

TOWNSHIP OF LOPATCONG

Planning Board Meeting

August 30, 2017

The meeting of the Planning Board of the Township of Lopatcong was called to order by Chairman Johnson at 7:00 pm.

A Prayer was offered followed by the Oath of Allegiance.

Chairman Johnson stated “adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express Times and by posting a copy on the bulletin board in the Municipal Building.”

Roll call: Members Correa, Fitzsimmons, Pryor, Woolf, Mayor McKay, Vice-Chairman Olschewski (arrived 7:10 pm), Chairman Johnson. Also present were Attorney Sposaro, Engineer Sterbenz and Planner Ritter.

Chairman Johnson – Okay, we’re going to change the order around a little bit. We have an Executive Session coming on. We’ll save that to the end. So, we’ll get right into the old business with the applicant in here. I just want to do one quick little record keeping we have a resolution. Tony do we want to get this in tonight?

Attorney Sposaro – We can do that later after. This is the resolution of granting this applicant’s request to amend the General Development Plan so.

Chairman Johnson – You want to do it later?

Attorney Sposaro – Yeah, we can do it later.

Chairman Johnson – Okay. Before we start, do we know if there is any Planning Board Members that are here that were not at the last meeting that need to sign the, I don’t think there is, but there’s a form that you sign that’s says you watched the video. We don’t have that case tonight right?

Secretary Dilts – Yeah, everybody that’s here tonight was here at the last meeting.

Member Pryor – If I could Tony for a matter of clarification, they don’t necessarily don’t have to sign that before the next meeting, they have to sign it before they can vote? Is that true?

Attorney Sposaro – That’s true. Yeah, so if it didn’t come to a vote tonight, folks still have time.

Chairman Johnson – Okay great. Thank you. So, we're going to continue on so the next item of business is to continue on with the hearing for I-78 Commerce Park and our applicant is here so come on up.

Attorney Kemm – Good evening Chairman and Board Members. As you are aware, Karl Kemm Attorney on behalf of the applicant. All though we were here a week ago, as Mr. Sposaro indicated through the general development plan amendment we did talk about some broader site issues, tonight we will be focusing on the subdivision and site plan applications. We have also taken into consideration some of the comments and have made a change to the plan I think the Board will be happy with; mainly the sidewalks that had been discussed and urged by Mr. Ritter and also members of the public so we have Mr. McGrath who will go through the detail on how they were installed and the location. We've also had some conversations with Mr. Sterbenz. We appreciate as always your access to your professionals. I have so many outstanding items in his checklist and we have also, as the Board has a stack of paper in front of you, we have resubmitted all the traffic reports to make sure we comply with the requirement of the development plan and also comply with Mr. Sterbenz most recent review letter of August 18. We had also submitted and it's a letter that's addressed to both towns as well as the Boards the most recent review letter from the NJ Dept. of Transportation on the application for the 22 interchange, the realigned Lock Street; that's all being handled as one. So, we've submitted that as well and the letter from the beginning of the week good evening Vice-Chair.

Chairman Johnson – Question on the traffic study. Just, no kidding, this is exactly the same traffic study that was submitted in February of this year or were there changes?

Attorney Kemm – We had previously submitted and it was resubmitted I don't have it in front of me, but the

Chairman Johnson – There was one in February that went to the DOT right? Is this the same one?

Attorney Kemm – So, yes, we had submitted a traffic study dated October 15, 2015 and that was submitted as part of the original General Development Plan application and hearing before this Board. When Item No. 2 in my letter was a DOT Traffic Impact Study dated February with no date, 2017. That was previously provided to the Township and the Board. Yeah I don't think you provided; I think in the June meeting we provided copies to the entire Board. So those e two items you have seen before. Item 3 in my letter, my letter is dated August 28th of 2017 is a letter from McDonough and Rae just kind of analyzing some of the points in the letter to highlight some of the issues that are required in the Redevelopment Plan and then Item 4 is as I indicated the August 10, 2017 DOT review letter. That had not been seen by the Board. We had provided that by email only to Mr. Sterbenz and I believe Mr. Sposaro as well, but we formally submitted the appropriate number of copies to the Board to make the record complete on that. I hope that answers your question.

Member Pryor - I did (inaudible) but the DOT letter you just mentioned I couldn't, somebody point me to that

Attorney Kemm – It should be Item 4 in the

Chairman Johnson – I don't know if I've seen it either. It's dated August 10th?

Attorney Sposaro – Tenth.

Attorney Kemm – Yeah, in the, my letter that was dated August 28th, its attachment No. 4.

Mayor McKay – I don't have that.

Attorney Kemm – It's this big.

Member Pryor – Can you give us a minute?

Attorney Kemm – Okay.

Member Pryor – There's a big file here.

Attorney Kemm – Yeah I was about to say it should be about this big with a binder clip on it. You got it, just in case you didn't have enough to read

Members talking over each other.

Chairman Johnson – Beth real quick. You got Peter coming in?

Secretary Dilts – Yes, 7:10

Chairman Johnson – 7:10 and he did not miss any testimony.

Secretary Dilts – No. Just you know, the opening remarks

Chairman Johnson – Just the opening remarks.

Secretary Dilts – He can listen to the tape if you don't go to vote –

Attorney Kemm – To the extent I have anything to say about it, it's really for the Board and the Board attorney to determine. I don't think the Vice-Chairman missed anything. I said hello. I said what we did before and we were just going through what has been submitted. We also indicated what was shown on the plans that we added the sidewalk that was requested by Mr. Ritter and I think that was kind of the some and substance of what we had presented before the Vice-Chair

Vice-Chairman Olschewski – Tony (inaudible)

Attorney Sposaro – Yes.

Chairman Johnson – Thank you.

Vice-Olschewski – Appreciate it. My apologies.

Attorney Kemm – No, no need to apologize we all have lives outside Planning Board hearings. So unless there's any other preliminary questions or issues or if you need a little longer to review anything we'll call Mr. McGrath up and jump in.

Chairman Johnson – If you can give us one minute to hunt down that DOT letter.

Attorney Kemm – Yeah.

Members talking over each other.

Attorney Kemm – I asked my assistant to make sure there was tabs on them so if you look on the right side there should be a number of tabs in this large volume and that's the most recent DOT letter of August 10th I was referencing. There is a reduced set of plans behind this that might help find it.

Chairman Johnson – Comments are on Page 6 of the DOT letter regarding the traffic study.

Vice-Chairman Olschewski – Thanks Eric.

Attorney Sposaro – All right we'll proceed with your witness.

Attorney Kemm – The Chairman asked for just a minute for people to look at the DOT letter so I wanted to give folks time.

Chairman Johnson – Everybody's ready to move on.

Attorney Kemm – Oh, okay.

Chairman Johnson – Continue.

Attorney Kemm – Certainly. So, at this point, I would ask that we call our project engineer Mr. Thomas McGrath. He was sworn in last time; do you need to swear him in again?

Attorney Sposaro – Not necessary.

Attorney Kemm – Okay, Mr. McGrath you understand you are still under oath sir?

Engineer McGrath – Yes I do.

Attorney Kemm – Your license is still in effect?

Engineer McGrath – Yes, it is.

Attorney Kemm – Okay. That’s good news. So why don’t I let you go through the, because we didn’t really get into the site plan testimony. Why don’t you go through the site plan issues briefly and address, I’m sorry, (inaudible) I apologize. Why don’t you address the sidewalk change and anything else that’s different from the last time you were here?

Engineer McGrath – At last week’s meeting there was a conversation about placing sidewalk through the project. We heard the comments from the Board members and your professionals. We reviewed the plans and the panel that is in front of me right now, I think I’m going to have to I think we’re up to A-2. It’s part of the overall site plan set, but I’ve added this particular panel. The sidewalk has been added to it.

Attorney Sposaro – What sheet is it on the set?

Engineer McGrath – It’s Sheet 4 of 31 but the plan set doesn’t have the sidewalk on it; we’ve added it to this plan and I’ve highlighted its location on this panel. If you want I can date it today’s date.

Attorney Sposaro – Please.

Engineer McGrath – I’ve also marked it A-2 I think we are up to as far as it goes. A-2 is a copy, a print of the overall site plan that was originally submitted Sheet 4 of 31 and on it we have indicated where the sidewalk locations are and we have indicated in blue above the title that the panel is for use to indicate the location of the sidewalk. What we’ve done is we’ve connected to the cross walks that were proposed as part of the DOT intersection on 22. We’ve brought sidewalk up through our project out to Roseberry. We put it on I’ll call it the outboard side of the project between the roadway network and the sidewalk. We’re going to have a guiderail, the tree row, the sidewalk, the fence and there where we run into the retaining wall. The retaining wall would be the next feature so the sidewalk to the furthest we could put it away from the travel path through the site. That’s the connector road sidewalk also on the minor connector roads where the minor roads through the site we, on this panel we show that on the driveway that heads towards Building-24 which is this building right here in the middle, we brought the sidewalk up that roadway up between the two buildings, excuse me, I think they are Buildings-1 and 4 in Phillipsburg. We put them up along the side of the driveway there, around the curve and then showing that it connects to the Third Street Bridge intersection. That would be the layout of the sidewalk that we are proposing. What I also have with me tonight is a typical cross section of what the sidewalk and roadway cross section would be to give you a flavor as to how far out the sidewalk is going to be from the roadway. I believe this is, I’ll label this A-3

Attorney Sposaro – A-3

Engineer McGrath – It’s dated today’s date at the bottom 8/30/2017 and basically there’s two cross sections on this panel. One being the secondary roadway, which is the connector, the road that runs from the connector road out to Third Street and you’ll notice right in this area here is

where we're showing the sidewalk. The sidewalk is intended to be 4 feet off the face of curb and it is a 4 foot wide concrete sidewalk. The second cross section shows the connector road typical road section and there's basically on the right hand side of the picture that we're looking at, there's two details that we are showing here; one would be the sidewalk location where there is no retaining wall and the second portion of it would be the sidewalk location where a retaining wall would fall. Sidewalk in all instances would be 9 foot from the face of curb on that particular side and the reasoning for the extra depth is because we are putting a guide rail along that perimeter of the curb. The tree plantings probably there also. So we moved it back to give us a little more space to put the tree planting, the guiderail and the sidewalk in on the outward side on both cross sections.

Attorney Sposaro – Mr. McGrath the Board certainly appreciates what the applicant has done here. These are the only copies and Beth will have to hold onto these as exhibits. Can you get us smaller versions or at least professionals going forward so that we have something for our files?

Engineer McGrath – The idea behind this was to present it tonight so that you could see it. Our next revisions to the plans would incorporate these details

Attorney Sposaro – Okay.

Engineer McGrath – into the plan showing the sidewalk location and these details so that you would have better understanding.

Attorney Sposaro – Thank you.

Engineer McGrath – If need be, in the interim, I can have these duplicated.

Member Pryor – Can I ask a question on the sidewalks here?

Attorney Sposaro – Yes.

Member Pryor – I do appreciate the offer to put them in. I think that would make everything work better. If I recall under ADA, you have to give opportunities for two wheel chairs to cross. I think it is at 300 foot intervals. Most residential developments achieve that through the driveways so I mean the driveways meet all the geometric standards and slope and so on and I'm relying on my memory here but I bring that up as an issue.

Engineer McGrath – What we're proposing is cross-walks on, when these particular site plans are developed and we know the actual driveway crossing it on this instance, I'm pointing to a Lopatcong Building No. 7. We are proposing to put a crosswalk through the guiderail opening. We wouldn't want to introduce openings through the guiderail as we're going along to areas where there would be no receiving side on the other side of the roadway. We're only proposing

Member Pryor – Yeah, I'm not talking about cross-walks. I'm talking about a four foot sidewalk. Should be 500, it should be 5 feet at periodic intervals to allow two wheelchairs to pass.

Engineer McGrath – Sorry, misunderstood you but

Member Pryor – and (inaudible).

Engineer McGrath – What we will, all the sidewalks will be constructed and be ADA compliant and they do, you are correct, they do require like a passing zone

Member Pryor – Right.

Engineer McGrath – or a safe zone for you and those will be incorporated into the sidewalk plans.

Member Pryor – Okay.

Chairman Johnson – I have a question. On the upper cross-section, there's a tree on that one as well right?

Engineer McGrath – That's correct.

Chairman Johnson – It's a little far away for me to see but okay and that one is 4 feet away? That sidewalk is 4 feet away and the one on the bottom is 9 feet away. Is that

Engineer McGrath – That is correct. The 4 foot sidewalk is intended only to the 4 foot location of the sidewalk is only in the area of this connection between the connector road and the Third Street Bridge. We don't have the drop off. We don't have the guiderail installed along here because it's a minor road. We're not looking to protect traffic along here with the guiderail so that's why, the introduction of the guiderail on the lower cross section pushes the sidewalk further away.

Chairman Johnson – The only difference is the guiderail and that pushes it an additional 5 feet.

Engineer McGrath – Well between the placement of the guide and the placement of the tree and then the placement of the sidewalk, it made the spacing that much bigger.

Chairman Johnson – And the sidewalk that goes up to Rt. 22 on the top, this area right here

Engineer McGrath – Yeah

Chairman Johnson – What does that, that go to? Is it like a dead end where it hits Rt. 22 or is there, does it continue on to another sidewalk system?

Engineer McGrath – Our understanding from what we, we heard last week was to connect to the Rt. 22 proposed intersection. On the proposed intersection plans, DOT requires you to put in cross walks and ADA ramps and the like. We are proposing to connect our sidewalk to the terminus point. We're not proposing to put sidewalks

Chairman Johnson – Okay, so there, there is an actual cross walk there?

Engineer McGrath- Well as part of what we're proposing, there is a sidewalk, a cross walk to get you to the other side of 22

Chairman Johnson – Oh, okay.

Engineer McGrath – but I don't believe there's sidewalk on the other side of 22

Chairman Johnson – Okay, thank you.

Attorney Sposaro – Mr. McGrath will the applicant continue to have responsibility for snow clearing and maintenance of the sidewalk?

Engineer McGrath – Yes, it would be the same as the roadway.

Attorney Sposaro – Just wanted to confirm that. I thought that. I already wrote it down, but I wanted to confirm it and how do they propose dealing with bicyclists? Are you going to encourage or discourage the use of the sidewalk? Sort of a double edge sword. You don't want them running over pedestrians, but you don't want to see them in the road either.

Engineer McGrath - That's correct.

Attorney Sposaro – What's your proposal?

Engineer McGrath – Our proposal is that it is intended to be a sidewalk. That was our direction from last week that we put that in as a sidewalk. A 4 foot sidewalk, a 4 foot wide sidewalk doesn't really accommodate pedestrian and bicycle. It is intended to be strictly for pedestrians.

Attorney Sposaro – Will there be any signage to discourage or prohibit bicyclists from using the sidewalk?

Engineer McGrath – I mean obviously we could do that. We could add that to the

Attorney Sposaro – I'm just throwing it out as an idea. I don't feel strongly about it one way or the other but it's up to the Board to decide.

Chairman Johnson – What would that entail? Just a sign?

Attorney Sposaro – It would be posted.

Mr. Rashad – Well, we could, let me comment on that Mr. Chairman. We could post signs on the roadways indicating that shared roadways is visible if the Board is inclined to encourage bicycle traffic in this facility.

Member Pryor – Well, can I ask a question there? My understanding bicycles are permitted except on roads where they are prohibited. Are bicycles permitted on Rt. 22 because

Mr. Rashad – No, no they're not.

Member Pryor – They're not.

Mr. Rashad – They're not permitted on (inaudible) highways nor on interstates.

Member Pryor – And we don't really, I agree with Mr. McGrath a 4 foot sidewalk is not designed to be shared by pedestrians and bicycles. So that leave bicycles out in the cold here correct?

Mr. Rashad – Unless they're used for internal purposes and only to cross Rt. 22 but not to travel on Rt. 22.

Member Fitzsimmons – What about skateboards?

Vice-Chairman Olschewski – Interestingly I have learned, I didn't know, but that was a short cut which actually has been used by many people who are riding bicycles through that old Ingersoll Rand property to get towards Frenchtown which used to be the area where people drive bicycles along the Delaware River, Milford, Frenchtown, and that has always been a popular short cut for Lopatcong to go towards Milford so I'm not sure

Engineer McGrath – Through the Ingersoll Rand property?

Vice-Chairman Olschewski – Yeah (inaudible) one day. All these taking what's it Third Street then came out with Alpha and then from Alpha they would travel to wherever they would go and that was pretty popular for bike riders. I'm not sure that we would be able to stop that but.

Engineer McGrath – We are proposing this as a private road with public access.

Vice-Chairman Olschewski – Okay.

Engineer McGrath – I'm assuming that we could restrict the bicycle access to the facility if we wanted to. It really wouldn't be something that I would encourage through here.

Vice-Chairman Olschewski – Okay and my, my original question was I know you guys want to save some money probably but why did you leave out the streets between the buildings?

Engineer McGrath – In here?

Vice-Chairman Olschewski – Yes.

Engineer McGrath – It wasn't a connection point. In other words, if they wanted to go from, the path was from 22 down to Roseberry, it would be the connector road. If the path was from 22 to Third Street, then it would be through the connector road between each of the buildings now for Third Street.

Vice-Chairman Olschewski – I think Joe made that comment and I'm not sure if I remember properly, but one of the reasons for the site was for workers being able to leave the building and if they want to go for a walk and that was you Joe right?

Member Pryor – Yeah, I asked that question

Vice-Chairman Olschewski – So

Member Pryor – about internal pedestrian traffic.

Vice-Chairman Olschewski – so if these guys want to work in between these buildings or the building on the lower left, there is no way for them to

Engineer McGrath – We're looking at tonight is the connector road as it goes through the site and out to 3rd Street.

Vice-Chairman Olschewski – Okay.

Engineer McGrath – Okay. When these individual site plans come in for approval, whether it be the Lopatcong Site Plan Building-7 or the other buildings, the individual tenants may want the sidewalks to be continued through to make connections back and forth and those could be accommodated at that time. The application here is really for the connector road.

Vice-Chairman Olschewski – Thanks.

Chairman Johnson – I have one actually I have two comments. I think if we don't do anything, I think the New Jersey DOT way of looking at a bicycle is a bicycle is a recognized mode of transportation legal to follow all the rules and regulations of the road itself so if we don't sign this at all, bikers are expected to stay on the road not the sidewalk. That would be how the DOT would perceive a road, but my, that was more of a comment maybe something to think about. The Third Street, I'm kind of curious about, the sidewalk goes to 3rd Street and ends. Is there something on the other side of Third Street, I just can't remember. Yes, there is. There's a sidewalk?

Engineer McGrath – There is a sidewalk as you come across Third Street and it continues down across some of the properties. I'm not sure what happens when it gets like past Second Street. There is a sidewalk that goes from Third Street to Second Street. There is a piece of the sidewalk as you head towards Fourth Street that has a very wide driveway that goes to that property. There's no sidewalk, you know, you're able to walk there but there's no physical sidewalk; concrete path and then I think it picks up again as you get closer to the diner.

Chairman Johnson – Okay, thank you.

Member Woolf – Eric

Chairman Johnson – Yes, go ahead. I’m sorry.

Member Woolf – If we’re addressing all these sidewalk issues and stuff. The only concern we have as a Board, is what’s in Lopatcong Township. That’s just the one on the proposed 22 side and we only have a couple hundred feet on the Third Street side that are actually in Lopatcong Township. The rest falls under Phillipsburg’s jurisdiction.

Chairman Johnson – True. All right, so that would be

Member Pryor – You’re correct.

Engineer McGrath – I did neglect to mention also that there is a connection on Lock Street down to the Rec. facility; the proposed, that would be this area right here.

Member Woolf – Okay, I know where you’re talking about. Now, I didn’t see it from here. I saw the loop going out onto 22, but going down to the proposed education center.

Engineer McGrath – Correct.

Attorney Kemm – Tom, if you would just explain which of the road sections would be Lock Street.

Engineer McGrath – That would be the secondary roadway would be the one that goes down towards Lock Street back on the configuration.

Chairman Johnson – So yeah, I think, I think you’re right that we’re only really concerned about what’s in Lopatcong but this gives us the overall picture of the site plan just as showing the other buildings on the site plan. That’s not our property, but still good to see how it all ties together so.

Engineer McGrath – I just didn’t think it would be appropriate for me just to stop the blue line.

Chairman Johnson – Yeah. So, if Phillipsburg says they don’t want it, then yeah then it kind of ends right? Is that how it works?

Member talking over each other

Member Pryor – Well, if it got approved that way, we can amend the site plan but, you know, if we want sidewalk in Lopat, I think we should say that and P’burg can decide what they want.

Attorney Kemm – Just to address that comment Mr. Pryor, our intention was to present it to Phillipsburg with the sidewalks in it as described by Mr. McGrath picking up on the Vice-Chairman’s comment the other day was, you know, it seems that for the average person it makes sense that they’re going to try and use the connector road as a connection point from Center and Roseberry up through to 22, nature center, things of that point, so it makes sense and I’m sure

that Mr. Ritter would have the same perspective from the planning point of view that it should be connected if it just starts in Lopatcong and ends at 22.

Member Pryor – Yeah, I assume that

Attorney Kemm – it's a road to now where actually, it's our attention

Member Pryor – and to me if you look at the area down in P'burg, I mean, that's got to be used as a short cut. That 22 is not pedestrian friendly as you go west so people who want go up to the mall or whatever, they're going to walk that way. They're gonna want to walk that.

Attorney Kemm – Yeah, I notice that was the Vice-Chairman's point and that's why we put it through the entire length.

Vice-Chairman Olschewski – That's about a (inaudible) it clearly is and, and probably from a liability standpoint if people are not walking on the road, you guys are better off, everybody's better off with that product.

Attorney Kemm – Yeah, then again, we do appreciate the Boards input and Mr. Ritter's comments on that. We took them under consideration and I think it is as you indicated Mr. Olschewski, it's a better product and the other point, I don't know if it was you Mr. Olschewski or other members of the Board is, you know, hopefully you encourage users of the site to go across Third Street and there's some businesses over there, you know, frequent them for lunch or whatever they you know can walk and get out and stretch their legs and hopefully, frequent some of the local businesses so it's start working together more as the intent of the connector road was kind of a community benefit to both towns and the surrounding areas and the sidewalks help connect those community benefits from them. So, I think those are the only changes we had that we wanted to highlight. Our last time here,

Engineer McGrath - I think there's just one other comment I wanted to make. We had indicated that we were trying to make arrangements to meet with your professionals to discuss the letters and we've set a date for that; I think it's the 9th

Engineer Sterbenz – The 6th

Engineer McGrath – The 6th and we'll be meeting at Mr. Sterbenz office to go through the comments to make sure we address everything to his satisfaction. I'm sorry, Mr. Ritter's also.

Chairman Johnson – George, you'll be there right?

Planner Ritter –Yes.

Chairman Johnson – Okay, great.

Attorney Kemm – So, that was everything we had planned on presenting the Board on the site plan subdivision issues. Of course we will, we have other professionals in the design team here so we'll certainly ask any questions; answer any questions you may have. I see Mr. Rashad is here, it is good to see you again sir, and if there's questions on traffic issues or the recent submissions, Mr. Kennel is here and will certainly respond to any questions the Board may have or the public may have.

Chairman Johnson – The way that the sidewalks tie into Rt. 22 I'm not trying to jump into the traffic issue, but now that it's going to be a crosswalk on Third Street, that's going to be taken into account and to the phasing of the signal so that it's pedestrian friendly there's going to be a button to press or something so that they can cross?

Attorney Kemm – Yeah, I can have Mr. Kennel get into more detail but he's indicating yes there's going to be improvements to that intersection in general, aside from just the sidewalks. So I'll let him give the detail on that cause I'm not entirely familiar aside from that, there's going to be improvements. Yeah, it is my understanding the buttons for the crosswalks or appropriate stripping, applying curb cuts and things of that nature will be going in, I'll leave that to Mr. Kennel. You want me to have him come up and give you the details?

Chairman Johnson- When we're, we'd want to go through any public comments on the site plan

Attorney Kemm – Sure, you tell me (inaudible) and we'll bring them up.

Chairman Johnson – before we do that. Yeah, so if there isn't any more Planning Board Member comments, we can open this up to public questions.

Attorney Sposaro – Karl, before the meeting started tonight, we had a brief conversation about the subdivision and you indicated that you had, just tell, repeat to the

Attorney Kemm – Oh, oh certainly, certainly so we, as the Board may remember, the application tonight is for preliminary final site plan for the connector road and the grading and the temporary access and then we had applied for only preliminary site plan and

Engineer McGrath – Subdivision

Attorney Kemm – subdivision, I apologize, thank you, subdivision because the exact location of where DOT is going to require their jurisdictional boundary which may or may not create a fee simple line for subdivision purposes, but will create right of way lines, create issues for measuring set-backs and things of that nature so that's one reason why it was requested as only a preliminary and we will be conferring with DOT on the later and that's one of the other things we will be discussing with them. The other issue that I had overlooked that Mr. Sterbenz and Mr. Sposaro reminded me is exactly how on Lock Street is going to be handled as far as new right-of-ways, all the right-of-ways, is it going to be dedicated to the town when, how and those level of details that the Board and the professionals would greatly like to have resolved and put

on a plan set and/or in a subdivision deed so for those reasons, we didn't want to finalize the subdivision, we wanted we get a preliminary; that helps with identification of blocks and lots for developers and things of that nature but again, it would not be final; the new recorded deeds there would be no indication on anything of dedication of the town and things of that nature till they're finally resolved and we come back in for final subdivision meeting all your professionals criteria

Chairman Johnson – And that is different than what was last week when we were, you were looking for preliminary and final but now you're

Attorney Kemm – No, no for site plan we've always been asking, I'm sorry, for subdivision we've always been asking for preliminary because of the issues with, you know, depicting where the right-of-way will end for 22 and DOT purposes and as well as the Lock Street issues we were discussing so we realize those would not be completely finalized and a final subdivision wouldn't be appropriate but we, we submit subject to the Board's decision and put before your professionals that preliminary subdivision would be appropriate at this time.

Chairman Johnson – Okay well,

Attorney Kemm – I'm sorry. The only reason too is when we actually start there's case law that talks about this. When we actually start the connector road, that kind of creates a division line which almost you know, back door create, you know, affects a subdivision without actually going for one so we figured we should lay that out in the preliminary format as to where the road will be, how that will create at the very least the everything to the west of the road and everything to the east of the road so it was to start that process and actually start viewing the project as being split into pieces as opposed to, you know, a whole, sorry I cut you off

Chairman Johnson – No, that's okay I was saying we'll probably want to talk more about the subdivision in a second if we get right into the comments for the site plan and the sidewalk addition, then we can jump into the subdivision.

Attorney Kemm – At your pleasure.

Chairman Johnson – All right great. So, if there's no more current comments from Board members, we'll open it up to the public on the site plan modifications. Any questions on what we just heard on the sidewalks? Yes.

John Betz – Is that DOT letter, the latest DOT letter is that, is that available to the public in any way, shape or form eventually?

Attorney Sposaro – Certainly, it was submitted (inaudible) the application and its part of the public record.

John Betz – All right, thank you Tony.

Attorney Kemm – To follow up on the gentleman’s question. If Beth needs additional copies of that, I know I sent her a couple copies for the Board and I sent her a separate additional copy of her wearing her hat as Town Clerk cause DOT requires things to go to Clerk’s and not just Board members so if you need additional copies and it’s not easy to reproduce, just give me a call and I’ll send them up to you.

Chairman Johnson – Thank you.

Maria Hetem – 700 Lock Street. Still concerned about you know, my piece of property and how the flow of traffic is going to change. Also, you know, it is zoned Business, you know, it is a commercial piece of property and it’s changing the accessibility to me, the visibility to me and the traffic flow around me. I mean, I realize that this is a phenomenally huge project and I’m just a little fish on the side, but it does change a lot in what happens regarding my piece of property as a potential spot to conduct business even as a small farm. We do stuff around Christmas with Christmas trees and we have other stuff going on there too. With the bigger plan in mind, I’ve only been there a few years and it’s an old place as everyone’s been past it, knows it needs a lot of work and a lot of attention and there’s a lot to do, but my, I guess question is, if this is a private road with public access, what does that do to my accessibility as a potential future business being a piece of property that’s zoned for that?

Attorney Kemm – Do you want me to answer? What we had discussed last time and we’ll certainly do it to the satisfaction of the Board and the town as well as the section from Lock Street of the connector road up to 22 would be in some fashion either a recorded deed or something that that is always to be a public access road. So, that we couldn’t or some future owner couldn’t say well it’s a semi-public road now I’ve decided it’s going to be a private road, and meanwhile Lock Street you can’t get out of it, it becomes a dead end. We certainly never intended that. It’s a very big point so whatever mechanism we need to put in place to make sure that doesn’t happen, it will Lock Street, even though redesigned, will always be a public road. That was the intent again, we’ll work with the Town and the Board to make sure whatever needs to be put in writing will be done so to protect your right to get access to your property.

Maria Hetem – Okay

Chairman Johnson – And including the connector road, the section at the top there?

Attorney Kemm – Yeah the (inaudible) Lock Street to 22 would be, have the same type of language or whatever deed the town would like to make sure that’s solidified we’ll tighten that up.

Maria Hetem – It’s really about the visibility through my property, the accessibility and the safety. That’s really of my concerns there. I think that they’re valid. So, thanks very much.

Chairman Johnson – When we go through the traffic plan you can come up again and we can get a little more fine-tuned on that

Maria Hetem – Okay, I wasn't sure now, since you were talking about sidewalks, but I just wanted to put it out there.

Chairman Johnson – and we're going to talk about the traffic and circulation coming up as well so thank you. No further comments from the public, Planning Board members and any additional comments on the site plan? Seeing none, we can move on to get back into your subdivision.

Engineer Sterbenz – I don't think we need to talk about the subdivision because last week there was testimony by Mr. McGrath, he came up and he explained the same thing that Mr. Kemm said tonight about why they didn't make the revisions in accordance with my June 26th letter. He did indicate that they would address comments 2.01 to 2.09 in my review letter and Karl also indicated for the record that they would provide a zoning (inaudible) George's letter. I think we have that – they've agreed to address those comments as a condition of approval.

Chairman Johnson – So, as far as the subdivision goes, the, you the professionals don't have any comments in regards to giving them preliminary approval at this point.

Engineer Sterbenz – I don't (inaudible) address all the comments.

Attorney Kemm – Correct.

Chairman Johnson – Okay, and that would be a separate approval aside from the site plan is the subdivision.

Attorney Sposaro – They can vote on it separately.

Chairman Johnson – Yes.

Attorney Sposaro – I you want to, you can go into the public for any questions and (inaudible) subdivision would be you can do so but it would be subject to compliance with all Paul's comments that have been just identified and recognizing that lot lines and their locations may change depending upon final DOT approval.

Chairman Johnson – All right so just make sure there's no comments additionally by the Board members. We didn't talk about it a lot last meeting but I think what you said not allowed to talk about it quite yet. You've got comments to address.

Engineer Sterbenz – Correct.

Chairman Johnson – They're going to address them.

Attorney Sposaro – Is it, would it be fair to say that you will not be coming back for final on the subdivision until you've finalized things with the DOT?

Attorney Kemm – That's correct and just to put a little more flesh on the bones if DOT gives us an earlier definitive answer as to the lot line issue but not the rest of the design issues, then we can come back to the Board at that point. We'd get something solid from the DOT in the regard, regarding lot lines and jurisdiction lines and right-of-way lines so that there's something, you know, in writing and something that the professionals can review and just to go one step further in addition to comments from Mr. Sposaro and Mr. Sterbenz is what we discussed last time agreeing with the conditions of Paul's letter and of course, Mr. Sterbenz may issue another letter when we submit the final site plan and we would have to, sorry, subdivision we'd have to address those comments at that point because we're going to be adding things and Mr. Sterbenz may say oh wait we need detail on that or it's not clear so whatever is needed to satisfy the Board and the professionals that final subdivision is appropriate and we'll address those in addition to what we just discussed last meeting.

Attorney Sposaro – To be clear, what's the date on that letter that, the June letter?

Engineer Sterbenz – Yeah, the original comments on the subdivision were in my June 26th, 2017 letter.

Attorney Kemm – Okay.

Engineer Sterbenz – Those comments carry forward and are also included in the August 18th letter verbatim.

Attorney Kemm – Correct we'll make sure they are taken care of and those are accepted conditions (inaudible).

Chairman Johnson – Regarding the subdivision, if there's anybody that wants to come up and take a closer look at the plan, ask any questions or comments that they have we are going to be voting on the preliminary subdivision so we'll open it up to the public to come take a look. Looks like we have no comments so we'll close it to the public. Do we have a motion? What we're looking for so it is preliminary subdivision approval addressing the comments from our professionals and you didn't have any objection to any of the comments right? They're all, it was all of them

Attorney Kemm – As Mr. Sterbenz indicated we went through the entire letter at the last meeting and there was 2.01 through 2.09 that we will put on the revision to the preliminary plan and then we will all conditions that are needed to get final subdivision. Am I correct Mr. Sterbenz?

Engineer Sterbenz – Correct.

Attorney Kemm – Okay.

Chairman Johnson – So I'll take a motion then.

Member Correa – Motion

Chairman Johnson – Carlos do you have a motion?

Member Correa – Yes.

Mayor McKay – I'll second.

Chairman Johnson – All right. We have a first and a second. Both we can do roll call for our preliminary.

Roll call vote:

AYES: Members Correa, Fitzsimmons, Pryor, Woolf, Mayor McKay, Vice-Chairman Olschewski and Chairman Johnson.

NAYS: None

Attorney Kemm – Thank you Board.

Chairman Johnson – Thank you. We can move onto your next topic on your, I believe it's the traffic and circulation plans.

Attorney Kemm – Yes, as indicated before we had testimony last time, we've submitted the reports. I'll just have Mr. Kennel discuss the and respond to the Board members question the upgrades that will happen at Third Street and 22 as that question was posed I want to make sure we don't leave that hanging. We give you the detail on that and then we'll field questions at that point. Mr. Kennel and Mr. Kennel is still under oath?

Attorney Sposaro – Yes.

Attorney Kemm – Okay, so you're still under oath Mr. Kennel?

Mr. Kennel – I don't think I was sworn in last

Chairman Johnson – This is under oath from what a year ago?

Attorney Kemm – Oh no, no, no

Attorney Sposaro – Do you swear from the testimony you will give will be the truth, the whole truth and nothing but the truth?

Mr. Kennel – I do.

Attorney Sposaro – State your name for the record? Spell your last name please?

Mr. Kennel – Yes. Scott Kennel – k-e-n-n-e-l with McDonough and Rae Associates located 1431 Lakewood Road, Manasquan.

Attorney Kemm – And, the last time Mr. Kennel testified he was qualified an expert in traffic

Attorney Sposaro – Yes, he was

Attorney Kemm – and the Board will accept his qualifications.

Attorney Sposaro – Yes.

Attorney Kemm- Thank you. Please continue.

Mr. Kennel – All right as far as the question as it relates to Third Street and Rt. 22, the improvements there will include an entirely new traffic signal system. The traffic signal system that's there today is outdated. One example of that is, is there's still signal equipment in the Jersey barrier. That's not part of their design standard today so there will be a completely new traffic signal system installed to that location that will include pedestrian push buttons, it will include pedestrian indications as well as cross-walks all complying to the ADA requirements and I guess it allows pedestrians to cross 22 as well as Third Street and the site access fully accessible pedestrian intersection.

Attorney Sposaro – How will the lane configurations change from what we see there today?

Mr. Kennel – It's going to be the same as it is today. The Rt. 22 will be stripped as three lanes on each approach and Third Street will be a two lane approach as it is today.

Member Pryor- With Chair's permission, can I

Chairman Johnson – Absolutely.

Member Pryor – Last time I had a lot of questions about traffic and I mean we reached the conclusion here that it was a private discharging to a state highway and we didn't have jurisdiction. I think Third Street is a little different and DOT expressed a concern about queuing on Third Street. I probably and I'm not testifying, I'm just saying I probably driven Third Street every day for the past 3 or 43 years and I'm concerned as well; particularly semi-trucks who come down and want to make a U-turn there. They pull into Second to make that little jug-handle and if nobody's there, the first think they do is they take up the two lanes. If they don't have an opportunity to do that, and I witnessed this where cars are in the left hand turn lane, they shoot down that right lane and they make a left turn anyway cutting off everybody and you're not going to argue with a semi-truck.

Mr. Kennel – Understood.

Member Pryor – Now we're going to add trucks to that intersection, and I'm concerned about the impact there. That is probably the main way out of Morris Park. The next signal is down on Strykers. Most people don't take first because there's a jug handle on the other side, people are making a U-turn, they're coming this way so that is the main egress for Morris Park. We throw some trucks in there; I'm concerned about that. It is problematic now sometimes. I see it being a bigger problem and that's my question.

Mr. Kennel – All right well as far as again, the, obviously the access scheme to this tract, the old Ingersoll tract has been greatly improved from what there was previously because of the Lock Street intersection that allows us to capture the trucks to enter the site without having to go through the Rt. 57 intersection interchange, without having to go to Third Street as they had to do previously

Member Pryor – Can I just pause here for a second?

Mr. Kennel – Sure.

Member Pryor – Again, you had, I don't recall any real traffic counts on what trucks were back then. It was, we're working all with projections and so on, so it's kind of hypothetical the number of trucks through there.

Mr. Kennel – I know and I didn't quantify a number of trucks but I was, in speaking with site managers, who had past history indicated that until the weight restriction was imposed that they use the Third Street access. I guess that pre- 1990 if I remember correct, I'll have to check my notes and then end up using Roseberry but there was a time that the Third Street intersection was used for trucks to access the site and with this proposal, there will be a very minimal increase in trucks as a result of this site and would only be trucks that would be originating on Rt. 57 from the east because again, the way this is being set up is that all trucks will utilize the Lock Street access.

Member Pryor – But we still can't quantify that. You're talking about some hearsay and I'm giving you my memory and there's no figures to talk about the increase in trucks correct?

Mr. Kennel – I don't have data from back then correct as far as number of trucks, but what I can do

Member Pryor – but there's no data right?

Mr. Kennel – But we don't, we have developed projections as far as the number of trucks that would be adding to that during the peak hours and I have acknowledged the NJDOT comment that we'll have to evaluate and review the timing scheme for that intersection if it means providing additional green time to Lock Street to better address the existing as well as future demands on that. That's will be addressed when our next submission to NJDOT.

Chairman Johnson – There was an assumption correct, there was an assumption to the percentages of the trucks going to Third Street though.

Mr. Kennel – Going to Third Street to access through Lock Street, I mean, right again at over time it's been determined that truck traffic will be assigned to the Lock Street access and that the access off of Third Street is going to be used as a secondary access and use that for basically light trucks and passenger vehicles. So again, the intent here in the plan is to orient all the large trucks to the Lock Street access and we designed that intersection to accommodate the turning movements of trucks in and out onto Rt. 22.

Mayor McKay – Will turns be allowed in our (inaudible) there? Do you propose to continue that?

Mr. Kennel – Coming out of yes

Mayor McKay – Coming out of the project you can make a right or a left.

Mr. Kennel – Correct.

Mayor McKay – Coming out of Second Street you can still make a right and left because our police use that a lot.

Mr. Kennel – Yes, that will be full access and again it will be, the type of vehicles utilizing and the movements are similar to what existed before was barricaded just approximately a year ago so it would be a similar type of operation.

Member Pryor – Rather than drag this out, maybe I can summarize my, I share DOT's concern and I'll wait to see how that's addressed.

Attorney Sposaro – Perhaps it would be a good time to ask our traffic consultant whose here this evening. He's had an opportunity to consider these comments and what his position is and what guidance he might be able to give the Board – Maurice

Mr. Rashad – I did and if the Board would like, we can explain the DOT process a little bit more so you understand how the code works. I'll be more than happy to do so.

Member Pryor – I want to know what makes sense. I don't necessarily; I'm not concerned with the DOT process.

Mr. Rashad – Well what makes sense and that's what I can address that tonight but I can't tell you for sure that the traffic study that was submitted by McDonough and Rae did comply with the code 100% in terms of how they did the projections, how they accounted for the existing or the preexisting lane use and the future lane use. So they followed what any other applicant needs to follow to comply with the code and I reviewed that. I also reviewed the DOT's response; the review letter and I did notice of course the comment

Member Pryor – Yeah I am going to say one more time that the code does not in general, codes don't necessarily have to be followed if it yields a senseless result and I am still, I'm still not on the same page.

Mr. Rashad – I wouldn't say senseless results that's not, I think the results are well based in this case and how the study was done even though we don't have exact numbers of trucks that existed back in the 60's or the 70's but the way we do it, is we go to an ITE reference and generate trucks as you know and we use that as a basis. The idea behind it and the idea behind the code is that if there's a building that is in existence, anybody can occupy without any approval so the owner of the plan gets credit for that threshold of traffic usage or traffic numbers. That's the logic behind the pre-existing credit.

Vice-Chairman Olschewski – Can I ask you a question Maurice? Do you know what kind of businesses are going in these warehouses?

Mr. Rashad – No and I'm not sure the applicant knows.

Vice-Chairman Olschewski – If you don't know what kind of businesses go in these warehouses, how do you predict how much in and out traffic will there be? I mean the first basis on basing how much traffic we're going to have is, what is going to happen in this building. If we don't know what's going to happen

Mr. Rashad – That's a very good

Vice-Chairman Olschewski – in this building right? All your projections are pretty much a guess.

Mr. Rashad – well no that's not true. It is a very good question though. The IT that's stands for the Institute of Traffic Engineers, transportation engineers publishes large books and they cover almost all of the land uses, our economy use on the nation. For warehousing they have Land Use 150 which is a traditional warehouse and Land Use 152 which is high cube warehouse. Land Use 150 the traditional warehouse has been in use for decades and the numbers that we use today are based numerous studies; for example one of them is based on 15 studies so over the years they went out and they surveyed similar facilities around the nation 15 times and then they give us the summary of all these numbers. So these numbers are real and they're extracted from real warehouses that are in full operation and that have been surveyed in terms of trucks and cars. Now recently, about four or five years ago, a new land use was introduced to the ITE Trip Generation Handbook and that is No. 152 which is for high cube warehousing and that came about because the warehousing industry has changed dramatically in the last ten years in both ways by the way. In one way it changed in that it became very automated. To give you, what I use as a, as a rule of thumb for to quantify in my own head, warehousing, I would say that a traditional warehouse of a million square feet may employ about 500 people. A high cube warehouse of one million square feet would employ half of that. So that gives you an idea of

density of what's going on these warehouses because of the automation. Now of course, we have a new product now that is the fulfillment centers that are more intense. So, we need to deal with all these numbers and the way the study was done was a mix of the high cube and the traditional warehousing which would lead to higher traffic numbers. So in a way you can look at it as being (inaudible). I hope I answered your question.

Member Pryor – Now I'm going to be stubborn on this. I keep going back, back in the 70's; 78 didn't go through Union County, it didn't go into Pennsylvania. The site was heavily dependent on rail; things were different and we take a situation that hasn't existed in three generations and we applied some modern numbers to it. The second question I have is, I've gone through, I'm not a traffic engineer, I've gone through IT tables, I see the data that goes into them. There's a spread. It's manipulated, it's processed, it's reduced to a number. It may be over here, it may be over there and if this method works, how did we wind up with that mess down in Robbinsville when everything opened.

Mr. Rashad – Actually I know a lot about the Robbinsville facility. I live a couple miles away from it by the way so. Well when we project traffic volumes and most of the time, these volumes are pretty close to reality but not 100% of the time.

Member Pryor – And on that new application, you don't have that many points to process. You don't have the surveys that you have on an office building, you know, everybody gets a cubicle so big and you survey those and you get a lot of data and you come up with a value you have a lot of confidence in. You're talking about a new application here; you're talking about fewer points.

Mr. Rashad – That's true. That's true and I can give you my own experience in warehousing. I would say I've done about maybe 100 studies so I've done a lot of them in central Jersey, northern Jersey, southern Jersey; a lot of places and I've noticed personally from experience that most of them, unless they offer fulfillment centers, unless they are special for fulfillment centers, most of them don't generate a lot of trucks and if you drive around, warehousing facilities you would think they are not in operation sometimes. You may spend if you are at a facility for about five minutes and not see a single truck come in or out, having said that, if a tenant comes in here that let's say Amazon that's going to be a different story. I gave you some numbers before; I said a high cube warehouse that is a million square feet may employ 250; traditional warehouse 500 and Amazon with a million square feet would probably employ 1000 people or more. So you've got

Member Pryor – But its approval is for high cube correct?

Engineer Sterbenz – Yes.

Mr. Rashad – That's correct.

Member Pryor – So that’s where we’re working right now.

Mr. Rashad – Well in this case there is a mix. So, in this case, one million

Member Pryor – How?

Mr. Rashad – square feet is considered to be traditional which is the higher number and approximately 2.9 the high cube. That’s why the application was submitted to the DOT.

Member Pryor – Yeah, but how the application was submitted to this Board and the approval of how you remember it was that’s a high cube. Does anybody remember that?

Engineer Sterbenz – It’s in the resolution.

Chairman Johnson – Thought so.

Engineer Sterbenz – It’s in the resolution.

Vice- Chairman Olschewski – Since we don’t really know, is it not prudent to always consider the worst case scenario?

Attorney Sposaro – And in fairness to the applicant, I think that’s exactly what they did because a traditional warehouse would generate more traffic. They took a more conservative route and submitted a numbers to the DOT so that if for some reason high cube with our approval was to change in some part to general warehouse use, they’ve been able to satisfy the DOT that that change would not warrant any further modifications to what the DOT may ultimately want them to do. Just because they submitted to the DOT on that basis doesn’t give them the right to end run the limitations in order to

Vice-Chairman Olschewski – Now worst case scenario is fulfillment center right?

Mr. Rashad – Yes.

Member Pryor – I guess I’m not going belabor this

Mr. Rashad – Not any fulfillment center by the way. A lot of them are just like any other warehouse. You know, few bring, at least one I know that is very intense but the rest of them are very close to a traditional warehouse operation.

Member Pryor – Let me ask this and I’ll yield to everybody else. We have a 950,000 square foot warehouse proposed – how many bays are going to be there? Close to 100?

Mr. Rashad – I don’t know off hand. I

Member Pryor – I mean it’s a typical number for something that size?

Mr. Rashad – Probably more than 100 of them.

Member Pryor – More than 100 and how many truck trips are we projecting?

Mr. Rashad – I'll have to take a look at the specs.

Member Pryor – I recognize that you are not the applicant but you've looked at this, I'm asking of our consultant.

Mr. Rashad – Sure.

Engineer Sterbenz z – Mr. Kennel has that in his August 24th letter to the Board.

Mr. Rashad – Yes, and Mr. Kennel if he gets the information before I do

Mr. Kennel – Well, and again that represented the whole development but if you're looking at the cause its Building No. 7 which represents approximately 25% of 25 truck line would be 400 trucks on a 24 hour basis trips from that particular building.

Member Pryor – So, I mean I'm just doing the rough arithmetic here but if you did that, divided by 100 bays, its four trips per bay so it's a truck in, truck out, truck in, truck out over a 24-hour period

Mr. Kennel – Well, the four hundred trucks is a total inbound and outbound so it would really

Member Pryor – For the whole site?

Mr. Kennel – No, no for that one building so that would equate to 200 trucks. He said a truck would come in and a truck would go out

Member Pryor – The same truck would leave.

Mr. Kennel – So that's

Member Pryor – Two trips – 100 trucks

Mr. Kennel – So that gets you 200 trucks.

Member Pryor – Yeah that's what I said so over the 24 hours we're projecting a truck in a truck out, truck in truck out

Vice-Chairman Olschewski – So you're looking at 800 trucks

Talking over each other

Mr. Kennel – For P'burg and Lopatcong.

Vice-Chairman Olschewski – 800 trucks a day

Mr. Kennel – Correct.

Chairman Johnson – One of the things that I was looking through because this is going on for a while back in February of 2016, I don't know if this comment was ever addressed but we had a memo or it was a letter from Paul's firm from Maser that the IT should actually be producing a peak hour trip of 700 and 7000 daily trips but I don't believe those were the numbers that are in your traffic study so, I'm just wondering is that comment ever resolved? It was the February 17, 2016

Mr. Kennel – I think there was a misinterpretation on the, on the review that day cause I can pull that report that we had provided

Mr. Rashad – Your report does indicate an 8400 per day

Mr. Kennel – 8400 per day as far as passenger vehicles and trucks correct.

Mr. Rashad – Yes.

Chairman Johnson – The new report has 8400.

Mr. Kennel – Correct.

Engineer Sterbenz – There's some differences between what we saw in 2016 and what we're seeing now. On the 2016 report was based on 4.2 million square feet of approximately of high cube warehouse. The current report is based on 3.8 million square feet of warehouse space approximately that has some conventional warehouse in addition to high cube.

Mr. Kennel – And it was an exercise to do a conservative analysis.

Engineer Sterbenz – that was based on the number of trips by the way because of the conventional component which I'll defer to Maurice he can go through that in more detail; Scott as well so.

Chairman Johnson – I have a question regarding the jug handle on Third Street for Maurice. Who has jurisdiction over that?

Mr. Rashad – Well, the intersection is owned by NJDOT and they will be reviewing the plans and the designs, but I think we're in a position to work with the applicant and assure that we get good results. The queuing issue is a real problem for the town and I think if the signal is redesigned properly that queuing issue could be mitigated like Mr. Kennel said, in reallocating the green time and making the signal more efficient, the existing signal is very old. The detection is probably broken. The new signal will have the latest and best technology improving the technology that are very good in detecting the presence of vehicles and changing the signal time accordingly and also in the case (inaudible) for example if I'm reviewing the plans, I would add additional measures to the signal design such as detection for the que itself that would change the operation upon the detection of a que which is not a common element in signal design but in this case I think it would be definitely warranted and justified. So to summarize what I'm saying, I

think the Board should focus on solutions here and this is one of them. The Board should focus on making sure that what is being built was being improved specifically in the section of 22 and Lock that these intersections are done to the best possible design and technology.

Chairman Johnson – So, beyond the intersections the jug-handle and Third Street is under the jurisdiction of the Township? Is that what you're saying?

Mr. Rashad – Third Street is a Township roadway.

Mr. Kennel – They're the permittee as far as DOT recognizes intersection state highway but it's under the control of DOT as far as traffic operations and I want to mention there's another approach that's again, we'll probably evaluate to try to enhance the operation of that intersection and that is where we call split phasing where the Third Street approach will have its own green ball and the site access will have a separate green phase so another words, it will basically operate as it does today where they can run, their running by themselves, there is no conflicting movements and as part of that, there's also a situation we could discuss with DOT that ramp, that traffic that comes out of the ramp, we can restripe that approach and they've done it where the inside is a dedicated left but the other lane is a shared left through right so then you don't have the situation of a truck trying to get over to the left most lane to straddle but you have them going out as a double left turn which you have enough width on Rt. 22 to receive two vehicles turning left simultaneously. I mean, and those are

Mr. Rashad – What's going to help, sorry to cut you off, we're concerned about truck traffic. Once this intersection is redesigned, it will open up. Today was restricting it is the barrier and the presence of equipment at the end of the barrier. With the redesign this barrier is going to be pushed back and that's going to facilitate the left turns from the side street to the highway. It's going to make that movement more efficient.

Vice-Chairman Olschewski – We're not changing, do you guys know how many trucks actually fit in the jug handle?

Mr. Rashad – You mean storage how many

Mr. Kennel – Storage all the way around I haven't made that motion but that's a simple

Vice-Chairman Olschewski – Two.

Member Woolf – What do you think Brian four?

Brian Weeks – About four.

Vice-Chairman Olschewski – Before we back up onto 22 – 4 trucks.

Mr. Kennel – At least, at least before you back onto Second onto 22? Is that what you refer, yeah at least four.

Vice-Chairman Olschewski – Is that enough?

Mr. Rashad – And what will make it and this is what I was saying before is we can put detection on the jug handle just to immediately sense the slowing down of trucks to trigger additional green so that movement gets what's called a priority phase so that the queuing onto 22 doesn't happen.

Vice-Chairman Olschewski - Joe maybe you can help me out. If a truck comes up the jug handle, is that truck actually able to make a tight turn enough to be right in the right lane to go straight?

Member Pryor – Yeah, I've seen it.

Vice-Chairman Olschewski – Yeah.

Mr. Kennel – Yeah. Because the end of that ramp is fairly wide. It gives them the ability to sweep into the right most lane and I mean that was designed by DOT. I can't tell you when.

Member Pryor – I've seen them make a left and take out the whole intersection.

Vice-Chairman Olschewski – The turn is not tight enough and they're standing in the middle there somewhere it happens.

Mr. Kennel – My sense from what I've seen out there is that they can turn into that right most lane just by the width of that ramp coming around off of Second Street.

Member Pryor – I'm skeptical because I've seen it

Chairman Johnson – You're prioritized phasing that you were describing of course once you do that, you have to analyze the effect that it's going to have on Rt. 22 as well. We just can't change

Mr. Kennel – Yeah, you can't do it in a vacuum; it's got to be all inclusive.

Mr. Rashad – This analysis will be very complicated probably it would go through a dozen adjustments in terms of phasing. Sometimes it splits, different operations, cycle length and so on and then, you know, once the DOT is happy, the best operation, the best technology they will issue a permit.

Vice-Chairman Olschewski – When do they actually start Maurice? Are they starting where, where 22 meets the highway? Is that where they would start with their studies? Where Target is, you know where Target is?

Mr. Rashad – Well

Vice-Chairman Olschewski – I mean that's where I would start.

Mr. Rashad – The code has a very mechanical I want to call it, mechanical system that determines where do you start, where do you end. Do you start distributing the traffic on the highways and you go one intersection at a time and you go through a calculation, I'll simplify it to you, I tell you if it's impacted by more than 100 trips it needs to be studied and you keep doing it until one intersection falls off the radar. So when they did this and I reviewed that part of the study, only two intersections were identified as a need of study and potentially improvements and this was Third Street and Lock. Once you go beyond that, the additional traffic falls under that threshold that the DOT requires they include these intersections into the study. So, the study right now is just Lock and Third and if there were closely spaced, there would be a progression analysis. In this case, I don't think that, the DOT would ask for one because they're very far apart and they don't make one cohesive network.

Member Pryor – My point is, as you go down the road, they're not that far apart especially if you see semi-trailers come to a complete stop and then have to come up to speed again from a red light. I've said from the beginning, I understand there is constraints here, nobody's looking for the applicant to come in and widen 22 and do crazy things

Mr. Rashad – Why not?

Member Pryor – Are you recommending that? But how do I answer somebody when they say what's the impact of this thing. I'm going to say none based on what happened when your great-grandfather lived here. I don't know what's going to happen and I don't mean to be facetious. You have an existing condition; you're putting something on top of that

Mr. Rashad – Yes.

Member Pryor – and I think the public here is owed an answer and so what is the problem with extending more than studying more than two intersections.

Mr. Rashad – Let me ask you a question first Mr. Pryor. What is the impact? I think the best way to answer that is to say there is an impact but the developer is mitigating that impact by improving the intersection of 22 and Third and that's an expensive improvement by the way. It's in the hundreds of thousands of dollars; not cheap.

Member Pryor – I remember the day he showed us, he talked about an overpass over 22 that never happened so

Mr. Rashad – Also there's signalized improving the intersection at Lock to allow for most trucks to go

Member Pryor – The two he needs.

Mr. Rashad – Yeah.

Member Pryor – and he hasn't looked at anything else.

Mr. Rashad – That's correct.

Member Pryor –Yeah.

Mr. Rashad – That is correct.

Chairman Johnson – Maurice would it matter if this, you're talking about 100 trip increase to make an intersection where you have to look at it

Mr. Rashad – Correct.

Chairman Johnson – does it matter

Mr. Rashad – Qualify for the

Chairman Johnson – Right now does it matter how you break up the traffic that's coming from this site. If you make a different assumption instead of saying 70% goes here. What if it's 80%? Do they jump over threshold? My question is flat out, are they manipulating numbers to not have to study an intersection?

Mr. Rashad – No because if you switch numbers then you end up with another intersection on the other side. I mean the volume has to go someplace.

Member Pryor – But right now we have two.

Chairman Johnson – But is it going to the right place is my question. Is it, are you happy with the breakdown of the direction

Mr. Rashad – I would say yes and the reason I'm saying yes is that they did based on the graphic models. So they consider, they look at a 10-mile radius and they reviewed the census information (inaudible) and they reviewed the roadways and the graphics within a 10 mile radius which is actually a very good radius for employment purposes you know coming to work and for a facility like this and based on that, they determine how many trips going in one direction and how many you know in the other direction and also to supplement that they look at the exiting traffic pattern. So these are the two things you look at. How you look at the graphics and then you look at the existing patterns and DOT reviewed that study that's called the Scope of Study Analysis. This is done before you do the actual analysis and the DOT approved it and I looked at it and I know (inaudible).

Chairman Johnson – I have a question with that. I think we talked about it a year ago too. When you're comparing it to an existing condition, I think one of the problems we had is that the existing condition wasn't properly shown. We were using charts and tables. We had no traffic counts. We're starting from an existing condition where this site is not operational. There's no trucks coming out of it. To me that's the existing condition. How are we changing it from what it is now, to what it will be? I think using the charts and tables and saying well the existing condition was back in 1950 when this place was booming with trucks, it isn't fair.

Mr. Rashad – Well Mr. Pryor made the same

Chairman Johnson – Yes, yes he did.

Vice-Chairman Olschewski – Mr. Pryor's right.

Mr. Rashad – And if you argue there was booming with trucks in the 70's, it would actually give me a weaker case because that means there's a higher number of credits.

Member Pryor – I'm not even conceding it was booming with trucks. They had a much better rail system back then and in the morning, I used to come out to make a left onto 22 and they had a guard at that intersection who manually operated that light and that was cars. That was cars coming in and out of the site. I recognized I'm not testimony here, giving testimony but I lived here and I can't get over the fact that this is going to have a tremendous impact on 22.

Mr. Rashad – I understand and my role here tonight is to as much as I can, make sure the Board understands the DOT process. I think that's the way you put that because legally that's what the needs to do and you raise a very good point but the code was designed based on a different kind of thinking. It was designed based on the super-thinking that well if the building is vacant, the owner can occupy it today and doesn't have to endorse any permit and therefore, we're going to give him credit for what the publications tell us that facility will generate today.

Chairman Johnson – But isn't he using, aren't they using a current chart?

Mr. Rashad – They use the current

Chairman Johnson – But the existing condition is based on a different chart.

Mr. Rashad – Yes.

Chairman Johnson – A chart that would have been superseded

Mr. Rashad – No.

Chairman Johnson – right?

Mr. Rashad – No they're using the current chart but the existing sides. So they take the land use whatever it was manufacturing and they would say, if it is occupied today, what would that generate and that would be the basis.

Member Pryor – But you couldn't occupy it today. Those buildings were functionally and structuring obsolete. Many of the manufacturing processes there, I believe, they would have trouble getting permits for it. That's why foundries move. That's, you know, the whole economy's changed. It is three generations old.

Vice-Chairman Olschewski – I take somebody's word who lives here for 40 years and travels

these roads on a daily basis or over any of the studies you present. I really do.

Member Pryor – I want make this, I'm going interrupt you a second. I'm not giving testimony. I'm explaining

Vice-Chairman Olschewski – No. Yes.

Member Pryor – the reason for my skepticism.

Vice-Chairman Olschewski – So, my, my focus here is and I know we cannot do anything about it right? I mean our focus here is on what are we able to do? Which is making the intersections the best they can be which is, I mean, we have no influence over, over Rt. 22 and, and what the traffic, there's nothing we can do

Member Pryor – I, I got to believe that there's going to be adjustment to the signals going all the way down 22 and why can't we know that and why can't we be prepared for that?

Chairman Johnson – One thing I saw in my notes

Mr. Rashad – It's a fair question.

Chairman Johnson – One thing I saw in my notes Maurice and I'm going to precede this with the same that Joe said, I'm not giving testimony either tonight, I have a lot of concerns and some of the stuff I'm going back through from my notes a year ago, and what I'm seeing is we asked the question, why can't we figure out the existing condition and ask for traffic counts. The response was you can when there's a site plan, not for a General Development Plan. So right now is the site plan, can we ask for existing traffic counts and establish a true existing condition. That's what I was told a year ago.

Vice-Chairman Olschewski – When you get the counts right, when you get the real traffic counts, then what?

Chairman Johnson – Well, then you compare existing to proposed. When then your traffic study at least makes sense.

Member Pryor – Okay, you know you're going to from here to here and then we look at what we have to do in terms of signalization and some of these other feasible improvements.

Attorney Sposaro – The Chairman asked Mr. Rashad a question. I would give him the opportunity to answer it.

Member Pryor – Sure.

Mr. Rashad – We take counts today, we'd be taken counts for vacant building right?

Chairman Johnson – Well also of an existing highway structure that now has Rt. 78 as part of the

infrastructure.

Mr. Rashad – No it's not. The study was based on actual counts of Rt. 78, I'm sorry Rt. 22. So Rt. 22 was

Chairman Johnson – You have actual counts for Rt. 22?

Mr. Rashad – Yes.

Chairman Johnson – Okay.

Mr. Rashad – Yes. There's actual counts yeah.

Chairman Johnson – Okay, so that's implemented into the

Mr. Rashad – There was implemented and there was traffic added to it as appropriate as the mechanism resulted in because of additional traffic and the studies were done according to that.

Member Pryor – What's the peak hour count on 22 any point on 22 near the site?

Mr. Rashad – It's somewhere in the study.

Attorney Sposaro – Why don't we ask the person that prepared the study?

Member Pryor – All right.

Mr. Kennel – And just, just for the Board's benefit, traffic counts were conducted in the fall of 2015 and then they were updated in the fall of 2016 to have the most current data so that was all contained in this report and those traffic counts are accepted by NJDOT.

Chairman Johnson – And they are Rt. 22 traffic counts right?

Mr. Kennel – Rt. 22 traffic counts conducted in the Third Street area and as well as Lock Street because I know of the influence of Rt. 57 so there is data collections on either side of Rt. 57.

Chairman Johnson – Okay.

Vice-Chairman Olschewski – But not any further towards 78 right?

Mr. Kennel – That's correct.

Mr. Fitzsimmons – Excuse me, I wasn't here a year ago. I've got a question I wanted to ask. Is there still going to be a Roseberry entrance?

Mr. Kennel – Yes, there is.

Mr. Fitzsimmons – Accessibility where they do a turn so if they miss the turn at Second Street, they can come right in there. That's just, how's that going to be addressed?

Mr. Kennel – That's correct and basically that intersection is going to be reconfigured where Roseberry will extend basically into the site and Center Street will now be the stop, will be the minor leg and that will have the stop sign control and there's anticipated, we have to discuss this with other Township officials and Phillipsburg, but in all likelihood we're going to have two lanes on each approach to that T-shaped intersection. So that intersection will be improved as well as part of this development.

Member Woolf – Eric, your 22 count will that just take in during peak hours?

Mr. Kennel – We did a combination of 24-hour counts and peak hour counts.

Member Woolf – Cause I have a print out here from the New Jersey Delaware River Joint Toll Bridge Commission – 2016 - 34,500 daily trips on Rt. 22.

Mr. Rashad – That's about right.

Mr. Kennel – That's correct. As far as the Board's benefit, there in the morning peak hour, the total of two way volume of Rt. 22 in the vicinity of Lock Street is approximately 2200 vehicles during the morning and in the afternoon, it's approximately 3100 vehicles two-way and in the Third Street vicinity, the two-way volume in the morning 2950 and then in the afternoon it's approximately 4000.

Mr. Rashad – To, to give you a rule of thumb as to how to transfer these numbers and convert them to daily numbers, you multiply that about 10 or 12 approximately. So, if it's a 1000 vehicles in 8 hours, it would be maybe 10 or 12 thousand per day and you were saying between 3 to 4 thousand so you multiply that by 10 and 12. You go from 8 hourly today.

Member Pryor – Well, somebody here said a peak increase is 700 vehicles. Did I hear that

Chairman Johnson – I saw that in February 2016.

Member Pryor – I don't know if that's true or not. If it is, I mean I'm looking at you know, 2200 you throw 700 on top of that, you're 30% increase, I don't know. That's gotta have an impact.

Chairman Johnson – And I look at the 700 as well and figure of that 700 vehicles really 100 isn't going towards another intersection to trigger this extra study?

Mr. Rashad – We don't count the 700. We say 700 minus the existing.

Member Pryor – Yeah and you know, in a practical sense that makes no sense.

Mr. Kennel – Well, if I could offer another way that it's looked at in the DOT approach. This site, say a water line serving the site and say a 16 inch water line. If they were entitled to 50% of

that capacity back in 1950, 1970, 1980, in 2017 they're also entitled to that same 50% of capacity of that water line. That's the similar approach

Member Pryor – That's offered by contracts though and it gets adjusted and

Mr. Kennel – Well again,

Member Pryor – are you talking about peak capacity or you talking about average daily flow or are you talking about fire protection; it's not a good analogy.

Mr. Kennel – That's the general concept when the state law looks at a redevelopment of an existing site. I was just was trying to give you another approach to how they've come up with that.

Chairman Johnson – So a little confused on the existing condition. The existing condition was based on the Rt. 22 actual traffic count and a hypothetical site count based on tables. Are you kind of mixing

Mr. Kennel – Well here's, it's a two-step process. The first step is to determine what the difference is on new trips versus the preexisting trips and determine what intersections you impact by more than 100 trips. Based on this kind of proposal, we'll be generating less peak hour trips during the morning and pm peak hour. So therefore, beyond the site frontage, so therefore as far as study locations, we only considered Third Street and Lock Street. Then we take the 2016 traffic counts and that's a base and we then add a growth based on DOT data they've collected to add on as back ground traffic growth and then the traffic volume figures shown on Table One, Page 4 are a surcharge 100% onto those two study locations. So again, there is no credit at the study locations.

Mr. Rashad – Let me rephrase this because maybe not that he didn't do a good job; it's complicated. You take credit when you do the study to determine what intersections need to be studied.

Member Pryor – I understand

Mr. Rashad – But when you do the actual study you pump all the volume. You add the 700 that you mentioned in order to be exact I think 788; you add them to the system and you analyze.

Chairman Johnson – What doesn't make sense to me is the concept of by building this site we're reducing the traffic that, I mean, I'm kind of, you know, generalizing there but that's kind of what I heard. Like building this site, we're reducing the traffic. That doesn't seem to make sense to me. I know it's based on the numbers that you are assuming

Mr. Kennel – But it's based on the way the laws written; it's based on the rights of the land. The land had certain development rights and that's what is taken into consideration that they're, this wasn't a virgin land and we're coming new. This property had development activity, had traffic generation and based on the New Jersey Land Use Law; it allows you to take that for credit.

Member Pryor – Where's the adjustment for all the product that came in and left by rails?

Mr. Rashad – I'm sorry Mr. Pryor. In the end, we're using all the numbers. So, when you look at the level of service levels that are justifying redoing the intersection, these are all the numbers. All the 2015/2016 numbers on Rt. 22, the growth that is added to it for background growth and the full trip generation of this development. That's added to that, it's analyzed and in the end, the product you're going to get, the new intersection is going to be analyzed and modeled and based on these numbers.

Member Pryor – For one intersection?

Mr. Rashad – Yeah, for two.

Member Pryor – With Third?

Mr. Rashad – Yeah Third, yeah.

Member Pryor – A new one. I'm looking at old ones before and after.

Mr. Rashad – That's right.

Chairman Johnson – I'm still, I know what you're saying and I understand what you're saying but for making sense, Joe has said earlier, you know, does it make sense well it doesn't make sense to run and do all your numbers and give yourself credit for something that doesn't even exist and the credit that you're taking is making it so you don't have to analyze the next intersection, it doesn't seem

Mr. Rashad – That's true.

Chairman Johnson – it doesn't seem to make sense and it doesn't seem to be fair to the surrounding area just to (inaudible) based on what could be there if it was, you know, back in the day or current day whatever you want to call it. It's just doesn't seem right.

Member Pryor – I'll just say one thing, I can't say anymore I talked to Debbie Hirt several times and from the beginning what was her job, community relations, right, she thinks

Mr. Rashad – She retired by the way.

Member Pryor – like me. She retired in June. I know that. From day one, she agreed with me. This isn't testimony; she agreed that the study, the scoping study she'd go much further than one intersection or two intersections

Vice- Chairman Olschewski – Makes sense.

Member Pryor - and I haven't heard yet an answer to the question that if somebody from the

community said how's it gonna effect traffic.

Mr. Rashad – Let me ask the applicant's engineer. (Inaudible) study, you heard what this Board is concerned about. What would be your response?

Mr. Kennel – Well my response to that is is that there was corridor study done for Rt. 22 locations that you have mentioned (inaudible) 2009 and it was done by Maurice's firm that identified the improvements that were going to be required to improve traffic intersections specifically the No. 1 intersection is 519 and there were a number of schemes developed, and that could have been a springboard to advance that further and implement those improvements that would be through federal funds, state funds and from my understanding, nothing has ever happened with that program since 09. I mean and typically what happens, it's usually, you know, recommendations or requests made by local congressman's, state senators and/or freeholders that get you moved up on the priority list, I mean, but I haven't been involved in it. I don't know what's taken place whether there has been further requests or

Member Pryor – Yeah, I think I read that study and it's a while back and I don't think the study, you know

Member Woolf – Eric, I sit in on them meetings with Debbie Hirt's and New Jersey DOT and stuff and we were talking from Rt. 78 all the way to Roseberry Street. There earliest projections of even doing anything was 2020. I've been involved with the Department of Transportation with the 519 interchange for 25 years and nothing has been done. Progress moves slow.

Members talking over each other.

Vice-Chairman Olschewski – I'm amazed you guys are very confident. I mean you stand there and you say, if you guys are wrong right, you're not the best liked people in Lopatcong, Alpha and Pohat anymore, you know that right? I mean

Mr. Kennel – We can only work with the information we have available. I've been doing this 35 year and as Maurice says there are a number of times we go back and do research counts of things that we had projected and

Vice-Chairman Olschewski – If you take your study aside like common sense, does it make sense to you? Common sense like without the study that you, you believe in that? You really

Mr. Kennel – Oh yes. I stand by the report. Will there be impacts along Rt. 22 yes, but again, this report and application to the DOT was done in accordance with the access code which is the administrative code that's part of the New Jersey Land Use Law and that's the right set, go with this development.

Chairman Johnson – We have not heard back from DOT obviously on that request that happened but we just talked about the 2009 corridor study. You know that the Board has been interested in seeing a few more intersections studied for a while now. You have counts that are eight years old. You can do a little projection on that and you could tell us these intersections get affected. It, it

the intersections along the corridor that we are talking about 78 to Roseberry. We have counts that are only about eight years old, you know, so

Mr. Kennel – I got a questions. When I looked at the traffic count data and I looked at count data from 04, 09, 2012, 2014, it's interesting that from 04 to today, the traffic volume is significantly lower. The 09 traffic counts that were in your Maser Report, are lower than DOT data in 2012, 2014, our data 2015. So, there is data out there, but again, those are responsibilities of the county, the state to address infrastructure issues. In this case, because there was a preexisting use, it's not the responsibility of the development.

Attorney Sposaro – I have one question for Maurice. In the amended and restated redevelopment plan that was adopted there is Section 3.9 entitled Traffic Study and it says “the redeveloper shall provide a detailed report on the existing and proposed traffic conditions prepared by one or more qualified professionals. The report shall be provided to the Planning Board for review during the processing of a site plan application. The study shall include the estimated average number of automobiles and the number and size or type of trucks or buses that will enter and leave the site each day and during peak hours including an analysis of the ability of the existing road system to accept the additional traffic volumes”. In your professional opinion, has that traffic study been provided to this Board?

Mr. Rashad – Yeah, the way the statement's written I would say that yes the applicant did comply. If the roadway system unfortunate that that statement was defined differently, I may give you a different answer, but as it's written, the answer's yes. They complied.

Attorney Sposaro – Thank you.

Chairman Johnson – Five minute recess, please. We resume in five. Everybody take their seats please, we can resume. Beth are we on?

Secretary Dilts – Yeah.

Chairman Johnson – Okay they're continuing the conversation. I think we left off with Maurice saying that it wasn't required by law to study more and that brought up a question in my head. Just because it's not required by law to do it, doesn't mean it's not the right thing to do. So, we're talking about the size of this project is so huge and what we're asking for is a little bit of knowledge. Just because you don't have to do it, according to the law, have we asked the applicant if they're willing to do it yet, officially?

Mr. Rashad – That's a fair question. I think we should ask the applicant.

Chairman Johnson – Has the Board asked you to do that?

Attorney Kemm – Yeah, we had this discussion during the GDP application and respectfully, Chairman and Board Members, the answer is were not interested in doing that for a number of reasons; one if we have fully complied with all the DOT regulations and studies as our expert and Mr. Rashad has discussed that before you even start your traffic study, you submit a scoping

study which shows what is the extent of the area to be studied. DOT reviewed that and approved that. We complied fully with that. Although it is in your words, Mr. Chairman and I don't disagree with you, it is information, but information comes at a cost and a time delay. It's a substantial project correct. My client's going to make money. He is not in this for charity work but there's substantial improvements that are going to be imparted to both towns and the area in general. The connector road itself, which has been something that's been at work for a number of years. At one point, there was actually an agreement between the two towns to bond to build the road themselves to help this development and help the traffic in the area. I believe and if I misstate the number let me know, I believe the Lock Street redevelopment and interchange improvements and the connector road itself is in the neighborhood of five million dollars north and that is an improvement again, yes. It benefits our project. To a degree, it's driven by our project but that also is going to benefit the community. We will have as Board members indicated; we are going to have a connection from Roseberry up to 22 with a sidewalk. We're going to have better sidewalks and an intersection at the Third Street bridge. These are all things that are coming out of what is presently before the Board and we have no objection. Understand that we absolutely have to do those things and provide them, so we have come to the table with a lot and I don't want it to seem that we're just saying you know, no and the answer's no and that's it and that's why I want to provide a bit of an explanation. It is part of the bigger whole, you know, we understand the practical consideration as Mr. Pryor has raised and other Board members is, you know, there's practical impacts here. There maybe impacts larger than our site. We've complied with the law on that. There is, and I know the answer maybe unsatisfactory and it is not an easy road to go, the prior corridor study that was mentioned and it's kind of sat, with all due respect, I would suggest as Mr. Kennel indicated is maybe it's time to pull that out and start making phone calls to higher up elected officials to see if that can get pushed along. That can get prioritized and the issues in there can be addressed because again, it benefits the entire community, not just this project. The developer is willing to do his fair share as I indicated to; you know, help (inaudible) impacts of his project and as well provide some community benefits. There's other community benefits we haven't gotten into. I'm just dealing with traffic so I'm saying consider it in a whole, I don't want it to be a no and walk away from the podium so understand it and know those are reasons why we are declining to do a further study.

Chairman Johnson – You're not taking the stance where you're afraid of being required to do Rt. 22 improvements. That's not, I don't want to put words in your mouth but I think we talked about it in the General Development Plan where we realized that Rt. 22 isn't going to be improved and your hands are kind of tied; there's a lot of property limitations what not, but the knowledge of how it affects the existing condition, not worrying about what you can do to fix it, just the knowledge of what it's going to do to that corridor. Just so I was 100% clear on what I was asking for.

Attorney Kemm – Yeah I understand, it and again, we also had this discussion in quite some length during the General Development Plan hearings and the determinations is the impact of this development and what's proposed here in accordance with the redevelopment plan, is something that was considered by both this Board, not necessarily the people sitting in the seats today, but the Board as a body as well as the Township as a body in both towns was considered and the impact of that in the community sense as well as your individuals towns as well as the area surrounding, is part of that review process and by agreeing and setting forth a

redevelopment plan that says these are the uses that are allowed, the impact of the uses are understood and they're accepted. We've discussed that last time and I'll defer to your attorney on those issues if he wants to chime in and the Board wants to hear from him. So with all that in mind, we have done all that. We've gone, I would say, a little farther. We haven't been heroes but we've gone a little farther than that. We also have redevelopment agreements with both towns indicating how it's to be developed and other issues affecting each individual town and communities at large so it's all part of the larger picture and as I indicated we're doing what's legally required. We're doing a little more. We're not going the extra yard necessarily but we're doing more, we're understanding again the issue as an example the sidewalks, we heard your comments we went back and looked at it and we incorporated it because at the end of the day, it was a good suggestion. So we're not adverse to working with both boards, both towns, the communities at large but at some point we have to say, okay, we've done really enough here. So again, I don't mean it to be just a flat at no and don't ask the question, I just wanted to put it in context for you.

Attorney Sposaro – A question for you. Has your client entered into a redeveloper's agreement with the municipality?

Attorney Kemm – Yes, I think it was in 2015 with Lopatcong as well as a similar agreement with Phillipsburg. Those have been entered into. I have a copy with me I can give you the exact date.

Attorney Sposaro – What are the loose ends concerning (inaudible)?

Attorney Kemm – The agreement was signed and effective December 15, 2015. The open issues is kind of a broad term and I don't mean to be critical Mr. Sposaro. A lot of these are triggered on when certain degrees of development happen that we need to do certain things. There is issues regarding the recreation areas as we've kind of highlighted last time. So those need to get worked through their more or less compliance issues. They're more or less compliance issues with the plan versus okay we kinda left this open, we need to discuss it and figure out how we're going to handle it. There they're addressed it's just when you hit triggers and milestones that things need to be done. The only open issue so to speak is payment in lieu of taxes; a pilot agreement which needs to be negotiated and entered into with the Town of Lopatcong. We have already entered into the pilot agreement with Phillipsburg and again, we have a standing, I think they were signed more or less around same time of the redevelopment agreement with the Township of Phillipsburg, Town of Phillipsburg.

Attorney Sposaro – Does that redeveloper's agreement impose any responsibility upon the redeveloper for off sight improvements?

Attorney Kemm – You know I apologize, I don't, I wasn't involved with negotiating. I've been doing more of the land use issues.

Attorney Sposaro – Understood.

Attorney Kemm – I know it's a rather broad ranging document; it covers a lot of issues. A lot of which are not Planning Board issues so I apologize I don't have the exact answer to that question

but it does address community issues in general; I don't know how detailed it gets into what we would talk about in Municipal Land Use Law as offside improvements, off tract improvements but it is a wide-ranging document.

Attorney Sposaro – Thank you.

Attorney Kemm – Certainly.

Chairman Johnson – With the review letters that we did on the traffic report, were there some comments that needed to be addressed Paul?

Engineer Sterbenz – If you look at my review letter from August 18th I'm going to just pull that out, in Section 7 of the report I noted that the applicant had submitted two traffic reports that were submitted as part of the General Development Plan proceedings from 2016 and I had suggested to the Board that they question the applicant on whether there were any more recent reports of the traffic conditions and I had indicated that traffic reports were to be furnished to the Lopatcong Planning Board at the time a site plan application was filed per the General Development Plan Resolution of approval and what happened within hours before the hearing we found the February 2017 report and we questioned why it wasn't submitted in the submission package and subsequent to last week's meeting, it was officially submitted and Mr. Kennel is here tonight testifying and Mr. Rashad of my office will get that report from the engineer to answer questions of you tonight or by you, I should say, tonight.

Chairman Johnson – So you have reviewed it?

Mr. Rashad – Yes.

Chairman Johnson – for the Board were there any differences in the current report from the one from the one from the General Development Plan?

Mr. Rashad – There was some differences, the overall numbers changed slightly but there were no substantive differences.

Chairman Johnson – So nothing of significant (inaudible) addressed a comment that we may have had back in 2016?

Mr. Rashad – The only comment of significance (inaudible)

Recording machine garbling voices

Mr. Rashad – informs the town of how they are addressing the traffic issue (inaudible) I think is a fair request.

Recording machine having trouble

Chairman Johnson – Is there any further on the traffic report?

Attorney Kemm – Nothing further, just to follow up on Mr. Rashad’s comment is the DOT review letter we submitted dated last week, there will be a resubmission. I think some of the comments in there I was asking for a little more detail on the Third Street jug handle and as indicated when we submit and/or receive anything from DOT we’ve submitted to Ms. Dilts as her hat on as Township Clerk and we sent a copy directly to Mr. Sterbenz so it will be distributed in that fashion. If Mr. Rashad wants a copy directed to him, we can certainly accommodate that. So we will keep the Board in both towns in the loop on those comings and goings with DOT and as indicated that Third Street jug handle is part of further analysis requested by DOT. So any changes, we will submit to the professionals to make sure it’s compliant and we’ll go beyond our approvals.

Engineer Sterbenz – There were a couple of suggestions made tonight to try to deal with the queuing issue; one was made by Mr. Rashad and one by Mr. Kennel. Mr. Rashad, I believe indicated that perhaps it would be advisable to incorporate some que detection into the design of the signal and then I think Mr. Kennel talked about doing some striping on the jug handle more than what’s shown on the current (inaudible) to try to better delineate the travel lanes allow if we build a left and so are you ready to commit to doing those types of improvements as part of any resolution of approval subject obviously to DOT approval of those measures?

Attorney Kemm – I hesitate to commit to them because we are still in the process with DOT to, to talk with them about handling the Third Street jug handle and how that will eventually wind up. We will consider those issues. The and I think there’s some more issues at play; it’s not just from the ones you illustrated such as, as Mr. Rashad indicated with that intersection of Third and 22 is redesigned, the Jersey barriers will be pulled back some to help with the flow of traffic, help with queuing issues so I think there’s a number of issues floating around as to how to best address that as both experts have indicated DOT has the final say on how that jug handle is designed and operates so we will commit to working with Dot on any and all suggestions they have to come to a final design that is acceptable to DOT and of course, as indicated, we will continue to keep you and the town advised as to those

Engineer Sterbenz – When you refer the question, is the applicant willing to formally present those improvements or measures to the DOT as part of the Third Street discussions in order to address the August 10th letter so it just doesn’t die after tonight’s discussions.

Attorney Kemm – Yes, yes so we will commit to address them specifically as you asked the striping, the restriping and the queuing sensor system that Mr. Rashad indicated as well as anything else but we will present those two for discussion purposes with DOT.

Engineer Sterbenz – After they’re presented if they die, they die at least we tried.

Attorney Kemm – Correct, we will agree to do that and again, anything else that may come up we will certainly put forward.

Engineer Sterbenz – Thank you.

Attorney Kemm – Well thank you Mr. Sterbenz for clarifying.

Attorney Sposaro – I have one question for Mr. Kennel. Based upon the studies that you've done, in your professional opinion, is there any need to perform any off-site improvements as a result of the traffic to be generated from this project.

Mr. Kennel – Not based on the criteria set forth in the New Jersey Access Code.

Attorney Sposaro – I'm referring specifically to intersections other than those controlled by the DOT?

Mr. Kennel – There have not been any additional studies of other Lopatcong streets where there, local streets, it is expected that the significant portion of trips generated by the site will be oriented to state and county roadways. The level of traffic on local streets as a result of, whether it's local deliveries or employees, might be as such that it wouldn't have a negative impact on local streets.

Member Pryor – I have a question related to that. I want to ask Maurice on Third Street, how much of that is under DOT jurisdiction and do we face the situation where the jug handle and so on goes so far but it's still going to impact parts of Third Street under local jurisdiction?

Mr. Rashad – Well the DOT's primary concern would be safety issues such as spillback from the jug handle to 22 but I think we're definitely within our rights to comment back to DOT. Normally we have 30 days to do so, but if we do, we need to be very specific and provide comments within the code that they can understand and they can take action on. What I would suggest we do is once we receive the next submission we take a look at what they are proposing and make sure that it's coming to first of all resolve the existing issue, but secondly, not effect something else at the intersection that would be detrimental to the town and if that's the case, we would be putting life into the DOT but again, put it in a fashion that is scientific, that they understand and that they can act upon.

Attorney Sposaro – I think it might be prudent for this Board to authorize Mr. Rashad to take a closer look at Third Street jug handle, pinch point, if you will and to fashion a letter to the DOT expressing what concerns we may have.

Member Pryor – As part of the approval process or a condition of whatever action we choose to take?

Attorney Sposaro – As I think as a condition.

Vice-Chairman Olschewski – No I, me personally, I feel actually without knowing we don't know what's going to happen exactly at the intersection of that street right? You don't know what improvements will be made and suggestions by the DOT right? That's what I read right? So I'm supposed to, I'm asked today to vote on something which we really don't know what the outcomes going to be right?

Mr. Rashad – What we know is that the traffic signal will be completely redone so it will be ADA compatible. There would be better crossing facilities. There will be better ADA compatibility; the corners. There will be some physical improvements like I said I am pretty confident that the DOT will require pulling back the median. Also the design would require that because today the DOT requires that the designer run large truck templates through the intersection to make sure that the intersection is wide enough for that. So we know that. We also know that the at Lock there'll be signaled, there will be two left turning lanes in the median. The traffic study actually has an intersection design for Lock that shows in geometry and the layout so I think this, I know Lock in terms of what's being done and do we know whether or not the operation will be split or overlap or what kind of detection. I don't think we knew it (inaudible) but I can assure you, by the way, you guys know I worked with DOT for 15 years so I know exactly how it works there, they'll be very demanding when it comes to traffic signal design and that process is very, very erroneous and they'll make sure that you will have the best design, the best equipment and the best technology once it's done.

Member Pryor – I go back to my last question DOT goes and they review the design and they come up with a solution. Is there any part of the project which goes beyond that and would be exclusively under our jurisdiction, local jurisdiction?

Mr. Rashad – You mean Third Street

Member Pryor – Yeah, Third Street

Mr. Rashad – if for example

Member Pryor – Let's say, let's say I had to widen something or redo some of the jug handle, or something

Mr. Rashad - I don't think (inaudible) that will be the case where operation (inaudible) will be the case hopefully you will not with the intention

Member Pryor – Operationally it's my, I mean, they are responsible for timing of the signal and all that right? So, I mean we're back to

Mr. Rashad – Yeah.

Member Pryor – DOT's jurisdiction here.

Mr. Rashad – Correct.

Member Pryor – Well my suggestion then is building on what Tony said but I mean I would in conjunction with whatever we decide to do; I'd like to have Maurice work with us and get our opinions before DOT in a timely and professional way. I don't think based on our discussions that the GD back at the General Development Plan, I approved that based on the understanding that Lock Street was a private road going onto a road under the exclusive jurisdiction of DOT and that was probably beyond our jurisdiction and it appears that this one is probably falling in

the same slot following the same direction. DOT is going to work it out and whatever they decide is going to be implemented.

Engineer Sterbenz – I'm trying to understand your question, I'm sorry.

Member Pryor – We really have no jurisdiction. We have no more jurisdiction on Third Street than we do on Lock Street.

Engineer Sterbenz – Within the limits of their jurisdiction which is the jug handle, yes.

Member Pryor – Yeah and I'm asking would there be any jurisdiction beyond that for us?

Engineer Sterbenz – Not as currently shown on the plan. All the improvements that are shown on the plan are

Member Pryor – Are under the DOT's jurisdiction.

Engineer Sterbenz – under the DOT's jurisdiction.

Member Pryor – So, I mean following our logic that we applied at the General Development Plan, that question is beyond our jurisdiction.

Attorney Sposaro – It may impact what DOT decides may impact Third Street, but it's splitting hairs to say that we have jurisdiction over Third Street exclusive of the intersection and jug handle. You can't consider it in a vacuum. If there's any impact upon Third Street would be a direct function of what the DOT decides in terms of the improvements to that intersection. I think it leads us back to the same place.

Member Pryor – Well, if DOT reviews this and approves it, and it has an impact, I mean, we're do we stand other than an appeal to DOT at that point?

Attorney Sposaro – I think we're very limited on what we can do.

Member Pryor – Yeah.

Mr. Rashad – The appeal would need to be (inaudible).

Member Pryor – Sometimes you have to tweak these things I know; timing and so on, that's not perfect the first time around.

Attorney Sposaro – Based upon my recommendation and Joe your follow up, I'm certain that the municipality would get more than its two cents in with the DOT as it relates to that intersection, and the jug handle and Third Street. Mr. Rashad is known down there, he's respected, he's experienced, he can speak the language. I think he can be an effective advocate on our behalf.

Member Pryor – I don't disagree.

Attorney Kemm – If I may just address one thing Mr. Sposaro I don't mean to (inaudible) words. You had indicated that would be a condition of approval and I would ask that it be a direction by the Board to Mr. Rashad because no doubt Mr. Rashad will do the job and do it competently and quickly but we would be in a place of making sure he submits that comment letter to DOT and if he doesn't then we've violated our condition of approval and we can direct Mr. Rashad.

Attorney Sposaro – We understand and the onus is on us. We understand that so

Attorney Kemm – You can certainly put that in the resolution the Board directed Mr. Rashad to do whatever but as a condition of approval you understand the position we would be in.

Attorney Sposaro – You will have no affirmative obligation in that regard.

Attorney Kemm – We'll certainly cooperate but we can't force Mr. Rashad to do it thank you and again I have no doubt that he would do it and do it competently.

Member Pryor – I do want to add, I do reserve Council's right to continue its dialogue with community relations at DOT and make its position known. Whatever impact it has, it has but we're going to continue to lobby for a practical approach to the other intersections.

Attorney Sposaro – Paul said he has another question.

Engineer Sterbenz – Yeah I had one issue this is really outstanding from last week's meeting. Mr. McGrath was not able to answer to it. There's a waiver required for the centerline radius of the connector road. There's a 185 foot center line radius proposed where the ordinance requires 500 feet and what was indicated, it was going to be tested and possibly an exhibit presented to show that trucks would be able to navigate through that road, that section of roadway with that radius and not have encroachment on the other lanes so I think that's something you need to resolve. Maurice is here also to advise us on that.

Attorney Sposaro – This is A-4.

Mr. McGrath – In response to the question we did formulate an exhibit for tonight. We used was the I think it's called truck turning maneuver, I don't know the exact terminology for the program but what we did was we drove the semi through in both directions through the site to show that as they drive through the site, if they pass each other, there's no conflict between either lane. The trucks don't cross what would be considered the center line of the roadway and the 185 foot radius that we are talking about is in this area right here I'm pointing to A-4 dated the date of August 28th and the area I'm speaking with would be approximately 200 maybe 300 feet from the Rt. 22 intersection. The 85 foot radius is the center line between the egress and the exit of the project so as the trucks pass each other, the pavement widens out substantially in that area and as you can see by the exhibit the heavy lines that are here, the trucks are you know, substantially far away from each other.

Attorney Sposaro – What does that document tell you?

Mr. McGrath – It says on it, it says truck circulation Sheet 1 of 1. Its scale is 1 inch to 80 and it's dated August 8th, 2017. I left it with a draft of my signature because it had not been presented as

Attorney Sposaro – Was that 8th or 28th?

Mr. McGrath – I'm sorry the 28th.

Member Pryor – Mr. McGrath so I can understand this before this request, that was a gentler curve there is that what we were talking about and you've made it sharper? Or no

Mr. McGrath – No, no, no. what we did is we were asked to present that the trucks did not have an influence on each other as they passed each other because of the

Member Pryor – Okay so it was a question concerning your design

Mr. McGrath – Correct

Member Pryor – and you're testifying that

Mr. McGrath – That there's no issues.

Member Pryor – there's no interference.

Member Pryor – Did you use templates on that or how did you actually drove the truck?

Mr. McGrath – Well (inaudible) intersection out we used a template but they choose to

Member Pryor – And then you verified it with trucks driving at an acceptable speed?

Mr. McGrath – Yeah.

Member Pryor – Yeah.

Mr. Rashad – It's difficult for me to see from here but I understand what was done and I think that the exhibit needs to be submitted and it will be part of DOT process.

Mr. McGrath – That was requested at the last meeting.

Mr. Rashad – It looks fine from here. If I can differentiate the point of the lines looks like the trucks do have a, a good path to negotiate the roadway. We'll need to take a closer look at it. What size trucks did you use by the way?

Mr. McGrath – WB50 tractor trailer. It might be bigger.

Mr. Rashad – Okay I think you need to use something a little bigger than that. It is a large facility, maybe WB50 (inaudible).

Mr. McGrath – You know, I'm sorry the prints too small I can't see what they actually did use but

Mr. Rashad – That's a technical matter, we can fix it.

Chairman Johnson – Okay and the other curb is all right too Maurice the other curb check that one out as well.

Mr. Rashad – Yes.

Attorney Sposaro – If it turns out to be problematic, what is the fix?

Mr. Rashad – You widen the road or you realign it.

Attorney Sposaro – And there's room for that?

Mr. McGrath – As you can see there's plenty of space between the vehicles at this point that can accommodate if there's a change required.

Attorney Sposaro – You recognize that would be a condition?

Attorney Kemm – Of course.

Attorney Sposaro – Okay.

Chairman Johnson – If there aren't any other comments by Board members from the, regarding the traffic analysis and plans, we'll take public questions and comments on what we just heard testimony on with the traffic. Yes.

Maria Hetem – 700 Lock Street. I'd just like to know what is the game plan for traffic coming out of the facility and onto Lock Street because there's really no where for anybody to turn around. The only place to really get back onto 22 if they've made a wrong turn is through my farm road which is dangerous and aside from that you could have a tractor trailer potentially going down that little windy road which has low wires, little bridges and stuff like that then they'd really be stuck so, I just want to know what's the forecast for that because I haven't heard anything regarding that direction? Okay.

Chairman Johnson – Yes that is, can you answer that question?

Attorney Kemm – Yeah the intent was, the intent was that Lock Street would not be for trucks and we would certainly agree to any signage that there are no trucks to be going onto Lock Street. It certainly not designed that way. It is a municipal road, it is a residential road and it was always intended that it would remain that way so whatever signage, weight restriction that the town wants on, they can do that by ordinance and we would agree to that as well to insure that

there is no truck traffic. It was never intended to be that way.

Maria Hetem – Okay, but what about other traffic cars and things like that make that wrong turn and would increase traffic with them having to really basically go all the way back through town. There's not a way to turn around.

Attorney Kemm – The cars would turn around. They normally could continue through the connector road and out to Third Street and then move back around. It was not meant to be, a yeah, really for anything but the local traffic that has always been on Lock Street.

Vice-Chairman Olschewski – Considering that we talk about up to 1,000 people working at the facility, making sure that Lock Street does not become an alternate road for employees to go to the, to the job site, I think that is a prudent thing to do right?

Maria Hetem – I don't even really mean that. I mean like

Vice-Chairman Olschewski – Well, I mean that through.

Maria Hetem -like people making a wrong turn out of at where I had discussed last week where they're coming from Rt. 22 heading west from east and they make the turn into the development and they're really looking to head back on 22, they're really looking to head back east towards the mall. So, there's no real accommodation for them to make a U-turn in there or is there? Because what they would basically be doing is coming in, into the facility road, the connector road I should say, and they would be making either going into the development through the connector road all the way through, or they would be making a turn onto Lock Street. Is that correct?

Chairman Johnson – So your question is, is what's in place to handle the vehicles that want to do a U-turn?

Maria Hetem – Right and also, you know, well you did answer about the truck traffic if there were signs there that said no trucks this way or whatever but I can image that people would make a wrong turn and then what do they do? There's no real accommodation for them to do anything but cut through the farm which is dangerous, again. All right.

Member Woolf – Eric, how far is the science center from your property

Maria Hetem – Across the street.

Member Woolf – proposed?

Maria Hetem – Across the street.

Mr. Fitzsimmons – Your right on the corner

Maria Hetem – I'm on the bend.

Member Woolf – Well no, my suggestion is a proposed U-turn sign (inaudible).

Mr. Kennel – Well, what I would suggest is right now, I mean that that pattern exists for people and future residents of the new apartment complex if they're coming from the mall and they need to get back to the new residence is right now

Member Woolf – (Inaudible) down there.

Mr. Kennel – Correct. Right now what they do is they continue to the 57 interchange to the Third Street traffic signal to make the U-turn. What we would do is this design cannot accommodate the design at Lock Street cannot accommodate U-turns because that's a double left turn so we would, we could add signage to direct U-turn traffic half a mile, 3/4's of a mile to continue to make that U-turn so that they're not inadvertently making, trying to make a U-turn or a wrong turn onto Lock Street.

Mr. Rashad – And that's something that would be done when the signal design is being completed. That's something fundamental that DOT will look at. We'll be happy to look at this.

Chairman Johnson- And, you have, obviously you would have no U-turn signs. But what's to prevent somebody from, is your question what's to prevent somebody from using Lock Street,

Maria Hetem – It's from using my drive, my drive which is dangerous. It connects Lock Street to Rt. 22 just past the four-family and to, if you're on Lock Street it's before the barns, there's a road that connects Lock Street to Rt. 22. It's a dead man's curve in both directions. So if you're coming down Lock Street and you're trying to make the left into that driveway, you can't see what's coming to the right. When you get onto Rt. 22 you can't see what's coming down Rt. 22. It's dangerous twice. Really dangerous, twice; a really bad spot. So, that's my concern.

Chairman Johnson – So, they're using our private driveway to access Rt. 22.

Maria Hetem - People do it all the time. I can't be there to police it. You know, I can't park a bus in my driveway. You know and, and there again, my property being High Business use at some time it maybe developed into something but right now it's not. It's dangerous and I don't know if plans, if the Rt. 22, the DOT or whoever is in charge of Rt. 22 if there are plans on ever widening it to make it more accessible to see better. I don't know if that's in the game plan. That's another story cause that doesn't you know, involve what they're trying to do right now, but it my concern because it is a natural way to want to go. People use it all the time and now you're talking about however many more people are going to be in there knowing that's a little short cut I won't have to sit in traffic behind all those trucks. I'm going to just jump in. I'm going to cut through this farm use their little access road and hop up and you just don't want to be having fatalities where people can't see what they're doing. I'm amazed that there aren't more accidents there as it is in the curve of the road there where people can't see what's coming because they're on the other, opposite side of the road. They drive like crazy, really fast coming through there. They cut the corner. So it amazes me that there hasn't been more activity and accidents there. Okay, so.

Chairman Johnson – Is that inside the limits of the project or would that be something like would that be something

Maria Hetem – The project would be causing that problem so just

Chairman Johnson- no I'm just saying. I guess my question is, is the only thing that comes to mind is signage, you know, that you can say you know, no access to Rt. 22 or no through traffic but

Mayor McKay – No thru traffic.

Vice-Chairman Olschewski – And you know what, if you have a 25 mph's sign in front of your house

Maria Hetem – I have a sign up there it says drive at your own risk.

Members talking over each other.

Mr. Fitzsimmons – That's a two-way street.

Attorney Sposaro – Mr. Rashad is that something the DOT would address?

Mr. Rashad – Yeah.

Attorney Sposaro – Or is it beyond the scope of what they would do?

Maria Hetem – Anyway, just to mention.

Mr. Rashad – I'm not exactly sure. I need to look into it and see and to see it and to feel to understand exactly what

Engineer Sterbenz – I think quite honestly, you get all these improvements built and we see how it functions in reality and quite honestly, there is going to be a site plan application at that intersection of the connector road and Lock Street which is going to be extended eastward to this 90 degree bend on Lock Street for the recreation center. So, I think that application can give the Board the ability to analyze this particular issue in a little more detail particularly if these improvements are in at that point. I think what may happen there is speculative at this point. I think we really see what's going to happen after it's improved.

Attorney Kemm – If I may make a suggestion, the woman had been up at the last meeting and just I know Mr. Rashad hasn't been there but just to illustrate her property's on the bend in the road here and there's a private gravel driveway that cuts through to 22

Mr. Rashad – Excuse me, but if you use the other exhibit, the one that doesn't

Members talking over each other.

Attorney Kemm – That's just generally where it is and what the issue is and the reason I got up to speak is it sounds like it is an existing issue and the neighbor is concerned it may get aggravated by this project so the reason I got up was to suggest, because one of my other hats I wear is I represent municipalities that perhaps the I don't know if the Town Council needs to take action for signage to say you know, private road. She could certainly put up a sign that says private road. It may be better if it's on the road a little bit from her property that, you know that private road no through street. I don't know if we'd have to address DOT to have it on 22 but again, it sounds like it is an existing condition. She's indicated it's been happening for years, concerned it will get worse. Again, that's a public road; it's not being changed in that area. It will be a public road. I think signage is a good first step to indicate to the public presently something you may want to consider doing sooner rather than later.

Mr. Rashad – I would recommend Mr. Kemm to include that in your project. It is insignificant as far as cost of a couple signs. I don't think DOT will move on something like this or at least not fast enough.

Attorney Kemm – On 22. Again, I understand. There are signs, okay I didn't realize that either. You know, there's nothing that's going to prevent people from doing anything. There's a million laws on the books; how many times we go a few miles over the speed limit so I think there's not much more they can be done aside from signage. It is private property, it is trespassing. I would suggest to the woman if it happens she should probably call the police and file a report. If it is a safety issue she's talking about it's something to be addressed at the municipal level, but we'll certainly

Attorney Sposaro – I think Paul's recommendation is a good one that we can

Maria Hetem – Is there any way to accommodate for a U-turn there? (Inaudible)

Attorney Sposaro – Would you come up so everyone can hear you?

Maria Hetem – Is there any way to incorporate or accommodate for a U-turn so that people can safely make that turn at the new round about that's being made.

Engineer Sterbenz – What my thought is, is when the recreation center site plan comes in there's going to be a parking area and perhaps there will be two different ingress and egress (inaudible) perhaps the parking lot would provide a means to recirculate and go back out to 22 instead of going down to your driveway. It's just something I'm thinking about.

Maria Hetem – Yeah, I just thought maybe there might be some

Engineer Sterbenz – It's certainly going to be an issue.

Maria Hetem – kind of since this whole big, you know, seems to meet like not quite a roundabout but it seems to be that there's lots of ways to, that you could easily reconfigure that what you're doing at the bottom of Lock Street just to accommodate people to go around and turn right back

out onto Rt. 22. From what I saw of the drawings, why couldn't there just be

Chairman Johnson – So, your question is can you put a U-turn on Rt. 22?

Maria Hetem – that's up here couldn't you just have it go this way also and not just direct people that way? Couldn't it somehow

Members talking over each other

Maria Hetem – Why couldn't you be able to make a right at the light?

Vice-Chairman Olschewski – You're right.

Maria Hetem – It seems to me I kind of looked at it up close

Vice-Chairman Olschewski – A right is on the left.

Maria Hetem – I'm sorry.

Vice-Chairman Olschewski - Not westbound.

Attorney Sposaro – Instead of speculating tonight on the what the solution may be, why don't we take Paul's advice and we are aware of the issue but revisit it when the site plan comes in for the nature center.

Maria Hetem – Okay.

Attorney Kemm - That's acceptable.

Maria Hetem – Inaudible – not at the podium.

Engineer Sterbenz – The nature center is beyond the improvements that are being conducted as part of this site plan application on Lock Street.

Maria Hetem – I mean I'm talking about the end of Lock Street and what's being done there.

Engineer Sterbenz – (Inaudible).

Maria Hetem – Well, the end of Lock Street will eventually (inaudible) I understand so once this is in, this will be torn out. So, is there some way that while we're working on this piece here, that that can be improved to incorporate a way for people who are coming west from the east to turn around and get back heading east. Wouldn't this be the natural spot where you might want to consider putting that kind of a turn in rather than make people go all the way down the road and turn around in the nature center and come all the way back out because to my argument still their natural thing that they're gonna want to do, is they're gonna say look there's a little cut through, let me just hang this left. Okay.

Engineer Sterbenz – I think you just said something completely different than what we're talking about. You're talking about a 180 degree turn on Rt. 22

Maria Hetem – No.

Engineer Sterbenz – which is different than what you're were talking about, you're talking about somebody inadvertently going onto Lock Street and doing a U-turn on Lock Street. What you just said is completely different.

Maria Hetem – No, all right maybe I was confusing in the way I said it. I was talking about making some kind of

Engineer Sterbenz – I think Mr. Kennel already testified to that, that that because of the double left, you can't have a U-turn on Rt. 22.

Maria Hetem – I'm not talking, I'm talking about where this new area of the road is in this roundabout sort of thing that they've got going where they'll come back up and go back onto Lock Street, can't there be another way for that to continue it back around so they would end up back at the light so they could make a right onto Rt. 22. Is that not doable?

Chairman Johnson – I think the question is, is can you make this intersection accommodate a way for a person

Maria Hetem – Can you make it work?

Chairman Johnson - to do a U-turn from going west to now change their mind and go east and we have heard some testimony a little bit to that we were talking about where the place to do the U-turn is the next intersection up at Third Street and we talked about it a little bit, but is that your question?

Maria Hetem – Yeah, I'm just looking to see if what you're okay tonight is the connector road as it sits. Would you please consider the end of Lock Street, the end down by Lock Street to maybe accommodate people who are coming, like I realize that you're saying that they just can't hang a, you know, a complete U-turn in the middle of Rt. 22, if they're going to make the left into the complex, isn't there some way you can accommodate for them to get back on Rt. 22 east from that circular end that you're doing there? I mean that just seems like the most natural place to me when I look at it, but I don't know all the rules and regulations of the DOT and the how the, you know, how the pitch of the road is over there, how it

Mr. Rashad – So we had this conversation, I would suggest I'll make the request to the DOT, but I would tell you I doubt they're going to agree with you.

Maria Hetem – Is it a DOT issue? Cause I don't really know.

Engineer Sterbenz – Yes.

Maria Hetem – I'm just saying.

Mr. Rashad – Yes. Anytime you have traffic lead to the State highway or entering it and controlling that traffic is under state jurisdiction. We'll make the request. I'll look at it, if we can accommodate something, we'll do it, but I'm not very confident we can, but we'll take a look at it.

Maria Hetem – Okay, okay. That's why I just wasn't understanding why they weren't really willing to try to make the accommodations right where that hub of the new road that they're making rather than elsewhere down the road. You know? Did that answer your question? Was I clear on how I described it?

Engineer Sterbenz – Yeah, I understand now.

Member Pryor – Yeah, as I see you have basically two concerns; people who want to make a U-turn there, they're gonna go down Lock Street and go through your property and I, you know, personally, I don't, I don't think that's going to be as serious as perhaps you think. I think

Maria Hetem – Okay.

Member Pryor – I think maybe the other question though is trucks Que up there and somebody decides to hang a right and they know there's a little short cut through your, you know, your property they get home and

Maria Hetem – I'm honestly more concerned about the danger of getting onto that little cut through road and back onto Rt. 22, than I am people actually using it.

Member Pryor – Yeah and I think that's something that as part of this project we have to look at in some fashion at some time.

Maria Hetem – Okay. All right, thank you.

Brian Weeks – 208 S. Seventh Street. I just want to paint a little picture of what the 80's kind of looked like to me. Okay, on that highway. I can remember going to date my wife of today and standing in a line of trucks all the way up to Hess's all right in the slow lane. Okay, that way probably 85 okay. I can remember fighting to get through the light because the truckers would fight their way even to make a right hand turn because they could okay and they still can. All right. I can remember the turn junction there's homes there's a road that travels between there in the island. I can remember those guys being so mad, they can't sleep at night. Okay. I can remember trucks parked on the turn junction okay, halfway between Second and First Street. It's wide enough that the truckers would part two of them there and sleep there at night. Okay. I can remember coming up to where Third and that junction comes together. All right. I can remember the truckers not letting me coming on Third Street to get in and I bet you I sat there five minutes. Okay, because the truckers shut down the lane on the highway didn't care about anybody coming in. Okay. They weren't smart enough to realize they couldn't move because there was nowhere to move where they were going so we sat there for like a couple times for that

runaround. I can remember Third Street being backed across Baltimore Street. Okay, due to all that. Really think out what you're doing here, and I'm talking to the DOT direction here. You will have a nightmare if you do it wrong. Okay. I'm telling you that. I know there won't be as many trucks coming that way because you've got, you know, other ways to come in, but don't make a nightmare because we rushed to something to give somebody some money. Okay. We live here. We operate here every day. I want to be able to still live here and operate here every day. Okay, in a nice manner. I don't believe that the guys that live in that island there at the turn junction deserve to be treated that they don't have a stop to get out of their driveway. All right. They can't go to work in the morning at times. I remember that. They are late to go to work because that trucker doesn't care. He's not moving. All right so that's where, you know, you've got to really think. You know and that's the DOT side of you know, there's roads, there's driveways, there's things there in that section that were shut down so I don't have the answer but I can tell what happens in that aspect so that maybe leads you in a little bit different direction, I don't know. I really don't care if they got to put in an overpass. Not my problem. That's my opinion. Okay. We need to be able to live. The businesses deserve to be able to get business. They deserve to get out of their house, they deserve to live here. They pay the taxes for it here. Okay. That's what I have to say.

Chairman Johnson – Thank you, Brian. Any other public comments? Okay, so we're back to, we're closing public. Any other comments from the Board? We're, I'm assuming we're looking to vote one way or the other tonight. Paul, do you have anything else to

Engineer Sterbenz – Just one issue I want to review with the Board. This relates to Section 8 of my report which deals with Geotechnical issues. Actually, let me; strike that Section 6 of my report which deals with geotechnical issues. Now part of that particular section of my report was addressed at the last meeting. Mr. McGrath had submitted supplemental report to address a few of the comments. I believe it was comments 6.5 and 6. Actually, it was 6.04 through 6.06 but 6.01 through 6.03 were not addressed. One of the big issues is that report from 2015 was submitted that only partially studied the project area that's been presented to the Board as part of this application. I had some discussion with the applicant and the applicant would like to, I guess the applicant is willing to submit the required report per the ordinance and then do so under condition of approval. So, I just wanted to let the Board know that. If we go that route, I think we should only give this applicant if we do vote tonight, preliminary approval. We should not give the applicant a final approval and for that and other reasons and we should make sure that all these plans revisions as well as this particular report are submitted before we entertain a final site plan application and we go in that direction. The report does not address the whole site and it's based on an old concept plan. It's not based on the current site plan so it does need to be updated. Maybe Mr. McGrath can indicate to us in testimony that he's going to do that. He's going to address that.

Chairman Johnson – So real quick Paul to kind of sum; we have three choices tonight and with your again, we have deny the preliminary and final, we can approve a preliminary, we can approve a preliminary and final. Is what's the clear cut difference between the three as a Planning Board member I'd like to see the changes come back? So, that would be either a denial or a preliminary approval and then you will see the changes come back to

Engineer Sterbenz – Well, one of the other choices is that you don't vote on it and you have the applicant make all the changes to the plans and submit this updated geotechnical report and anything else that needs to be updated to the Board before you vote. So, that is an option that's available to you. The other is to have a vote tonight only on the preliminary and doing the preliminary and the final and having a whole series of conditions in the resolution. So, I would not vote on the final in my opinion. If you're going, if you would like to vote tonight, I'm not recommending that you vote on a final. We can limit it to a preliminary and there will be some strict conditions where this applicant would not be able to submit for final until all these revisions are made and this geotechnical report is updated and resubmitted to the Board.

Chairman Johnson – Okay, so there doesn't seem to be a big difference between having them, you know, redoing the application and the preliminary approval because they have a lot of comments they have to address

Engineer Sterbenz – They do.

Chairman Johnson – anyway to so is there a difference between not voting and a preliminary approval?

Engineer Sterbenz – There's a difference for the applicant. I think the applicant would have something to rely upon and trying to move his construction project along. I think it's a value to the developer in getting a vote tonight just like earlier tonight you gave a subdivision approval that helps the developer move the process along. So, and I think we can structure the conditions appropriately to protect the Board and make sure that all these revisions to the plans and reports are done and that the applicant's not going to be at our doorstep until all this stuff is done and corrected to our satisfaction. So, I think that there's certainly some advantages to the applicant at this point, but it's a policy decision of the Board.

Member Pryor – Yeah, if I can add just my own opinion. I've never liked preliminary and final on the same night when there's a ton of conditions on the preliminary. I like to clear them up and have a clean final. I just see no advantage to the Board and lumping them together when there's so many things that are owed and haven't been reviewed yet. If the Board choose to vote tonight, my, I agree with Paul I tend to go with a conditional, you know, preliminary approval with conditions and they can, when they are all taken care of they'll come through and very quickly get a clean final.

Engineer Sterbenz – As part of this I would want Mr. Kemm to state for the record that he would be withdrawing his request for final approval if we go in that direction so that it's not part of the vote at all. It's going to be taken off the table and he would come back at a future date, he would file a separate application after all these conditions are addressed.

Attorney Kemm – So, yes. Actually, as indicated before we have discussed with Mr. Sterbenz these issues before the meeting and I understand that his, having the geotechnical information that he's requesting this Board routinely wants that in place before granting a final approval and Mr. Sterbenz certainly needs that to have confidence in making a recommendation to the Board. So, I don't want to put him in that position. I don't want the Board to take action if they normally

don't. So we would certainly agree to a preliminary approval with conditions. Again, we went through the entire review letter. All those conditions need to be met; specifically, we will provide the geotechnical information that Mr. Sterbenz is requiring and I think because it's quite voluminous. I think we were going to submit a copy directly to Mr. Sterbenz and one copy for the file. I will submit it on cd so if anybody wants copies, they can certainly get them or we can, if you want more, we'll submit them, but if the number of copies is acceptable, we would agree to that and again, the condition of meeting all the other conditions of preliminary that have been discussed with compliance with the reports; Mr. Ritter's report as well and if that's acceptable Board, then we would withdrawal the request for final and then we make that request once we have all the conditions of preliminary met.

Chairman Johnson – Now, how does the fact that you haven't met with our professionals yet play into the preliminary approval tonight? I guess does that play into the Board's decision that you were going to meet with the applicant and discuss some of the, I think it was, some of the more simple things I think like the landscaping

Engineer Sterbenz – There was an agreement to address all the comments either by just doing them or meeting with George and I to discuss how to address the comments which we're going to do next week so I think they've been addressed and it's just a matter of getting them into the resolution and having that part of your memorialization.

Chairman Johnson – Okay.

Attorney Sposaro – Addressing a lot of these comments, some of them our highly technical. It doesn't impair the Board's ability to vote on preliminary. I think what we're hearing from Paul and further words, and I'm not speaking for him, is that professionals are of the opinion we have enough information that we're comfortable with the application. It is up to the Board to decide whether it wants to vote on it.

Chairman Johnson – So Paul and George is that, do you agree?

Mr. Planner – Yeah. I think our meeting coming up is more of one of as an example, the landscaping, the style, how it's going to be met, the types of plants but it's not an issue of coming up with a completely new landscape plan. It's really how we see it that they should try to carry it out and what plants to put in. I think as a condition of approval it can be addressed and we can discuss it with the applicant in terms of what he's going to find on the plans.

Chairman Johnson – If there is a motion for a preliminary approval, I'm wondering Tony I'll ask you, can one of the conditions, I would like to see one of the conditions be obviously the Third Street jug handle addressed but also I'd like to see the DOT's response to the letter from the Township. I'd like to see that response before final also. Is that something we can put into this?

Attorney Sposaro – In fairness to the applicant, I think that goes a little bit too far. We have no control over DOT's timeline and they may have satisfied every other concern and condition that we have for preliminary and to hold them up based upon what another governmental agency may do I think would just be plain wrong.

Chairman Johnson – Okay, so if we give them preliminary and final down the road, and then two months later DOT comes back and says we agree with the Township’s concerns do the additional corridor study, where does that leave us?

Attorney Sposaro – It leaves the applicant without DOT approval and without DOT approval, they can't move forward and if for some reason the DOT changes the design that's been submitted to us, they have to come back to secure amended approval.

Engineer Sterbenz – Some of the revisions that they need to make for us are going to be I want to say dictated but they're going to need to resolve some things with the DOT to be able to do it as revisions particular the drainage improvements along the highway by the connector road intersection. So, I think there's some, there's a lot of things in that DOT letter that are going to have to be done by the applicant in order to advance the plan revisions on our site plan.

Chairman Johnson – Additional comments?

Vice-Chairman Olschewski – I have one more question for Maurice because Brian, he just want to know, with all the talk about the roads and the traffic whose actually, for a lack of a better term, looking out for the residents and businesses around these areas?

Mr. Rashad – I think part of it is the DOT process, part of it is tonight.

Vice-Chairman Olschewski – I mean you work for the DOT, is that of

Mr. Rashad – (Inaudible) for you.

Vice-Chairman Olschewski – One of the DOT's consideration is the, the surrounding businesses and how traffic affects the businesses and residents in these construction areas.

Mr. Rashad – Their concern is that the, after condition doesn't degrade significantly compared to the full condition. They have a very strict criteria in terms of how much you can degrade it's a, to put it simplistically, you could quarter of the capacity meaning at the re-approach. If you exceed that, they will not approve the application. So you have to comply with that. In addition to that, they very big on safety as you saw on the review of the queuing, blocking something else or if there's pedestrian issues that would be very hard under fire to (inaudible).

Vice-Chairman Olschewski – Okay, thank you.

Chairman Johnson – Any other comments? All right if someone is so inclined for a motion for preliminary, you can make it based on all the recommendations and the looking into the other issues that are still outstanding.

Attorney Sposaro – Don't everybody speak at once.

Chairman Johnson – I am not hearing a motion Tony so does that mean that when these revisions

are made, the applicant will come back and we're going to go over the changes and continue our discussion?

Attorney Sposaro – I don't think it means that. We have completed the hearing and someone needs to make a motion and if you're asking for a motion and none is forthcoming then you certainly, as the Chair, can make a motion.

Chairman Johnson – What's the second option for a motion to, the preliminary is one option, how would you make a motion, if you don't want to vote is there a motion for a no vote or is there a motion

Member Pryor – I'll make the motion simply cause I think it's the right thing to do at this point. I wanted to see everybody's else's reaction here but I think it's the right thing to do and I think I'll make the motion to grant this applicant preliminary approval subject to and we didn't really read the conditions. Should we recite those Tony or ?

Attorney Sposaro – They're all part of the record I, please don't press me to do that.

Member Pryor – No all right. You know what, I want to do this correctly I mean this will be memorialized by Resolution next month right so

Vice-Chairman Olschewski – Second Joe's motion.

Member Pryor – subject to the conditions that Tony has delineated and that's my motion.

Vice-Chairman Olschewski – You got that Beth? I second Joe's motion based on the conditions.

Chairman Johnson – So, we have a first and second preliminary based on the stipulations we talked about at the meeting so we have a roll call.

Roll call vote:

AYES: Members Correa, Fitzsimmons, Pryor, Woolf, Mayor McKay, Chairman Johnson

NAYS: Vice-Chairman Olschewski

Attorney Kemm – Thank you Board members. I appreciate you time. Have a good evening.

Chairman Johnson – Thank you.

Member Pryor – We may have another thing going so

Attorney Sposaro – On the litigation matter, I was authorized at the last meeting to file a response on behalf of the Planning Board. I have filed an answer to the complaint. There is nothing else to report on that now. The developer is yet to file a response of pleading. Once that's filed, I'll provide you a copy. After all the pleading have been filed, the court will schedule a case management conference probably will be 45 to 75 days. I'll keep you all in the loop. I don't have anything else to say at this point.

Chairman Johnson – Okay, I will move that item to next month's for the opportunity to discuss if anyone

Member Pryor – I don't think Tony gave an excellent summary. That's what happens. These things move at their own pace and I think he's reported what he has to report at this point.

Attorney Sposaro – None of its confidential so.

Chairman Johnson – Okay then on a I'll postpone my discussion on the electronic submission. Paul gave us a sample ordinance. We don't need to talk about that tonight.

Vice-Chairman Olschewski – Nope.

Chairman Johnson – Anything else?

Secretary Dilts – You have a resolution to amend the GDP.

Chairman Johnson – Motion to approve the resolution that we received tonight on the GDP.

Attorney Sposaro – There's a, I need to dig out there were some changes requested by the applicant. I think instead of manufacturing these pumps, they test the pumps and this may not be the only location but it's one of a very few locations but other than that the resolution stands as it is and I can make those technical changes. You should just adopt it.

Member Pryor – That's just a building that has to remain.

Attorney Sposaro – Yes.

Member Pryor – It's a long term contract with the government.

Chairman Johnson – So did we get the motion.

Member Pryor – I'll make that motion.

Chairman Johnson – We got a second.

Member Fitzsimmons – I'll second it.

Chairman Johnson – Roll call.

AYES: Members Correa, Fitzsimmons, Pryor, Woolf, Mayor McKay, Vice-Chairman Olschewski, Chairman Johnson

NAYS: None

Chairman Johnson – Anything else? If nothing else I will take a motion to adjourn.

Member Pryor - Motion.

Mayor McKay – Second.

Respectfully submitted,

Margaret B. Dilts
Secretary