

TOWNSHIP OF PARSIPPANY-TROY HILLS  
PLANNING BOARD

IN THE MATTER OF: : TRANSCRIPT  
: :  
CASE #12:524 : OF  
RD Realty, LLC :  
Waterview Boulevard :  
Block 421, Lot 29 : PROCEEDINGS  
X

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Monday, January 7, 2013  
Parsippany High School  
309 Baldwin Road  
Parsippany, New Jersey  
Commencing at 7:30 p.m.

BOARD MEMBERS PRESENT:

CASEY PARIKH, Chairman  
DOMINIC MELE  
ROBERT KELLER  
MICHAEL J. dePIERRO  
MAYOR JAMES BARBERIO  
KENNETH PURZYCKI  
PAULA CSANTAVERI  
THOMAS DINSMORE  
JENNIFER COLLINS

ALSO PRESENT:

PEGGY MADER, Board Secretary  
EDWARD SNIECKUS, Board Planner  
GORDON METH, The RBA Group, Board Engineer

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1     **A P P E A R A N C E S:**  
2  
3     **MICHAEL V. CRESITELLO, ESQ.**  
4     Attorney for the Board  
5     **GAROFALO & O'NEILL, ESQS.**  
6     **BY: ROBERT GAROFALO, ESQ.**  
7     Attorneys for the Applicant  
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1     **CHAIRMAN PARIKH:** We're going to skip  
2     Resolutions. We'll go straight to Agenda tonight, and  
3     that will be the continuation of RD Realty, LLC, Block  
4     421, Lot 29, Waterview Boulevard, concept review of  
5     Application number 12:524. And it's a continuation  
6     from November 19, 2012.  
7     This is the Planning Board meeting for the  
8     Township of Parsippany-Troy Hills Planning Board,  
9     Monday, January 7th, at 7:30 p.m. Roll call, please.  
10    (The Board Secretary calls the Roll Call.  
11    The following Board Members are present: Mayor  
12    Barberio, Ms. Collins, Ms. Csantaveri, Councilman  
13    dePierro, Mr. Dinsmore, Mr. Keller, Mr. Mele, Mr.  
14    Purzycki, and Chairman Parikh. Mr. Snieckus and Mr.  
15    Meth, Board Professionals, are also present).  
16    **CHAIRMAN PARIKH:** Adequate notice of this  
17    meeting has been given that it is being conducted in  
18    accordance with N.J.S.A. 10:4-6 et seq. of the New  
19    Jersey Open Public Meetings Act. At this point I'll  
20    ask everyone to please rise for the Pledge of  
21    Allegiance.  
22    (Pledge of Allegiance.)  
23    **CHAIRMAN PARIKH:** At this point I'll open  
24    up the meeting to the general public. Is there anyone  
25    in the public wishing to speak on anything that's not

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1 on the agenda tonight? (No response.)

2 I don't see anyone coming forward. I close

3 the public portion at this time. This is a Special

4 Meeting for Block 421, Lot 29, Waterview Boulevard.

5 It's a concept review, Application 12:524. It's a

6 Special Meeting for this application of RD. Realty,

7 LLC. So I'll ask the attorney, Mr. Garofalo?

8 MR. GAROFALO: Yes. Good evening, Mr.

9 Chairman. We're ready to proceed. And what I can do,

10 since there is a lot of people in attendance, I know

11 the Board has to accomplish a lot this evening. I'd

12 like to introduce my first witness, but before doing

13 that the Board has received a revised submittal by the

14 applicant where we made some significant changes to the

15 plans based primarily upon input of the Planning Board

16 Staff and comments from the Board and comments from the

17 public.

18 So what we're going to do is have our next

19 witness talk to those changes first, and then talk to

20 the application in the main. What I'd like to do is

21 introduce Mr. David Minno who needs to be sworn in.

22 MR. CRESITELLO: Please raise your right

23 hand. State your full name.

24 THE WITNESS: My name is David J. Minno,

25 M-i-n-n-o.

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1 MR. CRESITELLO: Okay. Mr. Minno, do you

2 swear that the testimony that you will provide to the

3 Board this evening will be the truth so help you God?

4 THE WITNESS: I do.

5 D A V I D J. M I N N O, AIA, PP, Minno and Wasko,

6 having been duly sworn, testifies as follows:

7 DIRECT EXAMINATION BY MR. GAROFALO:

8 Q. Mr. Minno, what is your occupation, sir?

9 A. **I'm an architect and professional planner**

10 **in the state of New Jersey.**

11 Q. What I'd like you to do is give the Board

12 and the public the benefit of your education and work

13 experience and those skills of endeavor?

14 A. **Sure. I have a Masters of Architecture**

15 **from the University of Pennsylvania with an emphasis in**

16 **urban planning. I've been practicing architecture**

17 **planning since 1979. I'm a principal in the firm Minno**

18 **and Wasko, Architects and Planners, in Lambertville,**

19 **New Jersey. We're a 55-person architecture planning**

20 **firm specializing in planning communities and mixed-use**

21 **development.**

22 MR. GAROFALO: Does the Board have any

23 questions on his qualifications?

24 CHAIRMAN PARIKH: Any questions from the

25 Board members? (No response.) Okay. We accept him.

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1 Thank you.

2 THE WITNESS: Thank you.

3 MR. GAROFALO: We'll proceed with his

4 testimony. Mr. Minno is going to use a Power Point

5 presentation. And what we have submitted to the

6 Board's Clerk is a disk of that presentation. And I

7 thought for the record we should mark that, and I

8 believe the next exhibit would be A-14?

9 MR. CRESITELLO: Yes, that is correct.

10 (Exhibit A-14, disk of Power Point

11 presentation, was received and marked.)

12 MR. GAROFALO: So that would be identified

13 as the disk of Mr. Minno's presentation to the Board

14 this evening.

15 BY MR. GAROFALO:

16 Q. And, sir, that disk was prepared by your

17 office and under your direction and control?

18 A. **That's correct.**

19 MR. GAROFALO: And we'll go through that,

20 Mr. Attorney, as we make the presentation, but for the

21 record that disk will be identified as A-14.

22 BY MR. GAROFALO:

23 Q. Thank you very much.

24 Mr. Minno, what I'd like you to do is take

25 us through your presentation. I think what I'd like to

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1 do first is describe the change in the application as a

2 part of your presentation. You can do it whichever way

3 you'd like to do it, but I think those changes are very

4 significant and we'd all like to hear it during the

5 course of your presentation.

6 A. **Thank you. Good evening, Mr. Chairman and**

7 **Board members and public. My presentation is simple,**

8 **in that we have listened, we have heard a lot of**

9 **comment from the public, from Board members, from the**

10 **professionals from the Board, and we have made some**

11 **significant changes to the application that I'd like to**

12 **go over with you tonight.**

13 UNIDENTIFIED VOICE: You've got to turn it

14 so we can see it. That's aimed that way.

15 MR. CRESITELLO: The Board has to see it,

16 sir. Can you slide over to this side? There's plenty

17 of room on this side of the room. If everyone wants to

18 be able to see the screen we'll wait a minute while

19 everybody moves.

20 (Audience members are changing seats.)

21 MR. GAROFALO: I guess we're ready.

22 CHAIRMAN PARIKH: We've got people still --

23 okay.

24 (The following is a Power Point

25 Presentation.)

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1 THE WITNESS: The first major change that  
 2 we have made to the plan is that we now have no access  
 3 onto Intervale. The access for the townhome community  
 4 planned behind the shopping center will be taken off of  
 5 Waterview Boulevard. We have created a new driveway  
 6 lane, Road "A," which accesses the townhome community,  
 7 and there's no access along Intervale Road vehicularly  
 8 either to the shopping center portion of the site or  
 9 the residential community.

10 That we heard was a major concern of people  
 11 both in this community and the Mountain Lakes  
 12 Community. And we've run the traffic numbers, and  
 13 there will be other people to talk about this, but the  
 14 main access is on an entry point right here on  
 15 Waterview Boulevard adjacent to the office building.  
 16 We'll come up by the Whole Foods and enter the townhome  
 17 community to the rear.

18 The second change that we have done is that  
 19 we've increased the setback from the residential  
 20 community on Forest Drive. And this exhibit, I know  
 21 you can't read it, so I'll mention and point out some  
 22 of the distances. First of all, we've increased the  
 23 on-site buffer but we have also moved the townhome  
 24 community back from the edge of our site.  
 25 And what we've shown here on this exhibit

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1 is some of the distances from the closest houses. This  
 2 house is located on Intervale and it's 250 feet to the  
 3 closest townhome proposed. The next house is at the  
 4 corner of Forest Drive and Intervale, that's 320 feet.  
 5 265 feet to the next home, 260 feet, 265, 275, 275,  
 6 265, and 290 feet. This is almost a football field  
 7 away from the backs of the existing homes to the  
 8 proposed residential community. This is a tremendous  
 9 setback. We see this as being at the upper edge of  
 10 anything that we see in the state of New Jersey  
 11 residential to residential.

12 The other intervening piece of it that you  
 13 can see is that it is forested land. There's a wetland  
 14 area in the center, which means it can't be developed,  
 15 it can't be touched. So that will be a permanent  
 16 buffer in perpetuity between those existing homes on  
 17 Forest Drive and the proposed townhome community.

18 We have also created a pedestrian length  
 19 between the residential – the proposed residential  
 20 community and the shopping center. This has another  
 21 impact not only convenient for the residents, but it  
 22 also will take some of those people off the roadways  
 23 when they do their convenient shopping in the  
 24 neighborhood. There is a sidewalk which comes along  
 25 Road "A." It has a crosswalk over onto the walkway in

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1 front of the Whole Foods, which would also gain access  
 2 to the rest of the proposed retail in the site plan.  
 3 Otherwise, other than that the commercial portion of  
 4 the site plan, as you've seen it in the past, has not  
 5 changed. We have the same amount of square footage,  
 6 the same amount of parking available in that plan.

7 The third aspect is that we have lowered  
 8 the building height. In our previous request for this  
 9 new ordinance we had asked for 40 feet in building  
 10 height. We have been able to reduce the height of the  
 11 townhome community to 35 feet, which is the height  
 12 requirement for the single-family zones in Parsippany.  
 13 So we're matching up with the residential communities  
 14 in the town of Parsippany.

15 What you see here is a traditional  
 16 architecture. You see the garages which are tucked  
 17 under, and the stoop-type entries leading up to the  
 18 individual dwelling units. It's got a historic look.  
 19 We've got divided light windows. We've got the  
 20 shutters. We've got horizontal siding. We have brick  
 21 on the front. We have return gables on the roof, some  
 22 dormers into the attic space. We've done a lot to  
 23 dress these buildings up and really make them  
 24 compatible with the traditional architecture that we  
 25 find in these communities.

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1 This, just to be fair, we're showing you  
 2 some of the side elevations on the homes. This will be  
 3 the left hand and the front of the townhomes, and then  
 4 on the right would be the right side. So you can see  
 5 the front stoops from the side-view as they would come  
 6 out toward the parking area, and then the offset in the  
 7 back of the rear deck in that location.

8 What I'd like to do now is talk about in  
 9 general some of the market that we expect for the  
 10 residential community. We do expect a young  
 11 professional market. We do expect an empty-nester  
 12 market. And we expect a market that consists of some  
 13 divorcées. These are three markets that we see buying  
 14 townhomes in this region.

15 Generally, they're childless, but we're not  
 16 going to tell you there's no children here. We've  
 17 already testified that we expect a number of school  
 18 children here. But we think that, and studies have  
 19 shown based on other townhome communities that exist  
 20 that are in this region, that the number of school  
 21 children is reduced because people are looking for  
 22 other types of housing once they have children. And  
 23 people may buy a townhome in this location. They may  
 24 get pregnant and have a young infant, but by the time  
 25 they're school age then they move onto other housing

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1 opportunities of which there are plenty in this area.  
 2 We do expect 14 school-aged children, but  
 3 in our fiscal impact we have really accounted for that,  
 4 and I'll be telling you a little bit more about the  
 5 positive tax implications for the town and the school  
 6 district.  
 7 Project impacts related to the taxes is  
 8 there's a total of \$748,000 a year expected in tax  
 9 revenue beyond the cost that this project would  
 10 generate, and \$337,000 of that would be for the  
 11 township itself.  
 12 We believe at this point with the change  
 13 that we have made to site plan, taking the traffic off  
 14 of Intervale and having the vehicular traffic load onto  
 15 a signalized intersection with the Intersection of 46  
 16 and Waterview Boulevard, so we've minimized the traffic  
 17 impact on the residential communities behind. And by  
 18 creating a pedestrian connection to the retail project  
 19 in the front we expect even less traffic on a  
 20 day-to-day basis.  
 21 We also see the fact that this project is  
 22 doing something else, and it's hard to quantify, but  
 23 one of the things a thriving community like Parsippany  
 24 needs to do to maintain its office tenants which is  
 25 important to the economics of the township is that they

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1 need to provide housing for young professionals and  
 2 people working in these offices. Otherwise, it's a  
 3 competitive market in New Jersey. And the office  
 4 tenants that are out there are going to look in other  
 5 locations, unless they find locations where people can  
 6 be housed in close distance. So it's not a  
 7 quantifiable or direct benefit, but it's something that  
 8 corporations when they're looking for office space they  
 9 evaluate this aspect of the community.  
 10 And lastly I want to talk about the fact  
 11 that the appropriateness, in particular the residential  
 12 in this location. As a planner, and I know the Board's  
 13 Planner has been involved in working on zoning plans  
 14 for many townships throughout the state. And it's a  
 15 traditional notion to use a townhome or multifamily  
 16 development such as we're proposing as a transitional  
 17 zone between a highway commercial district along a  
 18 major highway, and a less than residential community.  
 19 This is sort of planning 101. If you were writing a  
 20 zone ordinance for an imaginary community, and I know  
 21 this is not an imaginary community, but if you were  
 22 looking to how to zone vacant land you would locate  
 23 retail along the arteries, single families further away  
 24 from, at then in that middle zone there would be that  
 25 transitional housing of multifamily.

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1 Our density here is nine units to the acre,  
 2 which is 72 townhomes with a variable impact on the  
 3 town and surrounding areas. That really concludes, Mr.  
 4 Chairman, what I had to speak to you about tonight.  
 5 CHAIRMAN PARIKH: Did you say it's a  
 6 nine -- did you say it's nine units per acre?  
 7 THE WITNESS: I'm sorry, I misspoke. It's  
 8 seven units per acre.  
 9 CHAIRMAN PARIKH: Okay.  
 10 THE WITNESS: Sorry about that.  
 11 CHAIRMAN PARIKH: Any questions from the  
 12 Board members? I'll ask the question.  
 13 As the architect do you have a view looking  
 14 from Forest Drive how this 35-foot townhouses, how will  
 15 it look like?  
 16 THE WITNESS: Well, I don't have a view  
 17 because I don't think you can see it. We showed cross  
 18 sections, or another consultant showed cross sections  
 19 earlier that were cut through the entire site. And  
 20 between the grading and the vegetation to the rear of  
 21 these properties and the new planting you can see some  
 22 buffer planting directly behind the proposed units, we  
 23 don't think these people on Forest Drive will be  
 24 looking out of their windows a football field away  
 25 would really see these homes. Even when the leaves are

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1 down just the density of tree trunks and branches makes  
 2 the views to that particular location very, very  
 3 difficult.  
 4 CHAIRMAN PARIKH: Yes.  
 5 COUNCILMAN dePIERRO: Just a couple of  
 6 things. If this plan were to move forward one  
 7 suggestion that I would have is to steal a lane from  
 8 that circle, make a right-turn-only lane, add an extra  
 9 lane, exit lane going out to Route 46 Westbound so that  
 10 you have a right-turn only. The middle lane would be  
 11 right, left or straight, and then the left lane would  
 12 be left-turn only kind of a thing to move traffic  
 13 better through that light. If this were to go forward  
 14 I would like to see something like that.  
 15 Now, the other thing I'd like to point out  
 16 is in all the years I've been on the Planning Board  
 17 when we talk about setbacks we talk about setbacks from  
 18 the applicant's property line, not from the houses  
 19 200 feet behind. (Applause.)  
 20 THE WITNESS: Sure. We have increased from  
 21 the last plan that you saw we had a 50-foot setback  
 22 from the back of our buildings to our property line,  
 23 and that's increased to 65 feet in the new plan.  
 24 COUNCILMAN dePIERRO: Okay. Well, that's  
 25 the setback and not 300 feet, or whatever you were

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1 pointing to before. I don't think anybody in this  
 2 audience was fooled. (Applause.)  
 3 THE WITNESS: I'm not trying to fool  
 4 anybody, I'm just trying to --  
 5 COUNCILMAN dePIERRO: I understand. The  
 6 other thing is, my feeling is the density is still too  
 7 high in the townhouses. (Applause.)  
 8 I recognize -- I recognize that you have  
 9 increased the acreage for the residential by including  
 10 the roadway that you've added, and that's fine, I have  
 11 no problem with that. That's not part of the  
 12 residential, but only serves the residential area, so  
 13 that's part of the total acreage. So now you're saying  
 14 the residential is 10 acres -- 10 point something, and  
 15 commercial is 16 point something, I understand that,  
 16 okay, but ten acres, 72 units, that's 7.2 units per  
 17 acre, since we've had a master plan in 1977 we have not  
 18 approved anything of a density greater than six units  
 19 per acre, including the Mount Laurel sites. So I would  
 20 still like to see it come down to the six units per  
 21 acre, again, if this moves forward. If you were to  
 22 that my suggestion would be remove the ones in the back  
 23 so that you increased the buffer to the residence.  
 24 THE WITNESS: I'll take that under  
 25 advisement. Thank you. (Applause.)

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1 CHAIRMAN PARIKH: Just one more question I  
 2 have. What's the distance between the commercial  
 3 building, I will say, and the residential? Like,  
 4 what's the buffer?  
 5 THE WITNESS: I don't have an exact number,  
 6 but I'm going to guess that it's about 80 feet or 90  
 7 feet from building to building.  
 8 CHAIRMAN PARIKH: From building to  
 9 building. And from the property line what's the  
 10 buffer?  
 11 THE WITNESS: Fifty feet.  
 12 CHAIRMAN PARIKH: Fifty? Okay. I do agree  
 13 with Councilman about the density. I also feel that  
 14 the density of seven is high. So, it's just in my  
 15 opinion on density, too. Any other comments,  
 16 questions?  
 17 BOARD MEMBER DINSMORE: Mr. Chairman?  
 18 CHAIRMAN PARIKH: Yes.  
 19 BOARD MEMBER DINSMORE: I'm assuming, in  
 20 looking at the zoning that we have for the PRD Zone  
 21 that you took most of your thoughts on how to create  
 22 this townhouse area from our PRD -- existing PRD zoning  
 23 law, is that the case?  
 24 THE WITNESS: Not especially, no.  
 25 BOARD MEMBER DINSMORE: Okay. Because

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1 that's where we have the seven per acre.  
 2 THE WITNESS: I understand that. It's  
 3 really -- this is a very comfortable fit on this site.  
 4 It leaves good open space in between the buildings. It  
 5 leaves good setbacks from the property lines, so we  
 6 feel like it's a comfortable mix.  
 7 BOARD MEMBER DINSMORE: All right. Now,  
 8 the question that I have, though, is that nowhere in  
 9 our zoning law is there a buffer that is as small to --  
 10 from the townhouses to the retail as is shown here. I  
 11 mean, I look at it and I can see that it looks like,  
 12 you know, is there the full 50 feet between the  
 13 townhouses and the property line for the retail  
 14 section?  
 15 THE WITNESS: Yes. There's also a  
 16 tremendous amount of grade separation here. If you'll  
 17 remember, there's a retaining wall all along this  
 18 property edge. So we've put in the ends of the first  
 19 four buildings and elevations versus the full front or  
 20 rear to the retail in this location with buffer  
 21 planting and the grade change. And in this area over  
 22 here there's a little bit more land between the two  
 23 buildings that have unit spacing in the retail.  
 24 BOARD MEMBER DINSMORE: So, do you think  
 25 you'd be able to come up with a plan that meets all of

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1 our perfect buffering requirements for some of our  
 2 existing zones, such as the PRD?  
 3 THE WITNESS: I'm not sure specifically  
 4 what those requirements are. Fifty feet is a typical  
 5 setback in most townships from retail to residential  
 6 from the property line between the two.  
 7 BOARD MEMBER DINSMORE: Because it's -- I  
 8 don't know Whole Foods that well. I know they have a  
 9 great representation, but the back end of a supermarket  
 10 I'm concerned about the distance between the homes that  
 11 are proposed there on the back end of a supermarket.  
 12 We have performance standards, but I've discovered over  
 13 the years that sometimes our performance standards are  
 14 not held as sacred as they might be.  
 15 THE WITNESS: If you'll remember, this site  
 16 sits approximately 20 feet above this site, so it will  
 17 be looking over the top. They would see the rooftops  
 18 of the commercial center, but they're really not  
 19 looking directly into the lower service yard. That's  
 20 really down in a channel down below between the  
 21 retaining wall and the back of the building.  
 22 BOARD MEMBER DINSMORE: You believe that  
 23 that distance and that retaining wall will be  
 24 sufficient to significantly reduce the noise and the  
 25 potential smells from a food service industry?



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1 THE WITNESS: I do. Whole Foods in  
 2 particular refrigerates its waste so they don't have  
 3 smelly dumpsters that sit outside.  
 4 BOARD MEMBER DINSMORE: But how about the  
 5 deliveries?  
 6 THE WITNESS: There are truck deliveries  
 7 that are scheduled at various times.  
 8 BOARD MEMBER DINSMORE: You think that the  
 9 location of the buffering and the height will be  
 10 sufficient to reduce the noise to the residents in that  
 11 particular location?  
 12 THE WITNESS: I do. And I think with the  
 13 inclusion of buffer planting of an evergreen variety  
 14 the visual part of that is going to be taken care of as  
 15 well.  
 16 BOARD MEMBER DINSMORE: Just one last  
 17 question. I, you know, in looking at the size of the  
 18 homes Councilman dePierro raised a question before,  
 19 actually that the way you depict these things in one of  
 20 the slides showed what looked like almost a four-story  
 21 home in the front.  
 22 THE WITNESS: It's a 35-foot building. The  
 23 way your ordinance defines it it's three stories. The  
 24 lower level consists of a two-car garage, and a den or  
 25 a type room behind it, and then the main living level

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1 is on the second floor.  
 2 BOARD MEMBER DINSMORE: And I certainly  
 3 appreciate that you have it down to 35 feet. I think  
 4 that's very important, but I'm just concerned that our  
 5 zoning has a reason for trying to dissuade people from  
 6 building three-story homes, and it's just that, you  
 7 know, again, anecdotally I don't have any evidence to  
 8 this effect, but I've heard that quite often,  
 9 especially empty nesters find that three stories  
 10 becomes difficult to live in, so that the turnovers are  
 11 fairly high. If you have any evidence that shows that  
 12 I'm wrong in this I would be more than happy to hear  
 13 that.  
 14 THE WITNESS: I mean, it's not -- I  
 15 wouldn't call it evidence, but there is evidence in the  
 16 market that this type of home is attractive to the  
 17 market that I've described. Just to give you some  
 18 communities that are in the general area: The  
 19 Brownstones at Morris Township in Convent Station.  
 20 That's a project in Morris Township. The Regency Club  
 21 in Livingston. Coventry Park in Morris Plains. This  
 22 is a 70-unit project that's planned, 14 units to the  
 23 acre.  
 24 UNIDENTIFIED VOICE: How many stories are  
 25 they?

Page 24

1 THE WITNESS: Three stories.  
 2 MR. GAROFALO: Don't --  
 3 THE WITNESS: Waterview at Hanover is  
 4 12 units to the acre. This is a 60-unit project in  
 5 Hanover. Park Place in Mountain Lakes, which just got  
 6 approved about two weeks ago, is a three-story  
 7 townhouse project, 49 new units there. Kushner Academy  
 8 in Livingston is a 115-unit project at 18 units to the  
 9 acre. These projects are all in the general region.  
 10 They're not in Parsippany, but they're in our general  
 11 Morris County area, and the market acceptance is very,  
 12 very strong for this product.  
 13 UNIDENTIFIED VOICE: Why would you need  
 14 more then?  
 15 CHAIRMAN PARIKH: No, no, hang on.  
 16 BOARD MEMBER DINSMORE: I'm done.  
 17 CHAIRMAN PARIKH: Any other questions?  
 18 BOARD MEMBER KELLER: Mr. Minno, if you can  
 19 go back to the previous slide.  
 20 THE WITNESS: The site plan?  
 21 BOARD MEMBER KELLER: The previous slide,  
 22 the overview, the aerial. Yes. It appears those  
 23 streets that are in the residential area right behind  
 24 the retail are dead-end streets; is that right?  
 25 THE WITNESS: That's correct.

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1 BOARD MEMBER KELLER: I'm not going to  
 2 pretend to speak for the fire department because they  
 3 certainly will have an opportunity to look at this, but  
 4 dead-ends like that I don't think they're going to be  
 5 very happy.  
 6 THE WITNESS: There will be a provision for  
 7 a turnaround at the end of those streets. And, again,  
 8 that will come up at site plan. We'll discuss the  
 9 turning radii and the ability --  
 10 BOARD MEMBER KELLER: Well, I also have a  
 11 concern, as some of the others here, about the density.  
 12 And if you reduce the density somewhat you can have  
 13 loop roads at the end of each of those. Are you aware  
 14 of any other place in Parsippany where the density is  
 15 seven per acre?  
 16 THE WITNESS: I believe Glenmont Commons.  
 17 BOARD MEMBER KELLER: Six.  
 18 THE WITNESS: That's six?  
 19 MR. SNIECKUS: Excuse me, if I can just add  
 20 to that. The PRD Zone, which is on the corner of North  
 21 Beverwyck and Route 46, Hunting Ridge, that density or  
 22 prescribed density in the zone, is seven units to the  
 23 acre at that location, just for information to the  
 24 Board.  
 25 COUNCILMAN dePIERRO: Well, just for your

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1 information, the reason for that was at the time when  
 2 that was being planned we wanted the intersection of  
 3 Route 46 and Beverwyck Road to be improved and paid for  
 4 by the developer. And so we allowed -- how do you make  
 5 a developer pay for that? You have to make him  
 6 financially whole again. So we increased the density  
 7 in order to get that intersection fixed. After we  
 8 changed the density to allow that that particular  
 9 developer went bankrupt, and so did the loan company  
 10 that was loaning him the money. And it's not there.  
 11 Eventually the state took the plans that are on file  
 12 and fixed that intersection per those plans, but our  
 13 interest there was fixing the intersection.  
 14 (Applause.)  
 15 CHAIRMAN PARIKH: Any other questions?  
 16 Okay. Yes.  
 17 MR. SNIIECKUS: Yes, Mr. Minno, just a few  
 18 questions. Regarding the setback that you had shown  
 19 from the adjacent residential properties I just wanted  
 20 to clarify one thing. In your latest plan that was  
 21 submitted to the Board there was a dimension to the  
 22 back of the building of 75 feet. I think you had  
 23 indicated in your testimony it was 65 feet at its  
 24 closest location? Is that because -- what I don't  
 25 quite understand on the plan is that there seems to be

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1 two rear lines revolving sort of a lighter line and a  
 2 heavier line?  
 3 THE WITNESS: That's correct. In that  
 4 lighter line, the second line that's further out  
 5 there's the ability in the floor plans to option a  
 6 bump-out type room. So that's why we've been  
 7 conservative and use the 65-foot number as the setback.  
 8 MR. SNIIECKUS: As the closest setback?  
 9 THE WITNESS: That's correct.  
 10 MR. SNIIECKUS: Essentially. So there would  
 11 be some distance before someone could landscape that  
 12 65 feet to allow for a buffer, probably somewhere in  
 13 the order of 50 feet, would you agree, in that nature?  
 14 THE WITNESS: That's correct.  
 15 MR. SNIIECKUS: Regarding the change in the  
 16 entrance drive, the entrance drive now is not off of  
 17 Intervale, it's off of Waterview?  
 18 THE WITNESS: That's correct.  
 19 MR. SNIIECKUS: We're creating -- the  
 20 discussion is now you're bringing a residential drive  
 21 through a commercial area. Are there treatments  
 22 available to address that? Have you addressed that in  
 23 some of the developments you've worked on in order to  
 24 establish that residential feel to that entrance?  
 25 THE WITNESS: Yes. One of the things that

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1 we would do for the entryway is we would either have a  
 2 divided entryway, number one, that would be landscaped  
 3 and signed properly. And then further up you can't see  
 4 it on this plan, but we're showing some entry  
 5 monumentation. Not gates, but we're showing some stone  
 6 pillars that would indicate, again, the project name  
 7 and the fact that you're entering a residential  
 8 community. So it will be very clear even from someone  
 9 on Waterview Boulevard that this is not the retail  
 10 entry, but right at this location we would make it very  
 11 clear that this is a residential community.  
 12 MR. SNIIECKUS: Okay. So even some  
 13 treatments like that, walls or pillars could be done at  
 14 the entrance drive entrance to really denote the  
 15 entrance features?  
 16 THE WITNESS: That's correct. And then  
 17 there is very dense landscaping all along here. Then  
 18 there is a sidewalk which would continue down towards  
 19 the Whole Foods.  
 20 MR. SNIIECKUS: Okay. Of the architectural  
 21 building that you illustrated in the Power Point  
 22 presentation what sort of outdoor spaces or decks or  
 23 porches or patios would be contemplated in those types  
 24 of buildings?  
 25 THE WITNESS: The main living level is

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1 really on the second level. And as I mentioned before  
 2 the garage and the den or family room is on the first  
 3 floor. On the second level there would be the ability  
 4 for a deck on the back. It would be within that  
 5 10-foot line that we talked about just a minute ago.  
 6 So that's why, again, we wanted to be conservative and  
 7 not use the 75-foot number, but say the setback is 65.  
 8 MR. SNIIECKUS: To accommodate that deck or  
 9 a porch?  
 10 THE WITNESS: That's correct.  
 11 MR. SNIIECKUS: In addition to that in order  
 12 to get to the first floor elevation from the front of  
 13 the building you have a set of stairs going obviously  
 14 up to that second floor, per se. How is that treated,  
 15 is there some stairs outside and some inside?  
 16 THE WITNESS: Yes. Yeah, there is. That's  
 17 basically split into two sets of stairs: One, an  
 18 outdoor stoop, which you can see here in the rendering,  
 19 and then as you enter the door then there's a foyer  
 20 inside and then another flight of steps to the living  
 21 level. There's also from that foyer a flight down to  
 22 the garage level.  
 23 MR. SNIIECKUS: Okay. Also, in the overall  
 24 design of things I know you brought the building height  
 25 down to 35. That's to the average of the roof line, I



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1 would imagine in calculations?

2 THE WITNESS: That's correct.

3 MR. SNIECKUS: You have also possibly

4 envisioned in this plan to have units that can act as

5 an uphill unit. In effect, the unit itself is

6 providing some grade retainage in order to reduce the

7 visual height of the building or impact adjacent

8 properties?

9 THE WITNESS: There are some conditions, and

10 you'd have to talk to the site civil engineer, but

11 there are some conditions where grade would be up, in

12 particular on the rear of the buildings, in particular

13 toward the back of the site, possibly about a half

14 level.

15 MR. SNIECKUS: Okay. About half the grade.

16 One of the things that's been discussed is

17 the rationale for previously it was a 40-foot building

18 height, now it's a three-story issue that I think is

19 also on the Board's mind for consideration.

20 Why do you feel that this site is

21 appropriate for a three-story element? And what about

22 the architecture helps deal with that?

23 THE WITNESS: Sure. Well, I think the

24 architecture is handled in a traditional way. But more

25 than that when you think about the question both the

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1 density and the three-story townhome in this location I

2 would use the term "It's almost invisible." This

3 project is really not visible from many places within

4 the township. We are set back, as I mentioned. It's

5 not the building setback, but we are set back

6 building-to-building about 250 feet from the adjacent

7 homes through a forest. We're upgrade from Intervale

8 Road and there's intermitting trees and slopes will

9 tend to hide the project from Intervale. And then

10 we're behind the retail center. We don't really expect

11 pedestrians to be walking in the rear of the shopping

12 center.

13 It would be somewhat visible from the upper

14 floors of the office building in this particular

15 location. But for the most part, the general people in

16 the surrounding community, people traveling through the

17 community on Route 46, it's an invisible project. And

18 it's a place -- (laughter from the audience.) And it's

19 a place that can take not only the density but the

20 building height. And the building height is comparable

21 to your other residential neighborhoods. We're not any

22 higher than the single-family zones.

23 MR. SNIECKUS: Thank you. With regard to

24 the other setbacks relative to the residential area,

25 you're maintaining, I believe, a minimum of 50 feet to

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1 Intervale, the frontages along on Intervale?

2 THE WITNESS: I believe that's correct.

3 MR. SNIECKUS: And then also to the common

4 property line with adjacent developments to the, I

5 guess, east of the site, is that about 50 feet as well?

6 THE WITNESS: You mean to the retail?

7 MR. SNIECKUS: I guess it's to the adjacent

8 office building.

9 THE WITNESS: Yes.

10 MR. SNIECKUS: And then to the retail what

11 is illustrated is, I believe, 25 feet to the rear -- to

12 that common property line between the commercial --

13 THE WITNESS: To the retaining wall.

14 MR. SNIECKUS: To the retaining wall, which

15 will be the common lot line between the two

16 developments; is that correct?

17 THE WITNESS: That's correct.

18 MR. SNIECKUS: But that the lot line

19 configuration also would encompass portions of a

20 wrapping around the retail area in order to accommodate

21 and establish the 10-acre area; correct?

22 THE WITNESS: That's correct.

23 MR. SNIECKUS: Okay. Thank you. No

24 further questions.

25 CHAIRMAN PARIKH: I want to ask a couple of

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1 questions. Can you tell me which of the units will

2 be -- will have windows facing -- looking at the top of

3 the commercial portion or retail portion?

4 THE WITNESS: Well, I think I have on these

5 four buildings which are located here I showed you the

6 end elevations. This would be typically on the end of

7 those buildings that would be facing the retail center.

8 You can see that they're secondary windows for the most

9 part, but there are windows at that location. And then

10 the buildings that are -- these two buildings which are

11 set back a little bit more, the Whole Foods is set back

12 a little bit more over here, those buildings would have

13 pretty primary windows for the living areas on the

14 second and third floors. They would be looking over

15 top. If you look straight out you would just, you

16 know, see a long view. If you look out and down you'd

17 see the roof of the retail center.

18 CHAIRMAN PARIKH: So that those two

19 buildings would have a clear view of all the utilities

20 on the top of the roof?

21 THE WITNESS: Well, yes, and we would do at

22 least two-story buffer planting in this particular

23 location along the back of the properties. We'd do a

24 double row of pine trees in that particular location.

25 CHAIRMAN PARIKH: And what is the reason

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1 for that unit with only two units in it, the building  
 2 with the two units?  
 3 THE WITNESS: It happens to fit the space  
 4 well that's there, but it also could be potentially a  
 5 model building for the community. This is the first  
 6 building you come to.  
 7 CHAIRMAN PARIKH: Right. Any other  
 8 questions? What I'd like to do is at this point I'll  
 9 open up to the public. This is for questions only for  
 10 what you have heard from the architect. And please do  
 11 not repeat the same question. If it's already asked  
 12 let's go to something else if you have. And this is  
 13 not the time for comments. This is questions only for  
 14 this witness only.  
 15 To organize the question/answer period what  
 16 we'd like to do is anyone who lives within 200 feet  
 17 I'll give you the opportunity to come here first. So  
 18 anyone who lives within 200 feet of this development.  
 19 MR. CRESITELLO: Anyone who got the written  
 20 legal notice why don't you come forward first with any  
 21 questions that you may have.  
 22 UNIDENTIFIED PUBLIC VOICE: Isn't everybody  
 23 equal?  
 24 MR. CRESITELLO: Everybody is going to get  
 25 an opportunity. We're going to do people within

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1 200 feet first, then we're going to do anybody who  
 2 lives within Parsippany, and then we'll do anybody who  
 3 resides outside of the municipality. And that's  
 4 expressly provided for in the municipal land use law.  
 5 There's nothing out of the ordinary or impermissible  
 6 about that. So is there anybody within the 200-foot  
 7 radius who has questions for this witness? Please come  
 8 forward.  
 9 SECRETARY MADER: There's a microphone in  
 10 this aisle that's in front of the open door.  
 11 CHAIRMAN PARIKH: State your name.  
 12 MS. LITWINSKY: My name is Robin Litwinsky.  
 13 I live at 65 Forest Drive in Parsippany.  
 14 MR. CRESITELLO: Your name one more time?  
 15 MS. LITWINSKY: L-i-t-w-i-n-s-k-y, 65  
 16 Forest Drive. My question is: How are you going to  
 17 deal with the traffic on Route 46? On a Friday night  
 18 now we can't even get through Route 46. This is going  
 19 to add so much more traffic. I want to know how are  
 20 you going to address it?  
 21 MR. GAROFALO: Mr. Chairman, this witness  
 22 is not ready to address that issue. Certainly, if  
 23 that's an issue that the Board and the public wants to  
 24 address we can have a witness testify who's here this  
 25 evening.

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1 MS. LITWINSKY: Well, he's talking about --  
 2 MR. GAROFALO: Ma'am, I didn't talk to you,  
 3 please.  
 4 (Audience Members shout out.)  
 5 MS. LITWINSKY: Excuse me, I pay a lot of  
 6 taxes in this town and I think you owe me the respect  
 7 to allow me to ask a question. We also vote for you,  
 8 and I think you all owe us the respect to allow us to  
 9 ask the questions. That's a very valid question,  
 10 because that traffic is unreal right now. You're going  
 11 to put in 70-something townhouses, a Target which is  
 12 not needed, a Whole Foods which is not needed, but we  
 13 would like to know about the traffic.  
 14 MR. CRESITELLO: Ma'am, no one's --  
 15 (Applause.)  
 16 A couple of things: First of all, Mr.  
 17 Garofalo, please don't address the members of the  
 18 public.  
 19 MR. GAROFALO: All I was trying to say is  
 20 that --  
 21 MR. CRESITELLO: Okay. Fine. The Chairman  
 22 will handle that.  
 23 MR. GAROFALO: Very good.  
 24 MR. CRESITELLO: Second of all, Ma'am, it's  
 25 not that it's not a valid question. It's a very valid,

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1 legitimate question but it's not directed to this  
 2 witness. So is there anyone else now within 200 feet  
 3 who has a question for this witness based on his  
 4 testimony? Anybody else? All right.  
 5 Anybody else -- oh, I'm sorry -- you can  
 6 come this way. Is there anyone else? We can form a  
 7 line to move this along. Is there anybody else within  
 8 200 feet who has a question for this witness based on  
 9 the testimony he's provided this evening? You can  
 10 please get in line.  
 11 MR. SUDOL: My name is Sudol, S-u-d-o-l, 75  
 12 Forest.  
 13 MR. CRESITELLO: What's your first name?  
 14 MR. SUDOL: Robert. Now, this is my  
 15 question. I've been at 75 forest now for about  
 16 13 years. When I bought that house I was told there  
 17 was going to be a 300-foot buffer from my property line  
 18 to any development that was there. The last time this  
 19 property was tried to be developed it was reduced to  
 20 200 feet. Now you're coming in here and saying 50 feet  
 21 is enough. Why?  
 22 THE WITNESS: I'm not sure what you were  
 23 told in the past and who told you that, but what we're  
 24 asking for in this application is a zone change. And  
 25 the reason I give as a planner is the traditional

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1 setbacks of residential to residential property line to  
 2 property line, and almost all townships within New  
 3 Jersey it's 50 feet residential to residential. So  
 4 many times there are townhomes adjacent to  
 5 single-family homes that might be a hundred feet from  
 6 building to building. In this case the closest home is  
 7 about 250 feet. And as a planner I find it easy to say  
 8 that this type of buffer, which is the total distance  
 9 between homes, is very appropriate, especially given  
 10 the fact that it's going to remain wooded and  
 11 substantially wooded. So I feel very good about  
 12 telling this Board that this is an appropriate setback  
 13 at 65 feet.

14 MR. SUDOL: Well, I can understand that,  
 15 and I can appreciate your point of view on that, but  
 16 that 300 foot or that 260-foot buffer that you're  
 17 talking about is approximately 200 feet of my property.  
 18 I'm at 75. So basically what you are doing, if I'm not  
 19 mistaken, is talking about developing up on top of the  
 20 hill with these buildings that are going to be now  
 21 three-, three-and-a-half-stories tall that are going to  
 22 be lighting up my backyard for the next 15 years or  
 23 better. Why is that?

24 THE WITNESS: Well, I don't think -- if you  
 25 are able to see any lights at all at night I think it

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1 would be a very dim glow. (Audience members shout  
 2 out.)

3 You would be able to see your next-door  
 4 neighbor's house much clearer. One intervening thing  
 5 that was mentioned at an earlier hearing is that those  
 6 townhomes at the top of the site which are the closest  
 7 to your homes are depressed in grade. So the grade to  
 8 your right is coming up from your home to the backs of  
 9 those townhomes, but the finished doors have been set  
 10 down so less of the height is visible from the rear of  
 11 the property.

12 MR. SUDOL: And how much of that height  
 13 will be available or will be able to be seen from my  
 14 property?

15 THE WITNESS: I would say approximately two  
 16 stories of the building.

17 MR. SUDOL: So that's about 20 feet,  
 18 22 feet?

19 THE WITNESS: 20, 25 feet.

20 MR. SUDOL: And that will be the living  
 21 area where people are going to be living with their  
 22 lights on in their bedrooms; would that be correct?

23 THE WITNESS: About 20 feet of it would be  
 24 that, the rest of it would be roof.

25 MR. SUDOL: So then what we're saying here

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1 is we're going to be putting up like this beacon on the  
 2 top of the hill that's going to be shining down on my  
 3 neighbor's properties and my property?

4 THE WITNESS: I don't believe you'll see  
 5 it.

6 MR. SUDOL: You don't believe it. Well, I  
 7 wonder why you say that? I wonder why you say that?  
 8 And I'll ask the same question again. You think it's  
 9 appropriate for that 50-foot buffer. Why isn't it  
 10 more? How come it has to be 50? Why can't it be a  
 11 hundred?

12 THE WITNESS: Again, it's a very  
 13 appropriate setback residential to residential.

14 MR. SUDOL: That's not answering the  
 15 question. The question is, why?

16 THE WITNESS: Again, I'll tell you, because  
 17 you have an intervening set of trees that will never be  
 18 touched. You have topographic differences. And you  
 19 have residential to residential. Your next door  
 20 neighbors are much, much closer than this project will  
 21 ever be. You have much more visual impact from  
 22 surrounding neighbors than this property.

23 MR. SUDOL: Now, these trees that you say  
 24 will never be touched these were my trees; correct?

25 THE WITNESS: That's correct.

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1 MR. SUDOL: So that means I can never have  
 2 the opportunity to take those down; is that what you're  
 3 telling me?

4 THE WITNESS: Well, a part of, I believe,  
 5 your lots, your particular -- and I don't know which  
 6 lot you're on --

7 MR. SUDOL: I'm on 75. I'm like right  
 8 there.

9 THE WITNESS: Some of the lots have a  
 10 waterway going through them that's protected by the  
 11 state of New Jersey. So you would have to -- to do  
 12 that you would have to get permits in those particular  
 13 areas.

14 MR. SUDOL: Well, let me ask you this: Do  
 15 you know where those waterways run? Those waterways  
 16 run on my property. Why would I want to be developing  
 17 that on my property? Could you answer me that? Why  
 18 would I look to change the waterways that are on my  
 19 property?

20 THE WITNESS: I don't think you would.

21 MR. SUDOL: I don't think I would either.  
 22 And I'll come back and ask again, why 50 feet? Why not  
 23 150? What is the --

24 CHAIRMAN PARIKH: Excuse me, sir, he  
 25 already answered your question twice. I mean, you may

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1 not like his answer, but he already answered your  
2 question.

3 MR. SUDOL: I don't think it was an  
4 appropriate answer. He didn't really answer as to why.

5 CHAIRMAN PARIKH: Do you have any other  
6 question other than this 50-foot buffer?

7 MR. SUDOL: Another question I would ask  
8 is, if you're looking -- thank you, sir. If you're  
9 going to be putting a 50-foot buffer between your zone  
10 and my property are you going to be putting any type of  
11 plants, or protection, or barrier to prevent any site,  
12 any noise that would be coming from that property onto  
13 mine?

14 THE WITNESS: We would be doing some  
15 landscaping in the rear of the properties. Those  
16 little round circles to the rear of the properties  
17 would be additional buffer planting.

18 MR. SUDOL: And what exactly would make up  
19 that planting?

20 THE WITNESS: It would be an evergreen  
21 screen of trees.

22 MR. SUDOL: How high?

23 THE WITNESS: We're not at site plan. It's  
24 not designed yet.

25 (Audience member shouts out a question.)

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1 CHAIRMAN PARIKH: Excuse me, you don't have  
2 to answer a question just yelled out. Just answer the  
3 question for this resident.

4 MR. SUDOL: So how high are these plants  
5 that you're talking about putting in these evergreens?

6 THE WITNESS: We haven't prepared a  
7 landscape plan, a specific landscape plan with tree  
8 species and heights and caliper plan, but at site plan  
9 we would.

10 MR. SUDOL: So what you're looking to do  
11 then is to try to get approval before anything is  
12 completed before you have the plan finished?

13 THE WITNESS: No. We're trying to talk to  
14 the Board about a zone change to permit this type of  
15 zoning.

16 MR. SUDOL: Oh, well, thank you.

17 CHAIRMAN PARIKH: Okay. Thank you. Now,  
18 anybody else, anyone in Parsippany? Please line up at  
19 the microphone. And this is questions only. Please do  
20 not repeat the same question that's already been asked.  
21 Thank you.

22 MR. CRESITELLO: What is your name?

23 MS. PIEGARI: Angela Piegari, 10 Winding  
24 Way.

25 CHAIRMAN PARIKH: Can you spell that?

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1 MS. PIEGARI: Sure. P-i-e-g-a-r-i. Could  
2 you tell us if you have an idea of what the cost of the  
3 townhomes are going to be? They're purchasing  
4 townhomes, right, they're not rentals?

5 THE WITNESS: That's correct. They're for  
6 sale.

7 MR. PIEGARI: Do you have an idea of how  
8 much they'll go for?

9 THE WITNESS: They're approximately  
10 \$450,000 to the \$500,000 range.

11 MR. PIEGARI: Okay. You were mentioning  
12 the other similar developments in the area. You  
13 mentioned something about Mountain Lakes. I was  
14 wondering if you were also familiar with the townhome  
15 -- luxury townhome development on Morris Avenue and  
16 Fanny Road that was started probably about four years  
17 ago, and they put up two units and have not gone  
18 further.

19 THE WITNESS: I am very familiar with that  
20 project. And the one that I mentioned that just got  
21 approved they got a zone change to make that project  
22 more affordable to build three-story townhomes that  
23 would be more marketable. But that was a recent change  
24 that occurred about two weeks ago. They received site  
25 plan approval.

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1 MR. PIEGARI: Right. But that's not the  
2 one on Morris?

3 THE WITNESS: Yes, it is.

4 MR. PIEGARI: That is?

5 THE WITNESS: Yes, it was referred to  
6 before as Park Place.

7 MR. PIEGARI: I see. Okay. My other  
8 question is, and maybe it's just because my eyes or  
9 whatever here, could you tell me where on that site  
10 plan is Whole Foods, as well as the other stores and  
11 restaurants that were listed in your request for the  
12 overlay zone change?

13 THE WITNESS: Sure. The Whole Foods that  
14 you mentioned is on the right-hand side of the retail.  
15 There is a large proposed retail space to the left of  
16 that, and this would be the restaurant space or -- is  
17 that how it's referred to in the site plan, retail?

18 It's retail.

19 MR. PIEGARI: Okay. That other large space  
20 there, what kind of enterprise is going to be there?

21 THE WITNESS: I don't know. I don't think  
22 they have a lease signed at this point.

23 MR. PIEGARI: So that -- could that be  
24 another supermarket or no?

25 THE WITNESS: No. Two supermarkets

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1 wouldn't go side-by-side.  
2 MR. PIEGARI: Or a similar kind of  
3 enterprise, some kind of food store?  
4 THE WITNESS: I doubt it would be a food  
5 retailer. Most leases in a center like this have  
6 exclusive relationships between the other stores. A  
7 retailer like Whole Foods would not permit in their  
8 lease another major food retailer.  
9 MR. PIEGARI: So it could be like the  
10 K-Mart one in West Orange where there's a K-Mart right  
11 next door to the Whole Foods?  
12 THE WITNESS: I'm not familiar with that  
13 store.  
14 MR. PIEGARI: Okay. You're not familiar,  
15 but that is what it is in West Orange, but you don't  
16 know what could be there?  
17 THE WITNESS: I don't know what the other  
18 large center is.  
19 MR. PIEGARI: Is there a candidate for that  
20 spot?  
21 THE WITNESS: I'm an architect, that's not  
22 my area.  
23 MR. PIEGARI: I see. Okay. Thank you.  
24 CHAIRMAN PARIKH: Thank you.  
25 MR. HOMYAK: My name is Nicholas Homyak. I

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1 live at 26 Oneida, Lake Hiawatha.  
2 SECRETARY MADER: What was your address?  
3 MR. HOMYAK: I'll start off with a  
4 question.  
5 MR. CRESITELLO: Board secretary had a  
6 question.  
7 SECRETARY MADER: What was your address?  
8 MR. HOMYAK: 26 Oneida, Lake Hiawatha. I  
9 took an aerial view on the computer of this lot and  
10 it's quite a thing in itself. It's an open living  
11 thing. (Applause.)  
12 And you use the term "wetland." And then  
13 you said part of it had been designated wetlands. And  
14 then I heard the terms, "We're trying to change the  
15 zoning." So in that diagram that you have there is  
16 that already an underline or a disguise to your attempt  
17 to erase a viable wetland?  
18 THE WITNESS: No. There are no wetlands on  
19 our property. The wetland I was referring to is off  
20 track in the rear of the homes on Forest Drive.  
21 MR. HOMYAK: And where does it begin and  
22 end?  
23 THE WITNESS: I have a map, and the site  
24 civil engineer can talk about that. That's not my area  
25 of expertise, but we have an LOI, a Letter of

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1 Interpretation from the state of New Jersey saying  
2 there are no wetlands present on our site.  
3 MR. HOMYAK: Would this be considered smart  
4 development under the New Jersey State Planning Board.  
5 THE WITNESS: Yes. It would be, because  
6 it's a mixed use. And it's providing a -- go ahead.  
7 MR. HOMYAK: Mixed use based on a term that  
8 you said "we expect." And then in your talk you also  
9 emphasized the fact that there was at this present  
10 time, in effect, were already done developments of this  
11 sort already in the surrounding area.  
12 THE WITNESS: Well, I think what I was  
13 talking about when I was talking about the surrounding  
14 area developments is referring specifically to  
15 three-story townhome developments. I wasn't talking  
16 necessarily about the mix, but there are mixed-use  
17 projects.  
18 MR. HOMYAK: I would have to ask, who can  
19 afford in this economy to live in a place like that?  
20 Who's behind the money of this development? Who can  
21 afford to live in a nice little private community with  
22 a Whole Foods Supermarket in this economy and pay these  
23 rents? Who are these "we expect people"?  
24 MR. GAROFALO: Excuse me. It's really not  
25 within the confines of his testimony.

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1 MR. HOMYAK: Well, "we expect" is based on  
2 you're going to erase this living organism, this tree,  
3 this bird sanctuary, whatever you want to call it, is  
4 going to be erased for a "we expect." (Applause.)  
5 I believe you used the term "divorcées."  
6 Divorcées that have two-car garages? Do you consider  
7 yourself representing Main Street or Wall Street?  
8 Really. I mean..  
9 CHAIRMAN PARIKH: If you cannot answer the  
10 question just say no, because, you know, I would like  
11 to hear the questions on what you heard him talking  
12 about architecture design of this project instead of  
13 going into all the different tangents. I'd appreciate  
14 that.  
15 MR. HOMYAK: The need for this project,  
16 where the Shop-Rite Liquor Store is down on Route 46 is  
17 vacant. You can put a Whole Foods Store down in there.  
18 CHAIRMAN PARIKH: Okay. You have a  
19 question for this witness? Thank you.  
20 MR. HOMYAK: Thank you. (Applause.)  
21 MR. CHOFFO: Good evening, ladies and  
22 gentlemen. My name is Andrew Choffo. I live at 5  
23 Glenbrook Drive. I have two questions, and you may not  
24 be able to answer each, but we'll take a shot. And  
25 part of it is sort of that follow the money question.



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1 Can someone enlighten me as to who owns this property?  
 2 MR. GAROFALO: Well, that's -- the  
 3 application was filed by RD Development Company, which  
 4 is a contract purchaser. So the property is owned by  
 5 Belle Meade, which has owned it for many, many years.  
 6 MR. CHOFFO: And the intention of RD  
 7 Development is to buy this property?  
 8 MR. GAROFALO: That's correct.  
 9 MR. CHOFFO: And to develop this property?  
 10 MR. GAROFALO: I'm sorry?  
 11 MR. CHOFFO: And to develop this property?  
 12 MR. CRESITELLO: To buy it and to develop  
 13 it.  
 14 MR. GAROFALO: And to develop this property  
 15 according to this plan, yes.  
 16 MR. CHOFFO: So they will be the owners of  
 17 the commercial site of this property when it is  
 18 ultimately developed?  
 19 MR. GAROFALO: Chairman, with all due  
 20 respect, I don't understand the relevancy of that  
 21 question. I told you who owns the property, who's  
 22 contracted to buy the property, who's going to develop  
 23 the property.  
 24 MR. CHOFFO: So potentially it could be  
 25 sold right after development?

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1 CHAIRMAN PARIKH: Okay. Please ask the  
 2 question to the architect about the designs.  
 3 MR. CHOFFO: I had the fortune of working  
 4 for one of the largest consulting engineering companies  
 5 on the east coast, and they develop site plans like  
 6 that. I worked with human resources with that firm,  
 7 I'm not an engineer, but one of the things that was  
 8 instilled upon me during my time here is precision.  
 9 And engineers work in very precise numbers.  
 10 Unfortunately, from all the testimony we  
 11 have heard over the last several meetings it's always  
 12 been an "I don't know," or "We'll get back to you," or  
 13 "It's very precise between two very, very large  
 14 numbers." When will the Planning Board and the public  
 15 be presented with actual information regarding this  
 16 project?  
 17 THE WITNESS: Well, the answer to that is  
 18 that this is not a site plan application. When this  
 19 project gets to site plan there will be a lot of  
 20 precise accurate engineering data where all the  
 21 calculations have been placed. The Board professionals  
 22 will review that. The state will be reviewing that  
 23 data. But we're talking about a zone change right now.  
 24 And it's confusing, I understand, because we're showing  
 25 site plans, we're showing architecture, but we're

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1 showing this to illustrate what could be here in terms  
 2 of the potential zone change.  
 3 MR. CHOFFO: Thank you.  
 4 MR. HOFFMAN: Scott Hoffman, 47 Forest  
 5 Drive. Just one question. If you look at the upper  
 6 right-hand corner of the diagram my house would be --  
 7 I'm right -- 2 or 3 to be all the way to the right.  
 8 Now, from the months of November through March the  
 9 white building you see right there to the right I see  
 10 that clear as day. And I have a buffer, a wooded area  
 11 buffer as an excess of 200 feet.  
 12 My question is: Help me understand how  
 13 those at the other end of Forest Drive, those who  
 14 actually live up and down Intervale are not supposed to  
 15 see this townhome development that has a smaller buffer  
 16 than I do to the office complex? (Applause.)  
 17 THE WITNESS: Part of it is the difference  
 18 in height. That building, the office building is  
 19 significantly higher than what we're proposing. Number  
 20 two is, as you know the grade is sloping up to the back  
 21 of the lots on Forest Drive. And what we have done is,  
 22 as I mentioned before is, we've dropped the townhomes  
 23 after it gets up to the crest of grade, we have  
 24 actually suppressed them about a full story. So that's  
 25 the main reason that I would propose that they're not

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1 going to be very visible from their homes on Forest  
 2 Drive.  
 3 MR. HOFFMAN: I just find it hard to  
 4 believe, because the location of that building is about  
 5 double the distance of the other homes to the spot that  
 6 the townhomes will be. So I just find it hard to  
 7 believe.  
 8 THE WITNESS: Well, the office building is  
 9 tall and it's -- it has a continuous rib in the glass  
 10 that's lit differently than a residential community  
 11 will be lit. The windows in homes are much smaller  
 12 than the windows in the office building.  
 13 MR. HOFFMAN: Thank you.  
 14 MR. GRIBBIN: John Gribbin, 10 Winding Way,  
 15 Parsippany. Could you explain to me what is the  
 16 purpose of the overlay zone? Why are you doing it as  
 17 an overlay?  
 18 THE WITNESS: I'm going to defer that  
 19 question to another witness, our planner who has  
 20 already given testimony if there's a need.  
 21 MR. GRIBBIN: Well, you're a planner;  
 22 right?  
 23 THE WITNESS: I am, but I did not write  
 24 the zone plan as proposed for this project.  
 25 MR. GRIBBIN: Will this property be



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1 subdivided?

2 THE WITNESS: I believe it will be between

3 the residential and the retail portion.

4 MR. GRIBBIN: And does the proposed zone

5 propose bulk requirements for subdivision?

6 THE WITNESS: I believe so, but that's a

7 question for our planner.

8 MR. GRIBBIN: Will there be any visual

9 impact along Intervale Road as a result of this

10 project.

11 THE WITNESS: I mean, the project will be

12 somewhat visible from Intervale Road, but the project

13 sits upgrade from Intervale Road along that section,

14 and the existing vegetation in that setback area will

15 remain. There's only one point on this proposed site

16 plan that was showing it gets close. The rest of them

17 have -- the rest of the area has an increased area of

18 buffer, but you wouldn't see the project up on the

19 hill.

20 MR. GRIBBIN: Is there any reason why you

21 couldn't design it in such a way that you would not

22 have a visual impact along Intervale Road?

23 THE WITNESS: Not without losing a

24 significant number of units, no.

25 MR. GRIBBIN: Well -- (Applause.)

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1 Where would the stormwater management be

2 located on this project?

3 THE WITNESS: That's not in my expertise,

4 that's the civil engineers.

5 MR. GRIBBIN: Do you know?

6 MR. CRESITELLO: You didn't testify to

7 that.

8 THE WITNESS: I'm going to defer the

9 question.

10 MR. GRIBBIN: Will that be testified? Will

11 there be testimony along those lines? Can I ask the

12 attorney?

13 CHAIRMAN PARIKH: We did have testimony on

14 that by the engineer in the earlier hearing.

15 MR. GRIBBIN: I don't remember that he

16 addressed stormwater management.

17 MR. SNIECKUS: Just for your information,

18 what they did was they presented the earlier concept.

19 And on the earlier concept they showed where surface

20 stormwater basins were going to be located. And that

21 was a mere concept. Really, this whole thing is a

22 concept plan in order to establish the zoning that

23 we're looking to consider for the property.

24 And the reason why, and one of the things

25 that I'm going to follow up on is the issue of the

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1 overlay zone. The reason why they're looking at that

2 is because they didn't want to rezone just for this

3 use. Just in case in the future, let's say the POD

4 Zone, what's permitted there, would be more desirable

5 to have developed.

6 So instead of wholesale changed through the

7 entire zone for the property, what the option that

8 we're considering tonight and can be considering for

9 future is to do an overlay, wherein if they meet

10 certain requirements they could put this use at that

11 location. That's why they're considering the overlay.

12 MR. GRIBBIN: Well, does the overlay cover

13 only this lot?

14 MR. SNIECKUS: The overlay, we haven't

15 worked out all that detail, but it probably would not.

16 One thing that I had in our review letter as the Board

17 Planner is to have the requirement for certain frontage

18 on Route 46, because the retail use only makes sense

19 along Route 46, in my opinion, from a professional

20 planning standpoint. So, therefore, that is one of the

21 things that we're considering.

22 MR. GRIBBIN: Well, what I meant was, does

23 the overlay cover only the 26 acres?

24 MR. SNIECKUS: Well, the overlay would not

25 be for the entire POD Zone, but it would only apply to

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1 certain aspects of the POD Zone.

2 MR. GRIBBIN: So in other words, you are

3 proposing to change the zone of the entire original

4 tract, Waterview tract?

5 MR. SNIECKUS: When you look at the overlay

6 zone for the POD Zone, south of the Waterview tract as

7 you were calling it, which is the entire POD Zone, you

8 are looking at an ordinance that would affect that POD

9 Zone, but yet what we're looking for is certain

10 conditions to make it so that that could only occur in

11 certain locations, if it was to occur within other

12 locations, probably not, because of where they're

13 developed now.

14 So, what you'll see developed from this is

15 if the Board is to seek a recommendation on this to the

16 government body is an ordinance that I would actually

17 develop with the applicant to clarify that issue and

18 make sure we have identified where, in fact, it could

19 potentially be located.

20 MR. GRIBBIN: Actually, I'm a little

21 confused now, because what you call the POD Zone, about

22 how many acres is that?

23 MR. SNIECKUS: Sir, I'm not testifying

24 here. You're starting to ask a little bit more detail

25 than I think that -- the nature of the questions that

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1 should be directed to this witness. That's not to say  
2 that's not something we would discuss in the future,  
3 because this is a long process, it's not just a quick  
4 process.  
5 MR. GRIBBIN: Well, this goes right to the  
6 recommendation that you're going to be making to the  
7 governing body, this is a --  
8 MR. SNIECKUS: That's true, sir, but not at  
9 this time. We're asking questions of the architect.  
10 Please, don't -- it's not something for this  
11 discussion.  
12 MR. GRIBBIN: Well, he's also a planner.  
13 My last question has to do with the master  
14 plan. Are you -- to your knowledge does this proposal  
15 conform in all aspects of the master plan?  
16 THE WITNESS: Again, I'm going to defer  
17 that fact to the planning testimony that was already  
18 given. We had the professional planner testify.  
19 MR. GRIBBIN: And did the -- did that  
20 professional address that question?  
21 CHAIRMAN PARIKH: Not right now, sir.  
22 Right now this portion -- he did in the prior  
23 testimony, but right now we're asking questions only  
24 for the architect from what he testified to.  
25 MR. GRIBBIN: Thank you.

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1 MR. YAREMA: Good evening. My name is Ken  
2 Yarema, Y-a-r-e-m-a, 41 Winding Way, Parsippany.  
3 As far as township services: Sanitation,  
4 fire, police, snow removal, snowplowing, everything  
5 that is necessary for a town to function properly, the  
6 responsibility for that whole area, I understand that  
7 the stores will probably be responsible for their own  
8 sanitation, et cetera, but what about the housing, is  
9 that Parsippany's responsibility, the town's  
10 responsibility?  
11 THE WITNESS: I'm not sure how that's going  
12 to work and how that's going to work between the  
13 condominium association and the township. That's an  
14 issue that will be decided at site plan.  
15 MR. YAREMA: Okay. Now, I heard some  
16 mention of, and realistically everyone knows it's all  
17 about money. It's always all about money. And I heard  
18 that there was going to be certainly revenue to the  
19 town.  
20 THE WITNESS: Yes.  
21 MR. YAREMA: I wasn't sure. I may have --  
22 \$350,000 per year, or something like that?  
23 THE WITNESS: That's correct.  
24 MR. YAREMA: Now, would that be based upon  
25 every townhome being occupied? Would that be revenue

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1 if every single townhome were occupied? And my  
2 question naturally, you know, it's come -- well, what  
3 happens after a year there's only five of them occupied  
4 and the rest don't occupy?  
5 And the reason I ask that, the reason I ask  
6 that is because I asked the same exact question several  
7 years ago of a developer when they were looking at  
8 doing this, and I think probably he was very happy that  
9 that didn't happen, because that 2008 happened and,  
10 well, we know what that situation has done. So who  
11 knows if he ever would have been able to fill these  
12 homes. So is that, in fact, true that those figures  
13 that you're coming up with which would benefit our town  
14 would be based on full occupancy of all the homes?  
15 THE WITNESS: I believe so. Again, the  
16 planner prepared that report. I just quoted portions  
17 of it, but I believe that's intended at full occupancy.  
18 MR. YAREMA: Okay. That's all I have.  
19 Thank you.  
20 MR. GARVER: My name is Robert Garver, and  
21 I live at 151 Intervale Road. A couple of questions:  
22 The new roadway that you're going to put in to service  
23 the townhomes that's not the same entrance as there is  
24 to the commercial site?  
25 THE WITNESS: That's correct. Right now

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1 we're talking about on the eastern side of the site the  
2 new entry road which is -- has no roadway connection to  
3 the parking lot of the retailer. The retailer has a  
4 separate entrance and exit here on Waterview Drive.  
5 And there's also a slip-lane entrance proposed off of  
6 46 in only at that location.  
7 MR. GARVER: But coming off of Route 46  
8 into either the commercial or the residential as they  
9 come off of 46 at the same point, but then the road  
10 splits more or less; is that correct?  
11 THE WITNESS: I think I understand your  
12 question. I think so. We have two locations off of  
13 Waterview Drive. We have this center location which  
14 provides access to the retail center. And then further  
15 to the east and north we have this entrance which would  
16 provide access to the townhome community.  
17 MR. GARVER: So that in the holiday  
18 scenario, say Christmas shopping, things like that,  
19 people are trying to get to their townhouses, would  
20 they anticipate a problem from traffic that is going to  
21 be going into the commercial?  
22 THE WITNESS: Again, I hate to defer your  
23 question. I'm not the traffic engineer.  
24 MR. GARVER: I apologize. I'm just putting  
25 it out there. The townhouses are -- would be roughly

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1 three bedrooms, two bedrooms?  
2 THE WITNESS: Three bedrooms.  
3 MR. GARVER: Three bedrooms. So that three  
4 bedrooms we wouldn't expect children? (Applause.)  
5 THE WITNESS: Again, in this market we do  
6 expect some children. And I think it's been quantified  
7 in the planner's report, there's 14 school-age  
8 children.  
9 And the reason that is, the reason that is  
10 is that people who buy in these communities they have a  
11 guest bedroom. Many times they use another bedroom as  
12 a home office or exercise room. The data supports the  
13 fact that that would be the number for children to  
14 expect.  
15 MR. GARVER: And the people who are  
16 downsizing would need three bedrooms?  
17 THE WITNESS: I'm sorry?  
18 MR. GARVER: And people who would be  
19 looking to downsize would be looking to buy a townhouse  
20 with three bedrooms?  
21 THE WITNESS: They would. Again, because  
22 empty nesters have children who would occasionally  
23 visit, grown children who come and visit, they want an  
24 extra bedroom. Many empty nesters won't tell you this  
25 in the sales office, but they'll sleep separately if

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1 they're a couple. So, there is a need for a guest  
2 bedroom and additional bedrooms.  
3 MR. GARVER: Thank you.  
4 MR. DANCHAK: Allison Danchak, 41 Forest  
5 Drive. If you were to continue that 300-foot buffer  
6 zone which exists behind my house how many townhouses  
7 would you have to eliminate?  
8 THE WITNESS: You mean the distance from  
9 house to house?  
10 MS. DANCHAK: Property line to your first  
11 property line?  
12 THE WITNESS: You're saying on our side of  
13 the property line have an additional 300 feet?  
14 MS. DANCHAK: Correct. Right now behind my  
15 house and my property line to the parking lot on 10  
16 Waterview is 300 feet. If you had to do that from  
17 those houses on Forest Drive to your first property  
18 line how many townhouses would have to be eliminated?  
19 THE WITNESS: I don't know. I haven't done  
20 a plan.  
21 MS. DANCHAK: Okay. Just so you know, I  
22 can see into the windows of that office building today.  
23 And I understand that's with the leaves on the trees.  
24 There's a lot less noise, and I don't need to see it,  
25 but in the Winter and the Fall don't tell us that we're

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1 not going to see those, because we'll see those.  
2 MR. GRIBBIN: Can I ask one more question?  
3 CHAIRMAN PARIKH: State your name and  
4 address again, please?  
5 MR. GRIBBIN: John Gribbin, 10 Winding Way,  
6 Parsippany. I just noticed the road that leads into  
7 the townhouses, is that a dead-end road?  
8 THE WITNESS: It's -- this is the only  
9 access proposed at this time, which meets the RSIS  
10 requirements per residential site improvement  
11 standards.  
12 MR. GRIBBIN: For length?  
13 THE WITNESS: It's not a length, it's based  
14 -- right now a dead-end road is based on the number of  
15 trips generated by car per day.  
16 MR. GRIBBIN: So the -- your zone does not  
17 address a length of a dead-end road, a minimum or a  
18 maximum road?  
19 THE WITNESS: Typically zone plans today  
20 don't do that. There's something called a New Jersey  
21 State Residential Site Improvement Standard, which  
22 governs all residential standards for this type of  
23 development in the state. And that has become the  
24 standard for all townships to abide by, so...  
25 MR. GRIBBIN: How many units is that?

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1 THE WITNESS: I don't know the number. The  
2 traffic engineers calculated that.  
3 MR. GRIBBIN: Okay. But it's greater than  
4 72?  
5 THE WITNESS: Again, it's not based on  
6 units, it's based on trips, and that has to do with the  
7 types of buildings, whether it's townhouses or single  
8 family or multifamily, and the trips generated out of  
9 those units.  
10 MR. GRIBBIN: Okay. Thank you.  
11 MR. FRANKEL: Steven Frankel, 1 Winding  
12 Way, Parsippany. A couple of quick questions: On the  
13 northern part of the property, the back of those  
14 townhomes that looks like an arc, if you will, from the  
15 back of the homes to the black line that separates  
16 someone else's property from that property, how many  
17 feet is that?  
18 THE WITNESS: Are you talking about from  
19 here to here?  
20 MR. FRANKEL: No, a little bit to the left.  
21 Yeah, north, yes, sir.  
22 THE WITNESS: 65 feet from the closest  
23 point of the building to the property line.  
24 MR. FRANKEL: Now, take your pointer, if  
25 you would, and go to the left, please. Go to the west

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1 to the corner of the last building. Go down a little  
 2 bit more, yes. How far is that corner of that building  
 3 from Intervale Road?  
 4 THE WITNESS: 50 feet.  
 5 MR. FRANKEL: 50 feet. A couple of quick  
 6 questions: How much distance is there from the  
 7 entrance of the retail space to the entrance of the  
 8 residential space along Waterview Boulevard?  
 9 THE WITNESS: I don't know the answer to  
 10 that. I can get that answer for you, but I don't know  
 11 it offhand.  
 12 MR. FRANKEL: If I recall correctly there  
 13 was a traffic light to be placed at the entrance and  
 14 exit of the retail; is that correct?  
 15 THE WITNESS: That's correct.  
 16 MR. FRANKEL: Is there a traffic light  
 17 proposed at the entrance and exit of the residential?  
 18 THE WITNESS: I don't believe so, but  
 19 that's not my area of expertise.  
 20 MR. FRANKEL: Gordon, did they make any  
 21 proposal?  
 22 MR. METH: There's no proposal for a  
 23 traffic light at the residential driveway, nor will it  
 24 ever warrant one. The volume is too low. The traffic  
 25 operations of the driveway, though, I did look at it

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1 and found it to be acceptable.  
 2 MR. FRANKEL: So folks trying to make a  
 3 left-hand turn out of the residential would not have a  
 4 traffic light competing with the people going to the  
 5 retail?  
 6 MR. METH: Correct.  
 7 MR. FRANKEL: Okay. Thank you.  
 8 CHAIRMAN PARIKH: Is there anyone else from  
 9 Parsippany?  
 10 MR. CHU: Ed Chu, 52 Forest Drive. Quick  
 11 two questions: First, is on the zoning of the  
 12 properties at the moment for the townhouse, for  
 13 example, if it's going to be mixed use is there sort of  
 14 any allowance for how it would be turned back into a  
 15 state where it can be redeveloped into the original  
 16 zoning or any other sort of use, like a retail for  
 17 example, if it's a mixed use as an initial overlay?  
 18 THE WITNESS: I think, as Mr. Sneikus, the  
 19 Board Planner mentioned, the idea of the overlay is  
 20 that the only other permitted use besides what the  
 21 overlay would provide for would be the underlying use  
 22 that the zone would permit. It would not allow --  
 23 MR. CHU: I understand that, and that's my  
 24 question. My question is, for example, 20 years from  
 25 now you would actually literally have to re-purchase

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1 all the lots from the townhouse community in order to  
 2 redevelop it into an office space. So, in essence,  
 3 this overlay is -- would be long-term, that's the  
 4 intent, right? That would be the intent on your end?  
 5 THE WITNESS: That would be the intent to  
 6 be long-term.  
 7 MR. CHU: So the question is: Being such a  
 8 long-term type of project and development, the question  
 9 is: You've changed and modified this site plan quite a  
 10 bit after, you know, three or four of these meetings.  
 11 The question is, what kind of directive -- were you  
 12 ever directed to develop or plan out this lot  
 13 conforming to the master plan, ever?  
 14 THE WITNESS: I personally wasn't, but  
 15 that's not to say the civil engineer and the planner  
 16 may have been asked to.  
 17 MR. CHU: So not talking -- well, the  
 18 question is, how much detail can you provide on what  
 19 your directives were in developing this spot, in  
 20 developing a plan for this spot, is it sort of what's  
 21 financial, do you have to stick with why did you pick  
 22 seven? And that's part one, and then I have a part two  
 23 on that.  
 24 MR. GAROFALO: If I may, this witness did  
 25 not develop the plan. He's an expert called in by the

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1 applicant to deal with certain issues, which he  
 2 discussed this evening. He did not develop the plan.  
 3 MR. CHU: So who developed the  
 4 architectural layout of this lot? Because we're  
 5 talking about setbacks and buildings and --  
 6 MR. GAROFALO: Mr. Chairman, sorry, the  
 7 witnesses who did that has testified already, and we  
 8 didn't -- we discussed all those issues at the, I  
 9 guess, the initial hearing. So those witnesses were  
 10 here and did testify to that. This witness could not  
 11 answer those questions because he wasn't involved in  
 12 that process.  
 13 CHAIRMAN PARIKH: Okay.  
 14 MR. CHU: Okay. So there was -- so, in  
 15 essence, what did you do? (Laughter.)  
 16 THE WITNESS: On the most recent  
 17 development on the townhome plan I consulted with the  
 18 civil engineers to develop that site plan and to add  
 19 the entrance off of Waterview to the project that we  
 20 moved the entrance off of Intervale, and I also  
 21 developed the architectural illustrations that were  
 22 shown tonight.  
 23 MR. CHU: So you just basically modified  
 24 the site plan?  
 25 THE WITNESS: That's correct.

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1 MR. CHU: So, you weren't original  
 2 developers of the site plan?  
 3 THE WITNESS: That's correct.  
 4 MR. CHU: That, from my understanding and  
 5 my experience from these meetings, that was not  
 6 presented. All that was presented was a site plan. We  
 7 were going to have an opportunity to ask the architect  
 8 about this. And, you know, this sort of -- the  
 9 reasoning for the zoning is one thing, but this sort of  
 10 why they did not -- so the question is, who do we ask  
 11 about what due diligence have they done to conform with  
 12 Parsippany's Master Plan, as opposed to general  
 13 averages and acceptable appropriate laws and so forth  
 14 of the region or state or country? We come here to,  
 15 you know, we look -- we moved to Parsippany for a  
 16 reason, and there's a --  
 17 CHAIRMAN PARIKH: So the question is?  
 18 MR. CHU: The question is: What efforts  
 19 have they done, what due diligence have they done to  
 20 conform to the master plan? It seems that they have  
 21 not.  
 22 CHAIRMAN PARIKH: That will be the question  
 23 for the planner and the planner testified earlier.  
 24 MR. GAROFALO: The planner did testify to  
 25 those very issues, and he's here this evening, but

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1 again it's not this witness who testified to those  
 2 issues.  
 3 CHAIRMAN PARIKH: Okay. All right. Anyone  
 4 else from Parsippany? Okay. Go ahead.  
 5 MR. YOUNG: Good evening. My name is  
 6 Richard Young, Y-o-u-n-g. I live at 179 Intervale.  
 7 I'd like to thank you for the positive things. It's  
 8 good to see that you did listen to some of the concerns  
 9 that we have. Are you aware that the existing zoning  
 10 calls for a natural undisturbed buffer of two to  
 11 300 feet on this property on both the north and west  
 12 sides? (Applause.)  
 13 THE WITNESS: I am.  
 14 MR. YOUNG: I would appreciate you  
 15 describing the width of the buffer that you're  
 16 proposing in contrast to that. I'm curious about the  
 17 retaining wall that falls between the residential  
 18 property and the Whole Foods and other commercial  
 19 development there. Am I correct that Parsippany has a  
 20 requirement for a retaining wall to be no more than  
 21 6-feet high without a setback?  
 22 THE WITNESS: I don't know the answer to  
 23 that.  
 24 MR. YOUNG: Are you a planner?  
 25 THE WITNESS: I am.

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1 MR. YOUNG: Thank you. (Applause.) What  
 2 is the height of that retaining wall?  
 3 THE WITNESS: Again, I'm going to have to  
 4 refer you to the civil engineer that's been working on  
 5 the site of that.  
 6 MR. YOUNG: Could we have that answer?  
 7 Would it be possible to know?  
 8 MR. GAROFALO: If I may, Mr. Chairman, I  
 9 believe that testimony was introduced at this first  
 10 hearing, but the record will show that.  
 11 MR. CRESITELLO: We have the answer.  
 12 MR. SNIECKUS: I believe the height was  
 13 between 20 to 22 feet, if I'm not mistaken.  
 14 MR. YOUNG: And to be able to get a  
 15 retaining wall that meets with the requirement for  
 16 height in Parsippany of 6 foot and then a setback, and  
 17 6 foot and then a setback, would then take up some  
 18 lateral space that is currently between the building  
 19 shown on the chart, the townhomes and the Whole Foods?  
 20 THE WITNESS: If it were to meet that  
 21 requirement, yes, it would take up lateral space.  
 22 MR. YOUNG: Right. But right now all of  
 23 that 22 feet is shown in one particular width and it  
 24 actually would take substantially more than that?  
 25 THE WITNESS: Again, if it would be

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1 developed within the --  
 2 MR. YOUNG: Yeah, within the current  
 3 zoning. The buffer that you've shown here on the north  
 4 and on the west side along Forest Drive properties and  
 5 Intervale Road can you describe to us, will that be  
 6 undisturbed buffer as it's currently called for in the  
 7 zoning?  
 8 THE WITNESS: For the most part within  
 9 construction ability around the house, generally there  
 10 would be a zone of about 15 feet or so beyond the  
 11 extent of the building itself for construction, and  
 12 then we would do additional buffer planting in that  
 13 site after construction.  
 14 MR. YOUNG: So a portion of it would be  
 15 disturbed, a portion of it would be natural?  
 16 THE WITNESS: That's correct. It's fairly  
 17 close to what we're showing on the plan where the trees  
 18 that are shown in the lighter green color would be  
 19 existing and untouched, and then the ones that have a  
 20 circular shape would be new buffer planting.  
 21 MR. YOUNG: Thank you for explaining that.  
 22 Talk to us a bit about the difference  
 23 between the current elevations on the property, and the  
 24 improvements that you're proposing to lower the  
 25 building height by setting the buildings down. Give us



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1 an overview, if you would.

2 THE WITNESS: Yeah. Again, there would be

3 a cut along the edge of this site. And this was shown

4 under previous testimony by the civil engineer. It

5 showed cross sections north to south through the entire

6 site, but at the back of the new tree line there where

7 the existing slopes would be maintained, the trees

8 would be maintained, when you came to the other side

9 the townhome area where the backs of that first row of

10 townhomes are located would be depressed and most

11 spaces approximately 10 feet from existing grade.

12 MR. YOUNG: Okay. Thank you for explaining

13 that. So, is there any similar change to the townhome

14 area, is it being changed in elevation, too?

15 THE WITNESS: Again, I'd have to defer that

16 to the civil guys.

17 MR. YOUNG: Will soil mining be a part of

18 this plan?

19 THE WITNESS: Again, I think they gave

20 testimony at the last hearing on the amount of cut and

21 fill that was expected.

22 MR. YOUNG: Understood, but did I get it

23 right that you just said the ground level is now going

24 to be reduced 10 feet --

25 THE WITNESS: That's correct.

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1 MR. YOUNG: -- in the areas of those

2 townhomes?

3 THE WITNESS: That's correct. It would be

4 cut in that location.

5 MR. YOUNG: Be cut and removed to some

6 location?

7 THE WITNESS: Yes.

8 MR. YOUNG: Pardon me for a moment. Is

9 there a shortage of rental housing in Parsippany?

10 THE WITNESS: Rental housing?

11 MR. YOUNG: Yes. You were mentioning

12 rental housing -- rental is the wrong word. Is there a

13 shortage of housing in Parsippany that would justify

14 this?

15 THE WITNESS: My client believes, and I

16 believe in terms of what's happening in this region and

17 other projects that are selling in this area, that

18 there is a need for that. And the portion of my

19 testimony that I mentioned earlier about providing

20 housing for the office uses in Parsippany I think is

21 substantial. I know for a fact that part of the

22 vacancies in offices in Parsippany it's a very

23 competitive market. I know companies have chosen other

24 towns because there's more available housing.

25 MR. YOUNG: Thank you. Have you had

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1 opportunity to walk on the portion of the property

2 where the townhomes would be built?

3 THE WITNESS: No, I have not.

4 MR. YOUNG: Have you had opportunity to

5 walk or drive on Intervale Road and Forest Drive?

6 THE WITNESS: Yes, I have.

7 MR. YOUNG: During daylight hours?

8 THE WITNESS: Yes.

9 MR. YOUNG: Thank you. I appreciate your

10 answers.

11 THE WITNESS: Thank you.

12 MR. EARLS: Bernard Earls, 233 Intervale

13 Road, Parsippany. Your portion -- you only changed the

14 entrance to the townhouses, as to the previous thing

15 that was shown to us at the last meeting?

16 THE WITNESS: Well, in changing the

17 entrance to gain access off of Waterview Boulevard it

18 changed the balance of the plan as well, and we

19 increased the buffer on the north side of the property.

20 MR. EARLS: Okay. The density of the

21 housing, is that still the same, the total number of

22 units?

23 THE WITNESS: The number of units is the

24 same.

25 MR. EARLS: Okay. Thank you very much.

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1 CHAIRMAN PARIKH: Thank you. Anyone else

2 from Parsippany? Okay. At this point I'll ask anyone

3 from Morris -- anyone from Mountain Lakes if you have

4 any questions for this witness, questions only please,

5 come forward. This is the time for questions only,

6 please.

7 MR. HYSON: James Hyson, 2 Littlewood

8 Court, Mountain Lakes.

9 I want to explore the buffer along

10 Intervale. You addressed -- in your view, providing

11 limited visibility from the townhouses to the property

12 in Parsippany, in your view it was a change. As I see

13 it there's no change at all on the buffer on Intervale.

14 THE WITNESS: Well, there is a change, a

15 pretty significant change. In the prior plan we had a

16 cut approximately in this location on the northwest

17 portion of the site for an entryway on Intervale, which

18 would have opened up Intervale Road with the view into

19 the site. And that's gone.

20 MR. HYSON: But the rest of the buffer

21 remains at 50 feet?

22 THE WITNESS: Well, at the closest point

23 we're showing 50 feet, majority is more.

24 MR. HYSON: What would be the maximum?

25 THE WITNESS: I don't have that number for



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1 you. I'm going to say 120, 130 feet.

2 MR. HYSON: During the presentation I think

3 I heard two different views: One was that the buffer

4 along Intervale would remain all woods. Then I heard

5 it sounded like it would be a mixture of woods and new

6 trees.

7 THE WITNESS: Again, when you clear for the

8 houses and you do construction for the houses that are

9 going to be built you need a certain area to do

10 construction, 15 feet, 15 feet around the house. We

11 come back after the house is constructed and do new

12 planting in that zone, but everything else will

13 remain -- the slighter green will remain as is

14 untouched.

15 MR. HYSON: Okay. Why the -- I'm a little

16 unclear that somewhere back when the property was

17 originally developed as office that there were words

18 that the buffer along the property would be pretty much

19 300 feet, I heard 200 feet. Maybe more than an

20 agreement, but that's what it would be than an actual

21 law. Why would you expect the Parsippany Planning

22 Board to allow a change to as small as 50 feet long

23 Intervale Road?

24 THE WITNESS: Well, I think -- the reason

25 is that we're contemplating a different use there.

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1 We're contemplating residential against residential,

2 versus commercial properties, which tend to have

3 greater setbacks from resident -- existing residential

4 property lines than do residential communities. In

5 other words, we're putting a like use next to a like

6 use. People are living in homes on our side, they're

7 going to be living in the existing homes on the other

8 side. So traditionally those instances are less

9 residential to residential. And that's the reason why

10 we're proposing less of a setback.

11 MR. HYSON: That addresses the residential,

12 but where you have the retail clearly that retail area

13 is going to be much busier than when it was office.

14 Office we had a five-day-a-week operation, maybe busy

15 at eight in the morning, busy at five. Now we have

16 retail. That's going to be busy all day long,

17 seven-days-a week, noisy, probably more lights. I

18 think you're asking the Planning Board to give you an

19 awful lot here.

20 THE WITNESS: I don't think that's a

21 question.

22 MR. HYSON: Okay. I rest my case.

23 MS. FITZPATRICK: Peggy Fitzpatrick, 174

24 Intervale Road, Mountain Lakes. I bring up this

25 question because you made a comment about disposal.

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1 You said that Whole Foods freezes their trash?

2 THE WITNESS: Refrigerates it.

3 MS. FITZPATRICK: I stand corrected. It's

4 very clear that you don't understand what's going on in

5 Mountain Lakes, in Parsippany with the bears. You

6 propose 72 townhouses. You propose also a Whole Foods

7 and Lord knows what else is going to go there on the

8 other side.

9 THE WITNESS: I don't understand your

10 question.

11 MS. FITZPATRICK: My question is: Where is

12 the planning of protecting our properties from more

13 invasion of bears? Because they live for trash,

14 garbage, dumpsters. When you have a 600-pound bear

15 walking through the Mountain Lakes side of Intervale

16 Road, literally crossing over Intervale Road to my

17 friends and neighbors, Parsippany across the street,

18 and now you're bringing in more of an attraction.

19 THE WITNESS: Well --

20 MS. FITZPATRICK: Nothing like selling a

21 house with a 600-pound bear saying, "Oh, don't worry.

22 The bears are friendly." So please answer the

23 question.

24 THE WITNESS: All I can say is Whole Foods

25 has a whole trash management process. Most of their

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1 trash is kept inside until pickup.

2 MS. FITZPATRICK: And the condominiums?

3 THE WITNESS: Their trash is in the garage

4 just like yours might be until trash day.

5 MS. FITZPATRICK: We have to keep

6 ours mounted. We're not allowed to have bird feeders

7 because of the bears. I am just making everyone aware

8 that this needs to be considered, because no matter

9 what, this is greatly impacting our areas of life in

10 many, many, many, many ways.

11 CHAIRMAN PARIKH: Okay. Thank you. If you

12 may, please stick to the questions. You'll have an

13 opportunity to comment on this project. Just questions

14 only, please.

15 MS. BEIMFOHR: Janice Beimfohr, 5 Yorke

16 Road in Mountain Lakes. You have certain setbacks

17 that allow for only 900 parking spaces instead of

18 1,200, as for the traffic study required. It seems

19 that the property proposes not only traffic but lack of

20 adequate parking. How do you plan on -- you know, why

21 are we not looking at the 1,200 required.

22 THE WITNESS: I'm sorry. This isn't my

23 area.

24 CHAIRMAN PARIKH: This is not the traffic.

25 He's not a traffic engineer.

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1 MS. BEIMFOHR: Then I have another  
 2 question. Is there an actual signed contract with  
 3 Whole Foods?  
 4 THE WITNESS: Is there a what?  
 5 MS. BEIMFOHR: Is there a signed contract  
 6 with Whole Foods?  
 7 THE WITNESS: Yes.  
 8 MS. BEIMFOHR: Then I have one other  
 9 question. You had mentioned that there were several  
 10 historic townhomes that were successful in the area.  
 11 Convent Station was one of those, and Morris Plains was  
 12 the other. Those two successful they're actually on  
 13 the train station. It's a community train track that  
 14 goes directly into the city. That might contribute to  
 15 their success. We're not on train tracks. I  
 16 understand we're not on a bus line, but I wouldn't  
 17 suggest those three-story homes when we have got  
 18 vacancies on Park Place and Mountain Lakes just doesn't  
 19 make any sense, you can't compare the two.  
 20 CHAIRMAN PARIKH: Thank you.  
 21 MR. GOLDSMITH: Good evening. My name is  
 22 Gary Goldsmith. I live at 12 Yorke Road in Mountain  
 23 Lakes. Just one question, and thank you for your  
 24 knowledge and your participation here this evening.  
 25 From your knowledge, and I realize you're not a civil

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1 engineer, do you have a sense for the elevation of the  
 2 parking lots, and up to the space of the Whole Foods  
 3 and those areas, is it a rise in elevation from 46? Is  
 4 it a fairly flat area? Can you give me some sense?  
 5 THE WITNESS: There's a variety of spots  
 6 from Route 46 and Waterview Boulevard up to the front  
 7 of the retail stores.  
 8 MR. GOLDSMITH: Would you have a sense for  
 9 elevation-wise what that might be, 5 feet, 20 feet?  
 10 THE WITNESS: No. The only thing I looked  
 11 at, that I can testify to tonight, is I looked at the  
 12 slope on this new proposed residential road going from  
 13 Waterview Boulevard up to approximately the back of the  
 14 Whole Foods. And that's about a 5 percent slope.  
 15 MR. GOLDSMITH: So do you have some sense  
 16 of how deep it is? So that I could get some sense of a  
 17 5 percent slope might correlate to 10 feet or 20 feet.  
 18 THE WITNESS: I don't have the exact  
 19 dimensions.  
 20 MR. GOLDSMITH: I guess my point is that  
 21 the retaining wall that's been testified to is  
 22 somewhere in the vicinity of 20 to 22 feet off the back  
 23 of the store. Do you know how high the stores are  
 24 proposed to be?  
 25 THE WITNESS: I don't know.

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1 MR. GOLDSMITH: And then the townhomes are  
 2 35 feet above that; is that right?  
 3 THE WITNESS: That's correct.  
 4 MR. GOLDSMITH: So from Route 46 it's  
 5 really going to be 55 feet above the elevation, or a 5  
 6 percent grade from 55 feet above the elevation as you  
 7 come by 46 and look forward?  
 8 THE WITNESS: That's absolutely correct.  
 9 MR. GOLDSMITH: Thank you.  
 10 MS. ASH: My name is Sharron Ash, 17 Maple  
 11 Way in Mountain Lakes. Follow-up to two questions  
 12 earlier. You said that you actually have a signed  
 13 commitment from Whole Foods. I assumed that actually  
 14 it's a contingent commitment from Whole Foods; is that  
 15 correct?  
 16 MR. GAROFALO: Mr. Chairman, if I may.  
 17 We're going way beyond the questioning of this witness.  
 18 And I really would like to try to keep the testimony  
 19 and the questions dealing with what he talked about.  
 20 CHAIRMAN PARIKH: Right. This witness  
 21 would not know about the terms of the lease.  
 22 MS. ASH: Well, it seems to me that a  
 23 witness who's standing there with an aerial plan of the  
 24 Whole Foods on here and who has cited in his testimony  
 25 the differences of Whole Foods, in particular and how

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1 it refrigerates and treats its garbage different, he's  
 2 put that squarely at issue, so I would like an answer.  
 3 MR. GAROFALO: Mr. Chairman, with all due  
 4 respect, that witness has testified to his knowledge.  
 5 And certainly --  
 6 MS. ASH: Exactly.  
 7 CHAIRMAN PARIKH: Excuse me.  
 8 MR. GAROFALO: If and when this application  
 9 gets to the Planning Board the Planning Board can  
 10 entertain and make a requirement such as that. We have  
 11 no problem with those requirements and those conditions  
 12 but we're way, way far away from that.  
 13 CHAIRMAN PARIKH: Right.  
 14 MS. ASH: So I will not get an answer?  
 15 CHAIRMAN PARIKH: No.  
 16 MS. ASH: So the question I have then is:  
 17 What prevents you from going through this plan and  
 18 convincing everyone here who's taken time out because  
 19 they don't want this plan, from convincing everyone  
 20 that Whole Foods would be a great idea, and this entire  
 21 concept would be a great idea, and you've moved the  
 22 driveway to try to appease some people, try to keep  
 23 some people from showing up tonight. Suddenly you get  
 24 your variance. What prevents you from changing this so  
 25 then we lose Whole Foods? Because it is contingent.

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1 Call Whole Foods, it is contingent.  
 2 So all of a sudden it's not Whole Foods,  
 3 let's put in a dollar store, let's put in an Odd Lot,  
 4 let's put in a grocery store that dose not refrigerate  
 5 their waste so we have bears who are munching there on  
 6 a daily basis. What prevents you from putting the  
 7 street back into Intervale because the fire department  
 8 comes in, as one of the Zoning Board members quite  
 9 aptly pointed out, you've got some dead-ends there. I  
 10 live in a cul-de-sac, it's a problem. What prevents  
 11 you from going back and making those changes once  
 12 you've convinced everyone with your concept.  
 13 MR. GAROFALO: Mr. Chairman, with all due  
 14 respect that's not what this witness has talked to, and  
 15 he's not able to answer that question.  
 16 MS. ASH: One more question then. We'll  
 17 try to get one that maybe he can answer. So we have a  
 18 concept that has been changed in a way that is being  
 19 presented tonight as a material change, a positive  
 20 change. I think you've underscored how important this  
 21 change is that the driveway no longer exits out to  
 22 Intervale. How he can stand here and not substantiate  
 23 that that is a firm change that will not be reversed I  
 24 don't know. But are we going to go back and start this  
 25 process again where we could hear from the right

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1 witnesses who can answer the questions that have now  
 2 been raised by this changed plan? (Applause.)  
 3 CHAIRMAN PARIKH: We had a planner here and  
 4 this change we'll hear from the planner. The planner  
 5 is here right now when he comes back to explain some of  
 6 the changes, if he does. Yes, he will?  
 7 MR. GAROFALO: And Mr. Chairman, I can  
 8 represent to the Board and the public that that's the  
 9 plan we're looking to get approved as a part of the  
 10 zone change, and that's the plan. And I'm going to  
 11 tell you right in public, you will see if we ever get a  
 12 zone change, that's the plan.  
 13 CHAIRMAN PARIKH: Okay. Thank you.  
 14 MS. ASH: I would love to have somebody  
 15 that can answer a question and make a firm commitment  
 16 to that plan.  
 17 MR. GAROFALO: I just made one.  
 18 MS. ASH: He's actually a lawyer, right?  
 19 He's not testifying. (Applause.)  
 20 MS. HURLEY: My name is Kim Hurley. I live  
 21 on 20 Maple Way, Mountain Lakes. And I grew up in  
 22 Parsippany for about the first 35 years on South  
 23 Beverwyck Road, so I've seen a lot of changes, most of  
 24 them negative, unfortunately.  
 25 My questions are regarding the whole

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1 overlay process. I'm not quite sure I understand at  
 2 what point these decisions, these variances get asked  
 3 for. Maybe it's a question for the planner. Is -- if  
 4 this is a committed-to plan but there's so many  
 5 questions as far as setbacks and heights and grades at  
 6 what point do those decisions actually get committed  
 7 to?  
 8 THE WITNESS: Well, I'll let some other  
 9 people, maybe our attorney speak to this, but what  
 10 we're asking for this body here, the Planning Board, is  
 11 to make a recommendation to the governing body to adopt  
 12 an overlay zone which would have certain language in it  
 13 that would have specific setbacks, specific building  
 14 heights, specific densities, specific requirements. It  
 15 would be a zone plan just like any other zone in the  
 16 town, but it's done as an overlay over this site. And  
 17 it is a full conforming zone plan at that point.  
 18 MS. HURLEY: And it would apply to just  
 19 strictly this 48- or 26-acre site?  
 20 THE WITNESS: I think the Board Planner  
 21 answered that earlier.  
 22 CHAIRMAN PARIKH: Yes. Then you'd better  
 23 let him answer that. You just say you're not a planner  
 24 and then you start extending everything, I was  
 25 surprised. Maybe you should answer the questions.

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1 MR. SNIECKUS: Just to supplement that,  
 2 with regard to the overlay provisions, what's being  
 3 discussed is how that's actually identified in the  
 4 regulation itself. For instance, there's two ways to  
 5 do it: An overlay ordinance can act like a conditional  
 6 use in a zone, wherein you require certain conditions  
 7 to be met, such as what I mentioned before the Route 46  
 8 frontage, or the overlay zone could just apply to one  
 9 area. And that's something that still has to be  
 10 defined. That will be defined. That process or that  
 11 trigger mechanism will really be defined if, in fact,  
 12 this becomes a recommendation.  
 13 MR. GAROFALO: Excuse me. I'm sorry, might  
 14 I just add to that, though? What the applicant's been  
 15 trying to do is propose an ordinance that addresses the  
 16 property so that the only development that can be made  
 17 at the property is this plan as you see before you.  
 18 And that's what the applicant's goal has been  
 19 throughout this entire hearing. So if this matter is  
 20 ever approved we'll hopefully come up with an ordinance  
 21 that the only thing that could be done to develop that  
 22 entire property is what you see up there, and it will  
 23 be a conditional zone change, or ordinance, whatever  
 24 you want to call it, but that's our goal.  
 25 CHAIRMAN PARIKH: And then once you get the

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1 approval, if you get the approval, then you'll come  
 2 back with the site plan with details of --  
 3 MR. GAROFALO: It has to comply with the  
 4 ordinance that complies with that plan.  
 5 CHAIRMAN PARIKH: Right, to the Planning  
 6 Board.  
 7 MR. GAROFALO: Yes.  
 8 MS. HURLEY: Okay. So if that is approved  
 9 --  
 10 BOARD MEMBER PURZYCKI: Not this 20 acres.  
 11 MS. HURLEY: What would then stop some of  
 12 these other surrounding office buildings from coming  
 13 back with the same proposal from tearing down --  
 14 CHAIRMAN PARIKH: Let's stick to the  
 15 questions for this witness now, otherwise -- if you  
 16 have a question for this particular witness from what  
 17 you heard ask the question to him. Thank you.  
 18 MS. HURLEY: All right. Well, then I'll  
 19 shift gears. Aren't there four bedrooms also  
 20 available?  
 21 THE WITNESS: Four bedrooms?  
 22 MS. HURLEY: Four bedroom units?  
 23 THE WITNESS: They will be three or four  
 24 bedrooms -- three, I'm sorry. Three bedrooms.  
 25 MS. HURLEY: You're the architect?

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1 THE WITNESS: Three bedrooms. As I stated  
 2 earlier, three bedrooms.  
 3 MS. HURLEY: Because I think I saw drawings  
 4 earlier that there was an option of four bedrooms.  
 5 That deck, you can bump it back.  
 6 THE WITNESS: Three bedrooms.  
 7 CHAIRMAN PARIKH: Thank you.  
 8 MS. VYFF: Hi. I'm Marnie Vyff. I live at  
 9 10 Vale Drive in Mountain Lakes. I have a little bit  
 10 of an issue with the quality of the housing. You  
 11 mention that the units would go for \$450,000 to  
 12 \$500,000 each?  
 13 THE WITNESS: That's right.  
 14 MS. VYFF: I lived in a house not unlike  
 15 that on Forest Drive and that's what my house is worth,  
 16 and, God, I'd so much rather have my house than one of  
 17 these units. The ones right by the grocery store and  
 18 the Target or whatever is going to be there look over  
 19 the roof because it's, like, 50 feet higher or the back  
 20 sides of the department store, and, you know, it's,  
 21 like --  
 22 CHAIRMAN PARIKH: What is your question,  
 23 please? Ask the question. Thank you.  
 24 MS. VYFF: My question is: Is \$450,000 to  
 25 \$500,000 really the target amount that you're going to

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1 sell these things for?  
 2 THE WITNESS: It is.  
 3 MS. VYFF: Because also like Park Place  
 4 hasn't been selling.  
 5 THE WITNESS: Park place was priced at over  
 6 a million dollars, originally. That's true.  
 7 MS. VYFF: Originally, but it hasn't been  
 8 selling for less than that either. So it just  
 9 really -- it's hitting me like a brick wall that these  
 10 buildings, that the housing and the retail just really  
 11 aren't needed in this area. We have got empty  
 12 stores --  
 13 CHAIRMAN PARIKH: Do you have a question?  
 14 Please ask questions. Thank you.  
 15 MS. VYFF: Don't you agree?  
 16 MS. Du TERTRE: Nancy Du Tertre, 41 Lake  
 17 Drive, Mountain Lakes. I guess my first question is:  
 18 All of this property zoned POD, or proposed office  
 19 development, and the upper parts of it have already  
 20 been developed, some sections have not; is that  
 21 correct?  
 22 THE WITNESS: Yes.  
 23 MS. Du TERTRE: To your knowledge, are  
 24 there any other POD parcels of property in all of  
 25 Parsippany? I have not found any.

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1 THE WITNESS: I don't believe there are.  
 2 MS. Du TERTRE: So this is the last one,  
 3 correct?  
 4 THE WITNESS: I believe so.  
 5 MS. Du TERTRE: Okay. Now, I moved to  
 6 Mountain Lakes which is full of multi-million dollar  
 7 homes because it's highly exclusive. It has five very  
 8 exclusive entrances. Three of them have stone pillars.  
 9 This is one of them. All of them are heavily wooded.  
 10 What have you done to make sure that this entranceway  
 11 because of what you're developing on one-half of it is  
 12 going to conform to all of the other entranceways to  
 13 this very exclusive town, which I would not have moved  
 14 to if it looked like a strip mall?  
 15 THE WITNESS: I'm not sure I understand  
 16 your question.  
 17 MS. Du TERTRE: What have you done to make  
 18 this entrance, your half of this entrance, which seems  
 19 to have some very minimal tree buffering coming into  
 20 little bits of nothing necessary on one side, what have  
 21 you done to make it conform to all of the other  
 22 entrances to Mountain Lakes?  
 23 And I'll tell you why, because in the  
 24 master plan it says that, "You must ensure development  
 25 within the township does not conflict with the

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1 development and general welfare of adjacent  
 2 municipalities."

3 Well, we happen to be in Mountain Lakes and  
 4 adjacent municipalities, so that's why I'm asking you  
 5 the question.

6 MR. GAROFALO: Chairman, if I may. I  
 7 believe the witness has testified to what the plan  
 8 proposes. I believe he said time and time again it's a  
 9 conceptual plan. I believe he said --

10 MR. CRESITELLO: This is a conceptual plan.

11 MS. Du TERTRE: Well --

12 MR. GAROFALO: I didn't interrupt anybody.  
 13 And we have also testified this is a conceptual plan.  
 14 And if it ever gets approved and we come to the  
 15 Planning Board there are site plan details that have to  
 16 be discussed and determined. And we're just -- we need  
 17 to address this gentleman's presentation and not get  
 18 into issues that we're not going to ever get to if we  
 19 don't get by this meeting.

20 CHAIRMAN PARIKH: Okay.

21 MS. Du TERTRE: Did you ever consider a  
 22 fully residential project, not a mixed?

23 THE WITNESS: No, that's not mine to answer  
 24 it. I'm not the developer.

25 MS. Du TERTRE: Have you -- in making these

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1 gabled townhouses, 72 units that are seven per square,  
 2 or per square acre, which doesn't apparently conform  
 3 with anything, has that been done with consideration to  
 4 the surrounding areas of the single-family houses?

5 THE WITNESS: Yes.

6 MS Du TERTRE: So that to you looks like  
 7 the rest of Parsippany up above there, and also  
 8 Mountain Lakes?

9 THE WITNESS: That's correct.

10 MS. Du TERTRE: Where else have you seen  
 11 that?

12 THE WITNESS: There are communities  
 13 throughout New Jersey: Morris plains --

14 MS. Du TERTRE: I'm not talking about  
 15 communities, I'm talking about Parsippany up there  
 16 north of your proposed project, and also Mountain Lakes  
 17 to the west. Because to the east of it you just have  
 18 corporate parks, which by the way has been the only  
 19 recent development in any of this Mountain Lakes Route  
 20 46 area. It has been corporate parks, not this kind of  
 21 stuff.

22 THE WITNESS: I'm not sure I understand  
 23 your question.

24 MS. Du TERTRE: Which part didn't you  
 25 understand?

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1 THE WITNESS: Where have I seen this in  
 2 Parsippany?

3 MS. Du TERTRE: Where have you seen a  
 4 similar type of housing development with that type of  
 5 density and that style anywhere else within the --  
 6 within this part of Parsippany that you have on your  
 7 map up above, or any of that vicinity, or to the west  
 8 where Mountain Lakes is located?

9 THE WITNESS: Again, we wouldn't be asking  
 10 for a zone change if it existed in that particular  
 11 zone.

12 MS. Du TERTRE: Okay. So this doesn't --  
 13 what you're proposing architecturally doesn't look like  
 14 anything that you've seen anywhere in the surrounding  
 15 neighborhoods; is that correct?

16 THE WITNESS: It has a residential scale to  
 17 it just like the homes that exist in the community.

18 MS. Du TERTRE: Now, you're saying that  
 19 you're proposing that the townhouses would sell at  
 20 roughly half a million dollars. And you said that you  
 21 think that in your words "young professional empty  
 22 nesters and divorcées will live there."

23 THE WITNESS: Yes.

24 MS. Du TERTRE: Okay. I think some of that  
 25 has already been addressed. Are you aware of an

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1 American Planning Association document which basically  
 2 says that, "You need lots of trees in order to attract  
 3 affluent retirees and the new economy of knowledge  
 4 workers, which are people who like to be near nature."  
 5 Now, if you put a 22-foot retaining wall,  
 6 which you have to get a variance for anyway, in between  
 7 your commercial area and you have all of those  
 8 apartments sitting on top of it do you think that these  
 9 types of affluent retirees and knowledge workers are  
 10 going to be attracted to that kind of neighborhood?

11 THE WITNESS: I do.

12 MS. Du TERTRE: You do. Okay. Thank you.

13 MS. CHOFFO: Nancy Choffo, 5 Glenbrook  
 14 Drive. This is my fourth meeting that I've attended.  
 15 These developers do not work for me, but you do. You  
 16 asked me to ask you a question. My question is: When  
 17 are you going to let the people of Parsippany have  
 18 their comment session, and not question the developers  
 19 but ask you to stop this?

20 CHAIRMAN PARIKH: At the end of the  
 21 testimony.

22 MR. CHOFFO: We have not had --

23 CHAIRMAN PARIKH: At the end of all the  
 24 testimony. That's the answer.

25 MR. CHOFFO: Four meetings and there's



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1 never been the end of testimony here. When is the date  
2 that we're going to be able to talk other than using a  
3 patch?  
4 MR. CRESITELLO: At the end of the  
5 testimony. At the end of the testimony, Ma'am.  
6 MS. CHOFFO: We're the taxpayers. We want  
7 our turn to make our comment and you need to make the  
8 time for us.  
9 MR. CRESITELLO: You will have the time at  
10 the end of the meeting.  
11 MS. BATTY: Sandy Batty, B-a-t-t-y, 15  
12 Lockley Court in Mountain Lakes. I have a question on  
13 the buffer on Intervale where you say it's 50 feet. I  
14 can't make out, is that 15-foot allowance from that  
15 also there on that -- at that 50 foot, so it's really  
16 35 feet?  
17 THE WITNESS: No, no. It will be a 50-foot  
18 setback.  
19 MS. BATTY: So, you mean the townhouse will  
20 have no development past it, there will be no yard,  
21 there will be no -- there will be no grading?  
22 THE WITNESS: No, all the townhomes have  
23 use of that property. It's not like there's going to  
24 be no use of the property. They will have full use of  
25 the property to the property line, it's just we're not

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1 going to clear beyond what we need to clear to build  
2 the townhomes.  
3 MS. BATTY: But to build the townhome you  
4 said you'd clear 15 feet?  
5 THE WITNESS: Ten to 15 feet.  
6 MS. BATTY: And that would be -- would  
7 there be grading as well?  
8 MR. GAROFALO: There will be grading and  
9 new landscaping.  
10 MS. BATTY: But you won't put landscaping  
11 up against the townhouses, would you?  
12 THE WITNESS: Foundation planting, but  
13 further back in that cleared area toward the existing  
14 tree line we would do additional planting.  
15 MS. BATTY: So the townhouses will have no  
16 lawns?  
17 THE WITNESS: Typically, they have very  
18 little lawn just around the very edge of the house,  
19 just so the people can move freely around the back of  
20 the house.  
21 MS. BATTY: So the closest place that you  
22 saw, you indicated, which is 50 feet that will be cut  
23 into by about 10 feet for the construction?  
24 THE WITNESS: Not for the building  
25 construction, no.

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1 MS. BATTY: No? Okay. And you said  
2 there's -- the retaining wall behind the retail, does  
3 that retaining wall curve around to Intervale to the  
4 western side?  
5 THE WITNESS: It does to a degree. And I  
6 believe, you know, again, it's not fully designed, but  
7 I think we're showing it curving around this point.  
8 MS. BATTY: Because that's a very, very  
9 steep slope right there, Intervale. And I would think  
10 they'll be cutting for the parking lot. And I guess  
11 where they're cutting do you anticipate that trees will  
12 have to be taken down? Because the roots can't survive  
13 with that kind of retaining wall cut into them.  
14 THE WITNESS: Well, there is -- even this  
15 drawing shows a cleared area behind the retaining wall  
16 for grading purposes.  
17 MS. BATTY: Okay. And is that greater than  
18 50 feet at that point for the buffer?  
19 THE WITNESS: The buffer is still -- the  
20 setback, the building setback is still 50 feet.  
21 MS. BATTY: No, now I'm down further on the  
22 parking lot area of the retail establishment and  
23 buffering along Intervale, right there. Is that 50  
24 feet?  
25 THE WITNESS: It's 50 feet for the parking

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1 lot.  
2 MS. BATTY: Okay. But there will be a  
3 retaining wall against that and probably trees, I would  
4 assume, can't live against a retaining wall.  
5 All right. The only other question I have,  
6 you mentioned that this is a mixed-use development, and  
7 that the planning commission for one has encouraged  
8 mixed use, but then you also mention that you  
9 anticipate this to be subdivided, probably the  
10 townhouse.  
11 So, my question is: Why is this -- why  
12 this mixed use and not two principal uses for one  
13 property?  
14 THE WITNESS: Well, again, it has something  
15 to do with form of ownership. The townhomes will be  
16 owned by individuals that are part of the condominium  
17 association. And for purchase purposes there would be  
18 a defining property line. The shopping center will be  
19 owned by a separate owner, and will have its own lot.  
20 MS. BATTY: But then why are you calling it  
21 mixed use?  
22 THE WITNESS: Because it truly is a  
23 mixed-use project. In other words, there's pedestrian  
24 connection between residential and the retail uses, and  
25 it's meant to decrease additional traffic on the



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1 external roadways.

2 MS. BATTY: Thank you.

3 MS. ASH: Sharron Ash.

4 MR. CRESITELLO: Since you've already had

5 an opportunity if you can let the people behind you --

6 (Audience shouts.) She can come back.

7 MS. ASH: I think I'm good.

8 MR. CRESITELLO: We want to hear from

9 everybody else first. You're welcome to come back a

10 second time, but let's hear from everyone else who

11 hasn't had a chance.

12 MR. KOEBER: Garrett Koeber, I live at 109

13 Intervale Road. My question is kind of going all --

14 well, on the northwest corner you have the 50 foot to

15 Intervale Road. And my question is: Is there a

16 topographical map of this development, or is this the

17 only view that you have?

18 THE WITNESS: Again, this is not my area of

19 expertise, this is the civil engineers. But at prior

20 hearings they showed cross sections through the entire

21 property.

22 MR. KOEBER: The reason why I ask is: If

23 you had elevation differences I heard earlier that

24 they're going to be sunken so that the people from

25 Forest Drive wouldn't see the tops and would see the

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1 middle of the houses up. If they're going to be sunken

2 in and the elevation is at such that you're going to

3 have to dig that out, the trees and the surrounding

4 area, has there been any study on impact of what that

5 would have to the roofs?

6 THE WITNESS: Well, again, to be able to --

7 where we're talking about dropping the townhouse grade,

8 we will be clearing around that area where we're doing

9 grading and dropping, but I think the cross section

10 showed new buffer planting in that area.

11 MR. KOEBER: But it wouldn't affect the

12 existing, the lighter green --

13 THE WITNESS: No, we have already accounted

14 for that.

15 MR. KOEBER: Okay. So then my other

16 question I have is: Is there any access -- how would

17 kids that potentially could live in that development

18 how would they access the Intervale School? And would

19 there be any pathway that God forbid they should walk

20 or ride a bike, how would they get to school?

21 THE WITNESS: We haven't looked into that,

22 but it would be served by school bus.

23 MR. KOEBER: Other question that I have is:

24 Is there any traffic studies -- and you may not be able

25 to answer this. Compared to other developments that

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1 you've mentioned before, such as Whole Foods, has there

2 been any traffic studies that have increased to these

3 particular areas?

4 THE WITNESS: Signs for traffic?

5 MR. KOEBER: Right. So today there has to

6 be a baseline for the amount of traffic that's going

7 down Intervale and Waterview Boulevard --

8 MR. CRESITELLO: He's not an expert.

9 CHAIRMAN PARIKH: He's not the traffic

10 expert.

11 MR. KOEBER: Then my other question that I

12 have, last question, has there been any study to the

13 potential impact to the animals that currently reside

14 in that area?

15 MR. CRESITELLO: That's not his testimony.

16 MS. JOELSON: Hi. My question was just

17 raised. Joelson, 6 Scarborough Road, Mountain Lakes.

18 I was also concerned about the children and the

19 divorcées that were going to have the children running

20 around. I was wondering how the school bus will go in

21 and out.

22 And I think the further question could then

23 be, does that really necessitate another entry and

24 exit-way? Because to have the school bus passing

25 through all the retail area, is that an issue of

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1 anybody?

2 THE WITNESS: Typically, in a townhome

3 community like this a bus stop will be established in

4 an area like this where a bus would come in and pick up

5 and turn around and come out. It wouldn't go in front

6 of each home.

7 MS. JOELSON: Has anyone studied whether

8 parents would feel comfortable with their kids standing

9 in a bus stop in a retail area where --

10 THE WITNESS: It's in a residential

11 community.

12 MS. JOELSON: But it's not a residential

13 community that's backed right up to a shopping. They'd

14 be basically standing --

15 MR. GAROFALO: He answered the question.

16 MR. CRESITELLO: He didn't answer the

17 question. The question was: Did anybody do a study?

18 Just answer the question.

19 THE WITNESS: No, nobody did a study.

20 MR. CRESITELLO: Thank you.

21 MR. LEMMO: David Lemmo, 5 Pickwick Lane,

22 Mountain Lakes. The first thing I'd like to address is

23 habitat fragmentation. The area which you are looking

24 to develop has been wooded for many years now. It is a

25 robust woodland habitat, which in this area is becoming

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1 increasingly rare. Deer are now invading our  
 2 residential communities. We have bear in our backyard,  
 3 never used to be, because we don't have enough  
 4 woodland.

5 How are you going to address the issue of  
 6 woodland habitat fragmentation?

7 MR. GAROFALO: That's not within this  
 8 witnesses' testimony by any means.

9 MR. LEMMO: Next thing: The issue of  
 10 parking. How are you going to address the issues of  
 11 parking?

12 You're creating a large parking lot in the  
 13 shopping center, however, that produces lighting  
 14 issues. If these are to be open outside of lit -- of  
 15 natural lighting hours how are you going to address the  
 16 issues of light pollution?

17 THE WITNESS: Well, I believe the civil  
 18 engineer testified to that at a prior hearing that the  
 19 light standards are going to be shielded, so the light  
 20 only goes to this property.

21 MR. LEMMO: Also, how will this project  
 22 enhance the surrounding area? It looks to me like it's  
 23 being detrimental to the wooded surroundings of the  
 24 area.

25 THE WITNESS: I think that's your opinion.

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1 MR. LEMMO: I happen to live in an area not  
 2 far from the viewshed of this project. So how will my  
 3 view and my parents' view looking out our windows  
 4 towards that direction affect us?

5 THE WITNESS: I feel the view of this  
 6 property from the outside surrounding areas and  
 7 surrounding properties is minimal. It's well buffered  
 8 and well protected.

9 MR. LEMMO: This is wintertime, so there's  
 10 no leaves on the trees. Because of what they call  
 11 deciduous forest we lose the leaves in the winter.  
 12 Light pollution from this project will get -- will  
 13 become more apparent in the wintertime. How will that  
 14 be mitigated to provide -- to prevent --

15 MR. GAROFALO: He's answered the question.

16 MR. CRESITELLO: First off, I think you're  
 17 testifying. Second of all, the question, if there is  
 18 one there, is beyond what he's testified to. He's not  
 19 the engineer, he's not the professional planner for the  
 20 project.

21 MR. CRAWFORD: Good evening. Bob Crawford,  
 22 35 Hidden Glen Drive, Parsippany. Before I ask my  
 23 question I did want to suggest that perhaps the members  
 24 charged might want to reach out to the school district  
 25 to discuss the busing. Courtesy Busing left Parsippany

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1 a number of years ago. So if indeed this development  
 2 is not a sufficient distance away from the schools then  
 3 there will be no busing. So you may want to check that  
 4 out.

5 With regard to my question, again, I'm just  
 6 going to use the word that you used to keep this thing  
 7 in line in hopes of getting an answer. It appears to  
 8 me that the whole premise around this project, at least  
 9 with regard to the residential structures, is that you  
 10 will be able to sell the townhouses and populate the  
 11 area. It feels like to me, though, the philosophy that  
 12 you guys have adopted is "Build it and they will come."  
 13 And that seems to be based on under the premise that  
 14 you will attract affluent retirees and knowledge  
 15 workers, and divorcées, but I'd rather just stick with  
 16 the affluent retirees and knowledge workers, because if  
 17 I start to talk about divorcées it well get me in  
 18 trouble. (Laughter.)

19 Anyway, with regard to the affluent  
 20 retirees, and you're saying you will have plenty of who  
 21 can afford \$450,000 to \$500,000. For someone who's  
 22 close to retirement will tell you, after this recent  
 23 economic downfall --

24 CHAIRMAN PARIKH: Mr. Crawford, do you have  
 25 a question? You're commenting.

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1 MR. CRAWFORD: Here's my question. I'm  
 2 trying to set it up.

3 CHAIRMAN PARIKH: Please.

4 MR. CRAWFORD: You made reference to  
 5 affluent retirees and knowledge workers as being the  
 6 prime targets for this development. Based on what  
 7 studies, based on what facts, have you drawn those  
 8 conclusions? Surely you must have research done that  
 9 indeed that population would rather come here than  
 10 Hoboken or Jersey City.

11 THE WITNESS: Okay. When I was  
 12 commissioned to work on this project I was told by the  
 13 developer of market studies that they had undertaken  
 14 that validated this market, and he studied other  
 15 lifetime projects in this region that are successfully  
 16 selling. I mentioned some of them tonight that have  
 17 sold.

18 MR. CRAWFORD: Can you give us the name of  
 19 the site?

20 THE WITNESS: I don't have it.

21 MR. CRAWFORD: You don't have, but you can  
 22 get it?

23 THE WITNESS: I could.

24 MR. CRAWFORD: Did you look into it  
 25 yourself, or did you just take the word of the

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1 developer?

2 THE WITNESS: I took the word of developer,

3 and I worked on several communities in this area and I

4 have a similar knowledge.

5 MR. CRAWFORD: So, again, the question with

6 regards to the affluent retirees that exist, and

7 they're out there and --

8 THE WITNESS: They're currently buying in

9 this region right now.

10 MR. CRAWFORD: I see. And with regard to

11 the knowledge workers -- the assumption, though, is

12 that the knowledge workers will not be having children,

13 even though they're probably in the 25- to 30-year

14 range; is that your assumption?

15 THE WITNESS: It's not saying that they

16 wouldn't have children, but by the time they have

17 children that are school age they generally make

18 another decision for there living conditions.

19 MR. CRAWFORD: So you will be able to

20 recoup your investment for a \$450,000 to a \$500,000 for

21 a single-dwelling house for approximately the same

22 thing?

23 THE WITNESS: I believe that's true.

24 MR. CRAWFORD: Okay. Thank you.

25 CHAIRMAN PARIKH: State your name again for

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1 the record.

2 MS. ASH: Is there somebody behind me?

3 CHAIRMAN PARIKH: He already talked. Go

4 ahead.

5 MS. ASH: Sharron Ash, 17 Maple Way,

6 Mountain Lakes. You just mentioned that when you were

7 first commissioned you did certain studies and so on,

8 the developer did, and you interpreted those to

9 facilitate the development of this concept.

10 Was part of that information that you

11 considered the current statistics of the already

12 existing vacancies of retail space? You talked earlier

13 about housing. So I'm talking about the retail space

14 that's already vacant in Parsippany, which undermines

15 really what's a great community. And I think people

16 that live in this area like the way Parsippany looks

17 and they'd like to see it revitalized. (Applause.)

18 THE WITNESS: I wasn't involved in the

19 development of the retail plan, but there is -- we do

20 have a signed lease.

21 MS. ASH: You have a contingent lease with

22 Whole Foods, because you can't have anything more than

23 that since this plan has not been approved.

24 MR. CRESITELLO: That wasn't his answer.

25 MS. ASH: And like any other, this could

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1 become not Whole Foods but something else. So, on that

2 basis I'd like to know if there has been presentation

3 of evidence already that takes into account the fact

4 that Parsippany already has one-third vacancy of its

5 commercial office space, and that the commercial use

6 space hovers around that same level? And that

7 information came from the Secretary of the Board.

8 MR. GAROFALO: That testimony was presented

9 by Mr. McDonough, I believe, at the first hearing.

10 MR. CRESITELLO: Correct.

11 MS. ASH: And what was the effect of it,

12 this is still a good idea this meets the burden?

13 MR. CRESITELLO: Listen, this is your time

14 to question this witness. This witness didn't testify

15 to that, a prior witness did.

16 MS. ASH: Okay. And I hope we go back and

17 re-read you this, given the changes in this plan.

18 One more question for you. We have heard

19 now "This is --" "You've got a lease." We've heard,

20 "This is concept so we don't have definite numbers."

21 We've heard, this is from the lawyer, "This is the plan

22 that's going to be built." What I didn't get was an

23 answer to my question: What prevents you from

24 reinstating the things that you have changed to get

25 it passed this point, re-instituting specifically the

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1 setbacks and going back to a lower setback,

2 re-instituting the driveway? We didn't get an answer

3 to that. So it's a process question for you.

4 MR. CRESITELLO: If the developer was to do

5 that at the time of site plan they would be presenting

6 that site plan with the old or original setbacks to

7 this very Board who they stood here and made a

8 representation to that they will not do that. So this

9 Board would see that plan. There's going to be a whole

10 other round of hearings. Exactly what we're

11 experiencing now is going to happen again all over from

12 new if and when the ordinance is adopted and they are

13 able to file a site plan. That's what -- this is just

14 a concept plan.

15 MS. ASH: I understand. And this is a

16 critically important stage.

17 MR. CRESITELLO: It is, absolutely, because

18 it will result ultimately in either an ordinance being

19 adopted or not. But nevertheless there will still be

20 another whole process whereby the formal site plan

21 application takes place with the specific testimony

22 that I think everybody out there is looking for.

23 That's not going to happen with that specificity in

24 this process. It's just not required by the law, it's

25 not part of the process.

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1 MR. GAROFALO: And if the ordinance ever  
 2 gets adopted that comports with this plan if we want to  
 3 change it we have to go for variances, which this Board  
 4 will not give us because they know where we're coming  
 5 from.  
 6 MS. ASH: Does -- as part of this process  
 7 do we as the public opposed to this have the  
 8 opportunity to present our own witnesses?  
 9 MR. CRESITELLO: No.  
 10 CHAIRMAN PARIKH: No.  
 11 MS. ASH: So we can only question their  
 12 biased witnesses?  
 13 MR. CRESITELLO: You can hire your own  
 14 experts, sure, you can.  
 15 MS. ASH: We could? And we could present  
 16 our own testimony to this panel to understand what the  
 17 public is feeling?  
 18 MR. CRESITELLO: Yes.  
 19 MS. ASH: When do we have the opportunity  
 20 to do that, at the conclusion of their case?  
 21 MR. CRESITELLO: At the conclusion of their  
 22 case.  
 23 MS. ASH: Do you have any idea when that  
 24 might occur?  
 25 MR. CRESITELLO: I don't know how many more

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1 witnesses they have to present.  
 2 MR. GAROFALO: All we do -- we need to  
 3 consider what's been raised at this hearing and whether  
 4 and in what fashion we want to address it. So I don't  
 5 think we've got too much longer to go in this  
 6 application.  
 7 MR. CRESITELLO: So in all likelihood they  
 8 would be done with their presentation at the next  
 9 meeting or tonight.  
 10 MS. ASH: I'm speaking for somebody who  
 11 couldn't be here tonight who has an intention to do  
 12 that. Is there a formal process that we have to put  
 13 you on notice that we intend to do that?  
 14 MR. CRESITELLO: There is not, but I will  
 15 remind you that this application has been pending for a  
 16 long time. So to the extent that you haven't done that  
 17 I don't know that it will be judged to be a reasonable  
 18 request, an adjournment request, a continued request  
 19 that you retain those professionals or those experts.  
 20 MS. ASH: Has the opportunity been  
 21 presented to the public before?  
 22 MR. CRESITELLO: What opportunity?  
 23 MS. ASH: To present evidence up to this  
 24 point?  
 25 MR. CRESITELLO: It's part of the law. We

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1 don't have to tell -- I mean, I don't know what you  
 2 mean by that.  
 3 MS. ASH: You're basically asserting that  
 4 the public sat on their rights by not presenting  
 5 evidence up to this point.  
 6 MR. CRESITELLO: That's not what I'm  
 7 saying.  
 8 MS. ASH: I misheard you then.  
 9 MR. CRESITELLO: Okay. What's your next  
 10 question for this witness?  
 11 MS. ASH: Actually, I guess my next  
 12 question was for you.  
 13 MR. CRESITELLO: Do you have any further  
 14 questions for this witness?  
 15 MS. ASH: Would you clarify that as to  
 16 whether we have to put in a written request?  
 17 MR. CRESITELLO: You do not.  
 18 MS. ASH: Okay. That's it. Thank you.  
 19 MR. GOLDSMITH: I'll make this very short  
 20 and sweet. Gary Goldsmith, 12 Yorke Road in Mountain  
 21 Lakes. I want to thank the Board for their patience  
 22 this evening. And this gentleman who, I'm sorry, I  
 23 don't know your name, but I've been in the position  
 24 that you are in this evening and it's not always a fun  
 25 position to be in. So I think that everybody

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1 recognizes that you have a job to do here, and thank  
 2 you for your testimony.  
 3 I have one question that was raised by some  
 4 other folks back there. The only way out of the retail  
 5 space is by Waterview Road, is that --  
 6 THE WITNESS: That's correct.  
 7 MR. GOLDSMITH: So between Intervale and  
 8 Waterview there's no other exit?  
 9 THE WITNESS: That's correct.  
 10 MR. GOLDSMITH: But you said there is a  
 11 slip line to get into the parking lot?  
 12 THE WITNESS: Yeah, right here off of Route  
 13 46 there's a right-hand only.  
 14 MR. GOLDSMITH: So if you're coming west  
 15 you can go in, you can go in, but the only way out is  
 16 to come down Waterview to a traffic light? And then if  
 17 you want to go right -- at that traffic light at  
 18 Waterview, yeah, you can go left there now, can't you?  
 19 You can go left. Is there any plans for upgrading that  
 20 in this phase at all, that intersection at all?  
 21 THE WITNESS: That's not my testimony.  
 22 MR. GOLDSMITH: I think you answered my  
 23 question then. So the only way out is off Waterview.  
 24 Thank you very much. I appreciate your patience.  
 25 THE WITNESS: Thank you.

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1 MS. PARSONS: Anne Parsons, 81 Intervale  
 2 Road. I heard a lot of questions be asked by my  
 3 neighbors and the attorneys stating that that's not the  
 4 testimony of this gentleman. Is there an opportunity  
 5 before the final decision is made to move on for all of  
 6 the appropriate testimony people to be in the same room  
 7 together so the same question may be asked again but  
 8 everyone gets a clear understanding? Because we don't  
 9 have it.

10 MR. CRESTIBELLO: No. To the extent that  
 11 certain witnesses that have already testified will not  
 12 be re-called to provide additional testimony. The  
 13 opportunity to cross-examine those witnesses has  
 14 passed.

15 CHAIRMAN PARIKH: Thank you.

16 MR. HOMYAK: My name is Nick Homyak, 26  
 17 Oneida. Two questions: If not now, later, do you have  
 18 or can you have in your possession an environmental  
 19 impact study on the property? (Applause.)

20 The second question is: You said your plan  
 21 would meet the smart development of the state of New  
 22 Jersey. I don't think so. And I'd like to see a  
 23 background point-to-point, some scrutiny between the  
 24 State's smart plan and that plan. And I guarantee you  
 25 someone from the state or this Council would knock this

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1 down step-by-step, because it has nothing to do with  
 2 smart development. It's sprawl helter-skelter based on  
 3 the divorcées are coming to Parsippany. (Applause.)

4 CHAIRMAN PARIKH: Do you have a question,  
 5 sir? Thank you.

6 MR. HARDENBURG: Curtis Hardenburg, 85  
 7 Redgate Road, Boonton. It's actually in Parsippany.  
 8 You were discussing the path of the pedestrian to go  
 9 shopping. If you live in the back of this place would  
 10 you really, carrying packages, walk all the way down to  
 11 the shopping place?

12 THE WITNESS: I think so, yes.

13 MR. HARDENBURG: Five packages you're going  
 14 to walk all the way down?

15 THE WITNESS: I might not shop for two  
 16 weeks.

17 MR. HARDENBURG: Maybe for a gallon of  
 18 milk, so it's really not affecting traffic as you  
 19 speak.

20 THE WITNESS: And there's other retailers  
 21 that sell other goods and other services there, so  
 22 there's other reasons to go.

23 MR. HARDENBURG: So you're saying that  
 24 shouldn't affect traffic that much, right?

25 THE WITNESS: It will have a slight

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1 dampening effect on traffic.

2 MR. HARDENBURG: And they sent you here to  
 3 discuss --

4 MR. GAROFALO: Mr. Chairman, excuse me,  
 5 he's answered the question several times now. It's  
 6 getting --

7 MR. HARDENBURG: I get my turn, come on.  
 8 Give me a break.

9 MR. GAROFALO: He's asking the same  
 10 question.

11 MR. HARDENBURG: Nobody asked about the  
 12 path. What are you talking about? Okay.

13 Did anybody ask about the path yet?  
 14 (The Audience responds "No.")

15 MR. HARDENBURG: Okay. Thank you. And now  
 16 you move the road and I see the road comes down onto  
 17 Waterview. Have you looked at that area yourself  
 18 personally, like stood in that area where that entrance  
 19 is at all?

20 THE WITNESS: At the entrance of Waterview  
 21 Boulevard to the residential?

22 MR. HARDENBURG: Yes.

23 THE WITNESS: I've been in that area, yes.

24 MR. HARDENBURG: Did you notice that it's  
 25 practically up hill for traffic? I ride my bike there

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1 every day, I know. I almost got killed on my bike five  
 2 times exactly where you're talking about.

3 THE WITNESS: If you're asking me to  
 4 comment on the traffic that's not my area.

5 MR. HARDENBURG: But you're commenting on  
 6 the traffic on the path and you're telling us they  
 7 moved the road but you can't discuss traffic, it  
 8 doesn't make sense. Why would they send you? If you  
 9 move the road --

10 CHAIRMAN PARIKH: He just told you he  
 11 cannot answer your question.

12 MR. HARDENBURG: If they move the road  
 13 wouldn't you send a witness to talk about the road?  
 14 Okay. So can we request that? Can we get a witness at  
 15 the next meeting to talk about the movement of the  
 16 road? (Applause.)

17 CHAIRMAN PARIKH: Do you have a question  
 18 for the witness?

19 MR. HARDENBURG: I have a question for you  
 20 and him.

21 CHAIRMAN PARIKH: Ask a question for this  
 22 witness.

23 MR. HARDENBURG: Do you have someone to  
 24 discuss the traffic at the next meeting?

25 CHAIRMAN PARIKH: Can you answer the



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1 question?

2 MR. GAROFALO: No, he cannot answer that

3 question.

4 MR. HARDENBURG: Who can?

5 CHAIRMAN PARIKH: Move on. Next question,

6 please.

7 MR. HARDENBURG: Everybody here is

8 interested in the traffic and you're not going to

9 answer a question and say move on. That's not going to

10 help anybody.

11 MR. TOLLNER: Lynda Tollner, 3 Crescent

12 Drive in Mountain Lakes. I didn't hear the answer to

13 the gentleman's question on whether there was an

14 environmental impact study?

15 MR. GAROFALO: I can respond to that. The

16 Board should have in its file a letter which we sent

17 which contains some information from Ecol Sciences, and

18 it dealt with all the environmental issues that were

19 raised, including an issue from the Historic Society.

20 That Board has that record and it's part of this file.

21 MS. TOLLNER: Is that available to the

22 public?

23 MR. GAROFALO: Yes.

24 MS. TOLLNER: From the web site?

25 CHAIRMAN PARIKH: From the Planning Board

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1 Secretary.

2 SECRETARY MADER: You can come to the

3 Municipal office Monday through Friday 9 to 5 to see

4 the documents that are in the file.

5 MS. TOLLNER: And we can see the plans as

6 well?

7 CHAIRMAN PARIKH: Yes.

8 SECRETARY MADER: Whatever is left as

9 exhibits you can see.

10 MS. TOLLNER: Do you know if there's an

11 original environmental impact study done?

12 MR. GAROFALO: Excuse me, can we finish

13 questions with this witness so we can finish with him?

14 BOARD MEMBER PURZYCKI: We're trying to.

15 MS. TOLLNER: Does Parsippany require a

16 revised environmental impact study due to the zone

17 change?

18 MR. GAROFALO: That's not for this witness

19 to answer. It's not his testimony.

20 CHAIRMAN PARIKH: Thank you.

21 MS. KACZKA: I just have one question and I

22 think it's for him. Patty Kaczka, 86 Interval Road,

23 Mountain Lakes, New Jersey.

24 I'm about quality of life and I have lived

25 in a condo with a three story, and I am going to be an

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1 empty nester. My mom lives in a three story now, too,

2 but is there any parking for when you have guests that

3 come?

4 THE WITNESS: Yes. The residential has in

5 excess of four parking spaces per unit. We have two in

6 each garage, two in front of each garage, and there's

7 some visitor parking spaces planned throughout the

8 community.

9 MS. KACZKA: I was only asking because I

10 know that most of the places that I've visited I never

11 have enough visitor parking.

12 THE WITNESS: We feel we have more than

13 enough parking.

14 MS. KACZKA: It didn't look like it on the

15 plan. Okay. Thank you.

16 CHAIRMAN PARIKH: Okay. Thank you. At

17 this point I'll close the public portion for this

18 witness. And it's about 10:05. Do you want to bring

19 your next witness? If you are going to we'll take

20 about five-minutes.

21 MR. GAROFALO: Let's take a recess, please.

22 CHAIRMAN PARIKH: If you have another

23 witness.

24 MR. GAROFALO: Yes, I've got to talk to my

25 client and we can get back.

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1 CHAIRMAN PARIKH: Okay. We'll take a

2 five-minute recess at this point. Thank you.

3 (Recess is taken at 10:03 p.m.)

4 (Back on the record at 10:13 p.m.)

5 CHAIRMAN PARIKH: I'd like to reconvene the

6 Planning Board meeting for the Township of

7 Parsippany-Troy Hills Planning Board. It's about 10:20

8 p.m. roll call, please?

9 (The Board Secretary call the Roll Call.

10 The following Board Members are present: Mayor

11 Barberio, Ms. Collins, Ms. Csantaveri, Councilman

12 dePierro, Mr. Dinsmore, Mr. Keller, Mr. Mele, Mr.

13 Purzycki, and Chairman Parikh. Mr. Snieckus and Mr.

14 Meth, Board Professionals are also present)

15 CHAIRMAN PARIKH: Okay.

16 MR. GAROFALO: Mr. Chairman, we wish to

17 proceed. I'm going to call Mr. McDonough as my next

18 witness. He has testified at length in this hearing.

19 And there are certain issues that you have raised

20 tonight that he will address.

21 But before doing so I think there's two

22 things the Board has to please remember: Number one

23 is, we addressed extensively the questions dealing with

24 the environmental impacts, if any, on this site. We

25 sent a letter which addressed those issues. We had a

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1 study done by Ecol Sciences and a report from the  
 2 NJDEP, as I recall. So that issue has been addressed  
 3 and is in your records.  
 4 The second thing, you have received a copy  
 5 of the report from RBA regarding the relocation of the  
 6 driveway that we've been talking about this evening.  
 7 And it's dated December 17, 2012. The most important  
 8 element of this letter, and it's your traffic  
 9 consultant says, "We have reviewed said plan. We find  
 10 that the proposed driveway can be expected to function  
 11 with adequate levels of service and in a safe and  
 12 efficient manner."  
 13 We don't believe there's any additional  
 14 traffic testimony that needs to be developed to address  
 15 that issue. So what I'm going to do now is call Mr.  
 16 McDonough. He's my last witness, and he will do some  
 17 of the cleanup work that was addressed tonight. Thank  
 18 you.  
 19 Mr. McDonough, you are still under oath.  
 20 MR. McDONOUGH: Yes, thank you.  
 21 J O H N M c D O N O U G H, having been previously  
 22 sworn, testifies as follows:  
 23 DIRECT EXAMINATION BY MR. McDONOUGH:  
 24 Q. We can do this two ways: I can try to ask  
 25 you questions, but if you recall and you want to go

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1 through some of the issues that were raised you can  
 2 answer them directly without me asking questions.  
 3 **A. Sure thing. I've taken notes. I've been**  
 4 **listening to the questions of the public, and there**  
 5 **were about ten or so comments that I wrote down that**  
 6 **pertain to planning or referred from the prior witness**  
 7 **to me as principal planner on the project.**  
 8 **First question came from Mr. Gribbin of 10**  
 9 **Winding Way. And he really went to the heart of what**  
 10 **we're doing here which is, "Why an overlay?" Again,**  
 11 **this is an incentive zone. The whole purpose here is**  
 12 **that we have a zone that has for many decades now been**  
 13 **designated for activity and has failed to manifest**  
 14 **itself. In face, the entire area has been zoned for**  
 15 **activity. We see it manifested in Intervale Heights to**  
 16 **the north, we see Mountain Lakes as being developed as**  
 17 **well, Waterview. This was once a very large forest.**  
 18 **This is a remnant piece that for whatever reason has**  
 19 **not manifested over time.**  
 20 **Our environmentalists tells us there are no**  
 21 **environmental constraints on this property. So that to**  
 22 **me as a planner points to a zoning problem with the**  
 23 **site as it presently exists. Now, we realize we're in**  
 24 **the office park. We also know that we're in a time**  
 25 **when the office market continues to tank. That's a**

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1 **problem for Parsippany which is generally regarded as**  
 2 **the business or office epicenter of Morris County.**  
 3 **There's a very common planning technique to**  
 4 **look for flexibility in times like this, and this has**  
 5 **been a recurring problem, an ongoing problem that's**  
 6 **only getting worse. It's a very common planning tool**  
 7 **to introduce an overlay zone in special locations such**  
 8 **as we have here where we introduce another type of**  
 9 **market product, something that's strong. Certainly see**  
 10 **strength in the multifamily market, for-sale townhouse**  
 11 **market, and the product that the applicant is proposing**  
 12 **here is essentially the only construction we're seeing**  
 13 **in Morris County now. We've got these boutique**  
 14 **developments scattered throughout Morris County,**  
 15 **three-story high structures, very similar to what the**  
 16 **applicant is proposing here. And, of course, the**  
 17 **high-end retail as well.**  
 18 **We have not had a supermarket in this**  
 19 **stretch of Parsippany for 20 years now since the Acme**  
 20 **went away on the other side of 46. This introduces a**  
 21 **food store anchor which is consistent with good**  
 22 **planning. It's central to the population that would be**  
 23 **around it and that it would serve.**  
 24 **So from a planning standpoint the essence**  
 25 **of the overlay is to incentivize development in an area**

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1 **where we have a failing market. We have real-world**  
 2 **development interest looking to make something happen**  
 3 **here. From a planning standpoint on the positive side**  
 4 **that's a very good thing.**  
 5 **Another question was with respect to this**  
 6 **plan for subdivision. Absolutely. My charge as the**  
 7 **planner was to put together zoning criteria that would**  
 8 **implement and regulate a plan as you see illustrated**  
 9 **before you. That contemplates a split between the**  
 10 **residential and commercial components, two separate and**  
 11 **distinct developments, co-existing, co-mingling like we**  
 12 **see elsewhere in Parsippany. I think a good example is**  
 13 **Mazdabrook where we have a mix of office, we have a mix**  
 14 **of retail, we have a mix of townhouses, and a whole**  
 15 **variety of housing products as well.**  
 16 **We also, there was a question about the**  
 17 **buffering, and the adequacy of the buffering. And I'll**  
 18 **point to again Mazdabrook. A very well-traveled**  
 19 **roadway. We've got a solid green wall there in a**  
 20 **25-foot band horizontal at the frontage of the**  
 21 **property. When you drive down Mazdabrook you don't see**  
 22 **those townhouses which are immediately on the other**  
 23 **side. So from a planning standpoint, from a landscape**  
 24 **architecture standpoint certainly buffering as provided**  
 25 **here is adequate from a planning standpoint.**

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1 We're looking at a buffer that under the  
 2 ordinance, under your ordinance as it exists now can be  
 3 either in a natural state or a supplemental vegetative  
 4 state, which is certainly consistent with what the  
 5 applicant would do here: Preserve to the greatest  
 6 extent practical, where it can't, supplement with  
 7 evergreens.

8 And as I was looking at the visual before  
 9 you I noticed a significant void behind that one office  
 10 building to the right where there are no evergreens,  
 11 and yet we have a 200-foot buffer. And you heard the  
 12 neighbors say they can see right through to the back of  
 13 the building. A woodland loses its leaves. A string  
 14 of double-rowed evergreens provides a solid green wall  
 15 season round, year round, and achieves the screening  
 16 intent of a buffer which is a separation of visual  
 17 divide between two-land uses.

18 The 50-foot dimension that we're proposing  
 19 here is not inconsistent with what we see in  
 20 Parsippany. Your PRD-1 Zone talks about a 65-foot  
 21 buffer. Your PRD-2 zone talks about a 50-foot buffer.  
 22 It's right on point with what the applicant is looking  
 23 to do here.

24 In carving out this ordinance we're not  
 25 trying to reinvent the wheel, we're trying to take

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1 elements of what we see elsewhere in Parsippany and  
 2 overlay them on to this site. As you heard, the seven  
 3 dwelling units per acre is a standard that's in your  
 4 PRD Zone, and it's certainly appropriate for  
 5 development of this type. That is not on the high-end  
 6 of the density scale when we're dealing with townhouse  
 7 development.

8 The floor area ratio of 0.3 is taken from  
 9 your commercial zones in town. We're not looking for  
 10 anything more here than what we see in other commercial  
 11 zones within Parsippany. So we have tried to maintain  
 12 consistency with your ordinance in those three key  
 13 areas: Floor area, density and buffering, which are  
 14 the key concerns with respect to over intensity of use,  
 15 or separation, or nuisance effects on the surrounding  
 16 properties such as lighting, glare, and noise, and the  
 17 other things that we've heard from the public.

18 So from a planning standpoint I believe the  
 19 applicant certainly is putting forth a positive change  
 20 for Parsippany, and is addressing the concerns that a  
 21 typical neighborhood would have with respect to the  
 22 negative aspects.

23 You just heard about traffic. Traffic has  
 24 been discussed at length. I think we have mutual  
 25 agreement from experts as to the sound traffic planning

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1 that's been associated with this site, to the extent  
 2 that there will not be any substantial detriment in  
 3 terms of the movement or the volumes on the adjacent  
 4 roadways. I thought it was major when the applicant  
 5 took the access off of Intervale Road, which is the  
 6 complaint that we've heard for three years now. The  
 7 applicant has heard, listened and responded, which is  
 8 really the essence of good planning. Feedback from the  
 9 public; the applicant has responded.

10 I don't think there is anything the  
 11 applicant hasn't done that it's heard from the public  
 12 thus far. Again, adequate buffering, adequate parking.  
 13 Parking is a driver of density. And the density that  
 14 you see for the residential here has self-sufficient  
 15 parking, to the extent that parking is not going to  
 16 overflow onto Waterview Boulevard, or even onto  
 17 Intervale Road. So that is a key concern that's been  
 18 addressed as well.

19 Mr. Gribbin also asked the question about  
 20 the master plan. And I did address that on the first  
 21 hearing. I talked about the housing element, I talked  
 22 about the circulation element, I talked about the land  
 23 use element and how we manifest or advanced the  
 24 purposes of those elements as well.

25 I talked about the state plan which is

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1 really the underlying core of all planning here in New  
 2 Jersey. And when we look at this site we're located in  
 3 a targeted development zone, in a PA-1 or PA-2 Zone.  
 4 We're not in a PA-5 Preservation Zone. There are other  
 5 parts of Parsippany that are preservation, but not  
 6 here.

7 This is also importantly, as much as I  
 8 think we all would love to see woodland preserved it's  
 9 not zoned for park land, it's not zoned for open space.  
 10 Again, the whole area has not been zoned for woodland.  
 11 It's all been developed. This is an applicant who's  
 12 simply looking to do something here that makes sense,  
 13 that addresses both the positive and the negative  
 14 concerns from a zoning standpoint.

15 Mr. Young asked questions about why this is  
 16 better than a 200- to 300-foot buffer, and I think I  
 17 just answered that. I believe a solid evergreen mass  
 18 achieves the screening intent of a 300-foot open  
 19 woodland that drops all its leaves.

20 There was a concern also by Mr. Young about  
 21 the fact that we have a flush wall in between the  
 22 commercial component and the residential component, as  
 23 opposed to a stepped wall. Well, typically, from a  
 24 planning standpoint or a landscape architectural  
 25 standpoint we want to see that stepped wall, that way

1 we can introduce plantings to break up the mass of that  
 2 structure. Here we have a very unique circumstance in  
 3 that we have a wall that is completely blocked by a  
 4 45-foot tall building. The wall itself is only 20,  
 5 22 feet. So nobody's going to see it. So there's  
 6 absolutely no benefit from a planning standpoint to  
 7 stepping that wall. The residents on the top will be  
 8 protected. Again, you have a 25-foot band separating  
 9 the residents from the commercial component, all  
 10 consistent with sound planning.

11 There was a comment by Mr. Young about  
 12 market demand. Well, there's a public document that  
 13 was put in as one of the applications here in town. It  
 14 was actually done by Caldwell Banker. When we talk  
 15 about supply, the availability of townhouse development  
 16 in comparison to the overall residential availability  
 17 in Parsippany is 6.1 percent. In surrounding  
 18 communities it's 16.2 percent. That is an indicator  
 19 from a real estate standpoint of an area being  
 20 undersupplied in a certain market type.

21 Flipping over, we look at the demand. The  
 22 townhouse component and the real estate market has the  
 23 highest absorption rate of any type of residential  
 24 land-use type here in Parsippany. And it also has the  
 25 highest sales performance where we see 96.7 percent of

1 the sales price versus the asking price. In other  
 2 words, there's not a big drop in the asking price when  
 3 we're dealing with sale of townhouse development.

4 Those are all key indicators from a real  
 5 estate standpoint. It's a black and white document  
 6 here that's on file in town of supply and demand for  
 7 the townhouse product. And from a planning standpoint  
 8 the proof is what we see in the real world. It's just  
 9 a product that's being built throughout the area. The  
 10 single-family home is something that is certainly not  
 11 being constructed, and I think that's self-evident that  
 12 that's not being constructed at the volume that this  
 13 is.

14 Two final comments, there was a woman, and  
 15 I apologize, I didn't catch your name about the trash  
 16 and the refuse generation and the impact of bears and  
 17 wildlife. Again, this is a zone that's zoned for  
 18 commercial use. There could be an office building  
 19 there with a cafeteria that generates more or the same  
 20 amount of refuse as a supermarket. Again, this is a  
 21 site that's zoned for activity. It is a site that is  
 22 zoned to generate trash, to generate refuse.

23 And then finally the last question was also  
 24 about the vegetative state of the buffer. And I  
 25 answered that earlier as being either natural or plants

1 that are under your ordinance. The intent, again, is  
 2 simple separation, and that's been achieved elsewhere  
 3 in Parsippany, and will happen here as well.

4 Those were the planning comments. And I  
 5 think that's all of them.

6 MR. GAROFALO: Actually, I think so.  
 7 (Applause. The following comment is  
 8 shouted out by the Audience: "It's your mother.")

9 CHAIRMAN PARIKH: One of the comments I  
 10 didn't hear I think there was some questions to what  
 11 you were saying about the school children from this  
 12 development. Can you comment on that?

13 THE WITNESS: Yes. Generally from a  
 14 planning standpoint there are a number of statistics to  
 15 this point. This type of development, even with the  
 16 three bedrooms, is an extremely low generator of  
 17 school-aged children. And we took our numbers as we  
 18 generated physical impact from the Rutgers study, which  
 19 has been done specific for North Jersey. And I  
 20 believe, again, without pulling out the numbers we were  
 21 in the area of 14 school-aged children being generated  
 22 as part of this development.

23 We also looked at the cost per pupil and  
 24 weighed that against the ratable that would be  
 25 generated here. Whether we're dealing with one unit or

1 72 units it would be a net positive. So to the extent  
 2 that this was reliant upon full build-out, no, the  
 3 residential component generates a positive impact in  
 4 that regard.

5 MR. GAROFALO: Mr. Chairman, that is our  
 6 presentation. You can ask questions of Mr. McDonough,  
 7 of course, obviously.

8 CHAIRMAN PARIKH: Yeah. I have another  
 9 question for you for the density. That question is on  
 10 the mind of a lot of people about the density of the  
 11 residential development. What I want to know is: Say  
 12 instead of seven you have a six, what benefit will we  
 13 see? What is the difference if the density goes down  
 14 to six instead of seven?

15 THE WITNESS: It's generally favored in  
 16 planning trends is more to look at form over density.  
 17 As we look at the space here, and I think Mr. Minno  
 18 touch upon it very well, the unit count here, the mass  
 19 and scale of this development, fits within the space to  
 20 the extent that, again, functionally we could be  
 21 self-sufficient with respect to parking, we can also  
 22 provide adequate buffering around the perimeter. So,  
 23 the answer to the density question is 72 units, it  
 24 works. More units here would not work. The parking  
 25 would fail.

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1 CHAIRMAN PARIKH: And what's the benefit if  
 2 we reduce the density, will there be any benefit, as  
 3 far as buffer, or you know, any other benefits?  
 4 THE WITNESS: No. I see the mass that's  
 5 provided here as critical to the application as a  
 6 whole. It provides the critical mass necessary to make  
 7 this project work to establish a sense of neighborhood.  
 8 And, again, from form standpoint it fits within the  
 9 context of the site.  
 10 CHAIRMAN PARIKH: Is that the maximum you  
 11 can put in here? So have you tried to put as many as  
 12 you can in the area that you have?  
 13 THE WITNESS: Density is driven by parking.  
 14 We lay out the roads, we lay out the parking, we find  
 15 out what fits on the site and 72 units are accommodated  
 16 by virtue of the fact that we can meet the parking  
 17 requirements.  
 18 CHAIRMAN PARIKH: So that's the maximum?  
 19 THE WITNESS: That's the maximum, yes. And  
 20 that's what the ordinance specifies, the maximum of 72.  
 21 That's what the density translates to.  
 22 CHAIRMAN PARIKH: Okay. Thanks. Any  
 23 questions from the Board members?  
 24 COUNCILMAN dePIERRO: I have a question. I  
 25 realize this is going to come up during the site plan

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1 application. On the residential area I don't see  
 2 cul-de-sacs or turnarounds. I don't see how fire  
 3 trucks on any of those dead ends, okay, how they're  
 4 going to be able to maneuver or turn around and get  
 5 back up again. I don't see that happening unless you  
 6 have to remove the bottom units and have U-Turns or a  
 7 continuous road. I know that's a site plan, but I'm  
 8 concerned about it, and I want you to reduce the  
 9 density.  
 10 THE WITNESS: I can tell you, Mr. dePierro  
 11 that the applicant's engineer has designed this site to  
 12 be in accordance with the residential site improvement  
 13 standards to the extent that we need to get down to  
 14 that level of detail. We're certainly prepared to do  
 15 that when we get to site plan, but it will meet RSIS.  
 16 COUNCILMAN dePIERRO: Can you just give me  
 17 a clue how they're going to maneuver at the end of  
 18 those streets?  
 19 THE WITNESS: RSIS allows for courts, for  
 20 dead-end courts for multifamily developments.  
 21 COUNCILMAN dePIERRO: They back out.  
 22 THE WITNESS: Perhaps, yes, as they would  
 23 with any other permitted townhouse development that is  
 24 on a court, which again is allowable by state  
 25 regulation.

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1 COUNCILMAN dePIERRO: Okay.  
 2 CHAIRMAN PARIKH: Any other questions from  
 3 Board members?  
 4 BOARD MEMBER DINSMORE: Again, getting to  
 5 the buffering here. We focused on the buffering  
 6 between Intervale and the buffering to the residential,  
 7 but we haven't discussed at all the buffering between  
 8 the Whole Foods Market and the townhouses to any  
 9 extent.  
 10 I'm very interested from a planning point  
 11 of view as to what zone you were looking at in our  
 12 zoning to determine that a 25-foot buffer from the  
 13 retail space to the property line in the rear, and a  
 14 35-foot -- actually, 33-foot buffer from the actual  
 15 residences to the property line in the back when if you  
 16 look at PRD they're requiring 50 foot. So if you look  
 17 at the residential area the fact that there's only a 33  
 18 or 35-foot buffer to the homes, and if you're looking  
 19 from say a D-1 Zone in our town which would be a Route  
 20 46 supermarket type of development that you have only,  
 21 from what I can gather from your material here, it  
 22 doesn't look like you've got the 50 feet. What is your  
 23 -- what are you trying to -- why can't you do it is  
 24 really --  
 25 THE WITNESS: Because I think that the

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1 intent of separation is met here by virtue of what the  
 2 applicant is doing in that 25-foot space, loading it up  
 3 with the evergreen plantings that you see on the plan  
 4 to achieve a solid green effect, which again as I drive  
 5 through Parsippany I see achieved elsewhere in a  
 6 real-world setting. Glenmont Commons is another  
 7 example of solid buffering in a 25-foot stand of trees  
 8 where the townhouses are obscured by the row of  
 9 evergreens in the front of them.  
 10 BOARD MEMBER DINSMORE: My whole point is  
 11 to make my job easier to recommend to the Council an  
 12 overlay, all right. I want to be able to give them  
 13 examples of zones that we currently have that this  
 14 would fit in. What you're asking for is an overlay  
 15 zone that doesn't match the zones that seem to apply,  
 16 and that's where I've got to come from. I've got to  
 17 sit down and say for good zoning, for making sure that  
 18 our master plan works, if I look at the B-1 Zone, which  
 19 seems to be the most comparable zone for a retail site  
 20 on Route 46, they've got a 50-foot rear yard setback.  
 21 When I look at the PRD Zone which is  
 22 clearly the most comparable residential zone that  
 23 you're coming up with they've got a 50-foot setback.  
 24 And you're asking for 35 feet for the residents to the  
 25 property line. And you're asking for, in looking at



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1 your own material here, actually, I don't even see  
 2 where it is back here, there doesn't seem to be a  
 3 setback. It looks like it's probably 35 feet rather  
 4 than 50 feet, but I can't tell for sure because I don't  
 5 have my ruler.

6 THE WITNESS: I understand your question,  
 7 Mr. Dinsmore. When we struck the ordinance we were  
 8 focused particularly around the perimeter and the  
 9 surrounding properties, the interior, our striking more  
 10 relaxed zoning. And the reason being this is an  
 11 internally planned development. This is a planned  
 12 integrated development where we believe from the  
 13 planning standpoint the 25-foot separation between the  
 14 commercial and the residential is adequate.

15 BOARD MEMBER DINSMORE: I know, but I'm  
 16 looking ultimately at the subdivision. We've got two  
 17 different uses for -- even though it's one piece of  
 18 property it's kind of a mixed use. I appreciate that.  
 19 I appreciate the work that's being put into this, but  
 20 I'm trying to make sure that I don't end up one day  
 21 having another plan come before us and saying, well,  
 22 they're doing it there so we think we should have the  
 23 right to do it as well, and our zoning hasn't been set  
 24 up for it. It's just -- (Applause by audience.)  
 25 So I'm just trying to draw from you how we

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1 can present to the Council, if we do, exactly what it  
 2 is and why it's consistent with all of our current  
 3 zoning?

4 THE WITNESS: This is certainly a unique  
 5 site. And the arrangement that the applicant is  
 6 proposing here with that vertical separation helps to  
 7 provide or offset the horizontal separation that would  
 8 be required under a standard 50-foot buffering  
 9 ordinance. This is a special zone. This is a unique  
 10 zone. I think Mr. dePierro talked about a specialized  
 11 economic incentive that was associated with another  
 12 development in town. This is a specialized economic  
 13 zone that is looking for -- as an incentive. It's been  
 14 looked upon as an incentive. Certain things here need  
 15 to be, I believe, need to be relaxed from the strict  
 16 requirements of the ordinance where the spirit of the  
 17 ordinance can actually be met. And I think that  
 18 25-foot achieves the spirit of the ordinance here.

19 BOARD MEMBER DINSMORE: We'll take that  
 20 under consideration. Thank you.

21 THE WITNESS: You're welcome.

22 BOARD MEMBER COLLINS: I'm sorry, can you  
 23 repeat, what was the setback from the rear of the  
 24 building that to property line?  
 25 THE WITNESS: The setback from the rear of

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1 the commercial to the wall is 25 feet.

2 BOARD MEMBER DINSMORE: But to the property  
 3 line?

4 THE WITNESS: It's 25 feet. The wall is --  
 5 the base of the wall is at the property line. So from  
 6 the back there's a 50-foot separation building to  
 7 building.

8 BOARD MEMBER DINSMORE: Okay.

9 BOARD MEMBER PURZYCKI: Thank you for your  
 10 patience. The plan that was submitted this evening,  
 11 the one that's up on the mount, seems to relocate all  
 12 the five-unit buildings in a nice neat way, but it  
 13 seems like it also does something which we made a big  
 14 mistake in Mazdabrook which is allow to build  
 15 townhouses right up to the property line, and therefore  
 16 gets the Board of Adjustment going crazy because they  
 17 have to give every one of these people a variance when  
 18 they want to put up a porch in the back of their house.

19 And particularly when you look in the  
 20 northwest corner, the five units up there where Mr.  
 21 Minno said, the exact distance from the corner of that  
 22 building to Intervale is 50 feet. There's no room to  
 23 put a 10-foot yard where you could put in a deck.

24 The same thing exists for the row of five  
 25 houses on the northeasterly piece of the property. It

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1 looks like the back of the building comes right up to  
 2 the buffer line of what you have here as 50 feet now.  
 3 But there seems like there's no room again there to  
 4 allow anybody who would own that house to put up a deck  
 5 in the back of the yard, or put anything up. I mean,  
 6 the whole purpose of a buffer zone is not to build  
 7 something in it, is to keep it the way it is. Now, are  
 8 these plans going to get modified again?

9 THE WITNESS: No, Mr. Purzycki. The plan  
 10 is to leave that 50-foot band free of structures.

11 BOARD MEMBER PURZYCKI: And you're going to  
 12 make this Board and other Boards in town go through a  
 13 variance for every one of these one at a time?  
 14 (Applause.)

15 MR. GAROFALO: One second. Please.

16 THE WITNESS: Okay. Mr. Purzycki, the  
 17 answer is that design that you see up there, it's  
 18 difficult to see from this vantage point, includes  
 19 decks off the back and they are not in the 50-foot  
 20 band. Additionally, this is going to be a condominium  
 21 association that's going to restrict on a further,  
 22 further and further expansion of that deck in the  
 23 50-foot band. Ordinance is going to say, "No  
 24 structures within the 50-foot band."  
 25 BOARD MEMBER PURZYCKI: I just want to be

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1 clear. What I see here is a building. That's really  
 2 not the building, it could be a deck?  
 3 THE WITNESS: The answer is: If you're  
 4 seeing a building in the 50-foot buffer there is no  
 5 building in the 50-foot buffer.  
 6 BOARD MEMBER PURZYCKI: It goes right up to  
 7 it.  
 8 THE WITNESS: And there's probably a deck  
 9 off the back of it. This does not go into the 50-foot  
 10 buffer. You're talking about the buildings in the  
 11 upper left-hand corner of that illustration. That is  
 12 not in the buffer, and the deck is not in the buffer  
 13 either.  
 14 CHAIRMAN PARIKH: So we have about maybe  
 15 five more minutes for the questions from the Board.  
 16 Any other questions?  
 17 BOARD MEMBER COLLINS: I just have one. So  
 18 either patios or decks will be the width of the  
 19 townhouse with an extension of 10-feet?  
 20 THE WITNESS: Yes.  
 21 BOARD MEMBER COLLINS: Okay.  
 22 BOARD MEMBER DINSMORE: Actually, in a  
 23 follow-up on the backyard question of the retail,  
 24 you're showing only a 25-foot distance between the  
 25 actual building and the base of the wall. Are you

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1 going to have sufficient room to have whatever  
 2 utilities might be back there and the base of the wall,  
 3 and the clearance needed by fire equipment?  
 4 THE WITNESS: Yes.  
 5 MR. DINSMORE: Okay. Just letting you  
 6 know, we're looking and we're going to have the fire  
 7 department, because I don't know that the Council's  
 8 going to let anything that the fire department isn't  
 9 happy with through on the zoning, so...  
 10 CHAIRMAN PARIKH: Any other questions?  
 11 Okay. At this point I'll close other questioning for  
 12 this witness. This is what we're going to do. It's  
 13 almost 10:45, 10:50 almost. The plan is for the next  
 14 meeting which will be February -- what's the date,  
 15 Peggy?  
 16 SECRETARY MADER: February 11th.  
 17 CHAIRMAN PARIKH: February 11th, same  
 18 place. We will start with the questioning of  
 19 Cross-Examination of what you just heard of this  
 20 witness, and he's a planner. So we'll have  
 21 cross-examination for this witness, and once that is  
 22 done I open up to the public for your comments, okay.  
 23 So you will hear -- we'll hear the  
 24 comments, but first we'll start with Cross-Examination.  
 25 So make sure during the Cross-Examination you don't

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1 start your comments. And then the comments portion  
 2 will be open after that, and that's the plan. Okay.  
 3 For the comments portion, I just wanted to  
 4 remind you all, for the comment portion we'll have a  
 5 limit of about three minutes per comments, because we  
 6 can't just have people go on and on and on. So three  
 7 minutes per comments. And as far as the questioning is  
 8 concerned we'll not allow the same questions by  
 9 everybody. I mean, the same questions, so try to have,  
 10 you know, if somebody already asked the questions  
 11 please, you know, if you don't have other questions  
 12 that's okay. Please come forward quickly.  
 13 MR. FRANKEL: Steven Frankel, 1 Winding  
 14 Way. Because of the more than a month between this  
 15 witness' testimony and our right to question him will  
 16 transcripts be made available so that we can refresh  
 17 our memory?  
 18 CHAIRMAN PARIKH: Let me ask Peggy if she  
 19 will be ready.  
 20 SECRETARY MADER: I have been getting  
 21 transcripts as soon as she can get it to me.  
 22 MR. FRANKEL: And then are they put  
 23 on-line?  
 24 SECRETARY MADER: No, they'll be available  
 25 in the planning office.

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1 MR. FRANKEL: Copies or will we have to  
 2 read them there?  
 3 SECRETARY MADER: You can request a copy.  
 4 I would say what, 2 weeks?  
 5 CHAIRMAN PARIKH: So, our next meeting will  
 6 be February 11th same place at 7:30 p.m., and no  
 7 further notice will be given for the notice. Thank  
 8 you. Do I have a motion to adjourn?  
 9 BOARD MEMBER PURZYCKI: So moved.  
 10 CHAIRMAN PARIKH: Thank you.  
 11 (Whereupon, the meeting adjourns at 7:45  
 12 p.m.)  
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I, IRIS LA ROSA, a Notary Public and Certified Shorthand 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 the action.

IRIS LA ROSA, CSR, RPR  
Certificate No. 30XI00162800  
Dated:

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