

1 MINUTES OF THE
2 EAST BRUNSWICK TOWNSHIP
3 PLANNING BOARD

4 August 19, 2020

5 STATEMENT - Open Public Meetings Act

6 FLAG SALUTE

7 ROLL CALL -

8	PRESENT:	ABSENT:
9	Shawn Taylor, Chairman	Brad Cohen, Mayor
	Laurence Bravman	Howard Schmidt
10	Charles Heppel	
	Joseph Criscuolo	
11	Sharon Sullivan	
	Laurence Reiss	
12	Steve Philips	
	Julie Clarke	
13	Muhammad Hashmi	

14

15 ALSO PRESENT:

16 David Lonski, Esquire

17 Keith Kipp, Director of Planning/Engineering

18 Greg Potkulski, Engineer

19 Colleen McGurk, Planner

20 Loren Morace, Secretary

21 John Kriskowski, Engineer

22 James Watson, Traffic Engineer

23 James Lambert, Engineer

24 Mina Attalla, Engineer

25 MINUTES

June 24, 2020 - Motion to approve by Ms. Sullivan,
second by Mr. Criscuolo. Minutes approved.

July 22, 2020 - Motion to approve by Mr. Reiss,
second by Mr. Philips. Minutes approved.

RESOLUTIONS

1 Application #20-02 - Andrawis - Proposed subdivision
2 of one lot into two 5,000-square-foot lots with a
3 single-family dwelling on each lot, located at 145
4 Old Bridge Turnpike, block 113, lots 34-37, in the
5 R-4 zone. Motion to adopt by Ms. Sullivan, second
6 by Mr. Reiss. Resolution adopted.

7
8 Application @20-07 - 8 Gates Avenue - Proposed
9 subdivision of property into two separate parcels
10 located at 8 Gates Avenue, block 827, lot 5, in the
11 R-3 zone. Motion to adopt by Mr. Heppel, second by
12 Mr. Reiss. Resolution adopted.

13
14 OLD BUSINESS

15 Application #19-17 - Tices Developers Urban Renewal,
16 LLC - Proposed residential, retail, and open space
17 components located at 110 Tices Lane, block 32, lot
18 1.33, in the MXD2 zone. Taxes paid to date.
19 Mandatory date August 31, 2020. Approved with
20 conditions.

21
22 THE CHAIRMAN: Good evening, all. This
23 is the East Brunswick Township Planning Board
24 meeting being held on August 19, 2020. The township
25 is using the telephone meeting format in an effort
to mitigate the chance of exposure to COVID-19 as
part of the township's ongoing effort to slow the
rate of transmission and avoid overwhelming our
treatment centers. The dial-in information and
agenda have been posted on the township web site and
are posted on the EBTV for members of the public.
Members of the public can call in with the number
provided, which is 1-646-558-8656. You will have
3 minutes to speak, and should you have any further
comments or questions, the planning and engineering
office is always available by e-mail and by phone.
Each member of the public shall have only one
opportunity to speak during the public portion.
Thank you in advance for your patience as we
implement this new technology to continue to move
the township forward during this health emergency.

And now, if you are able, please rise
and join me in a pledge to the flag.

(Flag salute)

THE CHAIRMAN: Thank you. And now,

1 Loren, would you please call the roll.

MS. MORACE: Mr. Hashmi.

2 MR. HASHMI: Here.

MS. MORACE: Mr. Philips.

3 MR. PHILIPS: Here.

MS. MORACE: Mr. Reiss.

4 MR. REISS: Here.

MS. MORACE: Miss Clarke.

5 MS. CLARKE: Here.

MS. MORACE: Mr. Criscuolo.

6 MS. SULLIVAN: He's here. He's on mute.

MS. MORACE: Joe, unmute yourself.

7 THE CHAIRMAN: We really should consider
that before we say that.

8 MR. CRISCUOLO: Here. Sorry.

9 MS. MORACE: That's okay. Councilwoman
Sullivan.

MS. SULLIVAN: Here.

10 MS. MORACE: Mr. Heppel.

MR. HEPPEL: Here.

11 MS. MORACE: Mr. Bravman. Mayor Cohen.
Chairman Taylor.

12 THE CHAIRMAN: Here. So we have a
quorum, and we have as our counsel this evening
13 David Lonski. Dave, you're here?

14 MR. LONSKI: I am. Good evening,
everyone.

15 THE CHAIRMAN: Okay. Our first order of
business is the minutes of the June 24, 2020,
meeting, which we all got in our packets. I will
16 remind everyone that we adopt minutes by voice vote,
so what is the board's pleasure with the June 24,
17 2020, minutes?

MS. SULLIVAN: So move it.

18 THE CHAIRMAN: Moved.

MR. CRISCUOLO: Second.

19 THE CHAIRMAN: Moved and seconded. Any
comments, questions, additions? Hearing none, all
20 of those in favor of adopting the minutes as
submitted, signify by saying aye. Any opposed? No
21 opposed. The minutes carry.

22 Next are the minutes of the July 22,
2020, meeting. What is the board's pleasure with
these minutes?

23 MR. REISS: Move them.

24 THE CHAIRMAN: And who did that? Who
moved them?

MR. REISS: I did.

25 MR. HEPPEL: Larry.

MR. PHILIPS: Second.

1 THE CHAIRMAN: Moved and seconded.
Comments, questions, additions? Hearing none, all
2 those in favor of approving the minutes as
submitted, signify by saying aye. Okay. Any
3 opposed? Any abstentions? The minutes carry.

Moving onto res --

4 MS. MORACE: Excuse me, Chairman.

THE CHAIRMAN: I'm sorry? Yes.

5 MS. MORACE: I didn't hear who seconded.
There was a couple of people that -- at the same
6 time.

7 THE CHAIRMAN: I thought Steve Philips
seconded.

MR. PHILIPS: I seconded.

8 MS. MORACE: Okay. Thank you.

9 THE CHAIRMAN: Moving on to resolutions,
I remind everyone that these are items that the
board has previously acted upon, and we are adopting
10 them tonight in their formal fashion. The first one
is application 20-02, Andrawis, and I apologize for
11 butchering that name. I checked with Mr. Sachs
earlier today. He said that this application was in
12 order for us to vote on this evening, so what is the
board's pleasure with this application and
13 resolution?

MS. SULLIVAN: So moved.

14 THE CHAIRMAN: Moved, and we have a
second?

15 MR. REISS: Second.

16 THE CHAIRMAN: Moved and seconded. Any
comments or questions? Hearing none, Loren, please
call the roll.

17 MS. MORACE: Miss Clarke.

MS. CLARKE: Yes.

18 MS. MORACE: Mr. Philips.

MR. PHILIPS: Yes.

19 MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

20 MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

21 MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Yes.

22 MS. MORACE: Mr. Heppel.

MR. HEPPEL: Yes.

23 MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

24 MS. MORACE: Chairman Taylor.

25 THE CHAIRMAN: Yes. This resolution is
adopted. Moving on to application 20-07, 8 Gates
Avenue, and once again, I talked to Mr. Sachs on

1 this this afternoon, and he let me know that this
2 was in order for us to vote on this evening, so what
is the board's pleasure with this resolution?

MR. HEPPEL: I'll move it.

MR. REISS: Second.

3 THE CHAIRMAN: Moved by Mr. Heppel;
4 seconded by Mr. Criscuolo maybe?

MR. REISS: I seconded.

MS. MORACE: Mr. Reiss.

5 THE CHAIRMAN: Oh, Mr. Reiss. Okay.
6 All right. Any comments or questions? Hearing
none, Loren, please call the roll.

MS. MORACE: Miss Clarke.

MS. CLARKE: Yes.

MS. MORACE: Mr. Philips.

MR. PHILIPS: Yes.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Yes.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Chairman Taylor.

7 THE CHAIRMAN: Yes. This resolution is
8 adopted. Thank you, all.

9 Moving on to old business, we have
10 application 19-17, Tices Development Urban Renewal,
11 LLC. Miss Jennings, you are here on that
12 application.

(Tices Developers Urban Renewal, LLC,
13 transcript submitted by Applicant)

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TOWNSHIP OF EAST BRUNSWICK
PLANNING BOARD

In the Matter of: :
: Transcript
APPLICATION #19-17 :
: of
TICES DEVELOPERS URBAN RENEWAL :
110 Tices Lane : Proceedings
Block 32, Lot 1.33 :
-----x

Wednesday, August 19, 2020
Remote Zoom Conference
Commencing at 7:31 p.m.

BOARD MEMBERS PRESENT:

- SHAWN TAYLOR, Chairman
- LAURENCE BRAVMAN, Vice Chairman
- SHARON SULLIVAN, Councilwoman
- JOSEPH CRISCUOLO
- LAURENCE REISS
- MUHAMMAD HASHMI
- STEVE PHILIPS
- CHARLES HEPPEL
- JULIE CLARKE

ALSO PRESENT:

- LOREN MORACE, Board Secretary
- JOHN KRISKOWSKI, Board Engineer
- KEITH KIPP, Director of Planning
- COLLEN McGURK, Board Planner
- JAMES WATSON, Traffic Consultant
- GREG POTKULSKI, Engineering Consultant

MICHAEL LOMBARDOZZI,
Certified Shorthand Reporter

HUDSON COURT REPORTING & VIDEO 1-800-310-1769

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

2 SHAMY, SHIPERS & LONSKI, P.C.

BY: DAVID P. LONSKI, ESQUIRE

3 Attorneys for the Board

4 WILENTZ, GOLDMAN & SPITZER

BY: DONNA JENNINGS, ESQUIRE

5 Attorneys for the Applicant

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TABLE OF CONTENTS

WITNESS PAGE

(No witnesses sworn.)

E X H I B I T S

NO. DESCRIPTION PAGE

(No new exhibits marked.)

1 CHAIRMAN TAYLOR: Good evening, all,
2 this is the East Brunswick Township Planning
3 Board meeting, being held on August 19, 2020.
4 The township is using the telephone meeting
5 format, in an effort to mitigate the chance of
6 exposure to COVID-19.

7 As part of the township's ongoing
8 effort to slow the rate of transmission, and
9 avoid overwhelming our treatment centers, the
10 dial-in information and agenda have been posted
11 on the township website, and are posted on EBTV
12 for members of the board of the public.

13 Members of the public can call in
14 with the number provided, which is 1 (646)
15 558-8656. You will have three minutes to speak,
16 and should have any further comments or
17 questions, the planning and engineering office is
18 always available by e-mail and by phone.

19 Each member of the public shall have
20 only one opportunity to speak during the public
21 portion. Thank you in advance for your patience
22 as we implement this new technology to continue
23 to move the township forward during this health
24 emergency.

25 And now, if you are able, please rise

1 and join me in a pledge to the flag.

2 (Whereupon, the pledge of allegiance
3 is recited.)

4 CHAIRMAN TAYLOR: And, now, Loren,
5 would you please call the roll?

6 MS. MORACE: Mr. Hashmi?

7 COMMISSIONER HASHMI: Here.

8 MS. MORACE: Mr. Phillips.

9 COMMISSIONER PHILLIPS: Here.

10 MS. MORACE: Mr. Reiss?

11 COMMISSIONER REISS: Here.

12 MS. MORACE: Ms. Clarke?

13 COMMISSIONER CLARKE: Here.

14 MS. MORACE: Mr. Criscuolo?

15 COUNCILWOMAN SULLIVAN: He's here.

16 He's on mute.

17 MS. MORACE: Yeah.

18 COMMISSIONER CRISCUOLO: Here, sorry.

19 Councilwoman Sullivan?

20 COUNCILWOMAN SULLIVAN: Here.

21 MS. MORACE: Mr. Heppel?

22 COMMISSIONER HEPPEL: Here.

23 MS. MORACE: Mr. Bravman?

24 VICE CHAIRMAN BRAVMAN: Here.

25 MS. MORACE: Mayor Cohen?

1 Chairman Taylor?

2 CHAIRMAN TAYLOR: Here.

3 So we have a quorum. And we have as
4 our counsel this evening, David Lonski. Dave,
5 you're here?

6 MR. LONSKI: I'm here.

7 (Whereupon, there is a brief pause in
8 the proceeding.)

9 CHAIRMAN TAYLOR: Moving on to old
10 business, we have Application 19-17, Tices
11 Development Urban Renewal, LLC. Ms. Jennings,
12 you are here on that application.

13 MS. JENNINGS: That is correct.

14 CHAIRMAN TAYLOR: Welcome, nice to
15 see you.

16 MS. JENNINGS: Nice to see you too.

17 Good evening. Just for the record,
18 Donna Jennings from the law firm of Wilentz,
19 Goldman & Spitzer on behalf of the applicant.

20 CHAIRMAN TAYLOR: Thank you. And I
21 would remind any of the witnesses that were
22 previously sworn, and that they are still under
23 oath when they testify this evening.

24 Ms. Jennings, without -- Mr. Lonski,
25 we don't have any comments at this point, do we?

1 We can turn the meeting over to Ms. Jennings?

2 MR. LONSKI: Correct, procedurally,
3 there's nothing -- this was properly carried to
4 tonight, and we have jurisdiction.

5 CHAIRMAN TAYLOR: Thank you, Dave.
6 Donna, it's all yours.

7 MS. JENNINGS: Sure. So at the
8 conclusion of the last meeting, we actually
9 closed the public portion; I did my closing
10 statement. The board members wanted to wait
11 until the board engineer got a better opportunity
12 to review some of the items that we were talking
13 about.

14 So revised plans were submitted on
15 August 7th, and we did receive updated review
16 letters. We have an August 14th reletter from
17 CME, and an updated report from the department of
18 planning and engineering, dated August 17, 2020.

19 I don't intend on calling any
20 additional witness, I just want to go through the
21 reports. Basically, the applicant is going to
22 comply with all of the comments, and I just
23 wanted to make four points of clarification.

24 So if you look at the CME report of
25 August 14, page 5, item B.6, there was a request

1 regarding that snow removal plan. Mr. Loventhal
2 had discussed the snow removal plan at the last
3 hearing, but this comment said, you know, we'd
4 like to see it in writing, so we did give a
5 description, basically mimicking Mr. Loventhal's
6 testimony, and I submitted that earlier to Loren,
7 Colleen, Dave, and Keith. So that's with the
8 board now. So I think that addresses that one
9 comment.

10 On page 7, items 9 and 10 kind of go
11 hand in hand, and that's the issue with regard to
12 the drainage on the portion of the property that
13 will ultimately be owned by the township once the
14 subdivision gets approved.

15 And the applicant, basically, with
16 respect to the easement documents, that'll
17 obviously happen as a condition of approval.
18 There'll be a tri-party maintenance agreement
19 that would be between the township, Tices, and
20 then the adjoining property owner, Urban Edge,
21 who are [inaudible], and they have agreed to meet
22 and discuss the issues next week.

23 And then, the applicant has had
24 discussions, and the agreement is that they're
25 going to go ahead and take care of the problem

1 that's there now, and any problems that we are
2 putting on to the property in the future. I
3 believe the township doesn't really know yet what
4 they plan on doing there, so they will need the
5 site repaired. And, again, that'll be part of
6 the redevelopment agreement. So we can just
7 have, maybe, Dave, as a condition of approval,
8 that those items would be addressed through the
9 redevelopment agreement, I think that's probably
10 the best way to handle that.

11 Then, with the --

12 CHAIRMAN TAYLOR: Before we go any
13 further, I just would like -- backing up just a
14 bit to the snow removal plan, all the board --
15 all the board members got a copy of it. We all
16 had a chance to take a look at it. Is there --
17 are there any -- I'd like to kind of deal with
18 these one at a time, see if there are any
19 comments or questions, and then move to the next
20 issue.

21 So do any board members have any
22 comments or questions? Larry, I know that you
23 were very concerned, and rightly so, about this.
24 I'm sure you had a chance to look at the plan.
25 Do you have any questions or comments?

1 VICE CHAIRMAN BRAVMAN: I don't know
2 if that was directed to Larry Reiss or Larry
3 Bravman.

4 CHAIRMAN TAYLOR: Well, you both --
5 so Larry Reiss I remember brought it up first.

6 COMMISSIONER REISS: I'll go by
7 Lawrence tonight.

8 CHAIRMAN TAYLOR: Okay. There you
9 go.

10 COMMISSIONER REISS: From the staff's
11 perspective, do you have any concerns?

12 MR. KIPP: I have no concerns with
13 the snow removal report at all.

14 COMMISSIONER REISS: Then I'm fine.
15 I don't know if anyone else --

16 VICE CHAIRMAN BRAVMAN: May I ask a
17 question, then?

18 CHAIRMAN TAYLOR: Mr. Bravman?

19 VICE CHAIRMAN BRAVMAN: Yeah. Or
20 John, I'll defer to you first, and then I'll ask
21 some questions after reading that.

22 MR. KRISKOWSKI: No, I just wanted
23 to -- I read the -- it coincided with the
24 testimony that was provided by the developer at
25 the last planning board meeting, and I think it

1 covers all of the issues that we had talked
2 about.

3 COMMISSIONER CRISCUOLO: Yes.

4 VICE CHAIRMAN BRAVMAN: Mr. Chairman,
5 if I may ask just a couple questions.

6 CHAIRMAN TAYLOR: Absolutely.

7 VICE CHAIRMAN BRAVMAN: Ms. Jennings,
8 I'll address the questions -- and I know all your
9 witnesses have been previously sworn, so either
10 Mr. Loventhal or someone else, I guess, can
11 answer them.

12 MS. JENNINGS: Sure.

13 VICE CHAIRMAN BRAVMAN: So,
14 obviously, I read it this afternoon as well, when
15 we got it. It begins by saying that you're going
16 to comply with the time frames set forth in our
17 township property maintenance code, which I
18 understand is Section 189 of the property
19 maintenance code, which reads, within 12 hours of
20 daylight. Is that what the applicant understands
21 by their reference to property maintenance code
22 and time frames to be?

23 MS. JENNINGS: Yes.

24 VICE CHAIRMAN BRAVMAN: Okay. The
25 first bullet, curb-to-curb plowing of all snow

1 and ice, so as not to impede or block any ADA
2 parking spaces and any, and all fire lanes, bus
3 stops, and loading zones. What about regular
4 parking spaces? Will they be blocked and
5 impeded? And if so, what's the intention of how
6 many?

7 MS. JENNINGS: I don't believe so,
8 but Mr. Loventhal is here, and he can probably be
9 best to address it, as he did prepare the snow
10 removal plan; he's the one who testified, if you
11 remember, at the last hearing, with respect to
12 same.

13 So I would actually ask Scott to be
14 reminded that you're under oath, and if you could
15 please answer the question, I think you're the
16 best for that.

17 MR. LOVENTHAL: Yes, certainly, for
18 the record, Scott Loventhal from the applicant.
19 Good evening, everyone. Nice to see everyone
20 again this evening.

21 Mr. Bravman, with regard to curb to
22 curb, our intentions are curb to curb. As I
23 testified to at the last meeting, we have a
24 significant excess of parking spaces along the
25 perimeter of this project, and no different from

1 any other large parking facilities, the snow will
2 be -- both from an environmental perspective,
3 it's appropriate that the snow be placed in the
4 parking lot, so that it can drain through the
5 drainage system in our project, where we have
6 appropriate stormwater controls that allow for
7 the cleaning of any contaminants that may get
8 into the snow, oils and so on and so forth. So
9 no different than anywhere else.

10 I know it was a concern of yours that
11 the snow is not piled high in the parking lot,
12 and remain in the parking lot, and that's why I
13 agreed to, for anything that exceeds 12 inches in
14 a storm, or cumulatively 12 inches, which would
15 create the large snow drifts and piles that
16 you're referring to, that that snow would be
17 placed in the detention basins, and if the
18 detention basins are impractical, then that snow
19 would then be offloaded off site.

20 So our expectation is that there's
21 always a sensitivity towards the things that were
22 listed: ADA parking; there's always a
23 sensitivity towards loading zones, bus stops,
24 crosswalks, things of that nature. All of those
25 will be appropriately cleared of snow in

1 accordance with the property management code in
2 East Brunswick.

3 But I did indicate, and I don't think
4 there was any disagreement, that snow is
5 appropriate to be left in the parking lot, so it
6 can drain properly, just like, you know, rain
7 would drain properly through our drainage system,
8 to allow it to be properly -- from an
9 environmental perspective, to allow it to
10 properly cleanse the environment, and that's what
11 we intend on doing.

12 If the snow would accumulate 12
13 inches, we would move it to our detention basins,
14 our surface detention basins, where those same
15 controls are in place for stormwater protection,
16 and if, in fact, it exceeds that, and we can't
17 practically place it in our detention basins, we
18 will be offloading the snow.

19 VICE CHAIRMAN BRAVMAN: So I guess,
20 as you indicated last time and just now, there
21 will be some instances in which some parking
22 spots may have to be covered pending the melting
23 of the snow, and as you've indicated, there's
24 more than enough parking outside of the ADA, fire
25 lanes, bus stops, and loading zones, that, if we

1 had to have some parking spots piled with snow,
2 that's not going to impact the overall site?

3 MR. LOVENTHAL: That's correct.

4 That's a fair statement.

5 VICE CHAIRMAN BRAVMAN: And then,
6 John, I guess I just want to hear from you or
7 your staff:

8 Environmentally -- which
9 Mr. Loventhal has indicated a couple times -- if
10 the snow is put into the detention basins, what
11 impact [inaudible] the groundwater have with
12 regard to the salt and sand, the calcium -- I
13 think there's calcium chloride, directly
14 impacting, if it's right into the basin versus
15 draining to a parking lot to wherever it goes?

16 MR. KRISKOWSKI: Right, and the
17 detention basins are designed as infiltration
18 basins, there is some percolation through the
19 soil, through the basins. I think that it's an
20 appropriate use for this -- for the snow,
21 absolutely.

22 VICE CHAIRMAN BRAVMAN: Okay. And --

23 MR. KIPP: It's --

24 VICE CHAIRMAN BRAVMAN: I'm sorry.

25 MR. KIPP: If I may add, Larry, the

1 snow that he's going to be removing should be
2 before the salt is applied. So the salt would be
3 applied later. Typically, you remove the snow
4 first, then apply the salt. So it should be more
5 of basically frozen water you're putting in
6 there.

7 VICE CHAIRMAN BRAVMAN: Right. Fair
8 enough.

9 And, finally, will you be storing any
10 type of sand or calcium chloride on site during
11 the winter months, so that you then have it
12 available to spread? And if so, where will you
13 be stockpiling it?

14 MR. LOVENTHAL: That's a good
15 question as well. We do -- for our maintenance
16 personnel, we do, in accordance with all of the
17 requirements, in terms of keeping it safe, we do
18 often stockpile -- and maybe "stockpile" is not
19 the right word, because I don't want you to think
20 that stockpile would be literally a large pile in
21 the corner of a parking lot. We certainly will
22 have some bags of various de-icing materials that
23 are kept in maintenance storage facilities, to
24 obviously allow our staff to de-ice walkways
25 first thing in the morning, crosswalks, things

1 like that, where there's safety issues sometimes
2 early in the morning. We really have no
3 intentions of stockpiling sand of any type, or
4 stockpiling anything that would be visible to the
5 public.

6 Our subcontractors -- on a site this
7 size, for very, very small accumulations of snow
8 or ice, it would probably be left to a staff
9 maintenance person; for larger, we do
10 subcontract. And quite frankly, the language I
11 put in this snow removal plan is actually
12 consistent with our snow removal contract that we
13 use consistently throughout our organization. So
14 our subcontractors know exactly what to do, and
15 they are prohibited from stockpiling those
16 materials in a visible area. So they wouldn't be
17 there for the season, if that's what you're
18 concerned about.

19 VICE CHAIRMAN BRAVMAN: Thank you.
20 No, I appreciate the clarification there, because
21 I understand, if you need bags of stuff, that
22 your maintenance personnel have bags. That, I
23 understand. I just wanted to make sure there'd
24 be no intention to be -- I'm using the phrase
25 "stockpiling," it's not something the applicant

1 used anywhere, but I think we both
2 understand what I was referring to in your
3 clarification. I just want to make sure that the
4 pilings of sand or de-icing material in the
5 parking lot, even in contemplation of a large
6 storm come through, and very often you may -- or
7 a property owner may, in advance, you know, try
8 to pile it, so that they have it readily at hand,
9 and then it sits there.

10 So I believe you've answered it
11 appropriately. Thank you.

12 MR. LOVENTHAL: You're very welcome.

13 VICE CHAIRMAN BRAVMAN: That's all I
14 have.

15 CHAIRMAN TAYLOR: Thank you.

16 Any other board or staff questions
17 regarding the snow removal plan?

18 COUNCILWOMAN SULLIVAN: I just have a
19 quick question.

20 When you were saying you were going
21 to block spots, if you had to, during -- in the
22 parking lot, are you taking into account near the
23 retail stores, where there isn't a lot of spots?

24 MR. LOVENTHAL: No, we would never be
25 doing that. I'm really talking about the

1 perimeter of the site, in our large parking
2 fields, spaces that will likely be vacant at all
3 times, because we did overpark the site. You
4 know, in a suburban environment, we do think
5 parking is important, even though we hope to take
6 advantage of the transit that's in the area. We
7 do recognize it's [inaudible], and that, as such,
8 we always want to have appropriate parking, even
9 above and beyond your redevelopment plan.

10 But certainly not in front of the
11 retail; not along the main, what I'll call,
12 promenade that runs down the spine of the
13 property. We're talking about just the perimeter
14 of the large parking field, where that snow may
15 be kept, to allow it to melt appropriately.

16 COUNCILWOMAN SULLIVAN: Okay. Thank
17 you.

18 MR. LOVENTHAL: You're welcome.

19 CHAIRMAN TAYLOR: Thank you.

20 If there are no further staff or
21 board questions, Donna, go ahead with the next
22 item.

23 MS. JENNINGS: Sure. So the next
24 item I had referenced was located on page 9, I
25 think -- no, 7, items 9 and 10, that relate to

1 the property that will be taken over by the
2 township once the subdivision is done, and that
3 deals with the maintenance and repair, basically,
4 of the drainage area.

5 So there's been a lot of discussions
6 with the redevelopment agency, and the parties
7 are in agreement that there'll be -- the
8 applicant will take care of fixing the drainage
9 now, and addressing whatever drainage from this
10 site -- project goes into there now. And that
11 can, of course, be worked out in the specific
12 language of the redevelopment agreement, so if
13 the board is comfortable with that, we'd just
14 make it as a condition of the approval.

15 CHAIRMAN TAYLOR: Is staff okay with
16 that?

17 COMMISSIONER CRISCUOLO: And that
18 would be with the oversight of our consultants
19 and our staff, planning department, and
20 Mr. Potkulski, and so on. Right? Is that the
21 way we're going to do this, Keith?

22 MR. KIPP: Yes. And I just want to
23 thank Scott, Les, and John, and his team,
24 everyone involved, they really put a lot of
25 effort and time into this, and Scott, I think we

1 came up with a good plan moving forward, and I'm
2 confident that the developer's going to honor
3 what he's saying and do the right thing.

4 COMMISSIONER CRISCUOLO: And this
5 pipe will be enough to take the runoff from our
6 property as well. Is that correct?

7 MR. KIPP: After the repairs, the
8 ditch should be ready to do that. And, again,
9 from our site, it's going to be limited, because
10 we're going to be doing most of the storage
11 underground with the soil conditions, but there
12 will be an overflow into that area.

13 COMMISSIONER CRISCUOLO: Okay. Thank
14 you.

15 CHAIRMAN TAYLOR: And Dave Lonski,
16 you're comfortable making that a condition, and
17 that doesn't --

18 MR. LONSKI: I am, and we had spoken
19 about that previously, last week, in various
20 submissions, that I think it would be appropriate
21 to make that a condition.

22 I just want to -- although the
23 applicant is dealing primarily with the
24 redevelopment agency, and putting the details in
25 those agreements, I do think it's important that

1 the township staff be included in that process,
2 and have an input.

3 CHAIRMAN TAYLOR: Yes, I agree.

4 Okay. Thank you.

5 Donna?

6 MS. JENNINGS: Sure. So the third
7 item in the CME report, on page 9, item number
8 F.5, there's a reference there, Les, it says the
9 plans should include the crosswalk and sidewalk
10 improvements depicted on Exhibit A-15 related to
11 the Crosspointe development frontage. That is
12 actually beyond the reach of the redevelopment
13 plan, and not on the client's property, and the
14 applicant has discussed this, and this is
15 something that they would not take responsibility
16 for. So we just want that carved out, if
17 everyone agrees, from compliance.

18 COMMISSIONER CRISCUOLO: Is this the
19 sidewalk that's on the Crosspointe property?

20 MS. JENNINGS: Correct.

21 COMMISSIONER CRISCUOLO: Yeah, I
22 would agree with that. That's way beyond what
23 this should be. They'd have to get easements,
24 and property rights, and everything, from
25 Crosspointe, and that would -- that's -- yeah, I

1 would agree. That's just my opinion.

2 MR. KIPP: Just, if I may add, we
3 included that, and Greg had pointed out, if we're
4 doing ADA improvements to the Renee Road/Tices
5 Lane signal, then that really should be connected
6 to the entrance of Crosspointe. There wouldn't
7 be any easements required, it wouldn't be in the
8 right-of-way, but it definitely would be an
9 additional expense.

10 COMMISSIONER CRISCUOLO: Greg, you're
11 muted.

12 MR. LONSKI: Still muted.

13 MR. POTKULSI: If I could just add,
14 you know, somebody traversing that intersection,
15 you know, coming up to that intersection, there
16 currently isn't any sidewalks, so they'd be
17 forced to cross on the south side, go up along
18 the frontage of the property that we're talking
19 about, and that sidewalk dead-ends. So there's
20 nobody that could go from the west, the Harts
21 Lane area, and walk up to Route 18. And I don't
22 know how you approve -- how you can approve an
23 ADA signal and not be able to traverse that route
24 and get further to the east, towards Route 18.

25 MR. LOVENTHAL: Mr. Chairman, if I

1 may answer that?

2 CHAIRMAN TAYLOR: Sure.

3 MR. LOVENTHAL: Greg, I just -- it's
4 Scott Loventhal -- I think you may be mistaken.
5 As part of our redevelopment, we are installing
6 the sidewalk on the south side of Tices, from the
7 new Renee to our property line, to connect. What
8 we're referring to is a sidewalk that has no
9 rational nexus to our project, it's not an
10 obligation of the redevelopment plan ordinance,
11 and I've put on the record it's not something
12 we've ever agreed to install.

13 So there is a connection. We're
14 installing a sidewalk to allow people to travel
15 from west to east, and that's my position.

16 MR. POTKULSKI: But Scott, the
17 sidewalk ends at your property, and there's no
18 further sidewalk out to Route 18.

19 MR. LOVENTHAL: Again, I'm installing
20 a sidewalk along the perimeter of my property. I
21 don't have any right to install a sidewalk beyond
22 the Urban Edge site. And there was never any
23 agreement, and, you know, in the redevelopment
24 plan, there's no reference to a sidewalk. I've
25 committed off-tract improvements throughout this

1 corridor, and from my perspective, I respectfully
2 disagree that it should be my obligation, placed
3 as a condition of this resolution.

4 CHAIRMAN TAYLOR: Okay. Well, that's
5 something the board will consider.

6 Let me just ask one question, because
7 I've heard, kind of, conflicting things: If the
8 applicant were to install the sidewalk, would
9 there be any right-of-way acquisition required by
10 the applicant?

11 MR. KIPP: No.

12 CHAIRMAN TAYLOR: No. Okay. It
13 would just be the additional expense to install
14 the sidewalk itself?

15 MR. KIPP: That's correct.

16 MR. LONSKI: Can I just ask --
17 because I think I'm a little bit confused about
18 what location. We're talking about the sidewalk
19 that runs in front of the project as you head
20 toward Route 18? I'm not sure I'm understanding.

21 CHAIRMAN TAYLOR: No.

22 MR. LONSKI: Can you explain again
23 what --

24 CHAIRMAN TAYLOR: Dave --

25 MR. POTKULSKI: It would be the north

1 side of Tices Lane, from Renee Road, up along to
2 the Crosspointe frontage, to their driveway,
3 there's no sidewalk there.

4 MR. LONSKI: So you're on the other
5 side of the [inaudible] --

6 CHAIRMAN TAYLOR: Correct.

7 MR. POTKULSKI: Yes. And as part of
8 this, and this is where it came from, is that
9 they're designing an ADA, you know, applicable
10 traffic signal here, and it's not ADA compliant
11 if that leg of the sidewalk isn't installed.

12 CHAIRMAN TAYLOR: Thank you, Greg.

13 Did you get that, Dave?

14 MR. LONSKI: I understand. I just
15 had to go look at the plans again.

16 CHAIRMAN TAYLOR: All right. So
17 that -- from the board's perspective, that's
18 still an outstanding issue.

19 Okay, Donna. Continue, please.

20 MS. MCGURK: Excuse me, Chairman, if
21 they do agree --

22 CHAIRMAN TAYLOR: I'm sorry, hold on,
23 Donna, one second.

24 Colleen, did you have something to
25 say?

1 MS. MCGURK: Yeah, sorry.

2 If they do agree to install the
3 sidewalk on the north side of Tices Lane, then
4 there should be crosswalks -- I think there
5 should be crosswalks added anyway at Tices and
6 Renee Road.

7 MR. KIPP: Yeah, I think that's part
8 of the plan, Tices and Renee already has
9 crosswalks.

10 MS. MCGURK: I didn't see that on my
11 plan. Okay.

12 MR. LONSKI: I thought it did also.

13 MS. MCGURK: I'm sorry. Maybe I was
14 looking at the old plan.

15 CHAIRMAN TAYLOR: All right. So did
16 we clear that up? Do we have a crosswalk? They
17 are there, Greg. I see Greg shaking his head.

18 MS. MCGURK: Yeah, I don't see the
19 dotted lines, but I guess that's marked.

20 CHAIRMAN TAYLOR: All right. Good.

21 All right, Donna. Continue, please.

22 MS. JENNINGS: All right. So the
23 final item is in the [inaudible] engineering
24 report, page 3 --

25 MR. LONSKI: Donna, before you go

1 there, the CME report, same page, 9, G, items, I
2 guess, 1, 2, and 3 were recommendations. I don't
3 know if you want to address them. This is the
4 lighting-related items.

5 MS. JENNINGS: We said we would
6 comply with everything else in the reports, other
7 than what I'm pointing out.

8 MR. LONSKI: Okay. Well, number 2 is
9 requiring a waiver. Do you not need the waiver?

10 MS. JENNINGS: Which page are you on?

11 MR. LONSKI: Page 9, G.2.

12 MS. JENNINGS: Nine, of the CME
13 report?

14 MR. LONSKI: CME report, page 9 --

15 CHAIRMAN TAYLOR: Are you looking at
16 the -- the dates are the same on the report,
17 Scott?

18 MS. LONSKI: I see it, now. There's
19 two paragraph 2s on page 9. Yeah, it's G.1, 2,
20 and 3, they all require comment.

21 MS. JENNINGS: Yeah, so there's
22 building-mounted fixtures on the -- above the
23 garage, Scott? I wouldn't know. Is there?

24 MR. KRISKOWSKI: That was the
25 testimony.

1 MR. LOVENTHAL: Yes, I believe that
2 our architectural representations do show
3 security lighting above the garage entrances,
4 that's correct. If -- and that's the way our
5 application was presented, correct.

6 MS. JENNINGS: So that's a waiver.

7 MR. LONSKI: Okay. And I guess, as a
8 condition, G.1, we're going to --

9 MS. JENNINGS: I think we already
10 talked about these, I think, at maybe the first
11 hearing.

12 MR. LONSKI: We did talk about it,
13 but I believe the way that it was left was that,
14 because of the new requirements, that we would
15 allow staff -- as a condition, staff approval of
16 whatever the final fixture would be, G.1.

17 And I think G.3 asked for testimony
18 about the proposed average lighting in excess of
19 1 foot-candle.

20 MS. JENNINGS: I know, but I thought
21 we addressed it already through Les's testimony
22 back in June, because these are just comments
23 that are carried over. The new ones on the
24 report are in bold. So we've had this comment
25 since the very first review letter.

1 MR. LONSKI: Right, but I guess what
2 I'm suggesting is, for purposes of the final
3 resolution, is that G.3's not something you're
4 going to comply with; it's something you're going
5 to seek a deviation from.

6 MS. JENNINGS: Yes.

7 MR. KRISKOWSKI: Yes, Dave, I think
8 the testimony was -- and the applicant has agreed
9 to work with us to, you know, get the lighting as
10 close to the ordinance as possible, understanding
11 that there are safety concerns that have to be
12 addressed also.

13 And that is correct, Donna's correct,
14 that's a carryover. No additional testimony was
15 needed, there was testimony provided, and the
16 applicant's agreed that they will continue to
17 work with us.

18 MR. LONSKI: I understand, I'm just
19 trying to clarify: it's not something that you're
20 complying with; it's something that we're going
21 to work on as a condition.

22 MS. JENNINGS: Correct.

23 CHAIRMAN TAYLOR: Thank you, Dave.
24 Good catch.

25 COMMISSIONER REISS: Mr. Chairman? I

1 wanted to -- I had a point before -- I wanted to
2 ask Greg a question before we moved on, going
3 back.

4 CHAIRMAN TAYLOR: Absolutely.

5 COMMISSIONER REISS: So I understand
6 what's being said about the sidewalks, but Greg,
7 does this application need -- from a safety or
8 anything perspective of that nature, need to have
9 those sidewalks? Whether the applicant puts it
10 in or not, is sidewalks needed there?

11 MR. POTKULSKI: Like I said before,
12 that missing piece of sidewalk is very important;
13 maybe not for this development, but for people
14 traversing the sidewalk system from the Harts
15 Lane direction towards Route 18. Right now,
16 there's no -- they have to walk into the street
17 or on the slope. So whether this applicant puts
18 it in or the township does it at a later date,
19 it's a vital missing link.

20 COMMISSIONER REISS: So my question,
21 Chairman, is what do we do in this situation? Is
22 this becoming a township responsibility?

23 CHAIRMAN TAYLOR: No, this is
24 becoming further discussion by this board
25 tonight, before we vote on this application.

1 COMMISSIONER REISS: Okay. Fair
2 enough. Thank you.

3 CHAIRMAN TAYLOR: I just -- no
4 problem. I just wanted Ms. Jennings to go
5 through her additional comments, and then I want
6 to, then, have Mr. Lonski go through the
7 conditions that we've previously talked about,
8 just so everyone's clear. I wanted to then open
9 it up to the public. And then, further
10 discussion by the board, and -- before we vote on
11 the application, which we'll be doing this
12 evening.

13 COMMISSIONER REISS: My problem -- I
14 heard the -- I could have sworn I heard the
15 applicant say that they didn't want to do it.

16 CHAIRMAN TAYLOR: Yeah, clearly, the
17 applicant said they don't want to do it, yes.

18 MS. JENNINGS: I mean, look, this is
19 a permitted use. It's not in the redevelopment
20 plan. I do think it's beyond the jurisdiction of
21 the board to have us put in a sidewalk across the
22 way. I believe there's a bit of landscaping that
23 Crosspointe has in the whole area that would have
24 to be taken up. So it's a little bit more than
25 just, you know, going in and putting in a

1 sidewalk. And the applicant has put in
2 significant improvements, and it's dedicating
3 land, and this is just totally beyond the board's
4 jurisdiction.

5 CHAIRMAN TAYLOR: No, I think the
6 applicant's made a -- did a very good job of
7 expressing their position, and has been wonderful
8 to deal with up until now, and this is just an
9 area that we may disagree on, but that's for
10 discussion a little later on.

11 So please, Ms. Jennings, continue.

12 MS. JENNINGS: Sure. So the final
13 item we just wanted to mention is that the
14 division of engineering also issued an updated
15 report, and on page 3, item 4.D, electric vehicle
16 charging stations, the applicant's original plan
17 only provided they were going to put in 21. What
18 they'd like to do is submit a plan, and then have
19 it be subject to Colleen's further review, and
20 make sure that they're in places where she
21 think's they're appropriate.

22 But we are going to meet the
23 requirement, that number. We're going to put
24 them where we think they should be belong, but we
25 think Colleen or somebody else in the planning

1 department can sign off on the locations.

2 CHAIRMAN TAYLOR: That's terrific,
3 and we appreciate the applicant increasing the
4 number to 21, I'm very happy about that.

5 MS. JENNINGS: And that's really it.
6 Other than that, all the other items that are in
7 the reports have either been complied to, or
8 agreed to, the applicant will comply.

9 CHAIRMAN TAYLOR: Good.

10 Any -- Mr. Lonski?

11 MR. LONSKI: Just looking through my
12 notes real quick, because I thought there was one
13 other report -- yes -- let me think -- the police
14 department, I think, issued an updated report, if
15 I'm not mistaken -- oh, the solar powered LED
16 [inaudible] -- I'm on the original [inaudible]
17 memorandum, item number 3 --

18 MS. JENNINGS: Yeah, sorry, I don't
19 think we had any issues with that, but Scott can
20 confirm, the police department report --

21 MR. LONSKI: Okay. Fine. Thank you.

22 CHAIRMAN TAYLOR: Mr. Lonski, would
23 you like to talk about any other of the
24 previously agreed upon conditions, or you don't
25 think that's necessary at this point?

1 MR. LONSKI: I can certainly -- I can
2 certainly do that, and --

3 CHAIRMAN TAYLOR: The conditions
4 that -- I'm sorry, I didn't mean to interrupt
5 you, Dave -- the conditions that have come about
6 since our initial meetings.

7 MR. LONSKI: Yeah, I'm going to go
8 through the conditions. I think most of them
9 have been spoken about and discussed, and some of
10 them, they no longer need to be conditions,
11 because I prepared this list as we were going
12 along --

13 CHAIRMAN TAYLOR: Sure.

14 MR. LONSKI: -- obviously looked
15 through the list that I prepared.

16 CHAIRMAN TAYLOR: And I would just
17 ask staff to jump in at any time when Dave's
18 going through the list.

19 Thank you, go ahead, Dave.

20 MR. LONSKI: Sure, the 104 affordable
21 housing units shall be in such variety, location,
22 and duration as to meet the requirements of Fair
23 Share Housing court order regarding same,
24 Township of East Brunswick applicable laws and
25 regulations, and other such agencies having

1 jurisdiction over such matters.

2 The applicant shall enter into a
3 redevelopment agreement with the township that
4 will specify, among other requirements, that the
5 applicant shall be responsible for the
6 construction, milling, base, striping, and paving
7 of Tices Lane, from 100 feet from the
8 intersection with Harts Lane [inaudible] from the
9 intersection of Route 18.

10 The applicant shall be responsible
11 for construction, base, striping, and paving of
12 the new loop road, that I believe we all agreed
13 is going to be called Renee Road.

14 The applicant will be responsible for
15 certain site improvements on the property to be
16 dedicated to the township, including drainage
17 improvements and site improvements.

18 Applicant shall enter into an
19 arrangement satisfactory to the township, and
20 redevelopment agency, and Urban Edge, regarding
21 the reconstruction of the collapsed pipe, and
22 maintenance of the drainage pipes that are now
23 collapsed, located in the wetlands area of the
24 property, proposed to be transferred to the
25 township in the southwest corner.

1 Applicant shall provide an easement
2 and maintenance agreement from Urban Edge for its
3 use of the property for stormwater management, in
4 a form satisfactory to the township professionals
5 and redevelopment agency.

6 Applicant shall enter into a joint
7 maintenance agreement with the township for
8 ongoing accounts of joint use and certain
9 drainage improvements on the parcel to be
10 dedicated to the township, in a form satisfactory
11 to the township and its professionals, and I'm
12 going to add in redevelopment agency -- although
13 I'm not sure if they're involved in that or not,
14 the maintenance agreement. I don't think they
15 would be.

16 Applicant shall grant Title 39
17 jurisdiction throughout the proposed development
18 to the township.

19 Applicant shall comply with all
20 commitments, promises, representations made
21 through the public hearing process.

22 Applicant shall comply with all
23 prevailing reports of board professionals,
24 township departments, while not specifically
25 addressed -- and I guess we'll get to that part.

1 Applicant -- oh, satisfactory
2 administrative review and approval of final plans
3 and reports without substantial deviation from
4 the plans and reports presented by the applicant
5 at the hearing.

6 Dedication of approximately 7.7 acres
7 of land to the township to be used for future
8 municipal purposes, along with certain
9 improvements thereto, as set forth in the
10 redevelopment agreement.

11 Applicant shall provide the snow
12 removal plan. I think we can remove that, we've
13 accepted that.

14 Applicant shall provide shuttle
15 services to the township's commuter parking
16 facilities, if demand warrants.

17 The loop and lighting fixtures to be
18 acceptable to the township staff.

19 There was, I think, something about
20 drought-tolerant plants that will be provided,
21 that will be acceptable to the township.

22 And what we've just discussed
23 regarding a waiver request from the foot-candle
24 requirement set forth in CME report, page 9, G.2
25 is a waiver request, and the conditions would be

1 G.1 and G.3, relating to the fixtures to be used,
2 and approval by the township's engineer, or
3 staff, regarding the lighting of the parking lot
4 areas.

5 I think that's what I have. What did
6 I miss?

7 MS. MCGURK: I'm sorry, when you were
8 talking about the affordable housing, did you
9 mention the 50 years of deed restriction?

10 MR. LONSKI: I did, I said
11 "duration."

12 MS. JENNINGS: That's part of the
13 settlement agreement, anyway.

14 MR. LONSKI: Right.

15 MS. MCGURK: Right, I just wanted
16 that in there, though, so it didn't get missed.

17 And the electric charging station
18 locations, it's no longer a variance.

19 MR. LONSKI: Right.

20 MS. MCGURK: Okay.

21 MR. KRISKOWSKI: Dave, John
22 Kriskowski.

23 I have one other item, I'm not sure
24 if it still applies, there was talk about signage
25 within the development itself prohibiting certain

1 truck traffic.

2 MR. LONSKI: Yeah, my understanding
3 is that the applicant has agreed to comply with
4 that.

5 MR. KRISKOWSKI: Okay.

6 MR. LONSKI: That was in your report,
7 I believe, the signage of no trucks over 4 tons.

8 MS. JENNINGS: Yeah.

9 MR. KRISKOWSKI: Okay.

10 COMMISSIONER PHILIPS: Shawn?

11 CHAIRMAN TAYLOR: Ms. Jennings --
12 yes, I'm sorry.

13 COMMISSIONER PHILIPS: I had a
14 question of Dave, because he was mentioning the
15 shuttle service.

16 CHAIRMAN TAYLOR: Yes.

17 COMMISSIONER PHILIPS: The language
18 in the shuttle service, is there some trigger
19 mechanism that will deem that to be enacted, or
20 -- it sounds a little vague as to how that
21 happens.

22 CHAIRMAN TAYLOR: Yeah, I had the
23 same question, Steve, you know, who determines
24 whether it's necessary, yeah.

25 COMMISSIONER PHILIPS: Right, yeah.

1 MR. LONSKI: I guess, Donna, did you
2 want Scott address to what he would consider
3 appropriate demand?

4 CHAIRMAN TAYLOR: Sure.

5 MS. JENNINGS: Scott?

6 MR. LOVENTHAL: Yes, certainly. From
7 our perspective, we are building a development
8 that will be marketed as a transit-oriented and
9 transit-friendly development. As is often the
10 case with these types of developments, people
11 still tend to drive to transit hubs. And in this
12 particular instance, your existing bus facility
13 does have a large parking deck, as we all know.

14 So from our perspective, while we
15 will be marketing the project as
16 transit-oriented, we will -- our on-site
17 management will constantly poll our residents to
18 determine whether there is a demand.

19 My expectation is there will be a
20 demand. My expectation is that we will have, at
21 the very least, an SUV, and possibly a passenger
22 van that would be run by staff, certainly in the
23 winter, during inclement weather, and most likely
24 just during the morning and the evening rush, to
25 coincide with buses to New York City.

1 If, in fact, your second transit
2 facility is built on the southbound side of Route
3 18, we'll have another opportunity for those that
4 may ultimately be getting on a bus or leaving a
5 bus from that location.

6 So my expectation is that we're going
7 to be marketing as a transit-oriented
8 development, and it will be in our best interests
9 that, if our residents are showing us an
10 interest, that we make that SUV and van service
11 available from our own staff, or from even a
12 subcontractor.

13 So, you know, it is in our best
14 interests to see a successful development. A
15 successful development, if the demand is there,
16 we're going to offer the shuttle service.

17 MS. JENNINGS: I think the question
18 is what triggers the demand? Is it a certain
19 numbers? Is it a certain percentage? When would
20 you know you'd need this shuttle service?

21 MR. LOVENTHAL: I don't know that we
22 would want to quantify it in any particular way.
23 If I have 520 units here, and there are only one
24 or two people that are seeking a shuttle service,
25 I really don't think that that would trigger

1 demand. I think that it would take a polling of
2 our residents to determine that it's appropriate.

3 We may, quite frankly, have a shuttle
4 service available to our residents for other
5 services as well. So there may always be a van.
6 I haven't -- you know, we're not at that stage,
7 it's premature, but in a project of this size,
8 they have a van or an SUV that's going to take
9 residents to a senior center; it's going to take
10 residents to the municipal building; it's going
11 to take residents to other places, houses of
12 worship, shopping, that nature.

13 So I'm not necessarily able to give
14 you a triggering mechanism for the number of
15 people or units, other than to say to you that
16 we're marketing the project as transit-oriented
17 and convenient, and it's in our best interests to
18 offer that service when the demand seems to
19 warrant it.

20 CHAIRMAN TAYLOR: Could we -- I'm
21 sorry -- could we add -- and I'm just asking the
22 question -- I would be a little more comfortable
23 with some kind of consultation with the township.
24 I'm not saying the town could mandate it or
25 require it, but I would just like the township in

1 on the discussion.

2 Mr. Criscuolo, what do you think of
3 that?

4 COUNCILWOMAN SULLIVAN: He's on mute.

5 COMMISSIONER CRISCUOLO: It's just
6 that I'm so soft-spoken.

7 You know, I've seen this happen in
8 other communities, and it is a good -- I think it
9 would be good to somehow quantify it. I've had
10 this occur, like I said, when I worked in a
11 different municipality, it was promised to the
12 residents, and they didn't do it, and then,
13 shortly after, they made an agreement with an
14 adjoining apartment complex to shuttle, and
15 people were complaining it was taking an hour and
16 a half for them to get from the east side train
17 station back to Piscataway.

18 So I think it merits -- you know,
19 what triggers it -- if it's just going to to be a
20 passenger van, you're only going to be able to
21 take eight at a time. So, you know, is it -- if
22 it triggers eight people at, you know, 6 a.m.,
23 eight people at 7 a.m., eight people at 8 a.m.,
24 and then, on the reverse, eight at 6 p.m., 7
25 p.m., and 8 p.m. But if they are marketing it as

1 transit-oriented, there should be some notation
2 of how they're going to provide that transit
3 orientation.

4 So I think the point is well taken,
5 and I would agree, if I was to buy there, and
6 then show up, and then, all of a sudden, you're
7 saying you're not going to give me the ride to
8 the bus, I'd be a little perplexed.

9 MR. LOVENTHAL: Well, Joe -- if I
10 could respond, Mr. Chairman.

11 CHAIRMAN TAYLOR: Certainly.

12 MR. LOVENTHAL: So this is a rental
13 community. While there may be one component, the
14 townhomes, that are for sale, and your point may
15 be more appropriate as it relates to those units,
16 in a rental community, as a management company,
17 we need to be on our A game at all times, and if
18 not, our tenants leave us. There's plenty of
19 other housing choices for tenants in this
20 marketplace, and from our perspective, I would
21 hope that you would leave it within our judgment
22 to determine whether we believe that there is
23 demand. I can't simply agree that there will be,
24 and that this project will promise a van, and
25 then a van will sit idle if there isn't that

1 demand.

2 So from my perspective, while,
3 Mr. Chairman, I am certainly willing to consult
4 with the municipality, and work with the business
5 administrator and your transportation director --
6 and I think it should be further noted that it's
7 been understood that the grand vision for the
8 various redevelopment sites along Route 18 are
9 going to ultimately lead to some public transit
10 shuttle that's been supplied to us by your
11 redevelopment agency.

12 So from my perspective, while maybe,
13 at some point, we're contributing to that, if
14 we're not providing our own van, I think it'll
15 only be known once the community is constructed,
16 and once our demographic, our residents, are
17 determined.

18 We also know that, in this age of
19 COVID -- and we all hope that this is behind
20 us -- that there are significantly less trips to
21 New York City, and transit needs, attributable to
22 work at home and local work obligations. It's
23 very difficult to make a quantitative -- to put a
24 quantitative number on the record.

25 COMMISSIONER CRISCUOLO: And, Scott,

1 I'm sensitive to that, but also be sensitive to
2 the fact that, even if there are -- you know,
3 there's 500 units there. Even if there's eight
4 people there, if they're calling my office every
5 day to say, hey, I was promised this, and now
6 they're stopping the shuttle -- so --

7 MR. LOVENTHAL: Well, then, Joe, in
8 all due respect, then that tenant has the choice
9 to move out of the project. It's not --

10 COMMISSIONER CRISCUOLO: So if
11 they're only two months into their lease, are you
12 going to let them out of their lease and help
13 them move? No, I don't think you are.

14 MR. LOVENTHAL: If my lease
15 specifically indicated that there would be a van
16 during rush hours, then I'd be in violation of my
17 obligations to the tenant. So I'm not suggesting
18 that my lease will indicate that; I'm simply --

19 CHAIRMAN TAYLOR: Yeah, I was going
20 --

21 MR. LOVENTHAL: -- suggesting
22 marketability as a transit-oriented project.

23 CHAIRMAN TAYLOR: I was going to
24 guess that wouldn't be in your lease, but I
25 understand that that's how you're going to market

1 the project. And I do understand and I'm
2 sympathetic to the fact that it would be hard to
3 quantify it at this stage.

4 I would be comfortable with just
5 adding language that you will consult with the
6 township, its BA, its transportation manager,
7 before making those kinds of decisions. My guess
8 is that, you know, the folks in town are pretty
9 good at stating their positions, and if you were
10 somehow reluctant to provide adequate service,
11 then we would make that -- we would clearly
12 express our disappointment. I think that that
13 would be enough to satisfy me, but I can only
14 speak for Shawn Taylor, not for anyone else.

15 COMMISSIONER CRISCUOLO: Well, just,
16 sometimes, displaying our disappointment is -- it
17 has no teeth. It's kind of like everybody that
18 calls me when their cable is out, they have a
19 cable franchise. All I can do is call Comcast.
20 There's no teeth for me to do anything besides
21 telling them to call the BPU and file a
22 complaint. So, you know, be sensitive to the
23 township staff too.

24 CHAIRMAN TAYLOR: And I understand
25 that, Joe, I get it. And, again, I don't want to

1 prolong this discussion, but I do see a
2 difference between a state-regulated cable
3 company and a property management company who is
4 on the ground operating -- operating in East
5 Brunswick, where we have -- I think we -- our
6 powers of persuasion could be a little more
7 powerful.

8 COMMISSIONER CRISCUOLO: Okay. We
9 don't need to belabor the point. I think I -- I
10 made my point.

11 COMMISSIONER PHILIPS: Shawn?

12 CHAIRMAN TAYLOR: Mr. Phillips, this
13 was your original question.

14 COMMISSIONER PHILIPS: Just thinking
15 out loud, we have a department of [inaudible]
16 protection. Is there some kind of a report that
17 they could provide, quarterly or something, about
18 the number of inquiries they have, or somehow or
19 other alert the town to what they are doing or
20 aren't doing because of inquiries from their
21 people?

22 And then, if something happens, the
23 people call Joe, and there report says two people
24 wanted it, and then Joe gets six calls, then we
25 have an opportunity for there to be a

1 consideration of a conversation.

2 CHAIRMAN TAYLOR: You know, maybe
3 quarterly, a quarterly report.

4 COMMISSIONER PHILIPS: I'm just
5 talking it out as an idea that we have -- that
6 they're obligated to at least alert us, the town,
7 as to what the frequency of the requirement is.

8 CHAIRMAN TAYLOR: Donna, do you have
9 a comment on behalf of your applicant on that?

10 MS. JENNINGS: I mean, Scott's
11 obviously spoken several times. I'm not sure --
12 I mean, they're the ones that are going to be
13 managing it.

14 CHAIRMAN TAYLOR: Scott, I mean, that
15 doesn't sound -- a quarterly report stating, you
16 know, inquiries, if it's up and running, kind of
17 general ridership, that doesn't sound too onerous
18 to me.

19 MR. LOVENTHAL: Well, I'm not sure --
20 with all due respect to Mr. Phillips, I'm not
21 sure what that report will really accomplish.
22 I'm, you know, willing to agree to consult -- I
23 think, Mr. Chairman, as you suggested, to be in
24 consultation with the administration. If the
25 administration receives significant numbers of

1 inquiries, and we weren't providing a service --
2 again, while I don't necessarily think that a
3 private party should be required to provide
4 something along these lines, I am willing, in
5 recognition of the transit component, I'm willing
6 to certainly work with the administration, and if
7 they receive an abundant number of calls --
8 again, I've never suggested to anyone on this
9 call that I'm not providing a shuttle. I've
10 suggested that we will have an SUV, or a van, or
11 maybe something larger, if need be. I don't
12 suspect I will need larger than a 16-person
13 passenger van, I really don't, buses run with
14 significant frequency, so we have every
15 expectation that there will be a van, I just want
16 to --

17 COUNCILWOMAN SULLIVAN: Could you do
18 it -- could you do it for the first six months,
19 just to do it -- how many people get on each
20 hour, and then you can justify if it's worth it
21 or not? Mr. Loventhal?

22 MR. LOVENTHAL: Yeah, no, I'm
23 hearing -- I'm sorry, Councilwoman. With regard
24 to -- are you suggesting six months after we're
25 fully occupied?

1 COUNCILWOMAN SULLIVAN: Well, I would
2 think at the beginning you'd want to -- you'd
3 want to do it, just to see if it's worth it, and
4 then, of course, the more it's fully occupied,
5 probably the more people end up taking it.

6 COMMISSIONER CRISCUOLO: We'll try
7 to -- we'll try to work it out together with
8 them. I can certainly understand, you know, I've
9 seen complaints come in, and it wasn't in this
10 community, you know, somebody got off the train
11 at 10 after midnight, and the shuttle was already
12 stopped, I can understand that, you know, they
13 had to work late, where maybe you offer it for
14 some core hours, you know, 8:30 to 9:30,
15 something like that --

16 COMMISSIONER CLARKE: Can I make one
17 suggestion?

18 CHAIRMAN TAYLOR: Yeah, I think, you
19 know, Joe, I think that the applicant expressed
20 their willingness to provide the service, because
21 it's an important part of their marketing plan, I
22 think they've agreed to work with the township.

23 COMMISSIONER CRISCUOLO: Yeah.

24 CHAIRMAN TAYLOR: I think, Joe, your
25 last comment is -- makes a lot of sense. We

1 certainly don't want to do anything that's the
2 too onerous on the applicant.

3 COMMISSIONER CRISCUOLO: Yeah, we'll
4 work it out.

5 COMMISSIONER CLARKE: Can I make one
6 suggestion?

7 CHAIRMAN TAYLOR: Absolutely.

8 COMMISSIONER CLARKE: Maybe it's
9 something that shouldn't be offered during
10 commuters -- during the high time when people are
11 commuting. It's a great marketing idea, but
12 maybe it should just be offered as, like, a valet
13 service, maybe at the odd times, so we don't have
14 to be worried about 10 people sitting there
15 saying I'm waiting for this van. Maybe it should
16 be between 9 and 11, and then again between 2 and
17 4. I don't know, just a thought.

18 CHAIRMAN TAYLOR: Yeah, I don't know
19 either, and I don't want to get too deep into the
20 weeds on this. I think the applicant made a good
21 point, they want to market it, they want to be
22 successful, and --

23 COMMISSIONER CRISCUOLO: And I
24 certainly like the idea that they be willing to
25 shuttle some people over to the senior center,

1 to --

2 CHAIRMAN TAYLOR: Yeah, me too.

3 COMMISSIONER CRISCUOLO: -- and,
4 Scott, if people would like to get to the
5 ShopRite, I think that adds a lot of value to
6 your community, and that would be, you know, very
7 favorable. It's kind of like what Julie was
8 saying as well.

9 CHAIRMAN TAYLOR: Absolutely.

10 COMMISSIONER CRISCUOLO: Let's see
11 what the need of the community is, and at that
12 time, let's see the population who moves into the
13 development --

14 CHAIRMAN TAYLOR: Right.

15 COMMISSIONER CRISCUOLO: -- and take
16 it from there.

17 CHAIRMAN TAYLOR: Terrific. I think
18 that's a great way to handle it.

19 Moving forward, I kind of lost track
20 of where we were. Mr. Lonski?

21 MR. LONSKI: I had completed my
22 comments.

23 CHAIRMAN TAYLOR: Okay. Why don't we
24 do this, then: Loren, are they any -- I'm sorry
25 to interrupt your yawn there, Loren.

1 MS. MORACE: Sorry.

2 CHAIRMAN TAYLOR: Was that, like,
3 come on, Taylor, let's move this along?

4 MS. MORACE: No. No.

5 CHAIRMAN TAYLOR: Are there any
6 members of the public wishing to be heard on this
7 application this evening?

8 MR. KIPP: I may want to repeat the
9 phone number.

10 CHAIRMAN TAYLOR: I was just going to
11 do that.

12 MS. MORACE: It's (646) 558-8656.

13 COMMISSIONER CRISCUOLO: And Anthony,
14 if you just confirm that the number's on the
15 screen as well.

16 CHAIRMAN TAYLOR: It is on the
17 screen, I'm looking at Channel 26 as we speak.

18 COMMISSIONER CRISCUOLO: Oh, our
19 ratings went up.

20 (Whereupon, there is a brief pause in
21 the proceeding.)

22 CHAIRMAN TAYLOR: Nothing yet, Loren?

23 MS. MORACE: No, nothing yet. Give
24 them another minute, because there is a delay.

25 CHAIRMAN TAYLOR: And while we're

1 waiting, I would like to just thank my fellow
2 board members, our staff, and the applicant.
3 This is a big application, a very important
4 application, and I think everyone raised their
5 game, everyone did an excellent job in reviewing
6 this in a timely manner, we did a lot in a little
7 bit of time, and so I think it's an excellent job
8 by everyone concerned, and I thank everyone for
9 raising their game.

10 And if no one's on the line waiting
11 to get on yet, I will close the public portion.
12 If, by chance, someone calls in, we can reopen
13 it, let that person express their views.

14 So, at this point, I guess,
15 Mr. Lonski, we're looking for final --

16 MR. LONSKI: Shawn, the one item, I
17 think, that's still open, was the item that was
18 previously discussed about the sidewalk.

19 CHAIRMAN TAYLOR: Yes, the sidewalk.
20 I was just going to ask, I think it's a pretty
21 important item, to be honest with you. I think
22 Greg makes an excellent point that, to improve an
23 intersection, bring it up to ADA compliance, and
24 then dump it into a non- ADA compliant sidewalk,
25 or a nonexistent sidewalk, to me, is a little

1 counter productive, and it smacks of, you know,
2 the Bridge to Nowhere in Alaska.

3 So I don't know, I'll open it up to
4 my fellow board members.

5 COMMISSIONER HEPPEL: This is Charlie
6 Heppel. Can I go?

7 CHAIRMAN TAYLOR: Sure.

8 COMMISSIONER HEPPEL: So, first, I
9 think both Frank, who had very valid points of
10 why it needs to be upgraded on the other, the
11 sidewalk, and I feel the applicant, they had very
12 good points, whether it be that it's not their
13 obligation, in their opinion, and that they've
14 done a lot of other improvements, and donated
15 land to the town.

16 So this has nothing to do with any of
17 that, but I want to try to get a little bit
18 better idea of, like, what are we talking about
19 here. So I'd like to know how much would it cost
20 to put in the sidewalk, so we know, is this quite
21 a big deal, or is this really very minor and
22 maybe we can talk it out? So is anybody there
23 able to give us an idea of what this would cost?

24 MS. JENNINGS: Scott?

25 CHAIRMAN TAYLOR: Greg, could you

1 ballpark it for us, or Keith?

2 MS. JENNINGS: He's muted.

3 CHAIRMAN TAYLOR: There we go, Greg's
4 on.

5 MR. POTKULSKI: Keith, do you have
6 the length on that?

7 MR. LONSKI: It's about the same
8 length as the subject property. Is that what
9 we're talking about?

10 MR. POTKULSKI: No, it's only a part
11 of the way, though.

12 MR. LONSKI: You're talking about the
13 sidewalk from Renee Road to the entrance
14 across --

15 MR. POTKULSKI: That's correct, yeah,
16 so about half their property. You know,
17 assuming, the last time I was there, and Keith
18 had our surveyor getting the right-of-way issue,
19 and Keith stating that we had enough right-of-way
20 to do it, my position on that was, if we needed
21 additional right-of-way, we would obtain it or
22 obtain slope easements.

23 CHAIRMAN TAYLOR: Right, the township
24 would acquire any needed right-of-way.

25 MR. KIPP: It's about 425 lineal feet

1 of sidewalk.

2 MR. POTKULSKI: So if we were to
3 build it, what would that cost us? And, granted,
4 the applicant can build it a lot less.

5 MR. KIPP: Right. And, again, our
6 numbers are bulk numbers for volume production,
7 you have to take our numbers with a grain of
8 salt.

9 But with that being said, there may
10 be a requirement for [inaudible]. I don't know
11 that the grading would necessarily work. Even
12 though we don't need right-of-way, there might be
13 additional work to just the plain sidewalk.

14 CHAIRMAN TAYLOR: Well, would the
15 applicant be willing to, if it was -- if it
16 required no additional right-of-way, and the town
17 would take care of any grading expenses, what
18 would the -- what would just the sidewalk cost?
19 Do we have --

20 MR. KIPP: Our bid numbers are about
21 \$10,000.

22 CHAIRMAN TAYLOR: How much?

23 MR. KIPP: \$10,000.

24 CHAIRMAN TAYLOR: Did you say
25 \$10,000?

1 MR. KIPP: Yes.

2 CHAIRMAN TAYLOR: Oh, okay. That
3 doesn't strike me as a whole lot of money, given
4 the size of this application. Would the township
5 be willing to enter into that type of agreement?
6 Joe? Keith?

7 MR. KIPP: I think so. I think it's
8 a critical length, because just picture for a
9 moment, if you live on University, and you want
10 to walk up to Mancini Pizza, you can walk on a
11 sidewalk up to Renee, and then you'd technically
12 have to cross the road, and then walk up the
13 street again, and to cross back to Mancini's,
14 you'd have to be at Route 18 again. So that
15 missing piece of sidewalk is --

16 COMMISSIONER CLARKE: Which our kids
17 do pretty often when they're coming from
18 Churchill on half days.

19 COMMISSIONER CRISCUOLO: Folks, why
20 don't we just split it?

21 CHAIRMAN TAYLOR: Why don't we?

22 COMMISSIONER CRISCUOLO: Split it.

23 MR. LONSKI: Let me ask you this,
24 Joe, because I -- or whoever might be involved:
25 Is this something -- if we impose this as a

1 condition, that would be worked out as part of
2 the finance agreement?

3 COMMISSIONER CRISCUOLO: It could.

4 CHAIRMAN TAYLOR: There you go, Dave.
5 Good idea.

6 Can we get the applicant's
7 perspective on that?

8 MS. JENNINGS: I think you heard our
9 perspective several times. I mean,
10 realistically, this is not part of the
11 redevelopment plan, and more importantly --

12 CHAIRMAN TAYLOR: I understand,
13 Donna, but we --

14 MS. JENNINGS: I know --

15 CHAIRMAN TAYLOR: It's less than
16 \$10,000.

17 MS. JENNINGS: I know, but I wouldn't
18 want to write a check for \$10,000. I mean, I
19 know what you're -- it gets to a certain point
20 where you have to say no. This is not their
21 property. You know, Section 42 of the MLUL,
22 you're only allowed to impose pro-rata share
23 contribution for water, sewer, and drainage.
24 This is beyond the scope of the board's
25 authority.

1 MR. POTKULSKI: But Donna, the
2 agreement says between 100 feet from Harts up to
3 200 feet from Route 18, which this lies between
4 that.

5 MS. JENNINGS: It's not in the
6 redevelopment plan.

7 MR. POTKULSKI: It's part of a road
8 improvement. Sidewalk is part of a road
9 improvement.

10 MS. JENNINGS: But not on our side,
11 and it wouldn't be our pro-rata share.

12 CHAIRMAN TAYLOR: Well, Dave, I think
13 the board -- I it's pretty clear that the board
14 and the staff thinks that this is an important
15 condition of our approval, so what -- how -- I
16 thought the idea that you said was this would be
17 worked out in the finance agreement. Can you --

18 MR. LONSKI: That's what I was
19 suggesting. If this board were to not allow that
20 exception from the CME report, the requirements
21 of the CME report, however we phrase that in the
22 resolution, they would comply with all
23 requirements of the reports, including the page
24 9, E.5 requirement.

25 It is something that, I guess, could

1 subsequently be discussed as part of the finance
2 agreement, insofar as, you know, everything that
3 we're talking about, the collapsed pipe, and all
4 these other items, which require contributions by
5 the applicant, are all going to have to be
6 discussed and finalized as part of the
7 finalization of that agreement anyway.

8 CHAIRMAN TAYLOR: Right. I wouldn't
9 be comfortable doing something like that, because
10 I'm not comfortable just not including it as a
11 condition. How's the rest of the board feel?

12 COMMISSIONER CRISCUOLO: I agree.
13 Dave can handle it. Let Dave handle it.

14 CHAIRMAN TAYLOR: Okay. So having
15 said that, is there any final board or staff
16 comments or questions?

17 MR. LONSKI: Mr. Chairman?

18 CHAIRMAN TAYLOR: Yes.

19 MR. LONSKI: With regard to the
20 sidewalk, if you -- if it's -- well, I guess let
21 me just go back one second, I'm sorry. Greg,
22 you're talking from Renee to the entrance of
23 Crosspointe. Is that correct?

24 CHAIRMAN TAYLOR: That's right.

25 VICE CHAIRMAN BRAVMAN: Are we

1 talking from Renee Road to Crosspointe?

2 MR. POTKULSKI: That's correct.

3 That's correct.

4 VICE CHAIRMAN BRAVMAN: What about
5 the other side of Crosspointe up Route 18, is
6 that already sidewalk?

7 MR. POTKULSKI: There is already
8 sidewalk there from the driveway, yes.

9 VICE CHAIRMAN BRAVMAN: My other
10 question is, if sidewalk is imposed here, and
11 it's built, doesn't it then become the
12 maintenance responsibility of Crosspointe?

13 MR. POTKULSKI: It's just like any
14 other sidewalk in the township: It's the
15 responsibility of the property owner.

16 VICE CHAIRMAN BRAVMAN: And while
17 they may have been noticed on this application,
18 the fact that they're not represented or here
19 either, because that was not part of the approved
20 plan, they're all of a sudden going to be foisted
21 with an obligation that they're not aware of?

22 MR. POTKULSKI: It's just like any
23 other time we add sidewalk through the town, it's
24 just a requirement, as part of the property
25 maintenance code, that they maintain sidewalk.

1 So we would notify them that they would have to
2 maintain this sidewalk once it's installed.

3 VICE CHAIRMAN BRAVMAN: Okay. Thank
4 you.

5 MR. LONSKI: And, Larry, that would
6 be true whether the developer did it as part of
7 this application, or the township did it, or
8 another application was required to do it.

9 VICE CHAIRMAN BRAVMAN: Right. I
10 guess I was just thinking, you know, as we're
11 talking about it, that if I was Crosspointe, and
12 I looked at this plan, there was nothing that was
13 impacting me, so I took a backseat to it, I
14 didn't have anyone attend the hearing, I didn't
15 have anyone look any further.

16 Now, all of a sudden, a couple months
17 later, I get a notification that, oh, by the way,
18 we're putting sidewalk in and you're responsible
19 for it. So I was just looking at it from
20 Crosspointe's perspective.

21 MR. KIPP: If I may, just to follow
22 up on that, there may be a huge benefit to the
23 residents of Crosspointe to put that piece in, so
24 that they can access any retail installations put
25 at this site, because they can't cross at their

1 entrance, so they would have to, you know, go
2 down -- walk down to Renee Road to cross to get
3 into the site. So if there is restaurants or
4 things that they're interested in, it would be a
5 benefit to them as well.

6 COMMISSIONER CRISCUOLO: Absolutely.

7 CHAIRMAN TAYLOR: Mr. Bravman, does
8 that answer your question?

9 MR. KIPP: I think I froze him with
10 that answer.

11 CHAIRMAN TAYLOR: Any final board or
12 staff questions? Anything else for Mr. Bravman?

13 COMMISSIONER REISS: I just want to
14 make sure I'm clear: If we approve this, the
15 sidewalk will, one way or the other, be built?

16 MR. LONSKI: Yeah, just so we're
17 clear, the resolution that's being discussed
18 would impose the obligation on the applicant, as
19 part of our approval, to install that sidewalk.

20 COMMISSIONER REISS: That's helpful,
21 thanks.

22 MS. JENNINGS: I'm just going to say,
23 I think it's an illegal exaction, and it's an
24 unlawful condition.

25 MR. LONSKI: My comment to that would

1 be, you know, I'd have to go back and look at the
2 redevelopment agreement, but I did understand
3 that all of the roadway improvements from 100
4 feet from Harts Lane to 200 feet from Route 18
5 were -- or could be considered part of the --
6 that roadway improvement system, which would
7 include the sidewalks, and whether it was two
8 lanes, or three lanes, or five lanes across, it
9 was all going to be improved by the redeveloper.

10 MS. JENNINGS: Not the sidewalk.

11 CHAIRMAN TAYLOR: Okay. Well, your
12 position is clear, Ms. Jennings. I think we
13 understand it.

14 Okay. Any final applicant questions
15 or comments?

16 MS. JENNINGS: No.

17 CHAIRMAN TAYLOR: Okay. Then, if we
18 can, Mr. Lonski, I'm going to ask one of my
19 members: What is your pleasure with this
20 application?

21 COMMISSIONER REISS: I make a motion
22 to approve.

23 CHAIRMAN TAYLOR: And second?

24 COMMISSIONER HASHMI: I'll second,
25 it's Muhammad.

1 CHAIRMAN TAYLOR: Great. Thank you,
2 Muhammad.

3 Once again, final, last chance
4 questions or comments.

5 Mr. Lonski, would you like to say
6 something?

7 MR. LONSKI: No, I just wanted to
8 make sure that -- and I'm not familiar,
9 Mr. Chairman, with your procedure, as to whether
10 or not, in your discussion or at the time of
11 voting, will you be setting forth your factual
12 findings and your findings --

13 CHAIRMAN TAYLOR: Well, I thought
14 that you essentially had gone through them
15 with --

16 MR. LONSKI: I went through the
17 conditions. I just want to make sure that a lot
18 of the testimony that was presented, and
19 especially the planner's testimony, that we're
20 accepting the testimony of the variances,
21 positive criteria, negative criteria. I wanted
22 to make sure -- I wasn't sure if you were going
23 to do that as part of the discussion or through
24 the voting process.

25 CHAIRMAN TAYLOR: We generally do

1 them as part of the discussion. It's not
2 always -- we don't always single them out during
3 the voting process.

4 MR. LONSKI: Understood.

5 So I guess, then, my question is, is
6 this that point in the meeting when you do that,
7 or was there something that you wanted me to add?

8 CHAIRMAN TAYLOR: Well, I thought you
9 had all the conditions of approval, we generally
10 go through those now, but I -- but they were
11 already discussed and essentially agreed upon.

12 MR. LONSKI: Yeah, I believe so.

13 CHAIRMAN TAYLOR: So is there
14 anything that you -- anything else that --
15 Mr. Sachs generally runs us through the
16 conditions of approval.

17 MR. LONSKI: Okay. So I -- which is
18 fine, but they're no different than what I just
19 did.

20 CHAIRMAN TAYLOR: Right.

21 MR. LONSKI: Other than, you know,
22 adding the condition regarding the sidewalk on --

23 CHAIRMAN TAYLOR: Right.

24 MR. LONSKI: -- the side of the
25 street from Renee Road to the Crosspointe

1 entrance.

2 CHAIRMAN TAYLOR: Which is why I
3 thought we didn't -- which is why I thought they
4 were covered already.

5 MR. LONSKI: Right.

6 CHAIRMAN TAYLOR: Okay. So you're
7 clear on what the resolution will entail? And
8 Ms. Jennings, you're clear on it also?

9 MS. JENNINGS: Yes.

10 CHAIRMAN TAYLOR: Okay. So you're
11 satisfied, Mr. Lonski? I can call for a vote?

12 MR. LONSKI: I am satisfied, yes.

13 CHAIRMAN TAYLOR: So it's been moved,
14 it's been seconded. If no final comment, then I
15 would ask Loren to call the roll.

16 MS. MORACE: Ms. Clarke?

17 COMMISSIONER CLARKE: Yes.

18 MS. MORACE: Mr. Phillips?

19 COMMISSIONER PHILIPS: Although there
20 are some vagaries that I just hope don't come
21 back to bite everybody when they're arguing about
22 it, this is a good project, and I'll vote yes.

23 MS. MORACE: Mr. Reiss?

24 COMMISSIONER REISS: Yes.

25 MS. MORACE: Mr. Criscuolo?

1 COMMISSIONER CRISCUOLO: Yes. And
2 I'd just like to thank the applicant and the
3 board for their patience, I think this is going
4 to be good for the town.

5 MS. MORACE: Councilwoman Sullivan?

6 COUNCILWOMAN SULLIVAN: Yes, and I
7 agree, this is a great project for East Brunswick
8 and its future.

9 MS. MORACE: Mr. Heppel?

10 COMMISSIONER HEPPEL: Yes.

11 MS. MORACE: Mr. Bravman?

12 VICE CHAIRMAN BRAVMAN: Yes.

13 MS. MORACE: Chairman Taylor?

14 CHAIRMAN TAYLOR: Yes. I think this
15 is going to be a great project. I think this
16 fits in nicely with Mayor Cohen and our council's
17 vision for East Brunswick. I would thank the
18 applicant --

19 COMMISSIONER HASHMI: Did you miss me
20 on the roll call?

21 MS. MORACE: Mr. Hashmi?

22 COMMISSIONER HASHMI: Yes.

23 CHAIRMAN TAYLOR: Yeah, so I thank
24 the applicant. I think they've been a terrific
25 applicant, and I think it's going to be a

1 terrific place to live for anybody who's going to
2 move in to our great town, or people who want to
3 relocate from their house to something else in
4 East Brunswick. So I'm looking forward to
5 attending the ribbon cutting.

6 So I vote yes, and this application
7 is approved.

8 MS. JENNINGS: Thank you very much.
9 Have a good night everybody.

10 MR. LOVENTHAL: Thank you.

11 (Whereupon, the hearing concluded at
12 9:51 p.m.)

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C E R T I F I C A T E

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I, Michael Lombardozzi, a Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth.

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

Michael Lombardozzi,
Certified Court Reporter, State of New Jersey
CERT #: 30X100239700
Date: 1 Sep 2020

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