

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
November 27, 2018**

Roll Call:

Present:

Mayor Matthew Anesh
Councilman Derryck White
Stephanie Bartfalvi; Alt. 1
Brian Bythell; Alt. 2
Paul Grzenda
Rich Houghton
John Mocharski
Michael Pellegrino
Peter Smith
Jack Pedersen; Vice Chairman
Bob Ackerman; Chairman

Absent:

Also Present: Larry Lavender, Esq.; Stanley Slachetka, PP, AICP, Bob Bucco, PE, CME, CPWM

Chairman Ackerman opened the meeting at 7:00 pm stating that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer and The Courier News and providing the same to the Borough Clerk.

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

Minutes: None.

Resolutions:

A. Case #783 - Role Realty, LLC
Block 255; Lot 13; M-3 Zone
20 Harmich Road

Chairman Ackerman called for a motion to **approve** the above listed Resolution. Vice Chairman Pedersen made motion, seconded by Councilman White. Those in favor: Mayor Anesh; Councilman White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Pellegrino, Mr. Smith and Vice Chairman Pedersen. Opposed: None.

Current Files: None

Informal Hearings: None

Public Hearings: (1)

Prior to the start of the hearing Chairman Ackerman addressed the audience regarding some inconsistencies and rumors. Due to the complexity and size of this case, it will not be decided this evening. All witnesses and reports cannot be addressed in one night. That is not how hearings are done. The hearing will start tonight and will go through as much information as time will allow. This hearing will be carried forward to several more meetings.

A. Case #784 - M&M Realty Partners at South Plainfield, LLC
Block 550; Lot 3; AH-4 Zone
1111 Durham Road

The applicant is requesting a *Preliminary and Final Site Plan* approval for a 410 unit – 31 buildings – condominium, townhouse and apartment complex.

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Kevin Boris, Esq - Weingarten Law Firm, 1260 Stelton Road, Piscataway, New Jersey - attorney for the applicant addressed the Board.

- Application for Preliminary and Final Site Plan.
- Block 550 - Lot 3.
- 1111 Durham Avenue informally known as the Motorola Building.
- Located in the AH-4 zone - Affordable Housing zone.
- Seeking approval for four hundred ten (410) residential unit development.
- Variance free.

Mr. Boris confirmed with Mr. Lavender that the Board has jurisdiction.

Mr. Boris continued...

- In 2017, Borough settled Affordable Housing declaratorily judgement.
 - Development of site with four hundred ten (410) housing units.
 - Borough adopted Housing Element and Fair Share Plan.
 - Included the four hundred ten (410) unit development.
- Three (3) witnesses:
 - John Taikina - Director for Real Estate Development.
 - Karl Panky - Traffic Engineer.
 - Christine Cioffone - Planner.
 - If needed, Paul Lathem - Civil Engineer.

John Taikina - 1260 Stelton Road, Piscataway, New Jersey - is sworn in. Chairman Ackerman asked Mr. Taikina if he has testified before this Board previously. Mr. Taikina stated yes... in 1999. A licensed Professional Planner. Mr. Taikina addressed the Board Members. Mr. Taikina reiterated:

- Director for Real Estate Development.
- Development of 1111 Durham Avenue.
- Will help the Borough fulfill housing obligations.
 - Obligation imposed on the Borough by the State.
 - Every Municipality has this obligation.
- Change is difficult and scary.
- Not a vacant site.
 - A two hundred fifty thousand (250,000) square foot building.
 - Since the 1970's.
 - Had impacts... traffic etc.
 - Fully developed site - more than fifty (50) years.
 - Redevelopment project
- Plan implements:
 - Settlement Agreement.
 - Zoning Ordinance.
 - Housing Element in the Fair Share Agreement.
- View as partners with the Borough in implementing Fair Share Plan.
- Eliminate a 'tired' use.
- Replace with a 20th Century modern housing project.
- Will comply with all items in Mr. Bucco's and Mr. Slachetka's letter.
 - Few items to discuss for feedback.
 - Will implement Ordinance.
 - Will work out details with Borough's Professionals.

Mr. Taikina presented Exhibit A1 - nineteen (19) page packet consisting of 11'X17' size pages of the submitted larger sets of plans. (Packet actually consists of twenty-eight (28) pages):

- E-1 - cover page.
- E-2 - overall demolition plan.
- E-3 - overall geometric exhibit.
- E-4 - overall utility exhibit.
- E-5 - overall grading exhibit.
- E-6 - overall drainage exhibit.

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- E-7 - overall landscape plan.
- E-8 - landscape entrances and clubhouse enlargements.
- E-9 - landscape common area enlargements.
- E-10 - overall lighting exhibit.
- E-11 - construction detail exhibit.
- A1.0 - proposed clubhouse - lower level floor plan.
- A1.1 - proposed clubhouse - upper level floor plan.
- A1.2 - proposed clubhouse - elevations.
- A2.0 - proposed townhouses - site plan.
- A2.2 - proposed townhouses - elevations - three (3) stories - front, rear, side.
- A3.0 - proposed townhouses - elevations - two (2) stories - front, rear, side.
- A3.0 - proposed stacked housing - 1st floor plans.
- A3.1 - proposed stacked housing - 2nd and 3rd floor plan.
- A3.2 - proposed stacked housing - elevations - front, back, side.
- A4.0 - proposed condos - 1st and 2nd floor plan.
- A4.1 - proposed condos - 3rd and 4th floor plan.
- A4.2 - proposed condos - four (4) story elevations.
- A4.3 - proposed condos - three (3) story elevations.
- A5.0 - affordable housing - 1st and top floor plan.
- A5.2 - affordable housing - elevations - front, rear, right side, left side.
- Color rendering of site plan.
- Color rendering aerial of current site.

Mr. Taikina begins with E-1 - cover page:

- Site 27.5 acres.
 - Only South Plainfield side.
- Only discussing South Plainfield portion of the property.
 - Own additional 10 acres in Edison.
 - Through settlement negotiations - Ordinance indicates must stand alone, completely independent project.
- Density - 14.91 dwelling units per acre. Ordinance maximum is fifteen (15). Will comply.
- Building coverage - approximately twenty-five percent (25%). Ordinance maximum is 30%. Will Comply.
- Overall impervious coverage - approximately sixty-eight percent (68%). Ordinance maximum is seventy percent (70%). Will comply.
- Two (2) primary buffers:
 - One hundred foot (100') buffer along Durham Avenue.
 - Twenty-five foot (25') buffer along Route 287.
- Units:
 - One hundred twenty (120) three (3) bedroom townhouses.
 - Forty (40) will have walkout basement.
 - Eighty (80) regular two-story.
 - One hundred twenty (120) stacked townhouses.
 - Sixty (60) two (2) bedroom.
 - Sixty (60) three (3) bedroom.
 - Eighty-eight (88) two (2) bedroom condominiums.
 - Eight-two (82) Affordable Housing units - rentals.
 - Two (2) buildings.
 - Forty-one (41) units each.
 - One (1) bedroom.
 - No greater than twenty percent (20%).
 - Two (2) bedroom.
 - Remainder.
 - Three (3) bedroom.
 - Only twenty percent (20%) - sixteen (16) units.
- Parking:
 - Ordinance requires nine hundred nine (909) parking stalls.
 - Condominium and apartments - three hundred thirty-nine (339) parking stalls required.

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- Townhouses - five hundred seventy (570) parking stalls required.
- Proposed parking - nine hundred sixty-six (966) stalls.
 - Condominium and apartments - three hundred fifty-eight (358) parking stalls.
 - Townhouses - six hundred eight (608) parking stalls.
 - Sixteen (16) parking stalls adjacent to Club House.

Mr. Taikina continued with E-2 - overall demolition plan:

- Existing two hundred fifty thousand (250,000) square foot building.
- Retention basin by Route 287.
- All items on site to be demolition and taken away.
- Professional review letter asked if there is contamination:
 - Two (2) elements of the building:
 - Asbestos in interior of building.
 - Asbestos in glue holding rug tile.
 - Currently under remediation.
 - Expected to be completed by next hearing.

Chairman Ackerman asked if there is a permit for demolition. Mr. Taikina stated not as of yet. Chairman Ackerman asked Mr. Taikina if he is aware that the Fire Marshal asked if the Fire Department can have access to the building prior to demolition for training. Mr. Taikina stated he was not aware but will be happy to accommodate. Has worked in the past with State Police who have done K-9 training. Chairman Ackerman stated that will be addressed again once the Fire Marshall letter is reviewed.

Mr. Slachetka asked if the signage along Route 287 will be removed. Mr. Taikina stated he has asked for the sign to be removed because they keep having to paint it.

Mr. Mocharski stated if there is asbestos removal there should be signage on the building to warn people. Mr. Taikina stated all the safety precautions are in place.

Councilman White asked if the remediation is being done concurrently. Mr. Taikina stated correct. Councilman White asked if it's all internal. Mr. Taikina reiterated all internal.

Chairman Ackerman asked if there is any excavating being done on the site currently... moving dirt around. Per Mr. Taikina, yes. There is a 'stock pile' permit from Edison and Freehold Soil to stock pile soil on the Edison side. It is ongoing. Will provide the information to Mr. Bucco's office for his file. On South Plainfield side, were required to do test pits and excavation for storm water, foundations etc. Did that work and "made a mess". When went to fix it - 'made a bigger mess'. There is additional work to be done. Unfortunately, there has been fifty-eight (58) inches of rain, twenty (20) or so this past month. Therefore, have not been able to do the 'final fix'. Did file for Freehold Soil permits.

Mr. Mocharski asked where the dirt is coming from. Mr. Taikina stated the dirt on the Edison side is from their site in Piscataway - Fairways.... From Celebrations (South Plainfield). Mr. Mocharski stated that there was a 'ton of crap' brought to the Celebrations site from the Ford Plant which was all contaminated. Reason for asking is when firefighters have to run to the site need to know what they are dealing with. Mr. Taikina stated that he has all the appropriate permits and documentation. No one suffered more than Edgewood did for the Ford issue.

Councilman White advised Chairman Ackerman that he had spoken to the Building Department today regarding the interior work and all documents are all in order. Saw vehicles on the property for a few days so questioned as to what was going on. Mr. Taikina stated he appreciates for checking.

Mr. Taikina referred to the *Color rendering of site plan* and *E-3 - overall geometric exhibit* that are included in Exhibit A1. Per Ordinance and concept plan, there were some key elements that the Borough required:

- Buffer along Durham Avenue:
 - One hundred foot (100') buffer.
 - Sign only.
 - Five foot (5') berm.
 - Extensively landscaped.

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- Gradient of density.
 - Less dense closer to Durham.
 - More dense near Route 287.
 - Two (2) story townhouses located along main entry road from Durham Avenue.
 - Four (4) townhouse buildings will have walk-out basement.
- Boulevard entry from Durham Avenue.
 - Well landscaped. Will work with Planner for appropriate separation from the Public.
 - Evergreen Trees.
 - Giant Abbreviates.
- Club House:
 - Two (2) story.
 - Story at street level.
 - Second story:
 - Main recreation area.
 - Ten feet (10') below the street.

Chairman Ackerman asked Mr. Taikina if the grading along the townhouses with walk-out basements lower than the Durham Avenue side of the property? Mr. Taikina responded yes... the property drops down as you go back. Councilman White asked along Route 287. Per Mr. Taikina... all the way back to Route 287. Approximately fifteen feet (15').

Chairman Ackerman reiterated that the only buildings that would have walk-out basements are the four (4) previously discussed. Mr. Taikina stated yes and points out the location the five (5) buildings on the color rendering of the site. Chairman Ackerman asked if any other buildings will have basements. Per Mr. Taikina, no.... About forty (40) units. Actually thirty-seven (37) units... he likes round numbers. Chairman Ackerman asked if they are salable units. Mr. Taikina stated they are for sale units. Chairman Ackerman asked if they will be unfinished. Mr. Taikina stated that they will have full bathrooms and yes... they will have the ability to be finished. Chairman Ackerman continued... are they three (3) bedroom units? Per Mr. Taikina, yes. Chairman Ackerman stated that there is a potential for a fourth (4th) bedroom in those units... or rec room. Per Mr. Taikina, there is a potential for the basements to be finished per Borough codes and standards. Would not expect there would be any additional restrictions on them as any other resident. Chairman Ackerman stated that presents some issues. Can see basements be finished into fourth (4th) bedroom and not enough parking. Instead of having a family of five (5) all of sudden have an additional bedroom to be used by two (2) more people. Mr. Taikina stated that he would expect it to be addressed as any other basement in the Borough. Chairman Ackerman stated he understands what Mr. Taikina is saying but based on what he has seen... based on his wife who was the Tax Assessor in town had uncovered and the person before her had also uncovered during inspections - unauthorized finishing's done to homes. Chairman Ackerman is uncomfortable with the idea. Mr. Taikina stated that there are Borough standards that would have to be adhered to. Can talk about requirements in our Homeowners Association as far as permits etc. Chairman Ackerman stated Mr. Taikina brought up a good point... there will be a Homeowners Association. Per Mr. Taikina stated yes. Chairman Ackerman stated that based on the Homeowners Association, there can be established rules on how things would be permitted to be done. Chairman Ackerman gave an example... owns another home and wanted to change the carpet. Had to get permission from the Homeowners Association before could apply for a permit. Something similar can be done with the rules of this Homeowners Association. If basement was to be finished, would have to go to the Homeowners Association to get permission. Mr. Taikina stated not unreasonable.

Vice Chairman Pedersen stated that the Municipality does not allow sleeping rooms in the basement. If there is one it is illegal. Aware that Edison gets a State Inspection or County goes through complex once a year. Not sure how regulated. May be something that can be arranged. Mr. Lavender stated that is not . Cannot get permission to go into someone's house because it's part of an association. Vice Chairman Pedersen stated he understood but it is being done in Edison. Mr. Lavender stated to the Chairman's point that an owner of a unit can refuse entry without a warrant. Even though there are inspections, that does not mean the owner will allow someone to enter. It can certainly be done illegally. Cannot expect a judge to give a warrant - it will not happen for something like this. Vice Chairman Pedersen stated he understood but is aware that it is happening in Edison.

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Mr. Taikina stated the issue that the Chairman had pointed out regarding walk-out basement situation is that there is egress. By code, can have a sleeping room. Only thirty-seven (37) units. The other units do not have basements. There is a different parking requirement for a four (4) bedroom townhouse than a three (3) bedroom townhouse.

Chairman Ackerman stated may meet the requirements for parking, but based on what is seen in town, single family residents with three (3) bedroom homes - four (4) bedroom colonials and there are six (6) cars. Mr. Taikina stated he understand... Had six (6) cars this weekend. Chairman Ackerman continued... Three (3) bedroom colonial with a two (2) car garage - four (4) cars in the driveway and two (2) more in the street. There are at least six (6) adults living in the home and who knows how many children. Mr. Taikina stated that does happen... But there are homes with one (1) person living in the home. Neighborhoods will balance out.

Mr. Grzenda asked the reason for the basement... profit? Mr. Taikina stated yes... profitable and work extremely well with the site. Will help with the change of grade. Mr. Grzenda asked if the units could be built without basements. Per Mr. Taikina, could be built without basements but sees no reason to. Would build every unit with a basement. Extremely desired by the market. It is a tremendous ratable for the Borough. Profitable... desirable... will be the first thirty-seven (37) units sold.

Mr. Taikina continued...

- Townhouse in the first set - one hundred twenty (120) units in the front.
- Center of the site:
 - Stacked townhouse.
 - Interlocking townhouse.
 - Two (2) bedroom unit that occupies part of first and second floor.
 - Three (3) bedroom unit that occupies part of the second floor and entire third floor.
 - More dense.
 - Lower price point.
 - One (1) car garage.
 - One (1) car driveway.
- Multi-Family section:
 - Greater density adjacent to Route 287.
 - Two (2) Affordable Housing buildings in the center.
 - Forty-one (41) units per building.
 - Four (4) stories.
 - Rental units as provided by the Settlement Agreement, Fair Share Plan and Ordinance.
- Three (3) market unit buildings.
 - One (1) to the north and two (2) to the south.
 - Condominium units for sale.
 - Eighty-Eight (88) units.
 - Thirty-two (32) units per building in the two (2) southern buildings.
 - Four (4) stories.
 - Twenty-four (24) units in the northern building.
 - Three (3) story.

Chairman Ackerman stated that the Affordable units are to be disbursed throughout the development. Mr. Taikina agreed. However, the Council on Affordable Housing recognizes having a rental product mixed with a condominium product is an incompatible ownership. This arrangement with two (2) Affordable units as rentals and the other three (3) buildings is an acceptable arrangement for the Council on Affordable Housing.

Mr. Slachetka stated that the Settlement Agreement does state that the Affordable units need to be distributed among the various multi-family structures. Mr. Taikina did make an important point - the Affordable units are intended to be rental units to allow the Borough to maximize the credits available to address the court mandate on Affordable Housing Element. The original proposal was to have one (1) eighty-two (82) unit relatively large-scale building. Our report specifically indicated that this is a very significant deviation from the Settlement Agreement. What is being proposed is four (4) generally identical four (4) story buildings and a one (1) three (3) story building with similar design. The Board does have the ability with the Settlement Agreement terms to request a re-design. Mr. Taikina pointed out there are differences with the condo's and rental units. Improvement from the first reiteration, not one (1) eighty-two (82) unit building but two (2) forty-one (41) unit buildings similar to the three (3) and four (4) story buildings. The buildings are

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not isolated. They are the two (2) center most buildings. There has also been site improvements that provide linkages to the community facilities and open space areas. The initial site plan that was submitted had various physical barriers like parking that would limit access to the community facilities. Those two (2) buildings toward the center of the development are more incorporated into overall comprehensive development of the property, more integrated into the community, is moved away from items like the dumpsters and compactors. It does not match the letter of the Agreement but what is being proposed is an improvement. From a Planning standpoint could be acceptable. The Board needs to make that determination themselves and the letter of the agreement as to the consistency of the Settlement Agreement. There is some variation and deviation from the Agreement.

Mr. Smith commented that there are no affordable housing that will be owned, it will only be for rent. Mr. Taikina stated correct. Mr. Smith continued... out of the four hundred ten (410) units, eighty-one (81) units will be rental apartments. Mr. Taikina stated yes... as set forth in the Agreement, Ordinance and Fair Share plan.

Chairman Ackerman asked if these buildings will differ from any of the other buildings. Per Mr. Taikina, no... windows, finishes, brick, siding, roofing will be all the same.

Councilman White asked about the inside. Mr. Taikina stated that the condominiums are all two (2) bedrooms. The Affordable Building will have one (1) bedroom through three (3) bedrooms.

Chairman Ackerman asked if the internal finishes will be similar. Mr. Taikina stated they will be similar but not exact. May do a low-end granite or a solid surface countertop... but a two (2) bedrooms will have two (2) baths. Still need to rent the units. Chairman Ackerman asked if they would have air condition. Mr. Taikina stated yes. Chairman Ackerman stated that he had visited other Affordable Housing developments and if air condition is wanted, there was an extra charge. Mr. Taikina stated they will have the same amenities. It is difficult to rent these units due to the income requirements and the credit requirements. Once they are in, they stay forever.... Very low turnover not like regular apartment buildings.

Chairman Ackerman asked who is handling the rental of these units. Per Mr. Taikina, they will.

Councilman White asked on completion, the developer will manage the property until it is turned over to the HOA. Mr. Taikina stated yes, will manage the property until it is turned over to an HOA. After that, the Affordable units will be managed by the Applicant. The eighty-two (82) units will be part of the HOA but will be owned by the Applicant.

Chairman Ackerman stated they would have to be part of the HOA... which includes the grounds, maintenance of property. Mr. Taikina stated they will be responsible for twenty percent (20%) of the grass cutting, landscape. Chairman Ackerman stated they will not be responsible in hiring the landscapers etc., but will be responsible to pay twenty percent (20%) towards the HOA. Mr. Taikina stated it may be the applicant if they have a competitive bid... but up to the HOA.

Mr. Slachetka asked for a clarification as to managing the units. There are Ordinances regarding marketing the units, qualifying applicants, management of rental and re-rental including the regulations that are in pursuit of the Court and COAH prior regulations. Is the Borough's Administrator agent be required to do so? Mr. Taikina stated they will be happy to do it. However, most municipalities have outside companies that do so. We view Affordable Housing valuable part of their portfolio.

Mr. Mocharski asked if there will be any problem with the buildings in the middle of the night when they are called for something no one answers the call... whether the elevator or sprinkler system has an issue. Will the developer be responsible for the those two (2) buildings? Mr. Taikina stated yes.

Mr. Pellegrino stated the buildings that are being discussed are Buildings #30 and #31. Mr. Taikina stated yes.

Mr. Taikina continued... referred to the Color Rendering of Exhibit A1:

- Ordinance required gathering areas.
 - Community wide in center.
 - Half acre.
 - Shade structure.

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- Medium size.
 - North side:
 - Center.
 - South side.
 - Benches.
- Smaller size:
 - Along the street.
 - Adjacent to Multi-Family buildings – west side.
 - Benches.

Ms. Bartfalvi asked if there are walkway paths. Per Mr. Taikina... yes. There are walkways that cut through from one street to another street without walking around.

Mr. Taikina stated that the configuration of the roadways around the Multi-Family buildings resemble a street. Wider street – twenty-eight feet (28') wide with parking on the east side. Creates a safer pedestrian environment.

Ms. Bartfalvi asked if there are speed limits on the streets. Mr. Taikina stated they will be twenty-five (25) maximum. If anyone asked for twenty (20) it can be done. Ms. Bartfalvi continued... the area seems condensed. Children playing. Maybe speed bumps or speed humps. Mr. Taikina stated there is a comment in the Planners letter to incorporate additional calming measures along the longer road. Agreed to provide additional crosswalks... an additional pedestrian connection closer to the community area. On the North side, the backing of vehicles interrupts pedestrians. Will modify plan to eliminate back out spaces. If there is a need for ADA spaces, will have them on the on-street spaces. Will incorporate additional crosswalks and speed humps along the street on the west side... along the street on the east side. May add additional speed humps. Must check water flow and gutters not being blocked.

Mr. Taikina stated that the area in the south that has head on parking with parallel spaces behind. Agree that it is too tight. Will eliminate one or the other... whichever the Board decides to remove.

Mr. Mocharski is not pleased with the on-street parking... especially if it snows and an engine needs to get through.

Chairman Ackerman stated that will be determined once the Police and Fire Department review letters are discussed.... Along with the other Professional reviews.

Mr. Bythell asked if the parallel parking and the head in parking designated for visitors. Mr. Taikina responded that they are visitor parking. The parking standards and per Ordinance, the parking requirement for each unit is - two (2) bedroom townhouse is 2.3 spaces per unit... three (3) bedroom townhouse is 2.4 spaces. Required to have nine hundred nine (909). Included in those nine hundred nine (909) spaces, required to have .5 spaces per unit for visitor parking. A driveway does not count. It is an added requirement but it does not increase count, but it has to be there. Reason for head on parking throughout the townhouses. The parking in the Multi-Family sections are for resident or visitors.

Chairman Ackerman stated if the decision was made to eliminate those on street parking, it will still be well over the requirement.

Ms. Bartfalvi questioned if those spots be eliminated... determined twenty-four (24) spots... Chairman Ackerman stated will still be above the required parking spaces.

Councilman White asked the road along Route 287 is twenty-eight feet (28')... what are the rest? Per Mr. Taikina, twenty-four feet (24).... The Boulevard is twelve to fifteen feet (12'-15') each side.

Mr. Grzenda stated there is no parking or backing out onto the Boulevard. Mr. Taikina stated correct.... It brings you straight to the circle.

Chairman Ackerman questioned the size of the 'U' shaped driveways along the buildings by Route 287. Per Mr. Taikina, twenty-four feet (24'). The curbs are sized for the turning radius for trucks. The stripes that are shown are fire stripping that is required.

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Mayor Anesh stated that on the plans, the current building is a fair distance from Route 287. However, the proposed buildings are much closer. Have sound walls been considered? There are communities along Route 287 that have them. Mr. Taikina stated sound walls have not been considered. It will be landscaped and buffered. Have the buildings turned to the end. If there is a determination that the windows need to be 'beefed up' will be done. Mayor Anesh continued... were any sound studies been done from the proximately of those buildings. Mr. Taikina stated there has been some analysis done by the architects and sound experts. Mayor Anesh asked for the results Mr. Taikina stated it complies. The recommendation is to have a better window on the Route 287 side.

Chairman Ackerman stated that the applicant should have their Engineer examine further. Have looked at many communities along Route 287 north and south. Have installed the sound barriers. Would rather address this upfront rather than later... or five (5) years from now having residents coming to the Borough requesting some sort of abatement. Chairman Ackerman requested the applicant to have Engineer examine the situation more closely.

Mayor Anesh asked how close are the proposed buildings to Route 287 compared to other communities along Route 287. Mr. Taikina stated does not believe it will be an issue or warrant a wall.

Chairman Ackerman advised the applicant to have their Engineers reexamine the buildings along Route 287 for sound. There will be continued discussion regarding the noise. Mr. Taikina is concerned over the cost.

Chairman Ackerman asked the audience to quiet down.

Mr. Mocharski stated building #27 and #28 may be encroaching on the Edison Township line. Mr. Taikina stated right up to the line. Mr. Bucco stated do not encroach over. Mr. Mocharski stated there is no indication of what is going to be developed on the Edison side. Mr. Taikina stated expects whatever will be done will be compatible.

Mayor Anesh asked if the stacked townhouses have backyards like other townhouses. Per Mr. Taikina, correct.

Chairman Ackerman asked Mr. Bucco what the requirements are for the structures along the township lines... regular homes have setbacks. Mr. Bucco stated the building setback is fine from the Edison line. Mr. Mocharski stated the sidewalk is on the line. Mr. Taikina stated whatever will be built on the Edison side will have to meet the building separation code. The Ordinance had addressed that... no setback from the township line.

Mr. Mocharski asked if the parking near the recreation area is for the recreation area... a resident from the other side of the complex can drive to the pool. Mr. Taikina stated correct.

Mr. Taikina stated that he will address the stormwater, utilities, landscaping, open spaces and club house next.

Using the Overall Utility Exhibit page in the Exhibit A1 – Mr. Taikina explained:

- Water:
 - Two (2) water connections off Durham Avenue.
 - Entire site is served by public water.
 - Plenty of water in the Borough.
 - Multi-Family units will be sprinklered.
 - Townhouse will not be sprinklered.
- Sewer:
 - Existing building has an ejector pump system in the north corner.
 - Goes to main on Durham Avenue.
 - Proposing the same arrangement.
 - Site will drain by gravity to pump station
 - Owner maintained – Home Owner Association.
 - Ejector pump discharge onto main on Durham Avenue.

Chairman Ackerman asked if there will be a back up to the ejector pump. Mr. Taikina stated yes... There will be a natural gas fired generator. Standard system. Similar to what is there today. All underground. The only item above ground would be the generator (Generac) and a panel that is 2'X2' for controls. There will be no structure. The panel will be in a utility box. Self-contained.

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Mr. Bucco asked if it will be fenced in. Per Mr. Taikina, yes... with locks. Have a licensed sewer operator that will be on call at all times.

Mr. Mocharski asked if it makes a lot a noise. Mr. Taikina stated they are not noisy. The pumps are underground. Mr. Bucco stated that the most sound heard is the air release.

Mr. Taikina stated there is a comment in the Engineers report regarding the concern on sewer capacity. In the Housing Element in the Fair Share Plan, the Borough represented to the Judge that the Borough had sewer capacity for the project. Had meetings with the Borough's Engineer and PARSA. In certain weather conditions there are some infiltration issues that exist downstream in the Borough before the PARSA interceptor. It is the applicant's opinion, this is a Borough issue.... for the Borough to address. Believes part of the Borough's maintenance and operation of its sewers. Does not believe it is a constraint to the development. It was presented to the Applicant in Court that the Borough has sewer capacity for the project and expect to proceed under that premise. Believes there is capacity. There are no issues. Believes the Borough has to put a plan in place with PARSA to continue with connections. Does not believe there is an issue that is specific to the Applicant.

Chairman Ackerman asked sewage or stormwater? Mr. Bucco stated sewage.... Domestic sewage that goes into PARSA. There was a meeting and PARSA had indicated that no new development will be allowed. PARSA will not sign off until this issue is addressed. Hoped that the developer would participate in helping the Borough resolve this issue. Apparently, will not.

Mr. Lavender asked no future development... after this development? Mr. Bucco stated no... starting with this development.

Councilman White stated that the Applicant had stated that they are not affecting it but adding four hundred ten (410) units to the sewer where PARSA is saying capacity does not meet. If the four hundred ten (410) units were not there, PARSA would not be having this dialogue. Mr. Taikina stated correct.... PARSA agrees that in dry weather the overall sewer system does not have a problem... Sunshine no issues. Councilman White stated that it is pre-existing. Mr. Taikina continue... which is pre-existing and which allows rain water to go into the system. The Borough Council and Borough Planning Board represented to the Court in its Fair Share Plan that there is capacity for the project. This is for the Borough to address.

Mr. Lavender stated for clarification... this PARSA issue will affect your project from proceeding. Mr. Bucco stated 'and other developments.' Mr. Lavender continued... until this PARSA issue is corrected. The Applicant is saying 'too bad we don't want to help with it'. Mr. Taikina stated it is a Borough issue.

Mr. Smith stated then the Borough doesn't have to worry about the development being built. Mr. Taikina stated that 'if they do not build, no one builds.'

Mr. Boris stated this is an Affordable Housing project that has gone through several rounds in the Court. Special Masters viewed it. The COAH regulations that govern this state 'that any approving Board should look at this with an eye that we cannot make conditions on an approval at this level to where it is cost prohibited to make the COAH units come online.' What those regulations encourage for towns and developers to get together, create an ordinance and come up with a plan. It is cost prohibitive to the Applicant to proceed.

Mr. Lavender stated as a non-voting member that it is not a persuasive agreement. Basically, 'we are not going to fix it but want you to approve our project anyway.'

Mr. Taikina stated that when they met with the Professionals, PARSA and Engineers, we agreed in that meeting that we would attempt to resolve this with the Professionals within the Borough without the necessity in returning to Court and retaining a Scarce Resource Order. Mr. Lavender disagreed. PARSA stated if this is not fixed, nothing is going to happen. The Applicant 'is who want this.' There are a lot of people here do not. Mr. Taikina stated that is not entirely what PARSA is saying.

Mr. Lavender asked Mr. Bucco to clarify. Per Mr. Bucco, PARSA is saying that if the study is done and there is a plan in place... a five (5) year plan... and know that certain areas will be rehabilitated and upgraded in this five (5) year plan that would be acceptable. Mr. Lavender asked where are we with the plan. Mr. Bucco stated 'nowhere'. Mr. Lavender

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asked if money is part of the problem. Mr. Bucco stated the study has not be authorized. Was under the impression, when Mr. Taikina left the meeting, he would discuss with his partners that maybe they would participate in the cost of the study. That would be their obligation to resolve the issue. Mr. Lavender stated that a fair request. Mr. Bucco asked Mr. Taikina to correct him if he is wrong. Mr. Taikina stated if that is on a prorated basis, that 13,000 housing units in the Borough and are adding four hundred ten (410) that's ok.

Mr. Lavender commented that the Applicant may have more at stake than the Borough.

Councilman White commented that it was stated it is cost prohibited... 'That the Court say that's ok if it is cost prohibited to the developer. However, that same Court never considered whether things were cost prohibited to this Municipality, this community when we were forced to do these four hundred ten (410) units. I know one thing is legal and one thing is common sense. That's where I think you need to come towards the middle or do something to help facilitate this process. You cannot talk about cost prohibited in one hand and then not talk about it on the other.'

Mr. Taikina stated will continue to work with the Professionals. Believes Mr. Bucco's firm will put what the study will be and will work with the Borough to see how it will be facilitated. Still believes the Borough represented to the Court with the Fair Share Plan that there is capacity for the project. Proceeded on that basis. If the Borough stated in their Fair Share Plan that there is a need for a new sewer line, would have proceeded on that basis with the Court.

Councilman White stated that the mediated circumstance is due to weather. Mr. Taikina stated correct. Councilman White continued.... Therefore, the representation was accurate. Mr. Taikina stated if it was accurate, PARSA wouldn't be involved.

Councilman White asked what if it cannot be facilitate? Mr. Taikina stated here to work with the Borough as a partner to facilitate the Fair Share Plan and help the Borough meet its constitution obligation to provide Affordable Housing. "What we are saying it is not one hundred percent (100%) on our dime." Mr. Lavender stated that is not what was initially stated. Mr. Taikina stated that another part of the Borough, five (5) miles away, has a problem with the sewer system and how that impacts the Developer. Will work together to figure out how this will be done. All of us agree, "it is not one hundred percent (100%) on our dime". Mr. Lavender stated no one is saying that.

Mr. Smith stated that Mr. Taikina stated that not even one percent (1%) was on them. Mr. Taikina stated that is not an unreasonable position.

Mr. Boris suggested that since this will not be completed tonight, that during the time between tonight and the next meeting will meet with the Professionals to get a better idea of what PARSA is stating. Will revisit this issue.

Mr. Lavender stated what he heard was 'there is a problem but you need to fix it and give me what I want.' That was his understanding and believes that was the understanding of most in the room.

Mr. Slachetka stated without getting into the details of the litigations of the Borough undertook it is important for the Board to remember that the Borough did not seek out this site. The Borough original plan did not have this site in it. The Borough was required to include this site for the need for the Vacant Land Adjustment because of limited developable land in the Borough. This property owner, developer and applicant interceded into the Borough's plan. As part of that intervention, they indicated they had a site that was suitable and developable. Not getting into details this is not the forum.

Mr. Boris stated that in the Housing Element in the Fair Share Plan, there was a site suitability analysis prepared by Mr. Slachetka's office that does say that there is sewer capacity for the site. Mr. Slachetka replayed it says it is in the sewer service area. We did not do a capacity analysis of the system that relates to this.

Mayor Anesh stated 'regardless, PARSA disagrees.'

Mr. Slachetka continued... if that information was available during the negotiations, we might be having a different position. Mr. Slachetka agrees with Mr. Lavender that this is not the forum to resolve this. Mr. Slachetka suggests that the applicant should reconsider in the participation in a solution.

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Chairman Ackerman stated this will not be resolved tonight but will return to this issue. Both parties meet and by the next meeting we will have further discussion. The Board Members and the Applicant agreed.

Mr. Taikina discussed the overall grading using the Overall Grading Exhibit page in Exhibit A1:

- Indicates berm and buffer along Durham Avenue.
- Property slopes to the back towards Route 287.
- Key feature – recreation area in center is sunk below street level.
 - Elevation at the circle is approximately one hundred ten (110).
 - Elevation at the recreation area is approximately one hundred (100).

Chairman Ackerman asked for the footage of the buffer from Durham to the front of the first units. Per Mr. Taikina, at the closest point which is Building #2 is one hundred feet (100'). The bulk of the Buildings - #3, #4, #6, #7 – are approximately one hundred ten feet (110').

Mr. Taikina stated the berms are five feet (5').

Mr. Taikina discussed the drainage using the Overall Drainage Exhibit page in Exhibit A1:

- Draining from Durham Avenue to back.
- Stormwater Management:
 - Handled between buildings.
 - Parking lots between the buildings.
 - Parking lots along Route 287.
 - Discharge to the same three (3) discharge that exists today.
 - One in the North.
 - One in the Center.
 - Once in the South.

Chairman Ackerman asked if there is underground detention. Per Mr. Taikina, yes... it's all underground in the area of the multi-family.

Mr. Taikina discussed the landscaping using the Overall Landscaping Plan page in Exhibit A1:

- Buffer along Durham Avenue.
- Street trees along Durham Avenue.
- Evergreen buffer at the top of berm.
- Street trees along Boulevard entry.
 - Second line of Burning Bushes.
 - Green Giant Arborvitaes – eight feet (8') tall.
- Comment from the Planner requesting additional buffering. Will work with Planner.
 - Possibly two (2) Arborvitaes between units for additional screening.

Chairman Ackerman stated that in Dr. Tempel's report she requested that she be allowed to come to the meeting when her report is addressed. Has many comments and questions. Mr. Taikina agreed.

Mr. Slachetka stated as a pre-requisite to the Planning Report, the one hundred-foot (100') buffering works adequately. The entrance Boulevard, in particular, the townhomes that are lining the Boulevard are rear facing. This is the opportunity to do some enhancements or architectural elements. Presents itself to Durham. This is the core of the development and its presentation to Durham. Must pay specific attention to that. As Mr. Taikina stated, would like enhancements made and would like to work with them as to what type, height and density along that Boulevard.

Mr. Mocharski stated including Building #2.

Chairman Ackerman asked if the Applicant considered a gated community. Mr. Taikina stated they have and believe it is not appropriate.

Mr. Mocharski asked why. Mr. Taikina stated they do not have any gated communities. Sees no need to have one.

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Chairman Ackerman disagreed. Believes there may be a need to do so since it borders against another community and not knowing what is being developed on the Edison side. Will have further discussion once Professional Reviews are discussed.

Mr. Taikina discussed the landscaping at the entrance and club house using the Landscape Entrances & Clubhouse Enlargements and Landscape Common Area Enlargement pages in Exhibit A1:

- Signs will be incorporated into the landscaping.
- Comprehensive look.
- Clubhouse two (2) story.
- Heavily landscaped.
- Pool – lower level.
- Gathering area – shade trees.
- Shade structure.
- High quality.
- Extensive bench seating.
- Pavers.
- Minor Common Area I
 - Bench seating.
 - Table seating.
- Minor Common Area II
 - Bench seating.
 - Landscaping.

Chairman Ackerman asked the size of the swimming pool. Mr. Taikina stated 1,500 square foot – 30' X 50'. Out of his experience it is twice the size it needs to be. Visited Cherry Hill community and pool had one (1) person... weekend with four (4).

Mr. Slachetka asked to review the seating area along the multi-family units. Mr. Taikina stated he does not have them in the Exhibit. However, it is in the plans. Mr. Slachetka asked Mr. Taikina to describe the seating area:

- Smaller area.
- Four hundred (400) square feet – 20' X 20'.
- Two (2) benches.
- Trash receptacle.
- In front of each building.

Councilman White asked if there is a play area for children. Per Mr. Taikina, no.

Mayor Anesh asked why not. Mr. Taikina stated it is not an amenity that is desirable in their communities. Not something residents ask for particularly in a condominium community.

Mr. Grzenda stated wouldn't it be asked for in the rental units.

Mayor Anesh stated that another community, Traditions, has one. But is not M&M.

Mr. Taikina stated he works for M&M only.

Mr. Taikina stated as the "millennial generation ages and the silver tsunami comes" – not his term, a planner from Massachusetts – this is a different resident. Not the resident who lives in a single family house. Most of the residents are one (1) or two (2) people either in the 20-30 or 50-70 cohort. A lot of people sell their house and have a place down the shore or Florida and want to rent something in the area to be close to their kids. Can buy a single-family house with a yard for the price charged for a unit. A family has a better housing choice than this community.

Councilman White asked if that is based on similar properties in the State. Mr. Taikina stated yes. Who Lives in New Jersey Housing and Rutgers Real Estate Institute have done studies as to who lives in these communities. Study of 5,000 to 10,000 units who is living in multi family type of places. They are showing smaller households.

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Councilman White asked if this is price driven. Mr. Taikina state it is price and amenity driven. Market units are not cheap.

Mr. Grzenda asked if the same concept applies to the low-income housing. There will be kids in the development. Where will they go or do. Mr. Taikina stated kids do not play outside. Believe that is an appropriate for the market being catered to. Typical Affordable Housing resident is a single person, couple starting out or finishing up and predominately single parent households with a child. Those kids are usually older. Will work with the Board. Have the room. If the Board would like, it can be done.

Mayor Anesh stated if the need would change... Can the Homeowner Association add the playground.

Mr. Taikina stated if you do no market to families with children, you will not get families with children.

Mr. Mocharski stated you bring people into town with kids... that is something that should be considered.

Chairman Ackerman stated this is something the Board needs to think about and revisit at a future meeting. The other option is to leave it up to HOA.

Mr. Taikina discussed the clubhouse using Exhibit A1 - Lower Level, Upper Level Floor Plan and Elevation:

- Two (2) stories.
- Ground floor:
 - By the pool.
 - Big bathroom facility.
 - Gym.
 - Small office.
 - Pool access - prominent function.
 - Active recreation area.
- Upper Level:
 - Vestibule.
 - Game room.
 - Great room.
 - Card room.
 - Social room with dry pantry area.
 - Chairman Ackerman asked if the social room has a kitchen area or a dry bar. Mr. Taikina stated no... dry bar and a dishwasher. No stove. Will have refrigerator and sink but no cooking facility.
- Architecture:
 - Brick on the bottom.
 - Stone.
 - Siding.
 - Nice windows.
- Elevator.

Mr. Taikina described the townhouses using Exhibit A1 - Proposed Townhouse - Site Plan:

- Durham Avenue side.
- Ground floor - missing from Exhibit A1 - sheet A2.1
 - Mr. Mocharski asked Chairman Ackerman to make sure the missing pages are received by the Board Secretary.
 - Mr. Taikina stated that the detail page for the little landscape area and ground floor plans of the Townhouses are missing. They are in the full set of plans.
- Three (3) bedroom unit.
 - Mr. Smith asked Mr. Taikina to show on the Color Rendering the location of these townhouses. Mr. Taikina points to those townhouses closest to Durham Avenue. Mr. Taikina stated on the missing sheet showed the ground floor including the walk out basements.
- Front - brick
- Rear - brick and stone.
- Walk-out basement.

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Chairman Ackerman asked Mr. Taikina if the sheet that is missing shows the walk-out basements. Per Mr. Taikina, yes.

Mr. Slachetka asked the sheet A2.2 are the elevations of the walk-out basement. Mr. Taikina stated yes... elevations for the walk-out basement units. Elevations for those units that do not have walk-out basement are on sheet A2.3.

Mr. Mocharski asked the area above the garages, is it decorative or can walk out on. Mr. Taikina stated decorative. Not a balcony.

Mr. Slachetka stated the elevations shown on sheet A3.0 are the townhomes that align the Boulevard. The rear elevation is what is facing the Boulevard. May want to address the architecture on that side... the Boulevard side. Maybe less so on the other areas. Mr. Taikina stated brick can be added in some areas recognized it faces the Boulevard.

Chairman Ackerman stated it looks like the back of a house. Mr. Slachetka stated enhanced landscaping and architecture need to be addressed.

Mr. Smith questioned the differences over the garage... some are squared, some are rounded. Mr. Taikina stated that is an option for the owner. The owner may choose one or the other. The plans show both options.

Mr. Mocharski asked if a Buick or a Hyundai can fit in the garage.

Mr. Taikina described the Stacked Townhouses using Exhibit A1 - Proposed Stacked Townhouse - Site Plan sheets A3.0, A3.1 A3.2: It is determined there are two (2) sheets labeled as A3.0.

- Enter unit through a small courtyard.
 - Upper unit via the stairway.
 - Lower unit directly through the ground floor.
- Garage.
 - Upper unit has stairs.
 - Lower unit enters at ground level.
- First floor - ground level:
 - Kitchen
 - Livingroom.
 - Dining room.
 - Half bath.
- Second floor - ground unit.
 - Two (2) bedrooms.
 - Two (2) full baths.
- Second floor unit - entered from outside through stairs.
 - Kitchen.
 - Livingroom.
 - Dining room.
 - Half bath.
- Third floor - second floor unit:
 - Three (3) bedrooms.
 - Two (2) full baths.
 - Loft.
- To clarify - two (2) bedroom unit on level 1 & 2. Three (3) bedroom unit on level 2 & 3.
- One (1) car garage.
- Elevation:
 - Front - brick on first and second floor.
 - Garage.
 - Ordinance has a requirement - covered entry.
 - Protection from elements.
 - Forces variation to the facade.
 - Doesn't 'pop' on plans. Will work with Mr. Slachetka to improve area.

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- Mr. Slachetka stated it is a critical area with the stack housing. This is what is being presented to the street. Otherwise, see garage doors. A need to differentiate the entry doors.

Councilman White questioned that some garages seem taller than others. Mr. Taikina stated it is a design element. 'Dress up' a garage. Councilman White continued... all the garages are uniform. Mr. Taikina stated yes.

Mr. Taikina described the Multi-Family Condominiums using Exhibit A1 - Proposed Stacked Condos sheets A4.0, A4.1, A4.2, A4.3:

- Location map on these pages are incorrect - old plans but units are correct.
- Four (4) floors - identical.
- Two (2) bedroom.
- Corner units:
 - Master Bedroom.
 - 'In-suite bath'.
 - Second bedroom.
 - Full bath.
 - Kitchen.
 - Living/Dining room.
- Center units:
 - Laundry on right.
 - Closet.
 - Kitchen.
 - Two (2) bedroom out to the window wall.
 - One (1) common bath.
 - One (1) 'in-suite' bath.
- Elevator in each hallway.
- Two (2) sets of stairs.
- All thirty-two (32) units the same.

Mr. Mocharski asked if it is an open breezeway on each floor. Mr. Taikina replied yes.

Mr. Taikina stated square footage is approximately one thousand two hundred fifty (1,250).

Chairman Ackerman asked if the little units are for storage. Mr. Taikina stated yes... can purchase

Mr. Taikina continued...

- Brick front.
- Brick along base.
- Vinyl siding on the sides with brick along the base.

Mr. Taikina described the Affordable Housing buildings using Exhibit A1 - Affordable Housing sheets A5.0, A5.2:

- Corridor building.
- Elevator.
- Laundry Room.
- Different types of units:
 - Three (3) bedroom.
 - Two (2) bedroom.
 - One (1) bedroom.
- First floor - eleven (11) units.
- Second, third and four floor - ten (10) units.
- Forty-one (41) units per building - Eighty-two (82) units total.
 - One (1) bedroom - nine (9) units.
 - Two (2) bedrooms - twenty-four (24) units.
 - Three (3) bedrooms - eight (8) units.
- Two (2) bedroom - just over one thousand (1,000) square feet.
- Three (3) bedroom - just over one thousand one hundred (1,100) square feet.

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- One (1) bedroom - just over eight hundred (800) square feet.
- Front - three (3) story brick around stair tower.
- Brick along the base - all same.
- Siding - all same.
- Roofing - all same.
- Back of building - brick bottom.

Mr. Taikina stated traffic is half of what is there today. Traffic expert is present. Planner will state will comply with the letters.

Mr. Boris stated that this ends Mr. Taikina's direct testimony but would like to be able to recall him again. Chairman Ackerman agreed.

Mr. Slachetka asked if Mr. Taikina will address the consistency of the settlement or from the Planner. Mr. Taikina stated he will. It is decided it will be part of Mr. Slachetka's letter review.

Mr. Boris requested to bring Mr. Karl Panky - Traffic Expert. Chairman Ackerman requested a moment.... Wants to review a few items.

Mr. Taikina would like to clarify an item. The Multi-Family are breezeway and have access from both sides. There is no front or back. Both are the same. The elevation for the Apartment building is different because it is a hallway building. Does not have a breezeway access to the back. Challenge becomes how to treat the facade the same when they are not the same. Believes has some work to do with Mr. Slachetka. The none entry side or the back of the affordable building has sufficient brick and articulation so that it is indistinguishable from the others. Recognize there will be the possibility of adding brick or other items.

Mr. Boris requested a short recess.

Chairman Ackerman called the meeting to order.

Chairmen Ackerman stated that the meeting is open for public comments and/or questions. The comments and/or questions can only be based on the presentation made by Mr. Taikina. Anything beyond, cannot be addressed because there has not been any testimony. At a future meeting, will hear witnesses from the Applicant and from their Traffic Engineer. At that time, the Board Traffic Engineer will be present. At this time, have received replies from every department and agency in the Borough with the exception of the request made to the Superintendent of Schools and Board of Education. Their reply is still outstanding. Have follow-up a number of times and will continue to follow-up. When the report does come in, it must share it with the applicant so they have the opportunity to address that report.

Mr. Boris offered Mr. Taikina for questions.

Chairman Ackerman stated that anyone from the public has a question, please raise their hand and come forward.

Bill Sesselberg - President of the Board of Education - Is sworn in. Understands that at the last meeting there was some discussion regarding the impact on the school system. That there was a request from the Planning Board that we do a demography study. That was done and is prepared to present the documents of the study and a conclusion. Chairman Ackerman stated that cannot be done tonight. Has not received anything from the Board of Education or the Superintendent of Schools in writing. Have to give the Applicant a copy for their review so the Applicant can have the opportunity to offer a discussion of the report.

Mr. Sesselberg stated the report needs to be forwarded to the Planning Board. Chairman Ackerman stated correct. Mr. Sesselberg asked just the report or can statements be added... conclusions. Chairman Ackerman stated that is correct. That is what every department in the Borough must do when we hear a case.... Even for a one (1) family home. Each department returns a report to the Board after their review offering their comments, recommendations etc. It is determined that Mr. Sesselberg will email the study to the Board Secretary who will forward to the Board Members and Applicant. Mr. Sesselberg asked if he will be notified when the study will be discussed so he may attend. Per Chairman Ackerman, yes.

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Mr. Slachetka asked Mr. Sesselberg if a Demographer had prepared the study on the behalf of the Board of Education. Mr. Sesselberg stated it was prepared on behalf of the Board of Education and presented it to the Board on the November 14, 2018 meeting.

Mr. Slachetka asked Mr. Lavender if the Demographer should be present to present the study and answer questions. Mr. Lavender stated yes... do not have to... but it will benefit all parties. From a legal perspective, should be present for examine and cross examine.

Mr. Lavender reminded the audience that the questions can only be focused on what was discussed tonight even though there may be questions regarding items not yet discussed. That will be available other evenings.

Manny Bedoya - 1332 Yurgel Drive, South Plainfield, New Jersey - is sworn in. Directly across the street from this project... corner of Durham Avenue and Yurgel Drive. Several questions and concerns. Only received notification about this project after consulting with Councilman. Never received any communication regarding the project. Some other resident may have. Mr. Bedoya thanked Councilman White for bringing this meeting to his attention. Asked if the entry and exit points are only in South Plainfield... if there is a back exit or entry into Edison side so not to overburden Durham Avenue. Mr. Taikina stated that the Borough asked that this would be self-contained and not rely on Edison in anyway. The Ordinance does provide that there be a potential for future connections to the Edison side if and when it is developed. Those potential connections are provided on the east side and the bottom... possibly to Runyon. Mr. Bedoya reiterated that there is that potential in the future. Per Mr. Taikina, yes.

Chairman Ackerman reminded Mr. Bedoya that the Board has asked the Applicant to consider a gated community. Enter and exit for those in the development. Do not want traffic going through the development.

Mr. Slachetka stated that the Ordinance governs the development of the site and that Mr. Taikina is correct. However, the development is also governed by the Terms of the Settlement Agreement between M&M Realty and the Borough regarding the Affordable Housing requirements. There are several clauses in the Agreement that addresses this. Mr. Slachetka read Item IX page 11 of the settlement agreement "*the concept plan shall allow a connector road to continue through the Edison parcel to the east until Runyons Lane*" and Item X "*apart from the connector road the development shall stand alone as a completed development in the Borough of South Plainfield independent of any further development of the Edison parcel. With all the elements of the plan including circulation, parking, setback, buffers and open space incorporated in the development in South Plainfield.*" Mr. Slachetka continued... this makes it clear that it must be stand alone with the operation of the site in the Borough and not dependent on anything happening in Edison. However, the Settlement Agreement does make a distinction between those requirements and the requirement for a connector road to Runyons Lane.

Mr. Bedoya continued... living off of Durham Avenue and has been a coach in town for the last ten (10) years and has to get over to the fields during rush hour. It is very difficult to make it on time with the current volume. Would like to request that when the traffic expert does speak, he very clearly delineates the data points of reference as to the traffic as it relates to dates, days and times and patterns weekdays versus weekend trying to characterize the volume of impact of traffic. It is a nightmare now.

Chairman Ackerman stated that most traffic studies that are heard by The Board covers all that information. The Applicant and the Board Traffic expert will provide information based on times of the day, days of the week.

Mr. Bedoya continued.... What is the criteria for applying for the low-income housing units? Is it Section 8? What is the income requirement? Mr. Taikina stated he is not versed on the specific numbers but it is set by the State. There is a whole regulation established by the State.... Something like moderate unit would be eight percent (80%) of the median income... low may be fifty percent (50%) of the median income for the region. Very low would be thirty percent (30%). It is based on household size. Median income for the area is approximately \$70,000. Mr. Bedoya asked if there would be any Section 8. Mr. Taikina stated no... Section 8 is a payment program from the Federal Government. It is a way to pay for a rental housing. There is no way for a landlord to restrict the use of Section 8. However, we have requirements for income levels and other criteria. Someone who is qualifying for moderate income unit typically will not qualify for the payment program. They are two separate programs. COAH is providing the structure on how to provide Affordable Housing and Section 8 is a Federal program as to how people can pay for housing. Mr. Lavender asked Mr. Taikina that the units in this development will not participate in the Federal program. Mr. Taikina stated that someone who receives a Section 8 voucher will typically not qualify income and credit for an Affordable Housing. It is

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possible. Mr. Lavender asked if those eighty-one (81) units structured in those tiers. Mr. Taikina stated correct... fifty percent (50%) are moderate... thirty-seven percent (37%) are low... and thirteen percent (13%) are very low - eleven (11) units.

Mr. Bedoya asked if there is a schedule for when they would like to start. Mr. Taikina stated soon as possible. Demolition is underway. Have cleanup permits which is in preparation for the demolition of the building. Remediation of asbestos. As soon as that is complete, will apply for demolition permit. Would like to have the building down in early 2019. Once all the approvals are in place including outside agencies, end of 2019.

Mr. Bedoya stated this is a family centered community... part of our values... why people come back to South Plainfield. Understands not the demographic and understands has a business model but asked them to understand this is a community. Not providing family-oriented facilities or clumping people into two (2) buildings where they can be stigmatized as low-income housing... even though the buildings may look the same it does not take much to figure out especially for children growing up. Beyond building there are people in there.

Mr. Boris stated he has the green card from Manuel A & Gina Bedoya from 1332 Yurgel Drive. Mr. Mocharski asked for the date on the green card. Mr. Boris stated it is signed and stamped September 29, 2018.

Bill Sesselberg - Resident - stated there was reference to some utilities... sewer and water. No mention of electric, cable, telephone, DirecTV? How will that be handled and will the home purchasers have the option of using the service they want? Will there only by one type of service allowed? Mr. Taikina yes... providing for electric, cable, gas, telephone. Mr. Sesselberg asked if from a particular servicer. Mr. Taikina stated PSE&G - all underground. Terms of cable and telephone cannot keep people out. As part of their franchise they are allowed to run the lines. If Fios is available in South Plainfield, they will have the availability to have it. Mr. Sesselberg asked if a company wants to install fiber optics or coaxial will they be allowed. Mr. Taikina stated they have too. Mr. Sesselberg asked about DirecTV.... dishes. Mr. Taikina stated that would be discussed with the Homeowners Association. Typically try to restrict the time, manner or placement. Cannot prohibit it. Mr. Sesselberg asked in the community center if cable will be provided. Mr. Taikina stated yes.... Cable, Wi-Fi.

Chairman Ackerman stated in his experience with these types of developments, the HOA negotiates a deal with a carrier to get favorable rates for the residents.

Mr. Taikina stated it is 2018 and there is a robust of choices. It can be marketed as having sufficient internet and other services.

Joe Lambert - 1131 Tompkins Avenue, South Plainfield, New Jersey - noticed multi story buildings... two (2) story in front... three (3) story and four (4) story in back. Does not know if the exhibits are to scale. Reiterated that there is no parking on the Boulevard. Asked if there is street parking other than the back. Mr. Taikina stated no... only street parking is the parallel parking along the back. All other streets have perpendicular parking to provide visitor parking. No other parallel parking on street. Mr. Lambert stated the reason for the question with multi-family structures it changes the dynamic for the first responders. Was the Fire Department consulted.... They have large apparatus. Tower ladder is at least thirty-five (35) to forty (40) feet long. Chairman Ackerman interrupted Mr. Lambert and advised him that the question cannot be answered. The Fire Department has filed a report which will go through. Any application we hear, the Fire Department has certain standards based on Residential... based on Commercial properties that the Applicant and Builders must meet. There are templets that are applied that applies to the current apparatus. Chairman Ackerman confirmed with Mr. Mocharski who is a firefighter and Mr. Pellegrino who is a Fire Inspector. Both stated correct. We have very strict requirements... every application must meet those requirements. Mr. Lambert wants to be sure that the Fire Department did look at the plans. Mr. Lavender stated it is a discussion for another night.

Chairman Ackerman stated yes... the Fire Department has looked at the plans. They have a report. The Fire Chief has requested to be present when his report is being discussed. He has additional questions for the applicant. Mr. Lavender advised Mr. Lambert he is more than welcomed to come to that meeting.

Mr. Slachetka stated it is his understanding that all the reports are on file and available to be inspected. Chairman Ackerman stated yes...they can viewed prior to the meeting.

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Mr. Lambert asked if the eighty-two (82) one (1) bedroom units will fulfill the COAH obligation. Mr. Taikina replied that the eighty-two (82) units are affordable.... Not more than twenty percent (20%) of those units one (1) bedroom. Mr. Lambert continued... those units fulfill the obligation. Per Mr. Taikina, yes. Mr. Lambert stated the 'remainder of the units are icing on the cake for the developer'. Mr. Taikina stated the other units are inclusion of the development. The premise of building Affordable Housing is that the Developer builds a portion of the project at market housing and as a condition of the market housing builds the Affordable Housing. Mayor Anesh stated otherwise you are building a housing project. Mr. Taikina stated correct.

Mr. Lambert asked within the COAH doctrine, if a development has reached a point that it is detrimental to the infrastructure of the community and its residents... school system... it can be modified or adjusted that the impact can be minimized. Per Mr. Taikina, no. The Borough adopted a Housing Element of the Fair Share Plan that included a ten (1) year project that included eighty-two (82) affordable housing units. The Borough adopted an Ordinance that implemented their Fair Share Plan. The Developer is implementing the Borough's Ordinance.

Mallory Whiting — 115 New Brooklyn Road, Edison, New Jersey - is sworn in. A former South Plainfield resident. Mr. Whiting asked what are the buffers along Runyons Lane, nursing home and TD Bank building. Mr. Taikina stated the buffers are in accordance of the Ordinance. There is a landscaping buffer along Northern boundary also along the western boundary. According to the Ordinance there is no buffering along South Plainfield and Edison. Mr. Whiting pointing to an area on the presentation exhibit requesting the distance along the area. Mr. Taikina stated that area is landscaped. Mr. Whiting stated that no one has landscaped the area in fifteen (15) years. Mr. Taikina stated that along Building #15, the landscape does go around.... Approximately thirty (30) to forty (40) feet. Mr. Whiting stated that on Runyon Lane there are canopy trees growing along Runyon Lane. Difficult to walk through. Mr. Whiting asked if there will be landscaping along the nursing home. Mr. Taikina stated yes... there will be landscaping.... Approximately thirty feet (30').

Dr. Noreen Lishak - Superintendent of South Plainfield Schools - 36 East Tunnelly Avenue, Colonia, New Jersey — is sworn in. Dr. Lishak requested a clarification of a statement that was made prior to her arrival regarding information that is being requested from the School District and asked if someone can read back what is being requested. Chairman Ackerman stated that by letter he requested the Board of Education or Dr. Lishak's office to review these plans. That is the same that is done for every agency and department in the Borough. At this time, nothing has been received. However, we have many hearings to go as I told Mr. Sesselberg. Would like to hear back from Board of Education as to what are your comments and feelings regarding this Application. I have to receive that in written. We have to share that with the applicant... same as we do with all the other reports so they have the opportunity to respond to the report. At one of the future meetings they will have the opportunity to respond to the report and would like to have someone from Board of Education present at the hearing. Dr. Lishak wanted to clarify that during her tenure of two (2) years at this school district she has not received the letter. In speaking with the Board Members, there is an Adhoc committee, to this particular project. Board Secretary stated that the plans and a copy of the application was given to Mr. Damato. Dr. Lishak stated that the Borough should be aware that at the Board level, put together an Adhoc Committee and a demographic study. The demographic study was just completed and presented to the Board last month. At this time there has been a discussion at the next Board meeting and will make a resolution of a formal statement. Does not give the impression that the Board or the Superintendent was not responding. Chairman Ackerman stated no... what was stated is that we have not heard anything back from the Board or your office or from Mr. Damato. Mr. Sesselberg informed us of a report by a Demographer. Requested to received it in writing. It will go to the Board members and the Applicant. The evening that we bring that report to be reviewed we asked Mr. Sesselberg to have the Demographer here to testify on that report and that the Applicant would be able to address it. Dr. Lishak stated work very closely with the Mayor and Council. Whatever effects the Borough effect the school. Wants to do whatever is best for the Borough and provide the information that is needed. I did not want anyone from the public have the impression that we are not reacting to any requests. At the next Board meeting we will have a resolution for you. The Board is very interested in what's happening here. Just did not want that impression out that. Per Chairman Ackerman, we have not received a reply from the letter we sent and follow-up phones calls that were made. But were reading in the paper about this Committee and all that is being done. Great if this is being done but why is someone not coming back to us. It was not meant to be derogatory. Mr.. Sesselberg came this evening. It was unclear to us that actions were being taken. Articles are being written in the paper and hasn't anyone come back to us since we are requesting something. Chairman Ackerman apologized and stated that the original letter should have gone to her but had a discussion with Mr. D'Amato in the office one day and he advised us to send him a letter and everything to him. Unfortunately, that is the route we took and maybe not the route we should have taken. We figured he was the communication point. In the future, we will direct it to you. Dr. Lishak

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stated there are nine (9) members that are more than willing to do whatever is needed.

Jennifer Stoeckel - 918 Delmore Avenue, South Plainfield, New Jersey - is sworn in. Stated she reached out to Joanne and left message. Wanted to see the plans and knew from the meeting before that can see them ten (10) days prior. Mrs. Broderick asked if she called extension 7623... office had moved. Ms. Stoeckel stated it was her voice. It was determined it was the old extension. Does not have voicemail at new extension. Ms. Stoeckel wanted to let the public know that these plans were available to be viewed. Wanted to know the procedures for that. Also, it was mentioned that the reports from fire and all the other agencies are online. Chairman Ackerman stated no... available here. For the last thirty some years... all plans and reports from all the departments have always been available in the Planning Board and Zoning Board office... always. You can walk in and ask Joanne or someone else in the office that you would like to see an application. Ms. Stoeckel stated obviously there is a problem when you cannot get in touch with Joanne. There are no extensions on website. There is no transparency. Chairman Ackerman said you can call the main number. Ms. Stoeckel stated I know you say it's in the Observer and in the Star Ledger but you did not have the agenda for today's meeting up until today. That is a problem. Mr. Lavender asked, other than calling the line that you did not get through, what other action did you take. Ms. Stoeckel asked does she need to take other action. Mr. Lavender stated yes. It is everybody's responsibility. If you need information, the Borough is here... come here... make phone calls... there are many ways. Chairman Ackerman asked if she dialed the main number. Ms. Stoeckel repeated that she got to the voicemail. Mr. Lavender stated call another number... the information is here. Mr. Smith asked if she can have a copy of the plans now. Mr. Lavender stated yes. Mr. Bucco offered Ms. Stoeckel to look at the plans that are on the table... but cannot take them. Ms. Stoeckel stated she's fine. Regarding to the what the man in the back stated... this is a family community and what is being projected is not a family environment. How can there be four hundred ten (410) units and no playground. Unacceptable, especially having forty-one (41) buildings with four (4) bedrooms and not to plan to have children. Ms. Stoeckel asked the size of the area in the center. Mr. Taikina stated half acre - twenty thousand (20,000) square feet. Is there a walking paths... Mr. Taikina stated there are sidewalks.

Vice Pedersen stated that this information is all over the place and no one is hiding. Chairman Ackerman stated part of the problem was Joanne's office was moved and had no phone connection for a while in the new office. It went to the phone in another department. The phones were a problem getting them switched. Vice Pedersen stated he leaves messages in Municipalities all over New Jersey and no one calls back. It is frustrating and we can do better. Chairman Ackerman stated there is a main number. He uses it. If you call the main number you get a list of every department and every person. It is now completely updated.

Georgian Lambert - 1131 Tompkins Avenue, New Jersey - is sworn in. Ms. Lambert stated to look at the Board Minutes and they have not been updated since May of this year. That is not acceptable. Not everyone can take hours out of their lives and come sit here. They should be able to go online read the minutes, read the agenda and make an educated decision. When I looked two (2) months ago, it was the same. When I was here two (2) months ago and I spoke, they have no idea what I said. It is nowhere to be found. You cannot expect people to take time out of their busy lives to come to look at this or that. I could not see any of this. There is a smart board. You would think it would be a good idea to utilize it so the public could pay attention and look at it. Chairman Ackerman stated unfortunately we do not have audio/visual aids or equipment here in the Borough to put it up on the video screen. This is nothing this Board has control off. Ms. Lambert continued... When the Board of Education had the meeting for the Dismal Swamp it was presented on the screen. Everybody could see. I think we all would appreciate that. The only thing I have to say about this is obviously happening, the fact that as a mother to see eighty-two (82) units of low-income, middle income all grouped together in two (2) buildings - it is horrible to see what those kids would have to go through. In this day and age... kids are bullied... social media... everybody will know whoever lives in those building are low income children. There is no way on this Earth that this is appropriated. Understands that it is not a money maker to put a rental next to a unit someone is going to buy. That should not be our concern. That concern should be our population - our children. To put eighty-two (82) units with children, if they do not have children when they move in, they will eventually. It is incompletely inappropriate and unacceptable.

Mr. Mocharski excused himself at 10:20 pm.

Sherry Glover - 1324 Jankowski Court, South Plainfield, New Jersey - was sworn in. Wanted to thank the Board for giving some more perspective. Some of the questions the Board has are common to what the residents have. You help inform us as residents. Is there any type of boundary or fencing twenty-five feet (25') from the highway where kids will be? Mr. Taikina stated... yes it will be fenced. Ms. Glover reiterated, it will not just be a natural fence. Mr. Taikina stated no... a fence. Ms. Glover asked only along Route 287, not around the entire complex. Mr. Taikina

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stated. correct... right now it is along Route 287. If the Board thinks there is a need for additional fencing, that is not objectable. Ms. Glover reiterated what Ms. Lambert stated regarding segregating the families – 'we are going backwards in time'. Need to think about the students and families that live there. It is bad enough they are coming in with a stigma. The Board can make the change... the difference.

Jennifer Sarrubbo - 1332 Jankowski Court, South Plainfield, New Jersey - was sworn in. Stated that her perspective is professional, parent and a landlord. Lives directly across the street... approximately one hundred sixty feet (160') from the site... catty-corner. Her husband and herself are landlords in a community in Edison similar to this. There is no outlet for the children for this community. Multiple times driving through the community and would have to stop because children would be riding their bikes in the driveway area. They are congregating with their parents on the grass area... on the steps. There is no safe haven for them. A plea to reconsider that area that they can go to... safety for the parents, safety for the children give them a sense of community among the children that go to school together. The parents can learn the other children in the community something she is proud about of South Plainfield. Has no friends or family in South Plainfield but have a 'set of eyes for our children'. From the partnerships made in the community. Knows if she turns her back on three (3) children there are an extra set of eyes on them from neighbors. Friends met within the last two (2) months... baseball, football. Is a child care owner. Has multiple sites under her direct supervision, three hundred fifty (350) children and approximately ninety percent (90%) subsidized children. The primary focus on a business platform is to make sure that they are not identified or stigmatized based on their family funding. Would recommend and know it is not a perfect world but to reconsider the layout of your communities. The kids do weigh that burden of the financial status of their family on a daily basis.

With no further comments or questions from the public, Chairman Ackerman closed the public discussion.

Mr. Boris stated that it is 10:25 pm and requested to carry to the next available meeting. Chairman Ackerman stated December 11, 2018 is the next scheduled meeting date.... Two (2) weeks.

Chairman Ackerman poles the Board Members for their availability on December 11, 2018. Two (2) members will be unavailable.

Mr. Boris offered up the transcripts for those members that will be missing from the December 11, 2018 meeting.

Mr. Smith requested new sets of the Exhibit including the missing pages. Mr. Taikina stated he will have all new sets available at the next meeting.

Chairman Ackerman confirmed with Mr. Boris that at the next meeting Traffic and Planning will be addressed. The Applicants Traffic Expert and the Board's Traffic Expert will be in attendance at the next meeting.

Mr. Boris asked Mr. Lavender if the hearing can be carried without further notice. Per Mr. Lavender, yes.

Mr. Boris stated that the adjournment is for December 11, 2018 in this room with no further notice required.

Chairman Ackerman announced that the next meeting for this application will be December 11, 2018 at 7 pm in the Court Room. Testimony will be Traffic and Planning. The applicant will have their experts and the Borough will have their experts. There will be no further notice required by the Applicant but will post the meeting at the Borough. If anyone would like to review anything prior to that meeting.... Plans or reports... they are available in the Building Department where the office for Planning and Zoning has been relocated.

Mr. Slachetka asked Joanne if there is a number people are able to reach her. Per Joanne, it is 908-226-7647.

Old Business: None.

Minor Site Plan: None.

New Business: None

Correspondence:

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Enbridge letter dated November 15, 2018 regarding Texas Eastern. Chairman Ackerman advised the Board Members that a letter was received informing the Borough that they are doing inspections on their entire line.

CBRE letter dated October 22, 2018 regarding 333 Hamilton Boulevard. Chairman Ackerman advised the Board Members that there looking to put communication equipment on the water tank. Wanted to know if we have any comments. Councilman White and Mayor Anesh advised Ms. Broderick to forward the letter to Mr. Rizzo.

Audience Comments: None

Executive Session: None

Adjournment: 10:30 pm

Respectfully Submitted,
Joanne Broderick
Planning Board Secretary