

HIGHLAND PARK PLANNING BOARD  
 Highland Park Borough Hall-Council Chambers  
 221 So. 5th Ave.  
 Highland Park, NJ 08904  
 MEETING DATE – January 14, 2016 7:30 P.M.  
 ANNUAL REORGANIZATION MEETING

**Call to Order**

The reorganization meeting of the Highland Park Planning Board was called to order in accordance with the rules for the Open Public Meetings Act by Roger Thomas, Esq. at 7:30 pm; Mr. Thomas indicated the location of the fire exits.

**Roll Call**

Present	Kim Hammond, Alan Kluger, Allan Williams, Phillip George, Padraic Millet, Stephen Nolan, Paul Lanaris at 7:34 p.m.; Stephany Kim, Judi Monk, Scott Brescher
Absent	None
<u>Board Professionals</u>	Roger Thomas, Esq. Board Attorney, Allen Schectel, Planner, Bruce Koch, Borough Engineer, CME Board Engineer

**Selection of Officers**

**Election of Chairperson:** Mr. Thomas called for a nomination for Chairperson. Mr. Kluger nominated Ms. Hammond with a second from Mr. Millet and hearing no other nominations a roll call was taken.

Roll call

Ayes	Kim Hammond, Alan Kluger, Allan Williams, Phillip George, Padraic Millet, Stephen Nolan, Stephany Kim, Judi Monk
Nays	None
Abstain	None
Absent	Paul Lanaris

Kim Hammond was unanimously chosen to serve as Chairperson.

Ms. Hammond accepted the position as Chairperson for the Planning Board and resumed the meeting in that capacity.

**Election of Vice-Chairperson:** Ms. Hammond nominated Mr. Kluger as Vice-Chairperson with a second from Steve Nolan and hearing no other nominations a roll call was taken.

Roll call

Ayes	Kim Hammond, Alan Kluger, Allan Williams, Phillip George, Padraic Millet, Stephen Nolan, Stephany Kim, Judi Monk
Nays	None
Abstain	None
Absent	Paul Lanaris

Mr. Kluger was unanimously chosen to serve as Vice-Chairperson.

**Election of Board Secretary:** Ms. Hammond nominated Mr. Williams as Secretary with a second from Padraic Millet and hearing no other nominations a roll call was taken.

## Roll call

Ayes	Kim Hammond, Alan Kluger, Allan Williams, Phillip George, Padraic Millet, Stephen Nolan, Stephany Kim, Judi Monk
Nays	None
Abstain	None
Absent	Paul Lanaris

Mr. Williams was unanimously chosen to serve as Secretary to the Planning Board

Mr. Williams accepted the position as secretary to the Planning Board.

Appointment of Professionals and StaffBoard Attorney, Board Planner, Board Engineer

Ms. Hammond made a motion to appoint Roger Thomas as Board Attorney, Allen Schectel as Board Planner and Bruce Koch as Board Engineer for a three (3) month term.

Mr. Kluger made a second to the motion.

## Roll call

Ayes	Kim Hammond, Alan Kluger, Allan Williams, Phillip George, Padraic Millet, Stephen Nolan, Stephany Kim, Judi Monk
Nays	None
Abstain	None
Absent	Paul Lanaris

Motion approved.

## Board Clerk

There was a motion from Ms. Hammond with a second from Mr. Millet to appoint Ms. Santiago as Board Clerk.

## Roll call

Ayes	Kim Hammond, Alan Kluger, Allan Williams, Paul Lanaris, Phillip George, Padraic Millet, Stephen Nolan, Stephany Kim, Judi Monk
Nays	None
Abstain	None
Absent	None

Motion approved.

Ms. Santiago accepted the position as board clerk.

Setting of 2016 Meeting Dates and designation of 2016 Official newspaper(s):

Ms. Hammond read the 2014 dates into the record:

There was a motion from Ms. Hammond with a second from Mr. Williams to approve the Planning Board meeting dates for 2016 as the following: Thursday, February 11, 2016; Thursday, March 10, 2016; Thursday, April 14, 2016; Thursday, May 12, 2016; Thursday, June 09, 2016; Thursday, July 14, 2016; Thursday, August 11, 2016; Thursday, September 08, 2016; Thursday October 13, 2016; Thursday, November 10, 2016 and Thursday, December 08, 2016 meetings begin at 7:30 pm in the Council

Chambers of Borough Hall, 221 South Fifth Ave. the official newspaper Home News Tribune and the Star Ledge and with a voice vote by all present the motion was approved.

Adopt Rules of Order:

There was a motion from Ms. Hammond with a second from Mr. George to adopt the rules of order and with a voice vote the motion was approved.

At 7:36 pm the January 16, 2016 Regular Planning Board Meeting began.

Ms. Hammond indicated that they were going to memorialize the Resolution for Chelsea Builders LLC which is a sub-division. She asked if everyone has had time to review the Resolution. Ms. Hammond said that there was a blank on page 2 for square footage.

Mr. Thomas indicated that he has changed it and indicated it reads before the subdivision the square footage is 11,070 and after the sub division 7,126 square feet on proposed lot 23.

Mr. Williams indicated that there was an omission on page five (5) under section five (5).

Mr. Thomas said that condition 5 on page 5 should read “The Applicant shall provide to the Borough Engineer legal descriptions of the proposed three (3) lots. The minor subdivision plan shall meet the requirements of the Map Filing Act. Concrete monuments shall also be shown on the plans.” Mr. Thomas apologized that the final version was not received.

Mr. Williams asked what the Map Filing Act was.

Mr. Thomas said that this was an Act that requires individuals who are filling documents, in this particular case maps, with the County Clerk’s Office and gives the requirements on how to go about doing that.

There was motion by Mr. Nolan and seconded by Mr. Williams to approve the resolution, with the provisions.

Roll Call:

Ayes	Alan Kluger, Allan Williams, Phillip George, Padraic Millet, Stephen Nolan, Stephany Kim, Judi Monk, Kim Hammond
Nays	None
Abstain	None
Absent	Paul Lanaris

Motion approved

Ms. Hammond recused herself from the meeting because of the close proximity of her home to the next applicant.

**Hearing of New Cases**

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

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

Mr. Thomas said that this is the beginning on an application that has been filed by Heritage at Highland Park; it is part of what had been an on-going litigation between American Properties and the Borough of Highland Park. This litigation had been going on for a considerable amount of time and ultimately led to a litigation settlement agreement, that agreement was entered into in 2014, ultimately settling the litigation, it established the ability of the applicant to file this application, it also includes a component of what used to be called COAH, now Affordable Housing, since COAH no longer exists. It is on that background that this application has been filed, believes that it has been deemed complete, and therefore tonight is the first hearing in relation to the application. There has been a rather long background with regard to this and it does have litigation implications, but that litigation has now been resolved and settled and the application that is before the Board is pursuant to that settlement discussion and settlement document, with that handed the floor over to Mr. Kluger, Vice Chair.

Mr. Kluger said that as Ms. Hammond said she recused herself from this application and wanted to ensure that there were no other members on the Board with any issues that would need to recuse themselves.

Mr. Thomas indicated that that would be anyone with 200', which would be a statutory recusal or automatic recusal because of the nature of the interest or anyone who has any other types of concerns he would be happy to review. No one moved forward with any issues or automatic recusal.

Mr. Kluger asked if there were any members of the public represented by Counsel or consider themselves objectors represented by Counsel. No one appeared.

Ronald Shimanowitz, Esq., represents the applicant American Properties at Highland Park, LLC formerly known as Heritage at Highland Park. They are before the Board seeking preliminary and final site plan approval, minor subdivision approval and those two are forms of approval are for a multiply family development known on property known as Block 170, Lots 5 and 6, the property is located in the PURD 2 Zone, Planned Unit Development Zone, the subject property is about 6 ½ acres in size, bounded by Cleveland Avenue on the Southeast and Janeway on the South and Amtrak on the Northwest. As Mr. Thomas indicated they are governed by the Settlement Agreement tonight, it is recognized that that Settlement Agreement is a part of this record and is subject to that agreement. Pursuant to that Settlement Agreement the Borough re-zoned that property to PURD 2 Zone and that was pursuant to a Master Plan change and that Settlement Agreement Plan also includes a concept that was Court approved pursuant to a fairness hearing. The Concept Plan was more fully developed into the engineered plans

that will be considered tonight. The Plans before the Board tonight pretty much follow substantially the concept plan. He noted for the Board that his client did meet with the neighbors the past week, it was a good meeting there were many questions which they did their best to answer and of course tonight the public has the right to participate as well. The preliminary and final site plan that his client is seeking tonight, involves the 110 multi-family development within those units there are 104 market rate units and 6 units that are proposed affordable units. There is a minor subdivision aspect of this that is really technical in nature, there are two exiting lots, lots 5 and 6, Block 170 and they are simply asking to consolidate those lots into one lot. He indicated that with him tonight were several witnesses. He indicated that he would provide them to the Board in the order that they hope to present them, starting with the Site Engineer Mr. Fred Coco with Menlo Engineering, to get them started with the context of the property and the development proposal, he is the meat and potatoes of the presentation, next is Peter Hansen of EcolSciences, Inc. who is the Environmental expert, this site is subject to environmental remediation and thought that they would put that right up front so the Board and the public could hear early on what has been done to the property and what will be done to property to bring it up to residential standards. After Mr. Hansen, Environmental they will plan to call up their Architect Richard Arsberger of Sonnenfeld & Trocchia and although this is a permitted use, the client submitted at Traffic Study report and with them was Dan DeSario, Traffic Engineer from Langan, if the Board wants to hear from him and summarize the report and deal with any questions that may arise from the hearing. With that brief introduction and with the Chair's permission they would like to start with their first witness.

Mr. Kluger said that before starting with the first witness, for the benefit of the public the Board's regular procedure in accordance with the Board's rules and common practice, after each of the applicants witnesses you will have the opportunity to ask questions or make comments at that time but asked not to ask questions during the testimony or call out.

Unknown Resident said that it would save a lot of time if they could get a synopsis of what the agreement was between American Properties and the Borough because the residents were not made aware of this, if possible.

Mr. Thomas said that he would let Mr. Shimanowitz answer that, but indicated that this litigation did go on for some period of time, several groups participated in that litigation: the Planning Board represented by himself, the Borough through their Borough Attorney and Mr. Shimanowitz was involved. There was a considerable amount of input by the public during the course of the litigation. None of the persons present were part of the group that was actively involved and does not want the record to reflect that the public had not been involved in the litigation there was a public component, they were not formally involved but they had been actively participating in that litigation. Mr. Thomas asked Mr. Shimanowitz if he would go through that briefly.

Mr. Shimanowitz said that the agreement deals with basically the appropriate zoning of the property, the rezoning of the property which has happened pursuant to the agreement

and it happened together with the Planning Board with a Master Plan Agreement supporting the rezoning. The Agreement deals both with the affordable housing aspect of the development, the number of affordable units that are required; the affordable units must be governed by the appropriate regulations so that the town can get credits for providing those affordable units. The Agreement is 27-pages long there are a lot of specific clauses and what if's but that is sort of the meat and potatoes of the Agreement but as stated earlier the most important features of the agreement for this evening is a great deal of work went into the Concept Plan as well as some of the architectural plans and they were incorporated into the Settlement Agreement and that is essentially what is being presented this evening.

Mr. Thomas said that as Mr. Shimanowitz has indicated pursuant to the Settlement Agreement and the Amendment to the Master Plan and the Amendment to the Ordinance, American Properties has submitted the application. It is a preliminary and final major site plan, it is a townhouse development and it is also a minor subdivision. He noted that this was a plan that was submitted and American Properties is present tonight pursuant to the Ordinance that was adopted, they are not seeking any variances from that Ordinance.

Mr. Millet asked if the number of units was included, such as the 110 and the conceptual design on how the units would be laid out. The zoning was changed to allow certain density per acre which would allow for the 110 units.

Mr. Thomas said that this was not the plan that was originally submitted by the applicant, it was substantially different and it was as a result of the litigation and the discussion that took place between the parties as well as the public that the plan before you based upon a lot of discussions, a lot of talk and a lot of negotiations that led to the Ordinance that is now governing this particular site.

Alfred Coco, 261 Cleveland Avenue, sworn and affirmed indicated that he was a Professional Engineer, Land Surveyor, Planner in the State of New Jersey and is also the President of Menlo Engineering Associates; a graduate of Newark College of Engineering and for the past 30+ years he has been preparing subdivisions, site plan applications throughout the State of New Jersey for a variety of clients and have been responsible for the development of a number of projects and it has been a privilege to work with American Properties for the last 15 years. He indicated that his office had done other projects in Highland Park over the years.

Mr. Thomas indicated that he had no other questions for Mr. Coco and was familiar with his work, and having no objection to Mr. Coco being qualified in the area of expertise.

Mr. Coco indicated that exhibit A1 entitled Heritage at Highland Park; existing conditions dated January 14, 2016. Mr. Thomas indicated for purposes of the record it was an aerial of the existing conditions.

Mr. Coco indicated that next exhibit was entitled Heritage at Highland Park Proposed Site Plan Exhibit dated January 14, 2016, this was the site plan colored and rendered

super imposed poly aerial photograph. Mr. Thomas indicated for the record a rendered proposed site plan with date indicated.

Mr. Shimanowitz indicated for convenience reduced copies of all the exhibits were made for the Board and the Professionals.

Mr. Thomas said that there were a number of exhibits but that Mr. Shimanowitz was handing out the whole package and get to the others later. Mr. Shimanowitz indicated that that was correct and if there was something that is not wanted we will just remove it.

Mr. Shimanowitz asked Mr. Coco to take the Board through the existing property and then move into the development stage.

Mr. Coco indicated that the property as it exists Block 170, Lots 5 and 6, approximately 7.5 acres, as shown on the aerial photograph, Cleveland Avenue is the larger frontage, which is the bottom part of the exhibit, on the west side in Janeway Avenue, Jackson Avenue, to the east is the commercial area with a number of offices and light industrial uses off to the east. He indicated that even though the top is north east they are calling the top of the drawing north for reference purposes. On the south side of Cleveland Avenue starting from the right to the left, Birnn's Candy, the HVAC, a vacant lot, the ambulance group, commercial building, and then the first residential home across the street from Janeway; to the west there are two (2) houses that are on the opposite side of Janeway, one faces Cleveland Avenue and one faces Jackson Avenue and the other homes that encompass within Jackson, Janeway and Cleveland and further to the northwest it can actually be seen to the clearing and some of the construction that has taken place on the Pulte project. Along the top is the Amtrak railroad which runs through town. Some of the other existing conditions, that this is the former Midland Ross site, the white area on the photo indicates the concert that still exists from after the building was demolished somewhere around 2009. There are paved areas along the front, a driveway along the centered between Janeway and the eastern part of the property line through the center of the site. There are also paved areas and a railroad line in the back of the property, which still exists but was used by Midland Ross during their operations. He pointed out an access driveway, almost an extension of Janeway that goes through the site and accesses the Amtrak railroad, there is an easement that is used for the railroad, and the railroad used that for an access point for maintenance into the railroad area. Additionally as seen on the aerial photos there are random trees along the edges of the perimeter, in the front and along the side but there are no substantial landscape or plant material in the site. The slopes in the site, the higher area of the site is to the north southwest corner, it is a little steep with about a 6-7% slope coming down into the paved area in the front but relatively flat through the building and parking area with everything flowing towards the railroad. There is a stone swale along the side of railroad where most of the drainage ends up today and will do so in the future. All of the utilities are in the area, the sanitary sewer along the back and side; there are water lines on Janeway and other utilities in the area. In terms of the site the development he showed what the site looked like today. The overview of the site is 110 residential units, stacked townhouses arranged in twelve (12) buildings within the development, 104 market rate units, and 6

affordable units. The affordable units are located in building 12 along the right side of that building and building 9 along the right side of that, there are two (2) one bedrooms and two (2) two bedrooms and two (3) bedroom affordable units. The units are arranged in six, seven, eight and twelve new buildings. The plan is to have boulevard entrance on Cleveland Avenue with access from Cleveland Avenue. The driveway is in the same location as the existing driveway, and the driveway drops from Cleveland Avenue down to the first set of driveways, and the buildings are arranged along either driveway, all the driveways are servicing garage units. All the market rate units have a one car garage and a driveway; the COAH units do not have garages. Arranges through the site are open space in ways of the detention basin, green areas between the buildings and surrounding areas, there is a tot lot proposed in the North side area near building six (6), there is a detail set of plans within the set of drawings to show the type of equipment essentially geared towards small children. The detention basin plan is towards the back of the site along the railroad, the lowest portion of the site. There is a plan to have a six (6) foot high solid fence along the entire perimeter of the site, not in the front yard but along the back area adjoining the Pulte sit, railroad through to the other side. He noted that there was a question raised in some of the reports each of the units has a garage and a trash can in the garage, each COAH unit has a dumpster located very near their unit. The only outside area where the trash will be stored is near the affordable units, all other trash is your typical single family home with a garage trash is brought out to the curb for collection. In terms of the parking supply under the rules of the use of develop residential developments, under the residential site improvement standards, that allows the counting of the parking as one, a garage and a driveway, the driveway is 20 feet long, driveway space is counted as one (1) space and there will be 104 garages, 104 driveways giving the development 208 spaces for the market rate units, and another 65 street parking spaces which are arranged throughout the site, around the affordable unit there are 17 parking spaces around each, and random spaces throughout the site not only for the affordable units but for guest parking. The zoning for this site is the PURD 2 zone that was created for this project, the developed to be completely conformance with the standard within that. He noted any development is subject to be settlement agreement and the language within that agreement. In terms of the zoning itself and the bulk standards the entire proper project completed in conformance of that. There is front yard setback, all of the set backs are met in the front yard, side yards, building setbacks, the building coverage the block coverage, the amount of green space that is required, he pointed out that under the existing conditions there are 68% impervious coverage upon the existing conditions, covered by building and paved areas. Under the proposed conditions it is actually being reduced to 61%, a 7% reduction of impervious coverage on the site. When going through all of the bulk standards the Ordinance was followed very carefully and made sure that the development was in compliance with that Ordinance. Parking requirements are based on the residential site improvement standards, which requires 2.1 parking spaces for every three (3) bedroom market rate unit, all market rate units are three (3) bedroom, giving the development a requirement of 208 parking spaces, when broken down the requirements for the affordable units, for the one (1) bedroom, two (2) bedroom and three (3) bedroom units, there is a requirement of twelve (12) parking spaces, so the required parking based on that standard is 230 parking spaces, there is a stipulation in the Residential Site Improvement Standards that for garage units



you have to ensure that half is supplied 45 parking spaces for every garage for guest parking, meaning you would need to include that. The parking supply portion, 208 spaces, garages and driveways each for 104 units plus the 65 street parking spaces, giving the development a total supply of 273 spaces. When the 65 street parking spaces are broken down, there are 53 guest parking spaces, and the 12 affordable spaces, so parking standards have been met. There is a provision in the Ordinance and a stipulation that we address each slope, list of specifics of how each slope is to be addressed. Most of the steep slopes are man-made on site, made as part of the original design; a letter was supplied to the Borough Engineer addressing all of the comments required. Grading and Stormwater management, the Cleveland Avenue is higher than the back of the site, there will be a driveway with a 7% slope off of that will be a driveway on each side of it that will service the rear of the buildings. The buildings in the front on Cleveland Avenue is front of the units the back is a garage on these units it is at a lower level the elevation should drop, on the opposite side of the driveway is a similar, towards the center of the site there is a sidewalk, so as a result the front area of the site will be down to a relatively flat area where the building and parking are today. There will be some retaining walls along Janeway, because Janeway is at a higher elevation. That retaining wall is a modular type wall, the high part is Janeway and the low part is the site, below Janeway. There is also a retaining wall along the back of the parking area along the detention basin, detention basin is lower, and the site is higher so the difference in grade is made up with the retaining wall. The basin in the rear serves as a stormwater management function even though reducing the impervious coverage on the site based on the regulations of the NJDEP and the Ordinance and Soil Conservation Service, existing peak flows need be reduced and in order to do that a detention basin needs to be installed to attenuate the peak flows and the discharge will be exactly where the discharge is put the swell along the side of the railroad which is on the opposite side of the swell, all the drainage is going essentially where it is today. Lighting and Landscaping. In meeting with the neighbors last week he was asked about the lighting fixtures and made a mistake, he did not look at the plan, he indicated at the meeting that the lighting fixtures were LED fixtures, they are not. What is on the plan and what was submitted the same lighting fixtures that are on the Pulte site, they were matched those fixtures, thinking that would be a good idea, at least on paper, and they are 14 foot fixtures with 150 watt metal haloid lights, however after hearing the neighbors' concerns and comments about the lights, it was re-examined and fact his office also designed the other Pulte site on the other side of the railroad on Cedar Lane, found that they were also PSE&G lights but they were lower, they are 12 foot fixtures and 100 watt bulbs. Their clients asked that the lighting plan be re-designed for the lower fixtures with the 100 watt instead of the 150 watt. PSE&G does not offer an LED fixture with the acorn type of fixture which was tried to use to match in style. Lighting plan itself meets all of the criteria for minimal lighting requirements, there are no maximum, the lights have a light bulb that is up inside the fixture casting the light downward, there is a reflector, as some of the neighbors were saying, sending the lighting outward, the developer will use lower light fixtures so that should not be much of an issue. The lights on the other Pulte project seem to have less of a glare than the ones you see now. The problem with the existing Pulte project is that they are brand new. Landscaping the plan demonstrates a number of trees, approximately 350 evergreen and flowering trees throughout the site, in various areas along the perimeter within the

interior of the site, and shrubs that serve the entrance ways. The Borough Planner requested a sample foundation planting plan, the foundation planting plan for each unit has not been generated but a sample was provided to the Borough Planner. The Landscape Plan as distributed has been supplemented with a detail plan of one of the units. In reference to the water and sewer, they had done some investigation, and looked into some of the information in the area, the town has access to water and sewer, adequate capacity in the Borough's sewer system and ran a pressure flow test to see if the average pressure supplied meet regulations. The town has a contract with Middlesex Water, the whole water system availability and don't believe there are any issues with water and sewer supply to the site. One of the other plans that was submitted indicates that there is going to have a sales office or model in the first two (2) units in building no. 3 and a temporary parking established for potential residents to come in and look at the units, it was also proposing a construction trailer basically on the back end towards Janeway Avenue, it is the intention to have initial construction which would be demolition bring in fill and grading the site to use a temporary construction entrance on Cleveland Avenue however when the model unit is built and it proposed that the construction traffic come down Janeway into the site and use the existing roadway to gain access to the back of the site. The site would be constructed starting from Cleveland Avenue working around with the last unit being building no. 5. The reason why they are looking to do it this way is because of some of the Environmental Controls that are being put in which will be heard later, but the first operation is to bring the site up to grade, filling, cap the site. Once the utilities are installed and the pavement is going to be put down then the only construction at that point would be the building construction. They want to control the people coming in and out of the site, it will also for Stormwater Management purposes, will have on file a stormwater pollution prevention plan, so whatever happens on the site stays on the site. He said that they had the benefit of having reviewed the reports from the Professionals, a report from the Borough Planner, and the Borough Engineer. The first report that the Borough Engineer prepared is a long report with a number of issues in it, 90% of them are environmental in nature and after modifications and revisions to the plans, providing additional engineering details which have been agreed upon in doing. There are a number of items that he would like to discuss with the Board.

Mr. Kluger asked if he was addressing the ones that he has issues with. Mr. Coco said that there were a number of environmental questions that another witness will address.

Mr. Coco said that the first issue was item 14 looking for clarification that the affordable units are for sale. The affordable units may for sale or rental but sure at this point but as of right now they would be for sale units. Item 15 the report indicates not meeting a roadway standard.

Mr. Kluger asked Mr. Coco in reference to item 14 he may want to put on the record by the affordable units may be rentals as opposed to for sale, in the agreement it was very specific that it was within the applicants discretion as to whether its sale or rental depending on any financing issues or market issues. So what is being said on the record

is that pending market issues may require the COAH units to be rental as opposed to sale. Mr. Coco concurred.

Mr. Coco said that item 15 Mr. Koch indicates in item 15 and a couple other spots, items 49-50, standards within the RSI. Mr. Coco indicated that in his opinion they don't technically rise to level of a roadway as defined in the RSI standards, but have used those and some of the standards to develop that, and the RSI standards for a black design criteria are driveway design, we cannot really meet all of the roadway standards, if it is necessary we will request a waiver from the minimal RSI standards based on the driveway design as opposed to the roadway design in that section.

Mr. Koch, Borough Engineer asked if the Traffic Engineer would be making testimony to the driveways, and will wait until that testimony is on the record then make that decision. Mr. Kluger agreed.

Mr. Coco said that item 39 is also a comment in the Borough Planner's letter, asking if there will a sidewalk installed along the east side of Janeway Avenue across the site frontage. He said that it is his opinion that the sidewalk will not serve much of a function, the clients developer does not have access to it directly, as indicated earlier the retaining wall will be there this area being much lower than Janeway and anyone walking along Cleveland Avenue will not want to go into the end area, within the right of way in order to install a sidewalk there is a very substantial tree that looks pretty healthy that would have to come out to get a design standard to install a sidewalk and asked that this be reconsidered and the necessity of the sidewalk. Items 46 and 48 indicates that there may be needed a variance from the Zoning Board in reference to the retaining walls but in the stipulation its legal, the stipulation indicates that this site was exempt from the section of the Ordinance and does not think those comments are applicable at this point.

Mr. Koch said that he had a working copy of the settlement agreement and did not have a signed copy; he said that he issued the report and twenty minutes later he received the e-mail with the signed settlement agreement attached. If he had the signed agreement he would have deleted some of items seen in the report. He said that you are going to see some items in the report that are not applicable and agreed with Mr. Coco.

Mr. Coco said that the next item was 51, asking to explore the possibility of interconnecting the driveway into Janeway and Jackson Avenue. The stipulation indicates that all the site access will be from Cleveland Avenue, not sure of the benefit of doing that however in terms of emergency access might be something that they can explore and agree to look more carefully possibly extending the driveway to tie into the access driveway to the rear of the development. There would need to be some modifications to the North side of building 5 where there could be alternate emergency access only so in the event that the boulevard and the roadway was closed down for some reason and the emergency vehicles needed to enter the site they could do so by using this other driveway, maybe a compromise to having an access road to Janeway and asked that the Board consider that as well.

Mr. Koch asked if that may also lead down to the detention basin from Janeway. Mr. Coco said that was correct right now there is sloped area in the rear of the detention basin so the entire back so it can be worked on and again something for the Board to consider.

Mr. Kluger said that has nothing to do with working anything out with the Pulte Development, strictly on the site. Mr. Coco said that was correct.

Mr. Thomas asked if that easement currently the railroad easement is currently paved.

Mr. Coco said that it was currently paved, not in great condition and if it needs repair they would probably do that but does not need to be brought up to a road standard and indicated that it was not a public road.

Mr. Kluger said that for the benefit of the Board and the public the agreement did specifically state that sole access to and from the property would be on Cleveland Avenue.

Mr. Coco said that item 68 which is a clarification about trash, the Borough Planner had the same question, as indicated in the past the trash is held inside each unit inside the garage and the COAH units have dumpsters, item 134 has been satisfied.

Mr. Thomas said that the issue with the steep slopes there are certain calculations and you have submitted the information?

Mr. Coco said that there was a letter with nine comments or nine issues that were supposed to be addressed on each slope submitted in October to Mr. Koch and his office just indicating item by item how they felt that the plan was designed to provide that the conditions of that section.

Mr. Thomas asked the Borough Engineer if his office has had a chance to review that.

Mr. Koch said that now with the signed agreement he can compare it with what is allowed and tell you what they all measure.

Mr. Coco said that item 138 which lists the other permits that are needed from various State agencies, there is no problem with that and will seek those approvals. He said that he does not believe that the flood hazard is required, all others will be sought. Item 139 they did not provide a noise study however the Architect will go over some details about how certain items were designed to address the noise issue from the railroad.

Mr. Coco said that there were two letters from the Borough Planner Allen Schectel, one from January and one from November. The one from January 5 is totally commenting on the foundation plan and the planting plan that was submitted, he had some further recommendations which we have agreed to do. In the November 16 letter item no. E4 Mr. Schectel recommended in the areas where there are very small islands in between each of the units where the applicant proposed river stone, and the recommendation was

pavers, but the applicant would like to continue to use the river stone. The maintenance of the site, the utilities and everything on site is maintained by the homeowner's association and this would also be something that the homeowners association would take care of.

Mr. Schectel said that the strip is narrow it is only about a foot to a foot and half in between driveways, so there will cars driving over those kicking the stone out into the street, just seems that the pavers would be a cleaner alternative as a separation.

Mr. Coco said that it is two foot wide per island and does not think that cars will be driving over it but this is the applicant's problem and don't believe that this will be a maintenance problem and have used this on a couple other projects before and it has never been an issue.

Mr. Kluger asked if this was a cost issue, esthetic issue.

Mr. Coco said that there is some cost involved with the installation and it still has to be taken care of and sprayed with weed killer periodically or weed control as does the stone and just don't feel it is necessary and would like to prevent it being walked on as well. He said that he would agree if it was an area without an edge you would have cars driving over it; cars will be pulling straight into their garages from driveway and just does not seeing it happening.

Mr. Coco said that the other comment F2 is the same one that Mr. Koch had about the sidewalk along Janeway which we asked the Board to consider that they not have the applicant do. Item no. H raises an issue with the temporary sales signs and has agreed to revise the plan so it will comply with the Ordinance, these are only temporary sales signs, the signs will be reduced in size and provide the necessary set back as Mr. Schectel suggested. Item O, refers to the construction trailers location, and suggested that all of the construction traffic go off of Cleveland Avenue, as described earlier it will be better to control the site, buildings are being built in a counterclockwise manner and once the site work is done, the plan is to do all the site work continuously until its done so that once that is completed all the curbing will be in and the paving will be in to seal the site off, the paths are going to be prepared and ready for the building construction to occur. Once the model is set up and parking spaces surround it once the sale of units the idea is to build it around and keep construction traffic away from until that portion of the site has been finished, capped and sealed.

Mr. Thomas asked Mr. Coco if he was indicating that the construction is really counter clockwise. Mr. Coco said yes and as indicated earlier there were some issues about using Janeway temporarily, as indicated earlier the heavy construction will occur over the first three month or so. Once the earth work is done, and all the materials are brought in, there will be periodic deliveries of materials as they build, but would like to restrict it to the back of the site to have better control of those deliveries coming in and out of the site, ensuring that the sediments on the site stay on the site.

Mr. Williams asked if the railroad easement their property.

Mr. Coco said it's more just splitting the property line and it lays more on the client's property then on the Pulte site. An easement is being placed there.

Mr. Coco said that the things that were not mentioned are things that were agreed to.

Mr. Schetel asked Mr. Coco if the heavy construction traffic was going off of Cleveland and lighter construction is going up Janeway.

Mr. Coco said yes, the construction trailer will be in the back of the property, but the first part of the construction would be demolition, the big one is bring in the soils and then installing all of the utilities most of that would come from Cleveland Avenue, at some point that will all be completed and the house construction would begin.

Mr. Kluger indicated that he had not been to the Pulte site recently but if I owned one of the units on the Pulte side right where the construction trailer is being proposed I assume that I would not be very happy that you choice to have it there as opposed to having it on the Cleveland Avenue entrance where you would probably not be impacting any residential uses.

Mr. Coco said that if he is not mistaken, he believes that there is three or four basically single family lots along the Pulte front facing Jackson, the people who will be affected the most by this are two existing homes that would be on the side, front Janeway.

Mr. Koch indicated that he had been approached by the field representative for Pulte about taking down the fencing and replaces it with a white six foot vinyl fence along and that would create a buffer.

Ms. Monk asked if the fence would be along Janeway. Mr. Koch said that it would along the westerly edge of the driveway that runs all the way back to the railroad tracks. It is not shown on the plans so he referred them to the Borough Zoning Officer to obtain a zoning permit, so there was a record of it and an approval for it and that is something they want to do and it's going to leave the easement area, informal driveway and then with a fence along the left side if you were to walk down towards the railroad tracks the development would be on the right hand side.

Mr. Kluger asked Mr. Coco if there was anything further. Mr. Coco said no. Mr. Kluger asked the professionals if there was anything else in the letters that you feel should be addressed to Mr. Coco as opposed to his architect or the environmental expert.

Mr. Koch said that he had a conversation with Mr. Coco earlier in the day to review the report and go over some of the matters and Mr. Coco said that he was willing to sit down and go over some of the matters and resolving the issues.

Mr. Kluger said that there was a letter from the Shade Tree Committee and asked if that letter had been seen. Mr. Coco indicated that he had seen the letter and a tree inventory was done and supplied calculations regarding tree removal and tree replacement and agreed that it conforms to the Ordinance.

Mr. Schectel asked who performed the tree analysis. Mr. Coco said that they had a certified tree expert come onto the site, he rated and observed and measured, there is a plan that was compiled with his assistance where he did identify healthy trees and did the calculations in accordance with the Ordinance.

Mr. Kluger said that should take care of items two and three in their letter regarding the certified tree expert.

Mr. Coco said that they would take a look at the Ordinance.

Mr. Kluger opened the floor for questions from the Board for Mr. Coco.

Mr. Millet asked why there were no garages for the COAH units, one of the intents is to try and make the COAH units to blend and be a part of the development.

Mr. Coco said that he would leave that to the Architect, he said that he believes that it has to do with the cost of the unit.

Mr. Kluger said that the agreement stipulates that the COAH units should be interspersed throughout the project, and asked if it was their position that putting them in two buildings out of twelve meets the requirements as being interspersed.

Mr. Coco indicated that he did believe that to be true, it was his understanding that they could not be all in one building. There is an economic efficiency in putting them all in one building but will leave that to the architect to answer.

Mr. Kluger said that to him he did not see that as interspersed because they are only in two out of the twelve and two building right next to each other, and does not see that as interspersed but will allow the architect to answer.

Ms. Monk asked Mr. Coco to speak about water mitigation in the garages for buildings three, four and eight. She said that he spoke about buildings one, two, three and four in a significant sloped area and those garages in specifically buildings in three and four are open to receive the water coming down.

Mr. Coco said that the area will be graded the inlets in that area to prevent any of that. The garage door is higher than the driveway and will drain to the center.

Mr. Shimanowitz said that in reference to the Chair's questions regarding dispersal, it is addressed in the settlement in section 4.7 the in dispersal shown on the concept plan which parallels has been to be sufficient in dispersal. In section 4.7 it actually addresses that and was agreed to.

Mr. George asked how the workers going to be protected when they clear the property.

Mr. Coco said that the Environmental Specialist would be able to answer that question.

Mr. George said that he would like to focus attention on the end of Jackson where it meets Janeway and then the driveway between unit 8 and 5. What is the differential in height between the end of Jackson Avenue and the driveway and parking?

Mr. Coco indicated it was eight feet. Mr. George asked if there was a an exploration, building five was going to be elevated so there is going to be some site work there, is it possible that that site work could work to connect Jackson Avenue to the development, so that there could be exits from Pulte and there would be more than one ingress, egress on the site.

Mr. Coco said that right now they have a retaining wall running along Janeway, and one that runs along the side of the driveway that has seven parking spaces on it and is in front of building four. The sidewalk and the front doors of that unit are higher than the street. It was looked into connecting in that area. Based on the RSI standards the plan meets the criteria there is no technical need for an alternate or emergency exit based on the number of units, when looking at the grading that driveway is relatively steep and could not have put parking there, and does not think that having the driveway connection would serve the purpose to residents of the community.

Mr. George asked if the section of the development closes to the railroad tracks is much flatter. Mr. Coco said that was correct. Mr. George asked if that had the somewhat deteriorated road that is now being used as railroad access. Mr. Coco indicated that was correct. Mr. George asked if that could be developed to connect up to Janeway to provide a second ingress egress or even control traffic on the site to flow onto the main streets a little bit better.

Mr. Coco said that as indicated that his client's direction was to restore the area for emergency access. He said that he was not sure that anyone would go backwards to go to Cleveland Avenue, not sure that it would serve much purpose as an alternate access, if the Borough is concerned with emergency access that is something that can be looked into.

Mr. George said that this may be questions for the traffic engineer and asked if that has been looked into since it was proposed. The applicant does not propose to put sidewalks along Janeway and asked why that was not being done.

Mr. Coco said that usually the sidewalks are put along the fronts of the residence, not sure who would use that sidewalk to get from Janeway to come to a space where they can't get to the sidewalk on the site because it is so high due to the difference in elevation and they only place they could go was along Jackson. There is a tree there and this is not



a big expense item just don't understand the purpose of it, and believes that it is not needed based on the development of the site.

Mr. George asked if the existing trees in that area going to be removed along the retaining wall.

Mr. Coco said that inside the site yes. The tree that he was referring to is a fairly substantial tree, is located within the right of way property and at best is going to get damaged with construction of sidewalks.

Mr. Kluger said that Mr. Schectel had brought up the same issue with the sidewalk and asked what he seen; the applicant's testimony is that they do not see any benefit to the sidewalk although it sounds like its benefit just for the development, and what benefit did Mr. Schectel see in having the sidewalk.

Mr. Schectel said that whenever you can connect that is what we do, that would be an alternate route so that people cross there instead of crossing on an active street they would crossing in a safer way.

Mr. Lanaris and Mr. Nolan questioned the connect of the Jackson Avenue to the little stick of land, putting aside the question of the loss of those parking spaces, it is technically feasible to do that connection.

Mr. Coco said that it was technically feasible. Mr. Lanaris and Mr. Nolan indicated that would drive, assuming that the street that goes through the new development is dedicated that would balance the traffic in terms of traffic leaving that off of Cleveland and into that other street.

Mr. Coco said that he would let the traffic engineer answer that but again from the start of the site plan, they used the RSI standards, and all of the access is coming from where the driveway is today and feels that this is what was approved. Although it is technically feasible does not mean it is a great idea. They feel that having traffic flow from Cleveland Avenue this connection may introduce more traffic down through the Pulte site and along Jackson.

Mr. Nolan and Mr. Lanaris asked if there was a reason for concern in introducing more traffic into the Pulte site and not onto Cleveland Avenue. Asked if this would give them emergency access at a second point as well. Mr. Coco said yes.

Mr. George said that if that would happen the development would lose seven spaces, would it be possible to spread those out distribute those throughout the site to make up for them. He said that the parking is a little bit tight for the RSI standard, and if those seven parking spots are removed are you below the RSI standard.

Mr. Coco said that yes they would be below and would have to look at putting those spots somewhere else, and off the top of his head he doesn't know where they would put those spaces.

Mr. Kluger then opened the floor to the public. He said that if there were questions he asked that the public come up to the microphone, state their name and address for the record.

Sue Anderson, 63 Cleveland Avenue, said that it was stated that there were 273 parking spaces, which would be 273 cars, 110 residences and assuming 2 cars per resident, that is 220 cars, that is a lot of cars on Cleveland Avenue. She asked about the connection, the same as Mr. Nolan brought up and questioned why you would say that it was not necessary or there is no benefit. It's a benefit to the developments residents many of them instead of them all coming out on to Cleveland Avenue, regardless of the impact to Cleveland Avenue, all of the residents have to go in and out of the same way and your saying that there is no benefit. It is a benefit to the residents to get faster access to River Road and not all be on Cleveland Avenue which if you aware of Cleveland Avenue is narrow their cars parked on both sides and it's going to be difficult for the residents to get in and out and go up and down Cleveland Avenue. It is strange to her that they would build a road right up to Jackson Avenue and say you can't connect it.

Mr. Thomas said that he believes that the questions for Mr. Coco is that hypothetical or with that suggestion does not lend you to consider the fact that there is a benefit to the residents of the development as well as consideration to the residents in the area a benefit independent of what the settlement discussion was.

Mr. Coco independent of what the settlement agreement states and from an Engineering stand point, there is no need to have the driveway connect simply because they will be moving retaining walls around, a driveway that is steeper than it needs to be, and using the RSI standard whether the Pulte development was there or not he would look at the grading of the site, and there is no need for access in that area, in his opinion.

Ms. Anderson said there are Engineers, bulldozers and dirt so clearly this could be done, you may not want to do it, but it could be done. She said that they have seen Pulte change the whole topography of the land so it is known that these things can be done. She said that she would like to clarify that it can be done and the residents are begging you to do that.

Mr. Thomas said that they are not going to be swearing people in at this point and asked that this be just questions at this time, there will be an opportunity to be heard later.

Karen Swaine, 55 Cleveland Avenue, asked about the trash, asked for clarification because she got the impression that the people in the affordable units will not going to have their trash picked up, they have to bring their trash to a container.

Mr. Coco said that there is a dumpster in the complex, no different than an apartment complex, you roll your trash out and put it in the dumpster.

Ms. Swaine asked how the other units get their trash picked –up.

Mr. Coco said that the other units will have units in their garage and they will roll the garbage out to the curb for pick up, just like the trash cans within the dumpster enclosure would be picked up once a week or so.

Ms. Swaine said that because they have no garages they can't have trash cans. Mr. Coco said that the trash cans are inside the dumpster area.

Ms. Swaine said that she finds this crazy and insulting and hates it, but wanted to clarify that. She said that the other thing is about the river stones versus pavers, she is a horticulturist and a garden designer, she loves river stone but hates herbicides and she know that if they put down river stone you are going to have soil that is going to blow in and weeds will grow and yes they will end up using herbicides and thinks it totally absurd and thinks that they should bite the bullet and put in the pavers even though they are not as pretty and put them down with cement so that nothing can blow in and no weeds can grow cause it is more maintenance and nobody is going to do that maintenance after the first year, the homeowners are just going to scream and they are all going to out and buy round-up and its bad news.

Mr. Coco said that the homeowners association will responsible for this and hire one landscaper, that landscaper is responsible to maintenance the entire property individual homeowners are responsible for the outside of the homes.

Ms. Swaine said that it was the same thing because you could not use herbicides because you cannot put down weed blocking cloth underneath pavers and expect no soil to blow in and expect no seeds to blow in and expect no weeds to grow.

Mr. Coco said that this was not uncommon. Ms. Swaine said that she isn't saying that this is not uncommon but as a working horticulturist and someone who is concerned about the environment, and bees and butterflies and birds she is concerned about the over use of herbicides the less the better. She said that she agrees that pavers are ugly, she suggested using bricks they were more attractive, river stones costs a lot of money and it is a lot of maintenance and it's just going to mean more herbicides.

Jason Lewandowski, 2 Cleveland Avenue, said that there was conversation in expanding the road to Janeway, have the developers thought about widening the road to make up for the seven spots you're going to lose, widening the road to include side street parking.

Mr. Coco said that they have not explored this option in detail. Mr. Lewandowski asked if they were going to now that it has been brought up. Mr. Coco indicated that he supposed.

James Nichols, 232 Harrison Avenue, it was mentioned about the stormwater once it is ready to leave the site it's going to do what it is doing now. Mr. Coco said that was

correct. Mr. Nichols said that it struck him that the standard on a 100 year old industrial development as a status quo or as a touch point for the validity of what is being proposed, what happens to the stormwater now it just flows down along the railroad tracks.

Mr. Coco said that as indicated before there are two water quality devices that as the water is coming off the site, the chambers that collect the run off and allow the sedatives that are trapped in the water so the water quality will improve significantly. So water leaves the site now, there is a pipe that discharges to the railroad right a way, there is a stone slap that is very flat that runs next to the railroad and it is their opinion that with very heavy rains they have watched the water come down to the railroad area and disappear, they believe that it is traveling in the ballast and going to the other side of the railroad very slowly.

Mr. Nichols said that the detention basin does not really show on the plans, is it sub terrain?

Mr. Coco said that is along the triangle, it is not 4-5 feet deep and allows the water to clog up. Mr. Nichols said that it's going to be grassy except when it's flooded. Mr. Coco said yes.

Jane Rein, 47 Cleveland Avenue asked about the construction traffic, it was her understanding after the meeting last week there is going to be about 8-10 heavy trucks of heavy loads of dirt up and down Cleveland Avenue for about three months, and that is following the same from the Honeywell remediation obviously this is going take a toll on Cleveland Avenue with all the heavy truck traffic going up and down and asked who was responsible for fixing Cleveland after all of the heavy truck traffic for six months or more.

Mr. Coco said that he would leave it up to the Borough to figure out how that road would get fixed.

Mr. Kluger asked the Borough Engineer with how many developments that the Borough has had in recent years, with types of impacts on the infrastructure on the Borough's street.

Mr. Koch said that he is not aware of any agreements with the developer for that and this he believes the agreement said any off-site improvements, does not know the exact language but there is a paragraph that speaks to that but does not recall but could do the research to clear that up. He said that if his memory serves correct he believes that the Borough was fully or partially responsible but was not sure.

Mr. Kluger said that they would look into the agreement for that answer.

Mr. Kluger asked if there was anyone further wishing to speak, there being no one the public portion was closed with respect to this witness.

Mr. Kluger said that after each witness the public is entitled to ask questions and make comments but overall at the end general comments on the application as a whole.

Mr. Shimanowitz said that their next witness Peter Hansen, Environmental Specialist.

Peter Hansen, EcolSciences, 75 Fleetwood Drive, Suite 250, Rockaway, NJ 07866 sworn and affirmed indicated that he holds a bachelor's degree in Environmental Science with a concentration in geology from Union College, masters in science and Environmental Science with concentration in geology from Rutgers University, site remediation specialist with the State of New Jersey, and a licensed Environmental Protection with the State of Connecticut, and Vice President with EcolSciences. He said that he has overseen a lot of environmental cases within the State of New Jersey, and has personally issued response action for those cases.

Mr. Shimanowitz addressed Mr. Hansen indicating that he had submitted a report on EcolSciences letterhead dated October 20, 2015, is that correct. Mr. Hansen indicated that was correct. Mr. Shimanowitz said that was a summary of the environmental conditions and proposed remediation actions. Mr. Hansen said that was correct. Mr. Shimanowitz asked Mr. Hansen to utilize that report to summarize for the Board a little bit of the history of the site and what's left on the site, and how it is going to be addressed.

Mr. Hansen said that as many already know the site has a rich industrial history beginning in the early 1900's, first home to the Janeway carpet and wallpaper company, improved with an industrial building at that time utilized by Janeway and those operations were conducted in the early 20<sup>th</sup> century until about the 1930's, between the 1930's and the 1950's that building was demolished, the site was improved again with a subsequent industrial building occupied by Ross Industries, manufacturer of industrial dryers and dehumidifiers. Ross Industries became Midland Ross conducted those operations until the early 1980's then the property was sold. Since the early 1980's the property was used for a lighting warehouse under the name Illuminating Experiences, that building was demolished in 2009-2010. The sale of the property in 1984 or the announcement of it in 1984 triggered the environmental clean-up responsibility act known as EFRA, that act required industrial operations and certain manufacturing types of operations to conduct environmental investigation and remediation as part of a sale trigger. That involved the establishment of remediation trust funds in accordance with NJDEP's rules and regulations at that time. EFRA was subsequently revised and amended with the Industrial Site Recovery Act in 1993 operating under many of the same rules and regulations. Remediation of the site which is the investigation of the contaminated materials and hazardous substances on that property was conducted from the 1980's through today. It involved the identification of a number of areas of concern, including paint storage areas, metals and packing material, electrical transformers, fuel oil underground storage tanks, paint spray booth, areas on the property contaminated from the operations it also historic fill. The contamination was both present in the soil and ground water. The investigation went up until 2009 which conducted under the oversight of NJDEP case manager through their traditional case management oversight

process. Through this process all of the areas were investigated and number of them were closed out, and received informal no further action terminations from the NJDEP, essentially a sign off that that area of concern has been properly addressed those activities included the excavation of contaminated soil, monitoring ground water to demonstrate that remediation was successful in the given areas of concern. In 2009, the NJ Legislature passed the Site Remediation Format which brought about substantial changes to remedial programs in New Jersey, specifically the establishment of the Licensed Site Remediation Professional Program, the LSRP Program Act, in which the oversight of remediation of contaminated sites was transitioned from Case Managers to licensed individuals like himself. A licensed individual has to demonstrate his experience, a large number of professional hours, and actual experience in New Jersey, including the passing of a rigorous exam. The Site Remediation Reform Act was fully implemented to as of May 7, 2012 and at that remediating parties in New Jersey were required to hire an LSRP, with all but a few exceptions all sites in New Jersey had to meet this requirement. Going back to the 80's when the property was sold, Honeywell became responsible for the environmental cleanup of the site. In 2012 there were obligated to hire an LSPR to oversee the remediation. At that time, they did obtain Dr. George Berkowitz at Langan Engineering for Environmental Services as the LSRP in charge. Dr. Berkowitz is a member of the Site Remediation Professional Licensing Board, he was previously with the NJDEP, is a well-respected professional and a leader in the environmental field. At the time of the transition to the LSRP program there were essentially three main issues outstanding at the property, completing the investigation in remediation at the property. The first of those issues was an area of heavy metals and packing material, the contaminated include arsenic, copper, zinc, beryllium, some organic compounds at lesser levels, primarily the metals. This area is present below the building slab areas outside of the building slab have been previously remediated by Honeywell before the LSRP program came into play, and have received a sign off. Prior to development of the site Honeywell will remove those heavy metals, again it is present below the slab it will involve the removal of the slabs so that they access those materials, excavation and off-site disposal again that will be conducted by Honeywell under the oversight of the developer. The second issue was historic fill material, historic fill material is very common in New Jersey, it consists of nonindigenous materials deposited to raise elevations of a site and what is key is that it was contaminated prior to placement and is not connected with operations, at the location of placement they include materials such as general construction debris, demolition debris, ash, other non-hazardous wastes. Some of the heavy metals materials that Honeywell will be removing is similar in concentrations, composition to the historic fill however the materials that they are removing is tied to site operations. In New Jersey there is a presumption that historic fill can be remediated in place with Engineering and Institutional controls essentially capping the site. The development plan was designed; the specifications were designed in consultation with Honeywell, Environmental Consultant, LSRP and himself to meet the NJDEP's presumptive remedy requirements and specifications that spelled out the technical requirements for site remediation. When the LSRP program came about the NJDEP felt the need to establish the best practices for installing a cap and this was the remedy. At all new sites in New Jersey there is a requirement for residential development to meet the presumptive remedy because of how this case originated this case does not have to meet

the presumptive remedies its grandfathered in to not meet those requirements, however the design largely meets the presumptive remedies to include a foot of clean fill over demarcation liner in lawn areas, two feet of clean fill in landscaped areas, the new improvement that will go in, the asphalt paved roads, the sidewalks, the building slabs, these are all portions of the path. When the site is capped it will be protective of human health and saving the environmental and in the future as a result of the cap there will be a need to conduct periodic ongoing maintenance and monitoring, this will all be conducted under an LSRP oversight with biannual certifications from the NJDEP, certified through the State that the cap remains protected. During construction there will be best management practices, best construction practices such as: adequate dust control to ensure the protection of the workers, and also surrounding property owners.

Mr. Thomas asked if that was ongoing monitoring for a period of years or forever.

Mr. Hansen said that the on-going monitoring goes on perpetuity, essentially while the site is capped, forever while the site exists.

Mr. Hansen said that the third issue that remains outstanding at the site that will need to be addressed before final regulatory closure is the issue of groundwater contamination. There are a series of monitoring wells throughout the site, and those wells have been installed over a number of years and have been sampled of times. The main contaminate in the groundwater is Trichloroethylene, chlorinated industrial solvent, the groundwater quality standard for Trichloroethylene also known as TCE, is 1 part per billion or one microgram per liter. Initially the concentration of TCE on site were attributable to the Honeywell operations and the Honeywell areas of concern were as high as 300-400 parts per billion as recently as 2014 they are much lower demonstrating a decrease in contaminate trend. Concentrations now range between 9-47 parts per billion depending on different monitoring wells. The remediation of the groundwater will continue through natural monitoring essentially allowing nature to run its course and clean it up. It will require the establishment of classification of section area, an institutional control similar to a deed notice that addresses groundwater but is not a deed notice, similar to the deed notice it does require on-going maintenance and monitoring, bi-annual certifications, periodic sampling to demonstrate that the groundwater is continuing to clean-up. In addition to the areas where Honeywell is responsible for the groundwater there is also an area of elevated concentration of TCE that area is in the eastern portion of the site, essentially near the eastern corner of the site as shown on the aerial photograph. There were much higher levels of TCE found in that area and Honeywell through their investigations determined that contamination in that area of site is attributable to an off-site source as a result Honeywell is not responsible through State law and NJDEP rules and regulations to remediate contamination that is moderating on to their property, this would be the responsibility of another party. There is a distinction that between what Honeywell's responsible for and a third party as a result of the off-site source. In the future Honeywell will require the maintenance of several monitoring wells to demonstrate that they completely remediated the groundwater quality, at this time based on his most recent conversations with Honeywell's LRSP, they believe they will need to monitor three monitoring wells on the site, typically they are flush mounted wells, they

can be adjusted in height, as the development progresses they can also be moved to accommodate construction of the development and those issues will be resolved with Honeywell in terms of placement of wells in the future if the well needs to be moved or raised or lowered as development proceeds. Contaminated groundwater in this area of New Jersey does not a substantive risk to the occupants of the site; the site will be provided the same water, so they will not be drinking the water underneath the site. The area of contamination has been defined; there is one potential risk factor with living above contaminated groundwater, which is the issue of vapor intrusion. Vapor intrusion from contaminated water is very similar to radon. Gases from the contaminated groundwater slowly works its way to the surface and does have the potential to infiltrate into indoor spaces, as a result the buildings where the potential vapor intrusions exists will constructed with vapor mitigation systems, the systems include piping below the slabs that collect any potential gas, those pipes are routed to the roof above the roof line where it naturally vents to the air. In addition to the piping, there is a substance vapor barrier that is installed just below the slab, it is more robust then what is typically installed in the radon systems, it can be resin, it can be a spray applied, membrane that dries into a solid barrier and that would be incorporated into the construction to ensure that there is no vapor intrusion. Prior to any occupancy there is a physical air testing conducted to ensure those systems work and that there is no intrusions into the building. Essentially, the plan has been designed with the environmental aspects taken into consideration as mentioned Honeywell has some remediation to do before construction begins and believes that remediation will be done in the very near future. That remediation is will take place and once that material is excavated from below the concrete slab remediation on the rest of the site essential is the development of the property. When the development is complete the deed notice is filed there will be a submission to the NJDEP of all of the remedial action report that summarizes all of the all activities because of the engineering and the institutional controls there will be remedial action permits obtained from the NJDEP that memorialized the deed notice, the classification exception area, layout and monitoring schedule, once those permits are obtained from the NJDEP, Honeywell's license remediation site professional will issue a response action outcome or an RAO letter, with all intention purposes will replace the NJDEP's former no further action or termination letter that was issued prior. He said that he also had the benefit of reviewing the CME letter and comments and was asked to address a few items in that letter. The environmentally related issues started at item six and speak for itself just a brief summary of what was discussed. Item No. 7 indicates that the applicant shall obtain approval from the property owners LSRP indicating that they are ready to go with development. As he indicated once Honeywell has done their remediation of the area that needs to be addressed the site will be ready for construction.

Mr. Kluger said that when Mr. Hansen talked about the migrating contamination that is not Honeywell's responsibility how does that play into them beginning construction when Honeywell says they are done, but what other contaminations.

Mr. Hansen said that the contamination is migrated onto the property through groundwater, the developer will be providing vapor barriers where appropriate under the buildings and specific to that there has not been soil contamination associated with that off-site source identified on site. That was part of the process Honeywell went through to



conclude the off-site source. Remediation of that issue it is the third parties responsibility in fact the NJDEP would not, the ways the rules and regulations guidance is written, it is the responsible parties obligation to do things like vapor mitigation, however certainly we want to make sure that future buyers wouldn't have an issue with vapors, that is why vapor remediation is being included in the development. He said that item no. eight in the Engineer's report asked for a sequence in construction relative , it kind of has an environmental bend to the question, and would add that the sequence of construction that is proposed by the developer, the phasing through the site as discussed by Mr. Coco has been designed with the environmental aspects in mind. The whole development has been designed with the environmental aspects in mind and in his opinion is sufficient for the protection of workers, neighbors and certainly future residents. Item no. nine indicated that the environmental consultant letter indicated sixteen wells on the site, and wanted to correct the record on that, there is actually fourteen wells on the site, and there are a number of wells associated with the site but on-site and off-site it is actually fourteen wells that are on the property and shown on the existing conditions. With regard to detailed information regarding moving the wells or relocating them, they can work out communicating that to the Borough and is certainly up to the discretion of the LSRP where they will be moved, if necessary, believes that it has been identified that of the tree wells that will remain there is no expectation at least two of them may need to be removed and one may be moved. There is still a discussion on whether they will all be necessary. The remainder of the wells that are not needed in the future will be properly removed by a New Jersey licensed driller accordance with the NJDEP rules prior to the start of construction. Item no. ten asks for an affirmative statement from an LSRP regarding the newly constructed buildings be provided in accordance with the RAOs issued prior to the Borough issuing the CO and he asked that the statement that will be provide will indicate that the site development has been completed in accordance with the remedial action work plan as opposed to the RAO letter. The Response Action Outcome letter will come at some point in the future, it is an obligation of Honeywell pursuant to Industrial Site Recovery Act to deliver that letter however they cannot deliver that letter until they have all sorts of things tidied up and completed, one of which is the potential need for deed notice on a portion of the NJ transit rail line as a result of that issue there may be substantial delays with obtaining the final RAO. He asked that they anticipate issuing a letter to the Borough that the development on the properties was completed in accordance with the Remedial Action Work Plan which is a document that will set forth all of the specifications for the cap and remediation.

Mr. Thomas asked the Borough Engineer how that sounded with him. Mr. Koch indicated that he had some questions regarding the testimony but that should be acceptable.

Mr. Koch said that he had a question regarding the sequence of construction that will help me understand.

Mr. Hansen said that the executive summary report that was provided to the Borough, item no. twelve indicates that the Board reserve the right to require the applicant to provide any and all public reports on the environmental remediation, there is no objection

to that request. Any other environmental related items is item no104 is the summary regarding groundwater recharge analysis and drainage reports based on the applicant's LSRP proposes that the site be developed with an environmental path that includes any infiltration. He spoke earlier that day with one of the Engineer's and was not aware that that stipulation was put in the drainage report and is an error or oversight. There is no requirement for rainwater infiltration; infiltration is not permissible within the development cap and he wanted to make that clarification. The only area where infiltration relative to capping is less desirable, there is a thin strip of area along the railroad where Honeywell, because of the adjacent railroad, was not able to remove the entirety of the metals impacting the materials and they are going to address that with NJ Transit and the establishment of the deed notice. Honeywell did an analysis of the drainage basin in that area and determined that the drainage basin and the clay core in the drainage basin is sufficient to limit infiltration and is acceptable to the LSRP. The LSRP essentially approved the drainage basin and infiltration associated with it relative to that small strip where some metals impact the material remains, that will be clarified.

Mr. Koch asked for a general description of the depth to ground water.

Mr. Hansen said that the depth to groundwater varies across the site, does not have the specifics but would defer that get back to the Board with that information.

Mr. Koch said that he heard that the development of the site was going to have all of the utilities installed and all of the foundations installed before any framing or construction of the actual buildings was going to occur, and asked if that was the case.

Mr. Hansen said that was his understanding. He said for clarification he was not an expert relative to the site plan design but has been advised that the utilities will be installed, in ground utilities, however may not all be installed at the same time.

Mr. Koch said that his concern was, where both the utilities and then subsequent construction of the pads that the historic fill will be disturbed and does not if the contractor will be knowledgeable enough to know whether they are digging up historic fill or whether they are digging up clean fill unless of course the texture of the new fill that was brought in makes it evident. Therefore they could be working with a hazardous soil, airborne contaminates and variety of things would have to be monitored in order to either put that soil back. He asked if there was a soil gradation of the historic fill.

Mr. Hansen said that he did not have a gradation of the historic fill, there is a presumption that all existing material after Honeywell completes their remediation below the slab, there is a presumption that all of the existing material on the site is historic fill and may be contaminated as such.

Mr. Koch said that the historic fill could be handled the construction? Mr. Hansen said absolutely it will be handled during construction.

Mr. Koch asked if the historic fill is suitable to be again for back fill for utilities, he asked what the silt content was. He said that they will certainly have different characteristics if that gets wet sometimes historic fill completely unsuitable or needs ideal moisture.

Mr. Hansen said that one of the presumptive remedy requirements that the NJDEP set forth is the use of clean corridors for utilities. Where the utilities are installed they will be surrounded by clean fill, fill will be on the sides, below and to the surface including a demarcation layer between the historic fill and the clean fill and then the material that is removed from the given utility corridor will be placed elsewhere on the site as part of raising the grade and ultimately there will be a clean path installed across the entire site.

Mr. Koch asked if it will be used as general fill. Mr. Hansen said that it will be used as general fill below the cap. Mr. Koch said that it must be tested to determine if it is suitable for general fill and can meet 95% compaction profit. Mr. Hansen said absolutely but he indicated he is not a geotechnical engineer and would leave that to them. Mr. Koch said that these are all conditions that he is concerned about during the site construction perspective and also from the safety of the public. There is going to be a pile of soil that is going to have to be protected until the time that it is able to be placed because it is not going to be used at the same time.

Mr. Hansen said that was correct, there will be material, he anticipates during the course of construction there will be materials at times placed on the site in a stock pile.

Mr. Koch asked Mr. Hansen if he would be overseeing or give guidance on how it is stored, protected and then ultimately reused as part of this oversight.

Mr. Hansen said absolutely, it will be stored; it will be reused in accordance with the engineering plans developed.

Mr. Koch asked if it was suitable for fill. Mr. Hansen said that he cannot comment on the geo-technical aspects; would leave that to another one of the professionals.

Mr. Koch said that he will see to it that it is, because it will have to be dealt with in the field.

Mr. Hansen said that he was there to testify relative to environmental issues, and is not a geo-technical engineer.

Mr. Koch said that he understood that, and asked Mr. Hansen if he would be the LSRP of record.

Mr. Hansen said that he was not the LSRP of record.

Mr. Koch asked who the LSRP of record would be. Mr. Hansen said that it was Dr. George Berkowitz, Langan Engineering a

Mr. Koch asked Mr. Hansen if he was the interface between Dr. Berkowitz and the Board. Mr. Hansen indicated yes.

Mr. Koch asked if Mr. Hansen if he would be conveying on behalf of the applicant to the Board what is transpiring directly because Mr. Berkowitz works for Honeywell. Mr. Hansen said that would be correct.

Mr. Koch said that there will need to be some sort of LSRP as an interface here because Mr. Berkowitz does not work for the applicant.

Mr. Hansen said relative to environmentally testing, the historic fill on the site does not require additional testing if being used below the cap. Where it is used could certainly be subject to any and all geo-technical requirement.

Mr. Koch said that on prior application where a lot of fill was required then a geo-technical engineer be retained by the applicant; that they give the Board a scope of services not including any of their professional fees, exactly what the scope of services will be and that dove tails with the oversight of the LSRP so that there isn't this conflict. He said that he wants to take care of that all ahead of time to ensure that these two professional entities work together.

Mr. Shimanowitz said that they have no objection to that recommendation.

Mr. Koch said thank you and asked for a specific schedule prepared as to how the site is developed in whatever manner that the developer choses, that is their decision to make, but it allows the Borough to be comfortable that the workers are protected, the residents are protected and then those moving into the site are protected because of the building next door is being constructed and the foundations are not all being put in at once or slabs after the utility work is done then the site does not have a cap on it.

Mr. Hansen said that he would agree with that statement relative to the protection, human health and safety of the environment, which is the highest priority of any LSRP and will certainly provide a phasing plan and will provide that at the appropriate time. As things are completed on the site there will be portions of the site that are capped in phases and it will need to be appropriate protections both for the workers and the residents to restrict access areas that have not yet been capped.

Mr. Koch said that air monitoring will be needed. He has seen a lot of dust travel from another site during construction; it's the nature of the material. Historic fill is sometimes very silky, and they find that to be sediment from the rivers that are dredged and years ago people often took it to fill their land and that wasn't such a great deal.

Mr. Koch asked Mr. Hansen to go back to the groundwater contamination and what the primary contaminate was.

Mr. Hansen said that the primary contaminate was tricholride.

Mr. Koch said that they vapor barrier will have to be chose or recommended to ensure that there is no chemical interaction between the two where the barrier breaks down because of that particular vapor barrier. Mr. Hansen said absolutely, the vapor mitigation system will be designed by a vapor mitigation specialist in consultation with himself and Dr. Berkowitz and will specifically be chosen for the type of contaminates that there and concentrated.

Mr. Koch asked if there would be any flexibility in what that product is, it is important for the construction official to know that when someone else comes in and says they are going to use something else instead, that that is not the case so in 20 years people are not dealing with a vapor if the remediation has not naturally taken care of itself.

Mr. Hansen said that there is flexibility in the design that is afforded to certainly to the vapor mitigation specialist and himself, there are different options that can be selected but the once the product that is selected in terms of the vapor barrier, that is the deign as chosen by the vapor mitigation specialist and himself and will provide the evidence.

Mr. Koch asked if there would be negative pressure fans like the radon system or it is going to naturally vent itself.

Mr. Hansen said that would be determined by the vapor mitigation specialist himself. Typically the systems are installed as passive system without active fans, at times activation is necessary and that is not usually determined until the final testing is conducted.

Mr. Koch said that if fans are required, he suggested that the maintenance should be under the homeowners association because an individual homeowner does not realize the fan is out or does not have the money to replace it then that could be problem.

Mr. Hansen said that those systems are typically designed in such a way to prevent tapering; they are usually equipped with alarms to prevent such an issue.

Mr. Koch asked what if the motor happens to die. Mr. Hansen said that was part of the insuring the continued use of those protection should they be necessary is part of the on-going maintenance and monitoring associated with the classification exception area, the biannual certification requirement, that is part of what is done when they come to do an inspection on a periodic bases. They ensure that the fans continuously work; at times the pressure below the slab is reconfirmed to show that it is the same as what it was when it was installed. Those requirements are spelled out in the NJDEP's vapor mitigation guidance document.

Mr. Koch asked Chairman Kluger if the application is granted an approval that all of the conditions be made conditions of approval that must be addressed during resolution compliance and not things that will be done later on to ensure that all of the conditions are adequately met. He asked if he would please, as part of the hearing process, submit a letter outlining all of this to have something on record and will help Mr. Thomas with the

preparation, he can review it and it can be assured that all of this is properly articulated in the Resolution.

Mr. Hansen said that there was no objection in providing that information and pointed out that environmentally related issues are regulated by the NJDEP and subject to professional judgement of the LSRP and his oversight is what rules the day relative to environmental issues but certainly have no objections in providing that information.

Mr. Koch said that if there are some changes proposed during the construction in field he has the right to critic those to say wait a second maybe you need to go back to the LSRP because this is what we agreed to and this is what you want to do.

Mr. Hansen said certainly any changes would have to be routed through and obtain an approval of the LSRP and he is the vessel of that interaction.

Mr. Koch said that in fairness he is the vessel for the construction and sometimes he doesn't even know that changes are being made, getting to your level might be a little tougher when things are going on in the field, it's not intentional but it does happen.

Mr. Hansen said that one protection on that issue is the vapor mitigation specialist are not installed by your typical construction contractor, they are installed by a vapor mitigation specialist, there are a few firms in New Jersey that do that and during installation of the vapor barriers we have an on-site presence to ensure that it is being installed as designed and using the specialized contractors in such an activity is a further protection.

Mr., Koch said that he was not clear in that he was asking for the entire conversation, relative to historic fill, the excavation, back fill, clean fill, all of those issues so that it is clear what was agreed to at this hearing.

Mr. Hansen said that all of those issues will set forth in the remedial action work plan.

Mr. Thomas asked when that plan would be made available.

Mr. Hansen said that was being produced by Honeywell as a responsible party, these specifications are included in that plan, its imminent but has not yet been issued by Honeywell in submitting to the NJDEP. At such time that is, which will be before the start of any construction activities, in terms of that document, the one certified by the LSRP, which will be provided to the town and will memorialize all of these types of conditions.

Mr. Koch said that will be a condition of the resolution. They may be ready to go but if that is not ready to go that is an important piece from his perspective to ensuring the protection of the workers, residents and everybody involved and site is properly engineered to provide that safety.

Mr. Thomas said that the remedial action plan is something that the Borough Engineer would require to have in his office prior to the issuance of any building permits.

Mr. Koch said prior to releasing the bond in phases, there is only an off-site bonding on this project there is not on-site bonding as part of the agreement, but typically we would require all of that as resolution compliance in order to give the development the approval to move forward.

Mr. Schetel asked what buildings get the vapor mitigation systems. Mr. Hansen that the evaluation of vapors given the location of the buildings, is required per NJDEP rules and guidance, buildings 7, 8, 9, 10, 11, 12.

Mr. Schetel asked if each unit would have the vapor mitigation system. Mr. Hansen said that the entire building will have the system installed.

Mr. Koch asked if this was triggered by the off-site contamination of the water, is that the direction of the flow of the groundwater.

Mr. Hansen said that the flow of groundwater in general, east to west in general. The off-site contamination source is in the Atlantic property and the extent groundwater has been delineated by Honeywell, the NJDEP requires the evaluation of vapors when TCE is above 2 part per billion, which is the vapor intrusion groundwater screening level, all buildings within the delineated area of 2 parts per billion, within a 100 feet of that require the evaluation of vapors. The NJDEP does not specify that vapor mitigation is required in any building, what they specify is that the evaluation of vapors is required.

Mr. Koch asked if they would do test and vapor analysis to determine. Mr. Hansen said yes.

Mr. Schetel asked if testing for vapors was going to be done under the other building as well. Mr. Hansen said that it was the LSRP's discretion and his professional judgement. It is not required outside of 100 feet of that 2 part per billion line, so the buildings that were identified all within that area that is where vapor mitigation is required.

Mr. Schetel said that if this is going to be approved asked that this be on the site plan, there should be a note on which buildings will be receiving it so there is no confusion it will be right on the plan.

Mr. Schetel asked if the homeowners will be notified as to the remediation efforts or to the fact that they are going to have vapor mitigation systems within their units.

Mr. Hansen said that the responsible party will comply with all notification requirements. Mr. Schetel asked who that was. Mr. Hansen indicated that was Honeywell.

Mr. Schectel asked if they were going to notify each of the perspective purchasers. Mr. Hansen said that there are notification policies, whether that comes from Honeywell or American Properties but there will be some form of notification.

Mr. Thomas addressed Mr. Shimanowitz and asked if he agreed that it would be his client's responsibility in the sale of property to disclose what going on in the site before.

Mr. Shimanowitz said that there are two things going on, the environmental laws and regulations which he does not have with him right now.

Mr. Thomas said that he was not referring to that. He asked Mr. Shimanowitz about the sale of property.

Mr. Shimanowitz said logically because they are condominiums so there will be a public office and that will be sponsored by his client to properly disclose and that of course is reviewed by DCA but sitting here today he did not know what DCA will require.

Mr. Thomas asked if it was his experience that under these circumstances that DCA would not require a disclosure of the fact that this is a remediation site which will require on-going monitoring as outlined by Mr. Hansen.

Mr. Williams indicated that he believed that with Pulte, in the final paperwork, they did have to notify they people.

Mr. Thomas said that he would like that they would be required to but will explore that over the next week or so.

Mr. Kluger addressed the Board and asked how they are feeling, he indicated that it was 10:10 p.m. are we up to continuing or would like to break at this point. Mr. Kluger called a 5 minute break at 10:10 p.m.

Mr. Kluger opened the meeting up again at 10:18 p.m.

Mr. Kluger asked the Board if they had any questions for the witness.

Mr. Williams said the contaminant coming from off-site was TCE, in the report it indicated that there was one well that had 88,000 ppb and asked if that was in the eastern corner and asked Mr. Hansen to point it out on the plan.

Mr. Thomas asked if that was in the north easterly corner of the site. Mr. Hansen said that it was in the eastern corner of the site.

Ms. Monk asked if that was one of the wells that were going to be maintained, one of the three that will remain on site. Mr. Hansen said that there will be wells there, as licensed site remediation specialist someone is going to have a well, it's not the developer, it's not



Honeywell, it's the third party responsible. The third party responsible will need to have wells on site yes.

Ms. Monk asked if they be in a location where the highest concentration is known to exist.

Mr. Hansen said that the well in question will likely be preserved it may be removed but there will be a well in that vicinity.

Mr. Thomas asked Mr. Hansen who the third party contaminator was and that entity will have to maintain the well. He asked Mr. Hansen if he was familiar with what going on that site and that as there is here an LSRP are able to tell the Board that there is someone on that other site, Atlantic, that there is an LSRP there that has been hired by the entity and that you are interfacing with that individual.

Mr. Hansen said that they have obtained an LSRP; his client has reached out to them to start the discussion process.

Mr. Thomas said that with all of the items that Mr. Koch was concerned about in regards to the letter that he is looking for you to prepare, is that also something that you are position to do from this other site, if not now but before he releases the bond estimate on this project.

Mr. Shimanowitz said that according to prior discussion with Mr. Koch, we morphed into the supplying of the remedial action work plan as a statement of what is going to be done as opposed to a letter.

Mr. Thomas asked Mr. Koch if that was true, because he thought it was both.

Mr. Koch said that the remedial action work plan does not give you the specifics or the depth that was described in terms of the process of the foundations, mitigation systems and all, we need something as a basis for the positions of the resolution and that is why they have asked for that tonight as well as our previous applications, so there is a clear and distinct explanation of everything that's going to be done when the time comes for the Board to vote to approve a resolution they will have all that before them to yes this is all encompassing or not it is not.

Mr. Thomas said that was what he understood it to be and then subject to, assuming that there is an approve, then your bond estimate does not get released from the Borough Engineer until such time as the remedial action plan is issued to the Borough Engineer. Mr. Shimanowitz said that he is trying to understand the two parts and wants his client and consultants to understand as well. The first part is that the letter is something, not saying that they are in agreement and not saying that they are not, but is something that the Board and the Consultants would like to have prior to approval, or is that prior to bonding?

Mr. Koch said that the letter is prior to approval.

Mr. Shimanowitz said that in terms of that letter, that Mr. Hansen might prepare, how much detail at this time he can put in that letter, they want to satisfy the project concerns and the Boards concerns so we move towards an approval. He said that he wants to be clear with the Board that we need to regroup a little bit for next and understand very well what can be put in that letter. He said that they will not exact design of the vapor barrier prior to approval.

Mr. Koch recommended that they state it will be designed to be compatible with the contaminates and that no changes shall be made etc. unless approved by the LSRP of record and things of that nature.

Mr. Thomas said that with regard to the historic fill issue and how that is going to handled and the procedures that will followed, that it's going to be under the cap and define the cap, define what the cap really is, when will it be installed, whether the historic fill will then be disturbed during the course of construction, and if it is disturbed what are the measures to ensure safety to workers, the public and residents of this project. He said those are the things that Mr. Koch has allotted and certainly he is because he will be asking the issue of the Mr. Koch to give him guidance and certainly a need for the Board to understand before they are in a mind set to grant an approval. He said that this was something that was talked about either right before the holidays or right after as a concern that the Board has and that was expressed. He said that there was y having Mr. Hansen with us tonight and the Board appreciates that.

Mr. Shimanowitz indicated that they do not usually have their environmental expert as their second witness, and they know that this is an important issue and is glad there this was clarified and he now understands it better. He said that he knows that it is going to happen at the end of this meeting and the beginning of the next meeting there is going to be a lot of communication between the client and the consultants.

Mr. Thomas suggested that the lines of communication remain open and free so whatever those details are that Mr. Koch is looking for, Mr. Hansen understands them and be in a position to provide them or explain some of the concerns.

Mr. Shimanowitz said that he agreed.

Mr. Millet asked for a follow-up to Ms. Monk's question, he said that it was shown on the first map the location of the high concentration well and asked Mr. Hansen on the second map the location of that same map.

Mr. Hansen pointed to the well on the second map. Mr. Millet then asked where the affordable housing was.

Mr. Coco said that it was his understanding that the highest concentration are under building 11, the COAH units are in building 12 and building 9.

Mr. Williams indicated that he believed that Mr. Hansen said that within 100 feet of where the contaminates are at 2 parts per billion is where you have to install the vapor mitigation, and asked if that was correct.

Mr. Hansen said that the issue of vapor mitigation needs to be evaluated within 100 feet of vapor intrusion and groundwater screening level which is 2 for TCE.

Mr. Williams asked Mr. Hansen if there is 88,000 ppb, which would seem like a much bigger problem than when it just above 2 ppb for TCE.

Mr. Hansen said that he indicated that vapor mitigation would be included in buildings 7-12, and that is based on delineation conducted by Honeywell, groundwater sampling from wells demonstrating where it is clean, and where it is not.

Mr. Williams asked if phasing the site and asked why not cap the entire site and put the pads down all at once, that would seem to have better control and cleaner. He asked Mr. Hansen if the main issue was money.

Mr. Coco said that one of the things happening is when importing a lot of fill you need to bring grades up, in the areas in the back there will be 2 feet of clean fill on there when completed with paving so that area will be capped before the foundation. He said that he was not sure of the perimeter or where the line was but it's not as though everywhere there is not paving there is going to be historic fill as the surface.

Mr. Thomas said that the concern is its being said that there is going to be a lot fill to level out the site, and then at some point you're going to do the foundation, and the foundation is going down more than 2 feet.

Mr. Coco said that still had to addressed but he was saying that it is not going to be exposed.

Mr. Nolan suggested in addition to the environmental, something that explains the process in the general time line of how things might proceed that give people an understanding of the process and why this is happening so the Board can have an understanding of what is going on and why, allow the Board to understand. He said that they are going to fill in order to establish grade, once that is established then utilities and or things will have to excavate and that at that point in time you might be going beneath the 2 foot clean fill into the historic fill and things will have to be changed. A board outline of the procedures might be helpful so people can understand this better.

Mr. Hansen said that Mr. Coco indicated that a substantial quantity of materials will be coming in, that material will be clean, and it's going to be placed on large portion of the site that will not be the final cap. There will be excavation for building foundations that will go through the clean material and into the dirty material and there will be dirty material that is brought up that will be consolidated elsewhere on the site. When the building is done, when all the digging is complete is when the actual final capping

occurs. There will be clean material below the cap because of the material that needs to be brought in to accommodate the development but from a phasing stand point, as a licensed site remediation professional, it makes the most sense to wait until the end to get your final cap in place, elements of it go in but your final landscape cap, you really want to wait until all excavation is complete so you know your cap is the end cap.

Mr. Thomas asked Mr. Hansen to define a cap.

Mr. Hansen said that the cap is a combination of your impervious surfaces, the asphalt, pavement and sub base, the building pads and then everywhere that is not impervious it consists of a demarcation liner, which liner demonstrates where it's clean and where it is dirty, there might be clean material below cap, but there is a liner says okay once you have hit this liner ten years from now if there is a need to dig, when you hit that liner you have to assume that anything under that liner is contaminated and then above that if it is a lawn area, it's a foot of material, if it is a landscaped area that does not have a turf covering it is a two foot of clean fill.

Mr. Thomas asked during that earlier period during the excavation, the construction of the foundations, excavation for the utilities, which is when that entire historic fill is being disturbed? Mr. Hansen said that was correct.

Mr. Thomas said that is what the Board needs some comfort level in terms of you explaining how that material is being treated during that process so it will not adversely affect the construction workers, residents next door, presumably once the final cap is in place the remediation action report will say everything is done properly but it's during the interim period there is a legitimate concern.

Mr. Hansen said that in a nutshell it's handled no different than normal construction material. It is not hazardous waste, it's not heavily contaminated material, and it's minimally contaminated. The materials that contain contaminants above the NJDEP's unrestricted use standards and managed with good construction practices, dust control, wetting it down in dry periods, controlling where materials go, you would not want any material dragged out onto streets and this is no different.

Mr. Thomas said yes and no, in a construction site there are best practices that are supposed to be there and I suspect that Mr. Koch will tell us that not all the time are they adhered to and maybe with a little bit of dust that's not the end of the world if the neighbor's house gets dusty whereas if the best practices manual is not maintained then dirty stuff is starting to get off site and that becomes more of a concern and thinks that procedure needs to be very clearly outlined, and that is what you will hopefully do for the Board, and then Mr. Koch will be in a position to come down with the hammer when these procedures are not adhered to because of the concern of this unique site.

Mr. Williams asked if dust control would be wetting down areas of potential dusting. Mr. Hansen indicated that was correct.

Mr. Williams asked if there would be air monitoring, so you know how much dust is flying off the site? Mr. Hansen said that there would not be dust flying off the site, the site will be managed have dust control and as the environmental site that is what you do, will there be dust sampling, there is not a proposal to do dust sampling at this time.

Mr. Williams indicated that there were times when Honeywell had. He said that on November 24, 2015 the previous Planning Board Clerk should have forwarded to you a memo to the applicant's attorney requesting documents, whatever documents are available so the Environmental Commission start looking at what the site looks like. He asked Mr. Shimanowitz if he received a copy. Mr. Shimanowitz said that it does not sound familiar to him. Mr. Williams said that it was sent approximately November 24, 2015. Mr. Shimanowitz said that he did not recall, he said that if a copy is provided he will take a look at it. Mr. Williams said that he would provide Mr. Shimanowitz with a copy of the letter.

Mr. Kluger addressing Mr. Coco said that the comments about the number of trucks coming up and down Cleveland Avenue and asked why he chose that street, obviously because it is closest to the site and Harrison has a sign indicating no truck allowed. If there was no sign there that said no trucks allowed would the applicant consider dispersing the trucks among the two streets as an alternative to coming up only Cleveland Avenue, if there is a concern about damage to Cleveland Avenue or impact on the residents on Cleveland Avenue. He said that he did not have to answer that questions now, but was something to think about, and this would be something that the Borough would need to take a look at and has asked the Borough to look at the history of that no truck sign and why it's there and does it need to be there.

Mr. Thomas indicated that this matter would be carried without further notice until February 11, 2016, no further notice will be provided.

#### Comments and Reports

Mr. Thomas said that as you know there was an approval of the Resolution of approval for Rite-Aid with some modifications at the last meeting. Subsequent to that time, he received an e-mail from Mr. Harrison indicating the resolution was accurate in terms of what they testified to with regards to the hours of operation of the pharmacy but that is currently beyond the hours of operation of the pharmacy currently has and would like to comport with what the pharmacy is currently doing, it approximates a half hour. Normally he would say that's a ministerial moment which he would have taken care of but thinks this is a bit more of sensitive application so wanted to report and he will make those changes unless there are any objections.

There were no objections raised.

Mr. Thomas said that he would get the revised copy to Jennifer in the next day or two.

#### Public Discussion

Mr. Kluger opened the floor to the public. No one appearing Mr. Kluger closed the public discussion.

There was a motion to adjourn from Mr. Millet with a second from Mr. George and at 10:41 pm the meeting was adjourned.

Respectfully submitted,

Jennifer Santiago, Board Clerk