

**MINUTES OF THE  
MENDHAM BOROUGH JOINT LAND USE BOARD  
SPECIAL MEETING  
Tuesday, September 24, 2024  
GRACE LUTHERAN CHURCH  
65 E MAIN ST, MENDHAM, NJ**

**CALL TO ORDER/FLAG SALUTE**

The regular meeting of the Mendham Borough Joint Land Use Board was called to order at 7:30 p.m. and the open public meeting statement was read into the record.

**ROLL CALL**

Mayor Glassner – Present	Mr. Egerter – Present
Ms. Bushman – Absent	Ms. Garbacz – Present
Councilman Sullivan – Present	Mr. Molnar –Present
Mr. Smith – Present	Ms. Traut – Alternate 1 -Present
Mr. Sprandel – Absent	Mr. Kay- Alternate 2- Present
Mr. D’Urso– Absent	VACANT – Alternate 3
	Mr. Pace – Alternate 4 – Present

Also Present: Mr. Ferriero – Board Engineer  
Mr. Germinario –Board Attorney  
Ms. Caldwell – Board Planner

**PUBLIC COMMENT**

Vice Chairman Smith opened the meeting to the public for questions and comments on items not included on the agenda or any pending applications. There being none, the public session was closed.

**HEARING**

**23-22 V-Fee Mendham Apartments  
84-86-88 East Main Street  
Blk 801 Lot 20**

**Refer to attached transcript**

**This application is being carried to the Regular meeting of the Joint Land Use Board scheduled for November 19, 2024, without further notice needed.**

**ADJOURNMENT**

There being no additional business to come before the Board, Motion was made by Mr. Egerter and seconded by Mr. Molnar. On a voice vote, all were in favor. Vice Chair Smith adjourned the meeting at 9:50PM.

Respectfully submitted,

*Lisa J. Smith*

Lisa Smith  
Land Use Coordinator

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

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*Transcript of Proceedings*  
*September 24, 2024*

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*Min-U-Script® with Word Index*

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

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IN THE MATTER OF:

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

B E F O R E:

BOROUGH OF MENDHAM JOINT LAND USE BOARD  
THERE BEING PRESENT:

- RICHARD SMITH, Chairman
- CHRISTINE GLASSNER, Mayor
- NEIL SULLIVAN, Councilman
- 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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I N D E X

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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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