

TOWNSHIP OF PARSIPPANY-TROY HILLS  
PLANNING BOARD

IN THE MATTER OF:	:	TRANSCRIPT
	:	
Application No. 12:524	:	OF
	:	
RD REALTY, LLC, Block: 421	:	
LOT: 29, Waterview Boulevard,	:	PROCEEDINGS
Concept Review	:	
- - - - -		-x

Monday, November 19, 2012  
Municipal Building  
Parsippany, New Jersey  
Commencing at 7:30 p.m.

B O A R D M E M B E R S P R E S E N T:

CASEY PARIKH, Chairman  
TURNA AYAZ  
JAMES R. BARBERIO, Mayor  
MS. COLLINS  
MS. CSANTAVERI  
COUNCILMAN DEPIERRO  
MR. DINSMORE  
MR. KELLER  
MR. MELE

PEGGY MADER, Board Secretary  
ED SNIECKUS, Board Planner  
GORDON METH, Board Engineer

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

MICHAEL V. CRESITELLO, JR., ESQUIRE  
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1 site, while approved for office development in the

2 planned office district, it was never developed.

3 What we are coming in with this

4 evening, is an application for a mixed use. It is

5 retail use, featuring Whole Foods in the front,

6 with townhouse -- 72 upscale townhomes for sale in

7 the back.

8 Just a little something about Whole

9 Foods before we get started. If you're not

10 familiar with Whole Foods, Whole Foods prides

11 itself on its reputation for delivery of quality

12 products, and a quality shopping experience to its

13 customers. The stores are very well kept, very

14 well designed, very well thought out. The food

15 products are all of very high quality, and, so, by

16 the way, is their site selection process.

17 Whole Foods does not randomly select

18 sites for development for their stores. What they

19 do, is, they seek out particular areas, and

20 particular qualities in a neighborhood, and then

21 seek and pursue those with developers they've

22 worked with in the past.

23 Now, while I do have a couple of

24 witnesses who will be discussing the particulars

25 of the application. But, before we do that, while

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1 CHAIR PARIKH: The last item on our

2 agenda tonight is RD Realty, LLC, Block 421, Lot

3 29, Waterview Boulevard, concept review of

4 Application No. 12:524.

5 MR. O'NEILL: Good evening,

6 Mr. Chairman. Joseph O'Neill, of Garofalo and

7 O'Neill, on behalf of the applicant, RD Realty,

8 LLC.

9 What we are presenting here this

10 evening is a concept plan, in connection with what

11 we are proposing, that the board recommend to the

12 council, an overlay zone, to allow for this

13 28 acres to be rezoned for retail use.

14 Just a little background on the

15 property. Very quickly, it is 28 acres on Route

16 46 between Waterview Boulevard and Intervale Road.

17 It is part of the Bellmede Office Development,

18 that I'm sure the board is very familiar with.

19 This office development was started,

20 I believe, in 1980's certainly through the 1990's.

21 It is the offices immediately across Parsippany

22 Road, from us, and moving back towards Interval

23 Road. That are there today. Bellmede, is, of

24 course, a very sophisticated and successful office

25 developer, but in spite of that, this 28 acre

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1 this is a conceptual plan, I do believe that there

2 were some comments by Mr. Snieckus regarding some

3 checklist items, and I would defer to the chair

4 with regard to that.

5 MR. SNEECKUS: Thank you,

6 Mr. Chairman, Members of the Board. And,

7 Mr. Cresitello, make sure that I'll be addressing

8 these things correctly, according to the MLUL.

9 Basically what the Board has before

10 them tonight, is, I would say, not just a concept

11 plan. Typically a concept plan, as the board

12 would hear something, is more of a review and an

13 interplay between the board and the applicant.

14 And it would be more of a non binding kind of

15 discussion about what someone envisioning for a

16 piece of property.

17 This is a little bit more than that.

18 Here they are actually, as I understand it,

19 requesting recommendations of this board, from the

20 standpoint of the uses, and also the bulk criteria

21 relative to those uses. But, yet, I would see

22 that the discussion may be -- have to undertake

23 sort of a two level approach. More of a higher

24 level discussion of the overlay zone itself for

25 the particular POD zone, what's contemplated from

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1 the use standpoint, and that -- and those items of  
 2 that nature. And then also a discussion, further  
 3 on down the road, about the details of the actual  
 4 plan itself.

5 What, I would recommend to the  
 6 board, to avoid is a discussion of so much detail  
 7 as far as the circulation, aisles, things of that  
 8 nature, it's really probably, in my professional  
 9 opinion, more appropriate to discuss the overall  
 10 concept of the POD zone initially, and then to get  
 11 into the details after that initial discussion.

12 Mr. Cresitello I think --

13 MR. CRESITELLO, JR.: I would agree  
 14 with that, Mr. Snieckus.

15 CHAIR PARIKH: Before you go  
 16 further, I think we should explain to the board,  
 17 and to the public, what is overlay zone, what are  
 18 they asking for. Because we are going to have a  
 19 lot of discussion about that, but we should know  
 20 what is overlay zone.

21 MR. SNEECKUS: That's a good idea.  
 22 Currently in the existing zoning, as  
 23 many know, probably in this room, is that the POD,  
 24 planned office development zone, overlay is  
 25 actually the base zoning of this tract of land

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1 that's being considered. What the applicant is  
 2 putting forth, as a concept, is the idea of an  
 3 overlay on that the existing zoning. So, in other  
 4 words, that underlying zoning of the POD would  
 5 remain. And that what they're proposing is  
 6 somewhat of an overlay, to overlay with specific  
 7 conditions of that overlay ordinance. An option  
 8 for this type of development.

9 And, so, that's basically the  
 10 concept that's being proposed. And the concept of  
 11 overlay. It's really to overlay the existing  
 12 zoning and to allow this option to occur with  
 13 special conditions. And the conditions are the  
 14 items of discussion.

15 CHAIR PARIKH: So, what is the  
 16 difference between overlay zone and changing the  
 17 zone?

18 MR. SNEECKUS: Okay. Changing the  
 19 zone would be a wholesale change of exactly what  
 20 could be permitted there. Here, in this concept,  
 21 what's being proposed, is just the option for this  
 22 type of development, for the consideration of that  
 23 option. This board would then make recommendation  
 24 of that option to the governing body for  
 25 consideration. This board can only recommend.

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1 They can't actually enact. But make  
 2 recommendations with certain suggestions.

3 And that is then relayed to the  
 4 governing body for their review of the specifics  
 5 and of the overlay concept for their final  
 6 consideration for the overlay zone to be  
 7 considered.

8 So, it is somewhat of a slight  
 9 rezoning, but only a rezoning with regard to the  
 10 overlay option itself.

11 CHAIR PARIKH: Any completeness  
 12 issue here?

13 MR. KELLER: Mr. Chairman, just a  
 14 quick question. And for this particular 28-acre  
 15 parcel --

16 MR. SNEECKUS: It's 26 acres.

17 MR. KELLER: Or 26. It was a part  
 18 of that whole Waterview development concept?

19 MR. SNEECKUS: Correct.

20 MR. KELLER: Is there, or was there,  
 21 anything on the books now that was approved for  
 22 this site?

23 MR. SNEECKUS: As I understand it,  
 24 and I may be mistaken, I believe there was only a  
 25 concept plan, or a preliminary plan, approved, for

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1 an office building, on the subject property. The  
 2 exact square footage, I think the applicant is  
 3 ready to discuss that with the board. But, yet,  
 4 what's being considered tonight, and I would  
 5 recommend to the board to consider it, is that  
 6 that zoning would still, in this concept, would  
 7 still stay in place. Where I think we should  
 8 really focus in on, is, the idea of the option,  
 9 the overlay option for the subject tract.

10 MR. KELLER: So, there was something  
 11 approved, it just hasn't --

12 MR. SNEECKUS: As I understand it, I  
 13 don't know the particulars, as far as whether or  
 14 not that's lapsed. It probably has, because it's  
 15 been many years. I mean I have represented the  
 16 board for about ten years now. A little bit more  
 17 than that. And since that time I was not involved  
 18 in that application. So, it's been some time.  
 19 So, probably the issue of the timing, of which  
 20 that original approval, would become suspect of  
 21 further traffic impacts and things of that nature.  
 22 So, there really isn't a wholesale approval of the  
 23 development.

24 MR. KELLER: Okay. Thank you.

25 CHAIR PARIKH: Okay. You want to go

<p style="text-align: right;">Page 10</p> <p>1 over completeness?</p> <p>2 MR. SNIECKUS: Yes, and, again, I</p> <p>3 would then preface, from the standpoint -- from</p> <p>4 the standpoint of a typical concept plan, we offer</p> <p>5 completeness review for the board. It's in our</p> <p>6 review of October 8th, 2012. We identify, in the</p> <p>7 checklist items, several items that they're</p> <p>8 requesting waivers from.</p> <p>9 The first one is a key map showing</p> <p>10 the location relating to surrounding lots within</p> <p>11 200 feet from the subject site. Although, I would</p> <p>12 say that that is probably being provided in the</p> <p>13 set of plans. They did provide a cover sheet,</p> <p>14 which shows adjacent properties, and things of</p> <p>15 that nature. So, I really don't feel that's a</p> <p>16 necessary waiver at this time.</p> <p>17 Form No. 2, No. 7, on the second</p> <p>18 page of our review, location and width of any</p> <p>19 abutting streets, both rights-of-ways and</p> <p>20 pavement. They really provided that as well,</p> <p>21 generally, and from the standpoint of a concept</p> <p>22 plan, I know that they've indicated the</p> <p>23 right-of-way areas and general tract boundary for</p> <p>24 the subject tract.</p> <p>25 So, No. 2, I would also say is</p>	<p style="text-align: right;">Page 12</p> <p>1 and relationship to adjacent property. That was</p> <p>2 not submitted but -- so, therefore, technically</p> <p>3 they would probably a waiver from that submission</p> <p>4 then.</p> <p>5 Mr. Chairman, I guess to summarize,</p> <p>6 form No. 2, No. 9, would be addressed through</p> <p>7 testimony I would imagine.</p> <p>8 Form No. 2, No. 10, contours, to</p> <p>9 determine natural drainage of land. I would say</p> <p>10 that that would be something that I don't believe</p> <p>11 they provided that in detail on the subject plans.</p> <p>12 So, we actually technically require a waiver from</p> <p>13 that requirement.</p> <p>14 No. 11, location of natural</p> <p>15 features. They've provided an indication of</p> <p>16 wetlands and wetland evaluation in the</p> <p>17 application. They haven't indicated anything such</p> <p>18 as any extent of woodlands. But I believe the</p> <p>19 whole tract is wooded. So, therefore, they have</p> <p>20 indicated that information for the board. Really</p> <p>21 redundant issue there.</p> <p>22 No. 16, site photographs. I believe</p> <p>23 the site being of the size that it is, but they</p> <p>24 would be requesting a waiver from that</p> <p>25 requirement.</p>
<p style="text-align: right;">Page 11</p> <p>1 probably not applicable.</p> <p>2 Form 2, No. 9, is also indicated,</p> <p>3 location of existing easements or rights-of-ways,</p> <p>4 including power-lines. I believe the survey had</p> <p>5 shown anything relating to that. I'll let the</p> <p>6 applicant address that.</p> <p>7 Form No. 2, No. 10, contours to</p> <p>8 determine natural drainage of the land, intervals</p> <p>9 of up to 10 percent slope, 2 feet over 10 percent</p> <p>10 slope and 5 feet. They have provided, not</p> <p>11 necessarily a steep slope analysis plan, but I</p> <p>12 believe they do show some contours on the subject</p> <p>13 tract. Form No. 11, location of natural features</p> <p>14 including woodlands, streams and other water</p> <p>15 bodies, wetlands, flood hazards and rock outcrops,</p> <p>16 as well as locations of mining activity. Under</p> <p>17 that requirement of the checklist, they have</p> <p>18 indicated and provided to the board, I don't</p> <p>19 believe they provided through testimony, is the</p> <p>20 study of wetlands, and any of the natural features</p> <p>21 on the subject tract. And I believe they'll</p> <p>22 address that through their testimony.</p> <p>23 Form No. 2, No. 16, submission of</p> <p>24 site photographs of existing conditions, but not</p> <p>25 limited to existing structure and site drainage</p>	<p style="text-align: right;">Page 13</p> <p>1 Was there any photographs submitted?</p> <p>2 MR. O'NEILL: I believe there were</p> <p>3 some site photographs submitted.</p> <p>4 MR. SNIECKUS: Sometimes I don't see</p> <p>5 them.</p> <p>6 MR. O'NEILL: But I may be mistaken.</p> <p>7 MR. SNIECKUS: I would think that's</p> <p>8 what the board needs to review before they could</p> <p>9 proceed.</p> <p>10 CHAIR PARIKH: So, sounds like No. 9</p> <p>11 you're going to discuss that during the testimony?</p> <p>12 MR. O'NEILL: We will be addressing</p> <p>13 some of these items, Mr. Chairman, but I would</p> <p>14 echo, Mr. Snieckus' comment regarding the</p> <p>15 two-stage approach. We are here this evening,</p> <p>16 mostly for the particular concept of the plan</p> <p>17 itself, and just the general broad strokes of</p> <p>18 that. Of course, if the board sees fit to</p> <p>19 recommend the zone overlay to the council, it</p> <p>20 would then go to the council for its approval, and</p> <p>21 then hopefully at one point, come back to the</p> <p>22 board, for a site plan approval, at which time all</p> <p>23 of these particular details will be addressed in</p> <p>24 their more traditional way. Some of things that</p> <p>25 Mr. Snieckus mentioned, concerning cartway widths,</p>

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1 things like that, would be addressed at that time.  
 2 So, we're requesting these waivers to allow for  
 3 the concept to move forward.  
 4 CHAIR PARIKH: Okay. So, we are  
 5 talking about item No. 3, 4 and 6?  
 6 MR. O'NEILL: Yes.  
 7 MR. SNIECKUS: Of our review.  
 8 CHAIR PARIKH: Of our review, yes.  
 9 Any questions from the board  
 10 members?  
 11 Can someone make a motion?  
 12 MR. KELLER: Mr. Chairman, I make a  
 13 motion then that we grant the waivers detailed in  
 14 the Burgis Associates Report of October 8th,  
 15 listed as No. 3, 4 and 6, regarding the concept  
 16 review of RD Realty, LLC, Block 421, Lot 29,  
 17 Application 12:524.  
 18 MR. DINSMORE: Second, Dinsmore.  
 19 CHAIR PARIKH: Roll call please.  
 20 MS. MADER: Mr. Ayaz?  
 21 MR. AYAZ: Yes.  
 22 MS. MADER: Mayor Barberio?  
 23 MR. BARBERIO: Yes.  
 24 MS. MADER: Ms. Csantayeri?  
 25 MS. CSANTAYERI: Yes.

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1 MS. MADER: Ms. Collins?  
 2 MS. COLLINS: Yes.  
 3 MS. MADER: Councilman DePierro?  
 4 MR. DEPIERRO: Yes.  
 5 MS. MADER: Mr. Dinsmore?  
 6 MR. DINSMORE: Yes.  
 7 MS. MADER: Mr. Keller?  
 8 MR. KELLER: Yes.  
 9 MS. MADER: Mr. Mele?  
 10 MR. MELE: Yes.  
 11 MS. MADER: Chairman Parikh?  
 12 CHAIR PARIKH: Yes.  
 13 MR. SNIECKUS: Okay.  
 14 MR. O'NEILL: Thank you,  
 15 Mr. Chairman, and Members of the Board. With  
 16 that, I'd like to call Mr. John McDonough.  
 17 MR. SNIECKUS: Mr. McDonough, please  
 18 raise your right hand. Do you swear the testimony  
 19 you'll provide this evening to the board will be  
 20 the truth, so help you God?  
 21 MR. MCDONOUGH: Yes, I do.  
 22 MR. SNIECKUS: Thank you. Just  
 23 state your full name for the record.  
 24 MR. MCDONOUGH: Yes. Good evening  
 25 members, my name is John McDonough, and that is

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1 spelled M-C Capital D O-N-O-U-G-H.  
 2 EXAMINATION BY MR. O'NEILL:  
 3 Q Now, Mr. McDonough, while you've  
 4 appeared before this board a number of times for  
 5 planning purposes, given the size of our  
 6 interested parties here this evening, perhaps you  
 7 could reintroduce yourself, very quickly, to the  
 8 board and members of the public.  
 9 **A Absolutely. I am a licensed professional**  
 10 **planner here in the State of New Jersey. I am**  
 11 **also a member of the American Institute of**  
 12 **Certified Planners, which is a national**  
 13 **certification. I have testified in the capacity**  
 14 **of a planner before hundreds of boards throughout**  
 15 **the State of New Jersey, including this board,**  
 16 **multiple times, your zoning board, multiple times,**  
 17 **throughout Morris County, and also in New Jersey**  
 18 **Superior Courts as an expert in planning.**  
 19 **I will also throw out that I am a licensed**  
 20 **landscape architect as well. To a certain extent**  
 21 **this has a certain element of esthetics and**  
 22 **buffering and landscaping associated with it. So,**  
 23 **in making my planning conclusions, in carving out**  
 24 **this ordinance, I've also relied upon my expertise**  
 25 **in design and landscape architecture as well.**

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1 **MR. O'NEILL: Well, I would submit**  
 2 **Mr. McDonough for purposes of planning, and to the**  
 3 **extent necessary, landscape architecture for this**  
 4 **evening.**  
 5 CHAIR PARIKH: Any questions from  
 6 the board members? Okay. You may proceed.  
 7 MR. O'NEILL: Thank you.  
 8 Q Mr. McDonough, you're fully familiar  
 9 with the proposal that's before the board this  
 10 evening?  
 11 **A Yes, I am.**  
 12 Q You've had an opportunity to examine  
 13 local ordinances and the master plan?  
 14 **A I certainly have, yes.**  
 15 Q And you do have an analysis for us  
 16 this evening. So, I wonder if you could give the  
 17 board, please, your finding.  
 18 **A I certainly will, and, Mr. Chairman, what**  
 19 **I would like to do, is, start off with an**  
 20 **overview. I'm going to hit on existing conditions**  
 21 **proposed, and the existing zoning and what we're**  
 22 **contemplating here, and just very generally**  
 23 **speaking about the planning rationale behind what**  
 24 **the applicant is looking to do here. I will start**  
 25 **off with addressing the checklist item No. 6,**

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1 which are the photographs. I have a number of  
 2 photographs to enter. And we also have some big  
 3 boards, which I'll introduce during the course of  
 4 the testimony, and then I'll come back full circle  
 5 to Mr. Snieckus, and address his planning report,  
 6 that deals with more of the substantive issues of  
 7 this rezoning ordinance that has been put forth  
 8 before you. So, what I'd like to do right off the  
 9 bat, is, enter an exhibit that I've put forth in  
 10 the form of a handout, for each member of the  
 11 board.

12 MR. O'NEILL: If I may, I'll mark  
 13 that as Exhibit A-1 for this evening's date.

14 MR. BARBERIO: Could I get a copy of  
 15 that, Mr. O'Neill?

16 MR. O'NEILL: I'll be passing out  
 17 copies with the Chair's permission.

18 MR. BARBERIO: Thank you.

19 A And as A-1 is being handed out, just to  
 20 describe what it consists of, it will be a  
 21 three-page, file size exhibit, 11 X 17, and these  
 22 are all photographs of existing conditions.  
 23 Nothing shown here is what's proposed. So, it all  
 24 relates to what's on the ground right now, which  
 25 is the starting point for any planning analysis.

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1 The first page will be a aerial photograph  
 2 that was downloaded from the Bing website. The  
 3 second page and the third page will be ground  
 4 photographs that I actually took.

5 I've been associated with this tract for,  
 6 or familiar with this tract for over forty years,  
 7 and I was on it as recently as yesterday, taking  
 8 photographs, just to make sure I had the current  
 9 condition right.

10 Q Mr. McDonough, you mentioned that  
 11 the first page of A-1 is a photograph that you  
 12 took from the internet, Bing?

13 A This is a download from the Bing website.  
 14 And the reason why I like to use Bing for these  
 15 type of things, is that Bing gives us more of a 3D  
 16 perspective, or a birdseye perspective, so we get  
 17 a sense of the mass and scale of the building and  
 18 the structures in the area.

19 Q Now, you're fully familiar with the  
 20 site as you indicated.

21 A Yes, I am.

22 Q Based on that familiarity, is that  
 23 an accurate representation in that first page of  
 24 the conditions on the site?

25 A It is a fair and accurate representation

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1 of the physical development that's in place now.

2 MR. CRESITELLO, JR.: Mr. McDonough  
 3 or Mr. O'Neill, do you happen to have a larger  
 4 version of this, or an extra copy that you could  
 5 put up on the board?

6 A I only brought enough copies for the  
 7 board. Again, it's just existing conditions. I'm  
 8 not offering anything. When we get to propose we  
 9 have much larger boards.

10 So, yes, this is an accurate  
 11 representation of the build-out. I do know, in  
 12 particular, No. 20 Waterview Boulevard, which is  
 13 shown on my photograph, was initially associated  
 14 with the Shore DePalma engineering firm. They're  
 15 no longer there. So, there may be a lot more  
 16 parking spaces taken up on this particular  
 17 photograph than under present conditions.

18 What we've done is outlined the subject  
 19 property in yellow. And for orientation purposes  
 20 I'm going to start with the labels in white, which  
 21 are the surrounding roadways. And we're bounded  
 22 by a number of highways. North would be straight  
 23 up on this particular photograph. We've got  
 24 frontage on Route 46, the bottom of the  
 25 photograph. Over to the right we've got Route 287

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1 and Route 202 running parallel to that. All the  
 2 way over to the left-hand side of the photograph,  
 3 we're looking at Interval Road, which is a loop  
 4 road that takes us back through Parsippany and  
 5 Mountain Lakes and back to Route 202 as we work  
 6 our way to the northern end of the town.

7 The last road that I've labeled, is,  
 8 Forest Drive, which is immediately north of the  
 9 subject property.

10 What we've done, is, outlined in yellow,  
 11 in the dash line, the larger Waterview Campus,  
 12 which is a 132 acre tract that goes back to the  
 13 old Dodge estate. And I recall talk about having  
 14 this developed back in the 70's. That's when  
 15 there was first talk about massive development  
 16 coming onto this piece, and I recall concepts for  
 17 an overall planned office development going back  
 18 to the '80's. And gradually we've seen the  
 19 manifestation of this under the planned office  
 20 development over the course of the last two or  
 21 three decades. In this time, Lot 29 stands out as  
 22 an anomaly, in that it has not manifested under  
 23 the current zoning. We see that there have been a  
 24 number of office buildings, Class A office  
 25 buildings that have come in. We see the Embassy

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1 Suits hotel. We see a TD Bank that has come in.  
 2 And, of course, in terms of surrounding land use  
 3 for orientation purposes the town hall is right  
 4 here. So, the tract is right outside our window  
 5 that we're speaking about. Again, a massive 132  
 6 acre tract, that has been subdivided into 11  
 7 parcels, all of which are developed except for  
 8 this particular tract. We know that we are at a  
 9 major transportation node here. We're looking at  
 10 a wonderful mix of land uses in this particular  
 11 area. And as I look at your land use map, along  
 12 Route 46, we have a significant amount of  
 13 coloration, which indicates that we have  
 14 commercial uses, we have residential uses, and we  
 15 have retail uses, all located here along Route 46.  
 16 That is what makes Parsippany so wonderful and why  
 17 it always ranks so high in the lists of places to  
 18 live. You have great variety here. You have  
 19 great diversity. You have great accessibility.  
 20 You also have very, very classic -- classy tracts  
 21 of land, including this particular development,  
 22 which has very classy, class A office space.  
 23 What the applicant is proposing to do  
 24 here, because we have very significant interest  
 25 from classy retailers, high-end upscale retailers,

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1 and classy upscale residential development as  
 2 well. So, we're looking to enhance the class of  
 3 this classy development. Again, 132 acres. We're  
 4 looking at a site that is now 26 acres. And,  
 5 again, has not manifested itself over the course  
 6 of several decades under the present zoning.  
 7 You heard through your planner that this  
 8 is an overlay zone. We intend to keep the current  
 9 zoning in place. And, in fact, the site and the  
 10 zoning could stay stagnant as is for many years.  
 11 This is an incentive. This is an economic  
 12 development district. And this is an opportunity  
 13 to incentivize development on this particular  
 14 piece of property with the overall goal of  
 15 community growth and of bringing, again, a co  
 16 mingling of uses to this particular tract and this  
 17 particular node, which has great accessibility  
 18 here in Parsippany.  
 19 We've shown on the plan -- on the  
 20 photograph, the build-out of the tract. And,  
 21 again, taking you through Waterview Boulevard,  
 22 which in and of itself is special here because  
 23 we're not dealing with a local road per se. We  
 24 are dealing with a service road. So, to the  
 25 extent that this site becomes developed, it is not

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1 being developed in association with commercial  
 2 traffic being directed to local roads so much as a  
 3 service road where we'll have its access off of --  
 4 associated with Waterview Boulevard.  
 5 Surrounding land uses include multi-family  
 6 residential to the south. We've labeled Interval  
 7 Gardens, and to the west, in terms of townhouse  
 8 development, that is actually on the Mountain  
 9 Lakes side of the border. Interval Road actually  
 10 lies within Mountain Lakes proper. We're looking  
 11 to the north that establish single family  
 12 development in the Interval Heights development  
 13 and a string of buffering that has been preserved  
 14 on both sides of the common property line  
 15 associated with that particular development.  
 16 Forest Drive, as we know, continues all  
 17 the way over to Route 202. We're looking at, on  
 18 the south side of Route 46, a number of municipal  
 19 uses opposite the site, including the police  
 20 station, and the post office. We've got the  
 21 Waterview Park and Ride, right across the street.  
 22 And then we run down to a string of commercial  
 23 uses that take us over to Route 202.  
 24 So, again, a nice variety of land use in  
 25 this particular area. Definitely a mixed area.

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1 Certainly not a uniform mix of uses, but a nice  
 2 variety of mixes. We don't have one dominant land  
 3 use at this particular location. It's not all  
 4 office. It's not all residential. And it's not  
 5 all retail.  
 6 We are also looking at the office park  
 7 itself, which backs up to that single family  
 8 development to the north. And, then, as I said,  
 9 we have retail uses extending all the way down to  
 10 the Morris Hills Shopping Center.  
 11 That Morris Hills Shopping Center was  
 12 developed in the 1960's. That's a much older  
 13 facility. I remember back when it was an Acme  
 14 Supermarket. And further to the south of that we  
 15 had, along Parsippany Road, Parsippany Boulevard,  
 16 we had a Grand Union. Both of those are gone.  
 17 Here on, what I'll call the Troy Hills  
 18 section of town, or the western end of town, we  
 19 are having a -- we have a distinct lack of grocery  
 20 land use. And, in particular, the specialty type  
 21 of grocer that the applicant is looking to bring  
 22 here.  
 23 You heard about the quality of product  
 24 that Whole Foods would bring to the mix. Very,  
 25 very select in terms of its site location. It

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1 does not pick random sites, but targets sites with  
 2 an educated population, college educated  
 3 population, a certain demographic within a 20  
 4 minute drive of their sites. And, again, a very,  
 5 very select product base that talks about natural  
 6 foods, organic foods, somewhat of a pricey element  
 7 to it, but we're talking about a very upscale  
 8 high-end retailer that's looking to locate at this  
 9 particular location.

10 Distinctly different than the Pathmark  
 11 that we see further down, as a shopping  
 12 alternative on Route 46. It is a much larger  
 13 facility, and certainly a different product mix  
 14 than what the applicant is looking to introduce  
 15 here.

16 So, again, the Whole Foods aspect and the  
 17 application as a whole, looks to respond to  
 18 demand, and to the fact that we have very, very  
 19 significant interest from very upscale and very  
 20 select retailers and residential at this  
 21 particular location.

22 In terms of the tract itself, as I said,  
 23 it's the last vestige that remains of the old  
 24 Dodge tract.

25 In terms of constraints, on this

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1 particular piece of property, there are absolutely  
 2 none. We have a letter from an environmental  
 3 firm, indicating there are no wetlands on this  
 4 particular piece of property. We're not  
 5 encumbered by streams. This is one of the largest  
 6 most unconstrained pieces of property, commercial  
 7 properties, that remain here in Parsippany.

8 It is ideally suited for some form of  
 9 development. It is not zoned for a park, but in  
 10 fact zoned to be some type of specialized economic  
 11 development land use.

12 We've heard that there has been a concept  
 13 approved here at this particular site, or at least  
 14 contemplated, as part of the overall master plan.

15 As we look at the allowable floor area  
 16 ratios for this particular tract, we're looking at  
 17 an office building that could be upwards of  
 18 350,000 square feet at this particular location.  
 19 350,000 square feet, which is important, because  
 20 as we look at the gross floor area of what the  
 21 applicant is proposing here, from a commercial  
 22 standpoint, it's actually much less than that  
 23 350,000 we would see associated with an office  
 24 use.

25 Again, no threatened or endangered

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1 environmental species. No significant historical  
 2 or other elements associated with this particular  
 3 tract. Ideally suited for redevelopment which,  
 4 has not manifested at this particular location.

5 The plan, as we'll hear, as we go through  
 6 the elements of the site plan, is to create a  
 7 high-end retail residential project. We're  
 8 looking at one that provides a mix that responds  
 9 to consumer demand and certainly compliments the  
 10 mixed nature of this area.

11 In terms of the pieces of the puzzle that  
 12 you'll hear, we're looking at the Whole Foods  
 13 aspect, as a centerpiece of the project.  
 14 Forty-thousand square feet is relatively small in  
 15 terms of a grocery store use. And we're also  
 16 looking at a complimentary larger scale department  
 17 store. And we'll keep its products all under one  
 18 roof in the form of a 137,000 square feet.

19 And then we're also looking at a pad site  
 20 that will have a drive-thru component of just less  
 21 than 13,000 square feet. So, the aggregate is  
 22 approximately 200,000 square feet in terms of the  
 23 commercial base that would be introduced onto this  
 24 particular piece of property.

25 There's also a residential component

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1 that's contemplated as a transition, between the  
 2 commercial use and the residential development  
 3 that is to the north of the subject. Looking at  
 4 72 townhouses, which would be in the range of  
 5 roughly three dwelling units per-acre, over the  
 6 totality of the site. That's on scale with the  
 7 multi-family that we see in the surrounding areas  
 8 as well, to the south and to the west. These  
 9 would all have three bedroom garages. All three  
 10 stories tall, in 16 buildings that would contain  
 11 roughly 4 to 6 dwelling units per building.

12 Parking on site would have 900 spaces allocated  
 13 for the retail. 324 residential spaces. And,  
 14 importantly, the two aspects of the development  
 15 would not be interconnected. There would be a  
 16 divide. To the extent that access to the  
 17 commercial portion would not be off of Interval  
 18 Road, but rather off of Route 46, and off of  
 19 Waterview Boulevard. The residential product  
 20 would not tap into the commercial aspect, but  
 21 actually interconnect into Interval Road.

22 In terms of present zoning, as you've  
 23 heard, this is within the POD, planned office  
 24 development zoning district. Is a specialized  
 25 economic development zone. It's aimed at high



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1 rateable tenants. The property, as I've said, is  
2 part of a master plan par that was put forth by  
3 Bellmede back in 1980, and under this current  
4 zoning the site could accommodate, as I said, a  
5 large scale office building.

6 We know, however, that the office market  
7 is suffering. Not only here on a micro scale, but  
8 on a much greater macro scale, not only in the  
9 county, in the state, nationally as well. We're  
10 seeing numbers of 40 percent vacancy rates for  
11 offices. It triggers, from a planning standpoint,  
12 some sort of reaction to make something happen at  
13 this particular location.

14 Again, dealing with an area that's not  
15 zoned to be preserved as a par, but to perform  
16 some sort of production or rateable for the  
17 community.

18 The concept plan that we have before you,  
19 and which you'll hear through our engineer in  
20 detail, is illustrative of the land uses that  
21 could be manifested under this particular  
22 development. And, again, I've described the  
23 various components of it.

24 What I have done is put forth a overlay  
25 ordinance for the board, and just to give a brief

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1 run down of the actual aspects of that, we are  
2 calling this the RCR, planned retail commercial  
3 overlay district. Which, again, would maintain  
4 the base underlying office zoning, but introduce  
5 an incentive in terms of additional options here  
6 for commercial development and residential  
7 development as well.

8 We talked about bringing in retail  
9 structures that would manifest what we see under  
10 this concept plan. Again, the department store,  
11 the grocery store, the little drive-thru pad, and,  
12 of course, the residential development behind.  
13 We're looking at an allowance for restaurants,  
14 banks.

15 There was a permitted use that was listed  
16 in the zoning ordinance for convenience sales with  
17 fuel. That is going to be struck from the  
18 development, as part of a response to the report  
19 that has been put forth by Mr. Snieckus, and I'll  
20 elaborate that as I go through his report as well.

21 We talk about accessory uses as those that  
22 would be customary and incidental to permitted  
23 uses that I just described. We lay out a number  
24 of height and other bulk area requirements,  
25 including a minimum tract size of 25 acres,

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1 minimum lot size with respect to the interior  
2 development. To the extent that there would be a  
3 subdivision line created between the residential  
4 and the retail component. We speak about a buffer  
5 requirement of preserving a 50 foot green belt  
6 around the perimeter of the property to protect  
7 the residential uses that adjoin us. We also  
8 speak about maintaining an overall building  
9 coverage, an overall tract coverage, consistent  
10 with the planned office development, maximum  
11 retail floor area, maximum densities, and maximum  
12 building heights that would be struck at 40 feet  
13 for the retail component -- strike that. Forty  
14 feet for the residential component and 45 for the  
15 non residential component, maximizing the number  
16 of stories for the residential component to be at  
17 3.

18 We have design standards as well, that  
19 relate to the access that I spoke about, with  
20 respect to Interval Road being limited  
21 specifically to the residential use only. We have  
22 commentary about buffering, about landscaping,  
23 about the lighting requirements. And I can  
24 certainly elaborate on each one of these if the  
25 board wants further detail as we go forward. We

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1 speak about signage and parking requirements as  
2 well.

3 In a nutshell, all the design guidelines  
4 relate to the development that you see before you  
5 on the concept plan that the applicant is putting  
6 forth. We'll hear more about the detail of that  
7 through our upcoming witness.

8 Other statutory considerations here, the  
9 applicant is looking for a recommendation from  
10 this planning board, in terms of compatibility  
11 with your master plan and a recommendation to  
12 governing body to adopt this and introduce this on  
13 first reading, and then of course on second  
14 reading, as a new ordinance here in town.

15 Some of the statutory considerations, one  
16 of the things, of course, the board may ask, is,  
17 why is this not spot zoning. Well, our case law  
18 tells us, and our planning rational tells us, that  
19 it is not spot zoning when more than one member,  
20 or more than the applicant, or land owner is  
21 benefited. And this is certainly a community  
22 benefit here. We're looking at something that's  
23 in harmony with the surrounding land uses. We're  
24 looking at something that is a significant fiscal  
25 windfall for the community, a 1.1 million dollar

1 rateable. Bearing in mind that the office  
 2 buildings that we see around this particular tract  
 3 generate about a half a million dollars a year.  
 4 That's ten times more than the current rateable  
 5 that's generated by the vacant piece of land.  
 6 It's a stagnant piece of land that's there now.  
 7 And if we see another one million dollars in first  
 8 time fees, or first year fees, that would be  
 9 associated with this particular development from  
 10 the inspection fees, approval fees, sewer  
 11 connection fees, and the like.

12 So, again, it's not spot zoning when it  
 13 benefits the community at large. And I certainly  
 14 see a public benefit there, not only in terms of  
 15 responding to demand at this particular section of  
 16 town, market demand, but also that fiscal benefit  
 17 that I talk about as well.

18 When we look from the planning standpoint  
 19 to tie this to your master plan, and I certainly  
 20 see a nexus with the land use element, which talks  
 21 about ensuring a proper distribution of land uses.  
 22 We know that Parsippany is over stacked with  
 23 office land uses. And, this is, again, an  
 24 opportunity to sort of fix that issue and bring  
 25 another land use in here, that certainly is more

1 responsive to demand. The retail market is  
 2 strong. The market for townhouses are very strong  
 3 here in Parsippany as well. So, we're looking at  
 4 two very viable and vibrant land use options at  
 5 this particular location.

6 We also look at a nexus with your housing  
 7 plan element, which also encourages a variety of  
 8 housing choices. We know that Parsippany has a  
 9 plethora of garden apartments. And I have to  
 10 underscore here, that we are looking at a product  
 11 that will be a for sale housing product. This is  
 12 a townhouse project. Not an apartment complex  
 13 that's being proposed.

14 Importantly, as we look through the demand  
 15 data, we say that townhouses here in Parsippany  
 16 account for 6.1 percent of the residential  
 17 availability in your community. 6.1 percent. In  
 18 the surrounding communities we see demand in  
 19 availability in terms of townhouses of 16.1  
 20 percent. So, you have much less of a townhouse  
 21 option here in Parsippany than you do in  
 22 surrounding properties as well -- surrounding  
 23 neighborhoods as well. That's an indicator of  
 24 demand for townhouses here in Parsippany.

25 We also look at a nexus with the

1 circulation element of your master plan. The  
 2 circulation element recognizes that this site has  
 3 excellent accessibility along main roadways. So,  
 4 we see a tie with both the land use element,  
 5 housing element, and the circulation element of  
 6 the master plan.

7 Obviously, the board would have to make a  
 8 zone plan amendment, a master plan amendment,  
 9 because your present zoning does call this out,  
 10 consistent with the planned office development as  
 11 office land use. So, we would have to introduce  
 12 this other element, as part of a master plan map  
 13 adjustment.

14 In terms of compatibility with  
 15 surroundings, I go back to the original land use  
 16 map that I talked about, and the various land uses  
 17 that surround this particular piece of land. We  
 18 are consistent with what I'll call the juxtaposed  
 19 or interspersed nature of the area, and this land  
 20 use mix that we see, combining residential,  
 21 retail, and office, all co mingled in one  
 22 particular section.

23 We're looking at a site that is well  
 24 buffered along the perimeter, and the density, as  
 25 I said, is on par with Interval Gardens to the

1 south. That's a density of 12 dwelling units  
 2 per-acre. We are looking at a tract of land,  
 3 again, over the overall, that equates to about 3  
 4 or 4 dwelling units per-acre. If the site were to  
 5 be subdivided, the residential portion alone is  
 6 approximately 8 dwelling units per-acre. So,  
 7 below that 12 units per-acre that we see over at  
 8 Interval Gardens in the R5 district.

9 Going back to the planner's comments, in  
 10 his report, I think the big three things that I  
 11 want to talk about, there are, No. 1, we agree  
 12 with your planner's comments to lose gas as a  
 13 permitted use in this particular location. We are  
 14 in a wellhead protection zone. So, we acknowledge  
 15 that that is good planning to move that from the  
 16 application at this time.

17 There was a communication about parking,  
 18 the parking associated with this particular tract  
 19 responds to the users who have done this  
 20 nationally, and are very fine-tuned, and  
 21 well-tuned to the parking demands of their  
 22 particular use. I think your planner also defers  
 23 to your engineer in terms of whether that works  
 24 from a design standpoint in terms of the numbers.  
 25 We'll put forth testimony that it does work

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1 overall, and there's a shared nature to this  
 2 development in terms of the overall parking  
 3 demand.

4 The signs, the signs are on par with other  
 5 centers here in Parsippany. And I think at this  
 6 particular point, I just realized that I did not  
 7 go through the ground photographs that I took, and  
 8 I think I should show them as well, because they  
 9 are important to the signage aspect of the  
 10 development.

11 Frame No. 1 on page No. 2 is a look at the  
 12 particular property in question. The property is  
 13 in the background, underutilized site, and I'm  
 14 looking at this from the interior of the Waterview  
 15 Campus in this particular frame. That's No. 10,  
 16 Waterview Boulevard. Just get a sense of the  
 17 scale of the particular tract.

18 If we go down to frame No. 3, we're  
 19 looking at the subject site from Intervale Road.  
 20 Again, a wooded undeveloped piece of property.

21 Frame No. 2, in the upper right, just  
 22 gives a sense of the mass and scale of Waterview  
 23 Boulevard. Again, looking at it as a service  
 24 road. Not so much of a thru road for the local  
 25 population and the motoring public. And also a

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1 view of Waterview Boulevard from Route 202 in the  
 2 lower right-hand portion.

3 The next page we look at comparable  
 4 projects in the area. And the top two  
 5 photographs, 5 and 6, give us a sense of the  
 6 density that's in the area associated with the  
 7 multi-family developments. We have a multi-family  
 8 development off of Interval Road in Mountain  
 9 Lakes, that you see in frame No. 5, and you get a  
 10 sense of the density that's right there, on the  
 11 other side of the street.

12 And then of course in frame No. 6 we're  
 13 looking at Interval Gardens with its 12 dwelling  
 14 units per-acre right on the other side of Route  
 15 46.

16 Frames No. 7 and frames No. 8 take us a  
 17 little bit further down on Route 46. And I took  
 18 these photographs simply to show a sense of  
 19 signage that are associated with retail  
 20 development. This is on scale with what the  
 21 applicant would be proposing here. The sign that  
 22 you see, I'll take you to the one in the far right  
 23 over at Troy Hills Shopping Center. I went  
 24 through your microfiche, that is a 32 foot high  
 25 sign. The applicant is looking for a 35 foot high

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1 sign. And in frame No. 7, we see in the  
 2 background, the Cinema 12 sign, that's on the  
 3 corner of Parsippany Road and Route 46. That is a  
 4 30 foot high sign. In your microfiche, as I went  
 5 through, I could not get a measurement for the  
 6 sign in the foreground. But it is at least  
 7 10-feet higher than the Cinema 12 sign. So, we're  
 8 looking at a sign that I would estimate is  
 9 approximately 40 feet high.

10 On the plans back in 1965 or so they  
 11 simply call it out as the sign tower that's  
 12 associated with this development. I think we also  
 13 get a sense of the scale of that sign based on the  
 14 bus that's parked underneath it. And this sign is  
 15 4 times larger than the bus that's parked  
 16 underneath it.

17 So, the point is, with retail, we get a  
 18 certain element of signage as well. We know that  
 19 in the planned office development we're looking at  
 20 monument sized signs. Here we're looking to bring  
 21 in signage that is appropriate and on scale for  
 22 retail development and compatible with the  
 23 surrounding signage in the area in similar  
 24 shopping centers.

25 The last comment that I'd like to make

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1 with respect to your planner's report was a  
 2 concern about the wall that would separate both  
 3 components of the development, or the split  
 4 between the retail component and the residential  
 5 component. We're looking at a wall that would be  
 6 higher than 6-feet tall, and your ordinance has a  
 7 setback provision that would require the wall to  
 8 have a 4-foot tier in between those 6-foot risers,  
 9 to allow for landscaping in between. The  
 10 applicant is looking to have a sheer wall here.  
 11 That would be upwards of 20, 25 feet or so. The  
 12 reason being, No. 1, it maximizes the horizontal  
 13 buffering between the commercial development and  
 14 the residential development that's behind it, and,  
 15 No. 2, that building wall is going to be  
 16 substantially massed or obscured by the building  
 17 mass in the form of a large retail development  
 18 that's in front of it. That wall will not be  
 19 visible to the public view from the front, or from  
 20 the back. Bearing in my mind that in the back we  
 21 have our residential development, that will be  
 22 screened by evergreens, and that wall drops down,  
 23 not up, from those home sites.

24 So, all said, we agree substantially with  
 25 the comments of your planner, in terms of edits

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1 and refinements to our zoning ordinance, and we  
 2 can certainly go through them to the extent that  
 3 the board wants to. But on those three or four  
 4 points, we are looking for some relaxation and  
 5 looking to hold the ordinance as written in that  
 6 regard.

7 All said, again, this is the overview,  
 8 from a planning standpoint, I think there is  
 9 certainly a logic and a rational to what the  
 10 applicant is looking to do here. Planners are  
 11 responsible for putting the pieces together in a  
 12 community to assure orderly development. Whenever  
 13 there is significant market interest we respond to  
 14 that, and we look at ways of mitigating impacts on  
 15 the surrounding properties.

16 We've looked at traffic. We've looked at  
 17 buffering. We've looked at how the project fits  
 18 on the site. And, again, you'll hear in detail  
 19 how this project works and this zoning works at  
 20 this particular location.

21 At this point I'd like to rest on direct  
 22 testimony and field any cross.

23 MR. O'NEILL: Thank you,  
 24 Mr. McDonough. I have no further questions for  
 25 Mr. McDonough.

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1 CHAIR PARIKH: Do we have any  
 2 questions from the board members?

3 MR. DEPIERRO: Is this a question  
 4 period or a comment period?

5 CHAIR PARIKH: Questions.  
 6 Questions.

7 MR. DEPIERRO: Okay. This is sort  
 8 of a question. I guess the thing that stands out,  
 9 I have a lot of concerns. I'll wait to hear the  
 10 rest of this proposal. The one thing that stands  
 11 out to me, is the -- is the townhouse development  
 12 access onto Intervale Road. If anybody from the  
 13 townhouse development wants to get to Route 287  
 14 South, I guarantee you they are going to use  
 15 Forest Drive to get there. I would much prefer,  
 16 if we were going to move forward with a plan like  
 17 this, that there be only access to Waterview  
 18 Boulevard, and then they would be taking Waterview  
 19 Boulevard over to 287 South and stay off of our  
 20 residential streets. Private little driveways  
 21 from the townhouses down along the side of the  
 22 parking lots to Waterview Boulevard.

23 MR. O'NEILL: Well, perhaps our next  
 24 witness would be able to address some of these  
 25 concerns, Counselor.

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1 MR. DEPIERRO: Okay. Like I said, I  
 2 will reserve judgment until the end, but that just  
 3 stuck out like a sore thumb.

4 CHAIR PARIKH: Anyone else?

5 MR. DINSMORE: You know, we've  
 6 wrestled-- I've wrestled on board of adjustment  
 7 with the townhouse proposals, and I've never seen  
 8 one with three story 40 foot townhouses before  
 9 with this kind of -- I've seen this kind of  
 10 density proposed. I've never seen anybody ever  
 11 approve it on the board of adjustment that I've  
 12 sat on. What is the thinking that goes behind  
 13 that? Because we have to be, as a board, careful  
 14 about what, you know, if we're going to create a  
 15 zone or propose it to the council that a zone be  
 16 created, that allows certain densities and certain  
 17 heights. I know from past experience that people  
 18 will come in and say, well, you allow it here, so,  
 19 why don't you allow us to allow it there. And,  
 20 so, I just want to get your thinking behind why  
 21 you think it's appropriate in Parsippany, where we  
 22 don't have townhouse ordinances that allow, what  
 23 is it, 8 per acre, and 40 foot high townhouses.  
 24 Because this is a concept. And I would like to  
 25 hear your thinking as to why this is reasonable.

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1 MR. MCDONOUGH: The planning logic  
 2 behind the size of the townhouses is that it  
 3 certainly responds to, again, a market demand for  
 4 this type of a product. This is certainly a  
 5 housing product that we see appearing more and  
 6 more throughout Morris County. We're dealing with  
 7 a site where the impacts of additional height are  
 8 certainly mitigated by the extensive buffering  
 9 that will be provided around this particular piece  
 10 of property. It also provides an efficiency. By  
 11 keeping this site more vertical, or the building  
 12 more vertical, it avoids a large horizontal  
 13 footprint, which minimizes the disturbance on the  
 14 tract.

15 MR. DINSMORE: How -- how -- you've  
 16 got a couple of 6 unit blocks here. How wide are  
 17 they going to be? You know, are they going to be  
 18 like 240 feet long or something like that? I mean  
 19 most good developments that I've seen and tried to  
 20 stay to like 3 units, not 6 units or something  
 21 like that. So, I mean that's also a question as  
 22 to my thinking on the subject. I'd just like to  
 23 know your planning perspective as to why. We've  
 24 never allowed -- I shouldn't say that. There's  
 25 one over off of Smith Road. But we generally try

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1 not to allow that kind of a lengthy single  
 2 building, as it were. And then -- so, what's,  
 3 again, the planning thinking behind that?  
 4 **A This is going to be a very high-end**  
 5 **residential product. It will be very attractive.**  
 6 **And it's going to -- the building masses are**  
 7 **broken up, and the unit masses are broken up by**  
 8 **the altering at the staggering of the footprint.**  
 9 **And also by the elements of the facade that are**  
 10 **introduced. So, there are ways to mask the**  
 11 **overall, I'll say monotony, of the building mass**  
 12 **with architectural treatments.**  
 13 **MR. O'NEILL: Mr. McDonough, there's**  
 14 **a -- we're also providing, as part of that**  
 15 **extensive indoor parking for the persons**  
 16 **purchasing the townhomes, isn't that correct --**  
 17 **isn't that true?**  
 18 MR. MCDONOUGH: Parking is inherent  
 19 to that layout, yes.  
 20 MR. O'NEILL: And, Mr. Dinsmore,  
 21 we'll have another witness who will discuss the  
 22 particulars of the site that allow for screening  
 23 opportunities as to the height of this.  
 24 MR. DINSMORE: I am trying to get at  
 25 the planning aspect. This is a concept plan. And

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1 I really, before I want to make any recommendation  
 2 to the council, I want to make sure that I'm  
 3 comfortable with the planning, as to how does it  
 4 fit into Parsippany's plan. How does it affect  
 5 the neighbors from a planning point of view. You  
 6 know, these are questions that I need to feel  
 7 comfortable, from a land use law planning  
 8 perspective, work, in a town where we haven't  
 9 gotten any zones that allow this kind of  
 10 development. Its had to be done specially.  
 11 MR. MCDONOUGH: And there's two  
 12 answers to that. No. 1, I've seen representations  
 13 of the product that would go here. It's very  
 14 attractive. I think it's very appropriate in  
 15 terms of the mix of the area. Secondly, this is  
 16 an area that is contemplated under your present  
 17 zoning for height. Massive buildings are  
 18 contemplated at this particular location. I don't  
 19 necessarily endorse this product throughout  
 20 Parsippany. But at this particular location it's  
 21 ideally suited, again, by virtue of the fact that  
 22 any impacts associated with mass and with height  
 23 are already contemplated here, as the ordinance  
 24 dictates presently.  
 25 MR. DINSMORE: Okay. And I must

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1 admit, I also second Mr. DePierro's point, that I  
 2 think that the circulation of large numbers of  
 3 people into the current traffic pattern is one  
 4 that has to be very carefully weighed.  
 5 MR. MCDONOUGH: Thank you.  
 6 CHAIR PARIKH: Any other questions?  
 7 MR. METH: Mr. McDonough, you  
 8 mentioned that this site could sustain a 350,000  
 9 square foot office building I believe?  
 10 MR. MCDONOUGH: Yes.  
 11 MR. METH: What floor area ratio  
 12 would that have, approximately?  
 13 MR. MCDONOUGH: I'd have to go back  
 14 to my numbers. I think it was, again, this  
 15 relates to the tract as a whole. We look at the  
 16 whole 132 acre piece. And I'd have to go back and  
 17 look at my exact numbers. I think it was .226 was  
 18 the maximum allowable FAR on the site. We have a  
 19 whole breakdown of it.  
 20 MR. METH: Well, yeah, I believe --  
 21 I thought the limit 1.76 unless you had a hotel,  
 22 which would lead to about a 200,000 square foot  
 23 office building on this tract.  
 24 MR. MCDONOUGH: The concept that I  
 25 have seen for this particular tract shows upwards

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1 of 250,000, which was contemplated as part of the  
 2 most recent approval, which goes back to the  
 3 Embassy Suites addition back in 2007. At that  
 4 time, the addition of the Embassy Suites would  
 5 account for another 70,000 or so square feet. So,  
 6 if we're looking at a 250,000 square foot concept,  
 7 that was included in the base floor area at the  
 8 time, with another 70,000 on top of that, that  
 9 gets us closing in on the 350,000 number.  
 10 MR. METH: Okay. Well --  
 11 MR. MCDONOUGH: We can break that  
 12 down.  
 13 MR. SNIECKUS: If I can just  
 14 supplement for the board. The floor area ratio  
 15 was based upon the entire POD zone, not just this  
 16 tract is being contemplated. So, that's why that  
 17 number may be higher. If you were to run the FAR  
 18 just for the site itself, it may be lower, as  
 19 we're talking about. But, you know, it was  
 20 contemplated for the entire development, the 132  
 21 acres I think that was mentioned. So, therefore,  
 22 that's where I believe there --  
 23 MR. MCDONOUGH: That's how we ran  
 24 the numbers, was on the total tract.  
 25 MR. DEPIERRO: Why is that relevant?

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1 Why aren't we looking at that one tract instead of  
2 looking at the whole Dodge estate?  
3 MR. MCDONOUGH: Yes, Mr. DePierro  
4 because --  
5 MR. DEPIERRO: If we're only talking  
6 about this one tract, why aren't we concentrating  
7 on that tract, and what could be the square  
8 footage for that tract?  
9 MR. MCDONOUGH: Well, undeniably the  
10 site is a piece of a puzzle that has been already  
11 master planned. There's a plan for something to  
12 happen here. And as a planner, I compare what  
13 would be allowed, against what the applicant is  
14 proposing. So, in that regard, I think there is  
15 relevance in the fact that the master plan here  
16 contemplates massive, upwards of 350,000 under the  
17 floor area that would be allowed on the totality  
18 of the site. That's a benchmark for me as a  
19 planner.  
20 MR. DEPIERRO: Okay. Because I've  
21 been on the planning board for about 20 years and  
22 I've been involved in politics for 35 and I  
23 haven't heard that number before for this 26  
24 acres.  
25 MR. MCDONOUGH: Well --

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1 MR. DEPIERRO: Not from -- not from  
2 anybody.  
3 MR. MCDONOUGH: The total tract?  
4 MR. DEPIERRO: No, the 26 acres that  
5 we're talking about.  
6 MR. MCDONOUGH: All I can tell you,  
7 is I know that when Embassy Suites came in to put  
8 an addition on the hotel, we looked at the total  
9 tract. The total tract that was considered in  
10 terms of the allowable FAR. So, I'm not aware of  
11 any one of these individual pieces of property  
12 that have been subdivided off of this larger  
13 tract, that have been treated individually. Its  
14 always looked at the bigger piece.  
15 MR. DEPIERRO: Okay.  
16 CHAIR PARIKH: Any other questions?  
17 MR. AYAZ: Ah, yes. What's the  
18 total square footage footprint of the townhouses?  
19 MR. MCDONOUGH: I don't know. We  
20 can calculate that for you.  
21 MR. O'NEILL: I do believe our next  
22 witness might be able to add some light to that.  
23 CHAIR PARIKH: Okay. Yes.  
24 MR. SNIECKUS: Mr. Chairman, just a  
25 few questions regarding the testimony that was

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1 provided.  
2 You had indicated that there are no  
3 environmental constraints on the subject property,  
4 and that was due to, I believe, Ecco Sciences  
5 study that they performed on the subject --  
6 MR. MCDONOUGH: That is correct,  
7 yes. I don't know if the board got that letter  
8 but I was --  
9 MR. SNIECKUS: I believe it was part  
10 of the whole application. But may not have been  
11 to the individual board members.  
12 Was there a study of any steep  
13 slopes on the subject tract?  
14 MR. MCDONOUGH: I don't believe so.  
15 And I believe the applicant is actually requesting  
16 the waiver for the topography.  
17 MR. SNIECKUS: Okay. From that  
18 requirement?  
19 MR. MCDONOUGH: Yes.  
20 MR. SNIECKUS: Okay. So, there may  
21 be some impact to that. I just wanted to let --  
22 obviously, as I try to point out to the board  
23 before, we're talking at a higher level of study,  
24 but yet it's important to understand what  
25 potential environmental impacts there may be on a

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1 subject tract.  
2 MR. MCDONOUGH: Yes, and I don't  
3 know if steep slopes were contemplated as part of  
4 the overall master plan for the tract.  
5 MR. SNIECKUS: No, I think that  
6 criteria came in after. Probably that overall  
7 master plan.  
8 MR. MCDONOUGH: Okay.  
9 MR. SNIECKUS: You indicated that  
10 there's no sign of historic features. This may  
11 not be the time for that discussion. But I did  
12 note, for the board, and I believe the board has  
13 in their packets, a review, that identified the  
14 potential for historic features on the subject  
15 tract. I'm not sure if this is the time to  
16 discuss that, Mr. Chairman, or would you prefer us  
17 to table that for the moment for further  
18 discussion.  
19 CHAIR PARIKH: Yeah, that's --  
20 MR. SNIECKUS: Okay. I just wanted  
21 to point that out to the board, that it's in here.  
22 You indicate some of the harmony  
23 issues with regard to -- from a planning  
24 standpoint to the Route 46 corridor. Can you  
25 address what sort of features, what sort of

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1 potential mitigating factors might be in there for  
 2 proximity to other uses surrounding this zone.  
 3 Particularly we're introducing a residential area  
 4 adjacent to a commercial area. The office  
 5 building, that you had mentioned before, on lot  
 6 No. 20, Waterview Boulevard. In addition to that,  
 7 if you can address any of the transitional aspects  
 8 to the adjacent residential properties as well.  
 9 MR. MCDONOUGH: Yes. Absolutely.  
 10 Good planning encourages transition. And the  
 11 typical pattern, as we go from lower density,  
 12 single family residential, to higher density  
 13 multi-family, and then transition over to our  
 14 non-residential land uses. That's exactly what  
 15 the applicant is doing here; moving from lower  
 16 density single family residential, that exists to  
 17 the north of us, and commercial uses on Route 46,  
 18 and introducing a commercial component, and then a  
 19 divide or a transition in between, in the form of  
 20 a multi-family development product. We've  
 21 provided a 50 foot green belt around the perimeter  
 22 of the property, again, to mitigate any impact  
 23 associated with the residential component and the  
 24 non-residential components that are around it.  
 25 MR. SNIECKUS: In addition to that,

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1 in our review, and, again, I'm trying to keep this  
 2 at a general level of discussion, but yet I  
 3 believe it interplays with regard to the overall  
 4 layout or the land use plan that's being proposed.  
 5 Do you have any issues with regard to the 25-foot  
 6 buffer that I was recommending, between the  
 7 non-residential use, and the residential use of  
 8 the actual tract itself?  
 9 MR. MCDONOUGH: No. We're okay with  
 10 that.  
 11 MR. SNIECKUS: Are there any issues  
 12 addressing, you had addressed the housing plan,  
 13 the housing element of the master plan, are there  
 14 any ways of addressing affordability of units,  
 15 well, within this development complex?  
 16 MR. MCDONOUGH: That component is  
 17 not proposed as part of this. And, again, we're  
 18 round 3 still remains in a flux. And what the  
 19 municipality's requirements are going to be under  
 20 round 3, once it flushes out in courts, are  
 21 unknown at this time. So, no, there's no  
 22 affordable component proposed as part of this  
 23 development.  
 24 MR. SNIECKUS: Is there any  
 25 anticipation of possibly, if in fact there was a

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1 requirement for a payment in lieu of development  
 2 of affordable housing on the tract is that  
 3 anything the developer would be considering?  
 4 MR. MCDONOUGH: Yes. Yes. That  
 5 certainly can be a topic of conversation as we go  
 6 forward.  
 7 MR. SNIECKUS: Just for the board  
 8 member's information, and the public, payment in  
 9 lieu of, generally is when you're contemplating a  
 10 impact as a result of the development itself. As  
 11 you may recall, prior third round requirements  
 12 that were overturned by the courts, talk about the  
 13 amount of jobs, and the amount of -- excuse me,  
 14 the square footage and the job impact of the  
 15 non-residential component of what's being  
 16 contemplated. But also the impact of the  
 17 residential units that are being proposed or  
 18 developed on a subtract tract, i.e., growth share.  
 19 As the municipality grows, there should be a  
 20 certain percentage of affordable units associated  
 21 with that. Those current regulations are in a  
 22 state of flux, as was pointed out by the planner,  
 23 and that we are currently just relying on our  
 24 second round housing plan.  
 25 Under the second round housing plan,

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1 we do have what's called, conformancy, with the  
 2 COAH regulations with regard to the second round  
 3 requirements of a fair share requirement for a  
 4 region. And we do have a certified plan, and we  
 5 do meet that requirement.  
 6 What may come to play, in the near  
 7 future, depending upon how the courts proceed with  
 8 this, as well as the state legislatures --  
 9 legislators, excuse me, is the issue of the  
 10 potential for a set-aside of a percentage, let's  
 11 say, of construction. Whether it's the amount of  
 12 residential units that are being proposed, or  
 13 possibly growth share. But I believe growth share  
 14 is the further -- item for further discussion.  
 15 So, what I would offer to the board,  
 16 is that there are mechanisms, such as a payment in  
 17 lieu of, building on site, for the payment to a  
 18 affordable housing trust fund that we have here in  
 19 the township, and the use of those trust fund  
 20 moneys for building affordable housing elsewhere  
 21 in the community, whether it's through additional  
 22 group homes, or the potential for municipally  
 23 sponsored construction for affordable units  
 24 elsewhere in the community. I just wanted to  
 25 point that out to the board.

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1 CHAIR PARIKH: Any other questions?  
 2 Okay.  
 3 MR. SNIECKUS: I believe that's all  
 4 I have for right now.  
 5 MR. KELLER: Mr. Chairman, I just  
 6 want to follow up on Mr. Dinsmore's comments  
 7 earlier. Since Mr. McDonough brought it up, the  
 8 height. It would seem to me that we have  
 9 sufficient number of townhomes in town, all sold  
 10 and occupied, that have followed our current  
 11 regulations. And I want to make sure that  
 12 somewhere along the line you explain why you need  
 13 the extra height. So far all you've said is there  
 14 is a demand. Well, I think in residential, people  
 15 are looking at square feet. Not cubic feet. So,  
 16 I don't know what that extra height gets you.  
 17 You also mentioned the extra height  
 18 you wanted for retail. And I don't understand  
 19 that either, unless you're talking two story  
 20 retail development on this site. And I think  
 21 you're only talking one. Most grocery stores are  
 22 only one story. So, somewhere along the line if  
 23 you can address that.  
 24 MR. MCDONOUGH: We will address that  
 25 as we go.

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1 MR. KELLER: The other question I  
 2 have is perhaps more for the administration. We  
 3 have adequate water supply for development of this  
 4 size?  
 5 MR. BARBERIO: Yes, we do.  
 6 MR. KELLER: Okay.  
 7 MR. BARBERIO: And sewer as well. I  
 8 figured you might ask that question next.  
 9 CHAIR PARIKH: Any other questions?  
 10 I just have one question. I mean I  
 11 know the planner ask you to maintain 25-foot  
 12 buffer. And is that possible? And you say, yes,  
 13 right? I mean does that mean that you're reducing  
 14 density of residential component of this plan?  
 15 Because right now it doesn't look like that.  
 16 MR. O'NEILL: I believe our next  
 17 witness will probably be able to address that a  
 18 little more specifically.  
 19 MR. MCDONOUGH: The answer remains,  
 20 yes. I have to double check that but the answer  
 21 remains, yes.  
 22 CHAIR PARIKH: All right. Board  
 23 members doesn't have any questions I will open up  
 24 --  
 25 MR. BARBERIO: I have one a question

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1 related to water. What I'm going to do,  
 2 Mr. Keller, is, I'll have our water, director of  
 3 water utilities, write up a report as well.  
 4 That's all.  
 5 CHAIR PARIKH: Okay. I open up to  
 6 the public for just general question about the  
 7 overall plan. We're not going into details of  
 8 designs or anything. But I open up to the public.  
 9 Is there anyone in the public that has questions  
 10 for this witness only, on what you've heard. If  
 11 you have any questions, specific questions, please  
 12 come forward. Give your name and address for the  
 13 record.  
 14 MS. CHOFFO: Hi, Nancy Choffo,  
 15 Glenbrook Drive, Parsippany. C-H-O-F-F-O. 5  
 16 Glenbrook Drive. My first question was about the  
 17 water. We're still under -- as residents in town  
 18 we're always under water restrictions. Now, you  
 19 add in 72 more townhomes. What kind of  
 20 restrictions are going to come?  
 21 MR. BARBERIO: We're always under  
 22 water restrictions from the state.  
 23 MS. CHOFFO: Yeah, so how can we  
 24 afford to add more?  
 25 MR. BARBERIO: From the State of New

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1 Jersey always has us under water restrictions.  
 2 Because we can only allot so much water per month,  
 3 allocated per month as per the State of New  
 4 Jersey. That's just -- in fact, we have plenty of  
 5 water. They restrict us. And then we have to  
 6 restrict the residents, which isn't really truly  
 7 fair, because we, you know -- when we restrict the  
 8 residents, we also restrict our revenues, which  
 9 means that we have to raise your rates. But at  
 10 the same time we do have a study from the director  
 11 of water utilities that says there's sufficient.  
 12 MS. CHOFFO: Okay. On the second  
 13 note there is -- no one ever mentioned any impact  
 14 of the schools in this location. This is  
 15 Intervale School, which is a local --  
 16 MR. BARBERIO: That is going to be  
 17 addressed.  
 18 MS. CHOFFO -- neighborhood small  
 19 school. Two percent cap on all taxes --  
 20 MR. BARBERIO: That will be  
 21 addressed though in this process.  
 22 MS. CHOFFO: But this has to be  
 23 addressed before you add the development in the  
 24 town. I mean that's a major thing. And not the  
 25 developer, anyone even mentioned the school.



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1 MR. BARBERIO: Mrs. Choffo, I will  
 2 call you Nancy. They have approached me. I've  
 3 met with them. And these issues have been  
 4 addressed. But this is the process that we go  
 5 through. And then you have the public portion to  
 6 ask those types of questions. Of course, I had  
 7 the same concerns you had. During the times that  
 8 I met with the developer, with Mr. Garofalo,  
 9 they -- then they put the application in. Because  
 10 those questions were answered.

11 MS. CHOFFO: Okay. And also the  
 12 environmental impact, they're taking land away  
 13 from a lot of animals in town that live in those  
 14 areas. So, to say there's no environmental impact  
 15 is not really a hundred percent true, when we have  
 16 bears in our backyards. We have turkeys in that  
 17 area that run freely, and I've been on that road,  
 18 Interval Road, between where they're going to  
 19 develop, watching the bears cross the street. So,  
 20 there is an impact, whether they say there is not.  
 21 All right.

22 CHAIR PARIKH: Okay. If you come  
 23 here, please ask questions at this time. I'll  
 24 give you time for comments if you have. Ask your  
 25 questions.

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1 MR. FRANKEL: Sure. Steven Frankel,  
 2 One Winding Way. For this witness only, and  
 3 Councilman DePierro, thank you for bringing up the  
 4 Forest Drive issue. I would also want to ask the  
 5 question: How are you going to deal with  
 6 residents of Parsippany and Mountain Lakes who  
 7 live slightly north and west, if there is only an  
 8 entrance to this development on Waterview,  
 9 everyone north and west of this development is all  
 10 going to come down Interval, cross Forest and come  
 11 down Waterview the other side. So, my question  
 12 is: Can you, in consideration of what Councilman  
 13 DePierro said about changing the way traffic  
 14 enters and exits this area, is to consider having  
 15 an entrance only, off of Intervale, to avoid  
 16 getting people crossing through Forest to get back  
 17 to Waterview. So, I know --

18 MR. O'NEILL: As I indicated to  
 19 Councilman DePierro, our next witness will be able  
 20 to address that in more detail.

21 MR. FRANKEL: Thank you.

22 CHAIR PARIKH: Thank you.

23 MS. PIEGARI: My name is Angela  
 24 Piegari, P-I-E-G-A-R-I. Do you need my address?  
 25 Ten Winding Way. Okay. And I promise I have a

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1 question, however long winded I might be.

2 The gentleman here spoke about spot  
 3 zoning, and that it can be changed if it benefits  
 4 the community. The community directly affected  
 5 may not agree that we will benefit from this  
 6 development, because of yet, what I consider  
 7 another strip mall development with additional  
 8 housing. Also, more traffic, more lighting, more  
 9 noise, possibility of crime, pressure on schools,  
 10 that was just mentioned, with an increase of  
 11 students, higher taxes for the needs of this  
 12 particular development. While such a store, for  
 13 example, as Whole Foods, might be better addressed  
 14 by the empty stores that already exist at  
 15 Michael's. The old Michael's. And the old  
 16 Walgreens. And I would like to -- my question is  
 17 coming. But, I would like to point out that the  
 18 size of this Whole Foods, just to use that as the  
 19 example, is similar to the one in Montclair, which  
 20 is in a different kind of location. So, my  
 21 question is: Has the -- has this concept  
 22 developer, and the developer himself, or herself,  
 23 have ever considered the two vacant stores in the  
 24 strip malls that already exist?  
 25 MR. MCDONOUGH: I think there's a

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1 couple of parts to the answer to that question. I  
 2 was not involved in the market research. So, I  
 3 don't know. But I will say, from the planning  
 4 standpoint, when we talk about Whole Foods, we're  
 5 dealing with a distinctly different type of  
 6 retail --

7 MS. PIEGARI: I'm familiar with  
 8 Whole Foods. I like Whole Foods.

9 MR. MCDONOUGH: We're dealing with a  
 10 retailer that puts upwards of \$200 per square foot  
 11 in their building facade, as opposed to \$50 per  
 12 square foot for a typical retail building facade.  
 13 This use wants to be in a very special location.  
 14 It doesn't want to co-locate with uses that -- or  
 15 retailers that are not on par with it. So, it has  
 16 selected this site, as a special site where it  
 17 wants to be. And as you can see from the board,  
 18 we're dealing with a very high quality look.  
 19 Again, a very high emphasis on the materials and  
 20 the architecture that's going to be associated  
 21 with this -- with this --

22 MS. PIEGARI: Are you familiar with  
 23 the store in Montclair where it's located?

24 MR. MCDONOUGH: I have not been to  
 25 that Whole Foods in Montclair. But I know the one

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1 in Madison. I know the one in Union. I'm  
 2 familiar with the product, yes. And, bear in  
 3 mind, from a planning standpoint this is anything  
 4 but strip retail development. Strip retail is  
 5 typically considered, by virtue of a low product  
 6 base, or a low retailer base, a low end retailer.  
 7 We're dealing with very high end retailers here.  
 8 Arranged in a linear monotonous fashion. Again,  
 9 as I said, we're dealing with a very high end look  
 10 to this particular product. It's anything but  
 11 strip retail.

12 MS. PIEGARI: I'm not convinced.

13 CHAIR PARIKH: Thank you. Thank  
 14 you.

15 MR. GRIBBON: Good evening. John  
 16 Gribbon. Ten Winding Way. Good evening.

17 MR. MCDONOUGH: Good evening.

18 MR. GRIBBON: A couple of questions.  
 19 You mentioned that one of the rationales for the 40  
 20 foot high townhouses is that they are already  
 21 being used in Morris County. Could you give us --  
 22 cite a couple of examples of where they are in  
 23 Morris County?

24 MR. MCDONOUGH: I'll -- I will get  
 25 that information for you. I don't have that off

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1 the top of my head, no.

2 MR. GRIBBON: But you will do that  
 3 though, right?

4 MR. MCDONOUGH: Yes.

5 MR. GRIBBON: No. 2, just for the  
 6 record, what would be the density of these  
 7 townhouses if you based it on only the area in  
 8 which they are proposed, as opposed to the whole  
 9 26 acres?

10 MR. MCDONOUGH: If you were to  
 11 subdivide off the residential component, it would  
 12 be in the neighborhood of 8 dwelling units  
 13 per-acre.

14 MR. GRIBBON: And what is it based  
 15 on the 26?

16 MR. MCDONOUGH: As I said, 3 to 4  
 17 dwelling units per-acre.

18 MR. GRIBBON: And going back to the  
 19 spot zoning again, you said that there is case law  
 20 that says that if there's a benefit to the  
 21 surrounding area then it might be permitted. But  
 22 are you aware of any case law that says, even if  
 23 there is benefit to the surrounding area that spot  
 24 zoning is not legal?

25 MR. MCDONOUGH: Say that again.

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1 Even if --

2 MR. GRIBBON: Even if there is  
 3 benefit to the surrounding area, that spot zoning  
 4 is not permitted.

5 MR. MCDONOUGH: No. If a rezone is  
 6 based on sound planning, it's not spot zoning.  
 7 This is -- this has a planning rationale to it, and  
 8 in that regard it's not spot zoning.

9 MR. GRIBBON: Well, spot zoning is  
 10 any time that you change the zoning of a  
 11 individual lot for the benefit of the owner of the  
 12 lot.

13 MR. MCDONOUGH: Yes. For the  
 14 benefit of one. At the disadvantage of the  
 15 greater good. And that's not the case here.

16 MR. GRIBBON: But then has there  
 17 been later cases that, where that concept was  
 18 introduced, well, what if there is benefit to the  
 19 surrounding area, where the case is found, that  
 20 even that was not a rationale for spot zoning?

21 MR. MCDONOUGH: I'm not talking  
 22 about the surr -- I'm talking about the whole  
 23 community of Parsippany. The whole municipality.

24 MR. GRIBBON: That's what I mean.

25 MR. MCDONOUGH: No, I'm not aware of

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1 that case.

2 MR. GRIBBON: Can you look into  
 3 that? I believe it's cited in Cox.

4 MR. MCDONOUGH: I'm not the lawyer  
 5 in the application.

6 MR. GRIBBON: All right. Then I  
 7 just state that for the record. Now, are there  
 8 any aspects of the master plan that this proposal  
 9 is at odds with? Any?

10 MR. MCDONOUGH: The master plan was  
 11 released in 2004. It's an older master plan in  
 12 that regard. Certainly predates the crash of  
 13 2007, when our economic conditions drastically  
 14 changed. Changed circumstances is certainly a  
 15 basis for changing a master plan. And I know that  
 16 this is something the board is undergoing. I just  
 17 heard testimony to that effect.

18 MR. GRIBBON: Well, I mean, you  
 19 know, I'm only asking: Are there any cases, you  
 20 know, I'm not asking for the -- your rationale of  
 21 it. Are there any aspects of the master plan that  
 22 are at odds with this development as it is written  
 23 now?

24 MR. MCDONOUGH: Yes, the master plan  
 25 is mapped out as this tract being office

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1 development.

2 MR. GRIBBON: Well, how about the --

3 the housing element of the master plan, does it

4 say anything about future housing in Parsippany?

5 MR. MCDONOUGH: Yes. Yes. And

6 that's actually referenced in the planner's

7 report. I addressed that about discouraging

8 multi-family development. And I talked about a

9 greater demand here in Parsippany in comparison to

10 surrounding communities, or multi-family

11 development, townhouse development, here in

12 Parsippany in 2012. That master plan is from

13 2004.

14 MR. GRIBBON: But the fact is,

15 though, that the master plan does say what you

16 just said, and as much as you would want to spin

17 it, it does say that it discourages further

18 housing development.

19 MR. MCDONOUGH: Changed

20 circumstances is certainly a basis for rezoning,

21 as it would be for a variance.

22 MR. GRIBBON: And my last question

23 is: Would these townhouses be visible from

24 Intervale Road?

25 MR. MCDONOUGH: Would these

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1 townhouses be visible from Interval Road. We'll

2 have cross sections to that effect. The answer,

3 is, again, there will be a 50 foot buffer around

4 the perimeter of the property. So, there will be

5 a wooded buffer between the subject -- between the

6 townhouses and Interval Road.

7 MR. GRIBBON: Do you think that 50

8 feet is really enough?

9 MR. MCDONOUGH: Yes, from a

10 landscape architecture standpoint, absolutely.

11 MR. GRIBBON: That's the end of my

12 questions. Thanks.

13 CHAIR PARIKH: Okay. Thank you.

14 MR. CHOFFO: Good evening everybody.

15 Andrew Choffo, 5 Winding Brook Drive.

16 C-H-O-F-F-O. Thank you.

17 I'm struck by the two presentations

18 we've heard tonight. The first presentation

19 talked about installing solar panels with one of

20 the positive impacts of reducing our carbon

21 footprint. And I believe the gentleman who was

22 testifying, used the analogy, that it would take

23 26 acres of trees to reduce that same carbon

24 footprint that the solar panels are going to take

25 out. And when I look at the site here, I'm struck

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1 by a couple of things. If I could ask a few

2 questions. In those, the light brown, I guess

3 that's the retail establishment, where it says,

4 Whole Foods, and there's another store to the left

5 of that?

6 MR. MCDONOUGH: Yes. Again, I was

7 trying not to introduce the whole exhibit, but to

8 the extent, yes. The buildings are --

9 MR. O'NEILL: That is actually an

10 exhibit that will be addressed by our next

11 witness. So, if there's a question about that

12 exhibit, I'd ask that you ask it of the next

13 witness.

14 MR. CHOFFO: Just generally

15 speaking --

16 MR. O'NEILL: Generally speaking it

17 will be addressed by our next witness. And if you

18 have a question about that exhibit you should save

19 it for the next witness.

20 MR. CHOFFO: Okay. I'll do that.

21 Thank you, sir. I really appreciate that.

22 So, I'm struck also by the last 14

23 months of three catastrophic storms this community

24 has undergone. Last August was Hurricane Irene.

25 We've had sections of this town that were

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1 decimated, namely Lake Hiawatha. And we still

2 have residents who are out of their homes, who are

3 waiting for something to happen on their -- on

4 their behalf. Then we were followed up by that

5 very odd October snowstorm that also had a vast

6 impact on this town. And this year we've had

7 Hurricane Sandy, or Super Storm Sandy, as they

8 like to call it. That had a major impact. And

9 perhaps this question is best served for our next

10 witness. But, you know, it strikes me that we're

11 taking an awful lot of ground that can absorb

12 water. And trees that can absorb water. And

13 we're using -- if I look at that plan, it's

14 macadam -- but I'll come back with that question.

15 Thank you.

16 MR. KAPLAN: David Kaplan, 263

17 Intervale, Intervale, K-A-P-L-A-N. My question

18 is, is there anything in the master plan that

19 dictates the amount of buffer that must exist,

20 currently, between the residential and whatever

21 development goes in?

22 MR. MCDONOUGH: Specific to this

23 site?

24 MR. KAPLAN: To this site.

25 MR. MCDONOUGH: I'm not aware of

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1 any, no.  
2 MR. KAPLAN: Okay. Are you aware  
3 that the last developer that came in wanted to  
4 develop that, offered a 400 foot buffer between  
5 the residents and whatever development went in?  
6 MR. MCDONOUGH: No, I don't know  
7 about the prior application history.  
8 MR. KAPLAN: Well, I didn't think  
9 you did. That's why I'm sharing it. We worked  
10 very hard to maintain a strong buffer there. And  
11 even the 400 feet was still concerning to us. We  
12 don't want this in the neighborhood. And the  
13 bigger the buffer the more attractive it might be  
14 at some point down the road. But right now we  
15 have no interest in supporting any zoning change.  
16 I know you said that there was a crash in 2007,  
17 and the conditions and, you know, the  
18 circumstances have changed. The circumstances  
19 have not changed for the people who live in this  
20 neighborhood. We bought under certain conditions,  
21 especially those of us bordering this property,  
22 knowing that it was zoned for office, and that  
23 would bring in a certain kind of traffic, and  
24 light, and noise, to our neighborhood. It's not  
25 our fault that wasn't developed, that it was zoned

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1 for office. Our conditions have not changed. We  
2 expected it to be remain -- to remain a zoning so  
3 that our quality of life is not impacted.  
4 I can tell you now you might want to  
5 reconsider the size of that 50 foot buffer because  
6 400 feet is where we started last time.  
7 MR. MCDONOUGH: Thank you.  
8 CHAIR PARIKH: Try to stick to the  
9 questions for now. I'll give you time for the  
10 comments. If you have a question for this  
11 witness, just ask questions. It's not the time  
12 for comments.  
13 MR. ARNOLD: Okay. My name is  
14 Russel Arnold. Three Brook Court. And I'm just  
15 struck by, we had two projects, we're talking on  
16 the first project with the library, and how there  
17 was a concern for a light under a carport, and how  
18 much light was going to put off. This project is  
19 going to light up the entire neighborhood. I mean  
20 when was the last time anybody really looked up in  
21 the sky and saw the night sky. Well, here we are,  
22 we're degrading it. You know, like this gentleman  
23 just said, when we bought our houses, we moved  
24 into this neighborhood, we had a certain  
25 expectation of what to expect.

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1 And the other thing that is notable,  
2 is, we were concerned about 14 trees at the  
3 library. How many trees are we going to plow down  
4 in this lot. And, again, I'm sorry that  
5 conditions have changed and it's no longer  
6 conducive for office space. I also understand  
7 that the town has a need for a rates. Million  
8 dollars is a lot of money. You can do a lot. But  
9 maybe there's something else that we can do.  
10 I saw the Mayor has an article in  
11 the paper, and he noted some of the businesses  
12 that he's brought to the area. I thought that was  
13 great. We need business. But I don't know if  
14 this is something that we need. You know, we're  
15 your constituents, and we're really relying on you  
16 people to look at this and understand -- and I  
17 think you know where we're coming from.  
18 CHAIR PARIKH: Can you ask a  
19 question right now. It's, you know, not the time  
20 for a comment. I say that repeatedly. Ask a  
21 question. Okay. Thank you.  
22 MR. ARNOLD: The question is: Have  
23 you taken any concern about the light pollution  
24 caused by this project?  
25 MR. O'NEILL: I believe our next

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1 witness will be able to address that question.  
2 MR. ARNOLD: It's massive. I mean  
3 it's massive. Thank you.  
4 MS. MONSHINE: I do have a few  
5 questions. My name is Paula Monshine. And I live  
6 at 60 Red Gate Road. Thank you, Mayor and town  
7 council. I think it's an embarrassment to build  
8 and to tear down 26 acres when there's so much  
9 empty retail space on Route 46.  
10 MR. CRESITELLO, JR.: Just so we're  
11 clear, the point the chairman is trying to make,  
12 is that everyone will get a chance to come back to  
13 make general comments. Just so we're clear.  
14 Right now, if you have specific questions based on  
15 Mr. McDonough's testimony, that's what this  
16 opportunity is for. There will be a chance to  
17 come up and make your general comments about other  
18 retail space and other more global issues.  
19 MS. MONSHINE: Well, Mr. McDonough  
20 talked about how this would benefit the community.  
21 But I'd like to know how it's going to benefit the  
22 schools. Because the schools are the community.  
23 Additions have already been put on several schools  
24 in the area. I don't see other additions being  
25 built in my lifetime. And classes in many of the

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1 elementary schools are already at 25. So, I'd  
 2 like to know what 72 townhouses, how that's going  
 3 to contribute to the -- to benefiting class size  
 4 in the schools. Even if you farm out children  
 5 from Interval School, which is the local  
 6 neighborhood school, all the elementary schools  
 7 are quite crowded. So, I'd like to know how this  
 8 is going to benefit these schools.

9 And we don't really need a Whole  
 10 Foods. I have nothing against it personally, but  
 11 Kings is two miles up the road, which is the same  
 12 thing, gourmet upscale --

13 MR. CRESITELLO, JR.: Is there a  
 14 question for Mr. McDonough?

15 MS. MONSHINE: Yes, I have a  
 16 question. This area has been -- they've been  
 17 trying to build on this several times over the  
 18 last decade. And perhaps another direction the  
 19 town might take with this land, is to buy the  
 20 land. That's a question: Is it possible the town  
 21 could consider buying this land? Because  
 22 Parsippany prides itself on trees and parks. And  
 23 you have bought Veteran's Park and Graystone. I  
 24 think it's pretty obvious that the residents here  
 25 don't want development, and to keep coming back

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1 every decade, perhaps the town could take a  
 2 different direction on this. Thank you.

3 MR. CHU: Ed Chu. 53 Forest Drive.  
 4 C-H-U. I guess, first of all, a clarification --  
 5 request for clarification from the board. In  
 6 terms of a commercial overlay, does that mean that  
 7 you're basically building exceptions to the  
 8 requirements of the commercial spaces that allows  
 9 them to do the mixed use? Or is it actually  
 10 something where, if you allow the option of this  
 11 mixed use, that it's its own set of rules, and it  
 12 doesn't have to, you know, sort of comply with the  
 13 commercial act - commercial zoning piece of it?

14 MR. SNIECKUS: I could respond to  
 15 that, Mr. Chairman, if you like. I would take  
 16 your second response is really the direction we're  
 17 looking at with this overall proposal. They would  
 18 be establishing a whole set of criteria associated  
 19 with that overlay zone. If they were to comply  
 20 with the overlay zone they would have to meet that  
 21 criteria. And that's something that will be  
 22 debated in further detail.

23 MR. CHU: Okay. Would it be --  
 24 would it make -- does it -- would you use -- would  
 25 you use as a basis existing zonings that we have

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1 already in place for this type of overlay? So, in  
 2 other words, it basically becomes basically  
 3 unzoned. Because if you have the option of mixed  
 4 use, which is residential, retail and commercial,  
 5 what other use is there? So, basically becomes  
 6 unzoned and free for pretty much anything you want  
 7 to put on it, is that correct?

8 MR. MCDONOUGH: No, no. The answer  
 9 is, no. We didn't simply throw things into the  
 10 ordinance just because they work. There's a  
 11 planning rationale behind all the things that we  
 12 put into the ordinance. Looking into other  
 13 components of the ordinance, again, the signage,  
 14 the walls, the density, are all related to other  
 15 things. It's just -- it attempts to be a blend of  
 16 things that you already have in your zoning  
 17 ordinance.

18 MR. CHU: Okay. And the other item,  
 19 is, I guess, for the buffer issues, and -- well,  
 20 let's go -- let's stick with zoning. Why did you  
 21 approach it with a mixed use rather than  
 22 exclusively retail, or commercial or residential?  
 23 It's much simpler -- it's -- from a standpoint of  
 24 how you describe the make-up of the area, each  
 25 zone, each sort of lot is sort of dedicated to

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1 that one type of use. So, why introduce a mixed  
 2 use in this situation?

3 MR. MCDONOUGH: It's a good  
 4 question. We're dealing with a large piece of  
 5 land here. And this is an opportunity to carve  
 6 out a transition between Intervale Heights and  
 7 Route 46. So, to the top we're keeping the  
 8 multi-family component. And to the bottom, we're  
 9 going the non-residential. So, it's a transition.  
 10 It's a stepping.

11 MR. CHU: My concern with respect to  
 12 the residential portion of it, is that it's  
 13 isolated essentially from the rest of Parsippany.  
 14 Because the only access is through Intervale,  
 15 which is not even our street. So, that sort of  
 16 creates an issue of -- that becomes orphaned, in  
 17 terms of access to the Parsippany services,  
 18 Parsippany, you know, sort of bus routes, and  
 19 pedestrian routes, and whatever traffic is going  
 20 to be required to get access to that space. So,  
 21 it's, you know, why did you not provide a  
 22 secondary or plan a secondary entrance to this  
 23 space in that situation?

24 MR. MCDONOUGH: Intervale Road is a  
 25 public right-of-way. I know Parsippany buses can

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1 drive down Intervale. I've been in those buss  
2 that drive down Intervale Road.  
3 MR. CHU: But community-wise it's  
4 isolated. And that's my question.  
5 MR. MCDONOUGH: I don't believe it  
6 is. I don't believe it is.  
7 MR. CHU: Okay. So, in terms of  
8 buffering then, the question is, you're saying  
9 it's a 50 foot buffer for the residential piece of  
10 it. But yet with the retail, if it was a  
11 commercial space there was going to be a larger  
12 buffer. I believe in the POD -- in the POD I  
13 guess there is sort of a thing, at least 250 foot.  
14 I mean all the other commercial lots in the  
15 development there have a 250 foot easement.  
16 Conservation easement. And we have -- as a  
17 residential, we have like 25 foot on our end. So,  
18 the question is: Why is it not -- why is it not  
19 follow that sort of concept, you're providing a 50  
20 foot on this side. The retail piece of it doesn't  
21 have any requirements of easement then. So,  
22 basically it's sort of not, you know -- it's not  
23 even considered -- provide allowance. Because  
24 you're only focusing now saying there is 50 foot  
25 easement on the residential side. But the retail,

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1 basically every square footage that's available to  
2 it is developed. So, it feels that, you're not  
3 really -- you're using the residential as the  
4 buffer. But that's sort of not really the intent  
5 of a conservation easement. Because a residential  
6 development is not a conservation easement.  
7 MR. MCDONOUGH: The answer is a 50  
8 foot buffer is a very common and typical buffer  
9 that's used in both planning and landscape  
10 architecture circles. A typical evergreen could  
11 be 25-feet at full growth. You can get a nice  
12 staggered row of double evergreens in a 50 foot --  
13 in a 50 foot buffer, which would be a nice green  
14 wall dividing --  
15 MR. CHU: Then the question would  
16 be: Why are you picking Parsippany as a common  
17 town? Right. Because you're saying typical,  
18 typical, typical, typical, typical, right? What  
19 would make it interesting for us to say, we want  
20 this here. Right. Because if it's typical, we  
21 can put it in some other town, and that's typical,  
22 right? I mean if you're considering us as  
23 typical, I doubt it. Because we're actually one  
24 of the larger townships in the area. Right. I  
25 mean we have a larger school systems. We have,

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1 you know, you're describing a lot of different  
2 things. But typical, there needs to be more, you  
3 know -- Parsippany is called Tree Town USA.  
4 Right. This doesn't help, right. So, the  
5 question is: Why did you not put any sort of --  
6 sort of uniqueness to it? It doesn't feel unique.  
7 Because even though you say, Whole Foods may be  
8 coming in, if we're talking just as change in the  
9 zoning definition, it doesn't have to be Whole  
10 Foods. But it needs to be unique in some way that  
11 makes it compelling enough to change that.  
12 MR. MCDONOUGH: I think the  
13 development is unique and I think the buffering is  
14 adequate.  
15 MR. CHU: Okay. Thank you.  
16 CHAIR PARIKH: Anyone else?  
17 MS. MCELROY: Hi, Diane McElroy.  
18 M-C-E-L-R-O-Y. 37 Intervale. I've been in front  
19 of this board before, where we were promised we  
20 could make comments, when Coglian Towing was  
21 allowed to be permitted. And we were never given  
22 the opportunity. You guys scheduled your meeting  
23 for the day -- I know this is not relevant. But I  
24 just have --  
25 MR. MCDONOUGH: I'm not saying

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1 anything.  
2 MS. MCELROY: Okay. Thank you. You  
3 had scheduled your meeting to vote. No one was  
4 told there was going to be a vote that night, the  
5 same night as back to school night.  
6 MS. MADER: Different board.  
7 MS. MCELROY: Oh, okay, different  
8 board. Sorry, same town. Again, I live on  
9 Intervale. I was impacted by that. Like that  
10 gentleman said, we bought our house, we looked  
11 around. We said, okay, there's a business there.  
12 We could live with it. It's over there. There's  
13 houses in front of us. Now you're going to come  
14 in with a huge development, 70 more houses or  
15 townhouses?  
16 MR. MCDONOUGH: Seventy-two.  
17 MS. MCELROY: Seventy-two. That  
18 makes it better. Our schools are going to be  
19 impacted, are they not? I mean you've done this  
20 process before.  
21 MR. MCDONOUGH: I've done an  
22 analysis of what the fiscal impact on your school  
23 would be.  
24 MS. MCELROY: And?  
25 MR. MCDONOUGH: It's a net positive.

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1 MS. MCELROY: How can it possibly be  
2 a net positive?  
3 MR. MCDONOUGH: Because you would  
4 generate more tax rateable than you would student  
5 costs.  
6 MS. MCELROY: So, in the time frame  
7 that you're building this new development, you're  
8 also going to be adding on to our school at the  
9 same time? Or are you going to be shuffling kids  
10 around the town? And you're going to be -- like  
11 when you're planning these kind of developments,  
12 are you looking at the broad picture of, okay  
13 we're going to have to have development on one  
14 site in order to compensate the other site? Like  
15 you might say that there's going to be a  
16 compensation to us as a town, but I don't see it,  
17 in actuality, happening.  
18 MR. MCDONOUGH: The simplest way to  
19 look at the impact on a school system is to do a  
20 cost benefit analysis, where you look at the taxes  
21 that are generated and you subtract that against  
22 the amount of school children and the cost per  
23 child, which, in Parsippany here, is \$15,000 or  
24 something to that effect. And, as I said, the  
25 calculations indicate a net positive.

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1 MS. MCELROY: And I think we all  
2 know that the reality is going to be very  
3 different.  
4 And going back to the traffic on  
5 Intervale Road, I mean it's a tiny little road  
6 where you're saying it's a public access road.  
7 It's going to be turned into a 202 if this thing  
8 goes through. We have a speed limit of 25, which  
9 no one adheres to. And now you're going to be  
10 adding 72 more households onto our tiny little  
11 road. That's two cars per house. I mean it's --  
12 I mean it's going to be crazy. It's going to be a  
13 mini highway.  
14 And I just want to make a point,  
15 when you said that, you know, strip mills are not  
16 classy. Have you been to Union Hills in Denville.  
17 I mean using your terms boxy, Banana Republic,  
18 Gap. You know if a Whole Food wants to stay  
19 unique, they can, and they're supposed to be  
20 environmentally conscious. They can reuse instead  
21 of wiping out a perfectly good lot.  
22 CHAIR PARIKH: Okay. Anyone else?  
23 I close the public portion at this time.  
24 MR. TRIVEDI: Hi.  
25 MR. MCDONOUGH: Hello, how are you?

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1 MR. TRIVEDI: Good. My name is  
2 Dharmesh Trivedi. D-H-A-R-M-E-S-H "T" for Tom,  
3 R-I-V-E-D-I. The question that I have, is, what  
4 if Whole Foods.  
5 MR. SNEECKUS: Excuse me, what's  
6 your address, please.  
7 MR. TRIVEDI: Six Ashlind Road. The  
8 question is, say, by the time say we approve this,  
9 and the Whole Foods goes out of business, okay,  
10 so, what is the possibility of this space, renting  
11 out to divided up into multiple retail market, is  
12 that something that you guys thought about?  
13 MR. MCDONOUGH: Well, that's  
14 probably more of an operational question. But  
15 certainly from the real estate standpoint, again,  
16 I'm not a real estate expert, this is a longer  
17 term lease. This is a very stable land user, that  
18 the applicant would be signing on here as part of  
19 the application.  
20 MR. TRIVEDI: But say, you know, by  
21 the time they start this, and if the building is  
22 ready, Whole Food is out of business, what do we  
23 do? Is that something that you guys start cutting  
24 the pieces of that big building into multiple  
25 stores? Is that possibility?

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1 MR. MCDONOUGH: There are specifics  
2 in the ordinance that talk to this size of a  
3 development. Not a -- not a smaller size  
4 development.  
5 MR. TRIVEDI: So, say, again, the  
6 question is: That if Whole Foods decides not to  
7 come in here, this building remain empty or they  
8 be acquired by someone larger as Whole Foods?  
9 MR. MCDONOUGH: No, the size of the  
10 building is specific to the grocer, the 40,000  
11 square feet.  
12 MR. TRIVEDI: So, Whole Food is only  
13 company can come in?  
14 MR. MCDONOUGH: Well not Whole Food.  
15 A grocer.  
16 MR. TRIVEDI: A grocer. Okay. And  
17 will not give it out to some -- be divvied up  
18 into, you know, like divvied up into Marshals and,  
19 you know, Gap, and Banana Republic, or multiples?  
20 MR. MCDONOUGH: That's my  
21 understanding of how the ordinance has been  
22 structured, yes.  
23 MR. TRIVEDI: Okay. Thank you.  
24 CHAIR PARIKH: Anyone else? I will  
25 close the public portion at this time. Do you

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1 want to go further with the next witness? We have  
 2 about thirty more minutes.  
 3 MR. O'NEILL: Well, perhaps we'll  
 4 start our next witness then. With that I'll call  
 5 Mr. Meyer.  
 6 MR. CRESITELLO, JR.: Raise your  
 7 right hand. Do you swear that the testimony you  
 8 provide the board this evening will be the truth  
 9 so help you God?  
 10 MR. MEYER: I do.  
 11 MR. CRESITELLO, JR.: State your  
 12 first and last name.  
 13 MR. MEYER: John Meyer, M-E-Y-E-R.  
 14 EXAMINATION BY MR. O'NEILL:  
 15 Q Mr. Meyer, could you give the board,  
 16 please, the benefit of your experience.  
 17 **A Yes. I am a professional engineer and a**  
 18 **professional planner in New Jersey. I am a life**  
 19 **member of the Institute of Transportation**  
 20 **Engineers. So, I will be giving testimony with**  
 21 **respect to site plan, civil engineering issues and**  
 22 **traffic issues. I have testified for the last**  
 23 **forty odd years. My engineering license is from**  
 24 **1974. In many areas -- many communities in New**  
 25 **Jersey. And I've been involved in a lot of retail**

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1 **and shopping center development design, including,**  
 2 **most recently, a Target and Whole Foods in Union,**  
 3 **New Jersey. Another Target store in Riverdale. I**  
 4 **worked years ago on Willowbrook. I designed**  
 5 **Woodbridge Center, Echelon Mall, Garden State**  
 6 **Plaza, Bergen Mall, fashion Center up in Paramus.**  
 7 **And many other shopping centers throughout the**  
 8 **state.**  
 9 **MR. O'NEILL: I would submit**  
 10 **Mr. Meyer as an expert for engineering purposes**  
 11 **this evening.**  
 12 CHAIR PARIKH: Any questions? Okay.  
 13 We'll accept.  
 14 MR. O'NEILL: Thank you.  
 15 Q Mr. Meyer, you brought with you a  
 16 couple of exhibits, and I'll ask you to take the  
 17 microphone with you as we go through some of this,  
 18 if you're getting up, if you're not --  
 19 **A I will. I'd like to rearrange them.**  
 20 Q Take the microphone then, please.  
 21 **A Our firm has been retained by RD Realty.**  
 22 **And we worked on projects for the firm for quite a**  
 23 **number of years. They specialize in retail**  
 24 **development shopping centers. And -- so, that's**  
 25 **who we're working with here on this project.**

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1 **We were responsible for the site planning**  
 2 **of the retail and the residential component. And**  
 3 **I'd like to start with potential impacts on the**  
 4 **homes, the residences on Forest Drive, because**  
 5 **there has been a lot of discussion about that, and**  
 6 **a number of questions by our neighbors, who are**  
 7 **adequately represented here tonight.**  
 8 **So, what we have provided, and this is a**  
 9 **little different from my original plan of what I**  
 10 **was going to discuss, but I will do that later, but**  
 11 **around the -- along Intervale Road, and along the**  
 12 **north side of the property adjacent to the rear of**  
 13 **the homes on Forest Drive, there will be a 50 foot**  
 14 **buffer. That buffer is depicted on the site plan**  
 15 **in darker green. And that would be maintained.**  
 16 **MR. O'NEILL: We'll mark that as**  
 17 **Exhibit A-2 for this evening.**  
 18 **MR. CRESITELLO, JR.: And what are**  
 19 **you referring to that as?**  
 20 THE WITNESS: A-2.  
 21 MR. CRESITELLO, JR.: What are we  
 22 going to refer to that as?  
 23 MR. MEYER: That is a site section  
 24 plan, which is an overlay of the site plan showing  
 25 two lines, two vertical lines, sections A and B.

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1 And those two sections run from Forest Drive on  
 2 the north, clear through to Route 46 on the lower  
 3 end, the south end. And, on the wall, I have the  
 4 actual sections, based upon the topography that we  
 5 used in the design of the preliminary design of  
 6 our site plan. And the sections, we have a winter  
 7 view, and a summer view. Before you right now is  
 8 the winter view of both section A and section B.  
 9 MR. O'NEILL: And I've marked that  
 10 as Exhibit A-3 for this evening.  
 11 MR. MEYER: And there's one  
 12 additional. Perhaps we'll mark it as A-4.  
 13 MR. O'NEILL: When you put it up.  
 14 MR. MEYER: Okay.  
 15 So, on the very left side of this  
 16 drawing is Forest Drive. And just immediately to  
 17 the right of Forest Drive, to the south, is, a  
 18 depiction of two of the homes on Forest Drive.  
 19 This plan is drawn to scale of 1 inch equals 20  
 20 feet, horizontal and vertical. So, there is no  
 21 vertical-like exaggeration, as we engineers  
 22 typically would do on profiles. So, this is a  
 23 true picture, both horizontal and vertical.  
 24 Beyond, or to the south of the rear of the homes,  
 25 is a depiction of the existing deciduous trees.



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1 And this, being the winter scene, there are no  
2 leaves on those trees, as you can see. The trees  
3 are anywhere from 30 to 40 feet tall on average.  
4 They're a little lower as you get towards  
5 Waterview Boulevard, because the age of the trees  
6 is much less. So, their diameters are less and so  
7 on and so forth. But we did supply on this plan,  
8 a depiction of two grading conditions in the rear  
9 of the homes on Forest Drive. The one grading  
10 condition, the property rises up to the rear  
11 property line, which is common to our subject  
12 property and those homes. Just behind the  
13 existing homes there is a brook, which runs from  
14 north, northeast, in a westerly direction towards  
15 Intervale Road. And that is depicted on this  
16 particular section. There are some trees on the  
17 home side, the rear of the home side of the brook,  
18 but most of the trees are on the south side facing  
19 the subject property. And they are depicted here.  
20 The next thing that we show is the  
21 buffer immediately south of the northerly property  
22 line of the site. And then we show the unit. The  
23 residential unit that's proposed consists  
24 basically of a lower level that has a two car  
25 garage in it, and mechanical room, and perhaps a

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1 recreation room. And the main living spaces are  
2 above that on the second and third levels. The  
3 front of the house, there would be a stair from  
4 the street level up to the first floor. The first  
5 living floor. But the access to the garage would  
6 be directly off of the driveway. Behind the unit  
7 we show a grassed area and then a retaining wall  
8 and the addition of evergreen trees, both at the  
9 bottom of the wall, and at the top of the wall, to  
10 provide year round screening from the sight views  
11 from the home. We do show, on the section in  
12 dashed line, the sight line from the second story  
13 of the existing homes and from the first floor of  
14 the existing homes. And during this time of year  
15 the visibility would be partially obstructed. But  
16 you would still be able to see the roof of the  
17 proposed unit, similar to what you would see today  
18 if you were to go into the existing office  
19 development. You can see through. It's an  
20 obstructed view of the homes during this time of  
21 year because there are no leaves on the trees.  
22 But yet you can see, to some extent, that there is  
23 a house there. You can see the roofline of the  
24 houses. So, to that extent, you would be able to  
25 see the proposed houses that are along the

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1 northerly portion of this site.  
2 The second grading condition,  
3 section B, shows the grade behind the house going  
4 down hill to the brook, and then a slight uphill.  
5 But it doesn't have the pronounced berm that  
6 exists on the property on section A. And in this  
7 particular area behind the proposed houses, we're  
8 showing the construction of a berm within the  
9 buffer area. That berm would be 6 to 8-feet in  
10 height. And it would contain 12 to 15-foot high  
11 evergreen trees. Again, for the purpose of  
12 providing year round screening. And we show the  
13 sight lines, again, from the first floor, and the  
14 second floor of the homes. And basically what you  
15 would see on the proposed homes is the roofline  
16 and the articulating roof. Beyond that point, to  
17 the south, is the part of the access road and the  
18 parking areas in front of the units.  
19 Now, Mr. McDonough has mentioned  
20 that each unit will have a two car garage and  
21 there will be a total of four parking spaces. Two  
22 are considered inside the garage and two are  
23 immediately in front in the driveway. So, we have  
24 depicted that on this plan. On section A we  
25 actually don't go through a second unit. We go

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1 directly to the rear of the retail. And we have  
2 shown the retail, in this case it's the department  
3 store, based upon the elevations that we had  
4 proposed -- have proposed for this particular  
5 building. We show the retaining wall that was  
6 discussed between the retail and the residential.  
7 And we show a buffer at the top of the retaining  
8 wall. Again, evergreen trees would be proposed at  
9 the top of that retaining wall to screen the  
10 residential component from the retail.  
11 On section BB, a similar condition  
12 is proposed, and that particular section we go  
13 through two -- the section line goes through two  
14 of the units and that is shown here, depicted  
15 here. And in one case the front entrance to the  
16 house faces south. And the other case on the  
17 southern end of the building that the housing and  
18 garages would face to the north.  
19 We, again, show the proposed -- the  
20 department store. And then the parking area in  
21 front of it out to Route 46. And, so, this is  
22 our -- based on our experience, what we anticipate  
23 what the site would look like, based upon our  
24 detailed drawings that we have prepared so far.  
25 And the next exhibit, which I

1 believe would be A-4 --  
 2 MR. O'NEILL: A-4.  
 3 **A -- is a depiction of the same thru**  
 4 **sections to the site. And it shows the summer**  
 5 **condition, namely the leaving out of the trees**  
 6 **within the properties. And it also shows the**  
 7 **sight lines from the ground floor and the second**  
 8 **floor of the existing homes on Forest Drive. And**  
 9 **basically the site would not be visible at all, at**  
 10 **that time, through the trees.**  
 11 **The rest of the sections are very similar**  
 12 **to what we had on the, A-3 exhibit, I believe it**  
 13 **is. And, so, what we've tried to do here, was to**  
 14 **provide you with an honest layout, to show what**  
 15 **the site -- how the site might be viewed from**  
 16 **homes, the rear of the homes on Forest Drive, both**  
 17 **in the summer condition and the winter condition.**  
 18 **Again, I want to reiterate that we are**  
 19 **showing a 50 foot buffer at the rear of the**  
 20 **residential homes. And also along Intervale Road.**  
 21 **It is not -- we do not propose to raise any of the**  
 22 **trees along Intervale Road, except where the**  
 23 **driveway is provided, as was previously discussed.**  
 24 **A word about the driveway. Primarily the**  
 25 **road pattern in the area would not encourage the**

1 **use of Intervale Road if you were coming from the**  
 2 **north, except if you were living in the**  
 3 **neighborhoods to the north, whether they be in the**  
 4 **Parsippany Troy Hills or Mountain Lakes, and you**  
 5 **were destined, let's say, for the shopping center.**  
 6 **That -- those people -- those people living in**  
 7 **this area, some of our residents here tonight,**  
 8 **would undoubtedly use Intervale Road, and then go**  
 9 **out to Cherry Hill Road and make a U-turn and come**  
 10 **back and use the far side jug handle to enter the**  
 11 **site on Waterview. However, I wouldn't -- I would**  
 12 **note that a far better way to come down -- it's**  
 13 **true that people could absolutely cut through**  
 14 **Forest Drive as well. I did it myself a number of**  
 15 **times, including this afternoon. It's a fairly**  
 16 **circuitous route, but it still could be used to**  
 17 **get to Route 202. But the beauty of this site,**  
 18 **from the retail standpoint, and actually from all**  
 19 **standpoints, is that the road network system**  
 20 **provides for more direct access than say to use**  
 21 **Intervale Road.**  
 22 **I would like to take the next larger site**  
 23 **plan, which we have, which shows more of the**  
 24 **roadway system in the area.**  
 25 **MR. O'NEILL: Why don't we mark that**

1 **as Exhibit A-5 for this evening.**  
 2 MR. MEYER: So, this next plan is a  
 3 aerial from Google Earth, of the site itself. And  
 4 it carries us to the east, along I80, past the  
 5 Boonton Reservoir. It shows us 202 North/South.  
 6 It shows us 46. And it also shows us, of course,  
 7 I80. It shows us I287. Now, if I were coming  
 8 South on I287, for example, and I were destined  
 9 for the retail, I would find it hard to believe  
 10 that anyone would choose to go back to the north  
 11 onto 202 and then make a left and go into the  
 12 residential area on Forest Drive and then down  
 13 Intervale Road and then out Cherry Hill Road to  
 14 make a U-turn, come back east on Route 46, use the  
 15 far side jug handle, come up Waterview Boulevard  
 16 and into the site. Because it's much simpler to  
 17 either get off 287, or if you were coming south on  
 18 202, to continue on 202 to Waterview Boulevard,  
 19 make a right turn, and directly come to the site,  
 20 make another right turn into the retail.  
 21 And in the similar vein, the roadway  
 22 network, one of the things that is really great  
 23 about this site, is an excellent roadway network.  
 24 Another really good aspect of this  
 25 site is the relationship of the roadway, for

1 example, the access road through the site, and the  
 2 various uses on that access road. We have  
 3 offices, as we all know, and this proposed retail.  
 4 They are somewhat out of phase. What I mean by  
 5 that, is, a shopping center such as this would  
 6 typically have its peak hour on a Saturday between  
 7 12 and 2 p.m. It would have a secondary peak hour  
 8 during the weekday, between 5 and 7 p.m. And in  
 9 the morning, during the morning rush hour there  
 10 would be no traffic coming into the retail.  
 11 Typically the traffic on -- during the peak time  
 12 on a Saturday shows little traffic destined to and  
 13 from the office park because they're basically  
 14 people that work mainly Monday through Friday.  
 15 The Waterview, the traffic that we counted on  
 16 Waterview on Saturday is fairly low in comparison  
 17 say to the peak hour, rush hour, coming into work  
 18 on a Monday or a Tuesday or any weekday, and the  
 19 exiting at the end of the day.  
 20 As part of our study we prepared a  
 21 traffic study, which we submitted to your  
 22 consultant, Mr. Meth. We, in working with him,  
 23 determined that 15 intersections should be  
 24 studied. And we actually counted 15  
 25 intersections, mainly along Route 46, and all the

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1 way to Smith on the east, and all the way to  
2 Cherry Hill Road on the west. We counted Route  
3 202 and counted 46 and Intervale Road, and many  
4 other intersections in between. They're all  
5 covered in the traffic study. And then we made  
6 projections of the traffic that we anticipate  
7 would be coming in and out of both the retail and  
8 the residential components of the project during  
9 the a.m. peak hour, the p.m. peak hour, during the  
10 weekdays, and on Saturday peak hour, between 12  
11 and 2. And taking those projected volumes we --  
12 and counted -- first of all, we did the counted  
13 volumes and we projected them to the year 2014,  
14 which we considered to be the design year for the  
15 traffic, increased the volumes by 2 percent, which  
16 is indicative of general growth in the area,  
17 although in recent past there hasn't been that  
18 much. But we never like to be conservative. We  
19 actually added that to our 2014 -- 2012 existing  
20 volumes and came up to 2014.

21 Then we also took into account the  
22 pass-by trips, which already exist on the roadway,  
23 which would simply make a turn into the site, and  
24 a turn out of the site, perhaps on their trips  
25 during the morning, but mainly during the evening

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1 rush hour on their way home. So, those are called  
2 pass-by trips. And those were included in our  
3 projections as well as the projection of our  
4 volumes, based upon the square footages of the  
5 retail, which total -- totals about 189,900 square  
6 feet.

7 In addition, we have a separate  
8 calculation of the traffic volumes for the  
9 residential, 72 residential homes. And one of the  
10 ladies, neighbors here, indicated 72 homes.  
11 That's absolutely correct. But, for example,  
12 during the a.m. peak hour, in 2014 there would be  
13 31 vehicles. Our projections are 31 vehicles  
14 exiting onto Waterview Boulevard, making a left  
15 turn, and two vehicles exiting onto Waterview  
16 Boulevard making a right turn. At that same hour  
17 we would not anticipate anyone coming in from the  
18 north on Intervale. And we would anticipate seven  
19 vehicles per hour going out. So, you may say,  
20 well, how could that be if there are 72 units and  
21 as the lady said, each one has two cars. And  
22 that's all true. But based upon the Institute of  
23 Transportation Engineer studies for residential  
24 developments of this type, that is the amount of  
25 traffic that would be projected, based upon the

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1 size of the number of units here. So, that's  
2 during the a.m. hour. And during the p.m. weekday  
3 hour we anticipate 29 vehicles per hour coming  
4 north on Intervale from Route 46 and the Environs,  
5 making a right turn into the site, and two  
6 vehicles per hour coming down from the north on  
7 Intervale. At that same time, 14 vehicles per  
8 hour would be exiting, perhaps to go shopping,  
9 making a left turn, going south on Intervale, and  
10 one vehicle per hour going northbound on  
11 Intervale. On Saturday afternoon between probably  
12 around 12:30 to 1:30, anyway, between the 12 to 2  
13 period, we would expect 17 vehicles per hour to  
14 make a right turn in, and one vehicle per hour  
15 coming from the north, making a left turn in. At  
16 that same hour, 15 would make a left out, and 1  
17 would make a right out.

18 So, you, of course, have every right  
19 to ask, well, how did we figure this out. This is  
20 based on our experience, based on a gravity model  
21 of traffic in the area using usage of the  
22 roadways. That's how we determine where traffic  
23 would be coming from and destined to.

24 In very simple terms, as I initially  
25 stated, the -- to go in any significant direction

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1 out of the residential or the shopping center, to  
2 use Intervale to the north, doesn't make any  
3 sense. Because you have many, many other  
4 possibilities that are much more direct. Many  
5 other routes that are much more direct.

6 Again, the lady, our neighbor,  
7 indicated this is a two lane road. Absolutely  
8 it's a two lane road. It's a winding road. The  
9 further north you go, the more winding it is. If  
10 you get out onto 46, or if you come into Waterview  
11 and go out to 202 and wanted to go north, 202 is  
12 basically fairly straight in alignment. You can  
13 see that on the aerial photo. There are  
14 signalized intersections that you would -- you  
15 would come to, but you would be processed through  
16 them. So, in a similar vain, north and southbound  
17 traffic on I287, coming from outside areas or east  
18 and west on I80, or east and west on US 46, have a  
19 much easier way of getting to the site than to go  
20 through local residential streets.

21 We made analyzes of the levels of  
22 service of the 15 intersections, and that's --  
23 it's all contained in our traffic study on various  
24 charts that Mr. Meth has reviewed and comment to  
25 us -- commented to us. But basically we were

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1 presented with a number of problems. Some pretty  
 2 straight forward. Some more of a major type in  
 3 terms of the traffic.  
 4 So, the first thing, of course, is  
 5 the access to the retail site. Because 900 car  
 6 parking is proposed. That's about a hundred more  
 7 than your normal zoning ordinance would require.  
 8 But Whole Foods, for example, and there is a  
 9 signed lease on Whole Foods for this specific  
 10 site. And I have been authorized to tell you  
 11 that. And tell all of our audience, there is a  
 12 signed lease for Whole Foods to come to this site.  
 13 Basically the configuration of the building that  
 14 we have is from Whole Foods. It includes their  
 15 front entrance. It includes their sidewalks. It  
 16 includes the building configuration. It includes  
 17 truck loading and unloading.  
 18 One of the problems that we saw was  
 19 we needed to provide easy access to the retail  
 20 site from Waterview Boulevard and Route 46. We  
 21 have had preliminary discussions with New Jersey  
 22 Department of Transportation. Anything that we do  
 23 on Route 46 requires a permit from them. Anything  
 24 that we do on Waterview Boulevard requires a  
 25 permit from your department, from your -- from

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1 your office. And, so, what we have done, is, we  
 2 have -- since about 70 percent of our traffic  
 3 would be coming from the east on 46, we have  
 4 provided a slip ramp from westbound Route 46  
 5 directly into the site. And that's shown on our  
 6 site plan. In addition, we would have an all  
 7 movement driveway on Waterview directly opposite  
 8 the existing driveway to the existing office park.  
 9 And at that point we have proposed a traffic  
 10 signal. That traffic signal would be paid for and  
 11 would be designed by us, paid for by the  
 12 developer, and installed by the developer. And  
 13 the maintenance of that signal would be by the  
 14 developer as well. That is shown at the main  
 15 entrance to the site, which will provide for a  
 16 very efficient ingress and egress to the site, to  
 17 supplement how simple it is to move around this  
 18 area because of the good roadway network.  
 19 Q Mr. Meyer, could you indicate,  
 20 please, for the record, what exhibit you're  
 21 referring to?  
 22 A Yes.  
 23 Q Why don't you go ahead and mark that  
 24 Exhibit A-6 for this evening. A-6.  
 25 CHAIR PARIKH: I thought that was

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1 marked as A-2.  
 2 MR. O'NEILL: The A-2 was an aerial  
 3 view with designations on it showing the --  
 4 showing the views from the representations in A-3  
 5 and A-4. This does not -- same or --  
 6 MR. MEYER: It's the same plan  
 7 except it doesn't have the sections on it. With  
 8 your approval, Mr. Chairman, I'd like to mark the  
 9 next exhibit at this point, if that's okay.  
 10 CHAIR PARIKH: You have five minutes  
 11 to mark it.  
 12 MR. O'NEILL: A-7, why don't you  
 13 describe A-7 for the record.  
 14 A Yes. A-7 now is an enlargement of the  
 15 lower southerly area of the site plan. It's an  
 16 enlargement of the lower area of the site plan,  
 17 showing the far side jug handle adjacent to our  
 18 site showing Waterview Boulevard, showing US46 and  
 19 showing Intervale Road. Intervale Road is on the  
 20 left side, west end of our property. 46 is on the  
 21 south side. Waterview is on the southeast side.  
 22 And the far side jug handle is at the intersection  
 23 of 46 and Waterview.  
 24 The driveway, the four lane driveway that  
 25 I described to you is shown on this plan. The

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1 proposed traffic signal is shown on this plan.  
 2 So, what else do you need? You need left turn  
 3 lanes. And we are going to provide left turn  
 4 lanes on route -- on Waterview to allow ease of  
 5 entrance to make a left turn into the site. At  
 6 the same time we have a left turn provided for  
 7 access to the office building for sort of  
 8 southbound Waterview. So, we have a separate  
 9 right turn lane and a thru left turn lane for  
 10 southbound Waterview. And, again, coming north  
 11 from Route 46, a separate left turn lane into the  
 12 site, and thru lanes to allow traffic to continue  
 13 to the north. All of this is shown on our plan.  
 14 All of this would be by the developer at the  
 15 developer's expense.  
 16 The plan also shows a new auxiliary lane  
 17 that I was mentioning before, along Route 46,  
 18 which would begin at the far side jug handle, and  
 19 continue to the northwest. It shows the slip  
 20 ramp. So, an auxiliary lane is somewhat like a  
 21 deceleration lane, which we're all familiar with.  
 22 Except that there's no entrapment of vehicles. If  
 23 somebody is coming along Route 46 and decides they  
 24 don't want to go into the shopping center, but  
 25 rather want to continue to Intervale Road, this

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1 auxiliary lane would allow that. And we have had  
 2 preliminary discussions with DOT and have worked  
 3 with Mr. Meth on that. Indicated what we would  
 4 like to do, and received his comments. And, so,  
 5 that's what is shown on this plan. Again, all of  
 6 that work would be done by RD Realty, the  
 7 developer, at their expense. Subject to us  
 8 obtaining a permit -- approval and permit from  
 9 DOT, which we believe we can obtain.

10 Again, all of these things we would be  
 11 working on, assuming your board and other boards  
 12 in this town choose to agree to this zoning  
 13 overlay district. We would get into the details.  
 14 And normally in, say a zoning modification, you  
 15 wouldn't get into this. But we have already  
 16 studied this. We know what we would propose to  
 17 do. We believe this is a proper solution. And we  
 18 believe that the traffic will work very, very  
 19 well.

20 There are several other intersections that  
 21 are restricted. I would say capacity restricted  
 22 because of traffic signals which exist on Route  
 23 46. For example, at Cherry Hill Road, and down  
 24 also at Smith. There's a pretty complicated  
 25 intersection at Smith and Littleton. And the

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1 levels of service under existing conditions are  
 2 not ideal, but with retiming of those signals,  
 3 using the existing equipment, we believe that  
 4 we're kind of making a small adjustment to the  
 5 timing that would allow for those to actually  
 6 operate at their maximum efficiency, which  
 7 currently they're not doing. And that does happen  
 8 from time-to-time, you may have a certain volume  
 9 of traffic, say east/west on 46, and a smaller  
 10 volume on say Smith Road, or Cherry Hill Road, and  
 11 then in the meantime -- over the years traffic on  
 12 Cherry Hill Road, for example, might increase --  
 13 traffic on 46 might even decrease or might just  
 14 stay the same, and you need to make adjustments.  
 15 So, on working with Mr. Meth we came to the  
 16 conclusion that adjustment to those signal timings  
 17 would bring the levels of service to proper  
 18 levels, even though, under current conditions,  
 19 they're not ideal. I could go on and on, on  
 20 traffic, but I don't want to.

21 Q Before we get to Mr. Meth's, the  
 22 comments on Mr. Meth's report, Mr. Chairman,  
 23 perhaps this is a good place to take a break or --

24 A May I just add one thing. A lot of what I  
 25 would normally cover was covered by Mr. McDonough

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1 in terms of parking and layout of the site and so  
 2 on. So, I want go through that any further. I  
 3 don't see any point to that.

4 But there were a number of questions I  
 5 could try to answer. But, certainly, Mr. Meth's  
 6 report is something that perhaps we want to do.

7 CHAIR PARIKH: I think we start with  
 8 Mr. Meth's report in our next meeting. Because  
 9 it's already past our time here and I want  
 10 everybody to think about it. Gives us more time  
 11 to think. More time for questions, that what  
 12 people want, and I prefer that we continue this.  
 13 Especially the traffic that you talked about --  
 14 one second.

15 Peggy, what's the next date?  
 16 MS. MADER: December 3rd.  
 17 CHAIR PARIKH: December 3rd?  
 18 MS. MADER: December 3rd would be  
 19 the workshop date.  
 20 CHAIR PARIKH: So, this will  
 21 continue on December 3rd. And this will be the  
 22 first on the agenda?  
 23 MS. MADER: This will be the whole  
 24 agenda.  
 25 CHAIR PARIKH: So, 7:30 on

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1 December 3rd we'll continue this and no further  
 2 notice will be given for December 3rd.

3 MR. O'NEILL: Thank you,  
 4 Mr. Chairman. Thank you members of the board.

5 MR. MEYER: Thank you very much.

6 MR. ARNOLD: Quick question. This  
 7 is a good question. Russel Arnold, 3 Brook Court.  
 8 So, as we understand now, there's a signed lease  
 9 for a property here. Are there multiple leases  
 10 ready to go or is only one signed?  
 11 MR. MEYER: I am only at liberty to  
 12 tell you that one has been signed.

13 MR. ARNOLD: And we were told  
 14 earlier that, you know, usually when Whole Foods  
 15 goes, I believe it's Target that goes with it. My  
 16 question is: What else have you been led to  
 17 believe, like that Whole Foods has signed a lease.  
 18 Have you been lead to believe that, you know,  
 19 things are progressing and zoning is probably  
 20 going to change?  
 21 CHAIR PARIKH: You can answer this  
 22 question next time? I thought you have some  
 23 procedural question. We are not even asking  
 24 questions. This is not a question time. We are  
 25 done for the night.

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1 MR. ARNOLD: I thought you said you  
 2 wanted me to ask a question.  
 3 MR. CRESITELLO, JR.: I think there  
 4 was a miscommunication. This witness isn't done  
 5 yet necessarily. The board would then ask  
 6 questions and then you will, okay?  
 7 CHAIR PARIKH: He didn't finish his,  
 8 you know, testimony. We'll ask questions. You'll  
 9 have time for questions.  
 10 MR. FRANKEL: Can you explain to us,  
 11 those that don't know the process. Strictly  
 12 procedural. I won't bother these guys at all.  
 13 Steven Frankel, 1 Winding Way. I'm sorry.  
 14 You're hearing this, not for the  
 15 first time, but this is the first public forum.  
 16 What are the steps beyond this? Educate us so  
 17 that we know what comes next.  
 18 CHAIR PARIKH: We'll hear testimony  
 19 from other witnesses that they have. Same way we  
 20 did with the first one. We'll ask -- when he is  
 21 done, we'll ask questions, we'll go through some  
 22 of the experts here, and then we'll give you an  
 23 opportunity to ask questions. We do that until  
 24 all the witnesses are done. Same procedure. When  
 25 at the end of it, we'll have some comments.

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1 Public will have comments. And then we'll decide.  
 2 MR. FRANKEL: That's what I want to  
 3 know, you decide on what?  
 4 CHAIR PARIKH: On the application.  
 5 On the recommendations. On the recommendation.  
 6 MR. FRANKEL: So, you would make a  
 7 recommendation to the township council --  
 8 CHAIR PARIKH: For the overlay zone.  
 9 MR. CRESITELLO, JR.: Whether or not  
 10 to adopt the ordinance.  
 11 MR. FRANKEL: I understand that.  
 12 So, at the end of this presentation when all  
 13 questions are answered, you're going to take a  
 14 vote, and you're going to either make a  
 15 recommendation or not, to the township council?  
 16 MR. CRESITELLO, JR.: Right.  
 17 MR. FRANKEL: And could that come as  
 18 soon as December 3rd?  
 19 CHAIR PARIKH: We don't know how  
 20 many witnesses they have. How long it is going to  
 21 take.  
 22 MR. FRANKEL: Can it?  
 23 MR. CRESITELLO, JR.: Could it  
 24 possibly?  
 25 MR. FRANKEL: Yes.

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1 MR. CRESITELLO, JR.: Yes.  
 2 MR. FRANKEL: Okay. Thank you.  
 3 CHAIR PARIKH: Motion to adjourn.  
 4 MR. KELLER: So moved.  
 5 THE BOARD: Aye.  
 6 (Proceedings carried to 12/3/2012.)  
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1 CERTIFICATE  
 2  
 3 I, GINA MARIE VERDEROSA-LAMM, a Certified  
 4 Shorthand Reporter and Notary Public of the State of  
 5 New Jersey, certify that the foregoing is a true and  
 6 accurate transcript of the deposition of said  
 7 witness(es) who were first duly sworn by me, on the  
 8 date and place hereinbefore set forth.  
 9 I FURTHER CERTIFY that I am neither attorney,  
 10 nor counsel for, nor related to or employed by, any of  
 11 the parties to the action in which this deposition was  
 12 taken, and further that I am not a relative or employee  
 13 of any attorney or counsel employed in this action, nor  
 14 am I financially interested in this case.  
 15  
 16  
 17 \_\_\_\_\_  
 18 GINA MARIE VERDEROSA-LAMM, C.S.R.  
 19 LICENSE NO. XI2043  
 20  
 21  
 22  
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 24  
 25

<b>A</b>				
<b>able</b> 43:24 51:22 59:17 63:19 77:1 95:16,24	60:24 61:23 111:24	100:3 105:13 108:2	56:13,13 57:11 73:19 86:22 103:24	69:5 74:7 88:19 115:4
<b>absolutely</b> 16:9 27:1 54:9 71:10 99:13 103:11 105:7	<b>added</b> 102:19	<b>affect</b> 47:4	<b>analogy</b> 71:22	<b>appreciate</b> 72:21
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