MINUTES

OCTOBER 28, 2014

PLANNING BOARD LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE
Chairwoman Dapkins called the meeting to order at 7:33 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, 2014.

MEETING CUT-OFF
Chairwoman Dapkins 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 10:30 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
Chairwoman Dapkins 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**:**
Suzanne Dapkins, Vice-Chairman	Guy Piserchia, Mayor
Brendan Rae, Mayor's Designee	J. Alan Pfeil, Chairman
Ashish Moholkar, Member	
Guy Roshto, Member (arrived at 7:34 p.m.)	
Gregory Aroneo, Member (arrived 9:05 p.m.)	
Timothy Wallisch, Member	
David Hands, 1st Alternate	

Kevin O'Brien, Bd. Planner
Thomas Lemanowicz, Bd. Engineer
Dan Bernstein, Bd. Attorney
Cynthia Kiefer, Bd. Secretary

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

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

Ms. Kiefer advised Chairwoman Dapkins that Committeeman Roshto had arrived at 7:34 p.m.

RESOLUTION OF MEMORIALIZATION

1221 VALLEY ROAD LLC.	#14-02P
1221 Valley Road	Minor Site Plan, Dev. Permit
Block 10411, Lot 1	Waiver, Bulk Variances

Mr. Wallisch motioned approval of the resolution. Mr. Moholkar seconded the motion. Ms. Kiefer advised Chairwoman Dapkins that Mr. Moholkar, Dr. Rae, Committeeman Roshto, Mr. Wallisch, and Mr. Hands were eligible to vote. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Moholkar, Dr. Rae, Committeeman Roshto, Mr. Wallisch, Mr. Hands. Those Opposed: None. Abstained: None. The resolution was approved by a unanimous vote of 5-0.

PUBLIC QUESTION OR COMMENT PERIOD
Chairwoman Dapkins asked if there questions or comments from the public for items ***not*** on the agenda for this meeting.

Maria McCoy, Hickory Tavern Road, Gillette, asked about the Master Plan Subcommittee (sic). She asked how the public could find out about the meetings.

Committeeman Roshto stated that they were posted on the Master Plan Committee website page. He noted that they were also posted on the bulletin board and the meetings were open to the public.

Ms. Kiefer stated that she was unsure as to whether the agendas and minutes were posted on the *new* website.

Committeeman Roshto said that they had been on the old website but when the township switched over to the new website, they were not listed.

Committeeman Roshto said that this was a long term project. The committee was created by the Mayor and the goal was to have a completely revised Master Plan by 2016. He added that currently the committee was discussing land use issues. The Planning Board had asked the Master Plan Committee to review the Valley Road Business District Element and that was specifically what they were working on.

PUBLIC HEARING (cont'd.)

RESTORE MEYERSVILLE LLC — #14-01P
596 Myersville Road — Preliminary/Final Site Plan
Block 14701, Lot 27 — Development Permit

Present:

Thomas J. Sateary, esq., Attorney for the Applicant
John J. Delaney, esp., Attorney for the Applicant
Christian M. Kastrud, P.E., Engineer for the Applicant
Gerard J. Legato, esq., Attorney for Concerned Citizens of Meyersville
Kelly Kaufman, wife of the Applicant and representative of the company

Mr. Sateary, attorney with ***Lindabury, McCormick, Estabrook & Cooper P.C.***, Westfield, NJ, advised Chairwoman Dapkins that he was present, representing the applicant, William Kaufman, in place of John J. Delaney, who had a previous commitment and was expected to arrive later in the evening.

Mr. Sateary said that they had left off with the cross-examination of the applicant's engineer, Christian M. Kastrud.

Mr. Bernstein asked if they were going to go into the issue of lot coverage and how it was computed under the ordinance. There was a memo from the Board Engineer, Mr. Lemanowicz. He asked if Mr. Kastrud was going to respond.

Mr. Sateary said that Mr. Kastrud would respond. He asked if Mr. Bernstein wanted to finish his direct and cross first.

Mr. Bernstein said although it was up to Mr. Sateary, he suggested that it might be best to get the direct out of the way and then Mr. Kastrud could be crossed. He felt that it would better if Mr. Kastrud responded to the memo in the beginning so he would be directed and crossed once for everything. He advised Mr. Kastrud that he was still under oath.

Mr. Sateary wanted to state for the record that they objected to the memo at this time. He said it was no more than changing the rules in the middle of the game. The township ordinance stated how coverage should be computed and now they were being told by Mr. Lemanowicz that there were other standards out there regarding the porosity of the lot. After being there for several meetings, they were expected to address that new standard. The Board should apply the ordinances and each applicant should present their application based on the standards enunciated in the ordinances. This applicant was not aware of this until about three (3) days ago and he was now being told that there were new standards in place based on what Mr. Lemanowicz came up with from his research over the weekend mainly from some other states. None, notably, were from New Jersey and this apparently was supposed to be the latest standard that the Board was going to use in determining coverage.

Mr. Bernstein said the Board would note his objection for the record. He asked them to proceed and then Mr. Lemanowicz would respond.

Mr. Kastrud said that he had had the opportunity to review Mr. Lemanowicz's memo regarding surface coverage.

Mr. Sateary asked him to address Mr. Lemanowicz's latest analysis which said that the applicant should base coverage calculations on 18.3% porosity.

Mr. Kastrud said that the memo was fairly clear and spelled out the various definitions that Mr. Lemanowicz had researched. He came up with an interpretation of an ordinance at this point in time which was ultimately based on other states and an average porosity of 18.3%. There was no debating that. Those were the facts. He felt that if the same tests were done in New Jersey, a similar porosity percentage would have been produced. The Department of Transportation stated that anywhere from 12% to 22% was what could be anticipated on the permeable pavement. Here again, engineering calculations were being taken and they were trying to equate that and determine the intent of an ordinance that did not say, "Use an engineering porosity." It said "…a degree of perviousness…" Based on his last testimony, Mr. Kastrud had taken an assumption of 100% credit for the permeable pavement. There was a Technical Completeness Committee meeting with Mr. Lemanowicz and Mr. O'Brien and discussions as to whether it was the intent of the ordinance to allow an entire property to be paved. The applicant agreed and understood the township's concerns. He would agree to a 40% credit. It was a number that had been used. It was a void ratio of clean stone of consistent size and not a well graded aggregate which was anywhere from 30% to 40% voids. That was what the applicant had come back with at the last hearing. That was what generated the 41 spaces at just under 40% impervious coverage. Using an 18.3% allowance rather than the 40% used earlier would reduce the parking by six (6) spaces. There would then be 35 spaces which was still well above what was testified to at this hearing and at the prior application. It was stated that in order for this volleyball facility to function, 24 spaces were needed. The applicant had heard the Board's concerns and came back with 33. There was more concern and with the permeable pavement and underground detention, there was an opportunity to provide more spaces—41 spaces. If the Board held to the 18% number, there could be 35 spaces. The site would still function since it would function with 24. With a credit of 18% based on the porosity, the site would function and there would be no variances.

Mr. Sateary said that he had no further questions for Mr. Kastrud.

Committeeman Roshto asked what engineering standard Mr. Kastrud applied if he was disagreeing with the Board Engineer. How did Mr. Kastrud determine the 40%?

Mr. Kastrud answered that the 40% was a discussion with the Board Engineer at the Technical Completeness Committee meeting. A void ratio in common stone was used. He noted that it was a number that was quite frequently used. Originally the applicant wanted the 100% credit much like another application that had permeable pavement. The application received 100% credit for their permeable pavement. However, through discussions at the Technical Completeness Committee meeting with the Mr. Lemanowicz and Mr. O'Brien, aimed at attempting to translate an engineering term into a zoning term, it was determined that it was very difficult to do. There was an aesthetic component of the zoning ordinance which sought to limit the amount of impervious coverage. He noted that Mr. Lemanowicz had said that he didn't feel it was anyone's intention to allow for a property to be paved in its entirety if there were 100% credit. Mr. Kastrud felt that there were other limiting factors in a zoning ordinance such as setbacks and no parking in the front yard, percentage of landscaping, that would limit the amount that could be paved. The applicant originally came in with a request for 100% permeable pavement credit from a zoning standpoint. The 40% arose from discussions with Mr. Lemanowicz and Mr. O'Brien.

Committeeman Roshto said that he asked that question because he was surprised. At the last meeting, the 40% was being thrown out and everyone was unclear as to whether it was a standard of any kind which was why he asked Mr. Lemanowicz to review it. He wanted some determination that the number had an engineering background to it and he felt that Mr. Lemanowicz had produced an excellent document. If Mr. Kastrud was going to rebut that from an engineering perspective, Committeeman Roshto wanted to see more substance.

Mr. Kastrud said he was not rebutting it at all. He felt that the letter was 100% accurate.

Mr. Hands asked if they were now in discussions as to whether to use 20% or 40% or something else.

Mr. Kastrud said it was the Board's decision to weigh what had been presented—the letter, other cases, etc. He noted that in the ordinance it said that the Board would develop the degree of perviousness and the credit that the applicant would get.

Mr. Hands asked if the loss of six (6) spaces fundamentally changed the design in any way, shape, or form.

Mr. Kastrud answered, "No." New plans would have to be created and the last 30 feet of the parking lot would be eliminated.

Mr. Bernstein said that he had distributed a summary which included the relevant ordinances and an excerpt from the Moskowitz book. On the last page, "*151.2-Parking Area Design Standards*," Section H read, "…except in the case of single family residences including those with accessory apartments, porous asphalt pavement and modular paving block systems may be used for parking areas and driveways. Only when allowed by the approving authority, such degree of perviousness shall be deducted from lot coverage calculations." He said that was ultimately what the Board would decide.

Mr. Lemanowicz said that on September 23, 2014, he and Mr. O'Brien had met with Mr. Kastrud. This was one of the topics of discussion because the wording of that, as was discussed in Mr. Lemanowicz's memo of October 25, 2014, was unclear. What was perviousness and how was it measured? They had arrived at the 40% figure, however Mr. Lemanowicz advised Mr. Kastrud that he could use that number if he could back it up. At the last meeting, no back up from the applicant was presented. That was when the Board asked Mr. Lemanowicz to research it which resulted in his memo of October 25, 2014. With respect to the 18.3%, it was not a recommendation. It was stated as "for discussion purposes." He noted the upper and lower ranges were listed and he anticipated that someone might ask what the average of those limits was. The ordinance did say that "…the degree of perviousness shall be deducted from the coverage calculations." However, perviousness was not a term used in engineering design and he questioned how one would compare a term without units. That was how he backed into "porosity" which was essentially the amount of voids in the material. It seemed to make sense that lot coverage was going to be reduced by the amount of voids in the material. He felt that that was what the ordinance was trying to say.

Mr. Lemanowicz said with respect to the application that did have pervious pavement, the PNC Bank, that application was heard several years prior to the passing of 151.2(h). Because of that, he did not see that that would supersede how the Board would interpret 151.2(h).

Committeeman Roshto asked Mr. Lemanowicz to discuss the aesthetics.

Mr. Lemanowicz said construction material was being used for lot coverage. Lot coverage was an aesthetic bulk requirement. He could not imagine that the author of this ordinance would want it to allow an entire lot to be paved. Taking the 100% idea of PNC, that was what could happen. If it was not counted towards lot coverage, the majority of the lot could be covered with buildings or porous pavement which was much more difficult to grasp and accept than what he had interpreted here—that perviousness was meant as the porosity of the material and coordinating the voids in material to the credit for lot coverage.

Mr. Bernstein referred to the ordinance which said it was the option of the Planning Board. He felt that meant that an applicant could not go beyond what was reasonable from an aesthetic standpoint. That was something that the Board had control over if it felt that the pervious coverage was too high.

Committeeman Roshto asked Mr. Lemanowicz, given that the Board did not have a standard to use for the porosity, if his recommendation was to use a figure somewhere between 10% and 20%.

Mr. Lemanowicz said that the standards used by various states were all in the same range. It would seem that anything within that range would be reasonable. He noted that they were not determining a construction standard; they were determining how the porous pavement would count towards the lot coverage credit. He had given the Board the average of all the ranges. At the installation phase, the material would vary based upon the plant, the temperature, the amount of rolling that was done, the installer, etc. How it would actually be laid would be another issue. Right now they were trying to decide how much of the porous pavement should count or not count towards lot coverage. It would be some percentage of the area of the porous pavement based upon 151.2(h).

Dr. Rae said that the ordinance specifically used the word "perviousness" and Mr. Lemanowicz was making an assumption that what was really meant was "porosity". He felt that they were two completely different terms. He went back to the idea that there were different types of pavers—pervious, permeable and porous—and felt that there were differences between them. Substituting "porous" for "perviousness" seemed to be a nice way to get around the problem. He felt that if they had someone who was knowledgeable about this, there might be a different answer.

Mr. Lemanowicz said that earlier in his career, he worked for a geological engineering firm. He was used to calculating how fast liquid moved through soils which was similar to what was happening here—it was moving through the asphalt. There was no "perviousness." There was no variable called that. It said "degree of perviousness" and he needed some unit of measure that he could correlate to a unit of measurement of lot coverage. He could not find an engineering definition of "perviousness" so he had to figure out what that person was thinking when he used that term. He researched "permeable" in the Thesaurs and he came up with "pervious." When they got into the different types of pavements, whether it was a solid paver block with large gaps versus a porous material, they were trying to differentiate by calling one permeable and one porous. The term "perviousness" was not clearly defined in the ordinance so his goal was to find a term that had a unit that he could work with to deal with lot coverage. "Permeability" was measured in volume per time. If he had "gallons per minute" versus either "square feet" or "percent of an area" the units would not match and there would be no way to work those. So he set that aside.

Mr. Lemanowicz said that he then looked at "porosity" which was the percentage of voids. He then had percentage of voids that he could apply to that surface to reduce it for lot coverage. It seemed to be the match, using a term that was normally used for passing water through a material. He admitted it was a way of backing into it by reducing it by the methods he knew would not work since the units did not match. He said it was the best he could do.

Dr. Rae asked Mr. Lemanowicz, if during the research he had looked back on the minutes of the meetings where the ordinance was discussed to see if he could determine what was meant by that term "perviousness."

Mr. Lemanowicz said that he had not done that.

Mr. O'Brien said he had nothing to add to Mr. Lemanowicz's comments.

Mr. Sateary referred to Mr. Lemanowicz's report, on the bottom of page 2, and read, "It would seem that the ordinance was making reference to porosity when using the term perviousness." He asked Mr. Lemanowicz if that was just his assumption.

Mr. Lemanowicz answered that it was.

Mr. Sateary asked Mr. Lemanowicz if he had any basis from the record from when the ordinance was adopted or any other scientific basis if any that was given at the time to make that conclusion.

Mr. Lemanowicz said that from an engineering standpoint, "perviousness" didn't mean anything. He could not find a definition for that and he needed something to understand what a layman meant when he used that term.

Dr. Rae said that it seemed to him that this had risen to a point where the Board was spending a lot of time on it. He felt it would be prudent for Mr. Lemanowicz to go back and find out exactly what those "laymen" meant and then translate that concept into engineering terms rather than making an assumption.

Mr. Lemanowicz said that during the Ordinance Review Subcommittee meetings, there were not minutes. However, there was potential that there was a presentation made on the record and that should be still available.

Gerry Legato, esq., ***The Legato Law Firm LLC,*** Somerville, New Jersey, introduced himself as the attorney for the group, Concerned Citizens of Meyersville. He asked Mr. Lemanowicz if he was correct in stating that in the memo, Mr. Lemanowicz had weighed the terms "porosity" versus "permeability" and had decided to go with "porosity." One would be a measure of flow and one essentially of void.

Mr. Lemanowicz answered that that was correct.

Mr. Legato said that he was a layman and he felt that he knew what the other laymen meant. The other laymen meant how much water was going to flow through this stuff, not how much of it was void or not void. He said he was right with Mr. Lemanowicz on the letter with those two words however Mr. Lemanowicz lost him when he chose "porosity." He asked what the conclusion would have been had Mr. Lemanowicz chosen "flow"—for example how much water goes through this brick at a certain time versus an impervious brick. He felt that this was the essence of what they were trying to get at.

Mr. Lemanowicz said he did not agree with that because all the water that would hit the pavement would go through it.

Mr. Legato asked if at times water would flow off it.

Mr. Lemanowicz answered no, not from the information he was given.

Mr. Legato said that if there was 100% impervious coverage, wouldn't that mean that water hitting it would flow off of it.

Mr. Lemanowicz said that that was correct however this material was not impervious.

Mr. Legato said he understood that but there was some degree of flow that would go through it.

Mr. Lemanowicz said that the information that he found during his research stated that all the water that hit the surface would go through it.

Mr. Legato asked 100%?

Mr. Lemanowicz answered, yes, 100%.

Mr. Legato asked what the 20% credit amounted to.

Mr. Lemanowicz said that there had not been a decision made on the percentage of credit. That was based on the voids in the material—how much air was in the material versus the total material.

Mr. Legato asked Mr. Kastrud if there was any downside to using porous pavement as opposed to non-porous pavement.

Mr. Kastrud said that there was an additional element of maintenance.

Mr. Legato asked what type of maintenance.

Mr. Kastrud answered sweeping, power washing, and vacuuming the parking lot on an annual basis.

Mr. Legato asked if that was because it stained more easily or because it would lose its porosity.

Mr. Kastrud answered that it could lose its porosity. Ultimately what he was concerned with from an engineering standpoint, was what Mr. Legato was discussing—water flowing through—hundreds of inches per hour. So during the 100 year storm, 8.5 inches in a 24 hour period, 100% of that rain would go through the pavement.

Mr. Legato asked if any of it would flow off to the detention basin or anyplace else.

Mr. Kastrud said that all the water that was on the permeable pavement would go down. On the design there was an aisle of ***impermeable*** pavement and that water would flow off either into the permeable areas or into a catch basin and then into the detention system. If it was not maintained and salt and sand were sprinkled on it, it would not only take up the porosity and reduce the amount of voids, it would also reduce the amount of permeability of the material.

Mr. Legato asked if Mr. Kastrud had had an opportunity to look at the Environmental Commission's report, particularly on the use of non-porous pavers.

Mr. O'Brien indicated that that report was issued on October 14, 2014.

Mr. Kastrud said that he had not seen it.

Mr. Legato said that the commission was very negative on the whole issue. After reading it, Mr. Legato wondered what would happen if they went to zero. What would the reduction of parking spaces be?

Mr. Kastrud said that it would go back to 33 spaces with zero percent credit.

Mr. Legato said that they would go from 41 to 35 if there was a 20% credit given and then down to 33.

Mr. Kastrud said that that would bring them back to the design with 33 spaces if there was no credit for any of the permeable pavement.

Mr. Legato asked if Mr. Kastrud felt that they would still be well above what was needed.

Mr. Kastrud answered that that was correct.

Mr. Legato said it was a difference of two (2) spaces for the use of porous pavers as opposed to non-porous.

Mr. Kastrud answered that that was correct.

Mr. Legato asked hypothetically, if that were not a factor, wouldn't the better choice be to use non-porous pavers.

Mr. Kastrud answered, "No." They were getting credit for total suspended solids removal in accordance with the Department of Environmental Protection manual of an 80% removal of any water that was within the parking area through the porous asphalt.

Mr. Legato said then it was a really good idea to use the porous asphalt for other reasons than pervious or impervious coverage.

Mr. Kastrud answered that that was correct.

Mr. Legato said that the downside was that it was a high maintenance problem. The Environmental Commission was very concerned that the porosity would not last and eventually it would go away. He asked if there was any merit to that conclusion.

Mr. Kastrud answered that he would like to know what studies the Environmental Commission had seen that showed the elimination of porosity or permeability of those pavements. The Environmental Protection Agency had been looking at them for 10 years, and was currently studying the different pavements. There were solid paver blocks that had large gaps in between which was one method of paving which allowed water to flow through. There was also porous concrete which looked like popcorn and permeable pavement which was being proposed here. Essentially it was the same pavement without the findings in it. They had studied the flow rates of maintained parking lots and unmaintained parking lots but had not made the data available to the public. They had not reached a conclusion as of yet.

Mr. Legato asked if he understood correctly that the applicant would accept a reduction of 39.3% down to 20% (he understood that that was the number that Mr. Lemanowicz recommended) and therefore would ask the Board for a variance or to a reduced number of spaces.

Mr. Kastrud said that the Board had not indicated what it was comfortable with yet. Originally, the applicant requested 100%. It's not 39.3%, it was a 40% void ratio which was typical in clean stone. The Board asked Mr. Lemanowicz to do some further research and he came up with this most current memo.

Mr. Legato said if Mr. Kastrud endorsed Mr. Lemanowicz's conclusion.

Mr. Kastrud said that he agreed with the report 100%. There was nothing in that report to contest. The only issue was whether they could legitimately take an engineering number calculation and push that into the intent of a zoning ordinance.

Mr. Legato said if the finding of the Board was that they would give a porosity credit of 20%, it would force one of two conclusions: (1) the applicant would need a variance for increased lot coverage over the 40% mark because he would no longer have that bonus to work with, or (2) the applicant would have to reduce the number of parking spaces down to 35.

Mr. Kastrud said that was correct.

Mr. Legato asked if the applicant was going to take a position as to which of those two alternatives he would choose.

Mr. Kastrud said that at this point he was not. He was going to wait to hear what the Board determined they were willing to give for this credit of permeable pavement. If they gave 100% as they did in the PNC application, they would be fine with the 41. Because of the Board's concern, they were down to 40% as the plans were submitted and now they were down to 18% as clearly stated by Mr. Lemanowicz in a memo which was not a recommendation but merely a finding of fact. The ordinance stated that the Board must determine the degree of perviousness.

Mr. Legato asked Mr. Lemanowicz if he was ***not*** making a recommendation as to the actual number that this Board should adopt.

Mr. Lemanowicz answered that that was correct. He said that it was the Board's decision.

Chairwoman Dapkins asked if there were any comments or questions from the public.

Ed Zindel, 317 Meyersville Road, Gillette, had questions for Mr. Lemanowicz. He asked if Mr. Lemanowicz recalled hearing Mr. Kaufman's claim that the volleybarn project would represent a net reduction in impervious coverage compared to the existing features on the lot.

Mr. Lemanowicz said that it was his belief that that statement was made.

Mr. Zindel asked if Mr. Lemanowicz was aware that the zoning table on the latest engineering drawing listed the existing impervious coverage as 57% of the lot area and the coverage from buildings as 16.9%.

Mr. Lemanowicz said that he did not have the plans in front of him.

Mr. Lemanowicz said that he had a series of photocopies of one of the renditions of what appeared to be the site plan application. He could not find the revision date.

Mr. Zindel said that it was the latest plan which indicated 41 parking spaces. He did not think that number had changed. It was the existing impervious coverage.

Mr. Sateary asked for a copy of that.

Dr. Rae said that he would feel much better if it was verified as the very latest. He felt that there was enough confusion as it was.

Mr. O'Brien suggested that they compare the photocopy with the site plan in exhibit. He asked Mr. Lemanowicz to identify the exhibit.

Mr. Lemanowicz said that the sheet that Mr. Zindel was speaking about appeared to be a photocopy of the zoning table on page 3 of the site plan set dated September 29, 2014.

Mr. Bernstein asked if Mr. Zindel wanted to verify something. He asked if there was something in the exhibit that he wanted to point out.

Mr. Zindel asked if it followed that if one subtracted the 16.9% building coverage from the 57% total impervious coverage, there was 40.1% or approximately 26, 000 square feet of remaining coverage unaccounted for.

Mr. Lemanowicz suggested that Mr. Zindel ask Mr. Kastrud how he had come up with his numbers. He was not sure that he was the one to answer any questions.

Mr. Bernstein directed Mr. Zindel to ask Mr. Kastrud since he was the one who prepared the plans.

Mr. Zindel reiterated his question. He wanted to know what the 40.1% was. He believed it was graveled areas.

Mr. Kastrud said that it most likely was.

Mr. Zindel said to Mr. Lemanowicz, in reference to the graveled areas, there seemed to be an AASHTO-57 permeable base spread over a geotextile fabric. It was an inch-and-one-half (1-1/2") and smaller. It had not been compressed or driven on. He wanted to discuss the permeability, porosity, of this material. He said it was his belief that this was not an impermeable surface and should not be counted towards the 57% total impervious coverage on that lot.

Mr. Lemanowicz said that according to the ordinance, gravel parking areas were considered impervious.

Mr. Zindel said that the ordinance may say that but he asked Mr. Lemanowicz "from a practical standpoint, if you put a permeable base over a geotech fabric and don't compress it, it takes all the water you can feed it, was it an impervious surface?"

Mr. Lemanowicz said that that was not the question. The question was whether it was considered impervious for the purposes of lot coverage and it was.

Mr. Zindel said the difficulty there was that the applicant stated that putting up a building that was approximately 13,000 square feet plus parking lots was going to be a net plus for the environment from the standpoint of runoff.

Mr. Lemanowicz stated that he could only go with what was stated in the ordinance.

Mr. Zindel said that "Everyone else seems to be objecting to things that they don't like and I would like to go on the record as objecting to this—"

Mr. Bernstein interrupted saying that this was the portion of the hearing for questions. If Mr. Zindel had a legal objection, he could make it.

Mr. Zindel said that he and the neighbors had been visiting that site in the middle of torrential downpours and after heavy rain events, there was no puddling. It was not impervious.

Chairwoman Dapkins advised Mr. Zindel that he was making a statement and that this was the time for questions.

Debra Schmitt, 486 Meyersville Road, Gillette, asked how far below the surface was the water table on this property.

Mr. Kastrud answered that it was over six (6) feet.

Ms. Schmitt said that she had done some reading and it had to be at least four (4). She said at the last meeting one of things that she had asked the engineers to figure out was aesthetically what the percentage of the lot coverage was going to be. She hadn't seen that in the report or heard it discussed. She said, "If it was all considered impervious cover, the parking lot plus the building, because visually aesthetically it's covered, there's no green, there's no walking area, there's no grass." She had asked for that number to be ready this evening.

Ms. Schmitt said that she had learned from her reading about pervious cover, "that you can't use sand at all on it as you guys have discussed, it begins to clog things." She said that either chemicals or salt were the only things that could be put on that parking lot and it could not be plowed, it could only be shoveled. She asked if that was true.

Mr. Kastrud said it could be plowed. He agreed that sand could not be used.

Ms. Schmitt asked, "How much more chemicals and salt was that going to put into the swamp faster and sooner and be polluting out swamp even more?"

Mr. Kastrud said there was no calculation to show how many more applications there would be, or how many times it would snow, or how much material would be used.

Ms. Schmitt said that all she knew was that it would be more.

Mr. Kastrud asked why it would be more.

Ms. Schmitt said because there was no salt used now. She asked if it worked better on the permeable lots to use chemicals or salt.

Mr. Kastrud said he did not know.

Ms. Schmitt asked how many design waivers were being requested.

Mr. Kastrud answered, "One."

Ms. Schmitt said that she thought it was more than that.

Mr. Lemanowicz said that there were a number of ***completeness*** waivers which were different.

Ms. Schmitt said that they were asking for an exception here and an exception there. For the purpose of use, they asked for it to be one use and for the purpose of parking, another use.

Mr. Bernstein said that there were two (2) types of waivers: completeness waivers which were application submission waivers and design waivers. A design waiver said that there was a standard not in the zoning ordinance but in the site plan ordinance that they were seeking relief from.

Ms. Schmitt wanted to know both.

Mr. O'Brien said that there were nine (9) checklist waivers requested and one (1) design waiver that was outstanding. The design waiver was for more than 15 continuous parking spaces without a landscape break. Depending upon the Board's decision on perviousness and the amount of cover and the amount of parking spaces, that might or might not continue this evening.

Mr. Lemanowicz clarified that the checklist being referred to, was the completion checklist.

Ms. Schmitt asked about the façade which was not supposed to be an unbroken—

Mr. Bernstein said that that was a question for the architect, Mr. Kaufman.

Ms. Schmitt noted that he was not present that evening.

Mr. Kastrud said the aesthetic coverage was roughly a 3% increase. With 41 parking spaces and zero percent credit for perviousness, it would be approximately 43% coverage.

Cecelia Cilli, 11 Sassafras Place, Gillette, asked who would be responsible to ensure that the porous surface did not become "unporous." She said they could supposedly rely on the owner but she felt it should be the responsibility of the township. She then asked who in the township would make sure that it did not become "unporous" and enforce it or would it become another Copper Springs.

Mr. Kastrud said that he could not answer about Copper Springs.

Mrs. Cilli said that Mr. Kastrud couldn't answer any of it.

Mr. Lemanowicz said that that would be a violation of the site plan—

Mrs. Cilli interrupted and asked how it would be enforced.

Mr. Lemanowicz answered that it would be the responsibility of the Zoning Officer.

Mr. Kastrud said that as part of the Maintenance Manual, annual reports had to be submitted to the township.

Mrs. Cilli reiterated her question.

Mr. Moholkar answered that that was the responsibility of the Zoning Officer.

Mrs. Cilli reiterated her question. She asked them to think about how well the township had enforced other things.

Mr. Moholkar said that that question had been answered.

Olga Argumova, 691 Meyersville Road, Gillette, asked what the maximum occupancy of the mezzanine was.

Mr. Kastrud said that he was not the person to answer that question. He felt that it was not a Planning Board issue. It was the responsibility of the Construction Office.

Mr. Bernstein said that she should have asked Mr. Kaufman because he was the architect. He had already testified and there had been a time for questions concerning his testimony. Mr. Bernstein explained that each person who testified was cross-examined. After that, there was an opportunity for public questions of that witness. He noted that Mr. Kaufman had testified at all three (3) phases and there was opportunity to ask questions of him each time.

Ms. Argumova said it was her understanding that there was no air conditioning proposed. She wanted to know how the hot air would escape.

Mr. Kastrud said that he did not design the building and did not know how the hot air would escape.

Elaine Zindel, 317 Meyersville Road, Gillette, asked Mr. Kastrud what the distance was from the east boundary of the parking lot to the closest residential lot to the east.

Mr. Kastrud answered 40.12 from the most southerly corner.

Mrs. Zindel said that the closest point to the residential lot to the east was 40.12 feet. She asked about the distance from the west boundary of the parking lot to that same residential property line. She clarified that she wanted the distance from the furthest point of the west side of the parking lot to the residential property line to the east.

Mr. Kastrud answered 102 feet.

Mrs. Zindel asked for the same for north and south without the driveway. She wanted to know the distance from the parking lot to the residential lot across the street which had a building on it.

Mr. Kastrud said that that building was not shown on the plan and therefore he could not give her that dimension.

Mrs. Zindel asked if they could assume that the road was 50 feet wide and he was 35 feet back and then add those two together.

Mr. Kastrud said that they could not assume that because there was the variable of the right-of-way with Morris County.

Maria McCoy, Hickory Tavern Road, had a question about decibels.

Mr. Kastrud said that he was not an acoustical engineer and that the question would most likely go to the architect because he would deal with that in his design.

Arthur Brown, 479 Meyersville Road, Gillette, said that lately they had had several storms with four inches (4") of rain in an hour. He questioned whether this material would be pervious enough so that that type of rain would go right through with no overflow.

Mr. Kastrud answered that if a 55 gallon drum of water were dumped on this material, it would go straight down. The permeability rate for initial installation was somewhere between 300 and 400 inches per hour.

Mr. Brown wanted to know if any studies had been done to say what would happen to the water if the ground froze over.

Mr. Kastrud said that if the water in the voids froze, any water that did not go down through the pavement would run into the inlet structure at the end of the parking lot and still enter the detention system underneath.

Committeeman Roshto asked Mr. Kastrud, in reference to Section 1 of the Stormwater Management Report, what the following sentence meant: "The detention system has been designed considering the pervious pavement as impervious surface."

Mr. Kastrud answered that in his engineering calculations, he had to assume a size or volume for the detention basin. What he had to assume was that 100%, as if it were hitting an impervious surface, would enter into the piping system. Just because there was permeable pavement, no credit was being taken taking for infiltration because no credit was given for it from a stormwater standpoint. So the detention system had to be designed so that the entire rainfall hitting the pavement could go into the basin.

Committeeman Roshto said that from a stormwater management perspective, they were not assuming any credit.

Mr. Kastrud said that that was correct.

Committeeman Roshto asked Mr. Kastrud to turn to Section 3. He asked him to explain what total suspended solids (T.S.S.) were.

Mr. Kastrud answered that it was anything that one could see.

Committeeman Roshto said that they had a total suspended solids removal rate of 80% for pervious pavement. He asked what that meant.

Mr. Kastrud answered said that the D.E.P. had rated certain elements, whether they were pre-manufactured or natural or nonstructural, and how much of the T.S.S. those elements removed. The permeable pavement was rated at 80%. It was a D.E.P. number, not the applicant's calculation.

Committeeman Roshto said that given the applicant was not assuming any credit from a stormwater management perspective, why was the Board considering a credit at all.

Mr. Kastrud said that when the project was redesigned and the detention was placed under the parking lot, they felt it was a perfect opportunity for permeable pavement. They were comfortable with the 33 parking spaces however when they heard concerns about the need for additional parking and they looked at the part of the ordinance which said that they would be granted some degree of credit for the pervious asphalt, they felt it was a good opportunity to add more spaces. They then expanded the parking by eight (8) spaces and pushed it farther back.

Committeeman Roshto asked why the applicant felt he wanted more parking spaces.

Mr. Kastrud said it was to allay the parking concerns of the Board. After the meetings, Mr. Kaufman asked if they could get more parking. Mr. Kastrud answered that they could not because they were just under the 40% lot coverage. Looking at the ordinance which allowed for some credit for perviousness, they decided to add more spaces.

Committeeman Roshto said that although he recalled the Board asking questions about parking, he did not recall the board members debating parking. He felt that since he did not know where the Board sat on the number of parking spaces, he did not know how the applicant would know that.

Mr. Moholkar said in order for the detention basin to be located underneath the parking lot, the whole thing had to be raised up because they could not go below—

Mr. Kastrud said that that was correct.

Mr. Moholkar asked how much higher it would have to go.

Mr. Kastrud said that the grading at the back corner would be approximately three feet (3') above grade and then slope back down to grade.

Mr. Sateary advised Chairwoman Dapkins that there were no further witnesses.

Mr. Bernstein asked Mr. Legato if he would like to make his presentation.

Mr. Legato said that he did not want to go first. He wanted to go second, after the applicant summed up.

Mr. Bernstein said that the applicant had rested. Mr. Legato's presentation and the public's presentation were next. After those, there would be a summation where Mr. Legato would go first and Mr. Delaney next. At this point, the public and Mr. Legato as representative of some of the public would be given an opportunity to speak. This would be the time for statements. It was up to Mr. Legato as to whether he wanted to go before or after the public.

Chairwoman Dapkins asked Mr. Legato if he had any witnesses and Mr. Legato said that he did not. She then asked if any member of the audience was going to present witnesses.

Mrs. Zindel made a comment about a report. She was off-mic and the comment was inaudible.

Mr. O'Brien asked if she was referring to his latest report dated October 8, 2014.

Mr. Bernstein noted that the public had been given an opportunity earlier to ask questions about that report however the Chair was going to allow Mrs. Zindel to ask questions at this point.

Mrs. Zindel noted that the letterhead said the company consulted on land use and transportation. She also noted that Mr. O'Brien had said that he was a member of the Institute of Transportation Engineers.

Mr. O'Brien said that that was correct.

Mrs. Zindel asked if he was familiar with New Jersey Statute NJAC 729 which was the noise control statute.

Mr. O'Brien said that he was familiar that there were noise standards that apply to all development.

Mrs. Zindel said that the statute was also a Long Hill Township ordinance (144.6) by the fact that the ordinance stated that "noise control shall be subject to standards established by the New Jersey Department of Environmental Protection."

Mr. O'Brien said that that was correct.

Mrs. Zindel said that that was NJAC 729. She said she had a copy of the ordinance if he wanted to see it.

Mr. O'Brien said that he did not know that specifically.

Mrs. Zindel asked if he had evaluated the potential violation of this statute with regard to car door closings at the proposed volleyball facility's parking lot after 10:00 p.m.

Mr. O'Brien said he had not. There had been testimony on the record by the applicant stating that the noise standards both at the state statute level and at the local ordinance level would not be violated. He noted that those standards were 65 decibels from 7:00 a.m. to 10:00 p.m. and 50 decibels at night from 10:00 p.m. and 7:00 a.m.

Mrs. Zindel asked if she could read the ordinance aloud which she did.

Mr. O'Brien said that she was reading the statute, not the ordinance.

Mrs. Zindel agreed and continued to read. She then asked Mr. O'Brien if he was familiar with the Federal Highway Authority's document entitled, "Highway Traffic Noise Analysis and Abatement Policy and Guidance."

Mr. O'Brien said he did not know it specifically.

Mrs. Zindel said she had a copy if he wanted to reference it. She said it was a standard guideline for sound. She asked if he agreed with the guideline that stated generally sound levels for a point source would decrease by 6 dba for each doubling of distance.

Mr. O'Brien said that he would not be able to testify to that.

Mr. Bernstein asked Mr. O'Brien if he was an acoustic or noise expert.

Mr. O'Brien said that he was not.

Mr. Bernstein said that Mr. O'Brien had general knowledge of the state and local regulations.

Mr. O'Brien said that he had used a noise meter ***on occasion*** in the past to give the township a rough reading and to find out whether or not there was a possibility of noise exceedance. He would not be the one to make that determination. It would be the responsibility of the Police Department or the Department of Health to make exact determinations.

Mrs. Zindel asked if Mr. O'Brien was familiar with a specific database 3M (*inaudible*) of 1700 noise sounds that was universally accepted as criteria for measuring noise levels.

Mr. O'Brien said that although he did not recall that specific database, he was aware that there were a number of lists of standards all giving what were essentially comparisons.

Mrs. Zindel asked if he was aware that a car door closing registered 65 dba at a distance of 10 meters which was slightly more than 32.8 feet.

Mr. O'Brien said that he did not know that specifically.

Mrs. Zindel said this could be found on the internet. She said that she had a document that was a noise assessment study for the planned Los Gatos Operations Building done by Edward L. Pack Associates.

Mr. O'Brien said that each noise study would be dependent on the area that it was in, the particular circumstances that surround that particular development, the geology, the surrounding buildings, and each one would be measured differently.

Mrs. Zindel reiterated the standard of 65 dba for a car door closing at a distance of 32.8 feet.

Mr. O'Brien said that that would depend on the type of car, the weight of the car—

Mrs. Zindel interrupted and said that that was an average of what was measured. She said that the key to this was that because the sound only dropped by 6 dba when the distance was doubled, if there were two (2) doubling of distances it would say that 53 dba would be the noise level 131.2 feet from the source. She said 131.2 feet from that car door closing would be above the state requirement before 7:00 a.m. and therefore violated that statute.

Mr. O'Brien said that that would depend entirely upon the circumstances that were on the plot of land such as the landscaping and berm that was proposed.

Mrs. Zindel said that she had knowledge that when one was on a surface such as a parking lot—

Chairwoman Dapkins interrupted Mrs. Zindel and asked her what questions she had.

Mrs. Zindel asked, based on Mr. Kastrud's testimony, the further distance from the west boundary of the parking lot to the residential property line was 102 feet. She was discussing exceeding the state noise level at 131.2 feet based on that guideline. Anything closer than that would exceed. She said she didn't care if the ground—

Mr. Bernstein interrupted and said that this was testimony. He reminded her that she would have an opportunity to make a statement. He also reminded her that Mr. O'Brien was not an acoustic expert.

Mrs. Zindel said she didn't know who to go to since no sound study had been done.

Mr. Bernstein said if a resident had a party with 20 people all slamming their car doors, there would be similar noise. He was not sure where this was going. He added that she was not allowed to introduce a study authored by someone who was not present for questioning. That was hearsay. It was one thing for an expert to relay on another expert's report or if it was a learned treatise such as the Cox book, but to introduce a study such as this could not be done because the author was not there for questioning.

Mrs. Zindel said she was not using the information, she was just using the 3M tables. She said when one looked at the Langan study and the number of students expected to leave after 10:00 p.m., it would be a large number of students. If one looked at the average student to vehicle ratio, it would be 1.5:2—

Chairwoman Dapkins interrupted Mrs. Zindel again for making a statement. She noted that the Board had been very lenient and that Mrs. Zindel had been speaking for over 16 minutes. She told her to ask her question.

Mrs. Zindel asked if Mr. O'Brien would conclude that over four (4) door closings would happen in any hour.

Mr. O'Brien said that he did not have enough information to make that conclusion.

Mrs. Zindel said that she felt that they did from the Langan study.

Chairwoman Dapkins asked there were any further questions.

Maria McCoy, 165 Hickory Tavern Road, Gillette, advised Chairwoman Dapkins that she had a statement. Chairwoman Dapkins asked her to come to the mic and she was sworn in by the court reporter.

Ms. Kiefer noted that Mr. Aroneo had arrived at 9:05 p.m.

Mrs. McCoy said that it had been established at the last meeting that Mr. Kaufman had estimated 60 to 80 decibels for the building. She was concerned about the whistling. She had watched one set of a volleyball match and she counted 114 "whistle-blasts" in 20 minutes for one game of one set. She noted that a whistle could be 90 to 110 decibels as listed on her charts from the internet. She then multiplied 114 by three (3) courts by the total number of hours that the facility would be open and concluded that that was a lot of "whistle blasts."

Mrs. McCoy said that she had an article that she wanted to submit from the ***New York Times*** which was a study by an audiologist—

Mr. Bernstein said that the fact that it was a study and the person who conducted it was not present for questioning made it hearsay. The Board could not accept a copy of the article however he would allow her to summarize the information.

Dr. Rae interjected that this was hearsay upon hearsay. It was not the actual study, but an article about the study.

Mr. Bernstein said that Board would be well within its rights if it decided to exclude the information.

Dr. Rae said that when articles were written about studies, the authors of those articles very rarely present what was actually—. It was usually headline components and it was just not accurate.

Mr. Bernstein said that the Board would prefer not to hear an article about a study. He asked her what her understanding of the article was.

Mrs. McCoy answered that there was a lot more "whistle blowing" in volleyball than any other sport.

Mr. Bernstein asked her where she had seen the volleyball game she referred to. He asked if she had been at the Flemington facility.

Mrs. McCoy answered that she had seen it on You-Tube. It was a high school team.

Mr. Bernstein said that he was not taking a position one way or the other, however, this was not a high school facility. There would be practices, not games.

Mrs. McCoy said that every time a point was made, a whistle would be blown.

Mr. Sateary said that there was no testimony from this witness as to how many games she had seen—

Mr. Bernstein and Mrs. McCoy agreed that she was not an expert. She was concerned with noise.

Dr. Rae said that he accepted that there was a concern about noise and he didn't feel that it needed to be discussed any further. He felt that they were discussing games versus practices, studies…he didn't see where it was adding to his knowledge.

Mr. Bernstein said that it was probably not very relevant but he felt a neighbor should be allowed to say something. He added that the Board was sophisticated enough to see that this did not involve high school games. It involved young children practicing. He asked Mrs. McCoy to make a short statement.

Mrs. McCoy said that she wanted to reiterate something that she had said in the past. She said that Meyersville was like an amphitheater. Many residents lived at a higher elevation from the facility and the noise would rise. When Copper Springs was a swimming facility, she could hear people yelling because she was at a higher elevation. She felt that the sound of the whistle blasts would affect her and others that lived near her especially since it would go to 10:00 at night seven (7) nights a week.

Chairwoman Dapkins recessed the meeting for a ten (10) minute break at 9:11 p.m.

R E C E S S

Chairwoman Dapkins reconvened the meeting at 9:25 p.m. She asked the public for statements.

Sally Rubin, 132 Somerville Road, Bedminster, spoke as the Executive Director of the Great Swamp Watershed Association. She was sworn in by the court reporter and said from an environmental perspective, the G.S.W.A. was pleased to see the reduction in impervious surface that this application proposed. They were pleased to see that there would be stormwater management in general. Whatever would be agreed upon would be better than what was currently there. They were also pleased to see that the contamination at the site would be cleaned up. She would not comment on lights, traffic, noise, or the ultimate use of the property because it was not within her purview. She hoped that the pervious pavement had been designed in accordance with stormwater manual's bmp's. She had spoken with the engineer and he had assured her that it had been and that there would be an O&M manual in compliance with that manual as well. The one addition she requested was to require that the applicant use brine on the site in lieu of sand or rock salt. That was based specifically on the proximity to the Great Swamp.

Robert Kielblock, 53 Lacy Avenue, Gillette, was sworn in the by the court reporter. He noted that his family had been in the township for 200 years. In 1999 his father and mother sold the development rights to their farm. He felt that the community should be left rural. He did not want the noise and the traffic and he felt that that was not what Meyersville was intended to be. It was a hamlet.

Michael Behr, 176 Hickory Tavern Road, was sworn in by the court reporter. He spoke out against the application. He noted that noise ordinances were difficult to enforce. He added that this facility would have three (3) courts, 60 players, and a minimum of six (6) coaches during each session. Each coach would have a whistle and because this was a sports clinic, there would be constant whistle blowing. He then stated that there had been a lot of discussion about parking, punctuation, and interpretation. He had gone to the proposed site and blew his whistle while his hearing-impaired wife stood on his deck. It sounded like he was standing right next to her. He added that at the last meeting he had gone outside, 75 feet away behind the trees and the whistle could be heard inside the courtroom while the meeting was going on. He continued to discuss the noise caused by whistles. He added that if the property had been maintained over the years, it would not have to be "restored".

Mary Mayer, 273 High Street, Stirling, was sworn in by the court reporter. She added that her business address was 1901 Long Hill Road in Millington. As a resident, she felt that it would be a good project for the township, the children and the business community. She asked the board members to consider that the facility was for girls and a way to help them with their self-esteem and give them a positive outlet.

Olga Argumova, 691 Meyersville Road, Gillette, was sworn in by the court reporter. She said that she was a resident of Meyersville and she wanted the applicant's property to have a business and be maintained because it would bring more taxes. However she did not want the kind of business that was being proposed. She agreed that it would be great to have a sports facility for girls but that it should be on Route 22 or in a business area. Meyersville was a quiet hamlet. Her main concern was that the building was too big and out of character. The hours of operations would not be good for a quiet unrushed place such as this hamlet. She noted that there was not enough parking and there would be a lot of traffic. She added that they already had one "monster, Copper Springs" and this would be another "monster". There would be a lot of parties and they could do nothing about that. She also questioned whether it would bring more business to the area. She discussed other permitted uses such as day care centers and offices and said that she was not against development but not this type of facility.

Stacy Boras, 77 Summit Court, Westfield, was sworn in by the court reporter. She said that there was no whistle blowing and there would be no whistle blowing at the facility. Her two (2) daughters played volleyball at the Flemington facility and the proposed facility was intended as a practice facility only. Whistle blowing was at games, not at practices. She said that with three (3) courts, at any given time there would be a total of 30 or 36 girls in the facility. She noted that when she brought her daughters to Flemington, she would be there for two (2) hours, three (3) days a week. During that time, she would frequent and patronize the businesses in that area. She added that there were no parties. It should be welcomed because it would bring in taxes and revenue to the businesses in the area. She added that if one stood outside the facility, as she had done many times, they would know that there was no noise coming from the building.

Cecilia Cilli, 11 Sassafras Place, Gillette was sworn in by the court reporter. She said that she had lived in Long Hill Township for over 40 years. She stated that she had stood outside the facility in Flemington and noted that there was noise and then added that there was no noise in Meyersville. She pointed out that the hamlet was in the middle of a residential area and a facility of this size would change the character of the area. She then discussed the need to make sure that there was adequate parking and as an example, said that during Casa Maya's "heyday", people parked in residents' driveways and on their lawns waiting to get in. She said that they wanted the property to be cleaned up and developed, but they did not want a facility of this size.

Michael Behr, 176 Hickory Tavern Road, Gillette, had already been sworn in. He asked, if there was such a need for girls volleyball in Long Hill Township, why not run it through the recreation department.

Thomas Sawanobori, 45 Snyder Road, Warren was sworn in by the court reporter. He said that both of his daughters had played club volleyball and both attended Watchung Hills Regional High School. Thanks to the opportunity she had, his youngest daughter was playing volleyball in college. He had travelled several nights a week to the Flemington facility and stated that there were no whistles and the noise was contained within the facility. He noted that he had seen the cars moving in and out at Casa Maya and it seemed very manageable. He stated that had the facility been located in Meyersville, he would have certainly spent time and money in the township.

Debra Schmitt, 486 Meyersville Road, Gillette was sworn in by the court reporter. She pointed out that according to Mr. O'Brien's report, the large unbroken façade on the westerly portion of the facility was prohibited by the Master Plan. She felt that the applicant wanted to be considered in several different ways to avoid additional variances. She felt he needed either a use variance or a parking variance. If the practice facility failed but the volleyball courts remained, would the facility turn into an active game facility with whistles and noise along with a significant increase in traffic? She asked if the board members approved the application as a fitness use but allowed for the lower number of parking spaces, what would happen if the business failed. It would already be approved as a fitness center and would not have to come back before the Board. It would have inadequate parking. She felt that there should be a variance required for lot coverage. She noted that Mr. Kastrud had said it was 43%. She then addressed the various types of noise such as car doors and whistles and noted that she lived closer to this property than to Copper Springs. She said that the noise from Copper Springs was annoying. She felt that if the application was approved, there must be a sidewalk included. She then commented on what she felt the applicant's true intentions for the property were.

Thomas Sims, 101 Meyersville Road, Gillette was sworn in by the court reporter. He said that he had attended many of the meetings and had heard the arguments. He said that he focused on the things that were probable. In listening to the testimony and expressions of concerns, he was not concerned about the 50 or 100 year flood that might cause an unusual amount of rain. It happened infrequently. He was not concerned about occasionally having to slow down while driving down Meyersville Road because another vehicle might be slowing down to turn into a driveway. He was not concerned about driving down Meyersville Road and having to look at a barn like structure because this was a rural area. He was not concerned about the number of trees that might be used to screen the structure. He was not concerned about the possibility of a bear raiding a trash can either at the proposed facility, or a restaurant, or a neighborhood. Part of the reason he was not concerned about these things was that the township had people whose job it was to deal with these inconveniences. One of the things that did concern him was seeing Archie's place look the way it did for another five (5) or ten (10) years. He said that there had been a number of proposals for developing that area and there was resistance from a handful of people always on technicalities. He said that there was general opposition from a couple dozen to doing anything and he felt that they would find any ammunition that they could. He said that of all the places he had lived, Meyersville was the least of a neighborhood. Neighborhoods happen in places where people walk their dogs around the block on sidewalks and know the neighbors. It took a proximity. A neighborhood was more of a gathering of people and the only complaint he had was that there was no real neighborhood when living on Meyersville Road. He noted a report that showed the change in average housing values in Morris County from 2000 to 2010 and Long Hill Township was about a third lowest of about 40 municipalities with an increase of value of less than 1%. He stated that there were many amenities offered by Long Hill Township but he was concerned because there was no sense of neighborhood. His last concern was that Long Hill Township, like any living thing, had stages of a life cycle. Either it grew or it died. The Board should provide the leadership to grow and not get stuck. He asked the Board to provide the leadership necessary for the betterment of the entire township.

Mr. Aroneo asked if Mr. Sims felt that if the volleybarn was approved, it would add to the value of his home.

Mr. Sims said that he believed that it would. He noted the 8000 plus acre national wildlife refuge and the hundreds of bicyclists that came there. His neighbor had moved there to live in a "natural recreational area" and with the tennis courts and the sports facilities and a volleyball academy, the whole idea of the natural resources of the Great Swamp and the sports and recreation nature of the nature would be wonderful. It would help this thrive as an area.

Christine Miller, 890 Talcott Road, Westfield was sworn in by the court reporter. Her daughter was a member of the C.J.V.A. club in Flemington and she wanted to address parking. She stated that after travelling there two (2) to three (3) times a week, several months each year, she had never seen the parking lot full. People either dropped off their children and went home or dropped off their children and went shopping. There had never been a tournament and she had never waited behind more than one (1) car to turn into the parking lot or come out of the parking lot.

Kirsten Kielblock, 53 Lacy Avenue, Gillette was sworn in by the court reporter. She pointed out that all the people in favor of the proposed facility did not live in Meyersville. She added that when she played volleyball, drills were part of practice and whistles were used during drills. She said that obviously Mr. Sims had not been to the yearly tree lighting in the center of Meyersville. Although she had lived in many places, she had never seen a neighborhood like Meyersville.

Elaine Zindel, 317 Meyersville Road, Gillette was sworn in by the court reporter. She said that Mr. Kaufman had testified that the noise levels would not be violated. She stated that there were two (2) entirely different noise assessments that provided sufficient information to conclude that during the nighttime hours, cars in the proposed facility's parking lot would violate New Jersey noise control statutes. Based on the C.J.V.A.'s schedule, up to 37 students would be expected to depart from the facility between 10 and 10:30 p.m. on multiple days each week. That was validated by Langan traffic assessment. The 3M Noise Navigator for Sound Level data base specified that a

door closing would register 65dba at a distance of ten (10) meters which was slightly more than 32 feet. When that was extended to the noise level beyond the west side of the parking lot, it was still over the 50 dba requirement as stated by law.

Mrs. Zindel added that the second evaluation was based on data provided by the noise assessment study for the Los Gatos Police Department building and had similar results. The sound level of a car door closing was documented at 68.3 dba at 25 feet and 54 dba at 129.7 feet. She felt that this demonstrated that the statute would be violated. She added that an increase of 10 dba over given noise levels was perceived by the brain to be twice as loud therefore if a car door closed within 65 feet of an individual standing at a residential property line, that individual would perceive the loudness to be at a minimum more than twice the levels permitted by law. The closest distance from the parking lot to that residential property line was 40 feet. In addition to violating the New Jersey statute, this noise level would have a deleterious effect on the residents occupying the home directly to the east of the parking lot and for other residents across the street. She said that because of these issues, the Restore Meyersville II volleyball project should not be approved.

Mrs. Zindel stated that the comments she was about to make were based on an analysis of the data and assumptions presented in the Langan traffic assessment dated March 6, 2014. Additional information included the C.J.V.A. schedule from their website, the Institute of Transportation Engineers Parking Generation 3rd ed., Land Use 492 Health Fitness Club and Parking Study and an article entitled "Parking requirements for Health Clubs" published in *Parking Professional Magazine* authored by Walker Parking Consultants LLC who claim to be the largest parking consulting firm in the United States. She added that she had personal experience in capacity planning and systems analysis which she felt qualified her to be considered an expert in the field.

Mr. O'Brien asked for the dates of the publications.

Mr. Bernstein said that they would not be part of evidence. He pointed out that Mrs. Zindel might be an expert in systems but not in traffic engineering. He did not believe that it would be appropriate for her to hand out copies of reports that others had prepared outside of her field and for that reason, they would not be allowed into evidence.

Mrs. Zindel felt that capacity planning applied everywhere regardless as to whether it was parking or computers. She had reviewed the Langan traffic assessment and had concerns. First she noted that the assessment failed to observe a peak period of back-to-back training sessions. The study observed 64 students when 86 students were the maximum shown to be scheduled in Flemington. This represented a 34% increase over what was observed. Four (4) teams, not three (3), were scheduled for the 6:00 P.M. to 8:00 P.M. session as was shown on the internet. Those training sessions were the peak participation which meant that five (5) or six (6) teams could also be scheduled per training session. A typical volleyball facility had six (6) teams scheduled regularly. She said the number of students scheduled with three (3) teams practicing ranged from 34 to 37. The assessment did not consider that on some days all the vehicles picking up students would arrive prior to the end of the training session. Five (5) vehicles picking up students after 8:00 P.M. were not counted on December 12th. If these vehicles had parked less than five (5) minutes earlier, the maximum number of vehicles would have been 29 rather than 24. She felt that this was a perfect example of why one observation was not enough. Mrs. Zindel stated that there were significant errors in the data tables reporting vehicle arrivals and departures which she discussed with Karle Pehnke on September 20th and with Walker Parking Consultants on more than one occasion. Eight (8) vehicles had to be included in the count in order to reconcile the data but it was impossible to tell how many students were associated with those eight (8) vehicles. She noted that there was no discussion in the entire assessment about coaches, staff and their vehicles that were present on Thursday evening, December 12th. Mr. Pehnke's original memo of November 15, 2013 stated that approximately half the drivers might choose to stay. From his observations he also estimated a ratio 1.5-2 students per vehicle. The first Saturday morning session on September 7th supported his conclusion. At this point, Chairwoman Dapkins advised her that she would have to conclude her comments since it was close to 10:30 P.M. Mrs. Zindel summarized by saying that the numbers were wrong in the study. There were not enough students. They were missing a 10% buffer which was supposed to be added. She said that if parking was planned for health club or fitness center, the ITE Land Use 492 Health Club data would result in a recommendation of 115 parking spaces. The Walker Parking Consultants recommendation for health club would be 97 spaces.

Chairwoman Dapkins stated that the meeting was about to adjourn and that Mrs. Zindel could continue her comments at the next meeting. There was discussion between Mr. Bernstein, Mr. Delaney, Mr. Legato, and Chairwoman Dapkins as to the speaking schedule at the next meeting.

At 10:30 P.M. Dr. Rae moved to extend the meeting ten (10) minutes. Mr. Wallisch seconded and by **Voice Vote**, the motion was approved.

After discussions between Mr. Bernstein, Mr. Delaney, Mr. Legato and Chairwoman Dapkins, it was agreed to have a special meeting on November 18, 2014, a date originally scheduled for a Zoning Board of Adjustment meeting. Mr. Delaney agreed to sign a "Consent to Extension of Time for Decision" until November 19, 2014.

In answer to Mr. Legato's question, Chairwoman Dapkins said that that meeting would be open to the public for statements only from those who had not had an opportunity to speak yet. Mr. Legato's presentation would follow. Mr. Delaney would then follow him.

There was some discussion as to whether Kimberly Mottern would be at the next meeting. Mr. Aroneo noted that he had a question he wanted to ask her.

Chairwoman Dapkins gave public notification that the application would be carried to November 18, 2014 with no further notice.

At 10:40 P.M., Mr. Moholkar motioned to adjourn. Dr. Rae seconded and by **Voice Vote**, the motion was unanimously approved.

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CYNTHIA KIEFER
Planning and Zoning Secretary

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Date