

TOWNSHIP OF MIDDLETOWN

Planning Board
3 Penelope Lane
Middletown, NJ 07748-2504

JOHN DEUS
Chairman



Organized December 14, 1667
"Pride in Middletown"

SANYOGITA S. CHAVAN, P.P., A.I.C.P.
Director of Planning

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PLANNING BOARD MEETING MINUTES June 15, 2016

A Special Meeting of the Planning Board of the Township of Middletown was held in the main meeting room at Town Hall, One Kings Highway, Middletown, New Jersey, at 6:30 P.M. on June 15, 2016.

The Notice Requirements provided for the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Independent, the Star Ledger and the Two River Times and by posting at the Middletown Township Municipal building and filing with the Township Clerk on June 2, 2016.

All notification for this meeting was given pursuant to the Open Public Meetings Act at least 48 hours prior to this meeting.

Roll call was taken with the following members present: Messrs. Joseph Cauda, Jr., Mark Davis, John Deus, John Kardel, Carl Rathjen and Kevin Settembrino. Messes. Gail Carroll and Greta Siwec. Also present: James Gorman, board attorney and Sanyogita Chavan and Amy Sarrinikolaou, board planners.

A salute to the flag followed.

APPROVAL OF MINUTES

Motion was made to approve the minutes of June 1, 2016. Motion was seconded and approved with an all in favor vote.

RESOLUTIONS

None

Motion was made to open the meeting to the public for non-agenda items. None appearing the public portion of the meeting was closed.



ADMINISTRATIVE MATTERS

Motion was made to approve 0 vouchers in the amount of \$00.00 for James Gorman, Esq.; 0 vouchers in the amount of \$00.00 for T&M Associates; 1 voucher in the amount of \$1040.00 for Hoder Associates; and 8 vouchers in the amount of \$6,296.50 for Planning Board Professionals. Motion was made to approve a total of 9 vouchers in the amount of \$7,336.50. Motion was seconded and approved with an all in favor vote.

OLD BUSINESS

#2015-206 – Village 35, L.P., Block 825, Lots 53-57; 59-69; 72-79 & 81; 376-380 Kings Highway East; located in the PD Zone. Applicant is seeking preliminary and final major site plan & preliminary and final major subdivision to construct a commercial shopping center.

Marc Policastro, Esq., applicant's attorney, appeared once again and provided testimony in support of this application for the board.

Mr. Deus stated that the board has come to a decision to consolidate this application with Toll Brothers. They are in the process of being deemed complete the time frame of August we will finish with your engineer and let the public speak and then carry to the September 7, 2016 meeting. Mr. Policastro stated that we have our traffic engineer Mr. Pehnke here. Mr. Deus stated that he would like to get things so your engineer finishes and their engineer testifies so the public and the board can make sense of this. Mr. Policastro stated that it is the same expert for both we would like to get our traffic on this evening we understand the reason for it the public is here and the central issue is traffic. Mr. Deus stated traffic for both. Mr. Policastro replied yes, Toll has the same traffic expert. Mr. Settembrino stated that this board wants to ensure that both engineers one after another we hear your request but it doesn't serve what we're trying to accomplish which is hear both together. Mr. Policastro stated that he did not see the harm hearing Mr. Pehnke. Mr. Settembrino stated we can't disregard anything. Mr. Policastro stated you can hear it again.

Mr. Deus asked Mr. Keady if he had seen anything on the DOT. Mr. Keady replied that he has not seen the permit. Mr. Settembrino stated if we have to hear it again it is never the same. Mr. Policastro stated that they will have the transcript. Mr. Deus stated your engineer finishes tonight when Toll shows up their engineer and the traffic guy. Mr. Policastro asked for help from Mr. Gorman. Mr. Gorman stated that the board chair is doing fine, I help when it is needed. A member of the public said bad form is bad form. Mr. Policastro stated that we take it under advisement we're here for a special meeting tonight. Mr. Deus stated that he wanted to make it clear for the public that this is the retail component and Toll Brothers the residential portion of this project is submitting paperwork for completeness this is a huge project and to be fair to the public and the board is to consolidate when we're hearing their engineer then the Toll engineer and then the traffic engineer we believe it is the only way to keep track of what is going on. Mr. Policastro asked when this decision was made.

Mr. Gorman stated that there has been discussion between the board and myself. Mr. Policastro asked for copies of those discussions. Mr. Gorman stated that they are privileged. Mr. Gorman stated that it is fair to say a consensus from the board members there needs to be a process to maintain so the board and public can understand. Mr. Gorman stated that we met back in March and I said to you and Mr. Giunco how to handle this one piece of property and in March I sent a letter and reviewed the letter there was no response back forcing the issue Toll filed the subdivision and site plan the Friday before Memorial Day and there have been questions from the public why isn't Toll being considered and it is a good question and the board says the applications are consolidated. Mr. Gorman ready Court rules into the record. Mr. Policastro asked why we are cutting off the traffic. Mr. Gorman stated that in his opinion it should be consolidated and could not imagine having parallel hearings it is not going to work it was my recommendation and it was adopted by the board. Toll has applied and will be ready for public hearings. Mr. Gorman stated that some people got notice for this will get notice of Toll so they don't come and didn't hear the traffic testimony. The board didn't force the issue the applicant did you may agree or not.

Mr. Davis stated with all due respect we didn't reach a consensus I think we should have a recess and discuss this matter. Mr. Gorman stated that the board chair has the prerogative. Mr. Davis stated that you said we reached a consensus. Mr. Policastro stated that Mr. Pehnke canceled his other meeting. Mr. Deus stated that you've heard our decision.

Mr. Policastro stated that Mr. Fitamont remains under oath.

Gerard Fitamont, applicant's engineer, appeared once again and provided testimony in support of this application.

Mr. Fitamont stated that he would like to address some housekeeping issues about the Zoning Table and Bassett Furniture. There was discussion about the exhibit numbers. Mr. Fitamont entered new Exhibit A-4 and reviewed for the board.

Mr. Rathjen asked if there were any changes. Mr. Gorman stated that the red stuff is revised. Mr. Rathjen asked what the last sheet is, traffic. Mr. Fitamont replied yes. Mr. Rathjen asked if it shows the retail. Ms. Chavan asked Mr. Fitamont to please clarify the zoning table just include the M-I it doesn't include the lot number. Mr. Fitamont replied that is correct. Mr. Fitamont stated it is for ease of reference. Ms. Chavan stated that there are no longer non-conformities.

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Mr. Gorman stated that A-1 had a cover labeled June 1, 2016 it was not numbered the sheet that said site plan. Mr. Gorman reviewed the last meeting and stated that the chart confused him there were properties in two zones and he asked what zoning criteria applies if the properties are in both the M-1 and PD Zones no one could find the answer for that Giordano's office sent over a letter and reviewed the letter. Mr. Gorman stated that the properties may need variances there notice has the caveat and the technicalities are small and minor. Mr. Fitamont stated that the planner will eventually provide testimony. Mr. Gorman stated that Mr. Phillips will identify. Mr. Policastro replied yes.

Mr. Fitamont reviewed A-4, site plan zone table; lighting plan, there were comments from professionals but our landscape/lighting professional will testify; stormwater management has been reduced. Mr. Policastro asked when it will be submitted. Mr. Fitamont replied that it will be submitted in two weeks as well as the plans. Mr. Fitamont stated that he has a 100 page response letter.

Mr. Settembrino stated that he has to leave he has another meeting and he will be back within the hour.

Mr. Fitamont stated that as to the wetlands LOI he expects approval shortly. Mr. Policastro stated that Mr. Nevins will testify. Mr. Fitamont replied yes. Mr. Fitamont stated that there is environmental contamination on the site that are DEP issues, tanks and pesticides there is a phase one site assessment and phase two is under way and will be made available to the Township subject to NJDEP approval.

Mr. Policastro stated that was all he had for Mr. Fitamont. Mr. Deus stated Mr. Fitamont is coming back. Mr. Policastro replied yes.

Mr. Deus stated that as he recalled we ended up last time on page 4 item 15 of the T&M letter telling us nothing. Mr. Policastro replied that is not what he said. Mr. Fitamont stated that we will work with your professionals to eliminate most if not all of the comments. Mr. Deus stated on most applications that is done before you come before the board the board needs to understand all of these things. Mr. Policastro stated we are not ready yet. Mr. Deus asked why are you here. Mr. Policastro stated that we went through quite a lot last time and there is a 100 page letter. Mr. Deus stated that you see the position the board is in here. Mr. Policastro stated that we can start with item 15.

Ms. Chavan stated that she and Mr. Keady had a phone conversation with the landscape architect but nothing about engineering comments. Mr. Deus stated Rob, you haven't seen any of this? Mr. Deus asked what you thought the public was going to be able to ask. Mr. Policastro stated the circulation, the subdivision, etc. Mr. Deus stated that before the public forgets everything from last time we are going to open to the public and then the 100 page letter.

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Motion was made to open the meeting to the public for questions of Mr. Fitamont. The following persons appeared and asked questions:

Pauline Hynes, 144 Woodgate Road

Mrs. Hynes had questions about the open space and wetlands that are not usable. Mrs. Hynes stated that the buildings are very 1980's and asked why they chose to lay the site out this way. Mr. Fitamont replied that the layout is very appropriate. Mrs. Hynes asked if it was Mr. Fitamont that gets to decide. Mr. Fitamont replied that it is a collaborative effort, a team. Mrs. Hynes asked why they consider it joined for open space. Mr. Fitamont stated that the ordinance definition in the GDP approved 30% and we comply. Mrs. Hynes stated just comply not go beyond. Mrs. Hynes asked if you ever consult with the community. Mr. Policastro stated that is not for this witness. Mr. Deus stated that this is not a performance, no clapping, in response to noise from the audience. Mr. Deus stated that it has to be questions of his testimony. Mrs. Hynes replied that she was trying and said keep me honest.

Mrs. Hynes stated that in the GDP the buildings were 45,000 square feet and how did it go to 190,000 square feet. Mr. Fitamont stated that is not a single store the tenant breakdown is not shown. Mrs. Hynes said building 5 on your plan is 190,000 square feet. Mr. Cauda stated that is for the architect. Mr. Gorman stated that it is on his plan. Mr. Policastro asked what the question is. Mrs. Hynes stated that the largest store size was to be 45,000 square feet. Mr. Deus stated we all agree on that. Mrs. Hynes stated building 5 is 190,000 square feet how many stores and what if you only get one. Mr. Policastro stated we'd have to come back. Mrs. Hynes asked if that is a variance. Mr. Gorman stated that it would be relief not a variance. Mrs. Hynes stated that in your other locations your anchor is a Walmart. Mr. Fitamont stated that he did not testify to that. Mr. Gorman stated that is the boards concern as well that is why there is 45,000 square feet there is a representation that it will not be a big box and it is in the resolution.

Mrs. Hynes asked where the traffic will enter the site. Mr. Fitamont replied that is for the traffic engineer. Mrs. Hynes stated all that traffic who pays for it. Mr. Gorman stated that in all fairness the exhibit shows roads and access points it is in the plans. Mr. Policastro asked if that is the question where the access points are. Mrs. Hynes replied no, my question is where the traffic is directed to. Mr. Policastro stated that is for Mr. Pehnke.

Mrs. Hynes asked about the connector road. Mr. Deus reviewed it for her. Mrs. Hynes stated that the connector road goes from Kings Highway East to Kanen Lane. Mr. Fitamont replied yes. Mrs. Hynes asked where the staff parks. Mr. Fitamont replied that there is no designated parking on the plan there is some parking on the side and rear. Mrs. Hynes asked if a note could be put on the plan. Mr. Gorman stated that the board doesn't have jurisdiction over store changes.

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Mrs. Hynes asked about police and fire. Mr. Fitamont stated that we provide access and have met with the Fire Department. Mrs. Hynes asked if they have considered the increased residents and the need for extra police, EMS and for extra resources. Mr. Fitamont replied that is the Municipalities bailiwick. Mr. Policastro asked Mr. Fitamont if we comply with the ordinance. Mr. Fitamont replied yes.

Mrs. Hynes asked about loading bays, deliveries and school buses. Mr. Fitamont stated that he is making revisions to the truck circulation plan and the turning template is for a tractor trailer.

Mrs. Hynes asked if they have looked at crime trends before and after. Mr. Policastro stated that is not for this witness. Mr. Gorman stated in all due respect he has to say he doesn't know.

Mrs. Hynes asked how the stormwater basins will work and if there is any wildlife habitat that is relevant now. Mr. Fitamont stated that we have the appropriate plantings inside the basins. Mrs. Hynes asked what does that do, support wildlife. Mr. Fitamont replied yes.

Mrs. Hynes asked about the clearance practices and the wildlife will it be done environmentally or will you raze it as quick as you can. Mrs. Hynes stated that she asked if you would consider something green or beyond less disruptive to the wildlife. Mr. Fitamont replied that he did not know the answer to that. Mrs. Hynes replied you will be doing the minimum. Mr. Fitamont stated that he did not do a wildlife survey.

Mrs. Hynes asked about the trees that are tagged. Mr. Fitamont stated that the trees on Kings Highway East were surveyed and we will be keeping them. Mrs. Hynes stated that you requested a variance for landscaping for trees on the perimeter because they would thrive better why wouldn't you do both like you had in your video to make it more attractive. Mr. Fitamont replied for customer convenience having the parking stalls near the front door. Mrs. Hynes stated what kind of studies do you have that shoppers want to be closer to the door. Mrs. Hynes stated that she has some documents. Mr. Gorman stated that they have to be used in the cross-examination they have to review them say what it is and Rob's going to mark them for me O-1 and say that it is an article or website. Mrs. Hynes stated Urban Land. Mr. Gorman stated give them time to review. Mr. Policastro stated that this may not be for this witness and asked what the question is. Mrs. Hynes asked why not consider better communities better landscaping this article talks about a more aesthetic pedestrian approach adds value. Mr. Gorman stated that you have to say here's an article do you agree with those statements or not you are cross-examining Mr. Fitamont. Mrs. Hynes stated she will submit them at public comment and that she would challenge his statement that getting to the door is not a better shopping experience. Mr. Gorman stated that there is not going to be a Perry Mason moment. Mrs. Hynes stated that she is not trained as an attorney. Mr. Deus stated that it is questions of his testimony. Mr. Fitamont stated that the parking is laid out and the landscaping in the video. Mr. Gorman stated that you withdrew the video as evidence. Mr. Fitamont stated based on the landscaping it is very attractive and very upscale. Mrs. Hynes replied as it stands you are taking out trees.

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Mr. Gorman asked if he could have O-1. Mr. Cauda asked if there will be a landscape architect. Mr. Fitamont replied yes.

Mrs. Hynes stated that there will be a bus stop not a bus shelter. Mr. Gorman asked if it is a stop. Mr. Fitamont replied yes, we are discussing it with NJDOT and NJ Transit.

Mrs. Hynes stated that this is planned development not locked down. Mr. Gorman stated that there is zoning. Mrs. Hynes stated that the plan develops. Mr. Gorman stated that the zoning is enunciated within the ordinance the board or town is not marking up the rules.

Diane Milleson, 5 Westminster Lane

Ms. Milleson stated that she lives in Kings Landing and she did not see it on the references. Mr. Fitamont stated that it is on the upper left hand corner of the plan. Ms. Milleson asked about the percentage of wetlands. Mr. Fitamont stated that has been taken under consideration. Ms. Milleson asked Mr. Fitamont to show her the woodlands and the retention basin. Mr. Gorman stated this is part of Exhibit A-1 the open space plan the exhibit is not as clearly delineated. Ms. Milleson stated that you are leaving us with nothing but dead animals and birds with no homes. Mr. Fitamont replied that we comply and reviewed. Mr. Deus stated that Ms. Milleson's 25% may be in other zones. Ms. Milleson stated that she was reading on Concerned Citizens website. Mr. Deus stated that he is testifying for the PD Zone. Ms. Milleson stated there is no chance this will get smaller. Mr. Fitamont replied that is correct. Ms. Milleson stated as a millennial we like open space. Mr. Deus stated that the applause was unnecessary you drowned her out.

Mr. Thomas

Mr. Policastro stated that we have a 111 page document. Mr. Gorman stated that the board doesn't have that letter. Mr. Thomas stated that he was appalled that it was brought up. Mr. Thomas thanked the board for their diligence.

Mr. Thomas asked if the board can stipulate that the trees on Kings Highway with the ribbons stay. Mr. Deus stated that they have submitted a tree save plan. Ms. Chavan stated that we have asked that the trees on Kings Highway East the Scenic Corridor be identified as trees to be saved. Mr. Policastro stated we have. Mr. Gorman stated that if the board puts a condition in the resolution. Mr. Thomas stated that if he can't be here he hopes it is addressed.

Mr. Thomas talked about the square footage of the buildings and stated that Target just leased out their pharmacies, a large store could be a lot of small stores, Walmart leases out to Nathans, etc. Mr. Policastro stated that this is not a question of this witness it is a fair question. Mr. Thomas stated that since we are not addressing both he would like to thank the board.

Julie Donohue, Kings Highway East

Mrs. Donohue asked if 338,000 square feet is the right number to develop in light of all the retail space. Mr. Policastro stated that is not for this witness. Mrs. Donohue asked if Mr. Fitamont could comment on the layout of 190,000 square feet, the right side has one big box. Mr. Fitamont stated that the intent is not to have one large store. Mrs. Donohue stated there is a big box on the right side what is the square footage of that box. Mr. Fitamont stated that is a question for the architect.

Mrs. Donohue stated that the movie theater is 25,000 square feet, what are the hours of operation. Mr. Fitamont stated that is a question for the architect and the applicant. Mr. Gorman stated you should say that you don't know it is on your plans. Mr. Fitamont replied that he did not know but we have a calculation for 25,800 square feet not the number of theaters. Mrs. Donohue asked if Mr. Fitamont could comment on the hours of operation, this versus something else in the area. Mr. Fitamont stated that he did not have that information.

Mrs. Donohue asked how Mr. Fitamont established that the number of parking spaces is enough. Mr. Fitamont stated that the ordinance says 4.5 spaces per 1000 square feet. Mrs. Donohue asked if that is a Middletown standard or common in retail. Mr. Fitamont replied yes it is a Middletown standard. Mr. Gorman asked if it is also a common standard. Mr. Fitamont replied yes, the number must be between 4 and 5. Mr. Deus stated which equates to less than 6.

Daniela Dimiceli, 91 Heights Terrace

Mrs. Dimiceli stated that Mr. Fitamont referred to upscale and she asked him to define upscale. Mr. Fitamont stated the aesthetics; landscaping; and the quality of the structure that is his definition. Mrs. Dimiceli asked if Mr. Fitamont could compare this to Stop & Shop. Mr. Fitamont replied that this is more attractive than the one across the street. Mrs. Dimiceli asked if it is the materials what makes it upscale. Mr. Fitamont replied it is not a vanilla box. Mrs. Dimiceli stated that maybe we should stop saying it is upscale is it the stores coming in? Is there a dollar store? Mr. Deus stated that he is the engineer. Mr. Gorman asked if Mr. Fitamont remembered testifying to upscale. Mr. Fitamont replied yes. Mr. Gorman stated the questions are relevant. Mr. Policastro state that he has answered. Mrs. Dimiceli stated that its not answered yet. Mr. Gorman stated that is how he described it.

Mrs. Dimiceli, stated who would we ask about occupancy rates. Mr. Policastro stated the owner. Mr. Deus stated that he's hoping for 100%. Mrs. Dimiceli stated that if you drive around highway 35. Mr. Deus asked if there is a question occupancy is not for him.

Susan Penrose, 12 Clavedon Court

Mrs. Penrose asked the maximum number of stories. Mr. Fitamont replied 4 stories. Mrs. Penrose asked how many buildings are 4 stories. Mr. Fitamont replied none.

Mrs. Penrose stated that there will be a bus stop and asked if they are anticipating any commuter parking. Mr. Fitamont stated that there are no provisions for commuter parking. Mrs. Penrose asked what they would do if cars were parked there. Mr. Gorman stated that they can get ticketed and towed. Mrs. Penrose stated that there is no provision. Mr. Fitamont replied that is correct.

Ray Castellano, 13 Garryford Drive

Mr. Castellano asked if there was a reason why Mr. Fitamont didn't benchmark the ratio of parking with a well-known center. Mr. Fitamont asked what he meant by benchmark. Mr. Castellano replied compare and stated that Mr. Fitamont's answer is always I don't know we don't have an understanding. Mr. Fitamont stated that we comply with the ordinance.

Mr. Castellano mentioned the entrance and asked if Mr. Fitamont has ever driven down south at 4-6 p.m. and tried to get across the Highway. Mr. Fitamont replied no. Mr. Castellano proceeded to explain what happens. Mr. Policastro stated that is traffic related. Mr. Deus stated that you are exactly right part of the plan is redesign. Mr. Castellano stated if he wanted to ask about making a left hand turn. Mr. Gorman stated that there is a plan it is certainly part of A-1. Mr. Castellano reviewed the Eatontown intersection and stated that is the right way to do it. Mr. Deus stated that you are describing Highway 35 and 36 there are no left hand turns. Mr. Castellano replied yes there is. Mr. Castellano asked how much consideration was given for left hand turns on 35 south. Mr. Fitamont stated that the traffic engineer has been working with the DOT for 2 years if you ask him you will get a more definitive answer.

Mr. Castellano asked why the interconnect road is there. Mr. Fitamont stated it is there for truck and residential movement and accessibility to the back of the site. Mr. Castellano asked if they cannot allow someone to enter Kings Highway East.

Mr. Settembrino returned to the meeting during Mr. Castellano's questions.

Monica Manning, 36 Spruce Drive

Mrs. Manning stated that Route 35 probably can't handle all the traffic and asked if anyone has addressed the Dunkin Donuts Island. Mrs. Manning reviewed the movements surrounding the island and stated that the traffic from your development will be a nightmare.

Mrs. Manning asked if Tindall Road is being addressed. Mr. Fitamont replied no, it was not considered as part of the DOT process. Mrs. Manning continued to discuss the traffic and stated that it is going to back up. Mr. Deus stated that the jug handle and intersection is not in the applicant's purview.

Mrs. Manning compared this application to the Jersey Shore Outlets at 440,000 square feet where the parking is a nightmare and stated that your project is a little smaller outside it looks high end but it's an outlet mall your project doesn't fit. Mr. Policastro asked what the question was. Mrs. Manning asked if it is an outlet mall. Mr. Policastro stated that is a question for Mr. Orrico. Mr. Gorman stated they can call it whatever they want the board doesn't have that much control over that if a dollar store pays more than a Tiffany's.

Mrs. Manning stated that there are 5 restaurants and a movie theater. Mr. Gorman told Mr. Policastro to stop coaching the witness. Mr. Policastro stated that he disagreed. Mr. Gorman stated that you can't coach the witness. Mr. Fitamont stated let me pull the site plan up and showed the 5 restaurants and the movie theater. Mrs. Manning asked if there is outdoor seating with noise and the size of the restaurants. Mr. Fitamont stated that the restaurants will range in size from 4,400 to 9,500 square feet. Mrs. Manning stated there could be bars and sitting outside all night. Mr. Fitamont stated that the noise ordinance will comply. Mr. Deus asked about liquor licenses and if there will be any drive through. Ms. Chavan replied no, that would be considered fast food and they would have to make an application to the Zoning Board. Mr. Gorman asked if there is outdoor seating. Ms. Chavan stated that it is permitted.

Mrs. Manning asked if the recycling center and the homes will be going to stay there. Mr. Fitamont replied that the homes will not be there anymore.

Mrs. Manning asked if Kanes Lane cuts into the Woodland jug handle. Mr. Fitamont replied that is for the traffic engineer. Mrs. Manning asked if Kanes Lane is getting widened. Mr. Fitamont replied yes.

Brian Largey, 763 Monmouth Avenue

Mr. Largey asked if there is a Starbucks application before the Zoning Board. Ms. Chavan stated that she did not believe there is an application before the Zoning Board. Mr. Settembrino stated that it wasn't heard here. Mr. Gorman stated that there may be an application pending.

Mr. Largey stated that we don't know that traffic and our roads go back to the 1950s this is a rural community you're not taking anything into consideration on that center medium. Mr. Largey asked who is bearing the cost. Mr. Fitamont replied the applicant. Mr. Largey asked for the sewer and water. Mr. Fitamont replied yes.

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Mr. Largey asked about Kanes Lane being opened to the Navy Road. Mr. Fitamont stated a letter of request was sent to the Navy there has been no response. Mr. Gorman stated that the Planning Board made them do it as part of the GDP approval don't know if it's for emergencies. Mr. Largey stated with the train tracks it would be a lot of work.

Mr. Largey stated that there are historic houses on Kanes Lane. Mr. Fitamont stated that we are removing them and a study was done. Mr. Largey asked if he talked to the Historic Commission. Mr. Fitamont stated that is not his area.

Mr. Largey asked if they looked into a parking deck. Mr. Fitamont replied no. Mr. Largey asked if they considered underground or a parking deck. Mr. Fitamont replied no. Mr. Largey stated that with the zoning rules you want to make the property more valuable. Mr. Fitamont stated there are problems with accessibility in parking garages. Mr. Largey stated that it costs a lot more money. Mr. Fitamont replied that is a factor.

Mr. Largey stated that there are streams and creeks. Mr. Fitamont stated that is a factor for the residential component and they have complied with DEP. Mr. Deus stated and we will hear from their engineer.

Kevin Shaughnessy, 8 Stavola Road

Mr. Shaughnessy stated that your answer is consistently that the trees on King Highway East have been surveyed was there a tree save plan. Mr. Fitamont stated the question was asked why are there ribbons they were surveyed which will stay. Mr. Shaughnessy stated that all the trees are marked what does that mean. Mr. Deus asked if there is any color code. Mr. Fitamont stated there is no color code. Mr. Deus stated you are going to show him what trees. Mr. Fitamont replied yes, and reviewed the landscape plan submission set LP101 – partial, page 42 of 50. Mr. Gorman stated that plan was submitted to the board. Mr. Shaughnessy asked if that delineates. Mr. Fitamont replied yes, and reviewed the fencing around the trees to be saved and the new plantings. Mr. Shaughnessy stated they won't survive if you widen the road. Mr. Fitamont reviewed the demolition plan CD101 page 4 of 50 and reviewed. Mr. Shaughnessy stated that they are 100 year old trees and what are the replacement trees. Mr. Fitamont stated that we are providing 3" caliper trees. Mr. Policastro stated we have another witness that will testify.

Joan Blankertz, 30 Southall Lane

Mrs. Blankertz stated that all she is seeing now is this, where is the Town Center is it because it's located in the center of town I don't see a concept. Mr. Rathjen stated this is not considered a town center. Mr. Deus stated that the concept of Town Center never came to fruition and not helping is the newspaper reporting. Mrs. Blankertz stated that she is not the only one under that misconception.

David Houff, 30 Carriage Drive

Mr. Houff asked if Mr. Fitamont go over how the stormwater basins were calculated, sized and the depth. Mr. Fitamont reviewed for Mr. Houff. Mr. Houff asked how much goes into the basin and the storm drains. Mr. Fitamont stated that it is like a bath tub. Mr. Houff stated that the southwest area of the property near the Kings Highway East clover leaf has periodic flooding will this have any impact on that flooding. Mr. Fitamont stated that the discharge will be reduced and if anything we are improving and reviewed. Mr. Houff stated that you mentioned revisions. Mr. Fitamont replied to the inverts. Mr. Houff asked if consideration was given to the two areas of flooding. Mr. Fitamont stated that the runoff from this site we are improving. Mr. Houff asked if additional studies have been done. Mr. Fitamont replied no, and reviewed. Mr. Houff stated that his question was if any additional studies were done. Mr. Policastro stated that he answered the question.

Paula Costa, 33 Devon Road

Mrs. Costa asked if any consideration was given for a jug handle at Woodland. Mr. Gorman asked if it is on the plan now. Mr. Fitamont replied no. Mrs. Costa asked if any consideration was given. Mr. Policastro stated that he does not know.

Derek Donohue, 631 Kings Highway East

Mr. Donohue asked Mr. Fitamont if his firm has had similar applications and how long they took to be built. Mr. Fitamont replied 2, 6, 10 years. Mr. Donohue asked why this has 20 years. Mr. Gorman stated that goes back to the GDP and reviewed the zoning that is in place now can't change. Mr. Donohue asked the zoning or the build out. Mr. Gorman stated they were approved for 400,000 square feet and 350 units they have those protections. Mr. Donohue stated that is subject to 20 years. Mr. Gorman replied yes. Mr. Policastro stated that is statutory. Mr. Donohue stated that we can expect construction up to 20 years. Mr. Gorman stated that is a different question. Mr. Fitamont stated that the applicant is looking to move forward. Mr. Gorman stated that it needs to be a large project to qualify and this does. Mr. Donohue asked how long. Mr. Fitamont replied 2 years.

Mr. Donohue asked if the existing building will stay. Mr. Fitamont stated that it will be integrated and upgraded to the existing site. Mr. Deus stated that nothing will remain on the site. Mr. Donohue asked about the Wells Fargo. Mr. Deus stated that is not theirs. Mr. Donohue asked if Mr. Fitamont was aware of any change to the façade. Mr. Fitamont replied no.

Mr. Donohue asked if the buildings are one story. Mr. Fitamont replied yes. Mr. Donohue asked if that includes the theater it could be up to four stories. Mr. Policastro stated that we are advised that it is one story. Mr. Donohue stated please note that. Mr. Gorman stated that A-1 part of it was for the Architect Mr. Fitamont didn't testify to height. Mr. Fitamont stated that he would defer to the architect.

Mr. Gorman stated that he did not know if A-1 shows the height. Mr. Policastro stated that Mr. Massa will address that.

Mr. Donohue asked how they determined the number of entrances and exits. Mr. Fitamont stated that more are preferred by he would defer to the DOT. Mr. Donohue asked preferred by who. Mr. Donohue asked about the main connector road and the scenic corridor road. Mr. Fitamont stated that it is an important access point. Mr. Donohue asked how Mr. Fitamont would rank it he did not know who needs to have an access point. Mr. Donohue asked if there will be a traffic signal. Mr. Fitamont replied only at Kings Highway East. Mr. Donohue asked what part of Kings Highway East will be realigned. Mr. Fitamont reviewed. Mr. Donohue asked if the old Kings Highway East would be closed or maintained. Mr. Donohue stated that every time he leaves his house he will have to go to a major intersection. Mr. Deus asked Mr. Fitamont to explain. Mr. Fitamont reviewed all the access points. Mr. Donohue and Mr. Fitamont continued to discuss Kings Highway East.

Mr. Donohue asked how important the connector road is. Mr. Fitamont replied for truck deliveries. Mr. Donohue asked what the anticipated traffic pattern will be for truck deliveries. Mr. Fitamont reviewed. Mr. Policastro stated that this is truly traffic. Mr. Deus stated no, it is not you misrepresented Kings Highway East. Mr. Donohue asked if that portion remains. Mr. Fitamont replied that portion will remain you have an option to make a right. Mr. Gorman asked what drawing Mr. Fitamont was referring to. Mr. Fitamont replied the open space plan. Mr. Rathjen stated that he is showing the bank and the road that portion of the road will remain. Mr. Donohue stated on either side of the Wells Fargo.

Mr. Donohue asked the ratio of trees coming down to being planted. Mr. Fitamont stated that we are working on that. Mr. Donohue asked when we will know. Mr. Fitamont replied 2 weeks.

Mr. Policastro stated that we have our architect. Mr. Deus stated that he's coming back why can't we continue with him and the 100 page letter. Mr. Policastro stated that the professionals are working on that. Mr. Deus asked is he done in 25 minutes and then we have the audience. Mr. Settembrino stated that is not affective. Mr. Deus stated that he agreed.

Mr. Deus stated that he and Mr. Gorman were having a side discussion and if I let him continue to testify the public won't be able to question this is being carried to September 7th better off stopping and you continue do you agree Mr. Settembrino. Mr. Settembrino stated yes, with the other application. Mr. Deus stated that the consolidated project will come before us.

Mr. Gorman stated that if Toll is not ready this will be carried to September 7th and then carried again. Mr. Deus stated that we could pick up with his testimony. Mr. Policastro stated that the architect would that be acceptable. Mr. Deus stated that he agreed with Mr. Policastro. Mr. Deus stated that if Toll is ready we finish your engineer and then Tolls engineer. Mr. Policastro stated that we'll take it under advisement.

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NEW BUSINESS

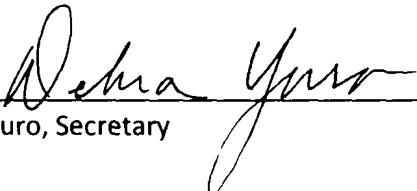
None

Motion was made to adjourn the meeting. Motion was seconded and approved with an all in favor vote.

The meeting adjourned at 9:41 p.m.

ADJOURNMENT

Prepared by:



Debra Yuro, Secretary