

**AMENDED MINUTES**

**FEBRUARY 11, 2014**

**PLANNING BOARD**

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

Chairwoman Dapkins called the meeting to order at 7:40 P.M. She 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, 2012.

**MEETING CUT-OFF**

Chairwoman Dapkins read the following statement: Announcement is made that as a matter of procedure, it is the intention of the Planning Board not to continue any matter past 10:30 P.M. at any Regular or Special Meeting of the Board unless a motion is passed by the members present to extend the meeting to a later specified cut-off time.

**CELL PHONES AND PAGERS**

Chairwoman Dapkins read the following statement: All in attendance are 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:

Suzanne Dapkins, Vice-Chairman  
Brendan Rae, Mayor’s Designee  
Gregory Aroneo, Member  
Timothy Wallisch, Member  
David Hands, 1<sup>st</sup> Alternate

J. Alan Pfeil, Chairman  
Guy Piserchia, Mayor  
Ashish Moholkar, Member  
Guy Roshto, Member

Barry Hoffman, Bd. Attorney  
Kevin O’Brien, Twp. Planner  
Thomas Lemanowicz, Bd. Engineer

Ms Kiefer advised Chairwoman Dapkins that she had a quorum and could proceed.

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**EXECUTIVE SESSION**

It was determined that there was no need to hold an executive session.

**APPROVAL OF MINUTES**

The minutes of September 24, 2013 were approved as written. Chairwoman Dapkins was the only member eligible to vote. Dr. Rae, Mr. Aroneo, and Mr. Wallisch abstained as they were not present at that meeting.

The minutes of January 14, 2014 were approved as amended on motion by Mr. Wallisch and seconded by Mr. Hands. Dr. Rae abstained as he was not present at that meeting.

**PUBLIC COMMENT OR QUESTIONS**

Chairwoman Dapkins opened the meeting to the public for comments or questions on any items *not* included on the agenda. There being none, she closed the meeting.

**ORDINANCE #323-14 – AN ORDINANCE CONCERNING SITE PLAN STANDARDS FOR HANDICAPPED PARKING AND AMENDING SECTION 150 OF THE TOWNSHIP LAND USE ORDINANCE ENTITLED “DEVELOPMENT DESIGN STANDARDS”**

Mr. O’Brien stated that an issue arose before the Planning Board recently when Mr. Lemanowicz pointed out to the Board that the requirements of the Americans with Disabilities Act had been amended over the years and that the township’s ordinance had not been amended to keep pace with the federal regulations and he suggested that the ordinance be changed to reflect those changes.

Mr. Lemanowicz added that, rather than constantly amending the township’s ordinance to keep up with referenced regulations, it might be easier to have the ordinance reflect the most recent federal regulation design standard that is in effect. The ordinance should say that whenever the federal government amends the Americans with Disabilities Act, the township’s ordinance will automatically change.

Chairwoman Dapkins noted that this issue had come up with the Carn Application. She also noted that there had been a first reading by the Township Committee and it had been published in the newspaper.

Mr. O'Brien said that the Township Committee had already reviewed this and sent it back to the Planning Board in accordance with the statute for the Board's review. Should the Board be favorably disposed to this ordinance, a finding by the Board that the proposed ordinance would conform to the township's Master Plan would be in order. The Board should then recommend it to the Township Committee for adoption.

Dr. Rae motioned to recommend that the ordinance be adopted by the Township Committee. Mr. Wallisch seconded the motion. A Roll Call Vote was taken. Those in favor: Mr. Aroneo, Dr. Rae, Mr. Wallisch, Mr. Hands, and Chairwoman Dapkins. Those opposed: None. Motion passed unanimously.

**RESOLUTION OF MEMORIALIZATION**  
**MEADOWVIEW AT MILLINGTON, COA**

Cooper Lane  
Block 12101, Lots 3.01-3.33

#13-10P  
Minor Site Plan

Mr. Hoffman noted that there had been a revised version of the resolution which incorporated several changes based on the input of Mr. O'Brien, Mr. Lemanowicz, and Daniel Bernstein, Mr. Hoffman's partner. He furnished the board members, the applicant, and the applicant's attorney, Carol Record, with copies of the revised document. Since he had not heard from Ms. Record, he felt that the applicant had no concerns with the most recent revisions. He asked if there were any specific questions from the board members that he could answer.

Mr. Aroneo had some comments. He noted in Section 17(b), "By providing standby electrical power for light, heat, and refrigeration, the residents of Meadowview at Millington can safely reside in their units during electrical outages." He said that "safely reside in their units during electrical outages" was part of the justification. He stated that no where in the proposed ordinance did it actually say "during electrical outages" would be the only allowable time outside of where it said "test during the hours of 10 A.M. and 4 P.M."

Mr. Hoffman said that if there were to be prohibition of that nature, the proper place to insert it would be in the conditions if the board members felt that it was consistent with what was established during the nature of discussions held during the hearing.

Mr. Aroneo said that that would be his suggestion.

Mr. O'Brien stated that from a practical matter, the interface that would be used by the installer to the electrical panel of the individual unit would only be activated when the power is shut off to the home. The generator would not kick on until power has been interrupted. That would happen within thirty (30) seconds according to testimony, except for the regularly scheduled testing.

Mr. Aroneo stated that he understood that but to the extent that the ordinance should be clear and not misinterpreted, he still suggested that the issue be clarified.

Mr. Hoffman said that Condition #2 read, "Non-emergency running of the generator shall be done from Monday through Friday, between 10 A.M. and 4 P.M. excluding holidays." He suggested the addition of a second sentence which might read, "Operation of the generators shall only be done during power outages or similar emergencies."

Mr. Aroneo agreed with the addition of the sentence.

Mr. Aroneo also noted a typographical error in Condition 9. "The applicant sought a variance *for* to allow..." He felt it should read, "...to allow..." and Mr. Hoffman was in agreement.

Mr. Aroneo referred to Page 4, Item 20, "In order to provide flexibility to the residents, the Board has decided to approve either the aforesaid units or comparable units which use no more kilowatts, are no larger, and produce no more noise." He understood that those conditions referred back to fifty-seven (57) decibels at twenty-three (23) feet. He noted that it was also referenced in Section 4 on page 5 however, he felt that phrase sounded a little bit ambiguous.

Mr. Aroneo suggested, "...are no larger and produce no more noise than the aforesaid (generator)."

Mr. Wallisch added that it should be corrected to say, "...*generate* no more kilowatts..." as opposed to "...*use* no more kilowatts..."

Mr. Wallisch asked if this would preclude the homeowner from installing anything smaller.

Mr. O'Brien answered that it would not.

Chairwoman Dapkins asked for a motion to approve the Memorialization of the Resolution as amended. Mr. Wallisch motioned and Mr. Aroneo seconded. A Roll Call Vote was taken. Those in favor: Mr. Aroneo, Mr. Wallisch, and Chairwoman Dapkins. Those opposed: None. Dr. Rae abstained as he was not present at the meeting when the application was approved. Mr. Hands abstained as he was not required to vote on the application.

**RESTORE MEYERSVILLE LLC**

596 Meyersville Road  
Block 14701, Lot 27

#13-07P  
Prelim./final Major Site Plan

Chairwoman Dapkins advised John J. Delaney, attorney with **Lindabury, McCormick, Estabrook & Cooper**, Westfield, New Jersey, and attorney for the applicant, that only four (4) board members were eligible to vote on the application should the matter come to a vote that evening.

Mr. Delaney stated that the applicant was present for the fifth (5<sup>th</sup>) night of hearings. He thanked Chairwoman Dapkins for her comments on eligibility and noted that it would be taken into consideration later in the meeting, if necessary.

Chairwoman Dapkins told Mr. Hoffman that some of the board members, if not all, had received packets from the residents of Meyersville. She asked him to discuss that issue.

Mr. Hoffman stated that, as counsel to the Board, he wanted to remind the board members that they should weigh carefully all the evidence that was presented during the public hearings and no more than that. He explained anyplace outside of the public hearings was not the place to hold discussions about the merits or lack thereof of cases such as this. It should all be presented at the hearing when the authors of the documents could be questioned or cross examined as to the basis for their opinions. He further explained that the end result was that the board members should not consider any such materials that may have been furnished on a one-sided basis.

Mr. Delaney agreed and stated that he had not received any packets, however, he felt that Mr. Hoffman had accurately stated what is contained in the law. He said that the case should rise and fall on the merits of the presentations.

Chairwoman Dapkins thanked Mr. Hoffman and asked the board members if there were any questions as to what Mr. Hoffman had said.

Mr. Delaney asked who was eligible to vote.

Chairwoman Dapkins stated in addition to herself, Mr. Hands, Dr. Rae, and Mr. Wallisch were eligible.

Mr. Aroneo stated that although he was present for prior testimony, he had been unable to listen to the recording of the most recent hearing which he was unable to attend.

Mr. Delaney addressed the Chair and noted that in response to a straw vote during the last meeting, there were unanswered questions for the traffic expert, Mr. Karl A. Pehnke (**Langan Engineering**, Lawrenceville, New Jersey). He stated that Mr. Pehnke was present and he recalled him.

Mr. Hoffman reminded Mr. Pehnke that he was still under oath.

Mr. Delaney addressed Mr. Pehnke and stated that subsequent to his testimony in December, Mr. Pehnke had made a submission to the Board, at the Board's request. He said that at the last meeting, the Planning Board had some questions, thoughts, and comments and requested that he return to clarify his submission.

Mr. Lemanowicz stated that the issue that had come up following Mr. Penke's testimony involved his memo titled "Parking and Traffic Count Data". In that memo, Mr. Pehnke said that the maximum number of parked cars related to the facility observed was twenty-four (24). The memo indicated that these observations took place in the middle of a session. Mr. Lemanowicz wanted to know if the twenty-four (24) cars included the staff that would have arrived at the beginning of the session. He noted that during the weekdays, those sessions began at 4 P.M. and the Mr. Penke's observations took place between 7:15 P.M. and 8:15 P.M. Since Mr. Pehnke was only there to see athletes come in and out, Mr. Lemanowicz assumed that those twenty-four (24) cars were for the athletes and their transportation. This site would contain twenty-five (25) non-handicapped parking spaces. If the Flemington facility, in this one instance, needed twenty-four (24) vehicles for the athletes and there were only twenty-five (25) spots available at the proposed facility, how the staff would be accommodated.

Mr. Pehnke stated that he had observed the Flemington facility twice and that there were fifty-five (55) spaces on that site. There were also three (3) tenants on that site. He personally observed the volleyball facility on a Saturday. Subsequently, he instructed his staff as to how he wanted the facility to be observed based on his conversations with the operator and his observations on that Saturday so that he could qualify and quantify the peak parking demand associated with the facility. He isolated with the operator that the 8:00 P.M. turnover period on a week night would represent her worst case. It would represent a fully functioning use of the three (3) courts starting at 6:00 P.M. and the turnover that would occur at 8:00 P.M. when the subsequent practice teams would arrive and remain until 10:00 P.M. He bracketed a time period starting at 7:00 P.M. so that the observations would include everything that would be going on at that facility. Based on the configuration of the facility, his staff was able to identify the vehicles that were associated with the volleybarn. The numbers identified by his staff were inclusive of all staff, all parents that stayed, all coaches, and the turnover that occurred with the drop off and pick up activity. Mr. Pehnke noted that in his testimony he stated that, because of the way the Flemington parking lot was laid out, a lot of the parking his staff observed was a car turning into a parking space, discharging a student, then backing out and k-turning out of the site. He estimated that they were there no more than ten (10) to fifteen (15) seconds however it was included in the peak parking count. He also noted that he had testified that, based on the better layout of this site, the drop off incorporated into the front of the site would eliminate the need for several cars to come into parking spaces since they would be able to discharge their students right into the front of the building. He estimated that the actual peak parking demand would be closer to eighteen (18) to twenty (20) cars. He reiterated that the numbers were inclusive of staff, coaches, parents, and players and he was able to identify all the parking components associated with the facility.

Mr. Lemanowicz indicated to the Chair that Mr. Pehnke had addressed his issues.

Chairwoman Dapkins asked the board members if they had any questions. There were none. She then asked if the public had any questions for Mr. Pehnke.

Arthur Brown, 479 Meyersville Road, asked how many times Mr. Pehnke had visited the site.

Mr. Pehnke answered twice. He felt that since the hearings had extended into the beginning of the operator's busy season, he had had an excellent opportunity to observe the facility at peak operation. He felt that this timeframe was the "worst of the worst" since at the beginning of the season, more parents tended to stay at the facility to understand the operation. He also noted that the ride share component had not really been organized yet.

Mr. Brown asked if the operator was aware of when he was coming.

Mr. Pehnke answered that she was unaware he was there on that Saturday and she was not aware of the night he selected subsequently.

Elaine Zindel, 317 Meyersville Road, stated that she had not had a chance to review the data that had been supplied to the Planning Board however she had some questions as to the type of data that had been collected.

Mr. Pehnke stated that this was the same data that had been offered at the last meeting and that there was nothing new since he had testified. The Board had simply requested that he submit the actual data that he had testified to at the last meeting.

Mrs. Zindel asked several other questions as to the total number of people and cars as they pertained to a fifteen (15) minute peak period. She also questioned whether any data was generated on a five (5) minute basis.

Mr. Pehnke reiterated parts of his previous testimony and that the measurement intervals were the standard intervals that traffic engineers used.

Mr. Delaney addressed the Chair and noted that the witness was brought back to address the one (1) issue raised by the Board's engineer. He noted that this was a rehash of what had already been testified to.

Chairwoman Dapkins advised Mrs. Zindel that she should ask only questions that had not been already answered.

Mr. Hoffman advised the Board to allow a reasonable degree of latitude for questions dealing with traffic issues.

Mrs. Zindel had several other questions pertaining to the number of occupants per car.

Mr. Pehnke answered that he had testified to this earlier and that his assumptions were based on actual observations.

Mrs. Zindel continued to question the data. She questioned whether round robin tournaments would create a traffic issue.

Mr. Pehnke answered that his testimony was predicated on information supplied by the operator of the facility.

Mrs. Zindel asked if Mr. Pehnke was aware of any reason why the volleybarn could not be used for competitions.

Mr. Pehnke stated that that was a land use question.

Mrs. Zindel stated that she had visited a similar facility and questioned the use of the second level of the proposed facility.

Mr. Pehnke referred back to prior testimony.

Debra Schmitt, 486 Meyersville Road, questioned the drop off and pick up queue numbers and the peak parking needs.

Mr. Pehnke stated that he did not expect any queues that would spill back on to Meyersville Road and he reiterated his past testimony. He noted that the site was designed to accommodate those few occasions when the operator would host an event with the temporary parking area.

Ms. Schmitt asked Mr. Hoffman if the Board could manage the number of events that could be held yearly.

Mr. Hoffman said that that stipulation could be made a condition however it might be difficult to enforce.

Michael Behr, 176 Hickory Tavern Road, asked Mr. Pehnke if he had done the study himself and if there was any video recording.

Mr. Pehnke stated that there had not been any video recording.

Mr. Behr asked if it were possible to obtain some video recording. He felt it would be clearer.

Mr. Hoffman stated that if the Board felt that it would be helpful, it could choose to ask the applicant to supply recordings however he knew of no law that would require the applicant to supply this type of information at the request of a member of the public.

Mr. Delaney reminded everyone that the witness was a state-wide known expert in the traffic field. He noted that Mr. Pehnke had come back twice and considered it fundamentally unfair to consider such a request.

Ed Zindel, 317 Meyersville Road, asked if there had been an attempt to count joggers or cyclists. He wanted to know if traffic turning left and waiting for joggers or cyclists would create a queue. He also asked if Mr. Pehnke had measured vehicle intervals.

Mr. Pehnke stated that joggers and cyclists were common especially in areas such as Meyersville and would not create any major traffic issues. He did not have an exact figure for intervals but he had done the analysis based on standard traffic engineering methodology.

Christopher Webbe, 99 Hickory Tavern Road, asked how many cars could be accommodated in a line from the entrance to the drop off point.

Mr. Pehnke answered about five (5) vehicles.

Mr. Webbe then asked if the facility were moved closer to the road, what Mr. Penke's conclusions would be.

Mr. Pehnke stated that he had not seen any plans to that effect.

Mr. Aroneo asked to review the numbers.

Mr. Pehnke stated that from 7:15 A.M. to 7:30 A.M., there was one (1) car that entered, from 7:30 to 7:45, there were fourteen (14) vehicles or one (1) per minute, 7:45 to 8:00, there were eight (8) vehicles, from 8:00 to 8:15 there were six (6) vehicles, and for the remaining time that his staff was on site (until 9:00) there were zero (0) vehicles. He noted that this was consistent with what the operator had testified to.

Mr. Aroneo stated that those counts were taken on one day. He asked about observations taken on another day.

Mr. Pehnke stated that he had been on site on a Saturday and observed that it was consistent with the more formal survey that was subsequently taken.

Mr. Aroneo asked if, in his expert opinion, Mr. Pehnke felt that this was a normal distribution of volume.

Mr. Pehnke stated it was consistent with what he expected and he characterized it as being very orderly and very quiet.

Mr. Aroneo asked if there would be a rush of cars at any time.

Mr. Pehnke answered that that was not observed at the peak. He stated that at 8:00 to 8:15, twenty (20) cars left the facility and they were gone in five (5) minutes. He noted that this was a spike but it was cleanly handled.

Mr. Aroneo felt that there would be a five (5) minute turnover period where all the incoming players for the next session would be coming in. He felt that twenty (20) cars leaving sounded normal but questioned why there wouldn't be a rush.

Mr. Pehnke answered that the operator explained that she had the athletes arrive about fifteen (15) minutes earlier so while there would be traffic movement occurring from 7:30 to 7:45 and 7:45 to 8:00. There was a small spike that would occur right after 8:00 because there would be a little bit of the inbound leftovers leaving along with cars that were there leaving also. He noted that it was very consistent with what he expected to see which was about thirty (30) in and thirty (30) out.

Maria Engemann, 415 Meyersville Road, read from the 1993 traffic study which said that New Vernon Road, which intersected with Meyersville Road near the traffic circle had a traffic volume of 920 vehicles per hour of which 444 were southbound approaching. She continued reading that this was more than twice the design service level recommended by the Highway Capacity Manual. She asked Mr. Pehnke if he had calculated the impact of vehicles in this area.

Mr. Pehnke stated that, as he had testified earlier, the number of vehicles that would come in and out of the site did not warrant a study of that intersection nor, in his expert opinion, would it have any perceptible impact on that intersection.

Mr. Pehnke noted that he had reviewed the 1993 Meyersville Volume Report, as well as the one in 1999, and took traffic counts in 2013.

Mr. Hoffman asked him if he felt they were necessary or essential for his evaluation.

Mr. Pehnke stated that the level of traffic that would be generated by the site did not warrant a more formal study of that intersection. He noted that one of the state's standard parameters is that a significant impact is not even considered to be occurring until a site experiences about 100 cars per hour at a particular location. In this case, the number was much less.

Ms. Engemann asked if this site was the closest property to the circle.

Mr. Pehnke answered that it was, however it was a permitted use on the site and there were many other permitted that would be a lot more intensive.

Cecelia Cilli, Sassafras Place, asked if there were banked parking spaces.

Mr. Pehnke answered that there were stabilized parking spaces on the side of the building that would be available for use on the few occasions that events are held.

Mrs. Cilli asked if that area would be utilized as an outside practice or play area.

Mr. Pehnke answered that to his knowledge, there would be no outside activities.

Mrs. Cilli noted that there would be sandy areas outside the facility and asked if they would be used for practicing beach volleyball.

Mr. Pehnke answered that that was a question for the engineer.

Mrs. Cilli asked if the engineer would be up next.

Mr. Delaney answered that the engineer had been discharged.

Mr. Hands asked in times of event use, would there be any impact on outbound traffic. He noted that during a tournament, people tend to leave at approximately the same time.

Mr. Pehnke said that there would be a little spike in traffic that would be different from a normal day however, he did not feel there would be any problem with traffic exiting onto Meyersville Road. He noted that other permitted uses would be much more active during the day. He acknowledged that Meyersville Road had a very rural character but from a traffic standpoint, it would be a modest impact.

Mr. Hands asked if there would be some consideration if there were more frequent events.

Mr. Pehnke answered that if that were the case, it might be an issue to be reviewed more often however the event traffic would be so infrequent that it would not be analyzed in any detail since it would not be representative of the site.

Chairwoman Dapkins excused Mr. Pehnke.

Mr. Delaney addressed the Chair and stated that they were finished with their case. He asked the professionals if they had any questions.

Mr. Lemanowicz noted that at the last meeting, landscaping had been discussed. He felt the landscaping across the front of the building was sparse and asked if there was a response to that comment.

Mr. Hoffman stated that, as a partial response, the applicant's engineer had stated that his site plan would be revised or supplemented to add a sheet or two of additional landscaping and that that would be incorporated into the overall site plan.

Mr. Lemanowicz felt that it would be helpful if there was some discussion on what that landscaping would look like. If it was left as a condition for either Mr. O'Brien or himself, it would be helpful to have some idea from the Board as to what they thought was being planned.

Mr. Hoffman added that the landscaping would be a valid site planning issue and there should be some guidelines for Mr. O'Brien and Mr. Lemanowicz to work with.

Mr. Delaney stated that both the applicant and the landscape architect were present.

Mr. Hoffman said that he felt that landscaping was an issue the Board itself should have the opportunity to review.

William Kaufman, owner and architect, stated that he had submitted a full landscape plan and revised the landscape plan in accordance with the comments from the public and from the Shade Tree Commission. The sheets had been mixed in with the engineering sheets. The last comment he had heard was that there was a note on the bottom of the landscape plan that said "This plan is to be used for lighting and landscape only." He noted that this was an error since there was a separate lighting plan. He said that if the Board had specific landscape questions, the landscape architect was available for questioning.

Chairwoman Dapkins said that there had been suggestions at previous meetings that more deer resistant vegetation be utilized.

Mr. Lemanowicz stated that his original comments in regard to the sparseness of the landscaping were contained in his memo dated November 11, 2013. On November 17, 2013 he wrote that the plantings remained relatively short and sparse. On December 10, 2013 he indicated that the issue still remained. Finally, on January 19, 2014, he indicated that the issue still needed to be addressed.

Mr. Lemanowicz said the plan had more significant issues to address and he would appreciate more input.

Mr. Delaney called the landscape architect to testify.

The court reporter swore in the witness, Robert R. DeStefano, **Greencraft Landscape Associates, LLC**, High Bridge, New Jersey. He stated that he was a licensed New Jersey landscape architect and that he had earned a Bachelor of Science Degree from Rutgers University. He also stated that he had testified before one (1) board previously (High Bridge, 2007) and had been qualified as a licensed landscape architect by that board.

Mr. Hoffman asked if Mr. DeStefano specialized in commercial or residential design.

Mr. DeStefano responded that 90% of his work was residential and 10% was commercial.

Chairwoman Dapkins accepted the witness's credentials.

Mr. Delaney asked Mr. DeStefano to tell the Board what role he had played in this design and to also describe the plants he had selected.

Mr. DeStefano stated that he had tried to select deer resistant plants for this site with some variety. He also noted that he looked at the soil conditions and had conversations with Don Farnell (Shade Tree Commission) which resulted in some revisions.

Mr. DeStefano noted that there was no such thing as a deer resistant plant. He was the superintendent at Rutgers Gardens and there was Western Arborvitae planted there that was not deer browsed as much as the regular arborvitae.

Chairwoman Dapkins asked Mr. DeStefano if he planned on installing any deer fencing.

Mr. DeStefano answered no. He stated that he was aware that there was a large deer population in the area, however they did not like the Western Arborvitae. He chose it because it would get tall and in that area, he wanted it to screen off some of the spotlights on the building. He could have recommended Norway Spruces which the deer would nibble on also, but that tree doesn't get as tall as quickly.

Chairwoman Dapkins asked if they become decimated, would he replace them.

Mr. DeStefano answered that there would be maintenance on the site. He said that he recommended a systemic deer repellent spray called Liquid Fence. He had used it maintaining some of his clients' landscapes and found that it worked well.

Chairwoman Dapkins asked what was being proposed along Meyersville Road besides shade trees.

Mr. DeStefano answered sea green junipers were being proposed. He felt they would be more susceptible to the deer and would have preferred to install some ornamental grasses which the deer would not touch however he felt that the Board wanted something there all year long instead of a plant that would be cut down in the fall.

Mr. Lemanowicz asked how tall the grasses would get.

Mr. DeStefano answered anywhere from eighteen (18) inches to three (3) feet tall or even taller.

Chairwoman Dapkins asked if the grasses would get wild.

Mr. DeStefano answered certain grasses do get wild but he would not propose those varieties. He felt a fountain grass would be fine which was proposed for the front of the building along with the boxwoods.

Mr. Lemanowicz felt that issue was the spacing of the plants. He said that the representation on the plan looked sparse and that he was looking for something denser from the beginning. He felt that the height of the fountain plants was important because of the wall size. One issue that surprised him was Mr. DeStefano's comment about the spotlights on the wall. He noted that that was the first he had heard of the spotlights.

Mr. Kaufman stated that he was unaware of what Mr. DeStefano was referring to unless it was the side lights on the east side of the building. He had testified that those lights would be on a switch and used only when the auxiliary parking lot was in use.

Mr. DeStefano affirmed that those were the lights he was referring to, however he had been unaware that they were for occasional use only.

Mr. Lemanowicz asked if there was something that could be added to the landscaping immediately in the front on the left side that would have more presence sooner.

Mr. DeStefano said there would be alternating fountain grasses and boxwoods.

Mr. Lemanowicz still questioned the spacing. He felt that four (4) foot spacing was too large. If the spacing was tightened up, there would be more of a presence sooner.

Mr. DeStefano stated that although he understood Mr. Lemanowicz's concerns, he had planted fountain grasses three (3) feet on center and regretted it. He said that they would grow quite big and three (3) feet on center was too tight. If it got too tight and dense, it would be a maintenance problem.

Mr. Lemanowicz said that the boxwoods were graphically shown as being three (3) feet apart. There would be a seven (7) or eight (8) foot gap between them and the grasses.

Mr. DeStefano stated that he would prefer to keep the spacing the same however he would fill in with a few more plants if it appeared to be necessary.

Mr. Lemanowicz asked if they could settle on the grass spacing to be four (4) feet and the boxwood spacing to be about three (3) feet.

Mr. DeStefano felt that that was fine as long as the applicant was agreeable.

Mr. Lemanowicz asked what color the grasses would be.

Mr. DeStefano said that they would be green although they did come in other colors.

Mr. Lemanowicz felt that now that the boxwoods were spaced closer and there were some numbers to work with, if the Board agreeable, he had something to look at and decide whether it satisfied the condition or not.

The Board was agreeable.

Mr. Wallisch asked how full the seven (7) red maples along the roadway would get to soften the view from the road.

Mr. DeStefano answered that, after the tree got established which would take one (1) year, the growth rate for the Brandywine should be about eight (8) inches a year. He had selected this variety because it was more of a columnar type so it would not grow out into the street. He noted that the ultimate size was twenty-five (25) feet high and twelve (12) wide in twelve (12) years. It would be a three to three-and-one-half (3 to 3-1/2) inch caliper initially and approximately ten (10) to twelve (12) feet tall.

Mr. Hands asked if Mr. DeStefano felt the spacing and the number of trees was sufficient.

Mr. DeStefano answered ten (10) feet on center is what he and Don Farnell discussed.

Mr. Hands asked if this was good for the tree and sufficient to soften the view.

Mr. DeStefano answered that he felt that it was fine.

Mr. Hoffman asked Mr. DeStefano if he was in a position to state that the applicant was willing to work with the Board's consultants if it became a matter of supplementing species of plantings.

Mr. Delaney answered that the applicant had agreed to that.

Mr. Hoffman asked if the applicant would be amenable to changing the spacing or density of the plantings if deemed appropriate by the Board's consultants.

Mr. Delaney answered that there was no problem with that.

Mr. Hoffman asked both the consultants and the applicant if the process of adding to or enhancing the landscape would be one that would be made following receipt of input from the township's Shade Tree Commission. He said that the Shade Tree Commission would not have the final say however, he wanted to ensure that their input would be welcome.

Mr. Delaney stated that that would not be a problem and that Mr. DeStefano had already incorporated the Shade Tree Commission's input into the design.

Mr. Hoffman advised the Board that he had no further questions.

Chairwoman Dapkins asked if there were any further questions for the landscape architect. Seeing none, she discharged him.

Mr. Delaney asked if there were any other questions or loose ends.



Chairwoman Dapkins said there were none. She requested a ten (10) minute recess AT 9:20 P.M.

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Chairwoman Dapkins called the meeting back in session at 9:33 P.M. She announced that, in an attempt to ensure that everyone would have an opportunity to speak, she would try to limit the period for statements to two (2) minutes. If there was a spokesperson or someone to defer to, that would be possible also.

Mr. Hoffman outlined the procedures needed to bring this to a conclusion. He asked the applicant if he had concluded his presentation and therefore rests.

Mr. Delaney answered yes subject to extraordinary circumstances where he might have to ask for a rebuttal.

Mr. Hoffman said that as far as the input to be provided by the members of the public, this was the opportunity for comments. It would be done pursuant to the requirements of the state Municipal Land Use Law, not just the local ordinance of this township and done under oath. If the Board preferred to limit the duration of the comments, he would defer to the Chairwoman, however he felt that it had to be evaluated on a case-by-case basis.

Debra Schmitt of Meyersville Road was sworn in by the court reporter. She stated that two (2) minutes was too short an amount of time.

Chairwoman Dapkins stated that this was an attempt to ensure that everybody had an opportunity to speak.

Ms. Schmitt asked if she could return to the podium if she was not finished after two (2) minutes. She said that, after her review of all the documents, there was nothing in the record that would give her a real feel of the scale of this proposal with respect to the surrounding buildings. She felt it was totally out of scale.

Mr. Hoffman asked her if she was requesting a scale model of the proposed building along with those buildings surrounding it. She answered affirmatively. He then said that legally the public did not have the authority to request it.

She noted that although it was technically a business area, there were multiple residential areas there also.

Mr. Aroneo asked Mr. Hoffman to finish his thought.

Mr. Hoffman said that Ms. Schmitt had said that this proposal was out of character or out of sync with the neighborhood and she was requesting plans or a scale model that would more accurately depict and show the relative size and impact of the different buildings on each other. He then reiterated that he knew of no law that could compel the applicant to produce that. He added that she then outlined in her verbal testimony what would be depicted in a scale model.

Mr. Delaney noted that his silence did not constitute acquiescence.

Mr. Hoffman advised the public that the final opportunity to address the Board is given to the applicant since the applicant had the burden of proving his case.

Mr. Delaney also noted that although he had the opportunity to cross-examine the individuals who speak, he probably would not do so in the interest of allowing the public to speak.

Mary Mayer, 273 High Street, Stirling, was sworn in by the court reporter. She noted that her business was located 1901 Long Hill Road, Millington and stated that she had attended all of the proceedings. She had spoken in favor of the project at the first meeting, and as a business owner and President of the Chamber of Commerce, she did so again at this meeting. She felt it would be beneficial to Long Hill Township, as a whole.

Wendy Sequeira, 56 Sunny Slope, Millington, was sworn in by the court reporter and spoke in favor of the project. Her daughters were both involved in volleyball and she felt it was a wonderful sport. She also felt that the project would remove an eyesore from the community.

Carolyn Mazucco was sworn in by the court reporter and spoke in favor of the project. Her daughter played volleyball for another association. She added that on numerous occasions she had waited in the parking lot for her daughter and neither noise nor traffic was ever an issue. She felt it would be a great addition to the community.

Olga Argumova, 691 Meyersville Road, was sworn in by the court reporter and spoke against the project. She felt the building was out of scale, industrial in design, and not a permitted use. She also questioned whether it would be a tax exempt entity.

Mr. Hoffman noted that the tax issue was not within the purview of the Board.

Chairwoman Dapkins asked Mrs. Argumova to step down.

Maria McCoy, Hickory Tavern Road, Gillette, was sworn in by the court reporter and asked if the facility would be air conditioned.

Mr. Hoffman answered that, to the best of his recollection, the only area that would air conditioned would be the office area.

Ms. McCoy stated that building was too big for the area and it would have a negative impact on the quality of life of the residents.

Rosemary Agrista, 205 Long View Terrace, Meyersville, was sworn in by the court reporter and discussed the Meyersville Element of the Master Plan. She felt that this project was an inappropriate land use for this area and asked the Board to reject this particular use for this site.

Thomas Sims, 101 Meyersville Road, was sworn in by the court reporter. He stated that he had a Masters Degree in city planning and had worked for the state legislature. He spoke in favor of the project.

Lisa Nelson, 24 Vickys Place, Millington, was sworn in by the court reporter. Her daughter, a member of Central Jersey Volleyball Association, had written a letter to the newspaper in support of the project. She spoke positively of the association and asked the Board to approve the project.

Michael Behr, 176 Hickory Tavern Road, Gillette was sworn in by the court reporter. He asked the Board to decline the project because of the scope, the size, and the traffic impact. He also made reference to the testimony of the environmental experts.

Cecelia Cilli, Sassafras Place, was sworn in by the court reporter. She asked what type of energy would be supplying this building. She asked if it would be solar energy and then showed pictures how the building might potentially look.

Mr. Hoffman felt that since the pictures had been shown to the Board, they should be marked.

Mr. Delaney stated that since they were not applying for solar panel approval, what would be the relevancy of those pictures.

Mrs. Cilli asked if they were going to ask—

Mr. Delaney answered that it was not part of their site plan.

Chairwoman Dapkins did not want the pictures since they were not necessary.

Mr. O'Brien stated that any changes to the site plan would have to come before the Planning Board.

Mrs. Cilli outlined the three (3) variance requested and reasons for and against each.

Chairwoman Dapkins asked Mrs. Cilli to step down. Mrs. Cilli agreed and stated she would return later.

Christopher Webbe, 99 Hickory Tavern Road, was sworn in by the court reporter and noted that of the four (4) people who had spoken in favor of the project, three (3) of them did not live in Meyersville. He stated that with the Meyersville Inn, it was his understanding that the township had set a maximum size of 5000 square feet for any building in Meyersville. He also noted that there was a definition that was agreed upon by the Planning Board which did not find its way into the Master Plan and this application would not have succeeded had it been included.

Luise Wilson, 211 Hickory Tavern Road, was sworn in the court reporter and noted that she lived in the hamlet. She spoke about the negative impact the traffic from the proposed building would have on the hamlet. She also felt the building was too large and asked the Board not to approve the application.

Chairwoman Dapkins asked Mr. Delaney if he would ask for a vote.

Mr. Delaney affirmed that he would, however he would have to wait for the completion of the public comments.

At 10:30 P.M., Chairwoman Dapkins asked for a motion to extend the meeting by thirty (30) minutes. Mr. Hands motioned to extend and Mr. Wallisch seconded. A Voice Vote was taken and the motion passed unanimously.

Debbie Brown, 479 Meyersville Road, was sworn in by the court reporter. She referred to page 9 of the Restore Meyersville Planning Report, dated November 20, 2013, and to Mr. O'Brien's comments about noise associated with volleyball and his question on how the building would insulated to prevent noise spillage. She then referenced other publications and the decibel levels various activities generated. She felt the facility would generate significant noise that could not be mitigated to acceptable levels.

Mr. Hoffman noted that Ms. Brown had done some research and asked if she would share those sources.

Ms. Brown answered that Mr. Zindel had done the research.

Mr. Hoffman stated that this was a "hearsay" problem in that she was relying on what someone else said in an article however the author was not present for questioning. He was skeptical that this could be taken into consideration by

the Board because of the constraints that apply to the Board not to give hearsay testimony any weight in the proceedings.

Mr. Delaney stated that for the record, Ms. Brown had not qualified herself as an expert.

Ed Zindel, 317 Meyersville Road, was sworn in by the court reporter and gave the source of the article.

Mr. Hoffman asked where the article was published.

Mr. Zindel did not know in what journal it appeared since he found it on line.

Mr. Delaney stated that he could not cross examine an article and he felt that the entire testimony should be stricken.

Mr. Zindel stated that there was a book that listed 1700 sounds and their associated decibel levels. He noted that sound abatement materials would be used on the building however no one ever questioned that. He felt it was a public safety issue.

Robert Kielblock, 53 Lacy Avenue, Gillette, was sworn in by the court reporter and noted that he was a lifelong resident. He reviewed the bulk variances requested by the applicant and felt that in two (2) of the three (3) requests, merely the purposes of the owner would be advanced so approval could not be granted. He also felt that there would be significant negative impact to the rural nature of the community and a dangerous precedent would be set.

Maria Engemann, 415 Meyersville Road, was sworn in by the court reporter. She stated that this would be potentially a tax exempt business costing the township tax revenue. She also felt it was out of scale and out of character with the community.

Mr. Delaney asked the Chair to instruct the board members that the testimony Ms. Engemann just gave had no relevance in the Land Use Law. He noted that, furthermore, the testimony had been clear that it would not be tax exempt. However, even if it was, it would bear no relevance under the Land Use Law.

Mr. Hoffman stated that the Board could not take into account tax and appraisal value testimony in proceedings of this type.

Chairwoman Dapkins stated that the Board was well aware of this.

Phillip Sarsten, 260 New Vernon Road, Meyersville, was sworn in by the court reporter and referred to the Meyersville Hamlet District Zone of 2013. He stated that the new ordinance did not limit building size or eliminate uses that were incompatible with the hamlet and was therefore an oversight or breach of promise. He asked the board members to reject the application.

Helena Tielmann, 795 Meyersville Road, Meyersville, was sworn in by the court reporter.

Mr. Hoffman referred to a letter addressed to Mr. Delaney from Mrs. Tielmann's attorney and asked if he was appearing at this proceeding.

Mrs. Tielmann answered that he was not however she would make a statement.

Mr. Hoffman stated that usually when a member of the public is represented by counsel, he should appear. Neil Yoskin, Esq. made statements about the impact of this project on Mrs. Tielmann's property and the Board does not know if Mr. Yoskin was qualified to make those engineering types of assertions. He was unsure what weight, if any, the Board should place on the letter and whether Mrs. Tielmann should appear with counsel.

Mrs. Tielmann read a comment that stated that the design of the structure and parking lots would direct all stormwater to the rear of the property and directly discharge onto her property. She expressed concern about the water containing contaminants. She urged the Board to reject the application.

Elaine Zindel, 317 Meyersville Road, was sworn in by the court reporter. She had created a drawing showing the size of the proposed building in proportion to the next largest building in Meyersville.

Mr. Hoffman questioned if she had any credentials.

Mrs. Zindel stated she was a mathematician and used those skills to create the drawing.

Mr. Delaney questioned the relevancy since none of the variances involve height or anything like that.

Mr. Hoffman stated that she wanted to present the picture because in her mind it would give a better understanding of what the building in question would look like. He asked whether in accepting this and viewing it, the board members would be acting on the right track or misled in some fashion. He deferred to others to question the witness as to how accurate or inaccurate—

Chairwoman Dapkins indicated that it was 11:00 and a poll of the Board indicated that the board members did not want to extend the meeting further.

Mr. Hoffman stated that there must be a motion to extend for five (5) minutes so that the meeting could be concluded and the application carried to another night.

Mr. Wallisch motioned to extend the meeting five (5) minutes and Dr. Rae seconded. A Voice Vote was taken and the motion was carried unanimously.

Chairwoman Dapkins announced that the application would be carried to a Special Meeting which would be held at 7:30 P.M. on February 18, 2014 with no further notice.

Mr. Wallisch motioned to adjourn, seconded by Mr. Hands. Meeting was adjourned at 11:05 P.M.

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CYNTHIA KIEFER  
Planning and Zoning Secretary