

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting

February 7, 2023

—MINUTES—

1. CALL MEETING TO REGULAR MEETING ORDER

Chairman Foose called the meeting to order at 7:20 pm

2. ROLL CALL

Jeff Froose-	Present	Andrew Fresco-	Present
James Weideli -	Present	Gary LaSpisa-	Absent
Donald Sweeney-	Present	Jeff Sicat-	Absent
Mr. Kulak-	Present	Bruce Bongiorno-	Absent
Pushpavati Amin-	Present	John Gayeski-	Present

Others present: Board Attorney Rich Oller, Esq., Board Engineer William Burr, IV, PE, Board Planner Ms. Scarlett Doyle, and Zoning Officer Roger Dornbierer.

3. BOARD MINUTES

There were no minutes for adoption.

4. RESOLUTIONS

There were no resolutions for adoption.

5. LAND DEVELOPMENT APPLICATIONS

1251 L Bridgewater LH LLC

Block 581, Lot 2 (1251 Route 22 West)

#22-0022-ZB – Minor Site Plan, Use Variance, Bulk Variance/s

See attached Transcript of Proceedings prepared by Laura Carucci, CCR, RPR.

The application was carried to the Tuesday April 4, 2023 Regular Meeting without further notice.

202 206 F Land Holdings LLC

Block 406, Lot 2.01 (Route 202/206 (West side of intersection at Cornell & Prospect)

#22-0023-ZB – Minor Site Plan, Use Variance, Bulk Variance/s

This application was carried to the March 21, 2023 Regular Meeting without further notice.

22 Garretson F Land Holdings LLC

Block 408, Lot 3 (Route 22 & Garretson Road)
#22-0027-ZB – Minor Site Plan, Use Variance, Bulk Variance/s

This application was carried to the March 21, 2023 Regular Meeting without further notice.

6. OTHER BOARD BUSINESS

There was no other business.

7. ADJOURNMENT

The Board unanimously voted to adjourn at approximately 9:45 pm.

Respectfully Submitted,



Jo-Ann M. Ricks

Deputy Land Use Administrator/Deputy Zoning Officer

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1 TOWNSHIP OF BRIDGEWATER
 2 ZONING BOARD
 3 TUESDAY, FEBRUARY 7, 2023
 4 7:00 P.M.

5 -----
 6 IN THE MATTER OF: } TRANSCRIPT OF
 7 #22-0022-ZB } PROCEEDING
 8 1251 Bridgewater LH, LLC }
 9 1251 Route 22 West, }
 10 Block 581, Lot 2 }
 11 -----
 12 B E F O R E:
 13 JEFF FOOSE, CHAIRMAN
 14 JAMES WEIDELI, VICE CHAIRMAN
 15 DONALD SWEENEY, MEMBER
 16 BRUCE BONGIORNO, MEMBER (ABSENT)
 17 GARY LASPISA, MEMBER (ABSENT)
 18 PUSHPA AMIN, MEMBER
 19 ANDREW FRESCO, MEMBER
 20 JOHN GAYESKI, ALTERNATE 1
 21 JEFFREY SICAT, ALTERNATE 2 (ABSENT)
 22 JOHN KULAK, ALTERNATE 3

23 RIZMAN RAPPAPORT
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 25 66 W. Mt. Pleasant Avenue
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1 A P P E A R A N C E S:
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 3 RICHARD L. OLLER, ESQUIRE
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 5 Hibernia, New Jersey 07842
 6 Counsel for the Zoning Board

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 10 Suite 204
 11 Parsippany, New Jersey 07054-3715
 12 jmillar@iwwt.law
 13 Counsel to the Applicant

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1 A L S O P R E S E N T:
 2 SCARLETT DOYLE, BOARD SECRETARY AND BOARD PLANNER
 3 ROGER DORNBIERER, ASSISTANT BOARD SECRETARY
 4 WILLIAM BURR, BOARD ENGINEER

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E X H I B I T S

NO.	DESCRIPTION	ID	EVID
(NONE)			

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1 CHAIRMAN FOOSE: Good evening
 2 1251 L Bridgewater LH LLC.
 3 MR. INGLESINO: Yes, thank you,
 4 Mr. Chairman and Members of the Board.
 5 Once again, John Inglesino from the law
 6 firm of Inglesino, Webster here on behalf of the
 7 applicant 1251 Bridgewater LH LLC, an affiliate of
 8 Catalyst Experiential.
 9 You may recall that we met on
 10 January 17th. The board heard extensive testimony
 11 from Mr. Thaddeus Bartkowski, CEO of Catalyst.
 12 The board also heard testimony from
 13 Mr. Michael Bowker, the project engineer.
 14 This evening, Mr. Chairman, we have
 15 three witnesses. Mr. Bartkowski is going to come
 16 back to the board to discuss a few issues that were
 17 sort of left a little bit open and respond to what we
 18 perceive there is some board -- the concerns
 19 regarding the project. Then we have Mr. Greg
 20 Richardson who's our traffic expert. And Golda
 21 Speyer of Topology who is our planner.
 22 So without any further ado,
 23 Mr. Chairman, I would like to call Mr. Bartkowski as
 24 my first witness.
 25 CHAIRMAN FOOSE: I'm under the

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1 impression we have new binders.
 2 MR. INGLESINO: Yes, Mr. Chairman.
 3 Thank you very much.
 4 We have new updated and improved
 5 binders.
 6 CHAIRMAN FOOSE: I hope these go to
 7 good use somewhere.
 8 MR. INGLESINO: You can disregard your
 9 old binders and --
 10 CHAIRMAN FOOSE: Can we give them back
 11 to you?
 12 (Laughter.)
 13 MR. INGLESINO: We're going to give the
 14 board a quiz on the binders at the end of the evening
 15 on how much you learned and retained.
 16 (Laughter.)
 17 THADDEUS BARTKOWSKI,
 18 having been previously sworn, continues to
 19 testify as follows:
 20 DIRECT EXAMINATION
 21 BY MR. INGLESINO:
 22 Q. Mr. Bartkowski, you understand you're
 23 still under oath, correct?
 24 A. I do.
 25 Q. And all of the representations about

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1 yourself and your company you made to the board at
 2 the last hearing are still true and accurate.
 3 Is that correct?
 4 A. That's correct.
 5 Q. Okay. So --
 6 CHAIRMAN FOOSE: Just to refresh
 7 everybody, we've had some alternates that now voting
 8 members, just give us your name and where you left
 9 off at the last meeting and just a quick summary, you
 10 know, it's been since January 17th.
 11 THE WITNESS: Sure.
 12 Thaddeus Bartkowski, founding partner
 13 of Catalyst Experiential.
 14 Where we last left off with my
 15 particular testimony is provided an overview as to
 16 how the installations in our portfolio operate and
 17 function, how they would operate and function as
 18 proposed here in Bridgewater Township.
 19 We went into the specific design
 20 elements at the location, went through the
 21 foundations as to how the proposed monument was sized
 22 relative to the speed that motorist are traveling the
 23 roadway, the topography, and your reaction time to
 24 that installation.
 25 What I wanted to do, address, was two

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1 open items from the board.
 2 Mr. Sweeney who had asked at the last
 3 hearing when we looked at our total portfolio, how
 4 many trees that we had cut down relative to those
 5 that we had replaced. And the number is 64 trees
 6 that we installed over 250 -- but it was 64 that were
 7 cut down in the process.
 8 MR. SWEENEY: Thank you.
 9 THE WITNESS: Secondly, after reviewing
 10 the feedback from the board at the last meeting,
 11 regarding the proposed size of the monument display
 12 from a square footage perspective of a visual
 13 communication technology and reviewing the site
 14 conditions that are relevant at that particular
 15 installation.
 16 If the board believes that a reduction
 17 in the surface area of the visual communication
 18 technology of up to 10 percent is more appropriate
 19 for the built environment and more conducive to
 20 Bridgewater Township, we believe that we can move
 21 forward with the installation, if the board so
 22 pleases, by reducing the surface area by 10 percent.
 23 VICE CHAIRMAN WEIDELI: Which equals
 24 to?
 25 THE WITNESS: Excuse me?

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1 VICE CHAIRMAN WEIDELI: Which equals to
 2 -- before and after, please?
 3 THE WITNESS: I will do that.
 4 Bear with me one second.
 5 So before would be 678, 678.3 square
 6 feet and so a reduction of 10 percent would reduce
 7 that by 67.83 square feet bringing the total to just
 8 over 600 square feet.
 9 CHAIRMAN FOOSE: And just real quick,
 10 Scarlett, good evening.
 11 Could you tell what the Outfront Media
 12 billboard on the other side of Route 22 east square
 13 footage was for the sake of reference.
 14 MS. DOYLE: Yes.
 15 The square footage was 200 -- the
 16 approved square footage was 231 square feet.
 17 VICE CHAIRMAN WEIDELI: What's the
 18 dimensions of it, though?
 19 MS. DOYLE: It was -- let's see. I
 20 will have to look up in the resolution what the -- it
 21 was 17-foot high, 10 feet off the right-of-way and I
 22 will get the --
 23 CHAIRMAN FOOSE: What's the square
 24 footage again?
 25 VICE CHAIRMAN WEIDELI: She said 231.

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1 MS. DOYLE: Pardon?

2 VICE CHAIRMAN WEIDELI: So it's

3 17-by-231 total and then you got to get the width?

4 MS. DOYLE: That's correct, I'll get

5 that.

6 Here's the dimensions. It's one panel

7 and it's -- pardon me, 17.9-foot high. Dimensions

8 are 10-foot-9-inches-by-23-feet.

9 VICE CHAIRMAN WEIDELI: That equals

10 231 square feet?

11 MS. DOYLE: Actually, there's a little

12 bit -- they reduced it to 231 square feet during the

13 public hearing.

14 So it was reduced to 10-foot-6-inches,

15 so they took three inches off,

16 10-foot-6-inches-by-22-feet. They took one foot off

17 the length.

18 VICE CHAIRMAN WEIDELI: And that does

19 equal 231?

20 MS. DOYLE: That equals 231 square feet

21 according to the resolution.

22 CHAIRMAN FOOSE: And your application

23 tonight, the proposed height, I think you said

24 34 feet at the last hearing.

25 THE WITNESS: We're talking overall

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1 structure height, Mr. Chairman?

2 CHAIRMAN FOOSE: Yes.

3 THE WITNESS: Overall structure height,

4 34-foot-6-and-five-eighths of an inch.

5 VICE CHAIRMAN WEIDELI: The width would

6 be just under 20 feet if you're going to be just over

7 600?

8 THE WITNESS: 610 square feet total,

9 but the visual communication technology is not a

10 rectangle given the design of the monument.

11 MR. GAYESKI: At 601 you can reduce it

12 to, that's just --

13 THE WITNESS: 610.

14 MR. GAYESKI: 610?

15 THE WITNESS: Yeah, 610.4.

16 CHAIRMAN FOOSE: And just to remind

17 everyone on the live screen, if you want to see the

18 documents, bridgewater.nj.gov and you go to the agenda

19 section and you click on the January 17th meeting to

20 pull up the agenda.

21 It's going to be a blue highlighted

22 link and inside that link will be design elements

23 we're talking about today.

24 Thank you.

25 THE WITNESS: Thank you.

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1 MR. INGLESINO: Okay.

2 Mr. Chairman, I would like to call

3 Mr. Greg Richardson as my next witness.

4 MR. OLLER: Did we swear Mr. Richardson

5 last month?

6 MR. INGLESINO: We did not.

7 MR. OLLER: Okay.

8 Would you raise your right hand,

9 please.

10 Do you all solemnly swear that the

11 testimony you will give to this board will be the

12 truth, the whole truth and nothing but the truth, so

13 help you God?

14 MR. RICHARDSON: I do.

15 G R E G R I C H A R D S O N, P E

16 2500 East High Street, Suite 650, Pottstown,

17 Pennsylvania 19464, having been duly sworn,

18 testifies as follows:

19 MR. OLLER: Could you state your name

20 for the record, please?

21 MR. RICHARDSON: Yes, my full name is

22 Robert G. Richardson.

23 I go by my middle name Greg.

24 MR. OLLER: Thank you.

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1 VOIR DIRE EXAMINATION

2 BY MR. INGLESINO:

3 Q. Okay. Mr. Richardson, can you please

4 describe for the board your educational and

5 professional background briefly and please reference

6 any license that you hold?

7 A. Sure.

8 I have a bachelor of science in civil

9 engineering from Virginia Tech.

10 I'm currently an executive vice

11 president and shareholder/partner with Traffic

12 Planning and Design.

13 We have several offices in the Delaware

14 Valley, New Jersey region, including Delaware, New

15 Jersey and Pennsylvania, of course.

16 And I have been with the firm since day

17 one.

18 Our 34th anniversary is coming up in a

19 couple of months, so I've been there close to

20 34 years.

21 My areas of expertise are

22 transportation planning, highway design, traffic

23 signal design, environmental design as it pertains to

24 noise and air quality.

25 And I also have a -- my current role

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1 with the company is I manage our municipal services
 2 team and our local governments where we represent a
 3 number of municipalities in New Jersey and
 4 Pennsylvania and as well as county accounts that we
 5 have.
 6 MR. INGLESINO: Thank you.
 7 Mr. Chairman, we respectfully request
 8 that Mr. Richardson be considered and acknowledged by
 9 the board to be an expert in the area of traffic
 10 engineering.
 11 CHAIRMAN FOOSE: Your firm name?
 12 THE WITNESS: I'm sorry?
 13 CHAIRMAN FOOSE: Your firm name?
 14 THE WITNESS: Traffic Planning and
 15 Design, Incorporated.
 16 We have an office nearby in Freehold.
 17 CHAIRMAN FOOSE: Have you testified in
 18 front of this board?
 19 THE WITNESS: Not in front of this
 20 board, no.
 21 CHAIRMAN FOOSE: In front of other New
 22 Jersey boards?
 23 THE WITNESS: Yes, I have.
 24 CHAIRMAN FOOSE: We'll accept your
 25 qualifications.

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1 Please continue.
 2 THE WITNESS: Thank you.
 3 DIRECT EXAMINATION
 4 BY MR. INGLESINO:
 5 Q. Go ahead, Mr. Richardson, if you can,
 6 please, just discuss the traffic aspects and traffic
 7 safety aspects of the application for the board?
 8 A. Yes.
 9 Traffic Planning and Design and myself
 10 were retained to provide expert testimony on the
 11 safety related to electronic billboards, you know,
 12 similar to the ones that we have before you today and
 13 what we have done is done our research on past
 14 studies that from a federal level that support these
 15 type of signs along federal highways and state
 16 highways.
 17 And what we have provided is some
 18 expertise and what we have referred to is we will
 19 also look at regulations that the Federal Highway
 20 Administration, FHWA, has laid forth for these type
 21 of signs.
 22 It's important to note that there has
 23 been a lot of research into these type of signs to
 24 determine whether they are a distraction to drivers
 25 or -- and/or do they cause a hazardous situation and

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1 cause crashes.
 2 We've also referred to or researched
 3 the New Jersey DOT's requirements for these type of
 4 signs.
 5 Again, the Federal -- Federal Highway
 6 Administration has its own standards for what we have
 7 been referring to in previous testimony as "flip
 8 time," the change in the time.
 9 There's other requirements, such as
 10 making sure that there's no flashing lights, there's
 11 no animation, no strobe lights.
 12 And also making sure that the copy
 13 changes within a second, so there's no distraction
 14 for the drivers.
 15 As part of our testimony, my testimony
 16 is that, you know, from a Federal Highway
 17 Administration viewpoint, they have done the review
 18 and approval of various states in the country where
 19 they have collected data and approved the criteria
 20 for the states, especially along their roadways.
 21 They have jurisdiction on the federal
 22 highways, of course. And what these studies or the
 23 surveys that they have done and approved from these
 24 different states shows a flip time of anywhere
 25 between four seconds and up to ten seconds and what

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1 that -- what they have recommended in these studies
 2 or recommended for states to use as their guideline
 3 is eight seconds.
 4 I will say that, you know, I've
 5 testified quite a bit on billboards in Pennsylvania.
 6 Their flip time, minimal flip time is actually five
 7 seconds, but the billboards that I've worked on for
 8 Mr. Bartkowski's firm, as well as other companies is
 9 I usually see around seven seconds is the flip time.
 10 Again, what's being proposed here in
 11 Bridgewater is eight seconds.
 12 The next step was to look at New
 13 Jersey's requirements.
 14 CHAIRMAN FOOSE: We had testimony that
 15 it was 13 seconds from the last meeting.
 16 Am I hallucinating that?
 17 MR. GAYESKI: Yeah, they said they
 18 would be open to 13 seconds.
 19 MR. INGLESINO: No, there was no
 20 testimony about a requirement for 13 seconds.
 21 CHAIRMAN FOOSE: No, no, no.
 22 I heard it come out of your CEO's mouth
 23 that they were amenable to 13 seconds flip time to be
 24 consistent with the Outfront Media.
 25 MR. INGLESINO: I think what was

<p style="text-align: right;">Page 17</p> <p>1 indicated was that there would -- it would be that 2 they would be willing to do that so long as if any 3 other party, any other operator were to have a 4 reduction in flip time, than that would automatically 5 apply to this application. 6 CHAIRMAN FOOSE: Say what you just said 7 in English so I can understand? 8 MR. INGLESINO: Yeah, if any other 9 operator is able to operate for a lesser time -- 10 CHAIRMAN FOOSE: Let's talk about this 11 case right here. 12 MR. INGLESINO: Well, I'm trying to 13 relay to you what was expressed to the board last 14 time. 15 CHAIRMAN FOOSE: Why don't we ask your 16 witness what he said? 17 MR. INGLESINO: Well, that would be 18 Mr. Bartkowski who testified last time on that. 19 Mr. BARTKOWSKI: What we said, and we'd 20 be happy to pull it from the court reporter, what I 21 said specifically was that we would be amenable to a 22 13-second flip time, but in the event there's any 23 other digital changeable copy outdoor advertising 24 sign within the Municipality of Bridgewater that 25 operates at a lesser time than 13 seconds, we would</p>	<p style="text-align: right;">Page 19</p> <p>1 MR. OLLER: I don't think so. 2 MS. DOYLE: Eight-second change 3 interval. 4 VICE CHAIRMAN WEIDELI: No, 13 was 5 approved. 6 MS. DOYLE: They increased -- 7 MR. BURR: The eight seconds was the 8 original proposal. 9 MS. DOYLE: That may be. 10 I will check. 11 MR. OLLER: Yeah, I'm pretty -- 12 MR. BURR: They agreed to amend it 13 down. 14 MR. OLLER: -- sure the condition was 15 13 seconds. 16 MS. DOYLE: Okay. 17 You remember better than me. 18 MR. OLLER: I wasn't here for that 19 application. 20 CHAIRMAN FOOSE: So you're saying that 21 you'll be 13 as long as 13 is the prevailing flip 22 time? 23 MR. BARTKOWSKI: If the board pleases, 24 yes. 25 MR. OLLER: And, Mr. Chairman, I also</p>
<p style="text-align: right;">Page 18</p> <p>1 ask to have the ability to operate at the same time 2 as that sign. 3 CHAIRMAN FOOSE: That's not the 4 testimony I heard. 5 MR. BARTKOWSKI: It absolutely is. 6 CHAIRMAN FOOSE: I'm human, I make 7 mistakes. 8 But I certainly did not hear -- I heard 9 13 seconds and that was kind of it. These other 10 footnotes are new to me. 11 So your case here is you're proposing 12 eight seconds. 13 MR. BARTKOWSKI: No, what I'm proposing 14 is exactly what I said at the last hearing and that 15 we're amenable to operating the display with a 16 13-second flip time, but in the event there's any 17 other changeable copy outdoor advertising sign in 18 Bridgewater Township that is permitted to operate at 19 a flip time less than 13 seconds, that this 20 particular sign in question pursuant to this 21 application would then have the ability to operate at 22 the same flip time as that sign. 23 MS. DOYLE: According to the resolution 24 for Outfront Media, they are permitted to have a flip 25 time of eight seconds. So that is --</p>	<p style="text-align: right;">Page 20</p> <p>1 remember that testimony from last time. 2 I'm sure it's in the transcripts, but 3 it's in my notes and I recall that that was -- 4 VICE CHAIRMAN WEIDELI: So in other 5 words, they will agree to the 13, but if someone gets 6 approved for nine, they're allowed to go to nine? 7 MR. OLLER: That's what they're asking. 8 MR. BARTKOWSKI: That's the request. 9 That was the request at the last 10 meeting as well. 11 CHAIRMAN FOOSE: Okay. 12 Thank you. 13 MR. BARTKOWSKI: Thank you. 14 MR. OLLER: So just on that point, 15 because, you know, it's possible that another sign, 16 Outfront Media could come back with some studies, 17 police reports showing no accidents in the area, for 18 example, and ask to be reduced since there were no 19 accidents say in a year, so -- 20 MR. BARTKOWSKI: That was the genesis 21 of the idea, because after reviewing what this -- 22 what the board had approved for Outfront Media, that 23 there was that potentiality that would be changed and 24 we just wanted the opportunity to change if -- 25 MR. OLLER: Right.</p>

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1 So they may be able to come back and
 2 say, look, there's been no accidents here for a year,
 3 here's the police records of none, right, and, you
 4 know, that might not apply, because there may be an
 5 accident.
 6 So just because -- so just because they
 7 go down to 10, let's say, it might not automatically
 8 apply to you if there were, you know, some hazards
 9 that happened or some accident that happened at your
 10 site.
 11 MR. BARTKOWSKI: Happy to provide the
 12 same data.
 13 MR. OLLER: Right.
 14 CHAIRMAN FOOSE: Listen, I hesitate on
 15 this because we offered Outfront Media a very clear
 16 transaction.
 17 And I thought it was eloquent in that
 18 we offered to have our chief of police come up with
 19 an index, accident index over rolling periods of
 20 time.
 21 So, basically, if there was an increase
 22 in prevailing number of accidents on that stretch of
 23 Route 22 east, they certainly wouldn't be eligible to
 24 have a decrease in their flip time.
 25 But certainly if the prevailing

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1 conditions improved in terms of this index, they
 2 would come back and seek a change in that flip time.
 3 They said no, they were very comfortable with their
 4 time and it's certainly their right to come back in
 5 front of the board.
 6 And I agree with Mr. Oller's assessment
 7 that zoning specific, it's specific to a spot, it's
 8 specific to the conditions and certainly I can see an
 9 application in a different place and different time
 10 and a different geographical location that has
 11 completely different conditions.
 12 Listen, we can discuss this more as we
 13 go along, you know, but I'm not necessarily
 14 comfortable with this, but no reason to stop here,
 15 but you just had a witness testify to eight seconds,
 16 you're testifying to 13.
 17 MR. INGLESINO: Well, in fairness,
 18 Mr. Chairman, eight seconds was in the application.
 19 I think that the applicant, you know,
 20 moved from that at the last hearing.
 21 CHAIRMAN FOOSE: It's my job to make
 22 sure the board has the right information, the right
 23 --
 24 MR. INGLESINO: You're --
 25 CHAIRMAN FOOSE: That's why I spoke

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1 out.
 2 MR. INGLESINO: You're absolutely
 3 correct.
 4 I just -- the engineer didn't misspeak
 5 from what was in the application. It was just the
 6 application went a little bit in a different place in
 7 light of the testimony at the last meeting.
 8 I just wanted to reconcile of those
 9 two.
 10 CHAIRMAN FOOSE: Do you want to go back
 11 to this? Do you want to kick it around?
 12 MR. INGLESINO: No, no, no, I --
 13 MR. BARTKOWSKI: If I may,
 14 Mr. Chairman, I think we can resolve it here.
 15 The board obviously put a lot of
 16 thought into whatever the solution that was crafted
 17 specifically for the Outfront application and if the
 18 board would like to apply the same standards with the
 19 same criteria to potentially come back subject to us
 20 fulfilling the obligations, whether it's working with
 21 the police chief or a third-party traffic safety firm
 22 to demonstrate that there hasn't been an increase in
 23 the rate of accidents, we would be happy to comply
 24 with that.
 25 MR. OLLER: They can always do that.

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1 CHAIRMAN FOOSE: Yeah, it's always
 2 your right. You can always come back for
 3 modifications with anything.
 4 MR. BARTKOWSKI: Understood.
 5 CHAIRMAN FOOSE: So we're going to do
 6 13 seconds with an asterisk that you may come back
 7 seeking less time?
 8 MR. BARTKOWSKI: If the board pleases.
 9 CHAIRMAN FOOSE: No, it's you.
 10 MR. BARTKOWSKI: If the board believes
 11 that 13 seconds is what's appropriate, then we will
 12 comply with 13 seconds and ask for the ability to use
 13 your term and "asterisk" to come back after the
 14 display has been operational for an appropriate
 15 amount of time to demonstrate that there has not been
 16 any increase in the --
 17 CHAIRMAN FOOSE: The 13 seconds is an
 18 arbitrary number.
 19 Mr. Fresco, Mr. Sweeney and Mr. Weideli
 20 all came up with a line-of-sight based on how fast a
 21 car was traveling at 55 miles per hour and at 80 feet
 22 per second.
 23 I thought it was pretty eloquent, and
 24 we're certainly not traffic engineers, but it
 25 happened to be in that case, which is different --

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1 but it happened to be, in that case, that the traffic
 2 engineer agreed with us and the applicant agreed with
 3 us.
 4 I certainly don't want to put
 5 conditions on you you're uncomfortable with and, you
 6 know, I'll leave it at that.
 7 MR. BARTKOWSKI: We're happy to comply
 8 with 13 seconds.
 9 And we'd ask that the board be willing
 10 to consider any relevant accident data after it's an
 11 appropriate amount of time has lapsed demonstrating
 12 the sign doesn't create any --
 13 CHAIRMAN FOOSE: I'm assuming the
 14 traffic engineer is going to give us accident and
 15 conditions specific for a portion of Route 22 West.
 16 MR. BARTKOWSKI: It would sure hope so.
 17 CHAIRMAN FOOSE: All right.
 18 So why don't we say 13 seconds, if
 19 you're agreeable to that.
 20 And we can certainly talk about it
 21 more, but let's move on.
 22 I don't want to push --
 23 MR. BARTKOWSKI: I agree.
 24 Thank you.
 25 MR. RICHARDSON: Okay.

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1 And I apologize for causing any
 2 confusion. I was just going off the application as
 3 our attorney stated.
 4 So, again, New Jersey has its own
 5 standards for the location of the signs and flip
 6 times as we've talked about is eight seconds for the
 7 State of New Jersey.
 8 Certain signs and placement of the
 9 signs cannot be, you know, placed -- at least they
 10 have to be at least 3,000 feet away from one another
 11 and they also have -- if they have to be at least
 12 800 feet from any other electronic sign.
 13 Again, as I stated, multiple flashes of
 14 the light, strobing, scrolling lights and things like
 15 that are not permitted.
 16 And then the changeable copy has to
 17 make a change within one second and no more. Again,
 18 not to linger and to cause any distraction and unsafe
 19 conditions for the driver.
 20 The next item I'd like to discuss is
 21 that study that was done by the Federal Highway
 22 Administration, which is in my field an accepted
 23 study and has been accepted in the municipalities
 24 that I have worked on billboards. It's a specific
 25 study that was done in -- a study that was done very

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1 scientifically and what it involved was two routes
 2 where existing electronic signs exist. One is
 3 actually in the City of Richmond, my home state and
 4 the other is Reading, Pennsylvania, which is
 5 approximately a half hour from my house.
 6 I represent one of the municipalities
 7 where one of these signs is located on Route 422.
 8 This study, you know, involves the test
 9 runs with drivers to detect their -- whether they
 10 would be distracted along the corridors that have
 11 these existing signs and then there was some
 12 conclusions that the study made at the end based on
 13 the findings in the study.
 14 And to put it in a nutshell, the study
 15 found that these signs in and of themselves do not
 16 cause any hazardous conditions, do not cause
 17 accidents and do not distract the driver.
 18 Yes, there are certain -- people do
 19 look at the signs, but their main task is to stay
 20 with their eyes on the road.
 21 And that study found that with the eye
 22 movement and the methodologies that were used, that
 23 they -- majority of the drivers do tend to pay
 24 attention and, you know, apply the task of driving
 25 and staying -- keeping their eyes on the roadway.

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1 And you can see on the screen, these
 2 are -- again, these are the results I just went
 3 through.
 4 I would be repetitious on this, but the
 5 majority of the drivers' visual attention is directed
 6 to the task at hand, which is driving.
 7 An outdoor advertising sign was
 8 present. Drivers sometimes looked at it, as I stated
 9 a few seconds ago, but not that -- so that it
 10 decreased their overall attention to the roadway,
 11 itself, and then the study also made --
 12 VICE CHAIRMAN WEIDELI: Can I ask you a
 13 question, where you talked about people looking at
 14 the sign or not, otherwise I'll lose my train of
 15 thought.
 16 You're talking about putting a sign on
 17 22, which is basically at almost at the level that
 18 you're driving, correct? It's not way up high.
 19 MR. RICHARDSON: Well, the display is
 20 approximately -- the middle of the sign is around
 21 22 feet.
 22 VICE CHAIRMAN WEIDELI: Okay.
 23 So it's slightly elevated.
 24 Now, if I'm driving on, like, the
 25 Turnpike or 78 or up by Newark, you probably haven't

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1 been up there, but you see these big signs even over
 2 on 287 going south that are big and much higher, is
 3 what I'm trying to say.
 4 So my distraction on those is very
 5 little, if any, because whether you go and you look
 6 to read them, you see one color more than anything
 7 else.
 8 How would that compare to something
 9 like what you're proposing right now, while you're
 10 talking about distractions or not distractions? I'm
 11 not distracted by those big ones at all.
 12 MR. RICHARDSON: Yeah, I mean, as I
 13 drove here today, tonight, I was on 78 in the Easton
 14 area in Pennsylvania.
 15 VICE CHAIRMAN WEIDELI: And that's a
 16 good example.
 17 MR. RICHARDSON: Right.
 18 And there are electronic billboards
 19 there. There are static billboards.
 20 The difference between the sign that we
 21 have proposed here and if you want to call it more or
 22 less a ground-mounted monument sign being attached to
 23 the ground not pylons, the sign that you usually see
 24 on the major highways, the Turnpike and limited
 25 access highways, meaning roadways that you don't have

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1 a lot of driveways on it, those are usually where
 2 they're placed is a factor of where you can actually
 3 place that sign.
 4 And also if you -- because there's a
 5 rule of thought if you're with billboards, as well as
 6 what we call on-premises signs, which is the signs
 7 that you would have for a business or -- and it's
 8 very important that you look at how far you set back
 9 a sign from the roadway, because there's a train of
 10 thought and a methodology that we -- as traffic
 11 engineers we utilize is what we call a
 12 cone-of-vision, which is basically you'll be able to
 13 drive down the road, see that sign, see it at your
 14 peripheral vision and not have to take your eyes off
 15 the roadway.
 16 If your sign is too far removed from
 17 the roadway, meaning it's set back, that usually will
 18 trigger the need for a higher sign, which you see on
 19 the Turnpike, but the reason for the setback is
 20 typically you got our state DOT's right-of-way, which
 21 is usually, you know, substantial distance from the
 22 pavement surface and those signs cannot be placed in
 23 the DOT's right-of-way.
 24 So, therefore, they have to be set off
 25 of the roadways.

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1 VICE CHAIRMAN WEIDELI: A certain
 2 amount of --
 3 MR. RICHARDSON: Exactly, and so
 4 basically you're -- not have to take your eyes off
 5 the road or have to away from that cone-of-vision,
 6 that necessitates a larger sign and size, as well as
 7 height.
 8 VICE CHAIRMAN WEIDELI: Okay.
 9 MR. RICHARDSON: Now, if you look at
 10 on-premises signs, I testified two weeks ago on a
 11 Wawa. They need a certain amount of driveway signs
 12 for their driveways because they need to determine --
 13 the driveway needs to determine where the driveway
 14 is, first of all, and you see what the business is
 15 that they're looking for, find that driveway.
 16 Off-premises signs, such as electronic
 17 billboards and static billboards, that's not the
 18 intent.
 19 The intent is the advertising material
 20 that you have on the sign, itself, or the -- won't
 21 say advertising, it could be other information such
 22 as what has been presented by Mr. Bartkowski, such
 23 as, you know, municipal information space that the
 24 township might use or any other organizations that
 25 would be acceptable to the municipality.

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1 VICE CHAIRMAN WEIDELI: Thank you.
 2 MR. RICHARDSON: Sure.
 3 MR. GAYESKI: One question?
 4 Did the size of the -- how does the
 5 size of the sign factor into this?
 6 Is it because a larger sign have a
 7 greater chance of distracting a driver than a
 8 standard size sign?
 9 MR. RICHARDSON: These signs are -- in
 10 this study here were the larger ones that you usually
 11 will see along the Turnpike. They're not the
 12 mounted, the monument signs that we're proposing in
 13 this application here.
 14 So to answer you specifically, they're
 15 larger, these signs that are in the study here are
 16 larger than what's being proposed. You're probably
 17 looking at over 1200 square feet.
 18 BY MR. INGLESINO:
 19 Q. So what can you say -- what is the
 20 nexus between the size of the sign that's proposed in
 21 this application and the safety attributes for the
 22 drivers?
 23 What's the relationship between the two
 24 and is the sign proposed in connection with this
 25 application in your opinion safe?

<p style="text-align: right;">Page 33</p> <p>1 A. The nexus is the -- again, where the 2 sign is being placed. 3 In this case, on U.S. 22. It has to 4 be, again, outside of the state's right-of-way, but 5 it has to also be -- again, it has to be big enough 6 for the driver to see that without having to take 7 their eyes off the road. 8 My opinion is, having driven by the 9 site on numerous occasions to do that specifically is 10 to determine what if that -- the location was 11 appropriate, my determination is that that sign would 12 be in with this cone-of-vision and, therefore, from a 13 location standpoint -- and I think, you know, 14 Mr. Bartkowski had testified to the size and the 15 formula that he used to determine that size of the 16 sign, I believe it is an appropriate size. 17 But I think you've heard earlier 18 testimony tonight that he's willing to reduce it by 19 10 percent, so that size would be, you know, reduced 20 from what I originally reviewed. 21 From a -- but from the standpoint of 22 the studies that have been done nationally, as well 23 as my own independent studies for before and after 24 billboard signs, I have shown that based on my study, 25 I have determined that these signs, when you look at</p>	<p style="text-align: right;">Page 35</p> <p>1 a formula that's as scientific as that. 2 I mean, it is -- if you look at the 3 math, the math works, but the fact is that no other 4 sign company -- they will come in and just say we 5 need 1200 square feet and they don't have anything to 6 really back it up. 7 Now, when you're talking about 8 on-premises signs such as this, I'll use the Wawa 9 example, you need to have a certain size sign based 10 on the speed of the roadway. We've done that here 11 for this particular site. 12 We've looked at the speed, the running 13 speed along Route 22. We've taken into account, you 14 know, the height, driver's eye height, you know, 15 basically if the driver -- if the sign, itself, can 16 be seen by a driver, where you lose sight of the 17 sign. 18 So all of those are factored into the 19 size, the particular size of the sign and we believe 20 what we have proposed in the application is 21 appropriate. 22 MR. KULAK: Can you tell us how far off 23 the actual roadway itself, the cement that I drive on 24 every day, that sign will be? 25 I know you mentioned the right-of-way</p>
<p style="text-align: right;">Page 34</p> <p>1 the number of crashes along that corridors where 2 these signs have been placed versus after they've 3 been in place for some time, that these particular 4 roadways did not see an increase in crashes. 5 So, therefore, in and of itself, that 6 doesn't mean that, you know, they're making the roads 7 safer, but it certainly didn't make the roads less 8 safe. 9 MR. GAYESKI: Does the size of this 10 sign make it safer in the location it's going? 11 MR. RICHARDSON: Well, I mean, from a 12 traffic engineering standpoint, I would like to see 13 signs as big as they can be and high as they can be, 14 but you have to use a little reasoning and use a 15 little engineering judgement and that's what we're 16 taking into account tonight and you -- I believe you 17 weren't here -- 18 MR. GAYESKI: I was. 19 MR. RICHARDSON: Oh, you were here? 20 Mr. Bartkowski's testimony was that when he was 21 determining the size of the sign that he felt was 22 safe and appropriate, meaning the height of it, 23 distance where it would be seen for a driver, he used 24 a formula and that formula in our viewpoint -- again, 25 some sign companies that I work with, they don't use</p>	<p style="text-align: right;">Page 36</p> <p>1 that the state has to maintain and it provides for a 2 particular setback and when you set it back, how far 3 from the roadway is the sign. 4 MR. RICHARDSON: I'm going to have to 5 refer to the site plan. 6 MR. KULAK: Just bear that in mind, 7 because you were testifying that you're an expert in 8 on-premise and off-premise signs and you referenced 9 some of your work with on-premise signs. 10 There is a sign for the Acura dealer 11 that is right behind -- my field of vision, if I 12 imagining where this sign that you propose is going 13 to be, and it strikes me that your sign will block 14 that sign, and then I won't be able to make that turn 15 onto that roadway. I'll have to go down to the next 16 entrance to the Acura dealer in order to get in 17 there. 18 So, the Acura dealer, itself, having a 19 sign on the -- on-premise sign that's in the same 20 line-of-sight, maybe, I'm not sure, because I don't 21 know how far off the roadway your sign is going to be 22 and how it lines up with the Acura dealer site and 23 that would be very useful information for the board 24 to be able to determine whether we're trying to 25 ascertain whether, one, the sign that you're</p>

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1 proposing is safe and we've made an unsafe condition
 2 by obscuring the sign for the Acura dealer or
 3 requiring them to say come back to us and say we need
 4 a bigger, better sign that's taller and attracts more
 5 attention.
 6 MR. INGLESINO: I think Mr. Bowker can
 7 provide --
 8 MR. RICHARDSON: The sign, itself, from
 9 the nearest point, I guess, the through lane is
 10 65 feet, 65 feet, but there is a deceleration or a --
 11 VICE CHAIRMAN WEIDELI: 65 feet from
 12 what?
 13 MR. RICHARDSON: From the edge of
 14 Route 22.
 15 VICE CHAIRMAN WEIDELI: So if I'm
 16 standing on the shoulder of 22, the sign will be
 17 65 feet back?
 18 MR. RICHARDSON: Yes.
 19 CHAIRMAN FOOSE: And that three feet is
 20 from Adamsville?
 21 MR. BOWKER: If I may?
 22 CHAIRMAN FOOSE: Please.
 23 MR. OLLER: Just identify yourself for
 24 the record.
 25 MR. BOWKER: Michael Bowker.

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1 MR. INGLESINO: Still under oath.
 2 MR. OLLER: Still under oath.
 3 MR. BOWKER: Yes.
 4 M I C H A E L B O W K E R,
 5 1000 Conshohocken Road, Suite 202, Conshohocken,
 6 Pennsylvania 19428, having been previously sworn,
 7 continues to testify as follows:
 8 MR. BOWKER: The sign was located
 9 3 feet from the right-of-way of the road and then
 10 that totals about 65 feet to the edge of the travel
 11 lane, through travel lane for 22.
 12 MR. KULAK: The travel lane versus the
 13 --
 14 MR. BOWKER: Versus the decel, pull off
 15 onto Adamsville Road.
 16 MR. KULAK: And the deceleration lane
 17 is another 12 feet or so, 20 rather?
 18 MR. BOWKER: Deceleration, it varies
 19 because it's pulling in close to the sign, so it's
 20 from about 5 feet out to another 20, 25 feet from the
 21 sign depending on where you are from that lane.
 22 MR. KULAK: Does anybody know whether
 23 it obscures the Acura dealer's sign, the on-premise
 24 sign and how it affects traffic pulling into North
 25 Adamsville Road for the few buildings that exist

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1 there, other than the dealership?
 2 MR. RICHARDSON: Using technology that
 3 we have here, I was able to look at Street View.
 4 I can see the Acura sign, which is,
 5 again, it looks like it is -- it's got to be within
 6 the right-of-way, the Acura property's right-of-way
 7 and it looks like it appears to be just right on the
 8 edge of the property line and the property line, I
 9 believe, if you look at our plan is basically the
 10 right-of-way along Route 22.
 11 So, we're 3 feet away from the -- from
 12 the sign -- from the property line, the right-of-way
 13 and so if you look at it, the sign, itself, is right
 14 on.
 15 So it's hard to tell the line-of-sight,
 16 but certainly --
 17 MR. KULAK: You may not be able to
 18 answer it tonight, but that's certainly a question
 19 that you should be able to address given that you are
 20 going to -- on the one hand you're trying to say this
 21 is safe, and it may be.
 22 You've established that there's some
 23 federal and state standards for the, I think it was a
 24 minimum flip time, which we've established and then
 25 we've asked for a little more just for the sake of

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1 discussion as we move forward and we're trying to
 2 above all keep the roadway safe, the people driving
 3 on the roadway safe, protect the businesses that
 4 already exist and it's an important question that I'm
 5 sure you can address if somebody went out there and
 6 would explain it, because being so close to Route 22,
 7 that sign -- and I don't know, perhaps we can get
 8 into this when somebody talks about the actual
 9 construction.
 10 Are those signs made to break away if
 11 somebody hits them? You don't have to answer that,
 12 but maybe somebody else will.
 13 MR. RICHARDSON: I think Mr. Bowker can
 14 answer that question.
 15 MR. KULAK: Yeah, because the rate of
 16 speed on Route 22, you have an exit from 287 that's
 17 right there, which is two lanes that kind of go into
 18 one, but 287 north exit on 22 west and the traffic
 19 operates there at an extremely high rate of speed no
 20 matter what.
 21 So if you're trying to cut across to
 22 get to Atlantic Health, not an easy maneuver to make,
 23 but it can be done and then you're putting people at
 24 a high speed and making them make a turn, there's a
 25 sign right in my line-of-sight.

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1 CHAIRMAN FOOSE: That's a really good
 2 question, Mr. Kulak.
 3 Scarlett, I know that we've had
 4 testimony from you on Acura's garage, which is a
 5 pinnacle of design.
 6 Do you recall if that sign in front of
 7 their establish is conforming.
 8 I drove by it tonight. I did not see
 9 it lit and it seemed to be a short stature. It
 10 seemed to be conforming.
 11 Do you have information?
 12 MS. DOYLE: I do not recall, but you're
 13 right about the property, it is --
 14 CHAIRMAN FOOSE: It went in front of
 15 the zoning board for the garage. I don't believe
 16 they came in front of us for the sign, but that's
 17 something I would like to know.
 18 MS. DOYLE: I don't recall. I can look
 19 it up.
 20 CHAIRMAN FOOSE: Thank you.
 21 VICE CHAIRMAN WEIDELI: Can I -- going
 22 back to Mr. Kulak, maybe I missed somebody here. I
 23 want to know if your sign is going to prevent people
 24 from seeing the Acura sign and not turning in because
 25 they can't see it. I want an answer to that. I

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1 don't know if you -- I still don't understand.
 2 MR. RICHARDSON: Well, I don't know how
 3 we can get this into evidence at this point.
 4 MR. OLLER: Yeah, John, we can't. You
 5 would need to have that photograph so that it's
 6 markable into evidence and not just something that
 7 you're pulling off the internet and throwing up on a
 8 screen right now.
 9 MR. RICHARDSON: So I can't testimony
 10 without having it, you know --
 11 VICE CHAIRMAN WEIDELI: But why wasn't
 12 anything done on that to show us? You have a
 13 business there that's been doing -- in Bridgewater
 14 for a while.
 15 You want to put something there and I
 16 got to make a judgement based on whether or not they
 17 would be able to see and go into their property to do
 18 business.
 19 MR. RICHARDSON: It wasn't something
 20 that was ignored on purpose. It was just something
 21 that it goes through a normal review process.
 22 So if this was a land development, you
 23 know, we would be -- those are the kind of questions
 24 that come up and we would have to address them.
 25 So hearing the comment tonight, we're

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1 hearing it as a team. We will address the comment
 2 and give you the information that you need to make an
 3 informed decision.
 4 CHAIRMAN FOOSE: Any time zoning is a
 5 question, you know, spot zoning is a risk. You know,
 6 if it cause detriment to a property by giving you
 7 benefit, that's spot zoning. It's a dangerous
 8 position for the board to be put in.
 9 I just want you to be aware and I think
 10 Mr. Kulak and Mr. Weideli's comments here are
 11 something that we're going to need answers to.
 12 Scarlett.
 13 MS. DOYLE: To get the most accurate
 14 information Mr. Kulak is looking for and Mr. Weideli,
 15 I would suggest that they survey the location of the
 16 sign, rather than using a schematic that we have
 17 that's extremely old, it must be 15 years old and the
 18 sign may not have been precisely where it shows on
 19 the plan.
 20 So, the only way I think we can get
 21 accurate information for this answer would be for
 22 them to get the dimensions, put it on a scaled
 23 drawing and then have professional testimony going
 24 down 22 where or where it would not be affected by
 25 the --

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1 CHAIRMAN FOOSE: You guys have a
 2 wonderful simulation where you show the driveway. It
 3 would be nice to see if you can juts put a dot where
 4 the Acura dealer is and as you approach on Route 22
 5 West what it would look like. We don't want to cause
 6 detriment.
 7 MR. BARTKOWSKI: If I may,
 8 Mr. Chairman?
 9 CHAIRMAN FOOSE: Please.
 10 MR. BARTKOWSKI: We have a fully scaled
 11 three dimensional model here and we're able to render
 12 the Acura sign into that specific model.
 13 So if you bear with us, if you want to
 14 continue with the questioning and we'll be able to
 15 render that sign into that --
 16 CHAIRMAN FOOSE: I think there's going
 17 to be some legal questions on that.
 18 MR. OLLER: Yeah, John, same thing, we
 19 need a hard copy, if you will, for the record,
 20 something that we can mark into evidence.
 21 MR. BARTKOWSKI: We can save it
 22 electronically and --
 23 MR. INGLESINO: We put it on a USB.
 24 MR. BARTKOWSKI: It's the same model
 25 that's already on the USB.

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1 MR. OLLER: It's what's already marked?
 2 MR. INGLESINO: It was already marked.
 3 This is already --
 4 MR. OLLER: It was A-1?
 5 MR. INGLESINO: Yes, and this is
 6 already in evidence.
 7 MR. OLLER: Well, let's see what it is
 8 and then we'll render a decision.
 9 CHAIRMAN FOOSE: And we also have 16
 10 members of the public on live stream right now. We
 11 have to describe this so members at home can get the
 12 benefit of the information.
 13 So how ever you want to take a bite at
 14 that.
 15 MR. BARTKOWSKI: We'll have it modeled
 16 in and we'll be able to give a full explanation.
 17 CHAIRMAN FOOSE: They're not going to
 18 see the model.
 19 So remember, you know, you're going to
 20 have to walk people through this thing.
 21 MR. BARTKOWSKI: We can do that.
 22 CHAIRMAN FOOSE: Okay, great.
 23 MR. BARTKOWSKI: Thank you.
 24 MR. OLLER: Scarlett, to go back to
 25 your comment, were you recommending that the Acura

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1 sign be surveyed and measured and placed on their
 2 site plan?
 3 MS. DOYLE: Yes.
 4 MR. OLLER: So you can see that angle?
 5 MS. DOYLE: I'm suggesting that the
 6 board consider that.
 7 And the reason is that it may be shown
 8 on a site plan of many years ago, it may not have
 9 been an accurate depiction.
 10 And even if there was an application
 11 for a sign location, one can never be absolutely
 12 certain that that's where it is.
 13 It could be shifted 5 feet and that
 14 5 feet could be critical when it comes to viewing the
 15 sign or having a problem with seeing that obstructed
 16 by the proposed sign.
 17 So that's the only way I can see we can
 18 get absolute confirmation.
 19 MR. INGLESINO: I'm not sure that --
 20 that we would have to get permission to go on
 21 somebody else's property to do the survey.
 22 That's not something that we can
 23 control.
 24 MR. OLLER: Yeah, I mean, maybe there's
 25 an as-built?

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1 MS. DOYLE: They can triangulate that.
 2 It could be done without going on the property.
 3 MR. BURR: Yeah, I don't think it needs
 4 to be surveyed. I -- we can look in the file and see
 5 if there's an as-built plan.
 6 I don't know that there would be for
 7 the sign. Typically there is not, unless it was
 8 included as part of the overall site plan.
 9 If there was a separate sign
 10 application, it's likely not going to be as-built.
 11 MR. OLLER: But you have the detail of
 12 the sign from that application?
 13 MR. BURR: I would have to think so.
 14 MS. DOYLE: If there was an
 15 application.
 16 CHAIRMAN FOOSE: Yeah, I think only the
 17 garage came in front of us.
 18 I don't think it was the sign, but...
 19 MR. OLLER: Well, maybe not an
 20 application to this board, but there was probably a
 21 building permit with some kind of detail for the
 22 sign.
 23 VICE CHAIRMAN WEIDELI: That was almost
 24 10 years ago.
 25 MR. BURR: We would have to take a look

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1 at the township records.
 2 VICE CHAIRMAN WEIDELI: And going back
 3 to what I was saying before, I would really like to
 4 see where here I am on 22, your sign, Acura, next 25
 5 or 50 feet up, your sign, Acura.
 6 You get closer and then I want to see
 7 where their entrances are and how when you get to
 8 your sign, what impact it's going to have for people
 9 to still see Acura and go and do business there
 10 without causing a hazard.
 11 And we've seen that on almost every
 12 other application. I don't know why you didn't do
 13 it.
 14 MR. BARTKOWSKI: I fully understand the
 15 question.
 16 If I may, if the board would allow?
 17 VICE CHAIRMAN WEIDELI: I have nothing
 18 to judge it on, because I'm looking at a sign that's
 19 already there.
 20 And you're trying to add one not too
 21 far from it, and people come up and it's -- 22 is
 22 hard to maneuver.
 23 I take it, probably, 25 times a week, I
 24 drive past there, if not 30.
 25 And it's not an easy area to maneuver

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1 to get into places. Right past that I exit to go to
 2 my house.
 3 MR. KULAK: To be clear, there are two
 4 -- there are two signs. There's that one which you
 5 have up on your screen.
 6 And there's one which precedes it on
 7 North Adamsville Road, which really marks an entrance
 8 for the business and the service entrance.
 9 And it's a different sign than that
 10 one.
 11 VICE CHAIRMAN WEIDELI: So the problem
 12 is if you go past Acura, you're up to Honda.
 13 And if you're looking for Acura and
 14 you're taking away from them being able to see it,
 15 and they're going to end up in Honda instead of
 16 Acura.
 17 And then they're going to go around and
 18 turn around and come all the way back and waste about
 19 20 minutes.
 20 So I don't know why nothing was done on
 21 that, so -- and I need that to make some sort of
 22 rational decision here.
 23 MR. BARTKOWSKI: If I may attempt to
 24 answer your question?
 25 James, can you please zoom closer so we

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1 understand the sign that's in question.
 2 MR. OLLER: Again, John, we can't
 3 really accept this. It's not an exhibit. It's not
 4 something that the board has.
 5 I'm not really comfortable just pulling
 6 stuff off the internet as you're going.
 7 You know, we need -- next time bring a
 8 printer. I don't know what to tell you, but we need
 9 the document to be able to mark and enter into
 10 evidence, that changes -- and the next thing you're
 11 going to do is hit the go forward button and the
 12 picture is going to change.
 13 So we don't have it, right? And we
 14 need it.
 15 If your application is denied and
 16 there's an appeal, the judge would want to see the
 17 exhibits. We have no way of showing it.
 18 If there's a member of the public who
 19 appeals an approval to your application, we have no
 20 way of presenting the full record below.
 21 MR. BARTKOWSKI: If I may, Mr. Oller, I
 22 was just trying to make sure we're talking about the
 23 right sign.
 24 And what we have in the 3D model, which
 25 is already been admitted into evidence, so I just

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1 want to make sure we're talking about the right sign
 2 is this Acura sign here (indicating) that's mostly
 3 obscured by that tree.
 4 Are we talking about the right sign?
 5 VICE CHAIRMAN WEIDELI: Can we zoom up,
 6 Mr. Oller, a little closer?
 7 MR. BARTKOWSKI: I just want to make
 8 sure we put the right Acura sign into the model.
 9 CHAIRMAN FOOSE: I can only tell you
 10 that I saw one sign there tonight.
 11 MR. BARTKOWSKI: Yes.
 12 CHAIRMAN FOOSE: I've been to the site
 13 and other locations, I've only seen one sign.
 14 However, it doesn't matter, I'm not
 15 testifying. I can't be a level for you.
 16 I have to rely on Mr. Oller's
 17 expertise, is that this is not acceptable for the
 18 board to make any sort of decision.
 19 We can talk about it.
 20 MR. BARTKOWSKI: I'm just trying to
 21 understand -- I want to make sure that we're speaking
 22 about the right Acura sign, that's it.
 23 MR. OLLER: Do you want to go back to
 24 A-1 and --
 25 MR. BARTKOWSKI: Well, we're about to

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1 show you A-1, but I just want to make sure we put the
 2 right Acura sign into the model.
 3 MR. OLLER: Well, but what I'm saying
 4 is we have A-1 in evidence.
 5 MR. INGLESINO: Correct.
 6 MR. BARTKOWSKI: That's what we're
 7 about to do.
 8 VICE CHAIRMAN WEIDELI: Let's go to
 9 A-1.
 10 MR. OLLER: So you can do your fly-by
 11 down A-1, we have that already and then we can verify
 12 that it's the correct sign.
 13 MR. BARTKOWSKI: Go back.
 14 MR. INGLESINO: Go to A-1.
 15 MR. BARTKOWSKI: So if we're talking
 16 about the same sign, that would be that red sign
 17 there, that because of the deceleration lane and the
 18 fact that, yes, the proposed monument is 65 feet away
 19 from the edge of the paved cartway to the travel lane
 20 because of this deceleration lane creates the setback
 21 for the monument and creates the view corridor for
 22 the Acura sign.
 23 CHAIRMAN FOOSE: How do we know that
 24 that red line is correct?
 25 MR. OLLER: Yeah, because this is an

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1 animation. I thought you had like an actual
 2 drive-by.
 3 MR. BARTKOWSKI: No, the other
 4 animation you're referring to is simply just a
 5 different piece of software.
 6 MR. KULAK: If you were to be in the
 7 deceleration lane and make a right-hand turn into
 8 North Adamsville Road, then Acura has a separate
 9 entrance there.
 10 MR. BARTKOWSKI: They do.
 11 MR. KULAK: It's not on the highway and
 12 there's a sign there and that's the sign that I'm
 13 referencing.
 14 MR. BARTKOWSKI: The next entrance?
 15 MR. KULAK: No, I'm sorry, it is -- it
 16 would be the entrance that's not on 22. It's
 17 actually off of North Adamsville.
 18 So if I'm on the land that you leased,
 19 if I'm parked there looking across the street to the
 20 entrance to the Acura dealer, there's an Acura sign
 21 there and that sign is visible from Route 22, as well
 22 as it is from North Adamville and people who are
 23 seeking service would pull in that way and it's
 24 impossible from your depiction for me to tell whether
 25 that sign that you propose is obscuring their sign

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1 and I know you as a professional spent a lot of time
 2 with line-of-sight, how visible the sign is. You
 3 know, you're building something I'm supposed to
 4 imagine and I can't for the life of me tell whether
 5 it's obscuring that sign and you raise another issue,
 6 which is is it obscuring the sign on 22 further down
 7 the road and I don't know the answer to either one of
 8 those.
 9 MR. BARTKOWSKI: So there's two signs,
 10 there's -- that's my understanding. There's the sign
 11 that's obscured right now by the trees, which is the
 12 one that we just looked at in the image and then
 13 there's, I believe there's a second sign further
 14 down.
 15 MR. KULAK: So then to be honest from
 16 your description I can't tell what sign you're
 17 referencing.
 18 MR. BARTKOWSKI: The one that we
 19 rendered in is the one that's closest here, because
 20 if this particular sign is not obscured by the
 21 proposed monument, then this one further down
 22 certainly isn't.
 23 MR. KULAK: So then you're saying you
 24 rendered that in from what? I don't know, from
 25 where?

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1 MR. BARTKOWSKI: We scaled it off of
 2 the aerial here and then put it into the
 3 three-dimensional model.
 4 MR. KULAK: And you're saying it would
 5 not be obscured by your sign?
 6 MR. BARTKOWSKI: Correct.
 7 MR. KULAK: I don't know, Mr. Attorney,
 8 if that's an acceptable way to demonstrate anything
 9 without any real photos, any real measurements and
 10 real plans for us to decide on.
 11 MR. OLLER: Let me ask Mr. Burr that
 12 question, because he is the board's engineer, what do
 13 you think of their description for line-of-sight for
 14 that, because all we saw so far is that red dot that
 15 they could have put anywhere, right, it's not really
 16 the sign?
 17 MR. FRESCO: Can you zoom in on that?
 18 MR. BURR: I would say it's a
 19 nonconventional way of doing it. They're utilizing
 20 technology that looks fine and well, but some of the
 21 board members concerns, I don't know how I can verify
 22 that. You know what I mean that?
 23 I don't have a scaled drawing in front
 24 of me that I can tell you with a scale that this is
 25 accurate.

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1 MR. OLLER: If it were plotted on the
 2 site plan --
 3 MR. BURR: Of course.
 4 MR. INGLESINO: Yeah, Mr. Oller,
 5 Mr. Bowker can, I think, add some color here as to
 6 what he can do as the project engineer to address the
 7 concerns raised by the board.
 8 MS. DOYLE: If I might, can I ask a
 9 question? You had -- it was mentioned tonight that
 10 there are two distances, one is 3,000 feet away from
 11 a sign, and I didn't get the type of sign or 800 feet
 12 from an electronic sign.
 13 My question is: Number -- two
 14 questions, number one, would you clarify what this
 15 3,000 feet means, particularly in light of property
 16 owners that are to the -- to the other side of the
 17 sign, will they be limited in their placement of
 18 signs, because it could obscure your sign and does
 19 this 3,000 feet or any number play into a private
 20 person -- a private property owner who wants to
 21 install a sign on that property or the next door
 22 property.
 23 MR. RICHARDSON: Okay.
 24 And I apologize for not being clear on
 25 that. I'll read you what the New Jersey code states

<p style="text-align: right;">Page 57</p> <p>1 specifically. 2 It says: 3 "Multiple message signs shall not 4 display any image that is flashing or 5 animated." 6 We went through that several times. 7 "The minimal spacing between multiple 8 message signs shall be 3,000 feet." 9 So that's message signs, not 10 necessarily on-premises signs, themselves. 11 And then the second part of that is: 12 "Multiple message signs may not be 13 placed within 800 feet, as measured along this 14 pavement and unofficial variable 15 electronic signs, which is capable of 16 displaying any sign." 17 CHAIRMAN FOOSE: So that's a 18 recommendation or is that a law? 19 MR. RICHARDSON: That's in the state 20 code. 21 CHAIRMAN FOOSE: In the center median 22 past the Bridgewater Diner, the New Jersey DOT, the 23 electronic sign, that would be less than 3,000 feet, 24 no? 25 MR. KULAK: In the westerly direction,</p>	<p style="text-align: right;">Page 59</p> <p>1 CHAIRMAN FOOSE: But nobody can tell 2 the board, though, specifically a sign inventory, you 3 know, where the Acura signs are, where your sign is 4 relative to that. 5 I think someone has to give us very 6 specific information and I think while we're at it, 7 where is the New Jersey DOT digital signs? You know, 8 Mr. Kulak mentioned there's a new one on the right 9 side, another one in the center median. 10 That's all important information for 11 the board to weigh in this case here and I think we 12 need something more than a red line on a digital 13 hologram that members of the public can't see right 14 now. 15 MR. RICHARDSON: And I agree, and if 16 you want that information, we certainly can provide 17 it, but when the NJ DOT will review the application 18 and the location of the sign, they do take into 19 account the required distances. 20 So I'm assuming that they gave us the 21 permit -- 22 CHAIRMAN FOOSE: What would be 23 appropriate here, especially as it relates to the 24 Acura dealer, we certainly don't want to have a 25 detrimental impact on --</p>
<p style="text-align: right;">Page 58</p> <p>1 you're saying? 2 CHAIRMAN FOOSE: As you're going west 3 after the Bridgewater Diner, there's a New Jersey 4 DOT, that electronic sign, it's 40 feet up. 5 MR. RICHARDSON: Well, the 3,000 refers 6 to on the same side. 7 CHAIRMAN FOOSE: Oh, so the center 8 median -- 9 MR. RICHARDSON: So that wouldn't be 10 the same side of the road. I think basically what 11 the law is -- the code is saying is that they don't 12 want too many signs in consecutive order on the same 13 side of the road and one that would be in the median 14 would not certainly classify as being on the same 15 side. 16 MR. KULAK: If you're going to 22 west 17 today from Chimney Rock Road, there appears to be a 18 new traffic sign, new to me anyway that was not yet 19 illuminated on the right-hand side. It's one of 20 those traffic message signs and I don't know how 21 far that is or how that interferes or doesn't 22 interfere with the sign that you're proposing. 23 MR. RICHARDSON: I'm not sure, but I 24 will say also that we had obtained a permit from the 25 NJ DOT for this sign placement.</p>	<p style="text-align: right;">Page 60</p> <p>1 MR. RICHARDSON: Well, that's different 2 than what this code is saying. The code is 3 specifically for message signs, not on-premises 4 signs, such as the Acura. 5 We hear you loud and clear and if we 6 have to provide you with something concrete that you 7 hold in your hand and we review it and make it part 8 of the record -- 9 CHAIRMAN FOOSE: I don't want to 10 sidetrack Scarlett's question. So 3,000 feet, you're 11 okay with that? 12 MS. DOYLE: I just want to certain. I 13 guess yes or no will be fine. 14 A private property owner who wants to 15 put up a freestanding non-digital sign, a 16 freestanding sign for his property, will not be in 17 any way affected by its placement even if it obscures 18 your sign. 19 MR. RICHARDSON: Correct. 20 MS. DOYLE: Okay. 21 That's all I wanted to know. 22 VICE CHAIRMAN WEIDELI: Scarlett, can 23 you say that one more time, please? 24 MS. DOYLE: Okay. I want to be certain 25 that a private property owner that wants to install a</p>

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1 freestanding sign on his property will not be
 2 affected by the placement of that sign even if his --
 3 its sign interferes with the visibility of this
 4 digital sign and the answer that I heard is there
 5 will be no restriction on the new -- on the property
 6 owner.
 7 MR. RICHARDSON: Yeah, because the sign
 8 for the property owners would be under the purview of
 9 the township and your codes and your zoning and not
 10 under the purview of or jurisdiction under the DOT,
 11 because it's not a message sign specifically.
 12 If it was a message sign, certainly the
 13 DOT would have some jurisdiction, but the township
 14 like we're here tonight has jurisdiction on this sign
 15 to some extent.
 16 MS. AMIN: I have a question regarding
 17 the application to the DOT for your license to place
 18 it in this location.
 19 Is that fully approved or is it
 20 contingent upon us approving?
 21 MR. RICHARDSON: No, that is -- it's
 22 approved. It was a separate application.
 23 New Jersey is a little bit different
 24 than -- Pennsylvania requires you to get the land
 25 development approved for the sign, then you go to DOT

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1 and here, New Jersey codes allow you to and their
 2 permitting process allow you to get that and with the
 3 stipulation that you have to still go to the township
 4 and get your municipal approvals. I mean, you can't
 5 skip that phase.
 6 MS. AMIN: So when they approved it, it
 7 looks like they looked at other signs that are in
 8 that highway and they do not interfere with the
 9 3,000-foot requirement and those kind of things, DOT
 10 looks at all these things.
 11 MR. RICHARDSON: I can't say what they
 12 reviewed specifically, like what we're talking about
 13 here, on-premises signs, such as the Acura sign, but
 14 certainly they follow their code.
 15 I believe they follow their own statute
 16 and basically determine that the sign is
 17 appropriately placed, it meets their criteria for
 18 flip time, location in relation to other signs and
 19 that it will not be flashing, et cetera, et cetera.
 20 MS. AMIN: So since the DOT has
 21 information on location of other signs on that
 22 highway, they definitely have to consider all those
 23 factors in there.
 24 That's the way I would consider that
 25 they looked at these things.

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1 MR. RICHARDSON: They may have.
 2 They may have looked at it, but you've
 3 made it a point of discussion here tonight and
 4 regardless of what we have for the DOT, we do have a
 5 permit, does meet their statute, however, we still
 6 have to go through the municipal level, this is why
 7 we're here tonight and you brought up a valid point
 8 with the sign for the Acura sign and we will
 9 certainly look at it.
 10 MR. OLLER: So, John, and Mr. Burr, can
 11 we just have some detailed explanation as to what it
 12 is you're going to show us to demonstrate that or are
 13 we just plotting the sign, the Acura sign onto the
 14 site plan and from that, can you take the necessary
 15 angles to determine where there might be a block of
 16 the sign or if it is blocked at all?
 17 MR. BURR: Yeah, that would be my
 18 recommendation. I don't -- I don't know if the
 19 current site plan shows enough of the Route 22
 20 corridor now.
 21 It may have to be expanded upon a
 22 little bit, but that's how we've seen it in the past.
 23 You have a plan sheet that shows the frontages of the
 24 properties, the sign that's proposed with this
 25 application and then where the Acura sign is and with

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1 the line-of-sight showing, you know, basically
 2 proving that what we're seeing on the SketchUp is
 3 accurate, that the line-of-sight is not impacted by
 4 this monument.
 5 I don't know any other way of doing it
 6 that the board is going to get the information that
 7 they need.
 8 MR. OLLER: Right.
 9 MR. RICHARDSON: Mr. Oller and
 10 Mr. Chairman, I believe what we can provide you is --
 11 I've used this in other applications specifically for
 12 that cone-of-vision that I had referred to, and I
 13 think what we can do is provide you with an exhibit
 14 that shows the cone-of-vision for a driver on
 15 Route 22 that would be looking at the Acura, we'll
 16 have that from above so you can see -- I'm sorry.
 17 You can see where the driver can see and then also, a
 18 cone-of-vision for our sign, which will be helpful to
 19 also just see, because we talked about a 65-foot
 20 setback, we can show you those based on the criteria.
 21 We'll work with Mr. Bowker and your
 22 engineer and make sure we provide you with something
 23 that he feels comfortable reviewing.
 24 CHAIRMAN FOOSE: It sounds like he
 25 wants to increase --

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<p>1 MR. BURR: I think we're talking about 2 the same thing. 3 CHAIRMAN FOOSE: Yeah, but we do want 4 to increase the site plan. 5 So we want to show Acura, we want to 6 show a bigger resolution from above that includes the 7 Acura dealer. 8 MR. BURR: Agreed. 9 MR. INGLESINO: Are there any other 10 signs other than the Acura? I guess there's two 11 signs on the Acura dealership. One, one sign on the 12 Acura dealership? 13 MR. RICHARDSON: According to my review 14 of Google Street View, there's one sign, street sign, 15 which we've been referring to and the other signs are 16 on-building signs. 17 CHAIRMAN FOOSE: Let's do this: Give 18 us an audit of all the signage on the adjacent 19 properties and I think that way we can go to the site 20 plan, anyone after this case comes back to this board 21 and back to counsel, comes back to the planner, the 22 engineer, at least we can go back to these documents 23 and say here's what you put on the record and I think 24 that's fair and I don't think it's an unreasonable 25 request.</p>	<p>1 questions. 2 CHAIRMAN FOOSE: Please jump in. 3 MR. FRESCO: So I have a handful of 4 things. I tried to save all my stuff. I just want 5 to shift gears, pardon the pun, but I want to talk 6 about the traffic and, you know, this is a really 7 important project. 8 We got a lot of residents watching this 9 and so forgive me for running through this. 10 Just, Mr. Richardson, tell us -- tell 11 us where the studies were from just quickly that 12 support the safety of this as far as from a 13 distraction point of view, where were those studies 14 taken? 15 MR. RICHARDSON: The studies I referred 16 in my own research? 17 MR. FRESCO: That's right, yeah. 18 MR. RICHARDSON: They were all in 19 Pennsylvania. 20 The first one and the one we've done, 21 which is probably the oldest sign has the most data. 22 There's two signs along the same highway, so the 23 route is ironically Route 202 in Pennsylvania, one is 24 in Chester County, it's in Westtown Township. 25 The other one is in Concord, Delaware</p>
<p>Page 66</p> <p>1 We need to know what the conditions are 2 of the adjacent properties, especially the signage as 3 it relates to the property next door, because North 4 Adamsville is a dead end. 5 Once someone misses the turn off like 6 what Mr. Weideli said, they're gone, it's going to 7 take them, you know, quite a considerable amount of 8 time to get back onto Route 22 west. 9 MR. RICHARDSON: I will say, though, 10 there is a second access for the Acura right from 22. 11 So, you know, that does afford them a 12 chance to, you know, see the sign and be able to make 13 a turning movement in time in my viewpoint. 14 VICE CHAIRMAN WEIDELI: But you need to 15 show that in -- 16 MR. RICHARDSON: I agree with you. 17 We will provide that information to 18 you. We've heard you loud and clear tonight. 19 VICE CHAIRMAN WEIDELI: The way that 20 traffic goes on that road, it's not hard to pass up. 21 CHAIRMAN FOOSE: So we're going to have 22 that as deliverable for the next meeting? 23 MR. RICHARDSON: Yes. 24 CHAIRMAN FOOSE: Great. 25 MR. FRESCO: I have some additional</p>	<p>Page 68</p> <p>1 County just before you go across the border. 2 MR. FRESCO: Okay, let me stop you 3 there. 4 MR. RICHARDSON: Okay. 5 MR. FRESCO: So have you ever driven to 6 Virginia, sir? 7 MR. RICHARDSON: Yes, I'm from 8 Virginia. 9 MR. FRESCO: Okay, okay. So you've 10 gone from New Jersey to Virginia? 11 MR. RICHARDSON: Several times. 12 MR. FRESCO: Okay. What would you say 13 -- how would you characterize the style of driving in 14 Maryland versus New Jersey, anything come to mind? 15 How about Delaware, sir? 16 MR. RICHARDSON: In what aspect? I 17 mean, are you talking about aggressive driving or -- 18 MR. FRESCO: I'm asking. You're the 19 expert. I was actually thinking when I wrote this 20 question, you must be a ball at a cocktail party, 21 just who's a better driver kind of thing, you know. 22 Yeah, exactly, you know, I drive, I 23 hate going, I hate going to Myrtle Beach, because 24 when I have to go through Maryland, all I'm doing is 25 flicking my lights, honking my horn and that's what</p>

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1 people from Jersey do, you know. People from New
 2 York, right, no offense, of course, but we all have
 3 characteristics.
 4 So, I wonder, though, how things like
 5 that, are they ever -- do they ever make it into
 6 these studies?
 7 MR. RICHARDSON: Well, you'd have to
 8 look at -- the number one factor, I believe, is the
 9 amount of traffic on the roadways and the amount of
 10 distractions, such as the driveways and, you know,
 11 the driveways -- if you were to put this into
 12 comparison of Concord and Westtown, in terms of
 13 traffic and the environment of where this billboard,
 14 especially the one that's in Westtown, it's at the
 15 end of a acceleration lane for a ramp.
 16 So this one is -- we've heard some
 17 testimony from our -- or questions or statements by
 18 the board that that's going to occur here too.
 19 So, when you look at it, you have to --
 20 I'm just not going to throw out an example that I
 21 believe that just has results that meet our criteria.
 22 I need to look at sites that are similar in that
 23 aspect.
 24 MR. FRESCO: Well, but you're saying,
 25 though, no, I mean, or are you saying no, driver

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1 habits regionally are not factored in these studies?
 2 MR. RICHARDSON: It's a fact -- well,
 3 it's the result --
 4 MR. FRESCO: You used the same data in
 5 Maryland and Delaware as you are here today?
 6 MR. RICHARDSON: I would use a
 7 particular study for a particular application if it
 8 fits.
 9 In this case I'm using two studies that
 10 were in Pennsylvania, not New Jersey, but I'm a
 11 southern guy.
 12 All drivers up here are aggressive
 13 compared to what I grew up with. You have to adapt.
 14 MR. FRESCO: Thank you.
 15 I appreciate that.
 16 All right. Just a couple more.
 17 So, you know, I'm assuming, but I can't
 18 assume because, again, nobody can assume here, but if
 19 you don't know, this is after Route 287.
 20 So a traffic guy, you know the
 21 difference between Route 287 and Route 22, right?
 22 Much higher speeds, people are coming down and I know
 23 I come down after the beach on a Sunday, I'm flying
 24 down the Parkway. I'm flying down 287 and then I'm
 25 coming down here, I'm merging, all these people are

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1 merging, all coming and merging into 22, which is a
 2 completely different pace of driving, then you
 3 continue down and we got the Bridgewater Diner, which
 4 is a deathtrap to either get in or get out.
 5 They, unlike North Adamsville does not
 6 have a deceleration zone.
 7 So I guess, again, you're here to
 8 support this. You're here to convince the residents
 9 of this community that this is safe. I'm just
 10 wondering if the data is truly relevant to what we
 11 have out there.
 12 Do you think it's true that I have to
 13 phrase the questions or do you think all those things
 14 are factored in this that you can really say this is
 15 safe?
 16 MR. RICHARDSON: I believe so.
 17 That's why I've cited these studies in
 18 my testimony.
 19 MR. FRESCO: Okay. Last question, what
 20 road conditions would need to be present for you to
 21 say no to this, for you to say, you know what guys, I
 22 cannot support this? How bad, how many -- what else
 23 could be there that would make it so unsafe that you
 24 couldn't support it?
 25 What would the conditions be?

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1 MR. RICHARDSON: The sign is set back
 2 so far that from the roadway that it's not visible to
 3 the driver. The size of the sign, if it's too small,
 4 if it's too short, if it's not tall enough, those are
 5 factors that I would say I don't believe -- is it an
 6 appropriate location.
 7 I also would look at, you know, a
 8 specific intersection and there are some signs that
 9 are located at signals, traffic signals. One of the
 10 other studies that I've cited was not specifically,
 11 we just wanted to show if the before and after for
 12 electronic signs for examples that Mr. Bartkowski's
 13 installed, that there could be an intersection, if I
 14 was to do a study before and after and it showed that
 15 these crashes would -- or there is an inordinate --
 16 because in Pennsylvania.
 17 And, again, I haven't done a billboard
 18 in Jersey unfortunately, but the process in
 19 Pennsylvania is when you make a comparison of the
 20 crashes.
 21 You're also comparing it to a roadway
 22 of similar width, limited access, is it at an
 23 intersection.
 24 That information is important to note
 25 and if you put a sign that's, you know, at an

<p style="text-align: right;">Page 73</p> <p>1 intersection that already has its difficulties with 2 crashes and that kind of information, it certainly 3 would have to be factored in. 4 MR. FRESCO: Okay. That's great. 5 I appreciate that. 6 That's all I have. 7 Thank you. 8 MR. RICHARDSON: Thank you for your 9 questions. 10 MR. GAYESKI: I have one question on 11 that, are you saying that if this sign were to 12 conform to our sign ordinance, it would be unsafe? 13 It's safe for the use, but there's a 14 hole, right, because it needs to be bigger. 15 Is that because it wouldn't be safe if 16 it was the size, if it was the same 10-by-20 like we 17 have in the other. 18 MR. INGLESINO: Again, I don't think 19 you have an electronic sign ordinance in Bridgewater. 20 There's no way you can compare it. 21 MR. GAYESKI: The sign that's -- the 22 Outfront Media is -- 23 MR. SWEENEY: There is an ordinance 24 that relates to the square footage of any advertising 25 sign, is 200 square feet. I'm sorry, it's 100 square</p>	<p style="text-align: right;">Page 75</p> <p>1 MR. SWEENEY: Okay. 2 What about studies on the size of signs 3 and as that size relates to safety and so forth, any 4 such studies? 5 MR. RICHARDSON: Yes, there has been -- 6 there's organizations, you know, one's called the 7 United States Sign Council. 8 They have done studies, but those 9 signs, those signs particularly are for what we call 10 on-site premises. You know, the signs for a 11 business. 12 The -- I will have to -- I want to 13 correct a statement that I made earlier, if I may? 14 I had stated earlier that the signs 15 that were in the FHWA study were -- that the signs 16 were over 1200 square feet. That's not the case. 17 I had a chance to go back and look at 18 that. They're actually very similar in size to what 19 we're proposing here size -- and I believe most of 20 the majority of them were around 672 square feet. 21 So that's if there has been sizes, you 22 know, those signs were as part of that study and they 23 were deemed to be appropriate. 24 MR. SWEENEY: Appropriate from -- 25 MR. RICHARDSON: In size, height.</p>
<p style="text-align: right;">Page 74</p> <p>1 feet. 2 It doesn't matter whether it's 3 electronic, digital or whatever, it's 100 square feet 4 maximum allowed by the ordinance. So don't say there 5 is no ordinance, that's incorrect. 6 MR. INGLESINO: Well, I had said there 7 was no ordinance with regard to electronic signs. 8 MR. SWEENEY: Okay. 9 MR. INGLESINO: I think that is 10 correct. 11 I understand there's sign ordinances in 12 Bridgewater as there are in virtually every other 13 municipality. 14 MR. OLLER: There's a monument sign 15 ordinance, right. 16 MR. SWEENEY: Mr. Chairman, I've got a 17 question or two. 18 CHAIRMAN FOOSE: Please, Mr. Sweeney. 19 MR. SWEENEY: Mr. Richardson, can you 20 talk a little bit about New Jersey regulations that 21 relate to various aspects of signs? 22 Are there any that deal with the 23 maximum size of signs? 24 MR. RICHARDSON: No, not that I can 25 find in this particular section of the code.</p>	<p style="text-align: right;">Page 76</p> <p>1 MR. SWEENEY: I'm talking about safety. 2 Safety of various size signs in terms of their square 3 footage, any studies of that? 4 MR. RICHARDSON: Not very many. 5 There's studies that have done -- if 6 you recall Mr. Bartkowski's testimony is that, you 7 know, he has an equation that he uses that he 8 believes is the only one in the field that actually 9 relates speed of the road, the height of the sign 10 and, you know, that helps you determine the size of 11 the sign, itself. 12 MR. SWEENEY: Understood. 13 Thank you. 14 CHAIRMAN FOOSE: Board questions? 15 (No response.) 16 CHAIRMAN FOOSE: Board professionals? 17 MR. BURR: I want to get back one 18 follow-up question to the sign size. 19 You were asked by Mr. Fresco a couple 20 of minutes ago what factors would make you change 21 your support for a sign of this size and I think you 22 said if the sign was too small and I believe 23 Mr. Gayeski has been trying to get at it as well and 24 we heard the applicant, Mr. Bartkowski, agree to 25 reduce the size by 10 percent from 670 square feet, I</p>

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1 think -- 670, right, down to 610.
 2 So is there a limiting factor in your
 3 opinion in terms of reducing the size of this sign
 4 size that makes it no longer safe from your
 5 perspective or is there a threshold or a factor that
 6 you would be comfortable going down to or is there
 7 not?
 8 MR. RICHARDSON: I think the threshold
 9 would be using the equation that we have utilized to
 10 begin with. We started with taking into the
 11 characteristics of the roadway, itself, based on the
 12 speed, what a driver would see as he's approaching
 13 the sign as far as his eye height, sign height and
 14 taking that into account.
 15 We came up with the answer, which was
 16 this is the square footage that we would need.
 17 Now, I know we've agreed -- he's agreed
 18 to reducing it the 10 percent.
 19 MR. BURR: And that's why I asked,
 20 because the initial presentation was we used all of
 21 this science to come up with 670-square-foot display
 22 and we feel like this is a safe product, but now
 23 we're shaving it by 10 percent.
 24 I just wonder can we shave more before
 25 you hit a point where it's no longer safe, you know

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1 what I mean, and I just didn't know if you had that
 2 information.
 3 MR. RICHARDSON: I don't have the
 4 threshold number. I mean, honestly the equation that
 5 was -- we've provided, I believe, is an appropriate
 6 size. There may be some, you know, wiggle room in
 7 there. It doesn't have to be exactly 672 feet or it
 8 can be 670 feet, so...
 9 MR. INGLESINO: Mr. Richardson, if I
 10 may, you've reviewed the formula that was used by the
 11 applicant to determine size of the sign relative to
 12 the safety of the motorist, correct?
 13 MR. RICHARDSON: I have.
 14 MR. INGLESINO: And your view of that
 15 formula is what?
 16 MR. RICHARDSON: I believe it's an
 17 appropriate formula to use. It has -- it's based on
 18 science, the math is there.
 19 Certainly there are variables in it
 20 that you have to consider, such as speed, driver eye
 21 height, things like that that have to come into play.
 22 This equation, you know, may not be
 23 appropriate for an intersection -- at an
 24 intersection, because of, again, that sign might be
 25 --

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1 MR. INGLESINO: But for this particular
 2 application, your testimony is that the equation that
 3 was used and testified to by Mr. Bartkowski will
 4 provide -- I'm guessing I'm asking the question --
 5 will provide an optimum level of size of the sign
 6 relative to this particular stretch of roadway?
 7 MR. RICHARDSON: Yes, that's my
 8 opinion.
 9 MR. INGLESINO: And is it your opinion
 10 then that the proposed signage of 678, I think,
 11 square feet was -- was the optimal sign to maximize
 12 safety of the motorist relative to the size of the
 13 sign based upon the equation?
 14 MR. RICHARDSON: Yes, correct.
 15 MR. INGLESINO: And so would it then be
 16 your testimony that the smaller the sign, then the
 17 less safe it would be for the motorist, not saying it
 18 would be unsafe.
 19 But my question is, it would go to
 20 reason, would it not, that the smaller the sign, the
 21 less safe it would be for the motorist?
 22 MR. RICHARDSON: I would say it would
 23 be less visible.
 24 MR. INGLESINO: Well, does less visible
 25 translate to less safety?

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1 MR. RICHARDSON: Translate that into
 2 safety, yes, that certainly could be the case.
 3 MR. INGLESINO: Okay.
 4 But it's your opinion that based upon a
 5 10-percent reduction, while it may be slightly less
 6 safe than what was proposed, in your opinion it's not
 7 material enough to make it unsafe?
 8 MR. RICHARDSON: Correct.
 9 MR. INGLESINO: Okay.
 10 Thank you.
 11 MR. KULAK: I think once we start
 12 asking those questions, the next logical question is
 13 can we make it safer by making it bigger?
 14 And so how big can we make it to
 15 provide optimal safety?
 16 So I think that you have to stay with
 17 what you applied for and what you agreed to, and say
 18 within the range that you described the sign, you
 19 believe it's safe or you don't.
 20 MR. INGLESINO: I think that's exactly
 21 right.
 22 And I think that's the approach that
 23 we've tried to take. We're certainly not going to
 24 make the case that the sign should be bigger than
 25 what was applied for.

<p style="text-align: right;">Page 81</p> <p>1 Right, I agree with what you just said. 2 MR. KULAK: Right. 3 But when you pose the question in the 4 way in which you did, you left the opposite open, 5 that's why I wanted to make it clear that your -- you 6 made a proposal and you're willing to shrink that 7 somewhat, but you believe in the range that you 8 described, in which you made your application, you 9 believe that is safe. 10 MR. INGLESINO: Correct. 11 MR. KULAK: Thank you. 12 MS. AMIN: I have a question. 13 The sign face analysis says that the 14 area applied by each character is 4.6 square feet. 15 So if you're reducing the -- the face 16 of the sign by 10 percent, then the number of 17 characters that you could fit in there will go down 18 by 10 percent. 19 So what will you advertise if you have 20 less characters in there? 21 That's the way I would look at it. 22 MR. BARTKOWSKI: Yes, thank you for 23 your question. 24 If I may? 25 You may recall from the equation that</p>	<p style="text-align: right;">Page 83</p> <p>1 that negative space? 2 MR. BARTKOWSKI: That's correct. 3 MS. AMIN: Okay. 4 That's good. 5 CHAIRMAN FOOSE: Scarlett? 6 MS. DOYLE: Perhaps you can give a 7 little clarification on something, you mentioned 8 NJ DOT and that you will be approved by the New 9 Jersey Department of Transportation. 10 The Outfront Media sign that we've been 11 referring to during the course of these proceedings 12 is essentially across the highway from this sign, 13 pretty comparable in terms of terrane and et cetera. 14 Now, when the applicant originally came 15 to us, Outfront Media, the DOT had already approved a 16 300-square-foot sign and they're going back with a 17 231-square-foot sign, presumably they're getting the 18 231-square-foot sign approved by DOT. 19 Would this, in your mind, suggest that 20 DOT is approving signs that are not safe? 21 MR. BARTKOWSKI: No, allow me to 22 clarify, because there was a lot of things that were 23 said about distances from other signs and the NJ DOT 24 regs. 25 So first of all, to clarify, the NJ DOT</p>
<p style="text-align: right;">Page 82</p> <p>1 the ratio of copy space to background space is 2 60 percent to 40 percent. 3 So even if you reduce the sign face 4 size by, say, 10 percent, as I proposed, if the board 5 deemed that to be more suitable in this location for 6 Bridgewater Township. 7 Then what you would be enabling to do 8 is to keep the same number of characters, and what 9 you would be sacrificing is some percentage of that 10 negative space or background space. 11 MS. AMIN: Okay. 12 That's good. 13 MR. BARTKOWSKI: Thank you. 14 VICE CHAIRMAN WEIDELI: So you would 15 still have the same number of LEDs or whatever it is 16 in there? 17 MR. BARTKOWSKI: No, if you make the 18 display 10 percent smaller, you obviously have 19 10 percent less surface area, 10 percent less diodes 20 and 10 percent less modules. 21 VICE CHAIRMAN WEIDELI: Okay. 22 MS. AMIN: And that's how I see a 23 negative space here. 24 THE WITNESS: That's correct. 25 MS. AMIN: And you're taking away from</p>	<p style="text-align: right;">Page 84</p> <p>1 regs require that there's 3,000-foot spacing between 2 digital, off-premise, changeable copy signs on the 3 same side of the roadway. 4 Furthermore, the NJ DOT regs require 5 that there is an 800-foot separation between any 6 digital changeable copy off-premise sign and a 7 digital highway message sign that is operated by DOT, 8 number one. 9 When you make an application to DOT for 10 any sign, DOT does not opine on the appropriateness 11 of the square footage of your sign face for that 12 stretch of roadway. 13 There's a maximum surface area that's 14 permitted in the State of New Jersey, which is 15 1,000 square feet. 16 So as long as your sign application 17 that you're making is smaller than 1,000 square feet 18 and as long as you conform to the spacing 19 requirements between signs and as long as your sign 20 is located on a piece of ground where the underlying 21 zoning is commercial or industrial in nature, they 22 will issue a permit. 23 So in the case of Outfront making 24 application to DOT for a 300-square-foot digital 25 sign, DOT is not opining on the size of that sign.</p>

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<p>1 DOT is approving that if it meets the spacing 2 requirements, the underlying zoning requirements and 3 the fact that it's not larger than 1,000 square feet. 4 VICE CHAIRMAN WEIDELI: So they 5 basically have a checklist? 6 MR. BARTKOWSKI: Yes. It is a very 7 simple application and you either comply with it, 8 with the regulations that I just outlined or you 9 don't and there's no room for variance or deviation 10 from it. 11 MR. INGLESINO: And, Mr. Bartkowski, 12 it's not like you have a hearing with the DOT, right? 13 MR. BARTKOWSKI: No. 14 MR. INGLESINO: It's just you submit a 15 very simple -- 16 MR. BARTKOWSKI: You submit a form, a 17 one-page form, it's literally one page and you get an 18 answer within 45 days and just so we're clear, DOT -- 19 we have an approved state permit from DOT for this 20 location. 21 MS. DOYLE: Thank you. 22 Then the next follow-up question would 23 be: It has been stated that a sign of 610.4 square 24 feet, plus or minus is safe and are you then saying 25 that a 231-square-foot sign is not safe?</p>	<p>1 location that is the subject application, it yields 2 the square footage in the 600 square foot range that 3 was my previous testimony? 4 MS. DOYLE: Is that proprietary formula 5 that you use? 6 MR. BARTKOWSKI: No, none of it's 7 proprietary. 8 MS. DOYLE: So you could provide that 9 formula to the board should they wish? 10 MR. BARTKOWSKI: Yes, and I've already 11 provided the calculations in one of the exhibits. 12 MS. DOYLE: Thank you very much. 13 CHAIRMAN FOOSE: Thank you, Scarlett. 14 Mr. Richardson, have you applied 15 Mr. Bartkowski's formula in other cases in New 16 Jersey? 17 MR. RICHARDSON: I have not, no. 18 CHAIRMAN FOOSE: And just to clarify, 19 you said that you've never done a billboard 20 application in the State of New Jersey? 21 MR. RICHARDSON: I have not. 22 CHAIRMAN FOOSE: Have you studied other 23 roadways, other highways in the State of New Jersey? 24 MR. RICHARDSON: Yes. 25 CHAIRMAN FOOSE: Is it your</p>
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<p>1 MR. BARTKOWSKI: It's my professional 2 opinion as we walked through at the last hearing 3 while using the -- 4 MR. INGLESINO: Well, Mr. Bartkowski, 5 you didn't run your formula for the sign across the 6 street, correct? 7 MR. BARTKOWSKI: I did not. 8 MR. INGLESINO: So you're really not in 9 a position to comment on the safety of another 10 application that you haven't evaluated, correct? 11 MR. BARTKOWSKI: I'm not hearing and 12 that's not what I was answering. 13 MR. INGLESINO: Right, but I think the 14 question pertained to the other, to the outdoor 15 signage across the way, 200-and-something square 16 feet, you haven't evaluated that application or run 17 your formula, so you really don't have any way to 18 opine as to the safety of that particular sign, 19 correct? 20 MR. BARTKOWSKI: I can't opine to the 21 specifics of that sign, but what I can opine to is 22 that when you apply all of the fundamentals of sign 23 design that are derived from places like Virginia 24 Tech Traffic and Transportation Institute and you 25 apply all of those factors into this particular</p>	<p>1 professional opinion that some highways are safer 2 than others in the State of New Jersey? 3 MR. RICHARDSON: That would have to be 4 -- yeah, certainly, under certain circumstances. 5 CHAIRMAN FOOSE: What criteria speaks 6 to what makes a road safer or not in comparison to 7 another? 8 MR. RICHARDSON: It would be typically 9 speeds, traffic volumes, crash history. 10 CHAIRMAN FOOSE: And in this site 11 location, what is the traffic and the accidents? 12 MR. RICHARDSON: The traffic in that 13 direction is approximately 50,000 vehicle trips per 14 day. 15 CHAIRMAN FOOSE: And how do you know 16 that? 17 MR. RICHARDSON: That was from the 18 DOT's information on their website. 19 CHAIRMAN FOOSE: I'd like testimony on 20 accidents and safety as it relates to those 50,000 21 vehicles. 22 MR. RICHARDSON: The -- unfortunately 23 the data that was available online from NJ DOT only 24 had crashes on one side of 22. 25 Why they don't have it on -- and in our</p>

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1 case there is no crash data on our side of the road,
 2 it was just not and I honestly, you know, I can't
 3 believe that that would be the case. We know there's
 4 several driveways on the roadway, but if you were to
 5 apply and if you were -- if you look at the other
 6 side of the road, which has, I guess, similar
 7 characteristics, doesn't have the vehicles coming off
 8 of 287 as what was referred to earlier, but certainly
 9 the number of crashes in that area, I believe I had
 10 --
 11 CHAIRMAN FOOSE: This is on the
 12 eastbound side?
 13 MR. RICHARDSON: This is on the
 14 eastbound side, right. The numbers were, I believe,
 15 17 crashes in five years, from 2015 to 2020.
 16 CHAIRMAN FOOSE: Mr. Richardson, did
 17 you study any of the testimony that was presented in
 18 the Outfront Media?
 19 I know each case is unique onto itself,
 20 but in that case the applicant did seek a letter from
 21 our chief and our chief was kind enough to provide
 22 them with a link of historical data and they were
 23 very accommodating to that applicant.
 24 Did you seek any of that data?
 25 MR. RICHARDSON: No.

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1 CHAIRMAN FOOSE: Thank you.
 2 If there's no other questions, we're
 3 going to open this up to members of the public that
 4 would like to ask Mr. Richardson a question on his
 5 testimony provided on traffic engineering.
 6 MR. INGLESINO: Well, Mr. Richardson,
 7 have you finished your testimony or do you still have
 8 more to testify to relative to the traffic aspects of
 9 this application?
 10 CHAIRMAN FOOSE: Well, if his testimony
 11 is not finished, I'm going to open it back up to the
 12 board and open it back up to the professionals and
 13 then we can open it back up to members of the public.
 14 MR. INGLESINO: No, but I --
 15 CHAIRMAN FOOSE: If he's not done, I
 16 certainly don't want to rush him.
 17 MR. INGLESINO: Right, that's my --
 18 CHAIRMAN FOOSE: Reserve our questions,
 19 the professionals and then members of the public.
 20 MR. INGLESINO: That's why I asked if
 21 he was done before we open it up to the public.
 22 MR. RICHARDSON: Well, if we could
 23 maybe go through the slides and then I can see where
 24 I, kind of, stopped.
 25 The next couple of slides that we --

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1 the board can see and it shows the locations that
 2 Mr. Fresco was referring -- I had testified to.
 3 Mr. Fresco was looking for that data.
 4 This one happens to be in Westtown
 5 Township. You can see the ramp coming off of out of
 6 this Borough of West Chester and where the sign
 7 location, that's a double-sided sign, ground -- it's
 8 a monument sign and it's shown by this particular
 9 slide.
 10 These are the crashes, crash rates for
 11 the years that, you know, before the sign was
 12 installed and then was the sign after, you know, the
 13 same number of years after.
 14 MR. INGLESINO: Please recite the
 15 numbers and the conclusions so that we pick that up
 16 on the record.
 17 MR. RICHARDSON: Okay.
 18 For the years 2008 to 2011, the number
 19 of crashes that occurred in that corridor, and what I
 20 used was a corridor that was approximately, I
 21 believe, in this case 2,000 feet, using, you know,
 22 the speed of the roadway, it's posted 45, but, again,
 23 this is a high speed area too, it's 55 miles per hour
 24 is usually the running speed in this area.
 25 MR. INGLESINO: I'm sorry,

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1 Mr. Richardson, where is this location?
 2 MR. RICHARDSON: This is Westtown
 3 Township, Chester County, Pennsylvania and the after
 4 studies that I did for this particular location for
 5 the years 2012 to 2015, the number of crashes on the
 6 same corridor decreased by seven, so, therefore, the
 7 crash rate, itself, along this particular road,
 8 section of roadway was that decreased and what that
 9 crash rate is is exactly -- specifically it's crashes
 10 per million miles travel of vehicles on the roadway.
 11 It's a formula that Pennsylvania Department of
 12 Transportation uses, but it's also an accepted
 13 formula.
 14 Next slide.
 15 The next location is in Delaware
 16 County. It's approximately, I would say, about four
 17 or five miles from this location and this one is
 18 actually in the median, it's a divided highway.
 19 You can see the road splits at that
 20 point and we had similar results for this particular
 21 sign.
 22 This one is a multi-lane highway
 23 driveways, numerous driveways in the location and you
 24 have a situation where, again, the same years, 2008
 25 to 2011, 129 crashes occurred, which is the rate of

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1 1.23.
 2 And then the years afterwards, you
 3 have 31 crashes and the rate decreased by 1.18 --
 4 decreased to 1.18.
 5 Now, what we did was also just to
 6 provide you with some data at two other locations,
 7 this was the first, which is in Middletown Township,
 8 Bucks County, right across the river from -- right
 9 near Bensalem.
 10 The crashes here, this is a monument
 11 sign very similar to the sign that's being proposed.
 12 And, the fact that it's -- the other
 13 two were more, if you want to call them, you know,
 14 your rectangular signs that you normally see
 15 billboard signs.
 16 The -- this particular sign, what we
 17 did was we did an analysis on the two highways that
 18 are -- that intersect.
 19 This is a very busy intersection, one
 20 of the busiest intersections in Bucks County, and --
 21 and it's specifically Middletown Township.
 22 As a note, my firm represents
 23 Middletown Township as its traffic consultant.
 24 The crashes on East Lincoln Highway,
 25 which is the road that runs on this plan, on this

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1 exhibit is -- runs east/west and for the years 2016
 2 to 2018, the number of crashes were 35.
 3 And afterwards, 2019 to '21, the
 4 crashes were 27.
 5 And, thus, with the reduction in
 6 crashes, the crash rate reduced from 4.33 to 3.34.
 7 MR. FRESCO: Let me -- can I just
 8 interrupt you really quickly, because I think we'd be
 9 crazy to talk about this without addressing COVID and
 10 the reduction in commuter traffic, would you agree?
 11 MR. RICHARDSON: That's correct.
 12 MR. FRESCO: And why maybe we're seeing
 13 some of this decrease?
 14 MR. RICHARDSON: Yeah, for -- for the
 15 years that we looked at, certainly 2019 was not
 16 COVID.
 17 A portion of 2020, certainly a majority
 18 of it was during the shutdown.
 19 But 2021, at least on Pennsylvania
 20 highways we started -- we were required to use a --
 21 if we did traffic counts on any of the roadways, I --
 22 you know, we do a lot of work with private
 23 developers. We were required by the DOT to increase
 24 the traffic to account for COVID.
 25 But that really stopped in the early

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1 2021, there was a -- what they call a strike-off
 2 letter.
 3 So the only year in this data that I
 4 think would be -- you know, that would have been
 5 affected with that would be 2020.
 6 And, again, that was also the shutdown,
 7 at least in Pennsylvania and most states, we all
 8 experienced it, was approximately in March.
 9 So there was at least two months,
 10 because I remember doing my last hearing before COVID
 11 in February, so I remember that distinctly.
 12 So, there -- even if there was, you
 13 know, if that does -- if the traffic volumes did
 14 increase, I don't think it's going to be more than a
 15 wash if you look at the -- at the data.
 16 And that certainly the -- the reduction
 17 of crashes from 35 to 27 could be a factor of COVID
 18 being dropped.
 19 MR. SWEENEY: Mr. Richardson, is it
 20 safe then to conclude that we ought to put up more
 21 and more and more monumental signs in order to reduce
 22 the crash rate even further?
 23 It seems to be the more signs you put
 24 up, the lower the crash rate is at.
 25 MR. RICHARDSON: If that's what the

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1 data shows you.
 2 MR. SWEENEY: Do you believe that?
 3 MR. RICHARDSON: I -- numbers to me.
 4 I'm an engineer, I don't -- the numbers don't lie.
 5 MR. SWEENEY: Do you believe that?
 6 MR. RICHARDSON: That --
 7 MR. SWEENEY: Forget the numbers, do
 8 you believe that by putting up more and more and more
 9 monumental signs, we will reduce the crash rate?
 10 MR. RICHARDSON: That's not the
 11 purpose.
 12 The answer is no, I don't believe that
 13 --
 14 MR. SWEENEY: Thank you.
 15 MR. RICHARDSON: -- in and of, itself,
 16 is -- does reduce crashes.
 17 But what I will say is that in and of
 18 itself, it does show that billboards don't increase
 19 crashes.
 20 Okay. The second highway, again, we
 21 picked that up at 2016 and 2018, crashes were 21 on
 22 that particular roadway.
 23 And 2019 to '21 was 20 and the crash
 24 rate relatively stayed the same.
 25 And last, but not least, this is a

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1 billboard that actually was a static billboard for
 2 many, many years.
 3 I remember seeing Temple Al's posted on
 4 here all the time and we talked about their events.
 5 This is now been converted to an electronic message
 6 board and this one is along the Schuylkill Expressway
 7 travel in speeds, you know, anywhere between 50 and
 8 -- 55 and 65 and it is in West Conshohocken,
 9 Montgomery County. It's on a straightaway. There
 10 are no ramps or driveways on this particular section
 11 of roadway. So this would -- you know, this is what
 12 I would call a limited access highway, meaning
 13 limited driveways, number of driveways.
 14 And the data, again, using a similar
 15 comparison, 2017 to 2019, the number of crashes were
 16 77 and the crashes afterwards were 60 and the crash
 17 rate, again, decreased based on that calculation.
 18 MS. AMIN: I have a question for you.
 19 You just mentioned that you had a different kind of
 20 board, sign and the sign for that was replaced by
 21 this one, is that what you just said?
 22 MR. RICHARDSON: Yes, it was a static
 23 billboard. It was not owned by -- I don't believe it
 24 was owned by Mr. Bartkowski, but it's now been
 25 converted to an electronic sign.

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1 MS. AMIN: Was that the situation for
 2 other locations that they had the kind of poles could
 3 be replaced by something else in a location that you
 4 say that crash is going down?
 5 MR. RICHARDSON: I don't have any
 6 information on that, no.
 7 MS. AMIN: You don't have any
 8 information? I just wanted -- the final question is,
 9 when you put a billboard, this kind of board, and was
 10 it replacing something else and that's what is the
 11 cause of the reduction in crashes, maybe that's the
 12 -- I don't know.
 13 CHAIRMAN FOOSE: Mr. Richardson, I
 14 think Mr. Sweeney gives a very interesting point and
 15 I'd like to get confirmation on billboards inherently
 16 beneficial because they reduce accidents?
 17 MR. RICHARDSON: No, that's not the
 18 purpose.
 19 CHAIRMAN FOOSE: So you're asking us to
 20 take a jump here in your testimony, even though all
 21 these sites that you've -- I'm sorry, that you picked
 22 have reduced indexes of accident rates. They're not
 23 inherently beneficial because your testimony was they
 24 don't decrease accidents. So I'm curious of the
 25 extension, how you get from Conshohocken,

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1 Pennsylvania back to New Jersey.
 2 Will this billboard cause less
 3 accidents? Because I'm under the impression from the
 4 previous cases and living in this town this is a
 5 pretty dangerous stretch of Route 22. Are we going
 6 the make it safer?
 7 MR. RICHARDSON: No, that's not the
 8 intent of the billboard itself, it's not to make it
 9 safer. You make safety improvements to make the
 10 roadway safer, such as you add capacity, reduce
 11 speeds.
 12 CHAIRMAN FOOSE: But you testimony in
 13 these responses is that you decreased accidents.
 14 Are we going to decrease accidents on
 15 this site? Because maybe we need more billboards
 16 all over Bridgewater.
 17 MR. INGLESINO: No, Mr. Chairman, if I
 18 may, that is not --
 19 CHAIRMAN FOOSE: The intent of his
 20 testimony, I'm confused.
 21 MR. INGLESINO: No, so that's not the
 22 purpose of his testimony.
 23 CHAIRMAN FOOSE: So explain to me what
 24 it is.
 25 Mr. Sweeney asked him if these are

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1 improving the conditions in the last three locations
 2 that he testified.
 3 MR. INGLESINO: So Mr. Richardson never
 4 testified that the billboards reduce or that the
 5 billboards were the cause of reduction of accidents,
 6 that was not his testimony.
 7 Mr. Richardson, let me ask you since
 8 you're the witness. What was the purpose of the
 9 studies that you just showed to the board?
 10 Was it to demonstrate that billboards
 11 will make a roadway more safe or was it to
 12 demonstrate that billboards will not create an unsafe
 13 condition in the roadway?
 14 MR. RICHARDSON: That's the purpose, is
 15 -- the purpose of the testimony is because there's
 16 opinions by municipalities, by so-called experts that
 17 believe that billboards are a distraction and,
 18 therefore, cause increased crashes.
 19 CHAIRMAN FOOSE: Okay.
 20 So as a layman, my day job is I trade
 21 security, I trade derivatives. I'm allowed -- help
 22 me to relate my example back to this example.
 23 I'm allowed to deliver risk-free
 24 security as collateral to the U.S. government. Those
 25 include AAA bonds, investment rate risk-free bonds.

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1 So give me the correlation of your
 2 testimony that you just provided how those conditions
 3 in that slide are similar to the sign you're
 4 proposing here.
 5 So West Conshohocken, Pennsylvania,
 6 West Conshohocken where they have the Temple sign,
 7 how is that in comparison in traffic and accidents to
 8 what we are proposing here on Route 22 west in
 9 Bridgewater?
 10 MR. RICHARDSON: This particular
 11 location is not in comparison -- is not comparable to
 12 what's being proposed here for the application.
 13 The first two that were presented, the
 14 ones in Pennsylvania in Westtown and in Delaware
 15 County, Concord Township, I believe are very similar.
 16 CHAIRMAN FOOSE: How can you make that
 17 assessment if you haven't discussed the accident
 18 rates, you haven't discussed the condition with the
 19 chief of police, how can you make that assessment?
 20 MR. RICHARDSON: Based on the criteria
 21 that I've looked at, certainly I believe they're
 22 comparable.
 23 MR. INGLESINO: Well, and you've driven
 24 the roadway that's the subject of this application,
 25 right?

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1 MR. RICHARDSON: Yes.
 2 MR. INGLESINO: So are you able to make
 3 that comparison based upon your personal observations
 4 of the roadways?
 5 MR. RICHARDSON: Based on the speeds
 6 and the number of lanes, yes, I believe it's these --
 7 the use of these two --
 8 CHAIRMAN FOOSE: But, previously, you
 9 testified that your criteria, selecting safer roads
 10 in comparison was based on that accident rate.
 11 So if you don't have an accident rate
 12 on the record going back to your words, you testified
 13 certain roads are safer than other roads based on the
 14 accidents.
 15 If you don't present me with the
 16 accidents, how do you know it's safer?
 17 How do you know it's comparable to what
 18 you're presenting? I'm very confused.
 19 MR. INGLESINO: Well, Mr. Chairman, I
 20 don't -- I just want to summarize what I heard the
 21 testimony to be, because I don't think --
 22 CHAIRMAN FOOSE: Sure, by all means.
 23 MR. INGLESINO: And you said that's the
 24 purpose.
 25 I need you to tell the board in your

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1 words what is the purpose of showing the studies that
 2 you showed?
 3 MR. RICHARDSON: The purpose is to show
 4 the four locations that I did before and after
 5 studies that showed that the signs themselves did not
 6 increase the number of crashes in the vicinity of the
 7 signs after installation.
 8 CHAIRMAN FOOSE: And those sites you
 9 chose are comparable to this site how?
 10 MR. RICHARDSON: Based on the criteria
 11 that I used, was the speed, number of lanes, number
 12 of if there was driveway locations nearby.
 13 VICE CHAIRMAN WEIDELI: How about
 14 volume?
 15 MR. RICHARDSON: Volume was certainly a
 16 very, you know, important item that we took into
 17 account.
 18 CHAIRMAN FOOSE: But, again, you're not
 19 putting on the record the accidents that happen in
 20 the vicinity of Route 22 west.
 21 MR. RICHARDSON: Yes, that's correct, I
 22 I do not have that.
 23 CHAIRMAN FOOSE: Mr. Burr, you're an
 24 engineer, help me out here.
 25 MR. BURR: It's a valid question.

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1 You know, the board has every right to
 2 want to know what the accident history is on Route 22
 3 in this corridor as a baseline.
 4 CHAIRMAN FOOSE: Please continue.
 5 MR. RICHARDSON: I believe that's the
 6 end of my testimony.
 7 CHAIRMAN FOOSE: Board questions?
 8 (No response.)
 9 CHAIRMAN FOOSE: Board professionals?
 10 MR. BURR: No questions.
 11 CHAIRMAN FOOSE: Members of the public,
 12 questions?
 13 (No response.)
 14 CHAIRMAN FOOSE: All right. Thank you.
 15 Let's take 10 minutes. The time is
 16 8:53.
 17 We'll come back, let's call it five
 18 after nine.
 19 Thank you.
 20 (Whereupon, a brief recess is held.)
 21 CHAIRMAN FOOSE: All right. It's 9:05,
 22 we're going to come back from our adjournment, from
 23 our recess, our break.
 24 Roger, would you be so kind to call the
 25 roll, please.

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1 MR. DORNBIERER: Mr. Foose?
 2 CHAIRMAN FOOSE: Here.
 3 MR. DORNBIERER: Mr. Weideli?
 4 VICE CHAIRMAN WEIDELI: Here.
 5 MR. DORNBIERER: Ms. Amin?
 6 MS. AMIN: Here.
 7 MR. DORNBIERER: Mr. Sweeney?
 8 MR. SWEENEY: Here.
 9 MR. DORNBIERER: Mr. Fresco?
 10 MR. FRESCO: Here.
 11 MR. DORNBIERER: Mr. Gayeski?
 12 MR. GAYESKI: Here.
 13 MR. DORNBIERER: Mr. Kulak?
 14 MR. KULAK: Here.
 15 CHAIRMAN FOOSE: All right. Thank you.
 16 Back to you, sir.
 17 MR. INGLESINO: Thank you,
 18 Mr. Chairman.
 19 Mr. Chairman, I think we've taken this
 20 application, 1251 Bridgewater LH, LLC application as
 21 far as we can go for this evening. We have a little
 22 bit of homework to do.
 23 I just want to confirm with the board
 24 that we're going to be providing the board
 25 information that is looking for one update is for us

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1 to update the site plan to include any impacts that
 2 this application may have on the Acura sign and other
 3 signage in the immediate vicinity of the property and
 4 the site plan will be appropriately enlarged
 5 geographically to account for those issues and the
 6 second is that we will endeavor to obtain accident
 7 information at the subject location for the
 8 application.
 9 I think those were two pieces of
 10 information that the board had requested and we're
 11 happy to provide that.
 12 We just can't provide it this evening
 13 and the only other witness I have is our planner, but
 14 I'm not going to put up the planner until last.
 15 So we would request that the
 16 1251 application be adjourned to a date certain
 17 without further notice of the applicant and since we
 18 still have some time this evening, Mr. Chairman, we
 19 would like to start on the Garretson F application,
 20 which is Lot 3 and Block 408.
 21 With the board's permission, we'd like
 22 to at least start that application this evening.
 23 CHAIRMAN FOOSE: Before we go there,
 24 I'm not asking you, I'm just letting you know that
 25 Outfront Media did and I know it was a different


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1 situation, but the chief of police did write a
 2 letter, an opinion letter on that property.
 3 If you're so inclined, our chief has
 4 been amenable in the past in these types of things, I
 5 just want to offer that.
 6 MR. INGLESINO: Well, we appreciate
 7 that and we'll certainly reach out.
 8 It's certainly been my experience that
 9 when an application is submitted, it's circulated
 10 within the municipal departments and typically
 11 municipal departments, traffic bureau, the police
 12 department would typically offer some kind of review
 13 letter or something expressing concerns or issues
 14 relative to the application.
 15 I just want you to know, Mr. Chairman,
 16 we never received any correspondence.
 17 So we don't know, you know, what
 18 happened internally, but we will nevertheless go out
 19 of our way to solicit that information from the
 20 chief.
 21 I don't know what happened in the other
 22 application. I don't know whether they solicited or
 23 whether it was something that was generated in the
 24 ordinary course.
 25 Again, I represent boards. I know how

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1 this works.
 2 I used to be a mayor a hundred years
 3 ago and typically the department heads will generate
 4 comments on applications.
 5 So we would receive any comments that
 6 any of the department heads have concerns about
 7 relative to the application, but we hear you.
 8 We want to provide the board with the
 9 information that's requested. We're going to get it
 10 and we'll have it for the next meeting.
 11 CHAIRMAN FOOSE: Let's set a date and
 12 continue this case. I know we have a warehouse case
 13 in March.
 14 Scarlett, what do we have available?
 15 MS. DOYLE: We have the March 21.
 16 I would note that this is the third
 17 time, this would be the third meeting we have on
 18 this, so we will have to check the escrow and the
 19 applicant would be obligated to replenish the escrow
 20 if it falls below 50 percent of the original and I'm
 21 asking if he would be willing to do that.
 22 I don't know what the numbers are.
 23 MR. INGLESINO: We'll have to, yeah, we
 24 understand.
 25 MS. DOYLE: Okay. So we'll find out

1 and let him know what that is.
 2 MR. INGLESINO: Our planner is not
 3 available on the 21st, I understand.
 4 CHAIRMAN FOOSE: What about after that,
 5 Scarlett?
 6 MS. DOYLE: Okay. April 4, would that
 7 work?
 8 MR. INGLESINO: Okay. April 4 it is.
 9 CHAIRMAN FOOSE: So we're going to
 10 carry this case for members of the public at 7 p.m.,
 11 April 4 in this location with no further notice.
 12 MR. OLLER: No further notice to the
 13 public.
 14 MR. INGLESINO: And we'll grant the
 15 extension, Mr. Oller.
 16 MR. OLLER: I don't know where we are
 17 on time, so why don't we extend it through April?
 18 MR. INGLESINO: That's fine.
 19 MR. OLLER: All right.
 20 (Whereupon, the matter is continuing to
 21 a future date. Time noted: 9:10 p.m.)
 22
 23
 24
 25

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 2
 3 C E R T I F I C A T E
 4
 5
 6 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
 7 Public of the State of New Jersey, Notary ID.
 8 #50094914, Certified Court Reporter of the State of
 9 New Jersey, and a Registered Professional Reporter,
 10 hereby certify that the foregoing is a verbatim
 11 record of the testimony provided under oath before
 12 any court, referee, board, commission or other body
 13 created by statute of the State of New Jersey.
 14 I am not related to the parties
 15 involved in this action; I have no financial
 16 interest, nor am I related to an agent of or employed
 17 by anyone with a financial interest in the outcome of
 18 this action. This transcript complies with
 19 regulation 13:43-5.9 of the New Jersey Administrative
 20 Code.
 21
 22 
 23
 24 LAURA A. CARUCCI, C.C.R., R.P.R.
 25 License #XI02050, and Notary Public
 of New Jersey #50094914, Notary
 Expiration Date December 3, 2023
 Dated:
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 21
 22
 23
 24
 25