

**In The Matter Of:**  
*In Re; 23-22 V-Fee Mendham*

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*Transcript of Proceedings*  
*September 17, 2024*

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BOROUGH OF MENDHAM  
JOINT LAND USE BOARD  
Tuesday, September 17, 2024  
Commencing at 7 p.m.

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IN THE MATTER OF:  
  
23-22 V-FEE MENDHAM  
APARTMENTS  
84-86-88 EAST MAIN  
STREET  
BLOCK 801 LOT 20  
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Transcript of  
Proceedings

B E F O R E:

BOROUGH OF MENDHAM JOINT LAND USE BOARD  
THERE BEING PRESENT:

- RICHARD SMITH, Chairman
- CHRISTINE GLASSNER, Mayor
- NEIL SULLIVAN, Councilman
- JOYCE E. BUSHMAN, BOROUGH ADMINISTRATOR
- JAMES MOLNAR, MEMBER
- DAVE SPRANDEL, MEMBER
- JOHN EGERTER, MEMBER
- MARRIE ROSE GARBACZ, MEMBER
- ALEXANDRA HENRY TRAUT, ALTERNATE 1 MEMBER
- RICHARD PACE, ALTERNATE 4 MEMBER

By: DIANE M. HOLMES, CCR

1    A P P E A R A N C E S:

2  
3    THOMAS GERMINARIO, ESQ.  
4    Counsel to the Joint Land Use Board

5    INGLESINO TAYLOR  
6    Attorneys for Applicant  
7         600 Parsippany Road  
8         Parsippany, New Jersey 07054  
9         973.947.7111  
10   BY:   DEREK W. ORTH, ESQ.

11   ALSO PRESENT:  
12   JESSICA CALDWELL, Borough Planner  
13   PAUL FERRIERO, Engineer  
14   LISA SMITH, Board Secretary

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I N D E X

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1 CHAIRMAN SMITH: Hearings. Mr. Orth.

2 MR. ORTH: Thank you, Mr. Chairman.

3 Can everyone hear me well?

4 CHAIRMAN SMITH: Yes.

5 MR. ORTH: Thank you, Mr. Chairman and

6 the public.

7 First of all, my name is Derek Orth  
8 from the law firm of Inglesino Taylor. It's a  
9 pleasure and honor to be back before you in  
10 beautiful Mendham this evening.

11 First of all, I would like to thank  
12 Grace Lutheran Church for accommodating us, and I  
13 would also like to thank the board, Lisa, and the  
14 administration for making this wonderful space  
15 available. We truly appreciate it. We appreciate  
16 the church's accommodation for this hearing this  
17 evening.

18 As the board is aware and as the public  
19 is aware, I am here representing V-Fee Mendham  
20 Apartments on the pending application for  
21 preliminary and final major site plan approval this  
22 evening.

23 We have conducted two hearings on this  
24 application so far, and in the course of those two  
25 hearings we have gone through some of the testimony

1 of our civil engineer, Afton Savitz. Afton, raise  
2 your hand right there. There she is, and we're  
3 going to recall her to start out this evening.

4 A couple of notes before we get into  
5 the testimony tonight. We have gone through many of  
6 the comments and the questions for the board and the  
7 public, and we do have some exhibits to show at the  
8 start of the evening.

9 Now, I did not direct our team to  
10 prepare revised plans because we haven't gotten  
11 through the civil plans yet, but we do have some  
12 exhibits to show the board to start out with regard  
13 to parking, with regard to site ingress and egress  
14 that I think would be helpful.

15 Notably, first of all, we reconfigured  
16 the parking lot or we are able to reconfigure the  
17 parking lot in front of the shopping center with,  
18 Afton, 90-degree angles, correct?

19 MS. SAVITZ: Correct.

20 MR. ORTH: Ninety-degree angle stalls  
21 which would yield an additional 10 parking spaces in  
22 front of the shopping center. So that would be one  
23 improvement. Two, we are able to also relocate all  
24 the dumpsters which are on plan east. I think it's  
25 east. I know it's plan -- it's plan right of the

1 civil set. So that we have a clear drive aisle of  
2 20 feet along the right-hand side of this project.

3 So we're able to do that. We're also  
4 able to create a little bit more parking space which  
5 our engineer, Afton Savitz, is going to cover  
6 briefly in her testimony.

7 After she does that and we introduce  
8 these exhibits, we're going to then move on to the  
9 drainage, and we're going to do the plan turn or the  
10 page turn of this application from there on out, but  
11 I just wanted to touch upon that briefly before we  
12 get into that because that's where we're going to  
13 start out.

14 So thank you again for your time, your  
15 attention and we look forward to getting into this  
16 this evening.

17 A F T O N S A V I T Z, previously sworn.

18 EXAMINATION BY MR. ORTH:

19 Q. So let me just introduce my engineer,  
20 Afton Savitz. Afton, you've been sworn. You've  
21 testified to your credentials already. I'll just  
22 remind you, as I know Mr. Germinario would, that you  
23 remain under oath.

24 Why don't you just briefly state your  
25 name for the record and then take us into your first

1 exhibit. Thank you.

2 A. Sure. Good evening. Can you hear me?

3 (Audience vocalizing.)

4 BOARD SECRETARY: I think you might  
5 have to switch microphones.

6 MR. FERRIERO: The light came on.

7 MR. ORTH: I speak very loudly.

8 BOARD SECRETARY: I think it's better  
9 if she speaks into this one.

10 Q. Afton, why don't you go up here to the  
11 main mic, if that's okay, or let me do a little test  
12 here with the microphone here.

13 Good evening, everyone. Can you hear  
14 me? Yes, they can. The lawyer is always the  
15 loudest. Correct. All right. Thank you.

16 So if you're more comfortable speaking  
17 from hear, you just have to speak directly into the  
18 mic slowly. I think you can do it. You should do  
19 it from there. It's a little bit easier for your  
20 presentation. Thank you.

21 BOARD SECRETARY: You can take it off  
22 of there if it's easier to hold, but just hold it  
23 close.

24 A. Good evening, everyone. Can you hear  
25 me.



1 (Audience vocalizing.)

2 A. So Afton Savitz. For the record, Afton  
3 Savitz, S-A-V, as in violin, I-T-Z.

4 Q. Thank you, Afton, and you presented at  
5 the last two hearings regarding I think the first 10  
6 sheets of your civil set. Is that correct?

7 A. That's correct. We performed the page  
8 turn to date up until grading and drainage.

9 Q. And why don't we talk briefly about the  
10 modifications or the proposed modifications that we  
11 have made vis-à-vis exhibits.

12 MR. ORTH: Mr. Germinario, this would  
13 be a new exhibit for the board's consideration  
14 before we get into an actual page turn.

15 Q. So why don't you describe if the  
16 exhibit is what we're looking at on the screen  
17 there?

18 BOARD ATTORNEY: Lisa, what are we up  
19 to?

20 BOARD SECRETARY: A-3.

21 Q. A-3. Do we have any additional copies,  
22 Afton, or are we going to just show it on the board?

23 A. Yes.

24 MR. ORTH: Okay. Mr. Chairman, we have  
25 additional copies I can pass out for the board's

1 consideration.

2 CHAIRMAN SMITH: All right. Great.

3 BOARD SECRETARY: And we're going to  
4 mark it A-3.

5 MR. ORTH: Yes. I will mark this A-3.  
6 I'll mark the first set A-3. This will be 9/17/24.

7 Okay. Lisa, this is the first set.  
8 I'll pass it out to you.

9 BOARD SECRETARY: Thank you.

10 MR. ORTH: Thank you. And for the  
11 public we're also showing the exhibit on the stand  
12 to my right, and, also, Diane, right?

13 THE COURT REPORTER: Yes.

14 MR. ORTH: Diane is my wonderful  
15 reporter here. She's my transcriber. She's not a  
16 stranger. She's here to record the proceedings this  
17 evening.

18 So I just ask all my witnesses and any  
19 members of the public who have questions to speak  
20 slowly so she can take it down. Thank you very  
21 much.

22 Q. So, Afton, we have now marked A-3 into  
23 the record. Why don't you describe what it is that  
24 the board is looking at?

25 A. Sure.

1           Q.       Give us just a second. We got about  
2 another five seconds for it to make its rounds for  
3 the board's consideration.

4           MR. ORTH: And, again, Mr. Chairman,  
5 I'm not looking to, you know, spend too much time.  
6 I mean, obviously, we'll spend as much time as the  
7 board may desire, but I'm not looking to retread  
8 over old ground with the testimony.

9           We just saw an opportunity for  
10 improvement to the application that we had  
11 submitted, and we wanted to briefly touch on it  
12 before we moved on to the next set of sheets in the  
13 civil set.

14           CHAIRMAN SMITH: All right. Sounds  
15 great.

16           MR. ORTH: Thank you, Mr. Chairman.

17           Q.       Go ahead, Afton.

18           A.       Great. So A-3 prepared by our office  
19 is dated September 7.

20           (Audience vocalizing.)

21           A.       Yes.

22           Q.       Let me take a look. Hold on. Hello.  
23 Hello. Hello. This is not working. Hold on one  
24 second. How about testing, testing, mic one.

25           The light is flashing red which is

1 never a good sign. So what I would suggest, Afton,  
2 if you can, move to here. I will speak very loudly.  
3 The court reporter will be able to hear me. I'm  
4 sure my voice will catch on the mic.

5 A. Great. So, for the record, this is  
6 Exhibit A-3. It is a three-page set of documents.  
7 Again, the purpose to replicate that of the site  
8 plan sheet previously submitted. The changes are  
9 concentrated on the third sheet so I will flip to  
10 that.

11 Q. Afton, you're going to have to come  
12 over here and assist me.

13 A. Okay. This is the third sheet. It is  
14 site plan (retail sheet 3 of 3), and it is focused  
15 on the front area of the development.

16 As we heard through testimony last time  
17 and questions both from the board and the public,  
18 there were questions regarding the parking supply,  
19 the parking access, some safety measures. So as  
20 counsel mentioned, you'll notice in the front of the  
21 building, the building of Kings being that  
22 rectangular, centered space, the parking immediately  
23 in front of that has been rotated to be 90 degrees  
24 where previously it was 60 degrees.

25 For this configuration, what that means

1 is the change comes with two-way traffic where it  
2 was previously one way, and immediately in front of  
3 the Kings retail, the parking supply is increasing  
4 by 31 spaces, but it's worth noting the 10 spaces  
5 counsel mentioned take into consideration ensuring  
6 that all spaces on the property, whether they are  
7 retail spaces behind that eastern building, are the  
8 minimum 9-by-18 foot space that we're seeking.

9 Q. And so, now, Afton -- there we go. Now  
10 this is working really well. Okay. Thank you,  
11 everyone.

12 So, Afton, just to recollect the board,  
13 we had previously presented parking spaces that were  
14 at a 45-degree angle, correct, in the front of the  
15 shopping center?

16 A. They were at a 60-degree angle.

17 Q. They were at a 60-degree angle. I'm  
18 not very good at math. Thank you for that.

19 So they were at a 60-degree angle, and  
20 we have now modified them to be at a 90-degree  
21 angle, correct?

22 A. That is correct.

23 Q. And we have now added 10 parking spaces  
24 in front of the shopping center, correct?

25 A. There is a net increase of 10 spaces

1 throughout the property.

2 Q. And what else have we added to the  
3 shopping center in response to a comment from a  
4 couple of board members and I think also a member of  
5 the public?

6 A. Yes. So directly related to the  
7 increase in parking supply, there is one added ADA  
8 space. It's also worth noting that there are cart  
9 corrals. They're centered immediately in front of  
10 Kings. You'll notice them by a diagonal-dashed  
11 line, rectangular in nature removing two spaces next  
12 to one another in two different locations adding  
13 duplicity or additional places where carts can be  
14 stored independent of that that is adjacent to the  
15 building where it exists today.

16 Q. So now we have cart corrals in the  
17 parking center. We have 10 additional spaces,  
18 correct?

19 A. That's correct.

20 Q. And the other major change to the site  
21 plans that were previously presented is we have  
22 relocated dumpsters, correct?

23 A. Correct.

24 Q. And those had to do with the eastern  
25 drive aisle to the site, correct?

1           A.       Yes.

2           Q.       And walk us through that briefly.

3 Thank you.

4           A.       Sure. To the eastern or the right-hand  
5 side of the page, the driveway location that will  
6 remain as you travel up the page or in the north  
7 direction, parallel to that eastern retail building,  
8 you'll notice there's now a square or rectangular  
9 area in back of the building.

10                    So what that is doing is it's  
11 designated space for all retail trash, refuse to be  
12 stored behind the building for collection.

13           Q.       And I'll just walk up here. We're  
14 talking about this space right here. Is that  
15 correct?

16           A.       Correct.

17           Q.       So that's the new recyclable trash  
18 container, correct?

19           A.       Yes.

20           Q.       Okay. And so the drive aisle that we  
21 have cleared, we have removed the trash containers  
22 is right here, correct?

23           A.       That's correct.

24           Q.       And just to orient the board, this is  
25 the parking field that we're talking about, and

1 right here are the two car corrals that we have  
2 added, correct?

3 A. That's correct.

4 Q. Okay. Wonderful.

5 Now, are there any other major changes  
6 to the parking configuration from the center, or can  
7 we proceed with the presentation of the civil set?

8 A. The only other change we heard feedback  
9 from the public, the board, as it related to traffic  
10 up the spine or that interconnectivity from the  
11 south to the north.

12 So we are indicating in that main drive  
13 aisle two speed -- to traffic dampening measures.

14 Q. I'll be your Vanna White for this  
15 evening. This is right here off the my left right  
16 here. We have a raised -- what's the --

17 A. A speed table.

18 Q. A speed table. There was a concern  
19 from the board, correct, Afton, regarding speed  
20 measures or traffic control mitigation measures that  
21 could be implemented in this drive aisle that comes  
22 off of East Main Street and goes all the way back to  
23 the center, correct?

24 A. That's correct.

25 Q. And the two things that we have opted



1 to implement or we have proposed to implement are,  
2 one, the speed table right here, correct?

3 A. That is one, yes.

4 Q. Okay. And the other was a speed table  
5 right here, correct?

6 A. That's correct.

7 Q. Okay. And this speed table at the top  
8 of the page here that I was just pointing to also  
9 connects to the pedestrian crosswalk that goes from  
10 the shops here to the shopping center, correct?

11 A. That's correct.

12 Q. Okay. And we did that at the  
13 suggestion of the board and the public to just  
14 create some traffic calming measures, correct?

15 A. That's correct.

16 Q. Okay. Now, is there anything else you  
17 want to highlight for the board's consideration with  
18 regard to this sheet?

19 A. The other thing -- the only other thing  
20 I highlighted for the board is that of the mirrored  
21 refuse collection for the western building.

22 So similar to that of the eastern  
23 building, there is a centralized trash collection  
24 immediately north of the western building.

25 Q. And I'm looking at the plan sheet right

1 here. Is this it right here?

2 A. It is correct.

3 Q. Okay. All right. So we have  
4 centralized trash collection containers for the  
5 retail buildings in the center and that has allowed  
6 us to free up the ingress and egress routes on the  
7 eastern and western side of the center, correct?

8 A. Yes, exactly.

9 MR. ORTH: Okay. All right. So, Mr.  
10 Chairman, that's the brief update on parking,  
11 ingress and egress to the center that is new to this  
12 application.

13 We will be presenting or submitting a  
14 revised civil set, but at my advice, since we're not  
15 through the full civil set with the board, I said  
16 let's just present some exhibits and get the board's  
17 feedback on it.

18 CHAIRMAN SMITH: I just have a quick  
19 question.

20 MR. ORTH: Yes, sir.

21 CHAIRMAN SMITH: You removed the  
22 dumpsters from behind those buildings. What is the  
23 direction of flow of traffic? Is it going to be  
24 two-way direction or one way?

25 MS. SAVITZ: The eastern driveway will

1 remain two way. You'll hear additional testimony as  
2 it relates to vehicular delivery, but predominantly  
3 focused delivery vehicles, similarly for emergency  
4 access and trash refuse.

5 CHAIRMAN SMITH: And what about the  
6 west side? That's going to be a one way?

7 MS. SAVITZ: It will be a one way.  
8 Correct.

9 CHAIRMAN SMITH: And that will be a one  
10 way out?

11 MS. SAVITZ: It will be reversed to be  
12 an ingress from East Main Street.

13 CHAIRMAN SMITH: An ingress. Thank  
14 you.

15 MS. BUSHMAN: I have a question. On  
16 the long parking lot line up, the end, those are  
17 landscaped ends on them?

18 BOARD SECRETARY: Joyce, you need to  
19 talk into the microphone.

20 MS. BUSHMAN: I am.

21 MR. ORTH: In the middle here?

22 MS. BUSHMAN: No. The very end. There  
23 was landscaping in that parking lot, and I'm trying  
24 to determine what's happening.

25 At the end, there's like tree notes at

1 the very end that are large. Are those landscaped  
2 areas?

3 MS. SAVITZ: Yes. They will be raised  
4 curb islands with plantings.

5 MS. BUSHMAN: Okay. And then the long  
6 narrow strip that goes up to the tree at the top  
7 which would be right across from Kings, is that just  
8 a long concrete strip or is that a landscape?

9 I don't know if that's big enough for  
10 any kind of landscaping.

11 MS. SAVITZ: The strip, just to confirm  
12 that I'm following you, you mean where the two  
13 parking spaces abut one another or phase into one  
14 another?

15 MS. BUSHMAN: Yeah. A double line.  
16 It's real skinny.

17 MR. ORTH: Right here, right?

18 MS. BUSHMAN: Yeah. Correct.

19 MS. SAVITZ: Yes. So that will be a  
20 4-foot-wide raised island. The intention is to  
21 mirror what exists today where you have a paver  
22 noting that any --

23 MS. BUSHMAN: I can't hear you.

24 MS. SAVITZ: The intention would be  
25 similar to what exists out there today where you

1 have a raised planter area.

2 MS. BUSHMAN: Yeah, but I think that  
3 one was a little wider. I'm not sure you put in a  
4 4-foot strip.

5 MR. ORTH: So we, you know -- the  
6 testimony at the last hearing was that people who  
7 attended the shopping center, who utilized the  
8 shopping center were simply just putting their carts  
9 up onto that island in the center, correct?

10 So what we're doing here is we now  
11 provided --

12 (Audience vocalizing.)

13 MR. ORTH: Okay. Okay, folks. All  
14 right. Okay.

15 MS. BUSHMAN: No. I'm fine with what  
16 you did with the cart corrals.

17 MR. ORTH: Okay. Thank you.

18 MS. BUSHMAN: But what I'm asking is,  
19 if you're going to narrow the strip where it's  
20 landscaped to 4 feet, then I think you need to add a  
21 landscape island in the middle of those -- of those  
22 areas for trees to break it up.

23 MR. ORTH: Okay. So the question --

24 MS. BUSHMAN: Otherwise, it's a mass of  
25 parking lot that people see, and right now we don't

1 see that.

2 Q. So, Afton, what we'll have to take back  
3 for consideration --

4 MS. BUSHMAN: Do you understand what  
5 I'm saying?

6 MR. ORTH: Absolutely. Right in the  
7 spine right here, right, or this spine right here?

8 MS. BUSHMAN: No. Yeah, but if you go  
9 perpendicular, you're going to eat up a couple  
10 spaces, but I think it would be preferable.

11 MR. ORTH: Okay. We're happy to work  
12 with the board. I do understand --

13 MS. BUSHMAN: Put a couple tree -- a  
14 tree in there and stuff in there. Yeah.

15 MR. ORTH: We can absolutely work  
16 with -- and what we'll do after this meeting is  
17 we'll confer with Mr. Ferriero on some potential  
18 additional plantings, and like I said, we did end  
19 up with 10 additional parking spaces. So we have  
20 some leeway to, you know, work towards that goal.  
21 Thank you.

22 MS. BUSHMAN: Thank you.

23 MAYOR GLASSNER: I have a question. In  
24 the last meeting, one of the things that was brought  
25 up is the fact that we have a lot of day laborers

1 that come there to get lunch and dinner and have  
2 trailers, and so right now they do have parking for  
3 truck and trailer. Is that here now? Because I'm  
4 not seeing it.

5 MS. SAVITZ: And the parking you're  
6 referring to are the parallel spots?

7 MAYOR GLASSNER: Yes.

8 MS. SAVITZ: The existing parallel  
9 spots are the standard size spots for normal vehicle  
10 whether used by trailers under existing conditions  
11 or not.

12 The front areas as reconfigured doesn't  
13 have designated spaces for trailers, but vehicles  
14 accessing the lot have the optionality to pull to  
15 the rear or find an alternative space where open.

16 I know more recently I've been to the  
17 property, and you do see trailers parking whether  
18 legal or not. There aren't any designated floating  
19 spaces for laborer with a tractor trailer.

20 MAYOR GLASSNER: Right now there is,  
21 but in your plan there is not.

22 MS. SAVITZ: There are no designated  
23 spaces for a tractor trailer.

24 MR. ORTH: What I would suggest --

25 MR. FERRIERO: It's landscape trailers,

1 not tractor trailers, and there are pickup trucks  
2 for these trailers that park in the parallel stalls  
3 that are in front, and as the engineer testified,  
4 they're not set up to be double length stalls which  
5 just happens to be a pickup truck goes in there and  
6 takes up two stalls.

7           So that's -- and that's what's not on  
8 this site, and I don't know if there's another place  
9 where those over-like stalls could be provided maybe  
10 towards the rear. There's certainly in this layout  
11 no place to provide those in the front.

12           MR. ORTH: And what I'll say -- thank  
13 you for that, Paul and Mayor and Ms. Bushman.

14           If there is a desire for us to provide  
15 some sort of a loading stall for that type of use,  
16 we can certainly talk about one or two spots where  
17 that might work out.

18           So if the board is inclined to desire  
19 that, let us know, and, again, we'll work with Mr.  
20 Ferriero on updating this set to provide for that.

21           AUDIENCE MEMBER: Why don't you find  
22 out how many people use it during the day?

23           MR. ORTH: Sir, I can only deal with  
24 one witness at a time. When your time comes up, you  
25 can ask.



1                   CHAIRMAN SMITH: Please, people in the  
2 public, keep it down. You'll have your turn after  
3 this witness's testimony is done to come up to the  
4 podium to speak.

5                   MR. ORTH: So, Mr. Chairman, that was  
6 our presentation on the update to the parking and  
7 ingress and egress.

8                   MR. EGERTER: I have one question.

9                   MR. ORTH: Yes, sir.

10                  MR. EGERTER: I got a question. It was  
11 brought up in the last meeting that the spaces on  
12 the west side in front of the retail back out  
13 directly into the traffic. You've got one lane  
14 coming in and one lane going out, correct?

15                  MR. ORTH: That's correct, and you're  
16 talking about -- I don't know if you can see my  
17 finger, but I believe you're talking about the  
18 egress road that leads from the back of the  
19 apartments down through this drive aisle, correct?

20                  MR. EGERTER: Yes, and that's the main  
21 road, right?

22                  MR. ORTH: We have 15 parking stalls  
23 right there.

24                  MR. EGERTER: And that's the main road,  
25 right.

1 MR. ORTH: To the apartments, correct.  
2 It's the main exit road for the apartments.

3 MR. EGERTER: And entrance too, right?

4 MR. ORTH: The entrance is on this  
5 side. Well, I don't want to testify. I'll let me  
6 engineer speak to that.

7 MS. SAVITZ: Yes. This is the main  
8 drive aisle that takes you from the front of the  
9 property to the back of the property. You'll notice  
10 there is a change in material, what looks to be a  
11 center island, but is actually flush.

12 So if you think about a typical  
13 90-degree parking with 24-foot aisle, in this  
14 location you have a 12-foot aisle of, a 5-foot flush  
15 paver band and then another 12-foot aisle for 29  
16 total foot in the middle. So it's acting very  
17 similar to a two-way drive aisle abutting the  
18 90-degree parking. There's just the distinguish  
19 between material for that entryway.

20 Q. And so let's just -- I think I'm going  
21 to get a little bit more to your question. On the  
22 right-hand side of this drive aisle, that's just  
23 cars going in, correct?

24 A. That's correct.

25 Q. And on the left-hand side, that's just

1 cars going out, correct?

2 A. Yes.

3 Q. And then we have -- what's the distance  
4 between the end of the parking stalls and the median  
5 there?

6 A. To the edge of the median, it's 12  
7 feet.

8 Q. Twelve feet.

9 And then the median is what? What's  
10 the distance of the median?

11 A. It's 5 feet.

12 Q. So it's 5 feet. So we have a total of  
13 12 feet plus the 5-foot median for cars to back in  
14 and out.

15 MR. ORTH: And they're only going in  
16 one direction, sir.

17 MR. EGERTER: Okay. But they're going  
18 in and out of that opening, correct?

19 And there's one lane each way, right?

20 MR. ORTH: That's correct, sir.

21 MR. EGERTER: And you're aware that  
22 there's now two lanes out and two lanes in the way  
23 that it's configured today.

24 MR. ORTH: That's correct, sir. This  
25 would be an improvement to that.

1                   MR. EGERTER: How is it an improvement?  
2 How is it an improvement to go from two lanes to one  
3 lane?

4                   MR. ORTH: I'll let my engineer speak  
5 to that.

6                   MS. SAVITZ: So to answer the question,  
7 as it relates to drive aisle width, again, the  
8 two-way traffic, the drive aisle width is more than  
9 sufficient, 29 feet.

10                   You'll hear from the traffic engineer  
11 on traffic patterns in terms of flow, the supply  
12 there, but, again, in terms of the centralized  
13 access, again, for the residents to make it in that  
14 northern direction, the 90-degree parking with the  
15 abutting cumulative 29-foot drive aisle does provide  
16 sufficient room for backing in and out.

17                   MR. EGERTER: And the people backing  
18 across the two lanes of traffic, which seem to me to  
19 be the only way to get in and out, that's not a  
20 problem?

21                   MS. SAVITZ: You'll hear additional  
22 testimony from the traffic engineer which I think  
23 will help clarify how many vehicles are traveling  
24 through this spine or this drive aisle independent  
25 of the parking.

1 MR. EGERTER: Thank you.

2 MR. PACE: I got a question about  
3 the --

4 BOARD SECRETARY: Excuse me. Just so  
5 everybody knows, there is somebody that's recording  
6 here, and I just want to make everybody aware of it.  
7 Okay. No big deal. Just --

8 MR. SPRANDEL: Yes. Question about the  
9 east and west alleyways, how wide are those?

10 MS. SAVITZ: The eastern alleyway is at  
11 it's pitch point a minimum of 23 foot clear once the  
12 trash is relocated to the back.

13 MR. SPRANDEL: Will the tenants be able  
14 to park in the back there along the alleyway?

15 MS. SAVITZ: The applicant is prepared  
16 to agree that that space remain open. We have  
17 received feedback from the fire department as well  
18 knowing that that aisle would be their main access  
19 point. So the proposal with the relocated trash is  
20 that it remains clear of any obstruction.

21 CHAIRMAN SMITH: Okay. And with that  
22 said, then it will be marked fire lane, no parking I  
23 assume?

24 MS. SAVITZ: Yes. We've responded to  
25 the comments from the fire chief, and we're prepared

1 to work with them as it relates to any additional  
2 striping for their access.

3 CHAIRMAN SMITH: All right. Thank you.

4 MR. SPRANDEL: Tenants won't be parking  
5 back there.

6 MS. SAVITZ: Correct.

7 MR. PACE: I got a quick question  
8 regarding the consolidation of the trash pickup. I  
9 guess, one, what is the size of that consolidated  
10 section as opposed to the five or six dumpsters that  
11 are there now?

12 And it's great on paper, but I'm  
13 concerned that over six months to a year to two  
14 years maybe trash starts to get piled up behind  
15 these stores and then once a week get thrown into  
16 the consolidated dumpsters which could make for a  
17 bit of a messy situation back there.

18 MS. SAVITZ: Understood. The  
19 question -- so first part is size. So the size of  
20 the enclosures, both 25-foot width by 16-foot depth,  
21 approximately 8-cubic yard dumpsters, you know, if  
22 you put them side-by-side, you provide clearance  
23 from the edge of the enclosure. That is what is  
24 anticipated to occupy that space or what can occupy  
25 that space which is representative of the collective

1 somewhat sporadic enclosures that exist today in  
2 that eastern aisle.

3 MR. PACE: What about the second  
4 concern about waiting once a week to put it back  
5 there and it kind of lays behind all these stores  
6 for a week?

7 MS. SAVITZ: I can speak to the  
8 proposed improvement which is collection behind the  
9 building for pickup by a private hauler. The  
10 frequency at which is -- as it exists today or as  
11 required, as it relates to on-site operations, I  
12 would have to defer that.

13 MR. ORTH: And just to assure you, sir,  
14 the typical testimony I would hear with regard to  
15 this issue is trash collection two or three times a  
16 week. Probably two to start out. It does the  
17 operator no justice, it does the operator no good if  
18 there's a trash piling up in an unsightly manner,  
19 especially when he's operating the center.

20 So we would agree as a condition of  
21 approval, should the board act favorably on this  
22 application to collect the trash, at a minimum, two  
23 days a week, if necessary, and if more is required,  
24 we would do that as well, and that could certainly  
25 be enforced by the municipality.

1 MS. TRAUT: I have a question to tack  
2 on to Mr. Pace's question. What measures are going  
3 to be in place or have there been any considerations  
4 for the retail tenants' pathway to take the trash  
5 out from their location to, I guess, the northern  
6 end of that building knowing that that alley is  
7 going to be -- the dumpsters are being moved to  
8 create additional clearance for the two-way traffic.

9 Going out back could be a safety  
10 hazard, and then, you know, going out front where  
11 the retail traffic is coming in and coming out, it  
12 just doesn't seem like what would be the best path  
13 for them.

14 MR. ORTH: So great question. I  
15 would -- what I want to answer right now is going to  
16 say operations including trash removal is going to  
17 be testified to by the architect.

18 So take a note. We do have our  
19 wonderful typist here who is recording all the  
20 questions, and when my architect comes up, who is  
21 not going to be tonight, you know, it will be at the  
22 next hearing, hopefully, he'll testify to operations  
23 including trash removal. Thank you.

24 MS. TRAUT: Just one more question  
25 relating to the trash. The exhibit that you are



1 introducing tonight --

2 MR. ORTH: Yes.

3 MS. TRAUT: -- you mentioned that there  
4 is a speed table that's going to connect or go from,  
5 you know, Kings to the western side of the retail,  
6 and there's going to be a crosswalk on there. I  
7 don't see any indication of a stop sign. Will that  
8 be included?

9 MR. ORTH: Great question.

10 Q. Have we included signage on this plan  
11 set yet on this exhibit?

12 A. Signage has not been included yet.

13 MS. TRAUT: But there is some where it  
14 says proposed.

15 MS. SAVITZ: Correct. Related to the  
16 speed table specifically, but it's a great question.  
17 It's a great point. As it relates to awareness of  
18 the crosswalk, we'll certainly incorporate that.

19 MS. TRAUT: Thank you.

20 CHAIRMAN SMITH: Any other board  
21 members or professionals have questions?

22 Continue.

23 MR. ORTH: Thank you, Mr. Chairman.

24 Q. So, Afton, why don't you come over here  
25 and help me move this or you have your mouse there.

1 Move it on to the next plan sheet. I believe what  
2 we're going into now is drainage.

3 MR. ORTH: So everyone hold onto your  
4 hats. We're going to be talking about drainage now.

5 CHAIRMAN SMITH: And which sheet number  
6 is the drainage?

7 A. The drainage -- so where we left off  
8 was on the grading plan. So where we left off was  
9 the grading plan. That is C-8 of the original  
10 preliminary major and final site plan previously  
11 submitted, and counsel mentioned drainage. Grading  
12 and drainage do go hand-in-hand.

13 The sheets are split in half again with  
14 the first being that of the northern area. The  
15 second being that of the southern area.

16 From a grading standpoint, the  
17 topography, as previously testified to, everything  
18 is flowing in the northern direction. You'll see  
19 that on both grading plans, again, indicative even  
20 of East Main Street going onto the property.

21 Grading improvements. The majority of  
22 the grading is centered on that of the north where  
23 the new buildings are being proposed for the plaza  
24 area to flatten out the area.

25 In terms of the topography as it exists

1 and what's required in order do that, there are  
2 block walls or perimeter block walls. In terms of  
3 location, they do hug the perimeter of the property  
4 and they range in height. The maximum height along  
5 the western property line is that of 3 and a half  
6 feet. The eastern property line is 6 feet, and  
7 that's in the location of the trash pickup.

8 In addition, as you transition, again,  
9 just going to the southern side --

10 MR. ORTH: Just for the board, we're on  
11 C-9 right now.

12 MS. SAVITZ: Correct.

13 Q. We're on C-9.

14 A. Correct.

15 Q. Thank you.

16 A. And C-9, what you're noting here are  
17 regrading in the parking lot really for mill and  
18 repave. Knowing that the parking is being  
19 reconfigured, in doing so, the low points or the  
20 drainage patterns will be maintained, but there will  
21 be regrading proposed.

22 One comment received from the board  
23 engineer was as it related to sidewalks off of East  
24 Main Street which we'll be working closely with the  
25 board regarding incorporating to ensure there's ADA

1 access.

2           Again, grading and drainage, the  
3 topography and how we're setting the grades as  
4 proposed in comparison to that of existing go  
5 hand-in-hand with that of drainage.

6           So I will transition to the next sheet.  
7 Grading is still indicated on this plan, but it's a  
8 focus on stormwater, specifically, the northern side  
9 of the property. So this is the stormwater  
10 management plan C-10.

11           So, again, you're seeing the proposed  
12 building along the top of the screen, and you're  
13 seeing many callouts. I know not visible on the  
14 screen here, but showing topography, and in terms of  
15 drainage as it exists, stormwater goes in two  
16 different directions.

17           When we think about drainage, we think  
18 about points of interest or, ultimately, where does  
19 the water go. What you see on this sheet is  
20 comprising almost the majority of a section where  
21 under existing conditions it flows to the northwest  
22 property.

23           We'll speak shortly to the south.  
24 You'll see shortly to the south of the page, but the  
25 second location that it goes is to that of the

1 northeast property line -- property line. Under  
2 existing conditions, there is no storm system that  
3 is slowing water down. There is a series of catch  
4 basins that you'd likely seen in the parking lot  
5 that are collecting water, and then through  
6 conveyance ultimately discharging it to the north.

7           The proposed development based on the  
8 size of it, is classified as a major development  
9 which means it's triggering not only the borough  
10 ordinance requirements but also that of the state  
11 requirements. More specifically, required to ensure  
12 that the runoff patterns are being maintained or  
13 reduced and that you're treating for water quality,  
14 quantity and recharge.

15           The proposed development is, as you see  
16 on the screen, there's a series of porous pavement or  
17 green infrastructure system that's being  
18 implemented.

19           Q.       Afton, I would just suggest you walk up  
20 to the sheet there and point that out while you  
21 testify.

22           A.       Sure. Yes.

23           Q.       Thank you.

24           A.       So there are a series of porous  
25 pavement systems, and I'll try not to block anyone,

1 that are concentrate d in parking areas. To the  
2 west of the Kings' building, you'll see there is  
3 areas that are vertical. There's an area that's  
4 horizontal.

5 Similarly, as we transition towards the  
6 front area, the area immediately in front of the  
7 multi-family building, you'll also notice there are  
8 rectangular areas on the screen indicative of porous  
9 pavement.

10 Now, porous pavement, what it's doing  
11 is, through the joints of the pavers specifically,  
12 it's helping treat that water, and then below ground  
13 there's void space to hold it and slow down the rate  
14 at which it runs off the property.

15 Q. Let's just take a step back. So the  
16 site now -- stay up there. Stay up there if you  
17 don't mind.

18 The site as it exists today in the  
19 rear, is there any, you know, stormwater management  
20 programs of significance back there?

21 A. There are not. No.

22 Q. There are not.

23 So when rain water hits the site as it  
24 exists today, it is just simply sheet flowing into  
25 the direction of the topo, correct?

1           A.       That's correct.

2           Q.       Okay.  And so where does that water go  
3 today?

4           A.       It goes in two locations, basically,  
5 the upper left-hand side of the page or the  
6 northwest and then that of the northeast.

7           Q.       Okay.  And so with the stormwater  
8 management improvements that the applicant is  
9 proposing, we are now proposing to catch that  
10 runoff, correct?

11          A.       Correct.

12          Q.       To hold it to detain it, correct?

13          A.       That's correct.

14          Q.       And then to release it in a controlled  
15 fashion, correct?

16          A.       That's correct.

17          Q.       And we're installing pipes and pervious  
18 pavers and other things of that nature to accomplish  
19 that, correct?

20          A.       Yes.

21          Q.       And just to -- just to tell the board  
22 from the outset, this is all in accordance with DEP  
23 and Mendham Borough requirements for stormwater  
24 management, correct?

25          A.       Yes, it is.

1           Q.       Okay.  So take us through -- so you  
2 just talked for a moment about what a pervious paver  
3 is, correct?

4           A.       Yes.

5           Q.       And pervious paver is simply a piece of  
6 pavement through which water can flow through,  
7 correct?

8           A.       Correct.

9           Q.       And it catches particulates and it  
10 basically filters the water, right?

11                   And point out for me where it is that  
12 we're proposing to install that.

13           A.       Yes.  So the locations of the porous  
14 pavement system are within the parking --  
15 immediately west of the Kings.  Within the parking  
16 spaces, there is a series of systems that I'm using  
17 my fingers to highlight, one, two, three, four, five  
18 as centered in the parking areas.

19           Q.       Excellent.  Thank you.

20                   Are we doing anything else in terms of  
21 stormwater management that you want to note for the  
22 board?

23           A.       In total, there are 11 porous pavement  
24 systems.  I know some are being covered up by  
25 callouts here, but they're also centralized



1 throughout this area with the same intention.

2 Q. So, in your professional opinion, are  
3 we improving the drainage and the stormwater  
4 management for the site vis-a-vis these  
5 improvements?

6 A. Yes. We're meeting -- specific to this  
7 area that we see on the screen, we're meeting  
8 reductions for the storm events in accordance with  
9 both the borough and the state.

10 Q. Okay. And has the DEP reviewed and  
11 approved, to the extent they have jurisdiction,  
12 these improvements?

13 A. They have reviewed the proposed design.  
14 Yes.

15 Q. And have they approved it?

16 A. They have, yes.

17 Q. Okay. All right. So that was the  
18 northwest corner of the site.

19 Are we doing anything on the northeast  
20 corner of the site or is that not necessary due to  
21 topo?

22 A. So the northeast corner of the site  
23 there is an existing discharge point -- pipe  
24 discharge point that exists. It collects water in  
25 the rear of the Kings.

1           In addition, it collects water from the  
2 front of the site or in front of Kings. We are  
3 maintaining that discharge point, and we are  
4 connecting -- reconnecting to the pipe.

5           So based on reconfiguration to the  
6 parking spaces, some of the inlet locations are  
7 shifting, but the overall system, the conveyance  
8 system with the reduction in impervious coverage is  
9 being maintained.

10          Q.       Okay. Thank you so much. I didn't  
11 mean to throw you off your testimony. I just wanted  
12 to highlight a couple of things.

13                 So is there anything else you want to  
14 testify to with regard to sheet C-10?

15          A.       There is not. No.

16          Q.       Okay. And then I would just -- we had  
17 issued a response letter to the board's professional  
18 reports. Mr. Ferriero had raised a couple of  
19 questions, and I think we responded to them.

20                 MR. ORTH: I don't know, Paul, if  
21 there's anything you wanted to highlight before we  
22 move on.

23                 MR. FERRIERO: I would make a couple  
24 comments specifically as it relates to stormwater.  
25 The DEP has approved the application relative to

1 stormwater which is nice, but as the municipal  
2 engineer, I have an obligation to ensure that it  
3 complies with the borough ordinance which  
4 effectively incorporates the DEP requirements, and  
5 I've seen more than one application where the DEP  
6 has approved where it was clearly inconsistent with  
7 the DEP requirements.

8           That being said, I don't believe that's  
9 the case here, but I had a number of comments in my  
10 July review letter. They've been discussed a bit in  
11 the response letter from Stonefield dated September  
12 10. I have to go back and re-review those letters,  
13 re-review the calculations and the responses to make  
14 sure it does comply with the ordinance, but I will  
15 not be relying on the DEP's approval of the  
16 stormwater system.

17           I've had this discussion numerous times  
18 with the people down at DEP. They understood that  
19 sometimes their reviewers don't understand  
20 everything they see. So I will be doing my own  
21 separate review.

22           CHAIRMAN SMITH: Paul, are the  
23 restrictions of the borough greater than the DEP  
24 restrictions?

25           MR. FERRIERO: Not in a project of this

1 magnitude.

2 CHAIRMAN SMITH: Thank you.

3 Any other questions from the board  
4 members?

5 MR. PACE: I got a quick question. You  
6 made a comment that the site that's in that picture  
7 is actually improving the stormwater management, but  
8 that water has to go somewhere. So where is it  
9 going?

10 MS. SAVITZ: Sure. Good question.

11 So what we're doing is the water still  
12 flowing to the northwest location through a  
13 discharge point, but what we're doing is we're  
14 holding it back and slowing it down, slowly  
15 releasing it for the various storm events to improve  
16 how fast it's leaving the property.

17 CHAIRMAN SMITH: I have a question  
18 about the pervious pavers. Now, those just drain to  
19 the soil underneath the pavers, or is there a  
20 collection basin underneath each of those areas and  
21 then it's discharged to the back?

22 MS. SAVITZ: That's a great question.

23 So the property -- the proposed BMP or  
24 best management practice for porous pavers, for this  
25 property, there is an under drain. So if we think

1 about the water, it's going through the paver system  
2 at grade. There's stone below it with void space  
3 that's holding the water, and then there's an  
4 underdrain that's connecting to the ultimate outlet  
5 control and discharge point.

6           Again, the underdrain is implemented  
7 because the soils here are not susceptible to  
8 infiltration.

9           MR. ORTH: Short answer is, yes, Mr.  
10 Chairman. Yes, we will. There is a connection.

11           MR. MOLNAR: I have a question. As far  
12 as all this additional parking and cars, what about  
13 contaminants, the water running off these cars and  
14 splashing around and, you know, all the extra oils  
15 and contaminants from cars going into all these  
16 areas?

17           Is that going to be a problem in these  
18 waterways in the back, or is there some sort of  
19 filter, ladder system, something that can be  
20 implemented to contain additional contaminants?

21           MS. SAVITZ: That's a great question,  
22 and one of the state requirements is that of  
23 quality. So from a motor vehicle surface  
24 standpoint, the project is increasing, and we're  
25 required to treat that new motor vehicle surface.

1 So the porous pavement system is doing that as well.

2 MR. MOLNAR: Okay. But that simply  
3 slows down the water flow, but what about some sort  
4 of filter system or something that contains those  
5 contaminants going out? Is there anything that is  
6 done for that specifically?

7 MS. SAVITZ: So to answer the question,  
8 there is the joint -- the material that is between  
9 the joints and immediately below the pavers is  
10 acting as a filter. It's a much finer material  
11 which is helping settle out or remove any of those  
12 larger particles or anything that can't infiltrate  
13 below it.

14 MR. MOLNAR: But what about buildup  
15 over time or -- you know, how does that get cleaned  
16 or, you know, remediated?

17 MS. SAVITZ: As part of the  
18 application, as part of coordination with the board  
19 engineer, an operation of maintenance manual is  
20 required for all proposed stormwater systems and  
21 that gets recorded with the county.

22 So that holds the applicant to a  
23 recurring inspection frequency, not to mention  
24 cleaning regimen.

25 MR. ORTH: They vacuum out the filters

1 to answer your question.

2 MR. FERRIERO: Well, there are no  
3 filters. There is a requirement with porous  
4 pavement that it be vacuum with a high pressure  
5 vacuum on a periodic basis to get that material out  
6 of there.

7 It's not cheap or easy to maintain, but  
8 it is a BMP that is approved by the DEP for water  
9 quality.

10 CHAIRMAN SMITH: And what would be the  
11 frequency of that cleaning method?

12 MR. FERRIERO: I don't know off the top  
13 of my head. It's at least quarterly. It may be  
14 monthly. I'd have to go back and look. It depends  
15 on the specific type of system.

16 CHAIRMAN SMITH: Okay. So that sees a  
17 frequent cleaning.

18 MR. FERRIERO: Yes.

19 CHAIRMAN SMITH: Thank you.

20 MR. ORTH: And that manual will be  
21 recorded I believe, Paul, in the chain of title,  
22 right?

23 MR. FERRIERO: Yes.

24 MR. ORTH: That will be recorded for  
25 DEP requirements in the chain of title. So it will

1 be a recurring obligation of the property owner.

2 MS. BUSHMAN: So if I understand you  
3 correctly, you have to do a report to DEP every time  
4 you vacuum it?

5 MR. FERRIERO: No. That report goes to  
6 the borough. There's a requirement as part of the  
7 municipal stormwater permit that we make sure all  
8 these systems are properly maintained.

9 A requirement that I put in every O & M  
10 manual is that all the reports for each year be  
11 submitted to my office by March 1st of the year so I  
12 have them from the prior year.

13 MR. ORTH: Thank you.

14 MS. CALDWELL: I have a question.

15 MR. ORTH: Yes.

16 MS. CALDWELL: Is your stormwater plan  
17 dependent on all of the porous pavement that you  
18 have?

19 And I ask that question because I know  
20 there was some discussion about the courtyard last  
21 time in the layout and pedestrian sensitivities  
22 there versus vehicle traffic and if there's  
23 flexibility in the design or if it's really  
24 dependent on having the amount of pavement and  
25 porous pavement in that area.



1 MS. SAVITZ: If I understand the  
2 question, as it relates to any grading or a raised  
3 sidewalk around the building, the porous pavement  
4 design is designed with a low point.

5 So the low point would be maintained or  
6 adjusted based on that coordination effort and then  
7 the amount of impervious that's going to it or the  
8 amount of area draining to it. So that would look  
9 to be maintained or adjusted.

10 MS. CALDWELL: So are you saying there  
11 is flexibility there?

12 MS. SAVITZ: There is, yes.

13 CHAIRMAN SMITH: Any other board  
14 members?

15 MS. GARBACZ: What type of maintenance  
16 process -- what type of maintenance is required for  
17 you mentioned a vacuum?

18 Is it something that, if it's done  
19 quarterly or monthly, does this interrupt traffic?  
20 What does this entail?

21 MS. SAVITZ: The specifics of the  
22 maintenance and when it occurred would be recorded  
23 by the applicant to ensure that it's not impacting  
24 any traffic or site impacts.

25 I believe one of -- the recurrence in 0

1 & M is following a rainfall event too. So in those  
2 cases, that would be vacuumed out, again, ensuring  
3 that anything that's clogged be cleaned so that the  
4 system operated as intended.

5 Q. Okay. I'm back. I'm sorry. I sat  
6 down for a second. I got tired. Okay. So that was  
7 sheet C-10.

8 May we move on to sheet 11 which I  
9 believe is the southern portion of the site?

10 A. Yes. Sheet 11, again, southern portion  
11 of the site where the parking area is, it's showing  
12 the angled configuration noting that, if it was  
13 revised to be 90-degree parking, some of the low  
14 points would be altered, but what it's doing is it's  
15 replicating the existing drainage pattern.

16 Q. I guess just tell the board what is the  
17 purpose of this sheet?

18 We've covered the updated parking.  
19 We've covered drainage from the site. What is the  
20 purpose of this sheet for the board's consideration?

21 A. The purpose of this sheet is to compare  
22 the proposed condition to the existing noting that  
23 where water flows today it will in the future.

24 Q. Okay. But we already updated this  
25 sheet with the exhibit, correct, to show the

1 90-degree parking, correct?

2 A. The front area will be.

3 Q. The front area.

4 MR. ORTH: And so, Mr. Chairman, we  
5 just didn't update the full civil set because we  
6 haven't gotten through it yet, but we would update  
7 it once we get through it.

8 So there will be an updated submission.  
9 We're not hiding the ball here. We just need to  
10 plow our way through it.

11 CHAIRMAN SMITH: Understood.

12 MR. ORTH: Okay. Thank you.

13 Q. So then we have an exhibit. We have a  
14 sheet that doesn't reflect the latest exhibit, but  
15 in terms of drainage, is there anything modified  
16 with the updated parking layout with the 90-degree  
17 parking stalls that impacts drainage?

18 A. There would -- the impacts would be  
19 that to the pervious -- the pervious distribution.  
20 So there would be planting in between some of the  
21 strips, but, overall, minor changes as it relates to  
22 the low points and where the water is ultimately  
23 going will be the same.

24 Q. Okay. So, ultimately, we may actually  
25 see some improvements with the plantings in between

1 the aisles, right?

2 A. In comparison to what you're seeing on  
3 the screen, yes.

4 MR. ORTH: And I haven't forgotten Ms.  
5 Bushman's comments. We are going to speak to Mr.  
6 Ferriero after the hearing about some of the  
7 additional plantings in the islands there.

8 MS. BUSHMAN: Thank you.

9 MR. ORTH: Okay. So this is sheet  
10 C-11. We have testified to it at length. Is there  
11 any questions from the board or the board's  
12 professionals on drainage in the front of the site?

13 MS. BUSHMAN: May I? I have one  
14 question.

15 MR. ORTH: Yes, ma'am.

16 MS. BUSHMAN: Joyce, I've seen these  
17 systems before, and the ones I've seen, the grass  
18 overgrows them. Is that the intent here?

19 You actually look at it, and there's  
20 grass over them and then the pavers are under them.

21 MS. SAVITZ: For the porous pavement  
22 you mean?

23 MS. BUSHMAN: Yeah.

24 MS. SAVITZ: For this application, that  
25 would not be the intention. You likely see those on

1 emergency egress paths where a fire truck is  
2 accessing the site or, you know, there's low  
3 vehicular traffic in that area.

4           These are for -- there will not be any  
5 plantings below them. It's for stormwater and for  
6 vehicular grading.

7           MS. BUSHMAN: All right.

8           MR. ORTH: Thank you.

9           Q. Let's move on to sheet C-12. We're on  
10 to the utility plan.

11          A. The utility plan, there's only one  
12 utility plan. It focuses on the northern side of  
13 the site. The new buildings will be serviced with  
14 the new utilities, of course, in accordance with the  
15 local utility provides.

16                   We spoke to will serves having been  
17 obtained and where the applicant is relative to the  
18 permit process. The final utility routings will, of  
19 course, be coordinated with the borough engineer.

20                   Again, this plan is showing the new  
21 buildings with services feeding them, all services  
22 as they exist, gas, electric, sanitary and water.

23          Q. Yeah. Let's just hit the high points  
24 real quick. Gas service exists to the site today,  
25 correct?

1           A.       It does, yes.

2           Q.       Okay.  Electric and telephone exists to  
3 the site today, correct?

4           A.       Correct.

5           Q.       And there's sanitary sewer to the site  
6 today, correct?

7           A.       Yes.

8           Q.       Although we do have to go through the  
9 sanitary sewer, we have to complete that approval  
10 process with the borough, correct?

11          A.       Correct.

12          Q.       And we have water and fire -- water  
13 service to the site, correct?

14          A.       Yes.

15          Q.       And have we applied for and received  
16 will serve letters from the applicable utilities?

17          A.       We've received -- we've been in contact  
18 with all utility provides.  Will serves have been  
19 obtained for all of the utilities.

20                   CHAIRMAN SMITH:  Now, the volume of the  
21 utilities is going to be greatly increased, and that  
22 is -- you've taken that into consideration with the  
23 utility company I assume, and say water, gas,  
24 electric, all of those -- all of those things.

25                   Now, they're all going to be,

1 obviously, upgraded. So you're stating that  
2 there's -- you know, these services there already,  
3 but you're going to basically have to bring in all  
4 new services. Not new services, but upgraded.

5 MR. ORTH: Updated. Increase in  
6 supply, right?

7 CHAIRMAN SMITH: Yes.

8 Q. So, Afton, just describe, when we issue  
9 a will serve letter, we include a description of the  
10 project, right?

11 A. Yes. So will serve is an upfront  
12 description noting what the building intention is in  
13 terms of magnitude for preliminary confirmation it  
14 can be serviced.

15 MS. BUSHMAN: I have a question. You  
16 said that you received will serve letters from all  
17 utilities. I don't recall our sewer utility issuing  
18 that letter unless I misunderstood something, Paul.

19 MR. FERRIERO: There was an application  
20 for the sewer allocation that was approved by the  
21 county.

22 MS. BUSHMAN: So that's what you're  
23 counting in considering a will serve letter?

24 MR. ORTH: Yes, ma'am. We still have  
25 to pay the fee. Should the board approve this

1 application, there is --

2 MS. BUSHMAN: You're a little late on  
3 it, but, yeah, we got it.

4 MR. ORTH: Yes.

5 MS. BUSHMAN: A little late. Very  
6 late.

7 Okay. I just want to make -- I just  
8 want to clarify that. We don't issue a will serve  
9 letter.

10 MR. FERRIERO: Correct. It's an  
11 allocation granted by the county.

12 MS. BUSHMAN: Okay. All right. And  
13 then I'm assuming the sewer line to the site, how  
14 many inches is it going to have to be? Does it have  
15 to be made bigger or is it sufficient?

16 MR. FERRIERO: It's -- I believe that  
17 it's sufficient. You're only going to need a 6-inch  
18 line for a project like this.

19 MS. BUSHMAN: Okay. And there's a  
20 6-inch line there now?

21 MR. FERRIERO: Yes.

22 MS. BUSHMAN: Okay.

23 MR. PACE: I got a question. On the  
24 electric, the will serve letter from JCP&L indicates  
25 that the applicant may -- may provide a mutually



1 agreeable location for a substation.

2 Has that been addressed or is that just  
3 a catchall in this letter?

4 MS. SAVITZ: From when I think about  
5 utilities, I think about wet and dry. The dry  
6 utilities, they confirmed that they can service the  
7 site at this time.

8 As the project progresses, when an MEP  
9 comes on board or a mechanical, electrical, plumbing  
10 engineer, those specifics will be coordinated both  
11 with the utility providers and the board.

12 MR. PACE: I don't know how big a  
13 substation is or where it will fit into this if  
14 that's needed.

15 CHAIRMAN SMITH: Does it say substation  
16 or transformer?

17 MR. ORTH: A project of this size, I've  
18 never heard needing a substation. I would be  
19 shocked.

20 I mean, typically, what you hear is you  
21 need a transformer. I believe we have a space for  
22 the transformer on the site plan.

23 Q. Correct, Afton?

24 A. Yes.

25 Q. So we have a space for a transformer.

1 It's probably above ground. If I had to imagine,  
2 it's probably a ground-mounted transformer in the  
3 rear of the site, right, Afton?

4 A. Yes.

5 Q. I've been doing this for a couple  
6 years.

7 CHAIRMAN SMITH: All the electrical  
8 utilities will be underground and then the  
9 transformer will be at ground level is what you're  
10 saying?

11 Q. So why don't you answer that.

12 A. So under the existing conditions, there  
13 is overhead electric on the property.

14 New services for electrical are  
15 encouraged to be underground. So there will be some  
16 transfer location where it transitions from above  
17 ground to below ground.

18 MS. BUSHMAN: Is that shown on the  
19 plan, above ground and below ground?

20 MS. SAVITZ: It's not indicated in the  
21 ground as submitted. We're showing a feed as it  
22 relates to overhead poles nearby, but the specifics  
23 as it relates to the exact conduit routing will be  
24 determined by the utility.

25 MS. BUSHMAN: Can you clarify that for

1 the board? I think it's a question that deserves  
2 being clarified on the plans.

3 MR. ORTH: I agree.

4 MS. BUSHMAN: Then I have a question  
5 about the transformer above ground. How large is  
6 the transformer? What's the KV on it?

7 Q. What's the size -- let's start with  
8 what's the size of the transformer?

9 A. For this project, we don't have the  
10 final determination from JCP&L. A typical  
11 transformer size is that of 8-by-8 in the footprint,  
12 8-foot-by-8-foot.

13 Q. Pod mounted.

14 MR. FERRIERO: I would like to ask one  
15 question about the water service. Do you know if  
16 New Jersey American is going to require a hot box  
17 for this facility?

18 A. We note the comment received from your  
19 department. We anticipate there will be. We've  
20 been in contact with NJAW, Joe Navion (ph.) from  
21 North American Water.

22 They do require the hydraulic  
23 calculations as it relates to the interior of the  
24 building. So we'll be working with him regarding  
25 that.

1 MS. BUSHMAN: Paul, what exactly is a  
2 hot box?

3 MR. FERRIERO: It's not this room,  
4 believe it or not. This room feels like a hot box.  
5 It's actually not a hot box.

6 A hot box is a part of the water  
7 service that has a backflow preventer meter in it  
8 and some other facilities that the water company  
9 requires be above ground.

10 It's a relatively new requirement.  
11 Because it's above ground, it has to be insulated  
12 and heated which is why they call it a hot box.

13 MS. BUSHMAN: Understood.

14 MR. FERRIERO: But a hot box, a lot  
15 bigger than your car. Typically, they are 5- or  
16 6-feet wide, 5- or 6-feet tall and maybe up to 20  
17 feet long.

18 MS. BUSHMAN: Bigger than your car?

19 MR. FERRIERO: Bigger than my car.

20 Stainless steel, and the reason why I  
21 bring that up is because they are, frankly, pretty  
22 ugly, and I think there needs to be some  
23 coordination as to where that goes.

24 Sometimes there's not much of a choice  
25 with the utility company, but there needs to be

1 sufficient screening for that when it does go in.

2 MR. ORTH: And I'll just stipulate --

3 MS. BUSHMAN: The transformer unless  
4 it's hidden in the rear or something.

5 MR. ORTH: Right. I think the  
6 transformer is going to be in the rear.

7 The hot box, I don't know if we have a  
8 definitive location for that, but we're happy to  
9 screen that as possible. Lately, this is very  
10 exciting news, they let you pick colors for the hot  
11 box. So you may be able to get --

12 MR. FERRIERO: That's new. I've never  
13 seen anything but the stainless steel sarcophagus.

14 MR. ORTH: New Jersey American, green.

15 MS. BUSHMAN: We'll take a town survey.

16 MR. ORTH: Okay.

17 MS. BUSHMAN: I think green.

18 MR. ORTH: Green would be good, right?

19 MS. BUSHMAN: Yes.

20 MR. ORTH: Yes. I think so too.

21 Okay. So that's the utility plan. Any  
22 questions on how that's working? Good. Okay.

23 So we're onto lighting which is two  
24 sheets. It's C-13 and C-14.

25 MR. LUPO: Can I ask one procedural

1 question? I know we're on meeting two. Will there  
2 be ample opportunity for the --

3 BOARD SECRETARY: Can you state your  
4 name and your address?

5 MR. LUPO: Oh, my name is Frank Lupo,  
6 17 Dean Road. L-U-P-O. In meeting two --

7 CHAIRMAN SMITH: Frank, at the end of  
8 this professional, I will open it up to the public.

9 In the other meeting, I did that to try  
10 to break it up, but it did confuse some people. So  
11 I just figured let's wait until the end and hold  
12 your questions for the end of this professional.

13 MR. LUPO: Very good. Thank you.

14 MR. ORTH: Okay. Thank you, Mr. Lupo.  
15 Thank you, Mr. Chairman.

16 Q. Let's move on to the lighting plan  
17 which again is sheet C-13 and C-14. Take us through  
18 that, Afton. Thank you.

19 A. Yes. C-13, again, the northern portion  
20 of the property in proximity to the newer build --  
21 the proposed buildings, rather, has been designed  
22 with LED downward facing light fixtures.

23 There are -- there are pole lights, two  
24 specific to the interior of the property. I'll  
25 circle with my pen or centralized to that of the

1 plaza, and then there are a series of  
2 building-mounted fixtures surrounding the perimeter  
3 or on the perimeter of the buildings.

4 We do note the plans as submitted  
5 indicate two pole lights by the amenity deck or that  
6 of the pool which will be removed. We understand  
7 that, those being mounted at 15-foot relative to the  
8 pool area, we can better -- better coordinate a  
9 bollard or something lower for the amenity area  
10 specifically along this western side.

11 Additionally, the pole lights are  
12 mounted at 15 feet in height where 25 feet is the  
13 max requirement, and then the building lights are  
14 mounted just over 9 feet or 9.33 feet along the  
15 perimeter of the building.

16 Again, all of these lights are LED.  
17 They're downward facing. We note the temperature of  
18 them is all in -- is all proposed to be that of  
19 3,000 Kelvin. I know there was a comment from the  
20 board professional as it related to 4,000 versus  
21 3,000. We'll certainly coordinate to ensure that  
22 that's uniform.

23 In addition, there are interior LED  
24 lights, the garage on a grid to ensure that there is  
25 an illuminance that is distributed throughout the

1 property.

2 In terms of light trespass, the  
3 proposed numerical values that you see on this plan  
4 are that of a unit of measure noted as a foot candle  
5 or how a measure of light at grade. There is  
6 minimal -- any light trespass as indicated along the  
7 western property line is that of .1 or .2.

8 We note that the plan and the model as  
9 submitted doesn't model the fence. It doesn't model  
10 the vegetated buffer that exists along the property  
11 line. So no light trespass is anticipated as part  
12 of the project.

13 In addition, those -- those decorative  
14 lights along the building for security measures will  
15 coordinate with the board to ensure those that will  
16 remain on or indicated. The overall lighting  
17 intention is to have uniform lighting.

18 We note there is a comment as it  
19 relates to a couple of areas being lower than the  
20 board professional or the board engineer might like  
21 which we'll certainly coordinate with them.

22 In addition, on the western side of the  
23 Kings, there are pole lights. Those to replicate  
24 those of the lantern-type fixture. Similarly, in  
25 the northern or in the southern side of the parking



1 lot, in the Kings parking lot, there are lantern  
2 fixtures that exist today. They'll be relocated as  
3 required but proposed to maintain the same  
4 aesthetic.

5 Q. So let's just take a beat. Why don't  
6 you walk up, if you don't mind, go up to the plan  
7 set there.

8 We have essentially three or four  
9 different main types of lights here, right?

10 A. Yes.

11 Q. So we have the A which is indicated on  
12 the plans. Point out the A.

13 A. So there are two pole lights in this  
14 central area.

15 Q. All right. So we have the two pole  
16 lights there. Do we have a fixture detail on the  
17 right side of that sheet there?

18 A. Partially, yes. So the A fixture will  
19 be decorative in nature as attached to the pole.

20 Q. Okay. So we have some mounted  
21 fixtures, and we have a couple of pole-mounted  
22 fixtures as well, correct?

23 A. Yes. So pole mounted are here. That's  
24 indicative of the A fixture, and then the --  
25 diagonally across, the D fixture is also pole

1 mounted.

2 Q. Okay.

3 A. Which will be located elsewhere in the  
4 parking area and the front.

5 Q. And so those are primarily designed to  
6 give light to the parking area, correct?

7 A. Correct.

8 Q. Okay. And so we had originally located  
9 two of those pole mounted fixtures plan north, plan  
10 south of the pool, correct?

11 A. Correct.

12 Q. Just highlight them right there. One  
13 there, one there, and we are now proposing as a  
14 condition of approval, should the board act  
15 favorably, we can remove those fixtures and it won't  
16 impact the lighting distributions of the site.

17 MS. BUSHMAN: When you say the pole  
18 lighted, not counting the decorative ones, what kind  
19 of light head are you talking about?

20 MS. SAVITZ: So pole light meaning the  
21 fixture itself is mounted to a vertical pole.

22 MS. BUSHMAN: No. No. What does the  
23 head of the fixture look like? Is it an overlit?  
24 What is it?

25 MS. SAVITZ: No. There are no --

1 MS. BUSHMAN: I know they're  
2 decorative, but I want to know what the other ones  
3 are.

4 MS. SAVITZ: Good question. So pole  
5 lights, there are two. One that replicates the  
6 lantern style required per ordinance that you see in  
7 the front of Kings.

8 MS. BUSHMAN: Yes.

9 MS. SAVITZ: The second is that of  
10 something -- the light fixture A, as indicated,  
11 which is more of a metal goose neck, if you will, as  
12 attached to a pole.

13 MS. BUSHMAN: Okay.

14 Q. And the lighting doesn't -- the  
15 lighting complies with all ordinance requirements,  
16 correct?

17 A. Yes.

18 Q. And it doesn't spill over the property  
19 line, correct?

20 A. Correct.

21 Q. Okay.

22 CHAIRMAN SMITH: I do have a question.  
23 A question about the lighting spilling over the  
24 property line. You're saying it doesn't go past the  
25 foliage here, but what happens when the leaves are

1 down, and is there an anticipated permeation through  
2 that area to neighboring properties on the west?

3 MS. SAVITZ: So it's a good question,  
4 and I'll clarify my statement which is, when you  
5 look at the lighting patterns measured on the  
6 property, it doesn't account for any structures  
7 beyond the building.

8 So, for reference, there is a fence in  
9 this location. There is a very -- whether it has  
10 leaves on it or not. There are plantings along this  
11 area that help dissipate light. So that is what I  
12 was clarifying.

13 None of that is modeled. The lighting  
14 as you see on the plan which, again, has a very low,  
15 nearly zero values at the property line is  
16 conservative in nature.

17 CHAIRMAN SMITH: Okay. And what kind  
18 of fence is that? Is that a chain-link fence or  
19 what type of fencing is that that could possibly  
20 block more lighting?

21 MS. SAVITZ: So the fence -- and I'm  
22 just going to consult my notes. I know the record  
23 has it from prior testimony. I want to ensure that  
24 it's consistent.

25 The fence is located 10 feet off the

1 building, and it is -- it is a coated or a wooden  
2 coated fence.

3 CHAIRMAN SMITH: Like a solid wood  
4 fence would be like a stockade fence would be?

5 MS. SAVITZ: It would be solid in  
6 nature meaning there wouldn't be any openings.

7 CHAIRMAN SMITH: And the height is  
8 what, 6 feet or 4 feet?

9 MS. SAVITZ: I believe it's 6 feet.  
10 Yes, it's 6 feet.

11 CHAIRMAN SMITH: Six feet. Okay. And  
12 the height of the light, the lanterns on the other  
13 side, the 10 foot from the building, what is the  
14 height of those lights?

15 MS. SAVITZ: Good question. So in  
16 proximity, the light is a little bit higher. So  
17 it's 3 feet higher than the fence, and as the  
18 fixtures -- the distribution of the light works  
19 itself way outward, it dissipates based on varying  
20 elements vertically.

21 So the light itself is a little higher  
22 than the fence, but the at grade measurement of  
23 light is impacted by the fence ever so slightly.

24 CHAIRMAN SMITH: So you're saying it  
25 might be shielded to the downward side? Are you

1 saying that?

2 MS. SAVITZ: The testimony or what I'm  
3 trying to explain is that, at grade, beyond that  
4 fence, the light levels are impacted by that  
5 barrier.

6 CHAIRMAN SMITH: There's no -- I'm just  
7 asking is there going to be a line of sight where  
8 somebody on a neighboring property to the west is  
9 looking out their yard in the dead of winter, are  
10 they going to see a light bulb in their eyes?

11 MS. SAVITZ: It's a good question. The  
12 heavy vegetation between that of the adjacent  
13 residences prohibits that visibility of these  
14 decorative fixtures. Again, they're 9 feet off the  
15 ground.

16 MR. FERRIERO: I just want to be clear  
17 about this so everybody understands it completely.

18 This plan shows -- what's represented  
19 on there is the foot candle measurement at ground  
20 level. What the amount of illumination is on the  
21 ground. Okay.

22 That's not glare. That's not the  
23 visibility of a source. That's the amount of light  
24 that you can see on the ground. Okay. Point 1 foot  
25 candles are very, very low. It's generally not a

1 problem. As it has been stated, the fence is going  
2 to cut that off, but the question is somebody going  
3 to see a light fixture.

4 CHAIRMAN SMITH: Yes. That's my  
5 question.

6 MR. FERRIERO: There is no doubt that  
7 somebody from some location will see a light  
8 fixtures. The fixtures that are here are a hundred  
9 percent cut off. There's no convex fixture where  
10 the light would be in a lower bowl so to speak where  
11 it spreads out more. All the optics and all the  
12 source is up in the cap of the fixture.

13 CHAIRMAN SMITH: So it's shielded.

14 MR. FERRIERO: It's shielded as much as  
15 possible, dark sky compliant, all those things, but  
16 I don't want anybody to walk out of here thinking  
17 I'm never going to see a light bulb, because not  
18 only is that impossible, it's not going to happen.  
19 That's not a standard.

20 CHAIRMAN SMITH: What you're stating,  
21 Paul, is the light bulb is actually recessed in?

22 MR. FERRIERO: It is recessed. You  
23 will not see the source.

24 CHAIRMAN SMITH: You will not see the  
25 light source.

1 MR. FERRIERO: Correct.

2 MR. SPRANDEL: Does that include this  
3 Building B light? The others are obviously downward  
4 pointing, but what about B?

5 MR. FERRIERO: That's a wall washer  
6 light. Does it go up and down?

7 MS. SAVITZ: It goes down.

8 MR. FERRIERO: It goes down. So it  
9 goes down as well. So, again, you look at that. If  
10 you're underneath it and look up, yeah, you're going  
11 to see the source.

12 CHAIRMAN SMITH: The bulb is inside.  
13 Thank you for that clarification, Paul.

14 MS. BUSHMAN: My question is, Paul,  
15 what color is this light? Is it bright light white,  
16 a yellow light?

17 MR. FERRIERO: It's been testified that  
18 there was some notes on the plan for both 3,000 and  
19 4,000 K. They're going to be all set at 3,000 K.  
20 That's a much softer light that we look for.

21 MS. BUSHMAN: I know, but the biggest  
22 issue is, with LED, it's that bright light.

23 MR. FERRIERO: It's not.

24 MS. BUSHMAN: The cooler light or that  
25 more yellow color?



1                   MR. FERRIERO: It's the more yellow  
2 color. It's not the blues. The blue or bright  
3 white, that's where you get the 4,000 or 5,000  
4 Kelvin. So this is 3,000. It's what should be used  
5 on a site like this.

6                   MS. BUSHMAN: Okay.

7                   MR. EGERTER: I have a question about  
8 the northwest corner of the property. A couple of  
9 times you mentioned heavy vegetation. Is that  
10 what's there now?

11                   MS. SAVITZ: Yes. So there is -- and I  
12 am -- I'm not sure if it's the pages that are right  
13 after this or right after soil erosion and sediment  
14 control, but there is a landscaping plan I'll  
15 testify to.

16                   To answer your question, it's the  
17 landscaping as proposed on our property and then  
18 that of the adjacent wooded area to remain.

19                   MR. EGERTER: Okay. So there will be  
20 some landscaping?

21                   MS. SAVITZ: Yes.

22                   MR. EGERTER: Okay.

23                   CHAIRMAN SMITH: Anyone else?

24                   Okay. Go ahead, Derek.

25                   MR. ORTH: Okay. Thank you, Mr.

1 Chairman.

2 Q. Let's move on to the soil -- my notes  
3 say it's the soil erosion and sediment control  
4 sheet. It's sheet C-15. Sheet C-15 just so  
5 everyone can hear me.

6 Okay. So we're just briefly going to  
7 talk about the soil erosion instead of the control  
8 plan. This is an outside agency approval that we  
9 have obtained. So let's briefly touch upon it to  
10 describe what we're doing here.

11 A. Sure. The plan, again, two-parter, but  
12 what it's indicative of are production measures  
13 during construction to prevent that of sediment  
14 transport whether they're through the air or  
15 underground.

16 So things that are indicated on this  
17 plan are consistent with those intentions. Previous  
18 testimony and comment or clarification from the  
19 board engineer related to that of the super silt  
20 fence. That is indicated along the northern  
21 property or where the disturbance follows the  
22 perimeter to be incorporated as part of the project.

23 Q. Okay. And Morris County monitors and  
24 approves the SED plan, correct?

25 A. Yes.

1 Q. And so they actually have people that  
2 go out and monitor and approve the fencing and  
3 everything like that in connection with the  
4 construction of the project, correct?

5 A. Correct.

6 Q. And we have obtained that approval,  
7 correct?

8 A. Yes.

9 MR. ORTH: And that would be an ongoing  
10 compliance condition, Mr. Chairman and members of  
11 the board, that the applicant would be required to  
12 comply with should the board approve this  
13 application.

14 CHAIRMAN SMITH: Paul, do you have any  
15 concerns with that?

16 MR. FERRIERO: No. That is pretty  
17 standard. Soil conservation is out there. I have  
18 inspectors on sites like this and usually work with  
19 the contractors to make sure they get it in place  
20 before SED comes out.

21 CHAIRMAN SMITH: Thank you, Paul.

22 MR. ORTH: Okay. Thank you, Mr.  
23 Chairman. Let me just --

24 MS. BUSHMAN: I would like to request  
25 at 8:30 if we break. Maybe little intermission,

1 five, 10 minutes.

2 CHAIRMAN SMITH: We can do that.

3 MS. BUSHMAN: After you're finished.

4 MR. ORTH: We have C-17, C-18 and C-19.

5 We got about three sheets to go through for the  
6 landscaping plan. Do you want us to plow through or  
7 take a break?

8 CHAIRMAN SMITH: Let's take a break  
9 right now. Okay. We're at a stopping point. Let's  
10 take a 10-minute break and resume.

11 MR. ORTH: All right. Thank you.

12 (Whereupon, a recess was taken.)

13 CHAIRMAN SMITH: I'd like to make an  
14 announcement. At 9:30, we will accept no new  
15 testimony, and we have to vacate the building by 10  
16 o'clock just so that everybody here knows that.

17 MR. ORTH: Thank you for that, Mr.  
18 Chairman, and I've taken off my jacket. It's just  
19 very hot. I hope you don't mind the little  
20 deviation from formality here.

21 CHAIRMAN SMITH: There's no fashion  
22 police here. Don't worry.

23 MR. ORTH: Thank you.

24 MR. FERRIERO: As long as you don't  
25 pull out another Red Bull.

1 MR. ORTH: Two is my limit for the  
2 night. Okay.

3 All right. Thank you, Mr. Chairman,  
4 members of the board, members of the public. Just  
5 for the record, again, it's Derek Orth from  
6 Inglesino Taylor here on behalf of the applicant  
7 V-Fee Mendham Apartments. We're now turning to the  
8 landscape plan which is sheet C-17, 18 and 19 I  
9 believe.

10 Q. So I'll just turn it back over to my  
11 engineer to continue with her testimony. Thank you.

12 A. Is this still working? Everyone can  
13 hear me?

14 CHAIRMAN SMITH: Yes.

15 A. Great.

16 Q. So C-17, overall landscaping plan, this  
17 is split into three. So the overall plan showing  
18 the proposed landscaping throughout the property and  
19 then that north and the south.

20 When thinking about landscaping for  
21 this site, overall, you can tell where under  
22 existing conditions there is predominantly pavement  
23 in the rear of the site. There is a gravel driveway  
24 not to mention previously maintained lawn. There  
25 are proposed plantings throughout, and it's a robust

1 mix between trees, shrubs, plantings ensuring that  
2 those being native are incorporated. Those being in  
3 accordance with the ordinance are incorporated.

4 I will skip to the next page just to  
5 blow things up or enlarge things for reference  
6 purposes. Centering on the northern side of the  
7 property, C-18, sheet C-18 of the landscaping plan  
8 focused on the northern side of the property by the  
9 proposed buildings, you have proposed plantings  
10 interior to the courtyard or the motor court between  
11 the new buildings which is a formal planting scheme  
12 really with accentuating the statue.

13 So there is a statue centralized in  
14 that area you'll hear more on from that architect.  
15 Plantings will accentuate that, not to mention the  
16 foundations of the building.

17 We testified previously as it related  
18 to a pedestrian egressway. That will be balanced  
19 with foundation planting for an inviting overall  
20 appearance in this area. That's internal to the  
21 buildings or in that centralized area.

22 Along the western property line and  
23 northern property line, there will be plantings  
24 proposed on the property to having decommissioned  
25 that of the gravel path or the roadway that you see

1 along the western path and along to the north, and  
2 the wooded area immediately adjacent to our property  
3 will remain. All of that will remain. We are just  
4 proposing plantings to further support the  
5 environmentally sensitive areas.

6 In addition to shade trees, you'll  
7 notice west of the Kings building where the parking  
8 lot is a series of circles indicated -- indicative  
9 of shade trees throughout. Overall, the total  
10 landscaping design is compromised of over 2,000  
11 total plants when you break it down, and that's on  
12 the property versus the northern side of the site.

13 You have 74 deciduous trees, and that  
14 is centralized on the property itself. Evergreens  
15 as well and shrubs. Perennials and grasses, and  
16 from a DEP standpoint, and when I see DEP, I'm  
17 really focusing in that western property line  
18 adjacent to the multi-family building and the  
19 northern area adjacent to the multi-family building.  
20 That will introduce additionally over 400 plantings.  
21 It's part of the proposed design.

22 Again, native species to support that  
23 of local wildlife, and pollinator species are  
24 proposed and the pallet ranges knowing that a  
25 hundred percent of the species to the north and the

1 west are that of native.

2 In addition, in the south of the site  
3 we've talked about the main drive aisle that will  
4 have plantings adjacent to it in the perimeter  
5 buffer or in the perimeter landscape bed, not to  
6 mention that in the retail area.

7 Additionally, as you drive into the  
8 property, there will be plantings as well on either  
9 side of the drive aisle noting that this will add to  
10 the experience, the inviting experience when those  
11 visitors are coming to the property, not to mention  
12 shade trees throughout the parking area for added  
13 shade in that area.

14 Overall, the plantings as proposed are  
15 diverse. They are -- they do lend themselves to the  
16 native species as required by the state in certain  
17 portions of the property. We note the varietal or  
18 the species in terms of the shade trees, and the  
19 comment related to an additional species being  
20 introduced, we're happy to work with the board, the  
21 board engineer as it relates to the exact species  
22 that are being proposed on the property knowing that  
23 the design intent will remain the same.

24 In addition, we also note that, as it  
25 relates to, again, the board comment related to



1 configuration of the parking or landscaping, any  
2 revisions to that nature will be incorporated as  
3 well.

4 Overall, I am going to go back just to  
5 the overall plan as we take questions because I do  
6 think it does a great job at noting along the  
7 northern side of the property where the additional  
8 lush vegetation is being planted really to support  
9 that of the wooded area as it wraps around the  
10 building. Similarly, the western side and then that  
11 of the shade trees, foundation plantings, planter  
12 beds throughout the parking where improvements are  
13 proposed as well.

14 CHAIRMAN SMITH: Any questions of the  
15 board? Yeah.

16 MS. BUSHMAN: Yeah. I have a question.

17 BOARD SECRETARY: Joyce, can you speak  
18 into the microphone?

19 MS. BUSHMAN: They're showing on the  
20 left side, the other side of the retail, that's  
21 where all those impervious pavers are that you  
22 talked about for stormwater?

23 MS. SAVITZ: Yes.

24 MS. BUSHMAN: But those pavers are now  
25 parking spaces.

1 MS. SAVITZ: They are located in the  
2 parking spaces.

3 MS. BUSHMAN: So you have paver parking  
4 spaces.

5 MS. SAVITZ: That is correct.

6 BOARD ATTORNEY: Is any of what's shown  
7 on the landscaping plan existing that is to remain  
8 or is it all newly installed vegetation?

9 MS. SAVITZ: There are trees that exist  
10 on the property to remain within planted islands.  
11 Based on the parking reconfiguration, the applicant  
12 is seeking to maintain as many as possible. Just  
13 noting that the new configuration will introduce  
14 additional shade trees.

15 There are some that have been indicated  
16 on prior sheets with that circle or, you know, a  
17 symbol indicative of a tree. You'll notice on the  
18 site exhibit mentioned earlier tonight there are  
19 some indicative of that, but the landscaping plan  
20 specifically is predominantly that of proposed  
21 trees.

22 I'll go so far as to clarify, along the  
23 frontage of East Main Street, there are existing  
24 trees, mature trees that will remain.

25 BOARD ATTORNEY: So there are different

1 symbols for the existing vegetation?

2 MS. SAVITZ: Correct. They're as  
3 indicated on the survey submitted to the board, and  
4 then the symbology noted in the legend for these  
5 sheets are indicative of the newer or the new  
6 planting.

7 MR. FERRIERO: Can you expand on the  
8 northern end of the property behind the building,  
9 and if it's possible, I'd like you to trace along  
10 the exhibit there what the existing tree line is and  
11 what the proposed tree line will be in that area  
12 north and west of the proposed building?

13 MS. SAVITZ: Yes.

14 MR. FERRIERO: Can you bring it down  
15 and make it larger because it will be too high?

16 And, also, I think, you know, it will  
17 be easier to see if you bring it down a little more.

18 Okay. I guess that doesn't -- you have  
19 to go to the overall, because the overall shows  
20 what's happening behind the back of the building and  
21 not the north section.

22 MS. SAVITZ: I apologize. I'm  
23 struggling on the tech front as well.

24 MR. FERRIERO: I think it's the overall  
25 landscaping plan is the one you got to pull up, and

1 then just -- there you go and blow up on that.

2 There you go.

3 MS. SAVITZ: Bear with me. My  
4 apologies.

5 MR. FERRIERO: That's the one we want  
6 to see, just expanded.

7 MS. SAVITZ: Not in this mode.

8 MR. FERRIERO: That one should work.

9 MS. SAVITZ: Unfortunately, the actual  
10 keyboard command in this --

11 MR. ORTH: We'll get there.

12 CHAIRMAN SMITH: Work with that one you  
13 had prior.

14 MS. SAVITZ: Unfortunately, it's not  
15 going to directly address Mr. Ferriero's question.

16 MR. FERRIERO: That's the one.

17 MS. SAVITZ: I can reach it on here and  
18 we'll work to zoom in. The question relates to the  
19 wooded --

20 MR. FERRIERO: Don't do it while she's  
21 pointing at it.

22 MS. SAVITZ: All right. We're going to  
23 go with this. All right. We're going to go with  
24 this. Thank you for the patience.

25 The question pertains to the wooded

1 tree line and that of the proposed landscaping  
2 abutting it. So I'll trace in counterclockwise  
3 direction where the existing tree line lives.

4 You'll notice these shaded areas are  
5 that of surveyed trees. So the wooded line is the  
6 perimeter along the top of this area, and then it  
7 comes down along the western property line as well.

8 MR. FERRIERO: And where is the  
9 proposed tree line?

10 MS. SAVITZ: And the proposed tree  
11 line, you'll see a series of circles or smaller  
12 symbols in this area. All of this is proposed to be  
13 landscaping.

14 Similarly, as you turn the corner,  
15 again, this is existing landscaping pocket where the  
16 roadway under existing conditions continue down here  
17 additional landscaping is being proposed.

18 MR. FERRIERO: Okay. Thank you.

19 MR. EGERTER: I've got a question. Is  
20 there anything proposed to be added on the left side  
21 all the way to the west?

22 I see in the back, but there's no homes  
23 behind there. You know, there's homes on the left  
24 side. Is there -- are there any plantings there to  
25 sort of screen the five-story building from

1 someone's backyard?

2 MS. SAVITZ: So the existing -- the  
3 existing wooded line does come on to the property  
4 under existing conditions, and the application is  
5 proposing to add additional plantings to that.

6 In addition, when we think about the  
7 buffer requirement as it relates to this side of the  
8 property, the dimension or that buffer width is  
9 substantial as it exists with the added planting  
10 proposed.

11 MS. CALDWELL: And does the area that's  
12 in the north section -- is that proposed to be  
13 utilized as an outdoor space or just an open space,  
14 not accessible?

15 MS. SAVITZ: That's a great question  
16 and clarification point. So the area immediately to  
17 the north, as I highlighted with the pen or the  
18 pointer, is to be dedicated in the easement to the  
19 state.

20 So that area is going to supplement the  
21 environmental features and it will be part of an  
22 easement. So it will not be for recreational or  
23 open space use in that area.

24 BOARD ATTORNEY: And that easement will  
25 be dedicated to the borough?

1 MS. SAVITZ: I'll confirm the specifics  
2 related to the easement, but it does get recorded  
3 and the borough is aware.

4 MR. ORTH: I thought it was part of our  
5 DEP permit that we record it with the state, but  
6 I'll defer to Paul.

7 MR. FERRIERO: Generally, those  
8 easements associated with permits like this are to  
9 the state. The DEP is the beneficiary.

10 MS. BUSHMAN: Excuse me. I appreciate  
11 all the testimony, but, Mr. Chairman, we're running  
12 up on the clock, and I don't think it's fair to the  
13 public not to give them enough time to ask all their  
14 questions, but I don't know when you -- we're  
15 cutting this off at 9:30.

16 CHAIRMAN SMITH: I was advised by  
17 counsel the same thing. After we're done with this  
18 sheet, we're going to open it up to the public.

19 MS. BUSHMAN: I would recommend we stop  
20 it at 9 o'clock and give the public a good 45  
21 minutes if we have to. It's not fair. They've been  
22 kind sitting here and waiting patiently.

23 BOARD ATTORNEY: Let's wrap it up after  
24 we're done with this sheet.

25 Q. I think that's the civil set, right,

1 Afton?

2 A. Did you have a question as well?

3 Correct.

4 MR. ORTH: That's the civil set. So  
5 that concludes the direct testimony on the civil set  
6 and I can vacate the mic.

7 CHAIRMAN SMITH: Before I open it up to  
8 the public, is there anybody else on the board that  
9 has questions?

10 MAYOR GLASSNER: I do have just one  
11 question. So at some point in time we will get  
12 fresh plans that show the restructured parking,  
13 correct?

14 MR. ORTH: Yes. Yes.

15 BOARD ATTORNEY: There will be a whole  
16 new resubmission of the civil set, Derek?

17 MR. ORTH: That's right, Tom. We  
18 wanted to hear the comments from the board on the  
19 balance of the civil set that we presented tonight,  
20 the board's professionals, and we will be  
21 resubmitting a civil set as part of this  
22 application. Thank you.

23 MS. CALDWELL: Will you be looking at  
24 the pedestrian circulation that we discussed in the  
25 courtyard?



1 I know that was mostly last meeting,  
2 but I'm not sure if you were going to look at that  
3 area.

4 MR. ORTH: In the courtyard of the back  
5 part -- the back portion with the residential --

6 MS. CALDWELL: Correct.

7 MR. ORTH: -- the architect will  
8 testify to that in greater idea.

9 MS. CALDWELL: Who's testifying to  
10 that?

11 MR. ORTH: Bruce Stieve, the architect.

12 MS. CALDWELL: Okay. That's fine.

13 MR. SULLIVAN: I have a quick question.  
14 It's dealing with parking on A-3. There's still  
15 three spots that are in a diagonal. Is there a  
16 reason for that?

17 It's kind of near the CVS.

18 MS. SAVITZ: Yes. In this location?

19 MR. SULLIVAN: Yes.

20 MS. SAVITZ: Yes. So you'll hear that  
21 is a one-way aisle as it -- as it continues in that  
22 direction. You also note that the aisle width here  
23 has all been contemplated to keep that as an  
24 existing condition, but you'll hear traffic  
25 testimony related to the parking spaces.

1 MR. SULLIVAN: Okay. Thank you.

2 CHAIRMAN SMITH: Anyone else?

3 Okay. I'd like to open this up to the  
4 public. Now, just a reminder, you have 3 minutes to  
5 ask your question.

6 MS. BUSHMAN: I was just going to say  
7 they want to deal with one section at a time.  
8 Otherwise, it's all jumbled. That's fine. I just  
9 asked.

10 CHAIRMAN SMITH: So each member of the  
11 public many have 3 minutes to pose your question to  
12 the professional about the testimony this evening,  
13 not to deviate, skew it off too far, and please  
14 state your name, your address. If you are protected  
15 under Daniel's law, you do not need to state your  
16 address.

17 So whoever would like to come up from  
18 the public, step up and state your name.

19 BOARD SECRETARY: I would ask that you  
20 spell your last name for the stenographer. Thank  
21 you.

22 MR. VANDENHENDE: Mark Vandenhende,  
23 V-A-N-D-E-N-H-E-N-D-E.

24 BOARD SECRETARY: Address.

25 MR. VANDENHENDE: 11 Coventry Road,

1 Mendham. I'll read my questions. I have hard  
2 copies for the engineer and for the council.

3 MR. FERRIERO: Can you pull the  
4 microphone a little closer?

5 MR. VANDENHENDE: Okay. Drawing C-3,  
6 demolition. There's an existing -- let me start  
7 where you started, the grading plan.

8 There is a test pit identification  
9 table shown on the drawing. However, those --  
10 there's no test pit symbol on the drawing legend and  
11 there's no test pits identified on the drawing.  
12 Please identify the locations of the pits.

13 The seasonal high ground depth varies  
14 from a shallow 1.3 feet to 10 feet. Has the  
15 groundwater table been mapped?

16 MR. ORTH: I'm sorry. If you want to  
17 respond to it point-by-point, we can, or there's  
18 some kind of general questions you want to get out.

19 MR. VANDENHENDE: I have 3 minutes. I  
20 have 3 minutes.

21 MS. BUSHMAN: He has three minutes.  
22 Then you respond.

23 MR. VANDENHENDE: I will give you a  
24 copy of the questions.

25 How will the proposed foundation impact

1 the groundwater table?

2 The question concerning C-3, there's an  
3 existing stream shown in the northwest of the  
4 property which was to be protected throughout  
5 construction. On 6/14/24, we noticed clear water  
6 continuously flowing in that area. What is the  
7 source of this stream?

8 On 6/14/24, on the north center of the  
9 property, the highest topographical headwater of the  
10 spring of the north branch of the Raritan River was  
11 observed. See photos. Have the developer informed  
12 the NJDEP of a spring? How will this spring be  
13 protected during construction?

14 Truck turning, loading docks. Why  
15 is -- let's just talk about loading docks. Why is  
16 the CVS loading dock not shown? Why are parking  
17 spots shown where the CVS loading docks are? I  
18 think that will blow a whole in your dumpster  
19 location.

20 C-28, this is relative to your utility  
21 plan. You talk about all your utilities, but you  
22 don't really show the hydrant. I had to scan the  
23 documents looking for height. I found the single  
24 location of the hydrant. It should be clearly  
25 demarcated. Is there only one hydrant for this

1 facility? Is a single fire hydrant sufficient?

2 Will additional fire hydrants be added?

3 Is the parking garage enclosure -- can  
4 the firefighters access the parking deck from all  
5 sides?

6 Your survey. Your survey,  
7 RUT-2022200218 rev 5, the table lists -- there are  
8 several tables listed, survey notes, survey  
9 references, survey description, flood note, Schedule  
10 A-5, Schedule B part 2. Schedule B part 1 is not  
11 shown and notes 1 through 9 are missing. Why are  
12 they missing?

13 The revision table has revision 2  
14 missing. Revision 5 is shown twice.

15 CHAIRMAN SMITH: Are you almost through  
16 with your questions?

17 MR. VANDENHENDE: Almost done.

18 Was a geotechnical report performed?  
19 If yes, will it be submitted as a supplement to the  
20 application?

21 What type of foundation is planned?  
22 You'll get to that, and if piers are being proposed,  
23 how deep will they be?

24 MR. ORTH: Thank you.

25 MR. VANDENHENDE: I can pull out a set

1 of drawings for them as well.

2 AUDIENCE MEMBER: If I want to yield my  
3 time to Mark, can I do that?

4 CHAIRMAN SMITH: Repeat that please.

5 AUDIENCE MEMBER: If I want to yield my  
6 time to Mark, can I do that?

7 CHAIRMAN SMITH: No, you cannot.

8 AUDIENCE MEMBER: He comes so prepared.

9 CHAIRMAN SMITH: He was very efficient  
10 and has it all printed out, and I think that's going  
11 to be extremely helpful.

12 Q. Okay. I think we're going to go  
13 through -- I guess my engineer has a printout. I  
14 haven't looked at it, but there's a printout of the  
15 questions. If you want to go through them to the  
16 extent you have testified to them.

17 A. Yes.

18 Q. Actually, let me get a copy.

19 MR. ORTH: Hold on a second. Point of  
20 order. Mr. Chairman, before Exhibits are passed to  
21 the board, I don't know what they are. I would like  
22 to know what they are, and I don't think this is the  
23 time to introduce exhibits during the period of  
24 questioning of my expert. There is another time for  
25 the introduction of the exhibits in the course.

1                   CHAIRMAN SMITH: You are absolutely  
2 correct on that. Yes. Maybe hand those exhibits  
3 back.

4                   BOARD ATTORNEY: Just a quick  
5 clarification to the public. After the entire case  
6 has been presented by the applicant, you will have  
7 the opportunity to present your own testimony and  
8 submit exhibits in support of that testimony, but at  
9 this phase of the hearing, you cannot do that.

10                  CHAIRMAN SMITH: And, Derek, some of  
11 those questions maybe we haven't gone over them yet  
12 as far as --

13                  MR. ORTH: Yes.

14                  CHAIRMAN SMITH: So I wouldn't be so  
15 concerned about answering those questions. They can  
16 be answered at a later date when the testimony from  
17 you is given about those specific items like fire  
18 hydrant and things like that.

19                  MR. ORTH: Yeah. Thank you, Mr.  
20 Chairman. We are -- we will present that testimony  
21 at a later point.

22                  Q.        But, Afton, you have a list of  
23 questions. As it concerns the testimony that you  
24 gave, can you provide some responses to them?

25                  A.        Yes. So I'll begin with the

1 geotechnical report. A geotechnical report or  
2 geotechnical investigation has been performed for  
3 the site. It is included as appendices as part of  
4 the previously submitted stormwater report which has  
5 all summary information related to the test pits,  
6 also, indication of the seasonal high water table,  
7 and I'll go so far as to note that our storm design  
8 requires a minimum separation from the seasonal high  
9 groundwater elevation which has been incorporated  
10 and considered.

11           Regarding the building foundation and  
12 the specifics of the building design, I will have to  
13 defer that to the architect as it relates to the  
14 structure that you'll hear additional testimony on.

15           The grading plan, in terms of the test  
16 pit locations, again, the appendix in the stormwater  
17 report does have a test pit location plan that  
18 indicates where all the test pits are located in  
19 proximity to the site, not to mention in proximity  
20 to the storm design.

21           And in the table in the geotechnical  
22 report, similar to that on the plan, it's duplicate  
23 information. It does identify all pit locations,  
24 their location, the depth of the groundwater and the  
25 findings throughout.



1           We're in agreement that the seasonal  
2 high water does vary throughout the property. All  
3 of those parameters are indicated within the  
4 stormwater report and within the geotechnical report  
5 that's comprised as part of it.

6           The foundation impact, again, the  
7 foundation will be designed based on the  
8 geotechnical findings, the specifics related to the  
9 foundation design.

10           MR. FERRIERO: What is the required  
11 separation between the bottom of your stormwater  
12 system and the seasonal high groundwater table that  
13 you found?

14           MS. SAVITZ: It's a minimum of 1 foot  
15 where you have an underdrain system.

16           MR. FERRIERO: Thank you.

17           MS. SAVITZ: We do.

18           The other questions, it looks -- I'm  
19 reading through to make sure that I'm being  
20 comprehensive.

21           The truck turning, I know there were  
22 questions related to truck turning. The traffic  
23 engineer will be covering the site circulation,  
24 specifically that of the truck turning maneuvers.

25           The construction details as it relates

1 to the hydrant, we are in agreement that the hydrant  
2 indicated on the plans exists. You heard testimony  
3 as it related to the utility provider requirements  
4 in terms of any applicable at grade structure being  
5 that of that hot box. The final design will be  
6 coordinated with the utility provider to their  
7 requirements.

8 Q. And we're going to put hydrants  
9 wherever the fire chief wants us to put hydrants  
10 throughout the site, correct?

11 A. That's correct.

12 The parking garage. The parking garage  
13 is enclosed. There are -- the design of the  
14 building in the parking garage will be further  
15 explained by the architect.

16 Additionally, the site circulation in  
17 terms of emergency vehicles and their paths on the  
18 property will also be explained by the traffic  
19 engineer.

20 Regarding the demolition plan, there  
21 has been previous testimony as it relates to the  
22 environmental constraints. The environmental  
23 constraints as identified and verified by the state  
24 having jurisdiction over them and the applicable  
25 buffer areas, transition areas that require

1 protection and associated permitting related to  
2 them.

3 We also elaborated on that of soil  
4 erosion sediment control measures during  
5 construction and how those areas are being  
6 protected. The super silt fence or that of a higher  
7 caliber stronger material. Perimeter protection  
8 will be incorporated in addition to all of the other  
9 soil erosions and sediment control measures as  
10 required by the soil conservation district and in  
11 accordance with the borough ordinance.

12 Regarding the project survey and the  
13 revision as noted, the project survey was previously  
14 submitted to the board. We'll ensure that the copy  
15 as provided is consistent with the revision table.

16 I can't speak to the specificity as it  
17 relates to each line item. There are revisions for  
18 internal purposes and external purposes, but the  
19 survey submitted to the board as dated in the review  
20 letters and previously provided is the latest and  
21 reflective of the conditions used for design.

22 MR. VANDENHENDE: Could you elaborate  
23 on the CVS loading dock?

24 MS. SAVITZ: Yes. Well, I guess I  
25 should clarify. I will not be the one to elaborate

1 on the loading dock for CVS. The traffic engineer  
2 will get into the loading.

3 MR. VANDENHENDE: Thank you.

4 CHAIRMAN SMITH: Okay. Anyone else  
5 from the public? State your name and address and  
6 spell your last name for the record please.

7 MR. LUPO: Frank Lupo, L-U-P-O.

8 BOARD SECRETARY: Your address.

9 MR. LUPO: 17 Dean Road. Just a couple  
10 questions. How many times did you visit this  
11 particular site?

12 BOARD SECRETARY: You got to kind of  
13 speak into the microphone.

14 MR. LUPO: How many times have you  
15 visited this particular site, the V-Fee site.

16 MS. SAVITZ: I've been to the site  
17 multiple times.

18 MR. LUPO: During those times, was it  
19 during the summer, winter, leaves on the trees or  
20 leaves off the trees?

21 CHAIRMAN SMITH: What's your relevance  
22 to this question?

23 MR. LUPO: She references dense  
24 vegetation. I'm trying to understand when she made  
25 that testimony. Based on what? Did she see it

1 during the summer? Did she see it during the  
2 winter?

3 Because in the winter, it's not dense.  
4 The headlights glare in my house. So that's what  
5 I'm trying to understand the definition of dense  
6 vegetation.

7 CHAIRMAN SMITH: Okay.

8 MS. SAVITZ: I visited the site  
9 multiple times with different conditions. I'm  
10 familiar with the year-round -- year-round patterns.  
11 To clarify for dense vegetation, you're correct,  
12 during the summer there is lush vegetation where the  
13 deciduous trees drop their trees.

14 To further clarify, there is a strong  
15 concentration of trees. So when the branches do not  
16 have vegetation on them, there is still -- there are  
17 tall grasses in addition to those of the trees  
18 throughout.

19 CHAIRMAN SMITH: Please keep quiet in  
20 the public.

21 MR. LUPO: So I'm not sure I got an  
22 answer. Were you here in the winter? Because you  
23 made an assumption. We'll move on.

24 Demolition plan. In the demolition  
25 plan there's a concrete pad in the upper right-hand

1 corner, and the demolition plan, I'm not sure if it  
2 shows a 25-foot spotlight that glares in the back of  
3 my house. I just want to know if that's going to be  
4 removed during the demolition?

5 MS. SAVITZ: So the concrete pad, my  
6 understanding is by the tennis and racquet club with  
7 the lighting as it exists today?

8 MR. LUPO: I have a picture here if  
9 that works if you put it as an exhibit.

10 CHAIRMAN SMITH: We're not going to  
11 accept any exhibits. If you want to use it as a  
12 reference, that's fine.

13 MR. LUPO: For reference, this is  
14 the -- the concrete pad is here. The light is here.  
15 It's not shielded, and there's my house. It points  
16 in the window. I just want to know if you're  
17 removing it.

18 MS. SAVITZ: The lighting that is --  
19 the illuminance for the tennis and racquet club as  
20 it exists today will be removed, and it will be  
21 replaced.

22 MR. LUPO: Technically, that's the  
23 Kings' property, the upper part.

24 MR. ORTH: What's your point?

25 MR. LUPO: Is it going to be removed?

1 MR. ORTH: She just said it was.

2 MR. LUPO: Thank you. There's Goodwill  
3 bins there. In the demolition plan, are they being  
4 removed?

5 MS. SAVITZ: The demolition plan  
6 doesn't specify the Goodwill bins to be removed.  
7 The applicant's prepared to work to relocate them.

8 MR. LUPO: And the only reason why I  
9 ask is because of the headlights from the trucks.  
10 That is the only buffer we have at this point.  
11 Thank you.

12 CHAIRMAN SMITH: All right.

13 MR. SCHMADEL: Hi. My name is Joseph  
14 Schmadel, S-C-H-M-A-D-E-L, 18 Franklin Road.

15 The question I have is with the  
16 parking. I appreciate you finding more spaces by  
17 creating 90-degree parking spaces. It's going to  
18 make things more difficult pulling in and out. Has  
19 the lanes been widened? First question.

20 MS. SAVITZ: The lane width is 24-feet  
21 wide.

22 MR. SCHMADEL: So it's going to stay  
23 the same.

24 MS. SAVITZ: It has increased from the  
25 existing lane width.

1 MR. SCHMADEL: What is the existing  
2 lane width?

3 MS. SAVITZ: So the lane width varies  
4 between the angle parking approximately 20 foot in  
5 nature.

6 MR. SCHMADEL: So 4 feet more. So it  
7 is going to make it more difficult.

8 What is also going to happen is, when  
9 you have the 90-degree parking spaces, people are  
10 going to use it as a two-way lane versus one way.  
11 With a 60 degree, it's obvious that it's one way.  
12 When you change that, it's going to be two way.

13 BOARD ATTORNEY: Is there a question  
14 here, sir?

15 MR. SCHMADEL: Are you aware of some of  
16 the consequence of making 90-degree parking spaces?  
17 Part of that is it will become a two-way lane versus  
18 you one way.

19 Curious. Was it taken into  
20 consideration?

21 CHAIRMAN SMITH: Perhaps that's  
22 something for the traffic study expert to answer  
23 your question when he gives testimony.

24 MR. SCHMADEL: Okay.

25 CHAIRMAN SMITH: Thank you.



1 MS. COLE: Hi. Mary Cole, C-O-L-E. I  
2 live a couple houses down at 69 East Main Street.

3 I just have a couple quick questions on  
4 the utility part. For the lighting, what law or  
5 ordinance or code governs this?

6 MS. SAVITZ: The proposed lighting  
7 design is per the borough ordinance, and then  
8 industry standards as it relates to typical light  
9 levels are in accordance with IESNA.

10 MS. COLE: I wasn't aware Mendham had a  
11 lighting ordinance. Is that new?

12 CHAIRMAN SMITH: No. Perhaps our  
13 engineer --

14 MR. FERRIERO: We have a lighting  
15 ordinance.

16 MS. COLE: Is there an ordinance that  
17 governs the parking lot?

18 MR. FERRIERO: Yes.

19 MS. COLE: There is?

20 MR. FERRIERO: Yes.

21 MS. COLE: I haven't been able to find  
22 it. Okay.

23 So that ordinance, is that -- how does  
24 that work with regard to the administrative code  
25 parking lot lighting?

1                   MR. FERRIERO: I don't understand the  
2 question. Administrative code is state law.

3                   MS. COLE: Right.

4                   And so does the parking lot lighting  
5 ordinance that we have, are the restrictions greater  
6 than the NJAC?

7                   MR. FERRIERO: I am not familiar with  
8 the administrative code as it relates to site  
9 lighting on properties like this.

10                  MS. COLE: Okay. So right now you  
11 don't know that offhand, do you? There's an  
12 ordinance that's going to govern the parking lot  
13 lights?

14                  MR. FERRIERO: Yes.

15                  MS. COLE: In Mendham?

16                  MR. FERRIERO: Yes.

17                  MS. COLE: I apologize.

18                  And with regard to you had cited to  
19 dark sky, are you looking at any particular  
20 regulations with regard to that?

21                  MR. FERRIERO: Dark sky is a general  
22 description of lights that do not emit light  
23 upwards, and if you look at the details of the light  
24 fixtures provided, they will say that they are dark  
25 sky compliant.

1 MS. COLE: Right. So, for example, I  
2 guess my question is let's say the foot -- the light  
3 trespass exceeds the acceptable foot candles. Who  
4 would be responsible to enforce that once the lights  
5 are turned on?

6 MR. FERRIERO: I think you're asking --  
7 you're supposed to be asking questions of the  
8 applicant and her testimony, but I will tell you  
9 that --

10 MS. COLE: It's a dual.

11 MR. FERRIERO: It's not a dual at all.  
12 I can tell you the way that the site plans work.

13 MS. COLE: D-U-A-L. Not like a sword  
14 fight.

15 MR. FERRIERO: No. I understand. I  
16 understand.

17 The way a site plan works is the  
18 specific plans are approved by the board. It is the  
19 property owner's responsibility to comply with that  
20 site plan, and if they are not in compliance with  
21 the site plan, then they're subject to enforcement  
22 and other actions as may be appropriate based on  
23 what the zoning officer determines.

24 For example, if all the trees die, they  
25 have to be replaced. If any of the trees die, they

1 have to be replaced, because they're part of the  
2 site plan.

3 MS. COLE: So if, in fact, there is  
4 light trespass, for example, once the lights are  
5 turned on, is the borough code enforcer responsible  
6 to enforce whatever applicable laws there are?

7 MR. FERRIERO: In the case of the site  
8 plan like this, it is routine that, before the final  
9 certificates of occupancy are issued, my office will  
10 go out with a light meter and make sure the light  
11 levels are what they were purported to be on the  
12 plans.

13 MS. COLE: Okay. So you're just  
14 concerned with the site plan. If three weeks later,  
15 all of a sudden, leaves fall and the light trespass  
16 is unacceptable, for example, and the foot candles  
17 have increased, who would be responsible then to  
18 enforce that?

19 MR. FERRIERO: The testimony was that  
20 the light levels shown on the plan do not account  
21 for any vegetation at all.

22 MS. COLE: Okay. So if there were  
23 light trespass, what government entity is  
24 responsible to enforce that?

25 Are you the attorney?

1                   BOARD ATTORNEY: Yeah. You're talking  
2 to him, questioning him now, the engineer and/or the  
3 zoning officer.

4                   MR. FERRIERO: The zoning officer will  
5 enforce the site plan. My office will ensure that  
6 the project is built in accordance with the site  
7 plan.

8                   MS. COLE: Okay. And I'm talking post  
9 site plan I guess, because you keep going back to  
10 the site plan.

11                  MR. FERRIERO: I understand that, but  
12 if the lights change and the applicant puts in  
13 different lights, that's a violation of the site  
14 plan. Lights do not increase their intensity over  
15 time. In fact, the opposite occurs.

16                  MS. COLE: Right. I mean I'm just  
17 talking about going into winter. A couple people  
18 have mentioned --

19                  MR. FERRIERO: You have to hear me for  
20 the second time or maybe the third time. The  
21 illumination levels shown on the plan account as if  
22 there's no foliage, no landscaping. None. Zero.  
23 You can't get less than that.

24                  MS. COLE: And the law that's going to  
25 govern that right now is only the Mendham Borough

1 ordinance. I just want to clarify.

2 MR. FERRIERO: The Mendham Borough  
3 ordinance establishes site plan design standards.  
4 The applicant has the obligation to design in  
5 accordance with those standards and then construct  
6 in accordance with those standards and then they get  
7 checked.

8 MS. COLE: All right. Thank you.

9 CHAIRMAN SMITH: All right. Thanks.

10 MR. ZAMMATARO: Frank Zammataro,  
11 Z-A-M-M-A-T-A-R-O, representing the Mendham Alliance  
12 for Preservation and Conservation, 41 Corey Lane.

13 I have a bunch of questions. I don't  
14 know if you can answer them all today, but I'll kind  
15 of read them off.

16 On drainage, is there a name of the  
17 system or the style of impervious drainage system?  
18 Is there like a specific product name or a style,  
19 you know, something that I could research?

20 MS. SAVITZ: The proposed system has  
21 the applicability to be a porous pavement or a  
22 physical paver. The applicant plans to install a  
23 paver.

24 The specificity of it, while it is  
25 reviewed and held to the state requirements or their

1 design requirements, not to mention the borough  
2 requirements, I know there are some manufacturers  
3 related to -- we haven't identified a specific --

4 MR. ORTH: We haven't identified a  
5 specific manufacturer.

6 MS. SAVITZ: -- manufacturer. It will  
7 have to be in accordance with the state requirements  
8 as they require a certain paver size opening in the  
9 sub surface material.

10 MR. ZAMMATARO: Understood. Will that  
11 manufacturer or that product be publicly disclosed  
12 prior to the vote of this board?

13 MS. SAVITZ: The exact material will be  
14 held to the state requirements.

15 MR. ZAMMATARO: Okay. So will it --  
16 I'm asking will that product or plan specifically be  
17 presented to this board prior to a vote?

18 MS. SAVITZ: The exact product, likely  
19 not.

20 MR. ZAMMATARO: Okay. That's fine.

21 MS. SAVITZ: It's based on material  
22 availability. I can speak to the design.

23 MR. ZAMMATARO: That's great. That's  
24 fine. That's great. Thank you for answering my  
25 question.

1                   Next question. Does this product or  
2 does this plan for pervious pavers have a load  
3 requirement relative to traffic since, you know, the  
4 trucks and vehicles will be driving over it?

5                   MS. SAVITZ: Yes, and it has been  
6 designed for the traffic rating.

7                   MR. ZAMMATARO: Fantastic.

8                   How often does the filtering system for  
9 the impervious pavers have to be replaced?

10                  In other words, what is the life of the  
11 impervious drainage system?

12                  MS. SAVITZ: It's a good question, and  
13 it's based on a couple elements; that being, the  
14 vehicular loading, the cyclic loading of the  
15 vehicles, not to mention that of what is filling the  
16 joints. We heard about the operation and  
17 maintenance manual.

18                  So the recurrence of inspection that  
19 the applicant is going to be held to will help  
20 extend the life cycle of the paver system. The  
21 exact time frame related to it is related to that of  
22 maintenance, not full replacement.

23                  MR. ZAMMATARO: Okay. So we don't have  
24 the answer to that question at this time.

25                  MS. SAVITZ: The expected life span of



1 the paver system will be specific to the loading on  
2 it and the site's use.

3 MR. ZAMMATARO: So we don't know what  
4 the exact life of the pervious paver system that is  
5 being suggested or proposed in your plans -- how  
6 long it will need to be completely replaced or  
7 partially replaced?

8 MS. SAVITZ: We know what the applicant  
9 is responsible for maintaining and the design  
10 requirements.

11 MR. ZAMMATARO: Right. Thank you.

12 CHAIRMAN SMITH: Your time is up, but  
13 if you have one more quick question.

14 MR. ZAMMATARO: Well, I have a whole  
15 bunch from all the other session, but I can, you  
16 know, come up another time if I'm done.

17 Do you have the right to extend  
18 somebody's time?

19 BOARD ATTORNEY: Well, that's not fair  
20 to the other people there.

21 MR. ZAMMATARO: Okay. All right.  
22 Well, thank you.

23 MR. WILLIAMS: Hello. I'm Danny  
24 Williams. I live on 1 Heritage Manor Lane which is  
25 Mendham Area Senior Housing. I've lived in Mendham

1 since 1968, and I hope to continue to live here.

2 But my concern is you talked about  
3 dumpsters. I guess you would call them on the west  
4 end of this project, correct? On the extreme west  
5 side of this project?

6 MS. SAVITZ: We spoke about the trash  
7 collection on both the eastern and western side.

8 MR. WILLIAMS: My concern is the west  
9 because that's where MASH is, and my bedroom window,  
10 my balcony is right up against the parking lot at  
11 Kings currently.

12 BOARD SECRETARY: Sir, you need to  
13 speak into the microphone.

14 MR. WILLIAMS: I'm sorry. I'm sorry.

15 I'm envisioning these dumpsters being  
16 right outside my window. Visually not appealing. I  
17 know for a fact that the trash is picked up at Kings  
18 all hours of the night like in the morning like say  
19 4 or 5 o'clock in the morning which I would think is  
20 against, you know, noise codes, but maybe there  
21 isn't any in Mendham.

22 So I'm just trying to picture, if this  
23 project succeeds, which I'm amazed that anybody  
24 would support it, I mean how does Mendham -- how do  
25 the residents of Mendham benefit from this project?

1           But going back to the dumpsters, I'm  
2 going to be smelling trash, garbage all the time?  
3 Trucks picking up the trash at -- you know, in the  
4 middle of the night.

5           BOARD ATTORNEY: Sir, you need to ask a  
6 question. This is a question period. So if you  
7 want to ask about the odors from the dumpster, can  
8 you ask that?

9           MR. WILLIAMS: Yeah. I mean how is  
10 that not going to impact our, you know, well being  
11 as residents of Mendham?

12           MASH I should say, Mendham Area Senior  
13 Housing, and I know a lot of my neighbors are  
14 concerned about it too, but I just go out on my  
15 balcony. Am I going to be looking at dumpsters and  
16 trucks? You know, all kinds of other negative  
17 things.

18           My question is what -- what do we get  
19 from it, from this project as residents of Mendham?  
20 How do we benefit from this project? That's what I  
21 want to know.

22           MR. ORTH: The very short answer is  
23 it's a constitutional obligation to provide for --

24           MR. FERRIERO: Derek, you want to use  
25 the microphone.

1 MR. ORTH: The very short answer is  
2 every municipality has a constitutional obligation  
3 to provide for their fair share of affordable  
4 housing of which this project is the only project in  
5 town which has an allocation for sewer that is zoned  
6 and is moving forward in Mendham.

7 MR. WILLIAMS: It's fulfilling an  
8 obligation.

9 MR. ORTH: It's fulfilling an  
10 obligation which is a constitutional obligation.

11 So let's get back to the trash, right?  
12 You had a question about the trash.

13 Q. So I think we showed two trash  
14 collection containers on the plan. Is that correct?

15 A. That's correct.

16 Q. And where was the one plan left, right?

17 A. On the western side.

18 Q. Planned on the western side, where do  
19 we have that located?

20 A. We have that central to the parking  
21 area. In relation to the existing dumpsters along  
22 that alley today, it is further from the property  
23 line and it will be enclosed.

24 MR. WILLIAMS: Okay. Just one  
25 question. How do the residents of Mendham benefit

1 from this project?

2 Other than the housing obligation, I  
3 understand that. That's a legal thing. How does it  
4 enhance our lives?

5 MR. ORTH: First of all, we're asking  
6 questions of my engineer. There will be time for  
7 closing comments and remarks on this application.  
8 At which point, I will also provide a closing  
9 statement of all the benefits as will my planner  
10 with regard to the positive and negative criteria  
11 associated with this application.

12 So hold that thought. We will present  
13 expert testimony on it. I will provide a closing  
14 statement on it.

15 I think we addressed the question  
16 regarding the location of the dumpster on the  
17 western side. Thank you for coming.

18 MR. WILLIAMS: Thank you.

19 CHAIRMAN SMITH: We're going to take  
20 one more.

21 MS. BUPRAT: Yeah. This is a quick  
22 question. Maria Buprat. B, as in baby, U, Peter,  
23 Robert, Anna, Thomas. 106 Dean Road.

24 So regarding the light, I totally  
25 understand that.

1 BOARD SECRETARY: Speak into the mic.

2 MS. BUPRAT: I'm sorry. I totally  
3 understand, according to the plan, all the lights  
4 are going to be compliant with whatever the rules  
5 are.

6 The question is there's some current  
7 light that are not compliant. Are all the current  
8 noncompliance lights be brought into compliance with  
9 your plan?

10 MS. SAVITZ: Yes. There is a comment.  
11 We received feedback from the board engineer related  
12 to site lighting, and we'll work with him regarding  
13 the proposed lighting throughout the site.

14 MS. BUPRAT: Okay. So all current  
15 lights are going to all be made compliant?

16 MS. SAVITZ: Yes.

17 MS. BUPRAT: Okay. Thank you.

18 CHAIRMAN SMITH: If we keep it to the  
19 strict 3 minutes, we can allow two more at this  
20 point. If there's a couple more people that would  
21 like to speak.

22 MR. NEFF: Chris Neff, 89 West Main  
23 Street in the borough. N-E-F-F, never enough french  
24 fries.

25 Just a quick thanks for everyone coming

1 tonight. I know it's a long night.

2 I'm hearing a lot of that everything is  
3 in accordance. Has there been any thought to be  
4 doing anything more?

5 This is a very sensitive wildlife area.  
6 So you mentioned about adding native plants up in  
7 the northern part. Why not add native plants around  
8 the whole project? Like native pollinator gardens.  
9 Things like that.

10 MS. SAVITZ: Yes. To clarify, the  
11 requirement to the north of the property are in  
12 those environmental areas that they be a hundred  
13 percent native.

14 There are native species that are  
15 proposed throughout the property elsewhere. I just  
16 wanted to clarify the state requirement is that.

17 MR. NEFF: Right. So I'm just  
18 asking -- I understand the state requirement you're  
19 in accordance and so forth. This is a very  
20 sensitive area also to the residents. Why not do  
21 more?

22 So that's what I'm asking you. You  
23 don't have to answer that to me tonight, but like  
24 the lighting, light pollution is pretty serious,  
25 especially along among wildlife. I'm going to speak

1 to the wildlife. So if you know me, I hike around  
2 here quite a bit.

3 It changes the way animals behave and  
4 to a negative degree. There are some endangered  
5 species that live right next to your project. Will  
6 you consider doing light surveys and studies to make  
7 sure that they are safe?

8 I could also bring up bird strikes.  
9 Your building is going to be five stories. There  
10 will be dead animals around it. So that's why I'm  
11 saying I hear we're all in accord. Wonderful.  
12 Shouldn't we do more?

13 Thank you. Thanks for all coming  
14 tonight.

15 CHAIRMAN SMITH: Thank you.

16 MS. BARTH: Natalia Barth, 99 Dean  
17 Road.

18 BOARD SECRETARY: Please spell your  
19 last name.

20 MS. BARTH: B-A-R-T-H.

21 Are you personally going to ask -- are  
22 you personally going to answer a question that that  
23 gentleman asked you? How will he benefit from it?

24 You're going to put it in general how  
25 someone would benefit from it. What about his



1 particular question?

2           Would you answer him in the future, not  
3 in general, how this will be beneficial?

4           He asked you a particular question, and  
5 you summed it at the end I will tell you the  
6 benefits of this building. Are you planning on  
7 answering his question? Thank you.

8           MR. ORTH: Sure. If you think  
9 providing affordable housing for people in need of  
10 that is important, then that's what this project is  
11 doing.

12           MS. BARTH: That's not his question.

13           MR. ORTH: But I'm providing an answer  
14 to your question.

15           MS. BARTH: His question.

16           MR. ORTH: No. No. We answered the  
17 question. We answered the question the location of  
18 the dumpster.

19           CHAIRMAN SMITH: One at a time. Okay.  
20 Go ahead, Derek.

21           MR. ORTH: Well, I think I indicated  
22 there's going to be expert planning testimony on the  
23 positive and the negative criteria associated with  
24 this project. The constitutional implications are  
25 clear. I don't need to go into that at this moment.

1 We just have the testimony of the engineer.

2 CHAIRMAN SMITH: I agree with you. For  
3 the public's sake, this is going to be many  
4 meetings. There's going to be many expert witnesses  
5 explaining the positive and negative criteria as  
6 Derek was just explaining, and maybe some of those  
7 answers will come out through those meetings, but at  
8 the end, there will be a summary, and they will have  
9 to justify the positive and negative criteria before  
10 anybody takes a vote.

11 MS. BARTH: But, specifically, that  
12 question was asked.

13 CHAIRMAN SMITH: Maybe it was a  
14 premature question at this point.

15 MS. BARTH: Okay. Thank you.

16 MS. BURKE: Margaret Burke, B-U-R-K-E,  
17 8 Bockoven Road, Mendham, New Jersey.

18 I still get stuck on the alleyways that  
19 they're now referring to as roads. Now, I would  
20 like to know what is the width of the road on the  
21 west side of the property?

22 And I believe that's going to be one  
23 way. Is that correct?

24 MS. SAVITZ: The width of the drive  
25 aisle, the one way, correct. So it is going to be a

1 one way. It is today.

2 The direction of travel will be  
3 reversed for ingress into the property, and the  
4 width of that roadway is approximately 21 feet.

5 MS. BURKE: And what is the  
6 requirements for the width of a road?

7 I'm assuming they vary, but what would  
8 be the width requirement by the state for the width  
9 of a road that's going to have that much traffic?

10 It's not just a country lane.

11 MS. SAVITZ: That's a good question. I  
12 can speak to the ordinance, the requirements as it  
13 relates to minimum drive aisles that of parking, but  
14 the question related to the loading of the traffic  
15 on that particular drive aisle and the width being  
16 satisfactory is really a better question for the  
17 testimony of a traffic engineer that will follow me.

18 MS. BURKE: Okay. And when you give  
19 the width of that alley, you're measuring it what  
20 from what, the side of the building to -- what do  
21 you measure?

22 MS. SAVITZ: You're measuring the width  
23 the vehicle can traverse the space.

24 MS. BURKE: So that's from the exact  
25 side of the building. You're not allowing any type

1 of curb or shoulder. You're measuring from the side  
2 of the building outward. Is that correct?

3 Because that's the way it is now.

4 MR. ORTH: It's curb to curb, right?  
5 It's curb to curb?

6 MS. BURKE: Well, door to curb.

7 MS. SAVITZ: Correct.

8 MS. BURKE: Okay. And what's the width  
9 of the east side?

10 MS. SAVITZ: The east side unobstructed  
11 once the trash is relocated is 23 feet.

12 MS. BURKE: And is that appropriate for  
13 a two-way street?

14 MS. SAVITZ: Again, you'll hear traffic  
15 testimony related to that, what vehicles are using  
16 that roadway, that alleyway, that drive aisle and  
17 the applicability.

18 MS. BURKE: And is that a measurement  
19 from the side of the building to the curb?

20 MS. SAVITZ: So there is -- related to  
21 that side of the property, there is a protrusion  
22 from the building or an external most point. It's  
23 measured from that point to the curb.

24 MS. BURKE: From that point to the  
25 curb. So are you required to give any allowances

1 there for people using the rear entrances of their  
2 commercial businesses or are they going to step into  
3 traffic?

4 MS. SAVITZ: Again, you'll hear  
5 testimony as it relates to the operations, and we've  
6 testified this evening as it relates to coordination  
7 with the fire department.

8 MS. BURKE: Well, as an engineer, are  
9 you required to -- when you build a road, what's the  
10 requirement? How close can you build a road to  
11 someone's door?

12 MS. SAVITZ: There are many factors  
13 that go into roadway design; that being, who is  
14 using the roadway, how frequently. Again, the  
15 question is better suited for our traffic engineer.

16 MS. BURKE: Okay. My other question  
17 is, on the northwestern part of the property where  
18 you're going to put in some more drainage which, you  
19 know, you said is an upgrade to what is there now.

20 What my understanding is that that area  
21 does not flood now. Whatever is there now, takes  
22 care of whatever rain, drainage problem there is.

23 So what I'm asking, are you putting  
24 these new drain systems in because this building is  
25 so large and it's taking up so much soil and so much

1 natural drainage on the property? Is that what's  
2 happening?

3 MS. SAVITZ: It's a good question. So  
4 we are required -- based on the size or how much  
5 soil is being disturbed, we're required to meet  
6 state requirements. It is not directly related to  
7 the building size.

8 We are required to meet what's called  
9 reductions for varying storm events. So it's based  
10 on the size of the property itself that we are  
11 triggering those more restrictive requirements.

12 MS. BURKE: Okay. Well, in all these  
13 years, and all the storms that's come by, excuse me,  
14 I've lived here 30 years, that has never flooded.  
15 Never, ever flooded.

16 CHAIRMAN SMITH: All right.

17 MS. BURKE: Excuse me. I sat here for  
18 two and a half hours.

19 So what I would like to know is this  
20 building drastically affecting the way the  
21 water's -- you're changing drastically the way the  
22 water flows through that area, and will you really  
23 know until the building's built and then we see how  
24 the water does naturally flow? It's going to change  
25 its route.

1 MS. SAVITZ: The proposed design takes  
2 into consideration the building location, the actual  
3 reduction impervious coverage and where the water is  
4 going. So it has been designed to factor in all  
5 those elements, and it holds back more water as part  
6 of the state's more conservative planning measures.

7 MS. BURKE: Right. Then it has to hold  
8 back more water because you're building on more  
9 land.

10 The land -- the open land there now  
11 does not require any more additional drainage. So  
12 because of the building you're putting there, you're  
13 creating a system where you have to have drainage  
14 and whatever you call it. Whatever the requirements  
15 are, I get that, but that's the reason that you're  
16 putting in the drainage. Not to improve our lives  
17 or the property. You're putting it in because this  
18 building is so big it needs to have it for drainage.

19 CHAIRMAN SMITH: Are you asking a  
20 question?

21 MS. BURKE: I'm asking -- I'm saying --  
22 you know -- you know, everybody here has waited very  
23 patiently, and I think we've listened for two hours.  
24 There's people in this community are concerned, and  
25 I think we all deserve respect.

1           To cut somebody off in 3 minutes when  
2 you originally said five is extremely rude, and it's  
3 giving the impression that, I don't know, you're not  
4 listening. So I am asking her a question. There  
5 was a question there. Now I don't remember what it  
6 was.

7           MS. SAVITZ: I believe the question  
8 related to stormwater requirements, their  
9 applicability, why they are.

10           The proposed design itself, independent  
11 of how big the lot is, is reducing the paved  
12 surfaces on the property. So independent of having  
13 to manage our stormwater, we are improving the paved  
14 condition or the natural ground cover on the  
15 property.

16           MAYOR GLASSNER: Excuse me. Paul,  
17 could you just maybe explain to people how the state  
18 changed the stormwater regulations this past year?

19           MR. FERRIERO: Sure. The requirement  
20 is, under the stormwater regulations, that you have  
21 to look at the site both before and after  
22 construction.

23           In this particular case, or, generally  
24 speaking, runoff increases as the amount of  
25 impervious coverage increases. This is a case where



1 the amount of impervious coverage decreases after  
2 the development.

3 So all things, just looking at that,  
4 one would assume it's less runoff. There are other  
5 factors that are involved that you need to run  
6 through fairly complex calculations, and what the  
7 state requires is that there be reductions in the  
8 peak runoff rates for the 2-, 10- and 100-year  
9 storms. That is the requirement.

10 So the amount of water that runs off  
11 the site must be reduced from the existing  
12 conditions to the proposed conditions.

13 MS. BURKE: Okay. And the proposed  
14 conditions are necessary because you're building on  
15 the lot of this property. It's naturally being  
16 taken care of now, the runoff, the flooding, the  
17 storms.

18 On their property, it's naturally  
19 taking care of itself, but because you're building  
20 on it, you have to provide these other drainage  
21 measures. Is that correct?

22 MS. SAVITZ: The proposed stormwater  
23 system is required based on -- in conjunction with  
24 the proposed development.

25 MS. BURKE: Okay. All right. Thank

1 you.

2 CHAIRMAN SMITH: Thank you.

3 Okay. I'd like to close the public  
4 session right now. We're running out of time. We  
5 have to vacate this building.

6 MS. DUARTE: One quick question.

7 CHAIRMAN SMITH: Honestly, we -- the  
8 last resident really. No. We can continue this at  
9 the next meeting. You can hold your questions, and  
10 I'll give everybody an opportunity to follow-up at  
11 that point.

12 We do have to vacate this building by  
13 10 o'clock.

14 MS. DUARTE: Are you going to start the  
15 next meeting with questions.

16 BOARD SECRETARY: Yes.

17 MS. DUARTE: So I can ask my question  
18 at the next meeting.

19 CHAIRMAN SMITH: At the next meeting,  
20 is that appropriate?

21 MR. GERMINARIO: We can do that.

22 MS. DUARTE: You'll start with resident  
23 questions at your next meeting.

24 CHAIRMAN SMITH: We will start with  
25 follow-up. We're on a time restraint.

1 MS. DUARTE: I can't ask two quick  
2 questions? I won't be as long. I promise.

3 CHAIRMAN SMITH: No. No. Save those  
4 questions, and I'm sorry, but there are only so many  
5 hours in a day.

6 BOARD SECRETARY: You can be first in  
7 line on the 24th.

8 MS. DUARTE: Can I be first in line? I  
9 mean seriously.

10 BOARD SECRETARY: What's your name?

11 MS. DUARTE: Duamalia Duarte,  
12 D-U-A-M-A-L-I-A, D-U-A-R-T-E, and I'm on the Mendham  
13 Township Committee.

14 BOARD SECRETARY: Okay.

15 CHAIRMAN SMITH: Thank you. We'll do  
16 that out of fairness for the residents.

17 MR. ORTH: Thank you.

18 BOARD SECRETARY: Excuse me, but the  
19 meeting is still going on. So please sit down.  
20 Thank you.

21 AUDIENCE MEMBER: Impervious coverage  
22 is less. How much less?

23 CHAIRMAN SMITH: It's all on the plans.  
24 It's all on the plans.

25 AUDIENCE MEMBER: Total percentage.

1 MR. ORTH: I don't know the answer to  
2 that, but what I'm going to suggest to -- and  
3 it's -- nobody has to do it, but if you want to  
4 reach out to me and email any questions that you'd  
5 like to have answered, please feel free to do so and  
6 we can start with that at the next hearing.

7 My email is -- I'll write it down  
8 after. I'm sure it's on the application.

9 BOARD ATTORNEY: Derek, be sure that  
10 any of these questions and responses are on this  
11 record. I don't want any private communications  
12 between you and the public. Everything has to be  
13 done on the public hearing record.

14 MR. ORTH: That's no problem. I was  
15 just looking to answer questions and improve the  
16 process.

17 BOARD SECRETARY: Here are my cards.

18 BOARD ATTORNEY: Everything has to come  
19 back on record.

20 MR. ORTH: Okay. They'll go through  
21 Ms. Smith.

22 CHAIRMAN SMITH: Perfect.

23 MR. ORTH: There we go. Even better.

24 CHAIRMAN SMITH: Okay. So I think  
25 we're going to wrap it up here for tonight, and our

1 next meeting is right here on the 24th at 7 p.m.

2 If everybody's listening back there,  
3 next week, the 24th at Grace Lutheran Church, 65  
4 East Main Street, and we will continue with these  
5 questions then out of fairness to the public, and  
6 I'd like to give everybody an opportunity to speak,  
7 but, you know, there's just so many hours we can  
8 afford to this.

9 BOARD ATTORNEY: And this application  
10 is being carried to the date just announced without  
11 further notice.

12 AUDIENCE MEMBER: What did you say? We  
13 didn't hear.

14 BOARD ATTORNEY: The next meeting will  
15 be on September 24. Tuesday, September 24 beginning  
16 at 7 p.m., and this application will continue on  
17 that date without further notice.

18 CHAIRMAN SMITH: I'd like to have a  
19 motion to adjourn.

20 MR. EGERTER: Motion.

21 MR. MOLNAR: Second.

22 BOARD SECRETARY: Mr. Egarter was the  
23 first. Who was the second? Mr. Molnar was second.

24 All in favor.

25 (All respond aye.)

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BOARD SECRETARY: Opposed.

CHAIRMAN SMITH: Meeting adjourned.

Thank you.

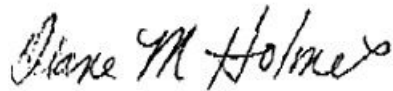
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CERTIFICATE OF OFFICER

I CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as reported stenographically by me at the time, place and on the date as hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney or counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



DIANE M. HOLMES, C.C.R.  
Certificate No. XI01660

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