

**Middlesex County Planning Board Meeting
Administration Building, 75 Bayard Street,
Freeholder Meeting Room, 1st Floor
New Brunswick, NJ 08901
May 8, 2018
3:30 p.m.
Minutes**

MEMBERS PRESENT

Mr. Thomas Pollando, Vice Chairman
Mr. Richard Wallner, County Engineer
Mr. Jason Freidman
Ms. Rani Goomer
Mr. Erik Wong, Alternate
Steven D. Cahn, Esq., Planning Board Counsel
Ms. Brenda L. Bleacher, Acting Planning Board Secretary

MEMBERS NOT PRESENT

Freeholder Director Ronald G. Rios
Freeholder Charles Kenny
Mr. Matthew Vaughn, Chairman
Mr. William J. Thomas

STAFF PRESENT

Mr. George M. Ververides, Director, Office of Planning
Mr. Louis Greenwell, Director of Comprehensive Planning
Ms. Mirah Becker, Supervisor, Environmental Sustainability
Mr. Anthony Gambilonghi, Supervisor, Transportation

ADDITIONAL STAFF:

Mr. James Lentino, Principal Planner, Development Review
Mr. Kenneth Preteroti, Office of County Engineering

PUBLIC PRESENT

Mr. Dave Akins, Piscataway
Mr. Lawrence B. Sachs, Esq., Chabad of Monroe, Monroe
Mr. A. Andrew Fernada, Shropshire Assoc., Chabad of Monroe, Monroe
Mr. Marc Leber, East Point Engineering, Chabad of Monroe, Monroe
Rabbi Eliezer Zaklikovsky, Chabad of Monroe, Monroe
Rabbi Zaklikovsky's Guest, Chabad of Monroe, Monroe

Planning Board Meeting
May 8, 2018

Vice Chairman Thomas Pollando, in the absence of Chairman Matthew Vaughan, called the meeting of the Planning Board to order at 3:30 p.m. in compliance with the Open Public Meeting Act.

Salute to the Flag.

Moment of Silence.

The Acting Secretary, Ms. Brenda L. Bleacher, called the roll and determined a quorum was present.

I. Administration:

Mr. Thomas Pollando

- A. Minutes of the March 13, 2018 Planning Board meeting were moved Mr. Wong, seconded by Mr. Wallner, to be accepted as presented. Motion carried unanimously.
- B. Minutes for April 10, 2018 were distributed for review.
- C. Mr. Ververides reported on the Financial Report for April, 2018. All expenses are paid under the New Budget. Mr. Wong moved, seconded by Mr. Wallner, to accept the financial report as presented. Motion carried unanimously.
- D. Committee Report – None
- E. Correspondence – The Planning Board received correspondence from the residents of Edison. This correspondence will be kept on file in the Office of Planning.

II. Environmental Sustainability:

Mr. Jason Freidman

A. Committee Report for April, 2018:

Ms. Becker stated that the Committee Report for April is in the folder. We submitted a complete draft of the Wastewater Management Plan (WMP). to the NJDEP, and the Office of Planning is responding to comments.

Ms. Becker reported that the comments will be addressed, and the final plan should be submitted to the New Jersey Department of Environmental Protection on or about June 30, 2018.

Site Specific Amendments: Valencia Gardens, an affordable housing project located in Piscataway, will be considered by the Board of Chosen Freeholders at their meeting of May 3, 2018. Adoption of the amendment will then be put in the Sewer Service Area.

Planning Board Meeting
May 8, 2018

Ms. Becker stated that Jernee Mill Business Center, Sayreville, a proposed warehouse, and 343 Buckerhill Road, Somerset County, is not in the sewer service area. These will be presented at the June Planning Board meeting.

Ms. Becker met with Counsel regarding the new procedures in place of the review of revisions and amendments to our Sewer Service Area Map.

The Water Resources Association (WRA) will meet on May 14, 2018 and will hear two Site Specific Amendment Applications, the Borough of Sayreville and Franklin Township.

Mr. Wong moved, seconded by Mr. Wallner, to approve the Committee Report for March, 2018. Motion carried unanimously.

III. Transportation:
Mr. Richard Wallner

A. Committee Report for April, 2018:

Mr. Gambilonghi reported that the TCC met on April 24, 2018 and heard a presentation on Street Smart Pedestrian Safety Program from Bill Neary, Executive Director, KMM, and from Will Yarzaeb, former Police Officer, and presently a member of the NJTPA Staff.

Mr. Gambilonghi stated that the TCC received an invitation to the Street Smart Pedestrian Safety Kickoff on May 10, 2018. Mr. Michael Gelin, Woodbridge Township Engineer, did a presentation and discussed the need for improving pedestrian crossings at Route 27 between the Iselin section of Woodbridge and the Metropark Train Station.

Mr. Gambilonghi reported on the Grant Agreement for FY2018 State Aid to Counties. Middlesex County Annual Transportation Program relating to the FY2018 Capital Transportation State Aid Program has been allotted \$11,115,819.00.

Mr. Gambilonghi reported on the NJTPA Pre-Award Evaluation and Documentation for FY2019 Transportation Planning Grants. NJTPA will issue the contracts for the FY2018 Subregional Transportation Planning (STP) Program. Middlesex County will receive \$182,571.00; the County's in-kind match will be \$45,643.00 with an additional \$15,000.00 to be provided by NJTPA towards an Internship to the STP Program.

Mr. Wong moved, seconded by Mr. Wallner, to approve the Committee Report of April, 2018. Motion carried unanimously.

IV. Development Review:
Mr. Matthew M. Vaughn

A. Committee Report for April, 2018:

Mr. Ververides stated that the Site Plan Applications for the month of April, 2018 is shown on page 1 of the Committee's Monthly Report: 6 sketch plats, 1 new preliminary plat, 11 site plans and 6 variances.

Mr. Ververides stated that page 14 shows the location of the reviewed applications.

Mr. Ververides stated that page 17 shows the Monetary Values received for site plans, \$130,524.23; physical improvements (Cash Contribution); and Performance Bonds, \$554,881.00.

Mr. Wong moved, seconded by Mr. Wallner, to approve the Committee Report of April, 2018. Motion carried unanimously.

B. Chabad Jewish Center at Monroe vs Middlesex County et al

Attached to these Minutes is the Transcript of Taped Proceedings entitled "In the Matter of Chabad Jewish Center of Monroe, vs County of Middlesex, et al. Tuesday, May 8, 2018, Middlesex County Administration Building, Freeholder Meeting Room, 75 Bayard Street, New Brunswick, New Jersey."

Motion was made and seconded to approve the report of the Chabad Jewish Center. By roll call, Mr. Pollando, Mr. Freidman, Ms. Goomer, Mr. Wallner and Mr. Wong approved.

V. Comprehensive Planning:
Ms. Rani Goomer

A. Committee Report for April, 2018:

Ms. Becker reported on the County Agriculture Development Board (CADB) and the Estate of Anthony Zimbicki, Sr. located in Monroe. Monroe Township passed a resolution that put up the 20% funding, and then the CADB will consider its final approval at its next meeting.

Ms. Becker stated that the County has received three Site Specific Agricultural Management Practice (SSAMP) applications for Right to Farm located in Monroe regarding mulching activities on farmland. They have been in trouble with Monroe Township Zoning; they are out of compliance with the Zoning Resolution, and Monroe has been fining these farms.

Planning Board Meeting
May 8, 2018

Mr. Wong moved, seconded by Mr. Wallner, to approve the Committee Report of April, 2018. Motion carried unanimously.

- VI. Other Matters - None
- VII. Public Comments – None
- VIII. Adjournment:

Since there was no further business to come before the Planning Board, on a motion made by Mr. Wong, seconded by Mr. Wallner, the meeting was adjourned.

Respectfully Submitted,



Brenda L. Bleacher

Acting Planning Board Secretary

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PLANNING BOARD
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

In the Matter of)
CHABAD JEWISH CENTER)
OF MONROE vs. COUNTY)
OF MIDDLESEX, et al)

Transcript of
TAPED proceedings

Tuesday, May 8, 2018
Middlesex County
Administration Building
Freeholders Meeting Room
75 Bayard Street
New Brunswick, New Jersey

PLANNING BOARD

THOMAS POLLANDO
JASON FRIEDMAN
RANI K. GOOMER
RICHARD WALLNER
ERIC WONG

BRENDA L. BLEACHER, Secretary
GEORGE M. VERVERIDES, Director, Office
of Planning

DEBORAH A. MASTERTON
Certified Court Reporter
29 Hilltop Boulevard
East Brunswick, New Jersey 08816
732-690-2411
dmasterton@comcast.net

A p p e a r a n c e s :

STEVEN D. CAHN, ESQUIRE,
Attorney for the BOARD

LAWRENCE B. SACHS,
Attorneys for the APPLICANT

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<u>WITNESS</u>	<u>PAGE</u>
MARC LEBER DIRECT EXAMINATION BY MR. SACHS	9
ANDREW FERANDA DIRECT EXAMINATION BY MR. SACHS	27
LOUIE GREENWELL DIRECT EXAMINATION BY MR. CAHN CROSS-EXAMINATION BY MR. SACHS	86 88
RICHARD WALLNER DIRECT EXAMINATION BY MR. CAHN CROSS-EXAMINATION BY MR. SACHS	90 967

I N D E X T O E X H I B I T S

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	Sheet 3 of 11	10

1 THE CHAIRMAN: The next is Chabad Jewish
2 Center at Monroe versus County of Middlesex.

3 A BOARD MEMBER: Mr. Chairman, if I may,
4 as director of the staff, like the record to show
5 that Miss Bleacher is not an official court
6 stenographer and that we'll take the notes as best
7 as we can, and if this is acceptable to the
8 applicant, we'll proceed. She's not an official
9 court reporter, and that should have been provided
10 by the applicant.

11 MR. SACHS: Actually, Mr. Ververides,
12 members of the board, I understand that the -- there
13 is a tape recording made of all of the hearings in
14 front of this board, and what I plan to do is at the
15 conclusion of this hearing make a request in writing
16 to Miss Bleacher that I be provided with a copy of
17 that tape recording, and then I'll have it
18 transcribed by a court reporter.

19 A BOARD MEMBER: Do we have a tape
20 recording this, Miss Bleacher?

21 MS. BLEACHER: Yeah, digital.

22 A BOARD MEMBER: I just wanted to let
23 the record show that.

24 A BOARD MEMBER: Let me just say from a
25 preliminary perspective that this is -- the

1 applicant got a conditional approval, and they've
2 requested relief from that conditional approval.
3 There's numerous conditions. I believe, Mr. Sachs,
4 is the condition related only to the traffic light
5 improvements?

6 MR. SACHS: That's correct.

7 MR. CAHN: Not the sidewalk improvements
8 or any of those other improvements. Okay. From a
9 procedural perspective, we had kind of a hearing
10 before. Their litigation was initiated, and the
11 court remanded the matter back for more detailed
12 hearing, which is what we're here for today. I can
13 only say is that I don't know how the quality of the
14 tape is. I've never listened to it. So we should
15 all try and, you know, speak up loudly and clearly
16 so we get -- the recording gets picked up so that
17 there's no debate down the road as to what somebody
18 said, and we should do our best not to step on each
19 other when we talk, though that may be difficult to
20 do, so that we have a good clean record.

21 And that being said, Mr. Sachs, you --
22 it's your hearing so you can proceed how you like.
23 You ask some questions, I may have a few of the
24 county staff provide some information for the record
25 also. Go ahead.

1 MR. SACHS: Thank you, Mr. Cahn.

2 A BOARD MEMBER: Since this is the first
3 time, you know, since I've been here, does he have
4 to get sworn in or anything like that?

5 MR. CAHN: He does not have to -- he's a
6 lawyer so he's already --

7 A BOARD MEMBER: I know.

8 MR. CAHN: He's sworn in and sworn at on
9 a regular basis so he's okay.

10 A BOARD MEMBER: I just want to make
11 sure.

12 A BOARD MEMBER: If I may add, in order
13 that we make the record clear, if anyone wants to
14 make comment, please come into the podium and speak
15 into the microphone so it can pick up for the record
16 in light of the fact that we're having problems here
17 with the stenographer.

18 MR. CAHN: This is a public hearing.
19 There's no requirement for sworn testimony unless
20 you want them to be sworn. I don't think we need to
21 be sworn.

22 MR. SACHS: I don't need to be sworn.
23 If you'd like to swear in my witnesses, that's fine.
24 I don't have any objections to that.

25 A BOARD MEMBER: Just don't swear at

1 him.

2 MR. SACHS: Okay. Just for the record,
3 Lawrence Sachs on behalf of the Chabad Jewish Center
4 of Monroe, and just as a matter of I guess
5 historical perspective as to why we're here, we were
6 actually here I guess about a year ago. I think it
7 was exactly a year ago, and we made a presentation
8 in front of your land development committee. At
9 that time, the land development committee did not
10 make any decision on the request that had been made
11 by the plaintiff in this matter, which was to excise
12 one of the conditions that was contained in the
13 approval of March 2, 2017, and that condition was in
14 section 11-7, design standards, paragraph 12,
15 dealing with traffic control, and more specifically,
16 the installation of traffic signal at our driveway.
17 And as Mr. Cahn has indicated, this matter was
18 remanded back to this board by Judge Hurley by
19 virtue of a remand order dated March 19 of 2018.

20 So I plan on having two witnesses
21 testify. It's the exact same witnesses who
22 testified at the hearing last May 9 -- I think it
23 was May 9 -- May 9 of 2017. That would be our site
24 engineer, Mr. Marc Leber, and our traffic engineer,
25 Mr. Andrew Feranda.

1 Let me just give you some background on
2 this property. This is located at 152 Prospect
3 Plains Road in the Township of Monroe, Middlesex
4 County, New Jersey, also known as lots 27.02 and --
5 excuse me -- block 27.02, lot 17.02. Prior to
6 March 2 of 2017, when the conditional approval was
7 granted by the county planning board or by the land
8 development review committee, a traffic study was
9 submitted by Shropshire and Associates by
10 Mr. Feranda, who is here this afternoon. That was
11 dated January 24 of 2017, and the site plan was also
12 submitted for review by Marc Leber of East Point
13 Engineering, and those documents were submitted in
14 addition to the application.

15 So as I've indicated, my client received
16 a conditional approval March 2 of 2017, but the
17 reason for our appearing a year or so ago --
18 actually a year ago -- was to seek a modification of
19 that condition, section 11.7, design standards,
20 section 12, traffic control.

21 So, Mr. Chairman, with out further ado,
22 I'd like to perhaps have my first witness sworn in.
23 That would be Marc Leber of East Point Engineering,
24 and just so the record is clear, where should we
25 have him seated so he's picked up?

1 A BOARD MEMBER: Have him speak right at
2 that (inaudible).

3 MR. SACHS: L-e-b-e-r.

4 MR. CAHN: Did you want him sworn in?

5 MR. SACHS: I mean, we probably should.

6

7 M A R C L E B E R, sworn.

8 DIRECT EXAMINATION BY MR. SACHS:

9 MR. CAHN: I've never done it.

10 MR. SACHS: Good job because I do it
11 just about every night. But he did fine.

12 MR. CAHN: I don't need to do it.

13 Q. All right. Mr. Leber, before we get
14 into your testimony, if you could give the planning
15 board the benefit of your professional
16 qualifications.

17 A. Certainly. I have a bachelor of science
18 degree from Drexel University, and I have a graduate
19 degree -- it's actually an MBA -- from Rutgers
20 Graduate School. I am licensed in New Jersey as a
21 professional engineer, professional planner, and I
22 am also a certified municipal engineer. I've
23 testified before boards in I think about 12 counties
24 in New Jersey, worked on many projects, both zoning
25 and planning board projects.

1 MR. SACHS: Mr. Cahn, if we can, or Mr.
2 Chairman, I'd like to have Mr. Leber just qualified
3 as an expert in engineering.

4 A BOARD MEMBER: I don't think we have
5 an objection.

6 A BOARD MEMBER: No objections.

7 MR. SACHS: Okay. Thank you.

8 Q. Mr. Leber, if you can briefly indicate
9 to the board just a summary of what the plan is that
10 was submitted to the land development review
11 committee and the tasks that you performed with
12 respect to that.

13 A. Certainly. We had submitted a set of
14 site plans. The title is preliminary and final
15 major site plan, Chabad of Monroe, 152 Prospect
16 Plains Road. The plans were dated October 19, 2016,
17 and there were 11 sheets in that set. I did bring
18 with me today sheet number 3 of 11, which I had
19 colored a few things on this, and if you want, I can
20 mark this as an exhibit.

21 Q. Let's mark it as A-1 with today's date,
22 May 8.

23 (Sheet 3 of 11 marked A-1 for
24 Identification)

25 A. All right, so let me just describe for

1 you what is on this board. On this plan, north is
2 actually down so it's a little counterintuitive.
3 East will be to the left. West will be to the
4 right. Colored in right here is the intersection of
5 Prospect Plains Road. That's County Route 614.
6 Moving to the bottom of the page is the intersection
7 of North Half Acre Road, which is Route 615, and on
8 the right is the intersection of South Half Acre
9 Road, also Route 615.

10 The property in question -- that's lot
11 17.02 -- is an irregularly shaped property. It has
12 a total frontage of about 127 feet along Prospect
13 Plains Road. As you move to the rear of the
14 property, it opens up into a large wooded area, and
15 the total acreage is about 2.4 acres.

16 Just to get into what's surrounding the
17 property, behind the property, which is to the
18 south, you have the golf course as part of
19 Concordia, and to the west you have a residential
20 dwelling that has frontage on South Half Acre Road.
21 On the corner there's a vacant lot that's owned by
22 the Township of Monroe. Across Prospect Plains Road
23 there's a gas station. Moving across North Half
24 Acre Road here, this is the rear of Greenbriar.
25 There is an adult community there. There is no

1 access from those lots to any of these streets. And
2 then immediately to the left of this property there
3 is park owned land, Township of Monroe, as well.

4 The proposal here is to develop this
5 property to contain a house of worship that's
6 15,048-square-foot footprint, and that will be
7 situated on the rear of the property outlined in
8 red. Surrounding the property is a parking lot,
9 which holds 95 cars, and the access to the property
10 would be through right hand in only and right turn
11 out only. We have a separate traffic study, which
12 was submitted as part of the application.

13 Mr. Feranda is here, but I believe, recalling from
14 memory, that the peak trips in the morning were
15 something like four trips in the a.m. and perhaps 19
16 trips in the p.m., if I'm not mistaken. Being that
17 it's a house of worship, unlike an office building
18 where everybody has to be here all at 1 hour, say 9
19 o'clock in the morning and everybody is leaving at
20 5 o'clock in the morning, this type of use generates
21 a peak on Saturday, which is contrary to what the
22 peak usage of the surrounding roads happens to be.

23 Any questions?

24 Q. Mr. Leber, I have a few questions. So
25 again, if you can just particularly focus in on

1 access to the site. If you can just describe what
2 you designed as the access to the site ingress and
3 egress.

4 A. Certainly. So just beyond the
5 intersection with North Half Acre Road -- that's the
6 little T that's going down this plan in gray -- just
7 beyond that intersection we have a 12-foot-wide
8 driveway that only allows a right turn into the
9 site, and then it opens up into a -- I believe it's
10 a 30-foot-wide driveway where it tapers down to a
11 24-foot-wide drive aisle, which is pretty standard
12 for a parking lot, and then the egress to the site
13 would be a right out only heading east on Prospect
14 Plains Road. I don't know if you're familiar with
15 the area, but if you keep going east, eventually you
16 get to Perrineville Road. There's a shopping center
17 on that corner. There's no left turn permitted out
18 of the property, and there's no left turn permitted
19 into the property.

20 A BOARD MEMBER: That right out, is it
21 -- that right out driveway, is it entirely on your
22 site?

23 THE WITNESS: Yes.

24 A BOARD MEMBER: How far is it from the
25 property line?

1 THE WITNESS: It's about a foot off the
2 corner, and this property next door is vacant.
3 There was a house there one time, but that's --

4 A BOARD MEMBER: Township owns the
5 property next door?

6 THE WITNESS: Township of Monroe.

7 A BOARD MEMBER: Do you know what the
8 county standard is for the distance of a driveway
9 from the property line?

10 THE WITNESS: I don't off the top of my
11 head.

12 A BOARD MEMBER: It's five feet, Rich?

13 MR. WALLNER: Five feet.

14 A BOARD MEMBER: Assuming it's 5 feet,
15 would you agree that the driveway is closer than the
16 5 feet requirement of the county?

17 THE WITNESS: It is.

18 A BOARD MEMBER: Would you -- do you
19 need the approval of the adjacent property owner to
20 put that driveway in?

21 THE WITNESS: Not that I know of. I
22 mean, the site plan still is a site plan in Monroe
23 Township. So we're not over the property line, but
24 I imagine that if they were to review the plans as
25 part of the regular review process that at that

1 point they can ask us.

2 A BOARD MEMBER: Do you know the reason
3 that the county has that 5 foot on the setback from
4 the property line for a driveway? Do you know the
5 purpose of that?

6 MR. SACHS: I can have my traffic
7 engineer perhaps answer that question.

8 A BOARD MEMBER: If you don't know,
9 that's okay. I'm just asking if you know the
10 purpose for the 5-foot setback from the property
11 line that's a requirement of the county.

12 THE WITNESS: Presumably to separate
13 adjacent driveways.

14 A BOARD MEMBER: Okay. I'll save it for
15 the engineer.

16 Q. Yeah, and actually, let me just follow
17 up, Mr. Leber. Looking at that plan, maybe you can
18 turn it towards me just for a second. Okay. We're
19 talking about the 5-foot requirement that the county
20 might have would be to the east of this property; is
21 that correct?

22 A. It is.

23 Q. Okay, and you're showing on that plan,
24 which I know was submitted in 2016, a house on that
25 property. Is that house still there?

1 A. No.

2 Q. That house has been demolished. Are
3 there any other curb cuts on that property located
4 in proximity to the exit from the proposed site?

5 A. There was at one time a driveway to the
6 house, and I estimate it's about 75 or 80 feet east
7 of our property line.

8 Q. Okay, so that driveway is not within
9 5 feet of our property line.

10 A. No.

11 Q. Okay. All right. Now, I know you were
12 here last year, and I know at that particular
13 hearing, Rabbi Z, Zaklikovsky, testified. He's here
14 again this afternoon. But if you recall his
15 testimony -- and correct me if I'm wrong -- but he
16 indicated that the hours of operation, the primary
17 hours of operation for this facility would be Friday
18 evenings?

19 A. That was correct.

20 Q. And that would be for Friday Chabad
21 services.

22 A. Uh-huh.

23 Q. Please put the -- talk into the
24 microphone.

25 A. Yes, Friday evening.

1 Q. All right, so one of the peak hours of
2 operation would be Friday evening, which would be at
3 sunset.

4 A. Yes.

5 Q. All right, and Saturday morning, which
6 would be around 9 o'clock or so.

7 A. That's correct.

8 Q. All right, and I believe -- and you can
9 confirm this, and I know you're familiar with the
10 proposed operations -- that the attendance at his
11 existing Chabad is about 8 to 10 individuals for
12 Friday night services.

13 A. Yes.

14 Q. And 15 to 20 for the Saturday morning
15 service?

16 A. That's correct.

17 Q. All right, and he indicated perhaps
18 there will be more people attending if there's a
19 larger facility, but he's not sure, but more
20 importantly, at the last hearing -- and I'm not sure
21 if you testified to this or Mr. Feranda testified to
22 it, but for the high holidays, which would be Rosh
23 Hashanah and Yom Kippur, which occur in the fall of
24 every year, the applicant would agree to employ
25 Monroe Township police for traffic guidance; is that

1 correct?

2 A. Yes. We did speak about that last time.

3 MR. SACHS: Okay. I have nothing
4 further of Mr. Leber.

5 MR. CAHN: Do you know what the
6 township's intended purpose is for that adjoining
7 property?

8 THE WITNESS: I do not.

9 MR. CAHN: Would that make a difference
10 in your analysis what they intend to do with that
11 property?

12 THE WITNESS: I believe it was purchased
13 as part of their open space land, but I haven't seen
14 anything as to what they want to do with it.

15 MR. SACHS: In fact --

16 MR. CAHN: My question was does it make
17 a difference in your analysis as to what use the
18 township has for that property, change your analysis
19 if they had a more intense use than open space.

20 THE WITNESS: I would probably defer
21 that to Mr. Feranda. I assume you're speaking from
22 a traffic perspective.

23 MR. CAHN: Correct. I mean, I don't
24 know what they're going to do with it, but it is
25 open space and it could conceivably be used for

1 athletic fields or something else. My question was
2 did you consider that at all in your analysis as to
3 what the township's purpose is for that property,
4 and would that affect your testimony with respect to
5 the way the site plan is done and the location of
6 the driveway.

7 THE WITNESS: I mean, as an engineer
8 that does strictly site plan layout, I would imagine
9 that keeping our driveway as far east as possible is
10 only a benefit to the corner because it keeps the
11 separation distance greater.

12 MR. CAHN: I'm talking about the other
13 side of the property. If you're facing the property
14 on the left, the township owns that piece, those
15 two pieces.

16 THE WITNESS: Yes, correct.

17 MR. CAHN: That was my question, do you
18 know what the town intends to do with the piece
19 that's I'm going to call it to the left. I'm not
20 sure which way it's oriented on a compass. Do you
21 know whether they have a plan to use that for any
22 active recreation?

23 MR. SACHS: Mr. Cahn, just so the record
24 is clear, we're talking about the property that
25 would be to the east.

1 MR. CAHN: I think it's east, correct.

2 MR. SACHS: Not to the west, which would
3 be on the corner of Union Valley and Prospect
4 Plains.

5 MR. CAHN: Right. I don't know the
6 answer. I mean, I'm asking the question somewhat as
7 a hypothetical. My question is, though, if they
8 were going to use that for active recreation, park
9 land, soccer field, would that change your analysis
10 of the location of the driveway because the driveway
11 now as you have it drawn on there is butting up
12 against the property line as opposed to be being in
13 conformity with what the township requires as a
14 5-foot setback. Would that be an issue if there was
15 going to be a more intense use of that property for
16 some kind of recreational purposes?

17 THE WITNESS: I mean, this is all part
18 of the township park, which already has access from
19 Prospect Plains Road. I mean, I don't see, you
20 know, even if they had developed that corner for a
21 field, you know, I don't see an access drive from
22 that lot coming in at the extreme corner of the
23 property. I don't have any plans in my possession
24 showing what they're going to do there.

25 MR. CAHN: Thank you.

1 MR. SACHS: Mr. Chairman, just one
2 follow-up question based on Mr. Cahn's question.

3 Q. Mr. Leber, are you aware of any plans
4 that -- or any type of construction that has
5 occurred on that lot immediately adjacent to the
6 east of our site?

7 A. No, none.

8 Q. In fact, most recently, the house was
9 demolished, but that's the only activity that's
10 occurred?

11 A. Correct.

12 Q. And to the further east of that lot is
13 actually a park.

14 A. Yes.

15 Q. All right, and again, as a professional
16 engineer and planner, you are aware of the
17 restrictions that the state imposes, even the county
18 imposes, with respect to acquired open space.

19 A. Certainly.

20 Q. All right. We can't have a commercial
21 use on that property. We can't have a retail use.
22 We can't have a residential use. It has to be used
23 for open space purposes, which could either be for
24 passive or active recreation.

25 A. That's correct.

1 Q. But to your knowledge, there is no --
2 you have not seen any development on that site.

3 A. I have not.

4 Q. Okay. Thank you.

5 MR. CAHN: I think the county engineer
6 has a couple questions. I just want to ask one or
7 more questions. Does the current plan include
8 classrooms?

9 THE WITNESS: There are some classrooms
10 in the building.

11 MR. CAHN: Did you consider the future
12 use of those classrooms and how it would affect
13 traffic going on and off the site?

14 THE WITNESS: Yes, that's part of the
15 analysis for the use of the property.

16 MR. CAHN: What are the classrooms going
17 to be used for?

18 THE WITNESS: For example, Sunday
19 school, which is primarily for grade school
20 children.

21 MR. CAHN: How many children could fit
22 in the classrooms as designed?

23 THE WITNESS: This really might be an
24 architectural question.

25 MR. CAHN: Might be. I don't know the

1 answer. Make it an easier question. How many
2 classrooms are there?

3 THE WITNESS: There are four classrooms
4 on the floor plan.

5 MR. CAHN: What's the dimensions of
6 them?

7 THE WITNESS: They're each about
8 400 square feet.

9 MR. CAHN: Okay.

10 MR. WALLNER: The driveway, when you
11 said it doesn't go on the adjacent property, the
12 curb return extends over the extension of the side
13 property line, correct?

14 THE WITNESS: Yes, that's the area
15 within the right of way.

16 MR. WALLNER: So it's not -- but with it
17 is also the ADA compatible ramps and the detectable
18 warning surface, which would in essence be off your
19 property at that point or the extension of your
20 property line.

21 THE WITNESS: Well, what I had done here
22 is within the county right of way we were proposing
23 to install sidewalk along the front of the site. So
24 customary to a crosswalk, I'd proposed a depressed
25 curb and a handicapped ramp on the east side of the

1 property figuring that if Monroe Township at one
2 point in the future wanted to put sidewalk along the
3 park, they could just tie into our existing ramp and
4 they wouldn't have to disturb any. But all that
5 work is shown (inaudible) right of way line.

6 MR. WALLNER: And the question is who
7 would own and maintain that.

8 THE WITNESS: Well, most sidewalk is
9 really the responsibility of the adjacent property
10 owner so I don't see any difference in this
11 scenario. It's literally --

12 MR. WALLNER: Adjacent -- how do you say
13 adjacent?

14 THE WITNESS: Well, it's maybe 5 feet of
15 sidewalk. I mean, this is really a small ramp.
16 It's something very minor. We can eliminate the
17 ramp, but I don't think, you know, without a
18 crosswalk without a depressed curb is really
19 standard.

20 MR. WALLNER: Well, that begs the
21 question is is the ramp required.

22 THE WITNESS: I mean, it's been my
23 experience --

24 MR. WALLNER: May be rhetorical, but if
25 it's required, how do you eliminate it, but that's

1 okay.

2 Let me ask a couple other questions.

3 Are you involved in traffic signal design at all?

4 THE WITNESS: I am not.

5 MR. WALLNER: Okay. When did you become
6 involved with the project?

7 THE WITNESS: These plans are dated
8 October of '16 so perhaps it was summer of '16, and
9 I'm not a hundred percent sure, around that time.

10 MR. WALLNER: Okay.

11 MR. SACHS: And, Mr. Wallner, we do have
12 a traffic engineer.

13 MR. WALLNER: I understand. I know.

14 MR. SACHS: Thank you.

15 A BOARD MEMBER: (Inaudible) traffic
16 control piece, what's that called.

17 MR. WALLNER: The island.

18 MR. SACHS: Pork chop.

19 A BOARD MEMBER: Pork chop.

20 MR. SACHS: Pork chop.

21 A BOARD MEMBER: So the driveway has an
22 island or a pork chop in it. I'm leaving that one
23 alone. The purpose of that -- I'm going to call it
24 an island -- the island is to control traffic going
25 in and out and to prohibit unlawful left turns out

1 of the site; is that correct?

2 THE WITNESS: Yes, it's a channelizing
3 feature.

4 A BOARD MEMBER: The decision as to the
5 dimensions of that, is that something that was made
6 by you in the site plan, or the traffic engineer
7 indicated to you what size that needed to be?

8 THE WITNESS: I had made the island
9 about 19 and a half feet wide, and I believe it goes
10 back about 22 feet. I mean, typically, you know,
11 you don't want to have an island that's a hundred
12 square feet so I designed that to, you know, be more
13 than a hundred square feet.

14 A BOARD MEMBER: If it needed to be
15 wider, if there was a traffic safety requirement to
16 make it wider in order to properly channel traffic,
17 would that require the driveway to encroach upon the
18 adjacent property owner?

19 THE WITNESS: I suppose. I mean, but in
20 the review, that wasn't raised as an issue.

21 A BOARD MEMBER: What review, the
22 county's review?

23 THE WITNESS: Correct.

24 A BOARD MEMBER: But the county required
25 a light there, not an island, correct?

1 THE WITNESS: Well, there was a
2 condition, which is really why we're here.

3 A BOARD MEMBER: The county hasn't
4 approved it with the island as is; am I wrong about
5 that? Rich, county hasn't approved the design with
6 that particular island with those dimensions, has
7 it?

8 MR. WALLNER: No, I don't think so.

9 A BOARD MEMBER: All right. Thanks.

10 THE WITNESS: Thank you.

11 A BOARD MEMBER: Any other questions for
12 this -- okay.

13 MR. SACHS: All right. I have another
14 witness, Mr. Chairman, Mr. Andrew Feranda.

15 A BOARD MEMBER: Do you remember how to
16 swear him in.

17 MR. SACHS: Do you want to try it again,
18 Steve?

19

20 A N D R E W F E R A N D A, sworn.

21 DIRECT EXAMINATION BY MR. SACHS:

22 MR. CAHN: Okay. Thank you. Go ahead.

23 Q. Mr. Feranda, if you can for the
24 record --

25 A BOARD MEMBER: Just in case Larry gets

1 out of hand.

2 Q. Mr. Feranda, if you can for the record,
3 if you can state your professional background, some
4 qualifications for the board.

5 A. Sure. I'm a traffic engineer with the
6 firm Shropshire Associates. I am a graduate of
7 Drexel University with a bachelor of science in
8 civil engineering. I'm a professional engineer
9 licensed in the State of New Jersey. I'm also a
10 professional traffic operations engineer. It's a
11 higher certification within our field, PTOE. I'm
12 also a licensed -- a certified municipal engineer;
13 past president of the American Society of Civil
14 Engineers, south Jersey branch; past president of
15 the New Jersey section of the American Society of
16 Civil Engineers. I've testified before I believe 12
17 or more counties within the state and hundreds of
18 planning and zoning boards throughout the state.

19 MR. SACHS: Mr. Chairman.

20 A. -- as a traffic consultant.

21 MR. SACHS: Mr. Chairman, I'd like to
22 offer Mr. Feranda as a professional traffic engineer
23 consultant.

24 A BOARD MEMBER: Okay.

25 MR. SACHS: Thank you.

1 Q. Mr. Feranda, I know you testified a year
2 ago, but I think I need you to go through your
3 testimony again and indicate what you were asked to
4 do in connection with preparing this traffic study
5 and the findings and the submission that you
6 ultimately made to the County of Middlesex.

7 A. Our firm was retained to do traffic
8 counts and analysis and come up with recommendations
9 and conclusions for the site. To do so, as all
10 traffic engineers do, we go out and observe the
11 existing conditions and collect traffic data at the
12 intersection.

13 Briefly, as you've already had and you
14 may know at the intersection, but it's an offset
15 intersection. North Half Acre is split from South
16 Half Acre by about 250 feet center line to center
17 line. Prospect Plains Road is east/west with South
18 Half Acre Road coming into the east and North Half
19 Acre Road -- northbound Half Acre Road coming into
20 the west. Across from the North Half Acre Road
21 approach there is a gas station with a driveway
22 immediately across from that approach. The South
23 Half Acre Road has our site, which has approximately
24 127 feet of frontage. Sixty -- roughly half of the
25 frontage is within the signalized intersection that

1 would be directly across from the South Half Acre.
2 Another 60 feet plus give or take half of that
3 frontage would be outside of the signal pole beyond
4 the stop bar, and that's where we've located that
5 right-in/right-out access driveway.

6 We did our observations of the existing
7 conditions. We collected traffic data in October of
8 2016. We collected data on Wednesday morning, found
9 the peak period to be 7:45 to 8:45. We collected
10 traffic data in the evening on a Friday, which would
11 coincide with operations or attendance at the Jewish
12 Center. That would have been from 5 to 6 o'clock.
13 Again, earlier testimony was that the services would
14 be held 7 to 8 so it's outside of the peak
15 typically. And then on the weekend we counted on a
16 Saturday from 11 to 2. That would be typical with a
17 commuter peak on a weekend. As noted earlier, the
18 services on Saturday would occur from 9 to maybe
19 1 o'clock, but the higher use would be in the
20 morning. We found the peak to be from 12 to 1,
21 which is at the later end, later end of the counts.

22 The analysis we do after collecting the
23 traffic data is to analyze using models that traffic
24 engineers use. In this case, Synchro is the
25 modeling software we use. We modeled the existing

1 conditions, the future conditions without the site,
2 and then the future conditions with the site and its
3 traffic added in.

4 The traffic from the Jewish Center is
5 anticipated to be four trips in the a.m. That would
6 be two in, two out. It would be 41 trips in the
7 afternoon, which would be 19 in, 22 out. I believe
8 earlier testimony by the engineer -- and he's not a
9 traffic engineer -- when he said 19, that was the
10 inbound trips or 22 trips out, so it's 41 total in
11 the p.m., and this is based on Institute of
12 Transportation Engineers traffic data. That's the
13 bible for traffic engineers where many data points
14 are collected throughout the country on Jewish
15 centers of this particular size and other sizes.
16 They put the data together and they give us numbers,
17 which traffic engineers then use to populate for the
18 future conditions of building. So in the p.m., it
19 was 41 total trips, and on the weekend, in this case
20 on a Saturday for services, there will be 66 trips,
21 roughly 28 in, 36 out. That's the trips that would
22 be generated by the site.

23 Again, I would like to emphasize that
24 the roadway volumes that we found are highly
25 directional, highly directional, and very much tied

1 to the a.m. and p.m. peaks. In the a.m., it's very
2 strong traffic, roughly a thousand vehicles heading
3 in the westbound direction, heading towards the
4 Turnpike, and in the evening, it's roughly reversed
5 with -- in the morning it's a thousand trips heading
6 west, 400 trips heading east, and roughly it
7 reverses in the evening with a thousand trips. It's
8 actually more than a thousand trips heading west or
9 east and 400 trips heading west. So it's very
10 directional. A.m. and p.m. show a high correlation
11 with use of the Turnpike and access from the
12 residents that to the east heading to points to the
13 west. On the Saturday peak, the commuter peak for a
14 Saturday, both volumes were lower. We counted
15 approximately 500 in each direction. It's more
16 balanced on a weekend, but it's substantially less
17 than the a.m. and p.m. commuter peaks.

18 We did the analysis of the split
19 intersection. There are movements at the
20 intersection. We analyzed the movement, but we also
21 analyzed overall levels of service for the
22 intersections, grade them in terms of their
23 operation based on the delay, A being the least
24 delay, F being significant delay that should be
25 addressed with some mitigation. For the analysis we

1 did here, level -- overall level of service at each
2 of the intersections was B or better. What does
3 that mean, 20 seconds or less delay for the average
4 trip for each of the movements. There was some
5 delay, and that's during each of the peak periods,
6 a.m., p.m., and Saturday. There was some delay for
7 the Half Acre movements on both approaches based on
8 the intersection being an offset intersection, and
9 it takes a little time to clear out the intersection
10 so there's an additional phase for clearance, which
11 takes a little additional time and causes more delay
12 for the side streets. The main street, Prospect
13 Plains, had level of service B or better. I believe
14 there may have been levels of C in the westbound
15 direction in the a.m. due to the significant volumes
16 heading towards the Turnpike, but this
17 intersection -- these intersections, offset
18 intersections operate with fairly good levels of
19 service and not significant delays under existing
20 conditions. When we look to the future conditions,
21 future conditions being what we anticipate the
22 synagogue, Jewish Center, to be built out, in this
23 case, it was a couple of years; 2018 was our
24 projection at that point. Obviously, it's 2018. It
25 may have to be pushed out another year or two based

1 on getting approvals and construction of the site.

2 So based on the original analysis we
3 did, the future conditions showed no degradation in
4 levels of service or delay for any of the movements
5 or the overall levels of service, and then we added
6 the site trips that I talk about for the different
7 peaks, the a.m., p.m., and the weekend, and there
8 was additionally no changes from the existing
9 conditions based on our analysis of the two
10 intersections and future conditions with the site.
11 So the operation of the signal is not necessarily
12 what's in question. I am aware that a study was
13 done by the county for this intersection. The
14 equipment at this intersection -- how do I say it --
15 is tired, old, needs to be updated. I would say
16 there's worse. There's better. This intersection
17 operates well based on its timings, but some of the
18 equipment is older, and there are improvements,
19 recommendations that were made in the report that I
20 don't disagree with, ADA compliance, alignment
21 issues. If you're going to handle some larger
22 vehicles such as WB-67, which sometimes travel
23 through the intersections, you may have to remove or
24 change some of the -- you may have to remove some of
25 the channelized islands or change some of the

1 geometry. I don't disagree with that. Alignment
2 issues, changing lane functions, I believe one of
3 the right-turn lanes in the westbound direction was
4 recommended to change from a right turn only to a
5 right and through movement. There are improvements
6 that could be made to make the intersection more
7 compliant with current code and to allow the
8 intersection to function better in the future for
9 traffic as projected in the report, which goes out
10 to 2026 and 2036. That's appropriate for a county
11 study, which projects way into the future, but may
12 not be appropriate for a site such as this which
13 projects out to when it's going to be constructed.

14 Now, getting to the site specific we
15 have here, we have 127 foot of frontage. We kicked
16 around different ideas of what to do with our
17 driveway. We started with the appropriate thing
18 that we thought to do would be align with the --
19 across the Half Acre Road. We tried that and we did
20 some analysis and showed that that could work. The
21 issue that we have with that is the signalization is
22 not currently configured to allow for that to
23 happen. To get that to work, there are things that
24 could be done on an interim basis, but I don't
25 believe that we were given the option of an interim

1 improvement to the signal. The option that we
2 understood was available to us was if you put
3 signalization in, improvements would have to be made
4 to the overall intersection, and that includes
5 significant improvements that go beyond the scope of
6 this site and what this Jewish Center is requesting.
7 They're requesting access within frontage. They
8 don't have frontage on other roadways. They have
9 frontage on Prospect Plains; therefore, we looked at
10 an alternative, pull the driveway out of the
11 intersection as best we could. I understand the
12 questions about 5 foot from the property line. The
13 reason that is done -- and it's done in many
14 municipalities and counties -- is to get an offset
15 from potential for a driveway on an adjacent site.
16 In this case, the township owns that site. They put
17 up fence. They bought the house that was there.
18 They've torn it down. There's no more driveway.
19 There's fence in front of that property, and that
20 fence goes all the way down I don't know how many
21 hundreds of feet down to the park entrance where
22 there's now a parking lot and significant entrance
23 that allows access to the park. There's parking
24 there. And that's roughly a couple hundred feet
25 away from the intersection, this intersection. So

1 are we compliant with the 5 foot from the property
2 line? No. Do I think it's a safety problem? Not
3 in this case because of the many hundreds of feet of
4 property to the next driveway. Again, a 5-foot
5 offset would be appropriate if that house was still
6 there and they had a driveway and you didn't want
7 the two driveways to have conflicting movements. In
8 this case, there would not be conflicting movements
9 from the adjacent property.

10 The driveway as designed, there is a
11 pork chop or an island, curbed island. It was
12 designed to be as wide as possible to separate the
13 driveway. It could be made smaller. We are trying
14 to make the island as hard as possible. A hundred
15 feet would be a small island. I always recommend
16 200 square foot or larger so that it doesn't become
17 something that could be hit, not seen and hit. When
18 it becomes larger, it becomes something that can
19 truly channelize and separate the driveway. We
20 maximized that island. It could be reduced and we
21 could get that separation, but we felt this was a
22 safer driveway with the conditions that are
23 available around us.

24 A BOARD MEMBER: How many square feet is
25 the island?

1 THE WITNESS: With the 19-foot and --
2 roughly if it's 19 foot and 19 foot deep, 20-by-20
3 is 400, take out because it's a triangle, take half
4 of that's 200, 200 plus give or take. It's an odd
5 geometry where I could easily give the calculations.

6 Now, it allows for right-turn movements
7 in, which -- and I understand there might be some
8 concerns as to how do vehicles get into the site
9 when they're heading from different directions.
10 This site with a right turn in allows anybody
11 heading north on Half Acre to get onto Prospect
12 Plains and head right into the site. Anybody
13 heading east on Prospect Plains can make the right
14 turn into the site. Anybody heading south on Half
15 Acre, the driveway is just across the intersection
16 but just beyond, and it's a right-turn movement from
17 this left-turn lane that could be made when the
18 signal allows for this approach, have green time
19 without causing movement. So there's three
20 roadways, three directions for which entrance to the
21 site right turn in is available. The one movement
22 that is not available directly would be the
23 westbound Prospect Plains.

24 Now, again, I've talked about the
25 off-peak period use of the services. Typically, the

1 services are attended by residents, those who know
2 the roadways. If they are aware of the roadway and
3 the time that they're going, they will be able to
4 find their way to one of the three approaches that
5 allows them to enter with a right-turn movement in.
6 Exit movements are right-turn movements out. Again,
7 those right-turn movements are stop controlled.
8 They will have appropriate sight distance for
9 safety, and those stop controlled movements when
10 they get their gap in traffic or when the signal
11 turns and there is no opposing traffic, they can be
12 made safely onto Prospect Plains Road.

13 There is only one movement out of the
14 driveway. It's right, and that will be heading
15 eastbound. Those vehicles when they leave the site
16 would then have to use the roadway network again.
17 These are people familiar with the roadway, people
18 who live in the area who use this synagogue for
19 their weekly use. They would use the roadway
20 network. What could happen? There is a signal at
21 Concordia and Whittingham. It does have ramps that
22 allow traffic to come off Prospect Plains and make a
23 U-turn. There are left-turn lanes in. I don't
24 believe that it's a private use. I believe it's a
25 public signal. I know that Concordia and

1 Whittingham do use those as their driveway, but it's
2 a movement that's publicly available, and it's
3 approximately a half a mile to the east. So those
4 at the center potentially could use that half a mile
5 down the road to the east signalized intersection,
6 come back, and then get to either one of the Half
7 Acre roads or continue to the west.

8 A BOARD MEMBER: What did you say, a
9 half mile down the road?

10 THE WITNESS: Half mile.

11 A BOARD MEMBER: They have to go onto
12 private property to make that U-turn?

13 THE WITNESS: I don't believe it's
14 private property. There's gates just beyond where
15 the ramps come together and allow -- there's a
16 median -- it's called a boulevard entrance -- to
17 both sides, but there's a crossing point. You have
18 to stop before you get to the road, and then you can
19 get into the lanes that would allow you to make a
20 left turn to take that U-turn.

21 A BOARD MEMBER: I can't visualize that.
22 Let me ask a different question if I can. If I'm
23 coming up South Half Acre Road towards the site,
24 when you come up there, is there one -- South Half
25 Acre I thought came directly where I'd have to make

1 a left and then make a right into the site, correct?

2 Am I right?

3 THE WITNESS: I am calling -- South Half
4 Acre is directly across from the site.

5 A BOARD MEMBER: So if I'm going -- if
6 I'm coming -- going south, because you got your map --

7 THE WITNESS: Going south.

8 A BOARD MEMBER: If I'm going south, how
9 many left-turn lanes are there at that traffic
10 light?

11 THE WITNESS: There's one left-turn lane
12 and one right-turn lane. The only movements that
13 currently can be made are left turn and a right
14 turn.

15 A BOARD MEMBER: So if I'm in a line of
16 traffic and I want to go into that site, I'm going
17 to be in the left-turn lane?

18 THE WITNESS: Correct.

19 A BOARD MEMBER: And I'm going to go
20 through the intersection as if I'm making a left
21 turn, correct?

22 THE WITNESS: Correct.

23 A BOARD MEMBER: Rather than going with
24 the flow of traffic, I'm going to have to slow down,
25 brake, and make a right turn into the site.

1 THE WITNESS: Again.

2 A BOARD MEMBER: Correct.

3 THE WITNESS: I don't know that you
4 would have to slow down and brake, but the entrance
5 is there, and yes, any vehicle behind you would have
6 to see you making your movement into the driveway.
7 At this point, it's not really a turn into the
8 driveway. It's a movement where they can basically
9 go straight across. It's a little jog to the
10 intersection.

11 A BOARD MEMBER: That's across because
12 of the alignment of Half Acre.

13 A BOARD MEMBER: How's the guy behind me
14 -- how is the driver behind me going to know whether
15 I'm making a left turn and going to continue down
16 the road or I'm going to make a left turn and then
17 make a quick right turn into the site? How would
18 they know that?

19 THE WITNESS: You would be following --
20 the car in front of me is looking to make a decision
21 either to make a left turn or to go straight. They
22 would go straight if they had -- if they even had to
23 put their brakes on. Again, they're starting from
24 stop if they're waiting for the light to change.
25 They would continue through. If it's a movement

1 where there are on green, they would continue
2 through, and they would potentially slow down.

3 A BOARD MEMBER: But the driveway is
4 offset. It's not a straight shot. I got to
5 actually make somewhat of a left-turn movement,
6 correct, into -- to get into the driveway to where
7 it is now, if I'm at that light on South Half Acre,
8 the light turns green, I have to make somewhat of a
9 left-turn movement and then somewhat of a right-turn
10 movement.

11 THE WITNESS: The left-turn movement all
12 vehicles going in that direction will make, but the
13 movement to the right would be very slight because
14 you're not coming from the east direction making a
15 right into the site, you're coming from the cross
16 direction heading directly at that site at that
17 point.

18 A BOARD MEMBER: So what you're telling
19 me is that I can make it in as one smooth movement
20 and I'd be off the roadway and into the parking lot,
21 you're trying to explain to me?

22 THE WITNESS: Correct, that there will
23 be a slight jog, but that can be made over the width
24 of the road, which has two lanes on either side, so
25 there's sufficient pavement to make that slight

1 adjustment as you enter the driveway.

2 A BOARD MEMBER: We've all driven in and
3 out of parking lots. What happens if the parking
4 lot, itself, has other cars backed up in it waiting
5 -- in other words, two or three cars in front of me
6 in the parking lot are waiting to make a left turn
7 or right turn into the spot, and so when I'm coming
8 off the road, I can't just get into the site. I've
9 got to wait to get into the site.

10 THE WITNESS: Well, we've accounted for
11 that with having the parking set back from the road.
12 There is quite a substantial distance -- throat lane
13 is what we call it -- before you hit the first
14 parking spaces, and as was noted, the attendees
15 currently for the facility are 10 on an evening
16 basis and up to 15 to 20 on a weekend basis. They
17 are substantial parking within the site so this may
18 not even be the first parking chosen. You can pull
19 into the site and find plenty of parking without
20 blocking the throat lane.

21 A BOARD MEMBER: I think there's 95
22 parking spots, correct?

23 THE WITNESS: I believe that's the case.

24 A BOARD MEMBER: Wouldn't you agree that
25 the county from a planning perspective, from a

1 traffic safety perspective, has to make assumptions
2 that at some point that parking lot is going to be
3 utilized from a safety perspective. I understand
4 what the traffic count issues are, but at some
5 point, you would agree with me that the site is
6 probably going to have more -- not every day, but at
7 some point it's going to have more intense use than
8 10 or 20 cars, correct?

9 THE WITNESS: I agree with that, and the
10 95 parking spaces exceeds what we have been -- what
11 we've looked at for this site. It meets all the
12 requirements. Additionally, this throat lane, if
13 you think of your typical site, a bank, a
14 convenience store, your other sites don't have the
15 throat lane that's shown here. This is -- and I'm
16 only going to roughly estimate -- it's more than a
17 hundred feet of throat lane before they hit the
18 first sparking space.

19 A BOARD MEMBER: I guess the concern I
20 have and the question I have is how does the driver
21 behind me know. I have my left-turn signal on and
22 I'm going to make a left turn into that
23 intersection, and then within a relatively short --
24 I'm not going to complete my left turn, right?
25 Before I can complete my left turn, I've got to then

1 make a right turn into the site; am I right?

2 THE WITNESS: Well, it's not necessarily
3 right turn. You're going straight across. You
4 would maybe put your brake lights on, and anybody
5 following you would -- just as somebody might put
6 their brake lights on because they're uncomfortable
7 with a left-hand turn at a higher speed, they would
8 put their brake lights on, and you would be required
9 to slow as if -- that's what's going to happen here.
10 They're going to cross the intersection, potentially
11 slow a little bit, maybe not. Maybe they're already
12 slow because they're coming from stop, and they
13 would enter the driveway.

14 A BOARD MEMBER: But isn't the driver
15 behind me going to expect that I'm going to complete
16 my turn and accelerate down the road? Isn't that
17 what the expected traffic movement would be from the
18 driver behind me? My concern is I don't know how --
19 I don't know how the driver behind the person
20 entering the site is going to be able to
21 differentiate between somebody making a full left
22 turn and a partial left turn and then entering the
23 site because you have to have a left-turn signal on
24 and then immediately have a right-turn signal on to
25 do it legally it would seem to me, correct?

1 THE WITNESS: I have an example. The
2 gas station has a driveway across from the North
3 Half Acre approach. There's a driveway there.
4 There's a lane for left and through movements.
5 There's a right-turn lane that allows vehicles to
6 get onto Prospect Plains heading east. There's
7 another lane for left and through movements. This
8 is the condition that you would have. Some of them
9 would want to cross and go into the gas station, and
10 some of them will want to make a left-hand turn and
11 continue in the westbound direction on Prospect
12 Plains. This is a very similar condition to what
13 you're talking about on this side. This driveway is
14 located across the intersection. This driveway
15 allows for a little bit more angle before it
16 approaches the driveway, but it's all within that
17 same left-turn movement so it's not dissimilar in
18 that sense.

19 A BOARD MEMBER: So you don't believe
20 it's a safety issue to have somebody having to not
21 complete their left turn and make a right into the
22 site.

23 THE WITNESS: They would be in the
24 process of making a left-hand turn and then just
25 continue straight, and I don't think that's a safety

1 concern.

2 A BOARD MEMBER: Okay.

3 Q. Mr. Feranda, I just have a few more
4 questions before we get to the board questions. So
5 let's go back to the level of service just to
6 summarize. In terms of the level of service then,
7 with the full build out of this particular proposal
8 down the road, this will have no impact or no
9 degradation or increase in level of service.

10 A. There are no changes to the levels of
11 service. There is slight delay. It's within the
12 range for each. Level of service B is from say
13 10 seconds to 20 seconds. It's within that range so
14 it stays within -- each of the movements stay within
15 their range that keeps them at their level of
16 service.

17 Q. All right, and based upon the fact that
18 there's no change in the level of service as
19 indicated in your January 24, 2017, report, no other
20 additional measures are required if that's the case;
21 is that correct?

22 A. Correct.

23 Q. Okay. And getting to the issue of the
24 peak hours, just so again we're clear on this, the
25 peak hours for the use of this site are Friday

1 evenings after sundown, correct?

2 A. Right.

3 Q. Which in the winter, of course, could be
4 earlier, all right, but we know that services are a
5 little bit later anyway, which is between 7 and 8,
6 and on Saturday mornings starting at 9 o'clock.

7 A. Correct.

8 Q. All right, and the peak hours for this
9 particular intersection -- and I'm very intimately
10 familiar with this intersection, as well -- are in
11 the a.m. peak when people are going to work.

12 A. Correct.

13 Q. And in the p.m. peak on the weekdays
14 when they're coming home.

15 A. Very directional, very commuter oriented
16 for the workday.

17 Q. And those time periods absolutely do not
18 conflict with our peak, with our peak hours on
19 weekdays.

20 A. Correct. With the late afternoon and
21 with the early weekend time frames for services and
22 functions at the site, correct, it is offset.

23 Q. And on Saturdays, obviously, there's a
24 significant drop in activity at this intersection.
25 Again, based on your study, it would not be

1 conflicting with our peak demand, as well?

2 A. Correct.

3 Q. All right. Getting to the question
4 about this throat that's been designed here -- and I
5 assume, and I know you have, you've designed
6 hundreds if not thousands --

7 A. Correct.

8 Q. -- of traffic applications and designs
9 for ingress and egress into the site. This throat
10 that's been designed here you said is almost a
11 hundred feet.

12 A. Its -- I don't have my scale with me,
13 but it looks to be more than a hundred feet.

14 Q. All right, so it's even more than a
15 hundred feet, and we know that the average parking
16 space -- and I'm just using this as an analogy -- is
17 10 feet deep. That can accommodate obviously a
18 passenger vehicle. There's room for at least 10
19 cars to queue on here if God forbid there was a
20 backup at -- in the actual parking field, which is
21 further down from the frontage of this site; is that
22 correct?

23 A. We would take a typical vehicle to be
24 25 feet for a queue so with a hundred feet you could
25 get four vehicles if there were somebody using that

1 very first parking space. Four vehicles queued to
2 the roadway is substantial when you compare --

3 Q. I'm sorry.

4 A. -- more intense uses, such as a bank,
5 such as a convenience store. They typically have I
6 would say 20, 25 feet for the first parking space,
7 which would be a vehicle, two vehicles is what I
8 would typically design for for a throat lane.

9 Q. All right, so we have a queue of twice
10 the normal that you would see even in a commercial
11 shopping center.

12 A. Roughly, yes.

13 Q. Okay. All right. And getting back to
14 the surrounding conditions at this intersection, I
15 know you've testified that there is a gas station.

16 A. Yes.

17 Q. Just so the record is clear, can you
18 indicate how many driveways are located for that gas
19 station.

20 A. There are several driveways. I believe
21 there's three driveways along Prospect Plains and
22 one driveway along Half Acre. I believe that's the
23 count. It might be two. I believe there's four
24 driveways for that gas station.

25 Q. Okay, and as well, there's a dental

1 office across the street, as well.

2 A. The dental office I believe is a little
3 bit to the east of the gas station, and that also
4 has a driveway, which again I was talking about the
5 gas station and the driveway across from this
6 through and left-turn movement. Well, there is a
7 dentist office that would have a similar condition
8 of anybody making a left turn if they wanted to go
9 in that driveway, certainly, they would have to then
10 make that movement in to make a right-hand turn into
11 the driveway from their left-hand turn onto
12 westbound Prospect Plains.

13 Q. Okay. Now, we have 125 feet of
14 frontage. Can you just for the board indicate what
15 portion of that is located within this area of
16 control that we're talking about.

17 A. And again, without a scale, I said
18 roughly from the stop bar on eastbound Prospect
19 Plains to the traffic signal where our driveway
20 radius starts. That's about half or about 60 feet,
21 and then we have another 60 feet. The actual width
22 of the driveway is over 24 feet, about 30 feet I
23 believe was mentioned. So we have a frontage of
24 about 125 -- I believe it's actually 127, but give
25 or take half of it is across from Half Acre, and

1 half of it is beyond Half Acre, and that's the area
2 where we put the driveway. From there then there is
3 the township property, which is several hundred
4 feet. Recent fence, nice vinyl, it's brown vinyl
5 fence has just gone up, and it goes all the way down
6 to the park entrance. So I believe there's no
7 intent of access, and with all the frontage that
8 they have, they could provide access substantially
9 further down if they needed to, but I don't believe
10 there's any intent to do that.

11 Q. All right, and I know you've had an
12 opportunity to review the file that was provided by
13 the planning board by the Middlesex County planning
14 and engineering department. Were there any comments
15 in there with respect to any contradiction to
16 anything contained in your report dated January 24
17 of 2017?

18 A. I don't think there were contradictions.
19 I believe there were recommendations that the
20 driveway be put within the intersection and allow
21 for full movement. Again, we looked at that, and I
22 don't disagree with that as a traffic engineer, and
23 I've designed many signalized intersections, many
24 intersections. I don't necessarily disagree that
25 that would be the best. It doesn't mean it's the

1 only, and it doesn't mean that the driveway we're
2 providing isn't safe. It is safe. We provide sight
3 distance. We provide a location where the movements
4 can be made safely into the site. Should the future
5 significant improvements with alignments and ADA and
6 signal improvements and taking out, changing the
7 geometry -- I believe there was -- as a traffic
8 engineer I can't make any comments on drainage, but
9 there's other drainage issues. Significant
10 improvements have to be made to this large offset
11 intersection, and the scope of what's going on for
12 this site just doesn't match what the improvements
13 for this intersection would be, and that's my
14 professional opinion, traffic assessment of the
15 future improvements that are needed here to improve
16 the tired older intersection to make it compliant.
17 If this driveway were put in the intersection, it
18 would start that domino effect, and there are
19 significant improvements that then would maybe
20 outweigh the ability of this project to have those
21 improvements made.

22 Q. All right, so your professional opinion
23 then based upon the design that was submitted, based
24 upon the January 24, 2017, report, from a traffic
25 expert's opinion, from someone who's obviously been

1 practicing in the field, represents a number of
2 municipalities, has testified on many, many
3 occasions with respect to traffic design, does this
4 particular plan promote the safety to the motoring
5 public or -- and provide any detrimental impact to
6 the motoring public and is a safe and efficient type
7 of plan; can you give your opinion as to that?

8 A. My opinion is the driveway was designed
9 safely, and it will meet the county requirements.
10 Yes, there is that offset, the 5 foot, and one of my
11 questions to the project team was can we do this,
12 and we can do it. We can make this pork chop, the
13 channelized island, we can make that a little bit
14 smaller. We can get that 5-foot offset, but in my
15 opinion, having this larger dividing island will
16 force the vehicles to make the right turns in and
17 out and does not have an impact on a property that
18 has a driveway substantially down the road. The
19 5-foot offset really to this driveway, it's not
20 significant factor.

21 MR. SACHS: Mr. Chairman, I have no
22 further questions.

23 A BOARD MEMBER: I just have a couple,
24 and I'll defer. You mention -- and obviously Steve
25 was looking at through his comments -- safety issues

1 because you said the gas station is similar access
2 in and out right that you would have at the -- did
3 anybody look at how many accidents -- do you know
4 how many accidents were in that area?

5 THE WITNESS: I did not necessarily
6 focus on the gas station and its access.

7 A BOARD MEMBER: Well, I'm saying that
8 because you said similar to what you were doing so
9 I'm just wondering did anybody ever look at, you
10 know, if there was how many accidents in that area,
11 you know.

12 THE WITNESS: It's similar, but it's
13 dissimilar. It's a full-movement driveway.

14 A BOARD MEMBER: But you don't know if
15 there was an accident.

16 THE WITNESS: I did not, and again, it's
17 within the signal. It's a little bit of an anomaly
18 because it's between the signals. It's within the
19 stop bar so it's a little bit more of a difficult
20 driveway actually, and there's movements coming and
21 going, and they're not restricted to right turns. I
22 believe the dentist office might be a little better
23 example because it's a little bit outside the
24 drive -- the intersection, and it will have a
25 less (inaudible) the gas station will also have ins

1 and outs coming and going quite a bit more than a
2 Jewish center or a dentist office so that's probably
3 more appropriate, but again, your question about did
4 we do the accident analysis, we did not necessarily
5 look at that, but I did not see that in the county's
6 report either. There wasn't necessarily an opinion
7 on overwhelming accidents at the intersection.

8 A BOARD MEMBER: Well, you wouldn't know
9 that unless you asked.

10 THE WITNESS: Well, I did look -- I've
11 reviewed the county report.

12 A BOARD MEMBER: I'm not being -- I
13 mean, Mr. Sachs knows, you know, where I am in
14 Sayreville. I wanted a traffic light, and I fought
15 it for years, and I found out there was 125
16 accidents within the 2-year period, and we got the
17 light there. That's why I'm asking that question.
18 I'm not trying to pin you down. I'm just, you know,
19 we're all looking at safety. You have children.
20 It's a synagogue. You have, you know -- what's the
21 distance between the synagogue and the gas station?

22 THE WITNESS: From Half Acre to Half
23 Acre is 250 feet so the synagogue would be -- it's
24 just beyond another 50, 75 feet, and the gas station
25 is immediately across so it's about 300.

1 A BOARD MEMBER: I'm just looking at a
2 safety issue. I know that's where Steve was going
3 if a car was behind if a guy was waiting to pull, in
4 pull out. All right. Thank you.

5 A BOARD MEMBER: Are there -- that road
6 -- I get the roads --

7 THE WITNESS: Half Acre?

8 A BOARD MEMBER: There's two left-turn
9 lanes there, correct?

10 THE WITNESS: No, there's a left turn
11 and a shared with through movement. The through
12 movement will go to the gas station. So there's a
13 left or a through, and then there's a right-turn
14 lane. There's an exclusive right-turn lane. The
15 north -- this approach directly across -- the Half
16 Acre Road across from our site has only a right and
17 a through -- a right and a left-turn movement. I'm
18 sorry.

19 A BOARD MEMBER: I'm just asking
20 questions to make sure I understand. Initially
21 sounds like you looked at having the driveway
22 immediately in the intersection, itself.

23 THE WITNESS: Correct, yes.

24 A BOARD MEMBER: That original concept
25 that you had, did that involve signaling the entry

1 and exit into the facility?

2 THE WITNESS: We did not get into a
3 signalized plan at that point. We were looking at
4 analysis. We did analysis of the approach as a
5 signalized approach. What that would mean is they
6 would have full movement. They can make left turns
7 and right turns. That could work with the approach
8 opposite here, but again, that would mean that the
9 timings would have to be adjusted to give some more
10 time to the opposite approach. Wouldn't be that
11 much of an issue because the volumes on this side
12 would not be significant, especially during peak
13 periods. So that's something that could be
14 accounted for.

15 A BOARD MEMBER: There's no lights
16 facing the site now.

17 THE WITNESS: There is not.

18 A BOARD MEMBER: So you would -- that
19 concept that you initially had would have included
20 at least at minimum putting a light facing the site,
21 correct?

22 THE WITNESS: The concept would require
23 MUTCD compliant signal heads, which would mean at
24 least two signal heads for the approach. In case
25 one went out, you would have a backup, and one would

1 be across and one would be close. There's signal
2 design requirements that we would have to meet, and
3 yes, that would have to have been provided with that
4 approach if it were signalized.

5 A BOARD MEMBER: And the reason is that
6 initial design where it would -- the entry was lined
7 up with the intersection, the reason it required a
8 light is because there's a requirement not to allow
9 traffic to go directly into a three-way intersection
10 without signalized control, correct?

11 THE WITNESS: I'm going to -- a
12 requirement.

13 A BOARD MEMBER: Did I ask the question
14 in a nonengineering way? I can ask -- I'm a lawyer.
15 I can --

16 THE WITNESS: (Inaudible) the question,
17 but what I'm trying not to say is there's a
18 noncompliant gas station driveway over here that
19 doesn't have signalized --

20 A BOARD MEMBER: I understand that.

21 THE WITNESS: I'm trying to be very
22 careful there.

23 A BOARD MEMBER: I realize (inaudible)
24 gas station. I don't know anything about how the
25 gas station got there, when it got there and all

1 that. I'm really just interested in doing this the
2 best way.

3 A BOARD MEMBER: With this new driveway,
4 yes, there would have to be signalization. I
5 wouldn't allow -- I wouldn't approve a signalized
6 plan that doesn't have indications for a driveway
7 that has movements into the intersection. Just
8 doesn't meet the code.

9 A BOARD MEMBER: So let me just try and
10 simplify what you said to make sure I understand.
11 You have a three-way intersection, correct?

12 THE WITNESS: Yes, T intersection.

13 A BOARD MEMBER: If the driveway was
14 going to line up into that T --

15 THE WITNESS: Fourth approach now
16 becomes a cross intersection.

17 A BOARD MEMBER: Right, which was the
18 initial concept at least, correct?

19 THE WITNESS: Correct, we had thought
20 about that.

21 A BOARD MEMBER: To do it safely would
22 have required a traffic light, correct?

23 THE WITNESS: It would have required
24 signal heads, indications so they would see red,
25 green, or yellow, yes.

1 A BOARD MEMBER: So you moved the
2 driveway closer to the property line --

3 THE WITNESS: Correct.

4 A BOARD MEMBER: -- in an effort to
5 avoid the requirement of having to signalize the
6 entry and exit on to the site, correct?

7 THE WITNESS: Not to avoid a
8 requirement. We provide a safe driveway. Access is
9 provided along Prospect Plains Road to stop control.
10 We're trying to do an appropriate driveway, a safe
11 driveway, without interfering with the function of
12 that signal, which again we have shown in our
13 analysis functions, operates fairly well right now.

14 A BOARD MEMBER: It operates fairly well
15 right now, but there's nothing on that site. In
16 other words, that site is just grass, correct?

17 THE WITNESS: Correct.

18 A BOARD MEMBER: So you would agree the
19 site functions as designed now and doesn't need to
20 be modified in any way unless that site is
21 developed, correct?

22 THE WITNESS: Correct, and I think what
23 you're getting at is what's the traffic intensity
24 from the site, and that's what I talked about the
25 trip generation and the offset from the peak period.

1 It's stop controlled. It's a low trip generation
2 site, and it can be easily accommodated by a stop
3 control driveway along Prospect Plains.

4 A BOARD MEMBER: And if I understood
5 another thing you said that I thought was important
6 is that the county's design of signaling the entry
7 and exit into the site was the best design, correct,
8 the safest design.

9 THE WITNESS: I don't know that I would
10 qualify safety. I would say it would be an
11 appropriate design to have a cross driveway so that
12 the movements, all movements could be made at this
13 location.

14 A BOARD MEMBER: I wrote down what you
15 said, and maybe I wrote it down wrong. I wrote down
16 don't disagree that would be the best. That's what
17 I wrote down. Did I get it correctly?

18 THE WITNESS: I agree if I design an
19 intersection, I would like alignment. That's
20 typically what engineers -- you're looking for
21 alignment, but what we've done with taking the
22 alignment out of the intersection doesn't hurt the
23 safety of the intersection. It requires the church
24 goers, the synagogue goers to use the roadway a
25 little bit differently than if it were aligned, but

1 certainly, it's still safe as a right-in/right-out
2 driveway.

3 MR. WALLNER: A series of questions.
4 Have you always been in private practice, or have
5 you served in any government position?

6 THE WITNESS: I review traffic for
7 Freehold. I review traffic for Cranbury. So I --

8 MR. WALLNER: But you haven't been a
9 government employee.

10 THE WITNESS: I'm not a government
11 employee, no. I've been in private consulting.

12 MR. WALLNER: Okay. My notes said you
13 said that the traffic signal -- signaling the
14 entrance would make it safer. I quote a different
15 time than you did obviously. What did you use for a
16 growth factor, just out of curiosity?

17 THE WITNESS: One point five. I believe
18 the county's report used 1. -- little bit different.
19 It changes over time, but ours is actually more
20 conservative when we use 1.5, and that's a growth
21 factor that's prescribed by the DOT based on their
22 charts.

23 MR. WALLNER: Now, coming down on the
24 map towards the gas station.

25 THE WITNESS: Half Acre Road, correct.

1 MR. WALLNER: The infamous gas station
2 entrance. The -- you say it's a through left.

3 THE WITNESS: It is --

4 MR. WALLNER: Several times now, said
5 it's a through left.

6 THE WITNESS: Roughly it's through left
7 because it will be made into the gas station.

8 MR. WALLNER: Yes, you're right. Would
9 it be appropriate to change the approach on the
10 other side coming into the synagogue -- is that the
11 correct way -- thank you -- to a through left, also?

12 THE WITNESS: The southbound direction,
13 I don't see why not.

14 MR. WALLNER: Okay.

15 THE WITNESS: I really don't because
16 anybody using that lane would not be making a right
17 turn, and the alternative would be the left turn or
18 into the synagogue.

19 MR. WALLNER: Okay. Are you -- you
20 talked about -- you mentioned you wouldn't approve a
21 traffic signal. How do you approve traffic signals?

22 THE WITNESS: I wouldn't approve the
23 design. I do many traffic signal designs.

24 MR. WALLNER: Okay, you just --

25 THE WITNESS: I wouldn't approve. I

1 wouldn't sign and seal the plan set.

2 MR. WALLNER: Okay.

3 THE WITNESS: That's my approval. It's
4 not like a governmental approval. I've done many
5 traffic signal designs for the state, for this
6 county, for many counties, for townships.

7 MR. WALLNER: Now, you mentioned in the
8 T & M report, they talked about changing one of the
9 lanes from a through to a through right.

10 THE WITNESS: That's the right-turn lane
11 on eastbound --

12 MR. WALLNER: I pointed on the other
13 side, but that's okay.

14 THE WITNESS: On the other side there's
15 two through lanes and a right-turn lane.

16 MR. WALLNER: Okay. Okay.

17 THE WITNESS: Those would stay. It's
18 this side which there's -- there's one lane in the
19 eastbound direction -- westbound direction. Because
20 the plan -- I apologize. There's one lane in the
21 westbound direction. Then it opens up at the
22 intersection --

23 MR. WALLNER: That's okay.

24 THE WITNESS: -- to the right-turn lane,
25 as well. In between there's two lanes.

1 MR. WALLNER: I understand.

2 THE WITNESS: You can open up that
3 right-turn lane into a through, and there's two
4 receiving lanes, which would allow you to use the
5 two lanes continuing west.

6 MR. WALLNER: Now, would that constitute
7 a change to the traffic signal?

8 THE WITNESS: That -- based on the
9 equipment that's out there, I don't believe there's
10 an exclusive right-turn arrow. I believe it's a
11 green all so that would be consistent in either
12 direct -- in either case so you could leave the
13 green all and it would allow the traffic to make a
14 through or right-turn movement. I don't believe
15 that would be noncompliant to MUTCD requirements.

16 MR. WALLNER: Okay. The driveway to the
17 gas station you talked about being full access, and
18 I'm going to take you at your word, okay, and I have
19 no reason to doubt you. Is --

20 THE WITNESS: I was there this
21 afternoon. I watched vehicles going into and going
22 out of it and --

23 MR. WALLNER: Okay. You have to make
24 the note because there's supposed to be signs
25 prohibiting it, do not enters, from the gas station

1 to exit that driveway. That is part of the approved
2 traffic signal plan so we will have to address that.
3 Thank you.

4 THE WITNESS: Take a look at it. I'm
5 not sure. I did not go on the gas station site and
6 look at the signs coming off the site.

7 MR. WALLNER: No, I wouldn't be
8 surprised if they were down. I wouldn't be
9 surprised -- I shouldn't say that -- how they got
10 down, but the -- if they are not there, they should
11 be there so the analogy is not that's why they're
12 probably a through and (inaudible)

13 THE WITNESS: I observed two vehicles
14 doing --

15 MR. WALLNER: I understand they're doing
16 it. The signs are not there, okay. Now, you talked
17 something about interim operation.

18 THE WITNESS: Interim.

19 MR. WALLNER: So when you were talking
20 about signaling the driveway, you came up with a
21 phrase about allowing interim operation, and I'm
22 totally confused as to what that is.

23 THE WITNESS: When I say interim, the
24 county study was based on 2026 and 2036 build out
25 future volumes at the intersection. This site would

1 be constructed well before those time frames. My
2 thought was any design of a driveway into the
3 intersection would include what we talked about
4 signalization for the driveway, but because of the
5 extent of offset intersection with all the
6 improvements and alignments and adjustments, ADA
7 requirements, everything else that goes into this
8 intersection, and I had mentioned that is well
9 beyond the scope of a driveway for this particular
10 site, my word interim was to provide signalization
11 for this driveway without -- and my understanding is
12 the county hasn't even gone into the preliminary
13 design yet. Whatever that might be might not be
14 consistent with what -- it would have to allow for
15 the driveway, but the other improvements may go well
16 beyond what this driveway would require. So my use
17 of the term interim would be signalization for this
18 driveway that would work with the intersection until
19 the county came through with improvements based on
20 the recommendations in its consultant's report.

21 MR. WALLNER: But signalizing that
22 driveway would require modifications to the traffic
23 signal.

24 THE WITNESS: It would require signal
25 heads for that approach, certainly.

1 MR. WALLNER: Well, okay. Let me -- let
2 me come back.

3 THE WITNESS: We did not get into an
4 in-depth signal design. It was analysis based on --

5 MR. WALLNER: All right. Let me ask you
6 a different question. How long have you been
7 associated with this project?

8 THE WITNESS: Since 2016, probably the
9 summer of 2016.

10 MR. WALLNER: Okay.

11 THE WITNESS: August, September,
12 October. We did our counts in October.

13 MR. WALLNER: I will apologize before
14 asking the question. Were you at the meeting that
15 we had in this office on this property?

16 THE WITNESS: I was.

17 MR. WALLNER: Okay, and you were on the
18 conference call.

19 THE WITNESS: No, I don't believe I
20 was -- I don't know what conference calls there
21 were, but I was at the meeting we had in this
22 building, correct, and at that point, traffic study
23 hadn't even been finalized yet.

24 MR. WALLNER: At which time?

25 THE WITNESS: When we had the

1 preliminary.

2 MR. SACHS: And, Mr. Wallner --

3 MR. WALLNER: (Inaudible)

4 MR. SACHS: I think we had a meeting
5 before this plan was submitted. It was probably
6 sometime in 2016. I attended that meeting. I
7 believe Mr. Feranda was there. I'm not sure if
8 Mr. Leber was there, and I think the rabbi was
9 there, and at that time there was discussion about a
10 traffic study being done for that, but I don't think
11 it had been completed. It subsequently was.

12 MR. WALLNER: Your study.

13 THE WITNESS: The county.

14 MR. SACHS: The county study.

15 THE WITNESS: And even if it were, I
16 hadn't seen it. Preliminary phases trying to get
17 our analysis, our scope, in line at that point.

18 MR. WALLNER: Okay. I'm not sure that
19 that's -- let me ask -- we were talking about the
20 indication there that if there was a sufficient you
21 would receive the approval that you received. Do
22 you recall that?

23 THE WITNESS: I don't recall that.

24 MR. WALLNER: You don't recall that.

25 You were --

1 MR. SACHS: I don't recall that either,
2 Mr. Wallner. I think all we spoke about -- and
3 again, my memory is fading, but we probably just
4 talk about the traffic study at that time.

5 MR. WALLNER: Then maybe it was a
6 different meeting that you -- could it be a
7 different meeting that you --

8 MR. SACHS: Maybe I was not there.

9 MR. WALLNER: Okay. There was, you
10 know -- there have been --

11 MR. SACHS: I was at one meeting.

12 MR. WALLNER: As I would say, there's
13 been indications from the county all along that this
14 would require the signal work that we in essence put
15 in our condition. We would approve it with this
16 condition, okay. I believe this goes all the way
17 back to the first phone call the rabbi made to my
18 office, okay, and this was the indication all along.

19 Did you -- would you say the island if
20 you do it -- okay, you keep talking about its
21 advantages over a smaller island, okay, and so I'll
22 accept your preference that bigger would be better.
23 Would bigger still be better? Because right now it
24 looks fairly easy to make a left turn in.

25 THE WITNESS: What do you mean, bigger

1 be better?

2 MR. WALLNER: Okay.

3 THE WITNESS: I think it's appropriately
4 sized. It's more than 200 square foot, which is DOT
5 state requirement for a pork chop island. You don't
6 want it too small. It becomes hard to see, and it
7 gets hit. The size is --

8 MR. WALLNER: Is there anything that
9 would preclude it from being bigger and more
10 restrictive so that it is more difficult to make
11 lefts in and out?

12 THE WITNESS: There are -- there is
13 signal equipment and there's stop bar trying to keep
14 that entrance from being within the signalized
15 intersection.

16 MR. WALLNER: Could they be moved?

17 THE WITNESS: Potentially this
18 driveway --

19 MR. WALLNER: No, I asked can the signal
20 and the stop bar be moved.

21 THE WITNESS: Certainly, they could be
22 moved, and certainly, this driveway could be put as
23 an approach across from this approach, as well. It
24 could be as an inbound only. It would not have any
25 conflicting movements and therefore could be

1 accommodated by a signal because those movements
2 would be made when they get green. We just thought
3 it would be better to have the entrance and the exit
4 right next to each other as one driveway.

5 MR. WALLNER: But as you said before,
6 signalizing would make the ingress and egress safer,
7 and would a bigger island make it safer?

8 THE WITNESS: Safer -- again I did say
9 this is a safe driveway. We have safe sight
10 distance, and it's built according to design
11 constraints for a right-in/right-out driveway.
12 Would this be safe as a driveway into the
13 intersection signalized, full signalization, that
14 would be safe. Is this safe as a stop control right
15 turn in, right turn out beyond the signalized
16 intersection? My opinion yes.

17 MR. WALLNER: When you said you were
18 dealing with this, you did the best you could, what
19 is that -- what was the inherent or the implied
20 problem that restricted you from doing better?

21 THE WITNESS: In context, I probably
22 said that quite a few times. I'm always trying to
23 do the best I could. Can you put me back in the
24 context of where I said --

25 MR. WALLNER: Describing the size of the

1 island and the location and everything of the
2 ingress and egress.

3 THE WITNESS: To me, design
4 requirements, trying to -- standards, AASHTO
5 standards, would we provided a driveway with lane
6 widths, with radii, with an island that's configured
7 to design standards. That's where I was saying we
8 did our best. Certainly, would I like to be a
9 little bit more off the property line --

10 MR. WALLNER: Well, why not. Then why
11 not? What restricted you from being off the
12 property line?

13 THE WITNESS: Again, I felt that the
14 island as configured makes it safer.

15 MR. WALLNER: That's not saying the
16 island.

17 THE WITNESS: Makes it more --

18 MR. WALLNER: You're saying that you'd
19 like to be off and you switch to the island. What's
20 restricting you from moving the driveway over off of
21 the property line if that's what you would like to
22 do?

23 THE WITNESS: There is a signal pole and
24 a --

25 MR. WALLNER: So there is a restriction

1 and you designed around those restrictions.

2 THE WITNESS: Correct.

3 MR. WALLNER: Okay.

4 THE WITNESS: There's always design
5 restrictions that we work with existing conditions.
6 There could have been a tree there that we were
7 trying to work around.

8 MR. WALLNER: And there could be --

9 THE WITNESS: There was a historic tree.

10 MR. WALLNER: In designing around
11 restrictions could lead to a lessening of safety.

12 THE WITNESS: Fortunately in this case,
13 it didn't. We have a driveway that meets
14 right-in/right-out --

15 MR. WALLNER: So you maximized safety.

16 THE WITNESS: For the stop control
17 driveway, I believe so.

18 MR. WALLNER: You maximized it.

19 THE WITNESS: We have sight distance
20 available. We have a radii available. We have an
21 island there that's dividing the entrance and exit.

22 MR. WALLNER: Okay. Okay.

23 A BOARD MEMBER: Anybody have anything
24 else?

25 A BOARD MEMBER: I just wanted to ask

1 one quick question if somebody could -- I've spent a
2 lot of time listening and looking at the plan here
3 and looking at the picture. If someone could just
4 come over and just give me an idea on the picture,
5 itself, like where the -- where this driveway would
6 end up being and the intersection.

7 THE WITNESS: Would you like me to draw
8 on that one?

9 A BOARD MEMBER: Just give me a
10 general --

11 THE WITNESS: This is (inaudible)

12 A BOARD MEMBER: Because this is what I
13 was actually thinking originally. I was thinking
14 originally that the driveway was --

15 THE WITNESS: There was a house here
16 that was removed. There's now a fence going along
17 this property line which is a long (inaudible) park.

18 A BOARD MEMBER: Okay.

19 A BOARD MEMBER: The town bought up
20 these parcels to build a 9/11 memorial.

21 THE WITNESS: I do know there's a fence
22 here.

23 A BOARD MEMBER: I just wanted to make
24 sure. I'm glad I asked because at first I thought
25 that the original driveway was here, and you're

1 telling me it's here so that makes it a little bit
2 clearer for me because when I'm looking at this, it
3 looks like it might be a little bit different. It
4 looks slightly different.

5 THE WITNESS: You can see this driveway
6 right here. That's what I was trying to get at with
7 my drawings.

8 A BOARD MEMBER: Okay.

9 THE WITNESS: Precise.

10 A BOARD MEMBER: All right. Like I say,
11 I just wanted to be --

12 A BOARD MEMBER: (Inaudible) what's the
13 -- we have a picture of this. What's the island,
14 the little pork chop is --

15 THE WITNESS: Right there.

16 A BOARD MEMBER: About here?

17 THE WITNESS: Correct.

18 A BOARD MEMBER: What's the distance
19 between where the island is and the beginning of
20 this intersection? I mean, as a layperson, I'm
21 thinking the beginning of the intersection is
22 drawing a straight line down from the curblines; am I
23 incorrect in that? Almost like a line here. Is
24 this the beginning of the intersection here?

25 THE WITNESS: If I had to define the

1 beginning of the intersection, I'd say stop bar to
2 stop bar (inaudible) intersection because those
3 vehicles have to stop there before entering the
4 intersection, which the other vehicles on stop bar
5 to stop bar.

6 A BOARD MEMBER: That's a stop bar?

7 THE WITNESS: Correct.

8 A BOARD MEMBER: I like the other one
9 better. That's too engineering for me. I'm a photo
10 guy. I like aerial photos. Let me go back to the
11 photo. That's good enough. So if this is the
12 beginning of the intersection where the stop bar is,
13 then you would agree that the entrance and exit and
14 the island are within the intersection.

15 THE WITNESS: The entrance is within the
16 stop bar. The exit is beyond the stop bar. The
17 exit is very close to the property line.

18 A BOARD MEMBER: Right about here.

19 THE WITNESS: Yeah, correct, so that
20 would be outside of what I just defined as the stop
21 bar, the intersection proper. That puts any vehicle
22 leaving the site without the ability to turn back
23 into the intersection. They have to go eastbound on
24 Prospect Plains. Now, the entering vehicles, they
25 would be coming from either the southbound approach

1 or the west -- eastbound approach -- I'm sorry,
2 because of the plan being upside down. From the
3 eastbound approach and the southbound approach, they
4 will go through the intersection and enter the
5 driveway. There's no conflicting movements. They
6 just get pulled right from the roadway out of the
7 intersection.

8 A BOARD MEMBER: This is a good
9 illustration of the question I had before. I have a
10 little laser now. It doesn't work. It worked.
11 Hold on. I have to use my finger the old fashioned
12 way. If this is -- the question I was asking
13 before. If I'm in this left-turn lane --

14 THE WITNESS: Correct.

15 A BOARD MEMBER: -- the -- and this is I
16 guess the --

17 THE WITNESS: That's a signal pole I
18 believe.

19 A BOARD MEMBER: That's a constraint
20 that you have, and the entrance is to the right of
21 that pole, correct?

22 A BOARD MEMBER: So there is also an
23 overhead utility pole to the right of the signal
24 pole I believe that they have to address.

25 A BOARD MEMBER: You mean a --

1 A BOARD MEMBER: You know, a telephone
2 electrical pole carry the lines.

3 A BOARD MEMBER: Oh, right here?

4 A BOARD MEMBER: That come down and run
5 across Prospect Plains come down Half Acre.

6 THE WITNESS: You can see the lines --

7 A BOARD MEMBER: Need to be moved? Or
8 you're talking about your entrance is going to be
9 much over --

10 THE WITNESS: The entrance is beyond
11 that utility pole.

12 A BOARD MEMBER: It's going to be here.

13 THE WITNESS: Correct.

14 A BOARD MEMBER: That was the question I
15 had before. I'm coming down here and I'm going to
16 be turning in this direction and I'm either going to
17 be going this way or I'm going to be going this way
18 out of the same lane.

19 THE WITNESS: Correct.

20 A BOARD MEMBER: You don't think that
21 creates some confusion for the line of drivers that
22 are coming down? Some are going to be accelerating
23 and going down the road, and some are going to be
24 slowing down and going into the site. You don't
25 think that creates a safety issue?

1 THE WITNESS: I don't think that's out
2 of the ordinary for intersections. As I mentioned
3 before, the dentist office on the other side has a
4 very similar. The gas station isn't exactly similar
5 because they're more aligned with the Half Acre Road
6 approach. The dentist office on the other side is
7 slightly off.

8 A BOARD MEMBER: But just to summarize,
9 lining this up and signalizing it is the best and
10 safest way to do it. Forget cost. I'm talking
11 about the safest way to do it would be lining it up.

12 THE WITNESS: Traffic engineers always
13 want to do a line.

14 A BOARD MEMBER: So aligning it and
15 signalizing it is the safest way. Okay.

16 A BOARD MEMBER: I have one final thing.
17 My thought was a little different than Mr. Cahn's.
18 My concern was that I know you have mentioned that
19 the egress was going to be solely coming this way.

20 THE WITNESS: Ingress.

21 A BOARD MEMBER: I'm sorry, the ingress,
22 and then, you know, that it would be very -- it
23 would be -- well, I'm not going to say impossible
24 because I think there will be people who attempt to
25 still make a left turn regardless of the island or

1 not. That's my main -- that's why I was asking
2 where it was based on the picture, because I think
3 that even though you're stating that there's going
4 to be some -- it's not going to be an every day
5 occurrence, it's only on certain days, but on those
6 days, there are going to be people -- because it's
7 human nature, I know there are going to be people
8 who are going to still attempt to make that left
9 turn into the driveway despite the island, and
10 that's my -- where my safety concern comes from.

11 THE WITNESS: I understand your concern.
12 We certainly could sign for that. We could say no
13 left turn. We could provide direction. There's no
14 way traffic engineers can stop people from doing
15 things that they shouldn't do, but certainly,
16 signage would tell them this is not the appropriate
17 movement at this location, and that would be a no
18 left turn sign. That would be a right in only sign.
19 We could address that with traffic control devices,
20 which is not uncommon for prohibited movements.
21 That could also be a sign added to the traffic
22 signal arm that says no left turn or something along
23 those lines. It's something that we can address as
24 traffic engineers following the MUTCD guideline or
25 bible for traffic control.

1 MS. GOOMER: That was one of my concerns
2 during the last presentation, the traffic coming
3 from the east.

4 THE WITNESS: Coming from the east
5 heading west, correct, and that was one of the
6 movements that I mentioned. The other movements
7 north on Half Acre Road, they would just go right
8 in. South on Half Acre Road is that slight jog, but
9 they could enter the site -- or east on Half Acre
10 Road they could enter. Westbound they would have to
11 -- and with familiarity of the site, they would have
12 to use (inaudible) to make sure that they are
13 aligned to go into the right-turn driveway.

14 MR. SACHS: Mr. Chairman, I just have a
15 couple questions, and I don't want to belabor the
16 point, just to wrap up some things with Mr. Feranda.

17 Q. So just to go back to the issue of
18 having the pork chop configuration and the signage
19 that would be required, the stop bar, that is not an
20 uncommon design that you see throughout the State of
21 New Jersey where we don't -- on right turn in and a
22 right turn out; am I correct?

23 A. Correct, that's a common entrance
24 treatment.

25 Q. Okay. And with respect to Mr. Cahn's

1 inquiry about what is the safest and the best, we
2 understand in this scenario Mr. Feranda, that the
3 condition that's being imposed now would require the
4 expenditure of several million dollars to this
5 applicant to put in new signalization at this
6 intersection; is that correct?

7 A. I don't know what the exact cost --

8 Q. In excess of a million.

9 A. But there are significant improvements
10 that are needed to upgrade the equipment to make
11 this compliant to today's code and standards.

12 Q. Okay, and based upon that scenario, all
13 right, which obviously is not economically feasible
14 for this project, the right turn in, right turn out
15 configuration satisfies all AASHTO standards,
16 satisfies all traffic design standards as imposed by
17 the State of New Jersey, by the DOT; is that
18 correct?

19 A. In my opinion to the best of my -- yes.

20 MR. SACHS: Okay. All right. I have
21 nothing further, Mr. Chairman.

22 MR. CAHN: Thank you for your testimony,
23 Mr. Sachs.

24 MR. SACHS: Well, I was just kind of
25 piggybacking on yours, Mr. Cahn.

1 MR. CAHN: Mine's cross-examination, Mr.
2 Sachs.

3 MR. SACHS: I was doing redirect.

4 MR. CAHN: Yeah, the record shall
5 reflect. The rules of evidence don't (inaudible)
6 you done?

7 MR. SACHS: I'm done.

8 MR. CAHN: Are you going to call any
9 other witnesses?

10 MR. SACHS: I have no other witnesses.

11 MR. CAHN: I'm going to just put a few
12 things on the record with a couple people, and then
13 you can ask questions if you want. I'm going to ask
14 Mr. Greenwell a couple questions. We can
15 consistently -- we can swear people in like you did.
16 If you want to be consistent, we'll do that. I'm
17 only going to ask him a couple -- you can stay at
18 the podium or wherever you're more comfortable.

19 MR. SACHS: Okay.

20

21 L O U I E G R E E N W E L L, sworn.

22 DIRECT EXAMINATION BY MR. CAHN:

23 Q. Just identify for the record who you
24 are.

25 A. Louie Greenwell. I'm the director of

1 comprehensive planning for Middlesex County.

2 Q. Are you familiar with this particular
3 application?

4 A. I am.

5 Q. Are you familiar with this particular
6 intersection?

7 A. I am. I have not visited the site. I'm
8 familiar with this intersection.

9 Q. Are you familiar with the traffic study
10 or the intersection study that was discussed by the
11 engineer for the applicant?

12 A. Familiar, yes.

13 Q. And does the -- the county had a traffic
14 study of this intersection completed?

15 A. Correct.

16 Q. As a result of that, has the county come
17 to any conclusions as to what they're going to do
18 with respect to this intersection in the future?

19 A. The county has concluded that the costs
20 to make the -- to implement the alternatives
21 identified in the study do not -- do not provide a
22 significant upgrade or benefit to the flow of
23 traffic, so therefore, there's been no plan of
24 expenditures at this time.

25 Q. Does that report indicate that the

1 intersection is functioning as designed?

2 A. Yes.

3 Q. Absent an applicant coming in and making
4 improvements to that site, does this intersection
5 need any improvements right now?

6 A. I'm probably not able to answer that
7 question.

8 Q. Okay, that's an engineering question?

9 A. Yes.

10 Q. But from a planning perspective, the
11 county has no plan to do anything with this
12 intersection?

13 A. The county has no plans to do anything
14 with this intersection.

15 MR. CAHN: That's all I have.

16

17 CROSS-EXAMINATION BY MR. SACHS:

18 Q. I'll just -- Mr. Greenwell?

19 A. Yes.

20 Q. All right, so just so I understand your
21 testimony then, the proposed project or -- I know
22 there was some type of study that was done.

23 A. Correct.

24 Q. Which I believe we have a copy of.

25 There is not going to be any implementation of that

1 project at this particular time?

2 A. There are no plans to implement any
3 parts of that at this time.

4 Q. Okay, and is it your testimony that
5 there are no plans to implement it because there has
6 not been a significant increase in traffic or
7 significant need for that implementation to occur at
8 this time?

9 A. Well, the no plans to implement are
10 simply the costs that were proposed -- or that were
11 identified in the plan did not provide enough
12 benefit. The alternatives did not provide enough
13 benefit to change and warrant those expenditures.

14 Q. So, in fact, if there had been an
15 increase in traffic at this intersection or need to
16 obviously monitor that traffic and control that
17 traffic, then the benefit would obviously exceed the
18 costs.

19 A. If the benefits had been proposed in the
20 plan and demonstrated in the plan, then we would
21 evaluate that.

22 Q. And did you have the opportunity to
23 review the report submitted by Mr. Shropshire -- by
24 Mr. Feranda on January 24 of 2017?

25 A. No.

1 Q. You have not. You're not a traffic
2 engineer.

3 A. I am not.

4 Q. Thank you.

5 MR. CAHN: That's all I have. Rich,
6 swear you in.

7

8 R I C H A R D W A L L N E R, sworn.

9 DIRECT EXAMINATION BY MR. CAHN:

10 Q. Just for record, state who you are and
11 what your position is.

12 A. Richard Wallner. I am the county
13 engineer for the County of Middlesex.

14 Q. And I guess we should be consistent.
15 What's your educational background?

16 A. I have a bachelor's degree from the
17 North Carolina State University.

18 Q. How long have you worked for the county?

19 A. I think it's 38 years at this point.

20 Q. In the engineering department?

21 A. In the engineering department.

22 Q. What are your -- now you're the county
23 engineer, and you weren't the county engineer for
24 38 years. What was your position before you were
25 the county engineer?

1 A. I started in the county in the 1974. I
2 worked with the county in 1980 when I went into
3 private practice for about 8 years. I came back in
4 1988 as the assistant county engineer and remained
5 in that until I was appointed approximately 5 years
6 ago, at which time I become county engineer.

7 Q. As the engineer for Middlesex County,
8 are you familiar with all of the county roads and
9 intersections?

10 A. I should say yes. A degree of
11 familiarity.

12 Q. Well, let me ask are you familiar with
13 this intersection?

14 A. Yes.

15 Q. Have you seen it, been to it?

16 A. Yes, but I have not been to it recently.

17 Q. Did you have the opportunity to review
18 the -- this application from an engineering or
19 traffic safety perspective when the application came
20 in?

21 A. I did not personally review it in
22 detail, but we had discussions and as a
23 collaborative effort reviewed it in the office.

24 Q. Meaning you and staff.

25 A. I have staff.

1 Q. So there's other engineers --

2 A. Yes, multiple.

3 Q. -- that work under you. And this
4 application ultimately got a conditional approval;
5 is that correct?

6 A. Yes.

7 Q. And what's the condition with respect to
8 the traffic light at the intersection?

9 A. The condition was that the driveway be
10 signalized.

11 Q. Why is that?

12 A. That was the safest way that we saw to
13 do this and appropriate. Our basic criteria would
14 be if the county was doing the project here and had
15 this driveway, what would we do and we signalize
16 this driveway, and we have done that on other
17 projects that the county has done where there was
18 not even a developer involved.

19 Q. This is a T, a three-way intersection is
20 that -- two county roads intersect together and --

21 A. There's two county roads intersecting,
22 but this is an offset intersection where the two of
23 the roads do not come and form a perfect square.

24 Q. Focusing on the T aspect of it, I
25 understand there's another piece that's offset. Are

1 there -- have there been other applications similar
2 to this application that have come before the county
3 planning board where an applicant wanted to develop
4 a site that is within what I'm going to call the T
5 intersection?

6 A. Not at this location. That's come
7 before this board.

8 Q. Right.

9 A. Yes. In that particular case, we made
10 the exact same condition of approval as part of the
11 approval as part of the conditional approval that
12 was issued.

13 Q. Do you know approximately how many times
14 the same conditional approval was issued with not
15 exactly the same but similar engineering issues?

16 A. I think it may be only the one other
17 time that it actually happened. It has happened
18 probably four or five times. It's somewhat unique
19 and unusual situation where -- and I don't know how
20 many times a developer would know that this is going
21 to happen and avoids it.

22 Q. But you've seen what and heard what the
23 applicant's engineer proposes with respect to this
24 island or this pork chop entry/exit from the site.
25 What are your engineering concerns about that

1 design?

2 A. We looked and we think that this is not
3 going to present a safe, uniform, consistent issue
4 to the motorists, that the motoring public would
5 find unexpected movements. We think the island as
6 designed right now has been minimized for other
7 constraints other than safety as we question because
8 it would allow lefts in and out. It could be better
9 if it was bigger.

10 Q. Would a bigger island fit on that site?

11 A. From the point of view that they have
12 120 feet of frontage. I think they just have other
13 constraints that come in.

14 Q. Just so the record is clear, the other
15 constraints are utilities?

16 A. Well, there is a utility pole, there's a
17 traffic signal pole, and the more they get into an
18 intersection, it becomes more problematic as to the
19 safety decreases without going into full
20 signalization.

21 Q. I believe the traffic engineer had
22 testified for the applicant told us that the best
23 way to do this would be to align the roads and the
24 intersection. Do you agree with that assessment?

25 A. I think we would say we would agree

1 because that's what we recommended.

2 Q. And if the roads were aligned in the
3 intersection, would there be a requirement that all
4 four legs of the intersection be signalized?

5 A. I don't -- when you say the roads --

6

7 Q. In other words --

8 A. The two offset roads?

9 Q. Right. There's not four roads. You're
10 right. If the driveway was aligned.

11 A. If the driveway was aligned, yes, that
12 would actually be better. It's more -- it's not
13 necessarily the worst, but it would be better.

14 Q. And if --

15 A. But it's signalization and the control.

16 Q. Those -- in other words, it would be a
17 four-way light, correct?

18 A. Actually would be -- the two
19 intersections as they appear are a single light and
20 operate as one; therefore, you cannot touch one
21 without touching the other, okay. There is an
22 approved traffic signal plan from the NJDOT that
23 shows how the signals shall operate.

24 Q. And that to align the driveway and to
25 signalize the intersection, you would have to

1 coordinate all those movements and those lights?

2 A. Yes, and then you would have to change
3 and go with a new traffic signal plan and go through
4 the process of approving that and making it
5 enforceable.

6 Q. Is that what is required?

7 A. Yes.

8 MR. CAHN: Okay. That's all I have.

9

10 CROSS-EXAMINATION BY MR. SACHS:

11 Q. Just a few questions, Mr. Wallner. The
12 one other site that you referred to in the county I
13 believe is in Piscataway, is it not?

14 A. Yes.

15 Q. Okay, and it's actually at the
16 intersection of Stelton Road, Hamilton Boulevard,
17 and Route 287?

18 A. Yes.

19 Q. And I'm assuming in your knowledge as
20 county engineer, that's a fairly busy intersection;
21 am I correct?

22 A. Yes.

23 Q. Okay, significantly busier than the
24 intersection of Half Acre and Prospect Plains in
25 Monroe Township?

1 A. Probably.

2 Q. Okay. I think we can almost take
3 judicial notice that that's -- you got a lot of
4 traffic coming off of Route 287. You got a lot of
5 traffic traversing on Hamilton Boulevard and on
6 Stelton Road, and, in fact, looking at an aerial,
7 which I don't mind marking as an exhibit here,
8 Stelton Road -- Stelton Road has -- at that
9 intersection has five lanes of traffic, five travel
10 lanes, three going one direction, two going another.
11 The exit ramp off of Route 287 has also three travel
12 lanes coming off, and I'm looking at two travel
13 lanes going in. So there's a significant number of
14 increase in lanes at that particular intersection,
15 correct, as compared to the Prospect Plains, Half
16 Acre.

17 A. Yes.

18 Q. Okay, and do you know what was proposed
19 at that site, the use that was being proposed?

20 A. The applicant was in roofing, and he was
21 saying he was going to have an office for two sales
22 rentals, and they were -- I think they were saying
23 that the traffic in and out would be minimal.

24 Q. Okay. Do you know if that project was
25 approved by Piscataway?

1 A. I do not.

2 Q. Okay. All right. And in terms of your
3 review of -- you're familiar with Mr. Feranda's
4 report of January 24, 2017?

5 A. I don't know if I remember it that much.

6 Q. All right. Would you have any reason to
7 dispute, however, the traffic counts that he
8 conducted? Would you have any reason to dispute
9 what the a.m. and p.m. peak periods are during
10 weekdays or Saturdays based on his testimony?

11 A. No.

12 Q. Okay, so his testimony would be
13 consistent with your understanding as county
14 engineer as to the intensity at that intersection.

15 A. As far as the traffic volumes.

16 Q. As far as the traffic volumes and
17 even -- as well as the level of service.

18 A. Yes, and yes, I think we should thank
19 him for supporting that we don't need to do anything
20 with the intersection.

21 Q. All right. I think that helps me. All
22 right. So anyway, and in terms of -- you have no
23 reason either to dispute the operational testimony
24 from Rabbi Z at the last hearing and as confirmed by
25 Mr. Leber that the peak hours and the peak usage of

1 this site would be Friday evenings and Saturday
2 mornings?

3 A. No.

4 MR. SACHS: Okay. I have nothing
5 further.

6 MR. CAHN: I don't have anything else,
7 but you -- these are engineering questions. Is
8 there anything that you feel the need to add?

9 THE WITNESS: I think everything is out.

10 MR. CAHN: Let me just ask one other
11 question that might have been asked before. The
12 requirement, the condition that the driveway be
13 signalized, that -- that's the condition --

14 THE WITNESS: Yes.

15 MR. CAHN: -- of the approval. That
16 requirement of signalizing the driveway, would it
17 benefit any other adjoining property owner other
18 than this particular applicant?

19 THE WITNESS: Probably not. It would
20 probably be a draw on and change the servicing lower
21 everything because it would -- whatever the timing
22 is, it's going to take green time away from other
23 legs.

24

25 MR. CAHN: I guess a different way of

1 asking the question, is there any other property
2 owner that's out there now or contemplated in the
3 future that would require this to become a four-way
4 signalized intersection?

5 THE WITNESS: Well, there's no other
6 property owner that would require signalization of
7 this driveway.

8 MR. CAHN: Okay. Thank you.

9 MR. SACHS: I just have one question,
10 Mr. Cahn, if I can.

11 MR. CAHN: Something relevant to what I
12 just asked?

13 MR. SACHS: Not really, no, it's not.

14 Q. The -- there was a discussion by
15 Mr. Feranda as to interim relief where -- and
16 obviously, now that we know that the county has no
17 plans on installing any traffic improvements at this
18 intersection, traffic -- additional traffic
19 signalization, has the county ever entertained
20 before the interim relief as suggested by
21 Mr. Feranda?

22 A. I don't know what he's -- I don't think
23 he used the term interim relief. I think he used
24 interim operation.

25 Q. Interim operation.

1 A. Okay.

2 Q. That's all right. Maybe it's a
3 synonymous term I guess, interim operations.

4 A. But under the state statutes, the
5 traffic signal is either approved or it's not
6 approved. There's not a temporary approval or an
7 interim approval. It's must conform.

8 Q. Okay. All right. Thank you.

9 MR. SACHS: I have nothing else.
10 Mr. Feranda, did you want to mention something?

11 MR. FERANDA: Unless you need me.

12 MR. SACHS: No, I'm okay.

13 MR. CAHN: Any planning board members
14 have any questions or -- Rich or Lou?

15 A BOARD MEMBER: That's it. I was just
16 going to say, Mr. Chairman, I'd like to entertain a
17 motion to deny the waiver and uphold the committee's
18 original conditional approval.

19 MR. CAHN: Is there anybody -- I don't
20 know -- anybody in the public that has any questions
21 or discussion (inaudible)

22 A BOARD MEMBER: Any questions from any
23 of the commissioners?

24 MR. CAHN: Any questions for me or for
25 the applicant or for staff. If there are, you can

1 ask them. Okay. So what we just from a procedural
2 posture, we had a conditional approval. This is a
3 request for a waiver of those conditions. So we
4 would need a motion to either grant or deny that
5 waiver, and I didn't quite hear -- I think it's what
6 he said.

7 A BOARD MEMBER: Yeah, I said I make --
8 I was making a motion to deny the waiver and uphold
9 the committee's original -- Rich called the
10 conditional approval.

11 MR. CAHN: We would need a second.

12 A BOARD MEMBER: Second on that.

13 MR. CAHN: And then we just need a roll
14 call.

15 A BOARD MEMBER: You're going to do a
16 roll call?

17 MS. BLEACHER: Sure. Hold on. Give me
18 one second. Mr. Pollando.

19 MR. POLLANDO: Yes.

20 MS. BLEACHER: Mr. Friedman.

21 MR. FRIEDMAN: Yes.

22 MS. BLEACHER: Miss Goomer.

23 MS. GOOMER: Yes.

24 MS. BLEACHER: Mr. Wallner.

25 MR. WALLNER: Yes.

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MS. BLEACHER: Mr. Wong.

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(Inaudible)

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MR. SACHS: Thank you.

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PLANNING BOARD
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

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In the Matter of)
CHABAD JEWISH CENTER)
OF MONROE vs. COUNTY)
OF MIDDLESEX, et al)

CERTIFICATE

I, DEBORAH A. MASTERTON, a Certified Court Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the TAPED proceedings in the above entitled matter at the time and place aforesaid.

DATE: June 29, 2018


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