

## MINUTES

**HIGHLAND PARK PLANNING BOARD**  
**Council Chambers, Borough Hall**  
**221 South Fifth Ave. Highland Park, NJ**  
**Regular Meeting–February 11, 2016 @ 7:30 p.m.**

### **Call to Order**

The February 11, 2016 regular meeting of the Highland Park Planning Board was called to order in accordance with the rules for the Open Public Meetings Act by Vice Chairperson Kim Hammond at 7:31 pm; Ms. Hammond indicated the location of the fire exits.

Roger Thomas, Esq., sworn in Rebecca Hand as an Alternate Member of the Planning Board.

### **Roll Call**

|                      |   |
|----------------------|---|
| Present              | Kim Hammond, Alan Kluger, Allan Williams, Paul Lanaris , Phil George, Padraic Millet, Scott Brescher, Judi Shade Monk, Rebecca Hand |
| Absent               | Steve Nolan, Stephany Kim   |
| <u>Board</u>         | Roger Thomas, Esq. Board Attorney   |
| <u>Professionals</u> | Allen Schectel, Board Planner<br>Bruce Koch, Borough Engineer   |

### **Action on any other business and work session**

**Borough Council Resolution No. 1-16-43** Directing Planning Board to Review, Recommend and for a Potential Ordinance approving Amendment to Highland Park Redevelopment Plan for redevelopment of Block 173, Lots 36 and 37

Ms. Hammond said that the Borough Council had directed to the Planning Board to review an amendment to the Redevelopment Plan and present were members of the Redevelopment Agency as well as their Attorney to make a presentation.

Kevin McManimon, McManimon, Scotland and Baumann, counsel to the Redevelopment Agency and Rosanne Baruh, Chairperson to the Highland Park Redevelopment Agency.

Mrs. Baruh said that they have a proposed Amendment to the Redevelopment Plan pertaining to Block 173, Lots 36 and 37, the International Foods Market on the Avenue just North of North Second Avenue. It is a one story building and the owner was named a conditional redeveloper in September 2015 pursuant to the conditional redevelopment agreement. The owner would like to increase the building size from one story to a two story building and double the width. The first story would be retail establishments in the front with an office in the back, and the second story would be apartments. In working with the conditional redeveloper it was evident that he was looking for some relief from the existing redevelopment plan. The Borough adopted a redevelopment plan in 2005, the Redevelopment Agency has been revisiting various provisions within the plan but this amendment specifically focuses on Block 173, Lots 36 and 37. It became clear that the conditional redeveloper wanted some assurance that the relief that he is seeking can be obtained so that he could move forward in obtaining the professionals that are needed for his project. She said that the amendment in some degree reiterates language that is already in the plan, in terms of principal uses, permitted accessory uses, and prohibited

uses these things are generally the same, more specifically the bulk requirements which pertains to specifically to the kinds of buildings that are being dealt with and language pertaining to parking and circulation. The proposed building would occupy virtually 100% of the property; therefore there would be no opportunity for on-site parking, which is what he has now and on street parking in front of the building would not be practical for the residents of the apartments that the developer is proposing. The developer is looking for relief from the parking standards. She said that the amendments states in parking and circulation requirements: 1. Shared parking is encouraged. She said that there are parking lots in the vicinity with which the developer could enter into an agreement and have a permanent arrangement. The next indicates that parking standards would be determined by the Redevelopment Agency, meaning that the Agency would work with the developer to find a solution to the parking situation that is consistent with parking philosophy here in Highland Park. The expectation is that whatever is worked out would be memorialized in the amendment to the plan and would also be memorialized in the Redevelopment agreement which is enforceable against the developer.

Mr. Millet asked how the parking would be amended in this part of the redevelopment zone for this specific Block and lots and not make it be available to others, sounds like spot zoning.

Mr. McManimon said that it could be considered spot zoning, traditionally in the conventional land use world spot zoning are two bad words put together; redevelopment is really permitted spot zoning. We are defining zoning parameters for this spot. He encouraged everyone to look at it as something that is permitted in the context of redevelopment.

Mrs. Baruh said that was one of the great advantages of redevelopment.

Mr. Millet said that he is aware of how redevelopment works but questioned when there was a bigger project with a larger parking impact, what will the impact of this project be, if the bigger project was to also look for relief from parking as well.

Mrs. Baruh said that this amendment does not set precedence for any other piece of property.

Mr. Kluger said that it may be said that it does not but in practice it will have an impact. He said that the next applicant is going to come, and say you gave it to them; what legal basis is there to not give it to them. He asked what they seen as the role of the Planning Board in this process because basically what it being asked is for the Planning Board to abdicate their role in reviewing parking, design guidelines and issues and basically say to the Planning Board we don't need you anymore, have faith in the redevelopment agency. He said that a number of the Board members were here when the plan was written and if that is what was desired it would have been written that way. He said that one of the benefits in having the process set up in this way, is that the Redevelopment Agency may have conditional agreement with the developer and then it may go before the Planning Board for review as well and there are good checks and balances on what the Board may feel is necessary or not necessary in regards to what the applicant wants and what is in the best interest of the town. He said that he feels that the Redevelopment Agency is asking the Planning Board to give up that role. He said that he is very much against the proposal because it takes away the Planning Board's ability to do their job. He said that he was not saying that the Agency does not have the right reasons in mind but it takes away a lot of the importance of the Planning Board and their role in the community.

Mrs. Baruh said they were not looking to take away the role of the Planning Board in anyway, but are marching through the Redevelopment process. She said that their expectation in regards to parking is that they would work with the Planning Board, as well as the parking review group, to find a good parking solution that could be incorporated into the redevelopment plan.

Ms. Hammond said that the reason that the Planning Board looks at parking and looks at a Master Plan or a plan as a whole is so that things work in concert. She said that one concern would be that you would be permitting something at this location, there would need to be some other control down the line. She said that there would not be parking on this one piece but here we will be left to pick up the broken pieces when the rest of the block comes to redevelopment. Parking in Highland Park is a known problem; it is something that the Planning Board is one of the foremost things when dealing with downtown and has seen different remedies. She indicated that there had never been an application or applicant that was turned down over a parking consideration. The idea of what the Board is doing is finding what is reasonable, safe and what makes sense to the rest of the town and those adjustments would be made and relief would be provided when necessary. She asked why this would not just come before the Board, the applicant's need to understand that there are requirements if you're going to develop downtown and something like 4-5 apartments and a large retail space will create a parking burden. She said that the Board has to apply a standard when looking at something, we are not sort of picking something out of the air, and there is no standard here, it's just going to worked out and working it out could be no parking versus a multiplier of a lower number then typically used. She said that she could appreciate why there would be encouragement to redevelop the downtown area there are more tools needed. She indicated that it would be nice to know that there was actually something being used a formula or other criteria and not just we are going to work it out.

Mrs. Baruh said that she has expected that this would be worked out with the Planning Board. She said that the dynamic she wanted to ensure that everyone was comfortable with was that a redevelopment plan ordinarily provides the developer with the blue print for the standards that the developer has to adhere to. The developer is looking to the redevelopment plan when looking to do a project unless the redevelopment plan is silent he is not looking at the local zoning. She said that when a developer comes into Highland Park and considers developing a property in the redevelopment area, they look at the redevelopment plan. She said that this is why they would ordinarily except that the standards for a developer would be set forth in the redevelopment plan. When the site plan is brought to the Planning Board it would be for the purpose of confirming that it falls within the redevelopment plan, which is why they are looking for parking standards within the redevelopment plan and for this particular property that the property owner can adhere to.

Ms. Hammond asked why the amendment is not proposing and alternate parking requirement.

Mr. Baumann said that Planning Boards typically react to the application that is presented before them and you measure the application against the standards that are in the plan. What is known about the site is that the parking is so challenging on it that even a modest specific burden in this plan would probably be crippling to the project, so the otherwise flexibility that we would otherwise want to build into this, the Agency is suggesting that we exercise that in the course of the negotiation of the Redevelopment Agreement. He said even through the modest provisions within the plan your limited on what can be done.

Ms. Hammond said that he was speaking of something else; she understood what he was saying that what we provide for is not going to meet their needs. She said what she does not hear is that the parking may be off-site or whatever, there is going to be some type of standard that you are holding to.

Mr. Thomas said that the section does not provide anything; it simply states that it will be determined by the Highland Park Redevelopment Agency. He said that the last Redevelopment Plan that came before the Board parking was determined, it was a part of the Redevelopment Plan and he understands that the Redevelopment Agency has the right to establish the Redevelopment Plan and if it is specific then the Ordinance no longer applies but this does not give a standard and that is what the concern is.

Mrs. Baruh said that they could find specific language that would work for the Board and what is expected is that the developer will enter into a shared parking arrangement but with who remains to be seen.

Ms. Hammond said that should include the number of spots, are they looking for what the typical code calls for, are they looking for a different equations or another version of that. She said that often the Board approves off-site or shared condition but there is a formula for the number of spots.

Mrs. Baruh asked how many spots would be expected for five (5) small apartments. Ms. Hammond said that it depends on the number of bedrooms, there is a square footage equation and depending on what neighborhood it is in there is actually a different multiplier. She said that it also depends on the type of business is on the first floor.

Mr. Thomas said that it might be helpful to take a look at the Ordinance regarding these uses and present the information to the developer and figure out what is reasonable and maybe that will become a standard.

Mrs. Baruh said that she would like to tell the developer that they need a specific number of spots and a sense of where he might find that number of spots, would that work for the Planning Board.

Ms. Hammond indicated that the professionals should really be speaking on that criteria. Mr. Thomas said that that criteria is in the Ordinance. He suggested to the Agency to start with the Ordinance and work down if appropriate.

Mrs. Baruh said that she believed the Ordinance says ten (10) spots which would not be possible. She said that she will come back to the Board indicating that he will have a five (5) spots at the corner of this and this and asked if that was the kind of specifics the Board is looking for.

Mr. Kluger said that historically that is usually what happens in the applicant/Planning Board meetings and interactions, the Ordinance states "X" and the applicant can only do "Y" because of the configuration of the project but can now find some spots here to try and make it work. He said historically the Board has dealt with that and given approvals to applicants.

Mrs. Baruh said that she thinks it is important for the developer to know that there is some expectation that he will get relief. She said that he has been very reluctant to move forward on the project and we would like him to move forward with this project.

Mr. Kluger said that what has happened before with another redevelopment project is a subcommittee of the Planning Board formed to work with the Redevelopment Agency and work through the issues and those subcommittee members could go back to the Board.

Ms. Hammond said that it would be helpful that when working it out that you have feedback. She said that they could set it up where there is two members of the Board that could meet outside of the Planning Board meeting.

Mrs. Baruh said that they would welcome that very much if they could have someone to work with so that we could put something together for the developer.

Mr. Williams asked if redevelopment started from 2<sup>nd</sup> Avenue down to 1<sup>st</sup> Avenue. Mrs. Baruh said that it was not the corner.

Mr. Williams said that in the 2005 Redevelopment Plan for that strip of land, the Agency had access via Denison and if you are putting 100% coverage on the Popev property then you could not have access via Denison which says that there are going to be curb cuts further down.

Mrs. Baruh said that are no expectation that this project is going to have curb cuts or access from Denison.

Mr. Williams said that in the Redevelopment Plan that is how all of the other properties down to 1<sup>st</sup> Avenue had access. Mrs. Baruh said that that is not expected.

Mr. Kluger said that they would also like to hear about how this project maybe impacting or ties into any other projects, so that the Board is not just looking at this project.

Mrs. Baruh said that one of their challenges are that they have move project that is moving much ahead of another, so this project is moving forward.

Ms. Hammond said that this is the reason you have a plan and you stick with the plan.

Ms. Hammond opened the floor to the public.

Cheryl Aptowitzer, 17 North 5<sup>th</sup> Avenue, asked where the property was in relation to the proposed plan to redevelop the library and move it to that general area.

Mrs. Baruh said that the property is the International Foods Market; the Tantleff project which might include the library would start in the properties that are next to these properties.

Ms. Aptowitzer asked if there was any other information about the library project. Mrs. Baruh said that there has been no information forthcoming.

Ms. Aptowitzer said that she would like to mention that the minutes for the last few meetings have not been published for the Redevelopment Agency so the public has been in the dark about what's been going on.

Mrs. Baruh said that the minutes are all posted on the web-site and everything that was discussed was discussed at open public meetings.

Ms. Aptowitzer asked where they were posted because they are not on the web-site. Mrs. Baruh said that they are there, for whatever reason they are not in chronological order but they are indeed there.

Ms. Aptowitzer wanted to clarify if the library redevelopment will be planned in conjunction with that plan because there are a lot of issues with that.

Ms. Hammond said that they are asking for relief and it is stated specifically by block and lot, so it just the piece of property being discussed.

Ms. Aptowitzer asked if there would an opportunity for public comment at the end of the meeting as well. Ms. Hammond answered yes there would be another opportunity for public comment at the end of the meeting.

Mr. Kluger asked about an e-mail that went around either yesterday or today and asked if Ms. Aptowitzer was the one who circulated that e-mail. Ms. Aptowitzer said that the e-mail was from her. Mr. Kluger said that within the e-mail Ms. Aptowitzer indicating that there was a Planning Board meeting this evening regarding what she thought was the library project and proceeded to say that the Highland Park is planning on going ahead with redevelopment project behind everyone's back. He asked Ms. Aptowitzer if she sees now that that is not the case.

Ms. Aptowitzer said that she did not say in the e-mail that there was a meeting regarding this, what she indicated was that there was a meeting tonight and encouraged people to attend so we could get our comments on record.

Mr. Kluger said that the specific email reads "Highland Park is planning on going ahead with the redevelopment project behind everyone's back and went on to state that the Redevelopment and Planning Board meetings have not been posted so that we can keep Highland Park residents in the dark.

Ms. Aptowitzer said that first of all she has not been able to find any of the minutes and was not saying that the Board meetings were. Mr. Kluger said that she did mentioned it and left out there in the public the impression that we as the Planning Board is trying to do things behind the residents back or that we are not putting our minutes out there in the public domain as required to under law. He said to Ms. Aptowitzer that she may have been wrong and that is fine and asked that she correct that in her e-mails to the public or just state tonight that you were wrong.

Ms. Aptowitzer said that the e-mails were not made to the public, that they were to a select private group of people who then passed it on to you but they were made to private individuals not in a public forum, so that distinction should be made before you say that the e-mail went out to the public.

Ms. Hammond said that the Board minutes are taken at every meeting is voted on and then they become public and even if they are not on the web-site you can always the Board Clerk or Borough Clerk. She said that once the minutes are voted on they are available to the public.

Ms. Aptowitzer said that that was fine for the Planning Board but that has not been the case for the Redevelopment Agency so she is frustrated by the fact that she has not been kept in the open and she does not appreciate the presumption or the assertion that her e-mail was sent out to the public because it was a private e-mail so if someone privately passed that on to you that is a different story but thinks that we can all agree, even an attorney would know that a private e-mail, sent to private people is not public domain. She asked Mr. Kluger to state for the record that that was not a public e-mail.

Mr. Kluger indicated that if she has issues with Redevelopment Agency that is fine, he was just talking about the Planning Board.

No one further appearing Ms. Hammond closed the public discussion.

### **Approval of minutes of previous meetings**

#### **December 17, 2015 – Regular Meeting**

It was MOVED by LANARIS and seconded by KLUGER that the December 17, 2015 minutes. It was MOVED by Mr. LANARIS and seconded by KLUGER to approve the December 17, 2015 minutes with revisions and with a voice vote from all present the minutes were approved.

#### **January 14, 2016 – Reorg/Regular Meeting**

The January 14, 2016 reorg/regular meeting minutes will be carried.

Ms. Hammond recused herself from the meeting.

### **Unfinished or adjourned hearings**

American Properties at Highland Park, LLC  
Cleveland Avenue  
Block 170, Lots 5 & 6

P2015-04  
Preliminary Major Site Plan Approval  
Final Major Site Plan Approval  
Preliminary Minor Subdivision Approval  
Final Minor Subdivision Approval

Ronald Shimanowitz, Esq., represents the applicant American Properties at Highland Park, LLC formerly known as Heritage at Highland Park. They were before the Board on January 14, 2016 where the application was introduced with the Site Engineer Fred Coco, Environmental Remediation Expert Peter Hansen, a lot of time was spent speaking about the environmental remediation of the site, and there was a request to submit a letter with the detail on what the steps would be for the remediation. He indicated that the letter was submitted February 2, 2016. He said that their intention was to bring back Mr. Hansen to elaborate on the letter that was submitted and any other clean-up issues that the Board may have on that, and move on to the last two witnesses, the architect and traffic engineer.

Mr. Thomas asked if it were appropriate to mark the two letters both from EcoSciences, dated February 2, 2016 Exhibit A3. Mr. Shimanowitz agreed.

Mr. Shimanowitz indicated to Mr. Hansen that at the previous meeting a request was made for the letters that are now collectively labeled Exhibit A3, dated February 2, 2016 and asked Mr. Hansen to summarize the letters.

Peter Hansen, 75 Fleetwood Drive, Suite 250, Rockaway, NJ 07866 said at the prior meeting he was asked for a sequence of construction to be put in writing, the letters were prepared to that effect. The letters walk through what the anticipated process that will occur when remediation is initiated. Honeywell's consultant will prepare a remedial action work plan in accordance with the New Jersey Department of Environmental Protection rules and regulations, certified by Honeywell's LSRP and that will set forth the specifications for the remediation. The remnants of the building will be demolished; the concrete slab, the footings, and a small portion of those materials are contaminated and will be segregated for off-site disposal. The rest of the materials have been tested and shown to be clean to meet the New Jersey Department of Environmental Protection soil remediation standards and that material will be crushed, segregated and stock piled for future use on the site. After the building foundations are removed Honeywell will conduct their remedial activities to remove some heavy metals impacted material from the site, that excavation will be back filled, the site will be raised with additional structural fill to bring it to the base elevation for construction. At that time, utilities, building pads, curbing, roadways, some of the retention walls will be installed and the material excavated as part of those installations will be reused on site. At this point, a final cap is not in place on the property so the materials can be used where needed as fill, after that the concrete slabs will be installed, several of the concrete slabs require the installation of a active vapor mitigation system below slab and a vapor barrier. Those specifications will be installed in buildings 7, 8, 9, 10, 11 and 12. He said that they will be smoked tested to ensure that they are tight and then concrete slabs will be poured over top of them. At that point vertical construction can begin and prior to final occupancy final capping will occur around the buildings. He said that the final capping will be in accordance with the New Jersey Department of Environmental Protection presumptive remedy requirements. The final cap will consist of the building foundations, asphalt driveways, concrete slabs, sidewalks, in lawn areas there will be a minimum of 12 inches of clean fill over the top of a demarcation layer, in landscaped areas that are not covered by turf or lawn there will be 24 inches of certified clean fill. Prior to occupancy in the buildings that have the vapor systems there will be confirmatory air testing to document that the systems are effective, in addition to the smoke testing conducted prior to the slabs being poured. Once the confirmatory air testing shows that the units are suitable for occupancy, occupancy can proceed in those buildings. As construction proceeds there will likely be portions of the development that will be completed prior to the entirety of the site being completed and in those incidences there will be something such as a temporary fence or restriction of access to ensure that any occupants of areas that are completed cannot proceed into areas that are not completed. He said that a letter can be provided documenting when certain buildings have been completed and that temporary fencing has been installed. A deed notice will be established once the entire site has been capped, there will be a remedial action permit issued by the New Jersey Department of Environmental Protection after the deed notice has been filed, there will be some final reporting by Honeywell's LSRP, and ultimately a response action outcome will be issued by Honeywell's LSRP. It was also indicated in the letter that there will be dust monitoring during activities where there is the potential to generate contaminated dust. The dust monitoring will consist of aerosol dust meters, ensure that there is a compliance with the OSHA PEL (permissible exposure limit), time weighted average PEL of 150 micrograms per metered cubed. Dust control will be accomplished through wetting of the soil when necessary to ensure dust is not generated.

Mr. Schectel said that he indicated that it was going to a passive vapor system underneath the slab and that prior to occupancy testing will be done on each of the units to ensure there is not leakage.



Mr. Hansen said that there will be testing of each of the buildings to ensure that the system works. The New Jersey Department of Environmental Protection has a specified frequency for testing based on the size of the building.

Mr. Schetel asked how it would be ensured that three (3) years down the line there isn't any vapor leakage.

Mr. Hansen said that there is periodic maintenance and monitoring that occurs with these types of systems. He said that this is all spelled out in the New Jersey Department of Environmental Protection's

Vapor Intrusion document, and there will be future periodic monitoring in accordance with that guidance document.

Mr. Schetel asked who would be doing that monitoring. Mr. Hansen indicated that it would be conducted by an Environmental professional under the oversight of an LSRP.

Mr. Schetel asked how long the monitoring would take place for. Mr. Hansen said that it will continue while there is ground water contamination underneath the property that could lead to vapor intrusion.

Mr. Schetel asked if this was going to be made known to the homeowners and the association. Mr. Hansen said that it will be a part of the public record, memorialized in the NJDEP's remedial action permits that will eventually establish the property.

Mr. Schetel asked if the homeowner's association documents would reflect this as well. Mr. Hansen said that this would be included in the homeowner's association documents.

Mr. Koch asked if Honeywell was responsible for the removal of the slab. Mr. Hansen said that it was a shared responsibility between Honeywell and American Properties. Mr. Koch asked what the proposed schedule was for the removal of the existing slab. Mr. Hansen said that it would be done prior to Honeywell's soil excavation activities and that schedule has yet to be finalized at this point.

Mr. Koch asked if that work take place prior to the Board taking action on the application. Mr. Hansen said that he did not know when that work would commence. Mr. Koch asked if that potential existed. Mr. Hansen said that there was nothing preventing Honeywell from moving forward, they would be moving forward on their timeframe to proceed with that remediation so there was the potential that could exist.

Mr. Koch said that he thought that was important to be put on the record because the Board is working hard on reviewing the application and if the public has concerns and if that happens without people being made aware of that some people may feel that it was not in the spirit of this process. He asked if there would be any kind of effort to notify the Borough and the public in that general areas about that work commencing if it occurs prior to the action of the Board and subsequent memorization of a Resolution.

Mr. Hansen said that he was not aware of Honeywell's procedures with regard to their initiation of the remediation.

Mr. Koch said that in fairness to Mr. Hansen he would direct his question to Mr. Shimanowitz.

Mr. Shimanowitz said that it was a fair question; the answer is we will do it, if it turns out that work is done prior to memorialization then they would ensure that proper notification is sent out.

Mr. Koch said that he was not questioning whether the LSRP involved will not be doing it correctly but in terms of transparency and it is important that everyone understands that.

Mr. Thomas asked for a commitment on behalf of the application that in light of the scenario that has been outlined by Mr. Koch that American Properties will assume the responsibility should this disturbance occur prior to any approval that at a reasonable time that there will be notice provided by American Properties to the Borough.

Mr. Koch said that it was his understanding that APHP had held a meeting or notified certain area residents and if they have information on the folks that attended and notify those people who can communicate it to other neighbors so that they will know when the work commences.

Mr. Thomas said he wasn't going to go as far as saying that there was a requirement to give notice to people within 200' but thinks that might be a reasonable suggestion on the part of Mr. Koch.

Mr. Shimanowitz said he was not sure that he they had record of the residents that attended their meeting, but if they do they would be happy to give notice, but did not want to obligate the client and find out they do not have the residents names and addresses.

Mr. Kluger asked how that meeting was noticed. Mr. Shimanowitz said that he was told they noticed using the 200' list to notice the informal meeting but did not know who actually showed up for the meeting.

Mr. Thomas said that he believes there has to be some sort of recognition not only to the Borough but to some members of the public. He asked Mr. Hansen if there was any indication that from now and the March meeting that any of this work is going to happen. Mr. Hansen said that he thought that would be fair to say, he believes that it would be very unlikely.

Mr. Thomas said that he and Mr. Shimanowitz could work out a reasonable expectation for not necessarily residents within 200' but some list of information to the public.

Mr. Koch suggested maybe something posted on the site and could possibly be posted on the Borough's web-site.

Mr. Shimanowitz said that they are moving forward and applying for the demolition permit but does not know what the exact timing will be but it looks like we have it covered one way or another.

Mr. Koch asked Mr. Hansen if the LSRP be responsible for the evaluating and monitoring the fill that is brought in to fill the void. Mr. Hansen said yes that the LSRP is responsible for all aspects of the remediation.

Mr. Koch said that generally an LSRP would not be qualified to handle the geotechnical aspects, and asked if there was a geotechnical engineer that would be present, because utilities and foundations are constructed on that and it would be in American Properties best interest because if consolidation occurs it will not be good. Mr. Hansen indicated that a geotechnical engineer would be on site.

Mr. Koch said that in general, when there are projects like this one, where there are significant cut and fills, we ask that the applicant as part of the conditions of approval submit a scope of services from the geotechnical engineer for the Borough's review and that may not be in sufficient time for this portion of the work. He said that he was not interested in the financial aspect of it only the tasks involved so when we are out in the field and fill is being placed all that criteria is determined and we are aware of the frequency and there are weekly reports. He said that this had been the practice on prior projects adjacent to and nearby this project and does not want them to feel that this was something that was specifically being opposed upon them. He said that they had an obligation to monitor these things and is in their best interest as well. He asked Mr. Shimanowitz to affirm that. Mr. Shimanowitz said that this was acceptable.

Mr. Koch said that in respect to the ground water contamination is there any potential that the ground water contamination could migrate to other areas of the site which would require monitoring systems or venting systems of other buildings.

Mr. Hansen said that all indications is that the ground water contamination has been there for some time and Honeywell has a long standing track record on the ground water sampling activities that have been conducted on the site. In all areas of the property including the "hot spot" area there has been a decrease in contaminate tread on the site. He said that they have multiple rounds of ground water sampling indicating that it is confined to that area, it appears to be stable not growing but if anything shrinking.

Mr. Koch asked if he thought that the construction activities and the clean trenches and things of that nature could contribute. He said that this site has been "sleeping" for some time but when there is excavation for the different elements and you start filling with clean fill into the trenches which is certainly different then the soils in Highland Park and asked if that could have any potential. He said that he was not suggesting that anyone is doing anything wrong but this needs to be thought about because if there are not systems in place we could end up with buildings that could potentially have a problem and there is no required monitoring on those buildings because they are not the ones within the "hot zone".

Mr. Hansen indicated that the NJDEP has greatly improved the long term monitoring requirements associated with ground water contamination even after active remediation's are complete and remediation is completed through long term monitoring of attenuation, they require on-going monitoring including sentinel wells which are intended to always be clean and if changes occur across the monitoring period the responsible party and their LSRP have an obligation to re-evaluate the conditions. He indicated that there would be on-going monitoring associated with the ground water that would potentially pick-up changes down the road. He said that in general it was his understanding that the site is a net fill and the elevation is going upward instead of down and most of the utilities based on his conversations with the Engineer and would defer to him if misspoken, are generally shallow elevations above ground water and from that stand point does not anticipate preferential pathways created by the development of the site.

Mr. Thomas said having said that, Mr. Hansen indicated that the NJDEP has upgraded or modified its monitoring with the requirement for down grade wells, will that occur of this site.

Mr. Hansen said that there would be long term monitoring including the requirement to have a clean set sentinel well associated with all on-going monitoring projects in the State and this would be no different. He said that the monitoring would go on until ground water contamination meets the ground water quality standard.

Mr. Thomas asked if that well would then take into account the concern that Mr. Koch has raised but should there be some construction activity that could result in a migration of the contaminated water will those well or wells be in a place to monitor that. Mr. Hansen said that that was correct.

Mr. Hansen said that vapor system were being installed in all buildings that are down grading of the plume, the only buildings that are fall outside of the NJDEP critical distance for potential vapor intrusion are located either up grade or side grade of the plume. He said that if there were any migration down grade those buildings already have vapor systems installed.

Mr. Koch asked if there were 3 post monitoring wells. Mr. Hansen said that the ultimate number of post remediation wells would be up to the LSRP but was his understanding based on discussions with Honeywell there is an anticipation that three (3) wells would remain.

Mr. Koch asked if the ground water flow was towards the river in a north westerly direction. Mr. Hansen said that Mr. Koch was correct.

Mr. Koch said that in the adjacent project was cleaned prior to construction there was a considerable amount of dust on the buildings and the developer was petitioned and agreed to power wash many of the adjacent existing dwellings in order to remove that. He said that he was asking if that would be considered by the developer as part of the on-going maintenance of the project if needed. Mr. Shimanowitz agreed. Mr. Koch said that would be between the Construction Official, himself, whoever is on site and certainly up that management chain.

Mr. Koch said in terms of the actual air monitoring, what was read seemed to have no specific schedule for one to be performed and asked if there was a minimum schedule that could be provided for guidance. Mr. Hansen agreed.

Mr. Hansen said that he has been involved in numerous projects and this is done every day, in terms of air monitoring , developing properties that have historic fill on them and what has been found is that routinely normal dust control practices, control that dust and keep it within the time weighted average permissible exposure limit. He said that he cannot think, off the top of his head, where there was a problem with the time weighted average PEL. He said what was anticipated here is an initial full-time monitoring program and a couple of weeks when the project gets started, when the material is being imported into the site, once the structural material is on the site there will effectively be a cap to the fill material although it will not be the final cap. He said assuming that they have demonstrated a track record of complying with the time weighted average permissible exposure limit there will be a scaling back to spot checking throughout the week of dust conditions, they would bias that the times that would more likely have dust generated such as dry weather.

Mr. Koch questioned the importation of the fill and asked if a source has been determined. Mr. Hansen said that he was not aware.

Mr. Koch asked if there was a testing protocol that someone is going to imposed in accordance with the NJDEP standards to have it tested and presented back to the Borough before the material is brought to the site. Mr. Hansen said that the testing protocol would be dependent on the nature of the material; the NJDEP has established guidance that is very broad and covers a lot of different types of material and all material brought into the site will comply with the NJDEP fill guidance document.

Mr. Koch asked if a library analysis on it to see what the contamination is from certain samples based on the pile. Mr. Hansen said that it depended on the source, if it comes from a clean quarry source no testing is required, if it comes from a different source testing would have to be done. Mr. Koch asked that this be made a part of the conditions for approval.

Mr. Koch said in Mr. Hansen's letter it indicates at the end of the project that the LSRP will give a certification for the occupancy of the property and buildings for residential use and asked for something indicating that the area around that building has met that criteria been before a certificate of occupancy is issued. He asked Mr. Shimanowitz if that was something he was willing to provide that to the Borough. Mr. Shimanowitz agreed.

Mr. Koch indicated that within Mr. Hansen's letter it indicates that the streets will be sweep if needed. He said that based on experience from another site it will be needed; it is dry and open out there. He asked how those sweepings would be handled, are they going to be put back in a pile or taken to the landfill.

Mr. Hansen said that the sweeping would be brought back to the site for consolidation on the site until the final cap is placed. He said that the site is considered contaminated from the stand point of, material can be moved around the property, so if there is dirt that ends up on the road that gets swept up that dirt would be brought back onto the site for consolidation until the final cap is placed.

Mr. Koch said that the sweepings would be treated as historic fill. He said that this was important because we do not want it to be used as general fill because of the potential for contamination.

Mr. Koch asked Mr. Shimanowitz if the deed notice would be made a part of the public offering statement and also in the master deed. Mr. Shimanowitz said that yes it would be in the public offering statement.

Mr. Shimanowitz said that he had gotten clarification from Mr. Hansen that the deed notice would not be filed at that point but they agreed that it would be disclosed. Mr. Koch said that it would have to be disclosed whether it's been brought to conclusion or not. Mr. Shimanowitz agreed.

Mr. Koch said in reference to the gradation analysis of the historic fill, he had spoken about his concern about the dredged soils so close to the river and that there could be a high silt percentage and Mr. Hansen's proposal to wet them turns that into mush in no time and then that is going to be used as fill and they kind off work against each other. He asked if that fill could be tested in order to be determined if it qualifies as general fill and then the geotechnical engineer would give the perimeters for that. He said perhaps it would be better to treat it with something such as calcium chloride for dust control as

opposed to moisture. He indicated that if it has a high silt content it is going to be completely counterproductive.

Mr. Hansen said that this would be something he would have to discuss with his client. He said typically dust control is conducted with water; it's been done on a lot of projects with success. He said that they request that a minimal amount of water be used just to keep the dust down and opt for multiple applications throughout the day as opposed to soaking.

Mr. Koch indicated that everyone's intentions are good but when the guys are out on the site and he is trying to manage the site and he indicates not to wet that down because it is going to become a mess and puts people at odds with one another and unfortunately if it is not done right then it is in the air. Mr. Koch asked that this be reviewed and made a part of the approval.

Mr. Millet asked if the problem with the over wet silt is that it is to compact and then would have a concern that it would change over time. Mr. Koch indicated that it was not like when sand gets wet it compacts and becomes just the opposite and you could slip and slide on it. He said that it may not have a high silt content and that is why he is asking for a gradation analysis because that will help everyone know if wetting is the perfect solution or if it is counterproductive.

Mr. Hansen said that they typically use wetting and have been successful with that method. He said that if the quantity of water is controlled when things are wet down even when dealing with fine materials it can be successfully accomplished but was something that they would consider.

Mr. Koch said that the gradation testing of the potential historic fill will be given thought to but not agreed to. Mr. Hansen said that they would give thought to it.

Mr. Kluger asked what other methods there were. Mr. Hansen said that typically wetting it down is the most common method, you can use calcium chloride, dust suppressant foam, and they all have their pros and cons but water is the most widely used dust control method.

Mr. Koch asked if they would be willing to use a fabric on the fence to help mitigate dust migration. Mr. Hansen said that they try to keep dust on the ground and use dust suppression to do that, they will be monitoring that to ensure that there is a compliance with the dust OSHA permissible dust exposure limit. He said whether his client intends to use a fabric on the fence or not he is not aware but typically that is not relied upon for dust control.

Mr. Koch said that just on experience with the adjacent site a lot of dust migrated and that is why the questions were asked.

Mr. Shimanowitz asked for a clarification, Mr. Koch has asked if a certification of soils could be provided prior to CO and he indicated that they would. He said that the certification would be proposed to come from Mr. Hansen or his office and doesn't know that they can get that from the LSRP. He said that he did not want there to be any misunderstandings.

Mr. Koch indicated that Mr. Hansen is an LSRP but he was not the LSRP that would be certifying. He indicated that he believed that the Borough needed something to put the Borough at a comfort level that people can move through the site and then verify that with the final certification if there is no interim

step he was not comfortable with that. He said that if someone called and questioned that we really would not know and we are going to wait until the end of the project.

Mr. Thomas said he agreed with Mr. Koch, and if Mr. Hansen is an LSRP and employed by the applicant and then it is coming from the applicant and there is that certification on which the Borough generally needs and specifically needs to rely upon because the liability is there and not on the Borough.

Mr. Koch said that he was comfortable with that but could not speak on behalf of Mr. Brescher. He said that this would give the Borough some security. He said that he was just looking for some interim steps so that we can comfortably recommend a certificate of occupancy.

Mr. Hansen said for a point of clarification in providing that letter, he would be representing to the Borough not as "the" LSRP for the site but certainly as an LSRP that in his professional judgement a given area has been fully remediated in accordance with the remedial action work plan and that is certified for the site.

Mr. Koch said that he would be completely comfortable with that.

Mr. Thomas asked if he would be doing that on his behalf as a professional but on behalf of your client American Properties. Mr. Hansen said that was correct.

Mr. Kluger asked why the LRSP not be able to provide this. Mr. Koch said he works for Honeywell not American Properties.

Mr. Schetel asked for clarification on which buildings would have the vapor mitigation systems in them. Mr. Hansen said that building 7 through 12 would have the vapor mitigation systems installed; no other buildings require the installation they are either up gradient or side gradient and more than 100' from the clean zone.

Mr. Thomas asked for clarification on the clean zone. Mr. Hansen said that it is the area that will be delineated by Honeywell in the ground water; they have delineated the extent of the groundwater contamination.

Mr. Williams asked to go over the structural fill that was just mentioned. He asked if someone will be verifying the composition of the fill. He said that if he understands correctly, contaminated fill can be brought onto the site but no more so then the site itself. Mr. Hansen said that in certain incidences that would be correct.

Mr. Williams said that if material is being brought on to the site it will it be verified in some fashion if appropriate and would that testing be done by Honeywell. Mr. Hansen said that it has not been determined who would do that testing but any determination as to the ability to use alternative fill is up to the LSRP and would be based on his professional judgement. He said that if alternative fill is used an approval would be obtained from the LSRP to use such material prior to importing it onto the site.

Mr. Williams asked if that was approved it would go to the Borough and Mr. Koch. Mr. Hansen said the composition of it in terms of concentrations will be tested if necessary in accordance with the fill guidance document and would be presented to the LSRP for approval prior to import.

Mr. Williams asked if the Borough and Mr. Koch would be notified. Mr. Koch said he did ask but they were not obligated; the LSRP is the professional that has the jurisdictional oversight and ultimate responsibility but is comfortable that they have put on the record that the process will take place and who will be responsible.

Mr. Hansen said that ultimately all material that is imported on to the site will be documented in the remedial action report prepared by Honeywell and certified so if material is brought documentation would have to be provided to Honeywell which will then be included in the remedial action report which will be a public document.

Mr. Williams asked when the remedial action work plan would be available. Mr. Hansen said it would be available prior to initiation of remediation. He said that he was not familiar with Honeywell's timeframe other than that it is in the works. He said that Honeywell has an obligation pursuant to a variety of State rules regulations and laws to produce to comply and one of the regulations is to produce a remedial action work plan that is certified by their LSRP.

Mr. Williams asked if the RAO would be available to the public or the Borough prior to any of the homes being sold. Mr. Hansen said that the RAO cannot be issued until the entirety of the development is complete, the deed notice filed, remedial action permits obtained from the NJDEP which can take several months, the project is completely built and it is not until everything administratively is completed with the Department and the LSRP that the response action outcome is issued.

Mr. Williams said that there would be no documentation to back-up what will be in the public offerings.

Mr. Koch said that is why the interim letters were asked for at the time of the request for a certificate of occupancy, we will have the letters that could be an exhibit that indicates certain areas and will unmask that slowly as development occurs.

Mr. Hansen said that the letters will be based on the remedial action work plan which is the public published document. He said that his letters will be prepared in accordance with the RAW to document that a given portion of the site in accordance with that document.

Mr. Williams asked if the RAW would be available prior to the sale of any homes. Mr. Hansen said that was correct.

Mr. Williams said that the memo from Mr. Hansen was quite general and asked if they knew which homes would be built first. Mr. Shimanowitz said that the remedial action work plan will be provided prior to any CO. Construction will start along Cleveland Avenue with buildings 1, 2, 3 and 4 and will proceed back towards Jane Way in a counter clockwise direction.

Mr. Williams asked if Mr. Berkowitz was in contact with the LSRP for the external site that is causing the TCE to move into the site. Mr. Hansen said that Dr. Berkowitz identified the off-site property, known as the Mid-Atlantic property as the source of the contamination migrating onto the property. He said that he has an obligation to report that to the NJDEP when he came to that determination and complied with that obligation, there is a spill number associated with that report. He said that he was not aware of any further interaction.



Mr. Williams said at the last meeting he gave Mr. Shimanowitz a letter for the Environmental Commission dated November 24, 2015 requesting public documents. He said that in the settlement agreement it indicated that the planning board had the right to request whatever public documents were available. He said that if the letter was misplaced he would be happy to provide another copy. He said that in the report it was reported that there were heavy metals under the slab, what heavy metals, what concentrations, etc.

Mr. Shimanowitz said that they were familiar with the letter of November 24, 2015 and in responding to the letter they are in the process of compiling the information requested and finding out from Honeywell what information can be disclosed.

Mr. Kluger said that there should be some indication of when the information will be available for review prior to approvals. He said that all of the information does not have to be provided at one time. The settlement agreement made it pretty clear that these documents should be provided.

Mr. Shimanowitz said that he has been informed that this clean-up has been going on for 30 some years. If the Board is uncomfortable going forward with a decision prior to getting that information, suggested a little more discussion, if it is something that is needed on file as a condition of approval it is being worked on.

Mr. Hansen said as a professional himself who has the unfortunate burden of having to put the documents together at times to the NJDEP. He said it was his understanding that Honeywell was in the process of putting together what they can, and a vast majority of it will be summarized in the remedial action work plan. He said that document should be coming in the near future because it has to come before remediation begins. He said things like the metals that they are excavating will be fully discussed in that document. The groundwater situation which they have in bits and pieces in terms of data tables, etc. will be fully discussed in a coherent manner in that document.

Mr. Williams indicated that Pulte did provide a great deal of data and asked to see whatever data is available prior to Board approval. Mr. Shimanowitz said that this was fair and said that he would discuss this with his client. He said that he was not sure of the timing and not sure of the timing of the hearing.

Mr. Williams asked if there was going to be a CEA (classification exception area) for the water on site. Mr. Hansen said that there would be a CEA on the site.

Mr. George said that there was some talk at the last meeting about a possible connection on the site to the intersection to Jackson and Jane Way. He asked if there were any environmental reasons why this could not be done.

Mr. Shimanowitz indicated that they were asked, not on an environmental level, and they went back and looked at it and they are not in a position to do that. He said looking back on the consent order which they spent a lot of time going through and the decision was made not to make that connection, one access was to this property and that is what they are proposing. He said that they had also researched through the Borough Attorney the nature of the road through the Pulte development and that turned out

to be a private road. He said that respectfully for all those reasons they are not interested in going there at this stage in the process.

Mr. George asked theoretically is there an environmental reason why this could not be done. Mr. Hansen said the nature of the development and that an entrance there has not been considered that issue had not been evaluated.

Mr. George said that he read the executive summary and it is his understanding that Honeywell may or may not commence the demolition of the slab under the supervision of their LSRP and would not necessarily be sequenced with the Board's approval or the Borough's monitoring or DEP's monitoring. He asked if there was anyway the Board was going to know the process.

Mr. Hansen said that he did not know what Honeywell's plans were relative to the Borough.

Mr. George said that on page 4 of Mr. Hansen's report he discusses dust monitoring, do we know what Honeywell's process is for that. Mr. Hansen said that at this point he is not aware of Honeywell's process.

Mr. George said that on page 1 for the report it talks about completing the investigation remediating of the chlorinated solvents and it was mentioned that this would be on-going and long term and asked for paid for the process of the monitoring long term. Mr. Hansen said that it is typically the person responsible for conducting remediation and in this incidence there are two (2) persons, the off-site property owner and Honeywell is currently the person responsible for conducting remediation on the property.

Mr. George asked if there was a performance bond posted or is it assumed that that the work will get done. Mr. Hansen said that Honeywell under the NJDEP rules and regulations to post a remediation funding source and that has been done.

Mr. Thomas said that future monitoring will not be the responsibility of the homeowners or association it will be the on-going responsibility monetarily of Honeywell. Mr. Hansen said that he was not aware of the contractual arrangement relative to that issue between his client and Honeywell but regulatory it is Honeywell's obligation.

Mr. Thomas said that it would be either Honeywell and/or American Properties obligation but not the homeowner associations. Mr. Hansen said he did not know the answer to that. Mr. Thomas asked to have that answer researched.

Ms. Monk asked if Honeywell was only responsible for the contaminants that they caused. She said that it was indicated that the ground water was contaminated by Mid-Atlantic Properties. Mr. Hansen said that Honeywell has taken responsibility for their ground water plume which is different than the Mid-Atlantic ground water plume.

Ms. Monk asked if Honeywell then would only be testing for their contaminants in their ground water plume. Mr. Hansen said pursuant to NJDEP rules and regulations the responsible party is only obligated to remediate what they are responsible for, if it is from an off-site source they would not be responsible for addressing contamination that is not theirs.

Mr. Thomas said that given the fact that Honeywell is not responsible for remediation of the off-site contaminates, Mid-Atlantic has been identified as the source of some of the contamination of this site so they are required to remediate the contamination that they have caused on their site.

Mr. Hansen said that the site remediation reform act requires a responsible party to remediate contamination that they are responsible for regardless of where it is located.

Mr. Thomas said that whoever is the responsible party for the contamination on the Mid-Atlantic site they will be required to remediate that contamination whether it is on Mid-Atlantic site or on the Honeywell site. Mr. Hansen stated that this was correct.

Mr. Kluger asked is it possible to start building and there be contamination from Mid-Atlantic still on the property.

Mr. Hansen said that Honeywell's investigation has identified the contamination to be in the groundwater, and there will be groundwater contamination on the property when the buildings are being constructed.

Mr. Millet asked if the Mid-Atlantic plume was in the same general area as buildings 7-12 that will have the vapor mitigation systems installed. He said regardless of the ultimate responsibility you are taking responsibility in protecting the buildings from whatever ground water contamination is beneath them. Mr. Hansen indicated that was correct.

Mr. Hansen said that a LRSP's highest obligation is to protect human health, safety and the environment and this is why in large part regardless of who is responsible for the ground water contamination vapor barriers are being installed where there is the potential for vapors regardless of who's responsibility it is.

Ms. Monk said as far as contaminates that are being monitored by Honeywell, is Honeywell only monitoring for the contaminates that they are known to have originated and are the contaminates that originated from the Mid-Atlantic property different from those that are originating from Honeywell's.

Mr. Hansen said that the Honeywell contamination in ground water and the Mid-Atlantic ground water contamination are similar, in large part they are the same.

Mr. Thomas said that the cap and vapor barrier will protect the individuals living in those homes. Mr. Hansen said that was correct.

Mr. George said that in reference to the vapor barrier, the engineer described the system and understood that the system may need occasional maintenance and monitoring and asked if this would be passed on to the homeowner or the homeowner's association on a long term basis.

Mr. Hansen said that he would have to look into this and get back to him; his client indicated that regardless of who is responsible they will ensure that the monitoring is conducted. He said that if Mid-Atlantic is available to do the monitoring, it's ultimately their responsibility but regardless the monitoring will be conducted.

Mr. George said that the dust from the Pulte development was beyond what was anticipated and they had dust control in place and a lot of the homes on Cleveland Avenue turned a red color. He said that his concern was that they did not know what Honeywell's plan was and if it generates dust and that dust has contaminates, power washing the houses would deposit contaminates on their properties where it did not exist. He said during the construction phase and when the structural fill is being brought in when the contaminates in the historic fill are being disturbed asked if that would have the same risk. He said he knew that it was going to be monitored during the opening phases to ensure that the dust is not contaminated or if it is to stop process but what happens to the dust that has already migrated.

Mr. Hansen said that Honeywell has the responsible party when they do their remediation will have an obligation to control dust and is faithful that they will meet that responsibility when they do their remediation. He anticipates that is going to be in Honeywell's remedial action work plan. He said that they will be doing vigorous dust control to prevent that from happening.

Ms. Monk said that it was explained the behavior of the vapors escaping through the plume are similar to those of radon, and asked if the path of travel known or is it as unknowable as that of radon.

Mr. Hansen said that it is more predictable than radon in that you know where it is coming from and the NJDEP in their vapor intrusion guidance document built in a safety factor relative to that issue. He said that there is a 100' foot additional buffer in which the possibility of vapors needs to be addressed.

Ms. Monk said that those tests are based on groundwater sampling which locates the plume it's not based on vapor seepage sampling. She said the locations of the plume and the origin of the contamination is based on ground water testing. Mr. Hansen said that was correct.

Ms. Monk said that the concern and the mitigation is via under slab; testing and identifying the locations of certain contaminates in water but preventing the intrusion of something via vapor so how do we know that the vapor escaping from the water are not traveling beyond the locations that are being remediated since we are only selectively applying under slab.

Mr. Hansen said that the vapors will take the path of least resistance, ground water is relatively shallow 7-9' before grade, they tend to work themselves to the surface that is why there is a concern about them collecting underneath buildings where they can't be released to the atmosphere. He said with the safety factor built in the NJDEP did a lot of research in developing their guidance document in part because you don't know exactly where it is going to go, it is not as easy to collect a soil sample, they have built in that 100' buffer beyond their minimum ground water screening level for vapors in the areas where testing would be done or vapor mitigation. The NJDEP has developed protections to protect against that possibility.

Ms. Monk said that the proposal still says that they are not interested in putting under slab treatments on all of the buildings that will be occupied. Mr. Hansen said that if a building is side gradient or up gradient of the ground water contamination, the ground water contamination is flowing away from that. Construction would be built in a 100' factor off of that and the ground water contamination is migrating in the opposite direction, any potential vapors are produced from the ground water contamination. He said that there was a reasonable scientific justification to not require it outside of that 100' area.

Ms. Monk asked if there would be signage around the temporary fencing indicating that there are hazardous materials contained within if there is occupancy in portions of the site. Mr. Hansen said that there would be signage indicating a restricted if temporary fencing is used.

Ms. Monk asked if there would signage indicating why it is a restricted area. Mr. Hansen said that the NJDEP gives latitude as to what's required to be posted on a sign; typically signs are produced with the end use in mind. He said that you don't want to scare people that there living on a glowing site because they are not, but at the same time you want to inform the public that they should keep out of a certain area. He said that the precise verbiage on the sign has not been determined.

Ms. Monk asked if there was any intention to use signage that would indicate the nature of the contaminates that may be contained in those areas. Mr. Hansen said that it has not been considered yet and would be addressed at the appropriate time with some latitude.

Mr. Kluger asked what would be done normally. Mr. Koch said that it could be variety of things basically saying that the site is being cleaned up and people should not go in that area while the work is taking place.

Mr. Kluger said that there is a difference between saying something like that versus restricted keep out. He said that he is not saying that the sign should have a list of what the contaminates are but at least make in known that are potentially hazardous materials and under a clean-up. He asked if this was something that the Board could request as part of the conditions of approval.

Mr. Koch said that is more of a legal question, he does not know what the NJDEP specific guidance is on how the notice should be presented.

Mr. Thomas said that he did not know either but seems reasonable to end up having a sign warning that this is a previously contaminated site under remediation and please keep out. He said that this did not require American Properties to disclose the nature of the contaminates but does seem reasonable to include that it is a contaminated area and to keep out to further warn individuals.

Mr. Hansen said that the use of signs and fences in remediation is somewhat commonly used and verbiage that goes on the sign is at the discretion of the LSRP and the verbiage would be discussed with the LSRP if fence and sign ends up being used on a temporary basis to control access.

### **Public Discussion**

Lou Pitchinson, 200 Jackson Avenue, said that he had heard mentioned that Honeywell's LSRP and Dr. Berkowitz and asked if all three titles were Dr. Berkowitz. Mr. Hansen said that Dr. George Berkowitz is Honeywell's LSRP. He said that Dr. Berkowitz is Licensed Site Remediation Professional retained for the site.

Lou Pitchinson said that he was pleased to hear that because it provides continuity. He said the previous Pulte property to the current property it was talked a great deal about airborne particulate and dust monitoring and that the Pulte development actually had to be shut down because when a small portion of the concrete was being pulverized it was discovered that there was airborne carcinogens that had been developed and he believed it was asbestos. He said that this was just a heads up because Pulte had been shut down for a couple of weeks and wasn't by the folks in the neighborhood it was by Professionals on

site that discovered it. He said that it may be possible that since all that property was once together that you may run into a similar problem. He said that there may be some asbestos in some of the materials.

Mr. Hansen said that he appreciated the information.

Mr. Pitchinson said it would be most reassuring that we hear that dust monitoring is of the most rigorous order and that due diligence occurs from the first shovel that goes into the ground.

Mr. Hansen said that he could not answer relative to Honeywell's plans with regards to dust monitoring, as indicated that Dr. Berkowitz worked on the Pulte project, he is working on this project and anticipates that they will do the right thing. He said that he provided testimony as to the dust monitoring that his client was going to do and they are committed to it.

Mr. Pitchinson said he hears that but it was in the best interest of American Properties to coordinate with Honeywell on the monitoring from the start. He said that it would be in American Properties economic interest so you're not shut down a couple of weeks like Pulte.

Mr. Thomas addressed Mr. Pitchinson and said he appreciated what he was doing but this was designed at this point to be questions of the witness rather than statements. He said that he would give a full and complete to be heard at the conclusion of the case.

Mr. Pitchinson said that he was pleased that he was given the opportunity to raise the questions as to whether the applicant was indeed aware of prior problems on an adjacent site.

There being no one further from the public, Mr. Kluger closed public discussion.

Mr. Shimanowitz introduced their next witness Mr. Arzberger.

Mr. Richard Arzberger, Sonnenfeld and Trocchia Architects, P.A., Holmdel, NJ. sworn and affirmed said that he was a licensed architect in New Jersey, licensed since 1984, he has testified before numerous Boards throughout the State. He said that his practice primarily provides services to production builders and merchant builder who produce multi-family housing.

Mr. Shimanowitz asked Mr. Arzberger to identify the boards being used.

Mr. Arzberger said that there were three (3) boards that were in the application, Exhibit A4 is a series of elevations for building 12 labeled Heritage at Highland Park; Exhibit A5 are three elevations labeled Cleveland Avenue buildings and Exhibit A6 labeled interior buildings and illustrates three elevations.

Mr. Arzberger referring to Exhibit A2 rendered proposed site plan, he said that there are two primary types of buildings, the two buildings fronting on Cleveland and there are interior buildings which contain primarily a similar type of unit and in addition there two buildings which contain the six (6) affordable units. Sheet A1 from the application indicates the floor plans where the Cleveland Avenue buildings and pointed out that on one side of the building at the first floor are entrances to the ground floor units to the rear of them are the garages which are accessed off of a rear alley way and driveways off the rear of the building. The second floor has the living space for the units that front on Cleveland Avenue and first floor of living for the units that are located above the garage orientated at the rear of

the building and third level that is illustrated on Sheet A 1.1 show the upper area of the rear units. On each side of the building is bisected down the middle facing Cleveland are two stories of residential, on the rear side are garages at the first floor and two story units above that. Exhibit A5 are the elevations of the units that were just described, the two buildings facing Cleveland Avenue. In the upper left of the exhibit shows the elevation fronting on Cleveland and to the right is an end elevation which is what you would see as you enter the project through the main entry drive and then the third elevation illustrates the rear side of that building which has the three stories of garage at the first level and two stories of living space above. The articulations of the elevations they are using a mix of vinyl siding and brick, two types of vinyl siding, one is a claver style and mix in with some additional detailing with a shingle style vinyl siding, resembling wood shingles. In addition there will be some bay windows, fire cement board or Aztec type trim. He showed a sample of the siding materials. He said that they would be using dimension asphalt shingle for the roof. The colors as demonstrated on the Exhibit are what is being proposed for use on the actual buildings.

Mr. Thomas said that it appears to him that there are different colors on the rendering that are not on the sample board. Mr. Arzberger said that the red brick color on the renderings they did not have samples of that.

Mr. Thomas indicated that Exhibit A7 did not represent some of the colors. Mr. Arzberger said that it was the colors of the main body of the elevations and there are going to be additional accents with brick, some graphics showing a panelized type of material, bay windows and box bay windows that would also be an additional type of material which they do not have with them.

Mr. Arzberger said that the basic look of the elevation is a traditional residential look and the buildings are broken up into segments to reference a townhouse type of construction. The second type of building is a majority of the remaining buildings. The Cleveland Avenue buildings are unique because they are designed to accommodate the sloping portion of the site; the balance of the site is relatively flat so there is a variation of what is being proposed for those types of buildings. Sheet A2.0 illustrates the floor plans for one of the typical buildings. It is very similar in terms of its conceptual layout to the Cleveland Avenue buildings rather than having a two story, three story split there are three stories front and back. On one portion of the building there is a living area for the ground floor unit and garages to the rear side, second floor would be the first floor living space for units above the garage, a second floor living space which are above the ground floor unit and the third floor or bedroom are of the units which are above the garage and on the back side they are providing a small loft area in that third story. Exhibit A6 shows the elevations for the building, the front of the building looks very similar to the rear side of the Cleveland Avenue building; the end elevation appears to be a three story building in the sense that there is a large dorm room and on the garage side is a full three stories. The rear of the building has an ease line at the second floor and dormers above which provide the windows into the upper level loft area. The majority of the buildings are of this prototype. Sheet A3.0 illustrates the floor plans for the buildings that contain the affordable units, the end module contains three of the affordable units, on the first floor COAH unit no. one is a two bedroom flat and above that are two (2) two story units which each are COAH units. The first floor is living area and then sheet A3.1 shows that third floor of those buildings the second living level of the two story COAH units which includes a two bedroom two story unit and three bedroom two story units. He said that all of the COAH units are contained within the end of the building there are modules of three and located on two locations on the site, building no. 12 in the southeast corner, and building no. 9 in the northeast corner. He said that they carry the same material

and detailing throughout all of the buildings and Exhibit A4 is a rendered elevation illustrating the COAH building as just described. The COAH module is at the extreme left end and balance of the building, the market units, the non-COAH end of the building is next to it, the lower left showed the reverse side of that building with the COAH module on the right, the market units to the left and the end elevation which is the elevation having the COAH units in the lower right hand corner. The market units are individually all two story units with living area on one level, bedrooms on the upper level and an additional loft area in some units.

Mr. Shimanowitz asked if it was taken into account any building materials that would address any noise issues since it is near the railroad.

Mr. Arzberger said that they are proposing to use walls constructed of 2x6 framing, thicker than the standard 2x4, use of \_\_\_\_ insulation and oriented stremboard siding, standard \_\_\_\_\_ board on the interior and he described the siding material as far as being a combination of primarily of vinyl siding although the buildings that face the railroad as some additional brick and estimated that the STC rating, the only building code that goes into that STC rating is walls the separate one dwelling from another and what separates that unit from a common area such as a common stairs or corridor. The requirement is 50 decibels, there is no actual requirement for exterior walls however they estimated that STC rating for the wall as described would probably going to be in the 40-45 decibel range. When talking the exterior walls there are a number of openings through windows, for example in a typical 11' wide room with two (2) 6' x 3' windows you're at 36% of the wall surface area is glass or window which is the least resistant to acoustic penetration, so when considering a wall the weak link is the one that matters the most. In this case windows typically have any STC rating of between 27-35, 27 is a single glazed window and 35 would be double glazed windows with a gas in between the glass panes. He said that they are proposing to use in this project is a window that is doubled glazed with the \_\_\_\_\_ glass so they will have an STC rating for those windows in the neighborhood of 35, and that is the highest available on market.

Mr. Schectel asked if building nine would have the same number of COAH units and configuration as in building 12. Mr. Arzberger said that the units were identical.

Ms. Monk asked what type of insulation they were using. Mr. Arzberger said that they would use a bat insulation for both the walls as well as the attic. Ms. Monk asked what it was made of. Mr. Arzberger said that the material was fiberglass. Ms. Monk asked if they have considered mural (?) wall. Mr. Arzberger said no. Ms. Monk said that it had significantly better acoustic properties. Mr. Arzberger said it is denser but really does not add much because of the window system and that is the weak link.

Ms. Monk asked if they had considered a triple glazed window or laminated glass. Mr. Arzberger said that triple glazed windows does nothing and the type of glass that is being proposed after research is providing the 35 decibels but was not sure if it was laminated glass or not.

Ms. Monk asked if there were any kind of isolation techniques to deal with the possible structural born noise from the trains actually going along the ground. Mr. Arzberger said that they were using the acoustic separation on the floor and ceiling assemblies because they are required to have an impact rating on in excess of 50 decibels and that will be reinforced with resilient channels.



Mr. Lanaris asked Mr. Shimanowitz if it was appropriate for Mr. Arzberger to elaborate on why the COAH units do not have garages.

Mr. Shimanowitz said that he did not know that it was and thinks that it is just choice of the developer to fit the units on the site. He said that this was the concept plan that was proposed all along in the settlement agreement and believes that this was more of a business decision than anything else.

Mr. Lanaris asked which witness would be able to answer that. Mr. Shimanowitz said that he does not know that they would be putting forth a witness that would elaborate on it.

Mr. Lanaris said that as a result of not having a garage they don't have garbage cans? Mr. Arzberger said that his experience has been that COAH units typically do not have garages and hasn't seen any communities which had their COAH units have garages. This is typically not a component of an affordable unit. The testimony from the Engineer was that the COAH units have access to a dumpster so they would use that for their garbage, the other units with garages would have cans that would have curb side pick-up. Mr. Lanaris asked is that included recycling. Mr. Arzberger indicated yes.

Mr. Lanaris said that a good percentage of the people living in this development will physically have to take their recyclables out the front door and to a dumpster. Mr. Arzberger said that the only ones to use the dumpster would be the COAH units and they would also have their recyclables at that dumpster location.

Mr. Lanaris said that the market units would put their trash and recyclables at the curb for DPW to pick up and asked if DPW would be picking up for the COAH units as well. Mr. Arzberger said that they did not know at that time if it would be private or public but they will pick up for all of the units.

Mr. George asked that the dumpsters be reconsidered if the Borough was to pick up the garage from the development. Mr. Arzberger indicated that they were not really dumpsters but enclosures.

#### Public Discussion

Sue Anderson, 63 Anderson Avenue said that Highland Park homes are all different colors and asked if all the units would be beige. Mr. Arzberger said that it is rarely done where all the units in a development are different colors. Ms. Anderson indicating that Pulte did a wonderful job with their colors in making it look like a town and not a camp or something.

There being no further public, Mr. Kluger closed public discussion.

Mr. Shimanowitz said that there traffic engineer and since it is a permitted use they plan to put on very light testimony if there are questions from the Board. He said that a report was prepared so hopefully will be a quick testimony.

Karl Pehnke, Langen Engineering, Lawrenceville, NJ affirmed and sworn, said he was a registered professional engineer in the State of New Jersey as well as several other states and has been a practicing traffic engineer for about 30 years.

Mr. Shimanowitz said that Mr. Pehnke prepared a traffic impact study and asked Mr. Pehnke to give a brief summary of that report.

Mr. Pehnke said that he was the engineer for the Crossing at Highland Park as well as Merriwold as a result they have accumulated pretty good amount of data on the adjacent roadway networks that he was able refer back to in the preparation of this report. The report incorporates the traffic generation characteristics and prior findings associated with those two projects. The project proposed is in accordance with the settlement agreement for the project, the project proposed to have a single point of access along Cleveland Avenue roughly at the existing location of access to this property. The property was previously developed and was an active property at one time generating traffic and as with any project this project as it goes forward will generate traffic. In terms of the operational stand point they did go through an analysis of the operation of the proposed driveway, looked at a couple critical intersections immediately in proximity to the driveway, at North Second Street, Madison Street and Cleveland Avenue, and Cleveland Avenue down at River Road. In general what was found is that the positioning of the project allows the traffic to dissipate in several different directions relatively quickly using Madison Avenue and North 4<sup>th</sup> Street to head to the North on Raritan Avenue, 2<sup>nd</sup> Avenue to come into the downtown and go to the north and south on Raritan Avenue as well to use Cleveland Avenue to the south to get to River Road again where you could go either to the west on River Road or come back towards Raritan Avenue and point south on Route 27. The traffic dissipates relatively quickly and the advantage of that is as you move away from the site into these critical intersections and traffic turns and starts to go out these various routes the relative impact of the flow on operational characteristics reduces.

Given the grid system in Highland Park and traffic flow in general there is a cut through activity that is occurring through the neighborhood that does end up orienting itself to Cleveland Avenue and down to River Road so that raises the flow on that particular intersection a little more than neighboring intersections along River Road, the additional traffic associated with this project will not change operations that people are currently experiencing at that location, it is not going to turn it into a grid lock situation or failing intersection location.

Mr. Pehnke said that in terms of traffic operations and the evaluation of traffic operations, traffic engineers use a modeling technique to model the flow of traffic and the operations of traffic particularly at intersections and that modeling technique takes into account whether the intersection is stopped controlled, signal controlled, yield controlled and all of the features of the intersection, the lane widths and so forth and then in order to create a qualitative way of assigning the result of that analysis the engineering community has developed a scale from A to F, with A indicating a high level of service/high level of operation which relates to very little delays being experienced by motorist all the way down to a level of service of F which means that the intersection is failing and experiencing a longer delays. He said that does not mean that traffic stopped it doesn't mean that traffic is not flowing it means traffic is experiencing levels of delay that they scientific community has determined is a little bit higher then was is comfortable to a motorist. Many intersections in the State of New Jersey are operating in E and F levels of service. In terms of their acceptance of the standards that are used that are nationally based is that we tolerate more delays than you would in the western regions or mid-west. He said that they have no F levels of service; everything is operating below the limits of acceptable delays.

He said from that stand point it is relatively good news and part of that is the effort that was undertaken over many many years to come to an understanding as to what is the right density on the site. With regard to the site itself there is one point of access to Cleveland Avenue which is at the existing access drive, it is simple circulation arrangement coming into a loop system internal to the site. The on-site roadway, roadway geometry, parking spots all of that is dictated by the residential site improvement standards and we are in compliance with residential site improvement standards and more importantly it is good design, it is adequate and appropriate and will accommodate the type of traffic flow and parking requirements that will occur on the site. The site also has a logical sidewalk system through it extending in from Cleveland, starting with the completion of sidewalk along Cleveland Avenue frontage and bringing those sidewalks into the site and creating a loop system around the interior of the site not unlike what was done at the Pulte project, providing a complete walking path and an appropriate pedestrian path throughout the interior of the site. Pedestrian accommodation within the site is logical, appropriate and provides the proper balance between accommodating normal pedestrian paths, the ability to go out for walks in the night and the need for minimizing providing green space coverage and landscaped areas. During construction testimony from Mr. Coco that while the site is under grading and major utility construction the construction access will be from the Cleveland Avenue access with all the heaviest construction activity and trucks coming through that access as the site is being prepared. He said that when they get to vertical construction that they be able to use the existing curb cut at the end of Janeway to provide a logical and safe environment for both the adjacent neighborhood and the evolving neighborhood and the workers on site as the project evolves. He said that coming in on Janeway is logical because as discussed earlier the project will be counter clockwise area, the southwest is where the project laid out area will be, construction equipment area, truck wash area, and that all orients off the end of Janeway Avenue and they are requesting that. He said that activity is a lot less than the initial construction activity with a couple of deliveries a day during the vertical construction it will not be a heavy trucking activity situation as associated with the initial construction gratings.

Mr. Kluger said that he had a question from the last meeting and he did address the issue of the proposed connection to Pulte for vehicles there was also a suggestion at the last meeting and in Allen Schectel's report about a sidewalk on Janeway, and asked if that had been addressed.

Mr. Pehnke said that their suggestion was not to build the sidewalk on Janeway it is not need there is already sidewalk on the other side of the road and there is no residential homes fronting on Janeway at that location that needs to connect to the sidewalks and there is a complete sidewalk system that connects on the other side of the road and there are some mature trees, particularly one very nice tree down towards the western end that is in the right of way, at the moment all of that vegetation would remain in the right of way undisturbed and that would have to be wiped out if sidewalk was to be installed. He said one of the things that the Board may want to weigh is some limited natural vegetation that is remaining to buffer the remaining to residents from the project versus adding a sidewalk that would be very lightly utilized. He said that they did not have any connections to their site out to that property and does not provide any advantage or linkage that does not already exist and weighing that against additional coverage and removal of at least one very large mature tree and few smaller ones that maybe better off just staying.

Mr. Kluger said that the dates of the traffic counts and movement counts were April 21, 2015. Mr. Pehnke said that was the most recent one but they also had prior counts available to them in their bio's to compare it to and substantiate it.

Mr. Kluger asked if that study was done pre Pulte. Mr. Pehnke said that Pulte was under construction and their construction access was from River Road. He said that they were also able to look back on the Pulte application and did study that intersection as well and the volumes have been fairly consistent.

Mr. Millet asked how they determine in a development of this size and this type of housing it will produce X amount of cars over a certain amount of time period because that is what the concern is.

Mr. Pehnke said that what they refer to as traffic engineer is document that is published by the Institute of Transportation Engineers which is a national document; it's a clearing house document that publishes data for various land uses. He said that is a document that was developed over many years by contribution by traffic engineers throughout the country who have actually gone out and obtained traffic counts of existing land uses, whether a shopping center, office buildings, a residential community, single family community, apartment complexes, townhouse, etc. and then analyzed and provided equations, average rates, to evaluate that data and compare it to the number of units being proposed on a development. That data is used to estimate the amount of traffic that would be generated, residential development uses has a great data base, that shopping centers and office buildings have the greatest data base, what is generally found is when they have the opportunity to go back and cross check developments it is fairly accurate? They have actually found in some of the cases the luxury townhouses and luxury apartments that being built in the State are generating less then what the ITE would suggest it would generate. He said that it gives them a snap shot of the amount of traffic, it could be a little higher or lower but in order of magnitude it gives a fairly decent idea of what the traffic flow would be, then it is taken and distributed to the roadway network in the case of a residential development demographic data will be looked at, journey census travel to work.

Mr. Millet said that he thought that there would be this type of data but specifically for this type of development is there something that says it is going to push out this many cars.

Mr. Pehnke said that in terms of traffic generation for the 110 units being proposed, they would expect based on the data base about 46-50 vehicles exiting the site the morning peak hour, 7:45-8:45 am and in the evening you would have roughly 40-50 cars coming back in with a little more out bound activity in the evening because people are going out to shop, etc. so there would be about 20-30 vehicles heading out in the evening and that is what the data base suggests that you would expect to see on the site.

Mr. Thomas said that it was indicated that the level of service is generally A&B and would indicate that the present level of service is A&B and after development would be A&B. Mr. Pehnke said that was correct.

Mr. Thomas said that it was indicated that in regards to Cleveland Avenue and River Road that is not A&B and asked what it was presently and what will it be after development. Mr. Pehnke said that the left turn in from River Road to Cleveland Avenue which is one of the more critical ones because that affects traffic along River Road, that is actually operating on an A level service without the development and will continue to operate on an A level after development, mostly because it has a prioritized movement as you travel along. On the Cleveland Avenue approach it is operating on a D-E level of service and with the additional cars it will trigger into the E level completely. He said that Cleveland Avenue was right in that range now it is just before and is going just after. He said that there would be a modest increase in delays in terms of real perception by a motorist driving down Cleveland Avenue it is

really not going to be a big perception. In terms of volume you are looking at about 1 car every two minutes being added to that approach and won't change what a motorist perceives today.

Mr. Thomas asked where that approach was. Mr. Pehnke said that if you left the site made a right down Cleveland Avenue and continued straight down to River Road and were going to either make a right or left on River Road.

Mr. Williams said that since the study Cleveland Avenue and North 2<sup>nd</sup> has become a 4-way stop would that have any impact. Mr. Pehnke said that they have considered that and there will be no impact.

Mr. Lanaris asked because of the E level will this mean that there may be a traffic light on River Road at some point. Mr. Pehnke said that it was unlikely, in order for a traffic light to be justified you have to meet a certain sustained volume of conditions throughout the course of an 8 hour period the majority of the traffic at that intersection is actually turning right which is easiest movement to make so at this point it does not appear to be the need to consider traffic signalization at that location and does appear that you will hit the sustained volumes needed to warrant a traffic light.

Mr. Lanaris said that there were set standards, and if we revisit it there may be a need. Mr. Pehnke said that there are bad things that come with signals too, such as rear end accidents along River Road would probably increase so there are off setting things that need to be considered, the E level of service is near the upper end of it, it is not a heavy level of delay where you would be starting to consider a signal at that location.

Mr. Lanaris said that it was indicated that at the end of Janeway a curb cut is being created for the construction vehicles. Mr. Pehnke said that there is actually already a curb cut there and would be using that and closed off at the end.

Mr. Lanaris said that if there were a second egress at that location would it elevate some of the concerns that were just mentioned with E level of service. Mr. Pehnke said it does not really matter, regardless of the legal status of the road, if someone wants to bypass there is nothing stopping them from going up 2<sup>nd</sup> Avenue and going through the Pulte development. The issues down on Cleveland Avenue really are not at the magnitude that we need to look at alternative routes out of the site at this point but a second point of access is not going to change the quick ability for a vehicle to go that way if they wanted to. He said that the number of vehicles that want to go that way from the development is about 25% of the development traffic that is oriented to the west which is about 12 vehicles in an hour that would be added to the Pulte project that would not be on Cleveland. He said that it was not a relief.

Mr. Lanaris asked if it was a private entrance into this. Mr. Pehnke said the Pulte project is a private road at this point in time, they control it.

Mr. Kluger said that it was indicated that within the site coming out of the site making a right or left on Cleveland Avenue also stays at an A level. Mr. Pehnke said that was correct and the traffic flow on Cleveland Avenue is relatively modest and does not expect to see any problems there.

Mr. Kluger opened the floor to the public with specific questions for the traffic engineer.

Jane Rein, 47 Cleveland Avenue, said that she understands that it is rather insignificant but serious how could you think that 12 cars an hour within that range is minimal when already as you are pulling out of the driveway often horn blow because I am cutting someone off, unintentional. As a resident living this on a daily basis it is not insignificant. She said that they have inquired about lights it is too close to the railroad underpass.

Mr. Pehnke said that from an analysis standpoint and from a roadway capacity stand point it is really not going to change what you are experiencing. He said that he understood and there is clearly a very heavy cut through pattern that is occurring along Cleveland Avenue feeding in from 2<sup>nd</sup> Avenue, North and Madison and that is where the heavy flows are coming from but in terms of changing what is being experienced today those additional vehicles will not do that and certainly at the intersections the analysis is showing that will not change.

Mr. Kluger asked how much of a back-up in terms of cars from River Road. Mr. Pehnke said that he did not have specific calculations, in the level E range in a non-signalized intersections delays starts at about 35 seconds of average delay up to 50 seconds of average delay. Signalized intersection delays are much higher.

Mr. Thomas asked based upon what Mr. Pehnke has seen in terms of his analysis, it was indicated that the range for E level is between 35-50 seconds and based upon that what is the delay now in estimation in terms of the E range. Mr. Pehnke said that we are just in the E range at 35.1 seconds in the morning and 38.7 seconds in the evening. He said that they are going from about 25 to 28, 35 to 38.

Sue Anderson, 63 Cleveland Avenue said that based on the numbers do you recommend no left turn during certain hours is that something that is recommended out of traffic studies. She said that on River Road turning left onto Cleveland Avenue during rush hour causes a huge back up on River Road.

Mr. Pehnke said that is the purpose of a traffic study to determine changes in regulatory environment and traffic control. In term of peak hour restriction of turn movements we tend not to do that anymore because the enforcement of peak hour restrictions and driver consistency or inconsistency is something they try to avoid so it is very rare, most of the time you would see that type of a situation its more to address a problem of cut through in neighborhood or something of that nature to do it because you want to stop traffic from making a turn when volumes are heavy you look at alternatives first.

Ms. Anderson said that her alternative is to send them up Harrison Avenue.

There being no one further, Mr. Kluger closed public discussion.

Mr. Thomas asked if the applicant had any further witnesses. Mr. Shimanowitz indicated that they did not have any further witnesses.

Mr. Thomas said that this matter would be carried until the next meeting which would be the 10<sup>th</sup> of March at 7:30 p.m. and no further notice would be provided.

Mr. Kluger said that they spoke earlier about a sub-committee to work with redevelopment agency and asked for volunteers. Mr. Lanaris volunteered.

Mr. Kluger said that he was sure that everyone was aware the traffic accident that took the life of a young child here in town on Route 27 and guess there was discussion at one of the last Council meetings about the process to possibly looking into a traffic light or some other traffic calming opportunities.

Mr. George said that he was speaking to the Mayor and she did mention that she was looking to set up another meeting with the NJDOT to follow-up.

Mr. Koch said that there was meeting today with about 20 people including the Commissioner, NJDOT, Assemblyman and a variety of mayors.

Mr. Kluger said that made him feel good because he wanted to ensure that this was really moving forward. He said that he did not know if this was something about a light or beyond a light or any other traffic calming.

Mr. Koch indicated that he did not want to move into the Mayor's shoes but it was not just that it was various things that could be done short term and long term.

Mr. Kluger said that it was something in the Master Plan from 2003 and carried forward some ideas for traffic calming and likes that it is moving forward.

There was a motion to adjourn from Mr. Lanaris a second from Mr. Williams at 10:59 pm the meeting was adjourned.

Respectfully submitted,

Jennifer Santiago, Board Clerk