

Minutes of the Special Meeting of the Morris Plains Planning Board held on May 27, 2015 at 7:30 P.M. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Present: Mr. Salvatore Cortese
Mr. Andre Jensen
Mrs. Sydney Leach, Vice Chair
Mr. Ralph Lopez, Chair
Mr. Leo Nichols
Mr. Vincent Novak
Mr. Hank Sawoski
Mayor Frank Druetzler
Leon Hall, Borough Engineer
Elizabeth Lehney, Borough Planner
Mr. Edward Buzak, covering for C. Falcon, Bd. Attorney

Absent: Mr. George Coogan

PLEDGE OF ALLEGIANCE

The meeting was called to order by Mr. Lopez. Mr. Lopez made the statement that adequate notice of this meeting has been published and posted in accordance with Chapter 231 of the Public Law of 1975, "Open Public Meetings Act."

COMMENTS FROM THE PUBLIC

Mr. Lopez opened the meeting to the public to speak on matters other than those on the agenda. Seeing no one, he closed this portion of the meeting to the public.

PB-2-15 Mack-Cali-Johnson Rd., LLC/Block: 171 Lot: 1 – 250 Johnson Rd. Preliminary /Final Site Plan - Public Hearing

Louis Rago, Esq. introduced himself to the Board, the Professionals, and the public stating he is the attorney on behalf of the Applicant, Mack-Cali – Johnson Road, LLC. He confirmed that all noticing issues are in order and that the public hearing can proceed.

This was confirmed by the Board Secretary.

Mr. Rago stated the Applicant is seeking preliminary and final site plan approval with two dimensional variances for property located on Johnson Road. The site is approximately 15.5 acres and is located in an R-7 – Apartment/Multi-Family Residential District. It is a permitted use. The Applicant complies with all zoning requirements except for steep slopes and a garage parapet wall height issue. He believes both variances should and will be approved. A total of 197 multi-family residential units is proposed as well as various on-site amenities. Responses were received from the Borough's Zoning Officer and the Shade Tree Commission indicating the neither had

any comments regarding the application. Comments contained in others' reports will be addressed during this public hearing. He advised who would be testifying on behalf of the Applicant at this meeting.

Mr. Buzak swore in all the Applicant's witnesses.

Mr. Rago called Mr. Carl Goldberg.

Mr. Carl Goldberg provided an address of 18 Castle Court, Randolph, New Jersey. He stated he is one of the co founders and original principals of Roseland Property Company. He is here tonight in the capacity representing Roseland/Mack-Cali, the successor of Roseland Property. Discussions between Roseland/Mack-Cali and the Borough of Morris Plains in connection with this proposal began roughly a year ago. He explained why they believed the timing was right to eliminate the vacant office building on their property, particularly in light of the existing glut of vacant office buildings throughout the State and the County, and re-purpose this property with a new use that would enhance the quality of life in the Borough, complement the Borough's needs, would be economically viable for both the Borough and property owner, and would provide a positive addition to the Borough's ratables. He provided information about the Applicant's conceptual presentation to the Borough's Governing Body, including that the proposed development would be a luxury community. He also commented on the Highlands at Morris Plains project that was completed approximately 12 or so years ago. They are proposing 197 apartments, 30 of which will be allocated to income-eligible tenants. This will leave 167 market-rate apartments. The proposed development will generally be developed in such a way to attract people without children -- "young professional couples or single individuals". The Applicant will also seek to attract "Empty nesters", particularly those who prefer to stay in the community, but who no longer want the varied responsibilities of owning a house. Mr. Goldberg stated the amenities that will be offered at the proposed development will be discussed. But first, he mentioned the architectural aesthetic proposed, the quality of Roseland's signature landscape architecture, and enhancement of the pond. He believes the completed project will be a very desirable asset to the Borough. He advised that Mr. Eric Keller, the Applicant's engineer will testify next.

Mr. Lopez opened this portion of the meeting to the public for questions regarding this witness's testimony.

Mr. Alan Martin, 8 Bryce Way, Morris Plains, asked if Mack-Cali owns the other lot that has the other building on it.

Mr. Goldberg stated yes. There is an agreement with the Borough that a deed restriction will be placed on this property ensuring that it will never be developed for residential use.

Mr. Michael Kibalo, 12 Bryce Way, Morris Plains, asked for confirmation that the lot referred to in the previous question is Lot 1.01 that has the building on it that is currently occupied.

Mr. Goldberg replied yes.

Mr. Kibalo asked about Lot 38 (a parking lot) asking if Mack-Cali owns this property.

Mr. Goldberg stated Mack-Cali does own this lot. No future residential development will be permitted on this lot either. The written deed restriction will apply to both Lot 1.01 and to Lot 38, and no future residential development will be allowed on either lot. There has been significant discussion between Mack-Cali and the Borough and its representatives over time regarding this proposal and application. Mack-Cali will enter into a contract subject to the reviews of Messrs. Buzak and Hall to finalize a Developer's Agreement that will obligate the Applicant to perform in such a way that conforms to what the Applicant is proposing. If the Applicant is successful in securing approval from the Planning Board this evening, the approval would not be protected nor could the Applicant apply for or receive any building permits until there was a written, negotiated, and executed Developer's Agreement to the satisfaction of the Borough Engineer and the Borough Attorney. Such documentation will be available at the County Clerk's Office.

Hearing no additional questions, Mr. Lopez closed this portion of the meeting to the public.

Mr. Rago next called Mr. Eric Keller.

Mr. Eric Keller, Vice President of Omland Engineering Associates, provided an address of 54 Horsehill Road, Cedar Knolls, New Jersey. He advised he is licensed as a Professional Engineer in New Jersey, New York and Pennsylvania, as a licensed Planner in the State of New Jersey, and has testified before this Board and many other Boards throughout this State and other states as an engineer and as a planner.

Mr. Rago asked Mr. Keller to confirm that he has been the engineer on this project from the beginning. He asked Mr. Keller to describe the current site conditions.

Mr. Keller stated this is true. He is very familiar with the property and with the neighborhood.

Mr. Rago asked Mr. Keller to mark his exhibit as Exhibit A-1 and date it 5/27/15. He stated it appears to be an aerial photograph.

Mr. Keller stated it is a 2012 aerial photograph of the site and the surrounding area. He pointed out the various roadways shown, the location of the site, and several municipal

boundary lines. He provided the existing details of the site, including parking spaces, access to the site, Malapardis Brook, a floodplain that is regulated by the Department of Environmental Protection (DEP), and wetlands along the brook and adjacent areas. The Applicant received its Letter of Interpretation (LOI) for the property; he provided a copy to Mr. Hall. Most, if not all, of the utilities existing within the currently vacant building on the property will be cut and capped in accordance with all applicable utility and Borough requirements. He discussed existing stormwater discharges into the pond and brook, stating they intend to maintain and re-use those as part of the re-development of the site. Some trees will be need to be removed from the site, primarily these are in the parking lot and in certain west-side areas in the vicinity of the 201 Littleton Road building and in back of the Sunrise Assisted Living property. The vacant building will be razed and the site will be cleared of associated site improvements. Continuing, Mr. Keller stated that the driveway connection through to 201 Littleton Road will be retained.

Mr. Rago asked Mr. Keller to review Mr. Goldberg's testimony from an engineering perspective.

Mr. Keller next displayed a Google aerial exhibit (Exhibit A-2) and explained what information the exhibit was providing which was essentially the area surrounding the site of the proposed development. There will be 197 luxury apartments located in three buildings, each building being three stories high. Thirty units will be income-eligible affordable units. The market units are a mix of one- and two-bedroom units. There are 52 one-bedroom units, 21 one-bedroom units with dens and 94 two-bedroom units. Their density complies with the zoning requirements. The Applicant complies with all R-7 requirements except for a variance for the height of the parapet within the parking deck and they are also seeking a steep slopes variance. As to the affordable units, there will be six one bedrooms, 18 two bedrooms and six three bedrooms.

Mr. Rago asked Mr. Keller to point out the various buildings and what is associated with these buildings.

Mr. Keller stated the pond is located on the southern portion of the site. Building A is oriented toward the pond, the parking deck is a rectangle area, and the proposed residential building wraps three sides of the parking structure. Mr. David Minno will provide more details about these aspects of the proposal. Building B is nearest to the 201 Littleton Road building and contains 39 units. Building C contains 26 units. Buildings B and C include individual garages and driveways. The garage will contain 150 parking spaces. There are 68 garage and driveway spaces combined in Buildings B and C. There are 168 surface spaces distributed throughout the property for guests, visitors, and residents. There will be a total of 386 parking spaces; RSIS requires the Applicant to have 379 spaces. He spoke about the steep slope variance and why the Applicant is seeking it. They plan to disturb roughly 19,000 SF of land that contains steep slopes over 20 percent. Access to the site from Johnson Road will be maintained,

although it will be shifted slightly to the north. The existing shared access to 201 Littleton Road and on to Route 202/Littleton Road will also be retained.

Mayor Druetzler asked what impact there may be on the sewer pumping station nearby.

Mr. Keller replied they have been working with Mr. Hall on this and as a result the existing easement will be "tweaked" somewhat. There also will be a road dedication along Johnson Road. He also commented on the matter of a future pump station, and they have plans from Mr. Hall's office relating to this. He indicated the location of the existing pump station on the displayed exhibit which is the northeast part of the site; the new pump station will be located south of that. He next spoke about exterior amenities. There will be a pool and outdoor space located in the Building A courtyard. There will be a tennis court and a dog park next to it. A certain buffer of trees near the existing parking lot will be kept as will an existing pathway; the walkway system/walking path will link all the way around the site. The pond will remain as it is and is a regulated feature. The condition of an existing concrete dam must still be checked by researching the most recent dam inspection. There will be traffic calming features on the interior roadways of the development. Mr. Keller displayed an exhibit entitled "Off-Track Improvements" and is dated May 27, 2015 with a scale of 1" = 100' (Exhibit A-3). Off-track improvements are improvements proposed by the Applicant through to the Borough on lands outside of the subject tract. Some are on property owned by Mack-Cali; others are on property owned by the Borough. He provided information about proposed sidewalks along the parking lot leading to Littleton Road and also sidewalk that will lead to Malapardis Road/Jim Fear Drive. There will be a nature path running on the 201 Littleton Road property along the area of the sanitary sewer easement; this will be enhanced to allow for passive recreation. He commented on another deed restricted area that relates to a conservation easement. Everything will be in accordance with applicable DEP and other regulations. In the winter months, the pathways located on either Mack-Cali's property or on the Applicant's property will be appropriately maintained for safe use.

Mr. Keller's next topic was emergency services. The site is accessible by emergency services. There was a meeting with the Fire Chief several weeks ago. He displayed a new exhibit, Exhibit A-4, dated May 27, 2015. It is entitled "250 Johnson Road – Fire Truck Circulation Plan". He explained the test to ensure the site allows all fire trucks access to any place it needs to get to. This exhibit was prepared with Mr. Hall and with the Fire Chief. After meeting with the Fire Chief, there was a discussion about a grass paver system, similar to what was done at the Highlands of Morris Plains development. This grass paver system would allow a fire truck to get closer to a building, and Mr. Minno will provide additional details. All the buildings are fully sprinkled. Fire hydrants are located throughout the site. There will be no disturbance within the transition areas with the exception of installing plantings to enhance the areas. There is also a riparian zone that now contains seating/outdoor space for the existing vacant building, loading area, a generator, and dumpster. All of these items/impervious coverage will be

removed, and the area will be landscaped and a walkway installed. Current impervious coverage of the site is 38.8 percent of the site (building, parking lot, walkways). The Applicant is proposing 38.4 percent, a reduction of roughly 3,000 SF. This will result in a reduction in the volume and rate of the runoff. No detention nor water quality will be required. Removal of some wooded area on the west side of the site, there will be some groundwater recharge facility that will be located near Building C. He provided additional information concerning storm water collection; sanitary sewer system; and utility company policies, specifically Southeast Morris County (they met with on Tuesday, May 26, 2015) – a water main will come in off Johnson Road to serve each of the three buildings each with their own water meter and extend to the existing water main in Littleton Road. The site's hydrants will feed off this main. It will then be fully looped. The results of a flow of pressure test requested by Mr. Hall will be provided to Mr. Hall; so far the available results look very good. The Applicant will also need approvals from the Morris County Planning Board, the Soil Conservation District, and sewer and water approvals from the DEP as well several additional appropriate forms from other entities. Mr. Keller advised he has prepared a traffic memorandum in connection with what does the existing office building generate in the way of traffic based on the Institute of Transportation Engineers (ITE) trip generation manual as compared to 197 apartments. He stated his findings show there would be 25 percent to 38 percent less peak-hour traffic on the roadway system with this proposed residential development versus a fully-tenanted office building. In their experience, the ITE data is often over-stated (that the actual traffic volumes are less than what the ITE predicts). He believes there will be less traffic generated than what the ITE data predicts, especially if there are many singles and/or empty nesters who may be retired or are traveling or have a second home for the winter.

Mayor Druetzler asked for the apartment breakdown again.

Mr. Keller stated there are 79 one-bedroom units, 112 two-bedroom units, and six three-bedroom units. Twenty-one units out of the 79 one-bedroom units have dens.

Mr. Keller next presented information regarding the variances being sought. He displayed a new exhibit, Exhibit A-5, entitled "250 Johnson Road Steep Slopes Plan" and dated April 24, 2015. He explained there are four slope categories in the Borough's code and stated what they are. In the Applicant's case, they only need to talk about those exceeding 20 percent (areas in pink and in blue). Using the displayed exhibit, he pointed out the various areas and provided commentary as appropriate. He stated these steep slopes are manmade and created when the site was initially developed. He believes this is a C-1 hardship variance associated with the topographic condition created previously; they are not natural. There are features of this site that impacted their design approach and the final plan. The Borough prohibits disturbance on steep slopes primarily to maintain good soil coverage, prevent soil erosion, and prevent disruptions to the natural environment. He advised of what the Applicant will need to do and approvals needed in this regard prior to any construction on the site. "Several

purposes of planning that are advanced by the grant of this variance, one being subsection A – municipal action to guide the appropriate use and development of all lands. Subsection G talks about providing sufficient space in appropriate locations and of various types of development to allow for residential development to replace a vacant and underutilized office site. Subsection I talks about promoting a desirable visual environment.” He stated approval will allow for the creation of a much more vibrant and attractive for not only the future residents, but for the community as a whole. He believes this variance can be granted without any detriment to the zone plan or the zoning ordinance and with no detriment to the general public or general welfare; the positive criteria outweighs any negative criteria.

A question was asked about the trip generation data and how did Mr. Keller compute it.

Mr. Keller stated the ITE Trip Generation Manual contains data relating to a variety of uses. He explained the process he uses to determine a final number or range.

Mrs. Leach asked a question about water pressure/water flow. What about adequate pressure to the third floors of the buildings?

Mr. Keller stated their tests so far have shown the water pressure is sufficient for firefighting protection and for domestic flows.

Mr. Hall stated that 1,300 gallons per minute is a very high rate, and he believes the fire department will be very happy to learn of this per minute flow rate.

Mr. Hall stated that the issue relating to the third-floor pressure is something that the Construction Code Official will need to verify.

Cross discussion relating to water pressure, adequate pressure for third floors and solutions if this were to be a problem, heavy simultaneous use of water by residents, tests that may be done in the buildings on water pressure, and related water usage matters.

A question was asked as to if all the steep slopes area will be removed.

Mr. Keller stated the steep slopes within the limited disturbance will be removed and reconfigured. Within the development plan, there are plans to create some new steep slopes relating to grading requirements. Of the existing scattered area of steep slopes, they will all be disturbed and re-established as needed by Borough ordinance.

Mrs. Leach referred to Mr. Hall’s stormwater report. There was a comment about the existing Johnson Road inlets. She asked another related question relating to stormwater.

The answer from at least two people was that they will comply – they are in the Borough along the frontage.

Her last question about stormwater was answered in the negative – that it has not been done, but will be done in a timely manner.

Cross discussion about related matters, including one or more tests that must be scheduled (outfalls, perc tests).

Mr. Keller referred to Mr. Hall's report. He will defer No. 12 to the landscape architect. He has either covered all the rest in his testimony tonight or there will be agreement to do. However, he would like to discuss No. 10. Mr. Hall has requested an Applicability Determination for the limited work to be done in connection with riparian matters. He has discussed this with his Chief Engineer and reviewed the regulations himself. This activity involves removing impervious coverage and existing site improvements and installing pedestrian walkways in a portion that is already disturbed is covered under a permit by rule aspect of the Flood Hazard Rule. He does not believe the Applicant needs to go to DEP. If Mr. Hall believes it is appropriate, it does not require notice. This is not a regulated activity.

Mr. Hall stated he believes there are several issues. He mentioned the need for flood hazard verification. He referred to the verification of the delineation of the flood line. Did the DEP concur with his calculated flood line. As to work within either a riparian zone or the 100-year flood plain, this is a regulated activity and the Applicant is obligated to submit to DEP for either a permit by rule, general permit or another specific permit. He does tend to agree with the Applicant that they do qualify for a permit by rule. He explained a bit what a permit by rule is. This submission to DEP must be done 14 days prior to beginning construction. DEP has a set amount of time to respond and if not met, the Applicant has a "green light" to start construction.

Mr. Keller stated the verification has been received. He will submit this to the Board Secretary to be made part of the application. The DEP did concur.

Mr. Hall advised he has inspected the dam one time. He does not believe there is any problem with the dam.

A question was asked about the square footage amount of disturbance planned. He also asked about the other variance.

Mr. Keller stated the steep slopes disturbance square footage amount is 19,349 SF. he had to defer to Mr. Minno with regard to the parapet issue.

Mr. Hall asked a question that related to the wetlands map information contained in the LOI. He referred to the Fire Chief's May 6, 2015 letter wherein the Chief refers to wanting a fire access road around the entire Building A.

Mr. Keller stated he checked the matter questioned once he was aware that DEP wanted to add wetlands to the map to be certain the Applicant had no issue. Most of the transition area(s) is overlapped by the riparian zone. He referred to a previous exhibit showing the edge of the riparian zone/wetlands transition area along the westerly wing of Building A where a fire access road was added. He explained how what they have done should provide the Fire Chief with what he wants to the extent reasonably and safely possible and why. He believes appropriate means of access are provided for emergency services personnel that is consistent with appropriate codes in New Jersey.

Mr. Cortese asked about emergency access if something happened in the pool area. How would the emergency vehicle proceed to provide assistance?

Mr. Keller stated they would come to the lobby, through the lobby into the amenities space and right out to the pool. This provides a much closer and more accessible route and a better surface to work on. He provided some additional commentary relating to walkway space. Certain other ideas have physical and regulatory constraints and that is why they do not believe they are feasible.

Mr. Hall asked a question about additional fireproofing items that were talked about in their meeting with the Fire Chief. He commented on how many school children would be anticipated to be residing in this development. He referred to a letter dated May 7, 2015, but much of what he said was inaudible.

Mr. Keller stated this is "building stuff", and he deferred the question to the architect. The matter relating to school children will be addressed by another witness.

Mrs. Leach asked Mr. Hall about the re-design of the pump station – his points 5 and 6.

Mr. Hall stated the pump station has been preliminarily designed. He believes the Applicant is agreeing to assume a portion of the cost of this re-design.

Mr. Keller stated this matter would be covered in the Developer's Agreement.

Ms. Leheny asked a question, but it was inaudible.

Mr. Keller stated he believes this relates to No. 6, and he provided information relating to trash and recycling activities for each building and accommodations that have been allowed for a fire truck to have access in this area will also allow other vehicles access. The architect can provide additional information.

Mr. Lopez opened this portion of the meeting to the public for questions relating to the testimony of this witness.

Ms. Sheryl Edwards, 229 Johnson Road, Parsippany, asked about the manageability of fire fighting apparatus getting into the site, but in the documents reviewed in the Planning Office it was mentioned that the main driveway through the site would be reduced from 30' width to a 24' width. With this change, is the accessibility still adequate?

Mr. Keller advised that the main driveway through the site is a 24' width and this is compliant with RSIS. When the office building was constructed about 40 years ago, they opted for wider driveways. However, the proposed driveways are compliant with RSIS for this type of residential development, and they are of sufficient width as shown on Exhibit A-4 to accommodate the largest emergency services vehicles.

Mr. Michael Kibalo, 12 Bryce Way, Morris Plains, asked how much funding the Applicant will place in escrow for the new pump station. How much will the new pump station cost the Borough taxpayers.

Mayor Druetzler replied he is hoping that if everything works out as planned, there will be no cost to the taxpayers. He explained how situations such as this are processed in relation to sewer fees and what goes into a trust. The purpose of the trust funds is to provide money for system upgrades and maintenance. The specific amount of money that the Applicant will contribute has not yet been negotiated.

Mr. Hall provided additional commentary relating to this specific matter of the pump station and other issues in connection with the pump station.

Mr. Kibalo next mentioned that there are turtles/snapping turtles residing in the pond area and they are nesting right now. Last year DEP/wetlands conservation confirmed that these turtles could be between 30 and 50 years. Will the Applicant install signage to alert residents about the turtles being in the area, particularly near the environmental track?

Mr. Keller replied that the Applicant will comply with whatever the appropriate regulations are regarding this matter. He gave additional commentary regarding wildlife protection in New Jersey.

Mayor Druetzler commented on the Borough's regard for animals and wildlife; the protection and oversight the community ensures for all life. The Borough will continue to own the property where this pathway is.

Cross discussion about various lots (1.01, 38 and others), including that the conservation easement runs from the pond's edge to the south to the Mack-Cali property and that the easement will be in favor of the Borough, but Mack-Cali will own the property.(stated by Mr. Hall).

Ms. Jane Flynn, 209 Johnson Road, Parsippany, asked about electric utilities and power outages. Will the Applicant work with Jersey Central Power & Light (JCP&L) to ensure the entire area will be receiving sufficient power? She also asked whether a new generator(s) will be installed?

Mr. Keller responded the Applicant will be working with JCP&L. No decision has been made yet as to future installation of a generator(s).

Mr. Creton Kalfoglou, 37 Janeway Place, Morris Plains, asked about vehicular traffic, pedestrian traffic, and sidewalks.

Mr. Keller stated that all proposed property improvements will be addressed by the Developer's Agreement. As to the crosswalk, he anticipates there will be warning signage to alert of pedestrians. The Applicant will provide a sidewalk to join a section between Jim Fear Drive and the Applicant's egress to a new pathway. He provided information regarding anticipated peak-hour traffic volume as well as all other traffic periods, including weekends. He stated what they are really looking at is the difference between office building traffic versus the proposed residential use traffic. He commented on his familiarity with the area's roadways and their typical traffic flow.

Mr. Kalfoglou advised he is particularly concerned about the traffic build-up that often occurs along Malapardis Road impacting Johnson Road traffic as vehicles travel to Littleton Road.

Cross discussion about the proposed 197 apartments and whether the various calculations relating to traffic flows really "add up".

Mr. Keller supplied additional information about traffic flows as they are studied for situations such as this and how specific information is extrapolated from these studies; including peak-hour traffic volume; how calculations are done for 60-minute timeframes; and use comparisons.

Ms. Sheryl Edwards, 229 Johnson Road, Parsippany, stated she is still concerned about traffic percentages. She stated that the documentation in the Planning Office advised of an anticipated 320% increase in AM traffic and a 183% increase in PM traffic. What is being said now does not sound like the same information. She provided information about an unofficial traffic "study" a neighbor of hers did several years ago. The neighbor counted cars from about 6:00 a.m. to about 9:00 a.m. and counted over

3,000 cars in the morning. She is sure the number is higher now. She asked about possible installation of speed tables.

Mr. Keller explained this documentation and related the Applicant's information to the information provided in Mr. Hall's report(s). The point of their traffic study is to determine impact. Changing the use from an office building to a residential use is not making existing traffic issues any worse than they are; but, it is not making the situation necessarily any better either.

Mayor Druetzler advised that speed tables cannot be installed on roadways that go from one municipality to another; this is a State regulation.

Mr. Rago provided general comments about traffic counts, off-site traffic impacts, and permitted uses and how being deemed a permitted use typically has issues related to off-site traffic impacts already built in into the use. If the Applicant was seeking a use variance, the Applicant would have prepared a formal traffic report. This is permitted.

Mr. Hall stated he generally agrees with this statement. He spoke about his request that the Applicant prepare the ITE trip generation. He said there will be a traffic increase and then commented on the fact that so many more people today work from home. He agrees that the ITE trip generation numbers are conservative. He also agrees that with the residential use that "overall for a total day the total number of trips coming off the site will be less than the office use." He asked Mr. Keller about the level of service on the nearby intersection and whether the proposed development would have a negative impact on the levels of service.

Mr. Keller stated no.

Mr. Creton Kalfoglou, 37 Janeway Place, Morris Plains, asked about the relatively recent re-zoning of the property as for residential use. How does this influence the need or no need for a traffic impact study? He also asked about Coventry Park and whether Mr. Keller was involved with it and was there a traffic study.

Mr. Rago knows only generally about the re-zoning process. With a permitted use and what the Applicant is hoping the Board will approve is permitted and represents sound zoning and planning. Due to this there is no requirement that the Applicant provide an in-depth, wide-ranging traffic impact study. If the Applicant was before the Board of Adjustment, that Board would have the right to require significant studies and information as to how it would impact traffic along many roadways. This Planning Board could demand that Mr. Keller submit a more detailed report.

Mr. Keller stated his testimony would not be different whether a full traffic study was prepared or not. There is less traffic with this use than with the prior use as an office building.

Cross discussion about various issue relating to traffic generation and the anticipated impact of the proposed project on traffic in the area.

Mr. Keller stated he was involved with Coventry Park, and he believes the County requested this study since this development fronted on Littleton Road/Route 202, a County road. He provided some information stating it was a long time ago and he does not remember many details.

Mayor Druetzler commented that traffic is generally heavy wherever people are driving these days and provided what he believes is occurring now on Malapardis Road, Littleton Road, Johnson Road, and Route 10. People must realize there will always be traffic and drivers trying to find shortcuts for their travel.

Mr. Lopez concurred with the Mayor's thoughts on this.

Ms. Sheryl Edwards, 229 Johnson Road, Parsippany, asked about back-up generators and whether if any are installed will they have sound barriers?

Mr. Hall stated the NJDEP has noise standards that will apply. The architect will provide details about this.

Mr. Goldberg offered his comments in connection with generators and power outages. He stated the Applicant is flexible on this matter. He stated that often the issue of having or not having a generator is usually determined by the Construction Code Official, not during a site plan application hearing. The Applicant is open-minded on this.

Cross discussion about possible noise pollution and certain reasons, mostly safety matters for residents, as to why a municipality might require the installation of a generator.

Hearing no additional questions, Mr. Lopez closed this portion of the meeting to the public. He thanked Mr. Keller for his testimony.

Mr. Rago next called Mr. David J. Minno who stated he has appeared before this Board previously as an architect. Mr. Minno stated that at this meeting he is serving as both the Applicant's architect and planner.

Mr. Minno stated he is familiar with the site and that he prepared the architectural renderings that will be displayed later during this meeting.

Mr. Rago explained to Mr. Minno how he would like him to proceed.

Mr. Minno marked his first displayed exhibit as Exhibit A-6, a photo rendition of the site plan prepared by Melillo and Bauer. He stated the Applicant's development proposal is for a lifestyle community with extensive indoor and outdoor amenities. He also commented on Building A, the parking deck and other parking, Buildings B and C, and the elevator service. It will be a high-level and high-quality apartment community. He advised that the property will be maintained at a very high level, the buildings, the landscaping, and the environment surrounding the property. "Every day is Opening Day for a luxury community like this." His next display was the submitted plans. This exhibit was marked as Exhibit A-7, titled "Set of Architectural Drawings – Total of 11 Sheets". He provided commentary as to what is depicted on the exhibit – essentially the various rooms planned for one of the buildings; for example, exercise room, yoga room, conference rooms and the like. This building will contain 132 dwelling units. The affordable units are spread throughout all three buildings; there is not one building designated as an all-affordable unit building. He gave information about trash disposal and recycling. There is a trash chute to a compactor. Building management brings the trash out on trash days. Recycling is stored in the Trash Room until it is picked up. He provided comments on Building B, including entry points, the central elevator, a middle corridor, and individual garages along the rear of the building. There are also rentable storage closets. Lastly, he commented on Building C. He advised there will be full-time staff working at the site and described what their various responsibilities will be. There "are people on site 24 hours a day for package pickup, concierge services and other kinds of things that are consistent with a luxury lifestyle".

In response to a question from Mr. Lopez, Mr. Minno gave details as to how the trash chute/compactor/trash pickup system works. Residents do not handle the trash.

Mr. Minno next marked a new exhibit as Exhibit A-8 which shows an entry elevation to Building A, describing in detail what it being shown as well as commenting on height requirements in the zone (45'), building materials (brick, windows, concrete siding, trim), and water tables. Mr. Minno next marked a new exhibit as Exhibit A-9. This shows elevations for Buildings B (a smaller building) and C. He also provided information for these buildings relating to building materials, garage information and other data. Mr. Minno next raised the issue of the variance question in connection with the garage parapet height. He marked a new exhibit as Exhibit A-10, relating to Building A. and described what it is showing. The Applicant's intent is to try and make the garage less garage like and more building like. He explained how they propose to accomplish this and how this relates to the parapet and why the variance is necessary. Another exhibit was marked as Exhibit A-11; he explained what it depicts and spoke certain trees that will be retained. As to the parapet height (ordinance maximum is 4'), he believes the Applicant is requesting 7'. It is primarily for aesthetic reasons. He believes the benefits of granting this variance will outweigh any detriments.

Mr. Minno stated that generators are not required for this project. Usually, for residential buildings, generators are required when buildings are five stories and more.

It is then a code requirement. While a generator is not a State requirement, the Borough's Construction Code Official may require one. He next advised there would be a higher level of residential sprinkler system than what is currently required. He provided some details and stated that this would be addressed in the Developer's Agreement. The Borough's Fire Department is very comfortable with the access provided around the building.

Mr. Goldberg commented on the Applicant's desire to aesthetically shield the buildings, and that they want the garage to appear to be as much a part of the building as possible. He gave additional commentary on this subject. Mr. Minno spoke about the proposed pool and that it would be heated; he explained how the pool will be heated at a lower cost and proper heat maintained.

Mr. Minno stated there is an ordinance requirement relating to the amount of glass on the facade – a minimum of 25% of the total facade must be glass. The Applicant exceeds this for all three buildings. Building A is 28.6%, Building B is 29.1%, and Building C is 29%.

Mr. Goldberg discussed Tesla batteries and provided information on how they are using such batteries for saving energy and how this concept works and utilized by them.

Cross discussion about the use of the batteries and how else they could be used in terms of beyond using them for only pool purposes. This discussion also included market price comparisons of apartments of a similar nature to those being proposed by the Applicant.

Mr. Minno provided more details on how the sprinkler system is designed and how it is different than more conventional systems. He also mentioned how the design of the buildings also contains areas known as "areas of refuge", a safe place in a time of emergency. He stated that because of these details relating to fire/emergency safety concerns, insurance rates are typically significantly lower. There are enunciated fire alarm systems in their buildings that allow a Fire Department personnel quickly locate the fire within the building; it is very sophisticated and state of the art. He spoke about inter-apartment noise level and what they are required to meet by various building code use standards. One standard is SPC – airborne noise like speaking or music playing; the other is IIC – floors – an impact co-efficient of sound. He stated they design to about five points on the SPC rating than what is required by code. He provided additional details of how they design to reduce noise issues as much as possible.

Mr. Cortese commented on the fire in Edgewater, New Jersey.

Mr. Goldberg provided commentary about the matter of noise issues.

Mr. Hall asked about mail delivery. Will there be an interior mail room or exterior mailboxes?

Mr. Minno advised there will be an interior mail room in all three buildings. He also spoke about FedEx, Amazon, and other similar packages being delivered.

Mr. Goldberg stated that it is their experience that the residents prefer the mail room approach for a variety of reasons – no need to worry about mail delivery build-up when away, more security when mail is delivered, and packages that can be accepted by building staff.

Cross discussion about hallways, their width and other issues relating to hallways.

Mr. Minno commented on the proposed amenities package to be offered residents such as grills, fire pits, pool, indoor theater, possible golf simulator -- the Applicant desires to and really must create a lifestyle community.

Ms. Leheny wanted to confirm a certain letter and the information contained therein relating to certain measurements. She also commented on the Applicant's plans in connection with the garage, specifically mentioning the shade of some materials appear to be different from the residential section and therefore making it stand out more.

Mr. Minno replied referring to concrete and that they must attach to the edge of the garage slab a certain panel(s). People will know it is a garage, but they still want to do all they can to integrate the garage portion to make it appear more like the building.

Ms. Leheny asked about the north facing side of a set-back wall of the garage at the third level. She is concerned as to what the actual visibility from Johnson Road will be.

Mr. Minno used a new exhibit that was marked Exhibit A-12 to provide additional visual information relating to this question. He provided commentary as to what this exhibit depicts. The existing tree line will block the entire building. In another view, it is still hidden by the trees. He does not believe there are any concerns about inadequate screening. The ceilings will be 10'(first floor) and 9'.on the others

Mr. Leheny asked about lighting and certain colorized renderings.

Mr. Minno replied the landscape architect will discuss lighting and the renderings.

Mr. Lopez opened this portion of the meeting to the public for questions regarding this witness's testimony.

Sheryl Edwards, 229 Johnson Road, Parsippany, asked about the sprinklers and common area. Does the Borough require an annual Certification of Inspection.

Mr. Minno stated he is not absolutely certain of this, but he suspects this would be required. The common areas are fully sprinkled.

Mr. Alan Martin, 8 Bryce Way, Morris Plains, asked if the buildings will be handicapped accessible. He also encouraged consideration of installing a generator.

Mr. Minno replied yes. All buildings are elevator served. All units are capable of being retrofitted so as to make them useable by a handicapped person without making any structural changes. He explained the various features that will be included in all units such as doors being wide enough, being able to lower a kitchen counter cabinet and so on.

Mr. Henry Richardson, 45 Canfield Place, Morris Plains, asked where the air conditioners will be located on the proposed buildings.

Mr. Minno displayed a unit plan to provide this information. He referred to Exhibit A-7. This also included information about other mechanicals such as water heater and other items that are located in a mechanical closet. He said he has some prior experience about noise generated by various equipment such as air conditioners and generators.

Mr. Creton Kalfoglou, 37 Janeway Place, Morris Plains, asked the pathways on the property and issues relating to their proximity to the development's pool and recreation area.

Mr. Minno stated the Applicant wants to be a good neighbor to their neighbors in the surrounding area, but the amenities within the site itself are strictly for residents. But, they cannot control people walking on the pedestrian pathways or visiting the pond.

Mr. Goldberg stated it will not be a gated community. The pond is a very attractive feature of the site and they want it and the pathways to be available to not only the residents of complex, but also keep it accessible to the residents of the Borough. He provided general commentary about the anticipated personality and nature of this community will be.

Mayor Druetzler commented on the increased interest in walking and the consequential need for more walking paths and trails as well as sidewalks in general in the Borough. This is what the Borough residents want.

Cross discussion about aerators being in the pond now or in the future.

Mrs. Leach asked who will maintain the dog park – will the Applicant's maintenance staff do this? How large will the dog park be?

Mr. Minno responded it will be maintained by the maintenance staff. The landscape architect will be able to provide additional information about this.

Mr. Rago next called Mr. Thomas S. Carman who stated he is a principal in the firm of Melillo and Bauer Associates located at 200 Union Avenue, Brielle, New Jersey. He is a licensed landscape architect in this State and has not appear before this Board, but has appeared before many other boards throughout New Jersey.

Mr. Carman provided details about the landscaping that is proposed for this site; it will be very high quality and very lush. He stated he will refer to Exhibit A-6, a color version of the landscape plan that was submitted. It will consist of a combination of native and ornamental plantings. He provided information concerning the process by which the plantings are selected and planted. He also stated Maple and Oak trees will be planted together with other varieties. The ordinance requires that a minimum of 25% of the trees to be planted are native; the Applicant will exceed this percentage. Eight foot tall to 12' tall Evergreen trees will be installed (8' is the minimum that can be planted). Much of the north site boundary is existing buffer and is a mix of deciduous trees and other trees as well as incorporating deciduous and Evergreen shrubs for a layered effect. There will be decorative paving at the entry of Building A. He described the outdoor amenities areas, including the pool, tables and chairs, barbecue areas, lounge chairs, trellis, terrace space, aerators in the pond, pond water quality, and plantings around the pond which will be minimal.

Mr. Carman stated the site will be lit with decorative pole fixtures along the rear of the parking lot areas. There will be LED fixtures and walkways will be lit with decorative lantern lights. There will be lighting for the tennis courts and the pole lights are within the ordinance requirement of being 15' or less. How late into the night they will remain lit must still be established. The entry sign will be located at the entrance off Johnson Road. He marked a new exhibit as Exhibit A-13 and explained the signage details that it depicts. The monument sign is of a brick material, the sign panel is 35 SF, it is one sided and there are two of them. There will a landscape backdrop for the signage. The signs will be uplit with a ground-mounted light projecting upward. He commented on the dog park/run stating it is about 60' x 60' and fully enclosed by a fence, nestled within an existing vegetation area. The pool is approximately 25' wide and 50' long, excluding the "sun shelf" element.

Mayor Druetzler encouraged the Applicant to re-install aerators in the pond for a variety of reasons – they look good, are soothing and provide for better water quality.

Mr. Carman stated the staff will provide the necessary maintenance for the pond area and maintaining the plantings in this area to keep everything in good condition

Mr. Lopez opened this portion of the meeting to the public for questions regarding this witness's testimony.

A question was asked if there are any plans for fencing to be installed around the property.

Mr. Carman stated there are no such plans.

Mr. Hall asked if the landscaped areas will be irrigated. He also asked about naturalized areas. He stated he wants to be involved with the placement of the locational signs to ensure there is adequate intersection sight distance and wants to be there for a site visit before they are installed in the ground.

Mr. Carman answered no. He explained how frequently different areas will have grass cut – certain areas will be maintained at a higher level and be cut once a week and other fringe areas will be cut closer to once a month. He is agreeable with Mr. Hall's issues around the placement of the signs.

Ms. Leheny asked about light shielding.

Mr. Carman provided more details about certain lighting and light shields.

Hearing no additional questions, Mr. Lopez closed this portion of the meeting to the public.

Mr. Goldberg thanked everyone present for their attention this evening. He advised that the information he is about to provide was prepared by a professional planner employed by Mack-Cali, Matthew Sprung, who prepared a report entitled Fiscal Impact Summary for Proposed Apartment Complex in the Borough of Morris Plains. Mr. Sprung is a New Jersey licensed professional planner. He provided this report to the Board Secretary. The Applicant is projecting a total of 34 school-age children, 13 from the market-rate apartments with the remaining 21 generated by the 30 affordable apartments. This data is consistent with other recognized reports on the same data. Roseland Property maintains a complete database of all their 10,000 apartments with reference to school-age children residents. The Highlands project generates a low of 11 school-age children while in some years there are 16 or 17 school-age children. He also stated that the projection is that this development will generate approximately \$132,000 per year as surplus revenue to the Borough, \$332,000 per year in surplus revenue to the Morris Plains school district, and more than \$114,000 per year in surplus revenue to Morris County. He provided additional commentary regarding the school-age children issue and also spoke about the kinds of work they will be responsible for such as street lighting, snow removal, and maintenance of the roads within the community. He also referred to an earlier tax appeal that was dropped.

Mr. Hall asked about "surplus revenues".

Mr. Goldberg explained what this means and the analysis process that was used to calculate these amounts. He will provide certain additional information to Mr. Hall relevant to this information. He will provide a copy of this report to the Board.

Cross discussion about the issue of surplus revenues, particularly as to how this relates to school district monies.

Mr. Lopez opened this portion of the meeting to the public for questions regarding this witness's testimony.

Mr. Creton Kalfoglou, 37 Janeway Place, Morris Plains, asked about potential impact to property values of those properties surrounding the site of the proposed development. Property values could go down with a 197-apartment building in one's backyard.

Mr. Goldberg does not believe this development would reduce property values in the surrounding area. In his experience of having been in the development business for many years and having built approximately 50,000 apartments in the tri-state region he is unaware of any community where they have built that has suffered any deleterious results on their property values.

Mr. Alan Martin, 8 Bryce Way, Morris Plains, asked when construction will begin.

Mr. Goldberg replied that once approved by the Planning Board, the Applicant would like to begin construction in either the fourth quarter of 2015 or the first quarter of 2016. The construction should take between 19 and 21 months; the work, of course, will be weather dependent. He stated he is very pleased with how this meeting was conducted as well as with the discussions that were a part of it.

Mayor Druetzler asked what the rents will be.

Mr. Goldberg replied that the rents will be high. He expects a one-bedroom unit will rent for \$3,000 a month and a two-bedroom renting for \$3,500. He also commented on affordable housing issues. He also commented on the apartments that are available at the former Epstein building in Morristown.

There was discussion that having some of these new developments – houses and apartments – alters the fabric of the community in a way that was not anticipated by Borough residents who purchased property years ago.

Hearing no additional questions, Mr. Lopez closed this portion of the meeting to the public.

Mr. Goldberg stated he anticipates that with 197 units, there will be approximately 300 to 350 people living at the complex.

Mayor Druetzler provided his comments about this proposed project. He stated everyone who visited a similar completed site in Verona (Hill Top) was very impressed with what they saw and observed. He does not believe this project will devalue anyone's property, but more likely will benefit their property values. He commented on a Coventry Park property that initially sold for \$371,000 and just re-sold for \$472,000. He also briefly spoke about affordable housing. He also shared his thoughts on the matter of single-family houses versus apartment-style living. He said he is happy to work with Mr. Goldberg and Roseland once again.

Mayor Druetzler moved to direct the Borough Attorney to prepare a Resolution of Approval for this project with all the discussed conditions and those contained in the Borough's Professionals' reports, including the sidewalk to Littleton Road, the path through to and on Malapardis Road, the conservation easement, and restriction on construction of houses on the other Mack-Cali properties in the area, entrance signs, issues relating to services that will be provided by the developer, reimbursement not being sought, but waived, aeration of the pond and other conditions, including standard conditions, vote of the resolution to be on June 15, 2015, seconded by Mrs. Leach.

Roll Call

Yeas: Mr. Cortese, Mr. Jensen, Mrs. Leach, Mr. Lopez,
Mr. Nichols, Mr. Novak, Mr. Sawoski, Mayor Druetzler

Nays: None

Abstain: None

Absent: Mr. Coogan

Motion carried.

Mr. Rago thanked the Board for its time and consideration.

ADJOURNMENT

Mr. Nichols moved that this Special Meeting be adjourned, seconded by Mrs. Leach. Voice Vote. All in Favor. **Motion carried.**

Karen M. Coffey
Commission Secretary

Maureen Sullivan
Recording Secretary