Minutes of the Park Ridge Planning Board
Meeting of February 8, 2012 – 8:00pm

These minutes have not been approved and are subject to change by the public body at its next meeting.

The regular meeting of the Park Ridge Planning Board was called to order by the Chairman, Don Schwamb, on the above date, time and place.

Chairman called for the Pledge of Allegiance to the Flag.

ROLL CALL: Present: Ms. Eisen, Messrs. Ludwig, Mesiano, Metzdorf, Schwamb, Von Bradsky, Councilman Misciagna, Mayor Maguire (8:40pm)
Absent: Messrs. Browne, Mital, O'Donoghue
Also Present: William Rupp, Esq., Board Attorney
Eve Mancuso, PE, Board Engineer
Ed Sneikus, PP, Planning Consultant

COMPLIANCE STATEMENT:

The Notice for this meeting required by Section 3(d) of the Open Public Meetings Act has been provided by the adoption of a resolution by the Park Ridge Planning Board on January 11, 2012, setting forth a schedule of regular meetings, by mailing of said schedule to the Record and The Review on January 12, 2012 and by posting of said schedule on the Municipal Bulletin Board and the continuous maintenance thereat and by filing the said schedule in the office of the Borough Clerk.

ANYONE PRESENT WISHING TO BE HEARD: (non-agenda items

There was no one.

PUBLIC HEARING:

RIDGEMONT SHOPPING CENTER – Remediation B-1
169-199 Kinderkamack Road
Lots: 1,2,3 Block: 1406

Michael Stingone, Esq. of Winne, Banta, Basralian, Hackensack, New Jersey came forward advising his partner, Joseph Basralian, was unable to appear this evening.

STINGONE: The general application for Park Ridge Hye Partners (Ridgemont Shopping Center) is to install remediation equipment at the Park Ridge shopping center. Certain equipment will be temporary during the remediation project other, such as piping underground, will be permanent.

We've provided testimony of our environmental remediation expert, Dan Ackman of TRC and also our engineer, Lapatka Associates as to site plan changes or lack thereof. And that was at the last meeting we attended.

Tonight we plan to call our sound expert, Anthony Agresti, of TRC and our traffic engineer, Hall Simoff.

So unless the Board has a preference to who you hear first, I will bring up my first witness.

Anthony Agresti, Consulting Scientist with TRC Corporation came forward and was sworn.

STINGONE: What is your main area of expertise?

AGRESTI: My area of expertise is in environmental noise assessments.

STINGONE: Can you describe for the Board your educational background?

AGRESTI: I have a degree from Kean University, N.J., am a full member of the Institute of Noise Control Engineering and in the State of New Jersey am a certified noise control officer.

STINGONE: How long have you been practicing?

AGRESTI: I have 25 years of experience.

STINGONE: Can you describe for the Board some projects in which you served as a noise expert?

AGRESTI: I've conducted noise assessments for hundreds of projects throughout the United States and internationally in Bermuda as well. They range from power generation facilities with large cooling towers, stacks, numerous noise sources, compressor station, electrical sub-stations and many other types of industrial sources of noise. And I have also given expert testimony in litigation hearings numerous times and in front of Planning and Zoning Boards. State hearings in Massachusetts and Connecticut, New York and West Virginia.

STINGONE: I would offer Mr. Agresti as an expert witness.

RUPP: At this time I would ask if there was anyone in the audience who would like to question Mr. Agresti, solely as to his credentials.
(There was no one)

STINGONE: Mr. Agresti, were you retained by Park Ridge Hye Partners to review the remediation system being proposed at the Ridgemont Shopping Center and the sound impacts?

AGRESTI: Yes, I was.

STINGONE: Did you undertake an investigation to determine whether there would be off-site sound impacts from the planned remediation system?

AGRESTI: Yes, I did conduct a noise impact assessment.

STINGONE: Can you briefly describe the sound attenuation measures that is planned to be installed as part of this remediation system?

AGRESTI: The most significant sound generating source would be the heat exchanger that will be located outside next to the trailer. We've designed, conceptually at this point, a multi-sided absorbing sound barrier wall to not only block the sound towards the residential area but also to absorb the sound.

STINGONE: Is this something you can show the Board on one of our exhibits?

AGRESTI: A-6 shows the existing trailer, the heat exchanger will be located either on the side of it or next to it. We've evaluated different locations for heat exchangers for sound control and designed this barrier wall. The barrier is not specifically shown on here but generally it would block the line of sight from being seen by the residential area.

STINGONE: Did TRC conduct any measurements of existing or ambient sound levels at the shopping center?

AGRESTI: Yes, as part of our impact assessment we wanted to evaluate not just regulatory compliance but what are the existing sound levels now so we conducted sound level measurements over a 24-hour period at the nearest residential property line.

STINGONE: Can you describe the results of those measurements?

AGRESTI: Sound environment we found is fairly typical for that kind of area. The sound level during the day is generally in the 50-60 decibel range, it drops off at night, which is pretty typical. It drops off at 2:00 or 3:00 in the morning to 46 decibels.

STINGONE: Did you make a determination as to the sound level expected from the proposed remediation system at the residential property line?

AGRESTI: Yes, as part of our analysis we conducted a noise modeling study of the sound emissions from the trailer and heat exchanger and what sound levels could be expected at the residential property line.

STINGONE: Can you tell the Board what the decibel rating would be emanating from the remediation equipment at the property line?

AGRESTI: Through our analysis in the incorporation of the noise barrier system, we will be able to reduce sound levels to 46 decibels or even probably a little bit lower through sound mitigation measures.

STINGONE: What is your expectation in terms of sound at the closest homes?

AGRESTI: We conducted the analysis at the property lines specifically because the State standard regulates noise at the property line. The nearest residence is some 50 to 100 feet beyond the property line so sound levels from the system will actually be lower at the residence than they will be at the property line.

SCHWAMB: Excuse me, would you folks like to move up a little...can you hear? (to the audience)

VON BRADSKY: Is the sound level the same or similar to the levels already generated at the shopping center?

AGRESTI: Yes, they are. One of the important aspects of conducting a noise assessment is evaluating if the source of noise going in, the proposed source, is similar in character to the existing noise environment. In that area the sound environment is characterized by not only traffic sound but existing ATAC sources at the shopping center and the heat exchanger is basically a fan. It is the same type of noise that exists now in the area.

STINGONE: Does that mean that the sound generated by the equipment would be lost in the background sound and therefore indiscernible at the residencies?

AGRESTI: Yes, we would expect that because we are designing such that the sounds from the mitigation system would be at or below the minimum levels that exist now. So introducing a source that is now

different in character and doesn't have any buzzing sounds or anything like that should essentially be lost in the existing sound environment.
STINGONE: Once the remediation system and equipment is operating and in place will there be sound verification conducted?

AGRESTI: Yes, once the system is operating, our goal is to go back out and conduct noise measurements at the property line near the equipment to make sure our design is meeting the specifications we develop for and that we are at or below existing ambient levels.

STINGONE: As the owners have done in the past, even though it may be meeting existing standards, are the owners willing to undertake further measurements if necessary to reduce sound.

AGRESTI: Yes, it is my understanding that we are going to design and take whatever measures are necessary to reduce sound levels.

STINGONE: That's all I have at this time.

SCHWAMB: Why wouldn't the measurements be taken ahead of time to ensure quietness.

AGRESTI: We did measurements of the existing sound environment for the proposed unit...it is not an off-the shelf unit. There's a lot of reflections and things in that area that we have to make sure we account for...for example, if we put that system out in an open field, the sound levels at a distance would probably be lower than they are there because the building actually acts as a reflector of sound. We have to conduct a modeling analysis to make sure we account for all the reflections, the topography in the area and those things; it could only be done if it was in an open area and we were going from one open area to another. And that is not the case here.

MANCUSO: Unfortunately our plan does not indicate where this equipment will be located...is there going to be another submission indicating the size, the location, the screening because we were under the impression that all the equipment was going to be within that fenced enclosure area. So we are a little surprised to hear that there is additional equipment outside that area.

STINGONE: We have a slight misunderstanding...let us explain what is going where.

AGRESTI: This is the building and this is the remediation trailer. Many of the noise components are inside the trailer and we have accounted for that and absorption inside but there is also a heat exchanger, which basically takes the heat out of the air screen...it is like a big car radiator. That is going to be outside the trailer. We have evaluated next to the trailer here, and the fence would be extended out to encompass the heat exchanger or it may be next to the building. The final location hasn't been selected but regardless of where it is going to go, the noise control measures will be designed so that we are at the level we need to meet. It may be to the side here or it may be next to the building. But it will be inside the fence. The fence may need to be expanded somewhat but it would be inside the fence. Nothing will be outside the fence and the fence is indicated by this red line with the circles on it.

MANCUSO: Are you close to determining that location that we may have it before your final approval or condition your final approval? We really

need to have a site plan that shows all the equipment that is going to be installed.

STINGONE: Is this a piece of equipment that you are going to be locating based on putting the system in place on startup or is it something that you are going to determine the location before you start the system.

AGRESTI: The heat exchanger is going to be located on either one side or the other and basically from a noise standpoint I can specify that it be located here because it is better for sound. So it may be next to the trailer or it may be here but the final location hasn't been selected. Regardless of where it is, whether it is to the side of the trailer then the fence would just be extended somewhat to encompass it.

MANCUSO: But would it be possible to show a tentative location at this point so you can have it on your site plan...modify your fence so we know how much area is going to be encompassed by the equipment.

AGRESTI: Yes.

STINGONE: Can you depict it on Exhibit A-6?

AGRESTI: If I were to just draw it on here...the heat exchanger would probably be located, depending on air-flow constraints because it needs an air-flow, I would just draw it in here....something like that. It would be a big radiator surface and the fan would be in front of it pulling air through it. It has to be located close to the trailer.

MANCUSO: And then the fence would swing around it?

AGRESTI: It would probably just extend out this way and around. We may even use the fence as a noise barrier applying heavy, absorbent matting to it or we could build a secondary barrier inside. There are many options that we have looked at to do noise control.

MANCUSO: So on the average would you say you needed another 10 feet? I don't know how large the unit is...do you need another 2 feet?

AGRESTI: The heat exchanger is a pretty small item. I say that less than 10 feet would be needed on the side of the trailer.

MANCUSO: So if you assume it is 10 feet and extend the fence another 10 feet and turn it into the building face, what is along the building face? Are there any windows, doors or other potential impediments to make that fence enclosure larger?

AGRESTI: No, there are none.

LUDWIG: Actually there is a rear door to the Oritani Savings Bank, which you can't block.

AGRESTI: It's closer to the pizzeria so we would not block that door. If need be, we could even bring the fence back and do a jug handle back in again as long as we encompassed the heat exchanger.

SCHWAMB: You keep on referring to this device and you keep on pointing...what does it look like? Is there a rendering of it? Can we see what it looks like?

AGRESTI: I may have one with me. I can submit a photo of what a heat exchanger looks like.

RUPP: I have up to A-14 as the last exhibit...let me check. We will mark this as A-15- photo of heat exchanger.

MISCIAGNA: Do you know the dimensions?

AGRESTI: That unit is approximately 5' high or a little less and about 4' wide, depth 3'. It is a fairly small unit.

MESIANO: What determines where you are going to place it?

AGRESTI: The main determination is for the effective cooling of the air stream but right now all the plans I have looked at have it within a few feet of the trailer itself for cooling and sound control. If there is a better location and we can place it behind the trailer and ends up being a quieter design, we would do that. We are looking at the optimum noise control that we can. We are still evaluating a few different things. We want to make sure we design it as quietly as possible.

EISEN: You said the existing sound levels during the day are between 50 and 60 decibels...what is the number for the evening?

AGRESTI: Late at night it is about 46, that's the lowest we found.

EISEN: This fan, does that generate noise as well?

AGRESTI: In our final design, after we do our sound control, we are looking at having the fan, the trailer, all the sound components for the remediation alone being below 46 dba. So when two sounds are added together, for example if you have a 46 to a 46 you end up with a 49...its logarithmic...we add it...essentially a three decibel increase or less is considered to be imperceptible when it is the same type of sound. So if we design for 46 and the existing is 46, the new level would be 49, which is a three decibel increase, which would be barely perceptible. Should we design lower, which we are trying to do, the increase would be even smaller, so it might be a one or two decibel increase over existing levels.

EISEN: So what you are saying is it is going to be just a little less noise in the evening.

AGRESTI: The sound level generated by the system is the same 24 hours a day, no matter when, which is why we look at the 24 hours and what happens over the course of a day

EISEN: This I understand but what I am saying is when all the businesses are shut down and this generates the same level of noise there will still be a level up to and perhaps above 49 decibels...if it is daytime and it is 50 to 60 with 49 there wouldn't be that much difference.

AGRESTI: We measure the sound level with what's there at 3:00 in the morning when whatever facilities are shut down. There is that existing ambient sound level and it is 46...so when we do our noise impact assessment we evaluate as quiet as it gets in an area and look for a design at that level. During the day it won't even be noticeable that the system is running because there are other sounds, more activity and the sound levels are higher but the sound level from the mitigation system stays the same. We actually looked at it from that quiet 3:00 am sound level as what occurs 24 hours a day and we designed for that level.

EISEN: So there will be no distinguishable difference from the day to the night with the machine running.

AGRESTI: It would probably be imperceptible with the change at night and it would definitely be imperceptible during the day. We are looking at the worse case impact, which is at night and we are trying to have no impact then so when the sound levels are high during the day it is less of an impact. Don't know if that makes sense or not.

VON BRADSKY: You mentioned that you would put some sort of noise mitigation, apparatus outside of the fence and I wasn't sure how you were going to mitigate that noise and what that looks like.

AGRESTI: The barrier right now can take a lot of different forms. The barrier would be...assuming the heat exchanger is located in this area right here, the barrier would be a three-sided barrier that would be located between the heat exchanger and the residences because that blocks the line of sight. Then we would also have another barrier behind it because barriers will absorb sound but will reflect some too, so our goal is to absorb the sound within the barrier system before it hits the building and bounces out to the residential areas. So right now, it would be some three to four feet from the heat exchanger...the first barrier and another barrier may be five feet behind it.

VON BRADSKY: And what is it?

AGRESTI: Barriers can take many different forms. For this, right now we are evaluating just using the chain link fence and adding these heavy absorbent sound control mats that are designed specifically for sound control. They not only block the sound from going through but they actually absorb the sound. In a setting like this, that's a key factor in noise control to make sure we absorb as much as possible instead of letting it bounce off of walls and back to the residential areas.

VON BRADSKY: So it could be the fence itself.

AGRESTI: It could be but I think the fence would be a little too far away. Barriers are most effective when they are close to the source, so we made it to the chain link fence or we may add another fence within the fenced area to add the sound absorption mats.

VON BRADSKY: You keep talking about the noise level at the property line of the neighbors...could you describe the noise that would be right down there by the machinery or what effect it might have on the stores?

AGRESTI: We don't anticipate any significant noise within the buildings because the way I design sound absorption walls is to contain or block that sound as much as possible within the walls themselves. So the buildings will be very effective in blocking out any of that sound, more effective than any barriers we have designed for the facility.

VON BRADSKY: If you drove by it in the back or walked by it and it is all running, you are going to hear something..will it sound like an engine?

AGRESTI: No, the sound level within the parking lot itself will b e higher than at the property line obviously, but it won't approach anywhere near the N.J. Standard for Commercial Locations. That's considered a commercial area and the sound level allowed in a commercial area is 65

decibels, day or night. And 65 decibels is considered speech interference level and it won't be anywhere near that level in the parking lot.

VON BRADSKY: You mean the parking lot on the other side?

AGRESTI: No in the back parking lot outside of the fenced area.

EISEN: How does sound travel? Sideways, up?

AGRESTI: Sound travels in areas like this basically hemispherical, like a mushroom, it just kind of grows out. The complex thing here is we have a lot of reflecting structures so it would start to come out hemispherical and then would start to bounce off a wall and be directed in different areas. It is a very complex scenario, which is why a noise model was used to calculate how those rays of sound get reflected, how they get absorbed and how they ultimately end up at the property line.

EISEN: Our residents behind this complex are higher are they going to hear more?

AGRESTI: No, I've actually build that into the analysis. I've considered the topography in the area and I know they are higher up and that's a key factor too because a barrier needs to be high enough to block the line of sight. If you can see the heat exchanger from your house you are going to hear it. So the geometry has to be figured out that the barrier is high enough to block that with the extra topography where the homes are.

MISCIAGNA: How high will the barrier be?

AGRESTI: It's probably going to be in the range of 6 to 8 feet, maybe a little bit higher but we are trying to keep it as low as possible and still be effective.

SCHWAMB: You use the word *probably* and *it may* a number of times as opposed to saying *this is the plan, this is the height, this is the baffle, this is the location*, it seems at this stage in the process, there are a lot of unknowns.

STINGONE: One of the issues we've tried to address for the board is not only the willingness of the applicant but the ability of the professionals to adapt to what happens in the field. It is not a cookie cutter system as they testified to, so what we are trying to tell you us there will be confirmation testing done once the system is running and there will be changes made if necessary to reduce the noise.

I thought Mr. Agresti had testified that we would be a 6 feet for the fence and if we have to change we will and this is not what Boards are used to hearing but we are trying to build in some flexibility so we can address concerns that we can address concerns people may have and show a willingness to change it for whatever reasons there may be concerns. The owner of the shopping center has done this in the past with some of the HVAC systems because they are in a residential area.

I think that is what we are trying to put out here rather than creating confusion about proposing just one thing and perhaps sending you the wrong message that this is what we are going to do and you either approve it or you don't. That is not the message we are trying to send.

RUPP: You have several times mentioned you had done a noise modeling study, is there a document that you have that sets for that modeling study?

AGRESTI: I had not prepared a final report on it at this point but that is certainly something that can be provided.

RUPP: During the testimony by the engineer the Board was not advised of a heat exchanger but it was advised of a compressor, it was advised of a vacuum and it was advised of some filtering...can you tell me what the noise generated by each of those components is?

AGRESTI: I could. Part of the confusion may be just nomenclature, the way we are referring to things. Inside the trailer itself there are numerous compressors, motors and pumps. We evaluated the sound inside the trailer and how it would come out of the trailer. My analysis should that the noises inside the trailer and the sound absorption that the vendor is putting inside the trailer, at the outside of the trailer it would probably be about 67 decibels, at about three feet from the trailer and that sound drops off with distance.

The heat exchanger itself comes out to about 76 decibels at seven feet and those are called *near field sound levels.* That kind of data is put into the model and we account for the size of the structure. The larger the size of the structure the more sound energy it has and that all gets back into it but the majority of components are inside the trailer itself. So for a modeling standpoint we treat the trailer as a sound source with all the sources inside it.

STINGONE: The numbers you are providing are without the mitigation outside the fence.

AGRESTI: That is correct. That 76 I mentioned for the heat exchanger is without any sound control measures.

RUPP: You have not provided the Board with any spec sheets or anything else relative to any of these components. Have you measured the actual sound generated by the various components?

AGRESTI: I have personally not measured it and as I said earlier it is not a cookie cutter type assembly that comes off the shelf. The only system that has been vendor verified with sound measurements is the heat exchanger. That is direct vendor data so that we have a very good handle on how much sound it generates.

RUPP: In all fairness, you might have a handle on it but how does the Board have a handle on it since you have not provided us with any documentation on that. You are telling me that you have not measured it. You said you are relying on some type of specification from a manufacturer that has not been, to the best of my knowledge, introduced into evidence. I'm curious as to, if you modeled this, I should see on a typical model actual decibel levels at a given distance. I should see an analysis for compounding noises if there is more than one item. I should see some type of adjustment for the reflection of what is essentially the surrounding building wall, block walls. I should see a calculation, which I am sure you are familiar with in terms of sound attenuation in distance...all of those documents should be before this board in order to make this judgment as opposed to, *I made this study,* which is all we have right now.

STINGONE: I think, not to get into differing opinions of what should be submitted and what shouldn't be submitted, he has been qualified as an expert. He said he has analyzed these things. He works for the company that builds these things and testified that he has experience with this and

we have proffered to the Board that once the system is running, we are going to evaluate whether his modeling was correct and make adjustments.

The suggestion that all of this data is out there and is empirical on published data that could be submitted...I don't think Mr. Agresti has testified to that and he is the expert on that. So whether or not the Board decides at some point tonight to table a decision and ask for additional submission that Mr. Agresti puts together, is up to the Board. What we have submitted is an expert and I did not hear one thing here that was not taken into account by Mr. Agresti when he was testifying. So I think it is clear that he testified that he took these things into account. If the Board wants a report stating how he did that, I suppose that is the Board's purview but he has testified as an expert, he's been qualified as an expert as have the other experts who have testified this evening but none of this equipment is in place, assembled today for him to put out or receive an empirical report from one manufacturer. It is just not assembled that way.\

RUPP; Mr. Agresti, is any of the factors that I have just mentioned irrelevant to a determination of a noise modeling study?

AGRESTI: If I could ask a question...if any of the factors present?

RUPP: Yes, of the information I've requested, all of that, is it your expert testimony that that is irrelevant?

AGRESTI: As far as the reflections that are involved...

RUPP: Reflections, noise level of the various components.

AGRESTI: They are all part of a noise assessment. They are vital to it.

RUPP: Vital. That's my point. For example, have you performed a sound transmission loss on the chain link fence?

AGRESTI: There is no sound transmission lost through a chain link fence, which is why we are adding sound absorption and sound deadening mats to the fence to build a sound barrier out of an existing chain link fence. Sound barriers can be constructed of pre-cast concrete walls, 2x4's with timber on them, a multitude of different materials. All those are evaluated. I haven't evaluated all of them but I have been doing these studies for 25 years. Modeling studies that I have conducted are done with vendor data. We evaluate it, we build in some of the factors to account for things and after something is built, we go out and do a compliance test. We make sure that what we did meets the specifications.

RUPP: Previous testimony was that there was going to be a chain link fence with those plastic slats.

AGRESTI: That was never going to be used as a noise control measure.

RUPP: Would you agree that does not provide any significant...

AGRESTI: Absolutely. It would provide no sound reductions, which is why I designed a sound barrier system for it.

RUPP: Based on your modeling study do you have a proposed substance and do you have a sound submission class on that substance?

AGRESTI: I don't have that information with me. There are so many different types of barrier systems that can be used. I am looking at one that will not only block the sound but will absorb it. There are vendors out there that manufacture these systems. There are so many to look at. I am looking at picking the best one for the site.

RUPP: Since sound is also reflected off of walls, correct?

AGRESTI: That is correct, depending on the material of the wall.

RUPP: Well, we are looking at concrete block...have you visited the site?

AGRESTI: Yes, I have.

RUPP: Is it concrete block?

AGRESTI: I believe it is.

RUPP: Does that reflect sound?

AGRESTI: Almost all materials will reflect sound, it is the amount of sound that they will reflect. For example, if the wall was made of plate steel, a very smooth plate steel, it would reflect almost all the sound. That's the type of material, I assume is in the model that the building was made of, it is overly conservative but I wanted to factor that in there.

Concrete block, if it is not painted, is actually fairly absorptive, if it is painted it is less absorptive but it will absorb sound.

RUPP: And given actual information in terms of noise generation from the various pieces of equipment, you can actually calculate, based on the actual substance of that wall, the reflected sound?

AGRESTI: That's correct.

RUPP: Have you done that?

AGRESTI: I've done that with some manual calculations but the number of calculations would take years to do manually, which is why we have computer models that do all those calculations for us, right down to the very millimeter square areas so we account for everything we can.

RUPP: Have those calculations been done or not?

AGRESTI: The calculations of?

RUPP: Of reflected sound. In other words, I had asked you if you actually had the sounds from the various components on this equipment and you indicated that you understand the manufacturer has them.

You have not measured any sounds from any of this equipment, is that correct?

AGRESTI: No, I have not. I've been provided the sound level data by the vendor, that has been given to me much as when I work on a large power plant...the turbine manufacturer provides us with the exhaust data, inlet data, data through the casing wall and we take that date and we work with it. It is vendor provided data.

RUPP: Would you be able to provide us with some type of a written report indicating the sound sources and the level of the decibel sound...whatever adjustments you make for the reflections based upon the actual

substance that is there ... a specific design of a sound barrier using whatever material that has a sufficient sound transmission class so that you can actually use that information and calculate based upon the distances to the residential property line what the actual computational sound would be....are you capable of doing that?

STINGONE: Mr. Agresti, have you testified that you did the modeling to incorporate all this data already?

AGRESTI: that is correct.

RUPP: Is he capable of preparing that modeling report for us? You have that report and can that report be given to the Board and will that report outline all the information we have just discussed?

AGRESTI: It is certainly something that I can prepare, absolutely.

STINGONE: What's involved in terms of time and effort to prepare something like this?

AGRESTI: I guess in a couple of weeks or so I can have something like this ready.

STINGONE: And what's involved in terms of your time to do it?

AGRESTI: It would take at least a man-week to prepare something like that.

STINGONE: I think he has answered the question. I would suggest to the Board that the applicant would prefer to move forward based on his testimony and get this system up and running and do the post monitoring, with all due respect to Mr. Rupp. He has asked very relevant questions and the witness said all of those factors were relevant but we are in a position here where we would like to start the project and we understand where the applicant is coming from....they would like to put this in place.

We think his testimony has been that it will be below regulatory levels and imperceptible at the border based on the model. If the Board wants to read the modeling report before it approves that is up to the Board but we would submit that we would like to get the approval and start the project running rather than waiting a week or more to have this report put together.

RUPP: The various factors in terms of noise, particularly with respect to the location of that heat exchanger varied depending on the location of that heat exchanger?

AGRESTI: Would you repeat that?

RUPP: Would the calculation, to do that modeling, vary depending on the location of that heat exchanger?

AGRESTI: Yes, it would.

RUPP: And you've indicated that you have not yet determined the location for that heat exchanger, is that correct?

AGRESTI: We have an approximate location but not a final location yet.

RUPP: That would indicate to me that if you don't have the final location

yet, that whatever model you did, would not necessarily reflect that most optimum location, is that correct?

AGRESTI: No, we've actually prepared many different models so we have many different locations already modeled and evaluated.

RUPP: With respect to the measurement of the ambient sound level at the residential property line, what time of year was that taken?

AGRESTI: That was in September 2010, I believe.

RUPP: Were there leaves on the trees?

AGRESTI: I don't recall but I imagine in September there were still leaves on the trees.

RUPP: Do you know what the wind velocity was at that time.

AGRESTI: The winds were light during the day and they were near calm at the night, which is optimum conditions for sound propagation.

RUPP: Other than that one 24-hour period, did you take any other measurements of ambient sound level?

AGRESTI: No, we have not.

RUPP: Is there a written report on that measurement?

AGRESTI: There is no written report on the analysis at this time.

LUDWIG: What would be the mechanism...obviously I can see the concerns with noise that may be perceived in the neighborhood...some of our questioning may be through the lack of knowing the right questions...it all boils down to, if somebody is on their patio and they are hearing a fan or they are hearing a compressor, we want to know that there is a mechanism in place that you could address through additional attenuation so that is not going to be heard anymore.

We would prefer it not to become a complaint situation but, again, when you are talking about 49 versus 46, I don't know if someone is going to perceive that at a patio in their backyard. So what is the mechanism so when someone is sitting and saying *thanks for all the calculations but I still hear a fan beating away while I am cooking my burgers* and how are we going to address that going forward?

AGRESTI: I don't anticipate that ever being an issue especially during the day or evening hours. There are always other options than can be employed to further reduce noise, whether it be from the trailer itself or the heat exchanger system. We are working to develop an optimum design to, as far as it is practical, to get the sound level down as much as possible. There are other methods, always, that can be employed to further reduce sound. They require greater effort, potentially greater cost but from a practical standpoint, we are looking to get the sound levels down to below what is there at 3:00 a.m.

LUDWIG: Is there a willingness from the applicant to address this in a timely fashion that is acceptable to this Board in the event of complaints even after the emplacement is done and the attenuation is put into place?

STINGONE: I believe both Mr. Agresti and Mr. Basralian both testified that there is that willingness but if you want that answered again we will.

RUPP: The current site plan, not only does not show the location of the heat exchanger but it also doesn't accurately depict either in terms of location, material, height of any sound attenuation procedures or devices, is that correct?

AGRESTI: That is correct.

SNEIKUS: A few quick questions. Regarding your testimony on sound attenuation and the measurements you took at the property line, will they meet or be less than New Jersey Standards for Residential at the property line? Is that a requirement of the State standards?

AGRESTI: That is an important point. The State of New Jersey regulates sound for residential property lines. The maximum they allow is 50 decibels. Our goal is not only to meet that but obviously come in much lower than that so we are actually at what is existing right now. From a regulatory standpoint, we much achieve 50. The applicant is going above and beyond that to minimize impacts.

SNEIKUS: To go below that.

AGRESTI: To go below the standard, yes.

SNEIKUS: Does your measurement take into account or will there be any sound generation from the 30' exhaust pipe that is standing above the installation?

AGRESTI: There is no discernible noise expected from the exhaust. It is going to be a slow exit velocity.

SNEIKUS: Will all the proponents of this installation be electric?

AGRESTI: Yes. The compressors inside the trailer and the heat exchanger will be electrically powered. There will be no gas powered equipment.

SNEIKUS: Will there be any need for emergency generators?

AGRESTI: No.

SNEIKUS: So if the power goes off, it will just shut down and restart after that.

AGRESTI: That's correct.

SNEIKUS: With the fence and the various locations, they are all intended to be fixed locations...they are not movable fences in any way?

AGRESTI: Once it is installed, that would be fixed for the temporary duration of the remediation.

SNEIKUS: So in order for someone to come and service the facility, they wouldn't have to move any of these fences or sound attenuation systems.

AGRESTI: No. We are designing not only for noise control but also for access to the equipment.

SNEIKUS: So no changes to that attenuation could occur as a result of any servicing.

AGRESTI: None is anticipated.

MAGUIRE: You testified that 50 decibels at the property line was the requirement. What is the real life equivalent of 50 decibels?

AGRESTI: An example is actually in that area. At night it drops to 46 and at some point it probably is about 50 but 50 decibel sound is, probably standing about ½ mile from an interstate might be about 50 decibels or so. The 50 decibel standard is utilized by a lot of jurisdictions. It comes into play because a 50-decibel sound prevents sleep interference. When you have a 50-decibel outdoor sound a building will provide at least a 15 decibel reduction, which gets the sound inside the building down to 35. 35-decibels is recognized as a good sound level for a good sleep environment.

MAGUIRE: So that's 50 and what is the equivalent to 40-decibels?

AGRESTI: 40 is pretty quiet. In fact, in this room now if we all stopped speaking, it would probably be in the 35 to 40-decibel range...probably closer to 40 with different light sources, heating systems, some of the sounds from outside, probably around 40.

MAGUIRE: And one last question to Mr. Ludwig's question...what methods would you use, if there was a complaint, to minimize the noise?

AGRESTI: It would depend on what the source of the problem was. If it was the heat exchanger itself we could lengthen and increase the height of the barrier somewhat, there is going to be probably a secondary barrier behind it, the shape and size of that could be modified. We could change the sound absorption mat we are looking at to make it more absorptive and have less reflection. If it were the trailer itself, the inside of the trailer could be treated with sound absorption materials. The goal in this type of project is to absorb as much sound as we can rather than just reflect it.

VON BRADSKY: You said before that sound travels...and you said you measured the sound at the property line and I assume you did that from the parking lot, which is below the property and the houses are further away from the property line....how will the fact that the trailer is on the ground and the way that sound travels, will the sound be more or less at the property line.

AGRESTI: When we did the model analysis we actually incorporated the height of the homes relative to the trailer itself, so those factors, the factors of different terrain has been incorporated into the analysis to make sure we have the proper calculation. We also assume if all the ground in the backyard was made of glass that would reflect all sounds and nothing being absorbed....we do not take into account any vegetation or anything like that.

As far as the ambient levels, they were done at a higher level. They were actually done above the garages back there. The ambient sounds were measured at a more accurate location of where the homes were.

VON BRADSKY: Along with that, you mentioned line of sight...if you can't see it you can't hear it?

AGRESTI: Actually, it's the other way around. If you can see it you can hear it. If you don't see it you can still hear some of it depending on how big the barrier was.

VON BRADSKY: I'm assuming that the houses which are higher and further away from the property line are not going to be able to see it. They can probably see the roof of Staples from their back yard.

AGRESTI: I actually didn't look to see if the homes were blocked by the terrain itself, if they are that's been accounted for in the modeling analysis though. And it would be beneficial, obviously, if the line of sight was blocked.

SCHWAMB: Do our professionals feel we have enough information to come to a conclusion this evening?

RUPP: We are not done with the case in any event. They have a traffic expert as well. I think the Board has to ask itself whether it wants to see any specific sound information or not.

VON BRADSKY: I don't know if the Board is on the same wave length as I am but being that we don't have all this information or all these graphs and charts, would it be possible if the resolution had some language to say when this system is up and running there would be a certain amount of or no more than a certain amount of noise level at the property line? Say 46 or whatever the number would be, otherwise the system would be shut down or further work would happen in order to make that occur? And I don't know what that number would be but it is just a thought.

LUDWIG: I would actually even be a little more specific because if it's a squeaky noise, even though it would be below 46, it's going to be more discernible because it is not the same as other background noise. It sounds to me like because of this specific situation; we don't really know what it is going to be until it is built. You may have to design some things a little differently based on turning on a piece of equipment. It almost sounds like you can design it at about the 90% level but then refining it may be based on actually turning it on in its environment with the shape of the building, with the fence material and I am starting to feel that you've got a calculation in your mind as to how this is going to go but there is potential that there is going to be fine tuning of it once the equipment is set up and running.

AGRESTI: I really don't anticipate that. I've been conducting these analysis for very large facilities and have had compliance testing done and our numbers have come out very good and on the low side. If not lower than what we projected. We do build a certain amount of conservative factors into the analysis and I am comfortable that we will make the numbers that we are presenting.

LUDWIG: And the number again, you said that a sound level is one thing but a different kind of sound is sometimes more perceptible even though it may not be very loud. And again, this is all a matter of perception. To tell you the truth, if no one can hear it in the 50's, I don't think there is going to be any complaints. If someone can hear it at 46 and there are complaints, I don't know that we would feel comfortable saying it is below the standard.

We are trying to avoid having complaints. That is really what it is all about.

STINGONE: I think that message has come across and that is why the applicant has brought a specific expert here who is an expert, not just in sound but in sound dealing with these types of installations and working with TRC, which is a remediation company. I think that Mr. Agresti has testified that it will be virtually imperceptible, sound-wise, at the

residential properties.

AGRESTI: That is correct.

STINGONE: And you've testified that you have built some conservative assumptions into that analysis.

AGRESTI: That is also correct.

STINGONE: I don't know what more we can tell you about what he has done or what his conclusions are but we have indicated a willingness and not only a willingness but we have proposed analytics once the system is up and running and then it would be address if there was an issue the same as this applicant has done in the past with complaints, recognizing that he is below regulatory thresholds, he has still made changes.

I think the Board is aware that Park Ridge Hye Partners has made changes in the HVAC systems in the past even if they were below regulatory limits and we have testimony that we will be below regulatory limits never min imperceptibles...I don't know how much more information we can give you on that, other than we would rather not wait a month to have him do more work to show on paper what he has already testified to and delay the operation of the system further.

RUPP: Are you looking for site plan approval for this?

STINGONE: I suppose the answer is *yes* in that it was our understanding that we were not able to get a building permit to install the system unless we came in for Site Plan approval. That was my understanding of the dialogue over the months.

RUPP: And that is what I understood as well. And so the Board understands, my concern is that you are being asked to grant Site Plan approval on a site plan that does not show what is proposed to be built. That, I think, is what my concern was.

STINGONE: I think we differ on that. I think you've pointed out some details that are not depicted in exact cross-sections on plans that, frankly, I don't know that any site plan has that level of detail in it. But we are both talking about opinions that we have on this. We think we have given you about as much detail as you could see other than the drawing of the radiator, if you will, which was done expos factor here.

I don't think there is any inaccuracy to it, it is just that there is a level of detail that maybe doesn't include cross-sections of the insulation material but we are showing the fence that is in the same location as is the insulation material. I don't know of anything else.

RUPP: Although the fence isn't really in the location...I don't want to be overly technical but one of the issues is that the fence is not shown in the location that it will be in unless the heat exchanger is being proposed to be inserted between the trailer and wall of Staples.

STINGONE: If it pleases the Board, Mr. Agresti can you just draw where you anticipate the fence to be based on the anticipated location of the heat exchanger?

AGRESTI: Yes, I could. (silence as location was being drawn on one of the exhibits)

There may have been a slight misunderstanding on my part...the fence shown on that diagram is the fence the way it will be once the system is built. We will be locating the heat exchanger somewhere within

that fence. I have already done an analysis of different locations within that fence and we will take one of the analyses that work and has the proper design to meet the sound levels that we are proposing.

STINGONE: So the heat exchanger is going to go within the existing fence that is depicted in red on Exhibit A-6?

AGRESTI: That is correct.

SNEIKUS: Are there dimensions around that fence line or is that to a scale that you can provide.

AGRESTI: That exhibit does not have a scale but we can provide one.

SNEIKUS: You asked us earlier if there was an area that you would define as your area and this would be in it and fenced in the enclosure...the other thing we have been looking at is that fences cannot be any higher than eight feet in a non-residential zone and I assume that you will stay within that eight foot height for any sound attenuation or any fence-type barriers. Would that be correct?

AGRESTI: Yes. I did not analyze any barriers higher than eight feet.

SNEIKUS: And what I would offer to the Board and in other applications I have been involved in that involves sound is the issue of performance standards. I think what was alluded to earlier is the issue of having that testing done so that performance level is achieved after the installation is installed and that is the ultimate control that we have found in other applications. It's the way to prove that something given in testimony is meeting the tolerances that are assigned in the resolution of approval.

MANCUSO: If you look at the plan that was previously prepared, sheet 2 of 3, there is a blown-up detail that says, *temporary treatment system compound fenced and gated, 25' x 15' approximate.* So the dimensions of that enclosure have been stated on the submission.

SCHWAMB: Not the height and not the baffle material around it.

MANCUSO: No, not the height. We should probably (?).

MAGUIRE: If I could ask Mr. Sneikus about performance standards...what would you recommend a performance standard for this be? Is it a measurement at the property line, what is a typical performance standard?

SNEIKUS: What we have done on other applications is to have them measure it at the property line .... At several locations at the residential property line and see whether or not they are still meeting those residential standards and also the testimony that has been provided.

Clarify this for me...you were talking about 46 decibels at night, what would be the new level that you would look to achieve with the sound attenuation at that property line? Is it 49?

AGRESTI: The way we typically do a compliance test for something like this, is we would actually turn it on and turn it off. We'd measure it with the system running, we'd measure it without the system running and then those two levels could be subtracted so that we could determine just exactly what the remediation system itself contributes to the sound.

SNEIKUS: And what would that be?

AGRESTI: Our goal is 46 decibels. The regulatory standard is 50 but our goal is 46.

SNEIKUS: So then we can assign that performance standard of 46 decibels, it will be no louder than that?

STINGONE: I would suggest to the Board that we don't want to set ourselves up for failure either. You have testimony that it will be virtually imperceptible somewhere between 46 and 50...we do have a State mandated remediation to do here and I think to a certain extent we could be in a position where the tail is wagging the dog on this, in terms of if we are within regulatory standards and they are not compliant, I would not like to have to shut down the system and go through a re-engineering just because we were above what the goal was.

I have a lot of concern about that because we do have a State required remediation to do and while we have shown a significant amount of respect to the concerns of the Board and the neighbors, in that we have over-engineered this thing, at some point, if we are going to set a standard we want to make sure it is something that is reasonable and if 46 is going to be imperceptible at the property line, I don't think we should expect that if we are below regulatory standards and it is slightly above that, that we are going to shut off the system and completely re-engineer it. I don't think that would be reasonable.

RUPP: Mr. Agresti, can you theoretically design a sound dampering system that would reduce it below 46?

AGRESTI: Theoretically with enough money you can do almost anything. You could build a building to completely enclose it at a tremendous cost and have a separate ACVH system. Almost anything is possible with enough money but practically speaking, a noise barrier system like I have designed and the control measures inside the trailer should be more than sufficient to get us through a level that does not impact the residences.

SCHWAMB: Did I recall from last time that this was a 2-year project? That this would be in operation for two years?

AGRESTI: That is correct.

SCHWAMB: Any other comments or questions for Mr. Agresti? Any questions from the public for Mr. Agresti?

There were none.

STINGONE: Our next witness if Hal Simoff.

Hal Simoff, licensed professional engineer with the firm of Simoff Engineering came forward and was sworn.

STINGONE: You are licensed with the State of New Jersey?

SIMOFF: Among other states, yes.

STINGONE: How long have you been a licensed engineer?

SIMOFF: Approximately 30 years.

STINGONE: How long have you been associated with Simoff Engineers?

SIMOFF: About the same time.

STINGONE: Have you testified before planning boards and boards of adjustment in the State of New Jersey?

SIMOFF: Yes, throughout the County as well as throughout the State and Rockland and Westchester Counties, Cape May County up to Mahwah.

STINGONE: Have you testified before this Board?

SIMOFF: I see some familiar faces but I can't really remember.

STINGONE: I would offer Mr. Simoff as an expert witness in Traffic Engineering.

SIMOFF: I am also a Fellow with the Institute of Transportation Engineers and I have been an adjunct professor of Traffic Engineering at NJIT. I have been qualified as an expert in many different locations.

SCHWAMB: Does anyone from the public have any questions?

RUPP: Only with respect to Mr. Simoff's technical expertise.

STINGONE: Were you retained by the applicant to prepare the traffic circulation analysis during proposed phases of construction?

SIMOFF: Yes, I was.

STINGONE: Did you also prepare a report dated January 9, 2012, which has been previously marked as Exhibit A-7?

SIMOFF: Yes.

STINGONE: Also, have you prepared a schematic for various phases of the project?

SIMOFF: Yes, within that memorandum.

STINGONE: In preparing the report did you consult with TRC Environmental Corporation in conjunction with the phasing for the duration of the installation of the underground pipes in the parking lot?

SIMOFF: Yes, we discussed the methodology of installing the piping and their parameters on how they proposed to do it and a rough timing on how long each phase would take.

STINGONE: Can you refer to the exhibit A-8.1 for the Board and describe the phases of the project, starting with Phase 1. I believe it is reflected on Page 3 of your report.

SIMOFF: What has been marked A-8.1 and A-8.2 are blow-ups are what has been submitted in the memorandum of January 9th. Basically the assignment was couple fold...I understood they wanted to start at the high point and work east so I looked at this as you would a highway project or a phasing project for an intersection improvement and we chose the first two phases to be the phases on the west side of the piping. Phase I would be on the north side of the main driveway and Phase II would be on the south side of the main driveway. And the main driveway would be reduced from approximately 30' to 22' in order to provide two-way traffic in Phase I...in Phase II the piping matches the centerline of the

exit drive so all the entering traffic would be entering and have to go in front of Staples.

Let me just add that this would be done between 7:00 in the morning and 4:00 in the afternoon and the contractor packs up, takes down the cones, puts steel plates over the areas that have been excavated and perhaps not piped, so that in the evenings and weekends, when the traffic is at its maximum, these detours would not be in place. Only between 7:00am and 4:00pm approximately, 5 days a week.

The next part of the assignment is to cross the main aisle and that's what I have as 3,4, and 5 and they will be done one at a time with a flagger so that when the piping is installed halfway across the driveway and then the other half across the driveway the driveway would have to be shut down periodically to get those pipes across the main driveway.

The last phase would be...there's a parallel pipe off the curb to connect the wells and this would have to be done with a flagger on either side because we would only have room for one-way traffic through here. But again, I give the durations of each phase and the critical phases are probably 3,4, and 5 and they are two to three days to complete.

STINGONE: 3,4, and 5 would be done simultaneously?

SIMOFF: One at a time. So we would do 3, which was one crossing and then go to the next crossing, which would be Phase 4 and then Phase 5 is the third crossing.

STINGONE: During that three day period.

SIMOFF: Right. Those three crossings would take approximately 2 to 3 days combined...total.

And then the last phase, which is the greatest length of pipe, would be about two to three days also.

Basically what has to be done is the pavement has to be saw cut, has to be excavated and then the piping installed and in the evening back filled and steep plates be put in where there is an open trench.

STINGONE: In your opinion as a traffic engineer is the methodology outlined in your report the most appropriate way to minimize any disruption of any traffic pattern during the time the underground pipes are being installed between the wells?

SIMOFF: Yes. I also propose signage on temporary signs where I took them off the Manual of Uniform Control Devices, which is a standard for DOT and other governmental entities use in protecting traffic flow during construction periods. It is fairly simple, it is fairly straightforward, obviously it has to be coordinated with the emergency services so if there is a fire or need for an ambulance, that that be provided. I believe there was a review from the police department and they did not have a problem with this phasing.

STINGONE: I would say to the Board that if it is helpful to allow you to ask questions up to this point, we would certainly entertain this otherwise I will go through the rest of the questions. It is up to you as to whether you have questions at this time.

SCHWAMB: Just one question. It is about a maximum of 20 days?

SIMOFF: Weather permitting, I think what is going to happen is one phase at a time and there may be some time between phases but if you add them up it is around 20 days.

MAGUIRE: Do you foresee at any point the traffic queuing up to the point where it backs up into Kinderkamack Road?

SIMOFF: No. Well, this is between 7:00 and 4:00 in the afternoon, so the weekends and evenings are usually the peak hours for the A&P shopping, Staples might be Saturday, it's closed on Sunday, the supermarket is open on Sunday...on weekends there is no activity so there's steel plates, which would have no impact.

MAGUIRE: Is that based on traffic counts or ....

SIMOFF: No, just my experience on shopping. After 4:00pm the plates go on and all the equipment is taken up.

MAGUIRE: Let me rephrase the question. Is it your testimony that you will never see traffic backed up onto Kinderkamack Road based upon any traffic counts or is that just based upon...

SIMOFF: It is based upon my opinion.

MESIANO: Are the phases going to be paved as each phase is completed or are there going to be steel plates until everything is completed.

SIMOFF: The trenches are going to be backfilled...compressed, backfilled and tamped and then usually, depending on the time of year and amount of blacktop, they will put some sort of temporary blacktop on the trench.

The only time the steel plate would be there is from one day to the next or if they leave on Friday afternoon and come back on Monday. It is a standard practice that you see in streets and roadways and then there would be backfill and once the whole project is done, they will make a determination as to how they will address all the paving.

MANCUSO: You mentioned that the steel plates are a usual practice...we do not allow steel plates for winter work. Generally if winter work proceeds with planned winter work, all of the trenches are backfilled in anticipation of bad weather. I do have a concern if you are going to leave steel plates over the winter because they will freeze when wet and will be tripping hazards. I would suggest that each trench is backfilled even if it will be temporary and steel plates not be used for winter work.

SIMOFF: Ok. That is not a problem.

MANCUSO: Summer work we have less problem but with winter work we generally do not allow them unless it is for unforeseen emergency. Since this is a planned project I really think you should backfill the trenches.

SIMOFF: What is the limit of winter? March 15th?

MANCUSO: Well, if you consider the winter we are having now, it is not really winter. Winter is when the temperatures drop down at night so you potentially have freezing because the plates do get very slippery. When you potentially have the chance of snow, ice that a plow may have to come out...and a plate in a very highly traveled pedestrian area seems to be problematic.

SIMOFF: I think we can make that clear to the contractor so the contractor has to plan his day's activities that he doesn't open a trench beyond what his capabilities are.

MANCUSO: That is generally what we do. We direct the contractor that they should only open the trench that they can address within that certain period of time, backfill and then move on section by section.

SIMOFF: I think it is also possible that there are other activities that might have to take place once we have approval before starting the project and we could very well be in that warm weather period. It certainly won't be hot by then but we can certainly phase it in so that we will be past that frost/freeze area.

STINGONE: Mr. Simoff, did you review the location of the temporary trailer in the rear of the building and make a determination as to whether it would impede any current loading or refuse operation at the center?

SIMOFF: Yes, I did and it will not.

STINGONE: In your opinion as a traffic engineer and given the circulation plans as proposed, would it not be appropriate to prohibit load in front of the building during installation of the underground piping?

SIMOFF: Yes, we've called for cones and barrels to section off the area where the work is going to be performed so there will be orange cones and work area signs and it is always going to be manned, so we can make that as a condition.

STINGONE: Are the proper procedures planned to be implemented during construction to keep the fire hydrants at the rear of the property from being obstructed?

SIMOFF: That is my understanding.

STINGONE: Is it the intention of the applicant to restripe the fire zones that have been disrupted once the construction is complete as well as all the parking spaces that have been disturbed?

SIMOFF: Yes.

SNEIKUS: Just one question...regarding Phase II, where the inbound lane from the entrance drive will be temporarily blocked as you pointed out earlier thereby requiring the inbound circulation to travel through the parking lot...do you see any need to cone off that row of parking where that new inbound lane will travel toward the building? The rows of parking spaces that they will be traversing through? I guess this is in follow-up to the Mayor's question earlier regarding were there any backup of traffic out to Kinderkamack Road.

SIMOFF: The traffic makes its first entrance into the parking lot and then they have to go another 50 or 60' and make a left and head towards Staples...first of all the parking that is nearest Kinderkamack between 7:00 and 4:00 is probably not going to be used so there would be minimal parking maneuvers at these first few parking spaces and then they would have to head east towards the building and then go left and right.

I would suggest that we probably monitor that...it's a measure that may not be necessary but it may become necessary. At this point it is my opinion that it is not necessary but if there is a stacking problem we can even close some of these off and direct traffic further south.

SNEIKUS: I offer this for the Board's consideration just as a precautionary measure just because of the adjacent uses. As you had mentioned, everyone tries to get as close to the building as possible but

may those first few spaces should be coned off during this phase of construction.

SIMOFF: The spaces closest to Kinderkamack?

SNEIKUS: No, closest to the building, just so that circulation is not hampered by any turning movements, any backing movements and it is a free-flow of circulation.

SIMOFF: I think that we're going to lose a few parking spaces where we are doing the construction of Phase II, I really don't see the demand on a 2:00pm on a Tuesday afternoon with a full component of 350 parking spaces in the lot...

STINGONE: And there are several means of ingress not just this main drive?

SIMOFF: There is an ingress down by the bank at the south end.

SNEIKUS: That is the only other means of ingress, right?

SIMOFF: Yes, the driveway up by the A&P on the north side is an egress only.

SNEIKUS: Egress.

SIMOFF: And down at the south end by the bank is an ingress.

SCHWAMB: Any questions from any Board members?
There were none.
Does the public have any questions?
There were none.
It seems we have a lot of good information but there also seems to be some concerns on board members and professionals as to whether we should be proceeding or not. Can I get any more thoughts from our professionals about what their current thinking is...

RUPP: As I indicated on the noise where I thought the noise would be one of the issues, there is apparently some testimony as to what is proposed to be done depending upon what the circumstances are. It is whether the Board wishes to approve the site plan that does not show what is tentatively proposed and then just leave it up to some subsequent analysis and the Board may want to see the actual analysis and then at least have some proposal showing what is tentatively proposed to do, which is maybe subject to change if there is some type of standard.
That is really within the Board's discretion.

SCHWAMB: Any opinions from the Board on these?

MANCUSO: I think there was a lot of testimony provided that we could write into a resolution as a condition because it does seem that with all the studies and analysis that is going to be performed, we actually need the information in place to get a firm feeling for what the noise levels are.
I agree with the testimony provided that it is engineering and if you find you have a problem they are just going to have to spend a little more money resolving the problem. So I don't see it as an issue that cannot be resolved only that it may take a little extra design or manipulation of the positions of the material, things like that.
I think it is important to have the facility built and running to be able to determine how to mitigate the sound. We can do all the analysis

in the world but until you get to the actual installation, you'll never know for sure. And with the testimony offered I think there are enough materials and methods to mitigate the sound to prevent any adverse impact onto the adjoining residences.

MAGUIRE: I would also like to add that since we went back to the plan with the fence as it was originally presented last month, the general plan as is, we didn't have the equipment outside the shell...that was the only thing that really wasn't on there and the sound dampering...we have that.

The plan is not complete with every logistical device but I think it could be put in the resolution that most of the additional equipment that we understand will be there and if something else has to be added, it will be done so by the engineer.

BEER: Mr. Chairman, I think the issue is whether you wish to close the hearing or whether the Board feels it requires additional information.

SCHWAMB: Shall we poll the Board?

RUPP: Before you poll the Board, Mr. Basralian at the last hearing had indicated that he would be producing an Affidavit of Service.

BEER: He sent it to me.

RUPP: We might want to have that marked for the record.

I think the Board should take some type of a poll as to whether or not they wish to close the hearing and that would determine whether or not adequate information has been received by the Board for them to make a determination.

Board was polled as to whether they wanted to close the hearing....Board determined unanimously to close the hearing.

BEER: Mr. Stingone, the Board would normally discuss this at their next work session, which is March 14. Would you please tell Mr. Basralian.

Mr. Chairman, the other items we can do at our public meeting of the 27th. We had just opened the work session tonight in order to finish the hearing on this application.

ADJOURN:

There being no further business to come before the board a motion was made by Mr. Mesiano that the meeting be adjourned.

Second by Mr. Metzdorf:

Carried unanimously.

Respectfully Submitted,

Helyn N. Beer
Secretary

(10:00pm)