

# BOROUGH OF WATCHUNG

## PLANNING BOARD

TRACEE SCHAEFER, CHAIRWOMAN

**Regular Meeting  
October 20, 2020**

### **OFFICIAL MINUTES Adopted December 15, 2020**

Vice Chairman Donald Speeney called the Regular Meeting to order at 7:30 p.m. Board members present were Mr. Al Ellis, Ms. Karen Pennett, Councilman Pete Martino, Mayor Keith Balla, Ms. Ellen Spingler, Mr. Steve Pote, Mr. Paul Fiorilla and Mr. Troy Sims. Also present were Francis P. Linnus, Esq., Board Attorney, Thomas J. Herits, Board Engineer, Mr. Mark Healey, Board Planner and Theresa Snyder, Board Clerk.

Vice Chairman Speeney read the statement indicating the meeting was being held in compliance with N.J.S.A. 10:4-6 of the Open Public Meetings Act, the Municipal Land Use Law requirements, and the recording of the Minutes as required by law. He also stated that in order to comply with the executive orders signed by the governor, and in an effort to follow best practices recommended by the CDC, the meeting was being held virtually for all board members, board professionals, the applicant, the applicant's professionals, interested parties and members of the public. The Board members identified themselves for the record. He then led the flag salute to the American flag.

### **MINUTES**

On motion by Ms. Spingler, seconded by Ms. Pennett, the minutes from September 15, 2020, Regular Meeting, were accepted and carried on voice vote.

### **RESOLUTION**

#### **RESOLUTION PB 20-R13; EMERGENCY MEETING PROTOCOL**

On motion by Ms. Spingler, seconded by Ms. Pennett, the Board memorialized the resolution based on the following roll call vote:

Roll Call:

Ayes: Ms. Spingler, Mr. Ellis, Councilman Martino,  
Ms. Pennett, Mayor Balla, Mr. Pote  
Mr. Fiorilla, Mr. Sims and Vice Chairman Speeney

Nays:

Not Eligible:

Abstain:

Absent: Tracee Schaefer

# BOROUGH OF WATCHUNG PLANNING BOARD

TRACEE SCHAEFER, CHAIRWOMAN

**CASE NO.: PB 19-02; THE LEARNING EXPERIENCE**

**100 UNION AVENUE**

**BLOCK: 7801 LOT: 1**

**BB ZONE**

**Expiration: 12/31/20**

***The contents of the hearing for the above referenced application is recorded in the below transcript.***

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

-----  
REGULAR MEETING FOR:  
THE LEARNING EXPERIENCE  
BLOCK 7801, LOT 1  
100 UNION AVENUE  
CASE NO. PB 19-02  
-----

TUESDAY, OCTOBER 20, 2020  
COMMENCING AT 7:30 P.M.  
TRANSCRIPT OF PROCEEDINGS  
VIRTUAL PUBLIC HEARING  
BOARD MEMBERS PRESENT:  
DONALD SPEENEY, VICE-CHAIRMAN  
KEITH BALLA, MAYOR  
ALBERT ELLIS  
PAUL FIORILLA  
PIETRO MARTINO, COUNCILMAN  
KAREN PENNETT  
STEPHEN POTE  
ELLEN SPINGLER  
TROY SIMS

ALSO PRESENT:  
FRANCES LINNUS, ESQUIRE, BOARD ATTORNEY  
TOM HERITS, P.E., Board Engineer  
MARK HEALEY, P.P., Board Planner  
JOSEPH FISHINGER, P.E., Board Traffic Engineer  
THERESA SNYDER, Board Secretary  
STENOGRAPHICALLY REPORTED BY:  
ANGELA BUONANTUONO, CCR, RPR, License No. 30XI00233100  
AB COURT REPORTING, LLC  
Certified Court Reporters

# BOROUGH OF WATCHUNG PLANNING BOARD

TRACEE SCHAEFER, CHAIRWOMAN

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A P P E A R A N C E S: (Via Video Conference)  
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I N D E X

FOR THE APPLICANT:

PAGE

GERALD GESARIO, P.E.

BY MR. HEHL 11,50

BY MR. BUTLER 67

MATTHEW JARMEL, AIA

BY MR. HEHL 21,77

BY MR. BUTLER 103

E X H I B I T S

FOR THE APPLICANT:

EXHIBIT DESCRIPTION PAGE

A-4 Site exhibit, Drawing E-500, dated  
October 20, 2020, prepared by  
Jarmel Kizel

16

EXHIBITS NOT RETAINED BY REPORTER

4

1 (Time Noted, 7:43 p.m.)

2 VICE-CHAIRMAN SPEENEY: Okay, moving

3 on.

4 BOARD SECRETARY: Case Number PB 19-02,

5 The Learning Experience, 100 Union Avenue, Block

# BOROUGH OF WATCHUNG PLANNING BOARD

TRACEE SCHAEFER, CHAIRWOMAN

6 7801, Lot 1, BB zone, expiration 12/31/20.

7 VICE-CHAIRMAN SPEENEY: Thank you.

8 Mr. Hehl.

9 ATTORNEY HEHL: Yes. Good evening,

10 Mr. Chairman, and --

11 VICE-CHAIRMAN SPEENEY: Good evening.

12 ATTORNEY HEHL: -- board members and

13 board professionals. It's great to see everyone.

14 Too bad we're not live, but we do appreciate the

15 board and the board staff and professionals in

16 entertaining us in this virtual formal -- forum.

17 And again, we appreciate the reports that we've been

18 provided. You know, Theresa does a great job in

19 making sure we can have everything on a timely

20 basis.

21 So it's hard to believe, but it was

22 back in December, December 17th, of last year that

23 we were before the board in a live hearing. We then

24 -- we had gotten through, that evening, the

25 testimony of Gerard Gesario, our professional

5

1 engineer, and Matthew Jarmel, who provided

2 operational testimony and also provided testimony

3 with respect to the architecture. We had

4 not -- those were the only two witnesses that we had

5 testify that evening.

6 But I think, Mr. Chairman, you had

7 requested a brief overview by our witnesses as to

8 who will be testifying and just a recap of the

9 nature of this application. And if that's okay with

10 you, Mr. Speeney, I'll just --

11 VICE-CHAIRMAN SPEENEY: Yeah. What --

12 ATTORNEY HEHL: -- do that briefly.

13 VICE-CHAIRMAN SPEENEY: What I would

14 like is to have the brief overview. And then I

15 would like to follow that with an overview of our

16 reports from our experts.

17 ATTORNEY HEHL: Sure. That'd be

18 great.

19 VICE-CHAIRMAN SPEENEY: And then --

20 and then, once the two sets of overviews are

21 completed, we'll go back to the normal process of

22 the hearing.

23 ATTORNEY HEHL: Great.

24 ATTORNEY LINNUS: Mr. Vice-Chair, I

25 also have to deal with a request from Mr. Butler

6

1 regarding the parking regulations that apply to this

2 particular application.

3 VICE-CHAIRMAN SPEENEY: All right.

4 We'll do that --

5 ATTORNEY LINNUS: And --

6 VICE-CHAIRMAN SPEENEY: Let's do that

7 after the high-level reports.

8 ATTORNEY LINNUS: Okay. Before we --

9 there's a few housekeeping items that I'd like

10 addressed right now, though.

# BOROUGH OF WATCHUNG PLANNING BOARD

TRACEE SCHAEFER, CHAIRWOMAN

11 VICE-CHAIRMAN SPEENEY: Okay. Go  
12 ahead.  
13 ATTORNEY LINNUS: And they include the  
14 following: Throughout these proceedings, we've  
15 received some correspondence from both the attorney  
16 for the applicant and from Mr. Butler, the attorney  
17 for Weldon. At one point, they were both objecting  
18 to having public hearings conducted virtually. I'd  
19 like to hear from both of them on the record that  
20 they have no objection to the continuation of this  
21 public hearing virtually.  
22 ATTORNEY HEHL: Yeah. Thanks. Yeah.  
23 No objection on behalf of the applicant.  
24 ATTORNEY LINNUS: Mr. Butler?  
25 I can't hear you, Mr. Butler. You've  
7  
1 got to unmute yourself, Bill.  
2 Does anybody want to technically help  
3 Mr. Butler?  
4 MEMBER PENNETT: Because it says he's  
5 -- he's not muted.  
6 BOARD SECRETARY: Mr. Butler, you  
7 might want to check the volume on your device, on  
8 your computer, to make sure that it's turned up.  
9 UNIDENTIFIED SPEAKER: Getting there.  
10 UNIDENTIFIED SPEAKER: Go ahead.  
11 MEMBER PENNETT: Now he's muted.  
12 UNIDENTIFIED SPEAKER: All right. Try  
13 it now.  
14 ATTORNEY BUTLER: It's Butler. Can  
15 you hear me now?  
16 VICE-CHAIRMAN SPEENEY: Yes. I can.  
17 BOARD SECRETARY: Yes.  
18 UNIDENTIFIED SPEAKER: Yes.  
19 UNIDENTIFIED SPEAKER: Hal, turn your  
20 computer around.  
21 UNIDENTIFIED SPEAKER: He can't hear  
22 us.  
23 UNIDENTIFIED SPEAKER: Okay.  
24 UNIDENTIFIED SPEAKER: I can hear you  
25 now.  
8  
1 UNIDENTIFIED SPEAKER: How about this  
2 way?  
3 VICE-CHAIRMAN SPEENEY: Mr. Linnus,  
4 repeat the question for Mr. --  
5 ATTORNEY BUTLER: Mr. Linnus, can you  
6 hear me now?  
7 ATTORNEY LINNUS: Yes, I can,  
8 Mr. Butler.  
9 ATTORNEY BUTLER: I'm sorry.  
10 ATTORNEY LINNUS: The question is --  
11 ATTORNEY BUTLER: I'm -- I have to  
12 apologize. I am an I.T. dinosaur. And I got two  
13 people with me that know a lot about it, and I'm not  
14 one of them. And I apologize. That's my fault;

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TRACEE SCHAEFER, CHAIRWOMAN

15 that's not your fault.  
16 Two weeks ago or three weeks ago on  
17 behalf of Weldon, I wrote a letter withdrawing our  
18 objection to virtual hearings. We --  
19 ATTORNEY LINNUS: And you're  
20 confirming that tonight, right, Mr. Butler?  
21 ATTORNEY BUTLER: Excuse me?  
22 ATTORNEY LINNUS: And you're  
23 confirming that tonight on the record, right,  
24 Mr. Butler?  
25 ATTORNEY BUTLER: We're confirming it  
9  
1 tonight.  
2 ATTORNEY LINNUS: Okay. That's fine.  
3 MR. BUTLER: Thank you. I'm sorry for  
4 the delay.  
5 ATTORNEY LINNUS: Okay.  
6 Mr. Vice-Chair, we can proceed.  
7 VICE-CHAIRMAN SPEENEY: Let us proceed  
8 then. What I'd like to do is Mr. Hehl will call a  
9 review of his two witnesses. Okay? Their  
10 testimony.  
11 And then we'll go through our planner,  
12 engineer, traffic, site committee and legal opinion.  
13 Well, we don't need the legal opinion now. We got  
14 that already.  
15 ATTORNEY LINNUS: No, we need a legal  
16 opinion on the parking regulations.  
17 VICE-CHAIRMAN SPEENEY: Okay.  
18 Mr. Hehl.  
19 ATTORNEY HEHL: Okay. Great. So  
20 again, this project, as the board will recall,  
21 involves converting a vacant space on New Providence  
22 Road and Union Ave into a childcare center. The  
23 childcare center before this board is a permitted  
24 use in the zone, and it's also deemed to be an  
25 inherently beneficial use.  
10  
1 What we -- what we do have -- this is,  
2 from our information, a well-designed project. In  
3 fact -- I know we'll touch on it -- we received the  
4 Bright View Engineering review and Mr. Herits'  
5 review, and I believe we've addressed all of the  
6 concerns that they have or will through testimony  
7 this evening.  
8 There are a few minor variances  
9 associated with the application that our site  
10 engineer will cover.  
11 But what -- as I mentioned, at the  
12 December hearing last year, Mr. Gerard Gesario, our  
13 site engineer, did present testimony and -- and then  
14 also Mr. Jarmel. So what I'd like to do,  
15 Mr. Chairman, if it's acceptable, is to have  
16 Mr. Gesario. I assume he can still be deemed to be

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17 under oath, but for board -- I think there may be  
18 one or two board members that are new, but I can  
19 have him place his credentials on the record and  
20 give a recap of his prior testimony and supplement  
21 it by items that were supplied to the board since he  
22 last testified.

23 VICE-CHAIRMAN SPEENEY: Okay.

24 ATTORNEY HEHL: Great. So let me look

25 around on my screen, and I do see Mr. Gesario.

Gesario - Direct

11

1 So --

2 ATTORNEY LINNUS: Before we proceed,

3 Mr. Hehl --

4 Mr. Gesario, just for the record, you

5 understand you remain under oath in these

6 proceedings?

7 MR. GESARIO: I do.

8 ATTORNEY LINNUS: Okay. Great.

9 Your witness, Counsel.

10 ATTORNEY HEHL: Thank you very much.

11

12 G E R A R D G E S A R I O, P.E.,

13 previously sworn, testifies as follows:

14 D I R E C T E X A M I N A T I O N

15 BY ATTORNEY HEHL:

16 Q. So Mr. Gesario, just briefly, if you

17 could provide the board again your credentials in

18 connection with your -- as a professional engineer.

19 A. Sure.

20 Again, for the record, my name is

21 Gerard Gesario, G-E-S-A-R-I-O. I am a licensed

22 professional engineer in the state of New Jersey,

23 license in good standing. I'm a 1988 graduate of

24 the New Jersey Institute of Technology with a

25 bachelor of science in civil engineering.

Gesario - Direct

12

1 I've been practicing primarily land

2 development for over 32 years. I'm currently

3 director of civil engineering for Jarmel Kizel

4 Architects and Engineers, and I was the responsible

5 person in charge for preparing these plans.

6 Q. You did testify, as I said, at the

7 December 17, 2019, hearing. And if you can provide

8 the board with an overview of what you testified to

9 at that hearing, and then we can move on to

10 addressing items that were submitted and

11 supplemented since that time.

12 A. Sure. So I'm going to share my screen

13 with a couple of exhibits. One previously marked

14 and one new one. So I'm going to attempt to share

15 my screen now.

16 Does everyone see an aerial picture?

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17 BOARD SECRETARY: Yes.

18 ATTORNEY HEHL: Very good.

19 THE WITNESS: This was previously

20 marked in the initial hearing as Exhibit A-1. It's

21 Drawing E-200, which is an aerial overview of our

22 project. So as Steve said, it's been a while since

23 the first hearing, so I'm just going to kind of

24 rehash what was previously testified to and quickly

25 go through what I previously testified to.

Gesario - Direct

13

1 So this aerial -- our site, Lot 1 and

2 Block 7801 is the triangular-shaped parcel here

3 hatched in yellow. It has the address of 100 Union

4 Avenue. This parcel is 2.21 acres and located in

5 the borough's professional and office zone or B-B

6 zone.

7 Adjacent to our site, we're bound by

8 Union Avenue, I'll say, to the south, New Providence

9 to the -- to the west. There's some wooded areas to

10 our north that make up the adjacent Lots 2 and 3.

11 To the east is the Green Brook. The centerline of

12 the brook is the limits of our property and also

13 make up the municipal boundary between Watchung and

14 Scotch Plains.

15 The site is currently vacant. It's

16 unimproved, predominantly wooded.

17 Two-thirds, roughly, of the site slope

18 and drain directly to the Green Brook. Reminder of

19 the site drains mostly to a storm system on Union

20 Avenue and then discharges into the Green Brook.

21 Elevations range -- about a 15-foot

22 grade difference from near the culvert at Union

23 Avenue to the -- what we'll call the west corner of

24 the property. That's -- it's a range from about one

25 -- elevation 155 to about 170.

Gesario - Direct

14

1 Our site does contain some

2 environmental constraints. We have wetlands along

3 the -- the Green Brook, predominantly following the

4 top of bank a little further out. We do have a new

5 letter of interpretation from the DEP; I believe

6 it's dated just September of 2020. So the wetlands

7 lines and the buffer line we show on the plans that

8 were recently submitted have, in fact, been verified

9 with the DEP based on the latest LOI.

10 There's some steep slopes near there,

11 the bank of the Green Brook, but none of those will

12 be disturbed under our application. The site also

13 falls within the 100-year flood zone of the Green

14 Brook. The flood elevations range from elevation

15 162 1/2 to about 163.8. The flood line shown on our

16 plan is based on the state mapping, which we



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17 received directly from the DEP and their mapping  
18 unit, and was plotted based on their flood study and  
19 flood profiles they provided.

20 The Green Brook also has what is a  
21 150-foot riparian buffer associated with it. And  
22 that is measured off the top of the bank. Our  
23 drawings also show that line. So the proposed  
24 development will require an individual permit from  
25 the DEP, and obviously the DEP will have final say  
Gesario - Direct

15

1 on the location of our flood hazard line and -- and  
2 the riparian buffer line, but we're pretty  
3 comfortable it's correct based on a pre-application  
4 meeting we had with them back in 2019.  
5 So I'm going to switch to -- okay. Now  
6 this is a new exhibit. This is drawing E-500, dated  
7 today, October 20th, 2020, which shows the  
8 configuration of the current proposed layout of the  
9 site.

10 ATTORNEY LINNUS: Mr. Gesario, what  
11 are you -- what do you --

12 THE WITNESS: Yes.

13 ATTORNEY LINNUS: You want to identify  
14 that as an exhibit?

15 THE WITNESS: Yes.

16 ATTORNEY LINNUS: What exhibit are you  
17 presenting?

18 THE WITNESS: This would be a new  
19 exhibit. I guess we left off at --

20 BOARD SECRETARY: This would be A-4.

21 ATTORNEY HEHL: A-4, yes.

22 THE WITNESS: Okay. A-4? And this is  
23 entitled, "Site exhibit, Drawing E-500," dated  
24 October 20th, 2020. It's a ten-scale or a blowup of  
25 the proposed development of our site with some color  
Gesario - Direct

16

1 showing the landscaping and -- and the play area.  
2 (Exhibit A-4, Site Exhibit E-500,  
3 dated October 20, 2020, was marked for  
4 identification.)

5 THE WITNESS: So to the left, or to  
6 the west, you'll see the two-story proposed TLE day  
7 care center. It has a total gross square footage of  
8 10,782 square feet. The footprint is actually just  
9 below 5,400 square feet. There's an outdoor play  
10 area behind, or to the north, of 3,400 square feet.  
11 The shape of the play area is slightly revised from  
12 the prior submission. It got squared off and  
13 brought in to minimize disturbance behind the site  
14 and in the riparian zone.

15 As I mentioned, we've had a  
16 pre-application with DEP, and some of this -- the

# BOROUGH OF WATCHUNG PLANNING BOARD

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17 redesign now and our prior submission were based on  
18 those meetings with the DEP.

19 VICE-CHAIRMAN SPEENEY: Mr. Hehl?

20 Excuse me. Mr. Hehl, this, for me, is sufficient

21 for us to move on to the next level -- next expert,

22 and we can get back to this when we get back into

23 the regular part of the hearing.

24 ATTORNEY HEHL: Okay. So I would,

25 then, recall Mr. Gesario to take --

Gesario - Direct

17

1 VICE-CHAIRMAN SPEENEY: Right.

2 ATTORNEY HEHL: -- us through the --

3 VICE-CHAIRMAN SPEENEY: Absolutely.

4 Yeah.

5 ATTORNEY HEHL: Okay. Great.

6 VICE-CHAIRMAN SPEENEY: Yeah.

7 ATTORNEY HEHL: So Mr. Gesario, any

8 other items from your previous testimony that you

9 would like to -- to touch on?

10 THE WITNESS: Yeah. I'll just quickly

11 -- the two -- the main differences, I guess, from

12 the last submission -- there's really three or two.

13 It's -- whoops, sorry about that -- it's the play

14 area, shape and size. We reconfigured the emergency

15 access drive so that we had a curve here. We opened

16 it up and just striped it now instead, and we tucked

17 in some -- some grading along our -- our parking

18 inside the site to minimize disturbance and further

19 reduce disturbance in the riparian zone.

20 So those are, really, the differences

21 from the prior application.

22 ATTORNEY HEHL: Okay. And then I'll

23 re- -- we'll recall you after we get a brief

24 description by Mr. Jarmel, a recap. Then we can

25 move on to -- I guess next would be the reports from

18

1 the -- the professionals for the -- for -- for

2 Watchung.

3 So with that being said, I'd like to

4 recall Mr. Matthew Jarmel.

5 MR. JARMEL: Good evening.

6 ATTORNEY LINNUS: Mr. Jarmel, you do

7 understand you remain under oath; do you not?

8 MR. JARMEL: I do, Mr. Linnus.

9 ATTORNEY BUTLER: Mr. Speeney?

10 VICE-CHAIRMAN SPEENEY: Yes.

11 ATTORNEY BUTLER: This is Bill Butler.

12 If I just heard the engineer correctly, he testified

13 about an exhibit dated 10/10/20; is that correct?

14 UNIDENTIFIED SPEAKER: 10/20/20.

15 ATTORNEY BUTLER: 10/20/20?

16 ATTORNEY LINNUS: 10/20/20.

17 ATTORNEY BUTLER: So this is an

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18 exhibit that was -- that was dated today. Okay?  
19 And he's supposed to get that exhibit in ten days  
20 before the hearing if we're going to discuss the  
21 exhibit, and it's part of the site plan. And I have  
22 an Exhibit A and a B predicated upon the plans that  
23 were submitted about three weeks ago, and I have no  
24 idea how this new plan that was submitted today  
25 affects how I was going to cross-examine this  
19

1 witness.

2 VICE-CHAIRMAN SPEENEY: I hear you,

3 Mr. Butler.

4 Mr. Linnus.

5 ATTORNEY LINNUS: All right. Let --

6 let me hear from the applicant's attorney regarding  
7 the production of this exhibit, and the fact that  
8 it's dated today, and whether it's relevant tonight  
9 and whether we have to postpone that exhibit to the  
10 next meeting.

11 ATTORNEY HEHL: All right. This

12 is -- this is merely an exhibit. It's not a change  
13 in the plans. It's consistent with the plans that  
14 were submitted and were on file well in advance of  
15 this -- tonight's hearing.

16 It is a descriptive type of exhibit, so  
17 it doesn't change anything that was submitted. It's  
18 just a simple exhibit to highlight the -- the  
19 changes from the previous application -- or from the  
20 previous plan to what was submitted several --  
21 several weeks ago. So it's just more illustrative.

22 ATTORNEY BUTLER: Mr. Chairman, is  
23 Mr. Hehl saying that this new exhibit that came in  
24 today is exactly the same as Sheet 6-A, which was  
25 the major revision last month when they resubmitted?  
20

1 Is it 6-A? Because I've drawn out 6-A  
2 with all these wetlands and where all the riparian  
3 zones are, and that's the exhibit I was going to use  
4 for the engineer.

5 Does this new plan change 6-A? That's  
6 my question.

7 ATTORNEY HEHL: I'll defer to

8 Mr. Gesario, but I believe the answer is it is  
9 consistent.

10 MR. GESARIO: Yeah.

11 ATTORNEY BUTLER: It is --

12 MR. GESARIO: The -- the exhibit  
13 presented tonight is the exact same layout as  
14 Drawing 6-A with just color added to it.

15 ATTORNEY BUTLER: Thank you.

16 MR. GESARIO: You're welcome.

17 VICE-CHAIRMAN SPEENEY: Thank you.

18 ATTORNEY LINNUS: We're fine, as long  
19 as it was based on 6-A.

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20 VICE-CHAIRMAN SPEENEY: Okay.

21 ATTORNEY HEHL: Great. So, I guess,

22 back to Mr. Jarmel.

23

24 M A T T H E W J A R M E L, AIA,

25 previously sworn, testifies as follows:

Jarmel - Direct

21

1 D I R E C T E X A M I N A T I O N

2 BY ATTORNEY HEHL:

3 Q. So Mr. Jarmel, if you could, as did

4 Mr. Gesario, briefly provide the board with your

5 credentials and then a brief overview of your

6 previous testimony, and then we can move on to any

7 changes based upon -- we can do that after when I

8 recall you.

9 A. Okay. Very well.

10 Good evening, everyone. My name is

11 Matthew Jarmel. I am a principal of the

12 architectural engineering firm Jarmel Kizel

13 Architects and Engineers, located in Livingston, New

14 Jersey.

15 As far as my credentials go, I have a

16 bachelor's of architectural degree from the New

17 Jersey Institute of Technology. I graduated in

18 1990. I have a master's in business administration

19 with a concentration in real estate development and

20 urban land use from Rutgers University. I believe I

21 got that degree in 1994.

22 I have been a registered architect in

23 the state of New Jersey since 1994. I currently

24 hold 31 licenses throughout the country, including

25 Washington, D.C.

Jarmel - Direct

22

1 And I have testified in New Jersey

2 before well over 100 municipal planning and zoning

3 boards. I've also testified on -- in superior court

4 as an architect.

5 Specifically as it relates to childcare

6 centers, my firm has designed well over 300

7 childcare centers in about 15 states. In fact, we

8 recently were working on two in London as well, out

9 of the -- internationally. And we have been -- and

10 we have worked for many major brands which you may

11 be familiar with -- Goddard, Kiddie Academy,

12 Children of America, Primrose, Lightbridge and, of

13 course, this evening we're here -- or virtually here

14 to talk about The Learning Experience.

15 Our firm has worked with The Learning

16 Experience for about almost 20 years. And, as one

17 of their preferred architects, we created their

18 prototype. And the drawings and designs you'll see

19 here tonight reflect our working with their

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TRACEE SCHAEFER, CHAIRWOMAN

20 operations people over this time period.

21 In addition to being an architect,

22 sometimes I act as a real estate developer, and I

23 personally have completed six childcare centers, all

24 leased to The Learning Experience. I have ownership

25 interest in four in New Jersey, and I'm working on

Jarmel - Direct

23

1 five developing now. So I'm very familiar with how

2 these centers operate and how they're developed.

3 I don't know if I -- you still need to

4 accept my qualifications, please.

5 Q. Well, I think you were already accepted

6 but this is --

7 A. Oh, okay. Yeah. Sorry.

8 Q. This is a recap.

9 A. So --

10 VICE-CHAIRMAN SPEENEY: Thanks for the

11 review.

12 THE WITNESS: So I'll try and be

13 brief. And forgive me because I'm not sure how deep

14 I should go into the recap of my testimony, but --

15 VICE-CHAIRMAN SPEENEY: Don't go in

16 too deep.

17 ATTORNEY HEHL: Yeah. Mr. Speeney,

18 he'll -- he'll -- he'll rein you in if you go too

19 far.

20 THE WITNESS: Thank you, Mr. Speeney.

21 So I won't even share any drawings at

22 this time, then. I'll just say that we propose to

23 build a two-story childcare center. The total

24 square footage of the building will be 10,792 square

25 feet; that's split evenly between the first and

Jarmel - Direct

24

1 second floor, 5,396 square feet each.

2 The childcare center will be designed

3 in accordance with the New Jersey Department of

4 Children and Families regulations, and it'll be

5 licensed upon completion and issuance of a

6 certificate of occupancy, assuming it receives site

7 plan approval and is built, for approximately -- and

8 I say, "Approximately," because the -- 154 children,

9 that's our target license capacity. I say,

10 "approximately," because ultimately the Department

11 of Children and Families makes the final decision,

12 and sometimes it varies by a couple of children.

13 Those -- that -- that license capacity will house

14 children that are as young as infants, from six

15 weeks of age, to approximately six years of age.

16 With that, you'll need 20 caregivers in

17 the classrooms, and typically there'd be two

18 administrative staff, for a total maximum staff of

19 22 and a total occupancy in the building of 176.

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20 I can go further, if -- if you'd like,  
21 but it's essentially what we propose.  
22 VICE-CHAIRMAN SPEENEY: All right.  
23 You can do that when -- when you're recalled by Mr.  
24 Hehl.  
25 THE WITNESS: Thank you.  
25  
1 ATTORNEY HEHL: Thank you.  
2 VICE-CHAIRMAN SPEENEY: Okay.  
3 Mr. Hehl, you -- what I'd like to do now is swing  
4 into the board experts' reports at a high level, and  
5 that will reorient, hopefully, board members as well  
6 as the applicant.  
7 ATTORNEY HEHL: Okay. Great.  
8 VICE-CHAIRMAN SPEENEY: Okay?  
9 ATTORNEY HEHL: Thank you,  
10 Mr. Speeney.  
11 VICE-CHAIRMAN SPEENEY: You're  
12 welcome.  
13 Mr. Healey, are you on board here?  
14 BOARD PLANNER: I'm on board. Can you  
15 hear me?  
16 VICE-CHAIRMAN SPEENEY: Yeah. Go  
17 ahead.  
18 BOARD PLANNER: Okay. So I'll -- I'll  
19 follow your direction to keep it at a high level.  
20 I initially prepared a report dated  
21 December 12th, 2019. It was a five-page report  
22 bringing up a total of, at that time, 14 comments.  
23 Most recently, based on the revised plans, I did a  
24 updated report to the, board, dated October 6th,  
25 2020. And I'll just -- I'll just walk very quickly  
26  
1 through that report.  
2 The first page is basically a summary  
3 of the application.  
4 Comment Number 1, I talk about the fact  
5 that it's a limited use both in the ordinance and  
6 per the Municipal Land Use Law.  
7 Comment 2, I bring up the two  
8 variances, lot frontage and parking lot setback,  
9 which are still required as a result of the revised  
10 plans, but that's unchanged.  
11 I bring up an issue of off-street  
12 parking and loading requirements, the fact that the  
13 ordinance does not have a specific ordinance  
14 requirement for this use. And in that case, the  
15 board can establish the parking requirements for the  
16 use based on industry standards. And then I also  
17 bring up the related issue of the applicant needing  
18 to prove to the board that the site plan will  
19 function properly based on the anticipated occupancy  
20 levels in terms of students, staff, and just the  
21 operation of -- of the use. And obviously they have

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22 an engineer, traffic engineer, that they've  
23 retained, so does the board, and I believe the --  
24 Mr. Butler as well. So you'll hear plenty the  
25 testimony, I believe, on that issue.

27

1 There is a waiver for landscape  
2 islands. There is some clarification on Item  
3 Number 5. I believe they're fine in terms of  
4 building height, but they still have not clarified  
5 that issue.

6 Steep slope analysis, I opine that they  
7 are consistent with that section of the ordinance.  
8 Comment Number 7, I bring up the fact  
9 that since they do have -- require variances, I  
10 basically summarized the nature of the testimony  
11 that they need to provide in support of those  
12 variances.

13 Comment 8, I raised -- looks like one,  
14 two, three -- six bullet points with respect to tree  
15 replacement and landscaping that were raised in  
16 December, and their revised plans did not address  
17 those. So those comments are still outstanding.  
18 Number 9, I brought up some comments  
19 about the architecture. I'm not sure -- I was not  
20 in the -- in attendance at the meeting in December,  
21 so I'm not sure if the applicants had addressed that  
22 comment or not.

23 I asked in Comment Number 10 for the  
24 applicant to explain to the board how loading would  
25 occur, and I believe that issue's been raised in at  
28

1 least one of the other reports as well.  
2 Comment 11, they need to bring the  
3 board up to speed, and it looks like they have, to  
4 some degree, the nature of their outside approvals.  
5 12, I bring up a comment about street  
6 trees, which they have not addressed on their  
7 revised plans.

8 13, I brought up the fact that there  
9 are some pine trees that are proposed to remain. I  
10 believe they may have some issues with sight  
11 distance. That I'll defer to your engineer and your  
12 traffic engineer on that issue.

13 Number 14, I was asked to review  
14 whether the -- the fact that they're proposing a  
15 solid fence around the play area would -- if that  
16 would result in a need for a variance. I reviewed  
17 your ordinance, and I do not see anything in your  
18 ordinance that would prohibit a solid fence on a  
19 commercial site in a commercial zone.  
20 And then the last comment is just a  
21 factual comment that they would be subject to the  
22 2.5 nonresidential development fee.

23 VICE-CHAIRMAN SPEENEY: Okay. Thank

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24 you, Mark.

25 Tom Herits?

29

1 ATTORNEY BUTLER: This is Bill Butler.

2 I'm sorry, Chairman Speeney.

3 Mark Healey just mentioned that he

4 submitted a report dated October 6th, 2020.

5 I think that's what you said, Mark; did

6 you not?

7 BOARD PLANNER: Yes.

8 ATTORNEY BUTLER: I never received

9 that report.

10 MEMBER FIORILLA: Can I ask a question

11 to Mr. Linnus? Can everybody hear me?

12 ATTORNEY LINNUS: I do not distribute

13 reports.

14 ATTORNEY BUTLER: Nor, Mr. Linnus, do

15 I expect you to. And I --

16 BOARD SECRETARY: That's my fault.

17 ATTORNEY LINNUS: Well you would

18 expect Theresa to distribute the reports.

19 ATTORNEY BUTLER: And Theresa's been

20 terrific. I mean, she's the best I ever met, but I

21 did not get that report.

22 MEMBER FIORILLA: Mr. Linnus, could I

23 ask a question?

24 ATTORNEY LINNUS: Yes.

25 MEMBER FIORILLA: All right. So -- is

30

1 -- are -- are people not affiliated with the

2 planning board, are they allowed to just interject?

3 I mean, is the fact that somebody is an attorney

4 give them the right to just, like, speak at the

5 meeting as if they're a member of the board?

6 I mean, shouldn't there be, like, a

7 time for the public to speak and the board --

8 shouldn't the testimony, you know, be in front of

9 the board, and the board have the right to speak

10 right now and other people wait their turn to

11 interject?

12 ATTORNEY LINNUS: Yeah. The -- the

13 procedures under the Municipal Land Use Law grant

14 leeway to the chairperson to conduct the procedure

15 or the hearing.

16 VICE-CHAIRMAN SPEENEY: And it's been

17 previously agreed that Mr. Butler can ask questions,

18 procedural questions mostly, until he gets his time

19 to present his view and his part of the case.

20 MEMBER FIORILLA: I -- I used to

21 attend a lot of public meetings, and I -- you know,

22 I think that the board should hear testimony and

23 that there should be a space for other interested

24 parties to have their turn, but I don't think

25 that -- this is my opinion, and I'll shut up after



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1 this, but, I mean, I -- I think there should be some  
2 order here, and people who are not on the board  
3 should have a time when they speak, and that's my  
4 opinion.

5 VICE-CHAIRMAN SPEENEY: We -- we've  
6 agreed -- we've agreed with Mr. Butler to be able to  
7 ask questions, strictly procedural questions, as  
8 they come up.

9 And Mr. Butler will have his time  
10 after -- after Mr. Hehl has presented his case. But  
11 it's clear to me because of the prior agreement and  
12 deference to procedure that we can move on with  
13 Mr. Butler asking his questions if there's a  
14 procedural question.

15 So let's go.

16 ATTORNEY BUTLER: Mr. Speeney, will I  
17 get that report?

18 BOARD SECRETARY: Yes.

19 ATTORNEY BUTLER: Thank you very much.

20 VICE-CHAIRMAN SPEENEY: Okay. We're  
21 up to Mr. Herits, I believe. Yeah.

22 BOARD ENGINEER: Okay. Good evening,  
23 everyone.

24 My original report was dated  
25 November 14th, 2019. To be quite honest with you, I  
32

1 don't remember if at the last public...

2 UNIDENTIFIED SPEAKER: You just muted  
3 yourself, Tom.

4 BOARD ENGINEER: I'm sorry. I'm  
5 sorry. I don't know if the -- at the last public  
6 hearing if the applicant's engineer had a chance to  
7 go through that report during the public hearing.  
8 Usually they go -- they go through the report  
9 step-by-step. So you have to refresh my memory.  
10 It's been a while.

11 Mr. Hehl, do you remember if he did  
12 that or --

13 ATTORNEY HEHL: Yes, Mr. Herits.

14 Mr. Gesario did, in fact, go through -- go through  
15 your letter and address it point by point. And any  
16 of the architectural items, Mr. Jarmel addressed.

17 BOARD ENGINEER: So basically my  
18 report covers some general comments, and then some  
19 site comments, some traffic considerations, which I  
20 think are important, and which Joe Fishinger is here  
21 tonight to review and did a subsequent report.

22 We talked about stormwater management.

23 Again, this -- this report's nine pages; half your  
24 meeting would be taken up going through it. Some  
25 utilities, lighting and landscaping, and then

33

1 additional approvals that would be required.

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2 We did do another report based on the  
3 revised plans dated September 14th, 2020. And the  
4 plans really didn't change except for what the --  
5 Gerry talked about was the size of the play area,  
6 the site -- the egress for the site. There's just a  
7 little -- there's a minor change to that. And they  
8 added the 150-foot buffer from -- on the plans,  
9 which I'm sure you're going to be cross-examined on.  
10 But I think you need to explain to the  
11 board how you plan on overcoming that with the DEP.  
12 That's a very important issue because if you can't  
13 get through DEP with that, your -- literally your  
14 site plan is rendered useless.  
15 So that's the important things,  
16 Mr. Vice-Chairman.

17 VICE-CHAIRMAN SPEENEY: Okay. Thank  
18 you.

19 Joe Fishinger for traffic? Joe, you  
20 there?

21 BOARD TRAFFIC ENGINEER: I'm here.

22 VICE-CHAIRMAN SPEENEY: Okay.

23 BOARD TRAFFIC ENGINEER: Good evening,  
24 everyone. My name's Joe Fishinger, Bright View  
25 Engineering. John Jahr, your regular traffic  
34

1 engineer, sends his regards. Unfortunately his  
2 mother just got out of the hospital, and he couldn't  
3 be here tonight.

4 Frank, I haven't been -- testified in  
5 front of this board before, so do you want to swear  
6 me in now?

7 ATTORNEY LINNUS: You want to raise  
8 your right hand, please.

9 J O H N J A H R, P.E., sworn.

10 BOARD TRAFFIC ENGINEER: Obviously you  
11 haven't heard traffic testimony yet, so I'll keep my  
12 comments brief.

13 Our latest report -- the latest  
14 revision was October 16th, which takes into account  
15 some recent comments that were provided by Hal  
16 Simoff. When it comes down to it -- and you'll hear  
17 -- I'm sure you'll hear plenty of testimony -- there  
18 are really two major considerations, parking and  
19 traffic congestion.

20 From a parking perspective, the  
21 applicant will have to provide testimony proving  
22 that they have a sufficient amount of parking.  
23 Based on our experience with similar applications,  
24 we review these quite often, that -- there will be  
25 enough parking for, in our opinion.

35

1 The bigger question is traffic. The  
2 intersection at New Providence Road and Union is  
3 failing now. It's been a problem for a very long

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4 time. This application is right on the corner, and  
5 what I would hope that the applicant's professionals  
6 are going to provide is information on how their  
7 project's going to affect that intersection and if  
8 they're doing anything to mitigate those issues,  
9 whether the -- either on site or in cooperation with  
10 improvements from the county.

11 So that's something that we've asked  
12 for and asked for clarification in our letters, and  
13 I assume -- I would imagine that the  
14 applicant's professionals will --

15 BOARD SECRETARY: Tom, you're muted.

16 BOARD TRAFFIC ENGINEER: I'm sorry,  
17 did -- was somebody not able to hear me?

18 VICE-CHAIRMAN SPEENEY: Did something  
19 happen?

20 BOARD TRAFFIC ENGINEER: I thought I  
21 heard somebody saying I'm -- I was muted, but I  
22 guess not.

23 That's the very brief overview. I can  
24 go into particulars, if you want, but I think that's  
25 best left until after we hear the testimony from the  
36

1 applicant.

2 VICE-CHAIRMAN SPEENEY: Right. Joe,  
3 thank you very much.

4 The -- the next item that I wanted to  
5 review was the site plan subdivision committee  
6 report for The Learning Experience, which is dated  
7 November 15, 2019. And several issues were raised,  
8 but parking and traffic were two big ones. And for  
9 example, we questioned number of parking spaces, if  
10 it was adequate, and did they need a license at the  
11 time from the department of community services or  
12 approval for their traffic in terms of the  
13 student-teacher ratio.

14 And then we had a question about  
15 overflow of parking requirements when students'  
16 special performances are held that draw parents and  
17 others to the site. So that was a question we had.  
18 And traffic. We were there on November  
19 the 15th, which was a Friday, 10:00 a.m., and we  
20 experienced significant heavy truck traffic leaving  
21 Weldon Quarry, and some of these drivers were  
22 speeding up within the quarry egress road to merge  
23 with existing traffic, which was the southbound  
24 direction on New Providence Road. Now, these trucks  
25 also exhibited loud engine exhaust noises, and  
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1 nothing was quiet about that operation.

2 The automobile traffic seemed to be

3 bumper to bumper going northbound out of New

4 Providence Road except for momentary openings

5 because of the traffic signal at New Providence Road

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6 and Bonnie Burn Road.

7 There seemed to be pauses of automobile  
8 traffic on Union Avenue in each direction, though  
9 there were not too many courtesy openings for  
10 southbound drivers turning left from New Providence  
11 Road onto Union Avenue, and this caused a backup on  
12 New Providence Road in the existing turning lane.  
13 These traffic observations are at the  
14 very corner where the school building is proposed to  
15 be built. And there was -- one other issue -- well,  
16 other issues as well, but one -- one I want to bring  
17 up is that the applicant -- we were asking to submit  
18 a notice of active quarry whereby waiving any claim  
19 for interruption of/or interference with its use and  
20 enjoyment of the property from being close proximity  
21 to Weldon Quarry. So the -- the document we're  
22 referring to is Notice of Active Quarry.  
23 Those are -- those are the highlights  
24 of what I gleaned from the subdivision report and  
25 would move on now to Mr. Linnus.

38

1 ATTORNEY LINNUS: All right. Thank  
2 you very much, Mr. Vice-Chair.

3 Let me give the board some background  
4 on the parking regulations that affect this  
5 particular application.

6 On October 14th, 2020, Mr. Butler sent  
7 me a letter, as the attorney for the board,  
8 requesting that I make a determination as to what  
9 parking regulations apply to this particular  
10 application.

11 On October 15th, 2020, I wrote to the  
12 applicant's attorney, and told him about Mr.  
13 Butler's request and asked the applicant attorney to  
14 respond in writing to Mr. Butler's request so we  
15 could have the applicant's viewpoint as to what, if  
16 any, parking regulations apply to this particular  
17 application.

18 On October 20th, which is today, I -- I  
19 received a letter from the applicant's attorney  
20 explaining the applicant's position.

21 By way of additional background, going  
22 all the way back to December 13th, 2019, there was a  
23 letter from the attorney for the applicant to the  
24 board, and at that point, the applicant's attorney  
25 took the position that for a childcare center, under  
39

1 N.J.S.A. 40:55D-66.6 there were no parking  
2 regulations, and that was his position on  
3 December 13th, 2019.

4 On December 17th, 2019, we had the  
5 hearing, the first hearing, and at that time, both  
6 Mr. -- Mr. Hehl on behalf of the applicant and  
7 Mr. Butler on behalf of Weldon advanced some

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8 arguments as to which parking regulations applied to  
9 this particular project.

10 And on December 31st, 2019, I received  
11 a letter from Mr. -- a letter from Mr. Butler  
12 regarding the parking issue.

13 So we're here tonight to render a  
14 decision as to what parking regulations apply to  
15 this particular piece of property. So I'd like to  
16 hear first from the applicant's attorney, if he  
17 would want to amplify on his written submission, and  
18 then turn to Mr. Butler and see if he wants to  
19 amplify on his written submission. And then I'd be  
20 in a position to give my advice to the board.

21 VICE-CHAIRMAN SPEENEY: Very good.

22 ATTORNEY HEHL: Thank you very much.

23 VICE-CHAIRMAN SPEENEY: Mr. Hehl.

24 ATTORNEY HEHL: Yes, I appreciate the  
25 opportunity to speak.

40

1 And I know Mr. Butler requested this  
2 opinion. With all due respect, I don't know if  
3 that's something that actually needs to be decided  
4 now at the outset of the case. I mean, we are going  
5 to have traffic testimony and professional testimony  
6 in that regard.

7 So while, Mr. Linnus, you may be in a  
8 position to provide some guidance, I think that this  
9 is something that would be certainly addressed by --  
10 by our professionals when they testify, particularly  
11 our traffic engineer. But I will re-emphasize that  
12 the law, the MLUL, the statute that you cited  
13 before, is clear. And while the Cox treatise does  
14 question whether or not the intention of the law was  
15 to apply to a childcare center within a -- let's say  
16 an office complex or industrial complex, that is not  
17 the way the law is written, and it's been ruled on  
18 numerous occasions that those parking regulations  
19 are not to be imposed on childcare centers.

20 ATTORNEY LINNUS: I would hope --  
21 excuse me, Mr. Hehl. I would hope that you would  
22 have supplied some case law in support of your  
23 position. Can you -- can you provide any case law  
24 in support of your position that a stand-alone  
25 childcare center requires no parking?

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1 ATTORNEY HEHL: We can -- we can  
2 submit that.

3 And then secondly, as I noted in my  
4 letter, that the -- regardless of -- even if you  
5 were to assume that parking would be required -- and  
6 certainly we would want to have parking -- that we  
7 meet it within both the -- the ordinance and under

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8 the ITE standards. So we think that this is  
9 something that we can bring up during the course of  
10 the hearing and address whether or not we need the  
11 variance. We did notify for it as a -- out of an  
12 abundance of caution and sought it as part of our  
13 application, but it's certainly within the purview  
14 of the board and the board professionals to make  
15 that determination. I think it's best made,  
16 frankly, after -- after they hear the testimony from  
17 all of our experts, but I would defer to counsel in  
18 that regard.

19 ATTORNEY LINNUS: All right.

20 Mr. Butler?

21 ATTORNEY BUTLER: I'm not going to  
22 argue the merits of whether there's enough parking  
23 or not. That's not the issue. I rely upon my memo  
24 I sent to the -- to you, Mr. Linnus, December 31st,  
25 2019.

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1 The applicable statute, 40:55D-66.6, as  
2 pointed out by Cox, actually refers to a building  
3 which has employees. Those employees have little  
4 babies, childcare-aged babies, and they have day  
5 care centers within those buildings. And those  
6 parents and guardians who go work in that building  
7 bring these little ones to the building to the day  
8 care center. And the statute relied upon by  
9 Mr. Hehl -- 66.6 refers to that type of situation.  
10 Naturally you don't have to have a parking place for  
11 the mom and a parking place for the 6-year-old baby.  
12 My -- Hal Simoff, my traffic expert, is  
13 going to use ITE standards, well-known and accepted  
14 by the engineering fraternity, predicated upon the  
15 number of students, not the size of the building but  
16 the number of students. And with that, he -- he  
17 comes up with a number, but the number is  
18 irrelevant.

19 The issue before the board is does a  
20 day care center have to have parking, or can you put  
21 a day care center up with no parking? And just look  
22 at this site where there's no off-street parking,  
23 and there's no private parking.  
24 I have nothing further to add.

25 ATTORNEY LINNUS: All right. I've

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1 listened to both attorneys. I've seen their  
2 documentation. I do want to add that Mark Healey  
3 pointed out in his memorandum of October 6th, 2020,  
4 that we do have a local ordinance, and I'm going to  
5 read the local ordinance, 28-503(D)(2). And it  
6 states that, "In the case of a use not specifically

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7 mentioned in the parking schedule above" -- we have  
8 parking schedules -- "the requirements of off-street  
9 parking facilities for a use most similar,  
10 compatible or consistent with the use that is  
11 mentioned, shall apply. In the event there is no  
12 similar, compatible or consistent use, off-street  
13 parking requirements shall be determined by the  
14 Board based upon accepted industry standards."

15 Mr. Healey also concluded, and I agreed  
16 with him, that there is no specific reference to  
17 childcare centers in the -- in the parking  
18 ordinance.

19 I do agree with Mr. Hehl that a  
20 decision should not be made tonight. We're going to  
21 hear an awful lot of traffic testimony from three  
22 experts, the applicant's traffic consultant, the  
23 objector's traffic consultant and the board's  
24 traffic consultant. And what we want to hear  
25 ultimately so that this board can make certain  
44

1 findings, we want to -- we want the board to  
2 determine what is the acceptable industry standard.  
3 Is it ITE? Is it something else? And after they  
4 decide that, then we'll determine whether a variance  
5 is necessary or required.

6 Mr. Hehl is correct, in the abundance  
7 of caution, he did put it in his notice that a  
8 variance may be required.

9 So I suggest to the board that we  
10 proceed with the application, wait until all the  
11 testimony is in, and at that point the board can  
12 make an informed decision.

13 VICE-CHAIRMAN SPEENEY: You got it.

14 Okay, Mr. Linnus. Thank you very much.

15 MEMBER PENNETT: Hey, Don? Don? Don,  
16 can you hear me?

17 VICE-CHAIRMAN SPEENEY: Yeah. Go  
18 ahead, Karen.

19 MEMBER PENNETT: Yeah. I'm having --  
20 I'm having speaker problems, so I'm speaking through  
21 my phone. The environmental committee had a couple  
22 of issues that they wanted to -- we didn't have to  
23 do a formal report, but I wanted to make sure some  
24 of our issues would be discussed.

25 One of that is the air quality. I  
45

1 know they had some past reports, and I'd want that  
2 all to include their -- like, a dust quality.

3 Another issue is the tree replacement

4 plan that -- I have not seen one yet, and I know  
5 they're taking down quite a few trees.

6 And then also about their -- the

7 grounds maintenance. You know, the lawn mowing, the

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8 taking care of trees and so forth, and what type of  
9 insecticides and fertilizer and so forth would be  
10 used.  
11 But those were three main issues that  
12 the environmental committee would like to go over.  
13 VICE-CHAIRMAN SPEENEY: All right.  
14 Thank you, Karen.  
15 Mr. Hehl, this is new input, I believe,  
16 relative to the application in terms of what is  
17 being requested in terms of information -- air  
18 quality, dust quality, trees, et cetera, et cetera  
19 -- and I would expect that you're going to present  
20 information to us about those issues.  
21 ATTORNEY HEHL: Yes, we will.  
22 VICE-CHAIRMAN SPEENEY: Correct?  
23 ATTORNEY HEHL: Yep.  
24 VICE-CHAIRMAN SPEENEY: Okay.  
25 ATTORNEY HEHL: Yes. Thank you.  
46  
1 VICE-CHAIRMAN SPEENEY: And I trust  
2 Karen -- Karen will keep us listening, right?  
3 MEMBER PENNETT: Yes. I can hear you.  
4 My microphone on the computer is not working, but I  
5 can hear you-all.  
6 VICE-CHAIRMAN SPEENEY: Okay. All  
7 right.  
8 MEMBER PENNETT: Technology these  
9 days.  
10 VICE-CHAIRMAN SPEENEY: Karen, thank  
11 you.  
12 Now, the way -- what we've done is  
13 everybody's given us a view of what's happened.  
14 What I'd like to do is turn the application back to  
15 the normal process and give it to Mr. Hehl to  
16 proceed.  
17 ATTORNEY HEHL: Great. Thank you very  
18 much, Mr. Speeney. And again --  
19 VICE-CHAIRMAN SPEENEY: You're  
20 welcome. Thank you for participating in the -- the  
21 ability for the board to be reminded about what has  
22 happened.  
23 ATTORNEY HEHL: Yep. No. That was --  
24 that was very helpful both, I think, for the board,  
25 the applicant and any members of the public.  
47  
1 So -- so what I'd like to do is now  
2 recall Mr. Gesario, and he can take us through in  
3 more detail the revisions to the plans that were  
4 made since the prior hearing, can talk a little  
5 further about A-4, and then -- and then can address  
6 the -- the reports that we've received, the four --  
7 the three reports that we more recently received,  
8 and touch again on the subcommittee report and can  
9 also address, in part, the -- the environmental



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10 committee.

11 So Mr. Gesario?

12 MR. GESARIO: Okay.

13 ATTORNEY HEHL: I'm sorry?

14 VICE-CHAIRMAN SPEENEY: I thought I

15 heard someone else speaking.

16

17 G E R A R D G E S A R I O, P.E.,

18 continues testifying as follows:

19 Okay. I'll share my screen again and

20 go back to A-4.

21 Again, the revisions from our last

22 application were -- were fairly minor, really. It

23 was the shape of the play area, which I mentioned, a

24 slight adjustment to our emergency access, and what

25 you can't see is a small grade wall back here that

48

1 just helped bring in some grading to reduce

2 disturbance in the riparian zone.

3 Where I had left off, I guess -- let's

4 see. It's -- a couple of things just to refresh

5 people's memory. The locations of the driveways,

6 this main driveway, which will be a full-movement

7 driveway that I'm circling with my mouse here, that

8 -- that location is driven mainly by our -- we also

9 had a meeting with Somerset County, and their

10 request was to push that driveway as far to the east

11 as possible, which is what we've done. So that's

12 the reason for that location.

13 The secondary driveway is a result of

14 our pre-application meeting with the DEP where it

15 was noted that for a critical building, what they

16 call critical buildings, which are -- day cares fall

17 under that category -- you must have a secondary --

18 or you must have a means of egress from the site

19 that's outside and above the flood hazard area. So

20 that's what precipitated the addition of this

21 driveway.

22 We realize that this application needs

23 to go before the DEP. And so in relation to the

24 trees, we haven't done a complete tree replacement

25 plan because we are proposing a mitigation. And I'm

49

1 just going to switch to one of the drawings that's

2 in the site plan package, which I think I might have

3 just got rid of. Hold on.

4 ATTORNEY LINNUS: You'll need to

5 identify that document, Mr. Gesario.

6 MR. GESARIO: Yes.

7 ATTORNEY HEHL: It was previously

8 marked. Just reference the marking.

9 MR. GESARIO: This has got to be a

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10 drawing that's in the site plans that are submitted.  
11 It's -- I'm going to refer to drawing 6-A of sheet  
12 -- of 17. That's in the site plan package that has  
13 been submitted.

14 ATTORNEY LINNUS: Very good.

15 MR. GESARIO: 6-A is a comprehensive  
16 drawing. It's basically our proposed DEP mitigation  
17 plan, and it shows all the various constraints, the  
18 wetlands, the wetlands buffer, the riparian zone and  
19 the disturbance we're proposing within the riparian  
20 zone. You're allowed some disturbances of different  
21 natures, and we've summarized that on this drawing,  
22 which was not part of a prior submission set.

23 There -- there's areas of mitigation  
24 we're proposing within the riparian zone, and we are  
25 well aware that this has to go through the DEP  
Gesario - Direct

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1 approval process, and that's when all the types and  
2 numbers of trees will be better identified. So what  
3 we're requesting is, knowing that we need DEP  
4 approval, that the final tree replacement plan would  
5 be addressed all at the same time with their  
6 approval. So that's where we are with the trees.

7 And that's really the only major  
8 changes to our drawing. I mean, I can go through  
9 the rest of the site plan as a refresher if the  
10 board wants to hear it.

11 D I R E C T E X A M I N A T I O N

12 BY ATTORNEY HEHL:

13 Q. Yeah. Why don't we briefly go through  
14 that.

15 A. Okay. Let's go to our site plan also.

16 So sheet -- that is Sheet 5, also as part of the  
17 package that is before you.

18 Again, so we have our main driveway to  
19 the east, the emergency access to the west. The  
20 location of the building and the parking, it's  
21 tucked into what I'll call the southwest corner due  
22 to all the environmental constraints. We feel this  
23 plan minimizes, to the best, the ability balancing  
24 the environmental constraints. The requirements for  
25 a day care to function and the board's zoning

Gesario - Direct

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1 ordinance, such as setbacks, we feel we've  
2 positioned the building and minimized disturbance to  
3 the greatest extent possible for this particular  
4 use.

5 We've met with the county. We're aware  
6 of what their concerns are, and we placed the

# BOROUGH OF WATCHUNG PLANNING BOARD

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7 driveway and did a little widening between the  
8 driveways. Those are per their discuss -- per  
9 discussions with them. And again, we realize we  
10 have to go back to them for final approval, but, you  
11 know, this plan has been thought out with -- with  
12 discussions with DEP and Somerset County. So we  
13 have information that we're -- we've laid this plan  
14 out with. We're not starting from zero, so to  
15 speak. We -- we've laid it out based on our  
16 discussions with those agencies having jurisdiction  
17 of this plan.

18 Our drainage hasn't changed from the  
19 last time; we're still proposing a subsurface  
20 drainage system. This is Drawing 6 of 17, our  
21 drainage plan. It's still a subsurface pipe system  
22 that will collect all the runoff, detain it and  
23 reduce it at a -- a rate that meets the ordinance  
24 and the DEP requirements for a major site plan,  
25 which is to reduce peak flows for 50, 75 and  
Gesario - Direct

52  
1 80 percent of the existing peak flows.  
2 We're addressing water quality through  
3 a manufactured treatment device that's a proprietary  
4 structure. That will be DEP-certified to remove  
5 80 percent of total suspended solids. Recharge,  
6 we're proposing right now an infiltration system if  
7 the soil test results that are still pending warrant  
8 the site able to allow infiltration. If not, we  
9 will request a waiver from the infiltration  
10 standards based on results of soil testing.  
11 So the site does have a trash enclosure  
12 located just to the right of the main entrance.  
13 That hasn't changed from the prior plan. The  
14 landscaping, as was mentioned, we understand there's  
15 some comments.

16 I talked about the trees and the tree  
17 replacements. We'd like to hold that till we go  
18 through the DEP process when that's -- we can nail  
19 down all the trees that we're going to be proposing.  
20 And what I always do is I say I'll work with the  
21 environmental commission, your board's professionals  
22 to address any -- we'll call it within the area of  
23 disturbance, landscaping, if there's some  
24 differences or things they'd like to see. And we'll  
25 certainly work with them to improve upon that plan.

Gesario - Direct

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1 The engineering review letter, the  
2 11/14/19, again, we really have no issues with the  
3 technical comments that were presented.  
4 A couple of things. There was a  
5 question about sidewalks along the frontage. We'll

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6 work -- you know, if the county says they have no  
7 issues with sidewalks along -- in the right-of-way,  
8 I think we'll certainly add them. That was item --  
9 Site Consideration Item 3, I believe.  
10 Same for adding curbing where none  
11 exists. Again, we'll follow what the county  
12 requires. If they want curbing, we'll certainly add  
13 curbing. That was Item 4.  
14 The striping is a deference to the  
15 board, whether they want line striping or hairpin  
16 style. We're indifferent. Whatever the board  
17 prefers we'll certainly include.  
18 Let's see. Item 12 is the requirement  
19 for a construction staging plan. Obviously we would  
20 submit that. We'd ask that that be a condition of  
21 final approval.

22 Stormwater management, there were some  
23 technical comments that, again, we have no issue  
24 with.

25 And I believe that's it. So we feel we

Gesario - Direct

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1 can address all the technical comments in -- in the  
2 review letters and work with the board's  
3 professionals, predominantly with regard to the  
4 landscaping.

5 VICE-CHAIRMAN SPEENEY: Okay.

6 Mr. Hehl?

7 BOARD ENGINEER: Mr. Vice-Chairman, I  
8 just want to add, I think one thing that'd be good  
9 to show the board -- have Gerry show the board would  
10 be where the 150-foot riparian line is, where it  
11 cuts across the play area and the parking area and  
12 how you plan on addressing that with the DEP. I  
13 think that's very important at this point.

14 THE WITNESS: Sure.

15 ATTORNEY HEHL: Thank you.

16 THE WITNESS: I'll go back to  
17 Drawing 6-A, the mitigation plan that's in your site  
18 package. I'll try and point to -- there's a line,  
19 basically, that starts -- I'll say New Providence  
20 Road about midway on the left. I don't know if you  
21 can see the cursor. It runs up the corner of the  
22 building, and then it's basically a triangle shape  
23 that represents the 150-foot buffer.

24 There's various hatching patterns that  
25 delineate the different types of disturbances. I'll

Gesario - Direct

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1 zoom in. We have a legend on that plan. So we have  
2 disturbance for parking spaces, disturbance for  
3 drive aisles, and then miscellaneous disturbance  
4 which would be for our play area. And these  
5 disturbances are quantified in our table here, added

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6 up, and then there's various areas of mitigation,  
7 which would be tree plantings, within the riparian  
8 zone.

9 And this is very similar to what was  
10 previously approved by the DEP when this was  
11 approved as a car wash. The mitigation numbers, the  
12 areas of disturbance are -- are very similar, and  
13 the mitigation proposed -- the areas proposed are  
14 very similar to what they previously approved.  
15 You know, so obviously they have to  
16 sign off on it. You know, that's a lengthy process  
17 going to the DEP for the individual permit, and  
18 that's something, you know, upon a favorable  
19 approval from the board, would be, obviously, a  
20 condition of approval.

21 As Mr. Herits said, without a DEP  
22 approval, there really -- you know, there's no  
23 project. We -- we understand we need that approval.

24 BOARD ENGINEER: So just so the  
25 board's -- give them a little comfort level, it's  
Gesario - Direct  
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1 your feeling that by these extra tree plantings  
2 within the riparian buffer area, you'll be able to  
3 construct the plan as presented?

4 THE WITNESS: It is. And you know,  
5 obviously I can only go by our pre-application  
6 meeting in 2019 and, you know, the plans that they  
7 previously approved which were brought with us and  
8 shown to them.

9 Obviously it's a different application.  
10 It's going to stand on its own merits. They're  
11 going to review it in total again. But, you know,  
12 we feel what we're proposing is similar to what was  
13 -- as far as mitigation, what they previously  
14 approved. And the areas of disturbance for parking  
15 and parking aisle fall within the maximums allowed  
16 under the -- the regulations.

17 BOARD ENGINEER: Okay. I'm through,  
18 Mr. --

19 VICE-CHAIRMAN SPEENEY: Okay. All  
20 right.

21 BOARD ENGINEER: But I thought that  
22 was important for the board to understand that.

23 VICE-CHAIRMAN SPEENEY: Mr. Hehl?

24 ATTORNEY HEHL: Yes.

25 BY ATTORNEY HEHL:

Gesario - Direct

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1 Q. And Mr. Gesario, I just want to  
2 briefly -- I think you -- you touched on it, but on  
3 Mr. Healey's report, I think Mr. Jarmel is going to

# BOROUGH OF WATCHUNG PLANNING BOARD

TRACEE SCHAEFER, CHAIRWOMAN

4 address some of those, but the -- as will Ms. Dolan.  
5 But on, I believe, Page 5, I think you indicated  
6 that the -- the landscaping you would address, and  
7 it's been noted in that report, that would be done  
8 upon the DEP approval. And the --  
9 A. As far as a final tree replacement  
10 plan, yes. Other landscape items in the disturbed  
11 areas along the frontage, you know, we can work with  
12 them, you know, in advance to make any changes or  
13 additions that -- that they deem necessary. We'll  
14 work with them on those areas.  
15 Q. Great. I think Mr. Jarmel will touch  
16 on some of the items, 9 and 10.  
17 What about Number 11 on Page 5? I just  
18 want to -- I think you've touched on the floodplain  
19 and sewer connection?  
20 A. Let's see. Where's that letter? I  
21 misplaced the letter. Let's see.  
22 Q. There's a lot of -- there's lot of  
23 reports here so --  
24 A. Yeah. I just -- I found the -- I  
25 misplaced the latest planning letter. Let's see.  
Gesario - Direct  
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1 Q. I can -- if you want, I can read it.  
2 A. Yeah. Do you want to just read that  
3 comment for me? That'd be great.  
4 Q. Yeah. "The applicant should provide  
5 testimony addressing the nature and status of  
6 outside approvals, including, but not necessarily  
7 limited, to those related to construction within the  
8 floodplain and sewer connection."  
9 A. Okay.  
10 Q. And there's a highlight updated status  
11 that your letter indicates the applicant will  
12 address via testimony.  
13 A. Okay. As far as the outside agency  
14 approvals, we have our LOI from DEP with regard to  
15 wetlands. That's really the only outside agency  
16 approval we have right now.  
17 The other ones we obviously need are  
18 the soil erosion, the individual permit for flood  
19 hazard area and Somerset County. Somerset County,  
20 we met with. DEP we only had the pre-app. Those  
21 applications are, in my 32 years, almost always  
22 submitted subsequent to a preliminary approval so  
23 you know kind of what your plan is going to look  
24 like before you submit to them so you don't have to  
25 keep having to resubmit with new plans.  
Gesario - Direct  
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1 So those three -- the soil erosion, the  
2 DEP individual permit, Somerset County -- as well as  
3 any off-site sewer work we're proposing, we ask that  
4 those be conditions of approval should the board  
5 grant the -- look favorably on this application.

6 Q. Great.

7 And then Mr. Healey had a footnote on  
8 the force main, and I assume that's something that  
9 would also be addressed. I'll just -- it said,  
10 "Including clarification/proof of authorization for  
11 placement of the force main within Union Avenue  
12 right-of-way or within the park."

13 A. Yeah. Again, we'll need approval from  
14 the sewer authority for that.

15 Q. Definitely.

16 A. It was -- this is similar to, again,  
17 what was approved under the car wash application.  
18 This -- actually, the location, size and pretty much  
19 everything is nearly identical to what was  
20 previously approved, but we, obviously, we need to  
21 go through the process again.

22 Q. Yeah. Okay. Great.

23 BOARD ENGINEER: Did you receive the  
24 reviews from the police and the fire department? I  
25 think you did.

Gesario - Direct

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1 Can you go over them?

2 THE WITNESS: We did. And let's see.

3 I know -- I don't have the fire -- the

4 fire official approved our -- we prepared a

5 truck-turning exhibit, emergency access turning

6 exhibit. We presented that -- I believe we

7 presented at the last hearing. I know we submitted

8 the letter from the fire official that approved our

9 plan. I don't have that letter with me. I don't

10 know what -- the date of it, but I'm fairly certain

11 Mr. Hehl's office did submit that.

12 We do have a letter from the police

13 department; it's dated September 12th, 2019. And

14 they say -- and I'll just paraphrase. It's a

15 one-paragraph, I guess I'll read it. It says, "I

16 have reviewed the documents submitted to me

17 regarding The Learning Experience's application, and

18 I do not see any reason why the application should

19 be denied or revised. I found the traffic study to

20 be reasonable, and I believe it to be an accurate

21 representation of the traffic conditions that

22 already exist in that area and what they will be

23 once the day care center is operational." And

24 that's signed by Chief Joseph R. Cina, C-I-N-A.

25 ATTORNEY HEHL: Yeah. And with

Gesario - Direct

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1 respect to fire, we did get a letter of  
2 September 9th, 2019. I think the interior was  
3 acceptable, and they requested a drawing, and I know  
4 that -- I'll -- I'll look for that, for that letter,  
5 but I know we did receive a further response from  
6 the fire department accepting that, and I know it  
7 was submitted.

8 BOARD ENGINEER: Okay. Thank you.

9 VICE-CHAIRMAN SPEENEY: Any questions  
10 of -- from board members of Mr. Gesario on his  
11 testimony?

12 COUNCILMAN MARTINO: Chairman Speeney,  
13 this is Councilman Martino.

14 VICE-CHAIRMAN SPEENEY: Go ahead.

15 COUNCILMAN MARTINO: I have a quick  
16 question. Going back to the fire department's  
17 approval letter, was there anything listed in there  
18 for a fire hydrant?

19 THE WITNESS: No. Their -- their --  
20 their initial letter to us dated, Mr. Hehl said,  
21 September 9th, 2019, only requested a -- an exhibit  
22 showing that their -- their ladder truck, which was  
23 48 feet long by 8 foot wide, could access the site.  
24 It says the interior layout of the building is  
25 acceptable to the fire department. Now, that --  
Gesario - Direct

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1 COUNCILMAN MARTINO: Okay. Because I  
2 -- I have a concern. I walked the site a couple of  
3 weeks ago. And, unless I'm missing something, there  
4 is no fire hydrant in that area. The only fire  
5 hydrant is at the entrance to the quarry which is a  
6 considerable distance going north on New Providence  
7 Road. So I -- I'm a little -- I have a little bit  
8 of a concern with that. Would you -- I would  
9 definitely have to see a fire hydrant for that  
10 location just -- just in the matter of public  
11 safety.

12 Any issues with that?

13 ATTORNEY HEHL: No, none at all. None  
14 at all.

15 By the way, I did find the letter from  
16 the fire department. It's dated December 27th,  
17 2019, directed to Mr. Gesario, and it's short. So  
18 Mr. Chairman, if I can read that. It says, "The  
19 Watchung Fire Department has reviewed Drawing  
20 EX-002, which was submitted per my request. The  
21 exhibit demonstrates the ability for aerial  
22 apparatus to enter the parking lot and access the  
23 building. This satisfies my concerns regarding  
24 apparatus accessibility."

25 COUNCILMAN MARTINO: All right. The  
Gesario - Direct

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1 only thing I will -- I don't know if this helps out  
2 Mr. Gesario or not. It would probably be on the  
3 northern driveway opening, the -- the one that's



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4 basically just a right-hand turn towards New  
5 Providence Road. I would suggest that if you are  
6 going to put a hydrant in, it'd be next to the last  
7 parking space closest to the building. Okay? And  
8 that would probably keep it out of the collapse zone  
9 of the building and give the apparatus a safe  
10 position to access water for that site.

11 THE WITNESS: Okay. Understood.

12 ATTORNEY HEHL: Thank you.

13 COUNCILMAN MARTINO: I appreciate  
14 that.

15 And just -- not to jump ahead, but this  
16 building is going to be suppressed, correct, with a  
17 sprinkler system?

18 THE WITNESS: Yes. I'm not --

19 COUNCILMAN MARTINO: Okay.

20 THE WITNESS: Mr. Jarmel can answer  
21 that, but I'm certain that it has a sprinkler  
22 system.

23 COUNCILMAN MARTINO: All right. I  
24 don't want to get too far ahead, but thank you for  
25 that.

Gesario - Direct

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1 VICE-CHAIRMAN SPEENEY: Anyone else?

2 BOARD PLANNER: Mr. Chairman, if I  
3 could -- if I could ask one question --

4 VICE-CHAIRMAN SPEENEY: Okay.

5 BOARD PLANNER: -- just to clarify  
6 something. I normally don't comment on the  
7 alignment of sewer force mains, but the reason I  
8 brought it up back in 2019 was it wasn't clear,  
9 based on the way the plans were drawn back then,  
10 whether it was going to be entirely within the road  
11 right-of-way or if it was going to traverse the  
12 park. I believe the plans have been revised to show  
13 the delineation of the right-of-way, so it looks to  
14 me like this force main's going to be entirely  
15 within the street right-of-way.

16 So if I could just have Mr. Gesario  
17 confirm that for the board.

18 THE WITNESS: Yes, that is correct.

19 And I would refer to Drawing 8 of 17; it's our  
20 sanitary sewer plan and sanitary sewer profile.  
21 This darker line on the bottom here shows the  
22 intended route of the force main, and just below  
23 that there is a dash line where we have the -- the  
24 right-of-way survey and plotted.

25 So yes, the intent is to keep that

Gesario - Direct

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1 force main completely within the public  
2 right-of-way.

3 BOARD PLANNER: Okay. And that's

4 important because, again, having utility in the

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5 right-of-way is one thing. Having utility traverse  
6 a public park would probably be extremely unlikely.  
7 So thank you for clarifying that.  
8 THE WITNESS: No problem.  
9 VICE-CHAIRMAN SPEENEY: Mr. Butler, do  
10 you have any questions?  
11 ATTORNEY BUTLER: I'd like the  
12 engineer to -- first of all, I'd like to have marked  
13 as an exhibit and mark OW-1, Objector Weldon 1 --  
14 VICE-CHAIRMAN SPEENEY: Wait a minute.  
15 Mr. -- Mr. Butler.  
16 ATTORNEY BUTLER: Yes.  
17 VICE-CHAIRMAN SPEENEY: Do you have  
18 any questions at this point for the testimony that's  
19 been given by Mr. Gesario?  
20 ATTORNEY BUTLER: Yes. I have a  
21 question regarding page 6-A.  
22 VICE-CHAIRMAN SPEENEY: Well, wait. I  
23 -- I would hold off on this until you're ready to  
24 make your presentation, unless you have a specific  
25 question that you can ask Mr. Gesario.  
66  
1 ATTORNEY BUTLER: Well -- well, what I  
2 wanted to ask him first about question 6-A was that  
3 in 6-A he -- he drew wetlands lines, wetlands  
4 buffers, flood hazard areas. He drew a riparian  
5 zone, which is a buffer for the Green Brook. He  
6 drew a riparian zone for the tributary to the Green  
7 Brook. And as a layman it was hard for me to find  
8 out where these lines began and where they wound up.  
9 And I had Al Laplokis (phonetic), one of my traffic  
10 engineers, draw in in color where these lines went,  
11 and what they covered, and what parking they went  
12 through, what part of the parking lot it went  
13 through.  
14 And I would like the engineer to, first  
15 of all, confirm that we drew in the lines correct as  
16 he drafted them on page 6-A. And then I'd like to  
17 go over with him --  
18 VICE-CHAIRMAN SPEENEY: Hold it,  
19 Mr. Butler. Mr. Butler.  
20 ATTORNEY BUTLER: -- the parking.  
21 VICE-CHAIRMAN SPEENEY: Mr. Butler.  
22 ATTORNEY BUTLER: Yes.  
23 VICE-CHAIRMAN SPEENEY: You can -- you  
24 can enter this drawing into this application when  
25 you get your opportunity to present your objector's  
Gesario - Cross  
67  
1 position.  
2 I asked if you have any specific  
3 questions on the testimony that was given, and I'm  
4 not looking for you to submit your -- your position  
5 at this point.

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6 ATTORNEY BUTLER: Okay. This -- this  
7 document is for cross-examination. Okay. I mean, I  
8 can -- I can do it that way. I can -- I can get my  
9 engineer to testify as to --  
10 VICE-CHAIRMAN SPEENEY: Do that.  
11 ATTORNEY BUTLER: -- how these lines  
12 affect it.  
13 The -- the -- I do have a couple of  
14 questions regarding his testimony tonight. And that  
15 was like -- he -- he referred to the -- and I asked  
16 him this question. The car wash and lube center was  
17 approved twice in 2'08 and 2'09.

18 C R O S S - E X A M I N A T I O N

19 BY ATTORNEY BUTLER:

20 Q. Mr. Gesario, are you with me?

21 A. I'm here.

22 Q. Weren't the rules different in 2'08 and  
23 2'09 than they are today?

24 A. There have been some slight changes  
25 than 2'08 and 2 -- from the rules in 2'08 and 2'09.

Gesario - Cross

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1 Q. Wait a minute. In 2'08 and 2'09, did  
2 we even have riparian rights associated with the  
3 Green Brook and the Green Brook tributary?

4 A. Yes. There were -- they're not  
5 riparian rights; the riparian zone.

6 Q. Yes.

7 A. And yes, they were part of the  
8 regulations at that time.

9 Q. And were those regulations the same as  
10 they exist today?

11 A. The 150-foot buffer that applies to  
12 the Green Brook is the same.

13 Q. Well, when you -- when you first  
14 admitted your plans when you testified in December  
15 of 2019, you didn't show a riparian buffer  
16 associated with the unnamed tributary to the Green  
17 Brook, did you?

18 A. That's correct.

19 Q. Why not?

20 A. Well, at the time -- as you can see,  
21 it's labeled as a ditch. So our position at that  
22 time was that particular ditch did not require it.  
23 During our process of going to the DEP  
24 for the wetlands approval, they considered that  
25 waterway in need of a 50-foot buffer, which they

Gesario - Cross

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1 didn't in 2008 and 2009.

2 So when they looked at that and said  
3 that needed the buffer, we decided, let's be safe

# BOROUGH OF WATCHUNG PLANNING BOARD

TRACEE SCHAEFER, CHAIRWOMAN

4 and show a 150-foot riparian zone from that same  
5 waterway on our plans.

6 Q. And also, on 6-A, you want to interfere  
7 with the riparian buffer. The buffer is a -- just  
8 what it says. It's a buffer. It's a riparian  
9 buffer, and you can't disturb it. And --

10 A. That's not correct.

11 Q. And you're looking for mitigation from  
12 the DEP regarding these riparian buffer areas,  
13 right?

14 A. That's incorrect what you said that  
15 you cannot disturb riparian buffer zones. You are  
16 allowed certain percentages of disturbance in zones.  
17 There's a table in the regulations that guides you  
18 to the maximum allowable disturbance for -- whether  
19 it's a parking area, a parking access aisle, or  
20 otherwise. So that part of your statement is  
21 incorrect.

22 What is correct is, yes, we are looking  
23 for approval for disturbance and proposed mitigation  
24 for that disturbance from the DEP.

25 Q. And you never divulged to the board in  
Gesario - Cross

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1 your application and your testimony tonight what  
2 this mitigation is.

3 A. Yes, I did. I stated we're -- we show  
4 proposed mitigation within the buffer area. The  
5 details will be worked out when we submit for  
6 individual permit to the DEP.

7 Q. But right now we don't know -- this  
8 planning board, we don't know what the mitigation  
9 consists of, do we?

10 A. No, we don't.

11 Q. No, we don't.

12 Okay. Now -- now, of course, if you  
13 don't get the mitigation that you're going to apply  
14 for, this -- this plan that you show on 6-A and your  
15 site plan on page 5, it'll be eliminated basically.  
16 It'll be a completely different plan; is that  
17 correct?

18 A. As I said, if the DEP doesn't approve  
19 our application, this plan doesn't go forward.  
20 That's --

21 Q. Okay. Okay. So let me ask you this  
22 question: In all due sense, why didn't you go to  
23 the DEP first and get the approvals for the  
24 mitigation before you came before this board?

25 ATTORNEY HEHL: I think he --

Gesario - Cross

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1 THE WITNESS: Well --  
2 ATTORNEY HEHL: -- he answered that  
3 already --  
4 THE WITNESS: And I'll answer it again  
5 for the record.  
6 It's, in my 32 years, we've always  
7 waited for a board to render a decision on an  
8 application. Getting an individual permit from the  
9 DEP is not only costly, it is time consuming. If we  
10 went to them for an approval and got it, and then  
11 the plan changed because the board had comments,  
12 then we'd have to go back to the DEP for an amended  
13 approval.  
14 So a DEP approval is, in my experience,  
15 always been conditioned -- a condition of a  
16 preliminary approval from a planning or zoning  
17 board.  
18 BY ATTORNEY BUTLER:  
19 Q. Well, it's not your testimony that you  
20 can't go to the DEP first, is it?  
21 A. That we can't? No.  
22 Q. That you cannot?  
23 A. It's just not typical, and it's not --  
24 it's just not something that's done on almost any  
25 application.  
Gesario - Cross  
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1 Q. Right now --  
2 A. You get your planning or zoning board  
3 approval first.  
4 Q. Okay. Let -- let -- let me ask you  
5 this. Do you agree with me -- you've said that if  
6 you don't get the mitigation, then this plan  
7 evaporates. It's --  
8 A. The mitigation's part of an overall  
9 approval. If we don't get DEP approval -- I mean,  
10 it -- it could be altered slightly from this and get  
11 an approval. I mean, they -- so I'm not sure -- you  
12 know, they might not take our mitigation exactly as  
13 we have it and suggest something different. So I  
14 won't say approve it exactly as we have it, but if  
15 they deny our permit for whatever reason, obviously  
16 we're back to the drawing board.  
17 Q. All right. Sir, you mentioned that you  
18 had a couple of meetings with the DEP --  
19 A. One meeting.  
20 Q. -- regarding this application and --  
21 and you -- you determined these meetings favorable  
22 to the applicant; is that true?  
23 A. No. We met -- we had one meeting with  
24 the DEP, and the initial meeting was not favorable,  
25 and that's what prompted the first set of revisions

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Gesario - Cross

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1 to our plans. We got an understanding of what they  
2 were looking for for this particular application,  
3 and we feel we've revised the plans based on our  
4 discussion in that meeting to get to a -- we'll call  
5 it a comfort level that we have a plan that can be  
6 approved by them with maybe slight modifications.  
7 Q. Do you have any memorandum, letters, or  
8 documents, emails from the DEP giving you that  
9 comfort level you just testified to that you could  
10 produce and give to the board?  
11 A. There are no letters with the  
12 pre-application meeting, only our submission for a  
13 request of the meeting and my meeting notes from the  
14 meeting. They don't issue a formal letter with  
15 regard to pre-application meetings.  
16 There's, obviously anything you say in  
17 there, there's nothing binding. They're taking a  
18 preliminary look at an application, pointing you to  
19 the regulations that apply, giving you their  
20 comments if they see something that's -- clearly  
21 they won't approve, which they did in our case.  
22 There's no formal letters that they  
23 issue as a result of the pre-application meetings.  
24 Q. Okay.

25 VICE-CHAIRMAN SPEENEY: Mr. Butler.

Gesario - Cross

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1 Mr. Butler, at this point, the subject that we're  
2 discussing here is being requested by the applicant  
3 as a condition of approval.  
4 So -- so is -- is there anything else  
5 that we can gain from this continued discussion.  
6 ATTORNEY BUTLER: Well, I -- I think  
7 there's other questions that I have of him.  
8 VICE-CHAIRMAN SPEENEY: Well --  
9 ATTORNEY BUTLER: He -- he didn't  
10 testify to it on direct, but his plan shows an  
11 elevation of Union Avenue. I'd like to talk to him  
12 about it. It's part of the site plan which he  
13 submitted.  
14 VICE-CHAIRMAN SPEENEY: What you can  
15 do is when you make your presentation, that is an  
16 issue that you can raise and bring up.  
17 ATTORNEY BUTLER: All right. Don,  
18 I'll do it that way. I mean, I --  
19 VICE-CHAIRMAN SPEENEY: All right.  
20 Let's do it that way.  
21 ATTORNEY BUTLER: -- can do it that  
22 way or the other.  
23 VICE-CHAIRMAN SPEENEY: Okay.  
24 ATTORNEY BUTLER: All right. Just  
25 bear with me one second.

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Gesario - Cross

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1 VICE-CHAIRMAN SPEENEY: One second.

2 All right. You lost it.

3 ATTORNEY BUTLER: That's like the

4 lawyer that said he'll take three questions, and the

5 guy said, "Really? Three questions?" He says,

6 "Yeah. Now you got two more."

7 Okay. Bear with me a little while,

8 please. I'm going to ask more questions, and I

9 think I'm entitled to ask more, but I'll do it your

10 way, Mr. Speeney.

11 VICE-CHAIRMAN SPEENEY: Please.

12 You're going to make a presentation for your -- your

13 case. A lot of this is going to have to come back

14 as repetitive, and I want to move on relative to --

15 ATTORNEY BUTLER: Can I just ask one

16 final question to this witness?

17 VICE-CHAIRMAN SPEENEY: Well, you just

18 did.

19 ATTORNEY BUTLER: You're getting like

20 a lawyer joke.

21 VICE-CHAIRMAN SPEENEY: Go ahead.

22 ATTORNEY BUTLER: I'd like to ask him

23 -- because a great deal of this problem is in the

24 flood hazard area. I'd like to talk to him a little

25 bit about our flood damage prevention ordinance.

Gesario - Cross

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1 May I do that?

2 VICE-CHAIRMAN SPEENEY: No.

3 ATTORNEY BUTLER: No?

4 VICE-CHAIRMAN SPEENEY: That's not

5 testimony that's been given, and I would suggest

6 that you bring it up in your presentation.

7 ATTORNEY BUTLER: I will. Okay.

8 VICE-CHAIRMAN SPEENEY: Okay. Now --

9 ATTORNEY BUTLER: Okay, Mr. Speeney.

10 VICE-CHAIRMAN SPEENEY: I want to open

11 -- I want to open up to members of the public.

12 BOARD SECRETARY: Mr. Speeney?

13 VICE-CHAIRMAN SPEENEY: Yeah.

14 BOARD SECRETARY: Mr. Speeney --

15 VICE-CHAIRMAN SPEENEY: Theresa.

16 BOARD SECRETARY: -- can Mr. Butler --

17 can Mr. Butler please turn off his "screen share"

18 button?

19 ATTORNEY BUTLER: His what?

20 BOARD SECRETARY: The screen share

21 button. On the bottom of your screen, there's four

22 circles, and one says, "Screen." Can you click that

23 off, please.

24 VICE-CHAIRMAN SPEENEY: There you go.

25 BOARD SECRETARY: Thank you.

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1 VICE-CHAIRMAN SPEENEY: Good. Thank

2 you very much.

3 Members of the public, anybody from the

4 public want to ask questions of the testimony given

5 by Mr. Gesario?

6 Hearing none, I'll move to

7 Mr. Hehl's next --

8 ATTORNEY HEHL: Yes.

9 VICE-CHAIRMAN SPEENEY: -- expert.

10 ATTORNEY HEHL: Yes. Thank you. I'd

11 like to again recall Mr. Matthew Jarmel.

12 Thank you, Mr. Gesario.

13 THE WITNESS: You're welcome.

14 MR. JARMEL: Good evening.

15

16 M A T T H E W J A R M E L, AIA,

17 continues testifying as follows:

18 D I R E C T E X A M I N A T I O N

19 BY ATTORNEY HEHL:

20 Q. Okay. So Mr. Jarmel, you gave a great

21 recap of your prior testimony, but if you could just

22 briefly expand on the -- and very briefly -- the

23 operational. And then if we can address some of the

24 comments from either operational or architecture

25 that are raised in the reports that the board

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1 professionals touched on this evening.

2 A. I would be pleased to do that. I

3 think I can answer some of those questions as I --

4 as I walk through the -- through the operations.

5 As I believe the board is aware, this

6 project will be -- if it's approved and built, will

7 be operated by The Learning Experience. Learning

8 Experience is a premier brand of childcare centers.

9 They operate about a little less than 300 childcare

10 centers throughout the country and they actually

11 just started to expand pre-COVID in the United -- in

12 the United Kingdom. They have many centers -- about

13 70 in New Jersey, including some in close proximity

14 to the Watchung site, which include Union,

15 Livingston, Parsippany, Denville. There's centers

16 in Bloomfield, Paramus, Tenafly, Cedar Grove,

17 Roseland. And there are several -- there's a brand

18 new center that's under construction in South

19 Orange. One in Wayne as well. Just to have some --

20 a sense of proximity.

21 This particular center, if approved and

22 opened, as I stated earlier, would be for children 6

23 weeks of age to 6 years of age. It will be a

24 license capacity, again, of 154 children. It's

25 licensed by the Department of Children and Families.



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TRACEE SCHAEFER, CHAIRWOMAN

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1 The way childcare centers get licensed  
2 in New Jersey is they have to have approval from the  
3 DEP in terms of what they call a preliminary  
4 assessment where there's soil testing and vapor  
5 mitigation testing before they can be licensed.  
6 They also need to have a certificate of occupancy  
7 from the municipal construction code official. And  
8 then, once the building is built and has a C.O.,  
9 licensing comes and inspects it. And I believe that  
10 the license in New Jersey is every two years they  
11 get renewed.

12 This facility would operate Monday

13 through Friday from 6:30 a.m. to 6:30 p.m.

14 The building -- and just to give you a

15 quick understanding of operations, the children --

16 because of the age of the children, parents are

17 required to park and walk their children into the

18 center. I think Mr. Gesario showed you how we have

19 parking spaces directly in front of the front door

20 of the building. Typically a parent will park, walk

21 their child in. There's a vestibule. The front

22 door to the vestibule is unlocked during hours of

23 operation, and then the inner door has a key fob

24 that's -- only a parent or a caregiver of a child

25 can get into the facility. And then there's a touch

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1 screen at every reception desk where each individual  
2 child has a pin, and they're logged in to the  
3 facility.

4 Typically the drop-off/pickup takes

5 place from about 6:30 in the morning to 9:00 or

6 9:30. Unlike a public school or some private

7 schools where -- where you would say K through 12,

8 they don't have a set time where they open and all

9 the children show up at the same time. It's really

10 scattered significantly over about a three-hour

11 period in the mornings and afternoons.

12 Some interesting facts that we've

13 learned with The Learning Experience operating close

14 to 300 centers -- which, by the way, approximates --

15 we'll say with -- when the centers are full, and

16 obviously the world we're living in is a little

17 different right now with COVID and some additional

18 restrictions on childcare, but they're taking care

19 of about 30,000 children a day throughout the

20 country.

21 To give you an idea of their ability to

22 study statistics, they find that on any given day,

23 10 percent of the children are out sick. And on any

24 given day, or most centers, about 25 percent of the

25 sibling -- I'm sorry, 25 percent of the children are

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1 siblings; they come in the same car. And I think  
2 our traffic engineer will talk a little bit about  
3 that and that the ITE data assumes that those  
4 occurrences don't happen.  
5 I previously noted the building's two  
6 stories. It's 10,792 square feet or 5,396 square  
7 feet per floor. To support the 154 children, again,  
8 I had testified earlier that there'd be 20  
9 caregivers and 2 administrative staff, for a total  
10 occupancy of 176.  
11 There'll be an outdoor playground,  
12 which is suggested in the regulations. This  
13 particular playground is 3,810 square feet. That  
14 actually would allow for about 108 children on the  
15 playground. However, they never do that; they will  
16 have a maximum of two classes out there at any given  
17 time, weather permitting, and that would be about 40  
18 children. Playground's designed into -- separated  
19 into two sections for age appropriateness. And it  
20 has a 6-foot solid fence around it. The fence is  
21 designed to be solid so the children don't look out  
22 and are distracted. And nobody can look in and see  
23 them. Tall enough so, God forbid, no one that would  
24 try and pull a child over the fence can do that.  
25 Playground has playground surfacing material, most

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1 of which is pervious and allows water to flow  
2 through it.  
3 The building itself -- and I understand  
4 earlier there was some questions, I believe, from a  
5 firefighter or a captain on your fire department.  
6 The building as designed is what's called an  
7 institutional use group and an educational use group  
8 under the building code. "Institutional" meaning  
9 that the children in it are -- either do not have  
10 the physical or cognitive ability, or both, to exit  
11 the building without help. So as a result of that,  
12 we have higher life safety designed into the  
13 building. There'll be no children older -- or I'm  
14 sorry -- younger than the age of 2 1/2 on the second  
15 floor. So any children less than 2 1/2 that might  
16 need to be carried out of the building or pushed out  
17 in a crib will be on the first floor of the  
18 building.  
19 Every room that has more than ten  
20 occupants will have two means of egress. All other  
21 uses in the building code don't require a second  
22 means of egress until you have 50 -- 50 occupants in  
23 a room. And the building is required to have a full  
24 sprinkler system as well. So it will be  
25 sprinklered.

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1 I believe there was a question about  
2 the -- oh, I'm sorry. Also, they'll -- they'll have  
3 regular fire drills at least once a month. And  
4 they'll coordinate those fire drills with your  
5 police and fire departments as well. They'll  
6 discuss with them, if the building has to be  
7 evacuated, where the children can gather on-site.  
8 And then in the situation where a building may need  
9 to be evacuated can't be reentered -- as an example,  
10 there was a center that I designed a few years ago.  
11 There was a gas leak in front of the building, not  
12 at the building. The operation license will require  
13 them to have a provision to take the children  
14 somewhere else. You know, a license with a bus -- a  
15 contract with a bussing company to do that.  
16 Obviously if you have to call parents at, say,  
17 1:00 in the afternoon and if they're at work, you  
18 have to have an ability for them to get there to  
19 pick up their children.  
20 There was a question about deliveries.  
21 Deliveries are really very infrequent. There is --  
22 once the building is open and all the furniture's  
23 been delivered, there's really no need for trucks.  
24 There will be a pantry in the building and a food  
25 program. Food's delivered based on need, but it's

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1 no more than two times a week, and it usually comes  
2 in what I'll call a short van or a UPS-/FedEx-sized  
3 truck would come.  
4 The interesting thing about these  
5 centers is that although you need staff parking  
6 throughout the day -- and there'll be a lot of  
7 testimony on parking -- but you usually only need  
8 about six or eight parking spaces for parents during  
9 the drop-off and pickup. And the parking lot sits  
10 mostly empty, except for staff, throughout the day.  
11 So there's ample room for -- to have a truck -- or a  
12 small truck make a delivery midday when there's not  
13 a lot of activity in the parking lot.  
14 I'd like to kind of switch and share my  
15 screen, if I can. Let's see.  
16 This is a rendering that we prepared of  
17 the building. Previously this was marked as  
18 Exhibit A-3, so it's been -- it's been shown  
19 previously on the record. And this is our proposed  
20 building. And what you'll see is we have a variety  
21 of interesting materials. The entire base of the  
22 building will have a brick -- brick to just under  
23 the window sills or water table. The corners of the

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24 building will also have brick. We've -- we have

25 what we'll call an AZEK moulding that trans

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1 horizontally across the entire building that kind of

2 defines the difference between the first and second

3 floor.

4 We use as infill material in between

5 the brick, a stucco material -- a synthetic stucco

6 material. We use different colors to kind of accent

7 some of the architectural features in the building.

8 The building has what I'll call gable elements, and

9 we have what's called a -- what I'll call a sloping

10 mansard roof. So the build -- the roof of the

11 building is flat behind this slope, but the slope

12 allows us to create a well behind it. It's

13 approximately 6 feet high, and we screen all our

14 mechanical equipment in that well. So you will not

15 be able to see any mechanical equipment from the

16 ground.

17 At the entry to the building, we have a

18 portico. The portico also has a gable roof. It

19 includes The Learning Experience signage, which

20 complies with your ordinance. And then there are

21 columns that support the portico that also have

22 graphic symbols that are designed to look like

23 children's play blocks -- 1, 2, 3, 4, A, B, C and D.

24 I think one of the questions from your

25 professionals is, "How does this building fit in

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1 with the character of the neighborhood?" And I

2 would like to, you know, basically say -- let's see

3 if I can figure out how to stop sharing my screen.

4 Sorry. Let's see. No.

5 Can someone advise me how I do that?

6 I'm sorry.

7 ATTORNEY HEHL: Find the youngest

8 person around.

9 THE WITNESS: Let's see. "Options."

10 BOARD SECRETARY: You just have to

11 choose your new file. You're already sharing your

12 screen. Yeah, there you go. Just choose what you

13 want to show.

14 THE WITNESS: So here is -- I just

15 called up -- and I don't know how to call this, if

16 this is an exhibit or if it isn't an exhibit. This

17 is Google Maps. I typed in the address. I don't --

18 it's not an exhibit. It's just a screen share.

19 You can see Union Ave, New Providence

20 Road. This undeveloped corner right here is our

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21 proposed site, and you see there's not really any  
22 buildings around us. You know, across New  
23 Providence Road is the quarry that we've been  
24 talking about. Across Union Avenue is an athletic  
25 field. There are apartments behind us. I'm going  
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1 to switch to the 3D view, which you can see are kind  
2 of just your standard, run-of-the-mill apartments  
3 with regular siding and sloped roofs, not unlike  
4 what we're doing. And then you have several  
5 buildings down on Route 22 that are all commercial  
6 in nature.

7 So I would -- I would venture to say  
8 that our building is very attractive, at least in my  
9 subjective opinion as the architect. It uses  
10 high-quality materials, and it's really kind of  
11 isolated because there are no -- a lot of buildings  
12 around it. But it fits in and sort of has what I'll  
13 call a mixed commercial/residential character.  
14 Now, I know there was also a question  
15 about building heights. So I'm going to go to what  
16 is known as Drawing SA-2.2. This was also  
17 previously shown, and it wasn't marked as an exhibit  
18 because it was part of the site plan submission.

19 And hopefully I can do the same this evening.  
20 And this is drawings that represent all  
21 four elevations of the building, wherein the  
22 rendering is only showing you two. What may or may  
23 not be apparent is we propose for all four sides of  
24 the building to have similar materials. We're not,  
25 you know, cheapening up the materials on any side of  
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1 the building whatsoever.  
2 I'm going to zoom in on what I'll call  
3 the south elevation, which is our main entry. And  
4 there was -- there was a question about building  
5 height. So your ordinance allows a maximum height  
6 of two and a half stories and 35 feet in this zone.  
7 The way that's measured, it's the vertical distance  
8 measured from the lowest exterior finished grade  
9 elevation adjacent to the building to the mean level  
10 between the eaves and the highest point of the roof  
11 in the case of pitched roofs.  
12 So our finished floor in this building  
13 has an elevation of 166.65. We call it "zero-zero"  
14 on the architectural plans. And I would state that  
15 that is what we would call the mean level of -- I'm  
16 sorry, the lowest finished grade around the  
17 building. Because you'll notice in the site plan  
18 that we have walkways all the way around the

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19 building that lead children to the playground and  
20 make the building handicapped accessible. So for --  
21 the grade doesn't really start to slope away from  
22 the building until you're 6 feet away from the  
23 building on all sides.

24 So from measuring from there to the  
25 mean height of the roof, which I'm pointing at right  
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1 here because it's a sloping roof, you'll end up with  
2 a height of 29 feet, 4 inches, which is  
3 significantly about -- a little less than 6 feet  
4 below your allowed height. You have a maximum  
5 height of 35 feet. And, just by comparison, our  
6 maximum height from the finished floor that -- or  
7 that lowest grade to what I'll call the top of the  
8 sloping mansard meets 35 feet. So either way you  
9 look at it, if you were to argue that this wasn't a  
10 flat roof, it -- it still -- it still meets the  
11 criteria.

12 That essentially completes my  
13 testimony. And I'd -- I'd be very pleased to answer  
14 any questions the board or the public have of me  
15 this evening.

16 VICE-CHAIRMAN SPEENEY: All right.

17 Very good.

18 Board members, questions?

19 Any experts have any questions?

20 BOARD TRAFFIC ENGINEER:

21 Mr. Vice-Chair, I do. This is Joe Fishinger.

22 Now, Matt, real quick, there was, on my  
23 letter and a few others, questions about special  
24 events -- graduations, Halloween parties -- is any  
25 of that going to occur at this site, and how will  
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1 you -- and how will that operate if it isn't going  
2 to occur?

3 THE WITNESS: Thank you. I -- I meant

4 to address that for you. I apologize for not

5 going -- so The Learning Experience has a policy

6 that they don't do group events or back-to-school

7 nights and things. When they -- they do have events

8 like that, but when they do them they typically will

9 lease space off-site, like at a local hotel, to do

10 that. And keep in mind, the kids are of varying

11 ages, so there's never, like, really a graduation

12 until you kind of leave the -- leave kindergarten.

13 They would -- they would -- and if the

14 board felt it necessary, they could -- you could put

15 that in as a condition of approval.

16 There was also, now that I recall, if I

17 can continue speaking. There was a question about

18 maintenance, I think, and landscaping. So my

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19 client, who's the developer of this project -- even  
20 though I do many designs for The Learning  
21 Experience, I work directly for the developer in  
22 this case -- has a, what's called, a triple net  
23 lease with the tenant. And what that means is that  
24 the tenant will be 100 percent responsible for  
25 maintaining the building. That -- that includes  
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1 things like trash removal. That includes  
2 landscaping, mowing the lawn, snowplowing and so on.  
3 And The Learning Experience has provisions, and  
4 usually the individual operator will take care of  
5 that on a regular basis.  
6 We find that trash will be privately  
7 hauled based on need. Initially it'll probably be  
8 once a week and, you know, probably maximum two to  
9 three times a week. They coordinate the hours.  
10 Again, we're not really in a residential area, but  
11 they -- they tend to do that, pickup either midday  
12 when there's not a lot of activity going on with  
13 parent drop-off or pickup, or they do it before or  
14 after hours.

15 There was a -- there was a question, I  
16 think, from a member of your environmental  
17 commission about what types of fertilizers and  
18 things would be used. I don't have an answer for  
19 that, but I could say that if the environmental  
20 commission made recommendations to us as to what  
21 they thought were environmentally safe and  
22 appropriate for the area, we would certainly  
23 consider our tenant would -- sharing that with our  
24 tenant so that they could use that.

25 MEMBER PENNETT: Okay. What -- this  
Jarmel - Direct

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1 is Karen. I will submit something. There's more or  
2 less items that we do not want you to use. One of  
3 the big items is we don't want you to use the  
4 Roundup. It's very effective, but it's very  
5 hazardous to the environment and can also be  
6 hazardous to people and especially young children.  
7 So we will probably more or less give  
8 you things not to use rather than, you know, what to  
9 use, but we'll give you something in the next couple  
10 weeks.

11 THE WITNESS: Okay. Yeah. I think  
12 that would -- and we would be -- certainly be  
13 pleased to share that with our operator.

14 VICE-CHAIRMAN SPEENEY: Any further  
15 questions? Joe Fishinger. Go ahead, Joe Fishinger.

16 BOARD TRAFFIC ENGINEER: I'm sorry.

17 One more question, Matt. Is all -- are

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TRACEE SCHAEFER, CHAIRWOMAN

18 all of the parents -- are all the kids there dropped  
19 off and picked up by parents? Does the school -- or  
20 does the facility have a plan on having any  
21 arrangements with the school to provide aftercare or  
22 something along those lines, or is this solely  
23 parents or caregivers pickup and drop-off?  
24 THE WITNESS: That's a very good  
25 question. The goal of the facility is to be solely  
Jarmel - Direct

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1 for childcare-aged children.  
2 Now, with that said, if there's a  
3 community need and they have room in the center,  
4 they would do before and aftercare programs. They  
5 do not own vans. The Learning Experience, they  
6 don't operate vans. They don't transport children.  
7 So for example, if there was a need for an aftercare  
8 program and they had room for it, the parents would  
9 have to arrange to get the child from the public  
10 school or the private school to The Learning  
11 Experience for aftercare.  
12 There are some facilities that I'm  
13 aware of that do that, and my understanding is that  
14 if there's bussing that's done, it's usually done  
15 with what they call the short bus, and the public  
16 school system runs it. So what you might find is,  
17 you know, two or three kids get dropped off at -- I  
18 don't know -- 2:30, 3 o'clock in the afternoon, and  
19 then the childcare center would -- would accept  
20 them.

21 BOARD TRAFFIC ENGINEER: That's all I  
22 have, Mr. --

23 VICE-CHAIRMAN SPEENEY: Steve.

24 Okay. Thanks, Joe.

25 Steve. Steve Pote?

Jarmel - Direct

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1 MEMBER POTE: Thank you, Chairman.

2 A couple of questions. Again, I'm

3 still trying to reconcile the number of parking

4 spaces with drop-offs, et cetera.

5 Is it 32 or 31 spaces that we're

6 talking about now?

7 THE WITNESS: I'm sorry. That's

8 really more of a civil engineering question, but I

9 believe we have --

10 MR. GESARIO: It's 31.

11 THE WITNESS: Gerry Gesario just

12 spoke, and 31.

13 MEMBER POTE: 31. Okay.

14 And again, you talked about drop-off



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15 points being 6:30 in the morning to 9 or 9:30. I  
16 didn't hear the pickup times. Again, if you could  
17 just repeat those?

18 THE WITNESS: Sure. So the -- the  
19 center has a combination of what I'll call half,  
20 three-quarter and full-day programs, you know. And  
21 basically it's designed to cater to working parents  
22 and to their needs. So it wouldn't be unusual for  
23 some students to kind of be picked up midday or  
24 maybe as early as 4 o'clock. Our traffic engineers  
25 could probably speak better than I can on this.  
Jarmel - Direct

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1 I'll answer your question, but I would defer their  
2 testimony as more expert because they've actually  
3 studied operating centers. But you'll find that the  
4 pickups are from about 5:00 to 6:30 in the  
5 afternoons, 4:30 to 6:30.

6 MEMBER POTE: Okay. And I know we'll  
7 have more discussion on traffic, but what you had  
8 said earlier was you've got 20 -- 20 supervisors or  
9 teachers and 2 administrators. So that's 22, and  
10 that -- again, that's largely 22 spaces that are  
11 going to be --

12 THE WITNESS: So --

13 MEMBER POTE: -- required of those 31,  
14 right?

15 THE WITNESS: So let -- correct. But  
16 let me kind of just reinforce something.  
17 So the center has a goal to get license  
18 capacity for 100 -- 154 children. Okay? One thing  
19 I didn't mention -- and I apologize for that --  
20 there's a room in the center that we call  
21 Make-Believe Boulevard, which is an indoor playroom.  
22 That room can physically hold 21 children, but it's  
23 actually a -- it's an indoor play space that's used  
24 during inclement weather, cold weather. And you --  
25 the analogy I always make, it's sort of like a  
Jarmel - Direct

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1 conference room in an office. It holds people, but  
2 the people are already in the office.  
3 So arguably, the actual amount of  
4 children that would be coming to the center is  
5 probably more like in the 135 range. So when we put  
6 together a licensing chart for the state -- and it's  
7 attached to the drawings that were submitted -- we  
8 show the maximum capacity of the building and the  
9 maximum amount of caregivers that would be needed.  
10 So if this building was 100 percent full, you would  
11 have 154 children and 20 caregivers, plus -- plus or  
12 minus, you know, two staff. So worst-case scenario.

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TRACEE SCHAEFER, CHAIRWOMAN

13 But the reality of it is, it's probably about 80,  
14 85 percent of that.

15 MEMBER POTE: Okay. So that 80, 85  
16 percent opens up other spaces at other times.

17 THE WITNESS: Correct.

18 MEMBER POTE: I just had trouble  
19 understanding the six to eight spaces for parents  
20 and reconciling that to different groups that  
21 potentially could be there.

22 The other question I had was -- and  
23 maybe this is for later, but the emergencies were  
24 brought up earlier in the discussion. And can you  
25 just show, or just tell me that it'll be done later,  
Jarmel - Direct

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1 where everybody would go during an emergency, say  
2 the fire -- say there's a fire in the building. Can  
3 somebody --

4 THE WITNESS: So we could. I mean,  
5 usually that's decided not by me.

6 MEMBER POTE: Okay.

7 THE WITNESS: But it's usually an  
8 operational decision that's -- that's coordinated  
9 with a state licensing person and actually the local  
10 fire department, in doing that. So what -- what  
11 I'll tell you is usually what happens. And I'll  
12 just mention, my office where I'm sitting in right  
13 now in Livingston, New Jersey, is attached to a  
14 Learning Experience. So this is a multi-tenanted  
15 building, where obviously what we're proposing in  
16 Watchung is a single-tenanted building. So they  
17 have been a tenant of mine for 18 years in this  
18 building. So speaking not just as an architect and  
19 an expert, I have actual anecdotal experience  
20 watching this facility operate for 18 years.  
21 So what they typically do is they take  
22 the kids as far away from the building as possible,  
23 which -- which is usually the far side of the  
24 parking lot.

25 MEMBER POTE: Okay. And that would be  
Jarmel - Direct

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1 potentially in the parking lot?

2 THE WITNESS: It would probably be,  
3 like, on the edge of the parking lot, you know.  
4 Keep in mind, this is a very large site. But  
5 because of environmental restrictions, we're only  
6 allowed to develop a small percentage of it. So  
7 there's a lot of open area around this site where  
8 they could gather.

9 MEMBER POTE: Okay. Thank you.

10 THE WITNESS: Yeah. And just, if I

11 could continue, Mr. Pote?

12 MEMBER POTE: Yes.

13 THE WITNESS: Once they make that  
14 determination with the fire department when they do  
15 their fire drills, that's where they'll take the

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16 children each drill. So they'll all have experience  
17 going there.

18 MEMBER POTE: Okay. Thanks.

19 VICE-CHAIRMAN SPEENEY: Board members?

20 COUNCILMAN MARTINO: Yeah, Mr. Chair,

21 one question. Councilman Martino.

22 VICE-CHAIRMAN SPEENEY: Go ahead.

23 COUNCILMAN MARTINO: This may go back

24 to the engineer again. Sorry.

25 I don't see any sidewalks. Do you guys

Jarmel - Direct

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1 plan on putting any sidewalks in behind the curb?

2 THE WITNESS: I would defer that to

3 Mr. Gesario. Perhaps he could come back on. There

4 he is.

5 MR. GESARIO: Sure. I'm here.

6 Yeah. That was actually brought up in

7 one of the review letters. Let me get back on

8 camera.

9 And yeah, this is obviously -- Union

10 Avenue is obviously a county road, and we said we

11 would defer to the county. If the county had no

12 issue with us putting a sidewalk in their

13 right-of-way, we could show it along our -- our

14 frontage.

15 COUNCILMAN MARTINO: Because what I

16 will do -- going off of Mayor Pote's comment, coming

17 from a city fire department, a lot of times during

18 an evacuation, we prefer that the children leave the

19 site completely just because of the size of the

20 apparatus, and the sidewalk would be able to take

21 them further away.

22 Like I said, I'm not 100 percent sure.

23 I know we cross the border into Scotch Plains, so

24 I'm not sure if there's an area that they can go

25 beyond the facility itself, but sidewalks always

Jarmel - Direct

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1 help us out with situations like that.

2 Thank you.

3 MR. GESARIO: Okay.

4 VICE-CHAIRMAN SPEENEY: Next. Board

5 members. Still with board members.

6 I -- I have a question, Mr. Jarmel.

7 And I'd like to go back to the issue of the

8 neighborhood, the building fitting in the

9 neighborhood. And could you bring up that -- I

10 guess that was a Google site or whatever you brought

11 up.

12 THE WITNESS: Absolutely. Is that

13 working?

14 VICE-CHAIRMAN SPEENEY: Yeah. Yeah.

15 That -- that's it. And what I remember when you

16 showed us this, you showed us the Route 22

17 buildings, and the apartments, and the woods,

18 et cetera.

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19 THE WITNESS: Yes.

20 VICE-CHAIRMAN SPEENEY: But you -- you  
21 didn't focus on the other side of the street as to  
22 whether it fits in or not. "The other side of the  
23 street" being the other side of New Providence Road.

24 THE WITNESS: Right. So you know, on  
25 the other side of the street, there really  
Jarmel - Direct

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1 are -- actually, I could go to a street view.  
2 So this is the building that's directly  
3 across the street from us, which I guess is a --  
4 looks like it's a truck-weighing scale at the entry  
5 to the quarry. And you don't see, although I know  
6 there are buildings uphill, you don't see them from  
7 here. So this building has sloping roof, brick  
8 facade and some sort of residential-type sidings,  
9 obviously significantly smaller. There are no other  
10 buildings around. I'm kind of circulating around  
11 the intersection.  
12 So this is our site where it says "2.23  
13 acres." I'm now looking -- I guess I'll call it  
14 easterly -- northeasterly on New Providence Avenue.  
15 There's only one building. If I look to the north,  
16 there's nothing but driveway. And then when I look  
17 to the west on New Providence Avenue, you can see  
18 the light. Off in the distance, you can see it's a  
19 document center.

20 So there are no other buildings. Our  
21 building has elements of brick in it, which would be  
22 a similar traditional brick color as this building  
23 across the street. We have a sloping roof that  
24 would also have probably a nicer shingle than this.  
25 This is kind of like a --

Jarmel - Direct

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1 VICE-CHAIRMAN SPEENEY: Okay.

2 THE WITNESS: It's like kind of a  
3 run-of-the-mill residential shingle.

4 VICE-CHAIRMAN SPEENEY: The -- I'm --  
5 any other questions, board members? Then I'll go --  
6 MEMBER PENNETT: Wait a minute. Can  
7 you hear me, Don?

8 VICE-CHAIRMAN SPEENEY: I heard --

9 MEMBER PENNETT: It's Karen.

10 When he was -- when he was showing the  
11 screen, I saw a "no left turn" sign. Are you  
12 allowed to make a left-hand turn from New Providence  
13 to Union?

14 THE WITNESS: I think that's probably  
15 a question for Mr. Gesario, if you could --

16 MEMBER PENNETT: When you were showing  
17 us the side view, I saw a "no left turn" sign. I  
18 wasn't sure whether that's for Union Avenue or not.

19 MR. GESARIO: Yeah. I -- this is

20 Gerry. I would defer that to the traffic testimony  
21 when they go through everything.

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22 VICE-CHAIRMAN SPEENEY: Okay. Karen,  
23 to be decided.

24 MEMBER PENNETT: Okay. Yeah. I just

25 -- I saw it within the picture, so I was wondering  
Jarmel - Cross

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1 if that would cause a problem for parents entering.

2 VICE-CHAIRMAN SPEENEY: All right. I

3 want to open up to Mr. Butler.

4 Questions, Mr. Butler?

5 ATTORNEY BUTLER: I only have a few,

6 Chairman Speeney.

7 VICE-CHAIRMAN SPEENEY: Only a few?

8 ATTORNEY BUTLER: Only a few. I want

9 to keep you happy.

10 The -- Mr. Jarmel testified in

11 December 17th, 1919 [sic], and much of his testimony

12 tonight -- well basically what he said on

13 December 17th, 1919. I asked him, first of all, in

14 his opinion if this use, as it's going to be

15 developed, is safe for these little infants. And I

16 think he said, "Yes."

17 C R O S S E X A M I N A T I O N ?

18 BY MR. BUTLER:

19 Q. Is that correct, Mr. Jarmel?

20 A. Well, I don't recall word-for-word my

21 testimony from last December. But if you're asking

22 the question again, I would say, yes --

23 Q. Okay.

24 A. -- it's very safe.

25 Q. And on December 17th, I asked you as

Jarmel - Cross

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1 part of your due diligence whether you or anybody on

2 behalf of the application ever did any study to

3 determine flooding in the area, and you said, "No,"

4 and I want to know whether you've done any

5 investigation regarding flooding in the area since

6 December 9 -- 17th, 19 -- 2019.

7 MR. JARMEL: Okay. Mr. Butler, again,

8 I don't remember my exact testimony. But candidly,

9 I'm an architect. I'm not a civil engineer. So

10 discussions about flood studies would probably be

11 more appropriate for Mr. Gesario, my colleague. But

12 I'm sure he would testify that this is a -- you

13 know, he's testified pretty extensively about the

14 flood hazard, the riparian buffer, the need for

15 NJDEP approvals here, and I would defer, you know,

16 specific response to that to him, if I may.

17 Q. Well, you testified to business

18 operations, so I thought you would be in a position

19 to know whether the applicant has done any study

20 regarding flooding in the area.

21 THE WITNESS: When you say,

22 "Applicant," if you mean The Learning Experience as

23 a tenant, I can -- I can say --

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24 Q. I'm talking about the applicant that's  
25 before the board tonight.

Jarmel - Cross

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1 A. Again, any -- any work that our civil  
2 engineering department has done has been based on  
3 surveys, data provided by the DEP. So it's not  
4 specific, but that data has been available to us to  
5 study it.

6 Q. And -- and have you determined that  
7 there's no flooding in the area?

8 ATTORNEY HEHL: I think that's -- he's  
9 already said he's the architect. If those  
10 questions --

11 MR. GESARIO: This is Gerry. You  
12 know, it's not -- the applicant doesn't have to do  
13 their own study. The state of New Jersey has done  
14 the study for the Green Brook. The flood hazard  
15 area is represented on the drawings based on the  
16 state's study.

17 So we know we're in a -- partially  
18 within a flood hazard zone, and we know we need to  
19 meet the regulations of the DEP for developing this  
20 site that's partially in a flood hazard zone.

21 So, you know, the answer is the  
22 applicant doesn't do the flood study. The state's  
23 already done the flood study, and those -- the  
24 limits are represented on our plans.

25 ATTORNEY BUTLER: I respectfully

Jarmel - Cross

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1 disagree with you, but we're going to move on to  
2 another one.

3 BY MR. BUTLER:

4 Q. Have you or the applicant, to your  
5 knowledge, done any study to determine accidents on  
6 the roadway in the area?

7 A. I -- I have not. I believe our  
8 traffic -- that's a question that's probably better  
9 posed to our traffic engineer.

10 Q. Okay. And do you know whether your  
11 traffic engineer has performed any accident reports  
12 or investigations?

13 ATTORNEY HEHL: That's going to be our  
14 next witness --

15 VICE-CHAIRMAN SPEENEY: Why not wait  
16 for the traffic engineer to give testimony.

17 BY MR. BUTLER:

18 Q. Let me ask you this. You're an  
19 architect; is that correct?

20 A. I am, sir, yes.

21 Q. I have an architectural plan in front  
22 of me that has your firm's name on it. I assume it  
23 was done either by you or somebody under your

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TRACEE SCHAEFER, CHAIRWOMAN

24 supervision; is that correct?

25 A. The architectural plans on this

Jarmel - Cross

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1 application were done by people under my

2 supervision. The civil engineering plans were done

3 by people under Gerry Gesario's supervision.

4 Q. I'm talking about the architectural

5 plans right now, sir, not the engineering plans.

6 A. Yes, they were done under my

7 supervision.

8 Q. And the license calculations plans that

9 appear in it, were they also done by you or somebody

10 under your supervision?

11 A. They were done by one of our

12 associates under my supervision.

13 Q. Okay. Could you tell me why you don't

14 take kids between 12 months and 18 months old?

15 A. I think that's a fair question. And

16 looking at the chart, I would say it's an error. We

17 do. We take -- we take -- the center is designed

18 for children from 6 weeks to 6 years.

19 If you look at the Infant B category

20 where it says, "Age group, 6 weeks to 12 months,"

21 that should actually say, "6 weeks to 18 months."

22 That's an error on our part.

23 Q. Okay. All right.

24 So you do take kids 12 months to

25 18 months; is that correct?

Jarmel - Cross

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1 A. Yes, it is.

2 Q. And you don't show that on your chart,

3 do you?

4 A. I just said that was an error on the

5 chart.

6 Q. And, therefore, you're going to have

7 more than 154 infants at -- at this site; are you

8 not?

9 A. We will not because --

10 ATTORNEY BUTLER: You will not?

11 THE WITNESS: We will not.

12 BY MR. BUTLER:

13 Q. All right. Would you please redo this

14 chart and show where -- what slot the 12 months to

15 the 18-months-old kids are going to be, how many you

16 think you're going to have, and how many classes

17 you're going to have?

18 A. Mr. Butler, I don't mean you any

19 disrespect, but you ask me the same questions in

20 different forms, you'll get the same answer.

21 They go into the room that's identified

22 as Infant B. The only mistake on that chart is on

23 the age group. Where it says, "6 weeks to

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TRACEE SCHAEFER, CHAIRWOMAN

24 12 months," it should read, "6 weeks to 18 months."

25 Those same --

Jarmel - Cross

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1 Q. Okay. But this would put in another

2 age group; would it not?

3 A. Sir, you're talking over me. I'm

4 sorry. Can I finish?

5 Q. Go ahead.

6 A. There's only eight children allowed in

7 that room. So that the overall license capacity of

8 the center will not increase based on the age -- on

9 that particular age group. We're not making the

10 building bigger. We're just allowing -- we're not

11 kicking a child out of the room when they turn to 13

12 months of age. They could stay.

13 Q. Are you willing to -- to -- now that

14 you found out the error that I pointed out to you,

15 are you going to redo the license calculations to

16 provide for 12 and 18 months old?

17 Because I think some group has to be

18 eliminated, either the 24 months, or the 30 months,

19 or the 3 years, or the 5 years if you're going to

20 stick to 154? I think the board should know exactly

21 what --

22 A. I --

23 Q. -- the categories.

24 A. Sir, again, I just testified that

25 license capacity of the building will not change,

Jarmel - Cross

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1 just the age group of the children in that room.

2 There will be no change. The room --

3 Q. Well how many kids -- how many -- how

4 many kids are you going to have between 12 months

5 and 18 months?

6 A. I have no idea. The room will be

7 licensed for children between 6 and 18 months.

8 Total --

9 Q. But how can you --

10 A. -- you can't have more than 16

11 children in the building that are between the age of

12 6 weeks and 18 months because there are only two

13 rooms that are licensed for that age group.

14 Q. Well, now that you found out your

15 error, why don't you just change the licensing

16 calculations to make it correct?

17 A. I believe I said we would do that, but

18 I also --

19 Q. Oh, you would do that?

20 VICE-CHAIRMAN SPEENEY: Mr. Butler.

21 Mr. Butler, the witness said they're going to change

22 it. Please proceed if you have any new questions.

23 If not, I'll open it to public.



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24 ATTORNEY BUTLER: I didn't -- no, I  
25 have no further questions. I didn't interpret his  
Jarmel - Cross  
111  
1 response that he was going to redo it now that he  
2 found out it was wrong.  
3 VICE-CHAIRMAN SPEENEY: You're going  
4 to redo it?  
5 ATTORNEY HEHL: It will be -- it will  
6 be redone and --  
7 VICE-CHAIRMAN SPEENEY: Right.  
8 ATTORNEY HEHL: -- but the total  
9 number doesn't change.  
10 THE WITNESS: Correct.  
11 ATTORNEY BUTLER: It won't be redone?  
12 ATTORNEY HEHL: It will be redone.  
13 ATTORNEY BUTLER: It will.  
14 ATTORNEY HEHL: But the total number  
15 doesn't change.  
16 ATTORNEY BUTLER: Okay. Well, we'll  
17 see what it looks like.  
18 Thank you.  
19 VICE-CHAIRMAN SPEENEY: Okay.  
20 ATTORNEY BUTLER: Thank you,  
21 Mr. Chairman.  
22 VICE-CHAIRMAN SPEENEY: Okay. You're  
23 welcome, Mr. Butler.  
24 Members of the public?  
25 Hearing none, I'll close that portion  
112  
1 of the hearing here.  
2 MR. JARMEL: Thank you-all for your  
3 time this evening.  
4 VICE-CHAIRMAN SPEENEY: Did I miss  
5 something?  
6 THE WITNESS: I'm sorry, Mr. Chairman.  
7 I was just thanking you for your time this evening.  
8 VICE-CHAIRMAN SPEENEY: Oh, okay.  
9 Mr. Hehl, it's the witching hour. And  
10 what I'd like for you to do is just do a short  
11 wrap-up so we can then continue to the next hearing  
12 next month.  
13 ATTORNEY HEHL: Oh, so you don't want  
14 us to start on the traffic expert this evening?  
15 VICE-CHAIRMAN SPEENEY: No.  
16 ATTORNEY HEHL: I had -- I had to give  
17 it a try.  
18 VICE-CHAIRMAN SPEENEY: All right.  
19 ATTORNEY HEHL: Yeah. So --  
20 VICE-CHAIRMAN SPEENEY: Is that what  
21 you want to start next week -- next month, with  
22 traffic?  
23 ATTORNEY HEHL: Yes. Elizabeth Dolan  
24 will be our next witness, followed by environmental

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TRACEE SCHAEFER, CHAIRWOMAN

25 and then planning.

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1 VICE-CHAIRMAN SPEENEY: Okay.

2 Traffic, environmental and planning; is that --

3 ATTORNEY HEHL: Correct.

4 VICE-CHAIRMAN SPEENEY: Okay. Thank

5 you. We'll try that -- we'll try that next month.

6 And if -- if you're in agreement, we'll continue

7 this application until November -- I'm sorry. Yeah,

8 it's already November. November 17th at 7:30 p.m.,

9 virtual.

10 ATTORNEY HEHL: Virtual. And --

11 VICE-CHAIRMAN SPEENEY: Are you in

12 agreement with that?

13 ATTORNEY HEHL: Yep. No problem. No

14 further notice required?

15 VICE-CHAIRMAN SPEENEY: No further

16 notice.

17 ATTORNEY LINNUS: That's correct.

18 That's correct. This is postponed to -- will be

19 continued at the November 17th meeting, 7:30. It

20 will be done virtually.

21 And to the public, this is your

22 pronouncement of the meeting date and time and that

23 it's virtual. You'll get no further notice.

24 VICE-CHAIRMAN SPEENEY: Okay. Thank

25 you, Mr. Linnus.

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1 Mr. Hehl, we're -- we're completed with

2 your process tonight, and the board will continue

3 with the next agenda item it has, which is executive

4 session.

5 ATTORNEY BUTLER: I would just like to

6 ask Mr. Hehl one question.

7 Who's the planner?

8 ATTORNEY HEHL: It's John McDonough.

9 ATTORNEY BUTLER: Thank you very much.

10 ATTORNEY HEHL: You got it.

11 VICE-CHAIRMAN SPEENEY: He's going to

12 go beat him up.

13 ATTORNEY HEHL: All right. Have a

14 great night, everybody. Again, thanks for your

15 time.

16 VICE-CHAIRMAN SPEENEY: Ah, you're

17 welcome. Thank you for participating in the review.

18 I found that very important for myself, and I hope

19 the board found it important.

20 ATTORNEY HEHL: Thank you for your

21 leadership tonight.

22

23 (Time noted, 9:57 p.m.)

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# BOROUGH OF WATCHUNG PLANNING BOARD

TRACEE SCHAEFER, CHAIRWOMAN

## 1 C E R T I F I C A T E

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

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

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

23 Angela C. Buonantuono, CCR, RPR, CLR

NJ State Board of Court Reporting

24 License No. 30XI00233100

Dated: November 10, 2020

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## EXECUTIVE SESSION

Ms. Spingler read the Resolution PB 20-R12 into the record.

The motion by Mr. Pote to enter Executive Session, seconded by Mr. Fiorilla, was accepted and carried on voice vote.

## DISCUSSION

Mr. Ellis, who serves as a member of the Somerset County Planning Board, informed the Board that there was approval for 192 units of inclusionary housing to be located at the top of Hilcrest Avenue in Warren.

## PUBLIC COMMENT

The meeting was open to the public. There were no comments from the public.

## ADJOURN

The Board unanimously voted to adjourn the meeting at 10:24 pm.

Respectfully Submitted,



Theresa Snyder  
Board Clerk