

**MARLBORO TOWNSHIP PLANNING BOARD**

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**DECEMBER 1, 2010**

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**THE MEETING OF THE MARLBORO TOWNSHIP PLANNING BOARD WAS CALLED TO ORDER BY THE PLANNING BOARD CHAIRMAN LARRY JOSEPHS AT THE MARLBORO TOWNSHIP OFFICES, 1979 TOWNSHIP DRIVE, MARLBORO AT 8:00P.M.**

**MR. JOSEPHS READ THE MEETING NOTICE, ADEQUATE NOTICE PURSUANT TO THE OPEN PUBLIC MEETING ACT OF 1977 HAS BEEN GIVEN OF THIS MEETING BY PUBLICATION IN THE ASBURY PARK PRESS, AND BY POSTING IN THE MUNICIPAL BUILDING IN THE TOWNSHIP OF MARLBORO AND FILED IN THE TOWNSHIP CLERK'S OFFICE.**

**ROLL CALL**

**PRESENT ... MR. BARENBURG, MR. BERGH, MR. POLLAK, MR. JOSEPHS, CONCILMAN LA ROCCA (ARR.8:35), MAYOR HORNIK (ARR.8:10), MR. ROSENWALD, MR. PARGAMENT, MR. MESSINGER**

**ABSENT... MR. BETOFF, MR. GUPTA, MR. HEGT**

**PROFESSIONALS PRESENT... MR. PETERS, MR. CRAMER, MR. HERBERT**

**SALUTE THE FLAG**

Mr. Pargament will be sitting in for Mr. Husain and Mr. Messinger was sworn in as Alternate # 2.

**CITIZENS VOICE**

No one from the public spoke.

**P.B. 990-07 – NEW YORK SMSA/VERIZON WIRELESS - MEMORIALIZATION OF RESOLUTION GRANTING AMENDED SITE PLAN AND CONDITIONAL USE APPROVAL**

A motion in the affirmative was offered by Mr. Pargament, seconded by Mr. Barenburg. In favor: Mr. Barenburg, Mr. Bergh, Mr. Gupta, Mr. Pollak, Mr. Josephs, Mr. Rosenwald, Mr. Pargament.

**P.B. 1052-10 ROUTE 9 REALTY LLC – PUBLIC HEARING – PRELIMINARY & FINAL SITE PLAN APPROVAL**

Michael Herbert, Esq. noted that the affidavit of publication and notice to adjoining property owners have been reviewed and are in order, therefore, the Board has the jurisdiction to hear this matter.

1 THE CHAIRMAN: We're going to hear a  
 2 preliminary and final site plan approval for Route 9  
 3 Realty. We're going to hold off on that just for a  
 few minutes, Mr. Heilbrunn, if you don't mind.  
 5 MR. HEILBRUNN: Yes, sir.  
 6 THE CHAIRMAN: Mr. Heilbrunn, we're  
 7 ready.  
 8 MR. HEILBRUNN: Thank you, sir. Good  
 9 evening.  
 10 THE CHAIRMAN: Make sure you talk into  
 11 that microphone.  
 12 MS. PIGNATELLI: Notices are in order  
 13 for this application.  
 14 MR. HERBERT: Mr. Heilbrunn, before we  
 15 start, I know you have a number of witnesses. If  
 16 you could just give us a list and I can allow you to  
 17 go right in without being stopped.  
 18 MR. HEILBRUNN: Thank you, Mr. Herbert.  
 19 My initial question is are there exhibits that the  
 20 Board has that it wishes to mark sequentially into  
 21 evidence.  
 22 MR. HERBERT: Everyone sees this  
 23 wonderful spiral bound document.  
 24 THE CHAIRMAN: By the way, Mr.  
 25 Heilbrunn, thank you very much for this. Makes it

1 much easier.  
 2 MR. HEILBRUNN: It is our pleasure, sir.  
 3 MR. HERBERT: And this be marked into  
 4 evidence as A-1, and also, Mr. Heilbrunn, I forgot  
 5 to ask you about this. It looks like we're going to  
 6 be doing a PowerPoint presentation?  
 7 MR. HEILBRUNN: That is correct, and  
 8 we've prepared a copy of it and given it to Miss  
 9 Pignatelli and asked that it be marked as Exhibit  
 10 A-2.  
 11 MR. HERBERT: Okay. Thank you very  
 12 much. Any other exhibits I should be worrying about  
 13 right now?  
 14 MR. HEILBRUNN: At the moment, no, sir.  
 15 (Site plan presentation marked A-1 for  
 16 Identification)  
 17 (PowerPoint presentation marked A-2 for  
 18 Identification)  
 19 MR. HERBERT: All right, and you have  
 20 witnesses.  
 21 MR. HEILBRUNN: We do. We will be  
 22 presenting the testimony this evening, sir, of Mr.  
 23 David Minno, who is an architect and a planner.  
 24 MR. HERBERT: If you could spell his  
 25 last name.

1 MR. HEILBRUNN: M-i-n-n-o. Miss Lorali  
 2 Totten, of Crest Engineering, who is our site  
 3 engineer; Mr. Jay Troutman of McDonough & Rea, who  
 4 is our traffic engineer; and we have additionally  
 5 with us an engineer named Kenneth Justice, whose  
 6 testimony I do not plan on putting forth, but he is  
 7 here because he is an expert in porous pavement and  
 8 porous concrete, and to the extent that the Board  
 9 may have questions relating to that part of our  
 10 construction process, Miss Totten may then choose to  
 11 defer to Mr. Justice as that is his particular field  
 12 of expertise, and he is here and available to  
 13 testify in the event that there are any questions  
 14 relating --  
 15 MR. HERBERT: Is Mr. Justice a member of  
 16 Crest Engineering or --  
 17 MR. HEILBRUNN: No, he is not.  
 18 MR. HERBERT: Who is he with? Is he on  
 19 his own?  
 20 MR. HEILBRUNN: PCA Northeast, which is  
 21 the Cement Shipper's Association.  
 22 MR. HERBERT: Okay. Anybody else?  
 23 MR. HEILBRUNN: That is the extent of  
 24 the witnesses we intend to produce this evening,  
 25 sir.

1 MR. HERBERT: All right, and with your  
 2 permission, Mr. Chairman, I'd like to swear in all  
 3 the witnesses, including Mr. Peters and Mr. Cramer,  
 4 our engineer and our planner.  
 5  
 6 RICHARD CRAMER, sworn.  
 7 ERNEST PETERS, sworn.  
 8 DAVID MINNO, sworn.  
 9 LORALI TOTTEN, sworn.  
 10 KENNETH JUSTICE, sworn.  
 11 MR. HERBERT: All have sworn for the  
 12 record, Mr. Chair.  
 13 THE CHAIRMAN: Thank you, Mr. Herbert.  
 14 Mr. Heilbrunn.  
 15 MR. HEILBRUNN: Thank you, sir. To the  
 16 extent that the members of the Board have reviewed  
 17 the reports of T & M and CME, they have exactly and  
 18 eloquently outlined -- they have exactly and  
 19 eloquently outlined for you the nature of this  
 20 application so I will be as brief as -- I will be  
 21 briefer than brief in telling you that this is an  
 22 application that we are presenting to the Board for,  
 23 although not formally a redevelopment site, for the  
 24 redevelopment of an existing building and in  
 25 addition to that building and an outdoor patio area

1 as part of that building on the first building that  
2 one sees on the right as one proceeds northerly on  
3 U.S. Highway 9 at the entrance to this municipality.  
It is a building that has historically been used for  
5 office and warehouse purposes. It has outlived  
6 those purposes. It is in need of rehabilitation,  
7 and we plan on developing it on the 9 point some odd  
8 acres on which it sits as a recreational facility  
9 consisting of bowling alleys, restaurants, cocktail  
10 lounges, as an entertainment center including  
11 amusements and an arcade.

12 We have identified as part of this  
13 application 10 variances and one waiver that have  
14 also been exactly set forth in the CME and T & M  
15 reports. Those we believe are minor in nature.  
16 They are occasioned by the existing building, the  
17 existing parking, the existing proximity to wetlands  
18 and a stream corridor. To a great extent we are  
19 minimizing some of the variances that presently  
20 exist. We have identified one waiver as part of  
21 this application, all of which will be elaborated  
22 upon in the testimony of Mr. Minno and Miss Totten.

23 The site is unusually configured. It is  
24 adjacent to lands that are bound to be farmland  
25 forever, preserved farmlands or wetlands, and we

1 believe that this proposed application is  
2 significantly in keeping with Marlboro's community  
3 vision plan, which it has adopted as part of its  
4 master plan. We believe that if you go through the  
5 vision plan -- and I've had the opportunity to read  
6 it at length, as has Mr. Minno, that we can identify  
7 8 to 9 or 10 areas that if you read the vision plan,  
8 you would think, my goodness, they were talking  
9 about this piece of property.

10 So we are seeking a preliminary and  
11 final site plan approval from this Board with one  
12 waiver, several bulk variances, and we believe that  
13 you will find it in keeping with your master plan  
14 and that it represents a substantial benefit to the  
15 community both in terms of aesthetics and in terms  
16 of the ratable that it will provide.

17 So if I may at this time, Mr. Chairman,  
18 I would like to call Mr. Minno as our first witness.

19 THE CHAIRMAN: That would be fine, Mr.  
20 Heilbrunn.

21 MR. HEILBRUNN: Thank you, sir.

22  
23 D A V I D M I N N O,

24 DIRECT EXAMINATION BY MR. HEILBRUNN:

25 THE CHAIRMAN: Mr. Minno, if you could

1 just give me a little bit of your background.  
2 THE WITNESS: Sure. My name is David J.  
3 Minno, M-i-n-n-o, and I'm a principal with Minno &  
4 Wasko Architects and Planners 80 Lambert Lane,  
5 Lambertville, New Jersey. We are a firm of about 40  
6 architects and planners, and I've been registered as  
7 an architect since 1979. I'm a professional  
8 planner, as well, and I'm registered in five other  
9 states. I have a master in architecture from the  
10 University of Pennsylvania in Philadelphia.

11 THE CHAIRMAN: We'll accept your  
12 credentials.

13 THE WITNESS: Thank you very much.

14 MR. HEILBRUNN: Thank you, Mr. Chairman.

15 Q. Mr. Minno, you have prepared a  
16 PowerPoint presentation; is that correct?

17 A. Yes, it is.

18 Q. And that has been marked as Exhibit A-2  
19 in evidence?

20 A. That's correct.

21 Q. Okay. Because of the acoustics in this  
22 room, while you are standing over on that side of  
23 the room, although the microphone may help the Board  
24 hear you, may I ask that you speak loud enough so  
25 that our stenographer can also record your

Minno - direct

1 testimony.

2 A. Certainly. Okay. What we're talking  
3 about tonight is Block 299, Lots 110 through 113,  
4 and this is a 9.27-acre parcel of land shown here on  
5 the screen. This is an exhibit prepared by my  
6 office. The rendering of the site, itself, was  
7 prepared by Crest Engineering and cut into an aerial  
8 photograph to give you some context of the area.

9 Q. Mr. Minno, not to interrupt you, but  
10 that would be found on page 28 of Exhibit A-1 in  
11 evidence.

12 A. To locate everyone, north is to the left  
13 on this particular exhibit. Route 9, of course,  
14 runs north/south. The township line between  
15 Manalapan and Marlboro runs right through here so  
16 Manalapan would be on the south side and obviously  
17 Marlboro on the north side. There's a small corner  
18 of our site, approximately .2 acres, which is in  
19 Manalapan Township. Across from us is the Covered  
20 Bridge project. There's also the Pine Creek Square  
21 Mall, which is located here, Marlboro Self-Storage,  
22 a restaurant, a large residential development,  
23 single-family homes here. Pinos Restaurant is  
24 directly to the north of our site, and to give you a  
25 little bit of context, this portion of our site is

1 currently the Avis rental site in that location.  
 2 And our site, the subject of the  
 3 application, was pre-existing, as was mentioned, as  
 4 an office building essentially in this northwest  
 5 corner of the building. It was essentially a  
 6 two-story office structure, and remaining buildings  
 7 around -- built around that were warehouse space and  
 8 were built in pieces over time. So that's really  
 9 what exists. I'll give you some square footages in  
 10 a minute, but what exists and what we're building.

11 But I wanted to just introduce this  
 12 project by saying that this is a very exciting smart  
 13 growth redevelopment plan even though it's not  
 14 technically a redevelopment zone for an adaptive  
 15 reuse of existing structures within the C-3 zone of  
 16 Marlboro for an entertainment center. The uses are  
 17 permitted, and the arcade portion of our use is a  
 18 conditional use, which we'll talk more about later.  
 19 This is the type of growth that the state and many  
 20 townships are embracing. Services to the site are  
 21 already there, and this is a way to put a site  
 22 that's no longer usable for its original constructed  
 23 use back into a strong ratable position for Marlboro  
 24 Township.

25 As Jonathan already mentioned, I have

1 reviewed in detail the community vision plan of  
 2 February 2010, which was an amended part of the  
 3 master plan for Marlboro Township, and I found  
 4 several sections that refer to what we're doing  
 5 here. Page 72 talks about site along Route 9, sites  
 6 along Route 9 should be redeveloped into places  
 7 people would want to patronize. Well, this is  
 8 certainly going to be a place that people will want  
 9 to patronize. Page 77, green design and  
 10 construction strategies are encouraged. I'll get  
 11 into this in a little more detail, and Lorali will  
 12 talk about it especially in relation to our storm  
 13 water design. And page 85 identifies a lack of  
 14 unique and attractive local commerce. This is --  
 15 and I'll show you in a minute the existing  
 16 conditions photos. This is not an attractive use  
 17 right now as a gateway site into Marlboro.

18 Page 89, encourage properly designed  
 19 commercial development, and also on page 89, create  
 20 attractive gateways, entrances, to identify the  
 21 township signage and new innovative buildings.  
 22 There is a sign that's actually located in Manalapan  
 23 right about at this point where the stream crosses  
 24 underneath the road as part of our development.  
 25 It's a Welcome to Marlboro sign on the northbound

1 lane of Route 9. We'll be rebuilding that sign in a  
 2 much more visible better format. It's not a subject  
 3 of this application because it's in Manalapan, but  
 4 our commitment is to have an attractive entry sign  
 5 for the township, itself.

6 On page 90, it talks about exploring the  
 7 need for additional active recreation facilities,  
 8 and you'll see that even though this is an indoor  
 9 set of uses, there is active recreation going to be  
 10 provided here.

11 Page 92 talks about promoting -- promote  
 12 continued growth and development of the township  
 13 economic base. I'll go on to talk about the  
 14 community impact statement that we did, which shows  
 15 that this is a very tax ratable, very positive tax  
 16 ratable for the town. Again, strengthen the tax  
 17 base on page 92.

18 Page 92, encourage future commercial  
 19 business and economic opportunities to locate along  
 20 Route 9, very specifically Route 9.

21 Page 107, variety in creative detail and  
 22 design of commercial development, and I think you'll  
 23 see that the redesign of this building is very, very  
 24 creative and will be an exciting gateway project.

25 Let me show you a couple of images here.

1 This is an image of what you see where the two-story  
 2 office portion of the building is, and then the  
 3 building begins to break into warehouse space behind  
 4 these walls. This is a portion again seen from  
 5 Route 9, warehouse door and some rather small  
 6 windows and entry into the warehouse portion of the  
 7 site.

8 So we have a use that as you pass and  
 9 enter on Route 9 north in particular, also a traffic  
 10 signal heading south, you're looking at something  
 11 that's not very attractive right now.

12 This is a blowup of Crest Engineering's  
 13 landscape plan for the proposed uses, and it's  
 14 oriented a little bit differently. North is  
 15 actually shown here to the upper left of the  
 16 drawing, and this is Route 9 out in front. So this  
 17 again is the township line between Manalapan and  
 18 Marlboro. Our current building that exists on the  
 19 site is 58,764 square feet. The proposed structure  
 20 is 63,521 square feet so we have a net increase of  
 21 4,757 square feet, and I'll show you on this diagram  
 22 basically where that occurs. Basically, it's in  
 23 this area, most of which is paved. There's a  
 24 loading dock now, and we're showing a patio area  
 25 here. That's actually in an area -- there will be

1 an outdoor area, but it's actually an area that's  
 2 indoors now. It's a portion of the existing  
 3 building, and we're creating that as an outdoor  
 space off of one of the restaurant spaces.  
 5 Let me move to the first floor plan, and  
 6 again I'll just orient you. Route 9 would be  
 7 running left and right in front of the building.  
 8 The current two-story office space is located here.  
 9 This will get you into an understanding of the types  
 10 of uses that we're going to be having in the  
 11 entertainment center, and we think it has broad  
 12 appeal to current residents of Marlboro Township of  
 13 many ages and also people in surrounding townships.  
 14 MR. HERBERT: Mr. Minno, if you could,  
 15 if you could bring the package with you, just refer  
 16 to what page you're looking at there. I know this  
 17 is page 21 for everyone's reference. Just so the  
 18 Board can follow. We certainly would appreciate it.  
 19 THE WITNESS: Okay. I don't have that  
 20 with me.  
 21 MR. HERBERT: Maybe Mr. Heilbrunn.  
 22 MR. HEILBRUNN: That is page 21. I'll  
 23 try to do that.  
 24 MR. HERBERT: I really appreciate it  
 25 again for the record.

1 that entry that I just described will be on the  
 2 left-hand side of the building here coming into the  
 3 atrium. It's a two-story-high space above you.  
 4 I'll show you an interior rendering of what this  
 5 would look like as you enter that space, very, very  
 6 exiting, but to give you some of the uses, we have a  
 7 14-lane bowling alley located in the center, and  
 8 this is not your typical bowling alley where you  
 9 have league bowling and the like. It is what we  
 10 call entertainment type bowling, date night type  
 11 bowling, where there's a dining component to your  
 12 bowling and a lot of activity in terms of  
 13 interaction socially. So these -- this center  
 14 portion, our 14 bowling lanes, will have very  
 15 exciting projection screens above the lanes,  
 16 themselves. Off to the side here, we have the  
 17 smaller bowling area, which is more private party  
 18 bowling area, where there are four bowling lanes in  
 19 that area, as well as a small bar and a lounge area  
 20 in that location.  
 21 As you move to the center of the plan  
 22 directly in front of you, we come up a ramp to a  
 23 raised floor area where we have a sports bar in the  
 24 center with glass that looks out into the bowling  
 25 area and glass all along this corridor area. That

1 THE WITNESS: Okay. Our building -- and  
 2 let me go back, and actually one slide I want to  
 3 show you something that relates. We thought about  
 4 this long and hard how to enter this building, how  
 5 the public should enter this building.  
 6 MR. HEILBRUNN: And that landscaping  
 7 plan would be page 7 in the spiral bound edition.  
 8 THE WITNESS: Obviously, the building  
 9 fronts on Route 9, but as you look at the  
 10 development, our new parking, the bulk of the  
 11 parking is on the north side of the building, and we  
 12 have looked at locating the main entry to this  
 13 building right here for that reason, to make it  
 14 convenient to the patrons that are going to be  
 15 coming to this building, but we have some  
 16 architectural features that I'll show you that  
 17 really say where that entry is even as you're going  
 18 up and down Route 9 north and south.  
 19 MR. HERBERT: Board members, that's page  
 20 19 he has up right now.  
 21 THE WITNESS: I'm going to move to the  
 22 -- to the first floor plan, which I think you said  
 23 was page 28.  
 24 MR. HEILBRUNN: Page 21.  
 25 THE WITNESS: Twenty-one, sorry. So

1 particular sports bar has approximately 170 -- 176  
 2 seats in the dining area, 36 seats at the bar, and  
 3 there is a billiard table area, which has seating  
 4 around that, and there's an additional 36 seats  
 5 located there.  
 6 As you move past this center area right  
 7 here is actually restrooms and service and  
 8 mechanical. As you move further back in the plan,  
 9 through the yellow area here we come to another  
 10 restaurant, and this is a little bit different menu  
 11 than would be found in the sports bar, and there is  
 12 a small bar here for people waiting for a table, and  
 13 in this particular restaurant there's 108 seats  
 14 indoors, and there's 8 seats at this little bar and  
 15 32 patio seats. This is the area that currently is  
 16 building, and we're going to be removing a portion  
 17 of the building and creating that outdoor patio  
 18 there for summer evening dining.  
 19 As you come to the right off this  
 20 corridor toward Route 9, we have the arcade area,  
 21 and this has a separate entry, and that will become  
 22 important later when we talk about the hours of  
 23 operation, but in the amusement area, this is  
 24 12,766 square feet, and this includes an area on the  
 25 right-hand side here where we'll have a laser tag

1 area set up. Generally, this area is arcade games.  
 2 Here you see mini bowling, which is four small  
 3 bowling, roller ball bowling alleys for small  
 4 children, and then three party rooms, which are  
 5 located within that arcade area.  
 6 There are several restroom opportunities  
 7 in the site. There's one in the sports bar, one in  
 8 the restaurant, and then a major restroom facility  
 9 here, and a private restroom facility in the private  
 10 bowling area. I'll tell you a little bit because we  
 11 do have some minimal second floor space how we get  
 12 up there. We have a major stairway, which comes up,  
 13 an elevator located in this area. This is a very  
 14 beautiful feature in the building because there's  
 15 going to be a glass front in this corner, and you'll  
 16 be able to look through that glass and see the  
 17 monumental stairway proceeding up to a bridge, which  
 18 I'll point out on the second floor plan, which  
 19 actually comes over this space to get back to an  
 20 area in the back here.  
 21 One last thing on the plan. This is the  
 22 new area which is being built. This is kitchen area  
 23 and staff area, staff lounges and kitchen, storage  
 24 in that location.  
 25 THE CHAIRMAN: Mr. Minno, one second

1 families will want to use. You'll want to use it on  
 2 date night. It's just a wonderful opportunity to  
 3 create some entertainment within Marlboro.  
 4 This is the second floor plan.  
 5 MR. HEILBRUNN: That would be page 22.  
 6 THE WITNESS: Twenty-two. Again, Route  
 7 9 is running across the bottom of the page here.  
 8 The vertical circulation brings you up on the  
 9 bridge, which is this yellow portion of the plan.  
 10 So you're on a glass enclosed bridge looking down to  
 11 the sports bar area on this side, and then as you  
 12 get here, you're looking down into the 14-lane  
 13 bowling alley and you come into a lounge area, and  
 14 we're basically calling this a karaoke lounge.  
 15 That's going to be the focus of this. It will be  
 16 more of a nighttime use, and the lounge area with  
 17 the bar has an occupancy of 146 people with seating,  
 18 a very small stage area here, and then three private  
 19 karaoke rooms around the bar location in the center  
 20 of the plan. This area has separate restrooms,  
 21 which are located here, men's and women's rooms, and  
 22 will be close that, there's a door into that space.  
 23 We hope to have glass along this wall looking down  
 24 to the 14-lane bowling alley.  
 25 One other small area second floor space

1 just before you go on. I'd like to say for the  
 2 record that Councilman La Rocca, Council President  
 3 La Rocca has arrived.  
 4 THE WITNESS: The next drawing -- and  
 5 I'll need some help as to what page this is in the  
 6 book -- this is an interior -- page 8?  
 7 MR. HEILBRUNN: No, I don't think so. I  
 8 think that's page 25.  
 9 THE WITNESS: Twenty-five.  
 10 MR. HERBERT: Page 25.  
 11 THE WITNESS: Okay. This is an interior  
 12 rendering. This would be just as you come in that  
 13 door that's on the north side of the building, and  
 14 what you're looking at here is a reception area,  
 15 reception desk, the ramp up to the sports bar, which  
 16 is located in this glass box here. The bowling, the  
 17 entrance to the bowling and the private bowling  
 18 would be here. The main bowling area is here. Here  
 19 you see the vertical circulation of stairways coming  
 20 up around you to the bridge, which is taking you to  
 21 the upstairs lounge, and I'll show you where that is  
 22 in the plans in just a minute.  
 23 We're taking a space which is pretty  
 24 mundane office and warehouse space, and we're  
 25 creating a very exciting environment where we think

1 is the administrative office area. This will be  
 2 part of the office for the ownership of the facility  
 3 and conference room for internal meetings, but this  
 4 is not intended to be leased out to third parties.  
 5 This will be part of the management of this  
 6 facility, which will occur on the second floor here.  
 7 Let me move on. Let's get to what the  
 8 building is going to look like on the exterior.  
 9 Jonathan, help me out on this elevation. This is  
 10 the west building elevation.  
 11 MR. HEILBRUNN: It's either page 23 or  
 12 24.  
 13 THE CHAIRMAN: It appears to be 23.  
 14 THE WITNESS: Okay. The elevation on  
 15 the top of the sheet prepared by my office is the  
 16 elevation which faces Route 9. Obviously, this side  
 17 of it would be to the south, this one to the north,  
 18 and this portion of the building here is where the  
 19 arcade and laser tag area is. We don't really have  
 20 -- currently there's not many windows. They're very  
 21 low windows in that space, and we -- this is a space  
 22 where we don't need windows so we're really going to  
 23 redecorate this wall with a series of colored panels  
 24 in that particular location and show the name of the  
 25 facility, Day2Night, on that wall. This portion of

1 the building is a little bit forward on the site  
 2 plan from the rest of the building.  
 3 As you look at our main portion of the  
 4 building, this is a small tower element, which is  
 5 basically over that stairway area, and it's just a  
 6 cupola. It's an identification. It's a way to say  
 7 to people that the entry to the building is really  
 8 on this side of the building, and we want to make a  
 9 statement to that effect, and that is a fairly small  
 10 cupola, and I'll go into that in a minute in terms  
 11 of the height testimony on the building.

12 We also show that the building is  
 13 essentially going to be a combination of stucco  
 14 materials and metal panel and glass. Those will be  
 15 the main materials used in the construction of the  
 16 building, and you'll see a couple of wedge shaped  
 17 light monitors in two locations on the roof, and  
 18 these are dropping light down through the two-story  
 19 spaces into the sports bar here and into the lobby  
 20 area with this clerestory light behind.

21 The diagrams on the bottom are showing  
 22 two signs, two exterior signs, which are in  
 23 conformance with the sign ordinance. We're allowed  
 24 two signs of 140 square feet of sign area on each  
 25 side, and if you look at this dotted diagram around

1 The other two elevations, the east  
 2 elevation, is along that side of the building, which  
 3 is service oriented. This is our loading dock, and  
 4 then this is the small outdoor dining area where we  
 5 have French doors coming out to a dining terrace.

6 And then the south elevation.  
 7 Basically, nobody's going to see the south  
 8 elevation. It faces the wetland area, and it's  
 9 heavily wooded along that southern property line of  
 10 the site. So that's a fairly blank facade. It will  
 11 just be finished in new materials to match the other  
 12 sides.

13 We were asked by the professionals to  
 14 create a couple of views for you to see what the  
 15 building would look like from Route 9, and this view  
 16 is essentially taken from the traffic signal area  
 17 where the two jughandles occur. Looking into the  
 18 corner of our building, you'll see the main entrance  
 19 on the left toward the new parking lots. You see  
 20 our tower element. This is the glass stairway.

21 MR. HEILBRUNN: That would be page 26,  
 22 Mr. Chairman.

23 THE WITNESS: This is the second floor  
 24 office right here, and then the portion of the  
 25 building that projects toward Route 9 existing is

1 the sign pylon, that's 140 square feet. I do have a  
 2 perspective rendering coming up which shows you this  
 3 in three dimensions so it will be a little easier  
 4 for you to see that. We also show some up lighting  
 5 on the building on this facade wall. It will be  
 6 basically ground lighting, lighting up on the  
 7 building, and this particular fixture has the  
 8 ability to focus the light on the wall through some  
 9 blinders that won't let any light spillage occur.

10 The next elevation is --

11 MR. HEILBRUNN: Page 24.

12 THE WITNESS: Page 24.

13 MR. HEILBRUNN: The north building  
 14 elevation.

15 THE WITNESS: This shows the north  
 16 elevation. This is our main entry feature right  
 17 here where we're entering the building from the  
 18 parking lot. We do have a covered canopy, which is  
 19 actually has a little bit of movement to it, a  
 20 little squiggle to the edge of that roof, and it's a  
 21 slung canopy off the side of the building to provide  
 22 cover for people walking to the rear parking lot.  
 23 This major glass element is at the corner where that  
 24 stairway element is, and then our little cupola on  
 25 the roof is located there.

1 here. So obviously this is our new Day2Night sign,  
 2 which will be internally lit for this portion. We  
 3 hope to be able to change. See the little crescent  
 4 there? That will change color during the day from  
 5 more of the yellow color representing sunlight  
 6 during the daytime, and that will convert to more of  
 7 the blue color at night. So that's our intent for  
 8 that particular logo.

9 And then one more drawing. This is  
 10 taken -- Jonathan.

11 MR. HEILBRUNN: Page 27, Mr. Chairman.

12 THE WITNESS: This is taken looking from  
 13 south to north. There's currently an existing --  
 14 and Lorali will get into this, that there is an  
 15 existing drive comes into the property from the  
 16 southernmost edge of the property. That's that  
 17 driveway. There currently exists some parking in  
 18 this area, and we're going to continue that use in  
 19 this particular location, but this would be the wall  
 20 of the arcade. This glass here would be in that  
 21 corridor heading back to the arcade into the future  
 22 restaurant of the building, and again, you see the  
 23 small tower element.

24 So when you consider the -- one of the  
 25 questions your planner has asked is for us to give a

1 little bit of testimony on the height of the  
 2 building. We believe we conform to the ordinance,  
 3 and there is a -- there is a modification language  
 4 within the ordinance permitting additional height  
 5 for certain elements, and I can give you the  
 6 ordinance section in one second. Okay. It's  
 7 ordinance section 220-35(C)1, and this is height  
 8 locations and modifications, and like most  
 9 ordinances throughout the state, there are certain  
 10 items which are permitted to be higher than the  
 11 height, which in this case is 35 feet in the zone.  
 12 Items like skylights and cupolas are identified, and  
 13 there's a proviso in here that says: "Provided that  
 14 no such exception shall cover at any level more than  
 15 10 percent of the area of the roof or ground on  
 16 which it is located," and I can testify tonight to  
 17 you that the -- both the tower element and the two  
 18 clerestory light areas do not cover more than  
 19 10 percent of the building footprint. So we believe  
 20 that these fall within the exceptions that are  
 21 permitted in the height ordinance.  
 22 MR. PETERS: Mr. Chairman, if I might  
 23 just for clarity for the purposes of getting a  
 24 resolution done later, the Applicant to my knowledge  
 25 is not requesting any variance relief for signage.

1 would be great.  
 2 THE CHAIRMAN: Sounds like you have a  
 3 frog in your throat.  
 4 THE WITNESS: I believe you did receive  
 5 the community impact statement that we prepared.  
 6 You can feel free to look at that, but it was done  
 7 only for informational purposes, and I think it's  
 8 supportive in one sense of the vision plan, which  
 9 really does talk about boosting the economic  
 10 viability in particular of Route 9 in the township.  
 11 At this point, I'd be happy to take  
 12 questions on my testimony so far, and I'm going to  
 13 be back doing a little bit of wrap up on the  
 14 planning side.  
 15 THE CHAIRMAN: Any questions from the  
 16 Board?  
 17 MR. BARENBURG: I mean, not for me to  
 18 tell you how to do your business, but you want to  
 19 talk about your signage here is pretty much the way  
 20 you have it laid out. It shows one main sign on  
 21 Route 9, which I do believe is in Marlboro.  
 22 THE WITNESS: No, there's two actually.  
 23 Let me show you where they are. That's a great  
 24 question. There's one sign going to be located  
 25 right here, and right here is at the major

1 MR. HEILBRUNN: That is correct.  
 2 THE WITNESS: That's correct.  
 3 MR. PETERS: Thank you.  
 4 THE WITNESS: We believe that our signs  
 5 conform in all ways to the sign ordinance, and we've  
 6 given some more detail on the sheet that was  
 7 submitted.  
 8 Let me mention one other item before I  
 9 sit down. I'm going to come back and do a little  
 10 bit of -- on the planning testimony at the end, but  
 11 one of the things that my client asked me to do even  
 12 though it's not a requirement of this site plan  
 13 application is to give you a little bit of  
 14 information in terms of community impact on the  
 15 site, and that will be related to the tax ratable  
 16 situation for this project and just for information  
 17 purposes. The value of this property we estimate at  
 18 completion is approximately \$10,370,000, and what  
 19 will -- what that will generate for the town is in  
 20 excess of tax once you take out the costs that would  
 21 be associated for public services an annual tax  
 22 surplus of \$150,922 on an annual basis.  
 23 THE CHAIRMAN: Mr. Minno, can we offer  
 24 you a cup of water?  
 25 THE WITNESS: I'm sorry. Yeah, that

1 intersection toward where the two jughandles meet at  
 2 the traffic signal that currently exists on Route 9.  
 3 So there will be one sign located right there.  
 4 We have a second sign, which just  
 5 squeaks into Marlboro right in that little green  
 6 island right there. We want to get one at the  
 7 southern edge because people would come from south  
 8 to north on Route 9. It would be visible here.  
 9 MR. BARENBURG: And where on these -- I  
 10 don't see any signage on this building or anywhere  
 11 here stating what this building is. I was driving  
 12 up Route 9 and I looked at this, I would say, oh,  
 13 motel, no, Day2Night, yeah, it's a motel. There's  
 14 nothing there that says bowling alley, lounge, or  
 15 whatever you want to call it.  
 16 THE WITNESS: Right, and that's really  
 17 on purpose. In other words, we believe that this  
 18 will become a destination. I don't know whether  
 19 you've heard, and I'm not comparing our use to the  
 20 ones I'm going to describe to you, but something  
 21 similar but different is Lucky Strike, which is a  
 22 bowling venue that's a little bit more than your  
 23 typical league bowling. We're not Lucky Strike.  
 24 Another is Dave & Busters. I don't know whether  
 25 you've seen that chain in the region, but people get

1 to know those names as a brand.  
 2 MR. BARENBURG: I just want to make sure  
 3 there's not going to be more signage added later on.  
 4 THE WITNESS: That's not our intent. If  
 5 we needed to do that, we would certainly have to  
 6 come back in for approval.  
 7 MR. BARENBURG: Okay.  
 8 THE CHAIRMAN: Mr. Bergh.  
 9 MR. BERGH: You were mentioning the  
 10 amount of money for the new facility. Do you know  
 11 what amount of money is generated by the two uses  
 12 that are there now?  
 13 THE WITNESS: I don't.  
 14 MR. HERBERT: And again, that was for  
 15 informational purposes only. We cannot take it into  
 16 account.  
 17 MR. BERGH: No, I understand. It's just  
 18 he brought up it.  
 19 MR. HERBERT: It's an absolutely  
 20 legitimate question, but again, as far as approving  
 21 the project, we can only use it for informational  
 22 purposes.  
 23 MR. POLLAK: I have a quick question.  
 24 On page 21, it was a color rendering not to scale of  
 25 the bottom floor, and the next page is the top

1 comments?  
 2 THE WITNESS: I will be back if you  
 3 think of some more.  
 4 MR. PETERS: Mr. Chairman, I have a  
 5 quick question for the architect, and it may just be  
 6 -- it may be a drafting error, but it appears from  
 7 the first floor plan and the second floor plan the  
 8 only way to get to the second floor of the laser tag  
 9 is to go outside. Not sure if that was the intent,  
 10 but it looks on the first floor plan to get to the  
 11 stairwell for the second floor you have to walk  
 12 outside and then walk back inside, and the second  
 13 floor plan makes it appear that the only access to  
 14 the second floor is the stairwell.  
 15 MR. HEILBRUNN: Mr. Peters is referring  
 16 to pages 21 and 22.  
 17 MR. PETERS: I'm sorry.  
 18 THE WITNESS: That's a great question,  
 19 Ernie. Let me borrow my laser pen back. What's  
 20 going to occur, and it's not fully designed yet  
 21 because we haven't fully worked with the company  
 22 who's going to design the interior of the laser tag,  
 23 but there will be a series of platforms up in this  
 24 portion of the space that will have some internal  
 25 stairways off the ground to get to those areas, and

1 floor. I have concern that may be addressed later,  
 2 and just let me know if it will be. In the arcade  
 3 area, where there is the kids' party rooms and the  
 4 four mini bowling alleys, doesn't seem to be any  
 5 close restrooms. If you have a lot of little kids  
 6 in there, might be a good idea to just try to back  
 7 them up if possible to the restaurant restrooms that  
 8 are there. Laser tag is the same situation, also,  
 9 by the way.  
 10 THE WITNESS: All right. In this  
 11 particular location, one of the things we're trying  
 12 to be conscious of is not having any areas where it  
 13 would be too private, in other words, where things  
 14 could happen to small children, so we would actually  
 15 rather in this case have the children come out into  
 16 the main corridor and be in a more visible location  
 17 with a lot more people around than be possibly  
 18 tucked in the back corner of the arcade area. I  
 19 think we're just child conscious of wanting to be  
 20 overly safe for whatever may happen. So that was  
 21 the thinking behind that. We can certainly revisit  
 22 that to a degree, but I think we're trying to be  
 23 very safe about that.  
 24 Any other questions?  
 25 THE CHAIRMAN: Any other questions,

1 we have one required exit stairway from that upper  
 2 area that's required to get people out. Because of  
 3 the square footage we're not required two formal  
 4 means of egress, but we need one protective means  
 5 within an internal stair tower, so you're absolutely  
 6 right. You're not seeing the other way up yet, but  
 7 there will be probably a couple of ways up, a  
 8 stairway and maybe a ladder type of arrangement.  
 9 MR. PETERS: Again, just as when we  
 10 discuss the safety of children in that area, not  
 11 wanting to have dark, dank places, this is sort of  
 12 the no-man's land outside.  
 13 THE WITNESS: That's really a fire  
 14 stair. It's not intended to be a main way up to  
 15 that location.  
 16 MR. PETERS: Thank you.  
 17 THE CHAIRMAN: Thank you, Mr. Minno.  
 18 MR. HEILBRUNN: Mr. Chairman, I will  
 19 subsequently recall Mr. Minno as our planning  
 20 witness with regard to some of the variance issues,  
 21 which Miss Totten will deal with during the course  
 22 of her testimony. So if I may at this time, I'd like  
 23 to call Miss Totten.  
 24  
 25

1 LORALI TOTTEN,  
 2 DIRECT EXAMINATION BY MR. HEILBRUNN:  
 3 THE CHAIRMAN: Good evening.  
 4 THE WITNESS: Good evening. It's been a  
 long time.  
 6 THE CHAIRMAN: It's been a while.  
 7 Welcome back.  
 8 THE WITNESS: Thank you. I think I will  
 9 dispense with describing the location of the site.  
 10 Mr. Minno did an excellent job.  
 11 THE CHAIRMAN: Mr. Herbert reminds me  
 12 that even though you've testified before the Board,  
 13 we do need to requalify you, so quickly if you  
 14 would, please.  
 15 THE WITNESS: Yes. I graduated from  
 16 Lehigh University in 1977. I obtained my  
 17 professional engineering license in 1983, my  
 18 professional planning license in 1986, and I have  
 19 been working at six firms over the course of time,  
 20 Crest Engineering for the last almost 17, where I am  
 21 now a principal.  
 22 MR. HERBERT: Is your license still  
 23 valid?  
 24 THE WITNESS: I don't think they took it  
 25 away.

1 MR. HERBERT: Okay.  
 2 THE CHAIRMAN: We're fine.  
 3 THE WITNESS: Thank you. As I was  
 4 saying that I will skip the general part of my  
 5 testimony where I describe the site since Mr. Minno  
 6 did such an excellent job. I'll jump right in to  
 7 the existing conditions on the site. It is  
 8 9.27 acres, and Manalapan's property is .22 acres.  
 9 I am going to leave that out of my testimony because  
 10 we are not proposing any improvements on that  
 11 property at all. I'm going to refer to probably my  
 12 display, which is on a board. I know a little old  
 13 fashioned. It is -- I think it's sheet number 19 in  
 14 your booklet.  
 15 THE CHAIRMAN: Lorali, could we -- as  
 16 we're doing this, can we kind of work through  
 17 Laura's report?  
 18 THE WITNESS: Yes.  
 19 THE CHAIRMAN: So that we, you know,  
 20 deal with everything at one time.  
 21 THE WITNESS: Yes. I could just -- I  
 22 have my outline kind of based on that report so I  
 23 could kind of work through that. I just wanted to  
 24 give a general description of the existing  
 25 conditions and then very basic about the landscaping

Totten - direct

1 and lighting because there are very few comments  
 2 with regard to those areas.  
 3 THE CHAIRMAN: Excellent.  
 4 THE WITNESS: Okay. So basically I'm  
 5 starting -- my display is page 19, and also I'm  
 6 going to look at -- I need to look at table of  
 7 contents here. There is -- where is it? I don't  
 8 see it. Oh, page 20 is the other one I'm going to  
 9 be referring to. So page 19 is the landscaping  
 10 plan, and as was pointed out, Route 9 is over on the  
 11 left-hand side and north is kind of going towards  
 12 the right. We rotated it to blow it up and give the  
 13 best view.  
 14 Under existing conditions, there is --  
 15 and there is an existing parking lot behind the site  
 16 that Mr. Minno spoke about. Also, if you look at  
 17 page 20, that has the Route 9 along the bottom. It  
 18 also shows the existing configuration, the parking  
 19 lot, the Avis building to the left with this parking  
 20 lot and stone area behind it, as well as the  
 21 configuration of the existing intersection.  
 22 Basically, the site drains from north to  
 23 south. The back portion of it, a large part along  
 24 the southern border, is wetlands. There is a  
 25 tributary to the Pine Brook that runs generally

Totten - direct

1 along the southern property line, loops out into the  
 2 preserved farmlands next door, and goes under a  
 3 culvert that is right at the Manalapan border.  
 4 That's basically the existing conditions.  
 5 The rear part is wooded. There is a  
 6 swale that was designed when they built the second  
 7 portion of the site that separates most of the  
 8 occupied land from the unoccupied wooded land, and  
 9 that swale is a wetland ditch, and it's the dividing  
 10 point for a lot of the environmental issues.  
 11 Under proposed conditions, the  
 12 circulation is a little bit different. I'm sure Jay  
 13 Troutman will go through this, but there are four  
 14 access points currently. The proposed reduces those  
 15 to three access points. The Manalapan access  
 16 remains unchanged. The access point that is on the  
 17 ramp to the traffic light is eliminated, and there  
 18 were two beyond to the north of the ramp. They were  
 19 combined -- there are still two there. One is an in  
 20 and out, and then there is another one that becomes  
 21 part of the ramp configuration that Jay will speak  
 22 about more completely. What we did was we  
 23 originally had a two-way circulation across the  
 24 front. Now it is one way in from the southern  
 25 entrance in Manalapan through the site.

1 Additionally, you can come in at the traffic light  
2 and come into the site. You can -- from the ramp  
3 and come in. You can also leave in that direction,  
4 and you can come and you can leave at the northern  
5 entrance.

6 We've proposed to expand the parking lot  
7 into the upland portion of the currently wooded area  
8 as well as expand and redesign the parking from the  
9 site over towards where the old Avis building is  
10 now. That's basically the proposed configuration.

11 We have designed -- let me see what  
12 exhibit it is -- a lighting plan, which is page 9,  
13 and it meets the requirements of the ordinance  
14 providing lighting that lights the parking lot with  
15 a minimum of I think .3, and I forget what the  
16 maximum is, but it does not exceed the average  
17 maximum lumens, and there's also -- there is  
18 actually no existing lighting in the parking lot so  
19 we provided it throughout the entire parking lot, as  
20 you can see if you look at page 9 of the exhibit.

21 As you can see from the landscaping  
22 plan, which is page 19, the exhibit, we have  
23 provided a number of trees throughout the parking  
24 lot and the islands. There is shrubs and foundation  
25 plantings around the edge of the building. In an

1 THE WITNESS: We are on item 10, 10B I  
2 guess, or 10 -- sorry, not 10B, 10C, truck turning  
3 exhibits. The ones the items I'm skipping are items  
4 that either somebody else covered or will be  
5 covering, such as the traffic analysis.

6 THE CHAIRMAN: Everyone is still turning  
7 pages so we need to kind of figure out.

8 Q. Lorali, can you refer to the CME --

9 A. Yeah.

10 Q. -- letter of November 23, 2010?

11 MR. HERBERT: That would be 8C on page  
12 5.

13 THE WITNESS: I'm sorry, 8C, page 5. I  
14 apologize.

15 MR. HERBERT: No problem.

16 THE WITNESS: And we are looking at  
17 exhibits page 15 and 16. One exhibit, which is page  
18 15, is the exhibit showing how a single unit  
19 vehicle, which is a truck that's not articulated,  
20 about 30 feet long, accesses the site and traveling  
21 through the site to get to the unloading area in the  
22 rear of the site, and the comment was we did not  
23 show it coming back out. We can add that, but the  
24 radius, the turning radiuses at the exit are  
25 35 feet, and a vehicle such as this has an inside

1 area at the crux of the one-story and the two-story  
2 building, there was pavement there; now there's  
3 going to be a landscaped area with walkways leading  
4 you along the cars. There's also more ground shrubs  
5 and low plantings along the front of the property  
6 than are there now, and there are no trees at all in  
7 the current parking lot, and this provides islands  
8 with trees in it.

9 There are -- what I'd like to do is go  
10 through all the variances at the end if that's okay  
11 with you. It's kind of in keeping with I think the  
12 way the letter goes. So you can -- and the  
13 landscaping plan has been reviewed. We've addressed  
14 most of the comments. There's a couple of  
15 housekeeping items with regard to some details, but  
16 it's the species and the amounts I believe are  
17 approved or acceptable in terms of the review  
18 letter.

19 If I go in order of the review letter,  
20 the next item to discuss would be vehicle access,  
21 truck turning. I'll go through this briefly, but  
22 Jay may speak to it more completely. We did two  
23 exhibits, which are --

24 THE CHAIRMAN: Where are we in the  
25 report Lorali; do you know?

1 turning radius of 30 feet so there's adequate curve  
2 on the exit for it to leave.

3 THE CHAIRMAN: Fire equipment. I don't  
4 see a report from John Borden.

5 THE WITNESS: There is a report from  
6 John Borden. He did not review the current plan.  
7 He reviewed the previous plan, and his only comments  
8 that I believe were he wanted two fire hydrants  
9 added, which we did add to the plans. He did not  
10 have any comments with regard to emergency vehicle  
11 access, and he also did not have any comments about  
12 parking against the building, which is a variance.  
13 There is some proposed. There is existing parking  
14 now there.

15 MR. ROSENWALD: Excuse me, Mr. Chairman.  
16 Do you show the fire hydrants on your latest plan?

17 THE WITNESS: Yes, I do. There is -- he  
18 asked me to put one near where the sprinklers were  
19 going to be, which is in the maintenance room in the  
20 front corner, and he asked me also to put one in the  
21 rear, and it's in this island back here.

22 MR. ROSENWALD: I saw those. Thank you.

23 THE WITNESS: You're welcome.

24 MR. BERGH: Did you address item 1,  
25 Lorali?

1 THE WITNESS: Can you tell me --  
 2 MR. BERGH: The north and east sides of  
 3 the building should be designated no parking, fire  
 zones, and duly marked so it can be enforced.  
 5 THE WITNESS: We will do that. We  
 6 didn't get the letter until after we made the last  
 7 set of comments.  
 8 MR. BERGH: Dated October 7.  
 9 MS. PIGNATELLI: John did not send that  
 10 up to my office until November 17.  
 11 MR. BERGH: Oh, I see the date stamp.  
 12 I'm sorry. Okay.  
 13 THE WITNESS: I had called him. That's  
 14 how I knew how to add the fire hydrants.  
 15 MR. BERGH: Basically, all three items,  
 16 you are going to conform to all three items in Mr.  
 17 Borden's report?  
 18 THE WITNESS: Yes.  
 19 MR. BERGH: Okay.  
 20 THE WITNESS: So the SUV -- I'm sorry --  
 21 the SU plan shows how an SU, which is a standard  
 22 type of truck that will enter the site, gets to the  
 23 rear of the building where there is a turn-around  
 24 area and unloading/loading dock. This is how -- I  
 25 believe these are going to be coming to the building

1 old police barracks is or are, was, and I saw three  
 2 50-foot tractor trailers pull through the  
 3 left-hand-turn lane, make a 90-degree turn, and then  
 4 immediately on the other side of Route 130 turn  
 5 right into the old police barracks there, and they  
 6 stayed within their lane lines, didn't cross over  
 7 any, so I know that this truck will be able to turn  
 8 into the facility with no issues, and while it does  
 9 show slight conflicts with some of the curbs, I  
 10 don't believe the trucks will have any of those  
 11 issues, and I would be willing to work with CME if  
 12 we need to flatten any of our curbs a little bit,  
 13 and I hope that addresses all the comments that were  
 14 in the letter with regard to the truck turning,  
 15 which is --  
 16 MR. POLLAK: I have a question regarding  
 17 the truck radiuses. Page 16 in the spiral bound  
 18 thing, the WB-50.  
 19 THE WITNESS: Yes.  
 20 MR. POLLAK: My business puts me in  
 21 contact with a lot of tractor trailers. Most of  
 22 them are 52 to 53 feet long, and then you have the  
 23 length of the actual cab or tractor, so to speak.  
 24 So we're looking at significantly more than 50 feet,  
 25 maybe just 2 or 3 with the trailer, itself, but if

1 up to around two times a week, and they will be  
 2 scheduled to come and drop off and pick up between 9  
 3 and 11, and the facility opens at 11 so they will  
 4 not conflict with patrons.  
 5 Q. That would be 11 a.m.; is that correct?  
 6 A. Yes, correct, I'm sorry, 9 o'clock in  
 7 the morning and 11 o'clock in the morning.  
 8 Q. And the Applicant as the owner and  
 9 operator of the premises controls truck delivery  
 10 times?  
 11 A. That's correct. We also prepared a  
 12 tractor trailer SU WB-50, a trailer vehicle that's  
 13 50 feet long exhibits, to show how this vehicle  
 14 could enter the site, and the AutoTURN program that  
 15 we use to generate these are very conservative. I  
 16 was not able to make the vehicle turn in the space  
 17 that's available for the truck, the smaller truck,  
 18 so it would have to back into the parking lot, but  
 19 again, it's not going to conflict with patrons  
 20 because the times for delivery will be between  
 21 9 a.m. and 11 a.m. before there are patrons at the  
 22 facility. So -- and just for the record, I was  
 23 waiting at the traffic light outside my house, a  
 24 little ways from my house at the intersection of  
 25 Route 130 and Old Cranbury Road, which is where the

1 something is pulling it, we could be looking at 60,  
 2 70 feet. Will those types of vehicles be able to  
 3 fit?  
 4 THE WITNESS: I can -- I believe they  
 5 will, maybe not the 67-foot-long trailers because  
 6 those are very long, but I was informed by my client  
 7 that they receive deliveries from the shorter  
 8 delivery trucks, tractor trailer trucks, not the  
 9 very, very large ones.  
 10 MR. POLLAK: How would your client  
 11 attempt to control that, because I don't know that  
 12 that is something that you can do. If you need a  
 13 delivery, you need a delivery. If it's a 52-foot  
 14 trailer, that's what we're going to stick it in. If  
 15 it's a shorter trailer, that will certainly work,  
 16 but I don't know that you'll be able to or your  
 17 client will be able to control what vehicles will be  
 18 used for delivery. Certainly, as I'm sure anyone  
 19 understands, any type of delivery off of Route 9  
 20 would be unacceptable on this plan. So I'd just  
 21 like to know how we're going to handle it. It seems  
 22 like with all of the acreage that's there, something  
 23 could be designed to accommodate a worst-case  
 24 scenario, and if we're still not breaking ground and  
 25 doing site work yet, I think now is the time to

1 address what ifs rather than after we're stuck with  
 2 what do we do now that this big trailer is here.  
 3 THE WITNESS: I will be happy to take a  
 4 look at the larger vehicles. Again, there is -- as  
 5 you pointed out, there's a lot of acreage here, and  
 6 the vehicle will be coming into the site when there  
 7 are no patrons there. So in the emergency of a very  
 8 large vehicle, they would be able to cross over into  
 9 the parking spaces, as well. So I don't believe  
 10 that it is a problem, but I would be more than happy  
 11 to take a look at it and provide documentation.  
 12 MR. POLLAK: Thank you.  
 13 THE WITNESS: You're welcome. I think  
 14 specifically with regard to -- I'm on the next item  
 15 on that same page, special events. I believe Mr.  
 16 Minno implied it, but he didn't actually say that  
 17 there will be no special events such as bowling  
 18 leagues. I think that was what that item referred  
 19 to.  
 20 The next group of comments are with  
 21 regard to the storm water management system that  
 22 we're proposing so I think at this time it's  
 23 appropriate to speak about that a little bit. As  
 24 Mr. Minno said, I'm pretty excited about this  
 25 project, myself, not from as much of an

1 THE WITNESS: Well, if you disturb more  
 2 than a quarter -- if you increase the impervious  
 3 coverage by more than a quarter acre and disturb  
 4 more than an acre, you're automatically a major  
 5 project, and you need to comply with all of the new  
 6 -- newer 2007 storm water management requirements.  
 7 MR. HERBERT: And just for the Board if  
 8 you could quickly quickly go through the phase 2  
 9 storm water regulations --  
 10 THE WITNESS: Right.  
 11 MR. HERBERT: -- compliance.  
 12 THE WITNESS: It's the storm water  
 13 management system must be able to control the peak  
 14 rate of runoff for quantity to cut back those rates  
 15 to -- for the 2, 10, and 100 to 50 percent of  
 16 existing, 75 percent of existing, and 80 percent of  
 17 existing. You must also control soil erosion and  
 18 control any sediment so that the sediment does not  
 19 leave the site, which is done through obtaining a  
 20 Freehold Soil certification. You must also control  
 21 the water quality by reducing the potential total  
 22 suspended solids by 80 percent. And lastly, you  
 23 must infiltrate where possible to maintain the  
 24 average annual infiltration into the ground water  
 25 recharge.

1 architectural point of view, but this allows me to  
 2 design a drainage system that's not as common yet  
 3 but I think has a lot of potential in New Jersey.  
 4 What we did was to use pervious concrete  
 5 with stone under it as the drainage structure. The  
 6 standard drainage is -- consists of a way of  
 7 conveying it from the parking surface into pipes and  
 8 then into some kind of volume where the water is  
 9 controlled, and generally speaking, it enters the  
 10 system through inlets and pipes into either an above  
 11 ground or below ground drainage system.  
 12 I'm going to refer again to sheet I  
 13 think this was 20, my existing and proposed pavement  
 14 layout plan. So what we've done is this entire gray  
 15 portion of parking lot, the new portion, is all  
 16 going to be pervious concrete. That will act as the  
 17 inlet to allow the water to go through the pervious  
 18 concrete down into the stone volume below, which is  
 19 where the storage is provided, and then the water  
 20 would then flow along the stone bottom into a pipe  
 21 system at the end, which has control structures on  
 22 it. So --  
 23 MR. HERBERT: Lorali, is there a  
 24 requirement for phase 2 storm water on this being an  
 25 existing site or -- what's the requirement on this?

1 I'll take the simplest one last --  
 2 first, and that is that the soils that are under  
 3 almost all of site except for the Avis property are  
 4 not very permeable soils, and they fall into the  
 5 category where no infiltration or ground water  
 6 recharge is required. The Avis portion of the site  
 7 has better soils, and ground water recharge is  
 8 required for that site. We -- the peak rate of  
 9 runoff that you have to control is only that from  
 10 the new. You're allowed to leave the peak rate of  
 11 runoff from the existing as it is now. So  
 12 basically, we are taking the runoff that falls onto  
 13 the new pavement that's shown in gray on this, and  
 14 it goes through the pervious concrete, which acts as  
 15 a filter and removes that, and the state has said  
 16 it's good for the 80 percent so we automatically get  
 17 the 80 percent total suspended solids by going  
 18 through the surface of the concrete, and then you  
 19 get the volume control by having storage in the  
 20 stone below. We assume an 80 percent -- sorry -- a  
 21 40 percent void ratio in the stones, and at the  
 22 lower end of the parking lot, there is a standard  
 23 pipe system with special inlets that have the outlet  
 24 control structure in them. Then the pipes are all  
 25 aligned and combined to outfall through a pipe down

1 to the tributary of the Pine Brook, which is located  
2 in that area of the swale that was constructed years  
3 ago to drain the existing parking lot. There is a  
4 swale -- and now I'm looking at 19 again -- located  
5 right in this area to the east of the existing  
6 building.

7 So that's the drainage system. The  
8 functionality has been tested over the years. With  
9 minimal vacuuming or power washing, the surface of  
10 the concrete retains its ability to allow the water  
11 to fall through it. It actually has been tested.  
12 There is a big testing site up in Edison at the EPA  
13 test site, and they determined that it has a  
14 permeability of 1,200 inches per hour, which is  
15 pretty incredible. So even if it wasn't cleaned  
16 exactly as it should be, it would still have a high  
17 permeability rating.

18 We did provide, especially because this  
19 is somewhat new, we provided overflow protection  
20 along the southern portion of the parking lot. The  
21 outlet control structures are actually inlets. So  
22 if for some circumstance that I can't even imagine,  
23 the parking lot or portions of it became impervious,  
24 there's a 1 percent or half percent cross-slope, and  
25 the water would enter the system through the inlets,

1 swale, but that will now mostly be landscaped areas.

2 MR. BARENBURG: So we're not decreasing  
3 or increasing the runoff on the existing pavement.

4 THE WITNESS: That's correct. The only  
5 caveat to that is the existing pavement at the Avis  
6 portion is actually going to be removed and replaced  
7 with pervious so you have an area that had no water  
8 quantity or quality control that is now receiving  
9 water quality and quantity control.

10 MR. BARENBURG: So when you do the total  
11 calculation of 80 percent runoff of existing, by  
12 doing this, you still come up under the BMP numbers  
13 that are necessary?

14 THE WITNESS: Yes, yes, and I want to  
15 tell you I had a meeting at DEP yesterday to go over  
16 my system because it is a little bit new and the  
17 reviewers down there are not used to looking at this  
18 type of system. Generally speaking, when you go to  
19 DEP, they don't really give you a very solid answer,  
20 and you come away thinking, okay, I guess I can do  
21 that. I had a great meeting with them. I met with  
22 Sandy Blick, who is the person who's been -- I  
23 believe she's one of the main people that prepares  
24 the BMP manual, and the reviewer for Monmouth  
25 County, which is Michael Alemzadeh, and we discussed

1 go back into the stone, and then go through the  
2 outlet control structure. I can't envision when  
3 this would be needed, but I guess this is why we  
4 also put emergency spillways on standard detention  
5 basins.

6 MR. BARENBURG: Can I ask you a question  
7 on that real fast?

8 THE WITNESS: Yes.

9 MR. BARENBURG: You mentioned the  
10 existing parking facility, the drainage on that's  
11 not changing; am I correct?

12 THE WITNESS: That's correct.

13 MR. BARENBURG: Wasn't -- when you're  
14 removing that swale that was behind it, wasn't that  
15 the drainage for the existing parking?

16 THE WITNESS: We're not changing most of  
17 the existing parking; however, we are adding inlets  
18 along the edges to pick up the runoff from that  
19 existing parking lot.

20 MR. BARENBURG: So now instead of it  
21 going into the swale, you're actually having it go  
22 into the pipes.

23 THE WITNESS: It's going into pipes, and  
24 the swale is going to remain on top so any of the  
25 surface runoff that gets there can still use the

1 the entire system just as I described to you but a  
2 little bit more technical, and it was a very good  
3 meeting. They -- Sandy, who is the actual person  
4 that promulgated the rules, said to Michael, yes,  
5 they can do that; yes, you do get 80 percent total  
6 suspended solids when it goes through the surface  
7 layer of the porous pavement. So I was very  
8 pleased. I tried to have the meeting before we came  
9 here so I could report to you that we had this --  
10 it's a pre-application meeting. We are about in the  
11 next 2 weeks to submit for both wetlands and all of  
12 the other environmental permits that we need that  
13 are referenced in the letter. So I was very happy  
14 with that meeting are.

15 MAYOR HORNIK: From a cost perspective,  
16 is this storm water management system with the  
17 pervious concrete more or less expensive than the  
18 more traditional means we've looked at?

19 THE WITNESS: If you look at just the  
20 cost of the concrete, it is more expensive. If you  
21 look at it in whole, if we did not use porous  
22 concrete and we just had a standard pavement system  
23 with inlets, we would have to have very large  
24 manufactured devices to provide the water quality,  
25 and even a smallish sized one is \$30,000. So to

1 take this 2-acre parking lot and provide water  
2 quality would have required a very, a train of  
3 these.

4 MAYOR HORNIK: Seems to me to be a much  
5 better system as far as I'm concerned.

6 THE WITNESS: It's much -- it's as close  
7 as you can get to infiltrating into grass as you can  
8 while still having pavement. Plus the other  
9 advantages are that black ice is much less of a  
10 problem. You don't need as many chemicals to deice  
11 it. You don't need to plow it as often. You do  
12 need to use a composite blade because it works  
13 better. And you do need to vacuum it once or twice  
14 a year, but that's no worse than having to mow a  
15 detention basin. So --

16 THE CHAIRMAN: What about longevity?

17 THE WITNESS: Longevity, it has at least  
18 -- and this is a question that Ken could answer  
19 better than I can, but it's at least as long as  
20 standard concrete and asphalt pavement, and if you  
21 want to verify, say something about the life span?  
22 I just -- I don't know. I want you to have the  
23 actual --

24 MR. HEILBRUNN: We'll need to qualify  
25 Mr. Justice, Mr. Chairman.

1 water go through. That said, the pavement life span  
2 is at least 25 years, and it actually lasts longer  
3 than regular concrete in the sense that you don't  
4 have to worry about maintaining joints or have any  
5 other movement or pop-outs that you might see with  
6 regular concrete, and, in fact, letting the water go  
7 through helps keep it lively. I won't get into the  
8 science of that.

9 THE CHAIRMAN: Thank you.

10 MR. HEILBRUNN: Thank you.

11 MR. BERGH: Excuse me. I think Lorali  
12 before was talking about the pervious concrete is  
13 above crushed stone?

14 THE WITNESS: Yeah, we call it, it's a  
15 recharge bay, and what it is is a layer of a clean  
16 washed uniformly graded aggregate, and by having a  
17 clean washed uniformly graded aggregate, it will  
18 give you 40 percent voids to store the water, and  
19 what it does in effect is it takes what you would  
20 normally see as a drainage pond and now puts it  
21 underneath your pavement.

22 MR. BERGH: Okay.

23 THE WITNESS: And that's where the water  
24 is stored and then released exactly like a dry  
25 detention pond except now again it is underneath

1 THE CHAIRMAN: Yes, please.

2  
3 KENNETH JUSTICE,  
4 DIRECT EXAMINATION BY MR. HEILBRUNN:

5 MR. JUSTICE: Hi, my name is Kenneth  
6 Justice. I work for the Portland Cement  
7 Association. I'm a professional engineer in five  
8 states, including New Jersey. I have a bachelor's  
9 degree in civil engineering from Villanova  
10 University, master's degree in civil engineering  
11 from North Carolina State University. I worked for  
12 20 years as a pavement designer and construction  
13 manager for several different engineering firms, and  
14 for the past 5 years now I've worked for the  
15 Portland Cement Association, and my specialty is  
16 exterior flat work ready-mix concrete applications,  
17 and it seems that most things I've been doing lately  
18 are pervious concrete because that's what has become  
19 the new hot topic.

20 THE CHAIRMAN: Excellent.

21 THE WITNESS: The question about  
22 longevity, the thing you need to know about pervious  
23 concrete, it is ready-mix concrete. The mix is just  
24 changed when we take the sand out of it, and that  
25 allows the holes to come through, and that lets the

1 your pavement.

2 MR. BERGH: So years ago we used to put  
3 perforated pipe and put crushed stone around. We  
4 then used the geotextile. That technology came  
5 later. So they used the geotextiles around the  
6 stone envelope, which incorporates the perforated  
7 pipe, in order to keep the stone from getting  
8 contaminated with the suspended sand that's in --  
9 washed in off the parking lot. You're not using any  
10 geotextiles, it wouldn't be appropriate here, but  
11 how do you keep the voids from getting contaminated  
12 over a period of time with materials that might  
13 reduce the amount of voids that were there  
14 originally?

15 THE WITNESS: I wonder -- tell me if I'm  
16 wrong, but I understand that there is a geotextile.

17 MR. BERGH: So you're doing something to  
18 filter out the --

19 MR. JUSTICE: Yes, it actually does --

20 MR. BERGH: -- flow of would seem to be.

21 THE WITNESS: In the standard section --  
22 I'm not sure what detail it is, on what page it is,  
23 but the standard section does show that it's a  
24 nonwoven geotextile fabric that you use --

25 MR. BERGH: Okay.

1 THE WITNESS: -- and the initial reason  
 2 that it was used, and as you clearly stated from an  
 3 engineering standpoint, it separates what I call the  
 4 dirt from the stone, keep the stone from being  
 5 contaminated. There is one -- it's on page 13 of  
 6 the plan set -- there is one added benefit that EPA  
 7 and the DEP can verify what I'm about to tell you.  
 8 We've discovered that there is a bacteria in nature  
 9 that it's given air and water will continue to breed  
 10 and grow, and it -- we found that it starts to breed  
 11 and grow on the geotextile layer, and this bacteria  
 12 actually acts -- it cleanses the storm water. It  
 13 actually eats the hydrocarbons, the oils, and emits  
 14 oxygen, and to give you an idea what this bacteria  
 15 is, you saw the news of the oil spills in the Gulf.  
 16 This is what they use to clean up oil spills, this  
 17 bacteria, and we didn't even expect this when we  
 18 first came up with the whole pervious pavement  
 19 system, and it's been a great added benefit for  
 20 water quality. So that also happens.

21 MR. BERGH: I was just trying to -- does  
 22 the geotextile impede the flow into the stone?

23 MR. JUSTICE: From a literal standpoint  
 24 in very minor, there's minor, but the amount impeded  
 25 is offset by the fact that we're keeping

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1 and buffer, and the ordinance requires that there be  
 2 a 50-foot stream corridor along the top of bank or  
 3 the -- inclusive of the hundred-year storm  
 4 delineation and slopes greater than 15 percent. So  
 5 on my plan that I have, which is sheet 17 in your  
 6 set, there along the streamline, which goes pretty  
 7 much along the boundary, there is a 50-foot offset  
 8 line, and that represents the edge of the stream  
 9 corridor. There is another line that's 100 feet off  
 10 of that, which represents the stream buffer, and  
 11 what I looked at is, as you can see, the building,  
 12 the original building, part of the new building,  
 13 some of the parking lot, and a lot of lawn area all  
 14 lie within the stream corridor. I looked at it  
 15 looking at this swale that I discussed before, the  
 16 wetlands ditch, as a dividing line of where the  
 17 occupied portion of the stream buffer is, and I  
 18 called that area the ineffective buffer because it's  
 19 lawfully disturbed and occupied prior to the  
 20 ordinance taking effect.

21 The remainder of the stream corridor  
 22 buffer is in the wooded area, and that is still  
 23 effective in terms of the way -- what the buffer is  
 24 supposed to do, which is to keep try to keep the  
 25 streams clean and provide the right habitat and so

1 contamination from coming from the subgrade into the  
 2 stone, and in that sense would really need to have  
 3 it in there, but overall, the system absorbs so much  
 4 water as it is that even that slight impedance  
 5 doesn't affect the end result.

6 MR. BERGH: Okay. Thank you.

7 THE CHAIRMAN: Great.

8  
 9 LORALI TOTTEN, continued.

10 THE WITNESS: I think I have covered the  
 11 comments on the drainage. Any other comments, any  
 12 other technical items regarding drainage that are  
 13 still in the letter we will be able to take care of.

14 Continuing down the comments briefly, I  
 15 think the signs were already discussed, and we are  
 16 -- we have provided a deed for consolidation of the  
 17 lots.

18 The next item that's fairly significant  
 19 would be discussing the stream corridor ordinance  
 20 and how we looked at it for this site, and that  
 21 would be looking at exhibits pages 17 and 18 of this  
 22 spiral bound book.

23 As I mentioned before, this site is  
 24 located along the tributary to the Pine Brook. This  
 25 is sheet 17, which is the existing stream corridor

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1 on for the area.

2 So then the next sheet, which is I think  
 3 -- what did I say?

4 MR. HEILBRUNN: Eighteen.

5 THE WITNESS: Eighteen, sheet 18 is the  
 6 proposed stream corridor and buffer, and as you can  
 7 see from this exhibit, a portion of the parking lot,  
 8 the proposed parking lot, will cross the edge of the  
 9 buffer, and we are proposing to augment the buffer  
 10 averaging, which is permitted by the ordinance, over  
 11 further in, closer to the eastern part of the  
 12 buffer, and then as you can also see, we are  
 13 proposing to return some portions of the disturbed  
 14 buffer or lawfully occupied buffer to an effective  
 15 buffer status by planting and protecting those areas  
 16 so that they will be allowed to grow with trees and  
 17 shrubs and other more natural than lawn type of  
 18 vegetation. So between all of that, we feel that we  
 19 have averaged the buffer out, and actually there's a  
 20 table on this that you're free to review, but we're  
 21 actually increasing the effective buffer portion of  
 22 this -- of the buffer.

23 The other part of the variance or the  
 24 actually part that becomes a variance is this blue  
 25 shaded area on my exhibit. It's not blue on yours.

1 And actually I think the line isn't there of the  
 2 building, but the -- that's the addition, and as you  
 3 can see, the addition comes to -- closer to the  
 4 stream corridor than is permitted by the ordinance,  
 5 and so we're asking for some relief from that, and  
 6 the mitigating factors are that we are actually  
 7 increasing or making better some areas on site that  
 8 -- so that the characteristics of the water coming  
 9 to the corridor are better, and that would be the  
 10 Avis parking lot area where we're actually taking  
 11 out untreated pavement and putting in treated  
 12 pavement. Plus we're increasing the effectiveness  
 13 of the buffer between that building and the stream  
 14 corridor, and lastly, runoff from the roof of that  
 15 building is cleaner than the pavement that that  
 16 building is replacing.

17 So overall, I think you could grant the  
 18 variance for allowing that building to be  
 19 constructed closer to the stream corridor than is  
 20 permitted without detriment to the public health and  
 21 safety and also the intent of the buffer, itself.  
 22 And please recall that that area has been previously  
 23 occupied. In fact, when the first section of the  
 24 building, which is the pieces closer to the stream,  
 25 was the only piece of the building, this area back

1 Environmental Commission has provided a letter. I  
 2 reviewed that letter, and the comments are all  
 3 fairly much in common with comments that I've  
 4 already addressed in the CME review and CME report  
 5 so I believe we can accommodate all of those  
 6 comments. I just received that I think yesterday.

7 Marlboro Township Fire Bureau, we did  
 8 discuss John Borden's letter already, that it came  
 9 in just recently but that I feel we are able to  
 10 address all those comments.

11 The township police report had no  
 12 issues. We received that about a month ago. I  
 13 think you probably have copy of that, as well.

14 The water is provided by the Marlboro  
 15 Township Water Department. There's existing water  
 16 now. We have submitted a preliminary application.  
 17 I had conversations with Peter Wersinger, who said  
 18 that preliminary was forthcoming, and then that will  
 19 be followed by a tentative and final.

20 Western Monmouth Utilities Authority,  
 21 the site is serviced by public sewer. There is an  
 22 ejector pump on site. That ejector pump needs to be  
 23 redesigned and replaced, relocated. We are in the  
 24 process of working with Western Monmouth Utilities  
 25 Authority to accomplish that. We have submitted

1 here that's being returned to effective buffer was a  
 2 stone parking lot and used to access the rear of the  
 3 building. So I believe that what we're proposing  
 4 here will in the end make this stream corridor  
 5 buffer more effective.

6 MR. HEILBRUNN: Mr. Chairman, we'll go  
 7 over all the variances, the listed variances, on a  
 8 one-by-one basis after Lorali completes her analysis  
 9 of the CME and T & M review letters.

10 THE WITNESS: And that brings me to  
 11 outside agencies and utility -- utility approvals,  
 12 which is page 6 of the CME letter. Monmouth County  
 13 Planning Board has been submitted, and final was  
 14 granted.

15 MR. HEILBRUNN: I have submitted a copy  
 16 of that final to Miss Pignatelli for your file.

17 THE WITNESS: Freehold Soil Conservation  
 18 District was submitted. We received a review letter  
 19 with two, count them, only two comments, and we have  
 20 responded.

21 The letter of interpretation was  
 22 received, and I submitted a copy of it with the most  
 23 recent application, so you should have copies of it.  
 24 NJDEP access permit Jay will speak to further, but  
 25 that has been submitted. The Marlboro Township

1 formal application and are obtaining plans so that  
 2 we can -- there will be a force main involved -- so  
 3 that we can work and design the force main. And I  
 4 believe that covers all the outside agencies.

5 Q. Miss Totten, with regard to a comment of  
 6 CME, more particularly item number E2 found on page  
 7 2 of their November 23, 2010, technical review, you  
 8 had indicated -- I'm terribly sorry. All of the  
 9 technical comments in the CME review letter of  
 10 November 23, 2010, you've had the opportunity to  
 11 review?

12 A. Yes.

13 Q. And are there any areas of concern with  
 14 which we will need further discussion either with  
 15 the Board or with Mr. Peters on behalf of CME?

16 A. Just one comment, and that is page 2 of  
 17 the technical review under forestry, and there is a  
 18 requirement to use the tree replacement requirement  
 19 chart in section 337-19C, which is the shade tree  
 20 ordinance, and it's not part of the land use. There  
 21 is another requirement in the land use ordinance  
 22 that requires a one-for-one replacement, and we need  
 23 to either work with Mr. Peters to come up with a  
 24 compromise between the two regulations or receive  
 25 some guidance from the Board.

1 Q. Other than that, other than all of the  
2 other technical --

3 MR. BERGH: I have a question on that  
4 section of the technical on page 3, H3, which has to  
5 do with the deceleration lane.

6 THE WITNESS: I was going to defer the  
7 traffic related items to Mr. Troutman, who will be  
8 able to answer all your questions on -- I think he's  
9 going to talk about how the parking calculation was  
10 created -- as you noticed, I didn't talk about  
11 that -- and also the DOT related issues.

12 MR. BERGH: There must be several. That  
13 happened to be a technical area that Mr. Heilbrunn  
14 was talking about so I'm just bringing it up now.  
15 Thank you.

16 THE WITNESS: Mr. Jay is chomping at the  
17 bit to get up here and give you his presentation.

18 THE CHAIRMAN: We're going to take a  
19 10-minute break and come back, and I guess Mr.  
20 Troutman is next.

21 MR. HEILBRUNN: I only wanted Miss  
22 Totten to address the variance issues prior to  
23 calling Mr. Troutman, if I may, Mr. Chairman.

24 THE CHAIRMAN: Yes. Let's take a  
25 10-minute break. We'll come back and go through the

1 use. In this case, the rear parking that goes out  
2 to the east is further than that. That is because  
3 of the configuration of the lot at the property as  
4 well as some of the environmental constraints forces  
5 the parking lot to be long and narrow.

6 C on page 4, stream corridors shall have  
7 a buffer of 100 feet on each side. Buffer averaging  
8 may be permitted to 70 percent width. Within the  
9 effective buffer area, we have maintained that.

10 Within the ineffective buffer area, we have  
11 increased the effective buffer areas as much as is  
12 practicable. It's been disturbed. The buildings  
13 have been there since the late 50's onward within  
14 that existing buffer, and I think we've made  
15 considerable -- proposed considerable improvement to  
16 the existing buffer.

17 D, front yard areas may be used for  
18 parking provided the same shall be no closer than  
19 20 feet. We're providing 10 feet parking area near  
20 the jughandle just where the ramp leads to Route 9.  
21 Currently there is parking within 10 feet of the  
22 line, and we've actually decreased the amount of  
23 parking that's within 10 feet of the line from what  
24 was there under existing conditions, not in numbers  
25 but in length of the parking because there was

1 variance issues and bring Mr. Troutman in.

2 MR. HEILBRUNN: Thank you, sir.  
3 (Board recess)

4 THE CHAIRMAN: Okay. We're back in  
5 session. Here comes the Mayor. Miss Totten, you  
6 want to go through the variances?

7 THE WITNESS: Yes. I thought I would  
8 follow the list of variances in CME's letter  
9 starting on page 3, item 5. The first two are  
10 existing conditions. The existing building is less  
11 than 75 feet from the Route 9 right of way. The  
12 second one, the existing building is also less than  
13 50 feet from the side yard on the southern side.  
14 It's only 27 feet. Those are -- 27.8 feet. Those  
15 are existing conditions.

16 The proposed variances consist of, as I  
17 described before, no structure shall be built within  
18 100 feet of the top of bank of the stream, and we  
19 are -- the proposed addition is approximately  
20 66 feet away. As I think I covered the reasons why  
21 I think that's acceptable at this particular case  
22 only. Other parts of the building are also closer  
23 than that to the top of the stream.

24 The next item, 6B, parking shall be  
25 provided within 150 feet of the proposed commercial

1 parallel parking previously.

2 MR. BERGH: Excuse me. Regarding that  
3 issue --

4 THE WITNESS: Yes.

5 MR. BERGH: Since you've revised the  
6 parking, usually we've asked for some extra  
7 protection for those parking spots.

8 THE WITNESS: Protection in what?

9 MR. BERGH: Well, like a WB guardrail or  
10 some type of substantial protection from vehicles  
11 that will be using the jughandle. This has been  
12 done in previous applications. It was done in  
13 Fireside for instance.

14 THE WITNESS: Along the five spaces that  
15 are there, we could put --

16 THE CHAIRMAN: There are two concerns I  
17 think that Mr. Bergh is bringing up. The first is  
18 people coming off the highway not being able to  
19 inadvertently come into the parking lot and people  
20 in the parking spaces not being able to  
21 inadvertently back into the jughandle.

22 THE WITNESS: I understand. We can put  
23 some guide rail along there. It's not a problem.

24 THE CHAIRMAN: I think that's important,  
25 especially since there is close proximity to the

1 highway and the jughandle.

2 THE WITNESS: Absolutely. It's a very  
3 good point.

4 The buffer in the rear, one thing that  
5 we need to discuss is there's a residential zone in  
6 the rear to the east of the property. I'm referring  
7 to sheet 19 in your book, which doesn't have the  
8 full property in it. The parking spaces that are  
9 the easternmost are about 60 feet wide, and about  
10 that much of it is a little less than the 200 feet.  
11 I think it's 145 feet from the rear property line.

12 Q. Lorali, you're referring to subparagraph  
13 E on page 4 of the CME, and you're referring to a  
14 145-foot proposed area from a residentially zoned  
15 area where 200 feet is otherwise required; is that  
16 correct?

17 A. That's correct.

18 Q. And but that happens to be preserved  
19 farmland; isn't that correct?

20 A. That's correct, yes.

21 Q. And therefore, the general need for the  
22 200-foot buffer would be minimized by the fact that  
23 it will never be developed for residential purposes;  
24 is that correct?

25 A. That's correct.

1 people would walk along the aisle of the drive  
2 aisles we have not provided parking spaces because  
3 they can walk along the car backs safely.

4 Q. And subparagraph I refers to access to  
5 trucks loading and unloading areas are supposedly to  
6 be provided from a public street or from a right of  
7 way, and this instance the truck parking is located  
8 to the rear of the site; is that correct?

9 A. Yes.

10 Q. And trucks would have to go through the  
11 site in order to reach the loading and unloading  
12 area; is that correct?

13 A. That's also correct.

14 Q. And is it your understanding that truck  
15 deliveries are to be between hours when the property  
16 is not open to its normal patrons?

17 A. Yes.

18 Q. And that truck delivery would then be in  
19 parking areas that are not occupied by the public;  
20 is that correct?

21 A. That's correct.

22 Q. And there is a waiver that has been  
23 requested with regard to the finish of sidewalks.  
24 What is that waiver?

25 A. That is a waiver to give texture to the

1 Q. Calling your attention to paragraph sub  
2 F, you have indicated and CME has confirmed that  
3 parking stall sizes of 10-by-20 feet are required,  
4 10-by-18 feet are proposed. Is that 10-by-18  
5 throughout the entire site or just in specific  
6 sections of the site?

7 A. It is where the parking spaces abut a  
8 lawn area, landscaped area so the cars can overhang  
9 without issue.

10 Q. Subparagraph G indicates that no parking  
11 is permitted within 30 feet of the outer walls of  
12 any building less than 30 feet is existing and  
13 proposed. That is an existing condition?

14 A. Yes, it is.

15 Q. And it is proposed to be continued as  
16 part of this application; is that correct?

17 A. That's correct.

18 Q. Paragraph -- subparagraph H refers to  
19 sidewalks to be provided in parking areas for five  
20 or more vehicles. Have they been provided within  
21 this proposed development, and if not, why not?

22 A. We have provided where the parking is  
23 parallel to the building on the north side walkways  
24 through the parking in the areas where the parking  
25 is -- aisles are lengthwise to the building where

1 sidewalk, that if we don't put it on the plans, CME  
2 usually asks us to put it on the plans.

3 Q. Now, may I ask you based upon your  
4 experience as an engineer and a planner, do you have  
5 an opinion as to whether or not the variances that  
6 are requested are requested because of the nature of  
7 the property, the shape of the property, the  
8 topography of the property, the wetlands that are  
9 located on the property, and the buffers that are  
10 required?

11 A. That is correct.

12 Q. And do you have an opinion as to whether  
13 or not the granting of these variances can be  
14 accomplished without doing detriment or harm to the  
15 zoning scheme or plan of the Township of Marlboro?

16 A. That is my opinion.

17 Q. And can you tell me whether or not in  
18 your opinion as an engineer the proposed development  
19 of this site is in keeping with the master plan of  
20 the Township of Marlboro and the vision plan for the  
21 development of Marlboro along the Route 9 corridor?

22 A. It is in keeping with both the master  
23 plan and the vision plan along the Route 9 corridor.

24 Q. So if the Board were to grant these  
25 variances, it would, in fact, be a public benefit to

1 the Township of Marlboro; is that correct?  
 2 A. Yes, that is correct.  
 3 MR. HEILBRUNN: I have no further  
 4 questions for Miss Totten, Mr. Chairman.  
 5 THE CHAIRMAN: Thank you, Mr. Heilbrunn.  
 6 Mr. Peters.  
 7 MR. PETERS: Three items, Mr. Chairman,  
 8 for Miss Totten. Generally, I take no exception to  
 9 the waiver or variance relief. Page 5 of our  
 10 report, comment 8G, location of the proposed porous  
 11 pavement system, and according to the best  
 12 management practices guidelines, having same not  
 13 located in primary parking lot areas. Wondering if  
 14 from Mr. Justice or Miss Totten I can get something  
 15 that says that what they're proposing is okay for  
 16 the vehicles that are intended on the site.  
 17 THE WITNESS: The pavement thickness is  
 18 2 inches greater than the standard pavement  
 19 thickness to accomplish the required strength, and  
 20 if it's in an area where there's going to be trucks,  
 21 there is a fiber that can be added to the mix to  
 22 give it additional strength.  
 23 MR. PETERS: The truck turning detail  
 24 shows an area where we're going to put the porous  
 25 pavement. If we can just get a detail that says

1 MR. PETERS: Can we get Mr. Borden to  
 2 write another report that says what you're proposed  
 3 is adequate because otherwise we haven't answered  
 4 number 3.  
 5 THE WITNESS: I will meet with him and  
 6 discuss it with him, and we'll go over what I can do  
 7 and can't, what we can do and can't do and make sure  
 8 that it meets his approval.  
 9 MR. HERBERT: And to also make sure it's  
 10 to the satisfaction of Mr. Peters, as well.  
 11 THE WITNESS: Yes, absolutely, of  
 12 course.  
 13 MR. PETERS: In our technical report we  
 14 talked about comment E2, the tree replacement. Mr.  
 15 Chairman, if it's all right with the Board, I  
 16 believe Lorali and I can work that out prior to the  
 17 adoption of a resolution so that Lorali and I can  
 18 report back to both Mr. Heilbrunn and Mr. Herbert  
 19 and get the resolution items worked out. Other than  
 20 that, I have no additional comments or questions  
 21 tonight.  
 22 THE CHAIRMAN: Right. Thank you. Mr.  
 23 Cramer.  
 24 MR. CRAMER: Since -- good evening, Mr.  
 25 Chairman. Since Miss Totten provided the planning

1 areas truck traffic are going to use this section  
 2 and areas that don't have truck traffic are going to  
 3 have that section so there's not a conflict.  
 4 THE WITNESS: Yes.  
 5 MR. PETERS: Moving to the outside  
 6 agencies, the fire bureau report. Comment number 3  
 7 of Mr. Borden's report says an emergency access lane  
 8 should be extended from the rear of the proposed  
 9 one-story addition to a wetlands buffer in the area  
 10 of the proposed new patio -- I'm sorry -- an  
 11 emergency access lane should be extended from the  
 12 rear of the new proposed one-story addition along  
 13 the wetlands buffer to the area of the proposed new  
 14 patio to have adequate access in the event of an  
 15 emergency. Have we agreed to that? Can it be done?  
 16 THE WITNESS: What I -- when I spoke  
 17 with him, he said as much as is practical, and we  
 18 have --  
 19 MR. PETERS: But he didn't write that in  
 20 the report, and I'm not -- Mr. Herbert's going to  
 21 put it in the resolution, and you and I are going to  
 22 argue about it when we're done.  
 23 THE WITNESS: We have provided a grass  
 24 area at least 10 feet wide around the perimeter of  
 25 the building.

1 testimony, I will state that I agree with the  
 2 conclusions that she reached as to the variances,  
 3 that they are -- that there was no substantial  
 4 detriment to the zone plan with respect to the  
 5 variance relief that's being granted. I also  
 6 believe that under the Land Use Law under the C-2  
 7 criteria with respect to what would be accomplished  
 8 by the granting of the these variances, namely,  
 9 facilitating development that is clearly consistent  
 10 with the vision plan of the township as to how Route  
 11 9 should be developed and recognizing the need for  
 12 economic development of that corridor, that there is  
 13 a basis for the granting I believe. There is some  
 14 testimony which should be stated on the record with  
 15 respect to the conditional use aspect of this  
 16 application, which is the amusement arcade. I  
 17 believe that the Applicant did submit a written  
 18 statement as to the compliance, but I believe that  
 19 on the record before the Board the Applicant should  
 20 state that with respect to the conditional use  
 21 requirements of the zone for the operation of the  
 22 arcade that the Applicant will adhere to all of  
 23 those conditions.  
 24 MR. HEILBRUNN: That is correct, Mr.  
 25 Chairman.

1 THE CHAIRMAN: Okay. Thank you, Mr.  
 2 Cramer.  
 3 MR. PETERS: Mr. Chairman, I have one  
 4 additional comment. Miss Totten, on sheet 16 of 19,  
 5 the detail about the pervious pavement, there is a  
 6 dimension for the clean washed aggregate, and it's  
 7 dimensioned as D sub 2, and it refers to a table  
 8 that I don't believe is in the set of plans. Can we  
 9 get Mr. Justice to provide that to us so we don't  
 10 have to do it after the approval?  
 11 THE WITNESS: Sure.  
 12 MR. PETERS: Thank you. Nothing else,  
 13 Mr. Chairman.  
 14 THE CHAIRMAN: Can you explain that, Mr.  
 15 Peters.  
 16 MR. PETERS: There is a detail for the  
 17 construction of the pervious pavement. It says  
 18 pervious concrete 6 inches thick, and it says the  
 19 dimension of the clean washed aggregate, the 1 to 1  
 20 and a half inch aggregate is dimensioned as figure D  
 21 sub 2. Note number 4 indicates that D sub 2 is as  
 22 per a table on the sheet, and the table is missing  
 23 from the details.  
 24 THE CHAIRMAN: So basically --  
 25 MR. PETERS: In order for us to figure

1 out how much stone they're going to put down, there  
 2 needs to be a chart added to the detail.  
 3 THE CHAIRMAN: So you need to understand  
 4 how the substrata lays out.  
 5 MR. PETERS: We need to know how thick  
 6 it's going to be, correct.  
 7 THE WITNESS: There are actually  
 8 elevations on the layout plan that have the bottom  
 9 of stone elevation on them.  
 10 MR. PETERS: What I'm saying is the  
 11 information that's being provided by Mr. Justice in  
 12 this detail isn't complete. It says it's as per  
 13 this sheet.  
 14 MR. HEILBRUNN: We will provide that  
 15 table.  
 16 MR. PETERS: Thank you.  
 17 THE CHAIRMAN: Excellent. Thank you.  
 18 Okay. Mr. Heilbrunn.  
 19 MR. HEILBRUNN: Mr. Troutman, please.  
 20  
 21 JAY TROUTMAN,  
 22 DIRECT EXAMINATION BY MR. HEILBRUNN:  
 23 THE CHAIRMAN: We need to put his  
 24 credentials on the record if you don't mind.  
 25 MR. HEILBRUNN: Yes, sir.

1 THE WITNESS: Good evening, Jay  
 2 Troutman, licensed professional engineer in the  
 3 State of New Jersey, principal with the firm of  
 4 McDonough & Rea Associates. I've been practicing in  
 5 the field of traffic engineer for 23 years,  
 6 conducting traffic impact studies for various types  
 7 of developments as well as reviewing traffic studies  
 8 on behalf of planning and zoning boards, and I've  
 9 been accepted as a traffic expert before various  
 10 planning and zoning boards in the State of New  
 11 Jersey, including in Marlboro Township.  
 12 THE CHAIRMAN: Great. Thank you, Mr.  
 13 Troutman.  
 14 THE WITNESS: Thank you.  
 15 Q. Mr. Troutman, very briefly in the time  
 16 that is left, I'd like you to discuss traffic  
 17 circulation and roadway improvements for this  
 18 proposed project, but we begin by asking you are any  
 19 approvals required from the State of New Jersey  
 20 Department of Transportation?  
 21 A. Yes, we will require an access permit  
 22 from NJDOT.  
 23 Q. And have -- has an application been made  
 24 for that permit?  
 25 A. Yes.

1 Q. And have you had one or more meetings  
 2 formally or informally with the DOT, and can you  
 3 share with the Board what those meetings were about?  
 4 A. Yes. We held a pre-application meeting  
 5 with NJDOT in August 2010, as we were planning the  
 6 access for the project. We pointed out to them, as  
 7 has been pointed out tonight, that the subject  
 8 properties have four separate two-way driveways  
 9 serving the properties now, including the one that's  
 10 right along the NJDOT jughandle. We proposed to DOT  
 11 to close some of the driveways, to configure others  
 12 of them, and through discussions with DOT have come  
 13 up with the plan that's before the Board. This is a  
 14 plan that was discussed with them, and they steered  
 15 us in the direction of proposing this plan, which  
 16 would be to have an entrance-only driveway at the  
 17 very southern end of the property replacing what is  
 18 now a two-way driveway; to close an existing two-way  
 19 driveway that's along the jughandle somewhere along  
 20 the building frontage; and then to consolidate two  
 21 existing right-in/right-out driveways at the north  
 22 end. One of those driveways serves this property,  
 23 one of those driveways serves the Avis property.  
 24 We're going to consolidate those into a single  
 25 right-in/right-out driveway so in essence, we will

1 have an entrance at the south end of the property,  
2 an exit to the signalized jughandle, and a  
3 right-in/right-out driveway at the north end of the  
property.

5 Q. The southerly driveway is now presently  
6 a two-way driveway; you are proposing to make that  
7 into a one-way driveway; is that correct?

8 A. Yes.

9 THE CHAIRMAN: Mr. Troutman, real quick,  
10 on the -- coming southbound on Route 9, obviously  
11 there's the jughandle right now, do a U-turn to come  
12 into the site for which you identified as the Avis  
13 driveway. Is that jughandle -- I don't remember --  
14 is it a two-lane or a single-lane jughandle?

15 THE WITNESS: It's a two-lane jughandle.

16 THE CHAIRMAN: Now, is there going to be  
17 -- obviously, the way you've laid this out, you've  
18 laid it out in such a way that coming people  
19 southbound through the jughandle in the right-hand  
20 lane are going to move across the highway into your  
21 facility. Is there going to be any type of signage  
22 on the jughandle that basically delineates which  
23 lane does what, or it's just going to remain pretty  
24 much as it is?

25 THE WITNESS: As currently proposed, it

1 during the course of the DOT review.

2 THE CHAIRMAN: Great.

3 Q. Mr. Peters' in his review letter in  
4 paragraph H1 found on page 3 has requested that you  
5 provide a copy of the existing NJDOT signal plan.  
6 Can you do so?

7 A. Yes, we can. I would just note I'll  
8 note it when I submit it to Mr. Peters that the plan  
9 is not accurate to what's out in the field. They  
10 haven't updated their own plan.

11 Q. Mr. Peters has requested that we provide  
12 the expected queue lengths for the signalized  
13 intersection of Route 9 and the two jughandles. Can  
14 you provide that to Mr. Peters?

15 A. Yes.

16 Q. And have you had the opportunity to  
17 review with the DOT during your meetings item H3 in  
18 his letter dealing with the access off the jughandle  
19 into the site?

20 A. Yes. Mr. Peters is correct in that  
21 comment where he points out that under current DOT  
22 design standards, our southerly driveway  
23 entrance-only driveway would fall along a section  
24 where access would not be permitted; however, in  
25 light of the fact that we are eliminating the

1 would remain as it is. It would be driver awareness  
2 to know to be on the outside if they are going to --  
3 if they want to be in the far lane Route 9 north,  
4 they obviously have to start in that lane in the  
5 jughandle. I know NJDOT typically does not like  
6 user specific signs on their highway system, but we  
7 can certainly discuss that with them. We would do  
8 whatever they would recommend during the course of  
9 their review.

10 THE CHAIRMAN: Right. I think because  
11 one of the reasons I'm asking is obviously  
12 theoretically the traffic flow coming in your  
13 facility coming southbound will increase over what's  
14 currently there. One of the similar spots is down  
15 in Freehold across from where the Brookdale campus  
16 is for that shopping center where you come around  
17 that jughandle and people stay to the right because  
18 they know they can go into the shopping center.  
19 Here we're creating a new traffic pattern, if you  
20 will.

21 THE WITNESS: Yes.

22 THE CHAIRMAN: So I'm just a little bit  
23 concerned so maybe we need to look at that a little  
24 further.

25 THE WITNESS: I'd be happy to do that

1 existing exit movement that's possible from that  
2 driveway, NJDOT will give us relief to allow the  
3 entrance-only driveway to remain there since it does  
4 not create a conflict as an entrance-only driveway.

5 MR. BARENBURG: Can I ask you a question  
6 on that topic? Somebody coming off Route 9 doing  
7 55 miles an hour through that driveway, there's cars  
8 parked right there backing out. Suicide. Those two  
9 or three parking spaces need to be there? Right,  
10 car comes in off of Route 9, guy's backing out of  
11 that spot, what happens?

12 THE WITNESS: Well, the speed of the car  
13 is going to be severely reduced --

14 MR. BARENBURG: That's not true.

15 THE WITNESS: -- to reduce that to make  
16 that turn. We could look at those spots. I don't  
17 want to put the plan into a variance situation --

18 MR. BARENBURG: Looks like a very  
19 dangerous situation.

20 THE WITNESS: I think the entrance  
21 radius that's provided there will make that a  
22 parking lot maneuver type speed, not a highway  
23 speed, and the conflict can be easily viewed and  
24 avoided.

25 THE CHAIRMAN: Are we adding a

1 deceleration lane on the northbound side of Route 9?  
 2 THE WITNESS: Traffic will use the  
 3 auxiliary lane, I'll call it the full-width shoulder  
 4 that's out there. I believe actually that driveway  
 5 is within the deceleration lane of the jughandle.  
 6 THE CHAIRMAN: Right, because using the  
 7 shoulder is theoretically illegal.  
 8 THE WITNESS: Well, it would be -- that  
 9 driveway is within the deceleration lane so they  
 10 won't be in the shoulder when they hit close to the  
 11 driveway.  
 12 MR. BERGH: Could they do some striping?  
 13 This occurs in other places on Route 9, too, but if  
 14 they would do the striping to create a deceleration  
 15 lane -- do you understand what I'm saying -- instead  
 16 of having a solid line and coming up to where the  
 17 driveway entrance is, maybe they could do -- redo  
 18 the striping there to give people an idea that they  
 19 have room to turn in, to slow down before they get  
 20 into that entranceway.  
 21 THE WITNESS: Yeah, that striping is  
 22 actually already out there. The shoulder line  
 23 flares into the curb before the driveway, and it's a  
 24 lane.  
 25 MR. BERGH: Okay. All right. Thank

1 and I'm on that jughandle at least once a week, and  
 2 again, we're changing the traffic flow because  
 3 what's going to happen here is the jughandle now  
 4 serves two purposes, the U-turn to go back on the  
 5 south side of Route 9 and as the primary northbound  
 6 entrance into your site. So we're going to have  
 7 theoretically hopefully if we approve you, we're  
 8 going to have increased traffic flow that may not  
 9 know what's going on here. So possibly if you can  
 10 ask when you're discussions with NJDOT if this  
 11 deceleration lane with the ability to use the  
 12 shoulder to slow down can be backed up  
 13 significantly. We're not looking to put any  
 14 additional pavement. We're looking to delineate  
 15 this as a deceleration lane more than the 30 or  
 16 40 feet that's showing here on this picture.  
 17 THE WITNESS: Yes, we can do that.  
 18 THE CHAIRMAN: Yeah, because that first  
 19 driveway is right behind the sign, as Council  
 20 President La Rocca has pointed out. So basically  
 21 you're coming at highway speed and ducking into  
 22 this, quote, deceleration lane and taking a  
 23 right-hand turn at 55 miles an hour, or you're using  
 24 the shoulder illegally.  
 25 Great. Any other questions or comments

1 you.  
 2 MR. HEILBRUNN: If I may, Mr. Chairman,  
 3 we have a photograph, and I would ask that it be  
 4 marked as A-3, which would show the existing  
 5 deceleration lane going north from Route 9. We have  
 6 probably enough of these to pass them out to the  
 7 Board.  
 8 (Photograph of existing deceleration  
 9 lane marked A-3 for identification)  
 10 THE CHAIRMAN: This is A-3, Mr.  
 11 Heilbrunn.  
 12 MR. HEILBRUNN: A-3, sir.  
 13 Q. Mr. Troutman.  
 14 A. I believe that was the three comments  
 15 that haven't been addressed from the CME review in  
 16 the conclusion of our report. Just note again that  
 17 we are reconfiguring these driveways to reduce the  
 18 number of driveways and bring the property more into  
 19 compliance with the NJDOT access code, and the final  
 20 design will be subject to their review.  
 21 MR. HEILBRUNN: I have no further  
 22 questions for Mr. Troutman at this time, Mr.  
 23 Chairman.  
 24 THE CHAIRMAN: Excellent. Mr. Troutman,  
 25 we're looking at the pictures just so that you know,

1 from the Board pertaining to the traffic testimony?  
 2 Seeing none, I would like to open -- I'm sorry go  
 3 ahead.  
 4 MR. BERGH: Just want to point out to  
 5 the Board that they're requesting 10-by-18 spaces  
 6 instead of 10-by-20's. In talking to my compadre  
 7 here, we don't seem to have any problem with the  
 8 length of the space as long as it's 10 foot wide.  
 9 MR. BARENBURG: Like to commend you for  
 10 not squeezing in those 9-foot spaces.  
 11 MR. POLLAK: I have a quick question.  
 12 In two different people's testimonies, we had  
 13 discussed the delivery options, that the deliveries  
 14 were going to be made before clients or guests were  
 15 on site. I don't know necessarily, Mr. Troutman,  
 16 that this would be for you or for anyone else, and  
 17 what are we going to do in situations or what are  
 18 the owners going to do in situations where a  
 19 delivery doesn't show up until 2 in the afternoon?  
 20 It goes back to, you know, the trucks and the length  
 21 and everything like that. We've heard from two or  
 22 three different people that deliveries will be  
 23 before business is open. What happens on those  
 24 occasions when it's not? We all know we can't  
 25 guarantee, you know, deliveries will be made by 9 or

1 11 or whatever the time is.  
 2 THE WITNESS: Well, it's still not a  
 3 peak time for the parking lot. At 2 o'clock in the  
 4 afternoon I would envision this front parking lot  
 5 being filled near the door. I would envision most  
 6 of this back parking lot being empty. That back  
 7 parking is for a peak situation on Saturdays when  
 8 deliveries aren't happening. So I don't see the  
 9 delivery issue being any conflict whatsoever with  
 10 this parking lot the way it's designed.  
 11 MR. LA ROCCA: Except on the plan it's  
 12 kind of they're kind of rolling the edges of the  
 13 spaces and the curb lines during the deliveries for  
 14 the bigger trucks, and you're kind of counting on  
 15 there being no cars there. They may not get through  
 16 the front part of the parking lot --  
 17 THE WITNESS: I believe that turn  
 18 template has vehicles sweeps that are full speed.  
 19 It's very conservative. When I lay my template on  
 20 it with the radiuses and everything, those trucks  
 21 can easily get in there with cars in those front  
 22 parking lot.  
 23 MR. LA ROCCA: -- you understand that.  
 24 The only thing that was presented to us showed the  
 25 trucks rolling over spots and curb in that front

1 filled, tell me how the trucks are going to get  
 2 through. I understand that, you know, you're saying  
 3 I'm giving you engineering testimony it can happen.  
 4 We call that -- tell me with the mechanics of how  
 5 that truck, the big truck, is going to get through  
 6 there and where we can, as Lorali testified earlier,  
 7 flatten out some of the curbs, maybe shorten three  
 8 or four spots just for this purpose, you know. I  
 9 don't have -- are those 18-footers? Are those  
 10 20-footers? Make those 18-footers, also. I don't  
 11 know. What you gave us fails at this point. That's  
 12 the only reason I have a concern. So if you give us  
 13 the testimony, maybe we can consider shortening some  
 14 spots and flattening some curbs. Maybe there's not  
 15 a problem, but as submitted to us, it fails.  
 16 THE WITNESS: Sir, I don't see where  
 17 this fails.  
 18 MR. LA ROCCA: If you look at the bigger  
 19 truck.  
 20 THE WITNESS: The WB-50? It's not  
 21 encroaching on any parking spaces.  
 22 THE CHAIRMAN: What page are we looking  
 23 at?  
 24 MR. HEILBRUNN: Page 16, page 16 is the  
 25 truck turning exhibit WB-50.

1 spot.  
 2 THE WITNESS: Yeah, I can take a look at  
 3 that.  
 4 MR. LA ROCCA: I mean, I could accept  
 5 the fact that there will be nobody back there. I  
 6 kind of think that during the day that would be  
 7 happening, but the front part is a little  
 8 problematic because all you've given us shows that  
 9 it rolls over the curbs and should be empty spots,  
 10 which might not be if some guy is late for a  
 11 delivery that the facility quite frankly is going to  
 12 need that day to operate. So I don't know how, you  
 13 know, what can be done to show it to us. I have no  
 14 problem with it.  
 15 THE WITNESS: I can give you engineering  
 16 testimony that I've looked at those maneuvers  
 17 through that front area, and it's designed  
 18 adequately for a truck even if there's cars parked  
 19 in those front aisles. Where we need to use aisles  
 20 is back here, and we're only using aisles. We're  
 21 not using parking spaces.  
 22 MR. LA ROCCA: That I think -- if they  
 23 came 8 o'clock at night, there would be a problem,  
 24 but during the day, the front spots, just as you had  
 25 testified a few minutes ago, with the front spots

1 MR. LA ROCCA: As it's coming through  
 2 the -- that little narrow roadway, as it makes the  
 3 right in, it's cutting off the curb line. I guess  
 4 it's not hitting the spots. It's not hitting the  
 5 spots.  
 6 THE WITNESS: Yeah, that's what I --  
 7 MR. LA ROCCA: It's hitting the first  
 8 spot, the very first spot it's hitting.  
 9 THE WITNESS: I don't --  
 10 MR. LA ROCCA: Are those spots 20 feet  
 11 long or 18 feet long?  
 12 THE WITNESS: Eighteen -- that's --  
 13 well, this could be an 18 because it's overhanging.  
 14 That first spot can be 18, the 2-foot overhang.  
 15 MR. LA ROCCA: So I guess, yeah, if  
 16 those are 18 on the left-hand side, that truck could  
 17 be easily going left. That turn right at the edge  
 18 there, I don't know if that's an island or what that  
 19 is, if something could be done over there to make  
 20 that a little more accessible for the turn.  
 21 MR. PETERS: Mr. Chairman, in an effort  
 22 to try to move this along, when Miss Totten had  
 23 testified before, we had -- they had indicated that  
 24 they would look at Mr. Pollack's request larger  
 25 vehicle turning radii. The reason -- and I don't

1 want to testify for the Applicant. The reason  
 2 they're hesitant to move the parking spaces and  
 3 drive aisles is because they are exactly at the  
 4 number of parking spaces that are required. While I  
 5 don't want to be a killjoy, there is a concern about  
 6 enforcement further on, and I'll get back to Mr.  
 7 Council President La Rocca's comment in a minute,  
 8 but they're required to have 307 parking spaces.  
 9 They have approximately 310 parking spaces. The 307  
 10 parking spaces, if you look at the cover sheet at  
 11 the bottom left-hand corner, assumes that during the  
 12 day up until 9 p.m. that the arcade's open and the  
 13 karaoke lounge is closed, and then at night after  
 14 9 p.m. the karaoke lounge is open and the arcade is  
 15 closed. So a nickle's worth of testimony about  
 16 hours of operation, just saying that what's on the  
 17 cover sheet is what they're going to do, can be put  
 18 in the resolution and Sarah can use it for  
 19 enforcement. From that perspective, they appear to  
 20 have three parking spaces that they can play around  
 21 with. So assuming the Board is satisfied with the  
 22 number of parking spaces and the hours of operation,  
 23 now we may have the ability to wipe out a parking  
 24 space without getting to that magical parking waiver  
 25 that your professionals told them at the TRC meeting

1 of the concerns that I still have is larger trailers  
 2 with a cab still attached to it. This all seems to  
 3 work, and I'll trust you that it works for a 50-foot  
 4 all-inclusive truck. If we're bigger than that,  
 5 it's going to be problematic, and I appreciate Miss  
 6 Totten saying she'll look into it and get back to  
 7 us. One simple solution may be off of that  
 8 northernmost ingress right around number 20 it looks  
 9 like. If we make that a concrete island and give up  
 10 those two front spots in the right-hand side of the  
 11 truck illustration there.  
 12 THE WITNESS: Yes, we'll take a look at  
 13 that.  
 14 MR. POLLAK: We can seal that off if we  
 15 do have the spots to lose, and then in the back it  
 16 may be a little tight where Council President La  
 17 Rocca discussed.  
 18 MR. PETERS: Or, Mr. Chairman, in the  
 19 alternative, we can grant them a waiver for up to  
 20 two or three parking spaces so that if we need to  
 21 move some islands -- if 307 becomes a number at  
 22 which they have to change the architectural plans,  
 23 we're going to come back here again for a 5-minute  
 24 hearing. So if the Board wants to grant them waiver  
 25 relief on parking for up to five parking spaces, I

1 twice. We have these issues in Triangle Business  
 2 Park. What happens if something changes inside.  
 3 They're doing what the Board's professionals based  
 4 upon the actions of the Board -- they're doing what  
 5 we asked them to do so they should be given kudos  
 6 for doing exactly what we've asked them to do. In  
 7 this case they've got three extra parking spaces.  
 8 So assuming that the hours of operation yield  
 9 satisfactory parking, we can use that for  
 10 enforcement purposes down the road if necessary, we  
 11 still have three parking spaces. We get rid of the  
 12 ones we're talking about now, make it a curbed  
 13 island.  
 14 MR. LA ROCCA: One more, and again, I  
 15 don't know how to read these as well as you. I  
 16 guess it would be some kind of a K-turn looks like  
 17 it's rolling over that island there, number 21. So,  
 18 I mean, I guess you could work with Mr. Peters on --  
 19 THE WITNESS: Yeah, we can look at that.  
 20 That one island there, we'll look at that for  
 21 mountable curb. Part of it's the truck overhang.  
 22 It's not actually -- there's like an overhang when  
 23 the body turns, and that can sweep over a full  
 24 height curb.  
 25 MR. POLLAK: As I'm looking at this, one

1 think now we can accommodate what Council President  
 2 La Rocca and Mr. Pollak are asking for, which is  
 3 greater flexibility in parking island locations,  
 4 aisle widths, and vehicle movements. If that's  
 5 satisfactory --  
 6 THE CHAIRMAN: I like that idea.  
 7 MR. HERBERT: And the waiver would be  
 8 approved based upon the shape and size of the  
 9 property and the hardship imposed because of the  
 10 various environmental restrictions and current  
 11 buildings that are on the site, right? Okay.  
 12 MR. BARENBURG: Just turn radius for the  
 13 trucks that they show on these maps. They only show  
 14 them going in, they never -- they're not showing  
 15 them coming out.  
 16 MR. PETERS: Actually, they do. They  
 17 show it --  
 18 MR. BARENBURG: Onto Route 9.  
 19 MR. PETERS: It goes straight out to the  
 20 traffic light. It comes parallel to the front of  
 21 the building, the north side of the building.  
 22 MR. BARENBURG: So it's going out a  
 23 different entrance.  
 24 MR. PETERS: Going out to the traffic  
 25 light, not the entrance past the traffic light.

1 MR. BARENBURG: Okay. So it's coming in  
 2 the one after the light and going out the one  
 3 before.  
 4 MR. PETERS: That's correct.  
 5 THE CHAIRMAN: Okay. Any other comments  
 6 or questions?  
 7 MR. POLLAK: I'm just trying to find  
 8 exact page in this book. There was a concern that  
 9 might have been on the lighting plan. The last spot  
 10 in the back of the property is about 250 -- about  
 11 350 feet from the back corner of the building, not  
 12 even the entrance. What kind of fencing around the  
 13 lot in back and what kind of lighting do we have,  
 14 and fencing -- I'm not as worried about cars  
 15 traveling outside as opposed to just the security of  
 16 the patrons if they're coming out. I noticed in one  
 17 of the sheets the hours are going to be until  
 18 midnight or until 2 a.m. Clearly in the pitch black  
 19 at that time. Just curious much many lighting is  
 20 going to be back there if you have a peak usage and  
 21 you fill your lots. It's on page 9 in the spiral  
 22 bound book.  
 23 MS. TOTTEN: With regard to lighting,  
 24 there is a light proposed that the actual fixture  
 25 pole is the second space down on the shorter number

1 of spaces. There is a pole proposed right there so  
 2 that at the edge of the parking lot, the lighting is  
 3 around .7, which is adequate because you can't have  
 4 more than .5 at the property line. So there's  
 5 adequate light there.  
 6 With regard to a fence, we could put a  
 7 fence along the back there if you feel that that  
 8 will keep people from wandering off.  
 9 MR. POLLAK: We've done it on other  
 10 applications.  
 11 MS. TOTTEN: It's not a problem. I've  
 12 never even thought about that, to be honest with  
 13 you. It's a very good point.  
 14 MR. POLLAK: Safety.  
 15 MS. TOTTEN: Yes.  
 16 MR. POLLAK: It's what we look for.  
 17 MS. TOTTEN: Yes. So it's well lit, and  
 18 we'll add a fence, like 4-foot-high fence.  
 19 THE CHAIRMAN: Six maybe?  
 20 MR. POLLAK: Whatever the ordinance  
 21 would be, just something to keep people out.  
 22 THE CHAIRMAN: I believe the ordinance  
 23 is 6; am I correct on that?  
 24 MS. TOTTEN: Six is fine.  
 25 THE CHAIRMAN: Good. Anything else?

1 Questions? Comments? At this point I need to open  
 2 it up to any members of the public wish to address  
 3 the Board on this matter. Seeing none, I'm looking  
 4 for a motion.  
 5 MAYOR HORNIK: Motion.  
 6 THE CHAIRMAN: Second.  
 7 MR. LA ROCCA: I'll second.  
 8 MR. HERBERT: And again, Mayor, your  
 9 motion is based upon all of the testimony and  
 10 conditions placed on the record as well as variances  
 11 and waivers requested.  
 12 MAYOR HORNIK: Yes.  
 13 THE CHAIRMAN: Including the parking and  
 14 the fence.  
 15 MR. HERBERT: Right, those are the  
 16 additional parking waiver and the fence.  
 17 THE CHAIRMAN: Roll call.  
 18 MR. BERGH: Discussion time.  
 19 THE CHAIRMAN: Any discussion?  
 20 MAYOR HORNIK: I just want to compliment  
 21 the Applicant on the project. I for one am very  
 22 excited about this project getting built in this  
 23 town. I think that it's going to add to the quality  
 24 of life of our residents. I'm excited to bring my  
 25 family there and to go there with my friends, and I

1 just think it's a great thing for our town, and I  
 2 compliment you and thank you for working with us in  
 3 Marlboro to make this happen. So it looks like --  
 4 very excited about it, so thank you.  
 5 THE CHAIRMAN: Anybody else? Now we're  
 6 ready for roll call.  
 7 MS. PIGNATELLI: Mr. Barenburg.  
 8 MR. BARENBURG: Yes.  
 9 MS. PIGNATELLI: Mr. Bergh.  
 10 MR. BERGH: Yes.  
 11 MS. PIGNATELLI: Mr. Pollak.  
 12 MR. POLLAK: Yes.  
 13 MS. PIGNATELLI: Mr. Josephs.  
 14 THE CHAIRMAN: Yes.  
 15 MS. PIGNATELLI: Council President La  
 16 Rocca.  
 17 MR. LA ROCCA: Yes.  
 18 MS. PIGNATELLI: Mayor Hornik.  
 19 MAYOR HORNIK: Yes.  
 20 MS. PIGNATELLI: Mr. Rosenwald.  
 21 MR. ROSENWALD: Yes.  
 22 MS. PIGNATELLI: Mr. Pargament.  
 23 MR. PARGAMENT: Yes.  
 24 MS. PIGNATELLI: Mr. Messinger.  
 25 MR. MESSINGER: Yes.

A motion to adjourn was offered by Mr. Pollak, seconded by Mr. Pargament. One vote was cast.

Respectfully submitted

*Donna Pignatelli*

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