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TOWNSHIP OF ANDOVER
LAND USE BOARD
TUESDAY, FEBRUARY 15, 2022
COMMENCING AT 7:34 P.M.

.....
IN THE MATTER OF: :
: TRANSCRIPT
APPLICATION OF : OF
BHT PROPERTIES GROUP, : PROCEEDINGS
Block 151, Lot 21 :
CONSTRUCTION BUSINESS :
OFFICE AND CONSTRUCTION :
EQUIPMENT AND MATERIAL :
STORAGE. :

.....
B E F O R E:
THERE BEING PRESENT:

- PAUL MESSERSCHMIDT, CHAIRMAN
- SUZANNE HOWELL, MEMBER
- MAYOR JANIS MCGOVERN (RECUSED)
- JOHN O'CONNELL, MEMBER
- JOHN CARAFELLO, MEMBER (ABSENT)
- RICHARD SKEWES, MEMBER
- STEVEN KEPREOS, MEMBER (EXCUSED)
- ERIC OLSEN, MEMBER
- CECE PATTISON (EXCUSED)
- JOSEPH ORDILE, ALTERNATE #1 MEMBER
- JOSEPH TOLERICO, ALTERNATE #2 MEMBER
- ERIC KARR, ALTERNATE #3 MEMBER

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
CERTIFIED COURT REPORTERS
P.O. BOX 505
SADDLE BROOK, NJ 07663
201-641-1812
LauraACaruccillc@gmail.com

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

THOMAS MOLICA, ESQUIRE
Counsel for the Land Use Board

ROGER W. THOMAS, ESQUIRE
DOLAN & DOLAN, P.A.
53 Spring Street
Newton, New Jersey 07860
Counsel to the Applicant

ELIZABETH M. DURKIN, ESQUIRE
THE DURKIN FIRM, LLC
354 Eisenhower Parkway
Plaza II, Suite 2550
Livingston, New Jersey 07039
Counsel for the Interested Party

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

STEPHANIE PIZZULO, LAND USE ADMINISTRATOR
MATTHEW MORRIS, P.P., BOARD PLANNER
CORY STONER, P.E., BOARD ENGINEER (ARRIVED LATE)

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>IDENT/EVID</u>
A-17	Overall Site Plan, dated November 22nd, 2021	7
A-18	Overall site plan, dated November 22nd, 2021	26
A-19	Truck Circulation Plan, dated November 22nd, 2021	27
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07:34PM 1 CHAIRMAN MESSERSCHMIDT: Next item on
07:34PM 2 the agenda is the main topic for tonight, BHT, BHT
07:35PM 3 Properties Group, Block 151, Lot 21, File A21-2, and
07:35PM 4 I believe the applicant's counsel is here along with
07:35PM 5 whoever is going to be testifying tonight; is that
07:35PM 6 right, Mr. Thomas.

07:35PM 7 MR. THOMAS: That is correct.

07:35PM 8 Roger W. Thomas, the law firm of Dolan
07:35PM 9 & Dolan on behalf of the applicant.

07:36PM 10 I have Mr. Christopher Nussar. He had
07:36PM 11 previously testified before. There has been no cross
07:36PM 12 examination. However, since that time, as you know
07:36PM 13 it's been sometime since he testified, there have
07:36PM 14 been some things that have occurred, so we have --
07:36PM 15 we're going to have him testify, produce some
07:36PM 16 additional testimony, additional exhibits and then,
07:36PM 17 of course, he will be subject to your cross
07:36PM 18 examination, as well as for members of the public.

07:36PM 19 CHAIRMAN MESSERSCHMIDT: Thank you.

07:36PM 20 And I believe Mr. Nussar has been sworn
07:36PM 21 in already and accepted by the board previously.

07:36PM 22 MR. THOMAS: That is correct.

07:36PM 23 And for the record, Chris, you
07:36PM 24 understand that you were previously sworn and you
07:36PM 25 remain under oath.

07:36PM 1 Is that correct?

07:36PM 2 MR. NUSSAR: That is correct.

07:36PM 3 C H R I S T O P H E R N U S S E R, PE

07:36PM 4 140 West Main Street, High Bridge, New Jersey,

07:36PM 5 having been duly sworn, testifies as follows:

07:36PM 6 MR. THOMAS: And, again, just for the
07:36PM 7 record we do have a court reporter.

07:36PM 8 CHAIRMAN MESSERSCHMIDT: Before we get
07:36PM 9 started, Mr. Thomas, I believe Mr. Karr needs to step
07:36PM 10 down.

07:36PM 11 MR. KARR: Yup.

07:36PM 12 CHAIRMAN MESSERSCHMIDT: And let the
07:36PM 13 record reflect that Mr. Karr has stepped down from
07:36PM 14 the dais.

07:36PM 15 (Whereupon, Mr. Karr recuses himself
07:36PM 16 and steps off the dais.)

07:36PM 17 FEMALE AUDIENCE MEMBER: We can't hear.

07:36PM 18 CHAIRMAN MESSERSCHMIDT: I'm sorry,
07:36PM 19 okay, we're going to have to talk louder. We have to
07:37PM 20 make sure we use the microphones so that everyone can
07:37PM 21 hear.

07:37PM 22 MR. THOMAS: Yes.

07:37PM 23 FEMALE AUDIENCE MEMBER: Thank you.

07:37PM 24 MR. THOMAS: Can you hear me now?

07:37PM 25 FEMALE AUDIENCE MEMBER: Yes.

07:37PM 1 MR. THOMAS: All right, good.

07:37PM 2 DIRECT EXAMINATION

07:37PM 3 BY MR. THOMAS:

07:37PM 4 Q. Again, Chris, just for the record just
07:37PM 5 identify yourself so that we have it on the record
07:37PM 6 for tonight's meeting.

07:37PM 7 A. Sure.

07:37PM 8 It's Christopher Nussar with ELP
07:37PM 9 Associates.

07:37PM 10 Q. And, again, you are here as a
07:37PM 11 professional engineer in the State of New Jersey; are
07:37PM 12 you not?

07:37PM 13 A. That is correct.

07:37PM 14 Q. Okay.

07:37PM 15 Can you indicate to us -- I believe
07:37PM 16 that since the last time we have asked you to take
07:37PM 17 into account some of the comments that have been made
07:37PM 18 with regard to the board, as well as by Mr. Stoner
07:37PM 19 and, therefore, as a result of that, you have
07:37PM 20 produced some additional documents.

07:37PM 21 Is that correct?

07:37PM 22 A. Yes.

07:37PM 23 Q. And I'm going to ask that you put on
07:37PM 24 the easel, if you would, what I believe we are now up
07:37PM 25 to is A-17.

07:37PM 1 MR. MOLICA: We'll check that, Counsel.
07:37PM 2 Stephanie?

07:38PM 3 MS. PIZZULO: That's what I have is
07:38PM 4 A-17 was next.

07:38PM 5 MR. THOMAS: While Chris is doing that,
07:38PM 6 I will distribute some smaller copies to board
07:38PM 7 members.

07:38PM 8 THE WITNESS: We'll mark -- there's
07:38PM 9 three maps that are bound together in this.

07:38PM 10 So we'll mark -17, -18 and -19 at the
07:38PM 11 same time, if that's okay.

07:38PM 12 (Whereupon, Overall Site Plan, dated
07:39PM 13 November 22nd, 2021 is received and marked as
07:38PM 14 Exhibit A-17 for identification.)

07:38PM 15 MR. THOMAS: There are some extras here
07:38PM 16 for the public.

07:38PM 17 THE WITNESS: So A-17 is titled
07:39PM 18 "Overall Site Plan." It is dated November 22nd, 2021
07:39PM 19 and is an amended version of the overall site plan
07:39PM 20 from what had been previously submitted to the board.

07:39PM 21 Those plans, the full set of plans that
07:39PM 22 we submitted to the board were dated September 29,
07:39PM 23 2021 and these plans reflect some modifications to
07:39PM 24 the layout.

07:39PM 25 So I'm --

07:39PM 1 BY MR. THOMAS:

07:39PM 2 Q. Yeah, you can mark that.

07:39PM 3 A. This will be A-17 and this is a -- this
07:39PM 4 has -- it's not really color rendered, but there's
07:39PM 5 color highlighting to the plan.

07:39PM 6 Q. And it's listed as an overall site
07:39PM 7 plan.

07:39PM 8 Is that correct, Chris?

07:39PM 9 A. That's correct.

07:39PM 10 Q. And I didn't hear while I was
07:39PM 11 distributing, but let me just make sure that it's
07:39PM 12 clear. The date of this plan, the revision date is?

07:39PM 13 A. It's November 22nd, 2021.

07:39PM 14 Q. Why don't you end up indicating the
07:39PM 15 modifications that you have outlined in this plan as
07:39PM 16 compared to what was previously submitted to the
07:39PM 17 board and to the public?

07:40PM 18 I'll try to keep my voice up, because
07:40PM 19 I'm sure he's going to be back and forth.

07:40PM 20 A. Well, I --

07:40PM 21 Q. Oh, you got a laser.

07:40PM 22 A. I have my laser pointer. I was --

07:40PM 23 Q. Very good.

07:40PM 24 A. I was told by a member of the audience
07:40PM 25 back in July -- it's been that long since I've

07:40PM 1 testified -- get myself a laser pointer, so I did
07:40PM 2 listen.

07:40PM 3 Q. So you did.

07:40PM 4 A. So we have here A-17, which is the
07:40PM 5 front page of that three-page set and what we have
07:40PM 6 highlighted in the different colors are the different
07:40PM 7 kind of things that are being stored on the site. So
07:40PM 8 the yellow-ish color, which is located on the -- I
07:40PM 9 think I always call it the north and south. Roger,
07:40PM 10 you've been calling it east and west.

07:40PM 11 Q. You're the engineer, you do it whatever
07:40PM 12 way you want.

07:40PM 13 A. We can go either way. It looks better
07:40PM 14 if we go east and west, so I'm going to go east and
07:41PM 15 west today just to confuse the record.

07:41PM 16 MR. MOLICA: Try to speak up, Chris.

07:41PM 17 THE WITNESS: Yeah. I'll get this in
07:41PM 18 front of me better, there you go.

07:41PM 19 Okay. So the two yellow areas are the
07:41PM 20 container storage areas. We have containers laid out
07:41PM 21 now. That was a request by the board during previous
07:41PM 22 hearings to see how a thousand containers would look
07:41PM 23 on the site to show that the thousand containers was
07:41PM 24 a realistic number for the space that was being
07:41PM 25 proposed.

07:41PM 1 BY MR. THOMAS:

07:41PM 2 Q. Chris, let me just interrupt as I have
07:41PM 3 these thoughts.

07:41PM 4 MR. THOMAS: And, again, if you folks
07:41PM 5 can't hear me, let me know, I'll speak louder.

6 MALE AUDIENCE MEMBER: Can't hear you.

7 MR. THOMAS: Can I take your --

8 MR. ORDILE: For the time being, I want
9 it back.

10 MR. THOMAS: Is that better?

11 MALE AUDIENCE MEMBER: Yes.

07:41PM 12 BY MR. THOMAS:

07:41PM 13 Q. Can you just tell us with regard to the
07:41PM 14 area where the containers are, the thousand
07:41PM 15 containers, is that different from what was
07:42PM 16 originally proposed and if so, describe how?

07:42PM 17 A. No, the area is the same as it has
07:42PM 18 been. You know, it was -- remains unchanged from the
07:42PM 19 September plans and the plans before that.

07:42PM 20 Simply now we're just showing the
07:42PM 21 locations of the containers, how they would lay out
07:42PM 22 on the plan.

07:42PM 23 Q. And that was at the request of Mr.
07:42PM 24 Stoner to try to get a better schematic to understand
07:42PM 25 how the site is going to look with actually the

07:42PM 1 containers located on it; is that correct?

07:42PM 2 A. Yes.

07:42PM 3 Q. What else is on the plan that was not
07:42PM 4 previously submitted to the board and to the public?

07:42PM 5 A. Sure. So the orange area to the east,
07:42PM 6 which is the material storage area, we've included on
07:42PM 7 there, you can see on the plan, again, easier if you
07:42PM 8 have 11 by 17, the material bins are shown, a layout
07:43PM 9 for how those would be -- could be set up. Again, it
07:43PM 10 is intended to be flexible in order to, you know, if
07:43PM 11 there's more of one type of material that, you know,
07:43PM 12 might have a larger bin, you know, might combine
07:43PM 13 several bins together, but showing how access can be
07:43PM 14 -- would work, how the routes around it, circulation
07:43PM 15 for loading and unloading the materials would work.

07:43PM 16 One thing to note, there is a hatched
07:43PM 17 area which comes in from that existing entrance to
07:43PM 18 remain the emergency, second emergency entrance and
07:43PM 19 that hatched area would remain clear no matter how
07:43PM 20 the arrangement would be of the containers, again,
07:43PM 21 provide that emergency access into the site.

07:43PM 22 Q. And when you say that it's flexible,
07:43PM 23 the bin area is flexible, what do you mean by that?
07:44PM 24 Is it going to be this configuration all the time or
07:44PM 25 is it going to change and if so, how?

07:44PM 1 A. Well, as I had indicated, it's likely
07:44PM 2 that it would change based on what the volumes of
07:44PM 3 materials and which materials, you know, they have
07:44PM 4 on-site. So say they have a lot of three-quarter
07:44PM 5 clean stone and it makes sense to combine six of the
07:44PM 6 bins together then instead of having, say, these six
07:44PM 7 individual bins on the end, they just become one
07:44PM 8 larger bin for the stone to be on.

07:44PM 9 Q. And can you tell us whether or not
07:44PM 10 there's been a stipulation with regard to the types
07:44PM 11 of materials that are going to be on-site and what's
07:44PM 12 not going to be on-site in terms of the bin area?

07:44PM 13 A. Yes, and I know it had been brought up
07:44PM 14 in the testimony by the applicant's representative
07:45PM 15 that there will be millings kept on the site, asphalt
07:45PM 16 millings. We spoke with the applicant on that matter
07:45PM 17 and we're -- we're indicating now that we will not
07:45PM 18 have asphalt millings on the site. That will not be
07:45PM 19 a material that's stored. That would be a condition
07:45PM 20 that they will accept.

07:45PM 21 Q. Can you also tell us going back --
07:45PM 22 well, let's finish up. There's another area that is,
07:45PM 23 I guess I'll call it purple, what is that area now?

07:45PM 24 A. Yeah, so the purple area, which is on
07:45PM 25 the west side here and that's the equipment storage

07:45PM 1 area. Previously this area had been larger. It had
07:45PM 2 -- there had been an equipment storage area, I'm
07:45PM 3 indicating here on the east side and as well as
07:45PM 4 additional area on the west side for equipment
07:45PM 5 storage.

07:46PM 6 We were giving latitude in there for
07:46PM 7 the ability to deliver equipment and offload it, it
07:46PM 8 is larger equipment, so it takes some room to be able
07:46PM 9 to accommodate that, but based on, you know, we went
07:46PM 10 back with the applicant and, you know, tried to get a
07:46PM 11 better understanding of what the equipment is or got
07:46PM 12 a better understanding, which is what they had
07:46PM 13 presented to the board of what equipment that would
07:46PM 14 be on-site and how they could more efficiently park
07:46PM 15 it up and so the revised plan here, which is probably
07:46PM 16 the most substantial revision reduces the overall
07:46PM 17 area by about -- to about a quarter what it had been
07:46PM 18 previously.

07:46PM 19 Q. What was the original area that was
07:46PM 20 going to be designated for equipment storage and what
07:46PM 21 is it now?

07:46PM 22 A. So the original area -- so on the -- on
07:47PM 23 the west side, this was a 6.35 acre area which is now
07:47PM 24 a 2.95 acre area and on the east side over here, this
07:47PM 25 was a 5.79 acre area.

07:47PM 1 Q. And what is the intent as you
07:47PM 2 understand it now and the proffer that's being made
07:47PM 3 by the applicant with regard to those two reduced
07:47PM 4 areas that are on the easterly and westerly side that
07:47PM 5 are now not colored, let's talk about it that way?

07:47PM 6 A. Sure. So these two areas on the -- on
07:47PM 7 either side that had been storage that aren't now,
07:47PM 8 they're listed on here as being reserved for future
07:47PM 9 use. That ultimately is something that would require
07:48PM 10 an amended plan and approval from this board. So
07:48PM 11 it's shown on the plan as an area where they may
07:48PM 12 expand in the future, but realistically we're not
07:48PM 13 asking the board to approve anything related to that.

07:48PM 14 MR. THOMAS: And if I can to the board
07:48PM 15 and to the public, there was a discussion
07:48PM 16 particularly with regard to Mr. Stoner as to, you
07:48PM 17 know, what those areas were going to be, because we
07:48PM 18 had indicated that there would be hopefully some
07:48PM 19 reduction. We now have shown that reduction and we
07:48PM 20 would agree to a -- that if there's an approval, we
07:48PM 21 would agree to a condition that would say that area,
07:48PM 22 the -- excuse me, the 2.5 -- 2.95 area, as well as
07:48PM 23 the 5.79 area that are reserved for future use, that
07:48PM 24 would be something that if they wanted to come back
07:48PM 25 and have that use actively involved in the project,

07:49PM 1 that would be subject to further board review and we
07:49PM 2 would accept that as a condition.

07:49PM 3 BY MR. THOMAS:

07:49PM 4 Q. Now, let's talk about, first of all,
07:49PM 5 let's go back to the container area and can you
07:49PM 6 describe the container area on both sides and the
07:49PM 7 maneuverability and what you've built into that site
07:49PM 8 in terms of access to and from?

07:49PM 9 A. Sure. So on that, you know, there was
07:49PM 10 a discussion at the previous hearing about --

07:49PM 11 Q. Keep your voice up.

07:49PM 12 A. Sorry. There was a discussion about
07:49PM 13 how are you able to get material into these
07:49PM 14 containers if you have an access road and that access
07:49PM 15 road is 25 feet wide, you have a 20-foot-long pipe,
07:49PM 16 how are we getting this into the container?

07:49PM 17 Well, as you can see on this layout,
07:49PM 18 the containers don't come right up to the edge of the
07:50PM 19 road. They're about 10 feet back from the edge of
07:50PM 20 the road. So the clear space from container to
07:50PM 21 container is about 45 feet. So with that clear space
07:50PM 22 that exists in there, you know, the 25 feet is for
07:50PM 23 trucks to get through and maneuver through the site,
07:50PM 24 but there is additional space in there for equipment
07:50PM 25 that's going to load into these containers to

07:50PM 1 maneuver around and get -- again, get the material in
07:50PM 2 there. You have 45 feet in there, so there's
07:50PM 3 sufficient room to be able to get that in there.

07:50PM 4 Q. And as trucks come to the site, are
07:50PM 5 these particular lanes or roadways, whatever you want
07:50PM 6 to call them, are they designated in any particular
07:50PM 7 direction or can trucks go in either direction
07:50PM 8 depending upon where they need to go?

07:50PM 9 A. They can go any direction. I mean, at
07:50PM 10 25 feet wide, that's, you know, a typical two-way
07:50PM 11 aisle.

07:51PM 12 Q. And, therefore, can you give an opinion
07:51PM 13 with regard to whether or not, you know, as has been
07:51PM 14 testified to that most of the time there's not going
07:51PM 15 to be a lot of truck traffic in the sense that there
07:51PM 16 may be 10 or 15 trucks, which was testified at the
07:51PM 17 last hearing, but there would be at least potentially
07:51PM 18 one day a month where there would be more than that
07:51PM 19 potentially, you know, 60 or so trucks? What about
07:51PM 20 the maneuverability if you had that potential? What
07:51PM 21 would end up being the situation whereby you had the
07:51PM 22 trucks, can the trucks maneuver and how would they do
07:51PM 23 that and give a little bit of an explanation for the
07:51PM 24 board so that they understand that there's -- whether
07:51PM 25 there will be or not be backup with regard to those

07:51PM 1 trucks?

07:51PM 2 A. Sure.

07:51PM 3 And if you look at the plan and as you
07:51PM 4 look at the plan, again, this is a large area that
07:51PM 5 these containers are spread out in.

07:51PM 6 The trucks aren't all going to the same
07:52PM 7 spot. They're going to go to in different locations
07:52PM 8 throughout the site depending on what material they
07:52PM 9 have and where they're -- you know, where the
07:52PM 10 applicant stores it.

07:52PM 11 So, you know, you have plenty of room
07:52PM 12 within the site to send them to -- you know, send --
07:52PM 13 if all those trucks showed up at once, you would have
07:52PM 14 room to send them all individually to their ultimate
07:52PM 15 designation and you wouldn't have any backups, you
07:52PM 16 wouldn't have any queuing in front of the building,
07:52PM 17 you certainly wouldn't have any queuing in front of
07:52PM 18 the road. You know, the trucks have more than enough
07:52PM 19 room and places to go and to be within the site where
07:52PM 20 they're not being a nuisance to anybody or create
07:52PM 21 backup.

07:52PM 22 Q. And the number of people that are being
07:52PM 23 employed on-site, would they be -- part of their
07:52PM 24 duties, would they need to direct the trucks to their
07:52PM 25 ultimate designations so that they would get off of

07:52PM 1 Stickles Pond Road, get past the building and into
07:52PM 2 the site internally in an efficient manner?

07:53PM 3 A. Yes, I believe that's what the
07:53PM 4 testimony that the applicant's representative had
07:53PM 5 given, you know, that they would have a plan for
07:53PM 6 where these trucks would go and they would be
07:53PM 7 directed accordingly by the on-site staff.

07:53PM 8 Q. And does this plan provide for that
07:53PM 9 opportunity?

07:53PM 10 A. Yes.

07:53PM 11 Q. You also have indicated that there are
07:53PM 12 -- there's the storage facility or the area where the
07:53PM 13 equipment is going to be, correct?

07:53PM 14 A. Yes.

07:53PM 15 Q. And that is maxxed out at how many?

07:53PM 16 A. That was 50 pieces of equipment.

07:53PM 17 Q. And the applicant has stipulated that
07:53PM 18 that's the maximum number that there would be
07:53PM 19 on-site?

07:53PM 20 A. That's correct.

07:53PM 21 Q. Can you tell us based upon your
07:53PM 22 understanding that when a piece of equipment comes
07:53PM 23 on-site, what's going to happen to it?

07:53PM 24 Is it going to be inspected? And if
07:53PM 25 so, by whom and then what happens to it thereafter?

07:53PM 1 A. Yes.

07:54PM 2 My understanding is that the standard
07:54PM 3 operating procedure of the applicant is that a piece
07:54PM 4 of equipment comes on-site, it's inspected to make
07:54PM 5 sure it's in good order, to make sure it's not
07:54PM 6 leaking, to making sure it runs, making sure it
07:54PM 7 doesn't need service, bringing it to it's location in
07:54PM 8 this purple area here and then, you know, ultimately,
07:54PM 9 you know, parking it until it is needed again.

07:54PM 10 There would be, as I understand it,
07:54PM 11 regular inspections of the equipment by, again, the
07:54PM 12 on-site staff.

07:54PM 13 Q. What's "regular"?

07:54PM 14 A. As I understand it, it's a weekly
07:54PM 15 inspection of the on-site staff to go around and,
07:54PM 16 again, the same basic procedure.

07:54PM 17 Maybe not -- I don't believe they're
07:54PM 18 going to be starting it, but to do a visual
07:55PM 19 inspection of the equipment to make sure that there's
07:55PM 20 no -- again, no issues with them, make sure squirrels
07:55PM 21 aren't suddenly living in them, make sure they're not
07:55PM 22 leaking, what have you.

07:55PM 23 Q. Also, on the plan which we now have
07:55PM 24 marked as A-17, there's another area that is colored
07:55PM 25 in, what does that area represent?

07:55PM 1 A. The blue areas.

07:55PM 2 So there are five blue areas on this
07:55PM 3 plan (indicating) and those are the stormwater
07:55PM 4 management facilities.

07:55PM 5 They're -- there's two on the western
07:55PM 6 side. There are two on -- sorry, two on the eastern
07:55PM 7 side. Two on the western side. And then the large
07:55PM 8 central basin along the runway.

07:55PM 9 Q. Okay.

07:55PM 10 We're going to get into that a little
07:55PM 11 bit later on. There was introduced as an exhibit, I
07:55PM 12 believe it was A-16, there was a maintenance manual,
07:56PM 13 facility maintenance manual, correct?

07:56PM 14 A. The spill plan.

07:56PM 15 Q. Yes.

07:56PM 16 A. Yeah, the spill plan that they had --
07:56PM 17 that the applicant uses for their site.

07:56PM 18 Q. And how does that spill plan integrate
07:56PM 19 into this site in relation to the area where they are
07:56PM 20 -- well, let me withdraw that question.

07:56PM 21 Is there any area other than where the
07:56PM 22 equipment is where there can be any leakage or
07:56PM 23 spillage of any volatile materials on this site other
07:56PM 24 than in the equipment area and presumably the parking
07:56PM 25 lot area right by the building?

07:56PM 1 A. Right.

07:56PM 2 So, yeah, you basically have the
07:56PM 3 containers, which again, I don't want to just keep
07:56PM 4 going through it, but the containers which have an
07:56PM 5 earth material, you have pipe, you have fence
07:57PM 6 material, the things that we discussed.

07:57PM 7 There's no liquids in there.
07:57PM 8 Everything, again, is an earth construction material.

07:57PM 9 You have the orange area, which is the
07:57PM 10 material storage area (indicating), like the bulk
07:57PM 11 material aggregate. And as we've stipulated, there
07:57PM 12 will be no millings within this area. So what we
07:57PM 13 have are natural products, clean stone products of
07:57PM 14 that sort.

07:57PM 15 So, again, there's no contamination or
07:57PM 16 inherent issues that could result from that material.
07:57PM 17 There's really two areas. The one is the equipment
07:57PM 18 storage area.

07:57PM 19 Again, these are pieces of equipment.
07:57PM 20 They have -- they're going to have fuel in them and
07:57PM 21 they have hydraulic fluid in them for the most part
07:57PM 22 and you have then the parking area where people's
07:57PM 23 individual vehicles would be kept. You know, the
07:58PM 24 staff that come to the site, their cars just like
07:58PM 25 everybody's car who got here tonight has gas and it

07:58PM 1 has oil in it and has the potential to leak.

07:58PM 2 So the spill plan is really directed
07:58PM 3 towards those two areas, the parking lot -- my
07:58PM 4 microphone keeps coming in and out, so I apologize.

07:58PM 5 So the parking lot and then the
07:58PM 6 equipment storage area, which is the purple area.

07:58PM 7 BY MR. THOMAS:

07:58PM 8 Q. So talk about the spill plan and how
07:58PM 9 that actually effectuates part of the concerns that
07:58PM 10 have been raised by Mr. Stoner and some of the board
07:58PM 11 members with regard to if there is a spill of some
07:58PM 12 sort, how does that spill plan effectuate a
07:58PM 13 remediation on-site?

07:58PM 14 A. So once a spill has been identified,
07:58PM 15 it's a clear protocol on how to address that issue to
07:59PM 16 contain it and depending on the level of severity of
07:59PM 17 it, whether it gets handled by the on-site staff,
07:59PM 18 which would be trained in this procedure or it
07:59PM 19 requires a larger response, you know, bringing in an
07:59PM 20 outside consultant to help clean it up.

07:59PM 21 Generally speaking, the regular
07:59PM 22 inspections should -- should mitigate any
07:59PM 23 catastrophic issues, if you will.

07:59PM 24 You know, as far as, like, a tank
07:59PM 25 breaking or something like that, you're going to be

07:59PM 1 regularly looking at these things to make sure that
07:59PM 2 they're in good working order. You know, if a leak
07:59PM 3 does occur, generally there are drips off of the --
07:59PM 4 you know, if there's, you know, any drips off of the
07:59PM 5 equipment, grease or anything like that, those are
07:59PM 6 very small incidences that, you know, just, like, is
08:00PM 7 no different than if my car has an oil leak in it and
08:00PM 8 it gets on the driveway, it would be on the stone, it
08:00PM 9 could be cleaned up very easily. It actually can be
08:00PM 10 cleaned up easier on the stone than it could be on
08:00PM 11 asphalt, because you can scoop some stone away and
08:00PM 12 move on from there.

08:00PM 13 But, generally speaking, there is not
08:00PM 14 large quantities of material that are an issue here.

08:00PM 15 Q. Now, to the best of your knowledge,
08:00PM 16 there's nothing on-site that will contain large
08:00PM 17 quantities of volatile materials, whether it's gas,
08:00PM 18 oil or otherwise, there's not going to be any
08:00PM 19 thousand-gallon tanks, 500-gallon tanks, 8,000-gallon
08:00PM 20 tanks as you might otherwise find, say, for example,
08:00PM 21 in an automotive gas station or things of that
08:00PM 22 nature, that's not being proposed on this site,
08:00PM 23 correct?

08:00PM 24 A. That's correct.

08:00PM 25 I would expect the only thing would be,

08:00PM 1 you know, depending on how the building is heated,
08:00PM 2 whether they do all electric heat or what, they may
08:01PM 3 have an oil tank to heat the building, but that would
08:01PM 4 be similar to what anybody would have, you know.

08:01PM 5 Q. And that would be on a concrete pad in
08:01PM 6 regard to all building code regulations?

08:01PM 7 A. Yes.

08:01PM 8 Q. And presumably inside?

08:01PM 9 A. Yes.

08:01PM 10 Q. With regard to the quantity of
08:01PM 11 materials, these pieces of equipment, they don't have
08:01PM 12 thousands of gallons of volatiles within them, do
08:01PM 13 they?

08:01PM 14 A. No.

08:01PM 15 Q. Do you have an understanding of the
08:01PM 16 amount of either gas, oil that might be in a
08:01PM 17 particular type of piece of equipment?

08:01PM 18 A. I mean, it really depends on the piece
08:01PM 19 of equipment. You know, you can have slightly over a
08:01PM 20 hundred gallons of hydraulic fluid in one of the,
08:01PM 21 kind of, larger -- like a larger excavator.

08:01PM 22 Q. And has it been your experience based
08:02PM 23 upon working with construction sites of this type
08:02PM 24 that these pieces of equipment end up bursting, the
08:02PM 25 tanks burst or are they more of a leak type of

08:02PM 1 arrangement?

08:02PM 2 A. You know, I've -- my experience would
08:02PM 3 be that generally leaks would form. You know, the
08:02PM 4 tanks are sealed.

08:02PM 5 At some point, you know, they if they
08:02PM 6 get a paint chip, if the paint chips and then it
08:02PM 7 starts to rust, you start getting, you know, a
08:02PM 8 situation where you can have a leak, but not burst.

08:02PM 9 Q. And that's -- and the spill plan
08:02PM 10 provides for something called "spill kits," correct?

08:02PM 11 A. Correct.

08:02PM 12 Q. And what are they supposed to do?

08:02PM 13 A. So a spill kit is for -- because,
08:02PM 14 again, there's two types of spills that can occur.
08:02PM 15 There's the ones that can be handled on-site by the
08:02PM 16 staff and then if there were to be a larger one where
08:02PM 17 somebody would have to be called in, a specialist.

08:03PM 18 So the spill kits are what the on-site
08:03PM 19 staff uses to respond to, you know, a leak on the
08:03PM 20 site. Generally consists of a drum to put material
08:03PM 21 in, safety equipment, PPE like gloves or goggles,
08:03PM 22 that kind of thing to keep the employee safe while
08:03PM 23 they're dealing with the issue.

08:03PM 24 You know, there could be absorbant
08:03PM 25 masks, absorbant booties in there. You know, the

08:03PM 1 general material needed to react to, you know, a
08:03PM 2 spill on-site.

08:03PM 3 Q. Now, the next exhibit that you have, I
08:03PM 4 think that you also identified that as an overall
08:03PM 5 site plan.

08:03PM 6 Do you want to put that up?

08:03PM 7 A. Sure.

08:03PM 8 And we can -- I think we're going to
08:03PM 9 mark this for really just -- for the sake of the fact
08:04PM 10 that it's included in the package at this point.

08:04PM 11 Q. So that would be A-18, correct?

08:04PM 12 A. Yes.

08:04PM 13 (Whereupon, Overall Site Plan, dated
08:04PM 14 November 22nd, 2021 is received and marked as
08:04PM 15 Exhibit A-18 for identification.)

08:04PM 16 THE WITNESS: So A-18 is A-17 without
08:04PM 17 the color is really what it is.

08:04PM 18 BY MR. THOMAS:

08:04PM 19 Q. So there's nothing really very
08:04PM 20 different about that particular plan than what you
08:04PM 21 have already been describing as part of A-17.

08:04PM 22 Is that correct?

08:04PM 23 A. That's correct.

08:04PM 24 Q. Let's go to the next plan that you
08:04PM 25 have.

08:04PM 1 What's that plan identified as?

08:04PM 2 A. So we'll call this one A-19.

08:04PM 3 (Whereupon, Truck Circulation Plan,

08:04PM 4 dated November 22nd, 2021 is received and

08:04PM 5 marked as Exhibit A-19 for identification.)

08:04PM 6 BY MR. THOMAS:

08:04PM 7 Q. And by the way, A-18, what's the date
08:04PM 8 of that plan?

08:04PM 9 Let's get that on the record.

08:04PM 10 A. It's the same date as A-17.

08:04PM 11 Q. Which is?

08:04PM 12 A. November 22nd, 2021.

08:04PM 13 Q. And A -- excuse me, A-19 is what?

08:04PM 14 A. A-19 is titled "Truck Circulation
08:04PM 15 Plan." It is dated November 22nd, 2021.

08:05PM 16 Q. All right.

08:05PM 17 A. Prepared by my office.

08:05PM 18 Q. Okay.

08:05PM 19 A. And this plan shows, because there was
08:05PM 20 a question about how the trucks can maneuver through
08:05PM 21 the site, whether they were able to get around all of
08:05PM 22 these turns.

08:05PM 23 So we picked a loop through the site
08:05PM 24 kind of picking some of the tighter corners,
08:05PM 25 90-degree bends.

08:05PM 1 This corner here --

08:05PM 2 Q. Okay. For the record, what corner is
08:05PM 3 that?

08:05PM 4 A. I'll sit back. Let me sit back down
08:05PM 5 and get out of the way.

08:05PM 6 The corner -- this is now -- we're
08:05PM 7 really looking -- we're focused on the west side with
08:05PM 8 this (indicating).

08:05PM 9 Q. Yeah, let's -- what is the section that
08:05PM 10 you're dealing with on A-19? Is that the westerly
08:05PM 11 side section? It deals with the container area, as
08:05PM 12 well as the 12,000-square-foot building?

08:05PM 13 A. Yes.

08:05PM 14 Q. Okay.

08:05PM 15 So now you've got a truck circulation
08:06PM 16 plan that's focused on that area, correct?

08:06PM 17 A. Yes.

08:06PM 18 Q. And why don't you describe those turns
08:06PM 19 as indicated on that plan?

08:06PM 20 A. So, again, it's typical movements
08:06PM 21 throughout the area on the -- on the --

08:06PM 22 Q. On the site?

08:06PM 23 A. -- improved drives, you know, from,
08:06PM 24 again, the 90-degree turn by this detention basin,
08:06PM 25 this greater than or I guess less than 90-degree turn

08:06PM 1 here (indicating). This is probably the tightest
08:06PM 2 turn on the site to make, which is located by the end
08:06PM 3 of the runway (indicating).

08:06PM 4 And you can see the truck can make all
08:06PM 5 those maneuvers. And we did round off the edges to
08:06PM 6 provide a radius through there.

08:06PM 7 And then, again, I'll remind everybody
08:06PM 8 from what we looked at on A-17, the layout of the
08:06PM 9 containers, the containers aren't right up on the
08:06PM 10 edge. The containers are setback about 10 feet and
08:07PM 11 there is clean stone in there. So while the -- the
08:07PM 12 rolled milling surface provides a more stable base
08:07PM 13 for the long term for these trucks to drive on, there
08:07PM 14 is room where they don't have to be perfect, if you
08:07PM 15 will, and if they're not perfect, they're not running
08:07PM 16 into containers.

08:07PM 17 So I think that's important to note too
08:07PM 18 that, you know, there's room on the side of improved
08:07PM 19 useable space that even if they, you know, weren't
08:07PM 20 coming through here perfectly, that they can safely
08:07PM 21 navigate the site.

08:07PM 22 Q. Now, you say they can safely navigate
08:07PM 23 the site. What kind of template did you end up using
08:07PM 24 taking into account the fact that we're going to end
08:07PM 25 up having tractor trailers?

08:07PM 1 Can you describe that process to
08:07PM 2 establish this particular exhibit?

08:07PM 3 A. Yes.

08:07PM 4 So the truck template that was used was
08:08PM 5 a WB-50 truck, which is like your normal semi truck.
08:08PM 6 It's not like a -- you can go larger, but those are
08:08PM 7 the ones that have sleeper cabs on the back of them.
08:08PM 8 You know, they're a little bit longer, but the
08:08PM 9 deliveries here --

08:08PM 10 Q. Have you been advised that the kind of
08:08PM 11 trucks that are going to be accessing this site are,
08:08PM 12 in fact, those type of trucks, the --

08:08PM 13 A. Yes.

08:08PM 14 Q. What is it called, WB-50?

08:08PM 15 A. Fifty, yes.

08:08PM 16 Q. Okay.

08:08PM 17 So you've utilized that turning
08:08PM 18 template to analyze this particular movement
08:08PM 19 scenario?

08:08PM 20 A. Correct.

08:08PM 21 Q. And what have you found based upon
08:08PM 22 that?

08:08PM 23 A. That they can safely navigate the site.

08:08PM 24 Q. And, in fact, can you tell us with
08:08PM 25 regard to now that you're using east and west, can

08:08PM 1 you tell us your opinion as to how -- did you do an
08:09PM 2 analysis with regard to the easterly portion of the
08:09PM 3 site as it related to the container area on the
08:09PM 4 project?

08:09PM 5 A. Yes.

08:09PM 6 So the movements are, you know, it's
08:09PM 7 the same movements as on the west side.

08:09PM 8 So just as easily as the vehicles can
08:09PM 9 navigate the western side, they can navigate the
08:09PM 10 easier side.

08:09PM 11 Q. And you used the same template?

08:09PM 12 A. Yes.

08:09PM 13 Q. And how does the -- how does the truck
08:09PM 14 that comes in off of Stickles Pond Road by where the
08:09PM 15 building is and wants to go from the easterly
08:09PM 16 container area to the -- strike that.

08:09PM 17 From the westerly container area to the
08:09PM 18 easterly container area, how does that truck do it?

08:09PM 19 A. How does the truck get from the west
08:09PM 20 side to the east side?

08:09PM 21 Q. Simply, that's right.

08:09PM 22 A. I think -- well, it's been since July,
08:09PM 23 again, since I testified, but the existing runway is
08:10PM 24 going to be maintained and the trucks will use that
08:10PM 25 to access from one side to the other.

08:10PM 1 Q. And that runway continues to be in
08:10PM 2 existence and will not be affected by this
08:10PM 3 development at all, is that your understanding?

08:10PM 4 A. Yes.

08:10PM 5 Q. Okay.

08:10PM 6 Going back to A-17, the rendering, if
08:10PM 7 you will, go to that, please.

08:10PM 8 You've already made reference to the
08:10PM 9 fact that the applicant has stipulated that in the
08:10PM 10 bin area there will be no loose millings that will be
08:10PM 11 stored in that area, correct?

08:10PM 12 A. Correct.

08:10PM 13 Q. Now, you've also made reference to the
08:10PM 14 fact that in the container storage area both east and
08:10PM 15 west, there will be an area where the trucks are
08:10PM 16 going to travel and I think you've made reference to
08:10PM 17 the fact that that's going to be on millings.

08:10PM 18 Is that also correct?

08:10PM 19 A. Yes.

08:10PM 20 Q. Describe how that is going to occur and
08:10PM 21 what your understanding of the DEP regulations are in
08:10PM 22 relation to that process?

08:11PM 23 A. So millings are permitted to be reused
08:11PM 24 as a surface material under guidance from the state
08:11PM 25 and that guidance states that when you put it down,

08:11PM 1 you can't just put it down loose and leave it there.
08:11PM 2 You have to roll it and you have to put a binder on
08:11PM 3 it that keeps everything together.

08:11PM 4 So as long as you bind it and you roll
08:11PM 5 it, it's acceptable for use as a -- you know, a
08:11PM 6 surface material.

08:11PM 7 Again, this is just asphalt millings.
08:11PM 8 It was a road or it was a parking lot somewhere and
08:11PM 9 this is really being recycled and reused as opposed
08:11PM 10 to just being dumped on the site somewhere.

08:11PM 11 Q. And when you say that if it's going to
08:11PM 12 be utilized and done in a manner appropriate -- what
08:12PM 13 did you say?

08:12PM 14 A. It will be consistent with the guidance
08:12PM 15 that the --

08:12PM 16 Q. Well, let me -- you said with regard to
08:12PM 17 when you put it down, you just can't put it down, you
08:12PM 18 got to put it down with like a coating or something,
08:12PM 19 I can't remember.

08:12PM 20 A. There's a binder that you have to put.

08:12PM 21 Q. That's the term.

08:12PM 22 Is the plan here as part of this
08:12PM 23 project to provide that binder in accordance with the
08:12PM 24 NJDEP regulations?

08:12PM 25 A. Yes, it would be -- yes, the millings

08:12PM 1 roads would be constructed in accordance with the
08:12PM 2 state's guidance.

08:12PM 3 Q. And they will be rolled in accordance
08:12PM 4 with the state DEP guidelines?

08:12PM 5 A. Yes.

08:12PM 6 Q. And they will be maintained in
08:12PM 7 accordance with the state DEP guidelines.

08:12PM 8 Is that also correct?

08:12PM 9 A. Yes.

08:12PM 10 Q. And when you say that the DEP says that
08:12PM 11 this is an acceptable process, what do you understand
08:12PM 12 the DEP saying in relation from an environmental
08:12PM 13 viewpoint?

08:12PM 14 A. Well, again, the concern with millings
08:12PM 15 is always if it's loose and it transports, itself,
08:12PM 16 somewhere.

08:12PM 17 Again, this is an asphalt product. It
08:13PM 18 is ultimately a petroleum -- you know, there is
08:13PM 19 petroleum in there.

08:13PM 20 So the state's guidance is that by
08:13PM 21 doing this it's being installed in a manner that's
08:13PM 22 safe and protective of the environment as -- you
08:13PM 23 know, as opposed to just putting it down loose.

08:13PM 24 Q. And, therefore, it's my -- is it
08:13PM 25 understanding that, therefore, it will not migrate

08:13PM 1 into the soil, is that the whole purpose of the
08:13PM 2 process that's being utilized?

08:13PM 3 A. So it doesn't --

08:13PM 4 Q. Into the groundwater?

08:13PM 5 A. Yeah. It's in part the soil. You
08:13PM 6 know, I think one of the bigger concerns is the
08:13PM 7 actual migration of the material on the surface and
08:13PM 8 into -- because we do have --

08:13PM 9 Q. Into what?

08:13PM 10 A. We do have the stream nearby and we
08:13PM 11 have the Pequest River here. We have sensitive areas
08:13PM 12 and you don't want that material getting into those
08:13PM 13 areas. That's when it becomes problematic and by
08:14PM 14 binding it and rolling it correctly, then you
08:14PM 15 mitigate that concern.

08:14PM 16 I would say further, because I know
08:14PM 17 this is a concern of the board's.

08:14PM 18 And, again, I think it's a warranted
08:14PM 19 concern on your part to make sure you're being
08:14PM 20 protected. You know, this water wouldn't flow even
08:14PM 21 from within the site, the water doesn't go directly
08:14PM 22 into anything. It goes directly into the stormwater
08:14PM 23 facilities on the site.

08:14PM 24 So if it was even to be a condition
08:14PM 25 where something were to start migrating, it goes into

08:14PM 1 the detention basin. These detention basins don't
08:14PM 2 even have outlet structures on them. They just
08:14PM 3 infiltrate.

08:14PM 4 So once they're in there, that material
08:14PM 5 is not leaving. As part of the regular maintenance
08:14PM 6 of those basins, that material will be collected and
08:14PM 7 disposed of.

08:15PM 8 So, you know, the overall use of
08:15PM 9 millings on the site, I think, is, one, in keeping
08:15PM 10 with the guidance and, two, has several fail-safes
08:15PM 11 involved with it to make sure that it is protective
08:15PM 12 of the environment.

08:15PM 13 Q. And so as you're aware there's, as you
08:15PM 14 said, there's already the location of the stream,
08:15PM 15 there's also wetlands.

08:15PM 16 Do you have an opinion as to whether or
08:15PM 17 not those areas are protected through the methodology
08:15PM 18 that's being utilized and that this material, the
08:15PM 19 millings will not migrate into those areas based upon
08:15PM 20 the process that has been approved by DEP?

08:15PM 21 A. Yes.

08:15PM 22 Q. Let's go to the -- why don't we do
08:15PM 23 that. You started to get into the detention basins.
08:16PM 24 I know that Mr. Stoner has raised questions with
08:16PM 25 regard to -- with regard to the stormwater issues and

08:16PM 1 can you place on the record what methods you have
08:16PM 2 taken into account on this site to control stormwater
08:16PM 3 as part of this project?

08:16PM 4 A. Sure.

08:16PM 5 And I'm happy to go into as much detail
08:16PM 6 as the board may want. I might leave some it to
08:16PM 7 questions so you can --

08:16PM 8 Q. Why don't you go into as much detail as
08:16PM 9 you think is appropriate.

08:16PM 10 A. Oh, no, absolutely.

08:16PM 11 Q. And then the board will ask their
08:16PM 12 questions.

08:16PM 13 A. Sure.

08:16PM 14 Q. Thank you.

08:16PM 15 A. Yes.

08:16PM 16 So, basically, on this site there are a
08:16PM 17 number of low areas. Those areas include this
08:16PM 18 wetland complex.

08:16PM 19 Q. And "this wetland complex" is on the?

08:16PM 20 A. Western side.

08:16PM 21 Q. Thank you.

08:16PM 22 A. You have another wetland complex on the
08:17PM 23 eastern side here, both just to the north of the
08:17PM 24 runway. There are also a number of low areas that
08:17PM 25 are just within the eastern section and there's a low

08:17PM 1 area kind of right in the southwest corner of the
08:17PM 2 site.

08:17PM 3 Q. Let me interrupt you.

08:17PM 4 You said that there's low areas where
08:17PM 5 the wetlands are. They're defined on the plans,
08:17PM 6 correct?

08:17PM 7 A. Yes.

08:17PM 8 Q. And then you've pointed over to the
08:17PM 9 eastern section and you said that there's a low area.
08:17PM 10 That low area is actually in the area that the
08:17PM 11 containers are located on the easterly side?

08:17PM 12 A. Correct.

08:17PM 13 Q. Which is now on Exhibit 17, A-17, is in
08:17PM 14 that, I think it's green, correct, the green area?

08:17PM 15 A. Yeah, it's green.

08:17PM 16 Q. Okay.

08:17PM 17 And then you also found that there was
08:17PM 18 a low section on the westerly side generally speaking
08:17PM 19 in the container area.

08:17PM 20 Is that also correct?

08:17PM 21 A. Yes.

08:17PM 22 Q. Okay.

08:17PM 23 Sorry to interrupt, but I wanted to
08:17PM 24 make the record clear as to what it is you're talking
08:18PM 25 about?

08:18PM 1 A. Sure.

08:18PM 2 So, generally speaking, when you have a
08:18PM 3 stormwater management -- when you have a stormwater
08:18PM 4 management design that you're going through, you're
08:18PM 5 looking at what the existing is that leaves the site
08:18PM 6 and the design is based on percentages reduction from
08:18PM 7 what's existing on the site.

08:18PM 8 With all of these lower areas on the
08:18PM 9 site, the net effect is for the most part, water
08:18PM 10 doesn't actually leave the site. I've had
08:18PM 11 discussions with the DEP.

08:18PM 12 Again, they are reviewing this
08:18PM 13 application from a stormwater perspective and just,
08:18PM 14 you know, from a technical standpoint of working
08:18PM 15 through when they tell you you can't put everything
08:18PM 16 into the ground, but everything currently goes into
08:18PM 17 the ground, you know, it could be a bit of a thing.

08:18PM 18 So what we have done in our in our
08:18PM 19 design and in our process is model the existing
08:19PM 20 conditions to be able to show that the water really
08:19PM 21 doesn't leave the site. There's, I think, for the
08:19PM 22 area that drains to the southwest corner down by
08:19PM 23 where the building is, in the largest designed storm,
08:19PM 24 100-year storm, there is some overflow and that water
08:19PM 25 leaves the site and we need to maintain a reduction

08:19PM 1 of that if that makes sense to everybody.

08:19PM 2 Q. It does and can you tell us whether or
08:19PM 3 not your design provides for that reduction.

08:19PM 4 A. It does.

08:19PM 5 Q. And it's based upon the strictures that
08:19PM 6 you've now shown on what I guess is now A-17 and
08:19PM 7 those are to the west, the westerly part of the site,
08:19PM 8 as well as to there's two different structures there
08:19PM 9 to the west of the building, west, northwest of the
08:19PM 10 building?

08:19PM 11 A. Yup.

08:19PM 12 So the main scheme for the stormwater
08:20PM 13 management on the site is to continue what the
08:20PM 14 existing is and that is to infiltrate the stormwater
08:20PM 15 into the ground.

08:20PM 16 As part of that and it gets to comments
08:20PM 17 in Mr. Stoner's letter, he has a concern and a
08:20PM 18 rightful concern about groundwater mounding, to make
08:20PM 19 sure that we're putting all this water into the
08:20PM 20 ground, is the ground willing to accept it?

08:20PM 21 We had done preliminary testing and
08:20PM 22 we're confident with the results of our analysis
08:20PM 23 based on that subsequently, because testing has to be
08:20PM 24 done during the wet season of the year, so that
08:20PM 25 testing was completed in late January. Sounds like a

08:20PM 1 question, it probably is. It was late January that
08:20PM 2 we had --

08:20PM 3 Q. January what?

08:20PM 4 A. This year.

08:20PM 5 Q. Okay.

08:21PM 6 A. So we performed additional testing in
08:21PM 7 compliance with the state's guidelines, again, to
08:21PM 8 find permeable soil, to find the groundwater
08:21PM 9 elevation in all of these areas, to make sure that we
08:21PM 10 don't have this issue.

08:21PM 11 So while we haven't fully completed the
08:21PM 12 analysis and I don't have it before Mr. Stoner for
08:21PM 13 his review and ability to give comment, I can tell
08:21PM 14 you based on our analysis that the basins work. I
08:21PM 15 think, you know, there was a particular concern on
08:21PM 16 his part and I am speaking for him a bit tonight
08:21PM 17 since he's not here, with this -- the larger basin
08:21PM 18 just because of it's size and of it's volume, based
08:21PM 19 on our analysis it will work and it will function.

08:21PM 20 Q. And the "it" that you're referring to,
08:21PM 21 the larger basin is the one that's abutting Stickles
08:22PM 22 Pond Road?

08:22PM 23 A. Right.

08:22PM 24 It's the one that's between the road
08:22PM 25 and the runway.

08:22PM 1 Q. And that is described as a detention
08:22PM 2 basin or an infiltration basin?

08:22PM 3 A. It's an infiltration basin.

08:22PM 4 Q. And how does an infiltration basin work
08:22PM 5 for purposes of the record?

08:22PM 6 A. The water gets directed into it. In
08:22PM 7 this case part by pipe, part overland flow. The
08:22PM 8 water percolates into the ground so it just goes back
08:22PM 9 into the ground and dissipates that way. It doesn't
08:22PM 10 discharge any water through a pipe into a detention
08:22PM 11 system or anything of that nature. All of the water
08:22PM 12 goes back into the ground.

08:22PM 13 Q. Can you tell us in your opinion based
08:22PM 14 upon the analysis that you've done with regard to
08:22PM 15 stormwater, does this system that you have devised
08:22PM 16 with the various stormwater structures that you
08:22PM 17 imposed on this site, do these structures meet the
08:23PM 18 standards required for DEP regulatory approval?

08:23PM 19 A. Yes.

08:23PM 20 Q. Do they meet the total suspended solid
08:23PM 21 standards for DEP approval?

08:23PM 22 A. Yes.

08:23PM 23 Q. And you've done those analyses?

08:23PM 24 A. Yes.

08:23PM 25 Q. And those analyses have either been or

08:23PM 1 will be provided to Mr. Stoner for verification?

08:23PM 2 A. Correct.

08:23PM 3 Q. And they are now being reviewed by DEP?

08:23PM 4 A. Well, they will be reviewed by DEP. I
08:23PM 5 mean, once the analysis is done, they do the same
08:23PM 6 analysis, so yes, they will be reviewing it.

08:23PM 7 Q. Is there anything else that you can add
08:23PM 8 in regard to your discussion concerning stormwater,
08:23PM 9 stormwater management in relation to this site?

08:23PM 10 A. No, I think that covers it.

08:23PM 11 Q. All right. There is -- there are
08:23PM 12 several other exhibits that you prepared.

08:23PM 13 If you can bring those up, they, I
08:24PM 14 believe, are referenced as -- I'll distribute those.
08:24PM 15 They're referenced as, I believe, landscaping
08:24PM 16 exhibits.

08:24PM 17 Is that correct?

08:24PM 18 A. Yes.

08:24PM 19 Q. Now, again, these are -- what we're
08:24PM 20 going to distribute are stapled, but they're going to
08:24PM 21 be marked individually.

08:25PM 22 THE WITNESS: I think for the sake of
08:25PM 23 fluidity, we're going to mark them all
08:25PM 24 simultaneously.

08:25PM 25 So A-20 is the first page of that set,

08:25PM 1 titled "BHT Andover Overall Exhibit." That's dated
08:25PM 2 with today's date, February 15, 2022, prepared by my
08:25PM 3 office.

08:25PM 4 (Whereupon, Rendered Exhibit titled
08:25PM 5 "BHT Andover Overall Exhibit," dated February
08:25PM 6 15, 2022 is received and marked as Exhibit
08:25PM 7 A-20 for identification.)

08:25PM 8 BY MR. THOMAS:

08:25PM 9 Q. And it's a rendered exhibit, correct?

08:25PM 10 A. This is a rendered exhibit of the site
08:25PM 11 and the improvements and including the landscaping on
08:25PM 12 the site and it has an aerial photograph underlaying
08:25PM 13 to give reference.

08:25PM 14 Q. And this particular exhibit is the
08:25PM 15 overall site, the entirety of the site as a
08:25PM 16 landscaping aerial?

08:25PM 17 A. Correct.

08:25PM 18 MR. THOMAS: The next one.

08:26PM 19 (Whereupon, BHT Andover East Exhibit,
08:26PM 20 dated February 15, 2022 is received and marked
08:26PM 21 as Exhibit A-21 for identification.)

08:25PM 22 THE WITNESS: The next one is A-21.

08:26PM 23 This is titled "BHT Andover East Exhibit." This is
08:26PM 24 showing the eastern side of the site where the
08:26PM 25 aggregate storage area is and the landscaping that is

08:26PM 1 proposed in that area.

08:26PM 2 Again, it's a rendered exhibit. It is
08:26PM 3 also dated today's date, prepared by my office.

08:26PM 4 And then finally, A-22 is titled "BHT
08:26PM 5 Andover West Exhibit." Again, dated today's date,
08:26PM 6 prepared by my office and is a rendered exhibit
08:26PM 7 showing the landscaping as it is proposed on the west
08:26PM 8 side in the area of where the 12,860 square foot
08:27PM 9 building is and the material storage and equipment
08:27PM 10 storage.

08:26PM 11 (Whereupon, BHT Andover West Exhibit,
08:26PM 12 dated February 15, 2022 is received and marked
08:26PM 13 as Exhibit A-22 for identification.)

08:27PM 14 BY MR. THOMAS:

08:27PM 15 Q. All right. Chris, what I'd like you to
08:27PM 16 do is to describe the landscaping for the site either
08:27PM 17 using the overall plan, which is A-20 or those
08:27PM 18 subsections, A-21, 22 to get as much detail as is
08:27PM 19 necessary to make it clear to both the board members
08:27PM 20 and the public as to what landscaping is provided on
08:27PM 21 the site by way of mitigation measures so that the
08:27PM 22 surrounding properties will not see this activity.

08:27PM 23 A. Sure.

08:27PM 24 And the previous hearing where I
08:27PM 25 testified, again, was back in July, so hopefully

08:27PM 1 there's recollection of that.

08:27PM 2 We went through a number of sight line
08:27PM 3 exhibits.

08:27PM 4 Q. Yeah, we're going to get into those as
08:27PM 5 well.

08:27PM 6 (Whereupon, Mr. Stoner is now in
08:27PM 7 attendance at 8:27 p.m.)

08:27PM 8 THE WITNESS: And those showed what was
08:28PM 9 required in order to provide a buffer to the proposed
08:28PM 10 activities on the site.

08:28PM 11 This is reflective of that and the
08:28PM 12 landscaping here is consistent with what is shown on
08:28PM 13 the plans that were submitted, I believe,
08:28PM 14 September 29, 2021, the landscaping is consistent
08:28PM 15 with what is shown in those plans.

08:28PM 16 For the east side of the site we have a
08:28PM 17 double row of evergreens located between Stickles
08:28PM 18 Pond Road and the aggregate storage area. There's a
08:28PM 19 slight break in there for that emergency access
08:28PM 20 easement followed by a continuation of that row along
08:28PM 21 the aggregate storage between that and the road and
08:28PM 22 then turning up towards the runway to provide further
08:29PM 23 screening if anybody is looking in that northerly
08:29PM 24 direction.

08:29PM 25 There's an additional row located to

08:29PM 1 the north of the runway between the aggregate storage
08:29PM 2 area and the containers, where the containers are
08:29PM 3 stored. So there's another double row of evergreens
08:29PM 4 located in that space.

08:29PM 5 Additionally, there are plantings
08:29PM 6 located within the regulated buffers along Stickles
08:29PM 7 Pond itself to provide their native plantings to
08:29PM 8 augment along the riparian corridor to go along with
08:29PM 9 the native grasses that were proposed in that space.

08:30PM 10 BY MR. THOMAS:

08:30PM 11 Q. And that's the area that --

08:30PM 12 A. Yes, that is the area that is going
08:30PM 13 around the western side of Stickles Pond, yup.

08:30PM 14 Q. Now, is this anything in addition to
08:30PM 15 the landscaping that's proposed by way of buffering?
08:30PM 16 Is there going to be fencing, and if, so what's it
08:30PM 17 going to be like?

08:30PM 18 A. Yes.

08:30PM 19 And so as we had discussed at the
08:30PM 20 previous hearing, the fencing around the site in its
08:30PM 21 entirety is 8-foot high for security purposes.

08:30PM 22 It is chain link along the sides and
08:30PM 23 rear. Along the frontage, so between the aggregate
08:30PM 24 storage area and Stickles Pond Road, that fence would
08:30PM 25 be proposed to be a solid fence, an opaque fence.

08:30PM 1 So you would have additional buffering
08:31PM 2 from that fence.

08:31PM 3 Again, the trees are placed in front of
08:31PM 4 that fence, so if there were to be a gap in those
08:31PM 5 trees, you have that fence that is 8-foot high behind
08:31PM 6 it and just for everybody's benefit and memory, the
08:31PM 7 aggregate material storage, we had stipulated would
08:31PM 8 be no taller than 8 foot in height as it was stored
08:31PM 9 and the containers themselves are approximately
08:31PM 10 8 foot in height as well.

08:31PM 11 Q. With regard to the area in front of
08:31PM 12 particularly the bin area, is there natural
08:31PM 13 vegetation that's there and if that's true, would you
08:31PM 14 state it and would you indicate the bin area?

08:31PM 15 A. Oh, the aggregate storage area?

08:31PM 16 Q. Yeah, the aggregate storage area.

08:32PM 17 Is there such -- is there existing
08:32PM 18 vegetation there and if so, is it going to remain and
08:32PM 19 how thick is it as far as you know?

08:32PM 20 A. So there is some limited landscaping
08:32PM 21 there. That's the area where the majority of the --

08:32PM 22 Q. Use your pointer.

08:32PM 23 A. That's the area where the majority of
08:32PM 24 the buildings are on-site. So the structures are
08:32PM 25 located in that area and so it's not -- there's not

08:32PM 1 really a maintained treeline as there are in other
08:32PM 2 portions of the site, but where practicable, you
08:32PM 3 know, the applicant would leave existing vegetation
08:32PM 4 so long as it doesn't impede with the proposed
08:32PM 5 landscaping buffer.

08:32PM 6 And even in that case, I think
08:32PM 7 adjustments can be made with the advice and consent,
08:33PM 8 if you will, of the board's professionals that the
08:33PM 9 proposed buffer could be adjusted and provide a
08:33PM 10 better solution in at the end of the day.

08:33PM 11 Q. And is that existing vegetation area,
08:33PM 12 the natural vegetation, what does that consist of?
08:33PM 13 Is it evergreen trees? Is it deciduous trees? Is it
08:33PM 14 undergrowth? What does it consist of right now?

08:33PM 15 A. So in this area that we're speaking
08:33PM 16 about, there actually is quite a number of evergreen
08:33PM 17 trees in that area that appear to be -- they were
08:33PM 18 planted for the structures that are there as
08:33PM 19 screening for the homes. There is some deciduous
08:33PM 20 trees in the area predominately on the remainder of
08:33PM 21 the frontage of the site, so starting on the west end
08:33PM 22 where the basin, the large basin meets the aggregate
08:34PM 23 storage area, going down towards the west edge of the
08:34PM 24 site, that is predominately deciduous trees with a
08:34PM 25 lot of, you know, it's a typical roadside hedge row,

08:34PM 1 there's a lot of undergrowth that has filled in.

08:34PM 2 So you have mature trees that are 50-
08:34PM 3 to 60-feet tall. You have some smaller trees
08:34PM 4 in-filling in that area and you have a number of
08:34PM 5 shrubs and other woody vegetation that, kind of,
08:34PM 6 blends into that.

08:34PM 7 Q. So to the extent that it's practical,
08:34PM 8 that undergrowth will try to be maintained subject to
08:34PM 9 the landscaping plan.

08:34PM 10 Is that correct?

08:34PM 11 A. Yes.

08:34PM 12 Q. Going from the east to the west --

08:34PM 13 A. So I guess the question would be the
08:34PM 14 central area here, which would be between Stickles
08:34PM 15 Pond Road and the large stormwater basin, that area,
08:35PM 16 there's no proposed new plantings. The only thing
08:35PM 17 that we have beyond that, again, is the basin.

08:35PM 18 So there's nothing to screen in that
08:35PM 19 area and there is that existing treeline.

08:35PM 20 So it's maintaining the treeline as it
08:35PM 21 is today and that's the extent of it.

08:35PM 22 Q. Can you tell us what the existing
08:35PM 23 treeline looks like based upon your visits to the
08:35PM 24 site? Is it completely covered, is it partially
08:35PM 25 covered, and the extent to which it is existing, the

08:35PM 1 entire length of that infiltration basin?

08:35PM 2 A. Yeah, I mean, generally speaking it's a
08:35PM 3 rather thick full treeline that's along there. There
08:35PM 4 are instances which you can see on the plan here
08:35PM 5 where there's gaps, there's clear gaps in there where
08:36PM 6 there is no vegetation and there is areas where we've
08:36PM 7 indicated here that the vegetation is a little bit
08:36PM 8 thinner than in other areas.

08:36PM 9 But generally speaking it's -- as I had
08:36PM 10 just described, a mix of more mature deciduous trees,
08:36PM 11 some younger evergreen or younger deciduous trees, as
08:36PM 12 well as a lot of woody undergrowth.

08:36PM 13 Q. And can you describe the thickness of
08:36PM 14 that where it is? As you've indicated, there are
08:36PM 15 certain areas where there's no buffer at all, it's
08:36PM 16 just open, correct?

08:36PM 17 A. Correct.

08:36PM 18 Q. And then there's other areas where
08:36PM 19 there is a buffer as your plan shows?

08:36PM 20 A. Yes.

08:36PM 21 Q. In those areas where there is a buffer,
08:36PM 22 can you give us your best estimate as to the
08:36PM 23 dimensions of that? Is it 5-feet thick? Is it
08:36PM 24 25-feet thick? Do you have an idea? Can you give
08:36PM 25 the board and the members of the public your best

08:37PM 1 estimate as to what the dimensions of that area would
08:37PM 2 be?

08:37PM 3 A. Yeah, I think it ranges.

08:37PM 4 Again, in the central area here from 10
08:37PM 5 to 25 feet in thickness.

08:37PM 6 Q. Going in a westerly direction, what
08:37PM 7 else is on the ever -- the landscaping plan?

08:37PM 8 A. Sure.

08:37PM 9 And I'm going to -- I'm going to switch
08:37PM 10 to A-22, which is the -- that's the last sheet.

08:37PM 11 Q. Would it help -- go to A-21. Would it
08:37PM 12 help to end up taking a moment to just very quickly
08:37PM 13 reiterate what you had described, because it's a
08:37PM 14 better plan to view it? And this is the easterly
08:37PM 15 portion of the site.

08:37PM 16 FEMALE AUDIENCE MEMBER: Could you
08:37PM 17 please speak into the mic?

08:37PM 18 We can't hear you.

08:37PM 19 MR. THOMAS: Oh, sorry. Sorry, sorry,
08:37PM 20 sorry.

08:37PM 21 FEMALE AUDIENCE MEMBER: Thank you.

08:37PM 22 BY MR. THOMAS:

08:37PM 23 Q. Can you just go through briefly,
08:38PM 24 because this is Number A-21 is a blow-up of the
08:38PM 25 easterly portion of the site.

08:38PM 1 A. Right.

08:38PM 2 Q. Just briefly reiterate what that
08:38PM 3 actually shows.

08:38PM 4 A. So, again, we have the landscaping, the
08:38PM 5 proposed evergreen landscaping between Stickles Pond
08:38PM 6 Road and the aggregate storage area. This is the gap
08:38PM 7 for the emergency vehicle access and then that road
08:38PM 8 wrapping around some coming up to the runway and then
08:38PM 9 we have that secondary row between the aggregate
08:38PM 10 storage area and the container storage area.

08:38PM 11 Q. Okay. And then you have A-22 and maybe
08:38PM 12 you can describe that area as well?

08:38PM 13 A. So A-22 -- so on A-22 we have the
08:39PM 14 proposed building located here.

08:39PM 15 And, again, we have a series of
08:39PM 16 different landscaping and screening methods that we
08:39PM 17 are -- we are following. So to the east of the
08:39PM 18 building, so between the proposed building and the --
08:39PM 19 kind of the -- well, I'll say the stormwater basin,
08:39PM 20 which is this blueish color here (indicating). We,
08:39PM 21 again, have evergreen trees in that space. They are
08:39PM 22 set back a little bit from the road in part because
08:39PM 23 the proposed septic system is going to be located in
08:39PM 24 front of them.

08:39PM 25 So we have --

08:40PM 1 Q. Between the trees and Stickles Pond
08:40PM 2 Road?

08:40PM 3 A. Correct.

08:40PM 4 Q. Okay.

08:40PM 5 A. And then we have some additional trees
08:40PM 6 on the north side of the runway, right at the end of
08:40PM 7 the runway located just beyond the limit of the
08:40PM 8 transition area, the regulated wetland transition
08:40PM 9 area to kind of cover a gap from the edge of the
08:40PM 10 runway to where this wooded area beyond exists.

08:40PM 11 In front of the building, there is an
08:40PM 12 existing wooded area on this portion of the site and
08:40PM 13 by "this portion," it's really from right -- the
08:40PM 14 eastern edge of the building down to the western
08:40PM 15 property line, it's -- this treeline is more
08:40PM 16 substantial. It's deeper, it's thicker, it's more of
08:41PM 17 a -- less of a treeline and more of just a wooded
08:41PM 18 area.

08:41PM 19 Now, in this area, we're going to leave
08:41PM 20 as much of the treeline as, you know, the grading for
08:41PM 21 the site permits to leave some screening in front of
08:41PM 22 the building.

08:41PM 23 Again, the building is there and the
08:41PM 24 building is going to provide screening to the
08:41PM 25 construction storage material and the containers and

08:41PM 1 the parking lot beyond it, but we are going to
08:41PM 2 maintain a portion of that existing treeline and
08:41PM 3 that's going to be, you know, approximately 20 to
08:41PM 4 25 feet thick that's going to be maintained.

08:41PM 5 On the west side of the driveway there,
08:41PM 6 again, is this existing treeline where we're
08:42PM 7 maintaining it to the extent practicable in this
08:42PM 8 space. It's really between the proposed fence and
08:42PM 9 the street along, kind of, from the driveway going
08:42PM 10 back to the middle of the stormwater basin, you can
08:42PM 11 see there's a small -- a smaller row of trees in that
08:42PM 12 space. Those are arborvitae -- sorry, eastern red
08:42PM 13 cedar.

08:42PM 14 So they're smaller, again, they're a
08:42PM 15 bit of a smaller tree. The reason that we're not
08:42PM 16 proposing a larger evergreen species in this location
08:42PM 17 is due to some slope constraints associated with the
08:42PM 18 basin. You want to be considerate in that area that,
08:43PM 19 one, the trees survive. Usually the biggest problem
08:43PM 20 with the landscaping is the deer come by and they
08:43PM 21 make a snack out of it. The benefit in this location
08:43PM 22 is this is within the fence area. So it's protected
08:43PM 23 from any potential deer. We feel that this is a
08:43PM 24 substantial and sufficient replacement for, you know,
08:43PM 25 the other trees that had been proposed for that

08:43PM 1 space.

08:43PM 2 Extending from there, so the midpoint
08:43PM 3 of the basin going westward and then along the
08:43PM 4 western property line, there is a continuation of the
08:43PM 5 evergreen tree row and then finally on the east side
08:43PM 6 of the basin that's located in the northwest corner,
08:44PM 7 there is a row of trees, again, evergreens that are
08:44PM 8 there to provide screening from anybody who may be
08:44PM 9 viewing from the west. It's located, again, within
08:44PM 10 the fence area and picked because that area is --
08:44PM 11 that area is higher in elevation and more suitable
08:44PM 12 for plantings than it would be on the west side of
08:44PM 13 the basin.

08:44PM 14 Q. What are the planting heights of all of
08:44PM 15 these evergreens or the evergreens and the planting
08:44PM 16 material at planting? What are the heights at
08:44PM 17 planting?

08:44PM 18 A. So the -- generally speaking, the
08:44PM 19 evergreens are at an 8-to-10-foot-planted height.
08:44PM 20 The red cedar have a slightly shorter height at 4 to
08:44PM 21 6 feet and then there's a mix of -- again, there's
08:45PM 22 some deciduous trees.

08:45PM 23 Those were predominantly located along
08:45PM 24 the pond, itself, and then there are a number of
08:45PM 25 shrubs that are proposed. Those shrubs are proposed

08:45PM 1 really mixed in with the -- these larger evergreen
08:45PM 2 trees to fill in -- fill in the lower spaces below
08:45PM 3 them.

08:45PM 4 Q. And what's the planting height of the
08:45PM 5 evergreen -- of the planting material on the easterly
08:45PM 6 side of the site? Is that also the 8 to 10 foot?

08:45PM 7 A. Yes.

08:45PM 8 Q. Are there any red cedars over there?

08:45PM 9 A. No.

08:45PM 10 Q. And the entire site is bounded by a
08:45PM 11 fence?

08:45PM 12 A. Yes.

08:45PM 13 Q. And what's the nature of the fence?
08:45PM 14 You've already indicated that in front of the, what I
08:45PM 15 call the bin area, what you call the aggregate
08:46PM 16 container storage area, that's a solid fence.

08:46PM 17 Is the rest of the -- strike that.

08:46PM 18 Is the rest of the fence a chain-link
08:46PM 19 fence or what kind of fence is it?

08:46PM 20 A. Yeah, so similar to the eastern side,
08:46PM 21 the western side, the fence along the frontage would
08:46PM 22 be solid to provide additional screening and as it
08:46PM 23 extends on the sides and the rear, it would be
08:46PM 24 chain-link.

08:46PM 25 Q. Okay. And the solid fence that's

08:46PM 1 proposed along the frontage on the westerly side
08:46PM 2 would be installed in conjunction with the
08:46PM 3 recommendations of the board engineer and the
08:46PM 4 planner?

08:46PM 5 A. Yes.

08:46PM 6 Q. Okay. Taking into account what you
08:46PM 7 have just testified in relation to all of the
08:46PM 8 existing natural vegetation, as well as the planting
08:46PM 9 vegetation and the fencing material that you're going
08:46PM 10 to be constructing, can you tell us based upon your
08:47PM 11 previous analysis that you testified to back in July
08:47PM 12 in terms of view lines or sight lines, do you have an
08:47PM 13 opinion as to whether or not the activities that are
08:47PM 14 being proposed on this site are going to be visible
08:47PM 15 starting, let's say, from Stickles Pond Road?

08:47PM 16 A. Yeah.

08:47PM 17 I mean, consistent with the opinion I
08:47PM 18 had given then, I don't think my opinion has changed
08:47PM 19 at all, that we are substantially screening all of
08:47PM 20 the proposed improvements, specifically the outside
08:47PM 21 storage so that, you know, we're mitigating any view
08:47PM 22 of them. You know, again, there's a combination of
08:47PM 23 things that work here. Part of it is the actual
08:47PM 24 screening material, whether it's existing material,
08:47PM 25 proposed material. Part of it is where we're placing

08:47PM 1 things and how we're placing them, putting the
08:48PM 2 equipment storage located in the rear here and beyond
08:48PM 3 that treeline.

08:48PM 4 If you recall, it goes up a slope to
08:48PM 5 that area and then it drops off on the other side
08:48PM 6 with mature trees in there.

08:48PM 7 So you have this really thick existing
08:48PM 8 natural buffer both topographically and from the
08:48PM 9 vegetation that blocks the view of that equipment in
08:48PM 10 that location and, you know, as a reminder, too, one
08:48PM 11 of the adjustments that we had made to this plan
08:48PM 12 before the July hearing was that the central portion
08:48PM 13 where storage had been proposed kind of on top of and
08:48PM 14 along the runway, that was removed.

08:48PM 15 So where previously we had 1700 feet of
08:49PM 16 use, if you will, being put out there, we've reduced
08:49PM 17 it down to half that broken into halves itself.

08:49PM 18 So, you know, we've reduced the
08:49PM 19 potential for the impact by reducing the scope of the
08:49PM 20 project to, you know, further help and mitigate any
08:49PM 21 potential issues with visibility into the site.

08:49PM 22 Q. You previously submitted a document
08:49PM 23 known as A-8, which is a series of sight lines from
08:49PM 24 Stickles Pond Road and the residences on Stickles
08:49PM 25 Pond Road into the site and there was a series of six

08:49PM 1 of them from various residences.

08:49PM 2 You're familiar with that, correct?

08:49PM 3 A. Yes.

08:49PM 4 Q. Can you tell us whether or not your
08:49PM 5 sight lines have either been enhanced with this
08:49PM 6 landscaping plan, remained the same or have been
08:50PM 7 reduced? When I say the "sight lines," meaning that
08:50PM 8 the mitigation that you have proposed is either
08:50PM 9 enhanced or the same or reduced based upon the plan
08:50PM 10 that you've now presented to us tonight.

08:50PM 11 A. Well, I think that the major thing is
08:50PM 12 the reduction of the equipment storage areas.

08:50PM 13 Again, everything was very well
08:50PM 14 screened and, you know, view sheds were mitigated and
08:50PM 15 my opinion, you know, only further reduced the
08:50PM 16 footprint of the property and reducing further any
08:50PM 17 potential to somebody being able to see it.

08:50PM 18 Q. What about visibility from another
08:50PM 19 location, such as from Route 206 to the -- to the
08:50PM 20 west, maybe west or northwest? Do you have an
08:50PM 21 opinion as to whether or not based upon what you've
08:51PM 22 shown in terms of the mitigation of the landscaping
08:51PM 23 together with other natural vegetation both on and
08:51PM 24 off site onto Route 206, is there any, in your
08:51PM 25 opinion, any reasonable visibility to that area? And

08:51PM 1 now you're referring to?

08:51PM 2 A. A-20.

08:51PM 3 Q. All right, thank you.

08:51PM 4 A. So we have A-20 back up here, the first
08:51PM 5 page and you can see 206 is located here on the left
08:51PM 6 side of this exhibit and the site is significantly
08:51PM 7 distant from the road to begin with.

08:51PM 8 Q. What is "significantly"?

08:51PM 9 A. I mean, it depends on the location, but
08:51PM 10 you're anywhere from -- going to have to use the word
08:51PM 11 "approximately."

08:51PM 12 You're approximately 700 feet to well
08:52PM 13 over a thousand feet from the road. You have
08:52PM 14 existing business uses between the road, between 206
08:52PM 15 and the site and then you have the protected riparian
08:52PM 16 corridor, which only further buffers the proposed
08:52PM 17 site.

08:52PM 18 You know, the changes to the equipment
08:52PM 19 storage areas by reducing this area only, again,
08:52PM 20 further mitigates any potential issues by reducing.
08:52PM 21 This was the highest point of the site.

08:52PM 22 So everything is coming down in
08:52PM 23 elevation where it's stored. So I mean, ultimately I
08:52PM 24 don't believe that there's any visibility off of
08:52PM 25 Route 206 onto the site.

08:52PM 1 Q. There is a small enclave of residences
08:53PM 2 to the west of the site; do you see that?

08:53PM 3 A. Yes.

08:53PM 4 Q. Do you believe that based upon your
08:53PM 5 landscaping plan to the west, which includes the area
08:53PM 6 of the, I'll call it the upper detention basin and
08:53PM 7 the row of evergreen trees that you're proposing
08:53PM 8 planting in front of the container area, do you
08:53PM 9 believe that there's any visibility of the activities
08:53PM 10 on-site to that enclave of residential properties?

08:53PM 11 A. No, I believe that landscaping will
08:53PM 12 sufficiently buffer and screen these.

08:53PM 13 Q. And, in fact, is there -- what is the
08:53PM 14 area off-site? Is that trees? Is it fields? What's
08:53PM 15 that off-site area immediately adjacent between the
08:53PM 16 two locations, the site in question and the
08:53PM 17 residential enclave?

08:53PM 18 A. It's generally wooded.

08:53PM 19 Again, I think I had said this in the
08:53PM 20 previous hearing, the aerial still haven't updated,
08:53PM 21 but we have that existing facility to the west of us
08:54PM 22 that --

08:54PM 23 Q. What's that?

08:54PM 24 A. There was a little bit of feedback in
08:54PM 25 that speaker over there.

08:54PM 1 -- that there's that existing storage
08:54PM 2 facility next door where they similarly store
08:54PM 3 containers on that site, so that does extend a little
08:54PM 4 bit towards those properties, but their mitigation, I
08:54PM 5 would presume, because there's no landscaping back
08:54PM 6 there, was the existing vegetation.

08:54PM 7 Q. Now, I think we're getting near the end
08:54PM 8 of my questions. Two other areas; lighting, what --
08:54PM 9 can you very briefly -- I think you discussed the
08:54PM 10 lighting and I think Marielle Sainz had discussed the
08:54PM 11 lighting, but what lighting is going to be proposed
08:54PM 12 on-site and what impact will that lighting or lack
08:54PM 13 thereof have on abutting properties?

08:54PM 14 A. Sure.

08:54PM 15 So as opposed to, let's say, some other
08:55PM 16 uses that could be on the site or maybe even other
08:55PM 17 ways to operate this site, again, the hours of the
08:55PM 18 operation here are generally called contractors
08:55PM 19 hours, so they're working when the sun is up.

08:55PM 20 So there's no lighting within the
08:55PM 21 storage areas. So there's no lighting in the
08:55PM 22 aggregate storage, the container storage areas or the
08:55PM 23 equipment storage areas. The lighting is confined to
08:55PM 24 the parking lot and access to it.

08:55PM 25 So where vehicles are going to access

08:55PM 1 the site, you know, the personal vehicles of the
08:55PM 2 employees, those areas will be lit, but the remaining
08:55PM 3 site will not.

08:55PM 4 Again, as had been testified to by the
08:55PM 5 applicant's representative, there will be cameras on
08:55PM 6 the site throughout for security purposes, but those
08:56PM 7 cameras would operate off of night vision and so
08:56PM 8 there isn't a need for continuous lighting to be
08:56PM 9 provided on the site.

08:56PM 10 Q. And just so that it's clear, when you
08:56PM 11 said that the contractors hours are going to be
08:56PM 12 maintained, you did hear that, in fact, at the, I
08:56PM 13 believe it was the last hearing, that the
08:56PM 14 representative from BHT indicated that their hours of
08:56PM 15 operation for the site would be 8:00 in the morning
08:56PM 16 until 5:00 at night and that's the hours of
08:56PM 17 operation, not only for the storage and all that, but
08:56PM 18 also for the --

08:56PM 19 A. For the office as well.

08:56PM 20 Q. -- for the office as well?

08:56PM 21 A. Yup.

08:56PM 22 Q. Okay. How does that affect your
08:56PM 23 opinion with regard to lighting and the impact of any
08:56PM 24 lighting on abutting properties?

08:56PM 25 A. I mean, it doesn't impact.

08:56PM 1 Again, the lighting is --

08:56PM 2 Q. Does it confirm what you've said?

08:56PM 3 A. Yes.

08:56PM 4 I mean, the lighting is a very small
08:56PM 5 area of the overall site. You know, the lighting
08:56PM 6 meets the standards of the ordinance for that parking
08:57PM 7 lot. There's no light trespass off of the property.
08:57PM 8 They're all down lit, so there's no sky glow. All
08:57PM 9 those different aspects of it that, you know, are
08:57PM 10 typical to a lighting design are there and then,
08:57PM 11 again, it's limited to this small area, so we're not
08:57PM 12 lighting this entire site.

08:57PM 13 Q. One other area that I think was brought
08:57PM 14 up in Mr. Stoner's report was with regard to noise.
08:57PM 15 Can you advise the board with regard to the impact of
08:57PM 16 noise to the surrounding properties and what
08:57PM 17 measures, if any, the applicant's proposing to try
08:57PM 18 and mitigate that?

08:57PM 19 A. So the big concern on noise was the
08:57PM 20 backup beepers on equipment. It's required by
08:57PM 21 regulation that those backup beepers be provided. I
08:57PM 22 believe there was a question about the level of sound
08:58PM 23 that comes out of them.

08:58PM 24 Generally speaking, they put out about
08:58PM 25 a hundred decibels of sound. And that's, again, by

08:58PM 1 design to make sure that there is safety on-site.
08:58PM 2 That sound is mitigated by several things,
08:58PM 3 principally distance, the sound is going to be
08:58PM 4 reduced the further away you are.

08:58PM 5 Probably the best thing that we could
08:58PM 6 do for the sound is to build it in this building
7 here, because the acoustics are terrible and it would
8 devour all of it.

9 Sorry, I had to get a joke in. I
10 haven't gotten one in tonight.

11 You know, the -- so we have the -- we
12 have the advantage of distance, right? We're set
08:58PM 13 back. The equipment would be -- you know, the
08:58PM 14 equipment is not going to be in the bin. It would be
08:58PM 15 in these aisles. So it's a distance away, again,
08:59PM 16 from the property line and on top of that you have
08:59PM 17 topographic considerations, you have physical things
08:59PM 18 that are being placed in here, we have landscaping,
08:59PM 19 we have solid fencing that helps to further mitigate
08:59PM 20 any potential noise impacts from equipment being used
08:59PM 21 in there.

08:59PM 22 Q. And what's the distance, what's the
08:59PM 23 closest distance of a container on the easterly side
08:59PM 24 of the site to the edge of the property, the Stickles
08:59PM 25 Pond Road cartway?

08:59PM 1 A. That is one -- I knew I grabbed this
08:59PM 2 scale for a reason.

08:59PM 3 Q. And you're referring to what?

08:59PM 4 A. I am measuring off of A-18. So from
09:00PM 5 the traveled way to the closest --

09:00PM 6 Q. Now, we're talking about -- I'm not
09:00PM 7 talking about the equipment.

09:00PM 8 A. You mean the bin --

09:00PM 9 Q. No, I'm not talking about that. I made
09:00PM 10 reference specifically to the container area, what's
09:00PM 11 the closest container?

09:00PM 12 A. Oh, from here?

09:00PM 13 Q. Yes.

09:00PM 14 A. From here?

09:00PM 15 Q. On the easterly side is my question.
09:00PM 16 What is the closest container area to Stickles Pond
09:00PM 17 Road?

09:00PM 18 A. That area is going to be -- so that's
09:00PM 19 going to be about 360 feet away from Stickles Pond
09:00PM 20 Road.

09:00PM 21 Q. Will that have a mitigating effect
09:00PM 22 against noise?

09:00PM 23 A. Yes.

09:00PM 24 Q. All right.

09:00PM 25 Now, the area that you're talking about

09:01PM 1 is the aggregate container area or storage area,
09:01PM 2 that's much closer, obviously?

09:01PM 3 A. Yes.

09:01PM 4 Q. That's within the 350 feet, correct?

09:01PM 5 A. Correct.

09:01PM 6 Q. What measures are being proposed to
09:01PM 7 mitigate that sound specifically in that area?

09:01PM 8 A. Well, again, there's going to be that
09:01PM 9 solid fencing in that area. You have the bins
09:01PM 10 themselves, which are solid. You know, they're made
09:01PM 11 out of concrete and then you have the aggregate
09:01PM 12 material that would be stored within them and that
09:01PM 13 all provides a -- you know, a block to -- excuse me,
09:01PM 14 a block to the sound that would be generated by the
09:01PM 15 backup beeper.

09:01PM 16 Q. And are there any stipulations the
09:01PM 17 applicant's willing to make with regard to sound
09:01PM 18 based upon an approval and prior to, I guess, it
09:01PM 19 would be an issuance of a certificate of occupancy to
09:01PM 20 measure the sound?

09:01PM 21 A. Yes, yeah.

09:01PM 22 Q. And what is that?

09:01PM 23 A. The applicant would be -- the applicant
09:02PM 24 would accept a condition where a noise test would be
09:02PM 25 performed of, you know, equipment, you know, backing

09:02PM 1 up with the backup beeper on there to test that it
09:02PM 2 conforms to the noise levels stipulated in the
09:02PM 3 State's noise code and if it did not meet that
09:02PM 4 standard, then additional mitigating measures, such
09:02PM 5 as a sound absorbing fence could be installed at that
09:02PM 6 time.

09:02PM 7 Q. And I think the last question that I
09:02PM 8 have is that there was some discussion, I don't know
09:02PM 9 that it was brought up, but I know that there was
09:02PM 10 some comments made as to whether or not this plan and
09:02PM 11 the prior plan or this plan. What plan is currently
09:02PM 12 before the DEP for review?

09:02PM 13 A. So the plan that's before the DEP is
09:03PM 14 this plan. They've never seen anything related to
09:03PM 15 the prior application, the Copart application that
09:03PM 16 was before the board and has always been this
09:03PM 17 application that they've seen and this is the pending
09:03PM 18 one that they are reviewing.

09:03PM 19 MR. THOMAS: And with that, I believe I
09:03PM 20 am finished.

09:03PM 21 I was wondering if there is a chance --
09:03PM 22 I didn't think it would take this long. Is there a
09:03PM 23 chance for a short break.

09:03PM 24 CHAIRMAN MESSERSCHMIDT: Yes, we will
09:03PM 25 take a break. It's 9:03 on my phone. We will start

09:03PM 1 promptly at 9:10 and we will stop at this time for a
09:03PM 2 short break.

09:03PM 3 MR. THOMAS: Thank you, Mr. Chairman.

09:14PM 4 (Whereupon, a brief recess is held.)

09:14PM 5 CHAIRMAN MESSERSCHMIDT: We're going to
09:14PM 6 go back on the record.

09:14PM 7 Start up again with questions for
09:14PM 8 Mr. Nusser.

09:14PM 9 So, Mr. Thomas, I think we're going to
09:14PM 10 have first the professionals, Mr. Stoner --

09:15PM 11 MR. THOMAS: Sure.

09:15PM 12 CHAIRMAN MESSERSCHMIDT: -- and
09:15PM 13 Mr. Morris --

09:15PM 14 MR. THOMAS: Welcome to Mr. Stoner.

09:15PM 15 CHAIRMAN MESSERSCHMIDT: -- to ask
09:15PM 16 questions first and then we'll have the board as
09:15PM 17 questions after that.

09:15PM 18 Matthew, you'll start first?

09:15PM 19 MR. MORRIS: I have some questions that
09:15PM 20 might be on Mr. Stoner's report, but since I was
09:15PM 21 here, I'll follow through and ask them.

09:15PM 22 MR. THOMAS: I thought that Cory's
09:15PM 23 voice got a little lower.

09:15PM 24 MR. MORRIS: Yeah, sorry.

09:15PM 25 (Laughter.)

09:15PM 1 MR. STONER: You think I have a high
09:15PM 2 voice?

09:15PM 3 MR. THOMAS: Not going there, Cory.

09:15PM 4 MR. MORRIS: Mr. Nusser, going back to
09:15PM 5 A-17 where there was a reduction in the vehicle
09:15PM 6 storage areas, in both those two storage areas that
09:15PM 7 there's been both the 2.95 reduction and the 5.79, I
09:16PM 8 know that those were areas where there was somewhat
09:16PM 9 steep grading, even though those are for future
09:16PM 10 development, I was just wondering if those areas
09:16PM 11 would be graded now? No, they would not?

09:16PM 12 THE WITNESS: No, no.

09:16PM 13 MR. MORRIS: Okay.

09:16PM 14 And in talking about the future
09:16PM 15 development, and you might not know for sure, but I'm
09:16PM 16 just wondering if it's contemplated that ideally
09:16PM 17 would probably be more for vehicle storage.

09:16PM 18 MR. THOMAS: I can answer that. The
09:16PM 19 answer is there is no contemplation -- there is
09:16PM 20 absolutely no --

09:16PM 21 CHAIRMAN MESSERSCHMIDT: It's not
09:16PM 22 turned on.

09:16PM 23 MR. THOMAS: Hello. Hello.

09:16PM 24 There is no contemplation at all. It's
09:16PM 25 just simply for some potential storage, some

09:16PM 1 potential use, whether that's container storage or
09:16PM 2 vehicular storage and there's no plan whatsoever and
09:16PM 3 whatever that plan may be we will stipulate that
09:17PM 4 we'll come before this board.

09:17PM 5 I think it's -- I shouldn't really say
09:17PM 6 this, but I will.

09:17PM 7 I doubt very much that it's going to be
09:17PM 8 aggregate storage, but just, you know, I don't think
09:17PM 9 they're going to have enough aggregate storage to be
09:17PM 10 able to expand that, that's just my opinion.

09:17PM 11 MR. MORRIS: All right.

09:17PM 12 Another question that I had based on
09:17PM 13 this latest rendering and it showed the proposed
09:17PM 14 storage of this construction materials and all the
09:17PM 15 containers, to the -- just to the east of the -- I
09:17PM 16 guess the building and the paved parking lot, there's
09:17PM 17 no containers shown in that area. I wasn't sure if
09:17PM 18 that was just -- what might be stored in those areas.

09:17PM 19 THE WITNESS: Again, I think that area
09:17PM 20 would be, you know, left for, you know, any potential
09:17PM 21 staging or anything that they might need to do with
09:18PM 22 material as -- vehicles as they're coming into the
09:18PM 23 site, you know, so it would just be a temporary stop
09:18PM 24 for maybe a vehicle or material if their going to do
09:18PM 25 that and then move on, but there wouldn't be any

09:18PM 1 permanent storage, because there's no containers in
09:18PM 2 that area.

09:18PM 3 MR. MORRIS: All right.

09:18PM 4 THE WITNESS: And, again, I think, you
09:18PM 5 know, part of it too is we're showing a thousand
09:18PM 6 containers as to maximum on here and similar to the
09:18PM 7 -- similar to the aggregate storage bins, you know,
09:18PM 8 the ultimate disposition of where exactly every
09:18PM 9 container goes within that space, this plan doesn't
09:18PM 10 purport to say this is exactly where every container
09:18PM 11 would go, but, you know, this is where how a thousand
09:18PM 12 containers would fit on the site and that's what the
09:19PM 13 upper limit was.

09:19PM 14 So there may, in fact, be containers in
09:19PM 15 that area and, you know, not in some other area, it
09:19PM 16 might be additional space in between them depending
09:19PM 17 on how they fit them.

09:19PM 18 MR. MORRIS: All right.

09:19PM 19 Mr. Nusser, I remember you saying
09:19PM 20 something about when you're talking about the storage
09:19PM 21 bins, the aggregate area and you're talking about the
09:19PM 22 bins and I didn't quite catch all of what you said
09:19PM 23 when you said that depending on these are individual
09:19PM 24 bins, but there might be a situation where you have a
09:19PM 25 certain material, let's say, DGA, where you use that

09:19PM 1 a lot, you know, parking lot construction, that might
09:19PM 2 be larger bins than these smaller ones.

09:19PM 3 Can you just elaborate on that? I
09:19PM 4 wasn't quite -- I didn't catch all of it, I guess.

09:19PM 5 THE WITNESS: Sure.

09:19PM 6 So the -- again, what we had been asked
09:19PM 7 to do was to show a layout of the bins for the
09:19PM 8 material and so we have provided that.

09:20PM 9 Part, though, of what we have
09:20PM 10 consistently stated is that the layout of that will
09:20PM 11 change. It will be adjusted based on what material
09:20PM 12 is on-site. So if they do have a lot of material and
09:20PM 13 we take up multiple bins, they may adjust it so that
09:20PM 14 they just open up those bins so that there are
09:20PM 15 multiple bins, you know, just combining several of
09:20PM 16 them, I think I had said six, combining six of them
09:20PM 17 together so that you can keep all that material
09:20PM 18 together and you're not storing it in six individual
09:20PM 19 bins.

09:20PM 20 MR. THOMAS: Why don't you describe
09:20PM 21 what those bins are, like, made of and why don't you
09:20PM 22 describe those bins to better understand what those
09:20PM 23 bins are made of and how they can be maneuvered
09:20PM 24 on-site if need be.

09:20PM 25 They're not permanently affixed to a

09:20PM 1 particular position.

09:20PM 2 THE WITNESS: Correct.

09:20PM 3 MR. THOMAS: Which may be the issue
09:20PM 4 that Mr. Morris is having.

09:21PM 5 THE WITNESS: Correct.

09:21PM 6 And, you know, typical to any facility
09:21PM 7 that stores bulk aggregate like this, you know, they
09:21PM 8 use those concrete -- I always refer to them as mafia
09:21PM 9 blocks, but, you know, presumed by that smile that
09:21PM 10 you do as well, Mr. Morris there.

09:21PM 11 So, you know, they're concrete blocks.
09:21PM 12 They have patches (phonetic) on them, so they can be
09:21PM 13 moved around with equipment.

09:21PM 14 They're not affixed, in they're not on
09:21PM 15 a foundation and they're not mortared together or
09:21PM 16 anything like that.

09:21PM 17 They just stack kind of like LEGOs and
09:21PM 18 they can unstack them and they can move them around
09:21PM 19 to adjust them to meet the needs of the site. So
09:21PM 20 they can just, you know, pick up and move the blocks
09:21PM 21 to expand a bin or combine multiples if needed.

09:21PM 22 MR. MORRIS: All right. Thank you.

09:21PM 23 I wanted to look at the stormwater. I
09:22PM 24 know that you touched on stormwater, you talked about
09:22PM 25 the stormwater. I know in Mr. Stoner's report

09:22PM 1 there's a number of comments that are listed for
09:22PM 2 stormwater and addressing some specifics and I know
09:22PM 3 from your testimony you were talking about how, you
09:22PM 4 know, for groundwater mounding testing was completed
09:22PM 5 recently and some of these calculations are aren't
09:22PM 6 fully completed at the moment. I was just wondering
09:22PM 7 if there was an anticipated time where you actually
09:22PM 8 would have the information to be able to address all
09:22PM 9 of these different comments in Mr. Stoner's report.

09:22PM 10 THE WITNESS: I would hope in advance
09:22PM 11 of the next meeting depending on the date of that
09:22PM 12 meeting that we would be able to produce that
09:22PM 13 information.

09:22PM 14 Again, you know, to Mr. Stoner's
09:22PM 15 report, I think one of the things to remember in here
09:22PM 16 is we had a -- I think a fairly lengthy discussion in
09:23PM 17 one of the previous meetings, I think it was two
09:23PM 18 meetings ago, perhaps, about the proper regulations
09:23PM 19 that are -- that this site falls under and so a lot
09:23PM 20 of -- there's a lot of commentary in the letter
09:23PM 21 regarding that.

09:23PM 22 So with that issue resolved and with
09:23PM 23 the need to, you know, produce this additional
09:23PM 24 documentation, I think we can provide that
09:23PM 25 information and like I said, I would hope to have it

09:23PM 1 before the next meeting.

09:23PM 2 MR. STONER: If I can add on that, most
09:23PM 3 of my comments were related to the green
09:23PM 4 infrastructure comments, the new regulations.

09:23PM 5 So, you know, the comments I had about
09:23PM 6 stormwater mounding and the groundwater monitoring,
09:23PM 7 infiltration, things of that nature, those are items
09:23PM 8 that would have to go under the old regs or the new
09:23PM 9 regs.

09:23PM 10 THE WITNESS: Yes, understood.

09:23PM 11 MR. STONER: Those items have to be
09:23PM 12 addressed before I can ever say to this board whether
09:23PM 13 or not this would work or not.

09:23PM 14 I think in general, you know, it makes
09:24PM 15 sense to design how you use the recharge and
09:24PM 16 infiltration keeping in all the water inside the
09:24PM 17 site, but there is -- those items have to be, you
09:24PM 18 know, determined at some point and I assume the DEP
09:24PM 19 is asking the same questions. You know, the DEP will
09:24PM 20 be asking for the same type of information if they're
09:24PM 21 reviewing the same plans and I did understand, you
09:24PM 22 know, I heard a comment that the DEP does not have
09:24PM 23 that plan that's in front of you that's on that
09:24PM 24 board.

09:24PM 25 They have the plans that you submitted

09:24PM 1 before using the larger yard areas for construction
09:24PM 2 of storage, I assume, correct?

09:24PM 3 THE WITNESS: Yes.

09:24PM 4 MR. STONER: So they're reviewing the
09:24PM 5 more disturbance. I apologize I came in a little
09:24PM 6 late. You know, these areas that for future, they're
09:24PM 7 really not -- are they in this application any more?

09:24PM 8 THE WITNESS: No, I think -- yeah, for
09:24PM 9 the purposes of this application, they're not
09:24PM 10 anything we're asking the board to act on.

09:24PM 11 MR. STONER: Excuse me?

09:24PM 12 MR. THOMAS: The answer to the question
09:25PM 13 is, Cory, they are not in the application. They are
09:25PM 14 part of the property, but we have now decided that it
09:25PM 15 is better from our viewpoint and I think better from
09:25PM 16 the board's viewpoint is simply saying in light of
09:25PM 17 your concerns that we're going to reduce the amount
09:25PM 18 of area that's going to be for equipment storage, the
09:25PM 19 two other areas that are now open will remain open
09:25PM 20 and not grade it as Mr. Morris had already talked
09:25PM 21 about and if it does come about at some point down
09:25PM 22 the road that they want to use it for some purpose,
09:25PM 23 they'll come before this board.

09:25PM 24 MR. STONER: So as of right now it's
09:25PM 25 considered they're out of this application?

09:25PM 1 MR. THOMAS: I think you said out of
09:25PM 2 this application and the answer is: Yes.

09:25PM 3 MR. STONER: That answers the question.

09:25PM 4 MR. THOMAS: And I'm assuming based
09:25PM 5 upon your comment that one hopes that Mr. Nusser and
09:25PM 6 his group will get the more sized down plans down to
09:25PM 7 DEP, because I suspect that's going to be a benefit
09:26PM 8 in the long run.

09:26PM 9 MR. STONER: I would think reducing the
09:26PM 10 area would benefit all --

09:26PM 11 MR. THOMAS: I would like to think.

09:26PM 12 MR. STONER: Right now how many basins
09:26PM 13 do you have, five, six?

09:26PM 14 THE WITNESS: Five.

09:26PM 15 MR. STONER: So five basins. You might
09:26PM 16 not need all of those. Everything might work a
09:26PM 17 little bit better than before. Wouldn't believe it
09:26PM 18 would be worse, I think it would be better.

09:26PM 19 MR. THOMAS: I'll be talking to Chris
09:26PM 20 about that tomorrow.

09:26PM 21 MR. STONER: Okay. If I can continue
09:26PM 22 just some other items.

09:26PM 23 Obviously stormwater is my largest
09:26PM 24 concern. You have the area that is --

09:26PM 25 CHAIRMAN MESSERSCHMIDT: Cory, can you

09:26PM 1 move that microphone closer so that they can hear
09:26PM 2 you.

09:26PM 3 MR. STONER: All right. Stormwater is
09:26PM 4 obviously my biggest concern on the property and the
09:26PM 5 impacts and the water and the surrounding
09:26PM 6 environmental areas. There's one area that's
09:26PM 7 proposed construction storage, like you have one area
09:26PM 8 and my understanding is it's going to be around 50
09:26PM 9 pieces of equipment to be stored.

09:26PM 10 MR. THOMAS: Not more than and many
09:27PM 11 times less during construction seasons.

09:27PM 12 MR. STONER: Now, the plan that is
09:27PM 13 shown, I think just use the one that's up on the
09:27PM 14 board so the brown, it looks like a brown area from
09:27PM 15 here --

09:27PM 16 MR. THOMAS: Yeah.

09:27PM 17 MR. STONER: -- you know, that is --

09:27PM 18 THE WITNESS: This area here?

09:27PM 19 MR. STONER: No, no, that one there.

09:27PM 20 THE WITNESS: The purple?

09:27PM 21 MR. STONER: All right. I'm sorry. I
09:27PM 22 don't see purple from here. The purple, that's not a
09:27PM 23 very flat location. It's going to be graded, it's on
09:27PM 24 a hill. You know, it looks good on a flat -- you
09:27PM 25 know, a piece of paper, but have you looked at that,

09:27PM 1 the equipment can be stored on that side of the hill
09:27PM 2 and when you grade it, it's really steep and you're
09:27PM 3 regrading it according to your original plans. Are
09:27PM 4 you changing the grading in that area or is it going
09:27PM 5 to be similar to what was before?

09:27PM 6 THE WITNESS: You mean, changing -- are
09:27PM 7 you asking if there's going to be adjustments to what
09:27PM 8 we're proposing the grade to be versus -- because of
09:27PM 9 the removal of the eastern half of that area?

09:27PM 10 MR. STONER: Yes, I guess that's my
09:28PM 11 question. Even though you removed certain locations
09:28PM 12 or am I supposed to assume that all regrading is
09:28PM 13 staying the same on the grading plans other than you
09:28PM 14 take off those two areas?

09:28PM 15 I'm looking at page eight of your
09:28PM 16 overall grading plan, the original plan and that's a
09:28PM 17 fairly steep area and it just -- you know, you have
09:28PM 18 basically a circular pattern with a driveway around,
09:28PM 19 you got equipment. So the equipment is stored on a
09:28PM 20 very steep slope, drops probably 10 feet across that
09:28PM 21 area.

09:28PM 22 THE WITNESS: The slope as previously
09:28PM 23 proposed is somewhere around the range of 4 percent
09:28PM 24 and, obviously, we haven't done the full design, but
09:28PM 25 even if that were to be slightly steeper as a result

09:28PM 1 of the removal of that one area and regrading, I
09:29PM 2 think we would, you know, still be -- I mean, we're
09:29PM 3 going to be mindful of those considerations as we go
09:29PM 4 through here and make sure that it is appropriate,
09:29PM 5 you know, the slope.

09:29PM 6 MR. STONER: I thought it was steep --
09:29PM 7 the bottom line I'm getting at is do we have a plan
09:29PM 8 showing, you know, the flat level, it looks like a
09:29PM 9 flat-level property. So the grading that was
09:29PM 10 originally proposed is going to be close to what is
09:29PM 11 proposed with some minor modifications or it could be
09:29PM 12 a larger modification or you don't know yet?

09:29PM 13 THE WITNESS: I think, you know,
09:29PM 14 obviously the intent would be to limit the
09:29PM 15 modifications to the extent practicable, but, yeah,
09:29PM 16 there will be modifications as a result of, you know,
09:29PM 17 cutting out that rear area, but yes, you know, if you
09:29PM 18 look at Sheet 9, there are slope arrows in there
09:29PM 19 indicating the slopes, you know, anywhere from one to
09:30PM 20 like maybe the worst case I see is 6 percent, but
09:30PM 21 that's in the area that's being removed.

09:30PM 22 So generally speaking, the area
09:30PM 23 remaining, we're at around 4 percent, but yeah, we
09:30PM 24 would obviously have to look at that.

09:30PM 25 MR. STONER: So you're saying the

09:30PM 1 grading should stay fairly similar?

09:30PM 2 THE WITNESS: Correct.

09:30PM 3 MR. STONER: Okay. I forgot to look at
09:30PM 4 that sheet. Four percent is not very steep, so if
09:30PM 5 it's 4 percent or less would probably be okay, but my
09:30PM 6 question is whether or not you're changing anything
09:30PM 7 other than just the location, if you change the
09:30PM 8 grade, you are going to change the grade so I assume
09:30PM 9 that the grading plans will be updated to reflect
09:30PM 10 whatever the current plans are.

09:30PM 11 THE WITNESS: Yes.

09:30PM 12 MR. STONER: Okay. And then going back
09:30PM 13 to the DEP, the DEP were notified of the changes?

09:30PM 14 THE WITNESS: Yeah, the DEP -- so I
09:30PM 15 don't know when you came into the meeting, but we
09:30PM 16 performed the soil testing, additional soil testing
09:30PM 17 out here.

09:30PM 18 Did you hear that portion?

09:30PM 19 MR. STONER: No, Matt told me.

09:30PM 20 THE WITNESS: Oh, okay.

09:30PM 21 So we did the testing, you know, we
09:31PM 22 have that information. So we're doing all of the
09:31PM 23 groundwater mounding analysis and everything that we
09:31PM 24 discussed. We have all that packaged together and
09:31PM 25 we'll send that all to the DEP.

09:31PM 1 MR. STONER: Have you gotten any
09:31PM 2 responses from the DEP of any part of the reviews?
09:31PM 3 They've had to have the plans for quite a long time.

09:31PM 4 THE WITNESS: Yes, yeah. I mean, we --
09:31PM 5 yeah, we check in with them and, you know, we make
09:31PM 6 sure that the application is still there and that
09:31PM 7 they're still waiting on it. You know, one of the
09:31PM 8 considerations, again, was doing that soil testing
09:31PM 9 and doing it in a wet season so it kind of put us on
09:31PM 10 a little bit of a holding pattern for a period of
09:31PM 11 time. We've missed the last wet season.

09:31PM 12 So, you know, we've -- the testing that
09:31PM 13 we've done, made sure it was in the wet season.

09:31PM 14 So now that that's complete, you know,
09:31PM 15 they -- I let them know we've done testing.

09:31PM 16 MR. STONER: So they came back with
09:32PM 17 some comments, it sounds like?

09:32PM 18 THE WITNESS: Yeah, we've had
09:32PM 19 discussions ongoing, which again, I indicated earlier
09:32PM 20 about the method of the stormwater analysis, because
09:32PM 21 the water predominately doesn't flow offsite and is
09:32PM 22 infiltrated on the site now. You know, how they
09:32PM 23 wanted us to view that and they gave us guidance on
09:32PM 24 that and so that's how we performed our analysis
09:32PM 25 based on that. So we've had ongoing discussions.

09:32PM 1 MR. STONER: And one other question I
09:32PM 2 had was: You stated, was it 1,000 containers or
09:32PM 3 2,000 containers?

09:32PM 4 THE WITNESS: One thousand.

09:32PM 5 MR. STONER: Okay.

09:32PM 6 And that's for all the areas?

09:32PM 7 THE WITNESS: Yes.

09:32PM 8 MR. STONER: Both of the east side and
09:32PM 9 the west side of the property.

09:32PM 10 THE WITNESS: Total, yup.

09:32PM 11 MR. STONER: And then the aggregate
09:32PM 12 storage based on, you know, what Matt had a question
09:33PM 13 about, I assume the idea is that the storage bins may
09:33PM 14 change in size and shape and generally the layout
09:33PM 15 that you have, it shows you how you can get
09:33PM 16 circulation around that and it will be contained by
09:33PM 17 concrete bins, but your testimony is they could
09:33PM 18 change, you know, instead of a size of a 12-by -- you
09:33PM 19 know, 10-by-10 bin, it might be a 30-by-10 bin or
09:33PM 20 something like that, but they're all going to be in
09:33PM 21 bins? You're not going to have a big pile in the
09:33PM 22 middle of aggregate?

09:33PM 23 THE WITNESS: Correct.

09:33PM 24 MR. STONER: And I believe your
09:33PM 25 testimony, you said no millings would be stored on

09:33PM 1 the site?

09:33PM 2 THE WITNESS: Correct.

09:33PM 3 MR. STONER: All paved areas are shown
09:33PM 4 as paved. Are they going to be still of asphalt with
09:33PM 5 like the one shown, stone topping?

09:33PM 6 THE WITNESS: So the parking lot and
09:33PM 7 the entrance driveway is going to be asphalt
09:33PM 8 pavement, just traditional pavement. The remaining
09:33PM 9 access road throughout the site except for the
09:33PM 10 runway, which will remain, will be, yeah, millings.

09:34PM 11 MR. STONER: That's all I have right
09:34PM 12 now.

09:34PM 13 I may have more as you go.

09:34PM 14 CHAIRMAN MESSERSCHMIDT: Matt, do you
09:34PM 15 still have any questions?

09:34PM 16 MR. MORRIS: The only other questions
09:34PM 17 that I had, Chris, going to your -- the landscape
09:34PM 18 plan, you know, just looking at the buffer and I know
09:34PM 19 that you don't have it as an exhibit right now, but
09:34PM 20 with the sight lines, I know you were addressing
09:34PM 21 views from a certain number of homes and I know in my
09:34PM 22 last letter I raised the concern with, you know,
09:34PM 23 trying to look --

09:34PM 24 THE COURT REPORTER: I'm sorry, I can't
09:34PM 25 hear you.

09:34PM 1 MR. MORRIS: Can you hear me?

09:34PM 2 THE COURT REPORTER: Now I can.

09:34PM 3 MR. MORRIS: There we go, there we go.

09:34PM 4 How's that? Sorry.

09:34PM 5 So then looking at the landscaping and
09:34PM 6 I made a comment in my last letter about trying --
09:35PM 7 that the storage should be buffered not only from
09:35PM 8 individual houses, but try to buffer as much from the
09:35PM 9 residential zone across from the street and I think
09:35PM 10 that there's certain areas that based on the sight
09:35PM 11 line exhibit and the planting that was proposed, that
09:35PM 12 there's certain areas that it seems like there's been
09:35PM 13 some adequate evergreen buffer placed. There was
09:35PM 14 some other areas that I might be concerned about just
09:35PM 15 because there's some -- a little bit of a reliance on
09:35PM 16 some of the natural buffering.

09:35PM 17 One of them might be that construction
09:35PM 18 equipment storage area and I know it abuts the
09:35PM 19 wetland buffer area, but just, you know, looking at
09:35PM 20 this and this is me, I'm putting my landscape
09:35PM 21 architect hat on, is just looking at that and just
09:35PM 22 wondering especially since there's going to be a
09:35PM 23 solid fence there about softening what that might
09:35PM 24 look like in the especially the wintertime when the
09:35PM 25 leaves are off the trees. I know there is a higher

09:36PM 1 knoll there, but I think that especially with
09:36PM 2 equipment, I believe the fence is --

09:36PM 3 THE WITNESS: Can I interrupt you one
09:36PM 4 second?

09:36PM 5 MR. MORRIS: Sure.

09:36PM 6 THE WITNESS: Are you discussing the --

09:36PM 7 MR. MORRIS: Vehicle storage area.

09:36PM 8 THE WITNESS: This area here, the
09:36PM 9 equipment storage (indicating)?

09:36PM 10 MR. MORRIS: Yeah.

09:36PM 11 THE WITNESS: Okay. And your concern
09:36PM 12 is this existing buffer area, the existing wooded
09:36PM 13 area?

09:36PM 14 MR. MORRIS: Yes, yes, that's what the
09:36PM 15 concern was. Just something to consider. The
09:36PM 16 fencing, solid fence is around 10-feet tall?

09:36PM 17 THE WITNESS: So the fence would be
09:36PM 18 8-foot tall and in that location I would anticipate
09:36PM 19 just having a chain-link and not having a solid.

09:36PM 20 I mean, again, the sight lines, the way
09:36PM 21 that the topography works in that area, the mature
09:36PM 22 height of the trees, the thickness of that are, the
09:37PM 23 distance is even further off of the road before you
09:37PM 24 get to it, I mean, that's -- you know, the sight line
09:37PM 25 profiles, I think, you know, again, they are from

09:37PM 1 individual homes that we selected, but I can't -- if
09:37PM 2 I -- you know, we'd be here for six more months if we
09:37PM 3 go through site line profiles if we picked all these
09:37PM 4 different locations. That area, I am very confident
09:37PM 5 that that existing buffer and the topography there
09:37PM 6 will screen that equipment from the road and
09:37PM 7 residential neighborhood.

09:37PM 8 MR. MORRIS: Yeah, I guess and, you
09:37PM 9 know, I'm looking at that and I'm not asking for you
09:37PM 10 to do 30 different sight lines, but I know that if
09:37PM 11 you have an area, a fenced in area like here that
09:37PM 12 you're proposing to have the storage facility, I
09:37PM 13 think it puts it for me looking at it, without a
09:37PM 14 doubt without having to do all the sight lines, if
09:38PM 15 you do have a line of evergreen trees that kind of
09:38PM 16 encircles what you proposed, then there's not a
09:38PM 17 question about, hey, this is going to screen it,
09:38PM 18 because we don't have to say, well, what -- you know,
09:38PM 19 how does the existing look, what time of year and
09:38PM 20 what might happen. Sometimes it's good practice just
09:38PM 21 to say, okay, this is abutting a neighboring
09:38PM 22 property, you know, it's -- there's not a line of
09:38PM 23 evergreens between what's being proposed and the --
09:38PM 24 you know, the residential properties, if you propose
09:38PM 25 an evergreen buffer, then you know that there's --

09:38PM 1 you know, it's buffered from the site.

09:38PM 2 So that's all and just something else
09:38PM 3 to note too with the -- again, you might have -- this
09:38PM 4 isn't a solid fence, it's only an 8-foot chain-link
09:38PM 5 fence, but especially when it comes to equipment, if
09:38PM 6 you have an excavator or something like that, you
09:38PM 7 have much taller pieces of equipment, so any
09:38PM 8 additional buffer can be of help to trying to buffer
09:38PM 9 that from the --

09:38PM 10 MR. THOMAS: Mr. Chairman, what we
09:38PM 11 would be happy to do is to have Mr. Nusser and
09:39PM 12 Mr. Morris get together and discuss that. We still
09:39PM 13 think that between the topographic changes up and
09:39PM 14 down along with the 50- to 75-foot trees, they will
09:39PM 15 be sufficient, but if that's not what he agrees to,
09:39PM 16 then we would be happy to discuss options that might
09:39PM 17 very well satisfy him. I think we can talk to him
09:39PM 18 about it and show the topography and how that all
09:39PM 19 works.

09:39PM 20 But again, he has his opinion and we're
09:39PM 21 happy to listen to it and try to see if we can
09:39PM 22 satisfy that concern.

09:39PM 23 CHAIRMAN MESSERSCHMIDT: Okay.

09:39PM 24 MR. THOMAS: And we are going to do
09:39PM 25 that between now and the next meeting.

09:39PM 1 THE WITNESS: If you say so, sir.

09:39PM 2 MR. THOMAS: I do say so.

09:39PM 3 MR. MORRIS: That's all.

09:39PM 4 Thank you very much.

09:39PM 5 CHAIRMAN MESSERSCHMIDT: All right. So
09:39PM 6 I'm going to turn it back to the board at this point
09:39PM 7 and I'll start down with Mr. Tolerico at the end and
09:39PM 8 come from his end to the other end.

09:39PM 9 So, Mr. Tolerico, if you have any
09:39PM 10 questions, please bring your microphone close.

09:39PM 11 MR. TOLERICO: I just --

09:39PM 12 CHAIRMAN MESSERSCHMIDT: Wait, bring
09:39PM 13 your microphone close to your mouth.

09:39PM 14 MR. TOLERICO: Yeah. I just would like
09:40PM 15 to ask, would you agree that the density -- I mean,
09:40PM 16 I'm touching on what Cory and Matt said, but would
09:40PM 17 you agree that the density of the development is the
09:40PM 18 same as the prior design even though you reduced the
09:40PM 19 size of the vehicle storage area and the storage
09:40PM 20 container area by just keeping it open for future
09:40PM 21 expansion?

09:40PM 22 It seems to me that, you know, even
09:40PM 23 though you say you were going to bring it in front of
09:40PM 24 the board once it's approved, it's going to be looked
09:40PM 25 at as a hardship if you don't expand into that area.

09:40PM 1 So as far as I see, it looks to me like
09:40PM 2 it will be -- that the original design is what really
09:40PM 3 this is all about, not what you're doing and reducing
09:40PM 4 the size, because it's there for future.

09:41PM 5 MR. THOMAS: Let me just -- oh, it's
09:41PM 6 on. Is it on?

09:41PM 7 Yes, it is.

09:41PM 8 Just so that it's clear, when we say
09:41PM 9 that we are talking about taking that area, that
09:41PM 10 whatever it is, something like seven or eight acres
09:41PM 11 and taking it out of the picture, we are taking it
09:41PM 12 out of the picture and what we are also saying is
09:41PM 13 that it's got to come before this board.

09:41PM 14 Now, from your lips to God's ears that
09:41PM 15 all we have to do is say we have a hardship and then
09:41PM 16 you're going to approve that, I suspect that your
09:41PM 17 attorney whoever that may be at that time is going to
09:41PM 18 say, well, there's a little bit more to it than just
09:41PM 19 that.

09:41PM 20 So, you know, I think that it's clear
09:41PM 21 that when we're subjecting ourselves to the
09:41PM 22 jurisdiction of this board, we have every right to
09:41PM 23 say there has been a reduction in the application to
09:41PM 24 the tune of seven or eight acres and that we will
09:41PM 25 come to this board with appropriate reasons if we

1 think we can meet the standard and you feel as though
2 we do, great, we get an approval and if you feel we
3 don't, then we don't get an approval.

4 So I think it's got to be understood
5 what we're asking and what we're providing and what
09:42PM 6 we're stipulating to and that's why we are taking the
09:42PM 7 position that these areas are legitimately out of the
09:42PM 8 picture at this point in time.

09:42PM 9 MR. TOLERICO: Okay.

09:42PM 10 I know one of the prior residents at
09:42PM 11 the last meeting had suggested whether BHT would
09:42PM 12 agree to post a bond to -- in case there was a
09:42PM 13 spillage and pollution of the area or groundwater,
09:42PM 14 whether they would post a bond to take care of that
09:42PM 15 so the township wouldn't be stuck with cleaning up
09:42PM 16 the mess. I would just like to know if they would be
09:42PM 17 willing to do that.

09:42PM 18 MR. THOMAS: Well, I'm not sure that I
09:42PM 19 -- I understand what you're asking, but I'm not sure
09:42PM 20 what it is that -- the impact of that.

09:42PM 21 I mean, you're talking about a bond. I
09:42PM 22 mean, is that a bond of \$25.00 or \$25 million, we
09:43PM 23 don't really know. And we're also saying that we
09:43PM 24 have a site that is 100 acres of which we are only
09:43PM 25 dealing with volatile substances of two acres. And

09:43PM 1 of those volatile substances, we're saying that they
09:43PM 2 are contained in pieces of equipment that generally
09:43PM 3 speaking -- I mean, we're not talking about a gas
09:43PM 4 station that has a 15,000-gallon gasoline tank that
09:43PM 5 could leak.

09:43PM 6 We're talking about pieces of equipment
09:43PM 7 that have, you know, 20 or 30 gallons, and we're
09:43PM 8 stipulating that they're going to be inspecting when
09:43PM 9 they first come to the site and on a weekly basis
09:43PM 10 thereafter, because that's what some of the employees
09:43PM 11 are going to be responsible for doing.

09:43PM 12 So it's a little unclear to me as to,
09:43PM 13 you know, what we would be stipulating to in light
09:43PM 14 of, you know, the fact that we're also providing for
09:43PM 15 a spill plan that includes the spill kits and the
09:43PM 16 same kind of spill kits that would end up being
09:43PM 17 required by you in regard to a gas station where
09:44PM 18 somebody pulls out a hose and there's going to be a
09:44PM 19 spill of 25 gallons and then you got to clean it all
09:44PM 20 up. I think it's the same situation.

09:44PM 21 So I don't know that I can really
09:44PM 22 stipulate to that kind of a bond at this point in
09:44PM 23 time.

09:44PM 24 MR. TOLERICO: That's all.

09:44PM 25 CHAIRMAN MESSERSCHMIDT: Okay.

09:44PM 1 Thank you.

09:44PM 2 Mr. Olsen?

09:44PM 3 MR. OLSEN: Yes, thank you.

09:44PM 4 Can you clarify what NJDEP permits you
09:44PM 5 are applying for for this application?

09:44PM 6 MR. THOMAS: I can't, you have to.

09:44PM 7 THE WITNESS: So there are -- so the
09:44PM 8 permits that are being sought are just freshwater
09:44PM 9 wetlands permits. There's no flood hazard area
09:44PM 10 related permits.

09:44PM 11 So there's no permits related to the
09:44PM 12 floodplain. There's no permits related to the
09:44PM 13 riparian buffer associated.

09:44PM 14 The permits are, one, for filling an
09:44PM 15 isolated wetland. There's an isolated wetland
09:45PM 16 complex that's located -- let's see. It's near the
09:45PM 17 proposed stormwater basin really between that and
09:45PM 18 Stickles Pond Road, there's a little depression in
09:45PM 19 that area that turns into a wetland.

09:45PM 20 So it's filling that area and then a
09:45PM 21 transition area averaging plan for taking and on this
09:45PM 22 plan it's probably -- it's, well, impossible to see
09:45PM 23 unless you're me, but if you have one of the
09:45PM 24 printouts, you can see there's a red line on here,
09:45PM 25 which is the transition area that goes around these

09:45PM 1 wetlands and so there's some areas where we're
09:45PM 2 reducing that and we would be compensating for it in,
09:45PM 3 again, in other areas. So those are the two permits
09:46PM 4 that are -- that have been submitted to the state
09:46PM 5 that are under review.

09:46PM 6 MR. OLSEN: So those permit
09:46PM 7 applications have been submitted?

09:46PM 8 THE WITNESS: Yes, they're submitted.
09:46PM 9 They're active. They're under review.

09:46PM 10 MR. OLSEN: Okay. Thank you.

09:46PM 11 One of my concerns on the wetlands in
09:46PM 12 the site are the vernal ponds in the center, which
09:46PM 13 you are further buffering with the removing of those
09:46PM 14 areas. Your drainage plans bring those wetlands into
09:46PM 15 account by avoiding runoff into those vernal ponds in
09:46PM 16 the over siltation of those wetlands?

09:46PM 17 THE WITNESS: Again, the stormwater
09:46PM 18 plan is to -- we have these various areas that are
09:46PM 19 low and the goal in here is to make sure that we're
09:46PM 20 keeping the water basically where it is now and
09:46PM 21 infiltrating it. We're not directing -- I mean,
09:47PM 22 there's really no -- so the improvements around the
09:47PM 23 rear, which is the vehicle storage area of the vernal
09:47PM 24 pond, all of this water goes down to the basins on
09:47PM 25 the -- you know, on the southwest side of the

09:47PM 1 property.

09:47PM 2 They don't go towards the vernal pond
09:47PM 3 and other than that you have the existing runway to
09:47PM 4 those basins. So there's nothing being directed
09:47PM 5 directly into that from the site.

09:47PM 6 MR. OLSEN: So that's clear, but would
09:47PM 7 you be directing stuff away from those wetlands?

09:47PM 8 THE WITNESS: It's kind of hard to say
09:47PM 9 specifically since the topography is in kind of above
09:47PM 10 the vernal pond where the vehicle storage area is.

09:47PM 11 I think that all generally does go in
09:47PM 12 the direction it goes now. You know, the topography
09:48PM 13 is not the cleanest, clearest thing around the area
09:48PM 14 of the runway, because it is very flat in that area.

09:48PM 15 So I think generally speaking, the
09:48PM 16 water is going where it's going now and, again, I
09:48PM 17 don't think there's any water being significantly
09:48PM 18 directed away from the vernal pond.

09:48PM 19 MR. OLSEN: Okay. Maybe this will come
09:48PM 20 up when we discuss the green infrastructure at a
09:48PM 21 future meeting.

09:48PM 22 MR. THOMAS: I'm sorry, I didn't hear
09:48PM 23 that.

09:48PM 24 MR. OLSEN: Oh, maybe this will come up
09:48PM 25 again when we talk about to stormwater. I'm assuming

09:48PM 1 we're going to discuss this at a future meeting, the
09:48PM 2 stormwater, the green infrastructure.

09:48PM 3 MR. STONER: The question of, what,
09:48PM 4 whether or not we have the jurisdiction, we have to
09:48PM 5 require the green infrastructure requirements.

09:48PM 6 MR. OLSEN: You were asking earlier for
09:48PM 7 more details of the stormwater plans.

09:48PM 8 MR. STONER: And then they stated that
09:48PM 9 next month -- before next month's meeting we'll have
09:49PM 10 revised plans with revised calculations.

09:49PM 11 MR. OLSEN: Will we receive testimony
09:49PM 12 about those plans next month?

09:49PM 13 MR. THOMAS: Oh, yeah.

09:49PM 14 Well, the answer is: There will
09:49PM 15 definitely be more testimony based upon the
09:49PM 16 information that was going to be provided as was
09:49PM 17 indicated by Mr. Nusser.

09:49PM 18 We are hopeful, very hopeful that that
09:49PM 19 material will be available prior to the March
09:49PM 20 meeting.

09:49PM 21 MR. OLSEN: Okay. Thank you.

09:49PM 22 The millings have come up a couple of
09:49PM 23 times. My understanding, and you just confirmed
09:49PM 24 this, that there will be no asphalt millings on-site,
09:49PM 25 but I'm a little confused as you had also provided

09:49PM 1 testimony about millings and binding agents and --
09:49PM 2 but this plan to use asphalt millings for the
09:49PM 3 pavement of the parking area, I'm just a little
09:49PM 4 confused by that testimony.

09:49PM 5 THE WITNESS: So there's no asphalt
09:49PM 6 millings that will be like bolt -- as part of, like,
09:50PM 7 the aggregate storage on the site. So there won't be
09:50PM 8 -- there won't be any asphalt millings that are
09:50PM 9 stored on-site that would then be taken somewhere
09:50PM 10 else.

09:50PM 11 The parking lot is going to be -- the
09:50PM 12 access drive and the parking lot will be paved with
09:50PM 13 normal asphalt pavement.

09:50PM 14 It is the dark gray areas, the paths,
09:50PM 15 the drive aisles throughout the site that the trucks
09:50PM 16 will use to get to the containers, those areas will
09:50PM 17 be asphalt millings that are bound and hold in
09:50PM 18 accordance with the guidelines.

09:50PM 19 MR. OLSEN: Thank you.

09:50PM 20 MR. STONER: Just if I can comment on
09:50PM 21 that, that meets DEP regulations, use asphalt
09:50PM 22 millings for the base material as long as they're
09:50PM 23 capped, they got to be capped, that's the asphalt
09:51PM 24 surface that they're talking about.

09:51PM 25 MR. OLSEN: I'm looking for some

09:51PM 1 clarification on, you provided testimony on truck
09:51PM 2 traffic on-site, noise. I'm just curious to about to
09:51PM 3 hear more about how the trucks will be operating on
09:51PM 4 the site. So we have the previous testimony was 10
09:51PM 5 to 60 vehicles on a maximum day that would be on the
09:51PM 6 site. Are these trucks coming on the site and will
09:51PM 7 they be sitting idling on the property?

09:51PM 8 I'm a little concerned about the noise
09:51PM 9 of those vehicles any time you're near a diesel truck
09:51PM 10 running and you have 10 of them or 50 of them
09:51PM 11 running, that's going to be very noisy and you
09:51PM 12 testified to this that you would do a noise study on
09:51PM 13 the site.

09:51PM 14 I'm a little concerned about doing that
09:52PM 15 after the construction of this if this proposal does
09:52PM 16 get approved.

09:52PM 17 So I am wondering if -- and I don't
09:52PM 18 know if we have a requirement, Cory, to do a noise
09:52PM 19 study?

09:52PM 20 MR. STONER: The town has a noise
09:52PM 21 ordinance, which they have to meet the state
09:52PM 22 requirements at the property line.

09:52PM 23 I don't believe there's a requirement
09:52PM 24 for them to do a noise study. Part of the
09:52PM 25 Environmental Impact Statement talked about --

09:52PM 1 generally talked about noise, but it wasn't very
09:52PM 2 detailed, but you could require a noise study to
09:52PM 3 occur, but --

09:52PM 4 THE COURT REPORTER: I'm sorry, I can't
09:52PM 5 really hear you, Mr. Stoner.

09:52PM 6 MR. THOMAS: You got to speak up.

09:52PM 7 MR. STONER: Okay.

09:52PM 8 I don't know where I was anyway, but
09:52PM 9 when it comes to the noise requirements, there is
09:52PM 10 state requirements you have to meet. You could -- if
09:52PM 11 you're concerned about it that it was a major issue,
09:52PM 12 you can request some kind of study be done, that type
09:53PM 13 of, you know, equipment, being a backup, they can
09:53PM 14 bring equipment on the property and they can do a
09:53PM 15 meter test at the roadway. I think that's the
09:53PM 16 biggest thing.

09:53PM 17 At the roadway they got to meet certain
09:53PM 18 requirements for the backup beepers and the actual
09:53PM 19 equipment, itself.

09:53PM 20 So noise does travel with the wind, it
09:53PM 21 does travel, but we do have requirements at the
09:53PM 22 property line.

09:53PM 23 THE WITNESS: So to answer the question
09:53PM 24 about the trucks, the trucks come into the site.
09:53PM 25 It's my understanding that they would be directed by

09:53PM 1 members of the on-site staff to the location where
09:53PM 2 they're going to get off-loaded.

09:53PM 3 So they're not going to be queued up in
09:53PM 4 some line. They're all going to the location that,
09:53PM 5 again, where they're going to get offloaded, they get
09:53PM 6 offloaded and they're on their way.

09:53PM 7 You know, there's -- met enough truck
09:54PM 8 drivers that if you hold them up, they're going to
09:54PM 9 get annoyed. The shortest timeline that you can get
09:54PM 10 stuff off of their truck, you better do it. Just
09:54PM 11 because they make money on miles. They don't make
09:54PM 12 money sitting there waiting for you.

09:54PM 13 So, you know, they're going to have to
09:54PM 14 have a fairly efficient operation there to ensure
09:54PM 15 that they -- you know, they're getting this material
09:54PM 16 off and they're getting it stored away and get the
09:54PM 17 trucks moving on, but they're not all going to be
09:54PM 18 queued up in a line or all stacked next to each
09:54PM 19 other.

09:54PM 20 MR. THOMAS: And this plan allows for
09:54PM 21 that efficient movement of truck traffic, correct?

09:54PM 22 THE WITNESS: Yes.

09:54PM 23 MR. OLSEN: That's -- I guess I don't
09:54PM 24 know if this is a proposal to the board. This noise
09:54PM 25 is -- it's a big concern, you know, the noise coming

09:54PM 1 from the site and disturbing the neighboring homes.

09:55PM 2 So, you know, it's my recommendation
09:55PM 3 that we ask for a noise study prior to making a
09:55PM 4 decision on this so that we can have that information
09:55PM 5 to better inform our decision making.

09:55PM 6 That's it with my questions.

09:55PM 7 CHAIRMAN MESSERSCHMIDT: Thank you.

09:55PM 8 Mr. Skewes?

09:55PM 9 MR. SKEWES: No questions.

09:55PM 10 CHAIRMAN MESSERSCHMIDT: No questions,
09:55PM 11 okay.

09:55PM 12 Mr. O'Connell?

09:55PM 13 MR. O'CONNELL: Can you hear me? Can
09:55PM 14 you hear me now?

09:55PM 15 Just use my normal voice.

09:55PM 16 (Laughter.)

09:55PM 17 MR. THOMAS: Louder than that.

09:55PM 18 MR. O'CONNELL: Can you hear me now?

09:55PM 19 THE WITNESS: Yes.

09:55PM 20 MR. O'CONNELL: Okay.

09:55PM 21 Just going back to some of the basics
09:55PM 22 here. The container storage area, the westerly side,
09:56PM 23 how many containers are being depicted in that area.

09:56PM 24 MR. THOMAS: I'm sorry, did you say the
09:56PM 25 westerly side?

09:56PM 1 MR. O'CONNELL: Yes.

09:56PM 2 MR. THOMAS: Thank you.

09:56PM 3 THE WITNESS: I actually don't know the
09:56PM 4 breakdown of what we're showing east and west.

09:56PM 5 MR. O'CONNELL: You're not going to
09:56PM 6 know what's in the east either then?

09:56PM 7 THE WITNESS: No, but I know in total
09:56PM 8 it's a thousand.

09:56PM 9 MR. O'CONNELL: Total on this is a
09:56PM 10 thousand?

09:56PM 11 THE WITNESS: Yes.

09:56PM 12 MR. O'CONNELL: Okay.

09:56PM 13 Here's a good one for you too with the
09:56PM 14 roads. The interior roads and all this stuff, what
09:56PM 15 are you going to do about a snow plow.

09:56PM 16 THE WITNESS: I mean, rolled millings
09:56PM 17 can be plowed just the same as asphalt, so...

09:56PM 18 MR. O'CONNELL: So you are planning on
09:56PM 19 being able to plow these roads?

09:56PM 20 THE WITNESS: If they need to. I
09:56PM 21 think, you know, the consideration here is they may
09:57PM 22 be getting deliveries where they would need to clear
09:57PM 23 for that, but there not likely to be sending material
09:57PM 24 out in the winter months simply because it's not
09:57PM 25 construction season.

09:57PM 1 MR. O'CONNELL: You have to remember
09:57PM 2 we've has Halloween snowstorms, 12, 15 inches and an
09:57PM 3 April 1st snowstorm of 24 inches.

09:57PM 4 THE WITNESS: Yes.

09:57PM 5 MR. THOMAS: And they will plow.

09:57PM 6 MR. O'CONNELL: Are you going to use
09:57PM 7 salt?

09:57PM 8 THE WITNESS: I don't know.

09:57PM 9 MR. O'CONNELL: I would prefer you say,
09:57PM 10 no, you will not use salt and make that a condition.

09:57PM 11 MR. THOMAS: I will come back.

09:57PM 12 I would like to say yes to that,
09:57PM 13 because I think I understand exactly where you're
09:57PM 14 coming from and I think that that's maybe not
09:57PM 15 unreasonable, but I don't want to stipulate to it,
09:57PM 16 but I will write it down and I'll make a stipulation
09:57PM 17 at the next meeting.

09:57PM 18 MR. O'CONNELL: Okay. That's
09:57PM 19 satisfactory.

09:57PM 20 Thank you.

09:57PM 21 MR. THOMAS: Thank you.

09:57PM 22 MR. O'CONNELL: You also said that you
09:57PM 23 did the testing for the runoff and infiltration in
09:58PM 24 January of this year and you were saying that that's
09:58PM 25 the wet season. I was always under the impression

09:58PM 1 the wet season was April or October.

09:58PM 2 THE WITNESS: No, the wet season as the
09:58PM 3 state defines it is November the 15th or the 1st.

09:58PM 4 MR. STONER: The groundwater table, it
09:58PM 5 has to do with the height of the groundwater, but not
09:58PM 6 necessarily from the sky and the wet conditions.

09:58PM 7 It's where the groundwater table
09:58PM 8 fluctuates and they tell you the certain dates and I
09:58PM 9 think referring to the wet season is what the DEP
09:58PM 10 requirements are. I don't know the dates, but it
09:58PM 11 does fall within the end of the fall, the beginning
09:58PM 12 of the winter months is the months when they want you
09:58PM 13 to do the testing.

09:58PM 14 MR. O'CONNELL: All right.

09:58PM 15 Now, the spill kits you were talking
09:59PM 16 about, do you know what that consists of.

09:59PM 17 THE WITNESS: I'm sorry?

09:59PM 18 MR. O'CONNELL: The spill kits.

19 THE WITNESS: Yes, oh, spill kits, yes.
20 So the spill kit, again, it's -- typically it's a
21 drum, like, a 55-gallon drum to be able to put
22 anything that spills in it, so it can be disposed of
23 properly.

09:59PM 24 Again, it's PPE for the employee
09:59PM 25 gloves, masks, whatever is required for them to be

09:59PM 1 able to safely clean up what's there, the materials
09:59PM 2 for cleanup. You know, there's the -- the material
09:59PM 3 that's used that's spread on top of a spill to help
09:59PM 4 bind it so it can be cleaned up. That's usually,
09:59PM 5 like, booms, like, absorbant booms, kind of like
09:59PM 6 2 inches in diameter so you lay it down if there is a
09:59PM 7 spill, it kind of stops it and absorbs it and then,
09:59PM 8 you know, like other absorbant materials to help
10:00PM 9 clean up the spill.

10:00PM 10 MR. O'CONNELL: A-19, the circulation,
10:00PM 11 the circular route through here, do all these
10:00PM 12 intersections and curbs meet the requirements for the
10:00PM 13 WB-50 type trucks?

10:00PM 14 THE WITNESS: Yes, yeah.

10:00PM 15 So, again, this is, like, a typical --
10:00PM 16 it was a typical loop and, you know, we're
10:00PM 17 maneuvering -- generally speaking, maneuvering all of
10:01PM 18 the different types of turns you're going to
10:01PM 19 encounter on the site and showing how the vehicle can
10:01PM 20 make that maneuver.

10:01PM 21 MR. O'CONNELL: Are you truly intending
10:01PM 22 to put these trucks through the employee parking lot?

10:01PM 23 THE WITNESS: They can.

10:01PM 24 I mean, it is the most direct route to
10:01PM 25 take them to the east side.

10:01PM 1 MR. O'CONNELL: And on the other side,
10:01PM 2 on the east side. Therefore, all those intersections
10:01PM 3 and turns, everything can be handled with the WB-50?

10:01PM 4 THE WITNESS: Yes.

10:01PM 5 MR. O'CONNELL: Perhaps you can tell me
10:01PM 6 how you're going to back up a truck to the building
10:01PM 7 to offload it there?

10:01PM 8 THE WITNESS: So you're saying in this
10:02PM 9 area here, if the truck can load?

10:02PM 10 MR. O'CONNELL: As I understood it in
10:02PM 11 the building, itself, storage for higher-priced
10:02PM 12 materials to be protected.

10:02PM 13 So back a WB-50 into there, you got to
10:02PM 14 be real talented.

10:02PM 15 THE WITNESS: This is -- I will tell
10:02PM 16 you my father-in-law is a truck driver and has been
10:02PM 17 for many, many years and I will tell you he is very
10:02PM 18 talented. He once parked my truck, parallel parked
10:02PM 19 my little pickup in a spot 3 inches longer than it
10:02PM 20 and I still to this day don't know how he did it and
10:02PM 21 couldn't get my truck out without him doing it.

10:02PM 22 So I don't doubt the skill of the truck
10:02PM 23 drivers.

10:02PM 24 In here, though, there's plenty of room
10:02PM 25 for the truck to turn up towards where the dumpster

10:03PM 1 is and then back towards the building. There's a
10:03PM 2 large area here that allows for loading into the
10:03PM 3 building. The truck is not going to back into the
10:03PM 4 building. It doesn't have a loading dock
10:03PM 5 specifically.

10:03PM 6 So, you know, the material would have
10:03PM 7 to be removed either by a forklift pulling material
10:03PM 8 out or a using a lift key.

10:03PM 9 MR. O'CONNELL: So you're saying that
10:03PM 10 the loading dock or the doors for the building or
10:03PM 11 offloading are in the front by the employee parking
10:03PM 12 lot?

10:03PM 13 THE WITNESS: The -- it's -- yeah, it's
10:03PM 14 on the east side of the building in the rear here.

10:03PM 15 MR. O'CONNELL: Okay. I thought it was
10:03PM 16 further back, but okay, that's fine.

10:03PM 17 MR. STONER: Just to jump on what John
10:04PM 18 said, if there's --

10:04PM 19 MR. THOMAS: Cory, you do have to speak
10:04PM 20 into the mic, I'm sorry.

10:04PM 21 MR. STONER: If there's trucks there
10:04PM 22 during the loading, will they be blocking the access
10:04PM 23 road towards the east?

10:04PM 24 THE WITNESS: Again, there's plenty of
10:04PM 25 routes to get through the site without having to

10:04PM 1 specifically come through here.

10:04PM 2 Again, it is the most direct route, but
10:04PM 3 it is not the only route.

10:04PM 4 MR. STONER: So when you say it's not
10:04PM 5 the only route, that's likely where they would go or
10:04PM 6 they'll drive over the gravel areas?

10:04PM 7 THE WITNESS: I think, yeah, they could
10:04PM 8 drive around.

10:04PM 9 I mean, you know, I think they're going
10:04PM 10 to stay within the roads. It's the easiest path for
10:04PM 11 them and it's -- you know, it's, kind of, an
10:04PM 12 operational question that I don't necessarily want to
10:04PM 13 lean too deep into, but, you know, they're not --
10:04PM 14 they're not backing into a loading dock.

10:04PM 15 So they could just as easily pull
10:04PM 16 alongside of the building if they know they have
10:04PM 17 additional trucks that are going to be going to the
10:04PM 18 far side and they can unload the trucks and the truck
10:05PM 19 could be --

10:05PM 20 MR. STONER: That's a very good comment
10:05PM 21 that was made about the trucks going through the main
10:05PM 22 parking lot to get to the east part of the property.
10:05PM 23 That seems a little awkward. You're going to have
10:05PM 24 the trailers going through the middle of that
10:05PM 25 employee parking lot at a great frequency.

10:05PM 1 It's something that should be
10:05PM 2 considered, some other route to get over to the east
10:05PM 3 side.

10:05PM 4 Some kind of, you know, a direct route
10:05PM 5 so they do not go through the middle of that parking
10:05PM 6 lot.

10:05PM 7 THE WITNESS: I mean, yeah, that's --
10:05PM 8 you know, if that's a concern --

10:05PM 9 MR. STONER: I believe that's where you
10:05PM 10 were going with that.

10:05PM 11 MR. O'CONNELL: Yes.

10:05PM 12 THE WITNESS: Yeah, so I mean, we can
10:05PM 13 address that concern. We can, you know, again, we
10:05PM 14 can go around this way, but we can make it more
10:05PM 15 direct and just take this and extend it through so
10:05PM 16 that the truck traffic would go around that space and
10:05PM 17 not through it.

10:05PM 18 BY MR. THOMAS:

10:05PM 19 Q. And just illuminate --

10:05PM 20 A. Yeah, we can just -- yeah, we can --
10:06PM 21 well, we can just reconfigure things around. I mean,
10:06PM 22 I think we would probably illuminate this section
10:06PM 23 here, because then it would illuminate the desire to
10:06PM 24 have traffic come through here and we could just
10:06PM 25 direct it here. So we can modify the plans to

10:06PM 1 accommodate that.

10:06PM 2 MR. STONER: Okay.

10:06PM 3 MR. O'CONNELL: Last but not least, I
10:06PM 4 had asked once before why the aggregate area could
10:06PM 5 not be moved up to where you have the area reserved
10:06PM 6 for future use getting away from Stickles Pond Road
10:06PM 7 and the houses and neighbors, that's on A-17.

10:07PM 8 THE WITNESS: So your question is
10:07PM 9 relocating the orange aggregate storage area into
10:07PM 10 this area here?

10:07PM 11 MR. O'CONNELL: That area or the other
10:07PM 12 area.

10:07PM 13 THE WITNESS: The rear here?

10:07PM 14 I think that one of the considerations
10:07PM 15 to this is the fact that as Cory had discussed
10:07PM 16 earlier, the slopes here, while they are manageable,
10:07PM 17 they are not as level as they are in the area where
10:07PM 18 the aggregate is proposed and storing equipment such
10:07PM 19 as we're proposing in this purple area here, that
10:07PM 20 works well on the slopes.

10:07PM 21 I think the concern about, you know,
10:07PM 22 having loaded dump trucks driving further into the
10:07PM 23 site and, you know, having a loaded dump truck on
10:08PM 24 those slopes and dumping, I think from a practical
10:08PM 25 and functional standpoint this works much better.

10:08PM 1 MR. O'CONNELL: Three dimensional, I
10:08PM 2 don't have a three dimensional.

10:08PM 3 THE WITNESS: Understood.

10:08PM 4 MR. STONER: And not to jump on the
10:08PM 5 back end of your comment again, looking at the
10:08PM 6 grading plan on sheet 11 of the original package, in
10:08PM 7 the middle of that storage area, there is quite a lot
10:08PM 8 of grading that's going to occur to create that bin
10:08PM 9 storm area. There's actually a mound of about -- you
10:08PM 10 have about 15-foot cut to level that area.

10:08PM 11 If you would leave that area in place
10:08PM 12 and move that whole bin area behind that, move
10:08PM 13 hundred foot back on the property, you would leave
10:08PM 14 the whole -- the hillside and block the view greatly.
10:09PM 15 Just something to think about. I think you have
10:09PM 16 another good comment there with the fact that because
10:09PM 17 it's moving away from Stickles Pond, there's quite a
10:09PM 18 grade, a hill that's going to be graded out and level
10:09PM 19 in order to create that, which is a lot of earth
10:09PM 20 movement and a lot of work and it's taking a natural
10:09PM 21 buffer away.

10:09PM 22 THE WITNESS: Understood.

10:09PM 23 I understand your comment and I guess
10:09PM 24 we will go back and discuss it.

10:09PM 25 MR. THOMAS: We'll look at it. Haven't

10:09PM 1 thought about it, but we will look at it.

10:09PM 2 MS. HOWELL: Yes, I do have a question.

10:09PM 3 I think I can talk loud enough without the mic.

10:09PM 4 The spill kits, going back to the spill
10:10PM 5 kits. What's the maximum size spill that a spill kit
10:10PM 6 takes care of?

10:10PM 7 THE WITNESS: Do you have that --

10:10PM 8 MR. THOMAS: Yeah, yeah.

10:10PM 9 THE WITNESS: I mean, generally

10:10PM 10 speaking it's the size of a spill that is handled
10:10PM 11 on-site, which I mean, you know, the drums, a
10:10PM 12 55-gallon drum that's kept on site, usually keep at
10:10PM 13 least two.

10:10PM 14 I don't know if -- forgive me on this,
10:10PM 15 I don't remember what they classified in their
10:10PM 16 protocol, whether -- what a large spill and small
10:10PM 17 spill is. It depends on the sites. I had sites
10:10PM 18 where, you know, a small spill that they handle
10:10PM 19 on-site is a thousand gallons. I've had others where
10:10PM 20 it's 50.

10:10PM 21 MS. HOWELL: So the spill kits that are
10:10PM 22 given to your employees are going to be handled, able
10:10PM 23 to handle a thousand gallon spill?

10:11PM 24 THE WITNESS: Well, first they're not
10:11PM 25 my employees, but, you know, there's not a thousand

10:11PM 1 gallons in any particular piece of equipment that
10:11PM 2 could leak, but again, I don't know.

10:11PM 3 I can't answer for you. I can -- I
10:11PM 4 will find out.

10:11PM 5 MR. THOMAS: We'll get the information.

10:11PM 6 MS. HOWELL: Did I understand you to
10:11PM 7 say that some of the equipment might have a hundred
10:11PM 8 gallons of hydraulics in it?

10:11PM 9 THE WITNESS: Yeah, they have hydraulic
10:11PM 10 fluid, right.

10:11PM 11 MS. HOWELL: That seems to be a fairly
10:11PM 12 -- in my opinion, a fairly large spill if the entire
10:11PM 13 hoses broke on that and they drained the entire, you
10:11PM 14 know, the entire hydraulics came out.

10:11PM 15 THE WITNESS: Again, I'm not an expert
10:11PM 16 on the operation of a piece of equipment like that,
10:11PM 17 but my understanding is if a hose breaks, the
10:12PM 18 pressure will release in the system, but it's not
10:12PM 19 going to evacuate what's in the tank.

10:12PM 20 MS. HOWELL: It will be whatever is in
10:12PM 21 the hose?

10:12PM 22 THE WITNESS: Right.

10:12PM 23 MS. HOWELL: Okay. I'd be interesting
10:12PM 24 in knowing how large a spill the spill kits take care
10:12PM 25 of.

10:12PM 1 MR. THOMAS: Okay.

10:12PM 2 MS. HOWELL: No other questions at this
10:12PM 3 time.

10:12PM 4 Thanks.

10:12PM 5 CHAIRMAN MESSERSCHMIDT: All right. So
10:12PM 6 Mr. Nusser, just to go back to some of your testimony
10:12PM 7 earlier, I have a few questions.

10:12PM 8 You talked about that there would be, I
10:12PM 9 believe, weekly inspections of the equipment that's
10:12PM 10 stored on the property.

10:12PM 11 THE WITNESS: Yes.

10:12PM 12 CHAIRMAN MESSERSCHMIDT: Okay. Do you
10:12PM 13 know if there will be logs kept of these inspections?

10:12PM 14 THE WITNESS: I don't know, but I would
10:12PM 15 assume so.

10:12PM 16 CHAIRMAN MESSERSCHMIDT: Okay. Could
10:12PM 17 that be a stipulation, a condition to a possible
10:13PM 18 approval of this application that there be weekly
10:13PM 19 logs kept of these inspections with a date and
10:13PM 20 signature of the person that did it, each piece of
10:13PM 21 equipment identified that was inspected and logs,
10:13PM 22 these logs sent to the township for review on a
10:13PM 23 quarterly basis?

10:13PM 24 MR. THOMAS: Let me check with the
10:13PM 25 client.

10:13PM 1 I don't know that they have thought
10:13PM 2 about that extensive, but let me talk to them and
10:13PM 3 I'll be happy to get back to you in March.

10:13PM 4 CHAIRMAN MESSERSCHMIDT: Thank you.

10:13PM 5 Mr. Nusser, you testified earlier that,
10:13PM 6 I believe you said, some of the containers sit in low
10:13PM 7 areas, correct?

10:13PM 8 THE WITNESS: Some of the --

10:13PM 9 CHAIRMAN MESSERSCHMIDT: Containers sit
10:13PM 10 in low areas.

10:13PM 11 THE WITNESS: Currently in the existing
10:13PM 12 condition, there are low areas on the site and those
10:14PM 13 areas are some of them or at least one of them is
10:14PM 14 located within an area that will be containers. It's
10:14PM 15 not -- the containers will not -- the site will be
10:14PM 16 regraded. The containers are not going to be placed
10:14PM 17 in low areas. The site will be graded so it's at
10:14PM 18 positive drainage at all times.

10:14PM 19 CHAIRMAN MESSERSCHMIDT: Okay. So if
10:14PM 20 that's your testimony, then your testimony is that
10:14PM 21 the area that you're showing in green, I believe it's
10:14PM 22 green or yellow depending on the --

10:14PM 23 THE WITNESS: The lighting.

10:14PM 24 MR. THOMAS: The container area.

10:14PM 25 CHAIRMAN MESSERSCHMIDT: Well, there's

10:14PM 1 two container areas.

10:14PM 2 MR. THOMAS: Yes.

10:14PM 3 CHAIRMAN MESSERSCHMIDT: But the one
10:14PM 4 that is closest to the pond.

10:14PM 5 MR. THOMAS: The easterly one?

10:14PM 6 CHAIRMAN MESSERSCHMIDT: Yes.

10:14PM 7 It appears based on your map, that
10:14PM 8 appears to be an area that would have the majority or
10:14PM 9 let's say more than 50 percent of the containers
10:14PM 10 being proposed to be stored, correct?

10:14PM 11 THE WITNESS: Yes.

10:15PM 12 CHAIRMAN MESSERSCHMIDT: So if you
10:15PM 13 weren't going to -- how much of that area is low
10:15PM 14 area?

10:15PM 15 THE WITNESS: So there's -- I can't
10:15PM 16 tell you percentage-wise.

10:15PM 17 CHAIRMAN MESSERSCHMIDT: That's what
10:15PM 18 I'm looking for.

10:15PM 19 THE WITNESS: Okay. I can -- I can get
10:15PM 20 that number for you and bring it to you next time.

10:15PM 21 I'm interested, I don't want to leave
10:15PM 22 the question on you, but I'm just trying to
10:15PM 23 understand what the concern is.

10:15PM 24 CHAIRMAN MESSERSCHMIDT: I'm getting to
10:15PM 25 that.

10:15PM 1 THE WITNESS: Okay.

10:15PM 2 CHAIRMAN MESSERSCHMIDT: Okay.

10:15PM 3 So if 50 percent of that area on the
10:15PM 4 easterly side of where the containers would be is low
10:15PM 5 areas that you would not be able to put the
10:15PM 6 containers in that area, that size that you're
10:15PM 7 showing on the map there would be reduced by
10:15PM 8 50 percent, where would you put those containers that
10:15PM 9 could not sit in that area.

10:15PM 10 THE WITNESS: Okay, got it.

10:15PM 11 So the areas that are low maybe take up
10:15PM 12 -- if they took up 10 percent, it would be a lot of
10:16PM 13 that area. It's probably more likely 5 percent or so
10:16PM 14 of the area. The area will be re-graded. The low
10:16PM 15 areas go away and that water -- the low areas get
10:16PM 16 combined basically to be this stormwater basin
10:16PM 17 located on the northern side of that storage. So
10:16PM 18 there's no low areas that are left for the
10:16PM 19 containers. There's a continuous slope of the water
10:16PM 20 into that stormwater feature so you don't have a
10:16PM 21 situation where we have containers sitting in puddles
10:16PM 22 of water, you know, that's not good for -- you know,
10:16PM 23 it would be pretty terrible for, you know, the
10:16PM 24 container, number one, for the material inside the
10:16PM 25 container.

10:16PM 1 You know, it's -- it wouldn't be a
10:16PM 2 functional way to design the site. So the site is
10:16PM 3 not designed for that. It's designed so that the
10:17PM 4 water continuously moves and goes into that
10:17PM 5 stormwater basin where the water is then controlled
10:17PM 6 and there are no low areas in the proposed condition.

10:17PM 7 CHAIRMAN MESSERSCHMIDT: Understood.
10:17PM 8 So to follow up on that question, the infiltration
10:17PM 9 area that you're showing towards the top of -- that
10:17PM 10 you just pointed to.

10:17PM 11 THE WITNESS: Yeah, to the -- on the
10:17PM 12 north side here.

10:17PM 13 CHAIRMAN MESSERSCHMIDT: Correct.

10:17PM 14 So from a topographic standpoint, is
10:17PM 15 that -- how will that basin be filled? Will it be
10:17PM 16 from water running on the ground or through pipes
10:17PM 17 into the infiltration basin? And there's a reason
10:17PM 18 that I'm asking you specifically this.

10:17PM 19 THE WITNESS: For that basin, the water
10:17PM 20 is running across the surface and then into the
10:17PM 21 basin, so it's not piped.

10:17PM 22 MR. THOMAS: Is that an infiltration
10:17PM 23 basin or detention basin?

10:17PM 24 THE WITNESS: That is an infiltration
10:17PM 25 basin.

10:17PM 1 CHAIRMAN MESSERSCHMIDT: And so for the
10:17PM 2 rest of the area in the easterly section where the
10:18PM 3 containers would be, you indicated that the
10:18PM 4 infiltration basin at the top that you just pointed
10:18PM 5 to would be for the purposes of the area closest to
10:18PM 6 that infiltration basin where the containers would be
10:18PM 7 or they're proposed to be, correct?

10:18PM 8 THE WITNESS: Correct.

10:18PM 9 CHAIRMAN MESSERSCHMIDT: Okay. So how
10:18PM 10 much of that container area would then not run to
10:18PM 11 that infiltration basin and if that's the case, what
10:18PM 12 infiltration basin would it go to?

10:18PM 13 THE WITNESS: So it's basically from
10:18PM 14 this point here on the east side coming back through
10:18PM 15 kind of where this diagonal road is, but this water
10:18PM 16 is directed into that basin.

10:18PM 17 The remaining portion comes as it does
10:19PM 18 in the existing condition towards the front of the
10:19PM 19 site and goes into the larger basin next to the
10:19PM 20 runway.

10:19PM 21 CHAIRMAN MESSERSCHMIDT: And how would
10:19PM 22 that water get to that larger infiltration basin?

10:19PM 23 THE WITNESS: That water is piped.
10:19PM 24 It's collected in inlets and pipes.

10:19PM 25 CHAIRMAN MESSERSCHMIDT: So, and the

10:19PM 1 reason that's piped is why, as opposed to running
10:19PM 2 above ground?

10:19PM 3 THE WITNESS: It was a matter of making
10:19PM 4 sure we had appropriate slope to get the water into
10:19PM 5 that basin.

10:19PM 6 CHAIRMAN MESSERSCHMIDT: Okay. So the
10:19PM 7 pipe coming out of the container area going to that
10:19PM 8 larger infiltration basin, where would the pipe, the
10:19PM 9 end right pipe be? Would it be at ground level?
10:19PM 10 Would it be below ground level?

10:19PM 11 And if so, how far below ground level
10:19PM 12 would that pipe start in the container area.

10:19PM 13 THE WITNESS: How deep is the pipe in
10:19PM 14 the container area?

10:19PM 15 CHAIRMAN MESSERSCHMIDT: The end of the
10:19PM 16 pipe where the containers would be.

10:19PM 17 THE WITNESS: So at the far reach of
10:20PM 18 that pipe.

10:20PM 19 So that pipe is about 3 feet down.
10:20PM 20 Well, the invert of that pipe is 3 feet down, I
10:20PM 21 should say.

10:20PM 22 CHAIRMAN MESSERSCHMIDT: And
10:20PM 23 understanding that, how deep is that large
10:20PM 24 infiltration basin?

10:20PM 25 THE WITNESS: That basin is about

10:20PM 1 4-feet deep.

10:20PM 2 CHAIRMAN MESSERSCHMIDT: And so where
10:20PM 3 would the end of the pipe that's coming from the
10:20PM 4 containers enter, at what level would it enter the
10:20PM 5 infiltration basin?

10:20PM 6 THE WITNESS: It comes in at the
10:20PM 7 bottom.

10:20PM 8 CHAIRMAN MESSERSCHMIDT: Right.
10:20PM 9 So when it reaches -- when it comes
10:20PM 10 into the bottom, is it on a slope, is the pipe on a
10:21PM 11 slope or is it on level or how much of the slope from
10:21PM 12 the container basin -- I'm sorry, from the container
10:21PM 13 area to the infiltration basin.

10:21PM 14 THE WITNESS: The pipe is sloped. It's
10:21PM 15 at a half a percent.

10:21PM 16 CHAIRMAN MESSERSCHMIDT: And so at what
10:21PM 17 level when the water starts running into that
10:21PM 18 infiltration basin does it level off so that the
10:21PM 19 water no longer runs from the container area into the
10:21PM 20 infiltration basin?

10:21PM 21 THE WITNESS: I'm not sure I understand
10:21PM 22 your question.

10:21PM 23 CHAIRMAN MESSERSCHMIDT: Okay. So if I
10:21PM 24 have the pipe starting here and it goes down to here,
10:21PM 25 right, when it reaches a concern -- the water level

10:21PM 1 in the infiltration basin reaches a certain level
10:21PM 2 here, this water doesn't continue to run down into
10:21PM 3 there anymore, correct?

10:21PM 4 THE WITNESS: Right.

10:21PM 5 CHAIRMAN MESSERSCHMIDT: So the water
10:21PM 6 sits up here still?

10:21PM 7 THE WITNESS: So the thing to keep in
10:21PM 8 mind here is that, again, the pipe is starting at a
10:22PM 9 higher elevation and then the pipe is coming down.

10:22PM 10 CHAIRMAN MESSERSCHMIDT: At 3 foot
10:22PM 11 below the ground level?

10:22PM 12 THE WITNESS: Right.

10:22PM 13 So the pipe despite the fact there's
10:22PM 14 going to be no water effects from the basin even
10:22PM 15 though the pipe is 3 feet below, the basin is 4-feet
10:22PM 16 deep, that doesn't mean that it's going to be popping
10:22PM 17 up the elevation.

10:22PM 18 The elevation of the nearest inlet,
10:22PM 19 which would be the lowest inlet is, we'll call it,
10:22PM 20 601.8 feet in elevation and the top of the basin is
10:22PM 21 at 601 and then it would spill over.

10:22PM 22 So there's eight-tenths of a foot
10:22PM 23 clearances from the lowest of them into the basin and
10:22PM 24 that inlet isn't located in the container storage
10:23PM 25 area, it's located in the -- in the aggregate area

10:23PM 1 and I think further to the point of -- I think where
10:23PM 2 you're going with some of your points, there are
10:23PM 3 inlets throughout to collect the water.

10:23PM 4 But, generally speaking, there is
10:23PM 5 positive flow along the surface. So it's not like a
10:23PM 6 parking lot you would see at a shopping mall where
10:23PM 7 there's an inlet and it's kind of in like a little
10:23PM 8 belly and then it comes up and it goes down to
10:23PM 9 another belly and there's an inlet. There's
10:23PM 10 generally positive flow. It's just at a lower
10:23PM 11 percentage.

10:23PM 12 So it's not that the water could get
10:23PM 13 tracked at that inlet if you keep going beyond it.
10:23PM 14 So there's not a -- I don't have a concern of the
10:23PM 15 pipe system failing and it resulting in severe
10:24PM 16 ponding on the site or localized flooding or however
10:24PM 17 you want to look at it. The design accounts for the
10:24PM 18 fact that if there is an issue with the pipe, it can
10:24PM 19 still get that water to the basin where it belongs as
10:24PM 20 a --

10:24PM 21 MR. STONER: Can I ask a question just
10:24PM 22 to clarify. If it backs up, if the pipe system backs
10:24PM 23 up, would you agree that it would come out one of the
10:24PM 24 inlets and would travel over land towards the basin?

10:24PM 25 THE WITNESS: Yes, in a failure

10:24PM 1 situation if the inlet were to be blocked for
10:24PM 2 whatever reason, that it would fail in the manner
10:24PM 3 where it would still continue to send the water
10:24PM 4 positively towards the basin.

10:24PM 5 CHAIRMAN MESSERSCHMIDT: I'm not
10:24PM 6 concerned.

10:24PM 7 I didn't have so much of a concern
10:24PM 8 about the pipe failing I had more of a concern of
10:24PM 9 when the water level in the infiltration basin levels
10:25PM 10 off with the water that's coming from the container
10:25PM 11 area, the water from the container area and I'm not
10:25PM 12 an engineer, but just common sense, it's no longer
10:25PM 13 going to run into the infiltration basin.

10:25PM 14 THE WITNESS: Right.

10:25PM 15 So that's where the point of the pipe
10:25PM 16 system, the top of the pipe system at those grade
10:25PM 17 elevations is always higher than the highest point of
10:25PM 18 the basin. So the water will continue to collect and
10:25PM 19 it will continue to convey.

10:25PM 20 CHAIRMAN MESSERSCHMIDT: Okay. I'd
10:25PM 21 like to go to the driving lanes I think you called
10:25PM 22 them where the container areas are so that the trucks
10:25PM 23 can move in between the container areas.

10:25PM 24 Actually I think you're better off with
10:25PM 25 A-17 is the one I was looking at that you had up

10:26PM 1 there.

10:26PM 2 In the proposed storage construction
10:26PM 3 material area, green or yellow area in the easterly
10:26PM 4 area that we were just talking about with the water
10:26PM 5 removal off of that area.

10:26PM 6 THE WITNESS: Yeah.

10:26PM 7 CHAIRMAN MESSERSCHMIDT: Okay. So
10:26PM 8 those, I believe you referred to them as driving
10:26PM 9 lanes. I may be mistaken. But that's where
10:26PM 10 essentially tractor trailers would be going down
10:26PM 11 those lanes?

10:26PM 12 THE WITNESS: Yes.

10:26PM 13 CHAIRMAN MESSERSCHMIDT: Okay. What's
10:26PM 14 the width of those lanes?

10:26PM 15 THE WITNESS: I believe they are -- let
10:26PM 16 me double check, but I believe they're 25 feet.

10:26PM 17 CHAIRMAN MESSERSCHMIDT: And the
10:26PM 18 tractor trailers that we're talking about, do you
10:26PM 19 know what the width of those are?

10:26PM 20 THE WITNESS: The tractor trailers are
10:26PM 21 generally 8- to 9-foot wide. I mean, if you think
10:26PM 22 about a highway lane is 10 feet and they fit.

10:26PM 23 CHAIRMAN MESSERSCHMIDT: So the lanes
10:26PM 24 are essentially close to, if not wider, than two
10:27PM 25 travel lanes on a highway that tractor trailers can

10:27PM 1 pass by each other?

10:27PM 2 THE WITNESS: So I think the way to
10:27PM 3 look at the 25-foot width is it's consistent with a
10:27PM 4 two-way aisle, two-way directional aisle in the
10:27PM 5 parking lot.

10:27PM 6 CHAIRMAN MESSERSCHMIDT: And the point
10:27PM 7 I'm getting to or the question I'm getting to is that
10:27PM 8 there would be -- you could, essentially, have two
10:27PM 9 tractor trailers passing each other on those lanes?

10:27PM 10 THE WITNESS: Yes, right.

10:27PM 11 CHAIRMAN MESSERSCHMIDT: Okay. Is
10:27PM 12 there enough room for when one of these tractor
10:27PM 13 trailers is coming out one of those driving lanes to
10:27PM 14 be able to make that turn? It doesn't appear that
10:27PM 15 way on this map.

10:27PM 16 THE WITNESS: So you're saying would
10:27PM 17 there be a conflict if somebody is making a turn and
10:27PM 18 there's another truck there?

10:27PM 19 CHAIRMAN MESSERSCHMIDT: Even if there
10:27PM 20 wasn't another truck.

10:27PM 21 THE WITNESS: Oh, there's plenty of
10:28PM 22 room for the truck to make maneuvers.

10:28PM 23 CHAIRMAN MESSERSCHMIDT: So how long
10:28PM 24 are these trailers that are on these trucks?

10:28PM 25 THE WITNESS: They're 40-foot trailers.

10:28PM 1 CHAIRMAN MESSERSCHMIDT: So none of
10:28PM 2 them are more than 40 feet?

10:28PM 3 THE WITNESS: Well, the truck itself,
10:28PM 4 the overall truck is longer than that, but the
10:28PM 5 container on the back is consistent with the
10:28PM 6 containers.

10:28PM 7 CHAIRMAN MESSERSCHMIDT: And so these
10:28PM 8 trucks can make those turns out of -- into and out of
10:28PM 9 these lanes based on and I don't know if this is to
10:28PM 10 scale, but based on what you're showing here on A-17,
10:28PM 11 they can make these turns, especially the ones that
10:28PM 12 are the furthest east?

10:28PM 13 THE WITNESS: Yes.

10:28PM 14 CHAIRMAN MESSERSCHMIDT: Okay.

10:28PM 15 MR. THOMAS: Are the travel lanes on
10:28PM 16 the easterly side the same width as the ones that you
10:28PM 17 showed on the traffic exhibit on the westerly side?

10:28PM 18 THE WITNESS: Yes.

10:28PM 19 MR. THOMAS: So they're all the same?

10:28PM 20 THE WITNESS: Yes.

10:28PM 21 MR. THOMAS: And the analysis that you
10:28PM 22 did on the westerly side with the turning template
10:29PM 23 for the 50-foot trailer was the same one that you
10:29PM 24 used for the easterly side?

10:29PM 25 THE WITNESS: It's -- yeah, again, the

10:29PM 1 maneuvers are the same maneuvers. The layout is
10:29PM 2 generally the same.

10:29PM 3 They're going to be making the same
10:29PM 4 general maneuvers throughout the site and if it can
10:29PM 5 accomplish it, you know, if it can make the 90-degree
10:29PM 6 turn with that geometry on the west side, they can
10:29PM 7 certainly make it on the east side.

10:29PM 8 CHAIRMAN MESSERSCHMIDT: I'd like to
10:29PM 9 have you refer to A-19.

10:29PM 10 Now, you're showing on A-19, and I know
10:29PM 11 -- clearly it doesn't appear to be scale, the lanes
10:29PM 12 going in two different directions around the site?

10:30PM 13 THE WITNESS: Yes.

10:30PM 14 Yeah, the plan that you have is not to
10:30PM 15 scale.

10:30PM 16 CHAIRMAN MESSERSCHMIDT: I understand
10:30PM 17 that.

10:30PM 18 And so my question is this: Are those
10:30PM 19 also 25-foot lanes going all the way around the site,
10:30PM 20 25-foot-wide lanes.

10:30PM 21 THE WITNESS: Are you -- you're
10:30PM 22 specifically saying the ones that have the arrows on
10:30PM 23 them?

10:30PM 24 CHAIRMAN MESSERSCHMIDT: Correct.

10:30PM 25 THE WITNESS: So the main access drive

10:30PM 1 here is 30 feet in width and the parking lot ones are
10:30PM 2 actually -- they're 24 feet in width.

10:30PM 3 CHAIRMAN MESSERSCHMIDT: And the rest
10:30PM 4 of the lanes going all the way around the area?

10:30PM 5 THE WITNESS: All of these gray ones,
10:30PM 6 yes, are 25.

10:30PM 7 CHAIRMAN MESSERSCHMIDT: Okay.

10:30PM 8 So I also just had one other question
10:31PM 9 regarding the water testing in the area. You said
10:31PM 10 that the testing was done in January of this year.

10:31PM 11 THE WITNESS: Yes.

10:31PM 12 CHAIRMAN MESSERSCHMIDT: And I think
10:31PM 13 Cory mentioned that -- he didn't say specifically
10:31PM 14 that the DEP requires it be a specific month, but
10:31PM 15 rather one, two, three month area timeframe.

10:31PM 16 THE WITNESS: There's a timeframe that
10:31PM 17 it needs to be accomplished in, yes.

10:31PM 18 CHAIRMAN MESSERSCHMIDT: Okay. And
10:31PM 19 this water testing was already done?

10:31PM 20 THE WITNESS: Yes.

10:31PM 21 CHAIRMAN MESSERSCHMIDT: It seems to
10:31PM 22 me, and maybe I'm mistaken, but in January of this
10:31PM 23 year we had for, I guess, January and I don't know if
10:31PM 24 you did this in the beginning of January, the middle
10:31PM 25 or the end of January, but there wasn't as much

10:32PM 1 precipitation that we had in January of this year
10:32PM 2 compared to January of 2021 or January of 2020 or
10:32PM 3 even February of this year and I question in my mind
10:32PM 4 if that is adequate representation of the groundwater
10:32PM 5 level.

10:32PM 6 In other words, the testing that you
10:32PM 7 did in January of this year, 2022, may not be a true
10:32PM 8 picture of what the typical groundwater at its worst
10:32PM 9 case scenario, typical worst case scenario of what
10:32PM 10 the groundwater level would be where it would seem to
10:32PM 11 me that it would be most important for the applicant,
10:32PM 12 as well as the township to have to know that the
10:32PM 13 testing was done in the worst possible or highest
10:33PM 14 groundwater level time, not the least.

10:33PM 15 THE WITNESS: Well, and it's -- again,
10:33PM 16 the reason that the testing is done in the time of
10:33PM 17 year that it's done is because that is when the
10:33PM 18 groundwater levels are highest.

10:33PM 19 CHAIRMAN MESSERSCHMIDT: Supposed to be
10:33PM 20 the highest.

10:33PM 21 THE WITNESS: There's many factors that
10:33PM 22 go into the testing. The physical level of water
10:33PM 23 observed is one of them. There's other indicators of
10:33PM 24 groundwater within those -- within those tests beyond
10:33PM 25 that. There's modeling discoloration in the soil,

10:33PM 1 which shows the groundwater level.

10:33PM 2 So there's other indications there
10:33PM 3 within those logs so that it's not just on the third
10:33PM 4 Tuesday of January, this is what it was in 2022. You
10:34PM 5 know, the soil shows that historic where the
10:34PM 6 groundwater is with -- generally with that model and
10:34PM 7 so, you know, if the groundwater is observed lower
10:34PM 8 than where that is, that modeling is what you use as
10:34PM 9 your groundwater elevation because it's higher, it's
10:34PM 10 evidenced that the water was likely there and it goes
10:34PM 11 there regularly.

10:34PM 12 So I understand the concern. If I
10:34PM 13 could replicate worst case conditions, I would
10:34PM 14 probably be in another business and, you know,
10:34PM 15 there's regulations and guidance that would follow to
10:34PM 16 the best of our ability. You know, timing-wise,
10:34PM 17 could we go back and look through the calender and
10:34PM 18 pick out some probably better time, I'm sure we
10:34PM 19 could. There's all sorts of restrictions to it. I
10:34PM 20 have to be able to get a guy to actually come out and
10:34PM 21 dig the holes for me. You know, what's his schedule?

10:35PM 22 So, I mean, I have a lot of constraints
10:35PM 23 on there that, you know, I need to get it done in a
10:35PM 24 certain time period. I'm pretty sure if I came in
10:35PM 25 here and said I didn't do the testing yet, that I

10:35PM 1 would be told you should have had this testing done
10:35PM 2 already, we've talked about this before.

10:35PM 3 So, you know, I don't want to say it's
10:35PM 4 a no-win situation, but, you know, we follow the
10:35PM 5 guidance. We did the testing when it was appropriate
10:35PM 6 and, you know, there's other indicators, again, other
10:35PM 7 than just that pure this is where the water is.

10:35PM 8 MR. STONER: If I can add, the DEP
10:35PM 9 requirements are January through April and then
10:35PM 10 they're supplemented with the soil logs as Mr. Nusser
10:35PM 11 stated, which shows the modeling.

10:35PM 12 It's very much like you're seeing
10:35PM 13 engineers do septic designs, things like that, you
10:35PM 14 know, that's what they look for, the modeling, the
10:35PM 15 coloration of the materials due to continuing --
10:35PM 16 continuing water that changes the color to make up
10:36PM 17 the soil.

10:36PM 18 So that does go by the DEP regulations
10:36PM 19 for a groundwater table and the importance of this --
10:36PM 20 this whole -- this whole -- whole exercise is to --
10:36PM 21 when they do their infiltration basin, they have to
10:36PM 22 be so many feet above the groundwater table and also
10:36PM 23 with the mounding analysis, which is important,
10:36PM 24 because you have an area, an infiltration basin that
10:36PM 25 mounds, it puts water directly into the ground. They

10:36PM 1 have to be able to tell how the groundwater is going
10:36PM 2 to react with that amount of water.

10:36PM 3 The mounding -- it could react, but the
10:36PM 4 mounding causes the water table to come up in that
10:36PM 5 area of recharge and then what happens is it comes up
10:36PM 6 the basin and the basin wouldn't work correctly.

10:36PM 7 Okay. So that is the -- I think you
10:36PM 8 said you did soil testing. I'm not sure if you got
10:36PM 9 into the mounding analysis and all that yet.

10:36PM 10 THE WITNESS: Yeah.

10:36PM 11 So, again, we talked about this a
10:36PM 12 little bit earlier before you got here.

10:36PM 13 MR. STONER: Sorry about that.

10:36PM 14 THE WITNESS: It's fine. I always like
10:37PM 15 the sound of my own voice, so I don't mind repeating.

10:37PM 16 So we did the testing. We started the
10:37PM 17 analysis. We've gone through preliminarily, you
10:37PM 18 know, what we found is that -- that we don't have any
10:37PM 19 significant issues with mounding, that the site will
10:37PM 20 work as designed based on that despite, you know, any
10:37PM 21 other concerns with the size of that basin, I think,
10:37PM 22 again, is a fair concern.

10:37PM 23 You know, we performed the analysis and
10:37PM 24 the analysis, again, we'll provide that to you and
10:37PM 25 we'll show that it works.

10:37PM 1 MR. THOMAS: And the simple answer to
10:37PM 2 the question is you took into account the modeling
10:37PM 3 and that was part of your analysis?

10:37PM 4 THE WITNESS: Yes, the -- yes.

10:37PM 5 CHAIRMAN MESSERSCHMIDT: Did you do any
10:37PM 6 investigation to see if water testing was done on the
10:37PM 7 site before?

10:37PM 8 THE WITNESS: You mean, like,
10:37PM 9 groundwater?

10:37PM 10 CHAIRMAN MESSERSCHMIDT: By any other
10:38PM 11 entity, the owner of the property, previous property
10:38PM 12 owners, if there was any at the county that were ever
10:38PM 13 filed with the county? Any prior --

10:38PM 14 THE WITNESS: We had done some prior
10:38PM 15 testing on the site. We had done a prior round,
10:38PM 16 which is what this design that is in front of you is
10:38PM 17 based on and so, you know, we had that data of
10:38PM 18 another time period to go off of and compare to, but
10:38PM 19 I did not do any records request or anything for
10:38PM 20 anybody else's information.

10:38PM 21 CHAIRMAN MESSERSCHMIDT: And what did
10:38PM 22 that other -- that data show you? Was it any
10:38PM 23 different than what you found in January of this
10:38PM 24 year?

10:38PM 25 THE WITNESS: My recollection was that

10:38PM 1 it was consistent.

10:38PM 2 CHAIRMAN MESSERSCHMIDT: It was what?

10:38PM 3 THE WITNESS: Consistent.

10:38PM 4 CHAIRMAN MESSERSCHMIDT: I do have some
10:38PM 5 more questions for you and I know there's other board
10:38PM 6 members, Mr. Ordile, I'm sorry.

10:38PM 7 THE WITNESS: He doesn't have a
10:38PM 8 microphone, though, so, I stole it from him.

10:38PM 9 MR. ORDILE: You're lucky.

10:38PM 10 (Laughter.)

10:38PM 11 CHAIRMAN MESSERSCHMIDT: That's why he
10:38PM 12 took the microphone away from you.

10:38PM 13 (Laughter.)

10:39PM 14 CHAIRMAN MESSERSCHMIDT: But, no,
10:39PM 15 seriously, we did say that we would stop testimony at
10:39PM 16 10:30 this evening and members of public had been
10:39PM 17 very patient sitting here listening to all of this
10:39PM 18 and we're already past 10:30.

10:39PM 19 So I still have some more questions for
10:39PM 20 you. I know Mr. Ordile has questions for you.
10:39PM 21 Mr. Molica may have questions for you.

10:39PM 22 Suffice it to say that we would like to
10:39PM 23 have you come back in March so that we can continue
10:39PM 24 with the discussion and questions.

10:39PM 25 THE WITNESS: Yup.

10:39PM 1 CHAIRMAN MESSERSCHMIDT: And we do have
10:39PM 2 some housekeeping items that we need to bring up
10:39PM 3 tonight before we finish tonight's BHT public
10:39PM 4 hearing.

10:39PM 5 One being an update on the
10:39PM 6 environmental experts that this board has brought in
10:39PM 7 and we would just like to have some discussion about
10:39PM 8 that.

10:39PM 9 So let me start with that. I believe
10:39PM 10 Mr. Stoner's had discussion with at least one, if not
10:39PM 11 both of the environmental experts.

10:40PM 12 Maybe you can give us an update on
10:40PM 13 where they are with that?

10:40PM 14 MR. STONER: Matt, do you want to
10:40PM 15 comment on that?

10:40PM 16 You spoke directly with --

10:40PM 17 CHAIRMAN MESSERSCHMIDT: Sorry, Matt,
10:40PM 18 if you would --

10:40PM 19 MR. MORRIS: Yeah, I spoke directly
10:40PM 20 with Equity Environmental just the end of last week,
10:40PM 21 just talked about schedule and what they're going to
10:40PM 22 do is they're going to put some preliminary
10:40PM 23 information findings together that they're planning
10:40PM 24 on sharing with us the first week of March, discuss
10:40PM 25 with the board and myself just to make sure that

10:40PM 1 they're looking at the right things on the correct
10:40PM 2 track and they plan on trying to have a document
10:40PM 3 ready for the March meeting.

10:40PM 4 MR. THOMAS: Can I -- do you mind if I
10:40PM 5 ask a question?

10:40PM 6 CHAIRMAN MESSERSCHMIDT: Go ahead.

10:40PM 7 MR. THOMAS: The Equity -- oh. The
10:40PM 8 Equity Environmental, their charge is what?

10:40PM 9 MR. MORRIS: They're looking at the --
10:40PM 10 based on the environmental commission's letter
10:41PM 11 regarding looking at some of the environmental
10:41PM 12 concerns regarding the vernal pools or any other
10:41PM 13 reference to strictly, you know, like wetlands, flood
10:41PM 14 hazard area, things like that.

10:41PM 15 They're planning on bringing their
10:41PM 16 expertise to look at what has been submitted by the
10:41PM 17 applicant and coming up with -- looking at it and see
10:41PM 18 if there's any deficiencies in any of the
10:41PM 19 information, raise any questions that may not have
10:41PM 20 been raised and if there are any deficiencies to make
10:41PM 21 specific requests to make sure that the environmental
10:41PM 22 review is complete and covers all the concerns that
10:41PM 23 the environmental commission raised in their letter.

10:41PM 24 MR. THOMAS: And it's my understanding
10:41PM 25 that there's another environmental consultant

10:41PM 1 retained, H --

10:41PM 2 MR. MORRIS: H2M.

10:41PM 3 MR. THOMAS: And what is their charge?

10:41PM 4 MR. MORRIS: They would look at the

10:42PM 5 hydrologic --

10:42PM 6 MR. THOMAS: The groundwater?

10:42PM 7 MR. MORRIS: The groundwater, yes.

10:42PM 8 MR. THOMAS: Thank you.

10:42PM 9 And is there a timeframe for them.

10:42PM 10 MR. MORRIS: I do not have a timeframe

10:42PM 11 for them at the moment. I spoke with --

10:42PM 12 MR. THOMAS: We could be in touch with
10:42PM 13 your office to try to find that out.

10:42PM 14 MR. MORRIS: Yeah, yes.

10:42PM 15 MR. STONER: We're pushing to have --

10:42PM 16 MR. THOMAS: I'm sorry?

10:42PM 17 MR. STONER: We're pushing to try to
10:42PM 18 have their report done for the March meeting as well.

10:42PM 19 MR. THOMAS: Thank you.

10:42PM 20 CHAIRMAN MESSERSCHMIDT: Thank you,

10:42PM 21 Matt.

10:42PM 22 MS. HOWELL: Matt, wasn't Equity also
10:42PM 23 going to be looking at endangered species, federally
10:42PM 24 endangered species?

10:42PM 25 MR. MORRIS: Yes, yes.

10:42PM 1 I don't have the environmental
10:42PM 2 commission's letter, but everything that was raised
10:42PM 3 in that letter that wasn't related to groundwater,
10:42PM 4 hydrologic information, you know, that's what they
10:42PM 5 were looking at.

10:42PM 6 So the endangered species, the wetlands
10:43PM 7 flood hazard area, vernal pools, I believe that's all
10:43PM 8 the items.

10:43PM 9 MS. HOWELL: Thank you.

10:43PM 10 CHAIRMAN MESSERSCHMIDT: Thank you,
10:43PM 11 Matt.

10:43PM 12 Another item from a housekeeping
10:43PM 13 standpoint, I think Mr. Molica, you had something,
10:43PM 14 one or more things you wanted to bring up?

10:43PM 15 MR. MOLICA: We have a consent from the
10:43PM 16 applicant to extend this board's time to act on the
10:43PM 17 application through March of 2022, so we're good in
10:43PM 18 that regard at least for now.

10:43PM 19 The idea would be to carry the public
10:43PM 20 hearing without further notice to the March 15, 2022
10:43PM 21 regular meeting of the Andover Land Use Board.

10:43PM 22 The meeting will be held here at
10:43PM 23 The Barn and at that meeting night, I think we could
10:43PM 24 maybe discuss the potential to move the hearings to
10:43PM 25 one of the Andover schools, but that wouldn't happen

10:43PM 1 until April at the earliest.

10:43PM 2 CHAIRMAN MESSERSCHMIDT: Right.

10:43PM 3 And that is because there is some
10:43PM 4 discussion going on about moving this public hearing
10:44PM 5 from this location to one of the schools in Andover
10:44PM 6 Township and we're in discussions with that.

10:44PM 7 So we'll have a further update at the
10:44PM 8 March public hearing, which will be here March 15th,
10:44PM 9 same time, 7:30 p.m. and we will have more
10:44PM 10 information on that at that meeting.

10:44PM 11 MR. THOMAS: Thank you, Mr. Chairman.

10:44PM 12 CHAIRMAN MESSERSCHMIDT: Thank you.

10:44PM 13 So that will conclude --

10:44PM 14 MR. ORDILE: Can I just ask one -- just
10:44PM 15 a quick question, it's a request actually.

10:44PM 16 Mr. Thomas, is there any possible way
10:44PM 17 that before the next meeting in advance we can get
10:44PM 18 exhibits that you are planning to present?

10:44PM 19 MR. THOMAS: I'll be happy to talk to
10:44PM 20 my consultant team and do everything I can to get
10:44PM 21 them to you in advance.

10:44PM 22 MR. ORDILE: As well as the transcript
10:44PM 23 for tonight's meeting. Would we be able to get that
10:44PM 24 sooner than a day or two before the meeting.

10:44PM 25 MR. THOMAS: I'll talk to the young

10:45PM 1 lady and I'll see what we can do.

10:45PM 2 CHAIRMAN MESSERSCHMIDT: So that
10:45PM 3 concludes for tonight the public hearing on the BHT
10:45PM 4 Properties application and this board will move on
10:45PM 5 with the remaining items on our agenda.

6 (Whereupon, this matter will be
7 continuing at a future date. Time noted:
8 10:45 p.m.)

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C E R T I F I C A T E

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