

**BRIDGEWATER TOWNSHIP PLANNING BOARD**  
**Regular Meeting**  
**Tuesday October 10, 2017**  
**—MINUTES—**

1. **CALL MEETING TO ORDER:**

Chairman Charles called the meeting to order at 7:00 p.m. in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

2. **OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:**

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On January 11, 2017 proper notice was sent to the Courier Newspaper and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the Planning Board policy for public hearings: no new applications will be heard after 10:00 pm and no new testimony will be taken after 10:15 pm. Hearing Assistance is available upon request. Hearing Assistance is available upon request. Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Department Secretary before the public meeting.” However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

3. **SALUTE TO FLAG:**

There was salute to the flag.

4. **ROLL CALL:**

Stephen Rodzinak – present	Evan Lerner – absent
James Franco – absent	Urvin Pandya, Alt. #1-absent
Chairman Ron Charles – present	Debra Albanese, Alt. #2 –present
Councilwoman Christine Henderson-Rose – absent	
Tricia Casamento – present	
Mayor Dan Hayes – present	

Others present: Board Attorney Thomas Collins, Township Engineer David Battaglia, Board Planner Scarlett Doyle and Planning Division Secretary Ann Marie Lehberger.

5. **APPROVAL OF BOARD MINUTES:**

July 24, 2017 Regular Meeting - Motion by Mr. Rodzinak, second by Mrs. Casamento, the foregoing minutes were adopted on the following roll call vote;

AFFIRMATIVE:	Mr. Rodzinak, Chairman Charles, Mrs. Casamento, Mayor Hayes, Mrs. Albanese
ABSENT:	Mr. Franco, Councilwoman Rose, Mr. Lerner, Mr. Pandya

August 8, 2017 Regular Meeting - Motion by Mr. Rodzinak, second by Mrs. Casamento, the foregoing minutes were adopted on the following roll call vote;

AFFIRMATIVE:	Mr. Rodzinak, Mrs. Casamento, Mrs. Albanese
ABSENT:	Mr. Franco, Councilwoman Rose, Mr. Lerner, Mr. Pandya
NOT ELIGIBLE:	Chairman Charles, Mayor Hayes

August 28, Regular Meeting - Motion by Mr. Rodzinak, second by Mrs. Casamento, the foregoing minutes were adopted on the following roll call vote;

AFFIRMATIVE:	Mr. Rodzinak, Chairman Charles, Mrs. Casamento, Mayor Hayes, Mrs. Albanese
ABSENT:	Mr. Franco, Councilwoman Rose, Mr. Lerner, Mr. Pandya

6. **MEMORIALIZATION OF RESOLUTIONS**

**NEW YORK SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS-300 Promenade Blvd.**  
Block 349 Lot 5

#17-020-PB, Minor Site Plan with Variances-Antennas on Existing Building

DECISION: Approved with Conditions 9/12/17

Motion by Mayor Hayes; Second by Mrs. Albanese, the foregoing resolution was adopted on the following roll call vote:

AFFIRMATIVE: Mrs. Casamento, Mayor Hayes, Mrs. Albanese

ABSENT: Mr. Franco, Councilwoman Rose, Mr. Lerner, Mr. Pandya

NOT ELIGIBLE: Mr. Rodzinak, Chairman Charles

**BRIDGEWATER REGENCY LLC-Chimney Rock Crossing East**

Block 703 Lot 1.01

#15-020-PB, Minor Site Plan with Variances- Signs

DECISION: Approved with Conditions 9/12/17

Motion by Mrs. Albanese; Second by Mrs. Casamento, the foregoing resolution was adopted on the following roll call vote:

AFFIRMATIVE: Mrs. Casamento, Mayor Hayes, Mrs. Albanese

ABSENT: Mr. Franco, Councilwoman Rose, Mr. Lerner, Mr. Pandya

NOT ELIGIBLE: Mr. Rodzinak, Chairman Charles

7. **LAND DEVELOPMENT APPLICATIONS:**

**LANG-** Twin Oaks Road, Foothill Road & Steele Gap Road

Block 712 Lots 4 & 7

Block 718 Lot 63

#29-11-PB, Amended Preliminary and Final Major Subdivision (17 lots)

See attached Transcription dated October 10, 2017 prepared by Liliana Thomas, CCR of Schulman, Wiegman & Associates, 216 Stelton Road, Piscataway NJ 08854.

Motion by Mr. Rodzinak, second by Mrs. Casamento, the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Chairman Charles, Mayor Hayes, Mrs. Casamento, Mrs. Albanese

ABSENT: Mr. Franco, Councilwoman Rose, Mr. Lerner, Mr. Pandya

8. **MEETING OPEN TO THE PUBLIC:**

There were no members of the public wishing to address the Board on any matter not listed on the agenda.

9. **OTHER BOARD BUSINESS:**

10. **ADJOURNMENT**

It was the consensus of the Board to adjourn the meeting at approximately 8:30 pm.

Respectfully submitted,

Ann Marie Lehberger,

Planning Division Secretary



1 B E F O R E:  
 2  
 3 BOARD MEMBERS:  
 4 DAN HAYES, Mayor  
 RON CHARLES, Chairman  
 5 CHRISTINE ROSE, Councilwoman  
 TRICIA CASAMENTO  
 6 STEPHEN RODZINAK  
 DEBRA M. ALBANESE  
 7  
 8  
 THOMAS COLLINS, Board Attorney  
 9 SCARLETT DOYLE, Board Planner  
 DAVID C. BATTAGLIA, Board Engineer  
 10 ANN MARIE LEHBERGER, Secretary to Planning Division  
 11  
 12 A P P E A R A N C E S:  
 13 DiFRANCESCO, BATEMAN, KUNZMAN, DAVIS,  
 LEHRER & FLAUM, P.C.  
 14 BY: JEFFREY B. LEHRER, ESQ.  
 Attorney for the Applicant  
 15 15 Mountain Boulevard  
 Warren, New Jersey 07059  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 THE CHAIRMAN: That completes our  
 2 Memorialization of Resolutions which brings us to  
 3 Land Development Applications. Our first application  
 4 is a continuance of Lang, Twin Oaks Road, Foothill  
 5 Road and Steele Gap Road, Block 712 Lots 4 and 7,  
 6 Block 718 Lot 67 [sic]. This is an amended  
 7 preliminary and final major subdivision of 17 lots,  
 8 and I believe we left this off with the parties about  
 9 to meet.  
 10 MR. LEHRER: Yes, Mr. Chairman. Good  
 11 evening, Mayor. Good evening, Members of the Board.  
 12 Good evening Members of the Professional Staff. Jeff  
 13 Lehrer from the law firm of DiFrancesco Bateman.  
 14 You are right, Mr. Chairman, we met at the  
 15 last hearing which was July 24th. There was a  
 16 discussion between Mr. Mantz and Jeffrey Brookner on  
 17 behalf of the Shandor family about some discrepancies  
 18 in the plan. We agreed to go back and have  
 19 Mr. Thonet, their engineer, review, meet with  
 20 Mr. Mantz. That did happen. There were a series of  
 21 discussions. There are still some unresolved issues,  
 22 but we have a solution.  
 23 MR. CHAIRMAN: Okay.  
 24 MR. LEHRER: This is one of those  
 25 applications that's gone on for quite a long time,

1 I N D E X  
 2  
 3 WITNESS PAGE  
 4  
 5 JAMES J. MANTZ, PE, LS  
 By Mr. Lehrer 7, 29  
 6  
 7  
 8 E X H I B I T S  
 9 NUMBER DESCRIPTION ID EV  
 10 A-10 Hydrograph summary report 9  
 11 A-11 Larger printout of Page No. 17 10  
 in drainage report  
 12  
 A-12 Enlargement of Detention 12  
 Basin No. 2  
 13  
 A-13 Enlarged print of Plan Sheet 1 14  
 of the subdivision plan  
 14  
 15  
 A-14 Hydrograph summary without 17  
 principal spillway, without  
 16 outlet structure  
 17  
 A-15 Drainage map, Hydrograph 18  
 No. 5  
 18  
 A-16 Drainage map 31  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 and I got into my office this morning, and sat  
 2 looking out the window for about an hour and a half  
 3 and just thought about the best way and easiest way  
 4 to move this along without you having this glare in  
 5 your eyes about stormwater management. So, what  
 6 we've come up with over a course of time today is a  
 7 discussion I've had with Mr. Brookner an agreement  
 8 where we would put Mr. Mantz on to talk about the  
 9 issues that have been raised by Mr. Thonet and  
 10 Mr. Mantz's responses to those.  
 11 THE CHAIRMAN: Okay.  
 12 MR. LEHRER: After all is said and done,  
 13 if I've missed anything, then Mr. Brookner will get  
 14 up and clarify.  
 15 THE CHAIRMAN: Okay.  
 16 MR. LEHRER: And after all is said and  
 17 done after that, we will agree that we will write a  
 18 letter to the DEP identifying the discrepancies and  
 19 potential solutions and copy Mr. Thonet, and if the  
 20 DEP approves the plan without any concerns, then it  
 21 will never return to this board. It will just be  
 22 dealt with administratively. If the DEP just  
 23 modifies the permit somewhat but does not modify the  
 24 plan, then the same thing will occur, and it will be  
 25 handled administratively through Mr. Battaglia. If

1 there are plan revisions that are made, then,  
2 obviously, we would have to return to this Board. We  
3 don't think that's the case, but that is what we did  
4 agree to. So, if I have not characterized that  
5 correctly, Mr. Brookner, then feel free to come up  
6 and assist me, but I think that was what we talked  
7 about.

8 MR. BROOKNER: I would just add one minor  
9 clarification, and I think this is implied by what  
10 you said anyway, but, obviously, whatever DEP  
11 determination comes back to the Board, it would have  
12 to be final and unappealable, so there would be the  
13 waiting period until it's ready to move forward, and  
14 then once that's completed, we would be in agreement.

15 MR. LEHRER: Agreed.

16 With that said, Mr. Chairman, to move this  
17 along, I'll just have Mr. Mantz talk about those  
18 issues, and, hopefully, we can move it along.

19 THE CHAIRMAN: Okay. Thank you.

20 MR. COLLINS: Mr. Mantz, you understand  
21 you're still under oath?

22 WITNESS MANTZ: Yes, I understand that.

23 MR. COLLINS: Thank you, Mr. Mantz.

24 Please go ahead.

25 (Continued on following page.)

1 entire 100-year flow; a combination of a principal  
2 spillway and the emergency spillway designed to  
3 ensure passage of the 100-year when either the  
4 principal spillway and/or the emergency spillway  
5 flows are impeded by debris; or a principal spillway  
6 designed so as to allow it to continue to function  
7 reliably, passing the 100-year flow, when impeded by  
8 debris."

9 So, the second item, the combination of  
10 flows is really what I've designed in the plan. For  
11 the most part, the water in all of the detention  
12 basins, 1, 2, and 3. Four is a little bit different  
13 in than it's a smaller basin designed for -- not  
14 designed for a hundred-year storm. But the -- well,  
15 the flow from the basins goes through the principal  
16 spillway -- it's the outflow box primarily, into the  
17 pipe system and then into the stormsewer along  
18 Foothill Road. In the event of a hundred-year storm,  
19 there's a little bit of water which then goes over  
20 the emergency spillways and then finds its way down  
21 into the natural creeks or toward Foothill Road. So  
22 that was the one issue, and I thought we had it  
23 resolved at that point.

24 Mr. Thonet then contacted me several days  
25 later and said that he had found an error in my

1 JAMES J. MANTZ, having been previously  
2 duly sworn, further testified as follows:

3 WITNESS MANTZ: The big issue that came up  
4 last Planning Board meeting was that when we were  
5 looking at Detention Basins 1 and 3, the plans showed  
6 that the 100-year storm elevation was above the  
7 elevation of the emergency spillways. I didn't  
8 remember, quite frankly, doing that because I had  
9 done the calculations at least a year, maybe two  
10 years before that. So, that was the stopping point  
11 at the last meeting. I went back, and I looked at  
12 it. John Thonet graciously came to my office. We  
13 went over that item and the RSIS -- and I can put  
14 this up as an exhibit. I don't know what number  
15 we're at.

16 MS. LEHBERGER: A-9.

17 WITNESS MANTZ: A-9?

18 MS. LEHBERGER: Uh-huh.

19 WITNESS MANTZ: Thank you.

20 DIRECT EXAMINATION BY MR. LEHRER:

21 Q. And what section is that from the RSIS?

22 A. This is RSIS 5:21-7.8(d)4ii. It says, "Site  
23 conditions shall be such that the runoff from the  
24 design storm can safely pass through: a natural or  
25 constructed emergency spillway designed to accept the

1 calculations pertaining to Detention Basin No. 2.  
2 I'm going to make this Exhibit A-10, and I'll tell  
3 you what it is in a second.

4 (Hydrograph summary report was marked as  
5 Exhibit A-10 for identification.)

6 A. Exhibit A-10 is a hydrograph summary report.  
7 It's the same report format that's in the drainage  
8 report submitted to the Board, submitted to the DEP,  
9 submitted to Soil Conservation and everybody else  
10 wherein we look at the hydrographs developed to  
11 calculate the existing or the flows to the detention  
12 basins and the outflows.

13 Exhibit A-10 is really three sheets.  
14 Sheet 1 and Sheet 2 are hydrograph summaries.  
15 Sheet 3 shows the pond report from Detention Basin  
16 No. 2. The way you determine or figure pond storage  
17 is with contour areas and the program averages the  
18 areas as you go up in elevation you average the areas  
19 and then sum those up to get a storage volume. In  
20 the line -- the storage table for Stage 5.75 at  
21 Elevation 148, I typed in 87,472 where the correct  
22 number is 8,472. So I put in the number of roughly  
23 70,000 square feet that really wasn't there. It  
24 wasn't intentional, and I didn't catch it. So, what  
25 happens when you do that? Well, I've corrected the

1 numbers. I've run these, the same numbers through,  
2 and you look at Hydrograph No. 25 and it will tell  
3 you that the 100-year storage elevation is 147.12. I  
4 don't recall what the number was beforehand. I made  
5 several exhibits. I didn't bring the previous one,  
6 but it was such that the emergency spillway's  
7 elevation 147.1, what this is telling me is that  
8 there's a quarter inch of flow over the emergency  
9 spillway during the hundred-year storm. It's the  
10 same situation as Detention Basins 1 and 3. It's  
11 allowed by RSIS. But since the water gets a little  
12 bit deeper and so forth, what does that do to the  
13 flows? I'm going to make this Exhibit A-11.

14 (Larger printout of Page No. 17 in  
15 drainage report was marked as Exhibit A-11 for  
16 identification.)

17 A. A-11 is just a larger printout of Page No. 17 in  
18 my drainage report. It contains some hydrograph  
19 descriptions, but more importantly, it contains the  
20 summaries of the hydrographs, and really what we need  
21 to look at is I split the site into two portions, a  
22 west side by Steele Gap Road and the easterly side --  
23 west side by Twin Oaks Road and east side by Steele  
24 Gap Road. For the design storms 2-, 10-, and 100-,  
25 I've tabulated the allowable flow to the west side

1 for the 2-year, 10-year, and 100-year storm and the  
2 design flows or after-development flows for the 2-  
3 10-, and 100-year storm. The allowable flow out to  
4 the west side is 88.9 cfs. I originally had shown  
5 that the peak flow was 56.1. In correcting that  
6 storage area and so forth, the peak flow is 62.6.  
7 We're still way below the allowable peak flow for the  
8 100-year storm. It makes a difference of roughly  
9 6 cfs, cubic feet per second.

10 Q. So it's your opinion that it will still  
11 pass muster with the DEP because it's well under the  
12 allowable total developed runoff for the west side of  
13 the site?

14 A. Yes. It's my experience in dealing with DEP  
15 they look at really the totals. They'll look at your  
16 groundwater recharge which hasn't changed. They'll  
17 look at your water quality which hasn't changed, and  
18 they'll look at your stormwater management, your  
19 runoff rates, and they'll primarily look at your  
20 allowable compared to your proposed and if you meet  
21 those -- the reductions and so forth it's generally  
22 approved.

23 Q. Because of the discrepancy that Mr. Thonet  
24 brought to your attention so what you're saying in  
25 summary is that the 100-year storm in the developed

1 state will be at 62.6 cfs for 100-year storm which  
2 you're saying is well below the threshold for the  
3 west side allowable developed runoff?

4 A. That is correct.

5 Q. Okay. Continue.

6 A. I pointed that out to Mr. Thonet in a letter  
7 addressed to him dated August 11th, 2017, and then he  
8 prepared a letter back to me dated August 22nd, 2017,  
9 with some issues pertaining primarily to Detention  
10 Basin No. 2 and what this additional flow seemed to  
11 mean to him.

12 Q. If you could summarize what his concerns  
13 are, that would be helpful so that the Board knows  
14 what his concerns are and your responses.

15 A. Okay. Let me do Exhibit A-12.

16 (Enlargement of Detention Basin No. 2 was  
17 marked as Exhibit A-12 for identification.)

18 A. I printed this update Exhibit A-12 is just a  
19 larger -- enlargement of Detention Basin No. 2. I  
20 believe it's Plan Sheet 10.01, just so we can see a  
21 little bit better what happens. I have the emergency  
22 spillway located at the intersection of Twin Oaks  
23 Road and Foothill Road. Mr. Thonet's concern is that  
24 water flows over. This is an emergency spillway and  
25 would flood the intersection.

1 Q. Right. Flowing in a southerly direction  
2 and flood the intersection?

3 A. Correct.

4 Q. And what is your response?

5 A. In his letter he indicates some flows. However,  
6 when I looked at it, and as I mentioned this evening,  
7 the depth of flow for a 100-year storm is 0.2 feet or  
8 1 quarter inch. That flow is only 0.18 cubic feet  
9 per second. It's a minimal amount of flow over a  
10 25-foot wide area. It's partially grass, and it's  
11 also gabions. My thinking in locating the emergency  
12 spillway, and I've just outlined it on Exhibit A-12,  
13 is that water flowing from this emergency spillway  
14 has -- it will flow in a southerly direction, and  
15 some of it could enter in an existing inlet located  
16 at the intersection of Twin Oaks Road and Foothill  
17 Road additional water flows to the curb line, and  
18 then in an easterly direction there's an E inlet  
19 located just east of the emergency spillway where the  
20 water could then enter into this pipe, and further on  
21 we are constructing an additional E inlet where if  
22 water bypasses the first two inlets, it has the  
23 ability to go into that inlet.

24 Q. What is an EMF?

25 A. It's a flat grade inlet. It's not part of a

1 curbed structure.  
2 Q. Would it also be fair to say that because  
3 you're capturing some of the runoff and piping into  
4 Detention Basin No. 2 from Twin Oaks that that would  
5 leave those inlets somewhat more open and free to  
6 accept water or flow from Detention Basin No. 2  
7 should it overflow?

8 A. That's correct. What I did in my initial design  
9 of this system -- I don't know -- there was a small  
10 portion of proposed Road 1 which is opposite  
11 Berrywood Lane. There's an area there which I could  
12 not get into Detention Basin No. 1, and if you want I  
13 can put up an exhibit showing Detention Basins No. 1  
14 and so forth. Maybe I'll do that. I'll make this  
15 Exhibit A-13.

16 (Enlarged print of Plan Sheet 1 of the  
17 subdivision plan was marked as Exhibit A-13 for  
18 identification.)

19 Q. Just so the Board has a complete picture  
20 and so does Mr. --

21 A. I agree. Exhibit A-13 is an enlarged print of  
22 Plan Sheet 1 of the subdivision plans. It shows the  
23 entire subdivision. It shows Proposed 1 and on this  
24 particular exhibit I've shown in bolder numbers where  
25 Detention Basin 1, Detention Basin 2, Detention

1 Basin 3, and Detention Basin No. 4 we're talking  
2 about the stormsewer in Twin Oaks Road. Because of  
3 the grades on Road 1, I have inlets which capture the  
4 water emanating from lot -- the road itself from Lots  
5 4.12, 11 and so forth, and they direct water down to  
6 Detention Basin No. 1. There's an area of the  
7 roadway on Exhibit A-13 plus lot 4.13 which would not  
8 go into Detention Basin No. 1 without constructing a  
9 parallel drainage system just because of grade. So  
10 I'd have to create a drainage system down through  
11 Lots 4.05, for instance, and then into Detention  
12 Basin No. 1. So what I chose to do was I chose to  
13 connect my stormsewer into the existing stormsewer on  
14 Twin Oaks Road, but rather than allowing that to  
15 carry down and around the corner to Foothill Road as  
16 it presently does, I cut that off. I intersect that  
17 water and pipe it into Detention Basin No. 2 so that  
18 the piping and the inlets at the corner of Twin Oaks  
19 Road and Foothill Road don't see the water that they  
20 see now so that there's capacity in those inlets and  
21 pipes to accept additional water from the spillway.

22 Q. Am I correct that that was actually a  
23 suggestion made some time ago by the former township  
24 engineer that you accept some of that flow and put it  
25 into a detention basin?

1 A. No. You're thinking of a different flow. That  
2 had to do with off-site flow north of the  
3 subdivisions that went into the Berrywood Lane  
4 subdivision. There were two flows that I diverted.

5 Q. I stand corrected. Okay. So, it's your  
6 position ultimately that by accepting -- by taking  
7 the flow down Twin Oaks and going into Basin No. 2,  
8 it frees up those inlets at the intersection of Twin  
9 Oaks and Foothill thereby not creating the flooding  
10 scenario that Mr. Thonet suggests?

11 A. Correct.

12 Q. Okay.

13 A. That's in a 100-year storm --

14 Q. In a 100-year storm.

15 A. -- with everything functioning correctly. Now,  
16 there's a caveat to the RSIS at the section I quoted  
17 4ii, and it says that it has -- you have to be able  
18 to ensure passage at 100-year flow when either the  
19 principal spillway or the emergency spillways are  
20 impeded by debris. So what you have to look at is  
21 this Detention Basin No. 2.

22 Q. What happens if it's clogged?

23 A. If the outlet structure is clogged, then the  
24 water goes over the emergency spillway. And you also  
25 have to look at what if the emergency spillway is

1 clogged, can the water pass through the box. I did  
2 both of those calculations. I have it but not with  
3 me. I tried to be prepared. I'm up to Exhibit A-14.

4 (Hydrograph summary without principal  
5 spillway, without outlet structure was marked as  
6 Exhibit A-14 for identification.)

7 A. Exhibit A-14 is the hydrograph summary reports  
8 similar to the one we saw before; however, it's  
9 without the principal spillway, without the outlet  
10 structure so that when you --

11 Q. You mean when it's fully clogged?

12 A. When it's fully clogged, you assume that it's  
13 fully clogged and there's no water going through  
14 that. So, for computational purposes, you take out  
15 the pipe outletting it. You take out any orifice  
16 going into it so that they're all zeros in these  
17 columns. You take out any kind of overflow over the  
18 box, and you just have the 25-foot wide weir  
19 structure, and by looking at the stage-discharge you  
20 can see that you get no discharge, and it's almost a  
21 flat line. The water just builds up into that basin  
22 until it starts overflowing the emergency spillway,  
23 and then it just overflows, and I think this is the  
24 condition that would cause the most concern. And  
25 when you look at the results, Hydrograph No. 25, you

1 see that if that structure was completely clogged,  
 2 you would have 16 cubic feet per second going over  
 3 that spillway, 19 goes in and 16 comes out. Now that  
 4 seems to be a pretty significant number. The inlets  
 5 themselves could probably handle 4 cfs per piece, so  
 6 it's conceivable that that water can go into those  
 7 inlets. However, I don't think that we should be  
 8 looking at this condition in a vacuum because what  
 9 happens is even under existing conditions, there's  
 10 water running down from the site to Foothill Road.  
 11 I'm going to make this A-15.

12 (Drainage map was marked as Exhibit A-15  
 13 for identification.)

14 A. And because I didn't have a big color printer, I  
 15 printed it on a smaller one and pasted the pieces  
 16 together. Exhibit A-15 is a drainage map. It shows  
 17 Foothill Road at the bottom, Twin Oaks Road along the  
 18 left-hand side, and it shows the Hydrograph No. 5  
 19 which is really the area on site that contributes  
 20 currently water flowing down to Foothill Road. Now,  
 21 I actually made two subdrainage areas, one that goes  
 22 into the stormsewer system that we're connecting all  
 23 our drainage into and then one that goes more or less  
 24 to the center of the site through the larger --

25 Q. Wetland area?

1 solutions are for that?

2 A. What I'm looking at is Plan Sheet 10.02 of the  
 3 subdivision plans, and this one was dated 5/22 of  
 4 '17, and it's a smaller plan, but this is the plan  
 5 sheet included in the submission to the Board.  
 6 Detention Basin No. 3 is at the terminus of Road  
 7 No. 2.

8 Q. Would it be fair to say Detention Basin  
 9 No. 3 is at the southeast portion of the site?

10 A. Yes.

11 Q. Okay.

12 A. I have again an emergency spillway. It's a  
 13 riprap spillway, and I have my spillway along the  
 14 westerly edge of this detention basin. This  
 15 detention basin as we looked at before in a 100-year  
 16 storm a little bit of water goes over the emergency  
 17 spillway. That water then would travel in a  
 18 southerly then southwesterly direction toward an  
 19 existing diversionary swale which then makes the  
 20 water come westerly and then a right-angle turn --  
 21 almost right angle turn to Foothill Road.

22 Q. Okay.

23 A. Mr. Thonet suggested that since the existing  
 24 topography is in a southerly direction possibly I  
 25 wanted to shift the emergency spillway more along the

1 A. No. Watercourse that runs adjacent to the  
 2 existing farmhouse. So, there is existing runoff to  
 3 the corner of Foothill Road.

4 Q. So it's your position that that water --  
 5 first of all, wouldn't there be a homeowners'  
 6 association that would take care of cleaning these  
 7 spillways on a periodic basis anyway, a homeowners'  
 8 association?

9 A. Yes. They are required or supposed to inspect  
 10 and maintain stormwater detention facilities at least  
 11 four times a year and after a rainfall of 1 inch, and  
 12 rainfall of 1 inch is a fairly small amount of water  
 13 to have these people go out and look at. I mean,  
 14 that occurs maybe once a month, once every two  
 15 months, something along those lines.

16 Q. Right. And also because of the angle of  
 17 the weir structure, that would also be a deterrent to  
 18 ever a spillway completely clogging, correct?

19 A. That is correct. I don't have it handy. I'm  
 20 going to --

21 Q. Okay. But let's go on. The other issue  
 22 that was raised by Mr. Thonet had to do with  
 23 Detention Basin No. 3. Okay? He had some concerns  
 24 with Detention Basin No. 3. And can you just  
 25 summarize what his concerns are and what your

1 south side. I hesitate to do that because I'm  
 2 concerned with the properties to the south of  
 3 Detention Basin No. 3. One of the reasons I propose  
 4 Detention Basin No. 4 was to divert and make sure  
 5 that the flow out of Detention Basin No. 3 was very  
 6 small. It only had to deal with the water from these  
 7 lots, Detention Basin No. 4 and again looking at  
 8 Exhibit A-13.

9 Q. With respect to Detention Basin No. 3,  
 10 just to summarize, Mr. Thonet is saying that you  
 11 designed it because the water from the outflow  
 12 structure will flow in a southerly direction. You're  
 13 saying that it will flow in an existing -- the water  
 14 will flow to an existing diversionary ditch in a  
 15 southwesterly direction; am I correct?

16 A. Yes.

17 Q. Can you tell the Board what you mean by  
 18 that?

19 A. Well, that's where I was getting at. I was  
 20 trying to explain.

21 Q. Okay. You don't agree that it will just  
 22 flow southerly? You've designed it so that it flows  
 23 into an existing diversionary ditch?

24 A. It will flow southerly and southwesterly to an  
 25 existing diversionary ditch. Looking at Exhibit A-13

1 we see Detention Basin No. 3. We see the track line  
 2 there at the bottom of this, and just to the west of  
 3 Detention Basin No. 3 there's a watercourse. That  
 4 watercourse comes down to Wetland Point No. W7-7 and  
 5 then makes a turn to the west and then another right  
 6 angle turn to the south and then a turn to the  
 7 southwest and then ultimately down and underneath a  
 8 culvert into Foothill Road. There's an additional  
 9 diversionary swale that was either installed by the  
 10 owners of lots to the south of Detention Basin No. 3  
 11 or the farmer who originally owned this thing, but I  
 12 believe it's there to prevent water from going from  
 13 this site onto those properties. That diversionary  
 14 swale begins essentially at the limit of the wetlands  
 15 transition area and runs in a westerly direction.

16 Q. Okay. So, without belaboring this, your  
 17 position is that it will flow in the direction that  
 18 you're showing and that it won't flow in the  
 19 direction that Mr. Thonet is suggesting, and,  
 20 therefore, that's the issue that has to be decided  
 21 not by this Board but by the DEP because you're going  
 22 to go back and write a letter to the DEP as we talked  
 23 about, correct?

24 A. Correct.

25 Q. All right. Let's go back. Let's go to

1 the Basin No. 1. I think that's the last issue that  
 2 was raised by Mr. Thonet. So, what's the issue with  
 3 respect to Basin No. 1?  
 4 A. Basin No. 1 we have an emergency spillway and  
 5 that discharge is in a southeasterly direction. I  
 6 have a drainage easement which I originally proposed  
 7 to run easterly of the farmhouse and then up to hit  
 8 into the detention basin. Mr. Thonet was concerned  
 9 about water flowing from this emergency spillway and  
 10 how it would get down to the watercourse that  
 11 traverses the property east of the existing  
 12 farmhouse, and ultimately what we decided was that we  
 13 would expand this drainage easement and instead of  
 14 approximately 25 feet west or so and we would expand  
 15 the detention basin easement there. Even on the  
 16 plans this is what I did when he was in my office, I  
 17 showed an X through that detention baseline the one  
 18 that was originally proposed and showed the new line  
 19 and proposed that.

20 Q. So you actually came to agreement that by  
 21 widening that drainage area that that would solve  
 22 that problem?

23 A. Yes.

24 Q. Okay. So you're going to advise the DEP  
 25 that there will be an enlargement of that

1 detention -- that drainage area?

2 A. That easement.

3 Q. That easement. And you believe that that  
 4 would solve the problem?

5 A. Yes.

6 Q. Okay. Is there anything else that you had  
 7 some disagreement with or agreement with Mr. Thonet?  
 8 Or if I haven't captured it, then maybe you can or  
 9 Mr. Brookner can?

10 A. I think that's my presentation. If there's any  
 11 questions or so forth, I can answer them.

12 Q. Okay.

13 THE CHAIRMAN: Any questions of the Board  
 14 of this particular presentation?

15 THE MAYOR: Yes, Chairman. I just have a  
 16 quick question. You mentioned a homeowners'  
 17 association being responsible for the maintenance of  
 18 the drainage. Is it correct that -- is it a  
 19 condition or can it be a condition that if a  
 20 homeowners' association management changes, that  
 21 there is a requirement for that to be kept on file  
 22 with the Township?

23 MR. LEHRER: Yes. We will actually -- as  
 24 part of the approval, we have to provide Mr. Collins  
 25 a copy of the homeowners' association documents. He

1 has to review them.

2 THE MAYOR: And in those documents, can we  
 3 put in that if the homeowner, managers -- essentially  
 4 we want to make sure that we as a Township always  
 5 have a live contact. So if the management should  
 6 change, it must be kept current and it's incumbent on  
 7 the association to keep current the contacts for  
 8 that.

9 MR. LEHRER: That's fine, Mayor.

10 THE MAYOR: And, also, should they not  
 11 maintain the drainage as provided, the backup, as I  
 12 understand it, is the Township has the authority to  
 13 go in and do the required changes and then bill the  
 14 residents. Is that correct?

15 MR. LEHRER: There's actually a section,  
 16 the Land Use Law. That's correct.

17 THE MAYOR: Okay. Thank you.

18 THE CHAIRMAN: Any other questions of the  
 19 Board?

20 (No response.)

21 THE CHAIRMAN: I'll just open it up to the  
 22 public now. Any member of the public who has a  
 23 question of this witness specifically regarding his  
 24 testimony, please step forward. There will be an  
 25 opportunity when we're completed for any general

1 statements that anyone would like to make, but these  
2 are questions of Mr. Mantz.

3 Mr. Brookner.

4 MR. BROOKNER: Just a couple of  
5 clarifications. First of all, I want to make sure I  
6 understand correctly and the record is clear. You're  
7 saying that you've looked for all three basins at  
8 issue 1, 2, and 3. You've looked generally at the  
9 direction of the flow and where you think it will go,  
10 but you haven't quantified the capacity of those  
11 various outlets in terms of the flow. Correct?

12 WITNESS MANTZ: No, I haven't.

13 MR. BROOKNER: Okay. And then the other  
14 thing I just want to get on the record is a little  
15 bit of a visual understanding so that I can  
16 understand it of what it means. You know, 16 cubic  
17 feet per second just sounds like a number, but I want  
18 to make sure I'm thinking about that correctly. In  
19 the existing plans you said that that flow, there's  
20 an existing flow that already exists, but that's  
21 spread over a much bigger area, correct, much bigger  
22 exit area from the southern end of the property? And  
23 when I say "area," it's really a linear footage that  
24 I'm talking about.

25 WITNESS MANTZ: It's an area -- yeah. I

1 looked at an area across Foothill Road.

2 MR. BROOKNER: And so now you're going to  
3 be concentrating that egress to a 25-foot wide  
4 emergency spillway, correct?

5 WITNESS MANTZ: Yes. But I'd also like to  
6 add that there are concentration points along that --

7 MR. BROOKNER: Understood.

8 WITNESS MANTZ: -- length along Foothill  
9 Road.

10 MR. BROOKNER: Yes.

11 WITNESS MANTZ: So it's not sheet flow.

12 MR. BROOKNER: It's not -- right. It  
13 wasn't sheet flow in the first place, but it was  
14 spread out in an average over a larger --

15 WITNESS MANTZ: Yes.

16 MR. BROOKNER: So a 25-foot wide area with  
17 16 cubic feet per second, if I'm understanding this  
18 correctly, that means 9 inches tall by 1 foot deep,  
19 roughly, of water would be flowing over the entire  
20 width of the 25-foot spillway every second. Is that  
21 correct?

22 WITNESS MANTZ: It sounds right.

23 MR. BROOKNER: I want to make -- I  
24 understand. Take the time to do the calculation. If  
25 it was 16 feet wide, you can take 16 cubic feet and

1 make it a 16 by 1 by 1 box.

2 WITNESS MANTZ: You could.

3 MR. BROOKNER: So if it was a 16-foot wide  
4 spillway, you would have 1 foot by 1 foot by 1 foot  
5 spilling over every foot of the spillway every  
6 second, correct?

7 WITNESS MANTZ: Yes. For a peak amount.

8 MR. BROOKNER: I understand. That's if  
9 the principal spillways are clogged and we're dealing  
10 with the emergency spillway?

11 WITNESS MANTZ: Yes. But we're also  
12 talking about a peak amount because the flow rises  
13 and then tails off. It's not 16 feet forever for  
14 20 minutes or 30 minutes. Actually, that's an  
15 instant in time and it varies.

16 MR. BROOKNER: Understood. Now, the  
17 spillway is actually 25 feet not 16 feet. So instead  
18 of a full foot tall of water by a foot wide or deep  
19 of water, you'd only be talking about sixteen  
20 twenty-fifths of a foot?

21 WITNESS MANTZ: Yes. Correct.

22 MR. BROOKNER: And that's what I was  
23 referring to earlier. And, yes, it would ramp up to  
24 that amount and then stay there and then fall off,  
25 but there would be a significant period of time where

1 significant quantities of water are spilling over  
2 this spillway. Is that fair to say?

3 WITNESS MANTZ: It depends upon your  
4 definition of significant time. I don't think it's,  
5 in a 100-year storm, it's a very long time. It's  
6 probably about 20 minutes or so.

7 MR. BROOKNER: Okay. And you have  
8 generally determined which direction the water from  
9 that spillway would flow, and that's towards these  
10 drains that you mentioned on Foothill, but you  
11 haven't made any attempt to quantify the ability of  
12 those drainage outlets to capture this quantity of  
13 water, whether you call it significant or not, that's  
14 coming over the emergency spillway. Correct?

15 WITNESS MANTZ: That's correct.

16 MR. BROOKNER: That's all I have. Thank  
17 you.

18 BY MR. LEHRER:

19 Q. Mr. Mantz, I just want to clarify one  
20 thing. You included Detention Basin No. 1 which  
21 accepts a large amount of flow from the site, and  
22 then that's above Basin No. 2, so that in actuality  
23 Basin No. 2 is actually capturing water from a small  
24 portion of the Road No. 1 and Lot 4.13. Basin No. 1  
25 was actually included in the plan to accept most of

1 the water on the westerly portion of the site; is  
 2 that correct?  
 3 **A. That's correct.**  
 4 Q. So the amount of water actually flowing  
 5 into Basin No. 2 is reduced because of Basin No. 1?  
 6 **A. That is correct.**  
 7 Q. Okay.  
 8 **A. We looked at the drainage area on Exhibit A-15,**  
 9 **and it's taking approximately half of that water out.**  
 10 Q. Right. Why don't you just show the Board  
 11 with your hand the area that Basin No. 2 area is  
 12 covering where the flow is coming from?  
 13 **A. It's coming from Lot 4.04, the detention basin.**  
 14 **After the Twin Oaks Road, it comes up to Lot 4.13.**  
 15 **4.13 includes a portion of Road 1 and back down along**  
 16 **Twin Oaks Road. It's really two residential lots and**  
 17 **some road.**  
 18 Q. And everything else is being covered by  
 19 Detention Basin No. 1?  
 20 **A. Yes.**  
 21 Q. Okay. I just wanted the Board to get a  
 22 visual of what the area is that Basin No. 2 is  
 23 actually covering.  
 24 **A. I think --**  
 25 Q. And -- I'm sorry.

1 **I don't -- have never been there in a heavy rainfall,**  
 2 **but from looking at the drainage area, my**  
 3 **calculations, I could see that in a very heavy**  
 4 **rainfall that corner of the road could have problems.**  
 5 Q. This design is not exacerbating that  
 6 condition?  
 7 **A. Correct.**  
 8 Q. All right. Would it be fair to say that  
 9 you've now summarized the issues that have been  
 10 raised by Mr. Thonet in his discussions and in his  
 11 letters to you?  
 12 **A. Yes.**  
 13 Q. Okay.  
 14 MR. LEHRER: And Mr. Brookner has  
 15 clarified a few items. So, Mr. Chairman --  
 16 THE CHAIRMAN: Mr. Brookner, since there  
 17 was additional testimony, any further question of  
 18 this client?  
 19 MR. BROOKNER: If I can have 10 seconds?  
 20 THE CHAIRMAN: Sure. Sure. Go right  
 21 ahead.  
 22 Are there any other members of the public  
 23 that would like to ask this particular witness  
 24 regarding his testimony?  
 25 (No response.)

1 **A. I think I would like to show -- this is what I**  
 2 **was looking for before, and I'll call it**  
 3 **Exhibit A- -- where am I? 16?**  
 4 **MS. LEHBERGER: 17.**  
 5 **MR. BATTAGLIA: 16.**  
 6 **(Drainage map was marked as Exhibit A-16**  
 7 **for identification.)**  
 8 **A. A-16 is also included in my drainage report, and**  
 9 **what it shows is the -- these were the numbers where**  
 10 **I came up with the existing runoff to Foothill Road,**  
 11 **what I call Foothill Road drainage and then what I**  
 12 **call Foothill. So on Exhibit A-15 to the left I**  
 13 **showed Foothill Road drainage on Hydrograph 5, and**  
 14 **the other areas was just Foothill Road. So, for the**  
 15 **100-year storm my existing to Foothill Road**  
 16 **stormsewer was 39 cfs. Now, that is spread out over**  
 17 **a wider area, but it's a significantly bigger number**  
 18 **than the 16 that's coming out of Detention Basin**  
 19 **No. 2. Just to give you some perspective that I am**  
 20 **reducing the flow, it's not all directed to the**  
 21 **corner -- and I agree with Mr. Brookner and**  
 22 **Mr. Thonet that I might need to look at the**  
 23 **stormsewer there. But that's my opinion, that that**  
 24 **stormsewer will accept most if not all of that, but**  
 25 **there is probably a problem now at that intersection.**

1 THE CHAIRMAN: Okay. We'll wait for  
 2 Mr. Brookner.  
 3 MR. BROOKNER: Mr. Thonet wants me to  
 4 clarify -- and I don't think there's a need to put  
 5 him on for this -- but there was a statement earlier  
 6 that he had suggested diverting the flow from  
 7 Detention Basin 3 to the south, and he asked me to  
 8 clarify that he said it needs to be diverted away  
 9 from the house but didn't specify how it had to be  
 10 diverted.  
 11 Is that an accurate summary?  
 12 MR. THONET: That's correct.  
 13 THE CHAIRMAN: So noted.  
 14 All right. Not seeing any questions from  
 15 the public, do you have any further witnesses?  
 16 MR. LEHRER: No, I do not. I just would  
 17 like -- and I know it's somewhat unorthodox, and I'd  
 18 like to ask Mr. Collins if it's okay, but I would  
 19 just like to know if the Township Attorney -- the  
 20 Township Engineer, rather, could opine about whether  
 21 the design that's been presented by Mr. Mantz has  
 22 been designed in accordance with the Township  
 23 stormwater design standards and whether he's  
 24 satisfied.  
 25 THE CHAIRMAN: Mr. Collins.

1 MR. COLLINS: I have no problem with  
 2 Mr. Battaglia addressing that if he's prepared to.  
 3 MR. BATTAGLIA: Absolutely. What I would  
 4 opine about -- love that word -- I am satisfied with  
 5 the design. It satisfies our ordinance. It reduces  
 6 flows. It reduces the existing flows. Frankly, it's  
 7 oversized for the site. He's accepting a lot of  
 8 off-site flow that he doesn't have to, and also I  
 9 understand that the previous approval included using  
 10 18 percent impervious coverage on every single lot  
 11 which is an overdesign. So, I'm completely confident  
 12 that this system will work and work just fine.  
 13 MR. LEHRER: That's all I have,  
 14 Mr. Chairman.  
 15 THE CHAIRMAN: Thank you, Mr. Battaglia.  
 16 At this time we'll open it up to the  
 17 public for any statement that they would like to make  
 18 with regard to this application.  
 19 MR. BROOKNER: I don't want to make a  
 20 statement, but we do have a stipulation that I don't  
 21 want to get past the point of my opportunity to make  
 22 a statement.  
 23 THE CHAIRMAN: I think it's fine for you  
 24 to -- go ahead.  
 25 MR. BROOKNER: I have a stipulation to put

1 on the record, the one we had discussed previously.  
 2 MR. LEHRER: I don't know whether there's  
 3 any other issues about this application that the  
 4 public has.  
 5 MR. BROOKNER: I just want to make sure  
 6 that our conclusion that we discussed earlier by  
 7 email will be --  
 8 MR. LEHRER: Oh, sure. Feel free. Feel  
 9 free.  
 10 MR. BROOKNER: You had presented it  
 11 earlier.  
 12 MS. LEHBERGER: Would you just speak into  
 13 the microphone, Mr. Brookner.  
 14 MR. LEHRER: Feel free. Feel free.  
 15 MR. BROOKNER: Sorry. And, of course, I  
 16 say this without having it pulled up. We might have  
 17 covered it all in the preparatory comments. I just  
 18 wanted to look at it real quick. Give me a minute.  
 19 If anyone else --  
 20 THE CHAIRMAN: Yeah, while you're doing  
 21 that, I'll open it up to the public for any statement  
 22 with regard to this application, anyone not  
 23 represented by counsel.  
 24 Please step to the microphone. State your  
 25 name, address, and we'll go from there.

1 MR. LOETSCHER: My name is Christopher  
 2 Loetscher.  
 3 THE CHAIRMAN: Can you spell your last  
 4 name.  
 5 MR. LOETSCHER: Yes. L-O-E-T-S-C-H-E-R.  
 6 Also pronounced Lecher (phonetic).  
 7 THE CHAIRMAN: Okay, Mr. Loetscher.  
 8 MR. COLLINS: Mr. Loetscher, please raise  
 9 your right hand.  
 10 CHRISTOPHER LOETSCHER, having  
 11 been first duly sworn, testified as follows:  
 12 MR. COLLINS: And what is your address?  
 13 WITNESS LOETSCHER: I have --  
 14 THE CHAIRMAN: Your address,  
 15 Mr. Loetscher.  
 16 WITNESS LOETSCHER: Okay. 510 Steele Gap  
 17 Road.  
 18 THE CHAIRMAN: Thank you.  
 19 WITNESS LOETSCHER: Living on Steele Gap  
 20 Road, I mainly looked at the construction plans, the  
 21 site plans for Steele Gap Road and didn't really  
 22 examine the Twin Oaks Road condition, but there was  
 23 an unresolved issue as far as the -- I believe it's  
 24 proposed Road No. 2 from Steele Gap Road, and there  
 25 was an issue there about -- I don't know if this has

1 been resolved yet as far as there's a portion of the  
 2 Desnoyers property that would be, for lack of a  
 3 better word, confiscated and used for the  
 4 development. Has that issue been resolved yet?  
 5 MR. LEHRER: I can answer part of it. The  
 6 issue you're talking about is the requirement as part  
 7 of the prior approval. Again, we've come back for an  
 8 amended preliminary and final. But as part of the  
 9 original approval, there was a condition that  
 10 required that we seek a sight triangle easement from  
 11 the Desnoyers property owner for clear sight  
 12 distance. Mr. Lang, my client, did write to the  
 13 Desnoyers. I then wrote a certified letter to the  
 14 Desnoyers. I neither my client nor I received a  
 15 response. The way that the resolution read is that  
 16 if the parties can't come to an agreement relative to  
 17 the sight triangle easement that it would be  
 18 appraised and we would place that value into the  
 19 Township so that the Township could then obtain that  
 20 easement. We would pay for an appraiser to identify  
 21 the value, and we would put that amount in escrow.  
 22 WITNESS LOETSCHER: Yes, sir. But would  
 23 you agree and would the engineer agree that the  
 24 development could proceed without that easement,  
 25 confiscating someone else's property taking place?

1 It's not a requirement for this development.

2 MR. LEHRER: I'm not here to argue with  
3 you, but I can tell you that it's not a confiscation.  
4 What it is is it just says that you can't grow  
5 anything higher than a certain height on that  
6 triangular parcel of land. We're not taking your  
7 land. It's your land. But if you would allow me to  
8 finish --

9 WITNESS LOETSCHER: Are there going to be  
10 curbs or sidewalks on there, an entrance to the road  
11 and stop signs? I think the land will be used for  
12 something more than just for grass.

13 MR. LEHRER: I'm not certain about that.  
14 You're asking me about the sight triangle.

15 WITNESS LOETSCHER: Yes.

16 MR. LEHRER: And the sight triangle does  
17 not take your land. It just puts an easement on your  
18 land that says that you can't put landscaping or any  
19 obstructions in that area to obstruct a viewshed so  
20 people coming out of that roadway making a left-hand  
21 turn would be able to clearly see as they exit. So  
22 it's not a confiscation of your land, as you call it,  
23 but it does put a restriction on what you can plant  
24 or place there.

25 WITNESS LOETSCHER: Okay. I stand

1 corrected. I thought that it would be used for the  
2 construction of the proposed road.

3 MR. LEHRER: No. No.

4 MR. COLLINS: Sir. Sir. Excuse me. Sir,  
5 if the condition needs to be fulfilled, it may end up  
6 that a confiscation of a sight triangle easement  
7 takes place by the Township, it is required by the  
8 approval because it is required by RSIS, the  
9 Residential Site Improvement Standards of New Jersey,  
10 that there be a sight easement to maintain clear  
11 view --

12 WITNESS LOETSCHER: I understand.

13 MR. COLLINS: -- for the driver exiting  
14 the road. So -- and I'm not sure, but that's not  
15 your property, is it?

16 WITNESS LOETSCHER: No, it's not. It's  
17 right across. Our property is right across the  
18 street from it, though.

19 MR. COLLINS: Okay. Another may have a  
20 direct interest in that property. The only point I'm  
21 trying to make is to clarify that the condition of  
22 the prior approval is proposed to remain as the  
23 current condition and that if the parties cannot work  
24 out a voluntary transfer of a sight triangle easement  
25 to keep a clear line of sight for people in a car

1 stopped at the intersection, then the applicant will  
2 provide the appraisal of the estimate of the value  
3 and the cost of that as well as the estimate of the  
4 value to the Township to allow the Township to  
5 acquire that sight triangle easement. And, yes, that  
6 might be a taking of that sight triangle easement if  
7 that does not work out voluntarily. Okay?

8 WITNESS LOETSCHER: Yes, sir. I  
9 understand that. But my point is that the proposed  
10 road could be constructed, shifted slightly so that  
11 that easement would not have to be taken.

12 MR. COLLINS: I'll defer to Mr. Mantz on  
13 that, and you can look at the sight triangle.

14 WITNESS LOETSCHER: I have.

15 MR. COLLINS: I think you'd find that  
16 there's limited area to keep the existing house in  
17 both lots if you were to do something like that.  
18 There are two houses, and the applicant is not  
19 proposing, I don't think to --

20 WITNESS LOETSCHER: Okay. My other point  
21 basically is that it's just that I know there's a lot  
22 of work that goes into engineering something like  
23 this, and I respect the engineers on both sides, all  
24 the work they've put in and all the calculations.  
25 It's not easy to do something like that. But my -- I

1 don't call it an objection; I'll just call it a  
2 comment is that instead -- I'm looking at page 2.01  
3 here that placing the proposed road, the entrance to  
4 the proposed road and the -- there will be an  
5 intersection there with Steele Gap Road, and then the  
6 road goes downhill to the south, and that's where the  
7 lots are developed. I still don't understand why the  
8 proposed road wasn't put -- the entrance wasn't on  
9 the south of the developed property of where it used  
10 to be called the Kramer (phonetic) property. It  
11 would be Lot -- it would be Lot 8 or Lot 7.01. Yes.  
12 And then that way the sewers could flow downhill  
13 instead of a pump instead of a force main and grinder  
14 pumps being forced to pump the sewerage back uphill  
15 and over to the entrance of his proposed road which  
16 is up on the north side of the property. It just  
17 seems like it's a backwards design. Why would you go  
18 up Foothill Road then over and then back down again,  
19 and then the sewerage has to go up and over and down  
20 again, you know. It just doesn't make a whole lot of  
21 sense to me, the location of the proposed road. And  
22 this is another thing, my statement --

23 MR. COLLINS: It's sort of a question for  
24 Mr. Mantz even though I think that would help you  
25 have an answer if he would address why did he locate

1 the road the way he --  
 2 WITNESS LOETSCHER: Yes.  
 3 WITNESS MANTZ: I think you might have  
 4 brought this up at the last meeting.  
 5 WITNESS LOETSCHER: Yes, sir.  
 6 WITNESS MANTZ: One of my goals was to not  
 7 necessarily preserve the existing house but to  
 8 preserve the area where the existing house was  
 9 because there's nothing preventing a developer from  
 10 taking this down, moving it back and placing it in  
 11 the building envelope. Because there was some  
 12 discussion last time about the house not being in the  
 13 best repair. But in any event, you're suggesting the  
 14 new road come in north of Lot No. 8. The dwelling  
 15 for Lot No. 8 is significantly closer than to where  
 16 that proposed road would be. Then the Desnoyers  
 17 house which is very northerly of my proposed road.  
 18 So I was trying to impact the neighbors. I had a  
 19 choice of either Lot 6 or Lot No. 8, and so I chose  
 20 to bring it in north of the existing house rather  
 21 than south to lessen the impact of the owner of  
 22 Lot 8.  
 23 WITNESS LOETSCHER: Okay. And that  
 24 current property that's on there now, it's 501 Steele  
 25 Gap Road. The bottom portion of that, there's a Ram

1 shop or garage there with like five or six vehicles,  
 2 a motor home and two or three trucks, delivery trucks  
 3 sitting there right now even as we speak, and I don't  
 4 see why we would create an easement on the Desnoyers  
 5 property when that's part of Mr. Lang's property, why  
 6 that couldn't be used for the proposed road, and that  
 7 would have even less impact on the neighbors, I  
 8 think, getting rid of that unsightly mess there.  
 9 THE CHAIRMAN: I think Mr. Mantz answered  
 10 your question per se. Your statement is, again, from  
 11 the last meeting and this meeting taken under  
 12 consideration by the Board.  
 13 WITNESS LOETSCHER: Okay. Okay. And my  
 14 final point is that, okay, there's going to be a  
 15 homeowners' association now to clean the drainage?  
 16 THE CHAIRMAN: Correct.  
 17 WITNESS LOETSCHER: The stormwater drains.  
 18 Okay? And also those four houses that will be placed  
 19 in there or three houses will have to -- they will  
 20 also have -- the owners will also have to maintain  
 21 responsibility of the forced main and the grinder  
 22 pumps and the connection to the existing sanitary  
 23 sewer. That seems like it's placing a lot of burden  
 24 on the potential buyers of this property.  
 25 THE CHAIRMAN: And that's, I believe,

1 exactly why the Mayor asked the questions that he did  
 2 to be specific about that to see the language in the  
 3 homeowners' agreement, the Township Attorney and the  
 4 Township Engineer will make sure that that's, in  
 5 fact, the case.  
 6 MR. COLLINS: Well, let's separate the two  
 7 things.  
 8 The grinder pumps I believe, Mr. Mantz,  
 9 you'll have to answer that question. Where are the  
 10 grinder pumps and who maintains those?  
 11 WITNESS MANTZ: The maintenance you talked  
 12 about in terms of --  
 13 MR. COLLINS: Maintenance of the  
 14 stormwater management is one thing. That is by the  
 15 homeowners' association when it's on these stormwater  
 16 basins. The grinder pumps are about sewage from the  
 17 houses, and that is a different subject.  
 18 WITNESS MANTZ: Mr. Collins, I don't  
 19 believe you were here, but we did talk about this at  
 20 the last meeting. The homeowners are responsible for  
 21 the grinder pump, maintenance and so forth, and I  
 22 also mentioned there are numerous grinder pumps and  
 23 force mains in Bridgewater Township. Primarily  
 24 there's a significant amount up on Mountain Top Road.  
 25 MR. COLLINS: When he says "the

1 homeowners," Mr. Mantz, you mean the individual  
 2 homeowners of the lots that have a grinder pump; is  
 3 that correct?  
 4 WITNESS MANTZ: That is correct.  
 5 WITNESS LOETSCHER: And they never had any  
 6 problems?  
 7 WITNESS MANTZ: I don't know.  
 8 MR. BATTAGLIA: I believe he testified at  
 9 the last meeting on this subject. We have hundreds  
 10 of these in town.  
 11 WITNESS LOETSCHER: Those were the points  
 12 I wanted to make.  
 13 MR. BATTAGLIA: It's very common and  
 14 commonly accepted design.  
 15 MR. COLLINS: Thank you, Mr. Loetscher.  
 16 Any other statements from anyone in the  
 17 public?  
 18 Hold on, Mr. Brookner --  
 19 Please state your name and address.  
 20 MR. DESNOYERS: My name is Jacques  
 21 Desnoyers, D-E-S-N-O-Y-E-R-S. I live at 19 Speer  
 22 Street, Somerville, but I am one of the owners of  
 23 Lot 6, 515 Steele Gap Road.  
 24 MR. COLLINS: Mr. Desnoyers, please raise  
 25 your right hand.

1 JACQUES DESNOYERS, having been first  
2 duly sworn, testified as follows:

3 WITNESS J. DESNOYERS: Could you tell me  
4 where in Bridgewater Township sight right easements  
5 like this that are proposed for our family's property  
6 are already enforced? I ask because --

7 MR. COLLINS: Almost every intersection  
8 has sight triangle easements of similar nature, and  
9 all they are is a way to make sure that you don't  
10 plant or build something in the sight triangle that  
11 blocks the view of the driver looking to that  
12 direction --

13 WITNESS J. DESNOYERS: I understand the  
14 purpose and the principle of it.

15 MR. COLLINS: -- The cars coming in that  
16 direction. Mr. Mantz could help you see that limited  
17 nature of a sight triangle if you would like him to  
18 show it to you. And, so, basically, almost every  
19 intersection -- some of them have even more sight  
20 triangle.

21 WITNESS J. DESNOYERS: It would help to  
22 see the document that was sent to us does not  
23 specifically show the sight right triangle.

24 MR. COLLINS: And Mr. Battaglia, the  
25 Township Engineer, can explain.

1 MR. BATTAGLIA: What I would also add to  
2 what Council Collins said is even if there's isn't a  
3 sight triangle easement specified, it's Township  
4 ordinance at every roadway intersection to maintain a  
5 certain level of your landscaping. It really doesn't  
6 need to have an easement for us to go out there and  
7 enforce that.

8 THE CHAIRMAN: You can go over there by  
9 Mr. Mantz and he can show you the actual triangle.

10 WITNESS MANTZ: I'm looking at  
11 Exhibit A-13. You're Lot No. 6. This is proposed  
12 Road No. 1, and the property line runs pretty much  
13 parallel to the pavement. The sight easement we need  
14 is approximately 11 feet from your property line in a  
15 westerly direction and then northerly so that you can  
16 see I believe it's 350 feet up Steele Gap Road.

17 WITNESS J. DESNOYERS: Okay. What was  
18 sent to us is 15 feet by 157 feet.

19 WITNESS MANTZ: Well, then that's --

20 WITNESS J. DESNOYERS: Okay. Which is  
21 more than half the length of the lot.

22 WITNESS MANTZ: Yes. But, again, that's  
23 so you can see up the road a significant amount. The  
24 idea of a sight easement is so that the person  
25 pulling out of the road can see a car coming at speed

1 and so he has time to pull out, accelerate, pull out  
2 into either the -- make a left-hand turn or a  
3 right-hand turn without the oncoming traffic having  
4 to slow down. That's why you have to be able to see  
5 up the road or approximately 350 feet. It depends  
6 upon the speed limit.

7 WITNESS J. DESNOYERS: Right. The speed  
8 limit is 25, but okay. I ask because I can think of  
9 at least two intersections in the immediate  
10 neighborhood that have heavy vegetation. One is the  
11 intersection of Twin Oaks Road and Foothill Road,  
12 property controlled and owned by Mr. Lang right now  
13 where you have nothing close to this kind of sight  
14 right easement. The other one is a recent, within  
15 the last five years, Harrison Court where it  
16 intersects with Somerville Road. And, again, it's a  
17 brand new three-house subdivision, and the house to  
18 the eastern side, heavily overgrown. You cannot see  
19 traffic coming on Somerville Road. So, I'm wondering  
20 why this particular stipulation seems to be affecting  
21 us but doesn't seem to be doing --

22 MR. COLLINS: Just because people don't  
23 maintain their sight triangle easement doesn't mean  
24 the easement isn't there. But that being said, RSIS,  
25 Residential Sight Improvement Standards of the State

1 of New Jersey, require the submission of a sight  
2 triangle easement for a subdivision of like like  
3 this, and it has to do with a triangle that's  
4 identified by the --

5 WITNESS J. DESNOYERS: So to  
6 Mr. Loetscher's point, if the road were shifted, this  
7 whole purpose and the whole reason for the easement  
8 would go away.

9 THE CHAIRMAN: I think you addressed or  
10 you want to say more, Mr. Mantz?

11 WITNESS MANTZ: It would go away from Lot  
12 No. 6, but I think we would have an issue with Lot  
13 No. 8 and we would be in the same position.

14 THE CHAIRMAN: That was the question. You  
15 know, that was Mr. Mantz's statement, so, okay.

16 WITNESS J. DESNOYERS: And there's nowhere  
17 else on the property owned by Mr. Lang, Lot No. 7,  
18 that wouldn't require an easement either north or  
19 south?

20 THE CHAIRMAN: I think --

21 MR. COLLINS: Mr. Mantz answered the  
22 question. He's the engineer, so you'd have to probe  
23 him.

24 WITNESS J. DESNOYERS: All right.

25 THE CHAIRMAN: Any other statements from

1 anything? Mr. Brookner?  
 2 MR. BROOKNER: I looked back at our  
 3 exchange of emails, and the only thing that I don't  
 4 remember being made clear earlier when we talked was  
 5 that you had said that there would be notice of any  
 6 submissions to the DEP when you make them, and I just  
 7 want to make sure that it's clear not just notice of  
 8 the submission but copies, contemporaneous copies of  
 9 what was submitted to both myself and Mr. Thonet.  
 10 And those can be electronic if you prefer.  
 11 MR. LEHRER: That's fine.  
 12 THE CHAIRMAN: Got it. Any other  
 13 statements from the public at this time?  
 14 (No response.)  
 15 THE CHAIRMAN: Seeing none, we'll close  
 16 the public portion of the meeting. Any final  
 17 comments of Board members?  
 18 (No response.)  
 19 THE CHAIRMAN: Mr. Collins, do you want to  
 20 summarize for us?  
 21 MR. COLLINS: Mr. Lehrer, do you have  
 22 any --  
 23 THE CHAIRMAN: Your final comment?  
 24 MR. LEHRER: I just want to say this has  
 25 been a multiyear process. We've had litigation. It

1 looks like we've come to some amicable resolution of  
 2 some complex, complex issues on stormwater. We  
 3 welcome the comments. We appreciate anything that's  
 4 going to make this neighborhood better, and we are  
 5 looking for this Board to grant preliminary and final  
 6 to the extent that the Board is so inclined, and we  
 7 agree to comply with all of the municipal reports as  
 8 we have stated in earlier testimony.  
 9 And with that said, Mr. Chairman, I'll  
 10 turn it back to you.  
 11 MR. COLLINS: Thank you.  
 12 THE CHAIRMAN: Mr. Collins, I'd like to  
 13 add a P.S.  
 14 MR. COLLINS: Ma'am, the hearing is  
 15 closed. Did you have something that you --  
 16 THE CHAIRMAN: We've already closed the  
 17 public portion. Go ahead if there's something you'd  
 18 like to say.  
 19 MR. COLLINS: Please raise your right  
 20 hand.  
 21 NANCY DESNOYERS, having been first duly  
 22 sworn, testified as follows:  
 23 MR. COLLINS: And what is your name and  
 24 address?  
 25 WITNESS N. DESNOYERS: My name is Nancy

1 Desnoyers, and I live at 515 Steele Gap Road for  
 2 65 years. It's true, I never answered formally the  
 3 request for a sight line from my property because the  
 4 answer was, no, and I knew that there were other ways  
 5 that they could get into the proposed property. One  
 6 of the things that when we heard from your law  
 7 department is they said not only would we have a road  
 8 coming out to Steele Gap but from time on if there  
 9 were an accident on that road we would be responsible  
 10 for any of the legal fees of this firm. It was  
 11 ridiculous.  
 12 MR. LEHRER: I don't know what that means.  
 13 WITNESS N. DESNOYERS: It was a ridiculous  
 14 proposal. And if somebody with a legal background  
 15 like Mr. Collins, possibly the Mayor, would read it,  
 16 they would see how ridiculous that is. I'm not going  
 17 to be here for another hundred years, but my children  
 18 will be or whoever we want to sell the property to.  
 19 And would you buy a property that had that stigma  
 20 attached to it? Because people do have accidents.  
 21 But to think that anybody living on 515 Steele Gap  
 22 Road would have to be responsible for legal fees for  
 23 the Township and anybody who was hurt.  
 24 And if my voice is creaking, it's because  
 25 I am so angry about that, and I don't think that it's

1 worthy of your law firm to even add that to this.  
 2 But thank you very much for letting me  
 3 give a P.S.  
 4 THE CHAIRMAN: Thank you.  
 5 MR. COLLINS: Mr. Lehrer, I'm not aware of  
 6 any obligation of Ms. Desnoyers' responsibility for  
 7 your proposed road. Are you aware of any request to  
 8 have them bear responsibility for your proposed road?  
 9 MR. LEHRER: I don't know where that came  
 10 from. Mrs. Desnoyers never spoke with me. If she  
 11 spoke with Mrs. Bateman from my office, that was the  
 12 only person. She prepared it. It's a standard form  
 13 of a sight triangle easement. There's no magic to  
 14 it. I've used it in a number of communities, and I  
 15 don't know where that came from. To the extent  
 16 that -- and I'm trying to think of where that might  
 17 come from. The land remains her property. We're  
 18 only securing an easement so that if someone got into  
 19 an accident on her property, it would be her  
 20 liability, but I don't know what else she might be  
 21 talking about. I don't think I would ever have said  
 22 something like that. But the easement is an  
 23 easement. It's just granting rights -- the  
 24 obligation of the servient estate to maintain the  
 25 shrubbery and the landscaping et cetera, but I don't

1 know what she means by accidents and that she would  
2 be responsible. It's still her land, but I don't  
3 know what that means.

4 MR. COLLINS: Is there a prior easement  
5 request that had to do with part of the road being on  
6 their property?

7 MR. LEHRER: No.

8 MR. COLLINS: And so none of the road is  
9 proposed to be on the Desnoyers property, is that  
10 correct, not even an inch of the road?

11 MR. LEHRER: That is correct.

12 MR. COLLINS: The entire right of way of  
13 the new road is entirely on your property, correct?

14 WITNESS MANTZ: Correct.

15 MR. COLLINS: So I would urge the  
16 Desnoyers to talk to the Langs about resolving their  
17 differences and work out some remuneration for that.  
18 The problem was there was no offer of money. The  
19 Desnoyers family should figure out how much money  
20 they would like to get and make a request to the  
21 Langs for that much money and perhaps explain it in  
22 some -- with some reasoning, and then the Langs  
23 should undertake appraisal if they can't agree upon  
24 the number.

25 MR. LEHRER: Mr. Collins, I agree. I've

1 never gotten a call from an attorney. If an attorney  
2 reached out for me, we would have had a productive  
3 conversation. I have not received that. I would  
4 have clarified a lot of the concerns that she might  
5 have had. A lot of this might be complex and  
6 complicated, and she might not have understood, but  
7 lawyers speak in a different language sometimes than  
8 laymen. So to the extent that a lawyer would call me  
9 and we can work this out, I'm sure we would be happy  
10 to have that happen.

11 MR. COLLINS: Thank you. If the Board is  
12 ready, you might consider a motion to approve the  
13 amended preliminary and the proposed final site  
14 subdivision plans with a confirmation of the previous  
15 variances and site subdivision exceptions subject to  
16 the review reports of the Township's professionals,  
17 the prior conditions of the prior resolutions and the  
18 understanding expressed by Mr. Lehrer and  
19 Mr. Brookner for Mr. Brookner's clients, as they  
20 described on the record, and that will include that  
21 their detailed explanation is the precise one. And  
22 the applicant will write a letter to the NJDEP  
23 addressing the issues raised by Mr. Thonet. They  
24 will copy that letter and any accompanying documents  
25 to Mr. Brookner and Mr. Thonet. They will also copy

1 the Township Engineer.

2 They will address three possible  
3 alternatives. If DEP approves the plans, there will  
4 be no changes and it will just be dealt with  
5 administratively by the Township of Professionals.  
6 If DEP requires changes to the documents or plans  
7 that DEP can require and that it requires  
8 independently that don't require any review by the  
9 Township, then they will resolve that at the DEP with  
10 those changes; and if the plan requires revisions to  
11 the plans, that require Planning Board approval they  
12 will be returned to the Board for an amendment. I  
13 believe Mr. Brookner also confirmed some protection  
14 of his rights to reserve -- reservation of rights to  
15 challenge that within the 45-day period, if I  
16 understood it correctly. I think that was acceptable  
17 to Mr. Lehrer. So if the Board would entertain it,  
18 that would be the motion.

19 MR. RODZINAK: I'll move it.

20 THE CHAIRMAN: Mr. Rodzinak moved it.

21 MS. CASAMENTO: I'll second.

22 THE CHAIRMAN: Ms. Casamento second.

23 Roll call, please.

24 MS. LEHBERGER: Mr. Rodzinak.

25 MR. RODZINAK: Yes.

1 MS. LEHBERGER: Chair Charles.

2 THE CHAIRMAN: Yes.

3 MS. LEHBERGER: Mrs. Casamento.

4 MS. CASAMENTO: Yes.

5 MS. LEHBERGER: Mayor Hayes.

6 MAYOR HAYES: Yes.

7 MS. LEHBERGER: Ms. Albanese.

8 MS. ALBANESE: Yes.

9 MR. LEHRER: Thank you very much for your  
10 time and patience.

11 (Whereupon, the matter is concluded.)

CERTIFICATION

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I, Liliana Thomas, a Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me on the date and place aforementioned.

I DO FURTHER CERTIFY that I am neither a relative nor employee, nor attorney or counsel to any parties involved; that I am neither related to nor employed by any such attorney or counsel, and that I am not financially interested in the action.

Liliana Thomas, CCR  
License# 30X100238800

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