
TOWNSHIP OF CRANFORD PLANNING BOARD
APPLICATION FOR PRELIMINARY AND FINAL
SUBDIVISION AND SITE PLAN APPROVAL

750 WALNUT AVENUE A/K/A BLOCK 541, LOT 2
HARTZ MOUNTAIN INDUSTRIES, INC.

- - -
September 7, 2022
Volume III
- - -

Planning Board Hearing, held at
8 Springfield Avenue, Cranford, New Jersey,
commencing at 7:38 p.m., before Caren
Sheehan, Certified Court Reporter - Notary
Public. There being present:

ORIGINAL

1 A P P E A R A N C E S:

2

TOWNSHIP OF CRANFORD PLANNING BOARD:

3

JUAN CARLOS NORDEL, Vice Chairman

4

JONATHAN DRILL, attorney

KATHY LENAHAN, Secretary

5

KATE RAPPA

PETER TAYLOR

6

MAYOR MILLER PRUNTY

DAVID LEBER

7

JEFF PISTOL

8

JACQUELINE DIRMAN

NICHOLAS DICKERSON

9

MAURICE RACHED

10

FOX ROTHSCHILD

11

BY: HENRY KENT-SMITH, ESQUIRE.

997 Lenox Drive

12

Lawrence Township, NJ 08648

HKent-smith@foxrothschild.com

13

14

HARTZ MOUNTAIN INDUSTRIES:

JAMES RHATICAN

15

ZACK CHAPLIN

16

DAVID LUSTBERG

VINCENT ANTONACCI

17

BRUCE ENGLEBAUGH

MATTHEW SECKLER

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1 MR. NORDELO: Good evening, everyone,
2 and welcome to the Cranford Planning Board
3 Meeting on Wednesday, September 7th at 7:30
4 p.m. in the Council Chambers located in the
5 municipal building at 8 Springfield Avenue
6 Cranford, New Jersey.

7 This meeting is in compliance with
8 the Open Public Meetings Act as adequate
9 notice of this meeting has been provided to
10 the Westfield Leader, the Star Ledger with
11 the agenda specifying the time, place and
12 matters to be heard having been posted on
13 the bulletin board on the town hall reserved
14 for such announcements and the filing of
15 said agenda with the township clerk of
16 Cranford. Formal action may be taken at
17 this meeting.

18 If we can all rise for the Pledge of
19 Allegiance, please.

20 (All in attendance reciting Pledge of
21 Allegiance.)

22 Ms. Lenahan, please call the roll.

23 MS. LENAHAN: Mr. Pistol.

24 MR. PISTOL: Here.

25 MS. LENAHAN: Mr. Leber.

1 MR. LEBER: Here.

2 MS. LENAHAN: Mr. Taylor.

3 MR. TAYLOR: Here.

4 MS. LENAHAN: Miss Rappa.

5 MS. RAPPA: Here.

6 MS. LENAHAN: Mayor Prunty.

7 MAYOR PRUNTY: Here.

8 MS. LENAHAN: Miss Pedde.

9 MS. PEDDE: Here.

10 MS. LENAHAN: Miss Didzbalis.

11 MS. DIDZBALIS: Here.

12 MS. LENAHAN: Mr. Nordelo.

13 MR. NORDELO: Here.

14 MS. LENAHAN: Mr. Drill.

15 MR. DRILL: Here.

16 MS. LENAHAN: Miss Dirmann.

17 MS. DIRMANN: Here.

18 MS. LENAHAN: Mr. Dickerson.

19 MR. DICKERSON: Here.

20 MS. LENAHAN: Mr. Rached.

21 MR. RACHED: Here.

22 MS. LENAHAN: And let the record show

23 Miss Sen and Miss Kellett are absent this

24 evening.

25 MR. NORDELO: So this is a continued

1 hearing application under PB-22-002 the
2 Applicant being Hartz Mountain Industries
3 Incorporated; the location being 750 Walnut
4 Avenue in Cranford, New Jersey Block 541 Lot
5 2. The applicant in this matter is seeking
6 preliminary and final major subdivision;
7 preliminary and final major site plan the
8 residential; and preliminary and final major
9 nonresidential approval.

10 MR. KENT-SMITH: Thank you,
11 Mr. Chairman, Members of the Board, Henry
12 Kent-Smith, Fox Rothschild appearing on
13 behalf of Hartz on the continued hearing on
14 this application involving the 750 Walnut
15 Avenue property and the proposed
16 redevelopment.

17 When we last left, Mr. Seckler had
18 completed his direct testimony and he was
19 open to the public and there was public
20 questioning. So I think the appropriate
21 point is to have Mr. Seckler come back and
22 complete his public questioning. At that
23 point, I'm gonna ask the Board's indulgence
24 on one important component which is, there's
25 a lot questioning about the basketball court

1 and I'd like to get the alternative plan
2 that we had discussed conceptually to, at
3 least, show the Board what happens if we
4 were to remove the basketball court. That
5 at least gets out into the public's domain,
6 the question of what happens if the
7 basketball court goes away.

8 So, I know that it's a little out of
9 order, but once Mr. Seckler's questioning is
10 completed, I think it would be appropriate
11 to get that issue back out before the Board.
12 And then --

13 MR. NORDELO: That sounds fine.

14 MR. KENT-SMITH: Okay. Great. Then
15 the other critical component, is that our
16 planner, Mr. Hughes, is here tonight to
17 testify on the planning support for the
18 requested relief. He is not available
19 September 21st. So to the extent possible,
20 I would like to be able to get to the point
21 where his testimony will take about a half
22 hour and then public questioning, like,
23 45-minutes to an hour that I could break in
24 and have Mr. Hughes complete his planning
25 testimony.

1 MR. DRILL: I thought you had --

2 MR. KENT-SMITH: Mr. Rached is going to
3 testify.

4 MR. DRILL: Yeah.

5 MR. KENT-SMITH: It's just a question
6 of how we can get Mr. Hughes completed and
7 have Mr. Rached testify.

8 MR. DRILL: Okay. But Mr. Hughes is
9 your planner, correct?

10 MR. KENT-SMITH: Yes.

11 MR. DRILL: Generally the planner bats
12 clean up.

13 MR. KENT-SMITH: Right. And
14 unfortunately he's not available for the
15 cleanup role on the 21st. That's why I
16 wanted to get his testimony in. I think we
17 should be able to complete --

18 MR. DRILL: Let's see where we are at
19 that point.

20 MR. KENT-SMITH: Exactly. That's
21 exactly the point. Just to kind of play it
22 by ear, but that's important.

23 MR. NORDELO: Just to be clear, we'll
24 begin with Mr. Seckler and then we'll see.

25 MR. KENT-SMITH: That's the witness I'm

1 calling.

2 Mr. Seckler come on down.

3 MR. DRILL: So we had Ms. Esposito
4 cross-examine him, looks like Mr. Sleezer --
5 reading my handwriting, which is not that
6 good -- cross-examine him, Mr. Kramer and
7 Mr. Smith. So we have four members of the
8 public cross-examine him and then we had
9 hands go up by a bunch of other members of
10 the public who wanted to cross-examine him
11 and I know that one member, Mr. Collins,
12 wants to question him using some photo
13 exhibits, which he sent to Mr. Kent-Smith
14 and myself. We purposely did not send these
15 pictures to the Board because if Mr. Collins
16 wants to put them into evidence, he's going
17 to have to wait until he testifies unless
18 Mr. Kent-Smith consents and he doesn't
19 consent to have them go in to evidence
20 beforehand.

21 MR. KENT-SMITH: Well, I mean, if
22 they're used for cross-examination purposes
23 and questioning then I think the question
24 becomes their weight in the
25 cross-examination. I don't know if they're

1 necessarily evidential but they're certainly
2 part of the record. If they're used in the
3 public questioning component.

4 MR. DRILL: I asked Mr. Collins to mark
5 each of them for identification C-1 through
6 C however many photographs he has.

7 MR. KENT-SMITH: If they're issues
8 relevant to things like relevance, I will
9 raise those issues at the appropriate time
10 and the Board can make a determination on
11 whether it wants to consider that exhibit.

12 MR. DRILL: Okay. So, with that why
13 don't I suggest Mr. Collins start off the
14 cross-examination, unless he wants to wait.

15 MR. COLLINS: The gentleman can go
16 first.

17 MR. NORDELO: I mean, you can proceed,
18 sir, if your were first in the line.

19 MR. DRILL: If someone else wants to go
20 first, go ahead.

21 MR. NORDELO: So these are questions
22 relevant to the traffic testimony. Name and
23 address.

24 MR. DRILL: You're going to grab a
25 microphone. So what we found last time, if

1 you stand over here and face the court
2 reporter, she will definitely hear, the
3 audience will hear and with the microphone
4 we will hear.

5 MR. ZUCKER: Okay.

6 MR. DRILL: So can you identify
7 yourself for the record.

8 MR. ZUCKER: My name is Mark Zucker
9 it's 19 Persian Avenue in Cranford.

10 MR. DRILL: Spell your name, please.

11 MR. ZUCKER: Z-U-C-K-E-R.

12 So going back to the last item
13 discussed at the previous meeting, the
14 existing driveways are in compliance with
15 state requirements and there have no been
16 significant left turn issues, either from
17 751 Walnut or the streets intersecting
18 Walnut Avenue. Therefore, the only reason
19 for requesting an additional driveway, plus
20 changes to the existing driveway, is related
21 to the internal development of this project;
22 is that a correct statement?

23 MR. SECKLER: I don't believe that's,
24 in whole, a correct statement. I believe
25 that the driveways, because we are seeking

1 site plan in the county do require county
2 approval and we met with the county to
3 discuss the preferred locations for the
4 driveway, which is what we're showing on
5 these plans.

6 MR. ZUCKER: Okay. So, in relation to
7 that answer, you had stated numerous times
8 in our previous meeting that there were
9 discussions with county representatives. So
10 for the record, can you provide the names
11 and titles of the county officials that you
12 spoke with?

13 MR. SECKLER: We met with the county
14 engineer his name is Rick, I think it's
15 Natiris and that is N-A-T-I-R-I-S, I could
16 be butchering the spelling of the last name.

17 MR. ZUCKER: Okay. That was the only
18 county representative that was --

19 MR. SECKLER: He was the county
20 engineer on the call and there were
21 representatives of the township on the call
22 as well.

23 MR. ZUCKER: Thank you.

24 MR. DRILL: For the record, which
25 township representatives were on the call?

1 MR. SECKLER: Maurice Rached, the
2 Board's traffic engineer.

3 MR. ZUCKER: Okay. Continuing on. I
4 believe that you had stated that there would
5 be an additional two cars per minute on the
6 Chester Lang Road during peak periods. As
7 you may be aware, this is a dangerous
8 intersection today with cars making a
9 left-hand turn off of Walnut, there's
10 nothing on drivers passing on the right side
11 of the road. How would truck traffic
12 travelling north on Walnut impact the gap
13 analysis time at that intersection?

14 MR. SECKLER: The gaps that you'd
15 experience trying to make -- so the gap
16 analysis, again, relates to the traffic
17 turning to the minor streets. That would be
18 the cars turning from the Chester Lang onto
19 Walnut, the trucks just in terms of their
20 size, obviously, their length would reduce
21 the amount of available gaps slightly but it
22 would be de minimus again, instead of a
23 18-foot vehicles, you would have a 50-foot
24 vehicle driving by.

25 Again, the truck traffic from the

1 site -- I don't anticipate having an
2 extremely high volume of truck and a lot of
3 time, the trucks are not traveling during
4 peak hours, which is when you experience the
5 most delays on the roadways.

6 MR. ZUCKER: So the gap analysis is for
7 vehicles coming out of Chester Lang on to
8 Walnut, not going from Walnut on to Chester
9 Lang?

10 MR. SECKLER: Correct, yes.

11 MR. ZUCKER: Okay. You also stated
12 that the additional traffic from this
13 project does not meet the requirements for
14 the volume warrant regarding installing an
15 additional light on Walnut Avenue, I believe
16 at Behnert. With the projects that are in
17 process right now, in Clark and Garwood,
18 how -- have they been factored in, and if
19 they have not been factored in, how would
20 that impact that volume warrant and who
21 would be responsible for that? Certainly
22 Clark doesn't care about trafficking.

23 MR. DRILL: Ask one question at a time.
24 You said who would be responsible for that,
25 is that the question?

1 MR. ZUCKER: That is the question. Who
2 would be responsible for calculating the
3 additional traffic from the Garwood project
4 and the Clark project?

5 MR. SECKLER: Is there a specific
6 Garwood project you're referring to?

7 MR. ZUCKER: There is a number of
8 projects on Garwood. There is a project on
9 South Avenue, there's a project on North
10 Avenue, there's a huge project in Clark --
11 on Walnut.

12 MR. SECKLER: Yeah, so obviously,
13 traffic generated by that -- those
14 developments, we account for background
15 growth rate essentially increase in traffic
16 volume between the year we count and the
17 year we generally open our design year. So
18 we don't just take the volumes we count on
19 the road, we actually grow them to account
20 for nearby developments that may be coming
21 online.

22 Again, it sounds like a number of
23 those counts -- the ones I'm familiar with
24 in Garwood, that you may be speaking of, on
25 South Avenue are all the way near the train

1 station down on 28. I don't anticipate that
2 this being the -- it wouldn't have -- I
3 would say a point impact of traffic at this
4 location. Because by the time they kind of
5 spread out a mile or two, you know, they
6 take a lot of different routes so it
7 wouldn't be a concentrated load of traffic
8 at this one intersection. And again, I
9 can't speak to who would be responsible for
10 their traffic. They obviously have their
11 own reviewing boards.

12 MR. ZUCKER: So if I understand you,
13 you have factored in the numbers -- or
14 projected numbers from the Clark project as
15 well as possible from Garwood?

16 MR. SECKLER: We used the general
17 growth rate that basically assumes growth in
18 the nearby neighborhoods.

19 MR. ZUCKER: Okay. You also stated
20 that you used the IT trip generator manuals
21 as part of your calculation. How does IT --

22 MR. DRILL: ITE.

23 MR. ZUCKER: Thank you.

24 How does ITE obtain their data for
25 their projections?

1 MR. SECKLER: Engineers like myself,
2 provide data. They have a special counsel
3 within the ITE that then reviews the data
4 for general accuracy, they obviously compare
5 it to other data points that they've
6 collected and they published this data --
7 again, it seems like every three to
8 five years in updated sets.

9 MR. ZUCKER: Okay. So therefore, it's
10 accumulation of data from various areas
11 throughout the country?

12 MR. SECKLER: Correct.

13 MR. ZUCKER: Okay. Then therefore,
14 small community data would that not then
15 skew the numbers, particularly related to an
16 urban area?

17 MR. SECKLER: I would say that areas
18 without mass transit would typically
19 generate more traffic than areas with mass
20 transit because there's another option to --
21 other than just driving.

22 MR. ZUCKER: Would that be true in
23 Montana, in Nebraska, in South Dakota?

24 MR. SECKLER: Well, I don't know which
25 locations they've had multi-family

1 developments. So again, Montana, I don't
2 know how many -- because again, we utilize
3 land use codes that relate to this, you
4 know, this type of development, so a mixed
5 use multi-family development, you know, not
6 the same generation as a 70-acre farm in
7 Montana. So this is specific to this type
8 of use, but again, the data -- the source
9 that we use -- utilize, is utilized by the
10 DOT and New Jersey County is part of their
11 reviews. So obviously the reviewing agency
12 finds this data relevant.

13 MR. ZUCKER: Okay. And I have one last
14 question for you then I'll leave this
15 podium.

16 I assume that your firm has done
17 hundreds, if not thousands, of traffic
18 studies.

19 MR. SECKLER: Yes.

20 MR. ZUCKER: How many of those studies
21 has your firm ever gone back and reevaluated
22 the traffic study to determine whether or
23 not your projections were accurate or within
24 a certain error -- margin of error?

25 MR. SECKLER: So there are, I would

1 say, probably about a dozen or so projects
2 where we've gone back and counted. There
3 are also projects where we've gone back to
4 do post occupancy counts to verify the
5 counts were done. I could also state that,
6 you know, when we work on projects, you
7 know, we don't just typically work in a
8 town, or county that never hears from us
9 again.

10 So, you know, when we work on a
11 project, if there is a difference in the
12 trip generation, usually we hear about it,
13 you know, our name's on the board, so they
14 call us and say, hey, can you take a look at
15 this, you know, potentially maybe a left
16 turn arrow, maybe a couple extra seconds on
17 the light or something like that, we've
18 looked at in the past.

19 But again, out of the thousands that
20 you mentioned, we've probably done -- I
21 could only think of one or two projects
22 where we were asked to look at signal timing
23 again post occupancy. Beyond that, I don't
24 know any other projects that we've, you
25 know, generated a different amount, you

1 know, we worked on, you know, residential
2 tends to be very -- I would say, a very
3 simple or strong correlation between the
4 number of units and the trips generated.

5 Perhaps a retail user if you get a
6 fast food restaurant and then Chick-fil-A
7 decides to be a user of it, you may see that
8 type of generation change. But this type of
9 use is pretty consistent when traffic gets
10 generated.

11 MR. ZUCKER: Okay. Thank you.

12 MR. NORDELO: Just to follow-up on that
13 question. The dozen or so times that you
14 have been back to those projects, the
15 impetuous for going back was at the request
16 of the municipality and, generally speaking,
17 you went back just for further
18 clarification?

19 MR. SECKLER: Some of it was on our
20 own. A lot of it was verifying numbers,
21 we've done a lot of counts, we counted an
22 intersection before we do a project.
23 Because it's part of the traffic study and
24 we may have a count in the same area, do a
25 count of the same intersection four years

1 later and you look at the volumes and it's,
2 you know, basically on the numbers we set
3 are a little lower usually.

4 MR. NORDELO: And there is a standard
5 margin of error for calculations? Like an
6 industry standard or would that be incorrect
7 to say?

8 MR. SECKLER: There is not a hard and
9 fast rule that says plus or minus 5 percent.
10 But obviously, you know, peoples' behaviors,
11 you know, you may go to the doctor one day
12 and leave at 10:00 a.m. instead of leaving
13 for work at 7:00 a.m. or where you would
14 have normally been counted at a peak hour.
15 There is obviously just general variation in
16 traffic. Usually 5 percent or so is what
17 you'd expect kind of a fluctuation.

18 MR. NORDELO: Thank you.

19 MR. DRILL: I have a follow-up on his
20 follow-up. Does the ITE manual list the
21 studies that were used for each of these
22 categories?

23 MR. SECKLER: They usually list the
24 source. Usually -- potentially a company or
25 location where the company is from, is

1 usually listed in the source data --

2 MR. DRILL: It gives you engineering
3 firms' location and not the project location
4 or is it the project location?

5 MR. SECKLER: It doesn't give -- it
6 won't say this was collected at 750 Walnut
7 Avenue in Cranford. It would typically say,
8 you know, provided by Stonefield Engineering
9 in Rutherford, New Jersey or it may say
10 countless sites, maybe it would have, you
11 know, a New Jersey location but it wouldn't
12 be specific -- you wouldn't be able to
13 narrow down which site it was.

14 MR. DRILL: Okay. And I know I asked
15 you this last time, but I forget and I
16 didn't put it in my notes, which version of
17 the ITE manual and which manual, trip
18 generation, parking, which?

19 MR. SECKLER: Trip generation and it
20 was the 11th edition which was the latest
21 edition.

22 MR. NORDELO: Okay. Thanks. We'll
23 have the next member of the public, please.

24 MR. DRILL: Mr. Collins, we're going to
25 give you a microphone. And just identify

1 yourself for the record.

2 MR. COLLINS: My name is George
3 Collins, 5 Behnert Place is my address.

4 MR. DRILL: Did you hear the address?

5 MR. COLLINS: 5 Behnert.

6 MR. DRILL: Thank you. So you just
7 handed a bunch of photographs to
8 Mr. Kent-Smith, correct?

9 MR. COLLINS: Correct.

10 MR. DRILL: Okay. And those are the
11 same photographs that you have in your hand
12 that you're going to show to this witness to
13 ask your questions?

14 MR. COLLINS: Yes.

15 MR. DRILL: And they're all marked C-1
16 though C what?

17 MR. COLLINS: Okay. They're marked
18 from -- the first one is 1-C.

19 MR. DRILL: Okay.

20 MR. COLLINS: Some of them -- Exhibit 2
21 is marked 2 and then there's an another
22 exhibit marked 2-AC. The reason they're
23 marked like that is because one is a
24 satellite and one is more of a panning
25 closer view.

1 MR. DRILL: Okay. Okay. How many
2 exhibits do you -- how many exhibits or
3 photographs or whatever it is, how many do
4 you have?

5 MR. COLLINS: I have 11.

6 MR. DRILL: Okay. Is there any way
7 that you can mark those 11 somewhere C-1,
8 C-2, C-3 all the way to C-11?

9 MR. COLLINS: I can do that.

10 MR. DRILL: Okay. Can you do that
11 right now?

12 MR. COLLINS: Sure.

13 MR. DRILL: And Mr. Kent-Smith, can you
14 hand that back, I want both of the sets
15 marked the same way.

16 MR. KENT-SMITH: Maybe while he's doing
17 this we can have somebody else for
18 questions?

19 MR. DRILL: Okay. Mr. Collins that's a
20 good idea. To make the most efficient use
21 of time, we're going to have someone else
22 question Mr. Seckler while you're marking
23 those exhibits --

24 MR. COLLINS: Sure.

25 MR. DRILL: -- C-1 through C-11.

1 MR. NORDELO: Do we have another member
2 of the public?

3 MR. DRILL: Yes, we do.

4 MR. NORDELO: Okay.

5 MS. BERESFORD: Dawn Beresford.

6 MR. DRILL: Can you identify yourself.

7 MS. BERESFORD: Dawn Beresford, 706
8 Lexington Avenue.

9 I'm curious why wasn't there a
10 traffic study done?

11 MR. DRILL: Okay. We can't hear you.
12 So nice and loud into that mic.

13 MS. BERESFORD: I'm curious why wasn't
14 a traffic study done on Lexington and
15 Raritan?

16 MR. SECKLER: So we selected the
17 intersections in conjunction with the
18 reviewing engineer to ensure that the
19 intersections that they felt the most
20 affected by this project would be counted.
21 Again, the intersection of Lexington and
22 Raritan was not selected because it does not
23 expect to have the flow of traffic through
24 that intersection directly.

25 Obviously, as you work out there may

1 be a handful cars in the intersection, but
2 that intersection was not deemed to have
3 significant increase in traffic.

4 MS. BERESFORD: That intersection
5 actually has more traffic than Lexington and
6 Walnut.

7 (Adjusting microphone volume.)

8 Yeah, that intersection has more
9 traffic than Lexington and Walnut. There is
10 much more traffic using that road to get to
11 the park.

12 MR. NORDELO: I would just put it in
13 the form of a question. So you're asking --

14 MS. BERESFORD: Did you know that --

15 MR. DRILL: Just so you're aware, the
16 Board members right in back of you, cannot
17 hear what you're saying. It's not because
18 you're not facing them, you're not speaking
19 loud enough.

20 MS. BERESFORD: Did you know that
21 there's more traffic on Lexington and
22 Raritan than there is on Lexington and
23 Walnut? Everybody uses -- or did you know
24 everybody uses?

25 MR. DRILL: You got the question in?

1 MR. SECKLER: We did not count that
2 intersection. We were concerned about the
3 traffic generated by this development.
4 Where, what intersections they'd be going
5 through, and we selected the intersections
6 that would have the most change in traffic
7 with this project.

8 MS. BERESFORD: Okay. Because of
9 your -- did you know that because of 750
10 Walnut with the project, you will have more
11 traffic going down Lexington because that is
12 a major cut through?

13 MR. SECKLER: With the way that we
14 designed the access points, we believe that
15 the cut-through traffic that you're
16 suggesting, would not be occurring and
17 therefore, that increase would not happen.

18 MS. BERESFORD: Okay. Did anyone from
19 the Township let Hartz know that the
20 overwhelming majority of residents
21 immediately surrounding 750 did not want the
22 driveways moved?

23 MR. SECKLER: I don't know if I can
24 answer that.

25 MR. NORDELO: Can you rephrase the

1 question?

2 MS. BERESFORD: Did anyone on the
3 Township committee let Hartz know that
4 during the whole redevelopment project that
5 multiple residents, who live in the
6 immediate area, didn't want the driveways
7 moved?

8 MR. SECKLER: I can't speak to what the
9 Township and the owners spoke about. So
10 I --

11 MR. DRILL: Put it this way, do you
12 know what they spoke about?

13 MR. SECKLER: I don't know what they
14 spoke about.

15 MR. DRILL: If you don't know, say you
16 don't know. When you say I can't speak
17 about it, it sounds like you know --

18 MR. SECKLER: I don't know.

19 MR. DRILL: -- but don't want to speak
20 about it.

21 MS. BERESFORD: Okay. Did Union County
22 Planning Board or engineers tell you
23 specifically that you had to move the
24 driveways?

25 MR. SECKLER: They -- we inquired with

1 where the driveways would be acceptable to
2 the county and they indicated to us that
3 based on their standards, the driveways were
4 to be lined up, which is what we've shown on
5 the plans.

6 MS. BERESFORD: Okay. Did you know
7 that I spoke to someone named Kamal at Union
8 County Planning Board and he gave me the
9 standards, and the location of the driveways
10 now, currently, fall within their standards?

11 MR. SECKLER: Do I know that you spoke
12 to Kamal, is that what you said?

13 MS. BERESFORD: Do you know that he
14 said that where the driveways are located
15 now, fall within in the Union County
16 standards?

17 MR. SECKLER: I can't speak -- I don't
18 know what Kamal said to you regarding the
19 county standards.

20 MS. BERESFORD: Did you know that where
21 they are currently, that they fall within
22 the Union County standards?

23 MR. SECKLER: Again, we spoke with the
24 county engineer and this is what the county
25 engineer indicated that the driveways --

1 MS. BERESFORD: Okay.

2 MR. DRILL: Do you know who Kamal is?

3 MR. SECKLER: He is the planner -- he
4 is the planner at the county.

5 MR. DRILL: Was he on that call?

6 MR. SECKLER: He was not on the call.

7 MS. BERESFORD: Okay. Do you have a
8 copy of the Union County standards?

9 MR. SECKLER: I don't have a copy on
10 me, no.

11 MR. DRILL: I believe, if my
12 recollection serves me correctly, I asked
13 about that. I asked that it be submitted.
14 I asked -- I don't know -- most of the
15 counties in the state adopt a resolution
16 with the standards in it, or some of them do
17 an ordinance, but I had asked that that be
18 submitted.

19 MR. SECKLER: I don't believe I
20 submitted it, no.

21 MR. DRILL: Okay. So we're gonna --

22 MR. SECKLER: We can. We can.

23 MR. DRILL: And when that's submitted,
24 now can you -- in a cover letter --
25 somebody, either you or Mr. Kent-Smith,

1 indicate where in the standard, what
2 section, what page, it applies here that
3 would result in the driveways having to be
4 moved and lined up.

5 MS. BERESFORD: Can I read to you what
6 the county says?

7 MR. DRILL: Say, are you aware that the
8 standard says, then you read.

9 MS. BERESFORD: Okay. Are you aware
10 that the standard said --

11 MR. DRILL: The following.

12 MS. BERESFORD: The following, "Union
13 County standards recommend aligning new
14 streets or driveways with existing streets
15 or driveways and if the driveway is not
16 aligned, recommends 150-foot offset between
17 the site driveway. The driveways that are
18 there --

19 MR. DRILL: No, no. Are you aware that
20 that's the Union County standard?

21 MR. SECKLER: I can't say for certain.
22 It sounds familiar but I can't -- I don't
23 know the exact dimensions.

24 MR. DRILL: But it sounds familiar?

25 MR. SECKLER: Yes.

1 MR. DRILL: Okay. Now ask your next
2 question.

3 MS. BERESFORD: Are you aware that the
4 driveways that are currently there meet the
5 standard?

6 MR. DRILL: That meet the standard that
7 you just read.

8 MS. BERESFORD: That I just read.

9 MR. SECKLER: I know that the current
10 driveways are. Again, we spoke with the
11 county engineer. He indicated that --

12 MR. DRILL: Forget about the county
13 engineer. The question is, are you aware
14 that the driveways that currently exist,
15 meet the standard that she read?

16 MR. SECKLER: No.

17 MR. DRILL: Okay. I believe that your
18 engineer is still here, Mr. Kent-Smith, and
19 I believe that if anyone will know the
20 distance, it will be him.

21 MR. KENT-SMITH: You know, let me
22 interject at this point because what we're
23 talking about is a total redesign of a
24 project that's been approved, it's part of a
25 redevelopment plan that has been vetted

1 before the Board and now you're asking for a
2 complete project redesign. We are not going
3 to do that.

4 MR. DRILL: Before you get on your high
5 horse about it, no one is asking for a
6 redesign. It's a question, it's a
7 legitimate, in my opinion, cross-examination
8 question which is, do the existing driveways
9 meet that standard, yes or no?

10 MR. KENT-SMITH: The existing driveways
11 are not going to be there.

12 MR. DRILL: Do the existing driveways
13 meet that standard, was the question. I
14 think it's a legitimate question. If you
15 guys don't want to answer that, then you
16 don't answer it. But I believe that there's
17 no reason, that that's an inappropriate
18 question and that question --

19 MR. KENT-SMITH: And even if we were
20 going to stipulate, just for getting --
21 moving on with that, they do comply, it's
22 irrelevant to the application before the
23 Board.

24 MR. DRILL: So let me ask you this,
25 what does the redevelopment plan say about

1 the driveways?

2 MR. KENT-SMITH: That the driveway is
3 going to conform with the county standards.
4 There's this wonderful woman, the very first
5 standard in the county that she read is, the
6 driveways are to be aligned.

7 MR. DRILL: But how about a second part
8 of the standard if she, in fact, is correct
9 --

10 MR. KENT-SMITH: Mr. Drill.

11 MR. DRILL: Mr. Kent-Smith, if, in
12 fact, she's correct and the standard says,
13 one or the other, then unless the
14 redevelopment plan specifically says the
15 driveways have to line up, then you're gonna
16 have to have someone answer the question.
17 If you say --

18 MR. KENT-SMITH: I'm going to stipulate
19 -- I'm going to stipulate that the existing
20 driveways comply, Mr. Drill. You're wrong.

21 MR. DRILL: I'm speaking right now.
22 And what I am saying is, if you want to rely
23 on what the redevelopment plan says, and if
24 you say it says that it has to be county
25 standards and if you don't want to, then,

1 address the fact that the county standard
2 might be one or the other, then you --
3 you're not going to do that, but in my
4 opinion, again, it's a legitimate question
5 and you should be answering it.

6 MR. KENT-SMITH: And I will stipulate
7 that the existing driveways comply just to
8 move this on. So they comply.

9 MR. DRILL: Okay.

10 MS. BERESFORD: So was a development
11 plan written under the guise that the
12 driveways had to be moved? Because then it
13 kinda -- the whole point of moving them is
14 that is the standard and you had to, you
15 didn't have to.

16 MR. SECKLER: I wasn't involved with
17 the plan design in terms of what you're
18 referring to.

19 MR. DRILL: I think you should stop
20 where you are. You got out what you wanted
21 to get out on cross-examination, but if you
22 want to ask more, generally it's not a good
23 idea.

24 MS. BERESFORD: It's fine.

25 MR. NORDELO: Does that conclude your

1 questioning?

2 MS. BERESFORD: Sure.

3 MR. NORDELO: Mr. Collins, are you done
4 with your exhibits?

5 MR. COLLINS: Yes.

6 MR. NORDELO: If you would like to come
7 up.

8 So Mr. Collins, Mr. Kent-Smith, he
9 marked them as Mr. Drill requested, you just
10 want to confirm.

11 MR. KENT-SMITH: Well, he marked the
12 sticky notes, I'm actually going to mark the
13 exhibits themselves.

14 MR. NORDELO: Okay.

15 MR. KENT-SMITH: Mr. Collins, go ahead.

16 MR. COLLINS: My first question for you
17 is, how many traffic surveys have you done
18 for Hartz Mountain?

19 MR. SECKLER: This the first project
20 that I worked for Hartz Mountain on
21 personally.

22 MR. COLLINS: Okay. Are you familiar
23 with Union County?

24 MR. SECKLER: Yes.

25 MR. COLLINS: Are you familiar with

1 specific towns in Union County?

2 MR. SECKLER: It's an open question.

3 I'll say yes.

4 MR. COLLINS: Are you familiar with
5 Hudson County?

6 MR. SECKLER: Yes.

7 MR. COLLINS: Are you familiar with
8 Secaucus, New Jersey?

9 MR. SECKLER: I'm familiar with
10 Secaucus, New Jersey.

11 MR. COLLINS: I'm going to show you
12 some photos, the first one is marked
13 Exhibit 1-C.

14 MR. NORDELO: Exhibit 1-C you said?

15 MR. COLLINS: Yes.

16 MR. SECKLER: I got it.

17 MR. COLLINS: My first question is,
18 what connection does Hartz Mountain have to
19 this property?

20 MR. SECKLER: That I don't know. I'm
21 just the traffic consultant.

22 MR. DRILL: I want to make it clear,
23 these exhibits that are being shown to the
24 witness are not, on purpose, being shown to
25 the Board at this point and they are not

1 being shown on TV on purpose. Okay.

2 Because they are not being -- they are not
3 be entered in to evidence, they are being
4 used to cross-examine a witness.

5 I'm sorry, Mr. Collins, which exhibit
6 did you give him?

7 MR. COLLINS: I gave him Exhibit --

8 MR. DRILL: C-1.

9 MR. COLLINS: -- 1-C.

10 MR. DRILL: Can I call it C-1?

11 MR. KENT-SMITH: Yes.

12 MR. DRILL: Okay. Did you ask him if
13 he recognizes what that is?

14 MR. COLLINS: I asked him and what was
15 your response?

16 MR. SECKLER: You asked me what is
17 Hartz's relationship with this building.

18 MR. DRILL: The question is, do you
19 recognize what is reflected on Exhibit C-1?

20 MR. SECKLER: It looks like a warehouse
21 and it's labelled 900 Secaucus Road that's
22 all I know.

23 MR. DRILL: Are you aware -- his
24 follow-up question is, just to move this
25 along, is that a Hartz Mountain warehouse or

1 not?

2 MR. SECKLER: Only from the photo
3 that's the -- commission but I have no
4 personal knowledge beyond what's shown in
5 this photograph.

6 MR. COLLINS: Can you read the leasing
7 information to me, in that photo.

8 MR. SECKLER: For leasing information,
9 it's a phone number, and it says Hartz, and
10 has the website for the HartzMountain.com.

11 MR. COLLINS: Is that the Hartz
12 Mountain number, phone number?

13 MR. DRILL: Matt, do you know if that's
14 the Hartz Mountain phone number?

15 MR. SECKLER: I don't know.

16 MR. COLLINS: Next question, looking at
17 this picture, can you determine how many
18 tractor trailer bays are located at 900
19 Secaucus Road?

20 MR. KENT-SMITH: I'm now going to
21 object to any further questioning related to
22 this photograph and this witness. He's
23 identified his only knowledge of this
24 property is related to the exhibit he's
25 being shown. He has no independent

1 knowledge of this and quite frankly, this is
2 not relevant in terms of, this is a
3 different use and a different town with
4 different standards that have no relevancy
5 to Cranford and the application.

6 MR. DRILL: So Mr. Kent-Smith, I take
7 it you're aware and you know what the use
8 is?

9 MR. KENT-SMITH: I have no idea what it
10 is.

11 MR. DRILL: Well, you just objected on
12 the basis that it's a different use in a
13 different town.

14 MR. KENT-SMITH: In terms of the types
15 of use, yes, this is a warehouse.

16 MR. DRILL: Is that a Hartz Mountain
17 warehouse?

18 MR. KENT-SMITH: I don't know. I would
19 think it would be since the sign says Hartz
20 but again, that extended or not.

21 MR. DRILL: Okay. So, he's asking on
22 the basis of looking at that photograph --
23 what did you say, how many tractor trailer
24 --

25 MR. COLLINS: How many tractor trailer

1 bays are located at 900 Secaucus Road?

2 MR. DRILL: He can answer from the
3 photograph, you can argue later it's totally
4 irrelevant to this case, but it's
5 appropriate. My advice to the Board is it's
6 not a valid objection to ask him to look at
7 a photograph and say how many tractor
8 trailer bays or whatever he said, are there,
9 that it's irrelevant to the case. It might
10 be irrelevant to the case but that question,
11 at least is, in my opinion, proper and not
12 improper.

13 You have any basis for objecting to
14 that question, he's asking him? I mean,
15 this guy's a traffic expert, he should be
16 able to look at a photograph and tell you
17 how many --

18 MR. KENT-SMITH: Again, Mr. Drill, this
19 is of no relevance of what this board is
20 considering tonight. This is in a different
21 municipality with different standards and a
22 different county.

23 MR. DRILL: It's a different
24 municipality under different standards. Do
25 you know that? If you don't know that how

1 can you object --

2 MR. KENT-SMITH: It's not in the same
3 redevelopment district that we have in
4 Cranford, Mr. Drill, because the
5 redevelopment plan standards in Cranford are
6 sui generis to Cranford and to this project.

7 MR. DRILL: So you know for a fact --

8 MR. KENT-SMITH: I know that for a
9 fact.

10 MR. DRILL: No. You know for the fact
11 that the standards that apply to that
12 warehouse in Secaucus are different than the
13 ones in Cranford?

14 MR. KENT-SMITH: Because the ones in
15 Cranford are sui generis, yes.

16 MR. DRILL: And what are the standards,
17 then, in Secaucus if you know for a fact?

18 MR. KENT-SMITH: It doesn't matter
19 because this redevelopment plan and
20 redevelopment ordinance was crafted for this
21 specific use, Mr. Drill.

22 MR. DRILL: Listen, you want to burn up
23 your time, you can burn up your time. In my
24 opinion, to the Board, the witness should be
25 directed to answer the question.

1 MR. NORDELO: Proceed to answer the
2 question, please.

3 MR. SECKLER: The one thing I can
4 answer with this question is I can only see
5 an aerial above, I can't see if there's an
6 actual loading dock or if it's just a wall
7 located where there's possible parking in
8 front of it.

9 MR. DRILL: Fair enough. Okay. That
10 was easy, wasn't it?

11 MR. COLLINS: With regard to the photo,
12 how many tractor trailers do you actually
13 see, whether they're in a loading bay or
14 not, at that specific address?

15 MR. SECKLER: Looks about eight tractor
16 trailers, and maybe a couple box truck size
17 vehicles.

18 MR. COLLINS: Next question, how many
19 exit/entry points for cars or trucks are
20 available in this commercial location?

21 MR. SECKLER: Looks like five, if the
22 aerial is clear enough.

23 MR. COLLINS: How many lanes make up
24 that road?

25 MR. NORDELO: I don't understand. What

1 road are you referring to?

2 MR. DRILL: By the way, now we're
3 starting to get a little afar, okay? Now,
4 you're starting to go to where it's just
5 going to be burning -- now you're burning
6 the time instead of him burning the time.
7 They have to be precise questions.

8 MR. COLLINS: With regard to the road,
9 that's kind of like a precise question.

10 MR. DRILL: What road? The driveway?

11 MR. COLLINS: The roadway, the access
12 road to specific driveways. How many roads
13 make up -- what road makes up the access to
14 the driveways, specifically related to the
15 tractor trailer entrance?

16 MR. SECKLER: Tractor trailer access is
17 at Hartz Way.

18 MR. COLLINS: How many lanes are on
19 Hartz Way?

20 MR. SECKLER: It appears to be one lane
21 in each direction, from what I can see in
22 the photograph.

23 MR. COLLINS: Thank you. Next exhibit.

24 MR. DRILL: Next exhibit I assume is
25 C-2?

1 MR. COLLINS: C-2 is the next exhibit.

2 What connection does Hartz Mountain

3 --

4 MR. DRILL: Just start off, do you
5 recognize what is reflected in C-2; yes or
6 no?

7 MR. SECKLER: I just see a photograph
8 of a warehouse that has an address. That's
9 my familiarity with this site.

10 MR. DRILL: Do you know if that
11 warehouse is in any way connected to Hartz
12 Mountain or not?

13 MR. SECKLER: I have no idea.

14 MR. KENT-SMITH: Again, at this point I
15 would object to 2-C, it has no relevance, no
16 basis to even examine on this.

17 MR. COLLINS: Looking at the picture,
18 can you determine --

19 MR. DRILL: Hold up. If he doesn't
20 know if this is a Hartz Mountain -- the
21 first one, if it was a Hartz Mountain
22 warehouse, maybe Mr. Kent-Smith is right
23 that it's ultimately irrelevant and maybe
24 it's not, but if the witness doesn't know if
25 this a Hartz Mountain warehouse, how --

1 you're gonna have to wait. If he doesn't --
2 if he objects on relevancy on this one, my
3 advice to the Board this one seems
4 irrelevant.

5 Now, when it's your turn to testify,
6 you can testify about it. Now, if the Board
7 then feels oh, there's something relevant,
8 he may have to bring the witness back,
9 that's on him, if he doesn't let him answer
10 the question. But if the witness doesn't
11 know if it's a Hartz Mountain warehouse or
12 not, my advice to the Board is that I would
13 agree with Mr. Kent-Smith's objection to C-2
14 on relevancy because the witness doesn't
15 know if it's a Hartz Mountain Warehouse.

16 MR. NORDELO: I would agree to that
17 statement as well. So the objection, I
18 agree to that.

19 MR. DRILL: Go to Exhibit C-3.

20 MR. NORDELO: This is C-3, right,
21 Mr. Collins?

22 MR. COLLINS: This is -- can you look
23 at Exhibit C-3.

24 MR. NORDELO: Is this what we're
25 talking about?

1 MR. COLLINS: Exactly. That's it.

2 What connection does Hartz Mountain
3 have to this property?

4 MR. DRILL: Start off -- start off, do
5 you recognize what's reflected in Exhibit
6 C-3?

7 MR. COLLINS: Do you recognize what's
8 reflected in C-3?

9 MR. SECKLER: Other than a aerial
10 photograph of a warehouse with an address on
11 it, I have no familiarity specific to this
12 project or this site.

13 MR. DRILL: Okay. Let me ask you this:
14 Is the roadway on that aerial shown -- I
15 mean, does it have a name for the road or
16 not?

17 MR. SECKLER: There's a road on the
18 left side that says Meadowlands Parkway and
19 a road on the right side that says Hartz
20 Way.

21 MR. DRILL: Okay. Do you think that is
22 somehow connected to Exhibit C-1? I'm
23 asking him. Go back to C-1 then, and see
24 what C-1 says about the road that warehouse
25 was on.

1 MR. SECKLER: There's a different
2 address for Hartz Way on the photograph of
3 C-3 looks like four-lane roadway. On C-1,
4 it's a two-way roadway, so I don't know the
5 relation to one another.

6 MR. DRILL: Okay. So Mr. Kent-Smith,
7 are you objecting to C-3 on the basis of
8 relevancy?

9 MR. KENT-SMITH: I am going to -- yes,
10 I am objecting.

11 MR. NORDELO: I would accept that
12 objection. Move on to the next so we're on
13 C-4, correct, Mr. Collins?

14 MR. DRILL: And just for Mr. Collins'
15 purposes and purposes of the audience,
16 generally, a planning board or a board of
17 adjustment is limited on what sort of things
18 it's allowed to exclude but it can exclude
19 three things. Questions or evidence that
20 are immaterial, irrelevant, or unduly
21 repetitious so. Okay.

22 MR. COLLINS: I get you. I get you.

23 MR. DRILL: That's out of the MLUL
24 4155D-10.

25 MR. COLLINS: Can you take a look at

1 Exhibit 4-C.

2 MR. KENT-SMITH: Mr. Collins, to make
3 sure we're on the same page.

4 MR. COLLINS: That is correct.

5 MR. DRILL: Do you recognize what's
6 reflected in Exhibit C-4?

7 MR. SECKLER: I just see a white truck
8 that's backed up to a building.

9 MR. COLLINS: Can you wait a second
10 until I ask you the question?

11 MR. SECKLER: Oh, I was answering the
12 attorney's question.

13 MR. COLLINS: I'm sorry. Go ahead.
14 I'm sorry.

15 What do you see in this photo?

16 MR. SECKLER: I see a white truck
17 backed up to a building.

18 MR. DRILL: You asked a better question
19 than me.

20 MR. COLLINS: Is this the type of truck
21 that could be expected to use the loading
22 docks at 750 Walnut Avenue?

23 MR. SECKLER: It may be a type of truck
24 but there are many different types of trucks
25 that may use the docks at 750 Walnut.

1 MR. COLLINS: Has it been established
2 that tractor trailers will be used at 750
3 Walnut?

4 MR. SECKLER: I don't know of any
5 prohibition so I believe that they could use
6 750 Walnut, although that may not be the
7 only type of truck utilized and I also don't
8 know the length of this truck in the
9 photograph. It's a tough angle to get a
10 true measurement.

11 MR. COLLINS: My next question is, do
12 you know the approximate length of an
13 average tractor trailer?

14 MR. SECKLER: I don't know what this
15 one is. There's obviously tractor trailers
16 that have 53-foot trailers, there's some
17 that have 40-foot trailers, there's some
18 that have anywhere between -- I can't tell
19 in this photograph -- some times they have
20 the dimension on the trailer itself. This
21 one I don't see one.

22 MR. COLLINS: Just so I understand,
23 you're a traffic study guy and you don't
24 know the dimensions of a tractor trailer?

25 MR. SECKLER: I know dimensions of

1 tractor trailers but there are WB67, with a
2 wheel base of 67 feet; there is WB62, which
3 have a wheel base of 62 feet; WB53, which is
4 a wheel base of -- I'm sorry, I'm talking
5 too fast, wheel base of 53 feet; and then
6 obviously, there are smaller tractor
7 trailers perhaps a 40-footer as well.

8 MR. COLLINS: Do you know the
9 approximate gross weight of an average
10 tractor trailer?

11 MR. SECKLER: I believe it's 80,000
12 pounds, but I'm not a truck driver.

13 MR. DRILL: Mr. Collins is.

14 MR. NORDELO: So this is Exhibit 6?

15 MR. DRILL: No, 5.

16 MR. KENT-SMITH: Mr. Collins, just make
17 sure we're on the same page.

18 MR. COLLINS: Yeah.

19 MR. KENT-SMITH: Just want to make
20 sure.

21 MR. DRILL: Mr. Kent-Smith, when he's
22 all done with these exhibit, I'd like those.
23 Thank you.

24 MR. KENT-SMITH: You got them.

25 MR. COLLINS: In conjunction with

1 Exhibit 5-C I want to put up on the screen
2 Exhibit 8-A, Hartz Mountain.

3 MR. DRILL: That's fair. That's one of
4 Hartz's exhibits.

5 MR. SECKLER: Do you know what it
6 looked like so I can pull it up on the
7 screen?

8 MR. COLLINS: I do.

9 MR. DRILL: Which exhibit do you want
10 up there, A what?

11 MS. LENAHAN: A-3.

12 MR. KENT-SMITH: I have to put on the
13 Board A-3.

14 MR. DRILL: Mr. Kent-Smith, look up on
15 the monitor and confirm that A-3 is up there
16 also.

17 MR. KENT-SMITH: Yes.

18 MR. DRILL: So Mr. Collins you're
19 showing him C-5, correct?

20 MR. COLLINS: Correct.

21 MR. DRILL: Can you start off with
22 asking him if he recognizes what C-5
23 reflects, if you would, please.

24 MR. COLLINS: What does C-5 reflect, in
25 the photo you're looking at?

1 MR. SECKLER: C-5 is what looks to be a
2 Google image of the site at 750 Walnut
3 Avenue at the top of the page in existing
4 condition.

5 MR. COLLINS: On what road is the exit
6 located for the 750 Walnut commercial
7 exit/entry?

8 MR. SECKLER: Proposed or existing?

9 MR. COLLINS: Proposed.

10 MR. SECKLER: Walnut Avenue.

11 MR. COLLINS: Can you tell me the cross
12 street?

13 MR. SECKLER: At Lexington Avenue.

14 MR. COLLINS: Is there any other way
15 for a truck or tractor trailer to access
16 truck bays of the loading warehouse other
17 than Walnut Avenue?

18 MR. SECKLER: No.

19 MR. COLLINS: I'm finished with that
20 exhibit. I'd like to refer to Exhibit A-3.

21 MR. DRILL: Exhibit A-3, which is up on
22 the board and up on the screen, correct?

23 MR. COLLINS: Do you recognize that
24 exhibit?

25 MR. SECKLER: Yes.

1 MR. COLLINS: What connection does
2 Hartz Mountain have to this property?

3 MR. SECKLER: I believe Hartz Mountain
4 is the owner of the property.

5 MR. COLLINS: How many truck or tractor
6 trailer parking spots are included in the
7 proposed plan at 750 Walnut Avenue?

8 MR. SECKLER: You're referring to the
9 loading spaces or you're referring to
10 tractor trailer parking spaces?

11 MR. COLLINS: Loading, parking spaces,
12 both; what do you see in the photo with
13 regard to spaces for trucks or tractor
14 trailers?

15 MR. DRILL: Can I ask you a quick
16 question? Unless I'm wrong about this, are
17 you asking about how many loading docks
18 there are and then how many additional
19 parking spaces for tractor trailers there
20 would be in addition to loading docks?

21 MR. COLLINS: Yes.

22 MR. DRILL: So break it down. Ask him
23 how many loading docks are shown and then
24 say, how many additional parking spaces for
25 tractor trailers are there beyond the

1 loading docks or say, the question that I
2 just asked, answer it.

3 MR. COLLINS: Okay. I'm gonna ask you
4 the questions. Are you ready?

5 MR. SECKLER: Yes.

6 MR. COLLINS: How many truck or tractor
7 trailer loading bays are at 750; the
8 commercial aspect of the property, how many
9 loading bays are there for trucks or tractor
10 trailers?

11 MR. DRILL: Loading bays or loading
12 docks?

13 MR. SECKLER: On the north --

14 MR. DRILL: Mr. Collins is the way
15 you're using loading bay loading docks.

16 MR. COLLINS: Loading docks where they
17 back into.

18 MR. DRILL: -- do me a favor,
19 Mr. Seckler, break it down to how many
20 loading docks and how many additional spaces
21 that a tractor trailer could park in.

22 MR. SECKLER: Okay. So the number of
23 loading docks on the north building is 16;
24 on the south building is 16. We've listed
25 26 potential loading docks in addition on

1 the north building and 20 on the south
2 building.

3 MR. DRILL: Hold on for a second. Hold
4 on. Make sure I get this right. 16 loading
5 docks are shown on the north building. 16
6 loading docks are shown on the south
7 building and there's a potential for 26
8 additional loading docks on the north
9 building and there's a potential for 20
10 additional loading docks on the south
11 building; is that correct?

12 MR. SECKLER: That is correct.

13 MR. DRILL: Now, are there any other
14 parking spaces for tractor trailers in
15 addition to the 16, 16, 26 and 20 that you
16 just testified to?

17 MR. SECKLER: No. The potential
18 loading docks would be parking spaces if
19 they were not loading docks.

20 MR. DRILL: I got it. Okay.

21 Mr. Collins, does that answer the
22 question of yours?

23 MR. COLLINS: Moving on to the next
24 question. Thank you.

25 How many arrivals and departures of

1 trucks or tractor trailers would be at the
2 proposed facility will encounter on an
3 average day?

4 MR. NORDELO: Sorry, arrival and
5 departure of trucks?

6 MR. DRILL: Tractor trailers he's
7 asking.

8 MR. SECKLER: Let me get you the
9 number. We have it broken down to the
10 busiest hour so let me just get you a quick
11 calculation for the day.

12 MR. DRILL: You're asking for a 24-hour
13 day, correct, Mr. Collins?

14 MR. COLLINS: Seven days a week,
15 24 hours a day.

16 MR. SECKLER: I would say typically
17 somewhere in the 60 and 80 range if it was
18 utilized by the type of user that can
19 function as a warehouse. There's many types
20 of users that use flex buildings such as
21 plumbers, import/export people, surveyors,
22 which would not be using any tractor
23 trailers. So again, this is a flex
24 building, it is not akin to the type of
25 structures that have 400 or 500-foot depth

1 which would be a large distribution
2 warehouse where you would see larger mainly
3 just tractor trailers. The reason why there
4 are potential loading docks, because not all
5 tenants of flex buildings need or want
6 tractor trailers type loading space.

7 MR. DRILL: To interpret your answer,
8 tell me if I'm right or wrong. Assuming
9 that 100 percent of the space were used for
10 warehousing, your testimony is that it could
11 be between 60 and 80 tractor trailers,
12 total, with arrivals and departures on a
13 24-hour day; is that correct?

14 MR. SECKLER: Correct, yes.

15 MR. COLLINS: Did you factor that into
16 your traffic survey?

17 MR. SECKLER: Our traffic study was
18 based on the busiest hour. So we took what
19 the busiest hour of trucks would be for this
20 type of use and applied it in all the
21 analysis that were performed.

22 MR. COLLINS: And what number was that?

23 MR. SECKLER: It depended on the hour,
24 but typically you'd be looking at -- again,
25 if it functioned more as a warehouse

1 building, it would be in the range of eight
2 tractor trailers. But again, if it's not
3 all utilized, the warehouse building, which
4 these buildings are not solely warehouse
5 buildings, again, I named a number of users
6 that use these types of buildings for
7 non-tractor trailer purposes, would be much
8 less than that.

9 MR. DRILL: So again, I just want to
10 make sure I have this straight. If you use
11 the busiest hour and if 100 percent of the
12 space were used for warehouse, you had a
13 maximum of eight tractor trailers per the
14 busiest hour; is that correct?

15 MR. SECKLER: Busiest peek hour of the
16 roadway.

17 MR. DRILL: Busiest peek hour of the
18 roadway.

19 MR. COLLINS: My next question is, you
20 keep using the term flex warehouse, what is
21 the difference between a flex warehouse and
22 a logistics warehouse?

23 MR. SECKLER: The building itself, a
24 logistics warehouse are usually much -- have
25 greater depth and again, depending on the

1 height, so that they could have a large
2 amount of internal storage, optimized
3 storage, they could have automated pick up
4 of materials, large amount of storage on
5 site, that's very different than a flex
6 warehouse.

7 Flex warehouse, again, can be used
8 for, you know, some commercial enterprises,
9 someone could use the space for doing
10 photography space, this could be used for --
11 again, the storage of geotechnical survey
12 equipment, things of that nature, scientific
13 equipment can be utilized in these types of
14 buildings for storage, painters, general
15 contractors, it's very different than a
16 large-scale distribution warehouse. Again,
17 which you typically would see more akin to a
18 square type building or a large rectangle as
19 opposed to these --

20 MR. NORDELO: Mr. Seckler, when you say
21 flex on the commercial side of things, it's
22 a flexible space not -- you say flex
23 warehouse, but the application, it's a
24 flexible space that can be used for a
25 variety -- not a flex warehouse, flexible

1 space.

2 MR. SECKLER: Flexible space, yes.

3 MR. DRILL: That's what the application
4 says, flex space.

5 MR. SECKLER: Yes.

6 MR. DRILL: I just want to make sure --

7 MR. NORDELO: Mr. Collins, just one
8 second. Mr. Leber, go ahead.

9 MR. LEBER: So I realize this not a
10 traffic question, maybe someone else can
11 answer this for me. The intention for Hartz
12 is to have this fully occupied so it
13 wouldn't be inconceivable to rent this to
14 one tenant who could turn this in to a
15 logistics warehouse.

16 MR. SECKLER: I don't think with a
17 150-foot depth building it would function as
18 a logistics warehouse. Again, not knowing
19 what the previous -- you guys didn't see the
20 exhibits, previous exhibits had structures
21 that have, what look to be, significantly
22 three to four times the amount of depth
23 which functions more like logistics
24 warehouse than this flex space.

25 MR. COLLINS: Where could -- my next

1 question is, where could a driver arriving
2 or departing from 750 Walnut Avenue --

3 MR. NORDELO: Can you go a little
4 slower Mr. Collins, I'm sorry, can you start
5 that from the top. You have to slow it
6 down.

7 MR. COLLINS: How long -- my next
8 question is, how long would a tractor
9 trailer drive through residential areas to
10 get through a major highway?

11 MR. NORDELO: How long would a tractor
12 trailer drive through a residential area to
13 get through a major highway?

14 MR. KENT-SMITH: For this location?

15 MR. COLLINS: For 750 Walnut Avenue,
16 thank you.

17 MR. SECKLER: Again, a tractor trailer
18 utilizing the site could be coming from a
19 number of locations. If it's coming to and
20 from Route 1 and 9, it would be traveling
21 along Walnut Avenue, probably going through
22 Raritan working itself through Clark,
23 Rahway, down towards -- potentially Styles
24 Avenue. Again, I know those are a mix of
25 county roadways that may have residents on

1 it, but that would likely be the path, to
2 me, that would be most convenient from here.

3 MR. COLLINS: The last time you were
4 here you also mentioned that the tractor
5 trailer leaving 750 Walnut Avenue could
6 utilize Route 22; is that correct?

7 MR. SECKLER: I mean, potentially could
8 use Route 22 coming to and from the site.
9 Again, I would imagine most of them heading
10 towards to 1 and 9. Route 22 does allow
11 tractor trailers so it's possible to be
12 coming from that way as well.

13 Again, I will remind the Board and
14 yourself this is a flex building, this is
15 not the same type of building as a logistic
16 warehouse, which has heavy truck traffic.

17 MR. COLLINS: Referring back to your
18 possible tenant, a photographer, you did
19 mention that there -- it was mentioned that
20 there could be possibly 80 tractor trailers
21 at one point in time. A photographer
22 obviously is not going to use a tractor
23 trailer, correct?

24 MR. SECKLER: Correct.

25 MR. COLLINS: Moving on.

1 MR. NORDELO: What number exhibit is
2 this, Mr. Collins?

3 MR. COLLINS: This will be C-6, I hope.

4 MR. KENT-SMITH: Do you need A-3 still?

5 MR. COLLINS: I'm finished with that.

6 Thank you.

7 Have you seen Exhibit C-6?

8 MR. DRILL: Can you show that to

9 Mr. Collins to make sure.

10 MR. KENT-SMITH: We are talking about
11 the same one.

12 MR. COLLINS: If it's okay with Ken,
13 and John, I'd like to give you a red pointer
14 now.

15 MR. NORDELO: Can you clarify that?
16 Oh, like a literal red pointer.

17 MR. DRILL: Can you identify what does
18 C-6 reflect when you look at C-6?

19 MR. SECKLER: C-6 looks to be an aerial
20 photograph that's more zoomed out than the
21 previous one. It shows Route 22 near the
22 top of the page; it looks like Elizabeth on
23 the east side of the page or right side; I
24 see Winfield at the bottom of the page; and
25 Springfield to the left side of the page.

1 MR. COLLINS: Thank you. It was
2 previously stated that when trucks entering
3 and exiting 750 Walnut may utilize Route 22.
4 In this map that shows 750 Walnut and
5 Route 22, with your laser, can you show us
6 the route the tractor trailer would take?

7 MR. DRILL: Just so you understand,
8 Mr. Kent-Smith, do you want this one shown
9 to the Board and the public or not? I mean,
10 I didn't see it but from what I've heard it
11 sure seems like, this --

12 MR. KENT-SMITH: And it is an aerial
13 that is somewhat self proving.

14 Did you take this from Google?

15 MR. COLLINS: I did.

16 MR. DRILL: Just so you know, just in
17 case you happen to agree with this, I gave a
18 memory stick to Kathy so she has this.

19 MR. KENT-SMITH: So she has it?

20 MR. DRILL: She can put -- can you put
21 this one up? C-6, can you put that one up
22 on the screen? I wasn't going to tell
23 anyone about it unless you agreed to it.

24 MR. KENT-SMITH: So again, Mr. Drill,
25 Mr. Collins, in order to get this on to the

1 record, which is only words --

2 MR. DRILL: When he's using his pointer
3 he's going to give a verbal description of
4 the route.

5 MR. KENT-SMITH: Perfect.

6 MS. LENAHAN: In order to get to that
7 one I'm going to have to go through the
8 other ones, as quick as possible.

9 MR. KENT-SMITH: That's all right.
10 Just move on.

11 MR. DRILL: Mr. Collins, can you go
12 over there and identify C-6. Is that C-6 up
13 there right now?

14 MR. COLLINS: Yes.

15 MR. DRILL: So Mr. Seckler, you heard
16 what he's asking, so you can use your
17 pointer, I guess, to show Mr. Collins on
18 whichever one you want to show him on, but
19 you need for us and the record, to give us a
20 verbal description of, here's Route 22, the
21 truck's going to get off at such and such an
22 exit and get on to such and such a street
23 and you have to get the tractor all the way
24 into the site.

25 MR. SECKLER: Mr. Collins, do you mind

1 if I use the hand pointer on the screen?

2 MR. DRILL: That's a better idea to use
3 the hand pointer than the laser.

4 MR. SECKLER: Thanks.

5 So to and from Route 22, I see two
6 potential routes. One would be going up
7 Walnut Avenue across South and North Avenue,
8 Route 28, work yourself to the intersection
9 of Springfield Avenue, which you make a
10 left. Take Springfield Avenue up to either
11 make a left on to the T intersection of No
12 Mohegan Park at the Kenilworth Boulevard
13 intersection.

14 (Court reporter interruption.)

15 MR. DRILL: Slow down, please.

16 MR. SECKLER: Take Springfield Avenue
17 up at the T intersection to No Mohegan Park,
18 you can make a left onto Springfield Avenue,
19 go through that portion of Westfield and
20 Mountainside and work yourself onto Route 22
21 at the interchange of Springfield Avenue.

22 The other option would be making a
23 right on Kenilworth Boulevard going down the
24 boulevard to either I think it's Michigan
25 Avenue or maybe Springfield is the one that

1 goes past the Walmart and turn onto 22 at
2 that location.

3 Again, I think that the location that
4 you're speaking of, shows that this site
5 does not suit a logistics warehouse type of
6 facility because it is not located along or
7 right near major highways such as the other
8 sites that you suggested in Secaucus.

9 MR. COLLINS: Are you done?

10 MR. SECKLER: Yeah.

11 MR. COLLINS: Based on the amount of --
12 based on your answer to my last question,
13 how many residential streets, ones with
14 homes, would a truck utilizing that route to
15 and from 750 drive up?

16 MR. SECKLER: All the roads I mentioned
17 I believe are county roadways. They're
18 obviously homes on these county roadways at
19 certain locations, I can't speak to the
20 number of homes that they would pass by, but
21 they are all county roadways.

22 MR. COLLINS: How many towns does that
23 truck or tractor trailer pass through to get
24 to Route 22?

25 MR. SECKLER: Cranford, Westfield, and

1 Mountainside to get onto the Springfield
2 Avenue interchange, perhaps also
3 Springfield; and then the other one you'd go
4 through Cranford and Kenilworth to get to
5 that location as well, perhaps Springfield
6 near 22. But again, I think that speaks to
7 the fact that it is not a location for a
8 logistics warehouse because of that long
9 distance.

10 MR. COLLINS: Based on the dealing of
11 arrivals and departures you previously
12 stated, how many trucks or tractor trailers
13 could be expected to drive on each one of
14 these residential streets to and from 750
15 Walnut on a given day?

16 MR. SECKLER: Again, these are all
17 county roadways, which I spoke to, I
18 provided the Board with the information
19 about, I'd say if the site functioned as a
20 warehouse, but as a flex-use building.
21 Again, with the design with a narrow depth
22 structure and not having it located close to
23 -- I'd say a higher interstate or state
24 highway roadways -- makes this one that
25 would not have, I would say, a large amount

1 of truck traffic utilizing this type of use.

2 However, again, there are plenty of
3 uses that use flex building that would have
4 no truck traffic whatsoever.

5 MR. COLLINS: Would this be 24 hours a
6 day seven days a week?

7 MR. SECKLER: I don't know any specific
8 tenants so I can't speak to that.

9 MR. COLLINS: Okay. Next exhibit, C-7.

10 MR. KENT-SMITH: This is the same,
11 Mr. Collins, this is 7-C?

12 MR. COLLINS: Yes.

13 MR. KENT-SMITH: It's fine.

14 MR. NORDELO: Are you clarifying it's
15 fine to be up?

16 MR. DRILL: Mr. Collins, do you want
17 anything -- are you asking him to trace a
18 route again on C-7?

19 MR. COLLINS: I am.

20 MR. DRILL: So let's Kathy can we get
21 C-7.

22 MR. KENT-SMITH: Mr. Collins, there's
23 the site, there's the rest of the route,
24 this is the same exhibit.

25 MR. COLLINS: Right.

1 MR. KENT-SMITH: So we're in agreement
2 that's the correct exhibit.

3 MR. DRILL: That's the correct exhibit.

4 Mr. Seckler you got the little mouse?

5 MR. SECKLER: Yes.

6 MR. DRILL: Mr. Collins, what does
7 Exhibit C-7 reflect?

8 MR. COLLINS: When looking at Exhibit
9 C-7, what does it reflect?

10 MR. SECKLER: It looks like an aerial
11 photograph taken from Google with the site
12 outlined in red, it's zoomed out; the
13 eastern side appears to be Linden and the
14 Linden Airport; southern side of the site, I
15 see the Robert Wood Johnson University
16 Hospital in Rahway; left side of the page is
17 Arthur L. Johnson High School in Clark; and
18 the north side of the page looks to be the
19 area north of Winfield, New Jersey.

20 MR. COLLINS: My question is,
21 approximately how many residential streets,
22 ones with homes, would a truck utilize in
23 that route to and from 750 Walnut Avenue or
24 drive on?

25 MR. DRILL: To which highway?

1 MR. COLLINS: To 1 and 9.

2 MR. SECKLER: So one potential route
3 would be Walnut Avenue southbound to Valley
4 Road, Valley Road to Styles, Styles to
5 Route 1 and 9. That route again, utilizes
6 county roadways, however, there is
7 residential buildings along that route the
8 majority of the path.

9 MR. COLLINS: Are there adequate --
10 what would be the average drive time for
11 these -- on these residential streets, ones
12 with homes, be for trucks utilizing this
13 route?

14 MR. SECKLER: I can't project what the
15 travel time would be. However, I think it
16 shows that this site is not a site that
17 would be akin to a logistics facility due to
18 the long distance it may take to get from
19 this site to a highway.

20 MR. DRILL: Do we know the speed limit
21 along that route that you just mentioned?

22 MR. SECKLER: A majority of those
23 roads, I image, are between 25 and 35 miles.

24 MR. COLLINS: Are you imagining or is
25 that actual fact?

1 MR. SECKLER: From my experience and
2 driving those roads, they range in 25 to
3 35 miles per hour. I can't speak to
4 specific segments of what their speed is.

5 MR. COLLINS: What is the gross weight
6 of a tractor trailer or truck driving on
7 that road?

8 MR. SECKLER: Again, I believe that
9 tractor trailers could have a gross weight
10 up to 80,000 pounds. I don't know any
11 weight restrictions along that path.

12 MR. COLLINS: Would you be able to
13 provide that information?

14 MR. SECKLER: I suppose I could find
15 weight limit restrictions, if the Board
16 found that useful.

17 MR. DRILL: My suggestion on this one,
18 if the Board wants to know, you can ask him,
19 you can also ask Mr. Collins, who obviously
20 is going to testify at some point, and if
21 you want to present that you've researched
22 and there's weight restrictions that these
23 trucks can't go on, you can present that to
24 the Board.

25 MR. COLLINS: Some residential streets

1 I have to look into it further.

2 MR. DRILL: I suggest that you look
3 into it and when it's your turn to testify,
4 you can bring that to the Board unless the
5 Board disagrees.

6 Does anyone disagree? Okay.

7 MR. COLLINS: When a truck exiting 750
8 Walnut Avenue travelling southbound, does
9 that tractor trailer need to cross into
10 oncoming traffic northbound in order to make
11 a safe turn?

12 MR. SECKLER: Are you -- you're asking
13 does the tractor trailer have to cross the
14 double yellow line in its right turn
15 maneuver?

16 MR. COLLINS: On Walnut Avenue, that is
17 correct.

18 MR. SECKLER: Making a right turn. I
19 don't believe so, no.

20 MR. COLLINS: You don't believe so?
21 Are you sure? You're not sure?

22 MR. SECKLER: We designed it so they
23 could make that turn appropriately, but I
24 can't speak to every single driver.

25 MR. DRILL: I want to make sure we're

1 talking about a right-hand turn.

2 MR. COLLINS: Right-hand southbound
3 heading to Raritan.

4 MR. DRILL: We're not talking a
5 left-hand turn where obviously a truck would
6 obviously have to cross a travel lane.
7 You're talking about a right-hand turn?

8 MR. COLLINS: Correct.

9 MR. SECKLER: Correct. So again, we
10 designed it so it would not have to. I
11 can't speak to every drivers' maneuver. If
12 you have a poor truck driver, I can't help
13 that.

14 MR. COLLINS: Okay. Tell me the width
15 from curb southbound to northbound on Walnut
16 Avenue, to the other side of the street,
17 what is the width?

18 MR. DRILL: You want the width of curb
19 to curb?

20 MR. COLLINS: Curb to curb.

21 MR. DRILL: And Mr. Seckler, when you
22 answer that question, just for the record,
23 state which exhibit you're relying on.
24 You're taking your scale, et cetera, et
25 cetera. You might want to ask your engineer

1 to help you. A-3 might be the exhibit you
2 want to use.

3 MR. KENT-SMITH: Mr. Collins, I think
4 we have an exhibit that is directly
5 responsive to your question. And if we do,
6 I would like to mark that exhibit so that we
7 can answer the question. It's an exhibit
8 that we have, which --

9 MR. DRILL: There's an exhibit that you
10 have that has not been entered in to
11 evidence, you're saying?

12 MR. KENT-SMITH: Correct.

13 MR. DRILL: Okay. So, the last A
14 Exhibit, I believe was A-14, yeah, A-14 so
15 this will be Exhibit A-15. Exhibit A-14 was
16 the left turn lane exhibit, I'm assuming
17 you're looking for a right turn lane
18 exhibit?

19 MR. KENT-SMITH: Yes. Just for the
20 record, what we're doing is that, we did
21 prepare a series of truck turning template
22 exhibits showing a variety of different
23 types of trucks and their ability to enter
24 and exit the site. So I'd like to mark the
25 one -- and Mr. Collins, your question was

1 related to tractor trailers, correct?

2 MR. COLLINS: Correct.

3 MR. KENT-SMITH: Okay. So we just want
4 to make sure that we find the right tractor
5 trailer and then I can mark this truck
6 turning template and --

7 MR. DRILL: So if there's a truck
8 turning template, I assume that Mr. Seckler
9 prepared it from Stonefield because he
10 prepared all the other exhibits?

11 MR. SECKLER: What was the question
12 that you had which was?

13 MR. DRILL: He wanted to know curb to
14 curb right outside where the driveway --
15 where the proposed driveway will meet
16 Walnut. He wants the curb to curb on
17 Walnut.

18 MR. SECKLER: So curb to curb distance
19 is -- it's about 70 feet maybe 72 feet.

20 MR. DRILL: I heard mumble, mumble,
21 mumble feet.

22 MR. SECKLER: Okay. It's 72 feet curb
23 to curb.

24 MR. DRILL: Now, what document have you
25 looked at to give that answer?

1 MR. SECKLER: The aerial Exhibit A-2, I
2 just scaled off on the aerial.

3 MR. DRILL: Ah-hah, okay. Go ahead.

4 MR. COLLINS: So my next question is --
5 don't put that away just yet, or your ruler.

6 So if you're saying it's 72-feet from
7 curb to curb, how many feet is it from the
8 southbound side to the double yellow line?

9 MR. DRILL: You want to know how many
10 feet from the southbound curb to the double
11 yellow line?

12 MR. COLLINS: Correct.

13 MR. SECKLER: So in that area, the
14 double yellow line is actually a median,
15 it's a striped median, it's not two yellow
16 lines next to one another. You have a wider
17 median in the area.

18 MR. DRILL: He wants to know the
19 distance between the southerly curb to the
20 southerly side of that median.

21 MR. SECKLER: Southerly curb to the
22 southerly side of the median.

23 MR. DRILL: Next question is gonna be,
24 northerly curb to the northerly side of the
25 median. Then he's going to ask you the

1 distance of the median and he's going to see
2 if it equals 72 feet.

3 MR. SECKLER: I will tell that you --
4 I'll give to the center of the median is
5 about 40 feet. It's wider on the southbound
6 side, you have the wide shoulder attached on
7 the side.

8 MR. DRILL: Southerly curb to the
9 center of the median is approximately
10 40 feet.

11 MR. SECKLER: Correct.

12 MR. DRILL: What's the distance
13 northerly curb to the center of the median?

14 MR. SECKLER: 32 feet.

15 MR. DRILL: Okay. Mr. Collins.

16 MR. COLLINS: My next question is,
17 again, a tractor trailer making a -- 53-foot
18 tractor trailer making a right-hand turn out
19 of 750 Walnut Avenue, you just stated that
20 you didn't think it would cross into
21 northbound traffic. Is that possible?
22 Would you reconsider your answer?

23 MR. SECKLER: With the design of the
24 radii of the curb, the truck does not have
25 to basically enter the site -- enter Walnut

1 Street at a full 90 degree angle, with the
2 radii of the curb, a softer radii of the
3 curb, makes it easier for tractor trailers
4 to make right turns.

5 MR. DRILL: Listen, can a tractor
6 trailer making a right-hand turn without
7 crossing over in to the median?

8 MR. SECKLER: My testimony was yes, it
9 could without crossing in the northbound
10 lane.

11 MR. DRILL: Right. That's his
12 question.

13 MR. TAYLOR: Jonathan, I'm looking at
14 the site plan, C-5, and it just seems like
15 the graphic scale on this doesn't add up to
16 his numbers and his numbers seem much larger
17 than the distance of --

18 MR. DRILL: Do us a favor, please take
19 site plan sheet C-5 and do your calculation
20 off of that instead of Exhibit A-2.

21 MR. KENT-SMITH: The site plan doesn't
22 show the full width of Walnut.

23 MR. DRILL: This might be the perfect
24 time for a break.

25 MR. NORDELO: We're just going to take

1 a five minute recess so make your
2 calculations, we'll be back in five minutes.

3 (Whereupon, at this time, a recess
4 was taken.)

5 MR. DRILL: We were on Exhibit C-7 and
6 one of the Board members raised a question
7 about C-5 and she realized that C-5 only
8 shows half the roadway. And everyone
9 apparently agrees, including Mr. Collins,
10 with that. So let's keep on going,
11 Mr. Collins.

12 MR. COLLINS: What was my last
13 question?

14 MR. DRILL: Your last question was, can
15 a 53-foot tractor trailer make a right-hand
16 turn without crossing in to the other lane
17 and the witness said yes. And I asked him
18 what was that based on and he said based on
19 Exhibit A-2. That's when the question came
20 up about site plan sheet C-5 but everyone
21 now agrees that site plan sheet C-5 only
22 shows half the roadway. So where we left
23 off was, he's sticking with his answer that
24 in his opinion, a 53-foot tractor trailer
25 can make a right-hand turn without crossing

1 into the other lane.

2 MR. COLLINS: A tractor trailer coming
3 from the underpass heading into 750 Walnut
4 making a right-hand turn, would that tractor
5 trailer safely be able to make a right-hand
6 turn in to 750 Walnut Avenue without
7 crossing in to northbound traffic?

8 MR. SECKLER: Yes.

9 MR. COLLINS: What are you basing that
10 on?

11 MR. SECKLER: My review of the radii
12 and the width of the roadway we believe it
13 could make that turn. If, for some reason,
14 that turn is not found to be acceptable, we
15 can either modify the driveway to either
16 widen it, change the radii, those are
17 options that can be provided to the Board or
18 the County.

19 MR. DRILL: Is there an exhibit that
20 shows that?

21 MR. SECKLER: I don't think I have one.

22 MR. KENT-SMITH: Shows what?

23 MR. DRILL: What he just testified to.
24 I know that -- which exhibit did you consult
25 to testify to? Did you consult Exhibit A-2

1 for that one also?

2 Look at site plan sheet C-5.

3 MR. SECKLER: Yes.

4 MR. DRILL: Does site plan sheet C-5
5 reflect a 25-foot radii?

6 MR. SECKLER: Yes, it does.

7 MR. DRILL: So can you answer the
8 question again, based on the review of the
9 site plan sheet C-5?

10 MR. SECKLER: Based on the review of
11 the site plan sheet C-5, tractor trailers
12 would be able to make that turn in to the
13 driveway without having to turn in to the
14 oncoming lane of traffic along Walnut
15 Avenue.

16 MR. COLLINS: You mentioned width, what
17 is the width of that particular side of the
18 street; in other words, southbound,
19 northbound to the northbound side. The
20 opposite side of the street?

21 MR. SECKLER: You're saying --

22 MR. KENT-SMITH: You already answered
23 that question, right?

24 MR. SECKLER: On the north side of the
25 intersection and the north side of the road,

1 is that what your question is?

2 MR. COLLINS: My question is, heading
3 southbound, entering in to Walnut, that
4 particular side of the shoulder crossing
5 over to the northbound side curb. You
6 testified that it was 72 feet on the other
7 side, is it the same measurement?

8 MR. SECKLER: It's 72 right at the
9 driveway, the shoulder is slightly narrower
10 as you get further from the driveway going
11 north to the trestle.

12 MR. COLLINS: So what's the
13 measurement?

14 MR. SECKLER: So again, right at the
15 driveway it will be the same measurements
16 that I gave before. Just north of the
17 driveway, you know, ten feet north of the
18 driveway, I'll give you the measurements.

19 MR. DRILL: Again, you're using exhibit
20 what to --

21 MR. SECKLER: A-2.

22 And again, for the record, I'm
23 actually going to go about 40 feet north of
24 the driveway just for the record. There
25 it's about 66 feet from curb to curb and

1 about 36 feet to the center of the median.
2 There the median is not hatched, it's two
3 yellow lines but separated with a center
4 area.

5 MR. COLLINS: What is the width of the
6 driveway itself?

7 MR. SECKLER: The driveway on its
8 throat is 35 feet, but it widens as you get
9 to the intersection with Walnut. So the
10 straightaway is 35 feet, as you get to the
11 -- as you get to Walnut you have the 25-foot
12 radii flare out.

13 MR. COLLINS: Let's move on to
14 Exhibit 8.

15 MR. DRILL: So we're going to Exhibit
16 C-8.

17 MR. COLLINS: That's correct.

18 Do you recognize this Exhibit, C-8?

19 MR. SECKLER: This looks like a
20 photograph looking southbound -- I guess
21 maybe you should be the one putting this
22 into the record or I should?

23 MR. DRILL: It's the way you do it.
24 He's asking you.

25 MR. SECKLER: This is a photograph of

1 Walnut Avenue southbound, looks like between
2 the railroad trestle and Lexington.

3 MR. COLLINS: This is a picture of an
4 incline moving away from the train overpass
5 facing southbound on Walnut Avenue
6 approaching the proposed entrance of 750
7 Walnut Avenue. There is also a decline as
8 you approach the train overpass going
9 northbound. What is the gradient of the
10 northbound decline on Walnut Avenue
11 approaching the train overpass?

12 MR. SECKLER: I don't know the
13 gradient.

14 MR. COLLINS: When will you get that
15 information?

16 MR. KENT-SMITH: Again, if there's a
17 specific question that you want to ask, he
18 doesn't know the answer. And quite frankly,
19 he's not going to provide that information
20 unless it's necessary to the Board and its
21 consideration. You know, I don't know what
22 more to say. Ask the question relative to
23 what he does know and then we'll figure out
24 whether he needs to provide additional
25 information. Cause he may be able to answer

1 your question based on what he knows.

2 MR. COLLINS: He answered that he
3 doesn't know, Ken.

4 MR. DRILL: What was the last question?

5 MR. KENT-SMITH: The gradient.

6 MR. DRILL: The grade?

7 MR. COLLINS: The gradient.

8 MR. DRILL: The what?

9 MR. COLLINS: Gradient.

10 MR. DRILL: Gradient?

11 MR. COLLINS: The slope.

12 MR. DRILL: Okay. So where -- just a
13 question, let's say he knew the answer, what
14 would your next question be?

15 MR. COLLINS: My next question would
16 be, by how much does that gradient affect
17 the stopping distance of a largest -- the
18 largest truck expected to utilize 750 Walnut
19 Avenue travelling northbound on Walnut
20 Avenue at max gross weight?

21 MR. DRILL: Relevant question.

22 So do you know the slope?

23 MR. SECKLER: I don't know the slope,
24 however, an incline -- so if you're coming
25 southbound, would actually reduce the amount

1 of stopping site distance necessary for a
2 truck or any vehicle to stop. Because the
3 car, as they go up, they're actually being
4 kind of pulled back down the hill away from
5 whatever the disturbance is that they're
6 stopping for.

7 Coming down the hill would be the
8 opposite, stopping sight distance would
9 increase. That would be under the railroad
10 trestle away from the driveway. I can't
11 speak to specific truck weights and what
12 that affects the force, however, I can speak
13 the fact that the ASHTO that's the
14 Association of State Highway Transportation
15 Officials, green book we'll call it, is the
16 design manual, reflects, again, a reduced
17 stopping sight distance for uphill travel
18 and an increase stopping sight distance for
19 going downhill. So approaching the driveway
20 here, you actually have a shorter stopping
21 sight distance than necessary going the
22 other way.

23 MR. COLLINS: Okay. You testified that
24 a tractor trailer has a gross weight of
25 possibly 80,000 pounds, correct?

1 MR. SECKLER: Correct.

2 MR. COLLINS: Using that tractor
3 trailer, can you answer that question?

4 MR. KENT-SMITH: What question?

5 MR. COLLINS: By how much does the
6 gradient affect the stopping distance of an
7 80,000 pound tractor trailer expected to
8 utilize 750 Walnut travelling northbound on
9 Walnut Avenue?

10 MR. DRILL: Let me ask does ASHTO have
11 a chart that would answer that question?

12 MR. SECKLER: Yes. I don't have that
13 chart with me.

14 MR. DRILL: Can you submit the chart to
15 the Board?

16 MR. SECKLER: But the one question I
17 have is, is your concern going southbound
18 from the trestle to Lexington or northbound
19 from the driveway to the trestle.

20 MR. COLLINS: My question is northbound
21 and southbound. I haven't gotten to
22 southbound yet. There is a visibility
23 issue, I don't want to -- I want to ask it
24 as a question.

25 Have there been any studies done

1 regarding how the train overpass obstructs
2 the visibility of drivers -- tractor trailer
3 drivers approaching the intersection of
4 Walnut and the proposed entrance, that's on
5 this southbound side?

6 MR. SECKLER: We've reviewed this
7 intersection, the driveway for intersection
8 sight distance to ensure that vehicles
9 utilizing this south site driveway from
10 Lexington and the vehicles on Lexington
11 would have proper sight distance to see
12 vehicles on Walnut in the north and
13 southbound directions.

14 MR. COLLINS: Are you aware of the
15 stopping mechanisms on a tractor trailer?

16 MR. SECKLER: I'm not intimately aware
17 of the mechanics of the stopping systems.

18 MR. KENT-SMITH: Did you finish
19 answering his first question?

20 MR. SECKLER: I don't remember what the
21 first question was.

22 MR. KENT-SMITH: You stated you did a
23 study.

24 MR. SECKLER: Yes, we did a study and
25 it meets the requisite intersection sight

1 distance for both left and right turns out
2 of the site driveway and Lexington when
3 turning on to Walnut Avenue.

4 In addition, as was previously
5 testified to, should the speed limit be
6 reduced here, that would only further
7 enhance and provide more generous stopping
8 intersection sight distance.

9 MR. DRILL: I just want to make sure I
10 got this one straight. Is it correct that
11 you just testified that you did a study --
12 I'm going to add some words that you didn't
13 use -- but I want to know if this is correct
14 or false, right or wrong. Did you do a
15 study that concluded that the intersection
16 has safe sight distances in both directions?

17 MR. SECKLER: From the site driveway
18 and from Lexington, yes.

19 MR. DRILL: Has that study, is that
20 part of the Board's record, has that been
21 submitted into the Board record as part of
22 that traffic study that you submitted or is
23 that a separate study you did?

24 MR. SECKLER: I don't know if the site
25 plan has sight triangles on it. That's

1 typically what we would do as part of this
2 record.

3 MR. DRILL: It does not look like C-5
4 has the site triangles on it.

5 MR. SECKLER: We did perform, but it
6 does not appear to submitted to the Board.

7 MR. KENT-SMITH: Yes, we will submit
8 that.

9 MR. DRILL: Okay. So you're going to
10 submit that. Add that to the list of things
11 you're going to submit.

12 MR. COLLINS: Have there been any
13 studies regarding the southbound incline
14 affects the visibility of drivers
15 approaching the intersection of Walnut and
16 the proposed entrance?

17 MR. SECKLER: I've reviewed it based on
18 the ASHTO standards. However, if the Board
19 wishes to see that graphically shown and
20 calculated, we can provide that.

21 MR. DRILL: Yes, please provide that
22 also.

23 MR. COLLINS: What safety measures will
24 be implemented to protect southbound cars
25 that are stopped on Walnut to turn left onto

1 Lexington with a tractor trailer coming up
2 southbound turning in to Walnut Avenue and
3 750?

4 MR. SECKLER: Tractor trailers would
5 have to wait for the cars in front of it to
6 pass before it could enter the driveway,
7 just like any other vehicle would.

8 MR. COLLINS: A tractor trailer waiting
9 for that car to turn left on to Lexington,
10 would that cause any visibility issues to
11 anybody behind the tractor trailer?

12 MR. SECKLER: Any vehicle waiting
13 behind a stopped tractor trailer would see
14 the tractor trailer and its brake lights and
15 would be able to -- would be stopped
16 accordingly.

17 MR. COLLINS: Do you realize at times
18 that tractor trailers roll back on occasion?

19 MR. SECKLER: Driven before I've seen a
20 roll back before, yes.

21 MR. COLLINS: Given the steep decline
22 underneath the train overpass, if a truck or
23 tractor trailer is travelling northbound on
24 Walnut, at which point would a tractor
25 trailer, at max gross weight, need to brake

1 in order to stop for pedestrians utilizing
2 the crosswalk at the intersection of Walnut
3 and Chester Lang?

4 MR. SECKLER: I don't know. I don't
5 know that calculation off the top of my
6 head. That's obviously something we can
7 calculate using ASHTO stopping sight
8 distance formulas. I don't know the
9 internal mechanism inside the tractor
10 trailer, but I can provide a general
11 calculation.

12 MR. COLLINS: Just so I understand
13 correctly, you do not know but you will be
14 providing information; is that correct?

15 MR. SECKLER: I do not know when the
16 tractor -- off the top of my head, when the
17 tractor trailer would have to start braking,
18 if that's what your question was.

19 MR. COLLINS: Did you do a study?

20 MR. KENT-SMITH: Mr. Chairman, at this
21 point we are getting into -- quite frankly
22 issues that are so far outside the scope of
23 this planning board. This is a county road
24 under county jurisdiction. This is a county
25 design standard that we are applying. So --

1 MR. DRILL: Egress and access to the
2 site that's within the planning board --

3 MR. KENT-SMITH: This is not talking
4 about our entrance and exit, this is talking
5 about trucks on the road. If I understand
6 what your question was, you're talking about
7 a truck on Walnut heading northbound having
8 exited the site, correct?

9 MR. COLLINS: Correct. In a
10 residential area.

11 MR. KENT-SMITH: On the general flow of
12 traffic that's not the applicant's issue,
13 that is the county's issue.

14 MR. DRILL: If that's the question, in
15 my opinion that's the county jurisdiction
16 that's not within the planning board's
17 jurisdiction.

18 MR. KENT-SMITH: That's --

19 MR. DRILL: My advice is to sustain
20 Mr. Kent-Smith's objection.

21 MR. NORDELO: I will sustain the
22 objection on those grounds.

23 MR. COLLINS: I'm going to ask the next
24 question anyway. Because of the restricted
25 visibility created by the overpass, will a

1 truck or tractor trailer travelling
2 northbound on Walnut Avenue even be able to
3 see a pedestrian crossing the crosswalk soon
4 enough to stop safely, without hitting the
5 pedestrian, considering the increased
6 stopping distance created by the decline;
7 have there been any studies to determine any
8 of this?

9 MR. KENT-SMITH: So you're talking
10 about the crosswalk at Chester Lang?

11 MR. COLLINS: Correct.

12 MR. KENT-SMITH: Okay. Same objection.

13 MR. NORDELO: Sustained.

14 MR. DRILL: Just for the record, you
15 sustained it because that's within the
16 county jurisdiction; is that correct?

17 MR. NORDELO: Correct.

18 MR. COLLINS: Let's move on to
19 Exhibit 9.

20 MR. DRILL: C-9.

21 MR. COLLINS: Do you see the Exhibit
22 C-9?

23 MR. SECKLER: Yes.

24 MR. COLLINS: Can you determine where
25 it was taken?

1 MR. SECKLER: This looks to be taken
2 from the sidewalk in front of 750 Walnut
3 looking at the Lexington intersection.

4 MR. COLLINS: How many lanes make up
5 the road Walnut Avenue?

6 MR. SECKLER: Travel lanes, there's one
7 lane in each direction, there's also a
8 shoulder.

9 MR. COLLINS: That's fine.

10 MR. SECKLER: And a median. And the
11 shoulder in the southbound direction, a
12 median and it looks like a shoulder in the
13 northbound direction.

14 MR. KENT-SMITH: Could I just ask a
15 quick question. Did you take this picture
16 Mr. Collins, is this your photo?

17 MR. COLLINS: Yes.

18 MR. KENT-SMITH: Okay.

19 MR. COLLINS: How close is 719 Walnut
20 Avenue to the present proposed truck
21 entrance at 750 Walnut Avenue?

22 MR. SECKLER: I don't specifically know
23 which one is 719 because I don't see an
24 address on the house, so.

25 MR. COLLINS: Will trucks or tractor

1 trailers be legally allowed to utilize
2 Lexington Avenue?

3 MR. SECKLER: We've indicated that we
4 will be willing to install signage
5 prohibiting that. However, that would
6 obviously require, I believe, counsel and
7 mayor's counsel provide an ordinance in
8 support of that or to enforce it.

9 MR. COLLINS: I have no further --

10 MR. DRILL: The applicant agrees to
11 that, though, if the other entities execute
12 it?

13 MR. SECKLER: Yes.

14 MR. COLLINS: No further questions.

15 MR. DRILL: So we're not using C-10 and
16 C-11; is that correct?

17 Okay. So Mr. Kent-Smith please give
18 Mr. Collins back C-10 and C-11, we're not
19 using them and please give Kathy C-1 through
20 C-9 for the Board file.

21 MS. LENAHAN: Mr. Drill, can I just ask
22 A-15, is that an actual exhibit?

23 MR. DRILL: No, there is no A-15.

24 MR. LENAHAN: Okay. Thank you.

25 MR. NORDELO: Are there any more

1 members of the public that have questions
2 for this expert?

3 MS. ESPOSITO: Hi, Christine Esposito,
4 11 Behnert Place.

5 MR. DRILL: We're not hearing you.

6 MS. ESPOSITO: Christine Esposito, 11
7 Behnert Place.

8 MR. DRILL: Can you come right up to
9 here? Facing the court reporter. There we
10 go.

11 MS. ESPOSITO: Based on your testimony
12 just before that Hartz would be willing to
13 either fund -- or earlier testimony I should
14 say, fund or restrict truck traffic on
15 Lexington Avenue from the commercial
16 property. My question is why wouldn't,
17 then, the traffic study look at all of
18 Lexington including Lexington and Raritan
19 Road? Why wouldn't that be included in the
20 scope of the study?

21 MR. KENT-SMITH: That was asked and
22 answered by the prior person. He's already
23 answered that question.

24 MS. ESPOSITO: Why it wasn't in the
25 study?

1 MR. KENT-SMITH: Yes. He answered that
2 the first member of the public.

3 MS. ESPOSITO: Today?

4 MR. KENT-SMITH: Yes.

5 MS. ESPOSITO: I apologize. So my
6 question, then, would be, why did the
7 traffic study then include ShopRite Way and
8 Raritan Road if that's further away from the
9 traffic flow from the current site?

10 MR. SECKLER: We were requested to
11 study that as part of the redevelopment plan
12 requirements. That's why we studied the
13 intersection. I can only suppose it was
14 included because it was thought of as being
15 an intersection that has a very high volume
16 and existing condition and would be a
17 possible route in which vehicles would turn
18 to get to the parkway. Turning movements,
19 typically, are the larger delaying movement
20 and so that was, I assume, why it was
21 selected. It was included in the
22 redevelopment plan as a required
23 intersection.

24 MS. ESPOSITO: In your opinion, if
25 truck traffic was restricted on Lexington

1 Avenue entering and exiting the new proposed
2 commercial property, what is to deter truck
3 traffic from making a right or -- I'm really
4 bad with direction, northbound turn off of
5 Raritan Road on to Lexington to approach the
6 site and then arriving at that intersection
7 and realizing that they cannot go straight
8 across. What would deter that, is there any
9 way to deter that turn?

10 MR. SECKLER: A restriction can be
11 placed upon the other end of Lexington as
12 well. Typically when you would have a truck
13 restriction you would actually restrict in
14 both directions. So you would pick a point
15 between Raritan and Lexington and sign at
16 that spot to prevent trucks from making that
17 turn.

18 MS. ESPOSITO: And the restrictions
19 would be on Raritan or would they already be
20 on Lexington?

21 MR. SECKLER: They would, basically,
22 either say like, no truck right turn. So
23 when you're on Raritan you would see that or
24 it would say, no trucks when you're
25 basically at the mouth of the intersection

1 of Lexington and Raritan.

2 MS. ESPOSITO: Okay. My next question,
3 I guess, may be for the Board. If I have
4 concerns about the driveway moving again
5 that I would like to address, is it better
6 to do that?

7 MR. DRILL: That would be when you
8 testify and by then, they will have
9 submitted the county standard in a cover
10 letter. Remember we asked them to explain
11 why what they're proposing is required and
12 why leaving the driveways as-is does or does
13 not comply with county standard and they're
14 also going to put in that cover letter
15 anything they think under the redevelopment
16 plan which allows the driveways were shown.

17 MS. ESPOSITO: Okay. Thank you.

18 MR. NORDELO: Are there any further
19 members of the public?

20 Just your name and address.

21 MS. GALLAGHER: Pat Gallagher, 15 Allen
22 O Kell Place.

23 I don't know if it's possible to pull
24 up the map of Lexington, Walnut, all the
25 whole proposed site because there's proposed

1 stop signs and speed humps and that whole
2 thing.

3 MR. DRILL: So let's see if they have
4 an exhibit that shows that.

5 MS. GALLAGHER: If you have it or if
6 you can pull it up on the screen.

7 MR. KENT-SMITH: The one that was shown
8 all the offsite traffic?

9 MS. GALLAGHER: Yeah, all the proposed,
10 you know, speed reduction humps or whatever
11 they're called now.

12 MR. KENT-SMITH: This is exhibit -- for
13 the record Exhibit A-12. This shows the --
14 is that what you want?

15 MS. GALLAGHER: Yes.

16 Now where is -- I'm sorry. Where on
17 there --

18 MR. KENT-SMITH: This is Exhibit A-12.

19 MR. DRILL: So you're asking a question
20 off of A-12. You're asking a question using
21 Exhibit A-12?

22 MS. GALLAGHER: I believe so, yes.

23 MR. DRILL: Okay.

24 MS. GALLAGHER: Is that okay?

25 MR. DRILL: Yes.

1 MS. GALLAGHER: All right. Where is --
2 on here the second entry -- I'm sorry.

3 MR. SECKLER: One second. I'm trying
4 to get it back on the screen.

5 You're referring to A-12.

6 MS. GALLAGHER: A-12. On your site map
7 here, you know speed humps.

8 MR. DRILL: You need to testify on the
9 microphone so you're going to use what's
10 shown on screen.

11 MR. SECKLER: So your question is where
12 the commercial driveway?

13 MS. GALLAGHER: Yes.

14 MR. SECKLER: So the commercial
15 driveway is across from Lexington. It's
16 actually right where the word the D in date
17 is, is where the driveway.

18 MS. GALLAGHER: Okay. And these are
19 all proposed speed hump, speed bumps,
20 whatever, and where are the traffic signs,
21 stop signs?

22 MR. SECKLER: Stop signs was on a
23 different exhibit.

24 MS. GALLAGHER: Oh, I'm sorry.

25 MR. NORDELO: Can you speak in to the

1 microphone, ma'am, I'm sorry.

2 MR. DRILL: We are having trouble
3 hearing you.

4 MS. GALLAGHER: Sorry. Is that better?

5 MR. KENT-SMITH: So just for the record
6 this is Exhibit A-11.

7 MS. GALLAGHER: Okay. Now, you have
8 Harold Johnson, Roger Norton, Allen O Kell,
9 where I live, right on the end of Lexington
10 and what would be Walnut over that way.
11 They are three dead end cul-de-sacs, nothing
12 has been proposed to anyone as to how we are
13 getting in and out of the streets with
14 traffic.

15 MR. DRILL: So ask him how.

16 MS. GALLAGHER: Is there anything you
17 can suggest? Because basically I have been
18 literally given (shrugs shoulders) when I've
19 gone to meetings and (shrugs shoulders) is
20 not getting me out of my house in case of an
21 emergency, getting my kids to school,
22 getting myself to work.

23 MR. DRILL: She's using -- for the
24 record, hand motions to show that no one has
25 answered her questions.

1 MR. SECKLER: So is your question a
2 concern with the existing conditions
3 currently trying to get out of the
4 cul-de-sacs or a proposed concern?

5 MS. GALLAGHER: A proposed if there's
6 more influx of traffic. Because the other
7 day I had a Wonder truck, a FedEx truck, a
8 UPS truck, and six cars come down because
9 when there's an accident at certain areas of
10 the parkway, people come off at either 136
11 and they cut down Lexington, that's how I
12 know it's further up.

13 MR. DRILL: So the question to him is?

14 MS. GALLAGHER: Right. How are we
15 going to -- because I let out such a woven
16 tapestry of curse words in my car because I
17 was not able to get out of my street.

18 MR. DRILL: So I need -- so you're
19 asking what?

20 MS. GALLAGHER: I'm asking, what can we
21 do? Is there anything proposed to help
22 these three dead end cul-de-sacs because we
23 have no way -- no other way out. They're
24 three dead end and I'm on the dead end
25 street.

1 MR. DRILL: Ma'am, if you want him to
2 answer the question you got to let him --
3 you got to stop, you got to let him answer.

4 MS. GALLAGHER: Okay.

5 MR. KENT-SMITH: We got it.

6 MR. SECKLER: So two parts. One,
7 proposed traffic increase. The site
8 driveway located for the commercial
9 development has turn restrictions that does
10 not allow vehicles to come through, so there
11 will not be additional cars coming through
12 on Lexington Avenue to the site or from the
13 site.

14 Second, what we put on here is
15 suggestions of different traffic measures
16 that your board's traffic engineer and
17 whoever on the township could pick and
18 choose whatever they like. For concern of
19 someone who may live on Harold Johnson Place
20 having an all way stop here would stop the
21 flow of traffic on Lexington and give you
22 equal opportunity to turn out. That may be
23 a suggestion for you. But again, we are
24 providing these suggestions, we will be
25 funding what is selected.

1 MS. GALLAGHER: Right. That I know.

2 MR. SECKLER: But we're not picking and
3 choosing where these applications are.

4 MS. GALLAGHER: That seems to be the
5 most agreeable is where the stop signs go.

6 MR. KENT-SMITH: No, this is just
7 represented.

8 MS. GALLAGHER: Right. I just didn't
9 know if the town --

10 MR. DRILL: I would suggest that when
11 the Board's traffic engineer testifies next
12 and he's questioned, he's the person I think
13 you should ask those questions to. He's
14 going to make recommendations, the Board
15 will ultimately decide, I think, what to
16 either -- I have to legally look at it --
17 what to recommend to the township committee
18 or impose. It's probably a recommendation
19 because only the township committee's gonna
20 have the authority to do it, but it's going
21 to start with the Board's traffic engineer
22 expert making a recommendation to the Board
23 and then the Board making a recommendation
24 to the township committee. So he's your guy
25 that you should really be asking these

1 questions to. And hopefully -- what time is
2 it? 9:38, hopefully, we'll get to him next.

3 MS. GALLAGHER: Okay. Thank you.

4 MR. NORDELO: Are there any additional
5 members of the public? Go ahead.

6 MR. DRILL: After him there's at least
7 one other person back there wearing a green
8 shirt.

9 MR. CURRAN: Thank you. Terrance
10 Curran, 514 Lexington Avenue.

11 MR. DRILL: What did you say?

12 MR. CURRAN: Curran, C-U-R-R-A-N.

13 Sir, would you agree that truck
14 traffic going -- I think that's southbound,
15 underneath the trestle on Walnut, would make
16 things difficult for local traffic and for
17 residents in that area?

18 MR. SECKLER: I don't believe that the
19 traffic flow would significantly change. In
20 addition, this is a site that has operated
21 with various different users that may have
22 had some form of tractor trailers and large
23 amount of cars previously to the site and,
24 obviously, the site was functionable during
25 that time.

1 Our analysis has shown that with the
2 increase in traffic associated with this
3 development, there would not be a
4 significant change in level of service or
5 detriment to the roadway network based on
6 our analysis.

7 MR. CURRAN: Okay. But earlier you
8 said you did not think that that route would
9 be something that a truck driver would use.

10 MR. SECKLER: Well, I first stated that
11 I believe that the amount of tractor
12 trailers for a site like this because it's
13 not a logistic style warehouse, and again, I
14 gave a number of potential users, it's not
15 going to be high. I also think it doesn't
16 market well to a logistics type facility
17 because it's not located near high level
18 roadways, interstates, toll roads, things
19 like that. So I don't remember what the
20 question I was getting at there.

21 MR. CURRAN: Would you support
22 restricting large tractor trailers from
23 Walnut Avenue going southbound out of the --

24 MR. SECKLER: Again, it's a county
25 roadway in which there is no current truck

1 restrictions, trucks are free to move around
2 those roads today. I don't believe we are
3 adding a significant increase to tractor
4 trailer traffic that would impact the
5 roadway safety through that corridor.

6 MR. CURRAN: Okay. Thank you.

7 MR. NORDELO: Next member of the
8 public, please?

9 MS. LEARY: Angela Leary, 4 Behnert
10 Place. Though I object to the driveway
11 being moved directly across Behnert Place,
12 what is Hartz's plan for signage to mitigate
13 cars or whatever, coming out of the driveway
14 aligning to Behnert Place to deter traffic
15 from coming down that street?

16 MR. SECKLER: So again, your concern
17 was Behnert Place, this was A-10 --

18 MR. KENT-SMITH: I'm trying to remember
19 which one it was.

20 MR. SECKLER: I think it was the first
21 one we --

22 MR. KENT-SMITH: This is A-10, this is
23 what you wanted, right?

24 MR. SECKLER: Yes.

25 A-10 shows the movements that will be

1 allowable at the Lexington Avenue driveway,
2 and the Behnert Place driveway. We would
3 indicate with both roadway markings,
4 striping and signage that's there no through
5 movement both from Behnert and from the
6 residential driveway across.

7 We've also agreed to signage that
8 would indicate no through traffic and no
9 truck traffic along Behnert Place.

10 MS. LEARY: How do you intend to
11 enforce that?

12 MR. SECKLER: Well, the through
13 movement restriction will be enforced,
14 though I imagine, through a Title 39
15 which --

16 MR. KENT-SMITH: You don't even need
17 it, it's a driveway so it's already in their
18 title.

19 MR. SECKLER: So, technically it would
20 be enforceable by the police by a ticket if
21 they see someone go through from Behnert to
22 the site driveway, or the site driveway to
23 Behnert, they basically would be ticketed
24 just as if they made a left turn where it
25 says no left turn into any roadway.

1 MS. LEARY: My next question goes to
2 the fact that you're going to put into
3 escrow monies for the stop signs and speed
4 humps; is that typical?

5 MR. KENT-SMITH: That's actually a
6 legal question and the answer is no, it's
7 not common.

8 MR. DRILL: I'm going to say that
9 Mr. Kent-Smith can answer this question.

10 MR. KENT-SMITH: The answer is normally
11 not. But this is in the redevelopment and
12 in a redevelopment the municipality has more
13 authority than it would normally have
14 because of the unique powers they're granted
15 under the redevelopment statute. So the
16 answer to that is, yes.

17 MR. DRILL: I agree with what
18 Mr. Kent-Smith said, we disagree on a lot
19 but with that, we agree.

20 MS. LEARY: And what happens when the
21 mitigation efforts escrow, runs dry and
22 there's still major traffic problems in
23 town?

24 MR. KENT-SMITH: What we will be
25 obligated to do is what Mr. Rached and this

1 Board direct us to do with the consent of
2 the counsel. So once we've said, this is
3 what we're going to do, and we fund that,
4 that's our obligation. So you know, it's an
5 obligation that's for a specific purpose for
6 a specific point in time. And that's what
7 we would be obligated to do.

8 MS. LEARY: Thank you.

9 MR. NORDELO: Prior to this follow-up,
10 is there anyone else from the public that
11 has a question for this witness?

12 MR. DRILL: There does not appear to be
13 so.

14 MR. NORDELO: Well, there is. Let's
15 just have him come up.

16 MR. DRILL: Did you ask questions back
17 in August?

18 MR. SABER: Yeah, I did.

19 MR. DRILL: These are also technically
20 follow-up. You're going to allow follow-up
21 from these two members of the public?

22 MR. NORDELO: Yes.

23 MR. SABER: Finnigan Saber, 8 Roger
24 Avenue.

25 MR. DRILL: We didn't get that. Your

1 name again?

2 MR. SABER: Finnigan Saber.

3 MR. DRILL: That's right. I remember
4 from last time.

5 Go ahead.

6 MR. SABER: Is there any possibility of
7 installing a pedestrian overpass over the
8 Conrail railroad tracks to the other part of
9 Lexington Avenue on the west side of Walnut
10 Avenue?

11 MR. SECKLER: I would say from the
12 applicant side no and I'm not aware of any
13 capital improvement project that would be
14 looking at. I'm unaware of any.

15 MR. SABER: Okay.

16 MR. DRILL: Our last follow-up
17 question.

18 MR. NORDELO: Seeing no further, we're
19 going move on to testimony from our traffic
20 expert. Thank you. I'm sorry. Mr. Pistol,
21 go ahead. Just one last question from
22 member of the Board.

23 MR. PISTOL: One question, or issue
24 that hasn't been addressed is lighting on
25 Walnut Avenue. Driving down that street at

1 night it's very dark in the stretch between
2 the railroad and Raritan Road. Actually
3 there's uneven lighting. Some portions of
4 that have adequate lighting and some have
5 inadequate lighting. And I don't know if
6 this is a question -- it's partially for the
7 engineer, partially planning, I think. Some
8 of the streetlights along that stretch --
9 first every other pole, every other utility
10 pole, is the way they are now, probably
11 should be every pole and it looks like some
12 of them are sodium vapor, I think those are
13 the ones that have the orange yellowish gas
14 so those seem to be adequate. Then there
15 are some that seem like they're just
16 fluorescent, so I was wondering if you maybe
17 -- I don't know if it's up to you or if you
18 had a discussion with the county as to
19 whether or not they have --

20 MR. DRILL: Can I make a suggestion?
21 Lighting on a county road is a county
22 jurisdiction and it's probably not for the
23 traffic expert.

24 MR. PISTOL: Okay.

25 MR. DRILL: I don't know who it's for,

1 we'll figure it out but that's not lighting
2 on a township road, it's lighting on a
3 county road and so I would say that I don't
4 know who or how we're going to deal with
5 this, but in my opinion, it shouldn't be
6 this witness.

7 MR. KENT-SMITH: And again, your
8 witnessing a rarity, Mr. Drill and I agree
9 again. But one thing I could ask of the
10 counsel because the counsel would have more
11 authority, if the counsel would ask the
12 county to explore that, the county could
13 then look.

14 MR. DRILL: Understood.

15 MR. NORDELO: Are there any further
16 questions from members of the Board? I see
17 none so we're going to move on.

18 Just one second. So we're going
19 adjourn for another five-minute recess very
20 quickly.

21 (Whereupon, at this time, a recess was
22 taken.)

23 MR. NORDELO: Go ahead.

24 MR. DRILL: Mr. Rached, you're the
25 Board's traffic engineering expert. And I

1 believe that I qualified you and actually
2 swore you in before, but do you recall being
3 qualified by me?

4 MR. RACHED: I do.

5 MR. DRILL: Do you recall being sworn
6 in?

7 MR. RACHED: I don't.

8 MR. DRILL: I'm going to swear you in
9 now, then just in case. Raise your right
10 hand.

11 Do you swear or affirm that the
12 testimony you are going to give in this
13 matter will be the truth, the whole truth
14 and nothing but the truth?

15 MR. RACHED: I do.

16 MR. DRILL: Now, if I didn't qualify
17 you then I have to qualify you again,
18 because I didn't qualify you under oath. So
19 I'm sorry, this is going to take a little
20 time but just to make sure the record is --
21 has everything in it, can you give the Board
22 the benefit of your educational background
23 and your work experience.

24 MR. RACHED: Sure. I'm a licensed
25 professional engineer. I've been doing

1 traffic engineering for about 35 years.
2 I've testified before, at least, 150 boards,
3 probably 1,200 times in the state of New
4 Jersey, New York, and Pennsylvania. I've
5 testified in court, probably, about 20 to 30
6 times, that includes Federal Court, Superior
7 Court, and Municipal Court on matters of
8 traffic and safety.

9 I've been teaching for many years at
10 NJIT and TCNJ subjects related to
11 engineering and traffic engineering.

12 MR. DRILL: I believe that I introduced
13 you to the Board at a work session and you
14 explained all that but this --

15 MR. KENT-SMITH: It's on the record.
16 It's in the transcript.

17 MR. DRILL: Okay. All right. So I'm
18 going to ask the Board chairman to formally
19 accept Mr. Rached as, A, a traffic
20 engineering expert but B, the Board's
21 traffic engineering expert.

22 MR. NORDELO: I accept you as a traffic
23 engineering expert and the Board's traffic
24 engineering expert.

25 MR. DRILL: Does anyone in the public

1 or Mr. Kent-Smith have any questions about
2 his qualifications as a traffic engineer
3 before we get in to his testimony?

4 MR. KENT-SMITH: None.

5 MR. DRILL: And there's no one from the
6 public either.

7 MR. NORDELO: You can proceed.

8 MR. DRILL: You've heard all the
9 testimony from Mr. Seckler and actually also
10 you reviewed the transcript from the
11 testimony of their civil engineering expert,
12 correct?

13 MR. RACHED: Yes.

14 MR. DRILL: Okay. So rather than me
15 asking you questions, why don't you present
16 based on what you heard and what you think
17 the Board should consider or not consider in
18 this matter.

19 MR. RACHED: Very well.

20 Good evening, Mr. Chairman, Members
21 of the Board, Members of the Public. So I'm
22 gonna give you, first, a two-minute
23 overview, a little background, then I'll go
24 over the interactions with county and
25 address all the different elements and then

1 I made some notes to go back and clarify
2 some of the questions, some of the answers,
3 and some of the issues that the Board
4 expressed concern over or the public
5 expressed concern over.

6 In terms of background, this project
7 has been ongoing for a long time. Recently,
8 and when I say recently, in the last few
9 months, I've had two public meetings,
10 actually most of the people present in this
11 room have been to these public meetings, and
12 the purpose of these meetings was to have a
13 dialogue with the community, mostly the
14 residents of the Indian Village community,
15 and others, to speak with them about this
16 project and about what type of mitigation
17 would be most appropriate for this applicant
18 to propose. So it's been an ongoing
19 dialogue. In addition to the two public
20 meetings, I've received numerous e-mails and
21 I've had a lot of communications to advance
22 the dialogue into what traffic mitigation
23 would be appropriate.

24 Let me first go over the county
25 interaction. I have attended one meeting

1 with the county. The representative from
2 the county was Ricardo, I believe, Matias,
3 that's M-A-T-I-A-S, and the county was not
4 in favor --

5 MR. DRILL: This is a telephone
6 meeting?

7 MR. RACHED: That was a teams meeting
8 and we were all on camera.

9 MR. DRILL: Microsoft Teams?

10 MR. RACHED: Yes.

11 So the elements that the county was
12 not in favor of, one, the median along
13 Walnut Avenue.

14 They were also not in favor of any
15 raised geometry on Walnut Avenue. What I
16 mean by raised geometry, that would include
17 speed humps, a raised intersection or raise
18 in the crosswalk.

19 They were not in favor of staggered
20 driveways or intersections and they were not
21 in favor of a bicycle lane.

22 Now, they were open to the following:
23 They were open to reducing the speed limit
24 on Walnut Avenue, creating a crosswalk
25 across Walnut Avenue.

1 Installing a flashing beacon to the
2 crosswalk.

3 Widening the sidewalk along Walnut
4 Avenue.

5 And improving the intersection of
6 Raritan Road and Walnut Avenue.

7 So that kind of gives a summary of
8 our interaction with the county. So let me
9 now address each one of these elements so
10 that I'll give you my opinion on it and how
11 it's going to serve as a traffic mitigation
12 element.

13 So the median along Walnut Avenue
14 first, again, the county was not in favor of
15 it. I'm not in favor of it for the
16 following reasons: It eliminates parking;
17 it will make the crossing, if we implement
18 this crossing at Behnert Place, longer; and
19 it precludes the installation of a bike lane
20 in the future. So for all these reasons, my
21 recommendation would be not to go with the
22 median along Walnut Avenue.

23 The reason I ask the applicant to
24 give us a concept plan showing the median is
25 for us to see these impacts and make a

1 decision.

2 It terms of the crosswalk, first let
3 me let everyone here know that a crosswalk,
4 if available, is there by statute. So any
5 time you have an intersection, you do have a
6 crosswalk and that's-- you can go and read
7 that in 3941 in motor vehicle laws -- in New
8 Jersey Motor Vehicle Laws. So adding a
9 striped crosswalk doesn't mean we're
10 introducing a crossing. There is a crossing
11 by statute, we are just making it safer or
12 highlighting it. So I want the Board and
13 the public to know that.

14 So my opinion of the crosswalk is
15 positive. I think it may serve as a traffic
16 calming feature. In my opinion it does not
17 generate additional crossing traffic; in
18 other words, if somebody needs to cross,
19 they are going to cross in that location.
20 Having a crosswalk is not going to cause
21 someone that would otherwise have no need to
22 cross, to cross. So the purpose of it, like
23 I said, is to make the crossing safer and to
24 possibly add as another traffic calming
25 feature.

1 In addition to the crosswalk, the
2 county, as I said, was open to installing an
3 electronic device such as a flasher that
4 would also enhance the safety of the
5 crosswalk and I believe that this would go
6 along with reducing speed limit. In other
7 words, reducing the speed limit and
8 installing a crosswalk, in my opinion, go
9 hand in hand.

10 In terms of reducing the speed limit,
11 the county was open to that and it's an
12 event that's going to be done in
13 collaboration between us and the applicant.

14 Now, let's talk about the sidewalk.
15 The county was open to that and receptive
16 and in my opinion, I believe a five-foot
17 sidewalk is appropriate and would be an
18 enhancement to the safety of pedestrians and
19 also, to the aesthetics of the Walnut Avenue
20 corridor.

21 MR. DRILL: Just a quickie question.
22 The redevelopment plan, though, calls for
23 eight-foot wide sidewalk, correct?

24 MR. RACHED: I don't recall but it may,
25 I don't recall.

1 MR. DRILL: So you're saying five-foot
2 would be like the minimum to be safe, but if
3 the redevelopment plan calls for eight feet,
4 you wouldn't be opposed to eight feet, would
5 you?

6 MR. RACHED: I would not. However,
7 it's a good question, by the way. The
8 reason I'm going to five is that I found
9 that eight is not feasible in certain areas
10 due to physical restrictions, utilities and
11 other installations. So let me rephrase
12 that by saying, if an eight-foot crosswalk
13 is feasible absolutely -- sidewalk. That
14 would be absolutely the preferred
15 configuration. But I think if we find that
16 an eight-foot sidewalk is not feasible in
17 certain places, it would be better to have a
18 continuous one width sidewalk across the
19 area.

20 MR. DRILL: If there's certain sections
21 where it's not feasible for an eight-foot
22 sidewalk, you'd be in favor of five feet
23 sidewalk the whole way instead of
24 eight-foot, five-foot, eight-foot,
25 five-foot?

1 MR. RACHED: That's correct.

2 So let's talk about the big issue
3 now, the staggered driveways and the
4 intersections. So in terms of the question
5 you asked, Mr. Drill, earlier do you
6 redevelop the plan agreement that was signed
7 by all parties includes exhibits A and B and
8 these exhibits, I know at least Exhibit A,
9 shows the access the way we see it tonight.
10 So we could say that the redevelopment
11 includes this type of access. But let me go
12 over some other factors that will help us
13 understand why these driveways need to align
14 and why the county wants them to align.

15 In general, aligning roads and
16 driveways is part of access management and
17 you find that in all the states throughout
18 the nation. And the reason for that is to
19 minimize points of conflict. In other
20 words, if we open these two driveways
21 opposite to existing roads, we're keeping
22 the same locations in terms of movements of
23 cars and pedestrians. However, if we
24 stagger them, now we are adding to locations
25 of potential vehicle conflicts and

1 pedestrian circulation. So that's one of
2 the main reasons that on a national level,
3 all agencies do support aligning driveways.
4 Now, and also to minimize shortcuts along
5 the corridor.

6 But in this case, there is another
7 advantage. So let me -- so if we look at
8 the existing driveway, which is halfway
9 between Lexington and Behnert, even though
10 it's staggered, it actually doesn't prohibit
11 cut through traffic because drivers can
12 make, from that driveway, a right on Walnut
13 and then a left on Behnert. Nothing
14 prohibits them from doing so and we cannot
15 prohibit that from happening. However,
16 having the driveways align and prohibiting
17 through movement, will achieve our purpose.
18 So from a perspective of reducing cut
19 through traffic the way we have it now, in
20 my opinion, works best.

21 And moving forward, tonight I'm going
22 to address some of the questions very
23 quickly that were asked, some of them may
24 have been answered, a board member was
25 concerned about the journey.

1 MR. NORDELO: I'm sorry.

2 MR. PISTOL: Point of clarification,
3 the way -- you said the way we have it now,
4 meaning in the redevelopment plan?

5 MR. RACHED: Correct.

6 MR. PISTOL: Okay.

7 MR. RACHED: Thank you, yes. The way
8 it's proposed now.

9 MR. PISTOL: Right. Thank you.

10 MR. TAYLOR: Just for clarification,
11 the existing property has two driveways,
12 correct?

13 MR. RACHED: Correct.

14 MR. TAYLOR: And the proposed has three
15 driveway cut outs?

16 MR. RACHED: Two driveways for the
17 proposed. Oh, I'm sorry, yes.

18 MR. TAYLOR: There's three?

19 MR. RACHED: Yes.

20 MR. TAYLOR: So you've never seen a
21 development plan from Hartz that
22 incorporated just the original two?

23 MR. RACHED: Well, I think the best way
24 to answer your question is to say that the
25 redevelopment plan calls for these

1 driveways. It's very clear in the plan and
2 it says that there needs to be three
3 driveways and certain driveway for the
4 residential and certain driveways for the
5 commercial. So that is in the redevelopment
6 plan. So I think that's the best way to
7 answer your question because that has been
8 agreed upon.

9 MR. TAYLOR: Okay. We talk about
10 driveways from existing to proposed, I just
11 wanted to, for the record, note that there
12 were two going to three. That's all.

13 MR. RACHED: So, also in response to
14 your comment, I would say that the existing
15 driveways do not meet the redevelopment
16 plan, because of the same reason I mention
17 prior.

18 Okay. So in terms of the journey to
19 work, a board member had a lot of questions
20 on it. I reviewed it. It is a used
21 appropriately even though it's ten years
22 old. These patterns --

23 MR. NORDELO: Mr. Rached, so you're
24 referring -- I think I know this one, your
25 previous question that a board member had

1 about the time stamp on the data which I
2 believe had been census data from 2010 and
3 not American Community Survey Data and
4 you're validating that that data, in fact,
5 for those trip calculations, you're
6 validating the use of that data, correct?

7 MR. RACHED: That is correct

8 Mr. Chairman, I apologize. I'm normally
9 very slow, I'm trying to make it before
10 10:30, I'm going a little faster than usual.

11 So I reviewed the analysis and it's
12 done appropriately and the journey to work
13 gives you only a pattern, it doesn't change
14 the traffic volume. So to give you an
15 example, if we know that there will be ten
16 vehicles leaving the site, the journey to
17 work tells us how many would make a left,
18 how many would make a right, but the number
19 ten stays the same. And that distribution
20 doesn't change really over time. That is a
21 -- that depends on the demographics and
22 transportation infrastructure and vehicle
23 mass transit which has not changed. So it
24 is appropriate.

25 Now, let me go over and summarize

1 what the developer will do as part of the
2 plan in terms of what the developer will be
3 constructing, according to my understanding,
4 and what the developer will fund for the
5 town to further investigate and install at a
6 later time.

7 So in terms of what the developer
8 will construct as part of this development
9 would be the crosswalk, the flashing signal
10 that goes along with the crosswalk, the
11 sidewalk, the traffic signal improvements.

12 MR. DRILL: Listen, listen, you have to
13 go slower for me. The court reporter might
14 be getting this but I'm --

15 MR. RACHED: No problem. I think I'm
16 doing well on time. So let me go back.

17 MR. DRILL: Crosswalk, flashing signal
18 then you were getting me nervous.

19 MR. RACHED: And then the improvements
20 to the traffic signal at Raritan and Walnut.
21 And the turn restrictions at the driveways.

22 MR. DRILL: The what restrictions?

23 MR. RACHED: The turn.

24 MR. DRILL: Oh, turn restrictions.

25 MR. RACHED: At the driveways.

1 Now, what the developer, I believe,
2 agreed upon, would be measures such as the
3 speed humps, the truck restrictions in the
4 Indian Village community, and the stop signs
5 or the all way stops also in the Indian
6 Village community.

7 MR. DRILL: Did you mention that the
8 county, though, was not going to allow speed
9 humps, or is that only on Walnut? If it was
10 on a township road it wouldn't be a problem.

11 MR. RACHED: You are correct. This is
12 not on Walnut, this is in the Indian Village
13 community on the local streets.

14 MR. DRILL: Within the township
15 jurisdiction?

16 MR. RACHED: That is correct.

17 So let me also address a couple items
18 that were discussed at the last hearing.
19 There were some questions regarding the
20 choice of the time period in conjunction
21 with doing the gap analysis. And members of
22 the public or board members were concerned
23 whether or not the applicant shows the right
24 period. So I went back and took a detailed
25 look at the traffic study and I found that

1 the traffic study, indeed, included hourly
2 volumes for about five days.

3 So the traffic study included volumes
4 for every hour of the day, for 24 hours, for
5 five consecutive days. And based on the
6 data, I was able to verify that the highest
7 volumes were experienced in the p.m. peak
8 hour, which is what the applicant used to
9 conduct the gap analysis. So I wanted to
10 make sure that the Board was aware of that.

11 Then, I have only a couple more
12 items. The traffic signal on Walnut is not
13 warranted. It's not even close to being
14 warranted and let me give you some numbers
15 so you understand.

16 Based on the traffic study, and I do
17 agree with these numbers, by the way, the
18 highest movement would be the left turning
19 movement across from Behnert from the
20 driveway on to Walnut. And that movement is
21 20 vehicles an hour. The warrants are
22 complicated because there are nine warrants,
23 but just to simplify and give you at least a
24 flavor of one of them, requires a side
25 street to have 150 trips an hour for eight

1 hours. Here we have 20 for one hour. So
2 we're not even close. So even if we triple
3 or quadruple these numbers, we will not meet
4 the national criteria for installation of
5 traffic signal.

6 In terms of ITE studies for this land
7 use for the p.m. peek, ITE is based -- has
8 based their results on 60 studies that were
9 done. And these studies normally preclude
10 urban areas and they preclude areas where
11 there is mass transit available. In other
12 words, if I submit a study to ITE and they
13 find out that there was a train station next
14 to my study or another mass transit
15 facility, they will reject the study. So
16 that gives us conservative numbers, so be
17 assured the numbers that we use here, are
18 conservative. If the real numbers would be
19 different, they would probably be lower not
20 higher.

21 And my last note here is regarding
22 large trucks. A WB67 measures 74 feet. As
23 this discussion was ongoing, I manually
24 measured the length of the spaces at the
25 loading docks and I found they were about

1 60, again, I measured it visually, using a
2 scale, so it's not very accurate but I'm
3 within a couple of feet.

4 So these space are 60 feet, plus or
5 minus a little bit, a WB67 is 74 feet. I
6 just wanted to let the Board know these
7 details. And Mr. Drill, that's pretty much
8 what I had noted here.

9 MR. DRILL: Just one you said the --
10 which of the warrants requires a hundred and
11 something trips for eight-hours? Aren't
12 there like three different levels of
13 warrants?

14 MR. RACHED: There are actually nine
15 warrants.

16 MR. DRILL: Okay. So which warrant are
17 you talking about? It's not 100, there was
18 100 something.

19 MR. RACHED: 150 and that is warrant
20 number 1.

21 MR. DRILL: Now, is warrant number 1
22 like the lowest warrant or the highest
23 warrant?

24 MR. RACHED: No. They're a total --
25 there are different warrants. For example,

1 there is a warrant that is based on a crash
2 experience. There is a warrant that is
3 based on introducing the signal in a larger
4 system.

5 MR. DRILL: Put it this way, did you
6 review all nine warrants to see if there was
7 any way imaginable that one of the warrants
8 would be satisfied, so to speak, to justify
9 a signal?

10 MR. RACHED: I did and the answer is
11 no.

12 MR. DRILL: Okay. I guess what he's
13 saying based on what he heard, he believes
14 that's the information the Board should hear
15 and he's basically, at this point, saying,
16 okay, board members, if you have questions
17 ask it and after the Board's done, the
18 public, if you have questions, ask.

19 MR. TAYLOR: You mentioned reduction in
20 speed limit. What is the current speed
21 limit on Walnut and what would it be reduced
22 to?

23 MR. RACHED: Currently I believe it's
24 35 and it will be reduced to 25.

25 MR. TAYLOR: And you're for that?

1 MR. RACHED: 100 percent. And just to
2 add to your question, or to add to my
3 answer, New Jersey has statutory speed
4 limits which are 25, 35, and 50. If you
5 read the definition of the 25-mile an hour
6 district, once this is -- this proposal is
7 built, it will match the definition of
8 25-mile an hour residential zone.

9 MR. TAYLOR: Thank you.

10 MR. RACHED: Sure.

11 MR. DRILL: Follow-up on that. If the
12 planning board -- obviously the planning
13 board doesn't establish speed limits. Who
14 -- if the planning board wanted to recommend
15 the reduction of the speed limit, they'd
16 have to recommend it to the county; is that
17 correct? Because Walnut is a county road or
18 would they recommend it to the township, the
19 governing body, to recommend to the county?

20 MR. RACHED: Your second statement is
21 correct. First we would need to do a speed
22 study and then the governing body would need
23 to establish a resolution to the county,
24 they would append the speed study and they
25 would request the county to approve or to

1 consent to the reduction in speed limit.

2 MR. DRILL: Let's put it this way: Do
3 you recommend to the planning board that the
4 planning board recommends to the governing
5 body that the speed limit be reduced from 35
6 to 25?

7 MR. RACHED: Yes.

8 MR. DRILL: Okay.

9 MR. NORDELO: Mr. Leber?

10 MR. LEBER: Thank you. Based on your
11 experience, would it be appropriate for the
12 Board or some body, to ask the developer to
13 come back and repeat the traffic studies in
14 certain intervals going forward since now
15 they're all projections and published data
16 as opposed to actual experience?

17 MR. RACHED: Yes. While this is not
18 commonly done, it has been done of approved
19 or recommended approval for applications
20 that included such conditions and I have
21 been also on the other side where we have
22 agreed to such conditions.

23 MR. LEBER: Thank you.

24 MAYOR PRUNTY: Question. On pedestrian
25 crosswalk you talked about one at Behnert

1 and a flashing signal, what about at
2 Lexington, a flashing beacon there as well?

3 MR. RACHED: Well, Mayor we could, but
4 my idea was to direct people to one area
5 instead of crossing in multiple areas.
6 However, if there is a need to cross at
7 Lexington, I think we should explore a
8 crosswalk at Lexington. However, having
9 said that, being that the development across
10 from Lexington is a commercial development,
11 there may be less of a need for crossing
12 than at Behnert.

13 MAYOR PRUNTY: Except that's where kids
14 are going to be crossing to go to Walnut
15 school. Walnut and Livingston school,
16 crossing there. They may go further down
17 and cross at the school, but they may be
18 crossing there because that's their
19 neighborhood.

20 MR. RACHED: In that case, a crosswalk
21 may be appropriate and then what we will do,
22 we'll have to design the flashers to cover
23 the whole segment and not just the one
24 crosswalk.

25 MR. PISTOL: There is a crosswalk at

1 Chester Lang already. Would that be -- able
2 to be combined into the same system or is it
3 are they independent?

4 MR. RACHED: We could combine them or
5 we could have them run independently. My
6 first thought is to have them run
7 independently because if you're crossing at
8 one location, there'll be no need at the
9 other and I'm afraid if the driver starts
10 seeing the flashers with no crossing,
11 they'll start ignoring them. So they have
12 to be specific and they have to be
13 commensurate to the need.

14 MR. PISTOL: Thank you.

15 MR. NORDELO: I'm just -- this is to
16 clarify, so from the report that you
17 prepared here that I'm looking at.

18 MR. DRILL: For the record, dated
19 May 9, 2022, and you're looking at Page 4.
20 He's looking at Page 4 of 4.

21 MR. NORDELO: So it's like right before
22 sincerely, right at the bottom, I think it's
23 A, B, C, D, and E, do you see point E?

24 MR. RACHED: Yes.

25 MR. NORDELO: There's question marks at

1 the end of it, and I just want to make sure
2 -- we did cover signage. Signage
3 recommendations to prevent truck and vehicle
4 traffic from entering the neighborhood,
5 question mark, question mark. I know that
6 was covered but is that satisfied?

7 MR. RACHED: My copy does not have a
8 question mark.

9 MR. NORDELO: Thank you. Just wanted
10 to clarify.

11 MR. GARIES: I have a question of the
12 crosswalks or the possibility of having a
13 second crosswalk put in at Lexington. We
14 heard some testimony earlier about that
15 there's a incline or decline and there's an
16 incline coming up. Is there any issue with
17 installing a crosswalk there, kind of at the
18 top of an incline, does that present any
19 issues --

20 MR. RACHED: Yes.

21 MR. GARIES: -- as far as you're
22 concerned.

23 MR. RACHED: Yes. So any time you
24 install a crosswalk, you need to do a slight
25 distance analysis and make sure that cars

1 can actually see who's crossing. And if
2 that is an issue, we'll have to deal with it
3 by not installing one or doing some other
4 measure. But that's routinely done as we're
5 designing the crossing.

6 MR. GARIES: I mean, can you move the
7 location of the flashing beacons to kind of
8 alert drivers earlier; is that something
9 that's accepted or not accepted?

10 MR. RACHED: We could. That could be
11 one of the mitigating factors is to put the
12 flashing beacons in advance, maybe beef them
13 up. Because of the sight distance -- if we
14 find them, I'm not saying it's sufficient,
15 but if the sight distance is sufficient,
16 then we're going to have to come up with
17 mitigating factors.

18 MR. GARIES: And again, this is a
19 county road, so the county would end up
20 having to approve both crosswalks?

21 MR. RACHED: That is correct.

22 MR. GARIES: Thanks.

23 MR. TAYLOR: But you're not in favor of
24 two crosswalks, are you or one?

25 MR. RACHED: Well, not until the mayor

1 indicated that it's a needed crossing for
2 school children. And if that's the case, I
3 would say we should look in to it.

4 MAYOR PRUNTY: I mean, it may not be.
5 I just raised a question and you may find
6 that it is not necessary there. But I just
7 raised the question. So asking you to look
8 at it.

9 MR. RACHED: Okay.

10 MR. TAYLOR: I would be in favor for
11 one crosswalk, at whatever location you
12 think is best, but I wouldn't want two. I
13 think you should have pedestrians move to a
14 certain location.

15 MR. RACHED: Understood.

16 MR. TAYLOR: It's going to have one
17 right after the another, it's going to
18 disrupt traffic too much.

19 MR. RACHED: Understood.

20 MR. NORDELO: Are there any questions
21 from members of the Board?

22 So we've -- it's 10:26. We can --
23 are there members of the public --

24 MR. DRILL: Why don't we find out. How
25 many members of the public, by a show of

1 hands, would like to ask the Board's traffic
2 engineering expert questions? Raise your
3 hand.

4 I would say that -- let's schedule
5 the continued hearing and have Mr. Rached
6 come back.

7 MR. KENT-SMITH: That's the 21st.

8 MR. DRILL: And that would be
9 September -- if the Board wants to stay
10 later than 10:30 but the Board has indicted
11 -- one thing leads to another, but that's up
12 to the Board. If the Board wants to stay
13 later than 10:30, I'll stay later than
14 10:30. I don't know, Mr. Rached has
15 something very early tomorrow morning also.

16 MR. NORDELO: So we're going to
17 continue this.

18 MR. DRILL: Right now the hearing has
19 already been continued without need for
20 further notice to September 21 and the
21 applicant has already extended the time for
22 the Board to decide the application to
23 October 31. And I talked to Kathy at the
24 break and obviously, we're not going to be
25 done on September 21. So we have a further

1 hearing date of October 19, I believe. And
2 it would be this application only so we're
3 going to further continue the application
4 not only to September 21, without need for
5 further notice, but October 19 without
6 further notice and we're going to ask for an
7 extension to November 30, 2022.

8 MR. KENT-SMITH: And for the record
9 that's agreed to.

10 MR. DRILL: Now what's the tentative
11 for the lineup for September 21? Obviously,
12 Mr. Rached gets asked questions from the
13 public after Mr. Rached is finished where
14 are you going?

15 MR. KENT-SMITH: Mr. Chaplain will be
16 testifying about the basketball court and
17 the sidewalks, to give the Board all of the
18 information on that. And then I have two
19 architects. I have an architect for the
20 commercial and an architect for the
21 residential. So my goal would be to
22 complete their testimony on the 21st. Then
23 any concluding public questioning, et
24 cetera.

25 I have a short witness dealing with

1 the open space design landscaping, shouldn't
2 take very long at all. And Mr. Hughes would
3 summarize on the 19th.

4 MR. DRILL: Mr. Hughes is your planner?

5 MR. KENT-SMITH: Mr. Hughes is my
6 planner, correct, yes.

7 MR. GARIES: Didn't you kind of give us
8 the game plan tonight that we were going to
9 hear something about the basketball court?

10 MR. KENT-SMITH: Right. If you want to
11 stay I have the exhibits. I'm serious, if
12 you want to stay we can continue it's up to
13 you guys.

14 MR. NORDELO: We're going to move that
15 to the next meeting.

16 MR. DRILL: So that's it. We're
17 continue to September 21 and October 19
18 without need for further notice and they
19 extended to November 30th. And there's a
20 question from our board's planning expert.
21 Get a microphone. Do I need the microphone
22 for this?

23 MR. DICKERSON: At one of the previous
24 hearings we were told that there would be a
25 point by point response memo just to iron

1 out if they were going to be --

2 MR. KENT-SMITH: Yes. And that is
3 completed and unfortunately, my vacation got
4 in the way of getting it to you. So it's
5 sitting in my computer ready to go.

6 MR. DICKERSON: Thank you.

7 MR. NORDELO: I just want to remind the
8 members of the public, you will have an
9 opportunity to ask questions to our traffic
10 expert at the next meeting.

11 MR. KENT-SMITH: The site engineer will
12 be testifying at the next meeting.

13 MR. TAYLOR: Do you have any plans to
14 enter or modify in the site plan -- in terms
15 of minor stuff like site triangles, stuff of
16 that nature?

17 MR. KENT-SMITH: So our engineer and
18 your engineer, Ms. Dirmann, will be in
19 discussions about what are the necessary
20 revisions that will need to be made and I
21 trust that's going to happen Friday, right?

22 MS. LENAHAN: Next Tuesday.

23 MR. TAYLOR: May I make a suggestion,
24 if there's room on the page to move the site
25 plan up so you can see the full width of

1 Walnut and the streets opposing it, I think
2 that will be beneficial for the site plan
3 portion of it.

4 MR. DRILL: I agree, that's a good
5 point.

6 MR. KENT-SMITH: Do you need that
7 survey? Is that -- you don't need that
8 survey, we could use that?

9 MR. TAYLOR: It looks like there's
10 enough room you can move that up.

11 MR. DRILL: Listen, you heard
12 Mr. Taylor's suggestions if you have any
13 questions about the specifics just ask him
14 after the meeting.

15 MR. NORDELO: With that, meeting
16 adjourned.

17 Can I have motion to adjourn the
18 meeting.

19 Meeting adjourned.

20 MR. DRILL: All in favor.

21 MR. NORDELO: All in favor.

22 (All agreed.)

23 Meeting adjourned.

24 (Hearing adjourned at 10:31 p.m.)

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C E R T I F I C A T I O N .

I, Caren Sheehan, hereby certify that
the proceedings and evidence noted are
contained fully and accurately in the
stenographic notes taken by me in the
foregoing matter, and that this is a correct
transcript of the same.



Caren Sheehan, Certified
Court Reporter - Notary Public
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