

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Andover Township Land Use Board

.....

THE TRANSCRIPT OF THE MINUTES . TRANSCRIPT

OF THE . OF

ANDOVER TOWNSHIP LAND USE BOARD . OPEN PUBLIC MEETING

.....

Date: May 3, 2011

Time: 7:30 p.m.

Place: Andover Municipal Building  
134 Newton-Sparta Road  
Andover Township, N.J. 07860

B E F O R E:

JOHN O'CONNELL,  
  
Chairperson

BOARD MEMBERS:

Sue Howell  
Gerald Huelbig  
Gail Phoebus  
Ellsworth Bensley  
CeCe Pattison  
Christine Kretzmer  
Rick Melfi  
Paul Messerschmidt

STAFF:

Richard Brigliadoro, Esq., Board Attorney  
Joseph Golden, P.E.P.P., Township Engineer  
Bob Guerin, P.E. P.P., Board Engineer

ACCURATE TRANSCRIPTIONS, LLC  
93 Brink Road  
Wantage, New Jersey 07461  
Tel. 973.271.1410  
Fax. 973.702.8018

I N D E X

(NOTE: Indiscernible portions of the transcript are due to participants standing too far from any of the microphones and speaking too softly to be recorded clearly.)

<u>Applications</u>	<u>Page</u>
Farace Site Plan Waiver	6
Cambridge Pavers Application	15

<u>Witnesses</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
------------------	---------------	--------------	-----------------	----------------

FOR THE APPLICANT

<b>Albert Farace</b>	6			
<b>Alan Spector</b>	6			
<b>Robert M. Toedter</b>				
BY: Mr. Hefele	72			
BY: Mr. O'Connell		81		
BY: Ms. Pattison		82		
BY: Mr. Huelbig		85		
BY: Mr. Messerschmidt		85, 89		

<u>QUESTIONS FROM THE PUBLIC</u>	93			
----------------------------------	----	--	--	--

<u>EXHIBITS</u>	<u>Ident.</u>	<u>Evid.</u>
O-1 10-Page Letter from Ms. Erem to Mr. Hefele	59	59

BOARD DELIBERATION

Roll Call	14 & 163
Closed Session	164

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1

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

3

4 Albert Farace, Applicant  
Domino's Pizza

5

6 Alan Spector, Architect  
Alan Spector and Associates  
For Applicant Domino's Pizza  
19 Fox Hill Road  
7 Lafayette, N.J. 07848

8

9 Bernard E. Hefele, Esq.  
Law Offices of Bernard E. Hefele, Esq.  
Attorney for Applicant Limecrest Quarry Developers  
And Cambridge Pavers  
10 21 Bowling Green Parkway, Suite 200  
Lake Hopatcong, N.J. 07849

11

12 Donna M. Erem, Esq.  
Wolff & Samson, P.C.  
Attorney for Objector Ronald Krueger  
13 One Boland Drive  
West Orange, N.J. 07052

14

15 Robert M. Toedter, Operations Consultant  
RT Consulting & Engineering  
65 East Elizabeth Avenue, Suite 110  
16 Bethlehem, P.A. 18018

17

18 Bill Stern  
10 Carpenter Place  
Sparta, N.J. 07871

19

20 Stan Christodlous  
6 Wisteria Road  
Sparta, N.J. 07860

21

22 Steve Wreschnig  
1 Victoria Pines Lane  
Lafayette, N.J. 07848

23

24 Eunice Howley  
232 Cherokee Road  
Andover Township, N.J. 07848

25

- 1 A P P E A R A N C E S (CONTINUED):
- 2 Marlene Coppolino  
2 Macintosh Drive  
3 Andover Township, N.J. 07848
- 4 John Burke  
4 Victoria Pines Lane  
5 Andover Township, N.J. 07860
- 6 Lou Coppolino  
2 Macintosh Drive  
7 Andover Township, N.J. 07848
- 8 Chris Kalaskey  
97 Sunset Inn Road  
9 Lafayette, N.J. 07848
- 10 Anthony Massaro  
100 Current Drive  
11 Andover Township, N.J. 07860
- 12 Jim Berg  
15 Ella Road  
13 Sparta, N.J. 07871
- 14 Joan Stern  
10 Carpenter Place  
15 Sparta, N.J. 07871
- 16 Elizabeth Lizzi  
13 Carpenter Place  
17 Sparta, N.J. 07871
- 18 John Reed  
161 Pinkneyville Road  
19 Andover Township, N.J. 07848
- 20 Victor Capo  
23 Victoria Pines Lane  
21 Andover Township, N.J. 07848
- 22 Mark Schwarz  
315 Cheyenne Road  
23 Andover Township, N.J. 07848
- 24 Grace Massaro  
100 Current Drive  
25 Andover Township, N.J. 07860

1 CHAIRPERSON O'CONNELL: I'd like to call order to this  
2 meeting of the Andover Township Land Use Board. Please stand  
3 for a flag salute.

4 (Flag salute conducted.)

5 CHAIRPERSON O'CONNELL: Okay, we'll have the roll  
6 call, please.

7 BOARD SECRETARY: Ms. Howell.

8 BOARD MEMBER HOWELL: Here.

9 BOARD SECRETARY: Mr. Huelbig.

10 BOARD MEMBER HUELBIG: Here.

11 BOARD SECRETARY: Ms. Phoebus.

12 BOARD MEMBER PHOEBUS: Here.

13 BOARD SECRETARY: Mr. Melfi.

14 BOARD MEMBER MELFI: Here.

15 BOARD SECRETARY: Ms. Kretzmer.

16 BOARD MEMBER KRETZMER: Here.

17 BOARD SECRETARY: Ms. Pattison.

18 BOARD MEMBER PATTISON: Here.

19 BOARD SECRETARY: Mr. Bensley.

20 BOARD MEMBER BENSLEY: Here.

21 BOARD SECRETARY: Mr. Messerschmidt.

22 BOARD MEMBER MESSERSCHMIDT: Here.

23 BOARD SECRETARY: Chairman O'Connell.

24 CHAIRPERSON O'CONNELL: Here.

25 BOARD SECRETARY: And for the record, Ms. Boyce and

1 Mr. Roberts are excused this evening.

2 CHAIRPERSON O'CONNELL: All right. This is an open  
3 public meeting of the Andover Township Land Use Board. Notice  
4 of this meeting was given in accordance with the Open Public  
5 Meetings Act, Chapter 231, Public Law 85.

6 The rules are, no new cases after 9:30 p.m. or  
7 testimony after 10:00 p.m. Comments from the public are  
8 limited to five minutes per item. Transcript requests are to  
9 be in writing with a check for 100 percent of costs.

10 Material for the meeting is to be filed 14 days before  
11 the next meeting, once it has been heard for completeness.  
12 Individuals or members of a partnership must be present at the  
13 meeting or be represented by an attorney. Testimony is under  
14 oath. False testimony constitutes perjury. Our first item for  
15 hearing tonight is Farace Site Plan Waiver.

16 A L A N S P E C T O R, APPLICANT'S WITNESS, SWORN.

17 A L B E R T F A R A C E, APPLICANT'S WITNESS, SWORN.

18 BOARD ASSISTANT: Okay, please state your name and  
19 spell your last name.

20 MR. SPECTOR: Alan Spector, A-l-a-n S-p-e-c-t-o-r,  
21 architect. My office is in Lafayette, New Jersey, and I've  
22 been an architect for the State of New Jersey for the past 37  
23 years. I've represented many clients for commercial and  
24 residential projects throughout northern New Jersey.

25 MR. FARACE: Albert Farace, F-a-r-a-c-e.

1 BOARD ASSISTANT: Okay.

2 MR. SPECTOR: So I'll start. Okay, I was not here at  
3 the last meeting. Farace was here seeking a site plan waiver.  
4 So, this is really not an official site plan review, but for  
5 the site plan waiver. So, apparently the Board Engineer  
6 reviewed everything that related to the site and the only  
7 question I was told that came up was regarding the building.

8 So we went back to the drawing boards to see what we  
9 could do to make the building fit in more with the surrounding  
10 community. When we started, the original plan was something  
11 that we got from Domino's headquarters. I think it was from  
12 California or Oregon?

13 MR. FARACE: Yeah.

14 MR. SPECTOR: From out west. And this is their new  
15 look. I think the corporate offices keep on updating their  
16 looks, so we embraced that. We went with it. But in the  
17 interest of doing what the Board felt was appropriate for the  
18 site, we went and looked at the surrounding neighborhoods. And  
19 there's a variety of different styles, but we thought that  
20 since the building already has brick on it, we thought we'd  
21 design it around the brick in more of a colonial style.

22 So as a result, the interior floor plan is the same,  
23 but the exterior is quite a bit different. So I'm just going  
24 to -- I think you all have copies of the plan. So I'll put it  
25 on -- may I put it over this? Eventually we'll all do this on

1 our iPads. I will hold it this way for the Board. I think you  
2 all have copies, so that --

3 CHAIRPERSON O'CONNELL: Yes.

4 MR. SPECTOR: So the existing building, the footprint  
5 of the building is a small building, 28 feet by 56 feet, an  
6 existing hipped roof. So, the previous design, we were going  
7 to rip the roof off, and build it higher, and have a roof  
8 sloping to the back with a larger facade area.

9 In the redesign now, we're going to keep basically the  
10 current shape of the roof, and instead, bring in -- the  
11 existing brick is in pretty good shape in some places, and in  
12 other places it's not in great shape -- so we're going to  
13 refill with matching brick where we can. And if some of the  
14 brick is in poor shape, we'll remove that. I'm quite confident  
15 we're going to be able to match the brick almost exactly. It's  
16 a very common color, red brick.

17 And we're going to cut in one new opening for glass in  
18 the front and then carry the brick around the side. One side  
19 of it has the full brick, so that'll be easy to handle. Then  
20 in order to add some extra style to the building, we're  
21 proposing some pre-fabricated Vipond PVC trim, a colonial look,  
22 the dentils built in, and other colonial trim under the soffit  
23 area, and above some of the brick in order to create the  
24 appearance of a column, columns between the glass.

25 So basically, it's a very simple, straightforward

1 design. We think that it will relate to the bank, which is  
2 diagonally across the street. It won't relate to the barn  
3 buildings, so when you went up and down the street, you have  
4 two barn buildings in red. You have a couple buildings in  
5 brick, a couple buildings in stucco, stucco and stone.

6 So there's no specific style, but we thought that this  
7 one would fit in nicely and match the appearance of the  
8 neighborhood. The colors would be the red brick, slight beige  
9 color on the trim, and the gray roof.

10 So, then we're proposing a sign on the front. We're  
11 proposing a single sign of 4 feet by 16 feet, 64 square feet,  
12 which meets the code requirements, and the internal layout  
13 remains the same. If the Board has any questions about that,  
14 I'd be happy to answer them.

15 CHAIRPERSON O'CONNELL: Richard, do you have any?

16 MR. BRIGLIADORO: I do not, no.

17 CHAIRPERSON O'CONNELL: Okay. Regarding signage at  
18 this point, at one point in time, this property did have a  
19 free-standing sign. Are we abandoning that?

20 MR. FARACE: I believe --

21 MR. SPECTOR: I'm --

22 MR. FARACE: -- when we apply, we're going to apply to  
23 probably replace that sign.

24 MR. SPECTOR: Right. I think that the intention was  
25 to use that sign and what --

1 CHAIRPERSON O'CONNELL: Well --

2 MR. SPECTOR: -- actually happened --

3 MR. FARACE: I believe it was taken down by the old  
4 tenant. That's why --

5 CHAIRPERSON O'CONNELL: It was taken down a  
6 considerable length of time ago. But my personal opinion is, I  
7 would just as soon have it be abandoned, that we don't have,  
8 you know, something sticking up 20, 30 feet in the air down  
9 there. You know, to keep with the aesthetics of the area and  
10 the neighborhood.

11 MR. SPECTOR: A free-standing sign for a Domino chain  
12 is pretty standard. That particular sign ordinance does allow  
13 for free-standing. It says here --

14 CHAIRPERSON O'CONNELL: Yes, it does.

15 MR. SPECTOR: -- free-standing, one per establishment,  
16 32 square feet, so I think that the Applicant would like to  
17 continue that. The intent -- he didn't take the sign down. It  
18 apparently walked when the tenant left.

19 MR. BRIGLIADORO: Actually, the tenant took that sign  
20 and put it on his new property. So he just took that one and  
21 put it on the property he has on 206.

22 CHAIRPERSON O'CONNELL: Do the Board members have any  
23 other questions at this point?

24 (No verbal response recorded.)

25 CHAIRPERSON O'CONNELL: I presume the --

1 MR. SPECTOR: So basically -- so, what we're asking  
2 for is very simple, just to have -- we're asking the Board to  
3 adopt the resolution approving the site plan waiver in  
4 accordance with the letter from the Town Engineer, that we  
5 still have a copy of. And if there are any conditions  
6 attached, I think one of the conditions would be for the Town  
7 Engineer to do inspections.

8 We would also ask that other conditions be attached to  
9 allow the Applicant to apply soon for a building permit and be  
10 able to obtain a building permit to start even prior to the  
11 memorialization of the resolution, just so we could expedite  
12 getting the building renovated.

13 CHAIRPERSON O'CONNELL: Well, I don't know about the  
14 -- I mean, that's at --

15 MR. BRIGLIADORO: Mr. Chairman, that's really an  
16 issue. Applicants do sometimes -- if the Board grants an  
17 approval, they want to get going on a project and sometimes  
18 they assume the risk of going forward before a resolution is  
19 adopted and before any appeal period expires. But that risk  
20 would be on the Applicant.

21 MR. SPECTOR: Right. We understand that.

22 MR. BRIGLIADORO: Yes.

23 CHAIRPERSON O'CONNELL: Board members, any further --

24 MR. GOLDEN: If I could, I could offer a summary of --

25 CHAIRPERSON O'CONNELL: Well, certainly.

1 MR. GOLDEN: -- what the application is. Excuse me.  
2 Section 131 5B allows exemptions of site plans if the  
3 construction, or alteration, or change of occupancy does not  
4 affect certain items. And the items are further identified in  
5 the ordinance: lighting, that adequate lighting shall be  
6 provided. What the site sketch showed us when he submitted it  
7 to us is that the lighting will match the town ordinance.  
8 Landscaping. There is no proposed landscaping.

9 Drainage. The existing drainage patterns will not be  
10 changed. The parking lot will be repaved so that the drainage  
11 will flow to what the original design of the site intended. So  
12 there really will be no change of the drainage system. The  
13 garbage disposal area -- there is one that exists. They are  
14 going to refurbish it and bring it to the Township standards.  
15 And all the design standards for their overlay and the pavement  
16 sections, they're meeting the Township design standards.

17 So in summary, the improvements will not adversely  
18 affect circulation, drainage, relationship of buildings,  
19 landscaping, buffering, lighting, or any other consideration of  
20 a site plan review. And in my opinion, that allows the Board  
21 to grant a site plan waiver.

22 I did have a couple notes from the previous  
23 discussions that may or may not be reflected in the resolution.  
24 It's that the Applicant is still specifically required for any  
25 NJDEP permits, Sussex County Health Department, for the --

1 certifies appropriate for this use, a potable water supply  
2 permit, county approval, and a sign permit. The sign permit is  
3 independent, actually, of the Board. That will be submitted to  
4 Mr. Cutler. So they'll be required to show the sign, the sign  
5 details, and make sure that they meet the current standards.

6 UNIDENTIFIED FEMALE: Okay.

7 BOARD MEMBER BENSLEY: Joe, is that the free-standing  
8 sign you're talking about or the sign you spoke of?

9 MR. GOLDEN: Any signage.

10 BOARD MEMBER BENSLEY: Okay.

11 MR. GOLDEN: Any and all signage will have to go  
12 through --

13 BOARD MEMBER BENSLEY: Okay.

14 MR. GOLDEN: -- Mr. Cutler.

15 CHAIRPERSON O'CONNELL: Okay, any questions from any  
16 of the board members?

17 BOARD MEMBER PATTISON: No.

18 CHAIRPERSON O'CONNELL: Well, then, I guess, can we  
19 have a motion?

20 BOARD MEMBER PATTISON: Do you want the motion?

21 BOARD MEMBER BENSLEY: I'll make a motion.

22 BOARD MEMBER PATTISON: I'll second that.

23 CHAIRPERSON O'CONNELL: Well, the motion is to --

24 BOARD MEMBER PATTISON: To accept the --

25 MR. BRIGLIADORO: to accept it.

1 BOARD MEMBER PATTISON: -- waiver.

2 BOARD MEMBER BENSLEY: Grant the site plan waiver as  
3 indicated by the Board Engineer.

4 UNIDENTIFIED MALE: Yes.

5 CHAIRPERSON O'CONNELL: Okay, we had a second on that?

6 BOARD MEMBER BENSLEY: Yes.

7 BOARD MEMBER PATTISON: I was the second.

8 BOARD MEMBER BENSLEY: The second -- I made the  
9 motion. She seconded.

10 CHAIRPERSON O'CONNELL: Okay, then can we call the  
11 roll?

12 BOARD SECRETARY: Ms. Howell.

13 BOARD MEMBER HOWELL: Yes.

14 BOARD SECRETARY: Mr. Huelbig.

15 BOARD MEMBER HUELBIG: Yes.

16 BOARD SECRETARY: Ms. Phoebus.

17 BOARD MEMBER PHOEBUS: Yes.

18 BOARD SECRETARY: Mr. Melfi.

19 BOARD MEMBER MELFI: Yes.

20 BOARD SECRETARY: Ms. Kretzmer.

21 BOARD MEMBER KRETZMER: Yes.

22 BOARD SECRETARY: Ms. Pattison.

23 BOARD MEMBER PATTISON: Yes.

24 BOARD SECRETARY: Mr. Bensley.

25 BOARD MEMBER BENSLEY: Yes.

1 BOARD SECRETARY: Mr. Messerschmidt.

2 BOARD MEMBER MESSERSCHMIDT: Yes.

3 BOARD SECRETARY: Chairman O'Connell.

4 CHAIRPERSON O'CONNELL: Yes.

5 MR. FARACE: Thank you. Thank you very much.

6 UNIDENTIFIED MALE: Mr. Chairman, I'll be excusing or  
7 recusing myself from the following application.

8 CHAIRPERSON O'CONNELL: Yes, sir.

9 UNIDENTIFIED MALE: Thank you, guys.

10 CHAIRPERSON O'CONNELL: The next application is --

11 MR. SPECTOR: Thank you.

12 UNIDENTIFIED FEMALE: I am very happy about --

13 CHAIRPERSON O'CONNELL: You're welcome.

14 UNIDENTIFIED FEMALE: Very happy about that.

15 MR. FARACE: We're very appreciative.

16 CHAIRPERSON O'CONNELL: The Cambridge Pavers  
17 application.

18 (Extended Pause.)

19 MR. HEFELE: We're good to go?

20 CHAIRPERSON O'CONNELL: Yes.

21 MR. HEFELE: Okay. Good evening, ladies and  
22 gentlemen. Bern Hefele on behalf of the Applicant for this  
23 application, Limecrest Quarry Developers and Cambridge Pavers.

24 MR. BRIGLIADORO: I just want to get your appearance.  
25 I want to get Ms. Erem's appearance. And then I just want to

1 make a preliminary statement for everybody.

2 MR. HEFELE: Sure.

3 MR. BRIGLIADORO: Okay.

4 MS. EREM: Thank you. Donna Erem from the firm of  
5 Wolff & Samson, representing the objector, Mr. Ronald Krueger.

6 MR. BRIGLIADORO: Thank you. Mr. Chairman, if I may,  
7 since we have a lot of people that are interested in this  
8 application, what I'd like to do is just kind of, for the  
9 public's benefit, provide some information as to how this Board  
10 operates, and basically what the process is going to be.

11 You are here tonight before the Andover Township Land  
12 Use Board. This Land Use Board operates as a quasi-judicial  
13 body. This means that the Land Use Board operates similar to,  
14 but not as strict as a court of law. But the hearing is  
15 similar to a court proceeding, and the hearing will be recorded  
16 in order to ensure that there's an accurate record of the  
17 proceedings before this Board.

18 The Land Use Board, as a whole, and the Board members  
19 individually, have a legal obligation to follow the Municipal  
20 Land Use Law. Thus, all discussions, presentations of  
21 evidence, questions and comments with regard to this  
22 application must be done on the record at a public hearing,  
23 such as what's happening here tonight.

24 How we're going to proceed is, Mr. Hefele represents  
25 the Applicant. So he will be proceeding first. He will

1 present a witness. The witness will provide testimony.

2 At the conclusion of that direct testimony, the Board  
3 will then ask questions of that witness. When the Board is  
4 done asking questions of that witness, the Board will offer an  
5 opportunity to Ms. Erem to ask questions of the witness. Once  
6 that occurs, the Board will then open it up to the public for  
7 asking questions only of that particular witness.

8 And I just wanted to make that clear, because at that  
9 time, I'm not going to be swearing in any witnesses from the  
10 public, because the public will not be providing testimony, or  
11 comments, or anything like that. It's just the public's  
12 opportunity to ask questions only. The public will be given an  
13 opportunity at the end of the case to come up before the Board.

14 I will then swear you in and then you could provide us  
15 with your comments, whether you're in favor of the application  
16 or whether you're opposed to the application, whatever you want  
17 to share with the Board at that time, but that will be  
18 testimony under oath.

19 Now, the Board is compelled to act on an application  
20 based on findings of fact and proofs according to the law  
21 that's presented during the hearing. The Board will not decide  
22 this matter based on public support for or opposition to an  
23 application. Petitions are not admissible into evidence, since  
24 not all the signing parties are present for cross-examination.

25 And once again, as I said, when we open to the public

1 after a witness has testified, please, it's your opportunity to  
2 ask questions of the testimony presented by that witness. I  
3 promise you, you will be given an opportunity at the end of the  
4 case to provide us with your comments. Mr. Chairman?

5 CHAIRPERSON O'CONNELL: Sure.

6 MR. HEFELE: Okay, this is an Application for a  
7 Preliminary Site Plan Approval for a paving stone manufacturing  
8 and wall block facility on Block 108, Lot 4.02 in Andover.

9 CHAIRPERSON O'CONNELL: Right.

10 MR. HEFELE: Okay? And I think the application --  
11 we've attempted to move this application and I know we've  
12 adjourned it a couple of times. And we have done that for the  
13 courtesy of the objectors here, Mr. Krueger, who owns a  
14 competing concrete, stone, and block plant down the street.

15 And as a result of that, we have adjourned this a  
16 couple of times and not been able to move it before the Board.  
17 And we have given them the courtesy of that, and made some  
18 modifications, and at this point, we are ready to proceed with  
19 this application. And we, today, received another letter from  
20 Mr. Krueger's attorney, again questioning the jurisdiction of  
21 the Board to move ahead.

22 So before we start with the application, I think I  
23 have to address this 10-page letter that we got today, in terms  
24 of the jurisdiction and their argument that the Board does not  
25 have any jurisdiction to proceed tonight. And to try to boil

1 this down for the Board and address these issues as quickly as  
2 possible, although it is 10 pages, it really comes down to  
3 three issues in terms of notice. And the --

4 MR. BRIGLIADORO: I'm sorry --

5 MR. HEFELE: -- Board attorney --

6 MR. BRIGLIADORO: I'm sorry. Let me just interrupt  
7 you for a second.

8 Ms. Erem, your letter is dated May 3rd, correct?

9 MS. EREM: That's correct.

10 MR. BRIGLIADORO: Okay, and in that regard, this was  
11 submitted -- my question is, are you going to mark this as an  
12 exhibit? Or it was submitted to the Board and it will be part  
13 of the hearing record?

14 MS. EREM: Yes, it was submitted to the Board. I  
15 would just like to make sure the record is clear that the  
16 adjournments regarding this application have nothing to do, and  
17 have had nothing to do, with any courtesy that's been extended  
18 to my client by Cambridge Pavers. The adjournments have been  
19 required due to deficiencies in the notice that have been  
20 consistently deficient since the inception of the proceedings,  
21 just to make that clear.

22 I did submit this documentation. I returned from  
23 vacation yesterday. I had previously requested that I be  
24 supplied with a copy of the affidavit of service. I was not.  
25 I had to chase it down. Had I received it last week, perhaps

1 this memorandum could have been supplied yesterday. There's  
2 just so much I can do.

3 Mr. Hefele is correct in that the memorandum does boil  
4 down to three issues. Two of them are jurisdictional, and I am  
5 going to ask the Board members whether they have had an  
6 opportunity to read this? It is rather lengthy. So, I need to  
7 know --

8 MR. BRIGLIADORO: Okay.

9 MS. EREM: -- if you've all read it, because it would  
10 impact the proceedings this evening.

11 UNIDENTIFIED FEMALE: Your letter?

12 UNIDENTIFIED MALE: You're talking about your letter,  
13 your 10-page letter?

14 MR. BRIGLIADORO: Okay.

15 UNIDENTIFIED MALE: Your 10-page letter?

16 MS. EREM: Yes. I have e-mailed it to Mr. Brigliadoro  
17 and Ms. Thompson today. I don't know if you've had a chance  
18 to, but if you -- I'm detecting that -- I can tell you did not  
19 have a chance just to read it. In that case, I would need to  
20 read it into the record.

21 MR. BRIGLIADORO: Well, Ms. Erem, I think what we can  
22 do is, since these are really questions of law, and it goes to  
23 jurisdiction, I think Mr. Hefele can put his comments on the  
24 record, you can put your comments on the record, and we can  
25 address the comments here tonight.

1 MS. EREM: Okay, I'm sure you don't want me to read a  
2 10-page letter. What I would do, then, if I may, since we're  
3 talking about jurisdiction, before Mr. Hefele commences, I  
4 would just like to raise the issues, and then the Board can  
5 rule. And also, regarding the request for the waiver for the  
6 aquifer test and hydrogeologic evaluation, if I may?

7 MR. BRIGLIADORO: Well, Ms. --

8 MS. EREM: The first --

9 MR. BRIGLIADORO: I'm sorry.

10 MR. HEFELE: Well, why don't we proceed this way? Why  
11 don't we let Ms. Erem discuss her issues with regard to  
12 jurisdiction, and then when she's done with that, I will  
13 comment on those jurisdictional issues. And then, you know,  
14 your Board Attorney can provide guidance on that. Make sense?

15 MS. EREM: That's not what I said. Okay, I'm sorry.

16 MR. BRIGLIADORO: That's fine. Let's --

17 MS. EREM: That's not what I said.

18 MR. BRIGLIADORO: -- proceed in that fashion.

19 MS. EREM: Also, just to clarify one thing, I don't  
20 know how many witnesses Mr. Hefele plans for tonight, but my  
21 understanding was that I would not be required to cross-examine  
22 this evening, but at the next hearing. And to that end, I  
23 would ask that Mr. Hefele either provide, before he starts, a  
24 summary of his planned witnesses and the subject matter of  
25 their testimony.

1 I understand the Board has some witnesses. I don't  
2 know if the Board has hired a traffic expert or anything like  
3 that, so that's something I can ask, or we can address that,  
4 you know, before the end of the meeting this evening.

5 My first issue, jurisdictionally, is with the  
6 inclusion into the plan now of a noise attenuation structure.  
7 This was not planned in the 2009 application that Cambridge  
8 submitted. At that time, Cambridge was proposing a berm for a  
9 160,000 square-foot building.

10 Now, and at that time, the Board had an expert, and  
11 Mr. Hefele, Cambridge, had an expert, which testified right  
12 here in this room, you're not going to hear it, don't worry  
13 about it, it's not going to make any noise, it's not going to  
14 bother anybody.

15 Now, you have a situation where the application has  
16 basically been cut in half, which I predicted. And now, all of  
17 a sudden, a noise attenuation structure is being planned. That  
18 is a huge undertaking and there is nothing in the ordinance --  
19 of course, because it wasn't planned in '09 when the ordinance  
20 was drafted for this Applicant -- there is nothing in that  
21 ordinance that permits this use. Nothing.

22 So the Applicant has a choice, either remove it, or go  
23 to the Zoning Board. There are no standards. There is nothing  
24 to indicate that this is a use that's customarily incidental to  
25 a concrete pavings plant. I would submit that Cambridge, most

1 certainly, does not have this structure in Lyndhurst. I would  
2 bet dollars to donuts that the plant that was studied by  
3 Cambridge's expert in Pennsylvania does not have one.

4 I would also submit that there has been no information  
5 provided to the Board, by the Board, by anyone, that would  
6 indicate any sort of investigation regarding these types of  
7 plants and whether or not a sound attenuation battery is a  
8 customarily incidental use.

9 Therefore, since it's not listed as a permitted use,  
10 an accessory use, or a conditional use, it is not a permitted  
11 use. And therefore, this Board does not have jurisdiction over  
12 this application. Do you want me to go on or do you want to  
13 rule on that after this?

14 MR. BRIGLIADORO: What I'd like you to do --

15 MS. EREM: How do you want us to go?

16 MR. BRIGLIADORO: -- Ms. Erem, the two issues that  
17 deal with notice, the sound attenuation structure and the steep  
18 slopes, let's do those two first.

19 MS. EREM: Okay.

20 MR. BRIGLIADORO: All right. So give us your comments  
21 on the steep slope notice issue.

22 MS. EREM: And actually, it's two. It's that and it's  
23 the business about what Mr. Hefele called -- was a water yield  
24 study, which is --

25 MR. BRIGLIADORO: Right.

1 MS. EREM: -- not what it is.

2 MR. BRIGLIADORO: I want to hold that in abeyance for  
3 the moment.

4 MS. EREM: Okay.

5 MR. BRIGLIADORO: Okay?

6 MS. EREM: All right.

7 MR. BRIGLIADORO: Let's just --

8 MS. EREM: As to the steep slopes?

9 MR. BRIGLIADORO: Yes. Let's do steep slopes. Then I  
10 want to give Mr. Hefele an opportunity to respond to those two  
11 issues.

12 MS. EREM: As you wish.

13 MR. BRIGLIADORO: And then we'll take care of the  
14 third issue.

15 MS. EREM: Thank you. As to the steep slopes, the  
16 notice that was provided is a little unclear. My copies were  
17 unclear. It states that ancillary "C" variance relief,  
18 pursuant to the MLUL -- 70c, as well as the Land Use and Zoning  
19 Ordinances of Andover in regard to Section 190-61, on-site  
20 parking spaces, where 204 parking spaces are required and 66  
21 parking spaces are provided; Section 190-32.3(f)2, in regard to  
22 steep slopes disturbance.

23 Now, Mr. Hefele was very detailed, or more detailed  
24 with respect to the parking requirements, in that he cites the  
25 section, he cites what's required, he cites what he anticipates

1 to be presented to the Board. Yet, when it comes to the steep  
2 slopes disturbance, he only cites the section. He doesn't cite  
3 what Cambridge intends to do, what the standards are, and how  
4 he intends to violate them.

5           The steep slope ordinance is critical in this  
6 application because the Township committee determined to  
7 fashion three separate requirements, three separate standards,  
8 for slopes in various percentage categories. For that reason,  
9 in my opinion, this notice should have more adequately  
10 described exactly what is proposed for those steep slopes. If  
11 it was done for the parking, why wasn't it done for the steep  
12 slopes, okay?

13           And in this case, the slopes existing between 15 to  
14 24.99 percent can only be disturbed. 15 percent of those  
15 slopes can only be disturbed. 15 percent. Cambridge wants to  
16 disturb at almost 50 percent, okay? For slopes existing  
17 between 25 and 35 percent, they're only permitted to disturb 3  
18 percent, yet they want to disturb one-third. That's a lot.  
19 For any slopes greater than 35 percent, they're not supposed to  
20 disturb any of those slopes; yet, they're seeking permission to  
21 disturb 50 percent. That is considerable, and that is  
22 important information for the public to know.

23           What Mr. Hefele puts in his notice doesn't come  
24 anywhere near letting the public know or understand that they  
25 may want to be here, they may want to investigate this further.

1 The fact that you have a room full of people does not mean that  
2 everyone who should have known about this knew about it. There  
3 could be new homeowners. Who knows?

4 So in that respect, I think that, in view of the  
5 purpose of such an ordinance, which is to protect the  
6 vegetation, protect the runoff, protect properties from runoff,  
7 prevent land slumps, et cetera, I think it's critical that at  
8 least the standards that were set forth in the ordinance should  
9 have been set forth in this notice and that the proposed  
10 disturbance should have been set forth.

11 The fact that it wasn't done -- I really don't know  
12 what to attribute it to and I won't speculate. But in that  
13 respect, I would submit that the notice is defective on that  
14 ground, as well. And that takes care of steep slopes. Do you  
15 want me to sit now?

16 MR. BRIGLIADORO: Why don't you take a rest?

17 MS. EREM: Thank you.

18 MR. BRIGLIADORO: And let's put Mr. Hefele to work a  
19 little bit.

20 MR. HEFELE: Okay, now, we understand that Ms. Erem  
21 represents an objector, but we're going to have to be honest in  
22 this application, and we're going to have to make appropriate  
23 representations that really mirror the facts on what's going on  
24 out there. And to raise red herrings in an effort to stall  
25 this application is not going to get anybody anywhere.

1           With regard to the sound attenuation issue, and Ms.  
2 Erem's argument that that somehow is an unpermitted use, and  
3 that this Board has no jurisdiction to hear it, it should be in  
4 front of a Zoning Board, makes no sense. What she is calling  
5 a "sound attenuation structure" has nothing really to do with  
6 that. That structure happened to be bins for outside material  
7 storage.

8           You may be familiar with landscaping yards that have  
9 bins that hold rocks and dirt. And front loaders come in, and  
10 pick up the rocks and dirt, and put them into trucks. These  
11 material storage bins, okay, are what we are talking about  
12 here, that are the structure, if you will.

13           Now, we would have these material storage bins as part  
14 of this application, whether we were talking about noise, sound  
15 or not. They're part of our operation. Now, what we have done  
16 is we have located these material storage bins in such a  
17 location, because they are 10 feet high, in such a location, so  
18 that they, as an ancillary benefit, also provide sound  
19 attenuation.

20           So not only do we get the benefit of the material  
21 storage bins, and the back side of those material storage bins  
22 facing the road so that you can't see what's actually in the  
23 bins, but we also get the benefit of sound attenuation. So  
24 now, the argument that she is making is that this somehow is a  
25 structure that we are putting up for purposes of attenuating

1 the sound, but that's not the case.

2           These are not structures like you would see at Newark  
3 Airport so that you don't hear the airplanes, or structures  
4 like you would see on Route 80 to keep the noise from going  
5 into the adjoining neighborhoods. That's not what this is.  
6 These are material storage bins. So, the fact that we've  
7 designed it, I think, in a very nice way and in a way that also  
8 benefits sound attenuation is terrific planning.

9           Now, Ms. Erem would take that terrific planning and  
10 try to present to this Board that that structure is somehow a  
11 sound attenuation structure that's not permitted under the  
12 ordinance, and therefore, is a use variance. It just makes  
13 very, very little sense to me, and I don't think it's being  
14 honest in presenting what the structure is. So, that's number  
15 one. With regard to the steep slopes, again --

16           MR. BRIGLIADORO: I'm sorry, Mr. Hefele, just in  
17 regard to that --

18           MR. HEFELE: Yes.

19           MR. BRIGLIADORO: -- did you indicate that it provides  
20 a screening or a buffer benefit?

21           MR. HEFELE: Well, it does. I mean, that is why it  
22 has been constructed this way. And quite frankly, there is  
23 going to be soil up against the back side of our material  
24 storage bins. And the soil is going to be to the top and it's  
25 going to go up even further.

1           And in that sense, you could look at these structures  
2 also as retaining walls for the soil behind them because they  
3 are being built into the hill. In any event, it is not a  
4 separate sound attenuation structure to stop sound. It happens  
5 to help in that fashion, and in that respect, and that's it.  
6 Now, the plan labels part of the wall as a sound -- I think you  
7 have it open there, so I'll just look at it.

8           MS. EREM: Uh-huh.

9           MR. HEFELE: Right. It says "sound barrier wall"  
10 because our engineer put that in there for purposes of the  
11 sound engineer, so that he could see that this would also help  
12 in the attenuation of sound. So it is labeled as that, but if  
13 you look at that wall and you look at that structure, it's very  
14 clear that it is a material storage bin. So I would say that  
15 that has nothing to do with a use variance, and that it is part  
16 of our application, and that, that does not devoid the Board of  
17 jurisdiction.

18           With regard to the steep slopes, again, I think we  
19 need to be honest here. And I think everybody knows the  
20 property. This is not a steep slopes property. This is a flat  
21 piece of property, generally flat throughout. It is a  
22 disturbed piece of property, and all of this development is  
23 taking place in disturbed areas. The disturbance is from prior  
24 operations and there are literally piles of limestone, rock,  
25 crushed material from previous quarrying operations that has

1 been placed on this property. And they are little mountains  
2 all over the place. And as part of this application, we will  
3 be presenting pictures to this Board to bear that out.

4 Now, we're not in the application, so I really can't  
5 show them to you, but I'm telling you, you will see them. And  
6 so all of these slopes, if you will, are little mountains from  
7 previous operations on this piece of property and they are not  
8 steep slopes in the sense of virgin land, green space that's  
9 being disturbed, that is going to have erosion or runoff as a  
10 result of this. It's happening right now. And as a matter of  
11 fact, we are going to be helping that situation.

12 So these are not, you know, steep slopes in the sense  
13 that you would think. These are disturbed mounds. Now, to say  
14 that we're somehow trying to dupe the Board or the public in  
15 not properly advising them that this piece of property somehow  
16 is a serious steep slopes issue, is just not correct. The  
17 notice says we are going to be disturbing steep slopes. We're  
18 disturbing steep slopes that are manmade steep slopes that  
19 exist on this piece of property.

20 On top of it, again, we're not being honest and making  
21 it look like the percentages are high, there are very few of  
22 these steep slope areas of mounds, if you will, but the problem  
23 is that if you have a 35-percent grade in even a small area, if  
24 you're going to manipulate half of that, on a percentage basis,  
25 it looks huge.

1           But the reality of it is, it's a small area. We have  
2 to manipulate half of it and it looks like we're, on the  
3 35-percent category, making a 50-percent violation, but the  
4 50-percent violation is actually very, very small. Ms. Erem  
5 would have you believe that we have steep slopes throughout the  
6 property that are being manipulated and that it is an  
7 environmental situation. It's just not the case.

8           So the notice, when it says it's steep slopes, it's in  
9 there. It advises everybody about it, but to say that it's  
10 deficient somehow and trying to dupe the public, I think that's  
11 a stretch of the rubber band to where it breaks.

12           The water study, I'm just going to talk about it,  
13 although she didn't.

14           MS. EREM: I thought --

15           CHAIRPERSON O'CONNELL: No, no, no.

16           MS. EREM: I'm sorry.

17           CHAIRPERSON O'CONNELL: Hold on. That's --

18           MS. EREM: No.

19           MR. HEFELE: Well, we were talking about a notice, on  
20 the notice issue.

21           CHAIRPERSON O'CONNELL: Sure.

22           MR. HEFELE: That was the other argument. If you want  
23 me to address it now, I will.

24           CHAIRPERSON O'CONNELL: Well --

25           MS. EREM: Excuse me. Before we do that, though, I

1 want to comment on Mr. Hefele's remarks regarding the issues we  
2 just agreed would be discussed right now, if I may? Otherwise,  
3 I need to also talk about the water, which I was told not to  
4 do.

5 MR. BRIGLIADORO: I understand.

6 MS. EREM: Okay.

7 MR. BRIGLIADORO: Mr. Hefele, are you done with those  
8 two issues for the moment?

9 MR. HEFELE: I'm done with the steep slopes --

10 MR. BRIGLIADORO: Okay.

11 MR. HEFELE: -- and I'm done with the sound  
12 attenuation structure.

13 MR. BRIGLIADORO: All right.

14 MS. EREM: Okay, good.

15 MR. BRIGLIADORO: We'll give you an --

16 MS. EREM: Thank you.

17 MR. BRIGLIADORO: -- opportunity to comment.

18 MS. EREM: I don't like to play games with respect to  
19 what's honest and what's not because I'd be happy --

20 MR. BRIGLIADORO: Well --

21 MS. EREM: -- to go into that at a later time.

22 However --

23 MR. BRIGLIADORO: Okay. You know what? Let's --

24 MS. EREM: -- let's do --

25 MR. BRIGLIADORO: Let --

1 MS. EREM: Let's do the right thing here.

2 MR. BRIGLIADORO: Let me just say something right off  
3 the bat.

4 MS. EREM: I don't want to deal with that.

5 MR. BRIGLIADORO: Right.

6 MS. EREM: Okay?

7 MR. BRIGLIADORO: Look, this is a Land Use Board.  
8 Let's present the application, present your objections.

9 MS. EREM: Thank you so much.

10 MR. BRIGLIADORO: And we're going to cut all this  
11 other stuff out.

12 MS. EREM: Appreciate that. Thank you.

13 MR. BRIGLIADORO: Okay.

14 MS. EREM: Now, if you look at the plan that was  
15 submitted with respect to the sound barrier, okay? It is very  
16 clear, and it's very clearly marked, where the sound barrier is  
17 planned, okay? I have never, ever heard of a plan being noted  
18 in this fashion, only for the sole reason of some expert being  
19 able to be told where he should take his measurements from.  
20 It's ridiculous.

21 If you also look at this plan, all of the raw material  
22 staging area is perpendicular to the sound barrier. It's not  
23 the same thing. It is not the bins. It is a separate wall,  
24 and it's shown right on the plan, okay?

25 Next, as far as the steep slopes, I'm not alleging

1 that there's any intent to dupe the public. All I'm saying is  
2 that the notice should be correct, okay? And it's not. It  
3 does not tell the public that they're going to disturb the  
4 steep slopes. All it says is the section and then it says, in  
5 regard to steep slope disturbance. A layperson may not know  
6 what that is. I mean, I know what it is. I don't know how  
7 many people in here really know what that means, okay?

8 But the important thing is that the ordinance does not  
9 draw a distinction between a manmade disturbance, a prior  
10 disturbance, and a natural disturbance. A disturbance is a  
11 disturbance and that's what's intended here. Whether this is  
12 going to be on flat land with the steep slopes 100 feet away,  
13 or 1,000, it doesn't matter. The public is not sufficiently  
14 informed, in my opinion. Thank you.

15 MR. BRIGLIADORO: Okay, do you have any further  
16 comments?

17 MR. HEFELE: No, I think I've --

18 MR. BRIGLIADORO: Okay.

19 MR. HEFELE: -- covered it for what I want to say.  
20 Thank you.

21 MR. BRIGLIADORO: Okay. Ms. Erem, let me ask you  
22 something. In regard to that portion of your letter, where you  
23 discuss the aquifer test and hydrogeologic evaluation, and I'm  
24 looking at page 6, and I guess -- I think it's the third full  
25 paragraph. You have a section underlined saying "it must be

1 supplied as part of the preliminary approval process."

2 MS. EREM: Correct.

3 MR. BRIGLIADORO: And then you go on to say, "In other  
4 words, the performance of the test and submission of the test  
5 results cannot be postponed until after preliminary approval is  
6 granted, nor can it be made a condition of approval, nor can it  
7 be subject to approval of the Board or any other agency at a  
8 later date," correct?

9 MS. EREM: That is correct.

10 MR. BRIGLIADORO: Okay, so your position is that,  
11 before the Board can make a decision on whether or not to grant  
12 preliminary approval, that information has to be presented to  
13 the Board, right?

14 MS. EREM: Absolutely.

15 MR. BRIGLIADORO: Okay.

16 MS. EREM: Not only that, I really don't know how this  
17 Board can even proceed and listen to any testimony without even  
18 having that information. I mean, I gave you an Appellate  
19 Division case that's directly on point.

20 MR. BRIGLIADORO: Right.

21 MS. EREM: It just can't be done. I mean, if you want  
22 to move ahead and, you know, hear testimony, I, you know --

23 MR. BRIGLIADORO: Well --

24 MS. EREM: I am certainly not going to file for an  
25 injunction. You know what I'm saying? But according to this

1 case, even if you do, if this test is not provided, the results  
2 are not provided to you, then according to this Appellate  
3 Division case, you need to deny the preliminary approval  
4 application. You can't even hold it in abeyance. You need to  
5 deny it. That's what it says.

6 MR. BRIGLIADORO: Mr. Hefele, why don't you --

7 MR. HEFELE: Again, I think it is a matter of how you  
8 portray this. And in terms of this water study, we came to  
9 this Board on a completeness hearing, and at the completeness  
10 hearing, the Board granted a waiver for completeness only with  
11 regard to this water study.

12 That was not the -- let me put it this way. The  
13 Applicant knew and agreed that this water study would be  
14 addressed. This was only for purposes of the waiver of  
15 completeness. And we agreed that we would address this water  
16 study as part of this application.

17 Now, Ms. Erem does not want the Board to even proceed  
18 tonight. That's where the error is and that's what I don't  
19 agree with. It is absolutely true that this Board cannot grant  
20 a preliminary approval without the issue having been addressed,  
21 but the Board, most certainly, has the jurisdiction to hear  
22 this application, and do exactly what we agreed to do at the  
23 completeness hearing, to have it addressed as part of the  
24 application.

25 Now, the water yield study -- we have to have a

1 meeting with Mr. Muhall. Mr. Muhall has issued a report. We  
2 have issued a report, okay? And we need to sit with him, and  
3 we need to address this, and we need to address the  
4 requirements of your ordinance, which we intend to do. And we  
5 are going to have a solution with regard to those water tests.

6 Now, let me just add that water is, again, a very,  
7 very, very small issue here. We are using 8,000 gallons a day.  
8 This is a 77-acre piece of property. If I cut it up into  
9 residential lots and use 2,000 gallons a day, we would use way  
10 more than 8,000 gallons. If I cut this up into commercial  
11 properties, okay, and put wells in, I would use way more than  
12 8,000 gallons.

13 This utilization of 8,000 gallons is so de minimis  
14 over a 77-acre piece of property, okay? And quite frankly, it  
15 is the lowest utilization of water that the Town could hope  
16 for, with regard to 77 acres located in this Town. So again, I  
17 don't want this to look like this is some kind of major issue  
18 that we are trying to get away from. The reason I asked for  
19 the waiver and wanted to talk to your hydrogeologist about this  
20 is because, quite frankly, we have a quarry across the street  
21 and we have information that shows there is such an abundance  
22 of water there, and when we use such a small, small amount, it  
23 just makes sense to talk to your hydrogeologist to try to  
24 address this.

25 So again, I would agree with Ms. Erem that this Board

1 cannot grant the preliminary approval without it being  
2 addressed. We are addressing it, but the Board most certainly  
3 can move ahead. That's all I have to say on that issue.

4 MR. BRIGLIADORO: So you're not seeking a waiver?

5 MR. HEFELE: No, we are going to address --

6 MR. BRIGLIADORO: Okay.

7 MR. HEFELE: -- that issue.

8 MS. EREM: I'm not hearing the words that I need to  
9 hear, which is, Cambridge is going to conduct an aquifer test  
10 and hydrogeological evaluation, and comply with all of the  
11 requirements set forth in ordinance 2008.05. All I'm hearing  
12 is they're going to meet with Mr. Mulhall. They're going to  
13 address the issue with him.

14 That doesn't say that Cambridge is going to do what  
15 it's supposed to do here. And to minimize the impact that's  
16 possible to this aquifer, there aren't words for this, all  
17 right? This is a sole source aquifer that has region-wide  
18 implications. What can happen here is, you have Cambridge  
19 pumping. And according to their application, it's over 10,000  
20 gallons per day, okay, according to their application. They're  
21 pumping away, okay? You have other wells. They're at varying  
22 elevations because of the geology.

23 I don't know, I'm not an engineer, but I do know that  
24 because of geology, wells can only go certain depths in certain  
25 places. If there isn't sufficient water supply, or if there is

1 going to be a negative impact and you don't know about it now,  
2 Cambridge is going to pump away, okay? They could dry their  
3 well, and then where are they going to pump from? Now, they're  
4 going to pump from everybody else's well. Not only that, when  
5 they dry up everybody else's wells, now, they're going to pump  
6 in debris, mud, rust, contaminants, and all sorts of things.

7 Plus, you've got the limestone issue, which is very  
8 fragile, where fissures are created, which makes it even more  
9 sensitive to any sort of contamination. The Township committee  
10 enacted this ordinance for a reason. The Township committee  
11 enacted the amended ordinance to allow Cambridge to proceed as  
12 of right, and when they did, in the language of that ordinance  
13 they excepted Cambridge from certain things. Because they're a  
14 concrete products plant, they don't have to deal with the  
15 general requirements for outdoor storage, let's say.

16 If the Township committee wanted to except them from  
17 this ordinance, they would have done so, but they didn't. They  
18 said to Cambridge, look, here's the green light, okay? You'll  
19 get your intensity of development if you want it, but you have  
20 to show us that you're not going to hurt our water supply.  
21 They want it the other way. They want the cart before the  
22 horse. They want to be able to have their intensity of  
23 development and then deal with that. That's not how it works.

24 MR. BRIGLIADORO: Well, Ms. Erem, in fairness, that's  
25 not what I heard, okay?

1 MS. EREM: Well, I heard him say we're going to  
2 address it.

3 MR. BRIGLIADORO: Well, I think --

4 MS. EREM: We're going to meet with him.

5 MR. BRIGLIADORO: -- the issue is, first, they're not  
6 requesting a waiver from what they characterize as the water  
7 yield study in regard to this hearing.

8 MS. EREM: Can we --

9 MR. BRIGLIADORO: Secondly, I heard counsel stipulate  
10 on the record that they would provide the data prior to this  
11 Board making a decision in regard --

12 MS. EREM: That's not what I heard, with all due  
13 respect.

14 MR. HEFELE: Well, I can repeat it. We are definitely  
15 going to address the requirements of this ordinance prior to  
16 this Board moving on --

17 MR. BRIGLIADORO: Okay.

18 MR. HEFELE: -- preliminary approval. We are going to  
19 meet with your hydrogeologist in order to address this  
20 ordinance in the appropriate fashion and provide that evidence  
21 to the Board, prior to any preliminary approval being granted.

22 MS. EREM: I'm sorry.

23 MR. HEFELE: It's that simple.

24 MS. EREM: That's not --

25 MR. BRIGLIADORO: Well, but --

1 MS. EREM: That's just smoke and mirrors.

2 MR. BRIGLIADORO: Well --

3 MS. EREM: I want to hear Mr. Hefele --

4 MR. BRIGLIADORO: We're talking --

5 MS. EREM: I want to hear him --

6 MR. BRIGLIADORO: I'm sorry. Go ahead.

7 MS. EREM: Yeah, oh, boy. I want to hear Mr. Hefele  
8 tell this Board that his client is going to conduct this test,  
9 and he's going to conduct the hydrogeological evaluation in  
10 accordance with this ordinance, and he's going to do it before  
11 this Board, before he asks this Board for preliminary approval,  
12 because I'm going to tell you all that, in my opinion, as far  
13 as what I know, this test has to be done at the seasonal mean  
14 high water and low water.

15 And unless he expects this to go on for a year, it's  
16 not going to happen. So unless I hear those words, I don't  
17 believe that this ordinance is going to be complied with. And  
18 I would really caution this Board to hold their feet to the  
19 fire. This Board, this Township, has carried that Applicant  
20 for almost two years. It's time for them to carry themselves,  
21 and it's time for them to obey the law, and do their own work.

22 MR. BRIGLIADORO: Okay, Ms. Erem, the Municipal Land  
23 Use Law requires the Planning Board to ensure that there's an  
24 adequate water supply, and that's pursuant to the Section  
25 40:55D-38b, b3, to be precise.

1           And we've heard the Applicant say that they're not  
2 seeking a waiver in that the issue will be addressed before  
3 this Board is called upon to render a vote. So, I appreciate  
4 your comments, but I think they go to the proofs in this case  
5 and we haven't heard the proofs yet.

6           So for purposes of moving forward, I think the Board  
7 can move forward, but we are all mindful of the cases that you  
8 cited, and they were correct. And the Applicant has indicated  
9 that he will be addressing the situation, and we will look to  
10 the proofs, and we will see whether or not they're addressed  
11 satisfactorily in order to allow the Board to make a decision  
12 on the application. Okay.

13           MS. EREM: I really appreciate your comment. I just  
14 needed to make sure that the record was perfectly clear,  
15 because of, you know, where we are with things. And you know,  
16 also for the Board to understand that -- and I think, Rich, I  
17 know you haven't had a chance to advise your Board -- but you  
18 know, once you grant preliminary approval, rights are vested.  
19 They're vested, okay?

20           A subsequent purchaser can come in, and if they don't  
21 know about that test, they can turn around and say, well, I  
22 didn't know about it, I don't have to do it, it takes too long,  
23 it costs too much, I'm not doing it. And there are courts in  
24 at least three instances that I know of that have supported  
25 that argument and have removed that restriction from a

1 resolution. So the Board needs to be really mindful of how it  
2 proceeds, and I'm sure you have good counsel, and he'll guide  
3 you appropriately. Thank you.

4 MR. BRIGLIADORO: Thank you. Mr. Hefele, anything  
5 else?

6 MR. HEFELE: I could go on and tell you the millions  
7 of gallons of water that are pumped by the quarry every day,  
8 but I don't have really anything else to add.

9 MR. BRIGLIADORO: Well, look, that's going to be  
10 substantive.

11 MR. HEFELE: That's the --

12 MR. BRIGLIADORO: That's substantive in nature. I  
13 know --

14 MR. HEFELE: -- conversation --

15 MR. BRIGLIADORO: -- we're going to get to that, but  
16 --

17 MR. HEFELE: We're going to get to that.

18 MR. BRIGLIADORO: Okay.

19 MS. EREM: Can I just ask a question, if I may? At  
20 the reorganization meeting, one of the members of the public  
21 asked for a copy of an evaluation of groundwater resources,  
22 that I understand M2 Associates was preparing. And Fred  
23 Semrau, the Township attorney, indicated that he had it. He  
24 was reviewing it.

25 He was going to send a copy to the Environmental

1 Commission and send a summary to the Township committee. I  
2 think that that document might really be important in this  
3 case; does anyone here know the status of that? Vita, maybe  
4 you know?

5 MS. THOMPSON: No, I don't.

6 MS. EREM: Okay. You know what I'll do? I will make  
7 an open request for that and then someone may be able to come  
8 up with it. Okay, I just wanted to ask that.

9 MR. BRIGLIADORO: Thank you.

10 MS. EREM: Thank you.

11 MR. BRIGLIADORO: Bob? Mr. Guerin, do you have  
12 anything that you want to say?

13 MR. GUERIN: No, not at this point.

14 MR. BRIGLIADORO: Okay. Mr. Chairman, if you wouldn't  
15 mind, I have some comments that I'd like to make.

16 CHAIRPERSON O'CONNELL: Please proceed.

17 MR. BRIGLIADORO: Okay. Again, this is for the  
18 Board's information and for the members of the public.

19 Proper public notice, in accordance with the  
20 requirements of the Municipal Land Use Law, is a jurisdictional  
21 requirement and it's a pre-requisite for the Andover Township  
22 Land Use Board to exercise jurisdiction over this application.

23 Therefore, the Board must consider Cambridge Pavers'  
24 notice in regard to the Municipal Land Use Law, according to  
25 Section 11, I should say. Section 11 provides, in relevant

1 part, the notice shall state the date, time, and place of the  
2 hearing, the nature of the matters to be considered, and  
3 identification of the property proposed for development by  
4 street address, if any, or by reference to lot and block  
5 numbers, as shown on the current tax duplicate in the Municipal  
6 Tax Assessor's Office, and the location and times in which any  
7 maps and documents for which approval is sought are available  
8 for review by the public.

9           There are also cases that interpret notice as required  
10 by the law. And there are a couple of major cases that deal  
11 with this. One is Perlmart v. Lacey Township, and it's found  
12 at the legal periodical 295 NJ Super, page 234. It's an  
13 Appellate Division case from 1996. And in that case, the facts  
14 aren't really too relevant to what we're talking about here  
15 tonight, but what is important is what the Court said the law  
16 is in regard to notice.

17           In Perlmart, the Court held that "The purpose for  
18 notifying the public of the nature of the matters to be  
19 considered is to ensure that the members of the public who may  
20 be affected by the nature and character of the development are  
21 fairly apprised, so that they may make an informed  
22 determination as to whether they should participate in the  
23 hearing, or at the least, look more closely at the plans and  
24 other documents on file."

25           The Court also stated, "When a statute requires a

1 notice to be given to the public, such a notice should fairly  
2 be given the meaning it would reflect upon the mind of the  
3 ordinary layperson and not as it would be construed by one  
4 familiar with the technicality solely applicable to the laws  
5 and rules of the Zoning Commission."

6 And the Court then said, "Consequently, the critical  
7 element of notice has consistently been found to be an accurate  
8 description of what the property will be used for under the  
9 application.

10 The Court then went on to say that notice requirements  
11 should be read as requiring a reasonably accurate description  
12 of the activity or structure which the application wishes to  
13 institute or erect. And they gave an example. For example, if  
14 you're seeking approval to put up a gas station, your notice  
15 should say that the purpose of your application is to put up a  
16 gas station.

17 There's another major case that deals with notice and  
18 it's called Pond Run Watershed Association v. Township of  
19 Hamilton Zoning Board of Adjustment. And that cite is 397 NJ  
20 Super, page 335, and that's an Appellate Division case from  
21 2008. Pond Run also cited the Perlmart case and it agreed with  
22 the conclusions reached in Perlmart, that "The critical element  
23 of notice has consistently been found to be an accurate  
24 description of what the property will be used for under the  
25 application."

1           And another thing it said, which is important, "The  
2 Statute requires a common-sense description of the nature of  
3 the application, such that the ordinary layperson could  
4 understand its potential impact upon him or her." So looking  
5 at the notice in this case, the notice did accurately provide  
6 the date of the hearing, the time of the hearing, the location  
7 of the hearing. And that's consistent with Section 11 of the  
8 Municipal Land Use Law.

9           In addition to that, notice had to be published and  
10 served 10 days prior to the date of the hearing, and that was  
11 also done. In regard to identifying the property proposed for  
12 development, the notice, I believe, was very thorough.  
13 Although no street address was given for the property, the  
14 identifying factors in regard to tax lot and block were  
15 provided as they relate to Andover Township. And it was also  
16 indicated in the notice that the property also had small  
17 portions within the Townships of Sparta and in Lafayette.

18           The notice also indicates that that portion of the  
19 site in Andover is approximately 78 acres in size and is  
20 located along Limecrest Road. As I said, the notice also  
21 indicates that although a portion of the site is located in  
22 Andover Township -- I'm sorry, in Lafayette and in Sparta, the  
23 bulk of the property is located in Andover Township.

24           And it also provides members of the public with an  
25 approximation of the size of the lots that are located in these

1 other municipalities. So in my opinion, all of these factors  
2 would lead the ordinary layperson to be able to accurately  
3 identify the site of the project. The notice also indicates  
4 that there's no proposed development for those portions of the  
5 site that are located in Sparta and in Lafayette.

6 As required by law, the notice also indicates that  
7 copies of the plans, and maps, and other documents are  
8 available for public inspection, should any member of the  
9 public wish to view them.

10 Now, again, in accordance with those requirements  
11 under the law, as I've set forth under Perlmart and in Pond  
12 Run, I believe the Applicant has described that it's seeking  
13 approval to construct a paving stone and wall block  
14 manufacturing facility, as well as the ability to install  
15 associated site improvements.

16 The notice clearly identifies the relief being sought,  
17 which is for preliminary site plan approval and conditional use  
18 approval. It also calls out variances and/or waivers in regard  
19 to on-site parking, steep slope, and as we discussed, the water  
20 yield study.

21 MS. EREM: Mr. Brigliadoro?

22 MR. BRIGLIADORO: Yes.

23 MS. EREM: Can I ask a question? I could be missing  
24 something --

25 MR. BRIGLIADORO: Yes.

1 MS. EREM: -- but does this notice anywhere state that  
2 this operation is proposed for a 24/7, 365-days-a-year  
3 operation? I mean, I'm sure you're aware of --

4 MR. BRIGLIADORO: The --

5 MS. EREM: -- the case, wherein there was a restaurant  
6 proposed, and it wasn't noticed, and because of that reason,  
7 the Court found that the notice was insufficient because a  
8 restaurant creates additional concerns for noise, et cetera.  
9 And here we have a situation that's very similar, where there  
10 isn't notice here that this operation is proposed for 24/7,  
11 and there are people who may think that it's just an operation  
12 that would operate during normal business hours when, in fact,  
13 in reality, they're going to be running trucks, et cetera.  
14 They even say in their application, most of these things will  
15 happen at night. And they're going to be pumping and pumping  
16 all night long, 24/7. And I think that's very critical for the  
17 public to know, and that's missing from this notice. If you  
18 would, just please address that, I'd appreciate it.

19 MR. HEFELE: Mr. Brigliadoro?

20 MR. BRIGLIADORO: Yes.

21 MR. HEFELE: There are a lot of things that will be  
22 addressed as a part of this application. And the 24/7  
23 operation, this is an industrial zone, we are going to address  
24 that. And quite frankly, it's quite impossible to put all of  
25 the items, all of which are important, with regard to this

1 BOARD SECRETARY: Mr. Messerschmidt.

2 BOARD MEMBER MESSERSCHMIDT: Yes.

3 BOARD SECRETARY: Chairman O'Connell.

4 CHAIRPERSON O'CONNELL: Yes.

5 MR. FARACE: Thank you. Thank you very much.

6 UNIDENTIFIED MALE: Mr. Chairman, I'll be excusing or  
7 recusing myself from the following application.

8 CHAIRPERSON O'CONNELL: Yes, sir.

9 UNIDENTIFIED MALE: Thank you, guys.

10 CHAIRPERSON O'CONNELL: The next application is --

11 MR. SPECTOR: Thank you.

12 UNIDENTIFIED FEMALE: I am very happy about --

13 CHAIRPERSON O'CONNELL: You're welcome.

14 UNIDENTIFIED FEMALE: Very happy about that.

15 MR. FARACE: We're very appreciative.

16 CHAIRPERSON O'CONNELL: The Cambridge Pavers  
17 application.

18 (Extended Pause.)

19 MR. HEFELE: We're good to go?

20 CHAIRPERSON O'CONNELL: Yes.

21 MR. HEFELE: Okay. Good evening, ladies and  
22 gentlemen. Bern Hefele on behalf of the Applicant for this  
23 application, Limecrest Quarry Developers and Cambridge Pavers.

24 MR. BRIGLIADORO: I just want to get your appearance.

25 I want to get Ms. Erem's appearance. And then I just want to

1 application into the notice.

2 And I don't think that -- you know, we could expand  
3 this notice to read like a book, but then I'd have to put my  
4 whole application in and I don't think that's what's intended.

5 MR. BRIGLIADORO: Right.

6 MS. EREM: Well, I do think, though, that the 24/7 is  
7 an issue that Cambridge knows is very sensitive, not only to my  
8 client, but to the public. I mean, they were present at the  
9 public hearing on this ordinance and the 24/7 issue went around  
10 and around and around for a very long time, with the Township  
11 committee actually stating that it is not them, but it is the  
12 Planning Board who has the jurisdiction to impose a 24 -- or  
13 any limitation on hours of operation, even in the absence of an  
14 ordinance requiring it, which we'll get to that at the  
15 appropriate time. But this was an issue where there were  
16 people that are here tonight, that brought copies of ordinances  
17 from adjoining towns. And it was such a major issue.

18 The Applicant knows that this is Mr. Krueger's main  
19 issue. He does not want to come home at night and have to  
20 listen to this banging, and trucking, and pumping, and  
21 everything else. This is not a matter of, oh, we can throw  
22 everything into our notice. This is critical. This is  
23 critical to the point that, even at the Township committee  
24 meeting, Mr. Semrau left the dais to discuss this issue with  
25 Mr. Hefele, and then went back on the dais, whispered to the

1 Mayor, and next thing we knew --

2 MR. BRIGLIADORO: Well, wait.

3 MS. EREM: -- they were going to relate --

4 MR. BRIGLIADORO: Wait, wait, wait.

5 MS. EREM: -- they were going to refer it to the --

6 MR. BRIGLIADORO: Wait, wait. Hold on.

7 MS. EREM: -- planner,

8 MR. BRIGLIADORO: Ms. Erem --

9 MS. EREM: Nothing has been done.

10 MR. BRIGLIADORO: No, but that --

11 MS. EREM: So this --

12 MR. BRIGLIADORO: But that --

13 MS. EREM: -- is very critical. That's why I'm --

14 MR. BRIGLIADORO: You're --

15 MS. EREM: -- bringing it up.

16 MR. BRIGLIADORO: Okay.

17 MS. EREM: And it should be in this notice.

18 MR. BRIGLIADORO: Your point is that there's a fatal  
19 defect in the notice because the notice failed to say that this  
20 is a 24/7 operation?

21 MS. EREM: Mindful of the background that's associated  
22 with this entire application, I think the facts would  
23 demonstrate that it should have been in the notice. I'm sorry  
24 to interrupt you.

25 MR. BRIGLIADORO: That's okay.

1           Getting back to what we were talking about, the  
2 additional issues raised in regard to the noise attenuation  
3 structure, I'm satisfied that the sound attenuation structure,  
4 how ever that name came to be, is really a wall, which is  
5 permitted by the ordinance, Ordinance number 2010-05, and the  
6 section is 190-55.2F1B.

7           MS. EREM: I'm sorry. F1?

8           MR. BRIGLIADORO: 1B. So I believe the wall is  
9 permitted. It's been represented that it provides a function  
10 of outdoor storage. It also provides a screening function,  
11 which is contemplated and provided for in the ordinance. And  
12 the extra benefit would be, if it acts as a sound barrier, so  
13 be it.

14           In regard to the steep slopes, getting back to the  
15 cases that I previously cited, I think the notice is to be  
16 provided in terms that the ordinary person can understand.

17           I think it's sufficient that the Applicant indicated  
18 that relief is being sought in regard to steep slope  
19 disturbance, the exact nature of which, if somebody was  
20 interested, could come down to the municipal building, further  
21 look at the plans, and also, further, if they wanted to, they  
22 could attend the hearing tonight. And obviously, we have a  
23 full house here.

24           The water yield study we previously addressed, so to  
25 conclude, it's my recommendation to the Land Use Board that the

1 Applicant has met the notice requirements under the Municipal  
2 Land Use Law for all the reasons I put forth on the record.  
3 And I believe that this Board does have jurisdiction to proceed  
4 in regard to this application.

5 MS. EREM: Thank you. Can I just ask, you cited  
6 190-55.2F1B. I have the printout. I just don't -- can you  
7 just tell me where that is?

8 MR. BRIGLIADORO: Sure. Ms. Erem, it's the outdoor  
9 storage component of that ordinance.

10 MS. EREM: 190-21? "Unless no article shall be kept  
11 or stored, except articles for sale outside the confines of the  
12 building unless it's screened by special planting or a fence"?

13 MR. BRIGLIADORO: I'm sorry. This is missing a page.

14 MS. EREM: 190-21 is outdoor storage.

15 MR. GUERIN: Yeah. 190-55.2.

16 MR. BRIGLIADORO: Right.

17 MR. GUERIN: Section F.

18 MS. EREM: Section F? F. Okay, F.

19 MR. GUERIN: B.

20 MS. EREM: F1B.

21 MR. BRIGLIADORO: B. Right.

22 MS. EREM: "Storage or replacement of materials" --

23 MR. BRIGLIADORO: Yes.

24 MR. GUERIN: Yes.

25 MR. BRIGLIADORO: That's it.

1 MS. EREM: -- "and loading may be located within 50  
2 feet. Except for residential, all storage must be designed  
3 with design elements." Okay, "solid walls or a combination to  
4 provide a visual screen of said activities from view." Okay,  
5 that makes sense if it's a fence or a wall. This is a sound  
6 barrier.

7 MR. GUERIN: It's a wall.

8 MS. EREM: But that's still your -- yes, it is, but  
9 here, this --

10 MR. GUERIN: It has a secondary use as a sound  
11 attenuation wall, but it is a wall. And whether it had the  
12 impact of providing sound attenuation or not, it would still be  
13 required for something similar in order to provide the visual  
14 impact, the visual screening that's required by ordinance.

15 MS. EREM: All right. So, then, it's the Board's  
16 interpretation then that it's a wall and the extra benefit is  
17 that it may attenuate the sound?

18 MR. GUERIN: Yes.

19 MS. EREM: Is that it?

20 MR. BRIGLIADORO: Yes.

21 MS. EREM: Okay, thank you. Thank you.

22 MR. BRIGLIADORO: Okay.

23 MS. EREM: Before we proceed, there's something that  
24 just occurred to me. And if anyone knows me, I don't like to  
25 surprise anybody, but I just want to raise this issue. And

1 Rich, it just occurred to me when I see Mr. Melfi here, and you  
2 look familiar to me.

3 BOARD MEMBER MELFI: That happens a lot.

4 MS. EREM: He was not lurking in a corner. I recall,  
5 during -- and I do not know if this is an issue, but I'm just  
6 going to lay it out -- I recall during the County Planning  
7 Board process, Mr. Melfi, I think you were maybe the head of  
8 the Economic Development or --

9 BOARD MEMBER MELFI: Correct.

10 MS. EREM: I don't want to say DPW, but I think it's  
11 Economic Development. And I believe I was there when you  
12 appeared before the County Board and urged the County Board to  
13 approve Cambridge's application. I do recall that. I was  
14 there. He did. He may not recall. I recall.

15 Now, I do not know -- I haven't done the research  
16 because it just occurred to me, when I saw you tonight -- I do  
17 not know if that presents a conflict. I just wanted to raise  
18 it just for the record so it's covered. But again, I didn't  
19 research it. I do not know for certain.

20 MR. HEFELE: What was the date of that, if I might  
21 ask?

22 MS. EREM: I'd have to look back in my notes.

23 MR. HEFELE: Well, just roughly.

24 MS. EREM: It wasn't the 2010 application that you  
25 filed. It was the --

1 MR. HEFELE: That's what I wanted to hear.

2 MS. EREM: It was the 2009 application.

3 MR. HEFELE: It was a previous application that was  
4 withdrawn, and is not before this Board, and never was before  
5 this Board because it never got to public hearing. And this is  
6 a completely different application, so I really don't see --  
7 but I'm just pointing that out.

8 MS. EREM: It is a different application.

9 MR. BRIGLIADORO: Well --

10 MS. EREM: However, it's still for the same purpose.  
11 You know, it's -- yes, the project is cut in half.

12 MR. HEFELE: This is a substantially different  
13 application.

14 MS. EREM: The only thing that's different is, as  
15 predicted, instead of --

16 MR. BRIGLIADORO: Well, let's --

17 MS. EREM: -- generating a million dollars' worth of  
18 ratables, it might be 350.

19 MR. BRIGLIADORO: Well, let's --

20 MS. EREM: But other than that, it's the same project.

21 MR. BRIGLIADORO: Okay.

22 MS. EREM: I just lay it out there --

23 MR. BRIGLIADORO: I understand.

24 MS. EREM: You --

25 MR. BRIGLIADORO: I understand.

1 MS. EREM: I don't know --

2 MR. BRIGLIADORO: So just for the sake of argument,  
3 assuming what you said is true, that Mr. Melfi advocated on  
4 behalf -- before a different body, advocated his support for an  
5 application, a period of time before this application is filed  
6 and is before this Board. Let me ask you this, Mr. Melfi.  
7 Have you pre-judged this case?

8 BOARD MEMBER MELFI: I am in the process of absorbing  
9 all the information as we go along and --

10 MR. BRIGLIADORO: Okay, so --

11 BOARD MEMBER MELFI: So, I'm going to say no.

12 MR. BRIGLIADORO: Okay. So, you can sit here, just  
13 like all the other board members, listen to all of the  
14 testimony and proofs that are put into this case, from the  
15 beginning of this case to the end of this case, and then make  
16 your decision based on everything we've heard?

17 BOARD MEMBER MELFI: As what is required from me as a  
18 Land Use Board member, yes.

19 MS. EREM: Thank you. I only raise that --

20 MR. BRIGLIADORO: Okay.

21 MS. EREM: -- issue very, very respectfully. I just  
22 needed to raise it for the record.

23 MR. BRIGLIADORO: Okay, thank you.

24 MS. EREM: Okay, thank you. And can we mark my  
25 letter, please?

1 MR. BRIGLIADORO: Sure.

2 MS. EREM: Today's date? Do you want to just mark it  
3 O-1?

4 MR. BRIGLIADORO: O-1 is good.

5 (Objector's Exhibit No. O-1 was marked for  
6 identification.)

7 MS. EREM: Thank you. And that's in evidence?

8 MR. BRIGLIADORO: Yes, it is. Okay, do you want to  
9 get going?

10 (Objector's Exhibit No. O-1 was admitted into  
11 evidence.)

12 MR. BRIGLIADORO: Okay. You want to get going?

13 CHAIRPERSON O'CONNELL: Well, actually, at this point,  
14 I'd just as soon take a 10-minute break --

15 MR. BRIGLIADORO: Okay.

16 CHAIRPERSON O'CONNELL: -- then come back, and look.  
17 It's been over an hour at this point and I think everybody --

18 MR. BRIGLIADORO: Okay.

19 CHAIRPERSON O'CONNELL: -- could take 10 minutes, come  
20 back fresh, and start off.

21 MR. BRIGLIADORO: We're going to take a 10-minute  
22 break. When we come back, Mr. Hefele will start his  
23 presentation.

24 MR. HEFELE: Yes.

25 MR. BRIGLIADORO: Okay.

1 MS. EREM: Maybe Mr. Hefele can also give us a rundown  
2 of his planned witnesses and the subject matter of their  
3 testimony.

4 MR. BRIGLIADORO: Well --

5 MS. EREM: Okay, thank you.

6 (Recess from 8:42 p.m. to 8:56 p.m.)

7 CHAIRPERSON O'CONNELL: All right, folks. Please,  
8 we're coming to order here.

9 BOARD SECRETARY: Okay, this is the second hearing on  
10 the Cambridge matter and the second --

11 CHAIRPERSON O'CONNELL: The second hearing this  
12 evening that --

13 BOARD SECRETARY: -- this evening.

14 CHAIRPERSON O'CONNELL: -- we've had. Members that  
15 were present at the first hearing for Farace have stepped down.  
16 They are --

17 BOARD SECRETARY: Gail Phoebus and Christine Kretzmer  
18 have recused on this matter.

19 CHAIRPERSON O'CONNELL: So we just wanted to put that  
20 on the record for everyone's knowledge.

21 MR. BRIGLIADORO: Right. And that those Board members  
22 recused themselves prior to the inception of this application  
23 and they have not sat in on this application. So we just  
24 wanted to make sure that that's on the record because they were  
25 here for the roll call and for the first application that was

1 before the Board tonight.

2 MS. EREM: May I ask a question? I know that --

3 MR. BRIGLIADORO: Sure.

4 MS. EREM: -- Ms. Phoebus owns property within 200  
5 feet of, I think, the golf course or something.

6 CHAIRPERSON O'CONNELL: Uh-huh.

7 MS. EREM: Can you just inform me as to the nature of  
8 Ms. Kretzmer's --

9 MR. BRIGLIADORO: Conflict?

10 MS. EREM: -- disqualification?

11 MR. BRIGLIADORO: There's --

12 MS. EREM: Does anyone know?

13 CHAIRPERSON O'CONNELL: Hold on. Ms. Kretzmer?

14 MS. EREM: Oh, is she here?

15 BOARD MEMBER KRETZMER: It's a work conflict.

16 MS. EREM: Work. Okay, thank you.

17 MR. BRIGLIADORO: Okay.

18 MR. HEFELE: Okay, so we are done with the notice  
19 issue, and the notice has been deemed appropriate, and we're  
20 going to move ahead with the application. So what I'd like to  
21 do is just give the Board a brief overview of the application,  
22 and what we're going to be presenting, and then move right into  
23 our first witness. So as you already know, the application  
24 proposes a paving stone and block facility to be located on  
25 this piece of property.

1           Now, the property was previously used for operations  
2 that were associated with a quarry across the street. The  
3 property is a completely disturbed piece of property at this  
4 point, as a result of the operations across the street. At  
5 this point, there's no real vegetation on this piece of  
6 property, and it does not look very attractive at this point.  
7 It's somewhat of an eyesore. And the owners came before the  
8 Board some time ago, in terms of developing this piece of  
9 property for residential purposes and for purposes of a golf  
10 course, and the town has consistently wanted this property to  
11 be developed in an industrial fashion. And it is zoned  
12 industrial, and we are proposing an industrial use. And I  
13 think that one of the unique things about this application is  
14 that the use, the property, and the zoning, and the facts out  
15 there all blend together to make this really a very good  
16 application in terms of the utilization of that piece of  
17 property.

18           So in keeping with that, the Board now has this  
19 application before it and we're going to be presenting  
20 testimony with regard to the facility itself. This is an  
21 ultramodern, state-of-the-art manufacturing facility for paving  
22 stones and wall block.

23           We're going to be constructing a roughly 94,000  
24 square-foot building on the piece of property. The owners will  
25 be investing approximately \$20- to \$30 million in order to make

1 this happen on this piece of property.

2 And the construction of the facility is obviously  
3 going to be creating a number of jobs for the local residents.  
4 And those jobs will obviously be good-paying jobs, relatively  
5 high salaries when you take a look at the average incomes. And  
6 I think that it's going to generate a nice tax ratable.

7 And one of the nice things about this piece of  
8 property, also, once it's developed, is that it really doesn't  
9 have any impact on municipal services and facilities in terms  
10 of schools and whatnot, because it is going to be an industrial  
11 situation. The operations are completely enclosed. Nothing  
12 happens outside and --

13 MS. EREM: I'm sorry. Excuse me. I'm going to have  
14 to object because Mr. Hefele is basically testifying here.  
15 It's not an overview. He's testifying. He's stating that  
16 there will be a number of jobs. He's stating that there will  
17 be high salaries compared to the average income. I mean, the  
18 last time we were here, they promised 100 jobs when we  
19 indicated to the Board that these facilities are basically  
20 completely automated. And now --

21 MR. HEFELE: I would -- I'd like to --

22 MS. EREM: -- he's cut it down to 40 --

23 MR. HEFELE: Listen --

24 MS. EREM: -- okay?

25 MR. HEFELE: I'd like to proceed with my application.

1 MS. EREM: And now, he's talking about that there's no  
2 impact on municipal services. This is something that his  
3 engineer, his planner -- I mean, I'd like to hear the list of  
4 witnesses that he's going to present to the Board and the  
5 subject matter of their testimony. I thought that's what he  
6 was going to do.

7 MR. BRIGLIADORO: Okay, Ms. Erem --

8 MR. HEFELE: Well, I will get to that --

9 MR. BRIGLIADORO: Well, let me just --

10 MR. HEFELE: -- when I get to it.

11 MR. BRIGLIADORO: Let me just answer something. Okay,  
12 let me just say something, I should say. Ms. Erem, I think the  
13 purpose of his comments was just to provide the Board with a  
14 brief overview of the nature of his project. He's going to be  
15 presenting witnesses tonight. And the Board understands the  
16 difference between the comment of an attorney and the proofs  
17 that they're going to have to focus in on, in making a decision  
18 in regard to the application.

19 MS. EREM: Yes, and I have full respect for the Board.

20 MR. BRIGLIADORO: Right.

21 MS. EREM: I served on my own board for 10 years and  
22 ran it for three years. However, there are statements here  
23 that are more than just an overview of the application. The  
24 Board shouldn't want to hear so much from the attorney. They  
25 should want to hear from the experts. And the public doesn't

1 know --

2 MR. BRIGLIADORO: Well, let me --

3 MS. EREM: -- whether what Mr. Hefele is stating is  
4 correct or not.

5 MR. HEFELE: I have spent --

6 MR. BRIGLIADORO: I'm sorry, I'm sorry.

7 MR. HEFELE: Okay.

8 MR. BRIGLIADORO: I don't mean to cut you off, Mr.  
9 Hefele, but --

10 MR. HEFELE: Go ahead.

11 MR. BRIGLIADORO: -- Ms. Erem, your letter of May 3rd,  
12 right? When I read your letter, don't you put in their letter  
13 -- don't you talk about ratables? And didn't you mention  
14 ratables tonight, and what they were, and what the --

15 MS. EREM: Let me tell you why I do, since --

16 MR. BRIGLIADORO: Okay, but --

17 MS. EREM: -- since you raised it.

18 MR. BRIGLIADORO: No, no, but --

19 MS. EREM: No, since you raised it,

20 MR. BRIGLIADORO: No, but you --

21 MS. EREM: Since you raised it.

22 MR. BRIGLIADORO: You introduced it first. So now, he  
23 comments on it and now you tell us --

24 MS. EREM: No, no, no.

25 MR. BRIGLIADORO: -- that we --

1 MS. EREM: No, no, no.

2 MR. BRIGLIADORO: -- shouldn't be hearing it.

3 MS. EREM: The entire basis --

4 MR. BRIGLIADORO: No?

5 MS. EREM: -- for the ordinance being changed was upon  
6 the promise of ratables, which started out with \$700,000 worth  
7 of ratables. Every time Mr. Hefele opened his mouth, that  
8 amount rose to the point of \$1 million, okay? And this was the  
9 lynchpin, the basis upon which that ordinance was passed.

10 Mr. Boyce made that very clear, that he felt, despite  
11 the room full of objectors, all right, that he was doing the  
12 right thing for this municipality by passing an ordinance that  
13 would allow this application, without regard to the traffic,  
14 the noise, the dust, et cetera, 24 hours, seven days a week,  
15 all year long --

16 MR. BRIGLIADORO: Okay.

17 MS. EREM: -- upon the promise of those ratables. And  
18 I warned him and that committee at that time, that that isn't  
19 going to happen, that they will either cut it in half, they  
20 will run more than the number of production lines --

21 MR. BRIGLIADORO: All right. I'm sorry. I'm sorry.

22 MS. EREM: -- that they said.

23 MR. BRIGLIADORO: I'm sorry. Look --

24 MS. EREM: And that's what's happening.

25 MR. BRIGLIADORO: I'm going to cut you off -- I'm

1 going to -- I'm going to --

2 MS. EREM: That is what's happening.

3 MR. BRIGLIADORO: Okay, I'm going to cut you off for  
4 this reason.

5 MS. EREM: So I didn't bring it up.

6 MR. BRIGLIADORO: No, no.

7 MS. EREM: They brought it up.

8 MR. BRIGLIADORO: Okay.

9 MS. EREM: Thank you. I'll sit now.

10 MR. BRIGLIADORO: Okay, this Board is a Municipal Land  
11 Use Board, okay? It's going to make a decision in this case  
12 based on the Municipal Land Use Law, the Township ordinances,  
13 in regard to what the application seeks approval for. That's  
14 what we're going to do. We're not going to make a decision, as  
15 I said, earlier on, based on -- we're not going to count heads,  
16 how many people support it, how many people are opposed to it.  
17 We're not going to do that. And we're not, by law, allowed to  
18 consider whether or not it's going to provide ratables.

19 MS. EREM: Thank you. That's correct.

20 MR. BRIGLIADORO: Okay.

21 MS. EREM: You are correct, yes.

22 MR. BRIGLIADORO: All right. So the Board understands  
23 that. I understand the comments you made. I understand the  
24 comments Mr. Hefele made, but I'm just going to tell you what  
25 I'm going to instruct the Board. And the Board will not factor

1 that into the decision.

2 MS. EREM: Thank you.

3 MR. BRIGLIADORO: Okay.

4 MS. EREM: I understand.

5 MR. HEFELE: Okay, I would have one request of the  
6 Board. I mean, I didn't get two minutes into my overview of  
7 this before Ms. Erem stood up. And it's not going to work this  
8 way. I'm going to have to be able to present this application.  
9 I am fine with Ms. Erem putting in all the comments she wants  
10 and she can do that after we're done making a presentation or  
11 after I'm done talking. But to constantly step in here and  
12 grandstand like this, that is not going to get anybody  
13 anywhere, okay? It looks good, but it really is not going to  
14 move this application ahead. So I'm not going to do it this  
15 way and I would ask the Board to allow us to put in our  
16 application, and Ms. Erem can most certainly ask questions and  
17 she can most certainly put in all the commentary she wants at  
18 the end, but to constantly interrupt is inappropriate and I'm  
19 just not going to have that. So I would hope that we can stop  
20 with that. Now --

21 MR. BRIGLIADORO: Now, let me just interrupt you one  
22 other time. I thought we covered this sniping between  
23 attorneys. We're not going to permit this, so --

24 MS. EREM: I'm not sniping.

25 MR. BRIGLIADORO: -- I'm just --

1 MS. EREM: I just don't want to hear --

2 MR. BRIGLIADORO: I'm just telling everybody --

3 MS. EREM: I don't want to hear the attorney  
4 testifying.

5 MR. BRIGLIADORO: -- knock it off. Everybody knock it  
6 off. Let's present the case.

7 MS. EREM: And I'd like to please have a list of  
8 intended witnesses and their subject matter. I'm not hearing  
9 that, and I'm not hearing that it's going to be provided.

10 MR. HEFELE: Okay, so I think the most important part  
11 of this --

12 MR. BRIGLIADORO: Let me just, again, interrupt you  
13 for one second. You have a witness tonight, correct?

14 MR. HEFELE: Yeah, but I --

15 MR. BRIGLIADORO: I understand.

16 MR. HEFELE: I'm not going to let Ms. Erem tell me how  
17 I'm --

18 MR. BRIGLIADORO: Ms. Erem --

19 MR. HEFELE: -- going to present my case.

20 MR. BRIGLIADORO: No, I agree. I agree.

21 MS. EREM: But I am entitled to that information.

22 MR. BRIGLIADORO: No, but Ms. Erem, can you -- why  
23 don't we start with the first witness? And let's see where we  
24 go, okay? But before we leave here tonight, Mr. Hefele, you  
25 will provide us --

1 MR. HEFELE: I'm about to get there in about --

2 MR. BRIGLIADORO: Okay.

3 MR. HEFELE: -- 30 seconds if I could --

4 MR. BRIGLIADORO: Okay.

5 MR. HEFELE: -- continue, but --

6 MS. EREM: 30 seconds. Ready.

7 MR. BRIGLIADORO: All right. Please --

8 MS. EREM: Let's go.

9 MR. HEFELE: I mean --

10 MR. BRIGLIADORO: Donna, please, okay?

11 MR. HEFELE: All right.

12 MR. BRIGLIADORO: Let's go.

13 MR. HEFELE: The one thing I do want to point out to  
14 the Board in this application is that this development and this  
15 facility that we're proposing -- this is a facility that's not  
16 going. We're not developing green space here in this  
17 municipality. We are redeveloping a piece of property that is  
18 in very poor condition. It's basically blighted and is an  
19 eyesore. So this development is a very positive -- I would  
20 look at as a very positive development, in terms of that.

21 If we were going out and developing virgin property,  
22 it would be a different story. But what we are going to do  
23 here is going to have a very positive effect for this piece of  
24 property, not to mention that it's going to have a positive  
25 effect for the municipality. And we're basically going to

1 clean up this eyesore.

2           And I think that being done by an industrial  
3 establishment without, you know, taxing the municipal resources  
4 is a very, very good utilization of that piece of property. So  
5 we spent a lot of time, actually, now in terms of our plans,  
6 and in terms of all of the reports that we have submitted, and  
7 the studies that we have submitted, the overviews, the  
8 operations that we have submitted with regard to this  
9 application, to present and prepare what we believe to be a  
10 very good utilization of this piece of property.

11           And as part of that, as part of this application,  
12 we're going to have a number of witnesses testifying. And I  
13 don't know if I made that within 30 seconds, but the witness  
14 list that we are going to have -- tonight, we are going to  
15 hopefully get through Mr. Toedter, in terms of operations. I  
16 want him to give you an overview of what the operations at this  
17 facility are going to be, basically how it's going to operate.

18           Then I want to move on. We're going to have  
19 engineering testimony from our engineer, Mr. Graham. And we  
20 will have testimony from Joe Stiger, our traffic engineer.  
21 We will have environmental testimony from Matrix. And we will  
22 also have planning testimony from Michael Tobia. And the order  
23 of those witnesses, I really can't tell you at this point.  
24 It'll be in the order that I just laid out, unless the timing  
25 and the meetings themselves don't allow those people to appear.

1 But since I don't know exactly when these meetings are going to  
2 take place, I'm hoping to do them in that order, but we'll have  
3 to see about that. We will definitely have Mr. Toedter  
4 followed by the engineer --

5 MR. BRIGLIADORO: Okay.

6 MR. HEFELE: -- and that's what I want to start with  
7 tonight.

8 MR. BRIGLIADORO: That's fine.

9 MR. HEFELE: Okay, thank you. So our first witness,  
10 then, will be Robert Toedter. And he is familiar with and  
11 works for Cambridge Pavers.

12 MR. BRIGLIADORO: Okay, thank you.

13 MR. HEFELE: So he's familiar with the operation, so  
14 we can have him sworn.

15 MR. BRIGLIADORO: All right. Mr. Toedter?

16 R O B E R T M. T O E D T E R, APPLICANT'S WITNESS, SWORN.

17 MR. BRIGLIADORO: Okay. For the record, please state  
18 your name and spell your last name.

19 MR. TOEDTER: Robert M. Toedter, T-o-e-d-t-e-r.

20 DIRECT EXAMINATION BY MR. HEFELE:

21 Q. Okay, so Mr. Toedter, would you just review for the  
22 Board what your position is and what you do with respect to  
23 Cambridge Pavers?

24 A. I am a consultant to Cambridge Pavers, have been since  
25 their inception. I work with them on land acquisitions,

1 processed improvements, building programs, and other things  
2 that would be related to their operations.

3 Q. So are you fully familiar with all of the operational  
4 aspects of the Cambridge Pavers' operation and what they intend  
5 to do here on this site?

6 A. Yes.

7 Q. Okay, so what I'd like to do is have you give the  
8 Board a brief overview.

9 MR. HEFELE: Mr. Toedter has submitted a report, which  
10 is part of the application. It's dated December 6th, 2010,  
11 which details these operations.

12 BY MR. HEFELE:

13 Q. And working off of that report that is already part of  
14 the record, the application, I'd like you to just go through  
15 for the Board and elaborate on that.

16 A. The proposal that's before you is for the construction of a  
17 paver/wall plant that will make what you are familiar with as  
18 concrete paving stones and concrete wall sections for what are  
19 termed segmental retaining walls.

20 As you may or may not know, the process is relatively  
21 simple. We utilize three naturally occurring materials, water,  
22 sand, and small-sized gravel, in combination with Portland  
23 cement and a synthetic grit oxide coloring agent to produce  
24 what's called a "dry mix," as opposed to what you are probably  
25 more familiar with, as a "wet mix."

1           As you may or may not also be aware, water is  
2 concrete's enemy of strength. The more water you add to a mix,  
3 the more workable it may be, the more flowable it may be, but  
4 the weaker the strength is.

5           Now, in order to achieve the high strengths that  
6 paving stones demand, you have to have a very low water content  
7 so that you're not doing anything more than hydrating or  
8 activating the Portland cement.

9           The mix is so dry that you do not handle it the same  
10 way that you would see with ready-mix trucks. It doesn't  
11 really flow. You can't vibrate it by hand into place. It has  
12 to be molded, and vibrated, and compacted into steel molds by a  
13 machine. And this is what we refer to in the industry as the  
14 "paver machine." So these three materials are mixed together,  
15 the three basic constituents with the Portland cement and the  
16 coloring agents.

17           They're placed into a machine where both pressure and  
18 vibration is applied. The molds are withdrawn and the product  
19 is expelled on steel plates that are accumulated and  
20 transported to what we call a "curing hill," where the shapes  
21 sit for about 18 to 24 hours before they are withdrawn, treated  
22 to present a particular image.

23           Some products are split to create a split-faced image.  
24 Then they are separated and repackaged into what we call  
25 "cubes," because paving stones generally are not placed upon

1 pallets. They're stacked into cubes that are approximately 48  
2 inches by 48 inches, and about three and a half feet to four  
3 feet high, depending upon the product type. And they're  
4 handled by a special forklift called "grabbers." It basically  
5 grabs the cube, and lifts it up, and places it either in the  
6 storage stacks or onto the shipping trucks.

7           The entire manufacturing process itself, once we have  
8 received the raw materials, is done inside. There is receipt  
9 of sand and gravel by a generally tri-axle dump truck. These  
10 materials, however, are what we call "washed." All the  
11 material that we use is what we call "washed material," which  
12 means that it's, at the quarry, been subjected to a spray to  
13 eliminate the fines and the dusts in the product, so that when  
14 it is shipped to us, we do not either have to accommodate the  
15 differences in the performance of those material and we don't  
16 get dusting at the site.

17           Once the material is at the site and dumped into the  
18 hoppers, the receiving hoppers, it is then conveyed to raw  
19 material storage bins inside the building via covered belt  
20 conveyers and enclosed transfer chutes so that there isn't a  
21 release of any dusting or any material. Cement is received by  
22 fully enclosed tanker truck, pneumatically pumped into the  
23 cement silos, which have dust collectors on them, and are  
24 regulated, and in terms of the air releases by the New Jersey  
25 Department of Environmental Protection for air quality.

1           The material, when it's fully cured, and after being  
2 assembled into cubes, is then rolled by conveyor outside, where  
3 several forklift trucks grab them, grab the cubes, and stack  
4 them in the storage yard. The storage yard is paved because  
5 these cubes, if there's settlement or an unusual amount of  
6 slope in the storage yard, will distort vertically and can be  
7 unstable.

8           So it's very important for us to have a very solid  
9 surface, which is why you see the entire storage yard paved, as  
10 opposed to having some other form of covering. The system  
11 creates no unrecyclable waste. Basically, any of the material  
12 that is off-spec is either recrushed and reinstituted into our  
13 system, or it finds homes in other allowable uses. So it is  
14 not generally ending up in a landfill or in some other  
15 non-beneficial use. We don't use any hazardous or toxic  
16 materials.

17           We use, as I said, basically naturally occurring  
18 materials. We don't really have much in the way of any  
19 particulate emissions because all of our processes are enclosed  
20 and then served by dust collectors. And the paver machine,  
21 which uses hydraulic pressure and vibration to make the forms,  
22 is set in an independent foundation and a sound attenuating  
23 enclosure.

24           The system, in comparison to most other  
25 industrial-type uses or manufacturing uses, is really basically

1 a green operation. We do not burn any fuels, except we do use  
2 some natural gas for the purposes of curing wall sections.  
3 Pavers are cured naturally, as opposed to being in a fire kiln.

4 And the temperatures in the kiln are only about 120  
5 degrees at their peak. And they retain, also, a high moisture  
6 content to be sure that we don't get any unusual drying of the  
7 product during the curing process, which would reduce the  
8 strength.

9 The manufacturing operations run on a 24-hour basis,  
10 and in general, seven days a week. That's the operations  
11 regarding the actual production of the pavers through the  
12 system and some shipping operations. On the whole, in terms of  
13 how we are receiving raw materials to the site, that is done in  
14 coordination with what is generally typical hours of quarries.  
15 And generally, quarries operate from about 7:00 in the morning  
16 to about 4:00 in the afternoon on Mondays through Fridays. And  
17 on Saturdays, some of them are open from about seven or eight  
18 until noon.

19 In general, we do not receive material on the site  
20 after noon on Saturdays or at all on Sundays. These bins that  
21 we have to house our raw materials are such that we can make it  
22 through a weekend period without receiving additional material,  
23 or if there's an extended holiday weekend, we can make it  
24 through without the quarry's necessarily being open.

25 Our actual operational hours -- although we're open 24

1 hours, we actually run our machines about 20 hours out of that  
2 time period. For every 12 hours, we operate on our shifts.

3 About 10 hours are dedicated to the operation of manufacturing.

4 The other two hours each day are dedicated to cleaning  
5 our equipment and setting up for different production runs.

6 The total number of people that are planned in this facility is  
7 scheduled right now at about 40, although we see a potential  
8 maximum of about 45.

9 Generally, we run about 22 people on the day shift and  
10 18 people on the night shift, because we don't include the  
11 plant manager and his assistant in that night shift. The  
12 facility itself is approximately 95,000 square feet of  
13 building, about 320 feet wide and 355 feet long. There's a  
14 minimum interior clear height of about 24 feet and the maximum  
15 height of the manufacturing hill area is about 40 feet high.

16 There is a section of the building which is higher, in  
17 order to accommodate what would be the 12 bins that store the  
18 raw materials inside. The height of that section of the  
19 building is approximately 20 -- excuse me, 75 feet high. And  
20 the four cement silos for each production line, a total of  
21 eight, are approximately 90 feet high. They are about 14 feet  
22 in diameter.

23 The shipping operations occur on a schedule that is  
24 heavy during the day, because that's when most people come to  
25 pick up their product, but we do have shipments during the

1 evening hours. We have provided, and you'll later get  
2 testimony from the traffic engineer, information regarding what  
3 we anticipate to be the truck traffic to and from the facility.

4 As I said before, raw material delivery generally  
5 occurs between 7:00 a.m. and about 5:00 p.m., Monday through  
6 Friday, and about 7:00 a.m. through noon on Saturday. We  
7 anticipate, based upon the products that we make and the  
8 anticipated products that we have projected for this facility,  
9 of about 57 trucks per day during those hours, delivering raw  
10 materials.

11 The finished product shipping takes place 24 hours a  
12 day, although our experience is, about 75 percent of the  
13 product is shipped between the hours of 6:00 a.m. and 5:00 p.m.  
14 And the total number of trucks that we anticipate is 60 trucks  
15 per day. And that is broken down to 45 trucks during the hours  
16 of 6:00 a.m. to 5:00 p.m. and about 15 trucks between the hours  
17 of 5:00 p.m. and 6:00 a.m.

18 Now, those numbers that I've just given to you are a  
19 per-line number. There are two production lines that are  
20 planned for this facility. There's a phase one and a phase  
21 two: phase one going in first and phase two following in  
22 approximately three years.

23 That would mean that the total number of trucks coming  
24 to and from the facility would be about 117 on each line or 234  
25 on a day if everything was in operation. We also anticipate an

1 average of about one truck per day for waste pick-up or  
2 recycling pick-up and about two trucks per day for incidental  
3 delivery of spare parts, color additives, wrapping plastic,  
4 banding lines, and so forth.

5           What that means is that if I were to split this out,  
6 there would be about 120 trucks total, per line, per day, a  
7 total of 240 trucks for the entire facility. The numbers, to  
8 put it in perspective in terms of shipping during the course of  
9 the day, means that on average, about four to five trucks per  
10 hour or about one truck every 12 to 15 minutes enters and  
11 leaves the plant.

12           The area that we have set aside for product storage is  
13 situated in two parts, one in the northerly section from the  
14 building that's proposed and one in a southerly section. The  
15 southerly section is part of what we would call "phase two,"  
16 when we put the second line in. The product that we have is  
17 cubed. We stack them in rows of depths of sometimes about, I'm  
18 going to say 16, and height, about 16 to 18 feet high.

19           The arrangement of the rows and columns of these  
20 materials is dependent upon the product types that we're  
21 manufacturing in any one year, product color, product design,  
22 and varies from year to year, which is why we don't establish a  
23 fixed alignment in the site for the handling of the finished  
24 material.

25           Some years, some colors go and do well, and some years

1 colors don't do well. And depending upon the product that the  
2 public demands, we rearrange our storage yards accordingly.

3 So that basically is an overview of the basics of the  
4 operation. That is also outlined in this December 6th document  
5 that was part of your packages.

6 CHAIRPERSON O'CONNELL: Yes?

7 MR. HEFELE: Yeah, if the Board has any questions of  
8 the witness?

9 CHAIRPERSON O'CONNELL: Board members? Well,  
10 unfortunately, I usually start off with the questions anyways.

11 CROSS-EXAMINATION BY CHAIRPERSON O'CONNELL:

12 Q. But Cambridge Pavers, Armortec, if I recall my  
13 late-night TV commercials correctly, you're saying that there's  
14 no hazardous materials or anything?

15 A. Generally, we use a granite or quartzite sand and gravel.  
16 Sometimes there's a limestone filler in wall sections.  
17 Portland cement, which is basically a fired limestone, with  
18 gypsum, and water. There are no, what we would term to be  
19 hazardous or toxic materials in this.

20 Q. Okay, so even in that case, your dyes, so to speak, or  
21 your color --

22 A. The dyes are a synthetic grit oxide, which is just, again,  
23 a ferrous material.

24 Q. Okay, as --

25 BOARD MEMBER PATTISON: Mr. Chairman, could I ask a

1 question about the source of these materials, for instance, the  
2 limestone, or the gravel?

3 CHAIRPERSON O'CONNELL: Sure.

4 CROSS-EXAMINATION BY BOARD MEMBER PATTISON:

5 Q. Are they going to be local or --

6 A. Well, the reason that we're trying to situate on this site  
7 is to be able to use the resources that are at the limestone --

8 Q. That's what I just --

9 A. -- the Limecrest quarry.

10 Q. -- need to know, yes.

11 A. The benefit to us is that there's a minimum of shipping  
12 costs related to moving the material directly from that quarry  
13 across to us. Plus, what was very important to us is that,  
14 generally, we like to use a particular vein of granite in the  
15 mix. And it so happens that that vein reoccurs in several  
16 areas throughout New Jersey and New York. And that vein  
17 happens to have a reserve at the Limecrest quarry. So that  
18 makes the quarry very attractive to us.

19 CROSS-EXAMINATION BY CHAIRPERSON O'CONNELL CONTINUED:

20 Q. Would the quarry and -- getting materials and product  
21 from basically across the street, right?

22 A. Correct.

23 Q. Is that going to be trucked --

24 A. Yes.

25 Q. -- back and forth?

1 A. Yes.

2 Q. There's no thought of using conveyors or anything?

3 A. None currently. My understanding is that the processing  
4 plant is at the far northerly end of the quarry, and in order  
5 to try to bring the material across the existing site, and then  
6 also across the road, and into our site, is a prohibitively  
7 long transfer length.

8 It's possible that, rather than having the 20-ton  
9 tri-ax trucks, which are standard road-qualified vehicles  
10 delivering the products, it's possible we might be able to  
11 utilize larger vehicles because they're permitted to do a  
12 direct crossing onto the property. And we've designed our bins  
13 such that we could accommodate a larger dump truck. But right  
14 now, the program is to anticipate normal transfer through  
15 tri-ax dump trucks.

16 Q. Okay, and that transfer is considered, then, part of  
17 your count of trucks --

18 A. Yes.

19 Q. -- which would, in essence, be crossing the street, so  
20 to speak?

21 A. Correct. We anticipate that we'll receive no less than 75  
22 percent of our product from the Limecrest quarry. We may  
23 receive more, but it depends upon the nature of the  
24 availability of materials and special orders that we may have  
25 to have for color correction and things of that nature. But we

1 expect no less than 75 percent. We would like to take 100  
2 percent if we could.

3 Q. There's no thought or prospect of using rail for any  
4 kind of your shipping or any of your other receiving?

5 A. We would love to use rail. I don't know how the rail could  
6 be worked back into our property, because it's on the wrong  
7 side of the wetlands at this point. So the rail company would  
8 have to create a spur, somehow, that would get it back across  
9 onto our property.

10 It would be a good idea, because we could then use  
11 rail to ship to points south that we have interests in. But I  
12 just don't think that that's going to be possible at this  
13 point, because I don't think that they'll be able to get the  
14 necessary permits and also track lengths in order to get the  
15 rail cars in and out of our site.

16 Q. Yeah. I was going to just say, but have you been in,  
17 I guess, touch with the Susquehanna on that?

18 MR. HEFELE: We're going to present some engineering  
19 testimony with regard to that issue, because --

20 CHAIRPERSON O'CONNELL: Okay.

21 MR. HEFELE: -- we have looked at that.

22 CHAIRPERSON O'CONNELL: All right.

23 MR. HEFELE: And we can present the Board with our  
24 findings with regard to that. So we will touch on that rail  
25 issue when we get to our engineering testimony.

1 CHAIRPERSON O'CONNELL: Okay, I appreciate it. Any  
2 other? Gerry?

3 BOARD MEMBER HUELBIG: Yeah.

4 CROSS-EXAMINATION BY BOARD MEMBER HUELBIG:

5 Q. You mentioned that, you know, about 240 trips as far  
6 as trucking goes during the daytime. Then you mentioned about  
7 the product, 75 percent of it coming from across the street.  
8 So that would mean, out of that 240 trips, 180 of them would  
9 just be across the street?

10 A. It would mean that --

11 Q. Basically, you know, I wanted to be clear on that.

12 A. No, the 240 --

13 Q. Okay.

14 A. -- is total, including shipping of finished product --

15 Q. Okay.

16 A. -- and of the raw materials. So you would have to take 75  
17 percent of the 60 trucks --

18 Q. Okay.

19 A. -- I mean, of the 120 trucks that represent the raw  
20 materials. So you would have something in the neighborhood of  
21 85 trucks coming across the street, 85 or 90.

22 CHAIRPERSON O'CONNELL: Yes, Paul.

23 CROSS-EXAMINATION BY BOARD MEMBER MESSERSCHMIDT:

24 Q. How does the operation handle air flow within the  
25 building for the people that work in there? Is it air

1 conditioned?

2 A. No, it's not air conditioned. In the wintertime, we  
3 actually use the waste heat out of the kiln to heat inside. In  
4 the summertime, we're anticipating with this application that  
5 we're going to have a fully enclosed hill, because we have to  
6 have a certain moisture content level and a certain temperature  
7 inside maintained when we're curing wall sections, so that in  
8 the summertime, basically, we're going to be isolated. The  
9 workers will be isolated from the heat of the kiln. We  
10 generally use a high-volume but low-velocity fan system to move  
11 air around the building during the summertime.

12 Q. Okay, and so there is fans that are pushing air out of  
13 the building, correct?

14 A. Yes.

15 Q. Okay, and then anything that's in the air, that's in  
16 the building?

17 A. Correct, yes.

18 Q. Okay, and there is, I would imagine, bay-type doors  
19 that trucks or forklifts go in and out of?

20 A. Generally, there's no need for any equipment to go in and  
21 out of the building. There are overhead doors to provide us  
22 access for the purpose of maintenance and to move raw  
23 materials, such as the color materials, in for handling.

24 The colors come in bags, and when they're delivered,  
25 those bags are placed inside, and then they're put into a

1 racking system where their snouts are connected to a pneumatic  
2 conveying system to blow the right amount of color into each of  
3 the mixes. The finished product comes out through an opening  
4 on a conveyor, on a roll conveyor, and is handled from the  
5 outside by the forklifts. So there's no constant, let's say,  
6 going in and out of the building by any of the equipment.

7 Q. So the product that's coming out of the building is  
8 coming out on conveyor belt in the 4 foot by 4 foot cube?

9 A. Yes.

10 Q. Okay, and that opening that's going in and out of the  
11 building, does that have some type of automatic opening and  
12 closing door system?

13 A. Some systems have that. Some systems hang multiple sheets  
14 of a clear plastic down.

15 Q Mm-hmm.

16 A And we've seen it both ways.

17 Q. Okay, and the bags that have the dye -- in what  
18 quantity are they brought into the building? On pallets?

19 A. Generally, yes.

20 Q. By forklift?

21 A. Yes.

22 Q. So the doors have to be opened for those forklifts to

23 --

24 A. That's correct.

25 Q bring those into the building? Okay, thank you.

1 CHAIRPERSON O'CONNELL: Any other Board members, any  
2 questions on that testimony? Okay.

3 BOARD MEMBER MESSERSCHMIDT: Well, I have another  
4 question.

5 BY MR. MESSERSCHMIDT:

6 Q. You're washing down equipment on premises?

7 A. No.

8 Q. You said that you have to clean equipment?

9 A. Yeah. I don't -- on mobile equipment, we don't do any  
10 washing down of mobile equipment.

11 Q. So forklifts that are moving around outside aren't  
12 washed down at all?

13 A. No.

14 Q. Trucks are not washed down at all?

15 A. No. Well, we don't, again -- yes, that's correct. All our  
16 mobile equipment, as far as major repairs, are handled -- and  
17 cleaning and anything like that -- off-site by the company that  
18 we hire to maintain them.

19 Q. So I'm just talking strictly, you know, nobody takes a  
20 hose and hoses down dust off of equipment outside?

21 A. That's correct.

22 MR. HEFELE: Why don't you -- I'd like you to explain,  
23 also, the trucking, the fact that it's third-party truckers and  
24 that you don't have a trucking fleet.

25 THE WITNESS: Right. I don't want the Board to have

1 a misconception on that. We do not own the tractors or the  
2 trailers that transport the finished product. Everything  
3 that's done, as far as finished product and raw material  
4 delivery, is done through a subcontract to third parties. So  
5 for the most part, except that while a truck or trailer is  
6 there to unload, there is no primary trucking component in our  
7 business.

8           So trucks come in, they get loaded, they leave.  
9 Trucks come in with raw materials, they unload, and they leave.  
10 We do have one -- for each site, for each line -- we always  
11 have one small tractor in order to move flatbeds around that  
12 are brought in by the trucking company to be preloaded. But  
13 other than that, our primary mobile equipment is our forklifts,  
14 and we have usually one front-end loader to handle the raw  
15 materials that are temporarily stock-piled.

16 CROSS-EXAMINATION BY BOARD MEMBER MESSERSCHMIDT CONTINUED:

17           Q. How long does it take to unload trucks that are  
18 delivering product to the plant?

19           A. We expect that it should take, you know, really, less than  
20 five minutes. Generally, if we're talking about the way we are  
21 proposing to do this with Limecrest Quarry, we're not going to  
22 be doing any weighing on our site. They will be loaded and  
23 pre-weighed on their site. They will just come over, dump  
24 their load into our bin, and then leave, and go back.

25           So essentially, we don't really delay them at all.

1 And the only time it would take longer is if there was, for  
2 some reason, a cube, while somebody waited to clear or  
3 something of that nature, but the actual activity of coming in  
4 and unloading would probably take less than five minutes.

5 Q. Okay, and the truck deliveries that you're taking, I  
6 think you said something to the effect of every 15 minutes,  
7 something like that?

8 A. Yeah, I was trying to put in perspective what the activity  
9 represented. Basically, for one line it would mean that for  
10 raw material delivery, we would be taking a truck in about once  
11 every ten to 12 minutes.

12 Q. Okay.

13 A. So if we had two lines, we would be bringing a truck in  
14 about once every five to six minutes.

15 Q. Does the possibility exist that trucks will be waiting  
16 for their turn to deliver?

17 A. I suppose that there's the possibility of that, yeah. We  
18 have two hoppers on the schedule for installation, so that we  
19 should be able to be in a position where there's always a  
20 hopper open for a truck to dump. If, for some reason, there is  
21 a flush or three or four trucks -- which probably shouldn't be  
22 because they're staged, they would be staged. Most of the  
23 trucks would be staged back at the quarry -- there's plenty of  
24 room for them to queue up right at the unloading station there.

25 Q. So if the possibility exists that trucks would have to

1 wait, they would be waiting on premises, not on road?

2 A. Correct. Yeah. The unloading station is 1,000 feet,  
3 probably 1,000 feet from the -- I don't want to be held to that  
4 exact number, but I believe it's probably in the range of at  
5 least 1,000 feet from the main entrance.

6 You come in the main entrance. You come down in a  
7 long, an access road, and then up to another access road and  
8 the unloading area to discharge your product. So there is no  
9 way that there is ever going to be any queue that would create  
10 anything that would potentially begin to stretch out to the  
11 road.

12 BOARD MEMBER MESSERSCHMIDT: Okay, thank you.

13 MR. HEFELE: We can firm that up with some additional  
14 testimony from our engineer and our traffic expert on that  
15 issue, once they testify. So I'll make a note to do that.

16 BOARD MEMBER MESSERSCHMIDT: Okay.

17 CHAIRPERSON O'CONNELL: So any other questions? All  
18 right. Okay. Bob, do you have any?

19 MR. GUERIN: No, I have no questions.

20 MR. CHRISTODLOUS: May I ask a question?

21 CHAIRPERSON O'CONNELL: Not at this point, sorry.

22 MR. CHRISTODLOUS: I thought you were going to open it  
23 after each testimony? That's what you said.

24 CHAIRPERSON O'CONNELL: Relax. We will. We will.  
25 Does the Board, or any of the professionals up here, no longer

1 have any other questions? There's no further testimony you  
2 have to give on this matter at this point?

3 MR. TOEDTER: None at this time, no.

4 CHAIRPERSON O'CONNELL: Okay. In that case, we will  
5 -- actually, we're going to open it up to Ms. Erem, first. I  
6 believe that's what we had said.

7 Do you have any questions at this point?

8 MS. EREM: Mr. Chairman, in view of the time and the  
9 standing-room-only crowd, perhaps we should allow the public to  
10 ask questions and I can ask mine afterwards?

11 CHAIRPERSON O'CONNELL: If you want to. We appreciate  
12 that. The standing room only is because they don't want the  
13 chairs that are open. There are chairs here.

14 MS. EREM: Yes, there are three or four chairs. Yes,  
15 you're right. But in any event, perhaps we could let them --

16 CHAIRPERSON O'CONNELL: Okay.

17 MS. EREM: -- ask questions.

18 CHAIRPERSON O'CONNELL: All right. Just as a  
19 reminder, questions tonight are questions to the testimony that  
20 has been given. You do not want to get into any testimony on  
21 your part, or speculation, or anything else like that. So  
22 we'll open it up for questions. Sir, you have the first  
23 question, so --

24 MR. BRIGLIADORO: Sir, let me just explain. And  
25 anybody who's going to ask a question, we need you to step up

1 here, and we're going to get your name, ask you to spell it,  
2 give us your address, and then you can ask a question.

3 MR. STERN: It's Bill Stern, 10 Carpenter Place,  
4 Sparta. That's B-i-l-l S-t-e-r-n.

5 MR. BRIGLIADORO: Great. Thank you. All right. Mr.  
6 Stern, again, this is only for asking questions.

7 MR. STERN: Right.

8 MR. BRIGLIADORO: That's fine.

9 MR. STERN: And it was in regards to the trucks.

10 MR. BRIGLIADORO: That's fine. That's fine.

11 MR. STERN: two hundred and forty trucks.

12 QUESTIONS BY MR. STERN:

13 Q. There was no mention of backup alarms, control of the  
14 backup alarms, backup alarms on the forklifts, backup alarms on  
15 the loader, the noise from the blower motors that your  
16 pneumatic trucks that, if empty, they're extremely loud. And  
17 that's my major concern with the trucks, and jake brakes.

18 MR. BRIGLIADORO: Okay.

19 BY MR. STERN:

20 Q. They're not involved with the trucks, so they can't  
21 control the trucks because they're a third party. I'm just  
22 curious how they're going to control the noise from the trucks

23 --

24 MR. BRIGLIADORO: From? Okay.

25 BY MR. STERN:

1           2.    -- especially the backup alarms, the jake brakes that  
2 exist on these heavy trucks, and the blower motors on the  
3 pneumatic trucks.

4           MR. HEFELE: Okay, so just so we understand, because I  
5 want to answer right, so the question is on how we're going to  
6 control the noise from the machinery and equipment, and the  
7 trucks?

8           MR. STERN: And the trucks. They're a third-party  
9 trucking operation, so --

10          MR. HEFELE: Okay.

11          MR. STERN: -- you know, we all, as neighbors, have a  
12 concern --

13          MR. HEFELE: No, and that --

14          MR. STERN: -- about that.

15          MR. HEFELE: I know that --

16          MR. STERN: Especially since it's going to be a 24/7

17 --

18          MR. HEFELE: I understand.

19          MR. STERN: -- operation.

20          MR. HEFELE: I understand that. And that's a  
21 legitimate concern, and we know that noise is --

22          MR. STERN: Yeah.

23          MR. HEFELE: -- an issue --

24          MR. STERN: Sure.

25          MR. HEFELE: -- for the neighbors. And we've the

1 noise issue --

2 MR. STERN: Especially every five minutes.

3 MR. HEFELE: -- very seriously. Now, the town does  
4 have, you know, a noise ordinance. Now, we also submitted a  
5 noise study as part of this application. A noise study is on  
6 file. And as part of that, also, we have -- the Board has,  
7 appointed a noise expert because it's a serious issue in this  
8 application.

9 So the Board has appointed a noise expert that we are  
10 working together with our noise expert in order to have this  
11 facility completely comply with the noise ordinance that  
12 exists. And we're going to present specific testimony with  
13 regard to noise and show the public and the Board how this  
14 project complies. So we're going to do that, is my -- so the  
15 answer to your question is --

16 MR. STERN: Is there going to be rules regarding  
17 backup alarms, the use of them? I know the quarry, right now,  
18 prohibits a backup alarm --

19 MR. HEFELE: No.

20 MR. STERN: -- after a certain period of time. Are  
21 they going to do the same thing? Is it, you know -- and it's a  
22 third-party situation, so it's out of their control. So that's  
23 my concern.

24 MR. HEFELE: And I think --

25 MR. STERN: It's --

1 CHAIRPERSON O'CONNELL: Thank you, sir.

2 MR. HEFELE: No, no. But I wanted to just -- I want  
3 to make it --

4 MR. STERN: I think it's very important to everybody,  
5 because you'll hear those blower motors, backup alarms, and the  
6 jake brakes for miles.

7 MR. TOEDTER: We are going to provide additional  
8 testimony when the Board elects to have Norman Dotti, their  
9 expert, here. And we have always, you know, worked together  
10 with him to hammer out any special requirements we need to  
11 consider.

12 With respect to the fact that it's a third party, that  
13 does not change the fact that if they're not operating within  
14 the parameters that we set forward, we call them up and we tell  
15 them that their driver can't come back in. So we --

16 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: That'll  
17 happen.

18 MR. TOEDTER: We have that control.

19 Secondly, the site has been set up for the shipping  
20 portion, such that no trucks have to back up. The site was  
21 designed so that you have a complete sweep in, a pull-in to the  
22 loading area, and then a continuation out, without the trucks  
23 having to back up. We can't do anything about the fact that I  
24 need to have trucks who deliver raw materials back up to the  
25 raw material receiving hoppers, but that area is essentially

1 protected by the retaining wall that encompasses the bins.

2           Additionally, on our equipment, there are new backup  
3 horns that are designed to emit sound which is no more than 10  
4 decibels above the ambient condition. And those are the  
5 devices that we use on our equipment.

6           We try to control the trucks that come into our site.  
7 We're probably going to have fairly good control of the trucks  
8 and what they're going to be equipped with, coming from  
9 Limecrest Quarry, such that we can get those trucks also  
10 equipped with the same horn.

11           I can't guarantee that, but our equipment will be  
12 equipped with the variable audible alarm so that it does not  
13 create any more noise than OSHA requires us to have at the back  
14 of the equipment. As far as what they call the "pony blowers"  
15 that are on the bulk trucks that provide cement, generally,  
16 what we've done in the past is, we provide a secondary blower  
17 motor inside the building.

18           So rather than have the trucks use their, what's  
19 called, power take-off or pony blowers, we put our own unit  
20 inside, so at night, what they do is, they hook up to our unit  
21 and we blow into the silos, as opposed to them. And that way,  
22 the noise of the trucks is not created.

23           CHAIRPERSON O'CONNELL: Yes, sir.

24           MR. CHRISTODLOUS: Okay, Stan Christodlous, 6 Wisteria  
25 Road. The rules you've established for the public tonight are

1 very unusual and very unfair to the citizens of the community.  
2 Why don't the citizens have the same right as the Applicant to  
3 make comments?

4 BOARD ASSISTANT: What was your address, Stan? I'm  
5 sorry.

6 MR. CHRISTODOLOUS: Excuse me?

7 BOARD ASSISTANT: I missed the address.

8 MR. CHRISTODOLOUS: 6 Wisteria Road.

9 BOARD ASSISTANT: Thanks.

10 MR. CHRISTODOLOUS: I don't understand. This has never  
11 happened before at a planning board meeting. Why are citizens  
12 not allowed to comment on the testimony?

13 MR. BRIGLIADORO: You will be allowed to comment.

14 MR. CHRISTODOLOUS: No, at the end.

15 MR. BRIGLIADORO: No.

16 MR. CHRISTODOLOUS: That's too late. You're going to  
17 take all six professionals, and then you're going to give me  
18 five minutes at the end to do all six. That's not fair. We  
19 should all have the right to make comments on each individual  
20 section. That's always been the case of every planning board.  
21 Why the change?

22 CHAIRPERSON O'CONNELL: We are trying to address the  
23 questions to the testimony of the individual at a given point  
24 in time.

25 MR. CHRISTODOLOUS: Well, I have questions. I also

1 have comments.

2 CHAIRPERSON O'CONNELL: Just --

3 MR. CHRISTODOLOUS: And I also have some questions that  
4 have to do with long term. If I wait until the last session to  
5 ask them, it'll be too late. Plus, I don't want to -- all the  
6 people here that might speak --

7 MR. BRIGLIADORO: Right.

8 MR. CHRISTODOLOUS: The sooner the Board hears their  
9 comments, the more likely they are to sink in. A month from  
10 now, they won't sink in as well. It's just not fair to limit  
11 our comments tonight.

12 MR. BRIGLIADORO: Well, Mr. Christodolous, I mean, I  
13 can't speak for how things have gone on in the past, but all  
14 the --

15 MR. CHRISTODOLOUS: This Board's done it that way.

16 MR. BRIGLIADORO: Okay. All of the boards that I've  
17 ever been associated with, when you have an application that  
18 has multiple witnesses and it's expected to last multiple  
19 hearings, the fairest way for everybody to have a full and fair  
20 hearing for everyone, the Applicant, the Objectors, the members  
21 of the public, and the Board, is to proceed in this fashion. I  
22 mean, this is an entirely appropriate --

23 MR. CHRISTODOLOUS: No, I --

24 MR. BRIGLIADORO: -- way to do that.

25 MR. CHRISTODOLOUS: -- don't dispute that. What I'm

1 disputing is that you're not allowing us to make comments on  
2 that particular presentation. That's unusual and unique.  
3 Never happened before.

4 MR. BRIGLIADORO: No, but at the end of the case,  
5 you're going to be able to comment. I will swear you in. You  
6 can comment. You can sit here with a list and say, first, I'd  
7 like to address the testimony of Mr. Toedter, and you can tell  
8 us what you feel about that.

9 MR. CHRISTODLOUS: That's not nearly as effective and  
10 it's never been done before. This Board included, has never  
11 set that rule. This Board has never said that citizens can't  
12 come up and they can't make comments until the end of the  
13 meeting, never been done. It's just not fair.

14 MR. BRIGLIADORO: Well --

15 MR. CHRISTODLOUS: And I'd like to know why you made  
16 the change?

17 MR. BRIGLIADORO: I suggested that we proceed in this  
18 fashion for the reasons that I indicated. There are going to  
19 be multiple witnesses. We're going to have multiple hearing  
20 dates. And I believe this is an appropriate way to have a full  
21 and fair hearing for everybody.

22 MR. CHRISTODLOUS: I respectfully disagree. There are  
23 -- also, I have some questions based on the testimony.

24 QUESTIONS BY MR. CHRISTODLOUS:

25 Q. They differ from information in the traffic report.

1 According to the traffic reports, peak hour, they're not -- by  
2 the way, it includes -- they've been speaking only of truck  
3 traffic, there's also shift changes. There are 91 trips per  
4 hour during peak hours: that's one and a half vehicles per  
5 minute. That's not a significant problem, one and a half  
6 vehicles per minute?

7 CHAIRPERSON O'CONNELL: We haven't even gotten into  
8 the testimony to traffic studies or anything else yet.

9 MR. CHRISTODOLOUS: Well, I'm referring to testimony  
10 made by Mr. --

11 CHAIRPERSON O'CONNELL: All right. Okay.

12 MR. CHRISTODOLOUS: He commented on it --

13 MR. BRIGLIADORO: Sure. Okay. Mr. Toedter?

14 MR. TOEDTER: A trip is different than a truck. A  
15 trip includes -- a trip cites both the incoming and the  
16 outgoing movement. So if there's 90 trips, one car essentially  
17 makes two trips, as far as traffic is concerned. During a  
18 shift at the peak, the peak hour during a shift change, there's  
19 20 cars going out and there's 20 cars coming in in that hour,  
20 that's 40 right there.

21 There's also the regular truck delivery. Although, I  
22 believe in the traffic engineer's report, he did not stagger  
23 the deliveries of raw materials with a shift change. The way  
24 our shift change has worked, we generally change shifts either  
25 prior to or after the start of or ending of raw material

1 delivery.

2 In other words, since our shifts run more or less 6:00  
3 a.m. to 6:00 p.m., and raw materials don't pick up until after  
4 6:00 a.m., and they end prior to 6:00 p.m., there is not an  
5 overlap between the employees going to and from the site with  
6 delivery of raw materials or with the high period in time at  
7 which shipping is done.

8 But I believe, and you'll hear testimony from the  
9 traffic expert, that he did not put that into consideration in  
10 his report because he wanted to see what was the most severe  
11 case with regard to wait time at the exit and entrance of this  
12 site, to be sure that there would not be excessive wait times,  
13 based upon what traffic might exist on the road. And I believe  
14 that the result was that there was no significant delay in  
15 people going in or out of the site on that basis.

16 BY MR. CHRISTODOLOUS:

17 Q. The bottom line is, there's still 91 trips per minute,  
18 plus 194 total trips, pre-Cambridge Pavers. That's a lot of  
19 traffic.

20 MR. HEFELE: Okay, I mean, yeah. We appreciate the  
21 comment, but I don't think that was the testimony, but we will  
22 address that. I can tell you that I will have the traffic  
23 expert speak to that issue again.

24 MR. CHRISTODOLOUS: That's from his report, by the way.  
25 It's in the report.

1 MR. HEFELE: But what the problem with the question  
2 was -- and it's fine. I mean, I'm going to explain it with the  
3 traffic expert. You're mixing apples and oranges here, because  
4 what the traffic expert is saying and what Mr. Toedter was  
5 testifying to are not the same thing.

6 The traffic expert has things in the report there and  
7 trips in the report that we didn't testify to here. So there  
8 is -- you're absolutely correct, you see a discrepancy. But  
9 that discrepancy, there is a reason and an explanation for that  
10 and it has to do with employee trips. And I'm going to have  
11 the traffic expert speak to that. Mr. Toedter's testimony is  
12 with regard to the truck traffic. So that's why you see that.

13 MR. CHRISTODOLOUS: Okay, well, you know, the rules  
14 you've set really put us all at a disadvantage because there  
15 are other comments I'd like to make. But this is incredible,  
16 that you've set it up this way.

17 CHAIRPERSON O'CONNELL: Yes, sir? Your name --

18 MR. WRESCHNIG: Hi, my name is Steve Wreschnig,  
19 W-r-e-s-c-h-n-i-g on 1 Victoria Pines Lane, Lafayette, New  
20 Jersey.

21 QUESTIONS BY MR. WRESCHNIG:

22 Q. And back to this truck thing, I'm a little confused  
23 with the math. And tell me where I'm wrong. You said there  
24 were 240 trucks, but divide that by 24, that's 10 trucks an  
25 hour, one truck every six minutes. But then, you're saying

1 that's a truck. That's not a trip.

2 So now, you're going to cut that in half, that's one  
3 trip every three minutes. Then you said that deliveries and  
4 supplies come in between six and six, so let's just say 12  
5 hours. So you're talking a trip every minute and a half. So  
6 my question is, what have I got wrong here? Because it sure  
7 doesn't sound like that 12-minute figure you first quoted.

8 A. What we were breaking down at first was the raw materials  
9 delivery and the number of trucks that occur between 7:00 a.m.  
10 and 6:00 p.m., Monday through Friday, and 7:00 a.m. to 12:00  
11 noon on Saturday.

12 Basically, in order to deliver the material that we  
13 need, with respect to those trucks, an average of five to six  
14 trucks per hour would arrive and deliver material to our site.  
15 With respect to finished product, shipping, we said that there  
16 was approximately 60 trucks per hour -- this is for one line,  
17 then, okay? and that that would amount to an average of four  
18 to five trucks per hour, or one --

19 Q. Right. You said 60 per hour. You said 60.

20 A. No, sorry. 60 per day. Sorry. And that would amount to  
21 45 trucks between the hours of 6:00 a.m. and 5:00 p.m. or four  
22 to five trucks per hour, which is 12 to 15 minutes. So now,  
23 you take, we have one truck coming in -- going out for product,  
24 leaving the site for product, we'll say every 12 minutes and  
25 one truck coming in every 12 minutes for raw material. That's

1 MR. HEFELE: -- tell them to do?

2 MR. WRESCHNIG: Yes, how binding is any agreement that  
3 you have made, based on getting your application approved, that  
4 the trucks will do certain things?

5 MR. HEFELE: Well, let's put it this way: If there  
6 were conditions of approval that we agreed to, that this Board  
7 put in place with regard to truck traffic, what we would do is,  
8 we would agree to put that into our arrangements with these  
9 trucks and our agreements with these trucking companies. So we  
10 would put that in. So let's just -- so if there was a  
11 requirement like that, we would put it into our requirements of  
12 that trucking company.

13 MR. WRESCHNIG: That's fine.

14 MR. HEFELE: And you know, the other thing is, this is  
15 completely enforceable also in terms of -- I mean, this is a  
16 county road out there, right? So the county road is in the  
17 jurisdiction of the county, first of all, and so that's -- they  
18 are the ones that are going to be ultimately looking at this  
19 also.

20 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Very nice,  
21 evasive answer.

22 MR. WRESCHNIG: Well, my concern is just that any --

23 MR. HEFELE: No, no.

24 MR. WRESCHNIG: -- agreements that are made are  
25 somewhat enforceable.

1 MR. HEFELE: Well, they will be enforceable by virtue  
2 of our contracts with them.

3 MR. WRESCHNIG: Okay, thank you.

4 CHAIRPERSON O'CONNELL: Good. Thank you.

5 MR. BRIGLIADORO: And to the extent there are any  
6 conditions in the resolution to address that, that will also be  
7 the case.

8 MS. HOWLEY: Eunice Howley, H-o-w-l-e-y, 232 Cherokee  
9 Road, Andover Township.

10 QUESTIONS BY MS. HOWLEY:

11 Q. I would address this, if we're having 240 trucks or  
12 how ever many trucks are going, I would like to know how I, as  
13 a driver, living off Limecrest Road, I'm going to get through  
14 to 15 or get through to medical offices that I go to off that  
15 road before I get to 15?

16 How am I going to be able to drive on this road, as of  
17 -- and all of these passenger cars, in addition to all the  
18 other traffic that's on that road right now; how am I going to  
19 get through?

20 A. I believe that that's a question that's best answered by  
21 the traffic engineer. But as far as I can tell from his study,  
22 there was no significant effect on the traffic on Limecrest  
23 Road.

24 Q. Excuse me. You're telling me there's 240 trucks on  
25 this road --

1 MR. BRIGLIADORO: All right, calm down, calm down.

2 BY MS. HOWLEY:

3 Q. I don't understand that.

4 A. The judgment or how they measure the effect of traffic has  
5 to do with the lay times for --

6 Q. I'm not measuring the traffic. I'm just saying,  
7 inversion of all those trucks on the road, how can a car  
8 possibly get through? And how can our pedestrians, who walk or  
9 bicycle on that road -- that's what we currently do now -- how?  
10 We're not going to be able to do that.

11 MR. HEFELE: Well, I think that the safety -- I mean,  
12 you're talking about safety concerns, right?

13 MS. HOWLEY: No, I'm talking about we're not going to  
14 be able to move by foot, by car, by anything. We're not going  
15 to be able to get out to 15, period.

16 MR. HEFELE: We have to wait. That question is a  
17 legitimate question of the traffic engineer. Now, with regard  
18 to the trucks, and the safety of those trucks, and the number  
19 of trucks on that roadway, there are criteria for that, okay?

20 MS. HOWLEY: I'm not talking about that and I don't  
21 care about the safety. That's another issue. I'm talking  
22 about the volume that these trucks are creating, that he's  
23 mentioning --

24 MR. HEFELE: Yes.

25 MS. HOWLEY: -- the number of trucks, how many hours,

1 how many minutes, et cetera.

2 MR. HEFELE: Uh-huh.

3 MS. HOWLEY: How are we going to go north on Limecrest  
4 Road, period --

5 MR. HEFELE: That --

6 MS. HOWLEY: -- from Pinckneyville out to Limecrest?

7 MR. HEFELE: Right. Our traffic --

8 MS. HOWLEY: It's going to be one big trek.

9 MR. HEFELE: -- expert will explain that.

10 MS. HOWLEY: Well --

11 MR. HEFELE: That's the only thing I can tell you,  
12 because that is not a question for us.

13 MS. HOWLEY: Okay. Okay. The other question I have  
14 --

15 MR. HEFELE: It's a question for our traffic expert.

16 MR. BRIGLIADORO: Ms. Howley --

17 MS. HOWLEY: -- is, have you considered the weight on  
18 the road, of this county road?

19 MR. HEFELE: No, you know, that was not part of our  
20 testimony, either, and again --

21 MS. HOWLEY: Well, the trucks are part of your  
22 testimony, and I need to get through those trucks --

23 MR. HEFELE: I understand and we want --

24 MS. HOWLEY: -- as a resident here.

25 MR. HEFELE: -- to address that question. And we will

1 address that question through the appropriate witness, which  
2 will be our traffic engineer. Mr. Toedter is here to talk  
3 about operations.

4 MS. HOWLEY: Right.

5 MR. HEFELE: In terms of the traffic and the safety --

6 MS. HOWLEY: Well, he can --

7 MR. HEFELE: -- how you're going to be able to drive  
8 down Limecrest Road, those are legitimate questions and I don't  
9 --

10 MS. HOWLEY: Yeah.

11 MR. HEFELE: -- have a problem with those. But we are  
12 posing them to the wrong witness.

13 MS. HOWLEY: Okay, well, I'm concerned about the  
14 number of trucks that he's mentioned, that are going to be on  
15 this road.

16 MS. COPPOLINO: Marlene Coppolino, C-o-p-p-o-l-i-n-o,  
17 2 Macintosh Drive, Andover Township.

18 QUESTIONS BY MS. COPPOLINO:

19 Q. My concern about the trucks, also -- you're saying the  
20 raw materials are coming in on dump trucks? Is that dump  
21 trucks only, for the raw material?

22 A. Yes.

23 Q. And then it goes into, what, a hopper?

24 A. Yeah.

25 Q. And to a silo?

1 A. Yes.

2 Q. Okay, and how big are these silos?

3 A. (No verbal response recorded.)

4 Q. I think you started to say. I couldn't hear it. And  
5 how many silos are you going to have --

6 A. Well, there --

7 Q. -- on the property?

8 A. We actually call them "aggregate bins." The silos is the  
9 terminology that we reserve for the cement shipments.

10 Q. Well, to me, a bin is a small bin. A silo is  
11 something that goes up quite a few feet in the air.

12 A. I don't recall the capacity of the bins, the aggregate  
13 bins. There's 12 of them for each line and they're housed  
14 inside the structure of the building.

15 Q. Inside? I thought they were outside, the silos, the  
16 ones out --

17 A. The silos are outside.

18 Q. The silos, I'm talking about.

19 A. The silos are for --

20 Q. Yeah.

21 A. -- the storage of cement, Portland cement.

22 Q. Okay, and how many?

23 A. There is four of those for each line, a total of eight.  
24 They're 14 feet in diameter. They're about 85 feet high and  
25 the total height, including their appendages at the top, is

1 about 90 feet.

2 Q. And how close to each other are they? Are they spread  
3 out?

4 A. No, they're right next to each other.

5 Q. Okay. Then the raw materials come in on dump trucks,  
6 but your finished products are going out, how, on flatbeds?

7 A. Yes.

8 Q. On the tractor trailers?

9 A. Flatbeds, yes.

10 Q. Because they're pretty big trucks, you know. They're  
11 pretty big trucks, so that's another thing that I was concerned  
12 of.

13 Okay, any other type of trucks that would be coming  
14 in?

15 A. No.

16 Q. No? Just the dumps and the --

17 A. Just, I mean, there's trucks that make delivery of our  
18 color mix, which is a flatbed, and there are trucks that will  
19 come in to take the trash, or waste --

20 Q. Okay.

21 A. -- or deliver spare parts, but that's basically it.

22 Q. Okay, so when you're saying 240 trucks a day, that  
23 includes both the trucks that are coming in with the raw  
24 materials, as well as the trailers that are coming in to pick  
25 up the finished product?

1 A. Yes.

2 Q. Or that's two separate --

3 A. No, that's --

4 Q. So 240 in total --

5 A. Yes.

6 Q. -- per day? Okay, thank you.

7 CHAIRPERSON O'CONNELL: Yes, sir.

8 MR. BURKE: John Burke, 4 Victoria Pines Lane.

9 QUESTIONS BY MR. BURKE:

10 Q. Sir, you mentioned earlier that it's basically a green

11 --

12 MR. BRIGLIADORO: I'm sorry. What town, sir?

13 MR. BURKE: Andover Township, sir.

14 MR. BRIGLIADORO: Okay.

15 MR. BURKE: Excuse me.

16 MR. BRIGLIADORO: No, no.

17 MR. BURKE: Victoria Pines Lane.

18 MR. BRIGLIADORO: That's fine. Thank you, sir.

19 BY MR. BURKE:

20 Q. -- that it was relatively a green process, I mean, to  
21 be environmentally friendly. And this is a similar process at  
22 all your plants, sir --

23 A. Yes.

24 Q. -- how these are made?

25 A. Similar, yes.

1 Q. . There is an ongoing -- with the New Jersey Department  
2 of Environmental Protection, since February of 2008, on water  
3 contamination in your plant in Lyndhurst. I have it right here  
4 if you'd like to look at it.

5 A. I would like to see that.

6 Q. It's --

7 MR. HEFELE: Well, I'm not sure. What is the question  
8 there?

9 BY MR. BURKE:

10 Q. So I just wanted to know. I'm just curious. Well, my  
11 question is, since we're saying it's green and it's  
12 environmentally safe, then how is there a contamination? You  
13 know, I have a well and --

14 A. In the groundwater?

15 Q. -- I have three children.

16 A. The --

17 Q. And if there's contamination in well water --

18 A. The plant -- no, no.

19 Q. -- that's just a concern to me.

20 A. No, the plant in Lyndhurst is located in the Meadowlands  
21 Commission Development area, which is a brownfield site. It's  
22 a recovered industrial facility that had been contaminated. We  
23 didn't contaminate it. In fact, we were required to put a cap  
24 over it before we began operations.

25 Q. So it has nothing to do with your process whatsoever?

1 A. Nothing. It's nothing to do with our process.

2 Q. And is it --

3 A. We have --

4 Q. -- being remediated right now?

5 A. It had been remediated. There is a third --

6 Q. Because it says "still open" on the site, and that's  
7 why I ask.

8 A. There's a third site that we lease that is still in the  
9 process of being remediated, because it used to be a site of  
10 some chemical manufacturing operation. We leased that site to  
11 store materials on and that site is being remediated by the  
12 original owners. But it doesn't have anything to do with our  
13 operation.

14 Q. So there's no products that would go into groundwater  
15 from your process?

16 A. No.

17 Q. Okay. Is silica a byproduct of this at all, into the  
18 air?

19 A. It could be.

20 Q. It could be. And can it get on the trucks and the  
21 machinery during the transportation process and then released  
22 into the environment locally?

23 A. Not really, but there's always some potential for some  
24 residual. I won't --

25 Q. Okay.

1 A. I can't, you know, say that it's zero.

2 Q. Right. And then you mentioned the large trucks. What  
3 standards are they held to? Is it Department of  
4 Transportation? Is it the DMV? And you've mentioned that they  
5 weren't held to the same standards as road vehicles?

6 A. No, the --

7 Q. I didn't catch it. That's why I'm asking you to  
8 clarify.

9 A. I don't regulate the trucks.

10 Q. Well, what does? I guess that's my question.

11 A. The Department of Transportation does that, okay?

12 Q. Okay.

13 UNIDENTIFIED SPEAKER: I think he's talking about the  
14 rock trucks.

15 BY MR. BURKE:

16 Q. The large trucks, the --

17 A. Yes.

18 Q. -- extra-large trucks, you said --

19 A. When --

20 Q. -- you used just to shuttle back and forth.

21 A. Large trucks, or large trucks that would be classified as  
22 "off-road vehicles" because they would not be able to receive a  
23 license to drive along a public road, are permitted to cross a  
24 public road under a special permit that can be obtained to  
25 deliver materials from one site to another.

1 Q. And you've seen these trucks, you know what they look  
2 like?

3 A. Yeah.

4 Q. Can they see, like, little children on bicycles,  
5 people who are jogging, things like that? Because that's used  
6 a lot for that right now. I know I take my children -- I live  
7 up the block, and a lot of folks run. There's a lot of bikers.

8 A. Well, we --

9 Q. And what's the visibility going across the road?

10 A. First of all, we haven't asked for that permit. That's a  
11 permit that would be asked for by Limecrest Quarry, not us,  
12 because we would not be operating those trucks, and our  
13 proposal or our application is not predicated upon those  
14 trucks.

15 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: But you're  
16 getting your products from Limecrest, 75 --

17 MR. TOEDTER: That's correct.

18 MR. BURKE: That was my last question.

19 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: -- percent,  
20 75.

21 MR. BURKE: Thank you.

22 BY MR. BURKE:

23 Q. The last question is just that. In your truck count,  
24 does that consider trucks that are being used by Limecrest  
25 Quarry, as well?

1 A. Used by Limecrest Quarry?

2 Q. Yeah, there are additional trucks that would be used  
3 in Limecrest Quarry, outside of your truck count?

4 A. If they're on Limecrest Quarry's property.

5 Q. Okay, so that's more trucks that would be -- I'm just  
6 --

7 MR. HEFELE: No, no, no. Let's --

8 BY MR. BURKE:

9 Q. I don't understand.

10 A. I don't understand.

11 Q. I don't understand. I'm asking.

12 MR. HEFELE: No, no. No, no, no. Let's clarify the  
13 question.

14 MR. BURKE: Yeah.

15 MR. HEFELE: Because I understand the question, and --

16 MR. BURKE: Thank you.

17 MR. HEFELE: -- I know the answer. So the question  
18 for you is --

19 MR. BURKE: It was for you. Clarify for him, maybe.

20 MR. HEFELE: The question you're posing is, the 240  
21 trucks that we were testifying to, does that include trucks  
22 that are transporting materials from Limecrest Quarry to our  
23 site, right?

24 MR. BURKE: No, are there other materials going into  
25 Limecrest Quarry and other trucks that are independent of the

1 operation across the street, Cambridge Pavers? That's my  
2 question.

3 MR. TOEDTER: I have no idea how --

4 MR. HEFELE: We have no idea. How would we know?

5 MR. TOEDTER: -- they operate their --

6 BY MR. BURKE:

7 Q. You have no idea? So there could possibly be  
8 additional trucks with that operation.

9 A. Uh-huh.

10 Q. And that could be augmented in support of your  
11 facility?

12 A. I have no idea.

13 (Indiscernible due to unidentified speakers talking  
14 over one another.)

15 MR. BRIGLIADORO: Calm down.

16 MR. HEFELE: No, no. I mean, are there --

17 BY MR. BURKE:

18 Q. So you guys are doing more and it's more active. I'm  
19 just asking, do they know --

20 CHAIRPERSON O'CONNELL: No.

21 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Let somebody  
22 clarify.

23 MR. BURKE: I'm just asking. I don't know.

24 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Let somebody  
25 restate it and clarify.

1 CHAIRPERSON O'CONNELL: Well, Limecrest, right now, is  
2 an active quarry as it is.

3 MR. BURKE: Yes, sir.

4 CHAIRPERSON O'CONNELL: So they have their own  
5 trucking and everything else. We have no control over that at  
6 this point. That's an ongoing operation.

7 MR. BURKE: If we add this facility across the street,  
8 does that ramp up or augment their production and activity and  
9 create more traffic, independent of what's been testified to?

10 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Correct.

11 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Right, right.

12 MR. BURKE: That's my question. Does everyone follow  
13 it?

14 CHAIRPERSON O'CONNELL: No, I'm having trouble between  
15 augment and additional.

16 MR. BURKE: Well, additional, excuse me. I'm sorry.  
17 Additional.

18 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: There's going  
19 to be more trucks at Limecrest.

20 MR. BURKE: Just, is it more trucks? Absolutely it's  
21 more.

22 CHAIRPERSON O'CONNELL: Well, we've been saying -- and  
23 I'm not going to quote for the Applicant here -- but I think  
24 we're talking about 240 trucks.

25 MR. HEFELE: Additional trucks. You're absolutely

1 right.

2 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: No.

3 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: No.

4 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: No.

5 MR. BURKE: No, okay, in addition to the 240.

6 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: There are no

7 more --

8 MR. BURKE: So there are no more?

9 MR. BRIGLIADORO: Mr. Toedter, do you understand the  
10 question? Do you know what he's asking?

11 MR. TOEDTER: I understand the question. My answer to  
12 that is, I do not know what the capacities are of the Limecrest  
13 quarry operation.

14 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: So there  
15 could be --

16 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: So you ought  
17 to find that out.

18 MR. TOEDTER: I don't --

19 MR. BURKE: Thank you.

20 MR. TOEDTER: I don't know if they would be more  
21 trucks or not --

22 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Right.

23 That's --

24 MR. TOEDTER: -- if we were taking their product. I  
25 do not know if their quarry is already large enough. Their

1 processing equipment is large enough to basically serve us.  
2 But what they ship out now would be lesser, in general, because  
3 it would be directed to us, as opposed to going out on the  
4 roads.

5 It may be that they have adequate capacity and  
6 adequate equipment to handle our requirement, because we would  
7 take most of their product. I do not know if they have enough  
8 or not, though. I'm not familiar enough with their operations  
9 to say what they would or would not do.

10 MR. BURKE: Thank you.

11 MR. TOEDTER: All right.

12 MR. BURKE: Thank you very much.

13 CHAIRPERSON O'CONNELL: Yes, sir.

14 MR. COPPOLINO: Lou Coppolino, 2 Macintosh Drive,  
15 Andover Township.

16 QUESTIONS BY MR. COPPOLINO:

17 Q. I think one of the things he was trying to say, too,  
18 is, is the quarry going to have more trucks because of  
19 Cambridge Pavers, going in with materials and bringing stuff to  
20 them? Is that going to add more trucks to it?

21 And also, how many cubes go on one of these tractor  
22 trailers?

23 A. I can't tell you because it depends upon the makeup of  
24 material.

25 Q. Well, I guess it's at least 25 cubes?

1 A. No.

2 Q. Twenty cubes?

3 A. No.

4 Q. I used to own a bunch of tractor trailers, so --

5 A. No, you can't load 20 cubes on a trailer.

6 Q. No? How many would you load? Seventeen?

7 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: 16.

8 BY MR. COPPOLINO:

9 Q. sixteen? Are you trying to tell me --

10 A. At most.

11 Q. -- it's only going to take you five minutes to put --

12 A. You can't do --

13 Q. -- sixteen pallets on a flatbed?

14 MR. HEFELE: No, no, no.

15 MR. BRIGLIADORO: Well, first -- wait, wait, wait.

16 MR. TOEDTER: No.

17 BY MR. COPPOLINO:

18 Q. You were saying that if --

19 MR. HEFELE: No, that wasn't the testimony.

20 BY MR. COPPOLINO:

21 Q. -- the trucks were coming in, they're going to be  
22 there five minutes.

23 MR. BRIGLIADORO: Mr. Coppolino, wait.

24 MR. HEFELE: That wasn't the testimony.

25 MR. BRIGLIADORO: Just --

1 BY MR. COPPOLINO:

2 Q. Right?

3 MR. HEFELE: That was for offloading.

4 MR. BRIGLIADORO: Okay, just --

5 BY MR. COPPOLINO:

6 Q. They didn't say offloading. They said trucking,  
7 coming in and out --

8 MR. BRIGLIADORO: Okay. All right.

9 BY MR. COPPOLINO:

10 Q. -- five minutes.

11 MR. BRIGLIADORO: I understand you asked a question.  
12 We're going to wait to see if Mr. Toedter can give you an  
13 answer.

14 MR. COPPOLINO: Okay.

15 MR. BRIGLIADORO: Okay, I know there's a lot of  
16 background noise and a lot of people are shouting out numbers,  
17 but let's hear testimony from the witness.

18 BY MR. COPPOLINO:

19 A You couldn't get more than about eight cubes on a tractor  
20 trailer.

21 Q. How much weight is eight cubes?

22 MR. HEFELE: I mean, it's as much as a tractor trailer  
23 can --

24 A About 35,000 pounds.

25 Q. Because a tractor trailer today could carry 30,000.

1 A. Well, 40,000 is the -- I believe is the lime (sic) law.

2 Q. Well, that's one thing. Another thing, there was  
3 these silos. They have blowers in them to clean them out  
4 because they get clogged up a lot. There's cements in with the  
5 lime and everything else they put in there, the Portland  
6 cements.

7 And there was even a case in Bergen County this month,  
8 or maybe last month, where one of them got clogged up, and they  
9 had to blow it out, and they had white dust or flour -- it was  
10 only flour; it wasn't toxic material -- all over Bergen County.  
11 It was on the news and I'm sure a lot of people here have seen  
12 it.

13 MR. BRIGLIADORO: Mr. Toedter, do you have blowers in  
14 the silos, is the question?

15 MR. COPPOLINO: They have to have blowers in the  
16 silos.

17 MR. TOEDTER: We transport the cement by screw  
18 conveyor out of the silo. The material that we get delivered  
19 from the bulk trucks is blown in pneumatically to the silos.  
20 There is a dust collector on the top of each silo, meeting the  
21 requirements of the New Jersey Department of Environmental  
22 Protection, that relieve the pressure as the silo is being  
23 filled and eliminate dust that would be transmitted if it was,  
24 let's say, an open-air silo. But we do not clean out silos  
25 pneumatically. In fact --

1 BY MR. COPPOLINO:

2 Q. Do they ever get clogged up?

3 A. We've had, probably over the last 20 years, that I can  
4 remember, only two occasions where there was a partially  
5 hydrated cement particle that got caught at the bottom of the  
6 chute, in which case, we had --

7 Q. I'm not -- that's not what the --

8 A. Excuse me.

9 Q. -- Town Hall is saying in Lyndhurst.

10 A. Excuse me. In which case, we have secondary cutoff valves  
11 that we close, that allow us to lower the screw conveyor and  
12 drop out the particles that are obstructing the flow, but we do  
13 not clean out the silos pneumatically.

14 Q. Also, the material that's brought in by bag, the  
15 color, are you trying to say that those bags never rip open,  
16 that they never have problems with the bags and that doesn't  
17 get all over the ground?

18 A. We've never had a bag break.

19 Q. Oh, come on. How many thousands of bags do you handle  
20 a week?

21 A. We don't handle thousands of bags a week. The amount of  
22 color that you add is very, very minor.

23 Q. Well, I don't know. I know some of these plants have  
24 handled quite a bit of color.

25 A. Well --

1 Q. And I've seen the bags ripped open and I've seen the  
2 different color all over the sites, you know.

3 A. Well --

4 Q. But that's all I have to say right now, except for one  
5 other thing: You're going to have 240 tractor trailers or --

6 A. Yes.

7 Q. -- 240 dump trucks and tractor trailers, right? Just  
8 think -- all these here tractor trailers are going to be  
9 diesels -- just think of the pollution you're going to get from  
10 that alone, just having them run. Especially in the  
11 wintertime, when they don't even shut them down, because they  
12 can't, because they won't start. Thank you.

13 CHAIRPERSON O'CONNELL: Anyone else? Sir?

14 MR. KALASKEY: My name is Chris Kalaskey,  
15 K-a-l-a-s-k-e-y, 97 Sunset Inn Road, in Lafayette.

16 QUESTIONS BY MR. KALASKEY:

17 Q. In regards to the pneumatic trucks unloading the  
18 cement, then, how many cement trucks do you plan on having in a  
19 day?

20 MR. BRIGLIADORO: I'm sorry, sir. Could you just give  
21 us the street again? I didn't catch it.

22 MR. KALASKEY: Sunset Inn Road.

23 MR. BRIGLIADORO: Okay.

24 A I did not break out the cement trucks from the total raw  
25 material delivered, so I can't tell you for sure.

1 Q. Because as part of my background, I spent 18 years  
2 working at a similar-type facility in Lyndhurst, Sika  
3 Corporation. You probably know them.

4 A. Mm-hmm.

5 Q. And part of my job was production manager for a  
6 similar operation. And in regards to the noise, any offloading  
7 of cement, you know, if you guys have never heard that, it's  
8 similar to like a jet engine -- I mean, for lack of a better  
9 description -- of a cement truck being offloaded. And God  
10 forbid, at nighttime, it --

11 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Excuse me.  
12 He's talking to you.

13 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Are you going  
14 to talk?

15 MR. KALASKEY: Well, I asked a question. If he wants  
16 to, that's okay.

17 BY MR. KALASKEY:

18 Q. But I mean, it's just a very loud operation, and I  
19 realize that you guys are going to address the noise issue.  
20 It's all going to come in, you know, fine and dandy. Again, my  
21 particular problem is, you know, where we are, and I'm sure  
22 where everybody else lives down here, the noise echoes. So if  
23 you get about, you know, X number of decibels right here at the  
24 property line --

25 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: It's bad.

1 BY MR. KALASKEY:

2 Q. -- it echoes. And you know, a cement truck and the  
3 pulsating of dust collectors always purging -- psh psh psh --  
4 constantly, it's like having a drip in your faucet, you know,  
5 but magnified. So as far as just the noise again, that's my  
6 main concern. And then, you know, we talk about the trucks,  
7 too. It's just semantics, you know, trips, and trucks, and  
8 tractors, and what's a raw material truck, and what's a  
9 finished product truck - that's a hell of a lot of trucks. You  
10 know, regardless of what it is. And whether it makes a left  
11 out or a right out, it's a lot of trucks. This is going to be  
12 one noisy operation.

13 And me, personally, I know that, you know, we had all  
14 these conditions as a manufacturing facility, but you know, for  
15 lack of a better word, shit happens, you know. You know,  
16 cement silos blow out. Lines give away.

17 And from what he was saying, you know, we didn't,  
18 like, lose things all over Lyndhurst, but there's going to be a  
19 lot of dust going all over the place. It's not a perfect  
20 operation. So, you know, my concern is especially the cement  
21 trucks offloading at nighttime. I'm sorry. Again, with all  
22 due respect, it's not going to be quiet.

23 A. Well, I think we had already testified that we understand  
24 that when the trucks use their, what's called, "power  
25 take-offs" or pony blowers to blow in, that that's mounted on

1 the trucks and that makes some noise. I don't know to what --

2 Q. So that's some noise --

3 A. I don't know to what --

4 Q. -- a hell of a lot of noise.

5 A. -- degree that noise drifts to the property line, but what  
6 we had proposed to do for this application is to mount some  
7 supplemental blowers inside our building --

8 Q. Uh-huh.

9 A. -- so that during nighttime operations, we can use our  
10 blowers inside, in a sound-attenuated enclosure --

11 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: No trucks go  
12 in the buildings.

13 MR. TOEDTER: -- to take care of the offloading of the  
14 cement trucks. And in that way, that noise would not be a  
15 factor.

16 BY MR. KALASKEY:

17 Q. So it's going to be nice and quiet?

18 A. Well, as quiet as it can be.

19 Q. It's not going to be quiet. That's all I have to say.

20 CHAIRPERSON O'CONNELL: Thank you. Yes, sir?

21 MR. MASSARO: I'm taking a little while to get there.

22 CHAIRPERSON O'CONNELL: That's all right. Take your  
23 time, sir.

24 MR. MASSARO: Anthony Massaro, 100 Current Drive,  
25 Andover Township.

1 QUESTIONS BY MR. MASSARO:

2 Q. I got a very simple question. I'm a little slow, but  
3 maybe you can help me. Can you tell me the total of this --  
4 the total of how many vehicles are going to come into your  
5 plant each day? Total? That's trucks, support, employees you  
6 mentioned; what's the total that comes into your plant?

7 A. We said that there were 240.

8 Q. No, I asked you a total. You see, I know you said  
9 240. I want total.

10 A. I will answer your question.

11 Q. Well, answer it total. It's very simple. I am not  
12 asking your attorney. I'm asking you. I'm asking you. Thank  
13 you.

14 A. I will give you an accounting. We testified that there  
15 would be projected 240 trucks per day. There are a total of --  
16 and that included all trucks that would support the operation.  
17 We also said that there would be approximately 40 to 45  
18 employees.

19 So if we're using 42 employees, that would mean that  
20 we would have 22 cars on one shift and 20 cars on another. So  
21 the total number of vehicles going to this facility would be  
22 the 240 trucks, plus the 42 employees, which would be 282  
23 trucks -- 282 vehicles.

24 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Plus the  
25 garbage, plus the --

1 BY MR. MASSARO:

2 Q. What about support vehicles?

3 A. We included that.

4 Q. That's all included?

5 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Plus the  
6 quarry.

7 BY MR. MASSARO:

8 Q. So you're talking about 280?

9 A. Two?

10 Q. Two.

11 A. Plus or minus.

12 Q. All right. So now, we've got 282 coming in and you've  
13 got 282 going out. How many --

14 A. That's called "trips."

15 Q. How many --

16 A. Right.

17 Q. How much more traffic are you putting on the road?  
18 Not 282. You're doubling that, right?

19 A. Again, as far as how much traffic is on the road, the --

20 Q. About 164 --

21 A. -- traffic engineer has to testify to that.

22 Q. You're using up all the road for one project from  
23 everybody else in this town.

24 MR. HEFELE: This is not a question pending. It's --

25 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Be

1 respectful.

2 BY MR. MASSARO:

3 Q. I'm asking you, are you using up all the --

4 A. As far as I can cull from the traffic engineer's report,  
5 the answer to that question is no.

6 Q. And you don't believe it's going to --

7 MR. BRIGLIADORO: Mr. Massaro, I mean, look, this --

8 MR. MASSARO: Look, I'm asking --

9 MR. BRIGLIADORO: No.

10 MR. MASSARO: -- a question.

11 MR. BRIGLIADORO: I understand that, sir.

12 MR. MASSARO: I asked the man a simple --

13 MR. BRIGLIADORO: Right.

14 MR. MASSARO: -- question.

15 MR. BRIGLIADORO: Right.

16 MR. MASSARO: He had to come up three times to get me  
17 the answer and the attorney butts in. Now, you're the Board  
18 Attorney, I would expect you to have a little more courtesy for  
19 somebody that lives in this town.

20 MR. BRIGLIADORO: Now, have I --

21 MR. MASSARO: And this man here --

22 MR. BRIGLIADORO: -- been discourteous to you?

23 MR. MASSARO: This man here --

24 MR. BRIGLIADORO: Have I been discourteous to you?

25 MR. MASSARO: -- is trying to tell me 500 and some odd

1 trucks or cars on one road isn't going to hog up that road from  
2 everybody else in this town.

3 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: And it's --

4 MR. MASSARO: If you believe that, that's up to you.

5 You're pretty naive.

6 UNIDENTIFIED SPEAKER: But they're also --

7 MR. MASSARO: Excuse me. Of course, I don't mean to  
8 interrupt.

9 UNIDENTIFIED SPEAKER: -- going to present the  
10 testimony of a traffic engineer.

11 MR. HEFELE: All of this, all of these questions with  
12 regard to the trucks --

13 MR. BRIGLIADORO: Right.

14 MR. HEFELE: -- and the traffic, the traffic engineer  
15 is going to make an entire presentation one evening to explain  
16 all of this. And to ask our operations manager these types of  
17 questions, when he keeps referring back to the traffic  
18 engineer, is really, it's not getting us anywhere.

19 We want to answer these questions for you through our  
20 expert that we hired, that is a traffic expert. This is our  
21 operations person. So it's not that we're trying to avoid any  
22 of the questions. The questions are fine and we're happy to  
23 answer any of the traffic questions, but through the  
24 appropriate witness. So you know, that being said --

25 MR. BERG: Well, I have an operations question. My

1 name is Jim Berg, 15 Ella Road, Sparta.

2 QUESTIONS BY MR. BERG:

3 Q. In regard to all the equipment that you have -  
4 conveyors, silos, trucks - they all produce noise; have you  
5 done a noise study that will show all of us how much each piece  
6 of equipment will generate in decibels at various distances?  
7 And is the Town Board going to hold them and is the County  
8 going to hold them to the noise ordinances that are in place?

9 And I'm not sure what Andover's Town Ordinance is on  
10 noise, but I know Sparta's prohibits this type of operation and  
11 noise at night. They prohibit blowers, fans, from continuously  
12 making noise. So basically, their operation will be in  
13 violation of Sparta's noise ordinance, which already, I'm going  
14 to be going to the town attorney of Sparta and bring this to  
15 their attention to make sure that, if this is a violation of  
16 their ordinances, that they take action against the company and  
17 their proposals.

18 Now, I don't know, again. I don't know what your  
19 ordinances are on noise. I would actually like to get a copy  
20 of that. I don't know if it's on the internet or what. But it  
21 sounds like all of these pieces of equipment, which you've  
22 explained, which will make noise, this all becomes cumulative.

23 I don't know that you can control the noise that's  
24 going to annoy everybody that lives within about, probably, a  
25 two-mile radius. As it is, we have the quarry making abundance

1 of noise and this is going to add to it. So my question is,  
2 really, has a noise study been done in relation to each of  
3 these pieces of equipment and how much noise each one is going  
4 to produce at various distances?

5 A. Well, you will be hearing, eventually, from your own  
6 independent consultant. A noise study was prepared and  
7 projected that the operation would meet the requirements of the  
8 township noise regulations. Just for your --

9 Q. Which township?

10 A. -- information --

11 Q. Which township? This town?

12 A. Andover Township.

13 MR. BRIGLIADORO: Andover.

14 BY MR. BERG:

15 Q. Okay.

16 A. Noise -- and the township's consultant will probably make a  
17 more comprehensive presentation -- is not additive. So if I  
18 have two conveyors running side by side, the noise that they  
19 make is not additive, one upon the other. It doesn't work that  
20 way.

21 So for noise to be additive, there has to be certain  
22 requirements with respect to frequency overlaps and things of  
23 that nature. So the end of the day is, if I have two separate  
24 pieces of equipment operating, generally, it is not a  
25 cumulative effect.

1 Q. Can I ask a question on that, in respect to what you  
2 just said, specifically? What you're saying is, if you have  
3 one conveyor running and you start up another conveyor, it will  
4 not add more noise than the one conveyor by itself?

5 A. Again, you have to -- if you're --

6 MR. HEFELE: The company -- I would like to just step  
7 in for a second. We have a noise expert. This issue of noise,  
8 again, we understand that it's important to the public.  
9 However, it's an engineering science, okay? And it's an  
10 engineering science that, with all due respect, you and I don't  
11 know anything about.

12 Noise experts that have been hired by the town and our  
13 noise expert will be able to determine, with what we're doing  
14 on site, whether we comply with the town's noise ordinance or  
15 not. We have to comply with the town's ordinance in order for  
16 this application to proceed and not be in violation. We  
17 believe, based upon what we've done -- and we have taken noise  
18 readings at similar locations that are going to operate the  
19 same as this operation, and we've done that, and we've actually  
20 gone to these facilities, and we've taken noise readings.

21 We've even had the town's expert go and take noise  
22 readings at these facilities so that we can legitimately  
23 address noise. It's an engineering science. For the public to  
24 sit here and say, well, it's going to be noisy, that doesn't  
25 help us.

1 We have a noise ordinance that needs to be complied  
2 with. Our experts are going to be able to show that, from an  
3 engineering point of view, we either comply or we don't comply.  
4 We have to wait for this witness to come and it will be  
5 addressed.

6 MR. BERG: Do we know when that witness is coming,  
7 when that meeting will be held?

8 MR. HEFELE: Yeah, that noise expert will come -- it  
9 is the municipality's noise expert, Mr. Norm Dotti, who was  
10 appointed, and he will, at some point, come to the meeting and  
11 explain this. And then you'll have the answer. And I think  
12 that that's the right answer. That's the way to approach this  
13 in the appropriate fashion. So we will do that.

14 MR. BERG: Okay, thank you.

15 CHAIRPERSON O'CONNELL: Yes?

16 MS. STERN: This is simple. I am Joan Stern, 10  
17 Carpenter, Sparta. Question for you, okay?

18 MR. HEFELE: Yes.

19 MS. STERN: So you say that they did test from the  
20 same plant, next to a quarry, right? That's your noise test?

21 MR. HEFELE: I didn't say that.

22 MS. STERN: Yeah, you did. You said you did similar  
23 noise tests.

24 MR. HEFELE: No, in an effort to have readings, okay -

1 MS. STERN: Yes.

2 MR. HEFELE: -- that were as close as possible to what  
3 was actually going to be going on at this facility, we went to  
4 a similar facility --

5 MS. STERN: Okay.

6 MR. HEFELE: -- okay, and took readings so that we  
7 would have these readings.

8 MS. STERN: But it's not similar, is it?

9 MR. HEFELE: Yes, it is.

10 MS. STERN: No, it isn't. Because the plant is going  
11 to be next to the quarry.

12 MR. HEFELE: And that --

13 MS. STERN: Where do you live?

14 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Yes.

15 MR. HEFELE: That's really not relevant.

16 MS. STERN: No, no, where does any of you live?

17 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: No.

18 MS. STERN: Do you live near the quarry? Do you  
19 actually live -- I live one street beyond the quarry. One  
20 street. Last year, they did a blast that was so powerful that  
21 it knocked me off my feet. I made a complaint to the police  
22 department. You know what they said to me?

23 "We have no control over the quarry. No control.  
24 You've got to talk to them." I called them for a week. Not  
25 one person answered their phone at the quarry. Not one person.

1 So you're going to trust these people to be in charge of our  
2 noise, to be in charge of our trucks? What about the school  
3 buses? What about Piscatti's (phonetic) trucks? Have you ever  
4 been on that Limecrest Road with Piscatti's trucks going up and  
5 down? What about everybody just traveling? But you're going  
6 to trust their studies?

7 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: 240 --

8 MS. LIZZI: Is your operations --

9 MS. STERN: You don't live in Sparta.

10 CHAIRPERSON O'CONNELL: The --

11 MS. LIZZI: Is your operations manager going to --

12 CHAIRPERSON O'CONNELL: Excuse me.

13 MS. LIZZI: -- move next door?

14 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Yeah, right.

15 MS. LIZZI: Elizabeth Lizzi, 13 Carpenter Place,  
16 Sparta, New Jersey, L-i-z-z-i.

17 QUESTIONS BY MS. LIZZI:

18 Q. You're the operations manager, correct?

19 A. I am the operations consultant.

20 Q. Consultant. Okay, so you're not the manager. You're  
21 just a consultant.

22 A. Yes.

23 Q. So you're not actually in the facility while it's  
24 running.

25 A. I am --

1 Q. You just happen --

2 A. -- not --

3 Q. -- to come back and forth?

4 A. No, I'm in the facility.

5 Q. You're in the facility? Okay.

6 A. I live --

7 Q. Where do you live?

8 A. I live in Pennsylvania. I live --

9 Q. You live in Pennsylvania?

10 A. Yes, I live right next to a cement plant that burns  
11 hazardous waste.

12 Q. Oh, you do?

13 A. Yes, I do, and I'm --

14 Q. Okay.

15 A. -- very happy.

16 MS. LIZZI: And do you?

17 CHAIRPERSON O'CONNELL: Well --

18 MR. HEFELE: This is really not --

19 MR. BRIGLIADORO: No, Ms. Lizzi --

20 MS. LIZZI: No, it isn't --

21 MR. HEFELE: I would ask --

22 (Indiscernible due to unidentified speakers talking  
23 over one another.)

24 MR. BRIGLIADORO: No, no. Listen, if you have a  
25 question about noise, okay?

1 MS. LIZZI: Well, okay. I do.

2 MR. BRIGLIADORO: Okay.

3 BY MS. LIZZI:

4 Q. Because I have -- I live in the same area --

5 MR. BRIGLIADORO: All right.

6 Q. -- as those individuals over there and I overlook the  
7 same quarry. And I'm going to see this facility and I'm going  
8 to hear this facility, because you know why? I sit on top of a  
9 hill. So whatever walls and sound barriers you have, that's  
10 going to affect my home and it's going to -- I'm going to hear  
11 that. And I have heard the gentleman testify that this cement  
12 sounds like a jet --

13 MR. HEFELE: You do not --

14 Q. -- engine.

15 MR. HEFELE: Quite frankly, you do not know whether  
16 you are going to hear that or not. You think you are going to  
17 hear that, all right? But you may hear it --

18 (Indiscernible due to unidentified speakers talking  
19 over one another.)

20 MR. HEFELE: We do not know whether where you live,  
21 the distance, whether it could be heard at all. You're making  
22 that --

23 MS. LIZZI: Assumption.

24 MR. HEFELE: -- assumption. Now, I just got done  
25 going through the fact that we are going to have an expert to

1 go through noise and to explain this. So, rather than surmise  
2 and guess, why don't we listen to the expert and --

3 MS. LIZZI: I don't think it's a guess --

4 MR. HEFELE: -- ask the questions of the expert --

5 MS. LIZZI: I don't think I'm guessing.

6 MR. HEFELE: -- when they --

7 MS. LIZZI: I don't think I'm surmising --

8 MR. BRIGLIADORO: Okay, but --

9 MS. LIZZI: -- because if I can hear the quarry, I'll  
10 hear this.

11 MR. HEFELE: Okay.

12 CHAIRPERSON O'CONNELL: Sir?

13 MR. REED: John Reed, 161 Pinkneyville Road, Andover,  
14 New Jersey. Mailing address is Lafayette.

15 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: He's not  
16 listening.

17 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: You're not  
18 listening.

19 QUESTIONS BY MR. REED:

20 Q. Now, Mr. Toedter, when you're ready -- are you ready?  
21 You were having a discussion.

22 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Louder,  
23 please.

24 MR. REED: Okay. Of course, I can speak louder.

25 BY MR. REED:

1 Q. So Mr. Toedter, you specified that the pony blowers on  
2 those cement trucks, you're mitigating that by having internal  
3 blowers inside your own building, which you testified were  
4 going to be used solely at night.

5 My question is, if you're going through the trouble  
6 and the expense of putting those blowers internal to your own  
7 building, why not use them for every delivery, whether it's day  
8 or night, in order to mitigate noise?

9 A. They could, but we might not choose to.

10 Q. Well, why wouldn't you choose to?

11 A. It's not up to me. It's up to the manager of that plant.

12 MR. HEFELE: Look, I would repeat that we are required  
13 to comply with this town's noise ordinance, okay? So whether  
14 we choose to use blowers or not use blowers, that's not the  
15 issue.

16 The issue is, do we comply with the noise ordinance or  
17 not? And if we don't, we're in violation and that's that. So  
18 it's not about using the blowers or not using the blowers.  
19 It's not about any of that. It's about the noise at this  
20 facility and whether we comply or we don't comply. Please,  
21 please, please, let us bring the noise expert in and your noise  
22 expert, and address the issue. All of this is just guesswork.

23 MR. REED: Well, I was not trying to harp on noise.

24 BY MR. REED:

25 Q. I was just asking, from an operational standpoint, if

1 you're going through the time, and expense, and effort of  
2 putting blowers internal to your own building, why wouldn't you  
3 use them for every delivery?

4 A. Because at night we have more people that are liberated  
5 from their tasking than we do during the day. So it's easier  
6 to have a person assigned to take care of that as an issue.

7 Q. Okay. Separate question: you had testified that the  
8 southern area of the property where you're going to have a  
9 paved storage area for your finished product is going to be  
10 used for the second line only, once that finally comes into  
11 play.

12 I believe you said it was about three years later was  
13 when you were planning on completing that second line. Will  
14 you be utilizing that area for anything else in the meantime?

15 A. No.

16 Q. Is there anything else going to be -- any activity  
17 going to be going on, on the southern end of the property, that  
18 would be south of the building, the main building proper?

19 A. Well, there's a phase line that's a little bit to the south  
20 of the building. Those trucks still have to get around the  
21 perimeter of the building, but outside of that, the answer is  
22 no. There's no other activity --

23 Q. Okay.

24 A. -- in that area.

25 Q. Okay, so then, essentially, the only activity, other

1 than driving around the building, is going to be on the north  
2 and the east sides of the building, east for raw materials  
3 dump, and for the north side for finished product storage.

4 Where will the loading of those 18-wheelers for finished  
5 product shipping occur?

6 A. On the north side of the building.

7 Q. On the north side. And then once the second line  
8 starts up, will you be loading on the south side, as well? Or  
9 will that still be only on the north side?

10 A. No, we'll be loading on the south side.

11 Q. Okay, so essentially, it's a duplication of whatever  
12 goes on on the north side for line one, is going to occur on  
13 the south side for line two?

14 A. Yes.

15 Q. Okay, and will your noise expert be able to testify,  
16 when he finally does come in, about the additional noise that  
17 may come into play when that second line comes online?

18 A. I think that the Township's consultant will be able to  
19 clarify that for you.

20 MR. REED: Okay. All right. Thank you very much.

21 CHAIRPERSON O'CONNELL: Sir, you've already had a  
22 chance.

23 MR. COPPOLINO: Yeah, I just wanted to say one thing  
24 about this.

25 CHAIRPERSON O'CONNELL: Sorry, sir.

1 MR. BRIGLIADORO: If you have a question, sir --

2 CHAIRPERSON O'CONNELL: Sir --

3 MR. COPPOLINO: Okay, yeah, I just wanted to say that,  
4 that --

5 CHAIRPERSON O'CONNELL: No, is that a question? Or do  
6 you have something to say?

7 MR. COPPOLINO: Well, it's pertaining to this.

8 CHAIRPERSON O'CONNELL: No, you've already spoken.  
9 Our rules are, you should have five minutes to speak once  
10 during the item.

11 MR. COPPOLINO: I forgot to bring this up.

12 CHAIRPERSON O'CONNELL: Well, unfortunately, hold it  
13 until the next meeting, then. Anyone else have a question?  
14 Yes, sir.

15 MR. CAPO: Thank you. I'm Victor Capo, 23 Victoria  
16 Pines Lane, Andover. That's C-a-p-o.

17 QUESTIONS BY MR. CAPO:

18 Q. And we heard a reference in testimony to retaining  
19 walls and silos -- sorry -- storage bins as having  
20 sound-deadening properties, referred to as "sound barrier" in  
21 the submittal. I'm wondering, will --

22 A. The only thing that -- I made no testimony to that fact.

23 Q. You referred to --

24 A. The earlier discussion was that the retaining wall, the  
25 concrete retaining wall units that form the storage area for

1 temporary storage of raw material at the raw material loading  
2 facility had the property of also attenuating noise --

3 Q. Yes.

4 A. -- that could be transmitted from there.

5 Q. Yes, and that's the point of my question. Will we  
6 hear testimony about the sound-dampening properties of the  
7 materials that are in those silos, and to the degree to which  
8 the sound may be dampened, at different degrees of fullness or  
9 emptiness?

10 A. I think you're confusing silos and bins with --

11 Q. Not --

12 A. -- this storage area. This is an open storage area and raw  
13 materials unloading. There is no sound that would be generated  
14 inside the bins or silos.

15 MR. CAPO: I would ask that we hear testimony from the  
16 noise expert on anything to do with the incidental properties  
17 that have been stated about these sound barriers.

18 MR. HEFELE: The noise expert is going to testify with  
19 regard to overall operations and whether, or whether or not, it  
20 complies with your noise ordinance. And he will go through the  
21 operations at this facility and he will make a presentation as  
22 to how it complies with the noise ordinance or does not comply  
23 with the noise ordinance. That will all be addressed by him.

24 MR. CAPO: And will that testimony be strictly about  
25 the noise on-site?

1 MR. HEFELE: Yes.

2 MR. CAPO: Will it address anything about noise  
3 generated outside --

4 MR. HEFELE: That's not -- the ordinance only --

5 MR. BRIGLIADORO: It's noise at the property line.

6 MR. HEFELE: It's at the property line. We're only  
7 required to deal with our own property.

8 MR. CAPO: This testimony in the area of the frequency  
9 and consistency of trucks as they're controlled, every five  
10 minutes -- those type of statements have been made about, let's  
11 say, the ebb and flow of the traffic that's being referred to.  
12 Will we hear testimony from traffic about those trucks that you  
13 don't control, that would be coming in on an unpredictable  
14 schedule, and what the influence might be on things like  
15 stacking, and other issues that may be generated by these  
16 uncontrolled elements combining with the controlled elements?

17 MR. HEFELE: Questions as to what we're going to  
18 provide testimony on are not any -- I think the question should  
19 be directed to Mr. Toedter's testimony. And we're happy to  
20 answer any of that question. But with regard to what kind of  
21 testimony, I gave an overview of who we're going to be  
22 presenting, and yes, there's going to be some testimony with  
23 regard to that. But I think you should be asking questions of  
24 Mr. Toedter, which he'd be happy to answer.

25 BY MR. CAPO:

1 Q. In your testimony, Mr. Toedter, you used the word  
2 "general" when you were describing hours of operation:  
3 generally seven to four, generally seven to 12 on Saturday,  
4 generally, generally. Do you have controls that it's not  
5 generally, that it's specifically seven to four, Monday through  
6 Friday, seven to 12 on Saturday, for raw material receiving and  
7 the other bandwidth of hours that you referred to in your  
8 testimony?

9 A. I don't have absolute control over that.

10 Q. So "generally" is an opening for exceptions? My  
11 concern is -- so you could have an influx of trucks in the  
12 middle of the night, as opposed to during the hours that you  
13 had stated?

14 A. It's possible.

15 Q. And how would you respond to our concern of that  
16 possibility? Because your testimony is generally these things  
17 will happen during these hours and it paints a complexion of  
18 your operation that may not be consistent with the reality of  
19 your operation, once it's up and running, because I think I  
20 understand that you don't control everything that would dictate  
21 your statements of the general expectation.

22 A. We have an experience that I generalized for you. It's not  
23 the experience you have every single day, every single moment  
24 of every single year. And there are going to be, on occasion,  
25 a truck coming in late, or a shipment going out late, or

1 something like that.

2 So there's no way for me to tell you that, absolutely  
3 after 4:00 p.m. in the afternoon, there are no trucks coming in  
4 from the quarries. I don't have control of whether or not  
5 there's an accident on the road or some other delay.

6 Q. I'm more concerned that the operation will run by  
7 convenience rather than by rule, if it's --

8 A. Operations always run by their convenience of their  
9 customers. If I have a customer who has an operation in New  
10 York City, as an example, I cannot ship to him in the middle of  
11 the day because I can't get the trucks through the tunnels. I  
12 have to ship to him at night.

13 Q. All right. And my concern is, I'm trying to  
14 understand what to expect, based on the testimony.

15 MR. HEFELE: I think the testimony was that, you know,  
16 these are the general hours where most of this operation takes  
17 place. Now, are there exceptions to the rule? Yes, there are  
18 exceptions to all rules, because, like Mr. Toedter said, you  
19 can't say that a truck won't come in perhaps with a special  
20 delivery one night or leave one night.

21 But the majority, the great majority, I think is what  
22 he's trying to say, will happen between the hours that he put  
23 forth. So it is impossible for them to box themselves in, and  
24 say every truck is going to come in between seven and four, and  
25 we'll agree to that as a condition of approval. Do you think

1 that would be possible? That's not possible.

2 MR. CAPO: Is it possible for the Board to set those  
3 rules, under the circumstances, on a 24-hour operation,  
4 industrial or not?

5 MR. HEFELE: We've testified to -- that's not a  
6 question for -- we've testified that these are our general  
7 hours of operation and we will stand by that. So that is when  
8 most of it occurs. Can we say that it's the definitive hours?  
9 No, and that's been the testimony.

10 MR. CAPO: All right.

11 BY MR. CAPO:

12 Q. I have one last question. I'm trying to understand  
13 what about your operation requires 24-hour operations.

14 A. Well, the demand of our product is such that we need to run  
15 24 hours a day in order to fulfill our contracts --

16 Q. But it's not --

17 A. -- number one. Number two is, we have a very, very  
18 expensive operation. To have that equipment sit idle is a  
19 waste of the asset. So like most manufacturing operations, we  
20 run 24 hours a day to be sure that we receive the best return  
21 on our investment.

22 MR. HEFELE: Could you also clarify, I guess for this  
23 question and also for the Board, is it possible for you to run  
24 at this site anything less than 24/7?

25 MR. TOEDTER: No.

1 MR. HEFELE: If there were any requirement on you to  
2 run less than 24/7, would you be able to build this facility?  
3 Would you build this facility? Would you proceed with this  
4 application?

5 MR. TOEDTER: No.

6 MR. HEFELE: Okay, I just want to be clear on that.  
7 This operation has to operate 24/7. That was our testimony and  
8 I want everybody to understand that very clearly, so there's no  
9 ability here for us to do it any differently.

10 MR. CAPO: And may I ask a clarifying question?

11 BY MR. CAPO:

12 Q It has to run for the sake of profitability?

13 A. Yes.

14 Q. No, no, no. That was the testimony.

15 A. Yes, there's nothing wrong with that.

16 Q. Does it have to run for the process, for the product?

17 A. Well, when you're working with these types of materials,  
18 you don't want the material to be standing because --

19 Q. Right.

20 A. -- that's when it starts to hydrate and then it's very  
21 difficult to clean out. So the best thing you can do is run a  
22 continuous line.

23 Q. So it's safe to say that once the materials are mixed  
24 into the -- did you call it the wet mix, even though it's --

25 A. The mixer.

1 Q. -- rather dry?

2 A. Uh-huh. The mixer.

3 Q. Once it's mixed, it needs to be processed?

4 A. Yes.

5 Q. But if you were to stop mixing at a certain hour, and  
6 let your plant flush, and cease operations, could you operate  
7 that way for the sake of the product or the process?

8 A. Well, we do a two-hour, approximately a two-hour shutdown  
9 on every shift to flush and clean.

10 Q. If you chose to, could that be every 12 hours? Could  
11 you be down for 12 hours without effect on the product?

12 CHAIRPERSON O'CONNELL: I think that's already been  
13 explained, and I think you're over your five minutes here, sir.

14 MR. CAPO: Fair enough.

15 CHAIRPERSON O'CONNELL: Thank you.

16 All right. Yes, sir?

17 MR. SCHWARZ: Mark Schwarz, 315 Cheyenne Road. That's  
18 in Andover Township.

19 QUESTIONS BY MR. SCHWARZ:

20 Q. Three issues outside of transportation and noise --  
21 first of all, within your facility, are your individual workers  
22 required to wear any personal protective equipment?

23 A. They are required to wear earplugs or earmuffs,  
24 sound-attenuating earmuffs, in the area of the paving machine.

25 Q. Okay, so they're required to wear ear protection?

1 A. Ear protection. Uh-huh.

2 Q. And they're required to wear any breathing masks for

3 --

4 A. No.

5 Q. -- ventilation?

6 A. No, it's not that kind of environment.

7 Q. Even within the indoor facility?

8 A. That's correct.

9 Q. With regards to the lighting, as a 24/7 facility, you  
10 have to have a substantial amount of lighting, both indoor and  
11 outdoor.

12 MR. SCHWARZ: First, do we have any existing light  
13 ordinances?

14 CHAIRPERSON O'CONNELL: Yes, we do, but I don't think  
15 he gave any testimony regarding lighting or anything tonight.

16 MR. SCHWARZ: Well, he gave testimony regarding  
17 operations and the 24/7 nature of it.

18 CHAIRPERSON O'CONNELL: That's right. And we've had  
19 -- lighting and those things will be covered by the engineer  
20 when he gives his. He's not qualified to talk about lighting  
21 at this point. We all know, it gets dark, you need lights. I  
22 agree with you. That's about what he's going to be able to  
23 tell you.

24 BY MR. SCHWARZ:

25 Q. With regards to water use, you mentioned somewhere

1 between 8,000 and 10,000 gallons of water a day. How is that  
2 water then processed? Is it all evaporated off, or is there  
3 wastewater?

4 A. No, it all goes into the product.

5 Q. So it all goes into the product. There's no byproduct  
6 in the form of water. So, then, it all, effectively, is  
7 evaporated?

8 A. No, when cement hydrates, it absorbs water in the mix, so  
9 it's not evaporated. Evaporated water out of the cement mix is  
10 bad, because it's depriving the cement of the necessary water  
11 to initiate, hold the reaction.

12 Q. Just my concern is just wastewater. So you're saying  
13 it's all leaving with the product?

14 A. Correct.

15 MR. SCHWARZ: Okay, thank you very much.

16 CHAIRPERSON O'CONNELL: Thank you. Yes?

17 MS. MASSARO: Grace Massaro, 100 Current Drive,  
18 Andover.

19 QUESTIONS BY MS. MASSARO:

20 Q. My husband asked you the question about how many  
21 trucks or vehicles come into your property, your operation and  
22 I believe you said 282. Does that include the trucks coming  
23 from Limecrest?

24 A. Yes, from the quarry, I assume you're suggesting.

25 Q. From the quarry?

1 A. Yes.

2 Q. So it's 240 trucks and what was the other 42? Was  
3 that employees?

4 A. Employee vehicles, right.

5 Q. And what about -- the 240 includes the trucks from the  
6 quarry, too?

7 A. Yes.

8 Q. I thought you said you had 240 trucks a day coming  
9 into the --

10 A. I did, total.

11 Q. With the quarry, with the quarry trucks coming from  
12 the quarry?

13 A. Yes.

14 Q. Okay.

15 CHAIRPERSON O'CONNELL: Anyone else? All right. Then  
16 we'll close this portion of the meeting to the public at this  
17 point.

18 MS. EREM: It's 11:00.

19 CHAIRPERSON O'CONNELL: Let me guess. You want to  
20 reserve your cross-examination until the next meeting?

21 MS. EREM: Bingo.

22 CHAIRPERSON O'CONNELL: I have a magnificent grasp for  
23 the obvious.

24 MS. EREM: May I ask a question? In view of all the  
25 questions regarding traffic, and this and that, will the Board

1 be retaining its own consultant?

2 CHAIRPERSON O'CONNELL: To address the question, we  
3 haven't taken that up. We have our --

4 MR. BRIGLIADORO: Have you seen a traffic report yet?

5 MR. HEFELE: Yes.

6 MS. EREM: There is.

7 MR. HEFELE: We've --

8 MR. BRIGLIADORO: Okay.

9 MR. HEFELE: -- submitted a traffic report. The  
10 property, obviously, is located along the county road. The  
11 county has jurisdiction on that road. We have the County  
12 Planning Board approval for this application, which we've  
13 already submitted, and we have approval from the county. So I  
14 do not really see where that need would arise. But that's  
15 where we are, so I can tell the Board that.

16 MS. EREM: Well, maybe you can let us know next week.

17 MR. BRIGLIADORO: Yeah, I mean, at this point, the  
18 Board has not retained a traffic expert.

19 MS. EREM: Right.

20 MR. BRIGLIADORO: If they do, we'll let everybody  
21 know. All right.

22 CHAIRPERSON O'CONNELL: I guess our next action is to  
23 carry this to a date uncertain.

24 MR. BRIGLIADORO: Yeah.

25 (Extended pause)

1 CHAIRPERSON O'CONNELL: Let's at this point carry it  
2 to June 7th.

3 MR. HEFELE: To June 7th?

4 CHAIRPERSON O'CONNELL: Yes. Our other meeting is on  
5 the 17th.

6 MR. HEFELE: Yeah.

7 CHAIRPERSON O'CONNELL: And there's an applicant  
8 already scheduled there that's going to take some time.

9 MR. HEFELE: Mm-hmm.

10 CHAIRPERSON O'CONNELL: At this point, looking at the  
11 schedule, on the 7th, you would be the only applicant.

12 MR. HEFELE: Okay.

13 MS. EREM: I'm sorry. My son graduates that day and  
14 I'm not going to miss it. I cannot be here. It's graduation  
15 from DePaul Catholic.

16 MR. BRIGLIADORO: All right.

17 MS. EREM: If you want to check it, I mean, I wouldn't  
18 lie to the Board.

19 MR. HEFELE: Is there anybody at Wolff Samson -- it's  
20 a rather large firm -- that could cover for you?

21 MS. EREM: I am the only land use attorney they have.

22 MR. HEFELE: At Wolff Samson?

23 MS. EREM: That's correct. I handle all of the land  
24 use.

25 MR. HEFELE: Okay.

1 MS. EREM: And with a case like this, could I brief  
2 somebody? I don't think I could brief them to the proper  
3 extent that would be required in order to represent Mr. Krueger  
4 adequately.

5 MR. HEFELE: Well --

6 MS. EREM: Any other day available in June?

7 CHAIRPERSON O'CONNELL: Yeah, who's got the calendar  
8 handy here?

9 MR. BRIGLIADORO: Yeah, let's pick a date.

10 CHAIRPERSON O'CONNELL: Because if we can do a special  
11 meeting, then --

12 MR. HEFELE: We have submitted for some special  
13 meetings that never took place. So I'm happy to try to --

14 CHAIRPERSON O'CONNELL: Right.

15 MR. HEFELE: -- schedule a special meeting, and that  
16 would be --

17 CHAIRPERSON O'CONNELL: Okay, let's --

18 MR. BRIGLIADORO: Let's try to do it now, when  
19 everybody's here.

20 CHAIRPERSON O'CONNELL: What's after May 17th? The  
21 24th would be the next Tuesday.

22 BOARD SECRETARY: Yes.

23 CHAIRPERSON O'CONNELL: Well, that's before Memorial  
24 Day and everything else.

25 BOARD SECRETARY: Mm-hmm.

1 MS. EREM: May 24th? Okay.

2 MR. BRIGLIADORO: I mean --

3 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Can you say  
4 it louder for us?

5 MR. HEFELE: What is that? Is that a Tuesday evening?

6 CHAIRPERSON O'CONNELL: That would be a Tuesday  
7 evening.

8 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: May 24th,  
9 7:30.

10 CHAIRPERSON O'CONNELL: We're saying. We'll let you  
11 know when we make the motion.

12 MR. BRIGLIADORO: Yeah.

13 CHAIRPERSON O'CONNELL: Is that agreeable, then?

14 UNIDENTIFIED SPEAKER: Yeah.

15 MS. EREM: May 24th? Is that a special meeting, Mr.  
16 Chairman?

17 MR. BRIGLIADORO: That's a special meeting.

18 CHAIRPERSON O'CONNELL: That will be a special  
19 meeting. Now, is that going to cause any kind of noticing  
20 issues or anything for a special meeting?

21 MR. BRIGLIADORO: No, the Board --

22 CHAIRPERSON O'CONNELL: Did we make sure we have  
23 everything --

24 MR. BRIGLIADORO: No.

25 CHAIRPERSON O'CONNELL: -- in place?

1 MR. BRIGLIADORO: The Board will publish notice of the  
2 special meeting. The Applicant will not be required to provide  
3 any additional notice. Everybody who's here, we're making the  
4 announcement tonight.

5 CHAIRPERSON O'CONNELL: That's why I wanted to make  
6 sure.

7 MR. BRIGLIADORO: Okay.

8 CHAIRPERSON O'CONNELL: So if we could have a motion  
9 to carry this until the special meeting of May 24th at 7:30  
10 p.m.?

11 BOARD MEMBER MELFI: I'll make a motion.

12 CHAIRPERSON O'CONNELL: Hear.

13 BOARD MEMBER MESSERSCHMIDT: I'll second.

14 BOARD MEMBER HOWELL: Second.

15 CHAIRPERSON O'CONNELL: Okay. Let's call the roll,  
16 please.

17 BOARD SECRETARY: Ms. Howell.

18 BOARD MEMBER HOWELL: Yes.

19 BOARD SECRETARY: Mr. Huelbig.

20 BOARD MEMBER HUELBIG: Yes.

21 BOARD SECRETARY: Mr. Melfi.

22 BOARD MEMBER MELFI: Yes.

23 BOARD SECRETARY: Ms. Pattison.

24 BOARD MEMBER PATTISON: Reluctantly, yes. I have a  
25 graduation, too.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BOARD SECRETARY: Mr. Bensley.

CHAIRPERSON O'CONNELL: Well --

BOARD MEMBER BENSLEY: Yes.

BOARD SECRETARY: Mr. Messerschmidt.

BOARD MEMBER MESSERSCHMIDT: Yes.

BOARD SECRETARY: Chairman O'Connell.

CHAIRPERSON O'CONNELL: Yes.

MR. BRIGLIADORO: The application will be continued to a special meeting on May 24th. There will be no further notice provided to anyone, so anybody who's here tonight who wants to continue to hear the testimony of this application should return May 24th at 7:30. Okay.

MS. EREM: Thank you.

(The Board goes into closed session.)

(Proceedings concluded at 11:02 p.m.)

C E R T I F I C A T I O N

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, ERICA VAN OSTRAND, certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

*Erica Van Ostrand*

Erica Van Ostrand, CERT\*D-521

October 11, 2011