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 Yarzaeh, 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.
Planning Board Meeting
May 8, 2018

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
PLANNING BOARD
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

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

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
Appearances:

STEVEN D. CAHN, ESQUIRE,
Attorney for the BOARD

LAWRENCE B. SACHS,
Attorneys for the APPLICANT
INDEX

WITNESS

MARC LEBER
DIRECT EXAMINATION BY MR. SACHS 9

ANDREW FERANDA
DIRECT EXAMINATION BY MR. SACHS 27

LOUIE GREENWELL
DIRECT EXAMINATION BY MR. CAHN 86
CROSS-EXAMINATION BY MR. SACHS 88

RICHARD WALLNER
DIRECT EXAMINATION BY MR. CAHN 90
CROSS-EXAMINATION BY MR. SACHS 967

INDEX TO EXHIBITS

EXHIBIT NO. DESCRIPTION PAGE

A-1 Sheet 3 of 11 10
THE CHAIRMAN: The next is Chabad Jewish Center at Monroe versus County of Middlesex.

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

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

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

MS. BLEACHER: Yeah, digital.

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

A BOARD MEMBER: Let me just say from a preliminary perspective that this is -- the
applicant got a conditional approval, and they've requested relief from that conditional approval.

There's numerous conditions. I believe, Mr. Sachs, is the condition related only to the traffic light improvements?

MR. SACHS: That's correct.

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

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

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

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

A BOARD MEMBER: I know.

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

A BOARD MEMBER: I just want to make sure.

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

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

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

A BOARD MEMBER: Just don't swear at
him.

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

So I plan on having two witnesses testify. It's the exact same witnesses who testified at the hearing last May 9 -- I think it was May 9 -- May 9 of 2017. That would be our site engineer, Mr. Marc Leber, and our traffic engineer, Mr. Andrew Feranda.
Let me just give you some background on this property. This is located at 152 Prospect Plains Road in the Township of Monroe, Middlesex County, New Jersey, also known as lots 27.02 and -- excuse me -- block 27.02, lot 17.02. Prior to March 2 of 2017, when the conditional approval was granted by the county planning board or by the land development review committee, a traffic study was submitted by Shropshire and Associates by Mr. Feranda, who is here this afternoon. That was dated January 24 of 2017, and the site plan was also submitted for review by Marc Leber of East Point Engineering, and those documents were submitted in addition to the application.

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

So, Mr. Chairman, with out further ado, I'd like to perhaps have my first witness sworn in. That would be Marc Leber of East Point Engineering, and just so the record is clear, where should we have him seated so he's picked up?
A BOARD MEMBER: Have him speak right at that (inaudible).

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

MR. CAHN: Did you want him sworn in?

MR. SACHS: I mean, we probably should.

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

DIRECT EXAMINATION BY MR. SACHS:

MR. CAHN: I've never done it.

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

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

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

A. Certainly. I have a bachelor of science degree from Drexel University, and I have a graduate degree -- it's actually an MBA -- from Rutgers Graduate School. I am licensed in New Jersey as a professional engineer, professional planner, and I am also a certified municipal engineer. I've testified before boards in I think about 12 counties in New Jersey, worked on many projects, both zoning and planning board projects.
MR. SACHS: Mr. Cahn, if we can, or Mr. Chairman, I'd like to have Mr. Leber just qualified as an expert in engineering.

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

A BOARD MEMBER: No objections.

MR. SACHS: Okay. Thank you.

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

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

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

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

A. All right, so let me just describe for
Leber - direct

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

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

Just to get into what's surrounding the property, behind the property, which is to the south, you have the golf course as part of Concordia, and to the west you have a residential dwelling that has frontage on South Half Acre Road. On the corner there's a vacant lot that's owned by the Township of Monroe. Across Prospect Plains Road there's a gas station. Moving across North Half Acre Road here, this is the rear of Greenbriar. There is an adult community there. There is no
access from those lots to any of these streets. And then immediately to the left of this property there is park owned land, Township of Monroe, as well.

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

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

Any questions?

Q. Mr. Leber, I have a few questions. So again, if you can just particularly focus in on
access to the site. If you can just describe what
you designed as the access to the site ingress and
egress.

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

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

THE WITNESS: Yes.

A BOARD MEMBER: How far is it from the
property line?
THE WITNESS: It's about a foot off the corner, and this property next door is vacant. There was a house there one time, but that's --

A BOARD MEMBER: Township owns the property next door?

THE WITNESS: Township of Monroe.

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

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

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

MR. WALLNER: Five feet.

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

THE WITNESS: It is.

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

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

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

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

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

THE WITNESS: Presumably to separate adjacent driveways.

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

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

A. It is.

Q. Okay, and you're showing on that plan, which I know was submitted in 2016, a house on that property. Is that house still there?
Q. That house has been demolished. Are there any other curb cuts on that property located in proximity to the exit from the proposed site?
A. There was at one time a driveway to the house, and I estimate it's about 75 or 80 feet east of our property line.
Q. Okay, so that driveway is not within 5 feet of our property line.
A. No.
Q. Okay. All right. Now, I know you were here last year, and I know at that particular hearing, Rabbi Z. Zaklikovsky, testified. He's here again this afternoon. But if you recall his testimony -- and correct me if I'm wrong -- but he indicated that the hours of operation, the primary hours of operation for this facility would be Friday evenings?
A. That was correct.
Q. And that would be for Friday Chabad services.
A. Uh-huh.
Q. Please put the -- talk into the microphone.
A. Yes, Friday evening.
Q. All right, so one of the peak hours of operation would be Friday evening, which would be at sunset.

A. Yes.

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

A. That's correct.

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

A. Yes.

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

A. That's correct.

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

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?


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

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

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

THE WITNESS: Yes, correct.

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

MR. SACHS: Mr. Cahn, just so the record
is clear, we're talking about the property that
would be to the east.
MR. CAHN: I think it's east, correct.

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

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

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

MR. CAHN: Thank you.
MR. SACHS: Mr. Chairman, just one follow-up question based on Mr. Cahn's question.

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

A. No, none.

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

A. Correct.

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

A. Yes.

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

A. Certainly.

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

A. That's correct.
Q. But to your knowledge, there is no -- you have not seen any development on that site.
A. I have not.
Q. Okay. Thank you.

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

THE WITNESS: There are some classrooms in the building.

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

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

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

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

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

THE WITNESS: This really might be an architectural question.

MR. CAHN: Might be. I don't know the
answer. Make it an easier question. How many
classrooms are there?

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

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

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

MR. CAHN: Okay.

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

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

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

THE WITNESS: Well, what I had done here
is within the county right of way we were proposing
to install sidewalk along the front of the site. So
customary to a crosswalk, I'd proposed a depressed
curb and a handicapped ramp on the east side of the
property figuring that if Monroe Township at one point in the future wanted to put sidewalk along the park, they could just tie into our existing ramp and they wouldn't have to disturb any. But all that work is shown (inaudible) right of way line.

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

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

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

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

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

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

MR. WALLNER: May be rhetorical, but if it's required, how do you eliminate it, but that's
Leber - direct

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
of the site; is that correct?

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

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

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

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

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

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

THE WITNESS: Correct.

A BOARD MEMBER: But the county required a light there, not an island, correct?
THE WITNESS: Well, there was a
condition, which is really why we're here.
A BOARD MEMBER: The county hasn't
approved it with the island as is; am I wrong about
that? Rich, county hasn't approved the design with
that particular island with those dimensions, has
it?
MR. WALLNER: No, I don't think so.
A BOARD MEMBER: All right. Thanks.
THE WITNESS: Thank you.
A BOARD MEMBER: Any other questions for
this -- okay.
MR. SACHS: All right. I have another
witness, Mr. Chairman, Mr. Andrew Feranda.
A BOARD MEMBER: Do you remember how to
swear him in.
MR. SACHS: Do you want to try it again,
Steve?

ANDREW FERANDA, sworn.
DIRECT EXAMINATION BY MR. SACHS:
MR. CAHN: Okay. Thank you. Go ahead.
Q. Mr. Feranda, if you can for the
record --
A BOARD MEMBER: Just in case Larry gets
Q. Mr. Feranda, if you can for the record, if you can state your professional background, some qualifications for the board.

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

MR. SACHS: Mr. Chairman.

A. -- as a traffic consultant.

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

A BOARD MEMBER: Okay.

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

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

Briefly, as you've already had and you may know at the intersection, but it's an offset intersection. North Half Acre is split from South Half Acre by about 250 feet center line to center line. Prospect Plains Road is east/west with South Half Acre Road coming into the east and North Half Acre Road -- northbound Half Acre Road coming into the west. Across from the North Half Acre Road approach there is a gas station with a driveway immediately across from that approach. The South Half Acre Road has our site, which has approximately 127 feet of frontage. Sixty -- roughly half of the frontage is within the signalized intersection that
would be directly across from the South Half Acre. Another 60 feet plus give or take half of that frontage would be outside of the signal pole beyond the stop bar, and that's where we've located that right-in/right-out access driveway.

We did our observations of the existing conditions. We collected traffic data in October of 2016. We collected data on Wednesday morning, found the peak period to be 7:45 to 8:45. We collected traffic data in the evening on a Friday, which would coincide with operations or attendance at the Jewish Center. That would have been from 5 to 6 o'clock.

Again, earlier testimony was that the services would be held 7 to 8 so it's outside of the peak typically. And then on the weekend we counted on a Saturday from 11 to 2. That would be typical with a commuter peak on a weekend. As noted earlier, the services on Saturday would occur from 9 to maybe 1 o'clock, but the higher use would be in the morning. We found the peak to be from 12 to 1, which is at the later end, later end of the counts.

The analysis we do after collecting the traffic data is to analyze using models that traffic engineers use. In this case, Synchro is the modeling software we use. We modeled the existing
conditions, the future conditions without the site, and then the future conditions with the site and its traffic added in.

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

Again, I would like to emphasize that the roadway volumes that we found are highly directional, highly directional, and very much tied
Feranda - direct

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

We did the analysis of the split
intersection. There are movements at the
intersection. We analyzed the movement, but we also
analyzed overall levels of service for the
intersections, grade them in terms of their
operation based on the delay, A being the least
delay, F being significant delay that should be
addressed with some mitigation. For the analysis we
did here, level -- overall level of service at each
of the intersections was B or better. What does
that mean, 20 seconds or less delay for the average
trip for each of the movements. There was some
delay, and that's during each of the peak periods,
a.m., p.m., and Saturday. There was some delay for
the Half Acre movements on both approaches based on
the intersection being an offset intersection, and
it takes a little time to clear out the intersection
so there's an additional phase for clearance, which
takes a little additional time and causes more delay
for the side streets. The main street, Prospect
Plains, had level of service B or better. I believe
there may have been levels of C in the westbound
direction in the a.m. due to the significant volumes
heading towards the Turnpike, but this
intersection -- these intersections, offset
intersections operate with fairly good levels of
service and not significant delays under existing
conditions. When we look to the future conditions,
future conditions being what we anticipate the
synagogue, Jewish Center, to be built out, in this
case, it was a couple of years; 2018 was our
projection at that point. Obviously, it's 2018. It
may have to be pushed out another year or two based
on getting approvals and construction of the site.

So based on the original analysis we did, the future conditions showed no degradation in levels of service or delay for any of the movements or the overall levels of service, and then we added the site trips that I talk about for the different peaks, the a.m., p.m., and the weekend, and there was additionally no changes from the existing conditions based on our analysis of the two intersections and future conditions with the site. So the operation of the signal is not necessarily what's in question. I am aware that a study was done by the county for this intersection. The equipment at this intersection -- how do I say it -- is tired, old, needs to be updated. I would say there's worse. There's better. This intersection operates well based on its timings, but some of the equipment is older, and there are improvements, recommendations that were made in the report that I don't disagree with, ADA compliance, alignment issues. If you're going to handle some larger vehicles such as WB-67, which sometimes travel through the intersections, you may have to remove or change some of the -- you may have to remove some of the channelized islands or change some of the
geometry. I don't disagree with that. Alignment issues, changing lane functions, I believe one of the right-turn lanes in the westbound direction was recommended to change from a right turn only to a right and through movement. There are improvements that could be made to make the intersection more compliant with current code and to allow the intersection to function better in the future for traffic as projected in the report, which goes out to 2026 and 2036. That's appropriate for a county study, which projects way into the future, but may not be appropriate for a site such as this which projects out to when it's going to be constructed.

Now, getting to the site specific we have here, we have 127 foot of frontage. We kicked around different ideas of what to do with our driveway. We started with the appropriate thing that we thought to do would be align with the -- across the Half Acre Road. We tried that and we did some analysis and showed that that could work. The issue that we have with that is the signalization is not currently configured to allow for that to happen. To get that to work, there are things that could be done on an interim basis, but I don't believe that we were given the option of an interim
improvement to the signal. The option that we understood was available to us was if you put signalization in, improvements would have to be made to the overall intersection, and that includes significant improvements that go beyond the scope of this site and what this Jewish Center is requesting. They're requesting access within frontage. They don't have frontage on other roadways. They have frontage on Prospect Plains; therefore, we looked at an alternative, pull the driveway out of the intersection as best we could. I understand the questions about 5 foot from the property line. The reason that is done -- and it's done in many municipalities and counties -- is to get an offset from potential for a driveway on an adjacent site. In this case, the township owns that site. They put up fence. They bought the house that was there. They've torn it down. There's no more driveway. There's fence in front of that property, and that fence goes all the way down I don't know how many hundreds of feet down to the park entrance where there's now a parking lot and significant entrance that allows access to the park. There's parking there. And that's roughly a couple hundred feet away from the intersection, this intersection. So
are we compliant with the 5 foot from the property line? No. Do I think it's a safety problem? Not in this case because of the many hundreds of feet of property to the next driveway. Again, a 5-foot offset would be appropriate if that house was still there and they had a driveway and you didn't want the two driveways to have conflicting movements. In this case, there would not be conflicting movements from the adjacent property.

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

A BOARD MEMBER: How many square feet is the island?
THE WITNESS: With the 19-foot and --
roughly if it's 19 foot and 19 foot deep, 20-by-20
is 400, take out because it's a triangle, take half
of that's 200, 200 plus give or take. It's an odd
game where I could easily give the calculations.

Now, it allows for right-turn movements
in, which -- and I understand there might be some
concerns as to how do vehicles get into the site
when they're heading from different directions.

This site with a right turn in allows anybody
heading north on Half Acre to get onto Prospect
Plains and head right into the site. Anybody
heading east on Prospect Plains can make the right
turn into the site. Anybody heading south on Half
Acre, the driveway is just across the intersection
but just beyond, and it's a right-turn movement from
this left-turn lane that could be made when the
signal allows for this approach, have green time
without causing movement. So there's three
roadways, three directions for which entrance to the
site right turn in is available. The one movement
that is not available directly would be the
westbound Prospect Plains.

Now, again, I've talked about the
off-peak period use of the services. Typically, the
services are attended by residents, those who know
the roadways. If they are aware of the roadway and
the time that they're going, they will be able to
find their way to one of the three approaches that
allows them to enter with a right-turn movement in.
Exit movements are right-turn movements out. Again,
those right-turn movements are stop controlled.
They will have appropriate sight distance for
safety, and those stop controlled movements when
they get their gap in traffic or when the signal
turns and there is no opposing traffic, they can be
made safely onto Prospect Plains Road.

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

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

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

THE WITNESS: Half mile.

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

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

A BOARD MEMBER: I can't visualize that.

Let me ask a different question if I can. If I'm coming up South Half Acre Road towards the site, when you come up there, is there one -- South Half Acre I thought came directly where I'd have to make
Feranda - direct

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

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

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

THE WITNESS: Going south.

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

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

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

THE WITNESS: Correct.

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

THE WITNESS: Correct.

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

A BOARD MEMBER: Correct.

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

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

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

THE WITNESS: You would be following -- the car in front of me is looking to make a decision either to make a left turn or to go straight. They would go straight if they had -- if they even had to put their brakes on. Again, they're starting from stop if they're waiting for the light to change. They would continue through. If it's a movement
where there are on green, they would continue through, and they would potentially slow down.

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

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

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

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

adjustment as you enter the driveway.

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

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

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

THE WITNESS: I believe that's the case.

A BOARD MEMBER: Wouldn't you agree that the county from a planning perspective, from a
traffic safety perspective, has to make assumptions
that at some point that parking lot is going to be
utilized from a safety perspective. I understand
what the traffic count issues are, but at some
point, you would agree with me that the site is
probably going to have more -- not every day, but at
some point it's going to have more intense use than
10 or 20 cars, correct?

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

A BOARD MEMBER: I guess the concern I
have and the question I have is how does the driver
behind me know. I have my left-turn signal on and
I'm going to make a left turn into that
intersection, and then within a relatively short --
I'm not going to complete my left turn, right?

Before I can complete my left turn, I've got to then
make a right turn into the site; am I right?

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

A BOARD MEMBER: But isn't the driver
behind me going to expect that I'm going to complete
my turn and accelerate down the road? Isn't that
what the expected traffic movement would be from the
driver behind me? My concern is I don't know how --
I don't know how the driver behind the person
entering the site is going to be able to
differentiate between somebody making a full left
turn and a partial left turn and then entering the
site because you have to have a left-turn signal on
and then immediately have a right-turn signal on to
do it legally it would seem to me, correct?
THE WITNESS: I have an example. The gas station has a driveway across from the North Half Acre approach. There's a driveway there. There's a lane for left and through movements. There's a right-turn lane that allows vehicles to get onto Prospect Plains heading east. There's another lane for left and through movements. This is the condition that you would have. Some of them would want to cross and go into the gas station, and some of them will want to make a left-hand turn and continue in the westbound direction on Prospect Plains. This is a very similar condition to what you're talking about on this side. This driveway is located across the intersection. This driveway allows for a little bit more angle before it approaches the driveway, but it's all within that same left-turn movement so it's not dissimilar in that sense.

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

THE WITNESS: They would be in the process of making a left-hand turn and then just continue straight, and I don't think that's a safety
A BOARD MEMBER: Okay.

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

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

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

A. Correct.

Q. Okay. And getting to the issue of the peak hours, just so again we're clear on this, the peak hours for the use of this site are Friday
evenings after sundown, correct?

A. Right.

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

A. Correct.

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

A. Correct.

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

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

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

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

Q. And on Saturdays, obviously, there's a significant drop in activity at this intersection.

Again, based on your study, it would not be
conflicting with our peak demand, as well?

A. Correct.

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

A. Correct.

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

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

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

A. We would take a typical vehicle to be 25 feet for a queue so with a hundred feet you could get four vehicles if there were somebody using that
very first parking space. Four vehicles queued to
the roadway is substantial when you compare --

Q. I'm sorry.

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

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

A. Roughly, yes.

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

A. Yes.

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

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

Q. Okay, and as well, there's a dental
office across the street, as well.

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

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

A. And again, without a scale, I said roughly from the stop bar on eastbound Prospect Plains to the traffic signal where our driveway radius starts. That's about half or about 60 feet, and then we have another 60 feet. The actual width of the driveway is over 24 feet, about 30 feet I believe was mentioned. So we have a frontage of about 125 -- I believe it's actually 127, but give or take half of it is across from Half Acre, and
half of it is beyond Half Acre, and that's the area
where we put the driveway. From there then there is
the township property, which is several hundred
feet. Recent fence, nice vinyl, it's brown vinyl
fence has just gone up, and it goes all the way down
to the park entrance. So I believe there's no
intent of access, and with all the frontage that
they have, they could provide access substantially
further down if they needed to, but I don't believe
there's any intent to do that.

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

A. I don't think there were contradictions.
I believe there were recommendations that the
driveway be put within the intersection and allow
for full movement. Again, we looked at that, and I
don't disagree with that as a traffic engineer, and
I've designed many signalized intersections, many
intersections. I don't necessarily disagree that
that would be the best. It doesn't mean it's the
only, and it doesn't mean that the driveway we're providing isn't safe. It is safe. We provide sight distance. We provide a location where the movements can be made safely into the site. Should the future significant improvements with alignments and ADA and signal improvements and taking out, changing the geometry -- I believe there was -- as a traffic engineer I can't make any comments on drainage, but there's other drainage issues. Significant improvements have to be made to this large offset intersection, and the scope of what's going on for this site just doesn't match what the improvements for this intersection would be, and that's my professional opinion, traffic assessment of the future improvements that are needed here to improve the tired older intersection to make it compliant. If this driveway were put in the intersection, it would start that domino effect, and there are significant improvements that then would maybe outweigh the ability of this project to have those improvements made.

Q. All right, so your professional opinion then based upon the design that was submitted, based upon the January 24, 2017, report, from a traffic expert's opinion, from someone who's obviously been
practicing in the field, represents a number of municipalities, has testified on many, many occasions with respect to traffic design, does this particular plan promote the safety to the motoring public or -- and provide any detrimental impact to the motoring public and is a safe and efficient type of plan; can you give your opinion as to that?

A. My opinion is the driveway was designed safely, and it will meet the county requirements.

Yes, there is that offset, the 5 foot, and one of my questions to the project team was can we do this, and we can do it. We can make this pork chop, the channelized island, we can make that a little bit smaller. We can get that 5-foot offset, but in my opinion, having this larger dividing island will force the vehicles to make the right turns in and out and does not have an impact on a property that has a driveway substantially down the road. The 5-foot offset really to this driveway, it's not significant factor.

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

A BOARD MEMBER: I just have a couple, and I'll defer. You mention -- and obviously Steve was looking at through his comments -- safety issues
because you said the gas station is similar access in and out right that you would have at the -- did anybody look at how many accidents -- do you know how many accidents were in that area?

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

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

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

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

THE WITNESS: I did not, and again, it's within the signal. It's a little bit of an anomaly because it's between the signals. It's within the stop bar so it's a little bit more of a difficult driveway actually, and there's movements coming and going, and they're not restricted to right turns. I believe the dentist office might be a little better example because it's a little bit outside the drive -- the intersection, and it will have a less (inaudible) the gas station will also have ins
and outs coming and going quite a bit more than a Jewish center or a dentist office so that's probably more appropriate, but again, your question about did we do the accident analysis, we did not necessarily look at that, but I did not see that in the county's report either. There wasn't necessarily an opinion on overwhelming accidents at the intersection.

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

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

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

THE WITNESS: From Half Acre to Half Acre is 250 feet so the synagogue would be -- it's just beyond another 50, 75 feet, and the gas station is immediately across so it's about 300.
A BOARD MEMBER: I'm just looking at a safety issue. I know that's where Steve was going if a car was behind if a guy was waiting to pull, in pull out. All right. Thank you.

A BOARD MEMBER: Are there -- that road --

THE WITNESS: Half Acre?

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

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

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

THE WITNESS: Correct, yes.

A BOARD MEMBER: That original concept that you had, did that involve signalizing the entry
Feranda - direct

and exit into the facility?

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

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

THE WITNESS: There is not.

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

THE WITNESS: The concept would require
MUTCD compliant signal heads, which would mean at
least two signal heads for the approach. In case
one went out, you would have a backup, and one would
be across and one would be close. There's signal
design requirements that we would have to meet, and
yes, that would have to have been provided with that
approach if it were signalized.

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

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

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

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

A BOARD MEMBER: I understand that.

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

A BOARD MEMBER: I realize (inaudible)
gas station. I don't know anything about how the
gas station got there, when it got there and all
that. I'm really just interested in doing this the best way.

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

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

THE WITNESS: Yes, T intersection.

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

THE WITNESS: Fourth approach now becomes a cross intersection.

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

THE WITNESS: Correct, we had thought about that.

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

THE WITNESS: It would have required signal beads, indications so they would see red, green, or yellow, yes.
A BOARD MEMBER: So you moved the
driveway closer to the property line --

THE WITNESS: Correct.

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

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

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

THE WITNESS: Correct.

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

THE WITNESS: Correct, and I think what
you're getting at is what's the traffic intensity
from the site, and that's what I talked about the
trip generation and the offset from the peak period.
It's stop controlled. It's a low trip generation site, and it can be easily accommodated by a stop control driveway along Prospect Plains.

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

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

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

THE WITNESS: I agree if I design an intersection, I would like alignment. That's typically what engineers -- you're looking for alignment, but what we've done with taking the alignment out of the intersection doesn't hurt the safety of the intersection. It requires the church goers, the synagogue goers to use the roadway a little bit differently than if it were aligned, but
certainly, it's still safe as a right-in/right-out driveway.

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

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

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

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

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

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

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

THE WITNESS: Half Acre Road, correct.
MR. WALLNER: The infamous gas station entrance. The -- you say it's a through left.

THE WITNESS: It is --

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

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

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

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

MR. WALLNER: Okay.

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

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

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

MR. WALLNER: Okay, you just --

THE WITNESS: I wouldn't approve. I
wouldn't sign and seal the plan set.

MR. WALLNER: Okay.

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

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

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

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

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

MR. WALLNER: Okay. Okay.

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

MR. WALLNER: That's okay.

THE WITNESS: -- to the right-turn lane, as well. In between there's two lanes.
MR. WALLNER: I understand.

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

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

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

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

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

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

to exit that driveway. That is part of the approved
traffic signal plan so we will have to address that.

Thank you.

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

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

THE WITNESS: I observed two vehicles
doing --

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

THE WITNESS: Interim.

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

THE WITNESS: When I say interim, the
county study was based on 2026 and 2036 build out
future volumes at the intersection. This site would
be constructed well before those time frames. My thought was any design of a driveway into the intersection would include what we talked about signalization for the driveway, but because of the extent of offset intersection with all the improvements and alignments and adjustments, ADA requirements, everything else that goes into this intersection, and I had mentioned that is well beyond the scope of a driveway for this particular site, my word interim was to provide signalization for this driveway without -- and my understanding is the county hasn't even gone into the preliminary design yet. Whatever that might be might not be consistent with what -- it would have to allow for the driveway, but the other improvements may go well beyond what this driveway would require. So my use of the term interim would be signalization for this driveway that would work with the intersection until the county came through with improvements based on the recommendations in its consultant's report.

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

THE WITNESS: It would require signal heads for that approach, certainly.
MR. WALLNER: Well, okay. Let me -- let me come back.

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

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

THE WITNESS: Since 2015, probably the summer of 2016.

MR. WALLNER: Okay.

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

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

THE WITNESS: I was.

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

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

MR. WALLNER: At which time?

THE WITNESS: When we had the
preliminary.

MR. SACHS: And, Mr. Wallner --

MR. WALLNER: (Inaudible)

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

MR. WALLNER: Your study.

THE WITNESS: The county.

MR. SACHS: The county study.

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

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

THE WITNESS: I don't recall that.

MR. WALLNER: You don't recall that.

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

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

MR. SACHS: Maybe I was not there.

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

MR. SACHS: I was at one meeting.

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

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

THE WITNESS: What do you mean, bigger
be better?

MR. WALLNER: Okay.

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

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

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

MR. WALLNER: Could they be moved?

THE WITNESS: Potentially this driveway --

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

THE WITNESS: Certainly, they could be moved, and certainly, this driveway could be put as an approach across from this approach, as well. It could be as an inbound only. It would not have any conflicting movements and therefore could be
accommodated by a signal because those movements
would be made when they get green. We just thought
it would be better to have the entrance and the exit
right next to each other as one driveway.

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

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

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

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

MR. WALLNER: Describing the size of the
Feranda - direct

1. island and the location and everything of the
inaress and egress.

THE WITNESS: To me, design

4. requirements, trying to -- standards, AASHTO
standards, would we provided a driveway with lane
widths, with radii, with an island that's configured
to design standards. That's where I was saying we
did our best. Certainly, would I like to be a
little bit more off the property line --

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

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

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

THE WITNESS: Makes it more --

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

THE WITNESS: There is a signal pole and

a --

MR. WALLNER: So there is a restriction
and you designed around those restrictions.

THE WITNESS: Correct.

MR. WALLNER: Okay.

THE WITNESS: There's always design restrictions that we work with existing conditions.

There could have been a tree there that we were trying to work around.

MR. WALLNER: And there could be --

THE WITNESS: There was a historic tree.

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

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

MR. WALLNER: So you maximized safety.

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

MR. WALLNER: You maximized it.

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

MR. WALLNER: Okay. Okay.

A BOARD MEMBER: Anybody have anything else?

A BOARD MEMBER: I just wanted to ask
one quick question if somebody could -- I've spent a lot of time listening and looking at the plan here and looking at the picture. If someone could just come over and just give me an idea on the picture, itself, like where the -- where this driveway would end up being and the intersection.

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

A BOARD MEMBER: Just give me a general --

THE WITNESS: This is (inaudible)

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

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

A BOARD MEMBER: Okay.

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

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

A BOARD MEMBER: I just wanted to make sure. I'm glad I asked because at first I thought that the original driveway was here, and you're
telling me it's here so that makes it a little bit
clearer for me because when I'm looking at this, it
looks like it might be a little bit different. It
looks slightly different.

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

A BOARD MEMBER: Okay.

THE WITNESS: Precise.

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

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

THE WITNESS: Right there.

A BOARD MEMBER: About here?

THE WITNESS: Correct.

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

THE WITNESS: If I had to define the
beginning of the intersection, I'd say stop bar to
stop bar (inaudible) intersection because those
vehicles have to stop there before entering the
intersection, which the other vehicles on stop bar
to stop bar.

A BOARD MEMBER: That's a stop bar?

THE WITNESS: Correct.

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

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

A BOARD MEMBER: Right about here.

THE WITNESS: Yeah, correct, so that
would be outside of what I just defined as the stop
bar, the intersection proper. That puts any vehicle
leaving the site without the ability to turn back
into the intersection. They have to go eastbound on
Prospect Plains. Now, the entering vehicles, they
would be coming from either the southbound approach
or the west -- eastbound approach -- I'm sorry, because of the plan being upside down. From the eastbound approach and the southbound approach, they will go through the intersection and enter the driveway. There's no conflicting movements. They just get pulled right from the roadway out of the intersection.

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

THE WITNESS: Correct.

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

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

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

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

A BOARD MEMBER: You mean a --
A BOARD MEMBER: You know, a telephone electrical pole carry the lines.

A BOARD MEMBER: Oh, right here?

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

THE WITNESS: You can see the lines --

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

THE WITNESS: The entrance is beyond that utility pole.

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

THE WITNESS: Correct.

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

THE WITNESS: Correct.

A BOARD MEMBER: You don't think that creates some confusion for the line of drivers that are coming down? Some are going to be accelerating and going down the road, and some are going to be slowing down and going into the site. You don't think that creates a safety issue?
THE WITNESS: I don't think that's out of the ordinary for intersections. As I mentioned before, the dentist office on the other side has a very similar. The gas station isn't exactly similar because they're more aligned with the Half Acre Road approach. The dentist office on the other side is slightly off.

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

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

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

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

THE WITNESS: Ingress.

A BOARD MEMBER: I'm sorry, the ingress, and then, you know, that it would be very -- it would be -- well, I'm not going to say impossible because I think there will be people who attempt to still make a left turn regardless of the island or
not. That's my main -- that's why I was asking
where it was based on the picture, because I think
that even though you're stating that there's going
to be some -- it's not going to be an every day
occurrence, it's only on certain days, but on those
days, there are going to be people -- because it's
human nature, I know there are going to be people
who are going to still attempt to make that left
turn into the driveway despite the island, and
that's my -- where my safety concern comes from.

THE WITNESS: I understand your concern.
We certainly could sign for that. We could say no
left turn. We could provide direction. There's no
way traffic engineers can stop people from doing
things that they shouldn't do, but certainly,
signage would tell them this is not the appropriate
movement at this location, and that would be a no
left turn sign. That would be a right in only sign.
We could address that with traffic control devices,
which is not uncommon for prohibited movements.
That could also be a sign added to the traffic
signal arm that says no left turn or something along
those lines. It's something that we can address as
traffic engineers following the MUTCD guideline or
bible for traffic control.
MS. GOOMER: That was one of my concerns during the last presentation, the traffic coming from the east.

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

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

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

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

Q. Okay. And with respect to Mr. Cahn's
inquiry about what is the safest and the best, we
understand in this scenario Mr. Feranda, that the
condition that's being imposed now would require the
expenditure of several million dollars to this
applicant to put in new signalization at this
intersection; is that correct?
A. I don't know what the exact cost --
Q. In excess of a million.
A. But there are significant improvements
that are needed to upgrade the equipment to make
this compliant to today's code and standards.
Q. Okay, and based upon that scenario, all
right, which obviously is not economically feasible
for this project, the right turn in, right turn out
configuration satisfies all AASHTO standards,
satisfies all traffic design standards as imposed by
the State of New Jersey, by the DOT; is that
correct?
A. In my opinion to the best of my -- yes.
MR. SACHS: Okay. All right. I have
nothing further, Mr. Chairman.
MR. CAHN: Thank you for your testimony,
Mr. Sachs.
MR. SACHS: Well, I was just kind of
piggybacking on yours, Mr. Cahn.
Greenwell - direct

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

MR. SACHS: I was doing redirect.

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

MR. SACHS: I'm done.

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

MR. SACHS: I have no other witnesses.

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

MR. SACHS: Okay.


DIRECT EXAMINATION BY MR. CAHN:

Q. Just identify for the record who you are.

A. Louie Greenwell. I'm the director of
Greenwell - direct

Q. Are you familiar with this particular application?
A. I am.

Q. Are you familiar with this particular intersection?
A. I am. I have not visited the site. I'm familiar with this intersection.

Q. Are you familiar with the traffic study or the intersection study that was discussed by the engineer for the applicant?
A. Familiar, yes.

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

Q. As a result of that, has the county come to any conclusions as to what they're going to do with respect to this intersection in the future?
A. The county has concluded that the costs to make the -- to implement the alternatives identified in the study do not -- do not provide a significant upgrade or benefit to the flow of traffic, so therefore, there's been no plan of expenditures at this time.

Q. Does that report indicate that the
intersection is functioning as designed?

A. Yes.

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

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

Q. Okay, that's an engineering question?

A. Yes.

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

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

MR. CAHN: That's all I have.

CROSS-EXAMINATION BY MR. SACHS:

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

A. Yes.

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

A. Correct.

Q. Which I believe we have a copy of.

There is not going to be any implementation of that
project at this particular time?

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

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

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

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

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

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

A. No.
Q. You have not. You're not a traffic engineer.

A. I am not.

Q. Thank you.

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

RICHARD WALLNER, sworn.

DIRECT EXAMINATION BY MR. CAHN:

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

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

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

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

Q. How long have you worked for the county?

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

Q. In the engineering department?

A. In the engineering department.

Q. What are your -- now you're the county engineer, and you weren't the county engineer for 38 years. What was your position before you were the county engineer?
A. I started in the county in the 1974. I worked with the county in 1980 when I went into private practice for about 8 years. I came back in 1988 as the assistant county engineer and remained in that until I was appointed approximately 5 years ago, at which time I become county engineer.

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

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

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

A. Yes.

Q. Have you seen it, been to it?

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

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

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

Q. Meaning you and staff.

A. I have staff.
Q. So there's other engineers --
A. Yes, multiple.
Q. -- that work under you. And this
application ultimately got a conditional approval;
is that correct?
A. Yes.
Q. And what's the condition with respect to
the traffic light at the intersection?
A. The condition was that the driveway be
signalized.
Q. Why is that?
A. That was the safest way that we saw to
do this and appropriate. Our basic criteria would
be if the county was doing the project here and had
this driveway, what would we do and we signalize
this driveway, and we have done that on other
projects that the county has done where there was
not even a developer involved.
Q. This is a T, a three-way intersection is
that -- two county roads intersect together and --
A. There's two county roads intersecting,
but this is an offset intersection where the two of
the roads do not come and form a perfect square.
Q. Focusing on the T aspect of it, I
understand there's another piece that's offset. Are
there -- have there been other applications similar to this application that have come before the county planning board where an applicant wanted to develop a site that is within what I'm going to call the T intersection?

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

    Q. Right.

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

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

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

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

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

Q. Would a bigger island fit on that site?

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

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

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

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

A. I think we would say we would agree
because that's what we recommended.

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

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

Q. In other words --

A. The two offset roads?

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

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

Q. And if --

A. But it's signalization and the control.

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

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

Q. And that to align the driveway and to signalize the intersection, you would have to
coordinate all those movements and those lights?

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

Q. Is that what is required?

A. Yes.

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

CROSS-EXAMINATION BY MR. SACHS:

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

A. Yes.

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

A. Yes.

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

A. Yes.

Q. Okay, significantly busier than the
intersection of Half Acre and Prospect Plains in
Monroe Township?
A. Probably.

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

A. Yes.

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

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

Q. Okay. Do you know if that project was approved by Piscataway?
A. I do not.

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

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

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

A. No.

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

A. As far as the traffic volumes.

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

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

Q. All right. I think that helps me. All right. So anyway, and in terms of -- you have no reason either to dispute the operational testimony from Rabbi Z at the last hearing and as confirmed by Mr. Leber that the peak hours and the peak usage of
this site would be Friday evenings and Saturday mornings?

A. No.

MR. SACHS: Okay. I have nothing further.

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

THE WITNESS: I think everything is out.

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

THE WITNESS: Yes.

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

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

MR. CAHN: I guess a different way of
asking the question, is there any other property
owner that's out there now or contemplated in the
future that would require this to become a four-way
signalized intersection?

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

MR. CAHN: Okay. Thank you.

MR. SACHS: I just have one question,

Mr. Cahn, if I can.

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

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

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

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

Q. Interim operation.
Q. That's all right. Maybe it's a synonymous term I guess, interim operations.
A. But under the state statutes, the traffic signal is either approved or it's not approved. There's not a temporary approval or an interim approval. It's must conform.
Q. Okay. All right. Thank you.

MR. SACHS: I have nothing else.

Mr. Feranda, did you want to mention something?

MR. FERANDA: Unless you need me.

MR. SACHS: No, I'm okay.

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

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

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

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

MR. CAHN: Any questions for me or for the applicant or for staff. If there are, you can
ask them. Okay. So what we just from a procedural posture, we had a conditional approval. This is a request for a waiver of those conditions. So we would need a motion to either grant or deny that waiver, and I didn't quite hear -- I think it's what he said.

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

MR. CAHN: We would need a second.

A BOARD MEMBER: Second on that.

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

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

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

MR. POLLANDO: Yes.

MS. BLEACHER: Mr. Friedman.

MR. FRIEDMAN: Yes.

MS. BLEACHER: Miss Goomer.

MS. GOOMER: Yes.

MS. BLEACHER: Mr. Wallner.

MR. WALLNER: Yes.
MS. BLEACHER: Mr. Wong.

(Inaudible)

MR. SACHS: Thank you.
PLANNING BOARD
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

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

Deborah A. Masterton
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