WEST WINDSOR TOWNSHIP PLANNING BOARD REGULAR MEETING

PB20-15 PRINCETON JUNCTION TRAIN STATION REDEVELOPMENT - - -October 13, 2021

West Windsor Planning Board Meeting was taken in the offices of West Windsor Township Senior Center, 271 Clarksville Road, West Windsor, New Jersey, before Cindy Pineiro, RPR, CSR #30XI00181500, and Notary Public of the State of New Jersey, on the above date, commencing at 7:00 p.m., there being present:

GENE R. O'BRIEN - Chairman CURTIS HOBERMAN - Panel Member LINDA GEEVERS - Panel Member MICHAEL KARP - Vice Chair HEMANT MARATHE - Mayor GERALD MULLER - Planning Board Attorney SAM SURTEES - Land Use Manager and Zoning Officer DAVID NOVAK - Planner FRANCIS GUZIK - Township Engineer JEFFREY A. L'AMOREAUX - Traffic Engineer DAN DOBROMILSKY - Landscape Architect CINDY DZIURA - Recording Secretary RICHARD J. HOFF, JR. - Attorney for the Applicant MAURICE RACHED - Traffic Engineer STUART JOHNSON - Architect for Pulte RONALD LADELL

RICHARD FORNARO - Attorney for AI Industries

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1	CHAIRMAN O'BRIEN: Good evening,	
2	everybody. At 7:07 p.m. I'd like to convene the	
3	regular October 13th meeting of the West Windsor	
4	Township Planning Board. This is to advise that	
5	notice of the time, date, location, and, to the extent	
6	known, the agenda of the subject meeting was	
7	prominently posted in a public place reserved for such	
8	or similar announcements, transmitted to the Times of	
9	Trenton, the Princeton Packet, and West Windsor and	
10	Plainsboro News, and filed with the township clerk,	
11	all on October 7, 2021.	
12	Cindy, would you please call the roll of	
13	the Board?	
14	MS. DZIURA: Mr. Joseph?	
15	Ms. Bahree?	
16	Mr. Schectel?	
17	Mr. Pankove?	
18	Mr. Hoberman?	
19	MR. HOBERMAN: Here.	
20	MS. DZIURA: Ms. Geevers?	
21	MS. GEEVERS: Here.	
22	MS. DZIURA: Mr. Baig?	
23	Ms. Appel get?	
24	Mayor Marathe?	
25	MR. MARATHE: Yes.	

Page 3 1 MS. DZI URA: Vice Chairman Karp? 2 MR. KARP: Here. 3 MS. DZI URA: Chairman O'Brien? 4 CHAIRMAN O' BRIEN: Yes. 5 Does any member of the public wish to 6 make a comment about any item that is not on the 7 agenda for tonight? In other words, not about the 8 Princeton Junction train station application? 9 Okay. When members of the public do wish 10 to make a comment, we invite you to come to the 11 microphone that's at the center of the room to which 12 I'm gesturing, and state your name and spell your last 13 name and state your address, whether it's in West 14 Windsor or outside West Windsor. 15 I wanted to reiterate something that I 16 said last week, and that is that our attorney has 17 advised us that I am not permitted to accept questions 18 from the public who are not in attendance, because all 19 commenters need to be sworn or affirmed. 20 We have a couple -- or one outstanding 21 report to review that we did not get to last week, and 22 that is from Chief Lynch for our emergency services --23 fire emergency services. I'll read the report. It is 24 just a little over a page. 25 "The Applicant, Avalon Bay, has submitted

1 a site plan for review for a mixed-use improvement 2 consisting of townhouses, senior housing, a hotel, 3 multi-family housing, and commercial tenants." 4 Well, the hotel has been subsequently 5 deleted from the original application. 6 "Applicant will require a waiver of the 7 West Windsor Fire Prevention Code, specifically 8 Chapter 89-4, Technical Amendments, which is 9 F-10005.5, emergency vehicle access, sub C, which 10 states, 'Buildings three stories or 35 feet in height 11 or higher with full automatic fire sprinkler 12 protection shall be provided with emergency vehicle 13 access to 50 percent of its entire perimeter.' 14 "As configured, the proposed apartment 15 buildings and parking garages do not meet the access 16 requirement. However, the Applicant has provided a 17 letter dated April 23, 2021, to the fire marshal 18 stating that they will voluntarily upgrade the fire 19 sprinkler system from the required NFPA 13R system to 20 a full NFPA 13 system. 21 "Additionally, they will provide masonry 22 constructed fire walls in the apartment buildings, and 23 separate the apartments from the parking garages. 24 "With these two concessions, I fully 25 support granting this waiver, and would ask the

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1 Planning Board to include those conditions in the 2 resolution if they choose to approve this application. 3 Should the Planning Board choose to approve this 4 application, I recommend the following conditions be 5 listed in the resolution and memorialization: ALL 6 roadways areas was not formally designated as parking 7 should be designated as fire lane. The position of 8 the fire department connection that supports the fire 9 sprinkler system should be placed proximal to building 10 access and water supply.

"Applicant shall comply with N. J. A. C.
5: 70, 510.1, emergency responder radio coverage. All
new buildings shall have approved radio coverage for
emergency responders within the building based upon
existing coverage levels of the public safety
communication systems of the jurisdiction at the
exterior of the building.

18 "I would also like the Planning Board to 19 be aware that, as mentioned previously, the Applicant 20 has agreed in a letter dated April 23, 2021, to 21 provide a full NFPA 13 sprinkler system in the 22 apartment buildings, as well as to install masonry 23 walls in the apartment buildings. Both of these 24 measures are voluntary upgrades to the fire protection 25 systems in the building above and beyond the code

Page 6 1 requirements, which will provide for much greater fire 2 protection for the occupants of the buildings. 3 "Thank you." 4 That's from Chief Lynch. So as I read 5 his report, Jerry, it would seem that there are three 6 conditions that are generated by the report, to which 7 I would hope that the Applicant would agree. One is 8 to ensure that radio coverage inside the building is 9 adequate. 10 The second is that a full NFPA 13 11 sprinkler system will be provided in the apartment 12 buildings, and that the apartment buildings will have 13 installed masonry walls. 14 Mr. Hoff, is that acceptable? 15 MR. HOFF: Yes, that's agreeable, Mr. 16 Chairman. To the issue of fire protection, we did 17 want to make one qualification. Mr. Johnson provided 18 testimony relative to the townhouses. We just want to 19 correct one -- or supplement that testimony with one 20 additional item. 21 Mr. Johnson, previously you've been 22 sworn. 23 And as you'll recall, he's the architect 24 responsible for the Pulte portion of the project. 25 CHAIRMAN O' BRIEN: Good evening.

1 MR. JOHNSON: Hi, Good evening. Thank 2 you. So, again, Stuart Johnson. I'm the architect of 3 record for the Pulte Homes component of the project. 4 The letter that the Fire Chief was making 5 reference to was authored by Whittie Raskas 6 (phonetic), and that was associated to the rental 7 apartment buildings, for the other component of the 8 project. 9 The condo building is a five-story 10 bui I di ng. The garage level of the condo building will 11 have an NFPA 13 sprinkler system. That complies with 12 the building code. That's type one noncombustible 13 construction. The four levels of residential condo 14 units above will be a 13R sprinkler system within that 15 But, again, that's a slightly different bui I di ng. 16 building than the multi-family rental buildings. 17 And as it relates to the townhomes, I 18 believe there was a question as to whether they were 19 I had noted that the stacked townhomes sprinklered. 20 would provide a sprinkler system. They will have an NFPA 13R sprinkler system that complies with the 21 22 building code. I had noted that the traditional 23 townhomes, the attached traditional townhomes, I noted 24 that they would not provide a sprinkler system. That 25 is incorrect. So they have will have a 13D sprinkler

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Page 8 1 system. Again, compliant with the building code. 2 So I just wanted to clarify that for the 3 record and add that to the testimony. 4 CHAIRMAN O' BRIEN: Any member of the 5 Board have a question of Mr. Johnson? 6 MS. GEEVERS: So all the townhouses will 7 have a sprinkler system? 8 MR. JOHNSON: They will have sprinkler 9 systems, yes. 10 MS. GEEVERS: All of them? Okay. 11 CHAIRMAN O' BRIEN: Two different types, 12 depending upon whether it's a regular townhouse or 13 stacked? 14 MR. JOHNSON: Correct. Because they're 15 different construction types, they fall under 16 different building code that governs them; that is 17 correct. 18 CHAIRMAN O' BRIEN: Thank you, Mr. 19 Johnson. 20 MR. JOHNSON: Thank you. 21 CHAIRMAN O' BRIEN: The technical review 22 committee, which does preliminary reviews of 23 applications before they become official with the 24 Planning Board, had provided a memorandum in August. 25 And I wonder if Ms. Miller, who is a member of the

1 affordable housing committee, has any follow-up 2 comments or questions that she would like to ask as a 3 member of the affordable housing committee. 4 MS. MILLER: Thank you, Mr. Chairman. 5 Allison Miller, M-I-L-L-E-R, 41 Windsor Drive. 6 We are concerned about the signage for 7 the affordable housing parking spaces in the Pulte 8 area. We feel this signage should be above ground 9 rather than written on the spaces, because that could 10 be covered easily by snow or by leaves. So we would 11 like to see it marked clearly above ground, and some 12 signage that is similar to marking handicapped spaces. 13 We heard you say about the parking garages in the Pulte place, that people would have to 14 15 pay for parking, and we'd like that just clarified 16 because, what do the affordable housing people do? 17 Do they have to park outside? 18 And in the Atria section there are those 19 two credit units where people who are not related can 20 share a unit. Is there something available for people 21 who are related who also want to share a unit? And 22 what consists of related? I mean, suppose they're 23 Suppose they're cousins? Just want friends? 24 clarification. 25 We haven't seen the garbage corrals for

the Pulte affordable units. Maybe you haven't really
 designed them yet, but we want to make sure that they
 blend in as much as possible.

And snow storage. Please don't make the snow storage right next to the affordable housing parking spaces, because that's the only place where people in affordable housing can park. And we don't want it piled with snow.

9 Those are the only issues that we have.
10 CHAIRMAN O'BRIEN: Mr. Hoff, would you
11 like to ask any of your witnesses to respond? Ms.
12 Miller can repeat the items.

MR. HOFF: With regard to the first one,
 the signs, no objection to providing some form of
 co-signs so that there's above-ground water
 demarcation for the parking.

The affordable units, relative to the affordable spaces being paid for, it's anticipated all the affordable parking will be surface parking, so there is no cost associated with that.

With respect to the rooms within Atria, again, recall that when you're doing an affordable housing unit, there are certain selection criteria that must be adhered to before placing an affordable unit. And there's no preference given to friends or

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neighbors. So we need to go through the same
selection process as you would for any affordable
unit.

So I don't know that there's -- maybe that happens, but I don't think we can affirmatively guarantee that individuals will be placed together. That might be violative of the UHAC marketing selection procedures.

9 With respect to the snow removal area, 10 they're set on the plans. Obviously, as any part of 11 snow removal, you're going to seek to avoid putting 12 snow in designated parking areas because -- for the 13 reasons that you've raised -- people park there. So 14 we'll take -- we don't believe that the snow plan 15 removed any designated parking areas, but we'll 16 certainly take a look at that to make sure that 17 adequate parking is provided at all times during snow 18 Again, that's a management issue that we're events. 19 -- that would remain on site to make sure that that's 20 addressed.

The trash collection is curbside for the townhouses, so there's no separate corral issue. The testimony provided was that it would be curbside pickup like any other unit. So I think that would apply to the affordables as well.

Page 12 1 And the remaining issue was what? I 2 apol ogi ze. 3 MS. MILLER: That's okay. Sorry. 4 MS. GEEVERS: The garage? 5 MS. MILLER: No. Snow storage. l think 6 you covered everything, I think. 7 MR. HOFF: Okay. 8 MS. MILLER: And thank you very much --9 MR. HOFF: Thank you. 10 MS. -- for the answer. MILLER: 11 CHAIRMAN O' BRIEN: Allison, thank you on 12 behalf of the affordable housing committee. 13 The Planning Board is in the process of 14 reviewing a new draft circulation plan element as we 15 create a new master plan within the municipality. And 16 within the last iteration of this draft, which is 3.0, 17 there is a circulation map that indicates a master 18 plan road is proposed to connect Alexander Road and 19 Washington Road. 20 And I've asked our traffic consultant to 21 provide us with some visual aides to help us 22 understand where this road is going to be and how it 23 might evolve. And our traffic consultant is Jeff 24 L'Amoreaux, who is seated under the screen. 25 Jeff, are you ready?

Page 13 1 MR. L'AMOREAUX: Good evening, everyone. 2 My name's Jeff L'Amoreaux. I'm with Arora & 3 Associates. And I prepared two sketches to show the 4 location of the Vaughn Drive extension, and an interim 5 measure. 6 So which one would you like to see first, 7 Gene -- Mr. Chairman? 8 CHAIRMAN O'BRIEN: Well, I think we ought 9 to show what we hope for ultimately. 10 MR. L'AMOREAUX: All right. Okay. 11 CHAIRMAN O' BRIEN: So can you read the 12 legends, because probably most people won't be able to 13 see it? 14 Why don't we mark that as MR. MULLER: 15 Exhibit PB-1? 16 SPEAKER: Is this on-line? 17 MR. L'AMOREAUX: I can certainly furnish 18 it to the township for it to be on-line. 19 CHAIRMAN O'BRIEN: It's not on-line right 20 Mr. L'Amoreaux has indicated it will be. now. 21 MR. L'AMOREAUX: Okay. Right here, if 22 you can follow my cursor, I'm indicating where the 23 proposed site is for Avalon Bay. As part of 24 construction of Avalon Bay they're constructing what 25 they call on their plan Road A. They haven't named

Page 14 1 the roads yet, but it's Road A, and it will extend 2 from their property line out to Washington Road. Ιt 3 will be a dead end at the western end. 4 I'm going to jump over here. 5 CHAIRMAN O'BRIEN: Which, Jeff? Excuse 6 me. 7 MR. L'AMOREAUX: Yes? 8 CHAIRMAN O' BRIEN: What are you terming 9 the western end? 10 MR. L'AMOREAUX: The western end of Road 11 A which is the -- if you can just see the property 12 line right here, right where the cursor is. Down here 13 is existing Vaughn Drive. I think that we're all 14 familiar with. 15 CHAIRMAN O'BRIEN: You're pointing to the 16 blue line? 17 MR. L'AMOREAUX: I'm pointing to the blue 18 line. Thank you. 19 It comes out to a traffic signal at 20 Alexander Road, and then proceeds to the east to -- to 21 a cul-de-sac. But the cul-d-sac has a driveway 22 access, a rather large one, so that motorists can get 23 back to the parking area of the train station. 24 The concept that we've -- that the 25 township has had for some time now is to connect the

blue with the red. Now, that would involve one
crossing of the Dinky line, the new one, because
there's an existing one further down in the parking
area. It will also involve four different parcels,
which are of odd shapes. The largest one is owned by
Amtrak.

The Dinky line itself, according to the
deed, is owned not by New Jersey Transit, but by New
Jersey Department of Transportation. Then we have
Amtrak again and we have NJDOT again. And then we
have our application this evening.

12 So that's ultimately what -- ultimately 13 where we're headed. This will provide a smooth 14 transition from -- smooth transport, if you will, 15 between Alexander Road and Washington Road. 16 understand there's some wetlands in here, which will 17 have to be worked around. But that's the idea. 18 CHAIRMAN O' BRIEN: Jeff, is it -- is it 19 my understanding that providing that connection that's 20 shown in the yellow dashed line is a municipal 21 responsi bility? 22 MR. L'AMOREAUX: That's my understanding. 23 It's not part of this application this evening. 24 Now, Mr. Chairman, if I could go to the other one? 25

1 CHAIRMAN O' BRIEN: Please do. 2 MR. MULLER: Jeff, can I ask a question 3 about the road shown in red? Is that an existing road 4 or is that proposed? 5 MR. L'AMOREAUX: No. 6 CHAIRMAN O' BRIEN: Jerry, could you 7 repeat? I couldn't hear you. 8 MR. MULLER: Yeah. The road shown in 9 red, is that an existing road or a proposed road? 10 MR. L'AMOREAUX: No. This is -- this is 11 proposed. It would be part of the application this 12 eveni ng. It's the --13 CHAIRMAN O' BRIEN: It's Road A as 14 designated on the plan. 15 MR. L'AMOREAUX: Right. Okay. 16 MR. MARATHE: Jeff, one question. At one 17 point there was Vaughn Drive extension funding in the 18 state plan. Was that exactly the same way? 19 MR. L'AMOREAUX: I don't know, Mayor, if 20 it was exactly the same, but it had the same rough --21 rough connection points, if you will. 22 MR. MARATHE: Okay. 23 MR. L'AMOREAUX: I don't know if it 24 follows the same path that I've depicted, which is an 25 approximation. But that's -- but that's the most

Page 17 logical place for it to go, if I'm drawing a map. 1 2 CHAIRMAN O' BRIEN: So that connecting 3 road has not yet been engineered and detailed, is what 4 I'm inferring from your last comment? 5 MR. L'AMOREAUX: Yes. 6 CHAIRMAN O' BRIEN: Yes, it has not? 7 MR. L'AMOREAUX: It has not been 8 engi neered. 9 CHAIRMAN O' BRIEN: Thank you. 10 MR. L'AMOREAUX: Okay. Let's go now --11 In the interim we don't have a dotted yellow okay. 12 line here, but we do have the dotted red and blue. 13 There's still Road A, and it's existing Vaughn Drive. 14 Our interim goal is to be able to connect from the 15 western end of Road A across the property line into 16 the parking lot of the train station. That will likely involve the approval of New Jersey DOT, Amtrak, 17 18 and possibly New Jersey Transit, simply because we 19 can't rule it out. 20 But the white dashed line that I have put 21 in here approximates the path that a motorist might 22 take from the western end down through the parking 23 aisles, across the grade crossing of the Dinky line, 24 making a right, if they're headed toward Alexander 25 Road, and then out.

1 I might add that today a motorist can do 2 the same thing, but they have to go down Station Road 3 and around, and it's a little bit longer. So with it 4 being a little bit shorter, maybe we can see some 5 relief in other places in the township that's taking 6 this traffic now. 7 It's my goal to try to -- well, I've 8 reached out to the County, who's given me some names 9 of people at Amtrak and New Jersey Transit so that we 10 can have this conversation about connecting through. 11 MR. HOBERMAN: Jeff, is my impression 12 correct, the white dots of the path that you're 13 indicating on the Applicant side of the Dinky line 14 going towards Road A, the dashed red line, my question 15 Would such road travel by -- directly by parking is: 16 spots where drivers would be coming in and out of 17 parking spots along the white path? 18 MR. L'AMOREAUX: Along the white dotted 19 path there? 20 MR. HOBERMAN: That's my question. Are 21 they actually going at that point through a parking 22 lot? 23 MR. L'AMOREAUX: Yes, they are. 24 MR. HOBERMAN: So that's -- as you said, 25 that would be, like, an interim solution, but not -- I

1 don't know how much for a traffic way we would want to 2 encourage such, you know, cross transit with, you 3 know, with the volume of traffic with, you know, cars 4 coming directly at 90 degrees in and out of parking 5 spots. That does not seem safe to me. 6 MR. L'AMOREAUX: Mr. Hoberman, I 7 certainly understand where you're coming from on that. I wonder about the utilization of the parking area 8 9 now. And if it's largely empty, then we might as well 10 connect through it. Was kind of my thought on that. 11 MR. KARP: Can I make comment following 12 up on Curtis and what you just said? I was about to 13 say the exact same thing. Have we done any kind of 14 utilization of the parking spaces right now? Because 15 I have a feeling that they're not filled anymore. 16 MR. L'AMOREAUX: The simple answer to 17 your question is no, we haven't done a parking calc. 18 or count out there. 19 My guess is if you took away MR. KARP: 20 those spots to make it safe, as per what Curtis hinted to, you probably would -- you probably still wouldn't 21 22 fill the parking lot. Just my thoughts. 23 MR. HOBERMAN: Perhaps. 24 MR. L'AMOREAUX: Perhaps not. 25 Curtis, did I answer your question?

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Page 20 1 MR. HOBERMAN: Yeah. I'm okay. Thank 2 you. 3 MR. MARATHE: Jeff, if you do that, then, 4 really, you just need a cross easement agreement 5 between the two. You don't need any new construction. 6 MR. L'AMOREAUX: Well, Mayor, there would 7 be a small amount of additional construction to tie in 8 to the parking lot, but not very much. And it would 9 be -- and it would be a cross easement or some sort of 10 agreement. 11 I'll let Mr. Muller talk about legal 12 stuff. 13 MR. MULLER: I mean, certainly we would 14 By the way, this should be PB-2. need that. 15 MS. GEEVERS: Are cross easements, is 16 that part of a condition or any specific time line? 17 MR. HOFF: No. 18 MR. L'AMOREAUX: Mr. Hoff has indicated 19 that it's -- he doesn't believe it can be part of a 20 time line. And I think that -- realistically, I don't 21 think that it can be either. I mean, we can try to, 22 but he's had limited success getting in touch with New 23 Jersey Transit. And I'm just starting. I just got 24 the names today. So -- so we can give it a try and 25 see if there's some sort of way that we can -- we can

connect.

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2 MS. GEEVERS: People need to get in and 3 out more than just one way, so it needs to be worked 4 out. It's a large development, so traffic has to flow 5 in order to make it safe. Have at least two ways to 6 get in and out. 7 CHAIRMAN O' BRIEN: Jeff, if there's a 8 question from the public in a few minutes about any of 9 this, you'll be able to pull these back up on the 10 screen, right? 11 MR. L'AMOREAUX: Sure. I just have to 12 watch my battery. Make sure there's an extension 13 cord. 14 CHAIRMAN O' BRIEN: All right. Thank you 15 for preparing those on short notice. 16 MR. L'AMOREAUX: That's okay. Thank you 17 very much. 18 CHAIRMAN O' BRIEN: Our office was made 19 aware of a potential resolution of an issue that has 20 been discussed at a previous meeting, and that 21 involves the revised ingress/egress for Al Industries, 22 Inc. in conjunction with this application. And it's 23 my understanding that attorneys representing these 24 parties have reached an agreement. 25 And I wonder if either Mr. Hoff or Mr.

1 Fornaro wish to speak to this point? 2 MR. HOFF: I'll start, Mr. Chairman. lf 3 I screw anything up, Mr. Fornaro can correct me. As 4 the Board will recall, AI was lodging an objection to 5 the proposed connection off of Road A to their 6 property. 7 As you know, part of this project 8 includes the relocation of Washington Road, which, 9 technically, takes away Al's existing driveway, 10 because it now will connect to a vacated roadway. So 11 there needed to be a new connection point to Al. 12 Our proposal, as presented on this plan, 13 had that connection have -- being at Road A at the 14 intersection with Road C. Al did not want that 15 They wanted a connection point connection point. 16 directly off of Washington Road. 17 The County approval was granted without a 18 connection to Washington Road, but encouraged the 19 Applicant, Avalon Bay, and Al to continue discussions 20 consistent with that condition. We have, and we believe we have a roadway configuration for direct 21 22 access off of Washington Road that would serve the AI 23 And, more importantly, it would do so property. 24 without the need for any outside agency approvals, because it's a rather de minimis disturbance on their 25

1 property. So we believe that it can be accommodated 2 within the -- without the need for any outside agency 3 approval, be it DRCC, DEP. It would simply be a 4 driveway coming off of Washington Road. 5 We vetted that out with the County. 6 We're awaiting response. 7 But we would be agreeable -- and I 8 forwarded it to Mr. Muller a form of condition that 9 would provide for the relocation of Al's driveway off 10 of Washington Road, subject to approval from Mercer 11 County Planning Board. And if that approval were 12 granted, we would remove the proposed access off of 13 Road A. 14 If that approval would not be forthcoming 15 with some reason, or there was another outside agency 16 approval that would require, we would leave the Road A 17 on there, because, obviously, we can't leave their 18 property landlocked. So there would be some access 19 point. 20 But the expectation would be that's not 21 going to be the case. The expectation will be they'll 22 get direct access off of the new Washington Road, and 23 we'll close the Road A driveway. 24 So like I said, I provided some language 25 to Mr. Muller that had been reviewed by Mr. Fornaro.

Page 24 1 He was agreeable to that language, and that would be 2 our hope that we're going to be able to work that out 3 as I've described. 4 CHAIRMAN O' BRIEN: Mr. Fornaro, would you 5 like to comment, please? 6 MR. FORNARO: Thank you. Sure. 7 Everything Mr. Hoff said was accurate. 8 MR. MARATHE: Please come to the 9 mi crophone. 10 MR. FORNARO: Thank you. My name is Rich 11 I represent AI Industries. I'm sorry. Fornaro. AI 12 Technol ogy. 13 Everything Mr. Hoff said is accurate. We 14 do appreciate the cooperation of Avalon Bay, as well 15 as all the professionals that have been involved in 16 this, and this Board. We're hopeful that resolution puts this to bed when we get to the County. 17 18 CHAIRMAN O' BRIEN: Okay. 19 Mr. Chair, I actually have MR. MULLER: 20 the text in front of me that was sent to me by Rick 21 Hoff today, and you have it also, and it was not 22 circulated to the Board members because we got it 23 quite late in the day, and Sam and I had to consult on 24 it first, and that was after 5:00. 25 But my suggestion is I read it to you as

1 a proposed condition that's been agreed to by the two 2 pertinent parties, Avalon and AL. Would you let me do 3 that? 4 CHAIRMAN O' BRIEN: Since you have a soft 5 voice and I can boom louder, why don't I read it? 6 MR. MULLER: Okay. The last sentence has 7 been eliminated. And when we get to that, I will jump 8 in with a new last sentence. 9 CHAIRMAN O' BRIEN: All right.

"As proposed, the application proposes
that the driveway currently serving the adjoining
property, Block 6, Lot 48, which property is owned by
Al Industries, Inc., Al, is to be eliminated, and that
access to the Al property shall be exclusively
provided along Road A, which Road A is to be
constructed as part of the present application.

17 "The Applicant's current proposal for the
18 Al access point, as reflected in the application, has
19 been conditionally approved by the Mercer County
20 Planning Board. Al desires to have the sole point of
21 access to its property to remain directly from County
22 Route 571, Washington Road.

²³ "The Applicant and AI have explored the
 ²⁴ potential for a relocation of the proposed AI driveway
 ²⁵ access from Road A back to a revised point along

Washington Road. Then the parties believe that they
 have developed a concept to achieve that objective,
 the revised AI drive.

4 "It is the intent of the AI to present
5 the revised drive" -- I'm sorry.

6 "It is the intent of AI to present the 7 revised AI drive for approval by the Mercer County 8 Planning Board. In the event that the revised Al 9 drive is approved by the Mercer County Planning Board, 10 and that the revised AI drive does not require further 11 approval from any outside land agency, as it would 12 fall below the jurisdictional threshold for such 13 review, the revised AI drive may be incorporated as 14 part of the planned conformance review of the present 15 application upon review and approval of the same by 16 the Planning Board professionals.

17 "If for any reason the revised AI drive 18 is not approved by any authority, agency, body, or 19 other entity with jurisdiction, or the revised AI 20 drive is approved but not constructed, the current 21 design submitted by the Applicant, with the sole 22 access point to the AI property from Road A, is 23 accepted and approved as submitted by the Applicant." 24 MR. MULLER: And then I would add to that 25 -- and I sidebar'd with Rick and Rich right before the

Page 27 1 meeting started, talked to Rick in the car shortly 2 before, so they have not seen this language, but they 3 want to make it clear that AI would bear no 4 responsibility for the cost for the improvements that 5 we described and read by Gene. Al will not be 6 responsible for the cost of the above-referenced 7 improvements. 8 Rick and Rich, is that okay with both of 9 you? 10 MR. HOFF: Yeah. We have no objection to 11 that line. 12 MR. MULLER: Okay. 13 CHAIRMAN O' BRIEN: So does anybody on the 14 Board have any questions about this proposed condition 15 relating to the settlement of the ingress/egress for 16 Al and the Applicant's application? 17 MS. GEEVERS: Who pays for the 18 improvements? 19 MR. MULLER: That remains to be 20 determined, but it won't be determined by the Board. 21 Certainly there's a question of to what extent this 22 would be included as off-tract improvements for which 23 Avalon would be entitled to a credit or a partial 24 credit. And that has to be resolved. But it will be 25 resolved outside the context of the Planning Board

1 hearing. 2 The position at this point the staff is 3 taking is, there should be no credit for this. Thi s 4 is just substituting one access point for another 5 access point, and Avalon should bear the full 6 responsibility. But there has to be more discussions 7 on that. 8 MS. GEEVERS: We don't need to determine 9 that --10 MR. MULLER: No. 11 MS. GEEVERS: -- when we're voting? 12 CHAIRMAN O' BRIEN: All right. 13 commend --14 MR. HOFF: And, just to be clear, Mr. 15 Muller, we reserved all rights, as you indicated, with 16 respect to our right to potential reimbursement if, in 17 fact, it is. 18 MR. MULLER: Right. And we discussed 19 that, and I can put that in the condition, Rick, if 20 you prefer that. 21 MR. HOFF: Thank you. 22 MR. MULLER: Okay. 23 CHAIRMAN O'BRIEN: All right. At 7:44 we 24 have reached the part of this application where we 25 will offer opportunities to members of the public to

ask questions or provide comments. Each member of the
public who wishes to speak will be asked to come to
the microphone in front and, as I said earlier,
provide your name and address, and our attorney will
swear or affirm you with regard to what you are going
to say.

Our township council allows three minutes
for public comment. In a spirit of trying to provide
everyone with ample time, I'm going to allow six
minutes per speaker, whether it's questions or
testimony or comments or whatever.

12 In addition, Mr. Surtees, our able 13 administrator here, is going to keep time. lfa 14 speaker asks a question which necessitates an answer 15 from either an Applicant witness or one of our 16 professionals, Mr. Surtees will stop the timer and not penalize the member of the public for the time in 17 18 which an answer is being given. I hope that seems 19 fair to everybody.

If, when we get through all this, there
is somebody who feels there's still an open question
or something that needs to be added, we will give them
another chance. But, hopefully, all of the possible
questions will be brought out during each speakers'
six minutes or less.

Page 30 1 Mr. Surtees, when your timer reaches one 2 minute remaining for the speaker, would you please 3 holler out, "one minute"? 4 MR. SURTEES: Yes, Mr. Chairman. 5 CHAIRMAN O' BRIEN: Now, the members of 6 the public have provided to the Planning Board input 7 prior to tonight's meeting. And I'm going to invite 8 those individuals to speak first, since I know they 9 have something to say. And the first person who 10 provided input to the Planning Board was Mr. John 11 Church. 12 So, John, would you come up, please? 13 MR. CHURCH: Thank you, Mr. Chairman. 14 MR. MULLER: Raise your right hand. Do 15 you swear or affirm the testimony you're about to give 16 will be the truth? 17 MR. CHURCH: Yes. 18 MR. MULLER: So sworn or affirmed. 19 Please state your full name. 20 MR. CHURCH: Thank you very much. lt's 21 -- name is John Church and I live at 11 Princeton 22 Place here in West Windsor. Since I provided previous 23 input to the Board and to the professionals and the 24 Applicants, I just want to say I've had to make some 25 revisions. Because at that time I had not yet

received a copy of the actual permit from NJDEP that
was granted. I did put in an OPRA request, and that
was fulfilled, and I did get the actual permit. And
so that necessitates some changes to the written
material that I'd already prepared. So I'll just go
ahead.
Good evening.

8 MR. MULLER: You have a copy of the
9 statement as revised?
10 MR. CHURCH: Sorry?

MR. MULLER: You have a copy of thestatement as revised?

13 MR. CHURCH: No, because -- no. 14 haven't had time to do that. I can provide it later 15 because there's several revisions, and I did not 16 provide a copy of that yet. But I don't know if I 17 should provide one. I can do that. But I can -- what 18 I'm going to say this evening will modify some of the 19 things that were within those reports.

MR. MULLER: Okay. Fine. Because you're going to do that and you're going to read that, we'll mark that as an exhibit, and we'll just have the statement that you're going to give right now. MR. CHURCH: Okay. What I'm going to say

now is what really should be on the record, okay? And

1 the other things, if you need a copy, a revised copy 2 of what I did before, I can provide that, but I'm not 3 sure it's necessary. 4 CHAIRMAN O' BRIEN: Please proceed. 5 MR. CHURCH: Thank you. Good evening, 6 Mr. Chairman. I'm a member of the West Windsor Zoning 7 Board of Adjustment and a retired research chemist. 8 speak only for myself; not for the Zoning Board. And 9 this application has nothing to do with zoning. 10 I don't live in this project's immediate 11 area, but I'm still interested in it for its potential 12 impact on flooding and other issues. 13 Mr. Chairman, Section 200-277 of our code 14 defines West Windsor special flood hazard areas as 15 being the ones shown on the latest FEMA flood 16 insurance rate maps. FEMA being the Federal Emergency 17 Management Agency. The latest FEMA maps for our area 18 are from July 2016, and are the same as shown on the 19 2017 West Windsor flood map, indicating in pink the 20 limit of what's known as a 100-year flood. Individual 21 property owners can apply for a map amendment if they 22 can show that their house is sufficiently above grade.

Mr. Chairman, through an OPRA request I obtained a copy of the NJDEP flood hazard area permit that was issued to the Applicant. This permit

establishes a design flood elevation of 64.1 feet. On
 the NJ -- NGVD 29 elevation datum, which is equivalent
 to 63.0 feet on the current NAVD 88 elevation datum.
 Since this is more than two feet higher

than the current NAVD 88 FEMA base flood elevation of
60.9 feet, this elevation may be enough to prevent
structures from significant damage from a 100-year
flood. I said maybe, because we don't know. And if
you get a bigger flood, then things could change.

10 Now, that said, Mr. Chairman, however, I 11 could not find any reference in the permit to the 12 presence of a state-threatened bird species, the 13 long-eared owl, in the woods along the section of the 14 Washington Road and State Route 64 that would be 15 impacted. This was documented in DEP's landscape 16 project some years ago. The owls' habitat was mapped 17 and discussed in the 2015 Princeton hydro report 18 referred to by Mr. Lange at this Board's September 19 So it's in the record. 22nd meeting.

The New Jersey Administrative Code Section 7: 13-11.6D expressly prohibits issuing a permit for activities destroying, jeopardizing, or adversely modifying a documented habitat for a threatened species.

25

We did not have a specific environmental

2 have come up then. 3 Now, these woods are presently fenced and 4 belong to SRI. There's no public access, so no one 5 can go in there and look. 6 Now, a couple of other points, Mr. 7 Chairman. If this application is approved by the 8 Board, it would be reviewed by the Delaware & Raritan 9 Canal Commission. The Commission's regulations 10 prohibit parallel roadways, new buildings, and flood

report for this project; otherwise, this subject might

1

basins in stream corridors. Stream corridors extend
100 feet out from the edges of the 100-year flood
area, rather than from the edges of the NJDEP flood
hazard area.

So some adjustments in the plan might be
 required as a result of the Canal Commission's review.

Finally, we talked about the Vaughn Drive extension just now. This proposed extension has been brought up several times. Some potential issues with this extension are not only its cost, but also because it would have to cross environmentally-constrained land, as well as the second Dinky crossing.

This was discussed 10 years ago when the InterCap proposal was up for discussion. It never came before the Planning Board.

Page 35 1 CHAIRMAN O' BRIEN: One minute. 2 MR. CHURCH: I'm almost through. 3 So that was a long discussion about that 4 10 years ago. 5 Because of these factors I personally 6 don't expect this extension to actually happen for a 7 long time. 8 Thank you very much, Mr. Chairman. 9 CHAIRMAN O' BRIEN: Thank you, Mr. Church. 10 We also have received input from Ms. 11 Miller who represented the affordable housing 12 committee, but I will give her a chance to speak on 13 behalf of what she has provided to the Planning Board 14 on August 26th. 15 Allison? 16 MS. MILLER: Thank you, Mr. Chairman. 17 Allison Miller, 41 Windsor Drive. 18 Two things: I'm urging the Planning 19 Board not to grant the waiver asked for to not do 20 hairpin striping. 21 CHAI RMAN O' BRI EN: Allison, we already 22 agreed last meeting that we would grant that waiver. 23 MS. MILLER: Well, I wish you hadn't. 24 And I didn't have a chance to speak on it. I do think 25 that people coming home should be constrained to park

1 in the middle of the parking area to preserve their 2 nei ghbors' cars. 3 The other thing I wanted to say was the 4 NJ Transit lot abutting this project is a permit lot. 5 And if the company wants to have people park there 6 during events, there's going to have to be negotiation 7 with New Jersey Transit. And I'm urging you to start 8 that right away. 9 CHAIRMAN O'BRIEN: You say New Jersey 10 Transi t? 11 MS. MILLER: It's a New Jersey Transit 12 parking lot. And --13 CHAIRMAN O' BRIEN: But it may not be 14 owned by New Jersey Transit, based upon what Mr. 15 L'Amoreaux had stated. 16 Yeah, but that's for people MS. MILLER: 17 who are going through. But the actual parking spaces are administered by New Jersey Transit. And if people 18 19 want to park there without paying, they're going to 20 have to -- there is going to have to be negotiation 21 with New Jersey Transit. I'm just urging that 22 negotiation to start right away. 23 CHAIRMAN O'BRIEN: Thank you. 24 Are either Naomi Richman or her husband, 25 Jerry Neumann, in the audience?

Page 37 1 Is Mr. William Rutledge in the audience? 2 MR. RUTLEDGE: Yes, sir. 3 CHAIRMAN O' BRIEN: Mr. Rutledge, you 4 provided us with a diagram, and all the Board members 5 should have a copy of that. 6 MR. RUTLEDGE: Yes, sir. 7 MR. MULLER: If you could raise your 8 right hand. Do you swear or affirm the testimony 9 you're about to give will be the truth? 10 MR. RUTLEDGE: Yes. 11 MR. MULLER: So sworn or affirmed. 12 Please state your full name and spell your last name. 13 MR. RUTLEDGE: William Rutledge, 14 R-U-T-L-E-D-G-E. I'm living at 19 Scott Avenue, which 15 is around the corner from the development. 16 Thank you, Mr. Chairman. l'm a 17 professional consultant, not on this project, and I've 18 never worked with the Applicant. l'm a 19 pro-development person, because that's how I make my 20 I do, however, have some concerns about the livina. traffic and the traffic patterns that the Applicant 21 22 has submitted. 23 I find, having reviewed the 24 publicly-available documents, as was affirmed earlier 25 in this meeting, that the proposed roadways don't

F	Pa
match in any way the configuration that has been on	
the books for West Windsor's master plan and this	
redevelopment plan going back 12 years or more.	
The consultants make reference in their	
comments, the town's consultants, that Road A is	
considered part of Vaughn Drive extension. We heard	
that again this afternoon or this evening. Is that	
the understanding of the town and also the	
understanding of the Applicant?	
CHAIRMAN O'BRIEN: Mr. Hoff, do you have	
a comment?	
MR. HOFF: I mean, from the Applicant's	
perspective it's our expectation that Road A is a	
component of the eventual Vaughn Drive extension. So	
in that respect, yeah, we're filling in part of the	
puzzle. The remaining part of the puzzle needs to be	
solved, as Mr. L'Amoreaux indicated earlier.	
MR. RUTLEDGE: Thank you.	
The town's drawings that are referenced	
in the redevelopment plan, as well as described in the	
master plan, have an intersection of the future Penns	
Neck bypass intersecting with 571 and the Vaughn Drive	
extension. The Applicant's drawings don't show this.	
They will require traffic to travel for approximately	
200 feet on 571, which is going to cause a bottleneck.	
	match in any way the configuration that has been on the books for West Windsor's master plan and this redevelopment plan going back 12 years or more. The consultants make reference in their comments, the town's consultants, that Road A is considered part of Vaughn Drive extension. We heard that again this afternoon or this evening. Is that the understanding of the town and also the understanding of the Applicant? CHAIRMAN O'BRIEN: Mr. Hoff, do you have a comment? MR. HOFF: I mean, from the Applicant's perspective it's our expectation that Road A is a component of the eventual Vaughn Drive extension. So in that respect, yeah, we're filling in part of the puzzle. The remaining part of the puzzle needs to be solved, as Mr. L'Amoreaux indicated earlier. MR. RUTLEDGE: Thank you. The town's drawings that are referenced in the redevelopment plan, as well as described in the master plan, have an intersection of the future Penns Neck bypass intersecting with 571 and the Vaughn Drive extension. The Applicant's drawings don't show this. They will require traffic to travel for approximately

1 How do you account for that? 2 MR. HOFF: How do we account for where 3 ours is as opposed to where it was in the prior 4 drawing? 5 MR. RUTLEDGE: In all of the town's 6 drawings and in the master plan descriptions, those 7 roads are supposed to meet. 8 MR. HOFF: Sure. And as I think was 9 testified by Mr. Rached during the last hearing, the 10 design that is presented as part of this application 11 was reviewed with the township, the County, and NJDOT. 12 So while I would agree that whatever 13 you're referring to, master plans, they're just that; 14 they're master plans. They're not fully designed. 15 They don't have the input of all applicable agencies 16 with jurisdiction. 17 When it came time to actually physically 18 plan this project, we needed to meet with other 19 entities other than the township, because it would 20 involve the County and it would involve the DOT. 21 As part of those discussions, it was the 22 design that's currently proposed that was agreed to. 23 So certainly the master plan concept is 24 there in part. You have the roundabout. It's just 25 not exactly what was located in the master plan. But

this is the configuration that was approved by the
agencies with jurisdiction.

MR. RUTLEDGE: Did the town approve the
 changes with public input?

5 MR. HOFF: Well, just to get -- to cut 6 the town a break, this is a county roadway. So while 7 the town certainly has input, and the town can put in 8 their master plan whatever they might like to see, 9 ultimately it's the County that needs to make the 10 decision on what type of improvement they want and 11 where they want it. And this is what the County 12 wanted, and this is what the County got. And it was a 13 condition of our approval that it be exactly as it is 14 depicted.

MR. RUTLEDGE: So did the town have input
-- I'm going to repeat the question -- and approval of
this without public input?

18 CHAIRMAN O'BRIEN: I would ask our
 19 professionals: Did any of them participate in the
 20 meetings with the County?

MR. L'AMOREAUX: Mr. Chairman, Jeff
L'Amoreaux. The County Planning Board had a meeting.
I don't recall the exact date, but it's very recent,
where they approved this -- this configuration. And
as part of that meeting there's an opportunity for

Page 40

Page 41 1 public input. I know this because I've attended them 2 when I was on staff at the County. 3 So the answer to the question is yes, 4 there was time for public input on this matter. We 5 put in the -- the township and the Applicant 6 approached the County with the roadway configuration 7 that we were looking for, and this is what came back 8 from the County. Kind of take it or leave it. Thi s 9 is what they want. 10 So while we plan and we put together 11 master plans, when it's time to build something like 12 now, the County says, this is what's going to be on 13 our permit, and that's it. It may be different, but I 14 think that it works and --15 MR. RUTLEDGE: Can I read from the master 16 plan? I'm going -- I'm sorry. I'm going to 17 interrupt. I know it doesn't count against the time. 18 Before you answer that, I'd like to read something 19 directly from the master plan. 20 CHAIRMAN O'BRIEN: Your time for reading 21 this will count. 22 MR. RUTLEDGE: Yeah, that's fine. 23 The master plan says, and I apologize; I 24 had to write my notes on my phone. And as I said 25 previously, all of the drawings show that intersection

happening where those two roads are supposed to meet
on 571. And I understand the County can say what they
are going to do. Our master plan says, extend Vaughn
Drive to a realigned County Route 571 on the west side
of the railroad tracks, linking Penns Neck Bypass to
Alexander Road and Meadow Road to the south to reduce
the impact of peak-hour traffic on Alexander Road.
And it goes on to say, other local roads
as well, to improve access by emergency vehicles and
to divert regional traffic from minor residential
streets.
Do you feel that that's been achieved by
having all the traffic that might go on the street 200
yards or 200 feet, I'm sorry, clogging up 571?
CHAIRMAN O'BRIEN: Mr. L'Amoreaux?
MR. L'AMOREAUX: Well, your term,
"clogging up," is something that you have created.
MR. RUTLEDGE: Traveling on and stopping
to make left turns on 571.
MR. L'AMOREAUX: Let me try to answer
your question. If you're coming from, let's say, the
extension on the SRI property, you pull up to the
roundabout, you make a right turn, and then you make a
left turn, okay? Which is exactly what would wind up
happening with with a roundabout if it was in the

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Page 43 1 same thing. You would have the same sort of pattern 2 of traffic coming the other way. 3 MR. RUTLEDGE: I'm sorry. Are you under 4 oath? 5 MR. L'AMOREAUX: I am under oath. 6 MR. RUTLEDGE: And that's your 7 professional testimony, that it's the same? 8 MR. L'AMOREAUX: Yes. And you're acting 9 like a traffic engineer and you're an architect. 10 CHAIRMAN O' BRIEN: Gentlemen, let's not 11 get personal. 12 MR. RUTLEDGE: I'm sorry. That is absurd 13 14 CHAIRMAN O'BRIEN: Let's stick to the 15 application. 16 MR. RUTLEDGE: It's absurd on its face. 17 It's absurd on its face, sir. 18 CHAIRMAN O' BRIEN: That's your opinion. 19 MR. RUTLEDGE: Stopping on a road -- on a 20 county road to make a left turn, and he says it's the 21 same as just going 180 degrees around a roundabout? 22 That's absurd on its face. 23 MR. L'AMOREAUX: I would like also to 24 point something else out. If you're going to connect 25 the east side to the west side, that assumes that the

1 two are going to be constructed at the same time. 2 MR. RUTLEDGE: No. 3 MR. L'AMOREAUX: 0kay. We don't know if 4 the Vaughn Drive connector is going to happen at the 5 same time as the SRL. 6 MR. RUTLEDGE: But we should plan for it. 7 That's why it's a Planning Board. 8 MR. L'AMOREAUX: We can try to plan for 9 it, but it won't necessarily happen. 10 MR. RUTLEDGE: So you're creating a 11 situation where it can't physically happen, sir. I 12 understand that you are a professional; I'm just an 13 architect. I'm not licensed as an architect. I've 14 worked on master plans for MIT, Yale, University of 15 Pennsylvania. I know what you've just described is 16 absurd, and that you stake your own professional 17 reputation on it, and represented the town with the 18 County and gave up what should have been done. That's absurd as well. You should be ashamed. 19 20 Thank you. 21 CHAIRMAN O' BRIEN: All right. I have no 22 other submitted input from a member of the public, so 23 we'll just open it up and -- yes, sir? 24 MR. SZEWCZYK: Eugene Szewczyk. 25 CHAIRMAN O' BRIEN: Please speak into the

Page 45 1 microphone, sir. 2 MR. SZEWCZYK: Eugene Szewczyk, 3 S-Z-E-W-C-Z-Y-K. 4 MR. MULLER: Do that again, if you can. 5 Raise your hand. Do you swear or affirm that the 6 testimony you're about to give will be the truth? 7 MR. SZEWCZYK: Yes. 8 MR. MULLER: So sworn or affirmed. State 9 your full name. And, I'm sorry. I'm going to ask you 10 again to spell your last name. 11 MR. SZEWCZYK: S-Z-E-W-C-Z-Y-K. I have 12 only two questions. 13 CHAIRMAN O'BRIEN: Your address, please, 14 sir. 15 MR. SZEWCZYK: One question. I might be 16 late because I haven't been --17 CHAIRMAN O'BRIEN: Your address, please. Your address. 18 19 MR. KARP: Where do you live? 20 CHAIRMAN O'BRIEN: Your residence 21 address. 22 MR. SZEWCZYK: 136 Washington Road. 23 CHAIRMAN O' BRIEN: Thank you. 24 MR. SZEWCZYK: So I live, basically, 25 right in the --

1 CHAIRMAN O' BRIEN: Speak into the 2 mi crophone. I'm sorry. We're recording this. Thi s 3 recorder here is for the Applicant, and our recorder 4 is --5 MR. SZEWCZYK: So I live probably halfway 6 -- mid from Route 1 to train station. 7 So my question would be: Any studies 8 have been done on the impact of traffic for so many 9 residents on Washington Road? Because not long ago 10 sometimes I try to make a left out of my property, and 11 it's backed up almost to the property. 12 Second question: For so many years 13 there's so much flooding coming right there by the Kraft Tennis Courts. Any studies done how would that 14 15 impact? 16 And with so many properties we should 17 consider lowering the taxes, because I'm near 18 retirement, and I think I'm being chased out of the 19 township. I've lived over here for over 25 years. 20 Thank you. 21 CHAIRMAN O' BRIEN: Well, hang on. You 22 may want -- need a clarifying answer from you. 23 I'll start with you, Jeff. Has any study 24 been done along the lines of what this gentleman has 25 asked?

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1	MR. L'AMOREAUX: Yes. I believe that	
2	I'm going to indicate, Mr. Rached is here, and his	
3	company, Maser Consultants, conducted a traffic impact	
4	study in, I believe, 2018.	
5	Am I right, Maurice, for this project?	
6	MR. HOFF: What was the date? Just	
7	respond when the traffic study was performed.	
8	MR. RACHED: We started doing the study	
9	in 2018. We published our first study in 2020.	
10	MR. SZEWCZYK: Where were they published?	
11	MR. RACHED: I'm sorry?	
12	MR. SZEWCZYK: Where were they published?	
13	MR. RACHED: November 1, 2020.	
14	MR. SZEWCZYK: Where? Where?	
15	MR. RACHED: They were submitted part of	
16	the application to the Planning Board, and the study	
17	should be available publicly.	
18	CHAIRMAN O'BRIEN: Mr. Surtees, is the	
19	traffic study on the website?	
20	MR. SURTEES: Yes, it is, Mr. Chairman.	
21	CHAIRMAN O'BRIEN: So	
22	MR. SZEWCZYK: So what about the impact	
23	on the	
24	CHAIRMAN O'BRIEN: And the second	
25	question you asked had to do with flooding around the	

1 tennis center. I don't think you were here last week 2 at the meeting where our township engineer, Mr. Guzik, 3 gave a rather thorough explanation about the potential 4 impact of this application on flooding. 5 And I point-blank asked him, was it his 6 opinion that this application would not exacerbate the 7 flooding condition? And he's here. He can contradict 8 me. His answer was it would not. 9 MR. SZEWCZYK: With so much impermeable 10 surface? Just few weeks ago Washington Road was 11 fl ooded. 12 CHAIRMAN O' BRIEN: I understand that. 13 Mr. Guzik, why don't you quickly, since 14 many people didn't hear you last week --15 MR. GUZIK: Thank you. 16 CHAI RMAN O' BRI EN: Thank you, sir. 17 MR. GUZIK: Yes. Good evening. Franci s 18 Guzik, township engineer. 19 Yes. In answer to the question there, 20 one of their many engineers performed a stormwater 21 management report and study. And, basically, they've 22 met and complied with the township's requirements for 23 stormwater runoff quantity control, which is reducing 24 peak flows after development from the existing 25 condition flows. They've met the requirement for

water quality improvements, and also met the
requirement for groundwater recharge where, after
construction, the site will still recharge as much
water into the ground as happens today under the
present conditions.

6 With regard to the flooding conditions, 7 what I explained at the last meeting was, after Irene 8 and the flooding that the township experienced, the 9 township hired a consultant, SWM Consulting, to do a 10 study of Little Bear Brook area. And the short, 11 unfortunate, answer is that the flooding that occurs 12 out there is primarily due to back water from the 13 Millstone River that uses the Little Bear Brook as a 14 storage area.

15 So for most of the people who've seen the 16 flow in the river actually reverse direction, that's 17 when that situation occurs and the flooding happens.

There is some minor flooding attributed to the storm sewer system, the collection system, on the side of the road in Washington Road because it's an older system. Some older corrugated metal pipes over the years have started experiencing sinkholes and collapses and reduced capacity.

24 So we are working with Mercer County to 25 try to improve some of those, in addition to the

1 improvements this project is going to do on their own 2 site for stormwater management purposes. 3 CHAIRMAN O' BRIEN: Fran, you're working 4 with the County because they own that sewer 5 infrastructure? 6 MR. GUZIK: Yes. Yes. That's a County 7 So anything within the right-of-way for the roadway. 8 road is Mercer County. So it's their funding, their crews, their permission needs to be obtained for any 9 10 work in that roadway. 11 So what you don't see on the plan in 12 front of you on the screen, it's a rendering of what 13 you see on the surface. If you were to fly over in an 14 airplane or send a drone up after construction, so 15 some of the areas in green that you do see that are 16 landscaped are some of the stormwater management areas 17 that they are proposing. But there's also a large 18 number of underground storage areas, which will be 19 either in perforated pipes or concrete vault chambers 20 that will be under parking lots and under roadways. 21 Okay. So there's -- one of the maps is pulled up. - I 22 believe they're the areas in pink. 23 Mr. Guzik, for the record it's MR. HOFF: 24 page 17 so the record's clear. 25 MR. GUZIK: Page 17 of the PowerPoint

Page 51 1 presentation that the Applicant put together shows the 2 different stormwater management areas that they're 3 proposing. So the ones in the yellow are the surface 4 basins, which you will see driving by after 5 construction, either grass or landscape bioretention 6 basins, rain gardens; things of that nature. 7 The ones that are pink are what's going 8 to be underground underneath parking lots or 9 underneath structures. That will also provide storage 10 up above that flood elevation, but will reduce the 11 peak runoff rates coming from the development. 12 So I hope that answers your question. 13 CHAIRMAN O' BRIEN: Next member of the 14 public? Yes, sir? And then the lady in the back. 15 Raise your right hand. 16 MR. MULLER: Do you swear or affirm the 17 testimony that you're about to give will be the truth? 18 MR. RUBBO: Yes. 19 MR. MULLER: So sworn or affirmed. 20 Please state your full name and spell your last name. 21 MR. RUBBO: Mario Rubbo, R-U-B-B-O, 6 22 Coventry Circle. 23 CHAIRMAN O' BRIEN: Thank you, sir. 24 MR. RUBBO: I noticed that demolition 25 looks like it started at the site. I don't know if

		Page 52
1	that's from the developer or someone else, but it	
2	looks like the the building, the fenced-in area,	
3	has started to get knocked down. I don't know how	
4	that is possible when, as far as I know, the	
5	construction of this development hasn't been approved.	
6	But, regardless, I guess my question	
7	would be maybe to the developer. What is a reasonable	
8	estimate of time for when the development construction	
9	would be completed and when, I guess, people would be	
10	moving in and traffic would start flowing?	
11	MR. HOFF: It would be a number of years.	
12	MR. RUBBO: Two years? A few years?	
13	MR. HOFF: More than two, I would think.	
14	MR. RUBBO: So then back to the concerns	
15	around Vaughn Drive extension. Two years is,	
16	basically, in my mind the deadline for when we need to	
17	as of now there's one way in and out of this	
18	development, high-density development, lot of cars on	
19	the road.	
20	CHAIRMAN O'BRIEN: Well, technically	
21	there are two ways in and out, but they're both off	
22	Washington Road.	
23	MR. RUBBO: I'm sorry. What is the	
24	second one?	
25	CHAIRMAN O'BRIEN: Road A, and where the	

1 proposed circle is.

MR. RUBBO: Yeah. But to your point - CHAIRMAN O'BRIEN: Still on Washington
 Road. Just wanted to clarify.

5 MR. RUBBO: Yup. Yup. So I guess, 6 again, I'm urging council to show some urgency for 7 trying to find some other solution for alleviating 8 what -- maybe I'm being cynical, maybe I'm being an 9 alarmist. But I strongly suspect that Washington Road 10 will turn into a parking lot as a result of all of the 11 units and all of the commuters that are going to be 12 living here.

So, you know, last week we talked about reaching out to someone at NJ Transit or whatever. It sounds like we just got a response in the past few days or something. I don't know what the reasonable expectation should be when you're trying to negotiate with all of these various organizations.

But I'm urging council not to lose sight of the fact that we, basically, have, I think, two years before, you know, many of us who live in the Long Meadow Exchange-Penns Neck area, I don't want to say trapped in our homes, but not to get too histrionic here. But it's going to be difficult, and the quality of life for us in that area is going to be

¹ seriously affected.

2 CHAIRMAN O' BRIEN: Mario, just to 3 clarify, you twice said you urge council. We're the 4 Planning Board. The council is the governing body. 5 But we got your drift. 6 MR. RUBBO: So that's it from me. Thank 7 you. 8 MR. MARATHE: The temporary extension 9 will happen in two years. The permanent Vaughn Drive 10 connection won't happen in two years, but the 11 temporary will happen in two years. 12 MR. RUBBO: Well, I mean, even that, 13 right? You require approval from a number of 14 competing parties with negotiations, and, you know, 15 lockdown and requesting something in exchange. 16 mean, it could go back. Worse case scenario as of 17 this point, whenever this is approved, which I assume 18 it will be, the clock starts ticking. We have about 19 two years of some sort of --20 MR. MARATHE: We've already started 21 background work. I fully expect to happen in two 22 years. 23 MR. RUBBO: Thank you. 24 CHAIRMAN O' BRIEN: Thank you, sir. Yes, ma'am? 25

		Page 55
1	Raise your right hand, please.	
2	MR. MULLER: Do you swear or affirm the	
3	testimony you're about to give will be the truth?	
4	MS. ANI CO: Yes.	
5	MR. MULLER: So sworn or affirmed.	
6	Please state your full name and spell your last name.	
7	MS. ANICO: Cammy Anico at 37 Fieldston	
8	Road. My last name is spelled A-N-I-C-O.	
9	CHAIRMAN O'BRIEN: Thank you.	
10	MS. ANI CO: Thank you.	
11	MR. MULLER: I'm sorry. Your first name	
12	was Tammy?	
13	MS. ANICO: Cammy with a C.	
14	MR. MULLER: Thank you.	
15	MS. ANICO: So I was curious about the	
16	traffic study. I thought it would be more	
17	illuminating to me, personally. I guess I was I	
18	don't can you explain what that involved, the	
19	traffic study? I understand the time was roughly	
20	and I think that's to this gentleman 2018 to 2020.	
21	But did you also sort of factor in or calculate the	
22	what it means to have 1,000 more estimated cars on the	
23	road?	
24	MR. RACHED: Yes, of course. This is	
25	actually	

CHAIRMAN O'BRIEN: Maurice --

MR. MARATHE: Can you use -- you can use
this mike.

1

20

4 MR. RACHED: Yes, of course we did. This
5 would be the crux of the traffic study we did.

MS. ANICO: Okay. And the traffic circle was sufficient for all this -- this number of cars -or let me ask this first: What was the assumption, in terms of additional cars on the road?

10 MR. RACHED: So we did a trip generation 11 analysis for all the uses, and we collected data for 12 the existing trips on the road. We added the two. We 13 analyzed before and after, and then we did a variety 14 of solutions, and this solution worked best.

MS. ANICO: How many cars -- just to repeat my question, how many cars, though, did you anticipate? Like, did you factor in? Were you assuming 1,000 more cars? 500 more cars? Does that question make sense?

MR. RACHED: Thank you.

MS. ANICO: I guess you're going to get a lot of questions tonight; you might as well get comfortable.

24CHAIRMAN O'BRIEN:Good observation.25MR. RACHED:So in terms of additional

Page 57 1 trips in the a.m. peak hour, we originally estimated 2 an incoming number of 164, and outgoing of 218. In 3 the p.m. the numbers would be 192 and 145. 4 MS. ANI CO: So just -- so just so that I 5 understand that, you mean, like -- so when you say 6 rides, you mean, like, an additional car on the road 7 at that time? 8 MR. RACHED: That is correct. Additional 9 trips. 10 MS. ANI CO: So out of, like, over 800 11 housing units, just --12 CHAIRMAN O' BRIEN: Cammy, what he's 13 quoting is a per hour number. 14 MS. ANI CO: Per hour? 15 CHAIRMAN O' BRIEN: Yes. 16 MS. ANI CO: I was like, yeah. Okay. 17 CHAIRMAN O' BRIEN: He's not trying to 18 mislead you. That's the way the traffic engineer does 19 their studies. 20 MS. ANI CO: Nobody's intention is being 21 impuned here. Okay. 22 MR. RACHED: And I did say the a.m. peak 23 and the p.m. peak. That means the a.m. peak hour and 24 the p.m. peak hour. 25 MR. MULLER: Can you explain what that

¹ hour is for the witness?

2	MR. RACHED: Yeah. Typically the a.m.
3	peak hour is between 7:00 and 9:00. It's one to
4	two-hour, or a range one hour in that range. And
5	the p.m. typically is between 4:00 and 6:00 p.m.
6	MS. ANICO: Just so you know, having
7	lived in the area for almost for 13 years this
8	month, you forgot the lunchtime hours. When the world
9	gets back to normal, you can't get out of our
10	neighborhood, even at lunchtime because all the local
11	workers are going, running their errands and going to
12	get their lunch and these sorts of things.
13	So I have a quick question about the
14	Vaughn Drive extension. What I know it's off in
15	the distance, but if you had to put a number, can
16	someone just give me a ballpark figure? I literally
17	can't I heard, like, in my lifetime. I don't know
18	what that means. Are we talking 10, 20? Give me a
19	number. Just guess; I won't hold you to it.
20	CHAIRMAN O'BRIEN: Yes, you will.
21	MS. ANICO: No I won't, honestly. I just
22	don't even know what to think.
23	SPEAKER: Thirty.
24	MS. ANICO: Thirty? Do I have 20?
25	MR. MARATHE: To be honest, I can't give

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1 you a number. If I give you a number, I'm just 2 picking a number out of a hat. So that's why I said I 3 can tell you that the temporary extension will happen 4 definitely. The permanent Vaughn Drive depends on 15 5 different factors that I don't control. 6 MS. ANI CO: Yup. 7 I had another random question, but it is 8 related to a suggestion I'm going to make, because I'm 9 going to finish out with some suggestions. 10 There was a Dinky transit rail survey 11 done a couple months ago. When will those results be 12 in? Because -- well, I'll tell you why in a second. 13 Does anybody know? 14 CHAIRMAN O' BRIEN: Jeff or Francis, do 15 you have any answer to that? 16 MR. GUZIK: I don't have an actual date, 17 but I do know that transit way is supposedly 18 completed. It's a gathering of information and our 19 assembling their listed options. I would hope --20 usually it's twice a year. So I think we're probably 21 beyond when they would release it for the end of this 22 year, so I'm hoping by spring of next year. 23 MS. ANI CO: Okay. 24 MR. L'AMOREAUX: That's what I understand 25 as well, Francis.

Page 60 1 MS. ANI CO: Good. So, as I said, I'm 2 from the area. I've lived there 13 years this month. 3 This is so scary to us because there's already so much 4 traffic, you know. We're all used to this concept of, 5 like, oh, I got to go to the grocery store. 0h, 6 lt's 5:00. I better avoid Route 1. Like, how shoot. 7 can I do that? But that's how we live every day on 8 Washington Road or navigating Washington Road. Like, 9 oh, it's this time. We got to make sure we get out a 10 little earlier or little later because we're going to 11 get to hit this and we're going to hit that. 12 My kids did sports in Princeton for a 13 little while. Like, crossing Route 1, you's sit 14 through three and four light cycles. This is serious 15 I mean, we're talking about ambulances and stuff. 16 school buses and everything like that. 17 So I really urge the Planning Board to 18 take that into consideration. And I'm going to make a 19 few suggestions. 20 Number one -- and you stole my thunder on 21 that Road A. Make that an absolute contingency on the 22 Planning Board approval. And that would be the sort 23 of interim one. But then, I mean, I guess you can't 24 make it contingent on the Vaughn extension; that's 25 sort of out of your hands right now. It just has to

1 happen. And when that does happen, you have to please 2 consider the Vaughn Drive as it reaches Alexander. 3 Right now Alexander Road, right now it's 4 two lanes. As you head over Alexander, let's say you 5 wanted to go toward, like, you know, Meadow Road to go 6 to Trader Joe's or something. There's -- you can --7 you have to get in the left lane or take a left or you 8 get in the right lane if you want to take a right turn 9 only onto Alexander Road. You can sit through three, 10 four, five light cycles there too. I would suggest 11 making that three lanes so there's a right, a 12 straight, and a left, or else that will be of no help 13 at all. 14 Does that make sense? 15 CHAIRMAN O' BRIEN: Before you go on, 16 there is potential salvation in another route, and 17 that is a roadway through the current SRI property. 18 MS. ANICO: I know. That's another 19 question I have. 20 CHAIRMAN O' BRIEN: Okay. 21 MS. ANI CO: What's the estimated time for 22 that; do you think? 23 CHAIRMAN O' BRIEN: As I understand it, 24 Sam, check me on this, there is discussion right now 25 at the TRC about something on the SRI property?

1 MR. MARATHE: I mean, let me answer that. 2 CHAIRMAN O' BRIEN: The Mayor --3 MR. MARATHE: SRI has been trying to 4 market the property for last three years. They' ve 5 indicated that they've gotten couple of developers to 6 talk to us. We don't have any full plan, but they've 7 been told that any plan they produce it requires them 8 to build that road through their property. 9 So they're fully aware of that, that we 10 will not entertain any proposal from them without that 11 So they're fully aware of that. road. 12 But right now there's no formal proposal. 13 But the company needs money. So they have told us two 14 things for sure: That they will definitely sell the 15 property, and, two, they will not leave the area. 16 They're going to lease from whoever buys the property 17 from them and maintain their presence. But they very 18 much know that whichever developer comes, needs to 19 have that road in any plan they bring to us. 20 MS. ANICO: Yeah. I've heard that, and 21 that is very promising. But, again, it's the time 22 frame that I find concerning, because that could be 23 five -- not even five years. That would be too soon 24 in my estimation. 25 MARATHE: I mean, the time frame MR.

1 depends on a lot of factors. This application was --2 this thing was approved in 2007, then the bottom fell 3 off the financial market. So anybody who makes an 4 application now, makes an estimate, needs to factor in 5 hundred different factors. I mean, if the economy 6 sours, who knows how long it would take? 7 MS. ANI CO: I'm sharing that it is 8 concerning that there will be such a lag in time, 9 that's all. 10 So my other suggestion would be a traffic 11 light at Washington and Wallingford, just to be active 12 maybe during these peak times in the rush hour in the 13 morning and in the evening so that we can get out of 14 our neighborhood and into our neighborhood. But maybe 15 blinking -- like a yellow blinking during the rest of 16 the time. 17 The other thing -- and the reason why I 18 asked about the Dinky survey, I would suggest, and, 19 again, it's out of my hands, but a biking and walking 20 path leading on the Dinky trail all the way to 21 Princeton. From Princeton all the way to this 22 development through to the Dinky station and/or the 23 New Jersey Transit station. This would take cars off 24 the road. I can imagine a lot of people biking to 25 work. You see them now. This way it would be safer,

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1 and it just would also -- all those adolescents that 2 are sort of underserved by this property, which I 3 share Linda's concern from last week, they would have 4 something to do. Get on their bikes, their 5 skateboards, their scooters and go up and down. Ιt 6 would just be a quality of life that could be 7 incredibly helpful. And, really, you could market it 8 as a town. And I do think it would help the project 9 succeed, because nobody wants this project to fail. 10 It behooves all of us for it to succeed, but it has to 11 balance with everyone else's needs. 12 CHAIRMAN O' BRIEN: Before you go on, 13 again, again, referring to the draft circulation plan 14 element that the Board is working on, in addition to 15 these applications, on bikeway and multi-use trail 16 facility map quad 0 -- on map two, quad one, there is a proposed pathway, as you've just described. 17 18 MS. ANI CO: As part of the project? 19 As part of the circulation MR. HOBERMAN: 20 element of the master plan. 21 CHAIRMAN O' BRIEN: Not part of this 22 application. It's a part of a master plan document 23 that the Board is working on separately from any 24 application. 25 MS. ANI CO: And would that go along the

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1 Dinky tracks or --2 CHAIRMAN O' BRIEN: Yes 3 MS. ANI CO: Oh, sweet. Very nice. 4 MR. GUZIK: I would just add also -- over 5 here, Gene, township engineer. That is one of the 6 options that transit is evaluating in that transit way 7 study. 8 And since I have your attention, I'll get 9 on my soapbox and say, if in the future you see a 10 request for your input as residents on a study like 11 that, and the results, I encourage you to get anybody 12 and everybody you can to respond to that, because 13 everybody assumes somebody else is going to vote in 14 favor of it. 15 And usually, from my years of working for 16 government, you only hear the negative. So it's only 17 if there's a problem that somebody comes to you and 18 says something. 19 So if there's something you're in favor 20 of, let them know that as well. 21 And knowing our Princeton neighbors, if anybody here is from Princeton, you know, no offense, 22 23 but there are a number of Dinky advocates who knows 24 what strings to pull to try to stop any change to the 25 system as it exists today. So all public input is

1 welcome and strongly encouraged. Thank you. 2 MS. ANI CO: Thanks. 3 And one more quick question. A slight 4 change. I know that the flooding on Washington Road 5 that is caused by the Millstone River is sort of out 6 of scope for this project. And I do believe -- you 7 know, I do believe you when you say these underwater 8 basins will help actually maybe improve flooding 9 somewhat. 10 However, what's happening to that big 11 Millstone River? I understand that's the County. Is 12 anything being done? Are they studying it? Do they 13 have suggestions? What's happening? Help us. 14 mean, this is crazy. Every time it rains heavy, we're 15 trapped. 16 CHAIRMAN O'BRIEN: Francis, you want to 17 handle that question? 18 MR. GUZIK: Sure. 19 So around the time period of Floyd, after 20 Floyd, which, I believe, was '99. So in the early 21 2000s the USDA conducted a study of the Millstone 22 River, and then the Army Corps also conducted a 23 separate study of the Millstone River in different 24 The USDA section was from Princeton and sections. 25 several towns downstream, and the Army Corps focused

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on poor Manville at the very end, who everybody reads
the papers get really inundated and experience the
most substantial loss every time there's severe
flooding of the Millstone.

5 Regretfully, both studies came back that 6 the cost benefit ratio of improving conditions to 7 alleviate flooding were less than one, which is their 8 trigger to provide federal funding for projects like 9 that to alleviate flooding. Which means that, 10 basically, they both concluded that it would be 11 probably cheaper to buy out the people who live there 12 so that they no longer get flooding, rather than doing 13 something significant to reduce the problem.

14 So with us being upstream even further 15 from those studies, you can imagine that the results 16 would even be lower than one, than what they concluded 17 for those studies.

MS. ANICO: Not good news. Well, thank
you very much.

20

CHAIRMAN O'BRIEN: Thank you, Cammy.

This lady over here is next, and then the lady -- lady or -- with the gray mask on, and then Mr. Stevens and then --

24 MR. MULLER: Do you swear or the affirm
25 the testimony you're about to give will be the truth?

1 MS. SIBILIA: I do. 2 MR. MULLER: So sworn or affirmed. 3 Please state your full name and spell 4 your last name. 5 MS. SIBILIA: My name is Sharon Sibilia. 6 My last name is spelled S, as in Sam, I-B, as in boy, 7 I-L, as in Larry, I-A. I live at 217 Washington Road, 8 which is between Wilder and Route 1. 9 I don't know that I believe that traffic 10 will be any better with this amount of people. I 11 think that it's already very dangerous to leave my 12 house when something happens. 13 So, for instance, when they tried -- when 14 they tried not having left-hand turns at Route 1, the 15 traffic was so bad that we could not leave our house 16 for about a month safely. Except for right-hand turn, 17 you could not turn left, because we're right at the 18 point where people are coming from Route 1, and 19 they've just gotten up to 45 miles an hour, and they 20 are ready to sail to the train. 21 And so unless you can see what's coming, 22 you cannot leave the house. And one of my neighbor's 23 daughters, who's 17, almost got killed on that road at 24 So I'm very concerned about the traffic. that time. 25 One of the concerns I have with this

Page 69 1 particular map is that you have an intersection where 2 a large number of people are going to be wanting to 3 turn left right at Route A -- Road A and Washington 4 Road. And if you have seen when a train comes out, 5 there are about 100 cars going around that 6 intersection, and they aren't going to be able to turn 7 left safely. And if somebody wants to turn left from 8 Washington Road onto Route A, they're going to backup 9 everyone coming from the train station, not to mention 10 everyone coming from the rest of West Windsor. 11 So my question is: Will there be a 12 traffic light there for safety? 13 CHAIRMAN O' BRIEN: No. 14 MS. SIBILIA: No? 15 CHAIRMAN O' BRIEN: But do you want to 16 talk about the left turn restrictions, please, Mauri ce? 17 18 MR. RACHED: Yes. So under the existing 19 conditions, which is what's happening today, the left 20 turn from Washington up the ramp to 571 fails. 21 MS. SIBILIA: Where? I'm sorry. I'm not 22 understanding. 23 MR. RACHED: If you're leaving the -- if 24 you're coming, the two left turns at the existing T 25 intersection today, the left turn up the ramp and the

1 left turn from the ramp to the train station, they
2 fail. And that's one of the reasons why we went to
3 this developer for this type of improvement, and
4 provided the roundabout, where the level of service
5 improves from failure, which is F, to a level of
6 service A.

Not only that, like I said before, I
don't want to repeat myself too many times, but the
roundabout provides several opportunities. One of
them is to connect into the SRI property. The other
one is to service more traffic.

MS. SIBILIA: There is nothing on the SRI property, and there will not be anything for 20 years, because we have been working on that for 20 years. So there is no road there. Don't talk about it like there is one.

MR. RACHED: I'm just telling you the
opportunity and the possibility that this will
provide.

Also, the -- like the Chairman said, leaving Road A in the p.m. peak and the a.m. peak is at two hours in the morning and in the afternoon, left turn is not allowed. So if you need to make a left to go towards Route 1, you would have to make a right, turn around the roundabout, and come back in that

¹ direction.

2 MS. SIBILIA: That's pretty cute. - I 3 don't know that that will happen. 4 But what about people turning onto -- how 5 do people get into your development? 6 MR. RACHED: Well, that also has been 7 taken care of by providing a separate storage lane, 8 which I testified to extensively at the last hearing 9 in terms of queuing capacity. 10 So we are doing an improvement and a 11 widening of the roadway so that vehicles making a left 12 turn in do not obstruct vehicle going straight on 13 Washington Road. 14 Okay. I have another MS. SIBILIA: 15 question. 16 MR. RACHED: For me? 17 MS. SIBILIA: Well, it's about the 18 traffic. 19 MR. MULLER: If I may just for a second, 20 if I may just for a second. Rick, can you identify 21 what's up there? 22 MR. HOFF: This is slide five. 23 MR. MULLER: Thank you. 24 MS. SIBILIA: Okay. In the two slides 25 that you showed, the one with the temporary fix, uses

Page 72 1 a road that is not currently there, but it also 2 intersects with a road that is a private road that 3 people are not supposed to use, right? It's not up to 4 code for anything. 5 And because of all the congestion that 6 you're going to have at that roundabout, people are 7 going to be turning right and using Station Drive as a 8 de facto exit. And where you don't think that they 9 will, they will be. 10 So you're going to have the two groups of 11 traffic meeting at that little tiny intersection, and 12 then trying to cross the Dinky tracks. And it seems 13 like no one thought about this before, and so you 14 don't have a plan, and I'm wondering if that plan will 15 be in place before this all gets approved. 16 CHAIRMAN O' BRIEN: Before when? 17 MS. SIBILIA: What? 18 CHAIRMAN O' BRIEN: Before when? 19 MS. SIBILIA: Before the application gets 20 approved. Is that part of the application? 21 CHAIRMAN O' BRIEN: We -- it's likely not. 22 MS. SIBILIA: No? And also --23 CHAIRMAN O' BRIEN: But you also heard 24 earlier an exchange between one of your fellow members 25 of the public and the Applicant's lawyer that it will

1 be a while before this project is anywhere near 2 completion. 3 MS. SIBILIA: Well -- but it needs to 4 have a roadway before it gets completed. And if 5 you're going to plan for it to be there, you need to 6 plan how people will leave it. 7 And also speaking about the flooding, if 8 you're going to improve that road, will you make it so 9 that it doesn't flood? You're going to realign 10 Washington Road so it goes to the traffic circle, and 11 are you going to take into account the fact that it 12 floods and make it so it doesn't flood so people can 13 get to the train station? 14 Because I live there, and we give 15 directions to people how to get to the train station 16 twice a year because they can't get through. And 17 that's my question: Are you going to make 18 improvements to the road while you're doing this so 19 that it doesn't flood? 20 CHAIRMAN O' BRIEN: First, the road you're 21 talking about is a county road, not a municipal road. 22 MS. SIBILIA: Yes. 23 CHAIRMAN O'BRIEN: Secondly, as I read 24 the drawings, one of which I have in front of me, the 25 effort of construction by Mercer County and the

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Page 74 1 Applicant to install what's on the screen will 2 probably end just northwest of Al Industry. 3 MS. SIBILIA: So, no, it will still flood 4 and people will still not be able to get to the train 5 station during a heavy rain event. That's fine. 6 Thank you very much. 7 CHAIRMAN O'BRIEN: You're welcome. 8 Yes, ma'am? 9 Raise your right hand, please. 10 MR. MULLER: Do you swear or affirm the 11 testimony you're about to give will be the truth? 12 MS. KAMPEL: I do. 13 MR. MULLER: So sworn or affirmed. 14 Please state your full name and spell your last name. 15 MS. KAMPEL: Sarah Kampel, K-A-M-P-E-L, 16 13 Wallingford Drive. 17 MR. MULLER: I didn't catch the first 18 name. 19 MS. KAMPEL: Sarah. 20 MR. MULLER: Thank you. 21 MS. KAMPEL: Mr. Chairman and --22 CHAIRMAN O' BRIEN: Sarah, if it be easier 23 for you to enunciate, why don't you slip your mask off 24 temporarily, and speak as close as you can to the mike 25 without touching it.

1 MS. KAMPEL: All right. So thank you for 2 the opportunity to speak. I've been attending these 3 as one of the 10 people on YouTube and in person, as 4 often as I possibly can. A lot of the points have 5 already been made by my neighbors. 6 As a fellow resident of Penns Neck, I've 7 been there for over 10 years. One question I had, 8 when you were reading the statement, you know, was 9 regarding emergency services. Two issues that we have 10 as residents in Penns Neck is, obviously, the traffic 11 and the flooding. And was there any kind of study 12 done in terms of emergency services, ambulances, and 13 how they would reach the new development if there is 14 flooding, which happens on an all too frequent basis 15 now. 16 I didn't hear anything about that. Just 17 a lot of -- lot about sprinklers and stuff for the 18 bui I di ngs. 19 But how are ambulances going to reach 20 this development if the road is flooded out, which

21 happens all the time in the summer now?

CHAIRMAN O'BRIEN: Well, if it's an
ambulance from West Windsor, they would come over
North Post Road and either enter -- go over the Route
64 bridge, Princeton-Hightstown Road bridge, into

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1 Washington and enter by the circle. Or if it's a 2 Plainsboro ambulance, they would come over Cranbury 3 Road and do the same thing. 4 It's only if an ambulance were coming 5 from Princeton, let's say, that they might be impacted 6 by flooding. 7 MS. KAMPEL: Okay. That's sufficient 8 then. I mean, it just seems to me like you might have 9 a circumstance where an ambulance, you know, the most 10 immediately available ambulance might be coming from 11 somewhere else and come up Washington and meet the 12 flooding and not be able to reach the development. 13 CHAIRMAN O' BRIEN: I understand that 14 that's a possibility. 15 MR. HOBERMAN: I'd like to ask a 16 follow-up question on that, Gene, and I'm hoping, Sam, your staff member could answer this, as many of the 17 18 citizens here tonight are Penns Neck residents. 19 Which ambulance company serves 20 specifically the section of Penns Neck from the Little 21 Bear Brook up to Highway 1? Is it served by West 22 Windsor or is it served by Princeton municipality? 23 MR. SURTEES: West Windsor has one 24 ambulance service and it services the whole town, and 25 there's mutual aid that comes from Plainsboro.

1 MR. HOBERMAN: Okay. And on that, does 2 mutual aid -- is it mutual aid actually happened 3 during these times of flooding upon Washington Road to 4 serve the section of Penns Neck between Little Bear 5 Brook and Highway 1? 6 MR. SURTEES: If there's a need, the --7 Chief Lynch will call in for mutual aid to come in and 8 assi st. 9 MR. HOBERMAN: Because, I mean, also the 10 flooding that we've talked about on Washington Road 11 sometimes it also simultaneously happens at Alexander 12 Road and Little Bear Brook, and so that compounds the 13 difficulty for emergency services to get to Penns 14 Neck. So I'm just extending your thought. 15 MS. KAMPEL: Thank you. And like my 16 neighbor said, we don't want to see this project fail, 17 but at the same time in this particular neighborhood 18 we're kind of getting the squeeze here. There's 19 development happening all around us. There's, you 20 know, the proposed gas station complex --21 CHAIRMAN O' BRIEN: Redevelopment plan. 22 MS. KAMPEL: -- that's going to be on 23 Route 1. 24 If, you know, the road that we currently 25 use is no longer able to be used to get in and out of

1 our neighborhood, that just puts us, you know, on 2 Washington Road. 3 CHAIRMAN O'BRIEN: Well, it hasn't been 4 deci ded. 5 MS. KAMPEL: I know. 6 CHAIRMAN O'BRIEN: I'm sorry to interrupt 7 Personally I would preclude traffic leaving the you. 8 redeveloped areas' parking lots into your 9 nei ghborhood. But I would want to see the road left 10 open for traffic -- you and your neighbors to get into 11 the development. And, if appropriate, exit onto Route 12 1 northbound. 13 MS. KAMPEL: We would like that as well. 14 Another question that I had was for the 15 traffic engineers. When the traffic study was done, 16 what was the peak traffic a.m., p.m. before the anticipated additional volume from the development? 17 18 CHAIRMAN O' BRIEN: Mr. Rached, we 19 appreciate your --20 MR. RACHED: Absolutely. 21 CHAIRMAN O' BRIEN: -- patience. 22 MR. RACHED: So we collected data on May 23 3, 2018, and on May 5, 2018. We also collected data 24 automatically for a whole week. In the a.m. peak, we 25

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collected data from 7:00 to 9:00, in the p.m. peak

		Page 79
1	from 5:00 to 7:00, and we found that the highest hour	
2	in the a.m. peak was 8:00 to 9:00. And we found that	
3	the highest hour for the p.m. peak was 6:00 to 7:00.	
4	And we also collected midday volumes, and	
5	we found that the highest was on Saturday between	
6	11:15 and 12:15 midday.	
7	MS. KAMPEL: Can you tell us the number	
8	of vehicles during those times?	
9	MR. RACHED: I can give you anything you	
10	need; just will take me time. This is a very	
11	complicated study. It's hundreds of pages.	
12	MS. KAMPEL: I think we'd all just be	
13	curi ous.	
14	MR. RACHED: It's been available on-line	
15	for quite some time.	
16	MS. KAMPEL: But like you said, it's	
17	complicated to kind of figure out. What we want to	
18	know is how much additional volume is this going to	
19	create compared to what we're currently used to	
20	seeing, which is a lot already.	
21	MR. RACHED: So right now, coming over	
22	the bridge into the turn into the turn coming to	
23	Washington, on that approach you have approximately	
24	875 trips going west.	
25	And going east, the highest number we	

Page 80 1 collected was 907. And you have similar numbers as 2 you go close to Route 1. 3 MS. KAMPEL: So a couple hundred more 4 each way? All right. 5 MR. RACHED: That's -- actually, it's 6 quite a bit -- I gave you on one roadway. When we 7 split our traffic, it splits on different roadways. 8 So it will not be 200 more. It would be quite a bit 9 less than that. More on one of these roadways. 10 MS. KAMPEL: But it all goes onto 11 Washi ngton? 12 MR. RACHED: I'm sorry? 13 MS. KAMPEL: It all goes onto Washington? 14 MR. RACHED: No. Some traffic will go 15 west and some traffic will go east. So traffic will 16 distribute, depending on where people are driving. 17 MS. KAMPEL: So when you say "west," are 18 you talking about traffic going onto the temporary 19 extension via Road A into the parking lot? 20 MR. RACHED: No. When I say west, ma'am, 21 they're going towards Route 1. And when I say east, they're going on 571 to 130, maybe to the Turnpike and 22 23 different destinations. 24 MS. KAMPEL: 0kay. All right. Well, I 25 just wanted to say as a resident, you know, once you

Page 81 1 approve this and it's done, it's done. And this has 2 been in the works for a very long time. 3 So I would urge the Board to really 4 consider making the best possible decision in the 5 interest of the residents who are already here when 6 you're thinking about all of these things. 7 So thank you very much. 8 CHAIRMAN O' BRIEN: Thank you, Sarah. 9 Mike, sir, in the back. Did you just 10 raise your hand? You'll be third. 11 MR. MULLER: Raise your right hand. Do 12 you swear or affirm the testimony you're about to give 13 will the truth? 14 MR. STEVENS: I do. 15 MR. MULLER: So sworn or affirmed. 16 Please state your full name and spell your last name. 17 MR. STEVENS: Michael Stevens, 18 S-T-E-V-E-N-S, 25 Fieldston Road. 19 And a fun fact. That property is the 20 closest to the development within the Long Meadow 21 Division by two or three feet, actually. 22 And also for a full disclosure, I'm also 23 a councilman for the township, and I sit on the 24 governing board. 25 I had a chance to review the traffic

1 impact study that you've been quoting when it was 2 dated December 11, 2018, and then updated as of April 3 22, 2021. And also by full disclosure, I'm not a 4 traffic engineer, but my training is in 5 pharmacokinetics and traffic flow and drug through the 6 body would be pharmacokinetics, use many of the same 7 equations, the concepts are the same between the two. 8 People are asking about the number of 9 trips. And from the updated April 22nd document, a.m. 10 peak, plus 353 trips. P.m. peak, plus 331 trips. And 11 Saturday peak, plus 459 trips. 12 Now, give you a little background. We 13 were talking about the Long Meadow-Penns Neck area. 14 I'm sorry, sir. MR. RACHED: I don't 15 mean to interrupt you, but the numbers you quoted are 16 not the same as the numbers I read, and I'd like to 17 explain why. 18 The numbers you're reading and I'm 19 reading now, 382 and 337, are in and out. So they're 20 The numbers I quoted I separated the out different. 21 from the in, because the two are looked at 22 differently. They use different roadways. So I don't 23 want people to mistake things and think that I 24 misquoted. I did not. You just added them up, that's 25 all. Thanks.

1 MR. STEVENS: Because they're all on the 2 same road at the same time. 3 MR. RACHED: No, they're not. So when 4 you have in and out -- let me explain, please. When 5 you have inward traffic and outward traffic, the 6 traffic coming in comes in on a separate approach. 7 And if you have a traffic signal, it is handled 8 separatel y. 9 If you have a circle, it is taking a 10 different capacity from the traffic that is moving in 11 a different direction. So the two do not conflict 12 with each other, and they are treated separately. 13 And that's why, when I was asked, I gave 14 them separately. Thank you. 15 MR. STEVENS: Yeah. The numbers that I 16 gave were from table two and in the April 22nd 17 document. 18 Okay. I want to explain what Long Meadow 19 is. Like I said, I live at the end of Fieldston, and 20 the Long Meadow development reaches back to Route 1. 21 There are currently 250, 251 single-family homes there 22 We have three main exits to get onto Washington now. 23 The biggest one is Wallingford, and then Road. 24 secondarily Fairview and Pierson Avenues. 25 At the same time we can get into the

development from Route 1 by turning on Varsity Avenue
to come in, or we can leave that way and then go Route
1 towards Plainsboro.

4 There is also a part of Fisher Place,
5 which is on the opposite side of Washington Road, and
6 Manor Avenue is the conduit to there.

7 What I want to testify to here is that we 8 all live there. Traffic backs up on Washington Road 9 routinely. Two Saturdays ago at 2:41 p.m. in the 10 afternoon six traffic lights had to go through before 11 I could get onto Route 1. And that's with the current 12 conditions. The traffic at that time is backed up to 13 Perna's Flower Shop, trying to get to Route 1. And 14 this was routine pre-Covid. It would be backed up to 15 Wallingford, making it impossible to take a left turn. 16 And so people will turn right and go through the train 17 station, sort of do the path that we're talking about, 18 to get over to Alexander to get out.

Now, the reason I bring that up is
because, when I looked through your analysis, you had
two analyses: One, the Alexander-Vaughn-Bear Brook
area, and also the Washington Road/Route 64, which is
the bridge. There was no mention whatsoever of the
circle at Washington and Route 1.

My question to you is:

25

Why was that not

part of the traffic analysis that was done, knowing
that putting this number of new vehicles on the road
coming and going are going to be trying to funnel
through that at the same time? Why was that not part
of the analysis?

6 MR. RACHED: There was a criteria that we 7 followed, which is nationally accepted, to determine 8 what we identify as the scope of the study. So we 9 used that criteria before we started the study back 10 in, I'm guessing, maybe 2018, and we shared that 11 information with the township. And we all agreed, the 12 township professional agreed, it was our scope of 13 study as to which intersections are to be analyzed. 14 You have to start someplace, because one can argue, 15 the same traffic will go up to the Turnpike and the 16 Parkway and different places, when you start 17 anal yzi ng. 18 So there is a criteria, and we used that

criteria. We came up with the scope as to which
 intersections need to be studied --

SPEAKER: What is that criteria? What is
that range? What is that criteria?
MR. STEVENS: Let me ask: What is that
criteria?

25

MR. RACHED: That is a criteria that is

1 published by New Jersey DOT. 2 MR. STEVENS: Is it a physical distance? 3 MR. RACHED: No. lt's -- you 4 (indiscernible) traffic, which we did, and then you 5 look at the different intersections in the vicinity, 6 and you determine which intersection is impacted by 7 looking at the increase in trips at these 8 intersections. 9 And there is a certain calculation you 10 do. And if that number exceeds 100, that this 11 intersection will become candidate for study. If it's 12 not over 100, then the intersection is not a 13 candi date. 14 But having said all of that, I have to 15 inform everyone here that this isn't as-of-right 16 application. In an as-of-right application by law the 17 Applicant needs only to take care of the traffic on 18 site and in the frontage. Off-site traffic is not the 19 responsibility of the Applicant. 20 We did, though. We went beyond. We went 21 beyond that. Brought this to the County and the 22 township, and we provided the community with an 23 improvement that has been needed for, actually, years, 24 with or without this development. 25 MR. STEVENS: Okay. So what I'm hearing

1 is that traffic that turns on Washington Road going 2 towards Princeton for you is out of sight, out of 3 mind? 4 SPEAKER: Well said. 5 MR. STEVENS: Effectively yes. No 6 responsibility for it. 7 So I would really like to see an analysis 8 done using that intersection, because that's where 9 those cars are going. That's where they're trying to 10 They will also be diverting down to Fairview get to. 11 onto Fisher Place to go to 1. That's going to impact 12 that as well. So there are impacts that are directly 13 due to this development that need to be taken into 14 consideration. 15 MR. HOFF: Mr. Chairman, can I respond to 16 that? 17 CHAIRMAN O' BRIEN: Yes. 18 MR. HOFF: It's important to note that 19 the Township of West Windsor actually has an 20 improvement criteria. So when you're a development in 21 West Windsor, Mr. Guzik's office, in conjunction with 22 Mr. L'Amoreaux's office, they prepare an analysis of 23 that development's impact on a host of improvements 24 that the Township of West Windsor has identified as 25 necessary in the entirety of their town. And each of

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those developments is provided a fair share
proportionate amount that would go towards that
identified improvement.

4 This project was no different. We were 5 provided an assessment of our share of all of those 6 improvements that West Windsor has identified as 7 necessary within its town to be incorporated overall. 8 Those improvements are not selected by any private 9 developer. They're selected by West Windsor Township, 10 and they put every single development through that 11 anal ysi s.

We were no different. Our obligation goes above and beyond that simple contribution, because we're contributing as part of that, a multi-million dollar improvement that is required by the relocation of Washington Road.

So while we're focused on that as part of
this application, it's because we're constructing.
But our obligation is being attributed to other
components of the -- of improvements throughout the
district -- throughout the township.
So it's unfair to say that we're not

contributing to that. We are, but it's offset against
 what we are doing by way of actual improvements. So
 those things are all considered. West Windsor does it

1 for every project that comes before it. 2 So it's -- it's not accurate to say that 3 we've just ignored those other things. We've been 4 asked as an applicant to construct improvements, 5 physical improvements that Mr. Rached said had been 6 needed for many, many years. 7 So it's not fair to focus on this as us 8 ignoring that. We're not. We are being assessed a 9 share of those overall improvements. 10 MR. STEVENS: Okay. Thank you. I can 11 understand that. 12 I think the Board should take into 13 account, though, what the effect is on the township 14 itself beyond the scope of what they're saying, 15 because we have to live with this. 16 Put on my fire department hat now and 17 You know, you said that ambulance could come respond. 18 down that way from, you know, the Dunkin' Donuts area 19 and get into the development. They're probably going 20 to the hospital. They still would have to go through 21 the flooded Route 1, or they're going to have to go 22 way around to get there. 23 So thank you. 24 CHAIRMAN O'BRIEN: I don't follow what 25 you just said. I was saying that if Washington Road

1 were flooded, then mutual aid would be called out from 2 Princeton to come eastbound across Route 1 to the 3 area. That's what I was trying to say. 4 MR. STEVENS: Yeah. But -- you know. 5 Okay. I understand. 6 MR. HOBERMAN: Michael, do I also 7 understand that your concern might be on the east side 8 of the township? Say, other side of the railroad 9 tracks that, for the need to get to, like, say Medical 10 Center of Princeton, and how the flooded areas would 11 affect the response time to get to the medical 12 center --13 MR. STEVENS: Yes. 14 MR. HOBERMAN: -- as an example? Am I 15 Is that where you're going? correct? 16 MR. STEVENS: Yes. For mutual aid. 17 Mutual aid has to come from outside and pick up the 18 person and go back out and get there. It can be done. 19 It's just not effective. 20 MR. HOBERMAN: But response times are 21 effective. 22 MR. STEVENS: Yeah. And I haven't seen 23 any (indiscernible) response times with the impact on 24 response times for emergency services with this 25 development.

Page 91 1 So my time is probably about up, so thank 2 you. 3 CHAI RMAN O' BRI EN: Thank you, sir. 4 Mr. Pierson, you're next in cue. 5 Ma'am, you'll be third. 6 MR. MULLER: Do you swear or affirm that 7 the testimony you're about to give will be the truth? 8 MR. PIERSON: I do. 9 MR. MULLER: So sworn or affirmed. 10 Please state your full name and spell your last name. 11 MR. PIERSON: My name is Guy Pierson, 12 P-I-E-R-S-O-N. I live at 241 Fisher Place, Penns 13 Neck. 14 This whole project, redevelopment of the 15 train station, spawned out of the EIS Bypass for the 16 Millstone/Penns Neck Bypass. 17 There was two times that they agreed, 18 that no development could take place on the Sarnoff 19 tract without having a bypass. And in conjunction 20 with that, there had to be a connection road between 21 Alexander Street and Washington Road to help 22 distribute the traffic between those two arteries. 23 That's why the previous mayor dedicated 24 -- actually, previous mayor petitioned and got the 25 Penns Neck area that's in question here redesignated

¹ as a blight area.

25

In fact, at that time all the buildings
were fully occupied and it was vibrant. So the
previous mayor got it. Part of that new development
was having a boulevard going from Washington Road to
Al exander.

Now we have an applicant in front of us
who, that road only goes as far as the development.
No traffic to transfer the area from two different
overcrowded roads.

11 So with that thing, I think that this 12 whole development is really short sighted. That we 13 need to -- in order for the development to go through, 14 to make sure that road between Alexander and 15 Washington gets built prior to the development.

16 My second thing is -- and I have to go 17 back to all our testimonies with the professionals, 18 especially the traffic engineer. When you do a 19 traffic study like this, how far -- when do you go 20 back and prove your theory? Do you go back and prove 21 your theory? Do you go back and do studies after 22 development? One year? Five year? Ten year, to see 23 what the effect it has on your development and what 24 effects on the area?

Think it's very short-sightedness if you

¹ don't do that and you continue to do that.

2 The second thing, I think it's very short 3 sighted on our township professionals who don't take 4 in consideration the arteries and the roads around the 5 development area, because we are in a bottleneck, 6 congested area. 7 So for them to approve any development 8 from the Applicant that doesn't affect Washington 9 Road, Fisher Place, no one's mentioned about the 10 detailed traffic that goes along Fisher Place. Di d 11 they do a traffic count prior to the pandemic to see 12 what the traffic is? 13 I think that you need -- the biggest 14 issue is the traffic around here. And, in fact, I 15 think less people will come because we have more of a 16 traffic issue. 17 So with that question, I just want the 18 traffic professionals to know, do you go back and 19 prove your theory one year, two years, five years, ten 20 years out? 21 CHAIRMAN O' BRIEN: Before anyone answers, 22 what do you mean by theory? 23 He's just saying -- he MR. PIERSON: 24 states all the traffic assumptions, this is what's 25 going to happen in our traffic studies. This is how

Page 94 1 many traffic units will be prevented or be per hour. 2 Do you go back five, ten years, see what 3 -- whether your testimony that you're giving to us as 4 a professional, in fact, is proven correct or 5 incorrect? 6 MR. RACHED: Okay. Mr. Chairman, how 7 long do I have to answer that question? I could write 8 a dissertation on this. 9 CHAIRMAN O'BRIEN: If you could 10 abbreviate it. 11 MR. RACHED: The short answer is yes. As 12 a matter of fact, Avalon has hired me in the past to 13 go back and look at things, and it was spot on, as we 14 had expected. 15 I'll give you a second answer. All these 16 studies that we did, they're based on decades and 17 decades of data collection studies and research. Thi s 18 is -- I'm not introducing something new. That 19 information is very, very solid. And it's used all over the nation. 20 21 MR. PLERSON: The only thing I have to go 22 on is all the development we've had in West Windsor 23 that is all not going to be affected. We all think --24 the residents know how much traffic there is in 25 today's world, and so a lot of these theories that

Page 95 1 come in question, some of these things that you're 2 supposed to be going back and proving, you know, to me 3 it just seems like it's words said before in order to 4 get the Applicant and get the Planning Board to 5 approve, and then you walk away and that's it. 6 So that's my testimony tonight. Thank 7 you. 8 CHAIRMAN O' BRIEN: Thank you. 9 Sir, in the back with the gray shirt. 10 Raise your right hand. MR. MULLER: Do 11 you swear or affirm the testimony you're about to give 12 will be the truth? 13 MR. GUMKOWSKI: Yes. 14 MR. MULLER: So sworn or affirmed. 15 Please state your full name and spell your last name. 16 MR. GUMKOWSKI: Michael Gumkowski, 17 G-U-M-K-O-W-S-K-I. 204 Washington Road. 18 CHAIRMAN O' BRIEN: Michael, try and be as 19 close to the microphone as you can. Thank you. 20 MR. GUMKOWSKI: Okay. So just wanted to 21 say that, first of all, I'm inspired by Cammy and all 22 the other neighbors who spoke. I haven't spoken in 23 I haven't come in probably 25 years. thi s. But I 24 lived here for about 25 years. So I remember the 25 bypass discussions and the promises and temporary

Page 96 1 solutions that, of course, things never happened. 2 So I just want to state about the 3 traffic, right? I live right on Washington Road. 4 When I need to turn left when I go to work, you know, 5 I have to just hope for the best that people actually 6 Or else what I do -stop. 7 CHAIRMAN O' BRIEN: Michael, excuse me. 8 When you say turn left, does that mean going towards 9 Princeton? 10 MR. GUMKOWSKI: Going towards Princeton, 11 toward Route 1. I -- you know, it's impossible, you 12 know. Sometimes if I follow the traffic rules I would 13 have to wait an hour. So I just have to slowly edge 14 in or else what I do, I take right, I take another 15 right, go through the neighborhood, and see people 16 walking dogs or kids playing. Not best. 17 This is all. I'm not a traffic engineer. 18 I'm a different sort of scientist. But I know that 19 this clearly is going to make it much -- way, way 20 worse, if it possibly could be even worse. But, 21 anyway, that's what I want to say as a background. 22 And, by the way, 20 some years ago I 23 moved here in '96, when Millstone bypass is coming? 24 Some people ask, when will things happen, right? 25 We're saying, oh, Millstone bypass is coming. 0f

1 course it never happened.

2 So I don't trust temporary solutions. 3 There was some temporary solutions: We'll put 4 temporary traffic light in your driveway. I'm glad we 5 didn't do it. 6 So I have -- you know, so I just wanted 7 to voice my frustration, I guess. I'm glad I came 8 here. 9 Thank you for whoever put the flier on my 10 -- in my mailbox. 11 So I think -- I hope that mayor and the 12 council and everybody would really worry about us, the 13 residents, and that we need to make -- I really hope 14 we can make this approval conditional. For example, 15 either the Vaughn extension, the yellow one, not the 16 temporary one; that's a joke. Or else the Millstone 17 bypass. I hope that could happen, you know, but 18 that's number one. 19 Point number two, or else, you know, just 20 listening here, I actually hope that the Road A, if we 21 cannot have the Vaughn extension to distribute the 22 traffic, let's stop the Road A access to -- actually, 23 to Washington Road. But because -- actually, the more 24 smoothly you make the traffic go around this new 25 circle and the extension, the more smoothly the

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Page 98 1 traffic flows, the worst, actually, for us it's going 2 to get. It's going to be even more stuck on 3 Washington Road, if it could possibly be more stuck, 4 right? 5 So I hope, like, hey, let's wait for 6 Vaughn Drive. Let's not make Road A. Even if you go 7 with the project, stop Road A access -- Road A access 8 to Washington Road until you have proper Vaughn 9 access. 10 In a way I'm being contrary here. Make 11 it harder. If all else fails, maybe we can get, you 12 know, mayor, like, 50 percent tax rebate. lt's our 13 safety, our value of the house. 14 Thank you. No questions. 15 CHAIRMAN O' BRIEN: Thank you. 16 Ma'am, please raise your right hand. 17 MR. MULLER: Do you swear or affirm the 18 testimony you're about to give will be the truth? 19 MS. PERCIALI: Yes, I do. 20 MR. MULLER: So sworn or affirmed. 21 Please state your full name and spell your last name. 22 MS. PERCIALI: Perciali, P, as in Peter, 23 E-R-C-I-A-L-I, and Rodica, R-O-D-I-C-A, at 114 24 Washington Road. And my husband, he's an architect. 25 CHAIRMAN O' BRIEN: Excuse me, ma'am.

1	Before you start, I think you came in after I
2	announced what the ground rules were for comments.
3	Mr. Surtees is I'm allowing six minutes per person
4	to comment. Mr. Surtees is keeping time.
5	MS. PERCIALI: Good.
6	CHAIRMAN O'BRIEN: If at any point
7	somebody from the Applicant or our staff needs to
8	answer a question, that time will not be counted
9	against you.
10	MS. PERCIALI: Okay. Thank you.
11	Generous.
12	Yeah. I have some questions and I have
13	some comments, but they are oriented to solutions. I
14	wouldn't have come again if I didn't want to just
15	insist for solutions. Because as I see, and I'm a
16	teacher, so and I analyze a lot of things. And I
17	gain a lot of experience here when the project the
18	previous project, how many years ago, eight? The
19	Hillier project was discussed and how well it was
20	presented in the press, which yours is not. On
21	panels, on the people being allowed to come to see.
22	Some people got to know right now. Almost everything
23	was hidden. And it's only because I didn't have time
24	to call on media, which I'm very scared to.
25	There are 40 articles in newspapers

Page 100 1 around this country about me. So the point is that 2 I'm disappointed not on them; they are doing their job 3 trying to do the best for their interests. Μv 4 disappointment is you, because, first of all, you knew 5 -- you knew well what are the problems for many years. 6 And under this mayor, nothing was done. 7 So right now what do we do? Okay. 0f 8 course you have to do Vaughn Drive, of course. I 9 mean, there is no question. And of course it must be 10 The issue is, what did you do? conditional. Because 11 what we need to know what is -- what is the property? 12 The property is -- belongs to New Jersey Transit? 13 Belongs to you and belongs to the County? What is --14 can you tell us? 15 CHAIRMAN O' BRIEN: Which property? 16 MS. PERCIALI: The parking lot where the 17 Vaughn Drive. 18 CHAIRMAN O' BRIEN: The latest information 19 that I believe our traffic engineer has found, Mr. 20 L'Amoreaux, is that it's owned by New Jersey 21 Transit -- New Jersey Department of Transportation. 22 MS. PERCIALI: Just by them? Just by 23 Only by them? Only by New Jersey Transit? them? 24 MR. L'AMOREAUX: And Amtrak. 25 MS. PERCIALI: And Amtrak? Okay. Soif

I made you a point last time. What I'm disappointed is that for so many years you could not discuss with them. You could not develop cooperation. We are living in times of good activity, and you are not created by any means. But you don't even bring us to discuss, never, never.

7 So that is the point. I'm sorry for the 8 project. You knew that this would dry up. So I am 9 proposing that you should have a task force. I don't 10 know if the project would be delayed, maybe not. 11 Maybe we should go first. I am proposing that you 12 should have a task force and meet with the New Jersey 13 Transit and bring 100 of us if needed, okay, so that 14 we will convince them on the other side.

15 Another point that I have is related to 16 children and related to the fact that teenagers don't 17 have a place to play. Now, that's not so simple. 18 Because there will be accidents. And mayor said 19 something that I believe, if it was in the newspaper, 20 he would not be a mayor anymore. He said, oh, let 21 them -- they will find a place to knock the ball on 22 the walls like in India. That's what he said, so --23 MR. KARP: I'm the one -- I'm the one 24 that said that, throw the ball against the wall. 25 grew up in Queens. And that's what we used to do. So

I'm the one that said it, not the Mayor. Wasn't the
 mayor.

3 MS. PERCIALI: Okay. I am sorry. l'm 4 Well, that was a very bad comment because, sorry. 5 first of all, it's not the ball. It's the fact that 6 those kids cannot -- they will tend to go to the parks 7 and there will be accidents, many accidents for sure, 8 because some of them are younger, some of them are 9 teenager. And, I mean, I cannot even imagine. So no 10 -- there is a need for that now.

11 The project might not afford a lot of 12 space, but what about Sarnoff? And what about you 13 talking with Sarnoff for -- I mean, you knew that you 14 need more space. And I do have a question for the 15 They met Sarnoff because you did all the project. 16 It was Sarnoff accommodating you. roundup. l feel 17 that they did. So Sarnoff, I understand they want to 18 So I'm sure that if they here and if they -- if sell. 19 we convince them again, we go a lot of them and beg 20 them, maybe they would allow more space and then --21 then you have a playground.

And also I'm not sure if you turn there might help in any way, maybe not. Maybe they will give more space so that you can do a larger road or something; I don't know. But then, of course, what do

Page 103 1 you do about the alternate road? Why the alternate 2 road that was talking about for so many years? What 3 did you do? Did you put any pressure on anybody? Did 4 you bring us to put pressure? No. And that's what 5 I'm very dissatisfied. And I want you to start 6 working for us. Thank you. 7 CHAIRMAN O' BRIEN: Thank you. 8 Sir? MS. PERCIALI: 9 And bring us in. 10 Raise your right hand. MR. MULLER: Do 11 you swear or affirm that the testimony you're about to 12 give will be the truth? 13 MR. RUCEWICZ: I do. 14 MR. MULLER: So sworn or affirmed. 15 Please state your full name and spell your last name. 16 MR. RUCEWICZ: Good evening. Sean 17 Rucewi cz. That's S-E-A-N R-U-C-E-W-I-C-Z. 18 MR. MULLER: Could you say that again? I 19 apol ogi ze. 20 MR. RUCEWICZ: Sean, S-E-A-N, Rucewicz, 21 R-U-C-E-W-I-C-Z, 248 Fisher Place. Rest easy in the 22 back corner. 23 You know, I understand everybody's done 24 what they were supposed to do, and perhaps even gone 25 beyond what they were supposed to do, and I appreciate

1 that certainly. But to echo the sentiments of all of 2 my neighbors, and some of the people that have stepped 3 forward already, you know, as a resident of Fisher 4 Place, and as someone who walks my dog and rides my 5 bike in the neighborhood, I work at the university, I 6 cross Route 1 on my bicycle, on my motorcycle, and my 7 car, on foot, I would say that the increased traffic 8 is going to be a problem. Whether or not it falls 9 under the purview of this development, you know, 10 that's beyond me. And I think we've determined that 11 it does not. 12 However, the reality is that we all, as 13 residents of the neighborhood, will have to live with 14 it. And it should be addressed by the township in 15 some way, shape, or form. 16 I appreciate the SRI, you know, 17 That's very appealing. But, you know, possibility. 18 as we've already said, that's tentative and there's no

¹⁹ clear time line for, you know, any execution there.

But currently, and certainly with this development, Fisher Place and Varsity become, as well as Washington and subsequently Alexander, will become bottle necked, as we have already determined.

And I think that there are possibilities. I can't quite name them certainly myself, but I think

it's certainly worth discussing and exploring for
making those roads safer.

3 Fisher Place is marked as a two-lane road 4 within the New Jersey literature, but it's not marked 5 as such on the actual road. Traffic flows in both 6 directions, but there's no clear path for people to 7 walk there dogs with their kids, whatever. lt's a 8 25-mile-an-hour road, but very few people abide by 9 that.

And having walked on Varsity Avenue, I've
experienced much the same.

And I think there's a lot of potential for abuse, especially once there's an even higher number of cars moving through those roads, which is inevitable.

16 So this isn't so much -- this is a 17 comment and a suggestion for the future, and I suppose 18 a bit of a warning that I will be -- I will be 19 attending these meetings more often and harassing you 20 about this. But I think that there's a lot that the 21 town could be doing to improve the safety and the 22 traffic flow through those roads that is not currently 23 being addressed. Thank you.

CHAIRMAN O'BRIEN: Before you go away,
 Sam, when is the next date on which we expect to talk

Page 106 1 about the circulation plan which involves our 2 roadways? 3 MR. SURTEES: November 3rd. 4 MR. RUCEWICZ: I'll see you there. 5 CHAIRMAN O' BRIEN: That would be a good 6 date if you want to talk more about the road system 7 and how we might do something about it. 8 MR. HOBERMAN: And the circulation plan 9 element is on the township website to read. 10 MR. RUCEWICZ: Wonderful. 11 MS. GEEVERS: It's a draft. 12 CHAIRMAN O' BRIEN: The draft that I've 13 been --14 MR. RUCEWICZ: Yes. Thank you. 15 CHAIRMAN O' BRIEN: Thank you, Sean. 16 Yes, ma'am? 17 MR. MULLER: Do you swear or affirm that 18 the testimony you're about to give will be the truth? 19 MS. HALDERMAN: Yes. 20 MR. MULLER: So sworn or affirmed. 21 Please state your full name and spell your last name. 22 MS. HALDERMAN: My name is Laura 23 Halderman. That's H-A-L-D-E-R-M-A-N. CHAIRMAN O'BRIEN: Of car dealer fame? 24 25 MS. HALDERMAN: It's an R in there, so

1 different. Similar but different. No relation. 2 So --3 MR. HOBERMAN: Address? 4 MS. HALDERMAN: Right. Sorry. 17 5 Fieldston Road. So I'm in the Long Meadow 6 nei ghborhood. So much of what I'm going to say 7 everyone has said, but I'm going to say it to, 8 hopefully, drive home the importance of this issue and 9 the fact that it is a major concern for me and for my 10 nei ghbors. 11 So whenever I go to work, I have to exit 12 out onto Washington and turn left towards the 13 intersection of Washington and Route 1. And as you 14 have heard, it is often a very difficult left to make. 15 And what I wanted to say about the general traffic 16 that we observe is that that's on a good day. That's 17 on a normal day. But there are many, many times when 18 some extra thing happens. It can be flooding; that's 19 But it can be sort of any number of the worst. 20 things, like an accident somewhere maybe even on 21 Princeton-Hightstown Road that kind of throws things 22 off. Or something on Route 1 that can happen that can 23 really throw traffic off.

There's many times where we have an extreme amount of congestion on Washington that is

1 unexpl ai ned. From my perspective, living in this area 2 and thinking about 900 residents with -- not exactly 3 sure how many people you estimate to eventually live 4 there and potentially drive, I understand the numbers 5 from the traffic study that have been estimated. То 6 me it almost seems like that's a permanent extra that 7 will implode the traffic situation that we have on a 8 good day. And it will be more often that we will 9 experience the very bad day on Washington Road.

10 So I understand that the developer has 11 gone beyond what they were expected to to help 12 construct a plan for the circle that we see. But 13 everything that has been presented so far, whether 14 it's the Vaughn extension, whether it's the traffic 15 circle plan, everything surrounding this, this 16 development feels very myopic to me.

And so I know it's not the developer's plan to solve all of our problems on Alexander, all of our problems on the intersection of Route 1 and Washington, and anything that's not pertaining specifically to this development.

So I would urge, whether it's the planning committee, the city -- I'm sorry. I don't know the complete inner workings of the different departments here, to think much more broadly. Maybe

this is the circulation plan that you're referencing.
But to really think much bigger about all of these
major -- these major streets that all kind of feed
into the traffic patterns that are in this very high
traffic important area.

And I think one of the draws to our area is the fact that we can get to the train station. And that's a major artery, obviously, to New York and even to some extent using Amtrak and SEPTA from Trenton, et cetera. So we have a reason to want to let people get here easily and get around easily.

12 So that's just -- I urge you to please 13 try and think of a bigger plan for how we can just 14 generally improve the traffic.

15 Then I just had two questions if I 16 actually have time. So, one, I'd like to understand 17 from the study, what are the assumptions that you put 18 into your ins and outs of traffic? Because if there's 19 900 new residences, and only approximately 129 in or 20 -- I can't remember how many you said now, and out, 21 why are you assuming so few would be leaving? 22 CHAIRMAN O' BRIEN: As I explained 23 earlier, the numbers that the Applicant's traffic 24 engineer provided were for one hour. So that if 900

²⁵ people do happen to live in the new area, I think it's

1 safe to assume they're all not going to be going out
2 on the roads, because this is a train station
3 development. And the number of cars leaving or coming
4 in are going to be fewer than the total number of
5 residents.

But those were per hour numbers, and
that's what's important to recognize. That doesn't
make you any happier that we're adding traffic if we
approve this, but those are per hour numbers.

10 MS. HALDERMAN: Well, I didn't Okay. 11 know if there was some assumptions built in that they 12 would be mainly commuters that would be taking the 13 train as their primary transportation, and whether we 14 see a resuming of this sort of pre-Covid levels of 15 commuting, I think, is still kind of interesting to 16 think about.

17 CHAIRMAN O'BRIEN: Well, the number of 18 counts started in 2018, Mr. Rached told us. So that 19 was certainly pre-Covid. The report was filed in 20 2020.

MS. HALDERMAN: Okay.

CHAIRMAN O'BRIEN: But I think the
 detailed counts were taken pre-Covid.

21

MS. HALDERMAN: Assuming those levels of
commuting and whatnot. Okay.

Page 111 1 MR. RACHED: Thank you, Mr. Chairman. 2 MS. HALDERMAN: And then I did have a 3 second question, but I think I've already forgotten 4 what it is. But that's all I have. Thank you. 5 CHAIRMAN O' BRIEN: Thank you. 6 MR. MARATHE: Gene, can I ask a question? 7 Couple of people mentioned about this. Is the traffic 8 model that is Avalon (indiscernible) available model 9 that you use? 10 MR. RACHED: It is available, and I didn't 11 make any assumptions. Everything was done 12 scientifically. If you hire any traffic engineer that 13 follows the national criteria for accepted standards, 14 that traffic engineer will end up with the same 15 numbers. 16 I mean, I'm not traffic MR. MARATHE: 17 engineer, but I feel the same issue that you talked 18 The model they uses is universally available. about. 19 So, technically, anybody else using the model should 20 get the same numbers that they do. Now, I can't 21 judge, but there's a number on how many cars will 22 senior-only unit produce? How many cars will assisted 23 living produce? So those are -- numbers are 24 nationally available. They use the numbers. 0ur 25 traffic engineer verifies that they've used the

1 numbers correctly. They haven't fought that. 2 And I have to believe our traffic 3 engineer when he says that he looked at the model and 4 the model looks reasonable. And model is based on 5 whatever the national studies are. 6 So it's not randomly picked out of hat. 7 It's something that's standard. I mean, two people 8 asked the question about the model. 9 MS. HALDERMAN: Right. I just wanted to 10 say too that when I said the word "assumptions," I 11 didn't necessarily mean that you just, like, made up 12 something. 13 I have a science background where models 14 are done and you make certain assumptions about your 15 I was really speaking more to that, like, models. 16 what kind of inputs were you thinking for your model? 17 But it was fundamentally something, you know, related 18 to, what do we imagine these people are going to be 19 doing for their -- you know, for their jobs and 20 whatnot? Will they be doing it locally? Will they be 21 taking the train? And I think that is relevant for, 22 you know, this development and, you know, these 23 people. 24 I struggled with that, when MR. MARATHE: 25

I look at that, I -- because I -- I take Washington

Page 113 1 Road twice every day to go to work and come back. And 2 it's pre-Covid level, and, sorry, but sometimes I take 3 Fisher too if Washington is too crowded. 4 So I know exactly what you're talking 5 about. And I still go with that too, but I have two 6 experiences that I can tell you. The one at Millstone 7 when they put the two traffic lights in. l was 8 worried whether the cars will back up. It's worked 9 beautifully. What they said worked really well. 10 And I was the one -- I was very worried 11 on Canal Pointe Boulevard. I opposed that three 12 I was worried that the model they used will thi ng. 13 not work. My comments, I was thinking the same way. 14 They're building 400 units at the end of the road. 15 That road is going to be crowded. That has worked 16 beautifully. And they're both pre-Covid. 17 So then I have to at some level take our 18 experts at faith because we pay them to be our 19 experts. 20 MS. PERCIALI: But there's still traffic. Why are you talking? 21 22 CHAIRMAN O'BRIEN: Excuse me, ma'am. 23 You' ve had your chance. 24 We are going around. MS. PERCIALI: 25 CHAIRMAN O' BRIEN: We've been here for a

Page 114 1 little less than two and a half hours, and this young 2 lady sitting in front of me hasn't had any wiggle room 3 at all. So I'm going to declare a 10-minute recess so 4 that she at least gets a chance to stretch. And 5 anyone else who wishes to stretch may do so also. Ten 6 minutes, please. 7 (Short recess was held.) 8 CHAIRMAN O' BRIEN: Thank you, everybody. 9 Yes, ma'am? 10 MS. HOLMES: Ready. 11 CHAIRMAN O' BRIEN: So are we. You make 12 it sound like you're going to a slaughterhouse or 13 something. 14 MR. MULLER: Before this witness starts, 15 I just want to make just one quick announcement. Mr. 16 Rutledge had submitted a plan to the staff that was 17 circulated to the Planning Board for a really 18 alternative circulation plan. And Gene is showing it 19 I'm going to have that marked as Exhibit 01, now. 20 okay? 21 Then if you could --22 MS. HOLMES: Thank you. 23 And if you could raise your MR. MULLER: 24 right hand. Do you swear or affirm the testimony 25 you're about to give will be the truth?

1	
1	MS. HOLMES: I do.
2	MR. MULLER: So sworn or affirmed.
3	Please state your full name and spell your last name.
4	MS. HOLMES: Dorothy Holmes, H-O-L-M-E-S.
5	I live at 19 Wallingford Drive in Long Meadow, and
6	I've lived here for 20 years. And I know right before
7	the break, Mayor, you were saying that the models
8	work. And I appreciate that. And I appreciate the
9	traffic study, although now we know that it's flawed
10	because it did not include the circle at Route 1,
11	which is probably the most important part of it.
12	But despite all of that, the fact that
13	everyone is getting up here tonight, people who have
14	lived here, like me, for 20 years, we're telling you
15	that traffic is awful. So even if there are only 50
16	houses, that would make the traffic that much worse.
17	There's clearly way more than that in the development.
18	So no matter what happens, the traffic,
19	it's going to be worse. And it's already horrible.
20	So it's kind of hard to imagine how much worse it can
21	get.
22	So, again, just reiterating what all of
23	my neighbors have said. Just please do everything in
24	your power to come up with a better plan and a quicker
25	plan because, obviously, this is going to happen long

		Page 116
1	before any of the other connectors are going to	
2	happen. So it's going to be a disaster. Even if it's	
3	only for a few years, it's going to be awful. And	
4	that's going to drive property values down, quality of	
5	life is going to go down, and it's just it's really	
6	unfair. So please do what you can. Thank you.	
7	CHAIRMAN O'BRIEN: Yes, ma'am?	
8	MR. MULLER: Do you swear or affirm that	
9	the testimony you're about to give will be the truth?	
10	MS. FOY: I do.	
11	MR. MULLER: So sworn or affirmed.	
12	Please state your full name and spell your last name.	
13	MS. FOY: Colleen Foy, F-O-Y, 4 Manor	
14	Avenue. Good evening.	
15	CHAIRMAN O'BRIEN: Good evening.	
16	MS. FOY: I have a background in	
17	commercial refinance. I know Avalon well. A couple	
18	of comments here on the development. I've lived in	
19	Penns Neck for 30 years. I would like to emphasize a	
20	regional consideration of the traffic flows due to	
21	individual approvals for specific redevelopments. It	
22	can't be it's not typically taken into account.	
23	But we know now with this development, putting 900	
24	plus cars on the road, the flooding that occurs on	
25	Washington Road at the tennis center will continue.	

We're still moving forward with the development, but
that flooding will happen quarterly. It will clog up
every car on that road. They won't be able to move
for a day or two. They'll be dumped out onto
Al exander Road.

6 So emphasizing that, that Vaughn 7 connector would have to be done as soon as possible. 8 I'm not sure why it can't be tied in with timing on 9 the project.

10 CHAIRMAN O' BRIEN: Well, to that point, 11 you heard Mr. Hoff report on the fact that they are as 12 an Applicant, like all of the commercial applicants, 13 or even residential, they are assessed a certain 14 amount of money for transportation improvement fund, 15 or whatever the official word is. And money that's in 16 that fund can be used by the -- does get used by the 17 municipality to fund projects for which we are 18 responsible. So the Vaughn Drive extension is a 19 candidate to be partially or fully funded from that 20 I don't know how much money is in there, but amount. 21 there is a process that the municipality uses that Mr. 22 Guzik, our township engineer, oversees. So the money 23 that comes in today doesn't get spent today by an 24 Applicant, but it's available to be used.

25

So I personally don't feel that the

Page 118 1 community should be discouraged that the Vaughn Drive 2 extension or connector is not going to happen or that 3 it's going to be a decade before it does happen. Т 4 think there's a need that's recognized in conjunction 5 with this development as a part of the Princeton 6 Junction redevelopment plan. So I'm just suggesting, 7 don't give up hope. Have some faith. 8 MS. FOY: Well, I think it's imperative 9 because you're going to have flooding, and it's 10 probably going to happen every quarter. l've lived 30 11 It gets worse and worse from the years here. I know. 12 back flow issue that they referred to. 13 So you can expect that the residents will 14 not be able to go west on Route 1 once a quarter. 15 They'll be stuck, so they have to go that other way. 16 So regional view focus. 17 So Sarnoff redevelopment, SRI 18 redevelopment, I know there's nothing yet in the 19 We don't know what will happen there. works. But 20 there is a plan, meaning an approved as-of-right plan, 21 for a number of square footage that could potentially 22 be built there. So you could derive the potential 23 cars that would come from a redevelopment of that 24 It's a valuable property. I expect something si te. 25 to happen with it.

1 So in a regional view circulation meeting 2 on November 3rd we should account, okay, X, you know, 3 half a million square feet there, three cars per 4 thousand square feet built. That's another 250 cars. 5 Making up the numbers. 6 But we should consider that. And, you 7 know, you're still a half a mile between the train 8 station and Route 1. That's, you know, another 250 9 cars. 10 And then the University is building 325 11 units in the fields right there in West Windsor to the 12 west of the Route 1 light. Another regional impact 13 that is not being considered specifically with this. 14 So please take that into account and -- as we move 15 forward here. 16 I like the traffic circle. I was born 17 and raised in Indianapolis. It has the title of the 18 most traffic circles in the country. 19 SPEAKER: No. It's Massachusetts. 20 MS. FOY: And they work very well. Very, 21 very well. 22 So thank you very much for your time. 23 CHAIRMAN O'BRIEN: In New Jersey it's 24 traffic circle. In Massachusetts it's a roundabout. 25 SPEAKER: No; rotary.

Page 120 1 CHAIRMAN O' BRIEN: Rotary? 2 SPEAKER: Rotary. 3 CHAIRMAN O' BRIEN: Thank you, Ms. Foy. 4 MS. FOY: Thank you. 5 CHAIRMAN O' BRIEN: Yes, sir? 6 MR. PERCIALI: Thank you. 7 MR. MULLER: Do you swear or affirm that 8 the testimony you're about to give will be the truth? 9 MR. PERCIALI: I do. 10 MR. MULLER: So sworn or affirmed. 11 Please state your full name and spell your last name. 12 MR. PERCIALI: Michael. Last name, 13 Perciali, P, as in Paul, E-R-C-I-A-L-I. 114 14 Washington Road, West Windsor. 15 To make it short, Mr. O'Brien, everything 16 was said, so I don't need to repeat it. One thing 17 that I believe was not said was that all the problems 18 that we have in Penns Neck regarding traffic, then 19 flood, will become also Avalon's problem. Because 20 it's not that you built and leave, like some people 21 are saying. You wanted to make a profit out of this 22 effort. You wanted to be able to sell or rent. 23 And under the current conditions without 24 roads, it will be difficult for anyone to really buy a 25 property here with -- with so many problems when there

1 are many others, much better places, like, in -- near 2 the shopping center and other places in West Windsor. 3 So take that in consideration. I know 4 you are not obligated to really pay more than \$300 --5 \$300 million. We need to remember here in West 6 Windsor that somebody is pumping \$300 million in this 7 neighborhood, which is -- which is a very good thing. 8 And I do not want -- I do not see why people should be 9 unhappy about it. I am happy about it. And I'm 10 supporting the application. 11 But I hear from other neighbors, and I 12 have the same experience that the traffic is a 13 bottleneck. There is only one way in and out from a 14 very large area, including the parking lot and --15 until the Vaughn Drive going to be done. Thank you 16 for having that, Mr. O'Brien, in consideration. 17 In the Sarnoff now, SRI Road, until those 18 will not be completed, it will be difficult for 19 I would not advise my friends to purchase in anyone. 20 the transit village if I don't have a good traffic. 21 Thank you much. 22 CHAIRMAN O' BRIEN: Thank you for your 23 comment. 24 Yes, ma'am? You guys are being so 25 orderly. This is great. Thank you.

Page 122 1 MR. MULLER: Do you swear or affirm the 2 testimony you're about to give will be the truth? 3 MS. COFFMAN: Yes. 4 MR. MULLER: So sworn or affirmed. 5 Please state full name and spell your last name. 6 MS. COFFMAN: Courtney Coffman, 7 C-O-F-F-M-A-N. 8 MR. MULLER: I'm sorry. I didn't catch 9 your first name. 10 MS. COFFMAN: Courtney. Thank you. I 11 just wanted to --12 MR. HOBERMAN: Address? 13 MS. COFFMAN: Sorry. 248 Fisher Place, 14 Penns Neck. 15 I just wanted to say that I appreciate 16 the accessibility for a new development to be near 17 public transportation. I also appreciate the urban 18 scope and the master planning to put a roundabout. 19 As many people have already said, and 20 this is not to be redundant, and I understand you can 21 write a dissertation on this, but I live it every day 22 when I walk my dog four times a day, I run every other 23 Not just on Fisher Place. I run down day. 24 Washington, I run down Varsity, I run on Wallingford. 25 In fact, I know some of the people here because you

1 may or may not have seen me running in the 2 neighborhood. I also ride a bike, I drive my car. 3 CHAI RMAN O' BRI EN: You must run fast. 4 MS. COFFMAN: I run so fast. 5 I do appreciate that the traffic study 6 was done in 2018 pre-Covid, because there are many 7 days in which I would go out -- I'm only four houses 8 in from Route 1 -- and I would try to turn out of my 9 driveway. I always park in reverse; I learned that 10 trick really early on. And the traffic would go all 11 the way down to Fairview and it will wrap around 12 Fairview. Which means that all of those people are 13 not only going to Route 1 North, they're also my 14 co-workers, maybe even you, Mr. Mayor, trying to just 15 get across Washington by bypassing the Route 1 16 roundabout. Fair enough. 17 But if you add this many more people --18 and I also understand -- I'm looking at the plan. T 19 get that a majority of this are rental people. I am 20 also -- I should state that I rent a home. I don't 21 even own the home. So I'm here as a renter saying 22 That most of those people in that community may thi s. 23 not have the same stake in investment that I feel 24 tonight in this particular issue. 25 I look forward to November 3rd. I also

Page 124 1 would like to just reiterate that even the backing up 2 and the flooding, I was the only one to get to my job 3 on the day that the hurricane hit, because no one else 4 could even get in, whether they lived in Pennsylvania, 5 whether they lived in Princeton Junction. 6 I appreciate the attention to the 7 emergency services, considering another Avalon 8 apartment complex that a coworker of mine lives in How will you get to those 9 caught on fire in April. 10 people should something happen at this new 11 devel opment? 12 So I just want to iterate all of those 13 points. Even though you've heard them already, how 14 important it is to everyone's daily lives here. Thank 15 you. 16 CHAIRMAN O' BRIEN: Thank you. 17 Mr. Weale, I think you had your hand up, 18 then the lady who can't sit still, that is tonight. 19 MR. MULLER: Do you swear or affirm that 20 the testimony you're about to give will be the truth? 21 MR. WEALE: I do. 22 MR. MULLER: So sworn or affirmed. 23 Please state your full name and spell your last name. 24 MR. WEALE: Zack Weale, W-E-A-L-E. 25 All right. So thank you to everybody for

Page 125 1 coming out. I apologize in advance if this is a bit 2 scatterbrained here. Just some notes and some 3 questions over the course of the past couple weeks. 4 First question: Is 571 West Windsor's 5 busiest road? 6 CHAIRMAN O' BRIEN: No. Route 1 is West 7 Windsor's busiest road. 8 MR. WEALE: Okay. Is 571 the biggest 9 road that, I guess, spans West Windsor in terms of, 10 you know, cutting through? 11 CHAIRMAN O' BRIEN: East-west? 12 MR. WEALE: Yes. 13 CHAIRMAN O' BRIEN: My visibility I'd say 14 yes. 15 MR. WEALE: Okay. So it's a main 16 arterial vein, for the traffic person? 17 CHAIRMAN O'BRIEN: It's defined in here. 18 MR. WEALE: Fair enough. 19 And just to confirm again, the traffic 20 studies had absolutely no data from 2020, correct? 21 MR. RACHED: No. 22 MR. WEALE: Okay. Thank you. 23 So the township is saying, you know, that 24 this development won't have an adverse effect on 25 aerial flooding based on estimates for groundwater

1 recharge, discharge, stormwater discharge. And that's 2 the issue, right? This property is not going to 3 fl ood. The roundabout is not going to flood. They're 4 going to crown and pitch the roads to make sure that 5 it doesn't flood. 6 But all of these traffic issues, all 7 these design issues, they're not going to matter if 8 you can't use the road when 571 is closed at Route 1, 9 okay? That's kind of the first issue. 10 I don't know if it was the engineer or 11 one of the people that, basically, conceded 571 will 12 still flood. And short of turning Avalon into a 13 bathtub, there's "nothing we can do about it." 14 Okay. The Dinky tracks on the west side 15 act as a natural dike, right? It's not natural, but 16 they act as a dike, right? NJ Transit to the south is 17 going to say, the water is not coming near us, so 18 that, basically, leaves the existing low point. And 19 as you can see, the low point where it floods isn't 20 even in these plans.

21 So it's as somebody else said before, out 22 of sight, out of mind. It's not your problem. But 23 guess what? It's everyone else's, right? We have to 24 deal with that.

25

The Millstone River study, the bathtub

1 study, just to confirm, that was done in 1999? 2 CHAIRMAN O' BRIEN: Mr. Guzik will answer. 3 MR. GUZIK: Hurricane Floyd happened in 4 ' 99 There were a couple of studies done by the USDA 5 which, I think, was 2003, and the Army Corps just 6 published theirs in 2016. The township did one after 7 I rene. I think that was either 2015 or some time 8 around there. The township one is up on the township 9 website. 10 MR. WEALE: Okay. Well, I think everyone 11 can agree that the flooding situation has markedly 12 changed, even within the past couple of years. As 13 evidenced, as I said before, about the number of 14 (indiscernible) just since July 15th. I will spare 15 you guys those. 16 So I guess to come back, so I'm all for 17 responsible redevelopment of that area. It's long 18 I think turning a long-neglected property overdue. 19 into one that benefits the community is a virtuous 20 So if this is a true improved redevelopment, we one. 21 have this town requirement for an improvement. And I 22 don't think saying that, you know, we're building you 23 a roundabout is -- like, fulfills that definition. 24 So items like refuse pickup, the 25 dependence on existing sewer infrastructure, even the

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1 Vaughn Drive extension, a number -- excuse me. Α 2 number of other items that arose there was this 3 recurring question of, is the township responsible? 4 Is the County responsible? Is Avalon responsible? 5 And it sounded to me like there was 6 almost an unwillingness to make improvements to the 7 sewer situation that you guys have to use to get rid 8 of the stormwater runoff. And the recurring answer 9 was repeatedly, because the County said so. 10 So I propose or posit that if there's any 11 costs associated by default, that they should fall on 12 Aval on. And it's their burden to prove otherwise why 13 they shouldn't have to assume those costs. l'm 14 talking lifeguards, shade, lounge chairs, lighting, 15 you name it. 16 CHAIRMAN O' BRIEN: Well, they previously 17 testified, Zack, that they're going to retain 18 ownership, and they will be operating the common area. 19 MR. WEALE: Wonderful. Like, again, just 20 want some sort of, like, responsibility, 21 accountability, so that when -- if, and, or when 22 something does arise, that it's not like, well, the 23 County said it was all right, and, like, we couldn't 24 really do anything. So, again, just wanted to -- so 25 Is Avalon a nonprofit? my question:

Page 129 1 MR. LADELL: No. 2 MR. WEALE: 501? 3 MR. LADELL: No. 4 MR. WEALE: So the goal of this 5 speculative build is to make money? 6 MR. LADELL: Yes. 7 MR. HOFF: Yes. 8 MR. WEALE: How much revenue did Avalon 9 make in 2020? 10 MR. LADELL: Irrel evant. 11 MR. WEALE: We're not in court. This is 12 public comment. 13 MR. LADELL: You want to answer? 14 Well, it was over \$2 billion, MR. WEALE: 15 okay? So building costs are at an all-time high. 16 Supply chain issues abound. They have to make money. 17 What are some of the ways Avalon plans to reduce 18 costs? 19 CHAIRMAN O' BRIEN: Of what? 20 MR. WEALE: Bui I di ng. So you have two 21 inputs, right? You have labor and materials. 22 Avalon --23 CHAIRMAN O'BRIEN: I would suggest to you 24 that it's irrelevant. They're there. They' re 25 bui I di ng. They're going to save as much money as they

1 can, aren't they? 2 MR. WEALE: How? At what cost? I'm 3 talking building materials and labor. 4 MR. SURTEES: One minute. 5 MR. WEALE: Okay. That's where they're 6 going to cut costs. 7 This development is four times the size 8 of any new construction projects in the area. How 9 many additional students will this add to the school 10 system? 11 MR. MULLER: The Board cannot consider 12 that. 13 MR. WEALE: How many approximate 14 students? You don't have an approximation for the 15 number of students that are going to be added? 16 MR. MULLER: No. The Board cannot 17 consider that. 18 MR. WEALE: Can anyone? 19 MR. MARATHE: The school district 20 published those numbers. I don't remember off the top 21 of my head. The school district did publish all those 22 numbers. 23 MR. WEALE: There's the chicken and the 24 egg problem, right? We have every school under 25 construction. We have all these new developments that

Page 131 1 weren't around in 2007. And I'll wrap this up right. 2 Do you think the West Windsor parents 3 will be all right with -- with seeing north and 4 south's ranks decline even further? Would they be 5 okay? Well, north has 1,400 kids; 13 to one student 6 ratio. South has 1,600 kids; 14 to one student ratio. 7 North is ranked number 18 in New Jersey, 468 in 8 nation. South is ranked number 24 in New Jersey, 565 9 in the nation. 10 Mr. Mayor, does south provide an inferior 11 education to north? 12 MR. MARATHE: I can't comment on that. 13 MR. WEALE: What do you think would 14 account for the difference in ranking? 15 MR. MARATHE: I don't know that. I mean, 16 I can't comment on any school issues. 17 Well, I will --MR. WEALE: 18 CHAIRMAN O' BRIEN: When those rankings 19 are published, there is usually an accompanying 20 article that explains all the different variables that 21 are taken into consideration by the particular ranking 22 agency, and I think you know that. 23 MR. WEALE: Okay. So what my insinuation 24 is --25 MR. SURTEES: Time.

1 MR. WEALE: -- that increasing the number 2 of students is going to send the ranking for the 3 schools plummeting even further. It's based on 4 student-to-teacher ratio. Increasing those numbers 5 inherently --6 CHAIRMAN O' BRIEN: Mr. Weale, thank you 7 for your comments. 8 MR. WEALE: Thank you. 9 MR. MULLER: Do you swear or affirm that 10 the testimony you're about to give will be the truth? 11 MS. RUSSELL: Yes. 12 MR. MULLER: So sworn or affirmed. 13 Please state your full name and spell your last name. 14 MS. RUSSELL: Kathleen Russell, 15 R-U-S-S-E-L-L. I'm at 8 Coventry Circle. 16 So I've lived in the same house off of 17 Washington Road for 19 years now, and I've driven 18 Washington Road four to six times five days a week for 19 that entire time. I go right into Princeton, into 20 Montgomery, and back multiple times a day with kids. 21 I'm sure everybody here can say the same thing. 22 As everyone in this room knows, and it 23 doesn't seem to be disputed, it has grown increasingly 24 worse in the last five to seven years, as far as 25 traffic and flooding. And it is not even something

1 that is in question. Yet here we are discussing plans 2 to add to it with very little in place to combat it. 3 Penns Neck has an estimated 250 homes, as 4 we've heard. And this new development is adding 850 5 plus units, which is three times the size of Penns 6 Neck. That means a lot more of everything that we've 7 talked about; traffic, cars, people. And, again, not 8 much in place to combat it. 9 How is Washington Road, which is the 10 centerpiece of this whole plan, the only road that 11 factors into these plans? It is the only road that 12 factors into these plans. How is it possibly going to 13 handle this volume? 14 A roundabout, while, obviously, 15 technically a good solution, is a minor solution 16 because it probably deals more with what is existing 17 now and not necessarily what is going to be existing. 18 I think the thing that strikes me most 19 about these Planning Board meetings and the process, 20 and of course we could all say that we could 21 participate more, is that so much of the important 22 items are already planned, they're cemented, and 23 they're laid out before any public comment or 24 conversation is allowed or invited. 25 We then listen as constituents and

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1 residents and people who care about our town and our 2 lifestyles and our families to what I'll call 3 minutiae, get discussed. I mean, I know that all 4 these details have to be dealt with, and maybe at this 5 point that's all you can deal with as the Planning 6 Board, but there's nothing more frustrating than 7 listening to light fixtures and electric car chargers 8 and so on when you, as a person who cares about where 9 they live, is looking at what we're looking at. ALL 10 the impacts, all the worries. So it is a very 11 disturbing and frustrating process.

12 In the end there's very little that's 13 controllable, it seems. It seems like you're probably 14 going to pass this approval. And nothing against 15 development. I think we all want good, well thought 16 out, positive development. And there's nothing wrong 17 with this development, except that it sits in such an 18 And we are trapped in that. You have the train area. 19 tracks and you have Washington Road, neither of which 20 is going to help this out.

And so the question becomes: Why would we put this development in this spot without any contingencies in place? From a Planning Board standpoint, for people that are planning, that is your job. That is what we are hoping that you will do for

us. How can we not have a plan in place before all of
this happens? It can't be as it's happening or when
it happens or after it happens. It doesn't make any
sense. It doesn't make any sense. You can't deal
with a problem that already exists, let alone what is
going to happen.

That has nothing to do with Avalon's
wonderful engineers and planning and traffic studies.
And it has left out so many things that already
mentioned here, from the regional planning standpoint,
from the roads. It doesn't make any sense.
Everything is focused on Washington Road, a two-lane
road, that already has so many problems.

14 And nothing is being done. There's no 15 plans in place. There's what ifs and maybes and we're 16 working on it. And all of it is very complicated. 17 Every road that you're talking about, even the Vaughn 18 extension, requires going through wetlands from what 19 you're saying, talking to the Department of 20 Transportation, Amtrak, possibly New Jersey Transit, 21 and probably Avalon.

So -- and just tonight you added another variable in that the AI driveway will now be a driveway. You eliminated, I think, seven driveways into two, and now there will be another one added back

Page 136 1 in. So I guess that makes it three, because the 2 solution to satisfy AI, which was crazy that we got to 3 this point last week, that Road A was in dispute. So 4 Road A was a key pivotal point of access, and it was 5 in dispute as of last week. 6 So I just think the planning is a missing 7 component. It's just not something that is being 8 thought out in the way that needs to be thought out to 9 help this community, all these constituents, all of 10 these families, and decades and decades of history in 11 this really lovely community of 250 homes. Thank you. 12 CHAIRMAN O' BRIEN: Thank you, Ms. 13 Russel I. 14 MR. MULLER: You do you swear or affirm 15 the testimony you're about to give will be the truth? 16 MR. ROSSMAN: Yes. 17 MR. MULLER: So sworn or affirmed. 18 Please state your full name and spell your last name. 19 MR. ROSSMAN: Martin Rossman, 20 R-O-S-S-M-A-N, 10 Coventry Circle, the next door neighbor of the lovely lady who just left this 21 22 mi crophone. 23 If I heard correctly, the gentleman 24 before Kathy asked the mayor or the Board whether they 25 knew how many additional students were going to be put

into the school system? I didn't hear an answer. I
don't hear that well, so -- but I heard blank stares
from everybody.

So if, in fact, you don't know how many additional students are going to be involved because of this expansion, and you have environmental considerations, which we all know about over the last 20, 30 years -- by the way, l've been a resident since 9 1971, same spot.

The other point is the traffic considerations, which I'm not going to go over again. You've heard it many, many times. But what I heard this evening was that at the end of this meeting you may be making a decision on whether to accept the application or not accept the application.

16 And if that's the case and you don't know 17 how many students are going to be affected, how many 18 new students are going to be going to the schools, and 19 whether you can solve some of the environmental 20 problems which have been brought up, and the traffic 21 situation, which has been discussed. And the only 22 people to have evidently approved anything was the 23 County rather than the township, I think that you 24 don't have the right to approve this application 25 tonight. Thank you.

1 MR. HOBERMAN: Jerry, could I ask you to 2 just briefly touch on the subject of the limitations 3 of a planning board in considering additions to the 4 school population as we consider applications? 5 MR. MULLER It cannot consider them. 6 MR. HOBERMAN: Can you talk about the 7 reasons why New Jersey Municipal Land Use Law, or 8 whatever legal, says that stuff? 9 MR. MULLER: Well, that's just the way 10 the law's been set up. I mean, the way it works, as 11 you well know, you start with master planning, then 12 you do ordinances. During that legislative process, 13 the governing body and the planning board, really 14 wearing a quasi-legislative hat, can consider student 15 populations and zone accordingly. 16 But once that's been done, the Board just 17 has to look at all the standards that apply to the 18 application, and the school board -- the school board 19 population increases whatever they may be. Just is 20 not part of that. That's a legislative consideration. It's not -- it's not a planning board consideration. 21 22 MS. GEEVERS: I think over the years the 23 school board was well aware of this project, and they 24 have done demographic studies. And I'm sure many of 25 you've noticed after the last referendum, they're

1 building many of the schools, and they have taken into 2 account this project. 3 So if you go onto the West 4 Windsor-Plainsboro Regional School District website, 5 look for demographic studies. There's information in 6 there on their projections for different, you know, 7 applications that they anticipate are coming in. 8 MR. ROSSMAN: But evidently none of you 9 have seen those studies. 10 MS. GEEVERS: It's public. No. 11 MS. PERCIALI: Why don't you --12 MS. GEEVERS: We don't represent them. 13 CHAIRMAN O' BRIEN: Excuse me, folks. 14 MS. GEEVERS: That's a school board 15 i ssue. 16 CHAIRMAN O' BRIEN: Excuse me, Linda. 17 Excuse me. We're not going to have a back and forth. 18 Mayor, you wanted to be recognized? 19 MR. MARATHE: Yeah. Yeah. So when we 20 settled with the affordable housing lawsuit, we agreed 21 to do 1,550 homes, affordable homes, in West Windsor. 22 Now, that's little more complicated because 1,550 from 23 (indiscernible) zero through 2025. So we agreed to 24 have 1,550 homes, and it doesn't necessarily mean 25 1,550 physical units. It's a complicated formula, and

see Allison; she will explain to you. Take two hours
 and explain to you what 1,550 means.

3 But we agreed to do that. And under that 4 plan we agreed to build several developments, first 5 starting from East Windsor border. First is 6 development next to the mosque, then going on the 7 other side of the building, Canal Pointe Boulevard. 8 We agreed to develop this development, then we agreed 9 to a development behind Lowe's, and then we agreed to 10 a development on either side of Meadow Road. That was 11 agreed with the -- with the code. It's a code 12 settlement.

Now, I know all of you have seen this for
the first time, but this was agreed to back in 2011
when the -- when the township settled with the
previous owner of this property, the lawsuit that he
filed. The 800 units and everything was settled at
that time.

19 What we have tried to do is reduce the 20 size in two -- at least two installments that I can 21 think of. One was -- originally there was 70,000 22 square feet of retail. We reduced it to 36,000. And 23 then we reduced -- we allowed them to put assisted 24 living, which will generate less traffic than for the 25 normal household, so we tried to reduce it twice.

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1 We have done everything that -- within 2 our power that we can do. And as everybody here is 3 saying, none of us are kings. I mean, we have to 4 follow the law. That's what our -- that's the oath 5 each of us took. And everyone up here has done 6 everything within our power that we can do. And this 7 ordinance was literally voted for at least 10 times 8 for various reasons. And Allison will confirm that. 9 At least 10 times this ordinance was voted on in the 10 council, which means it was discussed in council 20 11 times.

12 You're seeing it first time. 13 understand that. I understand there's a frustration. 14 But there's a history to it, and we can can't go and 15 say, oh, I'm a new guy on the block. I don't like 16 I don't want to do this. We have to honor this. 17 whatever agreement was made by the township or on 18 behalf of the township by whoever was on council, 19 whoever was mayor at that time.

And this has been going on from 2011. And if you are unhappy, the place to talk is to the governor and to the legislators, because they have not given us any tool to deal with what the issues you say.

25

We know exactly how many kids it's

1 expected -- all these five developments are expected 2 to generate. The school district took those five 3 developments into account. Not only West Windsor 4 development, but whatever developments are coming up 5 in Plainsboro under the Affordable Housing lawsuit. 6 Every addition to the school will accommodate all the 7 kids that are expected to be generated by all these 8 developments.

9 So until 2025 the school will not need 10 any additional space. Every development that is on 11 the books in both towns will -- whatever kids are 12 generated by that will be accommodated by whatever 13 small additions that the school district is doing. 14 Now, I don't have on top of my head what number the 15 development will generate, but they're published in 16 the school district website. You can go and look at 17 those numbers. And there's a -- there's a formula for 18 that. How much kids a single-family home will 19 produce, how much kids a townhome will produce, how 20 many kids an apartment will produce.

There's a ratio on that based on our district history, not based on New Jersey's history. Because New Jersey history will say that this generate -- this will generate ridiculously low, like four kids or five kids; something like that, if you use the

1 formula.

2	But we have our formula based on our
3	history, and the school district uses those formulas
4	to estimate how many kids are, have been done.
5	So the township, the school district, the
6	Planning Board, has done everything within our power
7	that we can do to reduce the impact on it, and we'll
8	continue to keep doing that.
9	And I understand your frustration, but we
10	can do only certain things, and we can't do certain
11	things, like Curtis asked Jerry to explain.
12	CHAIRMAN O'BRIEN: For those who think
13	that we don't know the number, I personally don't know
14	the number. But as the mayor just said, there are
15	ratios that are in place, general approximations.
16	There are 135 senior units that Atria is
17	building. Of the remaining, there are 535 rental
18	apartments. There are 150 townhouses, some stacked,
19	some not stacked. And there are 48 units in the
20	condominium. That's 733 dwelling units. The rough
21	approximation, townhouses, apartments, condos, is
22	about .5. Round it off to the nearest tenth of a
23	decimal. So you multiply .5 times 733, and that's a
24	seat-of-the-pants rough estimate of how many students
25	might be generated from this development. Could be

1 less. I guess it could be more. But that's a rough 2 approximation for those who are just dying to have a 3 number heard tonight. 4 MS. GEEVERS: I think, Gene, years ago, 5 because it's more of a transit-oriented development, 6 that the ratio was going to be less. I mean, it could 7 be .28, because it's a little bit different than a 8 regular apartment that's not next to the train 9 station. 10 CHAIRMAN O' BRIEN: Yeah. I gave the 11 most --12 MS. GEEVERS: Highest. 13 CHAIRMAN O'BRIEN: You're right, Linda, 14 because it's expected to be a commuter location. And 15 the train station. There will be folks that right now 16 are not interested in having a family. They'll do 17 that later. But the worst scenario is roughly 350, 18 360. 19 You've already been heard. Thi s 20 gentleman hasn't. 21 MR. MULLER: If you can raise your right 22 hand. Do you swear or affirm the testimony you're 23 about to give will be the truth? 24 MR. GALLAGHER: Yes 25 MR. MULLER: So sworn or affirmed.

1 Please state your full name and spell your last name. 2 MR. GALLAGHER: Sure. Raymond Gallagher, 3 G-A-L-L-A-G-H-E-R. I'm at 2 Fieldston Road, West 4 Windsor. And I think many of my neighbors have talked 5 about the traffic. I've lived in West Windsor for 20 6 years, 19 years at this address. Prior to that I was 7 in corporate housing at Avalon in West Windsor. And 8 I'm all for redevelopment. 9 The one thing I just wanted to bring up 10 that I don't think anybody talked about, just a 11 different perspective. And it's concerning the 12 traffic. But was any of the assessment done in, 13 perhaps, November of 2019 or December of 2019? 14 MR. RACHED: The data collection was done 15 in May of 2018. 16 MR. GALLAGHER: Got it. Okay. l'm 17 thinking, one of my neighbors mentioned some of the 18 factors that will affect Washington Road and really 19 drive up the traffic. The worst one that I remember 20 is when Alexander -- Alexander Road, the bridge on 21 Alexander Road over the canal, was redone back in 22 November of 2019. Traffic was horrendous. 23 I heard about many people going into 24 Princeton for work or traveling that way. l travel 25 towards the Turnpike. And I remember leaving my house

1 fairly easy to make a right onto Washington Road from 2 my development. But as I traveled, it was just -- it 3 was a parking lot all the way over the bridge, 4 sometimes as far as High School South. And just 5 thinking, like, if I ever needed to turn around if I 6 forgot something, it'd take me, like, an hour to get 7 home. 8 So we heard scenarios about people 9 sitting through six lights to get across Route 1 or 10 to, you know, just make it that far. But it could be 11 a lot worse. 12 The other time was when the bridge on 13 Cranbury Road was -- was redone. It was horrendous. 14 The flooding, it's definitely -- it's an 15 But it's -- with my house facing Washington i ssue. 16 Road, it's almost like it's annoying, but I enjoy the 17 quiet, you know, for that little bit of time where the 18 traffic's not happening. 19 In the mornings I'll run, I'll bike, I'll 20 go towards Princeton towards the canal. And then, you 21 know, typically, like I said, travel towards the 22 Turnpi ke. Traffic during Covid, I haven't even been 23 thinking about it because it hasn't been as bad. lt's 24 been -- driving up recently, the direction I go, not 25 But, you know, as things open up and more and as bad.

Page 147 1 more corporations are going back to work, people are 2 going back to work, with the redevelopment I just, you 3 know, like everybody said, I think it needs to be 4 consi dered. And we need a long-term plan to make sure 5 that -- that people can move around here. 6 Thank you. 7 CHAIRMAN O' BRIEN: Thank you. 8 Let me explain to those of you who maybe 9 not have been at a meetings like this, Planning Board 10 or Zoning Board meetings. We go through a process of 11 letting the Applicant present its witnesses, its story 12 as to what it wants to do and why it should be 13 Then we hear from the professionals that approved. 14 represent the municipality for site plans, traffic, 15 environmental considerations, landscaping. Overal I 16 planning significance and stuff like that. 17 It's after that that we open the meeting 18 to the public. 19 At some point, when the Board feels that 20 all the members of the public in attendance have had 21 an opportunity to speak, we pass a motion to close the 22 public hearing. 23 Now, there are many of you that are here 24 that have not spoken. And I did commit that if 25 everybody that wanted to speak has spoken, we would

Page 148 1 allow somebody to come up again. But I got to tell 2 you, if you don't raise your hand and want to speak, 3 this Board is going to pass a motion to close the 4 public hearing. And when that happens, you're cut 5 off. You had your opportunity. Then it's up to us to 6 deliberate, ask additional questions of the Applicant 7 that we hadn't asked previously. 8 Just wanted you to understand, that, as I 9 invite you to come forward, and if you don't do it, 10 we're going to pass that motion to close the public 11 hearing, and then we expect you to sit there quietly 12 while we do our thing. 13 You already spoken, but you haven't. 14 Black shirt. That doesn't mean you're a bad person. 15 MS. BURNS: I know. 16 MR. MULLER: Do you swear or affirm that 17 the testimony you're about to give will be the truth? 18 MS. BURNS: I do. 19 MR. MULLER: So sworn or affirmed. 20 Please state your full name and spell your last name. 21 MS. BURNS: Jenni fer Burns, B-U-R-N-S. 22 18 Fieldston Road, down the road. I lived here 22 23 years and watched all this change happen between Route 24 And they were talking about doing the overpass 1. 25 when they were talking about this development many

Page 149 1 years ago when Steve Gold, I think it was, owned it. 2 And now it's happening again, and they're going to do 3 a development, and I have no problem with that. 4 But as everyone said before, the traffic. 5 Getting out of our development, it's just been getting 6 worse as we build, West Windsor gets bigger and 7 bigger, it gets harder and harder to get out. The 8 circle, Washington Road, Route 1, always an issue. 9 Always waiting. I just -- I worry about the circle on 10 the map there. 11 I was just saying, when we built the Rite 12 Aid, when you pull out of Rite Aid, there was a sign, 13 no left turn. Nobody listened to that. 14 So that would be my fear that with that 15 circle, people would not want to turn right, go around 16 the circle. They would just turn left and cut in 17 front of people, or whatever they do on Washington 18 Road, to get onto that road. So that would be my 19 concern that you would take that into consideration. 20 I know they've done their thing with 21 traffic with the circle, and that's fine. But there's 22 other portions of it that will be affected in the long 23 run. 24 CHAIRMAN O' BRIEN: When we discussed this 25 at a previous meeting, Jennifer, we talked about the

Page 150 1 fact that if somebody got into that left-turn lane, 2 what would they then have to do? They're likely to 3 want to try and make that left turn. So the question 4 is, to make sure that the signage that announces the 5 no left turn at certain hours is early enough for the 6 vehicles moving toward Washington Road --7 MS. BURNS: Right. 8 CHAIRMAN O'BRIEN: -- that they will not 9 attempt to get in the left lane. And I would expect 10 that West Windsor Police will have what's called Title 11 39 enforcement rights. And some people would be made 12 to pay for trying to do something that they shouldn't 13 be doing. 14 MS. Hopefully, yeah. BURNS: But that's 15 all. Thank you. 16 CHAIRMAN O' BRIEN: You're welcome. 17 You've been heard. Yes, ma'am? I know 18 you came in late, Tirza, did you hear the ground 19 rules, that it's six minutes, but we don't count other 20 speakers against your time? 21 MS. WAHRMAN: Sam was kind enough to 22 mention that. Thank you. 23 MR. MULLER: Raise your right hand. Do 24 you swear or affirm that the testimony you're about to 25 give will be the truth?

Page 151 1 MS. WAHRMAN: I do. 2 MR. MULLER: So sworn or affirmed. 3 Please state your full name and spell your last name. 4 MS. WAHRMAN: Tirza Wahrman, 5 W-A-H-R-M-A-N. I live at 5 Stonelea Drive. 6 I've been in communication with council, 7 as council knows, and I want to state again my 8 objection to the fact that there is no remote link 9 that allows persons who are not able to attend tonight 10 to know what is happening. 11 This is a very significant hearing, and I 12 appreciate all the hard work that went into the 13 pl anni ng. I really do. But I also live in town. 1 14 don't live on Washington Road. I live up opposite 15 But I do drive on Washington Road community part. 16 quite often. I have a legal practice and I make my 17 way onto Route 1. 18 And the last few months have really been 19 terrifying, to be blunt. I've been caught in floods. 20 My husband has, my friends have. I mean, we are in 21 what the governor called a climate emergency. 22 And so I want to ask: Is there any way 23 to walk this plan back? Is there any way to walk it 24 back? And so, you know, I live in the real world. 25 was just at a Mercer Bar Association meeting. Judges

also get caught in flooding, right? They live in our
neighborhoods. You know, Judge Jacobson lived in
Lawrenceville. I'm not sure where Judge Lougy lives.
But I think, you know, he lives around in one of our
communities also.

Is there a way to say that this
affordable housing number is now not workable because
we are in a climate emergency and our roadways cannot
sustain these additional number of people? I am just
asking that question as someone who's practiced law
for longer than I care to admit.

I think that these are really unique times. I think that we're facing real hazards with the numbers of people that this new plan will accommodate. And I know that Avalon Bay has some very, very smart people. And, you know, they're just situations where we're asked to walk it back because circumstances are different.

And I also want to add that my understanding is that the traffic study that you were referring to was done three years ago; is that correct? CHAIRMAN O'BRIEN: 2018 is when --

MS. WAHRMAN: 2018? And we're in 2021. So I wonder if that should be updated.

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1	CHAIRMAN O'BRIEN: Well, it was	
2	pre-Covid, so the traffic would have been as bad as	
3	ever, based upon that.	
4	MS. WAHRMAN: I'mjust you know, I'm	
5	just throwing it out to you. I'm	
6	MR. RACHED: It was updated.	
7	MS. WAHRMAN: It was updated?	
8	MR. RACHED: Yes.	
9	MS. WAHRMAN: When?	
10	MR. RACHED: April 22, 2021.	
11	MS. WAHRMAN: It was updated? Okay.	
12	Well, I hope that you know, I hope that you will	
13	take my remarks under consideration. I think that	
14	it's just too large a project. The courts do use	
15	their discretion to say sometimes that the numbers	
16	don't work. They don't work because our roadways	
17	cannot sustain these numbers.	
18	We are in a climate emergency. We have	
19	more frequent flooding, and it is dangerous not just	
20	to residents, but to people using these roadways.	
21	Thank you.	
22	CHAIRMAN O'BRIEN: You're welcome.	
23	Jerry, let me try and rephrase this	
24	witness' question. You represented West Windsor	
25	Township in Judge Jacobson's court when the township	

was in attendance to report on its agreement with the
 Fair Share Housing Organization or Association,
 whatever it is.

What is your opinion about the likelihood of Judge Jacobson who, I think, is now retired, or her successor and the Fair Share Housing folks making any changes in the ruling that she pronounced in May of 2019?

9 MR. MULLER: Well, I don't even know if 10 we get to that. But if we got to that, Fair Share 11 would have to consent. And if we had a different plan 12 and it still generated the required number of units, I 13 believe they would agree to that.

14 But I think the threshold question is: 15 Can we walk this back without the cooperation of 16 Avalon? I don't think we can. They submitted an 17 application which, on its face, appears to be 18 conforming, although there are several waivers that 19 are necessary. And we can't simply tell them, 20 withdraw the application. If there's a basis for 21 denying it, certainly we can do that. I don't know 22 that there is a basis for denying it. And during 23 Board deliberation there could be discussion of that. 24 But unless there's a basis for denying 25 it, the Board has to, you know, address the

Page 155 1 application, absent a decision by Avalon to 2 reconsi der. And if it finds that it conforms, and if 3 the waivers are valid and should be granted, the 4 application has to be approved. 5 Certainly there can be conditions, and 6 there's a lot of discretion afforded to land use 7 boards in terms of imposing conditions. 8 CHAIRMAN O' BRIEN: Thank you. 9 Mr. Hoff, did you want to make a comment? 10 MR. HOFF: Yeah. Mr. Chairman, I mean, 11 we're not withdrawing the application. That's --12 let's be clear. As the Mayor's indicated, this 13 project's been on the books for over a decade, and the 14 ordinance that gives rise to this application for the 15 better part of four years, I believe, for this 16 particular project. 17 So we have rights, and we've proceeded in 18 accordance with the ordinance. As Jerry's indicated, 19 there are no variances associated with this 20 application. It conforms to exactly what the zoning 21 requires. 22 So, you know, listen. I'm sympathetic to 23 the issues of traffic. We believe that we've 24 addressed that. I understand the traffic conditions. 25 People live them every day. I'm not minimizing them.

Page 156 1 But the Applicant has rights, and the Applicant is 2 taking measures that they've been directed to do to 3 mitigate those types of events. 4 So with all due respect, I appreciate the 5 members of the public and whatever frustrations they 6 have, but the Applicant does have rights to proceed 7 with the zoning that's in place. 8 CHAIRMAN O' BRIEN: Thank you. 9 Is there anyone who has not spoken who 10 wishes to be heard? 11 Yes, sir? 12 MR. MULLER: Do you swear or affirm that 13 the testimony you're about to give will be the truth? 14 MR. PATEL: Yes. 15 MR. MULLER: So sworn or affirmed. 16 Please state your full name and spell your last name. 17 MR. PATEL: Nimesh Patel. Last name --18 CHAIRMAN O' BRIEN: Would you speak into 19 the mike, please? I can't hear you, sir. 20 MR. PATEL: Nimesh Patel. Patel, last 21 name, P-A-T-E-L. 22 CHAIRMAN O'BRIEN: What was your first 23 name? 24 MR. MULLER: I'm sorry. I didn't catch 25 your first name.

1 MR. PATEL: Nimesh, N-I-M-E-S-H. 2 CHAIRMAN O' BRIEN: Thank you. And your 3 address? MR. PATEL: 4 11 Wallingford Drive. 5 CHAIRMAN O' BRIEN: Thank you. 6 MR. PATEL: Okay. Yeah. I mean, I will 7 not touch on too much of the traffic thing that you 8 already talked about. But, you know, new to the 9 neighborhood. Fairly new compared to how everybody is 10 three, four years, right? 11 Seeing the traffic here, since we moved 12 from South Jersey, you know, five times more, 10 times 13 more compared to there, obviously. 14 But it's -- you know, my objection is 15 pretty much on the -- not having a prerequisite or --16 for the 1 connector, right? The permanent solution 17 that will kind of alleviate a little bit of the 18 traffic situation. Not having that completed, or even 19 having that in the language before we get this whole 20 thing done, the project done. That will be my major 21 concern, right? I think that should be part of this 22 whole thing. 23 And I work in telecom sector. I work on, 24 you know, putting cell towers throughout New Jersey. 25 You know, dealing with Amtrak, PennDOT, New Jersey

Page 158 1 DOT, PennDOT, obviously, but New Jersey DOT and also 2 NJ Transit, and getting things done is not an easy 3 thing for them. I'm sure you guys all understand, you 4 guys on the Planning Board. It takes years to even 5 get something done with these guys. 6 So not having that connector built is a 7 major issue. And I think that's my major concern, 8 right? So that's one thing. 9 Also we keep talking about that this 10 whole project started decade ago or 2011. l'm not 11 sure why the public wasn't involved at all. 12 CHAIRMAN O' BRIEN: Excuse me, sir. They 13 were very much involved. 14 MR. PATEL: They were? 15 CHAIRMAN O' BRIEN: There were charrettes 16 held under the auspices of one of the leading 17 architects, Mr. Hillier, Robert Hillier. And there 18 were multiple charrettes that were held. 19 And following that, ultimately the 20 governing body at the time passed ordinances that 21 created the redevelopment zone for Princeton Junction, 22 and there were 12 separate zoning districts in that 23 redevelopment complex. 24 So -- and each time those ordinances were 25 introduced by the governing body at that time, there

1 were public hearings in conjunction with the 2 ordinances. 3 So I'm sorry I have to push back on the 4 statement that there was no public involvement. 5 MR. PATEL: Take that back. 6 CHAIRMAN O' BRIEN: I know you said you're 7 new to the neighborhood, but I wanted to put that on 8 the record and make sure everybody understood. 9 MR. PATEL: Yup. That's fine. So I 10 think pretty much -- I think we really need to have 11 this temporary, you call it, or permanent solution. 12 The connector needs to be completed before we get this 13 started. 14 Also, the temporary solution really looks 15 like a safety issue with the parking lot being used 16 and, you know, people trying to maneuver their way 17 around that whole area. It doesn't make any sense. 18 So -- but, yeah. Thank you. 19 CHAIRMAN O' BRIEN: Thank you, Mr. Patel. 20 MR. KARP: Chairman, just a quick 21 follow-up. Wasn't the original, like, the charrettes 22 in Hillier, didn't the developer want to put, like, 23 1,600 units there? 24 MS. PERCIALI: Exactly. Exactly. 25 MR. KARP: If I remember correct.

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1MS. PERCIALI: It was slashed. It was2slashed.

MR. KARP: Because -- because -- let me finish. Because of public input, the Planning Board recommendations and push back and professionals, and it got reduced to what it is now.

Now, yeah, we would love it to be zero,
you know, and have something else, but that's not
going to be viable, you know. So with the settlement
of affordable housing in addition to that.

So there was public input, and it was
 reduced to where we are now. Just wanted to make that
 known.

14 CHAIRMAN O' BRIEN: Anyone else that 15 hasn't spoken who would like to be heard? Okay. I'm 16 going to give those who wish to speak again a chance. 17 But the time limit is now three minutes, not six 18 And since questions have been asked, I minutes. 19 expect that these will be straightforward statements, 20 and these folks will complete their appearance in 21 three minutes. 22 And Mr. Pierson was first, this lady in

front of him was second, Mr. Rutledge was third.
You don't need to repeat your name.
SPEAKER: Okay. This is -- this has

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1	nothing to do with traffic. On a previous slide, I	
2	think it was 59, about two meetings ago, it was about	
3	the common area that was going to be available for	
4	public venue. I think at that time there was mention	
5	there weren't going to be any public bathrooms. And I	
6	found it unusual to have a venue that would host	
7	public events and not have a public bathroom.	
8	And I was wondering if, perhaps, we could	
9	address that, see if that's part of the, you know,	
10	requirement. That if you're going to bill it and sell	
11	it as a public venue, you probably should have and be	
12	required to have restrooms. So if you could take that	
13	under consideration, I'd appreciate it. Thank you.	
14	CHAIRMAN O'BRIEN: Definitely noted.	
15	Yes, ma'am? I'm sorry. I forgot your	
16	name.	
17	MS. PERCIALI: Sure. My issue is that	
18	this project	
19	CHAIRMAN O'BRIEN: Your name again is?	
20	MS. PERCIALI: Rodica Perciali.	
21	CHAIRMAN O'BRIEN: Perciali.	
22	MS. PERCIALI: My issue is that project	
23	has been kept hidden. This is the worst of all. And	
24	of course you can think why it was hidden. But so	
25	right now I like the project. I appreciate their	

1 work, but I'm in a democratic country, and I cannot 2 stand that the people around did not know. Who did 3 not know that the newspapers -- I need to see. And 4 you should show us where was it publicized. Because 5 talking about Hillier project, Howard Hughes project, 6 that was popularized so much. There is no comparison. 7 And you -- I don't believe -- Mrs. 8 Geevers is here. I don't believe that you in -- not 9 on purpose was hiding it, I cannot. Because it's 10 i ncredi bl e. In the newspapers there are so many 11 articles about all kinds of developments, and in this 12 newspaper there is nothing either. 13 Is there a journalist? Do you have a 14 journalist, Mrs. Geevers? Mr. Surtees, do you have a 15 journalist here? 16 SURTEES: I'm sorry? A --MR. 17 MS. PERCIALI: A journalist. 18 CHAIRMAN O' BRIEN: I don't believe 19 anybody in the audience is a journalist, as you say. 20 MS. PERCIALI: No. No. No. Of the --21 of the news, of the West Windsor news. 22 MS. GEEVERS: They used to. 23 MR. KARP: Yeah, but we don't control 24 that. 25 MS. GEEVERS: They used to. They don't

Page 163 1 even cover council meetings anymore. They don't send 2 anyone out. 3 MS. PERCIALI: Did you employ them? 4 That's incredible. 5 CHAIRMAN O' BRIEN: Ms. Perciali --6 MS. GEEVERS: They used to. 7 CHAIRMAN O' BRIEN: -- as I announced at 8 the beginning of the meeting, the notice of this 9 meeting and the notices of all the other meetings we 10 have had has gone to the Times in Trenton, to the West 11 Windsor --12 MS. PERCIALI: I'm talking about our 13 newspapers here, that we pay for here. 14 CHAIRMAN O' BRIEN: The West Windsor and 15 Plainsboro News, and I think the third one is The 16 Packet. 17 MR. KARP: Yeah, Princeton Packet. 18 CHAIRMAN O' BRIEN: Yes. 19 MS. PERCIALI: We spent some time to look 20 on U.S. 1, and my husband did, and so that we were 21 prepared a little bit. A little bit (indiscernible). 22 CHAIRMAN O' BRIEN: Community News Service 23 owns --24 MS. PERCIALI: And that I --25 CHAIRMAN O' BRIEN: They provide West

1 Windsor and Plainsboro news --

2MS. PERCIALI: Okay. So my --3CHAIRMAN O' BRIEN: -- and U.S. 1

4 Newspaper.

5 MS. PERCIALI: Mr. O'Brien, you know, I'm 6 only comparing this situation with what I knew from 7 other developments. And I know about three of them, 8 including Howard Hughes, Hillier, I know about that, 9 and I know Princeton Future and I know another one in 10 Montgomery.

Montgomery newspaper is thick like that with all the information. So we are -- this township is very behind. And in my view you should -- you should delay, which I know that they don't want, of course, but you should delay and popularize it to the people.

17 Certainly the issue of the number of 18 students is not the same as in 2011. Now, I mean, 800 19 more than proportionately at that time. So I don't 20 know if they would compromise to reduce the number of 21 students, but that's not really doing a lot of thing, 22 but I don't know. I don't. It should be seeing how 23 can the traffic -- if you didn't prepare this township 24 for a better traffic, if you did not work with the New 25 Jersey Transit with Mr. Sarnoff, then, again, maybe --

Page 165 1 I don't know how many years you have been here in 2 pl anni ng. But whoever was supposed to work on that 3 for 11 years, I mean, since for 2011. So those people 4 are at fault, and now we cannot -- we cannot take 5 anymore. We cannot take anymore. 6 I mean, Washington Road is absolutely 7 i ncredi bl e. You cannot sacrifice older population. 8 It must be a way either they reduce or they wait until 9 you can assure that we have Vaughn Drive and the 10 other, maybe Sarnoff -- Sarnoff. You should try and 11 it should be in the newspaper, please. 12 Thank you. 13 CHAIRMAN O' BRIEN: Thank you. 14 Mr. Rutledge? 15 Thank you, Mr. Chairman. MR. RUTLEDGE: 16 William Rutledge again. I appreciate the opportunity 17 to close with a more calm demeanor than I did last 18 I apologize again. I lost my temper. time. 19 As you could tell, I'm passionate about 20 I'm very concerned about the traffic. thi s. 21 believe that this Planning Board has the agency to 22 correct the issues. 23 It was my understanding that our Planning 24 Board had approved the circle in its present location. 25 The sketch that I -- the concept sketch that I created

1 showing the circle moved towards Route 1 to connect to 2 the Vaughn Drive extension down the road and the Penns 3 Neck bypass is listed in our master plan very 4 specifically, and it is listed in all of the drawings 5 of the redevelopment. 6 I understand the County may have had a 7 bad day and put this together. I strongly recommend 8 the Planning Board reject this, since this is part of 9 the application before you. You have the agency to 10 Require the Applicant to go back to the reject it. 11 County to get it right. It is going to create 12 irreparable harm if you let this go through. 13 Thank you very much. 14 Thank you. CHAIRMAN O' BRIEN: 15 MR. HOFF: Mr. Chairman, can I quickly 16 respond to that, because the Board's been getting beat 17 up unfairly, I think, a bit on that issue. 18 Jerry did make clear that on issues of 19 school children, the board doesn't have jurisdiction to 20 hear such things. And Jerry is correct. 21 But one other thing I think it's 22 important for the members of the public to understand, 23 this Board, likewise, does not have jurisdiction to 24 impose conditions or reject roadway improvements not 25 within their jurisdiction. That roundabout is within

the County's jurisdiction -- jurisdiction. Washington
Road is a county road.

3 So this Board and the council can't tell 4 the County what to do. They can't say, I don't like 5 it, go back and fix it. It's not within this Board's 6 jurisdiction. I think it's -- you know, I don't want 7 members of the public to think that, just because you 8 approve this application with this roundabout, that 9 you had the authority to change it. You don't. lt's 10 the County's jurisdiction, and the County has reviewed 11 and approved it. So I just wanted the record to be 12 clear on that jurisdictional issue. 13 CHAIRMAN O' BRIEN: One last --14 MR. RUTLEDGE: Irreparable harm, sir. 15 MS. PERCIALI: We should ask the 16 County --17 MR. LADELL: Mr. Chairman --18 MS. PERCIALI: It's our money. 19 SPEAKER: We're not getting paid to be 20 here. 21 MR. KARP: Either am I. 22 SPEAKER: Wonderful. 23 CHAIRMAN O'BRIEN: All take a deep 24 breath. I don't think we need another recess. 25 least I hope we don't.

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1 MS. PERCIALI: Who was in the meeting 2 with the County? Did you make --3 CHAIRMAN O'BRIEN: Is the Board ready to 4 -- yes, sir? Three minutes or less. 5 MR. GUMKOWSKI: I understand -- I 6 understand with school children we cannot consider 7 that. Floods I actually like; it gets guiet, so I'm 8 back on traffic. 9 And although now it seems like we cannot 10 even do this, but, you know, again, what I am -- cars 11 squeal, honk, there's accidents. You can look up how 12 many accidents 204 and 206. 13 But I think we should somehow make it 14 contingent or something, or really don't have -- or if 15 we cannot do 571 because it's County road, can we just 16 say, okay, Road -- what is it? The Road A, no access 17 to Washington Road? We don't put more traffic on that 18 thing? And just maybe there's some other solutions. 19 I guess we are counting on you. You're 20 supposed to represent us. I think that's what I think 21 lacking here a little bit now hearing it. 22 Thank you.

CHAIRMAN O'BRIEN: Before you go, would
 you tell us your name again for the record?
 MR. GUMKOWSKI: Michael Gumkowski.

	1	CHAIRMAN O'BRIEN: Thank you.
	2	MR. GUMKOWSKI: So let me actually ask
	3	then: Do we have I mean, are we really wasting our
	4	time or can we actually propose, like, hey, no access
	5	unless there are some other changes, Avalon Bay cannot
	6	be built? That's actually us? That's West Windsor,
	7	right?
	8	CHAIRMAN O'BRIEN: You can suggest that,
	9	but whether we agree with that is to be seen.
	10	MR. GUMKOWSKI: Okay. Yeah. That would
	11	be great. So that I would suggest Road A, no access
	12	to Washington Road until the Vaughn extension is built
	13	or the bypass is built.
	14	Thank you.
	15	CHAIRMAN O'BRIEN: Thank you.
	16	Yes, Cammy?
	17	MS. ANICO: Yeah. Good memory. Super
	18	fast question just for my understanding.
	19	What is within your purview? Can you put
	20	a contingency on the developer and say, you know, in
	21	order to approve it we need A, B, or C?
	22	CHAIRMAN O'BRIEN: We can put conditions
	23	on our approval. And I've been back on the Planning
	24	Board for three and a half years now plus. It's been
	25	my view that we work with the Applicant to come up
1		

1 with conditions that we would like to see are within 2 our legal right to ask and the Applicant to agree. 3 There have been times when the Applicant 4 has agreed with a condition that they did not legally 5 need to agree to. So we do ask for things that are 6 not necessarily according to the law that the 7 Applicant would go by. 8 So we can put conditions. But as the 9 person sitting in this chair, I try very much to have 10 conditions that the Applicant agrees are reasonable 11 and acceptable. 12 Just a little anecdotal note. We had a 13 meeting a couple of years ago where the Applicant 14 actually asked us to take an intermission, and they 15 stepped out in the hallway to discuss among themselves 16 whether they wanted to agree to a condition that we 17 were seeking, which they did not need to do, but to 18 their credit they came back and agreed to it. 19 So that's how this give and go process 20 works. 21 MS. ANI CO: Got it. I don't know if you 22 want to tip your hand now, but do you have anything --23 any conditions you guys are thinking about? 24 CHAIRMAN O' BRIEN: Our attorney will 25 review the conditions.

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1 MS. ANI CO: I see. 2 CHAIRMAN O' BRIEN: I expect they are 3 going to be many that he will review. 4 MS. ANI CO: Okay. Thank you. 5 CHAIRMAN O' BRIEN: You're welcome. 6 MR. MARATHE: Gene, can I make a 7 statement? 8 CHAIRMAN O' BRIEN: Sure. 9 MR. MARATHE: So, I mean, I don't want 10 you to have an impression that the County completely 11 designed this project for us. We have something 12 called technical review committee, consisting of our 13 expert, Francis, engineer, traffic expert, 14 environmental engineer, landscape architect. These 15 are all our experts. Before they even go to the 16 County they have to satisfy the TRC. Until we deem 17 the application complete, they can't even go to the 18 TRC. 19 So it's not -- I don't want to give you 20 an impression that the County completely designed this 21 or County's imposing on it. Our technical review 22 committee looked at it, found it satisfactory. That's 23 why it was deemed complete. And then it proceeds to 24 other bodies of the -- other bodies, whether it's the 25 state or the County or anybody else that needs to be

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Page 172 1 done. 2 So this was looked at by -- multiple 3 times by our experts. 4 And, again, as each of us is a 5 professional in different field, but we are not 6 experts in traffic or engineering or landscape 7 architect, so we have to depend on people that we have 8 hired to represent us. 9 CHAIRMAN O'BRIEN: Colleagues, what's 10 your pleasure on input? 11 MS. GEEVERS: What do you mean? For 12 input to close the public hearing? 13 CHAIRMAN O'BRIEN: I didn't see any hands 14 rai sed. 15 MS. GEEVERS: Has everyone spoken? 16 SPEAKER: One question, please. I know 17 the answer, because you already told me during the 18 recess. 19 Is the concept sketch that I provided to 20 the Planning Board similar to what the town asked the County to provide? 21 22 CHAIRMAN O' BRIEN: Yes. 23 SPEAKER: Thank you. 24 SPEAKER: Can I add something? Is it 25 past your bedtime or something? Why do you have to

Page 173 1 make so many comments for everyone? 2 SPEAKER: Not appropriate. 3 SPEAKER: Unreal. 4 CHAIRMAN O' BRIEN: Yes, Kathy? 5 MS. RUSSELL: I just have one question 6 from what Mr. Rutledge was asking. Is that roundabout 7 in a place that it would logically connect with SRI's 8 proposed --9 CHAIRMAN O' BRIEN: Yes. 10 MS. RUSSELL: Okay. 11 SPEAKER: Not Vaughn extension. 12 MS. RUSSELL: Got you. Thank you. 13 MR. KARP: I make a motion to close the 14 public hearing. 15 MS. GEEVERS: Second. 16 CHAIRMAN O'BRIEN: It's been moved and 17 seconded to close the public hearing. Is there any 18 further discussion on that motion? All those in favor 19 please signify by saying aye. 20 MR. HOBERMAN: Aye. 21 MS. GEEVERS: Aye. 22 MR. KARP: Aye. 23 MR. MARATHE: Aye. 24 CHAIRMAN O' BRIEN: Motion is approved. 25 We are now into deliberation. Does anybody on the

1 Board have any questions of the Applicant that have 2 not al ready been asked? 3 Curtis? 4 MR. HOBERMAN: No, not at this time. 5 CHAIRMAN O' BRIEN: Li nda? 6 MS. GEEVERS: Just, Francis, on these 7 plans that were submitted, I mean, I'm sure, when you 8 do engineering, there's different ways of doing 9 things. 10 But are you satisfied with what was 11 approved by the County? Is there any changes that 12 have been suggested by what has been submitted by Mr. 13 Rutl edge? 14 MR. GUZIK: I'm not sure how to answer 15 that question. But if there were any suggestions on 16 Avalon's plans, they're in my report to the Board, 17 which has been discussed, you know, over the last 18 three meetings. Mr. Rutledge's plan is, I believe, 19 based on the township's redevelopment plan for what 20 was thought of by Hillier at the time in 2009 or so of 21 what could happen in this area. It's a concept plan. 22 It's a planning tool prepared by licensed planners. 23 It did not have physical field information applied to 24 it. It did not have engineering knowledge applied to 25 it.

1 Like Mr. Rached and Mr. L'Amoreaux's 2 knowledge of MUTCD requirements, of AASHTO 3 requirements for safety standards for traffic, which 4 are all the things that the County looks at and 5 applies to this, in addition to both the gentlemen I 6 just referenced. 7 So -- so with respect to what the 8 difference -- the deviations are between what was 9 originally in the concept for this area versus what's 10 been engineered, it's -- it's a give and take and a 11 development of a concept, similar to an artist taking 12 an initial sketch and turning it into an actual 13 painting that they can, you know, produce and sell. 14 So this is the finished product of that concept. 15 MS. GEEVERS: The County approved it. 16 They have jurisdiction. 17 MR. GUZIK: The County --18 MS. GEEVERS: Are you satisfied that this 19 is going to work? 20 MR. GUZIK: -- conditionally approved this, and also it has gone to NJDOT, because NJDOT has 21 22 jurisdiction of the Route 64 bridge connection to it. 23 CHAIRMAN O' BRIEN: Anything else, Linda? 24 MS. GEEVERS: Not on this, no. 25 CHAIRMAN O' BRIEN: Mayor, do you have any

Page 176 1 other follow-up questions or comments? 2 MR. MARATHE: No. 3 CHAIRMAN O' BRIEN: Mi ke? 4 MR. KARP: No. 5 CHAIRMAN O'BRIEN: I have a question for 6 either David Novak, our planner, and/or Dan 7 Dobromilsky, our landscape architect. 8 What is either statute, our ordinance, or 9 precedent for a public place; i.e., the promenade on 10 the exhibit, to not have restroom facilities for 11 members of the public who would be coming to an event? 12 Not just walking through, but coming to an event, as 13 has been indicated by previous testimony can be done 14 at this promenade. 15 Mr. Chairman, I think I can MR. NOVAK: 16 answer that question. For the record, this is David 17 Novak, that's spelled N-O-V-A-K. I am with Burgis 18 Associates. We are the township planning consultants. 19 I am checking right now, but the original 20 formulation of this ordinance for the RP-1 district 21 did actually incorporate a bathroom in the promenade. 22 However, the last iteration of it, which I believe was 23 ordinance number 2021-02, eliminated that need. 24 So, quite frankly, based on the zoning of 25 the site, there is no need or requirement of the

Page 177 1 Applicant to install a bathroom on the promenade 2 There are retail spaces that are proposed space. 3 along either side of the promenade, as well as a lobby 4 space adjacent to the promenade, which, presumably, 5 would feature bathrooms as well. 6 I think the philosophy behind was that, 7 rather than have bathrooms eating up space within the 8 promenade, allow for additional opportunities for 9 recreational space in that area, and utilize those 10 existing infrastructure that are circulating around 11 it. 12 CHAIRMAN O' BRIEN: Thank you. 13 Dan, do you have any comment? 14 MR. DOBROMI LSKY: I think the only thing 15 I could add is the solution that we came to at Nassau 16 Park Boulevard, which is the bathrooms for the Panera 17 Bread, have a component where they can actually be 18 locked in the store side and become public accessible 19 So they are Panera Bread's when the store is closed. 20 bathrooms, but they have a component in the way they 21 have an exterior door nearby that they can function as 22 a public bathroom if need be. And the -- I'm not sure 23 how the management arranges that, but they are 24 arranged such that they can both serve the restaurant 25 and the public in the time of an event.

1 I do not know if the construction code 2 will come into a factor as to whether they would 3 request that that type of scenario occur with the 4 knowledge that there could be public events in that 5 space, and whether the construction code would require 6 a public restroom. 7 There's also the possibility that if 8 there are events, they would have to bring in 9 temporary restrooms for that event as an option. 10 Jerry, is there some MS. GEEVERS: 11 wording -- I believe the Applicant testified that some 12 of the events that will happen in what we used to call 13 the grand promenade area, will be open to the public. 14 Anybody in town, people from Penns Neck, anywhere, 15 right? That was supposed -- that's the whole thing. 16 That's the whole part of it. And so there are going 17 to be a need for bathrooms. 18 And at this point we don't know whether 19 any retail stores will be opened or not, or whether 20 they would want to open their stores to people just 21 coming in to go use the bathroom.

So is there any kind of condition, because this -- this space is to be used for public events. They said that, right? So where are people going to go to the bathroom? They bring their kids,

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you know. There has to be something that we can put
in.

MR. MULLER: I think we can impose a condition that requires that there be public bathrooms either on the promenade itself. And that would have been relatively easy to do, absent the ordinance amendment that, I think, Novak laid out, or in retail space that's along the promenade.

9 MR. HOFF: We're not going to agree to a 10 condition for bathrooms. Mr. Novak is correct. The 11 redevelopment plan and the ordinance originally had it 12 in there, and the design intent was take it out to 13 provide more functionality in the promenade space. 14 That's the ordinance. It was changed. There's a 15 legislative intent clear, because it was in there and 16 the council took it out. So we're not required to put 17 it in, and there's a rationale for that, and that's 18 why it's not in.

MS. GEEVERS: But you have to provide bathrooms if you're having a public event. It's not just for people who are living there, it's for the public, right? So where are they going to go to the bathroom?

24 MR. MULLER: Well, the notion, as I 25 recall when this was done, was that the bathroom

Page 180 1 facilities would be in one of the retail 2 establishments along the promenade. 3 MS. GEEVERS: But they have to be --4 MR. MULLER: But I think we can impose a 5 condition that says that has to be, in fact, assured. I don't think the Board would want to have 6 7 Port-A-Potties tracked in for a -- for public events. 8 MS. GEEVERS: Some people are going to go 9 into a possibility of restaurant or some kind of store 10 and have to use the bathroom. I mean, is there a 11 condition? 12 MR. MULLER: I'm having a little trouble 13 hearing you because of the noise behind us. 14 CHAIRMAN O'BRIEN: Jerry, can you say 15 that again? I didn't understand. 16 MR. MULLER: I'm having a little trouble 17 hearing Linda because of the noise behind us. 18 CHAIRMAN O' BRIEN: She's talking about 19 children being there. 20 MR. MULLER: I'm sorry. Say again. 21 CHAIRMAN O'BRIEN: Linda is talking about 22 public events with children, especially, needing to 23 use restroom facilities or toilet. 24 MR. MULLER: Right. I understand that. 25 And I think we can impose a condition to ensure that

1 that, in fact, is provided. If the Applicant doesn't 2 want to do it on the promenade, and I don't think we 3 can require it. I think Mr. Hoff is right. Gi ven 4 that the recent ordinance amendment that require that 5 a store -- that there be a lease arrangement with a 6 store provides that their toilet facilities be 7 available to the general public. 8 CHAIRMAN O' BRIEN: Mr. Ladell? 9 MR. LADELL: Yes, Mr. Chairman? 10 I turn to you for your CHAIRMAN O'BRIEN: 11 years of experience. You've talked about having 12 served on a Planning Board. You've been in the 13 development business for a long time. Is there some 14 sort of accommodation that you can suggest we try and 15 agree upon? 16 MR. LADELL: Ronald Ladell, senior 17 vice-president of Avalon Bay. 18 I'm sorry to say, Mr. Chairman. l don't 19 Mr. Muller's idea is not workable. have a good idea. 20 That would inhibit our ability to lease space. lf --21 I don't know about Panera Bread or another community. 22 I'm not going to speak to that. I know the franchisee 23 of Panera in the entire State of New Jersey. If that 24 was the arrangement at that particular situation, I 25 can't speak to it directly.

1 But it's inappropriate -- I'll get to the 2 legal side of it in a second. But from a business 3 point of view, it would be a huge hindrance for me to 4 go to potential retailers, including hard good stores, 5 by the way, you talk about F and B, food and beverage. 6 But we may have hard good stores, clothing stores. 7 Their restrooms are not, per se, open for the public if we have a farmers' market or whatever public events 8 9 we do want to have, by the way. 10 And, Mr. Muller, respectfully, that 11 clothing store, as an example, may close at a certain 12 time, Covid hours including, being less than typical. 13 What would be the penalty? What would be the 14 enforcement? What would be the hammer if they close 15 and there's no bathroom there available? 16 Secondly, I can't agree to a condition in 17 We have no idea, Mr. Chairman, who the a vacuum. 18 potential retailers will be. They may be food and 19 beverage, they may be a preschool, which, by the way, 20 has huge issues about letting people go in that 21 environment to use their bathroom. So that's not 22 workable. 23 Mr. Hoff is correct and Mr. Novak is 24 This was specifically discussed with the correct. 25 governing body, of which two members of the governing

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1	body are sitting on this Planning Board, and voted	-
2	for. But the mayor didn't vote. I apologize. The	
3	mayor was there, but the council votes. Different	
4	form of government. I apologize.	
5	But the council did approve that, knowing	
6	full well that the public bathroom requirement was	
7	removed for the reasons that Mr. Novak and Mr. Hoff	
8	described.	
9	CHAIRMAN O'BRIEN: I hear you.	
10	MS. GEEVERS: But it's still a problem.	
11	CHAIRMAN O'BRIEN: Can we work toward	
12	MR. LADELL: Ms. Geevers, I don't	
13	actually think it is a problem. We can respectfully	
14	di sagreement.	
15	MS. GEEVERS: You bring a bunch of kids	
16	with you to a concert, and someone's going to have to	
17	go, especially if they're young. You need to	
18	MR. LADELL: Ma'am, I do think	
19	MS. GEEVERS: As a health issue.	
20	MR. LADELL: Ma'am, I don't want to get	
21	into our own situations about when we have to and not	
22	have to go to the bathroom. And if you're a child	
23	I'm sure there will be children, just like there is	
24	every day when you go to a park in a town. Many parks	
25	I live in Livingston. My parks don't have	

1 bathrooms. And there are children at the park every 2 day. And I trust the parents or the caregivers to 3 find a way that that child, if not in a diaper, will 4 be able to find relief to go to a bathroom. However 5 they do it, they do it. 6 Now, having said that, I'm fully 7 committed to having public events. You and I've had 8 private discussions, back when we got the ordinances 9 done, about our vision for the promenade, and we'd 10 like to work to do that. 11 But to require a public bathroom, which 12 has been removed from the ordinance, Mr. Hoff is 13 correct that there was legislative intent for the 14 reasons already described. 15 Mr. Muller, it's just unworkable. You 16

would potentially limit my ability to rent space or 17 decrease the value of that space, which is, in my 18 opinion, a cost generative obligation that you'd 19 potentially be imposing on our community in an 20 inclusionary project. And I don't -- I happen to go 21 further to explain the legal implications to it. 22 don't think I need to. We're cognizant -- I don't 23 mean to be harsh in any way -- that there's going to 24 be need for people, when they visit these public 25 events, which are very supportive, Arts Council, other

community organizations, to help develop those events.
 And it will have to cooperatively to do that.

But the residents or nonresidents from West Windsor and beyond that come will have to find a way to figure out how people, if that retailer is not open, to then use the bathroom.

7 By the way, Mr. Muller, a lot of times 8 when you go to a retailer -- sorry, Court Stenographer 9 -- when you go to a retailer, they say, to come in you 10 must buy something. That's a very typical requirement 11 throughout any retailer. Otherwise, people just 12 continue to go in and out of the Dunkin', or whatever 13 equivalent store is there. And it's problematic for 14 the operator of that particular retail store.

15 So I don't want to belabor, Mr. Chairman. 16 I wanted to answer your question directly. We don't 17 think it's workable. I defer to my attorney, I think 18 who said it succinctly and correct. And I'm sorry if 19 that disappoints, I guess, certainly one member of the 20 Planning Board, maybe others, with regard to that. 21 But we look to work cooperatively with -- after we, 22 hopefully, receive an approval tonight -- with members 23 of the representative of other organizations 24 throughout the West Windsor community coming up with 25 the best public events we can, and finding ways to

Page 186 1 solve what is a concern. But it should not be a 2 condition of a Planning Board resolution of approval. 3 MS. GEEVERS: Well, I don't know. 4 CHAIRMAN O' BRIEN: There was an 5 indication that the signage package was going to be 6 submitted. I may have asked this question previously, 7 but I didn't write down the answer. 8 When will a signage package be provided? 9 MR. HOFF: When would it come in? ls 10 that what the question was, Mr. Chairman? Because I'm 11 having the same issue. 12 CHAIRMAN O' BRIEN: The signage package, 13 the information about where signage would be, et 14 cetera. 15 MR. LADELL: When? 16 MR. HOFF: A month or two probably. 17 CHAIRMAN O' BRIEN: So it will be 18 available when the construction office is reviewing 19 construction plans? 20 MR. HOFF: 0h, sure. Yeah. 21 CHAIRMAN O' BRIEN: Thank you. 22 Do we have the capability of putting 23 something up on the screen? Would you put slide 14 on 24 the screen, please? I guess I said the wrong number. 25 24, I guess, Mr. Ladell, this is directed to you.

		F
1	In the on the corner of that	
2	intersection, in the lower portion, but the center,	
3	there's a ground sign that says "W squared." What	
4	does that mean?	
5	MR. LADELL: "W squared" is the brand	
6	name that will be used for the entire project,	
7	although each codeveloper, if I can call it that for	
8	this conversation, will have a separate name for their	
9	individual residential community.	
10	CHAIRMAN O'BRIEN: Does it not strike	
11	you, as the representative for the overall developer,	
12	that that's a demeaning term? You heard one of our	
13	residents say that we have high schools that are	
14	ranked 28 I'm sorry 18 and 24 in the state, and	
15	yet you're going to imply by this signage that West	
16	Windsor is square?	
17	MR. LADELL: I heard the resident talk	
18	about the quality of the schools, and I certainly	
19	recognize the quality of West Windsor schools. I	
20	think we all know that's been there for decades. I	
21	don't view that the term or slogan, or whatever brand	
22	you want to call it, brand name, in any way demeaning	
23	at all. If you would like me to give a little	
24	history, I'm happy to do it.	
25	But there were numerous suggested brand	

1 names beyond this, and I have to be careful what I'm 2 going to say. We were cognizant of the fact that 3 we're at a train station. We're cognizant of the fact 4 that West Windsor Township, notwithstanding the train 5 station having the word "Princeton" in it, we didn't 6 want any confusion that in any way that someone who's 7 not familiar with the term "Princeton Junction" may 8 think that Princeton Junction Train Station is in the 9 town of Princeton, which is one of the reasons why we 10 purposely did not include the word "Princeton" in any 11 brand name.

We think that when you look at a brand, it's not just the name, but there are fonts and colors and other aspects that go into a brand that you will ultimately see on the signage package, which was indicated that will be submitted in the coming months.

So it's not just the name itself that carries that representation. I think you and I spoke a month ago where I said that I was aware that you personally -- I think it's the same case tonight -really didn't like that name. And I think I suggested at the time that I respect your opinion and I think you respected mine. We disagree.

For what little it's worth, it means almost nothing, while we selected the name, we hired a

Page 189 1 professional advisor and consultant who is in the 2 industry to assist us with that. And we vetted for 3 months various aspects to it. We think this is the 4 best name. We think it's unique. We don't think it's 5 demeaning at all. We think it's actually --6 CHAIRMAN O'BRIEN: I'd say it's unique. 7 MR. LADELL: Unique is good for some 8 people, others may not as much. 9 But I would ask you, notwithstanding that 10 signage, not really relevant for this application 11 right now in the hearing. When signage does get 12 submitted, you know, we certainly can discuss it 13 agai n. 14 But I think, looking at it, at the 15 totality of the brand itself, may give a little more 16 help in the context of it. And, I mean, the color and 17 the font and the size and signage and things like 18 that. 19 CHAIRMAN O' BRIEN: When we last spoke 20 about this, and it was much more briefly, it was at a 21 hearing that had to be annuled for various reasons or 22 a reason, whatever. 23 When you say this name was vetted, by any 24 chance did that include a focus group of West Windsor 25 residents?

1	MR. LADELL: It did not.	
2	CHAIRMAN O'BRIEN: Okay. Thank you. I	
3	think	
4	MR. MARATHE: Can I ask one? Why	
5	Princeton Junction? Former mayor and I agreed on one	
6	thing: We like West Windsor. We're not Junction	
7	anymore.	
8	MR. LADELL: Well, Mayor, we agree. We	
9	didn't want to use the name Princeton Junction. First	
10	of all, I'll be honest, I don't know the history of	
11	why this is all Princeton Junction. I'm sure there's	
12	people in this room that could educate me to that	
13	effect, and I'd love to hear that maybe off line about	
14	it. But	
15	CHAIRMAN O'BRIEN: It's the junction of	
16	the main line with the Dinky line. Just like	
17	Petticoat Junction, that TV show.	
18	MR. LADELL: But the word "Princeton,"	
19	because of the Dinky? Because it emanates starts	
20	from Princeton became the Princeton Junction?	
21	CHAIRMAN O'BRIEN: Yeah.	
22	MR. LADELL: Yeah. We believe there was	
23	potential brand confusion. Avalon has, and is	
24	fortunate to have, a community at Avalon Princeton	
25	called Avalon Princeton.	

Page 191 1 For those who may not know, Avalon is 2 involved, and will be building, ultimately, two 3 additional communities in Princeton which will have 4 names that will likely use the name "Princeton" in it. 5 And we certainly thought that there's no 6 reason why we would want to have a community in West 7 Windsor that also uses the name "Princeton" in any way 8 whatsoever. 9 MR. MARATHE: So why not just say "W 10 squared, "West Windsor? 11 MR. LADELL: Well, that's a possibility. 12 Then we get to the other aspects of the brand. 13 Fitting it on a sign, fitting it on paraphernalia and 14 things like that, and I would again suggest to you, 15 wait till you see the entire sign. 16 MR. MARATHE: West Windsor is shorter 17 than Princeton Junction. 18 MR. LADELL: But I didn't want to do that 19 either. It's not like either/or. We wanted to fit 20 it. There was an idea, and there still is -- I don't 21 want to go too far with this -- but retailers would 22 then pick up with the brand. They would potentially 23 use the brand in their marketing purposes. That brand 24 could then be used on additional signage or other 25 accoutrements that the retailer has.

Again, we're not a branding company. We did hire a branding company to work with us on this, and gave an entire sign palette, design palette, along those lines.

And it's actually kind of interesting and intriguing, at least to me and the others on my team, to see the different fonts and different sizes, you know, and how that lays out. And you also have to be cognizant, just to say for the record, that you don't impede on anyone's other intellectual property rights when you do that.

12 One of the reasons why "squared" was 13 helpful, not because it's WW, West Windsor, but there 14 are other companies that have a W in certain aspects 15 that they brand. We wanted to certainly avoid any 16 confusion with regard to those too.

MR. MARATHE: I mean, there was a time
when we were Junction. We no longer Junction. So, I
mean, I would like to consider putting West Windsor
rather than Princeton Junction.

MR. LADELL: Thank you for that
 suggestion. And the signage package, we'll look at
 that specifically.

CHAI RMAN O' BRI EN: Has any overture been
 made to New Jersey Transit or any state agency to get

1 approval for the pedestrian connection with the train 2 stati on? 3 MR. HOFF: Repeated. Many, many 4 overtures over the course of two years. Over two 5 years? 6 CHAIRMAN O' BRIEN: So right now, and I'm 7 not trying to be a smart guy, if somebody who resides 8 in your complex wants to go to the train station, how 9 do they get there? 10 MR. LADELL: You mean once it's built, 11 the community, how would they get there? Well, you 12 can still -- I'll give you two answers. One, you 13 could walk there. There's multiple ways, passageways 14 through, even as -- thank you -- even as shown on the 15 screen right there. You know, there are other access 16 points through there. You could -- you would never do 17 this, but there's a very circuitous route, if you 18 wanted to go further down Washington and come past the 19 stores and come that way too. 20 You know, Mr. Chairman, we're very 21 hopeful that that connection -- but -- I'm sorry. 22 Someone else who spoke about how difficult it is to 23 deal with that state agency. When you submit to them 24 -- we gave them drawings and proposals. They came

²⁵ back from procurement -- this is what actually

happened -- with 10 questions that focus on liability
and insurance and who's paying for this, and they
didn't care about anything subsequently that we
submitted to them.

We responded to each of its 10, each of those 10 points. Six months go by. They respond with another letter, including asking the same questions again, in some cases. We're about to submit, and, I'm delinquent. I should respond to one of my colleagues last week. I didn't.

To then follow another letter up with regard to their other response, which we hope to keep getting over the hurdle. This is while we're dealing with New Jersey Transit in other communities throughout the State of New Jersey. So we actually have a first name relationship.

But -- and, by the way, I think it's obvious we're getting increased ridership. We're going to do all the good things about a TOD development that we should be held in good stead. But until you get out of the procurement miasma -- I don't want to call it besides that -- it's very, very difficult to get a businessperson involved

in that discussion.

25

We do think, notwithstanding the great

Page 195 1 differential that we testified about, that what you 2 see up there does make sense that we're going to be 3 dogged in pursuing it. 4 Although, you should all know, we have 5 time. We'd like to get it resolved. But it's not 6 like people are going to be living in our community in 7 six months. It's not working that quickly. 8 CHAIRMAN O'BRIEN: I guess, Jeff, this is 9 a lesser important, but another item on your list. 10 When you -- if and when you were able to have any 11 communication with NJDOT or NJT? 12 MR. L'AMOREAUX: I'II combine both of 13 them. 14 CHAIRMAN O'BRIEN: We've got vehicular 15 issues that are very important, but we got a 16 pedestrian issue that's also important. 17 MR. L'AMOREAUX: Matt Lawson at the 18 County knows the right people. I'll bring Matt into 19 it if I need to. 20 CHAIRMAN O'BRIEN: Matt Lawson is a good 21 Hopefully he will be able to help us. ALL quy. 22 right. 23 MS. GEEVERS: Can I ask a question? 24 Matter of process. If this was approved, I mean, the 25 major issue that keeps coming up is traffic, and what

1 the township's going to do --2 MR. MARATHE: Linda, can you talk in the 3 mi ke? 4 MS. GEEVERS: Yes. Okay. Sorry. 5 The traffic; that was the major issue 6 tonight repeatedly by almost everybody. And do you 7 have a plan, the engineering department, 8 administration, working with our traffic consultant or 9 consultants? What is the plan? How can we move 10 forward to -- to address these issues? Because 11 there's a concern. This is eventually coming in. 12 What are we doing now? What can we do in the future 13 to address all this traffic? Because it's here now. 14 It's a problem now. 15 So I'm just trying to give some 16 confidence that this township heard everybody loud and 17 clear. Not that we didn't know there was a problem, 18 but we heard them loud and clear tonight that we're 19 going to follow through on this, and it's going to be 20 a priority. 21 MR. GUZIK: So with regard to Washington 22 and Route 1, the DOT has been working on designs for 23 the improvements to Route 1 between Alexander Road and 24 -- I forget the terminus in Plainsboro. But it would 25 also obviously affect this intersection with

improvements.

1

2 There -- as has been stated, the township 3 has in its circulation element master plan, it's 4 previously been on the, I believe, the DVRPC TIP, 5 Transportation Improvement Plan, the Vaughn Drive 6 Unfortunately, the priority and funding extension. 7 that was in place previously, because of the lack of 8 the redevelopment plan at that time, had the funding 9 di sappear. But it's still there. So it's working 10 with Mercer County and DVRPC to get that project moved 11 up in the time frame that works with, I guess, the 12 federal funding programs, as there's federal funding 13 avai l abl e.

14 But also, as been previously indicated, 15 the township does collect transportation and 16 improvement funds from other developers. So it's --17 as a method of enticing something to happen here, the 18 township's able to offer some percentage of 19 participation in the construction of those projects. 20 Unfortunately, because of some of the 21 constraints that you heard about with lands being 22 owned by federal agencies, with the extent of 23 environmental constraints involved, it's not something 24 the township's able to entirely fund on its own. But 25 it is able to offer and entice entering into

partnerships like was done with the Alexander Road
 bridge, the roundabout, like was done with the metal
 road overpass over Route 1.

So I can't give you a specific project or time frame. But, yes, it's on the books. We have these tools that we're using. I just don't have a time frame I can offer.

8 MS. GEEVERS: Do you expect if the 9 federal government, Congress, ever approves some 10 infrastructure money to come down to the state and 11 come down to, say, this level, that if you had a 12 project like this that's approved, we can say, this is 13 approved. Here's specific needs because of the 14 traffic problems and issues to be addressed?

MR. GUZIK: It depends on who's put in
charge of the funding and where they rank our project
in comparison to everybody else who's out there
looking for funding.

19 It is a potential. And, certainly, the
20 more elected officials at the township, the county,
21 the state level, federal representatives that you get
22 involved, the more people pushing for your budget, the
23 more likely you are to get the funding.

MS. GEEVERS: Okay.

24

25

CHAIRMAN O'BRIEN: Jerry, if the Board

Page 199 1 were to feel inclined to approve this application, 2 what are the variances, nonwaivers, conditions that 3 would be a part of a motion of approval or resolution 4 memorialization of a motion to approve? 5 MR. MULLER: Well, the motion -- do you 6 want me to go over them? 7 CHAIRMAN O' BRIEN: Pl ease. 8 MR. MULLER: So this is an application 9 for preliminary and final major site plan and 10 subdivision approval. There is three design waivers. 11 One is for the hairpin striping, which is required and 12 is not being provided. 13 The second is for the footcandle 14 requirement. I believe an average -- you have to be 15 average of 0.6 footcandles, and 0.8 footcandles is 16 proposed. 17 And then the third relates to the 18 question of whether there's sufficient recreation 19 facilities on site. And I know Dan discussed this at 20 the last meeting and suggested there be a waiver from 21 whatever the pertinent requirements are. 22 Dan, do you want to elaborate on that a 23 little bit? 24 CHAIRMAN O'BRIEN: I'm sorry. Did you 25 ask me to do something?

Page 200 1 MR. MULLER: Yeah. I just wanted Dan to 2 elaborate on the waiver. At least I thought that he 3 raised at the last meeting the possibility of one with 4 the idea that, perhaps, the recreation facilities were 5 not sufficient under certain standards, under certain 6 profession provisions in our ordinance, and that a 7 waiver from those requirements would be appropriate. 8 MR. DOBROMI LSKY: If it's Section 200-36, 9 the supplemental requirements as they related to 10 And in the testimony I elaborated on what recreation. 11 was the guideline or requirement of the code and what 12 was being provided. 13 I also indicated a number of things that 14 were being provided that are not addressed by that 15 section of the code. And then provided some testimony 16 on how this neighborhood would be different than many 17 of the suburban neighborhoods that those standards 18 really envision. 19 MR. HOFF: And, Jerry, there was a 20 discussion after Mr. Dobromilsky's testimony. T 21 raised the point that the promenade provisions within 22 the redevelopment plan were intended to address 23 recreational components, and that the redevelopment 24 plan specifically superceded any provisions in the 25 ordinance to the contrary.

1 And the Chairman turned to Mr. Bahree to 2 ask whether, in his opinion, that a waiver would be 3 required. And it was recommended to the Board that no 4 waiver would be required because the provisions of the 5 redevelopment plan were being satisfied with respect 6 to the promenade. 7 MR. MULLER: I think, out of an abundance 8 of caution, it would make sense. And I appreciate 9 your comment, Rick, that the waiver be considered and 10 granted, because certainly the point can be raised 11 that the promenade isn't a sufficient substitute, and, 12 therefore, there's a deficiency in terms of 13 recreational facilities. 14 And rather than that issue being 15 addressed in court, if this ever gets to court, and 16 who knows whether it will, we'd be better off granting 17 a waiver. 18 CHAIRMAN O' BRIEN: Any objection by the 19 Board for granting such a waiver from the ordinance 20 referenced that Dan mentioned? 21 MR. KARP: No. 22 MR. MARATHE: No. 23 MR. MULLER: And then the 13 submission 24 waivers, they're laid out in Francis' memo -- 12 of 25 them are laid out in Francis' memo on pages four and

five. And I can go over them specifically, but I
don't know that I need to. And the 13th is the one
that Gene talked about earlier in the -- in the memo
from Tim Lynch.

5 And then in terms of conditions, there's 6 one that the Board could consider. First, in terms of 7 the PowerPoint presentation, A-1, I know what we've 8 done in the past when we've gotten PowerPoint 9 presentations like this, and say that the site plan 10 has to be implemented in a manner consistent with the 11 PowerPoint presentation, except where it's 12 inconsistent with any of the plans approved by the 13 Court -- approved by the Board, or any of the 14 conditions submitted. So that would be one that I 15 would recommend. 16 The Board seem amenable to that? Should 17 I go back over it? 18 CHAIRMAN O' BRIEN: I'm sorry, Jerry. l'm 19 having trouble understanding you. And I know you 20 don't have your mask on. 21 MR. MULLER: Okay. Is this clear? No? 22 MS. GEEVERS: Go ahead. 23 MR. KARP: Just read. 24 MR. MULLER: Okay. Should I just -- am I 25 clearer now?

1 MS. GEEVERS: Yes. 2 MR. KARP: Yes. 3 MR. MULLER: Okay. Exhibit A-1 is a 4 PowerPoint presentation that the Applicant submitted 5 and that we've seen slides from on the screen tonight. 6 What we've done in the past, when we've 7 had these PowerPoint presentations, is that we impose 8 a condition that says the site plan -- the site plan 9 elements in the PowerPoint presentation have to be 10 part of the -- have to be implemented, except where 11 the site plan that is now before the Board is 12 inconsistent with those, or whether there are 13 conditions inconsistent with those. 14 So that's one condition that I would 15 Is that clearer now? recommend. 16 CHAIRMAN O' BRIEN: Well, the plans --17 Jerry, the plans that we have, like so, do these 18 supersede or are they --19 MR. MULLER: They supersede, yeah. The 20 PowerPoint presentation slides would only be pertinent 21 to the extent they're kind of filling things in that 22 are not in the plans and not in other conditions. 23 CHAIRMAN O' BRIEN: Right. If you feel a 24 condition is warranted, so be it. 25 MR. MULLER: 0kay. Then for the signage

1 for parking for the affordable units in the Pulte 2 area, they should be above ground post signs. I take 3 it everybody's okay with that? 4 Then Mr. L'Amoreaux presented what we 5 called PB-1 and PB-2. I mean, I don't see those as 6 conditions, but I'm not exactly sure how we should 7 treat them, other than exhibits. 8 The only condition I would put in is 9 should either PB-1 or PB-2 be implemented? There has 10 to be a cross easement between New Jersey DOT and 11 Amtrak on the one hand, and the township on the other. 12 Everybody okay with that? 13 MR. HOFF: But that would have nothing to 14 do with us. 15 MR. MULLER: That has nothing to Right. 16 do with you, right. But I think it's worthwhile 17 putting it as a condition so we have kind of a record 18 of what may need to be done in the future. 19 CHAIRMAN O' BRIEN: But a more operative 20 condition is that the Applicant will make access to 21 the current Road A for the connection to the ultimate 22 road -- Vaughn Drive extension. 23 MR. MULLER: It would fine. 24 MR. HOFF: Sure. I mean, the town's 25 master plan element with respect to that road calls

Page 205 1 for it to be public anyway. So that would -- we'd 2 have no control over that. 3 MR. MULLER: So, Gene, how would you 4 phrase that condition? 5 MR. MARATHE: I mean, can we say that 6 they work with us to approach Amtrak and NJ Transit 7 and whoever else needs to be approached to provide 8 that alternate path to the other side? 9 MR. MULLER: To the train station? 10 MR. MARATHE: That they will work with us 11 to approach Amtrak and NJ Transit to get an alternate 12 path out of the development. 13 CHAIRMAN O' BRIEN: And the NJDOT. 14 MR. MARATHE: Sorry. NJDOT. 15 MULLER: MR. Rather than Washington Road? 16 MR. MARATHE: Yeah. I mean, going to 17 Al exander Road. We want that at least temporary for 18 now, and then whenever the permanent one happens. 19 MR. HOFF: So that would be a condition, 20 Mayor, requiring us to cooperate with the township in 21 _ _ 22 MR. MARATHE: Yeah. 23 MR. HOFF: -- coordinating with relative 24 state agencies? That's agreeable. 25 MR. MULLER: So I'm not going to put in a

1 condition about a cross easement with respect to PB-1 2 and PB-2. Those are simply the exhibits. There's not 3 going to be any condition related to them, and I won't 4 put in anything about a cross easement. Is the Board comfortable with that? 5 6 MR KARP: Yeah. 7 MR. MULLER: The question for the public 8 bathrooms, you heard what Mr. Ladell said. And it's 9 certainly true, in terms of a public bathroom on the 10 promenade itself. I think the recent legislative 11 history and the removal of that requirement from the 12 ordinance would preclude the Board from imposing that 13 condition with respect to building a public bathroom 14 on the promenade, and with respect to requiring a --15 retail facilities to have it open to the public. Mr. 16 Ladell indicated the practical --17 CHAIRMAN O' BRIEN: That condition is a 18 nonstarter, Jerry. 19 MR. MARATHE: Yeah. I mean, one of the 20 10 iterations of the ordinances we took it out.

21 don't remember the reason.

25

So the condition about the alternate
parking to leads to Alexander Road, right?
(Indiscernible) to Washington Road.

MR. MULLER: (Indiscernible) Alexander as

1 well as Washington. 2 MR. MARATHE: Yeah. Alexander Road 3 through the parking lot. 4 MR. MULLER: Would it be to Washington 5 Road al so? 6 MR. MARATHE: Washington Road already 7 have a connection from Road A, right? You just want 8 the Road A to connect to Alexander through either the 9 parking lot or some other means. 10 MR. MULLER: Both A and B, I think, but 11 -- okay. 12 And in terms of the memos, the main 13 conditions from Francis, I will go through them. But 14 just by referring to the sections of his memo and some 15 from Arora and a little bit from --16 CHAIRMAN O' BRIEN: There are three from 17 Chief Lynch's memo. 18 MR. MULLER: Right. From Tim Lynch, 19 Right. yeah. 20 Okay. First starting with Francis' --21 and I'll just read the sections of the -- of his memo. 22 And I can actually -- I have it written out. I can 23 read in detail, but I think that would take more time 24 than probably the Board really wants to spend on this. 25 It would be section 1.01A, the first

Page 208 1 bullet, and the second bullet, 1.01B, 1.02, 1.03, 2 1.04, 2.01A, the first bullet, 2.01A, the second 3 bullet, 3.02, 3.03, 3.06, 4.02. There are two in that 4 section, there would be two conditions, because there 5 are two different points. 4.03, 4.04, 5.01, 5.02, 6 7.02, 7.03. 7 And then there's actually a set of three 8 conditions in 7.03, 7.04, which is outside agency 9 approval s. 10 And then water fountains shall be 11 installed on the promenade. I thought that was agreed 12 to last week. 13 The zoning table shall be annotated to 14 show that approval for 79.9 percent impervious cover 15 is being requested. The actual impervious cover is 16 71.5 percent. 17 Then in terms of Mr. L'Amoreaux's memo of 18 August 18th, this is just cleanup stuff, it would be 19 section -- and I'm just going to mention the ones that 20 would apply. 21 And I don't think -- Jeff, it's fair to 22 say there's nothing really substantive here, correct? 23 MR. L'AMOREAUX: Just say the numbers. 24 Sections 2, 3, 4, 5, 12, 13. MR. MULLER: 25 CHAIRMAN O' BRIEN: Does that take into

1 consideration the supplemental memo that Jeff 2 provi ded? 3 MR. L'AMOREAUX: Right. I took -- I took 4 those three out. 5 MR. MULLER: 22, 24, and 26. 6 I don't know if you want a 7 recommendation, as per the recommendation from Jeff, 8 in a separate submission to the Board that Road B be 9 -- not be taken over by the township; that that be 10 owned by the -- by the developer or the developers. 11 CHAIRMAN O' BRIEN: Well, all interior 12 roadways of the proposed development are currently 13 owned by the Applicant. And if anything were to 14 change, the Applicant or the owner of the property 15 would have to come to the --16 Well, when you say MR. MULLER: "currently owned," I mean, do they say that in the 17 18 plans that these are going to be -- or not going to be 19 municipal roads? That they'll be privately owned by 20 the Applicant? I don't know that they say that 21 actually in the plans. 22 MR. MARATHE: I think the road's 23 automatically privately owned unless we take it over 24 by --25 MR. MULLER: Yeah, that would be true.

Page 210 1 Okay. So just --2 MR. MARATHE: All roads are privately 3 owned until they're taken over by council action, 4 right? 5 MR. MULLER: Yes. 6 MR. MARATHE: Okay. 7 MR. MULLER: Okay. And that would only 8 be -- that would go to council, and that would be --9 we could make recommendations if we want, but we 10 certainly don't have to. 11 Then in terms of the Lynch memo, Gene 12 discussed it at the beginning, and had three in terms 13 of the -- the system of upgrading in terms of fire 14 control and masonry construction, fire walls --15 CHAIRMAN O' BRIEN: There were three 16 items: The upgrading of the fire protection system, 17 the provision of masonry walls between the apartments, 18 and the parking garage, and the assurance that 19 interior building radio reception is acceptable. 20 MR. MULLER: Right now, Gene, under 10's 21 miscellaneous section, said, "All roadway" -- this is 22 in addition to what you talked about. 23 "All roadway areas not formally 24 designated as parking should be designated as fire Lane." 25

Page 211 1 CHAIRMAN O' BRIEN: But that would be a 2 waiver that Chief Lynch is agreeable to. 3 MR. MULLER: No. He suggested that this 4 be imposed as a condition. 5 CHAIRMAN O' BRIEN: No. I think he said 6 in his memo he was agreeable to a waiver. 7 MR. MULLER: No. No, he did not. The 8 waiver was in a section on access. This is a section 9 entitled "Miscellaneous. Should the Planning Board 10 choose to approve this application, I recommend the 11 following conditions be listed in the resolution." 12 The first bullet, "All roadway areas not 13 formally designated as parking should be designated as 14 fire lanes." 15 And the second one is a position -- and 16 we see this all the time, "Fire department connection 17 that supports the fire sprinkler system should be 18 placed proximal to building access and water supply." 19 MR. MARATHE: Yeah. Yeah. 20 MR. MULLER: Okay. Then the last one is 21 simply what Gene read, and then I added something at 22 the end in terms of this whole implementing by 23 condition the settlement agreement between AI and the 24 Applicant. 25 And then I added, at the Applicant's

Page 212 1 request, the following at the very end, after 2 everything that Gene and I had read earlier, which is 3 "The Applicant reserves all rights to contest any 4 requirement that such costs, the cost of the 5 improvements, be its sole responsibility." 6 It's not to say that we're agreeing with 7 It's just that they're reserving their right to that. 8 make that argument subsequently when this is all 9 resol ved. And that's it. 10 CHAIRMAN O' BRIEN: What's the pleasure of 11 the Board vis-a-vis this application? 12 MR. HOBERMAN: I'd like to add some on 13 the conditions, waivers. 14 In the last hearing Maurice testified 15 that the shoulders on Washington Road would be seven 16 feet, not six feet, as agreed to by the Applicant. 17 And even though the engineering documents by Maser 18 only have it as six feet, does that verbal part of the 19 deliberations and that agreement need to be a 20 condition or a waiver? 21 MR. MULLER: Well, this brings us back to 22 the question of Washington Road being a County road. 23 And the Board -- the Board doesn't have any 24 jurisdiction over it. And the Applicant can't make 25 those improvements unless the County agreed to them.

Page 213 1 MR. HOBERMAN: Maurice, did the County 2 agree on the six, seven feet? Where are you? 3 MR. RACHED: Yes. Yes, they did. 4 MR. MARATHE: Can we just include that 5 the County has agreed, and the road will be seven 6 feet? 7 MR. HOBERMAN: That's shoulders. The 8 shoul ders. We're talking about the shoulders of the 9 road. 10 MR. HOFF: It is true. However, I don't 11 want any condition, because the County can change that 12 on us. 13 MR. MARATHE: Yeah, I know. But as 14 long --15 MR. HOFF: I don't want the County 16 saying, you know what? On second thought let's go 17 back to six, and then I've got a condition that I'm 18 violating locally. 19 MR. MULLER: Why don't we add to this 20 condition, unless the seven-foot requirement or 21 provision is modified by the County? 22 MR. MARATHE: Yeah. 23 MR. HOBERMAN: Say it again. Unless the 24 seven-foot --25 MR. MULLER: Provision is modified by the

1 County.

2 MR. HOBERMAN: Okay. Very good. 3 Okay. And then the other question with 4 that was -- Maurice also testified that on such 5 shoulders there would be a -- bicycle markings on the 6 shoul der. Yet, again, the Maser documents do not show 7 that on their thing. 8 But I think Maurice testified that there 9 would be bicycle markings. 10 MR. RACHED: That's also up to the 11 So we do not know what the County's going to County. 12 ultimately require of us. I would suggest we don't go 13 into these minor details, and leave it that the County 14 will dictate all these details. 15 MR. MULLER: Okay. We'll leave the 16 seven-foot provision in, but I'm sure -- not pursuant 17 with respect to the markings on the -- on the 18 shoul ders. 19 MR. HOBERMAN: Then the only other thing 20 I'd like to ask is, Jerry, you made the judgment based 21 on your review of the New Jersey Administrative Code 22 and the Housing Code on the windowless bedroom issue. 23 Does that need to get -- your judgment need to get 24 worked into the resolution? 25 MR. MULLER: I think it's worthwhile

Page 215 1 putting in the resolution that this was raised as an 2 i ssue. But the Board -- because there are bedrooms 3 that are windowless and do not have skylights, 4 inconsistent with the -- both the New Jersey Housing 5 Code as opposed to the construction code. 6 MR. HOBERMAN: Adopted by us. 7 MR. MULLER: But it's beyond the 8 jurisdiction of the Board. But that will go -- if this 9 MS. GEEVERS: 10 is approved, it will go to the health -- the health 11 officer in town? 12 MR. HOBERMAN: And construction official. 13 MS. GEEVERS: Construction official? 14 MR. MULLER: It would go to the health 15 officer who, under the township ordinance, which was 16 adopted decades ago, has the enforcement power now. 17 What the internal arrangements are at the 18 administrative level as to how that gets enforced, 19 that will have to be decided administratively, but 20 certainly not by this board. 21 MR. HOFF: And so why would we have a 22 condition in the approval that talks things --23 MR. MULLER: It's not a condition. 24 MR. HOFF: Why is --25 MR. MULLER: It's not a condition.

1 MR. HOFF: Why is --2 MR. MULLER: It is not a condition. T 3 did not say it was a condition. I was going to put a 4 provision, as per Curtis' suggestion, in the 5 resolution indicating that this had come up. 6 MR. HOBERMAN: And you made a judgment. 7 MR. MULLER: I made a judgment that the 8 Board doesn't have jurisdiction, and the Board doesn't 9 have jurisdiction. 10 MR. GUZIK: Jerry, just based on some of 11 the discussions that have happened, I just 12 double-checked my memo and Jeff's memo. I didn't see 13 it, but with some of the -- the parking restrictions 14 and traffic restrictions, for there to be a Title 39 15 request requirement, I would recommend -- I don't 16 think they would have objection -- just to have police 17 to be able to enforce, especially around the promenade 18 during events, parking, things of that nature. 19 MR. MULLER: Sure. 20 CHAIRMAN O'BRIEN: And the left turn 21 movements on Road A. 22 MS. GEEVERS: Jerry, it wasn't a 23 condition, but were you putting something in about 24 those units with no windows in the bedrooms? 25 MR. MULLER: Yes. Just that the issue

Page 217 1 had been rai sed. Some of the plans showed windowless 2 and -- bedrooms without skylights that the -- there 3 was a New Jersey housing code as opposed to a building 4 code which required that all habitable spaces have 5 either windows or skylights, and the township had 6 adopted -- that doesn't apply on its face, but the 7 township adopted an ordinance, basically, adopting it 8 many years ago, but this is not -- the health official 9 was empowered to enforce it. It is not enforceable by 10 the Planning Board. 11 MS. GEEVERS: Go on record that the 12 Affordable Housing Committee would like to see windows 13 in bedrooms. 14 MR. HOFF: You see, this is --15 MS. GEEVERS: Affordable housing units. 16 I'm just going on record and saying that because I am 17 a member of the committee. 18 MR. LADELL: No, we're not. 19 MR. MULLER: It's not up to Avalon to 20 tell us what to do. 21 MR. LADELL: Yes, it is. 22 MR. MULLER: Oh, it certainly is not. 23 MR. HOFF: We don't agree that that 24 And we'll work that out with the applies. 25 construction code. And if it applies, we have to deal

Page 218 1 with it. 2 But we're all in agreement this board 3 can't dictate it. So I'm just --4 MR. MULLER: They could put a 5 provision -- the Board could put a provision in the 6 resolution saying what I laid out, and it's -- and if 7 Avalon doesn't like it, that's too bad. 8 MR. LADELL: That's not happening. 9 MS. GEEVERS: Well, it --10 MR. MULLER: Of course it is. 11 MR. LADELL: No, it isn't. 12 MS. GEEVERS: You're out of order. 13 MR. LADELL: So, Rick, I'm going to do 14 it. So you don't want me to do it, but, Mr. Muller --15 MR. HOFF: That part's correct. 16 MR. LADELL: It's not correct, okay? 17 MR. HOFF: No, you're not talking. 18 MR. LADELL: Why can't we just bring 19 (indiscernible) I don't understand. 20 MS. GEEVERS: Jerry, whatever wording you 21 want, do you want to read that to us or --22 MR. LADELL: We're not going to agree to 23 it. 24 MR. MULLER: I don't have any language. 25 You'll see it when I draft the resolution.

Page 219 1 CHAIRMAN O'BRIEN: It's typical in the 2 resolutions and memorialization that there is 3 background information provided. And I think that's 4 the type of prose that Jerry is suggesting. That this 5 issue came up, and he provided guidance to the Board, 6 that it's not within our jurisdiction. 7 MR. MULLER: Right. Correct. 8 CHAIRMAN O' BRIEN: Simple as that. And 9 that was the statement of fact that it's not imposing 10 any condition or anything that resembles a condition. 11 It won't discuss the health department. It will just 12 say, you ruled that we do not have jurisdiction over a 13 question about windowless bedrooms. Simple as that. 14 Because that's a fact. 15 Well, Gene, do you want us MR. MULLER: 16 -- do you want to put anything in about --17 CHAIRMAN O' BRIEN: No. No. I think Mr. 18 Hoff was accurate when he said that they'll have to 19 deal with this issue when they go before the 20 construction department when they submit the 21 construction plans. 22 Suffice it to say that a question was 23 raised, and you provided guidance. You can put the 24 date of the memo that says the Planning Board does not 25 have jurisdiction over the design of the bedroom with

		Page 220
1	no windows, or however comfortable you want to word	-
2	it. You don't have to get into the who does have	
3	responsibility and history of statutes and ordinances.	
4	That's in your memo.	
5	Anything else, Curtis?	
6	MR. HOBERMAN: No. That's all for me.	
7	CHAIRMAN O'BRIEN: The Chair will	
8	entertain a motion. The motions are usually stated in	
9	the affirmative, and if a majority disagrees, then the	
10	negatives will prevail.	
11	MR. HOBERMAN: On the matter of PB20-15,	
12	Princeton Junction Train Station Redevelopment, I move	
13	that the Planning Board approve the preliminary final	
14	major site plan and subdivision with approval of the	
15	waivers, submission waivers, and conditions.	
16	CHAIRMAN O'BRIEN: Is there a second?	
17	MR. KARP: I'II second.	
18	CHAIRMAN O'BRIEN: It's been moved and	
19	seconded to approve application PB-15 for Princeton	
20	Junction Train Station Redevelopment with some	
21	submission waivers and some design waivers and many	
22	conditions that have been referenced by the attorney.	
23	Is there any further discussion on the	
24	motion?	
25	MR. HOBERMAN: Yeah. We've gone through	

1 a lot the last three or four weeks, and there's been 2 much public engagement on this thing. This site has 3 languished for a long time, I'll be honest. l didn't 4 think anything would ever happen in my lifetime at 5 this site. The community has expressed its concerns 6 about flooding, about major traffic problems, traffic 7 patterns, Washington Road, emergency services, 8 children play areas, climate emergency, and bathrooms. 9 And my take is that any application that 10 would come before us in this redevelopment zone, that 11 we'd be hearing the very same concerns, no matter 12 what, you know, is put before us. 13 I think this would be a good addition to 14 our township, and I will be voting in favor of the 15 I made it. motion. 16 I just wanted to thank the MS. GEEVERS:

17 public, whoever's left here, for coming out. Some of 18 you have been here, this is the third meeting or 19 second meeting or your first meeting. You had a lot 20 to say, and I'm glad that you're here, because I 21 appreciate it when the public comes out. Sometimes we 22 have nobody here. So I appreciate the effort. 23 We're very cognizant of the flooding 24 issues, but the traffic issues, I think, seemed to top 25 the list. So we're going to work on that as a

1 township, the mayor, the administration. It's not 2 going to be forgotten. But that's going to be a big 3 priority, as far as I'm concerned. I can only speak 4 for myself. But I think that's what's going to 5 happen. Really going to work on this hard, because 6 there is a lot of traffic there, and this is going to 7 bring more, and we got to work on everything that we 8 discussed tonight.

MR. MARATHE: I mean, very few people 9 10 left here now, but I just want to thank you. I mean, 11 I know all of you are passionate, and we've tried to 12 do the best that we can. But I really appreciate a 13 really civil discussion we had at the end of it. You 14 may feel like the Planning Board did enough, but we 15 did what we legally could do. And I really want to 16 thank those who are still here and those who left for 17 all your input and the -- we discussed the issue. 18 Thank you so much. 19 CHAIRMAN O'BRIEN: Our Cindy, would you 20 call the roll, please, on the motion? 21 MS. DZI URA: Mr. Hoberman?

22 MR. HOBERMAN: Yes.

23 MS. DZI URA: Ms. Geevers?

24 MS. GEEVERS: Yes.

25 MS. DZIURA: Mayor Marathe?

1 MR. MARATHE: Yes. 2 MS. DZI URA: Vice Chairperson Karp? 3 MR. KARP: Yes. 4 MS. DZI URA: Chairman O'Brien? 5 CHAIRMAN O' BRIEN: I vote yes. 6 The vote is five affirmative, zero 7 negati ve. The motion is adopted and the application, 8 PB20-15, is approved. 9 Sam, anything else for the Board before 10 we adjourn? 11 MR. SURTEES: No. We will have a meeting 12 next week. I left your package for that application, 13 and that application is on-line, if the public wants 14 to take a look at it. 15 MR. HOFF: Mr. Chairman, I want to thank 16 the Board for its patience tonight in getting through 17 this application. I know you've extended well beyond 18 your normal time, and it is appreciated by the 19 Applicant. Thank you. 20 CHAIRMAN O' BRIEN: You're welcome. We 21 are glad to be able to dispose of a major undertaking 22 here. 23 I thank the public who are here. I thank 24 all of the Applicant's witnesses for coming back 25 agai n. And having said that, I will adjourn the

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		Page 224
1	meeting at 11:56 p.m.	
2	(Hearing was adjourned at 11:56 p.m.)	
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1	CERTIFICATION	
2	STATE OF NEW JERSEY	
3	COUNTY OF CAMDEN	
4		
5	I, Cindy Pineiro, a Certified Shorthand	
6	Reporter and Notary public of the State of New Jersey,	
7	do hereby certify that I reported the deposition in	
8	the above-captioned matter; that the foregoing is a	
9	true and correct transcript of the stenographic notes	
10	of testimony taken by me in the above-captioned	
11	matter.	
12	I further certify that I am not an attorney	
13	or counsel for any of the parties, nor a relative or	
14	employee of any attorney or counsel connected with the	
15	action, nor financially interested in the action.	
16	Cindy Pincino	
17		
18	Cindy Pineiro, CSR #30XI00181500	
19	Notary Public #50010742 Exp. 2/24/25	
20		
21	Dated: October 13, 2021	
22		
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