

**RESOLUTION OF MEMORIALIZATION
TOWN OF MORRISTOWN PLANNING BOARD
MORRIS COUNTY, NEW JERSEY
SITE PLAN APPROVAL**

**Approved: June 18, 2020
Memorialized: June 25, 2020**

**MATTER OF M-STATION EAST, LLC
APPLICATION #20-01**

WHEREAS, on January 13, 2004, pursuant to the Redevelopment Law, the Governing Body adopted Resolution R-28-04, determining that certain properties known as Block 3505, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9(1), 9(2), 11, 12, 13, 14, and Block 4901, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12, on the official tax maps of the town of Morristown (“Town”), qualified as an area in need of redevelopment, commonly referred to as the “Sub-Area 3” or Spring Street Redevelopment Area (the “2004 Redevelopment Area”); and

WHEREAS, on December 12, 2006, pursuant to the Redevelopment Law, the Governing Body adopted Resolution R-220-06, determining that certain properties known as Block 3504, portion of Lot 1 and Block 3505, portion of Lot 15 and all of Lot 16, on the official tax maps of the Town, qualified as an area in need of redevelopment and were added to the 2004 Redevelopment Area (collectively, the “2006 Expanded Redevelopment Area”); and

WHEREAS, on February 27, 2007, pursuant to the Redevelopment Law, the Governing Body adopted Ordinance 0-3-07, approving and adopting the Spring Street Redevelopment Plan dated January 2007, prepared by Phillips Preiss Shapiro Associates, Inc; (“Phillips”) for the 2006 Expanded Redevelopment Area (the “2007 Redevelopment Plan”); and

WHEREAS, on October 9, 2008, pursuant to the Redevelopment Law, the Governing Body adopted Resolution R-155-08, determining that certain properties known as Block 3505, Lots 10 and 10.01 on the official tax maps of the Town qualified as an area in need of redevelopment, and were added to the 2006 Expanded Redevelopment Area (collectively, the “Redevelopment Area”); and

WHEREAS, as of the Effective Date, the Redevelopment Area includes Block 3504, portion of Lot 1; Block 3505, Lots 1, 2, 3, 4, 5, 6, 7.01, 7.02, 7.03, 7.04, 8, 9, 10, 10.01, 11, 12, 13, 14, 16, and a portion of Lot 15; Block 4901, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, on the official tax maps of the Town; and

WHEREAS, in furtherance of the redevelopment of the Redevelopment Area, an amended redevelopment plan dated October 2008, amending the 2007 Redevelopment Plan, was prepared by Phillips for the Redevelopment Area (the “2008 Amended Redevelopment Plan”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(f) of the Redevelopment Law, the Morristown Planning Board reviewed the 2008 Amended Redevelopment Plan at a meeting held on October 23, 2008, and forwarded same to the Governing Body for introduction and adoption in accordance with the Redevelopment Law and other Applicable Law; and

WHEREAS, on December 11, 2008, pursuant to the Redevelopment Law, the Governing Body finally adopted Ordinance 0-33-08 approving and adopting the 2008 Amended Redevelopment Plan; and

WHEREAS, in furtherance of the redevelopment of a portion of the Redevelopment Area, a second amended redevelopment plan entitled “Spring Street Redevelopment Plan: Phase 3 Amendment”, dated September 25, 2019 (the “2019 Redevelopment Plan Supplement”), was prepared by Topology for a portion of the Redevelopment Area to incorporate certain use and design criteria concerning Block 3505, Lots 1, 2, 3 (portion), 10, 10.01, 11, 12, 13, 14, and 15 (portion) and Block 4901, Lots 7 and 8 (together with the 2008 Amended Redevelopment Plan, the “Redevelopment Plan”); and

WHEREAS, on September 25, 2019, the Governing Body introduced an ordinance to adopt the 2019 Redevelopment Plan Supplement, and on October 10, 2019, the Governing Body adopted the 2019 Redevelopment Plan Supplement, thereby creating the present Redevelopment Plan, pursuant to Ordinance 0-42-2019; and

WHEREAS, the Redevelopment Plan provides that, prior to submitting a site plan application to the Planning Board for the proposed project (“Project”), the Redeveloper shall, *inter alia* (a) be designated by the Town as the redeveloper of the Project Premises, and (b) study/analyze and provide a report to the Town concerning certain traffic intersections/locations in Town impacted by the Project; and

WHEREAS, on March 3, 2020, the Town entered into a short form redevelopment agreement (“Short Form Agreement”) which, *inter alia*, designated M-Station East, LLC (“Redeveloper”) as redeveloper of the Spring Street Redevelopment Area for a period of nine (9) months, and empowered the Town Planning Board to impose conditions on site plan approval relating to off-site traffic and sidewalk improvements beyond those to which it otherwise may have been limited; and

WHEREAS, pursuant to the Redevelopment Plan, Short Form Agreement and Amended Redevelopment Plan, Redeveloper filed an application for preliminary and final site plan and subdivision approval with the Town Planning Board (“Board”) for property located at 74 Morris Street, Morristown, New Jersey 07960, more specifically known as Block 4901, Lots 7-8; Block 3505, Lots 1-3, 10, 10.01, 11-14, and 15.01 on the Tax Map of the Town of Morristown (the “Town”), Morris County, New Jersey (the “Property”); and

WHEREAS, the Applicant seeks the following variance relief for the proposed development:

1. Deviation from the Redevelopment Plan for retaining wall setback to Block 3505 Lot 15, where a minimum of 10’ is required and 3.6’ is proposed;
2. Deviation from the Redevelopment Plan for retaining wall height, where a maximum of 8’ is permitted and 9.4’ is proposed;
3. Deviation from the Redevelopment Plan for arcade overhang on the west side of the East building, where a minimum of 20’ is required and 17’2” is proposed;
4. Deviation from the Redevelopment Plan for construction of one sidewalk on the south side of Spring Place, where construction of sidewalks on both sides of all “new and improved street” is required;
5. Deviation from the Redevelopment Plan for tenant signage on the ground floor of the East Building, where tenant signage is only permitted at the top two stories of buildings;
6. Deviation from the Redevelopment Plan for tenant signage on the ground floor of the West Building, where tenant signage is only allowed at the top two stories of buildings;
7. Deviation from the Redevelopment Plan for tenant signage on the west façade of the East Building, where signage is only permitted on the Morris Street façade and the east facade; and
8. “C” variance for turning radius on the corner of Spring Place and Spring Street where a minimum of 25’ is required and 20’ is proposed.

WHEREAS, public hearings were held before the Board on March 5, 2020, March 11, 2020, May 28, 2020, June 4, 2020, June 11, 2020, June 18, 2020, and June 25, 2020 with regard to this Application; and

WHEREAS, the Applicant presented the following exhibits:

1. Exhibit A-1: Landscape Design Plan, prepared by Melillo + Bauer, Inc.;
2. Exhibit A-2: Vegetation for Proposed Landscape Plan;
3. Exhibit A-3: M-Station Traffic Engineering Presentation;
4. Exhibit A-4: Morning Rush Hour Video, 01/2019;
5. Exhibit A-5: Evening Rush Hour Video, 01/2019;
6. Exhibit A-6: Rowan University Video re Rectangular Rapid Flashing Beacon Technology;
7. Exhibit A-7: Kent State University re Rectangular Rapid Flashing Beacon Technology
8. Exhibit A-8: Civil Engineering Presentation
9. Exhibit A-9: Architectural Presentation
10. Exhibit A-10: Parking Garage Presentation
11. Exhibit A-11: On-Street Parking Space Presentation
12. Exhibit A-12: Arcade Depth Deviation, East Building
13. Exhibit A-13: Architecture Flyaround and Stills

WHEREAS, the Applicant filed the following application materials:

1. Application to Planning Board for Preliminary and Final Site Plan and Subdivision Approval, submitted February 14, 2020; and
2. Major Site Plan and Subdivision Checklists M-1, M-4, M-5, M-6, and M-8 submitted February 14, 2020; and

3. Preliminary and Final Major Site Plan, consisting of 15 sheets prepared by Sony David, P.E. of Langan Engineering revised on February 28, 2020 (including ALTA/NSPS survey); and
4. Supplemental Lot Coverage Figure Plan, prepared by Langan Engineering on February 27, 2020; and
5. Supplemental Grading Plan (Elevation Points), prepared by Langan Engineering on February 14, 2020; and
6. Site Plan for Roadway Improvements, consisting of 42 sheets prepared by Matt Seckler, P.E. of Stonefield Engineering revised on February 25, 2020; and
7. Architectural Drawings, consisting of 5 sheets prepared by Gensler revised on February 28, 2020; and
8. Architect Renderings, consisting of 2 pages prepared by Gensler on February 14, 2020; and
9. Garage Floor Plan, consisting of 3 sheets prepared by Todd Helmer, P.E. on February 14, 2020; and
10. Landscaping Plan, consisting of 12 sheets prepared by Melillo + Bauer Associates revised on February 28, 2020; and
11. Site Survey, consisting of 1 page prepared by David Avery, P.L.S. of Langan Engineering on April 5, 2019; and
12. Traffic Impact Study, consisting of 265 pages, prepared by Karl A. Pehnke, PE (Langan Engineering & Environmental Services, Inc.) & Matthew Seckler, PE (Stonefield Engineering and Design LLC.) on February 10, 2020; and
13. Stormwater Management Report, consisting of 62 pages, prepared by Sony David, P.E. of Langan Engineering & Environmental Services, Inc. on February 14, 2020; and
14. Sanitary Sewer Report consisting of 11 pages, prepared by Sony David, P.E. of Langan Engineering & Environmental Services, Inc. on February 20, 2020; and
15. Soil Erosion & Sediment Control Plan Certification Application, dated

February 27, 2020; and

16. Traffic Completeness Memorandum, prepared by Matt Seckler, P.E. on February 27, 2020; and

17. Letter from Thornton Tomasetti dated June 11, 2020 depicting the condition of the Highlands Retaining Wall along the eastern property line of the M-Station East Project; and

18. Letter from Langan Engineering discussing Spring Hill air quality conditions dated June 18, 2020; and

19. Engineering Plans prepared by Langan Engineering detailing construction schematics of additional bollards and related structures dated February 14, 2020; and

20. Supplemental Traffic Analyses and Recommendations prepared by Langan Engineering dated April 30, 2020; and

21. Supplemental responsive correspondence relating to the above-referenced submissions

WHEREAS, the Board has also reviewed the following reports from the Town Professionals and Committees:

1. Planner's Report #1 prepared by Topology dated March 5, 2020, Planner's Report #2 dated March 25, 2020, and Planner's Report #3 dated June 11, 2020; and

2. Engineering Review #1 prepared by the Alaimo Group dated February 24, 2020, Engineering Review #2 dated March 18, 2020, Engineering Review #3 dated May 22 2020, and Engineering Review #4 dated June 11, 2020; and

3. Traffic Engineering Review prepared by Traffic Planning and Design, Inc. dated March 5, 2020; and

4. Letter from Morristown Fire Department dated June 19, 2020; and

5. Supplemental responsive correspondence relating to the above-referenced reports.

WHEREAS, at the public hearings, the Applicant was represented by Frank Vitolo,

Esq. and testimony in support of the application was provided by Redeveloper's landscape architect, Tom Carman, Redeveloper's traffic expert, Matthew Seckler, Redeveloper's civil engineer, Sony David, Redeveloper's architect, Peter Wang, and Redeveloper's planner, Paul Phillips; and

WHEREAS, the Applicant relied on and incorporated the Plans as part of and into the Record; and

WHEREAS, the Board has heard the testimony and evidence presented by the witnesses, and with the public having had a full opportunity to participate; and

WHEREAS, the Applicant filed proof that notice of the hearing was given as required by N.J.S.A. 40:55D-12; and

WHEREAS, a complete Application has been filed, the fees required by Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised pursuant to N.J.S.A. 10:4-6 et. seq. as amended by P.L.2020, c.11 (1-C.10:4-9.3); and

WHEREAS, the Board having reviewed the Plans and considered the presentation of the Applicant, and having reviewed the reports of the Board's professionals with respect to the application, makes the following findings of fact:

1. Applicant's counsel Frank Vitolo introduced himself and gave background information about the project. The project includes two buildings of office and retail a parking garage, public promenade along Morris Street, public plazas, landscaping improvements, and a roundabout.

2. The Board's attorney, John Inglesino, requested that Mr. Vitolo discuss the checklist requirement waivers that Redeveloper was requesting. Mr. Vitolo said that Applicant had requested a waiver of the checklist items relating to COAH, submission of an Environmental Impact Statement ("EIS"), the sewer connection fee, sustainability, block and lot assignments, and storm sewers, sanitary sewers, treatment works application ("TWA"), and water mains.

3. Mr. Vitolo indicated that the COAH checklist item waiver was requested due to the ongoing negotiations relating to Redeveloper's obligations under COAH, specifically with regard to whether a payment to the Town's Affordable Housing Trust Fund would be required.

4. The sustainability checklist item waiver was requested due to the project's LEED certification.

5. The EIS checklist item waiver was requested because a Phase I report done in 2007 was submitted with the current application. The Applicant clarified, and both Mr. Inglesino and the Board's planner, Phil Abramson of Topology, agreed, that because the application deals

with a fully developed site with no known contamination or DEP issues, granting of EIS waivers is common.

6. Mr. Abramson then clarified that a sanitary report was provided and the connection fees will be determined at a later date. The TWA item waiver was permitted because the TWA is a DEP application and DEP approval will need to be provided to proceed with the Project.

7. The sustainability checklist item was waived because the sustainability checklist is a voluntary guideline-type document and the items therein were incorporated in the Redevelopment Plan.

8. The block and lot assignments were waived at the application stage but were made a condition of approval.

9. Mr. Cristaldi further supported the EIS checklist item waiver because the site is completely developed and the issues that would be present with wooded or virgin land are not present. The only potential issues that may come up relate to drainage and sewage, which are dealt with in separate reports.

10. In addition, the waiver for the sanitary sewer checklist item was supported because information about the flows will be put into a TWA to DEP once the information gathering phase is complete. Because the report is not yet compiled, the checklist item was waived.

11. A motion was made by Mr. Armington and seconded by Ms. Gottsleben, and a vote was taken, to grant the requested checklist items, which passed unanimously.

12. Mr. Abramson brought up several items dealing with traffic engineering, the technical loading and unloading study, the public art submission, copies of applications or conceptual designs submitted to any other entities, and the landscape design, name of designer, and their drawings in relation to completeness. Mr. Inglesino indicated that those items are not completeness items because they are not on the completeness checklist; rather they are items required in the Redevelopment Plan which Redeveloper would have to address in its presentation. Mr. Vitolo indicated that he would so during the course of the presentation.

13. Thomas Carman of Melillo + Bauer was sworn in as an expert in landscape architecture. Mr. Carman began discussing exhibit A-1, starting with the landscape site context plan and described the content of the slides.

14. The witness indicated that vehicular access to the parking garage is off of Morris Street and is in between the two office buildings. To the right of the east building is a service drive that services circulation toward the back of the building. On the west building, a service area is adjacent to the building as well. This allows the service utilities to be pushed toward the rear to keep the frontage open and pedestrian friendly.

15. The witness discussed the section of the east building fronting Morris Street. An open circulation space for pedestrians was created using a layered approach. The building was set back from the curbline which created a "tree alley" as the primary sidewalk, with a retail promenade as a secondary space that would provide an opportunity for additional outdoor seating.

16. There will be a fully-planted green buffer between the sidewalk and Morris Street that functions as a raingarden with a row of trees and second planted band. This scheme results in a 12 foot sidewalk and 18 foot wide promenade. There will be accent paving coming off the building.

17. Mr. Inglesino had the next exhibit marked as A-2 displaying the different types of vegetation Redeveloper plans to include.

18. The witness indicated that the raingardens allow water to flow across the sidewalk, move into a planted area, and infiltrate into the ground. A low corten steel edge is present at the edge of the sidewalk with scuppers to allow water to enter the raingarden at specific locations.

19. The corten steel edge also facilitates ADA circulation and anybody with vision impairment will notice a slight depression. The project uses decorative pavement and plantings to define the pedestrian circulation routes to prevent vehicular pedestrian conflict.

20. Adjacent to the east and west building are drop-off areas that allow ride share drop-off and pickup to occur and allow clear vehicular access. Between the parking garage and the west building will be a canopy of elm trees. Following discussions with the Shade Tree Commission and Topology, other disease-resistant trees could be swapped for the Elm.

21. Outside of the parking garage is decorative pavement to create a "rug" outside of the parking garage and defined crossing. On the west side, there are two defined crossings leading to the parking garage.

22. Outside the garage entrance is exterior bicycle parking or bike racks for 16 bikes. The witness indicated that there was parking for 20 bicycles under cover at the rear of the building and that the balance (12) would be in the west plaza. The witness indicated that this is in compliance with the Redevelopment Plan.

23. Attached to the parking garages will be green screens which have been broken down in intervals with separate troughs at each level of the parking garage to provide adequate soil volume to sustain the growth of the vines.

24. The witness then discussed the landscaping of the roundabout. The witness said that the goal of roundabout landscaping is to discourage a clear line of sight and encourage the driver to look to the sides toward oncoming traffic. To do this, three Sargent Columnar Cherry trees are proposed in addition to a curved steel wall of about 30 inches in height.

25. The witness indicated that the Morristown Shade Tree Commission had been consulted with regard to the honey locust trees near the retail and Redeveloper is proposing a honey locust alley. Honey locust is a native tree which allows for dappled sunlight to penetrate.

26. The Shade Tree Commission is concerned about species diversity throughout the site. To allay those concerns, Redeveloper has proposed seven different deciduous trees, which can be switched out for the existing honey locusts.

27. The witness mentioned discussions with The Seeing Eye for provision of added level of edge and detail within the streetscape. The Seeing Eye has a training operation in Morristown and likes the idea of the roundabout to be used as part of their training. The Seeing Eye requested addition of bollards as a guide around the roundabout to the crossing.

28. The witness discussed the use of color concrete and architectural pavers as rugs to define pedestrian spaces. The canopy path allows ADA access to the front of the retail building in addition to the steps that are also present.

29. The witness then indicated a planting of cedars and spruce evergreens to mask the utility service area at the rear of the building.

30. The witness further discussed tree species diversity. The witness indicated that there were ongoing discussions with the Shade Tree Commission relating to the honey locust alley. The witness indicated that they would report back to the Board on those discussions.

31. The witness showed a slide indicating that the Morristown Partnership light would be used along the frontage of the property. The interior spaces such as the drop-off and the plaza use a pole light the specifications of which are compliant with the Redevelopment Plan. The lighting along the service drive will be a LED "shoebox light" that will either be wall-mounted or pole-mounted. The witness discussed a note from Planner's Report #1 that referenced a "Cobra" style headlight and stated that they didn't think that it would be used but would coordinate with the Board's professionals to ensure compliance with the Redevelopment Plan.

32. The witness discussed the various types of vehicular pavement used to create pathways and define the different zones of the project. In addition, tactile pavers and ADA compliant pavers were added into the crossings and pressed zones.

33. The witness revisited the issue of specific guidelines for bike racks in the Redevelopment Plan. There is an under-cover ribbon rack that can accommodate 20 or 22 bicycles. The western plaza has more sculptural bike racks that allow people to secure 2 bikes to each rack.

34. The witness stated that the Plans meet the requirement for 200-foot spacing for trash receptacles. An additional receptacle was added in the western plaza to accommodate additional public congregation.

35. Mr. Abramson asked the witness to confirm that the lighting was in compliance with the Town's ordinance from a foot-candle perspective. The witness confirmed that it did comply except for an average at the property line below the requirements. Mr. Abramson also asked about light shielding to prevent spillage into the adjacent senior facility. The witness confirmed that the lights used are highly directional and adjust the lights to focus light in the directions needed. Mr. Abramson asked about the color temperature and the witness confirmed a color temperature of 3,000K. Mr. Abramson asked the witness whether the lights should conform to the other lights around the Town which are about 5,000K. The witness indicated their comfort with the color choice because 3,000K is a warmer light.

36. Mr. Abramson also expressed concern regarding the materials and colors of the particular products being used for the lighting plan. The witness said that the plans could be supplemented and the revised plans would be issued to the Town.

37. Mr. Abramson asked whether the trees being planted in the tree alley would be small immature trees, or of sufficient height. The witness indicated that the trees would be of a sufficient height and limbed to a height of 7 feet to prevent low-hanging branches.

38. Mr. Abramson then asked how the Redeveloper was going to ensure tree survivability. The witness expressed the benefit of planted pits and pervious pavers. Other parts of the project include generous soil volumes to sustain the trees.

39. Mr. Inglesino mentioned that the project would be subject to a declaration of covenants and restrictions regarding general maintenance obligations and that specific language would be included regarding upkeep of trees with adverse consequences for failure to carry out the obligations.

40. Mr. Abramson also asked that the Redeveloper work with the Town's arborist on planning and execution of the tree-planting plan. The witness indicated that the Redeveloper would agree to work with the arborist and Shade Tree Commission.

41. Mr. Cristaldi, the Board's Engineer asked whether the maintenance obligations would include landscaping of the roundabout and who would be responsible for replacing a tree if it died. Mr. Inglesino indicated that it could be drafted to do so.

42. Mr. Abramson also requested additional landscaping plans as to the interior of the roundabout. Mr. Inglesino answered that the ownership of the roundabout had not yet been determined.

43. Mr. Cristaldi asked about the survivability of the plantings due to their exposure to salt during the winter. The witness said that the setback on the roundabout would strongly help the plantings' survival.

44. Mr. Proska, the Board's traffic engineer, indicated a number of items from his report. Redeveloper was asked to demonstrate that the sight lines are applicable when considering the landscaping, particularly at the roundabout but also at the access points, Morris Street, and Spring Street. The Redeveloper was also asked to demonstrate that the lighting program is in accordance with the Illuminating Engineering Society for the roundabout, as well as the crosswalks, and that they consider lighting at the proposed traffic signal at Spring Street and Spring Place.

45. Mr. Proska noted that he saw a potential for a buffer-style treatment on the site, on the northwest corner of the roundabout, particularly along Spring Street and asked Redeveloper to consider that and look into potentially moving the sidewalk away from the curb in that area.

46. Redeveloper was also asked to use bollard and chain around the roundabout consistent with ADA requirements, particularly for the visually impaired, and work with the Board's professionals regarding the bike racks. The witness agreed to do so.

47. Ms. Gottsleben asked what the landscaping would look like in the winter when it was not fully in bloom. The witness indicated that the groundcover is evergreen and would be there year-round. Some trees would be deciduous and branching would be observed and the ornamental grasses would turn brown.

48. Ms. Gottsleben then asked about access to the stairs in the area of the plaza on Spring Street. The witness answered that there was access from the sidewalk on grade.

49. Ms. Gottsleben asked about ice formation affecting the rain garden drainage. The witness answered that the proposed arrangement is better than a regular sidewalk because the depression allows the water to run off the sidewalk.

50. Mr. Gandy suggested that the Redeveloper talk to the Partnership to take down some edging around the tree wells to prevent people from stepping into the rain garden. He also asked if the elm trees in the middle lot would be getting enough light because of the seven story buildings surrounding them. The witness answered that it would. He also asked to confirm that ownership of the non-Partnership lights and bollards would be retained by the Redeveloper.

51. Mr. Gandy asked if the concrete portion of the hardscape would retain the Partnership color scheme or whether it would be its own pattern. The witness replied that the full details of the various hardscapes would be provided to the Board professionals. Mr. Gandy then

asked whether the trash receptacles would be the Redeveloper's style or whether they would match the rest of the Town. The witness answered that they would be the Redeveloper's own style. Mr. Gandy clarified that the basis for the question was an issue of future maintenance and that the Town would be unable to source a proprietary part in the event replacement was ever needed. The witness agreed to look into it.

52. Mr. Armington asked the witness if the Redeveloper had considered using solar-powered compaction trashcans in high-traffic areas to reduce operating costs. The witness answered that they had not been considered. Mr. Armington asked what the green screens adjacent to the parking structures would look like in the winter. The witness answered that the plants were a mix of seasonals so that there would be live plants year-round. Mr. Armington expressed concern regarding the lack of seeds for the honey locust trees being used. He also asked whether the rain garden was below the level of the sidewalk. The witness confirmed that it was.

53. Mr. Armington asked how the Redeveloper was addressing the mulch sheaths that appear when it rains. The witness indicated that if the mulch is maintained properly it doesn't become an issue; however, sometimes a low edge is inserted to mitigate the issue. He then asked whether a certain portion of the walkway adjacent to Spring Street was on grade in the context of ADA accessibility. The witness indicated that the walkway was under the building cover and on grade with the sidewalk. However, there were certain areas that involved steps and a planter wall to create separation and Mr. Armington asked if it would be feasible to cut off a corner of the path to widen the sidewalk. The witness answered that the current layout was chosen to allow the retail wrap-around. Mr. Armington asked what the brown sheet metal would look like. The witness agreed to provide details regarding the appearance.

54. Mr. Kane asked whether the plantings in the roundabout would be irrigated. The witness did not have that information and agreed to provide it to the Board.

55. Mr. Inglesino asked whether the slides shown depict the actual plantings or just are representative of what could be there. The witness said that although some were alternatives, the images accurately depicted the anticipated plant types.

56. Mr. Cristaldi asked if there was going to be irrigation to keep the plants watered in the summer months. The witness confirmed that they would be.

57. Chairman Stanley pointed out that the sidewalk sloped downwards toward the rain garden and asked whether the plantings were salt tolerant. The witness stated that they were.

58. There were no more board questions so questioning was opened to the public. Nancy Gemis attempted to ask several questions unrelated to the witness' testimony and was asked to save her questions for the proper witnesses.

59. John Hoyt asked about landscaping in the back of the Property facing the Spring Hills Senior community. The witness answered that a retaining wall would be installed and that between the retaining wall and garage would be stone to facilitate drainage. The witness clarified that the existing greenery would remain.

60. Gary Thomas asked how many people would be occupying the buildings. The witness answered that the architect would be discussing the square footage and use of the building including the retail component. When pressed for additional information, the witness

stated that he did not know the capacity of the plaza but stated that the allocation of area was consistent with the Redevelopment Plan.

61. Mr. Thomas then asked whether the roundabout was level or inclined toward Spring Street. The witness answered that it was on a slight incline and deferred further comment for the civil engineer.

62. Lindsay Holleran asked how emissions from the parking structure would be prevented from being pumped over to the senior center. The witness stated that the subject material was outside of his field of expertise and that he did not have an answer to the question. Mr. Vitolo indicated that a later witness would be testifying about that subject matter.

63. Karen Ann Kurlander asked who will be responsible for maintaining the landscaping and how that responsibility will be enforced. Mr. Vitolo answered that the Board and the Redeveloper would enter into a maintenance agreement. Mr. Inglesino added that the agreement would be part of the declaration of conditions, covenants and restrictions, would contain punitive measures to enforce compliance with the obligations, and would be publicly recorded.

64. Ms. Kurlander asked about testimony procedures and Mr. Inglesino answered about how the Board could take a witness' testimony however the members elected.

65. Kevin Jang asked how the project was going to benefit the Town as a whole. The witness answered that the goal was to create a vibrant streetscape with some retail and plaza spaces, and generally create a dynamic streetscape for the town.

66. Howard Liu asked for an estimate of how many trees would be part of the project. The witness gave an estimate of less than one hundred trees. He then asked if the trees were going to replace the affordable dining option that the residents currently visit. The witness answered that the site has a shopping center.

67. Mike Kurek asked about positive benefits of the plan. The witness answered that the plan provides for rain gardens and pervious pavers, neither of which are currently on the site. Mr. Kurek asked if there will be cleats added to the benches to prevent skateboarding. The witness indicated that there would be bench toppers added on top of the seat walls as a deterrent.

68. Patty Gallagher asked whether an analysis of how the proposed lighting along the back utility area would affect the neighboring residential apartments. The witness indicated that the lighting plan does prevent light spillage into the residential areas and that the lighting plan is in conformance with allowed light trespass. She also asked if there were limits on the hours that the light could operate. The witness indicated that he did not know for sure, but that it would fall within the township requirements.

69. Ivan Simons asked how much of the vehicular circulation portion of the project would include brick pavers. The witness answered that there would be no pavers driven on in the public portion but that there are some vehicular pavers on the inside of the project.

70. As there were no other public questions, Mr. Stanley closed the public portion of the meeting.

71. Ms. Gottsleben asked whether the light spillage in the front of the building would stay within the area of the building. The witness indicated the Partnership lights used illuminated light back toward the building.

72. Mr. Armington indicated that there was no municipal code regarding hours for lighting but that restrictions would be incorporated from the Planner's memo.

73. Mayor Doughery asked how many trees were in the project and recommended that the Redeveloper have further conversations with the Shade Tree Commission regarding CO₂ emissions.

74. At that time, a motion was made and seconded to adjourn the meeting and carry the application to March 11, 2020 without further notice required.

75. On March 11, 2020, Matthew Seckler, Redeveloper's traffic engineer, was sworn in and accepted as an expert witness. He was examined by Mr. Vitolo.

76. The witness discussed the preparation of the traffic impact study and the analysis of the existing traffic conditions. He then discussed the Overall Existing Conditions Plan and the specifics of the existing traffic patterns on the site. He stated that the site is heavily trafficked, with significant volume at various days and times of day.

77. The witness then discussed the tradeoffs for Y-intersections between creating a sense of place and the logistics of signalized intersections with high traffic volumes. He stated that 36% of the traffic through the Morristown roadway network is transitory, rather than having Morristown as the destination. He then discussed the signal operation at the intersection of Morris Street and Spring Street.

78. The witness described the traffic study conducted in 2016 at 10 intersections between 6AM-9AM and 3PM-7PM. Peak hours were determined to be between 7:30 and 8:30AM, and 5:00-6:00PM, with the evening rush hour being the true peak. The witness then played the morning rush hour video marked as Exhibit A-4 taken in January 2019, taken between 8:30AM and 8:40AM.

79. The witness then showed another video marked Exhibit A-5 depicting the evening rush hour in January, 2019. The video shows the difficulties vehicles have making left turns at the Spring Street intersection. The video also shows significant queuing along Spring Street resulting in extensive delays to turn onto Morris Street. Finally the witness discussed the existing signalization issues at Spring and Green and how the planned developments will affect traffic in the future.

80. Future traffic patterns and volume were predicted using standard industry practices which accounts for the discussed developments as well as other factors causing growth in the roadway network.

81. The witness discussed county input due to the location at a county road intersection. The analysis was expanded to cover an extended timeframe.

82. Trip generation was determined using the Institute of Transportation Engineers Trip Generation Manual and anticipates a slight reduction based on existing mass transportation options and the presence of a live-work environment within the community.

83. The witness indicated that one of the main goals of the project was to coordinate the design of the streetscape and enhance the pedestrian-bicycle experience. Another goal was to provide the best access management for the site and potential users, specifically back to 287 from Morristown.

84. The witness then discussed possible alternative approaches. The first was adjusting the signal timing, which would not work due to the extent of development of the Project. The second is roadway widening, but which would create more impervious pavement coverage and result in environmental issues, and is more car-centric than the spirit of the Project. The next

solution was restriction of turning movement. The problem with that would be that traffic diversion would simply relocate the problem to another area.

85. The next solution contemplated was the roundabout, which would require taking private property due to the zero-foot setbacks. Applicant is proposing to create a new access road to the site by relocating a portion of Spring Place and installing signage and a new signalized intersection. Morris Street will become a right-in-right-out driveway. Another loading driveway is located to the east of the east building which would allow vehicles to enter the loading area, back into the loading dock, and proceed forwards back onto Morris Street. Wilmot Street will be made one-way away from the roundabout.

86. The witness stated that the roundabout creates a steady metering effect to allow traffic to flow in a more consistent manner. It also works as a traffic calming device during off-peak hours which translates to lower risk of catastrophic accident with a pedestrian or vehicle.

87. The witness clarified the difference between a traffic circle and a roundabout, which are size, the speed at which traffic is meant to pass through, and yielding patterns. The witness also discussed vehicle flow through the roundabout and the addition of staggered crosswalks to allow yielding cars not to obstruct traffic flow in the roundabout. This results in a 78% reduction in severe accidents when going from a signalized intersection to a roundabout. There was a reduction in injury accidents from 70-80% and an overall reduction in crashes between 35-47%. Multi-lane roundabouts also have substantial declines and delays in queue lengths, fuel consumption, and vehicle emissions. This will, in turn, assist in the revitalization of the area by allowing pedestrians to congregate outside.

88. Mr. Armington asked about the discrepancy between the measured delay for the Morris-Spring-Dumont intersection and the calculated delay. The witness stated that the calculation for each intersection is done individually without considering how the adjacent intersection may be blocking or feeding the intersection.

89. Mr. Armington also asked about the decreased expectation of trip generation. The witness answered that the usage of the site will generate different trip patterns. Specifically, the witness mentioned that trip generation will vary because, as the site becomes more successful, individuals using it will work there and generate fewer exit trips.

90. The witness discussed the use of simulation software to do travel time calculations to compare the build/no-build scenarios which led to significant reductions in travel time with the roundabout given the traffic generated from the project. Mr. Armington asked if all the improvements discussed would be included in the project. The witness replied that there would be considerations regarding the financial feasibility of the improvements and clarified that the traffic reductions were calculated based on all improvements being constructed.

91. Mr. Inglesino reviewed the history of the project and that the subject redevelopment agreement gave the planning board enhanced powers to require more extensive off-site traffic improvements than would normally be permitted under the municipal land use law and affirmed the propriety of the board's question of additional improvements along the corridor for enhanced public benefit.

92. The witness mentioned the features that had been discussed with The Seeing Eye to assist pedestrians with disabilities. The first was a high intensity activated crosswalk (HAWK), a pedestrian hybrid signal that goes over a lane and turns red to allow for pedestrians to

further deflection was unlikely. The witness also indicated that Morris County did not prefer raised crosswalks, and that the increased yield rates could be achieved using the HAWK and 'rectangular rapid flashing beacons. The witness indicated that the Applicant would agree to a raised crosswalk if the Board considered it and if the County approved it.

102. Mr. Proska asked about potential driver confusion by the use of the HAWK and rectangular rapid flashing beacons. The witness indicated that comfort would come from driver experience and that there was a reason not to have all HAWK or all rectangular rapid flashing beacons in the roundabout. In addition, the infrastructure would allow replacement of one device to another. The witness also stated that the site elements meet the intent of the target goals of the TDM in the plan and that the off-track intersections mitigate the negative impacts identified in the traffic study.

103. Mr. Armington asked about large vehicle access through the roundabout. The Applicant's attorney indicated that the Fire Department would be submitting a letter indicating comfort with the roundabout design and Mr. Armington expressed concern regarding buses and the witness stated that buses would be able to travel at speed comparable to turning speeds.

104. The witness then confirmed that pedestrian access would be maintained at all times through the roundabout intersection while construction was occurring. Mr. Armington asked about whether to have stop bas in advance of the crosswalks. The witness indicated that they will likely be placed near the HAWK but that it should be left off other approaches to prevent the false impression of a required stop at the location.

105. Ms. Glover asked the witness to confirm that the goal was to have pedestrians cross the entire intersection without having to wait at the median, which the witness confirmed.

106. At that time, a motion was made and seconded to carry the meeting to May 28, 2020 without further notice to the public.

107. On May 28, 2020, the meeting reconvened and Applicant's witness, Matthew Seckler, was sworn in again. The witness summarized his previous testimony that there are significant congestion issues at the Morris Street and Spring Street intersection. The best solution to alleviate this was the installation of a roundabout with the addition of a private signalized drive away from Morris Street; Wilmot Street will now be one way away from the roundabout.

108. The witness discussed the specific traffic mitigation measures that were planned and how they would reduce travel times on the relevant roadways.

109. The witness was asked about discussions with the County regarding the proposed improvements. They answered that the data had been provided and that the roundabout was the optimal solution, which addresses the current issue of increased traffic flow through Morris Street at the expense of Spring Street.

110. A member of the public asked about the number of free on-street spaces that would be removed. The witness indicated that he would provide that information to the Board.

111. Applicant will install underground infrastructure to switch HAWK to rapid flashing beacons

112. The Applicant's next witness was Peter Wang, Applicant's architect. He posted an architectural presentation marked A-11 and discussed the site as it exists, and reviewed

Applicant's architectural plans. He discussed the overall design of the project, the goals of the planned design to create active uses, and revitalize pedestrian activity, along Morris Street. He discussed the inspiration behind the design and the materials that would be used for the buildings, the promenade, and parking garage. He also discussed the proposed fabric screen art to be hung against the parking garage.

113. The next witness, Sony David of Langan Engineering, was called, sworn in, and qualified as a professional in civil engineering. He reviewed the existing conditions at the site and the general plan of the proposed development based on the site plan submitted.

114. A question was asked about the surface parking and the surface access for that parking. There was another question about the material that would make up the screening next to the East side of the garage. The witness answered that the screening would match the building and that some bollards would be added to protect it. The next question was about the allocation of handicapped accessible spaces. The witness answered that they would be interspersed within the garage. The issue was raised as to specific allocation and the witness confirmed that the Applicant would review the arrangement to see if they could be relocated to a more convenient location.

115. The witness also stated that the site would be restricted to 40-foot box trucks.

116. There was a question regarding the utility lines crossing the property. The witness indicated that the Applicant would be tapping into the existing sanitary and water lines to allow them to function with the space, with suitable cross-easements.

117. The Board's attorney asked about the sequencing of the construction. The witness indicated that the construction would occur in 3 stages; the first would be the East building with a portion of the garage, the second would be further work on the garage concurrently with the Spring Street realignment and roundabout improvements, and the third would be completion along with the west building construction.

118. The witness stated that the Fire Department had indicated that any concerns could be addressed from the site frontage and that access to the site would be unnecessary. In the event of concern for the garage, they could come up Spring Place.

119. Mr. Cristaldi asked about the maintenance of the plants in the roundabout. The witness stated that the Applicant would have plantings in place and provide necessary water during the establishment period and once the warranty period was over, responsibility would be turned over to the County. The landscaping on the streetscape frontage would be maintained by the Applicant.

120. Mr. Cristaldi also asked about the sidewalk finishes as to whether they would be the Morristown Partnership Pattern. The Applicant committed to working with the town and landscape architect to ensure that the concrete finishes are present where required.

121. Mr. Cristaldi asked about the condition of the retaining wall along the Highlands property since Applicant would be doing work around it. Applicant's attorney stated that they would provide photographic documentation of the condition of the wall prior to the commencement of any work on the site.

122. Questions were asked about the feasibility of constructing only a portion of the parking deck to allow the ramps to go up and down and handle the parking load for the East

building. The witness stated that he would get that information for the Board and Applicant would submit staging plan.

123. Mr. Armington asked a question relating to drainage of trash fluids from retail tenants in the refuse area at the corner of the garage. The witness stated that it would be handled operationally by the retailers.

124. Mr. Armington asked about methods of ensuring air quality in the garage and specifically about air quality for the residents in the senior living facility and asked for some testimony regarding that the seniors would not be adversely affected.

125. Mr. Armington asked a question regarding the adequacy of the Morris Street storm drains to handle the project. The witness answered that the drains had recently been upgraded by the county and that the smaller storm-water lines would be bypassed when Applicant tapped into the wider storm-water lines downstream to handle the capacity from the project.

126. A question was asked by one of the members of the public as to why waiver of an environmental impact statement would be permitted. Mr. Inglesino discussed that granting a waiver is at the sole discretion of the Board, and that EIS are normally required to deal with soil and ground issues which are not present here because the project site is fully developed and impervious. In addition, issues relating to flooding are governed by DEP rules and regulations.

127. At that time, a motion was made and seconded to adjourn the meeting and carry the application to June 11, 2020 without further notice required.

128. The meeting reconvened on June 11, 2020 at 7:00 PM.

129. Mr. Vitolo raised an issue regarding a meeting with the Morristown Parking Authority regarding the loss of on-street spaces. The Applicant agreed to continue to work with the Town to minimize the loss of on-street spaces.

130. Mr. David testified that Applicant reviewed the location of the ADA stalls with the goal of locating them closer to the entrance. He stated that the current locations are closest to the ramps and that they are the appropriate location and are closest to the ADA accessible portion of the garage. A dedicated access aisle leads to the vestibule, the sidewalk, and retail spaces. Some of the spaces were converted to compact spaces.

131. Mr. David then discussed the construction staging and the construction process to protect the site from soil erosion during construction. Stage 1 improvements include the M-East building, the eastern portion of the parking garage, main entrance improvements, streetscape and sidewalks along frontage of Property, Spring Street realignment, roundabout improvements. Stage 2 would be M-West building and remainder of parking garage.

132. The asked Mr. David was asked how many parking spaces would be provided. He indicated that the required number of spaces would be accommodated for the East building.

133. Mr. Abramson asked about a concern where a construction fence is at the curb-line and asked how pedestrians will move around the site. The witness stated that any pedestrian detours will involve crossing pedestrians at signals or at the roundabout, but no pedestrian detour along the frontage will be needed. Mr. Seckler indicated that a minimum width sidewalk would remain available at all times except during the final streetscape improvement and construction of the frontage sidewalk, which could be done in a phased manner. He indicated a construction time of 2 to 4 weeks for the relocation of a pedestrian path.

134. Mr. Abramson asked about the presence of the construction fence during the construction, or during a time of no construction. Mr. David indicated that screening and images would be placed to maintain aesthetics.

135. Mr. Cristaldi confirmed pedestrian access regarding the fence. He also asked about the breakdown of parking spaces due to the staged building of the garage and asked about parking space realignment on completion of the garage. He also confirmed that the transformers for the western building would not be constructed now.

136. Mr. Tighe asked about the M-West development site where the building was not built, and asked about a proposal for what would be at the site. Mr. David confirmed that Applicant would return for an amended site plan approval. Mr. Inglesino added that this would also be discussed in the Redevelopment Agreement.

137. Mr. Proska asked questions to clarify logistics regarding the parking spaces in the garage and asked about the barrier between the stages of the garage construction.

138. Mr. Gandy asked about the off-site traffic improvements and where they fit into the timeline. Off-site signal timing improvements will be part of Phase 1. The witness answered that the Board had discretion.

139. Mr. Armington asked about travel time savings and trip generation based on the phased construction approach. The witness stated that they were waiting for Morris County to respond to the proposal. He also asked about the features and dimensions of the garage.

140. A member of the public brought up the issue of the situation where the second phase of the project does not occur. Following a contentious exchange, Mr. Inglesino described how a redevelopment agreement would be executed between Morristown, as redevelopment agency, and the Redeveloper. To remedy this, this redevelopment agreement would be a condition to site plan approval, and will contain time periods and obligations for performance and remedies for non-performance.

141. A member of the public brought up a concern of the Spring Street crossing, specifically the potential of a raised cross-walk for pedestrian access. Mr. Seckler responded that the County had concerns regarding maintenance of a raised cross-walk, but that such concerns didn't exclude the possibility.

142. A question was raised about the traffic study, specifically regarding elimination of spaces in front of his business at 2 Lackawanna Place and extending toward the end of Elm Street. The traffic engineer clarified that the spaces may not be eliminated pending discussions with Morris County.

143. Mr. Kane inquired as to whether Morris County holds public hearings on this project to discuss removal of the parking spaces at issue. Mr. Inglesino stated that meetings are conducted and that the competing interests with regard to the project are being addressed.

144. A question was asked whether the parking spaces being removed are required as part of the project, or whether they can be considered separately. Mr. Inglesino stated that the County would have the final say, and could make the elimination of the spaces a requirement of the project. Mr. Seckler stated that the redevelopment plan at issue requires certain level of service goals and certain spaces may need to be eliminated to meet those goals. However, he stated that the parking spaces on the East side of Lackawanna could be maintained all day.

145. Pedestrian safety was mentioned and Mr. Seckler brought up the time of day restrictions, which will function as variable traffic calming devices, in that the cars themselves function as traffic calming devices, which are not necessary during peak hours but which are necessary late at night. As such, eliminating the spaces during peak hours and allowing them at other hours accomplishes both the traffic calming and level of service goals.

146. Mr. Armington asked about the remaining traffic concerns and Mr. Inglesino indicated that this was one of the reasons that a redevelopment agreement would be a condition of approval so that any necessary ordinances could be passed following site plan approval

147. A question was asked whether the west side parking spaces on Elm would definitely be removed. Mr. Seckler stated that the three parking spaces along the rail would be required to be removed, whether permanently, or during certain time periods.

148. A question was asked of Mr. David to confirm that no mechanical ventilation would be required for the parking deck. He confirmed that none was required due to the openings at the top of the screen.

149. Mr. Abramson asked about the findings of the Phase I that was submitted in lieu of the EIS. Mr. David stated that a Phase I report discloses environmental conditions at a site prior to purchase of the property and discussed the process of examination and that it would continue to take place as the project progressed. He also discussed how environmental impact statements discuss the natural elements and an environmental assessment discloses conditions. He clarified that the concerns were historic fills and environmental considerations to be accommodated during construction.

150. Mr. Armington asked about whether testimony would be presented as to the air quality impact on the senior living center. Mr. David stated that the proposed garage would function the same as a parking lot in that location.

151. Mr. Vitolo agreed that his client would test the air quality before, during, and after the construction and would adhere to any relevant laws and regulations regarding air quality. Mr. Armington stated the concern that waiver of an environmental impact statement would be stating a belief that there would be no adverse impact to air quality. Mr. Vitolo confirmed that an air quality expert could be retained.

152. Mr. Armington registered a concern that there was no state law that would require the Applicant to make modifications if an issue or violation was discovered during construction and that waiver of the environmental impact statement would create that possibility. Mr. Inglesino asked if the Morristown environmental impact statement requirement deals with air quality issues, and if the town had ever previously required air quality studies with regard to a garage. Mr. Cristaldi stated that the amount of information and whether to grant the waiver was at the Boards discretion. Mr. Armington asked if the Board had ever granted an EIS waiver for a project including a parking garage.

153. Mr. Cristaldi stated that the project's ventilation as shown on the plans conforms to code and that the waiver should be considered in the context of other garages. Mr. Armington stated that he would be more comfortable if an air quality expert was brought in and could state that there would be no adverse impact on the senior living facility. Mr. Inglesino clarified that the garage conforms to the redevelopment plan approved by the town council, and

that the senior center was present at the time the plan was approved, and that the Applicant would be required to comply with all air quality standards under any relevant state law.

154. Mr. Armington stated that there is no state law regarding monitoring of air quality and that waiver of the environmental impact statement would cut off any of the Applicant's obligations. Mr. Cristaldi said that the Applicant's offer to do periodic studies should satisfy the Board, and that there are other garages close to these facilities and that Board's experience could guide.

155. Mr. Vitolo offered to test air quality after the completion of Stage I and Stage II. Mr. Inglesino stated that environmental reports submitted were for Applicant's own due diligence.

156. Mr. Abramson asked a question about a 10' wall on the west side of the project hiding generators. Mr. David showed the screening for the generator, as well as the entire service courtyard area. The screening would include the walls, as well as rows of trees. Mr. Abramson also asked about sidewalks on Spring Place. Mr. David said that the interpretation of the sidewalk requirement was that it was a private drive, and not a public right of way that would require two sidewalks. Mr. Abramson asked if Spring Place was vacated by the town whether an apron could be added to provide access, rather than one long depressed curb. Mr. David indicated that it would be possible.

157. Mr. Abramson asked about the remainder lots across from the roundabout. Mr. David stated that the landscaping plan would cover those areas. Mr. Abramson confirmed that the cobra lights near the refuse area would be replaced with pole mounted lights compliant with the redevelopment plan. Mr. Abramson asked about the quantity of bicycle parking. Mr. David went through the various bicycle parking options.

158. Mr. Abramson asked to confirm that any relocation or modification of easements would be accounted for. Mr. David reviewed the easements. Many are unaffected by the project, and the other ones would be duly addressed. Mr. Inglesino asked Mr. David to confirm that none of the easements would prevent the development of the project as submitted, and he confirmed that they would not.

159. Mr. Abramson asked about the wall at the back of the site and for which a deviation was requested and whether it was only visible from the parking garage. Mr. David confirmed that it was only visible from some lower level portions of the parking garage. A question regarding the building of the retaining wall in Phase 1 was asked. Mr. David confirmed that it would be built in Phase I.

160. Mr. Abramson asked about the utility and electrical rooms. Mr. David stated that the electrical meters are located in electrical rooms inside the building. Gas meters are within the western and eastern corridor doors, and are screened and not visible from the frontage of the property. There is also a water meter pit of which only the cover is seen from ground level.

161. Mr. Abramson asked about the Morris County Soil Conservation District's request for additional information regarding sequences and phasing of the raingardens. Mr. David answered that the information was in the process of being submitted.

162. A question was asked regarding the internal wayfinding signage. Mr. David said that the information was in the process of being submitted.

163. Mr. Cristaldi asked about whether there was a dedicated stairway to the retail space from the parking garage. Mr. David indicated that there would be signage leading the pedestrians to the areas with cross-walks and preferred access, such as the front entrance.

164. Mr. Cristaldi asked if there would be a walkway parallel to the project on the outside. Mr. David confirmed that there would be and that it would be under the overhang in the arcade, and that there would be separate lots for the east and west buildings. Mr. Cristaldi also asked about the maneuverability for the loading dock since the area appeared cramped. Mr. David stated that no parking could be eliminated due to the covenants in the lease agreement with the tenant in the east building. Mr. David indicated that the most conservative turning analyses were submitted and the facilities host would ensure that traffic flowed properly. This would allow both the tenant and loading operations to function properly.

165. Mr. Cristaldi asked about the length of time for completion of the construction of the improvements on Spring Street and Morris Street. Mr. Seckler stated that Spring Place would be a quicker improvement of three to five months. The duration of the roundabout would depend on preconstruction logistics to not affect the travelling public, but it could be six months to a year, not all of which would stop traffic entirely. Mr. Cristaldi stated that would have to be addressed carefully in pre-construction.

166. Mr. Cristaldi asked the Applicant to televise the sewers for their current condition. Mr. David asked for clarification as to the scope of what was required. Mr. Cristaldi asked about the right of way encroachment and how it would be addressed. Mr. David indicated that no location of the right of way would be changed, since it functions as a right of way now. Mr. Vitolo indicated that no action is required by the Applicant with regard to the easement and that it could be addressed with the County if the issue arose.

167. Mr. Cristaldi asked about information of the elevations of the inlets along Morris Street. Mr. David stated that Applicant was able to survey the catch-basins and that the information would be provided.

168. Mr. Seckler addressed the comfort factors of a parking garage and the design of the spaces. The larger the stall, the higher the comfort factor for the driver. Stalls in the parking garage are 9'x18'. The drive aisles were designed to allow cars to pass each other on the turns. However, there are various metrics and variables in consideration of comfort levels. Comfort levels would be higher in the high-turnover retail spaces versus the office spaces. Most garages do not have 10'x'20' stalls, most have 9'x18'. Stalls are on the larger end for both retail and office use in this project.

169. Mr. Armington asked if the drive aisles would allow a pedestrian walkway when two cars were present. Mr. Seckler stated that there would be approximately 5 feet for pedestrians on either side of the passing cars.

170. A question was asked for testimony regarding a safety analysis of the roundabout. Mr. Seckler stated that based on his review of the literature, roundabouts were clearly favored as having a large reduction in fatal and injury accidents compared to traffic signals. However, he indicated that the data he examined was not as robust as could be desired for a proper comparison.

171. A question was asked regarding acquisition of the property on Ridgedale Avenue for construction of the off-site improvements.

172. At that time a motion was made and seconded to adjourn the meeting to June 18, 2020 at 7:00 PM without the need for further notice by the Applicant.

173. The meeting was reconvened on June 18, 2020.

174. Mr. Inglesino stated that all witnesses have testified and have returned to address outstanding issues.

175. Mr. Seckler was recalled to testify and clarified that his license was still valid. Mr. Inglesino indicated that there is quite a bit of on-street parking and that it would be lost under the project, and that there were 2 types of removed parking. Mr. Inglesino indicated that the Board had been considering conditions for pedestrians balanced with vehicular interaction.

176. Mr. Seckler entered exhibit A-11 relating to on-street parking that shows the amount of on-street parking that exists and that could be added. Mr. Seckler stated that the spaces removed on Morris Street were necessary due to the geometry of the roundabout. Three new spaces could be added on Morris Street, but would not be available between 4-6 PM. There was no way to get the required alignment without eliminating some spaces on the south side of Morris Street.

177. Mr. Inglesino asked Mr. Proska to comment on the testimony. Mr. Proska stated that based on the testimony and exhibits, he agrees that the scheme set forth was the most appropriate balance between vehicular and pedestrian activity, and accomplishing compliance with the redevelopment plan. He further stated that the proposed scheme would provide both the efficiency that applicant is showing in the traffic study and the overall network, and provide the space needed to construct the Spring Street intersection for the roundabout configuration.

178. Chairman Stanley asked of Mr. Seckler as to whether there would be any impact on the parking spaces along Ridgedale Avenue. He stated that he didn't believe there would be.

179. Chairman Stanley asked why the five spaces being eliminated can't be eliminated during rush hour only. The reason is that the County is attempting to add a left turn lane in the eastbound direction to Ridgedale Avenue and what is currently Elm in the westbound direction would become a left turn lane in the eastbound direction. Because Morris Street is a County road, any plans would have to accommodate County decisions.

180. Mr. Inglesino requested clarification on the HAWK signals and rapid flashing beacons, specifically about the balance between vehicles and pedestrians. Mr. Seckler was asked if he could summarize the Applicant's plan, and if Mr. Proska could comment on it. Mr. Seckler stated that the current plan shown during the traffic testimony had HAWK signals along the eastern crossing of Morris Street with the idea that those locations would be the easiest to balance pedestrian safety and vehicular movement. The HAWK signals would cross Morris Street and Wilmot Street to ensure vehicular circulation and enhanced pedestrian connectivity. The plan is meant to balance pedestrian safety and the requirements of the Redevelopment Plan. Applicant did promise to support all underground infrastructure for transition from rectangular rapid flashing beacon to HAWKs.

181. Mr. Inglesino asked if an additional HAWK signals would create noncompliance with the Redevelopment Plan. Mr. Seckler stated that it likely would due to more difficult stop and start and queuing conditions in the roundabout.

182. Mr. Proska stated that he agrees with Mr. Seckler's testimony and that his recommendation to the Board would be that research indicates that both rectangular rapid flashing beacons and HAWKs provide the improvement sought in terms of pedestrian safety and reduced vehicle speeds, driver yielding rates, and reduced pedestrian risk and delay. Further research does indicate that the rectangular rapid flashing beacon in combination with raised cross-walks provide an additional benefit closer or similar in nature to the HAWK signals. Mr. Proska's recommendation is to provide the rectangular rapid flashing beacon as proposed in combination with raised crosswalks at the two indicated locations, and install the infrastructure to provide the HAWK signal in the future if installation is determined necessary by the town or County.

183. Mr. Inglesino clarified, and Mr. Proska agreed, that by having the Applicant add the infrastructure for the additional HAWK signals allows the town to continuously monitor the situation and modify it as interest warrant, without wasting money to tear up the road to place the infrastructure. Mr. Inglesino also indicated that the monitoring requirement could be added to the Redevelopment Agreement.

184. Based on a question, Mr. Proska clarified that he believes that the rectangular rapid flashing beacons, in combination with raised cross-walks, provide the most benefit. Mr. Seckler was asked whether the HAWK signals could be coordinated. He answered that it was Applicant's intent to coordinate the east side of Morris Street with the Lafayette intersection to minimize delays.

185. Mr. Armington asked about the degree of deterioration to levels of service if HAWKs were used instead of rectangular rapid flashing beacons and would like some additional data. Mr. Inglesino clarified that modeling exact pedestrian activity was impossible and that the proposed plan was the best approach to comply with the redevelopment plan and balance safety; however, no criteria is necessary and the redevelopment agreement can require it as desired, and that it would be done internally through the town, not through the developer.

186. Mr. Seckler was asked about discussions with the County of raised cross-walks, and stated that the County was not interested in raised cross-walks due to maintenance required.

187. Mr. Inglesino stated that Spring Place will be vacated and an easement will be recorded for the Spring Hills assisted living facility. Mr. Seckler opined and confirmed that the easement would adequately support any traffic to the Spring Hills facility. When asked, Mr. Proska deferred to Mr. Cristaldi on the matter. Mr. Cristaldi indicated that his review indicated that the easement would be adequate to allow the passage of vehicles necessary for the nursing home.

188. Mr. Vitolo indicated that the Applicant would install 6 EV charging stations in the retail portion of the garage. If staged, 2 would be in the first stage, 4 in the second. There will be 12 total EV station with infrastructure for 81 additional EV charging spaces.

189. Mr. Vitolo stipulated to provide 15 free 30-minute parking stalls. If built together, all 15 will be together. If built in stages, 5 will be in the first stage, 10 in the second stage.

190. Upon a question from Mr. Armington, Mr. Seckler confirmed that the number of electric vehicle stations were in compliance with the redevelopment plan.

191. Applicant's civil engineer Mr. David was informed he was still under oath and he confirmed that his license was still valid.

192. The first issue addressed by Mr. David was the single sidewalk on Spring Place. Mr. Inglesino asked whether it was Mr. David's opinion that the proposed plan with a single sidewalk was in compliance with the redevelopment plan. Mr. David stated that Applicant was requesting a deviation for the sidewalk plan and that the sidewalk would be addressed by the Applicant's planner.

193. Mr. Inglesino asked about striping in the garage. Mr. David was asked whether he had analyzed board questions about striping the garage for pedestrians. He indicated that it had been studied. Mr. Vitolo asked whether the garage meets the redevelopment plan criteria and Mr. David indicated that it does, as well as all construction core criteria.

194. Mr. David reviewed Exhibit A-11 regarding striping. Additional striping and signage would be included to improve pedestrian safety, including wayfinding signage, an ADA access aisle, and safe access points to flow through the building.

195. Mr. Vitolo asked whether installation of a full pedestrian lane would reduce the drive aisle size and require a deviation. Mr. David confirmed that it would. Based on the proposed dimensions of the stalls and drive aisles, addition of an aisle along the Southern edge of the property would create the need for a deviation and would reduce the drive aisle width, and would also create a liability of having a drive aisle shared by pedestrians and vehicles.

196. Mr. Vitolo asked whether it would be feasible to expand the garage to allow the pedestrian aisle. Mr. David said that it would not be feasible and would be cost-prohibitive due to the nature of materials used.

197. Mr. Cristaldi stated that the building does meet code, and that the design is typical for a parking garage. He opined that it would be a drastic measure to require that the entire building be enlarged to include a pedestrian walkway.

198. Mr. Cristaldi was asked whether he was aware of any parking decks in Morristown that have a dedicated pedestrian lane. Mr. Cristaldi indicated that he was not aware of any that did.

199. Mr. Armington stated that the proposed dimensions of the project were similar to other garages. However, those garages have stalls that are 16' and Mr. Armington asked whether cars in those areas park farther into the stalls. Mr. David answered that garages have a hard structure blocking the front and people want comfort and a buffer between the wall. He opined that drivers would not pull further in and instead the back of the cars would protrude into the drive aisle, making any space gained by smaller stalls lost to narrower drive aisles.

200. Mr. Armington also asked whether inclusion of small car spaces would work in this project. Mr. David indicated that in high-turnover spaces, such as those used by retail, would be best served by 9'x18' spaces.

201. Mr. Inglesino discussed questions about the environmental impact statement. He stated that a review was completed of the Morristown EIS requirements and that they are extremely broad and encompassing, and called for community impact-oriented items. He clarified that the Applicant was only requesting a partial waiver from the elements of the EIS that are not applicable to the project. Mr. Cristaldi confirmed that this was the case based on his experience reviewing applications including EIS waivers.

202. Mr. Inglesino discussed a letter from Langan Engineering regarding the issue of air quality dated June 18, 2020. The letter states that the garage will meet all requirements

of the redevelopment plan and underlying zoning. The letter stated that, based on a number of factors considered, in its professional opinion, Langan does not believe that there is a need for further assessment of the issue of air quality. Mr. Cristaldi indicated that he agrees with the content of the letter because there are no requirements and that there is no reason to treat this garage differently than other garages examined.

203. A question was asked whether the proposed scrim would move the garage into a category of structure that requires mechanical ventilation. Mr. David indicated that it meets the openness requirements for natural ventilation.

204. Mr. David addressed Exhibit A-9 showing truck circulation of the east building. Mr. David indicated that there is room for 40-foot box trucks to make the required turning movements and that the positions shown are the most conservative positions and the hardest turns to make. He indicated that the proposed plan adequately addresses the operations for loading.

205. A question was asked whether a box truck in the loading zone would prevent use of the adjacent parking spaces. Mr. David indicated that it potentially would, but that loading and unloading would likely occur at off-peak times and that no office parking is affected.

206. Mr. Armington asked to confirm that the fire department would access the rear area of the project. Mr. David indicated that the fire access would be sufficient from the frontage and along Spring Place, regardless of which building the fire was in. Mr. Inglesino indicated that a letter indicating same from the fire department would be obtained.

207. Mr. David was asked to confirm that all standpipes would be configured to face Morris Street. Mr. David confirmed that they would.

208. A member of the public asked whether water discharge from the project been considered in the developer's application for an EIS waiver given proximity to the Whippany River. Mr. David indicated that storm-water design for the project had been coordinated with Morristown and the County and that all runoff associated with the Project would be discharging towards Spring and Morris Street, and would be properly collected, conveyed, and distributed to the existing municipal system. He stated that the plan has reduced not only the volume, but rate of runoff from the existing conditions. Mr. Inglesino asked whether the Project complies with all existing DEP regulations regarding storm-water runoff. Mr. David indicated that it does comply.

209. A question about a soil study was asked and Mr. Inglesino indicated that the question had previously been answered because the Project was being built on previously developed land. Mr. Armington indicated that he himself had previously requested a Phase I site assessment including historical documentation of all potential sources of contamination at the site. He indicated that the developer had provided it and that it was part of the public record. Mr. Armington also indicated that he was comfortable with the level of transparency as to the contamination and potential hazardous sources on the site.

210. Mr. Inglesino asked whether the screen wall that was supposed to be 10' and for which a deviation was requested would be reduced to comply with the redevelopment plan. Mr. Vitolo confirmed that the need for the deviation had been removed. Mr. Vitolo also confirmed that: (a) the proposed chain link fence would be an aluminum fence instead; (b) all outdoor furniture shown on the plans will be bolted down; (c) applicant would provide the specification of the outdoor furniture.

211. Applicant's architect Mr. Wang was brought back and reminded he was still under oath. He stated that the arcade depth deviation is required for the western elevation facing the drop-off courtyard of the eastern building. The reduction requested is just under 3' because Applicant feels 20' is very deep. The arcade will be used primarily for dropping off retail guests. He indicated that it is unlikely to see larger groups. Mr. Wang indicated that a 20' arcade put the arcade out of proportion. In addition, the direct sunlight causes the arcade to cast a shadow and Applicant's goal is to give the retailers better visibility and optimize the walking experience through the arcade.

212. Mr. Wang discussed the proposed wayfinding for the east and west building. He then discussed the parking garage color. The lighter buff color from the prior testimony was replaced with the warmer grey color and relates to the accent color running horizontally across the lentils of the windows of the building. Mr. Wang described the design of window facades and how they have been shaped to cast shadow and details. This all results in an attractive aesthetic to the building.

213. Mr. Wang described the properties of terra cotta. It is color fast and is extremely tough. The only maintenance required is a power-wash after 5 years and the terra cotta is fireproof. It is 100% eco-friendly and can be recycled and reused.

214. Mr. Abramson asked whether the façade transparency complies with the requirements of the redevelopment plan. Mr. Wang indicated that the façade transparency was in compliance with the redevelopment plan and ultimately submitted calculations confirming compliance; for both the East and West Buildings, the ground level transparency is 68%, and the upper level transparency is 57%. Mr. Abramson asked about the façade treatment and asked whether the storefront façade systems could accommodate various treatments, but that they are not be proposed because other treatments than fixed glass would not be appropriate for every type of retail tenant. Mr. Wang confirmed that was the case.

215. Mr. Abramson asked to confirm that the scrim wrap shown was an illustrative image, not the image proposed. Mr. Wang confirmed that the final design would be subject to Board professionals approval in the redevelopment agreement.

216. Mr. Abramson asked whether the seam lines shown is how the building will actually appear. Mr. Wang confirmed that it is, but stated that the rendering does not adequately show the random distribution of 2 shades of terra cotta which will be determined in the design and specification process.

217. Mr. Abramson asked whether the Applicant would implement and incorporate environmental sustainability measures and third-party certification. Mr. Wang confirmed this. The Applicant presented commitments relating to leveraging proximity to "multiple mass transit options, bicycle racks, electric vehicle (EV) charging stations, and parking for low-emitting and carpooling vehicles, reducing urban heat island effect, high reflective concrete & light-colored paving, sustainable landscape design strategies to manage on-site storm-water, high efficiency irrigation landscape design, ultra-low-flush building plumbing features, design of mechanical, electrical, plumbing, metering, refrigerant and building envelope systems, use of products with sustainable material attributes during construction, and maximization of outside air natural daylight." These details are to be shown on the plans and approved by the Board

Professionals. Applicant agreed to make application for LEED certification as a condition of approval.

218. A question was asked how the terra cotta tiles would be affixed to the building due to their weight. Mr. Wang stated that they would be attached to the building using a pre-engineered clip system that prevents delamination because of mechanical fastening.

219. Mr. Armington asked about glass treatment for bird protection. Mr. Wang stated that the lowered transparency would accomplish this protection. Mr. Armington then asked Mr. Abramson the criteria for granting deviations. Mr. Abramson answered that they were similar to "c" variances.

220. Mr. Abramson discussed proportions and how they are perceived by pedestrians and he agreed with Applicant's plan as to the width of the arcade.

221. A question was asked regarding screening of the mechanical equipment. Mr. Abramson indicated that he was comfortable with the screening of the mechanical equipment. He also indicated that if the Applicant wanted to add cell towers and that they would have to come back for approval to put them up.

222. Mr. Inglesino clarified that other deviations have been requested but these were the only ones for the architecture on which Mr. Wang is qualified to opine and give testimony.

223. The next witness called and sworn was Paul Phillips, Applicant's planner. He confirmed that he is a New Jersey professional planner with a valid license. Mr. Phillips reviewed the requests for deviations. He stated that none of the requested deviations would be characterized as significant.

224. There are 2 deviations regarding the retaining wall between the Spring Hill Development. The first is a deviation for the setback where 10 feet is required and 3.6 feet is proposed. The second relates to the height of the wall where the redevelopment plan permits a maximum of 8 feet and the Applicant is seeking 9.4 feet. Mr. Phillips stated that these deviations are necessary due to a change in grade between the subject property and the Spring Hill lot in the rear. In addition, the wall setback varies from as little as 3.6 feet to over 14 feet. Finally, the height of the rear wall varies from under 2 feet to the variant 9.4 feet, but 75% of the wall is within the 8 foot height limitation. The irregular rear lot line and topographic changes discussed to hold back the slope of the adjoining property impose a difficulty in meeting the full intent of the redevelopment plan.

225. Mr. Phillips stated that the reasons for the grant of the deviation are that the height of the wall largely conforms as you go east to west and although the setback increases to 14.5' the fact that the Spring Hill property is about 15 to 20 feet above the rear elevation of the subject lot, causes him to see no adverse impact on Spring Hill as a neighbor. Furthermore, the wall is blocked by the garage and it is unlikely to be seen. He also stated that he believes that the objectives of the redevelopment plan can be accomplished without substantial detriment to the public good or substantial impairment to the redevelopment plan.

226. The next deviation is for those relating to the arcade. The Applicant fully comports with the standards for the west building and only instance of noncompliance with regard to the arcades is in the east building where a deviation of 17'2" is requested where 20' is required. The bases for this is: (a) Applicant is providing the same 17'2" arcade on the west building to achieve symmetry within the entire courtyard area; and (b) the proportionality of the arcade

discussed by Mr. Wang. Mr. Phillips also pointed out that the deeper the arcade, the less light will be available to the retail establishments and that the layout will provide a sufficiently wide covered walkway for pedestrians, provide line of sight to the entries, to the office lobbies, and provide a level of scale. The design promotes a desirable visual environment through creative development techniques.

227. The next deviation relates to the ground floor signage. The redevelopment plan allows tenant signage on the top two stories of each building. It is not atypical for a major office tenant to have unobtrusive wayfinding signage at the ground level near the building level; however, granting this deviation does not compromise the public at large or the integrity of the redevelopment plan in any meaningful way.

228. Another deviation is the sidewalk on only one side of Spring Place because there will be a compliance sidewalk on the other side of the property to provide a connection to the Spring Hill Property. Furthermore, post-realignment, the existing residential property on that side of the street will no longer be there, so there will be no function for the sidewalk. The deviation can be granted due to no substantial detriment and the deviation is consistent with the statutory requirements for the relief.

229. Another deviation is the radius curve at the corner of Spring Street and Spring Place, where one section has a radius of 20' where 25' is required. Applicant confirmed that 20' is sufficient for all necessary circulation and turning movements and that if the radius were extended to 25' the turn would come up against the building. In terms of the variance rationale, when considering the vacation realignment, the new roadway, the benefits associated with that would outweigh whatever detriment suffered from the slightly deficient ratio that still functions safely. Mr. Cristaldi indicated his agreement that the turning radius would be sufficient.

230. No board members had any questions. The public was given the opportunity to question the planner. No public comment was noted for the planner's testimony.

231. A member of the public asked if there had been testimony on the possibility of the developer requesting a PILOT agreement. Mr. Inglesino answered that the Board does not have the jurisdiction to consider a PILOT. The member of the public commented that since its inception the Applicant had relied on and advertised the roundabout as a significant traffic alleviation device and that now it could potentially not be included in the project.

232. It was also pointed out by the member of the public relating to the waiver of the environmental impact statement that the project will use existing drainage and runoff systems without referencing that the project will have 1500 people visiting the site every day with their cars, which is a new use not anticipated by the existing drainage. This different use could likely overwhelm the existing drainage systems. It was also pointed out that no testimony has been offered regarding the potential increased traffic that Morristown will incur due to the overdevelopment of the Morristown downtown and train station areas, and that a vote should be delayed until the County comes forth with a study on the effects on the town.

233. Mr. Inglesino responded to the points as follows: (a) runoff is regulated by NJDEP and as long as the Applicant is in compliance with those regulations. Applicant has presented testimony that they are, which is confirmed by the Board's professionals, and there is no basis to deny the application on that issue; (b) the Board cannot deny a conforming application

based upon volume of traffic. The question of volume of traffic is a question of use, which is determined by the governing body in and through its ordinance power.

234. Another member of the public brought up the concern of the phasing of the project and the changes that could occur in the interim between the phases and stated that she recommended that only a single phase be voted on and that the Board had an obligation to look at the overall impact. Mr. Inglesino clarified that the Board was obligated to vote on the application before it and does not have the legal authority to vote on the application in phases.

235. Mr. Vitolo summarized his presentation and thanked the Board and its professionals. Mr. Armington stated that the redevelopment plan essentially requires the application to show that the level of service is improved over the existing condition and given the Applicant's testimony modeling and level of service and travel and savings, the offsite improvements in total, show a significant benefit over the existing conditions. Because the Applicant did not provide any interim modeling to show if the town did the partial mitigation such as the traffic signal clocks without the physical improvements, the Board does not have any documentation about that level of service. So given that, the only choice the Board has is to require the full offsite improvements to be part of the application. Mr. Proska confirmed that all planned off-site improvements are needed and necessary to meet the requirements of the redevelopment plan mitigation measures.

236. Based on this, Mr. Armington suggested that approval of the resolution include the improvements as proposed by the developer. He stated that he has no problems with a garage and that after reviewing the Morristown parking authority garages he is comfortable with the level of service and meets the parking authority standards. He also agrees that the circulation by handicapped persons parking in the garage meets the same level of service as the Morristown parking garage. He is happy with the production and landscape improvements but does have additional questions about the pedestrian signals in the roundabout. The requirement is that pedestrian safety and circulation must be the same or better than existing condition and intersection safety is determined by the number of crashes. The last 5 years of crashes were very few. The HAWK signals provide the greatest benefit and rectangular rapid flashing beacons slightly less. He asked for Mr. Proska's opinion regarding the speed of the entrance ramps and that the wide travel lanes at the entrance encourage higher speed traffic which reduces the likelihood that the rapid flashing beacons will actually result in a low number of crashes. A low number of crashes means some, which may not be sufficient to meet the standard. The redevelopment agreement should include criteria regarding re-evaluation of the rectangular rapid flashing beacons to HAWKS based on accident occurrence. However, Mr. Armington was in favor of the application with the mentioned caveats.

237. Chairman Stanley made the point that regardless of the device at an intersection, failure to activate it provides no benefit, and that including a raised cross-walk would reduce speed at the intersections even absent the activation and that hopefully pedestrian education would result in activation. The speaker indicated that the Applicant had addressed the Board's concerns regarding traffic devices, handicapped parking and routing, and positive amenities including the raingardens and other amenities to reduce the runoff. They indicated that they were in favor of the terra cotta façade after seeing the design. They believe that having the scrim will

do a good job in breaking up the visual impact of the parking deck and like the green wall starting at each level.

238. They commended the applicant on the waiver requests and indicated that the data submitted for the environmental studies are adequate to approve the application, and that anything unexpected could be addressed during the permitting and compliance processes.

239. Mr. Kane noted that one of the primary reasons for the creation of this redevelopment zone was to increase pedestrian access at the intersection and that this project accomplishes this goal.

240. Ms. Gottsleben was happy that her concerns regarding pedestrian safety had been addressed. She would like to see the raised walkways, but stated that the redeveloper had taken the concerns into account about pedestrians and parking spaces. She is in favor of the project.

241. The Mayor indicated that he felt that the terra cotta was a good fit for Morristown and that he was in favor of the project.

242. Mr. Armington asked to confirm that the issue of the replacement of rectangular rapid flashing beacons with HAWKs would be addressed in the redevelopment agreement. Mr. Inglesino confirmed that it would.

243. A motion was made and seconded to approve the application and direct the Board's counsel to draft a resolution incorporating all of the Board's conditions for approval. The motion was approved unanimously.

244. A motion was made and seconded to carry the application to the June 25, 2020 meeting at 7:00PM without the requirement of further notice to the public.

WHEREAS, pursuant to the Municipal Land Use Law, specifically, N.J.S.A. 40:55D-70, the Board may grant relief from the strict application of any zoning regulations in particular cases and for special reasons developed by case law. Based upon the testimony and evidence presented the Board finds, subject to the conditions imposed below, that the Applicant has met the requirements for the granting of deviations and "c" variances for the reasons specified by the witnesses which are set forth in detail in the body of this Resolution. The Board does not feel it necessary to reiterate those reasons, but adopts them as accurate and persuasive in terms of the positive criteria; and

WHEREAS, in order to grant variance relief N.J.S.A. 40:55D-70 requires that no variance or other relief may be granted without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the zoning ordinance. Based upon the testimony and evidence presented, the Board finds, subject to the conditions imposed below, that the Applicant has met its burden as to all requested deviations and variances for the reasons specified by the witnesses as set forth in detail in the body of this Resolution. The Board does not feel it necessary to reiterate those reasons, but adopts them as accurate and persuasive in terms of the negative criteria.

NOW, THEREFORE, BE IT RESOLVED, having reviewed the Application and considered the impact of the proposal on the Town and its residents, and having determined

whether the proposal is in furtherance of the Municipal Land Use Law, 40:55D-1 et seq., and the laws of the Town, and whether the proposal is conducive to the orderly development of the site and the general area in which it is located, the Board concludes that good cause has been shown to grant the relief requested by the Applicant for preliminary and final site plan approval and subdivision approval with deviation and variance relief; and

BE IT FURTHER RESOLVED, by the Planning of the Town of Morristown, in the County of Morris and State of New Jersey, on the 25th day of June, 2020, upon the appropriate motion made and seconded, that the Application of M-Station East, LLC be granted subject to the following terms and conditions:

1. The Applicant shall comply with all applicable Town, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits. The Applicant shall confirm, in writing, the necessary agency approvals required as part of the project and shall provide certification, in writing, that all such permits and/or requests for said approvals have been applied for. All required permit applications and/or requests to other agencies having jurisdictional oversight with respect to this project shall be submitted to such agencies for review within - one-hundred-twenty (120) days from the date of this resolution. Prior to the signing of the approved plans, and prior to the commencement of any land disturbance or construction, the Applicant shall submit proof to the Town Engineer that it has obtained all required governmental approvals and permits required for the project.

2. If another governmental entity or agency grants an approval that would require a material change to the plans herein approved, Applicant shall apply for amended approval.

3. In the event that any other required regulatory approval materially conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL) or the Town zoning ordinance, or in the event Applicant or their successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.

4. The Applicant, its successors, assigns, agents and tenants shall comply with Town ordinances regulating the storage and recycling of waste, both during construction and for the duration of occupancy.

5. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution, all of which have been relied upon by the Board in rendering its decision. Prior to the commencement of any land disturbance or construction, the Applicant shall have submitted and received approval for all corrections, revisions, amendments and/or additions to the filed plans

and reports required by this approval. Construction permit(s) shall not be issued by the Building Department until the Zoning Officer determines that the construction documents submitted for permits conform to all Board approval requirements.

6. The Applicant shall pay all outstanding taxes, application fees, technical review fees, and inspection fees that may be required hereunder or by the Board Engineer or Town Engineer pursuant to applicable ordinances. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval may be deemed withdrawn on fourteen (14) days advance notice to Applicant and Applicant's failure to make the required payment.

7. One set of revised plans and reports for each Board professional incorporating all additions, amendments and corrections made a part of this approval as indicated during testimony and as required by the Board, the Board's professionals, and/or any other agency having jurisdiction in the matter, shall be submitted to the Zoning Officer. All changes from the previously filed plans shall be clearly identified. Said plans and reports shall be delivered within thirty (30) days of (i) the date of this resolution or (ii) receipt of final approval from all other agencies with jurisdiction over the project, whichever last occurs; provided, however, that in no event shall such revised plans and reports be submitted more than 365 days from the date of this resolution. In the event the Applicant does not comply with these deadlines, it shall apply to the Board for an extension. Errors and omissions by the Applicant in the submission process will not be deemed to be a valid basis for extension requests of the aforementioned timeframes. Applicant shall comply with the reports produced by the Board Professionals, unless otherwise discussed herein.

8. This resolution of approval shall be subject to a properly authorized and fully executed redevelopment agreement ("Redevelopment Agreement") and/or a developer's agreement between the Applicant and the Town.

9. This resolution of approval shall be subject to review and approval by Board professionals of a maintenance agreement ("Maintenance Agreement") and a declaration of conditions, covenants & restrictions agreement between the owners of both lots comprising the project and the town of Morristown ("CC&R"), which shall be recoded with the County Clerk.

10. This resolution of approval shall be subject to Applicant's ongoing compliance with the Maintenance Agreement and the CC&R, both specified in condition 9 hereof.

11. Modifications to proposed meter locations required by utility providers shall be subject to the approval of Board professionals.

12. Applicant shall submit, prior to the pre-construction meeting for the erection of the superstructure, a wall mockup solely to confirm conformity with the materials specified as part of the architectural plans submitted and approved by the Board at or prior to the pre-construction meeting.

13. Applicant shall submit a revised bulk chart with complete and correct proposed, and approved conditions.

14. Applicant shall make an application to the relevant entities for, and diligently pursue, LEED certification.

15. All building signage including, without limitation, tenant and wayfinding signage, shall be in conformance with applicable codes and design details shall be submitted for review and approval by Board professionals, except for deviations granted.

16. Applicant shall submit revised architectural plans showing: (a) street number address in prominent locations on the façade; and (b) all wayfinding signage and relevant locations, size, height, and details, for review and approval by Board professionals.

17. Applicant shall revise lighting plan to comply with the Redevelopment Plan and show: (a) removal of cobra fixtures and placement of compliant fixtures; and (b) operating hours of signage illumination.

18. Applicant shall revise plans to show dimensions of sidewalks in compliance with the Zoning Ordinance and/or the Redevelopment Plan.

19. Except for approved deviations, Applicant shall revise plans to show compliance with all aspects of the Redevelopment Plan including, without limitation, with respect to the arcade, overhang, and building separation requirements of the Redevelopment Plan.

20. Final make and model specifications of light fixtures shall be provided to, and be subject to the approval of, Board professionals. All fixtures shall comply with the Redevelopment Plan including with regard to fixture type, color temperature, and foot-candle levels.

21. Applicant shall install the necessary underground infrastructure to support transition to and from HAWK signals and rectangular rapid flashing beacon traffic control devices at all pedestrian crossings.

22. Applicant shall construct: (a) a physical underground connection and tie-in between the proposed Spring Place traffic signal and existing Water Street/Bishop Nazery Way signal and between the proposed traffic control device on the eastern leg of the roundabout and existing Morris Street/Lafayette Avenue signal; or (b) GPS clock at such locations, as reasonably approved by Board professionals

23. Subject to terms of the Redevelopment Plan, Applicant shall rebuild the sidewalk from Spring Place to Bishop Nazery Way to the satisfaction of Board professionals.

24. Subject to Morris County approval, Applicant shall construct raised crosswalks at the roundabout crossings that are regulated by rectangular rapid flashing beacons, and coordinate with Morris County Planning Board approval and Town to establish maintenance requirements therefor.

25. Applicant shall coordinate with the Morristown Engineering Division, Morris County, and NJDOT (if applicable) regarding the implementation of any signal timing modifications at the study area intersections as noted in the submitted Traffic Impact Study.

26. Applicant shall provide a certification regarding the warranting of the traffic signal at the proposed intersection of Spring Street and Spring Place.

27. Applicant shall install signage and pavement marking for “Do Not Block Intersection” treatment at the proposed intersection of Spring Street and Spring Place.

28. Applicant shall prepare, to the reasonable satisfaction of Board professionals, a detailed plan for training and educating the public on roundabout functionality for bicyclists, pedestrians, and vehicles.

29. Applicant shall prepare a detailed construction staging and detour plan, to the reasonable satisfaction of Board professionals, addressing all users (vehicles, bikes, and pedestrians) with an associated construction schedule, incorporated into the Redevelopment Agreement specified in condition 8 hereof .

30. Applicant shall install a stop sign on the westbound Spring Hills Assisted Senior Living Facility approach to the intersection with Spring Place.

31. Applicant shall submit an initial landscape planting plan to the Board professionals for their approval and shall implement the provisions of such landscape planting plan.

32. Applicant shall submit, for review and approval by the Board's professionals, a maintenance plan for all landscape and hardscape elements, the terms of which shall be incorporated into the Maintenance Agreement specified in condition 9 hereof.

33. Applicant shall revise landscape plans to: (a) remove Chinese Lacebark Elms and replace such trees with an alternative acceptable to the Board professionals; (b) resolve inconsistency between planting matrix and landscape plan; and (c) include tree protection plan, subject to the approval of the Board professionals and Town Arborist, the terms of which shall be incorporated into the Maintenance agreement specified in condition 9 hereof.

34. Applicant shall submit to the Town Arborist for review and approval, tree planting plans and procedures.

35. Applicant shall revise the landscape plan to clearly show the screening of mechanical equipment.

36. Applicant shall provide to Board professionals specifications, including make and model for all hardscape materials, furniture, fixtures and equipment depicted in the plans. Specified materials shall be of a quality to appear consistent with all visual materials submitted or presented to the Board.

37. Final pavers in pedestrian walkway to be consistent with and/or complementary to the Morristown Partnership Standards, subject the final approval by the Board professionals.

38. Applicant shall submit a landscape, irrigation, and maintenance plan for the roundabout and corner area on the far side of the roundabout for review and approval by Board professionals, the terms of which shall be incorporated into the Maintenance Agreement and/or CC&R specified in condition 9 hereof.

39. Applicant shall install an irrigation system with a lockable frost-free yard hydrant in the roundabout.

40. Applicant shall provide a landscaping plan for the remainder lots at the corner Spring Place and Spring Street for review and approval by Board professionals, the terms of which shall be incorporated into the Maintenance Agreement and/or CC&R specified in condition 9 hereof.

41. Applicant shall comply with the tree pit requirements of the Zoning Ordinance and/or Redevelopment Plan.

42. Applicant shall submit revised plans for the 9' retaining wall in earth tones complementary to building architecture, subject to review and approval of Board professionals.

43. Applicant shall submit revised parking garage plans consistent with exhibits presented by Applicant's project engineer on June 11, 2020 relating to ADA pedestrian paths, signage, and enhanced striping.

44. Applicant shall submit revised parking garage plans depicting compact spaces consistent with the exhibit presented on June 11, 2020.

45. Applicant to provide reasonable accommodation for ride-share pickup and drop-off, subject to review and approval by Board professionals.

46. Applicant shall construct traffic improvements as specified in Applicant's plans, which include, without limitation, the traffic signal at Spring Street and Spring Place with

associated queue detectors and anticipated operational parameters, traffic signal timing modifications at study area intersections, the roundabout and its supplemental infrastructure and improvements (lighting, agreed-upon quantity and quality of traffic control devices, and raised cross-walks in each leg of the roundabout controlled by rectangular rapid flashing beacons), subject to Board professionals' and outside agency approval.

47. Applicant shall construct the off-tract traffic improvements including mitigative measures at Ridgedale Avenue/Morris Street and Elm Street/Lackawanna Place/Morris Street, as shown in the concept plans in the submitted traffic study, subject to the terms of the Redevelopment Agreement.

48. If necessary, Applicant shall secure an easement necessary to place HAWK signal equipment at the Wilmot leg of the roundabout.

49. Applicant shall revise plans to include five additional bollards to protect the loading areas of the East Building, subject to reasonable approval by the Board professionals.

50. Applicant shall provide 15 free 30-minute parking stalls for retail patrons of the garage, and will provide location, striping, signage details on the plan for approval by the Board professionals. If built together, all 15 will be together. If built in stages, 5 will be in the first stage, 10 in the second stage.

51. Applicant shall revise plans to show: (a) location of and details for 12 electric vehicle charging spaces to be constructed; and (b) notes and details for the 81 conduits for future connection. The Applicant will install 6 EV stations in the designated retail parking spaces, at a rate of 2 stations during Stage 1 and 4 stations during Stage 2. Applicant shall provide plans with complete details and location of electric vehicle charging spaces.

52. Applicant shall revise plans to show additional bicycle parking in compliance with testimony with details including, without limitation, coverage, screening and fixtures.

53. Applicant shall revise plans to show the final location and configuration of refuse area in garage, subject to review and approval by Board professionals.

54. Applicant shall provide a pedestrian safety plan for review and approval by the Board professionals and Police Dept. to ensure access to public rights of way during construction of the roundabout.

55. Subject to Morris County Planning Board approval, Applicant shall construct raised cross-walks at the roundabout crossings that are regulated by rectangular rapid flashing beacons, and coordinate with Morris County engineering and Town to establish maintenance requirements.

56. Applicant shall ensure that rooftop mechanical equipment is enclosed.

57. If required by lease, Applicant shall make best efforts to incorporate bathrooms to accommodate a broad group of potential users.

58. Applicant shall make best efforts to incorporate safe and healthy design features suggested by the Board relating to social distancing and hands-free accommodations.

59. Applicant shall submit revised plans in compliance with wall height and screening requirements.

60. All screening, fencing, and walls shall use colors and materials that reduce visual impact and/or complement principal building architecture.

61. Applicant shall coordinate Applicant's plans for snow removal with Board professionals.

62. Applicant shall submit revised plans showing the screen wall along the east portion of the building with a height of 6', down from 10'.

63. Applicant shall submit revised plans removing any chain link fence and Applicant is to provide plans showing an aluminum fence in its place acceptable to Board professionals.

64. Issues relating to the Non-Residential Development Fee Act shall be addressed in the Redevelopment Agreement.

65. Applicant shall submit a phased construction management plan depicting access, site staging as well as vehicular and pedestrian detour plans, subject to the approval of Board professionals and to be incorporated into the Redevelopment Agreement and/or developer's agreement specified in condition 8 hereof.

66. Applicant shall provide the Board attorney with legible copies of all easements affecting the Project.

67. If necessary, Applicant shall obtain, or cause to be obtained, an easement for public use of the existing encroachment on lot 11 at the south east corner of the intersection of Morris Street and Spring Street.

68. Applicant to provide a form of cross-easement for storm-water lines subject to approval by Board attorney.

69. All revised plan submissions must be accompanied by a response letter indicating responses to professional reports, and any changes made to the plans that were not discussed in a report.

70. Applicant shall provide a form of easement which shall, among other things, provide access to Spring Place for assisted living facility personnel, guests, invitees, and licensees, and municipal vehicles, to be approved by the Board attorney.

71. The subdivision shall be revised to include signature line for all necessary parties.

72. Obligations relating to public art shall be addressed in the Redevelopment Agreement specified in condition 8 hereof.

73. Applicant shall provide a form of all necessary cross-easements to ensure the site can function as a single property even after the subdivision of the lot into two parcels, subject to review and approval by the Board attorney.

74. Applicant shall replace all curbing on Spring Place as reflected on the plans, in accordance with the construction schedule incorporated into the Redevelopment Agreement specified in condition 8 hereof.

75. The scrim graphic installed at the parking deck perimeter, and such graphic's contribution to the public art requirement, will be addressed in the Redevelopment Agreement specified in condition 8 hereof.

76. Applicant shall address, during pre-construction meetings and to the satisfaction of Board professionals, the logistics of the construction of the roundabout to ensure continuous access by the travelling public.

77. Applicant shall provide the surveys relating to the Morris Street catch-basin inlets to the Board's professionals.

78. Applicant shall confirm that all standpipes on the building frontage are to be configured to face Morris Street to the satisfaction of Board professionals and consistent with review by the Morristown Fire Department.

79. Applicant shall provide the specification of all proposed outdoor furniture as depicted on Applicant's plans for the Board professionals' review and approval.

80. All outdoor furniture displayed on Applicant's plans shall be affixed to the ground.

81. Applicant shall provide examples of the proposed two-shade terra cotta designs to the Board planner showing the described random color distribution consistent with Applicant's architect's testimony and relevant exhibits.

82. Applicant shall confirm, to the reasonable satisfaction of Board professionals, the door system/window substitution feature of arcade ground floor openings in conformance with Applicant's architect's testimony.

83. Applicant shall comply with all requirements of the Morris County Soil Conservation District.

84. Applicant shall, prior to issuance of any building permits, arrange a pre-construction meeting with relevant Town professionals to discuss construction sequencing of all on- and off-site improvements.

85. Following subdivision approval, Applicant shall apply for and diligently pursue, assignment of appropriate block and lot numbers and street addresses for the properties.

The foregoing deviations, variances, and conditions thereof are granted in furtherance of purposes a., g, and h. of the Municipal Land Use Law at N.J.S.A. 40:55D-1 et. seq. More specifically, the variances and deviations will promote the public health, safety and welfare, and provide new and sufficient space for the stated commercial and industrial uses.

The foregoing resolution is a memorializing resolution adopted pursuant to N.J.S.A. 40:55D-10(g)(2), memorializing the action taken by the Board at their meeting held on June 18, 2020.

BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published pursuant to N.J.S.A 40:55D-1 et. seq.

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Planning Board of the Town of Morristown, in the County of Morris, at its meeting held on June 25th, 2020;

On motion of: *Tighe*

Seconded by: *Gottsleben*

The vote of the Resolution was as follows:

AYES: *Caldona, Kane, Gottsleben, Tighe, Ballard*
Mayor Dougherty, Chairman Stanley

NAYES: *None*

ABSTAINING: *None*

ABSENT: *Arnington, Gandy, Glover, Caspeka*

Date: *6/25/20*



JAMES C. CAMPBELL, Administrative Officer
Morristown Planning Board