

1 BOROUGH OF WATCHUNG PLANNING BOARD
2 COUNTY OF SOMERSET - STATE OF NEW JERSEY

3 - - - - -
4 REGULAR MEETING FOR:

5 THE LEARNING EXPERIENCE
6 BLOCK 7801, LOT 1
7 100 UNION AVENUE
8 BB ZONE

9 CASE NO. PB 19-02
10 - - - - -

11 TRANSCRIPT OF PROCEEDINGS
12 PUBLIC HEARING

13 TUESDAY, DECEMBER 17, 2019

14 B E F O R E:

15 TRACEE SCHAEFER, CHAIRWOMAN
16 KEITH BALLA, MAYOR
17 PETER J. DESNOYERS
18 ALBERT ELLIS
19 PAUL FIORILLA
20 KAREN PENNETT
21 STEPHEN POTE
22 GEORGE SOPKO, Councilman
23 DONALD V. SPEENEY
24 ELLEN SPINGLER

25 A L S O P R E S E N T:

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27 THOMAS J. HERITS, P.E., Board Engineer
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1 TRANSCRIPT of the stenographic notes
2 of the continued proceedings in the above-entitled
3 matter, as taken by and before ANGELA C.
4 BUONANTUONO, a Certified Court Reporter, Registered
5 Professional Reporter, Certified LiveNote Reporter
6 and Notary Public of the State of New Jersey, held
7 at THE BOROUGH OF WATCHUNG MUNICIPAL BUILDING, 15
8 Mountain Boulevard, Watchung, New Jersey 07069 on
9 Tuesday, December 17, 2019, commencing at 7:30 in
10 the evening.

11

12

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

14

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18	(None)	
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(Exhibits not retained by reporter.)

<p style="text-align: center;">5</p> <p>1 (Time noted, 7:34 p.m.)</p> <p>2 CHAIRWOMAN SCHAEFER: Okay. Peter,</p> <p>3 please call our application this evening.</p> <p>4 MR. DESNOYERS: Case Number PB 19-02,</p> <p>5 The Learning Experience, 100 Union Avenue,</p> <p>6 Block 7801, Lot 1, BB Zone, expiration 2/28/20.</p> <p>7 Summary: To construct 2-story Learning</p> <p>8 Experience branded daycare on what is currently a</p> <p>9 vacant lot. Site improvements would include a</p> <p>10 parking lot and outside play area. Any and all</p> <p>11 variances associated with this application as</p> <p>12 needed.</p> <p>13 CHAIRWOMAN SCHAEFER: Thank you.</p> <p>14 Before we come to you, I just want to ask -- I'm not</p> <p>15 looking for summary right now, but I'm looking for</p> <p>16 anyone who is represented by an attorney that may be</p> <p>17 opposing.</p> <p>18 So if you could just, please -- I know</p> <p>19 who you are, but could you please just state who you</p> <p>20 are?</p> <p>21 MR. BUTLER: Yes, of course.</p> <p>22 My name is Bill Butler. I'm with the</p> <p>23 law firm of Butler & Butler. We practice law in</p> <p>24 Westfield. I represent the property owner across</p> <p>25 the street, Weldon Materials, Inc., and we object to</p>	<p style="text-align: center;">7</p> <p>1 CHAIRWOMAN SCHAEFER: But as each</p> <p>2 expert comes up, you'll obviously have the ability</p> <p>3 to ask questions. The public will also have the</p> <p>4 ability to ask questions. After Mr. Hehl makes his</p> <p>5 complete presentation, if you want to then present</p> <p>6 any experts, you know, from the opposing --</p> <p>7 MR. BUTLER: I do.</p> <p>8 CHAIRWOMAN SCHAEFER: -- then we'll do</p> <p>9 the same thing for you, and I he'll be able to ask</p> <p>10 questions. The public will be able to ask</p> <p>11 questions. And once we're through that whole</p> <p>12 process, at the very end then your summary can be</p> <p>13 made from both sides, and any comments, at that</p> <p>14 point, from the public may be made.</p> <p>15 So that's how we're going to handle it.</p> <p>16 MR. BUTLER: Okay. I think you</p> <p>17 answered my question. Before Mr. Hehl calls</p> <p>18 witnesses, he's going to do an opening, and I'm</p> <p>19 going to do an opening; is that correct?</p> <p>20 CHAIRWOMAN SCHAEFER: Correct.</p> <p>21 MR. BUTLER: Thank you.</p> <p>22 CHAIRWOMAN SCHAEFER: You're welcome.</p> <p>23 Mr. Hehl.</p> <p>24 MR. HEHL: Thank you very much. And</p> <p>25 it's a pleasure to be here this evening, coming out</p>
<p style="text-align: center;">6</p> <p>1 this application.</p> <p>2 And while I'm making a presentation,</p> <p>3 are both attorneys going to have an opportunity to</p> <p>4 do a brief opening?</p> <p>5 CHAIRWOMAN SCHAEFER: So what we're</p> <p>6 going to do is we will have -- Mr. Hehl?</p> <p>7 MR. HEHL: Hehl.</p> <p>8 CHAIRWOMAN SCHAEFER: Hehl?</p> <p>9 MR. HEHL: Hehl. Thank you.</p> <p>10 CHAIRWOMAN SCHAEFER: -- do his</p> <p>11 presentation. I will let you do an opening after he</p> <p>12 does his presentation. But then as his experts come</p> <p>13 up, like we did with the other application, you will</p> <p>14 be able to ask questions of those experts. If you</p> <p>15 have experts that you want to introduce, we will do</p> <p>16 that after we have dealt with Mr. --</p> <p>17 MR. HEHL: Hehl.</p> <p>18 CHAIRWOMAN SCHAEFER: So sorry.</p> <p>19 MR. BUTLER: Hehl.</p> <p>20 CHAIRWOMAN SCHAEFER: -- Hehl.</p> <p>21 MR. BUTLER: Mr. Hehl. Stephen Hehl.</p> <p>22 MR. HEHL: I've only -- we've only</p> <p>23 been in court together for 40 years or so, so...</p> <p>24 MR. BUTLER: I knew his father before</p> <p>25 I knew him.</p>	<p style="text-align: center;">8</p> <p>1 on a beautiful, sunny night.</p> <p>2 But again, we're here this evening for</p> <p>3 converting this vacant piece of property into a</p> <p>4 Learning Experience childcare facility. The</p> <p>5 applicant is 100 Union Avenue, LLC. Just by way of</p> <p>6 overview -- and I'd like to, first of all, also</p> <p>7 thank the board, and staff, and its professionals by</p> <p>8 providing us with their -- the reports in connection</p> <p>9 with this project. It gives us the opportunity to</p> <p>10 digest those reports, respond to them, and make a</p> <p>11 good project even better so -- again, that doesn't</p> <p>12 happen in every municipality where you get -- many</p> <p>13 times you walk in and you get handed a ten-page</p> <p>14 report. That doesn't happen here, and that's to be</p> <p>15 commended.</p> <p>16 This is an application, again, to</p> <p>17 construct a Learning Experience childcare facility.</p> <p>18 We're here before this board, the planning board.</p> <p>19 It is a permitted use in Watchung. The variances</p> <p>20 associated with this application, we will show, are</p> <p>21 minimal variances. There's -- frankly, there's one</p> <p>22 variance for the lot frontage along New Providence</p> <p>23 and then the distance of parking setback on Union.</p> <p>24 Those are the only variances associated</p> <p>25 with the application. Again, it's a permitted use.</p>

<p style="text-align: center;">9</p> <p>1 We meet all other bulk standards in connection with 2 this application and, again, we've had the 3 opportunity to modify the plans and eliminate a few 4 of the variances associated with the application. 5 There was a comment -- I know 6 Mr. Butler will bring this up -- that we need a 7 parking variance. It's clear and we will have 8 testimony in the case law that under the Municipal 9 Land Use Law childcare centers are not -- there is 10 no parking requirement. But we will -- we did 11 notice for that, and I talked to Frank about that. 12 We noticed, out of the abundance of caution, to say 13 -- and you'll see in our notice for a parking 14 variance. Again, that was done not conceding that 15 we need a parking variance. But regardless of that, 16 from an operational standpoint, we will show that 17 there's more than sufficient site access and 18 parking. 19 By way of -- oh, and there's a few 20 minor design waivers for lighting, which, again, we 21 will address. This property is somewhat isolated, 22 being on a corner property with the wetlands behind 23 it. Again, a fairly isolated tract in respect to 24 other properties around it. 25 What we'd like to do is to first -- and</p>	<p style="text-align: center;">11</p> <p>1 not zoned residential. Okay? That applies to a 2 pristine, flat lot that has no environmental 3 restraints at all. It also applies to this lot. It 4 applies -- it sweeps with a broad brush. And that's 5 why, thank God, we have site plan application and 6 site plan approval, right? It's permitted not 7 because the zoning ordinance says it's permitted in 8 this BB Zone; it's permitted because the Municipal 9 Land Use Law says it's permitted. 10 They propose 154 children, babies from 11 six months to kindergarten. And they get that by 12 looking at the size of the building. The size of 13 the building determines the number of the babies 14 that go there. And then the number of babies that 15 go there determines the number of the teachers that 16 are subject there. As I get it -- and as I said, 17 it's in the BB professional office zone, which has 18 no mentions of a day care center, but it's a 19 permitted, inherently beneficial use; that's not 20 controversial. I'm not raising that as an argument. 21 However, this lot is a critical lot. 22 It's in a critical area. It's bordered on the east 23 by the Green Brook. The Green Brook has a floodway. 24 The Green Brook has a floodplain. The Green Brook 25 has wetlands. The Green Brook has a flood hazard</p>
<p style="text-align: center;">10</p> <p>1 I'll give you the witnesses that we are going to be 2 presenting. First, our site engineer, Mr. Gerry 3 Gesario; our architect, Matthew Jarmel, who also is 4 very familiar -- has done many of these applications 5 and can provide the operational testimony; Elizabeth 6 "Betsy" Dolan, our traffic engineer; and Creigh 7 Rahenkamp, our professional planner. So those are 8 the witnesses that we are prepared to present this 9 evening, and we look forward to moving forward with 10 our presentation. 11 CHAIRWOMAN SCHAEFER: Thank you. 12 MR. HEHL: Thank you. 13 CHAIRWOMAN SCHAEFER: Mr. Butler, I'll 14 allow you -- short, please. 15 MR. BUTLER: I'll make it as short as 16 possible. I think it might be a little longer than 17 Mr. Hehl's. I'm more long-winded than he is. 18 This day care center -- as he 19 indicated, it's a permitted use where it's to be 20 located -- wants to be located, and it's an 21 inherently beneficial use. Why is it a permitted 22 use? 23 It's a permitted use because the 24 Municipal Land Use Law states that a child day care 25 center is permitted in any zone in New Jersey that's</p>	<p style="text-align: center;">12</p> <p>1 area. This is an environmentally sensitive lot. 2 This is no place to be putting 154 babies, and we 3 say that emphatically. Your ordinance under the 4 definition "critical areas" -- and this is a 5 critical area lot. It defines critical areas as 6 wetlands, 100-year floodplain or flood hazard area, 7 and lands with a topographic slope greater than 8 15 percent. 9 I'm not worried about slopes. I'm 10 worried about the beginning of this. The wetlands, 11 the 100 plan, the 100-year storm, the flood hazard 12 area, that's what we're worried about. 13 Parking. They say they need 31 parking 14 spaces. We're going to show testimony. Hal Simoff 15 is a traffic expert. He's going to show testimony 16 that this needs 52 spaces, and he's not going to 17 cherry-pick locations like Ms. Dolan did in her 18 report and say you only need 31 spaces. She said, 19 32, but then they brought it down to 31. Okay? My 20 engineer did it the way you're supposed to do it. 21 He -- he went and he checked with the International 22 Institute of Engineers. They have studies for day 23 care centers. And he's going to testify, and I'm 24 going to introduce into evidence an ITE report that 25 reflects 39 studies and predicated upon 154 little</p>

<p style="text-align: right;">13</p> <p>1 kids.</p> <p>2 You need 52 parking spaces. They're</p> <p>3 short on parking spaces, and they can't get around</p> <p>4 it. And there's nothing in the Municipal Land Use</p> <p>5 Law that says that you don't need parking. Imagine</p> <p>6 you don't need parking? In other words, you go put</p> <p>7 up a child day care center and don't need one</p> <p>8 parking space? Where are the mothers going to park</p> <p>9 when they leave the kids? Where are the 22</p> <p>10 employees going to park when they're working there?</p> <p>11 Now, I wrote a couple of memos; I'd ask</p> <p>12 you to look at them. They deal with the variances.</p> <p>13 One of the variances isn't a big deal. I admit</p> <p>14 that. I pointed it out to them. Originally it</p> <p>15 wasn't noted, but it's a variance. And that is the</p> <p>16 front yard on New Providence Road. It's a corner</p> <p>17 lot. You need 150 feet. They only have 40 feet.</p> <p>18 It's existing, as Mr. Hehl has pointed out. Of</p> <p>19 course, it's existing now with a vacant wooded lot,</p> <p>20 and they're going to develop this thing into what I</p> <p>21 consider a high-intense use.</p> <p>22 High intense? Because when you take</p> <p>23 the lot -- and if you look at the site plan, which</p> <p>24 is Page 5, they're building on about 25 percent of</p> <p>25 this lot. The other 75 percent is environmental</p>	<p style="text-align: right;">15</p> <p>1 kids. Nine spaces. Imagine that? You don't have</p> <p>2 to sit on a planning board very long to know that if</p> <p>3 people are going to deliver 154 kids, nine parking</p> <p>4 spaces -- it won't be enough for them.</p> <p>5 Traffic. The entrance and exit,</p> <p>6 they're in the flood hazard area. Take a look at</p> <p>7 Page 5. It's right in the flood hazard area.</p> <p>8 CHAIRWOMAN SCHAEFER: You're going to</p> <p>9 be bringing experts up --</p> <p>10 MR. BUTLER: Excuse me?</p> <p>11 CHAIRWOMAN SCHAEFER: -- right --</p> <p>12 Mr. Butler, you're going to be bringing your experts</p> <p>13 up to testify to all of this, correct?</p> <p>14 MR. BUTLER: Yeah. I'm just giving an</p> <p>15 outline of what they're going to say.</p> <p>16 CHAIRWOMAN SCHAEFER: Okay. I'm just</p> <p>17 trying to move you along.</p> <p>18 MR. BUTLER: Huh?</p> <p>19 CHAIRWOMAN SCHAEFER: I'm just trying</p> <p>20 to move you along.</p> <p>21 MR. BUTLER: I know you are, as usual.</p> <p>22 But you do it fairly and I've never said anything</p> <p>23 else.</p> <p>24 If you look at Page 9, their landscape</p> <p>25 plan. You have to have landscaping. There's 20</p>
<p style="text-align: right;">14</p> <p>1 hazard. They have to stay away from it. So they</p> <p>2 shoehorned everything into 25 percent of the lot.</p> <p>3 This application fails dramatically on site plan.</p> <p>4 The other variance, and the one that's</p> <p>5 a little more important, is they're parking along</p> <p>6 Union place 5 feet. They have to be 20 feet. Bring</p> <p>7 them back to 20 feet. Why -- why are they getting</p> <p>8 the variance? You know why? Because it'll change</p> <p>9 the size of the building. You change the size of</p> <p>10 the building, you have less students. You have less</p> <p>11 students, you make less money. That ain't a reason,</p> <p>12 to use gutter language, to get a variance, not in</p> <p>13 New Jersey. You have to show beneficial to the</p> <p>14 community, not benefit to the individual applicant.</p> <p>15 To get these variances, there's a positive criteria</p> <p>16 and a negative criteria, and both of them have to be</p> <p>17 proved, even though these are inherently beneficial</p> <p>18 uses. The statutes specifically say that. That's</p> <p>19 not the home run. The home run is if you people</p> <p>20 think that this is an ideal site to locate this</p> <p>21 particular property.</p> <p>22 Now, let's say they go with 31 spaces.</p> <p>23 That's all they say they need. They have 22</p> <p>24 employees. That means they have nine for the</p> <p>25 mothers and fathers to pick up and leave off the</p>	<p style="text-align: right;">16</p> <p>1 feet. You have to have landscaping between your</p> <p>2 property to conceal the buffer of the parking. They</p> <p>3 show landscaping on Page 9. It's in the Union</p> <p>4 Avenue right-of-way. It's not even on their</p> <p>5 property.</p> <p>6 I told you that the -- there's seven</p> <p>7 parking places in the flood hazard area. I told you</p> <p>8 that the ingress and egress is in the flood hazard</p> <p>9 area. Now I'm going to talk to Chapter 23, Flood</p> <p>10 Management Prevention. Section 22, 1.2 defines</p> <p>11 "flood hazard." Listen to this definition. They're</p> <p>12 going to put seven parking places in what I'm going</p> <p>13 to just read to you. Their entrance and exit --</p> <p>14 their main entrance and exit.</p> <p>15 "The flood hazard area of the Borough</p> <p>16 of Watchung are subject to periodic inundation,</p> <p>17 which results in loss of life and property, health</p> <p>18 and safety hazard, disruption of commerce and</p> <p>19 government services, extraordinary public</p> <p>20 expenditures for flood protection relief and</p> <p>21 impairment of the tax base and general welfare."</p> <p>22 That's where they want to put seven spaces. That's</p> <p>23 where they want their main ingress and egress. I</p> <p>24 read it to you; I didn't make that up.</p> <p>25 Our traffic guy is going to talk about</p>

<p style="text-align: right;">17</p> <p>1 levels of service at the corner of Union Avenue and 2 New Providence Road. And he's going to testify that 3 that is a level of service of F. It fails and it 4 backs up. And there's going to be such a backup 5 that the entrance and exit -- and there's two -- 6 will both -- will both -- 7 MR. LINNUS: Mr. Butler, it sounds 8 like you're bordering into testimony. You want to 9 keep it a little bit brief here? You're going to 10 have witnesses; they'll testify. You're not 11 testifying. Unless you want to get sworn in? 12 MR. BUTLER: No. 13 MR. LINNUS: Okay. 14 MR. BUTLER: No. 15 What I'm telling you is I'm going to 16 offer and, whatever I say, I'm going to offer is 17 true. The backup at that intersection of Union is 18 going to back up so people can't get in out of the 19 site. 20 MR. LINNUS: And, Mr. Butler, what I'm 21 saying is that's testimony -- anticipated testimony, 22 so I think you should rely on your witnesses to 23 present that testimony and not in opening statement. 24 MR. BUTLER: Are you telling me I 25 can't continue?</p>	<p style="text-align: right;">19</p> <p>1 You don't? 2 MR. BUTLER: No. I don't have all my 3 witnesses. This -- this is not going to be 4 concluded tonight. 5 CHAIRWOMAN SCHAEFER: Understood. I'm 6 just asking you, do you have any of your witnesses 7 here tonight? 8 MR. BUTLER: There will be one coming. 9 CHAIRWOMAN SCHAEFER: Okay. 10 MR. BUTLER: Two had conflicts. 11 CHAIRWOMAN SCHAEFER: Okay. Unless 12 you have further -- I really want to get on with 13 this application. 14 MR. BUTLER: One final thing. One 15 final thing. 16 This particular applicant received in 17 2'07 and 2'08, permission from the Board of 18 Adjustment to use this site as an automobile wash 19 and lubrication center. And I was there, and Weldon 20 did not object to that application. We wanted 21 shrubbery. They got it in 2'07 from the Board of 22 Adjustment. And then the DEP said they 23 needed -- they had to change it around, so they 24 needed more shrubbery. We offered to give them the 25 next lot, Lot 2. Not offer, we let them use it to</p>
<p style="text-align: right;">18</p> <p>1 MR. LINNUS: On another subject, if 2 you have -- 3 MR. BUTLER: What? 4 MR. LINNUS: On another subject, if 5 you have something further to say. 6 MR. BUTLER: All right. We will 7 introduce testimony showing that the Scotch Plains 8 Police Department, on numerous occasions over the 9 last five years, has closed Route 22 because of 10 flooding. Route 22 is the main entrance and exit to 11 this site. 12 We're also going to show accident 13 reports which we received through OPRA applications 14 showing accidents at the intersection of Bonnie Burn 15 Road and New Providence Road; and New Providence 16 Road and Union Avenue. Many accidents. These are 17 dangerous intersections. 18 We're going to prove that the trucks 19 can't turn around in the site. The garbage trucks, 20 the trucks that deliver food. We're going to show 21 all that. 22 CHAIRWOMAN SCHAEFER: So you have all 23 your witnesses here tonight -- 24 MR. BUTLER: No. 25 CHAIRWOMAN SCHAEFER: -- correct?</p>	<p style="text-align: right;">20</p> <p>1 put shrubbery on it. Okay? I don't know why they 2 didn't put up the car wash and the lube center. But 3 if you deny this application, you're not planning 4 this thing into inutility. It's already been given 5 a use. And they decided, in their own wisdom, not 6 to use their use. This is, basically, too big and 7 intense a use for the limited part of the land that 8 they want to build on. 9 I'll conclude with that. Thank you for 10 your patience. 11 Frank, I understand exactly what you 12 say, and I don't disagree with it. 13 CHAIRWOMAN SCHAEFER: Okay. Thank 14 you, Mr. Butler. 15 Okay. Mr. Hehl. 16 MR. HEHL: Thank you. So as our first 17 witness, I'd like to call -- 18 CHAIRWOMAN SCHAEFER: I'm sorry. 19 Before we go into -- 20 MR. HEHL: Oh, no problem. 21 CHAIRWOMAN SCHAEFER: Don? Don? 22 MR. SPEENEY: What? 23 CHAIRWOMAN SCHAEFER: Can we have you, 24 please, read our site committee plan into the 25 record?</p>

<p style="text-align: right;">21</p> <p>1 MR. SPEENEY: Yeah. I had it in front 2 of me about 30 seconds ago. 3 CHAIRWOMAN SCHAEFER: And then we'll 4 proceed. 5 MR. SPEENEY: Yes, I got it. 6 MR. HEHL: We received that. 7 MR. SPEENEY: The Site Plan Subdivision 8 Committee report for The Learning Experience, which 9 is PB 19-02. I just want to preface this that this 10 report was made on the initial submission of 11 drawings. 12 Okay. So the committee report is for 13 The Learning Experience, PB 19-02. The proposal 14 before the Planning Board, an Applicant seeks 15 preliminary and final site plan approval to 16 construct a building at New Providence Road and 17 Union Avenue. The proposed use of the building is 18 for a child care learning center and is located in 19 the Watchung Borough's BB Zone. 20 The applicant proposes to construct a 21 two-story, 10,794 square-foot building for 22 approximately 154 children and 22 staff persons. 23 B, obtain from the Board two variances 24 -- one for front yard setback, 25 feet required, but 25 14.7 feet offered; and another for permitting a</p>	<p style="text-align: right;">23</p> <p>1 November 15, 2019 at 8:45 a.m. at Cupa Cafe. I get 2 a plug for that from those people, extra 3 coffee there. Present were Peter Desnoyers, Tracee 4 Schaefer, Ellen Spingler, and Don Speeney, and board 5 engineer Tom Herits. A subsequent visit to the site 6 was made at 9:45 a.m. and ended at 10:20 a.m. 7 The following are notes, questions, 8 issues raised by committee members reviewing the 9 submissions with this application and making a site 10 visit: 11 So 3-A, the site is in the borough's BB 12 Zone. It's not an allowed use called out in -- 13 under our land development ordinance, but New Jersey 14 Municipal Land Use Law supersedes local ordinances 15 and permits childcare centers in non-residential 16 districts. The area of the property is 2.17 acres, 17 heavily wooded and bounded by the Green Brook, Union 18 Avenue, and New Providence Road. While this is a 19 large area, there appears to be significant 20 environmental restrictions upon this site. And the 21 applicant should explain these site limitations. 22 The proposed building location requires setback 23 variances for two locations, and the applicant 24 should justify this need. Also, speak to your 25 requested waiver dealing with the issuance of a</p>
<p style="text-align: right;">22</p> <p>1 parking lot within a half a foot of the southerly 2 property line where 5 feet is required. 3 C, obtain from the Board a waiver to 4 the requirement posting performance guarantees prior 5 to issuance of the Certificate of Occupancy. 6 D, provide 32 parking spaces, two of 7 which are handicap spaces. 8 E, clear a portion of the existing 9 heavily wooded area and replant trees where required 10 in its final landscape plan. 11 F, create a force main, one and a half 12 inches in diameter, type of sanitary sewer line 13 along Union Avenue and under the Green Brook to a 14 Scotch Plains municipal sewer connection on Union 15 Avenue. 16 G, provide underground water detention 17 system under the parking area, draining underground 18 to a Union Avenue collection system. 19 H, have ingress and egress driveway 20 cuts only on Union Avenue, a one-way out to make a 21 right turn from the property on Union Avenue heading 22 to New Providence Road, and a two-lane in and out 23 onto Union Avenue heading to Route 22. 24 Item 3 is discussion. Committee 25 members met to review the submitted application on</p>	<p style="text-align: right;">24</p> <p>1 Certificate of Occupancy versus timing of the 2 requirement for Performance Guarantee. 3 E, parking. The question that the 4 number of parking spaces is adequate. How is the 5 parking requirement calculated if there is a license 6 for the Department of Human Services or local School 7 Board approval for a formal kindergarten, how does 8 that affect the student-teacher ratio for 9 determining parking? How does the applicant expect 10 to handle overflow parking requirements when 11 students' special performances are held that draw 12 parents and others to the site? 13 C, traffic. At 10:00 a.m. we 14 experienced significant heavy-duty truck traffic 15 leaving Weldon Quarry. Some of these drivers sped 16 up within the quarry egress road to merge with the 17 existing traffic southbound on New Providence Road. 18 These trucks also exhibited loud engine and exhaust 19 noises. The automobile traffic seemed to be 20 bumper-to-bumper going northbound on New Providence 21 Road except for momentary openings because of the 22 traffic signal at New Providence Road and Bonnie 23 Burn Road. There seemed to be pockets of automobile 24 traffic on Union Avenue in each direction. Though 25 there were not too many courtesy openings for</p>

<p style="text-align: right;">25</p> <p>1 southbound drivers turning left from New Providence</p> <p>2 Road onto Union Avenue, this caused backup on New</p> <p>3 Providence Road in the existing turning lane.</p> <p>4 These traffic observations are at the</p> <p>5 very corner of where the school building is</p> <p>6 proposed -- is proposed to be built and occupied</p> <p>7 after the request for variance -- after request for</p> <p>8 the variance for the building to be constructed</p> <p>9 across from both roads.</p> <p>10 Because of the heavy truck traffic and</p> <p>11 the at-capacity auto traffic at peak times, we are</p> <p>12 suggesting the applicant consider a guide rail on</p> <p>13 New Providence Road generally along the length of</p> <p>14 the building and its play area.</p> <p>15 D, environmental. Applicant must</p> <p>16 discuss the environmental position of this property</p> <p>17 and the effect that they have on your choice of</p> <p>18 building location and the need for these variances.</p> <p>19 The plans should indicate any buffer zones that are</p> <p>20 required with the wetlands LOI. An LOI should be</p> <p>21 submitted as part of the application.</p> <p>22 E, neighborly. Applicant must submit a</p> <p>23 notice of an active quarry whereby waiving any claim</p> <p>24 for interruption of or interference with its use and</p> <p>25 enjoyment of the property of the close proximity of</p>	<p style="text-align: right;">27</p> <p>1 G E R A R D G E S A R I O, sworn.</p> <p>2</p> <p>3 MR. LINNUS: State your name and</p> <p>4 address for the record, please.</p> <p>5 THE WITNESS: Full name is Gerard,</p> <p>6 G-E-R-A-R-D, Gesario, G-E-S, as in Sam, A-R-I-O.</p> <p>7 Business address, 42 Okner, O-K-N-E-R, Parkway,</p> <p>8 Livingston, New Jersey.</p> <p>9 MR. LINNUS: Your witness.</p> <p>10 MR. HEHL: Yes. Thank you.</p> <p>11</p> <p>12 <u>DIRECT EXAMINATION BY MR. HEHL:</u></p> <p>13 Q. Mr. Gesario, if you would please give the</p> <p>14 Board the benefit of your work, educational</p> <p>15 experience, area of expertise, and whether you've</p> <p>16 been qualified as an expert in the field of</p> <p>17 professional engineering before other boards or</p> <p>18 courts in the State of New Jersey.</p> <p>19 A. Sure. I'm a 1988 graduate of the New</p> <p>20 Jersey Institute of Technology with a Bachelor of</p> <p>21 Science in Civil Engineering.</p> <p>22 Currently employed as the director of</p> <p>23 civil engineering for Jarmel Kizel Architects and</p> <p>24 Engineers. I'm a licensed engineer in the State of</p> <p>25 New Jersey, license in good standing, and have been</p>
<p style="text-align: right;">26</p> <p>1 the operation of the Weldon Quarry.</p> <p>2 F, preliminary and final approval</p> <p>3 request. Applicant is asking for preliminary and</p> <p>4 final approval. The policy of the Watchung Planning</p> <p>5 Board is to consider applications for preliminary</p> <p>6 approval and, if approval is given, then the</p> <p>7 applicant returns for final approval.</p> <p>8 The committee also defers to the</p> <p>9 reports of Mark Healey, professional planner,</p> <p>10 planning board, and Tom -- Thomas Herits, planning</p> <p>11 board engineer from Maser Consulting, for additional</p> <p>12 questions or comments.</p> <p>13 Done.</p> <p>14 CHAIRWOMAN SCHAEFER: Thank you.</p> <p>15 Okay, Mr. Hehl.</p> <p>16 MR. HEHL: Yeah. And, thank you,</p> <p>17 Mr. Speeney, thank you for reading that report in.</p> <p>18 And as you noted, we did make revisions to the plans</p> <p>19 that address a number of these items subsequent to</p> <p>20 the issuance of your report and the other</p> <p>21 professionals' reports.</p> <p>22 So with that said, I'd like to call</p> <p>23 upon our first witness, Mr. Gerry Gesario.</p> <p>24 MR. LINNUS: Want to raise your right</p> <p>25 hand, sir.</p>	<p style="text-align: right;">28</p> <p>1 since 1994.</p> <p>2 I've provided expert testimony to well</p> <p>3 over 50 planning and zoning boards throughout the</p> <p>4 State of New Jersey.</p> <p>5 CHAIRWOMAN SCHAEFER: Okay. We'll</p> <p>6 accept you. Thank you.</p> <p>7 MR. HEHL: Great.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 MR. HEHL: Thank you very much.</p> <p>10 MR. BUTLER: No voir dire.</p> <p>11 CHAIRWOMAN SCHAEFER: I'm sorry?</p> <p>12 MR. BUTLER: No voir dire.</p> <p>13 CHAIRWOMAN SCHAEFER: I'm --</p> <p>14 MR. LINNUS: He wants to --</p> <p>15 MR. BUTLER: No voir dire.</p> <p>16 MR. LINNUS: -- question his</p> <p>17 qualifications.</p> <p>18 CHAIRWOMAN SCHAEFER: He wants what?</p> <p>19 MR. LINNUS: He wants to question his</p> <p>20 qualifications.</p> <p>21 MR. HEHL: No, he doesn't.</p> <p>22 MR. BUTLER: No. I accept him.</p> <p>23 MR. HEHL: He's accepting our witness.</p> <p>24 MR. LINNUS: I thought he said -- I</p> <p>25 thought he said, "Voir dire."</p>

1 MR. HEHL: He did, but he said, "No,"
 2 first.
 3 MR. LINNUS: I didn't hear the "no."
 4 CHAIRWOMAN SCHAEFER: And I'm
 5 oblivious to what he's even talking about. Okay.
 6 MR. HEHL: And perhaps -- Tom had
 7 mentioned, if you want -- if you want to take the
 8 mike and if you want to use the exhibit over there.
 9 And unless there are exhibits that were
 10 marked as -- or submitted as part of the
 11 application, I assume, Frank, we would then mark
 12 them as we go along. But the ones that were
 13 submitted --
 14 MR. LINNUS: That's correct. Just
 15 identify them for the record that they were
 16 submitted.
 17 MR. HEHL: Great.
 18 MR. LINNUS: And anything not on the
 19 record, you'll have to mark as an exhibit --
 20 MR. HEHL: Great.
 21 MR. LINNUS: -- for this proceeding.
 22 MR. HEHL: Thank you very much.
 23 THE WITNESS: All right. This will be
 24 an exhibit, the first one I'm going to talk to.
 25 MR. LINNUS: All right. Do you want

1 to characterize the exhibit?
 2 THE WITNESS: Sure. This is entitled
 3 "Aerial Exhibit" with a drawing number of E-200 and
 4 the date of December 10, 2019. This is a Google
 5 aerial image at a scale of 1 inch equals 200 feet of
 6 the site and the surrounding area.
 7 MR. LINNUS: All right. So that's
 8 Exhibit A-1. Do you want to put A-1 on there and
 9 put a date on it, please.
 10 (Exhibit A-1, Aerial Map, is marked.)
 11 CHAIRWOMAN SCHAEFER: Do we have that
 12 in our packet?
 13 MR. LINNUS: No.
 14 CHAIRWOMAN SCHAEFER: Okay.
 15 THE WITNESS: No.
 16 MR. LINNUS: That's why they're
 17 marking it.
 18 THE WITNESS: And so Exhibit A-1 here,
 19 the aerial exhibit, this shows our development lot.
 20 This application is for the development of Lot 1 in
 21 Block 7801, which is highlighted in yellow on the
 22 exhibit. As you can see, the site is triangular in
 23 shape. It's 2.21 acres or 96,359 square feet. It
 24 has an address of 100 Union Avenue and, as was
 25 mentioned, it's located in the borough's BB

1 professional and office zone and, as you can see,
 2 the lot is currently vacant and unimproved land.
 3 Adjacent to our site, to the south
 4 we're bound by Union Avenue and, as mentioned, a
 5 small frontage on New Providence Road of about 40
 6 feet. To the west is some wooded areas that are
 7 part of the adjacent Lots 2 and 3 also on Block
 8 7801. And to the east, you know, we are bound by
 9 the Green Brook. The centerline of the brook is the
 10 limit of our property and also makes up the
 11 municipal boundary line between the Borough of
 12 Watchung and Scotch Plains.
 13 So as I mentioned, the lot is currently
 14 unoccupied. It's wooded. Roughly two-thirds of the
 15 lot slope and drain directly towards the Green
 16 Brook. The remainder of the lot is sloped towards
 17 Union Avenue and drains out to Union Avenue.
 18 Elevation-wise, the site has a
 19 topographic high in the -- above the west corner
 20 near New Providence of about elevation 170, and it
 21 reaches a low near the covert on Union Avenue of
 22 about elevation 155.
 23 The site is encumbered by some
 24 environmental restrictions. There are wetlands that
 25 pretty much follow the top of bank of the Green

1 Brook. The site lies partially within the 100-year
 2 flood hazard area of the Green Brook. There are
 3 some slopes over 15 percent. I think all of them
 4 are along the Green Brook, and they're areas that
 5 we're not proposing to disturb. We're well aware
 6 that we'll need an individual permit from the
 7 Department of Environmental Protection to finalize
 8 approvals on this site.
 9 With that, I'm going to switch to
 10 another color exhibit. This is a blowup with the
 11 aerial beneath it of the site plan. This is just
 12 called "Site Exhibit," drawing E-300, also dated
 13 December 10, 2019, also includes our zone data and
 14 parking table.
 15 MR. LINNUS: Was that submitted as
 16 part of the package?
 17 THE WITNESS: No. This is an exhibit.
 18 MR. LINNUS: So mark that A-2, please,
 19 and put the date on it.
 20 (Exhibit A-2, Site Drawing E-300, is
 21 marked.)
 22 THE WITNESS: So as you can see, the
 23 building is tucked into the southwest corner. The
 24 proposal is for --
 25 MR. BUTLER: Excuse me. Is that a

1 page that's part of the exhibit?

2 CHAIRWOMAN SCHAEFER: No.

3 MR. LINNUS: No, it is not.

4 MR. BUTLER: I'm sorry.

5 MR. HEHL: Yeah. It's A-2.

6 MR. BUTLER: I'm sorry. Thanks,

7 Steve. I'm sorry.

8 THE WITNESS: So the building, as was
9 mentioned, is 10,782 gross square feet. The
10 footprint is half of that, so a little under 5,400
11 square feet, and the proposed play area sits to the
12 north or east of the building. That's proposed at
13 3,813 square feet.

14 Just to touch on the DEP, we have met
15 with the DEP in a pre-application meeting. As was
16 mentioned for the initial submission, there are --
17 there were some revisions that were made to this
18 plan, and some of that was based on our discussions
19 with DEP. Primarily, the access points were
20 revised. The main full-movement access, which is to
21 the east, does lie within the flood hazard zone, so
22 we do have to do some calculations there.

23 The secondary exit to the west, DEP
24 considers this use what they call a critical
25 building. So for them to approve it, it has to have

1 an alternate means of egress from the site outside
2 of the floodplain and 1 foot above the flood
3 elevation. So that's what drove the secondary means
4 of egress from the site.

5 With that, we also sat with Somerset
6 County preliminarily to get their feel for these
7 driveways and what we need to do -- improvements to
8 Union Avenue because that's a county-controlled
9 road. So this also represents feedback from our
10 meetings with Somerset County.

11 Total parking is mentioned. Right now
12 it's 31 spaces. I'm going to defer to traffic to
13 get into why and how that's sufficient for the site.

14 The site will also have a fully
15 screened trash enclosure that'll accommodate two
16 dumpsters. Our parking stalls are all 9-by-18. Our
17 aisle widths are 24 feet. So those are all per code
18 and in accordance with industry standards.

19 I mentioned variance-wise, we have the
20 one existing condition for the insufficient frontage
21 on New Providence, and then we have the parking
22 setback of 5 feet where 20 feet is required. So
23 those are the two.

24 We have a couple of design waivers for
25 the lighting, which I'll address, and a couple of

1 islands are not sufficient width.

2 We are proposing a monument sign. The
3 sign is to the east of the proposed driveway. It's
4 my understanding it conforms to the height and size
5 requirements of the ordinance. That sign will not
6 be lit.

7 Lighting is handled mostly by the
8 single pole in the center island with a double
9 fixture. We do have one pole behind the play area,
10 and then there's building security lights at all the
11 doors, which are required by code. Those are motion
12 sensor. They go on and off as needed. I believe we
13 can eliminate the design waiver for lighting. The
14 pole behind the play area is probably causing that,
15 and we can shift that and move that around, if need
16 be.

17 Landscaping. The eastern portion of
18 the site is going to remain undisturbed and wooded,
19 so we're not proposing too much back there at this
20 time, but we're aware that DEP is going to require
21 some riparian zone mitigation. So there's probably
22 going to be more landscaping going in in that area.
23 We're proposing some landscaping along the -- both
24 the west and south sides of the building and along
25 the parking spots that front Union Avenue. If those

1 shrubs are shown to be in the county right-of-way,
2 they're not intended to be. They're intended to be
3 in the 5-foot buffer between the parking lot and the
4 property line.

5 Touch base on drainage a little bit.

6 We are proposing a subsurface utility drainage basin
7 that'll sit under the parking area. This site is a
8 major development, as defined by New Jersey DEP, so
9 we have to address water quantity, water quality,
10 and groundwater recharge.

11 Water quantity is addressed with our
12 basin, which is five rows, 36-inch inch pipe at
13 88 feet and an outlet control structure. So that --
14 the requirement is your proposed peak flows have to
15 be 50, 75, and 80 percent of your existing peak
16 flows. So this detention basin stores and
17 attenuates the runoff to meet that requirement.
18 When it leaves the basin, it'll connect back into
19 the existing inlet on Union Avenue and the pipe that
20 goes across Union Avenue and discharges into the
21 Green Brook.

22 Water quality is handled. It's going
23 to be a single manufactured treatment device that'll
24 take all the runoff from the pavement, treat the
25 minor storm. It'll be certified for 80 percent

<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">37</p> <p>1 removed total suspended solids before it goes into</p> <p>2 the detention basin before it discharges back to the</p> <p>3 Green Brook.</p> <p>4 Groundwater recharge is proposed to be</p> <p>5 handled. The proposed pipes are going to be</p> <p>6 perforated so they will sit on a gravel base and</p> <p>7 will infiltrate into the soil. One thing to note,</p> <p>8 we haven't done the permeability testing yet for</p> <p>9 this site, so it's possible that the testing comes</p> <p>10 back that the site is not sufficient for groundwater</p> <p>11 recharge and, in that case, we would require a</p> <p>12 waiver from the Board for that requirement due to</p> <p>13 the results of actual field testing of the soil.</p> <p>14 Lastly, with regard to utilities, we do</p> <p>15 have Will Serve letters now from PSE&G for electric</p> <p>16 and gas. We also have a Will Serve from New Jersey</p> <p>17 American Water. And the sanitary, there is no</p> <p>18 public sewer fronting Union Avenue, so what's being</p> <p>19 proposed is a small pump station on-site just for</p> <p>20 this building. A small force main will be routed</p> <p>21 down Union Avenue that will tie into the public</p> <p>22 system at Meadow Street.</p> <p>23 And that summarizes my testimony of the</p> <p>24 site.</p> <p>25 BY MR. HEHL:</p>	<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">39</p> <p>1 Considerations."</p> <p>2 MR. LINNUS: Okay.</p> <p>3 THE WITNESS: Item three.</p> <p>4 CHAIRWOMAN SCHAEFER: That's Number 3,</p> <p>5 Page 4.</p> <p>6 THE WITNESS: It's broken down into</p> <p>7 different titles. This was the "Site</p> <p>8 Considerations" portion.</p> <p>9 MR. HERITS: I think the simplest</p> <p>10 solution is to make a contribution. Even</p> <p>11 single-family homes on -- you know, where there's no</p> <p>12 sidewalks makes a sidewalk contribution, so...</p> <p>13 MR. HEHL: The applicant would have no</p> <p>14 objection to either way but...</p> <p>15 MR. SPEENEY: Chairman?</p> <p>16 CHAIRWOMAN SCHAEFER: Yes.</p> <p>17 MR. SPEENEY: Relative to sidewalks, I</p> <p>18 would wait until we hear more about their parking,</p> <p>19 and their overflow parking, and things of that sort.</p> <p>20 CHAIRWOMAN SCHAEFER: I agree.</p> <p>21 THE WITNESS: Just going through the</p> <p>22 few items and looking for direction on that, the</p> <p>23 next item, Item 4, requests curbing to be added</p> <p>24 along Union Avenue where none exists. I'd ask that</p> <p>25 since this is a Somerset County road, that if</p>
<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">38</p> <p>1 Q. Okay. Now, I know you also had an</p> <p>2 opportunity to review the reports from the various</p> <p>3 professionals, including Mr. Herits.</p> <p>4 If you could touch on some of those items and</p> <p>5 provide testimony in that regard?</p> <p>6 A. Sure. There were a couple of items.</p> <p>7 I believe the letter also needed some decision from</p> <p>8 the Board. I'll refer to the last letter I received</p> <p>9 -- we received dated November 14, 2019, under "Site</p> <p>10 Considerations," Item 3.</p> <p>11 MR. LINNUS: That would be the report</p> <p>12 of Mr. Herits?</p> <p>13 THE WITNESS: Yes.</p> <p>14 MR. LINNUS: Okay.</p> <p>15 THE WITNESS: Mr. Herits' report.</p> <p>16 November 14, Item 3. It's the Board to</p> <p>17 decide on whether or not they want sidewalks along</p> <p>18 the frontage or a donation of the cost to the</p> <p>19 Borough Sidewalk Fund. I'm not sure sidewalks make</p> <p>20 much sense along this frontage, but we defer to the</p> <p>21 Board.</p> <p>22 MR. LINNUS: That's not Number 3.</p> <p>23 CHAIRWOMAN SCHAEFER: It's not Number</p> <p>24 3.</p> <p>25 THE WITNESS: It's under "Site</p>	<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">40</p> <p>1 they're fine with us adding curbing, we'll add it.</p> <p>2 But I think to defer that to Somerset County and see</p> <p>3 if they have an issue with it. We have no objection</p> <p>4 to doing it as long as the county doesn't have any</p> <p>5 objections to it.</p> <p>6 Site considerations, Item 6. The board</p> <p>7 shall decide what type of parking lot striping,</p> <p>8 hairpin style or the single-line style. It's the</p> <p>9 Board's preference for the type of striping.</p> <p>10 CHAIRWOMAN SCHAEFER: Tom, what would</p> <p>11 you recommend?</p> <p>12 MR. HERITS: I could live with single</p> <p>13 striping, single line.</p> <p>14 THE WITNESS: Site considerations,</p> <p>15 Item 12 is the request for a construction staging</p> <p>16 plan. This is something we would need the</p> <p>17 contractors, which we don't have yet, discuss or</p> <p>18 details where material is going to be stored, types</p> <p>19 of equipment. So we would ask that, possibly, this</p> <p>20 get -- be a requisite for a pre-construction meeting</p> <p>21 as opposed to a final approval because it gives them</p> <p>22 time to get a contractor. That's stuff the</p> <p>23 contractor would need to answer as far as --</p> <p>24 MR. HERITS: Normally, when projects</p> <p>25 this size or larger are being constructed, we do</p>

1 have a pre-construction meeting with their
 2 contractor.
 3 CHAIRWOMAN SCHAEFER: So you would be
 4 fine with that?
 5 MR. HERITS: Yes.
 6 THE WITNESS: Okay. Stormwater
 7 management, Item 1 asks to demonstrate the existing
 8 pipe that we tie into has adequate capacity for
 9 additional runoff. I just -- if I could get
 10 clarification because the purpose of our detention
 11 system is to attenuate the flow so that what's
 12 leaving our site is less than what's contributing to
 13 that peak flow rise to that inlet. And generally,
 14 if the offsite pipe is, somebody knows it's
 15 undersized already, as a developer, our
 16 responsibility is to control the flows off-site so
 17 they're less than what's going there now. So I'm
 18 not quite sure if --
 19 CHAIRWOMAN SCHAEFER: So this -- these
 20 questions are directed --
 21 THE WITNESS: Yeah.
 22 CHAIRWOMAN SCHAEFER: -- to our --
 23 THE WITNESS: Just this one --
 24 CHAIRWOMAN SCHAEFER: -- our engineer,
 25 Tom.

1 THE WITNESS: -- in particular.
 2 So I just -- we can discuss it
 3 further --
 4 MR. HERITS: And I can review it, I
 5 can review that with --
 6 THE WITNESS: Okay.
 7 MR. HERITS: -- you to see if there's
 8 any existing problems --
 9 THE WITNESS: Okay.
 10 MR. HERITS: -- with that pipe.
 11 THE WITNESS: Okay. And just two
 12 more, the stormwater management section, Item 10.
 13 It was suggested by Mr. Herits that if, when we do
 14 the soil testing, it turns out the site is not
 15 suitable for infiltration, that the Board grant the
 16 waiver this evening so we don't have to come back
 17 for that waiver after the permeability testing.
 18 So just in case it doesn't satisfy
 19 recharge requirements, we would be looking for that
 20 waiver this evening if the Board were to --
 21 CHAIRWOMAN SCHAEFER: I think we'll
 22 look at the entire application. I don't think we're
 23 prepared to give you a waiver at this given moment
 24 now. Let's look at the entire application, and
 25 we'll make our decision.

1 THE WITNESS: And the last item then,
 2 is going to be similar. It's exact number of trees
 3 that are going to be replaced are going to be
 4 dependent on our application with the DEP, so we
 5 just -- we don't want to be --
 6 CHAIRWOMAN SCHAEFER: What --
 7 THE WITNESS: We may be short.
 8 CHAIRWOMAN SCHAEFER: What number --
 9 what number is that that you're looking at?
 10 THE WITNESS: This is lighting and
 11 landscaping, Item 4. It's also in the plan, but it
 12 deals with tree replacement. So we may have to pay
 13 into the tree fund. That's another item we just --
 14 if the Board -- I don't know if they want to do
 15 that. This evening, though, just allowing the
 16 Applicant -- if we cannot meet the required trees to
 17 be planted on-site, to allow them to pay into the
 18 tree bank fund. That's it.
 19 MS. PENNETT: That's pretty much
 20 standard, you know, procedure.
 21 THE WITNESS: That's all I have.
 22 MR. HEHL: Okay. Thank you.
 23 I have no further questions of Mr.
 24 Gesario at this time.
 25 CHAIRWOMAN SCHAEFER: Planning Board?

1 Mr. Butler, let's go to you first. Do
 2 you have any questions?
 3 MR. BUTLER: Yes, I do.
 4 CHAIRWOMAN SCHAEFER: Oh, Tom?
 5 MR. HERITS: I just want to ask that,
 6 in the LOI, what was the transition zone? Was it a
 7 50 foot?
 8 THE WITNESS: Yeah. The official LOI
 9 is pending, but it is a 50 foot for this wetlands --
 10 MR. HERITS: It would have been nice
 11 if you would have shown that on the plans so the
 12 Board could see where the transition zone would have
 13 been.
 14 THE WITNESS: The other item, just to
 15 know, the riparian zone that goes with the Green
 16 Brook, I forgot to mention that's 150-foot buffer
 17 from top of bank.
 18 CHAIRWOMAN SCHAEFER: So if our
 19 engineer is looking for a transition zone, we're
 20 going to expect to see that.
 21 THE WITNESS: Yes, absolutely.
 22 MR. HERITS: I think it would help to
 23 do an exhibit to show both those lines just so the
 24 Board can see the extent of the environmental
 25 constraints. Okay?

<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">45</p> <p>1 THE WITNESS: Understood.</p> <p>2 MR. HERITS: Okay.</p> <p>3 THE WITNESS: No problem.</p> <p>4 CHAIRWOMAN SCHAEFER: Before we get to</p> <p>5 you, Mr. Butler, let me -- any questions from our</p> <p>6 Planning Board?</p> <p>7 MS. PENNETT: No. I think this is</p> <p>8 all, I don't have any questions. The town does have</p> <p>9 a tree ordinance and that you're going to have to --</p> <p>10 you have to prepare a replacement plan, and then,</p> <p>11 you know, following the guidelines of the ordinance</p> <p>12 in whatever -- if you have to replace 100 trees and</p> <p>13 you don't have room for that -- and you don't have</p> <p>14 room for that, then you can put money into the tree</p> <p>15 bank. But you do have to have a tree replacement</p> <p>16 plan submitted so that we can review it.</p> <p>17 THE WITNESS: We -- as part of our</p> <p>18 submission package, I think we calculated the trees</p> <p>19 we need to replace. We just haven't finalized how</p> <p>20 many are actually going to be on the site.</p> <p>21 MS. PENNETT: You just have to submit</p> <p>22 the plan to us so we can review it.</p> <p>23 THE WITNESS: Understood.</p> <p>24 CHAIRWOMAN SCHAEFER: Questions from</p> <p>25 Board members?</p>	<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">47</p> <p>1 from the Board?</p> <p>2 Mr. Butler?</p> <p>3 MR. HERITS: I just want to --</p> <p>4 CHAIRWOMAN SCHAEFER: Oh.</p> <p>5 MR. HERITS: With the sewer, I know</p> <p>6 the other applicant, the car wash, they did have</p> <p>7 approval from, I guess, the dump in the Scotch</p> <p>8 Plains. Is that still --</p> <p>9 THE WITNESS: I don't know if it's</p> <p>10 still good. It's still the same plan. We haven't</p> <p>11 gotten a new approval of that. So the approach is</p> <p>12 the same as what was previously approved, but I</p> <p>13 don't have anything official from Scotch Plains.</p> <p>14 MR. HERITS: Okay. So their approval</p> <p>15 was to the previous applicant for the car wash,</p> <p>16 correct?</p> <p>17 THE WITNESS: Correct.</p> <p>18 MR. HERITS: So you have to get one</p> <p>19 for your site, correct?</p> <p>20 THE WITNESS: Yeah.</p> <p>21 MR. HERITS: Okay.</p> <p>22 CHAIRWOMAN SCHAEFER: Mr. Butler.</p> <p>23</p> <p>24 <u>CROSS-EXAMINATION BY MR. BUTLER:</u></p> <p>25 Q. This question might have been answered</p>
<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">46</p> <p>1 MR. ELLIS: I have a question on the</p> <p>2 pump. You have a small pump station you're</p> <p>3 proposing?</p> <p>4 THE WITNESS: Correct.</p> <p>5 MR. ELLIS: And is there any details</p> <p>6 about maintaining it, or who's going to service it,</p> <p>7 or how's -- you know --</p> <p>8 THE WITNESS: It'll be serviced</p> <p>9 privately. The owner would have to have a service</p> <p>10 contract with someone to maintain that. It's just</p> <p>11 serving this one building.</p> <p>12 MR. ELLIS: Is there any estimate</p> <p>13 about the gallons per day that might be used?</p> <p>14 THE WITNESS: There is. I don't -- I</p> <p>15 don't have that number --</p> <p>16 MR. ELLIS: It's okay.</p> <p>17 THE WITNESS: -- off the top of my</p> <p>18 head.</p> <p>19 MR. ELLIS: It'll come.</p> <p>20 THE WITNESS: It's small.</p> <p>21 MR. ELLIS: But just don't put any</p> <p>22 diapers in those.</p> <p>23 THE WITNESS: Well, it'll be a grinder</p> <p>24 pump, but I don't know if it'll handle diapers.</p> <p>25 CHAIRWOMAN SCHAEFER: Other questions</p>	<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">48</p> <p>1 by Madam Chairperson. When I looked through the</p> <p>2 papers as part of this application, I didn't see a</p> <p>3 letter of interpretation regarding wetlands from the</p> <p>4 DEP. Did I miss something?</p> <p>5 A. No. A new letter is pending. We</p> <p>6 don't have the final letter yet.</p> <p>7 Q. You don't have a wetlands letter?</p> <p>8 A. We've done the delineation. We don't</p> <p>9 have the LOI back from DEP.</p> <p>10 Q. Okay. So, in other words, as you</p> <p>11 appear before the Board, you're not in a position to</p> <p>12 tell them, number one, where wetlands are?</p> <p>13 A. Well, there are wetlands shown on our</p> <p>14 plan from a wetlands scientist. They just haven't</p> <p>15 been approved by the DEP.</p> <p>16 Q. Doesn't the DEP have to approve the</p> <p>17 wetlands?</p> <p>18 A. Yes, they do.</p> <p>19 Q. And as you appear before the Board,</p> <p>20 then, you're not in a position to tell us what type</p> <p>21 of wetlands the DEP has determined these wetlands to</p> <p>22 be; is that true?</p> <p>23 A. Only from the prior approval, the</p> <p>24 wetlands were deemed ordinary resource wetlands</p> <p>25 so --</p>

<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">49</p> <p>1 Q. Okay. Well, how long ago was that?</p> <p>2 A. Ten years.</p> <p>3 Q. Were you involved in that application?</p> <p>4 A. No, sir.</p> <p>5 Q. Would you agree with me that a new</p> <p>6 application for interpretation regarding wetlands is</p> <p>7 required?</p> <p>8 A. Yes.</p> <p>9 Q. Yeah?</p> <p>10 A. Yes, sir.</p> <p>11 Q. So at this point we don't know where</p> <p>12 the wetlands are as approved by the DEP. We don't</p> <p>13 know what type of wetlands they are. Nor, then, do</p> <p>14 we know what transition area or buffer area are</p> <p>15 associated with these wetlands as determined by the</p> <p>16 DEP.</p> <p>17 Is that correct?</p> <p>18 A. By the DEP, correct.</p> <p>19 Q. Okay. Did you think it appropriate,</p> <p>20 maybe, to get that letter of interpretation before</p> <p>21 we started hearings before the Board?</p> <p>22 A. No. We're pretty confident of our</p> <p>23 line and the buffer.</p> <p>24 CHAIRWOMAN SCHAEFER: So let me ask</p> <p>25 this question. What kind of time frame are you</p>	<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">51</p> <p>1 with you, please.</p> <p>2 MR. BUTLER: Yeah. I'm just looking</p> <p>3 at him at the moment. I just want to see what he's</p> <p>4 doing. You'll hear me. You'll hear me.</p> <p>5 CHAIRWOMAN SCHAEFER: We want to</p> <p>6 capture you on the mike.</p> <p>7 MR. LINNUS: For the record, do you</p> <p>8 want to have the latest revision date on that,</p> <p>9 Mr. Gesario?</p> <p>10 THE WITNESS: Okay.</p> <p>11 MR. LINNUS: Sheet 9 --</p> <p>12 THE WITNESS: As requested, I'm</p> <p>13 looking at sheet 9, drawing C-600, has an issue date</p> <p>14 of December 2, revision date also of December 2,</p> <p>15 2019, landscape plan.</p> <p>16 MR. BUTLER: I'm going to use the mike</p> <p>17 with him. He's carrying it with him.</p> <p>18 CHAIRWOMAN SCHAEFER: There's no one</p> <p>19 over here, Mr. Butler.</p> <p>20 THE WITNESS: I'll share.</p> <p>21 CHAIRWOMAN SCHAEFER: Or he'll share.</p> <p>22 MR. BUTLER: I think he can share it.</p> <p>23 That's what I suggested.</p> <p>24 CHAIRWOMAN SCHAEFER: Okay.</p> <p>25 BY MR. BUTLER:</p>
<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">50</p> <p>1 looking for this interpretation to come out?</p> <p>2 THE WITNESS: Hopefully within 30 days</p> <p>3 to get the letter from them.</p> <p>4 CHAIRWOMAN SCHAEFER: Okay. Are you</p> <p>5 done, Mr. Butler?</p> <p>6 MR. BUTLER: No, no, no, no, I'm not</p> <p>7 done.</p> <p>8 CHAIRWOMAN SCHAEFER: That was wishful</p> <p>9 thinking maybe.</p> <p>10 MR. BUTLER: I know you're a little</p> <p>11 impatient.</p> <p>12 CHAIRWOMAN SCHAEFER: You turned</p> <p>13 around. You can't turn around.</p> <p>14 MR. BUTLER: Well, you know, I keep --</p> <p>15 I keep files here. The older you get, you sometimes</p> <p>16 drop things, or you leave them behind you a little</p> <p>17 bit.</p> <p>18 BY MR. BUTLER:</p> <p>19 Q. Do me a favor -- do you have your plans</p> <p>20 here tonight?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Would you -- will you pull out</p> <p>23 Page 9, which is the landscape plan.</p> <p>24 CHAIRWOMAN SCHAEFER: Mr. Butler, if</p> <p>25 you're going to follow him, would you bring the mike</p>	<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">52</p> <p>1 Q. On the bottom of the plan, you show</p> <p>2 landscaping adjacent to the parking and Union</p> <p>3 Avenue; do you not?</p> <p>4 A. Yes, we do.</p> <p>5 Q. And that landscaping --</p> <p>6 CHAIRWOMAN SCHAEFER: Into the mike.</p> <p>7 Q. -- appears, to me, to be within the Union</p> <p>8 Avenue right-of-way; is that correct?</p> <p>9 A. That is what's shown on the plan. But</p> <p>10 as I've testified to, that if that's what was on the</p> <p>11 plan, it's going to be corrected and it will sit --</p> <p>12 it looks like it was mistakenly not moved or revised</p> <p>13 to plan to provide a 5-foot buffer. So those plans</p> <p>14 will be revised. That landscaping will be --</p> <p>15 CHAIRWOMAN SCHAEFER: Can you show</p> <p>16 us --</p> <p>17 THE WITNESS: -- on our property.</p> <p>18 CHAIRWOMAN SCHAEFER: -- exactly where</p> <p>19 you're talking?</p> <p>20 THE WITNESS: Yes. I'm pointing to --</p> <p>21 along Union Avenue, the six spaces that face Union</p> <p>22 Avenue. Between the curb and the property line,</p> <p>23 there are some shrubs proposed. This plan does show</p> <p>24 them on and over the railway line. That will be</p> <p>25 corrected, and those shrubs will sit between the</p>

<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">53</p> <p>1 curb of the parking and the property line.</p> <p>2 COUNCILMAN SOPKO: What's that</p> <p>3 distance?</p> <p>4 THE WITNESS: 5 feet.</p> <p>5 MR. SOPKO: That's the 5 feet. Okay.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. BUTLER:</p> <p>8 Q. Okay. So, in other words, Page 9 is</p> <p>9 going to be revised?</p> <p>10 A. Yes.</p> <p>11 Q. And at the next hearing, are we going</p> <p>12 to have a revised Page 9?</p> <p>13 CHAIRWOMAN SCHAEFER: Yes.</p> <p>14 THE WITNESS: Just Page 9 or --</p> <p>15 CHAIRWOMAN SCHAEFER: Well, if we come</p> <p>16 up with anything else, that's one page that will be</p> <p>17 revised.</p> <p>18 THE WITNESS: That's fine.</p> <p>19 CHAIRWOMAN SCHAEFER: So you have two</p> <p>20 so far -- the transitional, and now that, and</p> <p>21 hopefully the DEP. So you've got three things right</p> <p>22 now on the list.</p> <p>23 Go ahead.</p> <p>24 BY MR. BUTLER:</p> <p>25 Q. Now, you correctly indicated that your</p>	<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">55</p> <p>1 haven't drawn it to plan to know that for sure.</p> <p>2 CHAIRWOMAN SCHAEFER: Mr. Butler, can</p> <p>3 you show us what you're talking about on that map,</p> <p>4 please, what --</p> <p>5 MR. BUTLER: Sure.</p> <p>6 CHAIRWOMAN SCHAEFER: -- you're</p> <p>7 describing.</p> <p>8 MR. BUTLER: Sure. On the landscape</p> <p>9 plan, Page 9 --</p> <p>10 CHAIRWOMAN SCHAEFER: We're back to</p> <p>11 Page 9? Okay.</p> <p>12 THE WITNESS: I'm looking at Sheet 5,</p> <p>13 the site plan now. I'm pointing. It's, again, the</p> <p>14 six spaces that front Union Avenue.</p> <p>15 CHAIRWOMAN SCHAEFER: Okay.</p> <p>16 THE WITNESS: If we were to push them</p> <p>17 back to meet the 20 feet, how many spaces would we</p> <p>18 end up with?</p> <p>19 CHAIRWOMAN SCHAEFER: Okay.</p> <p>20 THE WITNESS: We haven't drawn that</p> <p>21 plan. I can say, you know, we'll loose at least</p> <p>22 four or five spaces for sure.</p> <p>23 BY MR. BUTLER:</p> <p>24 Q. Okay. Now, when you lose those</p> <p>25 spaces, would that have any effect on the size of</p>
<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">54</p> <p>1 parking is within 20 feet of Union Avenue, whereas</p> <p>2 our ordinance requires 5 feet; is that correct?</p> <p>3 A. That's the reverse. The ordinance</p> <p>4 requires 20 feet.</p> <p>5 Q. Yeah. Didn't I --</p> <p>6 A. We are parking --</p> <p>7 Q. I thought I said that.</p> <p>8 A. -- within 5. No. You said the</p> <p>9 reverse.</p> <p>10 Q. Okay.</p> <p>11 A. But --</p> <p>12 Q. We're supposed to be 20 feet from the</p> <p>13 road --</p> <p>14 A. Correct.</p> <p>15 Q. -- and we're 5 feet from the road?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. Now, if you put that parking</p> <p>18 back 20 feet and you eliminated the variance, would</p> <p>19 that affect the size of the building?</p> <p>20 A. It would affect the number of parking</p> <p>21 spots we get.</p> <p>22 Q. What would reduce the parking spots,</p> <p>23 too?</p> <p>24 A. I haven't drawn it. I can estimate</p> <p>25 we'd lose 4 or 5 and end up with maybe 26, but I</p>	<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">56</p> <p>1 the building?</p> <p>2 A. I can't say that for sure.</p> <p>3 Q. Why can't you answer that question?</p> <p>4 A. Because parking is not based on the</p> <p>5 size of the building, it's based on need. So I</p> <p>6 defer to our traffic engineer and the studies</p> <p>7 they've done on what's required for parking.</p> <p>8 MR. BUTLER: Okay. I have no further</p> <p>9 questions of this witness.</p> <p>10 CHAIRWOMAN SCHAEFER: Does the public</p> <p>11 have any questions of this witness?</p> <p>12 Okay. Mr. Hehl?</p> <p>13 Thank you very much.</p> <p>14 Mr. Hehl?</p> <p>15 MR. HERITS: I just have one other</p> <p>16 question.</p> <p>17 CHAIRWOMAN SCHAEFER: Yes.</p> <p>18 MR. HERITS: The flood hazard line</p> <p>19 that you show on the map, that is based off the FEMA</p> <p>20 -- the FEMA maps, correct?</p> <p>21 THE WITNESS: It's the DEP study maps,</p> <p>22 yes. I got the maps from the DEP, from their</p> <p>23 office, so yes. It's the FEMA maps, but the DEP did</p> <p>24 the FEMA studies.</p> <p>25 MR. HERITS: Okay. So just --</p>

1 normally, what -- if I was doing this, I would -- I
 2 have a topo of my property that's based on the FEMA
 3 vertical datum and, like -- so, for instance, you're
 4 showing a flood hazard elevation pointing to that
 5 line at 161, but on the property the elevation's
 6 155.

7 So wouldn't you draw the flood hazard
 8 line based on your topography and the elevations?

9 THE WITNESS: From the information
 10 from DEP, the line varies from Union Avenue, the
 11 elevation, to the northwest corner of the site.

12 MR. HERITS: No. I understand.

13 THE WITNESS: Yeah.

14 MR. HERITS: It goes 163, 162. All
 15 I'm saying is you're showing it in some instances --
 16 where your elevation is 155, you're pointing to a
 17 flood hazard line with the elevation at 161.

18 THE WITNESS: We'll take a look at
 19 that.

20 MR. HERITS: No. I think what I would
 21 do is draw the flood hazard line based on your
 22 topography using the elevations that the DEP is
 23 giving you. I don't know. I don't --

24 THE WITNESS: Yeah.

25 MR. HERITS: I don't think it's going

1 it. Sometimes they require you to place signs up
 2 that alert someone that you're parking in a flood
 3 hazard area, but that's all part of one individual
 4 permit for the site.

5 MR. SPEENEY: All right.

6 THE WITNESS: But DEP can impose
 7 certain requirements such as signing it so people
 8 are aware that these seven spaces are in a flood
 9 zone.

10 MR. SPEENEY: So, for the record, part
 11 of your parking is in a flood hazard area as defined
 12 by the DEP?

13 THE WITNESS: Correct. There is a
 14 portion of this development in the flood hazard
 15 area, yes.

16 MR. SPEENEY: Thank you.

17 CHAIRWOMAN SCHAEFER: Any other
 18 questions from the Board?

19 MR. POTE: Yeah.

20 CHAIRWOMAN SCHAEFER: Yes.

21 MR. POTE: So, again, whether it be on
 22 this map or another map, can you, again, point to
 23 where the variance is being asked for for the
 24 frontage.

25 THE WITNESS: Sure.

1 to create a problem for you, but I --

2 THE WITNESS: Right.

3 MR. HERITS: -- think that's where the
 4 line belongs on your property.

5 THE WITNESS: We'll look at it --

6 MR. HERITS: Okay. Please.

7 THE WITNESS: -- again because the
 8 prior approval, that was the line. When we met with
 9 DEP, that was the line so -- but we will look at it,
 10 though.

11 MR. HERITS: Definitely an exhibit
 12 with those other two, the riparian and the --

13 THE WITNESS: Sure.

14 MR. HERITS: -- other lines.

15 THE WITNESS: Understood.

16 MR. HERITS: Resubmit one of them.

17 THE WITNESS: Okay. Sure.

18 MR. HERITS: Thank you.

19 MR. SPEENEY: Question.

20 THE WITNESS: Yes.

21 MR. SPEENEY: If you are proposing
 22 parking spots within the 100-foot flood hazard, do
 23 you need special permits for that?

24 THE WITNESS: You need a permit for
 25 the overall development from DEP, and that's part of

1 MR. POTE: And, again, just confirm
 2 that we're talking about 25 feet down to 14.

3 MR. HEHL: No. Actually, that was --
 4 we revised the plans to eliminate the building
 5 setback variance.

6 THE WITNESS: Yeah. There are no
 7 longer variances associated with the building. The
 8 one is for the parking.

9 I'm looking again at Sheet C-300, the
 10 site plan. It's where the six parking spaces that
 11 front Union Avenue. We have 5 feet. The ordinance
 12 requires a 20-foot setback for parking. So it's
 13 involving these spaces that face Union Avenue.

14 MR. POTE: Okay.

15 THE WITNESS: That's the variance.

16 MR. POTE: And with regards to the
 17 corner of the building, what would be the -- is that
 18 right where your fingers are?

19 THE WITNESS: Yeah. The building now
 20 meets the 25-foot required setback for the --

21 MR. POTE: Okay.

22 THE WITNESS: That's part of the
 23 ordinance.

24 MR. POTE: Thank you.

25 CHAIRWOMAN SCHAEFER: Any additional

<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">61</p> <p>1 questions?</p> <p>2 Okay. Mr. Hehl --</p> <p>3 MR. BUTLER: Madam Chairwoman, I just</p> <p>4 have a couple more. I'm sorry. May I ask</p> <p>5 questions?</p> <p>6 CHAIRWOMAN SCHAEFER: Mr. Butler.</p> <p>7 MR. BUTLER: Thank you. I'm just</p> <p>8 picking up on, I think, either the mayor's question</p> <p>9 or Mr. Speeney's question regarding parking in the</p> <p>10 flood hazard area.</p> <p>11 CHAIRWOMAN SCHAEFER: By the</p> <p>12 microphone, please.</p> <p>13 MR. BUTLER: I can do it from here.</p> <p>14 THE WITNESS: Just to clarify, there's</p> <p>15 only one spot that's in the flood hazard line that</p> <p>16 we show currently. This heavy line that runs</p> <p>17 through is the flood hazard line. So this portion</p> <p>18 of the parking is outside the flood hazard line.</p> <p>19 Our driveway is -- this is the flood hazard, so all</p> <p>20 this to the right is a flood hazard. This is our</p> <p>21 site in the flood zone. So the six spaces that</p> <p>22 front Union Avenue are in the flood hazard.</p> <p>23</p> <p>24 <u>RECROSS-EXAMINATION BY MR. BUTLER:</u></p> <p>25 Q. That's correct.</p>	<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">63</p> <p>1 excuse me. New Providence Road requires a setback</p> <p>2 of 25 feet, right?</p> <p>3 A. Correct.</p> <p>4 Q. Originally -- you corrected this?</p> <p>5 A. Correct.</p> <p>6 Q. Originally, you were only going to show</p> <p>7 a setback of about 15 feet, right?</p> <p>8 A. That's correct.</p> <p>9 Q. And you corrected that?</p> <p>10 A. Again, correct.</p> <p>11 Q. And that's conceded.</p> <p>12 Now, on Union place, that also requires</p> <p>13 a 25-foot setback; does it not?</p> <p>14 A. That's correct.</p> <p>15 Q. Because this is a corner lot, right?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And you only proposed an 18-foot</p> <p>18 setback, right?</p> <p>19 A. I believe that's what it was.</p> <p>20 Q. And you eliminated that variance; did</p> <p>21 you not?</p> <p>22 A. Yes, we did.</p> <p>23 Q. Okay. Why didn't you originally draw</p> <p>24 the plans without those variances?</p> <p>25 A. Because -- two reasons. One, we were</p>
<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">62</p> <p>1 And then there's one more space behind it?</p> <p>2 A. Correct.</p> <p>3 Q. There's seven spaces --</p> <p>4 A. That's correct.</p> <p>5 Q. -- in the flood hazard area?</p> <p>6 A. That is correct.</p> <p>7 Q. Right?</p> <p>8 Okay. Now, your ingress and egress,</p> <p>9 that's east of the building; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Both your ingress and egress are also</p> <p>12 in the flood hazard area; are they not?</p> <p>13 A. The main driveway -- the two-lane</p> <p>14 driveway is in the flood hazard, correct.</p> <p>15 Q. Isn't that -- you can only go in that</p> <p>16 way, right?</p> <p>17 A. Yeah. Yeah. That's correct.</p> <p>18 Q. That's your main ingress and egress?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. Now, you indicated that</p> <p>21 originally you needed 25 set -- setback from New</p> <p>22 Providence Road, and you needed an 8-foot -- or a</p> <p>23 7-foot variance setback on Union place, right? In</p> <p>24 other words, on -- let's take one street at a time.</p> <p>25 Union Avenue requires a setback --</p>	<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">64</p> <p>1 trying to honor the line that was previously</p> <p>2 approved by the DEP --</p> <p>3 Q. In '08?</p> <p>4 A. -- for a disturbance.</p> <p>5 In '08 for a riparian zone disturbance,</p> <p>6 so we didn't want to go beyond that line.</p> <p>7 The second reason is, by going beyond</p> <p>8 that line, we now have to do more mitigation than</p> <p>9 was previously approved by DEP.</p> <p>10 So we were trying to honor a line that</p> <p>11 was previously approved to make the process with DEP</p> <p>12 hopefully a little smoother. This will require,</p> <p>13 obviously, all new calculations and more mitigation</p> <p>14 for a disturbance in the riparian zone.</p> <p>15 Q. Now, would you describe the mitigation</p> <p>16 that you just made reference to.</p> <p>17 A. It involves additional plantings</p> <p>18 within the 150-foot buffer, the riparian zone</p> <p>19 measured from the top of bank to our area of</p> <p>20 disturbance. You are allowed to disturb in the</p> <p>21 riparian zone; you just have to mitigate.</p> <p>22 Q. Your total site's a little over 2</p> <p>23 acres; is it not?</p> <p>24 A. Yes, it is.</p> <p>25 Q. Would you agree with me that</p>

<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">65</p> <p>1 approximately 25 to 30 percent of the property's</p> <p>2 proposed for development?</p> <p>3 A. I don't -- I didn't -- I don't have</p> <p>4 that number off the top of my head.</p> <p>5 Q. Give it some thought. You're an</p> <p>6 engineer. You drew up the plan, didn't you?</p> <p>7 A. Yeah, I did.</p> <p>8 Q. What percent --</p> <p>9 A. I don't know what percentage of</p> <p>10 property is being disturbed off the top of my head.</p> <p>11 I'm not sure --</p> <p>12 Q. Let me ask you this way: All the other</p> <p>13 areas --</p> <p>14 A. I have that --</p> <p>15 Q. -- next to the lot --</p> <p>16 A. I actually have that number. I'll</p> <p>17 give you a number. It's somewhere in my notes.</p> <p>18 Excuse me.</p> <p>19 Let's see here. I can tell you that</p> <p>20 the approximate area of the site that is outside of</p> <p>21 wetlands, wetlands buffer, riparian zone, and the</p> <p>22 floodway is about a little over -- is a little over</p> <p>23 half acre, about 25,000 -- 22,500 square feet.</p> <p>24 Q. Okay. So --</p> <p>25 A. So --</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">67</p> <p>1 questions.</p> <p>2 CHAIRWOMAN SCHAEFER: Okay. Thank</p> <p>3 you.</p> <p>4 One more time, Board, any questions?</p> <p>5 Public, any further questions that you</p> <p>6 may have of this particular witness?</p> <p>7 Okay. Mr. Hehl, you're next.</p> <p>8 MR. HEHL: Yes. I now call upon</p> <p>9 Mathew Jarmel.</p> <p>10 MR. LINNUS: Want to raise your right</p> <p>11 hand, please.</p> <p>12</p> <p>13 M A T T H E W J A R M E L, sworn.</p> <p>14 MR. LINNUS: Your witness, Counsel.</p> <p>15 MR. HEHL: Thank you very much,</p> <p>16 Counsel.</p> <p>17 And Mr. Jarmel will be testifying not</p> <p>18 only as a professional architect, but also an expert</p> <p>19 in the field of childcare operations. So I'd like</p> <p>20 to qualify him in both those -- those areas.</p> <p>21</p> <p>22 <u>DIRECT EXAMINATION BY MR. HEHL:</u></p> <p>23 Q. So, first, let's touch upon as an</p> <p>24 architect.</p> <p>25 A. Good evening. My name is Matthew</p>
<p style="text-align: center;">GERARD GESARIO, P.E.</p> <p style="text-align: right;">66</p> <p>1 Q. Go ahead. I'm sorry. Don't let me</p> <p>2 interrupt you.</p> <p>3 A. That's the land area that's -- has no</p> <p>4 environmental restrictions.</p> <p>5 Q. Okay.</p> <p>6 A. It's a half acre.</p> <p>7 Q. 22,000 is about a half an acre?</p> <p>8 A. So -- so 25 --</p> <p>9 Q. So 25?</p> <p>10 A. -- to 30 percent is approximately.</p> <p>11 Q. 25, right?</p> <p>12 A. Yeah.</p> <p>13 Q. And all the rest of the vacant land,</p> <p>14 you're not touching that because that's</p> <p>15 environmentally sensitive, isn't it?</p> <p>16 A. Yes. It's either wetlands, wetlands</p> <p>17 buffer, or riparian zone.</p> <p>18 Q. Right. And that's why you had to take</p> <p>19 the building, and the parking, and the ingress and</p> <p>20 crouch it in about 25 percent of the total site,</p> <p>21 correct?</p> <p>22 A. The environmental -- the environmental</p> <p>23 constraints certainly dictated the layout of the</p> <p>24 project, sure.</p> <p>25 MR. BUTLER: I have no further</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">68</p> <p>1 Jarmel. I'm a registered architect. I hold a</p> <p>2 Bachelor's of Architectural degree from New Jersey</p> <p>3 Institute of Technology. I also have an MBA with a</p> <p>4 concentration in real estate development and urban</p> <p>5 land use from Rutgers University.</p> <p>6 I've been licensed in the State of New</p> <p>7 Jersey since 1994. My license in New Jersey is in</p> <p>8 good standing. I'm board certified by the National</p> <p>9 Council of Architectural Registration Boards, which</p> <p>10 entitles me to reciprocity in any state. I</p> <p>11 currently hold 31 licenses in the United States,</p> <p>12 including Washington, D.C.</p> <p>13 In New Jersey, I've testified to well</p> <p>14 over 100 municipal planning and/or zoning boards.</p> <p>15 CHAIRWOMAN SCHAEFER: Okay, I think</p> <p>16 you're good. Thank you.</p> <p>17 THE WITNESS: Thank you.</p> <p>18 MR. HEHL: Thank you. And then --</p> <p>19 THE WITNESS: As far as the -- as far</p> <p>20 as -- so my firm has multiple specialties in what</p> <p>21 I'll call commercial real estate. One of them is</p> <p>22 childcare centers. We've designed approximately 300</p> <p>23 childcare centers throughout the country for major</p> <p>24 brands, such as The Learning Experience, which we're</p> <p>25 here to discuss this evening, but other brands which</p>

<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">69</p> <p>1 you may be familiar with, such as Goddard, Kiddie 2 Academy, Children of America, Primrose, Lightbridge, 3 and as well as local YMCAs and other -- what I'll 4 call mom-and-pop-type operations. Within New 5 Jersey, I've done approximately 75 childcare 6 centers.</p> <p>7 With regards to The Learning 8 Experience, there's about -- in New Jersey I've done 9 about 85 projects. In New Jersey there's about 70 10 Learning Experiences operating. They're local 11 centers that are in close proximity to this site, 12 including Union, Livingston, Parsippany, Denville, 13 Bloomfield, Paramus -- we're starting to get into 14 Bergen County -- Tenafly, Cedar Grove, Roseland. 15 They like to be about 5 miles apart.</p> <p>16 CHAIRWOMAN SCHAEFER: There's one 17 right in Green Brook, as well.</p> <p>18 THE WITNESS: Arguably, Bound Brook is 19 actually the mailing address. That one was just 20 completed. There's one under construction in 21 Raritan right now. There's one in Princeton, East 22 Windsor. They like New Jersey; most of the 23 operators do.</p> <p>24 For The Learning Experience in 25 particular, I have about a 16-year relationship with</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">71</p> <p>1 So besides designing them, I've also 2 been intimately involved in the development. I'm 3 not a principal of this site; I'm just the 4 architect. My firm is doing the architecture and 5 the civil engineering.</p> <p>6 I'd like to start my testimony with --</p> <p>7 BY MR. HEHL:</p> <p>8 Q. Let me just --</p> <p>9 A. Sure.</p> <p>10 Q. Well, I want to finish the 11 qualification in that regard.</p> <p>12 And so you're obviously well familiar 13 with hours of operation, number of employees, 14 requirements of parking, ingress, egress, and the 15 like?</p> <p>16 A. Yes. Intimately familiar with it.</p> <p>17 Now, there is no --</p> <p>18 MR. LINNUS: What kind of license do 19 you need --</p> <p>20 THE WITNESS: So --</p> <p>21 MR. LINNUS: -- to operate?</p> <p>22 THE WITNESS: So I was just going to 23 say, Mr. Linnus, there is no -- I'm sorry. What 24 type of license you need to operate a childcare 25 center?</p>
<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">70</p> <p>1 them. In that time frame we've designed well over 2 200 centers for them. We've created the prototype, 3 and we update the prototype for them on a regular 4 basis.</p> <p>5 Sometimes I also wear the hat of real 6 estate developer, and in this capacity I've actually 7 been involved in the development where I'm a 8 principal and owner of childcare centers. I have 9 completed five in the State of New Jersey and 10 actually have seven I'm working on right now, 11 including one that's just about to be completed in 12 Eatontown. I have an application before the Summit 13 Zoning Board, as well. We own a center in Union. 14 We own the center in Livingston.</p> <p>15 In fact, the Livingston center is a 16 little over 16 years of age. It's the very first 17 Learning Experience, and it's attached to my office, 18 so I see it in operation every day, so I witness it, 19 as well.</p> <p>20 CHAIRWOMAN SCHAEFER: You say you're 21 the principal?</p> <p>22 THE WITNESS: As a -- as a landlord.</p> <p>23 CHAIRWOMAN SCHAEFER: Oh.</p> <p>24 THE WITNESS: Real estate 25 developer/landlord.</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">72</p> <p>1 MR. LINNUS: Yes, in New Jersey.</p> <p>2 THE WITNESS: In New Jersey childcare 3 centers are licensed by the Department of Children 4 and Families.</p> <p>5 CHAIRWOMAN SCHAEFER: Children and...</p> <p>6 THE WITNESS: Children and Families.</p> <p>7 Sometimes people call them DYFS; they 8 no longer go by that name.</p> <p>9 So I was just going to start my 10 testimony.</p> <p>11 MR. HEHL: So I was going to say -- so 12 I would seek his qualification also in the field of 13 childcare.</p> <p>14 THE WITNESS: Thank you.</p> <p>15 CHAIRWOMAN SCHAEFER: Yeah. We're 16 good. Thank you.</p> <p>17 MR. HEHL: Thank you.</p> <p>18 THE WITNESS: Thank you.</p> <p>19 So what I'd like to do is start my 20 testimony, and I'll mix sort of an architectural 21 operation testimony this evening about defining what 22 a childcare center is.</p> <p>23 Mr. Linnus just asked me how they're 24 licensed and, just to be repetitive, they're 25 licensed by the State Department of Children and</p>

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1 Families. One of the nice things or, what I'll say,
 2 safety things that New Jersey does, before that
 3 department can issue a license, New Jersey DEP has
 4 to sign off on a site through what they call a
 5 remedial action letter. So in New Jersey you have
 6 to go to the DEP before you can go to the Department
 7 of Children and Families if you're licensed. What
 8 the DEP looks for is soil contamination around the
 9 -- around the exterior playground, and they look at
 10 potable water as well.

11 This particular center is going to be
 12 designed for children that are six weeks of age to
 13 about six years of age. The license goes to 12, but
 14 this center is designed to house children from six
 15 weeks to six years. It'll be -- it'll be open from
 16 6:30 a.m. to 6:30 p.m., Monday through Friday. It's
 17 not open on the weekends.

18 The operator of this center is an
 19 organization called The Learning Experience. The
 20 owners of The Learning Experience have been in the
 21 development and management of childcare centers
 22 since the mid-80s. It's a family-owned business.
 23 This is their second time doing it. Their original
 24 brand was a brand called Tutor Time, which they
 25 built over 300 childcare centers under that brand.

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1 That brand still exists, but they no longer own it.
 2 And they've been building Learning Experiences under
 3 this brand name for about 16 and a half years --

4 CHAIRWOMAN SCHAEFER: So this is
 5 not -- a franchise? This is --

6 THE WITNESS: This organization builds
 7 both franchise and corporate-owned. About 30
 8 percent of their centers are corporate, and the
 9 balance are franchise. It's really transparent to
 10 the community and to the operation. They have very
 11 strict requirements for their franchisees, both from
 12 a financial standpoint, training standpoint. They
 13 actually do random inspections on them more
 14 frequently than the State will, we'll inspect them
 15 as well.

16 Currently, they're operating well over
 17 250 centers throughout the country, and they're
 18 taking care of about 30,000 children a day. So
 19 they're very experienced in this. They review and
 20 approve each site. And they analyze the site both
 21 from a demographic standpoint and a needs
 22 standpoint. They know every operator within a
 23 5-mile radius, full public knowledge, how many
 24 children there are in that area. And they would not
 25 open this site if they didn't, one, think they could

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1 be successful here as an operator and, two, if they
 2 didn't feel there was a community need for it.

3 What I would like to do is start now
 4 with an exhibit.

5 CHAIRWOMAN SCHAEFER: Was this in our
 6 packet?

7 THE WITNESS: I do not believe it is.

8 MR. LINNUS: All right. Do you want
 9 to --

10 THE WITNESS: No. Actually, I did --

11 MR. LINNUS: Do you want to mark that
 12 as A-3 and put today's date on it --

13 THE WITNESS: I'm going to mark it,
 14 although we do say it was issued to you.

15 (Exhibit A-3, Rendered Architectural
 16 Drawing, is marked.)

17 THE WITNESS: This is a rendering.

18 It's actually dated, although I marked it with
 19 today's date, December 2nd. It was part of a
 20 planning board resubmission. So you may have it in
 21 your packet, but I just want to mark it --

22 CHAIRWOMAN SCHAEFER: No, I don't
 23 think we have that. Go ahead.

24 THE WITNESS: -- because it's a larger
 25 one.

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1 And this is the rendering of the
 2 proposed building. As you can see, we propose to
 3 construct a two-story building at the site. It will
 4 use high-quality materials that will include a brick
 5 base to a water table. The corners of the building
 6 will have brick.

7 We've designed a sloping roof, and I'd
 8 like to kind of talk about that for a second because
 9 we actually have a well behind this -- what I'll
 10 call a sloping mansard or a sloping parapet. This
 11 is about 6 feet high. We put all the mechanical
 12 equipment behind that well. So the roof acts as a
 13 screen, both for a visual screen and an audible
 14 screen for the mechanical equipment that will go
 15 into the building. There's nothing on the ground.
 16 It's all up on the roof and all screened.

17 We like to use sloping roofs for --
 18 because we find it's a nicer aesthetic. The
 19 materials around it are -- above the brick and
 20 around it are a synthetic stucco. The entry to the
 21 building will have a portico that provides weather
 22 protection to parents as they're walking into the
 23 facility. And I'll talk to you a little bit about
 24 the drop-off/pick up procedures in a moment.

25 The columns of the portico are held up

1 or decorated with what we consider to be children's
 2 building blocks that are numbered one, two, three,
 3 four and A, B, C, D. You can see that the signage
 4 has an elephant, which is the mascot of The Learning
 5 Experience -- his name is Bubbles -- and colorful,
 6 playful signs to identify it.

7 All the signs that we propose this
 8 evening comply with your ordinance. In fact, the
 9 sign areas are not only meet it, it's less than
 10 what's allowed. And if the Board desires, I can go
 11 through those calculations.

12 I'm now putting up a drawing that is in
 13 your packet. Excuse me. This is drawing SA 2.1.
 14 It's entitled "Proposed Floor Plans," and it's dated
 15 December 2, 2019. I'm going to talk a little bit
 16 about drop-off and pick up.

17 One of the big misconceptions about
 18 childcare centers -- and we talk about the numbers
 19 of children that will be in here -- is that they
 20 don't operate like a school. Schools open at a
 21 certain time, 8:30 in the morning perhaps, and all
 22 the children that go to that school that are
 23 attending that day show up at the same time.
 24 Childcare centers are designed to operate to cater
 25 to working parents, and parents are allowed to

1 really designed for parents to utilize for drop-off
 2 and pick up. What we find -- and I'll get into some
 3 of the numbers in a moment -- is that typically you
 4 need about six to eight drop-off spaces. We have
 5 ten. We've discounted the two handicap, so we have
 6 eight spaces directly in front of the building for
 7 parents to pull in, park, and walk their child.

8 One of the things that The Learning
 9 Experience does in their contracts and agreements
 10 with the families that they bring their children
 11 here is they kind of explain they have procedures
 12 for drop-off and pick up. They don't like them to
 13 have to walk across the drive aisle with a child.
 14 You can imagine that a parent walking in with an
 15 infant, that child is not walking in. They're being
 16 carried or the older children are being brought in
 17 by a hand -- by hand.

18 So they walk. They park and they enter
 19 the building. Referring back to the Exhibit A-3,
 20 there's a canopy there that provides weather
 21 protection for parents when they're walking into the
 22 building.

23 Coming back to the floor plan, the
 24 lower floor plan is entitled "First Floor." You'll
 25 note that there's two, a double door, a vestibule,

1 really drop off their children and pick them up at
 2 any time. That's why they open as early as 6:30,
 3 and they stay open as late as 6:30 p.m.

4 So the typical procedure is a parent
 5 will drive to the center. Usually they're -- and
 6 our traffic engineer will give some data where she's
 7 actually measured and studied operating centers.
 8 But they'll arrive, typically, before 9:00 a.m. in
 9 the morning, and they'll be required to park -- park
 10 their car, and they will turn the engine off, and
 11 they will walk their child into the facility.

12 Excuse me one second.

13 So I've just put up drawing -- the
 14 drawing entitled "Site Plan." It's part of your
 15 set. It's drawing 5 of 17, dated December 2, 2019,
 16 which is -- which is the floor plan.

17 Our layout -- the parking lot layout,
 18 it works very efficiently for childcare because it
 19 allows for a circular motion around the site. It's
 20 very -- no dead-end corridors or dead-end drive
 21 aisles, and it allows parents to come in one way and
 22 has two options for exiting.

23 What I wanted to point out is there are
 24 ten parking spaces directly in front of the
 25 building, two of which are handicap, which are

1 and a reception area. During business hours, both
 2 of these doors into the -- the outer door and the
 3 inner door to the vestibule are glass, so they're
 4 visible. You can see who's coming and going from
 5 the reception desk. During business hours, the
 6 outer doors are locked. The inner door is locked,
 7 and the parents are issued a key fob. So only a
 8 parent can open the door or they have to be buzzed
 9 in. If you or I went to the site, if we didn't have
 10 a child there, we could be -- we'd have to be
 11 granted access. The system is so sophisticated it
 12 could be set up so if a grandparent picks up a child
 13 only on Thursdays, their fob would only open the
 14 facility on Thursdays.

15 We find that typically -- and this is
 16 kind of an interesting statistic based on the
 17 250-plus centers The Learning Experience operates.
 18 They've had a lot of data on how they work. They
 19 find that about 25 percent of the children that come
 20 to the center are siblings. They come in the same
 21 car. And about 10 percent of them are out sick on
 22 any given day. So think about -- when I talk about,
 23 in a moment, the occupancy numbers in the building,
 24 that 25 percent of those kids are going to be
 25 related and kind of coming in the same trips.

1 So we find -- and I know there's going
 2 to be a lot of testimony this evening and questions
 3 about the adequacy of parking. We find that a
 4 childcare center of this size operates very well
 5 with the 30 to 35 parking spaces. I have designed
 6 centers that actually have no parking depending on
 7 -- in more urban areas. We have a center in South
 8 Orange that is about to break ground. It has about
 9 21 spaces, I believe, and it's actually a
 10 comparable-sized center to this.

11 So they -- the amount of parking varies
 12 significantly, but, in my opinion, 31 parking spaces
 13 is very good for this type of size, and this center
 14 will work very well. And there'll be an abundance
 15 of extra parking, and I'll talk about why.

16 Think about a parking space. Parent
 17 drives in. They park. They drop their child off
 18 and they leave. That's been timed, that process. I
 19 think our traffic engineer will talk about that
 20 being somewhere around plus or minus seven minutes.
 21 And if you think about it, even if you rounded up to
 22 ten minutes, one parking space can turn over six
 23 times an hour. So they move very quickly in terms
 24 of how they drop off and pick up.

25 Within the building there's an array of

1 classrooms. The first floor of the building
 2 includes infants. In fact, the Building Code
 3 requires any child less than two and a half to be on
 4 the level of grade so that they have easy access in
 5 and out. The Building Code recognizes and
 6 classifies the building as what's called an
 7 insitutional use group. The reason they do that is
 8 that the occupants of the building either do not
 9 have the physical or cognitive ability to exit on
 10 their own. So as a result of that, the code puts a
 11 whole lot more life safety requirements into the
 12 design. For example, full sprinkler system, full
 13 fire detection system. Any room with more than two
 14 -- I'm sorry -- more than 10 occupants needs to have
 15 two means of egress.

16 I point that out because -- it's
 17 interesting -- we're sitting in a room where it
 18 says, "Maximum 150 people," and it only has two
 19 means of egress. All uses in the code, you don't
 20 need a second means of egress until you have 50
 21 people. Childcare center, it's ten which -- for
 22 children less than two and a half.

23 This center will have two fire stairs.
 24 They're fire-rated and also include an elevator.
 25 For the most part, the rooms that you'll see in here

1 are classrooms. There's an administrative --
 2 there's a reception area. There's an isolation room
 3 off of the reception area. I think I saw a letter
 4 from your health department asking what happens when
 5 children are sick. There are procedures put in
 6 place for that, that they're put into the isolation
 7 room, parents called, so they're not contaminating
 8 or infecting other children as they are waiting for
 9 their parent to pick up.

10 The restrooms, or toilet facilities,
 11 are located within the classrooms. And that's to
 12 facilitate ease for both the child to utilize it,
 13 but to keep the -- prevent the teacher from having
 14 to leave the classroom to take a child to a toilet
 15 room.

16 Other facilities -- this particular
 17 brand likes to do that. They don't like to gang the
 18 bathrooms, like you might see, because they find
 19 from an operational standpoint this is a safer way
 20 to do it. Some of the classrooms have changing
 21 tables with sinks in them because many of the
 22 children that come here are pottyng and learning
 23 how to use the toilet.

24 This building has an overall gross area
 25 of 10,792 square feet. The first and second floor

1 have the same gross area, 5,396 square feet.

2 Frequently, by the way, we build a
 3 10,000-square-foot childcare center, which seems to
 4 be a magic number for most of the brands. And when
 5 that single-story building -- we build it that way.
 6 When we do a two-story building, we make it a little
 7 larger, not because it holds more children because
 8 the two-story's a little bit less efficient because
 9 we have two stairs and an elevator in it. So it
 10 holds -- actually holds -- a two-story building of
 11 this size will hold slightly less children than a
 12 single-story, 10,000-square-foot building.

13 Based on the licensing requirements and
 14 the facility standards set by the State -- they have
 15 different requirements based on age group in terms
 16 of children-to-teacher ratios, square footage
 17 ratios, maximum group sizes, a whole science to it.
 18 It gets really complicated because it's different
 19 every state. But in New Jersey, based on the
 20 requirements, this facility can hold a maximum of
 21 154 children. Okay?

22 Now, my client would be ecstatic if
 23 they filled this to 154 children. Most childcare
 24 centers operate somewhere around the 80 to 85
 25 percent range. The reason for that is primarily

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1 because they need to keep open spaces in the
 2 facility to allow for children to mature, and age,
 3 and be moved around. I imagine a room that has --
 4 filled with children that are crawling and all of a
 5 sudden one of them stands up and is walking. That
 6 child just became -- they're developing, it's great,
 7 but they just became a danger to the other children
 8 because they can pull something down on them, walk
 9 on them. So they have to be taken out of that
 10 environment and put into an environment more
 11 appropriate for their developmental stage. So as a
 12 result of that, they tend to keep openings in all
 13 the classrooms so that they don't fill entirely.
 14 I'll also point out that within that
 15 154 capacity there's a room that we call Make
 16 Believe Boulevard. It's on the second floor of the
 17 building. I'm pointing to it. That's an indoor
 18 playground. Okay? The requirements of the State
 19 require that room, in order to be used, be licensed.
 20 That room has a license capacity of 21 people;
 21 however, it's not used as a classroom. I'll make an
 22 analogy. It's similar to a conference room in an
 23 office building. The rooms there can hold 10 or 12
 24 people, but the people are coming from within the
 25 building to utilize it.

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1 So although we're designed for 154 --
 2 licensed for 154 because every room has to be
 3 licensed -- the reality of it is we're going to be a
 4 little bit less because one room is an indoor
 5 playground that's designed for 21 people, and we
 6 keep open spaces to rotate children.
 7 But based on full occupancy -- we need
 8 about 20 staff. We say 22 because one or two of
 9 them would be administrative. There's probably
 10 going to be someone that stays in the reception room
 11 all day long. Similar to the children arriving in a
 12 staggered pattern, so do the staff. Okay? So what
 13 happens is -- not day one, but once they get up and
 14 running -- by the way, it usually takes about a year
 15 to get to a good occupancy. In fact, they're
 16 designed economically in the lease structure that
 17 their rent staggers up as -- over time because they
 18 start with either zero or a low occupancy, and it
 19 builds up hopefully over a little less than a year,
 20 and they get to a point where they have a good
 21 occupancy number.
 22 But when it opens in the morning, it
 23 will be two staff at 6:30. They may find that --
 24 and our traffic engineer will talk about times when
 25 we see peak hours, but they'll have staff arrive as

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1 they need them. So what happens is, once they're up
 2 and running, they get in a groove. They kind of
 3 understand when they need to have staff there.
 4 Similarly in the afternoon. They have half-day,
 5 three-quarter-day, full-day programs. If they find
 6 themselves where parents are picking up children at,
 7 say, 4 o'clock as opposed to 5:30 or 6:00 and they
 8 don't need staff, they send them home because most
 9 of them are actually on an hourly basis employees.
 10 There is a licensed teacher. That is a
 11 requirement of the State, by the way. That's within
 12 the facility.
 13 On the lower left-hand plan -- I just
 14 want to point out this is a roof plan. And you'll
 15 see kind of where I'm going around the perimeter.
 16 That's the well in the center of the building that
 17 we're showing, and the diagonal lines are sort of
 18 the internal slope of the -- what I'll call the
 19 flatter portion of the roof to do that.
 20 Just a comment on security. The
 21 building has closed-circuit TV throughout. All the
 22 corridor walls have windows, so it's very visible.
 23 And there's cameras. There are cameras inside and
 24 outside the building, including in the playground.
 25 The playground is accessible from the

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1 first floor by several ways. One, the main corridor
 2 will take you to it and, two, several of the
 3 classrooms will also have doorways that take you to
 4 it.
 5 So we run a fence around the perimeter
 6 of the building, and that fence is 4 feet high, and
 7 there's a sidewalk where teachers and students can
 8 walk to the playground. The fence around the
 9 playground is 6 feet high. It's a solid fence. We
 10 like to have a solid fence and the 6-foot fence for
 11 safety. One, we don't want the children looking out
 12 and being distracted and, two, we don't want anyone
 13 looking at them. 6 feet is a very appropriate
 14 height because no one can reach over and pull a
 15 child out.
 16 All the doors in the building are
 17 alarmed. And the teachers have codes that turn
 18 those alarms off so they can enter and exit.
 19 There is -- the surfacing in the
 20 playground, there's a combination of turf and what
 21 I'll call a rubberized servicing material. It's
 22 actually pervious, so water flows through it. I
 23 think our engineer has taken that into his
 24 calculations. What you see in the drawing are --
 25 that I'm pointing to are play structures. The

1 dotted lines around them are the fall zones.
 2 There's actually a playground safety code that it
 3 has to be designed to. And directly adjacent to the
 4 building are two areas where there are concrete
 5 patios. They get picnic tables. They have awnings
 6 over them. The awnings provide shade protection
 7 because they're allowed to -- or they're required by
 8 the state rules to have shade protection.

9 The playground -- our proposed
 10 playground is 3,810 square feet. Typically, there'd
 11 be two classrooms out there at a time, usually no
 12 more than 40 children. However, based on its size,
 13 the State would allow us to have 108 children out
 14 there. Obviously, it's used when weather permits.
 15 It's only used during the day. So this time of
 16 year, it might be -- we might get a warmer day or a
 17 dry day where the children can go outside. With the
 18 sun setting at 4:30, so they won't be out there past
 19 sunset, similarly in the morning time. And they
 20 rotate them in and out.

21 With that statement, I have completed
 22 my architectural and operational testimony, and I
 23 would be pleased to take any questions that the
 24 Board has of me. Oh, I'm sorry. Let me just
 25 digress one moment.

1 I saw -- I know there was a question in
 2 the planner's report about overflow parking needs
 3 for special events. The answer to that is there are
 4 no special events. It's not a school where there's
 5 an open house, and there's not, you know, plays or
 6 rehearsals. There's no auditorium in here. It's a
 7 childcare center. There is curriculum, but it's not
 8 -- it's not really designed where there's big family
 9 functions.

10 Now, what I will say is The Learning
 11 Experience's policy is that if the operator chooses
 12 to do something like that, they're encouraged to
 13 rent space off the site. This site, obviously,
 14 wouldn't allow for all the parents of all the
 15 children to show up here at one time. It just
 16 wouldn't -- it would be a safety concern.

17 One other thing I'll mention about
 18 safety: Similar to a school, it is required -- the
 19 center is required to have ongoing fire drills.
 20 They will contact your local first responders, your
 21 fire department and will speak to them about
 22 procedures for how they evacuate the building, where
 23 the children should go.

24 And in addition to not just where they
 25 go if they have to evacuate the building and stay

1 on-site; they also have to have provisions in place
 2 to have an emergency, say, location to take the
 3 children to if, for whatever reason, the building
 4 has to be evacuated and they can't enter it -- fire
 5 -- God forbid -- gas leak, power failure. So they
 6 have to -- and they have to show the State that they
 7 have this in place. They have to hire buses or vans
 8 to take them. And usually they work that out with a
 9 synagogue, a church, a public school, the Y, a
 10 hotel. They have an emergency evacuation plan where
 11 they can take children to.

12 With that, I've completed my testimony.

13 Thank you.

14 MR. HEHL: Thank you, Mr. Jarmel.

15 I have no further questions at this
 16 time.

17 CHAIRWOMAN SCHAEFER: I do have a
 18 couple of questions.

19 First question, why this particular
 20 site?

21 THE WITNESS: So --

22 MR. BUTLER: I didn't hear that
 23 question.

24 CHAIRWOMAN SCHAEFER: Why this
 25 particular site location.

1 THE WITNESS: So, basically, childcare
 2 in New Jersey is in great demand. I find that
 3 interesting. I've designed childcare centers for
 4 about 16 years. The Municipal Land Use Law
 5 designates childcare as an inherently beneficial
 6 use. My understanding is it's one of the only uses
 7 that's actually defined and has criteria in the
 8 Municipal Land Use Law.

9 And, basically, "Why here?" is "Why
 10 everywhere?" You need childcare centers everywhere
 11 within New Jersey. This particular operator likes
 12 the -- we'll say both the population density in the
 13 area and, candidly, the incomes of the area. It's a
 14 visible site. It's on a main transportation
 15 arteries(sic).

16 By the way, one of the things I didn't
 17 say -- I'm not really here to give traffic
 18 testimony, but I think our traffic engineer will
 19 talk about how many of the trips to this site are
 20 what we call pass by. We find that people that --
 21 will utilize a childcare center that's either close
 22 to home or close to work, not in between. And it's
 23 nice to locate them in areas where there's a traffic
 24 -- where people are passing by. I call it the --
 25 sort of the coffee analogy. You put a coffee place,

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1 Dunkin' or Starbucks, almost everywhere because
 2 people -- everyone stops for coffee, but they don't
 3 go out of their way to stop for coffee. People will
 4 go a little bit out of their way for high-quality
 5 childcare, but they look for convenience because
 6 they need to work it into their commute to and from
 7 work.

8 So this is a -- you know, this is an
 9 area where The Learning Experience has studied
 10 population densities of the area. They've looked at
 11 how many childcare centers are operated. And I
 12 don't have these numbers, but they do this on every
 13 site. They look at how many children are under the
 14 age of 5. They look for -- actually look for about
 15 5,000 children in a 5-mile radius under 5, and they
 16 look at the license capacity for those children and
 17 determine -- you know, usually, it's like they need
 18 to take one percent or two percent of the population
 19 to fill a center.

20 CHAIRWOMAN SCHAEFER: Well, with that
 21 being said, on this specific site, you know there's
 22 a quarry across the street?

23 THE WITNESS: I do.

24 CHAIRWOMAN SCHAEFER: Has there been
 25 any air quality tests done?

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1 THE WITNESS: There have been no air
 2 quality tests done, to my knowledge.

3 CHAIRWOMAN SCHAEFER: Because I'll be
 4 honest, standing --

5 THE WITNESS: I would think that the
 6 quarry does that.

7 CHAIRWOMAN SCHAEFER: Standing there
 8 and seeing the dust, I'm just thinking of these
 9 children breathing in this dust and whatever else
 10 the elements are from that quarry. Trucks coming
 11 down from the quarry merging onto New Providence
 12 Road, any safety features of them coming into the
 13 building or trying to stop any accidents. It's a
 14 very busy corner. Have you looked into that?

15 THE WITNESS: Those issues have been
 16 looked into, and I will defer those to the traffic
 17 engineer who's better -- more of an expert to
 18 testify on those.

19 CHAIRWOMAN SCHAEFER: And my final
 20 question is, you're saying, "Drop-off." They're
 21 staggered?

22 THE WITNESS: Yes. So the center
 23 opens at 6:30. It doesn't -- and parents can drop
 24 their children off whenever they want. So there's
 25 no assigned schedule. So it's not -- everybody

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1 doesn't show up at once. They show up at what's
 2 convenient to you. And typically, what we find is
 3 you'll see six parents, max maybe eight parents,
 4 there at the same time, and it really works that
 5 way. I visualize -- see it every day for the last
 6 16 years because my office is attached to the
 7 Livingston Learning Experience. And it's just most
 8 of the -- most childcare centers operate that way,
 9 and very few of them have a set start time and a set
 10 end time.

11 CHAIRWOMAN SCHAEFER: But the traffic
 12 -- and I know this is probably going to be for the
 13 traffic expert, but if there's only allowed ten
 14 spots, eight spots, whatever, to park, and now
 15 people are trying to leave and making -- wanting to
 16 make a left-hand turn, and they're waiting for the
 17 traffic to be able to make it, and now they're
 18 backing up any of the parents coming in to drop off
 19 the children, what happens to that backed up
 20 traffic?

21 THE WITNESS: So I would -- I would
 22 argue or say I've never seen backups at any of these
 23 operating centers, and our traffic engineer will
 24 talk about that. And the reason you don't see it is
 25 because both the children come over an extended

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1 period of time, and the staff comes over an extended
 2 period of time. And the staff members will be
 3 encouraged to carpool. Not all of them drive to the
 4 site, and some of them will use public
 5 transportation, which is available in the area. A
 6 lot of them are students that are student teaching
 7 that come in because it's not necessarily full-time
 8 work.

9 CHAIRWOMAN SCHAEFER: And the area
 10 being a flood area...

11 THE WITNESS: So where the site is --
 12 portions of the site are certainly in a flood hazard
 13 zone, first thing when someone calls up and says to
 14 me, "Does this site work for childcare?" the first
 15 thing I do is I go to the FEMA maps. So my
 16 colleague testified that schools in New Jersey are
 17 considered critical buildings, and critical
 18 buildings are not allowed in the flood hazard zone.
 19 We're not in the flood hazard zone.

20 You know, we have located the site. Of
 21 course large portions of the site are, but where the
 22 building's located and where the exit driveway is
 23 located are not within the flood hazard zone and do
 24 comply with the DEP regulations.

25 We don't have DEP approval as of yet,

1 but we are doing approvals, as the law allows us to,
 2 in parallel. We've had preliminary meetings with
 3 the DEP, and what you see is based on feedback we've
 4 gotten from the DEP.
 5 CHAIRWOMAN SCHAEFER: But if the area
 6 were to flood, which is a great possibility, what
 7 happens to the children? What do you do?
 8 THE WITNESS: So neither the building,
 9 nor the exit, and large portions of the parking lot
 10 are in the flood hazard zone. So the building can
 11 be safely evacuated without having to go through the
 12 flood area. We wouldn't be allowed to build the
 13 building by the DEP if that wasn't the case.
 14 CHAIRWOMAN SCHAEFER: A couple
 15 questions from the Middle-Brook Regional Health
 16 Commission. Will there be a refrigerator to store
 17 medication?
 18 THE WITNESS: So I apologize. I meant
 19 to go through their letter.
 20 There is -- there are refrigerators
 21 throughout the facility. There's also a pantry,
 22 which I failed to mention -- I apologize -- that has
 23 commercial refrigerators. There are procedures put
 24 in place that follow state guidelines for giving
 25 medication to children if they need to have it.

1 There is not a nurse. There is an isolation room
 2 that they did ask about.
 3 CHAIRWOMAN SCHAEFER: So how do they
 4 administer medication if there's not a registered
 5 nurse?
 6 THE WITNESS: Well, the school is not
 7 licensed to take care of children with special
 8 needs, so they cannot -- there are -- there are
 9 certain types of medication that they would be
 10 allowed to give, but certainly wouldn't be able to
 11 give injections and more, what I'll say, complex
 12 medications.
 13 And typically, if they feel a child has
 14 a condition that they can't care for or that they're
 15 not licensed to take care of, they won't, obviously,
 16 take that child.
 17 CHAIRWOMAN SCHAEFER: So is there a
 18 specific nurse's office?
 19 THE WITNESS: There's not a nurse's
 20 office. There is an isolation room.
 21 CHAIRWOMAN SCHAEFER: And where is
 22 that?
 23 THE WITNESS: That's -- I pointed that
 24 out earlier.
 25 CHAIRWOMAN SCHAEFER: I'm sorry.

1 THE WITNESS: That's fine. I talk
 2 fast so I don't -- so in the reception room, you'll
 3 notice that there's a reception desk that I'm
 4 pointing to, and adjacent to that is a small area,
 5 an isolation area where there's a cot. And these
 6 are young children. They get sick.
 7 One of the interesting things about
 8 childcare is they say that childcare -- children
 9 that attend childcare build up their immune system
 10 sooner because they get sick sooner. And if you
 11 recall earlier in my testimony, I said the
 12 statistics show that about ten percent of the kids
 13 are out sick every day.
 14 CHAIRWOMAN SCHAEFER: Right.
 15 THE WITNESS: They have runny noses.
 16 CHAIRWOMAN SCHAEFER: Will there be a
 17 lunch program provided?
 18 THE WITNESS: There is a -- there is a
 19 lunch program. Usually, when the center gets to
 20 about 75 children, they'll put it together. There's
 21 a pantry in the facility. They don't cook in the
 22 facility. It's really more things like sandwiches,
 23 cookies, snacks. But the center's kitchen is
 24 designed to meet New Jersey health requirements, so
 25 it has the proper number of sinks. It has a

1 three-bay sink. It'll have a grease trap. It'll
 2 have a hand sink, a vegetable sink. And it'll have
 3 a commercial freezer and commercial refrigerator.
 4 And usually deliveries are maybe once a week.
 5 One thing I failed to say is there are
 6 very few deliveries to the facility. When there are
 7 deliveries, it's more like a UPS- or FedEx-type
 8 truck. And usually deliveries are scheduled to
 9 happen midday. One of the things you'll notice
 10 about a childcare center is they are busy in the
 11 morning. They are busy in the afternoon. But their
 12 parking lots sit mostly empty throughout the course
 13 of the day because it's just staff there.
 14 CHAIRWOMAN SCHAEFER: So their
 15 question is, if there is a lunch program, you would
 16 need to provide --
 17 THE WITNESS: They will provide a
 18 menu, and they will go through the food-training
 19 course and get the appropriate license.
 20 CHAIRWOMAN SCHAEFER: And then there
 21 would be refrigerators provided for any student who
 22 wants to bring their own lunch?
 23 THE WITNESS: There are.
 24 CHAIRWOMAN SCHAEFER: Okay. The
 25 babies. How many staff for babies?

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1 THE WITNESS: So this proposed design
2 has two infant rooms. The ratio -- and they're both
3 designed for eight children each, and the ratio is
4 1 to 4, so you have two full-time staff in the room
5 with eight children.
6 And I mentioned earlier about how we
7 put the bathrooms in the classrooms. Obviously,
8 infants don't use bathrooms, but we put a staff
9 bathroom in between the infant rooms so that they
10 have coverage if one of the caregivers has to use
11 the facilities.
12 CHAIRWOMAN SCHAEFER: Okay. That's
13 all I have.
14 Anybody else? Questions? We'll start
15 at the end and work our way.
16 MS. PENNETT: You're going to be very
17 close to a quarry. A quarry makes a lot of noise, a
18 lot of booms, and sometimes there's some vibration,
19 and so forth. Are you going to inform the parents
20 of, you know, children that there's a quarry there
21 and this may be happening, or is that -- you know,
22 as people come to, you know --
23 THE WITNESS: Generally, I don't know
24 the answer to that. It hasn't been discussed. I
25 would -- I would think anybody that drives by here

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1 knows there's a quarry there. There's --
2 CHAIRWOMAN SCHAEFER: Not necessarily.
3 MS. PENNETT: Not necessarily. You
4 have some people who are kind of --
5 THE WITNESS: But --
6 MS. PENNETT: -- blind, and they're
7 going to where they go and...
8 THE WITNESS: Yeah. I mean, I'm sure
9 it will come up, and I'm sure that the parents would
10 be notified if they ask about it. And I'm sure that
11 the operator will learn more about the quarry's
12 operation to share that information.
13 As far as noise, buildings will be very
14 well insulated, both windows, walls, and ceilings,
15 and roofs.
16 MS. PENNETT: Oh, no. I'm sure
17 they're -- but, you know, I'm sure the homes might
18 -- children might hear the boom. Even when they're
19 outside playing on the playground, you know, there
20 could be a boom or two.
21 THE WITNESS: I'm sure. And there was
22 -- we have centers that are in New York City, you
23 know, as well. So they hear sirens, and crowds, and
24 cars, and trains, as well.
25 MS. PENNETT: And then where are

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1 deliveries made to? Like, you know, food and --
2 THE WITNESS: They go -- they go
3 through the front door.
4 MS. PENNETT: They go through the
5 front door?
6 THE WITNESS: And as I -- as I said a
7 moment ago, they typically come in small, like,
8 FedEx, UPS-type vans. Really, their only delivery
9 is food because parents bring all the supplies,
10 diapers, you know, things for the children.
11 They're --
12 CHAIRWOMAN SCHAEFER: But they don't
13 bring the toilet paper, or the paper towels, or --
14 THE WITNESS: No.
15 MS. PENNETT: Soap.
16 THE WITNESS: No.
17 CHAIRWOMAN SCHAEFER: So there's that
18 kind of delivery, as well.
19 THE WITNESS: So there's that kind of
20 stuff. A lot of times the operator will buy and
21 stock the facility. You know, they'll go to Costco
22 or a big-box type of place and buy those types of
23 supplies that they need to refill.
24 Janitorial services clean the center,
25 sometimes daily, you know, sometimes several times a

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1 week. They come after hours to do that when there's
2 no one in the way. And the deliveries are
3 scheduled, and even trash collection can be
4 scheduled either before -- before the center opens,
5 or after, or midday when there's very little
6 activity in the parking lot.
7 MS. PENNETT: And with the parking
8 lot, you know, 31 spaces, will the staff have
9 assigned parking spaces?
10 THE WITNESS: The staff is told to
11 park as far away from the front door as possible.
12 MS. PENNETT: Okay.
13 THE WITNESS: Parents are encouraged
14 to park by the front door.
15 MS. PENNETT: Thank you. That's all I
16 have.
17 CHAIRWOMAN SCHAEFER: Don't
18 MR. SPEENEY: Yeah. Just continuing
19 on parking, the ten spaces in the front of the
20 building, which you said are used for pick
21 up/drop-off, and then there's three more spaces
22 further north, and it just looked like to me that
23 some of these parking spots don't work.
24 THE WITNESS: So circulation of the
25 parking lot, I can certainly talk about it. I can

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1 -- I know my colleague, Mr. Gesario, testified. All
 2 the parking aisles are 24 feet wide, which meet
 3 industry standards. All the parking spaces are
 4 9-by-18. So they're appropriately sized and, you
 5 know, it looks like, to me, to be--

6 MR. SPEENEY: You got some -- you got
 7 some that are perpendicular to each other that make
 8 it difficult, at least from my perspective, about
 9 effectively utilizing, certainly the last two,
 10 actually, the last one and the first one of the
 11 northerly group of three.

12 THE WITNESS: You just have to look
 13 when you're backing up. I mean, it's not -- that --
 14 that's --

15 MR. SPEENEY: Well, no.

16 THE WITNESS: Every --

17 MR. SPEENEY: No. That's --

18 THE WITNESS: Every parking lot --

19 MR. SPEENEY: We've got kids here.

20 THE WITNESS: -- in the world has
 21 that.

22 MR. SPEENEY: No. We have children
 23 here.

24 THE WITNESS: Sir, I -- sir, I
 25 understand, but this design -- and perhaps those are

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1 better questions for the traffic engineer who will
 2 speak later, but this design, all the dimensions,
 3 meet industry standards.

4 MR. SPEENEY: Okay. I look at this,
 5 and I say you got something that doesn't work. And
 6 I worry about the safety of that, that they don't
 7 work. And if you're going to stand there and say
 8 they will work, that's your prerogative.

9 THE WITNESS: I believe they will
 10 work. I think, if it was the Board's desire for
 11 those spots that are perpendicular -- if you wanted
 12 to -- for us to sign them that they're for staff so
 13 that someone parks there all day long, the applicant
 14 would certainly be open to that.

15 MR. SPEENEY: Have you done any noise
 16 abatement in the architecture here?

17 THE WITNESS: Specifically my --
 18 personally, as a designer, my experience in noise
 19 abatement or for this specific site?

20 MR. SPEENEY: The building that --

21 THE WITNESS: We haven't done any --
 22 we haven't done any ambient noise studies for the
 23 site, but the site -- the building will be designed
 24 with sound attenuating insulation and thermal
 25 insulation.

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1 MR. SPEENEY: I'm done.

2 MAYOR BALLA: Question, do you have
 3 any other sites that you've done this for that are
 4 within that 25 feet of the roadway, or is it a
 5 larger span? The parking --

6 THE WITNESS: You mean the building
 7 setback from the --

8 MAYOR BALLA: The building from the
 9 road.

10 THE WITNESS: Yeah, absolutely. We
 11 have sites with zero lot lines. Depends on the
 12 zoning. We have a site in South Orange that has
 13 zero lot line.

14 MAYOR BALLA: Okay. And then how
 15 about within regard to a state highway? Any close
 16 -- that close to a state highway?

17 THE WITNESS: Offhand, I can't think
 18 of any, but --

19 MR. HEHL: The one in Union is on a
 20 state highway.

21 THE WITNESS: Oh, the one in Union is
 22 on Morris Avenue, and it has a zero lot line.

23 MAYOR BALLA: Okay. Thank you.

24 CHAIRWOMAN SCHAEFER: Before I let you
 25 go, going back to safety, there's, God forbid, a

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1 fire, what is the protocol in getting -- where do
 2 you bring the children? How do you remove them from
 3 the building?

4 THE WITNESS: So it's a good question,
 5 and the answer is typically -- I sort of touched on
 6 this a littler earlier -- is that the school will
 7 work with your fire department and first responders.
 8 Those are the experts. They know how to fight the
 9 fire. They know how to evacuate the building. One
 10 of the nice things about this site -- and it's been
 11 pointed out many times tonight -- is we're only
 12 using about 25 to 30 percent of it. So there's --
 13 and a lot of it is going to be landscaped and falls
 14 into what we'll call riparian buffers or wetlands
 15 buffers. So they're buffers, but they're not --
 16 they're environmental protection zones, but they're
 17 not unsafe or flood hazard zones to be in. There's
 18 plenty of room to gather the children.

19 And what the operator will do -- and
 20 they have to write this into their operation plans,
 21 and they have to be submitted to the State. But
 22 they'll most likely meet with your local fire
 23 department and ask them where they want to put the
 24 children on-site during the evacuation. And they do
 25 fire drills, and take them -- including having

1 special cribs that can hold up to three children in
2 them, to push them out. That's one of the reasons
3 that the younger children have to be on the first
4 floor, for ease and speed of egress.

5 So they work those plans out. It's
6 part of the -- its part of the operation license to
7 do that. And then -- and they even go further that
8 if they can't re-enter the building, they have to
9 have an evacuation plan to take the children to an
10 off-site facility, and they have to have that
11 facility identified.

12 CHAIRWOMAN SCHAEFER: And then if
13 there were a fire, you have a small -- in my
14 opinion, a small area. How would the fire trucks
15 get in and around?

16 THE WITNESS: And I think our civil
17 engineer will talk about this. I know he's looked
18 at that, and I believe your fire department's looked
19 at it. Fire trucks can pull onto the site and have
20 access -- access to fight the fire. They can pull
21 into -- you know, they can pull right into the drive
22 aisles to do that. It's unlikely that a fire truck
23 can kind of circumnavigate the entire site, but, if
24 they pull straight in, they can back out during it.

25 The building, by the way, is fully

1 sprinklered, as well.

2 So we'll be locating standpipes for
3 fire protection, fire department connections so they
4 can pump additional water into the building, if need
5 be, connect their hoses, and so on. And we'll
6 locate all those -- although, as the architect, I
7 tend to know where they want it. We meet with them
8 and we get their opinion as to where they want all
9 those connections.

10 CHAIRWOMAN SCHAEFER: You meet with
11 the fire and --

12 THE WITNESS: With the fire
13 department. It's part of the -- it's part of the
14 building permit review process.

15 MR. POTE: Several questions. One was
16 talking about the fire. The way that your building
17 is designed, if you have engines coming in on one
18 side, you know exactly where the kids are supposed
19 to be as to not get in the way of fire equipment
20 or --

21 THE WITNESS: I don't know that
22 standing here today, but what will happen is there
23 will be operational procedures set up that the staff
24 will know and the fire department will know, and
25 they'll have a coordinated plan. There will be fire

1 drills at this facility similar to a public school
2 where they're doing a fire drill, weather
3 permitting, probably once a month, and they will
4 evacuate the entire building, and they'll take the
5 children somewhere on-site to a predetermined
6 location that they've already discussed.

7 MR. POTE: Okay. It's not uncommon to
8 have the ratios that you have of 154 kids to the 22
9 professionals helping out? Is there enough hands?

10 THE WITNESS: You're asking me if
11 that -- these -- all these licensing, I don't set
12 these. These are set by the State of New Jersey.

13 MR. POTE: Okay.

14 THE WITNESS: So the number of
15 children is based on the square footages of the
16 rooms they go in. The number of staff is based on
17 the number of children that are in the room, and
18 they have, like, for example -- I don't want to
19 state something without -- from memory. But, for
20 example, there are group sizes. So the -- there's a
21 reason there's only eight infants in a room, as an
22 example.

23 MR. POTE: And not just number of
24 children but obviously the ages because that's --

25 THE WITNESS: Correct.

1 MR. POTE: -- going to require --

2 THE WITNESS: You have to separate --

3 MR. POTE: -- two hands versus one.

4 THE WITNESS: -- them based on age.

5 MR. POTE: Right. So you mentioned
6 that there were no special events so that it doesn't
7 -- we don't need to be talking about overflow
8 parking, then, right? Because --

9 THE WITNESS: Not for special events.

10 MR. POTE: So there should be no -- no
11 discussion about that, then, going forward -- right?
12 -- if we have --

13 THE WITNESS: Correct.

14 MR. POTE: -- enough spaces?

15 CHAIRWOMAN SCHAEFER: Can I just touch
16 on that for --

17 MR. POTE: Sure.

18 CHAIRWOMAN SCHAEFER: -- a second?

19 So, like, there's no Halloween party?

20 They don't do --

21 THE WITNESS: Certainly the children
22 are allowed and encouraged to dress up for
23 Halloween, but they don't -- they don't do -- they
24 don't do a Halloween party.

25 CHAIRWOMAN SCHAEFER: But that would

1 lead me to believe, if they're dressing up, parents
2 are going to want to be there to see this. Now
3 we're -- the issue with parking.
4 THE WITNESS: As I've testified, my
5 understanding of their operation -- I've been doing
6 this with them for a long time -- is that they -- if
7 they're going to have a party, they will -- they
8 will rent an off-space facility to do it. I have
9 never seen a party, being a neighbor of one for 16
10 years.
11 CHAIRWOMAN SCHAEFER: Thank you.
12 MR. POTE: Okay. For most of your
13 discussion, you had another picture up that showed
14 the classrooms. If we can get a copy of that, that
15 would be great.
16 THE WITNESS: If you're referring to
17 this drawing --
18 MR. POTE: Yeah.
19 THE WITNESS: -- this is in your
20 packet.
21 MR. POTE: So my question is, does a
22 fine line that's around the perimeter of that --
23 yeah. Is that the sidewalk?
24 THE WITNESS: No. Well, there is a
25 sidewalk there, but there's also a fence there.

1 MR. POTE: Okay.
2 THE WITNESS: So that is -- fence is
3 there. Each one of those rooms has an emergency
4 egress and a sidewalk. So the sidewalk will lead
5 the children to the playground. So it serves two
6 purposes, one, emergency egress. We have a fence
7 there so if a child happens to open the door --
8 which, by the way, has an alarm -- they can't run
9 out into the street or into the yard.
10 MR. POTE: Okay.
11 THE WITNESS: And then, two, it's used
12 to bring children to and --
13 MR. POTE: So --
14 THE WITNESS: -- from the playground.
15 MR. POTE: So that fence is there, and
16 that allows the student to go into the playground
17 area totally protected from the time he gets out of
18 the door to the time he gets to the playground?
19 THE WITNESS: That's correct.
20 You know, one of the things I probably
21 should have said is the way the center is
22 operated -- and this is very common for all
23 brands -- is the facility will take responsibility
24 for the child once the parent brings them into the
25 site. Okay? So I went through and explained how

1 the drop-off/pick up works where the parents
2 actually have to walk them in. That's a requirement
3 of the operator. And of course, it's really a
4 physical requirement because you can't pull up to a
5 curb and let a 1-year-old out. You know, it's --
6 they have to be brought into the facility.
7 So once they're in the environment,
8 they keep them in the environment until the parents
9 come for them. So you'll notice, and specifically
10 for this brand and many of the bigger providers, the
11 playground will always be directly adjacent to the
12 building and always directly accessible. Sometimes
13 -- not on any of the learning centers I've designed,
14 but, you know, a mom-and-pop or not -- somewhere
15 less formal might have a playground on the other
16 side of the parking lot. We would never do that.
17 The other thing that they don't do that
18 sometimes you see -- they don't have those buggies
19 where they take them and they're pushing them
20 through the parking lot. I saw that once -- I
21 couldn't believe it -- by a no-name-brand-type
22 thing.
23 So once the child's in the environment,
24 they stay in the environment. They can go outside,
25 but they're still in the secured environment.

1 MR. POTE: Okay. Thank you.
2 Just a couple other real quick
3 questions. One is, you showed the front look, you
4 know, in the very first slide you showed. Is there
5 any location nearby that you could point to that has
6 a similar look that we could go and visit?
7 THE WITNESS: There's several.
8 There's a two-story building in Roseland that has a
9 similar look, and there's a two-story building
10 although -- in Bound Brook on Route 22. However, I
11 will tell you that the materials being used here are
12 nicer than Bound Brook.
13 MR. POTE: Okay. You had mentioned
14 the South Orange location and having 21 spaces,
15 parking spaces.
16 THE WITNESS: That's what I -- my
17 recollection.
18 MR. POTE: But I assume the number of
19 children is also lower?
20 THE WITNESS: No. Actually, it's
21 probably more because that building's a little bit
22 larger.
23 MR. POTE: Okay. And then my last
24 question was -- probably we have a traffic person
25 coming to talk to us --

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1 THE WITNESS: We have a traffic
 2 engineer.
 3 MR. POTE: I'll deal with that
 4 question later.
 5 CHAIRWOMAN SCHAEFER: Back to the
 6 fencing, what is the fencing made out of?
 7 THE WITNESS: So it's a PVC-fencing
 8 material. The fence around the playground is a
 9 solid, white PVC material.
 10 I don't know if you can make it out.
 11 I've put up Exhibit A-3, and I'm pointing to the
 12 right side. You can kind of see the material. It's
 13 a high quality. It's -- I think we specify
 14 CertainTeed as a brand, but it could be any brand.
 15 It's a very durable fence. It doesn't fade in color
 16 because it's PVC.
 17 And then the fence around -- the 4-foot
 18 fence is the same material. It's just a lower
 19 fence.
 20 CHAIRWOMAN SCHAEFER: And solid?
 21 THE WITNESS: And it's solid, yeah.
 22 CHAIRWOMAN SCHAEFER: Questions from
 23 this end?
 24 MS. SPINGLER: I have a question.
 25 CHAIRWOMAN SCHAEFER: Okay.

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1 MS. SPINGLER: Did you say that you
 2 had a kindergarten contained in this or not?
 3 THE WITNESS: There are
 4 kindergarten-aged children.
 5 MS. SPINGLER: But they're not in
 6 kindergarten? There's not a kindergarten program?
 7 THE WITNESS: There is not
 8 specifically a kindergarten program, but there is a
 9 curriculum for all the children that are in here.
 10 Okay? This particular Learning Experience prides
 11 itself on a curriculum that they've developed
 12 themselves, and it's very interesting.
 13 MS. SPINGLER: When you talked a
 14 little bit about evacuation and fire drill -- tell
 15 me a little bit about the training and the
 16 credentials of the persons who are in charge.
 17 THE WITNESS: Okay. So, first of all,
 18 from a safety standpoint, all employees, under state
 19 law, that work in a childcare center have to have
 20 criminal background checks. They have to be
 21 fingerprinted and go, you know, through a sex
 22 offender database. They are trained in first --
 23 some of them are first -- and I don't know the exact
 24 number, but there are people that will be on staff
 25 that are CPR/first aid certified, and there will be

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1 a teacher on staff that is, we'll say, a licensed
 2 teacher that is licensed by the State of New Jersey.
 3 MS. SPINGLER: And what about the
 4 people who are taking care of the children?
 5 THE WITNESS: Some of them may or may
 6 not have licenses. They're not required to. But
 7 they do go through training by the operator and, of
 8 course, all the background checks that they have to
 9 go through. They get first-aid certified.
 10 The entire building is under constant
 11 surveillance. So all the corridor walls are glass.
 12 So anybody that walks down can look in and see full
 13 view of the classroom. And there are cameras
 14 everywhere. There's also -- if there are any, what
 15 I'll say, blind corners, which I don't think we have
 16 in this building, there's mirrors, as well. But
 17 you'll notice, for the most part, all the rooms are
 18 somewhat rectangular in sight. This particular room
 19 has a corner, so there'll be a camera in that corner
 20 so that nobody could hide in there. No child could
 21 hide in there.
 22 This building being a two-story
 23 building, stairwells will have cameras, and the
 24 doors will have alarms on them, as well.
 25 CHAIRWOMAN SCHAEFER: Any other

MATTHEW JARMEL, AIA**120**

1 questions?
 2 Yes.
 3 MR. DESNOYERS: You referenced the
 4 study that you did of demand for the facility. Was
 5 that more of like a big picture kind of a study, or
 6 was it more granular like the radius around this
 7 particular property, or do you know more about...
 8 THE WITNESS: What I can tell you is
 9 they look at -- they put a pinhole in the map where
 10 the site is, and they go out 1-mile, 3-mile, and
 11 5-mile rings from that site, and then they study
 12 within that area. They identify all the licensed
 13 childcare centers in that area and they may, you
 14 know -- and they identify the capacity of each one
 15 of those centers. And they actually call them to
 16 find out if they have waiting lists, if they're
 17 full, for example.
 18 First they do research on what the
 19 competition charges. But in addition to that, then
 20 they look at census data, demographic data to see
 21 how many children there are under a certain --
 22 under -- really under the age of 5 is what they
 23 focus on.
 24 MR. DESNOYERS: And they are -- they
 25 -- you say, "They," referring to...

MATTHEW JARMEL, AIA**121**

1 THE WITNESS: The Learning Experience.
 2 MR. DESNOYERS: Okay. They have like
 3 a corporate office --
 4 THE WITNESS: They have a corporate --
 5 MR. DESNOYERS: -- where they research
 6 data?
 7 THE WITNESS: Yeah.
 8 MR. DESNOYERS: All right. So -- and
 9 you anticipate that there aren't enough childcare
 10 centers in this area as opposed to sort of taking
 11 them from other, you know -- taking business from
 12 other centers that exist now or...
 13 THE WITNESS: Well, there's certainly
 14 a possibility that a parent may change centers --
 15 right? -- because we all have a choice. But they
 16 are -- when they're doing their analysis, they're
 17 doing it on the analysis that there's a need and not
 18 enough supply. So there's -- they're doing an
 19 analysis that says there are a lot of kids here, and
 20 there aren't enough childcare centers.
 21 And as I said earlier -- you know, I've
 22 been doing this a long of time with childcare -- the
 23 State Municipal Land Use Law says this is inherently
 24 beneficial, and say that because we need childcare.
 25 And they said that -- that law came out --

MATTHEW JARMEL, AIA**122**

1 When, Steve? In 1974? '76?
 2 So it's been around a long time. It's
 3 an issue. And we're fortunate that we live in a
 4 great state -- highly educated, densely populated --
 5 and there's just a lot of need.
 6 CHAIRWOMAN SCHAEFER: Other questions?
 7 MS. PENNETT: One question. In case,
 8 you know, God forbid, there is a fire and the fire
 9 trucks come, can the fire trucks come in and circle
 10 around this -- I want to say this little triangle?
 11 Is there enough space for the trucks to
 12 get in and get around?
 13 THE WITNESS: We can bring Mr. --
 14 because there's been a few questions about that. We
 15 can bring Mr. Gesario back up to just answer that --
 16 MR. HEHL: It's up to --
 17 THE WITNESS: -- when I'm done.
 18 MR. HEHL: We have had communication
 19 with the fire department on it.
 20 MS. PENNETT: Okay. But --
 21 CHAIRWOMAN SCHAEFER: Okay. But the
 22 answer is...
 23 MS. PENNETT: So has the fire
 24 department approved --
 25 MR. HEHL: Yeah. There was --

MATTHEW JARMEL, AIA**123**

1 MS. PENNETT: Has the fire department
 2 inspected and approved this layout?
 3 MR. HEHL: Yeah. There's an e-mail --
 4 and I can have Gerry qualify this -- but
 5 November 18, 2019 from your chief of the department
 6 saying, "I've reviewed the exhibit, and I'm
 7 satisfied that our vehicles will be able to enter
 8 the site."
 9 MS. PENNETT: Okay.
 10 MR. HEHL: I don't know if -- I know
 11 Tom didn't see this, but we can certainly mark this
 12 as an exhibit.
 13 CHAIRWOMAN SCHAEFER: We don't have a
 14 copy of that.
 15 MR. HEHL: That was in response to the
 16 fire department's original memorandum and --
 17 MR. HERITS: Did the fire department
 18 originally ask for a -- I'm currently looking at it,
 19 the chief's letter. He was looking for an exhibit
 20 to see that the trucks could fit in, and then this
 21 is a response to him reviewing that exhibit.
 22 CHAIRWOMAN SCHAEFER: We never saw
 23 that.
 24 MR. HEHL: We'll supply both of those.
 25 MR. LINNUS: Do you want to identify

MATTHEW JARMEL, AIA**124**

1 that, please. Because we don't have it.
 2 MR. HEHL: Sure. Let me just --
 3 THE WITNESS: A-4?
 4 MR. HEHL: -- briefly call -- Gerry,
 5 it came to you. So if I could just briefly recall
 6 him and have you identify this.
 7 MR. GESARIO: Sure. This e-mail date
 8 is, as Steve said -- as counsel said, dated November
 9 18, 2019, was a result of my back and forth with
 10 him, showing him our turning exhibit and his
 11 response. I had asked for something on his
 12 letterhead that I could submit, but I -- this is
 13 what I got back from him, and I haven't had
 14 communication since. But I can certainly ask either
 15 him to directly copy the town or provide something
 16 more efficient.
 17 MR. LINNUS: Let's mark that P-1 for
 18 the Planning Board, PB-1.
 19 MR. HEHL: Sure.
 20 (Exhibit PB-1, November 18, 2019 email
 21 from Fire Chief, is marked.)
 22 MR. LINNUS: You'll make copies of
 23 that, please.
 24 CHAIRWOMAN SCHAEFER: And e-mail it to
 25 all of us.

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1 MR. LINNUS: And in addition to that,
 2 Mr. Gesario, you should get a formal response from
 3 the fire department, and tell them to copy the
 4 Board, please.

5 MR. GESARIO: Okay. I will. The
 6 exhibit is the one that was submitted with the
 7 drawings. It's part of the -- I think it's the last
 8 sheet. There's turning exhibits, but I will
 9 follow-up with him and ask for something on official
 10 letterhead.

11 CHAIRWOMAN SCHAEFER: Okay.

12 MR. HEHL: Thank you.

13 CHAIRWOMAN SCHAEFER: Mr. Butler, you
 14 had questions --

15 MR. BUTLER: Yes, I --

16 CHAIRWOMAN SCHAEFER: -- I'm sure.

17 MR. BUTLER: Yes, I do.

18 CHAIRWOMAN SCHAEFER: Oh, I'm sorry.
 19 One second.

20 Peter?

21 MR. SOPKO: This is for Mr. Jarmel.
 22 Thank you for testifying.
 23 You said that commonly you would update
 24 the prototype of the --
 25 THE WITNESS: Learning Experience.

MATTHEW JARMEL, AIA**126**

1 MR. SOPKO: -- the Learning
 2 Experience.

3 Okay. So in the last three to five
 4 designs, does this one have anything that's
 5 significantly different?

6 THE WITNESS: It does not. And,
 7 presuming this board acts favorably on the
 8 application and we move to the next step where we
 9 submit for a building permit -- we haven't prepared
 10 construction drawings for the building -- they will
 11 be done in accordance with the latest prototype.

12 MR. SOPKO: Okay. Can you talk to me
 13 a little bit more about the play area?

14 THE WITNESS: Sure.

15 MR. SOPKO: Would it be just open?

16 THE WITNESS: Okay. So this
 17 particular play area is sized 3,810 square feet.
 18 Okay? Now, I'm not sure I said this earlier, it's
 19 divided in two. And the reason it's divided in two
 20 is so that there are age-appropriate playground
 21 equipment, so based on different ages.

22 The different symbols I'm pointing to
 23 are playground structures. Okay? And they're made
 24 of durable, resilient plastic. They have shade
 25 protections in them. The dotted lines around them

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1 represent fall protection zones, so you can't, for
 2 example, locate another piece of equipment in that
 3 zone or allow the fall protection zones to overlap
 4 so that if you have two kids falling from different
 5 things.

6 The surfacing is either turf, which is
 7 artificial turf, or it's a playground-surfacing
 8 material. It's expensive and it's very durable.
 9 Water can flow through it. It does slow it down a
 10 little bit, it's designed to flow through. There's
 11 a sand and gravel base underneath it, as well. So
 12 if children fall on this, it's cushy. It provides
 13 padding.

14 Each side has a picnic area. That
 15 picnic area has a concrete patio, tables where
 16 children can sit, do arts and crafts. Both of those
 17 picnic areas are covered by a canvas awning, which
 18 provides shade protection for the children. There's
 19 also drinking fountains on either side.

20 Fence around the playground, solid,
 21 6-feet high. Children can't look out; people can't
 22 look in at them. No one can reach over and grab a
 23 child because of the height. The fence in between
 24 is chain-link fence so that the caregivers from one
 25 side to the other can take a look at them.

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1 The only way into the playground is
 2 from the building. There is an emergency egress
 3 gate out of the playground. It has a lock that only
 4 an adult would be able to open, but it has what we
 5 call panic hardware on it, as well. So there's no
 6 reason to open that unless there was an emergency to
 7 egress the building. And not used after hours, only
 8 used on -- weather permitting.

9 MR. SOPKO: Okay. But it is open air?

10 THE WITNESS: Oh, yes, it's open air.

11 MR. SOPKO: Okay. And that is typical
 12 of the prototype, that it's an open air --

13 THE WITNESS: More often than not,
 14 yes. I mean, there are urban centers that have
 15 inside -- indoor playgrounds, obviously, and/or
 16 playgrounds that have walls that are open with a
 17 roof. But for a suburban location like this, an
 18 open-air playground is difficult. It's a
 19 requirement for the State for licensing. The size
 20 of the playground is also a requirement.

21 MR. SOPKO: My concern with this site
 22 is that there's a lot of water around it. There's
 23 Zone A floodplain on three sides, significant
 24 wetlands. You know, I'm worried about the level of
 25 mosquitoes and the potential diseases that they'll

1 be carrying that -- what's the age range?
 2 THE WITNESS: As young as six weeks to
 3 about five or six years of age.
 4 MR. SOPKO: Okay. So is there any
 5 other way of mitigating or protecting the kids from
 6 mosquitoes -- possible higher level of mosquitoes,
 7 you know --
 8 THE WITNESS: So I think it's a great
 9 concern. Candidly, it's not my area of expertise.
 10 It's -- I know that there are various ways to
 11 control mosquitoes, you know, and treat areas where
 12 they're more prominent because of moisture, and I
 13 think that's certainly something that, if it's a
 14 problem, they could do here.
 15 MR. SOPKO: Thank you.
 16 CHAIRWOMAN SCHAEFER: What is a
 17 twaddler? I just noticed it on here.
 18 THE WITNESS: So these are -- to some
 19 degree, these names are associated with licensing.
 20 To some degree, they're associated with brand.
 21 But, you know, if I -- we have what we
 22 call infants that are 6 weeks to 12 months of age.
 23 We have toddlers, and we have two rooms for
 24 toddlers. The toddlers are 18 months to 24 months.
 25 And then we have a twaddler that's 24 months to 30

1 months. So it's just a way of designating the
 2 different age groups. We have preppers that are 30
 3 months to 36 months. And then we come to what we
 4 call preschool. We have two preschools that are age
 5 group -- one is 3 to 5, and one is 4 to 5. And then
 6 we have a pre-K which is 5 to 6 year olds.
 7 So the names are just kind of aligned
 8 with the various age groups that we put to better
 9 identify them.
 10 CHAIRWOMAN SCHAEFER: Going back to --
 11 thank you. It just caught me when I saw,
 12 "Twaddlers." I thought, "What?"
 13 On the gates, the exterior gates, if
 14 there is an emergency, is there any access from the
 15 outside to open one of those gates, or is it only
 16 from the inside?
 17 THE WITNESS: I'm hesitating because I
 18 don't recall. Typically, it's from the inside out.
 19 You don't want anyone to be able to open a gate and
 20 create an --
 21 CHAIRWOMAN SCHAEFER: Unless it's an
 22 emergency.
 23 THE WITNESS: -- unsafe condition.
 24 I will tell you that if a firefighter
 25 has to get through that gate, it won't be a problem

1 with their equipment.
 2 CHAIRWOMAN SCHAEFER: Okay. Any other
 3 questions before we allow Mr. Butler to question?
 4 Mr. Butler.
 5 Because what's going to happen is we'll
 6 allow Mr. Butler to ask his questions. We'll open
 7 it up to the audience, if anyone has any questions,
 8 and then we're going to end with this witness, and
 9 we're going to end the evening. Okay?
 10 We're going to take a five-minute -- if
 11 anybody wants to go.
 12 MR. BUTLER: Thank you.
 13 CHAIRWOMAN SCHAEFER: You're welcome.
 14 (A recess is taken at 9:52 p.m.)
 15 (The record resumes at 9:57 p.m.)
 16 CHAIRWOMAN SCHAEFER: Okay. Back on.
 17 Theresa, roll call, please.
 18 MS. SNYDER: Mr. Desnoyers?
 19 MR. DESNOYERS: Here.
 20 MS. SNYDER: Mr. Ellis?
 21 MR. ELLIS: Here.
 22 MS. SNYDER: Councilman Sopko?
 23 MR. SOPKO: Here.
 24 MS. SNYDER: Ms. Pennett?
 25 MS. PENNETT: Yes.

1 MS. SNYDER: Mayor Balla?
 2 MAYOR BALLA: Yes.
 3 MS. SNYDER: Mr. Speeney?
 4 MR. SPEENEY: Yes.
 5 MS. SNYDER: Mr. Pote?
 6 MR. POTE: Here.
 7 MS. SNYDER: Ms. Spingler?
 8 MS. SPINGLER: Here.
 9 MS. SNYDER: Mr. Fiorilla?
 10 MR. FIORILLA: Here.
 11 MS. SNYDER: Madam Chair?
 12 CHAIRWOMAN SCHAEFER: Here.
 13 MS. SNYDER: Mr. Linnus?
 14 MR. LINNUS: Here.
 15 MS. SNYDER: Mr. Herits?
 16 MR. HERITS: Here.
 17 CHAIRWOMAN SCHAEFER: Thank you.
 18 Okay. Mr. Butler.
 19 MR. BUTLER: I'll be brief.
 20 CHAIRWOMAN SCHAEFER: Thank you. You
 21 got three minutes.
 22 MR. BUTLER: Oh, jeez. I was going to
 23 say who you --
 24 CHAIRWOMAN SCHAEFER: Don't talk. You
 25 only have three. Now we're down to two and a half.

<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">133</p> <p>1 MR. BUTLER: I'm going to tell you a</p> <p>2 joke after this is over.</p> <p>3 CHAIRWOMAN SCHAEFER: You're down to</p> <p>4 one.</p> <p>5</p> <p>6 <u>CROSS-EXAMINATION BY MR. BUTLER:</u></p> <p>7 Q. I might have missed it, but on your</p> <p>8 parking spaces -- I think you have 31 spaces -- I</p> <p>9 didn't seem to find a loading space?</p> <p>10 A. There is no loading space.</p> <p>11 Q. But you testified that you're going to</p> <p>12 take -- you're going to take deliveries of food and</p> <p>13 other things like that; did you not?</p> <p>14 A. I did.</p> <p>15 Q. Why isn't there a loading space?</p> <p>16 A. We don't need one.</p> <p>17 Q. Our ordinance requires a loading space.</p> <p>18 A. The operation doesn't need one. At</p> <p>19 midday there will be very few parking -- cars</p> <p>20 utilizing parking spaces. Most of the deliveries</p> <p>21 will be in a UPS van size that can fit into a</p> <p>22 standard parking space.</p> <p>23 Q. Well, even the UPS -- UPS has to park</p> <p>24 someplace, don't they?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">135</p> <p>1 Q. So you don't really care what our</p> <p>2 ordinance says about designated loading or unloading</p> <p>3 spaces. You say that they'll find a way, and that's</p> <p>4 sufficient; that's your testimony, isn't it?</p> <p>5 A. That is my testimony.</p> <p>6 Q. Okay. Now, do you know much about the</p> <p>7 area of this site?</p> <p>8 A. I'm fairly familiar with it, yes.</p> <p>9 Q. Are you familiar with Route 22?</p> <p>10 A. Yes.</p> <p>11 Q. Would it be a fair statement to say</p> <p>12 that many of the parents or guardians that take or</p> <p>13 bring children to and from the site are going to use</p> <p>14 Route 22?</p> <p>15 A. So I'm answering that as an architect,</p> <p>16 not as a traffic engineer. We do have one here that</p> <p>17 will probably be better to answer that. But I think</p> <p>18 that's a fair statement, yes.</p> <p>19 Q. Okay. Did you or anybody on behalf of</p> <p>20 this applicant do a study regarding the closing of</p> <p>21 Route 22 because of flooding?</p> <p>22 A. I did not, and I can't comment if</p> <p>23 anybody else did. I'm not aware of any.</p> <p>24 Q. If they did, you don't know about it?</p> <p>25 A. Correct.</p>
<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">134</p> <p>1 Q. Where they going to park?</p> <p>2 A. I just said, sir. If you'd like me to</p> <p>3 repeat myself, I can.</p> <p>4 Q. Well, I want to know why a truck that</p> <p>5 comes to your site doesn't know where to park?</p> <p>6 A. Why --</p> <p>7 CHAIRWOMAN SCHAEFER: Can you show us</p> <p>8 on your map where --</p> <p>9 THE WITNESS: Sure.</p> <p>10 CHAIRWOMAN SCHAEFER: -- in the</p> <p>11 parking area, where they would go, please.</p> <p>12 THE WITNESS: So if you recall, the</p> <p>13 way I testified is that midday there's very little</p> <p>14 activity in the parking lot. The activity is in the</p> <p>15 mornings and the afternoons when people -- parents</p> <p>16 are picking up and dropping off. The spaces in</p> <p>17 front of the building are designated in the mornings</p> <p>18 and the evenings for drop off and pick up. The</p> <p>19 other spaces will be utilized for staff.</p> <p>20 So if I come at noon or 1 o'clock, UPS</p> <p>21 or FedEx, all these spaces are going to be empty.</p> <p>22 That's where they're going to park.</p> <p>23 MR. BUTLER: Okay.</p> <p>24 CHAIRWOMAN SCHAEFER: Thank you.</p> <p>25 BY MR. BUTLER:</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">136</p> <p>1 Q. Okay. Did you or anybody else on</p> <p>2 behalf of the applicant do a study regarding traffic</p> <p>3 accidents at either the Union Avenue, or New</p> <p>4 Providence Road, or New Providence Road and Bonnie</p> <p>5 Burn intersections?</p> <p>6 A. I did not.</p> <p>7 Q. Do you know of any other person on</p> <p>8 behalf of this applicant who did such a study?</p> <p>9 A. I'm not -- I do not.</p> <p>10 Q. Okay. Now, in your testimony, you</p> <p>11 think 31 spaces is enough, don't you?</p> <p>12 A. I do.</p> <p>13 Q. Okay. Suppose you're wrong. You're an</p> <p>14 expert. You qualified as an expert?</p> <p>15 A. I did.</p> <p>16 Q. There's no parking on Union Avenue, is</p> <p>17 there?</p> <p>18 A. Not to my knowledge, no.</p> <p>19 Q. There's no parking on New Providence</p> <p>20 Road, is there?</p> <p>21 A. Not to my knowledge.</p> <p>22 Q. The only place that kids can be brought</p> <p>23 to or picked up at the site are on the site; is that</p> <p>24 a fair statement?</p> <p>25 A. Yes.</p>

<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">137</p> <p>1 Q. Okay. Now, you mentioned -- did you</p> <p>2 mention South Avenue that has 21 parking spaces?</p> <p>3 A. I mentioned a site in South Orange.</p> <p>4 Q. South Orange?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And --</p> <p>7 A. And I said, to my recollection, it had</p> <p>8 21. It could be one or two --</p> <p>9 Q. Oh, I don't care if it's got 19 or 24.</p> <p>10 A. Right.</p> <p>11 Q. Okay? You familiar with that site?</p> <p>12 A. I designed it. Yes.</p> <p>13 Q. You designed it --</p> <p>14 A. Yes.</p> <p>15 Q. -- right?</p> <p>16 Is there on-street parking in -- on or</p> <p>17 about that area?</p> <p>18 A. Yes, there is.</p> <p>19 Q. There is? On-street parking.</p> <p>20 And there's also public parking within</p> <p>21 that facility; is there not?</p> <p>22 A. Not within the facility, but certainly</p> <p>23 within South Orange, yes.</p> <p>24 Q. Within walking distance of the site</p> <p>25 there's public parking; is that right?</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">139</p> <p>1 any more questions about that one.</p> <p>2 MR. DESNOYERS: While you're --</p> <p>3 MR. BUTLER: Now --</p> <p>4 MR. DESNOYERS: Oh, I'm sorry.</p> <p>5 MR. BUTLER: Excuse me.</p> <p>6 BY MR. BUTLER:</p> <p>7 Q. Now, you're open till 6:30 in the</p> <p>8 morning to 6:30 at night, right?</p> <p>9 A. We open at 6:30 a.m. and close at</p> <p>10 6:30 p.m.; that's correct.</p> <p>11 Q. About 12 hours?</p> <p>12 A. Correct.</p> <p>13 Q. Now, either in your website or</p> <p>14 testimony that you gave, older kids come to this</p> <p>15 site, too, don't they, after school?</p> <p>16 A. They may.</p> <p>17 Q. Well, your website indicates it,</p> <p>18 doesn't it?</p> <p>19 A. So if there is a community need and if</p> <p>20 there's room in the facility, they would offer</p> <p>21 aftercare.</p> <p>22 Q. Okay. And how do they get there?</p> <p>23 A. Typically, there's an arrangement made</p> <p>24 with the School Board to run one of the short buses</p> <p>25 to the site from the public schools.</p>
<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">138</p> <p>1 A. Yes.</p> <p>2 Q. All right. There's no such public</p> <p>3 parking associated with this site, is there?</p> <p>4 A. Not that I'm aware of.</p> <p>5 Q. Now, let me ask you a hypothetical</p> <p>6 question. From a 1 to 10 -- 10 being the best site</p> <p>7 possible for a day care center and 1 being the</p> <p>8 worst -- how would you average this particular site</p> <p>9 in all honesty and under oath?</p> <p>10 A. I think you have to clarify your</p> <p>11 question because there's different ways to rate it.</p> <p>12 And I'm sure that if I asked the operator how they</p> <p>13 rated this on a 1 to 10, they might say a 12 because</p> <p>14 from an economic and income-producing standpoint and</p> <p>15 the need for children, it's needed.</p> <p>16 Q. How do you rate it? I asked you. I</p> <p>17 don't care about anybody else. You're the one</p> <p>18 that's under oath. You're the one I'm</p> <p>19 cross-examining.</p> <p>20 How would you rate it, from a 1 to a</p> <p>21 10?</p> <p>22 A. I'd give it an 8 and a half.</p> <p>23 Q. You'd give this site an 8 and a half?</p> <p>24 A. I would.</p> <p>25 MR. BUTLER: I don't have to ask him</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">140</p> <p>1 Q. Has any such arrangement been made with</p> <p>2 the local Board of Education here in Watchung or</p> <p>3 Warren?</p> <p>4 A. Not that I'm aware of.</p> <p>5 Q. Now, you mentioned that sometimes sites</p> <p>6 are operated by owners or franchisees; did you not?</p> <p>7 A. I did.</p> <p>8 Q. This site, it's going to be operated by</p> <p>9 an owner or a franchisee?</p> <p>10 A. I don't know the answer to that.</p> <p>11 Q. You don't know?</p> <p>12 A. I do not.</p> <p>13 Q. Okay. But there's going to be a</p> <p>14 landlord, isn't there?</p> <p>15 A. There will be, yes.</p> <p>16 Q. Well, in other words --</p> <p>17 A. What I -- what I can tell you is that</p> <p>18 every lease -- and this just my own personal</p> <p>19 experience because I've developed these. And I'm</p> <p>20 answering a question you didn't ask, so I hope</p> <p>21 appreciate that --</p> <p>22 Q. I --</p> <p>23 A. -- is that corporate signs every</p> <p>24 lease, but they have the right to assign the lease</p> <p>25 to a franchisee or an operator. I do not know what</p>

<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">141</p> <p>1 their plans are for here.</p> <p>2 Q. Now, I think you testified that you,</p> <p>3 personally, own and operate day care centers; is</p> <p>4 that correct?</p> <p>5 A. Not exactly. I didn't testify that I</p> <p>6 operate them. I don't operate them. I own them as</p> <p>7 a landlord.</p> <p>8 Q. Oh, you own them as a landlord?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. But you have no interest in this</p> <p>11 one?</p> <p>12 A. I do not.</p> <p>13 Q. Okay.</p> <p>14 A. Other than being paid for my services.</p> <p>15 Q. I hope so.</p> <p>16 A. I hope so, too, but...</p> <p>17 Q. Okay. Are you the landlord or owner of</p> <p>18 any sites in New Jersey?</p> <p>19 A. I am.</p> <p>20 Q. And did you testify on behalf of those</p> <p>21 applications that permitted the development of those</p> <p>22 sites?</p> <p>23 A. I didn't.</p> <p>24 Q. Okay. Now, maybe you can't answer</p> <p>25 this. Maybe it's the wrong guy. But in your plans</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">143</p> <p>1 are all above the flood hazard zone, and it's</p> <p>2 currently being reviewed by the DEP. The design</p> <p>3 reflects comments from the DEP, and we're very</p> <p>4 confident they're going to approve it. And</p> <p>5 certainly if this board would act favorably, they</p> <p>6 would, I would assume, make that a condition of</p> <p>7 approval.</p> <p>8 Q. Wait a minute. You just made a</p> <p>9 statement that there's an emergency access to this</p> <p>10 site; did you say that?</p> <p>11 A. I believe -- I said, "Emergency</p> <p>12 egress." It's an egress, but, because it's above</p> <p>13 the flood hazard, it would count as an emergency</p> <p>14 egress.</p> <p>15 Q. In other words, you can go in and out</p> <p>16 of it?</p> <p>17 A. "Egress" means exit.</p> <p>18 Q. You could go in it, and you could go</p> <p>19 out of it; is that what you're saying?</p> <p>20 A. No. Well, you certainly could go in</p> <p>21 it and out of it, but "egress" means exit; it</p> <p>22 doesn't mean enter.</p> <p>23 Q. Okay. Are you talking about the curb</p> <p>24 cut that's closest to New Providence Road?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">142</p> <p>1 you show a template of a garbage truck going around</p> <p>2 the site, don't you?</p> <p>3 A. That wouldn't be an appropriate</p> <p>4 question for me.</p> <p>5 Q. For you?</p> <p>6 A. It would be for Mr. Gesario.</p> <p>7 Q. For who?</p> <p>8 A. Gerry Gesario, civil engineer.</p> <p>9 Q. Okay. I'm going to be -- I have one or</p> <p>10 two, at the most.</p> <p>11 Now, your engineer, on</p> <p>12 cross-examination, agreed that there were seven</p> <p>13 parking spaces in your main ingress and egress was</p> <p>14 in the flood hazard area. You heard him testify to</p> <p>15 that tonight; did you not?</p> <p>16 A. Yes, I did.</p> <p>17 Q. Excuse --</p> <p>18 A. Yes, I did.</p> <p>19 Q. You did.</p> <p>20 Does that bother you?</p> <p>21 A. No.</p> <p>22 Q. That doesn't affect the safety of the</p> <p>23 children?</p> <p>24 A. No. As I testified, the building, and</p> <p>25 the bulk of the parking, and the emergency egress</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">144</p> <p>1 Q. Okay. That curb cut is on an angle</p> <p>2 towards New Providence Road; is it not?</p> <p>3 A. It is.</p> <p>4 Q. Are you saying that you would advise a</p> <p>5 parent to go up to that, which is an exit, and go</p> <p>6 into the site and use that?</p> <p>7 A. I think you're putting words in my</p> <p>8 mouth. I didn't say that at all.</p> <p>9 Q. Well, wait a minute. I'm talking about</p> <p>10 a flood hazard situation, and I'm wondering about</p> <p>11 getting those kids out of there. And you said it's</p> <p>12 an emergency way to get in and out; that's your</p> <p>13 testimony.</p> <p>14 MR. HEHL: That's not what he said.</p> <p>15 CHAIRWOMAN SCHAEFER: No.</p> <p>16 MR. HEHL: He said it was an egress;</p> <p>17 that's what he testified to.</p> <p>18 MR. BUTLER: He said you can get out.</p> <p>19 MR. HEHL: Egress. That's exactly</p> <p>20 right. Not ingress.</p> <p>21 BY MR. BUTLER:</p> <p>22 Q. All right. All right. How does a</p> <p>23 parent go into a site, when we have a flood hazard</p> <p>24 situation, to get his little 6-month-old baby?</p> <p>25 A. First of all, floods don't happen</p>

<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">145</p> <p>1 instantaneously. There's a warning when floods are 2 coming. So the center can prepare. They can close 3 in advance of an anticipated flood. But, again, it 4 meets the regulations. The building, finished 5 floor, the egress out of the site are all above the 6 flood hazard, which are requirements in the New 7 Jersey DEP.</p> <p>8 We're meeting with the DEP. We amended 9 the plan based on their comments. They're reviewing 10 it. Presumably, there may be some back-and-forth 11 adjustments to the design, but they may approve it. 12 But we comply, and we feel comfortable that that's 13 safe.</p> <p>14 Q. Wait a minute. You say you comply but, 15 yet, you're still talking to the DEP?</p> <p>16 A. Well, we comply with the design 17 criteria, and they're reviewing it to confirm that.</p> <p>18 Q. Have they confirmed it?</p> <p>19 A. I just said they're reviewing it to 20 confirm it.</p> <p>21 Q. How long have they had it?</p> <p>22 A. I don't know.</p> <p>23 Q. Have they had it four months?</p> <p>24 A. I don't know. I just said I don't 25 know.</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">147</p> <p>1 A. No, I don't think so.</p> <p>2 Q. How about children that are going to 3 your day care center, and there's a little drizzle, 4 and it's 6:30 in the morning, and by 11:30 we've had 5 3 inches of rain -- that's different than a snow 6 event, isn't it?</p> <p>7 A. Sure.</p> <p>8 Q. Parents could be caught off guard, 9 couldn't they?</p> <p>10 A. I don't think parents will be caught 11 off guard for a flood. But in the event they are, 12 the building is safe. Emergency egress to the 13 building is safe. So they don't have to leave the 14 building in a flood because it's safe. And if the 15 emergency patrols or first responders had to get 16 there, there's a driveway above the flood hazard 17 zone.</p> <p>18 Q. Is the driveway to leave the site above 19 the flood hazard zone?</p> <p>20 A. There is. But in an emergency 21 certainly the police, fire department could drive in 22 that driveway.</p> <p>23 Q. Oh, okay. Now we're talking about 24 something that's not within your control as 25 operating the site. You're talking about public</p>
<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">146</p> <p>1 Q. You don't know and you don't have any 2 idea?</p> <p>3 A. I'm not the civil engineer. Although 4 he works for me, I didn't police his efforts. He's 5 very capable.</p> <p>6 Q. Okay. Is there any mechanism that 7 you're aware of at this site that parents or 8 guardians could be notified that their kids have to 9 be taken out of that site because there's going to 10 be a flood?</p> <p>11 A. Is there a mechanism?</p> <p>12 Q. Yeah.</p> <p>13 A. I'm not aware of a mechanism, but 14 there are certainly call systems similar to how you 15 might cancel the school on a snow day. You can 16 identify and call the parents.</p> <p>17 Q. A flood hazard event, this is something 18 that isn't like a snow event. When it snows, it's 19 snowing. Flood hazard event takes time; does it 20 not?</p> <p>21 A. That's the benefit of it.</p> <p>22 Q. Excuse me?</p> <p>23 A. Yes, it does, and that's the benefit 24 of it.</p> <p>25 Q. Yeah. Isn't it also the danger of it?</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">148</p> <p>1 emergency vehicles helping you out; is that what 2 you're saying?</p> <p>3 A. Well, if there's an emergency, I 4 believe that's what they're there for.</p> <p>5 Q. Absolutely. And I agree with you. And 6 how does the cop car -- how does the police car get 7 in a cut that goes to the right and is for an exit? 8 You asking him to go in it -- into the site which is 9 built as an exit only?</p> <p>10 A. They could.</p> <p>11 Q. Well, sure they could. Anything could 12 happen. They could fly a helicopter in, too, 13 couldn't they?</p> <p>14 A. Unlikely, but they could.</p> <p>15 Q. In your opinion, when kids and their 16 guardians or parents leave the site, which way are 17 they most apt to go on Union Avenue -- to the left 18 or to the right?</p> <p>19 A. I don't think I have an informed 20 opinion on that. They're either going to go in the 21 direction that is either towards their home, or 22 they're going to go in the direction that is towards 23 their work, depending on what time of day it is.</p> <p>24 Q. Okay. So in other words, you can't 25 answer that question, right?</p>

<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">149</p> <p>1 A. I cannot.</p> <p>2 Q. You're not --</p> <p>3 A. Perhaps our traffic engineer might be</p> <p>4 better qualified to make an assumption on that, but</p> <p>5 I don't think until the center is occupied that</p> <p>6 anybody can answer that question.</p> <p>7 One of the beauties of this site that I</p> <p>8 rated high is because it has egress and ability to</p> <p>9 go in multiple directions.</p> <p>10 Q. Oh, your testimony is that this is a</p> <p>11 great site?</p> <p>12 A. I did say that. I said --</p> <p>13 Q. You said --</p> <p>14 A. -- 8.5.</p> <p>15 Q. -- you gave it an eight and a half?</p> <p>16 A. I did, yeah. It's got very good</p> <p>17 access and --</p> <p>18 Q. And what was the other site you</p> <p>19 mentioned, in South Orange?</p> <p>20 A. I did mention a site in --</p> <p>21 Q. Yeah.</p> <p>22 A. -- South Orange.</p> <p>23 Q. How would you rate that from 1 to 10?</p> <p>24 A. Probably give that one a 10.</p> <p>25 Q. That's a real good one. That's the one</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">151</p> <p>1 Q. Okay. But your engineer indicated</p> <p>2 you're building on 22 percent of the site.</p> <p>3 A. Correct.</p> <p>4 MR. BUTLER: Right. I have no further</p> <p>5 questions.</p> <p>6 CHAIRWOMAN SCHAEFER: Before I open to</p> <p>7 the public, you had a question?</p> <p>8 MR. DESNOYERS: Yeah. No, I just</p> <p>9 wanted to clarify so I can -- there's been a lot of</p> <p>10 people talking about flooding and stuff like that.</p> <p>11 What is the day care center -- the</p> <p>12 corporate policy for bad weather events? I'm</p> <p>13 assuming -- like, do they call the parents and say,</p> <p>14 It's closed. There's no school or -- I mean, how</p> <p>15 does that work?</p> <p>16 THE WITNESS: Well, it's a call that</p> <p>17 the director of the center is going to make, if</p> <p>18 there's a -- well, you know, keep in mind that these</p> <p>19 centers are designed to cater to parents that work.</p> <p>20 So a parent -- if they close the center, a parent</p> <p>21 can't go to work. So they usually have policies in</p> <p>22 place. Candidly, I don't know what they are, but</p> <p>23 they try and stay open, if they can.</p> <p>24 MR. DESNOYERS: Okay.</p> <p>25 CHAIRWOMAN SCHAEFER: One question</p>
<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">150</p> <p>1 that's got parking all over the place, right?</p> <p>2 A. No. I rate it a 10 because of the</p> <p>3 train.</p> <p>4 Q. Do you have any sites that you would</p> <p>5 rate under 8?</p> <p>6 A. No, I don't.</p> <p>7 Q. All your sites are top-notch?</p> <p>8 A. The goal is for the sites to be</p> <p>9 economically viable. You don't pick a bad site.</p> <p>10 Q. And of course, in your opinion, this</p> <p>11 isn't a bad site?</p> <p>12 A. No. This is a very good site.</p> <p>13 Q. Notwithstanding all the environmental</p> <p>14 restraints we've been talking about?</p> <p>15 A. Well, I think we've prepared a design</p> <p>16 that not only address -- well, addresses them.</p> <p>17 Q. By building on only 25 percent of the</p> <p>18 site?</p> <p>19 A. It's a very large site.</p> <p>20 Q. Excuse me?</p> <p>21 A. It's a very large site.</p> <p>22 Q. It's a 2-acre site.</p> <p>23 A. It's pretty large for a childcare</p> <p>24 center. I've had sites that are less than half an</p> <p>25 acre.</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">152</p> <p>1 that actually has just come up -- you mentioned</p> <p>2 something about an arrangement possibly with the</p> <p>3 Watchung school system for after-school day care.</p> <p>4 What ages are those?</p> <p>5 THE WITNESS: So the center is</p> <p>6 licensed up to 12. Okay? It's not intended to</p> <p>7 provide aftercare. What I said is if there's a</p> <p>8 community need, and a desire, and there's room in</p> <p>9 the center, they will offer it. But usually they</p> <p>10 have to -- there has to be a need for it.</p> <p>11 And they will not go pick up children.</p> <p>12 They don't have a van. Some operators actually have</p> <p>13 a van. I actually designed a center, a non-name</p> <p>14 brand, in a local community that has three vans, and</p> <p>15 it goes, picks up the kids at the school, and brings</p> <p>16 them back. That doesn't happen here.</p> <p>17 If parents want it, they have to figure</p> <p>18 out how to get their child there. And my</p> <p>19 understanding is most school boards, if your child</p> <p>20 is eligible for busing or if you're paying for</p> <p>21 busing, they'll drop your child anywhere within</p> <p>22 their kind of area. I've seen centers that do</p> <p>23 operate where the shorter buses will take kids from</p> <p>24 an elementary school and bring them to a center.</p> <p>25 CHAIRWOMAN SCHAEFER: Any other</p>

<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">153</p> <p>1 questions from board members?</p> <p>2 Okay. I'm going to open it up to</p> <p>3 public. Does public --</p> <p>4 MR. BUTLER: One second.</p> <p>5</p> <p>6 <u>RECROSS-EXAMINATION BY MR. BUTLER:</u></p> <p>7 Q. How about the bus? Where's the bus</p> <p>8 going to park?</p> <p>9 A. There is no bus. I just said there's</p> <p>10 no bus.</p> <p>11 Q. Okay. So how are the kids going to go?</p> <p>12 A van? How are the kids going to get from the</p> <p>13 Watchung Hills High School to your day care center?</p> <p>14 A. Sir, forgive me for being a little</p> <p>15 impatient, but I've answered this question maybe</p> <p>16 three times this evening, but I will answer it again</p> <p>17 for you.</p> <p>18 Q. Thank you.</p> <p>19 A. If there is a community need, and the</p> <p>20 operator has room in their center, they may --</p> <p>21 they're not going to guarantee -- they may offer an</p> <p>22 aftercare program. They will not take</p> <p>23 responsibility for getting the child from the public</p> <p>24 school or the private school to the center. The</p> <p>25 parent has to make those arrangements by themselves,</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">155</p> <p>1 is there. You asked a question if it might happen.</p> <p>2 I said it could.</p> <p>3 Q. Okay. Who would supervise that child?</p> <p>4 A. One of the staff, right? So there --</p> <p>5 MR. BUTLER: I have no further</p> <p>6 questions.</p> <p>7 CHAIRWOMAN SCHAEFER: I'm going to</p> <p>8 open it up. Anyone from the public have questions</p> <p>9 of this, if you could please come up, say who you</p> <p>10 are and address, please.</p> <p>11</p> <p>12 <u>EXAMINATION BY THE PUBLIC:</u></p> <p>13</p> <p>14 MS. ROBINSON: Wendy Robinson, Hill</p> <p>15 Hollow Road.</p> <p>16 I don't -- I didn't have the</p> <p>17 opportunity to see where the playground was located</p> <p>18 in respect to the streets. Is it -- where is Union</p> <p>19 and where is New Providence with respect to the</p> <p>20 playground.</p> <p>21 THE WITNESS: So I'm referring to</p> <p>22 Drawing 5 of 17 in the site plan. The street that</p> <p>23 I'm kind of running my hand over is Union. The</p> <p>24 street that goes off on a diagonal --</p> <p>25 MS. ROBINSON: Is New Providence.</p>
<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">154</p> <p>1 and frequently a parent will make arrangement with</p> <p>2 the school's busing company, if the school board</p> <p>3 owns their own buses or they hire it, to drop their</p> <p>4 child. Sometimes there's a fee. It will never be a</p> <p>5 full school bus. If anything, it's a handful of</p> <p>6 children, and they would come in a -- what we call a</p> <p>7 short bus.</p> <p>8 Q. And that kid -- let's say a ninth</p> <p>9 grader from the local school -- what would he do at</p> <p>10 the site?</p> <p>11 A. It couldn't be a ninth grader. A</p> <p>12 ninth grader would be too old.</p> <p>13 Q. Okay.</p> <p>14 A. The site is only licensed to 12.</p> <p>15 Q. That would be -- what? -- eighth grade?</p> <p>16 Seventh grade?</p> <p>17 A. A ninth grader would be -- at 12 would</p> <p>18 probably be sixth or seventh grade.</p> <p>19 Q. All right. What would a seventh grader</p> <p>20 do at the site after his school got out?</p> <p>21 A. Probably -- someone said, Do his</p> <p>22 homework. Probably do his homework. I don't know.</p> <p>23 Q. Okay.</p> <p>24 A. I don't operator the program. And</p> <p>25 again, I haven't -- I haven't said that the program</p>	<p style="text-align: center;">MATTHEW JARMEL, AIA</p> <p style="text-align: right;">156</p> <p>1 THE WITNESS: -- is New Providence,</p> <p>2 and the playground is located all the way over here.</p> <p>3 It's very far away from either street.</p> <p>4 MS. ROBINSON: Okay. But across the</p> <p>5 street from the quarry.</p> <p>6 So the dust that may come from the</p> <p>7 quarry could easily fall into the playground area,</p> <p>8 and the emissions from New Providence traffic, which</p> <p>9 can be mind-boggling at times, as well as on 22.</p> <p>10 The chair asked about whether there's</p> <p>11 been any study about the air quality in the area.</p> <p>12 Does the Department of Health or the Department of</p> <p>13 Children & Families -- do they have any regulations</p> <p>14 about air quality for childcare facilities,</p> <p>15 playgrounds?</p> <p>16 THE WITNESS: Not to my knowledge.</p> <p>17 MS. ROBINSON: So there would be no</p> <p>18 attempt to study what the air quality would be or</p> <p>19 any ongoing monitoring for children who might suffer</p> <p>20 respiratory conditions as a result of playing on the</p> <p>21 playground there with all of -- what would likely be</p> <p>22 pretty significant emissions and dust?</p> <p>23 THE WITNESS: Ma'am, if you just allow</p> <p>24 me one minute, I'll do my best to answer your</p> <p>25 question. I just want to check something.</p>

1 MS. ROBINSON: Sure.
 2 THE WITNESS: So just -- you didn't
 3 ask, but I measured. The playground is over
 4 100 feet away from the edge of the road so -- and,
 5 of course, you'd have to cross the road. Would you
 6 just mind -- because I was kind of looking at the
 7 scale -- repeating your question so I can make sure
 8 I heard it correctly?
 9 MS. ROBINSON: I'm concerned about the
 10 -- well, I asked whether the Department of Health or
 11 the Department of Children & Families have
 12 regulations related to childcare facilities, the air
 13 quality on playgrounds --
 14 THE WITNESS: So -- so my response is,
 15 I'm not aware of that. But it is my understanding
 16 that the quarry is required to monitor their own
 17 air.
 18 MS. ROBINSON: Okay. And so, then,
 19 there wouldn't be -- I guess your testimony is that
 20 it wouldn't -- there wouldn't be any continuing --
 21 not only initial nor continuing monitoring so that
 22 if children develop respiratory conditions, you
 23 wouldn't know about it, have any responsibility, or
 24 anything like that, and The Learning Experiencing
 25 wouldn't either, I gather?

1 THE WITNESS: I'm not -- that's
 2 somewhat of a legal question about liability. I'm
 3 not sure I'm qualified to answer that. But there is
 4 no -- there has been no air testing. Okay? And to
 5 the best of my knowledge, there would be no ongoing
 6 air testing that would be a requirement by licensing
 7 for the childcare center. But I do believe that the
 8 quarry is required to do their own air testing, and
 9 monitoring, and report, and comply.
 10 MS. ROBINSON: Thank you.
 11 CHAIRWOMAN SCHAEFER: Any other
 12 questions from the public?
 13 Okay. Mayor?
 14 MAYOR BALLA: Yeah. One other
 15 question. You did say that you're required to have
 16 soil testing?
 17 THE WITNESS: Yes.
 18 MAYOR BALLA: And has that been done
 19 yet?
 20 THE WITNESS: I do not know the answer
 21 to that, but it certainly would need to be done
 22 before the license can be issued.
 23 Now, if there was a problem found, it
 24 can be -- it would be -- it doesn't preclude them
 25 from getting a license. They just have to remediate

1 it before they could get a license.
 2 MAYOR BALLA: The reason I'm asking is
 3 if the soil's contaminated, that there's an issue,
 4 and if there's things in the contaminated soil that
 5 percolate through up into the air, that's an issue
 6 as well. Both.
 7 THE WITNESS: Yeah. I'm not sure I
 8 understand -- know what you mean by "percolate"
 9 because, I mean, soil contaminants -- again, not
 10 really my area of expertise. But being a real
 11 estate developer, sometimes I've owned sites that
 12 have contaminated soil. You can take the soil
 13 off-site and put fresh soil in and then comply.
 14 There are ways to cap soil, so there are ways around
 15 it. So the DEP and the State has put provisions in
 16 to make sure that the site -- site is safe. It
 17 doesn't mean that a contaminated site can't get a
 18 license. It just means it has to be able to
 19 remediate the problem or address it.
 20 MAYOR BALLA: If it can be remediated?
 21 THE WITNESS: Correct. If it can't be
 22 remediated, then they won't get a license.
 23 MAYOR BALLA: You wouldn't be able to
 24 -- well, you'd be told to vacate the property.
 25 THE WITNESS: Well, it wouldn't get

1 that far. Before it gets built, it would be tested.
 2 MAYOR BALLA: All right.
 3 CHAIRWOMAN SCHAEFER: Okay. We're
 4 going to end here.
 5 Oh, I'm sorry, Mr. Hehl.
 6 MR. HEHL: Yeah.
 7 CHAIRWOMAN SCHAEFER: We're going to
 8 end here tonight --
 9 MR. HEHL: Certainly.
 10 CHAIRWOMAN SCHAEFER: -- and we'll
 11 pick it up at our January 21st meeting.
 12 I will say to you that our January 21st
 13 meeting will start at 7 o'clock.
 14 MR. HEHL: I see that.
 15 CHAIRWOMAN SCHAEFER: That is our
 16 reorg. We're going right into, immediately into,
 17 our regular meeting. Okay? You will be the first
 18 on the agenda.
 19 And unless there's other questions, you
 20 know, or you have any comments to make --
 21 MR. HEHL: No. I just, again,
 22 appreciate the Board and its professionals and I
 23 look forward to seeing you on the 21st. And we will
 24 submit the documentation that was requested.
 25 CHAIRWOMAN SCHAEFER: Yeah. The three

1 things that we asked for. Perfect.
 2 MR. BUTLER: Madam Chairman, just so I
 3 can get straightened out with my witnesses --
 4 Steve, could you tell us what witnesses
 5 you're going to call on the 21st?
 6 MR. HEHL: Yeah. We'll have your
 7 traffic engineer and our planner. We may recall
 8 either Mr. Jarmel or Mr. Gesario, depending upon the
 9 exhibits that are produced.
 10 MR. BUTLER: Thank you very much.
 11 MR. HEHL: And if I may --
 12 CHAIRWOMAN SCHAEFER: The exhibits are
 13 going to remain here?
 14 MR. HEHL: Yeah. We'll leave the
 15 exhibits here. And perhaps -- I know you
 16 have Mr. Simoff. You have Mr. Steck. Are those the
 17 two witnesses you expect to put on?
 18 MR. BUTLER: And I might have another
 19 wetlands hydrologist.
 20 MR. HEHL: Okay.
 21 MR. BUTLER: And just to clarify, Hal
 22 Simoff, having gone to Ridgewood, I think, tonight,
 23 he did get here at 9:00.
 24 CHAIRWOMAN SCHAEFER: Okay.
 25 MR. BUTLER: Steck's standing on his

1 feet in Hackensack.
 2 CHAIRWOMAN SCHAEFER: Okay. So this
 3 will resume -- there will be no further notice.
 4 This will be resumed at our January 21st meeting
 5 immediately following our reorg. which starts at
 6 7:00.
 7 MR. HEHL: Thank you.
 8 CHAIRWOMAN SCHAEFER: Okay?
 9 MR. HEHL: Thank you-all again. Have
 10 a safe and happy holiday season.
 11 CHAIRWOMAN SCHAEFER: You, too.
 12 MR. HEHL: Appreciate your time this
 13 evening.
 14
 15 (Application adjourned at 10:30 p.m.)
 16
 17
 18
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 24
 25



3 I, ANGELA C. BUONANTUONO, a Notary Public
 4 and Certified Court Reporter of the State of New
 5 Jersey and Registered Professional Reporter, do
 6 hereby certify that prior to the commencement, the
 7 witnesses were duly sworn to testify the truth, the
 8 whole truth and nothing but the truth.

10 I DO FURTHER CERTIFY that the foregoing
 11 is a true and accurate transcript of the hearing as
 12 taken stenographically by and before me at the time,
 13 place and on the date hereinbefore set forth.

14 I DO FURTHER CERTIFY that I am neither
 15 a relative nor employee nor attorney nor counsel of
 16 any of the parties to this action, and that I am
 17 neither a relative nor employee of such attorney or
 18 counsel, and that I am not financially interested in
 19 the action.

23 Angela C. Buonantuono, CCR, RPR, CLR

24 License No. 30XI00233100

25 Dated: January 17, 2020

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