

**POHATCONG TOWNSHIP LAND USE BOARD
REGULAR MEETING**

Monday, August 26th, 2024

NOTICE

In accordance with NJSA 10:4, adequate notice of this meeting has been provided by mail to the Express Times and the Warren County Zone Edition of the Express Times; a notice of this meeting and all other regular meetings of the Land Use Board of Pohatcong Township, which notice sets forth the time, date, and location of this meeting by prominently posting said notice on the bulletin board in the municipal clerk's office.

The meeting was called to order by Chairman Mirenda at 7:47 pm with the following members present: Mr. Melvin, Mr. Gal, Ms. Smith-Bohn, Mr. Swinicki, Mr. Williams, and Mr. Fennimore. Attorney Gibbons, Engineer Ingram, Planner Kyle, and Secretary Moeller were also present. Mr. Babinsky, Ms. Melvin, and Mr. Cyphers were absent.

The meeting opened with a moment of silent prayer followed by the flag salute.

PUBLIC COMMENT ON AGENDA ITEMS

None.

APPROVAL OF MINUTES

Ms. Smith-Bohn made a motion to approve the minutes for the August 13, 2024 meeting, seconded by Mr. Swinicki. The motion carried with the following roll call vote:

Ayes: Mirenda, Smith-Bohn, Swinicki, Fennimore

Nays: 0

Abstentions: K. Melvin, Gal, Williams

Absent: Babinsky, R. Melvin, Cyphers

NEW BUSINESS

*Willows at Pohatcong.: #24-08- Block 38, Lot 1- 1 Maple Avenue
Preliminary & Final Site Plan with Bulk Variance*

Public Hearing

Attorney Kate Coffey of Day Pitney appeared on behalf of the applicant, Ingerman Development Company, LLC. She advised they were here this evening seeking preliminary and final site plan approval.

She mentioned that the board may have seen in their application and their notice that they have requested a C variance to permit a ground mounted sign to be located within 5 feet of the

property line, however they agree with the board's planner in his review memo that indicates that the variance is not necessary because the redevelopment plan provides that the sign may be located within 5 feet of the property line. They agree that they do not need that variance but have requested it out of an abundance of caution.

Attorney Coffey continued that they are seeking some waivers. These include a waiver to permit the vegetative buffer required to be 10 feet be reduced to 8.5 feet in one area to accommodate access to the site. They are also requesting a de minimis exception from the residential site improvement standards to permit sidewalks on one side of the road rather than two, and seeking additional design waivers related to parking in the front of the building entrance as well as to permit back-to-back parking on the property.

The property in question is Block 38, Lot 1, which is located at South Main Street and Maple Avenue. This property is subject to a redevelopment plan and is located in what is called the Carpentersville and South Main Redevelopment Area. It is part of the township's affordable housing plan, as well as located in the township's highlands center.

What the applicant is proposing is a 100% affordable multifamily residential housing development which would be consisting of 4 buildings with a total of 96 units as well as site improvements. Those improvements will include a community building with a children's play area, access to the property is going to be via an extension of Dalton Avenue which is to be constructed, as well as an emergency only access on Maple Avenue.

The proposal does comply with the Uniform Housing Affordability Controls both with regard to bedroom distribution as well as income distribution. Attorney Coffey gave a breakdown of the units for the record: 16 1-bedroom units, 56 2-bedroom units, and 24 3-bedroom units. In terms of the income distribution across those categories: very low income will have 2 1-bedroom units, 3 2-bedroom units, and 2 3-bedroom units; low income will have 2 1-bedroom units, 11 2-bedroom units, and 4 3-bedroom units; moderate income will have 4 1-bedroom units, 14 2-bedroom units, and 6 3-bedroom units.

Attorney Gibbons asked Attorney Coffey if they were building this pursuant to an affordable housing agreement in which the township was a participant?

Attorney Coffey advised that the project is part of the municipality's affordable settlement agreement which has been approved by the court.

John Cote, with Langan Engineering and Environmental Services of Parsippany was sworn in by Attorney Gibbons. He has a bachelor's degree from Stevens Institute of Technology and has been working at Langan Engineering since 1998. He has been a licensed engineer in the State of New Jersey since 1992, his license is in good standing, and he has provided testimony to municipalities throughout the state.

Attorney Coffey requested for Mr. Cote to be accepted as civil engineer- there was no objection from the board.

Mr. Cote introduced Exhibit A-1- Site Triangle Exhibit – Exhibit EX01 dated July 26, 2024

This exhibit provides an overview of the project relative to the area around it and shows the layout of the site as well. The north side of the development is South Main Street, the south side of the development is the NJ Transit railroad right of way, the west side is undeveloped, and the

east side is Maple Avenue and the residential homes along Maple Avenue. The overall site is predominantly wooded. He continued to describe the layout of the site.

Exhibit A-2- Zoning Table Information/ Parking Table Information/ EV Parking Information/ Overall Site Plan Layout-dated July 10 2024

Mr. Cote started by describing the overall site plan layout with Dalton Avenue being the primary access point. He stated that the access road comes into the site from a due south direction and curves into the property.

The plan consists of 4 main residential buildings consisting of 96 units plus a 3100 square foot community building. Parking is adjacent to the various buildings. On the southeast corner of the property, it shows secondary access, which is emergency only access to the site for RSIS compliance. It will be gated with Knox Box access for both fire and EMS access to the site if necessary. This has been discussed with the fire chief.

Exhibit A-3- Expanded View of Site Plan - drawing Cs101- dated July 10 2024

Mr. Cote wanted to point out some of features the plan provides. Overall, they are providing 192 parking spaces. They are requesting a waiver for one portion of the site (the area between the community building and Building 2) where they have parking back-to back. On the plan there is a series of hatched areas which represent the areas with porous pavement as part of their stormwater design. Another waiver they are requesting with respect to the plan is the positioning of the parking. He addressed the waiver request for the positioning of the ADA parking spaces due to there being two front doors for access.

He continued, stating that the community building has a patio to the rear plus a children's play area. In the front of the building there shows a hatched area for the package delivery area. In discussions with the board's engineer with respect to ADA spaces, they were originally going to be between Building 1 and the community building, now they are looking to introduce a new ADA space adjacent to the community building and eliminating one parking space. The current plan has 192 spaces and the final will have 191. They will still be in compliance with the ordinance and also compliant with the RSIS.

Attorney Gibbons asked if they are also providing the appropriate space on the side of the ADA spaces?

Mr. Cote replied yes, that is correct. Right now, the number of ADA spaces complies and they will have one extra that will go above compliance.

He continued, advising that within the layout itself there are the areas where they will be providing trash enclosures. A total of 4 trash enclosures will be provided on site. There will be 1 at the easterly corner of Building 1, 1 at the southwest corner of Building 2, and 2 at the southwest corner of Building 3. They were placed in the locations where the garbage trucks would be able to easily access them.

He then addressed the access road from Dalton, stating that there will be some improvements there in coordination with the engineer's comments to extend the curb line and the sidewalk to go from the end of Dalton to South Main Street.

The exhibit also depicts the secondary emergency access. There are 2 gates that are depicted at the east end of the extension out to Maple Avenue and at the west end – a 400-foot stretch of

roadway- and those are intended for emergency access only. The gates are locked with a Knox Box that the fire department and emergency services have access to. This allows them to access critical points on site. The residential buildings all have 2 Knox Boxes as well.

Attorney Coffey asked Mr. Cote to clarify if civilians or the general public could access the site via these entrances.

Mr. Cote advised that there is no public access via Maple Avenue to the site through these gates.

He advised that another thing he wanted to point out on the site plan was the electric vehicle locations. There are a total of 30 parking spaces that are EV parking spaces. The requirement with the new law is that they have to provide 29 spaces. Those spaces are distributed throughout the site: there are spaces at the southwest corner of the site between Buildings 2 & 3, the southeast corner by Building 4, and between the community building and Building 2. He pointed out they are not taking advantage of the parking space credit provided for in the new law either, which is where for every EV space provided you are allowed to eliminate one regular space.

Exhibit A-4- Fire Truck Circulation Plan- CP101- dated July 10, 2024

Mr. Cote advised that this exhibit depicts the primary access off of Dalton Avenue and also the emergency access off of Maple Avenue.

Fire trucks can circulate throughout the site utilizing the existing drive aisles that are provided on the site to make their way around and to get to the dead end that is adjacent to Building 4. That allows the emergency gates to allow entrance or exit. He advised that this plan was provided to the fire chief for his review as well.

Exhibit A-5- Garbage Truck Circulation Plan- CP102- dated July 10, 2024

This exhibit depicts the location of the dumpsters throughout the site and their circulation. They will not need to utilize the emergency access on the site.

Garbage and recycling collection is going to be handled by a private hauler and is anticipated to come at least twice a week and will be increased should it be necessary.

Exhibit A-6- Site Detail Drawing-CS502- dated July 10,2024

This exhibit depicts the signage proposed along Dalton Avenue.

Mr. Cote stated that located at the front entrance, coming in off of Dalton Avenue, there will be a ground mounted 6.6-foot-wide sign that has a masonry base treatment. This sign does not require a variance due to the planner's interpretation of the redevelopment plan as mentioned earlier.

In the same location where sign is proposed is one other waiver request. Along the main entrance, in the area where the sign where will be located, on the east side where the driveway and sidewalk access the site, they are limited in the width of the right of way to only have 8.5 feet available where 10 feet is required. That would allow them to accommodate a sidewalk from Dalton to South Main.

Exhibit A-7- Partial Grading Plan- CG101- dated July 10 2024

This exhibit depicts the overall grading of the site, the plateau, and the stormwater basins and their locations. Mr. Cote advised the buildings have the following elevations: Building 4-255, Building 3- 259, Building 2-266, Building 1- 264, and the community building- 265. The access point from Dalton is the way to get up to the top of the hill.

Along the way there are various walls in locations where they have basins designed to meet the current standards from both the township standards and NJDEP standards in terms of stormwater management. There are a total of 4 small scale infiltration basins. Those basins are located to the northeast of Building 1, the north of Building 4, between Buildings 4 & 3, and north of Building 2. Those small-scale infiltration basins are combined with other water quality measures including porous pavement and treatment devices, including a DEP approved vegetative unit product. This site requires a 95% treatment of the stormwater for the purposes of discharge.

He advised that water quality is basically the treatment of the first flush of stormwater runoff from the sight. These are all dry basins that are to evacuate within 72 hours.

Exhibit A-8- Partial Drainage Plan- CG102- dated August 26, 2024

This exhibit depicts the basins as well as all the conveyance systems associated with the collection of the roof tops, the runoff from the parking area, and any of the landscaped areas that contribute to the various basins. The system is designed to treat a combination of the porous pavement in the parking areas, 4 small-scale infiltration basins, and mechanical treatment devices in various localized areas throughout the site. The intent of all this combined is to meet the current DEP standards in which the township is aligned with. All those elements go into the treatment and ultimately the discharge leads to the tributary that goes out to Lopatcong Creek at the northeast portion of the site. He advised that they also provide water quantity control. They are obligated to reduce the stormwater discharge from the site compared to the existing. That is in compliance with the township ordinance as well as the DEP.

Mr. Cote then went back to the site plan on Exhibit A-3 to address one of the comments from the engineering review, which requested the delivery and loading methods be discussed. He advised that at the east side of the community building they provide a space for UPS or FedEx drop-offs. For move-in and move-out days, it is operations managed. Operations will set aside parking spaces for scheduled move-in or move-out to allow for the moving in/out of various buildings.

Exhibit A-9- Overall Landscape Plan- LP101- dated August 26, 2024

This exhibit depicts the overall program for the site which combines combinations of deciduous and evergreen trees as well as plantings along the border for various elements of the site that are going to support both the foundation plans around the various buildings and plantings within the basins with respect to the small-scale retention basins. They are providing deciduous and evergreen trees in various locations around the site in order to break up the appearance of the various areas of the landscape element. The plantings overall meet the ordinance requirements. There are 44 required shade trees and they are providing 68 shade trees. The area along Maple Avenue will also have plantings associated with the area and will maintain the vegetation that is there. They are limiting the disturbance for the access road, and there are requirements in place to minimize impacts in the area of the tributary and the Lopatcong Creek.

Exhibit A-10- LL101- Lighting Plan- dated July 10 ,2024

This exhibit depicts a series of fixtures for both lighting up the roadway coming in as well as the parking areas and the pedestrian level areas on the sidewalks that run around the outside of property.

Mr. Cote advised they will have what is referred to as a 'gas lamp type of fixture' appearance wise. They will have a 4-panel glass structure and capped top. That type of light fixture will provide lighting in accordance with the ordinance requirements for the site. This will permit lighting for pedestrian and vehicular access throughout the site. The fixtures will have a 15-foot mounting height and some will be mounted as wall sconces. They will be shielded for dark sky compliance and the LED fixtures have a downward angled projection for lighting the area without providing glare.

He went on to summarize the requested waivers, which were: 8.5 feet versus 10 feet along the entrance drive, a waiver for parking spaces, a waiver for parking back-to-back, and a de minimis exception from RSIS for the one sidewalk where 2 are required.

To address the review letters, he stated that overall, the majority of comments provided by the engineer they will comply with. A sidewalk out to Dalton Avenue was requested and they will be providing that. Testimony was asked to be given as to the basins on the site, which was given and all basins are classified as class 4 dams. He also noted that the buildings themselves will have a building enclosure at the end for the mechanical or electrical room. Also parking spaces will not be assigned, but vehicles and plates will be registered.

Mr. Melvin asked, what about visitors or guests?

Mr. Cote advised that operations testimony will address that.

Attorney Gibbons advised that he would like to list compliance with reports as a condition of approval.

Mr. Cote noted that he would like it to be subject to outside agency approval as well.

Attorney Gibbons advised that the standard conditions of approval are that all outside governmental agencies be complied with.

Attorney Coffey noted for the record that they had received an email from the fire chief this morning, August 26, and the applicant will comply with all the recommendations provided.

Mr. Melvin asked for clarification on the signage location. Where will it be? And the lighting?

Mr. Cote advised that the sign will be positioned at 45-degree angle. It can be seen from the street when coming from Dalton Avenue into the site. It will be LED lit, but a back lit type of light. It will not be lit from the outside it will be lit from the inside, a halo type lighting.

Mr. Melvin asked what does it work out to for the number of parking spaces per unit?

Mr. Cote gave the following breakdown: 29 spaces for 1-bedroom units which is 1.8 per unit, 112 spaces for 2-bedroom units which is 2 per unit, and 51 spaces for 3-bedroom units which is 2.1 per unit.

Attorney Coffey noted that under the redevelopment plan, the requirement is 1.5 spaces per unit. They will be providing in excess of that requirement.

Engineer Ingram asked, in terms of equipment in the play area and surfacing, has that been specified yet?

Mr. Cote advised he will defer to later testimony from Mr. Long.

Engineer Ingram asked Mr. Cote to describe the general purpose for the gated access on the western end for the board's edification.

Mr. Cote advised that what Mr. Ingram is referring to is the access drive to the west which can provide for future access, if necessary, from the adjacent property in Phillipsburg. It could be a future connection as an emergency access route to the property.

Engineer Ingram advised that with that, the applicant did agree to make all the other changes. He advised that they had discussions prior to the meeting and he has no further comment.

Mr. Melvin had a question with regard to stormwater runoff. He stated that this area is very prone to flooding and so obviously that is a concern. We don't want to flood out the existing residents. So, with regard to the retention basins, what percentage of the runoff is taken care of and contained within the site?

Mr. Cote advised that they will do stormwater control for all the runoff for our site. Their site actually reduces the runoff rate to the discharge point. They are required to do that per the DEP and township regulations. Ultimately, there is a reduction in the runoff rate of flow that goes offsite. The DEP, with respect to this site, will require a flood hazard permit specifically, and it has the same requirements referred to in terms of what they have to comply with. There will be zero net fill on this project and there will be a reduction in the runoff rate as compared to current conditions.

Mr. Melvin requested that Mr. Cote go over the discharge points again.

Mr. Cote pointed out the locations on the Exhibit-CG102.

Mr. Melvin asked Engineer Ingram if that was going to be an issue with the flooding.

Engineer Ingram replied no, that is what is required. They cannot redirect water to drainage areas it does not normally travel. So, when they did their analysis, they are breaking up the drainage areas so there is no increase in runoff in any direction. Their design does reduce the overall runoff from the site from what currently exists.

Kenneth Johnston- 142 Lock Street

Mr. Johnston asked, how long of a duration do these retention basins collect water before they spill over?

Mr. Cote advised that they are required to discharge within 72 hours of their collection of the stormwater runoff.

Mr. Melvin asked, if we have a week of rain is it going to overflow?

Mr. Cote replied, no. They are designed for the 100-year storm, plus the spillage is designed for 50% on top of that. So basically, for the 100-year storm their discharge allows for 150% of that storm according to NJDEP standards for these types of basins.

Mr. Johnston asked if the 72-hour discharge gets recharged back into the ground?

Mr. Cote advised that this a limestone area so we have requirements on how we address water recharge. It is actually held in the basin long enough to discharge at a slower rate. So, if you think of the water coming in, the actual discharge (which they refer to as the outfall structure) the outfall structure has restrictors in it that slow that water down. It collects in the basin for a period and then discharges over a longer period.

Mr. Johnston advised that his house is 2 homes down from the discharge, across South Main Street. He stated that they are impacted from the warehouses currently being built, and a lot of the other commercial properties all drain into the tributaries that drain into Lopatcong Creek. Any additional discharge would be detrimental to his property.

Mr. Cote advised that that is the reason why there are the requirements he spoke about earlier about slowing the water down. The runoff rate is actually reduced compared to what is onsite today. If you look at the amount of water and the rate of water that is going by today, they are holding that back for a longer period of time.

Mr. Johnston advised that his concern is that when he looked at the plans, there is a 30-inch discharge behind the memorial business which is quite a large pipe.

Mr. Cote stated that an important point is that they do have to direct the water to where it goes today. It cannot be redirected elsewhere. It is a requirement of the DEP to discharge below the rate the discharge goes to those locations today. He advised that they are not adding water to that location at a higher rate than what is out there today.

Mr. Johnston stated that a 30-inch pipe, which is almost 3 feet in diameter, is discharging into a tributary that looks like it goes under a commercial building. He stated that he is worried about flooding, not only on his side of South Main Street but the other side as well. Last July they had an atmospheric river and there was devastation down there. With this proposal, it would have severed both entrances to the property with the flooding that was there.

Mr. Cote stated that the main thing here is what they have to comply with, and meeting those reductions is an important aspect.

Mr. Johnston continued, asking, in regard to the sidewalk being extended down Dalton- how are people to get from Dalton to the existing sidewalk on South Main Street?

Engineer Ingram advised that that is a county and state road, it is not a local road and it is not on their frontage; we cannot require them to build beyond something we can control which is Dalton.

Mr. Johnston advised that his concern is that the business owner there will have foot traffic through his property.

Engineer Ingram advised that they have a sidewalk on the other side of their own property. They did not research what their right of way is there, and that is not something we can ask them to do anyway because it is not their improvement. All we can really do is ask that the entity that controls the right of way to review it.

Mr. Johnston stated that the zoning map shows that this property is in the B-3 Zone for highway business. He asked, why would the board rezone it for a residential high density when it is for commercial business?

Planner Kyle replied that this is part of our affordable housing compliance plan. The township has been working over the last 5-7 years to come up with a way to meet our determined obligation.

Mr. Johnston asked if that applied to the apartment building with affordable housing up off of Carpentersville also?

Planner Kyle stated that was part of it. That is from a long-ago litigation that the township was involved in, that we ended up coming to an agreement with that developer. But yes, that is 44 units that was for our prior round obligation. We had a third-round obligation that we also had to deal with and that was 138 units that we were required to provide. So, through this 100% affordable project plus rental bonus credits we were able to come up with a plan to make it work.

Mr. Johnston stated that he is just looking at land use this is a very poor choice of land for this kind of a project.

Planner Kyle advised that it was either this or the truck stop. There was a discussion that occurred around the time we did the reexamination report and we had to look at options. The other problem is that we have very few properties that are in the planning area that are vacant that can be developed. Most of the township is preservation area which is off limits, so the universe of properties that we had to look at to put these units on was very limited. Unfortunately, through that process a lot of times we have to take the lesser of two evils – not that this project is evil, that is not what I'm saying- meaning location wise. We had very few options. When we came down to it this seemed like a better option than any of the others that were available.

Mr. Johnston asked if Dalton Avenue is going to be able to handle the traffic in and out of there? A couple times a year there's a couple of pretty bad accidents.

Chairman Mirenda advised that there is a traffic expert and we can wait to address that with them.

Engineer Ingram stated that, they have the required sight distance and it is a public street. If they did not have a street, then they would have a driveway of their own if they had more frontage. They do have the required sight distance that gives them adequate ability to come out of there, but again it goes out to a state highway with no restriction.

Glenn Ehrhardt-408 Dalton Ave- Owner of Phillipsburg Memorial Company

Mr. Ehrhardt stated that in July of 2023 his business was completely flooded and he is still trying to get back from that flood. They cannot accept any more water.

Engineer Ingram informed him that this is time for questions only, and comments can be made later.

Mr. Ehrhardt asked the witness to show him where the unnamed tributary was located on the exhibit. Mr. Cote showed him where it was and the drainage locations.

Attorney Coffey called her next witness, Matthew Bartner, who was sworn in by Attorney Gibbons. He has been a practicing architect for 28 years. Mr. Bartner graduated from Penn State University in 1996 with a 5-year bachelors of architecture degree, has testified previously

in many jurisdictions, is a licensed architect with the State of New Jersey, and his license is in good standing.

There were no objections to Mr. Bartner being accepted as an architect.

Exhibit A-11- Color Rendering- Sheet A6- dated August 26, 2024

Mr. Bartner advised that the project is 4 apartment buildings, each 3 stories in height, all designed to be 100% affordable to very low-, low-, and moderate-income households. Each of the 4 buildings are identical in their configuration, so each of the 4 have 24 apartments with a floor area of 8809 square feet. They are all 3 stories in height. Because of some variations in the grading around each of the buildings, they are measured for regulatory purposes slightly differently in height. So, Building 1 is 45.2 feet in height, Building 2 is 44.8 feet in height, Building 3 is 45.2 feet in height, and Building 4 is 44.5 ft in height. Those are the regulatory dimensions from the average grade plane to the peak of the ridge of the roof.

Each building has 24 units comprised of 4 1-bedroom apartments, 14 2-bedroom apartments, and 6 3-bedroom apartments. Those configurations of the buildings, and the development overall, comply with the UHAC requirements for bedroom distribution which address comment 9 from Mr. Kyle's review.

The design of the buildings will have significant changes in materials detailing the horizontal expression of the building to make sure there are no long blank facades. They wanted to make them something that is appropriate in keeping with the architecture and spirit of the region and the township.

In addition to the 4 apartment buildings on site, they also have the 1-story community building. That building is 3116 gross square feet in area. It is a 1 story building, but measures 24.8 ft in height with nice volumetric spaces in the building. Within that community building, there are a number of uses including the lobby, fitness room, community room with a kitchen and outdoor patio off the back of it, a maintenance shop, conference room, managers office, package storage, and bathrooms to support all those uses within that building.

The design of the community building and the apartments are similar in materials to complement each other in reference to the architecture of the region, which would be rural architecture referencing barns and traditional farmhouses.

He stated that he would like to address one item related to the planner's review letter regarding HVAC equipment. The HVAC equipment for the apartments themselves is all self-contained within each apartment so those units do not have external compressors or equipment at grade or on the roof. However, on each building, on the back opposite side of the entrance doors, are going to be 2 small compressors that are wall mounted. Those are serving HVAC in the common stair of the apartments. Then for the community building, they will have 2 small compressors at grade on the back of the building, adjacent to the mechanical room.

Planner Kyle advised that he did not see any grates on the outside of the building or external exhaust. Is it some other system?

Mr. Bartner stated that there actually are grates and exhaust on the side, they are not public facing.

He continued to talk about the materials and design. The image being presented on the exhibit was of one of the residential buildings. They are all very similar in configuration and design. He stated that this exhibit is representative of the front side of all 4 of the apartment buildings. On each of those buildings, they have the 2 entrances that are highlighted with a standing seam metal roof in a nice red color, reminiscent of the bright red barns in the region over the years. The facade material includes fiber cement siding in both a horizontal and vertical configuration, which provides some variety in the facade. There is also a grey and brown stone base on several portions of the building. That is a synthetic stone a very durable material. The upper portions of the building have a 30-year dark asphalt shingle roof.

Exhibit A-12- Floor Plans and Elevations - Sheets A1-A5- dated August 26, 2024

Mr. Bartner went over the configuration of the buildings. There are 2 entrances on the front side, 1 on each side of the building. Inside of that area, through a secured doorway is a stair and entrances to 4 apartments on the ground floor level, then the stair leads up to another 4 apartments, then the third floor is similar as well.

Mr. Melvin asked, so it is a walkup, there is no elevators?

Mr. Bartner replied, that is correct.

Mr. Melvin asked, so all of your ADA complying units will be down on the ground floor?

Mr. Bartner replied, yes, all of our ground floor units are accessible.

Sheet A2 showed the Third Floor Configurations.

Mr. Melvin asked if the stairs are all covered? They are not exposed to the elements?

Mr. Bartner advised, yes, they are interior space.

Sheets A3 & A4 showed the elevations of the buildings and the plans and elevation of the community building. Mr. Bartner described locations inside the community building, as mentioned previously.

Mr. Melvin asked, are there any storage units associated with the individual units? Or a bike room?

Mr. Bartner replied that these are larger units that have storage within them.

Attorney Coffey advised that storage units are not proposed here because there is storage inside.

Ms. Smith-Bohn asked, what about for bicycles? If you are having 3-bedroom units you are going to have children.

Attorney Coffey stated that there is not a bicycle room in the community building, if that is what you are envisioning. We can check with the next witness as to storage on the exterior.

She then questioned the witness regarding the sprinkler system

Mr. Bartner advised that they have an NJPA13 sprinkler system in all of these buildings. It is the more robust system to provide a greater degree of protection.

Attorney Coffey asked the witness if he could briefly touch upon the green components of the building design.

Mr. Bartner advised that all of the apt buildings will be designed to meet the Energy Star Multifamily Unit Construction Requirements (that is a program from the Department of Energy at the federal level) as well as the Zero Energy Ready Homes Program. As part of those programs, and part of the design of the apartments, all the appliances will be Energy Star labeled within each apartment. For example, the washers, driers, and windows are Energy Star labeled. They will comply w Energy Star Insulation Requirements. In addition to that, they will have Water Sense Certified plumbing fixtures in the kitchen and the bathrooms; high efficiency gas heating units with thermostats; the flooring and materials will be durable and commercial grade material; and all of the paints, sealants, and adhesives used in the construction of the buildings will be low VOC. LED lighting will be used throughout the apartment spaces and the community building. In common areas, lighting will have occupancy sensors to reduce energy usage when people are not in the spaces. Exterior materials will be durable, long lasting fiber cement, stone, and 30-year asphalt shingles.

Attorney Gibbons had a question in terms of the fire prevention and sprinkler system- everything you do is going to be reviewed and approved by our fire official will it not?

Mr. Bartner replied, absolutely. The sprinkler system is engineered by a separate third-party engineer. They have to submit their documents to the township for review.

Mr. Melvin asked, in reference to the entrances, is there only 1 door for each set of units?

Mr. Bartner stated that is correct.

Mr. Melvin asked if there are emergency exits on the back side?

Mr. Bartner replied, no, those doors are the emergency exits, and the windows will be emergency egress windows. There are no emergency exits on the back side.

Attorney Coffey asked, that is one of the benefits of the NJPA13 system, correct?

Mr. Bartner stated that that is correct. This is a fairly typical configuration of these types of apartments in the state. You are limited to the 4 units clustered around the one stair so you have reasonable accommodation in case of emergency.

Attorney Coffey introduced her next witness, Geoffrey Long of Ingerman, who was sworn in by Attorney Gibbons.

She advised that he is here, not as an expert, but rather to talk about the applicant and its management program.

Mr. Long advised that he is the Development Principal at Ingerman. He has been working on this development proposal for the better part of 2 years at this point, trying to work with the township's professionals, and taking as much information as he could from the DEP and other outside agency sources to kind of put together what they think is a viable opportunity here.

Ingerman is a one-stop development, construction, and management company. He stated that he will be involved throughout the entire redevelopment process, all through permits as well as the construction side, overseeing construction with their own general contractor, as well as having a property management division.

They own and operate about 7000 apartments across the mid-Atlantic, with about 4000 of them in the State of NJ. He stated that they are specialists in affordable housing, so the overwhelming

majority of our developments are affordable housing much like this 100% affordable property. They have been doing this as a company for probably 30-40 years at this point.

He stated that personally, he has been doing this for 18 years, all with Ingerman, so he has extensive experience with the company seeing things from conception all the way through to completion. They stay involved through the entirety of the development. They will be here for 45 years at a minimum; they own, operate, and keep these in their portfolio long-term, so they are pretty stable when it comes to operating and keeping properties. He believes we will be working together for a very long time.

Mr. Long continued, stating that they have a lot of experience in this part of the state. They probably have, roughly speaking, 700 apartments in Hunterdon and Warren County that they currently have developed and operated. They do a lot of work on the I-78 corridor, and have properties in the Lehigh Valley that they are working on as well. This is very much part of their core footprint.

They have a 350-person management company, so just the management side of the operation, not counting development and not counting general contracting, we have 350 employees whose sole dedication is waking up every day and making sure these properties operate correctly. They have full management controls and do all of the certifications for affordable housing in-house, so they will be able to qualify these people, lease to them, and provide the information to the township so that way the township's compliance process will go smoothly.

They also maintain the property, so they have maintenance people who are under their employ. They contract out some of the major stuff like painting, landscaping, and things like that, but they do have onsite property management. For this property, there will be 1 fulltime property manager who will work 40 hours a week, 1 fulltime maintenance person who will also work 40 hours a week, and then a part time porter which will be around 20 hours a week. There will be 2.5 employees whose sole purpose is to run this property and are directly employed by Ingerman. They will have 7 day a week coverage, and there is always someone on site. They also have regional management persons who oversee that who are more senior. They have properties in the surrounding areas, so there is a solid footprint in the area.

When they do move-ins and move-outs, they coordinate with the property manager. Usually, it takes about 90 days to move someone in between income qualification, all the certifications that need to be done, background checks, credit checks, and criminal checks that need to happen for each tenant. They will then be coordinated terms of their movements, so they will work with them to block off spots to make sure that the trucks can come in and move people in. That is usually about a 3-hour process.

He advised that they have a package room that will be open usually from 10am-6pm so that way people can come in after work to pick up packages. He advised that they are seeing an uptick in terms of internet shopping and amazon, things like that.

As mentioned prior, they will have private hauling. They will start with 2 days a week private hauling and if they have to, adjust upwards to more private hauling as necessary.

Mr. Long stated that they work in towns all across the state that are burdened with this affordable housing litigation. They try to put together a very attractive property that is going to be an asset for the community for the long term, and they are very committed to operating these things at the highest level that they can. They deal with things as they come up and he stays

involved throughout the entire process. To the extent that the board or the public have any questions, he advised that he is happy to hear that.

Attorney Coffey mentioned that there was a question raised earlier about the play area.

Mr. Long advised that with their play areas, they usually do a play package that is non-teenage years. So, these are ages 5 up to about 13 years old is our usual target audience for the play area. The surface itself is usually the rubber composite material, so you have good fall protection and the area is fenced and lighted very well. This one is right next to the community building, so it will have that level of oversight as well. It is in the property, so it is protected. You are not going to have people coming in and out using it as a public park. It is targeted for younger children who live on site and it will have your typical jungle gym type equipment – facility to climb, swings, things like that.

Attorney Coffey advised that there was another question we had about bike storage

Mr. Long stated that what they're going to have is outdoor bike racks, and that's the standard across these properties. To the extent that people want to bring them inside, there is a good amount of closet space to accommodate a lot of indoor/outdoor equipment that people use.

For the most part, from a safety perspective and maintenance, they find that having all space in the interior is really critical. By having outdoor lockers or lockers outside of units, those become really cluttered and they are a little harder to maintain. They try to keep everything inside the units because it is easier for them to keep track of who owns what and make sure that things are not where they should not be.

Mr. Gal advised he had kind of a stormwater question. Are tenants allowed to do oil changes or vehicle maintenance on site? Wash their cars?

Mr. Long replied, no, we discourage that.

He continued to address an earlier comment. He stated that parking and car registration are taken very seriously. They want to make sure that the cars there on site belong on site. They track these things very closely. When people sign a lease, they have to put what their car is. When they start seeing cars that should not be there, they will ticket and they will tow. It is an important part of property management.

Mr. Melvin asked, how do you police that?

Mr. Long advised that they have a roster of what cars are supposed to be on property. It is pretty clear when all of a sudden you have a couple cars start showing up on a regular basis that otherwise shouldn't be. They have their property manager and maintenance person tour the property on a regular basis to make sure that things are being dealt with. That's part of the property plan for our staff.

Mr. Melvin asked, what about guests? Are guests required to register their vehicles?

Mr. Long responded, no, not for coming and going type of guests. It's more the constant overnights which is really the stuff they keep on top of.

Mr. Gal asked, is there a limit on guests? Do they have to notify the office if guests are coming?

Mr. Long responded, no. Anytime that they start seeing people on site that have been around for a while, that will illicit questions and can actually lead to eviction. They are very strong about staying on top of these things and they take this very seriously.

Attorney Coffey added that the folks that are living on the property, it relates to their income qualifications, which is why it's so particularly important in this kind of community that the folks that are registered to be living in the the community are the ones that living there.

Mr. Long stated that they will annually certify income and they will also do apartment inspections on a regular basis to make sure that people who are on the list are there. Not only in terms of relationships, but if someone were to have an additional child or have a cousin who starts living there, these are the things that they have to be very on top of. Things that would impair or potentially endanger our commitments to our investors, to the State of New Jersey about income qualification, and also the township because these units are part of the township's affordable housing stock. In order to preserve that, they need to make sure that they are certifying who lives in every unit, how many people are living there, and what their incomes are on a regular basis. That is something the township needs to report to the state and to the courts. He advised that that is part of their package back to the township.

Mr. Melvin asked if he could you go through the income qualifications for each of the three tiers that were mentioned?

Attorney Coffey advised that very low income is considered 30% of the median income for the area, low is 50% and median is 60% of the average median income for the area.

Mr. Melvin asked, what is the average median income for the area?

Mr. Long gave rough estimated figures for the max income: very low income for 1-bedroom would be around \$30,000, 2-bedroom would be around \$35,000, 3-bedroom would be around \$40,000. low income for 1-bedroom would be around \$46,000, 2-bedroom would be around \$57,000, and 3-bedroom would be around \$67,000. moderate income for 1-bedroom would be around \$55,000, 2-bedroom would be around \$70,000, and 3-bedroom would be around \$80,000.

He stated that if you had to pick the median person at this property, their income is probably in the 50s to low 60s. 50% of the units are moderate, 50% of the population is going to have between a 55k-80k a year income.

Mr. Melvin stated that at other township meetings there has been concern about this being section 8. I don't know if you are in a position to speak to that a little bit and tell the difference between what this housing is and section 8?

Mr. Long stated that these are working people and the majority of the people here are, as you've heard, making considerable incomes. These are 40 hour a week families and that's who this is for. Theres other stuff out there that's section 8 property. There is a lot of section 8 property in Phillipsburg and that is what that is, but this is not that. This is for working class people, these are people working at Ingersoll, in the township, EMS and first responders. And by the way, they need to annually qualify them; they need to be able to prove and demonstrate that they are making income that is in those brackets to live here. So, if they are not making enough money, they might not be able to live here.

Mr. Melvin asked the witness to speak about the screening procedure.

Mr. Long advised that it is a full stop credit and criminal no exceptions policy. No felonies– that is a disqualifier. They enforce that across their 7000-unit portfolio, but they do comply with all fair housing laws and regulations. They take very seriously having the right people in these units. They will work with the township to take their list of qualifying potential tenants who have worked with the affordable housing liaison. He advised that they do their best to market through the township as well as make sure that they run seminars and have open township meetings with stakeholders; that way people are aware of what they need to qualify for these units. They want to get the best tenants possible and they want to get the people who are committed to this community.

Mr. Melvin advised he just wanted to touch on the property management and the coverage. I know you said you had 7-day coverage and I heard there is sometimes overlap – so is there somebody on site 24/7?

Mr. Long replied, no, not 24/7, but what he calls ‘extended work hours’, which is around 8am to 6pm. They want to make sure that they have as much coverage as they can on the site. They have regional management and regional maintenance. They have a 24-hour hotline and have people that come out and people that are on call, because we have such a large number of units within a 30 minute drive.

Attorney Gibbons asked, you have an emergency system, right? Contact information that the residents can call?

Mr. Long replied, absolutely, yes. The residents will get a manual when they move in that has all the contact information, hotlines, relevant email and text information so that way they can make any calls and we can get out there if there’s a problem. We have people that are on call at all times. This is part of what we do on a regular basis.

Mr. Melvin stated, I don’t know if this falls here but I’m interested in the impact on our schools. Do you have any type of data that supports how many children we would anticipate coming into our school district from the units? Is there any sort of data you can provide?

Attorney Coffey stated that one, I do not know that we do have any of that data with us this evening and secondly, it is beyond the purview of the site plan application because the uses are permitted by the redevelopment plan. So, the impact to the schools should not be influencing the decision on the application this evening.

Planner Kyle continued, stating that, if you want to ask that question because your curious, that is one thing, but I would agree with Ms. Coffey that if all of a sudden you didn’t like the number of school kids that are being generated...

Mr. Melvin stated, I’m just interested in data.

Planner Kyle responded, I figured you were, that’s why I wanted to clarify.

Mr. Melvin stated that we need to provide this to our schools to make sure that we have the appropriate services.

Mr. Long stated that what he would say, for example in Greenwich, they are working with the town to provide them with updates in terms of completion, timing, and projections. They can continuously work with the township on that and they are happy to work with them and

everyone at the school. This is part of the town's affordable housing asset and so we will give as much information as we can.

Attorney Gibbons noted that the question asked can certainly be answered, but it cannot be material in terms of the decision made by the board, and that is essentially where it ends. If you have any factual information, that's fine, but it can't be used as a basis to approve or deny the application. It's already subject to a separate agreement and a separate obligation that's beyond the jurisdiction of this board.

The board took a break at 9:53pm and resumed testimony at 10:01pm.

Attorney Coffey introduced traffic engineer, Alan Lothian, who was sworn in by Attorney Gibbons.

Mr. Lothian is a traffic engineer with Langan and has been with Langan for 26 years. He has a bachelors of science in civil engineering from Rutgers and a masters of science from NJIT. He is a licensed professional engineer in the State of New Jersey. His license is in good standing and he has testified before dozens of boards throughout the state.

There were no objections to Mr. Lothian being accepted as an expert in traffic engineering,

Mr. Lothian stated that there is safe and efficient access to the site via Dalton Avenue. There is emergency access out the back off of Maple. He stated that he is going to focus more on the traffic impact. The site is using Dalton Avenue, it is extending the right of way into the site and they did an analysis of the intersection of South Main Street and Dalton Avenue. With the increase in traffic associated with this proposed affordable housing development, they projected the trips based on the Institute of Transportation Engineers Trip Generation Manual, and they used land use code 220 which is for low rise multifamily buildings anywhere from 1-3 stories. They looked at the average rates and equations associated with peak hours, so they looked at 7a-9a peak hours and 4p-6p peak hours; and using the highest of the rates or equations they were conservative, and the trip generation would be 53 trips in the morning peak hour (an hour in between that range) and 62 trips in the evening peak hour. They projected those trips onto the roadway network – approximately 60% to and from the west and approximately 40% to and from the east. The majority of them making left turns out, which again is a conservative estimate, and the operations of the intersection will continue to be acceptable level service c or better for that exiting movement and level service a along the main line of South Main Street.

Attorney Coffey asked if he could explain what level of service c means.

Mr. Lothian stated that as an example, in the pm we're talking an average wait of approximately 15 seconds to make a left turn out of the site and we anticipate based on the analysis that there will be average queues or 85 percentile queues of less than 1 vehicle so approximately 1 vehicle waiting to make that turn.

When looking at the impacts of the site, the NJ Department of Transportation and ITE label a 100-trip limit as a significant impact, and as indicated earlier we have 53 trips in the am and 62 in the pm as the higher level. That falls below that level of significant impact in the eyes of NJDOT and ITE.

Mr. Fennimore asked, if there were a significant impact would that require a turn signal?

Mr. Lothian advised that there would be potential for improvements being necessary to mitigate vehicle traffic. So, if there were 200 vehicles trying to exit, that would make a difference.

Mr. Melvin stated that there's 96 units of working people, and you're saying that you're going to hit a peak of 53 in that period and a wait time of 15 seconds to make a left turn. Has there been any traffic metering of Main Street there to see if that's even plausible, and then what kind of stacking would you get? I know what it's like when I'm going through the township in the morning. There's a lot of traffic and a lot of stacking.

Mr. Lothian answered that in the am, when most of the vehicles will be leaving, the site volume along South Main Street is actually less than in the pm. So, there's less vehicles that you're contending with to make a left or right out of Dalton Avenue. We did traffic counts during peak hours, but just to give you an idea on those volumes: South Main Street in the eastbound direction am peak hour of 8-9 was 262 vehicles going through, in the pm peak hour of 4:30-5:30 there was 275 vehicles. Westbound, the numbers were 247 in the am and 583 in the pm; so, there was more in the pm but less vehicles exiting in the pm hours.

Attorney Coffey advised that it might be helpful if he could talk about how he determined the number of vehicles that are anticipated to be generated making trips during the peak hours and where those figures are coming from. I think that the question from the board is: having 96 units, how can you say that you're only having 53 that are traversing the site during the morning peak hour for example?

Mr. Lothian advised that the Institute of Transportation Engineers gather up data from a variety of uses, and they've expanded the type of uses specifically in the residential. We're looking at low rise. They also have an affordable unit as well, which comes out to a lower trip generation rate, so we looked at the most conservative trip generation rate here.

Mr. Melvin asked, so when you say conservative is that the most aggressive?

Mr. Lothian replied, yes, the higher of the numbers.

Dana Bowers- 309 Pershing Avenue

Ms. Bowers advised that when she looked at the report, the traffic study was done on June 27, which is after school is out. She stated, I think that everybody knows that traffic is lighter when school is out so I would just like to know if that was taken into account.

Mr. Lothian advised that it was. That's just when we were able to get out there and do the traffic counts associated with the timelines for the project. But we did research historical count data from when schools were in session, and it was right in line with what we had. We looked at pre-covid numbers as well. Meaning data back from 2016-2019; historical data.

Ms. Bowers stated that, it seems to me that the numbers don't add up. Do they take into account areas like ours that don't have the mass transit? That may work great in areas where people have other ways to get to work but I don't see how that works here.

Mr. Lothian advised that there are credits you can take and rates for developments that are close to rail stations – this is not close to a rail so the rate that we used is not close to mass transit. They do take that into account, and just to give you an idea, not everyone leaves in that 8-9am time period. There's 96 units, not everyone from the site is leaving from 8-9, they're leaving at 7-8 or 6-7 or doing shift work. There's a range of when people are leaving for work.

Mr. Melvin stated that he didn't know if this is for this witness or the previous, but how do bus stops work in these types on complexes? I don't know if you've taken that in to account from the traffic perspective or if we have to go back to operations?

Mr. Long was recalled to answer. He stated that this is a coordination issue. I don't know what the policy is in terms of bussing, and in terms what the availability of that is. This is a coordination issue with the school. I have to work with township officials and the school board to work through some of this stuff. As Mr. Cote has talked about, you're able to traverse a school bus into this community, but whether they want to or not is a totally different ball game. I don't know the school board well enough to speak to it, but it's something that we're going to have to talk about.

Attorney Gibbons asked, would the management company handle that?

Mr. Long stated he is going to set it up, and then basically get things set and move on from there.

Attorney Coffey introduced the final witness, their planner, Sean Moronski, who was sworn in by Attorney Gibbons. Mr. Moronski is with Langan Engineering and Environmental Services of Parsippany, NJ. He is a professional planner and has been for over 25 years. His New Jersey professional planner's license is current and in good standing. He is a member of the American Institute of Certified Planners. He advised that he has qualified before many boards throughout the state. This is his first time here in Pohatcong, but has qualified in this general area in Alpha, Greenwich, and Frelinghuysen.

There was no objection to Mr. Moronski being accepted as a professional planner.

He started by addressing the design waiver requests. He advised that they have 3 of them – 1 from the redevelopment plan requirements and 2 from the site improvement plan ordinances. He stated that when they request these design waivers, they must be reasonable and within the general purpose of the site plan ordinance and they're usually due to practical difficulties in complying with that particular section of the ordinance or there may be an undue hardship to a particular site condition.

He began with the waiver request from the redevelopment plan. This has to do with the 10-foot vegetative buffer that is required along the beginning of the access road on the east side. He stated that they are required to have 10-feet and they are proposing 8.5-feet. On each side of the roadway is 24-foot carriageway and there's 13 feet on each side. But on that eastern side, in order to provide a 4.5-foot-wide sidewalk, they need to go into that particular buffer area so the sidewalk (which helps to facilitate efficient and safe pedestrian access to and from the site) cuts into that by a foot and a half which is relatively de minimis in terms of the impact as opposed to the benefit of having a wide enough sidewalk to access.

There is also a waiver request for parking spaces without a curb overhang. In the parking lot, between Buildings 1 & 2 and the commercial building, there are spaces in the center. 22 of them (2 sets of 11) head in, they face each other. the parking spaces are 9-feet wide by 18-feet deep, but there is no curb overhang. The concern is about cars being able to safely access and park in those spaces. The spaces do meet the RSIS standards in terms of the dimensions, and in order to meet the standard you would have to create some type of island in the middle between the spaces. What that does is it has a cascading effect that would affect the drive aisle, which is compliant to 24 feet and then it pushes back on the other parking spaces as well as the buildings

and also the stormwater design. He stated that he believes that this falls into the category of practical difficulties. By not having that 2-foot overhang you still have parking spaces that meet the RSIS requirement and you also have the remainder of the parking area which complies with the applicable regulations.

Then there is the question about the parking spaces in front of the entrances, and Mr. Cote had pointed out in his testimony about the ADA access. The ramps would be between the doors, because that's where the handicap accessible parking spaces are located, and it's not practical to lay them out in front of the entrances due to the grading and the need to accommodate the ADA spaces necessary. What that does from a design standpoint is, in each of the fronts of the buildings, you have a uniform parking layout while still having the access ramps near where they won't matter more, which is by the ADA access spaces.

Mr. Moronski stated that finally, they are requesting an RSIS de minimis exception. The cartway that goes to and from the site, they are required to have sidewalks on both sides of the access road. They are proposing a sidewalk on the one side – the east & southern side. In order to get this de minimis exception, they have to meet the 4 criteria that are outlined in Residential Site Improvement Standards. He advised that he would go through each of them: has to be consistent with the intent of the site improvement which provides the widest possible range of design, in this case we're considering that we have a relatively narrow area in terms of access and that pedestrian access we're providing with the 4.5 foot wide sidewalk to have it on the one side meets the standard in terms of efficient pedestrian access and also still complying with the buffer entirely on the other side and for the most part on the side where the sidewalk is proposed; the exception has to be reasonable, limited, and not unduly burdensome-the one sidewalk provides more practical access to and from the development and is not adding additional impervious coverage; has to meet the need of public health and safety-the one sidewalk is sufficient in terms of having safer pedestrian access along the access road and if you note on the plans it eliminates the need to cross that access road until you get into the main parking area; finally, the exception has to take into account the existing infrastructure and possible surrounding future development- we have development around the general area and part of the access road is aligned with Dalton Avenue, so we don't believe a second sidewalk is necessary given that the proposed sidewalk provides adequate safer pedestrian access and its part of the overall plan of public access to the site to and from the site. So, for those reasons we request that you grant the design waivers and the RSIS de minimis exception.

There were no questions for the witness.

Mr. Melvin had a question for Mr. Cote. regarding the EV charging stations. I know that this has been a previous request and I appreciate that you're going to work with our fire department, but just to make sure, they are all going to have the emergency shut offs clearly labeled?

Mr. Cote replied, yes.

Chairman Mirenda opened the floor to public comment

Glenn Ehrhardt- 408 Dalton Avenue- Phillipsburg Memorial Company

Mr. Ehrhardt advised that his company has been in business for 90 years. Within that time, they have gotten flooded 9 times from '100-year storms'. He stated that they cannot take any more water and it's going to put them out of business. They are still cleaning up from the last flood we had in July of 2023.

In terms of the the traffic, he stated that with respect to the expert, I live there. I know how bad the traffic can get. I don't know where he gets his figures from but it can get very congested when you consider the boutique uses that as their only exit also.

Now as far as the curb and the sidewalk goes, my family, in order to access our front lot for our display, we've always used Dalton Avenue. If you put a curb there, I won't be able to get my product on and off the lot. It's been like that for 90 years, so we can't bring it in the other way. In order to unload my product, a curb or a sidewalk on my side of the property would be devastating.

The water goes underneath my driveway and I was told to keep tractor trailers off that because of the possibility of collapse. So, my tractor trailer trucks have got to be unloaded at the top. There is a culvert that runs right through the middle of my property, and I guess it was built by the township, but that's going way way back.

I hope you consider my case- I sat on this board, so I know what you're going through. I was a little disappointed when I was referred to as 'a lesser of two evils' because I've been a resident of this township for about 50 years, my business has been here for 90 years, and I like to consider myself maybe just a little better than a lesser of two evils

Planner Kyle stated that, he just wanted to say one thing. I'm the one that made that comment. I misspoke. What I meant was – and it was a poor choice of words- we really had limited options as to what properties we could look at, and this board discussed those properties, and we made a decision so I wasn't implying anything negative about this project when I said that. I misspoke.

Chairman Mirenda asked about the curb going in.

Engineer Ingram advised that there is a curb going in along Dalton and the problem is that we're trying to create a sidewalk connection. Right now, there is no driveway there that we're impinging on. From my understanding, you basically just bring the things in and going across your grass.

Mr. Ehrhardt stated that when the business started it was a dead-end road

Chairman Mirenca asked, when the trucks deliver, don't they have fork lifts? Can they park on South Main and bring in the material from there?

Mr. Ehrhardt advised that yes, they have fork lifts that can go on the property now. They can't bring it down the hill because the tractor trailer trucks in the driveway will cause a collapse.

Engineer Ingram stated that they shouldn't be parking on Dalton either.

Mr. Ehrhardt stated that they really don't park on Dalton, they more or less come in on my property, but if they put a curb there, they won't be able to do that.

Planner Kyle advised that he wanted to try to understand the issue. So, you're saying that a truck comes in on Dalton and pulls up behind your building, so that truck when it leaves it has to back in to Dalton and pull out?

Mr. Ehrhardt advised that usually the drivers would come in and turn around in the boutique.

Engineer Ingram advised that we're not putting curb up on your driveway behind your office. If it's a driveway now, it will remain a driveway. We're only raising curb along the grass area. your

driveway as it comes out to Dalton will be unaffected. It will have a sidewalk on either end, but were not shutting down your access to your driveway.

Mr. Ehrhardt advised he had one other question – whose responsibility is it for the snow removal of the sidewalks?

Engineer Ingram stated that it's the person whose property fronts the sidewalk.

Mr. Ehrhardt responded, so that would be me. So, if somebody falls on ice or something I'm probably liable for that too, correct?

Attorney Gibbons replied, yes.

Mr. Ehrhardt continued, so this is what it is, these fine people make all this money on this project, you guys get your affordable housing taken care of, and I am going to get all the headaches. That's basically what it is. But I thank you for your time and I'd appreciate if maybe someone could stop by my place so I could show them what I have.

Kenneth Johnston- 142 Lock St

Mr. Johnston stated, you were talking about the fire suppression and the sprinklers – are you planning on putting hydrants in?

Engineer Ingram stated that we're actually past the point of questions for the applicant, but I can say that yes, the fire chief has reviewed it. We have fire hydrants being installed and he has asked for an additional one.

Mr. Johnston asked, are those going to be private fire hydrants or public?

Engineer Ingram replied that they're not public, they will be on private property

Mr. Johnston asked, what is the plan for the water service to that property?

Engineer Ingram advised that water service will be connected to extensions of mains that are going to be brought through South Main. They're going to work that out with the water company.

Mr. Johnston stated that that's the problem, there's no water main.

Engineer Ingram advised that it's going to be extended, at their cost, not ours. The water company is a private entity and they're going to have to work that out.

Mr. Johnston then addressed the railroad behind it. He stated that there's still an active line there and you heard it 3 times while we were sitting here in this meeting; and if its loud in here then its going to be even louder over there. For the placement of a residential property like that, you're going to get a lot of complaints on noise from the railroad. That and the other line that borders that property can still be put back into service. I'm looking at that as a safety issue if you're going to have families there with children. They're going to go into the woods. You have a railroad right next to a high-density residential area. I wouldn't want my kids there and it's going to be inconvenient for people trying to get rest if they're working families. You guys have to take the flooding into account. I feel like everything is getting pushed onto this part of town now because everything else is preserved. When does it get preserved on our end?

Planner Kyle advised that the issue is much like many state highways in New Jersey. The infrastructure that was put in 60 yrs ago is not designed to handle the rain that we're going to have. They have to deal with their water on site. Really the issue is that we need to look at the infrastructure in 122 and South Main and it really needs to be upgraded; the pipes are just too small to handle that amount of water

Mr. Johnston stated that it's not the pipes, it's the creek

Engineer Ingram replied, I can tell you now looking at this. The problem is it goes under his building in a very confined space that is smaller than the stream coming up and smaller than the stream coming down. I can see on their plans. It is massively undersized infrastructure. Their project is required to reduce their site, so it will not solve your runoff and it will not solve your flooding, but it will not increase.

Mr. Johnston asked, and what happens if they decide to expand onto the property on the Phillipsburg side?

Mr. Ingram stated that, it's all the same standards. I sympathize – this is not helping you; this will not fix the floodin. Anything that is created from here forward is only going to be reducing the runoff.

Planner Kyle continued, I think what we're telling you is that it is something we will have to work with the county and the state. I have a similar issue in another community I work in. It's something that we can certainly as a township try to work with the county and state to get them to come out and look at it and figure out what can be done.

Engineer Ingram stated, I have no problem reaching out and seeing what we can do as a township irrespective of this to try and work on those issues and get them to try and maintain their infrastructure. It's a separate issue but we can start to look at that.

There were no other comments from the public.

Attorney Coffey stated, in summation, we are seeking preliminary and final site plan approval for the construction of 96 100% affordable units. The plan has 4 residential buildings along with a community building. The applicant is seeking very limited relief, which has been reviewed by our professional planner, includes a de minimis exception for the residential site improvement standards to add a sidewalk on only one side of the road rather than 2, as well as a waiver from the redevelopment plan for the requirement of a vegetative buffer that's 10-feet wide. We are proposing 8.5 feet in order to accommodate that sidewalk, and we are also requesting waivers to permit parking in the front of the building entrance as well as back-to-back stalls; both of which are necessary in order to provide the necessary improvements for the community. With regards to the comments, we have heard from the public, which have been focused on flooding and traffic primarily; on the flooding side, this site has been designed in accordance with NJDEP standards to both control the quality of the runoff that would be generated as well as the quantity of runoff and mainly that would mean reducing the rate of the runoff from the site as compared to the existing conditions. While it won't solve the flooding issues that exist today in the general area, it won't exacerbate them going forward. As to traffic, although there will be trips that are generated by the property of course, the traffic impact associated with the site from those living there going to work and to school, the traffic impact associated with the site is acceptable and won't materially impact the levels of service you see at the entrance and exit to

the property. We thank the board professionals and public for their time this evening in considering the application and respectfully request that you approve the application,

Mr. Melvin stated, from my perspective, and I appreciate Mr. Ehrhardt's concerns, especially having his business there for as long as he has. It's a business that has been around for a long time and we all go by it as we drive down South Main St. I have a question to the engineer, is there any way that were able to accommodate that? It sounded like the use of his existing driveway won't suffice for the needs of his business.

Engineer Ingram stated that, it sounded to me like he thought that we were putting this across his driveway and that we were shutting off his access or modifying it in some way, but there is no modification of his driveways into his site. So, his trucks can come in from Dalton, access the site, then back up onto Dalton and leave again. The only area we're curbing is against the grass area, not across his driveway. I don't actually think that there's going to be a conflict, but I can go over there and talk to him and make sure it works.

Mr. Melvin continued, and the other thing is, and I appreciate Mr. Johnston's testimony and Mr. Ehrhardt's testimony as well, with regard to traffic. The concern is with the number of trips there. What is the remedy if we find that traffic is backing up? What are the potential remedies associated with that? A board member had asked about the potential for putting in a light there- is that something that if we find that the trip generator is not consistent or if we start to see stacking or an uptick in volume, what are the remedies available to the board?

Engineer Ingram advised, after you grant site plan approval, that kind of does put them on their own. If things end up materially different than they're saying, you could say they're in violation of their site plan because it isn't consistent with the testimony that was provided in terms of the impacts. Then that would be what you'd have to do from an enforcement perspective. It would become a zoning enforcement issue then.

Mr. Melvin asked, but there would be a remedy if it was inconsistent with the testimony provided today?

Engineer Ingram answered, yes.

Attorney Gibbons advised the applicant is bound by all representations and testimony including its evidence, so what it says its going to do it must. If it doesn't, yes, it becomes an enforcement issue with potentially a notice of violation and the penalties can be pretty significant. I presume that your client is on notice of that at this point.

Attorney Coffey replied, certainly. And the applicant intends to do what it says it does. We need the site to work for us too.

Mr. Melvin continued, advising that traffic is a challenge across the township and it's a common concern that we have raised. We have a lot of people use us as a thoroughfare. They cut through whether it's from Pennsylvania, Phillipsburg or wherever. We have county and state roads and people try to cut through our neighborhoods so it's something we're sensitive to.

Mr. Williams made the motion to approve the application, subject to the conditions set forth on the record and our standard conditions of approval; seconded by Mr. Gal. The motion carried with the following roll call vote:

Ayes: K. Melvin, Mirenda, Gal, Smith-Bohn, Swinicki, Williams, Fennimore

Nays: 0

Abstentions: 0

Absent: Babinsky, R. Melvin, Cyphers

PUBLIC COMMENT

None

Mr. Melvin motioned to adjourn the meeting at 10:50 pm, seconded by Mr. Williams. All were in favor.

Respectfully Submitted,

Noelle Moeller, Secretary

CORRESPONDENCE

1. Becker, Charles, Karen & Dawn (August 13, 2024)- Correspondence regarding The Willows
2. Ehrhardt, Glenn (August 13, 2024)- Correspondence regarding The Willows- flooding photos
3. Kyle-McManus Associates (August 23, 2024)- Planner Review- The Willows at Pohatcong
4. French & Parello Associates (August 9, 2024)- Technical Review #1- The Willows at Pohatcong