had  
25 satisfaction with most of the neighbors, but not  
all, and they thought that was a decent idea.

The buffer would consist of 144 giant  
green arborvitaes on this 1,100-foot-long line  
planted 8 feet apart for the entire property line to  
be placed 6 feet from the property line into the  
Osage Cemetery, and these normally grow to about  
30 feet in height. Now, if you can go to exhibits B  
and C, Jessica, please.

MR. KIPP: I don't have anymore  
exhibits.

MS. TEGEDER: Should be there, yeah.

MR. KIPP: Mr. Ploskonka -- okay, C or  
B?

MR. PLOSKONKA: Either one. Put one up.

MR. KIPP: That appears to be B.

MR. PLOSKONKA: Okay.

MAYOR COHEN: That appears to be A to  
me.

MR. PLOSKONKA: This is an example of  
the giant green arborvitaes, and you can see at the  
top of the information regarding the growth of the  
arborvitaes. They grow 3 feet a year. Sometimes  
they grow 5 feet a year. They grow 30 to 40 feet in  
height. They stay upright, and they stay narrow.  
They're perfect for privacy screens, and they're

1 resistant to ice and snow and resistant to deer.  
2 There's no serious insects or disease problems, and  
3 they tolerate a wide range of soils. So these would  
4 be planted again 6 foot from the property line.  
5 They would grow up to 30 feet, and they would spread  
6 out to about 10 feet in width. So it would be a  
7 nice solid screen, a living screen that would be  
8 there forever as opposed to a wooden fence, which  
9 has basically collapsed after 30 years at the site.  
10 So this is --

11 THE CHAIRMAN: Mr. Ploskonka, what would  
12 be their height at time of planting?

13 MR. PLOSKONKA: Let me go on just a  
14 little bit more and then I'll get back to that.

15 THE CHAIRMAN: Absolutely.

16 MR. PLOSKONKA: The other exhibit is --  
17 shows the 8-foot on centers. It shows again the  
18 trees up top, and it shows what it looks like on a  
19 side view after they start to mature.

20 Now, the proposal was to put them in  
21 small so they would take better.

22 THE CHAIRMAN: Have a better chance of  
23 surviving.

24 MR. PLOSKONKA: There's no irrigation  
25 here, and my client happens to have property on the  
26 Manasquan River in Wall, and he has a long driveway  
27 a thousand feet long. He put these in 3 years ago.  
28 His landscaper suggested 3 feet high starting with  
29 because they blossom up, and after 3 years, they're  
30 about 12 feet tall. None were lost for any reason,  
31 and they weren't irrigated, and I have three  
32 pictures of those on the Manasquan that come up as  
33 items D, E, and F. Here's his driveway in  
34 Manasquan, and there's the trees on both sides  
35 planted on about the same center of 7 or 8 feet, and  
36 they're all grown up to about 12 feet now in  
37 3 years. These pictures were taken last August when  
38 he took some photos of the thing. So I think this  
39 is a living screen that would be much better. It  
40 would be permanent, and it will be up to 30 feet  
41 high eventually.

42 So it's our request to allow the client  
43 to install this living evergreen buffer in lieu of  
44 replacing the fence with 144 giant green arborvitaes  
45 starting at 3 feet, and when they get high enough  
46 they're over the fence, we take the fence down, and  
47 it would then have that living, aesthetically  
48 pleasing view as opposed to a wooden plank fence.

49 THE CHAIRMAN: Any other testimony,  
50 Mr. Ploskonka?



1 MR. PLOSKONKA: I think that's about it.  
It's a pretty simple application.

2 THE CHAIRMAN: Yes, Mr. Philips, I saw  
your hand.

3 MR. PHILIPS: This past summer has been  
devastating on arborvitae. I've seen lines that  
4 look like they're 25 years old, and half of them are  
dead. So I don't disagree with the principle. I  
5 just -- if we have a drought like we had last  
summer, the loss will be significant. There's a lot  
6 of neighborhoods right here that were on the first  
picture where you had row of dead arborvitae, and  
7 they look like they've been for 15 to 20 years.

MR. PLOSKONKA: I refer to your  
8 arborist, Shari Spero, discuss it with her, and make  
sure that we're on the same page with respect to  
9 this, and if we have to do some irrigation, we'll do  
some irrigation.

10 MR. PHILIPS: That's all I'm suggesting.

11 MR. PLOSKONKA: And we will also have to  
bond it so that if they do die, we got to replace  
them.

12 MR. PHILIPS: But, you know, when you  
replace -- if they start living for 3 or 4 years and  
13 then two or three die, now you've got these big open  
spaces and you're going to put in a much smaller  
14 arborvitae. It sorts of defeats the purpose.

15 MR. PLOSKONKA: Well, we think based on  
what my client's experience is, who's sitting here  
in Manasquan, 3 years, no irrigation, and he has  
16 this, so you have some new experiences here in town,  
and I'd be happy to again meet with your arborist  
17 and your engineer and go into more detail.

18 MR. PHILIPS: I'm fine with the idea of  
the arborvitae, but this year has been a  
particularly difficult one for a lot of them, and  
19 some of them obviously have been in place for years  
and did not make it during this past summer.

20 THE CHAIRMAN: I happen to work for the  
Turnpike Authority, and I know that, you know, we  
21 had some really devastating losses, and again, I  
don't pretend to be an arborist. My suggestion is  
22 probably if you plant I think that 3 is a little  
shy. We usually plant 4 to 6 feet high. And I'd  
23 also like some -- a few years of, you know, that you  
replace ones if they die.

24 MR. PLOSKONKA: A question was raised is  
with the ones you saw that died, there's a lot of  
25 arborvitaes. Were they the giant green?

MR. PHILIPS: I believe they were.

1 MR. PLOSKONKA: Okay. Again, I would --  
I think the 4 to 6 might be a better shot, and we  
2 would definitely go with Sheri to look into your  
suggestion, Steve.

3 THE CHAIRMAN: Any other -- yes, Mayor.  
I'm sorry. I didn't see you.

4 MAYOR COHEN: Two things. One, I have  
arborvitaes along the -- I have a fence that goes  
5 around my back yard pool, and the arborvitaes, the  
tall green ones, were meant to shield the fence, so  
6 they're on the inside of the fence so that when  
you're in the pool you don't actually see the fence.  
7 And well before the drought of this past summer, the  
deer jumped over the fence and have eaten the bottom  
8 of the arborvitaes. So they are not deer resistant,  
and all of them look like they're thin at the bottom  
9 where the deer could reach, and they're nice and  
full up at top.

10 MR. CRISCUOLO: Kind of like me.

11 MAYOR COHEN: I'm not even going to  
comment on that other than that -- and then, of  
12 course, I guess the real question is what was the  
reason and is it an ordinance requirement that there  
be a fence there, and why would we give if -- so  
13 what's the reason for it, because I wouldn't want  
the relief from this one to now be a reason for  
14 everybody else to get out of having a fence if  
there's a legitimate reason to have it to begin with  
15 mayor.

16 MR. SACHS: Yeah, Mayor, I can probably  
answer that. Back in 1994, the resolution required  
there to be a fence there, you know, so that --  
17 technically that's -- that's there in perpetuity,  
you know. That was the decision of this planning  
18 board back then, and, you know, they're seeking  
relief, Mr. Alfieri, I assume from that, you know,  
19 that condition in the resolution.

20 MR. PLOSKONKA: If we put in a -- if we  
just remove the fence and put in a new fence, we  
wouldn't be here.

21 MR. SACHS: Correct. Well, you  
certainly have the option to do that.

22 MR. PLOSKONKA: We're here because --

23 MAYOR COHEN: How many of the 14 people  
that back up actually wanted a fence and not a green  
barrier like you're proposing?

24 MR. PLOSKONKA: I don't know -- in 1994?

25 MAYOR COHEN: No, no, today. You said  
you polled the people that live there today. How  
many?

1 MR. PLOSKONKA: Our client is here.

2 MR. SACHS: You want to swear him in?

3 THE CHAIRMAN: Yeah, let's just swear  
you in.

4 MR. NICOLA: Here, or you want me to go  
up there?

5 THE CHAIRMAN: As long as we get you on  
the mic, it's okay. Please raise your right hand to  
be sworn. Do you swear to tell the truth, the whole  
truth, so help you God?

6 MR. NICOLA: Yes, sir, I do.

7 THE CHAIRMAN: State your name; state  
your association with --

8 MR. NICOLA: My name is Larry Nicola. I  
have been the owner of the Osage Cemetery  
Association, and we do business as Frost Woods  
Memorial Park for -- since the early 90's.

9 THE CHAIRMAN: Sure, and you would like  
10 to -- the question was that there was a survey being  
made. Do we have any sense of what that outcome of  
11 that survey was?

12 MR. NICOLA: It was in the summertime.  
I don't remember exactly. All I can remember it was  
hot as heck.

13 THE CHAIRMAN: Okay.

14 MR. NICOLA: But I knocked on every door  
that the house the back of their yard, you know,  
butted up to, you know, the cemetery, and two people  
15 I couldn't get home, and I had one gentleman that  
was I could see not for it, okay. He said he was an  
16 attorney, and he was -- he lived there when back I  
guess in '94 when we went and got, you know, the  
17 approval for -- to construct the mausoleum, and --  
but every other one, every other person that I spoke  
18 with was -- I don't want to say -- I would use the  
word they were agreeable. They liked the idea.  
19 Listen, I don't know if I can say it, but I want my  
properties to be beautiful, okay. That picture  
20 there was done on August 10 of 2022. I only know  
because August 10 is my wedding anniversary, and I  
21 saw it on the picture. I had no -- look, you know,  
it's a thousand-foot long driveway. I planted on  
22 both sides, so it was 2000 feet of trees. You know,  
I do have a full-time maintenance worker at the  
23 cemetery. So if something happened where, you know,  
if there's like a drought condition or they seem  
24 stressed, let's say, we'll get them watered. You  
know, I want it to look -- and I feel it's a good  
25 thing for my neighbors is -- it's hard to see it in  
the pictures, but their back yards go down. My

1 property is much higher, all right. Those things  
2 will grow. Because I also have those at the house  
3 we planted a long time ago, and they're 30 feet now,  
4 okay. You won't -- they won't see the headstones.  
5 They won't see any of the cemetery, okay. And the  
6 gentleman over there had said that the deer eat  
7 that. The deer don't -- they're not green giant  
8 arborvitaes then because the deer don't touch them.  
9 What they might be is Leyland Cypress.

MAYOR COHEN: No. I know what a Leyland  
10 is.

MR. NICOLA: I got deer here. It's all  
11 along the river, okay, and not one, okay, not one of  
12 the ones that were planted probably 15 years ago  
13 has -- and it states in all the books and everything  
14 that they are deer resistant.

MAYOR COHEN: No, I know that. A lot of  
15 plants do and a lot of flowers do, and when the deer  
16 are hungry enough -- they won't eat holly, but when  
17 they're hungry enough, they eat it.

MR. NICOLA: I don't disagree with that.  
18 I just know from my experience, and I really believe  
19 -- listen, I'll maintain it. You know, in the past,  
20 in the 30, you know, odd years that we've been  
21 there, when a neighbor had a problem with us, you  
22 know, meaning the fence, it's leaning, we fixed it  
23 immediately. We always talk to the -- we'll talk to  
24 the neighbor. They know who we are. We don't go  
25 running away, okay. And again, you know, I heard  
earlier, you know, I think it was you, sir, in the  
red jacket -- I don't want to guess -- I'm not fond  
of fences, okay. Another gentleman said -- was  
this -- I don't remember exactly, but wooden fences  
are a problem for the township 20 years down the  
road. Well, I really believe I found a solution.  
I'll make good on it. You know, say 10 trees did  
die or were eaten up, you know what I mean, like you  
said, we'll replace them because I can do it slowly.  
We're a nonprofit cemetery. We will take care of  
it. And I think you're going to find them looking  
like that.

THE CHAIRMAN: While you're here, does  
26 any board member have any questions for the owner,  
27 Mr. Nicola? I'm sorry, Mr. Criscuolo.

MR. CRISCUOLO: I'll yield to anybody  
28 else first.

THE CHAIRMAN: Go ahead.

MR. CRISCUOLO: I think people know my  
29 feelings about this. I think -- I agree,  
30 board-on-board fences don't last as long, but

1 there's already a variance stated in CME's reports,  
2 right. So the buffer is supposed to be 25 feet, and  
3 they were granted an easement of 15 feet back in  
4 1995, and the buffer height was supposed to be  
5 6 feet, so now they want a variance down to 3 feet.  
6 So -- and I'm interested in hearing from the public,  
7 as well. You know, here's an opportunity to put a  
8 new PVC fence 6 foot high from along that whole  
9 line. They were granted a pretty decent easement  
10 back in 1995. I don't know why they would give them  
11 that, if our ordinance says that. So they're  
12 getting 10 feet out of it already.

13 It will last if it's maintained. I'm  
14 not impressed with the site. I think it's a mess,  
15 needs some love. I'm used to the one on Cranbury  
16 Road when you go down there. You go over -- I don't  
17 know if anybody had the opportunity to go there, any  
18 of the other board members.

19 THE CHAIRMAN: Not yet. Some day.

20 MR. PHILIPS: But we won't come back  
21 reporting about it.

22 MR. CRISCUOLO: But, you know, I dealt  
23 with cemeteries before, especially not, you know,  
24 these types. It needs some love. I mean, it does  
25 need some care. You know, the gentleman says he  
26 does maintain it. I would tend -- I would disagree  
27 with that. I think, you know, some of the ADA  
28 standards aren't met there. There's handicapped  
29 parking signs aren't there. (Inaudible) signage  
30 isn't there. It's still rough to pull out of there  
31 to get onto New Brunswick. You know, sometimes you  
32 got to be careful what you ask for. So now you're  
33 opening up a can of worms because I would like to  
34 have our property maintenance people really go in  
35 there and take a look around, take a look at what  
36 the approval was in '95. I mean, we got the one  
37 handout, but I wasn't able to get the actual plot --  
38 the plans to look at that. But I think now you  
39 opened up the can of worms. I'd be interested. And  
40 you realize that when we have the other cemetery  
41 here, guess it was about 3 years ago, we had the  
42 same issue where it was a mess. It's not fair to  
43 the property owners that are adjacent.

44 I agree with the mayor. I don't know  
45 what the deer do down the shore. They might be, you  
46 know, beach deer, but we got Frost Woods there.  
47 There's deer in there, right, Keith?

48 MR. KIPP: Indeed.

49 MR. CRISCUOLO: And we've walked it.  
50 We've gone through the trails. And this board spent

1 an immense amount of time forcing an applicant on  
2 Summerhill Road to put parking and everything so  
people can use our trails.

THE CHAIRMAN: Mr. Sachs.

3 MR. SACHS: Yeah, let me just -- as I'm  
4 looking at the resolution, I'm looking at the date  
5 of it. It was 1994. It's actually only a few years  
6 before I actually became the attorney on this board,  
7 along with Mr. Taylor and Mr. Heppel. But I do  
8 remember this particular application because it  
was -- and I wasn't the planning board attorney  
then, but there was a lawsuit that was involved  
here. I think the planning board actually, if I'm  
not mistaken, Mr. Nicola, turned down the  
application --

MR. NICOLA: Yes, sir.

9 MR. SACHS: -- denied it. Went to  
10 Superior Court. I guess it was reversed with  
11 conditions, and a lot of those conditions were then,  
12 you know, it was approved with conditions, but -- by  
13 the Superior Court, but the fence height, by the  
14 way, says 8 feet in the resolution. It doesn't say  
6 feet. It says 8 feet, and I'm sure that was  
probably -- generally, most fences are 6 feet;  
however, this board in the past I know has imposed  
8-foot when we really want to make sure that there's  
adequate buffering. So I just bring that up.

MR. PLOSKONKA: The fence is 8 foot.

15 MR. CRISCUOLO: That resolution from  
16 then, you know, there's no lighting (inaudible) all  
17 the time. I work long hours. Sometimes I go home  
18 that way. I think the applicant clean up the site,  
19 put up a new PVC fence that will last a long time.  
20 It's the same testimony I gave in the last  
21 application, why you don't want to put wood up. It  
22 rots after 30 years. Yeah, it's time to fix it.  
You should have just replaced it without even coming  
to this board. That was his deal back in 1995 when  
he went to court and didn't get his way. Now he  
wants to change it again. Put up a PVC fence. It  
will last a lot longer. Install it correctly.  
Clean up the site. Meet the ADA standards. Close  
the gate when you agreed to.

23 And I'd also like to hear from the  
24 public. I know there's a nice young couple there in  
the back that they're waiting patiently now for  
3 hours.

25 THE CHAIRMAN: Yes, Malvika, I thought  
you had something.

MS. APTE: Mr. Chairman, I just wanted

1 to clarify. So Mr. Criscuolo is right. The buffer  
2 width requirement in the ordinance is 25 when  
cemeteries are adjacent to residential properties.  
3 They were granted the variance back in 1994 to 15  
foot provided there's an 8-foot fencing. The  
4 ordinance also requires that there should be a  
minimum of 6 foot of buffer height when there is  
5 between cemeteries as well as residential lots.  
That's the new requirement; however, the old  
6 approval required them to provide 8-foot planting.

7 So I think one of the questions I think  
Mr. Ploskonka was asked as to what would the  
8 planting height be. I just want him to clarify.  
Did he agree to a 6-foot planting minimum height, or  
is he still saying it would be 3-foot, because then  
that would be an additional waiver.

9 THE CHAIRMAN: I'll let Mr. Ploskonka  
speak for himself.

10 MR. PLOSKONKA: I said earlier after the  
chairman mentioned it that we would do the 4- to  
11 6-foot-high --

MS. APTE: Okay.

12 MR. PLOSKONKA: -- evergreens initially,  
and they would be placed 6 foot from the property  
13 line. So when they grow out to be about 10 foot  
wide, we'd have really have buffer that goes from  
14 the property line 6 foot to the center of the tree  
and then another 5 foot beyond that where it grows  
15 out. So it would be almost like an 11- or 12-foot  
area that would be screened, and it would be -- when  
16 they grow out they will be you couldn't see through  
the trees. So it will be 30 foot high so we would  
17 need a variance for the 15 foot versus about 11 foot  
that would have that would be buffer, but not for  
18 the planting height.

MS. APTE: Okay, so buffer width would  
19 be reduced even further than 15 foot that you were  
approved in 1994, right?

20 MR. PLOSKONKA: The way the trees grow,  
it would grow into about a 12-foot natural buffer  
21 from property line, yeah, and it would be a living  
green forest that would be there along the whole  
22 line, and Mr. Nicola would maintain it, and if  
something didn't take for some reason, he would  
23 replace it, and also, he would make sure he  
maintains the water if there's a drought. So I  
24 think this is much better than the fence that's  
there that's falling apart right now. We could be  
25 back in 30 years from now asking for the same  
relief.

1 MS. APTE: Okay. Any other conditions  
2 that are being, you know, exasperated by this that  
3 was approved in 1994. We didn't have a full site  
4 plan so I just want to put that on record that there  
5 is any other condition that's being not met.

6 MR. PLOSKONKA: Nothing else is changing  
7 on the site except for this area next to the 11  
8 homes. So we only surveyed that area to see if  
9 there are encroachments onto our property, and there  
10 were some encroachments at the top of the line where  
11 there was a wall built on Osage's property that we'd  
12 work out with the homeowner, and I think there's a  
13 couple of things in the CME report where there's an  
14 easement up there also that Larry granted to the  
15 town to solve some stormwater management issue a  
16 number of years ago at no cost to work with the  
17 town, and that was something that we have to work  
18 with share I Spero, the arborist, to see how we get  
19 around and still provide the buffer, the natural  
20 Green Giant buffer.

21 MS. APTE: Thank you, Mr. Chairman.

22 THE CHAIRMAN: Mr. Sachs.

23 MR. SACHS: Just one other thing. And,  
24 John, I see I guess '94 you were the engineer on  
25 this project, right?

MR. PLOSKONKA: In 2004 I was there --  
1904, yes --

MR. SACHS: Because I see your name from  
1994, but all right.

You know, I'm still looking here at  
condition 3 on page 7, and, I mean, it's very  
specific. It says provide an 8-foot board-on-board  
fence from New Brunswick Avenue up to the rear lot  
line located 15 feet in from the property line.  
This fence shall shield the adjacent residential  
area from the chapel mausoleum structure, and then  
it says Osage Cemetery will provide additional  
plantings subject to the review and approval of the  
department of planning and engineering in the  
15-foot buffer adjacent to the residential  
neighborhood from New Brunswick Avenue through the  
rear lot line. So I guess in a perfect world, what  
should have happened is the fence should have been  
in 15 feet. It should have been 8 foot high, not 6,  
and there should have been plantings between that  
fence and the rear property lines on Bosko Drive.

MS. APTE: Yeah.

MR. SACHS: Is that your understanding,  
as well?

MS. APTE: That's exactly, and now with



1 this proposal, that 15-foot buffer is also not going  
2 to be maintained. I guess it's going to become  
12-foot, so it's going much --

MR. PLOSKONKA: Larry, did --

MR. SACHS: I'm sorry. What was that?

MR. ALFIERI: Just to clarify, the  
4 existing fence is 8.

MR. SACHS: It is 8 feet, okay.

MR. PLOSKONKA: And Larry did do  
5 plantings between the property line and the fence.  
6 He could talk to that.

MR. SACHS: Yeah, between the lot lines  
7 and the fence.

MR. NICOLA: -- and the houses. We did  
8 all that.

MR. SACHS: What kind of shape are they  
9 in?

MR. NICOLA: (Inaudible) going outside  
10 the fence. We did it.

MR. PLOSKONKA: You did it with --

MR. NICOLA: There was some kind of --  
11 all different things.

MR. SACHS: I got you.

MR. NICOLA: There were different  
13 plantings that they gave us to do.

MR. CRISCUOLO: They weren't maintained.  
14 I'll tell you that.

MR. SACHS: Well, it would have been  
15 difficult for him to go over the fence. That's a  
16 problem, too. I don't know where they -- whatever.  
It happened 1994, and it may have been Judge -- I'm  
17 trying to think what judge was -- actually, I think  
I know what judge it was.

MR. PLOSKONKA: It becomes no man's land  
18 between the property line. That's why we're trying  
to get rid of the fence and just put this solid  
19 green 30-foot-high buffer.

MR. SACHS: Okay.

THE CHAIRMAN: Any other board feelings  
20 or --

MR. HEPPEL: I'm just curious. Is there  
21 much vandalism in the cemetery or no?

(Inaudible)

MR. HEPPEL: I have a neighbor in the  
23 back that has, you know, what you want to do, and,  
24 boy, did they grow fast. But I guess there's some  
shade there because they didn't get burned out or  
25 anything, but I'm hearing from everybody else that  
it does and that the deer like it, and that concerns  
me, and when I saw this application, honestly, I

1 thought putting that there was great, okay, but, you  
2 know, now I'm apprehensive about it, and, you know,  
I'm open minded either way.

MR. PHILIPS: Shawn.

3 THE CHAIRMAN: I'm sorry, Mr. Philips  
4 and then Mr. Neary.

5 MR. PHILIPS: I happen to have regular  
6 hiking through Frost Woods, as somebody well knows,  
7 and the side of your property that juts into Frost  
8 Woods, you've got dirt piles and other items that  
9 are obviously not on the cemetery property. They're  
10 in -- they're encroaching into Frost Woods along the  
11 side there, and when I walk through here all the  
12 time, I wonder, you know, does anybody know -- does  
the owners know that this stuff is coming over here  
and being in the woods. But if you walk along,  
there's a trail right there. You can see a lot of  
intrusion into the woods from -- and clearly, it's  
product, whether it be dirt or some other items,  
some pieces of wood, whatever, that did not come out  
of the woods, they came out of the cemetery, and I  
would just like to get that cleared up if that's the  
case that's not acceptable.

13 MR. PLOSKONKA: We didn't survey the  
14 other line to locate anything, so we don't have that  
15 information, whether they're on Osage property or  
Frost Woods township property. We could do that in  
the future if the board makes that a condition of  
our approval.

16 MR. PHILIPS: Well, I would think that  
17 you would want to do that anyway regardless of  
18 whether or not the board is going to approve it just  
based on the fact if you've got stuff that's  
intruding into the Frost Woods, you probably don't  
want that.

19 MR. PLOSKONKA: If it's there. We don't  
know if it's there.

MR. PHILIPS: Okay.

20 MR. PLOSKONKA: Yeah, yeah.

21 MR. PHILIPS: I admit I don't know where  
the property line is, but I do know it looks like  
it's visiting Frost Woods.

22 MR. PLOSKONKA: Okay. That's a problem  
23 with an application. You go back to the whole  
24 history of the whole site as opposed to just  
focusing on what we asked about. But that's what we  
deal with all the time.

25 THE CHAIRMAN: Okay. What I'd like to  
do -- oh, I'm sorry, Adam.

MR. NEARY: Thank you, Chairman. I'll

1 be honest, I have some healthy amount of skepticism  
2 about the maintenance of the trees. As I walked  
3 along New Brunswick Avenue on Sunday looking at the  
4 property, there was at least a number, at least four  
5 or five trees that are dead and that are just along  
6 the line of New Brunswick frontage.

7 MR. PLOSKONKA: Frontage on New  
8 Brunswick Avenue?

9 MR. NEARY: Yeah, and there was a lot of  
10 natural debris, cut branches just sitting there on  
11 the edge of the sidewalk, just the overhead. Even  
12 during the winter it climbs over the sidewalk. So I  
13 have a lot of skepticism if the trees are going to  
14 be maintained given the history that I saw along New  
15 Brunswick Avenue alone. I just want to kind of put  
16 that on the record.

17 THE CHAIRMAN: What I'd like to do now  
18 is hear from any member of the public to be heard on  
19 this application. The gentleman in the back of the  
20 room. Good evening, Darren.

21 MR. PFEIL: Hey there.

22 THE CHAIRMAN: Do you swear to tell the  
23 truth, the whole truth, so help you God?

24 MR. PFEIL: I do.

25 THE CHAIRMAN: State your name, please,  
and spell your name.

MR. PFEIL: Darren Pfeil, P-f-e-i-l. I  
reside with my wife and son at 59 Bosko Drive. I  
just have a few comments that echo a lot of the  
concerns that were expressed by the board.

In our neighborhood first with regard to  
the distressed arborvitae, there's a lot off of  
Timothy, Eric, all in that neighborhood, there's a  
lot. So that's a big concern that if this were to  
be approved that it might result in something  
unsightly, an unsightly buffer or buffer that  
doesn't exist.

I have concerns that based upon the 1994  
resolution by this board, it seems -- and I've spoke  
to some of my neighbors who were there for this. I  
was only 5 at the time. I had been living on a  
different side of town.

THE CHAIRMAN: Darren, you can sit down  
now.

MR. PFEIL: But it sounds like one of  
the main concerns after remand from Superior Court  
was about the chapel and mausoleum that was sought  
to be built there, as well, and shielding that from  
view and potential services going on there from  
view. With the potential for distressed arborvitae

1 and based upon the lack of maintenance of the fence  
2 that I've been able to witness in my 2 years at the  
3 house, it just doesn't stand to reason that you'd  
4 have a guarantee that the arborvitae are going to  
5 have a good buffer, a good barrier that was -- the  
6 specific barrier that was sought to be accomplished  
7 by the 1994 approval.

8 With regards to the buffer being reduced  
9 from the 25 foot to the 15 foot, the way that I  
10 understand this application as it's currently going  
11 to be planted -- the trees I should say -- is going  
12 to be reducing the buffer to 6 feet from the 15 that  
13 was approved. Obviously, as it grows and the trees  
14 will expand out, and I understand that, but you're  
15 reducing the buffer a significant amount.

16 One other point of clarification I want  
17 to make. The notice that we received did indicate  
18 that it was going to be Leyland Cypress, not the  
19 giant green arborvitae, so I just want to be sure  
20 that we're talking about giant green arborvitae, not  
21 Leyland. The testimony that was presented was about  
22 giant green arborvitae, and we heard testimony that  
23 it's good in most soils, and I would just ask, you  
24 know, that maybe some additional undertaking if the  
25 board is to consider whether or not giant green is  
appropriate here be taken by the applicant to verify  
that the soil is actually suitable because based  
upon the other giant greens and some of the other  
types of arborvitae in the neighborhood, it just  
does not seem, perhaps because of the drought,  
perhaps because of the soil, doesn't seem as  
sustainable as we would like.

I'm trying to just take a look at the  
rest of my notes here.

With regards to the so-called no man's  
land, you know, that 15-foot buffer behind the fence  
and our property line, it is not kept. The fence as  
it currently stands, in October there was --  
there's -- well, my other neighbors here are going  
to talk a little bit about this, but the fence has  
fallen over a few times and has been put back up,  
has fallen on my neighbor's fence a few times and  
ultimately put back up. There's planks of the fence  
and the top of the fence that's just completely  
deteriorated. Towards the end of my property, it's  
leaning on some of the trees. You know, it's just  
-- we heard testimony from the representative of the  
applicant, themself, that, you know, they really  
want this property to be beautiful. Well, the past  
experience seemingly over the 30 years doesn't

1 support that position. At least in my personal  
2 experience within 2 years of living there, it  
3 doesn't seem to add up. You know, I'm an  
4 environmentalist at heart. I'm all for the planting  
5 of trees, but I do think if the board is to consider  
6 the planting of trees, it should be within the  
7 fence, and I do think a fence should be -- well, the  
8 current fence should be removed and some type of  
9 8-foot fence be installed that's a little bit more  
10 long lasting where we don't have as much of a  
11 concern as, you know, maintenance of a wooden fence.  
12 I think that's pretty much it. Thank

13 you.

14 THE CHAIRMAN: Thank you, Darren.

15 Any other member of the public wishing  
16 to be heard? Yes, sir. Please raise your right  
17 hand. Do you swear to tell the truth, the whole  
18 truth, so help you God?

19 MR. FELDMAN: I do.

20 THE CHAIRMAN: State your name and spell  
21 your last name, please.

22 MR. FELDMAN: My name is Howard Feldman,  
23 F-e-l-d-m-a-n.

24 THE CHAIRMAN: Welcome.

25 MR. FELDMAN: Thank you. Good evening,  
members of the planning board, Mr. Chairman, and  
Mr. Mayor. I'm also a homeowner on Bosko Drive.  
I'm also an attorney. I've been in my house backing  
on the cemetery since 1987, and I was around when  
the original planning board resolution was passed.  
When I moved into my house in 1987, this was a  
sleepy cemetery, very little activity, and there was  
no buffer. At a certain point, Mr. Nicola acquired  
ownership of the cemetery, and it was his  
determination to build a mausoleum. At the time,  
Mr. Nicola maintained that he was not regulated by  
the town, he was regulated by the -- solely by the  
state cemetery board. The township took issue with  
that. Township attorney and Mr. Nicola, as was  
mentioned previously, entered into some litigation.  
The matter was remanded back to the planning board,  
and this is very important. I'm using the word  
stipulation. Mr. Nicola and the cemetery stipulated  
to be bound by the township regulations and by the  
board. Mr. Nicola also and the cemetery also  
stipulated to the 8-foot board-on-board fence and to  
the separation between our property and the cemetery  
property, and the 15-foot separation was not  
intertwined with the plantings. So we're talking  
about two separate things. Mr. Nicola and the

1 cemetery agreed to the stipulation -- stipulation --  
2 not initiated by the board. It was a stipulation  
3 that was mediated by Mayor Oskowski -- I was in the  
4 room -- one of Mayor Cohen's illustrious  
5 predecessors -- and we agreed, and I point out that  
6 in the 1994 resolution, as was mentioned by township  
7 staff, it says the cemetery has agreed. So that was  
8 a stipulation. That was an agreement.

9 Now, ultimately, the cemetery needed to  
10 stipulate to all of this in order to build the  
11 mausoleum, which I suppose made a lot of money for  
12 the cemetery during the ensuing years. They had to  
13 agree to it because they wanted to connect to the  
14 town utilities. They wanted to connect to the  
15 sewers. They wanted to connect to the water,  
16 township water. Otherwise, they couldn't have  
17 bathrooms in the mausoleum. So there was a reason  
18 they stipulated to all this. The cemetery got what  
19 they wanted, and in exchange, the cemetery, through  
20 the auspices of the planning board, gave the  
21 residents what we wanted. That was the deal, and it  
22 was mentioned here earlier today, that was the deal  
23 in perpetuity. It isn't something that can be  
24 changed by whim.

25 During the ensuing years, the fence was  
built. This was the least expensive low-quality  
fence that one could imagine. It started to  
deteriorate very soon after. And we've all  
unfortunately had to go to cemeteries for reasons of  
attending funerals or whatever. I've been to many  
cemeteries in my life. I have never seen a fence  
like this around a cemetery. Usually, cemeteries  
take the long view and build a good quality fence  
because they want it to look good from the inside,  
and they want it to look good from the outside  
because it's good for business. Not in this case.  
We were calling the code enforcement office  
virtually from the beginning. The board-on-board  
fence was rotting virtually from the beginning. We  
called many times over the years, and I would ask  
the board to inquire of the code enforcement office  
about this. There have been many, many complaints.  
The fence was collapsing constantly. The boards  
were rotting. And the statement that I heard  
tonight that the cemetery attended to it right away,  
that was not my experience. In fact, very often it  
took multiple calls from the residents backing on  
the cemetery for the fence to be fixed. I don't  
ever recall a new section of fence being put in. It  
was always just a patchwork as inexpensive as

1 possible repair as could be performed.

2 Now, the current application seeks to  
3 undo the stipulation without any reason, and I would  
4 ask if anybody here can tell me why the applicant  
5 cannot put the -- whether it's the cypress or the  
6 arborvitae on their side of the fence. They  
7 wouldn't need to be here. If they want this  
8 beautiful green buffer there, why don't they just  
9 plant it on their side of the fence, no application  
10 required, no approval required. But what they are  
11 doing -- and if you look at the map or the survey  
12 that was submitted, they are putting it on the  
13 property owners' side of the fence, and they're not  
14 even saying where. I looked at that map. It  
15 doesn't say how far from the existing board-on-board  
16 fence these plantings will be. My neighbor  
17 mentioned since we don't really even know the  
18 species they're talking about, we don't even know  
19 how big they are going to grow or how wide they are  
20 going to grow and so forth. Also, it has a 1-year  
21 guarantee on the application. Again, there's no  
22 plan for replacing. There's no plan for replacing  
23 with this same size tree that dies or is blighted.  
24 And as the mayor and several members have mentioned,  
25 one need only drive around the neighborhood. These  
kinds of conifers are blighted everywhere. There's  
a great example right on Timothy Road, one of the  
homeowners right near Old Stage Road. It had a  
beautiful set of these outlining their back yard on  
Timothy Lane, and about half of them are brown and  
dead, and some are even falling over of their own  
volition.

17 Now, so I would just ask you to ask  
18 yourself, is the survey showing that the trees are  
19 to be planted on our side of the independent 15-foot  
20 buffer an attempt to take back or claw back the  
21 buffer from the homeowners and again reiterate my  
point, which is that the 15-foot separation is  
completely independent of the fence. We are  
entitled to and the cemetery stipulated to the  
15-foot stipulation.

22 Now, the cemetery -- I also asked you to  
23 check with code enforcement. The cemetery has in  
24 the past in addition to their other sins that were  
25 mentioned by others here tonight tried to eliminate  
mature trees from there a while back, and we had to  
call the township, and they were stopped from -- at  
that point from eliminating anymore mature trees.  
The mature trees were never replaced, and they got  
away with what they got away with at the time. And

1 the survey and the application do not show what will  
2 happen if there are any mature trees along the line  
3 of the plantings that they are proposing. So again,  
I'm worried about the fate of the mature trees that  
are still there.

4 And as also alluded to tonight, there is  
no plan for maintaining the proposed planting.  
5 There's no irrigation plan. And we all went through  
a drought. We know there is going to be more  
6 droughts in the future. We know these trees require  
three things. They require water. They may require  
7 pest control. And they may acquire diseases.  
Because there is no such thing anymore, as we know,  
8 due to species and insects and so forth that are  
introduced into our environment that may not have  
9 been here 20 or 30 years ago, that these -- any tree  
can be attacked now. We read it in the newspaper  
10 every day. So we need -- if we were going to  
approve this, we would need a plan for irrigation,  
11 and I mean permanent irrigation, not I'm going to  
tell my cemetery worker to throw some water on them  
12 once in a while. Number 2, we need a pest control  
plan that is annual. And number 3, we would need a  
13 plan that is for any disease that anyone of them  
got. And finally, we would need a plan to replace  
14 any tree that dies immediately with a tree of the  
same height. Now, we're talking here since we  
15 switched from Leyland Cypress to arborvitae  
30-foot-high trees. Is the cemetery going to  
16 immediately replant a 30-foot-high tree? I doubt  
it. Considering the way they take care of the  
17 cemetery, as was mentioned before at this hearing, I  
don't know what they would do.

18 THE CHAIRMAN: I would just ask you to  
wrap up your comments.

19 MR. FELDMAN: Okay, I'll wrap it up.  
I'll just make my -- again reiterate my main points.

20 THE CHAIRMAN: Thank you.

21 MR. FELDMAN: Okay. That there's no  
plan for maintenance of the trees or replacement of  
22 the trees. There's no plan for dealing with the  
mature trees there. There's no plan for maintaining  
23 the 15-foot separation that the cemetery stipulated  
to. And what is so terrible about just replacing --  
24 doing what you stipulated to do and just replacing  
the old decrepit fence with a proper fence. It will  
25 be good for your business, and it will be good for  
your relations with your neighbors.

THE CHAIRMAN: Thank you very much.

MR. FELDMAN: Okay. Thank you for



1 hearing me, Mr. Chairman.

2 THE CHAIRMAN: Absolutely. At this  
time, we're going to take about a 5-minute break,  
and we'll be back.

3 (Board recess)

4 THE CHAIRMAN: We're back in session.  
Mr. Sachs.

5 MR. SACHS: Yes, Mr. Alfieri, I guess  
you've had an opportunity to speak to your client.

6 THE CHAIRMAN: Okay.

7 MR. HEPPEL: It isn't working.

8 THE CHAIRMAN: Is this tape maybe out?

9 MR. HEPPEL: No, he we couldn't do  
any -- it's just saying blinking by SD card.

10 MR. SACHS: Was it working when we  
turned it off?

11 MR. HEPPEL: Yes.

12 MR. SACHS: Okay.

13 MR. HEPPEL: It was working then.

14 MR. SACHS: We turned it off at the  
break. So all right.

15 Mr. Alfieri, I'm going to write down  
what you're going to say.

16 MR. ALFIERI: Very long winded then. So  
we've heard the board's comments. We've heard the  
neighbors' comments. And I think at this point  
we're going to request that we carry the application  
so we can go back and look at some of the options  
that we have, one being maybe a different type of  
fence, maybe different -- we're going to look into  
the trees, as well, to get some better by the  
environment and whatnot. So we're requesting the  
application be carried.

17 MR. SACHS: All right. What date can we  
provide?

18 MS. TEGEDER: The next one is February  
19 (inaudible)

20 THE CHAIRMAN: Is that going to require  
additional notification?

21 MR. SACHS: No.

22 THE CHAIRMAN: Now it's recording.

23 MR. CRISCUOLO: (Inaudible)

24 MR. SACHS: All right, so February 22.

25 MR. ALFIERI: Might be only. You're not  
here? He's in Florida. What would be the next date  
then?

MR. SACHS: We don't want to push it off  
too far. What do we have in March?

MS. TEGEDER: March 8.

MR. SACHS: John, you'll be back?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. PLOSKONKA: I'll be back.

MR. ALFIERI: March 8?

MR. SACHS: March 8.

MR. ALFIERI: No further notice?

MR. SACHS: No further notice. So anyone who is here, if you'd like to reattend, you can come back March 8.

MR. ALFIERI: Mr. Chairman, members of the board, we appreciate your time tonight.

THE CHAIRMAN: Any other business to come before this board this evening? Motion to adjourn.

MR. NEARY: So moved.

THE CHAIRMAN: We're out of town, gang.