

**MINUTES**

**DECEMBER 17, 2013**

**PLANNING BOARD**

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

Vice-Chairman Charles Arentowicz called the meeting to order at 8:04 P.M. He then read the following statement: Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2013.

**MEETING CUT-OFF**

Vice-Chairman Arentowicz read the following statement: Announcement was made that as a matter of procedure, it was the intention of the Planning Board not to continue any matter past 11:00 P.M. at any Regular or Special Meeting of the Board unless a motion was passed by the members present to extend the meeting to a later specified cut-off time.

**CELL PHONES AND PAGERS**

Vice-Chairman Arentowicz read the following statement: All in attendance were requested to turn off cell phones and pagers as they interfere with the court room taping mechanism.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

On a call of the roll, the following were present:

Excused:

Charles Arentowicz, Vice-Chairman  
Suzanne Dapkins, Member  
Ashish Moholkar, Member  
J. Alan Pfeil, Member  
Guy Roshto, Member  
Gregory Aroneo, 1<sup>st</sup> Alternate  
Timothy Wallisch, 2<sup>nd</sup> Alternate

Christopher Connor, Chairman  
Guy Piserchia, Mayor  
Brendan Rae, Mayor’s Designee

Barry Hoffman, Bd. Attorney  
Kevin O’Brien, Twp. Planner  
Thomas Lemanowicz, Bd. Engineer  
Cyndi Kiefer, Planning/Zoning Secretary

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**EXECUTIVE SESSION** - It was determined that there was no need to hold an executive session.

**PUBLIC QUESTION OR COMMENT**

Vice-Chairman Arentowicz opened up the meeting for any public comment on any items *not* on tonight’s agenda. There being none, he closed the meeting to the public.

Vice-Chairman Arentowicz stated that, because of the inclement weather, there was no court reporter present at the meeting; therefore the tape recording of the session would be used.

Vice-Chairman Arentowicz noted that this was a hearing by the applicant, Restore Meyersville LLC. The Applicant would call witnesses and the Board would have an opportunity to question those witnesses. Next the professional consultants would have the same opportunity. After that, the meeting would be opened up to the public for questions for the witnesses. He stressed that this was *not* the time for comments. Once all the witnesses’ testimonies were complete, the meeting would be opened up for general public comments.

**PUBLIC HEARING**

RESTORE MEYERSVILLE LLC  
596 Meyersville Road  
Block 14701, Lot 27

#13-07P  
Prelim. /Final Maj. Site Plan

Vice-Chairman Arentowicz asked Kevin O’Brien, Township Planner, for a brief update followed by comments from Thomas Lemanowicz, Board Engineer, on the Stormwater Management Plan submitted by Restore Meyersville LLC.

Mr. O’Brien stated that at the last meeting, the Applicant’s engineer gave his testimony; questions were asked by the Board and by the public. New testimony from their traffic engineer and professional planner would be given at this meeting.

Thomas Lemanowicz, Board Engineer, stated that he had had a meeting with the Applicant and his engineer to discuss the stormwater issue. At the last Planning Board meeting, there were some differing opinions as to how

many of the Township's ordinances could be applied to the application. He felt that the ordinances were still in force and he received a memorandum on December 16, 2013 from Mr. Bernstein, attorney with **Bernstein & Hoffman, P.A.** It verified that those ordinances still applied since this issue dealt with the drainage of the property, not wetlands. If the issue pertained to the wetlands, it *would* be out of the Township's jurisdiction. During the meeting, the Applicant's engineer produced some calculations which would be presented at this meeting. In general, Mr. Lemanowicz found the calculations to be reasonable and the few details that remained would be resolved simply by virtue of the fact that the property was more impervious now that it would be. Now that the report was made available, Mr. Lemanowicz felt that the plan would work. He deferred to the testimony that would be given by the engineer that evening.

Board member J. Alan Pfeil noted that he had missed the November 26, 2013 meeting; however, he had listened to the recording of the meeting and signed a statement to that effect so he would be eligible to vote on this application.

Board member Timothy Wallisch noted that he had missed the October 8, 2013 meeting however, he had listened to the recording of the meeting and signed a statement to that effect so he would be eligible to vote on this application.

John J. DeLaney, Jr., from the law firm of **Lindabury, McCormick, Estabrook, and Cooper**, in Westfield and Summit, New Jersey, stated that the Applicant was here for his third (3<sup>rd</sup>) meeting, a Special Meeting. He stated that his client, the Engineer, and the Tenant had testified in the previous meetings. He also noted that numerous revisions had been submitted to satisfy many of the comments of the Board Engineer and the Planner. It was his understanding that, from the meeting held between the Applicant's engineer and the Board Engineer that satisfactory calculations were worked out. In the interest of time and moving the case along, he suggested that the professional Traffic Engineer, Karl Pehnke, P.E., PTOE, would testify next to allay the concerns expressed by the Board. After Mr. Pehnke would be the testimony of Michael S. Fedosh, C.P.G., the Licensed Site Remediation Professional (L.S.R.P..S.R.P.) to dispel any concerns involving the environmental clean up. Finally, the Planner would testify with respect to the bulk variances involved with the application. If there was still concern regarding the calculations, the engineer, Christian Kastrud, P.E., would be available to testify. It was Mr. DeLaney's understanding that the issues had been resolved in a satisfactory manner.

Barry Hoffman, Board Attorney, asked Mr. Delaney, for the record, if he had reviewed the legal memorandum that was written by Mr. Hoffman's partner, Daniel Bernstein. He wanted to know whether Mr. DeLaney agreed or disagreed with Mr. Bernstein's conclusion that the state's jurisdiction over the wetlands would *not* result in any change in the regulatory power of this municipality in reference to the drainage issues.

Mr. DeLaney stated he had reviewed it and said that he would let Mr. Bernstein's memorandum speak for itself. He felt regardless of whether he agreed or disagreed, the municipality had taken a position that there was no preemption. In any event, the issues had been addressed with Mr. Lemanowicz.

Mr. Hoffman swore in the witness, Karl A. Pehnke.

Mr. Pehnke stated his name, Karl A. Pehnke, and that he was a registered professional engineer in the state of New Jersey as well as several other states. He has been in practice for over 28 years and a senior associate/vice president with **Langan Engineering and Environmental Services**. His office was located at 989 Lenox Drive, Lawrenceville, New Jersey.

Mr. DeLaney stated to Mr. Pehnke that he was here to testify as a traffic expert and that he had testified before many planning and zoning boards in New Jersey.

Mr. Pehnke confirmed that statement.

Mr. DeLaney asked for an educational background summary.

Mr. Pehnke stated that he had a Bachelor's Degree in Civil Engineering from Villa Nova University.

Mr. DeLaney offered Mr. Pehnke to the Chair as an expert in traffic issues.

Vice-Chairman Arentowicz agreed.

Mr. Pehnke said he was retained to review the site plan, evaluate the proposed use of the property, and provide an evaluation and analysis as to traffic, parking, and circulation aspects of this application that was being considered by the Board.

Mr. Pehnke also stated that he attended the last meeting (November 26, 2013) but was not present at the first meeting (October 8, 2013).

Mr. Pehnke said that he had reviewed the Master Plan and the Meyersville Hamlet Element of the Master Plan. He also visited the site on at least two (2) occasions and had his staff conduct traffic counts in the proximity of the site so that he had an idea of the current traffic volume data adjacent to the site. He reviewed nationally published data for athletic facilities and also interviewed the operator of this facility on several occasions so that he would fully understand her business since he was not present for her testimony before the Board. Most importantly, he had

visited her current site in Flemington during her busiest season. A more formal survey of the Flemington site was completed last week during her peak hours of operation so that he could bring to the Board more factual data rather than estimates. All of this data had been assembled in evaluating this plan and preparing the memo that was submitted to the Board.

Mr. DeLaney asked what Mr. Pehnke's conclusions were with respect to the site.

Mr. Pehnke said that the proposed facility would be a training facility for volleyball. There would be three (3) courts. He characterized it as a very non-intensive traffic and parking use. The use would be seasonal. The peak season, when the teams would be in training, would run from December through May. This would represent the heaviest activity, beginning at 4:00 P.M. through 10:00 P.M. with the courts in full use. Spring season would run from May through the week after July 4<sup>th</sup> weekend and would be relatively quiet since teams would be in training for Nationals. It would not be as intensive and the facility would be quite lightly used based upon his conversations with the operator. Summer season activity would be a little busier with summer training camps for five (5) weeks starting the week after July 4<sup>th</sup> weekend through the second week in August. The fall season would go back to evening programs since the children would be back in school with a mix of training activities. These would be similar in nature but not in intensity as the December through May season.

Mr. Pehnke further stated that the athletes that attend the facility were mainly middle school and lower high school students, not little children. The training sessions would run in two (2) hour increments. There were various other activities that would run in one-and-one-half hour increments. From a traffic perspective, there would be no constant flow of traffic into and out of this facility. Compared to other permitted uses in this zone such as service retail, service trade, eating/drinking establishments which would have constant flow in and out and much higher parking demands, this would be a very low traffic flow intensity use.

Mr. Pehnke explained that the traffic would occur over a 45 minute basis, bracketing the turnover times from one training session to the other. Starting at 4:00 P.M. the first group would arrive. There would be a turnover at 6:00 P.M. and another at 8:00 P.M. It would end at 10:00 P.M. with the teams leaving the facility. The highest traffic flows would occur at the 6:00 and 8:00 turnovers. In his memo, which was prepared before he had observed her peak season, Mr. Pehnke had made some estimates as to the flow of traffic. That estimate was prepared utilizing nationally published data which was data that has been gathered at athletic facilities, similar but not an exact fit. That data indicated there would be 60 to 70 vehicles during the turnover and represented total in and out volume which was a very low amount of traffic. Based upon typical characteristics of what would happen at these facilities, there would be carpooling and because of the extended two (2) hour nature of the activity, there would be drop offs/pick ups. Looking at nationally understood standards for what could be expected in the number of athletes per car (1.5 to 2 athletes per car on average), Mr. Pehnke estimated that using the 1.5 figure, he would expect to see 30 vehicles entering and 30 vehicles exiting bracketing those turnover periods.

Mr. Pehnke said the facility in Flemington was located on River Road, just south of Health Quest. It was in located in what was to be a flex industrial building. It was constructed with high ceilings so it was appropriate for volleyball courts. He noted that there were three (3) tenants in the building. The front portion was occupied by a solar energy business with storage areas in the back of the building. Two-thirds of the building was occupied by the Central Jersey Volleyball Association (C.J.V.A.) with three (3) courts, exactly the same as the proposed application. Towards the rear of the building was a dance studio which had similar activity and hours as the C.J.V.A. There were 55 parking spaces for all three (3) tenants. The building itself ran long-ways and the parking had a single point of access with parking on the side of the building. It was very easy to discern the activity at that facility because of the separation of tenant doors. Two Saturdays ago Mr. Pehnke spent approximately one (1) hour at the Flemington facility during one of the turnover times. He observed the "open gym" session (9:00 A.M. to 11:00 A.M.) which was full. There were 29 players on all three (3) courts plus about five (5) to six (6) staff members and six (6) parents. After the turnover at 11:00 A.M., there were a total of 36 people on the court (players and staff) plus ten (10) parents in the stands. During that time period, he observed the parking associated with the facility on a five (5) minutes basis randomly. He observed that, at its peak when there were people coming in and dropping off (in this case during the drop-off they had to pull into a space), they spent about a minute while their players left the car. They then pulled out of the space and left. Inclusive of that type of activity during the peak, he saw about 24 parked cars on that site. At pick up activity, people came in a few minutes early, parked in a space, and when their athlete walked out, they got into the car, and the vehicle left. His observation of the operation was that it was very orderly. It was not intensive and he saw no problems. Those were the informal observations.

As a result, he sent a technician to the facility to do a more formal survey during the following week. That period encompassed a turnover period. He started at 7:00 and counted to 8:30 so that they were getting the 8:00 turnover period. At that point in time, both the 6:00 to 8:00 and the 8:00 to 10:00 sessions were full based upon his conversations with the operator. There was a little more activity in terms of parents staying than normal because they were interested in seeing what the practices were about. The operator stated that through the season there were usually only five (5) or six (6) parents sitting during the course of a practice. The survey did three (3) things. First, to gather more information on traffic volume, the technician did a formal traffic count during a 15 minutes basis, the number of cars entering and exiting the facility that were associated with the C.J.V.A. The second thing he wanted to know was the number of athletes ride sharing. The technician tracked the cars to the parking spaces, observed the number of athletes that came out of each car, and recorded that again on a 15 minute basis. The last thing he wanted to know concerned parking. On a five (5) minute basis, the technician reported the highest number of cars parked on each successive five (5) minute basis starting from 7:00 right through to 8:30. There were 29 cars that came into the

facility during that period and 34 exited which was less than the *Institute of Transportation Engineers* published data had estimated. As the Operator testified, the athletes were requested to arrive 15 minutes prior to their session so that they were ready to get on the court right at their scheduled time. The others were released right at their scheduled time and the traffic patterns that he saw were spot on with that testimony. In fact, the peak inbound timeframe that was seen occurred from 7:30 to 7:45 and in that 15 minute period 14 cars came in and eight (8) cars left which meant eight (8) cars were probably dropping off. The peak outbound activity occurred in the first ten (10) minutes after 8:00. There were 20 cars leaving and six (6) coming in which were probably associated with picking up some residual students. After 8:15 there was no traffic activity. Before 7:30 he observed one (1) car entering and exiting the facility which was indicative of the traffic centering on those turnover periods. Those were very low volumes and very easily accommodated on the driveways. In traffic engineering, intersections were evaluated when there were vehicle numbers of over 100. That was when there could be a potential for a discernable impact. These numbers were well less than 100. They were in the 60 range in this case.

Traffic counts were taken at this facility in the evening hours to look at what was happening on the roadway system. There was also some traffic volume data that was documented in the Master Plan dating back to 2009, and 1993. Basically what was observed when the traffic counts were taken was that Meyersville Road had about 260 two way vehicles in front of the site. This was a moderate amount of traffic for a two lane roadway. In 2009, the reporting was 328 and back in 1993 it was 259. He would characterize this roadway as bordering on 300 trips per hour per direction at the peak hour starting at 4:45 P.M. through 5:45 P.M. Traffic ebbed and flowed before and after that period. From a traffic engineering standpoint, that was a very moderate flow for a two lane roadway. From a capacity standpoint, given the amount of trips turning into and out of this driveway, Mr. Pehnke would expect that these driveways would operate at excellent levels of service. He would characterize them as "A" levels of service which was a grading system very similar to school report cards when "A" meant excellent and "Flemington" being a failing level of service.

Mr. DeLaney interrupted Mr. Pehnke at this point to confirm that he had visited both the site in Flemington and the site in Long Hill, that he had spoken to the Operator, and that he had done survey analysis. Based upon all of those factors, he asked Mr. Pehnke if he felt that the circulation arrangement was appropriate for this site and this proposed application.

Mr. Pehnke stated that circulation on the site was straightforward (he pointed at an easel with a current colored rendering of the site plan showing the Volleybarn labeled Exhibit A-5, the entrance in the eastern portion of the site, and the exit in the western portion of the site). Mr. Pehnke noted that the entrance was designed as a one-way entrance off of Meyersville Road which was a county road under the jurisdiction of Morris County. There was an inbound lane 15 feet wide and to the west there was a single outbound lane also 15 feet wide. The site was well designed, in his opinion, for this particular use and this particular facility. He felt it was an improvement over the facility in Flemington because the parking was dead end parking along the side of that facility. Those parents who were dropping off were pulling into a space, dropping the athletes, and then pulling back out of the space because there was no way to loop around the back. In this design, there was 60 foot area in front of the building where those cars can pull up, drop off the athletes right in front of the building, and let them walk right into the building. They wouldn't need to take up a parking space. With regard to the pick-up operation, Mr. Pehnke expected that it would operate in exactly the same manner as what happens in Flemington; the parents tend to arrive 5 to 10 minutes early, they pull into a space and wait. There would be no queuing or people waiting in front of the building. It would be his recommendation to the Board that it be signed for drop off only to discourage that type of activity. He felt the site was well laid out to accommodate those cars for this particular operation. If there was a vehicle dropping off, there was ample room to bypass that vehicle.

Mr. Pehnke moved on to parking. He noted that there were 28 spaces on site that would be paved for the day-to-day operations. There were up to 64 spaces available using the turf on the side of the building not inclusive of two (2) paved spaces that would become unavailable in order to access those spaces. With regard to the day-to-day operations, his observations on Saturday indicated that there was a peak parking of about 24 vehicles inclusive of people who were dropping off. Basically, the 5 minutes basis survey that was done through the course of the whole formal survey that was done last Thursday saw the same thing. The highest number of parked vehicles was 24 and that included the drop off activity. From the numbers it appeared that the drop off activity could be eight (8) to ten (10) vehicles in that area. As result of having a better drop off at the front of this facility, the peak parking would be more in the range of 15 to 20 vehicles. It would drop from the Flemington number because there would no longer be a need to pull into a space to drop off the athletes.

Mr. Pehnke stated that, based on his observations at the Flemington facility supplemented by his discussions with the Operator who has been there for quite some time, he believed that the proposed 28 parking spots were more than adequate to accommodate the day-to-day activities at this facility.

Mr. Pehnke stated that on an occasional basis (two t three times per year) according to the Operator, there would be a *scrimmage* at the facility. It would *not* be a tournament. It was *not* a tournament facility or a field house. The Operator occasionally would have a scrimmage for the younger age groups. There would be no referees. Approximately six (6) would come together for about a three (3) hour period on a Saturday and scrimmage each other. Those teams would consist of about 8-12 students plus their coaches and staff for a total of 70 to 80 people on site. There would be the same type of carpooling occurring and he anticipated the need for these events to be about 50 to 55 parking spaces. He felt the 64 parking spaces would be more than ample especially in light of the fact that

at the Flemington facility there were only 55 spaces which were shared by the dance studio and there had been no issues with parking during these events. He added that given this, the design was not creating unnecessary impervious area and there would be more than enough area in the grassy parking area to accommodate those few times of the year when events would be held.

Mr. DeLaney asked Mr. Pehnke if he had had any contact with the Long Hill Township Police Department regarding the circulation and parking issue.

Mr. Pehnke answered that he did not have any direct contact with them but pointed out that there was a police report that was provided to the Board. The traffic safety officer had no recommendations or concerns regarding this application. He added that the County had jurisdiction over the roadways and driveways and there had been a review letter provided by the County. He noted that there was nothing in that letter that could not be worked out. Most importantly the county Traffic Engineer has reviewed the access design and was comfortable with what had been proposed.

Mr. Pehnke referred to a question in the Board Engineer's letter with regard to the entrance sign on this facility. He stated that there were two (2) aspects. There was a small entrance sign that was proposed just inside the driveway. This facility would not be a "capture" facility so signage would be important to identify it as a place but the people who would come to this facility would be regulars would know where the facility was located. The need for signage that would "capture" a driver's eye far in advance would not be critical in this case. That being said, looking at the site plan, the entrance sign that was located there was partially blocked by the house just to the east of it and could be shifted forward to the property line. That would make it very visible for a long distance since Meyersville Road was fairly straight in this area. Unlike a restaurant or service retail on this site that would want to "capture" pass-by traffic, signage for this facility would not be critical.

Mr. Pehnke summarized, that based upon his review of the application, in his professional opinion it was consistent with the Meyersville Hamlet Element of the Master Plan which looked for low intensity uses in this area. While acknowledging that the building would be big, he reiterated that from a traffic standpoint, it was a very low intensity usage. He added that since it would be seasonal, there would be times of the year when the usage would be very low. During daytime hours most of the year, the 9:00 A.M. to 4:00 P.M. period of operation it would be only her and her staff coming in to clean or do some office work so there would be no activity from a traffic standpoint, especially during the morning peak hours associated with this facility except for Saturday mornings starting at 9:00 A.M.. He reiterated that he felt it was consistent with intent to encourage low intensity uses. It would be much less intensive use than other permitted uses. The site circulations would work for this facility and actually would be better than what she has in Flemington although he had not observed any problems there at all. He also felt the parking was sufficient.

Vice-Chairman Arentowicz asked the Board if there were any questions.

Committeeman Guy Roshto asked if buses or larger vehicles ever discussed.

Mr. Pehnke answered that activity would not be associated with this operation.

Committeeman Roshto asked if the scrimmages would necessitate smaller van-like vehicles.

Mr. Pehnke answered that it would be a parent driving their athlete or their athlete and a teammate. They would be predominately middle school age athletes attending these developmental scrimmages and it would be no more than a team from another area being driven by their parents, parents' friends, or teammate to scrimmage.

Committeeman Roshto referred to previous testimony seemed to indicate that there were tournaments that would be played however big or small. He asked Mr. Pehnke what made him believe that there would be no tournaments.

Mr. Pehnke answered that he believed that the terminology had been the problem. It would be a developmental scrimmage. It could be called a developmental tournament but it would be more of a scrimmage because there would be no referees and it would not be formal. It would be a three (3) hour period with six (6) teams to cross play each other so it would be a scrimmage from that standpoint. This would be a training facility, not a field house or a facility designed to host tournaments. Based on his understanding, tournaments, especially at the higher level, were larger and held at universities. Although the facility would be a training facility, the Operator does take the opportunity to get some teams together particularly at the younger ages to scrimmage each other. He acknowledged that the word "tournament" had been used but it still amounted to a scrimmage.

Committeeman Roshto clarified his definition of a tournament. He felt the term meant visitors coming to watch something. He asked, in this case, would there be no visitors.

Mr. Pehnke stated that the visitors would be parents that drove and stayed. They would stay for the three (3) hour period and that was why there would be that increase in parking demand. It would not be something that would attract "Grandma, uncles, cousins" and so forth. It would be a developmental stage.

Board member Suzanne Dapkins asked what was observed in regard to ride-sharing and carpooling in Flemington.

Mr. Pehnke stated that the average calculated based on the number of students that arrived was 1.5 per car.

Board member Gregory Aroneo asked what the number Mr. Pehnke was working off of from the 2009 traffic count and in which direction on Meyersville Road was he specifically—(question interrupted).

Mr. Pehnke answered that that was a two directional volume and that the volume was along the frontage of the property. In 1993, for both directionals, 259 cars were recorded during the course of an hour. In 2009, it rose to 328 and in the most recent count done by Mr. Pehnke, it was 258.

Mr. Pehnke stated that after doing the math, from Hickory Tavern Road to Meyersville east, from Meyersville Road to Meyersville east, from New Vernon Road to Meyersville east, in 1993 it added up to 164 eastbound trips and 95 westbound trips which would be heading towards the circle.

Mr. Wallisch asked if the Tenant had indicated where she expected most of her students to come from.

Mr. Pehnke stated that one of the reasons she was interested in a facility in this location was that she already had a significant population which came from the surrounding areas. She was also hoping to reach a new population from surrounding communities within a reasonable driving distance.

Mr. Aroneo expressed concern that with a one-way entrance, the traffic coming into the facility from the west would get queued up. He asked Mr. Pehnke if he was familiar with Meyersville Road.

Mr. Pehnke answered yes. He also stated that he expected no queue particularly with left turns which would be the easiest movement to make. During a peak 15 minute period, 14 cars came in which was one (1) car per minute. That would be very light against an opposing traffic flow of less than 150 vehicles. There would be a lot of gaps and a lot of ability to move into the site without delay.

Mr. Aroneo stated that he was looking at the 2009 peak Meyersville Road eastbound and he saw 153 cars at the peak which would be 2.55 cars per minute which would be one car every 23 seconds. He asked how many cars would be added per minute during that peak.

Mr. Pehnke answered that if you assumed it was 153 cars per hour and 30 inbound cars over the course of an hour would be added. That amounted to one (1) every two (2) minutes inbound. If it were a 50/50 split, east/west, it would be one (1) every four (4) minutes. One every four (4) minutes making a left in, one (1) every four (4) minutes making a right in. He reiterated that 150 to 300 cars was a very low volume. An active driveway such as in a Wawa could have a very good level of service operation with two way traffic volume exceeding 800 to 900 cars on the main line. This was a third of that in this case.

Mr. Aroneo stated that on Meyersville Road there was no way that a car could bypass another car.

Mr. Pehnke answered that Meyersville Road was a rural roadway.

Mr. Aroneo asked if Mr. Pehnke had read the entire Meyersville Element.

Mr. Pehnke replied that he had done so several weeks ago.

Mr. Aroneo referenced the preface with respect to the Meyersville Village Center and read, "The goal would be to develop a new vision for both of these (Stirling and Meyersville) areas that would include traffic *calming*." He asked if this plan would be consistent with that goal of promoting traffic *calming* as opposed to *intensifying* traffic.

Mr. Pehnke answered that in the respect that it was a low intensive use, particularly one of the lower intensive uses that this site could accommodate in the existing zone, yes, it would be consistent with that goal. The site could have a restaurant with a bar, or a high intensity retail use which would not be consistent with the goals.

Vice-Chairman Arentowicz asked Mr. Pehnke, in his professional opinion, if there were any concerns that the Board should be addressing.

Mr. Pehnke felt that the site had been well designed. There would be less demand during peak times for parking in this facility which was the most critical issue for him. He observed 24 spaces needed during peak demand and there would be 28 spaces at this site. The drop off lane added would reduce the demand for spaces to 20 or below. The one way circulation was very appropriate for the site. The driveways have good sight distance. There was ample capacity at the driveway intersections to accommodate the volumes. He stated that he had no concerns.

Vice-Chairman Arentowicz asked if Mr. Pehnke was comfortable with the scrimmages.

Mr. Pehnke answered that this was an event that occurs two (2) to three (3) times a year over a three (3) hour period and that the concern would center, again, around the start and stop times. He added that event traffic was very manageable and the level of traffic on the road would be able to handle the short peaks associated with an event of this nature. He said that this would not be a high amount of traffic and the site was designed properly to expand

parking without impervious surface. He felt there was nothing in the design of this facility to indicate that it would not be able to handle this operation and he was even more confident of that after observing her exiting operation.

Vice-Chairman Arentowicz asked the Board if they had any other questions.

Mr. Pfeil stated that there was testimony on record that there were no bleachers in this facility and then asked Mr. Pehnke if this was correct.

Mr. DeLaney did not want the witness to answer that question. He deferred to the Owner, William Kaufman.

Mr. Kaufman stated that there were no bleachers in the facility. He added there was no seating area anywhere in the gym however; there was a small area where parents could stand up at the top.

Board member Ashish Moholkar stated that it was his understanding that the 60 cars, 30 in and 30 out, would happen at 6:00 P.M. and 8:00P.M. on normal weekdays in a consolidated 15 to 20 time span.

Mr. Pehnke stated that it would be 45 minute time span—the half hour before the changeover and the immediate following 15 minutes.

Mr. Moholkar expressed concern that Meyersville Road going towards the circle was a very short distance and making the left could be an issue.

Mr. Pehnke stated there would be no queues.

Mr. Moholkar noted Mr. Pehnke's comment that restaurants would be a much higher use and asked him if he had checked the actual volume of the existing restaurants.

Mr. Pehnke said he had not.

Mr. Moholkar stated that it amounted to 120 children going in and out in a six (6) hour period and he felt that none of those restaurants could accommodate nearly that many at a time. He felt that the proposed facility was not that much less intensive, if at all.

Vice-Chairman Arentowicz asked if there were any other questions from the Board or professionals.

Mr. O'Brien addressed Mr. DeLaney and stated that both he and Mr. Lemanowicz commented on the traffic report in their reports. He asked if those would be addressed that evening.

Mr. Pehnke felt that he responded to those comments during his testimony. There was a question concerning a morning analyst and he stated that he did not do that because there was no traffic generated by this facility in the morning. He addressed the signage and suggested that it be moved forward. He did not recall any other comment other than those two (2).

Mr. O'Brien referred to his report, page 14, and asked Mr. Pehnke to identify the PM peak hours of the roadway and of the facility.

Mr. Pehnke answered from 4:45 P.M. to 5:45 P.M. The facility would peak around its turnover times, 4:00 P.M., 6:00 P.M., 8:00 P.M., and at 10:00 P.M. it ends during the week. On weekends it starts at 9:00 A.M. with turnover times at 11:00 A.M., 1:00 P.M., and so forth.

Mr. O'Brien asked, in Mr. Pehnke's estimation, if those turnover times were equal.

Mr. Pehnke affirmed that especially during her peak season, December through May. During the other seasons, her usage was lower.

Mr. O'Brien asked Mr. Pehnke to identify Saturday peak hours.

Mr. Pehnke answered that he did not do a specific Saturday traffic count and stated that, generally those volumes peak somewhere between 11:00 A.M. and 2:00 P.M. but they were usually less moderate than weekday evening peak hours.

Mr. Lemanowicz stated that according to Mr. Pehnke, there was no morning count taken since the facility was not open in the morning.

Mr. Pehnke stated that that was correct and even though it opened at 9:00 A.M., there was no traffic generated. The weekday daytime activity would involve only her and her staff doing office work or cleaning the facility.

Mr. Lemanowicz indicated that Mr. Pehnke had responded to his comments during his testimony. He advised the Board to consider moving the entrance sign closer to the right-of-way because the house to the east would block the sign. He expressed concern that someone would miss the entrance and try to sneak in the exit.

Mr. O'Brien asked Mr. Pehnke if the study he conducted in Flemington concerning parking, inbound/outbound, etc. would be available to the Board.

Mr. Pehnke answered that he could summarize the report and provide it as a condition of approval.

Mr. O'Brien asked if it would be available to the Board as part of their deliberations.

Mr. Pehnke answered that he did not have it with him in printed form and would have to put it together.

Mr. O'Brien said that Mr. Pehnke had described Flemington as 24 cars being parked.

Mr. Pehnke said yes, inclusive of the drop off activity.

Mr. O'Brien asked how many courts and how many people were operating when those 24 cars were counted.

Mr. Pehnke answered that all three (3) courts were in full operation with full practice—30 people.

Mr. O'Brien addressed Mr. DeLaney and stated that the exhibit labeled A-5 should be read into the record.

Mr. Pehnke stated for the record, that Exhibit A-5 was entitled "Site Plan Volleybarn" dated 12-04-13 as the latest revision, and prepared by Christian M. Kastrud.

Mr. Hoffman asked, in reference to the overflow parking, how many spaces were designated.

Mr. Pehnke answered that there would be up to 64 spaces with 28 permanent spaces.

Mr. Hoffman asked if Mr. Pehnke would agree that when spaces such as those were not delineated with markings, drivers tend to park greater distances from one another than when there were lined spaces.

Mr. Pehnke agreed however he anticipated only 50 to 55 spaces would be needed. If necessary, the spaces could be limed before an event as was done on a field.

Mr. Aroneo asked if the Operator was drawing from a completely new market for this facility.

Mr. Pehnke said, from his discussions with her, it was partially a new market. She would also be accommodating a market she already has in this area. Making it convenient for the latter group along with expanding the offering in this area and the surrounding community would make the operation successful.

Mr. Aroneo asked if Mr. Pehnke could draw any conclusions or make an educated guess as to where these people would be coming from: Route 78 and Mountain Avenue in Gillette through Meyersville Road and then making a left into the proposed facility or coming from 287 through Morristown and Harding Twp. on New Vernon Road making a left on Meyersville Road and again trying to make a left as opposed to something from the east coming west on Meyersville Road.

Mr. Pehnke stated that he felt the participants would come from all directions. He noted that this would be a changing clientele with children that "age out" going through her facility.

Vice-Chairman Arentowicz opened the meeting to the public.

Olga Argumova, 691 Meyersville Road, referred to an article on *New Jersey Field.com* titled "Volleyball Academy could fill vacancy on Meyersville Road." She read, "Kym Mottern, the director of the non-profit organization.....said each team has 10 to 12 kids and there were 16 girls' teams, three (3) boys' teams, and 150 kids in the youth program." She questioned that earlier testimony indicated that each team had six (6) to eight (8) people.

Mr. Pehnke stated that the testimony of all the prior witnesses and his own had consistently said there were approximately ten (10) athletes per team.

Ms. Argumova read from the Central Jersey Volleyball Academy's website, "C.J.V.A. is a non-profit 501(3)c organization and members of the U.S.A.V. Junior Olympic Volleyball hosting local, regional, and national level club teams ages 12U to 18U as well as Youth." She said that, if on their website it stated that they host people, it meant they have competitions. She said it was important for any sports facility to compete and that it was not "complete unless they compete". She felt that the research on every day activities did not include the competitions when it would not be just a drop off because parents would want to see their kids. She felt the amount of kids would be double and triple. She asked if Mr. Pehnke felt his research was complete if the competitions were not included.

Mr. Pehnke stated that this was a *training* facility where teams were trained to compete. The competitions would not be held at this site. They were larger events and would be held at larger locales throughout the region. This facility was designed as per the Operator, as per his conversations with the Operator, and as per his observations of her



existing facility to learn, to practice, and to get ready for competition. It was not a competition facility and that was not the operation that was proposed.

Ms. Argumova stated that she had attended the previous meetings of the Planning Board and it was stated that there would be a competition held a couple of times each year. She expressed concern that there would be larger numbers of students, coaches, and cars.

Mr. Pehnke felt that there had been some confusion about the terminology. There would be a couple of events that would occur each year on Saturdays, approximately three (3) hours in duration that would be better characterized as scrimmages. It would be a developmental type of program where several teams would be on this site which has been testified to by the Operator and him. He reiterated that, in his opinion, the site could handle the activity associated with those events.

Ms Argumova stated that she was a bookkeeper. She said during these events she calculated there would be up to 180 cars. She asked how 180 cars could fit into 62 spaces.

There was some discussion at that time as to whether that was a question or a comment. Mr. Hoffman said that it was not a question. It was a comment that should be furnished during the public portion of the meeting however, in the interest of moving the meeting along, he asked Mr. Pehnke to respond as to whether he agreed to Ms Argumova's calculations.

Mr. Pehnke referred to his previous testimony which defined the nature of these events. He reiterated that they were not refereed; they were coached. There would be no increase in the number of on-site staff during these events. He estimated that there would be 60 to 70 people on-site and it would not attract spectators. He anticipated 50 to 55 cars on-site during the three (3) hour event.

Arthur Brown, 479 Meyersville Road, stated that whether it was a scrimmage or a game, there would be a large number of cars—

Mr. DeLaney interrupted and asked whether this was a question or a comment.

Mr. Brown said that there was no guarantee in reference to the number of cars whether it was a scrimmage or a tournament.

Mr. Pehnke stated that, in his professional opinion, the volume that he had represented to the Board was what was anticipated. It was based on conversations with the Operator to clarify the definition and needs of these events.

Mr. Brown asked if the road on which the Flemington facility was located was comparable to Meyersville Road.

Mr. Pehnke answered that River Road paralleled Route 31 and was a two lane rural road. It might be a little wider than Meyersville Road. It was more industrial in character and a lot busier because of the nature of the surrounding businesses.

Mr. Brown stated that the timing of the traffic could not be guaranteed.

Mr. Pehnke answered that the timing *was* set because it was associated with the practice schedule.

Mr. Brown asked if any consideration was given to the restaurant across the street and the ramification was that area was developed in the future or if the veterinarian offices were changed to retail.

Mr. Pehnke answered that any change in uses in the surrounding properties would have to come before this Board and be vetted out.

Mr. Brown asked if that was taken into consideration.

Mr. Pehnke answered no.

Don Farnell, 7 Trent Place, asked if the Flemington site fronted on a county road.

Mr. Pehnke answered that he did not know the jurisdiction of the road.

Mr. Farnell asked if there was a restaurant across the street from it.

Mr. Pehnke answered no but there were adjacent tenants: a dance studio and a solar business. It had other industrial uses in the area.

Mr. Farnell asked if there was a church across the street.

Mr. Pehnke answered no.

Mr. Farnell asked if it was located 150 feet from a traffic circle.

Mr. Pehnke stated not to his knowledge.

Mr. Farnell asked how Mr. Pehnke was drawing conclusions from the Flemington site to this site.

Mr. Pehnke stated that the traffic characteristics of the Flemington site were exactly transferable to this site. As a traffic engineer, understanding those characteristics was important in determining whether this site could accommodate the volume. In his professional opinion, based on what he observed, national data, and estimates that he had made, this site could more than accommodate the traffic flow given its surrounding locations and uses.

Mr. Farnell asked if, when Mr. Pehnke referred to "this site", he was referring to specifically where the building would be located.

Mr. Pehnke answered affirmatively.

Mr. Farnell asked if Mr. Pehnke's analysis included the impact of the development on Hickory Tavern Road, Gillette Street, New Vernon Road, or Meyersville Road west of the circle.

Mr. Pehnke said that the volumes associated with this site at the driveway where it would be most intense would be in the 60 vehicle range. He noted that, as a traffic engineer, there was no anticipated impact on an intersection until it reached the 100 vehicle range. That was the state standard. At this driveway, traffic would dissipate in several directions and as the traffic moved away from the site, it would become very nominal.

Mr. Farnell commented that the distance was so short. Where Hickory Tavern Road intersects with Meyersville Road into the exit of the property was 75 feet. He asked if it was Mr. Pehnke's testimony that there would be no impact on Hickory Tavern Road.

Mr. Pehnke answered that there was more 75 feet in distance between the circle and the site.

Mr. Farnell again asked if there would be no impact on Hickory Tavern Road.

Mr. Pehnke answered that there would be 20 additional vehicles *an hour*.

Mr. Farnell asked if Mr. Pehnke had driven down Hickory Tavern Road towards the circle.

Mr. Pehnke answered that he had been through the circle however; he could not say that he had driven up Hickory Tavern Road.

Mr. Farnell commented that the sight distance was very bad there. He again asked if it was Mr. Pehnke's testimony that this development would not have any effect on that.

Mr. Pehnke answered that that intersection would be able to handle the traffic. He acknowledged that the intersection did have some challenges however; to date there didn't seem to be a need to make any modifications.

Mr. Farnell asked Mr. Pehnke to describe the challenges he referred to.

Mr. Pehnke answered that it was set up as a five (5) leg intersection which was in itself a challenge.

Mr. Farnell asked if Mr. Pehnke had been to the site on a warm summer evening.

Mr. Pehnke answered no.

Mr. Farnell stated that Mr. Pehnke had not seen the people waiting at Casa Maya sitting out in the island. He asked if there was any potential hazard.

Mr. Pehnke answered no. He stated that the traffic generated from the site, which would be a permitted use of the site, would not be problematic. He felt that this use was superior to other alternative permitted uses and this should be taken into account. He further stated this property exists and was permitted to be developed within the current zoning regulations. Off site traffic impact generally would not come into analysis in a situation where a use was permitted. In this case, eating establishments, drinking establishments, service retail, service trade, were all permitted uses. Most of those uses were much more intensive and might generate the levels of traffic that would then require an off-site study. In this case, the proposal before the Board was beneficial in that it was such a low traffic generating use.

Mr. Farnell asked, at the change-over period, if a car left via the exit and wanted to go east on Meyersville Road, was there a potential that they could be held up because of the stacking queue getting into the entrance.

Mr. Pehnke answered not at all. He did not expect any queue on the left in. If anything, they might be delayed a few seconds while a car passed.

Mr. Farnell asked if Mr. Pehnke anticipated any additional delay at the Meyersville Circle during this change-over.

Mr. Pehnke answered no, not based on the observed traffic patterns and the level of traffic that has been estimated and actually observed at the Flemington facility.

Mr. Farnell asked what would happen if the use of the facility changed.

Mr. Pehnke answered that it would have to come back to the Board.

Mr. Farnell asked if it was fair to say that it would have to be a similar use in order to maintain the same patterns and level of service.

Mr. Pehnke answered that that was an assumption.

Mr. Aroneo commented that it was important to note that Mr. Pehnke was saying that a restaurant would be more intense was speculative as Mr. Moholkar pointed out.

Mr. Pehnke stated that various restaurants might be less or more intense.

Elaine Zindel, 317 Meyersville Road, asked for verification that during the peak five (5) minutes, 22 cars would come in.

Mr. Pehnke stated that *parking* was observed during the peak periods and was 24 cars. In terms of *volume*, in the inbound peak 15 minute time frame of 7:30 to 7:45, 14 cars arrived during that period which would be one (1) each minute. From 8:00 to 8:15, 20 cars exited during that outbound peak period.

Mrs. Zindel felt that five (5) minutes, not 15, was the proper span of time to look at. She added there were only hourly numbers for traffic on Meyersville Road and that that should be looked at closer than 15 minute intervals at peak. She felt that the impact could not be measured properly using 15 minutes intervals. She asked if Mr. Pehnke accommodated for the *real* peaks. She repeated that 15 minutes was not a real peak.

Mr. Pehnke answered that the standard in traffic engineering was to take traffic surveys on a 15 minute interval.

Mrs. Zindel stated that that was for normal traffic on highways or roads.

Mr. Pehnke said that the standard applied to *all* situations.

Mrs. Zindel stated that she needed five (5) minute information. She asked if Mr. Pehnke was positive that there would be no seating for all the students when 72 students, 12 per team, were coming in while 72 were still playing.

Mr. DeLaney stated that that was not an appropriate question for Mr. Pehnke to answer.

Mrs. Zindel asked if Mr. Pehnke knew the total time it would take for a car to come in, drop off, and then exit the driveway.

Mr. Pehnke answered less than a minute, less than 30 seconds in some cases.

Mrs. Zindel stated that Mr. Pehnke was not exactly sure, somewhere between 30 seconds and one (1) minute.

Wendy Sequeira, 56 Sunny Slope, asked if the dance studio or any other tenant was present at its peak when Mr. Pehnke observed the 24 parked cars.

Mr. Pehnke answered that the dance studio in operation and there was one (1) person in the solar facility. He was able to isolate those vehicles that belonged to the three (3) different users.

Ms Sequeira asked if anybody had taken the (C.J.V.A.) website into consideration.

Mr. Pehnke answered that he did review the website and also had several conversations with the Operator so that he had a thorough understanding of her business.

Christopher Webbe, 99 Hickory Tavern Road, expressed surprise at the low impact. He stated that Meyersville Circle has been the subject of the many discussions and that the residents have made it clear that they do not want any changes. They were concerned that there would be traffic lights and that it might be moved. He wanted confirmation that it was Mr. Pehnke's testimony that he did not envision any need for any changes to the Meyersville Circle triggered by the additional traffic from this facility.

Mr. Pehnke affirmed that statement. Based on the projected volumes, he did not see any need for changes to the intersection and neither did the county who has jurisdiction over the intersection. The police department had not made any recommendations for change either.

Mr. Webbe asked if he was correct in assuming that the grass sites were meant for overflow parking.

Mr. Pehnke stated that along the side of the building it was proposed to create a stabilized grass area that could be used for parking when needed.

Mr. Webbe asked what Mr. Pehnke meant by “stabilized”.

Mr. Pehnke answered it meant that it could bear the weight of a vehicle.

Mr. Webbe stated that winter was the peak usage.

Mr. Pehnke confirmed that the peak operation was December through May.

Mr. Webbe asked if most of the use for the grass sites would occur during the winter.

Mr. Pehnke answered that the only time they would be needed was during the couple of events that have been discussed and she would not be able to host these events when there was snow cover.

Mr. Webbe stated that snow cover was the concern. He asked if his assumption that these grassy parking lots were not suitable for parking if there was snow on the ground or excess moisture was correct.

Mr. Pehnke answered that assumption was not correct. The grassy areas would be stabilized and would be usable if there was moisture on the ground. If there was snow, she could reschedule or she could have it plowed.

Mr. Webbe asked for confirmation that it was Mr. Pehnke’s testimony that this was a permitted use.

Mr. Hoffman said that that was a question for the Applicant’s planner or the Applicant’s attorney.

Vice-Chairman Arentowicz asked if there any other questions for the Traffic Engineer from the public. Seeing none, he announced that there would be a ten (10) minute recess (9:38 P.M.).

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Vice-Chairman Arentowicz gaveled the Planning Board meeting back into session at 9:50 P.M. He announced that there would be no new witnesses called beyond 10:30 P.M.

Ms Kiefer stated that during role call at the beginning of the meeting, she had neglected to call the names of the professionals. She wanted the record to show that Kevin O’Brien, Thomas Lemanowicz, and Barry Hoffman were present and had been so since the beginning of the meeting.

Vice-Chairman Arentowicz asked for the next witness.

Mr. DeLaney introduced Michael S. Fedosh a Licensed Site Remediation Professional (L.S.R.P.).

Mr. Hoffman swore in the witness.

Mr. Fedosh stated his name and that he was a senior associate for **AccuTech Environmental Services** of Keyport, NJ. He stated his was as a licensed geologist in several states on the east coast. In New Jersey, he was licensed as a subsurface evaluator and as a Licensed Site Remediation Professional as well as a well driller.

Mr. DeLaney asked him if he had testified before.

Mr. Fedosh replied he had testified in front of planning boards and as an expert witness in depositions and in courtrooms.

Mr. DeLaney stated that Mr. Fedosh was present to testify as an L.S.R.P. with respect to this site.

Mr. Fedosh confirmed that he was.

Mr. Fedosh stated that he had obtained his bachelor’s degree at Franklin & Marshall and a Masters Degree in Marine Science at William & Mary.

Mr. DeLaney asked Mr. Fedosh to briefly explain to the Board what an L.S.R.P. was.

Mr. Fedosh stated that this was a new license that was instituted by the State D.E.P. about 2011 or 2009. This licensing removed the Department of Environmental Protection (D.E.P.) case managers from overseeing site remediation. That responsibility was passed to the L.S.R.P. to follow all the regulations of the D.E.P. and to sign off

on the case when it satisfactorily met all D.E.P. regulations. Any decision rendered by an L.S.R.P. was subject to audit by the State D.E.P. and that was the guarantee that all regulations were being met.

Mr. Hoffman asked Mr. Fedosh how many times had he testified before agencies such as this one and was accepted as an expert L.S.R.P.

Mr. Fedosh answered that this was his first L.S.R.P. testimony.

Mr. Hoffman stated that this was new as far as applying the L.S.R.P. criteria to an application such as this.

Mr. Fedosh stated that he now had a different title but his testimony would be the same whether it was just as a geologist or subsurface evaluator.

Mr. Hoffman asked Mr. Fedosh how many times in total had he testified as an expert witness in all of those fields.

Mr. Fedosh answered approximately five (5) to (6) times.

Mr. Hoffman recommended that the Board accept the witness' credentials and expertise.

Vice-Chairman Arentowicz stated that this was a new process established by New Jersey D.E.P. He asked if Mr. Fedosh had gone through a formal process to get licensed and when that occurred.

Mr. Fedosh stated that approximately two (2) years ago there were courses required by the State D.E.P. along with an examination which he passed. He estimated that there were only about 500 L.S.R.P.'s in the state of New Jersey.

Committeeman Roshto asked if Mr. Fedosh was testifying as an L.S.R.P.

Mr. Fedosh answered yes.

Committeeman Roshto asked if the testimony could be audited by the D.E.P.

Mr. Fedosh answered yes.

Mr. DeLaney asked Mr. Fedosh if he had been hired by the Owner.

Mr. Fedosh answered yes.

Mr. DeLaney asked Mr. Fedosh to tell the Board the scope of his findings with respect to the property.

Mr. Fedosh stated that he had reviewed past investigations on the property performed by the former consultant, J. Sorge, the environmental consultant, and was awaiting the outcome of this Board's decision and the final plans as designed by the site engineer. He would work with the engineer as to the impact of his construction upon what was beneath grade.

Mr. DeLaney stated that Mr. Fedosh had been hired to ensure that the environmental regulations were complied with during the construction.

Mr. Fedosh affirmed this statement.

Mr. DeLaney asked Mr. Fedosh to tell the Board what he had done to date and what he anticipated doing.

Mr. Fedosh stated that, having read the Sorge investigations of the property which had been submitted to the State D.E.P., they had done borings and test pits and they had taken analytical samples of the soil. Their findings revealed that the site was underlain by "historic fill material". That is a phrase the State gives to any material that was anthropogenically placed upon a property from another unknown origin to make it more developable. It was recognized in most developed properties that those materials may have contaminants in the in them. In the case of the Sorge Report, they did find contaminants introduced with the fill material known as polynucleic aromatic hydrocarbons, or P.A.H., which was the common acronym. P.A.H. have been found. Asbestos fragments and shingles, and transites have been found entrained in the soil. Those were the contaminants that do appear in the historic fill material beneath the subject property.

As the L.S.R.P., he would look at the site construction plans to make sure that the contaminants were properly cared for and monitored during the construction work. The State allows historic fill material to be kept on the property provided that it was capped and that there was no residential direct contact of the contaminants. Capping can be impervious materials such as a building slab, asphalt pavement, sidewalks, or landscaping. Landscaping would be a cap of about one (1) foot of clean topsoil which was placed upon the geotextile. The geotextile was used as a visual marker to alert anybody who was digging in the soil to the fact that underneath this was historic fill material that does have contaminants in it. The layout of the proposed development has a building slab, pavement, and landscaped areas which were all capping materials that were allowed by the State.

Mr. DeLaney asked Mr. Fedosh if he had heard the testimony in this case.

Mr. Fedosh affirmed that he had.

Mr. DeLaney asked Mr. Fedosh if he had reviewed the plans.

Mr. Fedosh affirmed that he had seen the proposed as-builts.

Mr. DeLaney asked, as the L.S.R.P. involved in this project, if Mr. Fedosh anticipated any problems.

Mr. Fedosh replied that he wasn't sure if these were problems or just common construction issues, but in this case, yes, there would be trenches dug for wall footings and for utilities. Historic fill material would be encountered in those excavations. He did not know what the final cut-and-cover plan was, depending on the outcome of this Board, but the Engineer would develop a cut-and-cover plan for final grade. Excluding any engineering parameters that were necessary for construction, the State allows you to keep all historic fill material on the property by moving it around.

Mr. DeLaney asked if, as the L.S.R.P., Mr. Fedosh would see to it that the environmental problems, if any, would be dealt with appropriately.

Mr. Fedosh said they would follow State protocols for historic fill material which in this case would be capping.

Mr. DeLaney asked Mr. Fedosh if there was anything else he wanted to tell the Board in respect to his role in this project.

Mr. Fedosh stated that once there was a final design plan and the Engineer designed the final trench locations and soil excavation volumes from any of the trench work, he would see where cut-and-cover fill was appropriate. If there was an excess volume of material or if it was unsuitable for engineering purposes then that material would have to leave the property.

Vice-Chairman Arentowicz asked if there were any questions from the Board.

Mr. Aroneo asked if this was the normal course of events as the L.S.R.P. He stated that it was his understanding that Mr. Fedosh did not actually do the testing.

Mr. Fedosh affirmed that he did not do the testing. He stated that the typical process was that a site investigation was performed and that was done by another consultant.

Mr. Aroneo asked if it was normal to take the data that another licensed professional had compiled. He asked if Mr. Fedosh's job was to analyze it, not to actually compile it.

Mr. Fedosh stated that the investigation was done and submitted to the D.E.P. when they did have case managers. The case manager did render decisions and found the reports acceptable.

Mr. Hoffman said that the actual answer to Mr. Aroneo's question would be something like the L.S.R.P. could be an independent consultant viewing the work done by others or alternatively with legal effect could have been someone who did the actual excavation and discovery of the questionable material. He asked if that was a fair statement.

Mr. Fedosh affirmed that it was and that it was very common for a consultant to pick up a project somewhere later in the phase. He stated that all prior work must be verified. In this property, all prior investigations were submitted to the D.E.P. at the time and he didn't have to verify or evaluate the past work because they have already been evaluated by the State.

Mr. Moholkar asked if water could cause the P.A.H. to flow into other areas or were they insoluble like asbestos.

Mr. Fedosh stated that the P.A.H. were insoluble. It might be found by default in a water sample if there was some sediment in that sample. The sediment would skew the analytical results into a "hot finding".

Mr. Moholkar asked if it was like dirt in that it would flow but not dissolve.

Mr. Fedosh said that PAH were by-products of combustion.

Mr. Wallisch asked Mr. Fedosh how long he expected to be on site.

Mr. Fedosh answered that as long as there was any excavation into the soil, there would be people evaluating and monitoring construction, ensuring that there was no dust related particulate in the air, and however long that period of subsurface excavation lasted, he would be on the property.

Mr. Wallisch asked if there were monitors around the property.

Mr. Fedosh affirmed that there would be monitors. Regardless of the contaminant on the property, when there was excavation, perimeter air monitors would be set up along with a weather station. A couple of appropriate personnel on the property would wear badges to see whether they were picking up particulate. A report was generated on a daily basis,

Committeeman Roshto asked if Mr. Fedosh had approval or authority to shut down operations.

Mr. Fedosh answered that the only reason anything would be shut down in terms of his authorization would be if a dust monitor went off because there were dusty conditions. He said he had seen this happen at large construction sites where there were tractors driving around. If an alarm was triggered, the project would be shut down.

Committeeman Roshto asked if Mr. Fedosh had that authority.

Mr. Fedosh affirmed that he did have that authority.

Committeeman Roshto asked if something other than P.A.H. or asbestos was found, and it was harmful, would you take that action.

Mr. Fedosh asked for clarification because, while construction was ongoing, he was already familiar with what he would encounter. There might be a surprise but besides the known contaminants, there were no other triggers that would cause a project shutdown.

Committeeman Roshto asked what gave Mr. Fedosh that idea that he wouldn't find something else. Was this based on borings or general knowledge of the site area or was it something else?

Mr. Fedosh stated that, although there could be a something difference once digging actually began, very narrow trenches would be dug rather than large excavations such as would be done for basements. Wherever the lines or trends of these excavations or wall footings were going he expected to find historic fill material only.

Committeeman Roshto said that Mr. Fedosh stated there were two (2) ways to cap: impervious cap and the textile cap which was not impervious, correct?

Mr. Fedosh affirmed that the textile cap was not impervious. Impervious would be cement or asphalt. The landscaping cap involved laying the fabric down over the historic fill material, laying 12" of certified clean soil on top of that, and then installing sod as the finishing surface. The purpose was to provide distance between anyone walking on the surface and the contaminants of the historic fill material.

Committeeman Roshto asked if those locations have been determined already or would some of those change once he started digging on the site.

Mr. Fedosh stated that the State does not require 50 or 60 borings or samples. If there were enough samples showing a trend of historic fill material as the contaminant present, the entire site could be deemed as being underlain by historic fill material. That was the position he would be taking on this property. He would be capping 100% of the property.

Vice-Chairman Arentowicz asked, based on the current plans, if the trenches were located where the original borings and test pits were performed.

Mr. Fedosh stated that the entire property was underlain by historic fill material so no matter where the excavation occurred, they would encounter historic fill material. The transite fragments seemed to located in the western portion of the property however, for all intents and purposes, he was viewing the entire site as historic fill material regardless of the contents.

Vice-Chairman Arentowicz said that there was also a basement associated with this property.

Mr. Fedosh indicated that he had heard that in the testimony. He stated this would be the same historic fill material. The final grading plan would determine where it was moved on the property.

Vice-Chairman Arentowicz stated that Mr. Fedosh had said that some of the material might have to be removed and not remain on the site. What were the characteristics that would require the material to be removed?

Mr. Fedosh stated that, as an L.S.R.P., there were no telling characteristics that would be determined on a geotechnical basis.

Vice-Chairman Arentowicz asked if, once construction started, some contaminants might have to be removed as opposed to keeping them on the site.

Mr. Fedosh stated that if they were unsuitable for construction purposes, yes, or if there was too much of a volume that can not be capped on site, the excess would have to be removed.

Vice-Chairman Arentowicz asked during an extraction with monitors in place, what would happen if there was asbestos in the air?

Mr. Fedosh stated that there would not be asbestos in the air because it would be all bound up as transite shingles and sidings. It would not be fibers. It would not be windy. Although he was unsure about the depth of the trenches, he stated there would be some moisture content to the material also so it would not be blowing around.

Vice-Chairman Arentowicz stated that if it was disturbed, it would not go airborne.

Mr. Fedosh stated no because it has weight to it from moisture content. It could be side cast by a backhoe into an adjacent area. It may not have to be put on a dump truck and driven around the property. But that was the reason for the air monitors.

Vice-Chairman Arentowicz noted that there some remediation performed by the E.P.A. on Main Street and he wasn't allowed to walk down the street. There were asbestos chips on the street level similar to what was on this property. He asked if Mr. Fedosh was testifying that asbestos would not be airborne.

Mr. Fedosh said that if there were chips on the street, it seemed to him that they were probably falling off of a truck.

Vice-Chairman Arentowicz asked if there were chips on the surface at this site.

Mr. Fedosh answered no, not anymore.

Vice-Chairman Arentowicz stated that he toured the site and there were chips of asbestos on the surface.

Mr. Fedosh stated that it was his understanding that the E.P.A. came in two (2) years ago and had the Applicant put a layer of crushed stone on top of the parking lot area.

Vice-Chairman Arentowicz said the Mr. Fedosh testified that the entire area was contaminated. The entire area was not capped to his knowledge with gravel.

Mr. Fedosh stated it was his understanding that the gravel cap would have been just for the asbestos areas.

Vice-Chairman Arentowicz asked Mr. Fedosh if he had walked the site before there was snow on the ground.

Mr. Fedosh stated that he had not recently walked the site.

Vice-Chairman Arentowicz asked if the monitors go off and there was asbestos, what would happen?

Mr. Fedosh stated that the monitors would pick particulate but would not identify what the particulate was. Most of the time when an air monitor is triggered, it would be just dust and not a contaminant. The project was stopped and it turns out you can't say there's an asbestos fragment or a PAH in the air, just dust.

Mr. Pfeil asked if Mr. Fedosh's services would be required for any development on this site. Why was this Applicant required to have an L.S.R.P.? Was it because of the contamination or was it because of the extent of construction that was proposed?

Mr. Fedosh answered that it was needed because of the contamination. His purpose was to have that contaminant remedied following state protocols which for historic fill material would be capping.

Mr. Pfeil asked if Mr. Fedosh would have to be involved if a one story or two story residential property was proposed.

Mr. Fedosh stated that if any of that work involved excavation below the surface, an L.S.R.P. would be required.

Mr. Aroneo asked, if at the end of the process, the L.S.R.P. certified the property.

Mr. Fedosh affirmed that he would have to certify the property.

Mr. Aroneo asked if that certification carried the same weight as a State D.E.P. certification.

Mr. Fedosh affirmed that it did. "Response, Action, Outcome" or R.A.O. was the terminology used for closing the property.

Mr. Hoffman stated that this was one of the attributes of being certified as an L.S.R.P. The signature that the site has been remediated carries with weight equivalent to that of the State D.E.P. and asked Mr. Fedosh if that was accurate.

Mr. Fedosh answered that the statement was very accurate.

Mr. Aroneo asked if this was Mr. Fedosh's first site certification as an L.S.R.P.



Mr. Fedosh answered no it was not and he had handled other case closures with historic fill material.

Mr. Aroneo asked how many.

Mr. Fedosh answered two (2).

Vice-Chairman Arentowicz asked if that contaminant was asbestos.

Mr. Fedosh answered no. They were PAH and metals which were the usual contaminants.

Committeeman Roshto stated that it had been Mr. Fedosh's testimony that a backhoe would be lifting up some linear excavation material and putting it into a dump truck.

Mr. Fedosh stated that it may go into a dump truck or be side cast.

Committeeman Roshto asked when this occurs, would it naturally cause particulates to become airborne when the load is dropped.

Mr. Fedosh answered that when the backhoe bucket curls open to release the material, it would free fall either onto the ground or into a truck. Yes, it would cause some particulates to be released into the air.

Committeeman Roshto asked if those particulates potentially have asbestos in them.

Mr. Fedosh answered yes, they could.

Committeeman Roshto asked when would the decision be made to shut down the project because of windy conditions.

Mr. Fedosh noted that there would be a weather station on the property however; there was no particular wind speed that would shut down the project. If air monitors were being triggered because they were picking up particulate, the project would be shut down. He pointed out again that subsurface materials were damp, not loose and dusty.

Committeeman Roshto asked if there were barriers placed along the property lines to prevent it from going into adjacent properties.

Mr. Fedosh said no barriers would be placed along the property lines.

Mr. Hoffman stated that it was his understanding that the desired outcome of the remediation was to encapsulate the questionable material rather than expose it to the air and being dispersed.

Mr. Fedosh affirmed that that was the goal.

Mr. Hoffman also understood that Mr. Fedosh had said that, based upon his experience, the preferred method was not always feasible. Sometimes the D.E.P. would determine that it was necessary to remove some of the contaminated material and replace the removed product with clean fill.

Mr. Fedosh stated it was somewhat incorrect in how Mr. Hoffman stated it. The D.E.P. would not make the determination to remove any contaminate. In this case, geotechnical reasons or lack of space would be the only reasons why any material would have to be removed from the site.

Mr. Hoffman asked if Mr. Fedosh was familiar with the development in Berkeley Heights along Snyder Avenue called the Stanford Drive Development. It was originally proposed for housing but had been developed as a recreational facility and a ball field. During construction, it became necessary to remove 89,000 tons of material from the site because it could not be encapsulated.

Mr. Fedosh was unfamiliar with that exact development however he had done work on projects along Snyder Avenue.

Mr. Hoffman asked, if it became necessary to remove the contaminated soil, would that necessitate a fair number of heavy dump trucks going to and from the site during construction.

Mr. Fedosh could not answer that question at this stage. Right now, the understanding was that all of the material could stay on the property, in terms of volume of soil.

Mr. Hoffman stated that although that would be the *desired* outcome, no one could say definitely at this point that that was the way it would be done. There was always the possibility that it would be a more extensive process.

Mr. Fedosh disagreed. In the Berkeley Heights example, hydrocarbons were the contaminants found and they could not be allowed to remain in place like a historic fill material.

Mr. Hoffman stated that there was asbestos and oil storage facilities.

Mr. Fedosh stated it was the oil that was the reason the soil had to be removed. That was not found on the subject property.

Mr. DeLaney said that Mr. Fedosh's testimony has been that, based on the test results, he strongly believed that the encapsulation could take place.

Mr. Fedosh agreed stating that the contaminants found were historic fill material contaminates and not petroleum as cited in the Berkeley Heights property. That was the reason why the soil had to be removed.

Mr. Hoffman asked if Mr. Fedosh could give any degree of assurance, based on his professional experience, that there would not be truck loads of contaminated material going back and forth along the streets of Long Hill Township.

Mr. Fedosh stated that there would not be truck loads on the roads. There was no plan to excavate the contaminated material and replace it.

Mr. Lemanowicz stated that asbestos was harmful if inhaled. He then asked whether P.A.H. were harmful in the same manner.

Mr. Fedosh stated that he believed they would have to be ingested. It would not be from dermal contact or inhalation.

Mr. Lemanowicz stated based on that, there would not have to be venting under the slab.

Mr. Fedosh affirmed that.

Mr. Lemanowicz expressed concern that since county and township officials would be conducting inspections during the construction, they would all have to be made aware. Was it the L.S.R.P.'s responsibility to prepare a manual?

Mr. Fedosh said it was called a *Site Health and Safety Plan*. All on site employees were informed about the contaminants and protocols to be followed in dealing with them. It was always required on any site dealing with contaminated materials, followed D.E.P. guidelines, and would be prepared by Mr. Fedosh. In addition, any excavation work would have to be done by O.S.H.A. certified employees.

Mr. O'Brien asked if the current gravel on site is considered a cap.

Mr. Fedosh answered did not know the thickness and therefore could not say if it qualified. The E.P.A. was aware of asbestos in the parking lot and wanted it capped with the placement of gravel. He stated that right now, it was not an official D.E.P. cap however the material was covered.

Mr. O'Brien asked, as the soil was being excavated and moved, how would they determine the amount that could remain on site.

Mr. Fedosh stated the Engineer would be providing the volumes.

Mr. O'Brien asked at what stage would that occur.

Mr. Fedosh stated that he could not answer for the Engineer but it hadn't occurred yet. He felt it would happen during the design phase when he would finalize his grading plans.

Mr. O'Brien asked if, at that point, the determination is to be made that there was too much fill to be left on the property, what would happen?

Mr. Fedosh stated that the left over fill would be trucked off site.

Mr. O'Brien asked if there was any treatment for the surface asbestos that was on the parking area on the site that was testified to by Vice-Chairman Arentowicz and Mr. Lemanowicz.

Mr. Fedosh answered some crushed stone could be placed on top of it but again that would be worked towards another area where it would be capped.

Mr. Hoffman asked Mr. Fedosh, in view of the uncertainty of how this would work out until excavation began, was it feasible from his experience to have some stipulation to the effect that in addition to having to meet or address the N.J. D.E.P.'s requirements, prior to any actual excavation on the site, notice being to the township engineer so that that official could be present and have the opportunity to observe and evaluate the process firsthand.

Mr. Fedosh stated that he was required to post public notice before work was done and notice could be provided to the Township Engineer.

Mr. O'Brien asked if there was a statutory time period on the notice to be provided.

Mr. Fedosh stated two (2) weeks before construction. The Applicant would have a choice of posting signs or providing letters to the surrounding property owners and also copy would be provided to the municipality.

Vice-Chairman Arentowicz then opened the meeting to the public.

Helena Tielmann, 795 Meyersville Road, stated that she was the neighbor to the west and back of the property. She asked Mr. Fedosh if he had worked on any historical asbestos sites before.

Mr. Fedosh stated that he had not worked with historic fill material where asbestos was involved however; he had worked on historic fill sites and asbestos was just a different contaminate on this property.

Mrs. Tielmann informed Mr. Fedosh that she did have some experience in this area since she lived on a property that underwent a remediation through the U.S. E.P.A. She asked if he was familiar with wetting down the material in order to reduce the dust.

Mr. Fedosh said that he was aware of the process. There would be a water truck on standby should a monitor go off or if there were dry conditions.

Mrs. Tielmann asked if it were possible to use this procedure when performing excavation.

Mr. Fedosh said that was possible.

Mrs. Tielmann also stated that when a building was removed by the U.S. E.P.A. from the property, the entire area was encapsulated with a plastic tent and the building was dismantled without any excavation. Would that be another procedure that might be considered for sensitive areas such as areas close to a residence?

Mr. Fedosh said there would be no need to encapsulate a building here as long as there were air monitoring stations because that was their purpose—to ensure that nothing was leaving the property.

Mrs. Tielmann said that according to his testimony, the monitor would sound but there would be no way to determine if it was asbestos or just dust. It might go off quite often if the remediation was done during a dry period.

Mr. Fedosh stated that remediating or digging a utility trench is viewed as construction. If before construction, the line where the trench dug was wetted down, it would lessen the chance that anything would become airborne.

Mrs. Tielmann asked if there would be a decontamination pad to rinse off the equipment and where would that be staged.

Mr. Fedosh stated that, yes, there would be a decon pad however he would have to have the final plans for the property. The trucks and the personnel would be deconned and any rinse water collected.

Mrs. Tielmann asked who the contractor would be.

Mr. Fedosh stated that he did not know.

Mrs. Tielmann asked if the contractor would be required to have O.S.H.A. certified employees.

Mr. Fedosh affirmed this to be true.

Mrs. Tielmann asked how the spill over onto her property would be handled. There was contamination along the property line she shares with this site and there was a remedial response in 2011. What could be seen on her property was cleaned up at that time. How was the property line going to be contained?

Mr. Fedosh stated that he would be looking to cap the entire property right up to the property line. He felt that whatever contaminates had "crossed the (property) line" could be brought back and capped also. He was unable to envision the final site plan as to how it would finish off at that property line however; his cap would have to meet at her property line.

Mrs. Tielmann asked how the contaminated shallow ground water would be handled.

Mr. Fedosh answered that they would not be digging that deep. Although he was not aware of the final elevations of any trenches, both oil tank removal and test pits done by the prior consultant did not encounter ground water.

Mrs. Tielmann stated that the proposed leader pipes would direct all the drainage to the western portion of the property with a detention pond and a pipe leading in the direction of her property. Would that be considered clean water?

Mr. Fedosh said if the water was all surface run off then it was considered clean or not contaminated by the site's underground material.

Mrs. Tielmann asked why that option was chosen as opposed to a dry well to collect the water and keep it on the property.

Mr. Fedosh stated that that was outside his responsibility with the project and deferred to the Engineer.

Mrs. Tielmann asked how the cleanliness of the "official clean site fill" was controlled.

Mr. Fedosh stated that the D.E.P. has strict protocols on certified clean fill material. It was a new industry where the candidate's soil was tested. It had to pass the same state criteria as the soil on the subject property. Mr. Fedosh would test the material and require a 100% passing grade on the analytical to certify that it was clean.

Sally Rubin, Executive Director from the Great Swamp Watershed Association, questioned, since Mr. Fedosh did not have direct experience with asbestos remediation, what qualified him to be the L.S.R.P. for this specific type of contaminant.

Mr. Fedosh answered that it was a historic fill material site and asbestos was just one of many possible contaminants found in it. He did not view it as an asbestos site. Asbestos just happened to be one of the materials in the soil that he would have to deal with.

Ms Rubin asked if he had dealt with remediation of contaminants that were volatile compounds.

Mr. Fedosh stated that he has experience with volatile compounds, not specifically asbestos.

Ms Rubin asked if it was possible to see the *Sorge Report* or any other prior investigations referenced in the earlier testimony.

Mr. Fedosh stated that the *Sorge Report* was public information since it had been submitted to the D.E.P.

Mr. DeLaney suggested that Ms Rubin talk to Mr. Kaufman in reference to securing a copy.

Ms Rubin asked Mr. Fedosh if he was aware that the site was proposed to have a basement and a detention basin.

Mr. Fedosh said that he was aware.

Ms Rubin assumed that the detention basin would have to be excavated as well as the basement.

Mr. Fedosh stated that if the plan invert was below the present grade, yes.

Ms Rubin assumed that since there would be excavation and that since there were contaminants in those two (2) areas, materials would have to be moved to another part of the site or completely off site. At what point is the decision made as to whether they would be moved on site vs. off site.

Mr. Fedosh stated that the first simple cut would know the final proposed grade of the property. The Engineer could develop the volume of soil that would be excavated for all utility and wall footing trenches. Next, he would look at areas that require fill material to bring it up to grade and then determine whether all the material can stay or whether some of it would have to leave the site.

Ms Rubin stated that material would have to be moved whether within the site or off site so could there be an affirmative obligation put into place to wet down the material instead of waiting for the monitors to be activated.

Mr. Kaufman stated that he would be have the site watered down and keep the site wet.

Ms Rubin asked if there was a temperature or a season that was better or worse for this type of remediation.

Mr. Fedosh stated that there was no season preference.

Ms Rubin asked if the gravel cover that the E.P.A. had required was disturbed which would clearly happen during excavation, wouldn't that hazard be exposed again and wouldn't those chip be mobilized.

Mr. Fedosh could not see how they could be mobilized. Another layer of aggregate could be put down should equipment be traversing that area.

Vice-Chairman Arentowicz asked how many more people wanted to ask questions of this witness. He counted three (3). He then asked the Board for a motion to extend the meeting 20 minutes. Motion was made by Mr. Pfeil and seconded by Mr. Moholkar. A voice vote was taken and the motion passed unanimously.

Ms Rubin asked Mr. Fedosh to explain how the remediation would interact with the storm water design.

Mr. Fedosh stated that from his responsibility, a basin would be just another excavation into historic fill material regardless of the purpose of that excavation.

Ms Rubin asked if certain areas were capped with a foot of fill, wouldn't that change the topography and then impact drainage.

Mr. Fedosh deferred to the Engineer. His responsibility would be to cap the topography that was generated by the site design.

Ms Rubin asked that for example, if a foot of clean fill was installed at a property line, would it then just drop down to the next property.

Mr. Fedosh stated that the clean fill depths would be *included* in the final grade elevations.

Ms Rubin said then the area would be excavated a foot to elevate it a foot.

Mr. Fedosh affirmed this. The final grading plan would have to accommodate all caps.

Ms Rubin expressed confusion about the presumption that all historic fill material would be kept on site. If there was excavation for a basement and a detention basin, where would all the excavated material go?

Mr. Fedosh stated he would have to wait for the determination as to where and how much material would be needed to raise the property to final grade. He could only speak in generalizations until there was a final design plan.

Ms Rubin said the Board would have to approve the application before he has the answers to those questions.

Mr. Fedosh answered that that was correct.

Ms Rubin stated that the Board would then have no control over the final determination on the remediation.

Mr. Fedosh stated that remediation was not part of the Board's responsibility. He would have to follow the state's protocols in terms of the remediating the site.

Ms Rubin stated that in earlier testimony, the depth of the clean fill was stated as two (2) feet.

Mr. Fedosh stated that it was only one (1) foot.

Ms Rubin stated that the geotextile fabric was pervious.

Mr. Fedosh stated that was correct.

Ms Rubin asked that assuming that there was still asbestos in the basin with a foot of clean fill above the geotextile fabric, if stormwater movement would impact the mobility of the contamination.

Mr. Fedosh stated that anything that had landscaping would allow for water infiltration. He did not know the design of the basin in terms of function, holding times, or how fast the water can escape. He did not know how that basin would be designed in terms of how much if any given volume of water was expected to infiltrate.

Ms Rubin asked Mr. Lemanowicz if there would be an issue with the relationship of a contaminant being in drainage basin.

Mr. Lemanowicz stated that the Applicant's engineer would still have to testify on the entire design in terms of stormwater management.

Ms Rubin asked if there were any different types of remediation of contamination if they were located in wetlands versus not in wetlands.

Mr. Fedosh answered yes but they were not involved on this property.

Mr. Hoffman stated for the record that there was a wetlands area in the corner of the property.

Ms Rubin stated that she thought that it was the Applicant's contention that the D.E.P. should supersede the township's stormwater ordinance because there were wetlands on the property.

Mr. DeLaney felt this was getting out of hand.

Vice-Chairman Arentowicz stated that it was a question of jurisdiction.

Mr. Lemanowicz stated that according to the plan and a Letter of Interpretation which he noted had expired, there were two (2) areas of wetlands on the property and combined, their surface area was approximately half the size of a parking space and located in the corners.

Ms Rubin asked if there would be any monitoring post-construction.

Mr. Fedosh stated that a deed notice was placed on a capped property and every two (2) years there must be a physical review of the cap. An L.S.R.P. would be retained to conduct that inspection and sign off that the cap was still intact. This would be done in perpetuity and would be a requirement of the Owner of the property. This report would be submitted to the D.E.P. with copies to the town.

Vice-Chairman Arentowicz stated that it was placed in the deed so that every owner or future buyer was aware of it. He stated that they would continue the questioning of this witness by the public once it was rescheduled. He requested a "Consent to Extension of Time" be completed by the Applicant. Without it, the application would expire on the 24<sup>th</sup> of January, 2014, and the next available Planning Board meeting was on January 28, 2014.

Mr. DeLaney signed the "Consent to Extension of Time" to January 31, 2014 and returned the signed form to Ms Kiefer.

All parties, including the expert witnesses, agreed to return January 28, 2014.

Vice-Chairman Arentowicz asked if the Board was comfortable with starting the meeting on the 28<sup>th</sup> at 7:30 P.M. instead of 8:00.

A consensus was taken and the approved.

Mr. Hoffman stated for the record that this matter would be carried over without notice to January 28, 2014 at 7:30 P.M.

Mr. O'Brien asked for the *Pehnke Report* on the Flemington location and the parking and traffic activities.

Mr. Pehnke stated that he would provide copies two (2) weeks prior to the meeting.

Mr. O'Brien asked also for the *Sorge Report* and Mr. Kaufman stated that he had a copy. He asked if the Board wanted to speak to any of the witnesses who testified during the past meetings.

There was a mixed reaction however Mr. Aroneo requested clarification on the word "tournament".

Mr. DeLaney stated that he would ask the Operator, Kym Mottern, to return.

Mr. O'Brien requested that anything being submitted to the Board be sent to Mrs. Wolfe and Ms Kiefer two (2) weeks prior to the meeting.

**PUBLIC HEARING**  
**DRAFT OPEN SPACE ELEMENT**

Vice-Chairman Arentowicz noted that there was discussion at the last meeting concerning three (3) maps. They had been modified and incorporated into the document as one complete Open Space Element.

Vice-Chairman Arentowicz asked for a motion to extend the time by another ten (10) minutes. Motion was made by Mr. Wallisch and seconded by Mrs. Dapkins. A voice vote was taken and the motion passed unanimously.

Vice-Chairman Arentowicz asked if there were any members of the public who wanted to discuss the Open Space Element. There were none.

Mr. O'Brien noted two (2) significant changes to the document since it was reviewed at the last meeting. First, the date was changed to December 17, 2013, and second, the three (3) maps had been added to the rear of the document as Appendix 3 and labeled A, B, C.

Vice-Chairman Arentowicz asked for a motion to approve the resolution as written. Mr. Pfeil motioned that the resolution be approved as written, Mr. Moholkar seconded the motion. A Role Count Vote was taken. Those in favor: Mrs. Dapkins, Mr. Moholkar, Mr. Pfeil, Committeeman Roshto, Mr. Aroneo, Mr. Wallisch, and Vice-Chairman Arentowicz. Those opposed: None. Motion passed.

Vice-Chairman Arentowicz adjourned the meeting at 11:23 P.M.