

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

Transcript of Proceedings
September 24, 2024



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BOROUGH OF MENDHAM
JOINT LAND USE BOARD
Tuesday, September 24, 2024
Commencing at 7:15 p.m.

IN THE MATTER OF:

23-22 V-FEE MENDHAM
APARTMENTS
84-86-88 EAST MAIN
STREET
BLOCK 801 LOT 20

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
- JAMES MOLNAR, MEMBER
- JOHN EGERTER, MEMBER
- MARRIE ROSE GARBACZ, MEMBER
- KEITH KAY, 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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1 CHAIRMAN SMITH: Now, we will open up,
2 as I promised, public session for comments of our --
3 of the applicant's engineer from last week's
4 testimony.

5 BOARD SECRETARY: And before we start,
6 there was a lady that wanted to talk that was from
7 the township. We told her that she could be first.

8 CHAIRMAN SMITH: Correct. Yes.

9 MR. FERRIERO: And, Mr. Chairman, just
10 to be a hundred percent clear, is this for questions
11 of the engineer's testimony and not comments?

12 CHAIRMAN SMITH: Correct. This is
13 questions only.

14 MR. FERRIERO: Comments come later.

15 CHAIRMAN SMITH: At the end of the
16 whole proceeding, you'll have your opportunity and,
17 you know, your time to voice your comments about
18 what your thoughts and opinions are.

19 So these are just questions and keep
20 them specific to what last week's meeting, you know,
21 review was from the engineer.

22 MS. DUARTE: Amelia Duarte, and I'll
23 spell that for you. A-M-A-L-I-A D-U-A-R-T-E, and I
24 live at 22 Brockden Drive which is in the township.

25 Just to clarify, I am on the township

1 committee. I am the, quote/unquote, liaison that
2 the township committee has asked to come to your
3 meetings on this particular project.

4 We were working on a formula -- I'm
5 sorry. A little quick statement. We were working
6 on formulating a statement. We had a meeting last
7 night. We're not done with our statement yet. So I
8 really -- tonight I'm just speaking as a private
9 resident, not as an elected official.

10 So like I said last week -- yeah, it
11 was last week. Two quick questions. One is
12 regarding the drainage system. You talked about the
13 filters being cleaned and vacuumed. So I had a
14 couple of questions around that.

15 Who's going to be responsible to make
16 sure that they're cleaned? Is there a schedule?
17 What kind of monitoring will be done?

18 Is the water and are any materials that
19 will be vacuumed out of there going to be tested for
20 contaminants? If contaminants are found, is there
21 any requirement that that information get published
22 and a remediation plan be put into place? So that's
23 about the drainage.

24 With the lighting, you did talk about
25 dark sky lighting, and I wanted to clarify is the

1 entire project going to be dark sky compliant, and
2 then I am not sure, but does the borough have an
3 ordinance requiring the project's be dark sky
4 compliant.

5 And then not to add on with the time
6 period, I do -- I sat on the zoning board in Mendham
7 Township. We never restricted people from the time
8 that they were allowed to come up to the mic and ask
9 questions, and I say that respectfully. So those
10 are my questions.

11 Now, should I sit down?

12 CHAIRMAN SMITH: You can stay right
13 there.

14 BOARD SECRETARY: Just hold the red
15 button.

16 MS. SAVITZ: Can you hear me?

17 Good evening. For the record, Afton
18 Savitz.

19 So the comments as received or the
20 question as discussed during the last hearing, the
21 applicant is required to have an operation and
22 maintenance manual for the stormwater system which
23 will specify the regularity of the inspections, and
24 then that gets provided to the borough for the
25 reference.

1 MS. DUARTE: So then who is actually
2 doing those inspections?

3 MS. SAVITZ: The applicant is required
4 to have inspections provided, reports prepared and
5 then sent to the borough.

6 MS. DUARTE: So is the applicant going
7 to come back post project being developed?

8 MS. SAVITZ: Do you mind repeating the
9 question?

10 MS. DUARTE: So my question is around
11 the cleaning of the stormwater drainage filters,
12 right, that are under the pavers.

13 So let's just, you know, go into the
14 future. Let's assume that something ends up being
15 built there, and there are going to be contaminants
16 that are going to be vacuumed out of those filters.
17 So who is going to be responsible for making sure
18 that that happens?

19 MS. SAVITZ: The applicant is required
20 to ensure that the storm system as designed operates
21 continuously in the future to those standards, and
22 the borough will be cognizant, aware and reviewing
23 inspection reports related to it.

24 MS. DUARTE: So is this the borough
25 officials then? I'm looking at --

1 MR. FERRIERO: If you're looking at me
2 as the borough engineer, the borough has an
3 obligation under its municipal stormwater permit to
4 ensure that privately owned stormwater systems are
5 adequately maintained.

6 That process is the -- each project
7 like this has an operations and maintenance manual.
8 It has frequency of inspections. Those reports
9 must -- a requirement in the O & M manually, I state
10 that the applicant must submit all those reports by
11 April 1 of each year for the prior year so we have a
12 record of all the inspections that have been
13 completed.

14 Just as a bit of clarification to the
15 stormwater system on this project, there are no
16 filters. Just to be clear, there are no filters.
17 Filters, as you generally may have seen them in the
18 past, are no longer permitted by the DEP. DEP
19 regulates total suspended solids in runoff. That's
20 all they regulate.

21 The permeable pavement used in this
22 project and the other bioretention-type systems are
23 considered acceptable, best management practices
24 under the DEP for control of total suspended solids.
25 When those are -- what happens with the permeable

1 pavement, it is vacuumed. The material is
2 classified just like road grit is and needs to be
3 disposed of in a certain manner.

4 If there is sludge or anything like
5 that that is found in any system, it needs to be
6 disposed of properly, and that's an obligation
7 that's on both the property owner and the contractor
8 doing the work.

9 MS. DUARTE: Okay. That answers my
10 question. Is there any testing that is done to the
11 sludge or whatever is?

12 MR. FERRIERO: Very often there is not.
13 It's just assumed to be a classified material.
14 Classified meaning that it has to be disposed of in
15 a certain manner.

16 Sometimes when you take it to the
17 disposal sites, if it's a liquid, they will test it
18 as incoming to the facility, and if it has too much
19 of a certain pollutant, they'll send it to a
20 different facility that can accept that material,
21 but that segregation of the waste is not done
22 on-site. It's done at the receiving property that
23 gets the material.

24 MS. DUARTE: Okay. All right. Thank
25 you.

1 MS. SAVITZ: Regarding the lighting,
2 the testimony provided last time, all of the light
3 on the property will be brought into compliance with
4 the borough ordinance with the exception of the
5 bank.

6 So there are state requirements as they
7 apply to security measures for financial
8 institutions. So with the exception of the bank
9 that previously obtained approvals for those
10 measures, all of the free-standing light poles,
11 building-mounted fixtures will be brought into
12 compliance.

13 MS. DUARTE: Which is dark sky?

14 MS. SAVITZ: Correct.

15 MR. FERRIERO: What I would say about
16 the bank, I drove through the site again tonight.
17 There was a lighting plan approved for additional
18 lighting. There is some high intensity LEDs that
19 are angled up at a 45-degree angle.

20 I would request, Afton, that you look
21 at that. I don't believe you need the 45-degree
22 angle to get the proper lighting, because I have
23 seen dozens of these sites without that. So if you
24 could look at that and incorporate that into your
25 plan please.

1 MS. DUARTE: All right. Thank you.

2 MS. SAVITZ: We will certainly do that.

3 CHAIRMAN SMITH: Anyone else?

4 MS. FORD: Hi. Elyse Ford. I live at
5 73 Hampshire.

6 MR. FERRIERO: Spell your last name
7 please.

8 MS. FORD: F-O-R-D like the president.
9 Concerning the discussion last week,
10 you mentioned in passing that there would be a wall
11 constructed in the northeast corner of the project,
12 and in my mind, that is basically where Mendham
13 Plywood is, and that this wall would keep the water
14 from merging into what is now what we call a swamp.

15 My concern is flooding. If that wall
16 dissects the swampy area, it cuts off what is
17 allowed to naturally drain, and living in the
18 Commons, I don't know much, but I know that we'll
19 flood.

20 So I would like a little bit more
21 clarification about the wall that you're proposing
22 on the northeast corner of the project and what you
23 see as the benefit for that.

24 MS. SAVITZ: Sure. The wall along the
25 northeast corner is related -- is to level the area.

1 So under existing conditions, there will be some
2 grading changes, but what we have done is we are
3 required to compare existing and proposed stormwater
4 as it relates to one another for management both of
5 rain water coming out of the sky, not to mention new
6 water coming from other sources, and so the wall
7 specifically, the adjacent condition with the
8 plywood will maintain flush and the drainage pattern
9 ultimately where water is going will be maintained.

10 MS. FORD: Again, just for
11 clarification, why a wall? Where are you putting
12 this thing?

13 MS. SAVITZ: The wall along the
14 perimeter are really for grading purposes. Where
15 there's a slope today, it levels it out for the
16 pedestrian connectivity in front of the building.

17 MS. FORD: So you're changing the
18 topography.

19 MS. SAVITZ: The overall drainage
20 pattern for the property will be maintained. Where
21 water is ultimately going will be maintained.

22 MS. FORD: Okay. That was just one
23 question.

24 Then the other quick question, living
25 in the Commons, if you put up a five-story building,

1 I will be able to see it from every window in my
2 house, and at night, I know, if anybody in that
3 building turns a light on, I'll be able to see those
4 lights. Is that being considered when you're
5 talking about dark sky? I mean --

6 MS. SAVITZ: The borough ordinance as
7 it relates to dark sky compliant are exterior
8 fixtures whether mounted to the building or
9 free-standing on the property.

10 MS. FORD: So it has no -- it doesn't
11 affect people inside the building turning on a
12 light?

13 MS. SAVITZ: The interior building
14 design, those questions are better suited for the
15 architect as it relates to the building design
16 itself and the interior of the building.

17 MS. FORD: I understand. Thank you
18 very much.

19 CHAIRMAN SMITH: Thank you.

20 MR. EGAN: Hi. Greg Egan, 51 Galloway.

21 BOARD SECRETARY: Can you spell your
22 last name please --

23 MR. EGAN: E-G-A-N.

24 I understand the borough ordinance is
25 three stories for apartment buildings.

1 BOARD SECRETARY: You need to speak
2 closer to the microphone.

3 MR. EGAN: I understand the borough
4 ordinance is for three stories for apartment
5 buildings. How is it that you're proposing a
6 five-story building?

7 MR. FERRIERO: There is a site specific
8 overlay for the development of this property in
9 accordance with the settlement, and the building
10 height -- the building height relative to number of
11 stories and vertical feet complies with that
12 ordinance.

13 MR. EGAN: The affordable housing
14 overlay is for the borough limits that at three
15 storied. How do you get that variance?

16 MR. FERRIERO: It's not a variance.
17 I'm not sure which affordable housing overlay you
18 were looking at.

19 MR. EGAN: It's on the borough website.

20 MR. FERRIERO: This east business zone
21 permits four stories over parking.

22 MS. COLE: Hi. Mary Cole, C-O-L-E, 69
23 East Main Street in the borough. Just one quick
24 follow-up question on the lighting.

25 BOARD SECRETARY: Right up to the

1 microphone please.

2 MS. COLE: Just one quick follow-up on
3 the lighting. I have always seen the 195, the
4 ordinance chapter 195 for the lighting. Now I do
5 see O2-2024. Has that been adopted?

6 The new ordinance for commercial
7 lighting that's dated February 2024, and it was
8 published in March. Excuse me.

9 BOARD ATTORNEY: It has been adopted.

10 MS. COLE: It has been adopted.

11 BOARD ATTORNEY: Yes.

12 MS. COLE: Okay. I didn't see it on
13 the website. Thank you.

14 MR. ZAMMATARO: I have to change my
15 glasses. I'm sorry. My name is Frank Zammataro.
16 I'm representing the Mendham Alliance for
17 Preservation and Conservation. F-R-A-N-K
18 Z-A-M-M-A-T-A-R-O.

19 BOARD SECRETARY: And your address.

20 MR. ZAMMATARO: 41 Corey Lane. Thank
21 you. I did submit questions because it was
22 requested that that would create some efficiency,
23 and so should I give Lisa another copy of these
24 questions, and I'm happy to give it to the engineer
25 as well.

1 CHAIRMAN SMITH: Yes. Give them to the
2 engineer and Lisa as well.

3 MR. ZAMMATARO: Thank you, Lisa.

4 Okay. So I'm just continuing on the
5 drainage impervious paver questions. So given the
6 natural high water table as outlined in the
7 documentation of the presence of headwater springs
8 on the property, how do you justify the use of
9 pervious pavers when the soil underneath is already
10 saturated and have you conducted any studies proving
11 that these pavers will actually reduce runoff and
12 flooding in such conditions?

13 MS. SAVITZ: It's important to note
14 that the paver system will have an underdrain.
15 There were field investigations performed related to
16 the soils on-site, and it's not favorable for
17 infiltration.

18 This system requires a minimum
19 separation from groundwater which is being proposed,
20 and there is an underdrain. So it's not reliant on
21 infiltration practices.

22 MR. ZAMMATARO: Thank you.

23 My next question. Can you provide
24 engineering or hydrological evidence demonstrating
25 that the pervious pavers used sporadically

1 throughout the development will have a meaningful
2 effect on controlling water flow from the nearby
3 springs on the property, especially during expected
4 future and more common heavy rainfall?

5 MS. SAVITZ: The proposed pervious
6 pavement systems are state approved best management
7 practices. They're designed both for water quality
8 and water quantity to help produce varying storm
9 event runoff on the property.

10 MR. ZAMMATARO: I'm going to skip my
11 third question because it was answered previously.

12 Have you evaluated more robust
13 stormwater management solutions such as retention
14 basins or more extensive subsurface drainage
15 systems, and if so, why were the pervious pavers
16 deemed to be the most appropriate method for a
17 sensitive wetland environment?

18 MS. SAVITZ: The project is defined as
19 a major development which has associated best
20 management practices as permitted by the state.

21 Again, based on field investigation,
22 there being soils that do not permit or lend
23 themselves to infiltration, the underground options
24 are limited. The state is encouraging that of green
25 infrastructure. So a pervious paver system with

1 underdrain is best suited for this project.

2 MR. ZAMMATARO: Okay. This is a bit of
3 a follow-up from a previous one. How do pervious
4 pavers address the significant issue of subsurface
5 water movement caused by the high water table and
6 the springs on this property? If the subsurface
7 drainage is not addressed, how do you plan to
8 protect the five-story weight of the building and
9 the 75 units from water-related damage?

10 MS. SAVITZ: The state requirements are
11 that you maintain a minimum vertical separation
12 between these storm systems and groundwater were
13 tested and field verified and the proposed design is
14 doing exactly that.

15 MR. ZAMMATARO: Last question. Have
16 you conducted a comprehensive hydrological study to
17 show how pervious pavers will interact with the high
18 water table and how they will prevent any potential
19 disruption to the wetlands in that area?

20 MS. SAVITZ: The proposed stormwater
21 analysis compares that of the existing conditions
22 and the proposed conditions. The design systems
23 take into account the site design both under
24 existing conditions and that post construction to
25 ensure that runoff rates downstream of the systems

1 themselves are being reduced from the property.

2 MR. ZAMMATARO: Thank you.

3 CHAIRMAN SMITH: Thank you.

4 MR. VAN DEN HENDE: Mark Van Den Hende,
5 11 Coventry Road. V-A-N D-E-N H-E-N-D-E.

6 Just a follow-up question. You said
7 there's a minimum vertical distance between
8 groundwater and drainage system. What is that
9 minimum distance?

10 MS. SAVITZ: For a porous pavement
11 system that has an underdrain, it is a minimum of 1
12 foot separation.

13 MR. VAN DEN HENDE: Thank you.

14 And is that to the top of the surface
15 or is that to the drain itself?

16 MS. SAVITZ: That is to the underside
17 of the system itself. Again, this is for a system
18 that is not reliant on infiltration.

19 MR. VAN DEN HENDE: Understood.

20 MR. PIENCIKA: Tom Piencika,
21 P-I-E-N-C-I-K-A, 16 Garabrant Street.

22 At the last meeting, a revised parking
23 plan was presented to the board and part of that
24 plan involved taking all of the dumpsters out of the
25 east and west aisles of the property and putting

1 them in the back of the north end of the buildings
2 into cart corrals, dumpster corrals.

3 So you're effectively requiring all the
4 existing businesses to operate differently, and the
5 worst case scenario is going to be Piattino's
6 restaurant. Restaurants historically don't want to
7 keep their food waste overnight in the building
8 because it attracts rodents and bugs. So they want
9 to get it out of the building at least every night.

10 BOARD SECRETARY: You need to speak to
11 a little closer. I'm sorry. Everybody in the back
12 wants to hear your question.

13 MR. PIENCIKA: So, now, when Piattino's
14 takes their garbage out, this building is 370, 380
15 feet long. It's longer than a football field. I
16 can't imagine them putting it into green trash bags,
17 throwing it over their shoulder like Santa Claus and
18 carrying down the length of the building.

19 They're going to have to have some kind
20 of wheeled garbage cans like we all have in front of
21 our houses on garbage day. If they continue going
22 out their back door and heading for the dumpsters,
23 are you going to provide a sidewalk to transport
24 that down or a striped line on the pavement to
25 transport that down or is Piattino's going to have

1 to take their kitchen trash through their dining
2 room, out the front door of the restaurant and down
3 the sidewalk in front all the other businesses to
4 get to the new dumpster locations?

5 What's the intended route?

6 MS. SAVITZ: The trash ultimately will
7 be collected behind the buildings or north of the
8 buildings as previously testified to.

9 The eastern building, when you think
10 about separation from the building itself and the
11 curb or the travel lane, there are protrusions from
12 the building where there are doors, not to mention
13 space adjacent to the building that you -- that are
14 not in conflict with vehicular traffic.

15 The traffic engineer will follow my
16 testimony to go into trash collection, circulation
17 on the property and how that is maintained.

18 MR. PIENCIKA: So they're transporting
19 it down to the back of the building to get it to the
20 dumpsters?

21 MS. SAVITZ: That is my understanding.

22 MR. PIENCIKA: And will the travel lane
23 come up against -- there's a series of refrigerator
24 boxes. I think it's behind CVS.

25 Will it go several feet behind those so

1 there's a path as you're moving your trash to the
2 back of the building?

3 MS. SAVITZ: Again, the specificity of
4 how the trash gets from each tenant space to the
5 collection area behind the building, you'll hear
6 additional operational testimony related to that,
7 not to mention traffic as it relates to the
8 clearances.

9 MR. PIENCIKA: What was the intention
10 of the design as laid out on the drawings?

11 MS. SAVITZ: For them to ultimately
12 collect their trash and take it behind the building.

13 MR. PIENCIKA: Okay. Thank you.

14 MR. NEFF: Chris Neff, 89 West Main
15 Street, Mendham.

16 BOARD SECRETARY: Spell your last name.

17 MR. NEFF: N-E-F-F, never enough French
18 fries.

19 Like last time, it's more or less a
20 clarification. I understand the structure is going
21 to be five stories tall. How many feet is that?

22 MS. SAVITZ: My apologies. I want to
23 get the exact height as it relates to the zoning,
24 and, again, you will hear from the architect as it
25 relates to the overall building height independent

1 of the zoning itself, but in terms of zoning, the
2 proposed building, the height of it as measured from
3 the average grade is 59.6 feet.

4 MR. NEFF: So 59 feet. Is this
5 foundation going to be raised or is it the existing
6 level?

7 MS. SAVITZ: Do you mind clarifying
8 existing level?

9 MR. NEFF: Yeah. So will there be fill
10 put in to raise the ground and then build on top of
11 that?

12 MS. SAVITZ: The existing building out
13 there previously occupied by Summit Racket, the
14 finished floor elevation is consistent with the
15 building that is being proposed.

16 MR. NEFF: So nothing will be added.
17 Nothing will be raised. It will be at the same
18 level it is now?

19 MS. SAVITZ: The building itself, the
20 finished floor elevation is very consistent with the
21 existing structure that's out there.

22 MR. NEFF: I'm sorry. I'm not an
23 expert on this.

24 If the ground now -- let's just say
25 it's sea level just for argument sake and the

1 current foundation of where the racquetball court is
2 one feet above that, so this new building is only
3 going to start at 1 foot above. So 1 plus 59 feet,
4 so 60 feet total?

5 MS. SAVITZ: Do you mind repeating the
6 delineation there?

7 MR. NEFF: I'm just trying to
8 understand how tall the building is going to be.
9 Right now let's say this platform here, this is the
10 ground. The racquetball court, the existing
11 building is just maybe 1 foot above it, the
12 foundation before, the first floor, main floor.
13 You're going to build this new structure in the
14 exact same way.

15 So there's not going to be anything
16 added on top of that 1 foot rise now if there is
17 one?

18 MS. SAVITZ: Relative to the existing
19 conditions, how you walk into the building today,
20 that slab elevation is consistent with the proposed
21 structure slab elevation. Yes.

22 MR. NEFF: Okay. Thank you. I'm still
23 not clear. I'll wait for the architect's drawings.
24 I'm just thinking how can it be taller than the
25 trees. Thanks.

1 MR. VAN DEN HENDE: Mark Van Den Hende,
2 11 Coventry Road.

3 Following up on this question, you're
4 saying that the ground elevation remains the same as
5 the finished floor of the existing one-story
6 structure.

7 CHAIRMAN SMITH: Mark, you already had
8 your opportunity to come up.

9 AUDIENCE MEMBER: I asked a question
10 and was told that, if other people did not have
11 questions, people would have the opportunity to
12 return and ask a follow-up question.

13 BOARD ATTORNEY: It remains to be seen
14 whether other people have questions, ma'am.

15 AUDIENCE MEMBER: Would anyone else
16 like to ask a question?

17 MAYOR GLASSNER: I'm sorry, but you are
18 not running these proceedings. Please sit down.

19 MR. BRODHEAD: Scott Brodhead. I live
20 at 106 Dean Road in Mendham. B-R-O-D-H-E-A-D.

21 BOARD SECRETARY: You're very tall.
22 You're going have to hold it up.

23 MR. BRODHEAD: No. The microphone is
24 very low.

25 Last week I was uncertain as to whether

1 you had a plan for those vehicles from the
2 individuals who do lawn service and construction for
3 parking within the lot. I'm curious as to what the
4 layout will be for those individuals coming in.
5 Okay. What the accommodations will be made for
6 those individuals or those particular vehicles.

7 MS. SAVITZ: Regarding the landscape or
8 any trailer or any oversized parking, there was
9 testimony last meeting as clarified as well by the
10 board engineer in that, under existing condition,
11 there are parallel standard size parking spaces.

12 MR. BRODHEAD: How many are those?

13 MS. SAVITZ: They are along the western
14 side of the property as they exist. The exact
15 number --

16 MR. BRODHEAD: Which is how many?

17 MS. SAVITZ: Which appears to be seven
18 or eight spaces.

19 MR. BRODHEAD: Thank you.

20 Also, in regards to currently high
21 school students will park in the Kings lot for those
22 individuals who can't be accommodated within the
23 high school now. Have those particular slots been
24 accommodated for?

25 MS. SAVITZ: The use of the property as

1 it relates to the -- the parking on the property as
2 it relates to the existing uses there today, not to
3 mention the proposed uses, those details you'll hear
4 more information about from the traffic engineer.

5 MR. BRODHEAD: Okay. So at this point
6 it's unknown or we don't know.

7 MS. SAVITZ: I'm not best suited to
8 answer the question, but we do have an answer for
9 you as part of the team.

10 MR. BRODHEAD: Thank you.

11 This is a question I may have more
12 towards the borough counsel. I'm just very curious.
13 Over the course, we've lived here for 25 years,
14 and -- through the course of 25 years, there have
15 been I cannot call out specifically, but the general
16 information is that restaurants have been unable to
17 provide in-house seating service or been unable to
18 open up due to a limitation associated with our
19 waste treatment, our wastewater treatment facility,
20 and I'm really curious, if we were not able to
21 accommodate a single restaurant to open up, how is
22 it that we are now able to accommodate a 75-unit
23 building?

24 MR. FERRIERO: The answer to that is
25 that the borough spent a substantial sum of money in

1 the millions to reduce extraneous flows into the
2 system which created more capacity and was required
3 to reserve a portion of the capacity to service this
4 facility.

5 There still is capacity in the plan.
6 There are applications that are approved on a
7 routine basis now.

8 MR. BRODHEAD: I guess my question
9 would be, over the course of 25 years, I have paid a
10 capital assessment fee on my sewage bill. So, in
11 effect, I have paid for the privilege of this
12 particular development to be accommodated within the
13 borough.

14 What I might like to see is some type
15 of surcharge put on top of this development and a
16 rebate put back to the people who have effectively
17 paid for the opportunity for this facility to go up.

18 MR. FERRIERO: Just so you are clear,
19 the applicant and the developer are required to pay
20 connection fees and reservation capacity fees which
21 are frankly very substantial. So they are required
22 to pay those fees.

23 MR. BRODHEAD: That still doesn't go
24 back to the fact that I paid in order for the
25 capital improvements to take place for this

1 particular unit to go up, and I'm sitting here
2 asking, in effect, I have put over 25 years' worth
3 of a capital assessment fee in order for this to
4 occur.

5 Why would there not be an additional
6 surcharge and a rebate provided back to the citizens
7 that have provided that opportunity for this
8 development? Maybe not an engineer question, but a
9 borough question.

10 MAYOR GLASSNER: The way our sewer
11 system works is you've got two elements on your
12 bill. One where you're paying for basically the use
13 of the sewer or your -- the water that's flowing in
14 and the other is maintenance.

15 If you look at our sewer plant the way
16 you look at your home, it has to constantly be
17 maintained. The DEP makes those determinations for
18 us. We sort of just run the sewer system. It's
19 really the DEP's.

20 So whether it's this project or
21 another, we all have to pay capital expenses for
22 this sewer system and it is very expensive to
23 maintain it. The sewer system is how old, Paul, 65
24 years old?

25 MR. FERRIERO: I don't know the number,

1 but that could be correct.

2 MAYOR GLASSNER: It's pretty old. I
3 can give you an example. The electrical system for
4 that sewer system is over 50 years old, and so right
5 now it's costing us about a million dollars because
6 we can't even get parts for it anymore. So that
7 really has nothing to do with this project. It has
8 to do with the sewer system.

9 So I understand what you're saying, and
10 I think a lot of people because they used to
11 categorize it as a capital improvement project.
12 It's not. We don't call it that anymore. It's
13 maintenance. We will always have to maintain this
14 sewer system.

15 MR. BRODHEAD: Your chief engineer just
16 said that you have spent millions of dollars to
17 upgrade the system to be able to accommodate --

18 MR. FERRIERO: No. What I said was --

19 MR. BRODHEAD: So my comment being
20 that, effectively, it's been our money, not just for
21 maintenance purposes, but beyond that to be able to
22 accommodate this type of a project.

23 MAYOR GLASSNER: Let me just say
24 something. We decided to do -- we didn't decide.
25 We had to. It was a \$5 million upgrade project to

1 the system. Parts had to be replaced. Major parts.
2 That was before this project ever came along. It
3 was after this project came along.

4 So we were able to expand the capacity
5 before this project came along. It was after this
6 project was a part of the settlement that the judge
7 said you have to reserve capacity.

8 MR. FERRIERO: And I just want to make
9 one clarification, Mayor. The capacity of the plant
10 has not been increased. I'll say it again. The
11 capacity of the plant has not been increased.

12 The piping system that led to that
13 plant was old and leaky. It was sealed up so there
14 were fewer -- less extraneous flows going to the
15 plant, because the plant is limited by the volume of
16 what that goes through it.

17 When you have excess water flowing into
18 your system, that reduces the amount of the genuine
19 sewerage that can be flowed into the system, and
20 with the extraneous flows that we had, the borough
21 was at risk of violating its permit with the DEP,
22 and this goes back at least 15 years when some of
23 this work was completed.

24 MR. BROADHEAD: All well and good, and I
25 understand the importance of maintenance and being

1 able to maintain, but, obviously, we have increased
2 capacity, and increased capacity effectively came
3 from everybody in this room, and my request would be
4 an additional surcharge or some type of a fee put on
5 top of what currently is there on the developer to
6 be able to provide a rebate back to the constituents
7 that have effectively provided this opportunity for
8 this development.

9 MAYOR GLASSNER: They're paying for
10 what it is they're getting. They're paying
11 significant --

12 MR. BRODHEAD: Then why would I not be
13 getting a rebate back for that?

14 MAYOR GLASSNER: Why would you get a
15 rebate back? You had to pay for that water that
16 goes into your home and you pay for the maintenance.

17 MR. BRODHEAD: We paid for the upgrade
18 to be able to accommodate. Restaurants haven't been
19 able to open here.

20 CHAIRMAN SMITH: Sir, the purpose of
21 this part of the proceeding is to ask questions, not
22 to conduct arguments. So I think you asked your
23 question and received your answer. Okay.

24 MAYOR GLASSNER: You know, why don't
25 you come to one of our council meetings because

1 that's really the place for this conversation.

2 MR. BRODHEAD: Thank you.

3 MAYOR GLASSNER: Thank you.

4 MS. DOLCE: Debbie Dolce, D-O-L-C-E, 46
5 Essex.

6 So, first, just to clarify something
7 you just said, I know that at council meetings you
8 don't really allow questions. So if someone brings
9 this to a council meeting, will you allow that as a
10 question?

11 MAYOR GLASSNER: What we can do is we
12 can have a special section of the council meeting
13 specifically to talk about the sewer system. We can
14 have a discussion session.

15 MS. DOLCE: Okay. So at the site,
16 there is a pool, an inground pool that --

17 BOARD SECRETARY: You have to speak
18 into the microphone.

19 MS. DOLCE: Sorry. I like to look at
20 people when I talk.

21 So the new structure will be built over
22 that existing pool. Yes?

23 MS. SAVITZ: You're asking whether the
24 existing pool on the property will remain?

25 MS. DOLCE: No. I want to know if that

1 area will be filled in, and if so, how much fill
2 will be added?

3 MS. SAVITZ: The existing pool on the
4 property will be removed to clarify.

5 The pool behind the building or north
6 of the existing building, the topography that exists
7 as you head north will be -- is slightly lower than
8 that of the slab elevation that exists today.

9 So north of the proposed building, the
10 topography will remain the same as it exists today.

11 MS. DOLCE: Thank you.

12 MS. SCHRAM: Hi. Jackie Schram, 2
13 Melrose Lane in the borough.

14 BOARD SECRETARY: Spell your last name
15 please.

16 MS. SCHRAM: S-C-H-R-A-M.

17 I've lived in the town for 35 years.
18 Ten years in the Commons. Twenty-five years ago we
19 built a house. We had to get septic because we
20 weren't allowed to connect into the sewer system. I
21 wish it had been fixed up back then.

22 From what I hear tonight, there's been
23 somewhat of a cost to the taxpayers in this town for
24 this project. I would like to know what the benefit
25 will be to the taxpayers of this town of having this

1 project erected if it's put up?

2 CHAIRMAN SMITH: Is your question --
3 excuse me. Is your question specific to the
4 engineer from her testimony from last week?

5 That's -- this portion of it I would
6 like to just try to keep to that so that everybody
7 has an opportunity to ask questions of the
8 professional and not just a statement or
9 observation.

10 MS. SCHRAM: It's not a statement or
11 observation. I do have a question. If this isn't
12 the right place to ask it, what is?

13 MS. CALDWELL: It sounds like a
14 question for the planner. So the planner will talk
15 about benefits of the project later on.

16 MS. SCHRAM: So this is the right
17 place.

18 MS. CALDWELL: It's the right place.
19 It's just not the right time. The planner hasn't
20 testified yet.

21 MS. SCHRAM: Okay. Thank you.

22 MR. RITGER: Bob Ritger, 14 Gunther
23 Street.

24 BOARD SECRETARY: Spell your last name
25 please.

1 MR. RITGER: R-I-T-G-E-R. The same as
2 last time.

3 I believe you mentioned that the
4 existing finished floor of the racket club is going
5 to be maintained and used in the new project,
6 correct?

7 MS. SAVITZ: I testified to the
8 elevation of that slab elevation being replicated
9 with the new structure. The slab will not remain in
10 place.

11 MR. RITGER: I wasn't expecting that,
12 but the architectural drawings pointed out it's 545
13 feet. Whereas, the engineering drawings show the
14 existing at 544.17. So there's a 10-inch
15 difference. The building's getting taller by 10
16 inches. I think that also helps Chris Neff who was
17 up here to understand what's going on.

18 There's also a retaining wall in the
19 northeast corner that's going to block Mendham
20 Plywood from operating. Is this explainable? What
21 happens to Mendham Plywood when no trucks or cars
22 can park in front of them?

23 MS. SAVITZ: As mentioned in my
24 previous response, that wall will be removed. It
25 will be a flushed pavement condition.

1 MR. RITGER: Okay.

2 CHAIRMAN SMITH: Hearing and seeing no
3 one else for this session, I would like -- I would
4 like to close this public comment. All right.

5 I'll take your question. If anyone has
6 any follow-up questions, they may come up and
7 follow-up.

8 MS. ROBERTS: Judy Roberts, 23 Coventry
9 Road.

10 BOARD SECRETARY: Spell your last name.

11 MS. ROBERTS: R-O-B-E-R-T-S.

12 So I do have a question. We were
13 trying to get some specifics before when we said
14 that -- that the elevation would start at where the
15 previous first floor elevation is now of the tennis
16 racquet club. Is that correct?

17 Because the tennis club, the first
18 floor you have to go up a flight of steps to the
19 first floor. So is it in keeping within the real
20 first floor or is it in keeping where the ground is
21 because, otherwise, you have to add the distance to
22 go up the first flight of stairs?

23 MS. SAVITZ: It is the slab elevation.

24 MR. FERRIERO: That's the tennis court
25 elevation, correct?

1 MS. SAVITZ: Correct.

2 MS. ROBERTS: The tennis courts is a
3 flight of stairs up from the ground.

4 MS. SAVITZ: I'll refer to the
5 architect on the building design as it relates, but
6 the elevation -- the floor elevation, the sill
7 elevation, as indicated, is the reference I'm
8 mentioning.

9 MS. ROBERTS: Okay. I could be --
10 okay. I guess somebody will have to double-check
11 that.

12 MR. ORTH: Come back when this guy is
13 testifying.

14 MS. MACASKILL: I'm Fiona Macaskil, 20
15 Cold Hill Road. M-A-C-A-S-K-I-L-L.

16 So my question has to do -- and it is
17 coming from my ignorance of engineering, that the
18 storm drainoff and these impermeable pavements and
19 this underlying drainage, all of this, the goal is
20 to stop any flooding because I live adjacent to this
21 property, and I don't want any flooding in my
22 backyard. So I -- it's my home.

23 So I want to understand that what
24 you've put in place will absolutely guaranty that
25 there will be no flooding coming from your

1 structure.

2 MS. SAVITZ: The proposed development,
3 independent of the storm systems that are being
4 proposed, is reducing impervious coverage, and it's
5 reducing impervious coverage by over 33,000 square
6 feet.

7 So the storm systems that are being
8 proposed beyond the site design is further reducing
9 runoff from the property.

10 MS. MACASKILL: So you're guarantying
11 that I won't be flooded in my backyard.

12 MS. SAVITZ: As designed, the
13 stormwater system will reduce runoff rates from the
14 property.

15 MS. MACASKILL: It reduces runoff, but
16 I'm looking for a guaranty that it will not have a
17 flooding, and you have said a lot of facts, at
18 least, that I don't understand, and I'll be very
19 honest. So I would like a simple answer to
20 understand, and it's not just me. I have neighbors
21 along. So everything is being done so that we will
22 not be flooded.

23 MS. SAVITZ: The design is in
24 accordance with reducing runoff rates from the
25 property for varying storm events which is slowing

1 the amount of water leaving the property based on
2 how much it's raining.

3 MS. MACASKILL: And where is that water
4 going? Where is it being directed?

5 MS. SAVITZ: Under existing conditions
6 today, as mentioned in previous testimony, water
7 goes in two directions both to the north, and it
8 will be replicated in the proposed conditions.

9 MS. MACASKILL: It's going towards the
10 Commons?

11 Why is it not going south to what we
12 have now is a shopping center if there's underlying
13 drainage and all that?

14 MS. SAVITZ: We're required to compare
15 where the water goes today and where the water goes
16 in the future and reduce it.

17 MS. MACASKILL: But this is added
18 water, isn't it, because we'll have units there.

19 MS. SAVITZ: Again, when we think about
20 land cover or the material that is being proposed,
21 more landscaping is being proposed than exists
22 today. So, naturally, any vegetation on the
23 property because of that increase is slowing the
24 water down.

25 MS. MACASKILL: We hope.

1 MS. SAVITZ: And that's separate from
2 our stormwater system being proposed.

3 MS. MACASKILL: Thank you.

4 MS. POTTER: Wendy Potter, 232 Talmadge
5 Road. Potter, P-O-T-T-E-R.

6 A lot of questions have been asked
7 about the height. Relative to the cell tower, how
8 tall will this building be? Will it be taller? The
9 same height?

10 AUDIENCE MEMBER: Would you repeat the
11 question please?

12 MS. POTTER: Relative to the cell tower
13 that we see from many vantage points in Mendham, how
14 tall will this building be? Will it be taller?
15 Will it be the same height? Will it be shorter than
16 the current cell tower?

17 MS. SAVITZ: I will defer comments
18 regarding the building's design, the height of the
19 building to the architect.

20 CHAIRMAN SMITH: The architect will be
21 the next witness, and then after his testimony
22 you'll be able to come up and ask these questions.

23 MS. POTTER: Okay. Thank you.

24 CHAIRMAN SMITH: Is this a follow-up
25 because you were up earlier.

1 MR. SLAYNE: I just had a procedural
2 question earlier. Martin Slayne. Do you need my
3 details again?

4 BOARD SECRETARY: Yeah. Speak into the
5 microphone.

6 MR. SLAYNE: Martin Slayne, 15 Indian
7 Hollow Road, and I chair the Mendham Township
8 Environmental Commission.

9 BOARD SECRETARY: Can you spell your
10 name again please?

11 MR. SLAYNE: S-L-A-Y-N-E. Okay. Thank
12 you.

13 BOARD SECRETARY: That's not us.
14 That's them.

15 MR. SLAYNE: So I guess hearing the
16 concerns about the water and the concerns for the
17 township as well, directing towards the Commons, we
18 have sensitive waterways. It's a lot of wildlife,
19 and I need to feel we should really be considering
20 the fuller environmental impact on the water system.
21 The scale of this development seems huge and out of
22 proportion.

23 BOARD ATTORNEY: Sir, is there a
24 question here?

25 MR. SLAYNE: So the question is it's a

1 request if we can see more about the environmental
2 impact on the water systems, and as I've said, the
3 past comments about it all being directed in the
4 Commons direction is a big concern.

5 It's a sensitive area, and it would be
6 good to understand a lot more about the
7 environmental impact assessment that's being done
8 and what else needs to be done to ensure protection.
9 Not just -- you know, it's all of the Mendhams. Its
10 impact on the environment for all of the Mendhams
11 here.

12 I'd like to ask about the height.

13 MR. FERRIERO: If I can, I think you're
14 asking questions that have not been testified to
15 yet.

16 Derek, is there going to be someone
17 who's going to testify relative to the environmental
18 impact statement and those other documents that were
19 put together in support of the environmental impact
20 of this project that there were submitted to the DEP
21 as well?

22 MR. ORTH: No. I don't have any
23 particular witness to speak to the environmental
24 impact statement. It's a written report, and, also,
25 we have obtained all of our agency approvals from

1 the DEP which has jurisdiction over that issue.

2 MR. FERRIERO: So no one can
3 cross-examine anyone relative to the environmental
4 impact statement.

5 MR. ORTH: That's -- I haven't looked
6 at the document in some time. She's probably
7 testified to portions of it if I know what a
8 standard environmental impact statement looks like.

9 BOARD SECRETARY: Can you use the
10 microphone please.

11 MR. ORTH: I'm sorry. So whatever she
12 has testified to. I'm not putting on any particular
13 witness to testify as to the environmental impact
14 statement which was submitted.

15 MR. FERRIERO: Okay.

16 MR. SLAYNE: So my concern is,
17 obviously, it would be good to have a proper
18 discussion about the environmental impact
19 assessment.

20 What we often see is the developers
21 have a virtual assessment without going to the site.
22 So my question is can we talk through in a separate
23 discussion the environmental impact assessment, the
24 elements there, who's been to the site, what's been
25 taken into account?

1 BOARD ATTORNEY: Sir, have you read the
2 environmental impact statement?

3 MR. SLAYNE: Well, I'm asking a
4 question.

5 BOARD ATTORNEY: No. Have you read it?
6 Yes or no?

7 MR. SLAYNE: I'm not saying that I have
8 but I'm just hearing what --

9 BOARD ATTORNEY: Okay. No. I'm trying
10 to help you. Why don't you take the time to read
11 it, and then you can submit written questions about
12 that impact statement based on your reading of it,
13 because it's hard for us to answer questions just
14 what are the environmental impacts and so on.

15 There is an environmental impact
16 statement. That's what the ordinance requires. It
17 is available to you. Take a look at it, and then we
18 can see who can answer the questions that you may
19 have about that. Okay.

20 MR. SLAYNE: Yeah. So have that
21 separate discussion and for the people in the room
22 to hear that discussion as well, because I think a
23 lot of people have concerns that -- you know, from
24 an environmental commission, we see these things.
25 It's good for the neighbors to understand them as

1 well so they can see implications.

2 We've seen with developments, like I
3 said, virtual assessments done without people going
4 to the site, and if the water -- we've just said, if
5 water is being directed towards sensitive waterways,
6 then I have big question marks on whether this
7 assessment has been done taking things into account
8 effectively.

9 BOARD ATTORNEY: Well, the document is
10 available to all the members of the public here and
11 all the members of the public in general. So I
12 would encourage those who have those concerns to
13 look at it, and if they think there are shortcomings
14 in it, we will certainly listen to you. Okay.

15 MR. SLAYNE: Thank you.

16 MS. LAGUERRE: Lauren Laguerre, 14
17 Balbrook Drive. L-A-G-U-E-R-R-E.

18 What is the height of the cell tower?

19 MS. SAVITZ: There will be subsequent
20 testimony related to the cell tower itself.

21 MS. LAGUERRE: Can anyone tell us the
22 height of the cell tower, the existing cell tower?

23 MR. FERRIERO: I don't recall off the
24 top of my head. It's in excess of 120 feet.

25 MS. LAGUERRE: Where could we find that

1 information out?

2 MR. FERRIERO: As you said -- as the
3 witness said, there will be somebody who's going to
4 talk about the cell tower, and I'm virtually certain
5 he'll be able to tell you the height.

6 MS. LAGUERRE: No. I mean it should be
7 out somewhere in public.

8 MR. FERRIERO: It is. I don't have it.
9 It's in the municipal building someplace. There was
10 an as-built when the extension was put on there. I
11 just don't happen to have that number in my head.

12 MS. LAGUERRE: No. I understand you're
13 saying that, but my question would be where, as
14 residents, we could look, and it would give the
15 height of the cell tower? That's my question.

16 MR. FERRIERO: There was an as-built
17 survey performed for the cell tower when the recent
18 addition was put on the height. That's in the
19 construction department.

20 MS. LAGUERRE: Construction department?

21 MR. FERRIERO: Yes.

22 MS. LAGUERRE: Okay. Thank you.

23 MS. BRAUN: Rebecca Braun, B-R-A-U-N,
24 79 Lowery Lane. Do you need me to spell the street?
25 No.

1 Where can the public find the
2 environmental impact statement without searching
3 through all of the agenda attachments for these
4 meetings?

5 BOARD ATTORNEY: You can request it of
6 the board secretary, and she will provide you with a
7 copy.

8 MS. BRAUN: Can the board secretary
9 make this statement available on mendhamnj.org so
10 all of us can easily access it?

11 BOARD SECRETARY: You want me to
12 separate it out from the application.

13 MS. BRAUN: Do you want her to separate
14 it out from the application.

15 (Audience responds yes.)

16 BOARD SECRETARY: Okay.

17 MS. BRAUN: Clearly, we want more
18 information, right?

19 There are more people here today than
20 I'm assuming you've ever seen, and it's very
21 difficult to get information when we have to search
22 through all of the documents. So yes.

23 When can we expect it to be updated by,
24 like next month, next week, tomorrow morning?

25 Obviously, not, but like when? Before the next

1 meeting?

2 BOARD SECRETARY: Before the next
3 meeting it will be up.

4 MS. BRAUN: Okay. Thank you.

5 CHAIRMAN SMITH: Please keep it down.

6 MS. FRINO: I have a procedural
7 question again. Rebecca Frino, 14 Emery.

8 I realize we've asked questions that
9 are off topic, so to speak, environmental, cell
10 phone, whatever it may be. Is there I'll call it an
11 agenda so that we know the order of testimony or
12 maybe the date certain topics will be asked?

13 CHAIRMAN SMITH: The order of agenda is
14 basically how long each meeting is going to be so
15 that the applicant can get to the next witness. I
16 believe the next witness is going to be their
17 architect. Is that correct?

18 MR. ORTH: The next two witnesses is
19 the traffic consultant, that's the gentleman right
20 there, and then my architect. That's the gentleman
21 right there.

22 MS. FRINO: Okay. So traffic,
23 architect, and then would it be possible in advance
24 to know who comes after just so we can stay on
25 topic?

1 BOARD ATTORNEY: We can request the
2 applicant prior to the next meeting to give us a
3 little memo on what he anticipates -- they
4 anticipate presenting, and we can post that on the
5 website I would assume.

6 MS. FRINO: Thank you. That would be
7 appreciated.

8 BOARD ATTORNEY: Bob, if you could wait
9 and see if we have anybody else before you
10 follow-up.

11 Is there anyone else out there who
12 hasn't had a chance to ask a question yet?

13 MR. SORICELLI: Al Soricelli, 41
14 Coventry.

15 BOARD SECRETARY: Spell your last name.

16 MR. SORICELLI: Thirty-two-year-old
17 resident here.

18 BOARD SECRETARY: Sir, can you spell
19 your last name.

20 MR. SORICELLI: S-O-R-I-C-E-L-L-I.

21 BOARD SECRETARY: Thank you.

22 MR. SORICELLI: I heard a lot about the
23 parking and so forth. Can someone just point out
24 where the entrance and exit for this is and whether
25 that traffic flow analysis that you mentioned did it

1 at peak hours, because if you ever lived in Mendham
2 like I have for 32 years, between 7:30 and 8:30 you
3 can't go anywhere on Route 24.

4 CHAIRMAN SMITH: That's a very good
5 question, but the next witness is coming up. He
6 will go over the traffic study and all those
7 questions. Your questions may be answered.

8 MR. SORICELLI: With that, is there a
9 cost analysis done for the added police or added
10 services that would all take place because there
11 will be at least -- if there's 70 units, there's
12 going to be at least 50, 60 more cars at different
13 points in time, usually at rush hour.

14 MS. SAVITZ: Yes. You'll hear from the
15 traffic engineer regarding their analysis.

16 BOARD ATTORNEY: Anyone else who hasn't
17 asked a question yet?

18 MR. LUPO: Frank Lupo.

19 BOARD SECRETARY: Speak into the
20 microphone.

21 MR. LUPO: Frank Lupo, 17 Dean Road.

22 BOARD SECRETARY: Spell your last name
23 please.

24 MR. LUPO: L-U-P-O. It's based on the
25 last meeting --

1 BOARD SECRETARY: You need to speak in
2 the microphone.

3 MR. LUPO: Based on the last meeting,
4 the process I was told was to submit questions to
5 Lisa.

6 BOARD SECRETARY: Which you did.

7 MR. LUPO: I just want to make sure the
8 questions are going to be addressed.

9 MR. ORTH: I would just ask them, Mr.
10 Lupo, because everyone has been asking questions.
11 So please go ahead.

12 BOARD SECRETARY: Do you want them?

13 MR. LUPO: Yes, I would. Do you have a
14 copy of the questions?

15 MR. ORTH: Yes, and we went through
16 some of your questions at the last meeting. So --

17 MR. LUPO: I just want to make sure
18 they're clarified.

19 BOARD SECRETARY: This one's yours too.

20 MR. LUPO: That was a follow-up to
21 yesterday morning.

22 BOARD SECRETARY: A follow-up to the
23 follow-up.

24 MR. LUPO: Do we need to enter these as
25 exhibits?

1 BOARD SECRETARY: I don't think so.

2 CHAIRMAN SMITH: No.

3 BOARD ATTORNEY: No. It's not
4 necessary.

5 BOARD SECRETARY: Just speak into the
6 microphone.

7 MR. LUPO: Sure.

8 Question number one, what will be done
9 to prevent a headlight glare into the residential
10 properties to the west side or Dean Road side?

11 The nondense vegetation is only good
12 during the summer months. In the winter, there is
13 no low ground vegetation, and the current buffers
14 are inadequate with limited traffic currently at the
15 site. The Goodwill bins and random dirt piles in
16 Figure 1 offer some deflection currently.

17 MS. SAVITZ: So regarding the western
18 property line and the parking, I'll note the area
19 with the cursor. This is along the left side of the
20 page or the western property line where there's
21 parking. Under existing conditions, there's a drive
22 aisle and accurate parking today.

23 You'll note there's an evergreen row.
24 There's an evergreen row immediately north of that
25 parking. The parking itself also has a block wall

1 associated with it. We received feedback from your
2 questions, your comments, not to mention comments
3 from the board engineer regarding a transition from
4 the vehicular travel relative to the wall itself.

5 So the applicant will work to ensure
6 that there is a -- an added parapet to the wall in
7 conjunction with any additional shrubbery or at
8 grade planting that can be proposed noting that the
9 overhead wires with the utility poles where they
10 exist will be avoided.

11 MR. LUPO: Did someone say something?
12 Thank you.

13 The question two --

14 BOARD SECRETARY: Speak into the
15 microphone please.

16 MR. LUPO: I'm sorry.

17 BOARD SECRETARY: That's okay.

18 MR. LUPO: Can a large fence be erected
19 along the west side of Dean Road? I don't know
20 whether that's right, wrong or indifferent, but it's
21 something to what you were articulating that you
22 have evergreens but maybe something more solid and
23 more permanent.

24 MS. SAVITZ: The added extension of the
25 wall itself, that in conjunction with plantings

1 along that western -- that western 90-degree parking
2 aisle will help dissipate the headlight.

3 Again, there are overhead wires there.
4 There are utility poles. So the additional
5 transition as it relates to the parking, the wall
6 adjacent to it and the at-grade plantings will
7 provide screening.

8 MR. LUPPO: Thank you.

9 In the last meeting you had answered
10 that all noncompliant lighting will be upgraded. I
11 believe you even discussed that this evening.

12 There is lighting that was replaced on
13 the left most side or the Dean Road side facing
14 piece of the property which are not down facing.
15 They're floodlights. Will that particular light be
16 removed or replaced?

17 MS. SAVITZ: As it relates to
18 building-mounted lights or the free-standing lights
19 that you questioned previously, those will be
20 brought into conformance with the borough ordinance.

21 MR. LUPPO: And once again -- and this
22 is question five. Once again, the light pole will
23 be removed that shines in my house?

24 MS. SAVITZ: Correct.

25 MR. LUPPO: Thank you.

1 The current vegetation is not dense
2 during winter months.

3 BOARD SECRETARY: Into the microphone
4 please. They want to hear you in the back.

5 MR. LUPO: I apologize. This one I
6 will say is repetitive. So I will skip it. Thank
7 you. This has to do with the fence.

8 Headlight disturbance, that is really
9 the biggest nuisance I have. If we could correct
10 the headlight glare that comes from that back of
11 that property, it would be much appreciated.

12 I did have a question regarding the
13 bank lighting. I think I have a picture of it. It
14 pretty much is in conflict with every part of our
15 lighting ordinance. Will they be put into
16 compliance?

17 BOARD ATTORNEY: Frank, the engineer
18 addressed that earlier. I don't know if you heard
19 his response. Engineer Paul Ferriero addressed that
20 before.

21 MR. FERRIERO: I said that I was asking
22 the engineer to revisit that lighting around the
23 bank. It has to -- it must be higher than our
24 ordinance permits. I will tell you that. Under
25 state law, the lighting around that bank has to be

1 higher than the ordinance permits, but there is more
2 than one way to do it, and I think there's a more
3 effective way to do it than is being done now.

4 MR. LUPO: I appreciate it. Thank you.

5 And, finally, as of yesterday, this was
6 a unique HID light that was pretty much shining as I
7 was having coffee in the morning. This is really
8 the biggest issue are lights passing through the
9 woods. I assume that will be corrected.

10 MS. SAVITZ: The testimony as you've
11 heard it's relate to, you know, the parking, the
12 wall as there becomes transition, not to mention
13 additional ground plantings, we'll look to -- we'll
14 look to address headlight glare.

15 MR. LUPO: From both headlights from
16 trucks that are approximately 48-inch headlight down
17 to cars down to 24 to 36 inches.

18 MS. SAVITZ: Yes. The intention would
19 be that any headlight glare in the western property
20 line direction be dissipated through the use of the
21 wall extension, not to mention ground plantings.

22 MR. LUPO: I appreciate your time.
23 Thank you very much.

24 That was the quickest trip from New
25 York City to here. Thank you.

1 BOARD SECRETARY: Frank, can I have
2 those back?

3 MR. LUPO: Sure. Mark them in.

4 BOARD SECRETARY: I don't have to mark
5 them in.

6 MR. RITGER: Bob Ritger, 14 Gunther
7 Street. R-I-T-G-E-R.

8 Actually, it's a procedural question.
9 I thought I was about to get the answer from Frank.
10 You've asked some people to write in questions. So
11 I'm curious, I'm sure the public is, how will they
12 get answered and will they become part of the public
13 record, part of the minutes or will they get asked
14 in the public session?

15 BOARD ATTORNEY: At the end of this
16 public session, the applicant will address any of
17 the written questions that have not been answered in
18 the course of this questioning. Okay.

19 So they have those. They will respond
20 to ones that have not been so far answered in this
21 public session.

22 MR. RITGER: Okay. Thank you.

23 MR. BRODHEAD: Scott Brodhead, 1016
24 Road. B-R-O-D-H-E-A-D.

25 My question goes to stormwater as well

1 as groundwater. I think all of us in Mendham or
2 Mendham Borough probably have a sump pump, if not
3 more than one, and we're all extremely concerned
4 about the impact of potential additional stormwater
5 or groundwater infiltrating our basements.

6 I just heard from the attorney that
7 they're not going to have any type of an
8 environmental expert testify as to the studies that
9 have been done in the environmental impact.

10 Last week the chief engineer indicated
11 that in many respects many times he has seen reviews
12 done by the state that are not acceptable to him.
13 It greatly concerns me that we have -- do not have
14 appropriate oversight for sufficient review for the
15 environmental impacts that are going to take place
16 with this particular project?

17 BOARD ATTORNEY: Is there a question
18 here, sir?

19 MR. BRODHEAD: There is. Is the
20 borough going to be looking at or getting hold of or
21 bringing in an environmental expert in order to
22 review those particular documents?

23 BOARD ATTORNEY: Well, I'll tell you
24 this, sir. As I suggested to one of the previous
25 members of the public, this document will be posted

1 on the website, the environmental impact statement.

2 So if you want to review that and raise
3 any questions you have, if they are addressable by
4 our engineer, our board engineer, then he will
5 address them. If it requires further expertise,
6 then either we will require the applicant to provide
7 that or the board will require it itself. Okay.

8 MR. BRODHEAD: No. I don't think -- I
9 don't think any of us here are capable of reviewing
10 that document and assessing the quality of the study
11 that's been going on, and hearing from your chief
12 engineer to say that he doesn't always rely on the
13 reviews coming out of the state, why would it not be
14 appropriate and pertinent for the borough to hire
15 someone who is an expert?

16 BOARD ATTORNEY: Okay. So we will look
17 into your concern. I'm being told that perhaps our
18 environmental commission did hire an expert to
19 review the environmental impact statement, but I
20 will double check on that for you.

21 MR. BRODHEAD: How will we be notified
22 as to the outcome that review?

23 BOARD ATTORNEY: Well, at the next
24 meeting I'll report back on what I found.

25 MR. BRODHEAD: Thank you.

1 CHAIRMAN SMITH: At this point, I'm
2 going to close the public comment and questions, and
3 we're going to go right into the hearing of 23-22
4 V-Fee Mendham Apartments.

5 BOARD ATTORNEY: Mr. Chairman, I would
6 assume that, if there were any comments that were
7 received in writing, Mr. Orth, that have not been
8 addressed, you're going to cover those?

9 MR. ORTH: Well, I think we've gone
10 through everything that I had the opportunity to
11 look at. So we're prepared to proceed to our next
12 witness. Thank you.

13 BOARD SECRETARY: Before we do that, do
14 you want to take a break?

15 CHAIRMAN SMITH: Yes. Let's take a
16 10-minute break for the stenographer so she can rest
17 her fingers. We'll come back in 10 minutes.

18 (Whereupon, a recess was taken.)

19 CHAIRMAN SMITH: Everyone please take
20 their seats. Can we have quiet in the back? Can
21 everyone take their seats?

22 Are we ready, Lisa?

23 BOARD SECRETARY: Go ahead.

24 MR. ORTH: Thank you, Mr. Chairman.
25 For the record, my name is Derek Orth. Good to be

1 back again. I'm the attorney representing the
2 applicant from Inglesino Taylor.

3 So, Mr. Chairman, members of the board,
4 typically, I start off with a thank you for being
5 here tonight. We appreciate your time, but we went
6 right into questions. So I'm going to skip over
7 that.

8 My next witness is Matthew Seckler also
9 from Stonefield Engineering. He is our traffic
10 consultant, and just so the board and the public is
11 aware, I also have my architect here tonight.
12 That's Mr. Stieve. I don't believe that we'll reach
13 him this evening, though, given the hour just to let
14 everyone now.

15 So with that, I'd like to have Mr.
16 Seckler sworn in, Mr. Chairman.

17 BOARD ATTORNEY: Mr. Seckler, will you
18 swear that your testimony this evening will be the
19 truth, the whole truth and nothing but the truth?

20 MR. SECKLER: Yes, I do.

21 BOARD ATTORNEY: Can you spell your
22 last name for the record?

23 MR. SECKLER: Certainly. It's Matthew
24 Seckler. That's S-E-C-K-L-E-R. I'm with the
25 Stonefield Engineering Design. Address is 92 Park

1 Avenue in Rutherford, New Jersey.

2 BOARD ATTORNEY: Okay. You want to
3 qualify him, Derek?

4 MR. ORTH: Yes. Thank you, Tom.

5 M A T T H E W S E C K L E R, having been duly
6 sworn, testifies as follows:

7 EXAMINATION BY MR. ORTH:

8 Q. Mr. Seckler, please provide the board
9 with a brief overview of your licenses, your
10 professional background confirming any and all
11 certifications are in good standing and in effect in
12 the State of New Jersey.

13 A. Certainly. I have a bachelor's of
14 science in civil engineering from Union College in
15 Schenectady, New York. A master's in city regional
16 planning from Rutgers University.

17 I'm a licensed professional engineer in
18 the state, also recognized professional traffic
19 operations engineer from the Institute of
20 Transportation Engineers. I've been accepted for
21 over 150 boards in the State of New Jersey as a
22 traffic engineer.

23 Q. Thank you, Mr. Seckler.

24 MR. ORTH: Mr. Chairman, I proffer Mr.
25 Seckler as an expert in the field of traffic

1 engineering or traffic consulting.

2 CHAIRMAN SMITH: Thank you, Mr. Orth.

3 Q. So, Mr. Seckler, you prepared the
4 traffic report which was submitted in connection
5 with this application, correct?

6 A. That is correct.

7 Q. And why don't you take the board
8 through that report, and then also let's talk about
9 site circulation, ingress and egress, as was
10 testified to or discussed at the prior hearings.
11 Thank you.

12 A. Certainly. We did prepare a traffic
13 impact study. It was dated October 20, 2022. I'll
14 go into the data we collected, the methodology we
15 follow and the conclusions we reached as it relates
16 to that traffic study.

17 As part of the traffic study, the first
18 thing we do is we take a general survey of the area.
19 That includes visiting the sight, seeing how the
20 general traffic flow is, understanding the speed
21 limits and the roadways around the site.

22 We also perform traffic counts. I
23 think it was -- you know, members of the public had
24 questions in terms of when is traffic counts
25 performed, how is a traffic study performed. We do

1 these counts on a typical weekday in the morning
2 peak hours. So that would be 7 a.m. to 9 a.m.,
3 evening peak hours 4 p.m. to 7 p.m. In the case of
4 an operation like this, we also studied on a
5 Saturday between 11 a.m. and 2 p.m.

6 The reason why we studied those time
7 periods is we studied the worst time periods of the
8 day to get an understanding of what traffic is like
9 during those worst periods.

10 This area, understanding how traffic
11 generally flows through the area based on the time
12 of day, and, again, I believe this was previously
13 marked A-1, the aerial exhibit. Is that correct,
14 Mr. Orth?

15 Q. Yes.

16 A. So, again, no surprise to anyone that
17 lives here, but, typically, you have a very strong
18 easterly movement in the morning along with a
19 southerly movement if you're coming from Cold Spring
20 Road -- I'm sorry, Cold Hill Road. That's the
21 predominant movement in the morning.

22 In the evening peak hour, it's
23 generally reversed. You have a strong westerly
24 movement and a northerly movement going up Cold Hill
25 Road in the evening peak hours.

1 We found that the busiest hours of the
2 day for traffic on the roadways is 7:15 to 8:15 in
3 the morning, 4:45 to 5:45 in the evening and 11:45
4 to 12:45 on that Saturday afternoon. Those are the
5 periods that we study because we want to understand
6 what are the impacts in the worst hour. Every other
7 hour beyond that is only going to get better than
8 those worst three hours, that morning, evening rush
9 hour and Saturday midday peak.

10 Now, in addition to performing those
11 counts, we also need to project how much traffic the
12 proposed development would generate. Engineers like
13 myself provide data to the Institute of
14 Transportation Engineers which compiles that data
15 and publishes a book called the Trip Generation
16 Manual.

17 This is a definitive source in our
18 industry used by the DOT, the county and nearly all
19 jurisdictional agencies for projecting future
20 traffic. Engineers like myself have counted the
21 number of cars that enter, in this case, a
22 multi-family building. They count how the cars come
23 in, how many cars come out, and based on compiled
24 data, we could project how much traffic a new
25 building would generate of various sizes.

1 This is no different than if we were
2 doing a Dunkin' Donuts, if we were doing a gas
3 station. It's all based on counts done at driveways
4 projected into new sites.

5 So for an application like this, we go
6 to the Institute of Transportation Engineers Trip
7 Generation Manual, and we look at how much traffic
8 would a 75-unit development generate, and what that
9 shows is, generally, it generates during the worst
10 hours of the day about 30 trips. So that's about a
11 trip every two minutes. Whether a car is leaving
12 the site, which is the predominant movement in the
13 morning or coming into the site, the prominent
14 movement in the evening, during the worst hour of
15 the day, this site would generate -- the new
16 development on this site would generate 30 new
17 trips.

18 So, again, if we waited and said
19 there's a new car leaving the driveway and waited
20 two more minutes, another new car may be leaving the
21 driveway on top of the traffic that's already on the
22 roadways today.

23 Now, we did perform our counts back in
24 2019, obviously, prior to COVID, and we did all our
25 analysis based on that, but we had grown the data

1 incrementally to get it to future years. We did not
2 just take 2019 data and say traffic is constant. We
3 projected a one percent growth rate factor from 2019
4 into basically two years into the future as part of
5 our study.

6 Now, that said, as part of the
7 preparation for this hearing, I actually -- our firm
8 recently went out and did new counts within the last
9 week and a half at this site to get an understanding
10 of how traffic really has changed since 2019, and we
11 found that the traffic volumes on Main Street during
12 the rush hour time periods are actually less than
13 what we counted during 2019, and this is not unique
14 to Mendham, not unique to Morris County, but we've
15 seen the traffic engineering industry is the peak
16 hours actually tend to be a little bit less. People
17 have a little bit more flexible work schedules,
18 little -- you know, obviously, e-commerce, the food
19 delivery service. Everything keeps making it easier
20 to kind of just be home.

21 So we see the peak hours actually
22 generally dropping. You may see a little bit more
23 traffic overall during those off-peak periods, but
24 those peak hours tended to have dropped, and we
25 found that, you know, again, anywhere between in the

1 morning peak hour about a 7 percent drop from 2024
2 looking back to 2019, and then in the evening peak
3 hour about a 3 to 4 percent drop in traffic from
4 2024 to 2019. Both looking at your typical kind of
5 Thursday traffic on the roadways when school's in
6 session.

7 So, again, our analysis did take into
8 account traffic climbing, but what we found is
9 traffic is slightly declining during those peak
10 hours.

11 Now, we added those trips at our site
12 would generate to the existing traffic that's on the
13 roadway, and we did analyze to get an understanding
14 of how the driveways would operate in the future
15 condition. Now, in order to understand how the
16 driveways would operate, I just want to reiterate
17 the changes that we're making as part of the plan.
18 So I'm going to try to zoom in a little bit, but I
19 think everyone is pretty well familiar with how the
20 driveways are today.

21 You currently have I'll call four curb
22 cuts along Main Street. You have the easterly one,
23 and that one leads to a aisle that goes behind the
24 easterly building, but you could also obviously
25 swing out in front of the easterly building and park

1 near the restaurant or throughout the rest of the
2 shopping center.

3 You have an ingress drive. I'm now
4 looking from east to west. You have the egress
5 driveway, and then you have a one-way driveway all
6 the way on the western side of the site. So you
7 have four curb cuts today.

8 I will now zoom out one last time
9 before I change to the proposed condition, and I
10 want to re-emphasize that right now, if anyone
11 wanted to get to the rear of the site or if you
12 wanted to frequent the racquet club or the health
13 club in the rear, the only direct shot to the rear
14 is really through the easterly drive aisle. That
15 would be the easterly driveway all the way to the
16 back of the site would be your most direct form to
17 get to the racquet club today. That's the direct
18 shot.

19 If you enter the center driveway, you
20 have to work yourself around the Kings. So the
21 direct shot would be through the easterly driveway.

22 CHAIRMAN SMITH: Excuse me. Please let
23 this witness speak.

24 A. In the proposed condition and I will
25 show -- I believe we need to mark this. This is

1 essentially what was shown in black and white at the
2 previous hearing. I think it was marked A-3, but
3 we've now colorized it.

4 BOARD ATTORNEY: We'll mark this A-4.

5 Q. I believe we're at A-4. So just note
6 what the exhibit is with the date on it, Matt.

7 A. Certainly. It's called site plan
8 rendering exhibit. The date prepared is September
9 23, 2024, prepared by Stonefield Engineering. This
10 is a colorized version of A-3.

11 What we've done as part of the
12 application is we've sought as part of the design
13 plan to provide a easier through access all the way
14 to the rear to the residential portion of the
15 building by realigning what was the two separate
16 curb cuts central driveway into a driveway that's
17 now, again, slightly a little bit over to the west
18 of where it is today which now aligns so it goes
19 smooth from Main Street all the way to the west of
20 the Kings all the way to the rear where you'd be
21 able to access the site, the future residential
22 building in the rear of the site.

23 You did hear from the site engineer
24 regarding the other changes that are shown on this
25 plan regarding the more standard perpendicular

1 parking stalls, and then there would be parking
2 stalls that are proposed in the front of the Kings
3 to allow for greater supply of parking along with
4 some cart corrals and additional ADA spaces, but,
5 again, the design intent was to allow for that
6 through traffic to get to the residential portion of
7 the building as free and clear as possible.

8 We are proposing two speed tables to
9 help limit the speed that the vehicles would drive
10 through the parking lot. So those 30 vehicles in a
11 peak hour driving from the residential portion of
12 the development to Main Street, they'll be going
13 over two speed tables which will help limit their
14 traffic speeds and allows them, again, to have free
15 access to the rear of the site.

16 The access point on East Main Street
17 will maintain to have two lanes exiting. That will
18 be a left-turn lane and a right-turn lane, and this
19 driveway -- driveway arrangement with the driveways
20 have all been approved by Morris County. Morris
21 County Planning Board has approved this application.
22 We have no outstanding comments, and they have
23 reviewed our driveway, our traffic study, and they
24 have accounted for our traffic into the future
25 potential project which will look to improve Tempe

1 Wick and Cold Hill Road along with providing the
2 potential for a center left-turn lane along our
3 frontage along Main Street.

4 So, again, we have full county planning
5 board approval. They've reviewed our traffic study,
6 and they are counting any traffic that we are
7 generating in the future capital improvement project
8 for this corridor.

9 In addition, we have made -- so in
10 addition to, obviously, making this design, the
11 driveways, we also analyzed the driveways to get an
12 understanding of any increase in delays. We
13 reviewed site distance to make sure that vehicles
14 leaving this new driveway can look properly to their
15 left and right and have proper site distance when
16 leaving this driveway.

17 We've analyzed that this additional one
18 new car every two minutes leaving the site, whether
19 it's during the morning peak hour, evening peak hour
20 or Saturday rush hour period, does not have a
21 substantial negative impact on our driveway, East
22 Main Street or adjacent intersections to this
23 property.

24 When looking at the site from a
25 circulation perspective, again, you did hear from

1 the site engineer regarding the changes that we are
2 making. I do want to address some of the comments
3 that were raised by other members of the public and
4 potentially the board.

5 I think there were questions regarding
6 where will oversized vehicles potentially park if
7 they want to utilize the building. When I've been
8 at the site, I've noticed that, you know, trailers
9 or landscape vehicles park in one of three
10 locations. They either park in the parallel spaces
11 which is generally where I'm kind of highlighting in
12 red are located now to the east of where our main
13 driveway is. I've also seen them park to the west
14 of the Kings, and I've seen a couple of them park to
15 the east of the Kings.

16 In the future condition, they will
17 still be able to park over in the western side.
18 We're really not making significant changes in terms
19 of the layout in the area to the western side of the
20 Kings, and they'll be able to park on the eastern
21 side of the Kings in these spaces that are not
22 widely utilized.

23 We've done parking counts at the site
24 both on Saturdays and during the week. We've
25 noticed high school student parking or, you know,

1 with the understanding there likely are high school
2 student parking in areas generally in this western
3 parking lot, and at no period did we notice the
4 parking lot to be any more than 78 percent full
5 during any one period of time.

6 Obviously, during -- you know, at 2
7 o'clock in the afternoon on Tuesday, it's much less
8 than 77 percent full, but, again, we noticed that
9 there is sufficient parking, and we are adding about
10 30 spaces to the area where it fills up the most
11 which is the area between basically all the retail
12 centers.

13 Our parking is accommodated within the
14 building itself along with there are some surface
15 spaces in the center -- I would say center courtyard
16 drop-off area. We have the premium parking as part
17 of the building that is located to the south of the
18 main residential building as well as there is some
19 additional guest overflow spaces. I would say
20 that's to the southwest of the main residential
21 building near the pool.

22 We have sufficient parking, and we meet
23 the state residential site improvement standards for
24 parking or supply with the parking that's in our
25 building, the premium parking lot as well as the

1 associated guest parking. So we do not have parking
2 that spills into the area that is utilized the most
3 by customers today. So our parking is accommodated,
4 and we do meet the borough's ordinance with the
5 proposed parking structures as part of the
6 residential building.

7 In terms of access for deliveries,
8 because I do know there was a lot of discussion
9 regarding deliveries, I will zoom in on A-4. I'll
10 start with the easterly building. The easterly
11 building has a 23-and-a-half-foot clear area between
12 the furthest protrusion and the curb line. Between
13 these protrusions as well as some like HVAC or
14 cooling equipment or refrigeration equipment, there
15 is always 23-and-a-half-feet clear. All the doors
16 existing this building, the easterly building open
17 out into an area that is protected by the various
18 protrusions off the rear of the building.

19 So anyone opening a door, they are
20 within a 4-foot area that is not part of the
21 23-and-a-half-foot clear area in which vehicles
22 currently utilize this back easterly drive aisle.
23 That will continue today where people will be
24 exiting -- if they are using the back doors, will be
25 able to exit out that area.

1 In addition, any, you know,
2 temporary -- temporary storage for some garbage
3 containers or any storage of any grease holders,
4 that type of equipment, kegs, they would all be able
5 to be stored within that 4-foot section in the rear
6 of the easterly building. That is clear of the
7 23-and-a-half-foot access aisle that goes behind the
8 buildings today.

9 We will delineate any areas that are
10 not clearly delineated with a line to show where it
11 is safe for any storage equipment, any pedestrian or
12 workers to exit and enter the building from that
13 drive aisle that is two-way today and will remain
14 two-way on the easterly side of the building.

15 Now, that will continue to be the route
16 for delivery vehicles to the Kings and the CVS as
17 well as any potential -- and can be utilized for any
18 potential deliveries even to the proposed
19 residential development and can be utilized by and I
20 think is currently utilized by the lumber facility
21 as well. They will all utilize at
22 23-and-a-half-foot drive aisle which, again, is an
23 existing condition today.

24 Going looking at the truck turning
25 because I know there was a lot of discussion and

1 some previous comments that were submitted regarding
2 the CVS truck deliveries. Currently, the CVS
3 delivers -- one of the delivery vehicles it utilizes
4 is a large tractor trailer and it utilizes a loading
5 dock that's located where I'm showing here at the
6 northeast portion of the building.

7 The loading dock area in the current
8 condition has about 42 feet or so before it accesses
9 or reaches existing parking spaces. So when a CVS
10 truck does deliver to the site, it utilizes this
11 easterly drive aisle. It backs into the loading
12 dock and basically covers up about three to four
13 parking spaces when it's making its delivery. It
14 appears to be making a delivery. CVS is, you know,
15 depending on how busy it is can get anywhere from
16 two to even five delivery trucks a week delivering
17 to the site. So no more than one large truck a day.
18 You may get some smaller vendor trucks that would
19 easily fit without impacting any parking spaces.

20 In the proposed condition, that CVS
21 delivery truck would, again, come down that easterly
22 drive aisle just like it does today, and it would
23 load and it would impact the ability for the garbage
24 truck to access so to be in this white hatched area
25 to the north of the easterly building along with

1 having a cab basically within the first parking
2 space or so that is currently on the site plan
3 today.

4 Again, this is an improvement over the
5 existing condition in which it sits across three or
6 four parking spaces, but if the board wishes or has
7 concerns regarding the fact that the delivery truck
8 would impact one or two parking spaces during the
9 one-a-day delivery, we have no issue eliminating a
10 couple of these parking spaces. We have sufficient
11 parking. We exceed the ordinance requirements for
12 parking, and so we'd have no issue making that
13 arrangement as well, but, again, it is an
14 improvement over the existing condition in which
15 four parking spaces are occupied. In the future
16 condition, there will be two parking spaces
17 occupied.

18 In terms of garbage and how garbage
19 would be able to be staged, again, there is a 4-foot
20 area behind the easterly building for garbage to be
21 staged and then it can be wheeled again behind the
22 building to the dumpsters all the way on the
23 northern portion of the easterly building.

24 Similarly, the westerly building has an
25 area in which there are some protrusions. I believe

1 there's a new ADA or ramp system behind one of the
2 tenants on the westerly building, but there is at
3 least 18-and-a-half-foot clear space between the
4 curb and any protrusion along the westerly building.
5 That space will be delineated. We will be marking
6 out I believe it's about 5 feet off the building
7 line a line that shows and helps separate where the
8 flow of traffic would be compared to where the doors
9 open or any temporary storage or storage for
10 equipment such as kegs or boxes can be made in the
11 rear of the building.

12 This drive aisle in the rear of the
13 westerly building is being converted from a one-way
14 south -- one-way southbound aisle to a one-way
15 northbound aisle as part of this project, and,
16 again, you'll have 18-and-a-half-feet clear which is
17 more than sufficient for one-way traffic for any
18 vehicles circulating the westerly building, and as
19 was testified by the site engineer, we will
20 continue -- we are proposing a central dumpster area
21 north of the westerly building which, again, can be
22 accessed by trash vehicles and would be, again, a
23 central location for the tenants in the westerly
24 building to bring their garbage.

25 They would, again, likely bring their

1 garbage from the rear of the building out utilizing
2 either the 5-foot clear space or portions of the
3 18-and-a-half-foot drive aisle in the temporary
4 condition, walk it to the rear of the site and to
5 the dumpster in the rear for a central pickup
6 location.

7 In terms of the other parking spaces
8 on-site, you've heard extensive testimony from the
9 site engineer. I just want to, again, clarify that
10 the parking space dimension and drive aisle
11 dimensions are consistent with industry standards
12 for two-way circulation and 90-degree parking
13 stalls.

14 In fact, the parking stalls that are
15 located facing the westerly building actually have a
16 greater than normal backing area, because not only
17 do they have the 24 feet of travel way, they also
18 have that center flush decorative median so that
19 there is even more room for those vehicles, those 15
20 vehicles to back out of their spaces and turn around
21 and access the drive aisles in the two-way
22 direction.

23 So, overall, from a traffic
24 perspective, we've done an evaluation both in our
25 traffic impact study and of the proposed site plan.

1 We've reviewed this application, and we have found,
2 again, that we are looking at adding about 30 new
3 trips to the roadway during the peak hours.
4 Typically, in the traffic engineering industry,
5 anything less than even a hundred trips in a peak
6 hour does not significantly change how intersections
7 nearby this site would experience traffic, and we
8 are at 30 trips in an hour.

9 If you think about your experience
10 today when you're at the intersection of Cold Hill
11 Road, this new traffic, these 30 new cars, one car
12 every two minutes is probably one car in front of
13 you at the light waiting for the light to turn green
14 about every other day or every third day is about
15 the experience that you're going to have from the
16 traffic of this development.

17 So that green light that you get
18 through, you may be one car back every other day or
19 every third day in that queue. That's what one new
20 car every two minutes would generate on this roadway
21 because that light cycles through in less than every
22 two minutes. So the car we're adding to that
23 traffic light is basically through that light in one
24 traffic cycle.

25 We do meet parking as I mentioned. We

1 designed the site to actually add more parking in
2 the areas that we feel is needed which is the area
3 between the Kings and the retail portion of the
4 site. We meet the state statutes for parking spaces
5 for the residential development, and we believe that
6 we are accommodating the delivery patterns that
7 exist today with the two delivery drive aisles to
8 the easterly and westerly sides of the site, and we
9 believe we're making improvements by removing a
10 significant amount of dumpsters that are just strewn
11 about throughout the parking lots and the drive
12 aisles and having a central location which is an
13 improvement from a traffic point of view.

14 Our access points have been reviewed by
15 Morris County and have been approved by Morris
16 County as part of the site plan approval and we
17 believe that this site will not have substantial
18 negative impact. Obviously, any development will
19 add traffic. Any time you bring something new to a
20 location, there will be more cars on the road. The
21 question is is it a substantial amount of traffic
22 that's being added, and one new car every two
23 minutes is not at the level of substantial impact as
24 it relates to the traffic engineering industry.

25 Q. And thank you for that, Matt. Before

1 we move on, I just want to clarify. The prior
2 testimony by our civil engineer indicated that we
3 have some what I'll say undersized parking stalls in
4 front of the Kings. Is that correct?

5 A. There were some undersized stalls that
6 were located kind of to the east area of the Kings
7 along with some ADA spaces that were not properly
8 sized. The proposed plan has right sized all those
9 spaces. So they are properly sized for the
10 industry. That said, they do not meet the borough's
11 ordinance for parking space dimension.

12 Q. And so just explain what that means,
13 properly sized for the industry as compared to the
14 borough ordinance standards?

15 A. Yeah. So, typically, and, again, this
16 is actually within the residential site improvement
17 standards, the state also recognizes
18 9-foot-by-18-foot parking spaces are what we'd say
19 is industry standard. The borough actually requires
20 parking spaces in larger dimensions both in its
21 length and itself width.

22 That said, we believe that the parking
23 space dimensions, again, shown on here are
24 sufficient based on the industry standard. That
25 said, you know, obviously, you'll hear from our

1 planner regarding that deviation and why -- you
2 know, why we believe that is warranted. We
3 certainly can upsize or increase the size of these
4 spaces, but the quantity of spaces will be reduced,
5 and we believe that a site like this where there is,
6 you know, parking demand, there is, you know,
7 generally, you know, at peak periods, you know,
8 you're at 90 percent capacity in the areas between
9 the retail buildings and up along East Main Street,
10 we believe that increasing the supply of that area
11 is a improvement to the condition, and we believe
12 that there's no detriment to having the smaller size
13 spaces, and it's a benefit to have the greater
14 number of spaces, but you'll hear more from the
15 planner regarding that.

16 Q. Okay. So from a traffic consulting
17 perspective, you have no concerns about the handful
18 of undersized spaces that we have under the borough
19 ordinance code, correct?

20 A. Correct, and I believe those space
21 dimensions are consistent with I think the Dunkin'
22 Donuts recently has -- was constructed. I believe
23 that's around 9-foot-by-18-foot parking spaces. So
24 I do not believe this is a dimension that is
25 inconsistent with even other retail areas within the

1 borough.

2 Q. And, Mr. Seckler, we did receive a
3 comment letter from I believe it was Boswell on the
4 traffic report, correct?

5 A. Correct.

6 Q. And did you review that report?

7 A. Yes, I did.

8 Q. And is there anything in particular
9 there, any concerns you wanted to address or
10 anything you want to, you know -- anything you want
11 to add to your testimony?

12 A. Yeah. I just want to put on the record
13 that some of the comments in the report were related
14 to kind of that growth rate factor, you know, taking
15 counts from 2019 and how much should we assume
16 traffic has been increasing within the borough and
17 within the county.

18 The numbers we utilized for a portion
19 of that growth, I think the reviewer indicated was a
20 little less. They projected the growth was going to
21 be slightly more. That said, we had recently just
22 done, again, new counts within the last week and a
23 half. We had to wait until school got back in
24 session, and seeing the traffic volumes on the
25 roadway are slightly less, again, we would be happy

1 to provide that data to the borough's traffic
2 engineer to understand that the growth rate factor
3 that we utilized is likely conservative in this
4 case.

5 That said, we would be happy to work
6 with them if they do want us to, you know, keep
7 projecting the higher growth rate factor, we would
8 comply with that as well.

9 Q. Okay. Thank you, Mr. Seckler.

10 MR. ORTH: I have no further questions
11 on direct.

12 BOARD SECRETARY: Do you have a copy of
13 that?

14 MR. ORTH: Yes.

15 BOARD SECRETARY: Can I get a copy of
16 that?

17 MR. ORTH: Yes.

18 CHAIRMAN SMITH: Any questions from the
19 board?

20 MR. EGERTER: I have a couple
21 questions.

22 BOARD SECRETARY: Just say who you are
23 because your plate's covered.

24 MR. EGERTER: I'm John Egarter, and I
25 have a question, and I asked this of the engineer

1 last week. Currently, there are two lanes that go
2 out and there's two lanes that come in. The lanes
3 that go out, one of the lanes goes westbound and one
4 of them goes eastbound.

5 What you guys proposed is a direct --
6 to go directly to the back of the project, but
7 there's only one lane in and one lane out. What I
8 was told at the time was that this was a better way
9 of doing things. How so?

10 MR. SECKLER: All right. So I'm just
11 pulling up A-1. I don't know if the angle is
12 difficult for you to see. I just want to clarify
13 that what your question is it related to this
14 ingress driveway and the width of it and the egress
15 driveway?

16 MR. EGERTER: It's in relation to both
17 of them, because we're going to have half of the
18 lanes to go in and also out. How does that improve
19 the flow?

20 MR. SECKLER: All right. So, again,
21 coming into the site, you have a very -- currently,
22 in the current condition, you have a very wide
23 driveway that clearly from watching traffic here
24 people do act as two lanes. There's not a stripe
25 down the middle, but it's so wide that a right-hand

1 turn and left-hand turn into the driveway can
2 generally be made at the same time. Then you enter
3 the site and it narrows down.

4 When you're leaving the site, again,
5 you have a very wide driveway, and I've seen cars
6 line up side-by-side where the first car can make a
7 right, someone else can make a left at the same
8 time.

9 I'm going to now show you the proposed
10 condition, and I'm going to zoom into that same
11 spot, and this is A-4. So leaving the site, we will
12 now have striped two separate lanes. So we will
13 still have two lanes leaving the site, a left turn
14 and a right turn.

15 Entering the site, we've narrowed the
16 driveway in order to get in compliance with the
17 Morris County standards. The current driveway today
18 is wider than the county would typically allow.

19 In addition, by getting people down to
20 a single lane when they enter the site, you don't
21 have a condition where you have basically two people
22 side-by-side or merging occur basically into the
23 site. So right now you have a little bit more of a
24 traditional driveway where entering the site you're
25 neck down to one lane basically immediately, and I

1 know that your concern is or I believe your concern
2 is what does that do to the throughput. Are we
3 going to be able to get as many cars in, and I'm
4 saying that having a single lane like this is
5 actually safer from the perspective of having in the
6 current condition almost two cars fighting for the
7 same amount of space.

8 So people now to have to wait their
9 turn to get into the driveway versus merging
10 together as they enter the site.

11 MR. EGERTER: I didn't realize there's
12 going to be a west and an east?

13 MR. SECKLER: Yes. Egress is still
14 basically the same way it is today. The ingress
15 we're cleaning up, but, again, right now the county
16 doesn't love having super wide driveways entering
17 the site because, again, you got two people fighting
18 for the same space 50 feet down the line versus this
19 which has one driveway in.

20 MR. EGERTER: My other question is on
21 the westbound -- west of the egress, you've got cars
22 backing straight out into traffic, and I -- I would
23 think that that would be dangerous.

24 MR. SECKLER: So, again, are you
25 referring to -- and right now I'm showing on A-4 the

1 sets of five spaces.

2 MR. EGERTER: Yeah.

3 MR. SECKLER: So this is no different
4 than any, basically, other general drive aisle that
5 you have in any shopping center where you have a
6 drive aisle and vehicles that back out at 90-degree
7 angle, but at this drive aisle, we've actually
8 increased the width to make it easier for vehicles
9 to back out of those 15 spaces.

10 In addition, what I'm circling now
11 which is a brown textured area, this is a speed
12 table. So what we're trying to do is not have
13 people enter that drive aisle and cruise down at 35
14 miles an hour, because at that case, it's going to
15 be difficult to back out of the space and be able to
16 judge gaps in traffic.

17 This is essentially a raised area.
18 Kind of like a speed bump, but it's a little more
19 gentle on your car to prevent people from speeding
20 through that area. So what we're doing is we're
21 actually going to be creating gaps for these 15
22 parking stalls to be able to back out of traffic
23 easier.

24 So we made a wider aisle, and we slowed
25 down traffic for this particular area because of the

1 concerns that you raised.

2 MR. EGERTER: There's no middle aisle.
3 Somebody some could back straight across to where
4 people are coming in, correct?

5 MR. SECKLER: Correct. So what this is
6 is it's essentially what you would see as a double
7 yellow line you could back across, but it's textured
8 just because we want to add basically a little
9 more -- I'd say more of a feature to the area.

10 So it's wider than a typical double
11 yellow line, and it's textured just to provide some,
12 you know, kind of guidance and make it feel like
13 you're entering a place as opposed to just having a
14 standard drive aisle, but, yes, you could back right
15 across it.

16 MR. EGERTER: And you don't think that
17 this is dangerous?

18 MR. SECKLER: Again, I don't see this
19 being any different than when you back out of any
20 other parking lot. You have people driving to --
21 you know, if you were in, you know, Bernardsville at
22 the ShopRite, there are people that you have a
23 24-foot aisle and people back in the 24-foot aisle
24 if they're driving towards the front of the store.
25 This is no different than that.

1 MS. TRAUT: I have a question. I'm
2 Alexandra Traut. Anywhere in your studies did you
3 guys do any research or any observation around like
4 the wait time for a vehicle to make a left-hand turn
5 coming out of that egress?

6 One of my concerns would be that that
7 egress line, if you're trying to make a left-hand
8 turn out of the development during peak hours, gets
9 pretty backed up, and if it's backing up into that
10 western aisle, it's going to make it extremely
11 difficult for cars to come in and out of the parking
12 spaces.

13 So, again, my question, did you guys do
14 any observation included in your study around that?

15 MR. SECKLER: Yes. So what we do as
16 part of our study --

17 MR. FERRIERO: Excuse me. Matt, before
18 you get to that, I'm going to ask some questions
19 that I think will set the context for that so the
20 public can understand it well, because board members
21 have seen traffic reports. Many people in the
22 public have not, but I think it's important to talk
23 about a few things, and you said it, but I think
24 it's worth repeating.

25 What is a peak hour? The peak hour of

1 the traffic on Main Street, how was that defined?
2 I'm not talking about the time, but what does it
3 mean?

4 MR. SECKLER: So we -- again, we
5 counted two hours in the morning and three hours in
6 the afternoon in a weekday. We look at when is the
7 volume the highest for 60 minutes straight. So that
8 is what we're looking at is when is the traffic on
9 the roadway at its highest. So that is the peak
10 hour. That is what we study.

11 So any numbers that I'm going give you
12 that either -- to answer your question or answer the
13 engineer's questions is all based on that worst
14 hour, that busiest hour.

15 In fact, there are factors that we
16 utilize when we do our calculations that drill down
17 on really the worst 15 minutes of that worst hour.
18 So we have a factor. It's called a peak-hour factor
19 which, again, looks at what if you had the worst 15
20 minutes for the entire hour, and that is how we do
21 our analysis.

22 So it is we're looking at that extreme
23 condition, that worst case that you could have, and
24 I don't know if that answered your question.

25 MR. FERRIERO: That does.

1 And the next question is you talked
2 about the traffic generation from the site. That is
3 also the peak hour from the site?

4 MR. SECKLER: Correct. Well, when we
5 look at a site like this is, typically, for
6 residential development and retail development,
7 their peak hours line up with the road because most
8 of the traffic on the road is people leaving from
9 their house or going shopping on a Saturday.

10 So we're basically looking at the worst
11 time period for the residential development, worst
12 time period for the shopping center and the worst
13 time period on the road basically all layered on top
14 of one another.

15 MR. FERRIERO: And did you do -- did
16 you determine the peak hour of the shopping center?

17 MR. SECKLER: Yes.

18 MR. FERRIERO: And is that the same as
19 the road?

20 MR. SECKLER: Yes. With the one caveat
21 is that, in the morning, the shopping center clearly
22 doesn't get to the levels as it does in the evening.
23 So from 4 to 5 and 5 to 6 in the afternoon is going
24 to be higher than you're going to have it 9:30 or 9
25 to 10 in the morning for the shopping center, but,

1 again, to answer your question, the shopping center
2 and the roadway peak at the same time period. The
3 morning peaks together and the evening peaks
4 together.

5 MR. FERRIERO: And the evening peak
6 being greater than the morning peak?

7 MR. SECKLER: Correct. Almost always
8 the evening is your worst condition. This is no
9 exception to that.

10 MR. FERRIERO: And the Saturday peak,
11 is that higher or lower than your evening peak?

12 MR. SECKLER: On the roadway, it is
13 lower. The shopping center generates more traffic,
14 but the roadway is less on a Saturday.

15 MR. FERRIERO: Okay. Thank you.

16 MR. SECKLER: So, now, getting to your
17 question, during those peak hours, we produce and
18 what we study is and we can calculate how long does
19 the average person wait to leave the driveway, and I
20 think that's getting to your question.

21 So what we've calculated is, in the
22 morning condition today, the average car tried to
23 make a left turn out of the site, and, again, this
24 is average car. Someone could wait 5 seconds.
25 Someone could wait 50 seconds. The average car

1 leaving the driveway today is about 21 seconds in
2 the morning, about 45 seconds in the evening and
3 about 20 seconds on a Saturday. That's the average.

4 Again, there are people that will exit
5 in the peak hour faster because maybe the light is
6 holding up traffic on Main Street and you can get
7 three cars to leave kind of simultaneously, and
8 sometimes you're sitting there just feel like it's
9 taking forever.

10 In the proposed condition, when we add
11 our traffic, that increase in delay does not get any
12 worst than one and a half seconds greater. So we're
13 adding traffic. Absolutely. That's going to create
14 more delay. That delay is about a second and a half
15 on average to leave the driveway. That is what one
16 car every 30 seconds being generated.

17 Again, not everyone leaves. In the
18 evening peak hour, our traffic tends to be coming
19 into the site. People are coming home from work.
20 They're coming home. They're not looking to leave
21 the site in the evening peak hour from our
22 development.

23 So, again, most of our traffic is
24 leaving in the morning. Delays are a little less in
25 the morning. I don't know if that answered your

1 question.

2 MS. TRAUT: Yes.

3 MAYOR GLASSNER: A couple questions
4 over here. Christine Serrano Glassner.

5 I want to make sure that I heard you
6 correctly. So you testified before that the current
7 eastern lane, the 23-foot wide lane, that's the
8 main -- main lane that's used now in the project.

9 MR. SECKLER: No. I said that that is
10 the straightest shot to the rear of the site. If
11 you want to get, without making any turns, all the
12 way to the health center, again, when it was opened,
13 that was your I would say easiest path.

14 I'm not saying that's what every person
15 did, but if you want to get to the rear of the site
16 without turning, without going through, you know,
17 Kings shoppers, the easterly drive aisle would get
18 you to the rear. That would --

19 MAYOR GLASSNER: It gets you to the
20 hardware store, not to the tennis court.

21 MR. SECKLER: Its gets you to the
22 hardware store and then you'd be down in the lower
23 area near the --

24 MAYOR GLASSNER: Let me see a show of
25 hands. How many people now would normally use that

1 lane as the most direct shot? For the record, there
2 are no hands up.

3 Let me see a show of hands how many
4 people take really what is the main entrance that's
5 along the eastern building, the front of those
6 stores to get to the back? For the record, just
7 about every hand is up.

8 MR. SECKLER: I'm not debating that.
9 I'm saying that is the straight shot to the rear.
10 I'm not saying that's the ideal path to the rear,
11 and, in fact, what we didn't want is our
12 development --

13 MAYOR GLASSNER: We're going to agree
14 to disagree. It's really not the straight shot.

15 Let me go into my next question. We
16 talked -- you talked a little bit about CVS and a
17 semi-truck delivery, and I know that you said that
18 you potentially could eliminate a few of those
19 spots, but if that truck came and pulled up and had
20 to back up, what if cars are parked there?

21 MR. SECKLER: Well, that's what -- we
22 could remove those spaces. That would be the remedy
23 to that.

24 MAYOR GLASSNER: Did your study take
25 into account the multiple projects that are planned

1 for west of Mendham or west of the shopping center?

2 So we've got a pretty substantial
3 zoning overlay that is at Daytop property which is
4 still in Mendham Borough but pretty far to the west
5 on Main Street, and then you've got projects that
6 will be coming up in Chester that will also be dense
7 development.

8 Did your project -- did your study take
9 these future projects which will be happening into
10 account?

11 MR. SECKLER: So what we utilize is
12 that what I was just speaking about was this growth
13 rate factor. What that utilizes is what the DOT --
14 DOT projects as traffic increase based on
15 developments, general background, growth, vacancies
16 being filled.

17 I'll give you the number that we
18 increased our traffic number by that we counted so
19 that you can have an idea of how much traffic we've
20 I'd say juiced the numbers over what's out there
21 today, and it is -- so, for instance, in the evening
22 peak hour, the numbers were increased by about --
23 about 40 vehicles an hour going back and forth on
24 East Main Street, again, to account for -- and
25 that's just -- that's just over the next two years.

1 That's not from 2019 up.

2 So, basically, we assume about 40 new
3 trips being generated, you know, basically from
4 nearby developments over the next two years what we
5 looked at. Obviously, some of those buildings may
6 not be occupied in the next two years, but that's
7 what we look at in terms of our build condition.

8 MAYOR GLASSNER: And last question.
9 You used a technical term before regarding the
10 undersized parking spaces. The term was handful.
11 I'm wondering if we can get something a little more
12 specific. Exactly how would you equate handful to
13 real numbers?

14 MR. SECKLER: So I'll explain. There
15 are parking spaces today on-site that were
16 undersized, a few handi -- ADA spaces, some of the
17 spaces near -- kind of between the Kings and the
18 CVS. Some of those spaces are undersized. So that
19 was the handful.

20 What we had proposed is we are
21 proposing all of the spaces -- basically, all the
22 retail spaces to be 9-by-18 which does not meet your
23 borough ordinance. That is the proposed condition.
24 When I was referring to the handful, that was
25 existing spaces that we're modifying and we're

1 bringing them to 9-by-18.

2 MAYOR GLASSNER: Okay. How many were
3 those spaces?

4 MR. SECKLER: Again, I think it was
5 about six spaces that were undersized.

6 MAYOR GLASSNER: Okay. Great. Thank
7 you.

8 BOARD ATTORNEY: I think your testimony
9 was that you projected the 30 trips in the peak hour
10 from the 75 residential units?

11 MR. SECKLER: Correct.

12 BOARD ATTORNEY: Is there any
13 contribution from the automobile sales and service
14 component of this development?

15 MR. SECKLER: So, again, no, that we
16 did not add -- let me just go to our table, and,
17 again, these values are from the Institute of
18 Transportation Engineers. I'm not, you know -- I'm
19 not coming up with those 30 trips on my own. That's
20 based on data, but we did not include anything as it
21 relates to the auto sales facility and premium
22 parking lot.

23 I don't believe that they would
24 generate really any trips in the morning peak hour.
25 Maybe one or two vehicle spaces being -- trips being

1 generated during the evening or Saturday.

2 That said, in addition, the site, when
3 we did count in 2019 did have the operating tennis
4 club. I believe was operating at that time. We did
5 not -- obviously, that was credit. There is a
6 former use on the site that generated traffic. That
7 likely would equate or be greater than what the auto
8 sales would generate.

9 BOARD ATTORNEY: So you're saying that
10 the health club --

11 MR. SECKLER: Would have generated more
12 traffic than the car sales.

13 BOARD ATTORNEY: The health would
14 offset the expected traffic from the auto sales?

15 MR. SECKLER: Correct, when it was in
16 operation. When you had six courts in operation.

17 BOARD ATTORNEY: Now, I notice on A-4
18 that the -- you're showing the parking for the auto
19 sales and service together with the premium parking.
20 Is there going to be any barrier or segregation of
21 those parking areas because they're serving two
22 different uses?

23 MR. SECKLER: Yes. You'll hear from
24 the architect, but there will be 20 spaces that will
25 be for one and 20 spaces that will be for the other.

1 So you'll hear from the architect how that will work
2 interior to the building, but I believe it will be
3 one row would be one set for one use and one row
4 would be the other.

5 BOARD ATTORNEY: All right. That's
6 all. Thank you.

7 MR. PACE: Richard Pace. Just a quick
8 question on the parking spaces and clarifying the
9 mayor's question. So all the spaces are going to be
10 slightly smaller than what the borough I guess
11 recommends or asks for. Are they shorter? Are they
12 more narrow? What are they?

13 MR. SECKLER: Both. They're 9-by-18
14 versus I believe it's 10-by-20 is what the borough
15 requires.

16 CHAIRMAN SMITH: I have a question. At
17 the CVS loading dock, you have that dumpster
18 enclosure by the loading dock. You're saying a
19 tractor trailer can back up to that and it appears
20 that the tractor trailer would have to go right
21 through that enclosure.

22 MR. SECKLER: So there's an enclosure
23 which is lined up, I guess, with the westerly aisle.
24 I'll use the pointer.

25 The enclosure itself is lined up with

1 the westerly spaces. The easterly space which is
2 where the truck would actually impede on is just
3 hatching. It's just to prevent someone from
4 physically parking there. So it would not be -- it
5 would not have to impact the actual physical
6 dumpster.

7 CHAIRMAN SMITH: Okay. So the
8 enclosure, I see like a curved line here on my
9 drawing here on A-4. That would be say doors or a
10 gate, fence that would open up so you can access the
11 dumpster?

12 MR. SECKLER: Correct. When the gate
13 would be closed, it would not impact where the CVS
14 truck would need to deliver to.

15 CHAIRMAN SMITH: Okay. Thanks.

16 MR. FERRIERO: Mr. Chairman.

17 CHAIRMAN SMITH: Yes.

18 MR. FERRIERO: I know you talked about
19 temporary staging of things like trash and kegs or
20 whatever behind these buildings in these areas that
21 are a couple feet away from the building. That's --
22 that's not been an approved use. Although, it's
23 been there forever.

24 I think if that concept is going to be
25 integrated as an element of this plan, there should

1 be some sort of a permanent screening, not
2 necessarily a gated enclosure, but something that
3 screens the visibility of that, and I don't know if
4 you can look at that on the plan to see what kind of
5 space that leaves you.

6 It should be a durable material,
7 because it's obviously going to have a lot of
8 vehicles running alongside of it, but I think there
9 should be a screening of that so this straight shot
10 does not have the straight on view of the trash like
11 it does today.

12 MR. SECKLER: And, again, we definitely
13 could work on something. The one thing I want to
14 make sure is that it doesn't create a hindrance if
15 someone is walking out from that area because you
16 want to make sure that they have proper visibility
17 of any vehicle that may be utilizing it.

18 MR. FERRIERO: It requires some thought
19 to lay it out.

20 MR. SECKLER: You want to block the
21 view but also don't block the view.

22 MR. FERRIERO: Yes. You want to make
23 it so the pedestrian walking out can see but the
24 vehicle driving by can't -- can't necessarily see
25 the garbage cans.

1 MR. SECKLER: Yes.

2 MR. EGERTER: I have a question on the
3 dumpster. Do you know what the distance is from the
4 loading dock to the dumpster back there by the CVS?

5 MR. SECKLER: Near the CVS, it's about
6 45 feet, but, again, the physical dumpster is off --
7 is not aligned with the actual CVS dock. The CVS
8 dock is aligned with the hatched area. The dumpster
9 is about 45 feet from the building.

10 MR. EGERTER: I'm just trying to
11 visualize how somebody would back up. Do they have
12 to get out of the truck?

13 MR. SECKLER: No. So if you are the
14 CVS delivery driver, basically, you come down the
15 aisle and then you back --

16 MR. EGERTER: Oh, there's no physical
17 thing.

18 MR. SECKLER: Correct. The physical
19 item is aligned with the westerly stall, not with
20 the easterly, and, again, as I think the mayor
21 hinted at and we addressed, you know, if we
22 eliminate the two spaces just north of that hatch,
23 it will make it even easier for the truck.

24 MS. CALDWELL: I have a question. How
25 do deliveries take place for the auto sales?

1 MR. SECKLER: Meaning what, vehicles?

2 MS. CALDWELL: Vehicles.

3 MR. SECKLER: I don't believe this is
4 not the type of site that is delivering on like a
5 10-car trailer system. This is very small scale
6 auto sales. So I believe it would just be a
7 standard, you know, maybe one car towing another
8 type of car application.

9 They would likely utilize -- you know,
10 either share the loading area that the residential
11 building has or load in the area near the cell
12 tower. The cell tower has an area where there's
13 basically no parking in front of it.

14 MR. SULLIVAN: Hi. I have a comment.
15 I see two ways out from the back and the eastern
16 side. I don't think anyone is going to use that way
17 to get out. I just find it very challenging that,
18 you know, there's going to be a lot of traffic
19 coming down that egress near the western building,
20 and it's just going to be challenging for those 15
21 spots to get out. I just envision like a lot of
22 traffic on that egress.

23 MR. SECKLER: So, again, just to give a
24 frame of reference, again, 30 trips an hour is what
25 the residential development is generating. A CVS,

1 CVS's -- I know this one's in a shopping center, but
2 that have, you know, cars that back out right near a
3 front door of the CVS where everyone's walking out
4 and people are walking out and people are active.

5 So, again, I don't have the concern
6 that 30 new cars going through the -- I'd say that
7 drive aisle with the 15 parking spaces is any
8 different, again, your standard fair shopping center
9 with a tenant that gets some business.

10 MR. SULLIVAN: All right. Thank you.

11 MS. TRAUT: In terms of flow, would you
12 say that the proposed parking flow improves existing
13 conditions?

14 MR. SECKLER: I think it gets you --
15 you mean -- you're referring to the retail area,
16 right?

17 MS. TRAUT: Yes, in the retail area.

18 MR. SECKLER: I think it gets you two
19 parking spaces in a less roundabout matter than it
20 does today.

21 MS. TRAUT: What about flow, coming in,
22 coming out, cars going up and down the aisle, cars
23 waiting to turn in and out of the aisles?

24 MR. SECKLER: Yes. I believe this is
25 an improvement over today. Where if you see a

1 parking space that's empty an aisle over and you
2 have to basically drive all the way down, all the
3 way back, this one you have more parking spaces to
4 choose from. You have more parking spaces period.

5 A lot of the congestion you have in the
6 lot is the fact that you don't have as many spaces.
7 This adds 30 parking spaces. So you may have more
8 available parking so you don't have to circulate the
9 lot like you do today.

10 MS. TRAUT: Would this be the
11 appropriate testimony to talk about signage in the
12 parking lot?

13 MR. SECKLER: If you're referring to
14 like reg -- like stop, go, stop, one way --

15 MS. TRAUT: Directional.

16 MR. SECKLER: Yeah. If you're
17 referring to business signage, I'm not the person.

18 MS. TRAUT: Will you walk us through
19 that directional signage that you're proposing.

20 MR. SECKLER: So in terms of way
21 finding like that actually -- way finding would be
22 the architect. I'm more of the regulatory speed
23 limit, that type of person.

24 MS. TRAUT: Thank you.

25 Oh, sorry. One more thing. At the

1 beginning of the -- of your testimony you were
2 talking about the 4-foot clearance behind the
3 easterly area. Do you mind repeating that?

4 You just went through that pretty
5 quickly. I want to make sure I'm understanding.

6 MR. SECKLER: So I'm going to zoom into
7 the easterly area. Okay. So this is a good
8 example. So you see this little notch in the
9 building? This is one of the protrusions that
10 exist.

11 The building is also -- although,
12 again, this is showing the building, there's also
13 areas where there's refrigeration or other type of
14 mechanical equipment in the rear of the building.
15 All of that -- all those protrusions make up a
16 4-foot area between the building and what we're
17 showing here as this white line.

18 That is -- I'm saying is the safe
19 egress area for any of the doors from leaving the
20 building, and that's also an area in discussing with
21 your engineer may be an appropriate location to have
22 storage of temporary materials, like we said, kegs,
23 things like that.

24 From the protrusion to the curb line is
25 23 and a half feet. So just like you have today,

1 you have 23 and a half feet for cars or vehicles to
2 travel two-way. This 28.3, this is from the
3 property line. The curb line is not at the property
4 line today. There is a little bit of a grade change
5 in a grass area as you build up, basically, this
6 kind of 5 foot area up the side.

7 So I don't know if that -- trying to
8 walk you through from the west to the east.

9 MS. TRAUT: That's definitely helpful.
10 The reason I was asking you is because also
11 mentioned that 4-foot of clearance is where business
12 owners can use to take their trash out. We do have
13 those notches throughout the length of the building.
14 So I just want to acknowledge that they will have to
15 step into the traffic route to do that.

16 MR. SECKLER: Yes, and, again, right
17 now some of them are leaving storage in the traffic
18 route. So, again, them walking the garbage or in
19 the traffic route is I think an improvement, but,
20 again, yes, there are these notches. Again, I think
21 there's refrigeration or some mechanical equipment
22 behind one of the area tenants above as well.

23 MAYOR GLASSNER: I have a request. I
24 think it would be really helpful if we could get a
25 copy of A-4 that shows some vehicles on these routes

1 and even in the parking, you know, because next to
2 it we show parked cars.

3 So if we actually saw, you know, how
4 big the vehicles would be in these lanes and in the
5 smaller parking sizes, I think it would help.

6 MR. SECKLER: Again, you're
7 referring -- just so I want to be clear, you're
8 referring to the main retail parking area?

9 MAYOR GLASSNER: Well, I'm referring to
10 both the main retail parking area and the driving
11 lanes.

12 MR. SECKLER: Yeah, but in the
13 center -- I just want to make sure. You're not
14 referring to the alleys. You're referring to the
15 main --

16 MR. FERRIERO: I think she's referring
17 to the alleys as well, and a truck turning template
18 I think is where you're kind of going to as well to
19 show those, and what I would ask, and it's kind of a
20 little bit disjointed here, but any of these
21 exhibits you handed out tonight or you've shown, can
22 you get Lisa PDFs of those so she can post them on
23 the website?

24 MR. ORTH: Yes. No problem.

25 MAYOR GLASSNER: I think it would be

1 helpful before you post that if we get one that
2 actually has cars on it so the people can see
3 exactly what it's going to look like.

4 MR. FERRIERO: The only thing I would
5 say it hasn't been testified to. So it may need to
6 come in after the next meeting. I don't know, Tom.
7 What do you think?

8 BOARD ATTORNEY: Yeah, that's a better
9 idea.

10 BOARD SECRETARY: I can post this one
11 and then after they testify.

12 MAYOR GLASSNER: Okay.

13 MS. GARBACZ: I have a question. You
14 mentioned that, if cars are being delivered for the
15 auto service, it most likely will not be a large
16 truck delivering, but you can't control that.

17 If a car is being delivered, generally,
18 you're not choosing the vehicle that's transporting
19 the car. So the truck that's transporting the car.
20 So if that happened where there is a large trailer
21 delivering this vehicle, how would that be unloaded
22 and like where?

23 MR. SECKLER: So I'm going to give two
24 answers to that one. One, I still believe that the
25 vehicle would be able to unload in the area near the

1 cell tower, but, two, you're going to hear from the
2 architect regarding the type of auto sales that this
3 will be, and I do know having worked on other -- I'm
4 going to say like larger scale auto sales buildings,
5 you do have the ability if the site can't
6 accommodate, like say if you're on a highway that
7 can't accommodate a tractor trailer -- a large
8 trailer, you can require them to bring in something
9 smaller.

10 What I typically see is a lot of times
11 you'll have a temporary staging area kind of off
12 site. You may have another parking lot where you'll
13 be able to bring in the large trailer, 10 cars, and
14 then basically you'll drive over the individual cars
15 from that spot, but you'll hear from the architect
16 regarding what the intention is for this parking --
17 what this auto sales site would be, because this is
18 not, you know, your 7,000 car showroom type of
19 operation.

20 MR. MOLNAR: I just have a question
21 about the easterly drive lane there. Are you
22 planning on widening the pavement closer to the
23 property line or is that existing staying?

24 MR. SECKLER: Existing is staying.

25 MR. MOLNAR: So even with now having

1 those protrusions coming out and people walking
2 around them and all that, you don't think it's
3 necessary to possibly put a couple more feet on that
4 pavement for better flow?

5 MR. SECKLER: I mean that width is
6 what's out there today, and, again, while -- you
7 know, as I mentioned, you know, someone coming out
8 of one of these doors and walking something around,
9 right now they've got -- right now you do not have
10 23-and-a-half-foot clear because of temporary
11 obstructions.

12 We're saying let's eliminate the
13 temporary obstructions so we keep the
14 23-and-a-half-foot clear which is an improvement
15 over what's out there today, but we do not have any
16 plans at this point to widen that condition.

17 MS. TRAUT: We are also asking the
18 business owners to walk out there and walk the trash
19 to the proposed dumpster where as now they can open
20 their doors and throw the trash in the dumpsters
21 that's kind of right behind their businesses. So
22 just to drive that point home.

23 MR. ORTH: Yeah. I'm picking up on
24 what you're putting down. So we're going to take a
25 look at that issue before we come back.

1 CHAIRMAN SMITH: You gain probably
2 about 5 feet just to follow-up to what Jim was
3 saying. You know, if you were to widen that closer
4 to your property line, it would make that traffic
5 flow much safer, and like Alex said, you now have
6 the people walking all the way down the length of
7 the bidding to drop their trash which is going to
8 create more foot traffic.

9 So to make that safer, I think that
10 would be a better design.

11 MR. SECKLER: We can look into possible
12 modifications to that.

13 MS. GARBACZ: Is that separation -- the
14 separation between the parking spaces, is that a
15 walkable area?

16 MR. SECKLER: Which are you referring
17 to?

18 MS. GARBACZ: You have this strip in
19 between that's --

20 MR. SECKLER: This area? Yes. Yes,
21 that's walkable.

22 MS. GARBACZ: What's the width of that?

23 MR. SECKLER: I believe it's 4 feet.
24 It's very similar to -- let me go to the site plan
25 today. If you looked at the areas -- well, this is

1 very blurry.

2 If you look at -- I believe there are
3 strips that are 4 feet wide on the existing parking
4 lot today and in the I think the northwest corner as
5 well as portions of the front aisle that have that
6 same 4 foot today.

7 I believe this back area and then I
8 believe the thinner areas along the front are 4-foot
9 wide today.

10 MR. PACE: I have a quick question. In
11 between the two speed humps I guess there's flush
12 pavers, right?

13 MR. SECKLER: Correct.

14 MR. PACE: If you go north of that,
15 like there's a real rectangle thing that's green.
16 Is that -- keep going. Yeah. Keep going north.
17 Yeah. See like that green. What is that?

18 MR. SECKLER: That is an actual planted
19 median. So that is above ground. That's raised and
20 decorative planted median.

21 CHAIRMAN SMITH: Any other questions
22 from members of the board?

23 At this point, due to the time factor,
24 we will not open it to the public tonight. We will
25 continue the same format next meeting and then this

1 way everybody can come in line, pose their questions
2 to the professional of the testimony that was given
3 tonight.

4 It's only because of the time. No
5 other reason, and then I think that will be a more
6 efficient flow.

7 Is your traffic study done?

8 MR. ORTH: So we're going to produce
9 the exhibit as suggested, and so I'll have to bring
10 Mr. Seckler back for some brief testimony, also to
11 follow-up on what the outcome of looking into
12 potentially widening the sidewalk. Let me just go
13 through my notes.

14 MR. FERRIERO: I think the traffic you
15 talked about looking at the higher background growth
16 rates.

17 MR. ORTH: Yes. That as well. So I
18 will have to bring Mr. Seckler back. His testimony
19 at the next meeting on direct will probably be five
20 to 10 minutes with not accounting for board
21 discussion.

22 CHAIRMAN SMITH: Okay. And then after
23 his testimony, then we'll let everybody come forward
24 with their questions, and please, everybody, write
25 whatever questions you have down tonight so you

1 don't forget them for next month's meeting, and, you
2 know, I want to keep this rolling as efficiently as
3 I can and be as fair as I can to everybody.

4 MR. ORTH: Thank you. Do we have a --

5 BOARD SECRETARY: Right now it's to the
6 regular meeting in October.

7 CHAIRMAN SMITH: The regular meeting in
8 October which is October 15, and that will be here,
9 Lisa.

10 BOARD SECRETARY: Yes, it will be here,
11 but I'm not sure about the other application.

12 Excuse me. Thanks.

13 CHAIRMAN SMITH: We're not done.

14 BOARD SECRETARY: You all might want to
15 hear this because I'm not sure if we're going to
16 hear them at the next meeting because there's
17 another application that has been carried since June
18 that may have to be heard at the regular meeting in
19 October.

20 So we're going to try and see if we can
21 get a special meeting for October for this
22 applicant.

23 BOARD ATTORNEY: We have to announce
24 that carry date now. So why don't we do this. Why
25 don't we announce the carry. Would the date be

1 after the 15th, Lisa, if we can have one?

2 BOARD SECRETARY: Yes.

3 BOARD ATTORNEY: What I suggest, Derek,
4 is we announce the 15th as the carry date so you
5 don't have to re-notice.

6 MR. ORTH: Thank you.

7 BOARD ATTORNEY: And then if we have a
8 subsequent special meeting date, we'll announce at
9 the 15th meeting to carry to the subsequent date.

10 MR. ORTH: Thank you.

11 BOARD ATTORNEY: So, as of now, this
12 application is carried to October 15 with no further
13 notice.

14 MR. ORTH: Very good. The meeting will
15 be held at -- are we doing 7 o'clock again?

16 BOARD SECRETARY: We can continue 7.

17 MR. ORTH: Seven o'clock here at the
18 same place.

19 BOARD ATTORNEY: Same place, same time,
20 same station.

21 MR. ORTH: Thank you. Thank you,
22 everyone. We appreciate your time and attention.

23 CHAIRMAN SMITH: I'd like to have a
24 motion to adjourn.

25 MR. EGERTER: Motion.

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BOARD SECRETARY: Mr. Egerter.

MR. EGERTER: Yes.

MR. PACE: Second.

BOARD SECRETARY: Second was Mr. Pace.

All in favor.

(All respond aye.)

BOARD SECRETARY: Opposed.

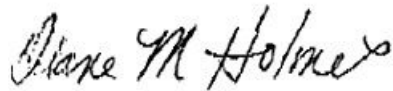
(Proceedings conclude at 9:46 p.m.)

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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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